

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
MAY 14, 2015
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 April 9, 2015.
4. The Board to hold a public hearing on the following items:
 - a. **Case 15-026; 314 Holmes Street (R-2)** - A request for a variance to reduce the required front yard setback from 25 feet to 3 feet to allow for construction of a garage and to increase the allowable size of a garage from 720 square feet to 1,010 square feet, submitted by Lawrence Vens. (Withdrawn)
 - b. **Case 15-029; 2406 Lindenwood Drive (R-2)** - A request for a variance to reduce the required front yard setback from 25 feet to 17 feet for a 6-foot high fence, submitted by Lien Moore.
 - c. **Case 15-030; 314 Holmes Street (R-2)** - A request for a variance to reduce the required front yard setback from 25 feet to 3 feet to allow for construction of a garage and to increase the allowable size of a garage from 864 square feet to 1,058 square feet, submitted by Lawrence Vens.
 - d. **Case 15-031; 2727 Elk Drive (A-2)** - A request for a variance to reduce the required rear yard setback from 40 feet to 32 feet to allow for construction of a 8-foot by 10-foot deck, submitted by Stephanie Tieso.
 - e. **Case 15-032; 3880 Tam-O-Shanter Drive (R-2)** - A request for a variance to increase the allowable garage area from 720 square feet to 944 feet, submitted by Keith and Gloria Hanne.
 - f. **Case 15-033; 37 Tower Lane (R-5)** - A request for a variance to increase the allowable garage area from 1,074 square feet to 2,291 feet, submitted by Adam Hehlke.
 - g. **Case 15-034; 3612 Lake View Court (R-1)** - A request for a variance to increase the allowable garage area from 936 square feet to 1,502 feet, submitted by Ryan Windmiller.

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

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

**MINUTES
BETTENDORF BOARD OF ADJUSTMENT
APRIL 9, 2015
5:00 P.M.**

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

Item 1. Roll Call

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

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of March 12, 2015.

On motion by Gallagher, seconded by Johnson, that the minutes of the meeting of March 12, 2015 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 15-024; 1104 Highland Park Drive (R-1) - A request for a variance to increase the allowable garage area from 720 square feet to 1,104 square feet, submitted by Jeffrey Clark.

Falk 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.

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

Jeffrey Clark, the applicant, stated that because of the location of his home on a cul-de-sac and in proximity to a fire hydrant it is very difficult to park vehicles on the street. He indicated that he would like to build the garage addition to store vehicles off-street.

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

On motion by Gallagher, seconded by Johnson, that a variance to increase the allowable garage area from 720 square feet to 1,104 square feet be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 15-025; 2420 - 18th Street (C-5) - A request for a special use permit to allow a child care center, submitted by Josiah Lorentzen. (Withdrawn)
- c. Case 15-026; 314 Holmes Street (R-2) - A request for a variance to reduce the required front yard setback from 25 feet to 3 feet to allow for construction of a garage and to increase the allowable garage area from 720 square feet to 1,010 square feet, submitted by Lawrence Vens.

Falk 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 #3 to these minutes.

Soenksen reviewed the staff report, adding that the applicant would actually be allowed up to 864 square feet of garage space, not 720 square feet as indicated in the report. Staff report is Annex #5 to these minutes. He stated that he had received a letter in support of the request from Judith Herrman (604 Fourth Street) and that several residents had called to clarify that the proposed garage would actually be located to the rear of the applicant's home.

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

Lawrence Vens, the applicant, explained that he would like to build a detached garage at the rear of his property as the original attached garage is very small. He indicated that he would like to be able to park vehicles on his property rather than on the street.

Johnson asked for clarification of the location of the access to the proposed garage. Vens explained that he would use Pheasant Run as the access point to the proposed garage. He indicated that one tree would need to be removed which would facilitate a level entry to the proposed garage.

Johnson asked why it is necessary to reduce the required setback from 5 feet to 3 feet. Vens explained that he would like to build the garage as close to the access drive as possible, adding that the proposed location would require the least amount of fill for the project. He indicated that the topography of the lot is such that the proposed location is best for the floating slab that will be required as it is the most level.

Soenksen reminded the Board that a part of the variance request concerns the size of the garage.

Johnson questioned whether the need for additional fill constitutes a hardship as defined by the zoning ordinance. Vens asked if there is a separation requirement between the house and the proposed garage. Soenksen explained that the required distance is only 8 feet. Gallagher commented that it appears as though there is more than adequate space between the structures.

Gallagher asked how wide the vacated alley easement is. Soenksen explained that it is 15 feet wide.

Vens stated that if he is required to move the garage 5 feet from the new property line, it may cause settling issues. Johnson commented that there is a possibility of settling with any floating slab.

Johnson commented that she would be willing to support a reduction in the required rear yard setback to 5 feet because the vacation of the alley easement redefined the applicant's front yard.

Vens commented that Pheasant Run dead ends at the edge of his property and will never be extended.

Falk stated that because only 3 Board members are present, any decision would have to be unanimous. Vens asked if he could defer the request until such time as more members are present. Falk confirmed this.

Vens requested that the case be deferred to the next regularly scheduled meeting.

On motion by Gallagher, seconded by Johnson, that a variance to reduce the required front yard setback from 25 feet to 3 feet to allow for construction of a garage and to increase the allowable garage area from 864 square feet to 1,010 square feet be deferred to the next regularly scheduled meeting.

ALL AYES

Motion carried.

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

May 14, 2015

Staff Report

Case No. 15-029

Location: 2406 Lindenwood Drive

Applicant: Lien Moore

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

Request: Variance to reduce the required front yard setback from 25 feet to 17 feet for a 6-foot high fence.

Background Information and Facts

The site is located on the northeast corner of Lindenwood Drive and 18th Street (see Attachment A – Location). The applicant currently has a 4-foot high fence within 8 feet of the property line adjacent to 18th Street and would like to replace that fence with a 6-foot high fence (see Attachment B – Fence Illustration).

Staff Analysis

There are 6-foot high fences along 18th Street and 53rd Avenue on many lots in this area of the city. The Board has been receptive to these types of requests along major thoroughfares. The Board has made it clear that some type of reasonable setback should be maintained to allow the planting of trees, shrubs, or other vegetation between the fence and the property line. As shown on Attachment B, trees have already been established between the requested fence location and the property line adjacent to 18th Street.

Rapid commercial growth has recently occurred on Falcon Drive. The lot is in close proximity to that neighborhood and is adjacent to Crow Ridge Shopping Center; the applicant is requesting permission for the higher fence because of the increase of commercial development.

Staff Recommendation

The request is similar and compatible to previous requests that the Board has approved considering the set of circumstances listed.

Respectfully submitted,

John Soenksen
City Planner





**6' Fence
Request**

18TH ST

LINDENWOOD DR



Case No. 15-029

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

Part 1. Property Involved.

Street Address 2406 Lindenwood Drive, Bettendorf IA

Legal Description of the property. Crow Ridge Estate 6th Add Lot 19

Part 2. Contact Information.

Applicant Name Lien Moore Phone 563 271 7093

Address 2406 Lindenwood Dr FAX _____

E-mail Address: MooreLien@johndeere.com

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)

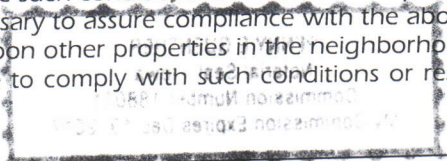
1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:

- (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.)





COMMUNITY DEVELOPMENT

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

May 14, 2015

Staff Report

Case No. 15-030

Location: 314 Holmes Street

Applicant: Lawrence Vens

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

Request: Variance to reduce the required front yard setback from 25 feet to 3 feet to allow for construction of a garage and to increase the allowable garage area from 864 square feet to 1,058 feet.

Background Information and Facts

The site is located northwest of the intersection of Fourth Street and Holmes Street (see Attachment A – Location Map). The applicant would like to build a detached garage to the rear of his home.

Staff Analysis

Recently the City of Bettendorf vacated a portion of right-of-way which was originally intended to be used for an alley. The right-of-way was located to the rear (north) of the applicant's lot (see Attachment B – R.O.W. Illustration). Because this right-of-way existed for decades and was never developed as an alley, the applicant requested that he be allowed to use the vacated land to build a detached garage.

An unanticipated consequence of the land vacation is that the north (previously rear) property line is now adjacent to a street right-of-way (Pheasant Run) and is defined as a front property line by the City Code. The applicant would have been allowed to build the garage within 5 feet of the north property line previously, but now the setback requirement is 25 feet.

The Board discussed this case at the April 9, 2015 meeting and deferred it at the applicant's request. The applicant has revised his original request from a 24-foot by 24-foot garage last month and would now like to build a 24-foot by 26-foot garage. The proposed structure would be an additional 48 square feet in size as compared to the original request. The home currently has a 434 square foot garage attached to the rear of the house. The proposed 24-foot by 26-foot detached garage will bring the total garage space to 1,058 square feet.

