

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
MAY 13, 2010
5:00 P.M.**

PLACE: Bettendorf City Hall Council Chambers, 2nd Floor, 1609 State Street

1. Roll Call: Falk _____, Howe _____, McElhiney _____, Stelk _____, Voelliger _____
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of April 8, 2010.
4. The Board to hold a public hearing on the following items:
 - a. Case 10-011; 4024 Spartina Court (R-3) - A request for a variance to allow a 4-foot high fence in a required front yard setback, submitted by Gary Williams.
 - b. Case 10-012; 1870 Hartford Court (R-1) - A request for a variance to allow a 4-foot encroachment into the established front yard and to increase the allowable garage area from 886 square feet to 1,108 square feet, submitted by Chris Baltzer.
 - c. Case 10-013; 2532 Roberts Street (R-2) - A request for a variance to reduce the required building separation from 8 feet to 6 feet, submitted by Carey and Richard Jorgensen.
 - d. Case 10-014; SW corner of 18th Street and 53rd Avenue (C-2) - A request for a special use permit to allow a drive-in banking facility, submitted by Ascentra Credit Union.
 - e. Case 10-016; 6627 Spring Creek Drive (R-2) - A request a variance to increase the allowable square footage for a garage from 720 square feet to 991 square feet, submitted by Richard and Lisa Harris.
 - f. Case 10-017; 2119 Kimberly Road (C-2) - A request for a variance to increase the allowable height for an on-premises identification sign from 30 feet to 60 feet, submitted by A-1 Signs.
 - g. Case 10-018; 4265 Moencks Road (R-1) - A request for a variance to allow a sanitary septic system within the R-1 Single-family Residence district, submitted by WWW Development, LLC.

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
APRIL 8, 2010
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Howe, Stelk, Voelliger
ABSENT: McElhiney
STAFF: Connors, Soenksen

Item 2. Review of Board Procedures.

Stelk introduced new Board member Dave Falk.

Item 3. The Board to review and approve the minutes of the meeting of January 14, 2010.

On motion by Howe, seconded by Voelliger, that the minutes of the meeting of January 14, 2010 be approved as submitted.

ROLL CALL ON MOTION

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

Motion carried.

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

- a. Case 10-007; 2021 State Street (C-3) - A request for a variance to reduce the required setback for an on-premises identification sign from 15 feet to 3 feet and to allow an exposed lighting source sign (LED programmable sign) in the Downtown Riverfront Corridor Overlay District (DRCOD), submitted by the City of Bettendorf.

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.

Howe commented that it appears on the drawing that was submitted that the sign will be placed diagonally. He asked if that is the case and if the sign would be lighted on both sides. Steve Van Dyke, Project Coordinator for the Event Center, stated that he believes that angling the sign would make it more visible to oncoming traffic and would be more aesthetically-pleasing. He added that the sign will be single-sided.

Voelliger asked if the proposed sign would reduce the amount of available parking spaces. Soenksen stated that it would not.

Voelliger asked if the sign would similar in size to the other City of Bettendorf identification signs. Van Dyke confirmed this, adding that there is a slight design difference which allowed space for the full allowable 50 square feet of LED signage.

Voelliger asked if there would be any LED lighting on the sign besides the message. Van Dyke stated that the request is for a 3-color LED sign capable of video messaging. He added that the sign is intended to eliminate the need for the banners that the facility has been using to advertise events.

Van Dyke stated that the request is very similar to others that the Board has granted, adding that it is very likely that the sign would be located on the east end of the facility in order to clearly identify the main parking lot. He indicated that he feels as though the east end would be a more aesthetically-pleasing location for the sign. Van Dyke stated that there are not many feasible locations for the sign because of the layout of the development. He explained that the base of the sign will not necessarily be brick, adding that it is possible that it might be of a stone that is similar in color to what was used for the event center building.

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

On motion by Voelliger, seconded by Howe, that the variance to reduce the required setback for an on-premises identification sign from 15 feet to 3 feet and to allow an exposed lighting source sign (LED programmable sign) in the Downtown Riverfront Corridor Overlay District (DRCOD) be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 10-008; 1424 - 18th Street (R-2) - A request for a variance to increase the allowable garage area from 720 square feet to 855 square feet, submitted by David Mossage.

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

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

On motion by Voelliger, seconded by Howe, that the variance to increase the allowable garage area from 720 square feet to 855 square feet be approved in accordance with the Decision and Order.

Howe commented that it appears as though the proposed garage will fit well into the neighborhood. Voelliger stated that he believes the proposed construction will improve the neighborhood. Stelk concurred.

ROLL CALL ON MOTION

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:25 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

May 13, 2010

Staff Report

Case No. 10-011

Location: 4024 Spartina Court

Applicant: Gary Williams

Zoning Designation: R-3, Multi-family Residence District

Request: Variance to allow a 4-foot high fence in a required front yard.

Background Information and Facts

The site is located east of the intersection of Middle Road and Belmont Road and is a through lot that has frontages on both Spartina Court and Belmont Road (see Attachment A – Location Map). Normally a 6-foot high fence is allowed by code in rear yards. The applicant would like to place a 4-foot high fence surrounding the rear yard. Because this home is located on a through lot, front yard setbacks are required on both street frontages.

In early March 2010, the applicant met with staff in an effort to become informed about code requirements concerning fence heights and placement. During that meeting, much of the discussion surrounded the landscaping in the rear yard (see Attachments B and C, Rear Yard Landscaping Photos). The applicant indicated that they did not want to go “through” the landscaping with the fence. Based on that meeting, staff told the applicant that they would not need a variance and to simply had to apply for a permit and have the fence installed. Once the permit was obtained, staff made a routine inspection of the fence installation. It was at that point that it became obvious that there was a misunderstanding between staff and the applicant.

When the applicant indicated that they did not want to go “through” the landscaping, they meant that they did not want to have the fence run east and west “through” the landscaping and were going to place the fence on the property line adjacent to Belmont Road (see Attachment D – Applicant’s Intended Fence Placement). Staff interpreted not going “through” the landscaping to mean that the fence would not go north “through” the landscaping, thereby maintaining the required 10-foot setback and told the applicant to go ahead with the project (see Attachment E – Staff’s Fence Placement Understanding).

Staff Analysis

The applicant did everything possible to adhere to the Code including meeting with staff a month prior to installing the fence. There was a misunderstanding on the part of staff on exactly what the applicant was requesting and due to that misunderstanding the applicant proceeded with the fence installation at their expense. For the purpose of the analysis of this situation, it is appropriate for staff to accept the responsibility for the misunderstanding.

A 3-foot high fence along Belmont Road is allowed. Due to the topography, landscaping, and type of fence chosen (black vinyl-coated chain link), the difference between a 3-foot high fence and a 4-foot high fence from an aesthetic point of view would be negligible.

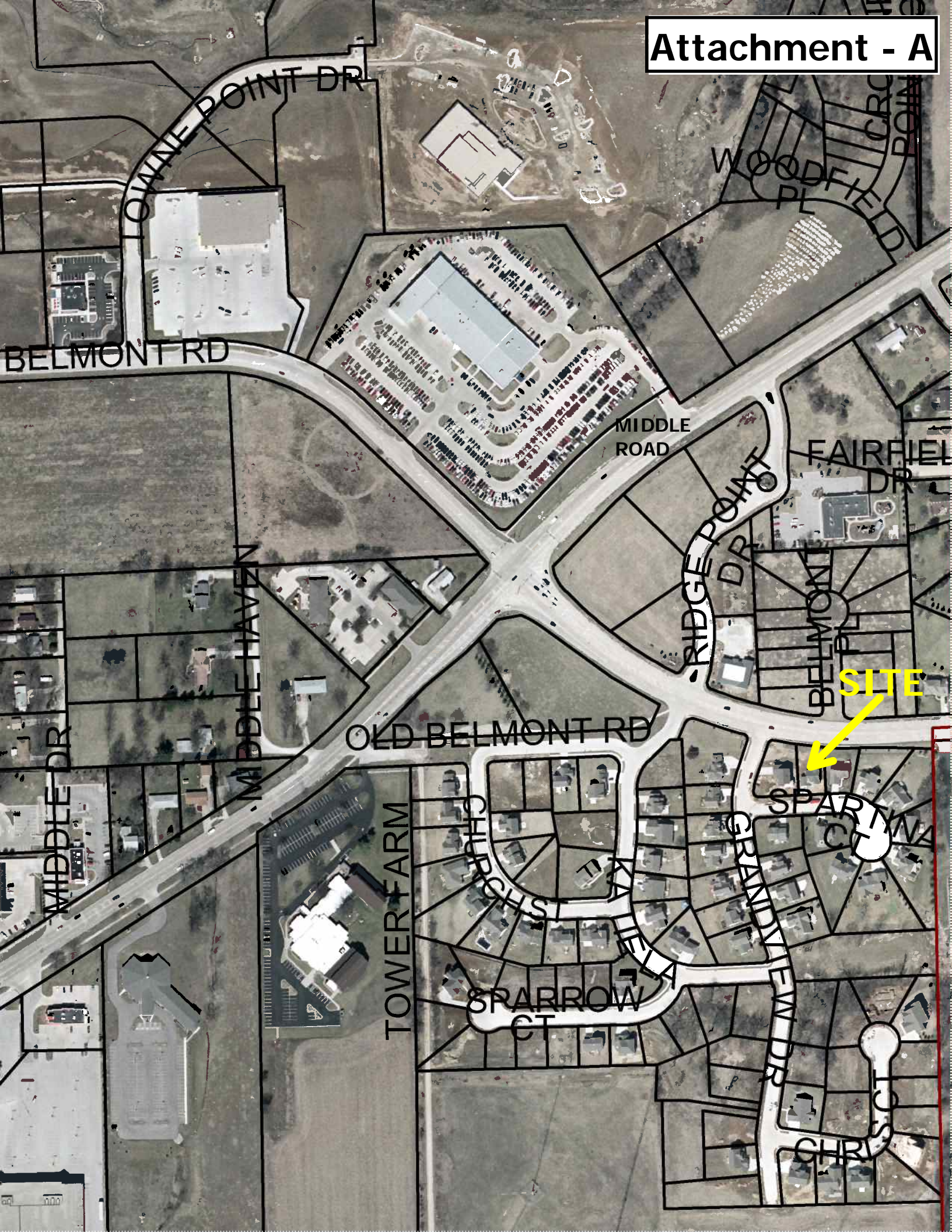
Staff Recommendation

The applicant contends that the misunderstanding about the allowed location of the fence constitutes a hardship. If the Board feels that this is the case, staff is not opposed to the request.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE



