

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
DECEMBER 12, 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 October 10, 2013.
4. The Board to hold a public hearing on the following items:
 - a. Case 13-053; 2501 - 53rd 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 from meeting of September 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 - 53rd 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

September 12, 2013

Staff Report

Case No. 13-053

Location: 2501 – 53rd Avenue

Applicant: The Clubhouse

Zoning Designation: C-2, Community Shopping District.

Request: Special use permit for an outdoor service area to be similar and compatible to the uses existing within the premises.

Background Information and Facts

The site is located at the Crow Ridge Plaza Shopping Center on 53rd Avenue and involves the tenant in the center of the “L”-shaped building (see Attachment A – Location Map). The Clubhouse has an enclosed front entry area that they would like to use as an outdoor service area (see Attachment B – Site Plan).

Staff Analysis

Section 21.10.e.1 of The Code states that a special use permit should not be granted unless it meets nine specified criteria. The following is staff’s analysis of those criteria:

- (1) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.

The applicant has indicated that the outdoor service area will simply be an extension of the uses currently existing within the building and therefore “is a similar and compatible use” as listed as one of the enumerated special uses under the C-2 District (Section 15.23.1).

- (2) The proposed use will comply with all applicable regulations in the district in which the use is to be located.

If approved, staff will monitor and ensure that all codes are complied with if the request is approved.

- (3) 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.

An outdoor service area exists in this shopping center at Crust Stone Oven Pizza. The outdoor service area being proposed by The Clubhouse will measure approximately 24 feet by 40 feet. The Crust Stone Oven Pizza outdoor service area measures

approximately 18 feet by 36 feet and allows enough room for 9 customer tables and seating for 36 people. The Clubhouse request appears to be in harmony with the existing conditions at the shopping center.

- (4) 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.

The request is almost identical to the outdoor service area already existing at this shopping center for Crust Stone Oven Pizza and therefore appears to be consistent with the other activities occurring in the shopping center.

- (5) 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.

If approved, the outdoor service area will be on the north side of the building opposite the residential area. This provides more screening than was being proposed in 2011 for the outdoor service area on the south side of the building. The proposed outdoor service area is surrounded by 4-foot high railings similar to the enclosure of the Crust Stone Oven Pizza outdoor service area. If approved, the area will have no impact on parking area, traffic flow patterns, and will not impede any drives, entrances or exists to the shopping center.

- (6) The proposed use will not cause substantial injury to the value of other property in the neighborhood.

In June of 2011 the Clubhouse requested permission to have an outdoor service area on the rear (south side) of the building adjacent to the neighboring residences. That plan was denied by the Board because it did not meet the above standard.

Neighbors from the surrounding residential area voiced objections to any outdoor service area at the 2011 meeting, and the Board made it clear at that time that they felt the outdoor service area at either location at The Clubhouse should be denied. The following is an excerpt from the minutes of that meeting: "Howe suggested that the verbiage in the Decision and Order be made clear that outside activities are not allowed to take place on either the north or south sides of the building. McElhiney concurred". The entire section of the minutes concerning that case during the 2011 meeting are attached to this report (Attachment C).

In November of 2011 the Board approved an outdoor service area at this shopping center for Crust Stone Oven Pizza, and staff is not aware of any complaints associated with that approval. There was a condition placed on the Crust Stone Oven Pizza approval stating that the outdoor service area was not to be used after 10:00 pm Monday through Saturday and not after 9:00 pm on Sundays.

Given the conditional approval that subsequently occurred for an outdoor service area at this shopping center, the Board may feel that conditions have changed significantly enough to reconsider the opposition to the outdoor service area at The Clubhouse originally requested in 2011.

- (7) 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.

The denial of the proposed outdoor service area occurred in June of 2011. Over a year has lapsed since this request was originally made. Moving the outdoor service area from the south side of the building directly next to residences to the north side of the building represents a "substantial change" as enumerated in Standard #7 above.

