

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 12, 2016
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 March 10, 2016.
4. The Board to hold a public hearing on the following items:
 - a. **Case 16-018; 1008 – 18th 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 18th 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.

- f. **Case 16-024; 3911 Sparrow Court (R-3)** – A request for a variance to reduce the required rear yard setback from 25 feet to 10 feet to allow for construction of a 24-foot by 10-foot deck, submitted by Sampson Construction, Inc.
- g. **Case 16-025; 3128 Marynoel Avenue (R-1)** – A request for a variance to reduce the required rear yard setback from 40 feet to 26 feet to allow for construction of a 14-foot by 16-foot room addition, submitted by Sampson Construction, Inc.
- h. **Case 16-026; 5780 Jenny Lane (R-1)** – A request for a variance to increase the allowable garage area from 720 square feet to 880 square feet, submitted by Bryan Daxon and Ember Arnholz.
- i. **Case 16-027; 4555 Utica Ridge Road (C-2)**; A request for a variance to reduce the required front yard setback for parking from 20 feet to 0 feet and to reduce the required sign setback from 20 feet to 5 feet, submitted by Katie Sommers.
- J. **Case 16-029; 17 Grove Park Circle (R-5)** – A request for a variance to reduce the required rear yard setback from 25 feet to 22 feet to allow for construction of a 8-foot by 14-foot deck, submitted by Shenea Brockman.

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 – 16th 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 – 16th 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 – 16th 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 53rd 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 53rd 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 17th 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 – 18th 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 18th 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 18th 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 18th 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 18th 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 18th 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" = 80'
20

PERMIT RECORD

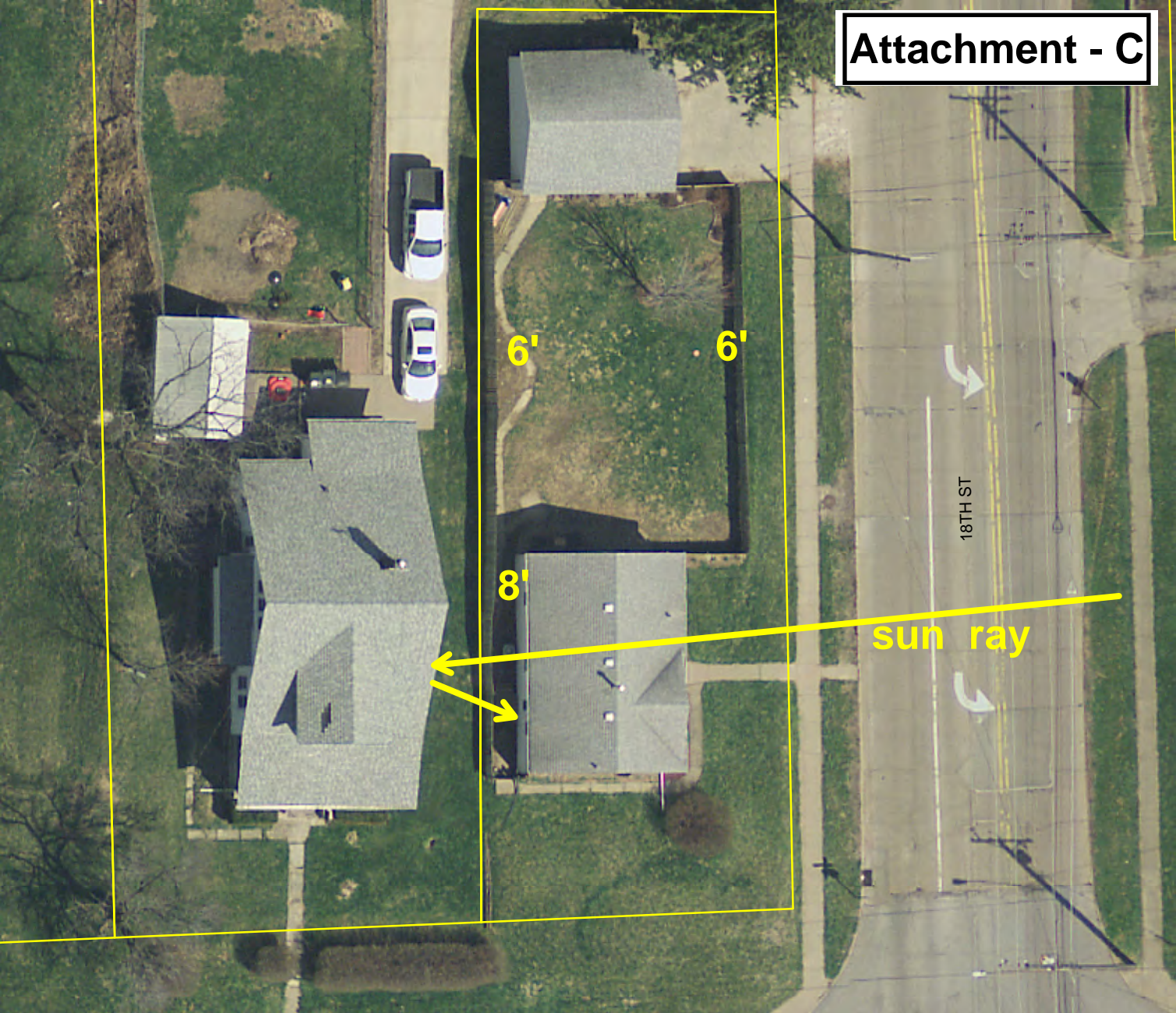
2. fence 93-873 6-18-93

LEGAL DESCRIPTION

BUILDING ADDRESS 1008 18th Street

CONTRACTOR

Attachment - C



6'

6'

8'

sun ray

18TH ST







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

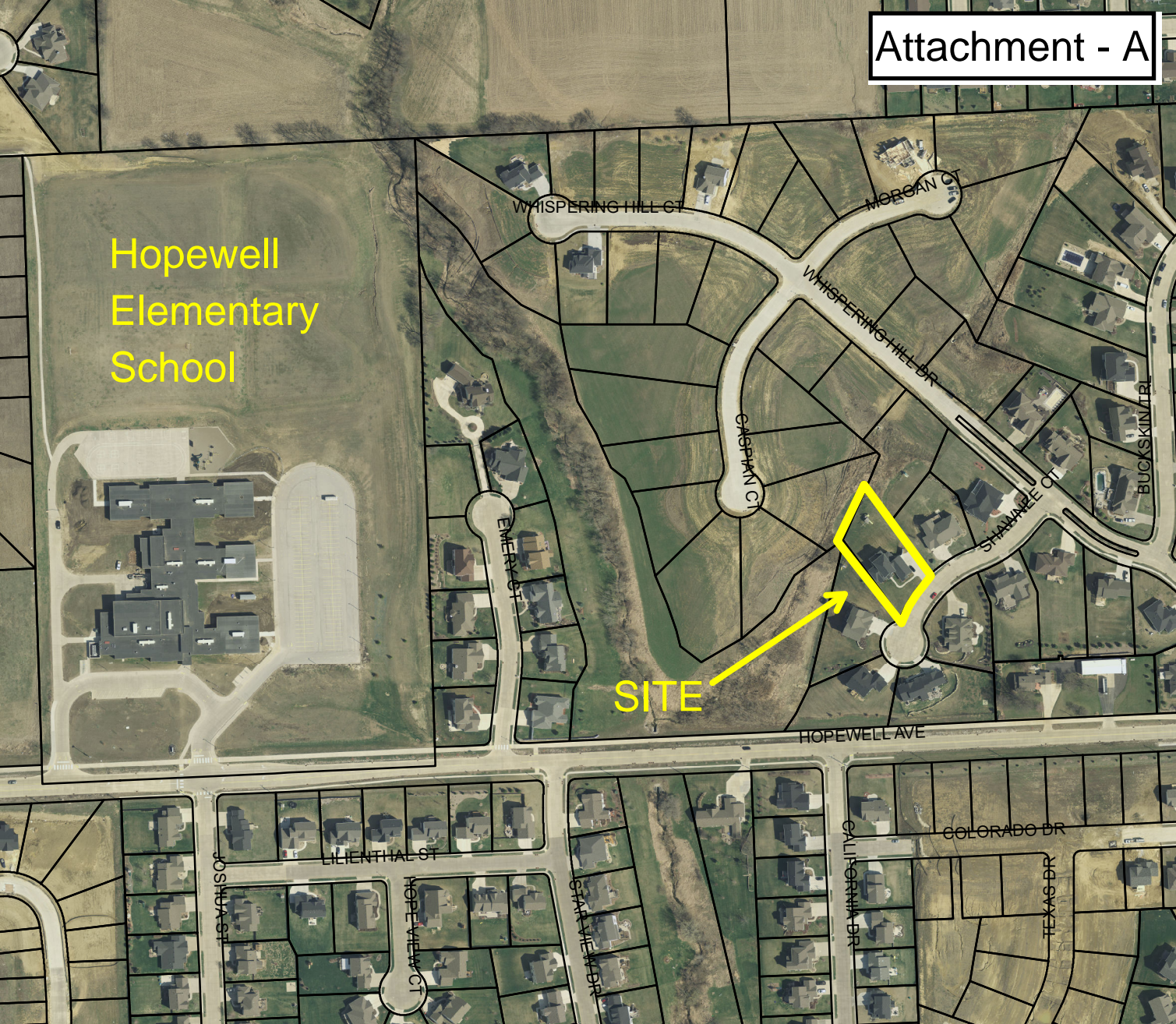
By specifying the exact dimensions, any further encroachment into either the side yard or the regulated flood zone will be averted.

Respectfully submitted,

John Soenksen
City Planner

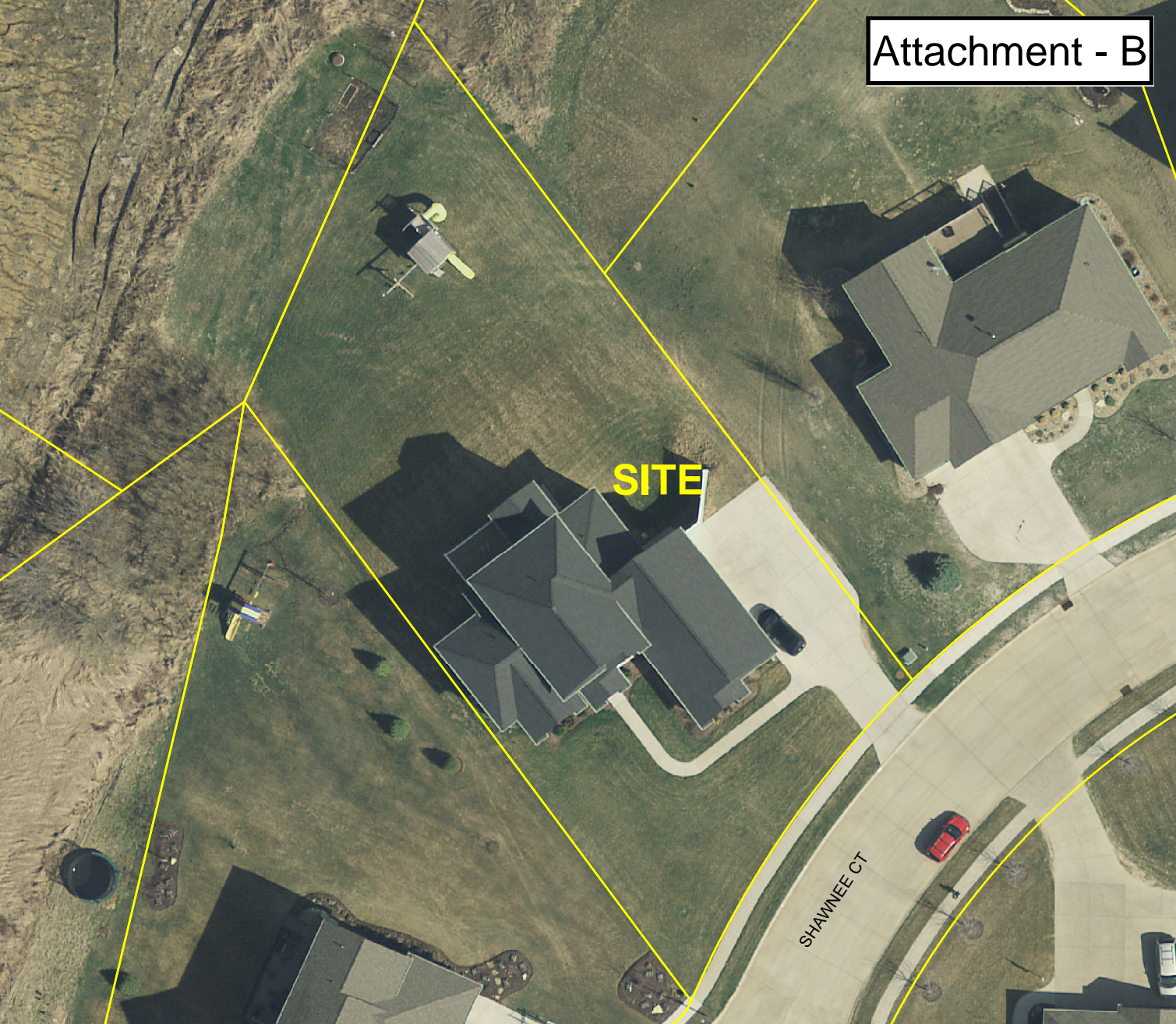
Hopewell
Elementary
School

SITE



SITE

SHAWNEE CT

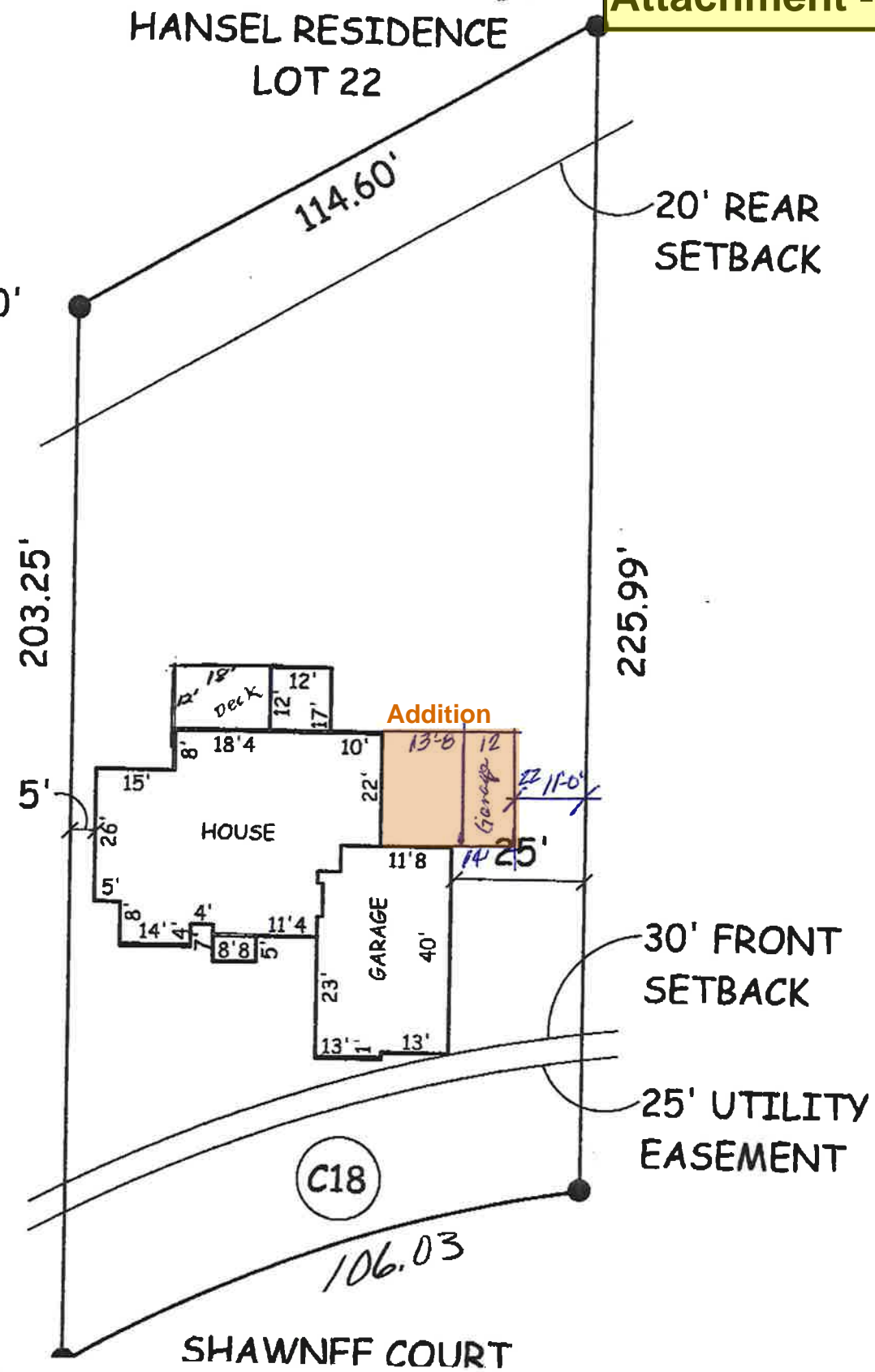


THE LEGENDS OF HOPEWELL CREEK SECOND ADDITION
 BETTENDORF, IOWA 52722

Attachment - C


HANSEL RESIDENCE
 LOT 22

SCALE: 1" = 30'



