

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 11, 2017
5:00 P.M.

PLACE: Bettendorf City Hall Council Chambers, 2nd Floor, 1609 State Street

1. Roll Call: Clements ____, Falk ____, Gallagher ____, Spranger ____, Voelliger ____
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of April 13, 2017.
4. The Board to hold a public hearing on the following items:
 - a. **Case 17-037; 3128 Marynoel Avenue (R-1)** – A request for a variance to reduce the required rear yard setback from 40 feet to 30 feet to allow construction of a 12-foot by 16-foot room addition, submitted by Sampson Construction, Inc.
 - b. **Case 17-041; 4600 Amber Court (R-2)** - An appeal of the Zoning Administrator’s decision to prohibit a home occupation, submitted by Melissa Bigelow.
 - c. **Case 17-042; 1808 Sunset Drive (R-2)** - A request for a variance to reduce the required front yard setback from 25 feet to 5 feet for a 6-foot high fence along 18th Street, submitted by Jacob Swain/Aasiya Laheri.
 - d. **Case 17-043; 1407 Olde Freeport Place (R-1)** - A request for a variance to reduce the required rear yard setback from 40 feet to 25 feet to allow construction of a 11-foot by 29-foot deck, submitted by Scott Pearson.
 - e. **Case 17-044; 6021 Emery Court (R-1)** - A request for a variance to reduce the required front yard setback from 30 feet to 25 feet to allow a portion of a deck to be constructed in a required front yard, submitted by Nick Wood.
 - f. **Case 17-045; Northwest of intersection of Forest Grove Drive and Middle Road (A-1/Proposed C-7)** - A request for a variance to allow parking/driveway in a required front yard, submitted by Missman, Inc.
 - g. **Case 17-046; 3627-3651 Devils Glen Road (C-2)** - A request for a special use permit to allow a bar, cocktail lounge, or tavern with an associated outdoor service area, submitted by Andrew Dasso.

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

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

MINUTES
BETTENDORF BOARD OF ADJUSTMENT
APRIL 13, 2017
5:00 P.M.

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

Item 1. Roll Call

PRESENT: Clements, Falk, Voelliger
ABSENT: Gallagher, Spranger
STAFF: Fuhrman, Connors

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of March 9, 2017.

On motion by Clements, seconded by Falk, that the minutes of the meeting of March 9, 2017 be approved as submitted.

ALL AYES

Motion carried.

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

- a. **Case 17-008; 4555 Utica Ridge Road (C-2)** – A request for a variance to reduce the required front yard setback from 20 feet to 12 feet for 4 parking spaces and to allow a private driveway in a required front yard, submitted by REMAX Centre, LLC.

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

Connors reviewed the staff report. Staff report is Annex #3 to these minutes.

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

Jay Sommers, representing the applicant, stated that at a previous meeting a variance was granted to add parking spaces on the west side of the building in the required front yard. He explained that the because the business is growing, additional office and parking space is

needed. He indicated that he is unaware of any public objection to the proposed project. He stated that the plans for the reconfiguration of the storm sewer system have been completed.

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

Clements asked if there are any greenspace requirements mandated by the ordinance. She commented that it appears as though the project will consume a great deal of the existing greenspace. Connors confirmed this, adding that a small amount of greenspace could be added in the islands and at the corner of Crow Creek Road and Utica Ridge Road.

Voelliger asked if the building addition would still be in line with the other buildings to the east. Connors confirmed this.

On motion by Falk, seconded by Clements, that a variance to reduce the required front yard setback from 20 feet to 12 feet for 4 parking spaces and to allow a private driveway in a required front yard be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. **Case 17-009; 221 - 15th Street (C-2)** – A request for a variance to reduce the required front yard setback from 20 feet to 1.8 feet to allow construction of a 5-story apartment building, submitted by Jennifer Bennett. (Withdrawn)
- c. **Case 17-010; 221 - 15th Street (C-2)** – A request for a variance to reduce the required number of parking spaces from 247 to 170, submitted by Jennifer Bennett. (Withdrawn)

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:05 p.m.

These minutes and annexes approved _____

John Soenksen, City Planner



COMMUNITY DEVELOPMENT

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

May 11, 2017

Staff Report

Case No. 17-037

Location: 3128 Marynoel Avenue

Applicant: Sampson Construction

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

Request: Variance to reduce the required rear yard setback from 40 feet to 30 feet to allow construction of a 12-foot by 16-foot room addition.

