

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 (344-4100).

**MEETING NOTICE
BOARD OF ADJUSTMENT
AUGUST 11, 2011
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 July 14, 2011.
4. The Board to hold a public hearing on the following items:
 - a. Case 11-046; 3806 Rolling Hills Drive (R-2) - A request for a variance to allow a 6-foot high fence and a swimming pool in a required front yard, submitted by John Crump.
 - b. Case 11-047; 906 Tenplus Street (R-2) - A request for a variance to allow a swimming pool in a required front yard within 20 feet of the property line, submitted by Troy Broderick.
 - c. Case 11-048; 3832 Danbury Court (R-2) - A request for a variance allow a 6-foot high fence in a required front yard, submitted by Kaleb Evans.
 - d. Case 11-049; 1315 - 18th Street (R-2) - A request for a variance to reduce the required rear yard setback from 25 feet to 22 feet to allow for construction of a screened porch, submitted by Tom Wells.

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
JULY 14, 2011
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 June 16, 2011.

On motion by Voelliger, seconded by Howe, that the minutes of the meeting of June 16, 2011 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 11-038; 108 Greenwood Avenue (R-2) - A request for a variance to increase the allowable height of an accessory structure from 15 feet to 19 feet, submitted by Kenn Brinson.

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. He indicated that the neighbor who lives immediately north of the applicant has expressed support for the request after having seen the proposed design. He requested that if the Board gives approval that it be on the condition that no living quarters be allowed within the proposed structure. Soenksen added that the applicant has indicated that he plans to use the building for an art studio and storage.

Voelliger asked if the two existing buildings at the rear of the property will be demolished. Kenn Brinson, the applicant, explained that the one that is on his lot will be torn down. He added that the other building in question is not on his property.

Howe asked if the applicant plans to finish the second floor with sheet rock. Brinson stated that it will not be finished, adding that the space will be used for storage and an art studio.

Howe asked for clarification of how the term living quarters is defined as there are many variables involved. Connors explained that the Code does not allow two separate residential structures on a lot, adding that he would consider living quarters to be one space that includes an area for sleeping, cooking, and bathroom facilities. He indicated that he would not consider a recreation room to be living quarters.

A brief discussion was held regarding steps that could be taken to prevent the use of the structure as living quarters by a future owner. Voelliger stated that he is not opposed to the applicant's sheetrocking the structure or installing a furnace as long as there are no sleeping or kitchen facilities. Soensken commented that the Board would be made aware of any future owner's plans for further improvement of the structure when building permits were obtained.

McElhiney asked if the applicant plans to plumb the structure. Brinson confirmed this, adding that a utility sink will be installed.

Falk commented that the Board could approve the request with the restriction on living quarters, adding that the requirements of the city code would provide notification should a future owner attempt to use the structure for that purpose. Other board members concurred.

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

On motion by Voelliger, seconded by Falk, that a variance to increase the allowable height of an accessory structure from 15 feet to 19 feet be approved in accordance with the Decision and Order and subject to the condition that no living quarters be allowed.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 11-039; 1845 Anderson Court (R-2) - A request for a variance to reduce the required rear yard setback from 25 feet to 19 feet to allow for construction of a 14-foot by 27-foot deck, submitted by Ryan White.

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.

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

On motion by McElhiney, seconded by Voelliger, that a variance to reduce the required rear yard setback from 25 feet to 19 feet to allow for construction of a 14-foot by 27-foot deck be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

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

These minutes and annexes approved

John Soenksen
City Planner



COMMUNITY DEVELOPMENT

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

August 11, 2011

Staff Report

Case No. 11-046

Location: 3806 Rolling Hills Drive

Applicant: John Crump

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

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

Background Information and Facts

This site is located at the intersection of Rolling Hills Drive and Tanglefoot Lane (see Attachment A – Location Map). The applicant currently has a 6-foot high fence surrounding the rear yard and an aboveground pool within the fenced area. The applicant would like to reconfigure the fencing and relocate the pool which would require a variance (see Attachment B – Plot Plan).

Staff Analysis

The current configuration of the fence and pool meets code requirements. Due to the double front yard setback effect on this lot, the usable rear yard is rather narrow. Compounding this problem is the fact that a significant berm is located in the westernmost (rear) portion of the rear yard. The berm serves as a transition between the applicant's lot, which is at a lower elevation, and the neighbor's lot, which is higher. This renders a significant portion of the rear lot unusable/unbuildable.

A significant portion of Tanglefoot Lane is under construction this season, and in two years the portion of Tanglefoot Lane adjacent to this lot will be reconstructed, improved, widened, with a recreational trail added. The applicant feels that this roadway improvement will detract from the privacy of his lot and is one of the reasons the fence relocation is being requested.

Eventually the applicant would like to add a deck to the aboveground pool, something that is not currently possible due to the facts listed above.

