

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  
OCTOBER 8, 2020  
5:00 P.M.**

PLACE: Bettendorf City Hall Council Chambers, 2<sup>nd</sup> 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 September 10, 2020.
4. The Board to hold a public hearing on the following items:
  - a. Case 20-056; 4600 Amber Court (R-2) - Variance to allow an 8-foot high fence, submitted by Melissa Bigelow.
  - d. Case 20-057; 3050 Middle Drive (C-2) - Special use permit to allow a car wash in a C-2 zoning district classification, submitted by Maggie Motto.

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

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

**MINUTES  
BETTENDORF BOARD OF ADJUSTMENT  
AUGUST 13, 2020  
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Clements, Gallagher, Spranger, Tansey, \*Tombergs  
ABSENT: None  
STAFF: Beck, Hunt

Item 2. Review of Board procedures.

Item 3. 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 July 9, 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 July 9, 2020)

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

Gallagher commented that these cases have been on the agenda for several months, adding that the main issue to be resolved is the number of parking spaces available.

Hunt reviewed the staff report. Staff report is Annex #3 to these minutes. He commented that the applicant, who is now being represented by attorney Mike Motto, has provided the special location plan which the Board has been requesting. He explained that staff is now recommending approval of the requests given the access and cross parking easement agreement that was submitted. He added that a signed copy of the agreement became available subsequent to distribution of the packet. Hunt stated that the 'No Parking' signs marking the parking spaces involved at the ColoHub site will be removed and the lot will

be striped. He explained that while the letter received from Motto indicated that there are 97 parking spaces available, that number is actually 89. He commented that the point becomes moot given the number of parking spaces being added via the cross easement. He explained that there are currently 13 striped parking spaces at the ColoHub site and an additional 40 that are not striped. Hunt stated that there is sufficient space available for travel lanes to provide access to the parking spaces on the ColoHub property.

\*Tombergs arrived.

Hunt explained that no ADA spaces would be removed as a result of the installation of the patio.

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

Motto stated that he has provided a signed access and cross parking agreement between Lots 1 and 2 of Tunberg's Third Addition and a separate one between ColoHub and The Quarry. He stated that the applicant will take care of striping the additional parking spaces and removal of the signage. He explained that staff at The Quarry will encourage customers to park at the rear of the building.

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

#### ROLL CALL ON MOTION

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

Motion carried.

On motion by Spranger, seconded by Tombergs, that a variance to reduce the required number of parking spaces be approved in accordance with the Decision and Order and subject to the removal of the No Parking signs on the ColoHub site, the striping of the parking spaces involved on the ColoHub site, and adherence to the signed access and cross parking agreement.

#### ROLL CALL ON MOTION

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

Motion carried.

Decision and Orders are Annex #4 and Annex #5 to these minutes.

- c. Case 20-043; 2775 - 53<sup>rd</sup> Avenue (R-2) - Variance to allow a 6-foot high fence in the required front yard, submitted by Greg McCoy.

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

Hunt reviewed the staff report. Staff report is Annex #6 to these minutes. He added that the applicant had applied for the same variance in 2018 but had withdrawn the request. He explained that a 32-foot length fence has already been installed at the applicant's property. Hunt explained that while the applicant has no intention to install additional fencing at this time, staff would recommend that if the Board approves the request, it be for the entirety of the front property line. He commented that staff is considering a Code revision to address the issue of fencing in required front yards along arterials and collector streets.

Tansey asked if staff is requesting that the Board approve a request for the entire length of the front property line even though the applicant does not plan to install additional fencing. Hunt explained that while it is his understanding that the applicant does not plan to add to the existing fence, staff would recommend approval of a 6-foot high fence along the entirety of the frontage.

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

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

ALL AYES

Motion carried.

Decision and Order is Annex #7 to these minutes.

- d. Case 20-044; 428 - 28 ½ Street (C-3) - Variance to allow parking in the required front yard adjacent to 28<sup>th</sup> Street and to reduce the required buffer yard along the north and west property lines, submitted by Jeremy Richard.

