

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  
SEPTEMBER 11, 2014  
5:00 P.M.**

PLACE: Bettendorf City Hall Council Chambers, 2<sup>nd</sup> Floor, 1609 State Street

1. Roll Call: Falk \_\_\_\_\_, Gallagher \_\_\_\_\_, Johnson \_\_\_\_\_, Spranger \_\_\_\_\_, Voelliger \_\_\_\_\_
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of August 14, 2014.
4. The Board to hold a public hearing on the following items:
  - a. Case 14-067; 2404 Hunter Road (R-2) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Jeff and Jennifer Wellman.
  - b. Case 14-068; 710 - 28<sup>th</sup> Street (R-2) - A request for a variance to allow a deck in a required front yard, submitted by Ron Grenko.
  - c. Case 14-069; 4340 Tanglewood Road (A-1) - A request for a variance to reduce the required side yard setback from 50 feet to 25 feet and to increase the allowable height of an accessory building from 15 feet to 29 feet to allow construction of a barn to be used for storage of farm equipment, submitted by Chad Miller.
  - d. Case 14-070; 3412 State Street (C-4) – A request for a variance to reduce the required front yard setback from 20 feet to 0 feet to allow construction of a parking lot and installation of an on-premises identification sign, submitted by Green Valley Properties, LLC.
  - e. Case 14-071; 2207 Falcon Avenue (C-2) – A request for a special use permit to allow an outdoor service area, submitted by Mark Roemer.

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  
AUGUST 14, 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: Gallagher  
STAFF: Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of July 10, 2014.

On motion by Falk, seconded by Johnson, that the minutes of the meeting of July 10, 2014 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 14-056; 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. (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.

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 stated that he received two letters expressing opposition to the request. Soenksen added that prior to the beginning of the meeting he had been reminded by Voelliger of a similar request for property located at 1742 Susan Court which the Board denied.

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

Kara Stetson, the applicant, stated that she and her husband would like to install a 6-foot high fence to provide privacy for her family and the neighbors. She explained that Devils Glen Road

carries a lot of traffic to Summertree Avenue and that because of the decline of the street the headlights disrupt her family inside the house. She indicated that regardless of the Board's decision, a fence will be installed and questioned the difference between a 4-foot high fence and a 6-foot high fence as far as aesthetics are concerned. She stated that if a 4-foot high fence is installed, the landscaping which would be installed could easily be taller than 6 feet.

Voelliger asked what type of fence the applicant proposed to install. Stetson indicated that it would be a 6-foot high white vinyl privacy fence.

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

Janice Bailey, 3389 Summertree Avenue, indicated that while she is not opposed to a homeowner's securing his or her property to provide privacy, she is opposed to the request because it would impede the vision of any motorist exiting her driveway. She explained that because of the configuration of lots in the subdivision, her neighbor's rear property line is shared with the property line in her front yard. Bailey stated that she believes the proposed 6-foot high fence could decrease the value of her home. She demonstrated with photos the effect that the proposed fence would have on her property, adding that the because of the placement of a pipeline easement and her existing fence, the proposed fence would cause a tunnel effect and would hinder maintenance of the property. Bailey explained that there are no other 6-foot high fences placed so near the sidewalk along Summertree Avenue, adding that the proposed fence would disrupt the uniformity of appearance of the subdivision.

Wayne Eckstein, 3382 Summertree Avenue, expressed opposition to the request. He indicated that in his opinion the applicant should have been aware of the limitations of what would be allowed with regard to fencing of their very large rear yard. He explained that because Summertree Avenue is on a school bus route, motorists might not be able to see school children who could easily be hidden by a 6-foot high fence. Eckstein added that the safety issues could be exacerbated by the fact that motorists routinely travel faster than the speed limit along Summertree Avenue.

Johnson asked if the applicant would be allowed to place a 4-foot high fence along the property line in the same location as the proposed 6-foot high fence. Soenksen confirmed this.

Falk commented that it is likely that there are restrictive covenants that govern this subdivision which may preclude the applicant from placing a fence on the property line. He added that typically the approval of either a homeowner's association board or possibly the 5 closest neighbors would be required.

Eckstein explained that there are approximately 89 homes located in the Schaefer Farms subdivision, adding that the proposed fence would not be in conformance with the rest of the neighborhood. He reiterated that the fence could have a detrimental effect on property values.

Johnson asked if there would be any restrictions related to installing the fence in the pipeline easement area. Soenksen explained that the homeowners have obtained an encroachment agreement from Magellan granting permission to install a fence within the easement. He added that the pipeline company will have personnel present on site at such time as a fence is installed to ensure proper placement.

Johnson commented that while there are a number of 4-foot high fences in the neighborhood, there are no 6-foot high fences such as is proposed. She reiterated that the Board denied a similar request for a homeowner who lives at the corner of Susan Court and Greenbrier Drive. She explained that it is not the Board's purview to decide whether the proposed fence is located in the easement area or if a 4-foot high code-compliant fence is installed.

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 be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

Soenksen explained to the audience that the Board does not have the authority to prevent the applicant from installing a 4-foot high fence. He added that the approved motion is to deny permission to install a 6-foot high fence on the portion of the lot that is defined as a required front yard.

- 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.

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. He commented that the staff report is in error with regard to the size of the proposed garage. He indicated that the garage would be 24 feet x 30 feet in size which would be in conformance with the ordinance.

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 Spranger, that a variance to reduce the required side yard setback from 5 feet to 3 feet to allow for construction of a garage be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

Soenksen stated that two months ago the Board had requested that staff consider the ramifications of amending the zoning ordinance as it relates to electronic message board signage along the interstate corridor. He explained that the request by Molo Oil for a sign larger than allowed had prompted this request, adding that the Big 10 Mart sign has been installed and is operational. Soenksen requested that the members visit the site to determine whether they feel that it accomplishes the applicant's goals and if an ordinance revision is warranted to possibly allow more than the 50 square feet of electronic message signage that is currently permitted. He explained that the Molo Oil sign is actually 150 square feet in size but that the applicant is only utilizing 100 square feet which the Board allowed by variance.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:30 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. 14-067**

**Location:** 2404 Hunter Road

**Applicant:** Jeff Wellman/Jennifer Shook

**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 on the northeast corner of Hunter Road and 18<sup>th</sup> Street and is located south of the Crow Ridge Shopping Center (see Attachment A – Location Map). The applicant would like to place a 6-foot high fence extending 8 feet toward 18<sup>th</sup> Street from the northwest corner of the garage and then running north to the property line where it would join an existing fence (see Attachment B – Plot Plan). Because the property in question is a corner lot, there are two required front yards.

**Staff Analysis**

If allowed, the fence would not infringe upon the designated utility and drainage easement situated diagonally on the west side of the property as shown on Attachment-B. The applicant will be installing a swimming pool in the rear yard which requires a fence for security purposes. The applicant feels that a 6-foot high fence provides better security and privacy than does a 4-foot high fence which is required by code to surround swimming pools.

Six-foot high fences are common along 18<sup>th</sup> Street which is a busy 4-lane major thoroughfare. The Board has been receptive to these types of requests along major roadways throughout the City if the requests are reasonable. If allowed, the fence will be approximately 20 feet back from the sidewalk adjacent to 18<sup>th</sup> Street and approximately 45 feet back from the roadway. The proposed fence would be set back further than most of the existing 6-foot high fences along 18<sup>th</sup> Street.