In the past, the Board has been receptive to 6-foot high fence requests on busy streets for lots that have double frontage issues for corner lots and through lots, including:

- 6-foot high fences adjacent to Tanglefoot Lane on lots in the Danbury Court area (see Attachment C – Danbury Court Illustration).
- 6-foot high fences adjacent to Devils Glen Road in the 34th Street Court area (see Attachment D – 34th Street Court Illustration)
- 6-foot high fences adjacent to Tanglefoot Lane in the Norwich Court area (see Attachment E – Norwich Court Illustration).
- Most recently 6-foot high fences were approved for properties adjacent to Devils Glen Road at 3493 Adele Lane in July of 2010 and at 3498 Field Sike Drive in April of 2011.

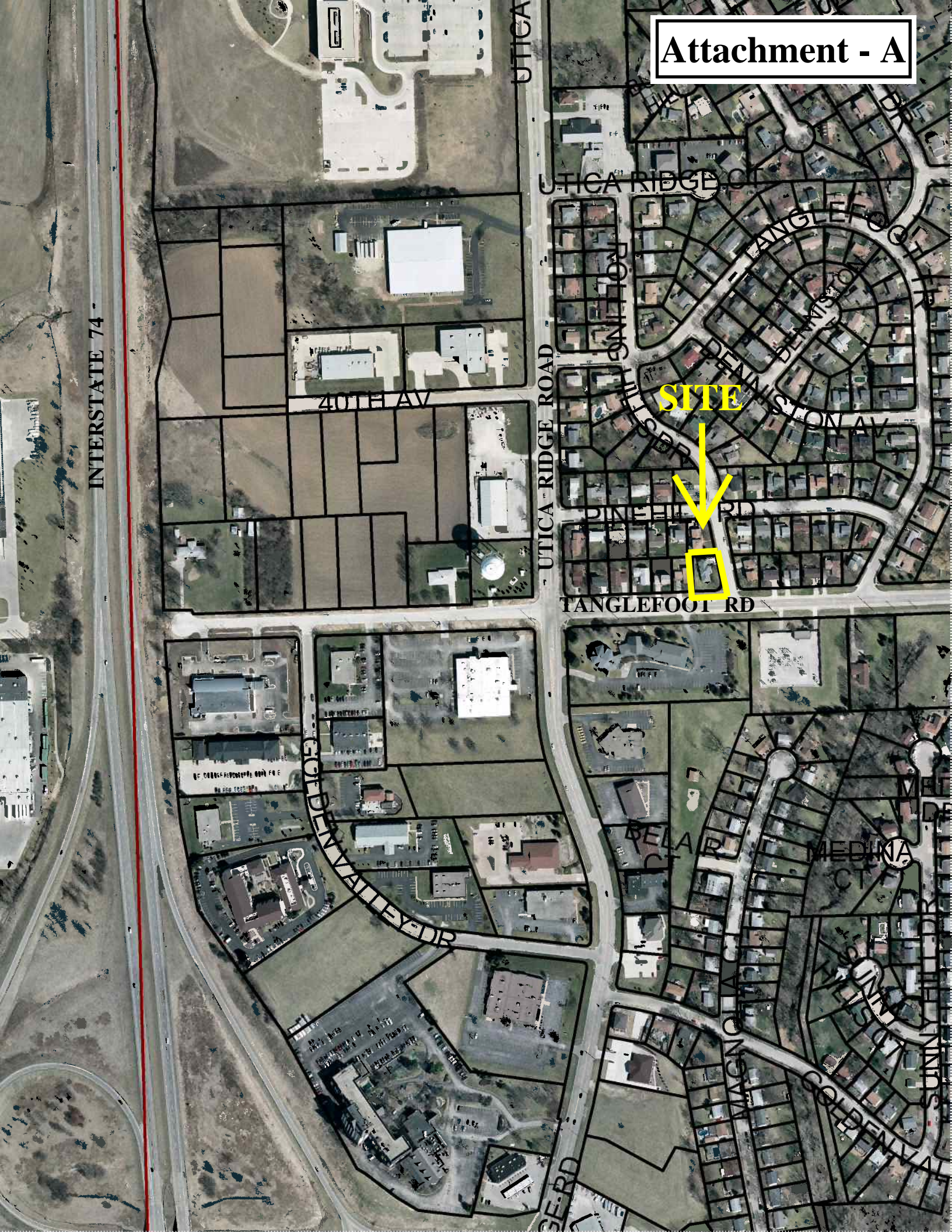
Staff Recommendation

While the above examples serve as support for the fence request, no such examples exist to support the request to locate a pool in a required front yard. Staff cannot recall any case where a pool was approved in a required front yard. Staff would recommend that the fence and pool issues be addressed by the Board separately.

