

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
OCTOBER 8, 2009
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 September 10, 2009.
4. The Board to hold a public hearing on the following items:
 - a. Case 09-068; Lot 2, Shoppes at Duck Creek First Addition (C-2) – A request for approval of a special use permit for an additional drive-up window, submitted by McDonald Properties East, L.L.C.
 - b. Case 09-070; 4505 Utica Ridge Road (C-2) – A request for a variance to reduce the required setback for an on-premises identification sign from 15 feet to 5 feet., submitted by Kenneth G. Meier.
 - c. Case 09-071; 2104 State Street (C-3) – A request for a variance to allow an exposed lighting source sign (LED programmable sign) in the Downtown Riverfront Corridor Overlay District, submitted by Trish Norris.
 - d. Case 09-072; 3260 Halcyon Drive (R-1) - A request for a variance to reduce the required rear yard setback from 40 feet to 25 feet to allow for construction of a deck and 4-season room, submitted by Sampson Construction.
 - e. Case 09-073; SE corner of 53rd Avenue and Devils Glen Road (R-4) - A request for a variance to allow two on-premises identification signs in an R-4 Multi-family Residence District, submitted by Continental 203 Fund, LLC.
 - f. Case 09-074; 2820 Villa Court (C-5) - A request for a variance to reduce the required rear yard setback from 20 feet to 14 to allow for a 14-foot by 16-foot deck, submitted by Teresa Stori.
 - g. Case 09-075; 2834 Villa Court (C-5) - A request for a variance to reduce the required rear yard setback from 20 feet to 12 feet to allow for construction of a 16-foot by 16-foot deck, submitted by Tarikere Kumar.
 - h. Case 09-076; 930 - 14th Street (R-5) - A request for a variance to reduce the required front yard setback from 25 feet to 15 feet to allow for construction of a 22-foot by 32-foot pavilion, submitted by Keith and Vicki Hall.

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
SEPTEMBER 10, 2009
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Eikenberry, Howe, Stelk, Voelliger
ABSENT: McElhiney
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 13, 2009.

On motion by Voelliger, seconded by Howe, that the minutes of the meeting of August 13, 2009 be approved as submitted.

ALL AYES

Motion carried.

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

- b. Case 09-067; 3208 South Hampton Drive (R-2) - A request for a variance to increase the allowable living area to garage ratio from 40% to 66%, submitted by Chris Gutierrez.

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 stated that he received a petition in support of the request from 8 of the applicant's neighbors.

Chris Gutierrez, the applicant, stated that the diagram that had been submitted with the applicant is slightly inaccurate, indicating that the garage would not encroach into the easement area as shown. She stated that several homes of similar or smaller size have detached garages such as she wishes to build. Gutierrez stated that she wishes to be

able to park her family's vehicles off-street in addition to having the space to store a boat and woodworking tools. She added that she would like to keep the existing garage space intact as it provides entry for elderly relatives without having to travel a long distance.

Voelliger asked if the tree in the rear yard would be removed. Gutierrez confirmed this, adding that are several trees in the rear yard that would be removed.

Howe commented that the proposed construction seems to be very similar to what is in the neighborhood, adding that he would support the request. Voelliger 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 Eikenberry, seconded by Howe, that the request for a variance to increase the allowable living area to garage ratio from 40% to 66% be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- c. Case 09-068; Lot 2, Shoppes at Duck Creek First Addition (C-2) – A request for approval of a special use permit for an additional drive-up window, submitted by McDonald Properties East, L.L.C.

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

Soenksen stated that the applicant would like to address the Board with regard to the request.

Kevin Koellner, 1805 State Street, stated that a special use permit for a drive-up window had previously been granted for the west side of the proposed building. He indicated that he and his partners are currently in lease negotiations with a specific tenant and requested that the request be deferred until the next meeting when more information is available.

On motion by Howe, seconded by Voelliger, that the request for a special use permit to allow drive-up windows be deferred until the next regularly scheduled meeting.

ALL AYES

Motion carried.

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

September 10, 2009

Staff Report

Case No. 09-068

Location: Lot 2, Shoppes at Duck Creek First Addition

Applicant: McDonald Properties East, LLC

Zoning Designation: C-2, Community Shopping District

Request: Special use permit for an additional drive-up window.

Background Information and Facts

The site is part of the newly developing Burlington Coat Factory location (see Attachment A – Location Map). The developer is seeking approval of a drive-up window for one of the buildings to be located on the outer edge of this site (see Attachment B – Site Plan).

Staff Analysis

In May of 2008, the Board reviewed a similar request for this building. At that time, a permission was requested for a drive-up window to be located on the east side of the building. During the Board's deliberation, it was agreed to between the developer and the Board that the drive-up window should be located on the north side of the building close to the northwest corner of the structure to allow the maximum amount of vehicle stacking. The approved relocated site for that drive-up request is shown in blue on Attachment C.

The developer would now like to add a second drive-up window on the east side of the building. The requested location is shown in red on Attachment C. The new location would have approximately 75 feet for stacking which would allow approximately three vehicles to stack in the designated stacking area as shown on Attachment C. The site is located adjacent to and to the west of the main entrance to the shopping center.

It is anticipated that a delicatessen type sandwich restaurant will be located at this site. Although this type of restaurant traditionally does not experience the amount of stacking that is routinely seen at a fast-food hamburger type business, staff cannot guarantee what type of restaurant will be located at the site if the request for another drive-up window is approved. The developer has indicated that he will be attending the public hearing and will be prepared to address concerns the Board may have about this request.

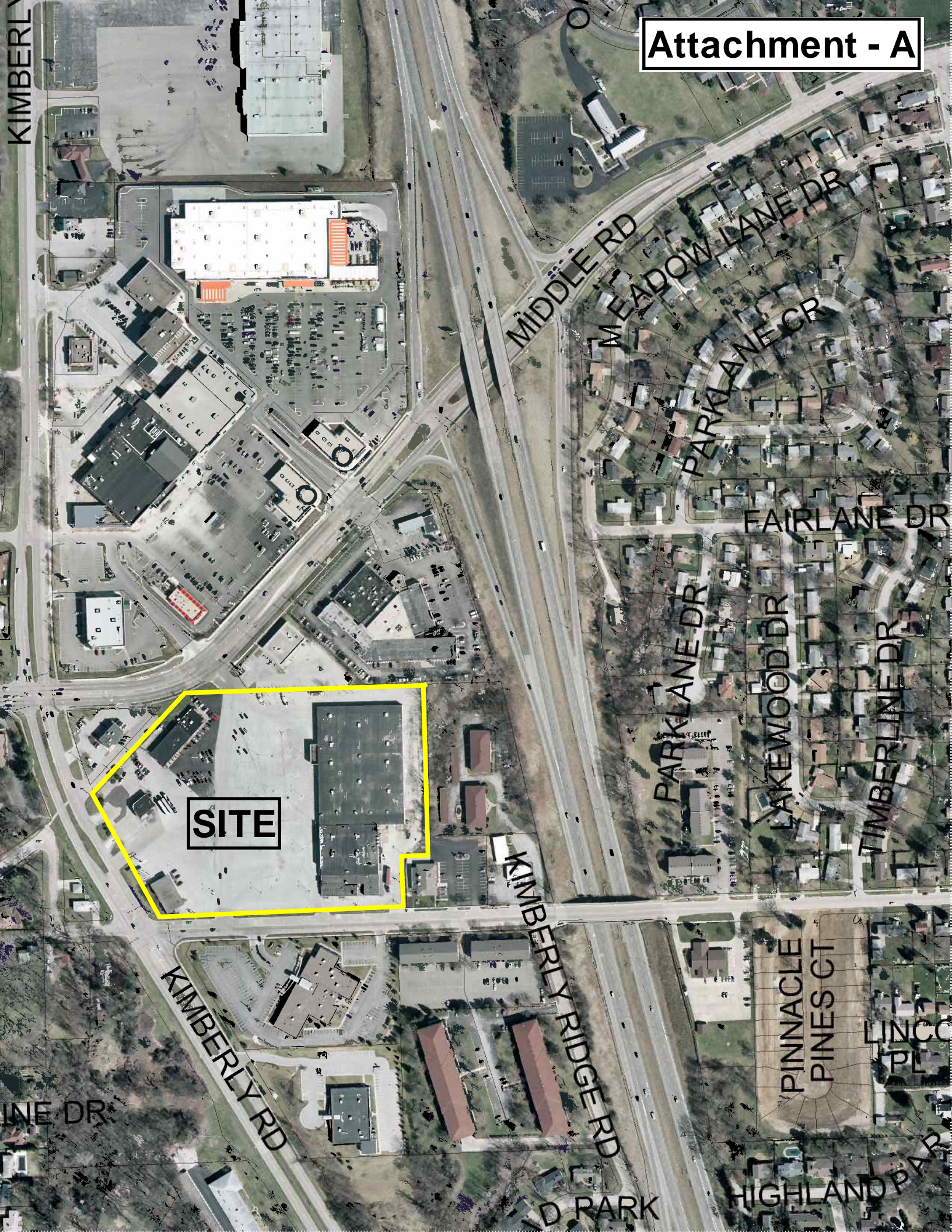
Staff Recommendation

The proposed use for the site is an approved use in this district, and the Board has approved other drive-up windows within this development. If the Board's concerns about stacking are properly addressed, the Board may seek to place a condition on the approval specifying the restaurant type insuring that they will be able to further review this request if a different type of restaurant ultimately commits to located at this site.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE

KIMBERL

MIDDLE RD

MEADOW LANE DR

PARKLANE CP

FAIRLANE DR

PARKLANE DR

LAKEWOOD DR

TIMBERLINE DR

KIMBERLERY RIDGE RD

KIMBERLERY RD

PINNACLE PINES CT

PINNACLE

HIGHLAND PARK

LINE DR

LD PARK

Case No. 09-065
08053

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

Part 1. Property Involved.

Street Address Kimberly & Middle Roads
Legal Description of the property. part of the Northeast quarter
Section 29, Township 28 North, Range 4 East of the 5th P.M.
Lot 2 Shoppes @ Duck Creek First Add Bettendorf, IA

Part 2.

Applicant Name McDonald Properties East LLC Phone 641-472-0880
Address 1100 North Fourth St Fairfield, IA 52556 FAX 641-472-0061

Owner Name Curt McDonald Phone 641-472-0880
Address 1100 North Fourth St Fairfield, IA 52556 FAX 641-472-0061

Agent Kevin Koellner Phone 563-355-2022
Address 1805 State St Ste 101 Bettendorf, IA 52722 FAX 563-355-7806

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.)

