

NOTICE TO THE AUDIENCE. PLEASE REMEMBER THAT IF YOU ARE INTERESTED IN MATTERS ON THE AGENDA THAT WILL HAVE SUBSEQUENT MEETINGS, IT IS YOUR RESPONSIBILITY TO NOTE THE DATES, TIMES, AND PLACES. NO FURTHER LETTERS OR REMINDERS WILL BE SENT. OF COURSE, IF YOU HAVE ANY QUESTIONS ABOUT ANY GIVEN MATTER, DO NOT HESITATE TO CONTACT THE PLANNING DEPARTMENT IN THE CITY HALL ANNEX, 4403 DEVILS GLEN ROAD, BETTENDORF, IOWA (344-4100).

**MEETING NOTICE
BOARD OF ADJUSTMENT
NOVEMBER 13, 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 October 9, 2014.
4. The Board to hold a public hearing on the following items:
 - a. **Case 14-083; 5770 Little Lane (R-1)** - A request for a variance to reduce the required front yard setback from 30 feet to 15 feet to allow construction of a house, submitted by Gary Schumacher.
 - b. **Case 14-084; 931 State Street (C-3)** - A request for a variance to reduce the required front yard setback from 20 feet to 15 feet, submitted by Italo Milani.
 - c. **Case 14-085; 3790 East Harbor Drive (A-2)** - A request for a variance to increase the allowable garage area from 720 square feet to 1,126 square feet and to reduce the required side yard setback from 5 feet to 3 feet, submitted by Rockne Brosman.

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

MINUTES
BETTENDORF BOARD OF ADJUSTMENT
OCTOBER 9, 2014
5:00 P.M.

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

Item 1. Roll Call

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

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of September 18, 2014.

On motion by Falk, seconded by Johnson, that the minutes of the meeting of September 18, 2014 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 14-079; 3256 Ridge Pointe (C-2) - A request for a variance to allow an additional on-premises identification sign on a non-street frontage, submitted by Gary Buettner.

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.

Gary Buettner, the applicant, explained that his business is a math-only learning center which is designed to provide instruction that enhances knowledge in math. He stated that during lease negotiations with the building's owner he was given permission to place the third sign on the west end of the structure which was a condition of his acceptance of leasing the center unit. Buettner stated that the third sign is 12 feet long and 3 feet high and was placed by his sign contractor on the west structural wall which is 65 feet long. He added that the sign has no characteristics which would cause problems for neighbors and would no cause any confusion as to the occupancy of each unit.

Buettner stated that based on legal advice he has obtained he is entitled to use the exterior walls as they are for common use of all the tenants and that the sign should not be considered an off-premises identification sign as indicated in the staff report. He indicated that he had remitted payment for the permit fee to the sign company as indicated on the invoice and was unaware that a permit had not been issued. Buettner explained that neither the sign company representative nor the leasing agent had informed him that a variance would be necessary for the third sign. He stated that the Board should consider the unique circumstances and react based on all the facts, adding that a change should not be summarily rejected merely because it is different. He indicated that status quo is not always appropriate as change can sometimes be beneficial to all. He reiterated that the leasing documents for the unit indicate that the third sign is allowed.

Jeremy Collins, the applicant's sign contractor, apologized for not having obtained a building permit for the signs. He explained that the order for the signs came during his busy time, adding that he thought a co-worker had obtained the required permit. Collins requested that the Board consider the need for the service provided by the applicant for students who require additional help with mathematics.

Soenksen commented that as soon as staff had informed the sign company that a permit was never obtained for the signs a representative rectified the situation.

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

Nathan Sels, 6530 Spring Creek Drive, stated that Athletico is opposed to the sign because of the potential confusion it will cause. He explained that Athletico has over 100 locations and that none of them share signage space with another company on the building. He indicated that having a sign advertising another business between the proposed signage for Athletico on the north and south sides of the building will confuse customers. Sels indicated that he plans to request a variance to place signage on the west side of the building in addition to the signs allowed by code.

Voelliger commented that if a variance is granted for Athletico, there would be signage for two different businesses on the west side of the building. Johnson stated that Athletico is physically located on that west side of the retail structure.

Buettner stated that having two signs on the west wall would not cause any confusion because the entrances to the units will also have identification signs and that parking is only available on the front of the building.

Johnson asked if all three businesses have signage on the Middle Road side. Soenksen confirmed this, adding that signs are allowed on the Middle Road and Ridge Pointe sides of the building.

Buettner commented that the sign on the west side of the building is the most important sign to the business because of its orientation which allows visibility from Belmont Road.