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

Hunt reviewed the staff report. Staff report is Annex #8 to these minutes. He added that the part of the request regarding the required buffer yard on the north side of the property is no longer necessary as it has been determined that the adjacent property is zoned C-2, not R-2 as indicated on the zoning map.

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

On motion by Spranger, seconded by Tombergs, that a variance to allow parking in the required front yard adjacent to 28 ½ Street and to reduce the required buffer yard along the west property line be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #9 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:15 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

October 8, 2020

**Case No. 20-056**

**Location:** 4600 Amber Court

**Applicant:** Melissa Bigelow

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

**Request:** Variance to allow an 8-foot high fence in the rear yard along the northern and southern property lines and at the eastern edge of the required front yard.

**Background Information and Facts**

The applicant has requested a variance to place an 8-ft high fence in the rear yard along the northern (164.10 feet) and southern (138.79 feet) property lines of 4600 Amber Court. A 20-foot section of 8-foot high fence is also proposed at the eastern edge of the front yard setback to fully enclose the rear yard (see Attachment A - Plot Plan). The City's zoning ordinance limits fences in this district to 6 feet in height. All involved properties are zoned R-2, Single-Family Residence District. The property to the north of the applicant is a corner lot with two front yards. The lot to south of the applicant is a standard lot within the development (see Attachment B - Aerial Photo and Attachment C - Final Plat Excerpt). The applicant has a license from the City of Bettendorf for a home-based occupation, where she provides psychological counseling services to individuals and couples. The applicant has stated there is a history of disagreements with the neighbors to the north. According to the applicant, many of the disagreements have occurred when both parties are occupying their rear yards. The properties in question are shown on site photos (Attachment D) from a street view looking west. The applicant has also stated there have been disagreements when clients arrive at her home and walk from the street to her front door. The applicant has stated she has concerns for her family's privacy and the privacy of her clients.

**Staff Analysis**

The clearest precedent for such a variance comes from Case 98-66 at 1509 Brown Street. In that case the Zoning Board of Adjustment ruled to allow a 9-foot high fence in the rear yard of the applicant's property where it bordered a property that was zoned C-2 but was being used as a residence (see Attachment E Zoning Board of Adjustment Decision and Order). Staff found four other cases where cases where the Board of Adjustment allowed variances for fences beyond the height permitted in residential districts. These cases are listed below:

- Case 18-027 5700 Crow Creek Road – variance allowed due to topography
- Case 09-047 1414 - 25<sup>th</sup> Street – variance allowed due to topography and location of bedroom windows

