

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
AUGUST 14, 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 July 10, 2014.
4. The Board to hold a public hearing on the following items:
 - a. Case 14-056; 5636 Cavan Crossing (R-3) - A request for a variance to reduce the required rear yard setback from 25 feet to 12 ½ feet to allow for construction of a house, submitted by Steve Cotton. **(Withdrawn)**
 - b. Case 14-062; 4889 Allen Road (R-1) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Aaron Stetson.
 - c. Case 14-064; 1118 Jones Street (R-2) - A request for a variance to reduce the required side yard setback from 5 feet to 3 feet to allow for construction of a garage, submitted by Josh Younkin.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT AND OTHER APPLICABLE FEDERAL AND STATE LAWS, ALL PUBLIC HEARINGS AND MEETINGS HELD OR SPONSORED BY THE CITY OF BETTENDORF, IOWA, WILL BE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. PERSONS REQUIRING AUXILIARY AIDS AND SERVICES SHOULD CONTACT BETTENDORF CITY HALL AT (563) 344-4000 FIVE (5) DAYS PRIOR TO THE HEARING OR MEETING TO INFORM OF THEIR ANTICIPATED ATTENDANCE.

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

**MINUTES
BETTENDORF BOARD OF ADJUSTMENT
JULY 10, 2014
5:00 P.M.**

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

Item 1. Roll Call

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

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of June 12, 2014.

On motion by Falk, seconded by Johnson, that the minutes of the meeting of June 12, 2014 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 14-054; 5620 Dodds Drive (R-1) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Scott Ward.

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

Soenksen reviewed the staff report. Staff report is Annex #3 to these minutes.

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

Scott Ward, the applicant, explained that he would like permission to place the fence in the required front yard to provide some privacy for his family when they are using their small rear yard. He indicated that there is substantial existing landscaping on both sides of the sidewalk where the fence would be located.

Rich McMurray, 5635 Dodds Drive, asked if the fence would enclose the yard or if the goal is merely to provide privacy. Ward explained that the purpose of the fence is to provide screening for the neighbor to the north and Moencks Road and will end at the same point as the front of the house. He added that the fence would not enclose the rear yard.

Margo Friemel, 5705 Dodds Drive, asked of kind of fence it would be and if it would be placed directly adjacent to the sidewalk. She commented that the existing pine trees already encroach into the sidewalk and narrow it substantially and questioned if the trees would remain.

Soenksen explained that fences are required to be placed on the property line which is typically located 1 foot behind the sidewalk. He added that applicant would be required to locate the property pins to ensure proper placement. He commented that the request is very similar to the one presented at last month's meeting for 3460 Oakory Lane.

Ward stated that he does not plan to remove any trees, adding that it would be a 6-foot high wooden fence with scalloped edges and would be placed at least 1 foot from the sidewalk. He indicated that he plans to put the fence as far from the sidewalk as practicable given the slope of the yard.

Jerald Jacques, 5670 Dodds Drive, expressed concern that approving the fence may establish a precedent and that other neighbors may wish to make the same request. He added that he is not necessarily opposed to the request as presented.

Johnson stated that when she had walked along the sidewalk at the applicant's house she had noted that there are a lot of branches overhanging the sidewalk leaving only approximately 3 feet of walkable pavement. She commented that the house at 5660 Dodds Drive is not necessarily comparable because there are no trees on the west side of the sidewalk impeding access. Johnson asked how the city could ensure that the sidewalk remains walkable and that the trees are maintained. She asked if the applicant is willing to install the fence as far to the east as possible.

Ward explained that the trees on the west side of the walk need to be trimmed before the fence can be installed anyway. He indicated that he had moved into the house in February and does not know who is responsible for trimming the trees on the other side. He stated that he has instructed the fence contractor to place the fence as close to the house as possible while avoiding the root system of the trees.

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 Johnson, seconded by Falk, that a variance to allow a 6-foot high fence in a required front yard as shown on Attachment B be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 14-055; 4500 Utica Ridge Road (C-6) - A request for a variance to increase the allowable number of on-premises identification signs from 1 to 2 and to increase the allowable square footage of signage from 300 square feet to 513 square feet, submitted by Unity Point.