- (8) 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 general intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

The Board placed hours of operation restrictions on the outdoor service area at Crust Stone Oven Pizza. If this request is allowed, hours of operation restrictions would be consistent with the previous approval. The Board also warned Crust Stone Oven Pizza that they would review the approval if complaints were raised about the volume of music being played or if patrons became noisy at the outdoor service area.

- (9) The proposed use is consistent with the Bettendorf Comprehensive Plan and serves to further the goals of the plan.

The Board has recognized outdoor service areas as consistent with the comprehensive plan for certain commercial type uses. It has become common for restaurants or where alcoholic beverages are served to have an outdoor deck, patio, or service area. Many already exist in the city including:

- Governor's
- Caddy's Sports Bar and Grill
- Harrington's Pub
- Papi's Bar & Bites (former)
- Grinders Spaghetti House

Staff Recommendation

If the Board feels that circumstances have changed substantially since the 2011 request and the fact that an outdoor service area was approved at this shopping center in November of 2011, then the current request may be consistent with the previous approval.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A

GLEN EAGLES DR

HEATHER GLEN CIR

53RD AVE

53RD AVE

SITE



BRENTWOOD DR

ROSEHILL AVE

18TH ST

LINDENWOOD DR

19TH ST

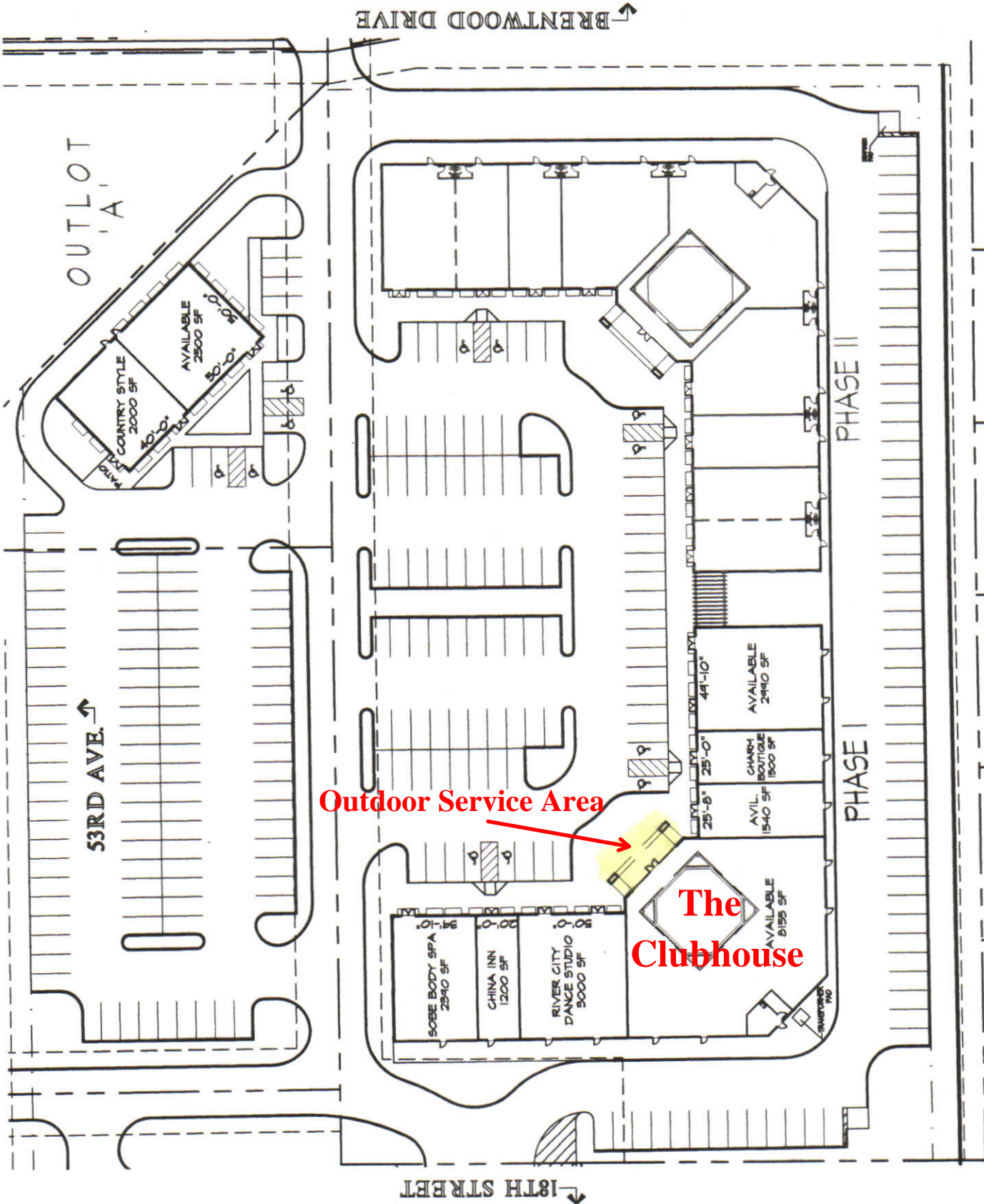
COUNTRYSIDE LN



DOWNING ARCHITECTS PC
245 Eighteenth St.
Brentwood, IA 52722
P 563.355.1858
F 563.355.1857

CROW RIDGE PLAZA
HILLCREAST PARTNERS
1878 ST. & 5RD AVE.
BENTONVILLE, IOWA
0 0417

6 NOV
9 JAN
19 MA
10 MA
SITE PLAN



Outdoor Service Area

The Clubhouse

SITE PLAN
SCALE: 1" = 60'



MINUTES
BETTENDORF BOARD OF ADJUSTMENT
JUNE 9, 2011
5:00 P.M.

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

Item 1. Roll Call

PRESENT: Falk, Howe, McElhiney, Stelk, Voelliger
ABSENT: None
STAFF: Connors, Fuhrman, Soenksen, Jager

