

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
JULY 8, 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 June 10, 2010.
4. The Board to hold a public hearing on the following items:
 - a. Case 10-028; 3493 Adele Lane (R-1) - A request for a variance to allow a 6-foot high fence in a required front yard setback, submitted by Steve Saunders.
 - b. Case 10-029; 4125 Squire Drive (R-2) - A request for a variance to allow a 4-foot high fence in a required front yard setback, submitted by Charles and Barb Puchta.
 - c. Case 10-030; 5323 Julie Ann Court (R-1) - A request for a variance to allow a 6-foot high fence in a required front yard setback, submitted by Christopher and Barbara Wills.

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
JUNE 10, 2010
5:00 P.M.**

Chairman Pro Tem McElhiney called the meeting to order at 5:00 p.m.

Item 1. Roll Call

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

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of May 13, 2010.

On motion by Voelliger, seconded by Howe, that the minutes of the meeting of May 13, 2010 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 10-023; 1410 Prairie Vista Drive (R-1) - A request for a variance to allow a 4-foot high fence in a required front yard setback, submitted by Thomas and Heidi Kellenberger.

McElhiney 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. He stated that a letter in opposition to the request had been received from Louise Sullivan, 4221 Amesbury Drive. Letter is Annex #4 to these minutes.

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

Tom Kellenberger, the applicant, explained that because of the unusual configuration of the lot and the topography involved, he would like to enclose the flatter portion of the

lot on the north side. He added that he does not believe that the proposed fence would pose any type of visual obstruction. Kellenberger stated that he would like to maximize the usable portion of his yard and protect his children.

Howe asked for clarification regarding the egress points from the house. Kellenberger explained that there is a door from the basement and one from the back deck.

Howe asked if the applicant has considered installing a 3-foot high fence which could accomplish the same goals. Kellenberger stated that to him it seems as though 3 feet is too short.

Voelliger asked if the proposed fence would be located on city right-of-way. Soenksen stated that it would be completely on the applicant's property.

McElhiney commented that a similar request was made for a house with a frontage on Crow Creek Road that was denied by the Board. She indicated that the Board has been very consistent with regard to this type of case.

Howe asked where the neighbor who objects to the request lives. Soenksen explained that Sullivan lives immediately east of the applicant's property. Howe asked if the proposed fence would pose a visual obstruction for her when exiting her driveway. Soenksen commented that the fence would be on the easternmost property line. He indicated that if the vision triangle is measured from the fence it likely would not pose an obstruction. He added that if the 35-foot distance is measured from the neighbor's driveway, it probably would affect the neighbor's vision.

Falk asked if a 4-foot high fence placed 10 feet from the sidewalk on the north side and the remainder as proposed would be allowed. Soenksen confirmed this. Kellenberger reiterated that he would lose a large portion of the flat, usable area of his yard if he were to do this. McElhiney commented that a 3-foot high fence would be allowed to be placed on the property line and would accomplish the applicant's goal. Soenksen stated that the applicant could vary the height of the fence between 3 and 4 feet to meet setback requirements. Kellenberger expressed concern that his dog could jump over a 3-foot high fence.

Howe reiterated that the Board has been very consistent with regard to variance requests for these types of cases. He commented that he would not be in support of the applicant's request. Voelliger concurred.

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

On motion by Howe, seconded by Falk, that the variance to allow a 4-foot high fence in a required front yard be denied in accordance with the Decision and Order.

Motion carried.

Decision and Order is Annex #4 to these minutes.

Kellenberger asked for clarification regarding where a 4-foot high fence would be allowed. Soenksen explained that a 4-foot high fence is allowed to be placed 10 feet from the property line which is typically 1 foot behind the sidewalk.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:50 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

July 8, 2010

Staff Report

Case No. 10-028

Location: 3493 Adele Lane

Applicant: Steve Saunders

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

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

Background Information and Facts

The site is located southwest of Hopewell Avenue and Devils Glen Road at the intersection of Adele Lane and Devils Glen Road (see Attachment A – Location Map). The applicant would like to place a 6-foot high fence within 15 feet of the property frontage along Devils Glen Road and surrounding the remainder of the property to the rear of the house (see Attachment B – Plot Plan). Because corner lots have two front yards along both street frontages, the portion of the fence between the house and Devils Glen Road is considered to be in a front yard.

Staff Analysis

As shown in the Plot Plan (Attachment B), if allowed, the portion of the fence considered to be in a front yard will be behind landscaping that has already been established at this lot. Attachments C and D illustrate the proposed fence's relationship to the landscaping from the front view and the rear view. Staff notes that this landscaping is not yet fully grown and will eventually buffer the fence even further from Devils Glen Road.

