

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

**MEETING NOTICE
BOARD OF ADJUSTMENT
NOVEMBER 18, 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 meetings of October 14, 2010 and November 9, 2010.
4. The Board to hold a public hearing on the following items:
 - a. 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. **(Deferred from meeting of November 9, 2010)**
 - b. Case 10-050; 3900 Hopewell Avenue (A-1) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by the City of Bettendorf.
 - c. Case 10-051; 4038 Spartina Court (R-3) - A request for a variance to allow a 4-foot high fence in a required front yard, submitted by Eric Kulick.

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

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

**MINUTES
BETTENDORF BOARD OF ADJUSTMENT
OCTOBER 14, 2010
5:00 P.M.**

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

Item 1. Roll Call

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

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of September 9, 2010.

On motion by Voelliger, seconded by Falk, that the minutes of the meeting of September 9, 2010 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 10-040; 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.

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

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

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

David Howard, representing the applicant, explained that the current building sign is difficult to see. He stated that the building sign will be removed and replaced with a monument sign that is wind rated for up to 120 miles per hour and will not rust.

Voelliger commented that it does not appear that the proposed sign would pose any visibility problems as it is to be located behind the building line of the adjacent structure.

Falk asked if the proposed sign would be required to meet the requirements of the newly-adopted sign ordinance revision. Soenksen confirmed this, adding that the LED portion of the sign would be limited to 60 square feet and that the sign must use either scrolling alphanumeric characters or display the characters for at least 6 seconds. He indicated that the proposed sign has only 36 square feet of electronic programmable type. Howard confirmed that the sign is fully programmable and that the applicants are willing to follow any guidelines the city might impose.

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 Falk, that the 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 be approved in accordance with the Decision and Order.

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 10-042; 431 Fourth Street (R-2) - 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.

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

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

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

Gary Boche, the applicant, explained that the proposed garage would have three doors which would face the alley. He stated that the house and lot are large enough to accommodate a garage of this size. He indicated that he owns a business in Muscatine, but has no intention to use any part of the proposed garage for anything but residential purposes. Boche explained that the exact setback has yet to be determined, adding that it would be of an open truss construction.

Falk asked if the applicant drives a commercial vehicle to and from work. Boche confirmed this. Falk asked if more than one commercial vehicle would be at the applicant's residence at one time. Boche stated that there would be only one. Falk asked if the vehicle would be parked in the garage. Boche confirmed this.

Voelliger stated that he believes that the garage is appropriate for the area.

Stelk expressed concern about the size of the garage relative to the house as they appear to be approximately the same size. He indicated that the size of the proposed garage seems excessive, adding that he realizes that the double lot allows room for it.

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 Falk, that the variance to increase the allowable garage area by 464 square feet to allow construction of a 1,200 square foot garage be approved in accordance with the Decision and Order.

Falk commented that he would support the request only if the condition that it never be used for commercial purposes is imposed. Voelliger concurred.

Soenksen explained that the living area is 1821 square feet, adding that a 736 square foot garage would be allowed by Code. He stated that one neighbor had expressed concern about the garage being used for business purposes.

ROLL CALL ON MOTION

ALL AYES

Motion carried.

Soenksen stated that staff would not consider one commercial vehicle used by the applicant to travel to and from work as a business use.

Decision and Order is Annex #6 to these minutes.

- 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 square feet to allow construction of an additional 992 square foot garage, submitted by Lane Buck.

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 #7 to these minutes.

Stelk asked for clarification regarding the exact required setback reduction that is being requested. Soenksen explained that because of the configuration of the houses on the lots in the neighborhood, no established setback can be accurately determined. He added that this may be to the applicant's detriment.

Stelk asked if the garage would encroach on the sloped area if it were moved back. Soenksen stated that the garage would be placed as close as is practicable to the ravine.

Falk asked if the single-car garage that the applicant is proposing to enclose is being considered a garage or living space. Soenksen explained that until it is actually converted, it is considered to be a garage and is included in the calculation of living area to garage ratio. He added that if different doors were installed which would render it unusable for parking a car, it would be considered as a storage area rather than as a garage or living space.