- e. Case 11-035; 2501 - 53rd Avenue (C-2) - A request for a special use permit to allow a bar with an outdoor service area, submitted by The Clubhouse.

Stelk asked if there was an affidavit of publication. Soenksen stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Soenksen reviewed the staff report. Staff report is Annex #11 to these minutes. Soenksen stated that he had been contacted by John Scheetz, 5247 Brentwood Drive, and had received a letter from Lawrence Barker of 2579 Lindenwood Drive who had both expressed opposition to the outdoor service area. Letter is Annex #12 to these minutes.

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

Chris Larson, co-owner, explained that he and his partners would like to contain their customers who smoke to the rear of the building in a fenced area that is not visible. He added that the proposed outdoor area would be surrounded by an 8-foot high fence and covered with an awning.

Howe asked for clarification of the proposed hours of operation. Larson explained that the facility would be open from 7am to 2am.

Stelk asked if there was anyone present wishing to speak in opposition to the request.

Debbie Potts, 2448 Lindenwood Drive, stated that she is opposed to the proposed outdoor service area as it will only exacerbate existing problems the neighborhood experiences caused by employees of other businesses who smoke behind the building. She indicated that her family has already had to make lifestyle changes because of the noise and smoke, adding that she is opposed to the fact that this type of activity would go on until 2am.

Tom Follas, 2607 Heather Glen Avenue, expressed opposition to any outdoor service area even if it is located on the north side of the building under the covered area, adding that the noise associated with that type of use would be unacceptable to him. He indicated that he is not opposed to the indoor component of the business.

Soenksen indicated that John Scheetz had also expressed opposition to an outdoor service area being allowed on the north side of the building because of the noise that would be generated by it.

