

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 9, 2012  
5:00 P.M.**

PLACE: Bettendorf City Hall Council Chambers, 2<sup>nd</sup> Floor, 1609 State Street

1. Roll Call: Falk \_\_\_\_\_, Gallagher \_\_\_\_\_, Johnson \_\_\_\_\_, Spranger \_\_\_\_\_, Voelliger \_\_\_\_\_
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of July 12, 2012.
4. The Board to hold a public hearing on the following items:
  - a. Case 12-041; 1460 Isle Parkway (C-7) - A request for modification of an existing special use permit to allow auctions, submitted by U.S. Auctioneers. (Deferred from meeting of July 12, 2012)
  - b. Case 12-046; 6313 Dorothy's Drive (R-1) - A request for a variance to allow a 6-foot fence in a required front yard, submitted by James and Laurie Rohner.
  - c. Case 12-047; 6305 International Drive (R-1) - A request for a variance to allow a 6-foot fence in a required front yard, submitted by Brian Mosbaugh.
  - d. Case 12-048; 2339 - 53<sup>rd</sup> Avenue (C-2) - A request for a variance to reduce the required sign setback from 15 feet to 7 ½ feet and from 15 feet to 13 feet for two on-premises identification signs, submitted by Ascentra Credit Union.

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 12, 2012  
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Gallagher, Voelliger  
ABSENT: Johnson, Spranger  
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 14, 2012.

On motion by Gallagher, seconded by Falk, that the minutes of the meeting of June 14, 2012 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 12-039; 2701 Devils Glen Road (C-2) - A request for a variance to allow an 8-foot high fence, submitted by Scott Rubins.

Voelliger 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 he had received two letters in support of the request from Doug Nelson of Wallace's Garden Center and Dr. Scott Sandeman of Glenroads Veterinary Clinic.

Gallagher commented that it appears as though the proposed fence would not adversely affect any nearby property owners.

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

On motion by Falk, seconded by Gallagher, that a variance to allow an 8-foot high fence be approved in accordance with the Decision and Order.

## ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 12-041; 1460 Isle Parkway (C-7) - A request for modification of an existing special use permit to allow auctions, submitted by U.S. Auctioneers.

Voelliger 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. He indicated that he had received a letter in support of the use from Scott Tunnicliff of 718 Holmes Street.

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

Jerry Sechser, 1304 Broadlawn Avenue, expressed concern about the possible contamination of the site from fluids leaking from the smaller vehicles that have been allowed. He questioned if the taxpayers would be responsible for cleanup of any contamination of the river, adding that the citizens had already funded the cleanup of a lime pile on a nearby property. He asked if the storm water utility fee would be used to fund this cleanup.

Sechser stated that the applicant's website shows that three construction vehicles are slated to be sold at the next auction, adding that there already is a bulldozer on the site.

Voelliger explained that the storm water program and the associated fee is an unfunded Federal mandate so that problematic storm water drainage areas can be ameliorated. He indicated that because the applicant is attempting to sell the vehicles at the sales, it is unlikely that fluids would leak from them. Voelliger commented that it is unlikely that the applicant would bring unworking equipment to the site to be sold.

Soenksen stated that the reason that city funds had been used to clean up the lime pile is that the property in question is city-owned. He added that the property on which the auctions are held is privately owned.

Sechser suggested that the applicant be required to place pans underneath any equipment that is leaking or clean up any spills immediately.

Sechser asked for clarification regarding the weight capacity of the George Thuenen bridge. Falk stated that the Board does not have the ability to answer engineering questions.

Sechser requested that the request for modification of the original request be delayed until such time as all of his questions have been answered.

Connors stated that the George Thuenen overpass was designed according to state and federal standards.

Falk asked if any cleanup of the site in question would be the responsibility of the property owner. Soenksen confirmed this. Connors commented that the Iowa Department of Transportation would be acquiring a portion of the auction site as a part of the I-74 bridge reconstruction project.

Joe Judge, representing the applicant, stated that US Auctioneers is required to abide by state and federal standards with regard to potential contamination of the site and any overpass weight limits.

Greg Gackle, 1116 Coffelt Avenue, asked if US Auctioneers or the property owner applied for the special use permit. Soenksen explained that US Auctioneers is listed as the applicant for both the 1993 and current special use permit applications.

