

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
APRIL 9, 2020
5:00 P.M.**

PLACE: Bettendorf City Hall Council Chambers, 2nd Floor, 1609 State Street

1. Roll Call: Clements ____, Gallagher ____, Spranger ____, Tansey ____, Tombergs ____
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of March 12, 2020.
4. The Board to hold a public hearing on the following items:
 - a. Case 20-009; 3557 Middle Road (C-3) - Special use permit to allow an outdoor service area associated with a bar, submitted by The Quarry QC, LLC. (Deferred from meeting of March 12, 2020)
 - b. Case 20-015; 3557 Middle Road (C-3) - Variance to reduce the required number of parking spaces, submitted by The Quarry QC, LLC. (Deferred from meeting of March 12, 2020)
 - c. Case 20-017; 3014 and 3038 Charissa's Place, 3010, 3013, 3036, and 3037 Mary Leigh Drive (UMI) - Variance to reduce the required rear yard setback from 25 feet to 22 feet to allow for construction of 12-foot by 12-foot covered patios, submitted by Townsend Engineering.

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
MARCH 12, 2020
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Clements, Gallagher, Spranger, Tansey

ABSENT: Tombergs

STAFF: Fuhrman, Beck, Soenksen

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meetings of December 12, 2019 and January 9, 2020.

On motion by Clements, seconded by Spranger, that the minutes of the meetings of December 12, 2019 and January 9, 2020 be approved as submitted.

ALL AYES

Motion carried.

Item 4. The Board to review and approve the 2019 Board of Adjustment Annual Report.

On motion by Clements, seconded by Spranger, that the 2019 Board of Adjustment Annual Report be approved as submitted.

ALL AYES

Motion carried.

Item 5. Election of Officers. (Deferred from meeting of January 9, 2020)

On motion by Spranger, seconded by Clements, that Gallagher remain in his position as chair.

ALL AYES

Motion carried.

On motion by Clements, seconded by Spranger, that Tombergs be appointed as chair pro tem.

ALL AYES

Motion carried.

Item 6. The Board to hold a public hearing on the following items:

- a. Case 20-009; 3557 Middle Road (C-3) - Special use permit to allow an outdoor service area associated with a bar, submitted by The Quarry QC. LLC.
- c. Case 20-010; 3557 Middle Road (C-3) - Variance to reduce the required number of parking spaces, submitted by The Quarry QC, 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.

Tansey stated that he would abstain from discussion and voting regarding Cases 20-009 and 20-010.

Soenksen reviewed the staff report. Staff report is Annex #3 to these minutes. He added that a re-evaluation of the required number of parking spaces should have taken place at the time the applicant requested a special use permit for a bar. He stated that the proposed outdoor service area is an expansion of that use. Soenksen explained that staff visited the site and discovered that there are only 89 spaces on the site which would then be reduced by two spaces as a result of the proposed outdoor service area. He added that when accounting for the bar and the Jimmy John's restaurant, the actual number of required spaces for the development is 117. Soenksen stated that he had received a letter expressing concern about the proposed outdoor service area from the owner of Whitey's Ice Cream which was e-mailed to the members. He added that after speaking with the manager of Jimmy John's, he had learned that the restaurant's seating area has 44 seats but that they are almost never occupied except between 10:30 a.m. and 1:30 p.m. He indicated that those hours would not overlap with the busiest times for the bar. Soenksen stated personnel at Salons and Studios had indicated that their busiest time period is between 10:00 a.m. and 7:00 p.m.

Soenksen explained that if the applicant's requests are approved, the required number of parking spaces would increase as a result of the additional square footage created by the outdoor service area.

Spranger asked what the occupant load for the bar is. Andy Gadiant, the applicant, stated that it is between 60-65 people. He indicated that he had just recently become aware of the issues related to the outdoor service area and that the owner of the building is out of the country. He stated that he plans, with the owner's approval, to create two more parking spaces. He added that he would be willing to defer the cases until he has a chance to resolve the concerns if the Board feels it is necessary. He stated that his busiest hours are between 3:00 and 8:00 p.m.

Spranger asked if there is any space to add additional parking on the site. Gadiant stated that he believes that there is room. He explained that he had originally planned to be located in the end unit of the multi-tenant retail structure which has a landscape area in front that could be converted to an outdoor service area. He added that the owner of the building had moved his business to an interior unit and had indicated that it would be okay to convert the 2 parking spaces in front of the bar to a patio. Gadiant stated that the solution to the problem would be to convert the landscape area to parking.

Spranger asked if a tenant is already occupying the end unit in question. Gadiant stated that no one has occupied the space but that he had heard it would become a spray tanning salon.

Clements asked if Gadiant had consulted with the owner regarding his plan to locate the patio on two existing parking spaces. Gadiant explained that he has been in contact with the property manager who had indicated his support. He added that he is unsure whether or not he had taken into consideration the requirement for additional parking spaces. He reiterated that he would be willing to defer the cases.

Spranger suggested that the cases be deferred until such time as a parking plan showing a remedy for the issue of the lack of so many required parking spaces. She commented that there are many bars and restaurants which seem to have inadequate parking available, but that the number of spaces that the applicant is short is very substantial.

Gallagher asked if the parking spaces located behind the building were taken into consideration when the calculation was completed. Soenksen confirmed this, adding that perhaps a special parking plan could be submitted which would include shared parking with other businesses.

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

On motion by Spranger, seconded by Clements, that a special use permit to allow an outdoor service area associated with a bar be deferred until such time as a new parking plan has been submitted.

ROLL CALL ON MOTION

AYE: Clements, Gallagher, Spranger
NAY: None
ABSTAIN: Tansey

Motion carried.

