

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  
NOVEMBER 14, 2013  
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 October 10, 2013.
4. The Board to hold a public hearing on the following items:
  - a. Case 13-053; 2501 - 53<sup>rd</sup> Avenue (C-2) - A request for a special use permit for an outdoor service area to be similar and compatible to the uses existing within the premises, submitted by The Clubhouse. **(Deferred to meeting of December 12, 2013)**
  - b. Case 13-064; 2777 - 18th Street (C-2) - A request for a variance to increase the allowable square footage of a parking instructional sign from 9 square feet to 30 square feet and to allow two non-street frontage on-premises identification signs (building-mounted), submitted by Conrad Wagner.
  - c. Case 13-065; 6655 Crow Creek Road (A-2) - A request for a variance to reduce the required rear yard setback from 40 feet to 10 feet to allow for a 14-foot by 50-foot house addition, submitted by Bob and Martha Border.
  - d. Case 13-066; 2999 Middle Road (R-1) - A request for a variance to allow a 5-foot high fence along the Middle Road property line, submitted by the City of Bettendorf/Palmer Hills Golf Course.

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

**MINUTES  
BETTENDORF BOARD OF ADJUSTMENT  
OCTOBER 10, 2013  
5:00 P.M.**

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

Item 1. Roll Call

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

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of September 12, 2013.

On motion by Falk, seconded by Johnson, that the minutes of the meeting of September 12, 2013 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 13-053; 2501 - 53<sup>rd</sup> Avenue (C-2) - A request for a special use permit for an outdoor service area to be similar and compatible to the uses existing within the premises, submitted by The Clubhouse. (Deferred to meeting of November 14, 2013)
- b. Case 13-063; 3204 Bear Tooth Court (I-2) - A request for a variance to reduce the required side yard setback from 10 feet to 6 feet to allow for a building addition, submitted by David Death.

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. Soenksen stated that he had received a letter in support of the request from Kevin Koellner, 1805 State Street. Letter is Annex #4 to these minutes.

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

David Death, the applicant, explained that the proposed addition would allow him to expand his business, adding that he and the adjoining property owner have agreed that the resultant building separation is adequate for both of their purposes.

Voelliger asked if the existing curb would be removed. Death confirmed this.

Johnson asked if the building to be constructed on the adjacent lot would meet setback requirements. Soenksen confirmed this.

Johnson asked if there is a required setback for parking lots as it appears as though the pavement is very close to the property line. Soenksen explained that the setback requirement for parking lots is only applicable to front yard parking.

Johnson asked if it would be possible for the applicant to purchase more property from the adjacent lot owner so that a variance would be unnecessary. Deuth commented that there is an existing shed located on the property line and he had decided to purchase enough property from the adjacent lot owner so that the proposed addition would be in alignment.

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 Johnson, that a variance to reduce the required side yard setback from 10 feet to 6 feet to allow for a building addition be approved in accordance with the Decision and Order and subject to the acquisition of 10 feet of property from the adjacent lot owner and the successful replat of the property.

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 5:10 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

November 14, 2013

Staff Report

**Case No. 13-064**

**Location:** 2777 – 18<sup>th</sup> Street

**Applicant:** Conrad Wagner

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

**Request:** Variance to increase the allowable square footage of a parking instructional sign from 9 square feet to 30 square feet and to allow two non-street frontage on-premises identification signs (building-mounted).

**Background Information and Facts**

The site is located at 2777 - 18<sup>th</sup> Street (see Attachment A – Location Map). A new Jiffy Lube oil change service center will be located at the site which has been abandoned for several years. The variance request involves two issues: a larger than allowed parking lot instructional sign and two building-mounted signs that will not face a street frontage (see Attachment B – Plot Plan).

