

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).

The Board of Adjustment meeting will be open to the public. Additional and necessary measures will be taken to adhere to social distancing recommendations. Any members of the public who wish to be heard may attend the meeting in person or may call (563) 344-4071 for specific questions or alternative participation. In an effort to practice social distancing and in support of CDC guidelines, the City of Bettendorf will broadcast this meeting online at <http://www.bettendorf.org/live-meeting>.

Constituents who do not have a matter to address with the Board of Adjustment in person are strongly encouraged to stay at home and view the meeting online.

MEETING NOTICE
BOARD OF ADJUSTMENT
JULY 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 June 11, 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 to meeting of August 13, 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 to meeting of August 13, 2020)
 - c. Case 20-032; 4670 Atwood Court (PUD) - Variance to allow a 5-foot high fence and a swimming pool in the required front yard along Crow Creek Road, submitted by Brock Moshier. (Deferred from meeting of June 11, 2020)
 - d. Case 20-036; 4288 Augusta Court (PUD) - A request for a variance to allow a swimming pool within 7 feet of the rear property line, submitted by Kelly Smith.
 - e. Case 20-037; 6855 Prairie Grass Lane (R-2) - Variance to allow a 5-foot high fence in the required front yard along Forest Grove Drive, submitted by John Blackburn.

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.

- f. Case 20-038; 3830 Norwich Court (R-2) - Variance to allow a 6-foot high fence in the required front yard along Tanglefoot Lane, submitted by Tab McDonough.
- g. Case 20-039; 2814 Villa Court (R-5) - Variance to reduce the required rear yard setback from 25 feet to 11 feet to allow for construction of a 16-foot x 22-foot deck, submitted by Wade Larson.
- h. Case 20-040; 3655, 3707, 3867, and 3875 Tanglefoot Lane (C-2) - A request for a variance to either reduce the required front yard setback from 35 feet to 20 feet, to reduce the required rear buffer yard from 30 to 15, or to reduce the required front yard setback from 35 feet to 27 ½ feet and to reduce the required rear buffer yard from 30 feet to 22 ½ feet, submitted by Kevin Dolan.

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
JUNE 11, 2020
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Gallagher, Spranger, Tansey, Tombergs
ABSENT: Clements
STAFF: Beck, Curran, Enfield, Ploehn

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of May 14, 2020.

On motion by Tombergs, seconded by Tansey, that the minutes of the meeting of May 14, 2020 be approved as submitted.

ALL AYES

Motion carried.

Item 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 May 14, 2020)
- b. **Case 20-010; 3557 Middle Road (C-3)** - Variance to reduce the required number of parking spaces, submitted by The Quarry QC, LLC. (Deferred from meeting of May 14, 2020)

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

Beck reviewed the staff report. Staff report is Annex #3 to these minutes. He added that the applicant had sent an e-mail late this afternoon with some attachments but that he had received it too late to be included in the presentation.

Tombergs asked if staff had had a chance to review the late submittal. Beck stated that it appeared as though the applicant plans to use all of the spaces along the front of the ColoHub building and somehow add them to this site. He reiterated that a special location plan would be required to be approved by the Board in order to add off-site parking spaces.

Tombergs commented that one of her questions at the last meeting was with regard to the fact that the proposed patio layout would require customers to walk around the outdoor seating area to go from one end of the strip center to the other. She stated that it was suggested to the applicant that he should submit an updated plan to address the issue, adding that it was not included in the packet. Beck stated that the plan may have been included in the e-mail. He indicated that the applicant may be planning to keep the sidewalk open.

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

Andy Gadiant, the applicant, stated that he received an e-mail from ColoHub granting permission to use 62 of their parking spaces. He showed the proposed patio plan, adding that they could add a sidewalk surrounding it so that customers do not have to walk in the parking lot. He indicated that he is willing to whatever is needed to make it work. Gadiant showed photos of the area on the ColoHub property where the parking spaces would be located. Beck asked how many spaces would be added. Gadiant stated that 3 spaces on the east and 9 spaces in the entrance area would be used. He stated that he would be willing use the extra spaces as employee parking to free up spaces for customers. He submitted a list of people from other businesses in the strip center who are in support of the request.

Gallagher asked if the applicant is planning to add all 62 spaces. Gadiant confirmed this. Beck asked that Gadiant show the aerial photo indicating where the spaces are located.

Gallagher asked what documentation would be required in order to count those parking spaces. Beck explained that the applicant would need to submit a special location plan since the proposed parking is located on a different lot of record. Gallagher stated that the documentation and a plan showing the additional spaces would be required before the Board can consider the special location plan.

Tombergs stated that she does not feel that the issue for access to the sidewalk has been adequately addressed. Jason McCoy, co-applicant, explained that the existing sidewalk could be kept open or a sidewalk around the patio could be installed. Tombergs asked if

the landscaping would remain. McCoy confirmed this, adding that gabion baskets would be added with a metal railing between. Tombergs asked if staff has any comments on the proposed design. Beck stated that the Chief Building Official would evaluate the plan for compliance with ADA. McCoy stated that the sidewalk would remain flat, adding that there are no curbs. Tombergs asked if a wheelchair could access the outdoor seating. McCoy confirmed this. Tombergs asked how many people would be able to fit on the patio. McCoy explained that the patio is 650 square feet in size but that he is unsure of the actual capacity. He indicated that he would be willing to reduce the size by using only one parking space.

Gallagher stated that he does not believe that it would be appropriate to vote until such time as the city's legal staff has confirmed that the agreement with ColoHub is binding.

Tombergs asked how the proposed patio plan would affect the owners of the businesses who will eventually locate in the vacant units. McCoy stated that it is his belief that adequate parking is already available given his experience over the last few weeks that the bar has been able to be open. He added that the only issue he has seen is when Whitey's customers overflow into the strip center parking lot. He explained that the businesses in the strip center have differing peak times. Tombergs commented that she believes that the salon would have crossover peak times. Beck reiterated that in order to use the additional parking spaces at ColoHub, the Board would have to approve a special location plan. He commented that consideration should be given to whether ColoHub would give permission to a future tenant to use the parking spaces if The Quarry ever relocates.

Gallagher asked how customers would access the off-site parking spaces. McCoy stated that he does not believe that customers would use the parking on the west side of the ColoHub building but rather that it is more likely that employees would park there. He commented that the other spaces are more conveniently located. He stated that there is a rear entrance with signage indicating where customers could park.

Gallagher commented that he believes that the written agreement with ColoHub should be in place and approved by staff prior to voting on the requests. Curran added that not only should the Board consider whether the use of those parking spaces extends to a future tenant in the strip center but what would happen if ColoHub is no longer in business there. He recommended that the Board defer the cases until such time as there is a contractual agreement in place along with a special location plan. Gallagher concurred. Curran explained that if the special use permit is denied, the applicant must wait one year before reapplying. He commented that adequate parking is a specific factor that must be taken into consideration when approving a special use permit. Ploehn stated that when the building was built, there were no cross easements in place for the strip center. He stated that even though ColoHub has indicated their willingness to share parking, there is no legal easement in place allowing it. He stated that the agreement must be very clear with regard to whether the easement is granted in perpetuity or only for use by The

Quarry. He commented that he believes that review of that document must be complete prior to making a final decision

On motion by Tombergs, seconded by Spranger, that a special use permit to allow an outdoor service area associated with a bar and a variance to reduce the required number of parking spaces be deferred until such time the applicant provides a legal agreement regarding cross easements and a special location plan that provides ADA-compliant access to the site.

McCoy asked if it would be more appropriate to defer the request until such time as actual parking conditions could be documented and have the Board consider the request in early 2021 which would allow the patio to be built next spring. He asked if rather than obtain the contractual easements he could submit photos of the parking lot over the next 6-8 months. Gallagher explained that the applicant could withdraw the application and not be subject to the 1 year restriction on reapplying. He added that regardless of what the applicant is able to document, the city still has a requirement for a certain number of parking spaces that must be addressed. He stated that if the applicant feels it is in his best interests to withdraw the application and submit a more workable plan that addresses the concerns, it might be worth considering. McCoy indicated that he is competing with other bars that have outdoor service areas and seem to have fewer spaces surrounding the building, adding that he had always assumed that a patio would be allowed because the landlord included it in the lease.

Spranger asked if what the difference between the bars that McCoy referenced and his location. Ploehn explained that the other bars have cross parking easements which allow that the sharing of parking spaces between businesses. He added that when the building was built there was no cross easement which means that those spaces could never have been counted toward the required number. McCoy stated that his landlord had told him that there were cross easements between Arby's and Whitey's. Gallagher suggested that McCoy get a definitive answer to that question. Ploehn asked when the 1 year period would elapse. Tombergs stated that the application date is February 20, 2020. Ploehn stated that if the case is deferred, there is still time for it to be resolved. He added that withdrawing the request would restart the clock. Tombergs asked if the case could be withdrawn later if the Board defers the request now. Gallagher confirmed this. He suggested that McCoy submit documentation related to any cross access easement and a special location plan. Beck stated that a recorded cross parking easement would need to be submitted.

ROLL CALL ON MOTION

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

Motion carried.

- c. Case 20-022; 1510 Bellevue Avenue (R-2) - Variance to reduce the required rear yard setback from 25 feet to 15 feet, submitted by Mark Brandl.

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

Beck 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.

Mark Brandl, the applicant, stated that it appears as though there are many houses in the neighborhood which do not meet setback requirements. He commented that he had also requested a 5-foot variance to the required front yard setback which is missing from the staff report. He stated that the reason for the front yard encroachment is so he has room for another bedroom, bath, and 2-car garage. He indicated that he has several designs in mind and would be willing to revise the request based on the Board's suggestions.

Gallagher asked if notice was given of the request for a variance to reduce the front yard setback. Beck stated that it has not been published but that he had discussed the issue with the acting Community Development Director who had indicated that it is a negligible encroachment. He explained that the rear yard setback variance is much more substantial.

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

On motion by Tansey, seconded by Tombergs, that a variance to reduce the required rear setback from 25 feet to 15 feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #5 to these minutes.

- d. Case 20-028; 1233 Mississippi Boulevard (R-2) - Variance to allow a 6-foot high fence in the required front yard along 13th Street, submitted by Dionne and Robert Bergeson.

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

Beck reviewed the staff report. Staff report is Annex #6 to these minutes.

There being no one 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 a 6-foot high fence in the required front yard along 13th Street be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #7 to these minutes.

- e. Case 20-030; 2849 Cody Street (R-2) - Variance to allow a 6-foot high fence in the required front yard along 29th Street, submitted by Vanessa Zepeda.

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

Beck reviewed the staff report. Staff report is Annex #8 to these minutes.

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

Vanessa Zepeda, the applicant, stated that there is a neighbor at 29th Street and Oak Street who has a 6-foot high fence. She indicated that her fence would not extend further than the existing chain link fence and that it would not impede vision at the corner.

Anita Yeast, 2943 Cody Street, commented that the applicant had indicated to her that she would be placing a fence on their shared property line. She asked if there has been any discussion with regard to that portion of the fence. Beck explained that the only issue that the Board must consider is that portion of the fence that would be located in the required front yard. Yeast stated that a swimming pool has been installed and that she had been told that a fence would be required to be placed around the pool. She asked if approval has been given for that fence. Beck stated that a permit is required for any fencing and that a 5-foot high fence must be installed. He added that if the pool is aboveground and has sides of at least 5 feet in height, it could serve as the required protection.

Tombergs asked if the variance request includes the entirety of the proposed fence. Beck explained that the only portion of the fence that requires a variance is that section that is in the required front yard adjacent to 29th Street. He indicated that a 6-foot high fence is allowed to be placed in the rear yard.

Zepeda explained that the pool is not an aboveground pool but rather a blow-up pool that is 2 feet deep. Beck stated that any pool above 18 inches in depth is required to be fenced in according to the building code.

Tombergs asked if any further Board approval is required for the fence proposed to be placed on the shared property line. Beck stated that the Building Department staff would review that request and issue the permit.

Tansey asked if the City distinguishes between chain link or vinyl fencing. Beck stated that the only the height of the fence is considered, not the fence material.

Gallagher commented that 29th Street is not a highly-traveled street. Beck explained that the Board has been consistent with regard to granting variances on local streets versus arterials. He added that another type of hardship would have to be established. Gallagher commented that if the fence is allowed, it would set a precedent for other requests on quieter streets.

Zepeda asked if the 6-foot high fence across the street from her got approval. Beck stated that he does not know whether or not the neighbors were issued permits for any existing fences.

Tombergs asked if the fence should only be allowed to be 4 feet high because it is not a highly-traveled street. Beck confirmed this. Gallagher explained that a hardship is created for the property owner when a house is located adjacent to a heavily-traveled street and would therefore be eligible for a variance. He added that the Board is not really in a position to grant a variance unless a hardship has been established.

There being no one else 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 variance to allow a 6-foot high fence in the required front yard along 29th Street be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #9 to these minutes.

- f. Case 20-031; 5786, 5804, 5842, 5870, and 5894 Danielle Drive (R-2) - Variance to allow a 6-foot high fence in the required front yard along Devils Glen Road, submitted by Kevin Dolan.

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

Beck reviewed the staff report. Staff report is Annex #10 to these minutes.

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

Kevin Dolan, the applicant, stated that last year the two lots to the south of the lots in question received a similar variance. He indicated that those homeowners had asked for and received his support and that this would merely be a continuation of the fence line established on those two properties.

There being no one else 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 a 6-foot high fence in the required front yard along Devils Glen Road be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #11 to these minutes.

- g. Case 20-032; 4670 Atwood Court (PUD) - Variance to allow a 5-foot high fence and a swimming pool in the required front yard along Crow Creek Road, submitted by Brock Moshier.

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

Beck reviewed the staff report. Staff report is Annex #12 to these minutes.

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

Brock Moshier, the applicant, explained that he had planned to install a fence next spring that would extend to the front of his garage to enclose a 12-foot diameter, 30-inch deep pool and that a 5-foot high fence is required. He stated that the pool can be taken down at the end of the season. He indicated that he wants to install the pool because all of the area pools are closed and added that he and his wife would like to use the pool for therapy purposes. He stated that his neighbors do not have any objections. Moshier stated that his original plan was to continue the 4-foot high fence to the front of the garage but that a 5-foot high fence is required for the pool. He added that he plans to take the pool down at season's end. Moshier stated that his rear yard has a drainage easement along the back property line which would preclude locating the pool there.

Tansey asked for clarification of where the pool is planned to be located. Moshier stated that it would be located alongside the garage. He added that the pool could not go in the back yard because there are trees there.

Beck stated that the pool would be required to be at least 5 feet from the side of the house if there is no basement. Moshier stated that the only way to maintain that distance is if the fence is closer to the sidewalk than the existing one. Beck commented that the Chief Building Official would make the determination of where the pool would be allowed to be located.

Tombergs asked if the city should re-measure to determine the appropriate location for the pool. Beck stated that there is no diagram showing where the pool is planned to be located.

Tombergs asked if the applicant has already purchased the pool. Moshier confirmed this, adding that it was not terribly expensive. He reiterated that if the pool has to be 5 feet from the garage, he would need to request a variance to allow the fence to be closer to the sidewalk.

Tombergs questioned whether enough information is available to make a decision. Moshier stated that when the road was widened wires were moved from the street side of the sidewalk to his property. Gallagher commented that his guess is that the utilities would have been placed within an easement. Beck confirmed this. Gallagher stated that a separate application would be required to allow the fence to be placed closer to the sidewalk. He suggested that the case could be deferred and suggested that the applicant meet with staff to determine utility location, fence location, and proposed pool location. He commented that it is likely that the neighbor's fence is at the setback line. Moshier confirmed this.

Beck asked why the pool couldn't be placed in the northwest corner of the property. Moshier stated that there is a tree in his neighbor's yard, that there is a hill, and that there is a drainage easement as well.

A discussion was held regarding the easements that are located on the property and whether or not a pool would be allowed to be located in the utility easement. Beck stated that permission from the utility companies would be required.

Moshier asked if the Board would be willing to approve the application as is. He indicated that he would prefer not to place the fence any closer to the sidewalk. Beck stated that only the utility companies can give permission to place a structure within the utility easement. Gallagher reiterated that the location of the easements must be determined before a decision could be made. Beck stated that the application should amend his application and detail exactly where the pool would be located but that he had not received a drawing. Moshier stated that he was unaware that any further documentation was required. Gallagher stated that the applicant should provide dimensions and an exact location for the pool and fence. Moshier reiterated that he would have to move the fence closer to the sidewalk in order to maintain the 5-foot distance from the garage.

Curran stated that the purpose of the variance is not able to be fulfilled because of the proposed location of the pool. He commented that even if the variance is granted, the pool could not be placed where the applicant proposes because of the building code requirement. Moshier asked if a 10-foot diameter pool would be allowed which would allow the 5-foot separation. Beck stated that he would still like to see a drawing with dimensions and location of the pool and fence.

Curran asked if a condition of the variance be that placement of the pool is subject to the approval of the Chief Building Official. Beck explained that it would depend upon the location of the utility easement and how easy the pool would be to remove. He stated that the applicant must submit a scaled plot plan showing the size and location of the pool. He commented that he does not believe that any variance has ever been granted based on the approval of the Chief Building Official.

Tombergs expressed concern about the precedent that could be set if the request is granted and questioned whether other residents will submit similar requests for pools in the required front yard. Curran stated that establishing a hardship is the most difficult factor, adding that a hot summer is not a hardship.

Moshier asked if it is possible to grant the variance with the conditions that all of the issues that have been brought up have been addressed. He stated that he does not want to wait an entire month. Curran explained that a variance is an exception to the ordinance for which an undue hardship must be established. He commented that there are some unusual circumstances, but that he has not seen a conditional variance. He suggested that

staff work with the applicant to determine the exact location of the proposed pool and fence as it relates to easements and required setbacks. Gallagher concurred.

On motion by Tombergs, seconded by Tansey, that a variance request to allow a 5-foot high fence and a swimming pool in the required front yard along Crow Creek Road be deferred until such time as the applicant and staff can determine the location of the pool, fence, easements, and required setbacks.

ALL AYES

Motion carried.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 6:45 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

July 9, 2020

Case No. 20-032

Location: 4670 Atwood Court

Applicant: Brock Moshier

Zoning Designation: PUD

Request: Variance to allow a 5-foot high fence and a swimming pool in the required front yard along Crow Creek Road.

Background Information and Facts

This case is a continuation from the June 11 Board of Adjustment meeting. The site is located on the west side of Atwood Court and is on the north side of Crow Creek Road (see Aerial Photo - Attachment A). The applicant would like to place a 5-foot high fence around a proposed swimming pool which would be set in the 25 foot front yard setback as established by Note 12 of the Final Plan PUD (see Final Plat and Site Photo - Attachments B and C). Section 11-11A-9:D.5. Swimming Pools of the zoning ordinance clearly states that no swimming pools shall be placed in front yard setbacks (see Zoning Ordinance - Attachment D). The house appears to be near the 25-foot front yard setback distance as a point of reference .

Staff Analysis

The applicant would like to have an aboveground swimming pool in the front yard. Staff found two previous cases regarding swimming pools in front yards. The homeowner at 2631 Heather Glen Circle requested permission to place a pool in the required front yard adjacent to 53rd Avenue (Case 17-060). The Board considered the platted 70-foot setback along 53rd Avenue to be excessive and felt that it posed a legitimate hardship. The swimming pool that was allowed is located 48 feet from the property line along 53rd Avenue. The Board required that a swimming pool placed within 10 feet of the right-of-way line at 1304 Elmore Avenue be removed (Case 00-040). Staff could not find any Board decisions permitting swimming pools in the required front yards.