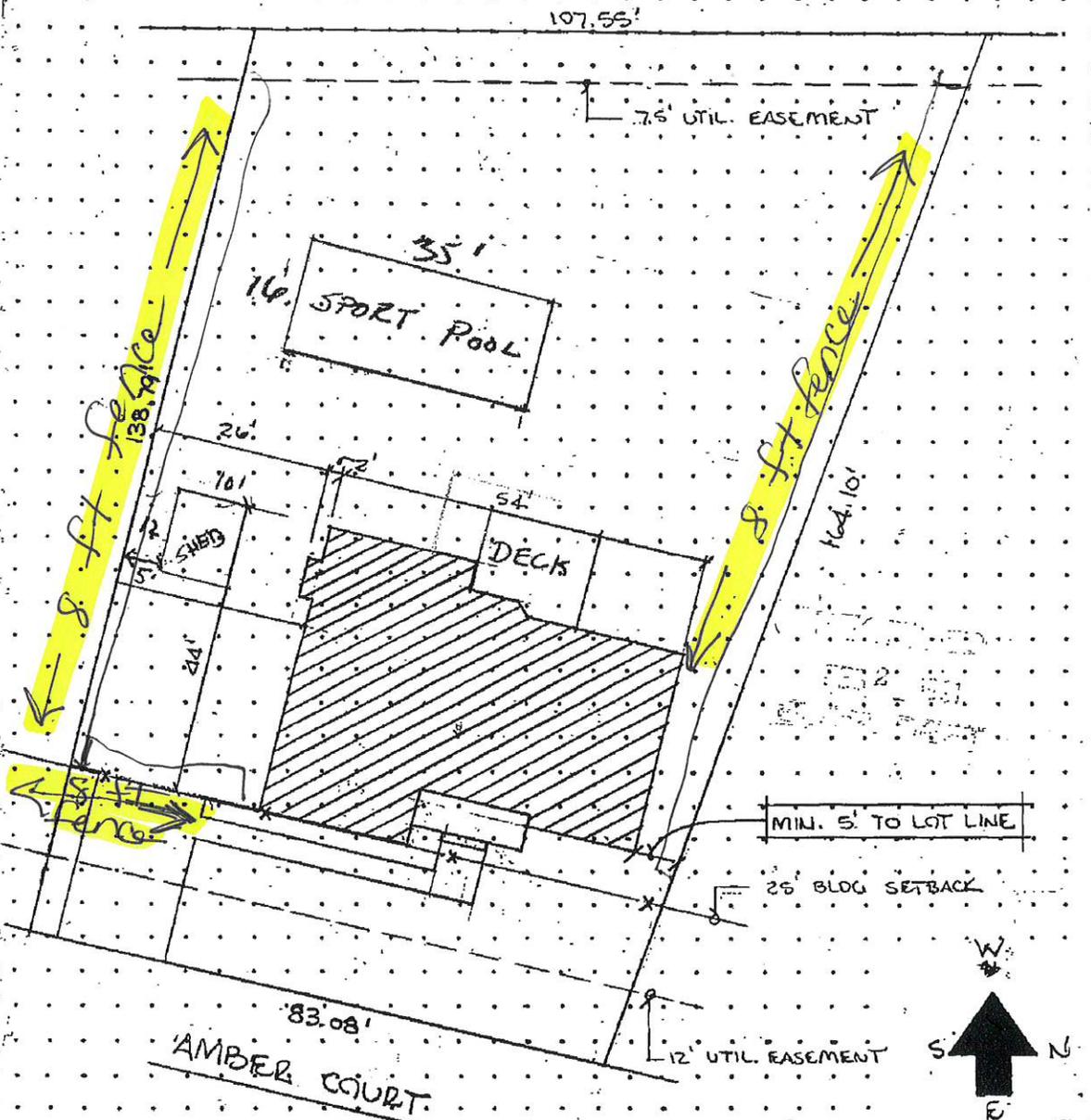
- Case 08-032 1515 Belair Drive – variance allowed due to lot configuration and deck height
- Case 05-078 1503 Central Avenue – variance allowed to provide buffering between neighboring commercial use

Staff finds the following hardship in this case. The corner lot to the north of the applicant's property has an understandably concentrated amount of recreational activity in the rear yard nearest the applicant due to the two front yard setbacks required by the City's zoning ordinance and the relatively busy nature of Crow Creek Road. Staff would support approval of the request for an 8-foot high fence only along the northern property line, which would be keeping with the previously cited precedents.

Respectfully submitted,

Mark D. Hunt, MPA  
Community Development Director

COST BREAKDOWN	
BUILDING	\$93,500
PLUMBING	\$7,000
HEATING & AIR CONDITIONING	\$6,000
ELECTRICAL	\$3,500
TOTAL	\$110,000



PERMIT RECORD

#91-67 2-5-91

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LEGAL DESCRIPTION LOT #13  
HIGHLAND HILLS 7TH ADDN

BUILDING ADDRESS 4600 Amber Ct

CONTRACTOR MILLAGE CONST. (TS-97)  
 (REV.)