On motion by Spranger, seconded by Clements, that a variance to reduce the required number of parking spaces be deferred until such time as a new parking plan has been submitted.

ROLL CALL ON MOTION

AYE: Clements, Gallagher, Spranger
NAY: None
ABSTAIN: Tansey

Motion carried.

- b. Case 20-012; 4465 - 53rd Avenue (C-1) - Variance to allow parking in the required front yard adjacent to 53rd Avenue, submitted by Townsend Engineering.

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 #4 to these minutes.

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

Tansey asked if the owner plans to occupy the office space or if it would be leased. Soenksen stated that the entire building would be tenant buildouts. Tansey commented that he would like to avoid a situation similar to the one involved with the previous case if there is a use change in the future. Soenksen explained that the owner does not yet have a tenant for the space indicated as a restaurant but had wanted to be able to provide enough parking for one if necessary.

Gallagher asked how much space would be between the parking lot and the property line if the variance is granted. Soenksen stated that the parking spaces would be 15 feet from the property line.

Clements asked if staff anticipates any line of sight or utility easement encroachment issues if the variance were to be granted. Soenksen stated that there would be none.

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

Chris Townsend, the applicant, stated that the original plan had reflected 20-foot drive aisles because that is the standard in other cities. He commented that Bettendorf's higher standard that was recently implemented will provide a more navigable parking lot. He added that because MidAmerican Energy had installed their equipment outside of the utility easements, it had created difficulties when configuring the site plan. Townsend stated that he does not believe that the encroachment will be noticeable given the topography of the site.

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 Tansey, that a variance to allow parking in the required front yard adjacent to 53rd Avenue be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #5 to these minutes.

Soenksen announced that this would be his last Board of Adjustment meeting. Gallagher expressed his appreciation for his work.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:20 p.m.

These minutes and annexes approved _____

Greg Beck
City Planner



COMMUNITY DEVELOPMENT

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

March 12, 2020

Staff Report

Location: 3557 Middle Road

Applicant: The Quarry QC, LLC

Zoning Designation: C-3, General Business District

Case 20-009

Special use permit to allow an outdoor service area associated with a bar.

Case 20-015

Variance to reduce the required number of parking spaces.

Update - April 9

At the March 12 meeting, the Board deferred Cases 20-009 and 20-015 until such time as a parking plan which shows how the applicant plans to remedy the issue of the lack of required parking spaces. Staff reported that the actual parking space count for the development was only 89 spaces, not the 97 as shown on the approved site plan. Additionally, when accounting for the bar and the Jimmy John's restaurant, the actual number of required spaces for the development is 117. If the outdoor area was approved, the actual count would be reduced to 87 spaces. The applicant has communicated to staff via email that they plan to obtain 2 additional spaces at the rear of the building to offset the proposed loss; however staff does not see where any available space could be found to provide those stalls and the applicant has not provided a physical plan showing the change.

Background Information and Facts

The site is located just southeast of Whitey's Ice Cream near the intersection of Middle Road and Devils Glen Road. The Quarry is a new bar located in a recently constructed multi-tenant retail structure (see Attachment A – Location Map). If allowed, the applicant would like to have an outdoor service area adjacent to (north of) the main entrance to the unit involved (see Attachment B – Front of Building). The owner plans to enclose the area with a railing to separate it from vehicular traffic. The proposed outdoor service area would occupy two existing parking spaces.

Staff Analysis

The applicable portions of the C-3 District description for this request are: "The C-3 general business district is intended to provide mixed-use areas to be used for ***all types of retailing and service uses***, certain wholesale and warehousing uses, and some limited industrial activities that are normally associated with commercial uses. ***The uses allowed are often large space uses*** and cater to customers who do not make frequent purchases. The market area for the permitted use extends to an area much larger than the local community...The district is normally

located along major thoroughfares, where adequately sized parcels of land allow for large setbacks, clear vision, and safe ingress and egress.”

The proposal appears to be in harmony with the development within this area. If allowed, the outdoor service area will have significant separation from surrounding residential areas and individual residences (see Attachment C – Separations), specifically:

- 760-foot separation from the nearest residence to the north and adjacent to Middle Road.
- 990-foot separation from the nearest residence to the east on Sparrow Court.
- 850-foot separation from the nearest residence to the southwest on Holiday Court.

The request appears to be consistent with the zoning and land use designations for this property.

The Board of Adjustment may impose conditions and restrictions upon the premises benefited by any special use permit. In the past, the Board has restricted the hours of outdoor service areas adjacent to residential districts as well as the amount of sound or music that will be allowed as part of the special use permit process. The applicant does intend to have outdoor music and, on occasion, live outdoor music. In this case, the distances listed above from the nearest residences may indicate that those restrictions are not needed.

This request has never previously been denied by the Board and therefore, by Code, can be given consideration for approval or denial at this time.

