

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
JULY 11, 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 June 13, 2013.
4. The Board to hold a public hearing on the following items:
 - a. Case 13-036; 2114 Bellevue Avenue (R-2) - A request for a variance to increase the allowable square footage of a garage from 720 square feet to 932 square feet, submitted by Terry Calhoun.
 - b. Case 13-027; 909 Middle Road (C-2) - A request for a special use permit to allow a drive-up window, submitted by Geifman Food Stores, Inc.
 - c. Case 13-038; 14 Oakbrook Place (R-1) - A request for a variance to increase the allowable square footage of a garage from 1088 square feet to 1141 square feet and to reduce the required combined side yard setback from 20 feet to 13 ½ feet, submitted by Kent Houzenga.

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.

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
JUNE 13, 2013
5:00 P.M.**

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

Item 1. Roll Call

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

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of May 9, 2013.

On motion by Falk, seconded by Spranger, that the minutes of the meeting of May 9, 2013 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 13-029; 3495 ValleyWynds Drive (R-1) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Ben Moseley.

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

Ben Moseley, the applicant, explained that the proposed fence would be a continuation of the existing fence surrounding the adjacent yard to the south and that he feels that it is very similar to other fences for which variances have been granted in the past.

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 Falk, seconded by Spranger, that a variance to allow a 6-foot high fence in a required front yard be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

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

These minutes and annexes approved _____

John Soenksen, City Planner



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

July 11, 2013

Staff Report

Case No. 13-036

Location: 2114 Bellevue Avenue

Applicant: Terry Calhoun

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

Request: Variance to increase the allowable square footage of a garage from 720 square feet to 932 square feet.

Background Information and Facts

The site is located just to the east of the intersection of 21st Street and Bellevue Avenue (see Attachment A – Location Map). The home currently has a small single-car attached garage on the east side of the structure. The applicant would like to add a 24-foot by 26-foot detached garage in the rear yard (see Attachment B – Plot Plan). If allowed, the combined total garage square footage will be 932 square feet.

Staff Analysis

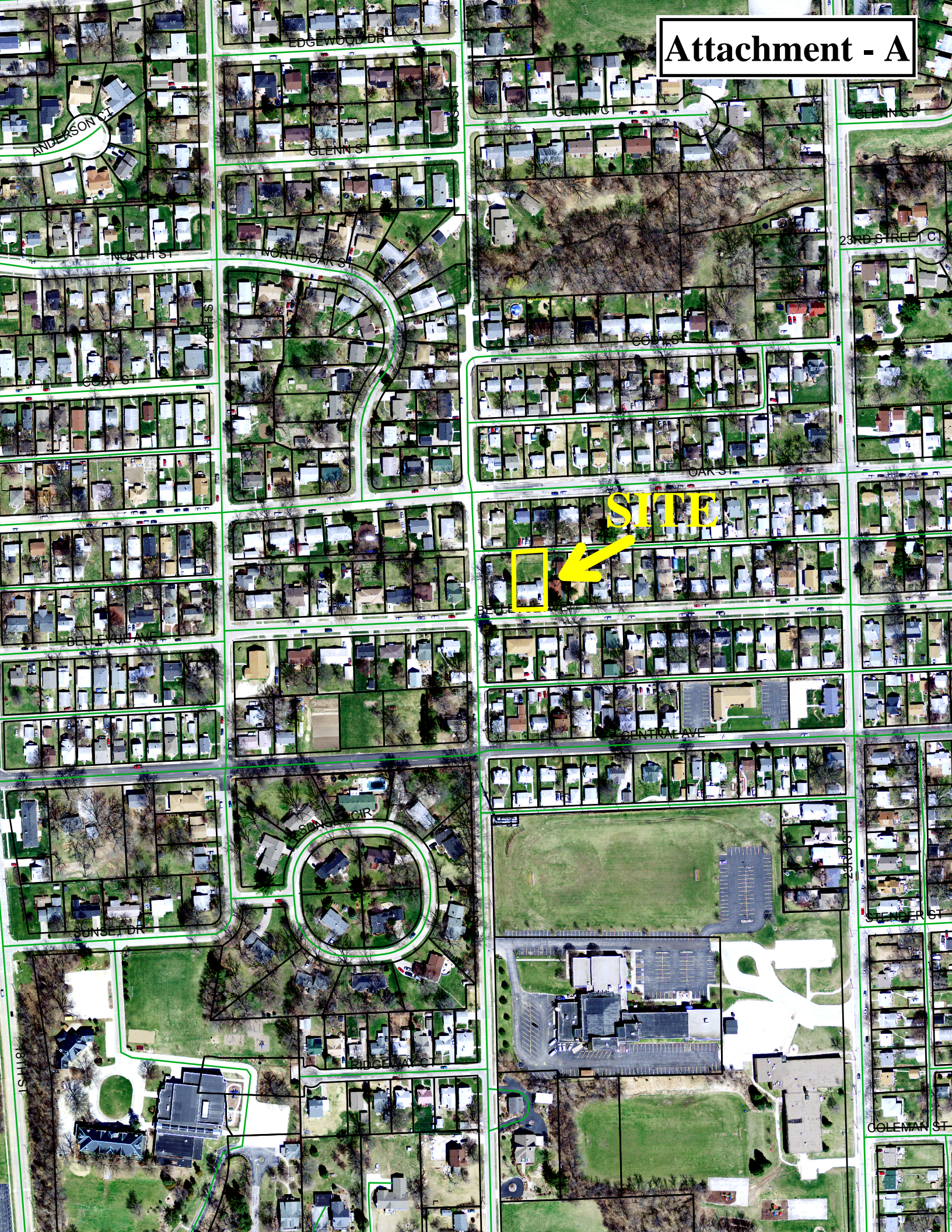
The applicant feels that the request is in keeping with the established aesthetics of the neighborhood in which several other large garages are located in rear yards (see Attachment C – Neighborhood Illustration). The square footage of these garages range from 925 to 1,050 square feet. In two instances, the garages actually exceed the size of the principal residential structure. Attachment C illustrates that the applicant has one of the largest lots in the neighborhood. Attachment D shows three examples of these garages.