**Staff Recommendation**

The request is consistent with previous requests approved by the Board and will pose no line-of-sight issues associated with traffic safety.

Respectfully submitted,

John Soenksen  
City Planner

# Attachment - A



FALCON AVE

LINDENWOOD DR

HAWK DR

18TH ST

19TH ST

COUNTRYSIDE LN

SITE

HUNTER RD

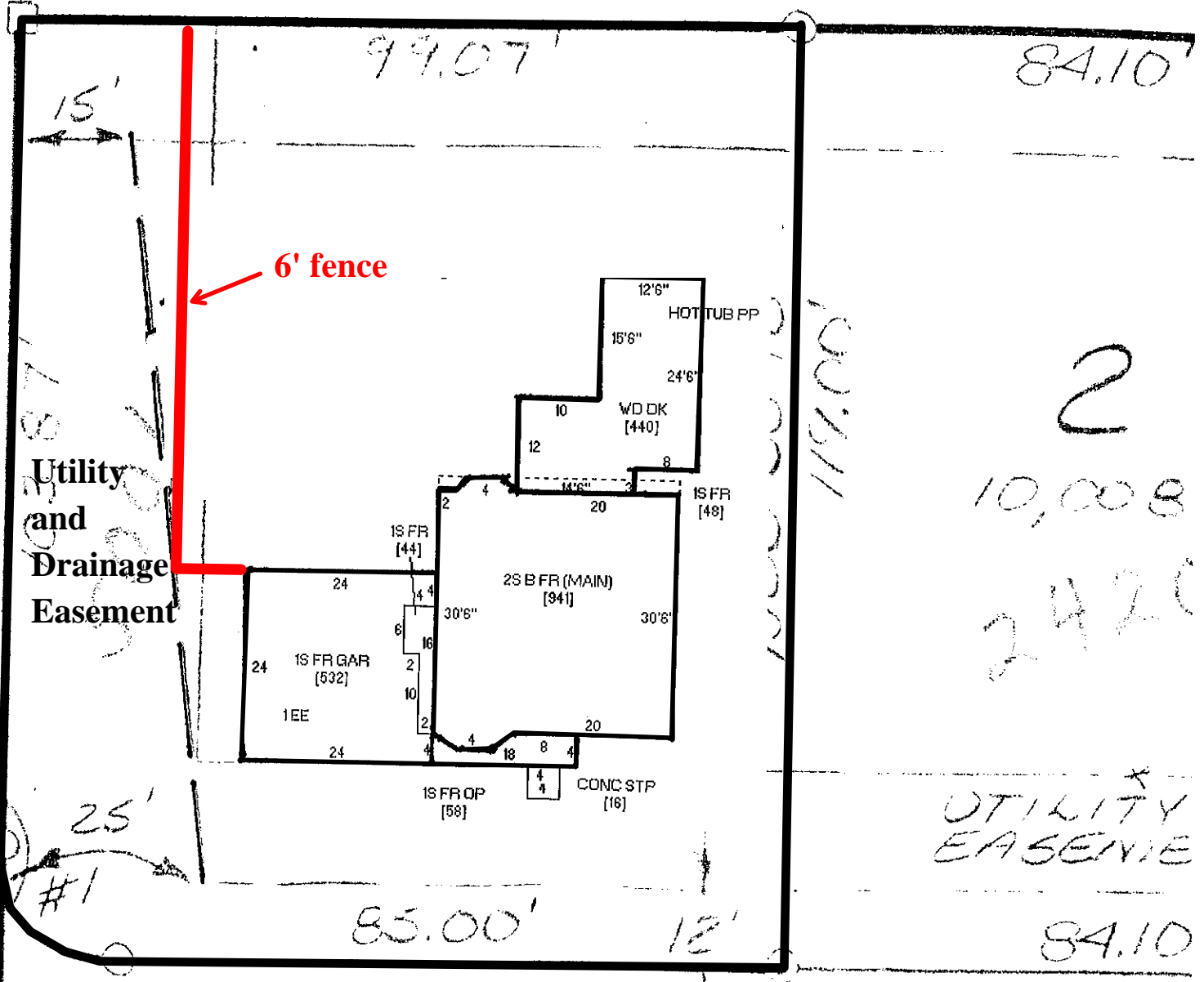
BOB WHITE CT

CHESTERFIELD DR

ok

UT  
E D  
EA.

B



2

10,008

2420

UTILITY EASEMENT

84.10



Case No. 14-067

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

Part 1. Property Involved

Street Address 2404 Hunter Road  
Legal Description of the property. Lot 1 Crow Ridge Estates 4<sup>th</sup>

Part 2. Contact Information

Applicant Name Jeff and Jennifer Wellman Phone 563-343-4281  
Address 2404 Hunter Road FAX \_\_\_\_\_  
E-mail Address: wellman10@centurylink.net

Owner Name Same as above 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.

Because of the easements on our property, we need to put up the required fence for a pool 8' past the corner of the garage. The pool will not go past corner of garage

**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 *Jeffrey A. Wellman* Signature of Owner *Jeffrey A. Wellman*  
 (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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
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 \_\_\_\_\_

Amount \_\_\_\_\_ Date \_\_\_\_\_



**COMMUNITY DEVELOPMENT**

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

September 11, 2014

Staff Report

**Case No. 14-068**

**Location:** 710 – 28<sup>th</sup> Street

**Applicant:** Ron Grenko

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

**Request:** Variance to allow a deck in a required front yard.

**Background Information and Facts**

The site is located south of Central Avenue on the west side of 28<sup>th</sup> Street (see Attachment A – Location Map). The applicant would like to place a deck on the east side of the house (see Attachment B – Plot Plan). Because of the established setback of the homes surrounding the applicant's house, the proposed deck would technically be in a required front yard.

**Staff Analysis**

The applicant would like to replace an existing deck as it has begun to deteriorate (see Attachment C – Current Deck). Due to medical issues, the applicant would like to replace the aging deck with a larger structure that will allow more maneuverability for a wheelchair. While the proposed size of the deck (500 square feet) is large, the Code does not restrict the size of decks regardless of the size of the house.

The required front yard setback in an R-2 district is 25 feet. If allowed, the proposed deck would be approximately 60 feet from the property line adjacent to 28<sup>th</sup> Street and approximately 76 feet from the roadway itself. Other homeowners in the neighborhood whose houses were built closer to the street would not be required to seek approval of a variance for a similar request (see Attachment A – Location Map).

Attachment C illustrates the significant topographical elevation change from the house to the street on the lot. The proposed deck would be separated from 28<sup>th</sup> Street by virtue of this elevation change and the 76-foot setback.

Although the house has a 28<sup>th</sup> Street address, it is accessed almost exclusively from Thorn Street as are the other homes surrounding this section of 28<sup>th</sup> Street. This situation is similar to that of a homeowner who requested a variance in August of 2011 on Tenplus Street where most of the properties are accessed on the 28 ½ Street side. In that case the Board approved a swimming pool to be located within 20 feet of the front property line recognizing that the area was actually being used as a rear yard and

involved established front yard setbacks. The Board has recognized that neighborhoods that have been developed in such a way that what would typically be considered to be a front yard is used as the rear yard and vice versa are unique.

**Staff Recommendation**

There are only a few locations within the original section of the City that developed in the above described unique manner. The applicant has demonstrated that there would be a significant separation of the proposed deck from 28<sup>th</sup> Street because of the topography and actual setback.