O'GRADY POINT DR

BELMONT RD

WOODFIELD PL

MIDDLE ROAD

FAIRFIELD DR

RIDGE POINT DR

BELMONT

OLD BELMONT RD

SITE

MIDDLE DR

MIDDLE HAVEN

SPARROW CT

TOWER FARM

CHURCH ST

GRANDVIEW DR

SPARROW CT

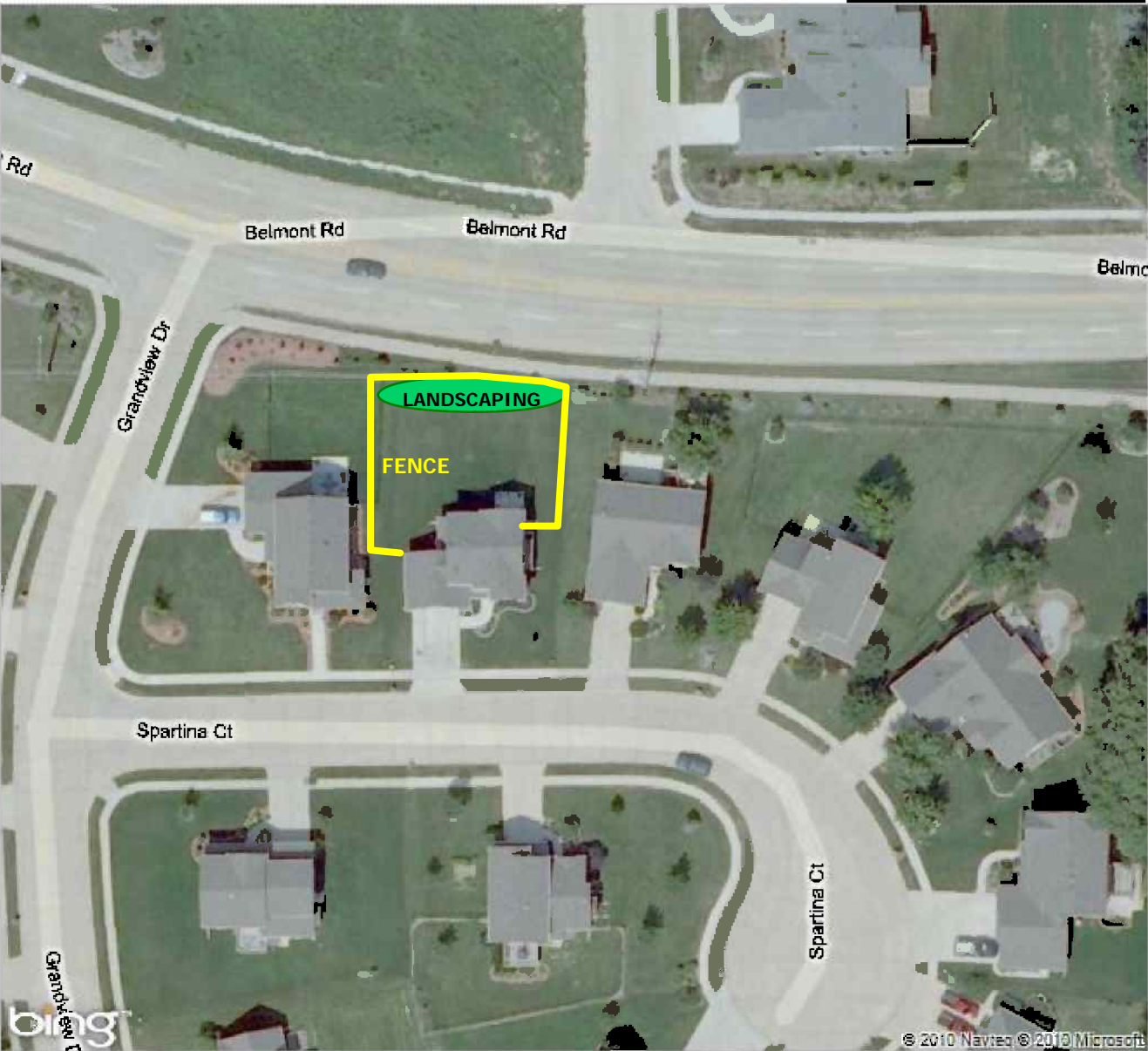
CHRIS CT

Attachment - B



Attachment - C





Belmont Rd

Belmont Rd

Belmont Rd

Grandview Dr

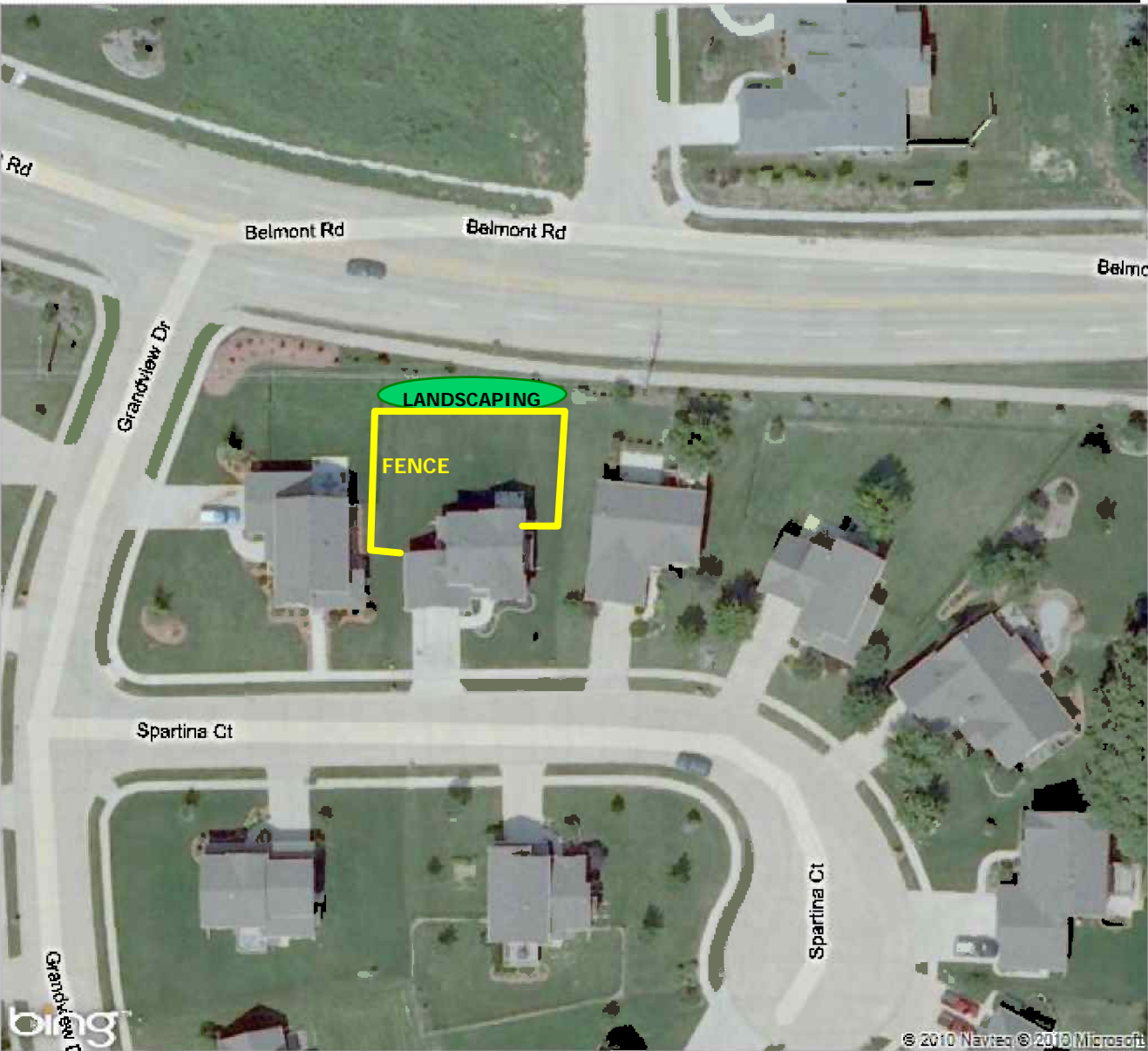
LANDSCAPING

FENCE

Spartina Ct

Spartina Ct

bing



Case No. 10-011

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

Part 1. Property Involved.

Street Address 4024 Spartina Court, Bettendorf, IA
Legal Description of the property. ~~Single family home~~
Lot 2, Belmont Meadows First Add

Part 2.

Applicant Name Gary Williams Phone 563-528-9054
Address 4024 Spartina Court, Bettendorf, IA 52722 FAX _____

Owner Name Gary Williams Phone 563-528-9054
Address 4024 Spartina Court, Bettendorf, IA 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.)

We are requesting a four foot fence be professionally installed in the back yard of our property within the 10 foot ordinance limitation for a four foot fence. The fence would reside approximately 18 inches off of the property line if our variance request is approved. Reasons for this request:

- Our backyard backs up to Belmont Road which is a busy four lane road where traffic often exceeds 40 miles per hour. This is a heavy traffic area due to the close proximity of Pleasant Valley High School and Scott Community College.
- There is often foot traffic cutting through our yard in order to short cut to the school and the busy roadway.
- We have a toddler and are planning on expanding our family. This a great concern as the traffic is heavy and the sidewalk traffic is also busy. A three foot fence would easily be stepped over.
- We are also the owners of two show quality English Bulldogs. These expensive dogs (approximately \$2,500 each) are often targeted by thieves.
- Prior to us having children and an additional bulldog, we invested in nicely landscaping our back yard and would like to enjoy this investment in our property. By putting the fence 10 feet into our yard, we would be running a fence through this landscaping. To be inside of the landscaping, the fence would be 15-18 foot off the property line. Locating the fence inside of the landscaping would block us from seeing the landscaping that we invested much time and money into. This would also reduce the size of our backyard by an estimated 25%.

We previously discussed the potential of approaching the board for this variance with the city planner. I spoke with John Soenksen, City Planner, on March 10, 2010 and explained the situation and reasons for the need for us to request the variance. After explaining that we'd like a four foot fence, he said that we would not need a variance due to the traffic level at the back of our house. John also mentioned that should we run into any problems when we needed the permit to contact him directly. We then hired Sampson Fence to professionally install a four foot black chain link fence. However when Sampson Fence applied for the permit, we ran into problems. Even after contacting John directly and even speaking with Bill Connors, Chief Building Official, we were unable to proceed with the installation of our fence which was started on April 22nd. Sampson had installed the fence posts on the 22nd, and we have been unable to complete the fence since that time. I am including some photo attachments to show the landscaping and road view of the fence.



COMMUNITY DEVELOPMENT
City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4100

May 13, 2010

Staff Report

Case No. 10-012

Location: 1870 Hartford Court

Applicant: Chris Baltzer

Zoning Designation: R-1, Single-family Residence District

Request: Variance to allow a 4-foot encroachment into the established front yard and to increase the allowable garage area from 886 square feet to 1,108 square feet.

Background Information and Facts

The site is located at the intersection of Halcyon Drive and Hartford Court (see Attachment A - Location Map). The applicant would like to build a garage addition which encroaches 4 feet into the front yard setback (see Attachment B – Plot Plan).

Staff Analysis

The applicant is proposing to offset the addition 50 inches back (away from Halcyon Drive) from the front of the current garage to reduce the encroachment into the front yard as much as possible.

The code states the when more than 50% of the structures between two intersections have observed a setback different than the required setback; it shall become the “established setback” and supersede the code requirement. The minimum code front yard setback requirement for the R-1 District is 30 feet. If the applicant would have had that standard applied to this request, the encroachment would have only been one foot. However, due to the combination of the “established” setback and the roadway curvature at the point of the requested garage addition, the encroachment is 4 feet (see Attachment C – Established Setback Illustration).

The code allows either 720 square footage of garage space or space equal to 40% of the above ground living area, whichever is more. In this case, the applicant would be allowed up to 886 square feet of garage space. Therefore the request is 25% above the allowed square footage.

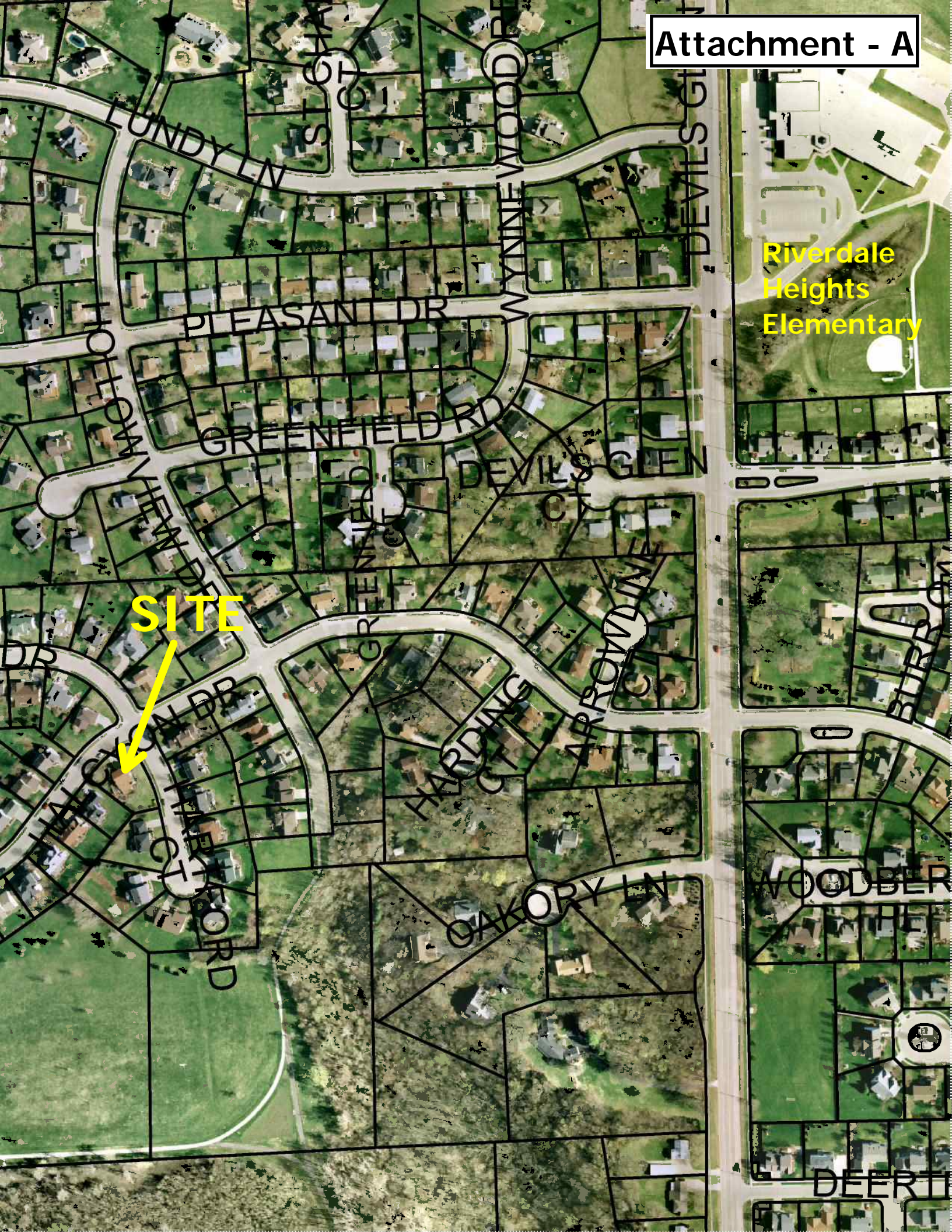
Staff visited the site and can confirm that a considerable amount of the space is used as a shop for the applicant’s classic car and motorcycle hobby. Although difficult to quantify the amount of space dedicated to shop purpose only, staff does not dispute the fact that 25% or more may indeed be dedicated to shop use.