Gackle asked if the special use permit is attached to the property or the applicant if US Auctioneers decides in the future to discontinue the sales. Soenksen explained that a special use permit is attached to the property and therefore the use could continue. Gackle stated that if this is the case, then the legal notice relative to this case is wrong along with the information that has been circulated. Connors stated that in order to make a determination, staff would check the original application to ascertain the original applicant. Gackle stated that this is important information as it relates to the current request.

Gackle asked for clarification of the term ancillary as used in the text of the staff report. Soenksen explained that his use of the term ancillary is meant to indicate that the vast majority of items to be sold on the site are indeed semi-tractors and trailers, but that other, smaller items might also be for sale. Gackle indicated that he believes that the term ancillary could be construed as a broad generalization and stated that the applicant has not always had items such as passenger cars and boats for sale. He added that the upcoming auction listing includes two 41-foot boats and questioned whether a boat is to be considered ancillary to the trucks.

Gallagher suggested that the Board make a more specific determination of what is allowed to be sold at the auctions. He indicated that restrictions could be placed on type of vehicle, number of vehicles, etc.

Gallagher stated that the application lists US Auctioneers as the applicant and his assumption is that the property owner has consented.

Gackle stated that the Board should clarify the definition of ancillary and define precisely what items are allowed to be sold rather than give blanket approval to the applicant. He indicated that it is not accurate to say that the applicant has been selling boats, cars, and ancillary equipment since the original special use permit was granted. He added that it has only been in recent years that such a large variety of items for sale has been on the site in clear violation of the conditions of the special use permit. Gackle stated that just because no one has complained about the violations is no reason to not enforce the original conditions.

Gackle requested that the special use permit be revoked. He stated that the applicant has continued to place items on the site prior to the allowed date as specified in the decision and order. He submitted a photo of a piece of construction equipment on the site taken several days before the date that it would be allowed.

Gackle asked why it is necessary for the city to receive a complaint in order to enforce the ordinances. He stated that in his opinion the auctions have adverse effects on the city and the adjoining property owners.

Gallagher explained that the current request, according to the application, is for permission to sell motorized vehicles to include, but not limited to, cars, pickups, lawn mowers, construction equipment, boats, other recreational vehicles, farm tractors, etc. He indicated that the Board must now determine whether sale of those types of items is appropriate. Gallagher stated that staff had used the word ancillary, not the applicant.

Judge stated that the applicant has operated a successful business for 19 years and that the proposed expansion would actually be less intense than the allowed one. He indicated that the applicant would be open to any limitations the Board feels necessary in order to regulate the sales.

Voelliger stated that it is inappropriate for the applicant to violate the terms of the original Decision and Order by storing items for sale on the site prior to the approved date. Judge concurred, adding that he would speak to the applicant about the violation.

Gackle asked if the city receives any compensation from the applicant and questioned where the applicant's business office is located. Connors stated that he is unaware of any fee that is paid to the city. Voelliger explained that there is likely a business license fee. Gallagher added that the applicant's business is located in Rock Island. Judge stated that he would ensure that the applicant is appropriately licensed.

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

Gallagher suggested that the applicant be reminded of the conditions of the original decision and order with regard to when equipment is allowed to be placed on the site prior to a sale.

Soenksen stated that after the meeting during which the issue had been addressed, he sent the applicant a letter reviewing the conditions of the special use permit along with a copy of the original Decision and Order. He added that after the most recent complaint of items other than semi-trucks and trailers being sold, he sent another letter informing the applicant of the violation of the terms.

Voelliger indicated that he feels that the applicant should be more restrictive regarding the items that are auctioned and when they are put on site. Falk concurred, indicating that the Board should be very specific with regard to any expansion of the existing special use permit. He stated that none of the items listed in the current application would be any more damaging to city streets and bridges than what is already allowed. Falk stated that he is not at all concerned that any negative environmental impact

would be the city's responsibility to remediate. He suggested that the case be deferred until more specific information is available with regard to size, number, and type of equipment that the applicant wishes to include in the sales. Gallagher concurred, suggesting that perhaps the applicant could be restricted to either a certain number or percentage of items that would be allowed besides those originally permitted in the Decision and Order. He requested that staff meet with the applicant to determine a specific proposal that details the requested information.