Respectfully submitted,

John Soenksen  
City Planner

**Attachment - A**



CENTRAL AVE

28TH ST

THORN ST

28TH ST

S 27TH ST

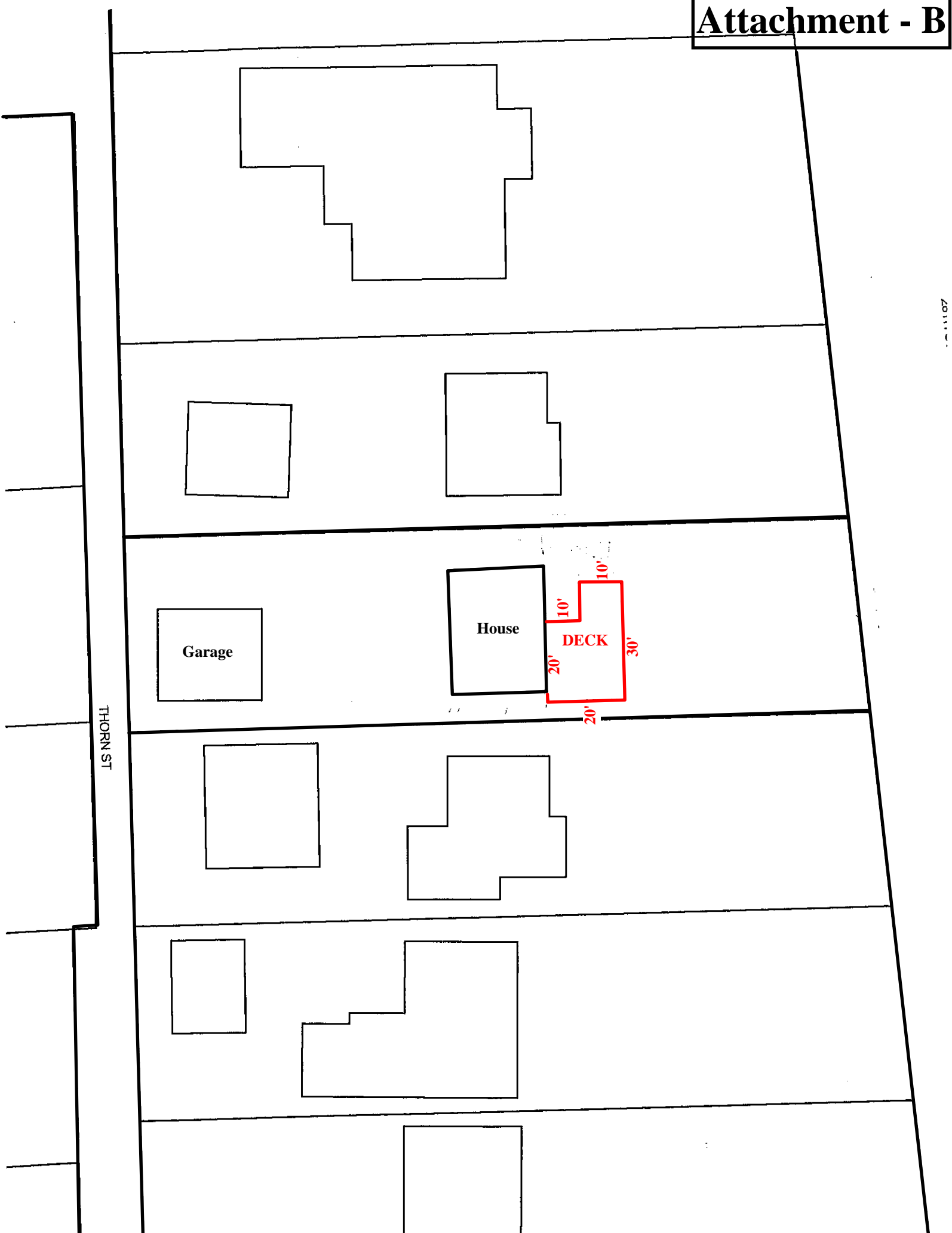
ERIN ST

27TH ST

**SITE**

LEMPUS ST

# Attachment - B



201107

**Attachment - C**





Case No. 14-067

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

Part 1. Property Involved.

Street Address 710 28th Street

Legal Description of the property.

LOT 36 Lawndale Addition

Part 2. Contact Information.

Applicant Name Ron Grenko

Phone 563-355-1367

Address 710 28th Street

FAX \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Owner Name Ron Grenko

Phone 563-355-1367

Address 710 28th Street

FAX \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Agent Mike Kleinsmith

Phone 563-940-0663

Address 2127 Echdale Drive

FAX \_\_\_\_\_

E-mail Address: m.kleinsmith@mediacomb.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 \_\_\_\_\_ 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.

Would like to replace an existing deck with an "L" shaped new deck. Lot has unique topography issues. This is a front yard deck replacement and addition.  
This request is due to owners being elderly and eliminating some of the large hill for safety reasons.  
If necessary, in the future, possibly adding a handicapp ramp.

**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: Jammy Kleinsmith 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 14<sup>th</sup> day of Aug, 20 12.

John South  
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 Joh S. L.  
Amount 50.00 Date 8-15-14



**COMMUNITY DEVELOPMENT**

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

September 11, 2014

Staff Report

**Case No. 14-069**

**Location:** 4340 Tanglewood Road

**Applicant:** Chad Miller

**Zoning Designation:** A-1, Agricultural District

**Request:** Variance to reduce the required side yard setback from 50 feet to 25 feet and to increase the allowable height of an accessory building from 15 feet to 29 feet to allow construction of a barn.

**Background Information and Facts**

The site is located north of Tanglewood Road and west of Middle Road (see Attachment A – Location Map). The applicant would like to place a 48-foot x 72-foot agricultural accessory building (barn) within 25 feet of the west property line (see Attachment B – Plot Plan). The proposed building site for the barn is shown on Attachment B with the yellow footprint. The green footprint illustrates the required 50-foot setback.

**Staff Analysis**

The Code describes the A-1, Agricultural District as follows:

The A-1 agricultural district is intended to provide areas in which agriculture and related uses are encouraged as the principal uses of the land. The district encourages the agricultural use of lands which are best suited for that purpose, while also allowing urban and rural uses which are compatible with the agricultural uses and will not prematurely terminate the agricultural uses.

The first listed permitted use in the A-1, Agricultural District is:

Farming, horticulture, forestry, crop and tree farming, truck farming, gardening, dairy farming, stock raising, domestic animal and poultry breeding and raising, together with the operation of any machinery or vehicles incidental to the above uses.

Based on the above, an assumption can easily be made that agricultural accessory building(s) or barn(s) are an obvious component of farming operations. Staff has firsthand knowledge that the applicant's property has been used for raising crops. The applicant owns several vehicles associated with farming operations which would be stored in the proposed building.

The Bettendorf Zoning Ordinance is oriented toward urban development. The 15-foot height limit for accessory buildings is intended to discourage large buildings that are typically associated with farming operations. Throughout most of the city this limitation is appropriate, but it does not allow structures typical of farming structures.