Respectfully submitted,

John Soenksen
City Planner

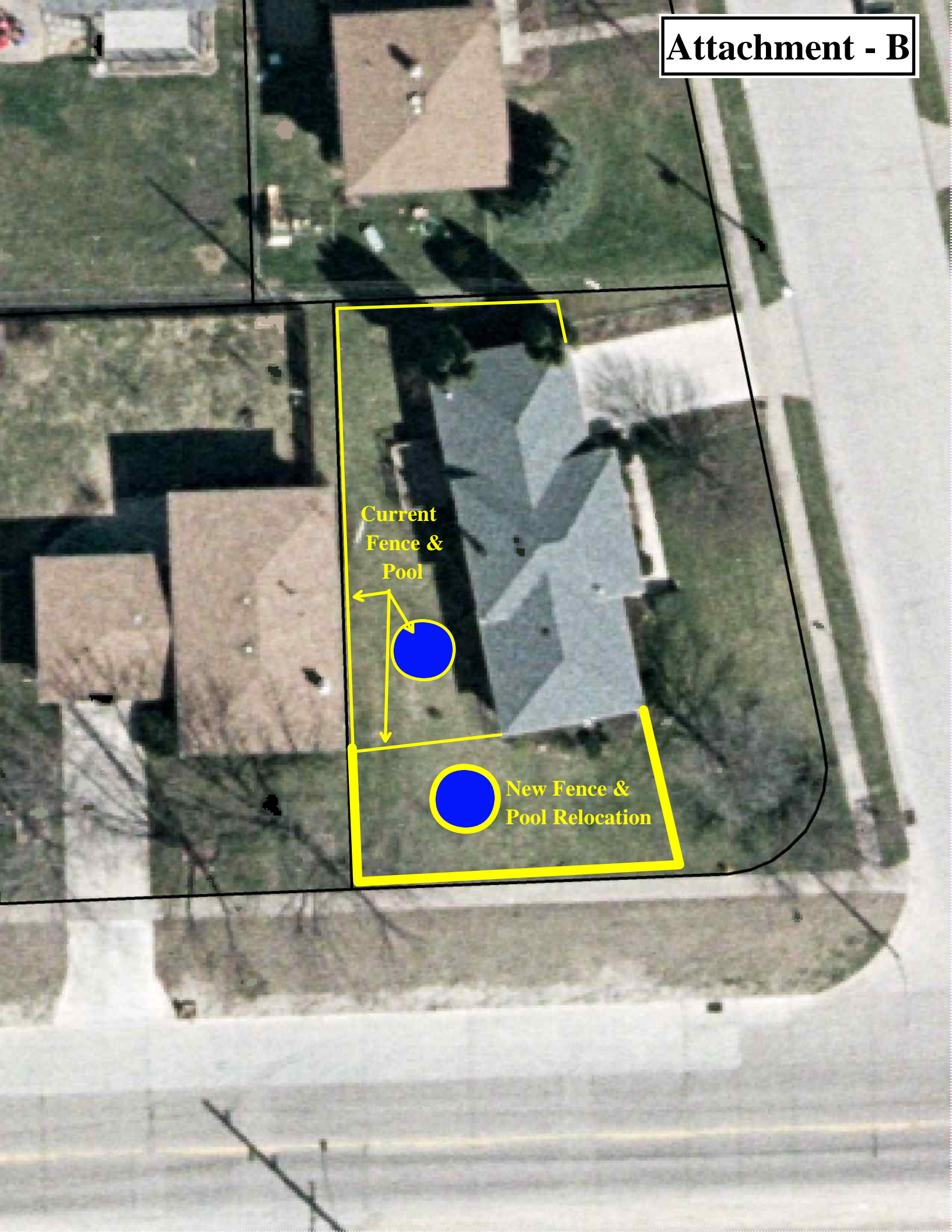
Attachment - A



SITE



Attachment - B



**Current
Fence &
Pool**



**New Fence &
Pool Relocation**



Danbury Court

6-foot fences

Tanglefoot Lane



Attachment -D



6' fences

Attachment - E

**Norwich
Court**

6-foot fences



Case No. 11-046

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

Part 1. Property Involved.

Street Address 3806 Rolling Hills Drive Bettendorf IA

Legal Description of the property. Lot 7, Rolling Hills 1st Addition

Part 2. Contact Information.

Applicant Name John Crump Phone _____

Address 3806 Rolling Hills Drive Bettendorf IA FAX _____

E-mail Address: C.O. Crump

Owner Name ^{Michelle} John Crump Phone _____

Address 3806 Rolling Hills Drive FAX _____

E-mail Address: _____

Agent _____ Phone _____

Address _____ FAX _____

E-mail Address: _____

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

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:

- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
- (b) That it will not impair an adequate supply of light and air to adjacent property.
- (c) That it will not unreasonably increase the congestion in public streets.
- (d) That it will not increase the danger of fire or of the public safety.
- (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
- (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

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

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

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

Part 4. General Information.

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

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

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

Requesting a 6-foot fence up to the front property line adjacent to Tanglefoot Lane, and move a pool within the same front 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 _____ day of _____, 20 ____.

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 28 day of July, 20 11.

[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 Deb Mildt - Credit Card
Amount \$50 Date July 28, 2011



COMMUNITY DEVELOPMENT

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

August 11, 2011

Staff Report

Case No. 11-047

Location: 906 Tenplus Street

Applicant: Troy Broderick

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

Request: Variance to allow a swimming pool in a required front yard within 20 feet of the property line.

Special Note

Due to construction on Tenplus Street, Board members may need to access this site from 28½ Street and walk down the hill to see were the pool has been installed.