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 #5 to these minutes.

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

Christy Gause, the applicant, stated that the previous request has been scaled back, adding that she does not believe that any precedent would be set by granting the request because there are so few buildings of a similar size and location in Bettendorf. She indicated that the high quality health care available contributes to a better quality of life for the citizens of Bettendorf.

Voelliger asked if the sign is intended to be permanent. Gause confirmed this. Voelliger asked if the award is only for a finite period of time. Gause explained that Truven considers that the award is permanent. She indicated that the sign would be rigid and that there would be no waving of the material. She stated that the sign is similar to the one at Eye Surgeons Associates.

Johnson asked where the proposed sign would be located in relation to the existing signage. Gause explained that it would be near one of the signs identifying Trinity on the interstate side. Johnson asked if the proposed sign is intended to be used in conjunction with the Trinity sign. Gause stated that they would not be on the same façade but would be close to one another. She added that in order to reduce the size of the proposed sign, it was decided to not include the word Trinity on the sign.

Johnson asked if the total of 513 square feet of signage referenced in the staff report includes all of the signage on the entire building. Soenksen explained that staff considers the building to have 3 street frontages with 300 square feet of signage allowed on each. He added that the façade on which the proposed sign would be placed would have a total of 513 square feet of signage.

Falk commented that the Board's concern regarding the previous request had been the likelihood that a precedent would be set by granting the variance. He asked how much larger the proposed total signage would be than what is allowed by ordinance. Soenksen explained that the applicant is allowed up to 300 square feet of signage according to the ordinance and that the proposed square footage is 513. Johnson commented that the Board has granted variance requests of a similar nature such as at Bettendorf Christian Church. Falk asked for staff's opinion regarding the possibility of establishing a precedent by approving the proposed sign in light of the uniqueness of the site, size of the structure, and its distance from the interstate. Soenksen explained that requests like the current one are not very common, adding that the Board generally takes into consideration the size of the lot, the setbacks, and the size of the building when approving them.

Johnson commented that the proposed sign is not technically an on-premises identification sign as it does not include the name of the facility. She asked if the proposed sign could be considered to be a part of the existing Trinity sign. Soenksen explained that the sign ordinance does not include a category of sign that perfectly describes the proposed one, adding that on-premises identification sign seemed to him to be the closest match. Johnson commented that the applicant does not really have the option of placing the proposed sign directly adjacent to the existing Trinity sign because of the configuration of the building.

Voelliger expressed concern about the permanency of the sign, adding that the possibility exists that the hospital will not receive the award named on the sign in the future. Gause explained that the award is new for the Bettendorf facility but that other Trinity facilities in the area have been designated as top-performing in the past. She stated that the high-quality health care that is available today is not going to go away. Voelliger indicated that while he understands the applicant's desire to advertise, the Board must consider the precedent that could be set by granting the request.

A brief discussion was held with regard to whether the Board would have the same concerns that have been expressed if the existing sign and the proposed sign were combined. Voelliger indicated that his concern is mainly related to the fact that the proposed sign does not identify the facility and that it would be permanent. Gause stated that the regardless of which direction a motorist is traveling on the interstate, both signs will be visible at once and basically serve as one sign. She commented that Truven Analytics considers that a facility is a Top 100 Hospital going forward even though the award was given in 2014.

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

Johnson commented that because of the proximity of the proposed sign to the existing one, she would consider them to be more of a combination identification sign and is supportive of the increase in the number of allowed signs only for that reason. She added that she has a certain level of comfort with the request because of the size of the property and building and the large setbacks.