Martha Nankivell, 2470 Lindenwood Drive, stated that prior to purchasing her property she had asked city staff for information about what type of structure would be built behind her home and what type of business would be located there. She explained that she had been assured that there would be upscale retail and a coffee shop with limited hours so that neighbors would not be disturbed. Nankivell expressed opposition to the location of a bar behind her house, adding that noise already carries dramatically from the commercial property to the residential ones. She stated that she had not been made aware that the Beach Club which is located just west of The Clubhouse is now constructing an outdoor seating area on the west side of the building, not on the north side as she had been informed. She expressed concern about the expansion of the outdoor areas of the properties to the north of her home. Nankivell stated that the rear drive area of the strip mall is not used only for employee access. She indicated that it is also used for access for trash removal and delivery vehicles. She encouraged the Board members to continue to abide by the city's mission detailed on the website, a part of which states that Bettendorf is a city for families.

Larson explained that his business is not just a bar and that it is family-friendly indoor country club and that all ages are welcome. He indicated that he is sensitive to the fact that there are homes very close which is the reason why he would like to fence the outdoor area and cover it with an awning. He stated that because smoking is an activity associated with a bar, he would like to confine it to one area. Larson explained that he and his partners are making every attempt to have an upscale business.

Mike Porter, 2558 Lindenwood Drive, stated that he had also spoken with city staff and realtors before he purchased his home who had indicated that any business located north of his home would be an office with 9am to 5pm hours of operation. He asked what type of approval is required for a bar. Jager explained that some commercial districts allow establishments that serve alcohol as a permitted use or special use. Porter stated that Frank's Pizza was required to obtain a special use permit. He reiterated that the neighbors had not been made aware of the outdoor seating area at the Beach Club, adding that he is opposed to the outdoor expansion primarily because of the noise. He added that he does not believe that it is appropriate for a smoking section to be located directly adjacent to residential homes.

Connors stated that the rumors that have been circulating about the outdoor seating at the Beach Club are untrue. He explained that the construction taking place at that location on the west side of the building will be used for an indoor waiting area. He added that any future outdoor use will take place on the north side of the building as indicated on the original site development plan. Connors stated that he is unaware of any plans to use that area for outdoor seating.

AJ Paul, co-owner, explained that one of the reasons for the proposed outdoor fenced area is to contain the customers who smoke in a controlled environment. He indicated that if the fenced area is not allowed, customers will be free to roam the area and could actually be closer to the homes. He stated that he is respectful of the fact that the business is located close to homes and has been making every attempt to control any external noise. Paul

indicated that he would appreciate hearing from the neighbors if they have been disturbed by noise.

Nankivell suggested that the back doors be locked to prevent customers from exiting to the rear of the building. Larson explained that code requires that there be 3 working fire exits.

Chris Bries, 2492 Lindenwood Drive, stated that the neighbors in the area can hear the activities of the employees of the strip mall when they are outside. She indicated that this type of noise is acceptable during business hours, but is opposed to patrons smoking and drinking outside until 2am. Bries stated that she already can smell the food from the restaurant while she is in her home and does not want the smell of smoke coming in at all hours of the day and night.

Lien Moore, 2406 Lindenwood Drive, stated that because she lives directly south of the former Northwoods Steak House, she can hear the noise generated by the activities associated with the business at all hours of the day and night such as doors opening and when trash is removed. She expressed opposition to another business in the neighborhood being allowed to stay open until 2am. Moore requested that the Board deny the applicant's request.

Tyler Driever, 2536 Lindenwood Drive, expressed concern about what other types of uses may be allowed if the request for outdoor service is approved. He stated that while he is willing to accept a certain amount of inconvenience caused by the commercial businesses in the area, he is opposed to such late hours of operation.

Pete Moldt, 5131 Dove Court, suggested that the applicants install a panic door instead of allowing customers to use the fire doors for access. He stated that he does not believe that customers should be smoking at the rear of the building.

Paul asked if the neighbors have experienced any disruptions since the business has been open. Follas confirmed this, adding that he has not been able to sleep without ear plugs because of the noise from radios and tires.

Kelly Meyer, 2459 Lindenwood Drive, stated that in her opinion allowing people to congregate outside until 2am is unacceptable because of the noise associated with this type of business. She indicated that she believes that it is disrespectful of the applicants to have a patio with that kind of activity so near the rear yards of the neighbors.