Background Information and Facts

The site is located just north of the intersection of Cardinal Road and Marynoel Avenue (see Attachment A – Location Map). The applicant would like to add a 12-foot by 16-foot room addition to the rear of the residence (see Attachment B – Illustration).

Staff Analysis

In May of last year a similar request for a room addition at this location was denied by the Board. In that previous case, the addition was for a 16-foot by 14-foot structure (see Attachment C – Previous Plot Plan). The current request is for a 16-foot by 12-foot structure (see Attachment D – New Plot Plan). Since the current request is asking a variance relief less than the previous case (2 feet less), the Board may consider the new request.

Last year, the Board pointed out the fact that the room addition would be the only protrusion into the required setback in the neighborhood and therefore the request was not compatible with the existing neighborhood (see Attachment E – Rear Setback Illustration). Because the Board felt no hardship had been established, the request was denied. While the proposed room addition would encroach two feet less into the required rear yard setback than the 2016 request, it would still be the only protrusion into the required rear yard setback in the neighborhood as illustrated in Attachment E.

As was pointed out by the applicant in last year's request, there is a significant permanent open space behind lots 51-57 due to the existence of Outlot 2 (see Attachment F – Final Plat). The applicant feels that this open space justifies the request and will ensure adequate open space to the rear of the property.

Staff cannot identify a hardship related to the property or this request.