Creek Rd

Att

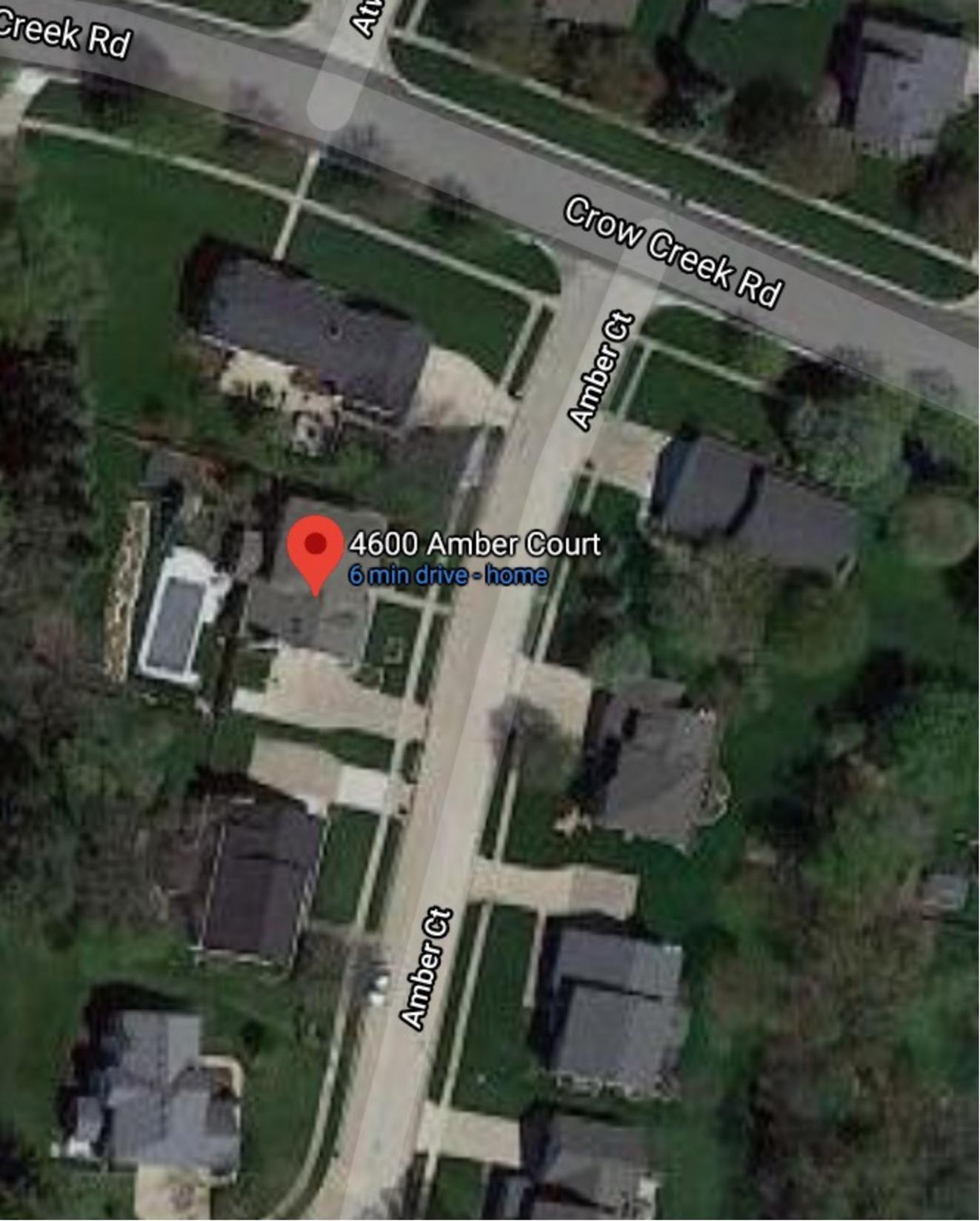
Crow Creek Rd

Amber Ct



4600 Amber Court  
6 min drive - home

Amber Ct















**CITY OF BETTENDORF  
ZONING BOARD OF ADJUSTMENT  
DECISION AND ORDER**

ATTACHMENT D

**35144-98**

**Project Location** 1509 Brown Street  
**Project Number** 98-66  
**Project Type** Variance to allow a 9-foot high fence.  
**Legal Description** Lot 6, Block 4, Town of Bettendorf

98 SEP 17 PM 12:33

FEE

\$ 6<sup>00</sup>

*Richard L. Steltz*

RECORDER OF DEEDS  
SCOTT COUNTY, IOWA

**FACTS:**

Douglas and Ramona Lake are requesting a variance to allow for a 9-foot high privacy fence in the rear yard, along the east side yard lot line. The property is zoned R-4.

