

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
JUNE 12, 2008
5:00 P.M.**

PLACE: Bettendorf City Hall Council Chambers, 2nd 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 May 8, 2008.
4. The Board to hold a public hearing on the following items:
 - a. Case 08-044; 1930 State Street (C-2 and C-4) - A request for a variance from the Downtown-Riverfront Corridor Overlay District requirements to allow an additional on-premises identification sign, submitted by Hardee's.
 - b. Case 08-045; 2550 Middle Road (Restrictive Covenant Commercial) - A request for a variance to reduce the required setback for an on-premises identification sign from 25 feet to 15 feet, submitted by Northwest Bank & Trust.
 - c. Case 08-046; 2804 Middle Road (R-2) - A request for a variance to reduce the required front yard setback from 30 feet to 28 feet, submitted by Covenant Homes.
 - d. Case 08-047; 3245 Utica Ridge Road (C-4) - A request for a variance to reduce the required sign setback from 20 feet to 17 feet, submitted by Acme Sign Co.
 - e. Case 08-048; 4357 Palm Drive (R-2) - A request for a variance to increase the allowable garage area from 720 square feet to 916 square feet, submitted by Beaver Builders, Inc.
 - f. Case 08-049; 1039 Hall Street (R-2) - A request for a variance to reduce the required side yard setback from 5 feet to 3 feet to allow construction of a garage, submitted by Tim Grothus.
 - g. Case 08-050; 2215 Echodale Drive (R-2) - A request for a variance to reduce the required front yard setback from 25 feet to 17 feet to allow construction of a 10-foot by 20-foot deck, submitted by Joseph Miller.
 - h. Case 08-051; 221 - 15th Street (C-2) - A request for a special use permit to allow an outdoor alcohol service area, submitted by Anthony Buckley.

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
MAY 8, 2008
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Eikenberry, Howe, McElhiney, Stelk, Voelliger
ABSENT: None
STAFF: Connors, Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of April 10, 2008.

On motion by Voelliger, seconded by Eikenberry, that the minutes of the meeting of April 10, 2008 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 08-032; 1515 Belair Drive (R-2) - A request for a variance to increase the allowable fence height from 6 feet to 7 feet, submitted by Fred Lepley.

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.

Fred Lepley, the applicant, explained that when he moved into the home the current fence was 7 feet tall but that he had removed a lattice section from the top of the fence. He indicated that the fence is in poor condition and that he would like permission to place a 7-foot high fence in the same place as the existing one.

Stelk asked if the fence would be constructed of wood. Lepley confirmed this.

Soenksen stated that he had received a phone call in support of the request.

Voelliger asked if the proposed new fence would be 7 feet tall and the same length as the existing fence. Lepley confirmed this.

Howe commented that he is in support of the request in light of the elevation change on the property, adding that he is glad the applicant has taken the initiative to improve the property.

There being no one 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 increase the allowable fence height from 6 feet to 7 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 08-033; Southeast corner of Middle Road and Kimberly Road (C-2 and C-4) - A request for a variance to reduce the required front yard building setback from 20 feet to 0 feet and a variance to reduce the required sign setback from 15 feet to 2 feet and from 15 feet to 6 feet for two signs, submitted by McDonald Properties East, LLC.
- c. Case 08-034; Southeast corner of Middle Road and Kimberly Road (C-2 and C-4) - A request for a special use permit to allow a drive-up window, submitted by McDonald Properties East, LLC.

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.

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

Kevin Koellner, the applicant, explained that he and his partners submitted the request for the variance for a reduction in the front yard setback in order that construction could begin pending the result of the right-of-way vacation process that is underway. He added that if the vacation of the right-of-way is approved, the variance request becomes unnecessary. Koellner stated that the proposed drive-up window would be located on the northwest side of the building to allow for the maximum number of stacking spaces. He added that he is willing to meet with staff to discuss visibility concerns with regard to the variance related to the sign setback.

Voelliger asked if traffic would flow to the west when using the drive-up window. Soenksen confirmed this.

McElhiney stated that she would be hesitant to support the request for a special use permit to allow a drive-up window if it were placed on the east side of the building as she does not believe that enough stacking space would be available. Soenksen stated that a condition could be placed on approval restricting the location of the drive-up window to the west half of the building.

McElhiney asked why signage is not taken into consideration during the development process so that variance requests are unnecessary. Connors explained that because of the significant amount of right-of-way involved, any signage placed in accordance with the ordinance would be located in the parking area. He added that there are restrictions on the height and size of the sign.

Voelliger stated that he had been under the impression that old Middle Road had already been deeded to the adjacent property owners. Soenksen explained that only the north half of the right-of-way had been vacated.

Voelliger asked if old Middle Road would be removed. Soenksen stated that the pavement would remain and that only the property line would change for the applicant's parcel. He indicated that because setbacks are determined in relation to the roadway, if the vacation is approved a variance would not be necessary for the structure.

Voelliger asked how vehicles would exit from the proposed drive-up window. Soenksen stated that egress would be to Kimberly Road.

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

On motion by Howe, seconded by Voelliger, that the request for a variance to reduce the required front yard building setback from 20 feet to 0 feet and a variance to reduce the required sign setback from 15 feet to 2 feet and from 15 feet to 6 feet for two signs be approved in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE:	Howe, McElhiney, Stelk, Voelliger
NAY:	None
ABSTAIN:	Eikenberry

Motion carried.

On motion by Howe, seconded by Voelliger, that the request for a special use to allow a drive-up window be approved in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE: Howe, McElhiney, Stelk, Voelliger
NAY: None
ABSTAIN: Eikenberry

Motion carried.

Decision and Orders are Annex #6 and Annex #7 to these minutes.

- d. Case 08-035; 2340 Spruce Hills Drive (C-2) - A request for a special use permit to allow sand volleyball courts and an outdoor alcohol service area, submitted by Dan Henderson.

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 #8 to these minutes.

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

Dan Henderson, the applicant, stated that because of his landlord's concerns about the reduction in parking that would result from installation of a volleyball court, that part of the request would be withdrawn. He added that he would still like to build a deck and have an outdoor alcohol service area.

Soenksen asked if the deck would still be 20 feet by 50 feet. Henderson confirmed this.

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 Eikenberry, seconded by McElhiney, that the request for a special use permit to allow an outdoor alcohol service area be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #9 to these minutes.

- e. Case 08-036; 3729 Vogel Court (R-2) - A request for a variance to reduce the required side yard setback from 5 feet to 2.5 feet to allow for a 10-foot by 20-foot storage shed, submitted by Bob and Gail Dover.

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 #10 to these minutes.

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

Gail Dover, the applicant, stated that the proposed shed will have the same siding as her house. She added that it would have a porch, a brick front, and windows. She indicated that because of the existing landscaping, she feels that the proposed location is ideal.

McElhiney stated that she does not believe that the applicant has established a hardship. She indicated that there are many other locations where the structure could be built, especially in light of the large size of the lot. Voelliger concurred, adding that it is possible that allowing a structure so close to the property line could negatively impact the neighbor's property value. Howe commented that he feels that there are better sites on the property available.

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 McElhiney, seconded by Howe, that the request for a variance to reduce the required side yard setback from 5 feet to 2.5 feet to allow for a 10-foot by 20-foot storage shed be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #11 to these minutes.

- f. Case 08-037; 3466 Maplecrest Road (R-4) - A request for a variance to reduce the required setback for an on-premises subdivision identification sign from 15 feet to 4 feet, submitted by Allen Sign Co.

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 #12 to these minutes.

Stelk asked how large the proposed sign would be. Soenksen stated that the sign would be approximately 30 square feet, adding that the applicant would be allowed to place up to a 60 square foot sign on the property.

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

Denise Allen, the applicant, stated that the proposed sign would be 48 inches by 22 inches, adding that the installed height would be 4 feet. She indicated that visitors to the subdivision often get confused because of the number of similar street names in the area.

Howe asked if the homeowner's association is in favor of the request. Soenksen confirmed this.

Marlene Gaston, 3446 Maple Glen Drive, stated that there is no other location available for the sign that would be visible.

McElhiney stated that she believes that the sign is unnecessary, adding that it could cause problems for future owners of the property. She indicated that she feels that a negative precedent could be set.

Gaston stated the neighborhood is an established one, adding that she is unsure of why the developer had not included a subdivision identification sign in the original plan.

Howe commented that he believes it is positive that the neighborhood wishes to establish an identity. He added that if in the future enough members of the association are in favor of removing the sign, it could be done.

Voelliger stated the most new subdivisions have identification signs which allow visitors to more easily locate them.

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 setback for an on-premises identification sign from 15 feet to 4 feet be approved in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE:	Howe, Stelk, Voelliger
NAY:	McElhiney
ABSTAIN:	None

Motion carried.

Decision and Order is Annex #13 to these minutes.

- g. Case 08-038; 1519 Brown Street (C-3) - A request for a variance to increase the allowable garage area from 720 square feet to 1296 square feet, submitted by Michael Sersland.

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 #14 to these minutes.

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

Michael Sersland, the applicant, stated that he plans to side the garage to match the house.

Eikenberry asked if a towing service is an allowed use in a residential district. Stelk stated that the lot is zoned commercially.

McElhiney asked if there are houses located on either side of the lot. Sersland confirmed this, adding that there is a 12-foot high fence on the property line of the home adjacent to his property.

Voelliger stated that he is not opposed to the expansion of the garage for the use of storing a vehicle, but expressed concern that the applicant might choose in the future to use the property to repair cars which could result in unsightly items being placed in the alley. Sersland stated that the garage would be used only for storage of a tow truck, adding that the extra space would be especially useful in the winter.

Howe commented that he is surprised that the proposed request is not allowed in a commercial district. Eikenberry asked if the limitation on garage size relative to livable area is applicable. Connors explained that staff had determined that because the principal structure on the lot is residential, a variance would be necessary.

Howe asked if the applicant currently lives in the home. Sersland stated that eventually he will reside in the house.

Eikenberry commented that he is supportive of the request as it will greatly improve the property and is a commercially-zoned lot. Howe concurred.

McElhiney asked if it would be appropriate to place a condition on approval restricting the use of the garage to storage of a commercial vehicle only. Connors confirmed this.

Soenksen stated that the applicant had indicated to him that in the future he might use a portion of the garage for an office. Sersland explained that he has an office at another location, adding that possibly in 2-3 years he might put an office in the garage.

Voelliger asked if any other commercial vehicles would be parked outside. Sersland stated that only employee vehicles would be on the site.

Howe suggested that the applicant be allowed to have an office in the garage in the future if he chooses to do so. Eikenberry agreed.

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 Eikenberry, seconded by Howe, that the request for a variance to increase the allowable garage area from 720 square feet to 1296 square feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #15 to these minutes.

5. Other.

- a. Case 07-116; 1838 State Street (C-3) - Reconsideration of an appeal of the Zoning Administrator's decision to prohibit an expansion of a non-conforming use, submitted by Ed Veit.

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 #16 to these minutes.

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

Linda Veit, representing the applicant, stated that new used cars will no longer be sold from the State Street location. She requested that instead of the planter that the Board had required at a previous meeting, she be allowed to install a wall made of stacked stone. She indicated that the proposed wall would be 18 - 21 inches high and that the light posts would be surrounded by a pillar a few inches higher than the wall. She added that a planter would have been an attractive nuisance to litterers.

Voelliger commented that he believes that a wall would be more complementary to the events center. Other board members concurred.

Veit stated that there is a small, grassed area between the proposed wall and the sidewalk and asked permission to fill it in with concrete. Connors stated that he is not opposed to that solution.

A brief discussion was held regarding a deadline for completion of the stacked stone wall. Board members concluded that September 1, 2008 is a reasonable date to require completion of the wall.

McElhiney stated that she expects the applicant to make some improvements to the site and adhere to the conditions imposed previously by the Board, adding that she has seen no effort to do so as of yet. Eikenberry concurred.

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 McElhiney, seconded by Howe, that the request for a revision of the conditions related to the installation of a planter previously approved by the Board be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #17 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 6:05 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

June 12, 2008

Staff Report

Case No. 08-044

Location: 1930 State Street

Applicant: Hardees's

Zoning Designation: C-2 and C-4

Request: Variance from the requirements of the Downtown-Riverfront Corridor Overlay District (DRCOD) to allow an additional on-premises identification sign.

Background Information and Facts

The site is located adjacent to 20th Street between State Street and Grant Street (see Attachment A – Location Map). The applicant is requesting permission to place an additional (second) on-premises identification sign on the site.

Staff Analysis

The Hardee's restaurant is nearly complete, and the plan calls for an on-premises identification sign in the southeast corner of the property which will give the business visibility in the area of State Street and 20th Street. The applicant would like to place an additional sign on the northeast corner to give the business visibility in the area of Grant Street and 20th Street (see Attachment B – Site Plan). If allowed, the additional sign will be identical to the sign proposed for the southeast corner of the property (see Attachment C – Sign Illustration).

The site spans the entire length of the block from State Street to Grant Street and has three street frontages (State, Grant, and 20th Streets). Normally, a business would be allowed up to 300 square feet of signage per street frontage; in this case, up to three signs totaling 900 square feet would be permitted. The DRCOD requirements restrict this business to one 100 square foot freestanding sign.

Few of the businesses in the DRCOD area occupy through-lots. Admittedly, staff did not consider through-lots when drafting the DRCOD ordinance.

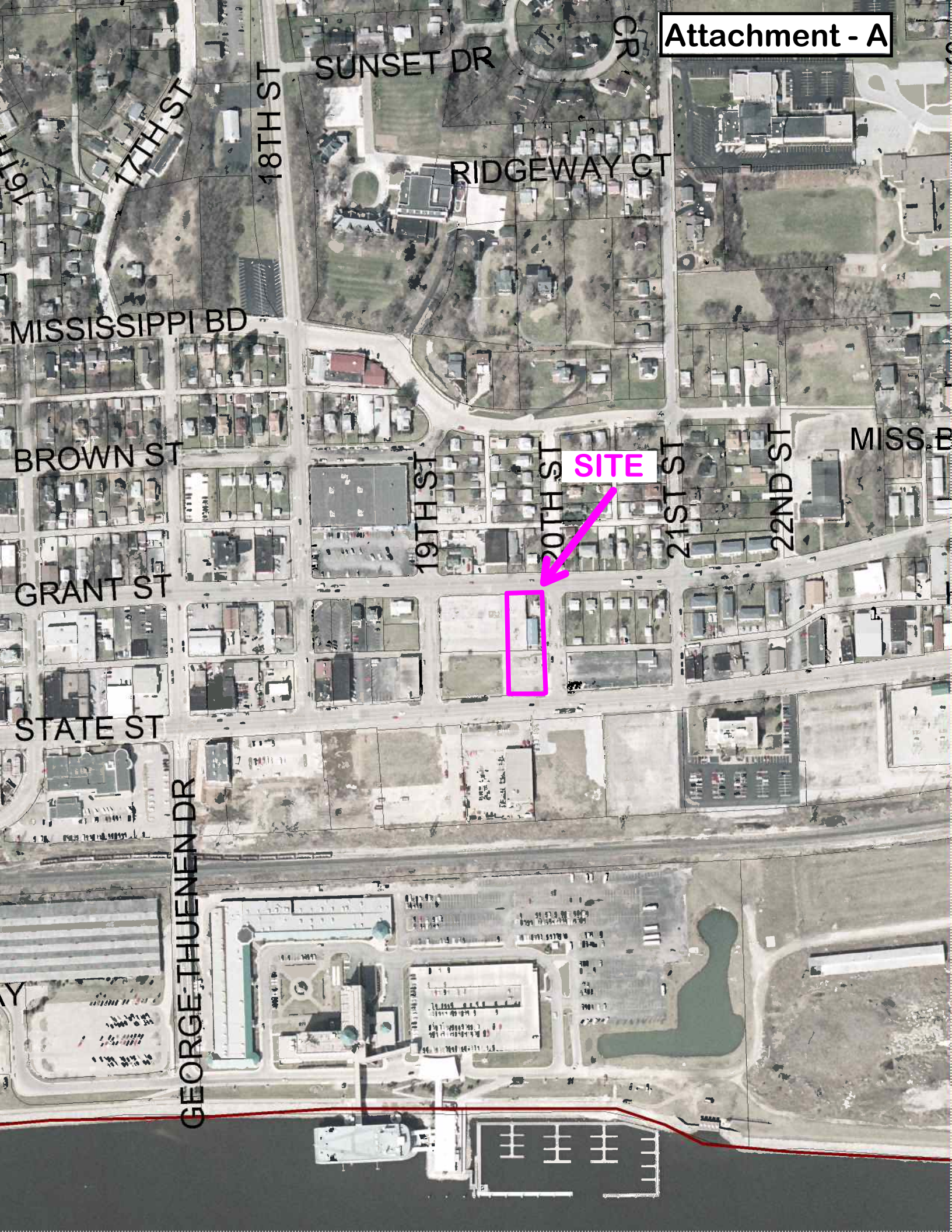
The applicant would point out the fact that there are visibility issues on both State and Grant Streets. Drivers on State Street cannot see the restaurant until directly in front of the building due to the fact that the restaurant is set back further (north) from State Street than is the Quad City Area Realtors Association building. There are also visibility issues for vehicles traveling westbound on Grant Street due to the restaurant's orientation toward State Street.