Respectfully submitted,

John Soenksen
City Planner

CARDINAL RD

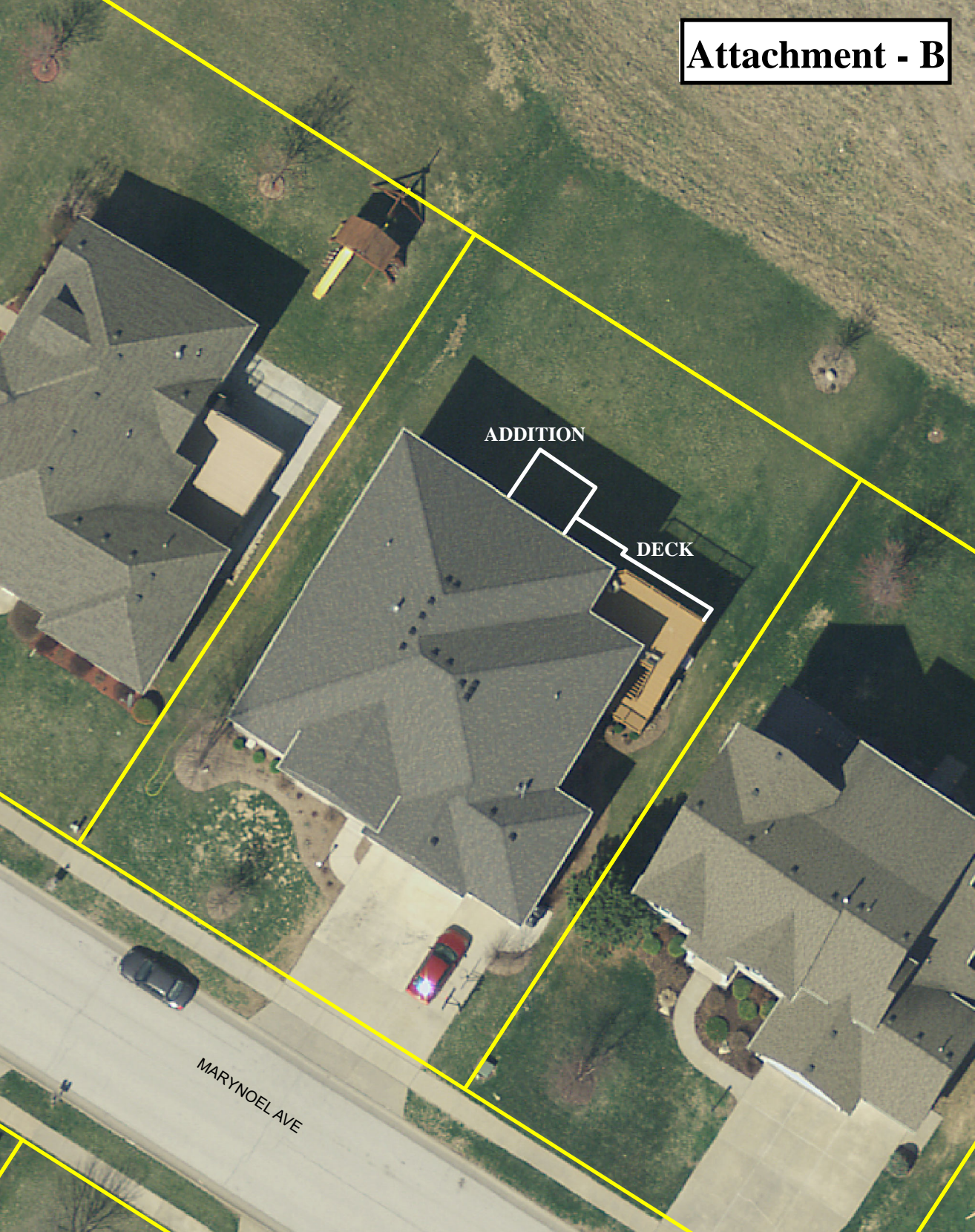
SITE

MARYNOEL AVE