Staff Recommendation

If the Board feels that the combination of the position of the house on the lot, the established setback requirement, and the effect of the street curvature at the site of the addition combines to cause a hardship, then the Board may deem the requested appropriate. The single corner of the garage addition's encroachment into the established setback appears to be minimal.

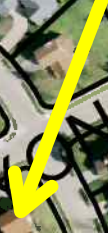
Respectfully submitted,

John Soenksen
City Planner



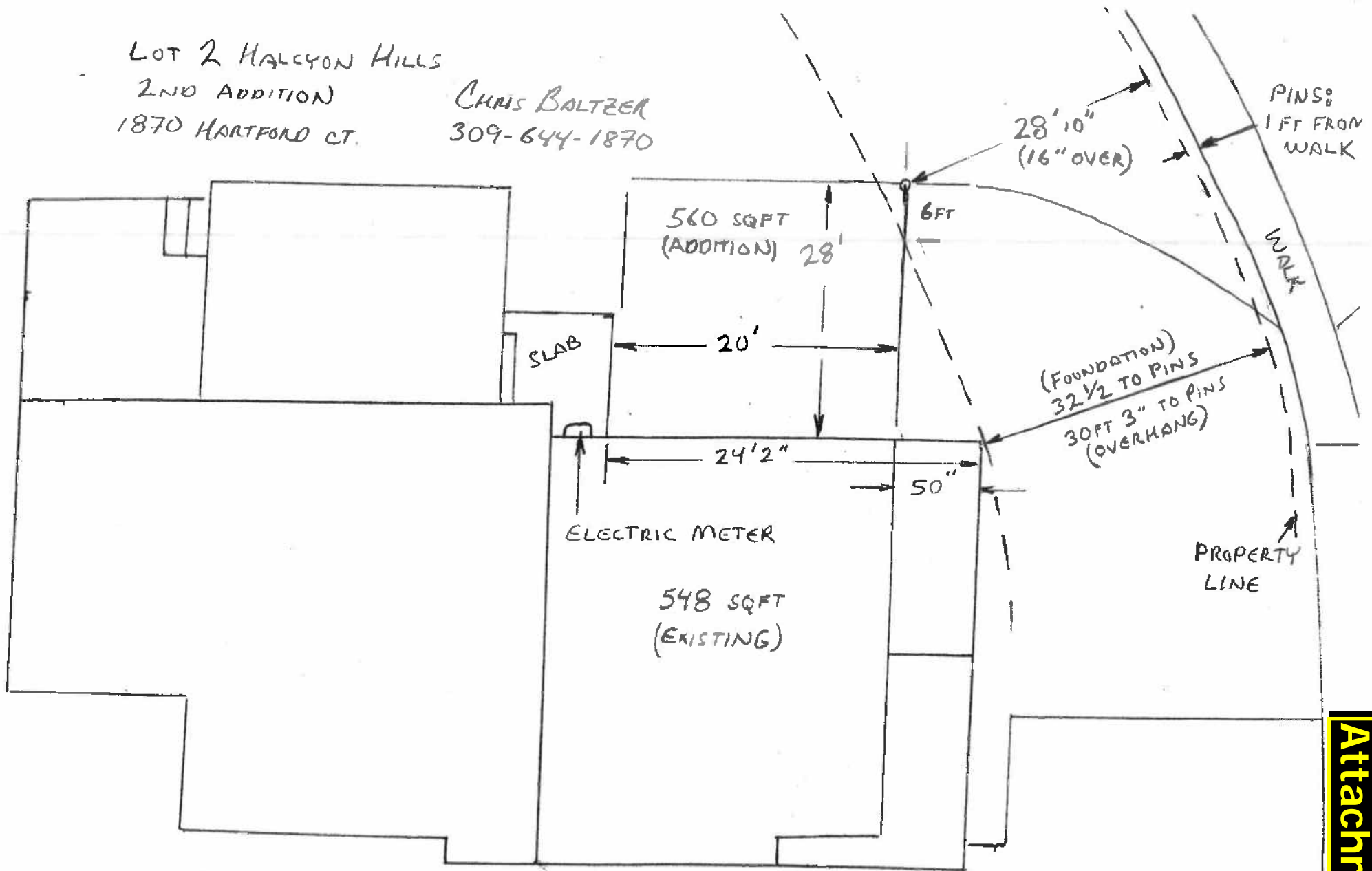
Riverdale
Heights
Elementary

SITE



LOT 2 HALCYON HILLS
2ND ADDITION
1870 HARTFORD CT.

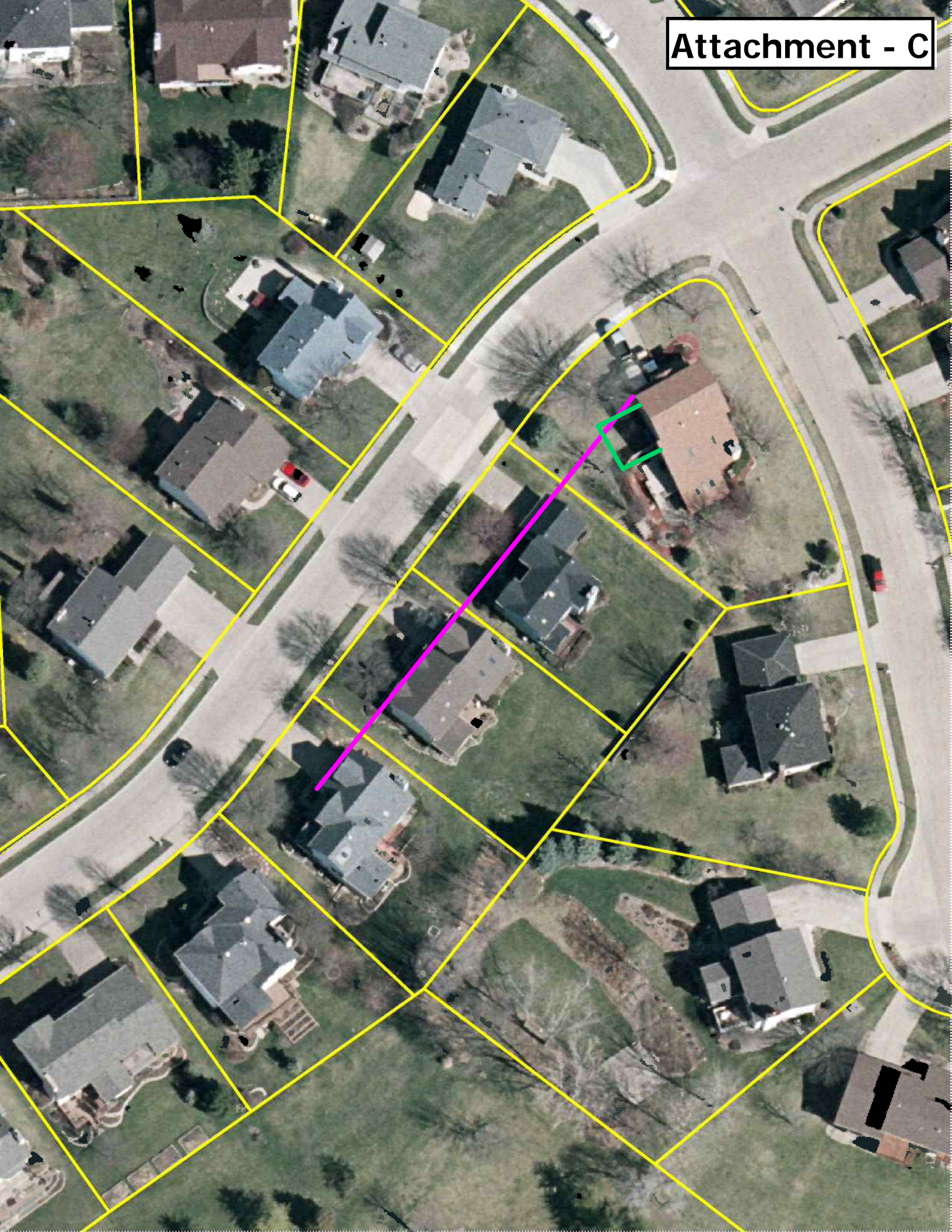
CHRIS BALTZER
309-644-1870



40% OF LIVING = 886 SQFT
PROPOSED TOTAL = 1,108 SQFT

222 SQFT OVER

Attachment - B



Case No. 10-012

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

Part 1. Property Involved.

Street Address 1870 HARTFORD COURT
Legal Description of the property. LOT 2, HALCYON HILLS, 2ND ADDITION

Part 2.

Applicant Name CHRIS BALTZER Phone 309-644-1870 - CELL
Address 1870 HARTFORD COURT FAX _____

Owner Name CHRIS BALTZER Phone _____
Address 1870 HARTFORD COURT FAX _____

Agent _____ Phone 232
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.

See Attached

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

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

Part 7. Signature.

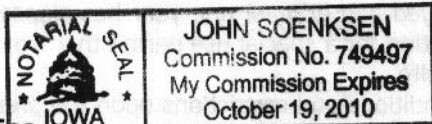
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 26 day of April, 20 10.

Signature of Applicant _____ Signature of Owner Christy M. Buff
 (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 26 day of April, 20 10.



John Soenkse
 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 Wendy Johnson
 Amount \$50. Date 4/28/10



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

May 13, 2010

Staff Report

Case No. 10-013

Location: 2532 Roberts Street

Applicant: Carey and Richard Jorgensen

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

Request: Variance to reduce the required building separation from 8 feet to 6 feet.

Background Information and Facts

The site can be accessed from either Coleman Street or 25th Street and turning onto Roberts Street (see Attachment A - Location Map). The home currently has a detached garage to the west of the house (see Attachment B – Current Garage Illustration). The garage has fallen into disrepair due to age. The applicants would like to replace it with a new structure. The applicants would like to build a 20-foot by 24-foot garage on the west side of the house (see Attachment C – Plot Plan). If allowed as requested, the garage would be 6½ feet away from the west side of the house.

Staff Analysis

The proposed garage is 480 square feet, well under the 720 square feet allowed. Therefore, the request does not appear to be excessive. The 8-foot building separation is required for fire separation purposes. With the proposed placement of the garage, the same purpose (fire separation) can be accomplished by requiring that the east wall of the new garage be dry-walled from the floor to the lid. The applicants have indicated that they are willing to do this.

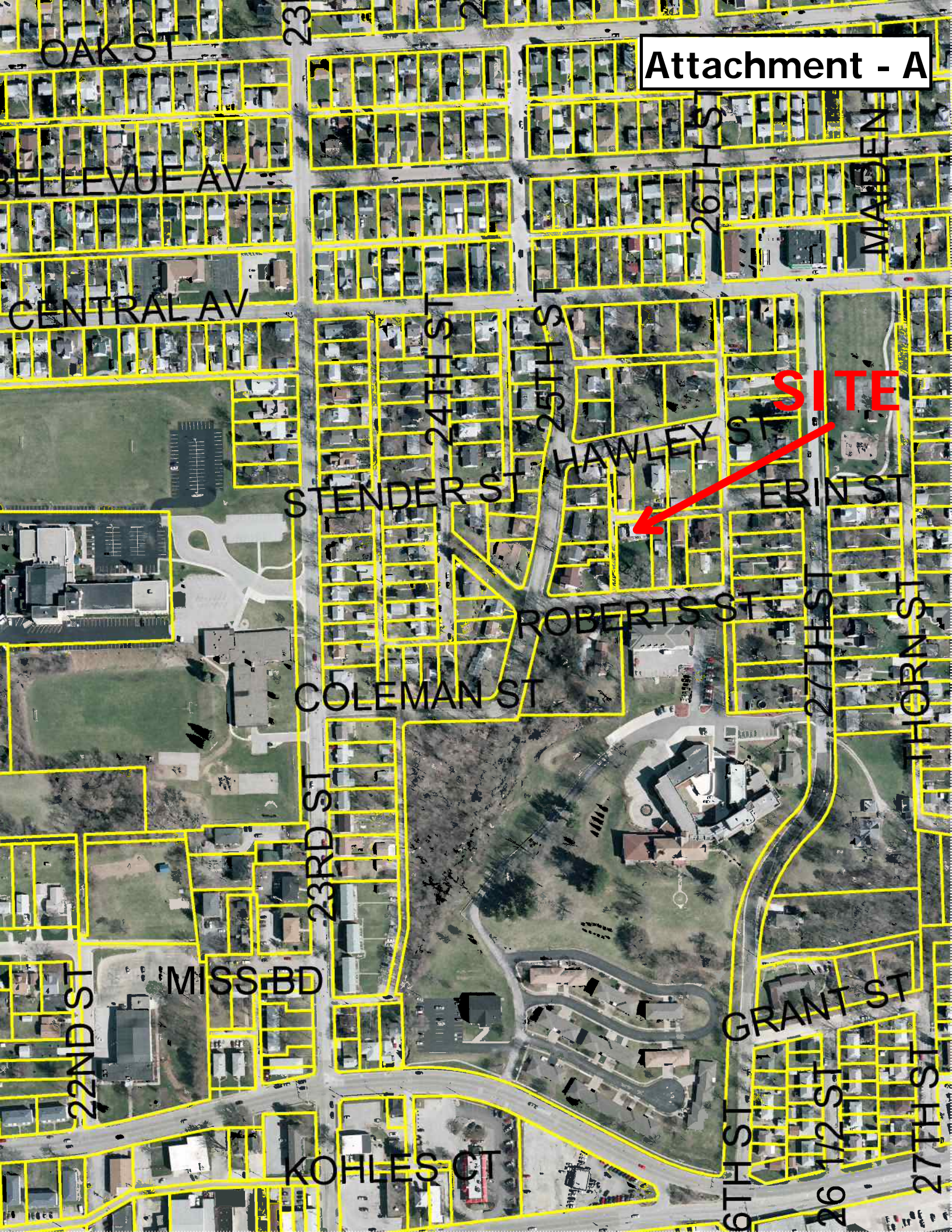
Staff Recommendation

Since the intended purpose of the Code will be satisfied, staff has no objections to the request.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE



OAK ST

23

BELLEVUE AV

CENTRAL AV

26TH ST

MAIDEN

24TH ST

25TH ST

STENDER ST

HAWLEY ST

ERIN ST

ROBERTS ST

COLEMAN ST

27TH ST

THORN ST

23RD ST

22ND ST

MISS BD

GRANT ST

KOHLES CT

6TH ST

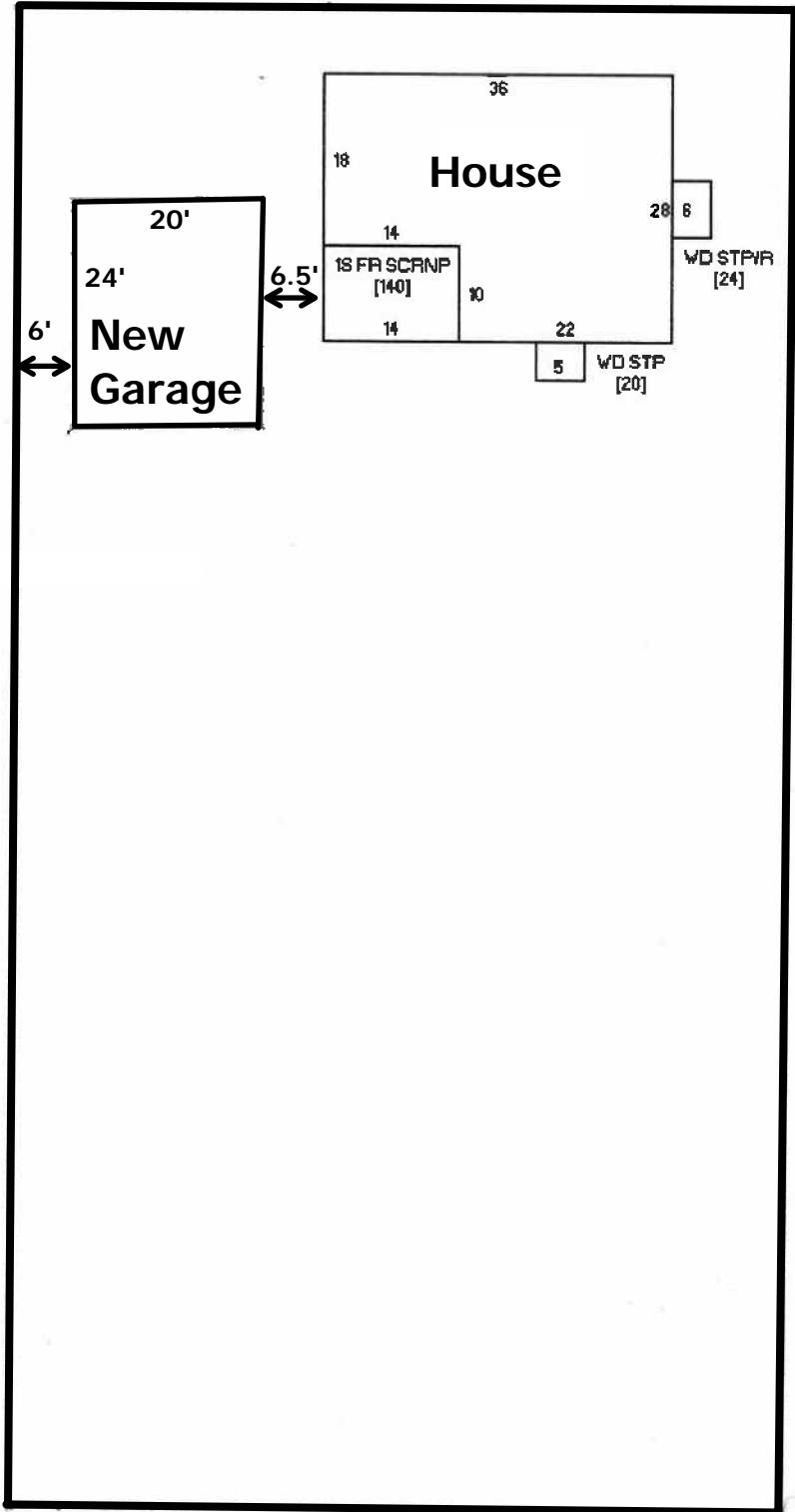
26 1/2 ST

27TH ST



Current Garage

Attachment - C



Case No. 10-013

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

Part 1. Property Involved.

Street Address 2532 ROBERTS STREET
Legal Description of the property. RESIDENTIAL DWELLING COIS 05:66
SINGLE-FAMILY OWNER OCCUPIED Bettendorf Park

Part 2.

Applicant Name CAREY AND RICHARD TORGENSEN Phone 563-508-4933
Address 2532 ROBERTS STREET FAX _____

Owner Name CAREY AND RICHARD TORGENSEN Phone 563-508-4933
Address 2532 ROBERTS STREET 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.

 PLEASE SEE ATTACHED.

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

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

Part 7. Signature.

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

Signature of Applicant _____ Signature of Owner Richard E. Jorgensen
 (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 28 day of April, 2010.

John Souther
 Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.

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

Received by John A. [Signature]
 Amount \$50.00 Date 4-28-10

We are asking for a variance from Bettendorf City code. Our understanding is that the city requires 8 feet from any existing structures. Our current garage is 6 feet from our screened in deck. We would like to replace our existing single car garage with a detached two car garage. We will also tear out the old driveway and replace with a new poured cement approach/driveway. A firewall will be built on the east side of the garage to protect the house and screened in deck. The new garage will remain detached from the house.

We would like to propose the new garage location:

20 feet from the north alley

4 feet from the West Alley

6 1/2 feet from our house/screened deck

We are asking for this variance because:

- ✓ we are replacing an existing structure that was built prior to this code
- ✓ we are trying to upgrade our property without adding additional driveway maintenance (ie. snow removal)
- ✓ we would like to keep our screened in deck in its present location
- ✓ our neighbor across the alley was able to build a garage with a code variance

Thank you for your consideration.

20'x24'



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

May 13, 2010

Staff Report

Case No. 10-014

Location: Southwest corner of 53rd Avenue and 18th Street

Applicant: Ascentra Credit Union

Zoning Designation: C-2, Community Shopping District

Request: For a special use permit to allow a drive-in banking facility.

Background Information and Facts

The site is the corner lot that has frontages on 53rd Avenue, 18th Street, and Falcon Avenue (see Attachment A, Location Map). The applicant would like to construct a banking facility that will incorporate drive-in lanes to accommodate vehicular banking transactions (see Attachment B – Site Plan). The C-2 District states that a drive-in banking facility may be permitted only if specifically authorized by the Board of Adjustment.

Staff Analysis

The code states that the nine items must be examined by staff and the Board when considering the granting of a special use. The following is a listing of those items and staff's analysis of each:

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

Section 15.23.5 specifically lists a drive-in banking facility as a special use in the C-2 District.

(2) The proposed use will comply with all applicable regulations in the district in which the use is to be located.

The site development plan has been submitted to the Bettendorf Planning and Zoning Commission for review to insure compliance with all of the applicable regulations.

(3) 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.

The site development plan review by the Commission will also address the above.

(4) 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.

There are specific code requirements for each of these items. If the final plan does not meet each and every requirement, it will not be recommended for approval.

(5) 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.

Parking and screening meets ordinance requirements. The "shared access drive" on 53rd Avenue is in accordance with the original final plat approved in 1993 (see Attachment C – Final Plat). There are two plat notes on that final plat that state:

"Access to Lot 1 from 53rd Avenue shall be from the east bound lanes only. The driveway shall be centered on the west lot line."

"There shall be no access to Lot 1 from 18th Street."

The design of this site plan and related drive-up lanes comply with all of the above requirements. Cars will exit the drive-up as one-way traffic only adding to traffic safety.

(6) The proposed use will not cause substantial injury to the value of other property in the neighborhood.

The northwest corner of this intersection is occupied by a medical center. The northeast corner is occupied by a convenience store and gas station. The southeast corner has already had a drive-up banking facility approved by the Board of Adjustment. South of this site is a dry cleaners facility and a restaurant.

It is staff's opinion that this request is similar, compatible, and complimentary to existing businesses in this area.

(7) 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.

This condition does not apply to the current request. No denial has ever occurred for this request.

(8) 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 general intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

Staff has no further recommended restrictions for the request as related to the special use request.

(9) The proposed use is consistent with the Bettendorf Comprehensive Plan and serves to further the goals of the plan.

The banking facility is consistent with the "commercial" land use designation that has been adopted for this site.

Staff Recommendation

Based on the above analysis, staff recommends approval of the special use permit.

The request is being made at this time so that approvals can be obtained prior to final acquisition of this property. Staff does not expect the development to occur this building season.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE

JAYFIELD
DR

53RD AVENUE

150.00'

N 89°36'45" E 1007.38'

NW. CORNER SE 1/4 SEC. 9-78-4

N 89°36'45" E 220.00'

P.O.B.

DEDICATED TO CITY FOR STREET

OUTLOT A
949 S.F.

184.90'

20' DRAINAGE & UTILITY EASEMENT

0'00" E
00'

SHARED DRIVEWAY EASEMENT

40'

100.00'

S 89°36'45" W
20.00'

N 00°00'00" E 202.00'

200.00'

10' UTILITY EASEMENT

LOT 1
40,859 S.F.

18TH STREET

S 00°00'00" W 267.10

20' ZONING SETBACK

S 89°36'45" W 185.10'

FALCON AVENUE

S 89°36'45" W 200.00'

DEDICATED TO CITY FOR STREET RIGHT-OF-WAY

S 89°36'45" W 184.90'

131-STATE CENTER

COX
BY:
DATE
IOW
BY:
DATE
PL
BY:
DATE

Case No. 10-014

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

Part 1. Property Involved.

Street Address SW Corner of 18th Street and 53rd Avenue
Legal Description of the property. Lot 1 of Hunter Meadows Commercial Park First Addition

Part 2.

Applicant Name Ascentra Credit Union (Paul Lensemyer) Phone 563-459-6950
Address 1710 Grant Street, Bettendorf, IA 52722 FAX 563-355-5536

Owner Name _____ Phone _____
Address _____ FAX _____

Agent Ted Rebitzer Phone 563-332-6682
Address 4550 E. 53rd Street, Suite 110, Davenport 52807 FAX 563-332-6657

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

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

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

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

Part 4. General Information.

Section(s) of Zoning Ordinance Involved _____ Existing Zoning C-2

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

- (a) It shall be the property owner's responsibility to show that the terms of this ordinance will impose unusual and practical difficulties or particular hardships. The hardship established by the property owner must not be SELF-IMPOSED. A self-imposed hardship is NOT justification for the approval of a variance request.
- (b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance.
- (c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected.
- (d) That by granting the request for a variance substantial justice shall be done.
 The applicant is proposing to construct approximately a 4,000 square foot credit union with 4 drive thru lanes. The applicant is submitting this application to obtain a special use permit for the drive up windows according to section 15.23 of Zoning District C-2. This application should be granted by board because the improvements support the intended land use and zoning for this area and the drive thru lanes positioned to allow for the required stacking.

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

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

Part 7. Signature.

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

Signature of Applicant [Signature] Signature of Owner [Signature] 4/29/10
(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)

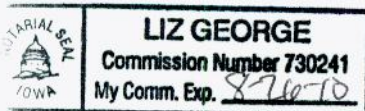
Before me the undersigned Notary Public, in and for the County and State, personally appeared applicant(s) and separately and severally acknowledge the execution of the foregoing application is his/her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this 29th day of April, 20 10
[Signature]
Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.

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

Received by [Signature]
Amount \$100. Date 4/29/10





COMMUNITY DEVELOPMENT

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

May 13, 2010

Staff Report

Case No. 10-016

Location: 6627 Spring Creek Drive

Applicant: Richard and Lisa Harris

Zoning Designation: R-2, Single Family Residential

Request: For a variance to increase the allowable square footage for a garage from 720 square feet to 991 square feet.

Background Information and Facts

Spring Creek Drive is located south of Forest Grove Drive near the eastern city limit (see Attachment A - Location Map). The site is an undeveloped lot on the east side of Spring Creek Drive. The applicant is requesting a 991 square foot garage which will be attached to, and incorporated in the new house plan (see Attachment B – House Plan).

Staff Analysis

It has become a frequent request for new homes to have a three-car garage or larger. In R-1 Districts with large lots and large house plans, larger three-car garages are routinely allowed by ordinance due to the large square footages of the living areas of the homes. This request involves an R-2 District characterized by smaller lots and houses with smaller square footages. Therefore, the applicant must request a variance for the desired garage plan.