Staff Recommendation

Staff concedes all of the facts summarized in the above analysis and feels the applicant has demonstrated a hardship. The two signs appear to be reasonably-sized to address the above issues. The requested (second) sign meets all of the other provisions of the DRCOD regarding signage type, size, and materials.

Respectfully submitted,

John Soenksen
City Planner



SUNSET DR

RIDGEWAY CT

17TH ST

18TH ST

MISSISSIPPI BD

BROWN ST

GRANT ST

STATE ST

19TH ST

20TH ST

21ST ST

22ND ST

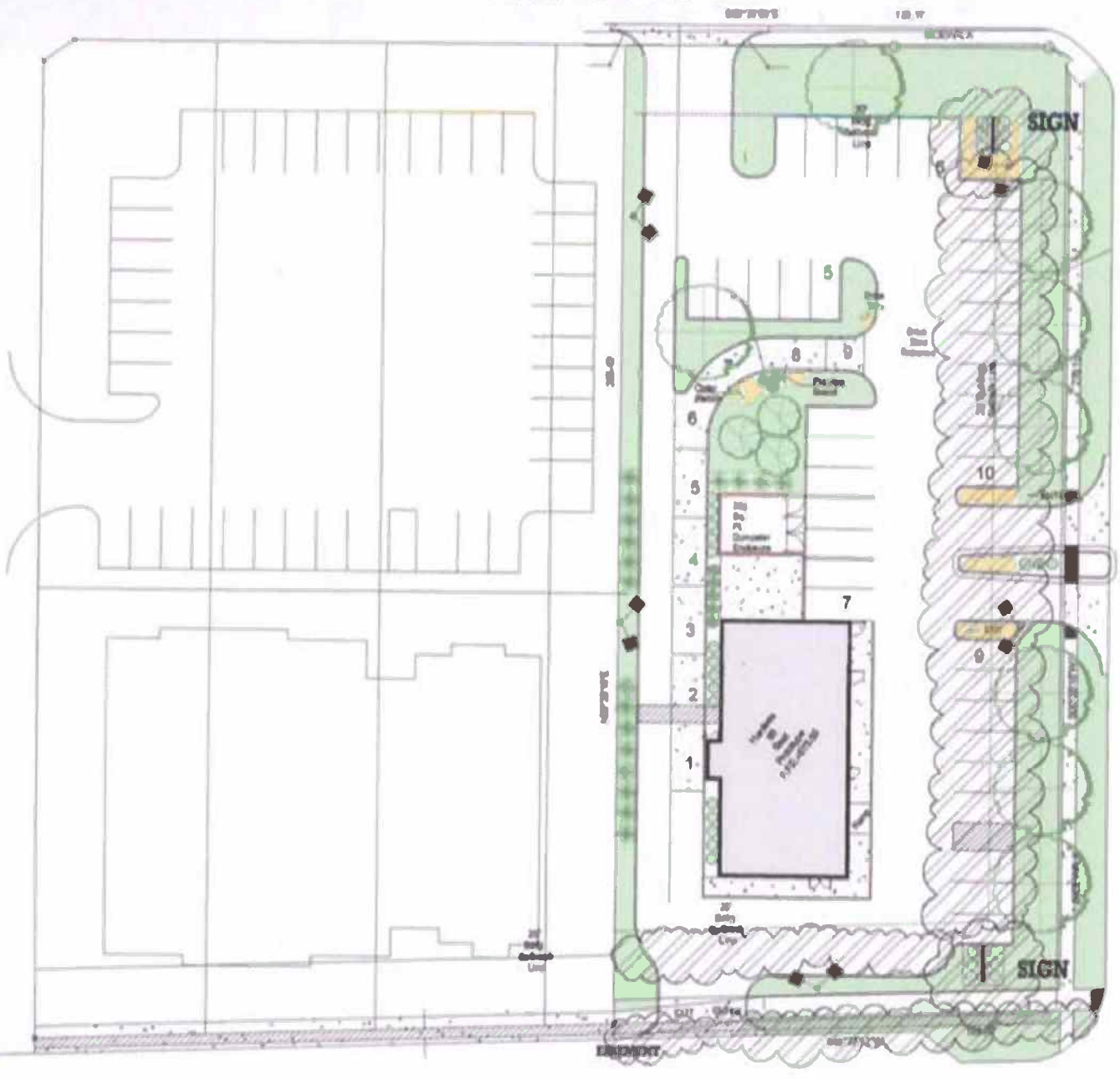
MISS B

SITE

GEORGE THUENEN DR

ATTACHMENT_B

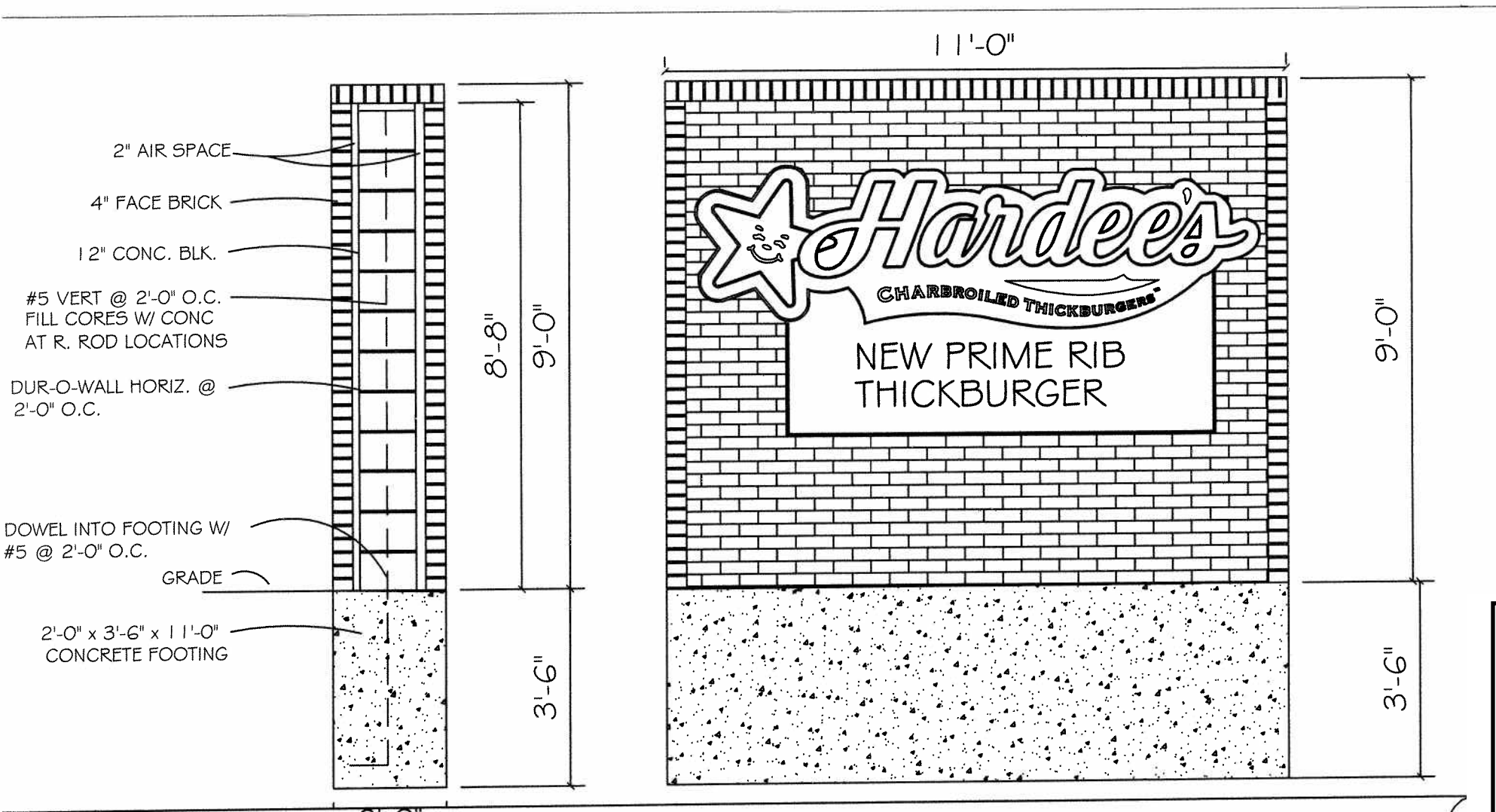
Grant Street



20th Street

State Street

SCALE:



- 2" AIR SPACE
- 4" FACE BRICK
- 12" CONC. BLK.
- #5 VERT @ 2'-0" O.C.
FILL CORES W/ CONC
AT R. ROD LOCATIONS
- DUR-O-WALL HORIZ. @
2'-0" O.C.
- DOWEL INTO FOOTING W/
#5 @ 2'-0" O.C.
- GRADE
- 2'-0" x 3'-6" x 11'-0"
CONCRETE FOOTING

MONUMENT SIGN PEDESTAL DETAILS

Case No. 08-044

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

Part 1. Property Involved.

Street Address 1930 State St

Legal Description of the property

Lot 1, Quad City Area Realtor Association 1st Addition

Part 2.

Applicant Name Jeff Reddig (Hardee's)

Phone (309) 797-8099 ext 11

Address PO Box 830 Moline, IL 61266-0830

FAX (309) 797-8111

Owner Name _____

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. _____

(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.

The property extends from State St to Grant St, which are both one way streets. The owner request to place a second sign on the property facing Grant St in order to capture traffic from both directions.

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 14 day of May, 20 08.

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 15 day of May, 20 08.



[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 5/15/08



COMMUNITY DEVELOPMENT

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

June 12, 2008

Staff Report

Case No. 08-045

Location: 2550 Middle Road

Applicant: Northwest Bank & Trust

Zoning Designation: Restrictive Covenant Commercial

Request: Variance to reduce the required setback for an on-premises identification sign from 50 feet to 15 feet.

Background Information and Facts

The site is the northeast corner of the intersection of Spruce Hills Drive and Middle Road and involves a request for a sign facing the intersection (see Attachment A – Location Map). The proposed sign is part of a major landscaping renovation project currently underway at the site (see Attachment B – Landscaping Plan). As part of the landscaping renovation, many overgrown trees and shrubs were removed and a billboard was removed from the site (see Attachment C – Site Clean-up Photo). The applicant would like to place a sign on a decorative stone landscaping wall within 15 feet of the property line adjacent to Middle Road (see Attachments D and E, Landscaping Wall/Sign Illustration and Photo).

Staff Analysis

The site was originally platted with a 50-foot front yard setback from Middle Road. That setback is illustrated by the southern boundary of the paved parking lot shown on Attachment – C. According to the Code, a sign may be located no closer than 15 feet to the front property line or half of the required (in this case platted) front yard, whichever is more restrictive. Therefore, in this individual case, the closest a sign may be placed toward Middle Road is 25 feet (half of the 50-foot front yard setback).

All of the other business owners on Spruce Hills Drive between Middle Road and 18th Street may place a sign within 15 feet of the front property line. Therefore, the applicant would ask the Board to consider that the request is in keeping with the surrounding commercial area.

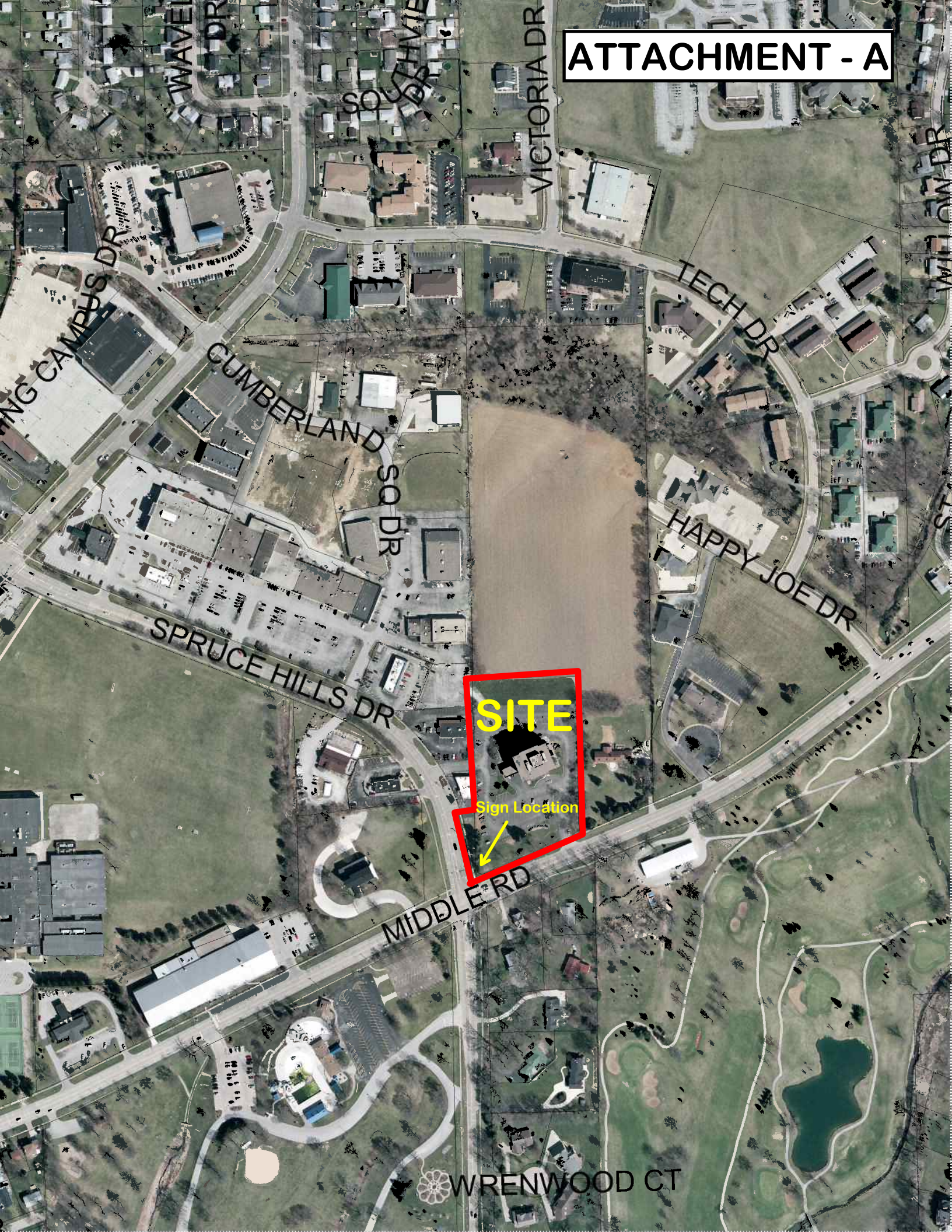
The landscaping stone wall is currently in place and is positioned legally upon the property. "Signage" will consist of a bank logo measuring 22 ½ inches high and with lettering saying "Northwest Bank Tower Bettendorf" measuring less than 6 inches high. Staff calculates the total signage that would be placed on the wall is 17½ square feet. When compared to other on-premises signs throughout the City, a 17½ square foot sign is relatively small.