On motion by Johnson, seconded by Falk, that a variance to increase the allowable number of on-premises identification signs from 1 to 2 and to increase the allowable square footage of signage from 300 square feet to 513 square feet be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

- c. Case 14-056; 5636 Cavan Crossing (R-3) - A request for a variance to reduce the required rear yard setback from 25 feet to 17 feet to allow for construction of a house, submitted by Steve Cotton. **(Deferred to meeting of August 14, 2014)**

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:40 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

August 14, 2014

Staff Report

Case No. 14-062

Location: 4889 Allen Road

Applicant: Aaron Stetson

Zoning Designation: R-2, 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 on the southeast corner of the intersection of Summertree Avenue and Allen Road (see Attachment A - Location Map). The applicant would like to place a 6-foot high fence within the front yard setback adjacent to Summertree Avenue.

Staff Analysis

The property has a very large easement in the rear (east side) (see Attachment B – Easement Illustration). The easement was established for the Magellan Petroleum pipeline. Staff informed the applicant that an encroachment agreement must be issued by the pipeline company before this request could be considered. Staff has received the encroachment agreement, and the pipeline company will supervise the fence installation for safety compliance. If allowed, the fence would enclose the rear yard and join an existing fence located on the south side of the site (see Attachment C – Plot Plan).

Staff Recommendation

The lot is somewhat pie-shaped and narrows toward the rear of the site as shown in Attachment C. The setback line adjacent to Summertree Avenue runs parallel to the roadway. Placing the fence at the required setback shown on Attachment C would greatly reduce the usable rear yard space because of the narrowing effect. The applicant feels that the pipeline easement and configuration of the lot constitutes a hardship for placement of a 6-foot high privacy fence.

While the Board has been receptive to this type of request when the home is adjacent to a major arterial 4-lane roadway such as 18th Street, Devils Glen Road, Spruce Hills Drive, and Middle Road or when it is in close proximity to a city-established recreation trails, this is not the case with the current request. In this case the adjacent roadways are 2-lane residential streets surrounded by low-density housing developments with standard size sidewalks typical of residential neighborhoods.

A 4-foot high fence in the required setback adjacent to Summertree Avenue is allowed by Code. Staff is not aware of another similar request that was approved that can be cited as a precedent for the request.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