Johnson stated that she is not in favor of setting the precedent of allowing building signs on a section of a structure where the business is not actually located. She commented that the third

tenant in the building could then request a variance to place a sign on that same wall. Johnson suggested that perhaps the tenants of the building could advertise using a monument sign rather than building signs. Soenksen stated that when three or more tenants have retail space on a single lot they would be allowed to have a shopping center sign. Voelliger asked if that type of sign would be allowed along the Middle Road frontage. Soenksen confirmed this, adding that setback requirements would determine the location of such a sign. Spranger commented that approving the variance would likely encourage the tenants to request permission to place signage on the east wall as well. She indicated that a monument sign would be more aesthetically appealing than building signs and would provide adequate exposure.

Falk commented that he believes that the sign ordinance is adequate to address this situation and is in complete agreement with the staff report.

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 Falk, seconded by Johnson, that a variance to allow an additional on-premises identification sign on a non-street frontage be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- c. Case 14-081; Outlot 1, Mastland Subdivision (A-1) - A request for a variance to reduce both required side yard setbacks from 50 feet to 10 feet and to increase the allowable height of an accessory building (pole barn) from 15 feet to 20 feet, submitted by Dave Steil.

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 the request.

Dave Steil, the applicant, stated that there are two existing buildings on the property, one of which will be demolished. He explained that when he had submitted the application he had been unsure of exactly where the building would be placed on the lot and therefore had requested a larger setback reduction than would ultimately be necessary. Steil indicated that after discussions with his neighbor to the east he would be comfortable with requesting that the side yard setbacks be reduced to 23 feet rather than 10. He added that there is already a building on the site that is far in excess of the allowable height of 15 feet.

Soenksen explained that the notice of public hearing is required to be published 6 days before the Board of Adjustment meeting. He indicated that the Board is allowed to grant a variance

allowing a larger side yard setback than what was published but not smaller. He added that by publishing a request for a side yard setback reduction to 10 feet, the applicant would be able to more precisely indicate how much of a setback reduction would be required at the public hearing. Soenksen indicated that it is in the Board's purview to grant a modified request. Steil indicated that he would like to begin construction before winter.

Jim Roberts, 3131 Mount Joy Avenue, stated that he would be in favor of a side yard setback reduction to 23 feet, adding that he has never been opposed to the proposed height of the structure.

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 Spranger, that a variance to reduce both required side yard setbacks from 50 feet to 23 feet and to increase the allowable height of an accessory building (pole barn) from 15 feet to 20 feet be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

- b. Case 14-080; 2241 and 2283 - 53rd Avenue (CR-2) - A request for a special use permit to allow gas pumps associated with a convenience store, submitted by Kwik Trip, Inc.

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 #7 to these minutes.

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

Wade Dumond, representing the applicant, displayed a colored rendering of the proposed store. He stated that the proposed store would be of the same design as their new store near Menard's in Davenport but that there would not be a diesel canopy at the 53rd Avenue location. He explained that Kwik Star would like to further expand in this area, adding that many of their locations generate more revenue from inside sales of groceries than from fuel. Dumond commented that there are 410 stores in Wisconsin, Minnesota, and Iowa and that his company makes an effort to be a good community partner.

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

Pete Moldt, 5137 Dove Court, asked what the hours of operation would be. Dumond stated that the store would be in operation 24 hours per day.

Voelliger asked if the site lighting would negatively impact the neighbors in any way. Soenksen explained that when McDonald's first opened staff had received an inquiry about the site lighting from a resident on Dove Court. He indicated that a lighting engineer measured the light output from the site and determined that one of the fixtures needed to be readjusted. He stated that McDonald's complied immediately. Dumond explained that all lighting on the site will be recessed such that the LED bulbs are not visible unless you stand underneath the fixture. He added that if needed, any adjustments deemed by staff to be necessary will be made.

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 Spranger, seconded by Falk, that a special use permit to allow gas pumps associated with a convenience store be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:45 p.m.

These minutes and annexes approved _____

John Soenksen, City Planner



COMMUNITY DEVELOPMENT

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

November 13, 2014

Staff Report

Case No. 14-083

Location: 5770 Little Lane

Applicant: Gary Schumacher

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

Request: Variance to reduce the required front yard setback from 30 feet to 15 feet to allow construction of a house.

Background Information and Facts

The site is located on the northeast corner of Little Lane and Moencks Road and is accessible by traveling north on Moencks Road from Valley Drive or by traveling south on Moencks Road from Crow Creek Road (see Attachment – Location Map). The applicant would like to place an L-shaped structure within 15 feet of the property line adjacent to Moencks Road (see Attachment B – Plot Plan).