The applicant is asking the Board to consider the above facts as a legitimate hardship when strictly applied to this specific request.

Respectfully submitted,

John Soenksen
City Planner

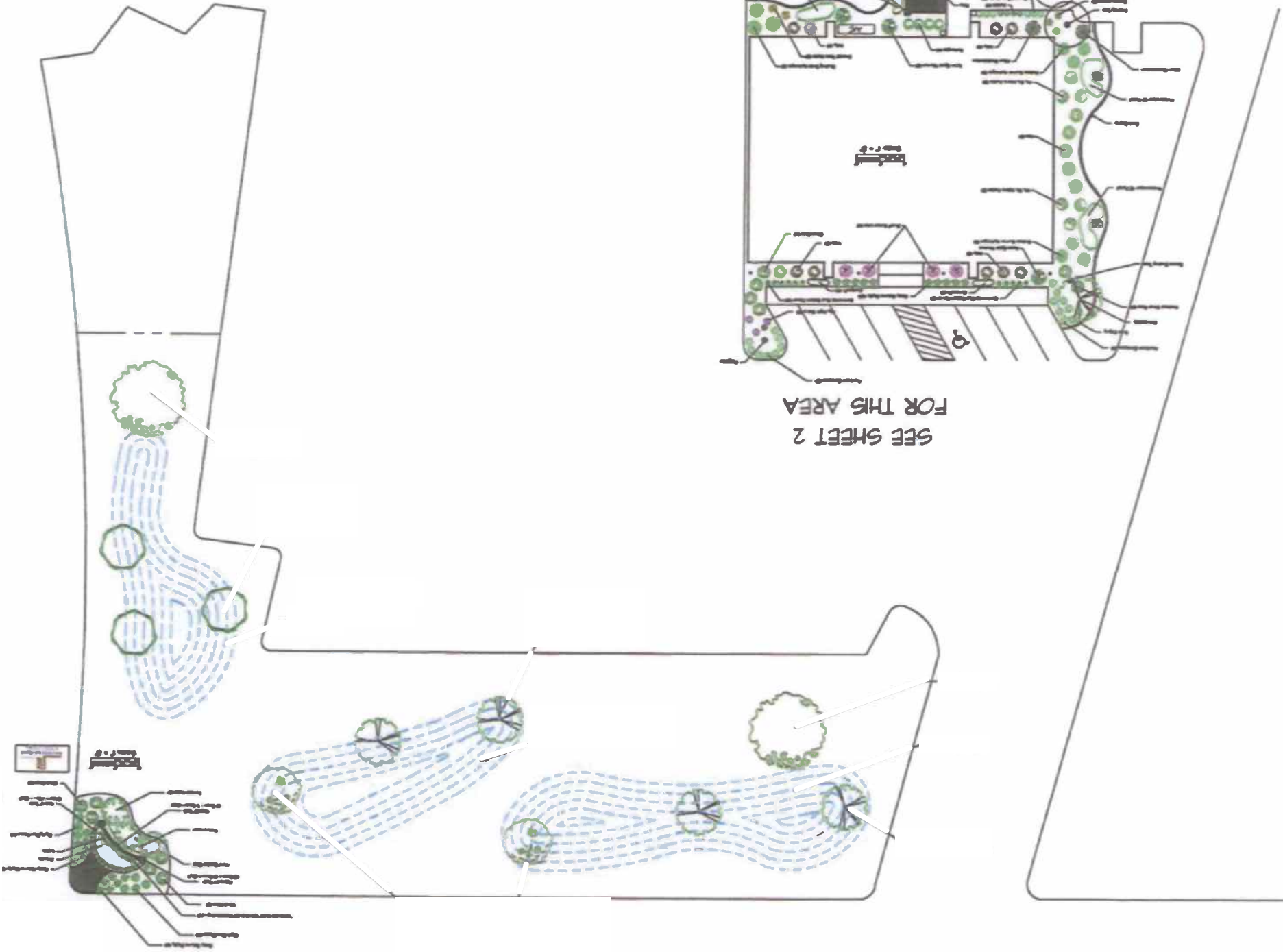
ATTACHMENT - A



SITE

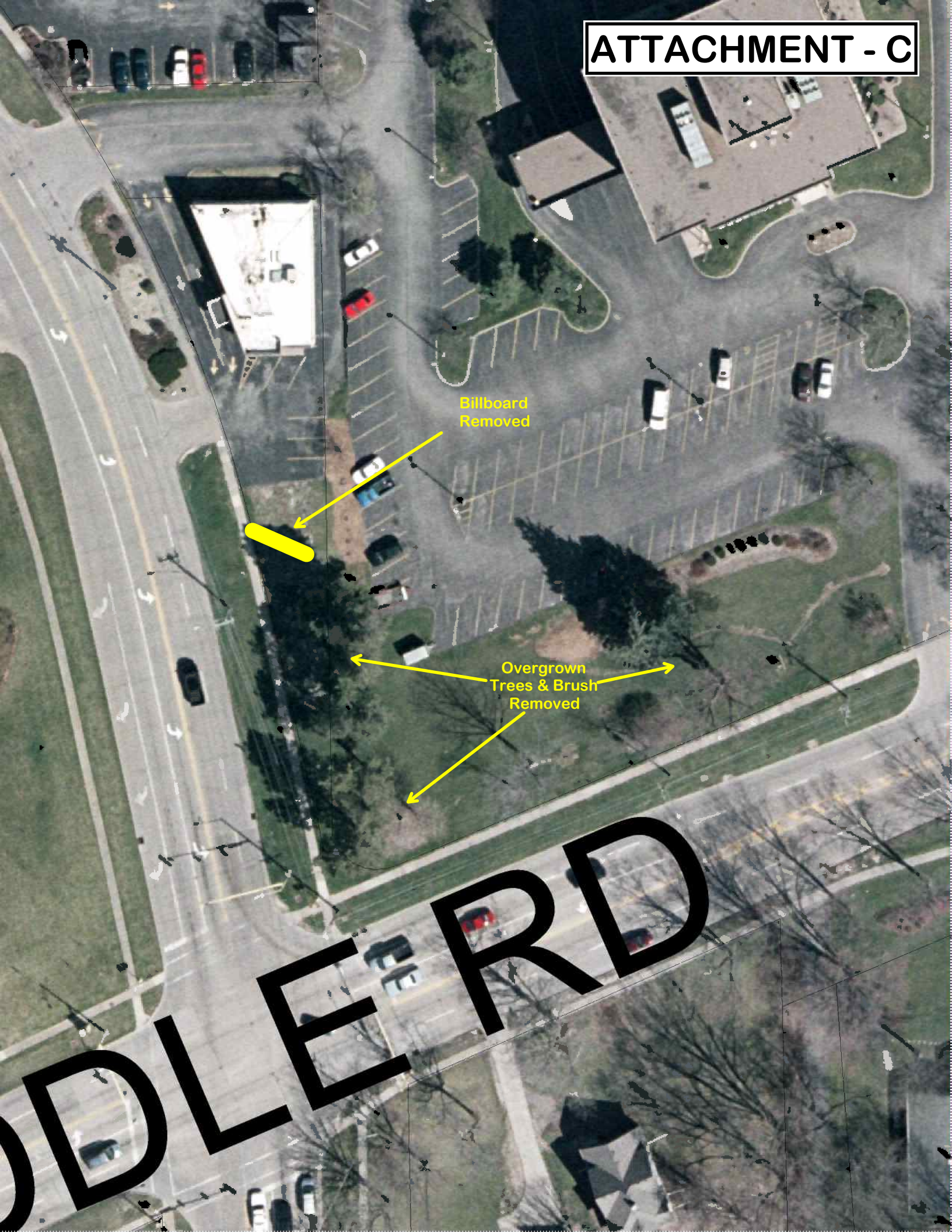
Sign Location

WRENWOOD CT



SEE SHEET 2
FOR THIS AREA

ATTACHMENT - C

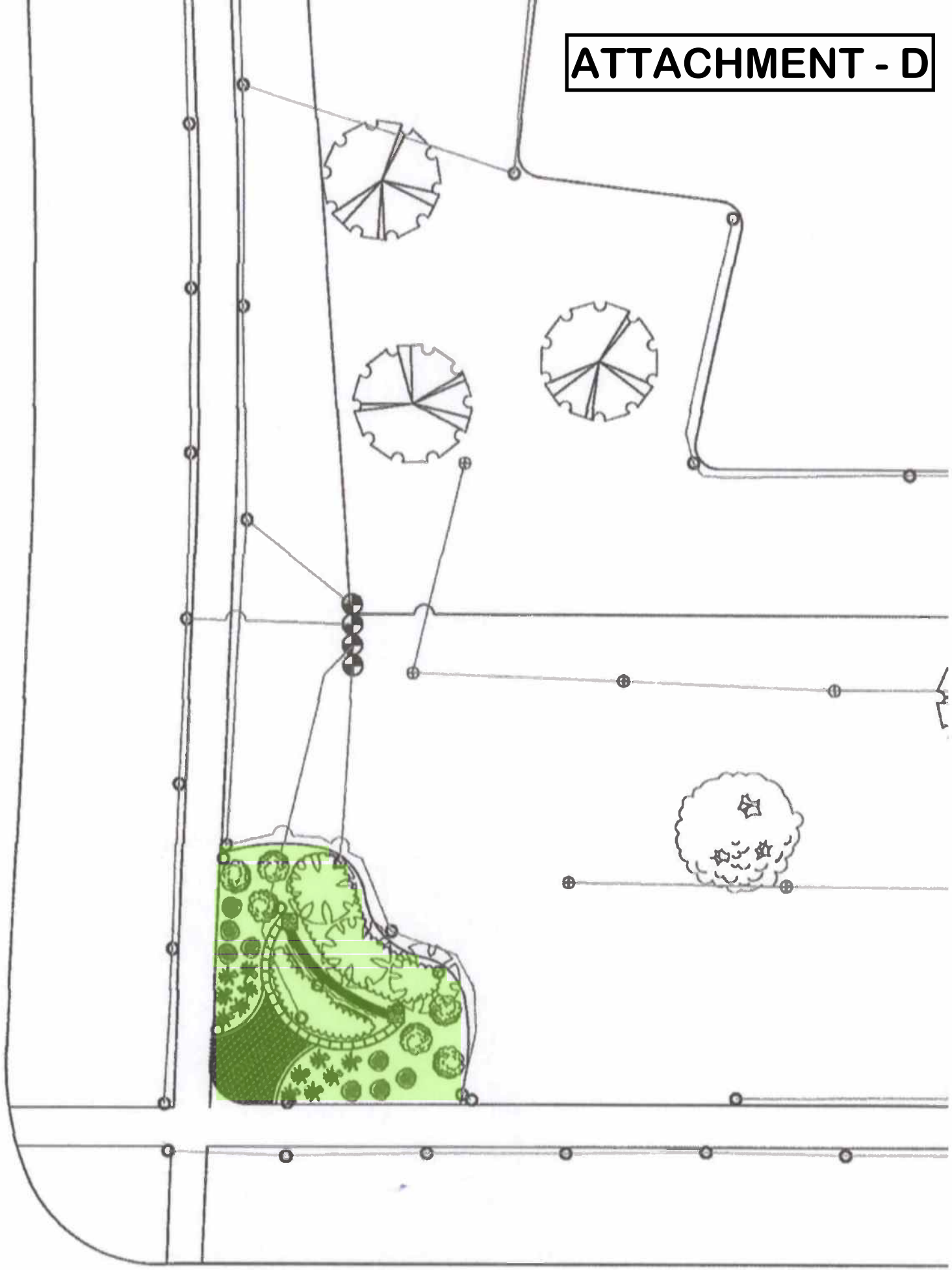


Billboard
Removed

Overgrown
Trees & Brush
Removed

DODLER RD

ATTACHMENT - D





ONE (1) SET OF 1/4" FLAT CUT ALUMINUM LETTERS TO BE MOUNTED TO CUSTOMER'S ARCHED BRICK/STONE WALL. LETTER FINISH IS TO EITHER BE DURANODIC BRONZE (AS SHOWN) OR BRUSHED ALUMINUM. 1/2" PROJECTION STUD MOUNT.



LANGE

SIGN GROUP

DUBUQUE 10362 Stonewood Drive
Dubuque, IA 52003
563 582 6979
(FAX) 563 582 6973
(Toll free) 888 582 6979
WWW.LANGESIGN.COM

DAVENPORT 3569 Carey Ave
Davenport, IA 52807
563 388 6650
(FAX) 563 388 6654
(Toll free) 800 804 8025

Client: First Equity Development Group

Sketch E-mailed

Scale: 1/2" = 1'

Date: 5/20/2008

Sketch: FEDG08apr6b

Estimate #:

Drawn By: Chris B.

Sales Contact: G

CLIENT APPROVAL: _____

These plans are the exclusive property of the Lange Sign Group and are the result of the original work of its employees, they are submitted to your company for the sole purpose of your consideration of whether to purchase from Lange Sign Group. A sign manufactured according to these plans, distribution, or exhibition of these plans to anyone other than the employees of your company or use of these plans to construct a sign similar to the one embodied herein is expressly forbidden.

Colors depicted here are for representation only. Actual color samples can be obtained from your sales representative upon request.

PDF file ready ©COPYRIGHT 2008 LS

Drw.#9

ATTACHMENT - E

Case No. 08-045

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

Part 1. Property Involved.

Street Address 2550 MIDDLE ROAD
Legal Description of the property. Parcel # 8921233011: 1701-001 Cumberland Commercial Park
1st lot and outlot A.

Part 2.

Applicant Name NORTHWEST BANK & TRUST Phone 563-388-2511
Address _____ FAX _____

Owner Name _____ Phone _____
Address _____ FAX _____

Agent STEVE GEIFMAN Phone 563-323-2626
Address 2550 MIDDLE ROAD - SUITE 600 FAX 563-323-1835

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 _____

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.
currently this property has a 50' setback. This is one of the only commercial properties such such a large setback. we have taken down the billboards on the corner and will be adding trees and landscape. The sign is only meant to identify the building and is very small in size on rock wall. we are looking for a variance of approximately 15'-1/2" from the corner.

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.

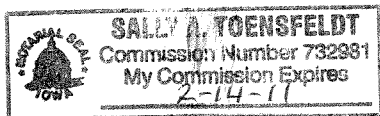
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 19 day of MAY, 20 08.

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 21 day of May, 20 08.



Sally Toensfeldt
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 5/21/08



COMMUNITY DEVELOPMENT

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

June 12, 2008

Staff Report

Case No. 08-046

Location: 2804 Middle Road

Applicant: Covenant Homes

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

Request: Variance to reduce the required front yard setback from 30 feet to 28 feet to allow construction of a house.

Background Information and Facts

The site is located just west of Stafford Boulevard on the north side of Middle Road (see Attachment A – Location Map). The applicant is requesting a variance to reduce the required front yard setback from 30 feet to 28 feet to allow construction of a home (see Attachment B – Plot Plan).