**Staff Analysis**

The parking lot instructional sign, if allowed, would be placed between the parking lot pavement and the sidewalk in front of the business (see Attachment C – Sign Location Illustration). Given the layout of the site, the proximity of the proposed sign to the driveway entrance, and the obstruction caused by a tree in the front yard, the applicant's request appears to be logical. While larger than is allowed by Code, the sign's 5-foot by 6-foot dimensions do not appear to be aesthetically intrusive given the fact that the sign will be set back 30 feet from the paved portion of 18<sup>th</sup> Street. If allowed, the sign should not pose any line-of-sight issues for vehicles entering and exiting the parking lot. Because parking lot instructional signs have no setback requirements they are limited by the ordinance to 9 square feet. The proposed sign will allow two vehicles to stack within the driveway in front of the sign with no visibility obstruction. If allowed, the sign will resemble the two signs approved by variance at the 18<sup>th</sup> Street entrances to Bettendorf High School.

The proposed building-mounted signs would be placed on the north and south sides of the building (see Attachment D and E – Non-Street Frontage Signs). The signs, if allowed, would be 30 square feet each. Both sides of the building are approximately 555 square feet; therefore, the sizes of the proposed signs do not appear to be excessive, yet are large enough to give reasonable visibility for vehicles traveling on 18<sup>th</sup> Street. Little Caesar's Pizza is immediately north of this location and has a similar sign located on the south side of their building on a non-street frontage side. Therefore, this

request is similar and compatible to the conditions already existing in this shopping center area. The building will also have a building mounted sign on the front (west) side of the structure which is allowed by Code.

The applicant feels that the tree located in front of the business causes an obstruction to the allowed building-mounted sign (on the west side of the building) and poses a visibility hardship. The applicant inquired into the possibility of removing the tree and was advised by staff that the removal was not allowed due to the fact that the tree is part of the approved landscaping plan for this site.

Respectfully submitted,

John Soenksen  
City Planner

**Attachment - A**



**SITE**



8TH ST

CHAMBERLAND SQUARE DR

PRUCE HILLS DR



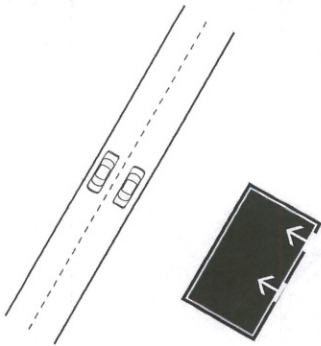
ST

Parking  
Instructional  
Sign

Bldg. Sign

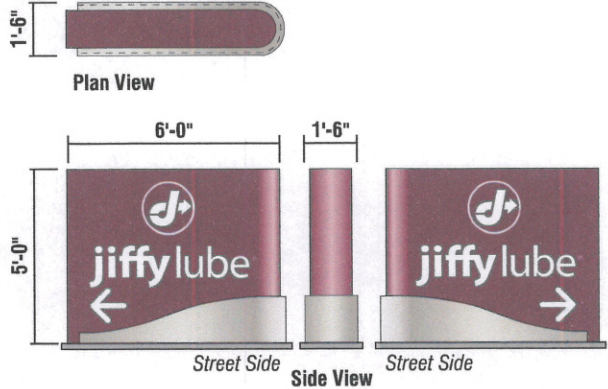
Bldg. Sign

## SITE PLAN



- Mid block site
- Building faces primary street
- Pylon to the left of building
- Rear loaded

## Minimum



**Custom JL-M30**  
**Monument Sign w/ Vinyl Arrow**  
 SIGN 8

Scale: 3/16" = 1'-0"

## EXISTING

## Minimum



## RECOMMENDATIONS

Location: **2777 18th Street**  
**Bettendorf, IA 52722**

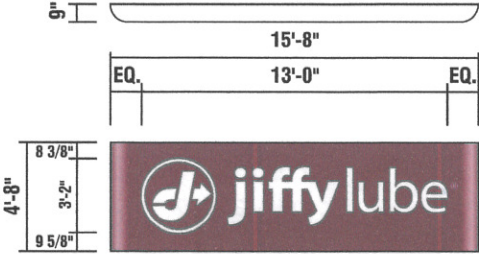
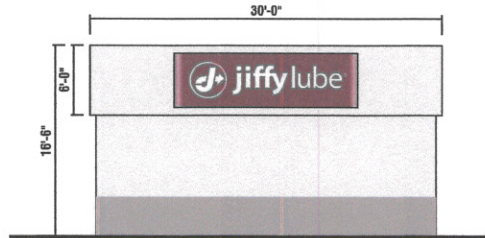