Background Information and Facts

The site is located south of Central Avenue on Tenplus Street (see Attachment A – Location Map). Staff discovered that the applicant had recently placed a swimming pool within the front yard setback (see Attachment B – Plot Plan). The Code only allows swimming pools in rear yards. Because this is a through lot, the pool is considered to be located in a front yard.

Staff Analysis

In this situation, the applicant did some of the pool preparation work himself, and a pool company completed the remaining pool installation work. Each party was under the impression that the other party had acquired a building permit, and thus the pool was installed in an improper location without a permit.

The Code requires a 25-foot front setback be observed in the R-2 District. The pool is only 20 feet from the property line adjacent to Tenplus Street. The Code also requires the applicant to observe the “established setback” when 50% or more of the homes have been established at a different setback (see Attachment C – Established Setback Illustration). The entire pool is in the required setback as shown on Attachment C.

While this area is somewhat unique due to the double frontage through lots and significant elevation change from one end of the subdivision to the other, staff cannot cite any case or example where a swimming pool has been allowed in a front yard. It is also apparent that because the accessory structures serving the homes in this area are located along 28 ½ Street and not Tenplus Street, this request is inconsistent with other homes in the neighborhood.

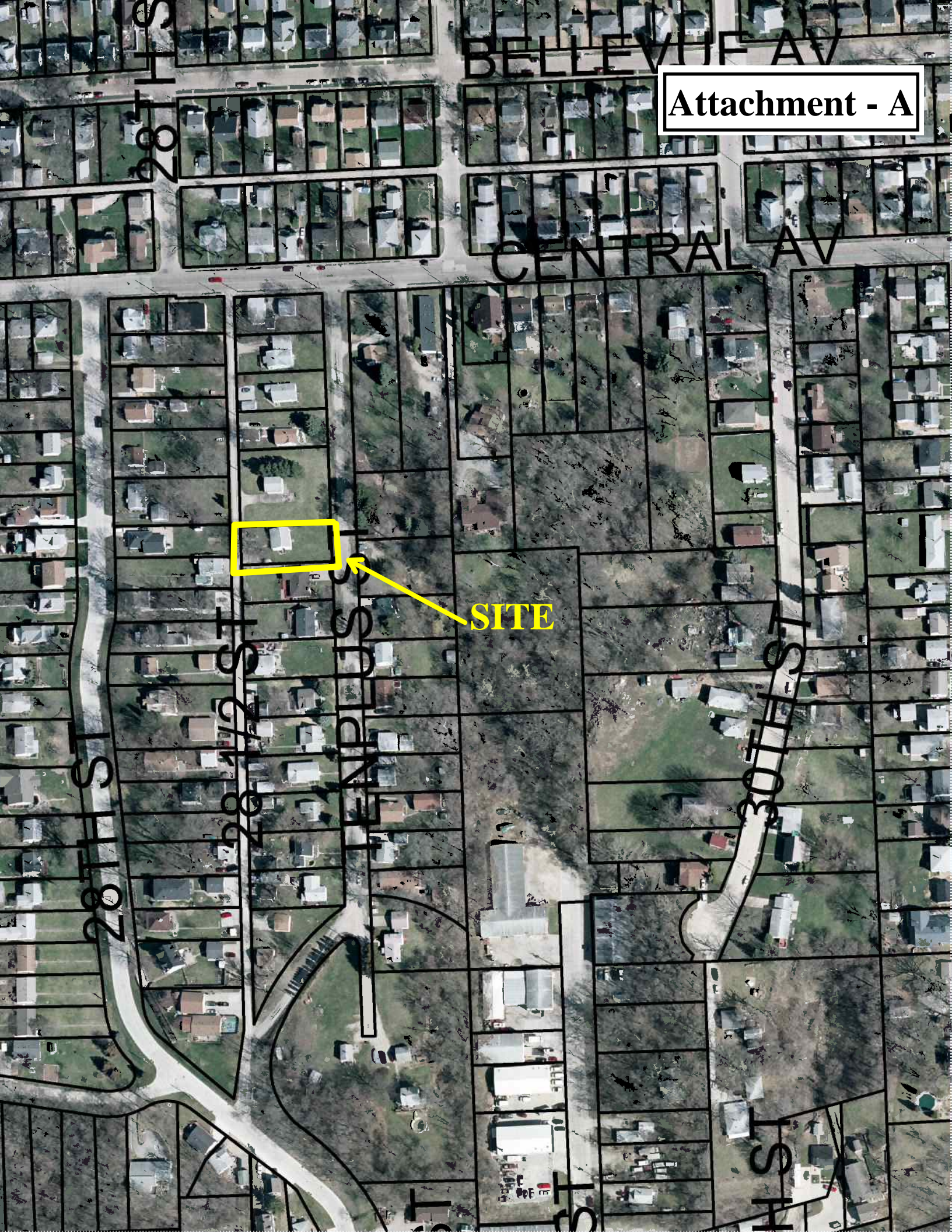
Staff Recommendation

Staff cannot cite a hardship or any examples to support this request. Staff does acknowledge that due to the slope and topography of the lot, it may not be possible to place the pool at the required setback.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A

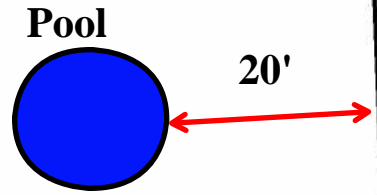


SITE

Attachment - B

28 1/2 Street

Tenplus Street



28TH ST

28 1/2 ST

TENPLUS ST





Case No. 11-047

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

Part 1. Property Involved.

