

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
APRIL 10, 2014
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 March 13, 2014.
4. The Board to hold a public hearing on the following items:
 - a. Case 14-021; 4480 Utica Ridge Road (C-6) - A request for a variance to increase the allowable number of temporary mobile signs (banners) from 1 to 2, to increase the allowable square footage of each of the banners from 32 square feet to 300 square feet (600 square feet total), and to extend the allowed display period of the banners from 60 days to 365 days, submitted by Unity Point.
 - b. Case 14-022; 3656 Moencks Road (A-2) - A request for a variance to increase the allowable square footage of a garage from 720 square feet to 2296 square feet to allow construction of a 36-foot by 42-foot garage, submitted by Kyle Howard.
 - c. Case 14-023; 5774 Vanderginst Court (R-1) - A request for a variance to increase the allowable improved living area to garage area ratio from 40% to 48%, submitted by Meadow Builders.
 - d. Case 14-024; 6306 International Drive (R-1) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Gary Herbst.
 - e. Case 14-025; 1314 Pinnacle Pines Court (R-3) - A request for a variance to reduce the required rear yard setback from 25 feet to 18 feet to allow for construction of a 12-foot by 12-foot deck, submitted by Norman Voelliger.

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
MARCH 13, 2014
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 February 13, 2014.

On motion by Gallagher, seconded by Johnson, that the minutes of the meeting of February 13, 2014 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 14-006; Lot 25, Villas at Glengevlin 2nd Addition and the entirety of Highlands Pointe 1st Addition (PR-3 proposed) - A request for a variance to reduce the required combined side yard setback from 15 feet to 10 feet, submitted by Towne & Country Bettendorf, LLC. **(Withdrawn)**
- b. Case 14-017; 2871 Devils Glen Road (C-2) - A request for a variance to increase the allowable height of an off-premises advertising sign (billboard) from 30 feet to 40 feet, submitted by Lamar Advertising.

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

Soenksen reviewed the staff report. Staff report is Annex #3 to these minutes. He indicated that he had received a letter expressing opposition to the request from the owners of Ann's Hallmark, 2876 Devils Glen Road. Letter is Annex #4 to these minutes.

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

Jim Schumacher, representing the applicant, explained that the sign is currently in conformance with ordinance requirements. He indicated that the property owner to the east had allowed Lamar Advertising to remove trees that were obstructing the visibility of the sign, adding that

the taller trees have been replaced with smaller ornamental trees. He stated that over the years the intersection has changed which has resulted in a reduction of visibility. Schumacher stated that in his opinion the billboard would be more aesthetically-pleasing if it were taller and would enhance the neighborhood.

Johnson asked for clarification of the existing sign's dimensions. Schumacher stated that the sign is 10 feet 6 inches by 36 feet, adding that when the trees in the area have foliage, the sign is obstructed until a motorist reaches the intersection.

Johnson asked if both sides of the sign would be raised. Schumacher confirmed this, adding that a 10-foot extension pipe would be added to which the billboard would be affixed.

Johnson asked who owns the property and whether the Valvoline building or the billboard had been erected first. Connors explained that the building was there first.

A brief discussion was held regarding the effect the Valvoline sign has on the visibility of the billboard.

Voelliger commented that allowing the billboard to be raised might set a bad precedent. He asked how many signs in the city are similarly-situated. Schumacher stated that he does not believe that requesting permission to raise one sign would necessarily mean that future requests would be forthcoming. He added that Lamar has never made a similar request, adding that the company does not have any other inventory in the city that would warrant raising a sign.

Voelliger commented that in his opinion raising the sign might distract drivers because it is such a busy intersection.

Falk asked if all of the on-premises identification signs in the area are code-compliant. Soenksen confirmed this.

Falk stated that the intersection of Devils Glen Road and Middle Road is the geographic and developmental center of the city. He indicated that he would prefer that the intersection not be dominated by signage. He expressed concern that signage could become the most visible element in such a key area of the city. Schumacher asked if the Falk agrees that the intersection would look less congested if the sign were taller. Falk stated that while he understands that the applicant's business goals would be met by raising the sign, he does not believe that a taller sign would complement the area. He reiterated that a taller sign would dominate the corner and would not be complementary to the area. Falk commented that his attention is always drawn to the existing billboard at its 30-foot height.

Schumacher asked how many variances the Board has granted in order to encourage a business to locate in Bettendorf. He stated that if variances are being granted, a precedent has already been set. Johnson stated that it is not the Board's purview to encourage or discourage commerce.

Gallagher stated that he does not believe that the applicant has established a hardship that is not self-imposed. He indicated that the area has developed in accordance with the ordinance, adding that perhaps the applicant should have taken that into consideration when negotiating the terms of the lease agreement with the owner of the Valvoline store as it is their sign which is the primary obstruction.