Howe asked if staff had considered the impact that reducing the width of the driveway would have on service and delivery vehicles. He commented that the driveway was designed to be that particular width for a reason, adding that narrowing that access could become a safety issue. McElhiney concurred, adding that access to the second building would also be affected at such time as it is constructed. She indicated that fire apparatus also uses that driveway area. Soenksen stated that the patio would reduce the driveway width by approximately half.

Howe commented that the needs of the other tenants in the building should be taken into consideration as well. McElhiney stated that she feels that no business should be allowed to have a negative impact on other residents. She added that a business decision should not be allowed to impede their neighbors from enjoying their own property. She indicated that

she feels that the rear driveway should be used for service vehicles only and that the character of the neighborhood should be preserved. Voelliger concurred.

On motion by Voelliger, seconded by McElhiney, that a special use permit to allow a bar with an outdoor service area be denied in accordance with the Decision and Order.

Soenksen explained that the request has two components - the outdoor service area and the indoor bar area. He requested that the Board clarify whether their intent is to deny the entire request or only the outdoor service areas.

McElhiney stated that she is opposed to the approval of the outdoor service areas. She added that while she is not necessarily in favor of the business having such late hours she is aware that a restriction on them is not in the Board's purview. Stelk commented that the original motion was to deny the entire request, adding that if that is not the Board's intent it should be amended.

Voelliger amended his motion such that no outdoor service will be allowed on either the north or south sides of the building but that indoor service will be allowed. McElhiney accepted the amendment.

Voelliger stated that when an applicant requests a liquor license part of the process is related to hours of operation. He added that the applicants are compliant with the requirements of their liquor license and that hours of operation cannot be limited. Jager explained that he is not aware of any time when the city has limited the hours of operation of an establishment that serves alcohol. He indicated that typically restaurants set the end of their hours of operation at their own discretion. He offered to further investigate the matter if the Board so wishes, adding that since home rule was instituted the hours of operation are regulated by the state.

McElhiney stated that because the applicants have indicated that they are primarily a business which provides a simulated golf experience, she does not feel that it is necessary to limit hours of operation. Howe concurred, adding that he is strongly opposed to restricting the hours of operation for a business that serves alcohol.

Myron Bries, 2492 Lindenwood Drive, asked for clarification of the meaning of the motion since the establishment already has a bar inside. Soenksen explained that the Board has made a motion to approve the indoor bar area but prohibit the use of any outside area for any activities associated with the business. Connors explained that when the primary source of revenue for a business is unrelated to alcohol sales, a special use permit for a bar is not required. He commented that the applicants have indicated that their primary business activity is related to golf. He indicated that staff's interpretation is that a special use permit for a bar is not required. He added staff is of the opinion that the issue should be made more clear in case the business model changes at some time in the future.

McElhiney commented that the intent of the motion is the deny the applicant the use of the outdoor area for any business-related activities.

Jager suggested that the Board divide the request into two parts. He indicated that the since the City Council has already issued a liquor license for the business which allows the service of alcohol during the hours prescribed by the state, the issue of indoor service is

moot. He added that the only question remaining for the Board is whether to expand the existing allowable use by permitting an outdoor service area.

Falk commented that the application states that the request is for a special use permit to allow an outdoor service area consisting of a patio surrounded by an 8-foot high fence and covered by an awning. He suggested that the proper course of action for the Board would be to deny the application, adding that the issue of the bar component of the business is not applicable as it is not addressed. Jager explained that if the Board takes a strict constructionist approach to the case, it may restrict analysis of other cases in the future. He added that if the Board feels that the specific request listed on the application is the only issue that should be addressed, the entire application can be denied with the result being that no outdoor business activities are allowed but that the current indoor activities are not affected.

Howe suggested that the verbiage in the Decision and Order be made clear that outside activities are not allowed to take place on either the north or south sides of the building. McElhiney concurred.