Drive-Up Window (special use permit)

We are requesting a second drive-up window be permitted per the attached site plan to allow for a sandwich shop operation to function with drive-up services. Similar permits for similar uses have been granted in multiple locations in the Duck Creek Development to the north. The drive-up window is a requirement for a franchise operation that we are entertaining as a tenant for this development.



COMMUNITY DEVELOPMENT

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

October 8, 2009

Staff Report

Case No. 09-070

Location: 4505 Utica Ridge Road

Applicant: Kenneth Meier

Zoning Designation: C-2, Community Shopping District

Request: Variance to reduce the setback for an on-premises identification sign from 15 feet to 5 feet.

Background Information and Facts

The site is located at the northeast corner of the intersection of Utica Ridge Road and Terrace Park Drive across the street from Trinity Hospital (see Attachment A – Location Map). The applicant would like to place an on-premises identification sign between the parking lot and Utica Ridge Road (see Attachment B – Sign Location Illustration). If allowed, the frontmost portion of the sign would be within 5 feet of the front property line.

Staff Analysis

The requested sign would be a double-faced, triangular-shaped sign on three mounting posts (see Attachment C – Sign Illustration). In 1994 a site plan was approved for this site which included a sign located in front of the parking area (see Attachment D – Site Plan). Therefore, it was recognized at that time that an on-premises identification sign was best located for this site in front of the paved parking lot. That previously approved sign was a 6-foot wide sign; the current request is for an 8-foot wide sign. The previous sign also encroached one foot into the required setback. The current request would encroach ten feet into the required setback.

There are two main visibility problems related to this request:

1. The topography of the site is such that the parking lot and building are considerably below the grade of Utica Ridge Road. If a sign is placed between the parking lot and the front property line, the closer it is located toward the front property line the higher its elevation will be.
2. There are six established trees along the front of this property. The closer a sign is placed toward the parking lot, the more it will be obstructed by the trees. It should be noted that even if this request is approved one or more trees may have to be removed. The applicant has indicated that if any trees are removed, they will be replaced with new trees at different locations. Those replacement trees, of course, will not be as large as the established trees and will diminish the overall aesthetics of this site.

Upon a site visit, staff noted that the property immediately to the north of this site (RE/MAX River Cities) has a sign in the front yard within eleven feet of the front property line. The RE/MAX site does not have the topography or visibility problems noted on the Miller-Meier site.

It should also be noted that a similar request for sign placement was denied by the Board in April of 1995. At that time, the obstruction problems didn't exist and the Board felt that there was nothing to justify a hardship.

Staff Recommendation

If the Board feels that the topography issue coupled with the obstruction issue now constitutes a hardship, the variance request may be justified. The applicant would submit that a sign which cannot be easily seen is not performing its intended purpose. If, however, the Board feels that the abovementioned issues do not constitute a hardship, then the Board has already ruled that no other hardships exist at this site.

Respectfully submitted,

John Soenksen
City Planner

Crow Creek Road



SITE

Trinity
Hospital



UTICA RIDGE RD

BUNKER HILL DR
HILL CT

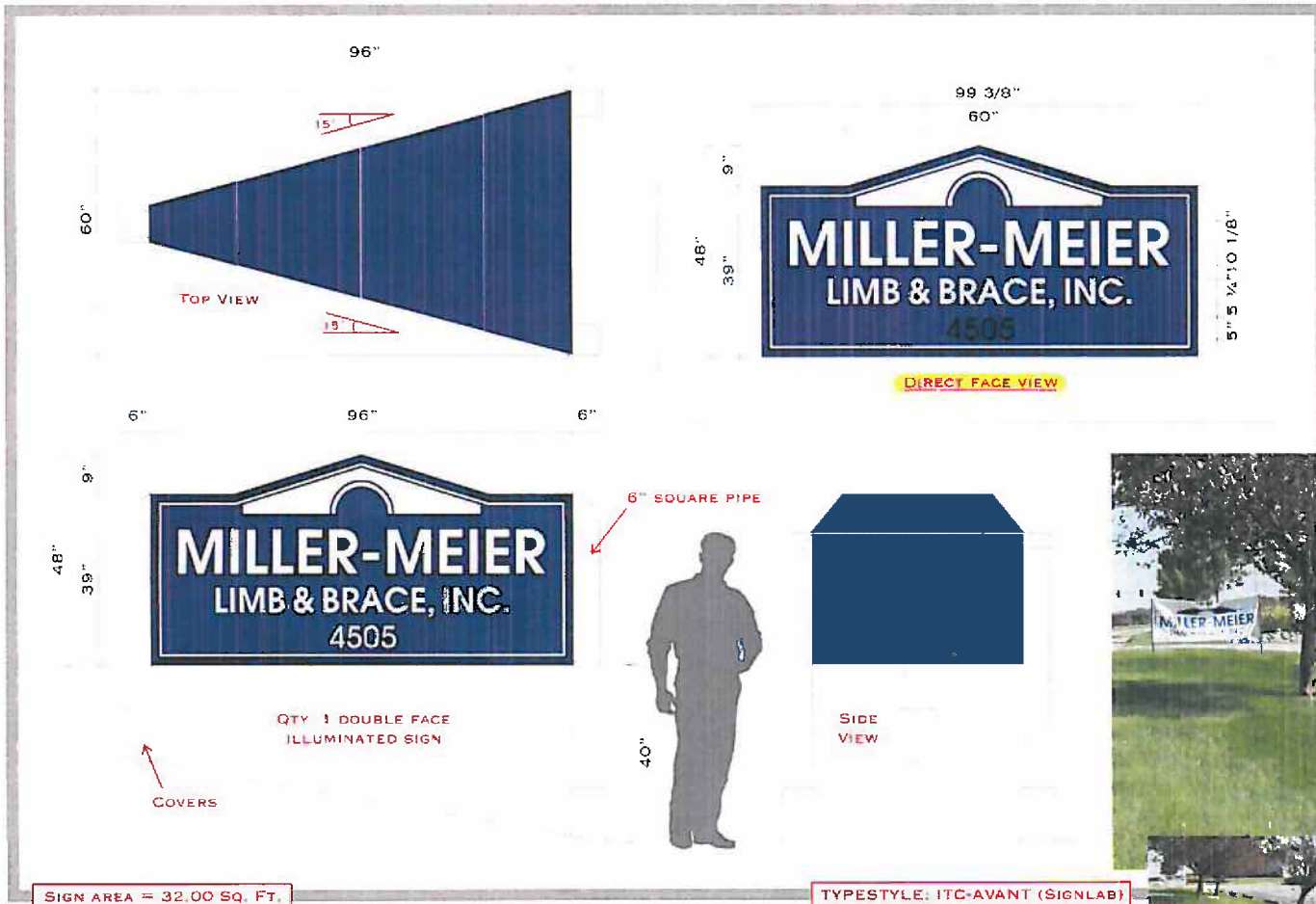
SQUIRE SQ
TERRACE PARK

SQUIRE DR

UTICA RIDGE CT

**← Sign
Location**





SIGN GROUP

DUBUQUE
730 N. Maple St.
East Dubuque, IL 61025-9691
315-241-2410
(1 AX) 5-747-3015
(Toll Free) 866-587-6979

DAVENPORT
5050 Carey Ave.
Davenport, IA 52807
563-388-6650
(FAX) 563-388-6654
(Toll Free) 800-804-8029

WWW.LANGESIGN.COM

Client: Miller-Meier Limb & Brace, Inc.

Scale: 3/8" = 1'
Date: 8/24/2009
Sketch: Mm09jul2c
Estimate #:
Drawn By: Chris B.
Sales Contact: JG

Sketch E-mailed

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 or 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 2009 US

CLIENT APPROVAL:

ONE (1) DOUBLE FACE ILLUMINATED SIGN TO BE INSTALLED. SIGN HAS WHITE PLASTIC FACES WITH OPAQUE #7725-17 VIVID BLUE VINYL APPLIED. COPY IS REVERSE WEDED. CABINET AND RETAINERS ARE SPRAYED TO MATCH #7725-17 VIVID BLUE VINYL. PIPES AND COVERS HAVE TEXTURED WHITE FINISH.

Attachment - C

Attachment - D

UTICA RIDGE ROAD

95' R.O.W.

50' 10 C.L.

24' PAVED

12'-6" FUTURE LANE

700

700

204.91

700

699

700

400HPS LIGHT

ZONING SETBACK 20'

18'

9'

13'

9'

699

696

697

696

696

696

696

696

229.65'

SIGN 5'

R3

R8'

R12'



13'

CANOPY 18'x18'
CLEARANCE 9'-0"



CUSTOMER PARKING
16 SPACES

FUTURE PARKING & DRIVE
14 SPACES

FUTURE SIDEWALK

FUTURE INLET

FUTURE PIPING TO
4' x 4' CONC. PAD
FUTURE CONTOURS

EXPANSION
BLDG: 48' x
WITH CORRIDOR
ROOF AREA: I

697

BLD

60

Attachment - E

Z16

Ulrica Ridge Rd

Ulrica Ridge Rd

Terrace Park Dr

**Vision
Obstructions**



Utica Ridge Rd

Z16

Utica Ridge Rd

SIGN



RE/MAX

**Miller
Meier
Limb &
Brace**



Case No. 09-070

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

Part 1. Property Involved.

Street Address 4505 UTICA RIDGE ROAD BETTENDORF, IOWA 52722-1641

Legal Description of the property. Lot 1
HMS168 ADDITION BEB#841707401

Part 2. Contact Information.

Applicant Name KENNETH G MEIER Phone 563-344-4206
Address 4505 UTICA RIDGE ROAD BETTENDORF, IOWA 52722-1641 FAX 563-344-4209
E-mail Address: NOLEFTYK@mchsi.com

Owner Name MILLER-MEIER LIMB AND BRACE, INC. Phone 563-344-4206
Address 4505 UTICA RIDGE ROAD BETTENDORF, IOWA 52722-1641 FAX 563-344-4209
E-mail Address: _____

Agent _____ Phone _____
Address _____ FAX _____
E-mail Address: _____

Part 3. Type of Application. (check at least one)

- 1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
 - (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
 - (b) That it will not impair an adequate supply of light and air to adjacent property.
 - (c) That it will not unreasonably increase the congestion in public streets.
 - (d) That it will not increase the danger of fire or of the public safety.
 - (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
 - (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

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

___ 3. Other. _____
(Attach a separate sheet and explain in detail.)

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.