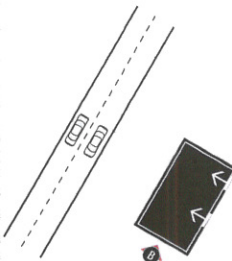

Proj #: **3128** Loc #: **2777** Date: **10/03/13**  
 Req #: **159185** Drawn By: **JF** Page #: **8**

Rev #:	Req#:	Date:	Req. By:	Drawn By:	Revision Description:
Rev 1	160331	10/10/13	FJ	JF	Revised entire scope proposal
Rev 2	161538	10/22/13	FJ	JF	Revised sign 8 from M-50 to
Rev 3	161858	10/22/13	FJ	JF	Revised OAH of sign 9
Rev 4	000000	00/00/00	XXX	XXX	
Rev 5	000000	00/00/00	XXX	XXX	
Rev 6	000000	00/00/00	XXX	XXX	

FILE PATH: Active\ACCOUNTS\J\JiffyLube\Locations 2013\3128\3128 277





<b>Location #:</b> 2777 <b>PG. 4</b>	<b>Minimum</b>	<b>Minimum</b>	<b>EXISTING</b>
<b>ELEVATION B</b>	 <p><b>JL-WS56-R Fascia Wall Sign</b>  <b>SIGN 3</b>          DETAILED SURVEY IS REQUIRED FOR FASCIA MEASUREMENTS          Scale: 1/8"=1'-0"</p>	 <p>Scale: 1/16"=1'-0"</p>	
<b>SITE PLAN</b>	<b>Alternate</b>	<b>Alternate</b>	<b>Minimum</b>
 <ul style="list-style-type: none"> <li>• Mid block site</li> <li>• Building faces primary street</li> <li>• Pylon to the left of building</li> <li>• Rear loaded</li> </ul>	<b>Alternate</b>	<b>Alternate</b>	
<b>Optimal</b>	<b>Optimal</b>	<b>Alternate</b>	
<b>Optimal</b>	<b>Optimal</b>	<b>Optimal</b>	
<b>Optimal</b>	<b>Optimal</b>	<b>Optimal</b>	



**RECOMMENDATIONS**

Location: **2777 18th Street**  
**Bettendorf, IA 52722**

Proj #: **3128** Loc #: **2777** Date: **10/03/13**  
 Req #: **159185** Drawn By: **JF** Page#: **4**

Rev #:	Req #:	Date:	Req. By:	Drawn By:	Revision Description:
Rev 1	160331	10/10/13	FJ	JF	Revised entire scope proposal. see request #160331
Rev 2	161538	10/22/13	FJ	JF	Revised sign 8 from M-50 to custom M-30
Rev 3	161858	10/22/13	FJ	JF	Revised OAH of sign 9
Rev 4	000000	00/00/00	XXX	XXX	
Rev 5	000000	00/00/00	XXX	XXX	
Rev 6	000000	00/00/00	XXX	XXX	

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Icon Identity Solutions | Inspecto Maintenance Services | Enhanced Site Solutions

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**Attachment - E**

Case No. 13-064

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

Part 1. Property Involved. Street Address 2777 18<sup>TH</sup> ST BETTENDORF, IA 52722

Legal Description of the property. QUICK LUBE

Part 2. Contact Information.