In the past, the Board has been receptive to this type of request if it is in keeping with the established characteristics of the neighborhood. While staff cannot cite a hardship in this case, we acknowledge that the proposed construction would match the existing aesthetics of the neighborhood.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE



EDGEWOOD DR

GLENN ST

NORTH OAK ST

CODY ST

COOK ST

OAK ST

BELLEVEUE AVE

CENTRAL AVE

SUNSET DR

EDGE AVE

23RD STREET CT

STANLEY ST

COLEMAN ST

18TH ST

**NEW
GARAGE** 24'
26'

BELLEVUE AVE



Attachment - C

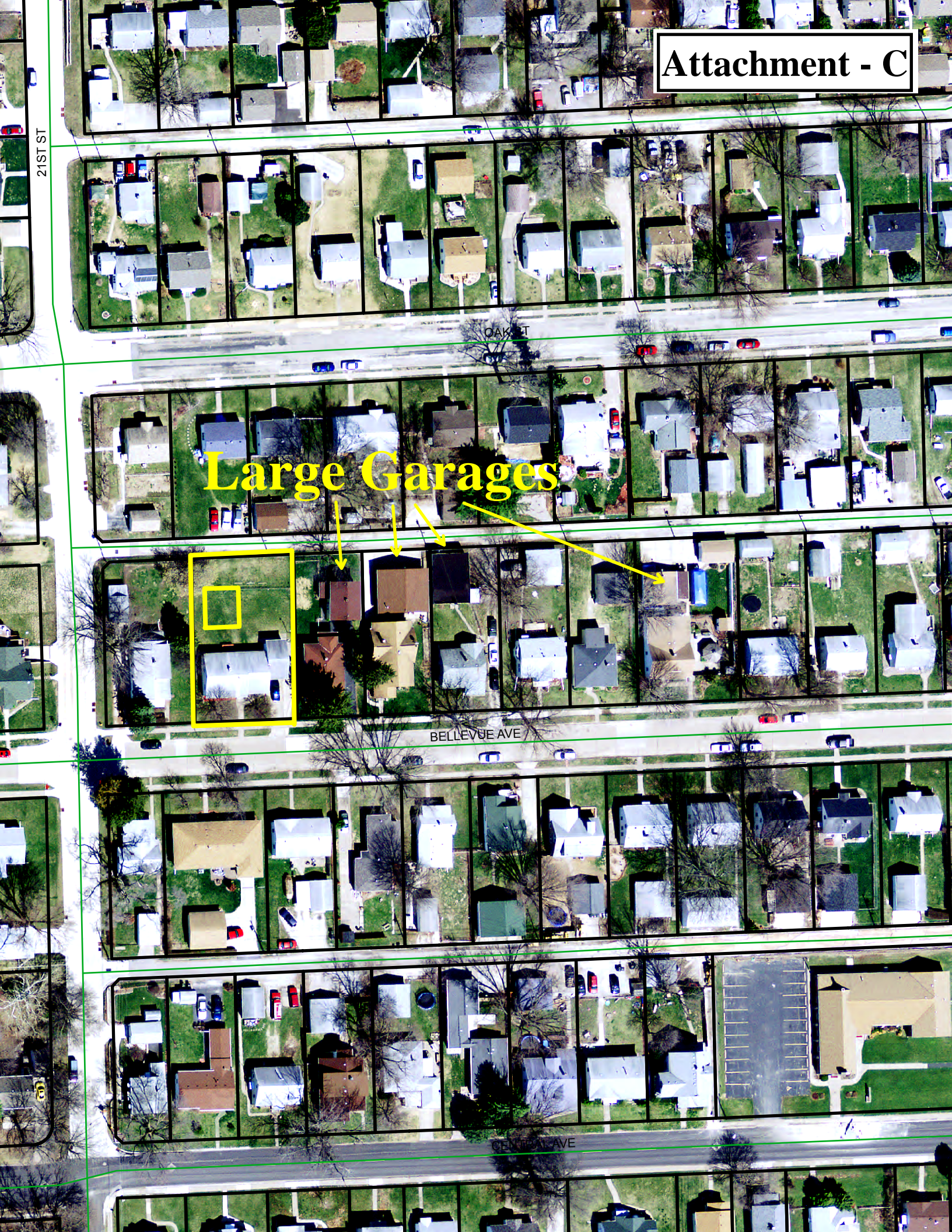
21ST ST

OAK ST

Large Garages

BELLEVUE AVE

CENTRAL AVE



Attachment - D



2202 Bellevue Ave



2128 Bellevue Ave



2132 Bellevue Ave



Case No. 13-036

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

Part 1. Property Involved.

Street Address 2114 BELLEVUE

Legal Description of the property. 1171-003-005 BELLEVUE 4th ADD-LOTS
3+4

Part 2. Contact Information.

Applicant Name TERRY CALHOUN Phone 563-505-5529
Address 1013 JONES ST. FAX 563-344-9845
E-mail Address: _____

Owner Name TERRY CALHOUN Phone 563-505-5529
Address 1013 JONES ST. FAX 563-344-9845
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.

Garage for storage. 24'x26'

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] 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 15th day of June, 20 13.
[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 6/18/13



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

July 11, 2013

Staff Report

Case No. 13-037

Location: 909 Middle Road

Applicant: Geifman Food Stores, Inc.