Staff Analysis

The applicant points out the fact that they are having several problems attempting to build on the involved lot, including:

- Even though the lot is zoned R-2 which normally has only a 25-foot front yard setback, this property was platted with a 30-foot front yard setback.
- The lot has a 15-foot utility easement on the west side of the lot further reducing the buildable area when compared to other R-2 lots.
- The triangular shape of the lot would force the structure to be placed as far east as possible to utilize the maximum amount of the remaining buildable area.
- Most of this lot is in a defined flood zone disallowing any basement to be built because of elevation issues (see Attachment C – Flood Zone Illustration). Therefore, the applicant needs to build an elongated structure (from south to north) in an effort to obtain a reasonable amount of living space.
- The lot is only 10,549 square feet in size.

If approved, a small portion of the northwest corner of the structure will protrude into the utility easement show on Attachment B. Prior to issuance of a building permit, the applicant will be required to present letters from all utility companies demonstrating that

they have no objections to the small intrusion. The City Engineer has already reviewed the request and has no objection.

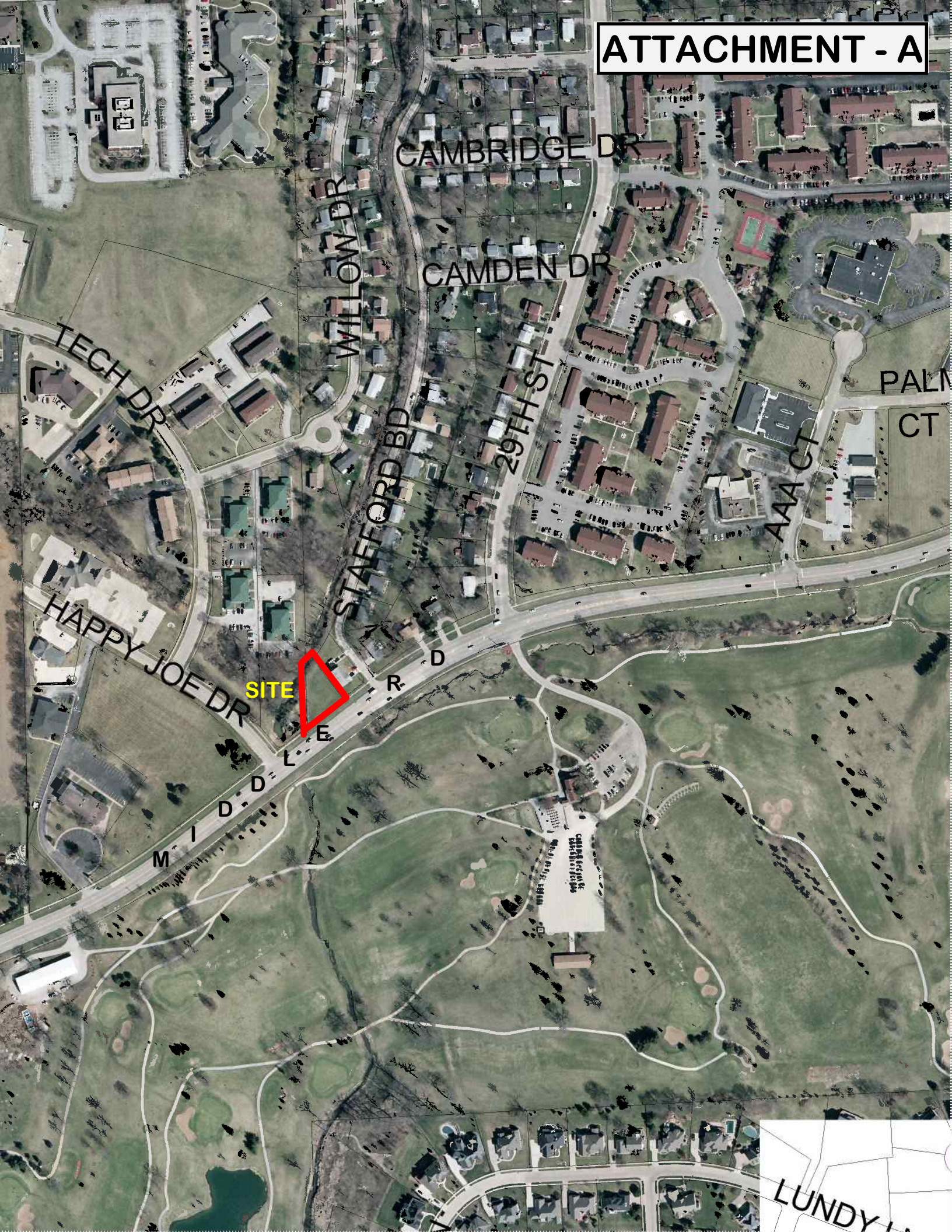
Prior to issuance of a building permit, the applicant will also have to provide an engineer's certification for the structure regarding the flood zone issue.

The applicant is asking the Board to consider that the combination of all of the above issues represents a legitimate hardship to allow the 2-foot protrusion into the required front yard setback. Staff can acknowledge that numerous parties have inquired about this site over the past several years and this is the first time a potential plan has been submitted for development of this lot.

Respectfully submitted,

John Soenksen
City Planner

ATTACHMENT - A



CAMBRIDGE DR

CAMDEN DR

WILLOW DR

STAFFORD BLVD

29TH ST

PALM CT

TECH DR

HAPPY JOE DR

SITE

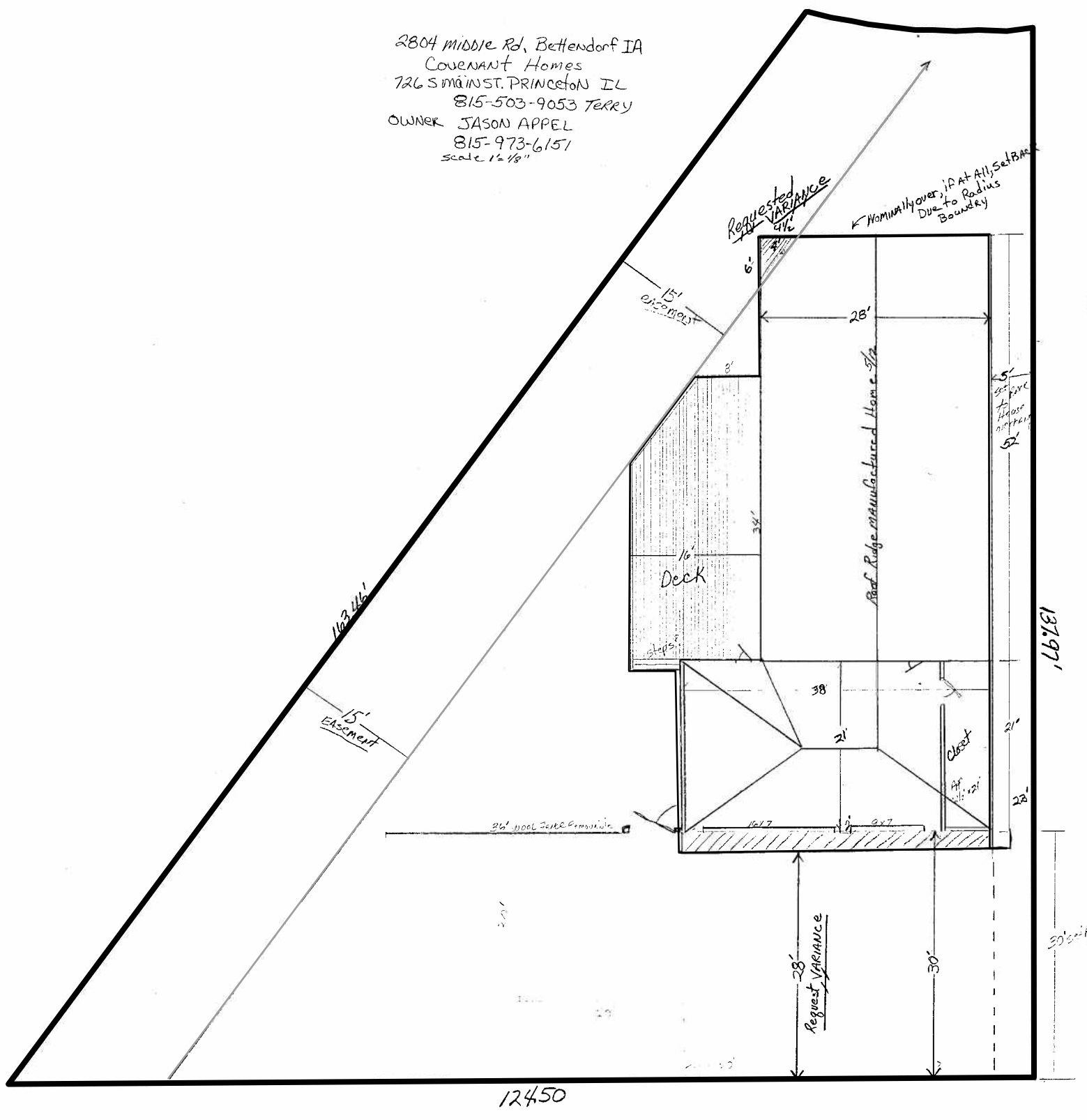
MIDDLED

Caring Services

LUNDY I

Attachment - B

2804 MIDDLE Rd, Bettendorf IA
 COVENANT HOMES
 726 S MAIN ST, PRINCETON IL
 815-503-9053 TERRY
 OWNER JASON APPEL
 815-973-6151
 SCALE 1/4" = 1'





**100 Year
Flood Zone**

Case No. 08-046

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

Part 1.

Applicant Name Covenant Homes Terry Phone 815-503-9053
Address 726 S MAIN ST. PRINCETON IL 61356

Owner Name JASON Appel Phone 815-973-6151
Address 2830 28th AVE ROCK ISLAND IL 61201

Agent _____ Phone _____
Address _____ FAX _____

Part 2. Property Involved.

Street Address 2804 MIDDLE Rd. Bettendorf IA
Legal Description of the property. LOT 46 in CAMDEN DOWNS
FIRST ADDITION

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.



COMMUNITY DEVELOPMENT

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

June 12, 2008

Staff Report

Case No. 08-047

Location: 3245 Utica Ridge Road

Applicant: Acme Sign Co.

Zoning Designation: C-4, Automotive Service District

Request: Variance to reduce the required sign setback from 20 feet to 17 feet.

Background Information and Facts

The site is located on the east side of Utica Ridge Road just north of Spruce Hills Drive (see Attachment A – Location Map). A new vehicle detailing facility is under construction and they have requested permission to place a freestanding sign within 17 feet of the front property line (see Attachment B – Site Plan).

Staff Analysis

According to the code, a 60 square foot sign may be located within 15 feet of a front property line. Any signs between 61 square feet and 300 square feet must be set back a minimum of 20 feet in this zoning district. Staff calculates that the requested sign is a total of 178 square feet and must be set back 20 feet unless a variance is granted (see Attachment C – Sign Illustration).

The applicant points out two problems with the site:

1. Its unusual shape, size, and configuration including its angles orientation to Utica Ridge Road.
2. The limited paved driveway and parking area available on the site.

This facility will provide indoor vehicle detailing. To access this indoor facility, vehicles will enter the rear of the building and exit the front of the building (see Attachment D – Access Illustration). Because of the site's size, configuration, angled orientation towards Utica Ridge Road, and traffic pattern, it is the applicant's desire to move the sign as far off of the paved access area as possible.

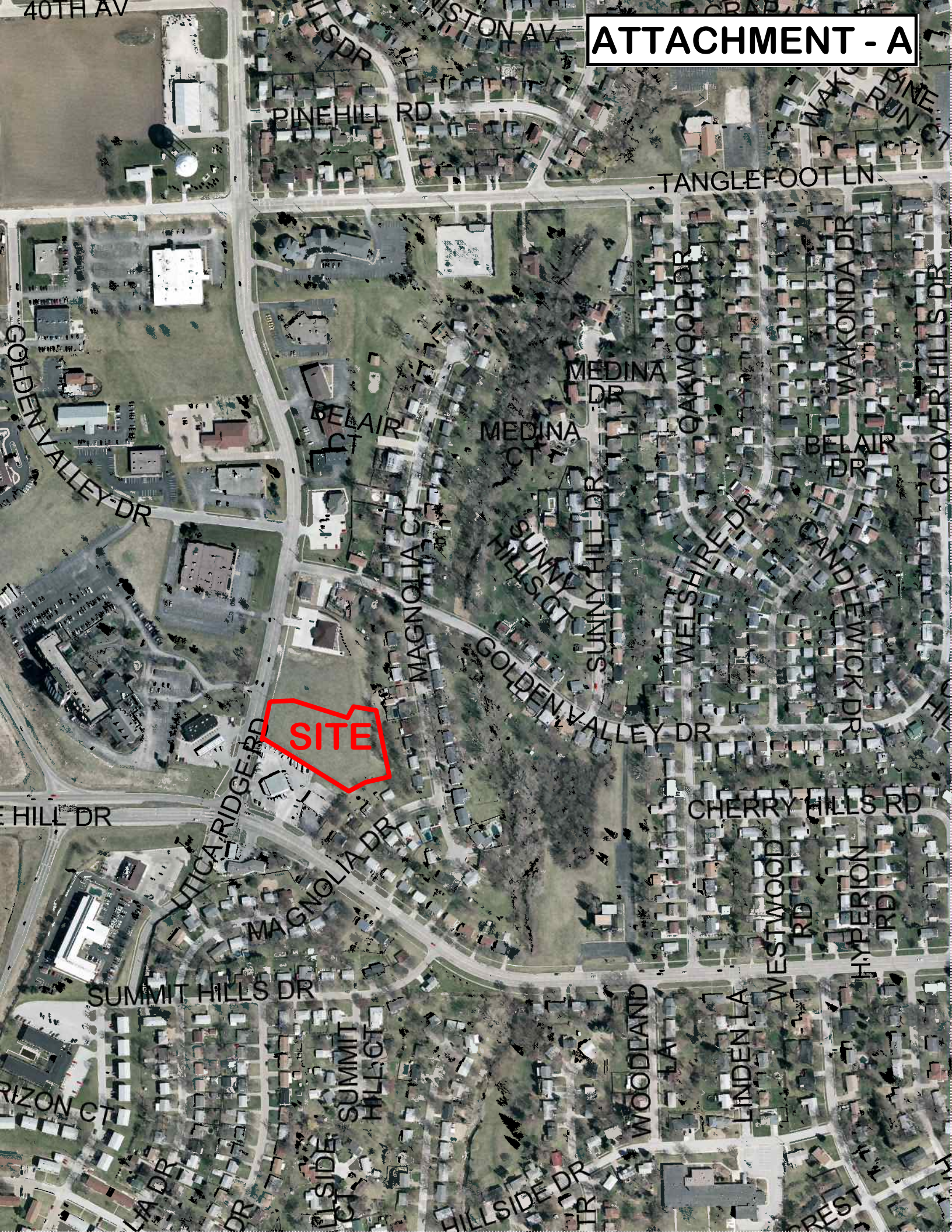
The applicant feels that the sign type, size, and location is the best possible to serve the advertising needs of the business, while allowing the best access exiting the building. Therefore, the applicant is asking the Board to consider these issues in the evaluation of a hardship for this request.