Street Address 906 Ten Plus St (28th 1/2 St)

Legal Description of the property. _____

Part 2. Contact Information.

Applicant Name Troy Broderick Phone 563-355-0194
Address 906 Ten Plus St (28th 1/2 St) FAX _____
E-mail Address: _____

Owner Name Troy Broderick Phone 563-355-0194
Address _____ FAX _____
E-mail Address: _____

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

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

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:

- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
- (b) That it will not impair an adequate supply of light and air to adjacent property.
- (c) That it will not unreasonably increase the congestion in public streets.
- (d) That it will not increase the danger of fire or of the public safety.
- (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
- (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

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

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

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

Part 4. General Information.

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

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

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

24' ROUND ABOVE GROUND SWIMMING POOL WITHIN
20' OF PROPERTY LINE

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 26th day of July, 20 11.

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

State of Iowa)
) SS
 County of Scott)

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

Witness my Hand and Notarial Seal this 26th day of July, 20 11.
[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 Date 7/26/11



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

August 11, 2011

Staff Report

Case No. 11-048

Location: 3832 Danbury Court

Applicant: Kaleb Evans

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

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

Background Information and Facts

This site is located at the south end of Danbury Court just east of the intersection of Greenbrier Drive and Tanglefoot Lane (see Attachment A – Location Map). The applicant would like to enclose the rear yard with a 6-foot high fence (see Attachment B – Plot Plan).

Staff Analysis

Because the home is located on a through lot, the proposed fence is considered to be in a front yard and is not allowed without a variance. In the past, the Board has been receptive to 6-foot high fence requests on busy streets for lots that have double-frontage issues for corner lots and through lots, including:

- 6-foot high fences adjacent to Devils Glen Road in the 34th Street Court area.
- 6-foot high fences adjacent to Tanglefoot Lane in the Norwich Court area.
- Most recently 6-foot high fences were approved for properties adjacent to Devils Glen Road at 3493 Adele Lane in July of 2010 and at 3498 Field Sike Drive in April of 2011.

In 2000 the neighbor (3844 Danbury Court) directly to the west of the applicant's home received a building permit for a 6-foot high fence that would directly line up with the fence now under consideration if it is approved.

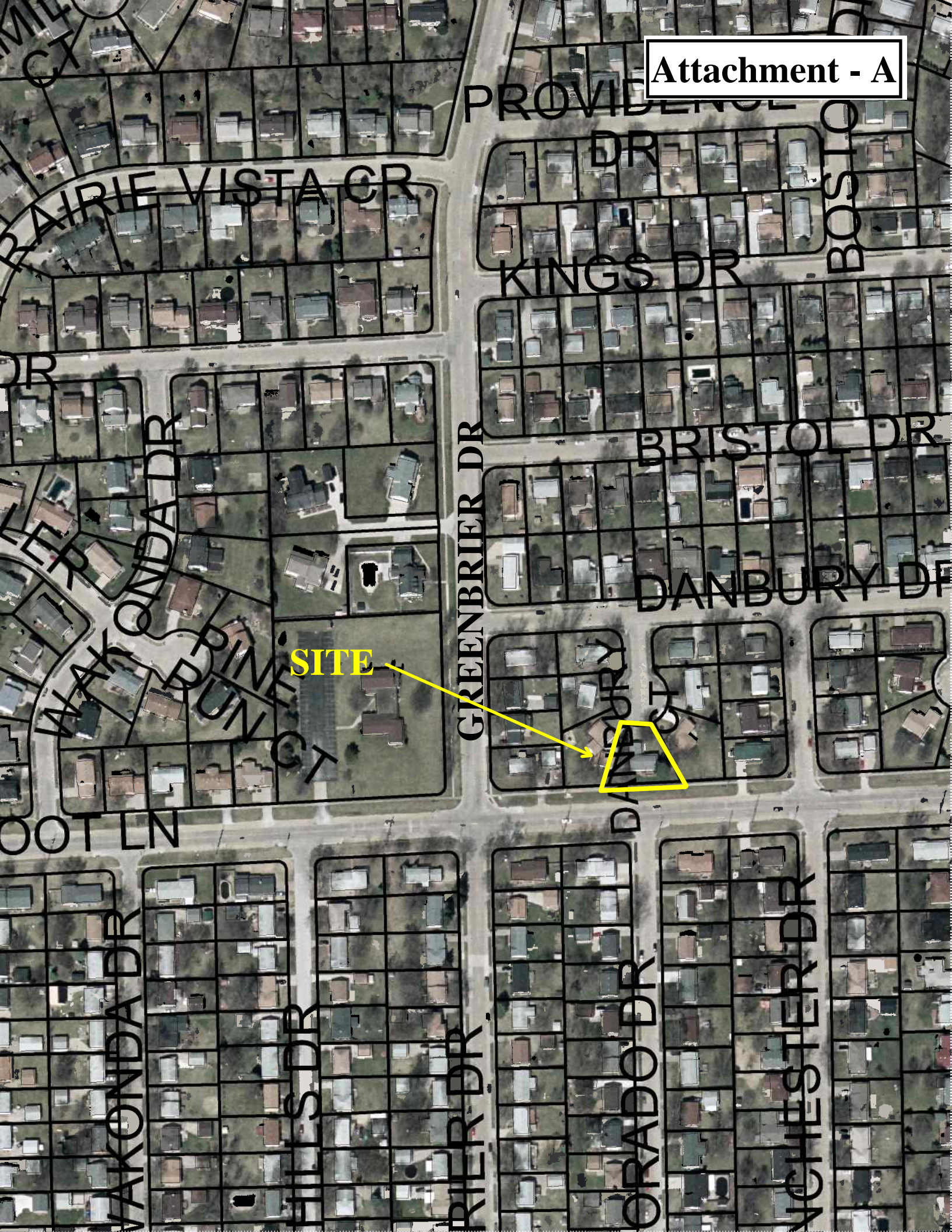
Tanglefoot Lane is designated as a primary roadway on the Bettendorf Thoroughfare Plan and is currently being improved in anticipation to future increased vehicular, pedestrian, and bicycle traffic. The applicant cites this heavy traffic as one of the reasons for his request

