

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 (344-4055).

**MEETING NOTICE  
BOARD OF ADJUSTMENT  
APRIL 10, 2008  
5:00 P.M.**

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

1. Roll Call: Eikenberry \_\_\_\_\_, Howe \_\_\_\_\_, McElhiney \_\_\_\_\_, Stelk \_\_\_\_\_, Voelliger \_\_\_\_\_
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of March 13, 2008.
4. The Board to hold a public hearing on the following items:
  - a. Case 08-017; 3027 State Street (I-2) - A request for a special location plan to allow off-site parking, submitted by Jewell Group. **(Deferred from the meeting of March 13, 2008)**
  - b. Case 08-023; 3027 State Street (I-2) - A request for a variance to allow parking in a required front yard, submitted by Jewell Group.
  - c. Case 08-024; 2242 State Street (C-3) - A request for a special use permit to allow a bar, cocktail lounge, and tavern, submitted by Melissa Newsom.
  - d. Case 08-025; 3323 Magnolia Court (R-2) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Kelly Langston.
  - e. Case 08-030; 2455 Eagle Circle (R-5) - A request for a variance to reduce the required front yard setback from 25 feet to 22 feet to allow construction of a garage addition, submitted by Doug Palmer.

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. TEXT TELEPHONE (TTY) IS AVAILABLE AT (563) 344-4175. IN ADDITION, PERSONS USING TEXT TELEPHONE HAVE THE OPTION OF CALLING VIA THE IOWA COMPASS VOICE/TTY BY DIALING (800) 735-2942.

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

**MINUTES  
BETTENDORF BOARD OF ADJUSTMENT  
MARCH 13, 2008  
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Howe, Stelk, Voelliger  
ABSENT: Eikenberry, McElhiney  
STAFF: Beck, Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of February 21, 2008.

On motion by Howe, seconded by Stelk, that the minutes of the meeting of February 21, 2008 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 08-014; Lot 3, Hoffman's First Addition (A-1) - A request for a variance to reduce the required rear yard setback from 50 feet to 30 feet, submitted by DG Storage, L.L.C.

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

Soenksen reviewed the staff report. Staff report is Annex #3 to these minutes.

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

Kevin Koellner, the applicant, commented that the proposed use is less intense than the outdoor storage for which the site was previously used. He added that the requested 30-foot rear yard setback is substantial and that the use will be heavily screened from the adjacent property owner by the extensive existing and proposed plantings. Koellner explained that he plans to work with his neighbors with regard to landscaping.

Howe commented that the request is very straightforward and indicated that he would be comfortable approving it. Stelk concurred.

Voelliger asked for clarification regarding the distance between the north property line and the proposed building closest to it. Soenksen stated that the required 50-foot setback distance will be maintained.

Voelliger asked if the property to the east could ever be developed. Soenksen explained that it would not be restricted because of any flood plain issues, but that it is extremely unlikely that it would ever be developed because of the difficult topography.

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

On motion by Voelliger, seconded by Howe, that the request for a variance to reduce the required rear yard setback from 50 feet to 30 feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 08-015; 2540 State Street (C-2) - A request for a variance to reduce the required front yard setback from 20 feet to 0 feet, submitted by JCO Properties, L.L.C.

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

Soenksen reviewed the staff report. Staff report is Annex #5 to these minutes.

Voelliger asked if the applicant had considered diagonal parking as a means of reducing the proposed intrusion into the setback. Kevin Koellner, the applicant, explained that angled parking would encourage a one-way way traffic pattern which would be undesirable as traffic congestion would be increased when vehicles exit near the point.

Stelk asked if city staff has reviewed the parking lot configuration. Soenksen explained that the requested variance is the first step in the approval process, adding that both the Planning and Zoning Commission and City Council will review the site development plan. He added that staff requires a 24-foot wide lane between rows of parking spaces, indicating that the site plan shows a 26-foot wide separation. Beck commented that in the past the Board has granted variances allowing front yard parking on the property.

Howe stated that he believes that the proposed building would enhance the downtown. He asked if any new construction at a 0-foot setback has been allowed since the inception of the downtown redevelopment plan. Soenksen stated that it has

not. Howe commented that it is unlikely that during discussions with regard to downtown redevelopment it had been indicated that it would be desirable to have new buildings constructed at 0-foot setbacks. Soenksen concurred, but added that the site is unique in that it has three front yards.

Howe asked if the applicant had considered either a smaller building or relocating the building so that the front yard setback could be observed along State Street which is more noticeable. Koellner stated that many configurations had been considered, but indicated that if the building were to be flipped as suggested a greater variance would be required.

Howe asked how other Board members feel about setting such a precedent for new construction in the downtown and the possibility of flipping the building so that it would meet setback requirements along State Street. Stelk indicated that while it might be more preferable for the building to meet setback requirements along State Street, the lot's configuration is very unique. He added that he does not believe that any sort of precedent would be set because there are no other similar lots along State Street.

Howe expressed concern that approving the variance would be contradictory to the city's intent to have more greenspace along State Street. Beck stated that the constraints on this particular property would limit the possible amount of plantings that could feasibly be installed. He added that it is very important that traffic flows safely at this particular location. Soenksen stated that staff would be concerned by any changes that might reduce the number of parking spaces on the site as flipping the building might do.

Voelliger asked if parking would still be allowed on State Street. Soenksen confirmed this, adding that it is highly unlikely that anyone would choose to do so when on-site parking is readily available.

On motion by Howe, seconded by Voelliger, that the request for a variance to reduce the required front yard setback from 20 feet to 0 feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

- c. Case 08-016; 852 Middle Road (C-2) - A request for a variance to allow an additional shopping center sign, submitted by Lange Sign Group.

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

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

Voelliger asked for clarification regarding the required property line reconfiguration, indicating that he had been under the impression that the centerline of Kimberly Road is the dividing line between Bettendorf and Davenport. Soenksen confirmed this, explaining that the property line in question is the boundary of Duck Creek Plaza Third Addition. He indicated that the ownership of the property involved is not clear, adding that prior to the sign's being installed it would have to be replatted.

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

Jeff Brownell, PFDA Architects, stated that while the request is for an additional shopping center sign, it is actually intended to identify the office/bank building located at 852 Middle Road. He added that because of the confusion caused by the entrance to the building's being located along Kimberly Road, the proposed signage is especially important.

Gordon Johnson, the applicant, explained that the proposed sign will alleviate some of the safety concerns caused by the lack of directional signage.

On motion by Howe, seconded by Voelliger, that the request for a variance to allow an additional shopping center sign be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

- d. Case 08-017; 3027 State Street (I-2) - A request for a special location plan to allow off-site parking, submitted by Jewell Group. (Deferred to meeting of April 10, 2008)
- 5. Other.

Stelk welcomed Norm Voelliger as a newly-appointed member of the Board of Adjustment.