Johnson concurred, reiterating that it is not the charge of the Board to promote commerce because that would indicate some sort of bias. She added that each case is considered individually on its own merits.

Schumacher stated that it is difficult to plan for the future or have any control over how a neighborhood develops. Johnson commented that business owners and residents all over the city have to contend with the same situation because future development is uncertain.

Schumacher stated that the Board should take into consideration the fact that there has been no public outcry and that he does not feel that a precedent would be set.

Voelliger stated that when he drove through the intersection, the sign was visible from all angles.

Soenksen commented that he had made a phone call to the owner of the Valvoline store who had indicated no opposition to the request.

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

On motion by Johnson, seconded by Gallagher, that a variance to increase the allowable height of an off-premises advertising sign (billboard) from 30 feet to 40 feet be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #5 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:25 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

April 10, 2014

Staff Report

Case No. 14-021

Location: 4480 Utica Ridge Road

Applicant: Unity Point

Zoning Designation: C-6, Office Research Park

Request: Variance to increase the allowable number of temporary mobile signs (banners) from 1 to 2, to increase the allowable square footage of each sign from 32 square feet to 300 square feet, and to extend the allowed display time from 60 days to 365 days.

Background Information and Facts

The site of the proposed signs is Unity Point Hospital (formerly Trinity at Terrace Park Hospital) (see Attachment A – Location Map). The hospital was recently selected as one of the top 100 hospitals in the nation by Truven Health Analytics. In response to this prestigious award, the applicant would like to place two 300 square foot banners on the sides of the hospital orientated toward Interstate 74 throughout the one year award period. If allowed, the banners would be placed on the southwest and northwest sides of the hospital (see Attachment A – Location Map, and Attachments B and C, Banner Illustrations).

Staff Analysis

There are three aspects to this request which staff will address individually:

1. The increase in the number of banners from 1 to 2 appears to serve a legitimate purpose for visibility to both eastbound and westbound traffic on I-74 (I-74 is designated as eastbound and westbound even though it runs north/south through Bettendorf). Placing a banner on one side only will allow it to be visible to traffic in only one direction. While temporary banners are routinely used for events such as grand openings or going out of business sales, they are often accompanied by smaller additional items such as adversales or balloons and streamers.
2. The increase in the size of the banners appears to be proportionate to the building size and setback from I-74. The site is approximately 1,480,500 square feet in size. As shown on Attachments B and C, the banners will not overpower the facades where they will be placed. Given that the banners will be over 500 feet from the traffic on I-74, the size will allow them to be readable from the interstate. Staff concedes that 32 square foot banners would not be readable or perhaps even noticeable from I-74 given the lot size and setbacks. The banners

should have no impact on the adjacent residential area on the east side of Utica Ridge Road.

3. In staff's opinion, the increased time for the banners to be displayed is the most unusual portion of the request. Staff cannot recall any other request for "temporary" signs to be allowed for a full year. The applicant would like to have the banner(s) for the full period that they will be recognized as one of the top 100 hospitals in the nation. While staff understands the applicant's position on this issue, staff is also concerned with the precedent this could set for other future temporary sign requests.

Staff Recommendation

Given the lot size and existing setbacks, the 32 square foot temporary sign size requirement would represent a legitimate hardship for this unique situation. The additional second banner appears to be a reasonable request given the building placement, separation of east/westbound traffic on I-74, and the speed traveled by vehicles on I-74. The extended time period for the signs, in staff's opinion, must be further justified to serve a legitimate purpose by the applicant at the public hearing.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A

PROGRESS DR

CROW CREEK RD.

UTICA RIDGE RD

Banner

Banner

SITE





THE QUAD-CITY'S FIRST
**TOP 100
HOSPITAL**
Hennepin County

Attachment - B



Can we add a second sign here?



Case No. 14-021

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

Part 1. Property Involved.

Street Address 4480 Utica Ridge Road Bettendorf, Iowa

Legal Description of the property. Trinity Bettendorf is a general medical and surgical hospital in Bettendorf, IA, with 59 beds.

LOT 1 Trinity Bettendorf Campus

Part 2. Contact Information.

Applicant Name Ken Arnold, Director of Facilities for UnityPoint Phone 309-373-1030

Address 2701 17th Street Rock Island IL 61201 FAX 309-779-2318

E-mail Address: Ken.arnold@unitypoint.org

Owner Name _____ 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.



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

April 10, 2014

Staff Report

Case No. 14-022

Location: 3656 Moencks Road

Applicant: Kyle Howard

Zoning Designation: A-2, Rural Residence District

Request: Variance to increase the allowable square footage of a garage from 720 square feet to 2296 square feet to allow construction of a 36-foot by 42-foot garage.

Background Information and Facts

The site is located on the west side of Moencks Road between Crow Creek Road and Valley Drive (see Attachment A – Location Map). The applicant would like to replace a detached 324 square foot garage with a new 1,512 square foot structure (garage/barn).