Staff Analysis

The required setbacks are designated by the red line on Attachment B. By placing the structure at the proposed setback, it will allow a side load garage to be accessible from Little Lane. The applicant feels this is the most practical design given the lot size, shape, and topography.

The proposed structure will fit within the required setbacks if placed further north on the lot and “squared up” with the property line adjacent to Moencks Road; however, by doing this it becomes problematic to configure a driveway that will allow proper access in and out of the garage entrance.

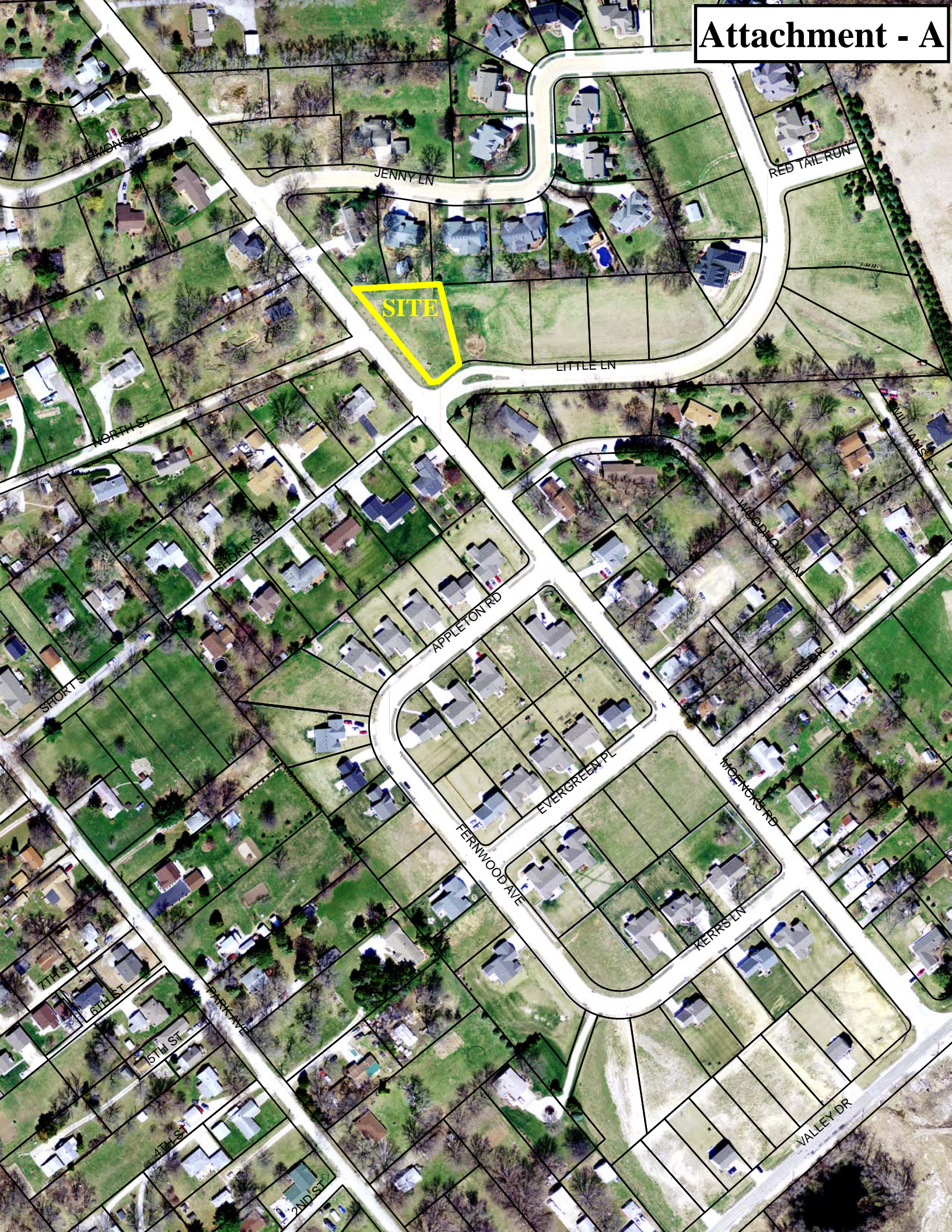
Attachment C demonstrates the topography issues mentioned above. The elevation of the lot rises 28 feet from Little Lane to the north property line. To the west is the subdivision’s required detention pond and, by design, the elevation on the west side drops rapidly towards the detention pond. Because of these topographical features, placing the structure further north would result in a very steep driveway, and placing the house further east limits driveway maneuverability.