PLEASE SEE ATTACHMENT

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. REASON FOR APPLICATION

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 1st day of SEPTEMBER, 2009.

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 1st day of September

2009
 NOTARIAL SEAL
 PAMELA J RALFS
 Commission No. 196364
 My Commission Expires
 May 11 2010
 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 W. S. Johnson
 Amount \$100. Date 9/8/09



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

October 8, 2009

Staff Report

Case No. 09-071

Location: 2104 State Street

Applicant: Trish Norris

Zoning Designation: C-3, General Business District

Request: For a variance to allow an exposed lighting source sign (LED programmable sign) in the Downtown Riverfront Corridor Overlay District (DRCOD).

Background Information and Facts

The site is located at the northeast corner of 21st Street and State Street and houses the Purgatory Pub (see Attachment A - Location Map). The applicant would like to place an LED/programmable sign on the west side of the building adjacent to 21st Street (see Attachment B – Sign Location Illustration).

Staff Analysis

This site is located at the intersection of two streets and the Code allows up 300 square feet of signage on each side of the building that faces a street frontage. Therefore, the location of the sign is allowed by Code. The owner of this site previously placed a small A-frame folding sidewalk sign on the sidewalk in front (State Street side) of the business. Due to the unusual number of ice storms last winter, that sign became frozen to the sidewalk and could not be removed posing an obstruction hazard for several weeks (see Attachment C – Folding Sign Illustration). The purpose of the sign was to advertise food specials and upcoming events.

There is also a manual message board sign on the west side of the building which is used for the same purposes. That sign requires an individual to climb a ladder 8-10 feet to physically change the messages. This process is complicated even further by the fact that a window awning is directly under the sign as shown in Attachment B.

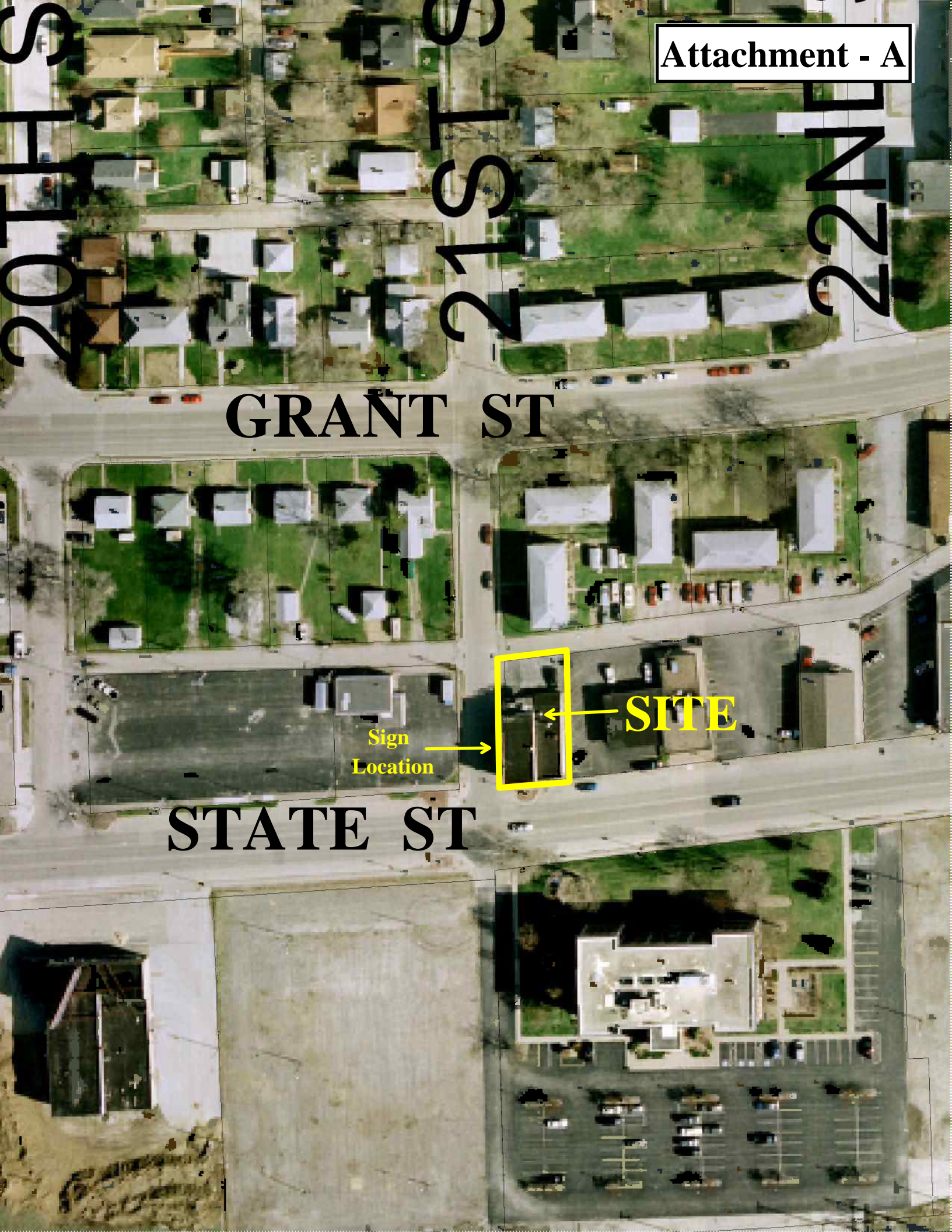
Recently, the Board approved an LED message center for K&K Hardware in this vicinity and also in the DRCOD. That sign has been constructed and is being used strictly as a message center with very limited, if any graphics. The sign currently requested will also be used as a message center for the previously stated purposes. Staff is also pleased with the small size of the requested sign which will only be 16 square feet. To date, this is the smallest LED sign request received by staff.

Staff Recommendation

Based on the all of the above facts, staff feels that this request is in keeping with the previous decision by the Board concerning K&K Hardware.

Respectfully submitted,

John Soenksen
City Planner



20TH ST

21ST ST

22ND

GRANT ST

STATE ST

Sign
Location

SITE



Current
Sign

2' x 8' Sign

Attachment - B

Attachment - C



SIGN



Case No. 09-071

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

Part 1. Property Involved.

Street Address 2104 State St. Bettendorf, IA 52722
Legal Description of the property. _____

Part 2.

Applicant Name Trish Norris Phone 563-529-0151
Address 210 Central Drive Eldridge, IA FAX _____

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.
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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:
- (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
 - (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
 - (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
 - (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
 - (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
 - (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
 - (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

____ 3. Other. _____
(Attach a separate sheet and explain in detail.)



COMMUNITY DEVELOPMENT

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

October 8, 2009

Staff Report

Case No. 09-072

Location: 3260 Halcyon Drive

Applicant: Sampson Construction

Zoning Designation: R-1, Single Family Residential

Request: For a variance to reduce the rear yard setback from 40 feet to 25 feet to allow construction of a deck and 4-seasons room.

Background Information and Facts

The site is located on the north side of Halcyon Drive which is accessible from Devils Glen Road (see Attachment A - Location Map). The applicant currently has a 16 foot by 22 foot deck on the rear of the house. The applicant would like to replace that deck with a 4-seasons room and cover the area surrounding the new 4-season room and current patio with a deck (see Attachment B – Plot Plan). If allowed, the structures would encroach into the 40-foot rear yard setback and be within 25 feet of the rear property line.

Staff Analysis

If allowed, approximately $\frac{1}{4}$ of the new 4-seasons room and $\frac{1}{2}$ of the new deck would be within the rear yard setback. The new 4-seasons room would be 280 square feet and the surrounding deck would occupy approximately 314 square feet. Staff would estimate that an average deck request is somewhere in the area of a 12 feet by 16 foot deck or a 192 square foot deck. Therefore the deck request seems excessive.

On May 25, 1994 a permit was issued to allow a 12 foot by 16 foot original deck to be expanded to a 22 foot by 16 foot deck. There is no record of any variance being granted for that deck addition. Therefore the permit was issued in error.

Staff Recommendation

Although the deck expansion allowed in 1994 was in error, staff would not advocate a retroactive “fix” to that problem requiring the homeowner to remove the deck expansion. However given the new request, staff feels that an opportunity exists that would reduce the intrusion into the required rear yard. Construct a 12 foot by 16 foot, 192 square feet 4-season room in the footprint of the original deck (before the 1994 addition) and place an 12 foot by 21 foot, 252 square foot deck on the west side of the new 4-seasons room. This would allow a significant home expansion and new large deck while not encroaching into the rear yard setback (see Attachment C – Alternate

Plot Plan). If this suggestion is allowed by the Board, it would require a variance to reduce the rear yard setback from 40-feet to 34-feet as shown on Attachment C.

Staff cannot site a hardship to support the variance as requested.