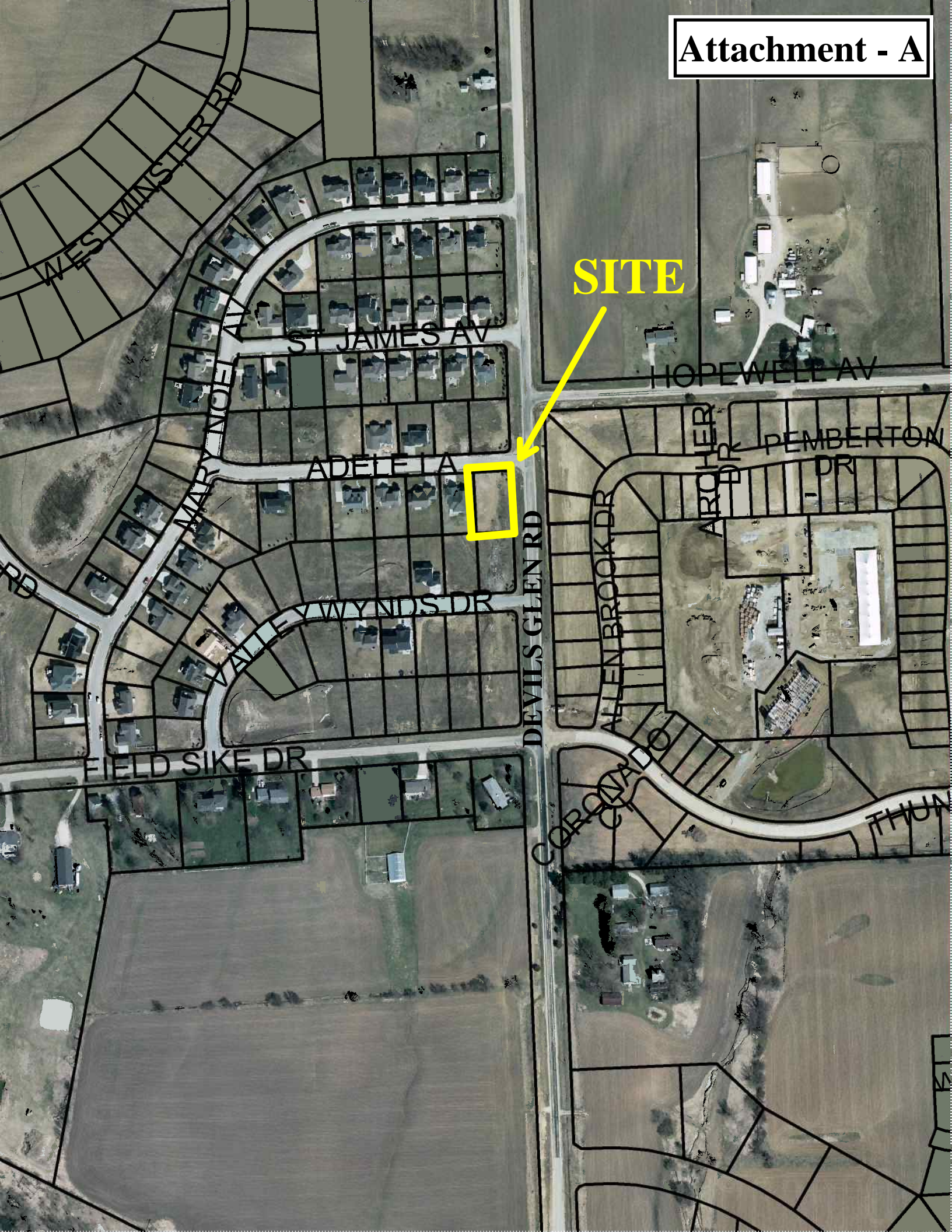
This type of request has occurred with some frequency on corner lots and lots that have frontages along roadways with heavy traffic. Devils Glen Road is identified as a "Primary Roadway" on the City of Bettendorf's Thoroughfare Plan. The Board has been consistent recognizing frontages along primary roadways as justification for 6-foot fences needed to provide additional buffering from the heavier traffic. Previous approvals for this type of request have been granted along 53rd Avenue, 18th Street, Tanglefoot Lane, Spruce Hills Drive, and Devils Glen Road. All of the previously mentioned roadways are identified with the same classification on the Thoroughfare Plan (Primary Roadways). In fact, numerous 6-foot fences are located along Devils Glen Road in this area upon various corner and through lots (see Attachment E – Fence Illustrations). Many of these fences are at a zero setback along Devils Glen Road. The current request is to place the fence approximately 15 feet back from the property line with considerable landscaping between the proposed fence and the roadway.

