

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
MARCH 14, 2013
5:00 P.M.**

PLACE: Bettendorf City Hall Council Chambers, 2nd 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 January 10, 2013.
4. The Board to hold a public hearing on the following item:
 - a. Case 13-007; 3775 Middle Road (A-1) - A request for a variance to reduce the required front yard setback from 15 feet to 13 feet for an on-premises identification sign, submitted by Our Savior Lutheran Church.

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
JANUARY 10, 2013
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Gallagher, Spranger, Voelliger
ABSENT: Johnson
STAFF: Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of November 8, 2012.

On motion by Falk, seconded by Gallagher, that the minutes of the meeting of November 8, 2012 be approved as submitted.

ALL AYES

Motion carried.

Item 4. The Board to review and approve the 2012 Board of Adjustment Annual Report.

On motion by Gallagher, seconded by Falk, that the 2012 Board of Adjustment Annual Report be approved as submitted.

ALL AYES

Motion carried.

Item 5. Election of Officers.

On motion by Gallagher, seconded by Spranger, that Voelliger and Falk retain their positions of chairman and chairman pro tem, respectively.

ALL AYES

Motion carried.

Item 6. The Board to hold a public hearing on the following items:

- a. Case 13-001; 3222 and 3236 Bear Tooth Court (I-2) - A request that a fitness center be considered to be similar and compatible to the permitted and/or special uses allowed in the I-2 district, submitted by GRD Development, LLC.
- b. Case 13-002; 3222 and 3236 Bear Tooth Court (I-2) - A request for a variance to reduce the required number of off-street parking spaces to 24, submitted by GRD Development, LLC.

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.

Voelliger asked if Bear Tooth Court is a private or public street. Soenksen stated that it is a public street. Voelliger asked if any consideration had been given to restricting parking completely or to one side of the street. Connors explained that the Police Department had considered those options but does not wish to set such a precedent in an industrial area. Voelliger commented that if the patrons of this particular business are not allowed to park in the street, it would likely be very inconvenient for the applicant. He added that if there is no signage indicating that no parking is allowed, technically patrons could park there.

Voelliger asked how wide Bear Tooth Court is. Connors indicated that it is 38 feet wide. Voelliger commented that it is wide enough to allow street parking.

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

Jeff Miller, representing the applicant, explained that the proposed facility would be used for a multi-sport, cross-training and sports acceleration facility which would include football, wrestling, and baseball.

Miller stated that the developer, Craig Wagner, plans to construct the building such that in the future it could be utilized for a business similar to those that are currently located in the industrial park. He indicated that Wagner plans to utilize the building for the training facility only for approximately 5 years at which time he would move to a larger structure. He explained that the facility will serve students of schools in several districts. Miller indicated that while the site has been designed to maximize available parking, it is possible that overflow parking may occur on the street. He added that most of the patrons using the facility would be dropped off.

Falk asked what the hours of operation would be. Miller explained that most of the activity at the facility would take place after school and on the weekends and would likely be year round to accommodate several sports seasons.

Falk asked what arrangements have been made with regard to unattended youth and their impact on the neighborhood. Miller explained that because of the age of the athlete, the students would be supervised on the site. Falk asked what would happen if a child didn't get picked up on schedule. Miller indicated that inside the facility there

would be a locker room area in addition to a space where children could wait for their parents.

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 Spranger, seconded by Gallagher, that a fitness center be considered to be similar and compatible to the permitted and/or special uses allowed in the I-2 district..

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

On motion by Spranger, seconded by Gallagher, that a variance to reduce the required number of off-street parking spaces to 24 be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #5 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) 344-4083

March 14, 2013

Staff Report

Case No. 13-007

Location: 3775 Middle Road

Applicant: Our Savior Lutheran Church

Zoning Designation: A-1, Agricultural

Request: Variance to reduce the required setback from 15 feet to 13 feet for an on-premises identification sign.

Background Information and Facts

The site is located on the south side of Middle Road between Devils Glen Road and Belmont Road (see Attachment A – Location Map). The applicant would like to replace the existing on-premises identification sign as indicated on Attachment A because the electronic portion of the sign is not working.

Staff Analysis

In 1977 the Board approved a variance for a church sign to be located at the eastern entrance to the church parking lot and within 10 feet of the front property line. The original decision specified that approval was “subject to the information contained in the application.” Since the proposed sign will be in a different place, a variance is required.

Several years ago, the original sign was removed and a new one was located at the proper setback in a more centralized location in front of the church (see Attachment B – Sign Locations). The church would now like to replace that sign with a slightly larger one. Due to the fact that the new sign is wider, mounting it at the same location would place the front most portion of the sign approximately two feet closer to the front property line which requires a variance. The illustration in Attachment C demonstrates the current and proposed signs in relation to the required front setback shown as a red line.

