

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

**MEETING NOTICE**  
**BOARD OF ADJUSTMENT**  
**APRIL 14, 2016**  
**5:00 P.M.**

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

1. Roll Call: Falk \_\_\_\_, Gallagher \_\_\_\_, Johnson \_\_\_\_, Spranger \_\_\_\_, Voelliger \_\_\_\_
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of March 10, 2016.
4. The Board to hold a public hearing on the following items:
  - a. **Case 16-018; 1008 – 18<sup>th</sup> Street (R-2)** – A request for a variance to reduce the required front yard setback from 25 feet to 7 feet to allow a 6-foot high fence (along 18<sup>th</sup> Street) and to allow an 8-foot high fence (along the western property line), submitted by Daniel Dimmig.
  - b. **Case 16-019; 6048 Shawnee Court (R-1)** – A request for variance to reduce the required combined side yard setback from 20 feet to 16 feet to allow for construction of a room addition and garage, submitted by Scott Pearson.
  - c. **Case 16-020; 2550 Middle Road (C-2)** – A request for a variance to reduce the required front yard setback from 80 feet to 20 feet to allow for a 120 square foot monument sign, submitted by Mike Byington.
  - d. **Case 16-021; 5572 Integrity Way (R-1)** – A request for a variance to increase the allowable garage area from 734 square feet to 1,040 square feet, submitted by Beaver Builders.
  - e. **Case 16-022; 5594 Integrity Way (R-1)** – A request for a variance to increase the allowable garage area from 720 square feet to 1,140 square feet, submitted by Bob Buker.

**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  
MARCH 10, 2016  
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Gallagher, Johnson, Spranger, Voelliger

ABSENT: None

STAFF: Fuhrman, Soenksen, Connors

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of February 11, 2016.

On motion by Falk, seconded by Gallagher, that the minutes of the meeting of February 11, 2016 be approved as submitted.

ALL AYES

Motion carried.

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

- d. **Case 16-013; 1045 Hall Street (R-2)** – A request for a variance to allow a garage to exceed the 40% rear yard ratio by 100 square feet to allow construction of a 720 square foot garage, submitted by Jenna Kinyon.

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

Soenksen reviewed the staff report. Staff report is Annex #3 to these minutes. He stated that he had received three phone calls from three neighbors expressing support for the request.

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

Jenna Kinyon, the applicant, stated that the existing garage is in disrepair, adding that she would like to built a new garage in order to improve her property and the neighborhood.

On motion by Gallagher, seconded by Spranger, that a variance to allow a garage to exceed the 40% rear yard ratio by 100 square feet to allow construction of a 720 square foot garage by granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- a. **Case 16-003; 325 – 16<sup>th</sup> Street (C-3)** – A request for a variance to allow parking in a required front yard, submitted by Bill Ernst. (Deferred from meeting of February 11, 2016)
- b. **Case 16-004; 325 – 16<sup>th</sup> Street (C-3)** – A request for a variance from the requirements of the Downtown Riverfront Corridor Overlay District (DRCOD) related to signage for small shopping centers to allow a 30-foot high monument sign and to increase the allowable square footage of a sign from 100 square feet to 300 square feet, submitted by Bill Ernst. (Deferred from meeting of February 11, 2016)
- c. **Case 16-005; 325 – 16<sup>th</sup> Street (C-3)** – A request for a special use permit to allow a drive-up window, submitted by Bill Ernst. (Deferred from meeting of February 11, 2016)

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 reports. Staff reports are Annex #5, #6, and #7 to these minutes.

Connors stated that he has been working with a consultant on the Downtown Master Plan which will include new design standards for the downtown and which will impact the proposed project. He indicated that after the portion of the Master Plan concerning design standards was completed, the applicant and his engineer met with him to discuss the project. Connors stated that he had requested that the applicant provide a means to soften the appearance of the parking area from the street. He indicated that the applicant will provide landscaping around the entire perimeter of the site, adding that the parking will be moved further from the street. Connors explained that only monument signs are allowed in the downtown area and that the new design standards that will be adopted soon will allow 30-foot high signs. He stated that the applicant had originally planned to request a variance to allow a 45-foot high pole sign but had consented to requesting a variance for a 30-foot high monument sign instead when he was apprised of the required design standards. Connors added that the applicant revised the design for the building such that the rear of the structure more closely resembles the front as shown on the submitted elevation drawing.

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

Jason Holdorf, engineer representing the applicant, stated that he would be available to answer any questions the Board may have.

Falk asked if the drawing of the rear elevation is representative of the revised building design. Soenksen explained that the drawing in the packet is not the revised version and displayed a new elevation drawing.

Gallagher commented that while he understands that the new design standards for the downtown will include an allowance for a 30-foot high monument sign, he questioned whether or not the allowable size of the monument sign would be increased from 100 square feet. Connors stated that the revised zoning ordinance would address that issue. He commented that the base of the proposed sign is approximately 10 feet of the overall height.

Johnson commented that while Connors has indicated that the new design standards for the downtown will allow a 30-foot high sign, the ordinance codifying that increase in allowable height has not yet been approved by the City Council. Connors stated that even though the applicant could have gone forward with his variance requests last month based on the designed standards currently in effect by ordinance, he had asked him to wait until the design standard section of the new downtown master plan was complete. He indicated that because this project is the first building to be constructed in the new downtown area he had asked the applicant to work with staff to make some revisions to his original plan.

Johnson asked if the 45-foot high pole sign that the applicant had originally requested would have been allowed under current ordinance. Connors stated that it would not have been allowed but indicated that formerly there were several gas stations in the downtown area with pole signs. Soenksen commented that those signs were located along the Interstate 74 corridor. Johnson asked if there are any specific requirements with regard to interstate corridor signage. Soenksen stated that while discussions had been held at Board meetings regarding the issue, there are no requirements specifically for interstate signage.

Spranger asked how large the monument signs at Rivers Edge are. Soenksen stated that the two signs are 12 ½ feet tall, adding that one is 90 square feet in size and one is 86 square feet. Johnson commented that the larger of the signs is approximately 7 ½ feet wide and 12 ½ feet tall. She indicated that the proposed sign is 30 feet tall and approximately 7 feet wide.

Voelliger asked if the 10-foot tall brick structure at the bottom of the proposed sign is necessary. Connors stated that he does not believe that it needs to be that large, adding that because of the proposed landscaping, the applicant likely wants to ensure that the signage portion is visible.

Johnson commented that the proposed monument sign would be approximately the same height as the pole sign at the new University of Iowa Community Credit Union on 53<sup>rd</sup> Avenue. Falk asked how tall the sign at the BP Station on Middle Road is. Soenksen stated that it is approximately 60 feet tall, adding that a variance was granted because the sign is located along the interstate corridor. Johnson commented that for a sign to be visible when traveling at highway speeds it needs to be taller than one in the downtown area. She asked if the credit union sign on 53<sup>rd</sup> Avenue is allowed to be 30 feet tall because it is compliant with the required sign setback. Connors confirmed this. She commented that the credit union was allowed to install a pole sign because it is not located in the DRCOD area in which only monument signs are permitted. Connors commented that the design standards for the downtown area will include reduced setback requirements. Johnson asked if the likelihood is that all signs in the downtown area will be allowed to be 30 feet tall rather than the 15 feet that is currently allowed in the DRCOD area. Connors stated that the maximum height will likely be 30 feet. Voelliger asked if the Board would be setting a precedent by granting a variance for the sign height and size. Connors stated that no precedent would be set.

Johnson stated that she does not believe that a precedent would be set because the rule regarding sign height is not in place yet. She commented that if the Council were to approve the new design standards in the future that limit sign height to 12 ½ feet and mandate that they be monument-style, no precedent would have been set by granting the proposed sign because the rule does not yet exist. Spranger asked if the current applicant would still be allowed to install a 30-foot tall sign if the new design standards mandate a shorter sign. Gallagher confirmed this. Johnson commented that the case is difficult because there are effectively two sets of rules. She stated that perhaps the Council will decide that 30-foot tall monument signs would not fit in with the desired character of the downtown. She asked if the Council has indicated which direction they might take with regard to sign height. Connors stated that the issue has not reached the Council level yet.

Holdorf stated that he believes that the owner has gone above and beyond what he would normally be required to do in order to make concessions with regard to the signage and the appearance of the building itself.

Johnson commented that she has no opposition to the drive-up window or the parking in the required front yard. Other board members concurred.

Johnson stated that she believes that given the city's intention to have a promenade area where the alley along the site is located, it would be beneficial for the rear of the structure to be as appealing as possible. She indicated that the city's goal is to encourage walkability in the area. Soenksen stated that the original plan showed a curb cut with an entrance at the southeast corner of the property. He added that staff had requested that the applicant close the curb cut in order to facilitate that desired walkability.