Staff does not see a hardship for placement of a swimming pool in the front yard setback. Staff would not support breaking that precedent.

Respectfully submitted,

Greg Beck
City Planner



COMMUNITY DEVELOPMENT

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

May 14, 2020

Case No. 20-032

Location: 4670 Atwood Court

Applicant: Brock Moshier

Zoning Designation: PUD

Request: Variance to allow a 5-foot high fence and a swimming pool in the required front yard along Crow Creek Road.

Background Information and Facts

The site is located on the west side of Atwood Court and on the north side of Crow Creek Road (see Aerial Photo - Attachment A). The applicant would like to place a 5-foot high fence around a proposed swimming pool which would be located within the required 25-foot front yard setback as established by Note 12 of the Final PUD Plan (see Final Plan and Site Photo - Attachments B and C). Section 11-11A-9:D.5. Swimming Pools of the zoning ordinance clearly states that no swimming pools shall be placed in front yard setbacks (see Zoning Ordinance - Attachment D). The house appears to be near the 25-foot front yard setback distance as a point of reference.

Staff Analysis

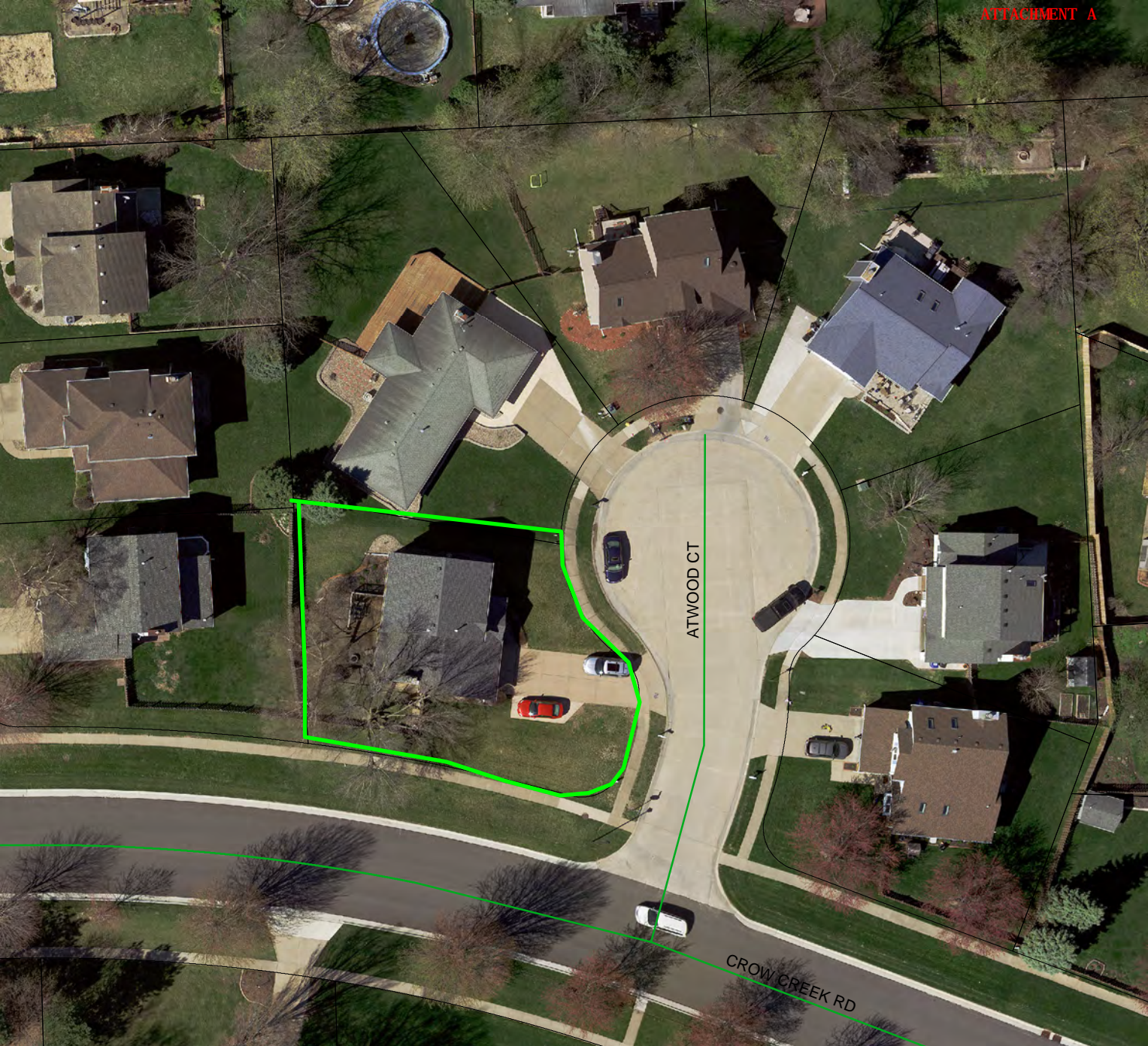
The applicant would like to have an aboveground swimming pool in the front yard. Staff found two previous cases regarding swimming pools in front yards. The homeowner at 2631 Heather Glen Circle requested permission to place a pool in the required front yard adjacent to 53rd Avenue (Case 17-060). The Board considered the platted 70-foot setback along 53rd Avenue to be excessive and felt that it posed a legitimate hardship. The swimming pool that was allowed is located 48 feet from the property line along 53rd Avenue. The Board required that a swimming pool placed within 10 feet of the right-of-way line at 1304 Elmore Avenue be removed (Case 00-040). Staff could not find any Board decisions permitting swimming pools in the required front yards.

One other case regarding the home at 6024 Shawnee Court was found (Case 17-059). The applicant requested a variance to allow a 5-foot high fence to encroach slightly into the front yard setback along Hopewell Avenue to surround a swimming pool. The swimming pool is located entirely in the buildable area of the lot, and the fence is located 25 feet from the property line along Hopewell Avenue. The applicant placed landscaping on the outside of the fence to buffer any adverse effects the fence may have posed.

Staff does not see a hardship for placement of a swimming pool within the front yard setback.

Respectfully submitted,

Greg Beck
City Planner



ATWOOD CT

CROW CREEK RD

HIGHLAND HILLS 3RD ADDITION TO THE CITY OF BETTENDORF, IOWA PART OF THE SW 1/4 OF SEC. 10-78-4 & PART OF THE NW 1/4 OF SEC. 15-78-4

OWNER & SUBDIVIDER: RIVERBEND DEVELOPMENT, INC. 1970 SPRUCE HILLS DRIVE BETTENDORF, IOWA REPRESENTATIVE: WILLIAM STRADT

EARL & KATHLEEN RUTH SCHAEFER

APPROVED BY COUNCIL RESOLUTION 5-20-26 ELIMINATE EASEMENT BETWEEN LOTS 5 & 6

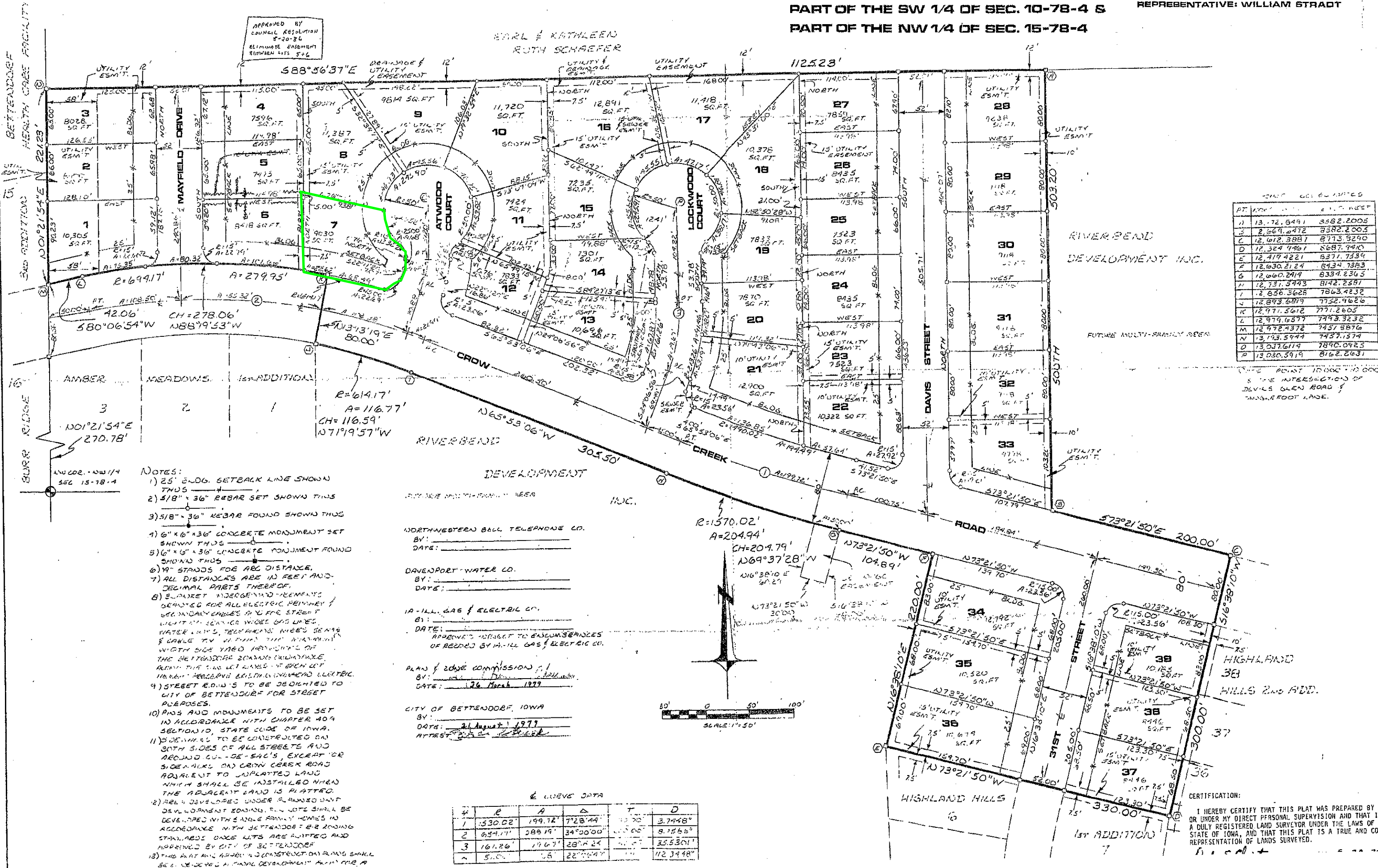
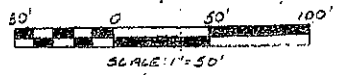


Table with 2 columns: PT. and AREA. Lists lot numbers 1 through 33 and their corresponding areas in square feet.

- NOTES: 1) 25' B.D.G. SETBACK LINE SHOWN THUS 2) 5/8" x 3/8" REBAR SET SHOWN THUS 3) 5/8" x 3/8" REBAR FOUND SHOWN THUS 4) 6" x 6" x 36" CONCRETE MONUMENT SET SHOWN THUS 5) 6" x 6" x 36" CONCRETE MONUMENT FOUND SHOWN THUS 6) 1/4" STANDS FOR ARC DISTANCE. 7) ALL DISTANCES ARE IN FEET AND DECIMAL PARTS THEREOF. 8) EASEMENT INTERFERENCES GRANTED FOR ALL ELECTRIC, TELEPHONE, WATER LINES, TELEPHONE LINES, GAS & WATER TV LINES AND NEARBY WITH SIDE YARD PORTION OF THE BETTENDORF ZONING ORDINANCE AND THE CITY OF BETTENDORF. 9) STREET EASEMENTS TO BE DEDICATED TO CITY OF BETTENDORF FOR STREET PURPOSES. 10) PINS AND MONUMENTS TO BE SET IN ACCORDANCE WITH CHAPTER 404 SECTION 10, STATE CODE OF IOWA. 11) SEWERAGE TO BE CONSTRUCTED ON BOTH SIDES OF ALL STREETS AND AROUND CURVE-SAC'S, EXCEPT OR SHOW HERE ON CROW CREEK ROAD ADJACENT TO UNPLATTED LAND WHICH SHALL BE INSTALLED WHEN THE ADJACENT LAND IS PLATTED. 12) ARE DEVELOPED UNDER PLANNED UNIT DEVELOPMENT ZONING. ALL LOTS SHALL BE DEVELOPED WITH SINGLE FAMILY HOMES IN ACCORDANCE WITH BETTENDORF ZONING ORDINANCE. DATES LOTS ARE LISTED AND APPROVED BY CITY OF BETTENDORF. 13) THIS PLAT AND ALL LOTS CONSTRUCTED BY PLAT SHALL BE DEVELOPED AS PLANNED UNIT DEVELOPMENT AND THE A...

NORTHWESTERN BELL TELEPHONE CO. BY: DATE: DAVENPORT WATER CO. BY: DATE: ILL. GAS & ELECTRIC CO. BY: DATE: APPROVED SUBJECT TO ENCUMBRANCES OF RECORD BY ILL. GAS & ELECTRIC CO. PLAN & ZONING COMMISSION BY: DATE: 26 March 1979 CITY OF BETTENDORF, IOWA BY: DATE: 21 August 1977 ATTEST: [Signature]



Curve Data table with columns: #, R, A, Δ, T, D. Contains data for curves 1, 2, 3, and 4.

CERTIFICATION: I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA, AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF LANDS SURVEYED.



CROW CREEK RD

ATWOOD CT

C. Additional Accessory Uses Permitted in the A-2 District: The following accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted in the A-2 district, in addition to those accessory uses listed above in Section 11-11-9A of this chapter, provided they are operated and maintained under the same ownership and on the same parcel and do not include structures or structural features inconsistent with the permitted use or special use. These additional accessory uses may include, but are not limited to:

1. Living quarters of persons employed on the premises, and not rented or otherwise used as a separate dwelling.
2. Noncommercial ham operator transmission tower, provided it meets the following conditions:
 - a. The tower does not exceed the allowable height of the principal structure by more than ten feet;
 - b. Guyed or freestanding towers are set back from all property lines and habitable structures by a distance equal to their height;
 - c. Towers attached to the principal structure shall be set back from all property lines a distance equal to the distance the tower extends above the last secure connection to the principal structure;
 - d. The tower and the guys are not located within the front yard; and
 - e. A building permit from the city is required.

D. Accessory Uses Permitted in all Residential Districts and Urban DCAs: The following accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted in all residential districts and urban DCAs, provided they are operated and maintained under the same ownership and on the same parcel and do not include structures or structural features inconsistent with the permitted use or special use. Accessory uses may include, but are not limited to:

1. Garage, carport, and other parking space for the exclusive use of residents and occupants of the premises.
2. Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes.
3. Noncommercial ham operator transmission tower, provided it meets the following conditions:
 - a. The tower does not exceed the allowable height of the principal structure by more than ten feet;
 - b. Guyed or freestanding towers are set back from all property lines and habitable structures by a distance equal to their height;

11-11-9. D. 5.

- c. Towers attached to the principal structure shall be set back from all property lines a distance equal to the distance the tower extends above the last secure connection to the principal structure;
 - d. The tower and the guys are not located within the front yard; and
 - e. A building permit from the city is required.
4. Home occupation, provided that home occupation uses are not permitted in the R-1 district.
 - a. Home Occupation: Any nondomestic activity, with the exception of a professional office in residence, conducted within a dwelling unit or accessory structure thereto which is secondary and clearly incidental to the use of the dwelling or accessory structure for purely residential purposes, and participated in solely by the occupants of the dwelling unit or one additional person not an occupant of the dwelling unit. No home occupation shall be permitted in which there is associated therewith:
 - (1) Any commodity sold upon the premises except that which is produced thereon.
 - (2) Any disturbance such as noise, vibration, smoke, dust, odor, heat, or glare beyond the confines of the dwelling unit or accessory structure.
 - (3) Any exterior display, exterior storage of materials, signs (except as otherwise permitted), house calls after nine o'clock p.m. or before eight o'clock a.m., exterior additions or alterations or other indication from the exterior that the dwelling unit or accessory structure is being used in part for any use other than that of a dwelling or accessory structure for purely residential purposes.
 - b. A zoning certificate of approval shall be obtained from the zoning administrator and renewed annually when a determination has been made that the above conditions are met. If, in the determination of the zoning administrator, the above conditions are not met or that the home occupation creates a disturbance or becomes a nuisance to the general neighborhood in some other manner, the home occupation shall be terminated.
5. Swimming pool, exclusively for the use of the residents and their guests, and set back from every property line at least ten feet and not located in the front yard. (2008 Code App. B § 13.15) Private swimming pools may be located in the required rear yard and shall be enclosed by a fence at least five feet in height. (2008 Code App. B § 18.36)
6. Games of skill or chance, raffles, or bingo pursuant to a license authorized by Iowa Code Chapter 99B, except in residential uses. (2008 Code App. B § 14.15)
7. Accessory Buildings:
 - a. Overview Statement: Accessory buildings and uses are allowed in the various districts as prescribed in each district and shall be compatible with the principal use. (2008 Code App. B § 18.3)



Case No. 20-032

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

Part 1. Property Involved.

Street Address 4670 ATWOOD CT, BETTENDORF, IA 52722

Legal Description of the property. RESIDENTIAL LOT 7, HIGHLAND HILLS, 3rd

ADDITON

Part 2. Contact Information.

Applicant Name BROCK MOSHER Phone 309 236 0288

Address 4670 ATWOOD CT, BETTENDORF, IA 52722 FAX _____

E-mail Address: BROCK2308@GMAIL.COM

Owner Name BROCK MOSHER Phone 309 236 0288

Address 4670 ATWOOD CT, BETTENDORF, IA 52722 FAX _____

E-mail Address: BROCK2308@GMAIL.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.

WE WOULD LIKE TO PUT A SMALL ABOVE GROUND POOL UP TO FEET/30
FEET OF HOLES WITHIN A FENCE. WOULD BE 12 FOOT CIRCLE/30
INCH DEEP + SIT BELOW FENCE. REQUESTING A VARIANCE BECAUSE
MY YARD SITS ON A HILL THAT IS DIRECTLY CONNECTED TO THE
STREET WATER/SEWER SYSTEM THAT RUNS DIRECTLY INTO/THROUGH
MY BACKYARD WOULD ONLY BE SEVERAL Y CARDS TAKEN
DOWN WITHIN A FEW HOURS. ALSO REQUESTING VARIANCE BECAUSE
QUAD CITY POOLS ARE CLOSED. ILL ALSO NEED 5 FOOT HIGH FENCE.

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 [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) 20200526

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 _____ day of _____ 20____

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 \$50. Date 5/26/20
cc



COMMUNITY DEVELOPMENT

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

July 9, 2020

Case No. 20-036

Location: 4288 Augusta Court

Applicant: Kelly Smith

Zoning Designation: PUD

Request: Variance to allow swimming pool within 7 feet of the rear property line.

Background Information and Facts

The site is located on the west side of Augusta Court and north of Winston Drive (see Aerial Photo and, Attachment A). The applicant would like to place a 15-foot by 30-foot swimming pool in the rear yard (see Final Plat, Plot Plan, and City Ordinance - Attachments B, C, and D). According to Section 11-11B-12.K.3.g: of the zoning ordinance, a 10-foot distance is required between the rear lot line and the swimming pool. The lot also contains a utility easement that contains an electrical line (see Iowa One Call Utility Report - Attachment E). The house appears to be near the 25-foot front yard setback distance as a point of reference. Some utilities have already given permission for the encroachment (see Correspondence - Attachments F, G, and H).