Staff Analysis

The structure to be replaced was built in 1920. Staff understands the applicant's desire to replace this structure because it has fallen into disrepair. Due to the age of the structure, it is not prudent to attempt to make repairs. The applicant already has a 780 square foot attached garage.

In July 2012 the Board approved the replacement of the 1920 square foot structure with a 36-foot x 30-foot new garage/barn (see Attachment B – Previous Plot Plan) with a combined total garage square footage of 1,860 square feet based on the following analysis:

Section 13.2 of the zoning ordinance states that "district is intended to provide for single-family residential development on lot sizes adequate to allow individual wells and sewage disposal systems and to create an environment of rural type homes on larger lots than required in urban type residential areas." Obviously oversized garage structures, pole buildings, and/or barns are not encouraged in urban settings; however, they have an appropriate fit in rural settings according to Section 13.2. The site is one acre in size or approximately four to five times the lot sizes of the urban R-1 and R-2 Single-family Residence Districts. From the applicant's perspective, imposing the strict application of the 720 square foot restriction on this large rural type setting poses a hardship. The application states that the proposed barn would house "yard equipment, tools, a 12-foot enclosed trailer, a garden tractor, a lawn thatcher, a Massey-Ferguson tractor, and numerous other similar type items." The applicant contends that this request meets the intent of Section 13.2 which is to "create an environment of rural type homes". The applicant further contends that the above listed equipment is necessary to maintain the large rural type property.

The applicant is now asking to increase the size of the previously-approved new structure from a 30-foot x 36-foot garage/barn to a 36-foot x 42-foot garage/barn (see Attachment C – New Plot Plan). If allowed, the proposed structure would be over 3 times the allowable size

specified in the Code and would be 436 square feet larger than the variance granted in 2012 would have allowed.

Staff Recommendation

The Board ruled in 2012 that a legitimate hardship existed by strictly applying the 720 square foot restriction intended to create harmonious urban aesthetics for garages in an A-2, Rural Residential setting. That hardship, however, is not open-ended for unlimited garage square footage unless further convincing evidence is presented by the applicant to justify the additional space at the public hearing.

If approved, staff requests that any approval is subject to the garage/barn being built within one year of the date of the Decision and Order.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE

CLEMONS

JENNY LN

MOENCKS RD

NORTH ST

SHORT ST

LITTLE LN

WOODHOLM LN

Attachment - B



JENNY LN

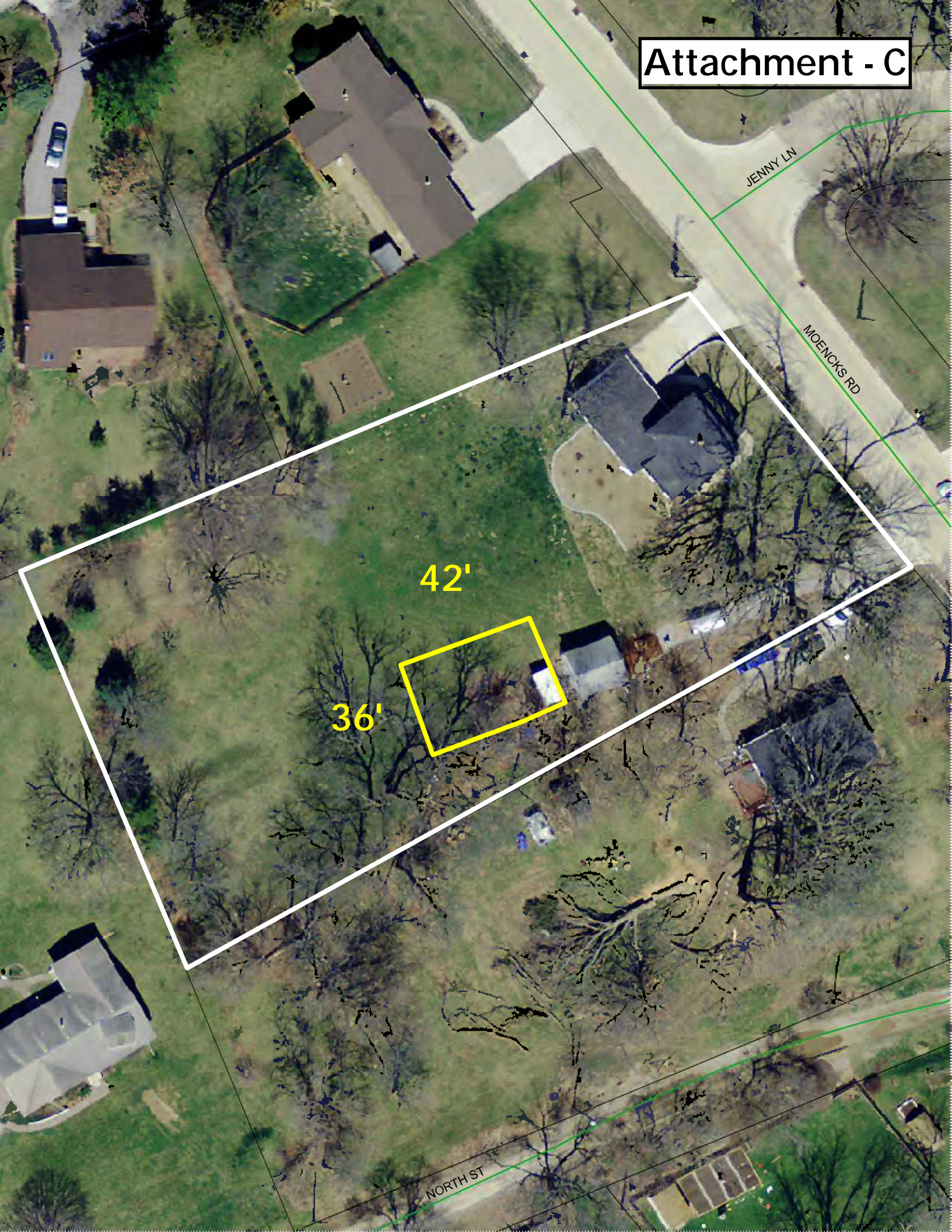
MOENCKS RD

NORTH ST

36'

30'

Attachment - C



JENNY LN

MOENCKS RD

42'

36'

NORTH ST

Case No. 14-022

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

Part 1. Property Involved.

Street Address 3656 Moencks Rd, Bettendorf IA 52722

Legal Description of the property. ~~Residential Single-family home~~
LOT 4, Bailey's First Addition

Part 2. Contact Information.

Applicant Name Kyle Howard Phone 563-320-1997

Address 3656 Moencks Rd, Bettendorf, IA 52722 FAX 563-381-9110

E-mail Address: howardkm@6@gmail.com

Owner Name "Some" Phone _____

Address _____ FAX _____

E-mail Address: _____

Agent N/A 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:

- 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.
- That it will not impair an adequate supply of light and air to adjacent property.
- That it will not unreasonably increase the congestion in public streets.
- That it will not increase the danger of fire or of the public safety.
- That it will not unreasonably diminish or impair established property values within the surrounding areas.
- 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:

- The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
- The proposed use will comply with all applicable regulations in the district in which the use is to be located.
- 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.
- 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.
- 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.
- The proposed use will not cause substantial injury to the value of other property in the neighborhood.
- 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 Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

___ 3. Other. _____

(Attach a separate sheet and explain in detail.)



COMMUNITY DEVELOPMENT

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

April 10, 2014

Staff Report

Case No. 14-023

Location: 5774 Vanderginst Court

Applicant: Meadow Builders

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

Request: Variance to increase the allowable improved living area to garage area ratio from 40% to 48%.

Background Information and Facts

The site is located in a new subdivision southwest of the intersection of Middle Road and Hopewell Avenue, and the applicant's vacant lot is located near the south end of Vanderginst Court (see Attachment A – Location Map). The applicant would like to build an attached garage structure as part of new home construction with a total garage area of 1,240 square feet which is 8% above the 40% ratio allowed (see Attachment B – Construction Plan).

Staff Analysis

A standard-sized 3-car garage is 24 feet x 30 feet. The proposed garage will be 35 feet wide with garage door openings to accommodate three cars. From a street perspective, the garage should give the appearance of a standard three-car garage and should not detract from the aesthetics of the neighborhood. The increase of the ratio to 48% represents a 220 square foot increase. The additional 220 square feet is due primarily to the proposed garage depth which will vary from 34½ feet to 38½ feet.

Variance requests to increase the allowable garage square footage and ratio have been common over the last five years. The Board's decisions in those cases include:

- 2114 Bellevue Avenue (July 2013) – **granted** an increase in the allowable square footage from 720 to 932, a 29% increase
- 14 Oakbrook Place (July 2013) – **granted** an increase in the allowable square footage from 1,088 to 1,141, a 5% increase
- 2801 Bellevue Avenue (March 2012) – **granted** an increase in the allowable square footage from 720 to 1,080, a 50% increase
- 3135 Central Avenue (March 2012) – **granted** an increase in the allowable square footage from 720 to 936, a 30% increase
- 2140 Devils Glen Road (November 2012) – **denied** an increase in the allowable square footage from 720 to 1,808, a 251% increase
- 1424 – 18th Street (April 2010) – **granted** an increase of square footage from 720 to 855, a 19% increase

- 1870 Hartford Court (May 2010) – **granted** an increase in allowable square footage from 886 to 1,108, a 25% increase
- 6627 Spring Creek Drive (May 2010) – **granted** an increase in the allowable square footage from 720 to 991, a 37% increase
- 431 Fourth Street (October 2012) – **granted** an increase in the allowable square footage from 736 to 1,200, a 63% increase
- 3208 South Hampton Drive (September 2009) – **granted** an increase in the allowable ratio from 40% to 66%

The ordinance would allow the applicant up to 1,020 square feet of garage space.