Gallagher asked when the next auction is scheduled to be held. Soenksen stated that it would be July 26. Falk commented that he is not opposed to allowing the applicant to hold one more auction until such time as a final decision is made. He indicated that it is unacceptable for the applicant to place equipment for sale on the site before the time period allowed by the Decision and Order and asked what recourse the Board would have to ensure that it does not happen again. Soenksen explained that the Board could revoke the special use permit in toto. He indicated that staff would meet with the applicant to more clearly specify type, number, and size of equipment that would be for sale. Connors stated that he would be willing to attend the July 26 sale in order to determine what types of items are typically on the site.

On motion by Gallagher, seconded by Falk, to defer the request for modification of an existing special use permit to allow auctions until such time as a more specific request can be made with the understanding that the July 26 auction is allowed to be held.

ALL AYES

Motion carried.

- c. Case 12-042; 3656 Moencks Road (A-2) - A request for a variance to increase the allowable square footage of a garage from 720 square feet to 1860 square feet to allow construction of a 30-foot by 36-foot garage (barn), submitted by Kyle Howard.

Voelliger 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 #6 to these minutes.

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

Gallagher commented that the proposed garage is in keeping with the neighborhood.

Falk asked if the possibility exists that the proposed garage could be used for commercial purposes in the future. Soenksen explained that this would not be allowed by the ordinance in this zoning district. Gallagher added that the structure could not be allowed to be used for residential purposes.

On motion by Falk, seconded by Gallagher, that a variance to increase the allowable square footage of a garage from 720 square feet to 1860 square feet to allow construction of a 30-foot by 36-foot garage (barn), be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #7 to these minutes.

- d. Case 12-044; 2312 Spruce Hills Drive (C-2) - A request for a special use permit to allow a drive-up window, submitted by TM & AC2, Inc.

Voelliger 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 #8 to these minutes.

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

Chris McGuire, representing the applicant, explained that the proposed hours of operation of the restaurant would be from 10 a.m. to 11 p.m. He added that the restaurant would close most evenings at 10 p.m., but would remain open until 11 p.m. for occasional special events.

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

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

ALL AYES

Motion carried.

Decision and Order is Annex #9 to these minutes.

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



COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

August 9, 2012

Staff Report

**Case No. 12-041**

**Location:** 1460 Isle Parkway

**Applicant:** U.S. Auctioneers

**Zoning Designation:** C-7, Public Gathering and Recreational Activity District

**Request:** Modification of an existing special use permit to allow auctions.

**Background Information and Facts**

In May of 1993 the Board approved a special use permit allowing U.S. Auctioneers to hold periodic auctions at the Isle of Capri site (Lots 1 and 2 of Steamboat Landing 1<sup>st</sup> Addition) (see Attachment A – Location Map). The auctions were limited to sale of semi-trucks and trailers only.

Due to some inconsistencies between the original special use permit and the manner in which the auctions have actually been conducted over the last 20 years, U.S. Auctioneers is now asking the Board to modify the original Decision and Order to allow the additional items that have typically been part of the past auctions.

Staff was instructed at the last meeting to attend the July 26 auction and return to the Board with recommendations based on the original request and the observations made at the sale. The following is a suggested list of conditions, several of which were listed in the original Decision and Order:

1. Auctions shall be limited to no more than 10 per calendar year.
2. No auction merchandise or related sales equipment shall be stored or displayed on the property more than 8 days before any scheduled auction.
3. Auction merchandise and related sale equipment shall be removed within 48 hours of the end of the sale.
4. All auction merchandise and appurtenant equipment shall be confined to Lots 1 and 2 of Steamboat Landing 1<sup>st</sup> Addition.
5. All auction sales will consist predominantly of semi-tractor and trailers. Other motorized vehicles related to commercial or industrial uses may be included as long as those items represent a significant minority compared to the number of semi-tractor trailers for sale at each auction. For the purpose of this section, the word “predominantly” shall mean “the most common and frequent items by a large margin, which is obvious to the casual observer”.
6. Only items related to semi-tractors or trailers, commercial vehicles, or industrial vehicles shall be allowed to be sold.

### Staff Analysis

Items 1, 2, 3, and 4 above remain unchanged from the original decision and order dated May 20, 1993. Item 5 above modifies the original decision and order to allow a small percentage of items related to commercial and industrial vehicles to be included in the sale reflective of what has occurred in past sales. Item 6 prohibits the sale of items such as dollies, lawn equipment (except for commercial or industrial grade), recreational vehicles, passenger cars and trucks, and boats.

Based on the above analysis, staff feels that the original findings of facts have not significantly changed since 1993 and recommends modification of the original special use permit to allow items other than semi- trucks and trailers in future auctions as long as those other items are significantly fewer in number.