Soenksen stated that the District Court had recently ruled with regard to the electronic billboard located at Devils Glen Road and Middle Road and had upheld the Board's decisions with regard to the matter.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:40 p.m.

These minutes and annexes approved

\_\_\_\_\_

\_\_\_\_\_  
John Soenksen, City Planner



COMMUNITY DEVELOPMENT

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

April 10, 2008

Staff Report

**Case No.08- 017 and 08-023**

**Location:** 3027 State Street

**Applicant:** Jewell Group

**Zoning Designation:** I-2, General Industrial District

**Request:** A request for approval of a special location plan to allow off-site parking (08-017) and a request for a variance to allow parking in a required front yard (08-023).

**Background Information and Facts**

The site is located at the southwest corner of the intersection of 31<sup>st</sup> Street and State Street directly across the street from Jewell Tool (see Attachment A – Location Map). The applicant would like to place a parking lot to be used by employees of Jewell Tool on the rear 2/3 of the property (see Attachment B – Parking Lot Area Illustration). Although the parking lot would be directly adjacent to the property used by Jewell Tool at 3129 State Street, it is not located on the same parcel of land and therefore requires the Board to review and approve a special location parking plan.

**Staff Analysis**

The plan shows 36 parking spaces on the site (see Attachment C – Site Plan). As designed, the entrance/exit to the parking lot will be located at the southernmost portion of the property allowing the maximum separation between the driveway and U.S. Highway 67 (State Street). The parking lot configuration will encourage one-way traffic traveling counterclockwise throughout the site.

The Code requires off-site parking for industrial uses to be within 600 feet of the building it serves. This parking lot would be within 70 feet of the building. Persons using this parking lot will cross 31<sup>st</sup> Street to access the Jewell Tool building. 31<sup>st</sup> Street south of State Street is a very low volume roadway. Because of this, the City has never elected to conduct a traffic count on this portion of roadway. Staff does not anticipate any safety issues associated with pedestrians crossing this roadway going to and from the parking lot.

The ten parking spaces on the east side of the parking lot are considered to be within the front yard setback due to the fact that this is a corner lot having two front yards (see Attachment D – Front Yard Parking Illustration). Therefore, part of this request includes a variance to allow parking in a front yard setback. The intent of this requirement is to ensure sufficient separation between parking lots and roadways. If allowed, the parking lot would be 25 feet away from the paved portion of 31<sup>st</sup> Street. The northern portion

of the parking lot will be approximately 80 feet from the property line adjacent to State Street. The front yard setback in the I-2 district is 25 feet. Therefore, the applicant would ask the Board to consider if this request meets the intent of the ordinance.

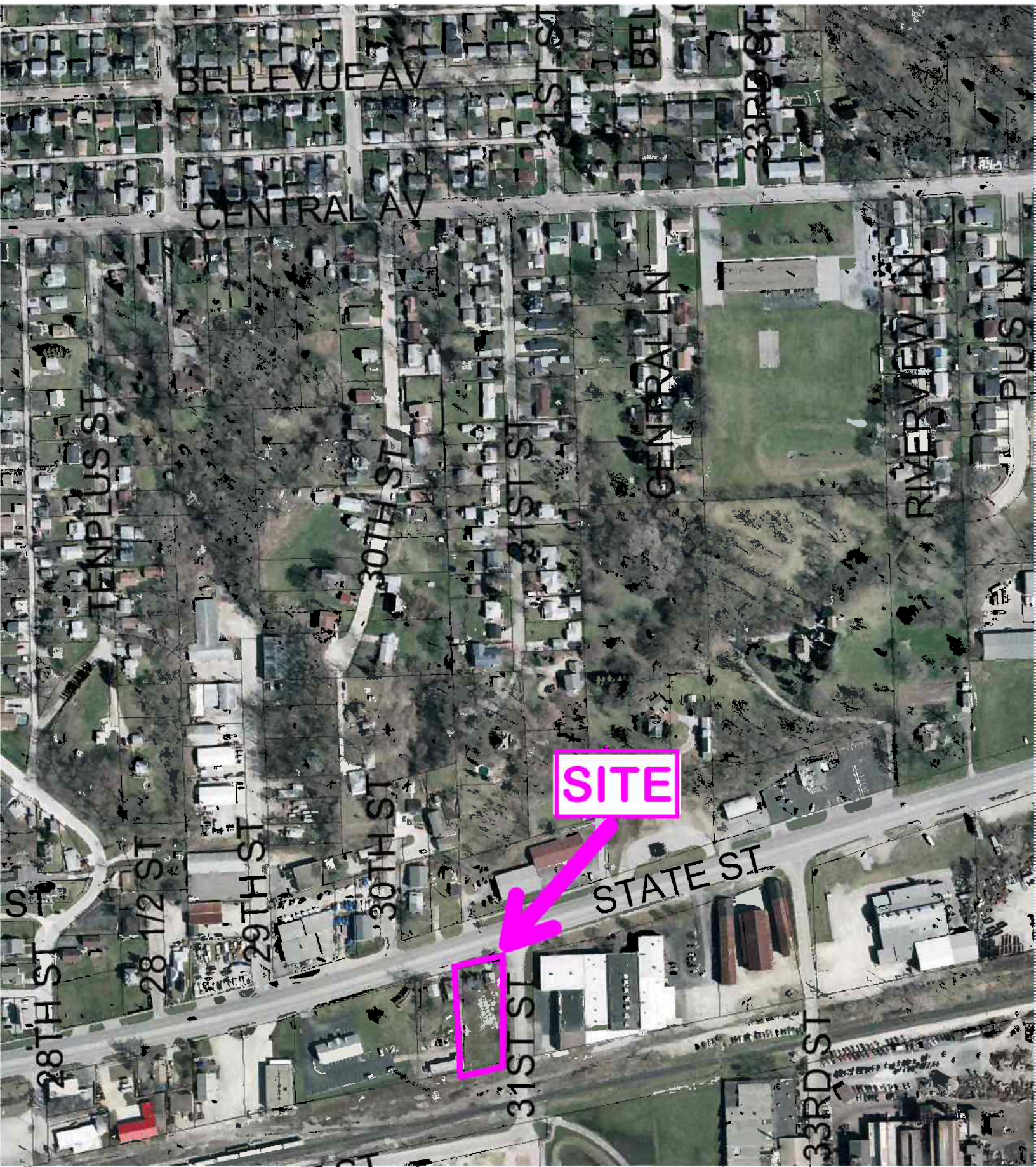
**Staff Recommendation**

Staff recommends approval of the special location parking plan. The Board must rule separately on the front yard variance request.

