

NOTICE TO THE AUDIENCE. PLEASE REMEMBER THAT IF YOU ARE INTERESTED IN MATTERS ON THE AGENDA THAT WILL HAVE SUBSEQUENT MEETINGS, IT IS YOUR RESPONSIBILITY TO NOTE THE DATES, TIMES, AND PLACES. NO FURTHER LETTERS OR REMINDERS WILL BE SENT. OF COURSE, IF YOU HAVE ANY QUESTIONS ABOUT ANY GIVEN MATTER, DO NOT HESITATE TO CONTACT THE PLANNING DEPARTMENT IN THE CITY HALL ANNEX, 4403 DEVILS GLEN ROAD, BETTENDORF, IOWA (344-4100).

**MEETING NOTICE  
BOARD OF ADJUSTMENT  
SEPTEMBER 12, 2019  
5:00 P.M.**

PLACE: Bettendorf City Hall Council Chambers, 2<sup>nd</sup> Floor, 1609 State Street

1. Roll Call: Clements \_\_\_\_\_, Falk \_\_\_\_\_, Gallagher \_\_\_\_\_, Spranger \_\_\_\_\_, Tombergs \_\_\_\_\_
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of August 22, 2019.
4. The Board to hold a public hearing on the following items:
  - a. Case 19-056; 2285 St. Andrews Circle (R-1) - Variance from the requirement that a religious assembly be located such that it fronts on a collector or arterial thoroughfare so designated in the comprehensive plan, submitted by Chabad Lubavitch of the Quad Cities/Rabbi Shneur Cadaner. (Deferred to meeting of October 10, 2019)
  - b. Case 19-071; 2400 Spruce Hills Drive (C-2) - A special use permit to allow a food service trailer, submitted by Petra Ramirez.
  - c. Case 19-077; Block 7, Town of Bettendorf (C-2 and C-3) - A request for a variance to allow parking in the required front yards adjacent to 15<sup>th</sup> Street, 16<sup>th</sup> Street, and Grant Street, submitted by DT Bettendorf, LC.

**IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT AND OTHER APPLICABLE FEDERAL AND STATE LAWS, ALL PUBLIC HEARINGS AND MEETINGS HELD OR SPONSORED BY THE CITY OF BETTENDORF, IOWA, WILL BE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. PERSONS REQUIRING AUXILIARY AIDS AND SERVICES SHOULD CONTACT BETTENDORF CITY HALL AT (563) 344-4000 FIVE (5) DAYS PRIOR TO THE HEARING OR MEETING TO INFORM OF THEIR ANTICIPATED ATTENDANCE.**

The following are minutes of the Bettendorf Board of Adjustment and are a synopsis of the discussion that took place at this meeting and as such may not include the entirety of each statement made. The minutes of each meeting do not become official until approved at the next board meeting.

**MINUTES  
BETTENDORF BOARD OF ADJUSTMENT  
AUGUST 22, 2019  
5:00 P.M.**

Gallagher called the meeting to order at 5:00 p.m.

Item 1. Roll Call

PRESENT: Clements, Falk, Gallagher, Spranger, Tombergs  
ABSENT: None  
STAFF: Curran, Okland, Soenksen

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of July 11, 2019.

On motion by Falk, seconded by Spranger, that the minutes of the meeting of July 11, 2019 be approved as submitted.

ALL AYES

Motion carried.

Item 4. The Board to hold a public hearing on the following items:

- d. Case 19-056; 2285 St. Andrews Circle (R-1) - Variance from the requirement that a religious assembly be located such that it fronts on a collector or arterial thoroughfare so designated in the comprehensive plan, submitted by Chabad Lubavitch of the Quad Cities/Rabbi Shneur Cadaner.

Gallagher commented that the staff report had indicated that a contractor would be conducting a traffic study. He asked if any information from that study is available. Soenksen stated that while the report has not yet been completed, the city engineer has contracted to complete the work in an expedited manner. He indicated that the information would be available for the next regularly-scheduled Board meeting. Gallagher asked if there was an affidavit of publication. Soenksen stated that notice of public hearing had been received and indicated that while it was not required, the notice of public hearing had been republished with the rescheduled meeting date. Notice and affidavit of publication are Annex #2 to these minutes. He indicated that courtesy letters were again

sent out to property owners within 200 feet of the property involved. Gallagher stated that he believes it is important that the Board has the traffic study information in order to make an informed decision on the case and recommended that it be deferred until such time as it is available. Soenksen explained that because part of the determination of a street's classification is based on average daily traffic counts, the information from the traffic study would be needed to be evaluated to make a decision. Gallagher stated that it is his impression that further notice is not required to be published if the case is deferred. Soenksen explained that since there is no way of knowing when the traffic study information would be available, his recommendation would be to defer to the next regular meeting. He added that the notice of public hearing would again be published and courtesy letters sent.