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

Lane Buck, the applicant, indicated that he is already under contract with a builder who will install two 3-foot wide swinging doors on the single-car garage. Stelk asked if the applicant's intent is to convert it to actual living area. Buck stated that it would be used for storage only. He added that originally the structure built as two sheds with a common roof and that there are two separate slabs. He explained that the last resident had used it as a workshop. Buck stated that across the front of the attached garage is a 44-inch deep by a 20-foot 10-inch concrete step up that precludes parking in the structure. He indicated that actual usable parking space inside the garage is much less than it appears.

Buck stated that the rear half of the attached garage is built on the ravine on a concrete block foundation. He indicated that if the variance is granted, he intends to pour the foundation and footings this year. He added that he plans to allow the footings and foundation to settle over the winter and construct the garage next year.

Buck explained that he did not feel it was necessary to proceed with specific plans for the garage until he knew whether or not a variance would be granted. He indicated that if a variance is not granted, he would then consult an architect so that a determination could be made about what size and type of garage would be allowed.

Buck stated that he has three vehicles that he would like to park in a garage, adding that he currently rents an off-site garage for one of them. He explained that the new garage would be built over the sloped area after it has been filled. He indicated that because of the driveway and garage configuration, the doors for the new garage would face the existing attached garage and that the garage wall closest to the ravine would be at or behind the front of the detached garage. Buck stated that an architect would determine how close to the ravine the new garage could feasibly be built.

Stelk asked for clarification regarding the size and configuration of the proposed garage. Buck explained that he had been instructed when applying for the variance to indicate

the worst case scenario with regard to size and placement. Soenksen commented that applicants are asked to do this because if the size or location is altered in any way, a second variance request may be necessary.

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

Mike Stopulos, 16 Oak Park Drive, stated that he would find a 12-foot setback totally unacceptable. He asked what type of materials would be used for the garage and whether or not it would fit in with the aesthetics of the neighborhood. He indicated that he is not necessarily opposed to construction of a garage but expressed concern about the placement relative to the street. Stopulos stated that he feels as though the size of the proposed garage is disproportionate to the living area of the house. He indicated that it would more palatable if the garage were as unobtrusive as possible and placed as far from the street as it can be.

Add Blackman, 2 Oak Park Drive, stated that the neighborhood is located in a unique area with old, large homes, and a great deal of foliage located on a private lane. He explained that the street is very narrow and has no curbs or sidewalks, adding that there are no fire hydrants either. Blackman expressed concern about the possibility that a fire hose could not reach the new structure should it be necessary and other issues such as safety, drainage, and reduced property values. He stated that architectural drawings would have been very helpful.

Janet Brown-Lowe, 3 Oak Park Drive, expressed concern about the aesthetics of the neighborhood if the garage is allowed. She indicated that it would be the only detached garage of the proposed nature and size and that it is disproportionately large. Brown-Lowe expressed concern about the storm water runoff that will likely sheet to her property if the existing greenspace is covered in concrete.

Stelk asked how far Brown-Lowe's house is from the proposed garage. Brown-Lowe explained that if the new garage is built on the slope, it would not be a very great distance. She indicated that she has experienced problems with storm water running off the driveway and causing erosion issues.

Brown-Lowe indicated that their subdivision is one of only a few in the city which do not have fire hydrant protection. She added that there is a great potential for fire in garages, adding that the closest hydrant is located on Middle Road. Voelliger stated that he does not believe that adequate fire protection is a concern as the fire department can extend 1500 feet of hose. Brown-Lowe disagreed, stating that the city does not guarantee fire protection in the winter. She indicated that there are negotiations taking place between the city and Iowa-American Water Company to help resolve that issue. She suggested that the attached garage be remodeled to meet his needs. She stated that while she is sympathetic the applicant's desire for a 3-car garage, she believes that the issue should have been considered prior to the purchase of the home and eliminating the need for this type of resolution.