Zoning Designation: C-2, Community Shopping District

Request: Special use permit to allow a drive-up window.

Background Information and Facts

The site is located in the southwest corner of the intersection of Middle Road and Interstate 74 which is currently occupied by HomeRidge Inn & Suites and Bennigan's Restaurant (see Attachment A – Location Map). The site will soon be redeveloped with a new 5-story hotel and two smaller outbuildings. One of the outbuildings (Lot 2) will house a national coffee shop franchise. If this request is approved, the coffee shop will have a drive-up window located on the east side of the building (see Attachment B – Site Plan).

Staff Analysis

Customers using the drive-up window will travel in a counterclockwise direction around the two outbuildings and approach the drive-up window with the driver's side of the vehicle closest to the window as shown on Attachment B. To facilitate this traffic pattern and ensure safe vehicular movement, the developer is proposing the following (all shown on Attachment C – Drive-up Plan):

- A traffic directional sign at the only entrance to the development informing drivers to turn right to access the drive-up window.
- Installation of a "divider island" to separate the incoming traffic from the traffic exiting the drive-up window.
- A stop sign at the exit of the drive-up lane for traffic safety purpose for motorists exiting the drive-up window lane at the site's entrance/exit.
- Installation of an "L" shaped "separation island" on the east side of the drive-up lane to separate it from other traffic on the site.