Applicant Name ILQC, LLC. CONRAD WAGNER Phone 309-788-5631  
Address 1320 1<sup>ST</sup> ST ~~766~~ ROCK ISLAND, IL 61201 FAX \_\_\_\_\_  
E-mail Address: CWAGNER@RITCO.INC.COM

Owner Name CONRAD WAGNER Phone 309-314-4620  
Address 19370 25<sup>TH</sup> AVE BETT IA FAX \_\_\_\_\_  
E-mail Address: CWAGNER@RITCO.INC.COM

? → Agent Icon Identity Solutions Phone 727-535-6412  
Address 14055 46th St. N Suite 1108 Clearwater, FL 33762 FAX 866-401-0271  
E-mail Address: FJohnson@iconid.com

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

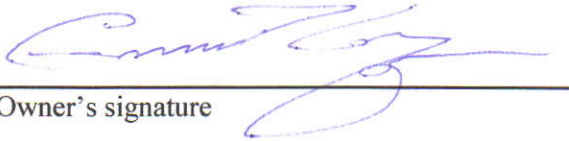
1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted 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.)



Due to problems we have experienced with first time owners of programmable signs, The City will need to have an official from Jiffy Lube acknowledge the ordinances requirements for this type of sign BEFORE a permit will be issued. The ordinance requirements are:

- **Maximum illumination of 5,000 candelas during daylight hours and 500 candelas between dusk to dawn.**
- **Shall not change copy faster than a rate of once every (6) six seconds.**
- **Flashing is prohibited.**
- **Video and animation is prohibited.**

By signing this form I officially acknowledge the above rules governing programmable sign and agree to abide by said rules and regulations.

A handwritten signature in blue ink, appearing to read "C. H. [unclear]", is written over a horizontal line. The signature is stylized and cursive.

Owner's signature



COMMUNITY DEVELOPMENT

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

November 14, 2013

Staff Report

**Case No. 13-065**

**Location:** 6655 Crow Creek Road

**Applicant:** Bob and Martha Border

**Zoning Designation:** A-2, Rural Residence District

**Request:** Variance to reduce the required rear yard setback from 40 feet to 10 feet to allow for a 14-foot by 50-foot house addition.

**Background Information and Facts**

The site is located just northwest of the intersection of Valley Drive and Crow Creek Road (see Attachment A – Location Map). The applicants would like to place a 14-foot by 50-foot addition on the rear of the house that would be within 10 feet of the rear lot line (see Attachment B – Plot Plan).

**Staff Analysis**

The current structure does not meet the rear yard setback requirement. The originally platted front yard setback is 30 feet. The house is 25 feet from the rear property line, but the Code requires a 40-foot rear yard setback. Therefore, any alteration to this home either in the front or the rear cannot possibly meet the setback requirements regardless of the size.

The front and rear yard setback requirements in the A-2 District are the most strict. The intent of these large setbacks is to ensure adequate separation for homes and structures engaged in farming operations. While this lot is only 1/3 acre in size and could not support any type of farming operations, the large setback requirements are applicable. Due to the steep, wooded hill behind this residence, the closest buildable area behind the applicant's home is approximately 700 feet away (see Attachment C – Separation). The large parcel behind the applicant's residence is owned by Pleasant Valley Community School District which routinely leaves large open spaces surrounding school structures.

A significant portion of the area immediately adjacent to the rear of the applicant's property is within the 100-year flood zone (see Attachment D – Flood Zone Illustration). This would further complicate the potential of building any type of structure on the land adjacent to and behind the applicant's home. Based on the above two facts, staff is not concerned about the separation issue behind the applicant's home if the request is approved.

**Staff Recommendation**

This lot averages only 77 feet deep (from front to back). Strictly applying the required 30-foot front yard and 40-foot rear yard setbacks to this property would make the entire property unbuildable. Therefore, staff feels that the applicant has demonstrated a legitimate hardship.