Staff Recommendation

The factors listed above appear to present issues that may justify a legitimate hardship to justify granting the variance.

Respectfully submitted,

John Soenksen
City Planner



SITE

CLEMENS RD

JENNY LN

RED TAIL RUN

LITTLE LN

NORTH ST

SHORT ST

APPLETON RD

WOODMILL LN

WILLIAMS ST

SHORT ST

BISKES DR

FERNWOOD AVE

EVERGREEN PL

MCENOCKS RD

7TH ST

6TH ST

5TH ST

4TH ST

2ND ST

PARK AVE

KERRS LN

VALLEY DR

Attachment - B



Attachment - C





Case No. 14-083

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

Part 1. Property Involved.

Street Address 5770 Little Lane

Legal Description of the property. Lot 18 Sunrise Crossing Estates

Part 2. Contact Information.

Applicant Name Gary Schumacher Phone 563-579-4744
Address 3625 Moencks Rd FAX _____
E-mail Address: _____

Owner Name Gary Schumacher Phone 563-579-4744
Address 3625 Moencks Rd 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.)



COMMUNITY DEVELOPMENT

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November 13, 2014

Staff Report

Case No. 14-084

Location: 931 State Street

Applicant: Italo Milani

Zoning Designation: C-3, General Business District

Request: Variance to reduce the required front yard setback from 20 feet to 15 feet.

Background Information and Facts

The site is located southwest of the intersection of 10th Street and State Street and is the location of a vacant gas station (see Attachment A – Location Map). The applicant is requesting a 5-foot front yard setback reduction.

Staff Analysis

The site has been in a state of disrepair for several years. There have been many code violations at this location in the recent past. The applicant plans to demolish the existing structures and completely redevelop the site with a convenience store with gas pumps (see Attachment B – Site Plan). Three gas stations have been demolished as a result of the I-74 Corridor Project and future bridge construction. The proposed project will serve a void left due to those demolitions. If the request is allowed, the canopy covering the gas pump islands will encroach 5 feet into the required front yard. The applicant feels that the proposed separation of the convenience store and gas pumps is necessary to allow vehicles to successfully and safely negotiate around the site.

As submitted, the proposed building would fit on the lot without need of a variance. Because of the street realignment associated with the I-74 corridor reconstruction, an additional 5-foot wide strip of land has been taken from this site (see Attachment C – Additional Right-of-Way Illustration). The proposed variance is necessary because of that additional right-of-way acquisition.