Gallagher commented that it seems foolish to proceed with the matter when information about one of the major elements required to make a determination is not available. He recommended that the case be deferred.

On motion by Tombergs, seconded by Spranger, that the variance from the requirement that a religious assembly be located such that it fronts on a collector or arterial thoroughfare so designated in the comprehensive plan be deferred until such time as traffic study information is available.

ALL AYES

Motion carried.

Gallagher asked when the next scheduled meeting would be. Soenksen stated that the next Board meeting is scheduled for September 12 at 5:00 p.m.

- a. Case 19-050; 5762 Danielle Drive (PR-3) - A request for a variance to allow a 6-foot fence in the required front yard, submitted by Damian Brunt. (Deferred from meeting of July 11, 2019)
- b. Case 19-051; 5738 Danielle Drive (PR-3) - A request for a variance to allow a 6-foot fence in the required front yard, submitted by June Schindler Revocable Trust. (Deferred from meeting of July 11, 2019)

Soenksen reviewed the staff reports. Staff reports are Annex #3 and Annex #4 to these minutes.

Tombergs commented that the fence on Coronado Court that was installed within the required setback is very difficult to see because of the dense landscaping and asked if there is a process the city uses to correct such violations. Soenksen explained that because a fence is not an occupied structure, a footing inspection is not done to verify proper

placement. He added that remediating the situation after so many years is a discussion that would have to be held at the staff level.

Falk stated that whether placement of the fence on Coronado Court was an error or a deliberate act does not establish a precedent for the cases currently before the Board. Soenksen stated that the precedent is the fact that the plot plan submitted with the permit issued for the fence on Coronado Court indicates the proper placement at the required setback. Falk added that the existing non-conforming fence does not establish a precedent.

Gallagher asked if there was anyone present wishing to speak in favor of the request.

Dan Dolan, the developer of the subdivision, expressed support for the requests and added that he would be willing to install the same fence on the remainder of the vacant lots to the north. He commented that the continuity would contribute to the aesthetics and security of the area.

Tombergs asked if Dolan owns the remainder of the vacant lots. Dolan confirmed this.

Falk stated that there is already an existing fence along Devils Glen Road to the north and asked if Dolan plans to remove it. Dolan explained that the lots where he would place the new fence are the remainder of the vacant lots in The Fountains 8<sup>th</sup> Addition, adding that the lots with existing fences are actually in a different subdivision.

Tombergs asked why Dolan feels that a 6-foot high fence would be a good idea given that the existing fences to the north are only 4 feet high. Dolan stated that because there is a substantial change in elevation on Devils Glen Road he believes that a 6-foot high fence would be appropriate, adding that the additional security that it would provide would be beneficial. He reiterated that he would be willing to install fencing on all of the remaining vacant lots.

Tombergs asked if Dolan was the developer for the subdivision to the north with the 4-foot high fences along Devils Glen Road. Dolan confirmed this. Tombergs asked why Dolan feels that it was appropriate to install 4-foot high fence there but not for the lots to the south. Kevin Dolan explained that there is a significant elevation change there, adding that there is a berm on the lots to the north that does not exist for the lots to the south.

Clements asked how far the fence is set back on the lots to the north. Dan Dolan stated that it is set back 1 foot from the bike path. Soenksen commented that the existing 4-foot high fence extends around the corner to the rear lots on Hopewell Avenue. He added that none of the existing fences required a variance.

Spranger asked if there would be a vision problem if a 6-foot high fence were installed at the corner of Devils Glen Road and Hopewell Avenue. Soenksen confirmed this, adding

that the developer had angled the 4-foot high fence at the corner to improve visibility at the intersection.

Spranger commented that other variances have been granted for 6-foot high fences on highly-trafficked streets.

Tina Schindler, representing June Schindler, stated that while she would prefer to use landscaping to provide privacy for her mother's patio it is not feasible. She explained that there is not sufficient room for landscaping on the property.