Respectfully submitted,

John Soenksen
City Planner

40TH AV

ATTACHMENT - A



SITE

HILLS DR
NIXON AV

PINEHILL RD

TANGLEFOOT LN

GOLDEN VALLEY DR

MEDINA DR

MEDINA CT

BEAIR CT

MAGNOLIA CT

SUNNY HILL DR

GOLDEN VALLEY DR

WELSHIRE DR

WAKONDA DR

BELL AIR DR

CANDLEWICK DR

CLOVER HILLS DR

E HILL DR

LUTICA RIDGE RD

MAGNOLIA DR

CHERRY HILLS RD

WESTWOOD RD

HYPERION RD

SUMMIT HILLS DR

WOODLAND LA

LINDEN LA

RIZON CT

SUMMIT HILLS CT

HILLSIDE DR

REST

TOTAL DETAILING

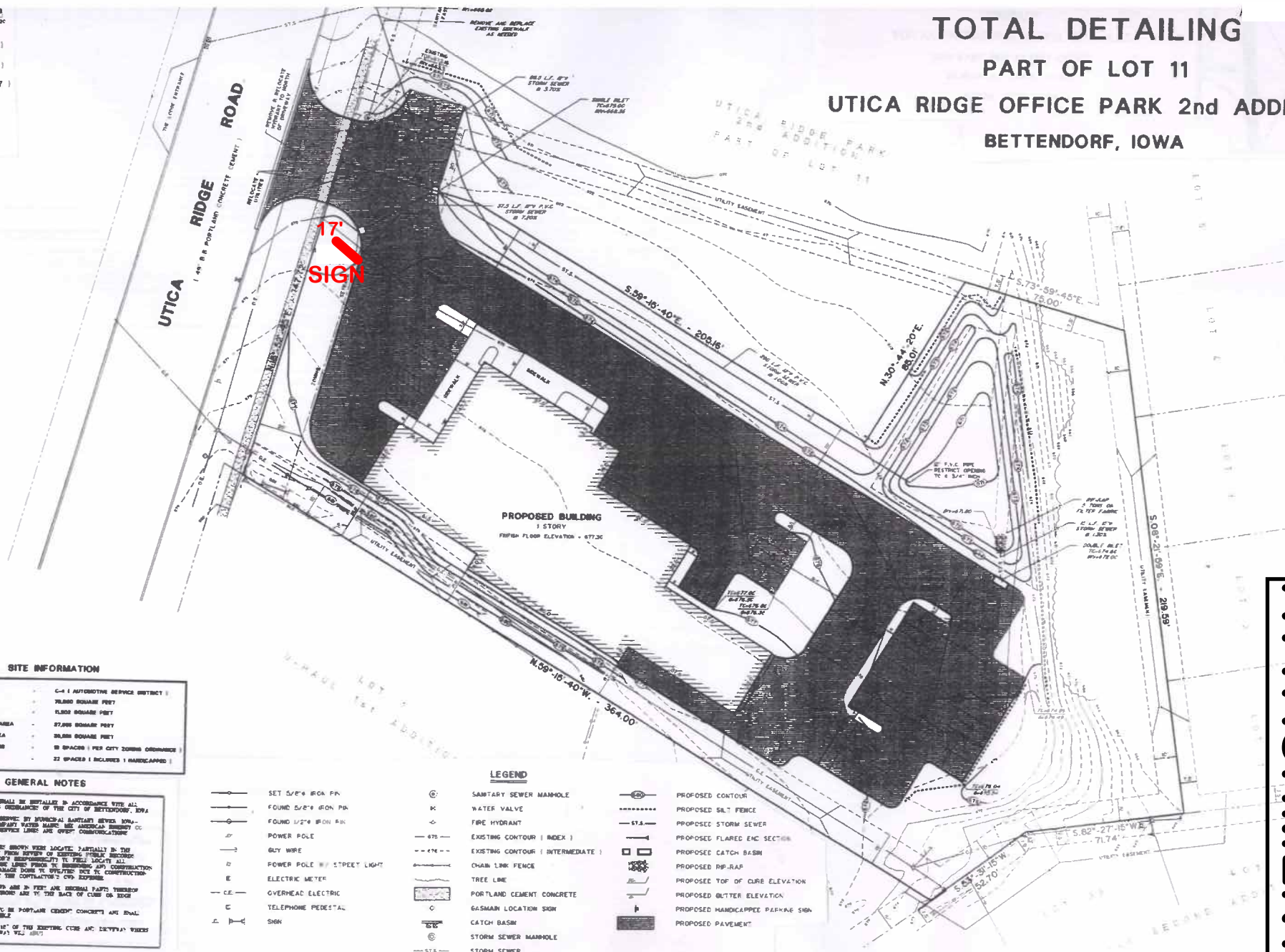
PART OF LOT 11

UTICA RIDGE OFFICE PARK 2nd ADDITION

BETTENDORF, IOWA

LOCAT

SCALE 1" = 40'
 AUGUST 14, 2007
 DATE OF FIELD WORK
 AUGUST 31, 2007
 SITE PLAN WORK
 SEPTEMBER 1, 2007
 SITE PLAN WORK



17'
SIGN

PROPOSED BUILDING
 1 STORY
 FINISH FLOOR ELEVATION = 677.30

SITE INFORMATION

EXISTING ZONING	C-4 (AUTOMOTIVE SERVICE DISTRICT)
LOT AREA	15,800 SQUARE FEET
TOTAL BUILDING AREA	15,800 SQUARE FEET
TOTAL HARD SURFACE AREA	27,200 SQUARE FEET
TOTAL OPEN SPACE AREA	30,600 SQUARE FEET
TOTAL REQUIRED PARKING	50 SPACES (PER CITY ZONING ORDINANCE)
TOTAL PARKING	22 SPACES (INCLUDED 1 HANDICAPPED)

GENERAL NOTES

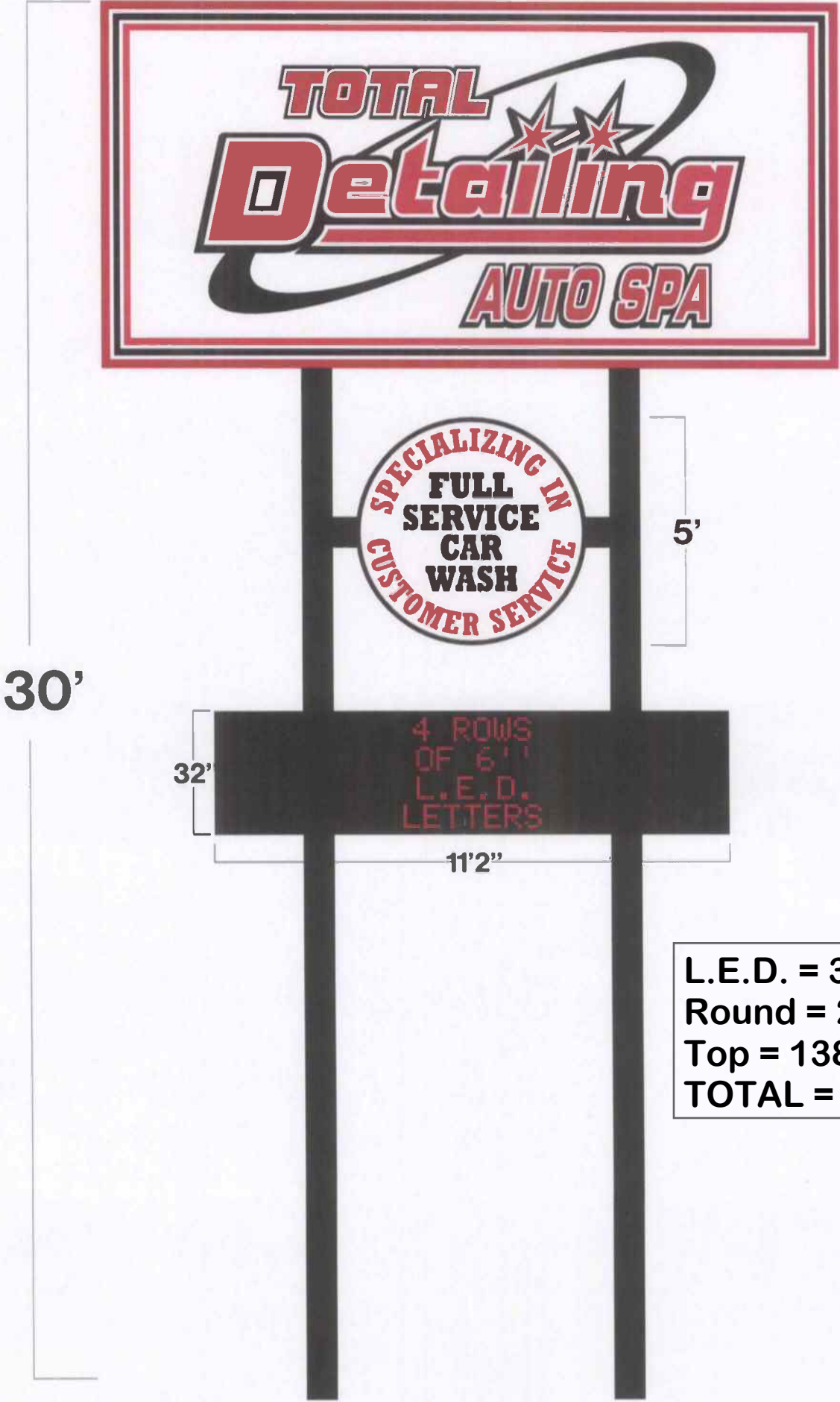
ALL IMPROVEMENTS SHALL BE INSTALLED IN ACCORDANCE WITH ALL CURRENT CODES AND ORDINANCES OF THE CITY OF BETTENDORF, IOWA.
 THE SITE IS TO BE SERVED BY MUNICIPAL SANITARY SEWER MAINS - CAP AND ELECTRIC SERVICE LINES ARE OVER COMMUNICATIONS TELEPHONE LINES.
 ALL EXISTING UTILITIES SHOWN WERE LOCATED PARTIALLY IN THE FIELD AND PARTIALLY FROM REVIEW OF EXISTING PUBLIC RECORDS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD LOCATE ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND CONSTRUCTION SHALL BE RESPONSIBLE AT THE CONTRACTOR'S OWN RISK.
 ALL EXISTING SHEDS ARE IN POOR AND SEVERAL PARTS THEREOF OF SLAB.
 ALL SIDEWALKS ARE TO BE PORTLAND CEMENT CONCRETE AND SHALL BE HANDICAPPED ACCESSIBLE.
 SANITARY FULL DEPTH 18" OF THE EXISTING CONC. AND 12" (12") THICK THE PROPOSED (12"X18") V.C. (12")

LEGEND

- | | | |
|---|---|---|
| <ul style="list-style-type: none"> SET 5/8" IRON PIN FOUND 6/8" IRON PIN FOUND 1/2" IRON PIN POWER POLE GLY WIRE POWER POLE W/ STREET LIGHT ELECTRIC METER OVERHEAD ELECTRIC TELEPHONE PEDESTAL SHN | <ul style="list-style-type: none"> ⊙ SANITARY SEWER MANHOLE ⊙ WATER VALVE ⊙ FIRE HYDRANT --- INDEX --- --- INTERMEDIATE --- CHAIN LINK FENCE TREE LINE PORTLAND CEMENT CONCRETE GASMAIN LOCATION SIGN CATCH BASIN ⊙ STORM SEWER MANHOLE --- STS --- STORM SEWER | <ul style="list-style-type: none"> ○ PROPOSED CONTOUR --- SALT FENCE --- --- STS --- PROPOSED STORM SEWER --- PROPOSED FLARED ENC. SECTION --- □ PROPOSED CATCH BASIN --- PROPOSED PIP. RAMP --- --- PROPOSED TOP OF CURB ELEVATION --- --- PROPOSED GUTTER ELEVATION --- --- PROPOSED HANDICAPPED PARKING SIGN --- --- PROPOSED PAVEMENT --- |
|---|---|---|

ATTACHMENT - B

8'X16'



30'

32'

11'2"

5'

L.E.D. = 30 Sq. Ft.
Round = 20 Sq. Ft.
Top = 138 Sq. Ft.
TOTAL = 178 Sq. Ft.

TOTAL DETAILING

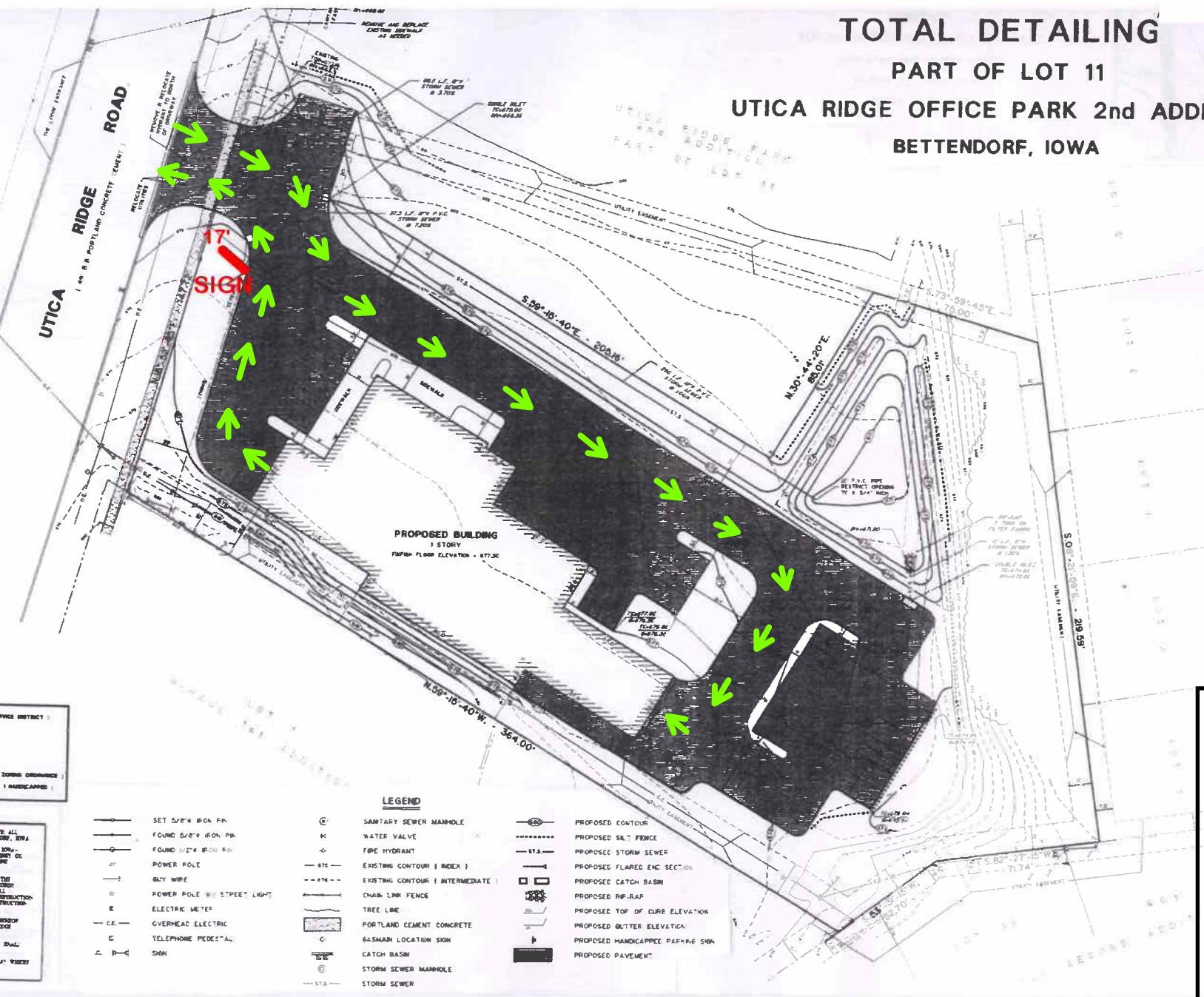
PART OF LOT 11

UTICA RIDGE OFFICE PARK 2nd ADDITION

BETTENDORF, IOWA

LOCAT

SCALE 1" = 40'
 AUGUST 14, 2007
 DATE OF FIELD WORK
 AUGUST 31, 2007
 SITE PLAN WORK
 SEPTEMBER 1, 2007
 SITE PLAN WORK



SITE INFORMATION

EXISTING ZONING	C-1 AUTOMOTIVE SERVICE DISTRICT
LOT AREA	14,820 SQUARE FEET
TOTAL BUILDING AREA	14,820 SQUARE FEET
TOTAL HARD SURFACE AREA	27,288 SQUARE FEET
TOTAL OPEN SPACE AREA	20,532 SQUARE FEET
TOTAL REQUIRED PARKING	18 SPACES (PER CITY ZONING ORDINANCE)
TOTAL PARKING	22 SPACES (1 INCLUDES 1 HANDICAPPED)

GENERAL NOTES

ALL IMPROVEMENTS SHALL BE INSTALLED IN ACCORDANCE WITH ALL CURRENT CODES AND ORDINANCES OF THE CITY OF BETTENDORF, IOWA.