Zoning District R1
 Board of Adjustment Variance:
 no ___ yes ___ Dec/Order# _____

Front setback 30'
 Side setback min 5' total 20'
 Rear setback 40'

Indicate North 
 Scale 1" = 30'

Permit Record:
1410202-590 5/5/08

Legal Description Lot 22 The Legends of Hopewell Creek Second Addition

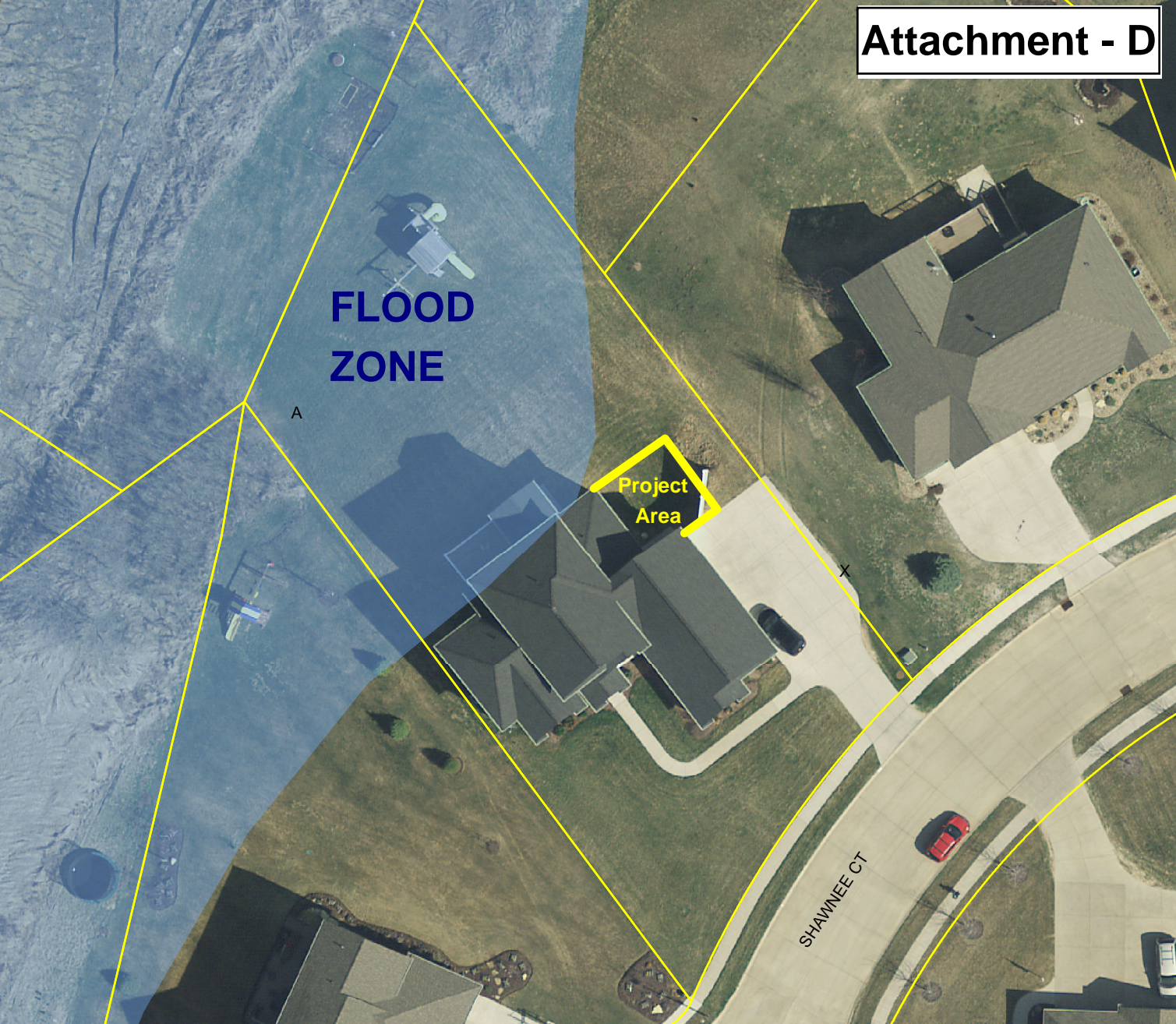
FLOOD
ZONE

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 & Alicia 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 23rd 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 23rd 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

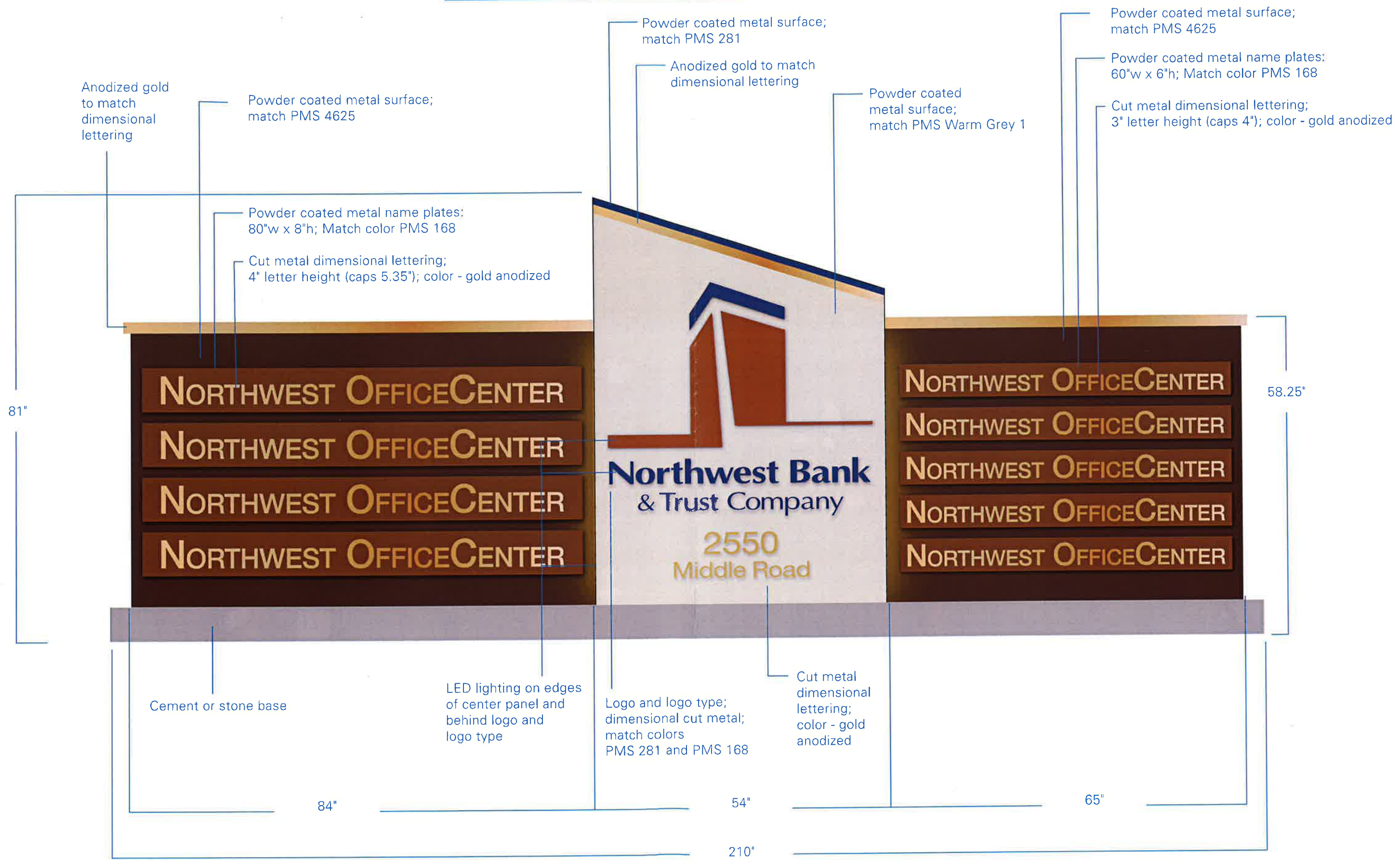
New Sign

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: JBSLAVENS@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.)

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 53rd 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.

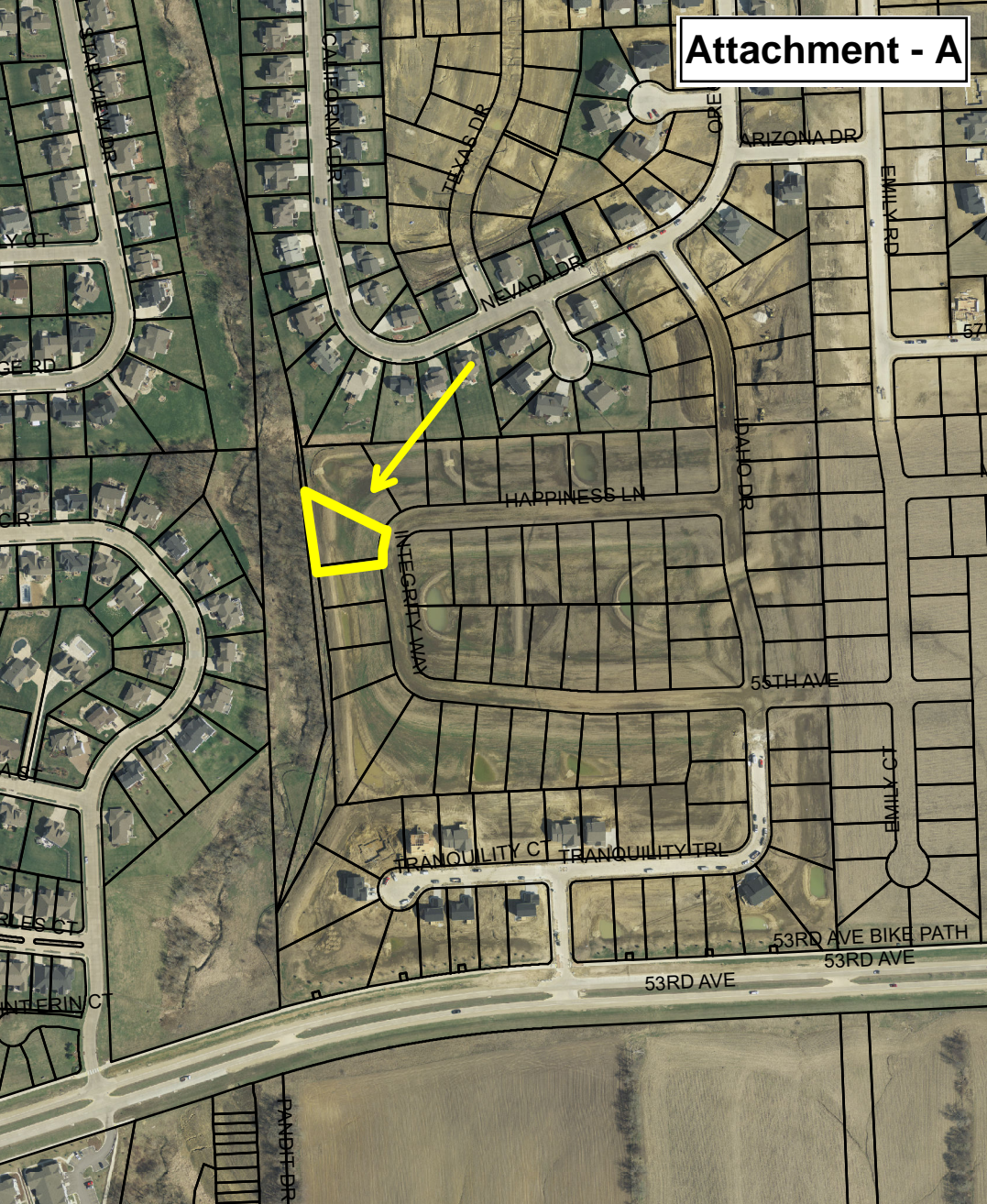
Staff Recommendation

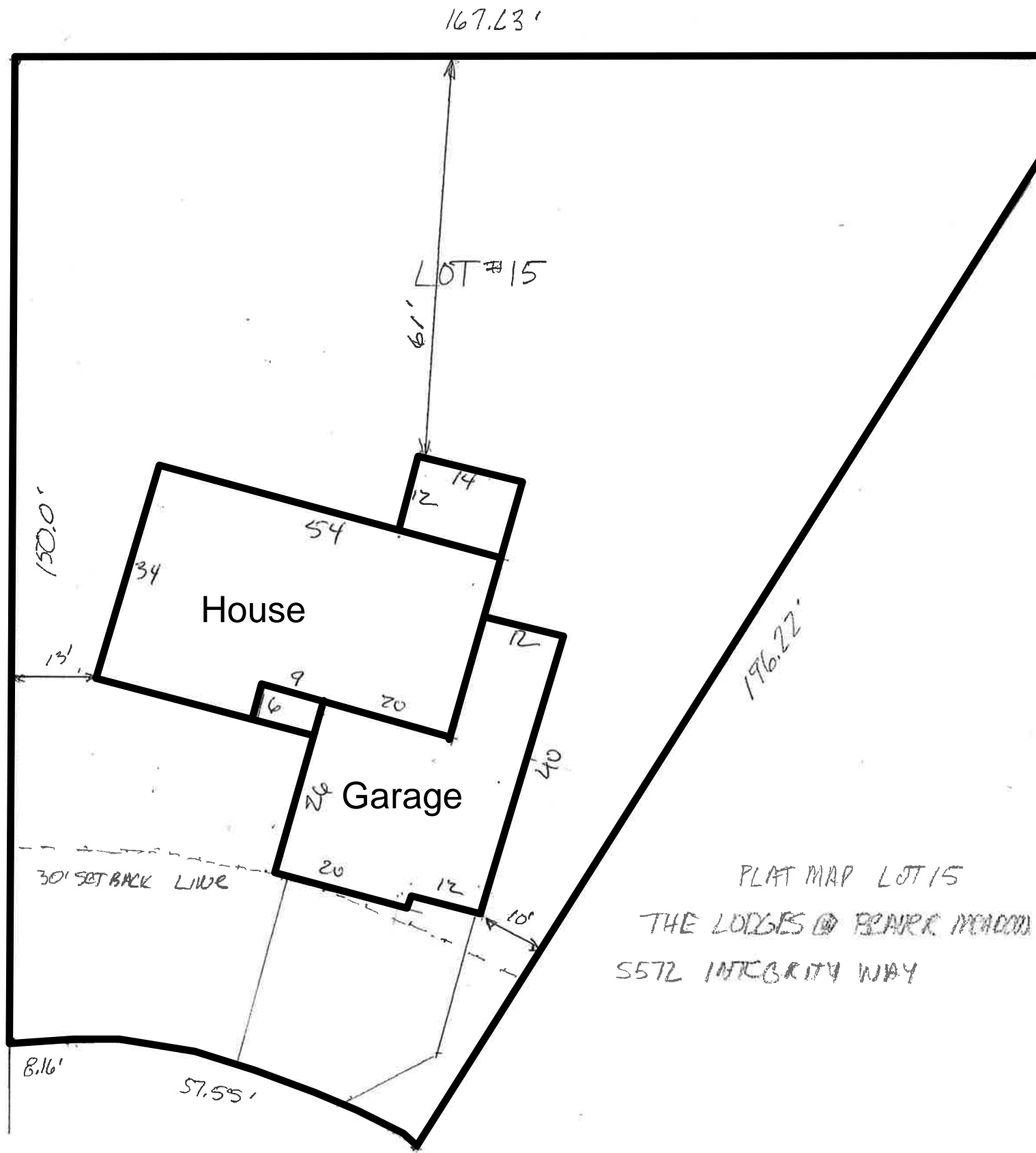
The request is consistent with the direction the Board has requested staff to take in the pending ordinance recodification and also consistent with other approvals granted by the Board.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A





167.23'

LOT #15

61'

150.0'

House

34

54

14
12

13'

House

9
6

20

12

Garage

26

40

196.22'

30' SETBACK LINE

20

12

10'

PLAT MAP LOT 15
THE LODGES @ PEARL MOUND
S572 INTEGRITY WAY

8.16'

57.55'



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.