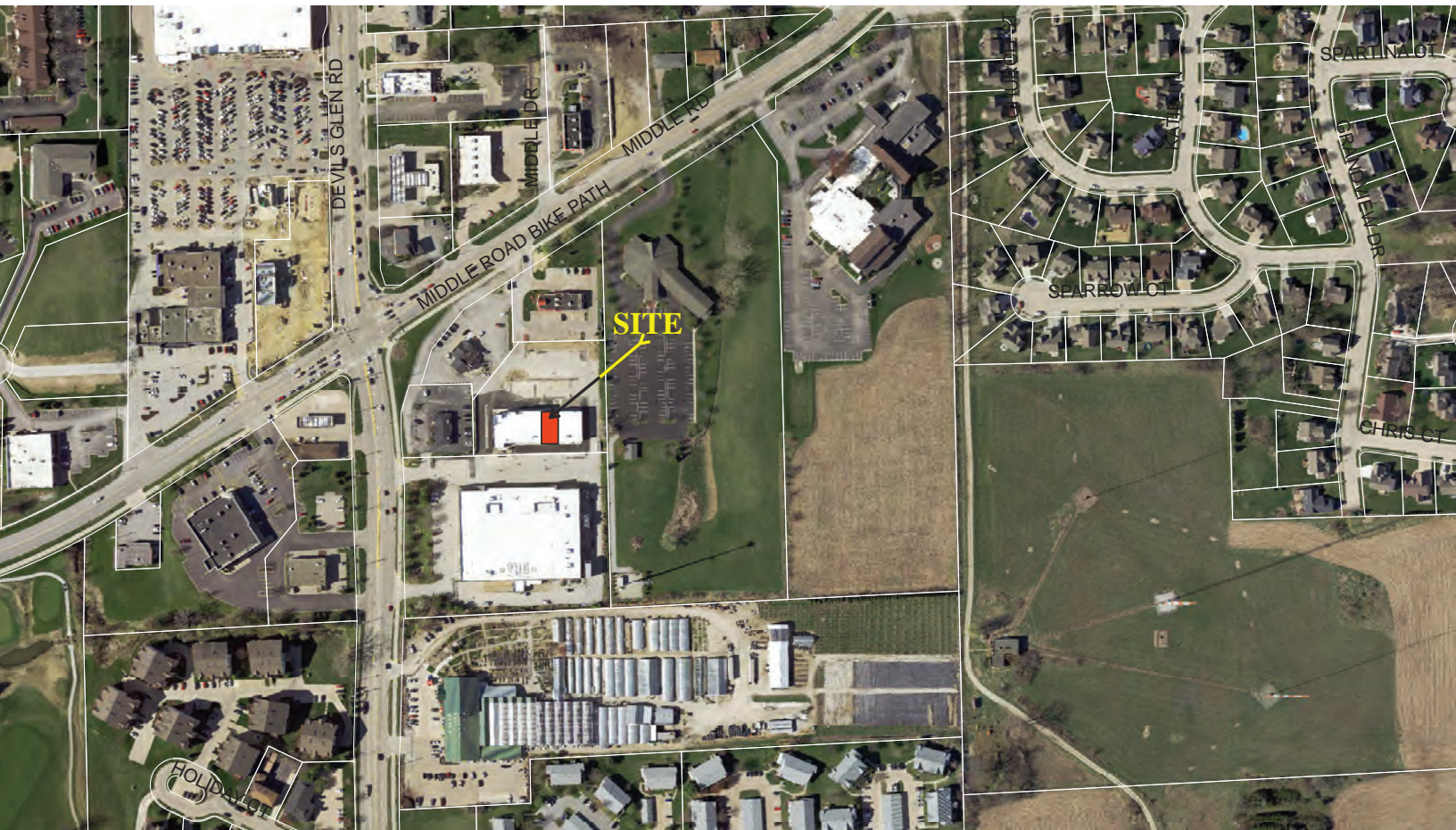
The Board approved a special use permit for the bar. If the current request is approved, that use will be extended to the outdoor patio and expanded by 649+ square feet generating the need for more parking (see Attachment D – Patio Plan). The patio will also occupy at least two existing parking spaces (see Attachment E – Patio Area). The approved site plan shows that 96 parking spaces are required, and 97 spaces are provided. **These spaces were not provided as staff noted above.** The original parking plan did not factor a bar use into the formula which requires a greater number of parking spaces. The business next door to the bar is Salons and Studios. It *may* be reasonable to conclude that their use and need for parking will be at different hours than the bar use *potentially* offsetting the need for more parking. There are two open retail spaces at this facility and those final uses and their need for parking are not yet known.

Staff suggests the Board evaluate the number of parking spaces needed for this site and evaluate if this request will have any adverse impact.