Staff Recommendation

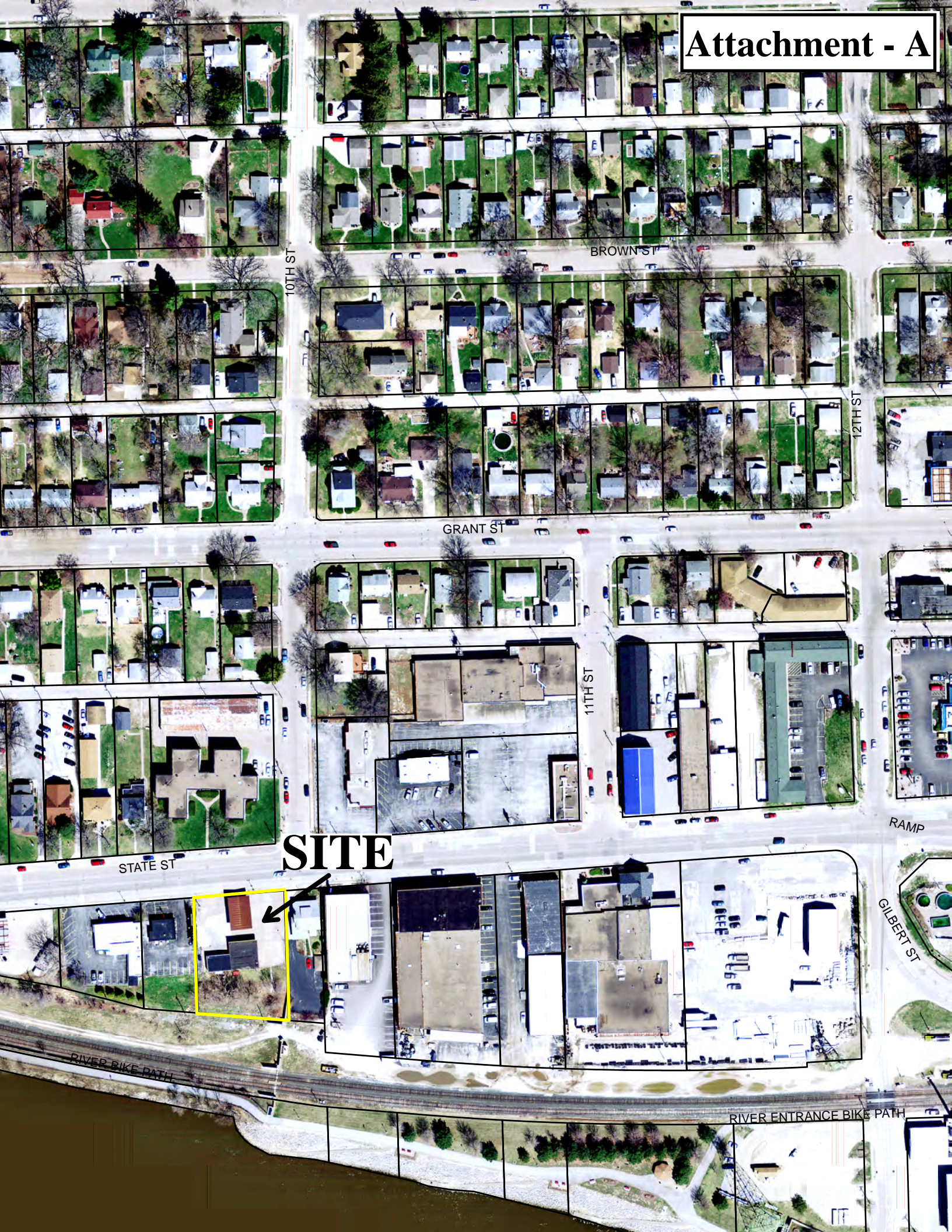
The City has seen significant improvements to previous blighted gas station sites including the Big Ten Mart at 999 Middle Road and the Shell Station at 2911 Devils Glen Road. The site now under consideration has been long overdue for redevelopment.

The mandated property acquisition from this lot for the I-74 corridor project was beyond the control of the current property owner and poses a legitimate hardship as related to this request.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE



Attachment - A

BROWN ST

GRANT ST

10TH ST

11TH ST

12TH ST

STATE ST

RAMP

GILBERT ST

RIVER BIKE PATH

RIVER ENTRANCE BIKE PATH

10TH ST

STATE ST

Addition 5' ROW





Case No. 14-084

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

Part 1. Property Involved. Street Address 931 State STREET, BETTENDORF, IA

Legal Description of the property. LOTS 2:3 and E 1/2 of LOT 4, Frank Druehi's 1st Subdivision

Part 2. Contact Information.

Applicant Name DEV BASTOLA Phone 563-650-3507
Address 3120 Summer Ave FAX 563-323-6816
E-mail Address: devbastola@yahoo.com

Owner Name SAME AS ABOVE Phone _____
Address _____ FAX _____
E-mail Address: _____

Applicant - ITALO MILANI, ARCHITECT Phone 309-788-5304
Address 2801 - 12th AVENUE ROCKISLAND FAX 309-788-5100
E-mail Address: LOMILANI@MILANI.PC.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.)



COMMUNITY DEVELOPMENT

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November 13, 2014

Staff Report

Case No. 14-085

Location: 3790 East Harbor Drive

Applicant: Rockne Brosman

Zoning Designation: A-2, Agricultural Residence District

Request: Variance to increase the allowable garage area from 720 square feet to 1,126 square feet and to reduce the required side yard setback from 5 feet to 3 feet.

Background Information and Facts

The site is located on East Harbor Drive and is outlined in yellow on Attachment A - Location Map. The applicant would like to build a garage addition that would result in a garage that would exceed the allowed square footage/ratio and be within 3 feet of a side yard.

Staff Analysis

The entire lot is located within the regulated 100-year flood zone (see Attachment B - Flood Map). Per City Code (Appendix C, Article IV, Section F), any residential improvement that exceeds 50 percent of the market value of the structure before the start of construction must be elevated at least one foot above the base flood elevation. Market value of the structure does not include land costs. According to the Scott County Assessor, the structure value of the existing home is \$91,140. If the new project cost exceeds \$45,570 the addition must be raised at least one foot above the base flood elevation. If the project cost is \$45,570 or less, the design of the addition must include "flow through" provisions that will allow flood water to flow freely in and out of the building during 100 year events or above. Regardless, all utilities and mechanicals must be raised above the 100 year flood level, and the applicant must obtain a flood zone development permit.