The 40% limit or 720 square foot limit is not intended to necessarily discourage all larger garages. The intent of the requirement is to insure that large garage structures do not become the predominate feature on lots in residential areas which aesthetically overwhelm the residential appearance of the neighborhood. This house plan shows a garage area that is “L” shaped with a portion of the garage wrapping around the south side of the residential portion of the structure. As a result of this design, a significant portion of the garage (225 square feet) will be tucked behind the third car bay (south bay) and not visible from the front property line (see Attachment C – Elevation Plan). It is staff opinion that the garage, if allowed, will not detract from the residential appearance of the neighborhood.

Over the past two years, the Board has approved other similar requests:

Case 08-038 at 1519 Brown Street for 1,296 square feet.

Case 08-048 at 4357 Palm Drive for 916 square feet.

Case 08-076 at 3535 Woodholm Lane for 904 square feet.

09-067 at 3208 South Hampton Drive from 40% to 66%.

The approved request at 4357 Palm Drive appears to be the most similar to the current request. In that case, the Board felt comfortable that the residential appearance of the neighborhood was being preserved because of the “L” shaped nature of the garage hiding a significant portion behind the front of the house next to the residential portion of the structure (see Attachment D – Previously Approved Plot Plan).

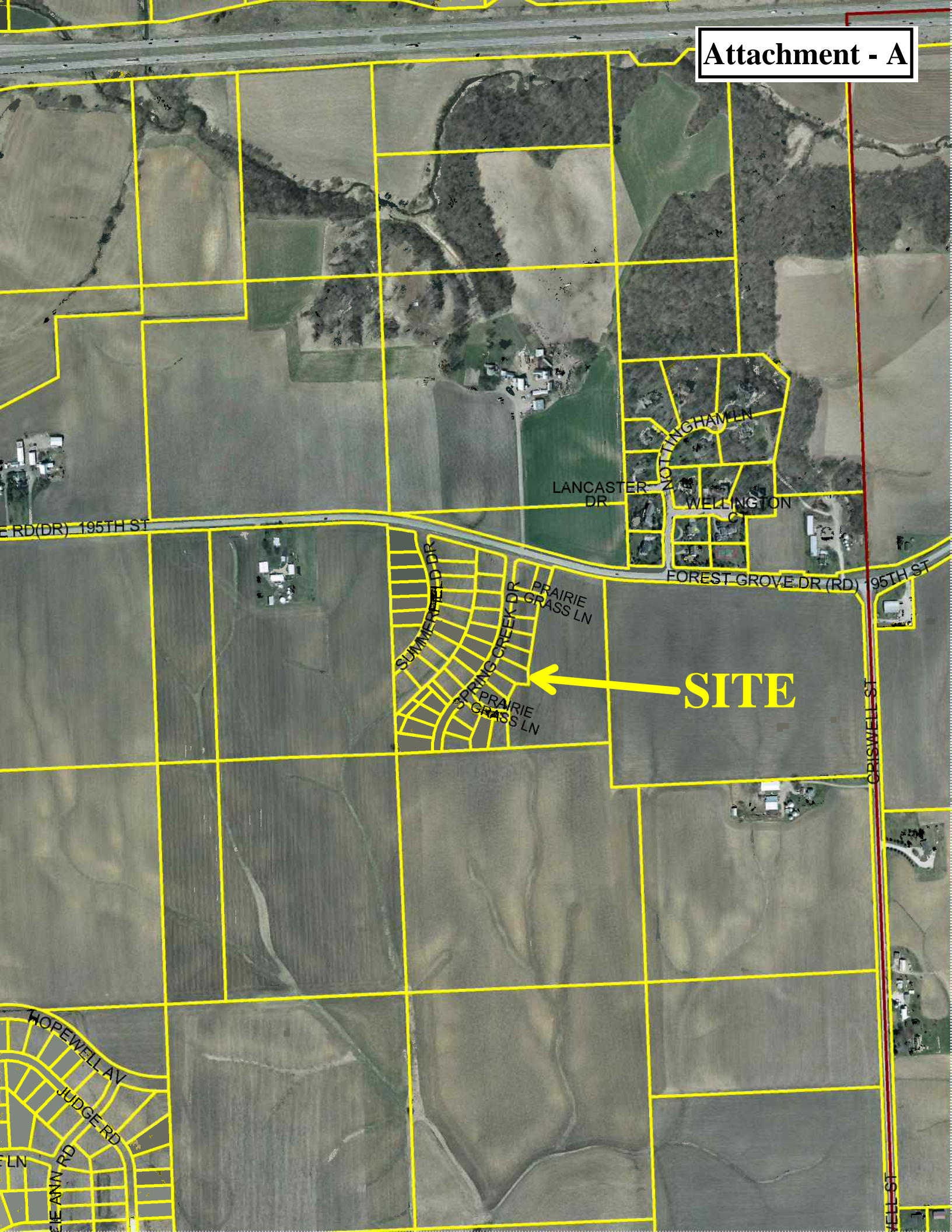
The developer of this subdivision has met with staff and indicated that the request is in keeping with the type of structures he envisioned would be built in this area to preserve the residential appearance of the neighborhood.

Staff Recommendation

Staff could not site a hardship but feels that the request is consistent with previous approvals by the Board.

Respectfully submitted,

John Soenksen
City Planner



SITE

RD (DR) 195TH ST

LANCASTER DR

NOTTINGHAM LN

WELLINGTON

FOREST GROVE DR (RD) 195TH ST

SUMMERFIELD DR

PRAIRIE D GRASS LN

PRAIRIE S GRASS LN

GRISWELL ST

HOPEWELL AV

JUDGE RD

ELEANOR RD

WELL ST



402 S. HORNBEELY
DANVERPORT, IA
50808-3554
800.763.3880
FAX: (563) 395-8103

OWNER: JEFF AND KATHLEEN B. BOST. 1000 S. HORNBEELY, DANVERPORT, IA 50808-3554. PROJECT NO. 1000. SUFFERT CONSTRUCTION, 402 S. HORNBEELY, DANVERPORT, IA 50808-3554. CONTRACT VALUE: \$1,200,000.00. DATE: 10/15/2010. DRAWING NO. 1000-01.00. SHEET NO. 1000-01.00-01. PROJECT NAME: ASPEN HOMES I.L.C. HARRIS RESIDENCE. 1000 S. HORNBEELY, DANVERPORT, IA 50808-3554.

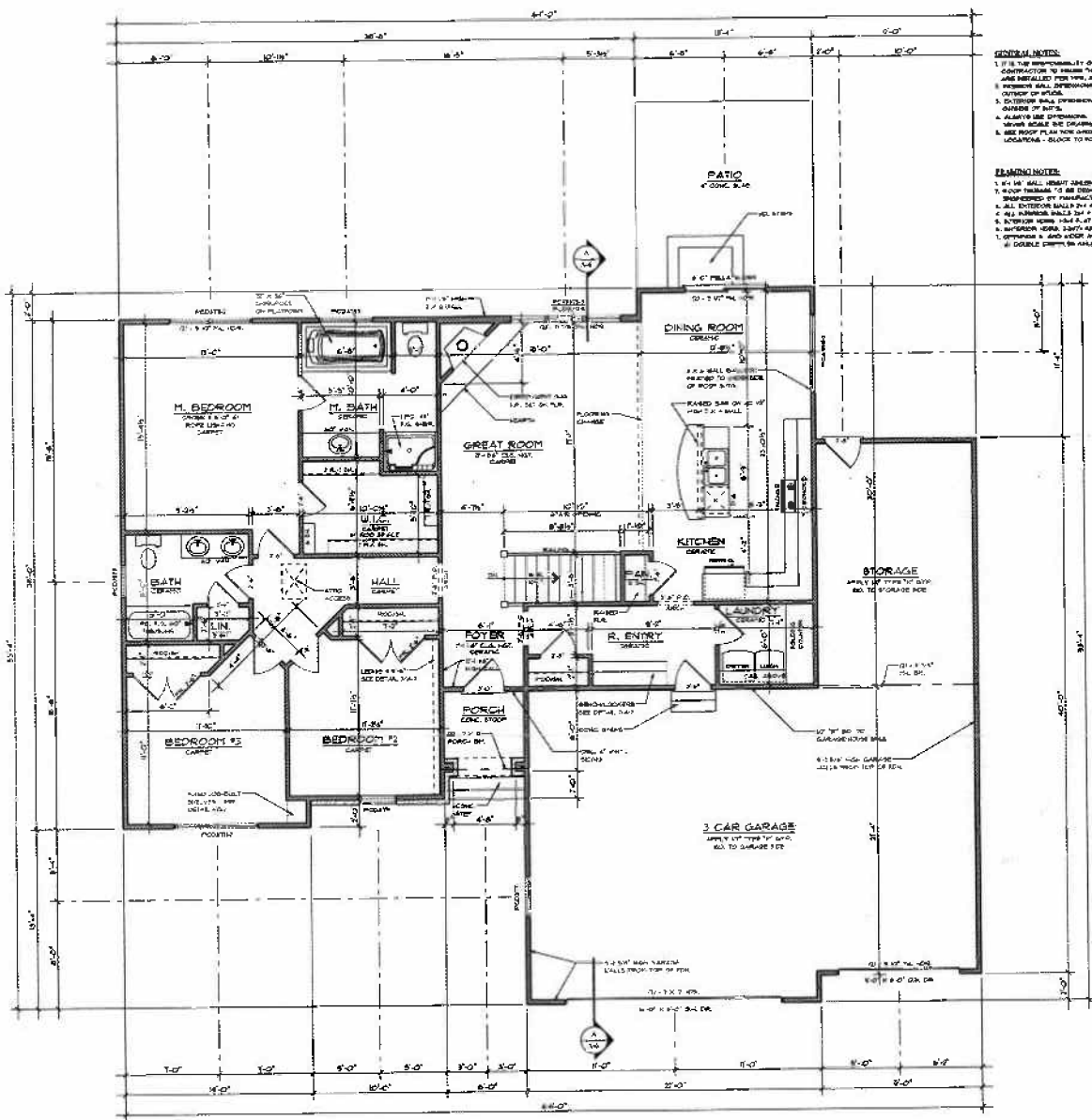
Aspen Homes I.L.C.
HARRIS RESIDENCE

FILE REVISION
DRAWN BY
REVISED BY
DATE

JOB NO.
1041
A-2
FIRST FLOOR PLAN



Attachment - B

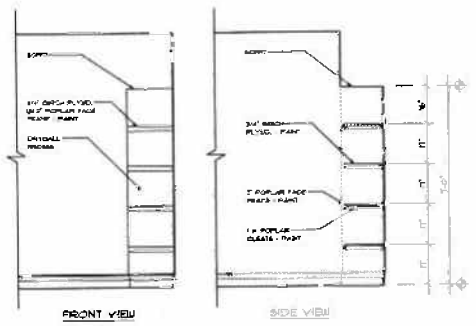


FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

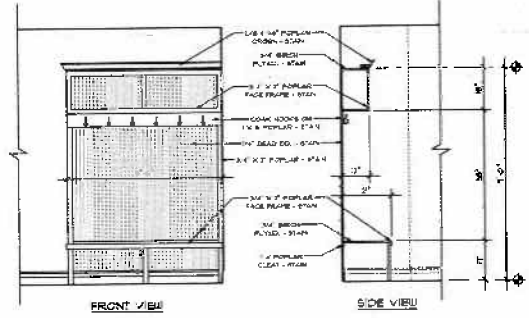
1700 S.F.

- GENERAL NOTES:**
- IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO VERIFY THAT ALL PRODUCTS ARE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
 - EXISTING WALL DIMENSIONS ARE TO OUTSIDE OF WALL.
 - EXISTING WALL DIMENSIONS ARE TO OUTSIDE OF WALL.
 - ALWAYS USE DIMENSIONS SHOWN SCALE AND CALLINGS.
 - SEE ROOF PLAN FOR CHIMNEY FRASE LOCATIONS - BLOCK TO REMOVAL AS REQ.

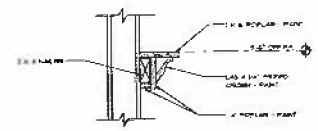
- FINISHING NOTES:**
- 1/2" X 1/2" WALL HEIGHT SHEATH NOTED.
 - WOOD TRIMMALS TO BE ORDERED AND SHIPPED BY MANUFACTURER.
 - ALL EXTERIOR WALLS 2" X 4" O.C.
 - ALL INTERIOR WALLS 2" X 4" O.C.
 - EXTERIOR SPOKE 1/2" X 2" AT CHIMNEY NOTCH.
 - INTERIOR SPOKE 1/2" X 2" AND PER NOTCH.
 - OPENINGS & ARCH ARCH TO THE FRAME.
 - DOUBLE CHECK FOR FINISHING NOTES.