The applicant has indicated that the neighbor to the east (1519 Brown Street) does not respect the Lake property. In addition to the complaints, staff has confirmed that 1519 Brown Street is zoned C-2, which allows many commercial uses. Staff has been informed that a commercial use may be starting up in the garage at this property. The City will continue to monitor this situation.

**FINDINGS AND DECISION:**

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF BETTENDORF, IOWA; that the following Findings of Fact are made:

Findings of Fact:

1. That it will not impair an adequate supply of light and air to adjacent property.
2. That it will not unreasonably increase the congestion in public streets.
3. That it will not increase the danger of fire or of the public safety.
4. That it will not unreasonably diminish or impair established property values within the surrounding area.
5. That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.
6. That the proximity of this property to a commercial zone constitutes a hardship.

THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF BETTENDORF, IOWA; that the request for a variance to allow a 9-foot high fence on property located at 1509 Brown Street and legally described as lot 6, block 4 of Town of Bettendorf, be granted.

Done this 2nd day of September, 1998.

*Thomas L Steltz*

Thomas Steltz, Chairman  
Board of Adjustment



Case No. 20-056

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

**Part 1. Property Involved.**

Street Address 4600 Amber Ct. Bettendorf, IA 52722

Legal Description of the property. LOT 13 Highland Hills 7m Add

**Part 2. Contact Information.**

Applicant Name Melissa Bigelow Phone 563.578.2533

Address 4600 Amber Ct FAX \_\_\_\_\_

E-mail Address: love.gratitude@live.com

Owner Name \_\_\_\_\_ Phone \_\_\_\_\_

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

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

Agent Marc Gellerman Phone 563-359-3646

Address 987 Spruce Hill Bettendorf 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.)





COMMUNITY DEVELOPMENT

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

October 8, 2020

**Case No. 20-057**

**Location:** 3050 Middle Drive

**Applicant:** Maggie Motto

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

**Request:** Special use permit to allow a car wash in a C-2 zoning district.

**Background Information and Facts**

The site under consideration is currently occupied by a non-conforming residential structure with a detached garage and is adjacent to the rear yard of the former Devils Glen Car Wash (3011 Devils Glen Road) which is now under lease by Midwest Dent (see Attachment A - Aerial Photo). The proposed car wash would occupy portions of 3050 Middle Drive and 3011 Devils Glen Road (see Attachment B - Site Plan). 3011 Devils Glen Road is zoned C-3 General Business District, and 3050 Middle Drive is zoned C-2 Community Commercial District (see Attachment C - Zoning Map). City Code allows for car washes as a permitted use in the C-3 district; however, a special use permit is required in a C-2 district. The applicant is seeking a special use permit that will allow a portion of the proposed car wash to operate on the C-2 zoned property at 3050 Middle Drive.

**Staff Analysis**

According to the submitted site plan, the applicant is proposing an approximately 5,600 square foot building with roughly 2/3 occupying the former Devils Glen Car Wash site and 1/3 occupying 3050 Middle Drive. The new building is located at the north edge of both parcels. All points of access and egress are from Devils Glen Road using the existing curb cuts. Drive lanes and parking will cover significant portions of both parcels. Queuing for the pay kiosks is provided via three, 180-foot marked lanes running west to east along the southern edge of both parcels. The pay kiosk lanes funnel into a single-entry lane for the car wash that turns back to the west. The queue for the actual car wash building entry allows for roughly nine vehicles. Twenty-five parking spaces are shown on the site plan.

The description of the C-2, Community Commercial District in City Code is as follows:

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.

Car washes are identified as an allowable commercial use subtype under "auto services" in City Code section 11-2-7. Section 11-4-5 of the City Code further specifies auto service uses, such as car washes, require a special use permit in C-2 districts.

Approval for similar special uses was given in the following cases:

- Case 15-006 1801 Kimberly Road – Special use permit to allow a car wash in C-2
- Case 09-001 3200 Devils Glen Road – Special use permit to allow a car wash in C-3
- Case 09-009 Part of Lot 1, Crowne Pointe Eighth Addition – Special use permit to allow for a car wash in C-2

City Code section 11-15-9 stipulates nine required standards that must be met for any special use permit to be issued. Staff has abbreviated those standards with the following list and indicated its position on each.