Respectfully submitted,

John Soenksen
City Planner



PLEASANT DR

GREENFIELD RD

DEVILS CT

SITE

GREENFIELD CT

HARDING CT

ARROW

OAKORY

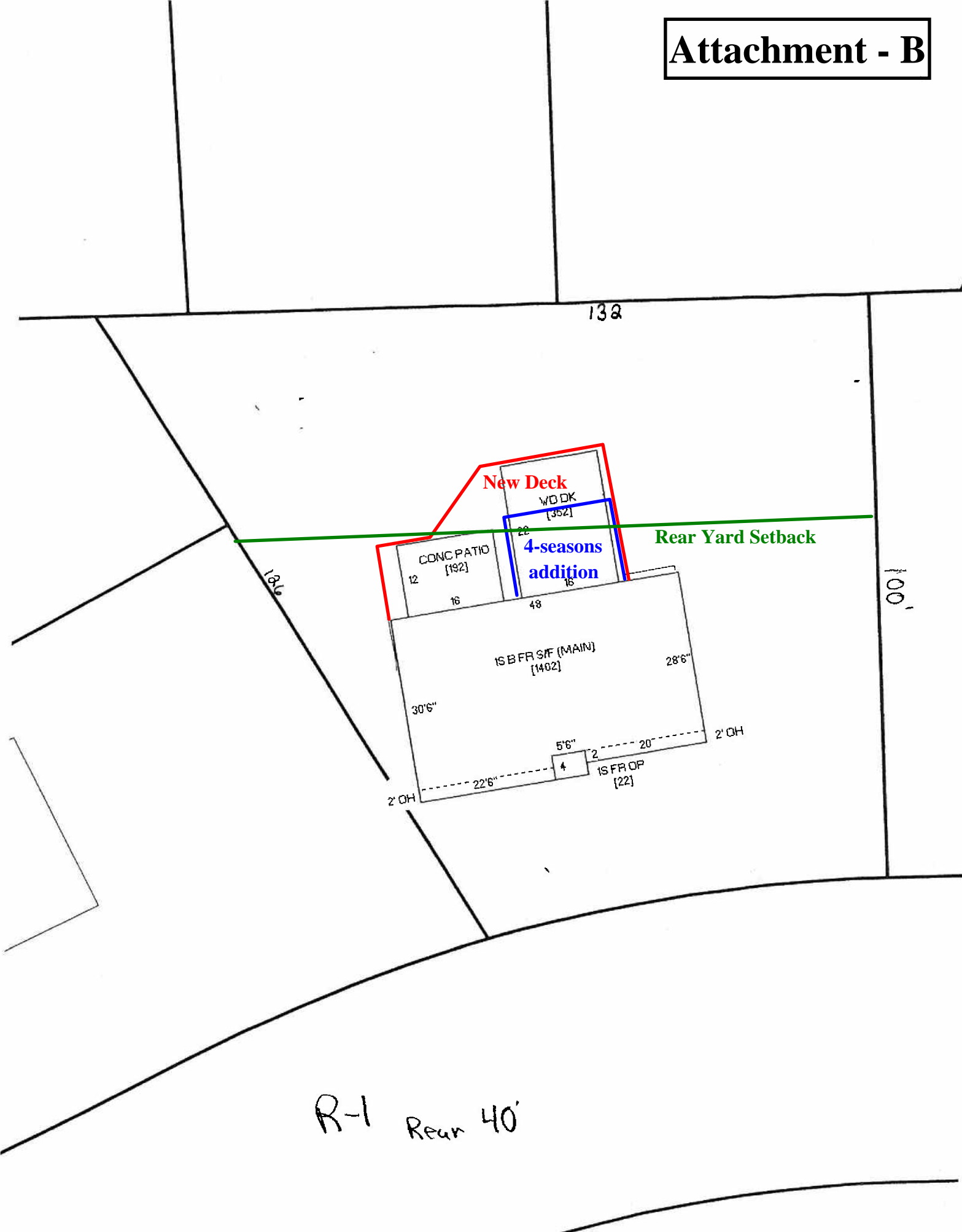
HARTFORD

TALCYON DR

HOLLOWVIEW DR

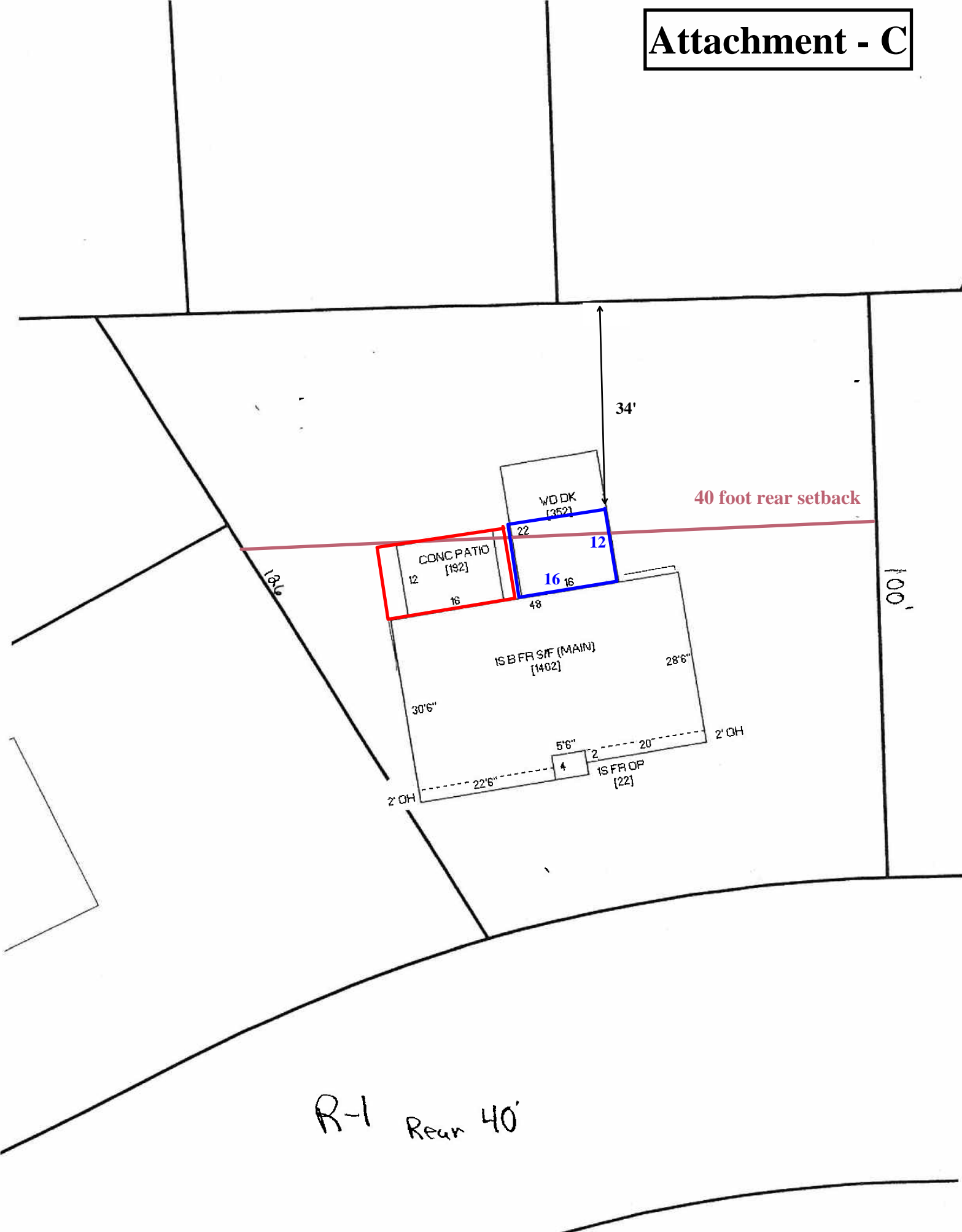
DR

Attachment - B



R-1 Rear 40'

Attachment - C



Case No. 09-072

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

Part 1. Property Involved.

Street Address 3260 Halcyon Drive

Legal Description of the property. Lot 13 Halcyon Hills First Add

Part 2.

Applicant Name Joe Sampson - Sampson Construction

Phone 563-528-5748

Address 4109 Rockingham Rd Davenport 52802

FAX 563-324-0041

Owner Name Tom + Angela Mappin

Phone 332-6588

Address 3260 Halcyon Drive

FAX ---

Agent Joe Sampson - Sampson Construction

Phone 563-528-5748

Address 4109 Rockingham Rd Davenport

FAX 563-324-0041

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.

Homeowner desires to remove existing old decks and build 14'x18' sunroom with additional decking. This home was originally given a permit in 1994 to build decks to this setback. Homeowner is updating and improving property. Addition and deck will not be obtrusive to any neighboring properties.

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

- () 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- () 2. Legal Description. (If not shown on page 1.)
- () 3. Floor plan if internal design of building is part of application.
- () 4. List additional attachments.

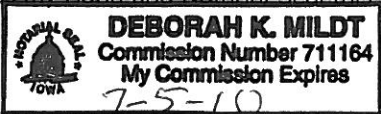
Part 7. Signature.

I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 14th day of September, 2009.

Signature of Applicant *Josy G. [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 14th day of September, 2009
 *Deborah K. Mildt*
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 *Deborah K. Mildt*
Amount 50⁰⁰ Date 9-14-09



COMMUNITY DEVELOPMENT

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

October 8, 2009

Staff Report

Case No. 09-073

Location: SE corner of 53rd Avenue and Devils Glen Road

Applicant: Continental 203 Fund, LLC

Zoning Designation: R-4, Multi-Family Residential

Request: For a variance to allow two on-premise identification signs in an R-4 Multi-family Residential District.

Background Information and Facts

The site location is illustrated on Attachment A – Location Map. The developer is ready to begin building a new, up-scale, fifteen building, apartment complex named “The Springs”. The developer would like to place two on-premise identification signs on the property in the locations shown on Attachment B – Site Plan. The R-4 district does not list on-premise identification signs as allowable signage. If allowed, the signs will be masonry; monument type signs (see Attachments C & D – Sign Illustrations).

Staff Analysis

Sites that are allowed by Code to have on-premise identification signs are permitted to have one sign “per street frontage”. Therefore the request to have two signs on this site is not the core issue, rather the fact that these signs are not recognized by the Code for this type of development is the main issue.

This type of development is taxed at a commercial rate the same as any other commercial building. The developer would assert and staff would concur that this type of large development’s success is dependent at least in part on proper advertising. One of the reasons listed for justification of a variance is “when the strict interpretation of the Code places a hardship on an applicant”. The developer feels that is the case due to the fact that the strict interpretation of the “R-4” does not recognize the commercial aspect of this type of large development.

Regency Apartment Complex at 2505 Devils Glen Road and Chateau Knoll Apartment Complex both received Board approval to place signs of this type at their entrances (see Attachment E – Apartment Sign Illustrations).

Staff Recommendation

While staff would not support this type of signage at every apartment structure, staff does feel that this type of large complex poses a unique situation not fairly recognized by the Code.

This request is consistent with the past Board decisions.