Staff Recommendation

Staff could not identify a hardship. The request appears to be consistent with previous variances granted for properties located along primary roadways within the city.

Respectfully submitted,

John Soenksen
City Planner



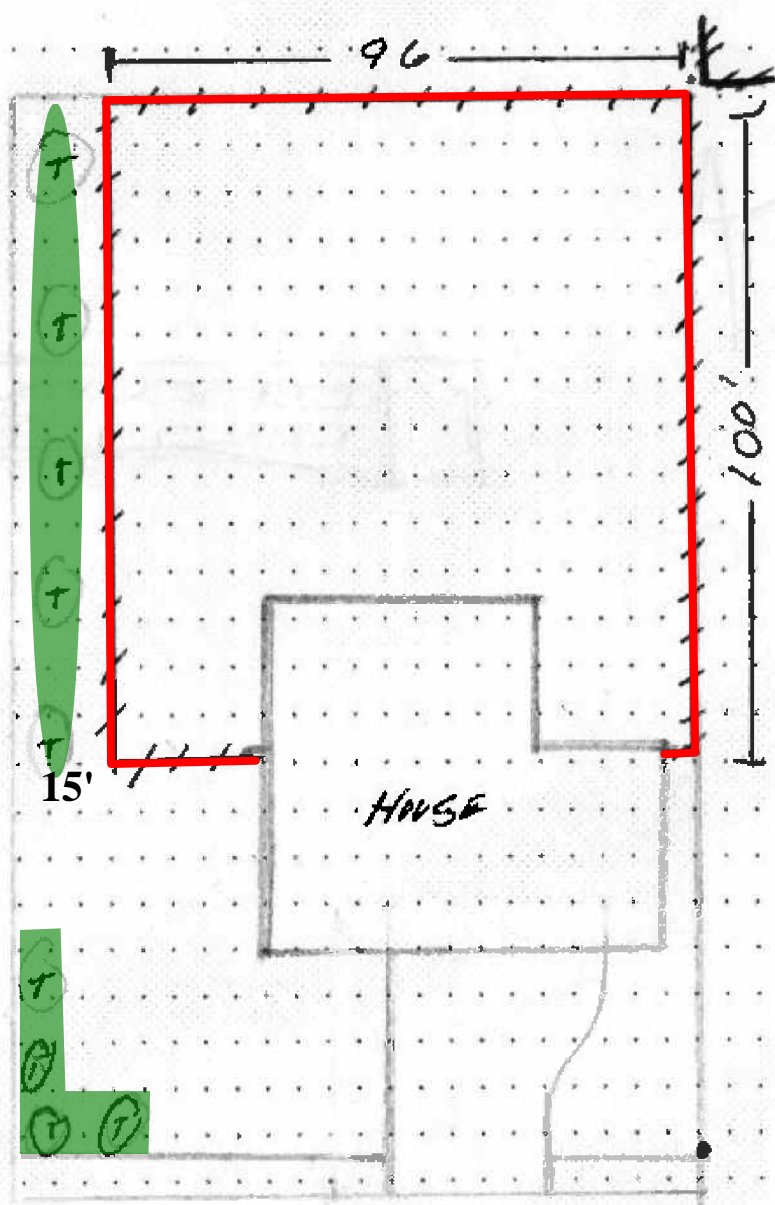
SITE





Attachment - B

Lot 42
Valleywynds
Third Add

Devils Glen



Fence 

Tree 

Approx 325'