1. **Is the special use allowed in the targeted district?** Yes, per 11-4-5.
2. **Does the special use appear to comply with all applicable zoning regulations?** Yes; however, the site plan is still subject to review by City staff, the Planning and Zoning Commission, and City Council, where additional conditions may be added.
3. **Is the location, size and character of the use in harmony with the targeted district?** Yes, the front portion of the project area (3011 Devils Glen Road) was previously a car wash. Development of the rear portion (3050 Middle Drive) will remove a non-conforming use.
4. **Does the special use unreasonably hinder or discourage development in the target district?** No, by removing the existing non-conforming use, it may facilitate further appropriate development in the area.
5. **Is parking adequate and are the entrances and exits sufficient for the traffic flow to be generated?** Yes, adequate parking and traffic flow appear to be in place, but review and approval by the City Engineer will be required.
6. **Will the special use devalue surrounding properties?** No, in general a new 5,600 square foot building would tend to increase nearby property values.
7. **Has this case been reviewed and denied by the Board of Adjustment within the past year?** No.

8. **Are there any conditions the Board should impose to ensure the special use is in compliance with the standards above, or to minimize negative externalities of the special use?** Yes, the board should consider the following conditions:
- a. This approval does not waive any other state, federal, or local government provisions as required by law.
  - b. An agreement not to separate the properties or a replat of the involved properties into a single property is required.
  - c. Storm water management and sanitary sewer treatment must be approved by the City Engineer.
  - d. If not already provided, right-of-way access shall be deeded to the City for the portion of Middle Drive directly adjacent to the project site.
  - e. The applicant shall work with local utilities to coordinate location of overhead power and telecom lines.
9. **Is the proposed use consistent with the Comprehensive Plan?** Yes, the property is designated as for Community Commercial use on the Future Land Use Map.

Staff recommends approval of the special use permit subject to the conditions noted.