There is sufficient room for the stacking of seven vehicles in the drive-up lane. Drive-up windows at coffee shops are common, and it has been staff's experience that it is unusual for patrons to wait in line if there are more than two or three vehicles already waiting. Staff feels that the length of the drive-up lane is more than sufficient to allow for adequate stacking of vehicles.

Based on experience at other coffee shops in the area, it is apparent that patrons of these facilities are often loyal customers who frequent the shops on a routine basis, often at the same time each day. Traffic patterns associated with this type of business are quickly learned by patrons who will simply follow the proper approach pattern as a matter of routine. Staff anticipates that customers will quickly learn the proper traffic configuration thereby alleviating any potential site traffic conflicts.

Staff Recommendation

Staff recommends approval of the special use permit.

Respectfully submitted,

John Soenksen
City Planner

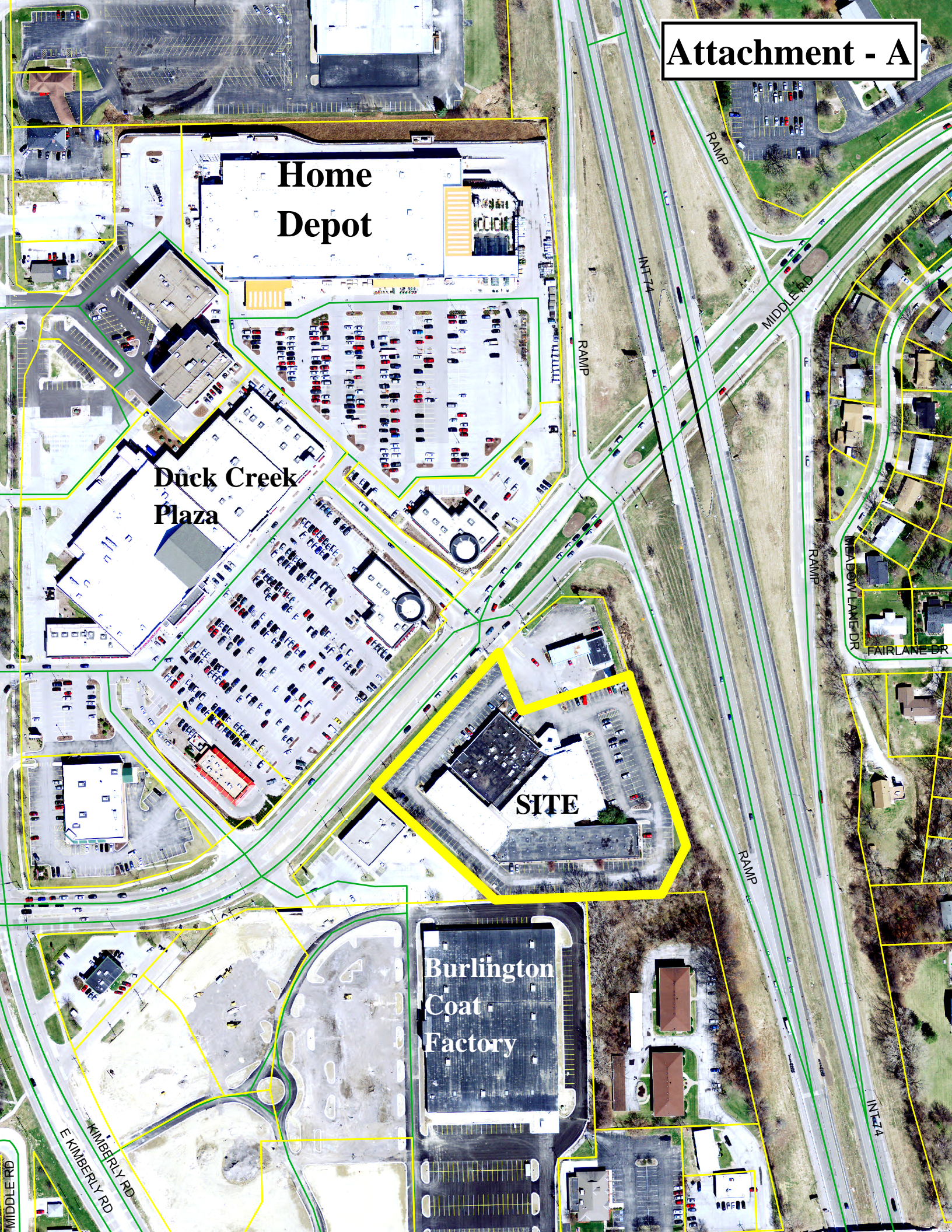
Attachment - A

Home Depot

Duck Creek Plaza

SITE

Burlington Coat Factory



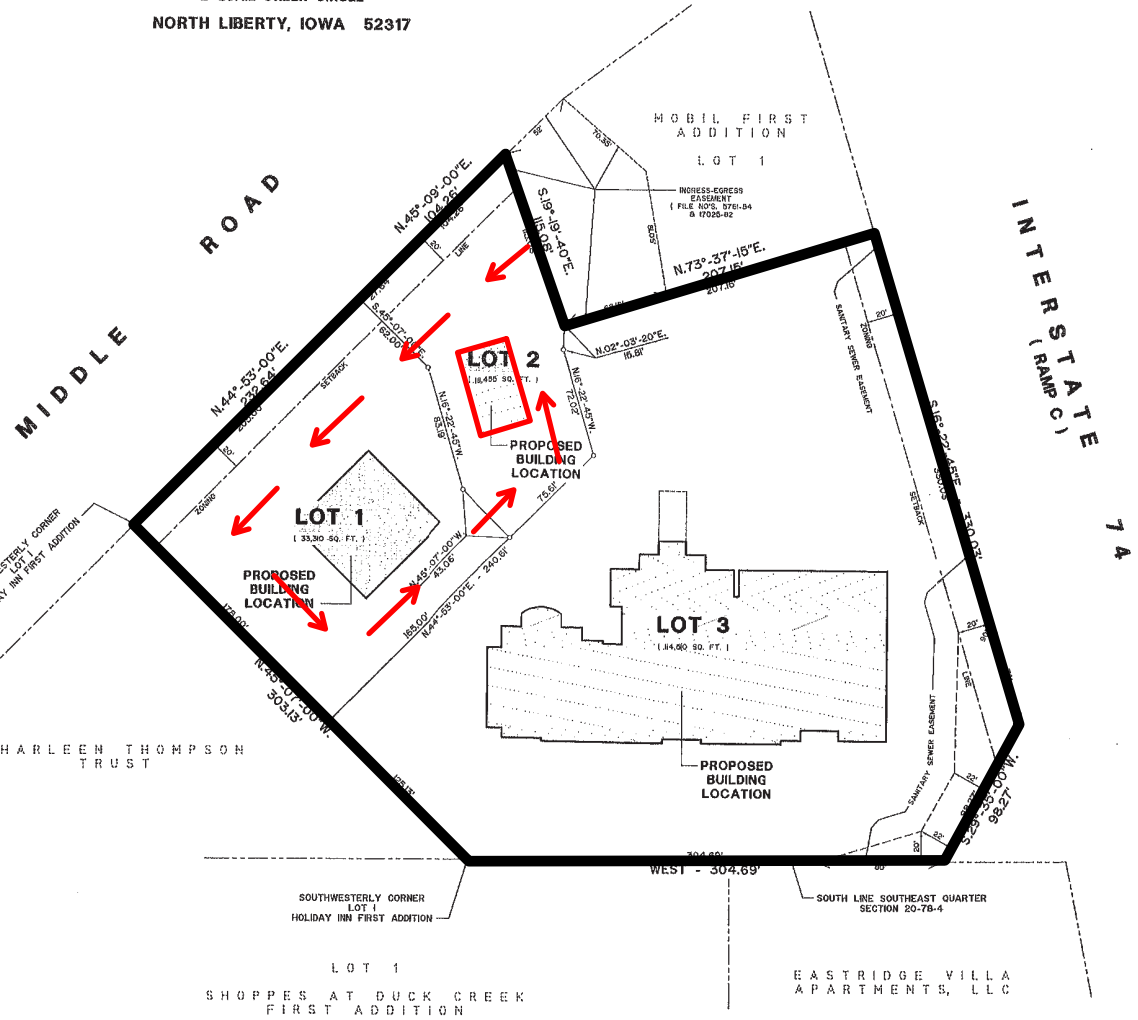
OWNER - DEVELOPER

BETTENDORF HOTEL ASSOCIATES, L.C.