If allowed, neither the attached or detached garage will be reasonably visible from the front of the house (see Attachment D – House Front Photo).

At the April meeting there was considerable discussion regarding the possibility of the applicant's placing the garage 5 feet from the new property line which is the required setback for accessory structures in a rear yard. The proposed location for the garage would have previously been considered a rear yard. The applicant, however, does not wish to revise the request with regard to the required setback.

Also at the April meeting there was considerable discussion regarding the separation between the proposed garage and the house. Staff has developed a scaled plot plan for this request placing the longest (26-foot) side of the garage running north-south and assuming a 5-foot rear yard setback. Given those assumptions, there would be approximately 40 feet between the nearest portion of the garage and the house and posing no fire separation hazard (see Attachment E – Separation Illustration).

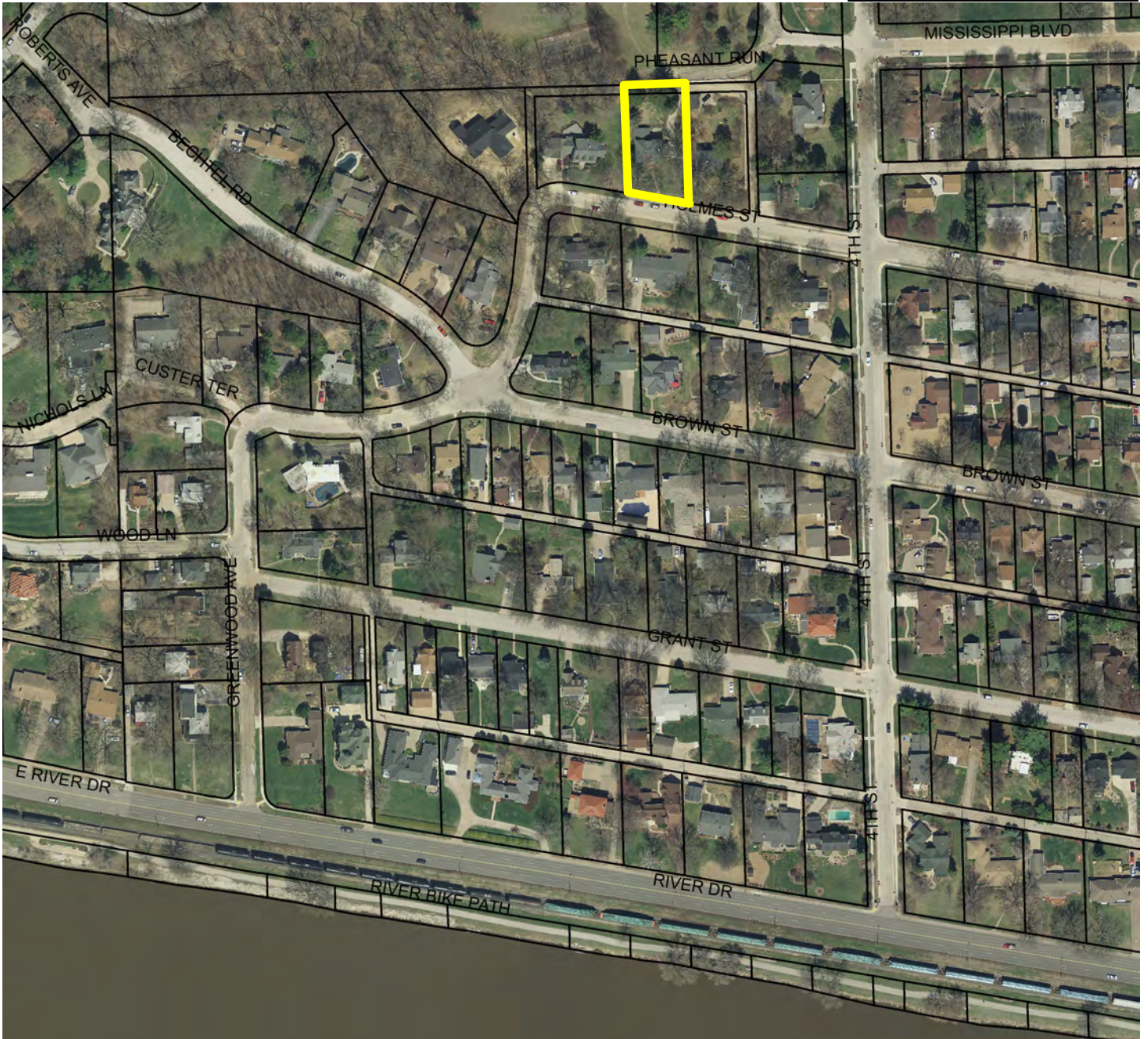
Staff Recommendation

The increased rear yard setback requirement from 5 feet to 25 feet was a direct unintended consequence of the city land vacation that recently occurred.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A





Alley Right Of Way

CROWN PL

PHEASANT RUN

HOLMES ST

CUSTER TER



STREET FRONTAGE

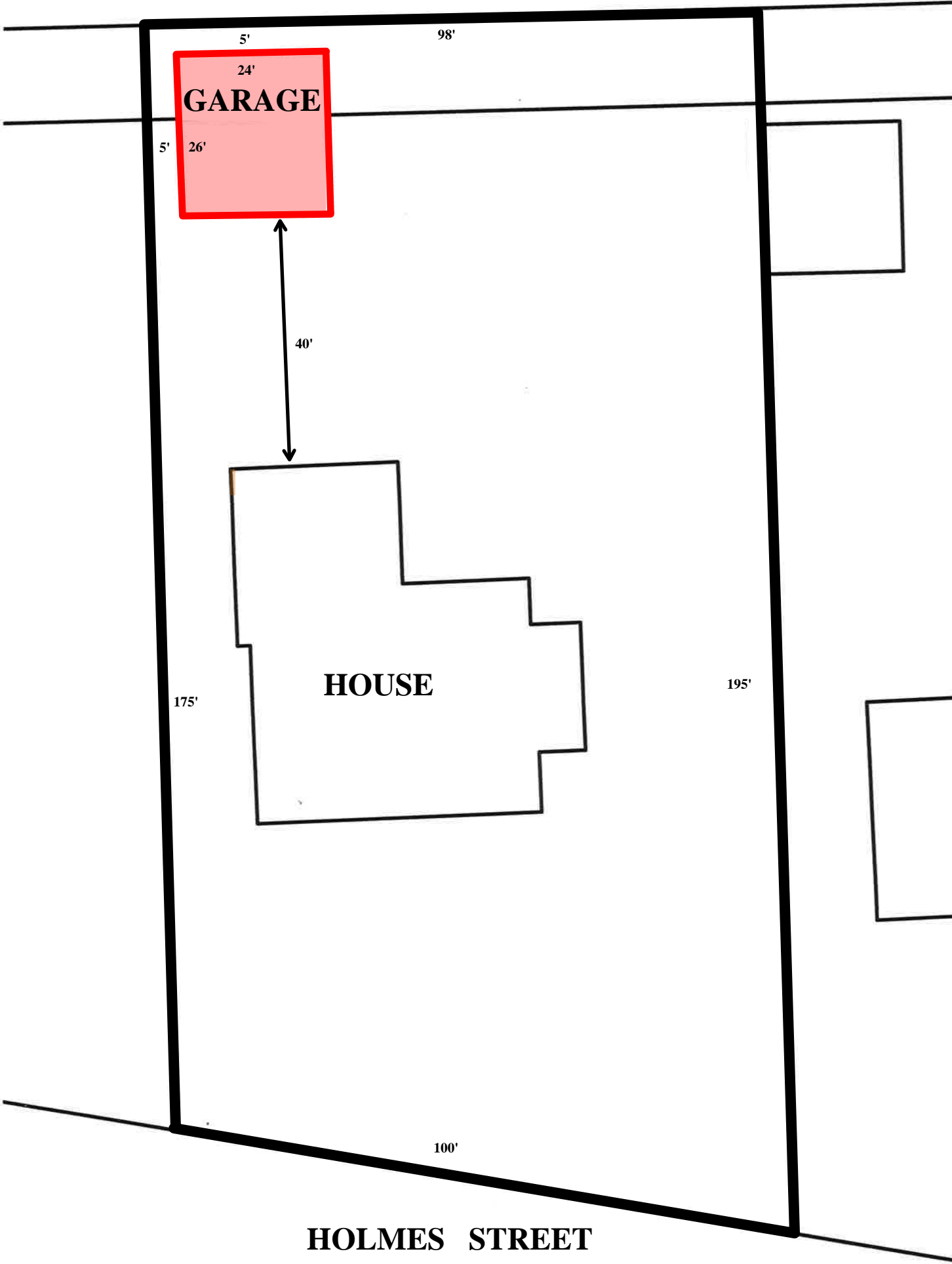
PHEASANT RUN

VACATED

GARAGE

Attachment - D





Case No. 15-030

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

Part 1. Property Involved.