There being no one else present wishing to speak in favor of or in opposition to the request, Gallagher closed the public hearing.

Falk commented that one of his concerns regarding the proposed fence was the possible lack of continuity for the lots to the north. He added that Dolan has alleviated that concern, adding that he believes that knowing about the elevation change between the lots does explain why a 4-foot high fence is adequate for the lots to the north.

Gallagher asked if the 6-foot high fence proposed by Dolan would look like the existing 4-foot fences. Dan Dolan explained that the existing fence is picket but that the new fence would be a privacy fence of the same color.

Damian Brunt, the applicant, stated that he had received permission from The Fountains homeowner's association to install a fence as long as it was a white privacy fence along the rear property line.

Clements commented that it would be difficult to maintain the 1 foot of yard outside of the proposed privacy fence and asked whose responsibility it would be as there does not appear to be a gate. Brunt stated that the contractor who is hired by the association would take care of the maintenance.

Brunt asked if maintenance of the property between the bike path and Devils Glen Road is his responsibility. Soenksen stated that there are areas of the city adjacent to the bike path for which the city takes responsibility but that he is unsure if this is one of them. He added that he would give Brunt the proper contact information to verify whether it is his responsibility.

Clements stated that the applicants have received permission from The Fountains association to install privacy fences but questioned whether that approval would extend to the lots to the north. Dan Dolan stated that it seems irrational to him that they would deny the request, adding that he plans to install the fence now and ask for forgiveness later.

On motion by Clements, seconded by Tombergs, that variance to allow a 6-foot high fence in the required front yard at 5762 Danielle Drive be approved in accordance with the Decision and Order.

Soenksen commented that the fence must be placed on the property line which is usually located 1 foot back from the sidewalk.

ROLL CALL ON MOTION

ALL AYES

Motion carried.

On motion by Clements, seconded by Tombergs, that variance to allow a 6-foot high fence in the required front yard at 5738 Danielle Drive be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Orders are Annex #5 and Annex #6 to these minutes.

- c. Case 19-055; 6776 Championship Drive (C-3) - A request for a special use permit to allow a bar with an outdoor service area, submitted by Middle & 80, LLC.

Gallagher asked if there was an affidavit of publication. Soenksen stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Soenksen reviewed the staff report. Staff report is Annex #7 to these minutes.

Gallagher asked if there was anyone present wishing to speak in favor of the request.

Falk asked if any restrictions on hours of operation for outdoor service had been imposed on any of the business owners who made similar requests previously. Soenksen explained that no restrictions had been placed on hours of outdoor service, adding that one of the other businesses is also a bar. He commented that the majority of the overall site is zoned C-7 which is characterized by high levels of activity.

Gallagher asked if there is anything unusual about this particular request as compared to the other requests that were approved. Soenksen explained that all of the other requests had been for properties located just to the east of the proposed bar, adding that there is nothing unusual about the current request.

There being no one present wishing to speak in favor of or in opposition to the request, Gallagher closed the public hearing.

On motion by Spranger, seconded by Tombergs, that a special use permit to allow a bar with an outdoor service area be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:35 p.m.

These minutes and annexes approved \_\_\_\_\_

\_\_\_\_\_  
John Soenksen  
Community Development Director



## COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

September 12, 2019

Staff Report

### **Case 19-071**

**Location:** 2400 Spruce Hills Drive

**Applicant:** Petra Ramirez

**Zoning Designation:** C-2, Community Commercial District

**Request:** Special use permit to allow a seasonal food service trailer.

### **Background Information and Facts**

The site involved is located to the rear of the Azteca Restaurant at 2400 Spruce Hills Drive (see Attachment A – Location Map). There is currently a modified utility shed at that location, and the applicant is proposing to use the shed as an ice cream/treat shop (see Attachment B – Shed Photo).

### **Staff Analysis**

The Board, on previous occasions, has granted special use permits in the past to allow such operation(s). In April of 2006, the Board approved a special use permit to allow a seasonal food service trailer (Tropical Sno Shaved Ice) at Cumberland Square Shopping Center which was very close to the proposed site (see Attachment C – Previous Approval Location). The previous special use permit was for a shed that primarily served shaved ice along with other ancillary items. It appears that the current request is similar in nature to the previous request.

Two years ago, the City of Bettendorf approved a “mobile food service” ordinance that allows temporary mobile food service vendors to be licensed and operate throughout the city. While this current request is not considered mobile, it is similar in nature to the allowed mobile food service vendors.