The total cost of the project can be reduced by using the existing mounting hardware and electrical service connections. This is the reason the new wider sign will project two feet into the front setback even though the base of the sign will be in the same location.

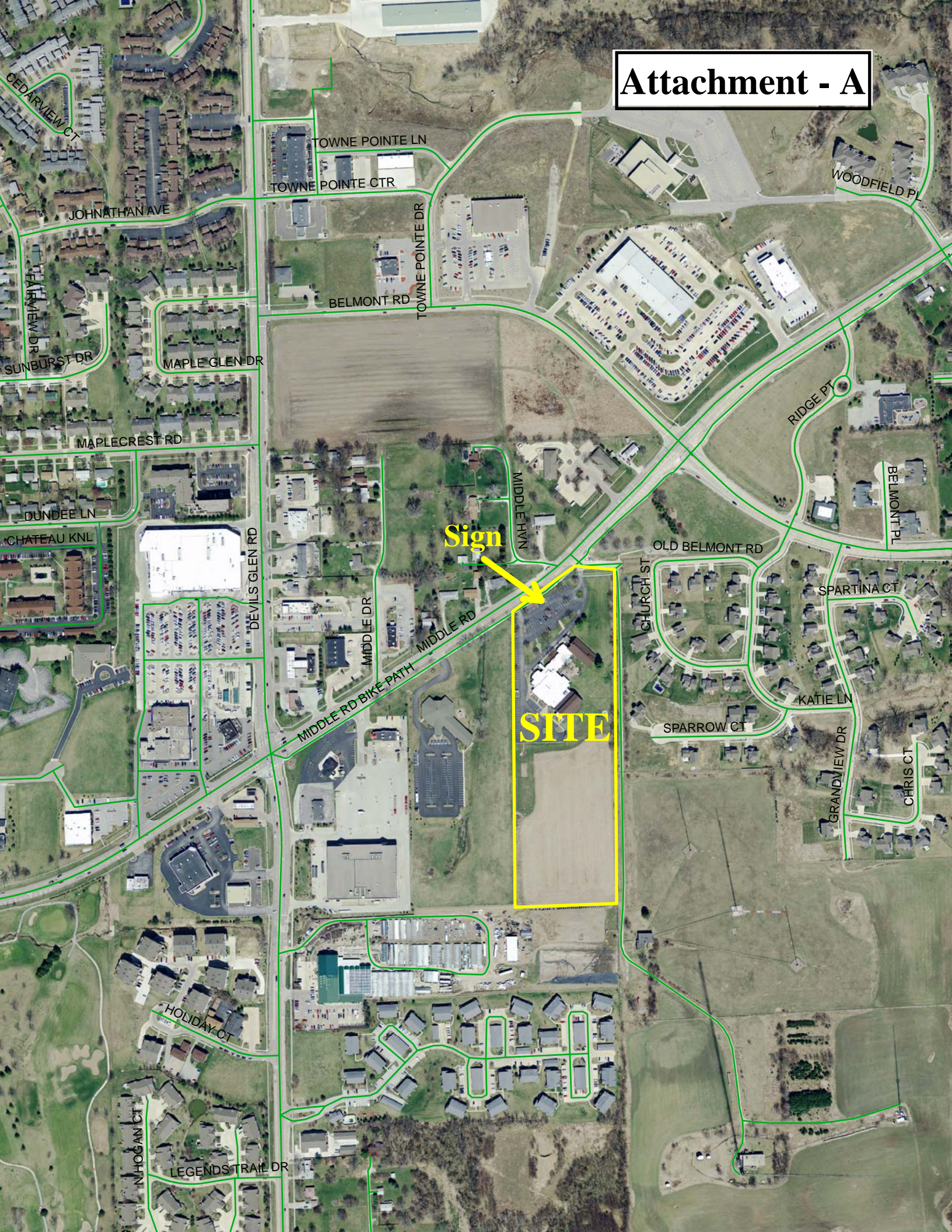
Staff Recommendation

The site has ample room for the sign to be moved slightly closer toward the church away from the front property line, and therefore staff cannot cite a hardship per the Code. Staff does acknowledge that the sign protrusion into the front setback illustrated on Attachment C will likely be undetectable to anyone and will not create any distraction to the general public or surrounding neighbors and is less than was originally approved in 1977.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