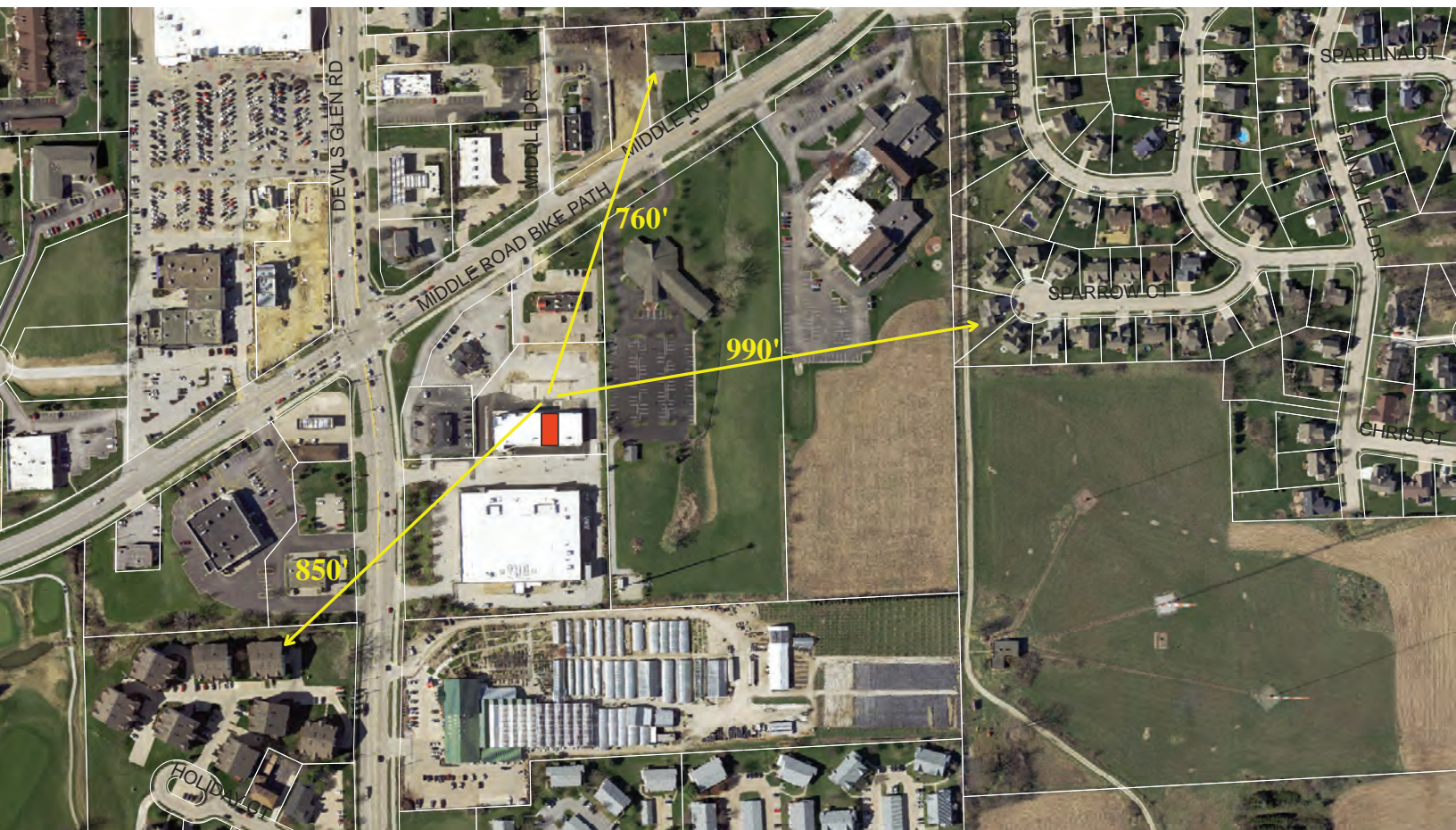
Respectfully submitted,

Greg Beck
City Planner

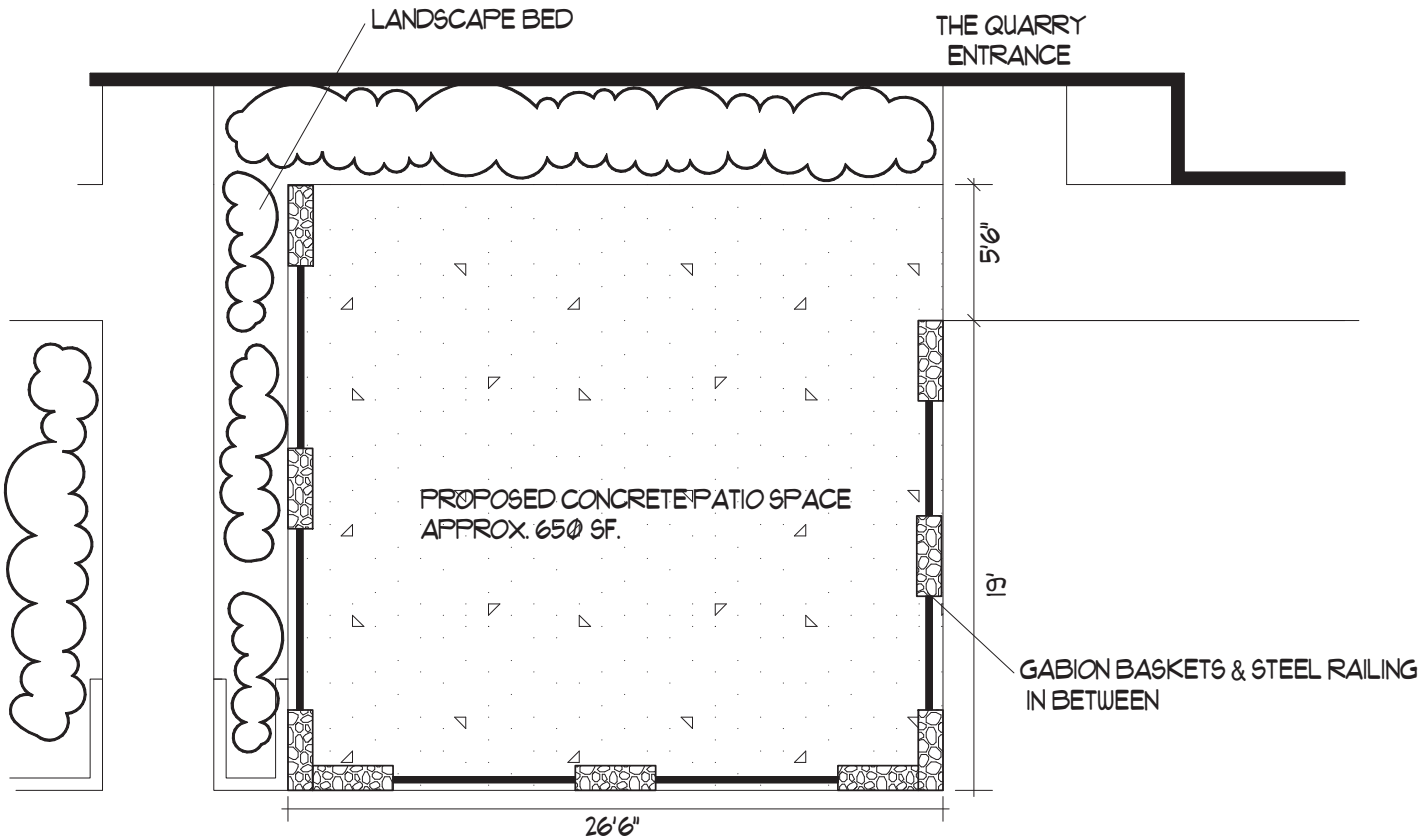
Attachment - A







PATIO PLAN
THE QUARRY



SCALE: 1"=6'

Designer:
BJ Nordby

Bidding, pricing or using this plan for any other purposes without the written consent of New Leaf Landscapes, LLC is prohibited.

newleaf
landscapes & concrete

17172 214th Street Davenport, IA 52806
Office: 563.484.0748 Mobile: 563.949.0177
bj@newleafqc.com

Attachment - E

Patio Area





Case No. 20-009

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

Part 1. Property Involved.

