

NOTICE TO THE AUDIENCE. PLEASE REMEMBER THAT IF YOU ARE INTERESTED IN MATTERS ON THE AGENDA THAT WILL HAVE SUBSEQUENT MEETINGS, IT IS YOUR RESPONSIBILITY TO NOTE THE DATES, TIMES, AND PLACES. NO FURTHER LETTERS OR REMINDERS WILL BE SENT. OF COURSE, IF YOU HAVE ANY QUESTIONS ABOUT ANY GIVEN MATTER, DO NOT HESITATE TO CONTACT THE PLANNING DEPARTMENT IN THE CITY HALL ANNEX, 4403 DEVILS GLEN ROAD, BETTENDORF, IOWA (344-4055).

**MEETING NOTICE
BOARD OF ADJUSTMENT
OCTOBER 14, 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 September 9, 2010.
4. The Board to hold a public hearing on the following items:
 - a. Case 10-040; 1737 Grant Street (C-2) - A request for a variance to reduce the required sign setback from 15 feet to 12 feet and to allow an electronic programmable sign in the Downtown Riverfront Corridor Overlay District (DRCOD), submitted by Classical Graphics.
 - b. Case 10-042; 431 Fourth Street (R-1) - A request for a variance to increase the allowable garage area by 464 square feet to allow construction of a 1,200 square foot garage, submitted by Gary Boche.
 - c. Case 10-043; 15 Oak Park Drive (R-1) - A request for a variance to reduce the required front yard setback from 35 feet to 12 feet and to increase the allowable garage area by 875 feet to allow construction of an additional 992 square foot garage, submitted by Lane Buck.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT AND OTHER APPLICABLE FEDERAL AND STATE LAWS, ALL PUBLIC HEARINGS AND MEETINGS HELD OR SPONSORED BY THE CITY OF BETTENDORF, IOWA, WILL BE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. PERSONS REQUIRING AUXILIARY AIDS AND SERVICES SHOULD CONTACT BETTENDORF CITY HALL AT (563) 344-4000 FIVE (5) DAYS PRIOR TO THE HEARING OR MEETING TO INFORM OF THEIR ANTICIPATED ATTENDANCE. TEXT TELEPHONE (TTY) IS AVAILABLE AT (563) 344-4175. IN ADDITION, PERSONS USING TEXT TELEPHONE HAVE THE OPTION OF CALLING VIA THE IOWA COMPASS VOICE/TTY BY DIALING (800) 735-2942.

The following are minutes of the Bettendorf Board of Adjustment and are a synopsis of the discussion that took place at this meeting and as such may not include the entirety of each statement made. The minutes of each meeting do not become official until approved at the next board meeting.

**MINUTES
BETTENDORF BOARD OF ADJUSTMENT
SEPTEMBER 9, 2010
5:00 P.M.**

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

Item 1. Roll Call

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

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of August 12, 2010.

On motion by Howe, seconded by Voelliger, that the minutes of the meeting of August 12, 2010 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 10-039; 787 – 799 Middle Road (CR-2) - A request for a special use permit to allow a drive-up window, submitted by McDonald Properties East, LLC.

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

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

Voelliger commented that it appears as though there is parking at the rear of the building. Kevin Koellner, representing the applicant, explained that there is no parking, just rear entrance doors and concrete stoops.

Howe asked if a tenant has already leased the space or if it is being constructed as a spec building. Koellner stated that the building will house a coffee shop.

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

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

Motion carried.

Decision and Order is Annex #4 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:05 p.m.

These minutes and annexes approved

John Soenksen
City Planner



COMMUNITY DEVELOPMENT

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

October 14, 2010

Staff Report

Case No. 10-040

Location: 1737 Grant Street

Applicant: Classical Graphics

Zoning Designation: C-2, Community Shopping District

Request: Variance to reduce the required sign setback from 15 feet to 12 feet and to allow an electronic programmable sign in the Downtown Riverfront Corridor Overlay District (DRCOD).