Site

Crow
Creek
Park



Summertree Ave

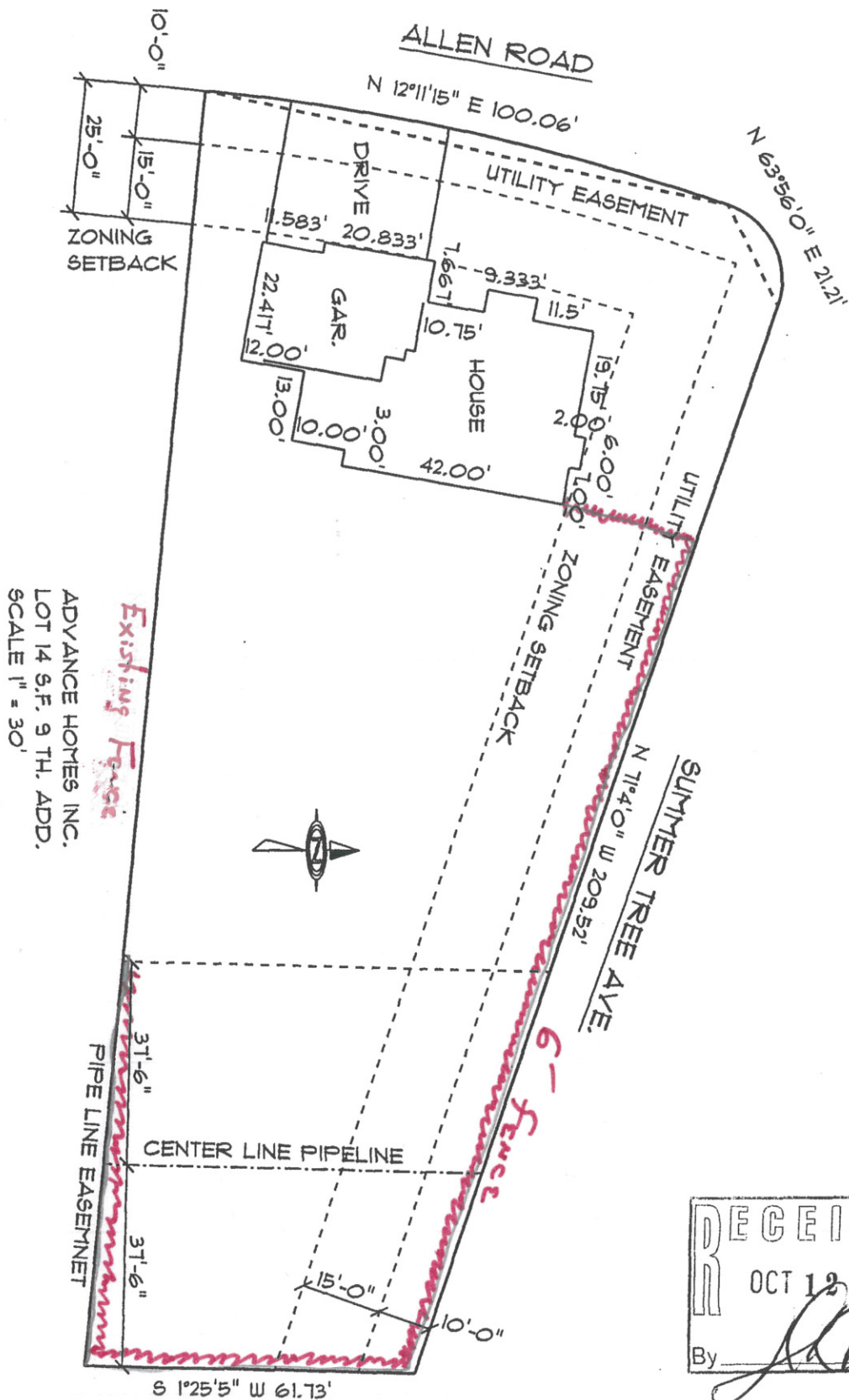
SITE

Allen Rd

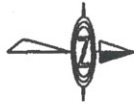
Pipeline Easement

PLOT PLAN

Attachment - C



Existing Fence
 ADVANCE HOMES INC.
 LOT 14 S.F. 9 TH. ADD.
 SCALE 1" = 30'



RECEIVED
 OCT 12 2011
 By *[Signature]*

Zoning District R2

Front setback 25'





Case No. 14-062

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

Part 1. Property Involved.
Street Address 4889 Allen Rd, Bettendorf, IA 52722

Legal Description of the property. LOT 14 Schaefer Farms Nine

Part 2. Contact Information.
Applicant Name Aaron Stetson Phone 563-320-5235
Address 4889 Allen Rd, Bettendorf, IA 52722 FAX _____
E-mail Address: astetson40@hotmail.com

Owner Name Same 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:

- (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.)



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

August 14, 2014

Staff Report

Case No. 14-064

Location: 1118 Jones Street

Applicant: Josh Younkin

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

Request: Variance to reduce the required side yard setback from 5 feet to 3 feet to allow construction of a garage.

Background Information and Facts

The site is located on the north side of the 1100 block of Jones Street just west of McManus Park (see Attachment A – Location Map). The applicant would like to reduce the required 5-foot side yard to 3 feet so that he can build a 24-foot by 32-foot garage structure (see Attachment B – Plot Plan).

Staff Analysis

The proposed size of the garage is allowed by Code.

The lot is only 50 feet wide and 125 feet long. As is true with many of the homes in the original section of the city, it is considered to be a legal non-conforming use because the following minimum site requirements listed in the current ordinance are not met:

- Lot area required = 8,400 square feet (actual = 6,250 square feet)
- Lot width required = 70 feet (actual = 50 feet)

If the variance is granted there will be only 23 feet between the garage door and the west property line.

In the past, the Board has been receptive to side yard variance requests in this section of the city on lots of this size and configuration if the request appears to be reasonable. With the required 5-foot side yard setback for the neighbor to the east of this site and the proposed 3-foot setback, there will still be a separation of potential structures of 8 feet which is the minimum required fire separation distance.