- (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.

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.

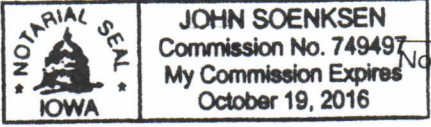
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this _____ day of _____, 20 ____.

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 53rd 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.

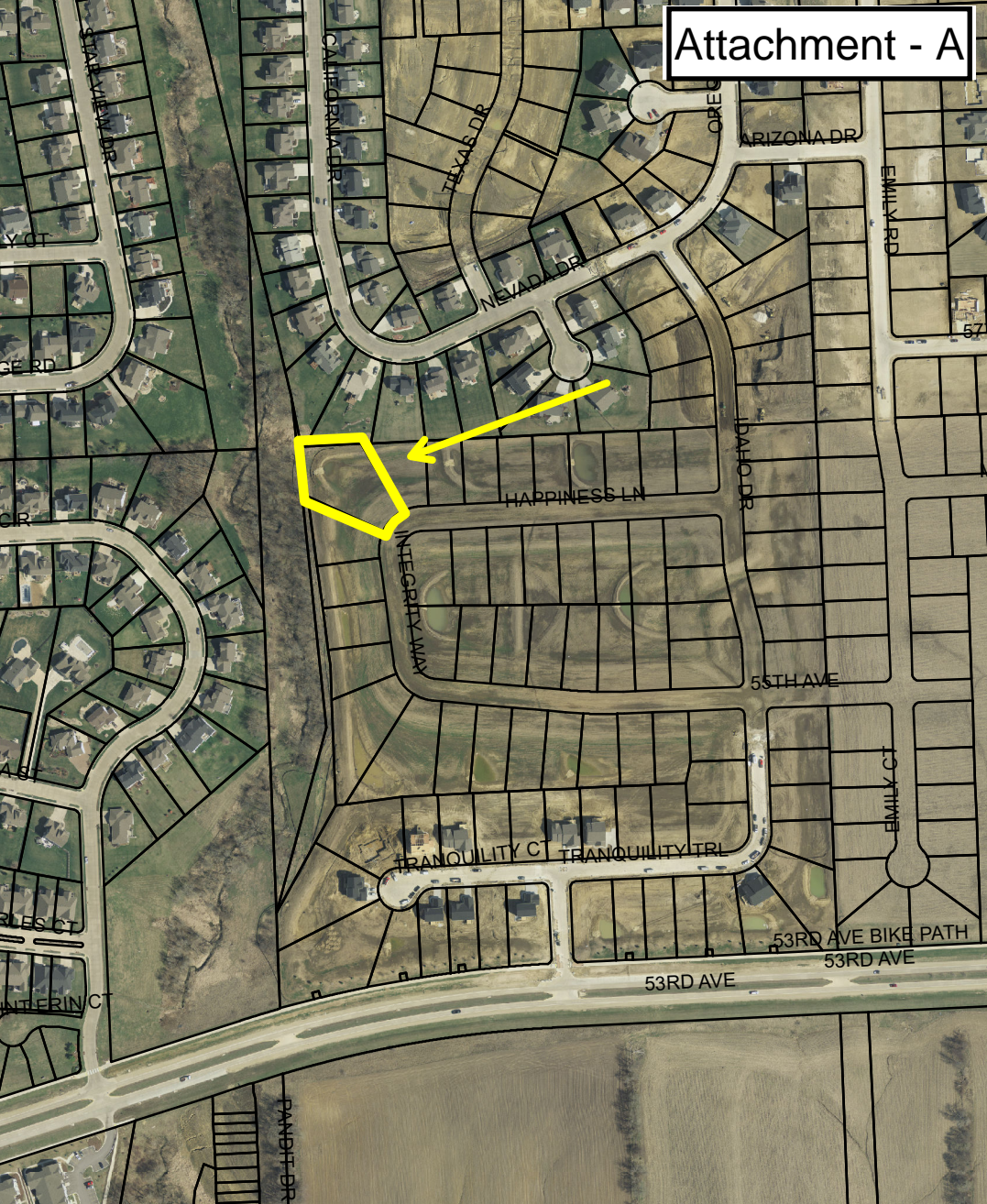
Staff Recommendation

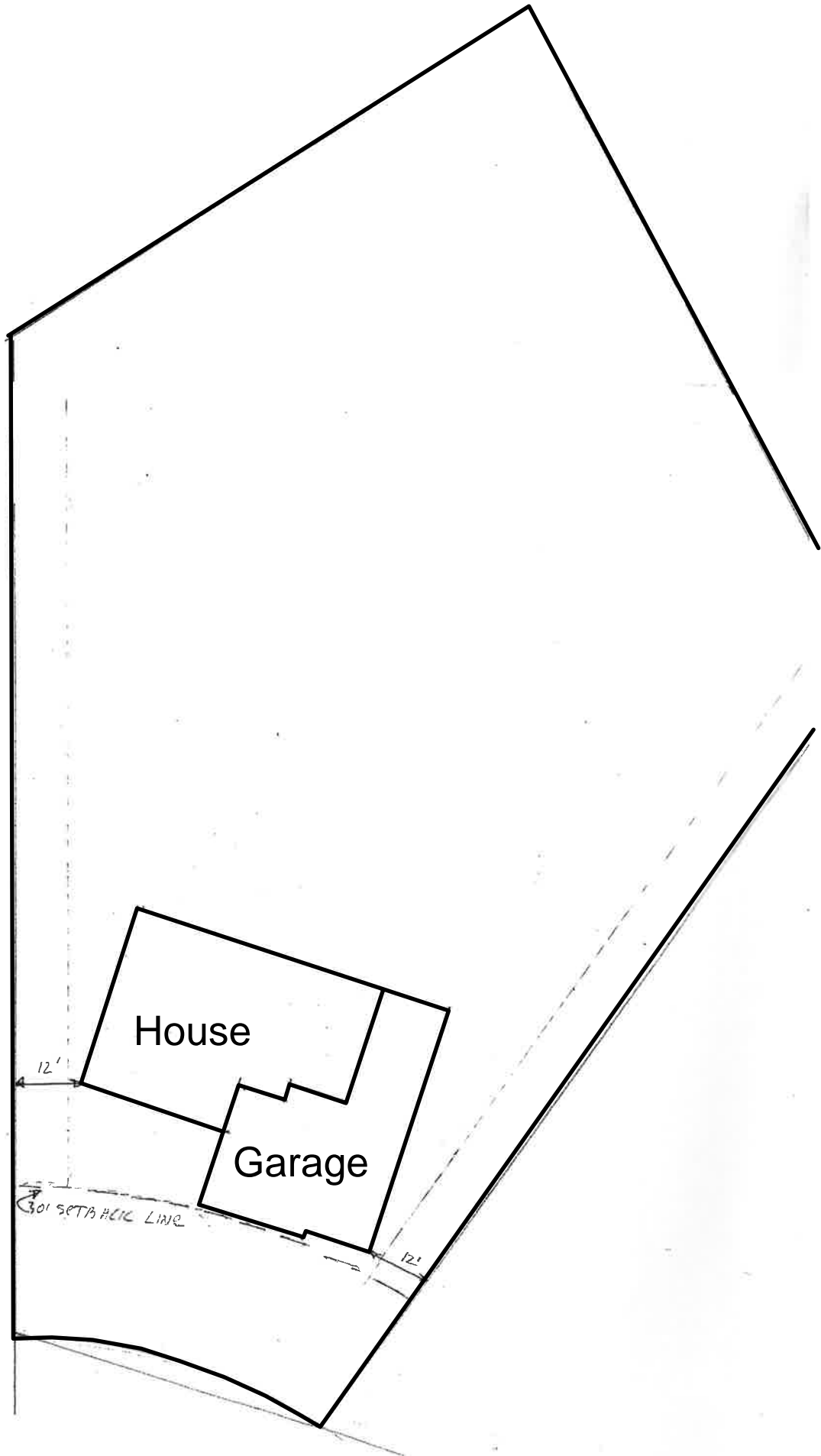
The request is consistent with the direction the Board has requested staff to take in the pending ordinance recodification and also consistent with other approvals granted by the Board.

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:

- (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.
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- (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.
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2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:

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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.

- (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.

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.

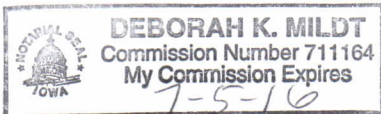
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this _____ day of _____, 20 ____.

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 24th 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 50⁰⁰ Date 3-24-14



COMMUNITY DEVELOPMENT

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

May 12, 2016

Staff Report

Case No. 16-024

Location: 3911 Sparrow Court

Applicant: Sampson Construction, Inc.

Zoning Designation: R-3, Single- and Two-family Residence District

Request: Variance to reduce the required rear yard setback from 25 feet to 10 feet to allow for construction of a 24-foot by 10-foot deck.

Background Information and Facts

The property is located south of the intersection of Middle Road and Belmont Road and is accessed by turning from Belmont Road onto Katie Lane and then onto Sparrow Court (see Attachment A – Location Map). The applicant is seeking a variance for a deck that has been constructed to the rear of the house that is within 10 feet of the rear property line (see Attachment B – Plot Plan).

Staff Analysis

In August of 2015 a pool permit was issued by the City for an aboveground swimming pool in the rear yard. According to Code, pools may be built within 10 feet of the rear property line.

After the pool was completed, the owner decided to add a 4-seasons room addition to the rear of the house and a deck connecting the 4-seasons room to the new pool. Staff reviewed the plans and approved the building permit for the room addition and deck. The room addition complies with Code requirements; however, because the setback requirements for decks are different than those for pools, the deck permit should not have been issued. The homeowner and contractor relied on the fact that the building permit was issued for the deck and naturally assumed that the deck was being constructed legitimately.

When the required on-site inspection of the construction (room addition and deck) was made, staff discovered the error.

The intent of the setback requirement is to ensure proper separation from neighboring structures. Attachment A illustrates that the rear property line is adjacent to an extremely large area that is commonly referred to as the antenna farm where numerous large commercial broadcast radio towers are located. Because the nearest tower is located over 400 feet away from the rear property line of the lot, and the next closest tower is over 550 feet away, separation would not be an issue.

Staff Recommendation

The setback issue in this case was caused by staff issuing a building permit in error and was not self-imposed by the applicant. The separation intent of the Code is being met because of the property's proximity to the antenna farm. If this situation is not corrected by the approval of a variance, it could jeopardize a future sale if a purchaser's home inspection reveals that the deck is non-compliant.