Background Information and Facts

The site is located at the southwest corner of 18th Street and Grant Street (see Attachment A – Location Map). A screen-print clothing store has moved to this location and would like to place a monument sign in front (Grant Street side) of the store. The requested sign is in conflict with two aspects of zoning requirements.

Staff Analysis

The proposed sign would be a total of 36 square feet in size with 18 square feet of it being an LED electronic programmable type sign (see Attachment B – Sign Illustration). The applicant would like to place the sign toward the southern end of the lot as close to the building as possible (see Attachment C – Sign Location Illustration). Due to the configuration of the lot and the building's proximity to Grant Street, the sign would be within 12 feet of the front property line (see Attachment D – Plot Plan).

Variance requests related to sign placement are common for properties located in the original downtown area due to the close setback of the buildings. The applicant plans to place the sign as close to the building as possible and has chosen a 36 square foot sign even though up to 60 square feet is allowed. Therefore, staff feels that a deliberate effort has been made to reduce the intrusion into the front yard setback. If allowed, the sign would not be any closer than the covered entryway for the Sports Fans restaurant directly next door (see Attachment E – Front Setback Illustration).

The LED portion of the sign would be similar to other signs in this area. Ascentra Credit Union has an LED component on their sign directly across the street as does K&K Hardware which is located on the northeast corner of the same intersection. Therefore, the proposed LED portion of the sign appears to be consistent with the existing dynamics of the neighborhood.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE



36 Square Feet

4.5'



8'

Sign Frame is made of T64 Aluminum.

Airline Grade Aluminum.

Lexan (polycarbonate) Faces

The sign is rated for 120mph wind and will not rust!