To maximize the parking area to the west, the applicant would like to site the garage such that it would encroach 2 feet into the required side yard setback. The proposed configuration is similar to that of the lots on each side of this site which have large parking slabs to the west of the garages and which appear to be closer than 5 feet to the east property line (see Attachment C – Neighbors Illustration). If allowed, the proposed garage would be consistent with the development of the established

neighborhood. The street widths in these original neighborhoods are narrower than streets in new subdivisions and having as much off-street parking available to the residents is advisable and helpful to the entire area.

Staff Recommendation

The request is consistent with the development of the surrounding neighborhood.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



MISSISSIPPI BLVD

KIMBERLY RD

RAMP

KIMBERLY RD

13TH ST

HALL ST

SITE

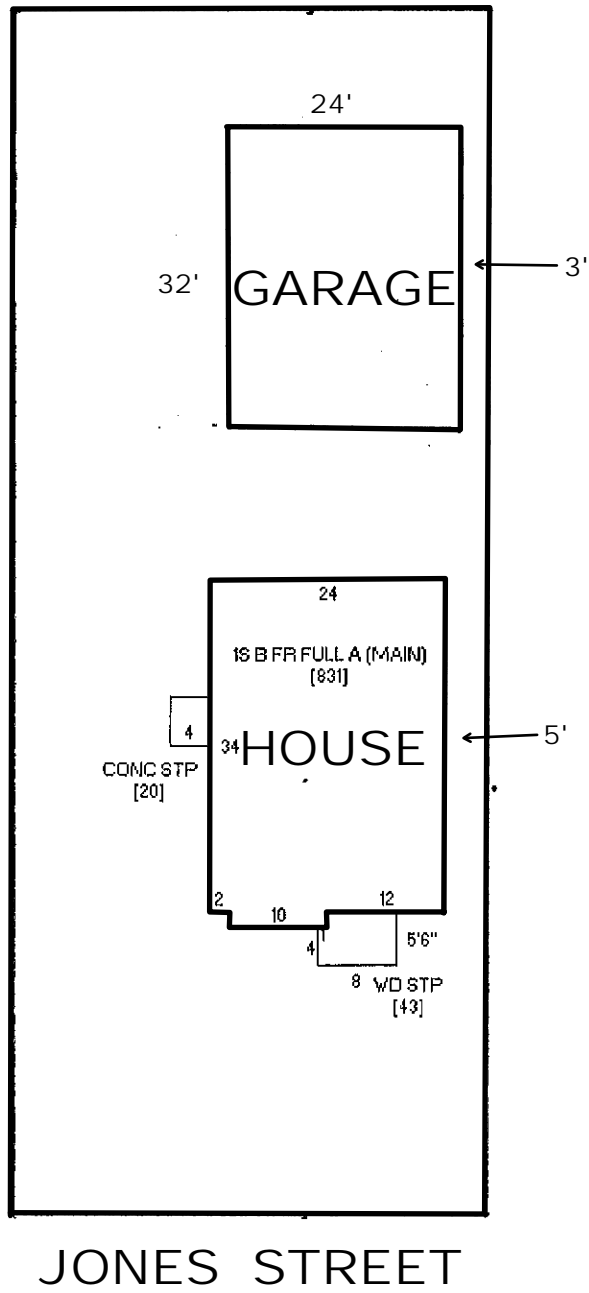
10TH ST

JONES ST

12TH ST

MISSISSIPPI BLVD

HOLMES ST





JONES ST



Case No. 14-064

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

Part 1. Property Involved.

Street Address 118 Jones St. Bettendorf

Legal Description of the property. Residential
Lot 25, Blacks, Riverview Addition

Part 2. Contact Information.

Applicant Name Josh Younkin Phone 563-650-0191

Address 118 Jones St. Bettendorf IA. FAX _____

E-mail Address: jyounkin@northwestmech.com

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.

3. Other. _____
(Attach a separate sheet and explain in detail.)