Respectfully submitted,

John Soenksen  
City Planner

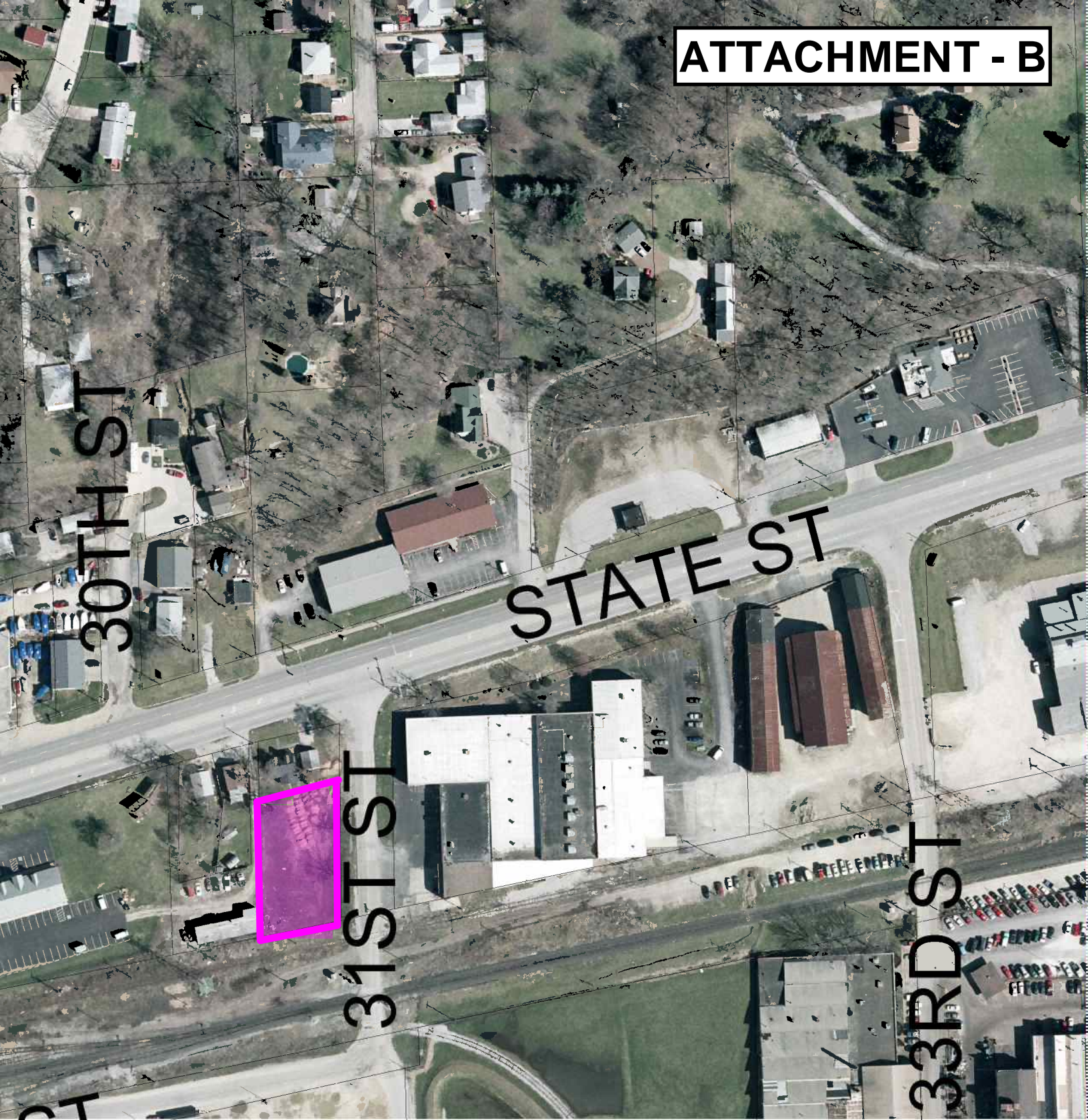
**ATTACHMENT - A**



**SITE**



**ATTACHMENT - B**



30TH ST

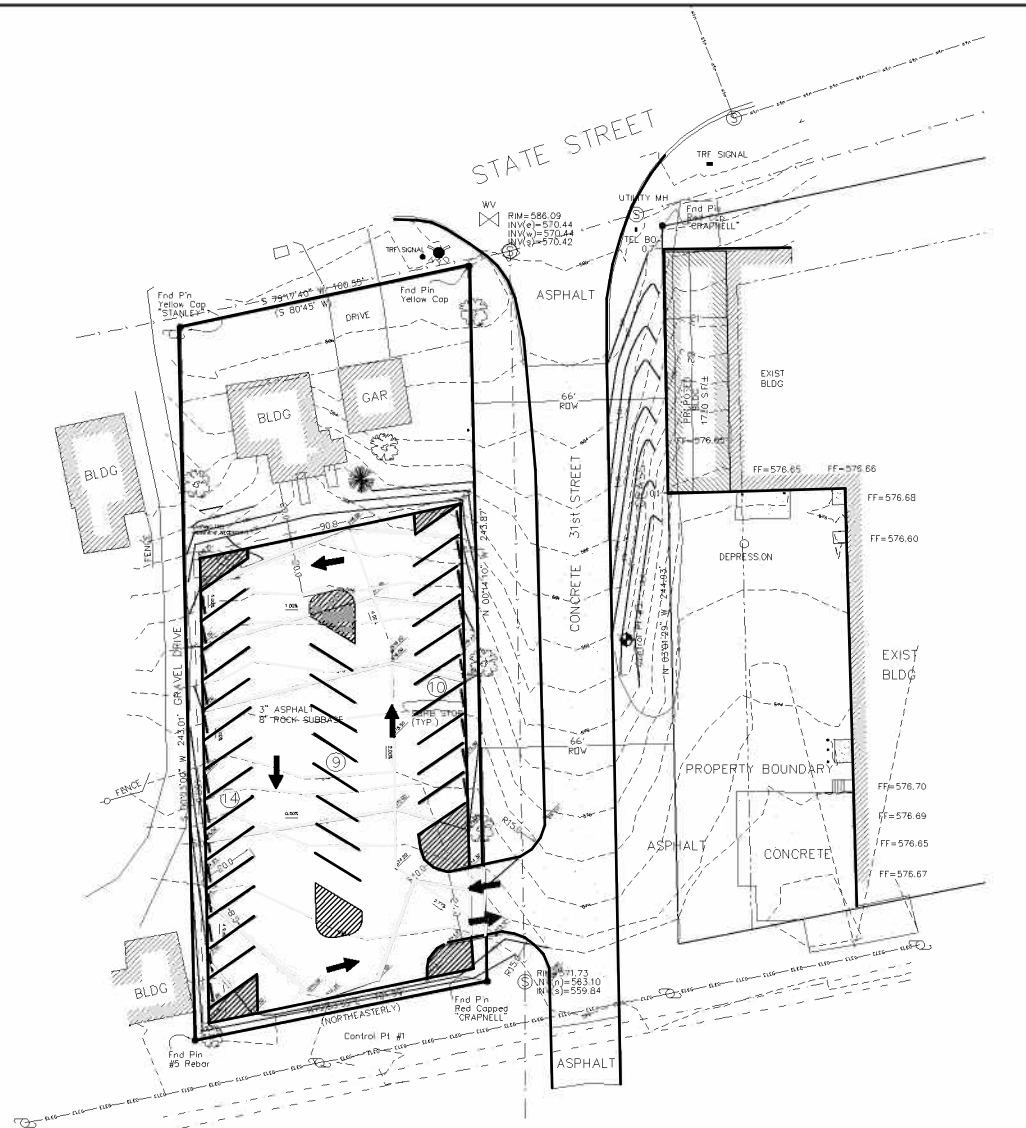
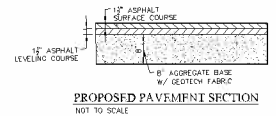
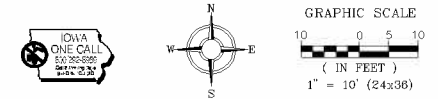
STATE ST