Street Address 314 Holmes ST

Legal Description of the property. LOTS 7-8, Block 6, Riverside Addition

Part 2. Contact Information.

Applicant Name Lawrence A. VENS Phone 563-343-5510

Address 314 Holmes ST FAX _____

E-mail Address: Larry.Vens@r9jones.com

Owner Name Lawrence A. VENS Phone 563-343-5510

Address 314 Holmes ST FAX _____

E-mail Address: Larry.Vens@r9jones.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

May 14, 2015

Staff Report

Case No. 15-031

Location: 2727 Elk Drive

Applicant: Stephanie Tieso

Zoning Designation: A-2, Rural Residence District

Request: Variance to reduce the required rear yard setback from 40 feet to 32 feet to allow for construction of an 8-foot by 10-foot deck.

Background Information and Facts

The site is located along Belmont Road in the area of Scott Community College on the northeast corner of Elk Drive and Belmont Road (see Attachment A – Location Map). The applicant would like to place a 10-foot by 8-foot deck which would encroach into the required rear yard setback (see Attachment B – Plot Plan).

Staff Analysis

City staff has worked with many citizens over the years who have attempted to develop this lot. The property has proven to be extremely problematic with regard to several issues such as drainageways, topography, access, and flood zone designations. The access issue has been worked out with the city and the homeowners association. The most difficult issue facing the applicant is the impact caused by the flood zone designation for this lot (see Attachment C – Flood Zone Illustration). Nearly the entire buildable area is within the regulated 100-year flood zone (see Attachment D – Buildable Area Illustration). The applicant has obtained the necessary Flood Zone Development Permit for this project.

The topography of the lot is such that the lowest elevation of the property is on the south side toward Belmont Road, and the highest elevation is on the north side. The elevation changes 14 feet from south to north. In an effort to cause the least impact on the area in the flood zone, it is advisable to place the house as far north in the buildable area as possible. As a result, the rear of the house is on the north side of the buildable area, and any deck built to the rear of the house would be outside of the buildable area.

An 8-foot by 10-foot deck is a modest-sized, and it appears that the applicant has chosen a size and configuration that will minimize the intrusion into the required rear setback.

Staff Recommendation

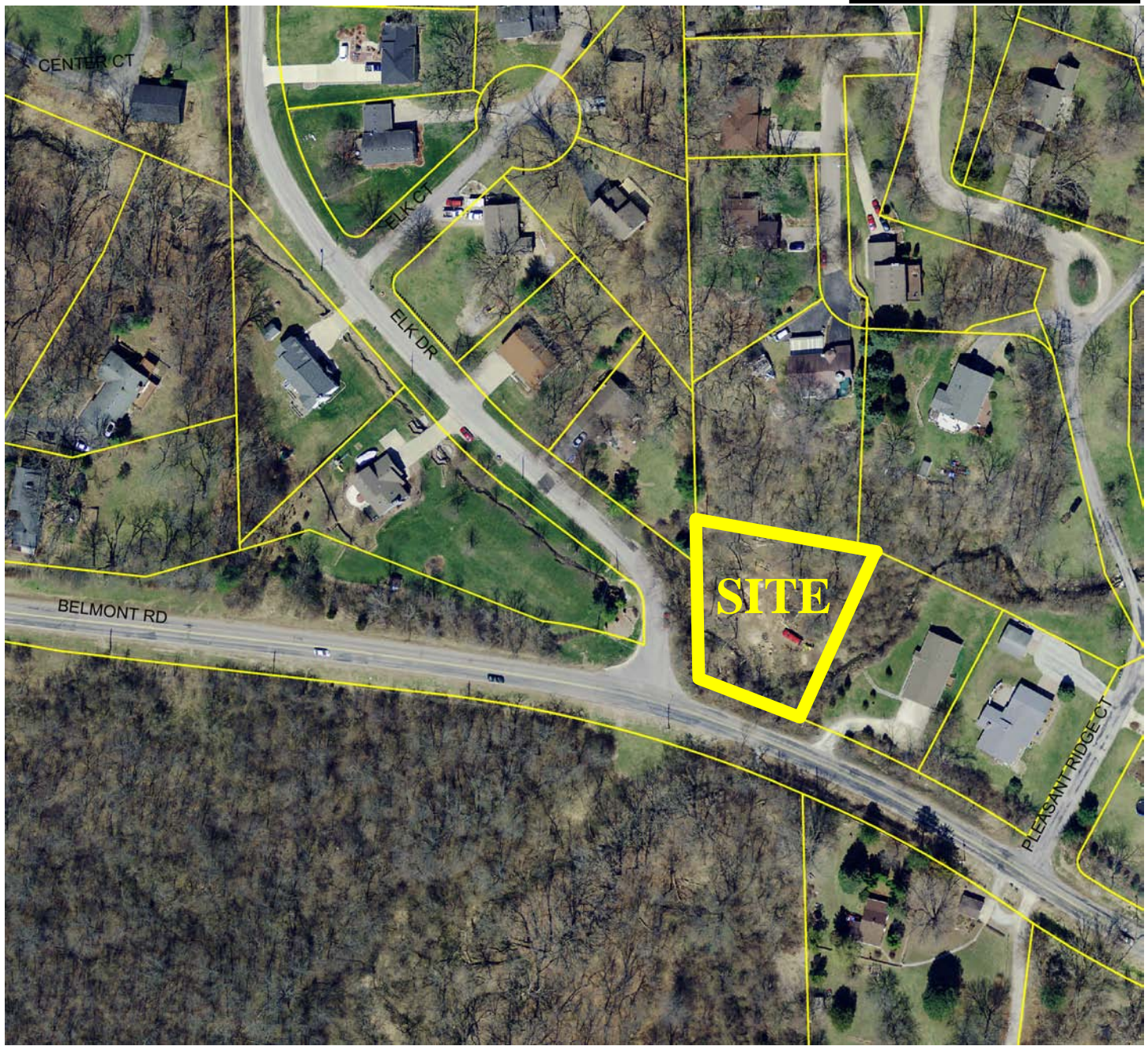
Approximately two-thirds of this lot and nearly all of the buildable area are in the regulated flood zone. This fact, coupled with the lot's topography, necessitates that the

house be built as far north in the buildable area as possible to accommodate all of the requirements of the Flood Zone Development Permit.

These issues are beyond the control of the applicant and represent a significant hardship for development of this lot and have in fact caused others to abandon efforts to develop this property in the past.