Respectfully submitted,

John Soenksen  
City Planner

# Attachment - A





COMMUNITY DEVELOPMENT  
City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

August 9, 2012

Staff Report

**Case No. 12-046**

**Location:** 6313 Dorothy's Drive

**Applicant:** James and Laurie Rohner

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

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

**Background Information and Facts**

This site is located at the intersection of Palm Drive and Dorothy's Drive (see Attachment A – Location Map). The applicant would like to install a 6-foot high fence in the required front yard adjacent to Palm Drive (see Attachment B – Plot Plan).

**Staff Analysis**

If allowed, the proposed fence would not interfere with the vision triangle and would, in fact, maintain a vision clearance twice the size required by code and illustrated on Attachment B. The applicant's request is nearly the same as one approved by the Board for a fence at 6304 Ocean Boulevard in October of 2011 (see Attachment C – Fence Approval). Attachment C also shows a 4-foot high fence directly east of 6304 Ocean Boulevard installed in a similar location in relationship to Palm Drive. The request would be in keeping with the established aesthetics of the neighborhood.

The Board has been clear in past discussions that this type of fence placement is acceptable as long as there is a significant enough setback so it does not detract from the overall area. In the past, requests for 6-foot high fences placed closer to or on the property line have been denied. If allowed, the fence would not be any closer to Palm Drive than are other fences in the area.

Staff finds that the proposed fence location is consistent with the standards established by the Board for previous requests for 6-foot high fences that were approved and that it is consistent with the manner in which other fences have been installed in this neighborhood.