If allowed, the barn would resemble the structure shown in Attachment C. Attachment D illustrates the landscape buffering on the west side of the property closest to the barn location. The bottom picture on Attachment D illustrates the barn height in relationship to that landscape buffering. The blue shaded area on Attachment B (Plot Plan) shows the 100-year flood zone on the property. No portion of the structure is allowed in the 100-year flood zone, and no grading associated with this building project is allowed in that area. Due to the close proximity of the structure to the regulated flood zone, an engineer will be required to certify that the entire project would be located outside of the 100-year flood zone and that the floor level of the structure is at least 1 foot above the base flood elevation. The applicant has indicated that he has already contacted a licensed land survey engineer regarding this project.

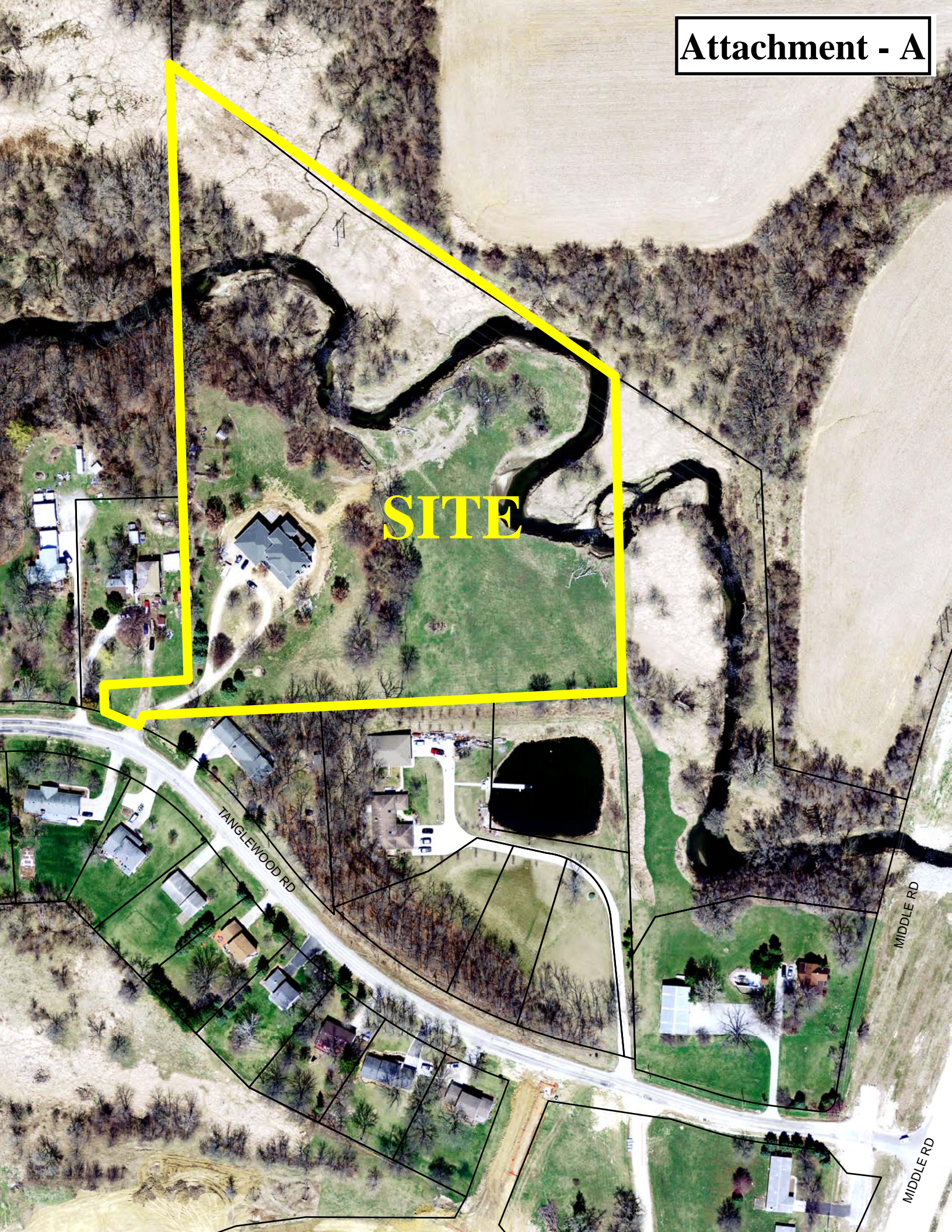
None of the other properties that are zoned A-1, Agriculture District surrounding this site have observed the required 50-foot setback (see Attachment E, Neighboring Setback Illustrations).

**Staff Recommendation**

The 15-foot accessory height restriction intended for urban type development poses a hardship for the construction of barns typically associated with agricultural uses. None of the surrounding properties have observed the 50-foot setback requirement. Therefore, the request appears to be reasonable.