31ST ST

33RD ST



**SITE PLAN**  
**JEWELL TOOL TECHNOLOGY CO**  
**PARKING LOT ADDITION**  
**TO THE CITY OF BETTENDORF, IA**



- GENERAL NOTES**
- ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF BETTENDORF STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, LATEST EDITION, AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
  - LEGAL DESCRIPTION OF PROPERTY: 3027 STATE STREET, SEC 27, T79N, R4E, SCOTT COUNTY, BETTENDORF, IOWA
  - IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY CONFLICTS WITH THE DRAWINGS OCCUR. ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. EXISTING UTILITY LOCATIONS SHOWN ON THE DRAWINGS ARE APPROXIMATE.
  - THE CONTRACTOR SHALL NOTIFY THE CITY OF BETTENDORF AND THE ENGINEER 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
  - PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREAS. DO NOT ALLOW WATER TO DRAIN OR TO POND ONTO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
  - ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
  - CONCRETE PAVEMENT SHALL CONFORM TO THE REQUIREMENTS OF IOWA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAYS AND BRIDGE CONSTRUCTION, SECTION 2301, PORTLAND CEMENT CONCRETE PAVEMENT. CONCRETE PAVEMENT WITHIN THE PUBLIC RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF BETTENDORF STANDARDS AND SPECIFICATIONS.
  - ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL CONFORM TO THE IOWA CONSTRUCTION SITE EROSION CONTROL MANUAL, LATEST EDITION.
  - NOTE: ALL DIMENSIONS ARE TO THE BACK OF CURB, UNLESS OTHERWISE NOTED.

- LEGEND:**
- PROPERTY BOUNDARY
  - EXISTING PROPERTY LINE
  - - - EXISTING BUILDING SETBACK
  - - - EXISTING ELECTRIC
  - - - EXISTING SANITARY
  - - - EXISTING STORM SEWER
  - EXISTING TREE
  - ⊕ EXISTING UTILITY POLE
  - ⊕ EXISTING HYDRANT
  - ⊕ EXISTING WATER VALVE
  - ⊕ EXISTING MANHOLE
  - 399.79' MEASURED DISTANCE (200.00')
  - PLATED DISTANCE
  - FOUND PIN

I hereby certify that this Engineering document was prepared by me or under my direct personal supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Iowa.

Christopher R. Townsend, P.E. Date: \_\_\_\_\_  
 License number: 14824  
 My license renewed 4th in December 31, 2008  
 Pages or Sheets covered by this seal: \_\_\_\_\_



DATE: 02/26/08 TE PROJECT NO: 88675.03  
 563 386.4236 office 386.4231  
 2224 East 12th Street, Davenport, IA 52803

DRAWN BY: MDR CHECKED BY: CRT  
 DRAWING LOCATION: S:\WILSON\JEWELTOOL\dwg\SITE PLAN.dwg

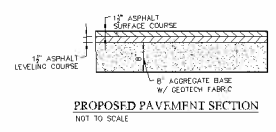
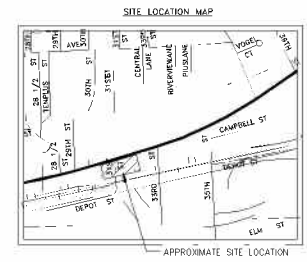
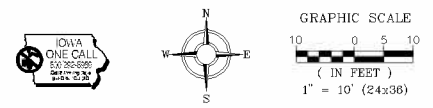
NO.	REVISIONS: DESCRIPTION	DATE