Staff Analysis

The swimming pool is anticipated to be within 7 feet of the rear yard lot line. No precedent could be found for a variance to allow a swimming pool to be placed closer than 10 feet to a rear lot line in 16 years of BOA proceedings. Only 2 detached accessory structures have been approved in that time for rear yard setback relief. 3116 Mount Joy Drive received a reduction from 50 feet to 10 feet for an outbuilding (Case 07-050). Construction of a garage was permitted with a variance reducing the required rear yard setback from 25 feet to 15 feet at 1506 - 21st Street (Case 06-012). Staff would place a condition on any variance that permission to encroach into the utility easement come from MidAmerican Energy before any building permits are issued.

Staff does not see a hardship for placement of a swimming pool in the rear yard setback. Staff would indicate the two cases cited that granted permission for rear yard setback encroachments be examined for this accessory structure. Staff did not find any accessory structure denials for rear yard encroachments over the last 16 years.

Respectfully submitted,

Greg Beck
City Planner



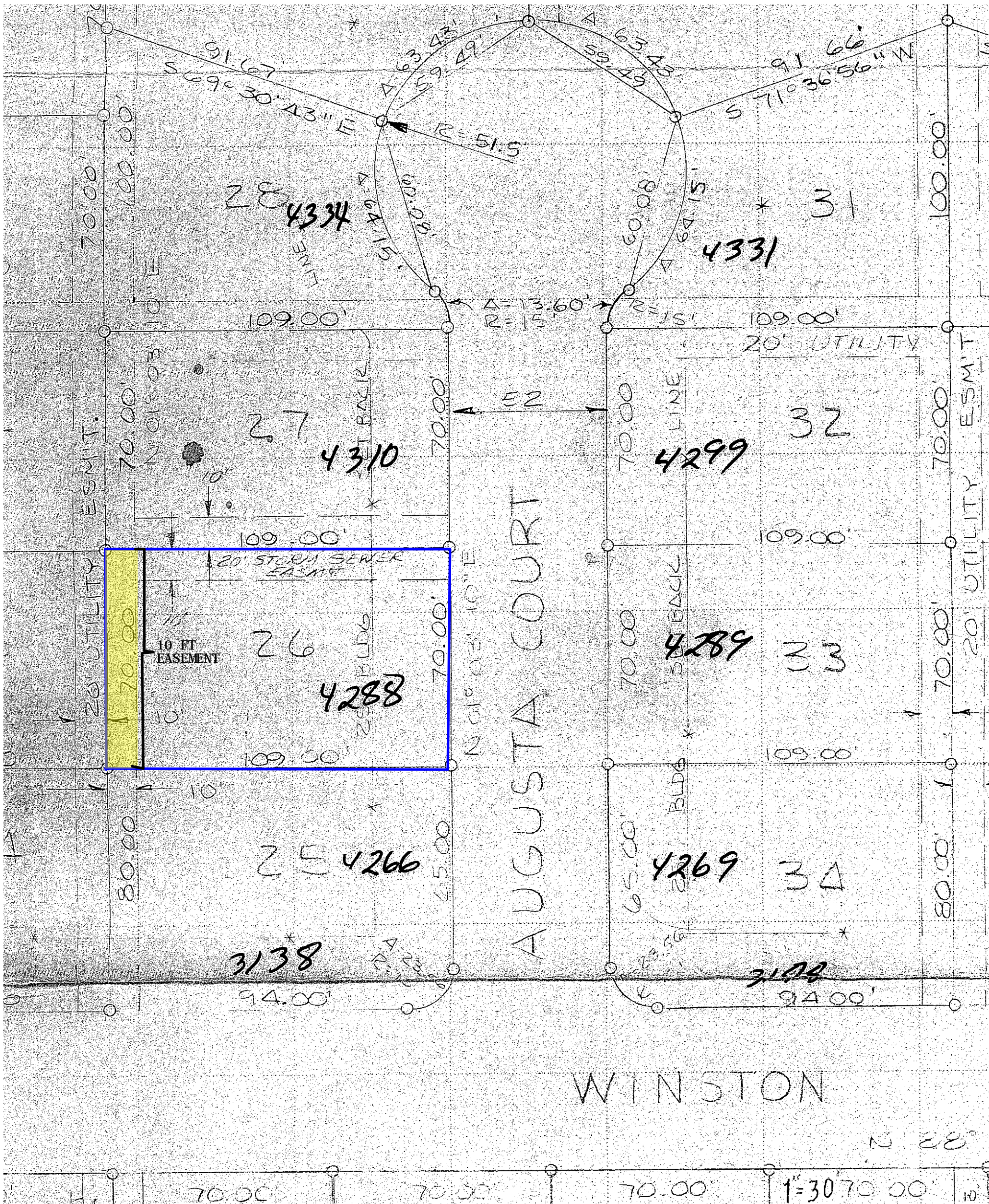
31ST ST

WINSTON DR

AUGUSTA CT

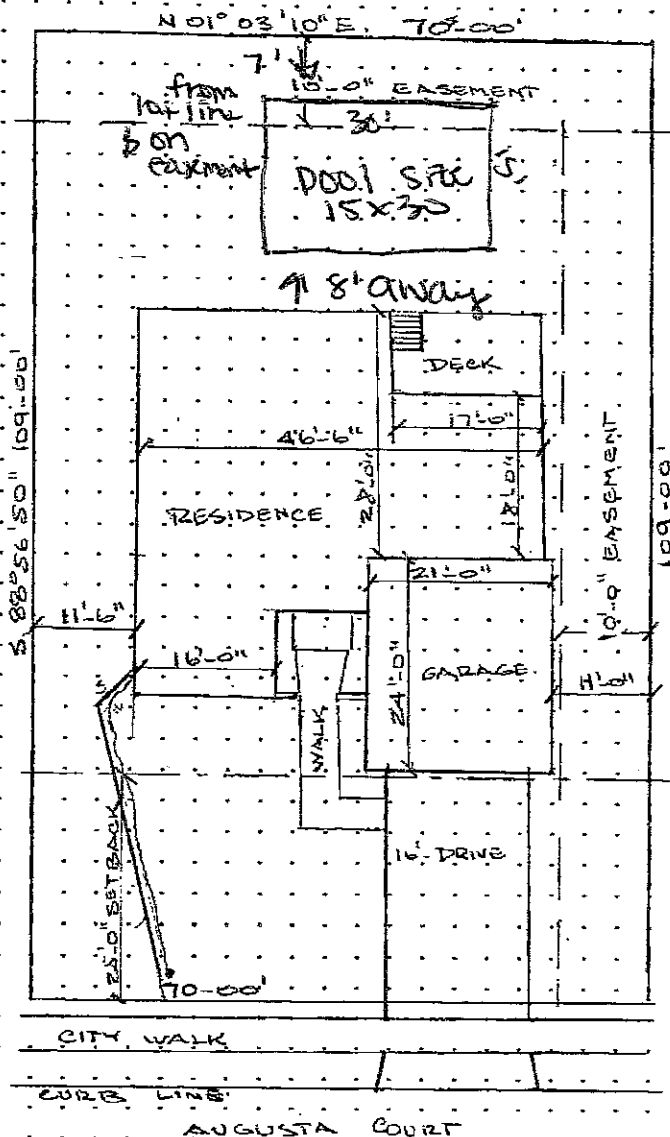
CARLTON CT

PLAT SECTION WINSTON HILLS FIRST ADDITION

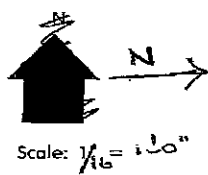


PLOT PLAN

COST BREAKDOWN - Building Cost	29864.00
Plumbing	3045.00
Heating & Air Condt., if any	2002.00
Electrical	1349.00
TOTAL	36260.00



Above ground pool
 size 15x30
 pool from great escape or ACA pools
 professionally installed
 outdoor electrical work done by Davenport Electric



Legal Description LOT 26 WINSTON HILLS 1st ADDITION.

4288 Augusta Court

Permit
 343
 11-4/18/17

HERMITAGE HOMES INC. Builder
4150 E. 60th ST. Address
DAVENPORT IOWA 359-6261 Phone

11- 11- 12. . K. Permitted Obstructions in Required Yards: The following obstructions may be located in the required yards specified:

1. In All Yards:
 - a. Open terraces and walks not over four feet above the average level of the adjoining ground, but not including permanently roofed over terrace or porch.
 - b. Awnings and canopies, but not projecting more than ten feet out from the structure, and at least seven feet above the average level of the adjoining ground.
 - c. Chimneys projecting 18 inches or less into the yard.
 - d. Arbors, trellises, flagpoles, fountains, sculptures, plant boxes, and other similar ornamental objects.
 - e. Fences and wall per Subsection 11-11-12L of this section below.
 - f. Trees, shrubs, and other plant materials.
2. In Front Yards:
 - a. One-story bay windows projecting three feet or less into the yards.
 - b. Overhanging eaves and gutters projecting three feet or less into the yard.
3. In Rear Yards:
 - a. Enclosed, detached off-street parking spaces.
 - b. Open off-street parking spaces.
 - c. Accessory shed, tool rooms, and similar buildings or structures for domestic or agricultural storage.
 - d. Balconies, breezeways, and open porches.
 - e. One-story bay windows projecting three feet or less into the yard.
 - f. Overhanging eaves and gutters projecting three feet or less into the yard.
 - g. In any residential district, no accessory building shall be nearer than five feet to the rear lot line, nor nearer than eight feet to any unattached principal building provided, however, that swimming pools shall not be nearer than ten feet to the rear lot line, nor nearer than eight feet to any unattached principal building or accessory building having a basement, and not closer than five feet to any principal building or accessory building not having a basement.
4. In Side Yards:
 - a. Overhanging eaves and gutters projecting into the yard for a distance not exceeding 40 percent of the required yard width, but in no case exceeding two feet.
 - b. Enclosed detached off-street parking spaces, but not nearer than five feet to the side lot line, nor nearer than ten feet to any principal building.
 - c. Open off-street parking spaces. (2008 Code App. B § 18.30)

L. Fences and Walls. Open and closed fences and walls not exceeding four feet in height above the natural grade level in front yards, and closed-type fences and walls not exceeding six feet in height in side and rear yards, and further provided, that for through lots, a fence not exceeding four feet in height may be located within ten feet of the rear property line when said property line is the right-of-way line of a major street as shown on the thoroughfare plan. When said fence on a through lot is located within 15 feet or less of the right-of-way line, a minimum of one evergreen type plant or comparable landscape planting shall be placed between said fence and right-of-way line for every 25 linear feet or fraction thereof of fence.

Beck, Greg

From: Kelly Smith <jkpnasmith@gmail.com>
Sent: Wednesday, July 01, 2020 12:53 PM
To: Beck, Greg
Subject: Fwd: Ticket Check Status for IA Ticket 201590275

----- Forwarded message -----

From: <ia@occinc.com>
 Date: Tue, Jun 9, 2020 at 10:31 AM
 Subject: Ticket Check Status for IA Ticket 201590275
 To: <jkpnasmith@gmail.com>

Ticket Number: **201590275**

Location: 4288 AUGUSTA CT BETTENDORF, IA

As of **6/09/20 10:31 CDT**, participating facility owners have responded to Ticket Check as follows:

District Code	Status
BETTENDORF, CITY OF	Clear
CENTURLINK	Clear
IOWA AMERICAN WATER COMPANY	Clear
MIDAMER-ELEC	Marked
MIDAMER-GAS	Clear
METRO FIBERNET, LLC	Clear
MEDIA COM COMMUNICATIONS CORPOR	Clear

The following is the guide to the usage of the various statuses:

Not Yet Responded - the facility operator has not yet provided a status comment.

Clear - no conflict exists.

Marked - locating and marking is completed.

Marked Including Private - locating and marking is complete and includes the locating and marking of private facilities.

Agreed to Marking Schedule - locating and marking will be conducted as agreed by the operator and the excavator.

Standby Required/Marked - locating and marking was completed with an operator representative onsite -"standby".

Standby Required/ Not Marked - locating and marking cannot be completed until the operator and the excavator can arrange a standby.

Not Marked/Inadequate Information - locating and marking cannot be completed until the excavator can clearly and adequately define the proposed area of excavation.

Not Marked/No Access - locating and marking cannot be completed until the locator can gain effective and safe access to the property where the proposed excvaton is scheduled to occur - please contact facility operator.

Fuhrman, Lisa

From: Fries, Brian
Sent: Wednesday, July 1, 2020 9:44 AM
To: 'smithk@gomezmaylaw.com'
Cc: Fuhrman, Lisa; Beck, Greg; Morlok, Brent
Subject: 4288 Augusta Court - new pool

Kelly,

Engineering has reviewed City records and does not have any sewer pipes (storm or sanitary) in the 10-foot rear yard utility easement. You will need to verify that no other utilities are in the easement and have them sign off as well prior to placement of the pool into this easement.

Also be aware that the pool cannot block drainage as a result of the pool's placement. With those conditions met, the City will allow the pool to extend 3 feet into the easement as proposed on the submitted plot plan.

Brian Fries, P.E.
Assistant City Engineer
City of Bettendorf
(563) 344-4087



July 1, 2020

Whom It May Concern:

Mediacom holds no objection to the release of 3' of the existing utility easement along the east side the Rear lot line of 4288 Augusta Ct in the City of Bettendorf, Scott County, Iowa.

Sincerely,

Mitch Hancock
Construction Supervisor
Mediacom Communications
4507 49th Avenue
Moline, IL 61265



I O W A
AMERICAN WATER

July 1, 2020

Gomez May LLP
Attn: Kelly Smith
Attorneys at Law
2322 E Kimberly Road, Ste 120W
Davenport, IA 52807

RE: 4288 Augusta Court, Bettendorf, IA

Iowa American Water has no objection to the encroachment of the easement at the above property. Our water main is in the ROW on the east side of the street, the water service to 4288 comes in from the front of the property and belongs to the homeowner.

If I can help with anything else please feel free to call.

Iowa American Water

Julie S. Allender
Sr. Eng. Tech



Case No. 20-036

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

Part 1. Property Involved.

Street Address 4288 Augusta Ct. Bettendorf, IA 52722

Legal Description of the property. Lot 26 in Winston Hills 1st Addition to the City of Bettendorf, Iowa

Part 2. Contact Information.

Applicant Name Kelly Smith Phone 563-370-6767

Address 4288 Augusta Ct. Bettendorf, IA FAX N/A

E-mail Address: Smith K @ gomezmaylaw.com

Owner Name Dale + Renee Rankin Phone 563-370-6767

Address 4288 Augusta Ct. Bettendorf, IA 52722 FAX N/A

E-mail Address: jkranismkn@gmail.com

Agent N/A Phone N/A

Address N/A FAX N/A

E-mail Address: N/A

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.

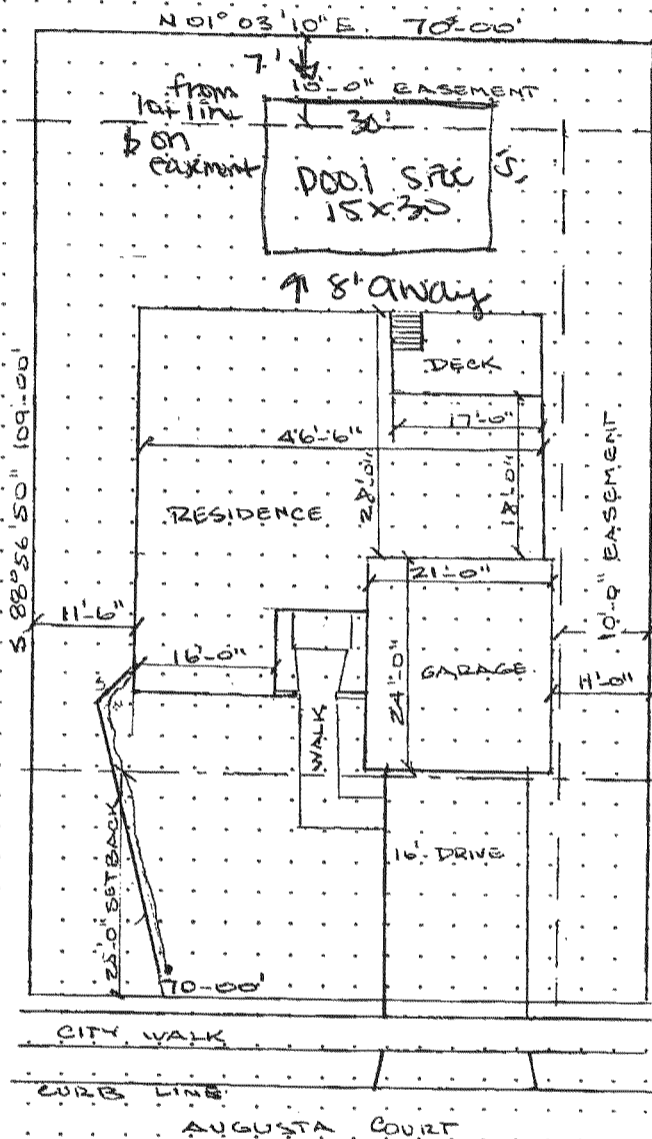
2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions MUST be met:

- (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.)

PLOT PLAN

COST BREAKDOWN - Building Cost	29864.00
Plumbing	3045.00
Heating & Air Cond., if any	2002.00
Electrical	1349.00
TOTAL	36260.00



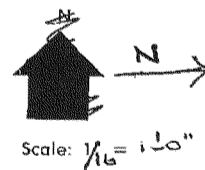
Above ground pool

Size 15x30

pool from great escape or ACA pools

professionally installed

out door electrical work done by Davenport Electric



Legal Description LOT 26 WINSTON HILLS 1st ADDITION.

4288 Augusta Court

Permit 343
11-4/18/17

HERMITAGE HOMES INC. - Builder
4150 E. 60TH ST. - Address
DAVENPORT IOWA 359-6261 - Phone



COMMUNITY DEVELOPMENT

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

July 9, 2020

Case No. 20-037

Location: 6855 Prairie Grass Lane

Applicant: John Blackburn

Zoning Designation: R-2, Single-Family Residence District

Request: Variance to allow a 5-foot high fence in the required front yard along Forest Grove Drive.

Background Information and Facts

The site is located on the north side of Prairie Grass Lane and is a through lot with frontage on Forest Grove Drive (see Aerial Photo - Attachment A). The applicant would like to place a 5-foot high fence in the required front yard on the Forest Grove Drive (see Final Plat Section, Site Photo, and Plot Plan - Attachments B, C, and D). According to Section 11-11-12. L. Fences and Walls: of the zoning ordinance, only 4-foot high fences are permitted in required front yards (see Zoning Ordinance - Attachment E).