Street Address 3557 Middle Road Bettendorf IA

Legal Description of the property. Lot 1 Tunberg's Third Add

Part 2. Contact Information.

Applicant Name Andy Gadien + Phone 563.940.5083
Address 603 Leckie Street Davenport IA FAX _____
E-mail Address: dragadien@gmail.com

Owner Name Andy Gadien + Phone 563.940.5083
Address _____ FAX _____
E-mail Address: _____

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.
Outdoor seating for guests, fenced in patio for music, drinks
and food. Looking for open to close hours as we are in a
commercial area. Live music twice a month on Sunday
daytime.

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 10th day of Feb 2020.

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.

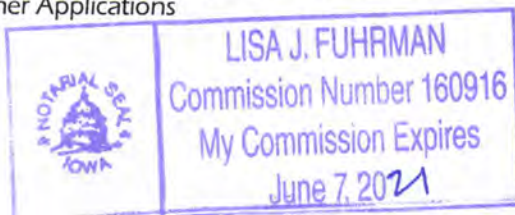
Witness my Hand and Notarial Seal this 20th day of February, 2020.

[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 Feb 10, 2020





COMMUNITY DEVELOPMENT
City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4055

April 9, 2020

Staff Report

Case No. 20-017

Location: 3014 and 3038 Charissa's Place and 3010, 3013, 3036, and 3037 Mary Leigh Drive (Lots 13-18, Forest Grove Crossing 3rd Addition)

Applicant: Townsend Engineering/Mike Richmond

Zoning Designation: UMI, Urban Medium Intensity

Request: Variance to reduce the required rear yard setback from 25 feet to 22 feet to allow for construction of 12-foot by 12-foot covered patios.

Background Information and Facts

The site is located near the northwest city limits (see Attachment A – Location Map). The applicant would like to construct covered patios in the rear yards of 6 lots in Forest Grove Crossing 3rd Addition which would encroach 3 feet into the respective required rear yards (see Attachment B – Plat/Site Plan).

Staff Analysis

Because this request involves 6 lots with 3-plex structures, the effect of this request is to allow variances to allow covered patios for 18 individual residential units to encroach into the required rear yard. The plat and original site plan showed that the lots were intended for 4-plex structures (see Attachment C - Original Site Plan). While it is unusual for the Board to grant variances for multiple residential units with a single action, it has been done in a few specific circumstances.

In November 2015, a similar situation occurred regarding multiple residential duplex units on Maple Glen Drive. In that case, the units were originally platted on property that did not allow room for decks, 3-season rooms, or other similar types of additions. Some of those homeowners requested and were granted variances and were issued building permits for their projects, but many others did not. As a result, there were multiple decks and additions located in the required rear yard. Rather than considering variance requests for multiple units for that case, the issue was addressed with a replat of the PUD (Maple Glen 4th Addition, Case 15-051).

Staff further acknowledges that while the comparison between the 2015 case and the current case is not a perfect "apples to apples" evaluation, similarities do exist.

There were similar cases on Pandit Drive in 2018 (Case 18-060) and on Cavan Crossing in 2014 (multiple cases) for variances to address multiple nonconformities in the subdivisions involved. The Board did approve those requests. In those two cases, re-platting was not an option available to address the nonconformities, and the variance action was the only way to address the issue.

All of the previous cases noted involved structures that already existed prior to the variance requests and not a blanket variance request for undeveloped land.

Staff questions whether this action will set a precedent for the future development of the remainder of this area where multiple variances will be requested prior to full buildout. The subdivision involved still has a significant portion of land yet to be developed.