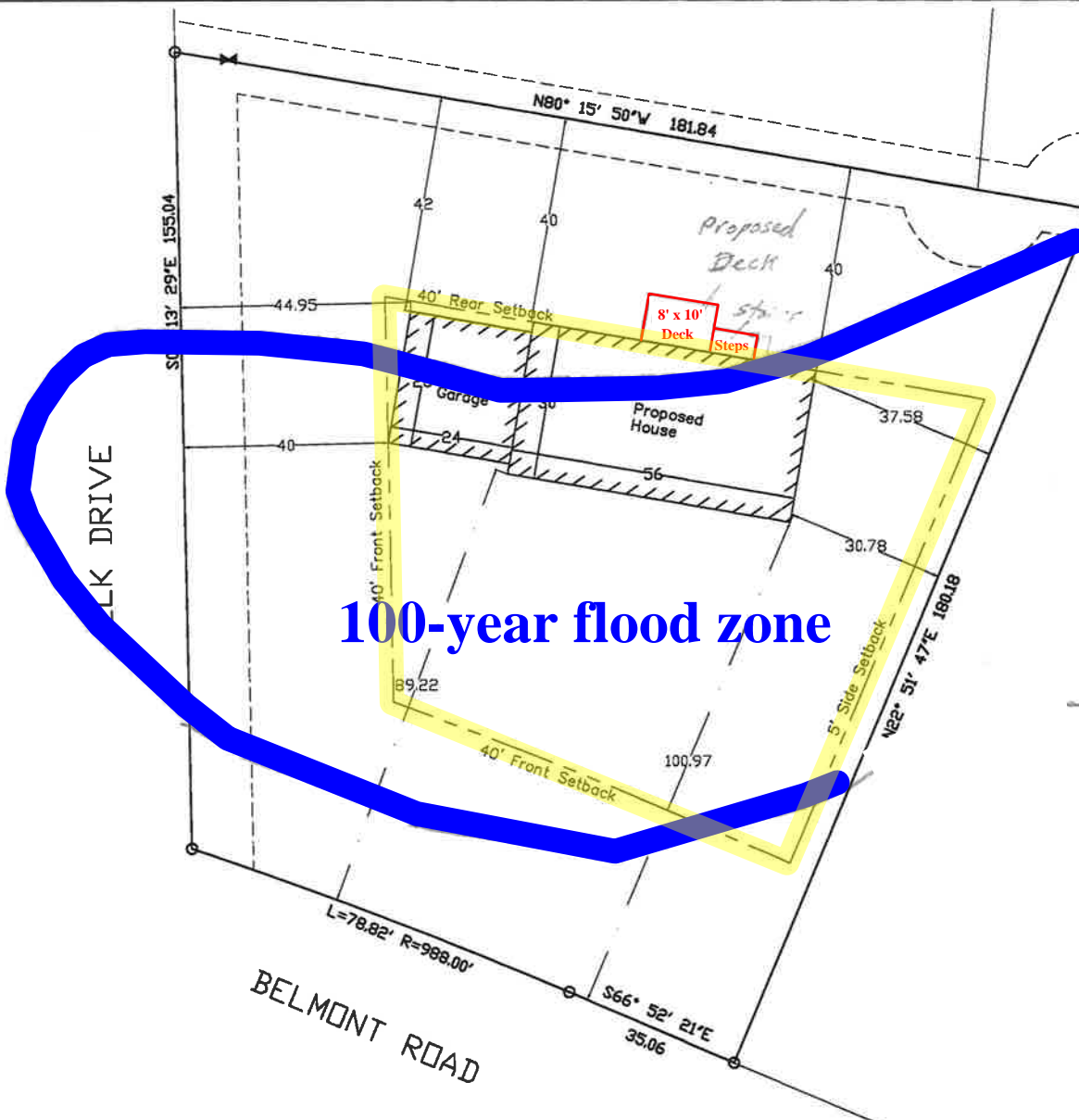
Respectfully submitted,

John Soenksen
City Planner





REVISIONS:		
NO.	DESCRIPTION	DATE



NO.	REVISIONS:		DATE
	DESCRIPTION		



Case No. 15-031

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

Part 1. Property Involved.

Street Address 2727 Elk Dr.

Legal Description of the property. Lot 4 of Pleasant Ridge Addition

Part 2. Contact Information.

Applicant Name Stephanie Tieso Phone 503-212-6485

Address 1623 Robeson Ave Bettendorf, Iowa FAX _____

E-mail Address: stephy920@hotmail.com

Owner Name Kris and Stephanie Tieso Phone 503-212-6485

Address 1623 Robeson Ave Bettendorf, Iowa FAX _____

E-mail Address: stephy920@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 Setbacks Existing Zoning A2

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.

The setbacks on this land will not allow us to build a small deck
off the back of the home. If we move the house, it will
be further into the flood plain. We would like to request to
build an 8'10" or smaller deck off the back of our home.

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.

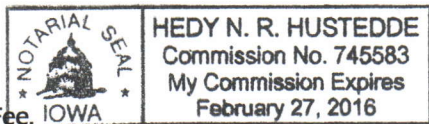
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 22 day of April, 20 15.

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

State of Iowa)
) SS
 County of Scott)

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

Witness my Hand and Notarial Seal this 22nd day of April, 20 15.



Hedy N. R. Hustedde
 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 Polly - Credit Card
 Amount \$50.00 Date _____



COMMUNITY DEVELOPMENT

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

May 14, 2015

Staff Report

Case No. 15-032

Location: 3880 Tam-O-Shanter Drive

Applicant: Stephanie Tieso

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

Request: Variance to increase the allowable garage area from 720 square feet to 944 square feet.

Background Information and Facts

The site is located at the southwest corner of the intersection of Tam-O-Shanter Drive and Danbury Drive (see Attachment A – Location Map). The applicant would like to add a 16-foot by 26-foot addition to the west side of the existing garage (see Attachment B – Plot Plan).

Staff Analysis

If allowed, the garage addition will occupy a significant portion of the west side yard (see Attachment C - Addition Illustration). Attachment C also illustrates that a significant portion of the buildable area of the lot will also be occupied. The homes in this neighborhood were built in the late 1970s to early 1980s, a period during which standard sized 2-car garages were the norm. The following is a listing of garage sizes at homes in this neighborhood:

<u>ADDRESS</u>	<u>GARAGE AREA</u>
• 3820 Tam-O-Shanter Drive	480 square feet
• 3850 Tam-O-Shanter Drive	480 square feet
• 3920 Tam-O-Shanter Drive	528 square feet
• 2020 Danbury Drive	440 square feet
• 2000 Danbury Drive	528 square feet
• 2015 Danbury Drive	484 square feet
• 3875 Norwich Court	440 square feet
• CURRENT REQUEST	944 square feet

Because of an ordinance change made several years ago regarding corner lots in the R-2 District, this lot is considered to have two front yards and two side yards. What would traditionally be considered the rear yard is actually a side yard which has a lesser setback requirement. Because there is technically no rear yard, the proposed garage expansion would meet the setback requirements.

The applicant feels that the maximum 720 square foot garage space requirement is insufficient to allow adequate storage of vehicles and home maintenance equipment.

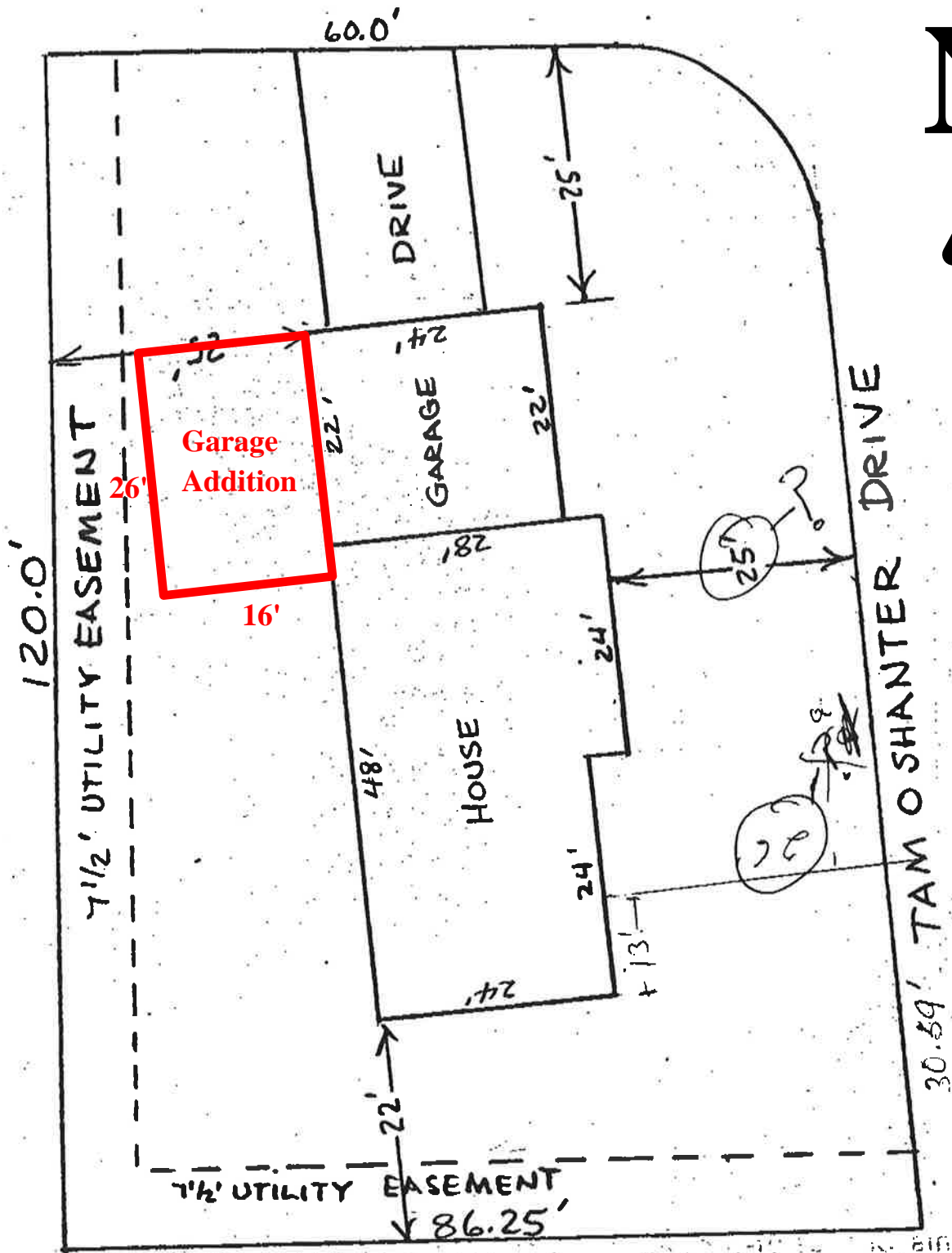
Staff Recommendation

Staff cannot identify a hardship, and the proposed garage addition does not appear as though it would be in harmony with the existing conditions of the surrounding neighborhood.