Voelliger asked how the city plans to resolve the conflict between the southern entrance to the site and the promenade area along the south property line of the site. Soenksen commented that the entrance in question would be a main ingress point to the site. Connors stated that it was at the IDoT's request that the driveway be placed on the south side of the lot. Voelliger commented that crossing the street at 17<sup>th</sup> Street and the newly-aligned State Street will be difficult.

Falk asked if the brick columns on the rear façade of the building would extend all the way to the parapets. He commented that it appears to him as though the rear elevation submitted to the Board indicates that it would be similar in appearance to the one of the convenience store and gas station at Interstate 74 and Middle Road. He indicated that he does not believe that this type of design would be the aesthetic goal for the new downtown area. Holdorf stated that he does not believe that the applicant would be opposed to adding the brick accents to the façade as Falk described. Johnson stated that she believes that because of the high visibility of the rear of the structure, the design should be as aesthetically-pleasing as possible. Falk concurred, adding that the new building had been described as more visually appealing than what is shown on the submitted rendering which looks more like a typical building on an alley.

On motion by Falk, seconded by Spranger, that a variance to allow parking in a required front yard be granted in accordance with the Decision and Order. (16-003)

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

Spranger commented that the proposed sign is very large. Johnson concurred, adding that while she does prefer the monument style, the base of the proposed sign is nearly as large as the entirety of the signs at Rivers Edge. She asked for clarification of which standards of the DRCOD ordinance the proposed sign is not compliant with. Soenksen explained that the section of the DRCOD ordinance that governs small shopping center signs specifies that signs must be of a monument style, no more than 15 feet tall, and no more than 100 square feet in size. Connors stated that the variance concerns a section of the code that we know is going to change. Johnson commented that the details of the revisions are unknown at this time. She stated that according to the drawing submitted by the applicant, the proposed sign would be only approximately 200 square feet in size, not 300 square feet as was requested. Soenksen explained that the sign company who completed the application asked for a variance to increase the size of the sign from 100 square feet to 300 square feet. He added that Johnson is correct, the dimensions on the drawing indicate a size of approximately 200 square feet. Soenksen stated that he believes that if the Board approves a 200 square foot sign, the entirety of the sign as shown on the drawing is what would be approved. Johnson suggested that the dimensions of the sign if approved should be specified. Other Board members concurred.

A brief discussion was held regarding the style of the proposed sign and whether or not the size of the sign is appropriate for the downtown area. Johnson stated that she would prefer a monument sign to a pole sign. Spranger commented that she owns a building in the downtown near the proposed structure, adding that she believes that the proposed sign is an improvement over most of the signage in the area. She commented that the proposed sign seems very tall and is approximately the height of her building. Falk asked how tall the proposed building would be. Spranger indicated that it appears as though it would be approximately 20 feet tall. Johnson stated that the applicant would be allowed to have a sign that is no more than 15 feet tall and 100 square feet in size. She added that the Board could choose to limit the size of the sign to ordinance requirements or modify the request in some way. She stated that while she feels that 30 feet tall is very high for the downtown area, Connors had indicated that the design standards would be changing. She added that the decision is difficult because the new design standards have not yet been approved. Spranger stated that because there is a lot of truck traffic along Grant Street, at times the identification signage itself would not be visible if the sign had a shorter base.

On motion by Spranger, seconded by Johnson, that a variance from the requirements of the Downtown Riverfront Corridor Overlay District related to signage for small shopping centers to allow a 30-foot high monument sign and to increase the allowable size of a sign from 100 square feet to 202 square feet (to include the brick base) be granted in accordance with the Decision and Order and providing that the sign be of the measurements shown on the attached sign illustration. (16-004)

Gallagher commented that the new ordinance should include a specific method by which sign size is determined. He indicated that in his opinion, the base of a sign, even if it does not contain identification of a business, should be included in the overall size of the sign.

#### ROLL CALL ON MOTION

ALL AYES

Motion carried.

Decision and Order is Annex #9 to these minutes.

Johnson commented that while she is not necessarily enthusiastic about the drive-up window, she sees no reason to deny the request. Voelliger commented that oftentimes certain types of businesses require a drive-up window.

On motion by Gallagher, seconded by Falk, that a special use permit to allow a drive-up window be granted in accordance with the Decision and Order. (16-005)

ALL AYES

Motion carried.

Decision and Order is Annex #10 to these minutes.

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

These minutes and annexes approved \_\_\_\_\_

\_\_\_\_\_  
John Soenksen, City Planner



**COMMUNITY DEVELOPMENT**

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

April 14, 2016

Staff Report

**Case No. 16-018**

**Location:** 1008 – 18<sup>th</sup> Street

**Applicant:** Daniel Dimmig

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

**Request:** Variance to reduce the required front setback from 25 feet to 7 feet to allow a 6-foot high fence (along 18<sup>th</sup> Street) and to allow an 8-foot high fence (along the western property line).

**Background Information and Facts**

The site is located on the northwest corner of 18<sup>th</sup> Street and Central Avenue (see Attachment A – Location Map). An existing 4-foot high fence currently encloses a large portion of the yard between the house and the detached garage. The applicant would like to replace most of that fence with a new 6-foot high privacy fence including a 36-foot long section of 8-foot high fence on the west side of the house (see Attachment B – Plot Plan).

**Staff Analysis**

The proposed 6-foot high fence on the western property line is allowed by code. The installation of the 6-foot high section of fence between the front of the house and 18<sup>th</sup> Street requires a variance. The applicant's justification for the 6-foot high fence is to provide added privacy and security. If allowed, the fence will be set back 7 feet from the property line adjacent to 18<sup>th</sup> Street.

The request for the 36-foot long section of 8-foot fence west of the house is to protect the siding on the house from the damaging reflected rays of sunlight. The neighbor to the west recently installed new high-efficiency windows that, at times, reflect sunlight onto the west side of the applicant's house which has started to cause damage to that siding (see Attachment C - Sunlight Reflection Illustration). Staff has been able to locate several articles that confirm this sunlight reflection damage phenomenon related to high efficiency windows. Attachment D illustrates this reflection effect on the applicants' house (see Attachment D – Sun Reflection Photos).

**Staff Recommendation**

Staff cannot identify a hardship regarding the proposed 6-foot high fence in the required front yard setback adjacent to 18<sup>th</sup> Street. Staff research indicates that the sun damage phenomenon is a confirmed issue causing a hardship beyond the control of the applicant. A site visit by staff revealed that the involved home has already sustained significant damage to the west side siding (see Attachment E – Damage Illustration).

Respectfully submitted,

John Soenksen  
City Planner

# Attachment - A



**SITE**



16TH 1/2 ST

17TH ST

18TH ST

BELLEVUE AVE

CENTRAL AVE



CENTRAL



SCALE 1" = 20'

