

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
NOVEMBER 13, 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 October 9, 2008.
4. The Board to hold a public hearing on the following item:
 - a. Case 08-103; 2810 State Street (C-3) - A request for a variance to reduce the required sign setback from 20 feet to 7 feet, submitted by Animal Emergency Center of the Quad Cities.

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
OCTOBER 9, 2008
5:00 P.M.**

Chairman Stelk called the meeting to order at 5:20 p.m.

Item 1. Roll Call

PRESENT: Eikenberry, McElhiney, Stelk
ABSENT: Howe
STAFF: Connors, Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of August 14, 2008.

On motion by McElhiney, seconded by Eikenberry, that the minutes of the meeting of August 14, 2008 be approved as submitted.

ALL AYES

Motion carried.

Item 4. Introduction of Janina Faerber.

Soenksen introduced Janina Faerber, who is an intern visiting the city from Bettendorf's sister city, Kronach, Germany.

Item 5. The Board to hold a public hearing on the following items:

- a. Case 08-082; 1048 Grant Street (R-2) - A request for a variance to increase the allowable height of an accessory structure from 15 feet to 18 feet, submitted by Bryan and Melissa Auliff.

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.

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

Soenksen stated that if the applicant chooses to heat the structure, it must be placed on permanent footings, not a slab. He added that the applicant is also responsible for obtaining permission for the proposed construction from the involved utility companies.

Bryan Auliff, the applicant, reiterated that the purpose of the structure is to gain additional storage beyond what would be available in a traditional garage. He added that he hopes to avoid parking the family's vehicles on the street in front of the home.

Stelk asked if the applicant understands the requirement for permanent footings if the structure is to be heated. Auliff stated that while he had been unaware of the requirement, he does not want to spend the additional money required to heat such a large structure with a forced air furnace. Stelk reiterated that if the proposed garage is not placed on permanent footings, it cannot be heated.

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 variance to increase the allowable height of an accessory structure from 15 feet to 18 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 08-089; 1848 Anderson Court (R-2) - A request for a variance to reduce the required rear yard setback from 25 feet to 9 feet to allow for a 12 ½-foot by 18-foot deck addition, submitted by Kristine Thorpe.

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. He indicated that had received phone calls expressing concern about the request from Robert Pint, 1422 - 19th Street; Herb Wetzel, 1408 - 19th Street; and Forrest Buckley, 1412 - 19th Street. He stated that their concern is relative to the proposed placement of the deck near an existing drainage easement and its effect on it.

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

Brad Clevenger, representing the applicant, explained that the existing deck is not large enough for a patio table and chairs nor is there enough room to entertain. He indicated that he and the applicant would like to add on to the rear of the deck, leaving the width the same. He stated that he would not be opposed to reducing the length the proposed deck. Clevenger explained that only the footings would be placed near the berm, adding that he does not believe that they would impede the drainage of storm water. He indicated that he does not plan to change the shape of the ground, adding that he would be willing to reduce the width of the deck such that it does not encroach into the utility easement.

Robert Pint, 1422 - 19th Street, explained that he experienced drainage problems in the past, prior to the development of Anderson Court. He stated that at the time the subdivision was platted, it was initially proposed to build the homes on Anderson Court on a plateau while substantially increasing the grade change toward 19th Street. Pint indicated that an agreement between the city and the developer was reached to install an 18-inch high berm that would run the full length of the property. He stated that the final plat indicates a 10-foot wide drainage easement entirely on Anderson Gardens property and that the grading shall not be changed in any way that would alter the natural flow of water. Pint explained that the storm water running east of the berm would be handled by the easement located in Anderson Gardens, that any water coming to the berm would be channeled north to a storm water detention basin, and that the subdivision would be graded such that no water would ever come onto adjacent properties. He stated that if the Board approves the proposed request, the deck would encroach on over half of the drainage easement. Pint stated that he is not opposed to the proposed deck as long as it does not negatively affect him and his neighbors. He requested that the Board deny approval for construction of any type of structure in the drainage easement as per the final drainage and erosion control plan approved by the city.

Eikenberry asked for clarification regarding the width of the drainage and utility easement. Soenksen explained that it is 10 feet wide on the lot in question. Eikenberry asked how wide the berm is and if the water would flow past the edge of it. Soenksen stated that the rear property pin is located approximately 3 feet on the east side of the berm, adding that all of the drainage would be on Lot 6 and would travel north. Eikenberry stated that he does not believe that footings should be placed in the drainage path. Soenksen indicated that because the proposed deck would in effect be a second-story structure, only the 4-inch by 4-inch posts would be in the drainage easement. He added that if the deck is enclosed underneath for use as storage, that construction would certainly impede the flow of water.