Respectfully submitted,

John Soenksen
City Planner









Case No. 15-032

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

Part 1. Property Involved.

Street Address 3880 TAM-O-SHANTER DR. BETTENDORF IA 52722

Legal Description of the property. LOT 26, CANDLELIGHT PARK THIRD ADDITION, BETTENDORF IOWA

Part 2. Contact Information.

Applicant Name KEITH & GLORIA HANNE Phone 563-340-6906
Address 3880 TAM-O-SHANTER DR. BETTENDORF IA FAX _____
E-mail Address: Khanne@mchsi.com

Owner Name KEITH & GLORIA HANNE Phone 563-340-6906
Address 3880 TAM-O-SHANTER DR. BETTENDORF IA FAX _____
E-mail Address: Khanne@mchsi.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 RESIDENTIAL

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.

EXPANSION OF EXISTING GARAGE TO HOUSE VEHICLES AND STORE HOME MAINTENANCE EQUIPMENT. THE EXISTING CODE IS TOO SHALLOW TO ALLOW ADEQUATE SPACE, SO WE ARE REQUESTING A VARIANCE THAT WILL ALLOW THE ADEQUATE SPACE WE NEED. THE ADDITIONAL GARAGE WOULD BE 16 FEET WIDE AND 26 FEET DEEP.

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.

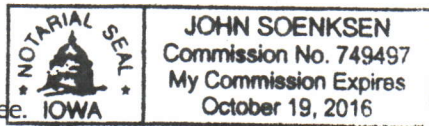
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 22 day of APRIL, 20 15.

Signature of Applicant Keith A. Hanne Glenn A. Hanne Signature of Owner Keith A. Hanne Glenn A. Hanne
 (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 23 day of April, 20 15.



John Soenkse
 Notary Public in and for Scott County, Iowa

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

Received by John Soenkse

Amount 50.00 Date 4-22-2015
 check # 8274



COMMUNITY DEVELOPMENT

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

May 14, 2015

Staff Report

Case No. 15-033

Location: 37 Tower Lane

Applicant: Adam Hehlke

Zoning Designation: R-5, Multi-family Residence District

Request: Variance to increase the allowable garage area from 1,074 square feet to 2,291 square feet.

Background Information and Facts

The site is located south of Regency Apartments and west of the tower farm used by area television and radio broadcast companies (see Attachment A – Location Map). The applicant would like to build a new large home and a large outbuilding/garage/barn (see Attachment B – Plot Plan).

Staff Analysis

This site was rezoned in 1992 to Multi-family Residence District along with the property directly to the north in anticipation of a large apartment complex project. Regency Apartments were built in 1998 on the adjacent property; however, this site was deemed to be too difficult to include in the project because of topography issues and the presence of a 100-foot wide gas main easement bisecting the property diagonally (shown on Attachment B). Staff has been approached numerous times by parties interested in developing this site, but all of those projects were abandoned because of those difficulties. It is staff's opinion that the site will never be developed into a multi-family project. The R-5 District does allow single-family homes.

If allowed, the home will be very similar in design to the house shown on Attachment C. The combination of the attached garage and the detached garage/barn will total approximately 2,291 square feet.

If the project is completed, this 8 ½ acre property will be one of the largest single-family lots in the city. Maintaining this lot will require large equipment more typically associated with rural settings such as A-1 or A-2 agricultural properties which routinely have large outbuildings.

Access to this property will be through an easement from Tower Lane which is a private street (see Attachment D – Access Illustration). The site will be separated from Devils Glen Road by 8 large properties and the house and outbuilding/garage will be at least 600 feet away from any public roadway.

The entire site is surrounded by established heavy landscaping in the form of shrubs and trees (see Attachment E – Landscaping Illustration)

Given the distance to Devils Glen Road or any other public roadway, the number of developed lots separating the site from Devils Glen Road, and the established landscaping surrounding it, the house and detached garage will not be visible from the public roadway.

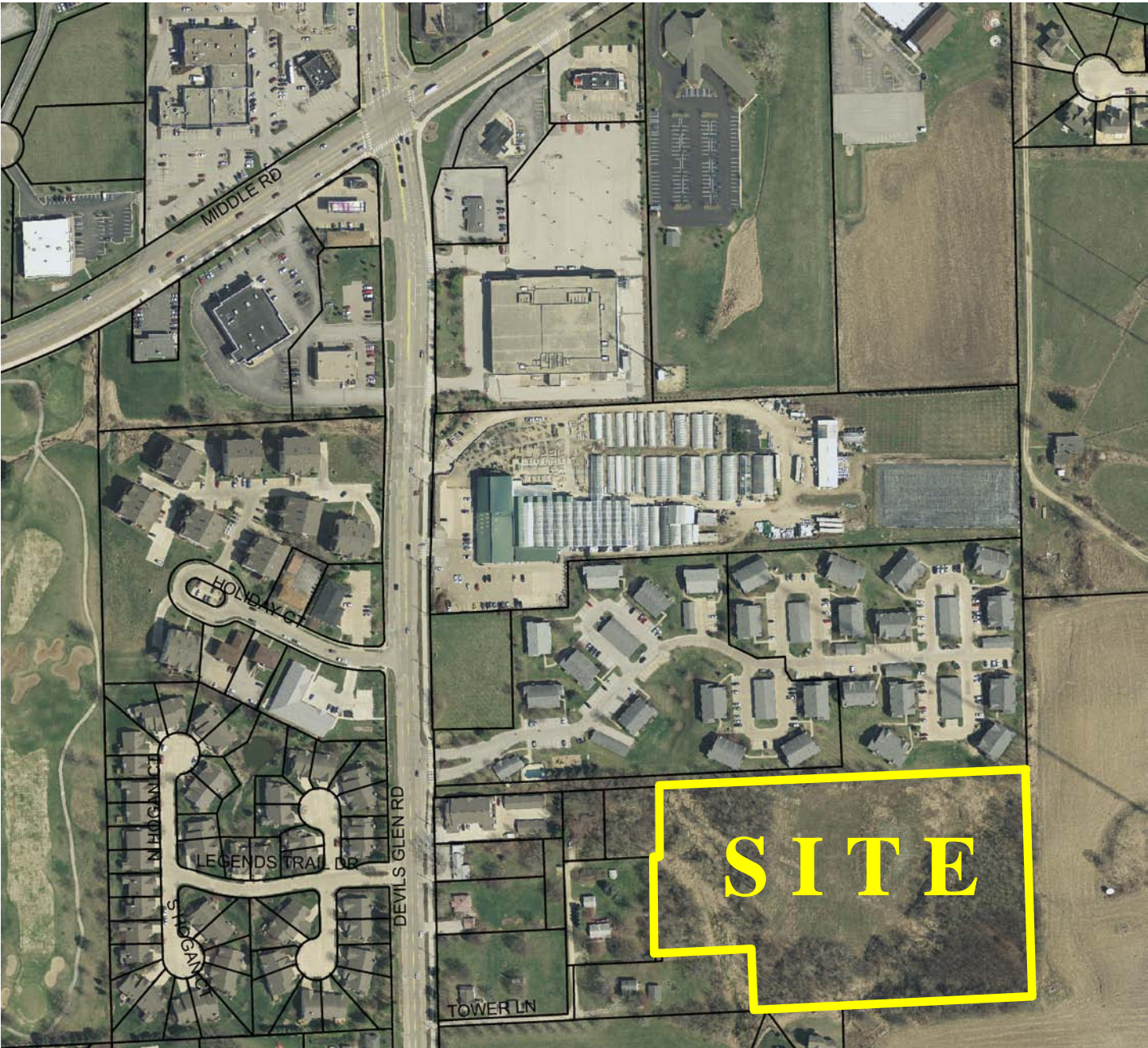
This request is similar to a variance granted in September of 2014 at 4340 Tanglewood Road (the Chad Miller property) for a large (48-foot by 72-foot) outbuilding on a large, secluded property.