THE SITE IS TO BE SERVED BY MUNICIPAL SANITARY SEWER, WATER, GAS AND ELECTRIC SERVICE LINES ARE OVER COMMUNICATIONS.

ALL EXISTING UTILITIES SHOWN WERE LOCATED PARTIALLY IN THE FIELD AND PARTIALLY FROM REVIEW OF EXISTING PUBLIC RECORDS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD LOCATE ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND CONSTRUCTION SHALL BE RESPONSIBLE AT THE CONTRACTOR'S OWN RISK.

ALL EXISTING SEWER AND WATER ARE ORIGINAL PARTS THROUGHOUT ALL EXISTING BUILDINGS AND TO THE BACK OF CURB OR EDGE OF BLANK.

ALL SIDEWALKS ARE TO BE PORTLAND CEMENT CONCRETE AND SHALL BE HANDICAPPED ACCESSIBLE.

SMOOTH FULL DEPTH 18" OF THE EXISTING CURB AND DRIVEWAYS WHERE THE PROPOSED DRIVEWAYS WILL BE.

LEGEND

- | | | |
|--------------------------------|-------------------------------------|---------------------------------------|
| —○— SET OVER IRON PN | ⊙ SANITARY SEWER MANHOLE | —○— PROPOSED CONTOUR |
| —○— FOUND 6"x6" IRON PN | ⊕ WATER VALVE | —○— PROPOSED S&T FENCE |
| —○— FOUND 1/2"x4" IRON PN | ⊕ FIRE HYDRANT | —○— PROPOSED STORM SEWER |
| —○— POWER POLE | —○— EXISTING CONTOUR (INDEX) | —○— PROPOSED FLARED ENC. SEC. |
| —○— GUY WIRE | —○— EXISTING CONTOUR (INTERMEDIATE) | —○— PROPOSED CATCH BASIN |
| —○— POWER POLE W/ STREET LIGHT | —○— CHAIN LINK FENCE | —○— PROPOSED P.P. RAP |
| —○— ELECTRIC METER | —○— TREE LINE | —○— PROPOSED TOP OF CURB ELEVATION |
| —○— OVERHEAD ELECTRIC | —○— PORTLAND CEMENT CONCRETE | —○— PROPOSED GUTTER ELEVATION |
| —○— TELEPHONE PEDESTAL | —○— GAS/RAIN LOCATION SIGN | —○— PROPOSED HANDICAPPED PARKING SIGN |
| —○— SIGN | —○— CATCH BASIN | —○— PROPOSED PAVEMENT |
| | —○— STORM SEWER MANHOLE | |
| | —○— STORM SEWER | |

ATTACHMENT - D

Case No. 08-047

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

Part 1. Property Involved.

Street Address 3245 Utica Ridge Road
Legal Description of the property Lot 1 Utica Ridge Office Park Mixed Addition

Part 2.

Applicant Name ACME Sign Co. Phone 332-7947
Address 1504 W 4th Street FAX _____

Owner Name Total Detailing Auto Spa Phone _____
Address 3245 Utica Ridge Rd. 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. _____
(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.

Need to place 178 Sq. Ft. Pole Sign within 17 feet of front property line. The request is due to lot & building size and configuration and related access issues.

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 May, 20 08.

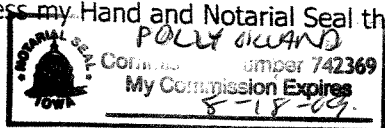
Signature of Applicant [Signature]
 (The owner **MUST** indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

Signature of Owner [Signature]
 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 16th day of May, 20 08.



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 \$100.00 Date May 16, '08



COMMUNITY DEVELOPMENT

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

June 12, 2008

Staff Report

Case No. 08-048

Location: 4357 Palm Drive

Applicant: Beaver Builders, Inc.

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

Request: Variance to increase the allowable garage area from 720 square feet to 916 square feet.

Background Information and Facts

The building site is located west of Middle Road and south of Forest Grove Drive and is accessible by turning south on International Drive and east on Palm Drive (see Attachment A – Location Map). The applicant would like to build a home with an elongated three-car garage (see Attachment B – Plot Plan).

Staff Analysis

This area is currently being developed with new single-family homes. This area and the developer's adjacent subdivisions are characterized by new homes which are more reasonably-priced and have smaller footprints (square footage) than most new homes being developed in Bettendorf while still offering many of the newer amenities. The builder and owner would like to have a home which is not excessively large, while still offering a large three-vehicle garage.

The builder and potential owner have chosen a home design which will match the surrounding décor of the other homes being developed in this area (see Attachment C – Home Design Illustration). The design will make the garage appear ancillary to the living space of the home.

An additional reason for this request is to allow the potential home buyer to store a boat in the garage instead of having unsightly outdoor storage of the boat detracting from the surrounding properties. This is the reason the design includes an elongated section for the garage.

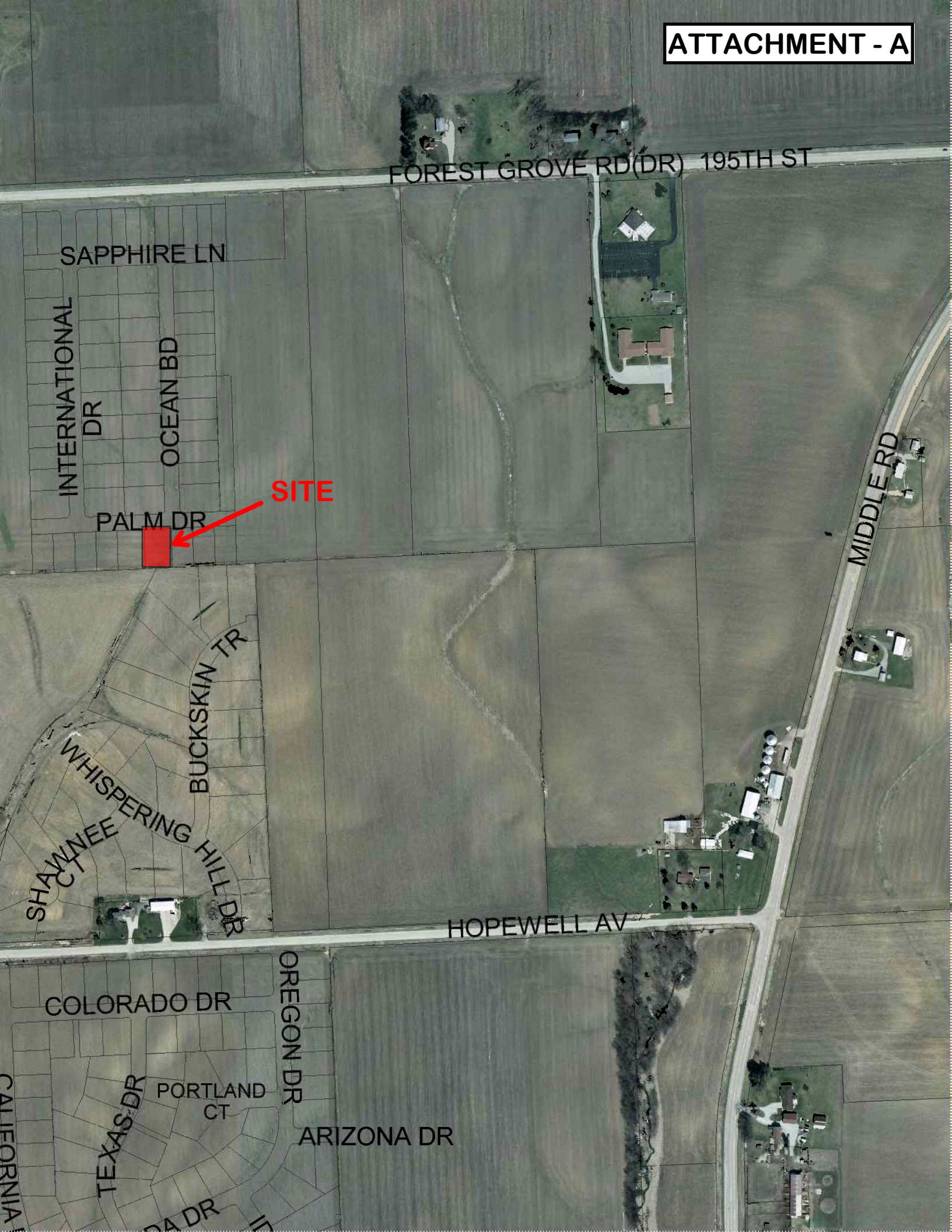
The Board frequently asks staff to research past decisions for this type of request to insure that these types of requests, if approved, stay consistent with past rulings and to further insure that the requests are in harmony with the surrounding area(s). The Board has made the following findings:

- 2890 Pleasant Ridge Court - variance to allow a 1444 square foot garage – Granted 1/11/07
- 105 Greenwood Avenue – variance to allow a 896 square foot garage – Granted 6/14/07
- 7132 Valley Drive – variance to allow a 1342 square foot garage – Granted 10/18/06
- 4365 Augusta Court – variance to allow a 826 square foot garage – Granted 11/9/06
- 3424 State Street – variance to allow a 1224 square foot garage – Granted 3/9/06
- 3692 Moencks Road – variance to increase garage ratio from 405 square feet to 605 square feet – Granted 5/12/05
- 5103 Surrey Drive - variance to allow a 791 square foot garage – Granted 10/27/04
- 2725 Hillside Court – variance to allow a 748 square foot garage including a reduction of the rear yard setback from 25 feet to 5 feet – Denied 7/31/03

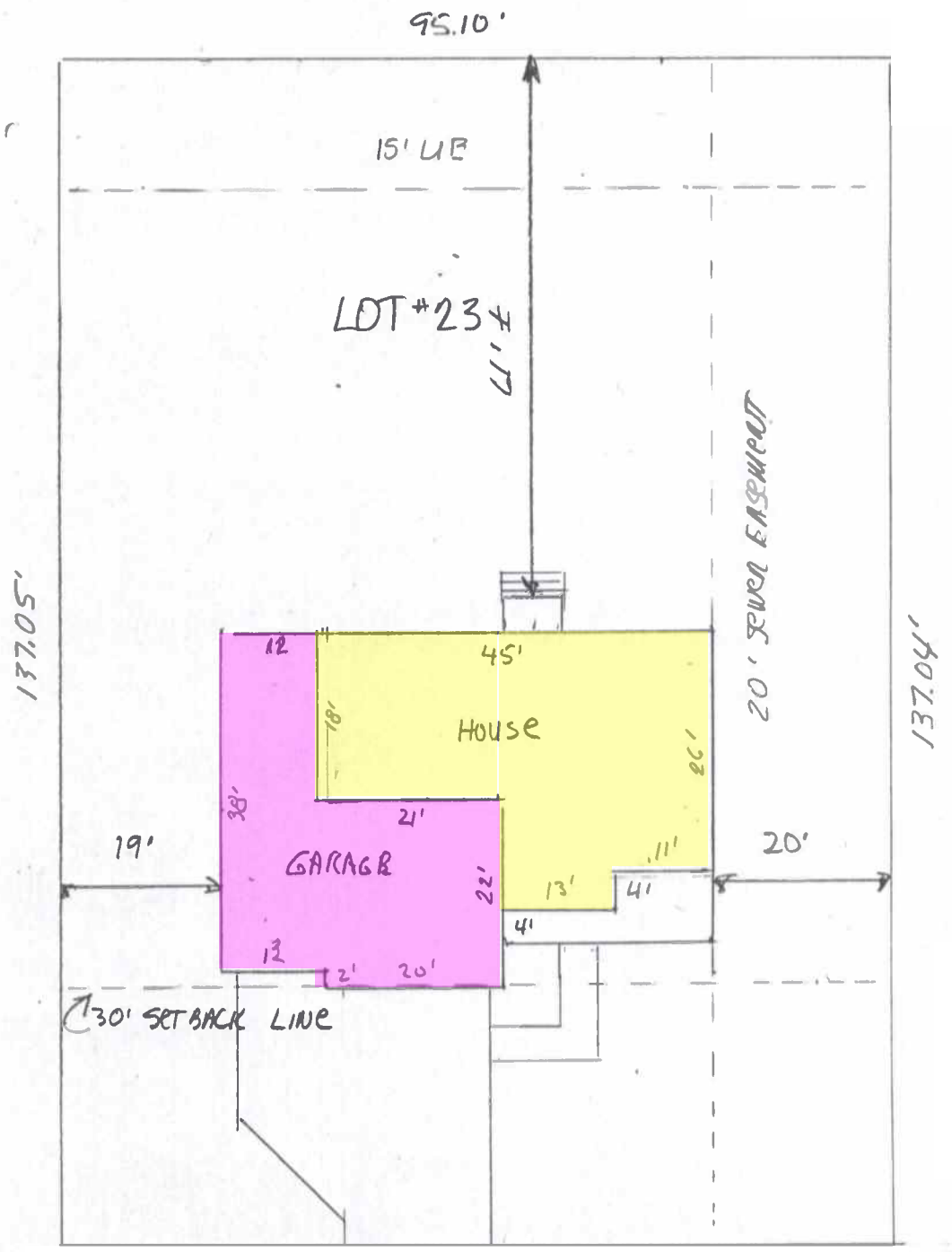
The current request is a variance to allow a 916 square foot garage and does not include any other variance reductions or increases.