Forrest Buckley, 1412 - 19th Street, asked who had made the site visit to evaluate the request and determine the exact location of the proposed deck. Soenksen explained that staff always visits at least once, adding that he had found a property pin so that the measurements are exact. He stated that the fence is located approximately 6 feet from the property line.

Buckley asked if all of the documents that were referenced by Pint had been reviewed by staff. Soenksen stated that he had checked the entire file and feels as though the berm is accomplishing its intended purpose.

Eikenberry stated that he would not object to a deck extension, but feels that the proposed deck is too large. He added that he would be comfortable approving a deck if the footings were placed at least 5 feet from the edge of the easement. Soenksen explained that if a 6-foot extension were approved, the deck would be no closer than 6 feet to the easement.

McElhiney stated that she feels that the Board has an obligation to uphold the details of the agreement between the city and the developer with regard to the drainage easement. Eikenberry stated that as long as the footings are kept out of the drainage easement, he would be comfortable granting a modified request. Stelk concurred.

Buckley commented that he feels as though the city should have informed the applicant of what would be allowed by Code. Soenksen stated that he had, adding that because the proposed deck is not allowed by Code, a variance is necessary.

A discussion was held regarding the appropriate distance that the deck footings could be placed from the berm and not interfere with the drainage easement. Eikenberry suggested that the footings be placed no closer than 6 feet to the west of the drainage easement, adding that this would allow a 2-foot deck overhang. Soenksen stated that this solution would allow placement of the deck approximately 14 feet from the property line.

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 variance to reduce the required rear yard setback from 25 feet to 15 feet to allow for a deck addition be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #7 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 6:15 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

November 13, 2008

Staff Report

Case No. 08-103

Location: 2810 State Street

Applicant: Animal Emergency Center of the Quad Cities

Zoning Designation: C-3, General Business District

Request: Variance to reduce the required setback for an on-premises identification sign from 15 feet to 7 feet.

Background Information and Facts

The site is located northeast of the intersection of 28th Street and State Street (see Attachment A – Location Map). The site is an “L”-shaped lot on which a new animal emergency center is being built. The applicant would like to place a business sign toward the southwest corner of the property and within seven feet of the front property line (see Attachment B – Site Plan).

Staff Analysis

The required placement for the proposed business sign is 20 feet behind the front property line. There are numerous issues that the applicant points out that make the required placement difficult or impossible:

- The main driveway entrance to the facility is located toward the northwest corner of the lot on 28th Street. Therefore, it is logical for the sign to be located as close to 28th Street as is reasonably possible to direct vehicles to the 28th Street entrance.
- Storm water detention is required for the site. As a result, two detention basins will be located toward the intersection of State Street and 28th Street and State Street and 28½ Street. Therefore, if the sign were placed at either intersection at the required setback the sign would be within a detention basin.
- If the sign were placed at the required setback and outside of the detention area, the only location remaining would be within the parking lot. A monument sign located within a parking lot is not desired by either the applicant or staff.

The proposed monument sign is 81 square feet in size and includes a planter along the bottom of the structure (see Attachment C – Sign Illustration). The applicant plans to incorporate flowers in the planter and alongside of the sign as shown in Attachment C

which will add to the aesthetics and appeal of the sign. The proposed sign resembles the sign for Quad City Area Realtor building in the downtown. Similar setback variances approved by the Board include:

- 1017 State Street → from 15 feet to 0 feet
- 3923 State Street → from 25 feet to 0 feet
- 1900 State Street → from 15 feet to 3 feet
- River's Edge Addition (1700 block State Street) → from 15 feet to 3 feet
- 1910 State Street → from 15 feet to 2 feet
- 1644 Grant Street → from 15 feet to 10 feet

Staff Recommendation

Given all of the above facts and after review of the site plan and all related issues, staff feels that the applicant has demonstrated a hardship specifically related to the sign placement for this site. If approved, the sign would be outside of the 35-foot "vision triangle" as related to traffic line-of-sight for the involved intersection shown on (Attachment B – Site Plan).