Respectfully submitted,

John Soenksen  
City Planner

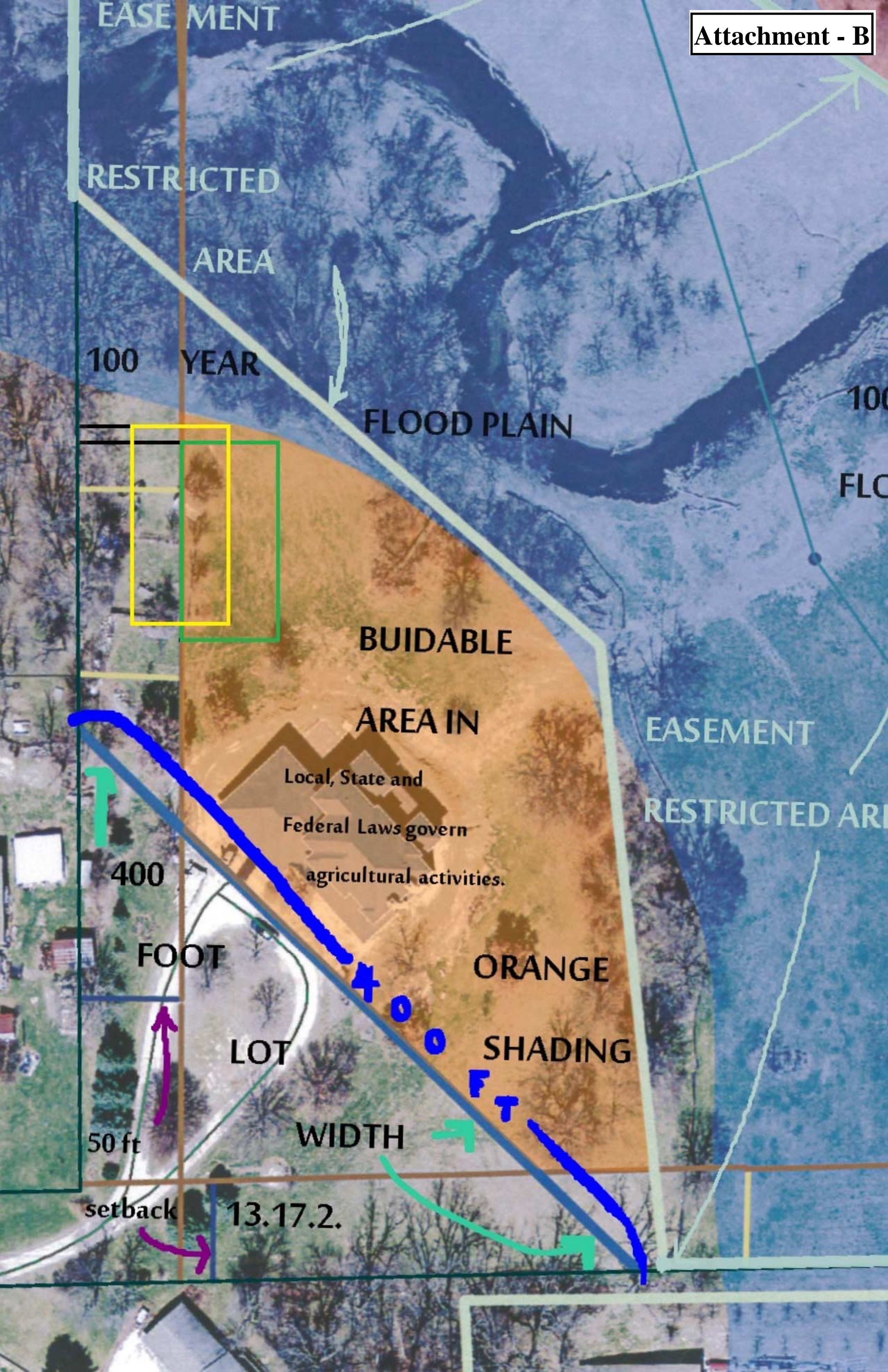


SITE

TANGLEWOOD RD

MIDDLE RD

MIDDLE RD



EASEMENT

RESTRICTED AREA

100 YEAR

FLOOD PLAIN

100 FLO

BUIDABLE AREA IN

Local, State and Federal Laws govern agricultural activities.

EASEMENT RESTRICTED AREA

400 FOOT

ORANGE SHADING

LOT

WIDTH

50 ft

setback 13.17.2.

400 FT

Front Side - Looking North



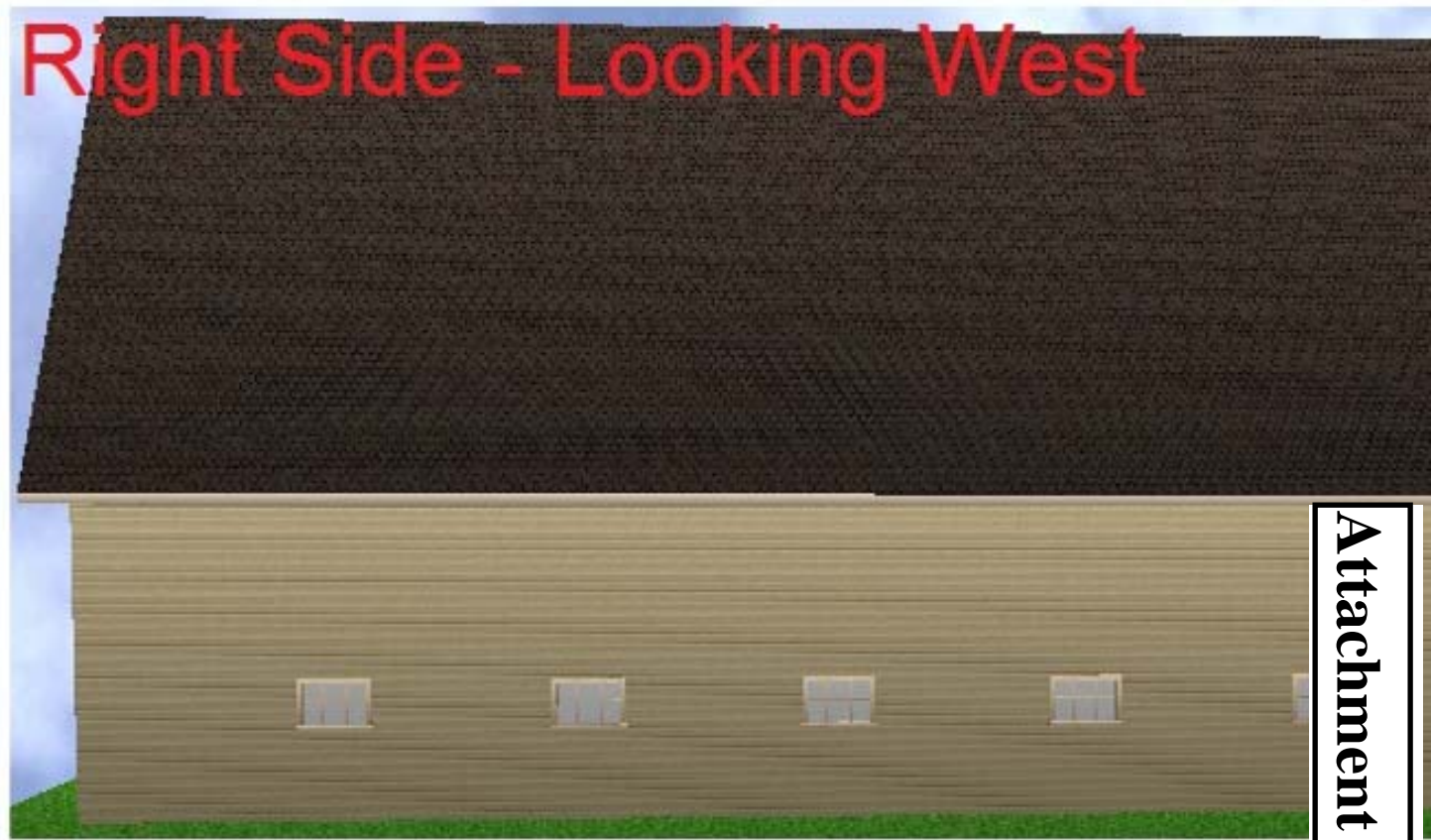
Back Side - Looking South



Left Side - Looking East



Right Side - Looking West



View from property looking West at Trees on both sides of property line. Building would allow removal all firewood & equipment parked in the trees.



Attachment - D



17'

10'

11'

TANGLEWOOD RD



Case No. 14-069

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

Part 1. Property Involved.

Street Address 4340 TangleWood Road

Legal Description of the property. 4519-003 TANGLEWOOD TERRACE LOTS 3 & 4 & SEC 14-78-4 PT SW NW TRI-TRACT 382 SQ FT PER SURVEY 08-24823

Part 2. Contact Information.

Applicant Name Chad Miller Phone 563-349-8692  
Address 4340 TangleWood Road FAX \_\_\_\_\_  
E-mail Address: Bettendorf@millerwrks.com

Owner Name Chad Miller Phone 563-349-8692  
Address 4340 TangleWood Road FAX \_\_\_\_\_  
E-mail Address: Bettendorf@millerwrks.com

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ FAX \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

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

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

September 11, 2014

Staff Report

**Case No. 14-070**

**Location:** 3412 State Street

**Applicant:** Green Valley Properties, LLC

**Zoning Designation:** C-4, Automotive Service District

**Request:** Variance to reduce the required front yard setback from 20 feet to 0 feet to allow construction of a parking lot and installation of an on-premises identification sign.

**Background Information and Facts**

The site is located just northeast of the intersection of 33rd Street and State Street (see Attachment A – Location Map). The applicant would like to convert an existing farmhouse type building into a business office. With this conversion, the applicant will need to install a parking lot and associated business sign. Due to the topography and configuration of the lot, the applicant is requesting permission to place the parking lot and sign in the required front yard (see Attachments B and C - Parking Illustration and Sign Area Illustration).