Falk asked if there is a homeowner's association that is responsible for the maintenance of the private drive. Brown-Lowe confirmed this. Falk asked if there are any restrictive covenants that would govern architectural control. Brown-Lowe explained that this is not the case because of the age of the development, adding that most of the properties are grandfathered.

Judy Miller, 17 Oak Park Drive, concurred with her neighbors with regard to the concerns that have been expressed. She requested more information regarding the appearance of the proposed garage, the potential for storm water runoff, and the proposed design and construction materials. She stated that she believes that this information should be made available prior to approval of the request.

David Howard, 1225 East River Drive, stated that a detached garage would give the applicant an opportunity to control drainage and possibly prevent any water from running into the ravine. He explained that filling the sloped area could deter water from entering adjacent properties. Howard stated that he feels that the construction of a new garage would increase property values rather than reduce them.

Falk indicated that he would not be comfortable approving the request without more information about the specifics of the proposed garage. Stelk concurred.

Voelliger expressed concern about the location and size of the proposed garage. He stated that the water issues could be controlled with berms and other measures. He suggested that a site visit be made and that the applicant provide more specific information about the proposed garage. Stelk agreed, adding that it is unclear exactly what the applicant is proposing.

Soenksen commented that it would be difficult to determine the exact required setback reduction because of the non-standard radius of the cul-de-sac.

Stelk asked the applicant to stake out the location of the proposed garage to enable the Board to make a more informed decision at the field visit meeting. Soenksen suggested that perhaps the applicant could obtain an architectural rendering prior to the field visit meeting. Falk stated that such a drawing would be helpful as it is very difficult to make a decision with no further details.

A brief discussion was held regarding whether a special meeting should be held. Buck stated that as far as his schedule is concerned, a special meeting would not be necessary.

On motion by Voelliger, seconded by Falk, that the variance to variance to reduce the required front yard setback from 35 feet to 12 feet and to increase the allowable garage area by 875 square feet to allow construction of an additional 992 square foot garage be deferred to a field visit meeting.

Motion carried.

Soenksen stated that he would be in contact with the Board with regard to potential dates for a field visit meeting. Falk suggested to the applicant that as much information as possible be gathered with regard to a specific request prior to the field visit meeting.

Voelliger asked if the applicant intends to use a concrete poured foundation wall or concrete blocks. Soenksen explained that because of the size of the garage, a trench footing would be required. Buck added that there would be no water issues because no more driveway area would be necessary. He indicated that the water from the new roof would be directed toward the ravine. He stated that no additional water would be directed toward his neighbor's home.

Brown-Lowe asked if notice would be given of the site visit. Soenksen stated that he would contact the neighbors who are present at the meeting with regard to the date and time of the field visit meeting.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 6:05 p.m.

These minutes and annexes approved

John Soenksen
City Planner

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
FIELD VISIT MEETING
NOVEMBER 9, 2010
4:00 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: Fuhrman, Soenksen

Item 2. The Board to continue a public hearing on the following item from the October 14, 2010 meeting:

- a. 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 square feet to allow construction of an additional 992 square foot garage, submitted by Lane Buck.

Soenksen stated that the applicant has staked out the proposed location of the garage, adding that it would be 31 feet by 32 feet and would extend approximately 5-6 feet past the front of the house. He indicated that per the Board's previous suggestion, the location was moved as far back from the front property line toward the ravine as possible.

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

Mike Stopulos, 16 Oak Park Drive, stated that he would have no objections if the new garage were built in the staked area and is constructed of similar materials as the house as the applicant had indicated to him previously.

Soenksen stated that architectural drawings would be submitted later in the week and would be included in the Board's packet for the November 18 meeting.

Stelk asked if the new garage would be completely detached. Lane Buck, the applicant, confirmed this.

McElhiney asked if entry would be from the current driveway. Buck confirmed this.