Respectfully submitted,

Mark D. Hunt, MPA  
Community Development Director



Middle Dr

Middle Dr

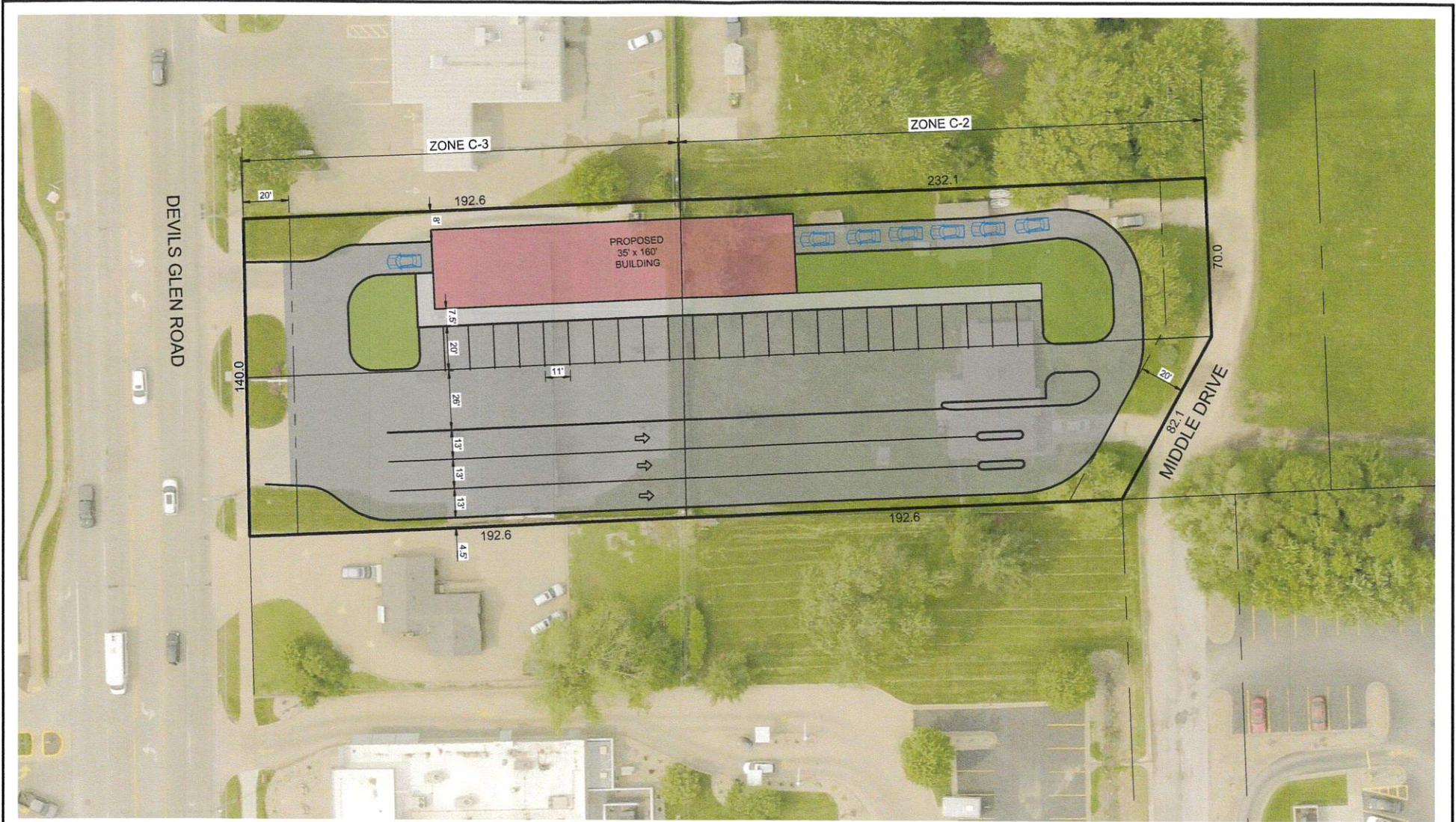
3050 Middle Drive  
3 min drive-home

Midwest Dent

Devils Glen Barber Shop

Devils Glen Rd

Devils Glen Rd



PROPOSED COMMERCIAL DEVELOPMENT  
 Bettendorf, Iowa  
 DEVILS GLEN CARWASH



SCALE: 1" = 40'

jmc project no. 20-037  
 designed by: mhm  
 drawn by: cam  
 checked by:  
 date: 09.14.2020

SITE PLAN

**j+m**  
 civil design llc  
 2550 middle road, ste. 602  
 bettendorf, ia 52722  
 www.jmcivildesign.com

DEVILS GLEN RD

C-2

C-3

MIDDLE DR

C-2

C-2





Case No. 20-057

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

Part 1. Property Involved.

Street Address 3050 Middle Drive, Bettendorf, IA

Legal Description of the property. DEVIL'S GLEN ACRES LOTS 21 & 22

Part 2. Contact Information.

Applicant Name Maggie Motto

Phone 563-345-3470

Address 2550 Middle Road, Suite 602, Bettendorf, IA

FAX \_\_\_\_\_

E-mail Address: maggie@jmcivildesign.com

Owner Name Dan Gunsteen

Phone 630-688-5843

Address 651 S. SCITON ROAD SUITE 305 STREAMWOODS

FAX \_\_\_\_\_

E-mail Address: dhgunsteen@gmail.com

IL 60107

Agent \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

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

FAX \_\_\_\_\_

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 11-4-5B 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 applicant is requesting a Special Use Permit for a car wash (Auto Services) per table 11-4-5B Commercial and Parking Permitted Use Table for a property that is zoned C-2. The existing car wash at the adjacent property (C-3) will be demolished and a new car wash will be built on both properties.

**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 23rd day of SEP, 20 20.

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

State of Iowa )  
                          SS  
County of Scott )

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

Witness my Hand and Notarial Seal this 23rd day of September, 20 20.

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

**Part 10. Filing Fee.**

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

Received by [Signature]  
Amount \$100. Date 9/22/20