Adele Lane





Attachment - D

GROVE PL

34TH ST

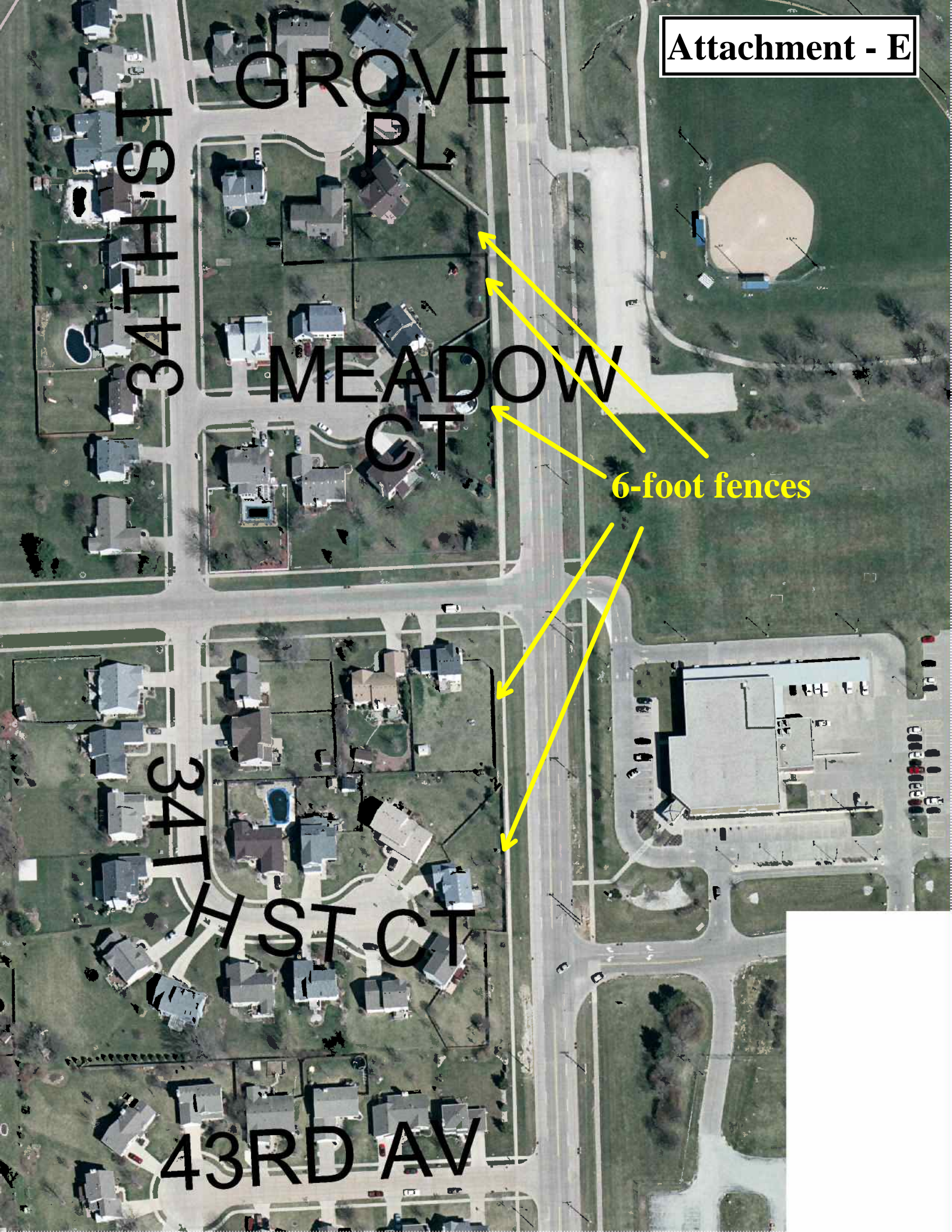
MEADOW CT

6-foot fences

34TH ST

MEADOW CT

43RD AV



Case No. 10-028

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

Part 1. Property Involved.

Street Address 3493 Adele Lane Bettendorf, IA 52722

Legal Description of the property.
Lot 42 ValleyWynns Third Addition

Part 2.

Applicant Name Steve Saunders Phone 563 529 9370
Address 3493 Adele Ln Bettendorf FAX _____

Owner Name Steve Saunders Phone 563 529 9370
Address 3493 Adele Ln 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.

Requesting a 6-foot high fence within a
front yard setback.

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.

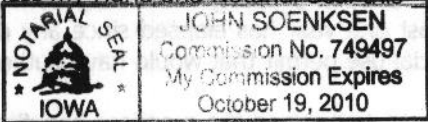
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 16 day of JUNE, 2010.

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

State of Iowa)
 SS
County of Scott)

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

Witness my Hand and Notarial Seal this 16th day of June, 2010.



[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 \$50.00 Date 6/16/10



COMMUNITY DEVELOPMENT

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

July 8, 2010

Staff Report

Case No. 10-029

Location: 4125 Squire Drive

Applicant: Charles and Barb Puchta

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

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

Background Information and Facts

This site is located at the southeast corner of the intersection of Amesbury Drive and Squire Drive (see Attachment A – Location Map). The applicant would like to place a 4-foot high fence surrounding the property behind the front of the house facing Squire Drive (see Attachment B – Plot Plan).