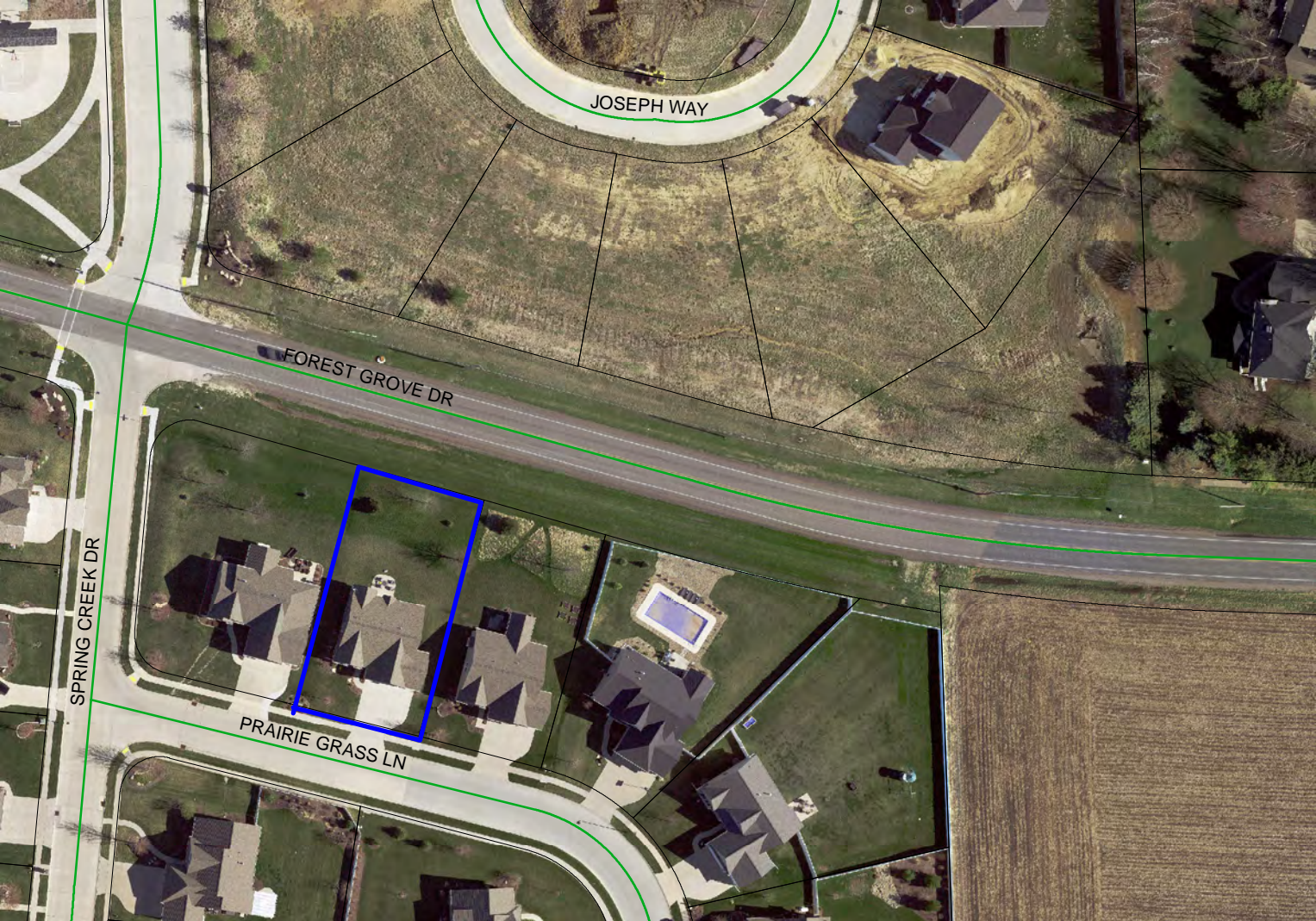
Staff Analysis

The longest portion of the required front yard (which would typically be considered a rear yard) is adjacent to Forest Grove Drive which will be widened. The Board has granted variances for 6-foot high fences along 18th Street (Case 17-087 - 3876 18th Street and Case 17-042 - 1808 Sunset Drive), Devils Glen Road (Case 19-050 - 5762 Danielle Drive and Case 19-051 - 5738 Danielle Drive). 6-foot high fences have been placed along other lots adjacent to high traffic streets in the past (53rd Avenue). The idea is to provide more privacy and blunting of noise from the high traffic areas.

Staff has seen numerous variance requests and approvals for 6-foot high fences granted by the Board of Adjustment over a number of years when the fence is facing a collector or an arterial street. Staff sees this scenario as the same and does not object to the granting of this variance for a 5-foot high fence.

Respectfully submitted,

Greg Beck
City Planner

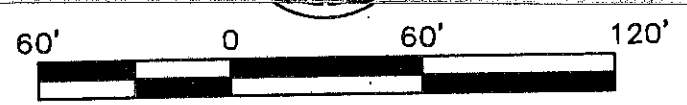


JOSEPH WAY

FOREST GROVE DR

SPRING CREEK DR

PRAIRIE GRASS LN

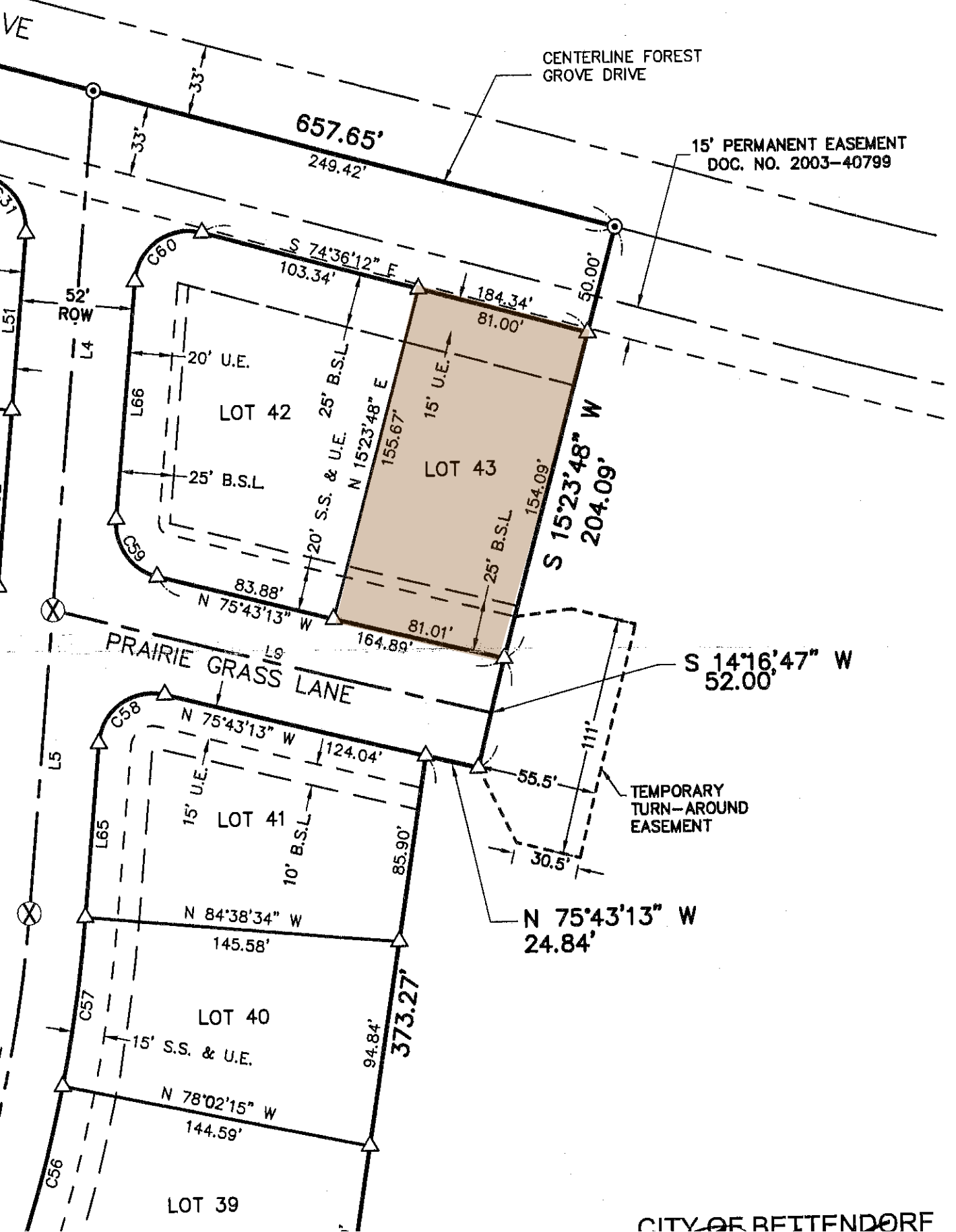


SCALE: 1" = 60'

BASIS OF BEARINGS - W. LINE SE 1/4, SEC 1 GRID, IA SOUTH 1402 NAD83 - S 02°09'08" E

HUNTINGTON MEADOWS FIRST ADDITION

PART OF THE WEST 36 ACRES OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BETTENDORF, COUNTY OF SCOTT, STATE OF IOWA
20.934 acres±



AREA

TOTAL AREA - 20.934 acres±
EXISTING RIGHT OF WAY - 0.720 acres±
DEDICATED RIGHT OF WAY - 3.380 acres±

LEGEND

	PROPOSED		EXISTING	
				SURVEY BOUNDARY
				LOT LINE
				CENTERLINE
				UNDERLYING LOT LINE
				EASEMENT LINE
				SECTION LINE
				R.O.W. LINE
				SETBACK LINE
				CHISELED "X" IN CONCRETE, SET
				PK NAIL, SET
				5/8" REBAR WITH CAP #15944, SET
				SECTION CORNER
				LINE CONTINUATION
				UTILITY EASEMENT
				WATER MAIN AND UTILITY EASEMENT
				SANITARY SEWER AND UTILITY EASEMENT
				SANITARY SEWER AND DRAINAGE EASEMENT
				BUILDING SETBACK LINE AND UTILITY EASEMENT
				BUILDING SETBACK LINE
				LOWEST ENTRY LEVEL ELVEVATION

OWNER

HERMAN, MARJORIE, RALPH,
AND HARRIET VENHORST

DEVELOPER

WINDMILLER DESIGN AND
DEVELOPMENT
CONTACT: CRAIG WINDMILLER
1727 STATE STREET
BETTENDORF, IOWA 52722
PH. (563) 332-4192
FAX (563) 823-0110



6855 PRAIRIE
GRASS LANE

GROVE DRIVE
FOREST

Spring Creek
Grove Drive

FOREST GROVE DR.

80'

* GRADE TO BE COMPLETED *

68'

98'

~12'

6' w

HOUSE

6

~10'

- g. In any residential district, no accessory building shall be nearer than five feet to the rear lot line, nor nearer than eight feet to any unattached principal building provided, however, that swimming pools shall not be nearer than ten feet to the rear lot line, nor nearer than eight feet to any unattached principal building or accessory building having a basement, and not closer than five feet to any principal building or accessory building not having a basement.

4. In Side Yards:

- a. Overhanging eaves and gutters projecting into the yard for a distance not exceeding 40 percent of the required yard width, but in no case exceeding two feet.
- b. Enclosed detached off-street parking spaces, but not nearer than five feet to the side lot line, nor nearer than ten feet to any principal building.
- c. Open off-street parking spaces. (2008 Code App. B § 18.30)

11-11-12. L. L. Fences and Walls. Open and closed fences and walls not exceeding four feet in height above the natural grade level in front yards, and closed-type fences and walls not exceeding six feet in height in side and rear yards, and further provided, that for through lots, a fence not exceeding four feet in height may be located within ten feet of the rear property line when said property line is the right-of-way line of a major street as shown on the thoroughfare plan. When said fence on a through lot is located within 15 feet or less of the right-of-way line, a minimum of one evergreen type plant or comparable landscape planting shall be placed between said fence and right-of-way line for every 25 linear feet or fraction thereof of fence.

- 1. Orientation: The finished side of all fences shall face outward toward any adjacent rights-of-way. All support posts and stringers shall face inward toward the property upon which the fence is located, or the subdivision that it screens (if located on commonly owned property).

11-11-13. SUPPLEMENTAL DEVELOPMENT REGULATIONS – HEIGHT:

Except in a planned unit development, no building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the structure is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the structures and fire or parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, radio and television transmission towers and aerials, wireless masts, electric and telephone service poles, water tanks, silos, storage hoppers, elevators, or similar structures may be erected above the height limits herein prescribed. (2008 Code App. B § 18.5)

11-11-14. SUPPLEMENTAL DEVELOPMENT REGULATIONS – RESIDENTIAL USES:

- A. Space Between Buildings: The minimum horizontal distance between buildings shall be:
 - 1. Ten feet (10') between one-story, two-story, two and one-half story (2 ½) single-family or two-family buildings or combinations thereof.
 - 2. Thirty feet (30') between one-story, two-story, two and one-half (2 ½) story multi-family buildings or combinations thereof.

Case No. 20-037

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

Part 1. Property Involved.

Street Address 6855 PRAIRIE GRASS LANE

Legal Description of the property. RESIDENTIAL HOME

LOT 43 HUNTINGTON MEADOWS 1st Add

Part 2. Contact Information.

Applicant Name JOHN BLACKBURN Phone 478 397 4542

Address 6855 PRAIRIE GRASS LN FAX _____

E-mail Address: JGBBURN@YAHOO.COM

Owner Name _____ Phone _____

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:

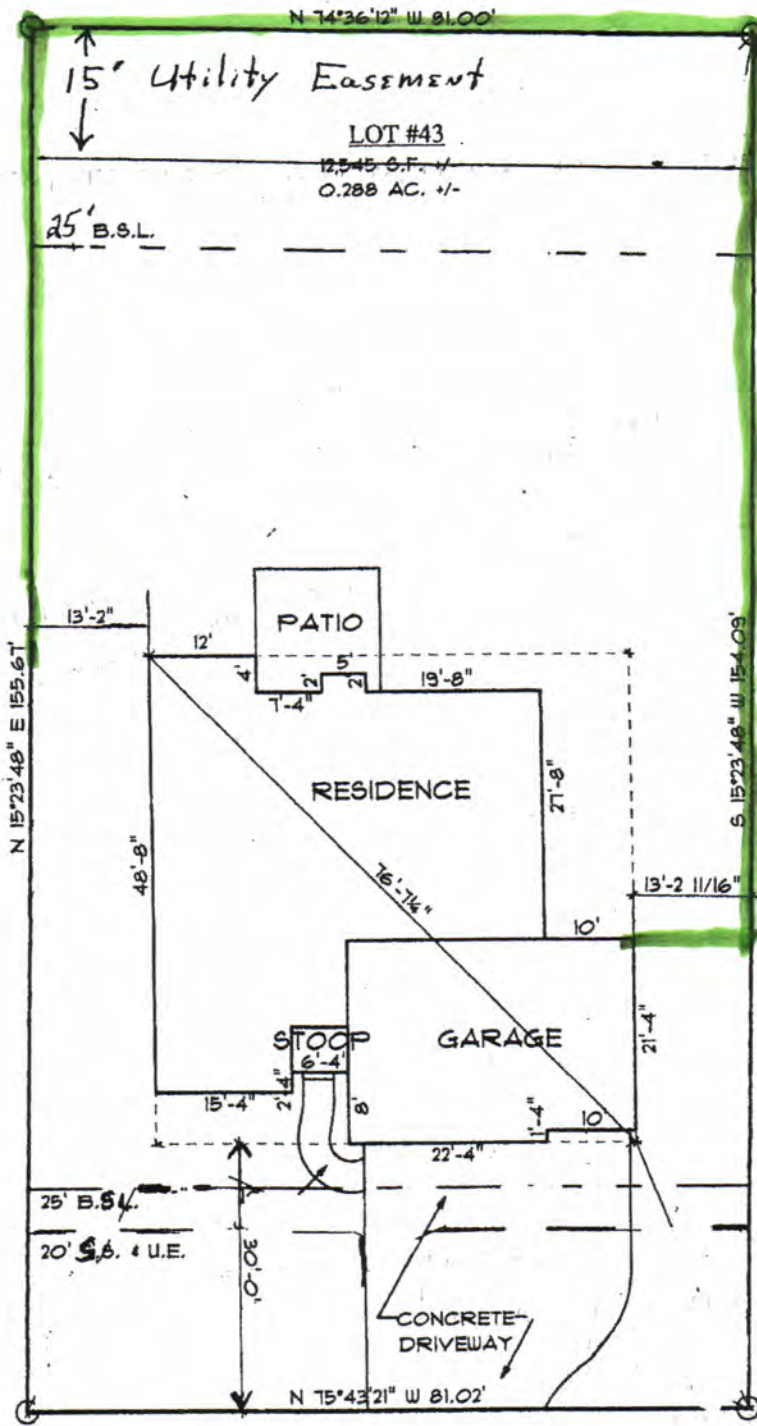
- (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
- (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
- (c) The location and size of the proposed use, the nature 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.)

Forest Grove Drive

RECEIVED
 MAR 24 2015
 P.J.



PRAIRIE GRASS LANE



SCALE: 1" = 20'

Front Setback 25

Rear Setback 25'



FOREST GROVE DR.

80'

* GRADE TO BE COMPLETED *

68'

98'

~12'

6' w

HOUSE

6

~10'



COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4071

July 9, 2020

Case No. 20-038

Location: 3830 Norwich Court

Applicant: Tab McDonough

Zoning Designation: R-2, Single-Family Residence District

Request: Variance to allow a 6-foot high fence in the required front yard along Tanglefoot Lane.

Background Information and Facts

The site is located at 3830 Norwich Court and is a through lot with frontage on Tanglefoot Lane (see Aerial Photo - Attachment A). The applicant would like to place a 6-foot high fence in the required front yard along Tanglefoot Lane (see Final Plat, Site Photo, and Plot Plan - Attachments B, C, and D). According to Section 11-11-12. L. Fences and Walls of the zoning ordinance, only 4-foot high fences are permitted in required front yards (see Zoning Ordinance - Attachment E).

Staff Analysis

The longest portion of the required front yard (which would typically be considered a rear yard) is adjacent to Tanglefoot Lane. The Board granted variances for 6-foot high fences along 18th Street (Case 17-087 - 3876 18th Street and Case 17-042 - 1808 Sunset Drive) and along Devils Glen Road (Case 19-050 - 5762 Danielle Drive and Case 19-051 - 5738 Danielle Drive). A variance was also granted for a 6-foot high fence at zero setback for the adjoining property in 2004 (Case 04-057 - 3825 Norwich Court.) The idea is to provide more privacy and blunting of noise from the high traffic areas.

Staff has seen numerous variance requests and approvals for 6-foot high fences granted by the Board of Adjustment over a number of years when the fence is facing a collector or an arterial street. Staff sees this scenario as the same and does not object to the granting of this variance.