% KINSETH HOSPITALITY CO.

2 QUAIL CREEK CIRCLE

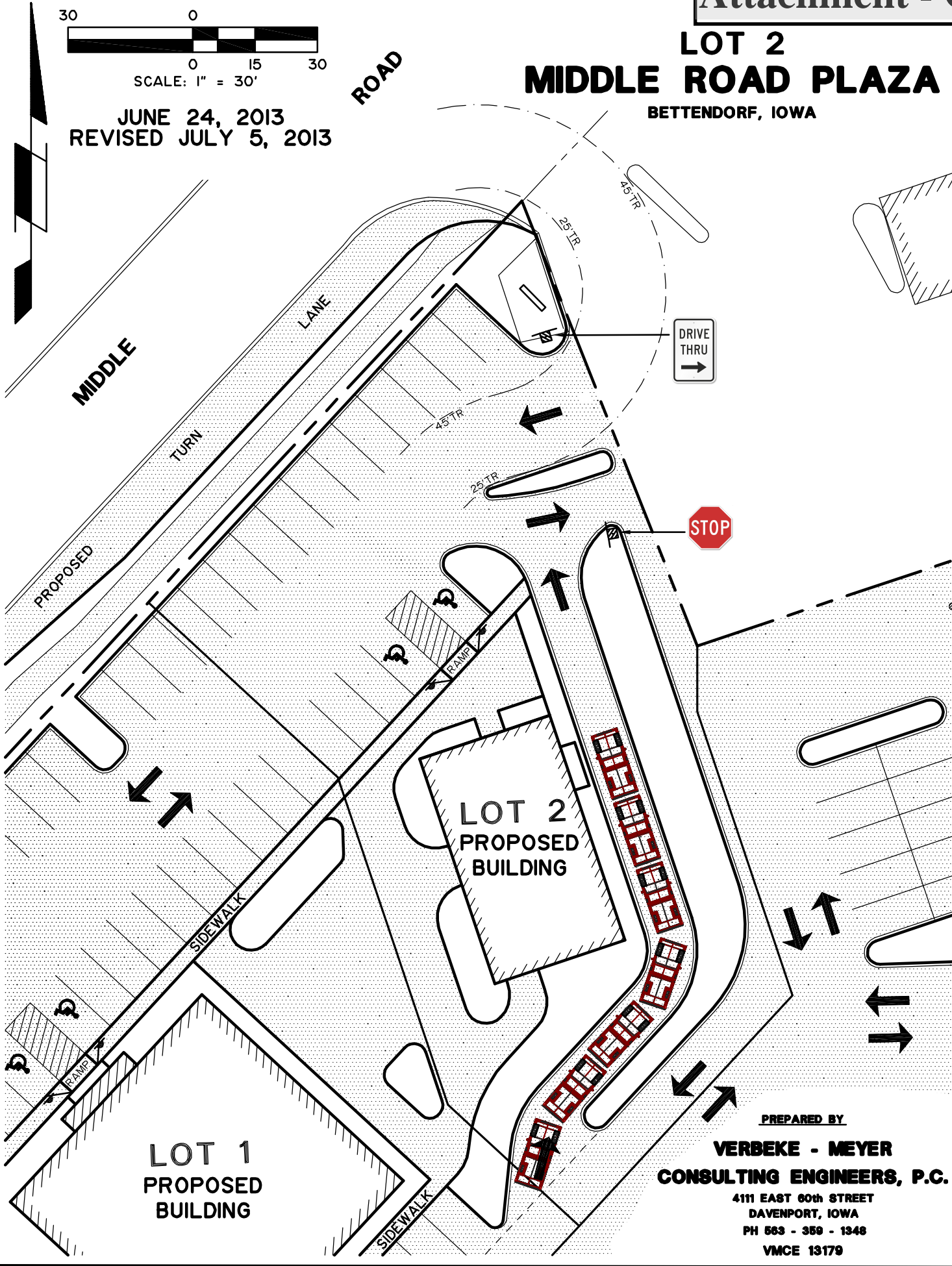
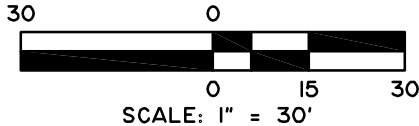
NORTH LIBERTY, IOWA 52317