18th Street

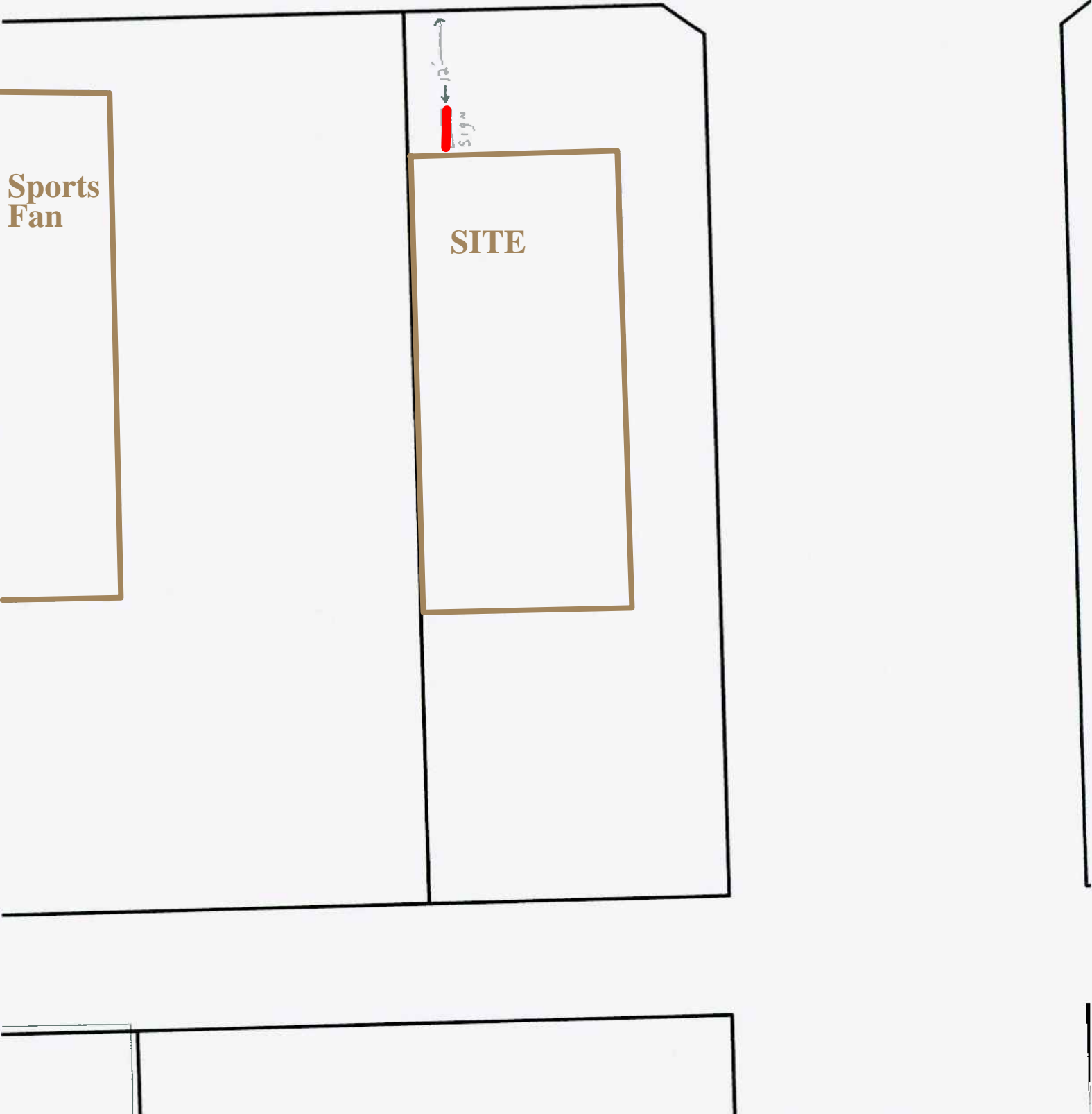
Grant St

CLASSICAL
GRAPHICK
SCREEN
PRINTING

SPORTS
TALK
RESTAURANT & LOUNGE

Attachment - C

Grant Street



Attachment - E



SIGN

Case No. 10-040

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

Part 1. Property Involved.

Street Address 1737 Grant St., Bettendorf, IA 52722

Legal Description of the property.
LOT 1, Block 11, Bettendorf Improvement Co

Part 2.

Applicant Name Classical Graphics Phone 563-337-7088
Address _____ FAX _____

Owner Name Larry Dlouhy Phone 563-285-1914
Address 1737 Grant St., Bettendorf IA 52722 FAX _____

Agent David Howard (Signtronix) Phone 319-210-8545
Address 976 4th St, New Boston, IL 61272 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

October 14, 2010

Staff Report

Case No. 10-042

Location: 431 Fourth Street

Applicant: Gary Boche

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

Request: Variance to increase the allowable garage area by 464 square feet to allow construction of a 1,200 square foot garage.

Background Information and Facts

The site is located at the southeast corner of Brown Street and Fourth Street (see Attachment A – Location Map). The applicant would like to replace an old 240 square foot garage built in 1940 with a new and larger 1,200 square foot garage (see Attachment B - Plot Plan).

Staff Analysis

The lot is approximately twice the size as most of the lots in this original area of the city as shown in Attachment A. The proposed garage is 66% larger than allowed by Code. The applicant asserts that the request is reasonable given the size of the lot and the proposed garage and would not detract from the neighborhood.

The required minimum lot size for the R-2 Single-family Residence District is 8,400 square feet. This 14,000 square foot lot is 66% larger than the minimum required by Code. Therefore, the case could be made that the garage size request appears appropriate given the size of the lot.

In the application, Mr. Boche states that the garage “will be used for residential use only”. If this request is allowed, staff would recommend that a restriction be placed on the approval “for residential use only” in accordance with the wording of the application.