DETAIL (BEDROOM #3 BOOK CASE)
SCALE: 1/2" = 1'-0"

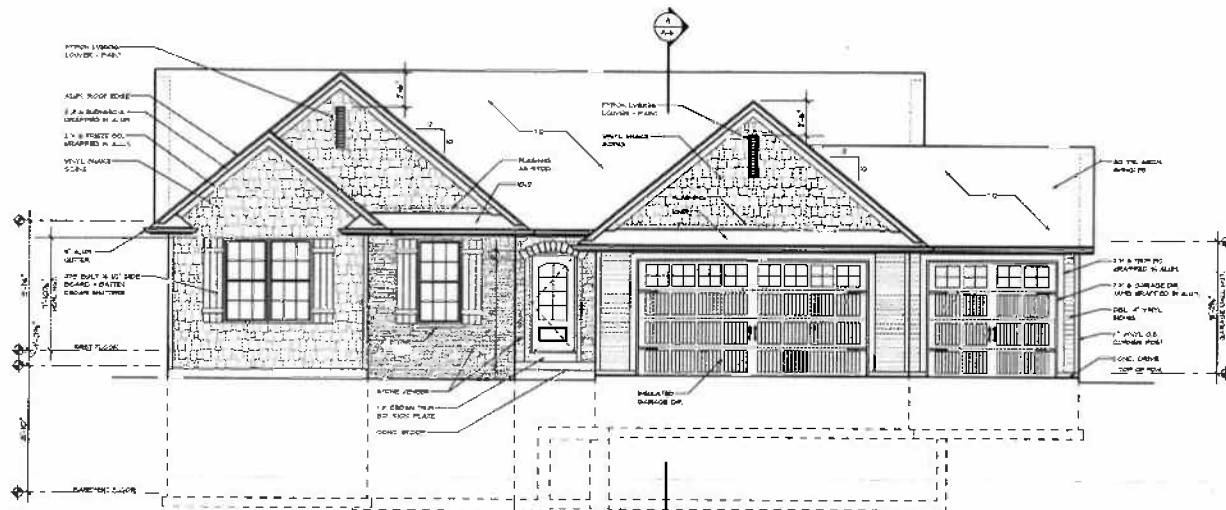


DETAIL (BENCH & LOCKERS)
SCALE: 1/2" = 1'-0"

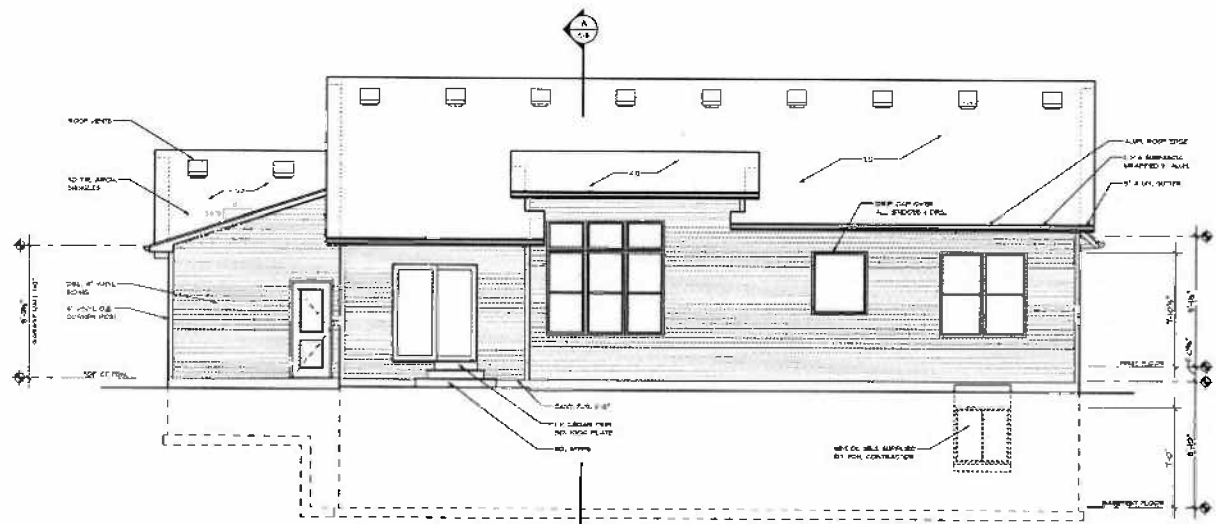


DETAIL (BEDROOM #2 LEDGE)
SCALE: 1/2" = 1'-0"

ALL RIGHTS RESERVED TO SUFFERT CONSTRUCTION



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



REAR ELEVATION
SCALE: 1/4" = 1'-0"

Southern
 4100 W. HOFFENBLY
 DAVENPORT, LA
 70620-3304
 BUS 18627 281-840
 FAX 18627 281-843

Aspen Homes L.L.C. is not an architect. The drawings and construction documents are prepared by a professional engineer. The engineer is not responsible for the design of the structure. The engineer is only responsible for the design of the structure as shown on the drawings and construction documents. The engineer is not responsible for the design of the structure as shown on the drawings and construction documents.

Aspen Homes L.L.C.
 HARRIS RESIDENCE

PLAN RELEASE
 10-10
 CHECK BY
 S. HENNING
 REVISIONS BY

JOB NO.
 1041

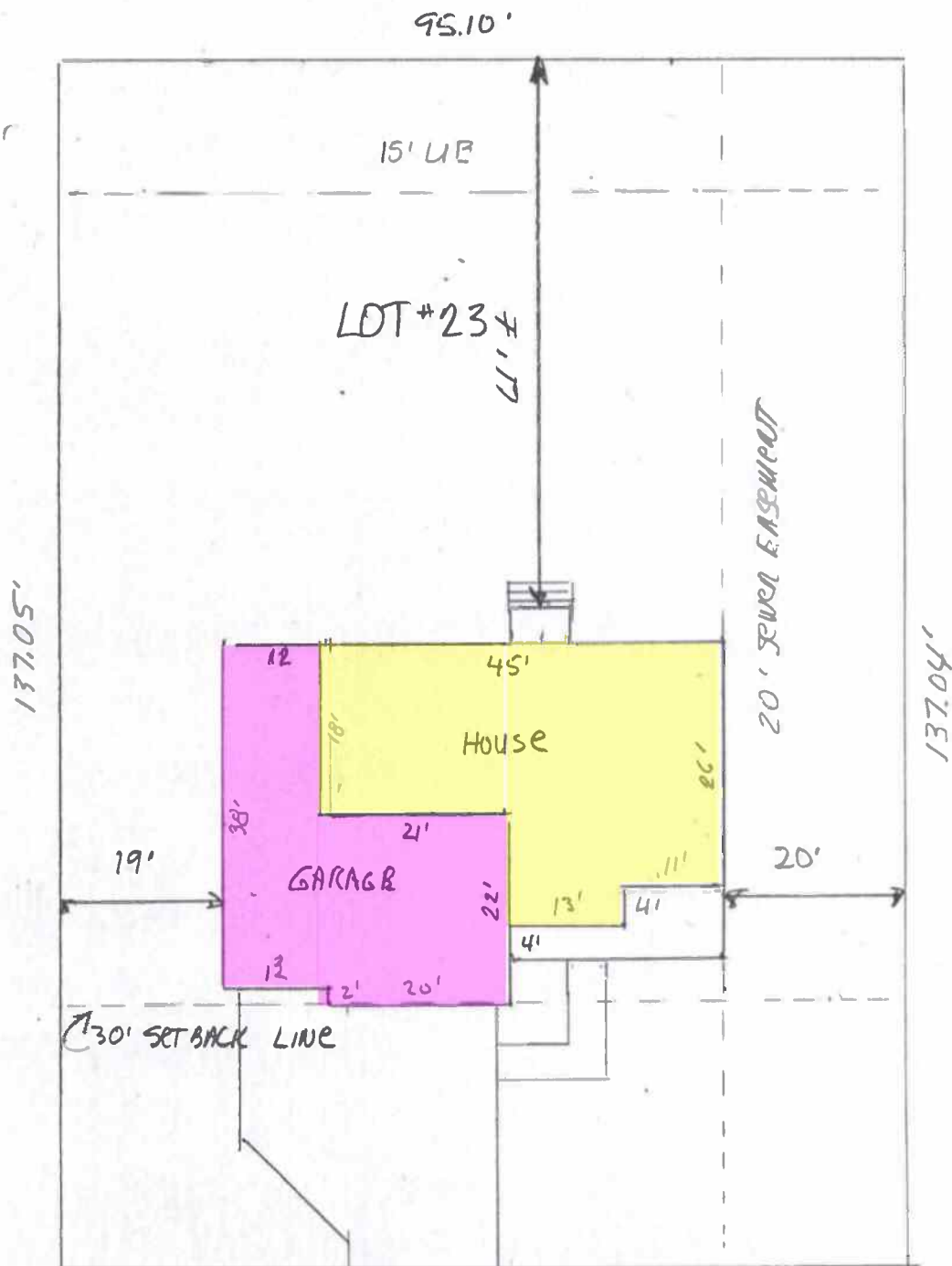
A-4

ELEVATIONS



Attachment - C

Attachment - D



Case No. 10-016

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

Part 1. Property Involved.

Street Address 6627 Spring Creek Drive
Legal Description of the property. Lot 37 Huntington meadows

Part 2.

current

Applicant Name Richard & Lisa Harris Phone 563-343-5110
Address 5406 Hillendale, Dav, IA 52806 FAX 823-0147

Owner Name Same Phone _____
Address _____ FAX _____

Agent _____ Phone _____
Address _____ FAX _____

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

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

- 2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:
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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.
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 - (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 R-2

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

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

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.

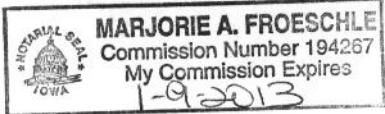
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 27 day of April, 2010.

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

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 27th day of April, 2010.



Marjorie A. Froeschle
 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 _____

We would like to build our house with a larger garage to accommodate our boat since the city and the subdivision does not allow us to leave it out side in our driveway. We have designed the garage so that you will not be able to tell that the garage is larger from the outside of the home. We have made the third stall 10 feet deeper and it runs next to the house so from the outside front view it looks like a regular three car garage and from the side it looks like it is part of the house. This does not cause house or garage to be any closer to the adjoining properties. This was designed by Aspen Homes who is a partner in the subdivision and has an invested interest into the look and feel of our home in regards to a possible negative effect it would have on the rest of the subdivision and city if not designed correctly.



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

May 13, 2010

Staff Report

Case No. 10-017

Location: 2119 Kimberly Road

Applicant: Brown Mackie College

Zoning Designation: C-2, Community Shopping District

Request: For a variance to increase the allowable height for an on-premise identification sign from 30 feet to 60 feet.

Background Information and Facts

The site involves the vacant south side of the building that currently houses Hobby Lobby (see Attachment A – Location Map). The applicant would like to place a 60-foot high on-premise identification sign behind the building to allow visibility from I-74.

Staff Analysis

The requested sign is a mono-pole type displaying the college’s logo and name only (see Attachment B – Sign Illustration). The sign, if allowed, would be placed approximately as shown in an attached illustration (see Attachment C – Sign Location Illustration).

Due to the fact that this site is not located at an interstate exit, the applicant feels it is important to have an interstate sign to assist out-of-town residents in locating the new Bettendorf campus site.

In 1989 a Stein-Mart store was located at this site and they made a request for a 60-foot high sign. That request was denied due to the fact that the Board felt that the business was not related to interstate type commerce. Businesses that have received approvals for similar requests include; restaurants, gas/service stations, vehicle rental businesses, and hotels. Most recently, Eye Surgeons and Associates received approval for this type of sign. In that case the applicant demonstrated that they serve a large regional area attracting patients from around the entire Midwest area. As a result, the Board felt the sign was appropriate. In contrast, a pay-day type loan business was denied a request for a similar sign because the Board felt that the business did not have a significant interstate related type clientele.