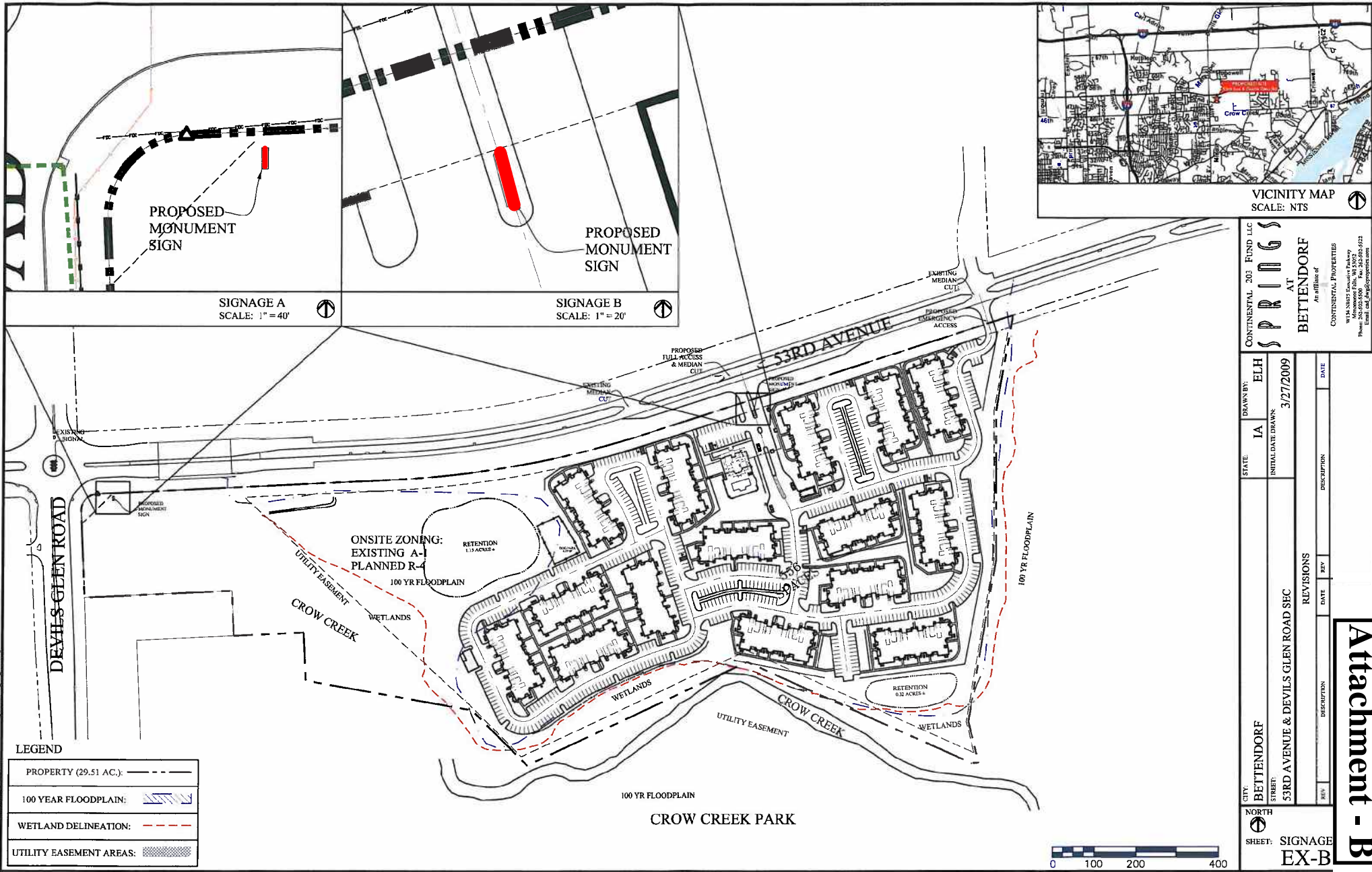
Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE



VICINITY MAP
SCALE: NTS

SIGNAGE A
SCALE: 1" = 40'

SIGNAGE B
SCALE: 1" = 20'

LEGEND

PROPERTY (29.51 AC.):	---
100 YEAR FLOODPLAIN:	
WETLAND DELINEATION:	
UTILITY EASEMENT AREAS:	

CONTINENTAL 203 FUND LLC
SPRINGS
 AT
BETTENDORF
 An affiliate of
 CONTINENTAL PROPERTIES
 1714 N87th Executive Parkway
 Phoenix, AZ 85024-5500
 Phone: 262-552-5500 Fax: 262-552-5522
 Email: info@springsexpress.com

STATE:	IA	DRAWN BY:	ELH
CITY:	BETTENDORF	INITIAL DATE DRAWN:	3/27/2009
STREET:	53RD AVENUE & DEVILS GLEN ROAD SEC	DESCRIPTION:	REVISIONS
SHEET:	SIGNAGE EX-B	DATE:	DATE
		REVISIONS:	DATE
		DESCRIPTION:	DATE

Attachment - B



www.ssinc.com

Sign Systems Inc.
 HICKORY, NC 828.322.5422 P 828.322.8652 F
 BOONE, NC 828.265.0322 P 828.265.0342 F

Client
 Continental Properties

SPRINGS

Client Info

Contact	A
Phone	A
Cell	A
Fax	A
Email	A
Address	A
	A

File

File Name	springs at bettendorf
Rep.	CJ Hines
Designer	
Date	07
Project	monu
Job Site	Beth

Phase Design
 Customer App

By:

Title:

Page
 Sheet 1 of

This is an original unpublished Sign Systems Inc. It is submitted in connection with the job by Sign Systems Inc. It is not to be reproduced, copied or exhibited in any part of this design (except as required by the property of Sign Systems Inc.) that is not authorized by Sign Systems Inc. in a design fee to be determined.

© Sign Systems Inc.

ALL PRIMARY ELECTRICAL BY CUSTOMER

UL LISTED TO BE USED ON ALL SITES WILL BEAR THE UL MARK AND BE INSTALLED IN ACCORDANCE WITH NATIONAL ELECTRICAL CODE

Attachment - C

Exhibit

SPRINGS

at chatham parkway

APARTMENTS

912-236 3771

www.springsapartments.com

Attachment - D



Case No. 09-073

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

Part 1. Property Involved.

Street Address 53RD AVENUE & DEVIL'S GLEN ROAD, SOUTHEAST CORNER

Legal Description of the property. SEE ATTACHED EXHIBIT C

Part 2.

Applicant Name CONTINENTAL 203 FUND LLC Phone 262-502-5500

Address W134 N8675 EXECUTIVE PARKWAY, MENOMONEE FALLS, WI 53051 FAX 262-502-5522

Owner Name RICHARD RYAN AND RYAN FLP LLC Phone 536-459-4434

Address 2322 EAST KIMBERLY ROAD, SUITE 140 N, DAVENPORT, IA 52807 FAX 563-355-9820

Agent IAN MARTIN, DIRECTOR OF MULTIFAMILY DEVELOPMENT Phone 262-502-5500

Address W134 N8675 EXECUTIVE PARKWAY, MENOMONEE FALLS, WI 53051 FAX 262-502-5522

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. SIGNS Existing Zoning R-4 MULTI FAMILY

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

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

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. **SEE ATTACHED EXHIBIT B**
- () 2. Legal Description. (If not shown on page 1.) **SEE ATTACHED EXHIBIT C**
- () 3. Floor plan if internal design of building is part of application. N/A
- () 4. List additional attachments. **SEE ATTACHED EXHIBIT D (SAMPLE SIGN ELEVATIONS)**

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 15th day of September, 2009.

Continental 203 Fund LLC
By: Continental Properties Company, Inc., Its manager
W134 N8675 Executive Parkway
Menomonee Falls, WI 53051

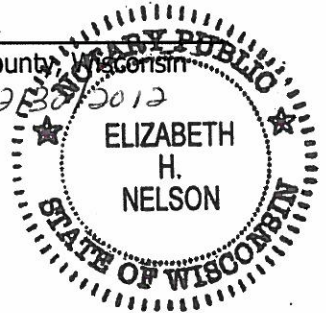
Signature of Applicant [Signature]
Ian B. Martin, Director of Multifamily Development

State of Wisconsin)
SS
County of Waukesha)

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 September, 2009.

Elizabeth H. Nelson
Notary Public in and for Waukesha County, Wisconsin
My Commission Expires: 12/30/2012



Richard Ryan & Ryan FLP LLC
2322 East Kimberly Road, Suite 140N
Davenport, IA 52807

Signature of Owner Richard J. Ryan David A. Ryan for Ryan FLP

(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 owner(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 17th day of September, 2009.



Alyson D. Haglund
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 _____

Amount _____ Date _____

EXHIBIT A

Apartment housing needs signage in the same manner as retail uses, in that signage is a necessary component of conducting competitive commercial activity, advertising, and way-finding to the development.

Due to the building limitations of Crow Creek and the corresponding floodplain, the westernmost building of the apartment development is approximately 1100' from the intersection of 53rd Avenue & Devil's Glen Road. Accordingly, one monument sign up to 9' x 10' or 90 square feet, at the corner of 53rd Avenue & Devil's Glen Road is necessary to identify the Springs Apartments and direct potential tenants to the development.

There is also a need for increased visibility at the community entrance, which is limited by the change in elevation and distance between the 53rd Avenue roadway and the clubhouse. In this location, one monument sign up to 6' x 12.5' or 75 square feet is needed to identify the Springs Apartments for potential residents headed westbound on 53rd Avenue, and to designate the entry point for eastbound traffic.

The two monument signs discussed herein do not: (a) impair adequate supply of light or air to adjacent property, (b) increase congestion in public streets, (c) increase danger of fire or public safety, (d) diminish or decrease established property values of surrounding areas, and (e) in any other respect impair public health, safety, morals, or welfare of the inhabitants of the City of Bettendorf.



COMMUNITY DEVELOPMENT

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

October 8, 2009

Staff Report

Case No. 09-074

Location: 2820 Villa Court

Applicant: Teresa Stori

Zoning Designation: C-5, Office/Transitional District

Request: For a variance to reduce the required rear yard setback from 20 feet to 14 feet to allow for a 14-foot by 16-foot deck.

Background Information and Facts

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

Staff Analysis

The applicant thought that since a deck had already existed on this home, that it could be replaced or enlarged without any restrictions or further requirements. Unfortunately, the deck was constructed prior to Board approval or the issuing of a building permit.

This condominium development was platted such that the front and rear building setbacks are either very close to or in many cases touches the building footprints of the structures. This is clearly shown on Attachment – B. The problem faced by the homeowners with this type of setback, is that no building alteration enlargements can occur unless a variance is granted.

The intent of rear yard setbacks is to insure adequate separation between structures to ensure the neighboring property's privacy. The property to the north of the applicant's home (2901 Barcelona Terrace) contains 3.3 acres of land. Even if approved, there will remain over 120 feet of separation between the applicant and the next neighbor (see Attachment C, Separation Illustration). Therefore, the case could be made that the separation intent of the Code is still being maintained. 2901 Barcelona Terrace is currently zoned A-2, Rural Residential District. Therefore, it is conceivable that sometime in the future, the property could be redeveloped. The Future Land Use designation for 2901 Barcelona Terrace is "Office Transitional" which no longer allows any residential component. The potential future status of 2901 Barcelona Terrace is as follows:

- Remain A-2, Rural Residential with a minimum rear yard setback of fifty feet.