Respectfully submitted,

John Soenksen
City Planner

**LINDQUIST
FORD**

**PLEASANT
VALLEY
HIGH
SCHOOL**

SITE

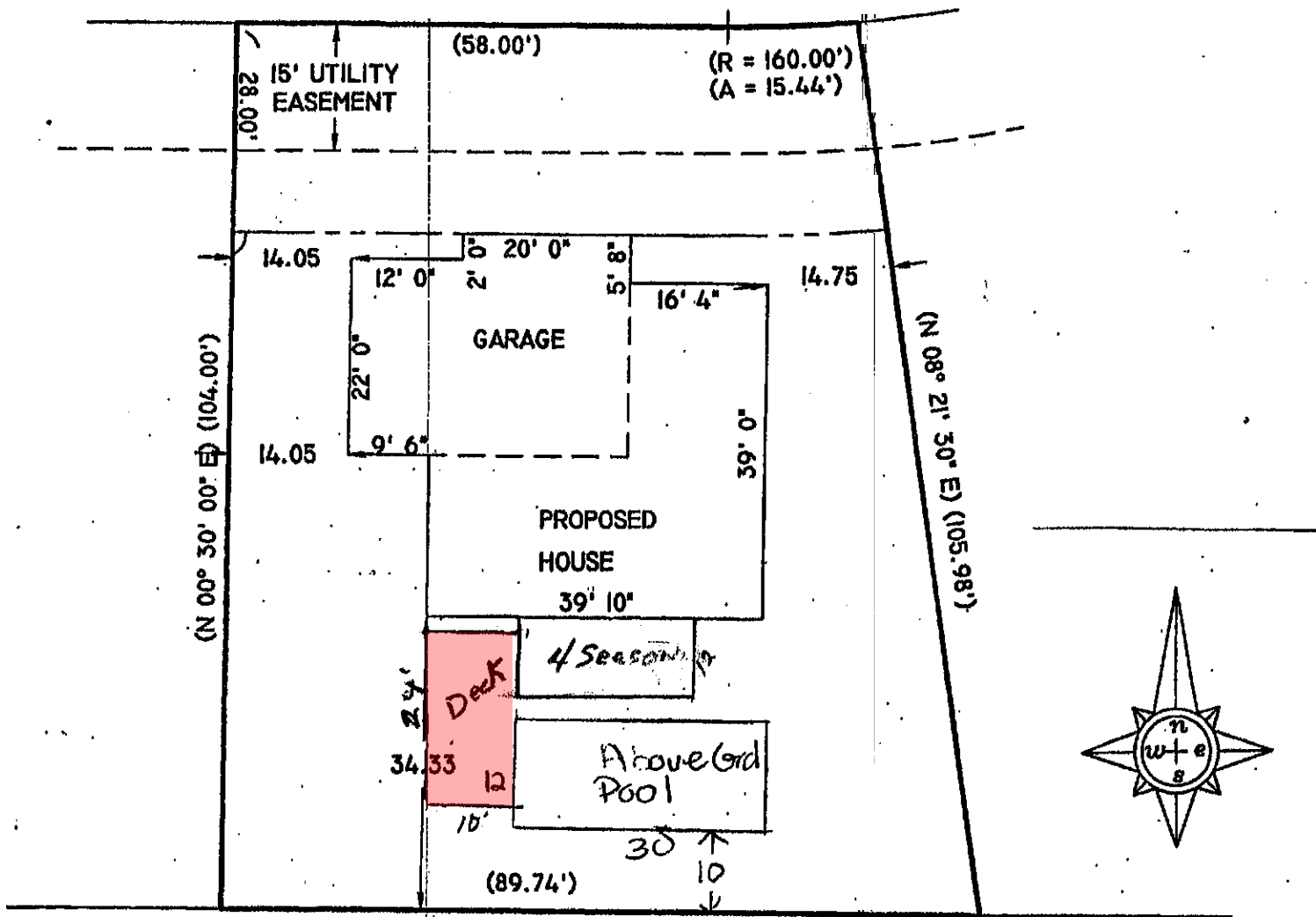
**ANTENNA
FARM**



CRAPNELL LAND SURVEYING COMPANY 814 EAST RIVER DRIVE, DAVENPORT, IA 52803, PHONE: (563) 336-3256

PLOT PLAN

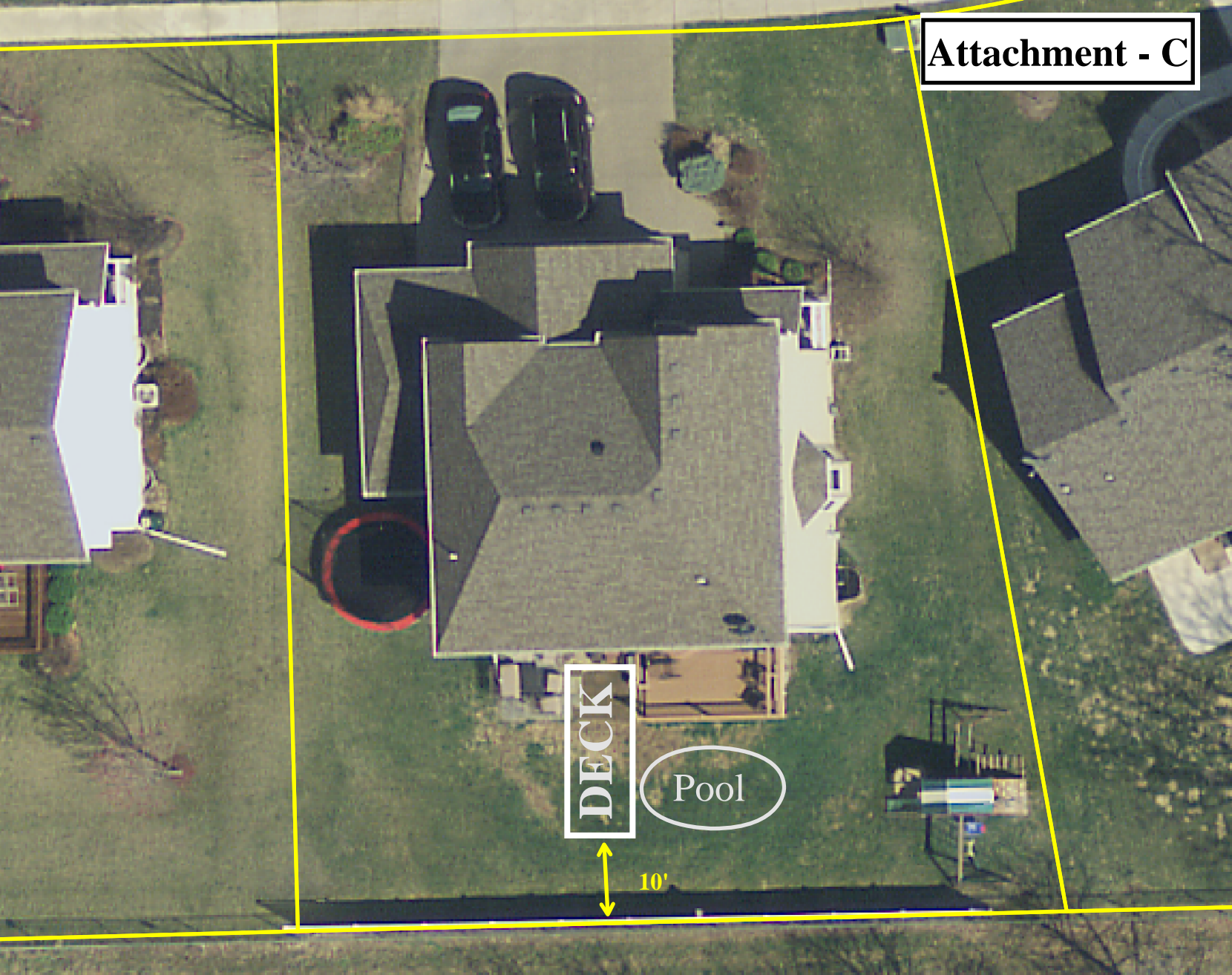
LOT 14 IN BELMONT MEADOWS
THIRD ADDITION TO THE CITY OF
BETTENDORF, IOWA.



Zoning District R3

Front setback 25





DECK

Pool

10'

April 26
May 12 Meeting



Case No. 16-024

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

Part 1. Property Involved.

Street Address 3911 Sparrow Court

Legal Description of the property. Belmont Meadows 3rd Addition
Lot 14

Part 2. Contact Information.

Applicant Name Sampson Construction Inc Phone 563-324-1448
Address 4109 Rockingham Rd Davenport IA 52802 FAX 563-324-0041
E-mail Address: SampsonConstruction@outlook.com

Owner Name Tracy & Janice Bruce Phone _____
Address 3911 Sparrow Ct. Bettendorf IA 52222 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.
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 - (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.

Permit was issued.
Deck was built per plan submitted to the city
Inspection Dept issued permit accidentally - not taking
into account the rear yard set back and was
realized upon site framing inspection.

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.

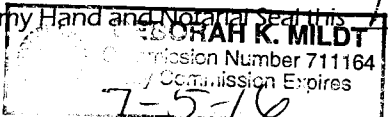
Part 7. Signature.

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 18th day of April, 2016.

Signature of Applicant Peggy Robertson 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 18th day of April, 2016

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 Deborah K. Mildt
Amount 50⁰⁰ Date 4-18-16



COMMUNITY DEVELOPMENT

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

May 12, 2016

Staff Report

Case No. 16-025

Location: 3128 Marynoel Avenue

Applicant: Sampson Construction, Inc.

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

Request: Variance to reduce the required rear yard setback from 40 feet to 26 feet to allow construction of a 14-foot by 16-foot room addition.

Background Information and Facts

The site is located just north of the intersection of Marynoel Avenue and Cardinal Road and is accessed from Field Sike Drive (see Attachment A – Location Map). The applicant would like to expand an existing rear deck and add a 14-foot by 16-foot room addition to the rear of the home (see Attachment B – Project Illustration and Attachment C – Plot Plan). If allowed, the room addition would encroach 14 feet into the required 40-foot rear setback.

Staff Analysis

Because lots in R-1 districts are typically larger than in other residential districts and the homes have larger footprints, larger setbacks are required. The lot in question is approximately one-quarter acre (11,475 square feet), and the home has a footprint of approximately 3,350 square feet. As shown in Attachment – B, the structure already occupies most of the lot’s buildable area.

The applicant points out the fact that the rear property line of the lot is adjacent to a large outlot which is 137,721 square feet in size (see Attachment D – Plat). The outlot is dedicated for storm water storage use and will not be further developed. Therefore, the applicant feels that the separation intent of the setback will still be served because of the proximity of the adjacent outlot.

The rear setback line for the existing structure is consistent with that of the neighboring properties (see Attachment E – Setback Illustration). The proposed encroachment will not be consistent with the surrounding properties and will not match the established aesthetics of the neighborhood.

Staff Recommendation

Staff cannot identify a hardship associated with this request.

Respectfully submitted,

John Soenksen
City Planner



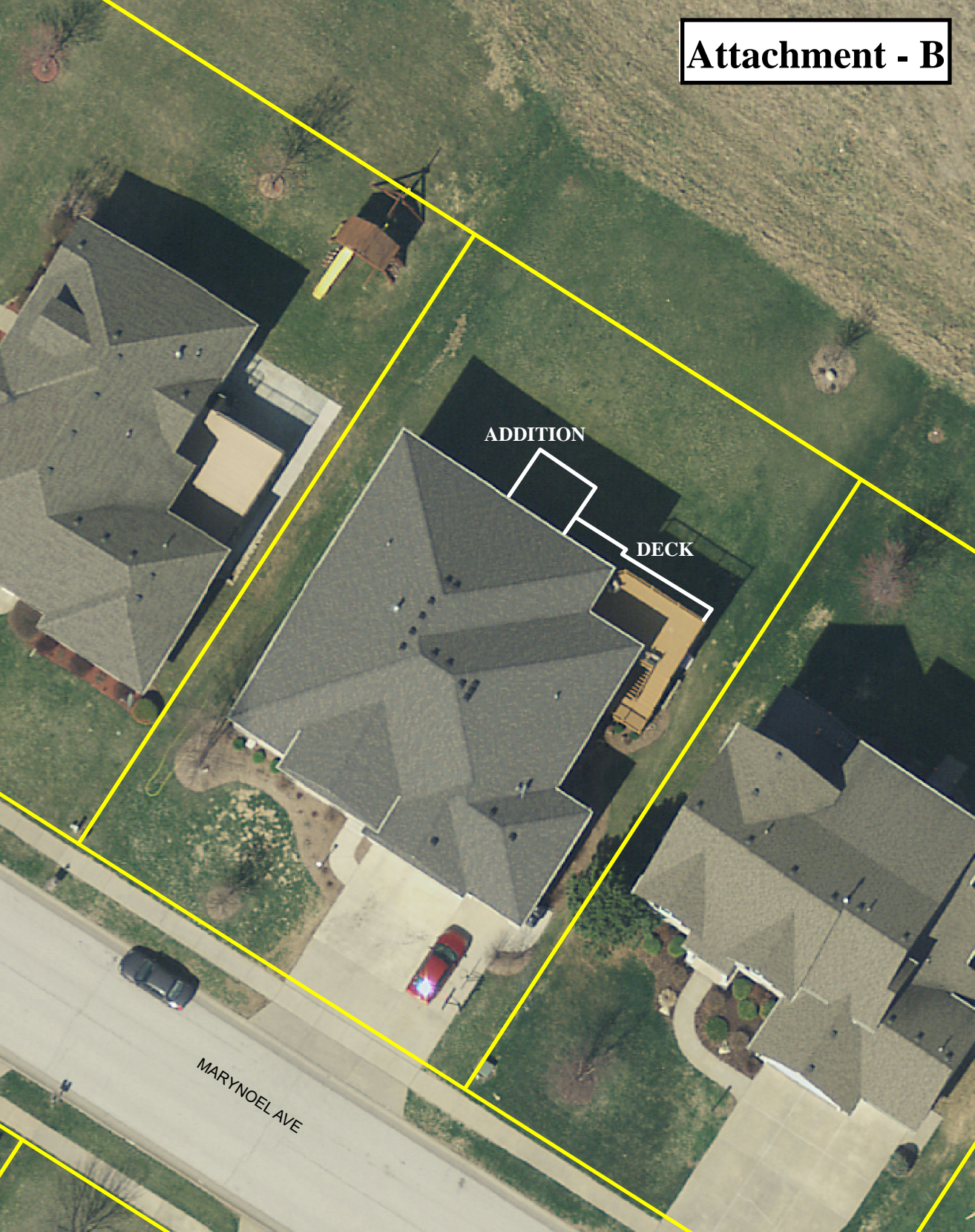
SITE

CARDINAL RD

MARY NOEL AVE

Field Sike Road

Attachment - B



ADDITION

DECK

MARYNOEL AVE

PART OF THE
TOWNSHIP 78 N
BETW

* NOTE *

...L BE OWNED BY THE HOMEOWNERS
AND MAINTAINED BY THE CITY OF

McCarthy Improvement Co.
& Linwood Stone Products Co. Inc.

NORTH LINE OF THE NW 1/4 OF SECTION 10

1622.28'

NW CORNER, NW 1/4
SEC. 10-T78N-R4E
FOUND BROKEN MONUMENT

756.28'
544.29'

N10°05'22"E
47.59'

N 77°23'05" E

LOT 64
37 S.F.
0.86 Ac.

LOT 63
20,520 S.F.
0.471 Ac.

LOT 62
26,406 S.F.
0.606 Ac.

OUTLOT 2
137,721 S.F.
3.161 Ac.

15' UTILITY
EASEMENT

15' SANITARY
SEWER & UTILITY
EASEMENT

CARDINAL ROAD

15' UTILITY
EASEMENT

30' BUILDING
SETBACK LINE

LOT 54
11,475 S.F.
0.263 Ac.

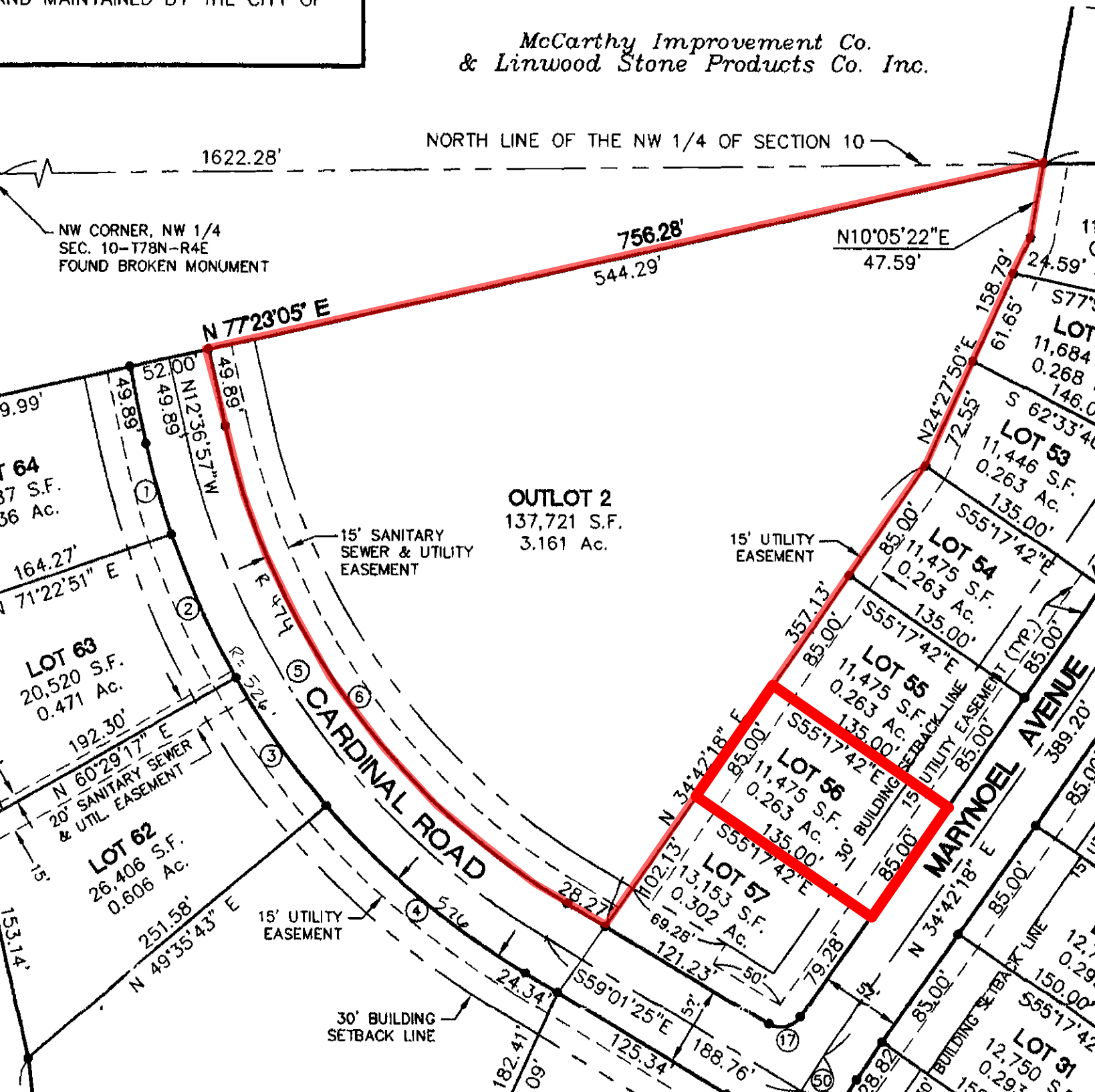
LOT 55
11,475 S.F.
0.263 Ac.