**Staff Analysis**

The parking area chosen for the site appears to be logical due to the topography of the lot. The lot elevation increases dramatically as you travel north on the site. In an effort to give the site a “business appearance” the applicant feels that it is important to place the parking in the most easily accessible location and the sign in the most visible location.

It has been a common practice for parking lots and signs to be located in required front yards on the properties surrounding this site (see Attachment D – Parking/Sign Illustrations). Six of the seven businesses shown on Attachment D have parking lots in the required front yard in the same manner as is now being proposed. Four of the seven businesses shown on Attachment D have business (on-premises advertising) signs in the required front yard.

Based on the above analysis, the variance request for the parking and sign would not have a negative impact on the area.

Regarding the sign request, the applicant points out the fact that the existing landscaping in the area would completely obstruct the view of any sign placed at the proper setback (either set back 15 feet or 20 feet depending on the size and height of

the sign). Landscaping consists of trees and shrubs that line both sides of the lot (see Attachment E – Landscaping Illustration). The applicant feels that the established trees and bushes add to the aesthetics of the site and would like to keep the landscaping intact as much as possible.

Due to the wide right-of-way along State Street (U.S. Highway 67), if allowed, the parking lot and frontmost portion of the sign would be back approximately 31 feet from the paved portion of the roadway.

**Staff Recommendation**

Both requests are similar to existing conditions in the surrounding area. The applicant has demonstrated a hardship due to the topography and existing landscaping as related to this request.

Respectfully submitted,

John Soenksen  
City Planner

SITE



STATE ST

23RD ST

**Attachment - B**



842735004

Bettendorf

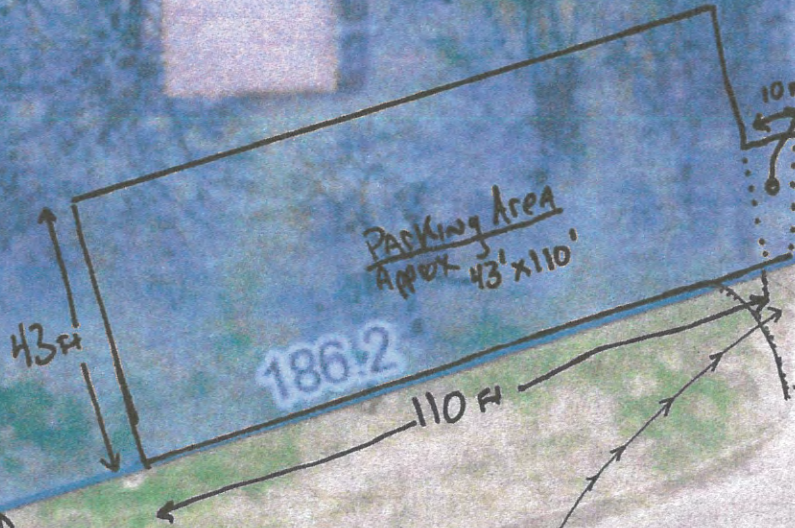
240:21

842735002

3412

Su tholm  
8427351002  
155:49  
Just  
Action

Parking lot  
entry Area  
Approx  
10' x 25'



\* I was Advised that this Area Should be Paved For Safety  
\* Total Non-Permeable Areas to remain under 5,000 sq Ft.  
31 Ft which matches the Distance between  
the curb of the parking lot ~~area~~ At the  
Neighboring property "Hall of FAME Pizza"

3424

STATE ST

Sign

Attachment - C



842735004

Bettendorf

240.21

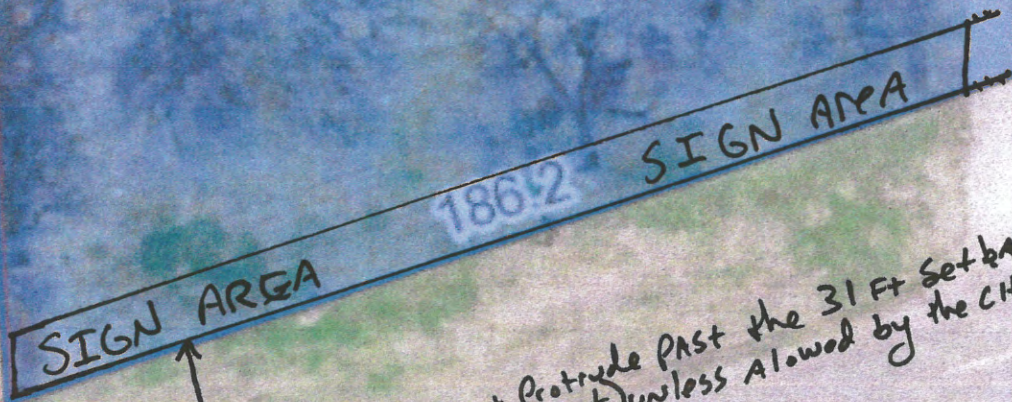
842735002

3412

8427351002  
Suholm  
First  
Auction

155.49

186.2



31 FT

Sign will not protrude PAST the 31 FT Setback AREA (For PARKING lot) unless Allowed by the City.

3424

STATE ST

# Attachment - D



Proposed Parking

Sign Area

SIGN

Parking

Parking

Parking

Sign

Parking

Sign

Parking

STATE ST

33RD ST

**Landscaping obstructing view of signage.**





Case No. 14-070

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

**Part 1. Property Involved.**

Street Address 3412 State Street Bettendorf, IA 52722

Legal Description of the property. Sect: 27 Twp: 78 Rng: 04 PT NE SW EPT SE SW BEG

6.85 CHS W-NE Cor SW-S 21.75 CHS TO RD-S 73 1/4 DW 2.73 3/4 CHS N 22.56 CHS-E 2.72  
CHS TO BEG. EXC N 3 acres

**Part 2. Contact Information.**

Applicant Name Green Valley Properties, LLC Phone 563 322 2044

Address 2215 Newberry Street Davenport, IA FAX 563 322 0224

E-mail Address: chiannon@greenvalleyroofing.com

Owner Name Green Valley Properties, LLC Phone 563 322 2044

Address 2215 Newberry Street Davenport, IA FAX 563 322 0224

E-mail Address: chiannon@greenvalleyroofing.com

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.)



City Of Bettendorf

Zoning Board of Adjustment

Green Valley Properties, LLC is requesting a variance approval on the property located at 3412 State Street Bettendorf, IA. In general, our request is as follows: We would like to install a small parking lot and a sign at the front of the property along State Street (see attachments). The current setback does not allow for this to be viable. We are asking to be extended the same setback as our neighbors to the West of us, "Hall of Fame Pizza and Wings." Hall of Fame Pizza and Wings currently has a parking lot setback 31ft from the inside of the curb/street. We are asking to be allowed to plan and operate within that 31ft setback area for the entire front portion of our property.

Sign Details: See Attachment

The current setback would limit the visibility of our proposed sign, from State Street. It is of the highest importance for us to be able to erect a high visibility sign, as we would like to be here doing business in Bettendorf for a very long time. We're in this for the long haul and we like to do things well and do things right. We feel having our signage "up front and center" is a pre-requisite to our success. We would like to install a sign that has a setback of 31' from the back of the curb/street.

Parking Lot Details: See Attachment

The current setback would make pouring a parking lot in front of the building impossible. With the adjusted setback of 31' we would be able to install a suitable parking lot, in the front of the building, where visitors/employees could safely enter and exit to and from State Street. This proposed lot would fit with the general parking theme and practices of other businesses on State Street and would exactly match the setback of the neighboring property (Hall of Fame).