The portion of the parking lot chosen for the placement of the trailer appears to be a logical choice for four specific reasons:

1. This area of the parking lot is almost never utilized for parking. Aerial photos from 2000 show only one vehicle parked in this location. In 2000, the Hardee’s restaurant was open for business and the vehicle may have been owned by a customer of the restaurant. The 2005 photo shows no vehicles parked in this area.
2. The proposed area gives the business adequate street exposure from Spruce Hills Drive while not encroaching into the front yard setback.

3. The trailer will be located on the opposite side of the island of the entrance, which will separate vehicles patronizing the business from vehicles entering and exiting the complex.
4. The site is will allow easy access to the electrical service needed for this request.

**Staff Recommendation**

Based on the above analysis, the Board may at its discretion, approve the request if the following facts are established and subject to the conditions listed:

- (a) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
- (b) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- (c) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
- (d) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.
- (e) An approved permanent electrical connection will be made to the trailer prior to opening for business.
- (f) The business will comply with all Scott County Health Department regulations, and the City will be provided with a copy of the Health Department certificate.
- (g) The trailer shall pass all appropriate building permit inspections by the Bettendorf Building Inspection Department prior to opening for business.

Respectfully submitted,

John Soenksen  
City Planner

CUMBERLAND SQUARE DR

SPRUCE HILLS DR

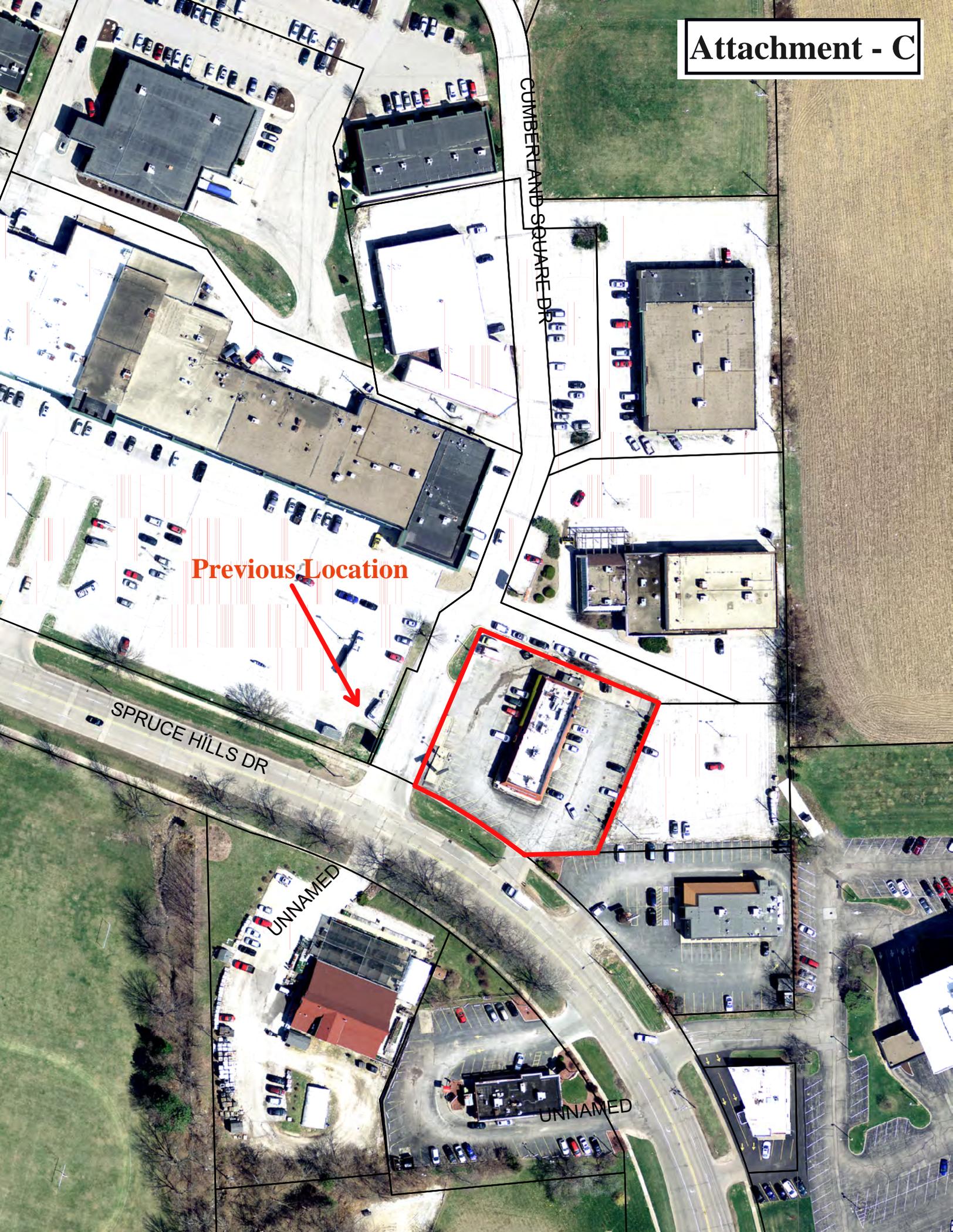
UNNAMED

UNNAMED

LOCATION







Previous Location

CUMBERLAND SQUARE DR

SPRUCE HILLS DR

UNNAMED

UNNAMED

19-071



Case No. ~~19-0066~~

APPEAL AND APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF BETTENDORF, IOWA

Part 1. Property Involved.

Street Address 2400 Spruce Hills Dr Bettendorf, IA

Legal Description of the property. \_\_\_\_\_

Part 2. Contact Information.

Applicant Name Ara Ramirez M. Phone (760) 809-0651

Address 712 W. 35th St Davenport, IA FAX \_\_\_\_\_

E-mail Address: arupofparadise@gmail.com

Owner Name Zulma Villafando Phone (563) 484-6096

Address 5126 Woodland Ct. Davenport, IA FAX \_\_\_\_\_

E-mail Address: Zulma248@aol.com

Agent \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ FAX \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Part 3. Type of Application. (check at least one)

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:

- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
- (b) That it will not impair an adequate supply of light and air to adjacent property.
- (c) That it will not unreasonably increase the congestion in public streets.
- (d) That it will not increase the danger of fire or of the public safety.
- (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
- (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:

- (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