Staff Recommendation

Staff feels that this request is consistent with previous Board approval of similar requests.

Respectfully submitted,

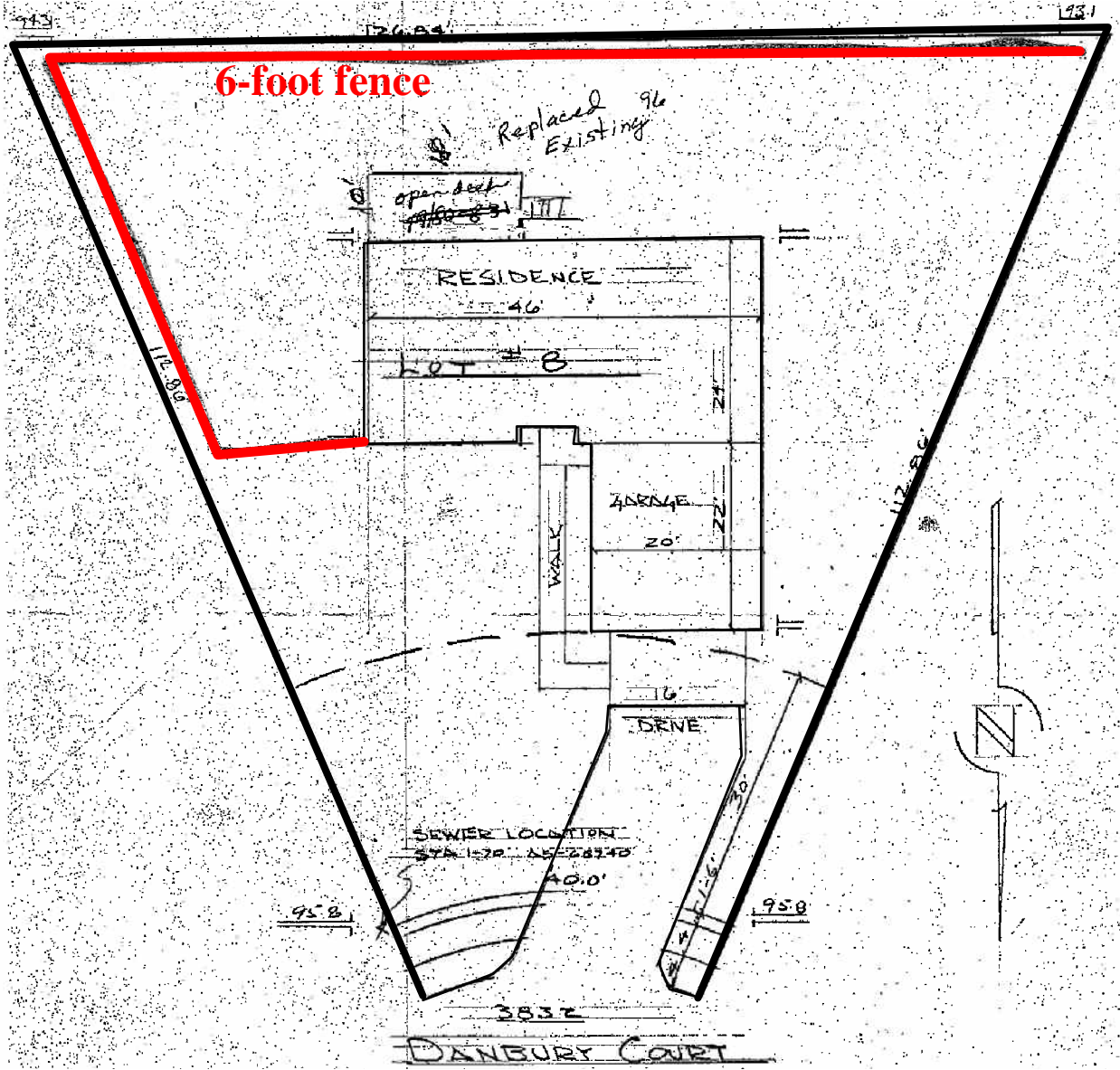
John Soenksen
City Planner



SITE



Tanglefoot Lane



Case No. 11-048

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

Part 1. Property Involved.