Paul asked what the ramifications would be for the business owners if patrons use the rear of the property to smoke. Follas commented that whether the applicants control their customers activities would be a good determination of their ability to be good neighbors. Howe explained that this issue would not be in the Board's purview, adding that every business must deal with this type of problem.

Nankivell stated that should there be a number of customers who smoke outside at the rear of the building who become a public nuisance, she is sure that there are legal remedies. She reiterated the suggestion that the fire doors be restricted to exit only to prevent this problem.

ROLL CALL ON MOTION

ALL AYES

Motion carried.



Case No. 13-053

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

Part 1. Property Involved. 2501 53rd Ave Bettendorf, IA 52722
Street Address

Legal Description of the property. Part of lot 2 and all of outlot A of Crow Ridge Plaza addition, Bettendorf, IA

Part 2. Contact Information.
Applicant Name The Clubhouse Phone 563-332-1561
Address 2501 53rd Ave Bettendorf, IA 52722 FAX —
E-mail Address: ajpaul@gclubhouse.com

Owner Name Chris Larson Phone 563-340-7818
Address _____ FAX _____
E-mail Address: colarson@gclubhouse.com

Agent Alex Paul Phone 563-209-1646 *
Address 4373 18th St Bettendorf, IA 52722 FAX _____
E-mail Address: ajpaul@gclubhouse.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. _____

Part 4. General Information.

Section(s) of Zoning Ordinance Involved 15.28.1, 15.28.4 Existing Zoning C-2 Community Shopping district

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 are requesting that customers of The Clubhouse, be allowed to carry and consume alcohol, outdoors, on the north side of the building in a designated area under the existing canopy and inside the patio fence.

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

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

Part 7. Signature.

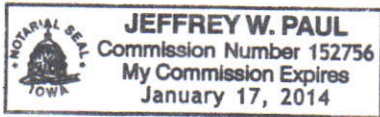
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 26th day of August, 20 13.

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

State of Iowa)
) SS
County of Scott)

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

Witness my Hand and Notarial Seal this 26th day of August, 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 \$100.00 Date 8-27-2013
cash

To: Bettendorf City Planner

9/08/13

From: John Scheetz

Address: 5247 Brentwood Dr. Bett.

Re: Your Courtesy Notice of Public Hearing

Date September 12th,

I am against your request for a special use permit for an outdoor service area for the following reasons:

1. To begin with this was supposed to be a miniature golf club not a drinking establishment.
2. You granted a special use permit to serve liquor not a full license for a reason.
3. We did not want this strip mall here in the first place. When we bought our property, we were told it would be filled with houses.
4. This is a residential area. We should not have to deal with the noise.
5. We have had to put up with the noise from motorcycles with straight pipes ever since they opened, which is against city & state code. (no mufflers)

Have you checked the police reports of 41 disturbances in the first six months of occupancy. I have called 3 times since I was at your council meeting last time on this, and you gave me these figures. I have personally called on the over crowding, standing outside yelling and hollering in their drunken stupor. (2 times) I have had to go out in my pj's and ask the driver of their black, running diesel party bus, to park up at the other end by the nail spa so I could get some sleep. You must be thinking we neighbors are not neighborly to put up with this!!! They should have never been granted a liquor permit in the first place. This is a residential area that has been taken advantage of.

Whoever would entertain a thought of liquor outside on a patio area at the Club House is completely out of their mind. My vote is absolutely No! And when the time on the special use permit is up, it should not be renewed..... Ask the neighbors.