Respectfully submitted,

John Soenksen
City Planner

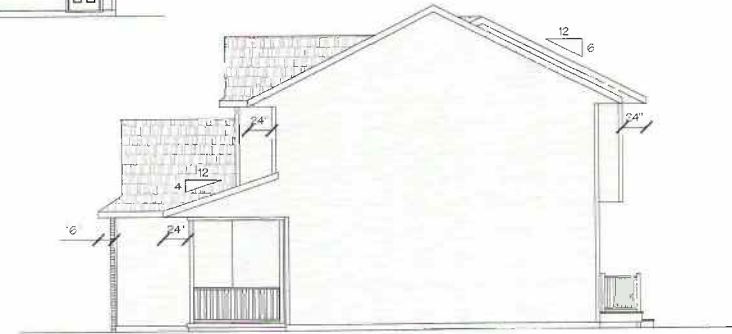


ATTACHMENT - B

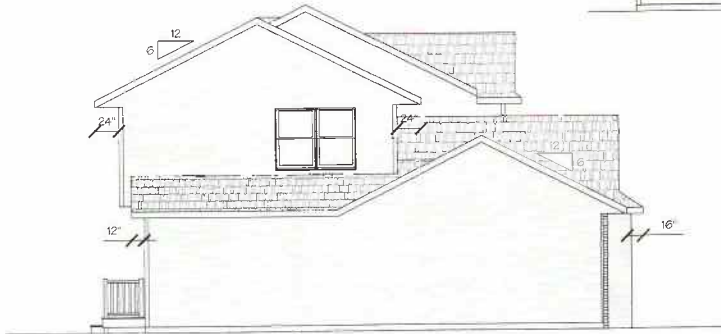




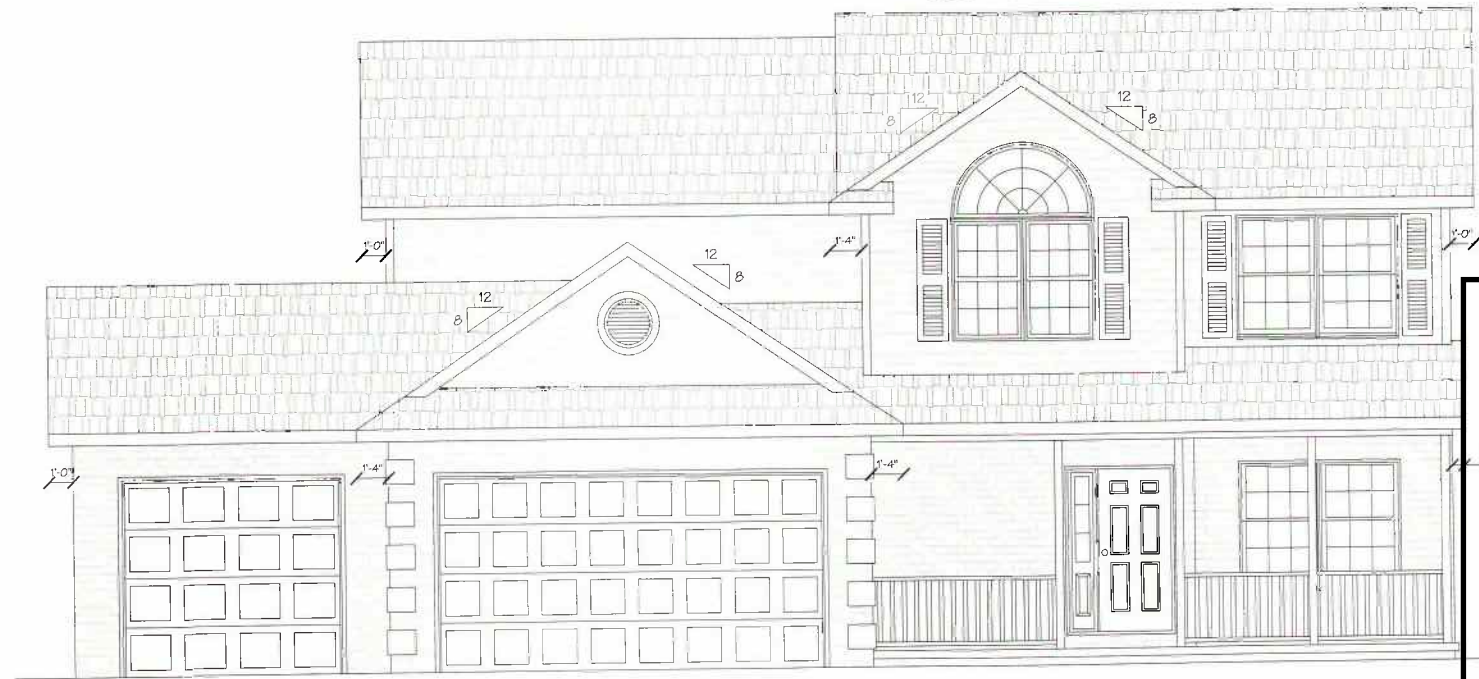
1 REAR ELEVATION
A1 SCALE: 1/8"=1'-0"



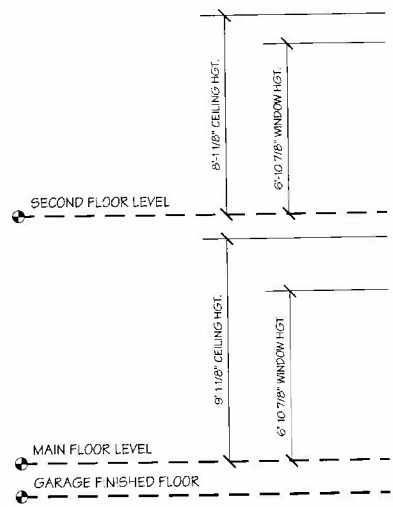
3 RIGHT SIDE ELEVATION
A1 SCALE: 1/8"=1'-0"



2 LEFT SIDE ELEVATION
A1 SCALE: 1/8"=1'-0"



4 FRONT ELEVATION
A1 SCALE: 1/4"=1'-0"



ATTACHMENT - C

Case No. 08-048

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

Part 1. Property Involved.

Street Address 4357 PALM DRIVE
Legal Description of the property. LOT 23 - BEAVER CROSSING 3RD ADDN.

Part 2.

Applicant Name BEAVER BUILDERS INC Phone 786-1491
Address 3130-47th AVE FAX 786-2616

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.
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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

June 12, 2008

Staff Report

Case No. 08-049

Location: 1039 Hall Street

Applicant: Tim Grothus

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

Request: Variance to reduce the required side yard setback from 5 feet to 3 feet to allow construction of a garage.

Background Information and Facts

The site is located in the middle of the 1000 block of Hall Street on the south side of the street (see Attachment B – Location Map). The applicant would like to remove a 20-foot by 24-foot garage and replace it with a 24-foot by 30-foot garage within 3 feet of the west property line.

Staff Analysis

The size of the new structure is at the 720 square feet allowed for a garage and therefore the size of the new garage is not an issue. It appears that the applicant is attempting to place the east side of the new structure in the same location as the east side of the existing structure. By doing so, the new structure will be 4 feet further to the west or within 3 feet of the west property line (side yard). The requested placement of the new garage is to allow as much driveway maneuverability as possible on the east side of the new structure.

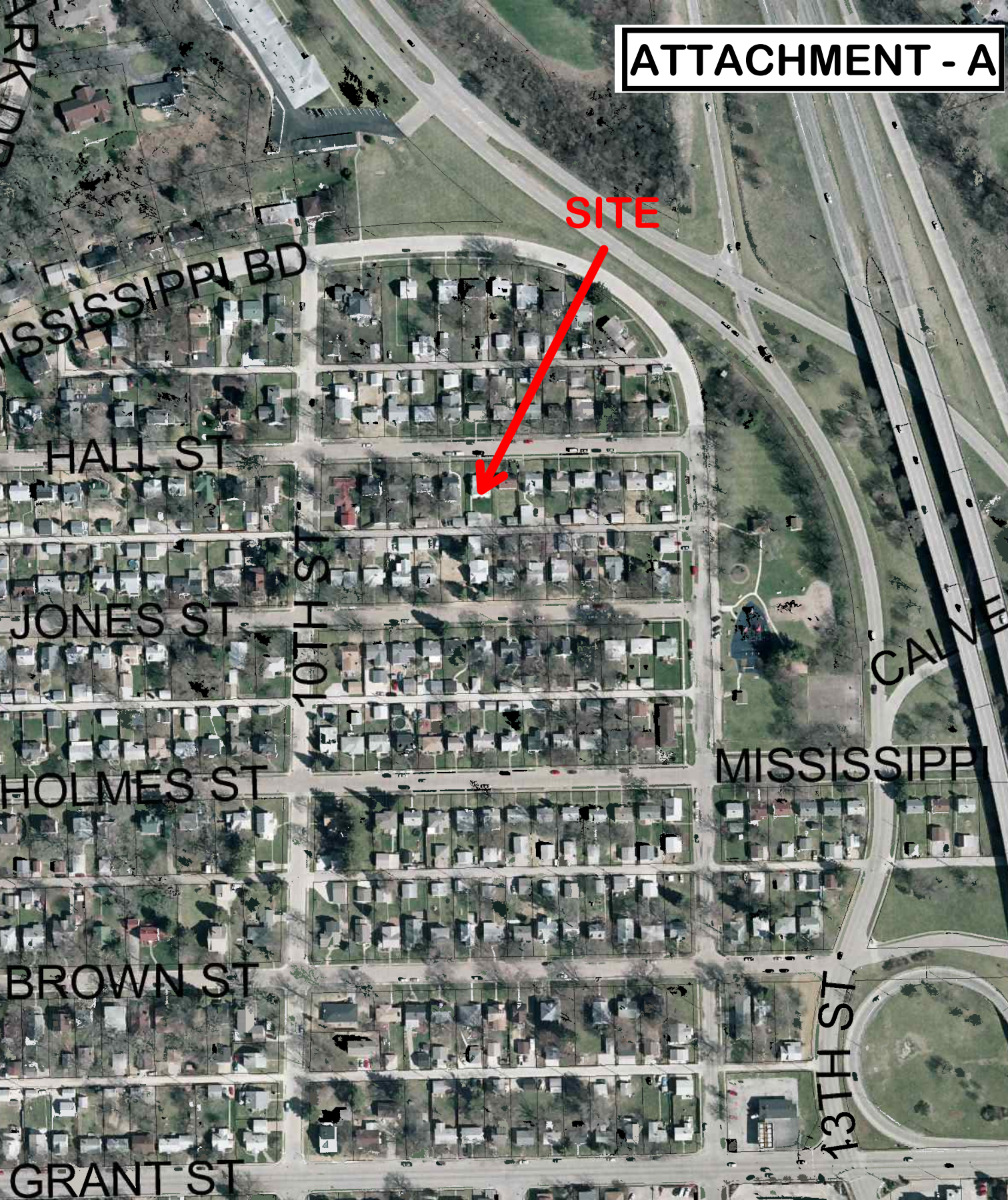
Staff is concerned about the potential lack of separation between the new garage and the existing (neighboring) garage next door (to the west). It appears that the neighboring garage may be on the shared property line (see Attachments C and D, Rear View Photo and Front View Photo). If approved, there may only be 3 feet of separation between the two structures. Although this issue (fire separation) can be addressed during the building process, staff has not supported such a small separation in the past. Staff would be more comfortable if the 5-foot side yard minimum were observed in this case and notes that by doing so, the applicant would only lose 2 feet of maneuverability on the east side of the new structure.

Staff cannot cite a definable hardship in this case.

Respectfully submitted,

John Soenksen
City Planner

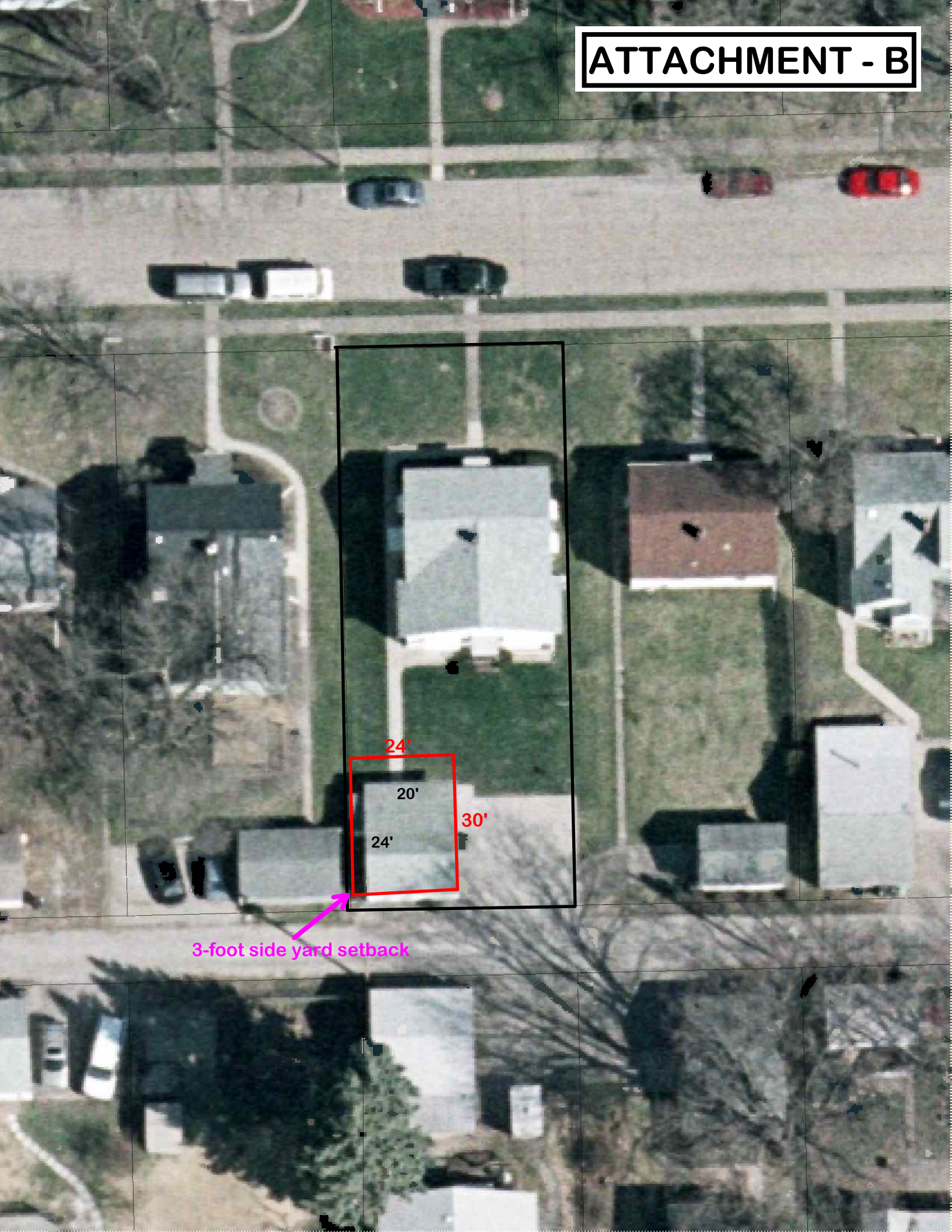
ATTACHMENT - A



SITE

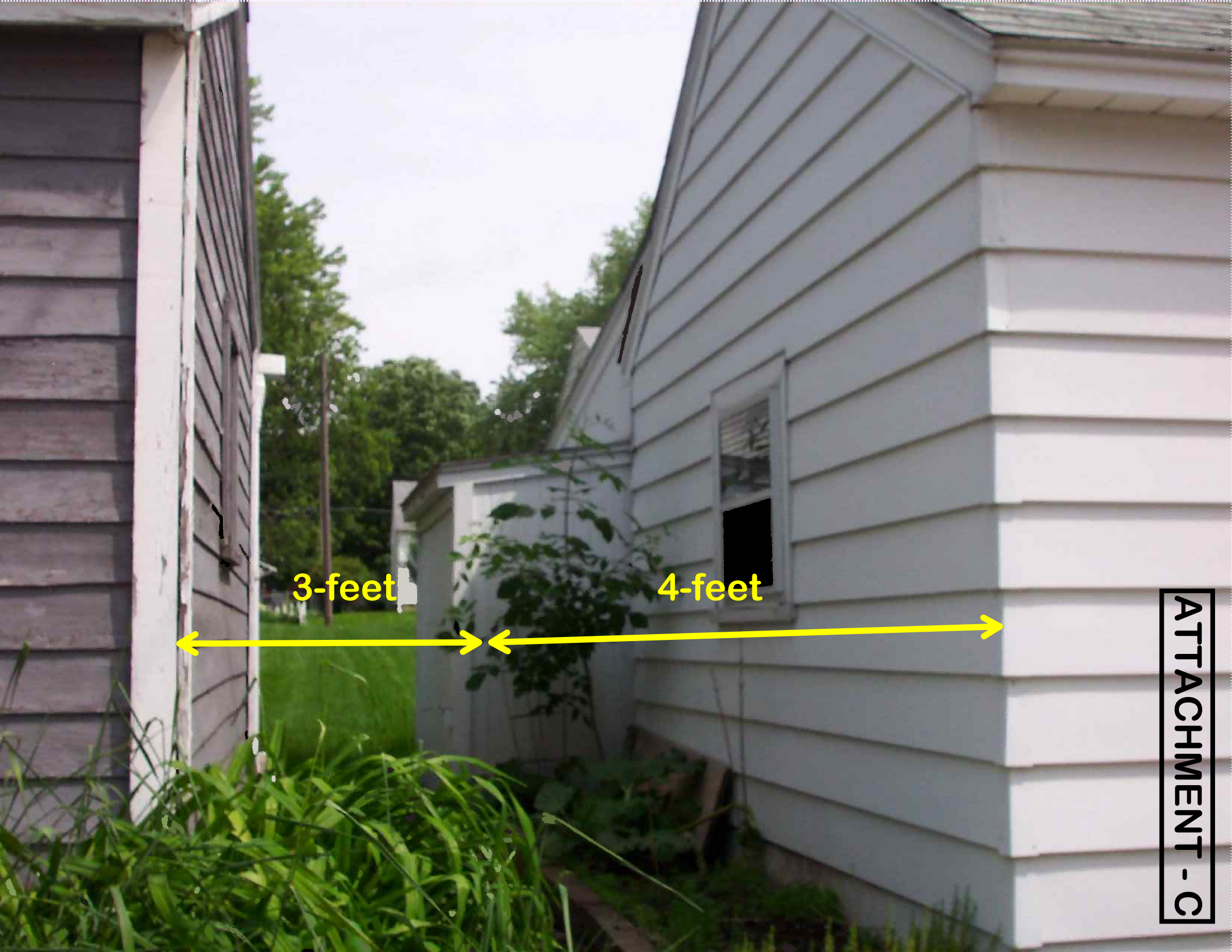


ATTACHMENT - B



24'
20'
24'
30'

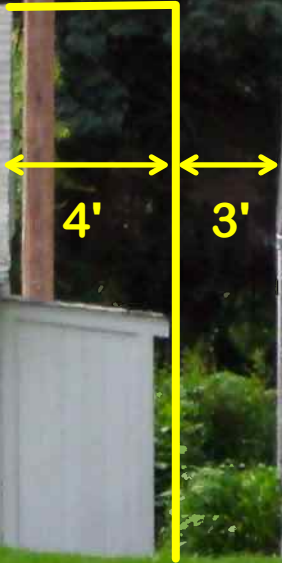
3-foot side yard setback



3-feet

4-feet

ATTACHMENT - C



ATTACHMENT - D

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

Part 1. Property Involved.