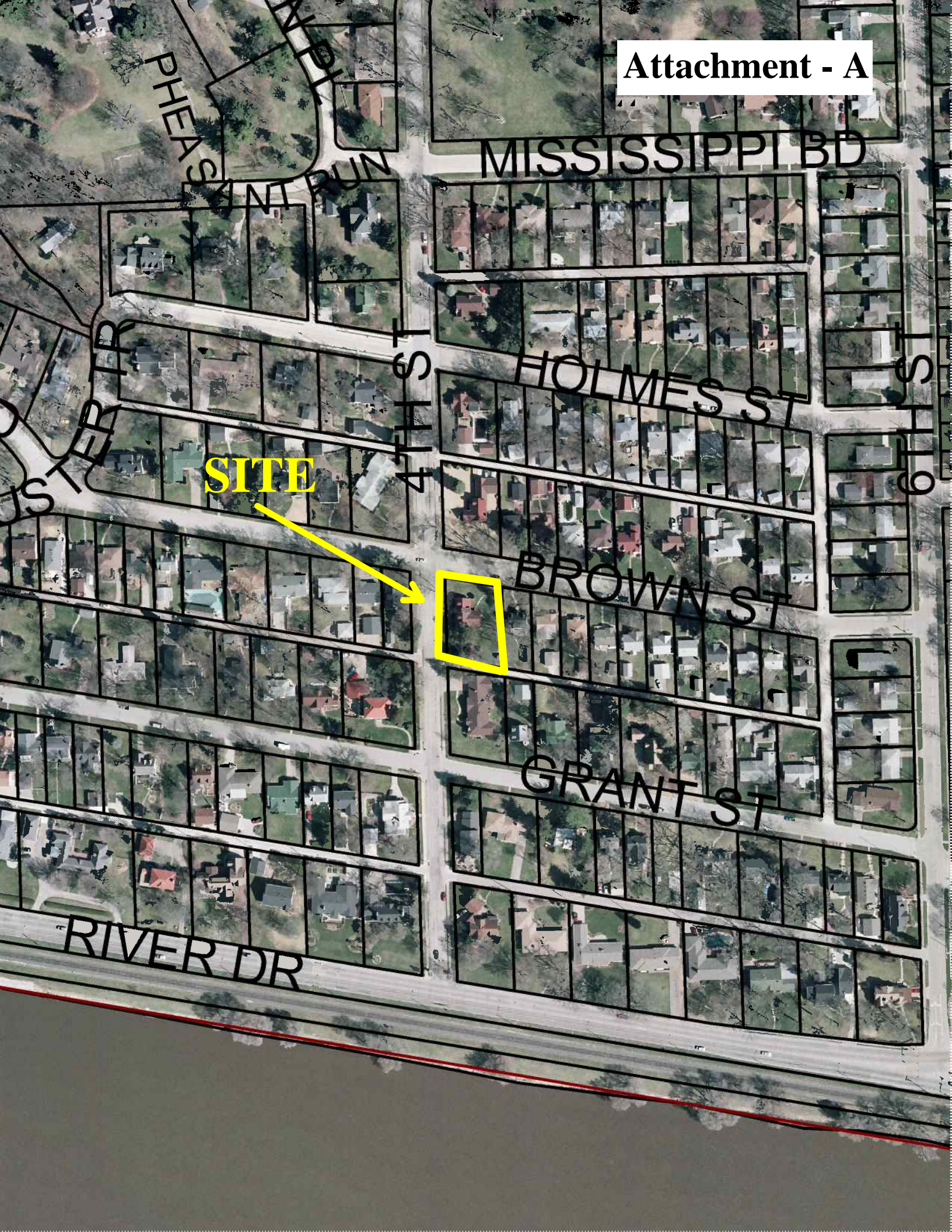
Staff Recommendation

The Code does not take the size of the lot into account in the calculation of allowable garage square footage. Staff could not identify a hardship.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE



BROWN STREET

Attachment - B

106 feet

27 + 15'

HOUSE

23'

42'

26'

North ↑

4th Street

144 feet

49

14'

18'

⊗ pine stays a.u.

65' to alley

wood fence

GARAGE

40

30

= 1200 sq feet

⊗ Gym stays

⊗ stays clean up

⊗ spruce stays
15' →

5'

13'

shed

ALLEY

Case No. 10-042

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

Part 1. Property Involved.

Street Address 431 - 4th Street
Legal Description of the property. Block 9, Lots 12 & 13 of Riverside Addition

Part 2.