Staff Recommendation

The request appears to be similar to past approvals except for the fact that the property involved is a vacant lot. Staff cannot identify any hardship in this case as the Code would allow the applicant to have a 1,020 square foot garage without a variance; this is the equivalent of more than a four-car garage (assuming 240 square feet per car space).

Respectfully submitted,

John Soenksen
City Planner



HOPEWELL AVE

59TH AVE

VANDERGINST CT

CHARLIE CHASE LN

5774

EMILY RD

57TH AVE

MIDDLE RD

Case No. 14-023

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

Part 1. Property Involved.

Street Address 5774 Vandergint Court
 Legal Description of the property. Lot 39 Haley Heights 1st Addition

Part 2. Contact Information.

Applicant Name Chris Chonto - Meadow Builders Phone 563-343-2723
 Address 4929 Utica Ridge Rd Davenport, IA 52807 FAX 563-549-7140
 E-mail Address: cchonto@davenportgeneral.com

Owner Name Craig Steinhauser Phone 309-737-9109
 Address _____ FAX _____
 E-mail Address: _____

Agent N/A 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.

We are requesting a variance to the existing zoning that limits garage space to 40% of the above ground finished living space. The denoted "shop area" is within the regulation of the existing zoning. We would like to have the 7" step requirement removed as there is concern to the safety of children having this 7" step as a hazard. The outside facade and appearance will not be altered in any way by granting this variance.

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.)
- (X) 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 27 day of March, 20 14.

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

Part 10. Filing Fee.

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

Received by [Signature]
 Amount 50.00 Date _____

Credit Card



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

April 10, 2014

Staff Report

Case No. 14-024

Location: 6306 International Drive

Applicant: Gary Herbst

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

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

Background Information and Facts

The site is located at the northwest corner of International Drive and Palm Drive (see Attachment A – Location Map). The applicant would like to place a 6-foot high fence surrounding the rear yard which would intrude 10 feet into the required front yard setback adjacent to Palm Drive (see Attachment B – Plot Plan.)

Staff Analysis

The house is set back 30 feet from the property line adjacent to Palm Drive, and if approved, the fence will be 20 feet from that property line. The proposed fence would have no impact on line-of-sight issues at the intersection of International Drive and Palm Drive. In the application the owner points out the fact that this request is in keeping with other fences already built along Palm Drive.

In past requests the Board has been receptive to the small intrusion into the front yards adjacent to Palm Drive due to the 30 foot setback. The Board has approved 6-foot high fences as long as they did not intrude further than 10 feet into the yard toward Palm Drive. Those fences include: a 6-foot high fence at 6305 International Drive approved in August of 2012; a 6-foot high fence at 6304 Ocean Boulevard approved in October of 2011; a 4-foot high fence at 6304 Ocean Boulevard allowed by Code; and a 6-foot high fence at 6313 Dorothy's Drive approved in August of 2012 (see Attachment C - Previous Approvals). This request meets the intent that the Board established for this new subdivision and, if allowed, will match the aesthetics of the surrounding properties.

Staff Recommendation

The request is in keeping with the previous fence requests that were approved for properties adjacent to Palm Drive and will not detract from the neighborhood.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



FOREST GROVE DR

SAPPHIRE LN

INTERNATIONAL DR

OCEAN BLVD

DOROTHY'S DR

FRIENDSHIP PATH

SITE

PALM DR

MORGAN CT

BUCKSKIN TRL

Attachment - B



6' fence

INTERNATIONAL DR

PALM DR

Attachment - C



Current Request



Approved Aug. 2012
Approved Oct. 2011



Allowed 4' fence



Approved Aug. 2012



MORGAN CT

BUCKSKIN TR

Case No. 14-024

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

Part 1. Property Involved.

Street Address 6306 INTERNATIONAL DRIVE - BETTENDORF

Legal Description of the property. LOT 19, BEAVER CROSSING FIRST ADD

Part 2. Contact Information.

Applicant Name GARY L. HERBST Phone 563-343-3802
 Address 6306 INTERNATIONAL DRIVE FAX _____
 E-mail Address: kherbst@mchsi.com

Owner Name SAME 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.

VARIANCE TO ALLOW 6' FENCE 10' INTO SETBACK
ALREADY ALLOWED @ 6305 INTERNATIONAL DRIVE +
6303 + 6304 OCEAN

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.

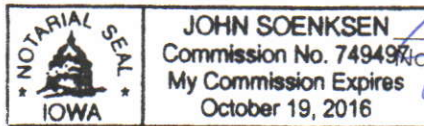
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 27 day of MARCH, 2014.