John Scheetz



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 – 18th 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 - 18th 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 18th 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 18th 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 18th 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

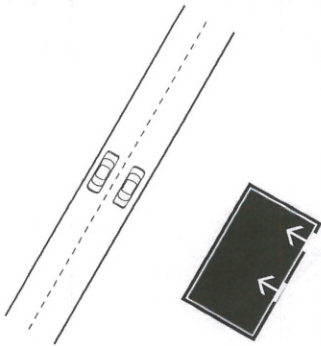


Parking
Instructional
Sign

Bldg. Sign

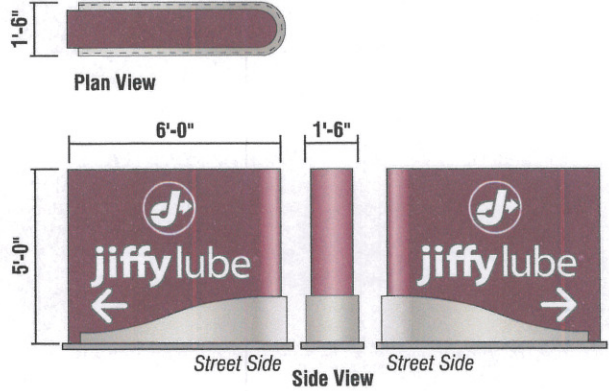
Bldg. Sign

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

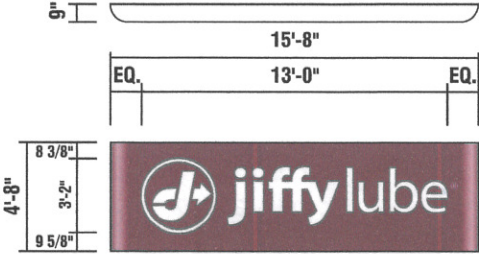
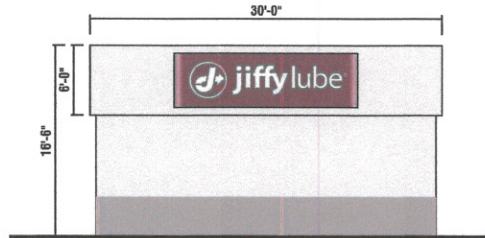

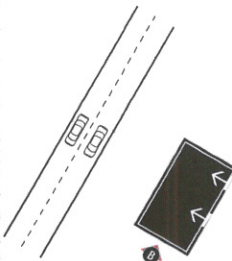

Location: **2777 18th Street**
Bettendorf, IA 52722

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 2777



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



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	

FILE PATH: Active\ACCOUNTS\J\JiffyLube\Locations 2013\3128\3128 2777 Bettendorf IA 08 formal R3

DRAWINGS PREPARED BY:

The Icon Companies®





Drawings are the exclusive property of Icon Identity Solutions Inc. Any unauthorized use or duplication is not permitted.

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 18TH 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 1ST ST ~~766~~ ROCK ISLAND, IL 61201 FAX _____
E-mail Address: CWAGNER@RITCO.INC.COM

Owner Name CONRAD WAGNER Phone 309-314-4620
Address 19370 25TH 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.)

Part 4. General Information.

Section(s) of Zoning Ordinance Involved 18.77.022 Existing Zoning C-2, Comm. Shopping Dist.

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 increase the allowable size for a Parking Instructional Sign from 9 square feet to 30 square 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.

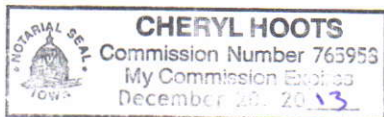
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 17 day of OCT, 20 13.

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 17th day of October, 20 13.



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

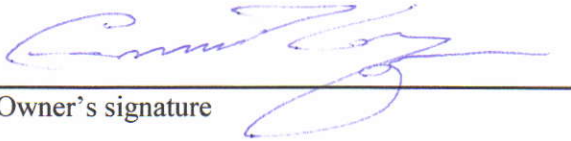
Part 10. Filing Fee.
\$ 50.00 Single Family/Two-family Residential Variance
\$100.00 All Other Applications

Received by [Signature]
Amount 100.00 Date 10-17-2013

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 fluid 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