Respectfully submitted,

Greg Beck
City Planner



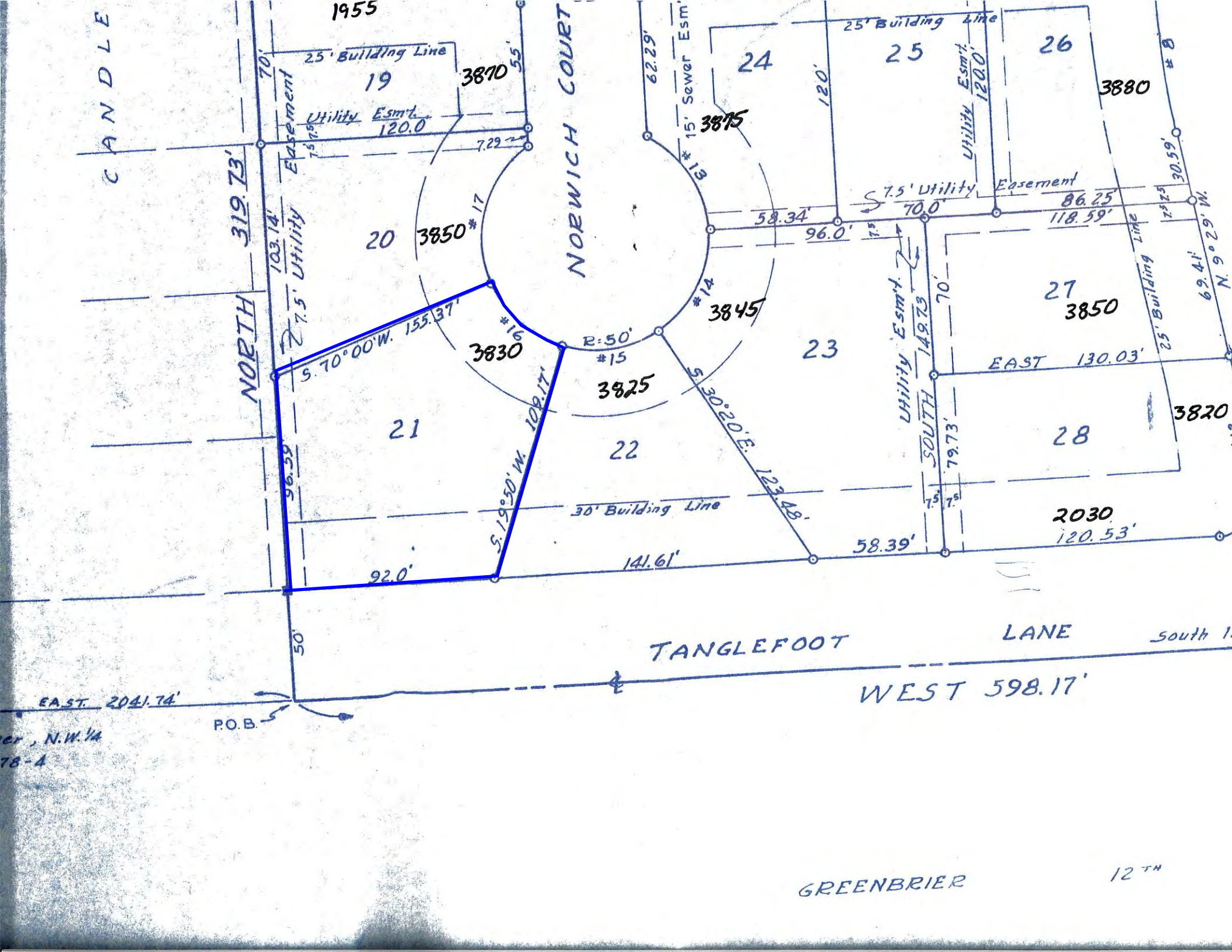
MANCHESTER DR

NORWICH CT

TANGLEFOOT LN

SOUTH HAMPTON DR

JAM O SHANTER DR



er, N.W. 1/4
78-4

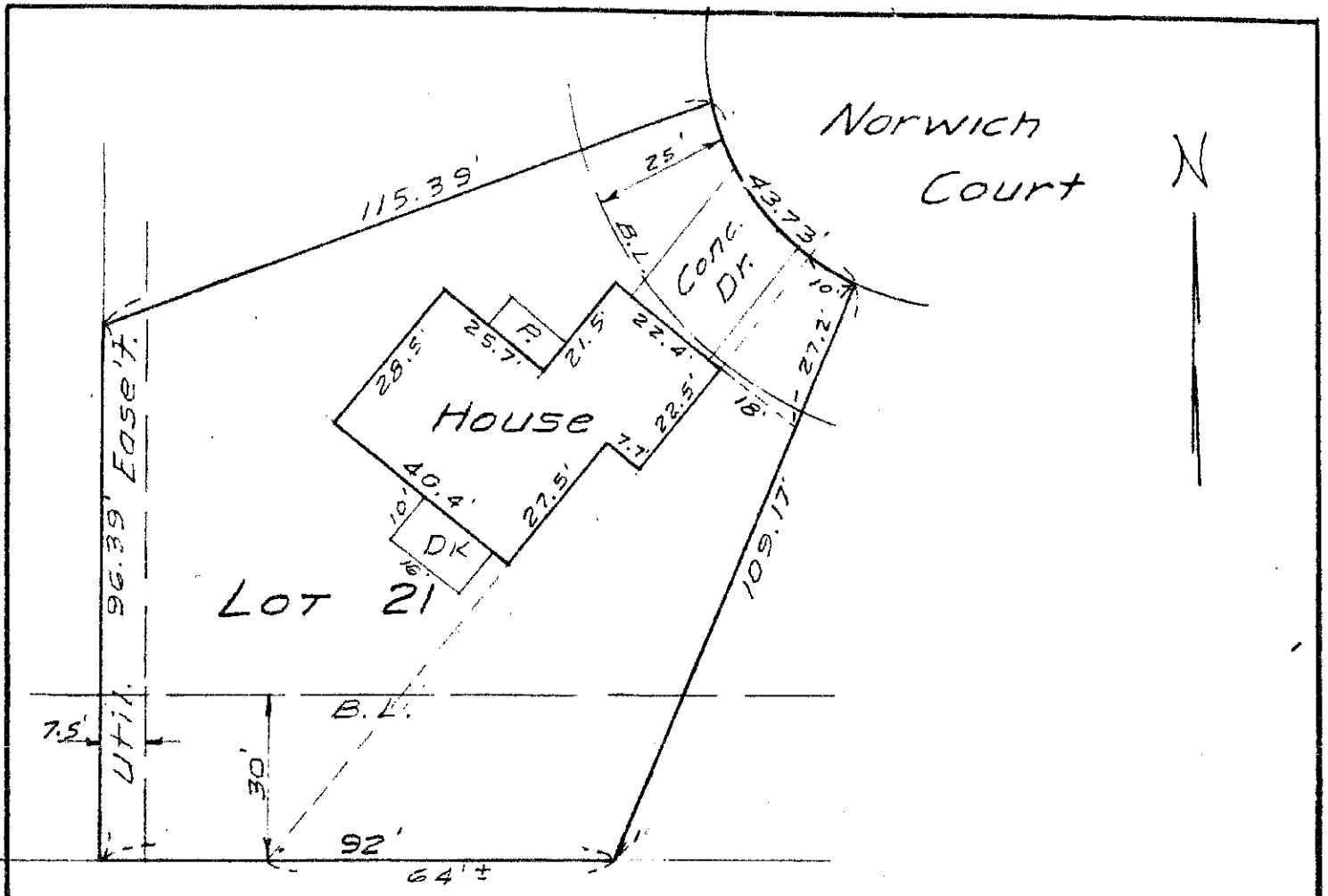
GREENBRIER

12TH



3830
NORWICH CT

TANGLEFOOT LANE



PLAT SHOWING THE LOCATION OF IMPROVEMENTS
ON THE FOLLOWING DESCRIBED PROPERTY:

LOT NO. TWENTY ONE (21), of
CANDLELIGHT PARK THIRD ADDITION TO THE
CITY OF BETTENDORF, IOWA
PART OF S.E.¼, N.W.¼, SEC. 16, T.78N., R.4E. of 5TH. P.M.

JAMES & JOAN POLLICK
3830 NORWICH COURT
BETTENDORF, IOWA

DAVENPORT BANK & TRUST CO.

I, Vincent J. Method, a Registered
Land Surveyor under Iowa Laws, do
hereby certify that this plat does
correctly show the location of all
visible improvements on the property
described hereon, based upon an
investigation made by me, or under
my general supervision. No new
property corners have been set hereby.
Dated this 8th day of NOV., 1986.

Vincent J. Method
VINCENT J. METHOD, R.L.S. NO. 5065
MOLINE, ILL.

JOB NO. 15689

- g. In any residential district, no accessory building shall be nearer than five feet to the rear lot line, nor nearer than eight feet to any unattached principal building provided, however, that swimming pools shall not be nearer than ten feet to the rear lot line, nor nearer than eight feet to any unattached principal building or accessory building having a basement, and not closer than five feet to any principal building or accessory building not having a basement.

4. In Side Yards:

- a. Overhanging eaves and gutters projecting into the yard for a distance not exceeding 40 percent of the required yard width, but in no case exceeding two feet.
- b. Enclosed detached off-street parking spaces, but not nearer than five feet to the side lot line, nor nearer than ten feet to any principal building.
- c. Open off-street parking spaces. (2008 Code App. B § 18.30)

11-11-12. L. L. Fences and Walls. Open and closed fences and walls not exceeding four feet in height above the natural grade level in front yards, and closed-type fences and walls not exceeding six feet in height in side and rear yards, and further provided, that for through lots, a fence not exceeding four feet in height may be located within ten feet of the rear property line when said property line is the right-of-way line of a major street as shown on the thoroughfare plan. When said fence on a through lot is located within 15 feet or less of the right-of-way line, a minimum of one evergreen type plant or comparable landscape planting shall be placed between said fence and right-of-way line for every 25 linear feet or fraction thereof of fence.

- 1. Orientation: The finished side of all fences shall face outward toward any adjacent rights-of-way. All support posts and stringers shall face inward toward the property upon which the fence is located, or the subdivision that it screens (if located on commonly owned property).

11-11-13. SUPPLEMENTAL DEVELOPMENT REGULATIONS – HEIGHT:

Except in a planned unit development, no building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the structure is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the structures and fire or parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, radio and television transmission towers and aerials, wireless masts, electric and telephone service poles, water tanks, silos, storage hoppers, elevators, or similar structures may be erected above the height limits herein prescribed. (2008 Code App. B § 18.5)

11-11-14. SUPPLEMENTAL DEVELOPMENT REGULATIONS – RESIDENTIAL USES:

- A. Space Between Buildings: The minimum horizontal distance between buildings shall be:
 - 1. Ten feet (10') between one-story, two-story, two and one-half story (2 ½) single-family or two-family buildings or combinations thereof.
 - 2. Thirty feet (30') between one-story, two-story, two and one-half (2 ½) story multi-family buildings or combinations thereof.



Case No. 20-038

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

Part 1. Property Involved.
Street Address 3830 NORWICH CT, BETTENDORF, IA 52722-1937

Legal Description of the property. LOT 21 OF CANDLELIGHT PARK THIRD ADDITION TO THE CITY OF BETTENDORF, IOWA PART OF S.E. 1/4, N.W. 1/4, SEC. 16, T. 78 N., R. 4 E. OF 5th P.M.

Part 2. Contact Information.
Applicant Name TAB McDONOUGH Phone 309-236-4220
Address 3830 NORWICH CT FAX _____
E-mail Address: tabmcd@gmail.com

Owner Name TAB McDONOUGH Phone 309-236-4220
Address 3830 NORWICH CT FAX _____
E-mail Address: tabmcd@gmail.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.)

LOVEWELL FENCE & DECK

21060 Holden Drive
Davenport, Iowa 52806
www.lovellfence.com

IA 563-391-7025
IL 309-762-1324
FAX 563-345-6730

FENCE PROPOSAL

(HEREINAFTER CONTRACTOR)

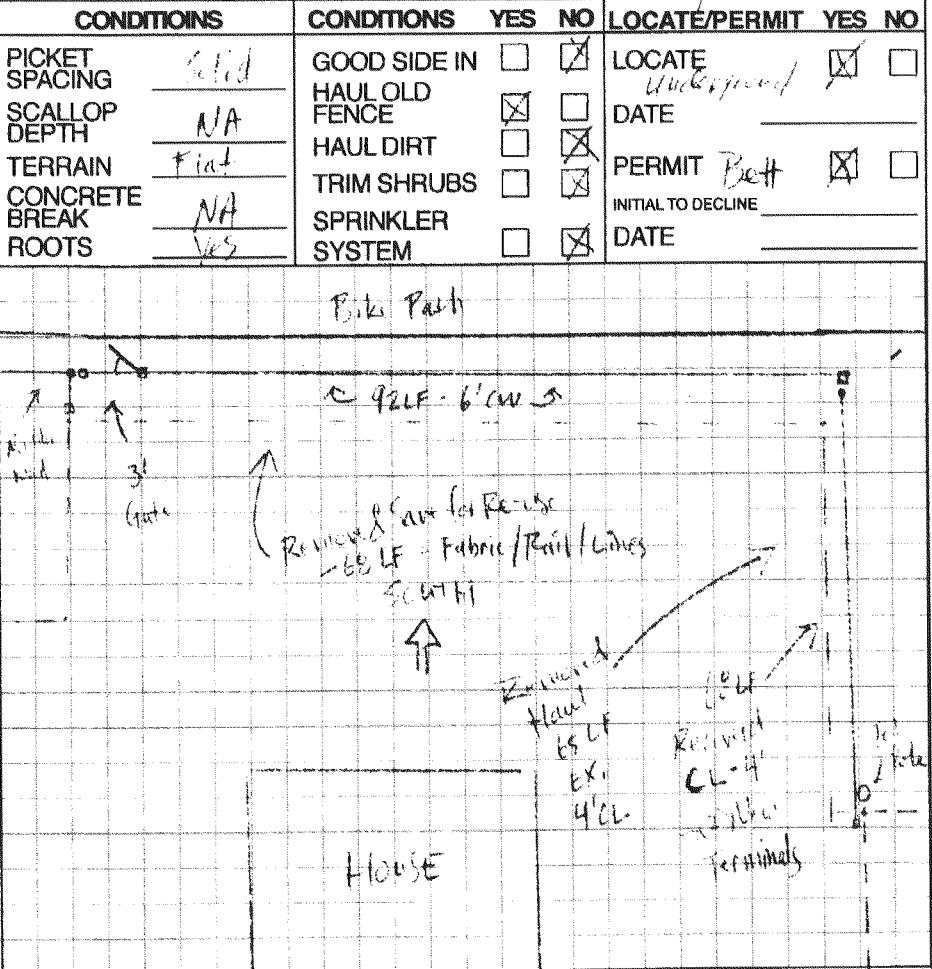
PROPOSAL DATE: 6/3/2020 RES: _____ INSTALLED
 ORDER DATE: 6/5/2020 CELL: 309-236-4220 CHANGE ORDER
 JOB NO: _____ OTHER: _____

NAME: Tab Mc Donough JOB SITE: SAME
 ADDRESS: 3830 Norwich Ct.
 CITY/STATE/ZIP: Ettendorf, IA 52722 EMAIL: tabmcd@gmail

MATERIALS	6' CW	4' CL	CONDITIONS	CONDITIONS	YES	NO	LOCATE/PERMIT	YES	NO
FABRIC	Copperwood	Existing	PICKET SPACING	Solid	GOOD SIDE IN	<input type="checkbox"/>	LOCATE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TOP RAIL	92 LF	Existing	SCALLOP DEPTH	NA	HAUL OLD FENCE	<input checked="" type="checkbox"/>	DATE	_____	_____
LINE POST	—	Existing	TERRAIN	Flat	HAUL DIRT	<input type="checkbox"/>	PERMIT	<u>Best</u>	<input checked="" type="checkbox"/>
TERM POST	—	(2) New 2 3/8"	CONCRETE BREAK	NA	TRIM SHRUBS	<input type="checkbox"/>	INITIAL TO DECLINE	_____	_____
WALKGATE	(1) 3ft	NONE	ROOTS	Yes	SPRINKLER SYSTEM	<input type="checkbox"/>	DATE	_____	_____
	X	X							
DRIVE GATE	NONE	NONE							
FOOTINGS	Standard	Driven							
PICKETS	1/4" DE	X							
	X	X							
RAILS	2x4	X							
	X	X							
POSTS	4x4 Posts	X							
Total LF	92 LF	68 LF							

★ IMPORTANT ★
 CUSTOMER IS RESPONSIBLE FOR LOCATION OF ALL PROPERTY LINES, PRIVATE UTILITIES AND EXACT FENCE LOCATION. (TO BE DONE PRIOR TO INSTALLATION)

KEY NEW WOOD/VINYL NEW C.L.
 * PROPERTY PIN ----- EXIST FENCE
 NOTES: All Dimensions Nominal
subject to adjustments
Term of Sale Terms as Back
(#5) (#6) (#17)

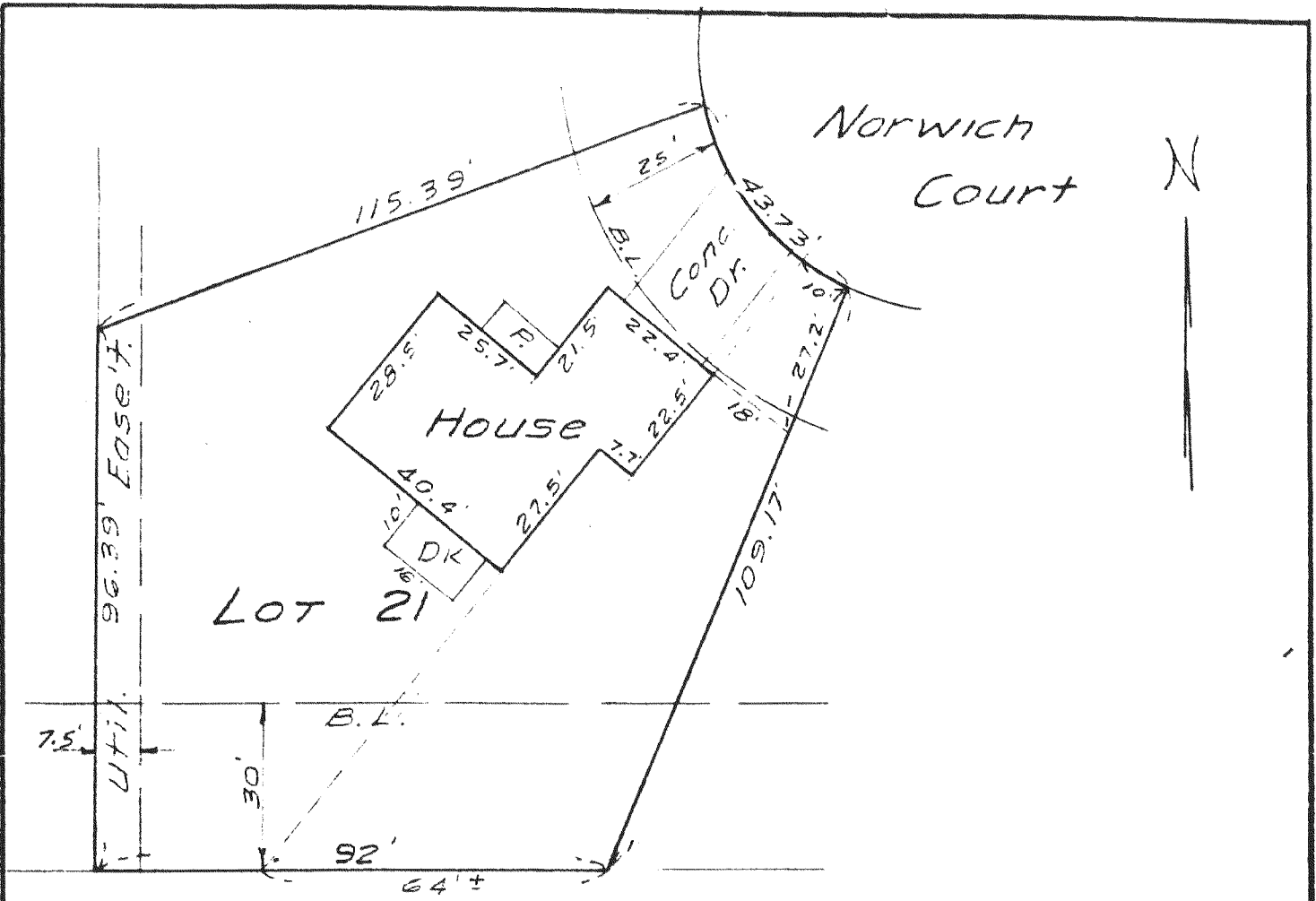


TYPE	6' CW - New Solid Copperwood Fence	
FOOTAGE	(92) LF - Total New CW Fence	\$ 3128.00
TERMINALS	(2) New 4' CL, 2 3/8" Terminals	\$ 236.00
GATES	(1) 3ft Gate - Copperwood	\$ 150.00
FENCE REMOVAL	Remove/Haul - 68 LF - 4' CL	\$ 195.00
	Remove/Save Gate ex. 4' CL to Re-use	\$ 450.00
DIRT LOCATION	All sites - clay fence	
TOTAL COST \$		4663.00
PAYMENT POLICY 50% DOWN PAYMENT \$		2331.50
BALANCE DUE UPON COMPLETION \$		2331.50
TENTATIVE INSTALLATION DATE		Summer 2020 - 3-5 wks

REINSTALL	68 LF - 4' CL	\$ 570.00
FENCE SAVED FROM SOUTH SIDE		
* Any Permit Costs by Lovell to be added @ Completion		
PAYMENT METHOD		
CASH	<input type="checkbox"/>	
CHECK #	1230	
CC	<input type="checkbox"/>	
VISA		
MASTERCARD		
DISCOVER		
AMEX		
TOTAL \$		
50% DOWN \$		
BAL DUE \$		

BY: Alec Selberg 6/3/2020 ACCEPTED BY: [Signature] Date 6/4/20
 SUBJECT TO APPROVAL OF THE COMPANY

THIS OFFER IS MADE SUBJECT TO THE ADDITIONAL TERMS AND PROVISIONS OF THE REVERSE SIDE.
 WHITE - Contract YELLOW - Customer PINK - Office



PLAT SHOWING THE LOCATION OF IMPROVEMENTS
ON THE FOLLOWING DESCRIBED PROPERTY:

LOT NO. TWENTY ONE (21), OF
CANDLELIGHT PARK THIRD ADDITION TO THE
CITY OF BETTENDORF, IOWA
PART OF S.E.¼, N.W.¼, SEC. 16, T.78N., R.4E. OF 5TH. P.M.