PROJECT: PARKING LOT ADDITION  
 31ST STREET  
 BETTENDORF, IA 52722

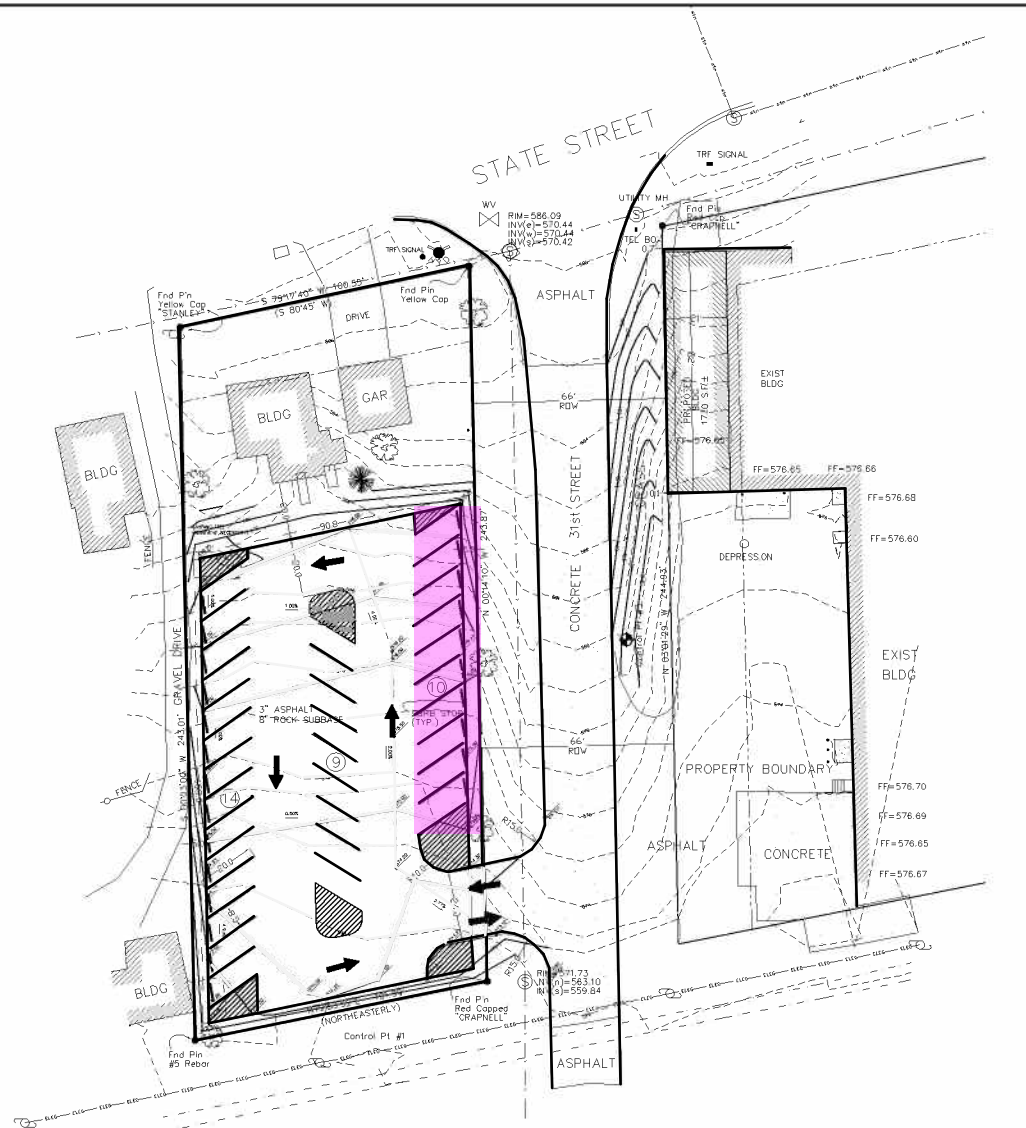
DEVELOPER: JEWELL TOOL TECHNOLOGY CO  
 STATE STREET  
 BETTENDORF, IA 52722

SHEET NO. 1 OF 3

## SITE PLAN JEWELL TOOL TECHNOLOGY CO PARKING LOT ADDITION TO THE CITY OF BETTENDORF, IA



- GENERAL NOTES**
- ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF BETTENDORF STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, LATEST EDITION, AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
  - LEGAL DESCRIPTION OF PROPERTY: 3027 STATE STREET, SEC 27, T8N, R4E, SCOTT COUNTY, BETTENDORF, IOWA
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  - THE CONTRACTOR SHALL NOTIFY THE CITY OF BETTENDORF AND THE ENGINEER 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
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- LEGEND:**
- PROPERTY BOUNDARY
  - EXISTING PROPERTY LINE
  - - - EXISTING BUILDING SETBACK
  - - - EXISTING ELECTRIC
  - - - EXISTING SANITARY
  - - - EXISTING STORM SEWER
  - EXISTING TREE
  - EXISTING UTILITY POLE
  - EXISTING HYDRANT
  - EXISTING WATER VALVE
  - EXISTING MANHOLE
  - 399.79' MEASURED DISTANCE (300.00')
  - PLANTED DISTANCE
  - FOUND PIN

I hereby certify that this Engineering document was prepared by me or under my direct personal supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Iowa.

Christopher R. Townsend, P.E. Date: \_\_\_\_\_  
 License number: 14854  
 My license renewed 4th to 10th of December of 2008  
 Pages or Sheets covered by this seal: \_\_\_\_\_



DATE: 02/26/08 TE PROJECT NO: 88675.03  
 563 386.4236 office 386.4231  
 2224 East 12th Street, Davenport, IA 52803

DRAWN BY: MDR CHECKED BY: CRT  
 DRAWING LOCATION: S:\WILSON\JEWELTOOL\dwg\SITE PLAN.dwg

NO.	REVISIONS: DESCRIPTION	DATE

PROJECT: PARKING LOT ADDITION  
 31ST STREET  
 BETTENDORF, IA 52722

DEVELOPER: JEWELL TOOL TECHNOLOGY CO  
 STATE STREET  
 BETTENDORF, IA 52722

SHEET NO. 1 OF 3

Case No. \_\_\_\_\_

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

**Part 1. Property Involved.**

Street Address 3027 State Street

Legal Description of the property. See attached Plat

**Part 2.**

Applicant Name Jewell Group Phone \_\_\_\_\_  
Address \_\_\_\_\_ FAX \_\_\_\_\_

Owner Name Blake Collins Phone 355-5010 ex+113  
Address \_\_\_\_\_ FAX \_\_\_\_\_

blake@jewellgroup.com  
Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ FAX \_\_\_\_\_

**Part 3. This application is for the following: (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) 344-4055

April 10, 2008

Staff Report

**Case No. 08-024**

**Location:** 2242 State Street

**Applicant:** Melissa Newsom

**Zoning Designation:** C-3, General Business District

**Request:** Special use permit to allow a bar, cocktail lounge, and tavern.

**Background Information and Facts**

The site is located just to the west of the intersection of 23<sup>rd</sup> Street and State Street on the north side of State Street (see Attachment A – Location Map). The applicant is asking the Board to consider a special use permit to allow the operation of a bar/cocktail lounge/tavern.

**Staff Analysis**

This is the site of the former Tobacco Outlet Store (see Attachments B and C, Building Photos). The applicant states that the building will undergo some extensive renovation both inside and out as a result of this project. The structure was originally built in 1910. Building inspection staff will oversee all renovations and, as a result, it is hoped that the building will become more compliant with today's building standards.

The building is approximately 2300 square feet in size which appears to be sufficient for the proposed business. The site's size, configuration, location, access, and availability to on-street parking appears to be similar to other downtown taverns. Other similar establishments in this area include:

- Paddlewheel
- Fumbles
- Wagon Wheel
- Purgatory's

The fact that the site does not have on-site parking will limit the amount of patrons who will reasonably be able to frequent the establishment at any single time. 23<sup>rd</sup> Street does not allow parking on either side of the roadway; therefore, the only parking available will be the parking spaces on State Street.