Street Address 1039 HALL
Legal Description of the property LOT 8 BLOCK 5 RIVERVIEW ADDITION

Part 2.

Applicant Name TIM GROTHUS Phone 355-4118
Address 911 DEVILS GLEN RD FAX SAME

Owner Name DON TRIMBLE Phone 343-4923
Address 1039 HALL ST. FAX _____

Agent TIM GROTHUS Phone 355-4118
Address 911 DEVILS GLEN RD 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.
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 - (d) That it will not increase the danger of fire or of the public safety.
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 - (f) That it will not in any other respect impair the public health, comfort; safety, morals, or welfare of the inhabitants of the city.

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 - (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
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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

June 12, 2008

Staff Report

Case No. 08-050

Location: 2215 Echodale Drive

Applicant: Joseph Miller

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

Request: Variance to reduce the required front yard setback from 25 feet to 17 feet to allow construction of a 10-foot by 20-foot deck.

Background Information and Facts

The site is located just southwest of the intersection of 18th Street and Tanglefoot Lane on Echodale Drive (see Attachment A – Location Map). The applicant is requesting a variance to allow a 10-foot by 20-foot deck within the required front yard setback (see Attachment B – Plot Plan).

Staff Analysis

The deck has already been constructed and was discovered by staff on May 30, 2008 (see Attachment C – Deck Photo). No building permit was issued for this structure. The applicant states that he was give verbal instructions by staff over the phone that such a structure would be allowed. All staff members have been questioned, and no one recalls any such conversation.

All of the homes in this neighborhood have observed the required front yard setback and this entire structure encroaches into it (see Attachment D – Front Setback Illustration). The applicant points out the fact that the deck is in line with the neighbor's front bushes/landscaping. The Code does not recognize bushes or landscaping as "structures"; however, a deck is a structure.

Since the deck has already been constructed, if a variance is not granted, the deck will have to be removed. Staff cannot identify any other hardship in this case, and the fact that the deck was constructed without a permit is a self-imposed hardship. Had a permit been applied for, staff would have stopped this project before it was ever built.

Respectfully submitted,

John Soenksen
City Planner

ATTACHMENT - A

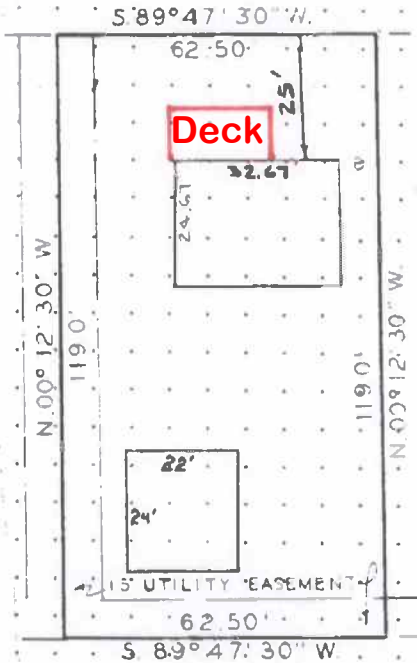


SITE

**Bettendorf
High School**

Attachment - B

ECHODALE





ATTACHMENT - C

ATTACHMENT - D

17'
Deck



Case No. 08-050

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

Part 1. Property Involved.

Street Address Joseph H Miller 2215 Echodale St
Legal Description of the property Lot 10 Greenbrier 10th Add

Part 2.

Applicant Name _____ Phone _____
Address _____ FAX _____

Owner Name Joseph H. Miller Phone _____
Address 2215 Echodale 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.
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 - (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:
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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

June 12, 2008

Staff Report

Case No. 08-051

Location: 221 - 15th Street

Applicant: Anthony Buckley

Zoning Designation: C-2, Community Shopping District

Request: Special use permit to allow an outdoor alcohol service area.

Background Information and Facts

The site is located at the intersection of 15th Street and State Street (see Attachment A – Location Map). The Paddlewheel Sports Bar and Grill would like to add an outdoor service area to the south side of the building within the parking lot (see Attachment B – Plot Plan).

Staff Analysis

This is a common request, and many of the licensed liquor establishments in Bettendorf have outdoor service areas including:

- Overtime Sports Bar
- Harrington's (at Cumberland Square Shopping Center)
- Uptown Neighborhood Bar and Grill (just approved last month)
- Pfitz's Fast Lane
- Tiddley Tap
- The Scrub Pub

This request involves a 20-foot by 21-foot fenced deck enclosure for the outdoor service area which will occupy part of the current parking lot and close one of the entrances to the parking lot (see Attachment C – Request Illustration). The size of the deck appears to be consistent with other such facilities approved in Bettendorf. If approved, the applicant will be required to present a parking plan and access plan to staff prior to any building permit being issued.

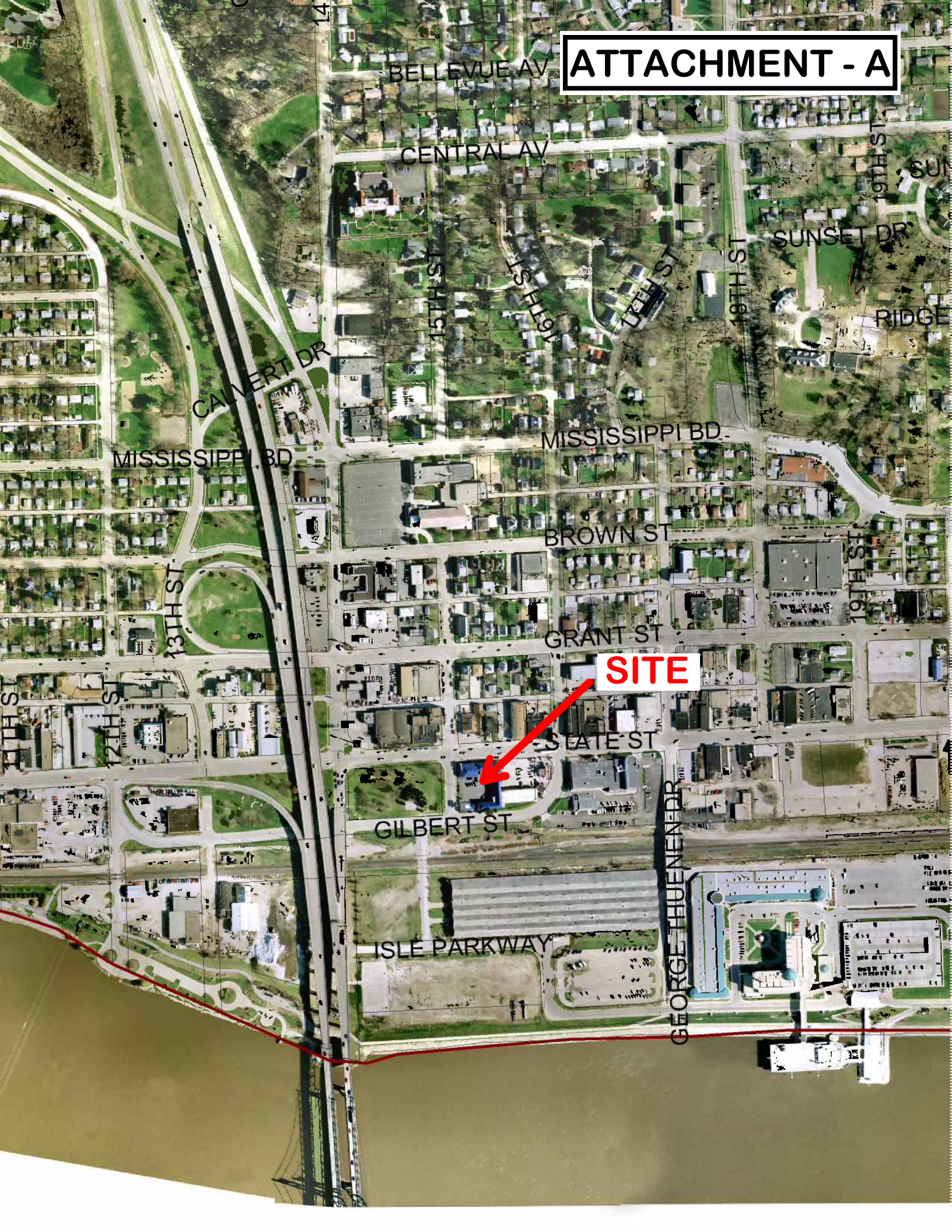
The manager of the apartment complex attached to this business and parking lot has been notified of this request by staff. If any objections to this request are raised regarding the residential component of this facility, staff will make those objections known to the Board.

If approved, staff request such approval be subject to staff approval of a parking/access plan associated with this request.

Respectfully submitted,

John Soenksen
City Planner

ATTACHMENT - A



SITE

BELLEVUE AV

CENTRAL AV

15TH ST

16TH ST

17TH ST

18TH ST

SUNSET DR

RIDGE

MISSISSIPPI BD

MISSISSIPPI BD

BROWN ST

GRANT ST

STATE ST

GILBERT ST

ISLE PARKWAY

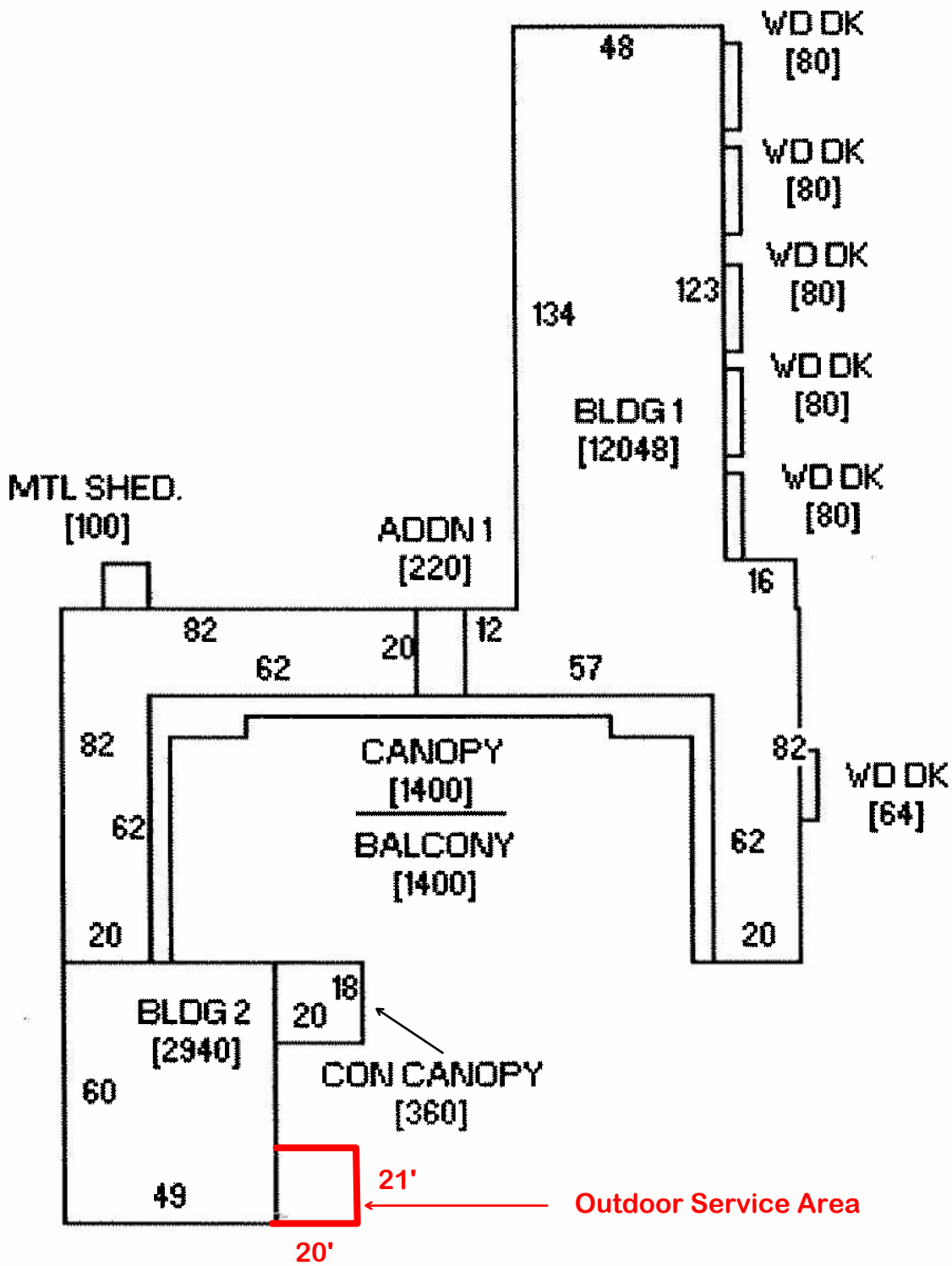
CALVERT DR

13TH ST

12TH ST

GEORGE HUENEN DR

ATTACHMENT - B





20'

ATTACHMENT - C

Case No. 08-051

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

Part 1.

Applicant Name Anthony Buckley Phone (563)344-9646
Address 221 15th St Bettendorf IA 52722

Owner Name _____ Phone _____
Address _____

Agent _____ Phone _____
Address _____ FAX _____

Part 2. Property Involved.

Street Address 221-15th St
Legal Description of the property. _____

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.
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- 3. Other. _____

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.

Would like to put a 20x21 ft patio on the
side of the restaurant for a outside serving area

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.

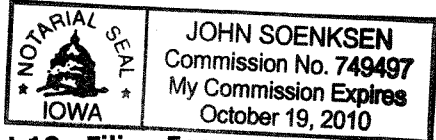
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this _____ day of _____, 20 ____.

Signature of Applicant [Signature] Signature of Owner _____
(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 30 day of May, 2008.



[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 \$100.00 Date May 30, 2008