Staff Analysis

The portion of the fence between the house and Amesbury Drive must meet the required front yard setback of 10 feet. A unique situation occurred during the original platting of the neighborhood. The lot in question is part of Rolling Hills 3rd Addition. The lot directly adjacent to the east is part of Meadowview Estates Addition. Both of the subdivisions show the width of Amesbury Drive as 52 feet; however, the southern right-of-way line for Amesbury Drive for the involved lot was offset approximately 15 feet to the south of the right-of-way line in the Meadowview Estates Addition (see Attachment C – Lot Line Illustration). The City Engineer has reviewed this situation and determined that there was no valid reason for this offset.

Staff Recommendation

The offset of the right-of-way for Amesbury Drive is a legitimate hardship for this specific request. Had the Amesbury Drive right-of-way been uniformly platted, a variance would not be required. In fact, a 4-foot high fence at the same setback would be allowed on the adjacent lot.

Respectfully submitted,

John Soenksen
City Planner

CROW CREEK RD

SQUIRE
SOUTH

TERRACE PARK DR

NEWPORT
CT

AMESBURY DR

SQUIRE
DR

NEWPORT
CT

HAMILTON
CT

GE CT

TANGLEFO
CT

PRAIRIE
VISTA DR

PRAIRIE
VISTA DR



SITE

DENNSTON
CT

TR

VISTA DR

DENNSTON
CT

4125 Squire

Attachment - B

Amesbury Dr.

R2

4-foot fence

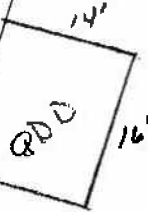
13' Utility Easement

Squire Dr.