LOT 2 MIDDLE ROAD PLAZA

BETTENDORF, IOWA

JUNE 24, 2013
REVISED JULY 5, 2013



PREPARED BY
VERBEKE - MEYER
CONSULTING ENGINEERS, P.C.
 4111 EAST 80th STREET
 DAVENPORT, IOWA
 PH 563 - 359 - 1348
 VMCE 13179

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

Part 1. Property Involved.

Street Address 909 Middle Road, Bettendorf, IA 52722

Legal Description of the property. Lot 2 Middle Road Plaza

Part 2. Geifman Food Stores, Inc., dba First

Applicant Name Equity Development Group Phone 563-323-2626

Address 2550 Middle Rd., Ste. 600 FAX 563-323-1835
Bettendorf, IA 52722

Owner Name Bettendorf Hotel Associates LC Phone _____

Address 2 Quail Creek Circle, North Liberty, IA 52317 FAX _____

Agent Thomas J. Pastrnak Phone 563-323-7737

Address 313 W. 3rd St., Davenport, IA 52801 FAX 563-323-7739

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

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
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2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:
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 - (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

July 11, 2013

Staff Report

Case No. 13-038

Location: 14 Oakbrook Place

Applicant: Kent Houzenga

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

Request: Variance to increase the allowable square footage of a garage from 1,088 square feet to 1,141 square feet and to reduce the required combined side yard setback from 20 feet to 13 ½ feet.

Background Information and Facts

The applicant's home is located northeast of the intersection of Interstate 74 and Middle Road and north of the Ruhl and Ruhl office building at 1228 Middle Road (see Attachment A - Location Map). The applicant would like to expand the existing attached garage which would result in the nearest portion of the new garage addition being within 6 feet 3 inches of the side yard property line and increasing the total garage square footage to 1,141 square feet (see Attachment B – Plot Plan).

Staff Analysis

The zoning ordinance allows garages to be up to 40% of the above ground living area space in size. The applicant's home has 2719 square feet of livable area; therefore, the maximum allowed garage square footage is 1,088 square feet. The proposed increase in allowable garage square footage is less than 5%. Staff is of the opinion that the small increase in allowed garage size would not be noticeable to most people, especially given the fact that the home is located on a large lot of nearly .7 acre in size.

The minimum required side yard setback for this district is five feet. If approved, the required minimum side yard will be maintained, but the required combined side yard setback of 20 feet would not be observed. Attachment B shows that only half of the garage addition would be within 6 feet 3 inches of the side yard because the lot is irregularly-shaped. The rearmost portion of the garage addition would be 12-13 feet away from the side yard; therefore, the required combined side yard nearest the rear portion of the garage addition would be maintained. If allowed, the closest portion of the addition would be 23 feet from the adjacent residence. There are no fire separation issues.

Attachment C illustrates the proposed placement of the addition and the remaining side yard setback.

Staff cannot identify any hardship to justify approving the request.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