PERMIT RECORD

2. fence 93-873 6-18-93

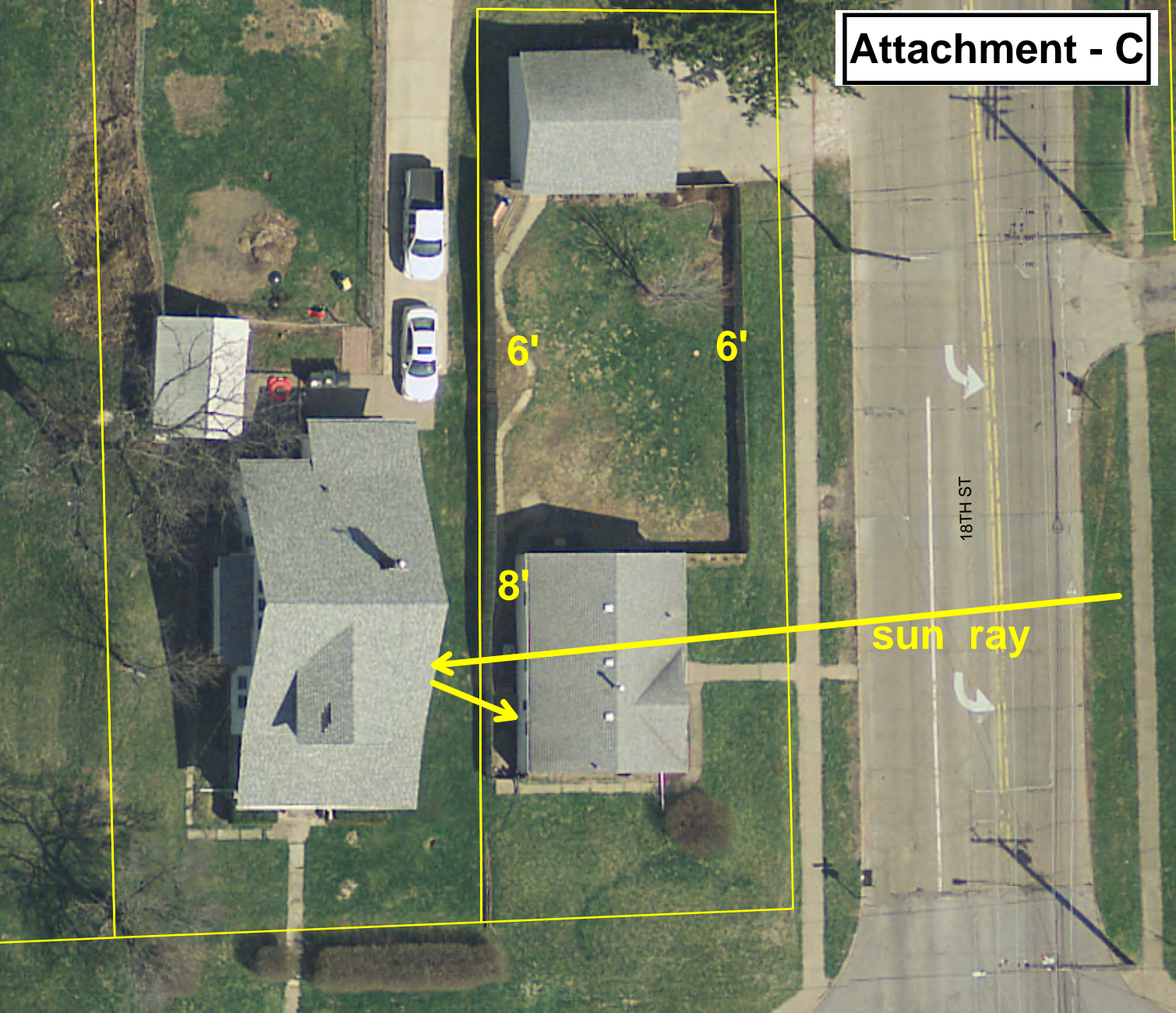
LEGAL DESCRIPTION

BUILDING ADDRESS

1008 18th Street

CONTRACTOR

Attachment - C



18TH ST

sun ray

6'

6'

8'







Case No. 16-018

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

Part 1. Property Involved.

Street Address 1008 18th Street Bettendorf, IA 52722

Legal Description of the property. \_\_\_\_\_

Part 2. Contact Information.

Applicant Name Daniel Dimmig Phone 563-650-1083  
Address 1008 18th St. Bettendorf, IA 52722 FAX \_\_\_\_\_  
E-mail Address: ddimmig@schebler.com

Owner Name Daniel Dimmig Phone \_\_\_\_\_  
Address 1008 18th St. Bettendorf, IA 52722 FAX \_\_\_\_\_  
E-mail Address: ddimmig@schebler.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

April 14, 2016

Staff Report

**Case No. 16-019**

**Location:** 6048 Shawnee Court

**Applicant:** Scott Pearson

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

**Request:** Variance to reduce the required combined side yard setback from 20 feet to 16 feet to allow for construction of a room addition and garage.

**Background Information and Facts**

The site is accessed by turning onto Whispering Hill Drive from Hopewell Avenue and then turning onto Shawnee Court (see Attachment A – Location Map). The applicant would like to place a room and garage addition on the northeast corner of the house (see Attachment B – Building Site Area).

**Staff Analysis**

The applicant would like to add a 13-foot 8-inch by 22-foot room addition and a 12-foot by 22-foot garage addition toward the rear of the existing garage (see Attachment C – Plot Plan). If allowed, the new construction would be within 11 feet of the side property line. The new combined side yards would total 16 feet. A total of 20 feet is required for the combined side yard setbacks in the R-1 District.

Staff has calculated the living area to garage space ratio for both the current and new structure, and a variance is not required for the proposed construction.

A portion of the lot is within the regulated 100-year flood zone. The proposed construction area is outside of the flood zone and would be allowed if the variance is granted (see Attachment D – Flood Zone Illustration).

If allowed, the nearest portion of the proposed addition will be approximately 50 feet from the neighbor's house to the east.

**Staff Recommendation**

Approximately 40% of the lot is located in the regulated flood zone which substantially limits the area that can be used for any type of building addition(s). The area chosen for the addition appears to be the only logical site available.

If approved, staff request that the decision and order specifies the exact dimension of the request:

- 13-foot 8-inch by 22-foot room addition
- 12-foot by 22-foot garage addition

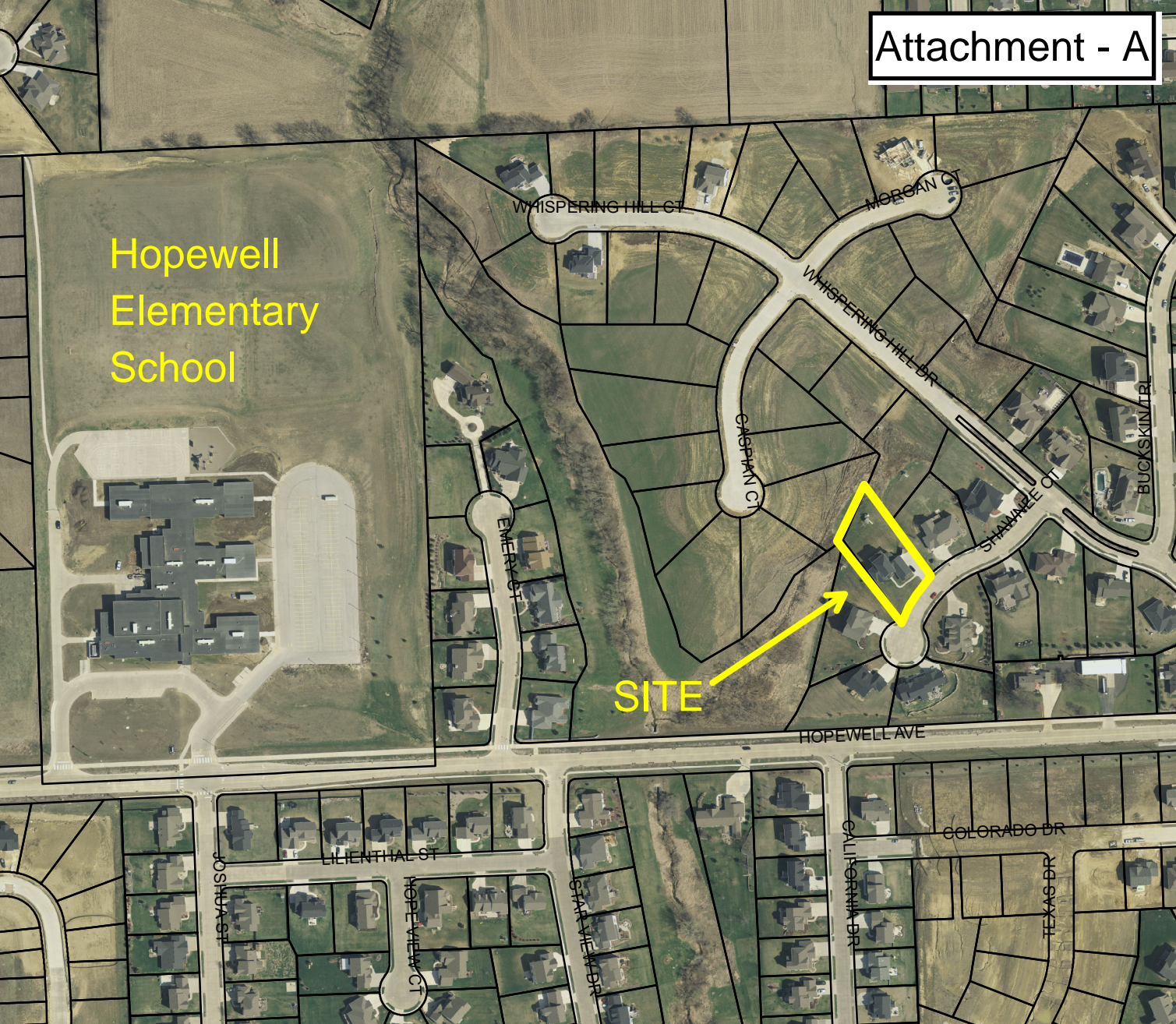
By specifying the exact dimensions, any further encroachment into either the side yard or the regulated flood zone will be averted.