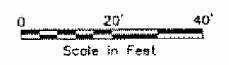
Respectfully submitted,

John Soenksen
City Planner

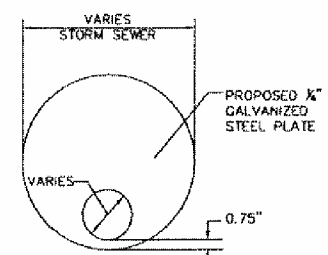
Attachment - A



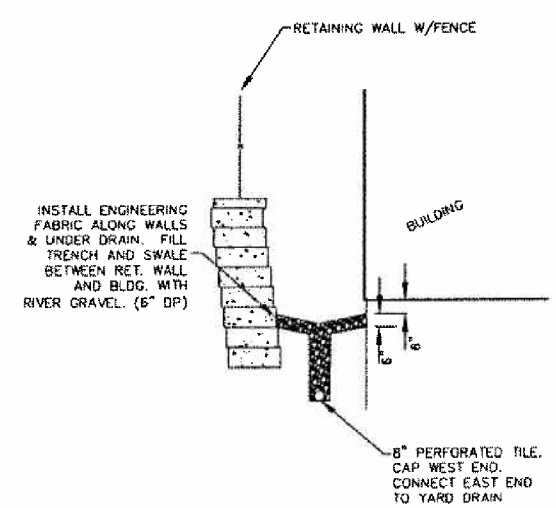
SITE



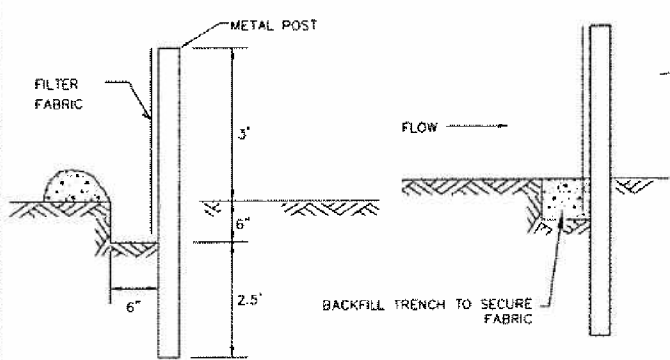
NOTE:
OPEN DITCH INTAKES (ODI) SHALL BE 12" ADS NYLOPLAST DRAIN BASIN W/DROP IN GRATE



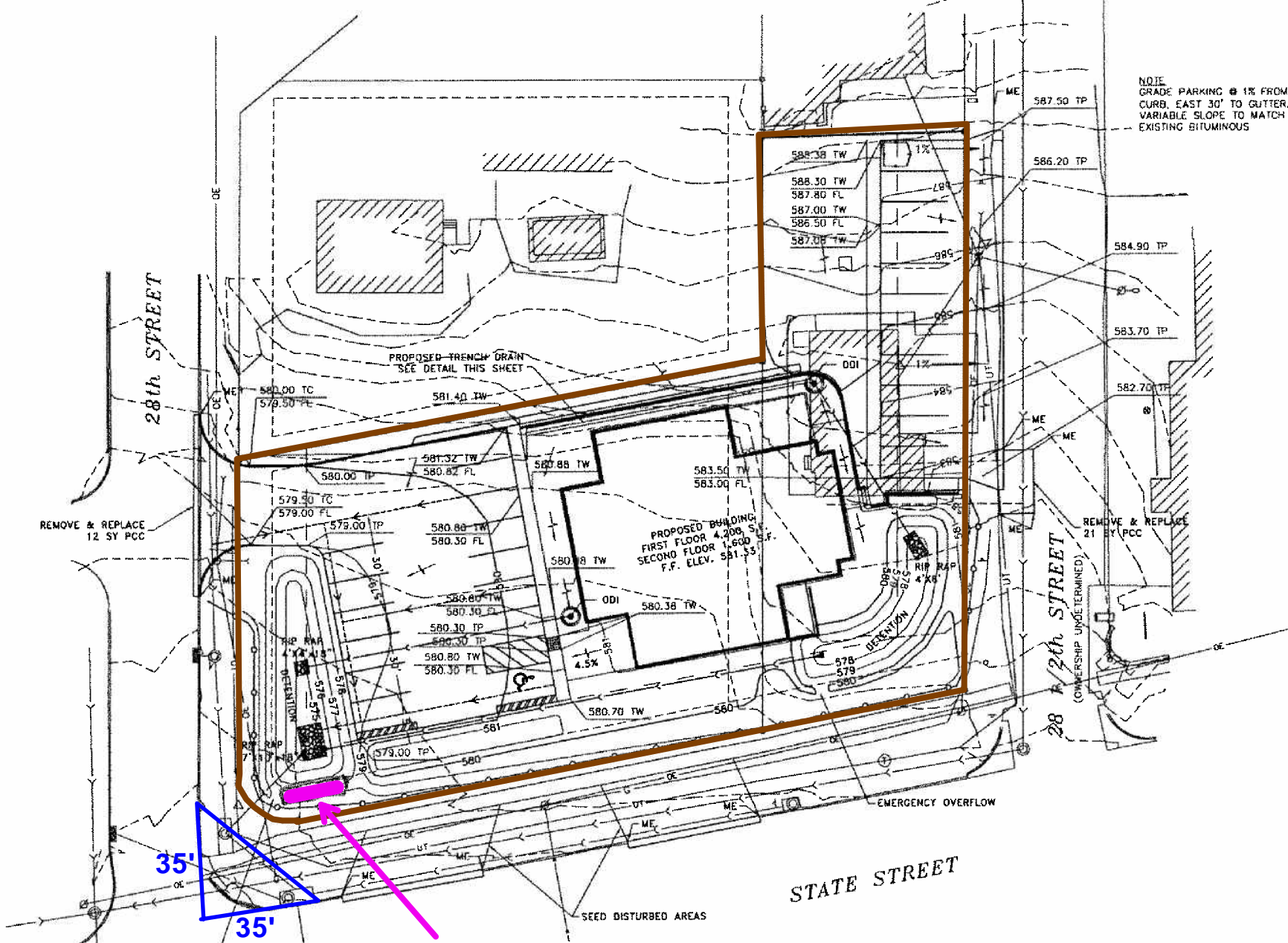
ORIFICE PLATE DETAIL
(TO BE INSTALLED ON INLET FLARED END SECTION FROM DETENTION POND)