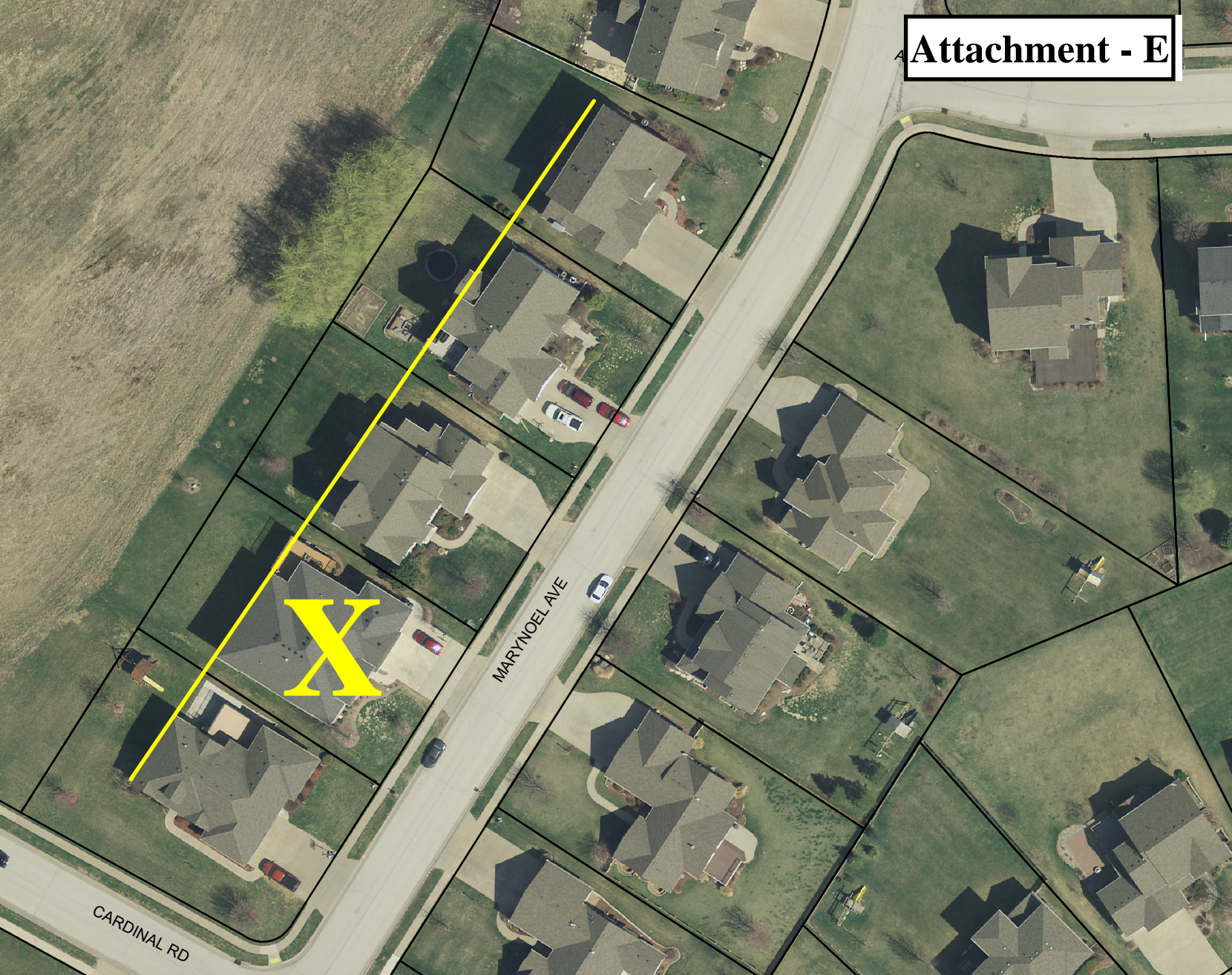
LOT 56
11,475 S.F.
0.263 Ac.

LOT 57
13,153 S.F.
0.302 Ac.

MARYNOEL AVENUE

LOT 31
12,750 S.F.
0.293 Ac.





MARYNOEL AVE

CARDINAL RD

X



Case No. 16-025

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

Part 1. Property Involved.

Street Address 3128 Marynoel Avenue

Legal Description of the property. Valleywinds 3rd Addition Lot 056

Part 2. Contact Information.

Applicant Name Sampson Construction Inc Phone 563-324-1448
Address 4109 Rockingham Rd Davenport IA FAX 563-324-0041
E-mail Address: Sampsonconstruction@outlook.com

Owner Name Ed Lindsey Phone 563-570-7653
Address 3128 Marynoel Ave Bettendorf IA FAX _____
E-mail Address: _____

Agent _____ Phone _____
Address _____ FAX _____
E-mail Address: _____

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

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

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

Part 4. General Information.

Section(s) of Zoning Ordinance Involved _____ Existing Zoning _____

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

- (a) It shall be the property owner's responsibility to show that the terms of this ordinance will impose unusual and practical difficulties or particular hardships. The hardship established by the property owner must not be SELF-IMPOSED. A self-imposed hardship is NOT justification for the approval of a variance request.
- (b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance.
- (c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected.
- (d) That by granting the request for a variance substantial justice shall be done.

To build a 14' x 16' room addition to back of home.
Support posts would go 9' into set back area.
Set back is 40' and includes a retention area - so
no other structures will be built behind this home.
This room addition will not encroach on utility easement.

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

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

Part 7. Signature.

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

Signature of Applicant [Signature] Signature of Owner Ed Lindsey
 (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 20 day of April, 20 16.

[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 4/20/16





COMMUNITY DEVELOPMENT

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

May 12, 2016

Staff Report

Case No. 16-026

Location: 5780 Jenny Lane

Applicant: Ember Arnholz

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

Request: Variance to increase the allowable garage area from 720 square feet to 880 square feet.

Background Information and Facts

The site is located off of Moencks Road and is on the north side of Jenny Lane (see Attachment A – Location Map). Recently the property owner of 5760 Jenny Lane subdivided his existing lot into two. This request involves the newly-created lot (see Attachment B – New Lot Illustration). The detached garage seen straddling the property line in Attachment B will be removed as a result of this project. The applicant would like to build a new home with an attached oversized three-car garage (see Attachment C – Plot Plan). The chosen house/garage plan includes a garage that exceeds the allowable garage area by 160 square feet.

Staff Analysis

The Board has given staff direction several times in the past by indicating that they would like staff to draft an ordinance amendment that will address this type of request under certain conditions. They have indicated that if the house plan is aesthetically-pleasing and does not detract from the aesthetics of the established neighborhood they would not necessarily be opposed to a garage that exceeds the current allowable garage area ratio. The chosen house plan appears to satisfy those criteria (see Attachment D – House Plan Illustration and Attachment E – Neighboring House Illustrations).

As a related update to this request, the City of Bettendorf has contracted with RDG of Des Moines to revise the current zoning ordinance. That revision will include an ordinance which addresses the allowable garage area issue.

Staff Recommendation

The request is consistent with the Board's stated goal of an ordinance revision that will be considered in the future as a part of the revision of the city's zoning ordinance.

Respectfully submitted,

John Soenksen
City Planner



SITE

CLEMENS RD

JENNY LN

MOENCKS RD

NORTH ST

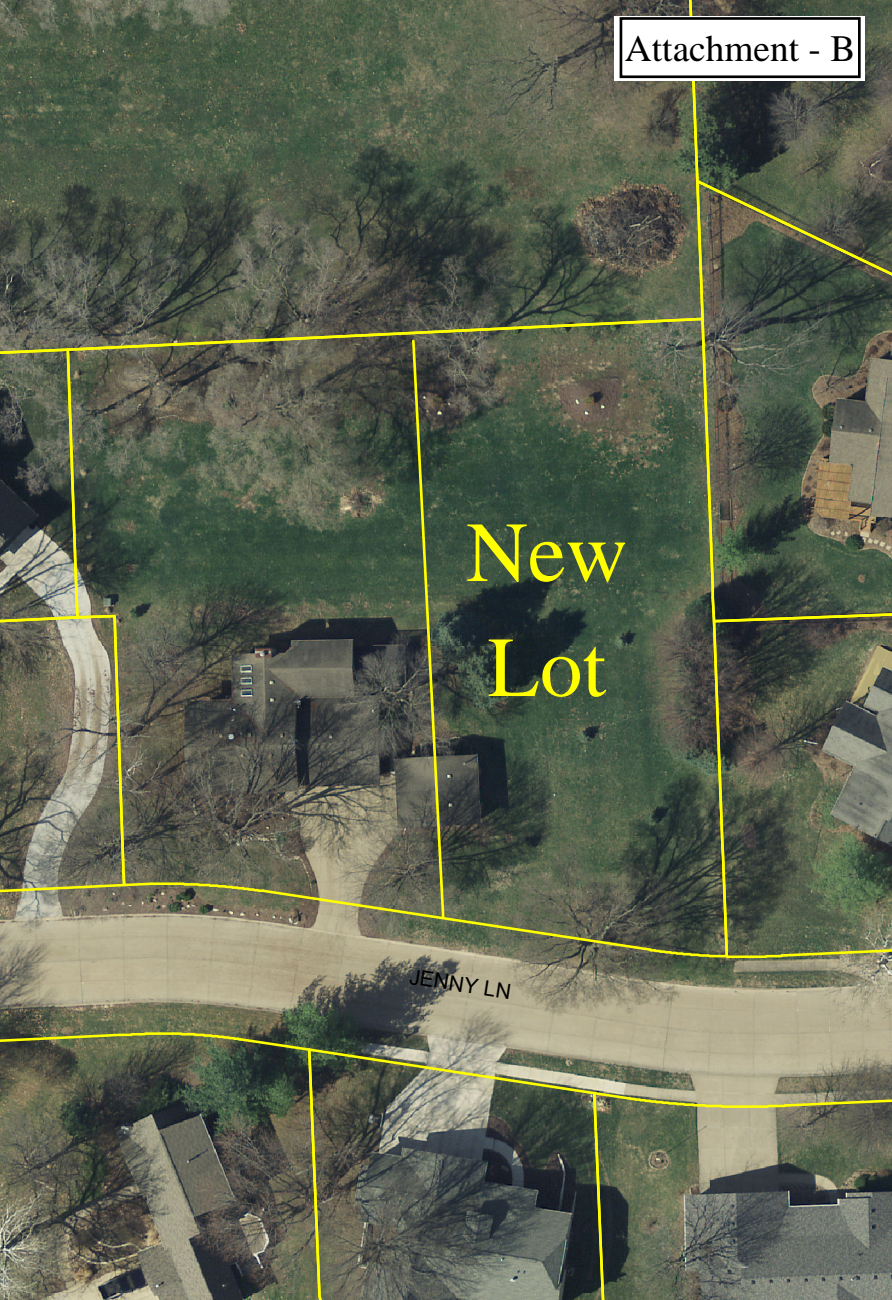
SHORT ST

WOODHOLM LN

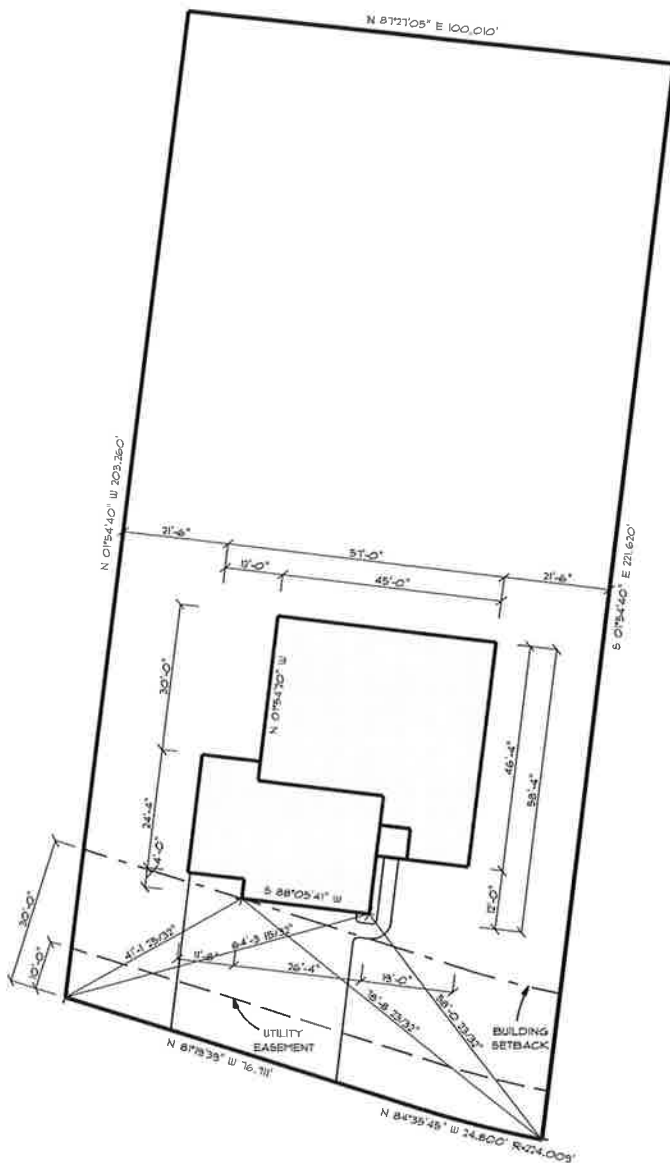
LITTLE LN

New Lot

JENNY LN



PLOT PLAN

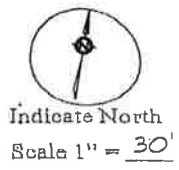


Zoning District _____
 Board of Adjustment Variance;
 no ___ yes ___ Dec/Order# _____
 Permit Record;

Front setback _____
 Side setback min _____ total _____
 Rear setback _____
 Legal Description _____

 Building Address _____

 Contractor _____







Case No. 16-026

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

Part 1. Property Involved.

Street Address 5780 Jenny Ln, Bettendorf, IA 52722

Legal Description of the property. Lot 2 of Gegners First Addition to the City of Bettendorf, IA

Part 2. Contact Information.

Applicant Name Bryan Daxon and Ember Arnholz Phone 563-676-6997

Address 19490 258th Ave., Bettendorf, IA 52722 FAX _____

E-mail Address: bdaxon@daxonconstruction.com

Owner Name Ember Arnholz, Bryan Daxon, Waldo Arnholz Phone 563-349-8842

Address 5839 Little Ln., Bettendorf, IA 52722 FAX _____

E-mail Address: bdaxon@daxonconstruction.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 Garage, Private Existing Zoning page 6&7

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.

We are looking to construct a new home on a 1/2 acre parcel. The house will have 1737 sq ft above grade and we would like it to include a 3 car attached garage approx. size 880 sq ft.
Completed research of property sales within 5 miles of the home that we are looking to build that have been constructed within the most recent 2 years. These properties show having above grade sq ft of similar size as well as similar garage sq ft. to that of the home we are looking to build. See attached examples.

We feel constructing a home with a 3 car garage will have a positive impact in the neighborhood. Exterior of home will meet the standards of neighboring homes.

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.)
- (X) 3. Floor plan if internal design of building is part of application.
- (X) 4. List additional attachments. House Plans and 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 25 day of April, 2016.

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 25th day of April, 2016.



[Signature]
 Notary Public in and for Scott County, Iowa
 Received by [Signature]
 Amount \$50.00 Date 4/25/2016

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



COMMUNITY DEVELOPMENT

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

May 12, 2016

Staff Report

Case No. 16-027

Location: 4555 Utica Ridge Road

Applicant: Katie Sommers

Zoning Designation: C-2, Community Shopping District

Request: Variance to reduce the required front yard setback for parking from 20 feet to 0 feet and to reduce the required sign setback from 20 feet to 5 feet.