Respectfully submitted,

John Soenksen  
City Planner

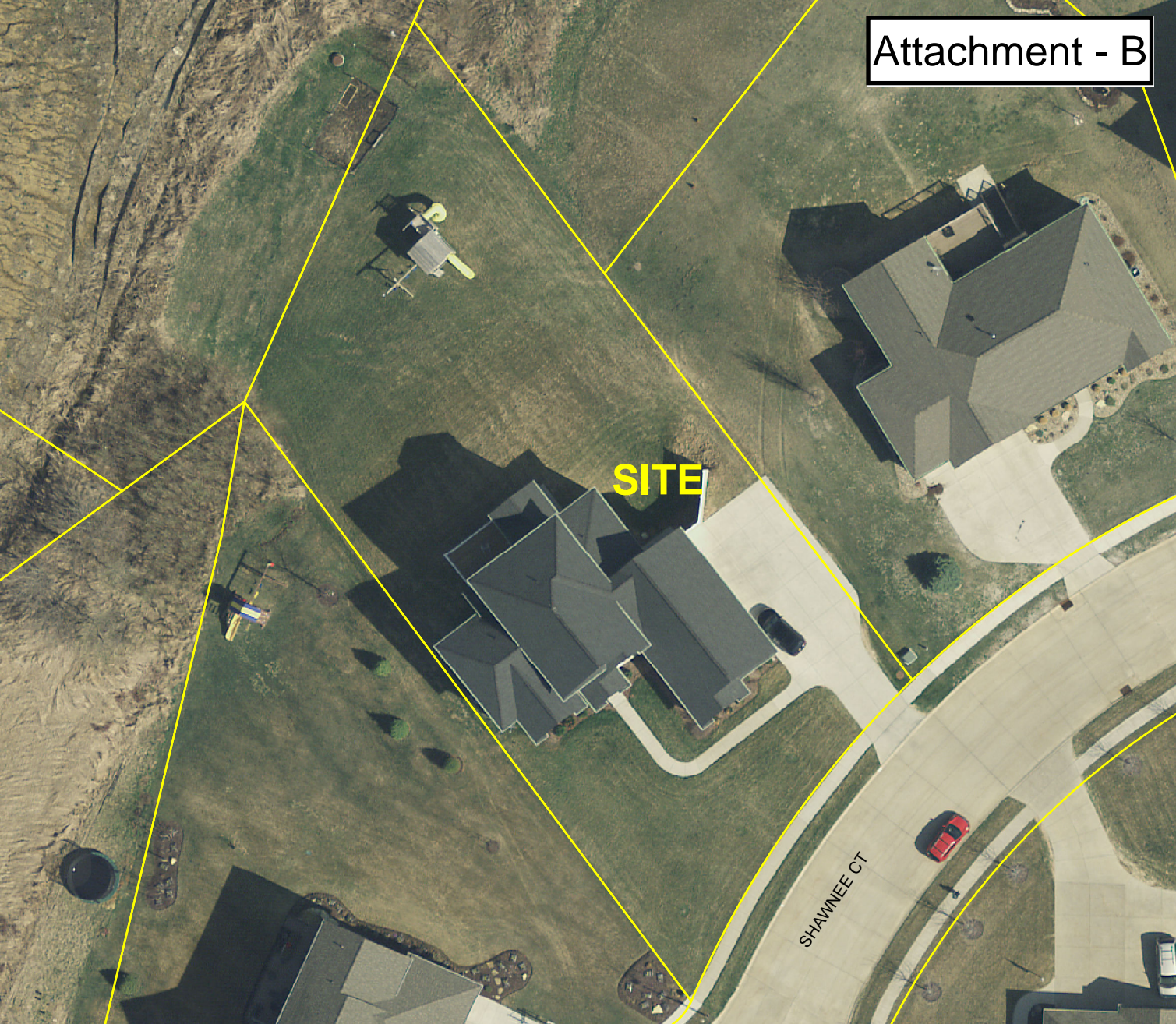
Hopewell  
Elementary  
School

SITE



**SITE**

SHAWNEE CT



THE LEGENDS OF HOPEWELL CREEK SECOND ADDITION

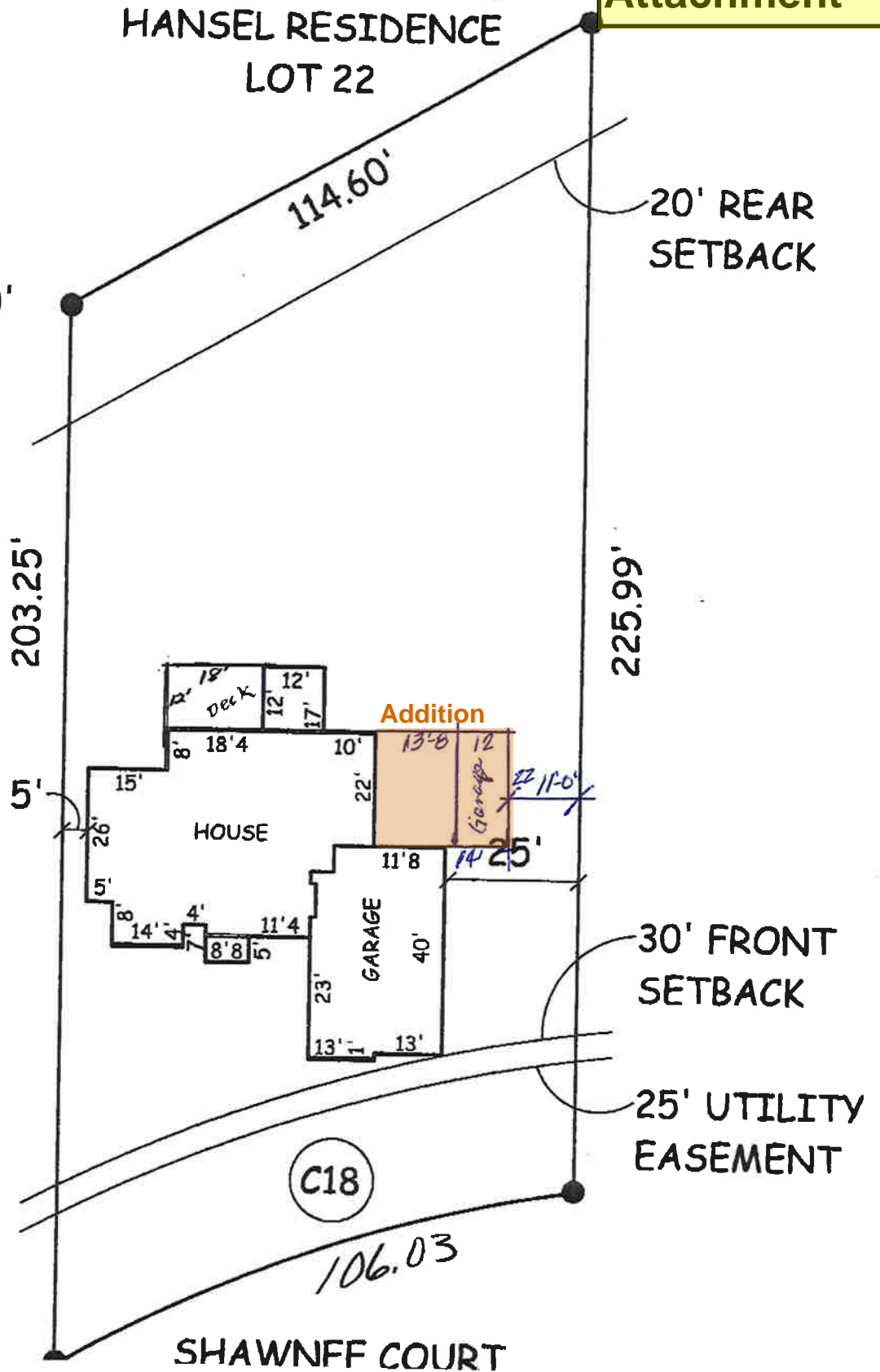
BETTENDORF, IOWA 52722

HANSEL RESIDENCE

LOT 22

Attachment - C

SCALE: 1" = 30'



SHAWNFF COURT

Zoning District R1

Front setback 30'

Board of Adjustment Variance:

Side setback min 5' total 20'

no \_\_\_ yes \_\_\_ Dec/Order# \_\_\_\_\_

Rear setback 40'



Indicate North

Scale 1" = 30'

Permit Record:

1st floor of 590 5/5/08

Legal Description Lot 22 The Legends

of Hopewell Creek Second Addition

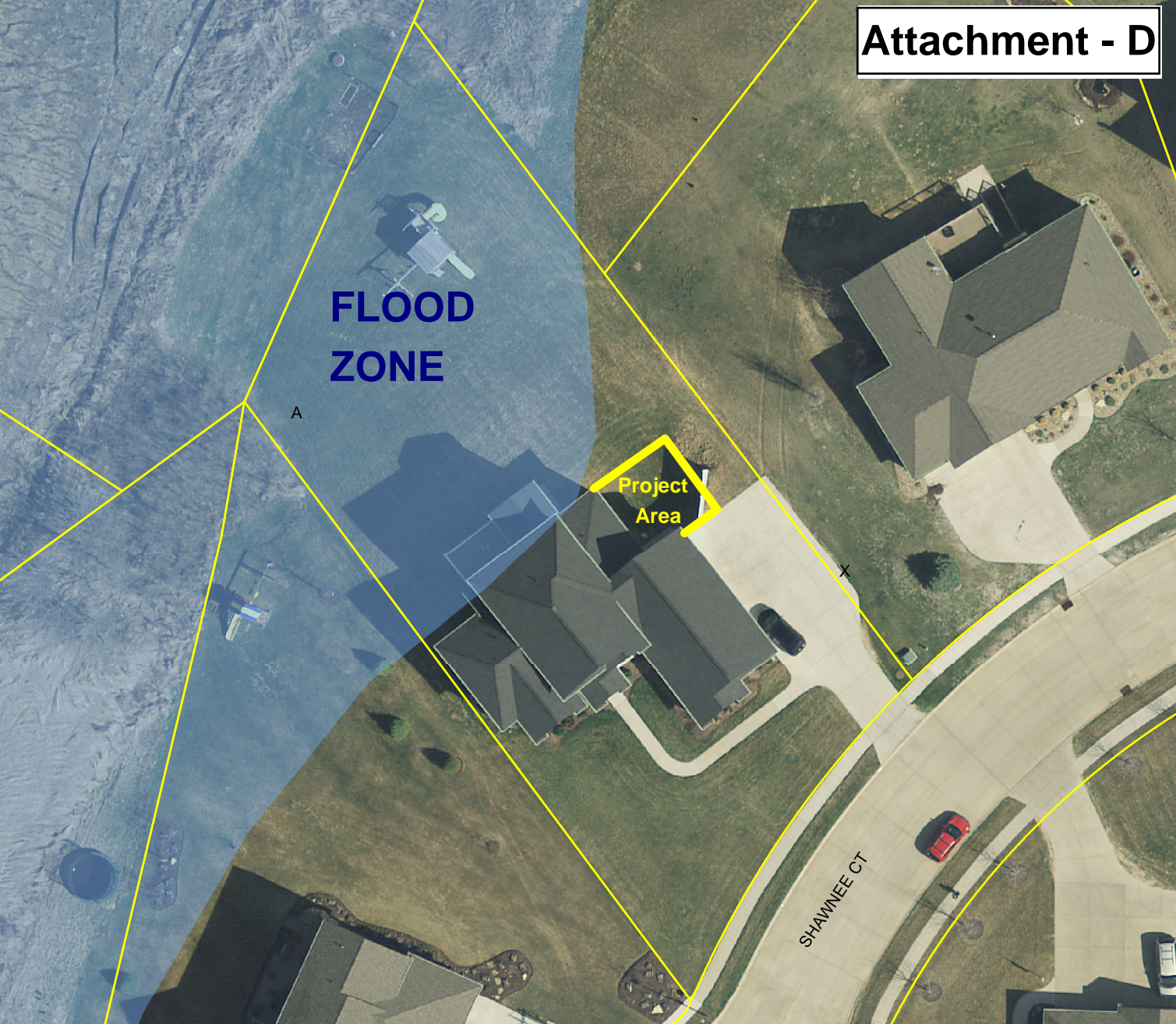
FLOOD  
ZONE

A

Project  
Area

X

SHAWNEE CT





Case No. 16-019

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

Part 1. Property Involved.

Street Address 6048 Shawnee Ct, Bett

Legal Description of the property. #22 The Legends of Hopewell Creek  
Second Add

Part 2. Contact Information.

Applicant Name Scott Pearson (Pearson Building Pursuits) Phone 563-529-9505

Address 6516 Woodland Ct FAX 563-359-0710

E-mail Address: pearson Building Pursuits e mchsi.com

Owner Name Jason & Alissa Hensel Phone 563-

Address 6048 Shawnee Ct, Bett FAX \_\_\_\_\_

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

Agent Scott Pearson Phone 563-529-9505

Address 6516 Woodland Ct, Dav 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**

April 14, 2016

Staff Report

**Case No. 16-020**

**Location:** 2550 Middle Road

**Applicant:** Mike Byington

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

**Request:** Variance to reduce the required front yard setback from 80 feet to 20 feet to allow for a 120 square foot monument sign.

**Background Information and Facts**

The site involves the Northwest Bank building at the intersection of 23<sup>rd</sup> Street and Middle Road (see Attachment A – Location Map). The applicant would like to place a monument sign set back 20 feet from the property line adjacent to Middle Road.

**Staff Analysis**

There is currently a monument sign on the site at the southwest corner of the lot with a zero setback allowed by a previous variance. If the variance is granted, the existing sign will be removed. The applicant would like to place the proposed sign 150 feet east of the existing sign and set back 20 feet from the front property line (see Attachment B – Sign Locations). If allowed, the approximately 120 square foot monument sign will resemble the design illustrated on Attachment C.

The reason for this request is twofold:

- The City will be making improvements to the intersection of 23<sup>rd</sup> Street and Middle Road including widening the roadway. As a result of that project the City has acquired additional land from the bank at the intersection that will require the current sign to be demolished.
- Many tenants in the bank tower do not have signage visibility, and the building owner is having trouble attracting tenants due to the lack of business recognition because there is no signage. The new sign will give all building tenants the opportunity to advertise their business on the proposed shopping center type sign. The proposed sign would allow up to eight tenants in addition to Northwest Bank to have an advertising panel on the monument sign.

The platted 80-foot front setback is unique to this site. While an 80-foot setback may be appropriate for the six story building, the setback requirement is highly problematic from a signage standpoint. If the 80-foot setback was required to be observed in this case, the sign would have to be placed in the paved portion of the parking lot shown in Attachment B.

On any other property with a C-2 zoning classification, a shopping center sign could be set back 20 feet, be up to 500 square feet, and be up to 30 feet tall. The request is for a 120 square foot, less than 7-foot high sign set back 20 feet from the property line. Therefore, if approved, the proposed sign would be less than 25% of the allowed square footage and less than 25% of the allowed height of this type of sign in a C-2 district.

If approved, the new sign will be set back 20 feet further than the existing sign.

**Staff Recommendation**

Given all of the above analysis, staff feels that the applicant has demonstrated a hardship specifically related to the 80-foot platted setback for a sign and further feels that the request is reasonable given the additional height and square footage that could have been requested.