Respectfully submitted,

John Soenksen  
City Planner

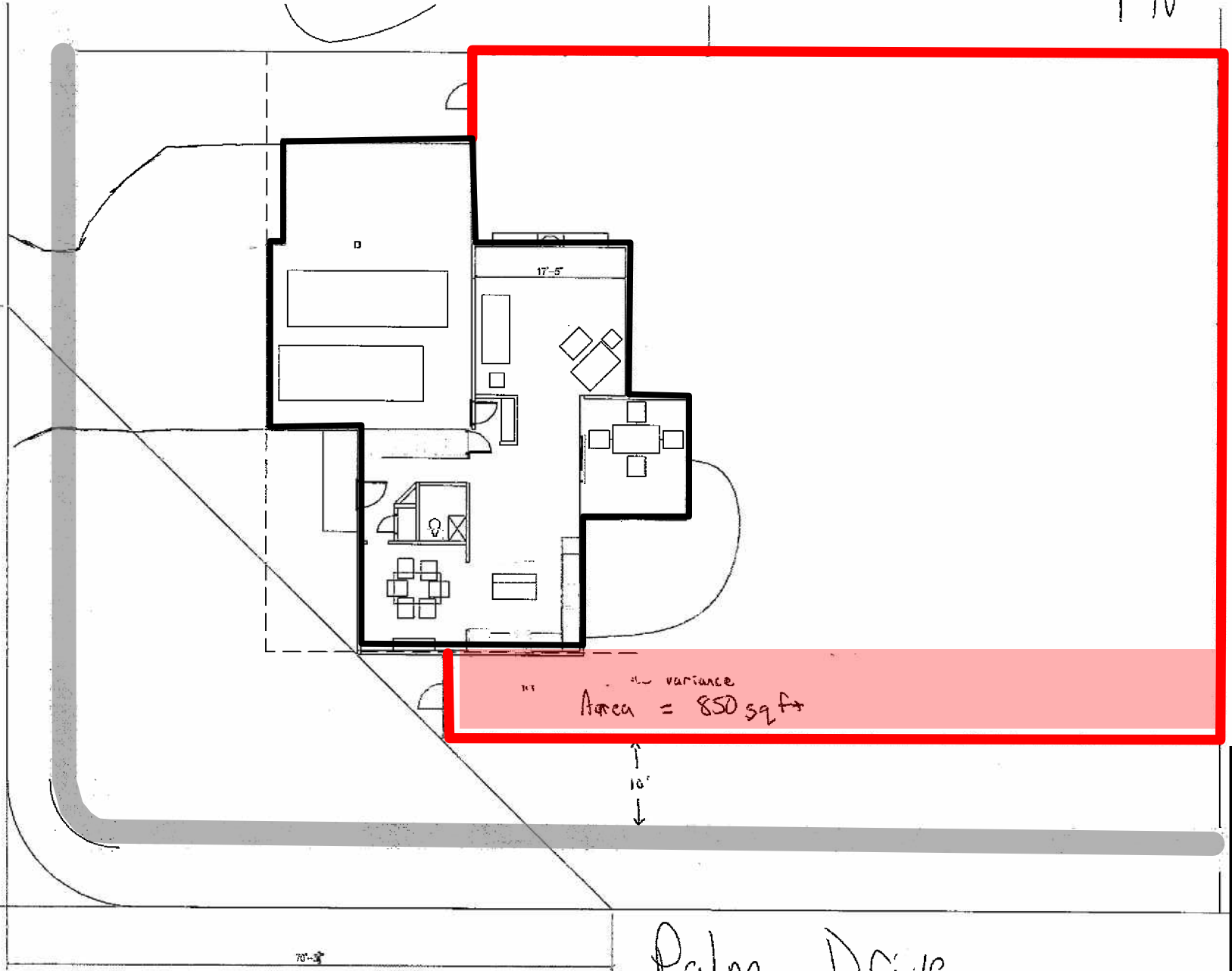
# Attachment - A



SITE



Dorotheys Drive



VARIANCE  
Area = 850 sq ft

10'

Palm Drive

Attachment - B

1/16" = 1'

# Attachment - C





Case No. 12-046

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

**Part 1. Property Involved.**

Street Address 6313 Dorothys Drive, Bettendorf IA 52722

Legal Description of the property: Single Family Home

Lot 10, Beaver Crossing Fourth Addition

**Part 2. Contact Information.**

Applicant Name James and Laurie Rohner

Phone 563-271-1933

Address 6313 Dorothys Dr Bettendorf, IA 52722

FAX \_\_\_\_\_

E-mail Address: rohnerjamesr@johndeere.com

Owner Name James and Laurie Rohner

Phone 563-326-8856

Address 6313 Dorothys Dr Bettendorf, IA 52722

FAX \_\_\_\_\_

E-mail Address: laurie.rohner@gmail.com

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.)





COMMUNITY DEVELOPMENT  
City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

August 9, 2012

Staff Report

**Case No. 12-047**

**Location:** 6305 International Drive

**Applicant:** Brian Mosbaugh

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

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

**Background Information and Facts**

The site is located at the intersection of Palm Drive and International Drive (see Attachment A – Location Map). The applicant would like to install a 6-foot high fence in the required front yard adjacent to Palm Drive (see Attachment B – Plot Plan).

**Staff Analysis**

If allowed, the proposed fence would not interfere with the vision triangle. The applicant's request is nearly the same as one approved by the Board at 6304 Ocean Boulevard in October of 2011 as shown on Attachment B. The applicant would like to continue that setback line by connecting to that fence. This request would be in keeping with the established aesthetics of the neighborhood.