- (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
- (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
- (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
- (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
- (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
- (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

3. Other. \_\_\_\_\_  
(Attach a separate sheet and explain in detail.)

**Part 4. General Information.**

Section(s) of Zoning Ordinance Involved \_\_\_\_\_ Existing Zoning \_\_\_\_\_

**Part 5. Reasons for Application.** In the space below, give a general description of the activity desired and principal reasons why this application should be granted by the Board. If this application is for a variance, please state the hardship which the zoning ordinance imposes on the property. Use the following criteria as justification for the requested variance. Use additional sheets if necessary.

- (a) It shall be the property owner's responsibility to show that the terms of this ordinance will impose unusual and practical difficulties or particular hardships. The hardship established by the property owner must not be SELF-IMPOSED. A self-imposed hardship is NOT justification for the approval of a variance request.
- (b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance.
- (c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected.
- (d) That by granting the request for a variance substantial justice shall be done.

shed was used as a tropical SNO and now will  
be used as a ice cream & treat shop  
The shed will remain at its current location

**Part 6. Attachments.** The following items are attached and are a part of this application.

- ( ) 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- ( ) 2. Legal Description. (If not shown on page 1.)
- ( ) 3. Floor plan if internal design of building is part of application.
- ( ) 4. List additional attachments.

**Part 7. Signature.**

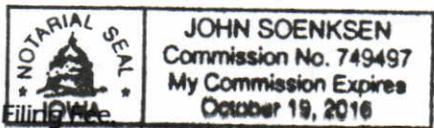
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Signature of Applicant X Petra Ramirez M Signature of Owner \_\_\_\_\_  
(The owner **MUST** indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

State of Iowa )  
) SS  
County of Scott )

Before me the undersigned Notary Public, in and for the County and State, personally appeared applicant(s) and separately and severally acknowledge the execution of the foregoing application is his/her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this 27 day of August, 2019.



[Signature]  
Notary Public in and for Scott County, Iowa

**Part 10.** \$ 50.00 Single Family/Two-family Residential Variance  
\$ 100.00 All Other Applications

Received by [Signature]  
Amount 100.00 Date 08-27-2019  
received by Polly Oakland



COMMUNITY DEVELOPMENT  
City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

September 12, 2019

Staff Report

**Case No. 19-077**

**Location:** Block 7, Town of Bettendorf

**Applicant:** DT Bettendorf, LLC

**Zoning Designation:** C-2, Community Commercial District and C-3, General Business District

**Request:** Variance to allow parking in the required front yards adjacent to 15<sup>th</sup> Street, 16<sup>th</sup> Street, and Grant Street.