TRENCH DRAIN



SILT FILTER FENCE AS A PERIMETER EROSION BARRIER
NOT TO SCALE



NOTE:
GRADE PARKING @ 1% FROM CURB, EAST 30' TO GUTTER, VARIABLE SLOPE TO MATCH EXISTING BITUMINOUS

LEGEND

- PROPOSED P.C. CONCRETE PAVEMENT
- EXISTING CONTOUR (1' INTERVALS)
- PROPOSED CONTOUR (1' INTERVALS)
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SERVICE LINE
- EXISTING STORM SEWER
- PROPOSED STORM SEWER
- PROPOSED WATER SERVICE LINE
- EXISTING WATER MAIN
- PROPOSED WATER MAIN (BY OTHERS)
- EXISTING OVERHEAD ELECTRIC
- EXISTING UNDERGROUND TELEPHONE
- EXISTING GAS LINE
- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- EXISTING CATCH BASIN
- PROPOSED FLARED END SECTION
- DIRECTION OF FLOW
- EXISTING MANHOLE
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- EXISTING GAS VALVE
- GUTTER FLOW LINE
- TOP OF CURB
- TOP OF PAVEMENT
- TOP OF SIDEWALK
- MATCH EXISTING PAVEMENT
- INVERT
- OPEN DITCH INTAKE
- EXISTING CONIFEROUS TREE
- EXISTING DECIDUOUS TREE
- EXISTING POWER POLE W/ GUY ANCHOR
- EXISTING LIGHT POLE
- EXISTING SIGN
- EXISTING TELEPHONE BOX
- EXISTING TELEPHONE MANHOLE
- PROPOSED EROSION CONTROL FENCING
- INLET PROTECTION (AS APPROVED BY CITY EROSION CONTROL INSPECTOR, PRIOR TO INSTALLATION)

ESTIMATED PRELIMINARY GRADING QUANTITIES

	CUT:	FILL:
UNADJUSTED:	277	858
PAVEMENT:	+87	-269
SHRINKAGE (30%):		+177
BORROW:	+402	
TOTAL:	766	766

TOPSOIL STRIPPINGS (6" DEPTH ASSUMED IN DISTURBED AREAS) OF 500 C.Y. MAY BE RESPREAD ON-SITE IN NON-STRUCTURAL FILL AREAS.

NOTE:
FOUNDATION EXCAVATION CUT QUANTITIES ARE NOT INCLUDED

ANIMAL EMERGENCY CENTER OF THE Q.C.
PART OF THE SW 1/4 SEC. 27, T-78N., R-4E.

REVISIONS		
NO.	ITEM	DATE

PLOTTING SCALE: 1" = 20'
DRAWN BY: JLB/DMS
CHECKED BY: ECL
DATE: March 11, 2008

McClure
Engineering & Construction, Inc.
4700 Kennedy Drive (303) 792-9550
East Plains, Illinois 61244 Fax (309) 792-8974
Design Firm License: 04000184-000819
Copyright 2008 by McClure Engineering Associates, Inc.