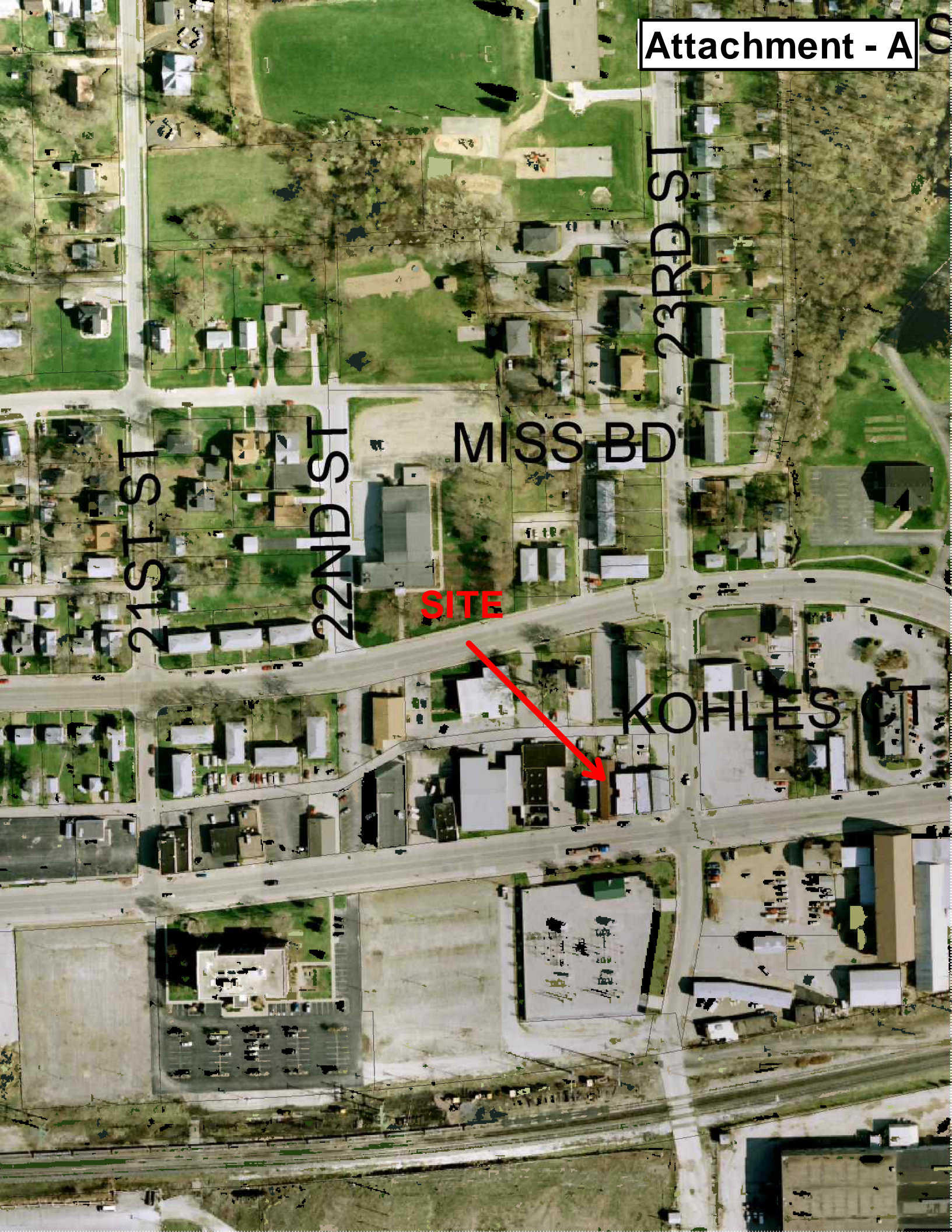
**Staff Recommendation**

Staff feels that the request is similar to and in keeping with other established businesses of this type in the downtown area.

If the Board is concerned about the lack of on-site parking, it may choose to issue the special use permit on a temporary (one year) basis to observe if any problems arise as a result of this request. The Board granted a temporary special use permit for Home Depot's outdoor lawn garden in this fashion before ultimately granting it on a permanent basis one year later. The Board recently granted a temporary permit for an outdoor service area for The Scrub Pub and will review its operation for a permanent permit in one year.

Respectfully submitted,

John Soenksen  
City Planner



21ST ST

22ND ST

MISS BD

23RD ST

SITE

KOHLES CT

# Attachment - B



# Attachment - C



Case No. 006-024

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

### Part 1. Property Involved.

Street Address 2242 State Street Bettendorf, IA 52722  
Legal Description of the property. Brick, 2 large windows in front, Desc between them, large long room, 2 rest rooms in back, small stairs with 2 room at top.  
Lot 52 P.S. Gilroy's Addition

### Part 2.

Applicant Name Melissa Newsom Phone 563-320-2485  
Address 519 26th St. Bettendorf, IA 52722 FAX \_\_\_\_\_

Owner Name Gerald D. Moss Phone 563-505-0997  
Address 3447 Pleasant Dr. Bettendorf, IA 52722 FAX \_\_\_\_\_

Agent NA Phone \_\_\_\_\_  
Address \_\_\_\_\_ FAX \_\_\_\_\_

### Part 3. This application is for the following: (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 C-3

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

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

see attached

**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.**

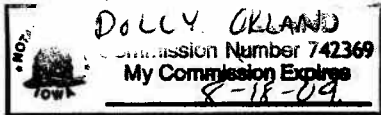
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 18 day of March, 2008.

Signature of Applicant Melissa Newson Signature of Owner Arvid D. Mass  
(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 18 day of March, 2008



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 John Lake  
Amount \$100 Date 8/18/08

We would like to open a Country Western Saloon at this property. We feel it is in a good location and that it would serve the community well here.

The renters would put ~~se~~veral thousands of dollars into the building to make it much improved, both inside and out.

Knowing that the city is expanding in this area is giving us great confidence that we could do our part to serve the community with a clean, friendly and responsible Business.

## Part 6

① Inside is 1" wide by 4" to 5" long.

② Very large room with a mens and a womens restroom in the back. Also in the back up a small set of stairs is 2 rooms; one room on each side of the stairs.

③ A long bar on left side and a small stage in back. The rooms upstairs to be used as office and storage.



COMMUNITY DEVELOPMENT

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

April 10, 2008

Staff Report

**Case No. 08-025**

**Location:** 3323 Magnolia Court

**Applicant:** Kelly Langston

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

**Request:** Variance to allow a 6-foot high fence in a required front yard.

**Background Information and Facts**

The site is located at the southeast corner of Golden Valley Drive and Magnolia Court (see Attachment A – Location Map). The home is a two-story structure on an oversized corner lot (see Attachment B – House Photo). The applicant is requesting permission to place a 6-foot high fence within a front yard setback adjacent to Golden Valley Drive (see Attachment C – Plot Plan).

**Staff Analysis**

Six-foot high fences are allowed in side and rear yards on property lines. Although the requested placement of this fence appears to be in an allowed side yard, due to the fact that this is a corner lot, the fence would actually be in a front yard according to code definition. The rear yard is currently occupied by decking, a swimming pool, trampoline, utility shed, and other related items (see Attachment D – Rear Yard Photos). One problem facing the applicant is the configuration of the pool and associated decking to the rear of the house. If the 6-foot high fence were placed at the prescribed setback, it would place the fence within the pool (see Attachment E – Allowed Fence Placement Illustration).

Although this is an oversized corner lot, the required 6-foot fence placement would effectively divide the rear yard area in half as shown in Attachment E. This is due to the triangular shape of this lot.

The rear yard's topography is such that the property is several feet below the level of the roadway. Therefore, the applicant points out the fact that a 6-foot high fence at the required setback away from Golden Valley Drive would provide no more privacy than a 3-foot high fence at the front property line due to the abovementioned topography. The applicant also states that they are attempting to provide more security for the pool with a six foot fence which is not only a benefit for them, but also for the surrounding neighbors with children that could possibly wander into the pool.

The applicant is asking the Board to consider the combination of the rear yard topography, the lot configuration, the pool safety issues, and the privacy issues associated with this property as a reasonable hardship for a variance from the required fence setback.