JAMES & JOAN POLLICK
3830 NORWICH COURT
BETTENDORF, IOWA

DAVENPORT BANK & TRUST CO.

I, Vincent J. Method, a Registered
Land Surveyor under Iowa Laws, do
hereby certify that this plat does
correctly show the location of all
visible improvements on the property
described hereon, based upon an
Investigation made by me, or under
my general supervision. No new
property corners have been set hereby.
Dated this 8TH day of NOV, 1986.
Vincent J. Method
VINCENT J. METHOD, R.L.S. NO. 5065
MOLINE, ILL.

JOB NO. 15689



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

July 9, 2020

Staff Report

Case No. 20-039

Location: 2814 Villa Court

Applicant: Wade Lawson

Zoning Designation: R-5, High-Density Multi-Family Residence District

Request: Variance to reduce the required rear yard setback from 25 feet to 11 feet to allow for construction of a 16-foot by 22-foot deck.

Background Information and Facts

The site is located on the north side of Villa Court which is northeast of the intersection of 53rd Avenue and Barcelona Street (see Aerial Photo - Attachment A.) The applicant is requesting a variance for a deck enlargement which would encroach into the required rear yard setback (see Attachment B – Plot Plan).

Staff Analysis

The applicant currently has a patio with a set of stairs on the rear of the house. He would like to build a 16-foot by 22-foot deck at the height of the entry of the walkout sliding door (see Site Photos - Attachment C).

This condominium development was platted such that the front and rear yard building setbacks were at the 20-foot setback mark in accordance with the design standards in the C-5, Office/Transitional District at the time. The 2017 revision of the Zoning Ordinance removed this zoning classification and it was redesignated as R-5, High-Density Multi-family Residence District which requires front and rear yard setbacks of 25 feet. This subdivision was constrained initially because of the City's acquisition of right-of way for the extension of 53rd Avenue which affected the three subdivisions north of 53rd Avenue, west of Middle Road, and east of Barcelona Street (Villas at Walnut Grove, Forest View Villas, and Schaefer Farms Eleven). Villas at Walnut Grove were final platted in 1999 with right-of-way dedication to the City (see Final Plat - Attachment D).

Precedent is found in the granting rear yard setback variances for properties in the three nearby subdivisions:

Case 04-100	3122 Meredith Way	reduced to 18 feet for a deck
Case 03-081	All of Forest View Villas	reduced to 5 feet
Case 04-080	2801 Villa Court	reduced to 14 feet
Case 09-074	2820 Villa Court	reduced to 14 feet

The proposed deck would be almost even with the deck at 2820 Villa Court. The intent of required rear yard setbacks is to ensure adequate separation between structures and protect the neighboring property's privacy. The dwelling to the north of the applicant's home located at 2901 Barcelona Terrace is on a large enough parcel that the separation of the proposed deck is over 100 feet. Therefore, the case could be made that the separation intent of the Code is still being maintained. Since the requested setback is 11 feet from the property line, a greater than 10-foot separation would be maintained for fire safety purposes with any additional proposed structure to the north.

Staff would support approval of the variance given the constraints on the subdivision given the 53rd Avenue right-of-way acquisition narrowing the land shape toward the west as demonstrated within this and two nearby subdivisions.

Respectfully submitted,

Greg Beck
City Planner

BARCELONA ST

BARCELONA TER

Case 20-039
Case 09-074

VILLAGT

Case 04-080

five foot rear yard - Case 03-081

deck area side yard

Case 04-100

CHERRYWOOD DR

MERIDITH WAY

53RD AVE

53RD AVE

52ND AVENUE CT

STILLWATER AVE

WAMFIELD DR

STILLWATER CT

LOCKWOOD DR

DAVIS ST

LINDSEY CT

190

1425

1054

R-5

600



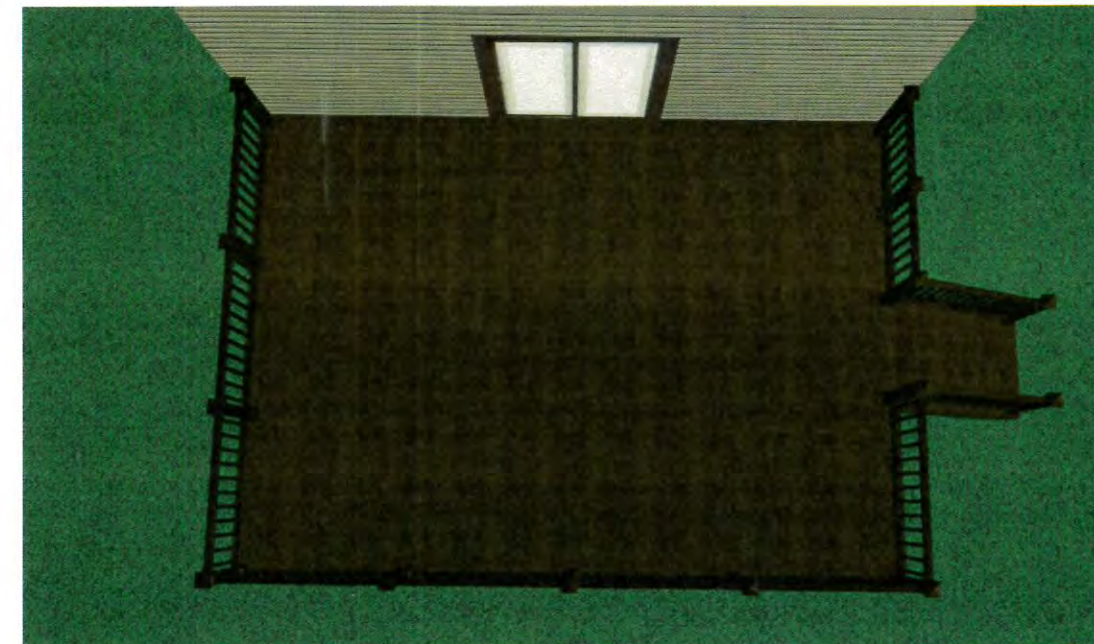
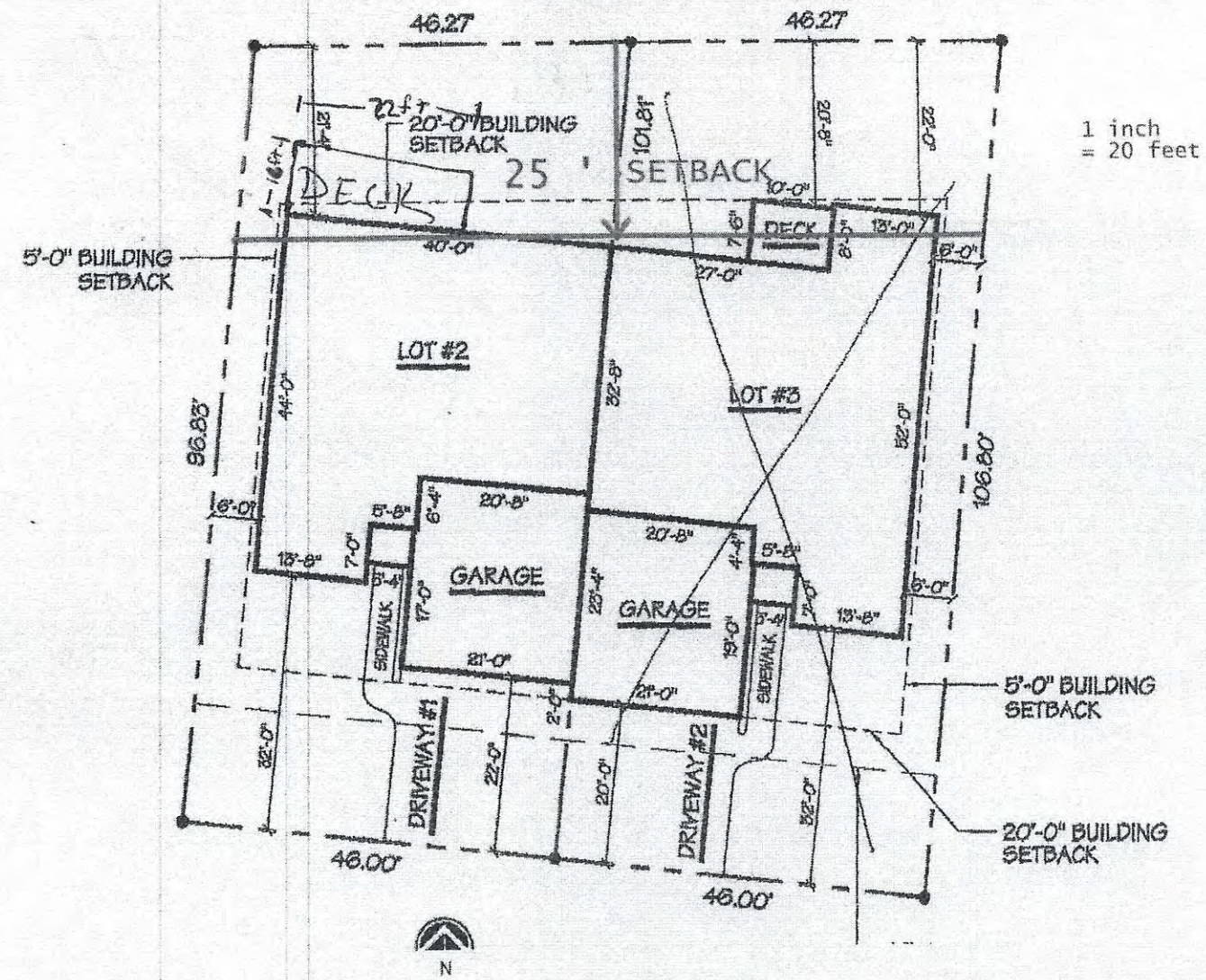
Design ID: 328552320645
Estimate ID: 39180

MENARDS®

ONLINE DECK STORE™

PLOT PLAN

16 ft x 22 ft DECK



ATTACHMENT C



EXISTING PATIO & STAIRS 16' DEEP 12' WIDE

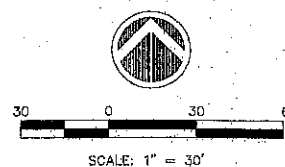
CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD DIR.	CHORD
C1	17.53	300.00	8.77	3°20'50"	N86°13'02"W	17.52
C2	22.95	15.00	14.40	87°39'40"	S44°03'37"E	20.78
C3	24.17	15.00	15.63	92°20'20"	S48°56'23"W	21.84
C4	13.73	235.00	6.87	3°20'50"	N86°13'02"W	13.73
C5	18.07	275.00	8.03	3°20'50"	N86°13'02"W	16.06
C6	32.69	40.00	17.32	48°48'35"	N72°02'35"E	31.79
C7	16.55	55.00	8.34	17°14'44"	S57°15'10"W	16.49
C8	36.29	55.00	18.83	37°48'00"	S84°46'32"W	35.63
C9	19.49	55.00	9.85	20°18'00"	N68°10'28"W	19.38
C10	30.79	55.00	15.81	32°04'14"	N38°59'21"W	30.39
C11	30.20	55.00	15.49	31°27'46"	N08°13'21"W	29.82
C12	23.44	55.00	11.90	24°24'52"	N19°42'58"E	23.26
C13	20.36	55.00	10.30	21°12'31"	N42°31'39"E	20.24
C14	29.95	55.00	15.36	31°12'14"	N68°44'02"E	29.58
C15	36.90	55.00	19.17	38°26'07"	S78°28'48"E	36.21
C16	18.73	55.00	9.46	19°30'42"	S47°28'23"E	18.64
C17	32.69	40.00	17.32	48°48'35"	N61°07'50"W	31.79

Final Plat of VILLAS AT WALNUT GROVE

PART OF LOT 5 OF FRANK MARTZAHN ADDITION IN
THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 4 EAST
OF THE 5TH P.M. IN BETTENDORF, SCOTT COUNTY, IOWA

OWNER & SUBDIVIDER
Barcelona, LLC
Attn: Ted Rebitzer
6111 Ultra Ridge Road
Davenport, IA 52807
Ph. (563) 355-4000
Fax (563) 355-4445

NORTH



MID AMERICAN ENERGY CO.

BY: *Mike Rathert*
DATE: 10/3/03

QWEST COMMUNICATIONS

BY: *Mary A. Antopeisk*
DATE: 10/3/03

IOWA-AMERICAN WATER CO.

BY: *Jim J. Dubois*
DATE: 10-3-03

MEDIACOM

BY: *Chuck Gustafson*
DATE: 10/3/03

PLANNING AND ZONING

BY: *Robert H. Gallagher*
DATE: 11/5/03

CITY OF BETTENDORF

BY: *Neck P. Leach*
DATE: 10/16/03

LEGEND

- SET 5/8" IRON ROD WITH RED CAP #13581
- FOUND 5/8" IRON ROD

REVISIONS

NO.	DESCRIPTION	DATE
1	ADDED BRANKE EASEMENTS	08-11-03
2	REVISIONS PER PLANNING AND ZONING	09-30-03

MISSMAN
STANLEY & ASSOCIATES, P.C.

Prepared by:
MISSMAN, STANLEY & ASSOCIATES
City Engineering - Surveying - Environmental Services
Bettendorf, Iowa
(563) 344-0250 FAX (563) 344-0253

MISSMAN, STANLEY & ASSOCIATES (MSA) HAS ADOPTED SAFETY PROCEDURES FOR ITS EMPLOYEES WHO PROVIDE PROFESSIONAL ENGINEERING AND SURVEYING SERVICES. THESE PROCEDURES ARE AVAILABLE FROM THE SAFETY OFFICER, MSA PERSONNEL ARE NOT TRAINED IN CONTRACTOR PROCEDURES. THE METHODS AND MEANS TO COMPLY WITH CONSTRUCTION SITE SAFETY ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

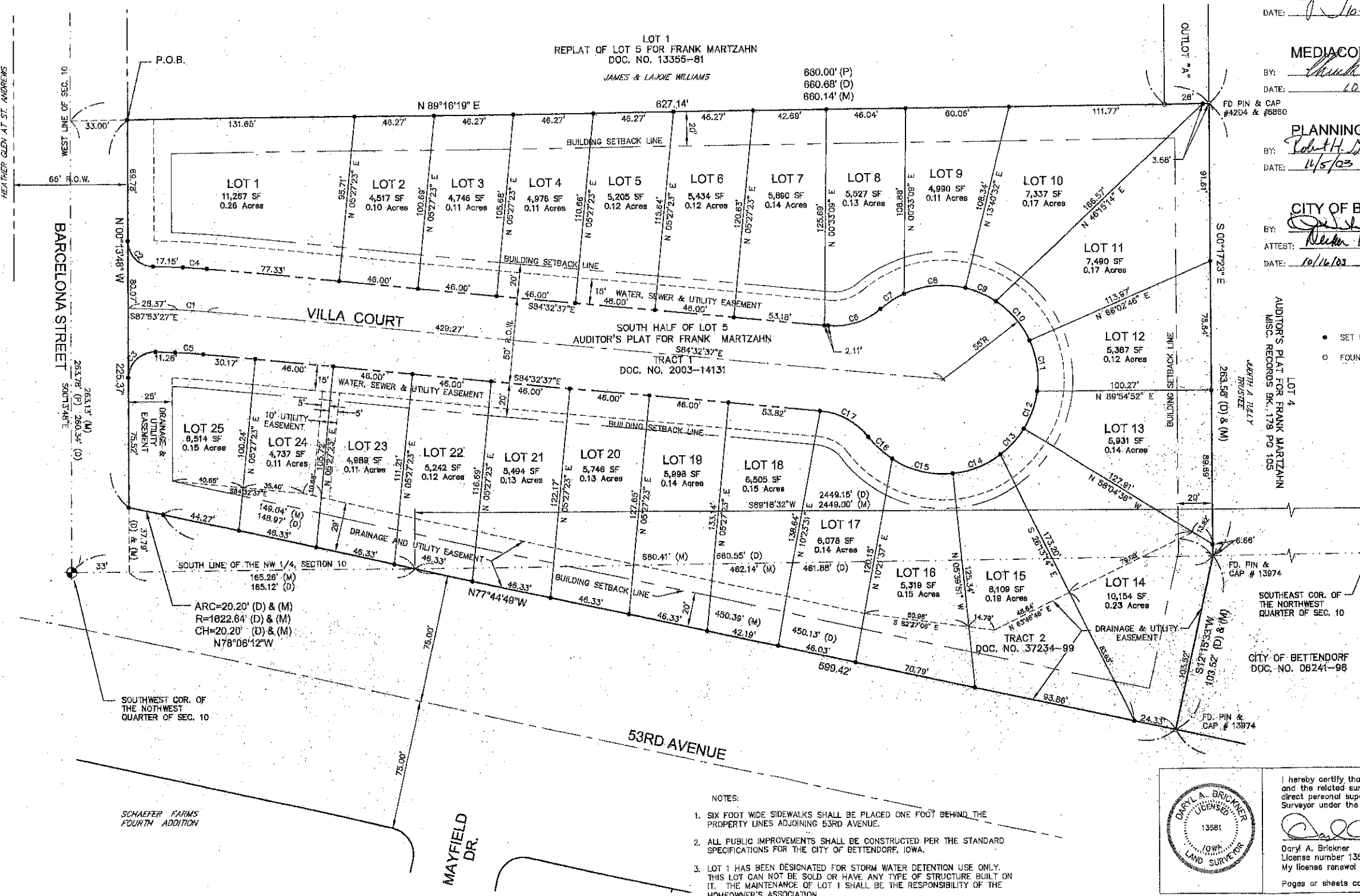
Villas at Walnut Grove
Bettendorf, Iowa
Barcelona, LLC

FINAL PLAT

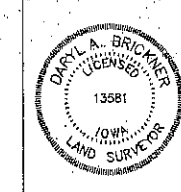
MSA Project No.: C03-L003
Date: August 29, 2003
Scale: 1" = 30'
Drawn By: CAM
Checked By: DAB
File Name: FinalPlat

C-1

Sheet 1 of 1



- NOTES:
- SIX FOOT WIDE SIDEWALKS SHALL BE PLACED ONE FOOT BEHIND THE PROPERTY LINES ADJOINING 53RD AVENUE.
 - ALL PUBLIC IMPROVEMENTS SHALL BE CONSTRUCTED PER THE STANDARD SPECIFICATIONS FOR THE CITY OF BETTENDORF, IOWA.
 - LOT 1 HAS BEEN DESIGNATED FOR STORM WATER DETENTION ONLY. THIS LOT CAN NOT BE SOLD OR HAVE ANY TYPE OF STRUCTURE BUILT ON IT. THE MAINTENANCE OF LOT 1 SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION.