Janet Brown-Lowe, 3 Oak Park Drive, indicated that it had been her impression from the previous meeting that there is a wall in the two-car garage that renders it unusable. Buck stated that the shelf along the rear of the garage limits the usable size of the garage. He added that there is also a bumpout area that is not usable for vehicle parking.

Brown-Lowe stated that she believes that the garage could clearly accommodate two cars. Soenksen explained that he would recalculate the living area to garage ratio by subtracting the area of the two-car garage that is unusable for vehicle storage.

Brown-Lowe asked if staff considers the one-car garage usable. Soenksen confirmed this.

Brown-Lowe stated that she would like to have more detail with regard to water runoff, adding that there are already issues when there is a significant rain.

Buck stated that the gutters from the new roof line would empty into the ravine. Stelk asked if drain tile would be used to direct the water to the ravine. Buck confirmed this, adding that there will be less water than there is currently.

McElhiney stated that she believes that directing the water toward the gully and to Estate Court will be a problem.

Brown-Lowe asked for clarification regarding which direction the roof would be pitched and how tall it would be. Soenksen reiterated that those details would be available after receipt of the architectural drawings. McElhiney added that a final decision would not be made at the field visit meeting.

McElhiney asked if the materials that would be submitted in the packet would include the recalculation of living area to garage ratio and the proposed impact on storm water runoff. Soenksen confirmed this.

Stelk commented that at the previous meeting the applicant had indicated that he would like to pour footings and put in the fill so that it could settle over the winter. Buck stated that he no longer plans to do so as it is so late in the season.

Buck stated that 6-foot doors would be installed on the one-car garage in the near future. Soenksen explained that according to the code, the resultant space would no longer be defined as a garage and included in the calculation of garage space to living area ratio. McElhiney asked if that area would then be considered livable area. Soenksen stated that it would not.

Howe asked how many garage stalls would exist after the proposed construction. Buck stated that there would be two in the attached garage and three in the new detached garage. Howe asked what hardship has been established to justify the request. Buck explained that the two stalls in the garage are very shallow and barely fit his compact car. He added that when cars are parked in the garage there is no room for any type of storage or shelving on the walls.

Howe asked if the applicant would be willing to reduce the size of the proposed garage to accommodate only two cars. Buck confirmed this, adding that he would prefer the additional space for storage.

Voelliger commented that many of the new homes being constructed have between three and five garage stalls. Falk stated that many of the newer subdivisions have restrictive covenants limiting the number of garage stalls to three. He added that oftentimes garages with more than three stalls have tandem spaces.

Howe asked if there are any other homes in the neighborhood with more than three stalls. Soenksen stated that he had been unable to locate any.

Howe asked if the only remaining issue is the living area to garage ratio as the original proposed placement of the garage has changed. Soenksen stated that he would measure the distance from the property line to the new location, adding that he believes there still may be a slight encroachment into the front yard setback. He indicated that if the garage size is reduced, the setback variance would no longer be necessary.

A brief discussion was held regarding the applicant's options with regard to size and placement and how many variances would be necessary and whether or not the applicant would wish to wait until such time as a full Board is in attendance. Voelliger stated that he would prefer to wait until that time. Howe stated that because there is no way to predict when a full Board would be at a meeting, he would prefer not to wait. He added that if the decision is delayed for too long, the neighboring residents may become impatient. Stelk commented that ultimately that is the applicant's decision. Buck stated that because no construction would take place until next year, he would be willing to defer the case.

Falk asked if the applicant has given any consideration to any other type of structure besides a freestanding garage. He suggested that perhaps the existing two-car garage could be redesigned and an additional two-car garage added which would accomplish the applicant's goals. Falk stated that he believes that such a solution would be far less intrusive than a detached garage and would allow the applicant access from inside the house. He indicated that it would likely be much less expensive as well, especially since no fill would be required.

Stelk commented that the applicant might wish to consider other options in light of the concerns expressed by the Board. He explained that the concurrence of three members is required to approve a variance, adding that it may be more difficult if a full Board is not present.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 4:25 p.m.