**Background Information and Facts**

The request involves the city block between 15<sup>th</sup> Street and 16<sup>th</sup> Street and between State Street and Grant Street (see Attachment A – Location Map). The applicant intends to clear the entire site and build a single 4-story retail/office building. The proposed parking is located in the required front yards and therefore requires a variance (see Attachment B – Site Plan).

**Staff Analysis**

Only the areas highlighted in pink for the parking on Attachment B require a variance. The remainder of the site and parking spaces are code-compliant.

The C-2 District requires minimum of 20 feet for front yard setbacks, including for parking spaces. The Code, however, also states, “in the Downtown Master Plan area, front yard setbacks may be reduced to five feet”. Clearly, the Code recognizes the difficulties for lots in the original downtown area to develop with typical required setbacks.

In the past, the Board has also recognized properties with double street frontages (with 2 required front yards) and a few lots that have 3 street frontages (3 required front yards) as potential hardships. This site is unique in that there are 4 street frontages with 4 required four front yards.

Parking in the original downtown area has always been a challenge. In many cases, the only parking available for businesses in this area is on-street parking. The location of the proposed development is directly north of The Bridges Lofts apartments. Available parking spaces, both on-street and off-street, are considered crucial for the successful redevelopment of this area. The proposed variance appears to be a reasonable attempt to address the critical need for parking spaces in this area.