General Notes:

We are very excited to be doing business in Bettendorf. We are just entering our 14<sup>th</sup> year in business and we feel we are "just getting started." Our goal for 3412 State Street is to create a professional, and architecturally inspirational place for our office employees to work and for our customers and the public to visit. We look forward to being one of the best looking businesses on State Street. All city personnel can rest assured that we will always do business with a close eye on quality, great design, and to the benefit of our neighbors/community. Thank you very much for your consideration of our proposed variance.



**COMMUNITY DEVELOPMENT**

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4100

September 11, 2014

Staff Report

**Case No. 14-071**

**Location:** 2207 Falcon Avenue

**Applicant:** Mark Roemer

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

**Request:** Special use permit to allow an outdoor service area.

**Background Information and Facts**

The site in question is located south of the McDonald's restaurant on the southwest corner of Falcon Avenue (see Attachment A – Location Map). The applicant is requesting to have an outdoor service area in front (north) of a proposed new restaurant. The outdoor service area would be approximately 10 feet by 40 feet (see Attachment B – Site Plan). The restaurant will be part of a building that will have three tenants (see Attachment C – Building Elevation).

**Staff Analysis**

Section 21.10.e of the Code states that no special use permit may be granted unless nine standards have been evaluated. Those standards are listed below with staff's evaluation.

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

Section 15.23.1 specifically relates to the C-2 Community Shopping District. The Zoning Administrator has determined that the request is "similar and compatible" to "restaurants, eat in or carryout" use listed as a permitted use in Section 15.22.1.(ee) and is therefore an allowed special use.

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

Section 15.22.1.(ee) lists "Restaurants, eat in or carryout" as an allowable permitted use in this zoning district. Therefore the proposed use complies with the applicable regulations of the C-2 Zoning District.

- (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.***

The location and size of the proposed use will comply with "Site and Structure Requirements" as enumerated in Section 16.27 of the Zoning Ordinance. Other commercial uses in the adjacent C-2 area include Frank's Pizzeria, Burke Cleaners, Tarpein's Martial Arts Center, Salon Halo, Charm Boutique, Olive Tree Café, Sensasian Restaurant, Seeds Earth Food, Red Crow Grille restaurant, Crust Pizza restaurant, and BP convenience store/gas station. These uses are of similar intensity as the proposed use. Thus, the use is in harmony with the businesses already established in this area.

- (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.***
- (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.***

The City of Bettendorf has established an elaborate review process in Section 18.92 of the Zoning Ordinance which allows the public to have input at two public hearings: one at the Planning and Zoning Commission and one at the City Council meeting. That section states:

"The planning and zoning commission shall review the site plan proposal at said meeting and receive a report from the city engineer, fire chief, the zoning administrator, the planning coordinator, and receive comments from the public. The commission shall make its determination of conditions for approval of the site plan within thirty-five (35) days of the first meeting. If no action is forthcoming within the thirty-five (35) days, the site plan shall be forwarded on to the city council for action. The city council shall not act upon the site plan proposal until it has received a recommendation from the planning and zoning commission unless such recommendation is not received within sixty (60) days from the filing date.

The city council shall, after considering the planning and zoning commission recommendations, approve, approve with modifications, or deny any proposal by resolution. The city council may include such conditions in its resolution of approval as it deems necessary in order to accomplish the stated purpose of this section. If the site plan proposal is not acted upon finally by the city council within sixty (60) days of the date the council receives the planning and zoning commission recommendation, and such time is not extended by mutual consent of the council and petitioner, it shall be deemed denied."

The applicant will be required to comply with said review process prior to issuance of any building permit to ensure adherence with standards 4 and 5 above.

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

The Future Land Use designation for this lot and the surrounding area is defined as commercial and has been in place for many years. The commercial zoning classification for the lot has been in place since 1985 (Case 32-85). The residential zoning classification for the adjacent area to the south and west of the site has been in place only since 1992 (Case 17-92). Therefore, there was and has been every expectation that the lot would be developed commercially well before any adjacent residential development occurred. From a future use and zoning perspective, there was expectation that this lot would develop with a use consistent with the uses allowed in the C-2 Zoning district. The proposed restaurant is an allowed use in the C-2 district.

The Board has approved special use permits for several businesses in this area including a special use permit for a drive-up window at the southwest corner of 53<sup>rd</sup> Avenue and 18<sup>th</sup> Street (Ascentra Credit Union); a special use for a drive-up window at the southeast corner of 53<sup>rd</sup> Avenue and 18<sup>th</sup> Street (bank); a special use for a drive-up window and outdoor service area at Crust Pizza; and an interpretation allowing Frank's Pizzeria. All of these approved requests are for properties in the same contiguous commercial area and adjacent to residential areas.

Crust Pizza has been operating an outdoor service area for two seasons now directly across the street from a single-family residential neighborhood. Staff has not received any complaints concerning that operation. The current applicant is the owner of Crust Pizza and states he will operate the proposed outdoor service area in the same fashion as the existing one.

- (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.***

No special use permit has been denied for a request involving this property.

- (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.***

With the approval of the outdoor service area for Crust Pizza, the Board placed the following condition:

"The service and consumption of alcoholic beverages in the outdoor service area is to cease no later than 9:00 p.m. on Sundays through Thursdays and no later than 10:00 p.m. on Fridays and Saturdays."

Staff feels the same restriction is again appropriate for this request because of the lot's proximity to a residential area.

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

As previously stated, the Future Land Use designation for the lot and the surrounding commercial area is defined as "commercial" and has been in place for several years. The commercial zoning classification for the lot has been in place since 1985 (Case 32-85). The residential zoning for the adjacent area to the south and west of the site has been in place only since 1992 (Case 17-92). Therefore, the request is consistent with the Bettendorf Comprehensive Plan that anticipated the property's future use.

**Staff Recommendation**

Based on the above analysis, staff recommends approval of the request.