Sign

SITE

CEDARVIEW CT

JOHNATHAN AVE

FAIRVIEW DR
SUNBURST DR

MAPLE GLEN DR

MAPLECREST RD

DUNDEE LN

CHATEAU KNL

DEVILS GLEN RD

MIDDLE DR

MIDDLE RD

MIDDLE RD BIKE PATH

MIDDLE HVN

CHURCH ST

OLD BELMONT RD

SPARTINA CT

KATIE LN

SPARROW CT

GRANDVIEW DR

CHRIS CT

HOLIDAY CT

N HOGAN CT

LEGENDS TRAIL DR

TOWNE POINTE LN
TOWNE POINTE CTR

BELMONT RD
TOWNE POINTE DR

WOODFIELD PL

RIDGE PT

BELMONT PL

Attachment - B



10'

Approved Variance
(sign now removed)

15' to 13'

Current
Request

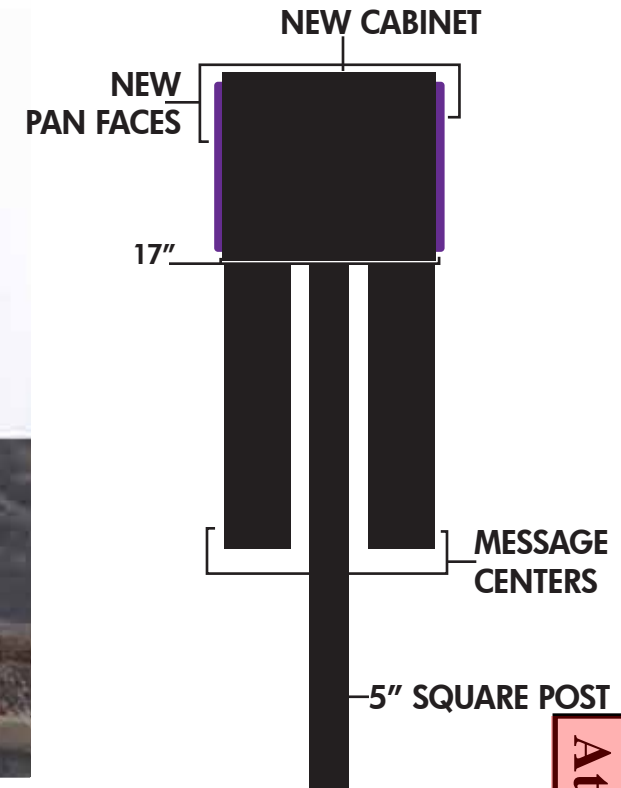
CURRENT



PROPOSED front



PROPOSED side



SPECS

Top cabinet 26 1/4" x 96 3/4" x 17"
 pan faces 1 1/4" protrusion
 LED message board is 2' 9 1/4" x 9' 8-3/8" x 7-7/8"

NOTES

26" x 96" top cabinet for identity sign
3' x 10' message centers

*All colors are approximate representations- due to the range of monitor and printer calibrations, no color matches are guaranteed. Exact color matching is only guaranteed through PMS, RCLS or vinyl ID



Case No. 13-007

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

Part 1. Property Involved.

Street Address 3775 MIDDLE ROAD.

Legal Description of the property. Lot #1 - First Baptist Church Addition.

Part 2. Contact Information.

Applicant Name OUR SAVIOR LUTHERAN CHURCH Phone 563 332-5141

Address 3775 MIDDLE ROAD FAX _____

E-mail Address: ADMIN@OURSAVIORBETT.IOWA

Owner Name _____ Phone _____

Address _____ FAX _____

E-mail Address: _____

Agent A. J. LOSS - CHAIR - BUILDING & GROUNDS ^{COMMITTEE} Phone 563 344 3791

Address _____ FAX 563. 344 3792

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.

WE WOULD LIKE TO RE-USE THE EXISTING SIGN BASE AND STRUCTURE WITH WE REPLACE OUR NON-WORKING SIGN WITH A NEW ONE. OUR CURRENT SIGN DOES NOT SUIT OUR NEEDS AND A LARGER SIGN IS DESIRED. IT WILL BE WITHIN THE 60 SF LIMITATION. INCREASING THE SIGN WIDTH YET STAYING 15' FROM THE SETBACK WILL REQUIRE US TO OFF-CENTER THE NEW SIGN ON THE EXISTING STRUCTURE.

Reduce front setback from 15 feet to 13 feet.

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 _____
 (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 26 day of Feb., 2013.

John Sorenson

 Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.
 \$ 50.00 Single Family/Two-family Residential Variance
 \$100.00 All Other Applications

Received by *John Sorenson*
 Amount \$ 100.00 Date 2-26-13
check # 1492 gf