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 27 day of March, 2014.



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

Part 10. Filing Fee.

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

Received by [Signature]
Amount 50.00 Date 3-26-2014



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

April 10, 2014

Staff Report

Case No. 14-025

Location: 1314 Pinnacle Pines Court

Applicant: Norman Voelliger

Zoning Designation: R-3, Single and Two-Family Residential

Request: Variance to reduce the required rear yard setback from 25 feet to 18 feet to allow construction of a 12-foot by 12-foot deck.

Background Information and Facts

The site is located in the southwest corner of the cul-de-sac of Pinnacle Pines Court (see Attachment A – Location Map). The applicant would like to place a 12-foot by 12-foot deck on the northwest corner of the current structure (see Attachment B – Plot Plan).

Staff Analysis

A 12-foot by 12-foot deck is not oversized by today's standards, and the Board often deals with requests for much larger decks than the one proposed. The proposed deck will continue the established building line on the west and north sides of the home filling in an open alcove area and appears to be the natural location and shape give the current home footprint (see Attachment C – Deck Illustration). Only the shaded portion of the deck shown on Attachment C will intrude into the required rear yard by a total of 48 square feet. The required rear yard contains approximately 2,300 square feet; therefore, the 48 square foot protrusion represents 2% of the area of the required rear yard. If allowed, 98% of the required yard will remain open space.

If allowed, the nearest roadway to the rear of the requested deck will be Interstate 74 (see Attachment D – Rear Yard Illustration).

In the past, the Board has recognized irregular shaped lots as problematic and has identified them as a legitimate hardship if the requested protrusions are not excessive or intrusive. In this specific case, the irregular shaped lot is a main contributing factor as all of the other lots to the north of the applicant would be allowed to build the same types of decks (filling in the alcove areas) without a variance.