The proposed addition will be L-shaped and will wrap around the existing garage (see Attachment C – Plot Plan). The portion of the addition to the side of the existing garage will be added garage space, and the portion to the rear of the existing garage will be storage space which cannot be used for vehicle storage. The existing garage is 616 square feet, and the garage addition is 510 square feet for a total of 1,126 square feet.

The Board has previously expressed concern about how this type of request fits into existing neighborhoods. The size of the garages at the homes on East Harbor Drive range in size from 484 to 1,296 square feet (the garage size of the two closest

neighboring homes are 1,296 and 780, respectively). Most of the existing garages in this neighborhood are just slightly larger than the standard two-car garage size.

Regarding the side yard setback issue, the 15-foot wide addition will set the side of the addition within 3 feet of the side property line. The wall between the existing garage and the new addition is currently an outside load-bearing wall. Since the load-bearing wall cannot be removed, the 15-foot width of the addition appears to be the minimum needed to be able to park a vehicle and have enough room to exit/enter the vehicle.

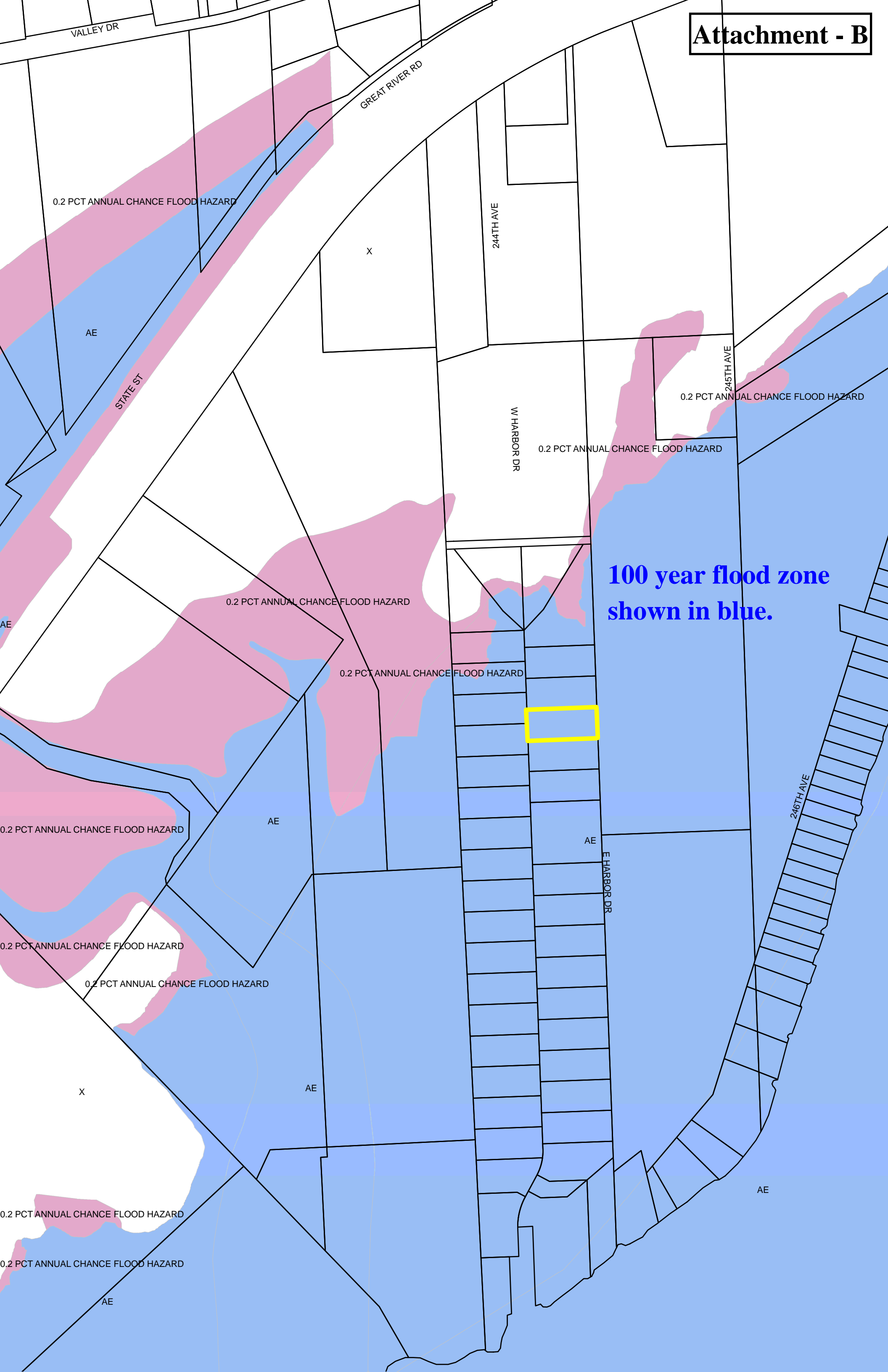
If allowed, the finished structure will resemble the elevation illustration shown on Attachment D.