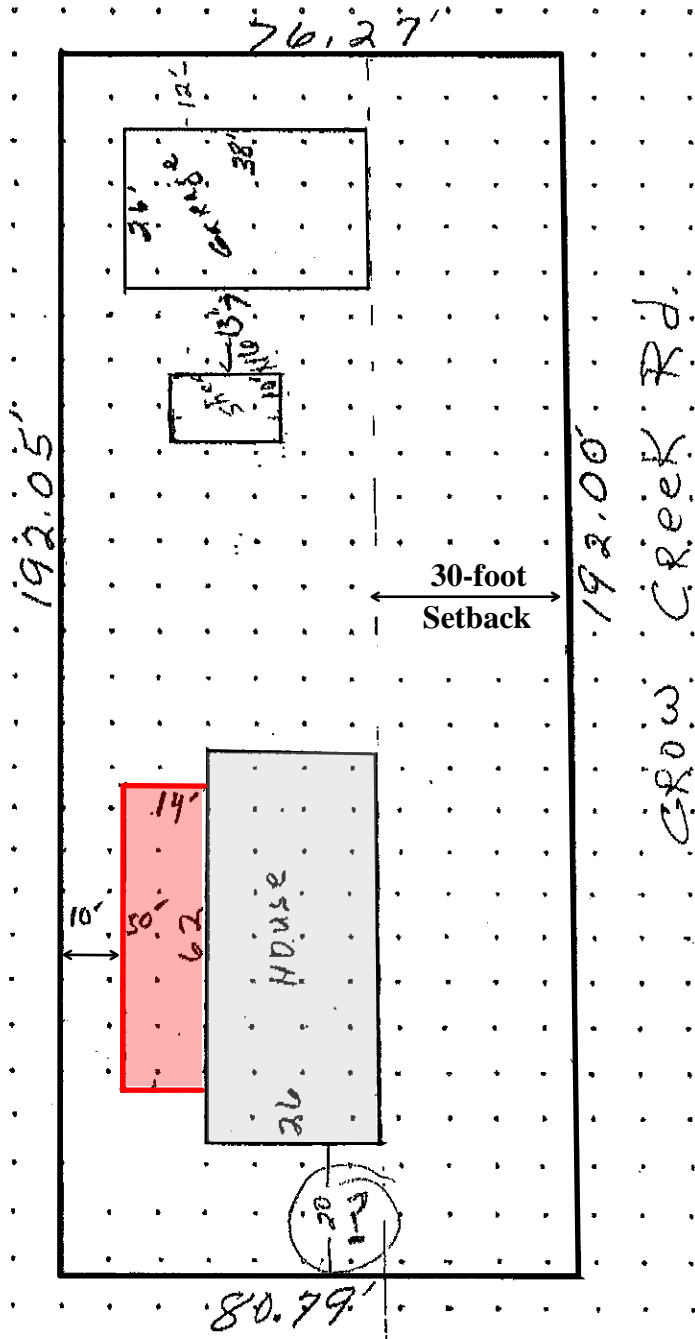
Valley Dr.

CRISWELL ST

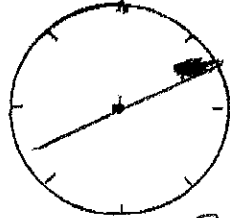
CRISWELL ST

1819

Attachment - B



INDICATE NORTH



SCALE 1" = 30'

A. J.

Attachment - C



CROW CREEK RD

COLONIAL AVE

RIDGES CT

VALLEY DR

700'



SITE

CROW CREEK RD

Flood Zone

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: mj.coredrob@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: mj.coredrob@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.

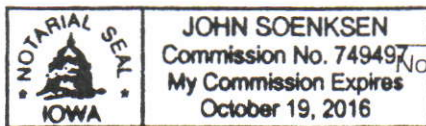
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this _____ day of _____, 20 ____.

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 08th 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



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.

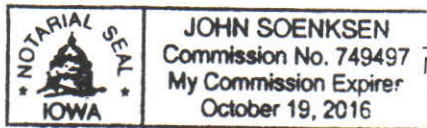
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this _____ day of _____, 20 ____.

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 _____ Date [Signature]