89.871

78.86

15.91



125 MU

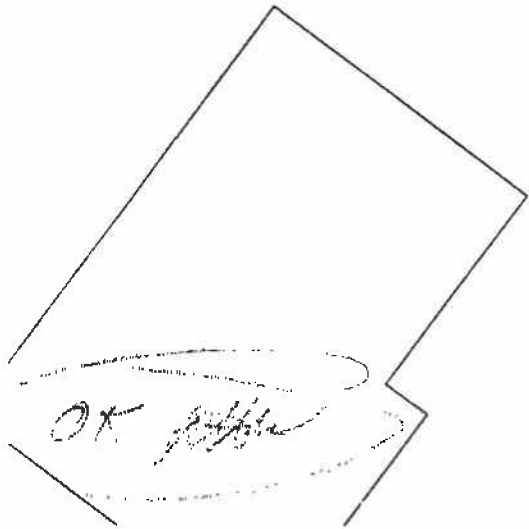
Useason Room Add'n

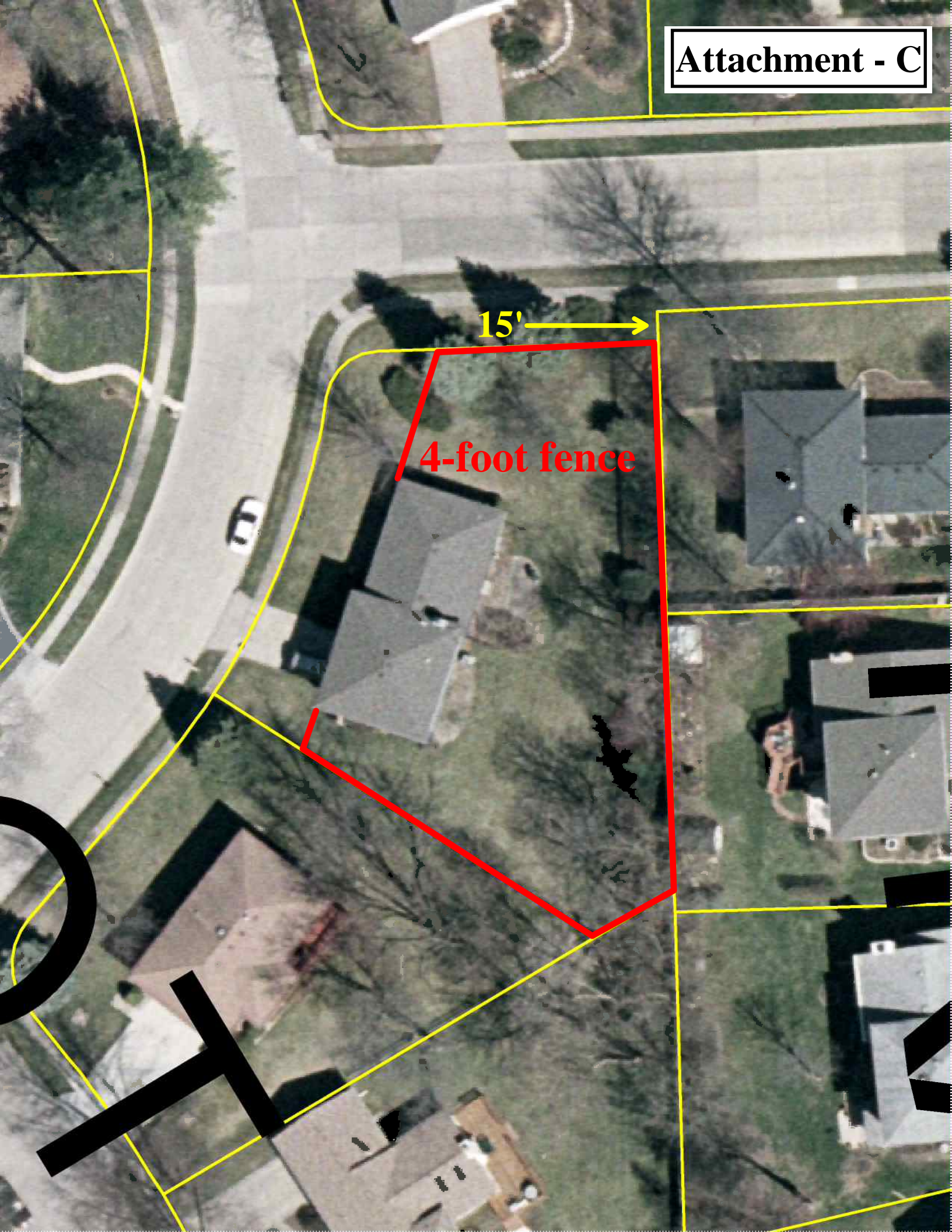
1-20 Scale

4125 Squire Dr.

10-30-08.

OK [Signature]





15' →

4-foot fence

O
T
E

Case No. 10-029

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

Part 1. Property Involved.

Street Address 4125 SQUIRE DRIVE
Legal Description of the property. Lot 18 Rolling Hills 3rd Addition

Part 2.

Applicant Name CHARLES & BARB PUCHTA Phone 563-505-8606
Address 4125 SQUIRE DRIVE FAX _____

Owner Name _____ Phone _____
Address _____ FAX _____

Agent _____ Phone _____
Address _____ FAX _____

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

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

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



COMMUNITY DEVELOPMENT

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

July 8, 2010

Staff Report

Case No. 10-030

Location: 5323 Julie Ann Court

Applicant: Christopher and Barbara Wills

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

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

Background Information and Facts

The site is located at the southern end of Julie Ann Court and toward the easternmost portion of 53rd Avenue (see Attachment A - Location Map). The applicant would like to place a 6-foot high fence on the property line adjacent to 53rd Avenue (see Attachment B – Plot Plan).

Staff Analysis

This has been a common request along this portion of 53rd Avenue. The paved portion of 53rd Avenue in this area is 31 feet wide while the roadway right-of-way is 120 feet wide. In the Board's approvals of similar requests in this area, the Board has expressed a level of comfort about the considerable right-of-way width. The intent of the height restrictions on fence height in front yards is to ensure the aesthetics of the neighborhood by not allowing high fences too close to roadways. The original intent of the 120-foot right-of-way width in this area was to allow installation of a divided 4-lane roadway. The plan to place a divided 4-lane roadway in this area has been abandoned due to topographical issues. Therefore, the excessive right-of-way now gives the appearance of a proper setback for 6-foot fences in this area given their separation from the paved portion of the road.

One such previous variance was granted for a fence at 5304 Julie Ann Court for the reasons stated above. 5304 Julie Ann Court is located west of and next door to the applicant's property. The applicant is asking to extend the fence along 53rd Avenue next to the previously approved fence (see Attachment C – Fence Illustrations). During the Board's discussion portions of one of these previous requests, it was pointed out that the approval would likely lead to other similar requests in this area but that the unique features of the wide right-of-way made these requests appropriate for the reasons given above.