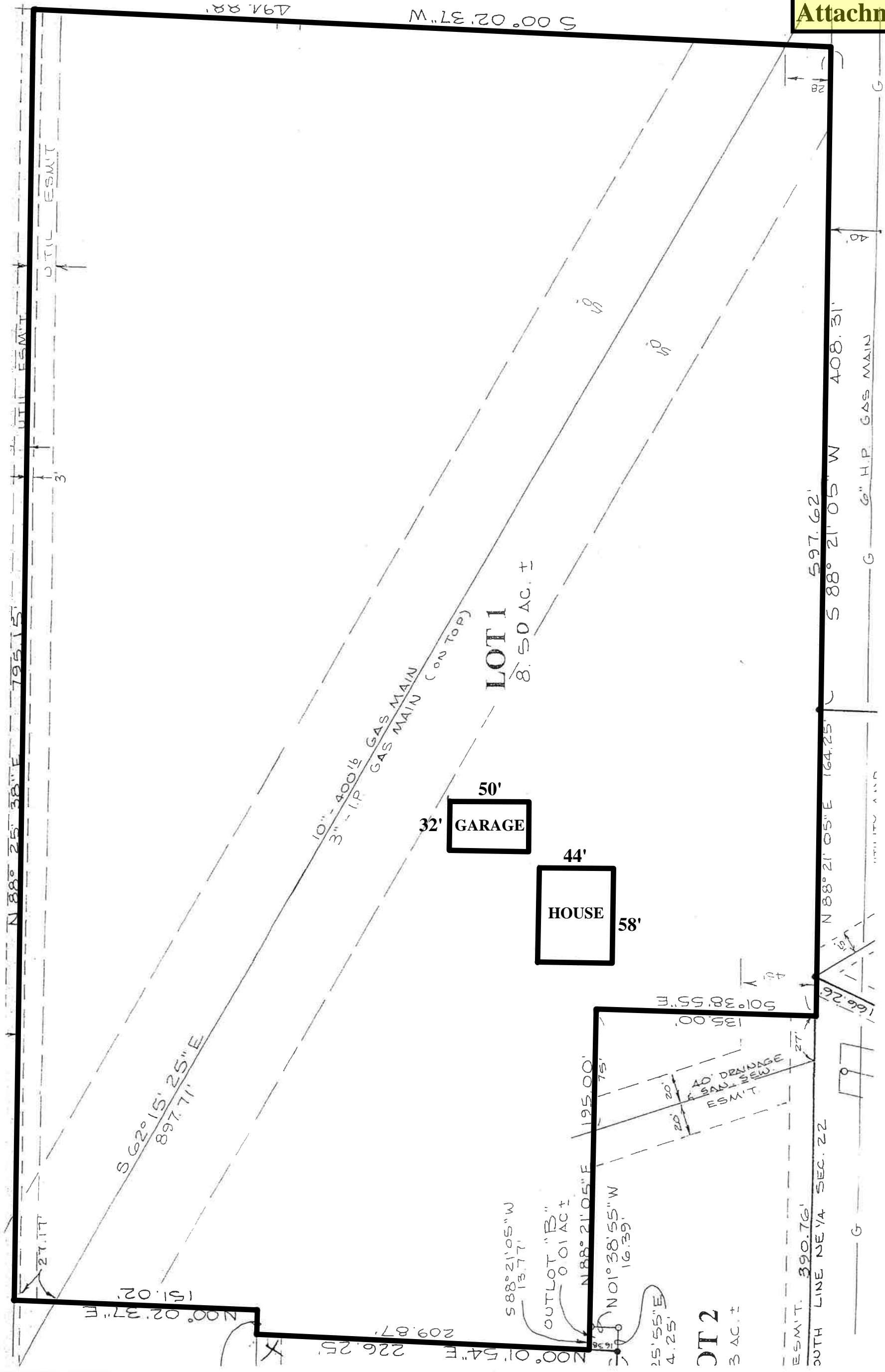
Staff Recommendation

Given the above analysis, staff feels that the applicant has demonstrated a hardship because of the unique set of circumstances involved.

Respectfully submitted,

John Soenksen
City Planner





$N 00^{\circ} 02' 37'' E$
151.02'

$N 00^{\circ} 01' 54'' E$ 226.25'
209.87'

$S 88^{\circ} 21' 05'' W$
13.77'

OUTLOT "B"
0.01 AC. ±

$N 88^{\circ} 21' 05'' E$ 125.00'
 $N 01^{\circ} 38' 55'' W$ 16.39'

$S 5' 55'' E$
4.25'

DT 2
3 AC. ±

ESM'T. 390.76'
SOUTH LINE NE 1/4 SEC. 22

G

UTILITY AIR

$N 88^{\circ} 21' 05'' E$ 164.25'

$S 88^{\circ} 21' 05'' W$ 408.31'

G

G

27.17'

3'

$N 88^{\circ} 25' 38'' E$ 795.15'

UTIL ESM'T.

UTIL ESM'T.

491.82'

$S 00^{\circ} 02' 37'' W$

10'

10'

50'

32' GARAGE

44'

HOUSE

58'

LOT 1
8.50 AC. ±

10\"-400' GAS MAIN (ON TOP)
3\"-I.P. GAS MAIN

40' DRAINAGE FOR SAN. SEW. ESM'T.

4.25'

$S 01^{\circ} 38' 55'' E$ 135.00'

27'

$N 88^{\circ} 21' 05'' E$ 164.25'

5'

$N 88^{\circ} 21' 05'' E$ 164.25'

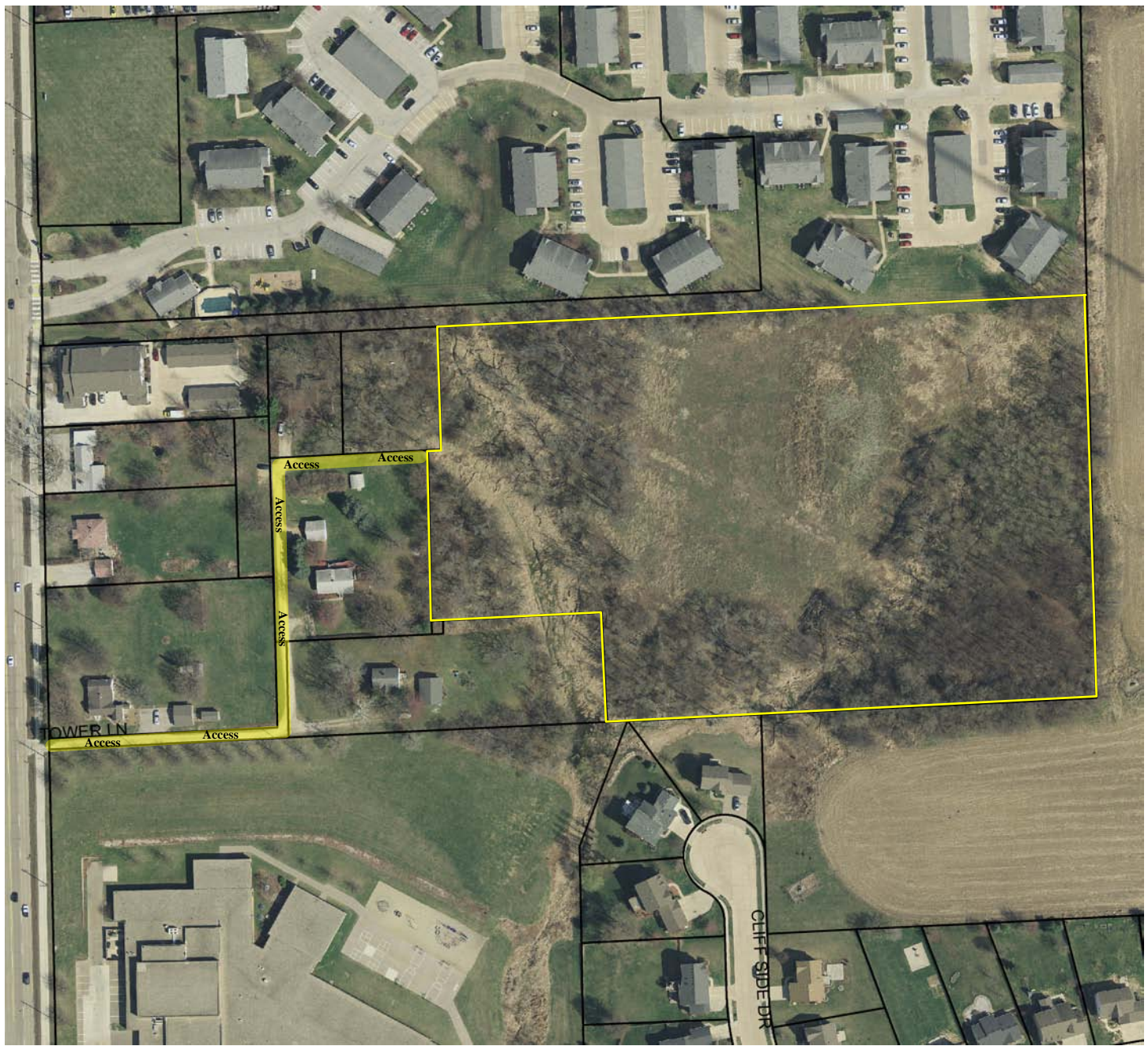
$S 88^{\circ} 21' 05'' W$ 408.31'