This project will significantly increase the footprint (by 930 square feet) of a structure within the 100-year flood zone. This represents a 53% increase to the structure's footprint. Staff cannot identify a hardship related to topography, lot size, lot shape, or area configuration.

Respectfully submitted,

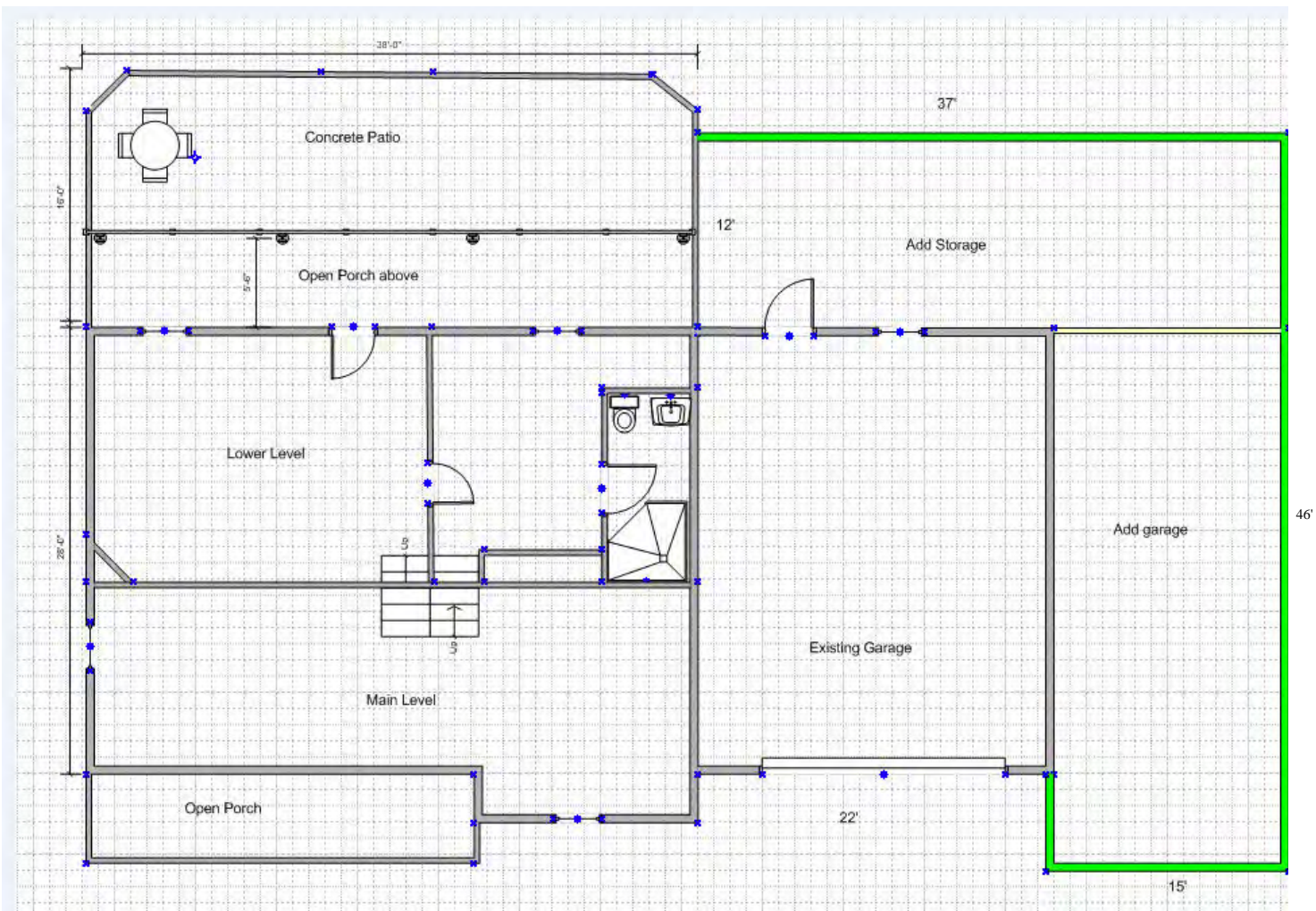
John Soenksen
City Planner

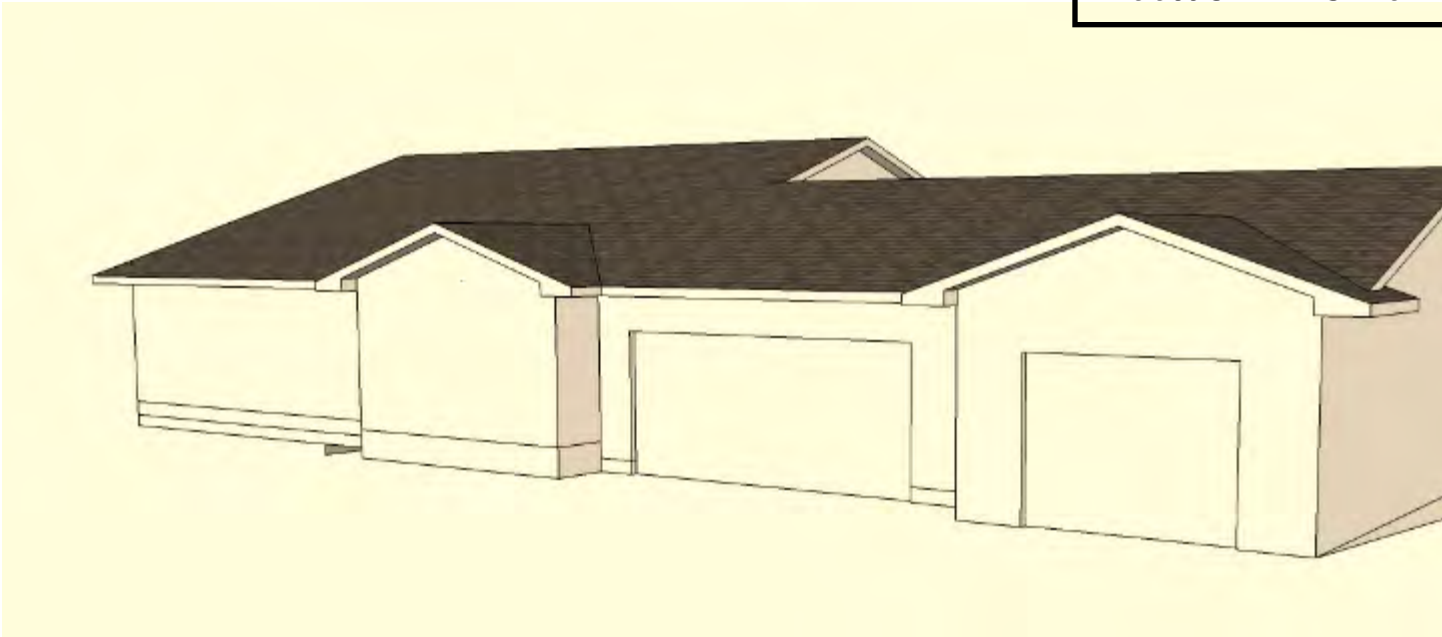




100 year flood zone shown in blue.

Attachment - C







Case No. 14-085

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

Part 1. Property Involved.

Street Address 3790 E HARBOR DR, BETTENDORF, IA

Legal Description of the property. LOT 18, Pleasant Harbor

Part 2. Contact Information.

Applicant Name ROCKNE BROSMAN Phone 309 269 2023

Address 3790 E HARBOR DR FAX _____

E-mail Address: RBROSMAN@HOTMAIL.COM

Owner Name HOLLY SECKER BROSMAN Phone 563 332 2628

Address _____ FAX _____

E-mail Address: WOOD256@HOTMAIL.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.)

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 increase the allowable garage space from 720 Sq. ft. to 1,126 Sq. ft. AND to reduce the minimum side yard from 5' to 3'.

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

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

Part 7. Signature.

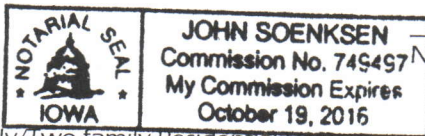
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this _____ day of _____, 20 ____.

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

State of Iowa)
) SS
 County of Scott)

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

Witness my Hand and Notarial Seal this 30 day of Oct, 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 10.30.2014
Mastercard - by Polly O