Street Address 3832 Danbury Court

Legal Description of the property. Lot #8 Candlelight Park 1st Add.

Part 2. Contact Information.

Applicant Name Kaleb Evans Phone 563 514 3106

Address 3832 Danbury Court FAX _____

E-mail Address: Kaleb.evans@mbhsi.com

Owner Name Same Phone _____

Address _____ FAX _____

E-mail Address: _____

Agent _____ Phone _____

Address _____ FAX _____

E-mail Address: _____

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

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:

- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
- (b) That it will not impair an adequate supply of light and air to adjacent property.
- (c) That it will not unreasonably increase the congestion in public streets.
- (d) That it will not increase the danger of fire or of the public safety.
- (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
- (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

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

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

3. Other. _____

(Attach a separate sheet and explain in detail.)

Part 4. General Information.

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

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

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- (b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance.
- (c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected.
- (d) That by granting the request for a variance substantial justice shall be done.

Please see attached letter

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.

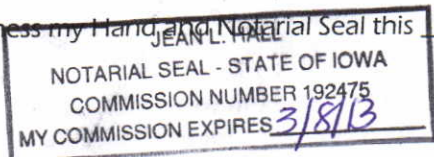
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 26th day of July, 20 11.

Signature of Applicant Kalle Go Signature of Owner Kalle Go
 (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 26th day of July, 20 11



Jean L. Poirer
 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 Sankster
 Amount \$ 50 Date 7-26-11

Respectfully to City of Bettendorf, Board of Adjustment:

We, Kaleb & Jara Evans, owners and residents of 3832 Danbury Court of the City of Bettendorf, respectfully request variance of the zoning ordinance in order to allow a six-foot wooden privacy fence to replace our existing four-foot chain-linked fence. We have marked the proposed replacement in green marker on the attached map.

Substantial justice shall be done by allowing this variance because it will improve the level of the safety of our children and others while playing in the back yard. There is heavy foot and bicycle traffic along the sidewalk running parallel to the south side of our property. We have had several instances of people stopping to speak to our children and our dog without our permission and there was one instance of someone reaching over the four-foot chain-linked fence to pet our dog without permission. A four-foot fence is simply not high enough to deter unwanted interaction with our kids or dog from strangers. Our children would be much safer in a yard with a six-foot privacy fence that backs up to Tanglefoot Lane, one of the busiest streets in Bettendorf.



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

August 11, 2011

Staff Report

Case No. 11-049

Location: 1315 – 18th Street

Applicant: Tom Wells

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

Request: Variance to reduce the required rear yard setback from 25 feet to 22 feet to allow construction of a screened porch.

Background Information and Facts

The site is located on the east side of 18th Street just south of the intersection of 18th Street and Lincoln Road (see Attachment A – Location Map). The applicant currently has a deck on the rear of the house and would like to replace the deck with a screened porch that would protrude slightly into the rear yard.

Staff Analysis

The deck being replaced is approximately 14 feet by 14 feet. The proposed porch will measure approximately 16 feet by 22 feet and would encroach 3 feet into the required 25-foot rear yard setback (see Attachment B – Plot Plan). The lot measures 112 feet deep (from front to rear) and is slightly shorter than the 120-foot lot depth which is common/standard in the original parts of the city. Therefore, the slight (3-foot) encroachment into the required rear setback appears to be proportional to the slight (8-foot) difference in lot depth previously described.