Respectfully submitted,

John Soenksen  
City Planner

**Attachment - A**



LITTLE CABIN RD

COLONIA AVE

Crow Creek Rd

**SITE**

RIDGES CT

PRIMROSE CT

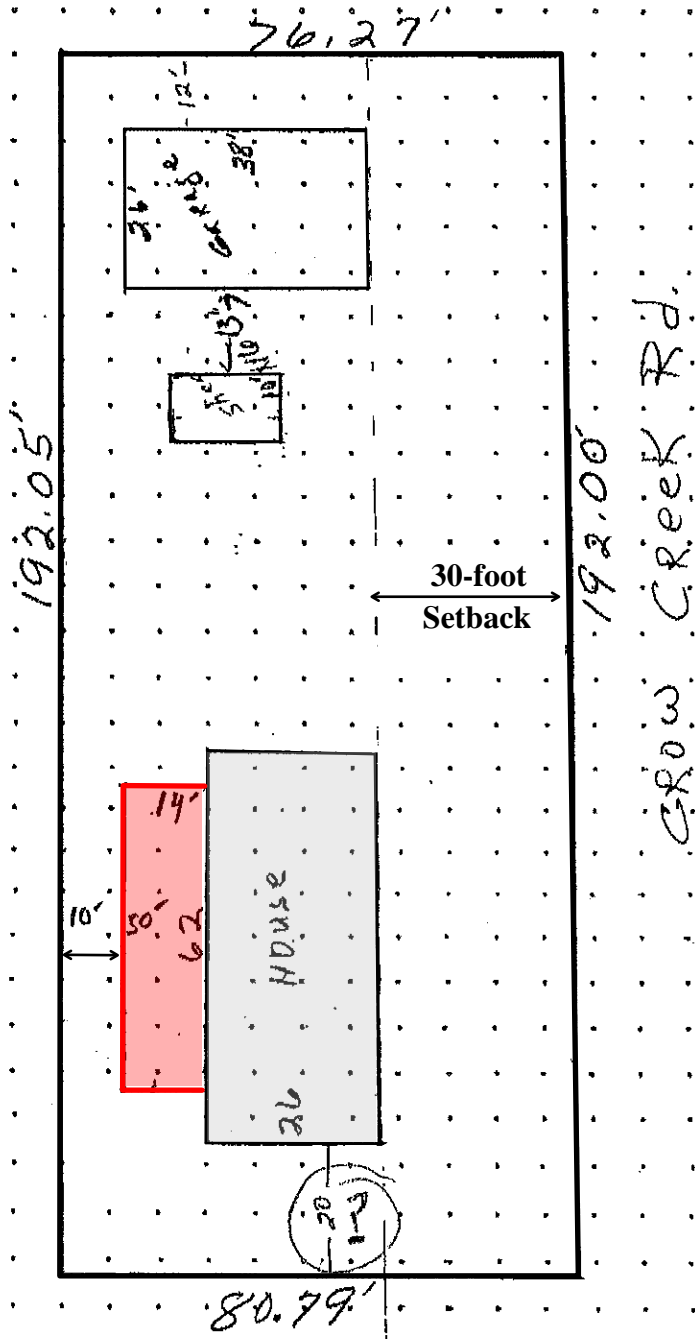
Valley Dr.

1819

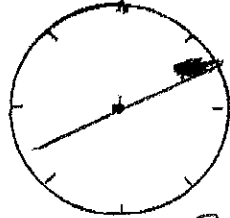
CRISWELL ST

CRISWELL ST

Attachment - B



INDICATE NORTH



SCALE 1" = 30'

*A. J.*

# Attachment - C



700'

CROW CREEK RD

COLONIAL AVE

RIDGES CT

VALLEY DR



**SITE**

**Flood Zone**

**CROW CREEK RD**

Case No. 13-065

2

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

Part 1. Property Involved.

Street Address 6655 Crow Creek Rd.

Legal Description of the property. Lot 2 192.00' X 192.05'

Jakubowski's 1st Add 80.79 x 76.27'

Part 2. Contact Information.

Applicant Name Bob and Martha Border Phone 563-332-4056

Address 6655 Crow Creek Rd Bett IA 52722 ~~FAX~~ Cell 563-340-8268

E-mail Address: mjaredrob@mchsi.com

(Robert) Bob and Martha Border Phone 563-332-4056

Address 6655 Crow Creek Rd Bett IA 52722 ~~FAX~~ Cell 563-340-8268

E-mail Address: mjaredrob@mchsi.com

Agent STEVEN D. MILLER BUILDER INC Phone 563-332-6060

Address 3497 SPENCER DR BETT, IOWA ~~FAX~~ ✓ 332-6767

E-mail Address: MILLER BUILDER 93@YATTRO.COM ~~CELL~~ ✓ 340-6680

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 13.27.5 Existing Zoning A-2

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.