Respectfully submitted,

John Soenksen  
City Planner



**SITE**

HILLS DR

CUMBERLAND SQUARE DR

MIDDLE RD

MIDDLE ROAD PARK

23RD ST



Current Sign

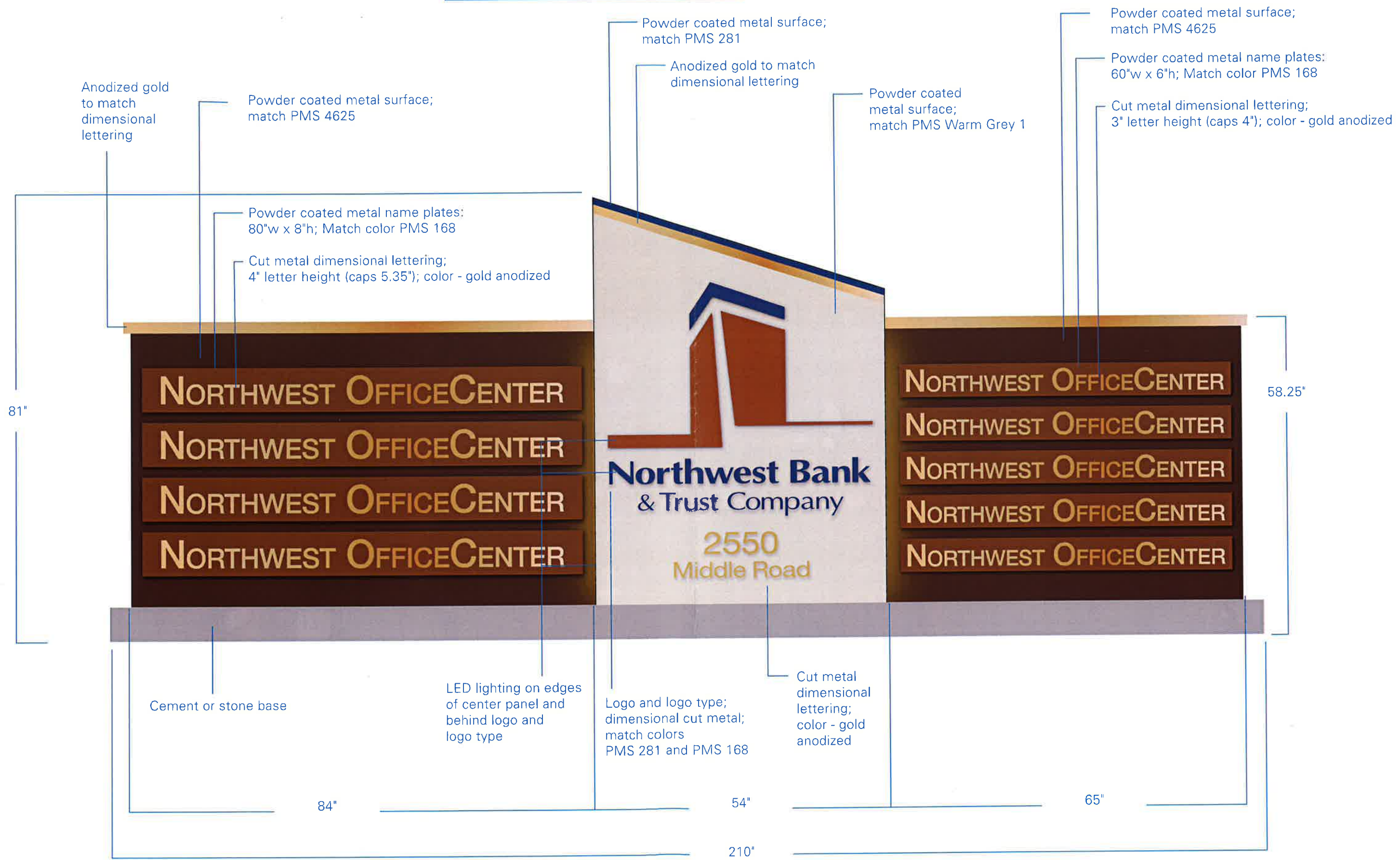
New Sign

SPRUCE HILLS DR

MIDDLE RD

Proposed Sign Design - Front View

Approximatly 118 sq ft.



Front View



Case No. 16-020

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

Part 1. Property Involved.

Street Address 2550 MIDDLE RD. BETTENDORF

Legal Description of the property. SEE ATTACHED

Part 2. Contact Information

Applicant Name MIKE BYINGTON Phone 563-388-2556

Address 100 E. KIMBERLY RD, DAVENPORT IA 52806 FAX \_\_\_\_\_

E-mail Address: MBYINGTON@NORTHWESTBANK.COM

Owner Name NORTHWEST BANK'S TRUST CO. Phone 563-388-2577 (JOE SLAVENS)

Address 100 E. KIMBERLY RD, DAVENPORT IA 52806 FAX \_\_\_\_\_

E-mail Address: JB.SLAVENS@NORTHWESTBANK.COM

Agent TBD 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 C-2

**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.

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

SEE ATTACHED

**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. SIGN DRAWING PREVIOUSLY SUBMITTED VIA EMAIL 3/16/16.

**Part 7. Signature.**

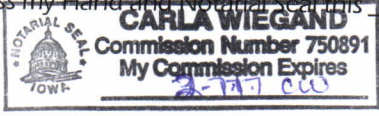
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 28th day of March, 20 16.

Signature of Applicant Michael Bynum Signature of Owner ASML President  
 (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 March, 20 16.



Carla Wiegand  
 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 USA Johnson  
 Amount \$100. Date 3/28/16

## **Northwest Bank & Trust Company**

Attachment to

Appeal and Application to the Zoning Board of Adjustment of Bettendorf, Iowa

April 14, 2016

### Legal Description of the Property

CUMBERLAND COMMERCIAL PARK 1ST Lot:001 CUMBERLAND  
COMMERCIALPARK 1ST LOTS 1 & 2 &OUTLOT A, DRIVE-UPFACILITY & TRI  
TRACT ALG SPRUCE HILLS DR EXC ROW PER DEED 13-31994

### Part 5. Reasons for Application.

(d) Northwest Bank is seeking a variance to the platted front yard 80' setback to allow the placement of a 120 square foot monument sign (see sign drawing) in the existing landscape buffer 20' from the front lot line (per Bettendorf City Code paragraph 11-7B-7 B.—see attached drawing of approximate location).

- Without the variance, the sign would have to be located in our parking lot creating a potential hazard.
- The existing monument sign at the corner of Middle Road and Spruce Hills Drive is set for demolition due to the City's purchase of land for construction of a right-turn lane from Middle Road to Spruce Hills Drive.
- Placement of the new sign as indicated will aid public recognition of our building.
- The new sign will help attract and keep new commercial tenants who express a demand for outside signage.



**COMMUNITY DEVELOPMENT**

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

April 14, 2016

Staff Report

**Case No. 16-021**

**Location:** 5572 Integrity Way

**Applicant:** Beaver Builders

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

**Request:** Variance to increase the allowable garage area from 734 square feet to 1,040 square feet.

**Background Information and Facts**

The site is located off of 53<sup>rd</sup> Avenue and is accessible by: turning north on Beaver Meadows Lane, east on Tranquility Court, north on Idaho Drive, and finally west on Happiness Lane that eventually turns into Integrity Way (see Attachment A – Location Map).

**Staff Analysis**

The applicant would like to build a 1,835 square foot house with an attached 1,040 square foot garage. The garage is 306 square feet (or nearly 42%) larger than is allowed per Code regarding living area to garage ratio.

The applicant advises that the house design will resemble the other completed houses and those currently being built in the subdivision. The house design will give the appearance of a typical three-car garage with one section being two cars deep which accounts for the additional requested square footage.

In the past the Board has indicated that the intent of the Code ratio requirement is to ensure an aesthetic uniformity to neighborhoods. In addition, the Board has ruled that as long as the outward appearance is consistent with the other homes in the area the additional square footage is not a primary issue and thus meets the Code's intent. The Director has indicated that the zoning ordinance which is now being revised will codify those points eliminating the need for these types of variances in the future.