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

Daryl A. Brinkner 10/1/03
Daryl A. Brinkner (date)
License number 13581
My license renewal date is December 31, 2003
Pages or sheets covered by this seal: 1

NOV 25 2003

SCHAEFER FARMS
FOURTH ADDITION



Case No. 20-039

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

Part 1. Property Involved.

Street Address 2814 VILLA CT BETTENDORF

Legal Description of the property. VILLA LOT 2 VILLAS at Walnut Grove

Part 2. Contact Information.

Applicant Name WARD LARSON Phone 309-230-8032

Address 2814 VILLA CT BETTENDORF FAX -

E-mail Address: WLARSON@MCHST.COM

Owner Name WARD LARSON Phone 309-230-8032

Address 2814 VILLA CT BETTENDORF FAX -

E-mail Address: _____

Agent DUSTIN SLOAN Phone 309-236-5176

Address 402 OAK BLVD P.O. Box 116775 FAX _____

E-mail Address: ADNEYCOHANOVIAN2@GIVE.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. _____
(Attach a separate sheet and explain in detail.)

Part 4. General Information.

Section(s) of Zoning Ordinance Involved _____ Existing Zoning R-5

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.

SEE ATTACHED

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

- (X) 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.
- (X) 2. Legal Description. (If not shown on page 1.)
- (X) 3. Floor plan if internal design of building is part of application.
- (X) 4. List additional attachments.

SEE ATTACHED

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 18 day of JUNE, 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 18TH day of JUNE, 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 \$150 Date June 19, 2020
(CC PD14)

REASONS for APPLICATION

Patio doors on the north side of the villa exit to a patio that is 12' wide x 16' deep (16' from the condo towards the 25' setback which is the same depth of the proposed deck). The patio is 3' below the exit doors. This makes it difficult for the home owner, who is a 100% disabled Vietnam veteran, to navigate the steps and safely maneuver on the small patio. The deck will be high enough to remove the existing steps and provide easy access to and from the villa. The deck will also provide the homeowner easier maneuverability due to the expanded space.

ATTACHMENTS

- Photo of existing patio including stairs**
- Final plat of Villas at Walnut Grove**
- Plot plan (lot 2) to include 22'x16' deck**
- Diagram (spec sheet) of propose deck**
- Image of proposed deck**
- HOA approval**



EXISTING PATIO STAIRS 16' DEEP 12' WIDE

Final Plat of VILLAS AT WALNUT GROVE

PART OF LOT 5 OF FRANK MARTZAHN ADDITION IN
THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 4 EAST
OF THE 5TH P.M. IN BETTENDORF, SCOTT COUNTY, IOWA

OWNER & SUBDIVIDER
Borelone, LLC
Allen, Tad Rabitzer
5111 Uchen Ridge Road
Davenport, IA 52807
Ph: (563) 385-4000
Fax: (563) 385-4446



MID AMERICAN ENERGY CO.
BY: *Mike Beckwith*
DATE: 10/1/03

QWEST COMMUNICATIONS
BY: *Tracy A. Storz*
DATE: 10/1/03

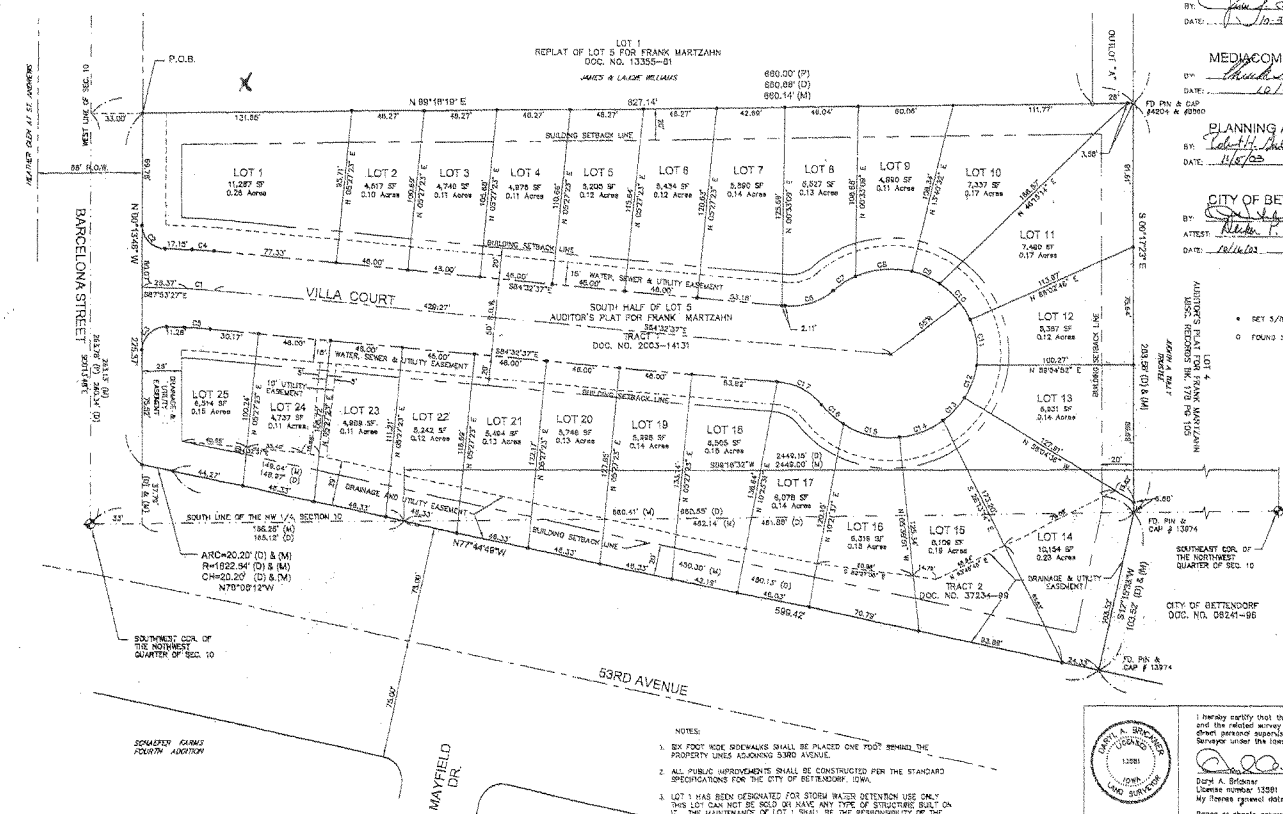
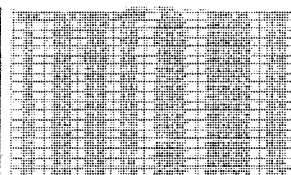
IOWA-AMERICAN WATER CO.
BY: *Tom J. St. John*
DATE: 10/1/03

MEDIAMCOM
BY: *Chuck Stutler*
DATE: 10/1/03

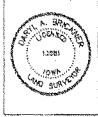
PLANNING AND ZONING
BY: *John H. Peltz*
DATE: 11/1/03

CITY OF BETTENDORF
BY: *Steve J. Beal*
DATE: 10/1/03

LEGEND
• SET 5/8" AWN ROD WITH RED CAP #13581
○ FOUND 5/8" IRON ROD



- NOTES:
- 6X FOOT WIDE SIDEWALKS SHALL BE PLACED ONE FOOT BEHIND THE PROPERTY LINES ADJOINING 53RD AVENUE.
 - ALL PUBLIC IMPROVEMENTS SHALL BE CONSTRUCTED PER THE STANDARD SPECIFICATIONS FOR THE CITY OF BETTENDORF, IOWA.
 - LOT 1 HAS BEEN DESIGNATED FOR STORM WATER DETENTION USE ONLY. THIS LOT CAN NOT BE SOLD OR HAVE ANY TYPE OF STRUCTURE BUILT ON IT. THE MAINTENANCE OF LOT 1 SHALL BE THE RESPONSIBILITY OF THE

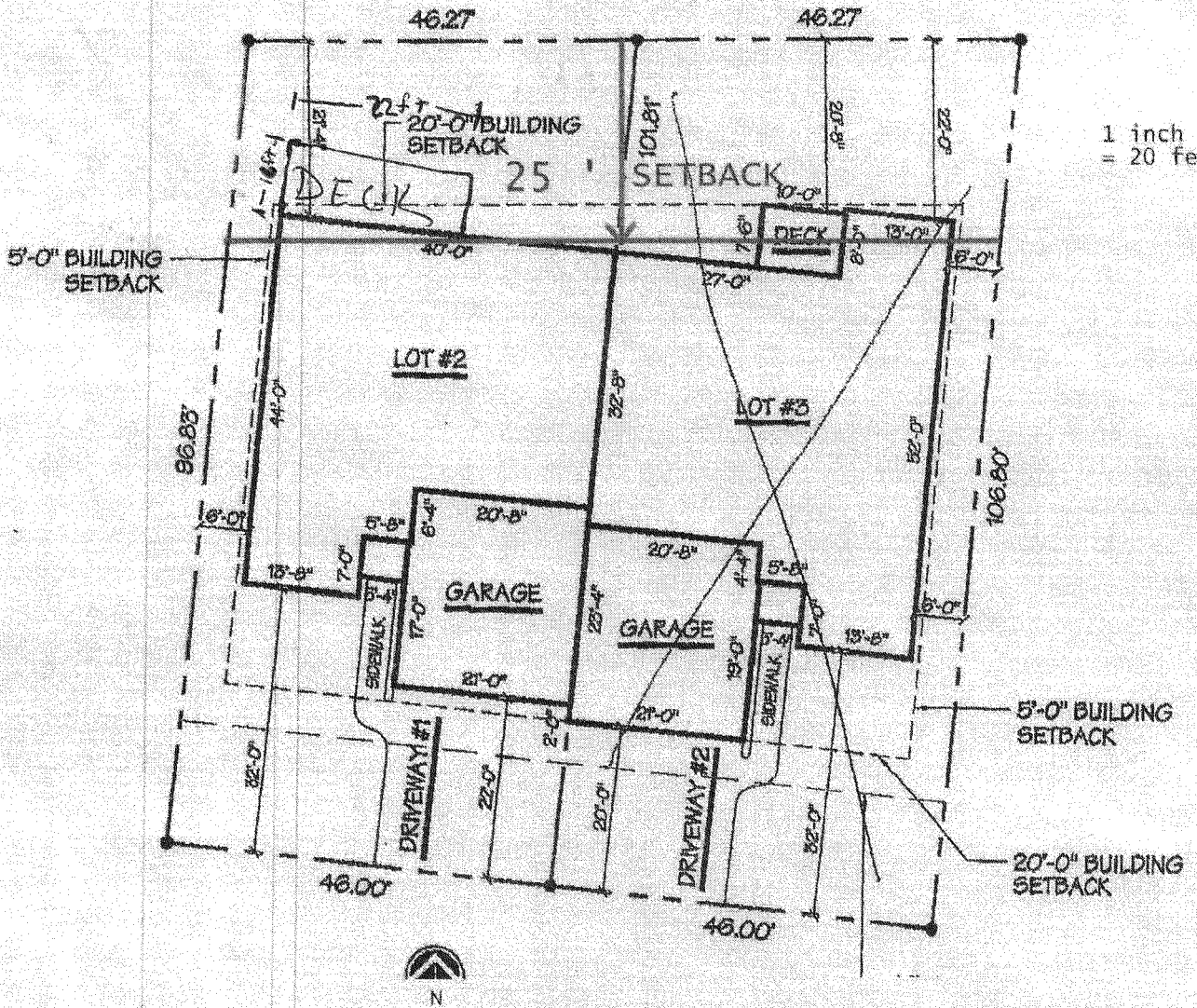


I hereby certify that this field surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

James A. Bridges 10/1/03
License number: 13581
My license expires on December 31, 2003
Pages or sheets covered by this cert: 1

PLOT PLAN

18 ft X 22 ft DECK



1 inch = 20 feet

Design ID: 328552320645
Estimate ID: 39180

MENARDS
ONLINE DECK STORE

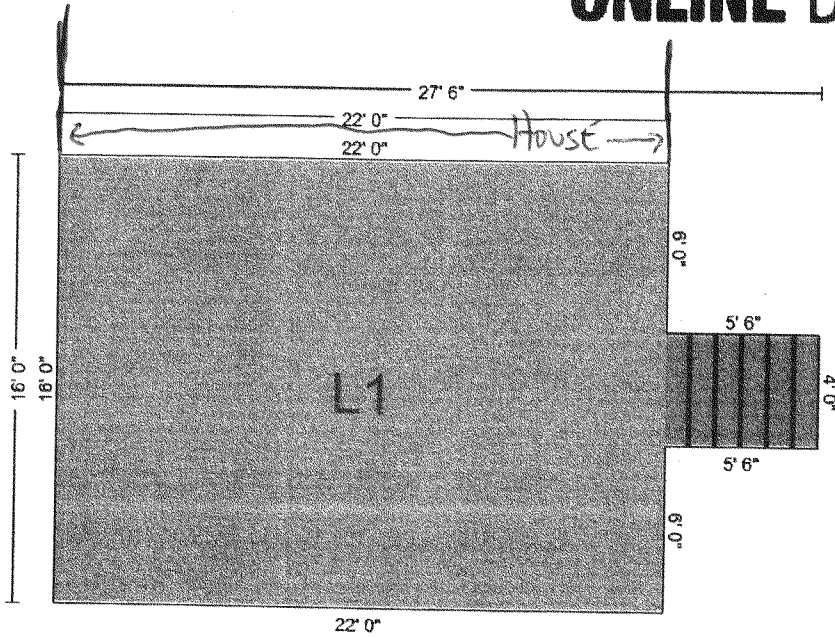
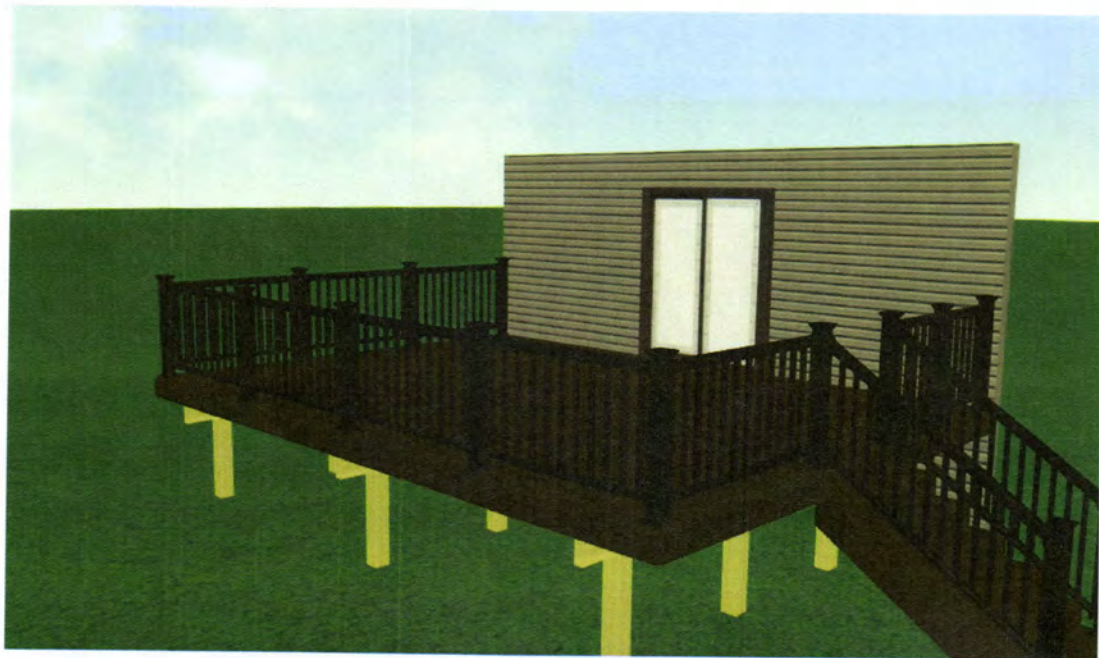
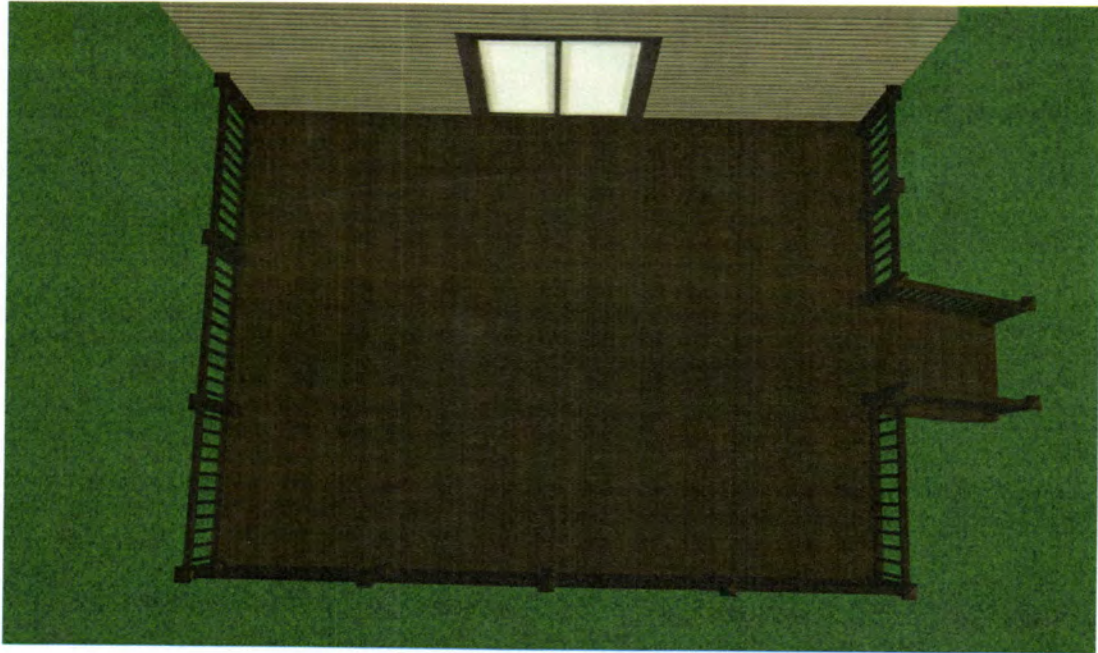


Illustration intended to show general deck size and shape. Some options may not be shown for picture clarity.