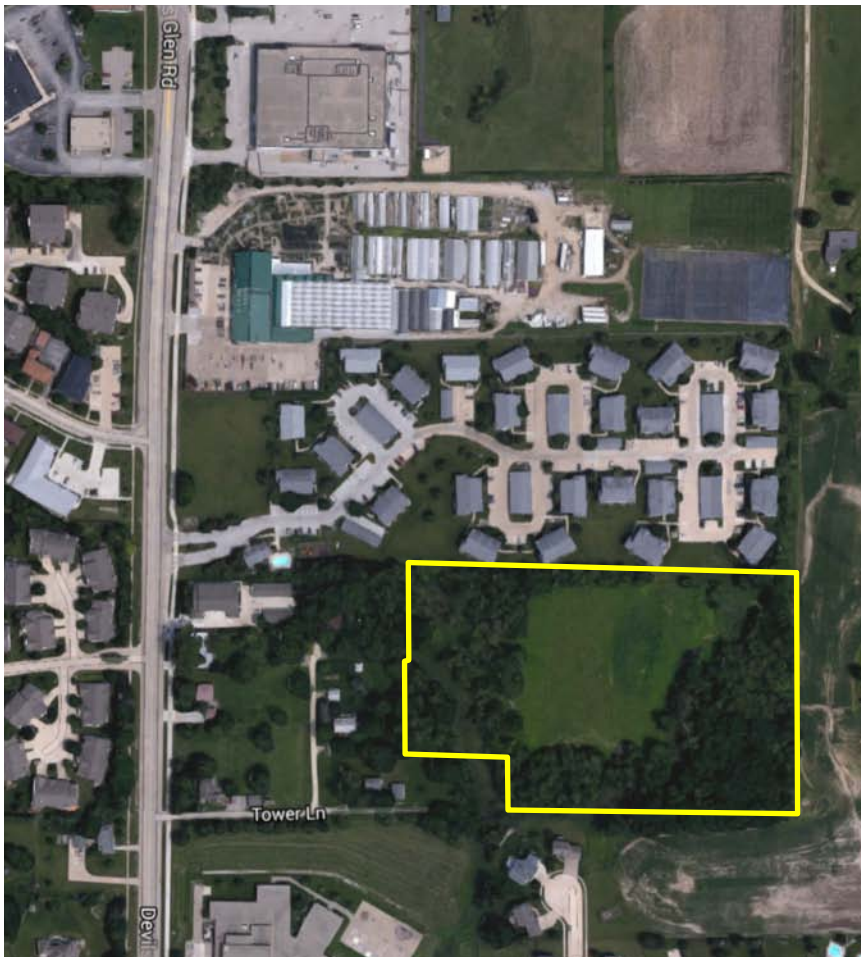
597.62'

28'

G









Case No. 15-033

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

Part 1. Property Involved.

Street Address 57 Tower Ln

Legal Description of the property. Lot 7 Deer Ridge 3rd Addl

Part 2. Contact Information.

Applicant Name Adam Hehlke Phone 563-210-5543

Address 6109 Whispering Hill Dr Bettendorf, IA FAX _____

E-mail Address: ahehlke@yahoo.com

Owner Name Applestone Homes Inc Phone 563-210-5543

Address 1225 E River Dr Ste 240 Davenport, IA 52803 FAX _____

E-mail Address: ahehlke@yahoo.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 R-5

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.

Owner is requesting a variance to increase the allowable garage size from 1,065 sq ft to 2,291 sq ft. This is due to the need for additional equipment needed to maintain the subject's 8.5 acres lot. Without the additional storage this equipment would have to be left outside. None of the structures or equipment will be used for business purposes.

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.
- (X) 4. List additional attachments. Plot Plan

Part 7. Signature.

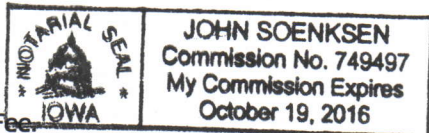
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 27th day of April, 20 15.

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

State of Iowa)
) SS
 County of Scott)

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

Witness my Hand and Notarial Seal this 27 day of April, 20 15.



[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 Date 4-27-2015
Discover Card



COMMUNITY DEVELOPMENT

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

May 14, 2015

Staff Report

Case No. 15-034

Location: 3612 Lake View Court

Applicant: Ryan Windmiller

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

Request: Variance to increase the allowable garage area from 936 square feet to 1,502 feet.

Background Information and Facts

The site is located on the southwest corner of Forest Glen Court and Lake View Court (see Attachment A – Location Map). The applicant would like to build a new house that incorporates an L-shaped 4-car garage that would exceed the allowable garage space by 566 square feet (see Attachment B – Plot Plan).

Staff Analysis

The builder met with staff regarding this request, and as a result of that meeting the builder/applicant chose a house design that minimizes the oversized garage's impact on the neighborhood. Viewed from the front (Lake View Court side) there will be no visible evidence of the large garage (see Attachment C – House Front Illustration). Viewed from the side (Forest Glen Court side) the house will appear to have a standard two-car garage entrance (see Attachment D – House Side Illustration). The builder/applicant states on the variance application "we have gone through an effort to disguise the additional garage space as livable area when viewed from the street". After reviewing the building plans, staff agrees with the applicant's statement. Therefore, if allowed, the house and garage plan will appear to be similar to other residences in the area and will not detract aesthetically from the surrounding neighborhood. The proposed square footage of the garage is 60% above the ratio allowed by Code.

Staff Recommendation

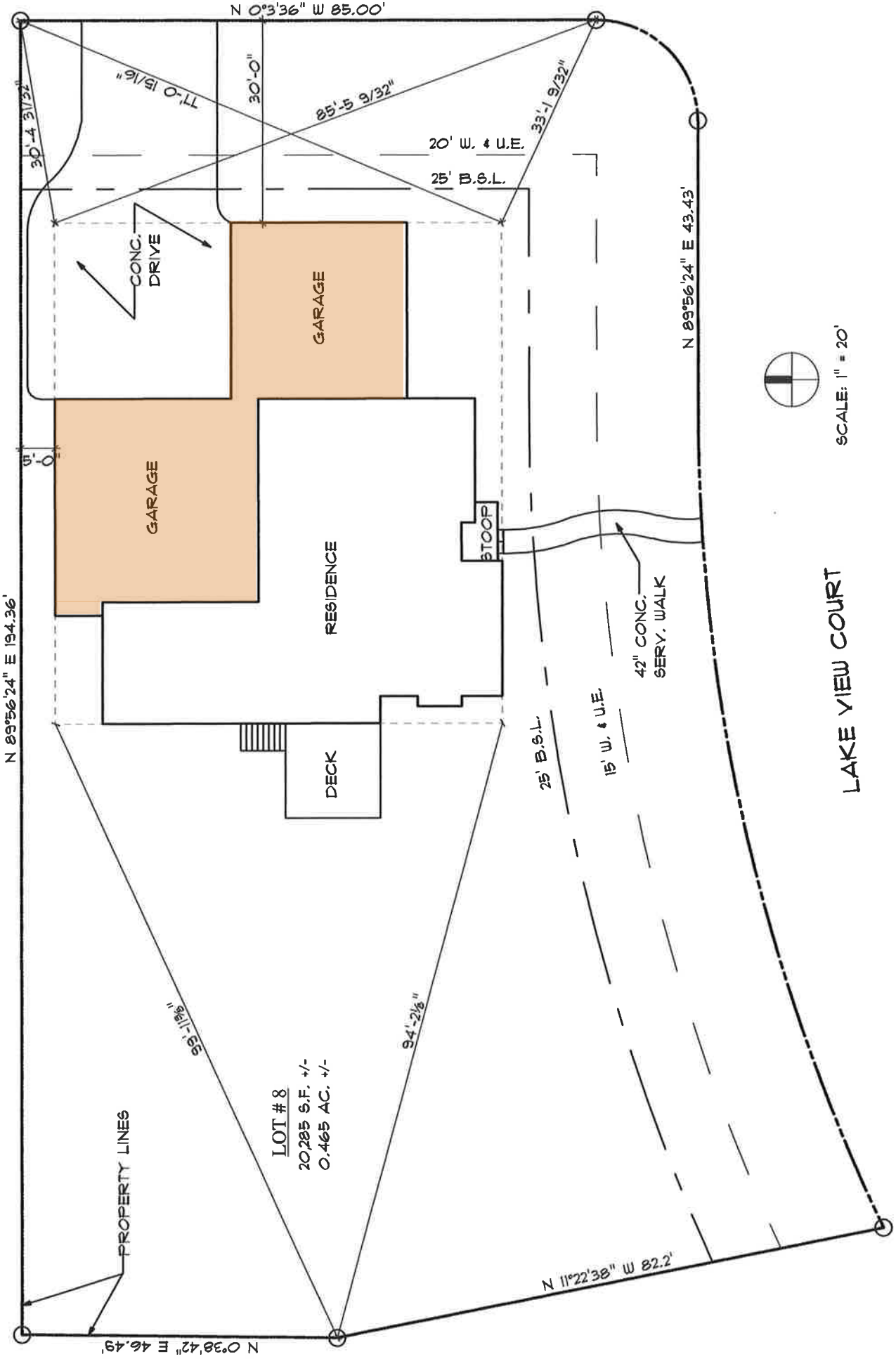
Staff cannot cite a hardship in this request as defined by the Code. Based on the above analysis and the Board's review of this case, the request may, at the Board's discretion, be compatible with the surrounding neighborhood.