These minutes and annexes approved

John Soenksen
City Planner



COMMUNITY DEVELOPMENT

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

UPDATE

On November 9, 2010 the Board continued the public hearing on this case at 15 Oak Park Drive. The applicant has moved the proposed location of the new detached garage that would encroach 6 feet into the established setback (see Attachment E - Revised Plot Plan). The new location places the requested structure as far back from the front property line as is possible due to the topography of the lot. There is a ravine with a severe drop-off at the back of the lot. While at the site visit, the applicant demonstrated that the rear 4 feet of the existing attached garage is not usable for vehicle storage due to a raised "step-up" portion of that interior. This raised portion reduces the square footage of the attached garage to 465 square feet. The applicant has also committed to converting the existing single-car garage into non-vehicle storage by placing a 6-foot by 7-foot door on the structure. The applicant is allowed up to 925 square feet or an additional 460 square feet without a variance due to the above ground living area in the home. The new garage is 992 square feet or 532 square feet over what is allowed without a variance or approximately 57% over the amount allowed by Code. The applicant also indicated that there is a possibility that an existing sun room would be converted to living space, which may further increase the allowable square footage of a garage.

As noted below, this is an extremely large lot (67,500 square feet), thus the claim could be made that the request is proportionate to the size of the lot. If allowed as requested, the new structure would encroach 6 feet into the front yard setback. If allowed, the garage would resemble the structure shown on Attachment F.

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



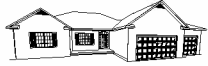
Attachment - C



Ravine Drop-Off

Slope

Attachment - D



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BUILT IN THE COMPUTER USING 3-D
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FRONT ELEVATION



LEFT ELEVATION

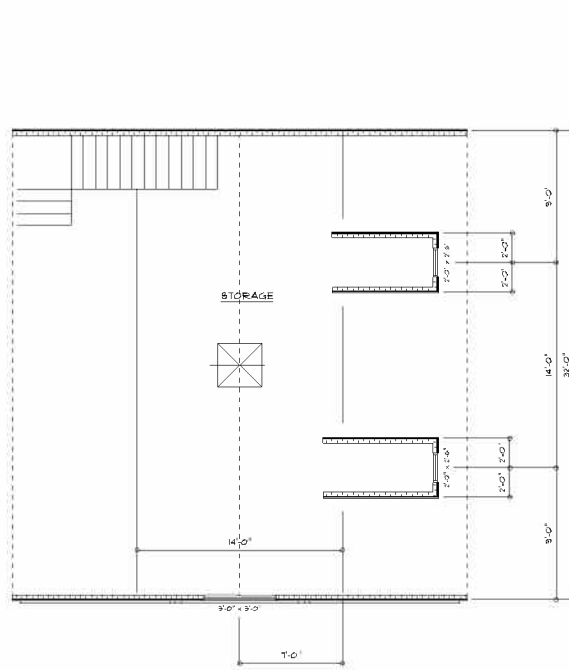
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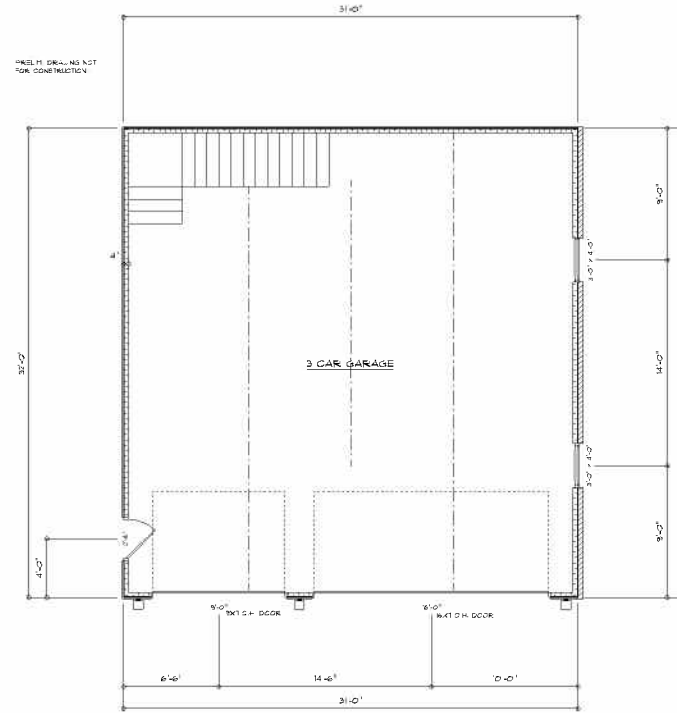
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SECOND FLOOR PLAN