HAWTHORNE ST

HAWTHORNE DR

PARKWAY DR

ESTATE CT

DUCK CREEK BIKE PATH

SITE

INT 74

RAMP

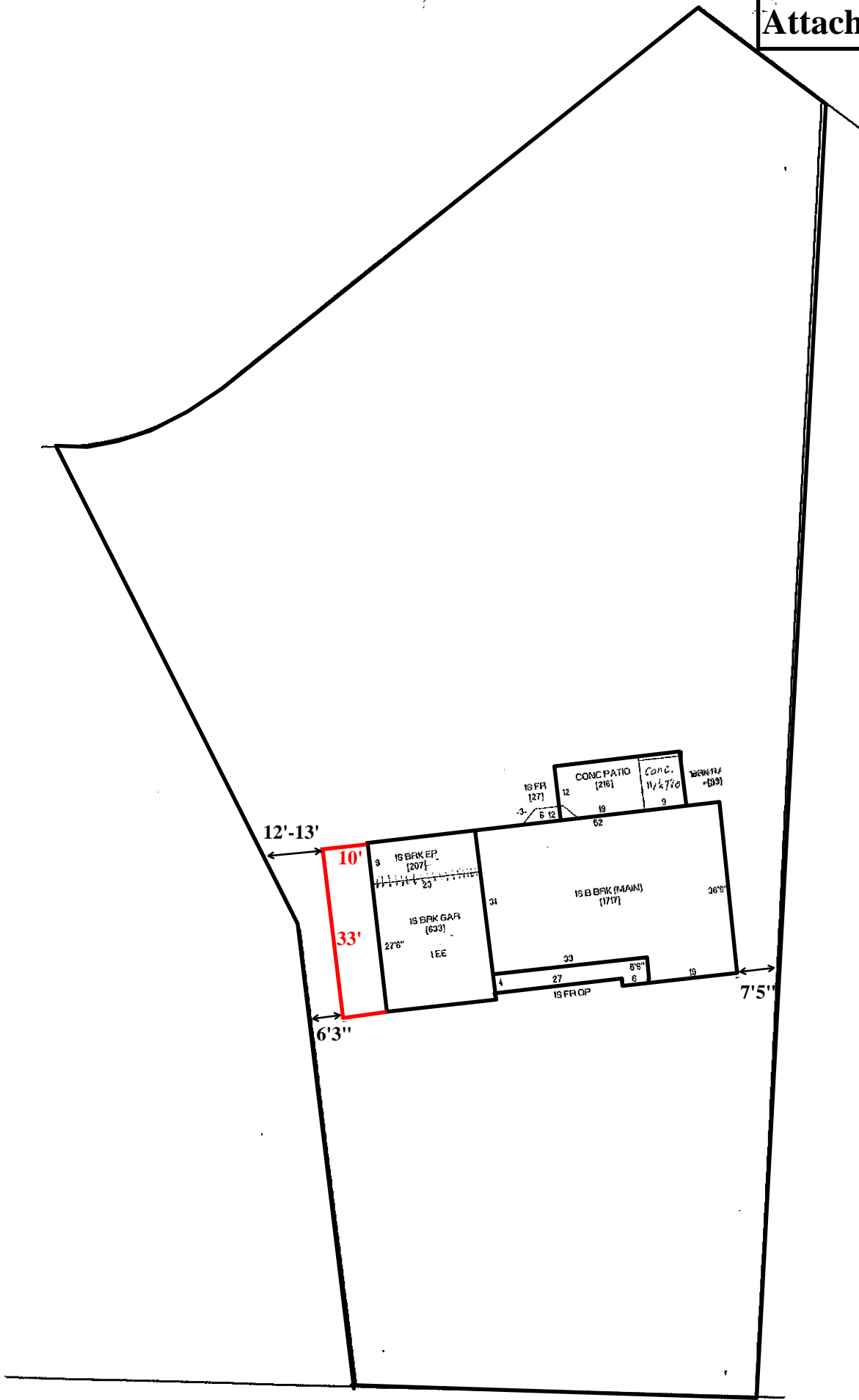
INT 74

MIDDLE RD

RAMP

MEADOW LANE DR

PARK LANE CIR



Attachment - C





Case No. 13-038

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

Part 1. Property Involved.

Street Address 14 OAKbrook Place

Legal Description of the property. Lot 9 and part of Lot 10, Oakbrook Addition

Part 2. Contact Information.

Applicant Name Bent E. Houzenga Phone 563-949-6170

Address 14 OAKbrook Place FAX _____

E-mail Address: bkhouze@yahoo.com

Owner Name Bent E & Brandi A. Houzenga Phone 563-514-2133

Address 14 OAKbrook Place FAX _____

E-mail Address: bkhouze@yahoo.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:

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3. Other. _____

(Attach a separate sheet and explain in detail.)