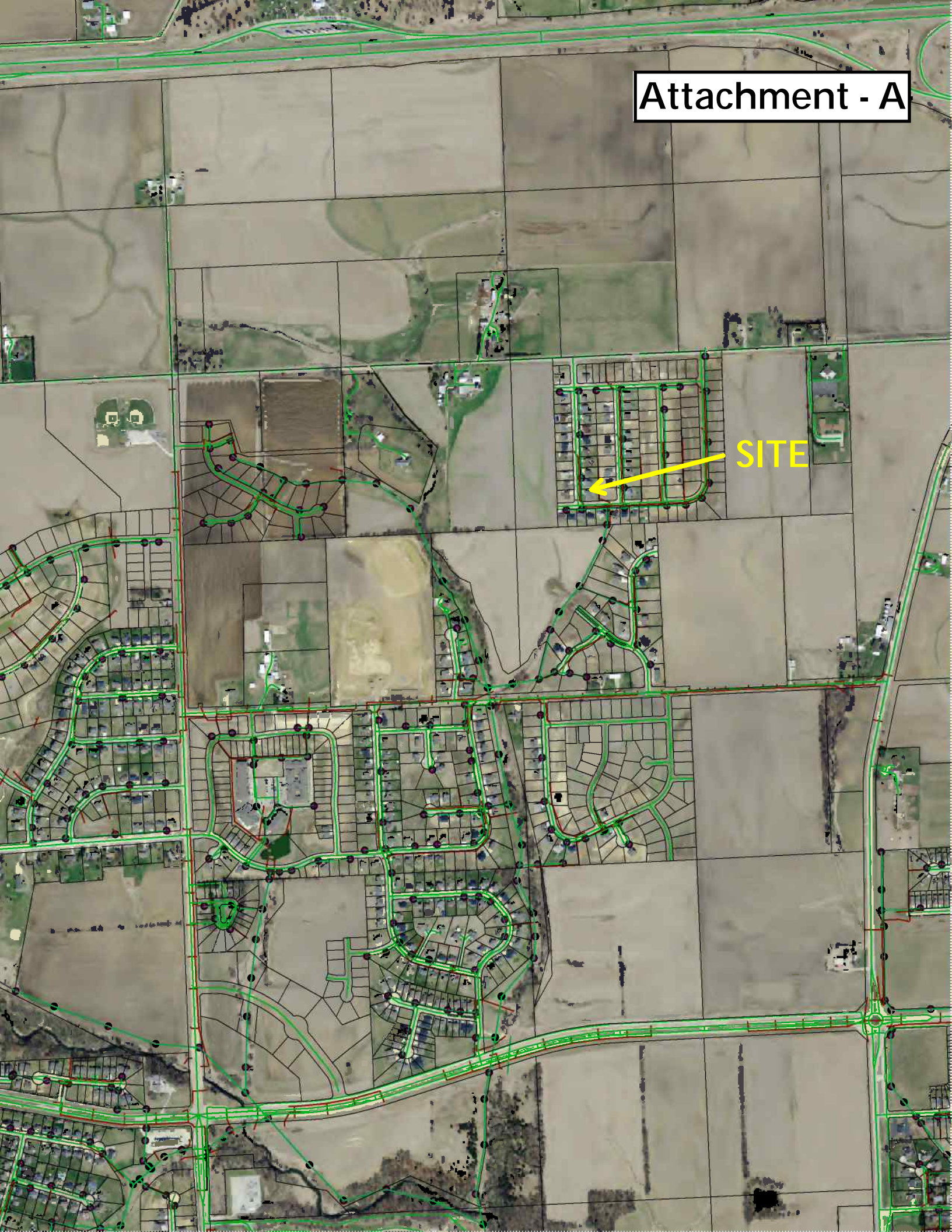
The Board has been clear in past discussions that this type of fence placement is acceptable as long as there is a significant enough setback so it does not detract from the overall appearance of the area. In the past, requests for 6-foot high fences placed closer to or on the property line have been denied. If allowed, the fence would not be any closer to Palm Drive than are other fences in the area.

Staff finds that the proposed fence location is consistent with the standards established by the Board for previous requests for 6-foot high fences on corner lots and that it is consistent with the manner in which other fences have been installed in this neighborhood.

Respectfully submitted,

John Soenksen  
City Planner

# Attachment - A



SITE

# Attachment - B





Case No. 12-047

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

Part 1. Property Involved.  
Street Address 6305 International Dr. Bettendorf 52722

Legal Description of the property. Lot #14 Beaver Crossing 1st Addition

Part 2. Contact Information.

Applicant Name Brian MosBAUGH Phone 515-965-0806  
Address 6305 International Dr. FAX \_\_\_\_\_  
E-mail Address: brianmosbaugh@hotmail.com

Owner Name Same as above 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.

- (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.

12 ft projection in front yard toward palm  
street ending at back of house / matching  
up w/ the fence on 6304 Ocean Blvd.

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

State of Iowa )  
 ) SS  
 County of Scott )

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

Witness my Hand and Notarial Seal this 13 day of July 2012.

John Soeber  
 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 Soeber  
 Amount \$50.00 Date 7/13/12



COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

August 9, 2012

Staff Report

**Case No. 12-048**

**Location:** 2339 – 53<sup>rd</sup> Avenue

**Applicant:** Ascentra Credit Union

**Zoning Designation:** C-2, Community Shopping District

**Request:** Variance to reduce the required sign setback from 15 feet to 7 ½ feet and from 15 feet to 13 feet for two on-premises identification signs.

**Background Information and Facts**

The site is located at the southwest corner of 53<sup>rd</sup> Avenue and 18<sup>th</sup> Street (see Attachment A – Location Map). Because of the configuration of the lot and the required landscaping elements, the applicant is experiencing difficulty finding a location with good visibility for two on-premises identification signs. One on-premises identification sign is allowed per street frontage.