[REDACTED]
**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

Design ID: 328552320645
Estimate ID: 39180

MENARDS
ONLINE DECK STORE™



PLEASE KEEP FOR YOUR RECORDS

Villas at Walnut Grove HOA

Request for alteration & complaint, problem, concern, etc. form

Date	16 FEBRUARY 2020	
Name	WARD AND NADINE LARSON	
Address	2814	Villa Ct, Bettendorf, IA 52722

Please select the appropriate item

Alteration Request	<input checked="" type="checkbox"/> (complete Item A)	Complaint, Concern, etc.	<input type="checkbox"/> (complete Item B)
--------------------	---	--------------------------	--

Item A
 Scope of Work: CONSTRUCTION OF DECK ON BACK SIDE OF VILLA
 SEE ATTACHED PHOTOS AND SPEC SHEET

Additional comments:

Item B
 Please Describe:

Date Received by HOA Board:		By:
HOA Board Actions Date: 3/10/20	Approved <input checked="" type="checkbox"/>	Rejected <input type="checkbox"/>

Explanation for Rejection or Actions to Resolve Issue:
 PROVIDED, DECK + RAILING, MEET ALL CITY BUILDING CODES + PERMITS - A STANDARD DECK STAIN COLOR IS TO BE USED

HOA Board Signatures:

--	--	--	--

2814 VILLA CT



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

July 9, 2020

Staff Report

Case No. 20-040

Location: 3655, 3707, 3867, and 3875 Tanglefoot Lane

Applicant: Kevin Dolan

Zoning Designation: C-2, Community Commercial District

Request: Variance to either reduce the required front yard setback from 35 to 20 feet, the required rear yard setback from 30 feet to 15 feet, or a combination of reduce the required rear yard and front yard setbacks by 7.5 feet respectively to allow for construction of townhomes.

Background Information and Facts

The site is located on the south side of Tanglefoot Lane and east of Devils Glen Road (see Aerial Photo - Attachment A). Lots 6 through 9 face north toward the arterial street (see Final Plat - Attachment B). The applicant is requesting a variance for setbacks to be reduced in either the front or rear yard or a setback that takes a half distance of 15 feet from both the rear and front yards (see Plot Plan - Attachment C). The City Council recently changed the Zoning Ordinance to require increased setbacks for multi-family housing adjacent to collector and arterial streets (see Section 11-5-11. - Attachment D).

Staff Analysis

Other proposals have been submitted for the lots in question, but the shallowness of the lots prior to the Zoning Ordinance revision posed a problem. These lots were what was left when the Genventures Devils Glen Medical Park Addition dedicated ground for the Tanglefoot Lane extension.

Normally the setbacks for the front yard would be 20 feet in a C-2 Community District, and a rear yard would be dependent on the buffer yard required between C-2 and A-1, Agricultural/Urban Reserve (30 feet). Genventures Devils Glen Medical Park Addition was final platted in 2003 with right-of-way dedication to the City (see Final Plat - Attachment D).

Precedent is found in the granting of rear yard setback variances for properties in other impacted subdivisions: Case 03-081 All of Forest View Villas lots were reduced to a 5-foot rear yard setback and Case 09-074, 2820 Villa Court was reduced to 14 feet. The intent of rear yard setbacks is to ensure adequate separation between structures to ensure the neighboring property's privacy. The storage units to the south are 50 feet removed from the property line and would be an additional 15 feet away if the Board were to decide to grant the buffer yard relief. Therefore, the case could be made that the separation intent of the Code is still being maintained. Since the requested setback is 15 feet from the rear property line, a greater than 10-foot separation would be maintained for fire safety purposes with any additional proposed structure to the north. The 35-foot landscaped area of the front yard could be maintained along Tanglefoot Lane. The 30-foot buffering zone of the nonconforming storage area from the proposed townhouse dwellings seems excessive, given the storage units are more commercial or industrial than the housing.

Staff would support the granting of the variance for the rear yard setback reduction to 15 feet to accommodate a 15-foot easement.

Respectfully submitted,

Greg Beck
City Planner



DEVILS CLEN RD

TANGLEFOOT LN

CEDARWOOD CT

GENVENTURES DEVILS GLEN MEDICAL PARK ADDITION

BEING A REPLAT OF LOT 1 OF BETTENDORF MEDICAL CENTER FIRST ADDITION AND LOT 1 OF BETTENDORF MEDICAL CENTER SECOND ADDITION AND PART OF THE NORTHEAST QUARTER OF SECTION 15 AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5th P.M. CITY OF BETTENDORF, SCOTT COUNTY, IOWA

NORTH



SCALE: 1" = 60'

LEGEND

- BOUNDARY OF SUBDIVISION
- EXISTING LOT LINE
- MEASURED DISTANCE
- PLATTED/DEEDED DISTANCE
- SET 5/8" IRON ROD W/ RED CAP #8655
- FOUND 1/2" IRON ROD W/ METAL CAP #13581
- FOUND 5/8" IRON ROD W/ YELLOW CAP #...
- X CUT IN CONCRETE
- UTILITY EASEMENT

OWNER / DEVELOPER:

DAVEM, INC.
 Contact: Ron Reinders
 1227 East Rushome Street
 Davenport, Iowa 52803
 Ph. (563) 421-2791
 Fax (563) 421-2795

NOTES

- TOTAL AREA OF ADDITION = 27.169 ACRES ±.
- TRACT IS CURRENTLY ZONED C-2 + C-5.
- ALL PUBLIC UTILITIES SHALL BE LOCATED WITHIN EASEMENTS OR PUBLIC ROAD RIGHT-OF-WAY.

MD AMERICAN ENERGY CO.

BY: *Mike Hallen*
 DATE: 10/03/03

MEDIACOM

BY: *Christa Stutzman*
 DATE: 10/12/03

WEST COMMUNICATIONS

BY: *Therese C. Lotzpeich*
 DATE: 10/13/03

PLANNING AND ZONING

BY: _____
 DATE: _____

IOWA-AMERICAN WATER CO.

BY: *James J. Dubois*
 DATE: 10/3/03

CITY OF BETTENDORF

BY: _____
 ATTEST: _____
 DATE: _____

FOUND CONCRETE MONUMENT
 SE. COR., NE 1/4 SEC. 15,
 T.78N., R.4E., 5TH P.M.

NOTE: ALL STORM WATER DETENTION DESIGNS MUST BE SUBMITTED AND APPROVED BY THE CITY ENGINEER PRIOR TO THE CITY COUNCIL CONSIDERATION OF ANY SITE DEVELOPMENT PLAN WITHIN THE BOUNDARIES OF THIS PROPOSED PLAT.

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED ON THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

GREGORY J. CHLEBICKI
 LICENSE NO. 8655
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2003.
 SHEETS COVERED BY THIS SEAL: 1 OF 1



DATE: 10/01/03
 FIELD WORK COMPLETED AUGUST 01, 2003. OCT 27 2004

FOUND CUT "X"
 N.W. COR., N.E. 1/4,
 SEC. 15, T.78N.,
 R.4E., 5TH P.M.

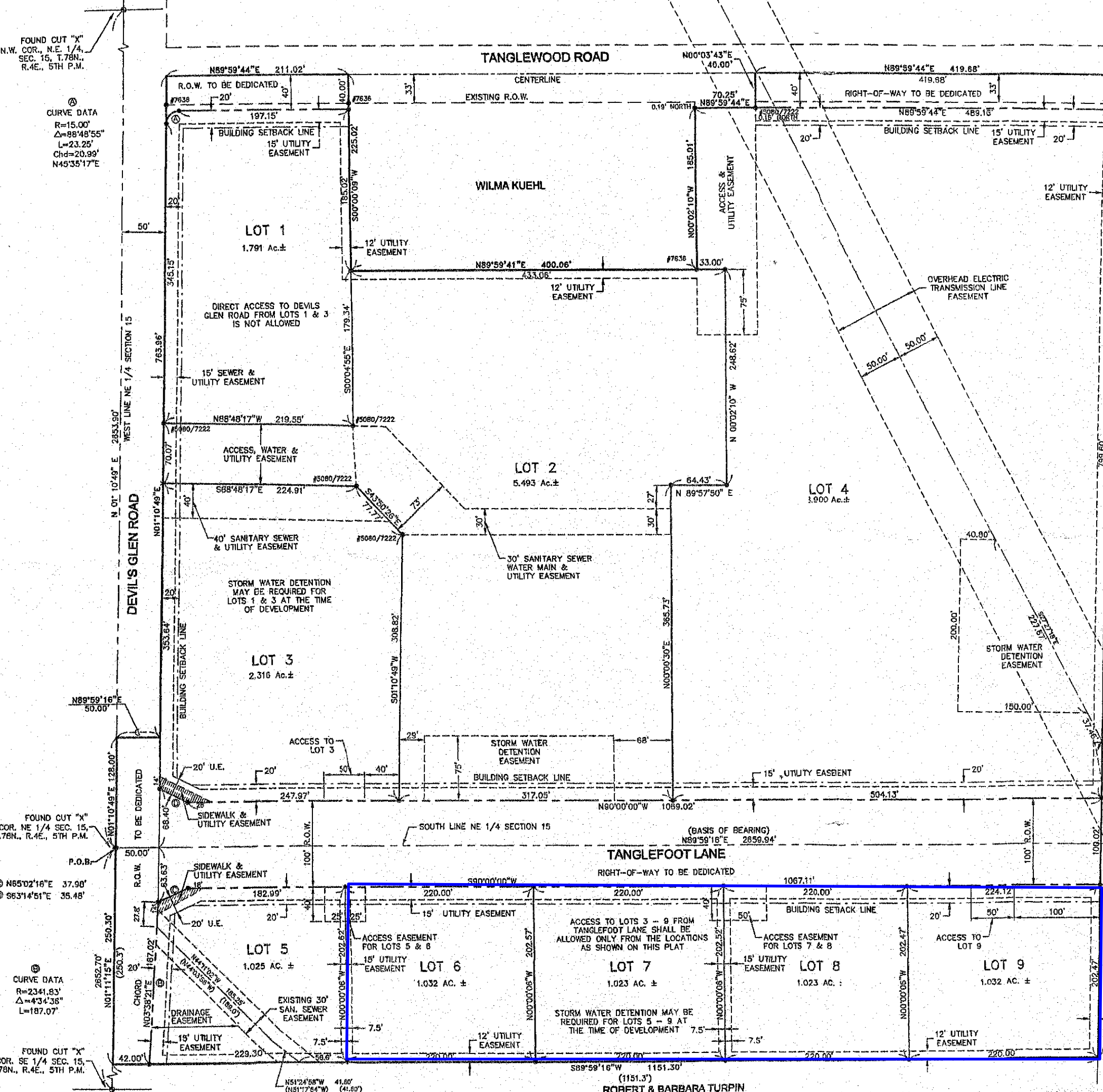
CURVE DATA
 R=15.00'
 Δ=88°48'55"
 L=23.25'
 Chd=20.99'
 N45°35'17"E

FOUND CUT "X"
 SW COR. NE 1/4 SEC. 15,
 T.78N., R.4E., 5TH P.M.

FOUND CUT "X"
 SW COR. SE 1/4 SEC. 15,
 T.78N., R.4E., 5TH P.M.

CURVE DATA
 R=2341.83'
 Δ=4°34'36"
 L=187.07'

FOUND CUT "X"
 SW COR. SE 1/4 SEC. 15,
 T.78N., R.4E., 5TH P.M.

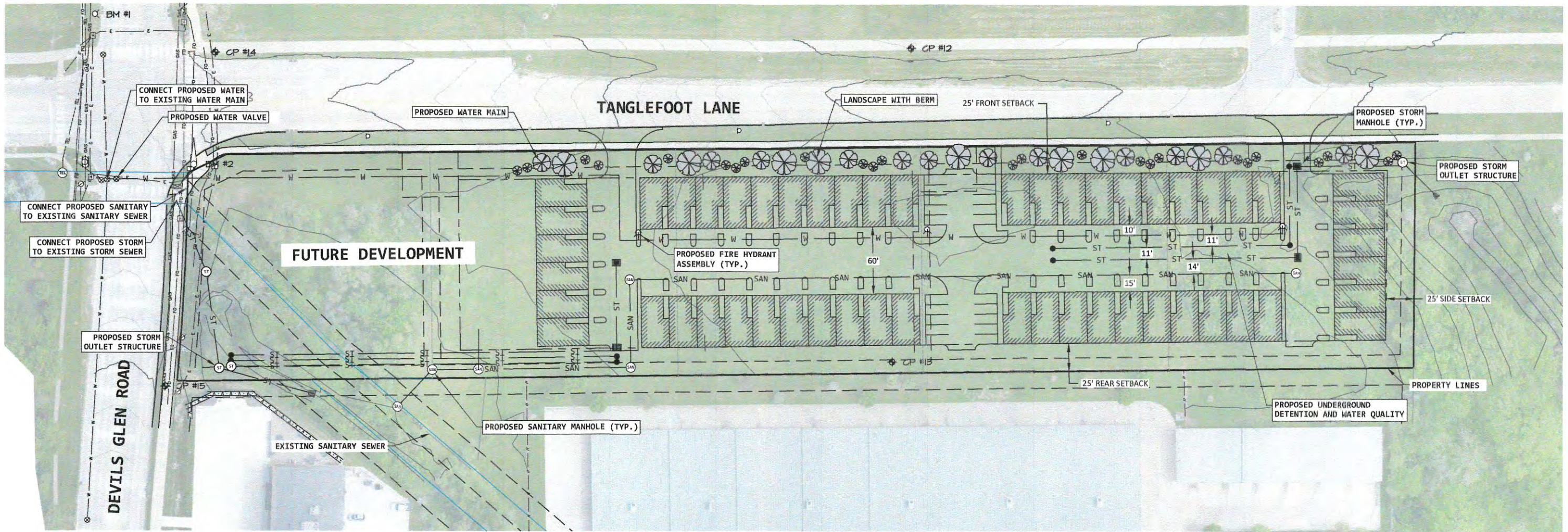


NO.	REVISIONS	DESCRIPTION
1	CITY OF BETTENDORF REVIEW COMMENTS	
2	CITY OF BETTENDORF REVIEW COMMENTS	
3	UTILITY COMPANIES REVIEW COMMENTS & DEVILS GLEN ROAD R.O.W. DEDICATION	

Missman
 STANLEY & ASSOCIATES, P.C.
 Civil Engineering - Environmental Services - GIS - Landscape Architecture - Surveying
 2415 18th Street, Suite 203
 Bettendorf, Iowa 52722

Genventures Devils Glen Medical Park Addition
 Bettendorf, Iowa
FINAL PLAT

Missman Project No. C03S005
File Name: FINAL PLAT
Scale: 1" = 60'
Drawn By: BDO
Checked By: GJ
Date: 8/19/03
1
Sheet 1 of 1



#	DATE	DESCRIPTION	BY
		DESIGNED BY:	MWJ
		DRAWN BY:	RAM
		PROJECT ENGR:	MWJ

Martin & Whitacre
Surveyors & Engineers, Inc.
 P.O. BOX 413
 MUSCATINE, IOWA
 VOICE (563) 263-7681
 EMAIL info@martin-whitacre.com

DOLAN PROPERTIES
 BETTENDORF, IOWA

SITE PLAN CONCEPT

PROJ NO:	8506
CONST PROJ:	000
SCALE:	AS NOTED
DATE:	6/16/20

11-5-11: C-2 COMMUNITY COMMERCIAL DISTRICT:

A. Purpose: The C-2 community shopping district is intended to provide areas to be used as the primary shopping area for the local area and other nearby communities, transients, and for the shopping area for occupants of various business and industrial establishments. The district permits most all types of business and commercial enterprises, offices, and service establishments. While permitted commercial and office uses are generally compatible with nearby residential areas, traffic and operating characteristics of some uses may have an impact on adjacent residential neighborhoods. This district is normally centrally located with respect to the shopping service area and located at the convergence or along the major thoroughfares of the community.

B. Site Development Regulations for C-2 Districts:

Table 11-5-11B

Regulator	Town-house (Note 6, 7)	Multi-Family (Note 6, 7)	Non-Residential Permitted Use
Site Area per Housing Unit (sq. ft.) (Note 1)	3,000	1,500	N/A
Minimum Lot Area (sq. ft.)	2,000	None	None
Minimum Lot Width (feet)	24	None	None
Minimum Yards (feet)			
Front Yard (Note 5)	Min. 20	Min. 20	Min. 20
Side Yard (Note 2, 3)	None	None	None
Street Side Yard, Corner Lot	20	20	None
Rear Yard	None	None	None
Maximum Height (feet) (Note 4)	10 stories	10 stories	10 stories
Maximum F.A.R.	4.0	4.0	4.0

Note 1: Density regulators are shown on a per unit basis and located above the first floor.

Note 2 - Side Yards: None required; however, if a yard is provided, it shall be not less than five feet (5'). Adjoining a residential district, a side yard equal to the adjacent yard required in the abutting residential district shall be provided.

Note 3: None required, except when abutting a residential district, then a rear yard equal to the adjacent yard required in the abutting residential district shall be required.

Note 4: Churches, schools, and hospitals are permitted a maximum height of sixty feet (60') for the main structure and seventy five feet (75') for towers or steeples.

Note 5: Where lots are not subject to established front yard setback requirements, lots in the Downtown Master Plan area may reduce the front yard setback to five feet (5').

Note 6: The required front yard or rear yard setback adjacent to any collector, minor arterial, or principal arterial street as defined in the Bettendorf Transportation Plan (April 11, 2013) shall be fifty feet (50') OR thirty-five feet (35') when a berm, acceptable to the Planning and Zoning Commission and City Council, is provided adjacent to the involved roadway. This note does not apply to the following districts of the Downtown Master Plan: West Bridge District; East Bridge District; and the portion of the Riverfront Entertainment District north of the railroad right-of-way.

Note 7: The maximum height allowed for any portion of any townhouse or multi-family residential structure within fifty feet (50') of any lesser-zoned district shall be less than or equal to the maximum height allowed in the lesser-zoned district. This note does not apply to the following districts of the Downtown Master Plan: West Bridge District; East Bridge District; and the portion of the Riverfront Entertainment District north of the railroad right-of-way. (Ord. 35-17, 10-17-2017; amd. Ord. 22-19, 11-5-2019)



Case No. 20-040

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

Part 1. Property Involved.

Street Address N/A 3455, 3707, 3867, and 3875 Tanglefoot Lane
Legal Description of the property. GENVENTURES DEVILS GLEN Lot: 6-9 GENVENTURES DEVILSGLEN MEDICAL PARK ADDLOT 6

Part 2. Contact Information.

Applicant/Contact Name Kevin Dolan Phone 563 506 4265
Address 2660 E. 53rd Street Davenport IA 52807
E-mail Address: kevin@dandolanhomes.com

Owner Name Genventures Phone 563 421 1611
Address 1803 E Kimberly Rd Davenport, IA 52807-2027
E-mail Address: RossmillerK@genesishhealth.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 11-5-8 R-5 Existing Zoning C-2

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 Developer is seeking a variance from the recent ordinance that increased front yard setbacks from 25' to 35' along collector/arterial streets
The parcels being developed are very shallow and the additional setback creates a hardship by substantially reducing the buildable area.
The parcel being developed is not adjacent to any residential property and will act as a screen for an existing storage facility
Current zoning allows the Developer to build three story townhomes with a 35' setback. The Developer is aware of public and council concerns regarding previous three story townhome developments and would prefer to build two story units instead. However two story units are slightly deeper and will require 10' feet of depth. Developer proposes three options: reducing the front yard setback by 10', reducing the rear yard setback by 10, or reducing both by 5'

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 16th day of June, 2020.

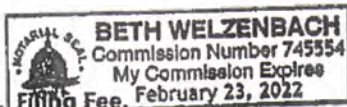
Signature of Applicant [Signature] Signature of Owner Mark Rogus
(The owner **MUST** indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

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 16 day of June, 2020.

Beth Welzenbach
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. Date June 23, 2020