MAIN FLOOR PLAN

932 SQ. FT. GARAGE

PRELIM. DRAWING NOT
FOR CONSTRUCTION.

REVISIONS		TITLE	
1	REVISED	1	LANE BUCK RES.
2		2	
3		3	
4		4	
5		5	

Attachment - F

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)

- 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) 344-4100

November 18, 2010

Staff Report

Case No. 10-050

Location: 3900 Hopewell Avenue

Applicant: City of Bettendorf

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

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

Background Information and Facts

The site is the location of the new Hopewell Elementary School located northeast of the intersection of Devils Glen Road and Hopewell Avenue (see Attachment A - Location Map). The request involves a proposal to place a 6-foot high fence along the west side of the property from the rear property line to the front property line (see Attachment B - Fence Location Illustration).

Staff Analysis

The new school was built on former agricultural property, and the property adjacent to the west continues to be used for agricultural purposes. The neighboring property has numerous horses on site. The proposed fence is intended to provide a safety barrier between the horse farm and the children who will be playing on the school property. The proposed fence will replace an electric fence. The school project required the removal of the electric fence for obvious safety reasons.

By ordinance, only a 3-foot high fence can be placed within the first 10 feet of the school's front yard, and a 4-foot high fence in the remainder of the required front yard. Neither a 3-foot high nor a 4-foot high fence will contain the horses if they are not electrified.

It should also be noted that the City has recently installed a new paved recreational trail adjacent to Hopewell Avenue, and this is the reason the City is making this variance request in conjunction with Pleasant Valley Community School District. The city does not wish to have an electrified farm fence in close proximity to a designated recreational trail.

Staff Recommendation

The proposed fence appears to be a reasonable solution to this situation without creating an aesthetics issue for the surrounding area. Since the city is a party to this request, it would be inappropriate to make a recommendation.

Respectfully submitted,

John Soenksen
City Planner



SITE

DEVILS GLEN RD

INTERNATIONAL SA

AV

HOPEWELL AV

EMERY CT

SHAWNEE CT

DR

ALLEN BROOK DR

ARCHER DR

PEMBERTON DR

CASTLEWOOD DR

LILIENTHAL ST

HOPE VIEW CT

FALMOUTH CT

STAR VIEW DR

COL

CALIFORNIA DR

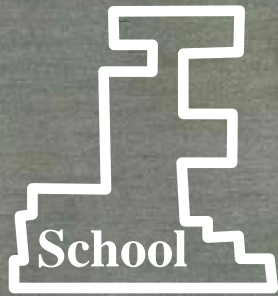
CORONADO CT

THUNDER RIDGE RD

JOSHUA ST

NORTH RIDGE CT

6' fence



HOPEWELL AV

ARCHER DR

PEMBERTON DR

OOD DR

LILIENTHAL S

HOPE CT

EMERY

OOK DR

HEW CT

Case No. 10-050

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

Part 1. Property Involved.

Street Address 3900 Hopewell Avenue
Legal Description of the property. Lots 1 & 2 Hopewell School 1st Addition

Part 2.