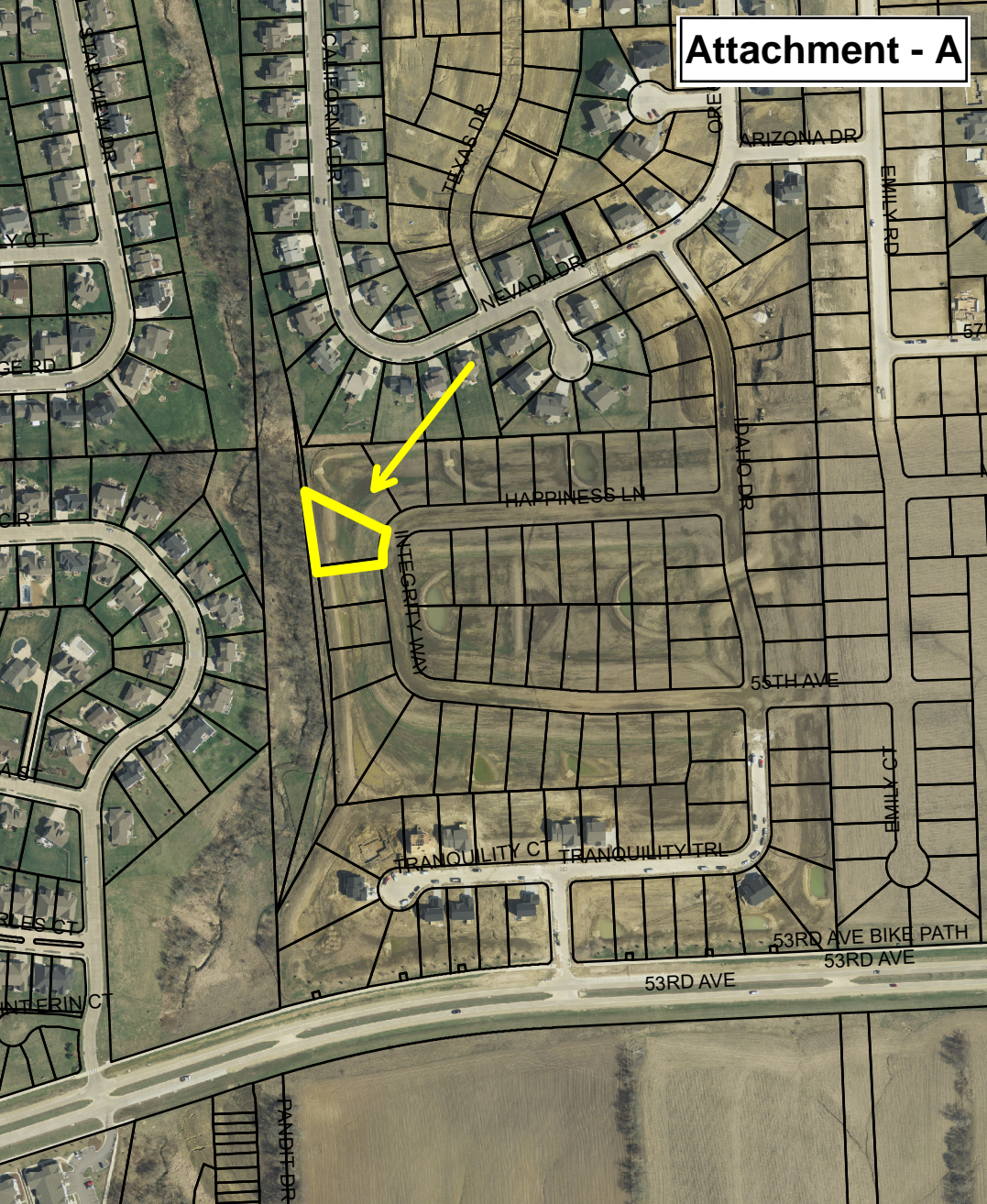
**Staff Recommendation**

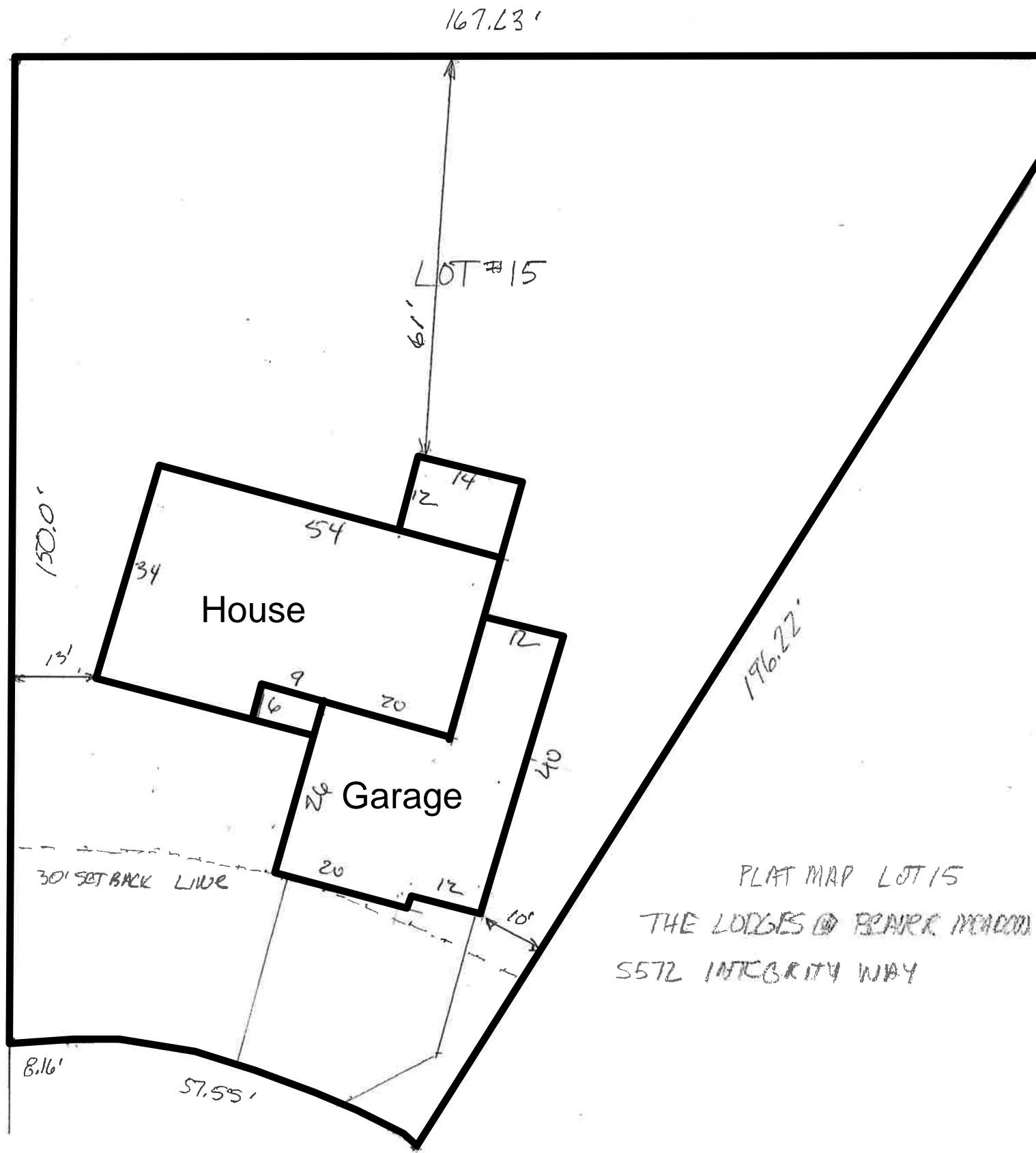
The request is consistent with the direction the Board has requested staff to take in the pending ordinance recodification and also consistent with other approvals granted by the Board.

Respectfully submitted,

John Soenksen  
City Planner

# Attachment - A





167.23'

LOT #15

61'

150.0'

House

Garage

30' SETBACK LINE

PLAT MAP LOT 15

THE LODGES @ PEARL MOUND

5572 INTEGRITY WAY

196.22'

8.16'

57.55'

10'

13'

34

54

14

12

12

20

9

6

40

26

20

12



Case No. 16-021

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

Part 1. Property Involved.

Street Address 5572 - INTEGRITY WAY

Legal Description of the property. LOT 4 15 BETTENDORF MEADOWS 3M

Part 2. Contact Information.

Applicant Name Bettendorf Builders Phone 304-786-1491  
Address 3130 47th Ave NE FAX \_\_\_\_\_  
E-mail Address: BOB@BETTENDORFBUILDERS.COM

Owner Name Sumner Phone \_\_\_\_\_  
Address \_\_\_\_\_ FAX \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

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

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

- 1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
  - (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
  - (b) That it will not impair an adequate supply of light and air to adjacent property.
  - (c) That it will not unreasonably increase the congestion in public streets.
  - (d) That it will not increase the danger of fire or of the public safety.
  - (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
  - (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.
- 2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:
  - (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
  - (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
  - (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
  - (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
  - (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
  - (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
  - (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
  - (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.
- 3. Other. \_\_\_\_\_  
(Attach a separate sheet and explain in detail.)

**Part 4. General Information.**

Section(s) of Zoning Ordinance Involved \_\_\_\_\_ Existing Zoning \_\_\_\_\_

**Part 5. Reasons for Application.** In the space below, give a general description of the activity desired and principal reasons why this application should be granted by the Board. If this application is for a variance, please state the hardship which the zoning ordinance imposes on the property. Use the following criteria as justification for the requested variance. Use additional sheets if necessary.

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- (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.

House will closely resemble other homes in area  
 3RD CAR GARAGE IS 2 CAR DEEP  
 House sq ft = 1835  
 GARAGE sq ft = 1040

**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.**

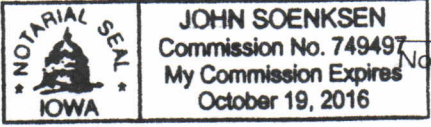
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Signature of Applicant Bob 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 28 day of March, 2016.



John Soenkse  
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 John Soenkse  
Amount 50.00 Date 3-28-2016  
Credit Card



**COMMUNITY DEVELOPMENT**

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

April 14, 2016

Staff Report

**Case No. 16-022**

**Location:** 5594 Integrity Way

**Applicant:** Beaver Builders

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

**Request:** Variance to increase the allowable garage area from 720 square feet to 1,140 square feet.

**Background Information and Facts**

The site is located off of 53<sup>rd</sup> Avenue and is accessible by: turning north on Beaver Meadows Lane, east on Tranquility Court, north on Idaho Drive, and finally west on Happiness Lane that eventually turns into Integrity Way (see Attachment A – Location Map).

**Staff Analysis**

The applicant would like to build a 1,597 square foot house with an attached 1,140 square foot garage. The garage is 420 square feet (or nearly 58%) larger than is allowed per Code regarding living area to garage ratio.

The applicant advises that the house design will resemble the other completed houses and those currently being built in the subdivision. The house design will give the appearance of a typical three-car garage with one section being two cars deep which accounts for the additional requested square footage.

In the past the Board has indicated that the intent of the Code ratio requirement is to ensure an aesthetic uniformity to neighborhoods. In addition, the Board has ruled that as long as the outward appearance is consistent with the other homes in the area the additional square footage is not a primary issue and thus meets the Code's intent. The Director has indicated that the zoning ordinance which is now being revised will codify those points eliminating the need for these types of variances in the future.