Background Information and Facts

The site is located at the southeast corner of Utica Ridge Road and Crow Creek Road (see Attachment A – Location Map). The applicant would like to add parking and a business sign within the front setback.

Staff Analysis

PARKING

The applicant would like to add a row of parking spaces in the required front yard adjacent to Utica Ridge Road (see Attachment B – Parking Request). If allowed, the parking configuration would be similar to that of Christ’s Family Church which is located north of the site in Davenport (also shown on Attachment B). The original site plan for the property showed parking in the general vicinity of where it is now being proposed (see Attachment C – Site Plan). The parking adjacent to Utica Ridge Road was never actually installed, and it also appears that the building is closer to Utica Ridge Road than was originally planned as shown on the site plan (see Attachment D – Omitted Parking Illustration). Because the building was built closer to Utica Ridge Road than indicated on the site plan a variance is required for the front yard parking. There is a 25-foot separation between the two rows of parking to the rear (east) of the building to allow vehicles to back out of the parking spaces safely without striking vehicles parked behind. If the variance is granted, the same separation will be allowed in the front (west) of the building allowing the same safety margin (see Attachment E – Parking Separation).

While not routine, there is precedence for allowing parking within the required front setback. There is front yard setback parking at:

- Hy-Vee on Devils Glen Road (Attachment F)
- Duck Creek Plaza on Middle Road (Attachment G)
- Several businesses on 18th Street (Attachment H)

The real estate business on the site is seeing significant expansion, and there is a need for expanded parking. From a parking standpoint, the site is landlocked and on-street overflow parking is not an option. Parking is prohibited on Utica Ridge Road and on Crow Creek Road. The nearest available on-street parking is located on Bunker Hill Drive and would require customers to walk a distance of over 500 feet to access the business. Staff does not want to encourage parking for a business in a residential area and on-site parking for a business is far more desirable. Staff is encouraging the applicant to address the parking problem on-site. If allowed, the parking plan will be similar to neighboring parking as listed above.

If allowed, staff would suggest some type of planting buffer between the parking and the sidewalk adjacent to Utica Ridge Road.

SIGN LOCATION

One of the new parking spaces shown on Attachment B would be eliminated to accommodate the relocation of the business sign.

The proposed placement of the new sign, within 5 feet of the front property line, would match the placement of the existing sign next door at Miller-Meier Limb and Brace at 4505 Utica Ridge Road. That sign was approved by a previous variance. Therefore, if approved, the sign placement will also be similar to the existing conditions of the neighborhood.

The applicant is looking at several potential sign designs. All of the potential designs appear to be compatible with other existing signs on the Utica Ridge Commercial Corridor (see Attachment I – Sign Illustrations).

Staff Recommendation

The applicant has expressed an urgent need for additional parking. Due to the constraints of the site and total lack of available off-site parking, the parking and sign placement plan appears to be the only alternative available..

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



COMMERCE BLVD

UTICA RIDGE RD

PROGRESS DR

CROW CREEK RD

VILLAGE DR

SITE

BUNKER HILL DR

SQUIRE CT

TERRACE PARK DR

Hospital



CROW CREEK RD

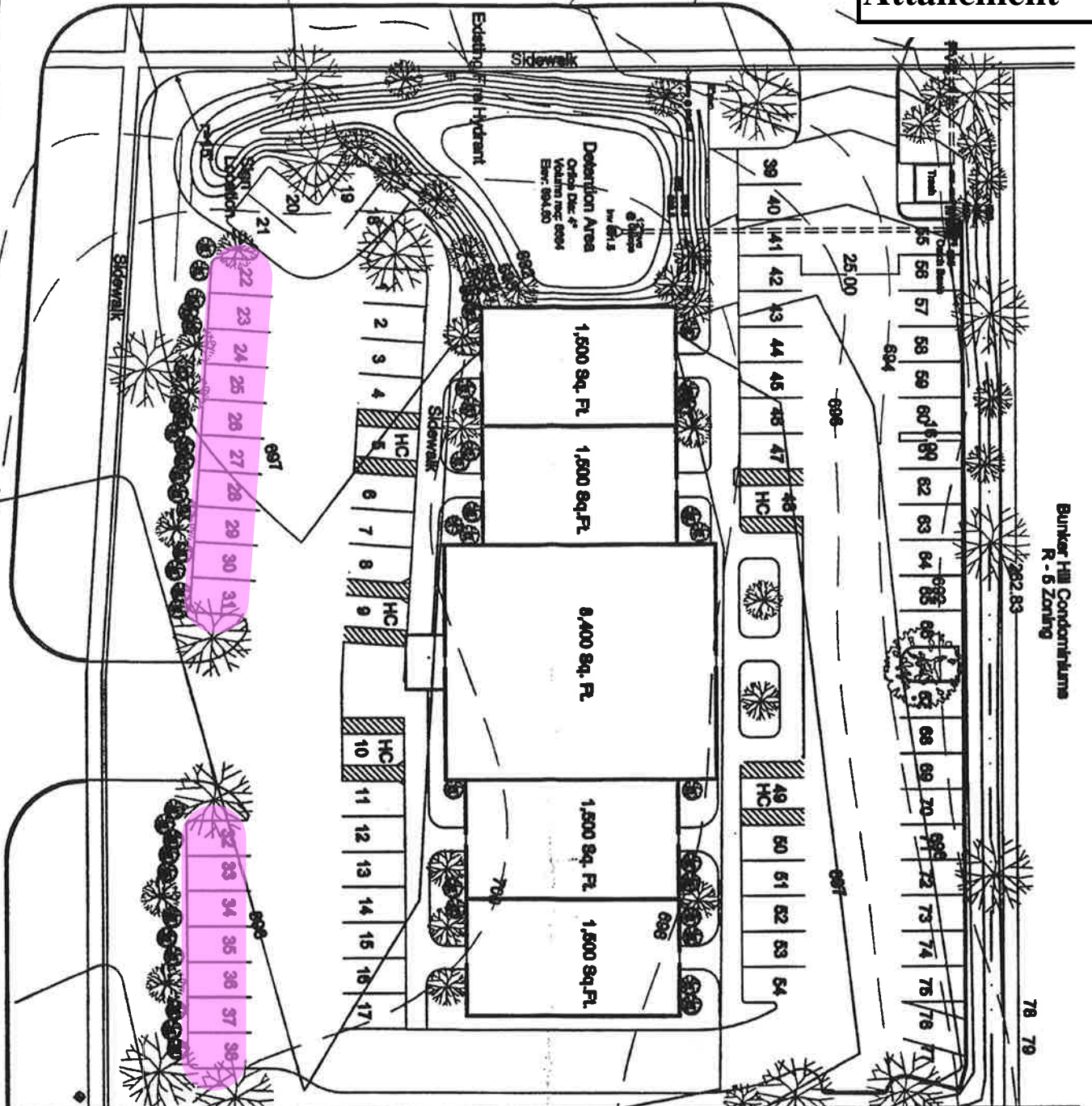
CROW CREEK RD

UTICA RIDGE RD

5' set back
on sign

5' set back

7



Bunker Hill Condominiums
R - 5 Zoning

Site Plan for

RE/MAX Centre

Re/Max River Cities

Developer:

Swanwick Development
Tom Swanwick
2395 Tech Drive
Bettendorf, Iowa
319332-9900



Site: 68,680.0 Square Feet Zoning: C - 2

Legal: Lots 1, 2 & 3 of the replat of Lot 77 Terrace Park

Building: 14,400 Square Feet, 10,200 first floor, 4,200 Second Floor

Parking Required: For retail sales 80 spaces, for offices 48

Garage: 20 spaces, Office use is proposed for the building

Site area subject to contract: 5 required 10 provided

Trash area to be screened.

Curb to be provided along east parking lot boundary to direct drainage to the intake for the desertion pond.

Note: The City has indicated that in the event that Utica Ridge Road is improved that there is a chance that the entrance on Utica Ridge will be a right turn iv right turn out access. The front parking lot is for customers and the rear lot is for employees. No cut through is being proposed.

Emergency turn areas are provided.

Note: All walkways will have access ramps across drives.

Miller - Meier
 C - 2 Zoning
 Scale: 1" = 20'
 North

Design & Development Group Ltd.
 1225 East River Drive, Suite 108
 Des Moines, Iowa 50319
 Phone: 515-281-3119
 Fax: 515-281-3060

◆ New fire hydrant to be installed in the future by others.

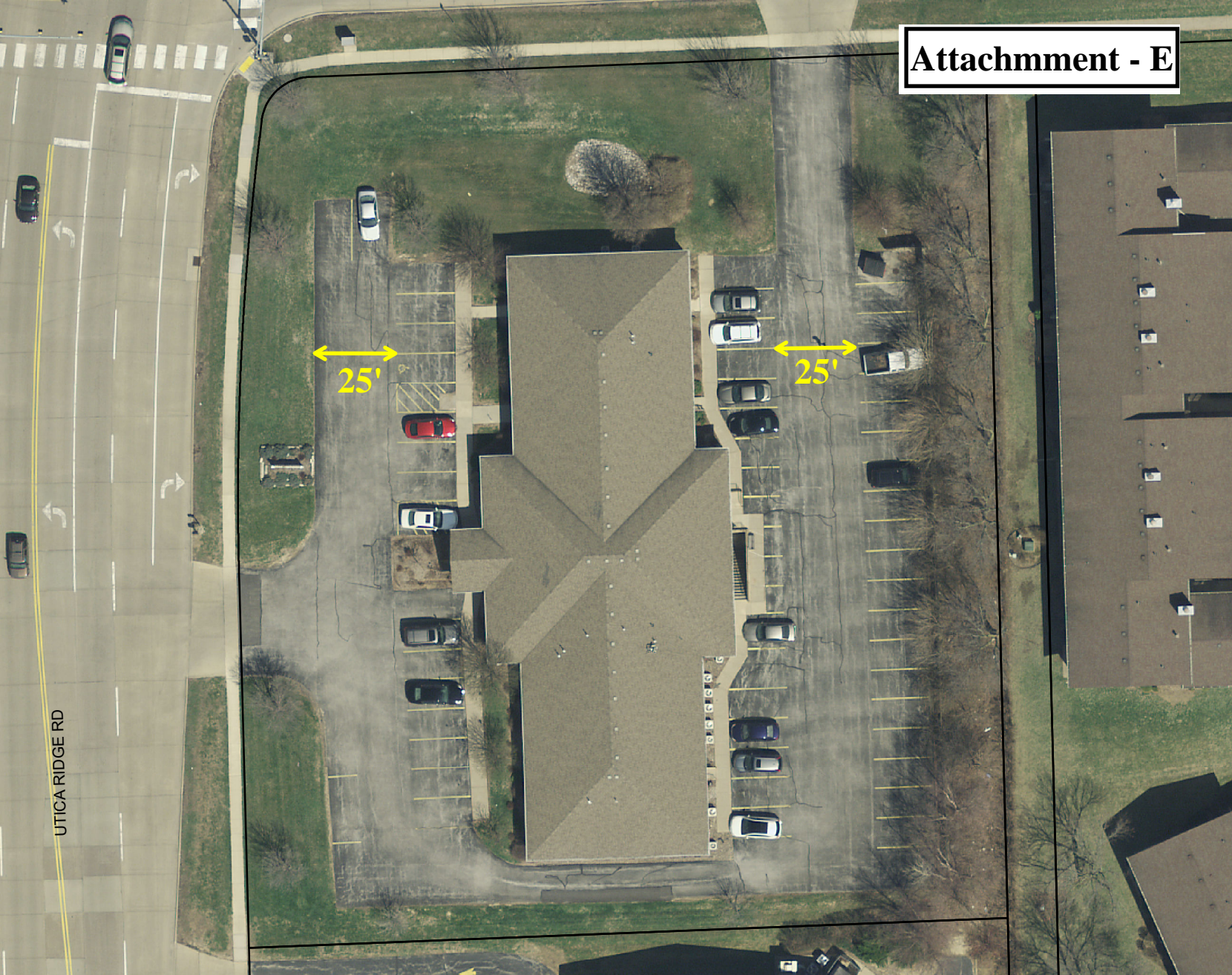
UTICA RIDGE RD

Parking Never Installed As Planned

Attachment - D



Attachment - E



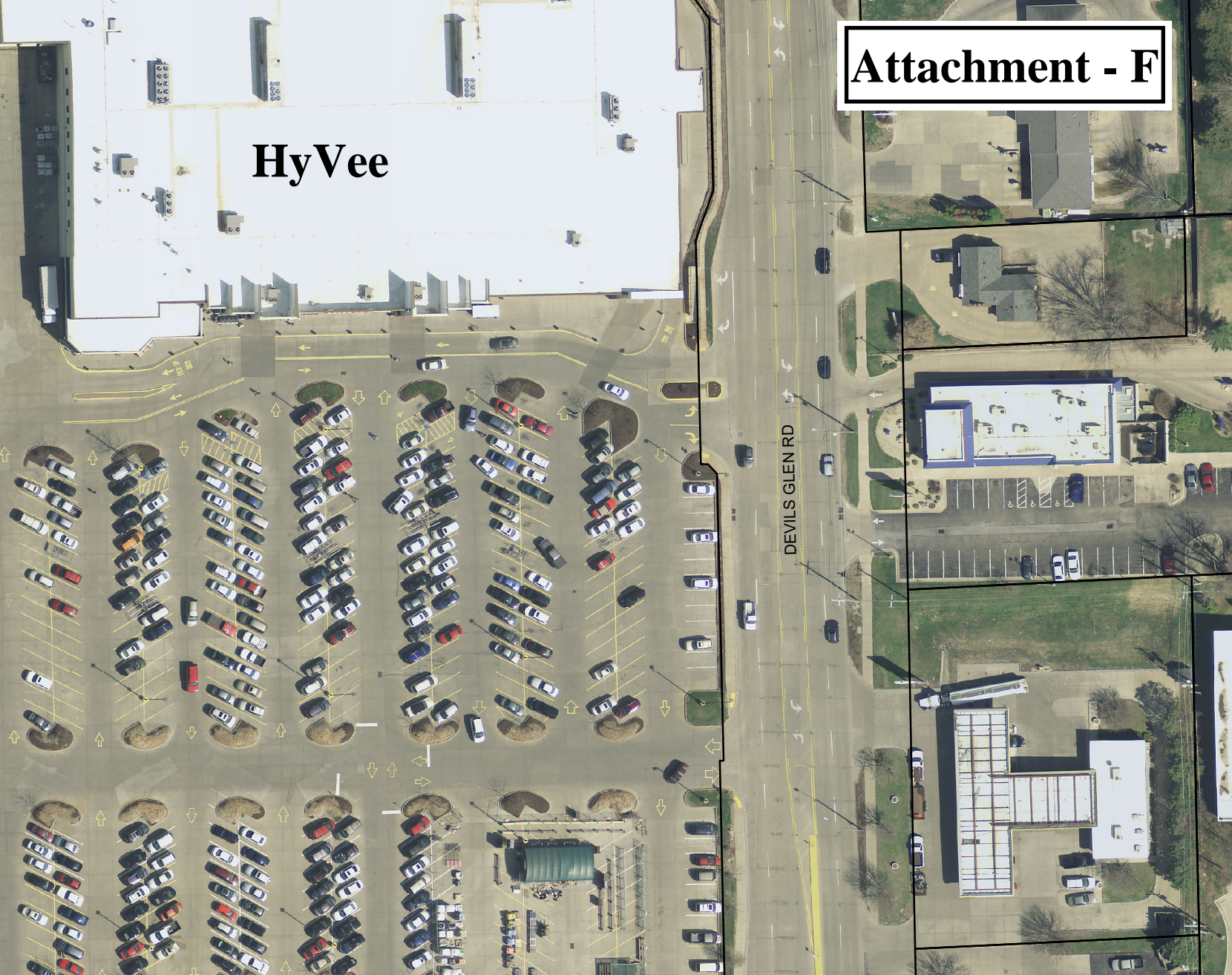
UTICA RIDGE RD

25'