Applicant Name _____ Phone _____
Address _____ FAX _____

Owner Name Pleasant Valley Community School District Phone _____
Address 525 Belmont Rd., Bettendorf, Iowa FAX _____

Agent City of Bettendorf, Iowa Phone 344-4063
Address 4403 Devils Glen Road 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) 344-4100

November 18, 2010

Staff Report

Case No. 10-051

Location: 4038 Spartina Court

Applicant: Erick Kulick

Zoning Designation: R-3, Single-family and Two-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 Pleasant Valley High School and has street frontages on both Spartina Court and Belmont Road (see Attachment A - Location Map). The applicant would like to place a 4-foot high fence along the property line adjacent to Belmont Road and enclosing the rear yard (see Attachment B - Plot Plan). Because the property is a through lot, it technically has two front yards. The applicants wishes to place the fence entirely in what would traditionally be considered the rear yard.

Staff Analysis

Previously, the Board approved a similar request for the property next door to the applicant's home (shown in yellow on Attachment B), and the applicant would like to extend that existing fence across his property along Belmont Road. The reasons for this request are similar to the previous neighbor's request: heavy pedestrian traffic from the school, heavy vehicle traffic from the high school and adjacent community college, and to contain a pet dog(s).

The previous request from the neighboring property was due to a dispute/misunderstanding between the homeowner and city staff. The Board approved that request "cautiously" and indicated that they wanted to see if there was any adverse impact to the neighborhood. Since that fence was completed in mid-May of this year, staff has not received any complaints or observed any problems associated with the approved fence. Staff, after conferring with the Board, is also in the process of drafting an ordinance amendment to allow 4-foot high fences in front yards.

Staff Recommendation

The request is consistent with the previously approved variance for the neighboring property and is also consistent with a soon to be proposed ordinance amendment to allow 4-foot fences in front yards.