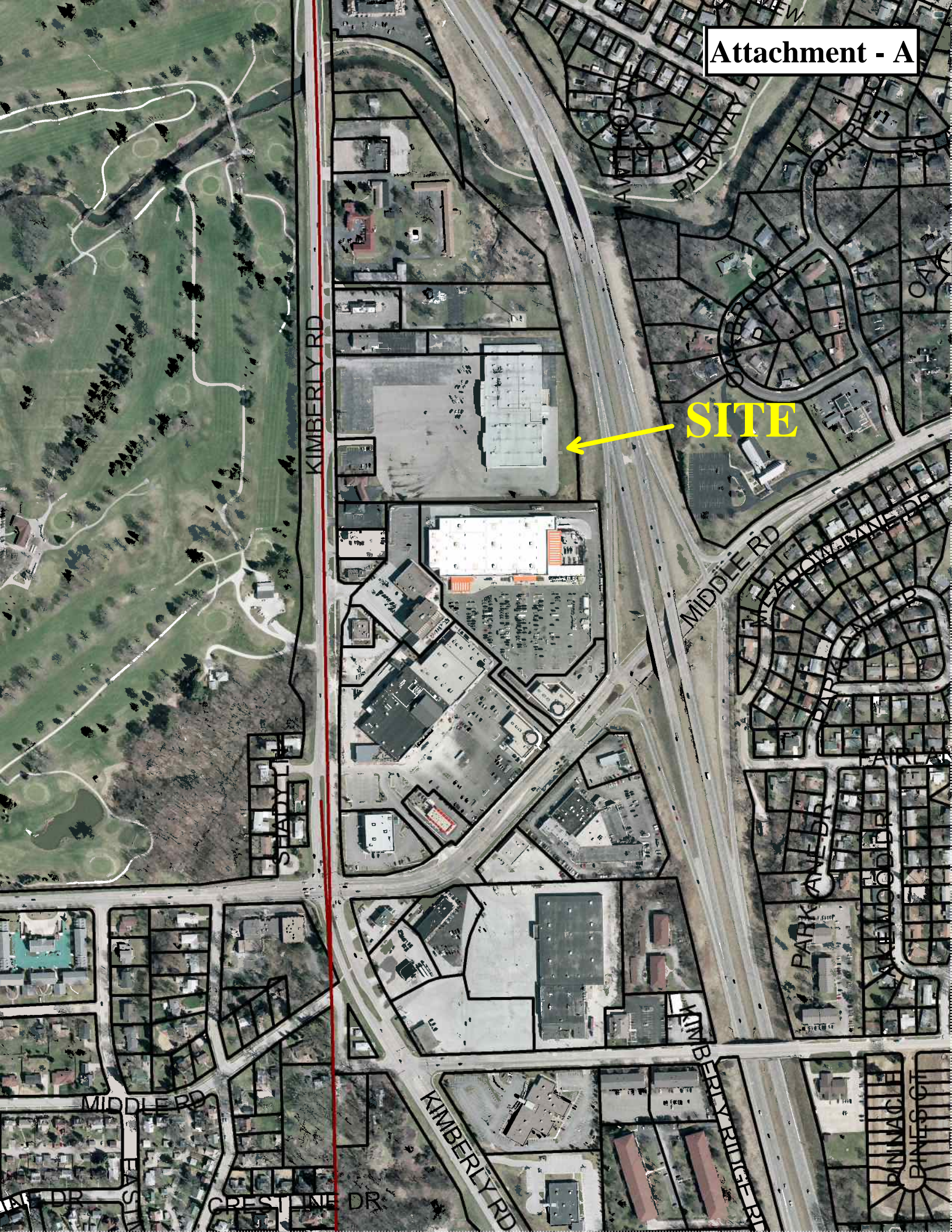
Brown Mackie College has 20 schools in 13 states nationwide (see Attachment D - Nationwide Map). When completed, this will be their only school in Iowa. Therefore, the applicant feels that the college will have a regional draw and an interstate type sign is appropriate.

Staff Recommendation

If the Board determines that the request has a significant draw to interstate type commerce, then the request may be appropriate. If the Board determines that the college is not an interstate commerce type of entity, then the request would not appear to be appropriate.

Respectfully submitted,

John Soenksen
City Planner



SITE

KIMBERLY RD

MIDDLE RD

MIDDLE RD

KIMBERLY RD

KIMBERLY RD

PARK AVE DR

WAKEWOOD DR

PINNACLE

PINES CT

STADY LN

CRESTLINE DR

WANTON

PARKWAY D

WALKER

OAK



august enterprises
ARCHITECTURAL
SIGNAGE

5209 PENNSYLVANIA AVENUE
NASHVILLE, TENNESSEE 37209
TEL : 615.463.2655
FAX: 615.463.2645

CLIENT:

EDMC
210 Sixth Ave 3rd Floor
Pittsburgh PA 15222
Tammy Foster

SHIP:

SAME:

INSTALL:

SAME:

DRAWN BY:

Phillip Petty

APPROVAL:

Signature: _____

Date: _____

This Document is the Exclusive Property of August Enterprises, Inc, Nashville, Tennessee, and may Not Be Copied, Reproduced, Manufactured, Marketed or Sold, in whole or part without the Express Written Consent of August Enterprises, Inc.

JOB NAME: BMC QUAD CITIES

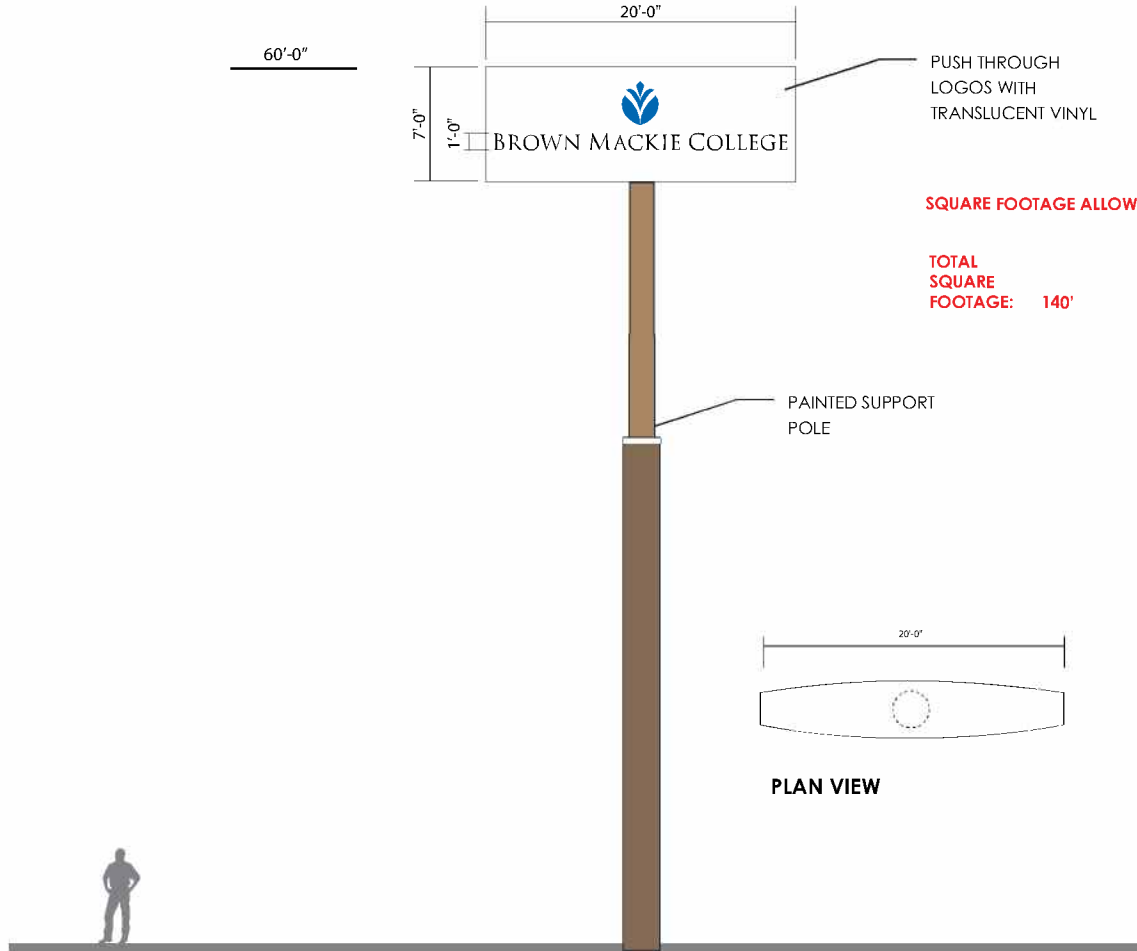
JOB#: 10115

DRAWING: HIGH RISE POLE SIGN

DUE DATE:

START DATE:

PROJECT MANAGER: Sonja Jones



SQUARE FOOTAGE ALLOWED BY CODES: 300

TOTAL SQUARE FOOTAGE: 140'

NOTE: SIGN & LED TO BE DOUBLE SIDED
D.O.T. APVL REQUIRED 1ST -----
D.O.T. APVL MUST BE SUBMITTED WITH PERMIT APP TO CITY FOR PERMIT/VARIANCE

CUT FILE PATH: EDMC\10115 MOLINE\5PRODUCTION

Attachment - B



augustenterprises
ARCHITECTURAL
SIGNAGE

5209 PENNSYLVANIA AVENUE
NASHVILLE, TENNESSEE 37209
TEL : 615.463.2655
FAX: 615.463.2645

CLIENT:

EDMC
210 Sixth Ave 3rd Floor
Pittsburgh PA 15222
Tammy Foster

SHIP:

SAME:

INSTALL:

SAME:

DRAWN BY:

Phillip Petty

APPROVAL:

Signature: _____

Date: _____

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JOB NAME: BMC QUAD CITIES

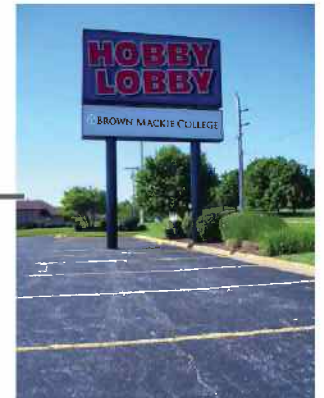
JOB#: 10115

DRAWING: SIGN LOCATION PLAN

DUE DATE:

START DATE:

PROJECT MANAGER: Sonja Jones



CUT FILE PATH: EDMC\10115 MOLINE\5PRODUCTION

PAGE: 2 OF 2

Attachment - C

This is where you can find the Brown Mackie College location that's right for you. Just hover over and click the points below to learn more.



Brown Mackie College is a family of schools with over 20 schools located nationwide.

Case No. 10-017

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

Part 1. Property Involved.

Street Address 2119 Kimberly Road
Legal Description of the property. _____

Part 2.

Applicant Name Brown Mackie College Phone _____
Address _____ FAX _____

Owner Name Joan & Rosemary Seifers Phone _____
Address _____ FAX _____

Agent A-1 Signs Phone 381-1477
Address 3667 Highway 61, Blue Grass, IA 52726 FAX _____
P.O. Box 486

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.)

Mail to =

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.

Request for a variance to allow a 60-foot high sign along the I-74 side of property.

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 5 day of May, 20 10.

Signature of Applicant Kathleen Cagle Signature of Owner _____

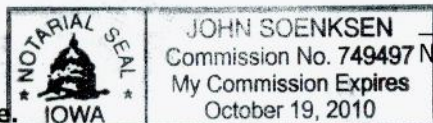
(The owner **MUST** indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

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 5th day of May, 20 10.



John Soenkse
Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.

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

Received by John Soenkse

Amount \$100.00 Date 5/5/10



COMMUNITY DEVELOPMENT

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

May 13, 2010

Staff Report

Case No. 10-018

Location: 4265 Moencks Road

Applicant: W/W/W Development, LLC.

Zoning Designation: R-1, Single Family Residential

Request: For a variance to allow a sanitary septic system within the R-1, Single Family Residential district.

Background Information and Facts

Section 14.0 of the Code states: "The residential district regulations are intended to govern the location, intensity and method of development of the residential areas of Bettendorf where public sanitary sewer and water facilities are normally provided or will be for the protection of existing residential areas and to provide for new residential growth in accord with the design and density objectives of the community."

Staff interprets the above section of the Code to indicate that public sanitary sewers are a requirement of a new residential development in the City of Bettendorf.

The site in question is located east of Moencks Road just south of Crow Creek Road (see Attachment A – Location Map). The applicant is now ready to plat the property into one buildable lot and three non-buildable outlots (see Attachment B – Final Plat).

Staff Analysis

The sanitary sewer requirement is contained in the Code for obvious public service purposes. Normally, a new subdivision contains multiple buildable lots; therefore this situation is somewhat unique. Staff would not support a new subdivision having multiple or shared septic systems within the city limits.

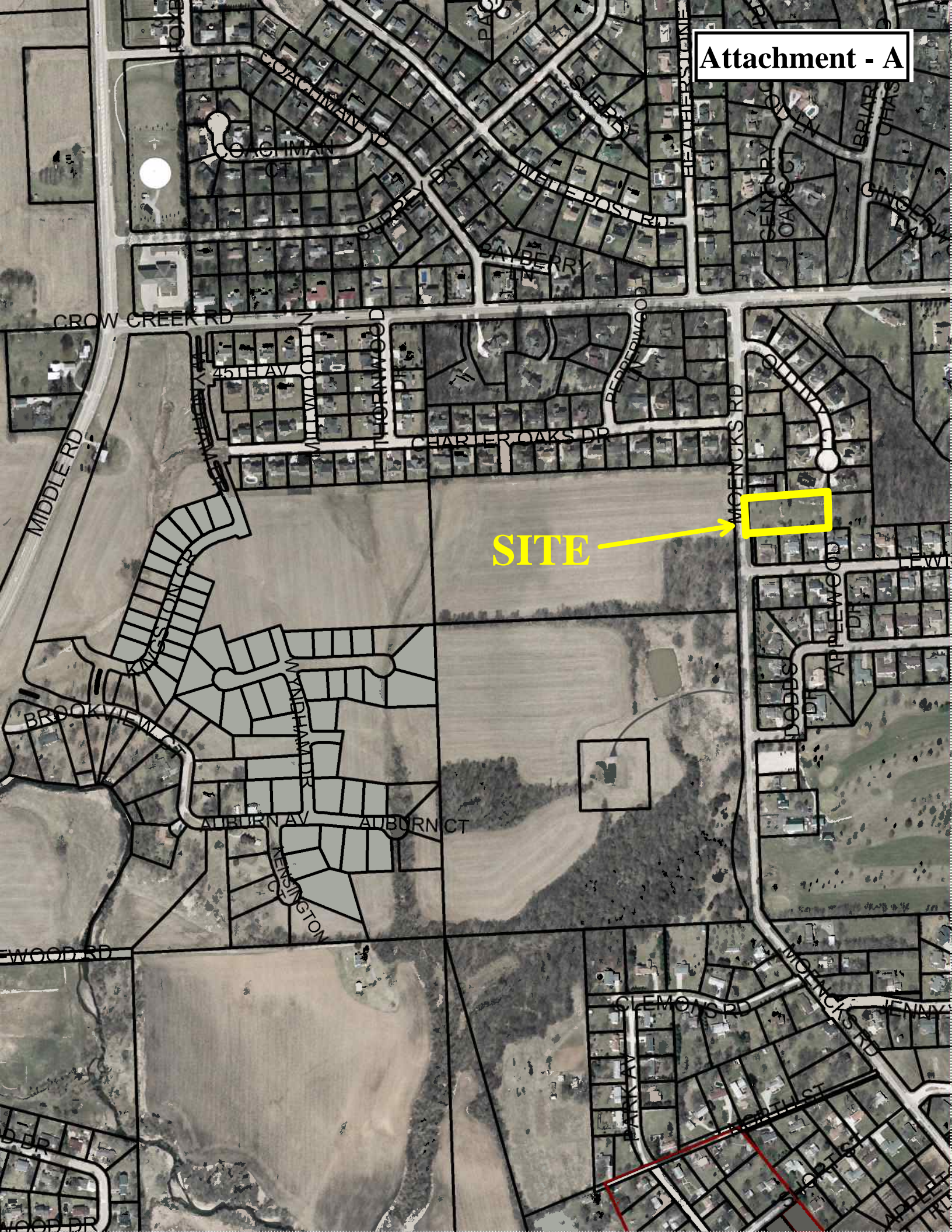
The prevailing authority for septic vs. sanitary sewer requirement is the Scott County Health Department. Scott County has set standards and policies for approving or denying septic systems requests. The county has determined that sanitary sewer connection is at such a distance in this case, that they have ruled in favor of a septic system for Lot #1 of W/W/W First Addition. Therefore, staff defers to the county's authority in this case since the request is for a single buildable lot.