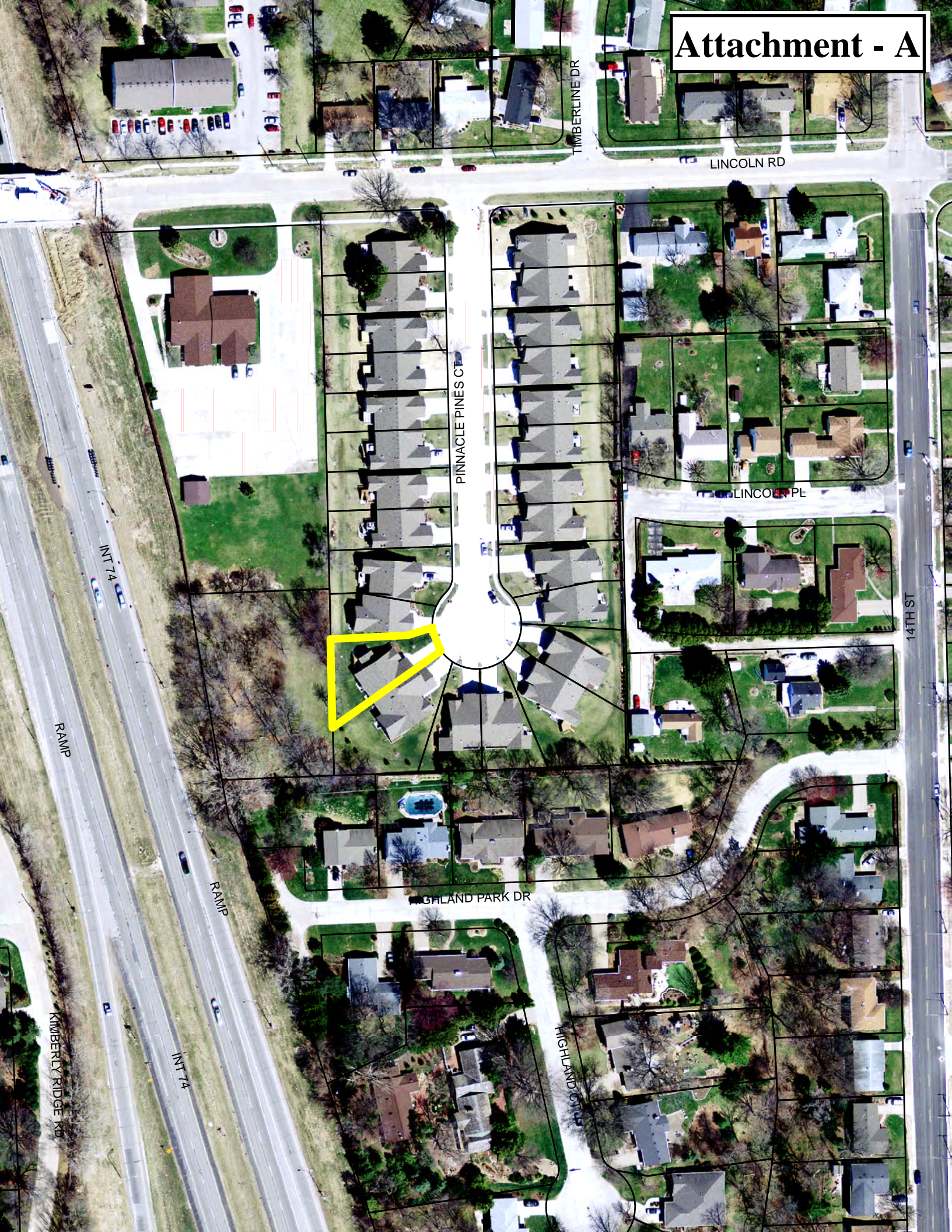
Staff Recommendation

The request is consistent with previous Board approvals and would not be an intrusive protrusion into the required rear yard.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