Respectfully submitted,

Greg Beck
City Planner



SITE

76TH AVE

INTERSTATE 80

DEVILS GLEN RD

INTERSTATE 80

SHANES WAY

GROVE XING

JAKES LN

FOREST GROVE DR

DEVILS GLEN RD

LAKE VIEW CT

BLACKBERRY LN

REDBUD CT

BLACKBIRD LN

CROW LAKE DR

WESTMINSTER RD

CROW LAKE P

MARYNOEL AVE

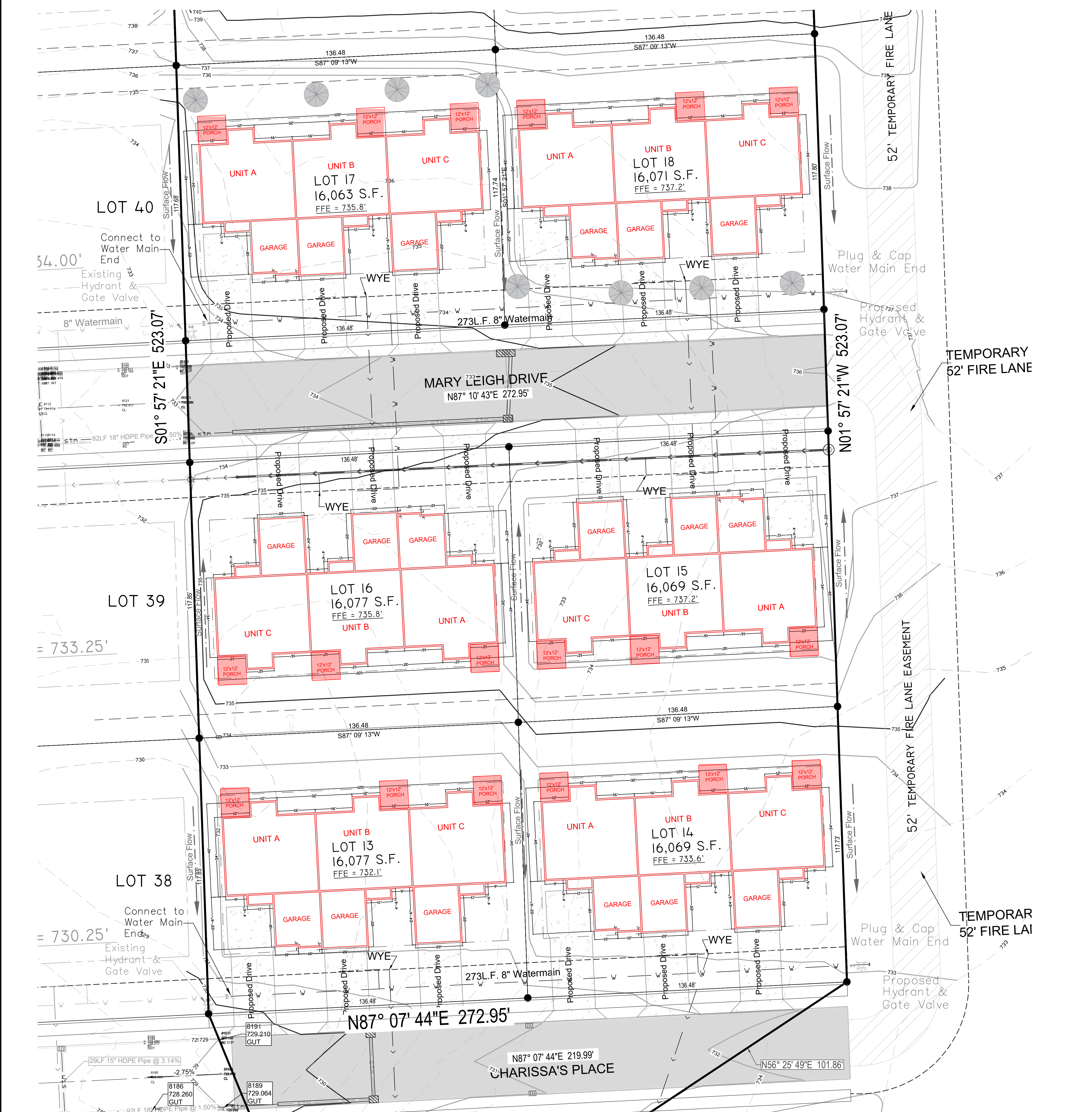
WILDBERRY DR

WILDBERRY DR

GENERAL NOTES

1. ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF BETTENDORF STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, LATEST EDITION, AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
2. LEGAL DESCRIPTION OF PROPERTY:
FOREST GROVE CROSSING THIRN ADDITION LOTS 13-18
BEING PART OF THE WEST HALF OF THE NORTHWEST QUARTER
SECTION 5, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH P.M.
CITY OF BETTENDORF, SCOTT COUNTY, IOWA
3. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY CONFLICTS WITH THE DRAWINGS OCCUR, ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. EXISTING UTILITY LOCATIONS SHOWN ON THE DRAWINGS ARE APPROXIMATE.
4. THE CONTRACTOR SHALL NOTIFY THE CITY OF BETTENDORF AND THE ENGINEER 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
5. PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREAS. DO NOT ALLOW WATER TO DRAIN OR TO POOL ONTO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
6. ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
7. CONCRETE PAVEMENT SHALL CONFORM TO THE REQUIREMENTS OF IOWA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAYS AND BRIDGE CONSTRUCTION, SECTION 3201, PORTLAND CEMENT CONCRETE PAVEMENT, CONCRETE PAVEMENT WITHIN THE PUBLIC RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF BETTENDORF STANDARDS AND SPECIFICATIONS.
8. ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL CONFORM TO THE IOWA CONSTRUCTION SITE EROSION CONTROL MANUAL, LATEST EDITION.
9. NOTE: ALL DIMENSIONS ARE TO THE BACK OF CURB, UNLESS OTHERWISE NOTED.
10. CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.

TO THE CITY OF BETTENDORF, IA



LEGEND:					
	EASEMENT		EXISTING GAS VALVE		EXISTING CONTOUR LINE PROPOSED CONTOUR LINE
	SETBACK LINE		EXISTING WATER VALVE		
	CENTERLINE		EXISTING UTILITY POLE		
	PROPERTY BOUNDARY		EXISTING LIGHT POLE		SPOT ELEVATION TOP OF CURB
	EXISTING FENCE		EXISTING TREE		SPOT ELEVATION FL & GUTTER
	EXISTING SANITARY		EXISTING BUSH		SPOT ELEVATION SIDEWALK
	PROPOSED SANITARY		EXISTING MANHOLE		SPOT ELEVATION FINISHED FLOOR ELEVATION
	EXISTING STORM SEWER				
	PROPOSED STORM SEWER				
	EXISTING WATER				
	EXISTING GAS LINE		FOUND PROPERTY PIN		
	ELEC		CONTROL POINT		

ENGINEER
Townsend Engineering
2224 E. 12th Street
Davenport, IA 52803
(563) 386-4236