Staff Recommendation

Although staff supports the county's decision and recommends approval of the request, staff would further recommend making the approval temporary and subject to future availability of connection to the sanitary sewer system. At any such time that the county determines that the sewer connection is reasonably available or if at any time the septic system fails, then staff recommends that the variance expire for this request and the applicant will be financially responsible for connecting to the sanitary sewer system.

Respectfully submitted,

John Soenksen
City Planner



SITE





OWNER - DEVELOPER

WWW DEVELOPMENT, LLC

5700 LEWIS COURT

BETTENDORF, IOWA 52722

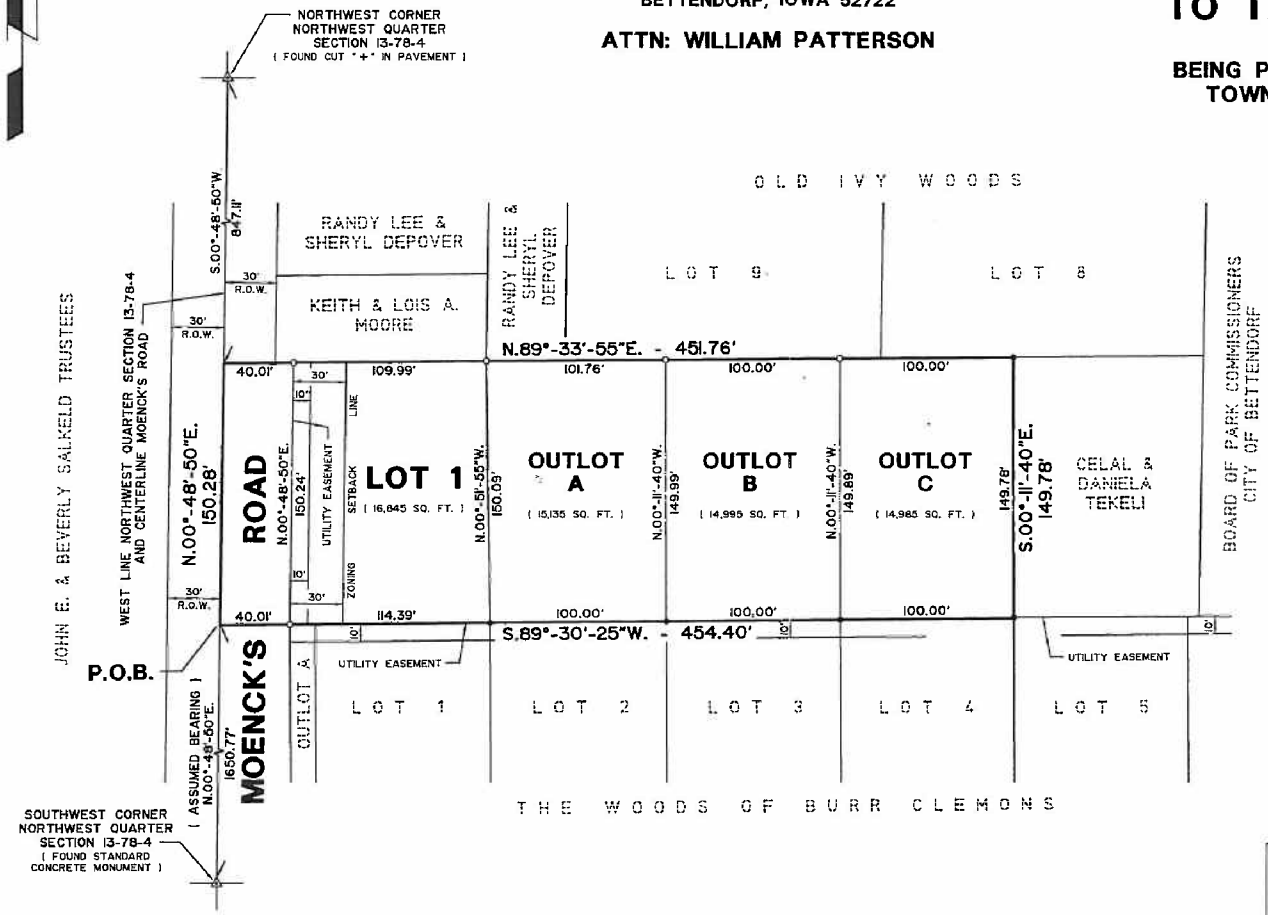
ATTN: WILLIAM PATTERSON

FINAL PLAT OF WWW FIRST ADDITION TO THE CITY OF BETTENDORF, IOWA

BEING PART OF THE NORTHWEST QUARTER OF SECTION 13
TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5th P.M.

GENERAL NOTES

- IRON MONUMENTS FOUND SHOWN THUS (5/8" IRON PIN)
- IRON MONUMENTS SET SHOWN THUS (5/8" x 30" IRON PIN)
- DISTANCES SHOWN IN FEET AND DECIMAL PARTS THEREOF.
- SUBDIVISION CONTAINS 1.56 ACRES, MORE OR LESS.
- FOR THIS SURVEY THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 13-78-4 WAS ASSUMED TO BEAR N.00°-48'-50"E.
- BLANKET UNDERGROUND EASEMENTS GRANTED FOR ALL PRIMARY AND SECONDARY ELECTRIC CABLES, PAD MOUNTED TRANSFORMERS, ELECTRIC TRANSFORMERS, PRIMARY CABLE, GAS SERVICE, WATER SERVICE, SEWER LATERALS, TELEPHONE SERVICE AND CABLE T.V. TO INDIVIDUAL STRUCTURES AND STREET LIGHTS.
- ALL STREET RIGHT OF WAYS ARE DEDICATED TO THE CITY OF BETTENDORF, IOWA, FOR STREET PURPOSES.
- ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE LATEST STANDARD SPECIFICATIONS OF THE CITY OF BETTENDORF, IOWA.
- ZONING SETBACK LINES ARE BASED ON ZONING REQUIREMENTS AS OF THE DATE OF CITY COUNCIL APPROVAL. IN CASE OF CONFLICT BETWEEN LINES SHOWN AND FUTURE CODE REQUIREMENTS THE CODE REQUIREMENTS SHALL GOVERN.



JOHN E. & BEVERLY SALKELD TRUSTEES

BOARD OF PARK COMMISSIONERS
CITY OF BETTENDORF

MEDIACOM _____ **IOWA-AMERICAN WATER CO.** _____

BY _____ BY _____

DATE _____ DATE _____

CITY OF BETTENDORF, IOWA _____ **PLAN & ZONE COMMISSION** _____ **MIDAMERICAN ENERGY COMPANY** _____ **QWEST COMMUNICATIONS** _____

BY _____ BY _____ BY _____ BY _____

ATTEST _____ DATE _____ DATE _____ DATE _____

DATE _____

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

Signature: _____
David L. Meyer, P.E. & L.S., License Number 7222

Date: **FEBRUARY 23, 2009**

My license renewal date is December 31, 2010

THIS SHEET ONLY

Pages or sheets covered by this seal: _____



PREPARED BY
VERBEKE - MEYER
CONSULTING ENGINEERS, P.C.
DAVENPORT, IOWA
VMCE 04184-2

Attachment - B

APPROVED SUBJECT TO ENCUMBRANCES OF RECORD
BY MIDAMERICAN ENERGY COMPANY

Case No. 10-018

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

Part 1. Property Involved.

Street Address 4265 Moenck's Road
Legal Description of the property. Part of the Northwest Quarter of Section 13
Township 78 North, RAnge 4 East of the 5th P.M.

Part 2.

Applicant Name WWW Development, LLC Phone 332-6013
Address 5692 Lewis Court FAX _____

Owner Name WWW Development, LLC Phone 332-6013
Address 5692 Lewis Court FAX _____

Agent Tim M. Wilkinson Phone 332-6013
Address 5692 Lewis Court 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. SEE ATTACHED SHEET
(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.

 See Part 3, Section 3, Other

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

- (X) 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- (X) 2. Legal Description. (If not shown on page 1.)
- () 3. Floor plan if internal design of building is part of application.
- (X) 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 29th day of April, 20 10.

Signature of Applicant X [Signature] Signature of Owner X [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 29th day of April, 20 10.

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 _____

ATTACHMENT TO APPEAL AND APPLICATION TO THE
ZONING BOARD OF ADJUSTMENT
WWW DEVELOPMENT, LLC
BETTENDORF, IOWA

Applicant owns property generally located at 4265 Moenck's Road and desires to plat a building lot at that location.

There is no sanitary sewer service immediately available to the proposed lot. The existing sewer on Moenck's Road is on the west side of the paving approximately 500 feet north of the closest corner of the property. The existing sewer on Lewis Court is on the south side of the paving approximately 310 feet south and east of the closest corner of the property.

The City of Bettendorf originally reviewed this proposed subdivision in August, 2004, and said "a note is needed on the plat that once water and sanitary sewer supplies are within reach of Lot 1 and the septic system on Lot 1 were to need replacement, that the owner of Lot 1 would make connections to the water and City sanitary utilities". This indicated to the applicant that a sanitary septic system was acceptable on proposed Lot 1.

Applicant was unable to complete the platting process in 2004 due to some restrictions that were written in the Trustee Warranty Deed by which the property was purchased. They have since been able to obtain a revision to the original restrictive covenant and now desire to complete the platting process so they can sell the proposed lot fronting on Moenck's Road.

The applicant is requesting permission to use a sanitary septic system on this proposed lot. The Scott County Health Department says a septic system is an acceptable concept since sanitary sewer is not readily available. A & E Soil Consultants, LLC of Geneseo, Illinois, prepared a Soil Evaluation Report that states there is an area available on this site that is suitable for a properly designed, constructed and maintained septic system leach field. A copy of that report is attached hereto.

LEGAL DESCRIPTION
WWW DEVELOPMENT, LLC PROPERTY
BETTENDORF, IOWA

Part of the Northwest Quarter of Section 13, Township 78 North, Range 4 East of the 5th P.M., Bettendorf, Scott County, Iowa, being more particularly described as follows:

Commencing, as a point of reference, at the southwest corner of the Northwest Quarter of said Section 13; thence North $00^{\circ}-48'-50''$ East (assumed bearing for this survey) 1650.77 feet along the west line of the Northwest Quarter of said Section 13 to the northwest corner of The Woods of Burr Clemons, an addition to the City of Bettendorf, Iowa, said point being the POINT OF BEGINNING of the tract of land hereinafter described:

thence continuing North $00^{\circ}-48'-50''$ East 150.28 feet along the west line of the Northwest Quarter of said Section 13 to the southwest corner of a tract of land conveyed to Keith Eugene and Lois A. Moore by revised Warranty Deed recorded as Document Number 7208-71 in the Office of the Recorder of Scott County, Iowa;

thence North $89^{\circ}-33'-55''$ East 451.76 feet along the south line of said Moore tract, along the south line of a tract conveyed to Randy Lee and Sheryl DePover by Warranty Deed recorded as Document Number 25143-95 in the Office of the Recorder of Scott County, Iowa, and along the south line of Old Ivy Woods, an addition to the City of Bettendorf, Iowa, to the northwest corner of a tract of land conveyed to Celal and Daniela Tekeli by Warranty Deed recorded as Document Number 2005-19036 in the Office of the Recorder of Scott County, Iowa.

thence South $00^{\circ}-11'-40''$ East 149.78 feet along the west line of said Tekeli tract to the northeast corner of Lot 4 of said The Woods of Burr Clemons.

thence South $89^{\circ}-30'-25''$ West 454.40 feet along the north line of said The Woods of Burr Clemons to the point of beginning.

Containing 1.56 acres, more or less, subject to easements of record.