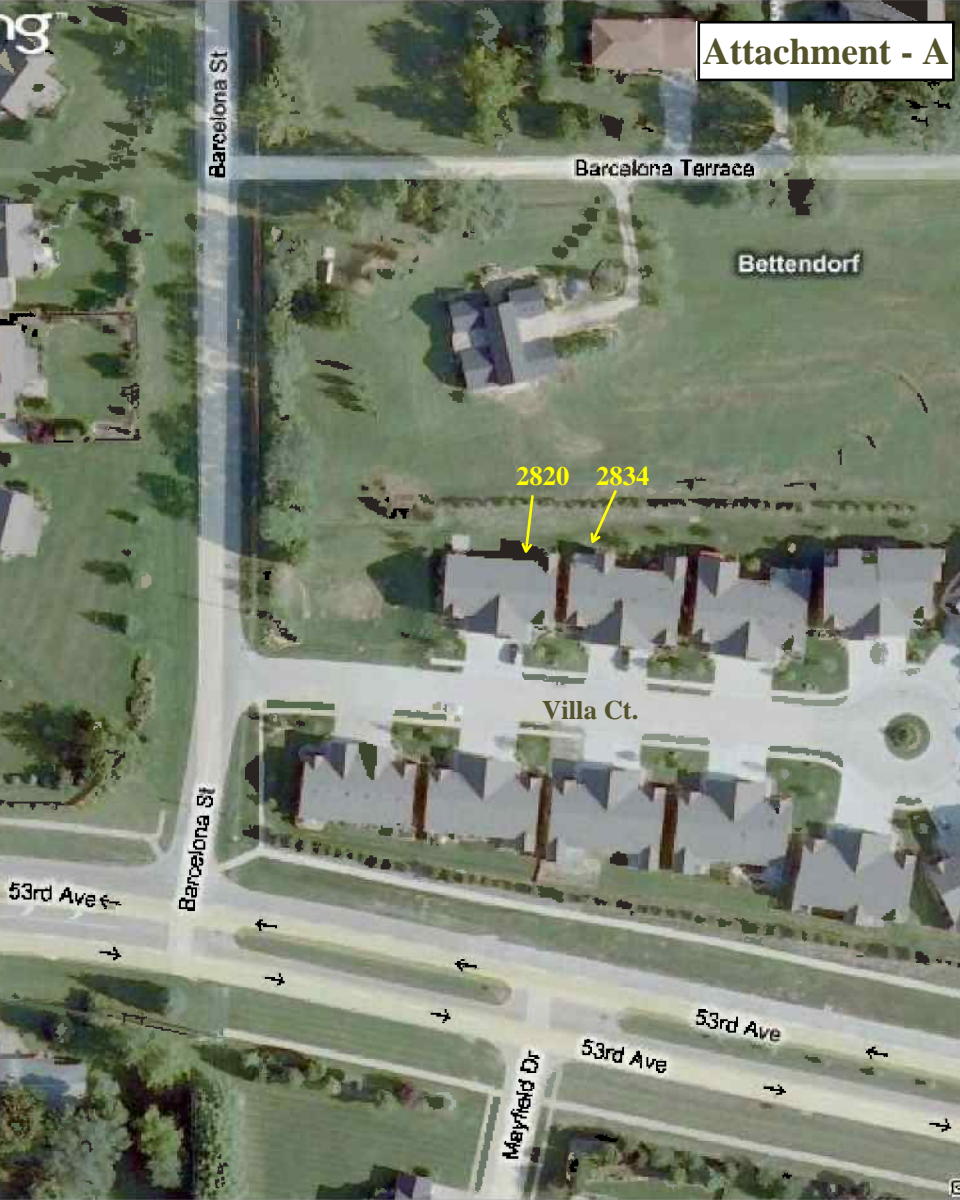
- Someday request a rezoning to C-5, Office Transitional or C-6, Office and Research requiring minimum rear setbacks of twenty feet and fifty feet respectively.

Therefore, the Board has a significant degree of assurance that one of the above separations between the applicant property and the neighboring property will be maintained if the variance is granted.

If the Board feels that the intent of the setback Code is being met, then the variance may not "unreasonably diminish or impair established property values within the surrounding area" which is a required determination for granting a variance.

Respectfully submitted,

John Soenksen
City Planner



Barcelona St

Barcelona Terrace

Bettendorf

2820

2834

Villa Ct.

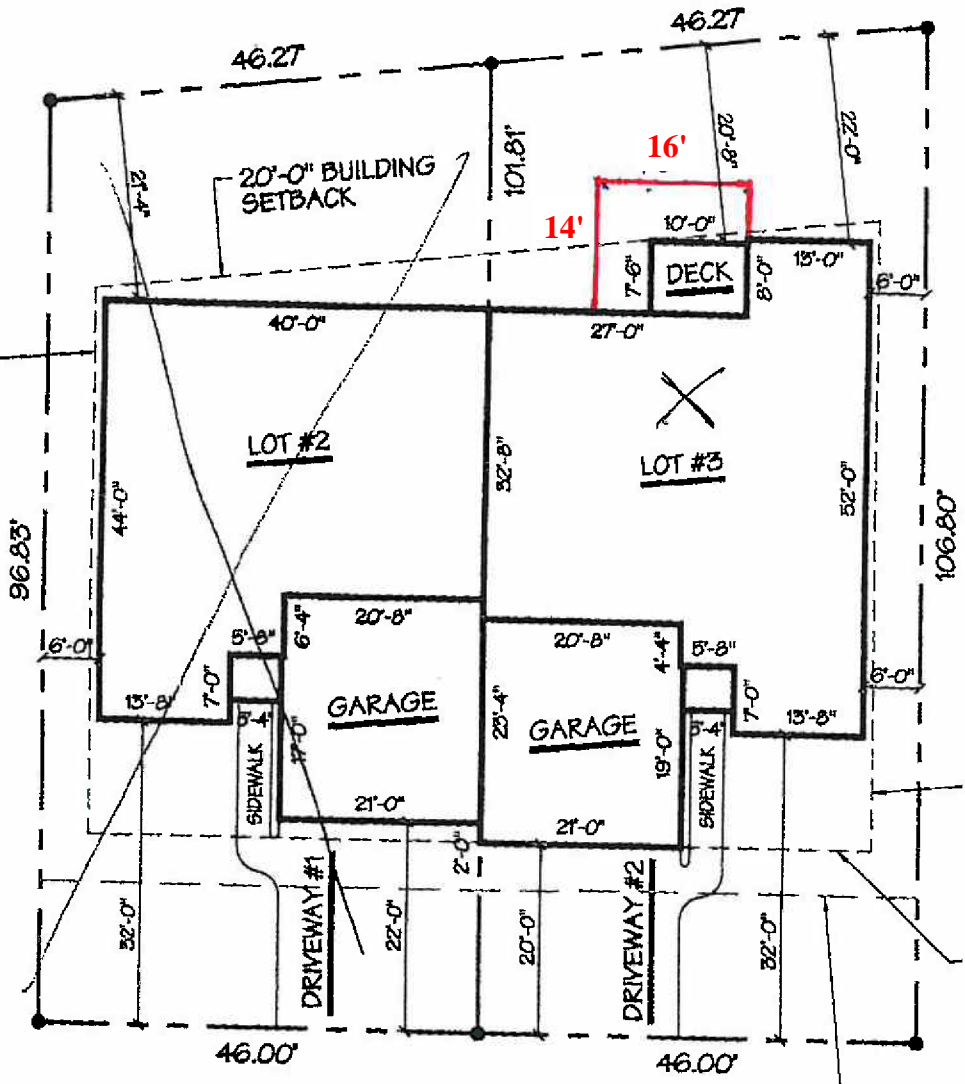
53rd Ave ←

Barcelona St

53rd Ave

53rd Ave

Mayfield Dr



15'-0" L EASEN

Barcelona St

Barcelona St

120+ Feet



Case No. 09-074

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

Part 1. Property Involved.

Street Address 2820 Villa CT Bettendorf, IA 52722

Legal Description of the property. LOT 3 Villas @ Walnut Grove

Part 2.

Applicant Name Teresa Stori Phone 322-0632
Address 2820 Villa CT FAX _____

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.
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 - (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.
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 - (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
 - (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
 - (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
 - (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
 - (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
 - (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

____ 3. Other. _____
(Attach a separate sheet and explain in detail.)



COMMUNITY DEVELOPMENT

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

October 8, 2009

Staff Report

Case No. 09-075

Location: 2834 Villa Court

Applicant: Tarikere Kumar

Zoning Designation: C-5, Office/Transitional District

Request: For a variance to reduce the required rear yard setback from 20 feet to 12 feet to allow for construction of a 16-foot by 16-foot deck.

Background Information and Facts

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

Staff Analysis

The applicant currently has an 8-foot by 16-foot deck on the rear of the house. He would like to expand that deck to a size of 16-feet by 16-feet.

This condominium development was platted such that the front and rear building setbacks are either very close to or in many cases touches the building footprints of the structures. This is clearly shown on Attachment – B. The problem faced by the homeowners with this type of setback, is that no building alteration enlargements can occur unless a variance is granted.

The intent of rear yard setbacks is to insure adequate separation between structures to ensure the neighboring property's privacy. The property to the north of the applicant's home (2901 Barcelona Terrace) contains 3.3 acres of land. Even if approved, there will remain over 120 feet of separation between the applicant and the next neighbor (see Attachment C, Separation Illustration). Therefore, the case could be made that the separation intent of the Code is still being maintained. 2901 Barcelona Terrace is currently zoned A-2, Rural Residential District. Therefore, it is conceivable that sometime in the future, the property could be redeveloped. The Future Land Use designation for 2901 Barcelona Terrace is "Office Transitional" which no longer allows any residential component. The potential future status of 2901 Barcelona Terrace is as follows:

- Remain A-2, Rural Residential with a minimum rear yard setback of fifty feet.