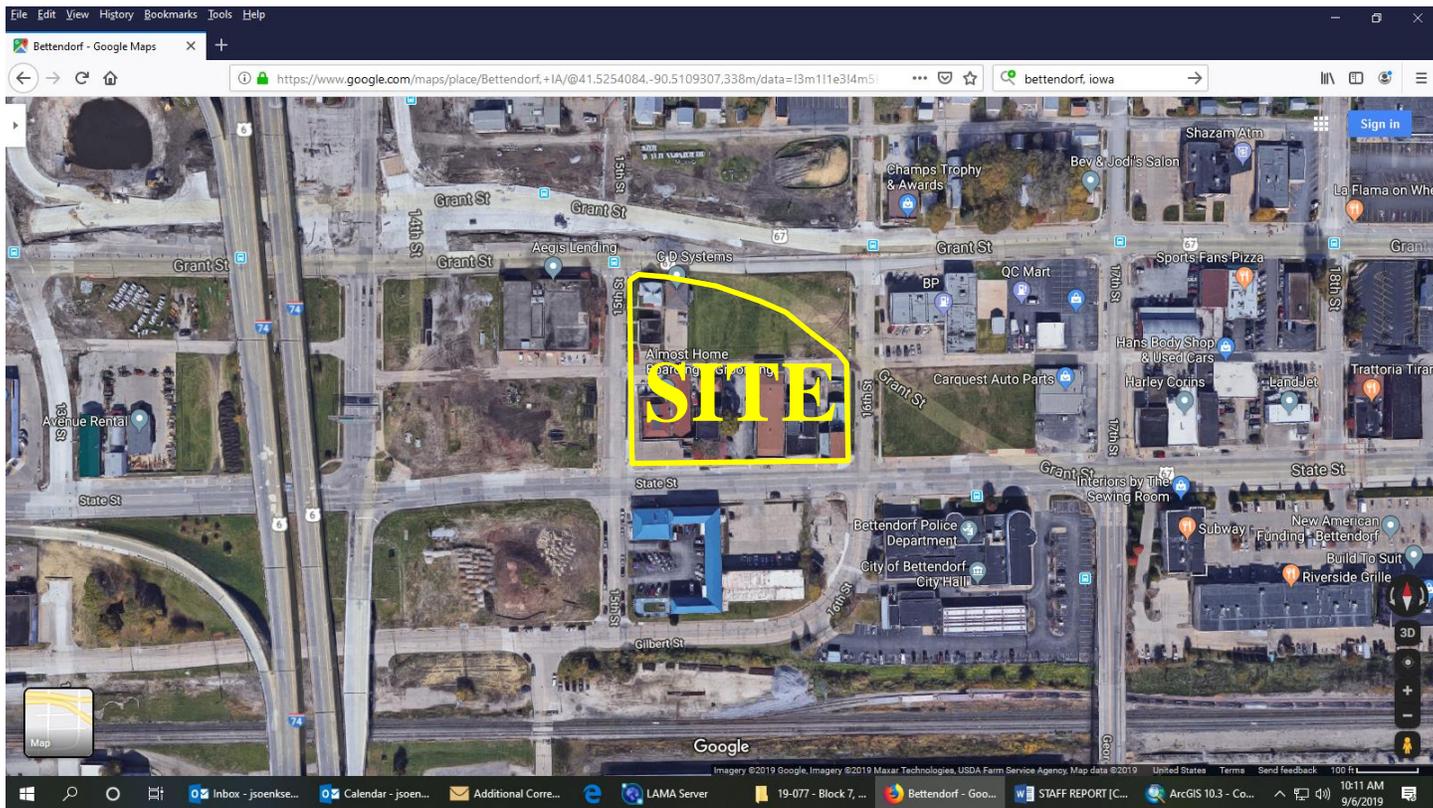
**Staff Recommendation**

Give the above analysis, it would appear that the applicant is demonstrating a legitimate hardship related to multiple required front yards, the combined redevelopment of the area, and the need for adequate parking.

Respectfully submitted,

John Soenksen  
City Planner

# Attachment A





LINE TABLE

LINE	BEARING	DISTANCE
L1	N 40°10'03" E	13.07'
L2	S 86°58'20" E	41.41'
L3	S 80°42'16" E	50.95'
L4	S 01°41'14" E	1.51'
L5	S 75°14'13" E	52.04'
L6	S 68°47'16" E	54.22'
L7	S 63°08'41" E	39.80'





Case No. 19-077

**APPEAL AND APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF BETTENDORF, IOWA**

**Part 1. Property Involved.**

Street Address \_\_\_\_\_  
Legal Description of the property. Entirety of Block 7, Town of Bettendorf

**Part 2. Contact Information.**

Applicant/Contact Name DT Bettendorf, LC Phone 563-355-2022  
Address 1805 State Street, Suite 101, Bettendorf, IA 52722  
E-mail Address: kevink@buildtosuitinc.com

Owner Name \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

**Part 3. Type of Application. (check at least one)**

- 1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
  - (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
  - (b) That it will not impair an adequate supply of light and air to adjacent property.
  - (c) That it will not unreasonably increase the congestion in public streets.
  - (d) That it will not increase the danger of fire or of the public safety.
  - (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
  - (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

- 2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:
  - (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
  - (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
  - (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
  - (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
  - (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
  - (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
  - (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
  - (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

3. Other. \_\_\_\_\_

**Part 4. General Information.**

Section(s) of Zoning Ordinance Involved \_\_\_\_\_ Existing Zoning C-2 and C-3

**Part 5. Reasons for Application.** In the space below, give a general description of the activity desired and principal reasons why this application should be granted by the Board. If this application is for a variance, please state the hardship which the zoning ordinance imposes on the property. Use the following criteria as justification for the requested variance. Use additional sheets if necessary.

(a) **It shall be the property owner's responsibility to show that the terms of this ordinance will impose unusual and practical difficulties or particular hardships. The hardship established by the property owner must not be SELF-IMPOSED. A self-imposed hardship is NOT justification for the approval of a variance request.**

(b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance.

(c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected.

(d) That by granting the request for a variance substantial justice shall be done.

Variance to allow parking in a required front yard.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Part 6. Attachments.** The following items are attached and are a part of this application.

- ( ) 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- ( ) 2. Legal Description. (If not shown on page 1.)
- ( ) 3. Floor plan if internal design of building is part of application.
- ( ) 4. List additional attachments.

**Part 7. Signature.**

I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 3rd day of sep, 20 19

Signature of Applicant [Signature] Signature of Owner [Signature]

(The owner **MUST** indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

State of Iowa ) ss  
County of Scott )

Before me the undersigned Notary Public, in and for the County and State, personally appeared applicant(s) and separately and severally acknowledge the execution of the foregoing application is his/her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this 3rd day of September, 20 19



**LISA J. PURKIMAN**  
Commission Number 160916  
My Commission Expires  
June 7, 2021

[Signature]  
Notary Public in and for Scott County, Iowa

**Part 10. Filing Fee.**

\$ 50.00 Single Family/Two-family Residential Variance  
\$100.00 All Other Applications

Received by [Signature]  
Amount \$ 100. Date 9/3/19