25'

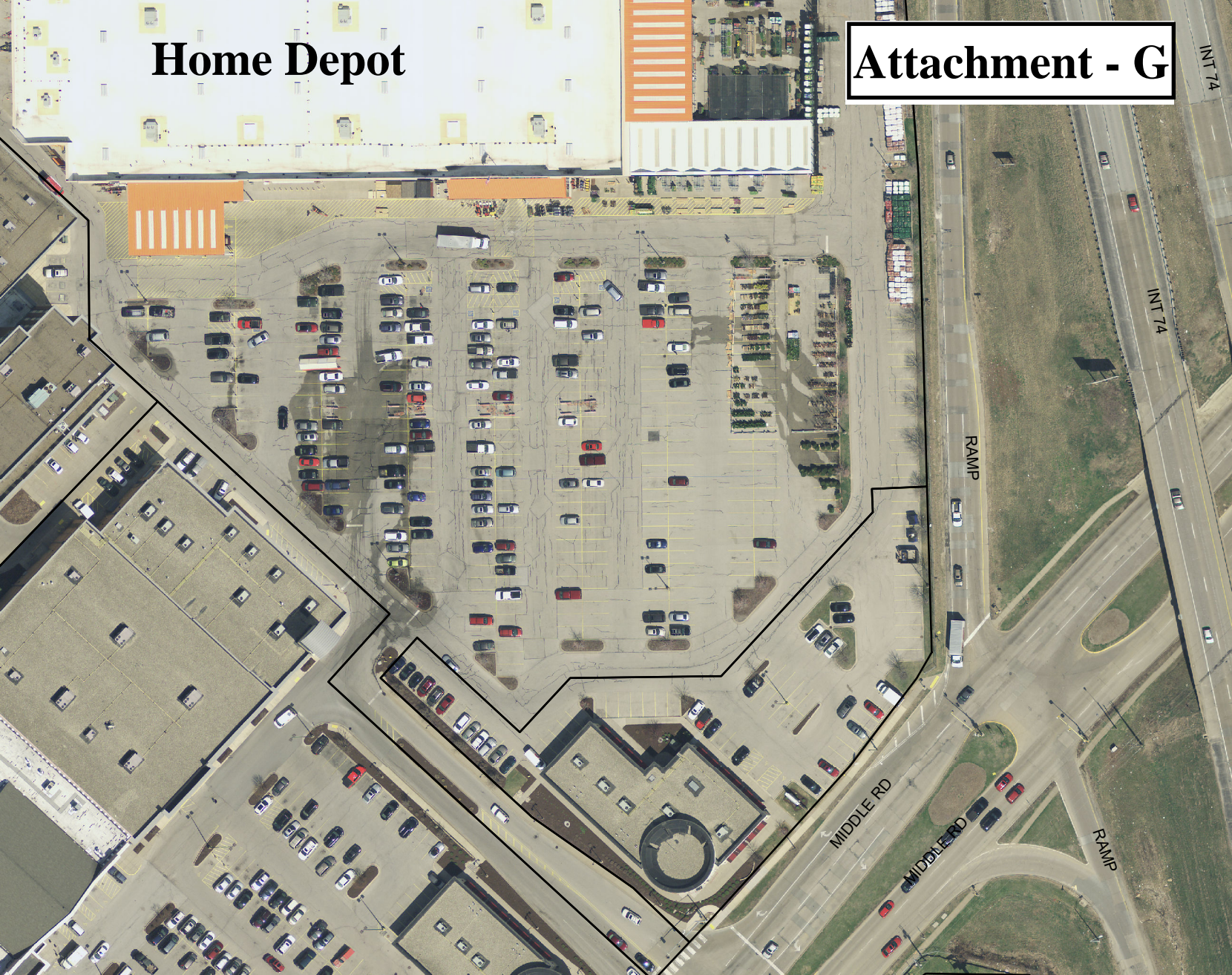
Attachment - F

HyVee



Home Depot

Attachment - G



Attachment - H

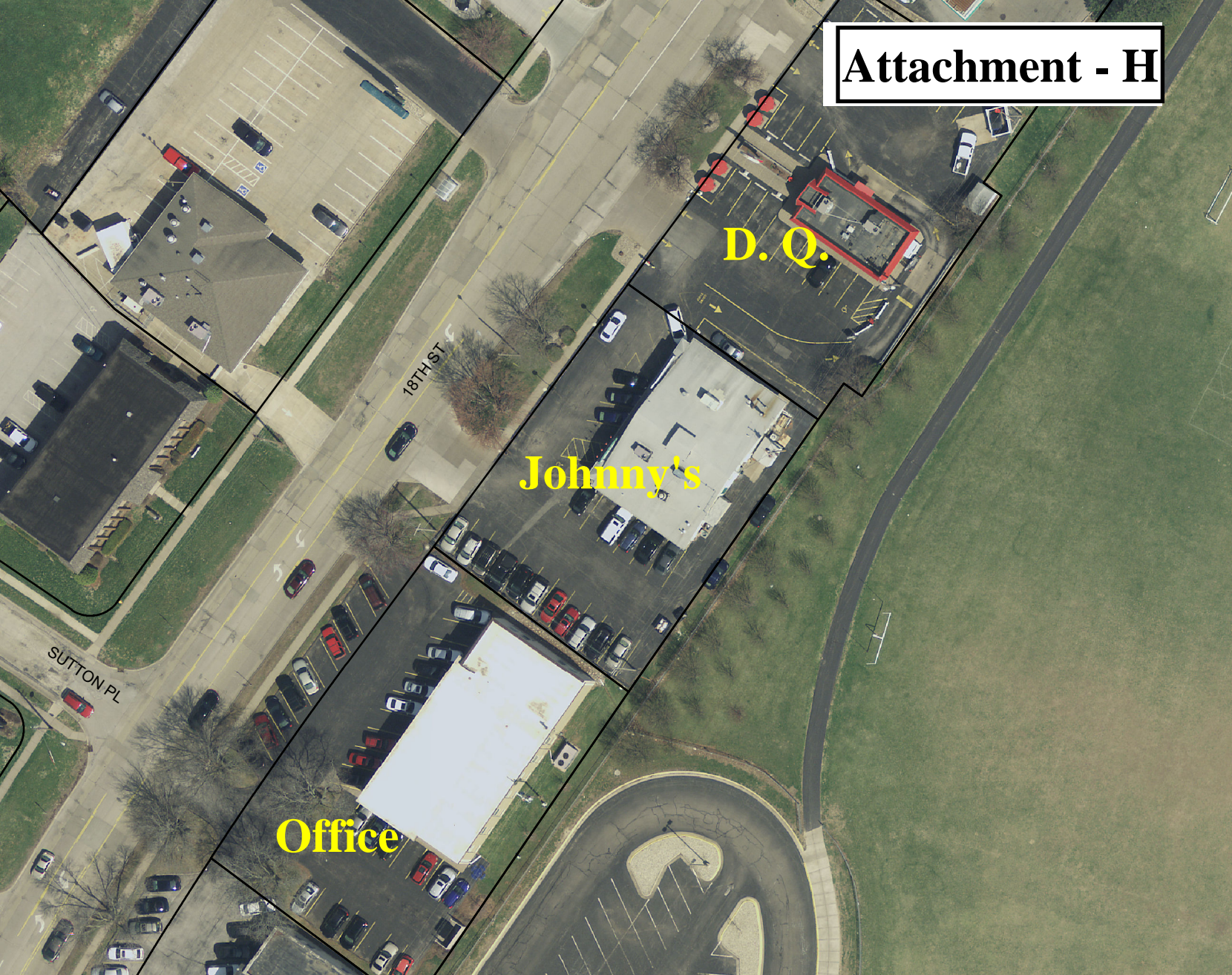
D. Q.

Johnny's

Office

18TH ST

SUTTON PL



Attachment - I



Case No. 16-027

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

Part 1. Property Involved.

Street Address 4555 Utica Ridge Road Bettendorf IA, 52722

Legal Description of the property. Terrace Park replat lot 001 Terrace Park ADD replat lot 77 lots 1, 2, 5 EX E 15'

Part 2. Contact Information.

Applicant Name Katie Sommers Phone 563-579-7244

Address 4555 Utica Ridge Rd FAX 563-332-6631

E-mail Address: katie.sommers@hotmail.com

Owner Name Katie Sommers Phone 563-579-7244

Address 4555 Utica Ridge Rd. FAX 563-332-6631

E-mail Address: katie.sommers@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.



COMMUNITY DEVELOPMENT

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

May 24, 2016

Staff Report

Case No. 16-028

Location: 4287 Happiness Lane

Applicant: Beaver Builders

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

Request: Variance to allow a 6-foot high fence in the required front yard.

Background Information and Facts

The site is located on the southeast corner of Happiness Lane and Integrity Way (see Attachment A – Location Map). A new home has been built on this lot (see Attachment B – House Photo), and the applicant would like to place a 6-foot high fence surrounding the rear yard within 10 feet of the property line adjacent to Integrity Way (see Attachment C – Plot Plan)

Staff Analysis

Staff confirmed at a site visit that the proposed fence would be well outside of the “vision triangle” at the intersection and would not pose a traffic hazard in the area.

As proposed, the fence would surround approximately 10,700 square feet of yard space. If the fence adjacent to Integrity Way is placed at the proper setback (30 feet from the property line) then the fence would surround 8,819 square feet of yard space or a difference of 1,881 square feet. If the fence is placed at the proper setback the applicant will be able to surround 82.5% of the yard space associated with the current request.

All of the measurements used in the above calculations are approximate and assume that the submitted plot plan is accurate and to scale.

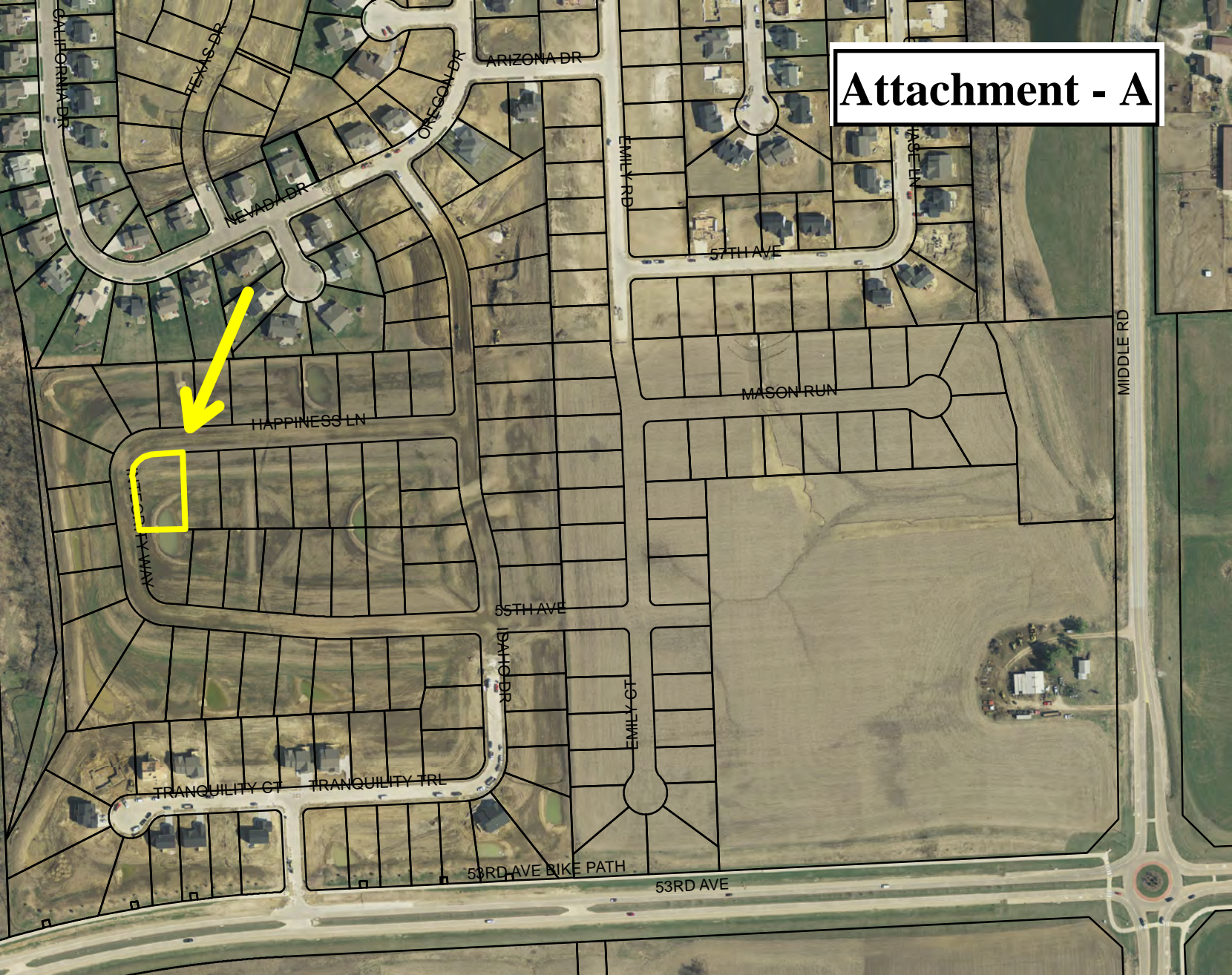
The water feature shown on Attachment C was a temporary “construction detention pond” which has been removed and will have no effect on this request.

Staff is not aware of any hardship related to this request, and the amount of useable fenced yard space gained by granting the request appears to be minimal.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A

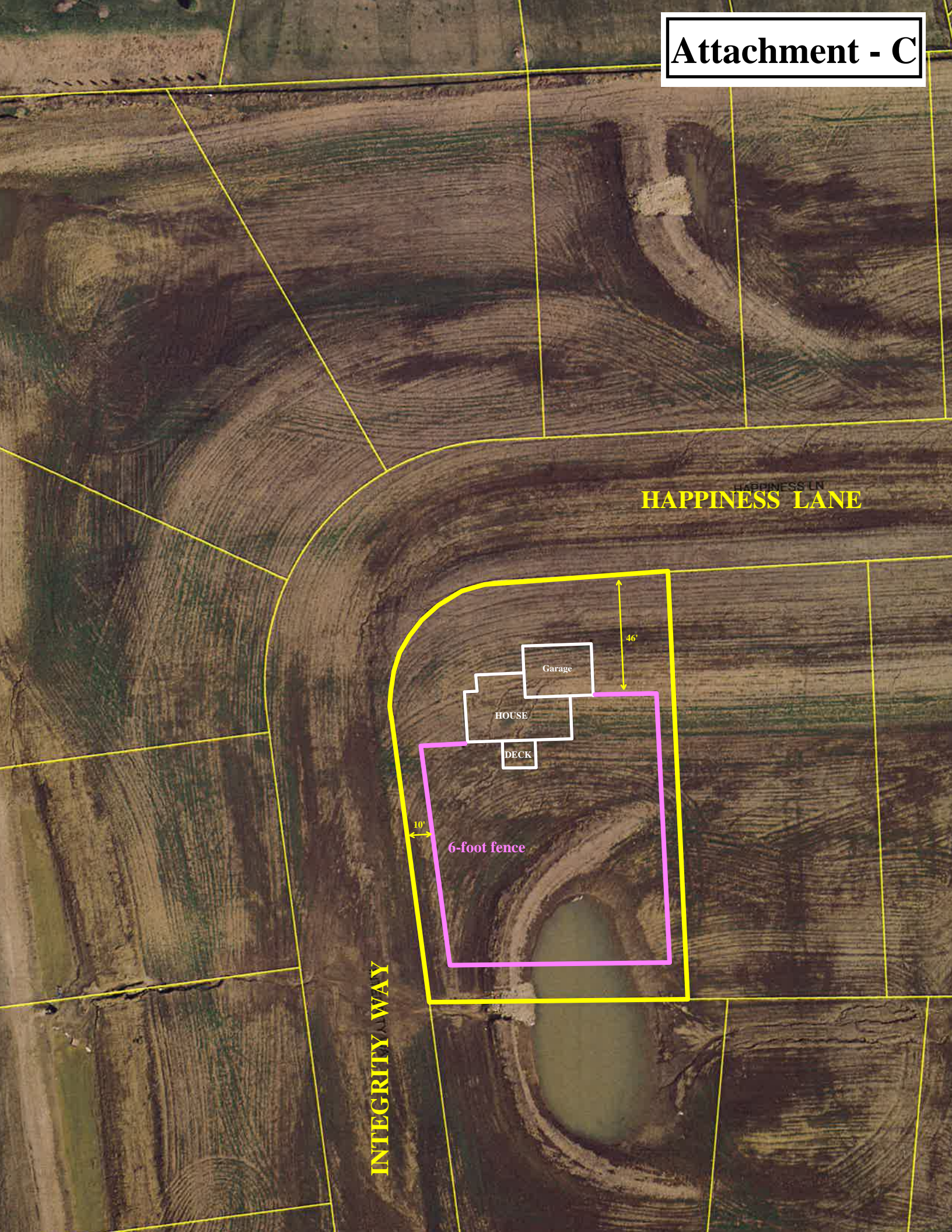




4287

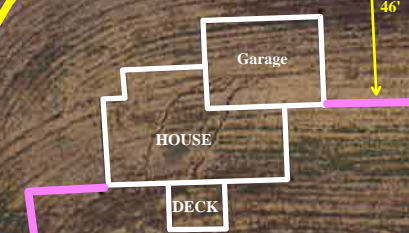
Attachment - B

Attachment - C



HAPPINESS LN
HAPPINESS LANE

INTEGRITY WAY



10'
6-foot fence

46'



Case No. 16-028

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

Part 1. Property Involved.