Respectfully submitted,

John Soenksen
City Planner

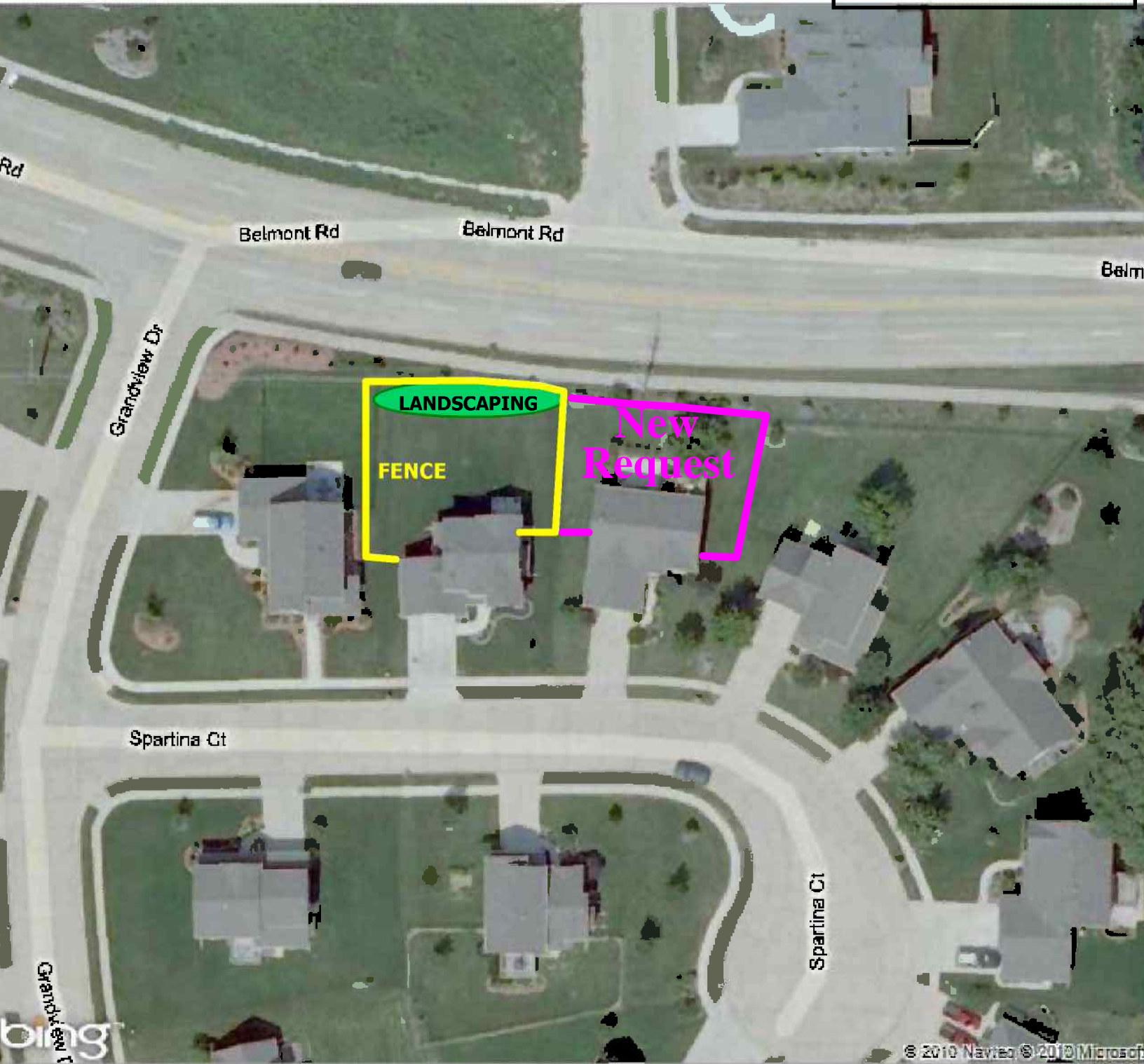
Attachment - A

**Lindquist
Ford**



SITE

**Pleasant Valley
High School**



Belmont Rd

Belmont Rd

Belm

Grandview Dr

LANDSCAPING

FENCE

New Request

Spartina Ct

Spartina Ct

Case No. _____

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

Part 1. Property Involved.

Street Address 4038 Spartina Ct., Bettendorf, IA 52722
Legal Description of the property. Residence

Part 2.

Applicant Name Eric Kulick Phone 734.368.2169
Address 4038 Spartina Ct., Bettendorf, IA 52722 FAX _____

Owner Name Eric Kulick Phone 734.368.2169
Address 4038 Spartina Ct., Bettendorf, IA 52722 FAX _____

Agent _____ Phone _____
Address _____ FAX _____

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

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

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

I am requesting a variance for a four foot fence on the back of my property that falls within the ten foot from the sidewalk ordinance limit. The fence would line up with an existing fence line on the west side of the property (4024 Spartina Ct.), for which a variance was granted for earlier this summer. The following list shows the reasons for my request.

1. The property backs up to Belmont Rd. which is very busy with traffic, both pedestrians and automobiles. Vehicles drive at high speeds in this area because of the close proximity to Pleasant Valley High School and Scott Community College.
2. There is a six year old boy living in my home. I am concerned that a three foot fence would do very little to ensure his safety. Both keeping him in the yard and also, keeping others out of the yard.
3. I am the owner of a two month old Australian Sheppard puppy. She would have no problem jumping over a three foot fence. With busy traffic that close, a three foot fence is not going to be tall enough.
4. As it stands now, my yard is the only property without a fence or some type of divider to keep people from cutting through. Pedestrians walk to and from the neighborhood to the sidewalk along Belmont Rd. People often park in front of my home, on Spartina Ct. and cut through my property to get to and from school functions.
5. The back yard on this piece of property is very shallow. (I have the smallest back yard of all the homes that back up to Belmont Rd.) My back porch/deck is approx. twenty-five to thirty feet from the sidewalk. By moving the fence in ten feet I would lose more than one third of my yard and decrease the value of my home. Moving the fence ten feet in would also exclude mature landscaping and trees that are growing approximately 5-12 feet from the sidewalk. This part of the yard would become useable property.

Thank you for your time and consideration

Eric Kulick
4038 Spartina Ct.
Bettendorf, IA 52722