- GENERAL NOTES
- ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF BETTENDORF STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, LATEST EDITION, AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
 - LEGAL DESCRIPTION OF PROPERTY:
FOREST GROVE CROSSING FIRST ADDITION LOTS 27-41
BEING PART OF THE WEST HALF OF THE NORTHWEST QUARTER SECTION 3, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5th P.M.
CITY OF BETTENDORF, SCOTT COUNTY, IOWA
 - IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY CONFLICTS WITH THE DRAWINGS OCCUR. ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. EXISTING UTILITY LOCATIONS SHOWN ON THE DRAWINGS ARE APPROXIMATE.
 - THE CONTRACTOR SHALL NOTIFY THE CITY OF BETTENDORF AND THE ENGINEER 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
 - PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREAS. DO NOT ALLOW WATER TO DRAIN OR TO POND ONTO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
 - ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
 - CONCRETE PAVEMENT SHALL CONFORM TO THE REQUIREMENTS OF IOWA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAYS AND BRIDGE CONSTRUCTION, SECTION 2301, PORTLAND CEMENT CONCRETE PAVEMENT. CONCRETE PAVEMENT WITHIN THE PUBLIC RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF BETTENDORF STANDARDS AND SPECIFICATIONS.
 - ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL CONFORM TO THE IOWA CONSTRUCTION SITE EROSION CONTROL MANUAL, LATEST EDITION.
 - NOTE: ALL DIMENSIONS ARE TO THE BACK OF CURB, UNLESS OTHERWISE NOTED.
 - CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.

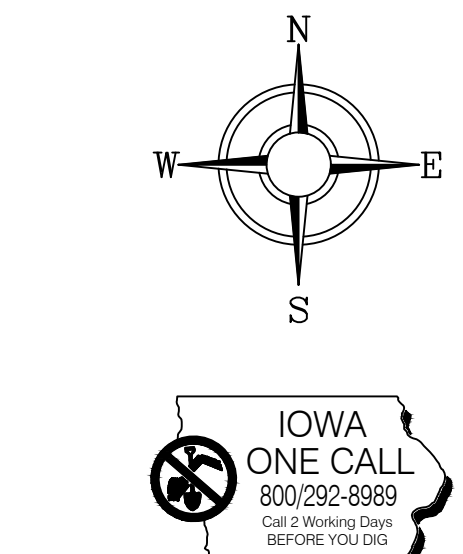
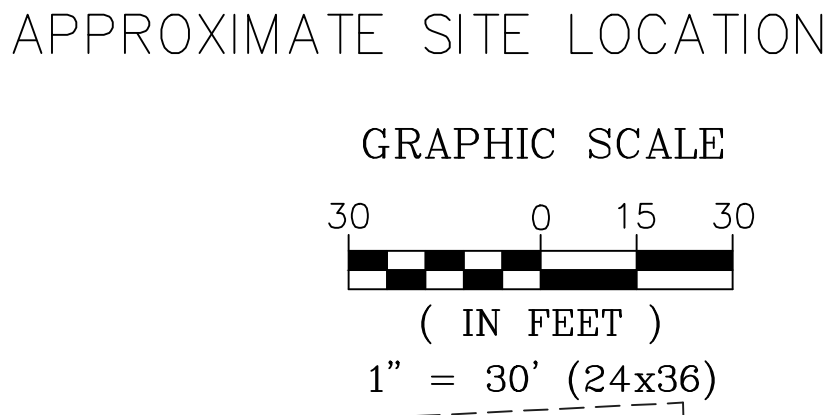
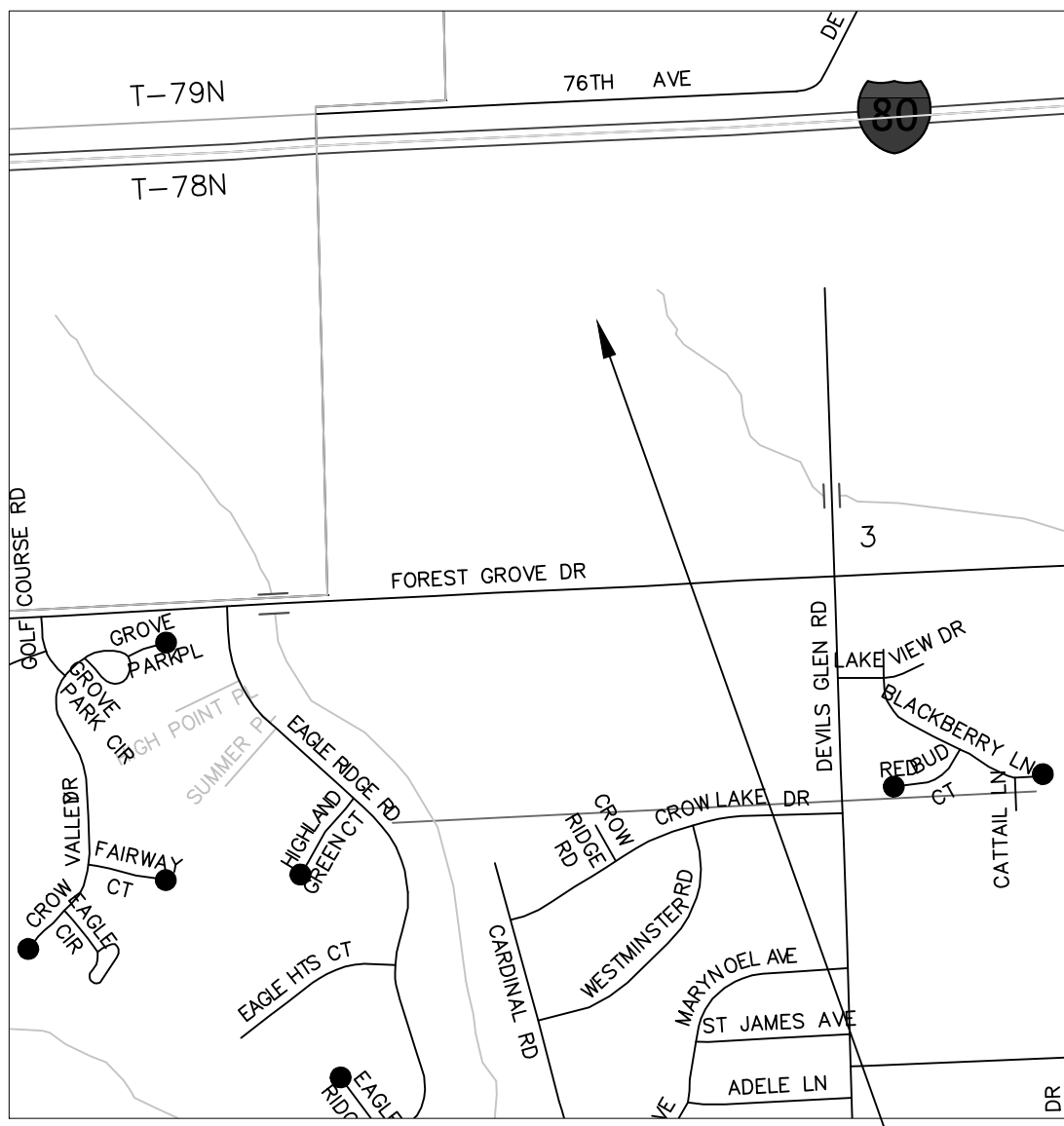
ATTACHMENT C Site Plan
Youssi Real Estate
Forest Grove Crossing
4-PLEX UNITS / LOTS 27 - 41
FOREST GROVE CROSSING FIRST ADD.
TO THE CITY OF BETTENDORF, IA