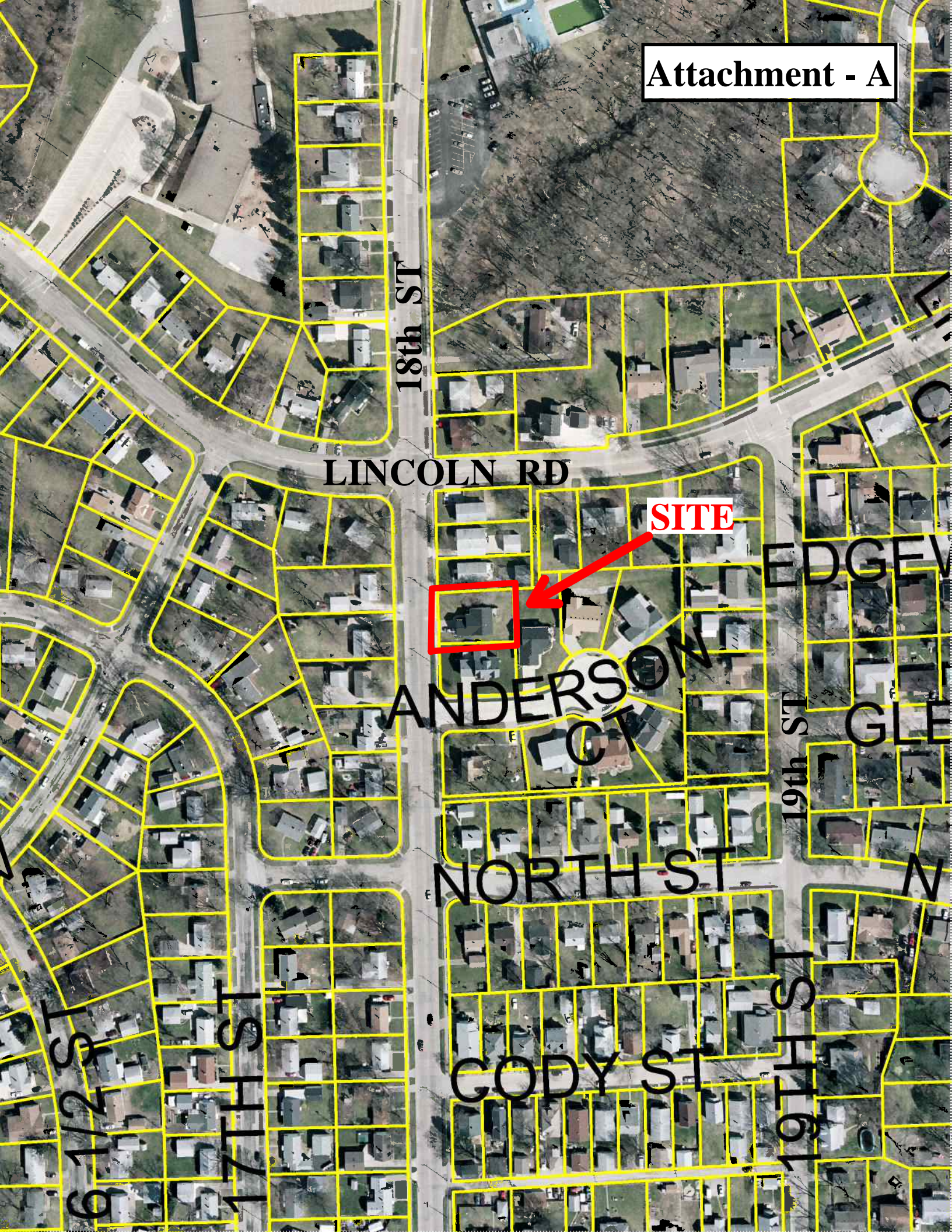
Staff does not feel that the request will adversely affect any neighboring properties and may not be visibly noticeable.

Staff Recommendation

While staff cannot cite a specific hardship, the request appears to be proportional to the reduced lot depth.

Respectfully submitted,

John Soenksen
City Planner



18th ST

LINCOLN RD

SITE

ANDERSON CT

NORTH ST

CODY ST

19TH ST

EDGEV

GLE

N

6 1/2 ST

7TH ST

8TH ST

9TH ST

10TH ST

11TH ST

12TH ST

13TH ST

14TH ST

15TH ST

16TH ST

17TH ST

18TH ST

19TH ST

20TH ST

21ST ST

22ND ST

23RD ST

24TH ST

25TH ST

26TH ST

27TH ST

28TH ST

29TH ST

30TH ST

31ST ST

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81ST ST

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83RD ST

84TH ST

85TH ST

86TH ST

87TH ST

88TH ST

89TH ST

90TH ST

91ST ST

92ND ST

93RD ST

94TH ST

95TH ST

96TH ST

97TH ST

98TH ST

99TH ST

100TH ST



37.

77.58

22'

16'

842814301

1315

111.97

75

112

140

Case No. 11-049

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

Part 1. Property Involved.

Street Address 1315 18TH STREET

Legal Description of the property. ANDERSON GARDENS ADD (C001)

Part 2. Contact Information.

Applicant Name Tom Wells Phone 563-355-9873

Address 1315 18TH STREET FAX _____

E-mail Address: TAMWELLS1@MCHSI.COM

Owner Name SAM E Phone _____

Address _____ FAX _____

E-mail Address: _____

Agent _____ Phone _____

Address _____ FAX _____

E-mail Address: _____

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

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:

- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
- (b) That it will not impair an adequate supply of light and air to adjacent property.
- (c) That it will not unreasonably increase the congestion in public streets.
- (d) That it will not increase the danger of fire or of the public safety.
- (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
- (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

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

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

3. Other. _____

(Attach a separate sheet and explain in detail.)

Part 4. General Information.

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

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Reduce Rear yard SET BACK FROM 25' TO 22'
To Replace Deck w SCREEN PORCH.

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- () 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 28 day of July, 2011.

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

State of Iowa)
) SS
 County of Scott)

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

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[Signature]
 Notary Public in and for Scott County, Iowa

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 \$100.00 All Other Applications

Received by [Signature]
 Amount \$ 50 Date 7-28-11