TIMBERLINE DR

LINCOLN RD

PINNACLE PINES CT

LINCOLN PL

14TH ST

RAMP

INT 74

RAMP

HIGHLAND PARK DR

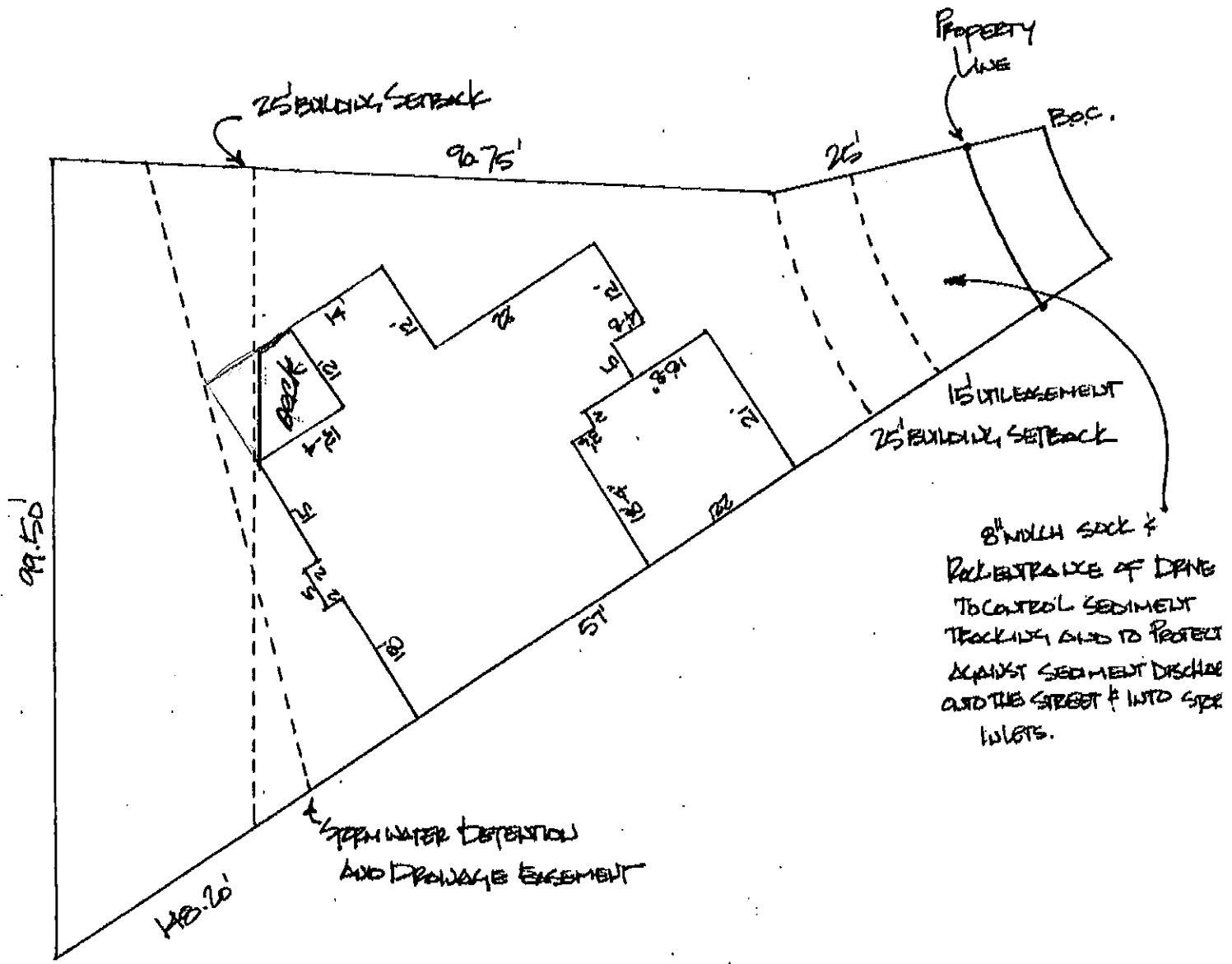
KIMBERLY RIDGE RD

INT 74

HIGHLAND CT

PLOT PLAN

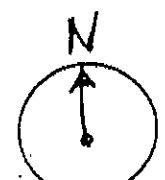
Attachment - B



Zoning District R3

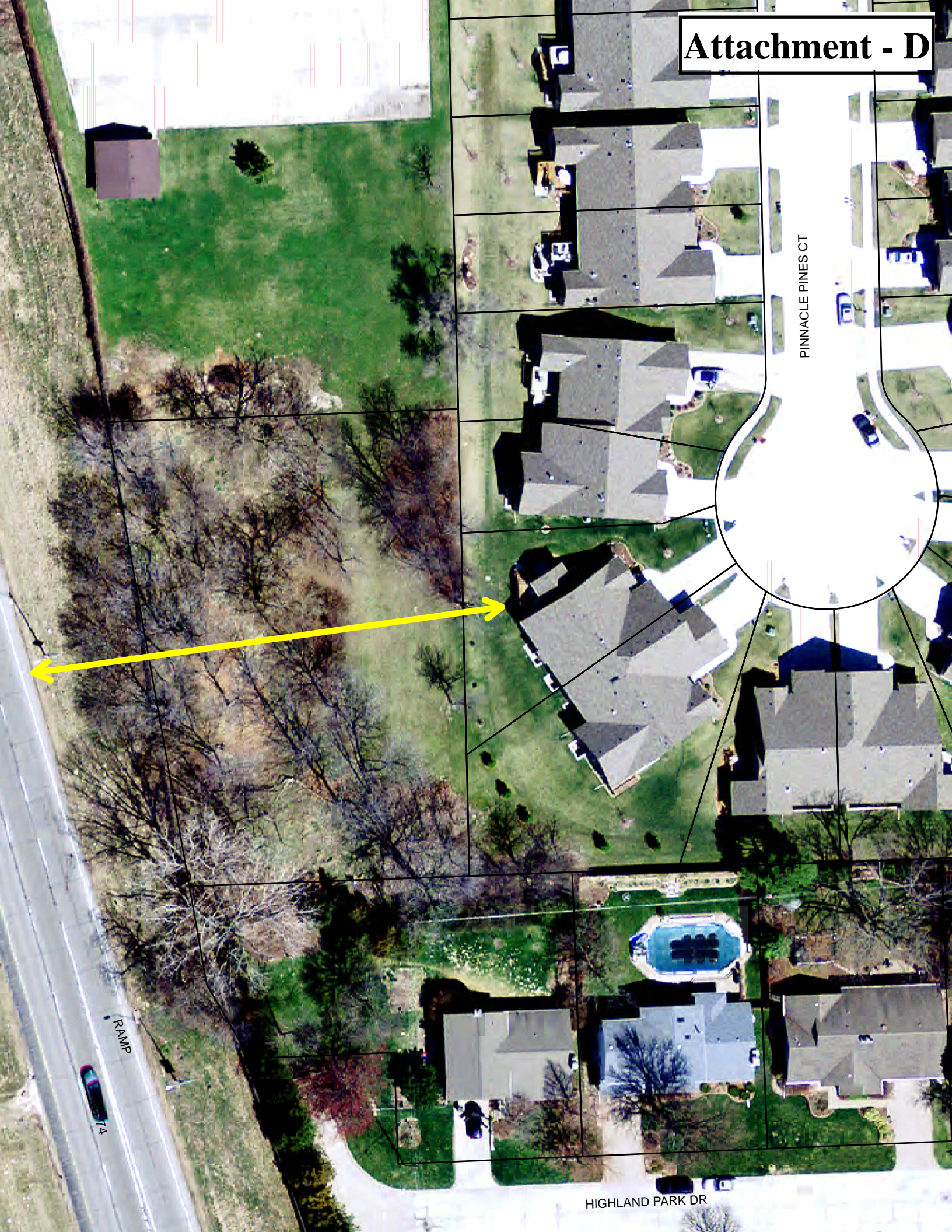
Front setback 25'

Side setback min 5' total 5'





Attachment - D



PINNACLE PINES CT

HIGHLAND PARK DR

RAMP
74



Case No. 14-025

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

Part 1. Property Involved.

Street Address 1314 PINNACLE PINES COURT

Legal Description of the property. Lot 16 LINCOLN PINES 1st Addition

Part 2. Contact Information.

Applicant Name NORMAN P. VOELLIGER Phone 563-355-1268

Address 1314 PINNACLE PINES COURT FAX _____

E-mail Address: NVoelliger@mchsi.com

Owner Name Same Phone _____

Address _____ FAX _____

E-mail Address: _____

Agent Same Phone _____

Address _____ FAX _____

E-mail Address: _____

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

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:

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3. Other. _____

(Attach a separate sheet and explain in detail.)