Street Address 4287 HAPPINESS LAKE

Legal Description of the property: LOT # 14 The Lodges @ Bettendorf

MCDOWS - 3RD ADDITION

Part 2. Contact Information.

Applicant Name BOB BURKE Phone 309-269-7548

Address 4290 TRAWOOD LANE FAX _____

E-mail Address: BOBC.BURKE@BUILDERS.COM

Owner Name 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 12, 2016

Staff Report

Case No. 16-029

Location: 17 Grove Park Circle

Applicant: Shenea Brockman

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

Request: Variance to reduce the rear yard setback from 25 feet to 22 feet to allow for construction of an 8-foot by 14-foot deck.

Background Information and Facts

The site is located by traveling north on Utica Ridge Road (north of the Davenport Utica Ridge Hy-Vee Store) to Forest Grove Drive, turning onto Golf Course Road, then on to Crow Valley Drive, and then onto Grove Park Circle (see Attachment A – Location Map). The applicant would like to add an 8-foot by 14-foot deck to the rear of the house that will encroach 3 feet into the required rear yard setback (see Attachment B – Plot Plan). If allowed, the deck will be 112 square feet.

Staff Analysis

If allowed, the deck will occupy the area shown on Attachment C, and the design of the deck will resemble the drawing on Attachment D.

An 8-foot wide deck is considered to be a modestly sized deck by most standards. Staff reviews very few plans for decks that are only 8 feet wide. The 3-foot encroachment into the required rear yard setback is minimal. The applicant cites problems with the current landing because it is so small that one must get off of the landing to fully open the rear door. The chosen deck allows that problem to be address while still maintaining a minimal footprint.

Directly behind this property is Crow Valley Golf Course. The next nearest house to the rear of this property is 300 feet away; therefore, there will be no adverse impact if the small intrusion into the required rear yard setback is allowed.

The request is consistent with other previous approvals for small intrusions into rear setbacks that have also had ample rear separation.

Respectfully submitted,

John Soenksen
City Planner



FOREST GROVE DR

UTICA RIDGE RD

TORREY PINES CT

PARKDALE CT

SOMERSET RD

STONE HAVEN CT

FURNBERRY CT

THOMAS CT

TURNBERRY LN

JAMES RD

BROOKWOOD DR

CROWN VALLEY DR

SITE

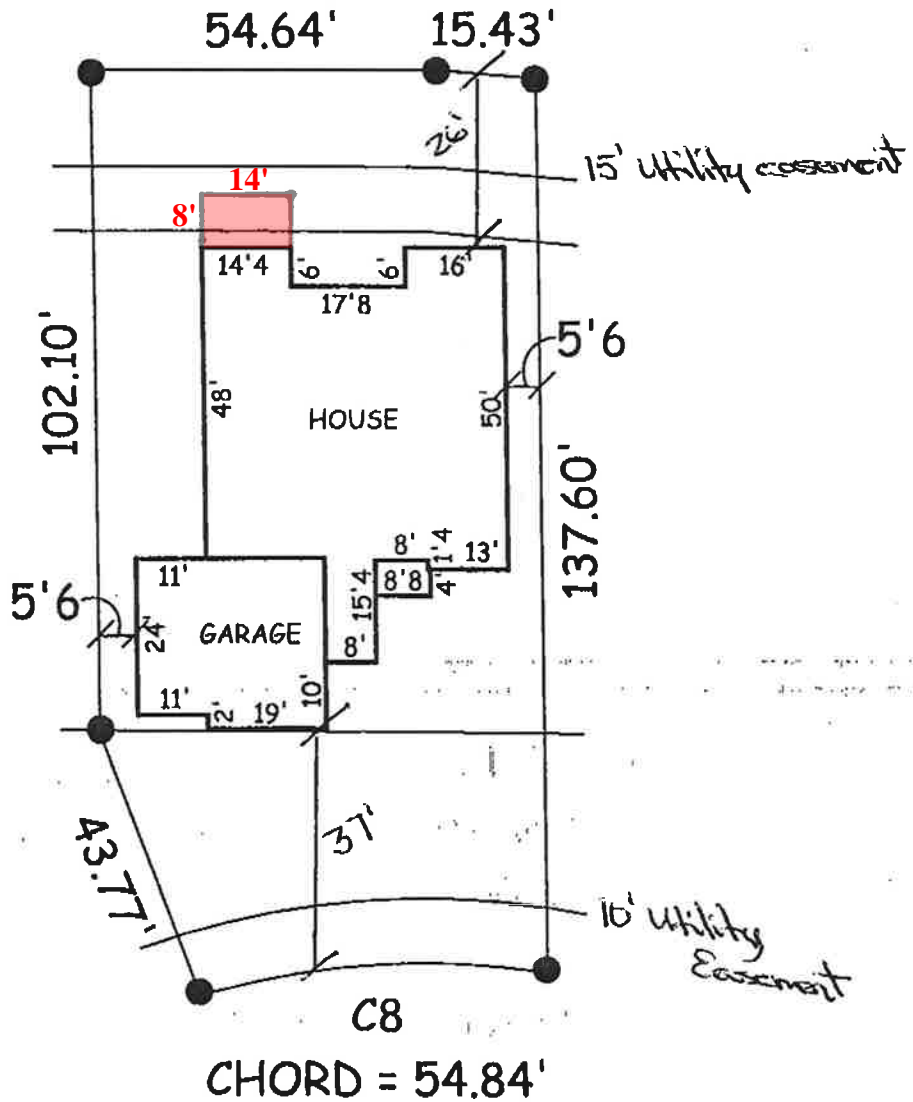
EAGLE CR

BOB WALTER CONSTRUCTION
 GROVE PARK AT CROW VALLEY
 BETTENDORF, IOWA
 LOT 19
 PLAN ID# 3011-06-08

Attachment - B



SCALE: 1" = 30'



GROVE PARK CIRCLE

Zoning District B-5

Board of Adjustment Variance:

no yes Dec/Order# _____

Permit Record:

1. House of -1055 6/26/08

Front setback ~~31~~ 25

Side setback min 5 total 10

Rear setback 25



Indicate North

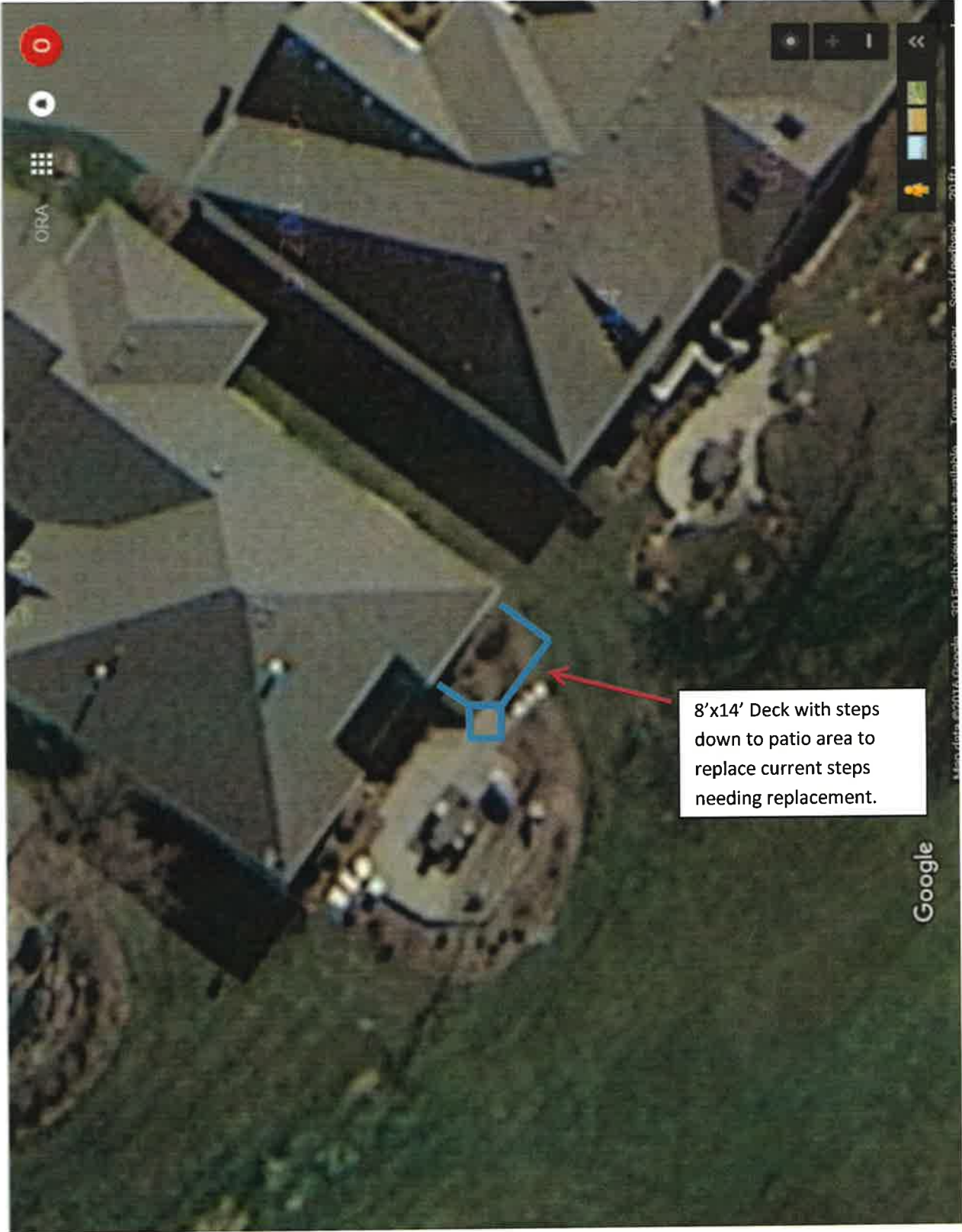
Scale 1" = 30

Legal Description Lot 19

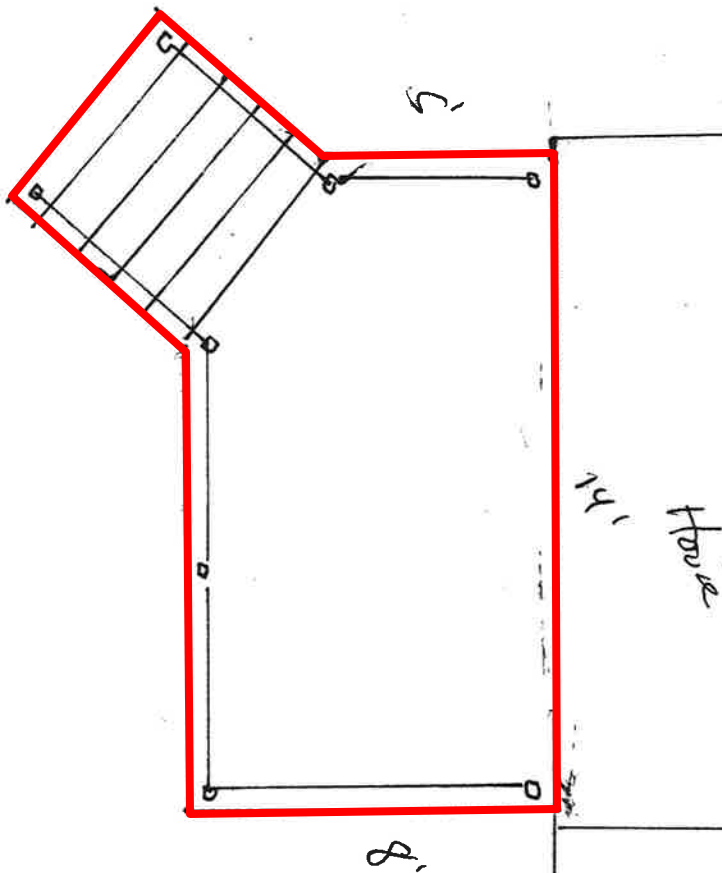
Grove Park at Crow Valley

Building Address #17 Grove Park Circle

Contractor Bob Walter Homes, Inc.



8'x14' Deck with steps down to patio area to replace current steps needing replacement.





Case No. 16-029

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

Part 1. Property Involved.

Street Address 17 GROVE PARK CIRCLE, BETTENDORF

Legal Description of the property. GROVE PARK AT CROW VALLEY Lot 19

Parcel # 840437619

Part 2. Contact Information.

Applicant Name SHENEA BROCKMAN Phone 563.332.4662

Address 17 GROVE PARK CIRCLE FAX —

E-mail Address: shenea.brockman@gmail.com

Owner Name SHENEA BROCKMAN Phone 563.332.4662

Address 17 GROVE PARK CIRCLE FAX —

E-mail Address: shenea.brockman@gmail.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:

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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.

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.

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 25th day of APRIL, 20 16.

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)

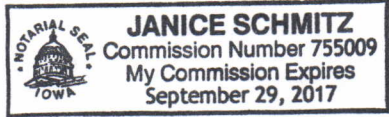
State of Iowa)
) SS
 County of Scott)

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 25th day of April, 20 16.
Janice Schmitz
 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 Soehren
 Amount \$50.00 Date 4-28-2016



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

Part 5. Reason for Application.

The rear setback on our property is 25' from the property line, which places the setback directly at the back of our house. We currently have steps from the rear of the house to the patio area, which needs replacement. In that replacement, we are planning to add a small landing (deck area), however the current setback makes that impossible without a variance. There must be something constructed to allow access out the back door. Additionally, the current steps given that the landing is so small, are somewhat of a safety concern. With the current landing no larger than the swing of the outside door, you are required to immediately descend the steps before closing the door. A larger landing area would increase the safety of that exit and in no way would be an encroachment or obscure the sightline for the golf course or the neighbors.

The overall workmanship and material planned for this deck area and steps will enhance the overall appearance and utility of the property.