**Staff Analysis**

Attachment B (Site Plan) illustrates several issues the applicant must address as they relate to the placement of two monument signs. After review of the site plan, staff determined the following:

1. The most common choice for a sign location would normally be as close to the intersection (53<sup>rd</sup> Avenue and 18<sup>th</sup> Street) as possible. The minimum setback for a sign is 15 feet. That preferred location is occupied by the storm water detention swale mandated by City Code.
2. If the sign was set back further at the intersection behind the 20-foot setback line, its visibility would be blocked by the trees required by the City landscaping ordinance which would hinder visibility.
3. The proposed sign location for the northwest corner of the site is as far from 53<sup>rd</sup> Avenue as possible without having the sign protrude into the traveled portion of the parking lot. This location allows the sign to be visible from the west, but it is still partially obscured from the east. In addition, the mandated shared access imposes further constraints on location of the sign. If allowed, it would be approximately 48 feet from the nearest paved portion of 53<sup>rd</sup> Avenue.
4. The proposed sign location for the southeast corner of the site is as far back from Falcon Avenue as possible without placing the sign in the traveled portion of the parking lot. There is no setback issue with this sign placement relative to 18<sup>th</sup> Street.

The approved configuration of the site plan incorporates the required parking, landscaping, storm water detention area, and tree count throughout the lot. The combination of these items has made sign placement difficult in order that the signs be visible to the public while not interfering with vehicular traffic flow.

**Staff Recommendation**

Staff believes that the combination of the above facts and analysis establishes a legitimate hardship specifically related to sign placement on the site.