Request to reduce the rear yard setback from 40 feet to 10 feet to allow a 14-foot by 50-foot house addition.

The property behind our house is wooded and the topography is unbuildable for approximately 700 back from our property.

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.

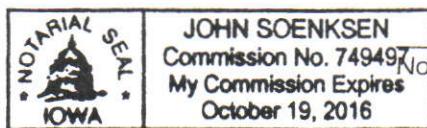
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Signature of Applicant \_\_\_\_\_ Signature of Owner Robert O. Border Sr  
(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 08<sup>th</sup> day of Oct., 20 13



John Soenkse  
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 Just Check # 9763  
Amount 50.00 Date 10/08/2013



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

November 14, 2013

Staff Report

**Case No. 13-066**

**Location:** 2999 Middle Road

**Applicant:** Tim Johansen/City of Bettendorf

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

**Request:** Variance to allow a 5-foot high fence along the Middle Road property line.

**Background Information and Facts**

The applicant would like to place a 5-foot fence next to the property line adjacent to Middle Road at Palmer Hills Golf Course (see Attachment A - Location Map/Plot Plan). If allowed, the fence would run from the west property line near the maintenance building to the area adjacent to Stafford Creek near the intersection of Happy Joe Drive.

**Staff Analysis**

Previously there was a 4-foot high fence adjacent to Middle Road which is allowed by Code. Since the proposed placement of the new 5-foot fence is adjacent to a street frontage, it is considered to be within a front yard. The old fence was recently removed from the property to allow construction of a recreation trail adjacent to Middle Road. The fact that the recreation trail was constructed next to the fence location is the reason stated for the higher fence request. Staff at Palmer Hills Golf Course feels it would enhance safety and ensure persons using the recreation trail do not enter either the golf course or the property surrounding the maintenance shed where large equipment is routinely used.

The vast majority of the property across Middle Road from the proposed fence is zoned and used as Office/Transitional. There is only one single-family residence located across the street (Middle Road) which is approximately 270 feet away from the nearest portion of the fence. Therefore, staff cannot identify any adverse impact that the proposed fence would cause to adjacent properties.

It has become common for the Board to receive fence variance requests from property owners immediately adjacent to recreation trails.

**Staff Recommendation**

Because the City of Bettendorf owns the golf course, it would be inappropriate for City staff to make a recommendation or determination of a hardship.

Respectfully submitted,

John Soenksen  
City Planner

**Attachment - A**



5' Fence

**SITE**

TECH DR

WILLOW DR

HAPPY JOE DR

MIDDLE RD

STAFFORD BLVD

CHAY

SPRUCE HILLS DR

23RD ST

WRENWOOD CT

LUNDY LN

GREENVIEW CT



Case No. 13-066

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

Part 1. Property Involved.

Street Address 2999 MIDDLE RD. BETTENDORF, IA

Legal Description of the property. PALMER HILLS GOLF COURSE

Part 2. Contact Information.

Applicant Name TIMOTHY A. JOHANSEN Phone 563-344-7175

Address 2999 MIDDLE RD. BETTENDORF, IA FAX 563-344-7177

E-mail Address: TJOHANSEN@BETTENDORF.ORG

Owner Name City of Bettendorf 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.

PLACE 5' HIGH BLACK VINYL FENCE ALONG PROPERTY  
LINE ADJACENT TO MIDDLE ROAD, REASON FOR 5'  
INSTEAD OF 4' IS FOR SAFETY REASONS.

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.

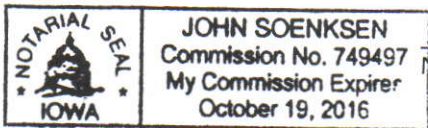
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Signature of Applicant [Signature] Signature of Owner \_\_\_\_\_  
(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 19 day of Oct, 2013.



[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 Government No Fee  
Amount [Signature] Date [Signature]