I hereby certify that this Engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.
Christopher R. Townsend, P.E.
License number: 14864
My license renewal date is December 31, 2018
Pages or Sheets covered by this seal: C1-C3
11-13-2018
Date

OWNER / DEVELOPER
Youssi Investments of Iowa LLC
7573 Deer Crossing
Roscoe, IL 61073

DOC. #2011-34151
FOUND CONCRETE MONUMENT

ADJOINER:
STATE OF IOWA
EXCEPTION DOC. BOOK 293, PAGE 461



TEMPORARY TURN-AROUND EASEMENT TO BE OBTAINED BY OWNER

INSTALL TEMPORARY TURN AROUND, 6" OF CLASS A SURFACING (IaDOT GRADATION 11), 125 TONS

ADJOINER:
CIRCLE K
PROPERTIES, LLC
PARCEL #10423-13

Multi-Family Setbacks		
Front	Rear	Side
25'	25'	Min: 5' w/ Total Of 15'

INSTALL TEMPORARY TURN AROUND, 6" OF CLASS A SURFACING (IaDOT GRADATION 11), 125 TONS

TEMPORARY TURN-AROUND EASEMENT TO BE OBTAINED BY OWNER



DATE:
11/13/2018

563 386.4236 office 386.4231 fax
2224 East 12th Street, Davenport, IA 52803

DRAWN BY:
BJB

CHECKED BY:
CT

DRAWN BY:
S:\YOUSSI\FORESTGROVE\DRAWINGS\SHEETS

REVISIONS:		
NO.	DESCRIPTION	DATE
1.	COB Review Comment Revisions	11-18

PROJECT
Forest Grove Crossing
SITE PLANS
4-PLEX UNITS / LOTS 27 - 41

DEVELOPER
Youssi Investments of Iowa, LLC.
7573 Deer Crossing
Roscoe, IL 61073

SHEET NO.
C1



Case No. 20-017

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

Part 1. Property Involved.

Street Address 3014 and 3038 Charissa's Place; 3010, 3013, 3036, and 3037 Mary Leigh Drive

Legal Description of the property. Lots 13-18in Forest Grove Crossing Third Addition, City of Bettendorf, Scott County, Iowa

Part 2. Contact Information.

Applicant/Contact Name Michael D. Richmond - Townsend Engineering Phone (563) 386-4236

Address 2224 East 12th Street Davenport, Iowa 52803

E-mail Address: mrichmond@townsendengineering.net

Owner Name Chris Youssi - Youssi Investment of Iowa, LLC Phone (815)968-4166

Address 2791 Hamson Way Belvidere, Illinois 61008

E-mail Address: cyoussi@aol.com

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 Rear Building Setbacks Existing Zoning UMI-Urban Medium Intensity

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.

The Owner of Forest Grove Crossing Third Addition will be constructing 3-plex units on said Lots 13-18. These buildings are shown on attached plan and will be shown on forthcoming Site Plan to be considered by P&Z. The Owner wishes to construct 12'x12' covered patios at the rear of each unit, 3 patios per building, total of 18 patios for the 6 proposed buildings. Given the foot print of the building as it aligns with the front setback, the patios will encroach into the rear setback by approximately 2'-10". The Owner seeks a variance allowing this encroachment of less than 3' into the rear setback. The 12' x 12' patio is a standard size patio and desired by the consumer, having a covered patio greatly increases the marketability of the units and fits nicely into the space at the rear of the building. The encroachment will be negligible and will have no negative impacts to the neighbors or the overall character of the development.

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 24th day of March, 2020.

Signature of Applicant Michael R. R. R. 03/24/2020

Signature of Owner Chris Z. Z.

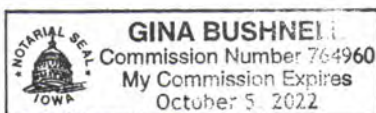
(The owner **MUST** indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

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 24th day of March, 2020.



Gina Bushnell
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 Lesia Johnson

Amount \$ 100.

Date Mar 25, 2020

CR# 0064169