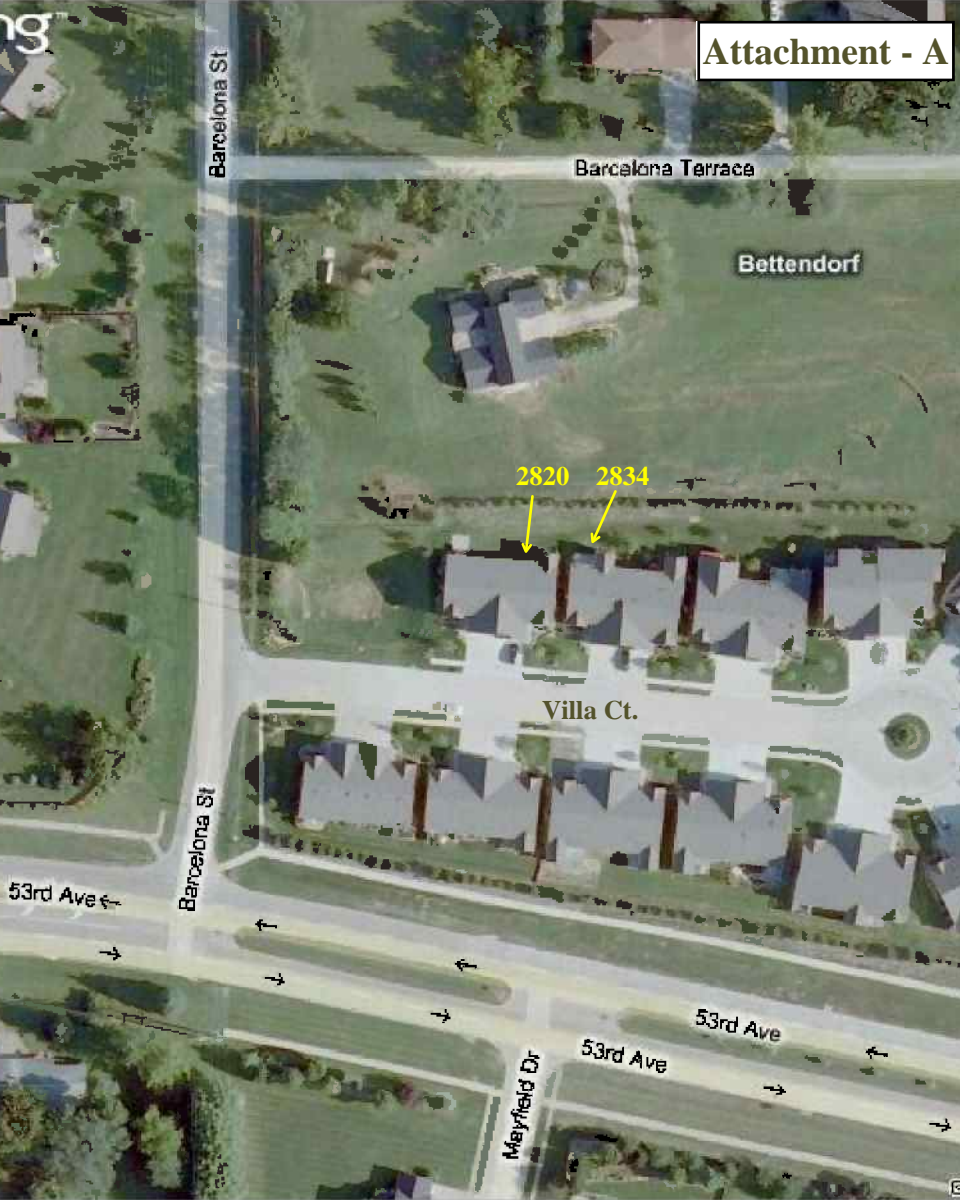
- Someday request a rezoning to C-5, Office Transitional or C-6, Office and Research requiring minimum rear setbacks of twenty feet and fifty feet respectively.

Therefore, the Board has a significant degree of assurance that one of the above separations between the applicant property and the neighboring property will be maintained if the variance is granted.

If the Board feels that the intent of the setback Code is being met, then the variance may not "unreasonably diminish or impair established property values within the surrounding area" which is a required determination for granting a variance.

Respectfully submitted,

John Soenksen
City Planner



Barcelona St

Barcelona Terrace

Bettendorf

2820

2834

Villa Ct.

53rd Ave ←

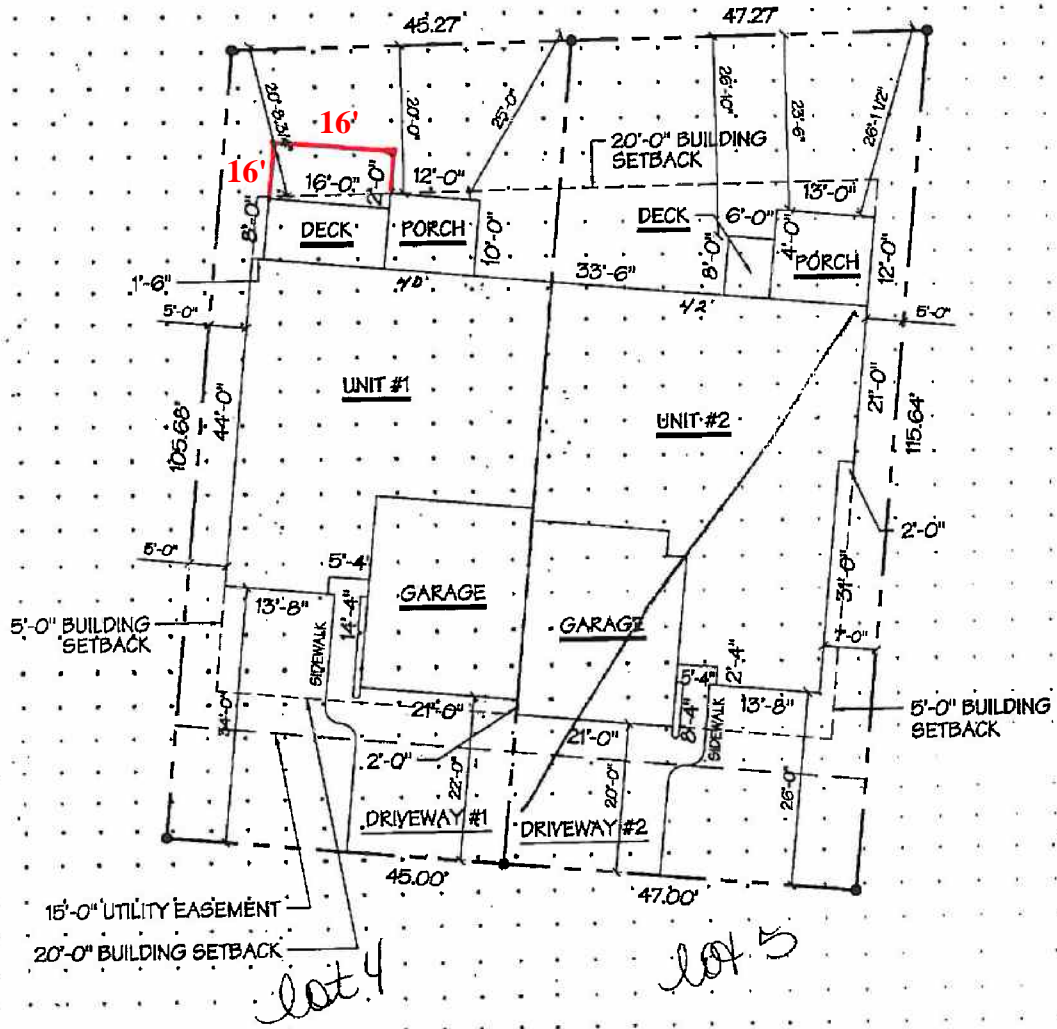
Barcelona St

53rd Ave

53rd Ave

Mayfield Dr

Attachment - B



Barcelona St

Barcelona St

120+ Feet



Case No. 09-0715

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

Part 1. Property Involved.

Street Address 2834, VILLA CT. BETTENDORF, IA - 52722
Legal Description of the property. _____

Part 2.

Applicant Name TARIKERE L. KUMAR. Phone (563) 650 2471
Address 2834, VILLA CT. BETTENDORF, IA - 52722 FAX _____

Owner Name TARIKERE L. KUMAR. Phone (563) 650 2471
Address 2834, VILLA CT, BETTENDORF, IA - 52722. 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.

WANT TO ADD 8' OUT FROM EXISTING DECK
THE LENGTH OF EXISTING DECK 16'
TOTAL SIZE OF COMPLETED DECK 10x16

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 21 day of Sept., 2009.

Signature of Applicant J.L. Pealant Signature of Owner J.L. Pealant
 (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 Sept., 2009.
Connie L. Crouch
 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 Uga Johnson
 Amount \$50. Date 9/22/09



COMMUNITY DEVELOPMENT

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

October 8, 2009

Staff Report

Case No. 09-076

Location: 930 – 14th Street

Applicant: Keith and Vicki Hall

Zoning Designation: R-5, Multi-Family Residential District

Request: For a variance to reduce the front yard setback from 25 feet to 15 feet to allow construction of a 22-foot by 32-foot pavilion.

Background Information and Facts

The site is located adjacent to and west of the intersection of 14th Street and Central Avenue (see Attachment A – Location Map). The applicant is seeking a variance to construct a pavilion.

Staff Analysis

This site contains a very large home (4,478 square feet) on a very large lot (2.85 acres or 124,146 square feet). This site currently has a temporary structure (tent/canopy) located in the area that the applicant would like to build a permanent pavilion structure (see Attachment B – Tent/Canopy Illustration). The new structure would replace the temporary structure and measure 22-feet by 32-feet and would be within 15 feet of the front property line (see Attachment C – Plot Plan). The tent/canopy has had several uses and currently houses lawn equipment and firewood. The new structure would be used similarly. Even if the new structure was used for vehicle storage, it would not be an issue due to the large living area of the home. The applicant feels that the new structure would be much more aesthetically pleasing to the property (see Attachment D – Structure Elevation Illustration). The applicant has submitted detailed plans for this pavilion and those are accompanying this report.

This is a unique site which has significant vegetation separating the lot from 14th Street and is also elevated well above 14th Street providing further separation. This buffering is such that the current tent is not visible from outside of the property. This will also be the case for the new structure.

Staff feels that the buffering will perform the same buffering from neighboring properties that the required setback requirement would perform.

The Code makes no allowances for this large type of lot and accompanying accessory uses and structures, and imposes the same restriction as would be required for a lot only 8,400 square feet allowed for a single family home in the R-5 District.