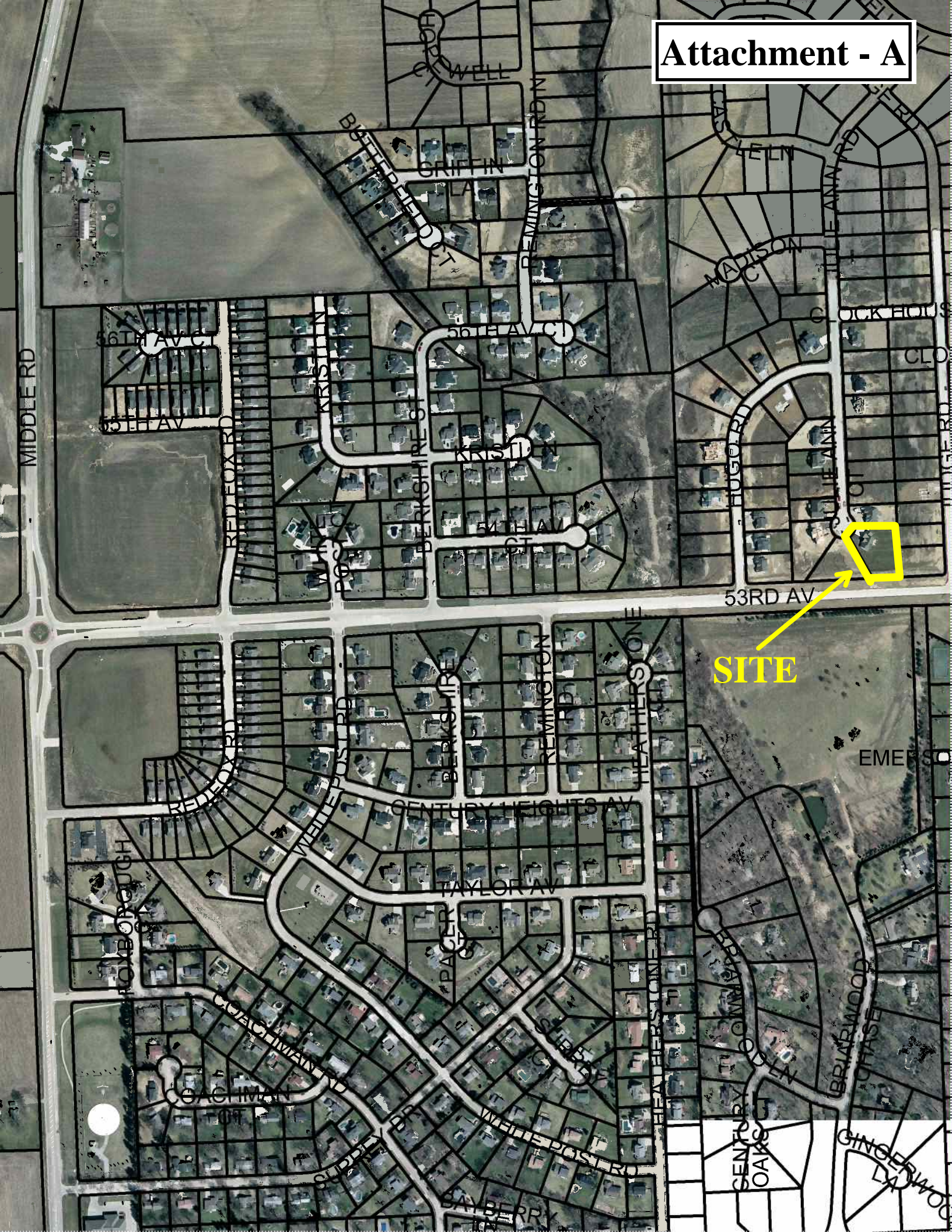
Staff Recommendation

The Board has previously ruled that the excessive right-of-way width in this area constitutes a hardship for this type of fence request. This request is consistent with the previously approved 6-foot high fences along 53rd Avenue.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE