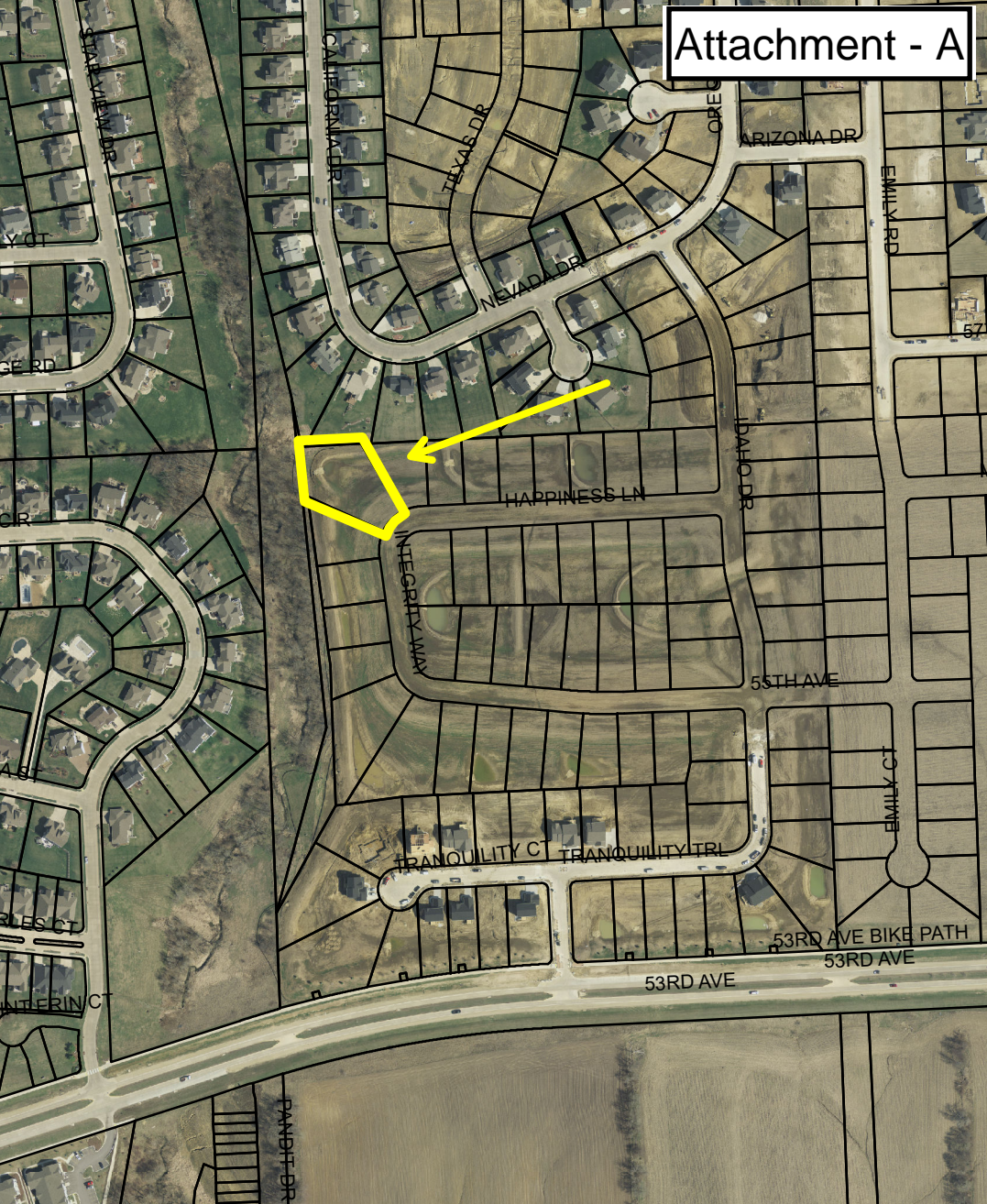
**Staff Recommendation**

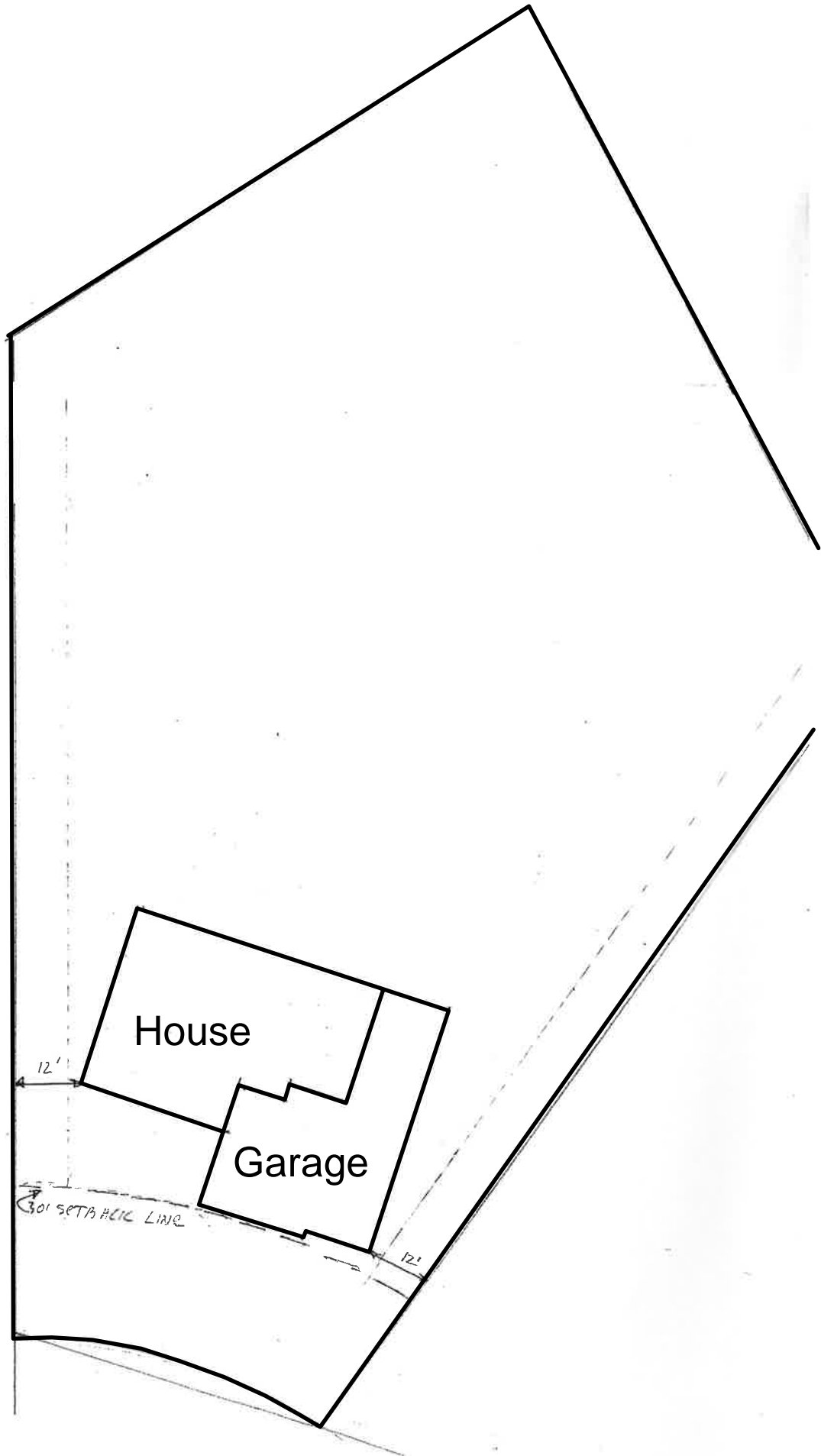
The request is consistent with the direction the Board has requested staff to take in the pending ordinance recodification and also consistent with other approvals granted by the Board.

Respectfully submitted,

John Soenksen  
City Planner

Attachment - A





Case No. 16-022

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

Part 1. Property Involved.

Street Address 5594 INTEGRITY WAY

Legal Description of the property. LOT 16 The Looges at BEAVER MEADOWS 3RD

Part 2. Contact Information.

Applicant Name BOB BUKER Phone \_\_\_\_\_

Address 4270 TRANQUILITY CT BETT FAX \_\_\_\_\_

E-mail Address: BOB@BEAVERBUILDERS.COM

Owner Name ABOVE Phone \_\_\_\_\_

Address \_\_\_\_\_ FAX \_\_\_\_\_

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

Agent N/A Phone \_\_\_\_\_

Address \_\_\_\_\_ FAX \_\_\_\_\_

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

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

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

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- (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.

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

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- (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.

This home will look no different than any other 3 car homes on the street. The 3rd car garage is just 2 car deep. Home is 1597 sq ft & garage is 1140 sq ft.

**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.**

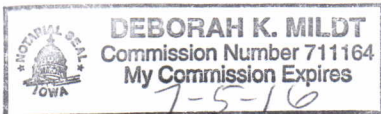
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Signature of Applicant Bob Bueh Signature of Owner Bob Bueh  
 (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 24<sup>th</sup> day of March, 20 14.



Deborah K. Mildt  
 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 AKM  
 Amount 50<sup>00</sup> Date 3-24-14