Respectfully submitted,

John Soenksen  
City Planner

**Attachment - A**



**SITE**

**THE  
LODGE**

**SPRUCE HILLS DR**

# Attachment - B



Attachment - C

6-foot fence 1.5 feet from property line

SET BACK SHOULD BE 27' 6" FROM EDGE OF SIDEWALK

GOLDEN VALLEY

28' FROM SIDEWALK DOWN TO BOTTOM OF HILL

5' HIGH FENCE ATTACHED TO POOL TO DECK GATE w/ LOCK  
5' HIGH FENCE ATTACHED TO DECK GATE w/ LOCK



CURRENT DECK

325'

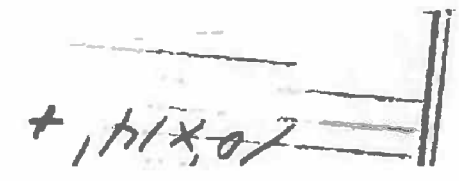
POOL DECK

HOUSE

1 1/2'

MAGNOLIA CT

NOT TO SCALE





**Attachment - E**



Pool

Allowed 6' fence

Case No. 08-025

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

**Part 1. Property Involved.**

Street Address 3323 Magnolia Ct  
Legal Description of the property LOT 39 Forests Summit Hills 3rd Add

**Part 2.**

Applicant Name Kelly Lamason Phone 359-5634 work  
Address 3323 Magnolia Ct FAX 359 8208 home

Owner Name Same Phone \_\_\_\_\_  
Address \_\_\_\_\_ FAX \_\_\_\_\_

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ FAX \_\_\_\_\_

**Part 3. This application is for the following: (check at least one)**

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

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

**Part 4. General Information.**

Section(s) of Zoning Ordinance Involved \_\_\_\_\_ Existing Zoning R2

**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 are requesting a variance to the 6 foot tall privacy fence ordinance for placement of the fence. The distance from the sidewalk on the NE portion of the property required would place the fence inches from the existing pool. We are asking to be allowed to place the fence nearer to the sidewalk in essence at the top of the slope in our back yard. Placing the fence at that location would provide greater protection from intrusion to the pool. A six foot fence next to the pool provides no greater protection than a four foot fence where we would be allowed to place a four foot 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.

*\* See attachment*

**Part 7. Signature.**

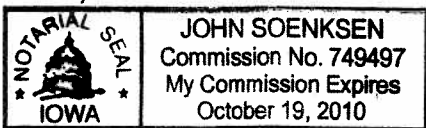
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 18 day of March, 20 08.

Signature of Applicant \_\_\_\_\_ Signature of Owner Kelly Sampson  
(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 18 day of March, 20 08.



John Sampson  
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 John Sampson  
Amount \$ 50.00 Date 3/27/08



COMMUNITY DEVELOPMENT

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

April 10, 2008

Staff Report

**Case No. 08-030**

**Location:** 2455 Eagle Circle

**Applicant:** Doug Palmer

**Zoning Designation:** R-5, Multi-Family Residence District (with restrictive covenants)

**Request:** Variance to reduce the required front yard setback from 25 feet to 22 feet to allow construction of a garage addition.

**Background Information and Facts**

The site is located toward the western city limits south of Forest Grove Drive on the cul-de-sac of Eagle Circle. The site is located near Crow Valley Golf Course (see Attachment A – Location Map). The applicant would like to enlarge the current two-car garage into a three-car garage (see Attachment B – Plot Plan).

**Staff Analysis**

The home has 3,315 square of aboveground living space. Staff would concur that a three-car garage is consistent with homes of this size. The requested garage addition appears to be the minimum needed to expand the current structure into a useable three-car garage. The applicant has offset the garage addition toward the side yard as close as the Code allows (within 5 feet of the side yard) to minimize the encroachment into the front yard. If allowed, the addition would protrude less than 3 feet into the required 25-foot front yard setback.

The applicant would point out the fact that this is an irregularly-shaped lot and that the current structure's configuration makes any expansion difficult without either a slight front or side yard intrusion.

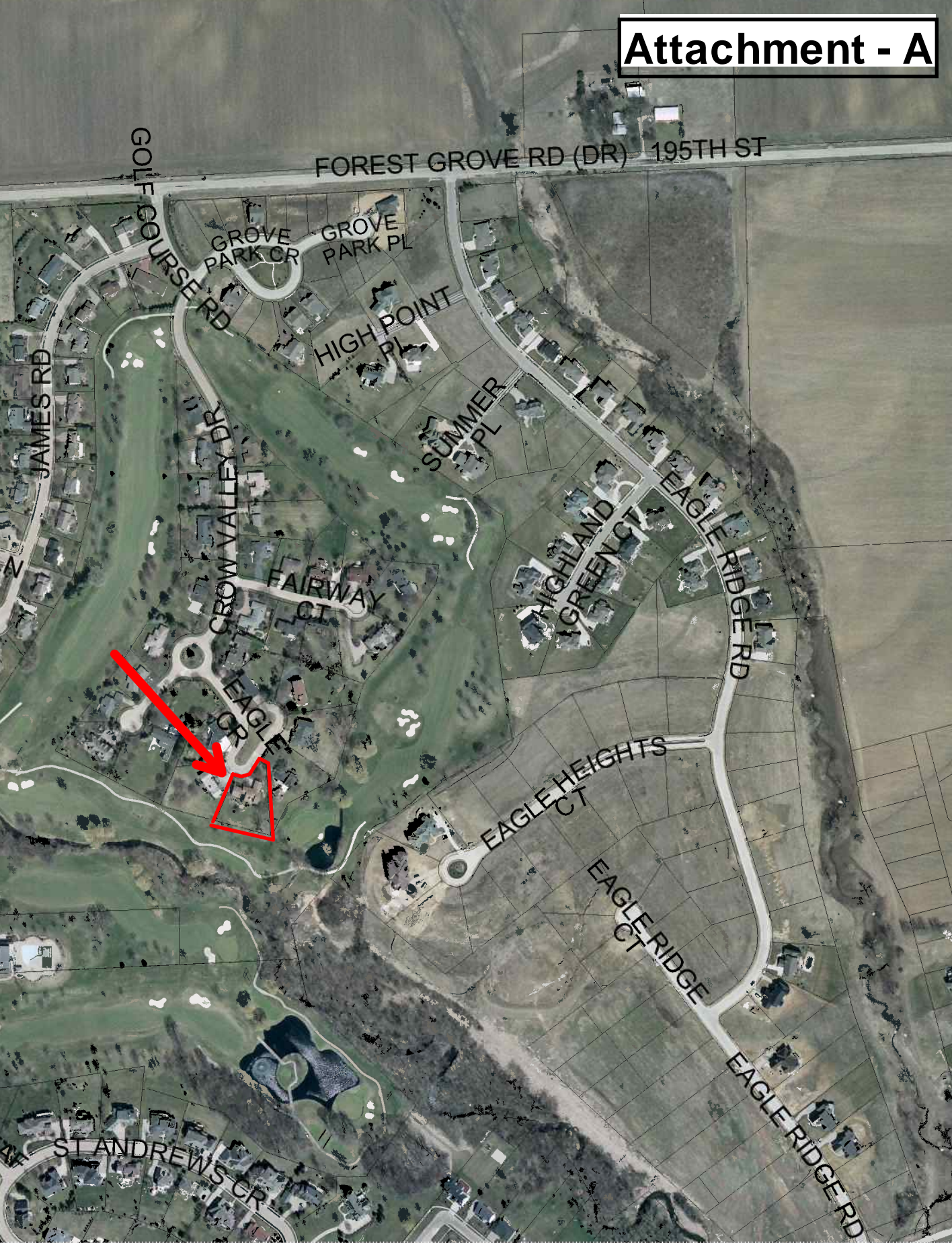
In the past, the Board has acknowledged that issues associated with irregularly-shaped lots on cul-de-sacs can be used to establish a legitimate hardship as long as the encroachments are minimal and other alternatives have been exhausted. The applicant has conferred with staff within the Building Inspection Department, and the current request appeared to be the least intrusive alternative.