The reason for the requested location is as follows:

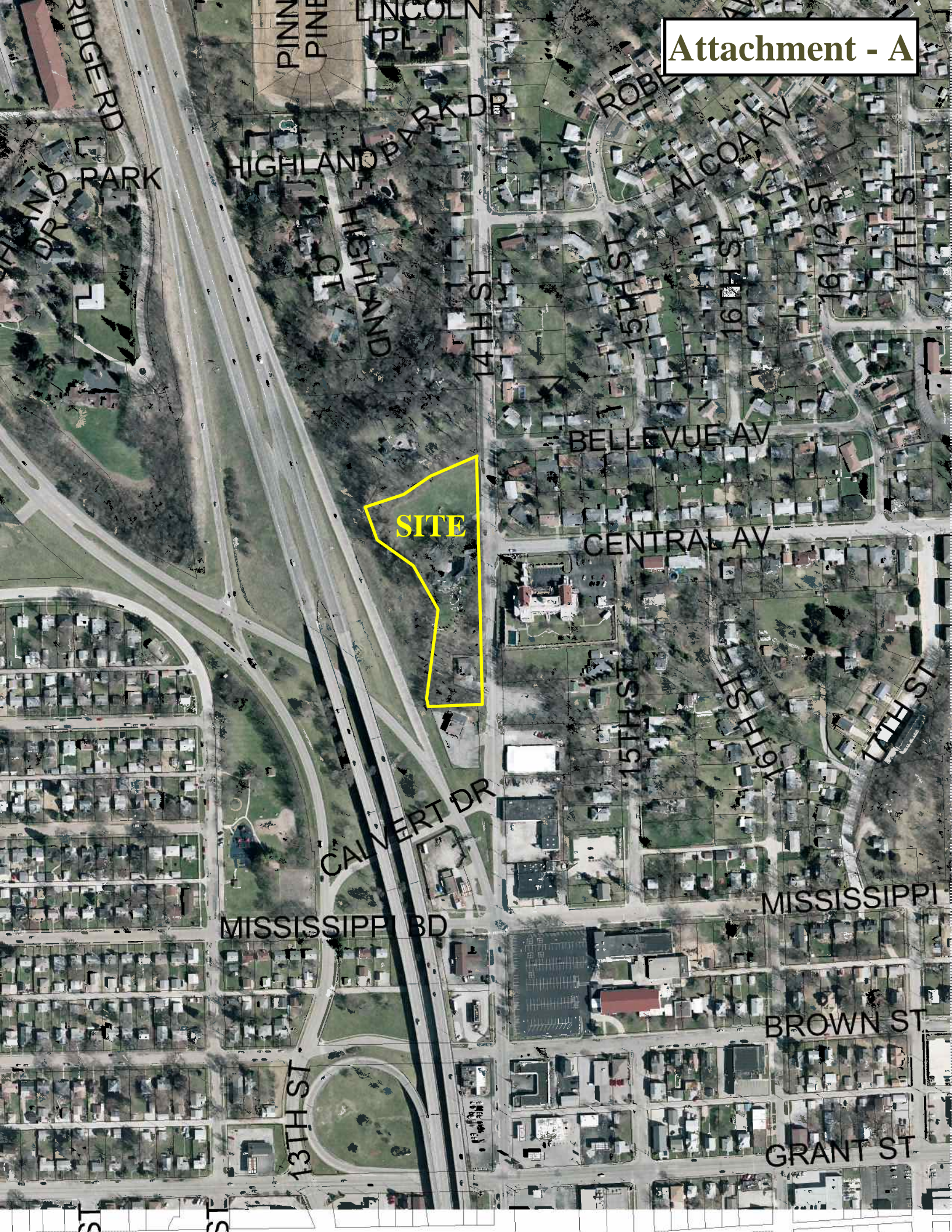
1. The desired location offered substantial buffering from neighboring properties. Even though the pavilion would easily fit into the large open area to the north of the property, that location would be visible to neighbors and people using 14th Street.
2. The University of Iowa conducted a survey that revealed that a large oak tree on this property is over 100 years old and is believed to be the second oldest in Iowa. The applicant would like to separate the pavilion as far from the trees' root structure as possible.

Staff Recommendation

Given all of the above facts, staff feels that applying the strict interpretation of the Code on this specific request represents a hardship.

Respectfully submitted,

John Soenksen
City Planner



SITE

PINN
PINE

LINCOLN
PL

Attachment - A

RIDGE RD

HIGHLAND PARK DR

ROBERTSON

ALCOA AV

HIGHLAND
CT

14TH ST

15TH ST

15TH ST

16TH ST

17TH ST

BELLEVUE AV

CENTRAL AV

15TH ST

15TH ST

16TH ST

17TH ST

CALVERT DR

MISSISSIPPI BD

MISSISSIPPI

BROWN ST

13TH ST

GRANT ST

Attachment - B

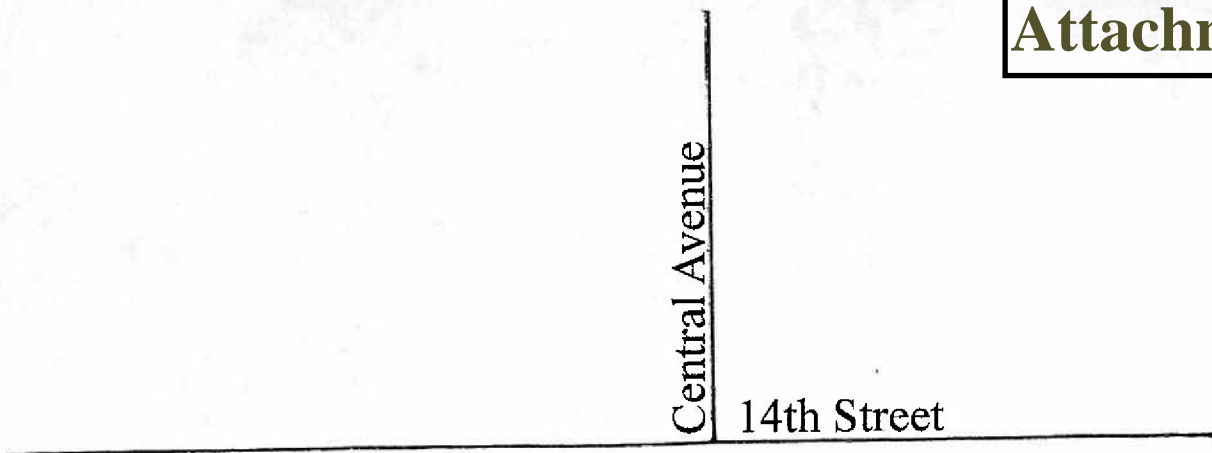


Tent /
Canopy

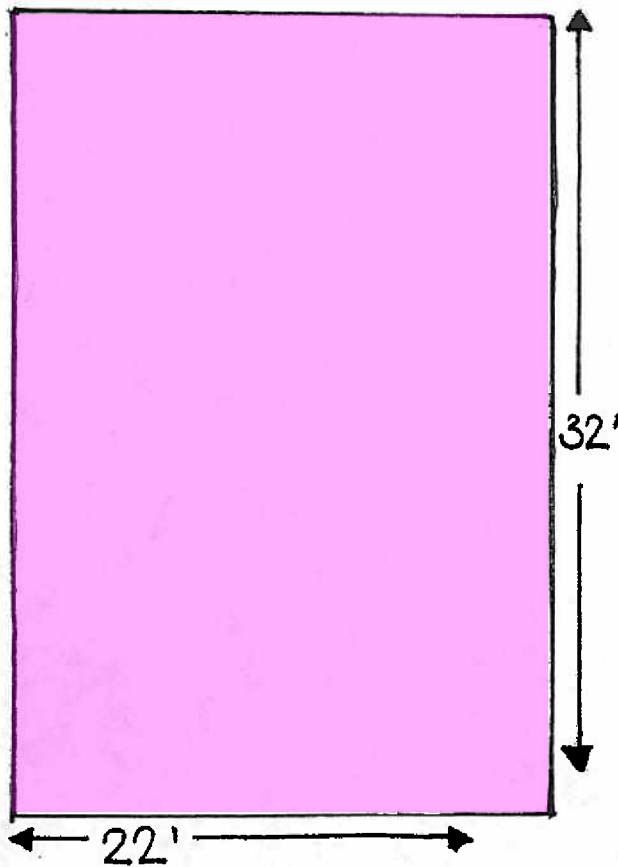
14th St

14th St





Scale : 1/8" = 1 Foot

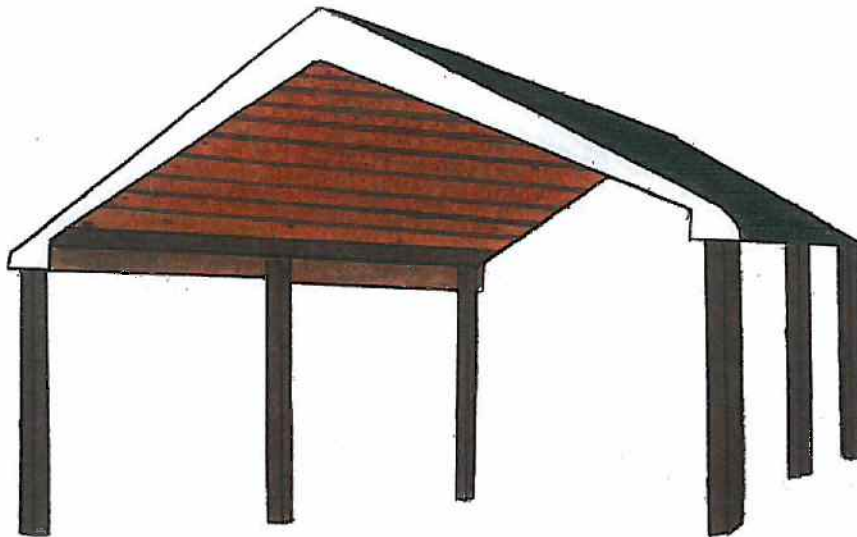


**Keith & Vicki Hall
930 14th Street
Bettendorf, IA 52722**

BEFORE



AFTER



22' x 32' Pavilion

Case No. 09-016

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

Part 1. Property Involved.

Street Address 930 14th Street Bettendorf IA 52722
Legal Description of the property. _____

Part 2.

Applicant Name Keith A. Hall & Vicki L Hall Phone 563-355-5981
Address 930 14th Street FAX _____

Owner Name Keith A. Hall & Vicki L Hall Phone 563-355-5981
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:
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- 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.)

Part 4. General Information.

Section(s) of Zoning Ordinance Involved _____ Existing Zoning X

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

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

 (See Attachment)

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

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

Part 7. Signature.

I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 23 day of Sept., 2009.

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 23 day of September, 2009.
Misti Kerner
 Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.

\$ 50.00 Single Family/Two-Family Residential Variance Received by _____
 \$100.00 All Other Applications Amount _____ Date _____