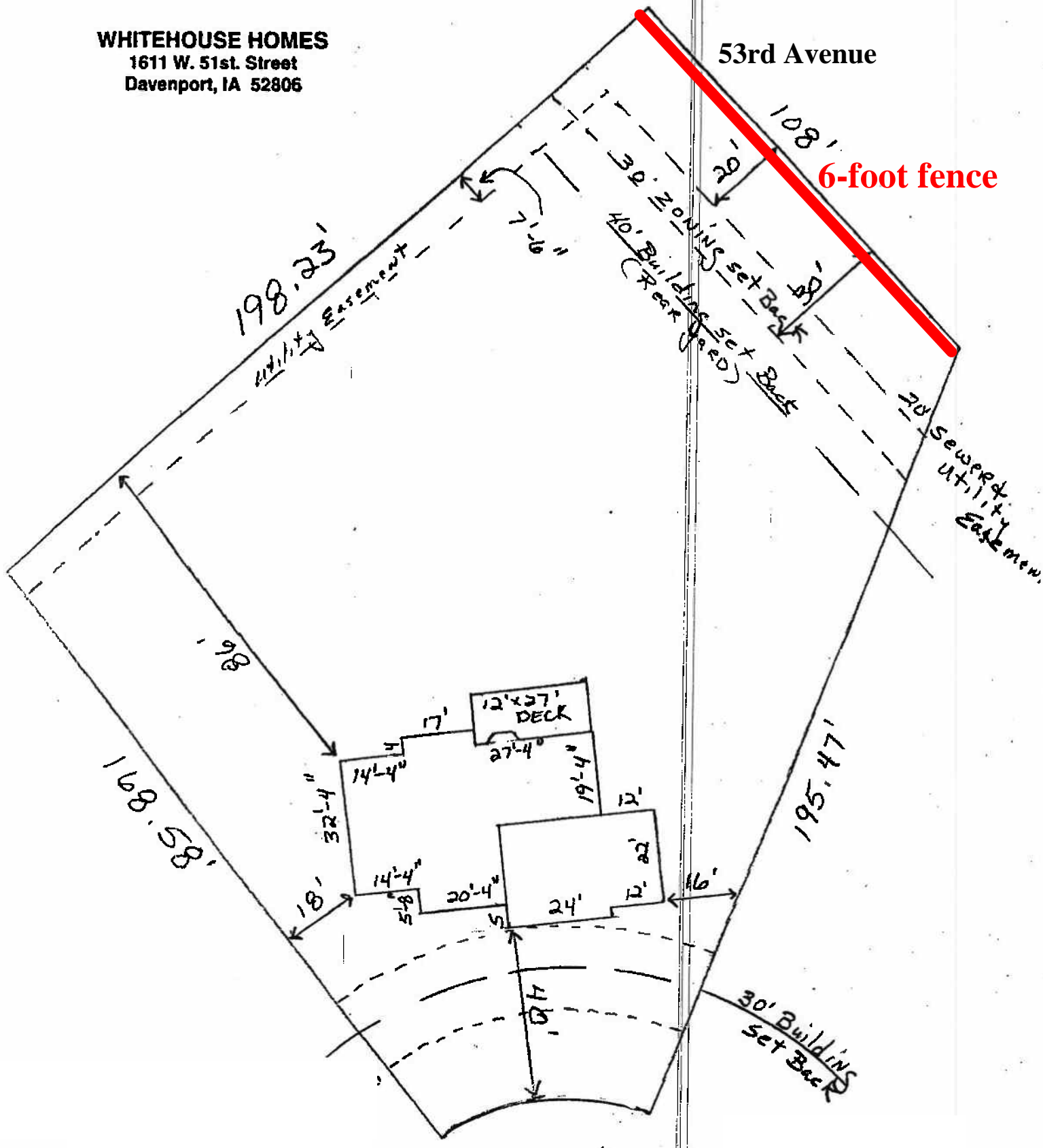
PLOT PLAN

Attachment - B

WHITEHOUSE HOMES
1611 W. 51st. Street
Davenport, IA 52806

53rd Avenue

6-foot fence



Attachment - C



Fence approved 2007

Current Request

53rd Avenue

Case No. 10030

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

Part 1. Property Involved.

Street Address 5323 Julie Ann Ct
Legal Description of the property. Lot 24 Sect 1467 Century Heights 14th Addition

Part 2.

Applicant Name Christopher A/Barbara J. Wills Phone (563) 449-9494
Address _____ FAX _____

Owner Name Christopher A/Barbara J. Wills Phone (563) 449-9494
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.
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 - (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.

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 - (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
 - (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.
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 - (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
 - (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
 - (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

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

Part 4. General Information.

Section(s) of Zoning Ordinance Involved 18.30 Appendix B 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.

Erect a 6 foot wooden privacy fence along 5323 Julie Ann Ct
S3rd Avenue property line between two existing 6 foot wooden
privacy fences located at 5304 Julie Ann Ct and 5304 Judge Rd
S3rd Avenue property lines.

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.
- (x) 4. List additional attachments. Site photos

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 17th day of JUNE, 20 10.

Signature of Applicant *Craigia Willis* Signature of Owner *Craigia Willis*
Craigia Willis
 (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 17th day of JUNE, 20 10.
Gary A. Kluever
 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 Sorenson*
 Amount \$50.00 Date 6-17-10