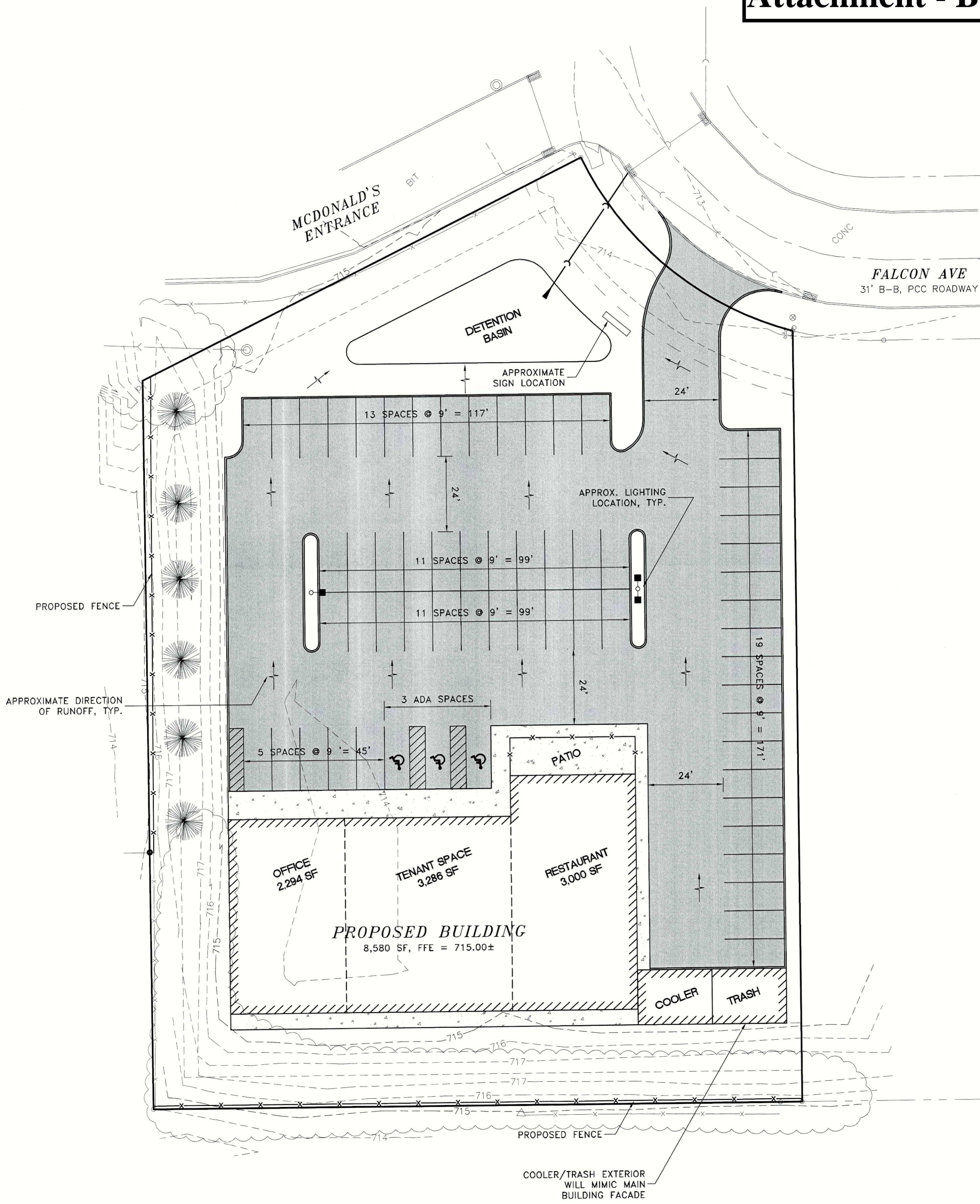
Respectfully submitted,

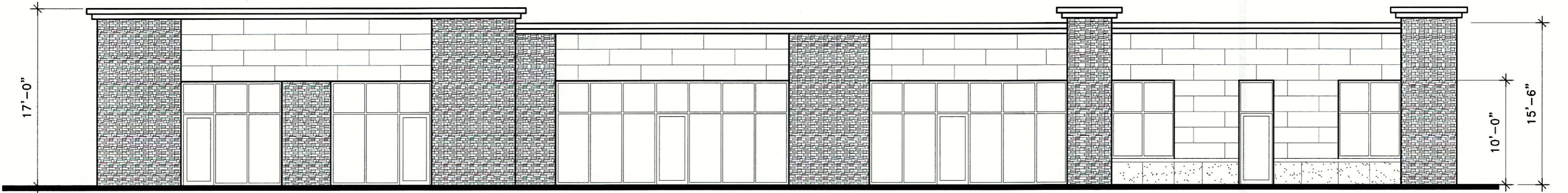
John Soenksen  
City Planner

**LOCATION**



# Attachment - B





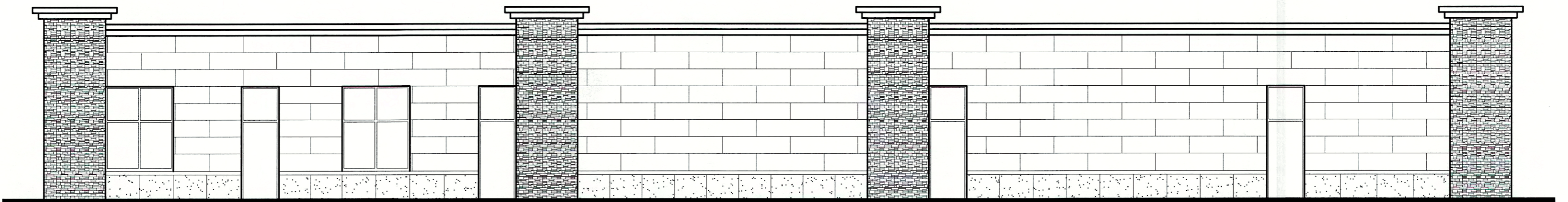
**NORTH ELEVATION**

SCALE: 1/8" = 1'-0"



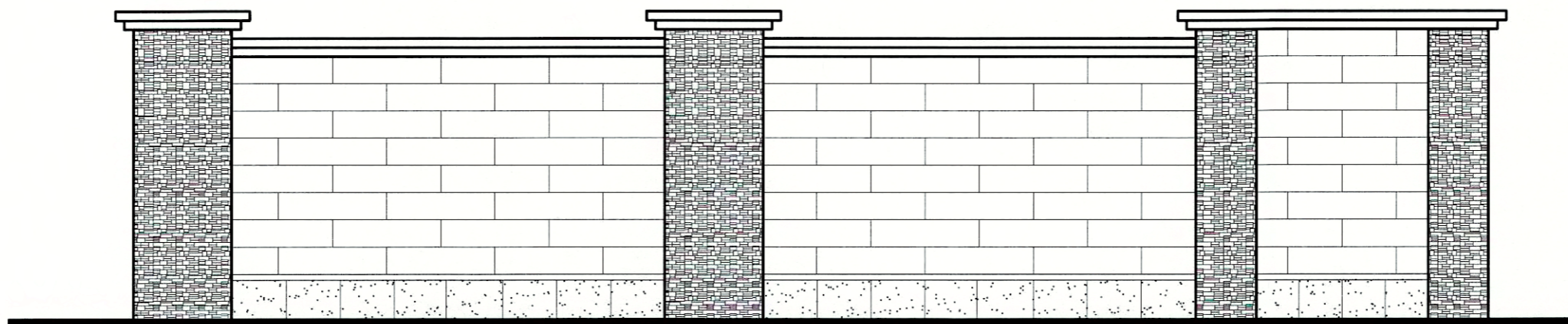
**WEST ELEVATION**

SCALE: 1/8" = 1'-0"



**SOUTH ELEVATION**

SCALE: 1/8" = 1'-0"



**EAST ELEVATION**

SCALE: 1/8" = 1'-0"



Case No. 14-071

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

Part 1. Property Involved.

Street Address Falcon Ave Lot 2207 Falcon Avenue

Legal Description of the property. Lot 2, Hunter-Mearns Comm Park, 2<sup>nd</sup> Addition  
Bett, IA

Part 2. Contact Information.

Applicant Name MARK Roemer Phone 563-650-6572  
Address 4 Summer Place, Bett, IA FAX \_\_\_\_\_  
E-mail Address: markroemer@gmail.com

Owner Name Janice Roemer Phone 563-322-3807  
Address 5015 Turnberg Lane, DAV 52806 FAX \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Agent MARK Roemer Phone 563-650-6572  
Address 4 Summer Place Bett FAX \_\_\_\_\_  
E-mail Address: markroemer@gmail.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.)