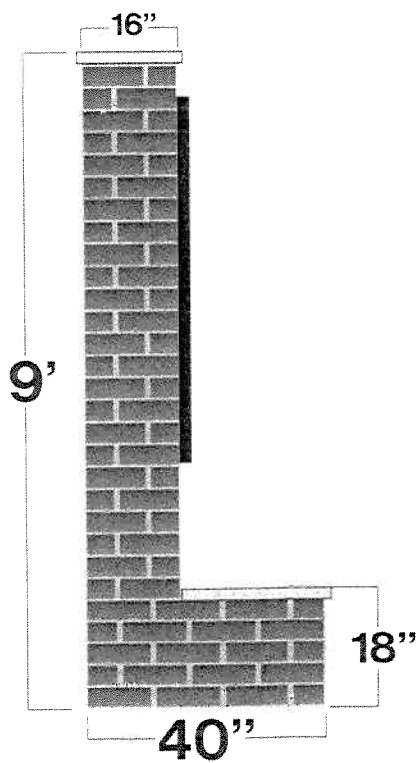
GRADING PLAN
28TH STREET AND STATE STREET
BETTENDORF, IOWA
FILE NAME: T:\ASSET\06.041\DWG\06041MDL.DWG
JOB NUMBER: 07-14-08-042

SHEET NO.
4
OF 6

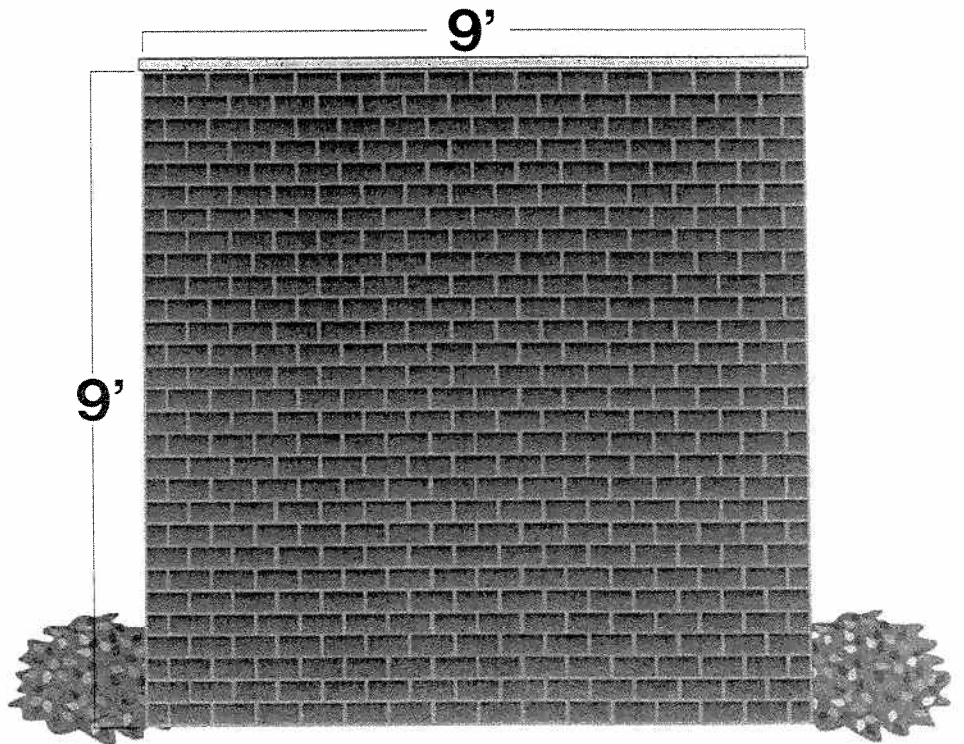
Attachment - C



SIDEVIEW



BACKVIEW



Case No. 08-103

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

Part 1. Property Involved.

Street Address 2810 State Street

Legal Description of the property. LOT 1, Animal Emergency Center 1st Add

Part 2.

Applicant Name Animal Emergency Center of the Quad Cities Phone 563-344-9599

Address 1510 State Street FAX 563-344-0221

Owner Name Dan Duahos Phone 563-294-6009

Address same FAX 563-264-6761

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 18.7 Existing Zoning C-3, General Business

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.
 - 1) The Detention pond prevents placement of sign the required distance back from the property line
 - 2) The proposed location would facilitate directing traffic toward the 28th Street entrance instead of traffic errors toward the 28 1/2st street parking
 - 3) the VW and Steve's Mirror and Glass have bordering businesses and their signs would still be closer to the property lines than the proposed AEC sign.
 - 4) within the entire property set-up, it is the most logical position for a sign.

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 of Owner Paul B. Dur
(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 14th day of Oct., 2008.
John Scambler
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 Wojcik
Amount \$100. Date 10/14/08