Respectfully submitted,

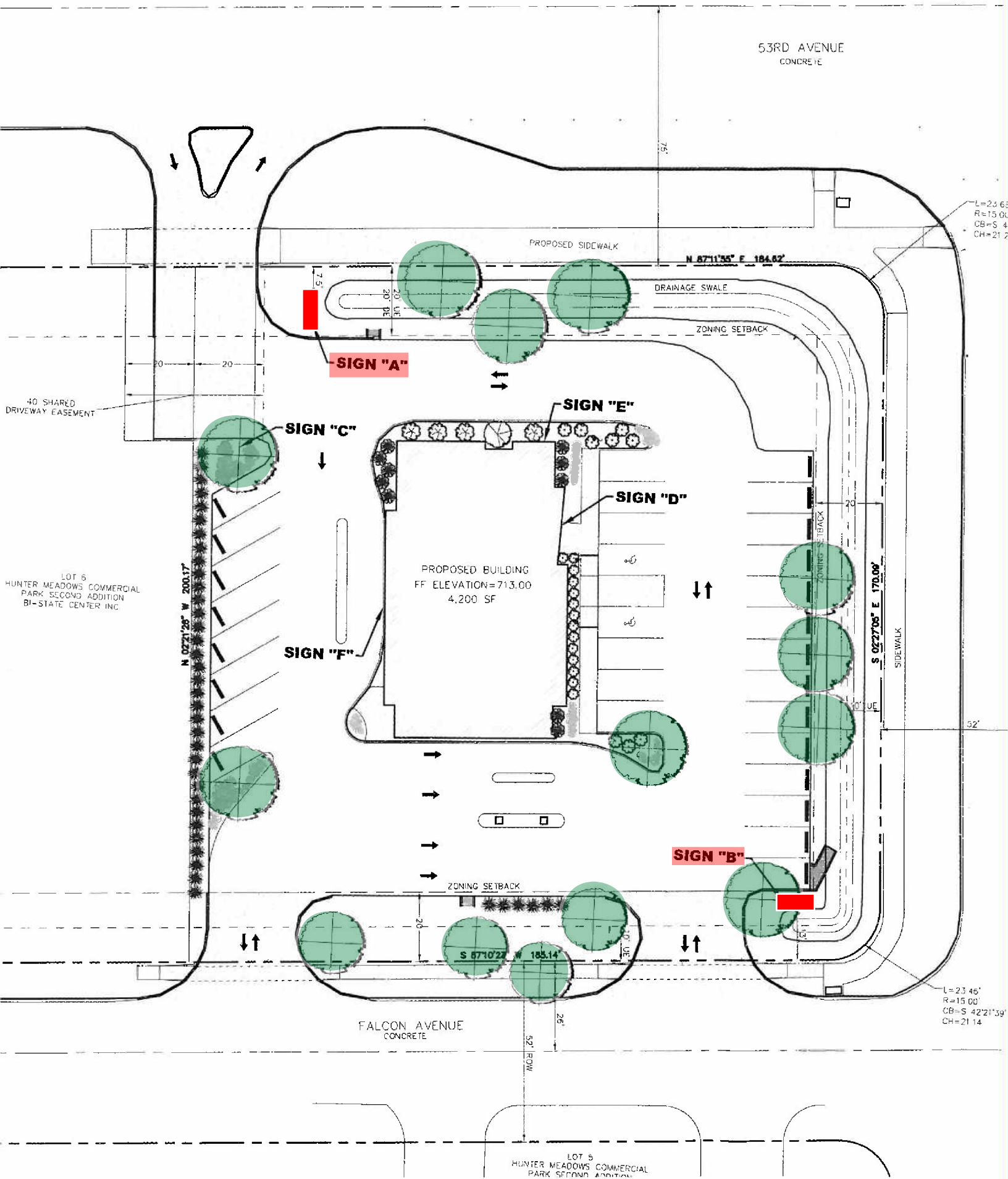
John Soenksen  
City Planner

# Attachment - A

**SITE**



# Attachment - B



L=23.63  
R=15.00  
CB=S 4.00  
CH=21.20

L=23.45'  
R=15.00'  
CB=S 42°21'39"  
CH=21.14



Case No. 12-048

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

Part 1. Property Involved.

Street Address 2339- 53rd AV  
~~South West Corner of 53rd Avenue & 18th Street, Bettendorf, IA 52722~~

Legal Description of the property. See Attached

Lot 1 Hunter Meadows Comm Park First Add

Part 2. Contact Information.

Applicant Name Ascentra Credit Union Phone 563/355-0152  
Address 1710 Grant Street, Bettendorf, IA 52722 FAX 563/335-5536  
E-mail Address: paul.lensmeyer@ascentra.org

Owner Name Same as Applicant Phone \_\_\_\_\_  
Address \_\_\_\_\_ FAX \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Agent La Macchia Group, LLC Phone 414/223-4400  
Address 157 North Milwaukee Street, Milwaukee, WI 53202 FAX 414/223-4488  
E-mail Address: josh@lamacchiagroup.com

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.

See Attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

**Part 7. Signature.**

I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 24th day of July, 2012.

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 24th day of July, 2012.

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

**Part 10. Filing Fee.**

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

Received by [Signature]  
Amount \$100. Date 7/24/12

July 24, 2012

Dear Board of Adjustments,

Please accept this variance request regarding the free standing signage setbacks referenced in the Bettendorf City Code: 18.77\_020\_Location. On behalf of Ascentra Credit Union we would like to propose the location of the permitted monument signs to be within the required 15'-0" setback on account of the extensive landscaping and storm water ponds wrapping the property. The amount of landscaping is based off the street frontage - in this case 53<sup>rd</sup> Avenue, 18<sup>th</sup> Street & Falcon Avenue. To satisfy the amount of landscaping required for this frontage, a number of trees are to wrap around the perimeter of the site (essentially the only space left unoccupied by building, parking or circulation). This same space outside the buildable setbacks also includes the drainage swale used to collect water prior to draining to the municipal storm sewer system. As a result the only space left beyond the sign setback would be on the northeast corner of the site which is obstructed from the views of the eastbound (53<sup>rd</sup> Ave.) & northbound (18<sup>th</sup> St.) traffic by the same trees required off the street frontages. This would severely reduce the effectiveness of the site signage.

By splitting the sign into (2) separate locations we address the visibility problems and draw the attention to the site access points. The other obstacle to locating the signage within the required setbacks is the common access point off 53<sup>rd</sup> Avenue shared by the adjacent property to the west. This common drive is located to create a maximum separation from the nearest street intersection but unfortunately occupies the same space a sign would ideally be located to address traffic along the heavily travelled 53<sup>rd</sup> Avenue. Our goal is to recapture the visibility of oncoming traffic prior to passing the site's limited access points & clearly identify the credit union early enough to allow vehicular traffic to make a safe & comfortable turn into the site. We would not see these proposed signage locations as obstructing or devaluing the adjacent properties in any way.

We are happy to work with the city on this solution and are available to address any concerns they may have. Please see the attached plans for additional detail of the proposed signage locations.

Thank you for your consideration.

Best regards

Joshua A. Schoenemann