Respectfully submitted,

John Soenksen
City Planner

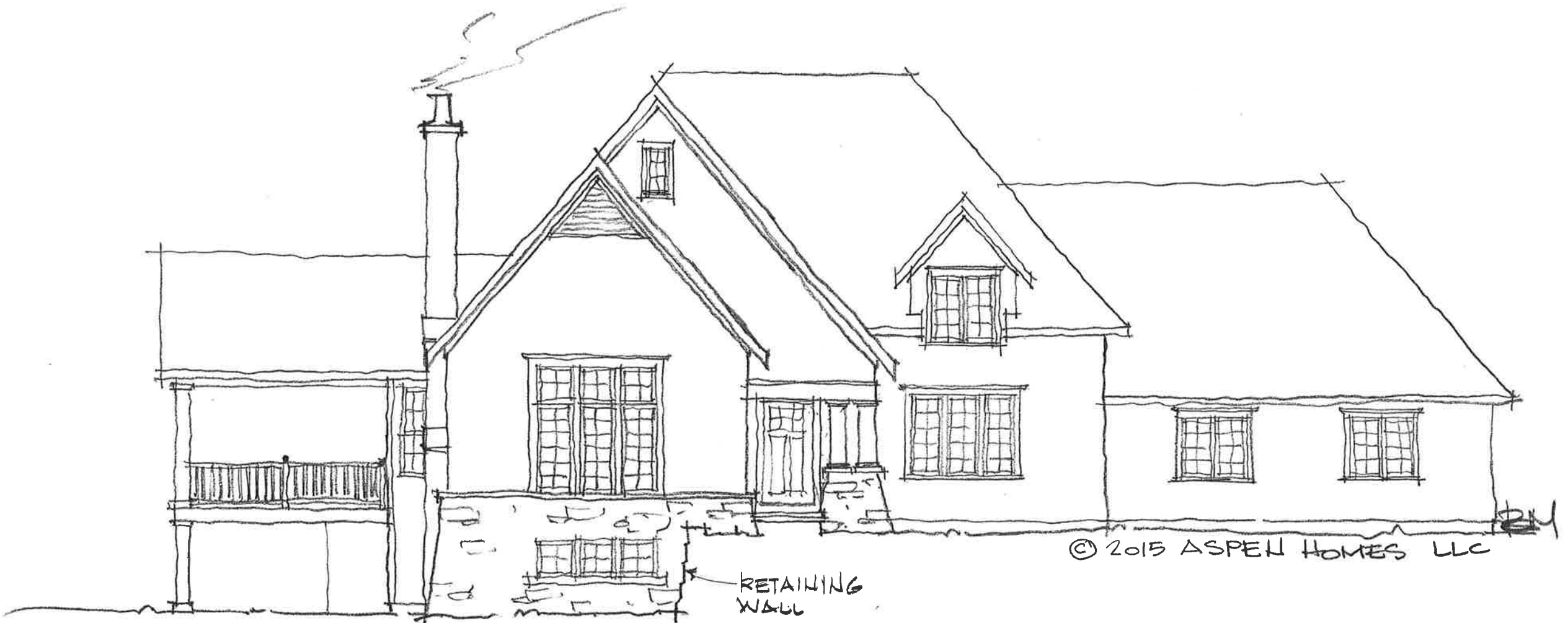


FOREST GLEN COURT



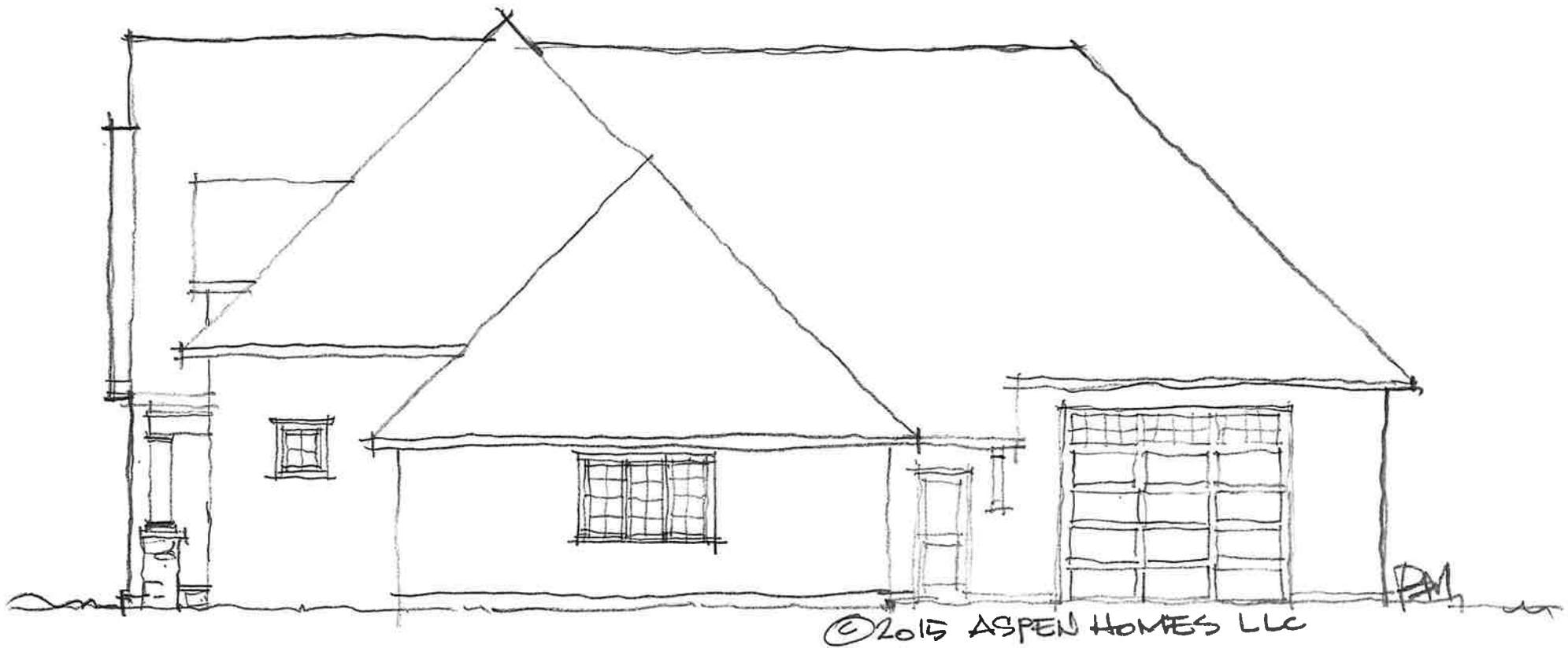
SCALE: 1" = 20'

LAKE VIEW COURT



HOLST RESIDENCE
"AS VIEWED FROM LAKE VIEW CT."

DRAWN BY: B. MIXDORF 4-27-15



HOLST RESIDENCE

"AS VIEWED FROM FOREST GLEN CT."

DRAWN BY: B. MIXDORF 4-27-15



Case No. 15-034

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

Part 1. Property Involved.

Street Address 3612 Lake View Court Bettendorf, IA 52722

Legal Description of the property. 05344 -- 008 Copper Ridge 3rd Add Lot 8

Part 2. Contact Information.

Applicant Name Ryan Windmiller Phone (563) 823-0146

Address PO Box 809 Bettendorf, IA 52722 FAX _____

E-mail Address: ryan@aspenswindmiller.com

Owner Name Ryan Windmiller Phone (563) 823-0146

Address PO Box 809 Bettendorf, IA 52722 FAX _____

E-mail Address: ryan@aspenswindmiller.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.

Our clients work and personal interests necessitate additional garage space. We have gone through an effort to disguise the additional garage space as livable area when viewed from the street. Additionally, we have built a house down the street with a four car garage in the past so we feel it will fit in well with the neighborhood aesthetics.

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.
Elevations

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 28th day of April, 20 15.

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

State of Iowa)
) SS
 County of Scott)

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

Witness my Hand and Notarial Seal this 28 day of April, 20 15.
Joan M. Bryant 4.28.15
 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. Date cc