Applicant Name Gary Boche Phone (563) 264-8934
Address 431 - 4th Street, Bettendorf, IA FAX (563) 264-3944

Owner Name Gary Boche Phone (563) 264-8934
Address 431 - 4th Street, Bettendorf, IA FAX (563) 264-3944

Agent (to be determined) Phone _____
Address May hire a framing/weather tight contractor 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.

We want to build a 1,200 sq. ft. garage to replace the existing garage. We want to keep our vehicles under roof and off the city streets. We have two lots so the building will not look crowded in one lot. We also have it stated in our deed that the lots will not be severed.
This will be used for residential use only.

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.
- () 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 22nd day of Sept, 20 10.

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

State of Iowa)
 SS
County of Scott) Muscataine

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 22nd day of September, 20 10.



Mary L. Dickinson
Notary Public in and for Scott County, Iowa
Muscataine

Part 10. Filing Fee.

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

Received by _____

Amount _____ Date _____



COMMUNITY DEVELOPMENT

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

October 14, 2010

Staff Report

Case No. 10-043

Location: 15 Oak Park Drive

Applicant: Lane Buck

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

Request: Variance to reduce the required front yard setback from 35 feet to 12 feet and to increase the allowable garage area by 875 feet to allow construction of an additional 992 square foot garage.

Background Information and Facts

The site is located off Oak Park Drive just west of the intersection of Middle Road and Parkway Drive (see Attachment A – Location Map). The home is at the north end of the cul-de-sac. The applicant would like to add an additional garage structure that would protrude 20 feet more than the existing house (see Attachment B – Plot Plan).

Staff Analysis

According to the Scott County Assessor, the home has 2,311 square feet of aboveground living area. The applicant is allowed up to 925 square feet of garage area by Code. Based on the living area to garage ratio, the applicant would be allowed an additional 117 square feet of garage space without a variance. The proposed garage space is 992 square feet or 875 square feet more than the amount allowed.

The applicant states that the two existing garages are unusable for vehicle storage. The site visit by staff revealed that one two-car garage and one single-car garage are accessible to automobiles (see Attachment C – Garage Photos). Therefore, staff has determined that the existing structures are “garages” as defined by the Code. If the applicant intends to permanently and physically convert the existing garages in such a way as to make them inaccessible to motor vehicle storage, then the proposed additional garage would be much closer to the allowable square footage. Under those circumstances, the proposal would only be 67 square feet above the allowable square footage. At the time of this report, staff does not have the assurance that all of the existing structures will be converted.

The reason for the proposed placement of the new structure is due to topographical issues. The lot slopes significantly on the north side of the driveway, and there is a significant drop-off into a ravine which aligns with the front portion of the detached garage (see Attachment D – Topography Photo). There is also a mature tree on the

north side of the drive. All of these items impact the applicant's ability to locate a new garage structure on the lot.

Staff Recommendation

As shown on Attachment A, the applicant's lot is significantly larger than most lots in the surrounding area. If the applicant actually eliminates the existing garages, then the request would be only 7% above the allowable garage space as defined by Code. Given that the applicant's lot is over 1½ acres or over 67,500 square feet, a 7% increase would appear to be appropriate, but again, staff does not have a commitment that all of the existing garage space will indeed be converted.

While sympathetic to the applicant's topographical problems with the lot, staff is still concerned that the structure would protrude 20 feet in front of the existing house and may detract from the aesthetics of the surrounding neighborhood.

Respectfully submitted,

John Soenksen
City Planner

Attachment - B

264-

283

153



31'
NEW GARAGE
32'

20'

12'



Attachment - C



Ravine Drop-Off

Slope

Attachment - D

Case No. 10-043

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

Part 1. Property Involved.

Street Address 15 Oak Park
Legal Description of the property. LOT 1 BISHOP'S 1ST ADDITION

Part 2.

Applicant Name Lane Buck Phone 359-7774
Address 1810 Sussex Ct FAX _____

Owner Name Lane Buck Phone 359-7774
Address 1810 Sussex Ct FAX _____

Agent _____ Phone _____
Address _____ FAX _____

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

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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.)