Staff has addressed the slight encroachment into the utility easement for the requested structure, and the applicant has already received most of the letters of approval needed before staff will issue a permit if this request is approved.

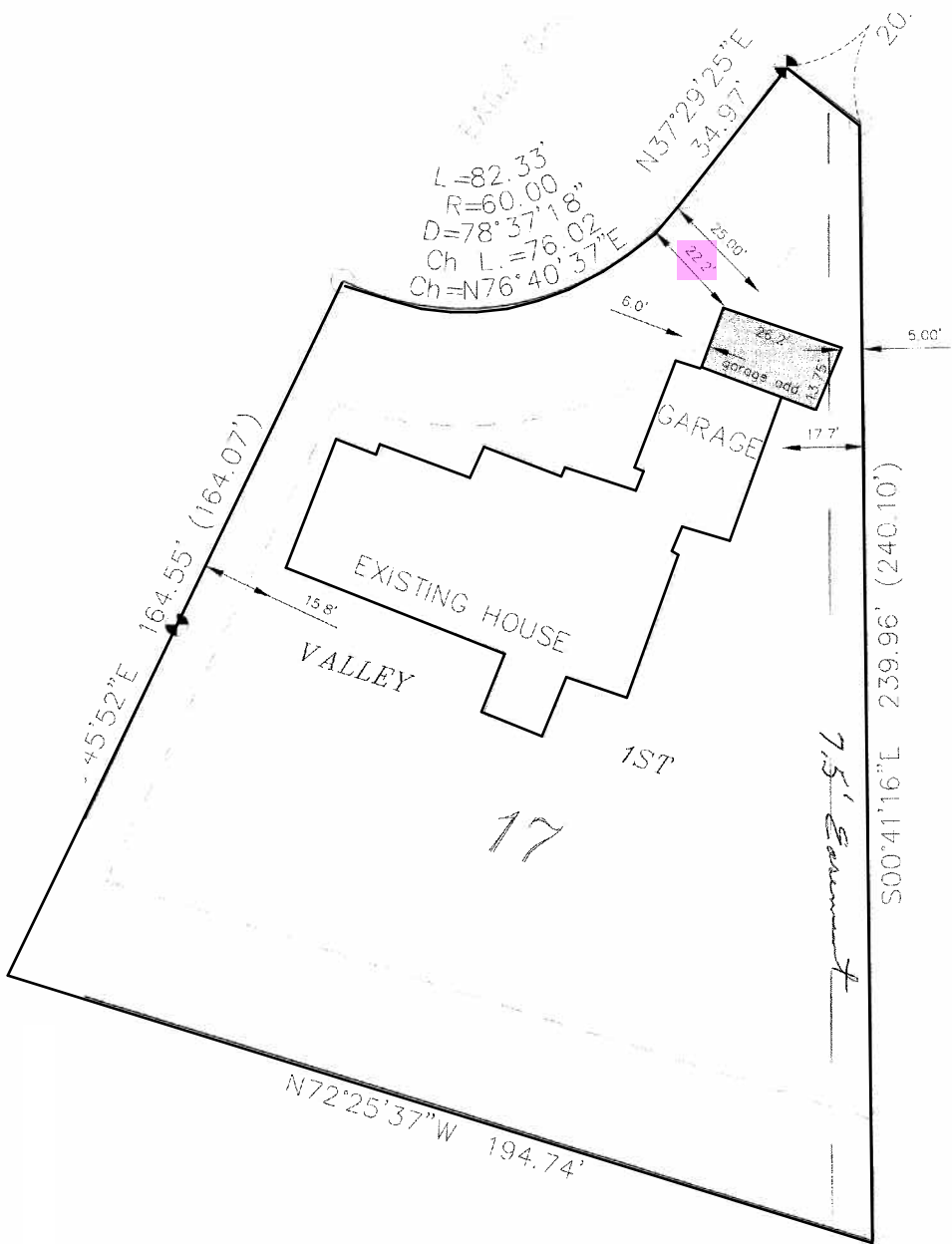
Respectfully submitted,

John Soenksen  
City Planner

# Attachment - A



# Attachment - B



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

**Part 1. Property Involved.**

Street Address 2455 Eagle Circle  
Legal Description of the property. lot 17 Crow Valley 1st Addition

**Part 2.**

Applicant Name Doug Palmer (possible buyer) Phone 563-529-2427  
Address 805 Clover Hill Lane, Keokuk, IA 52753 FAX 563-322-7181

Owner Name Richard Whittlesby Phone 555-9066  
Address 2455 Eagle Circle FAX \_\_\_\_\_

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ FAX \_\_\_\_\_

**Part 3. This application is for the following: (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:
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- 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.

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

*This is an irregular shaped lot (pie shape) which is further restricting the lot. The prospective owner intends to undertake a major remodeling of this 33 year old residence to update it to the caliber of the newer homes in the vicinity. Today's market standards for such properties require minimum 2-car garage. Adding a 2nd stall to the existing 2-car garage will bring this property up to par with comparable properties in this golf club neighborhood. This property is on a cul-de-sac island, so properties across the street are far removed from this property.*

**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.
- ( ) 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.**

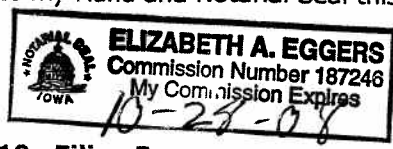
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 31 day of March, 2008.

Signature of Applicant [Signature] Signature of Owner Richard Wittlessey  
 (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 31<sup>st</sup> day of March, 2008.



Elizabeth A. Eggers  
 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 3/31/08