Field Sike Road



Attachment - B

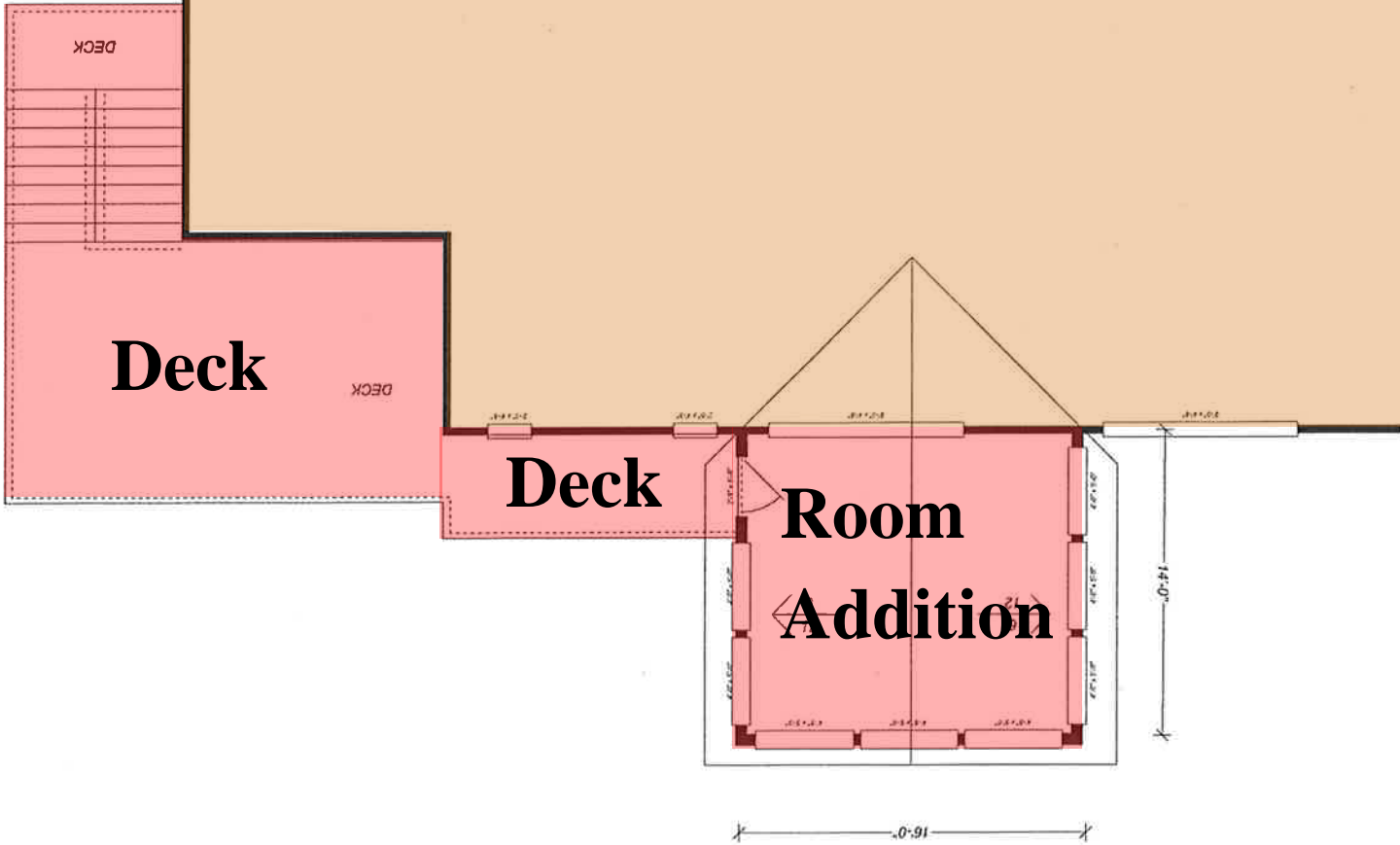


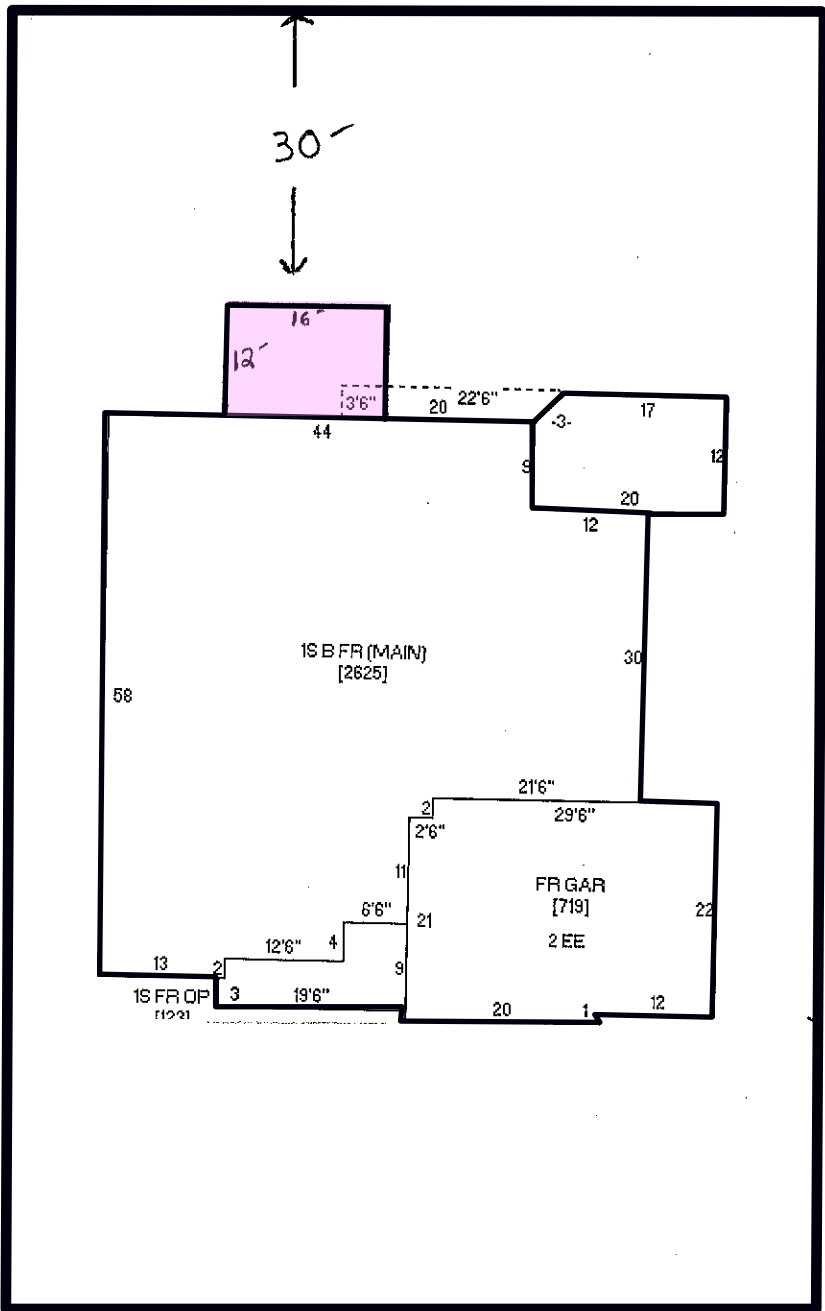
ADDITION

DECK

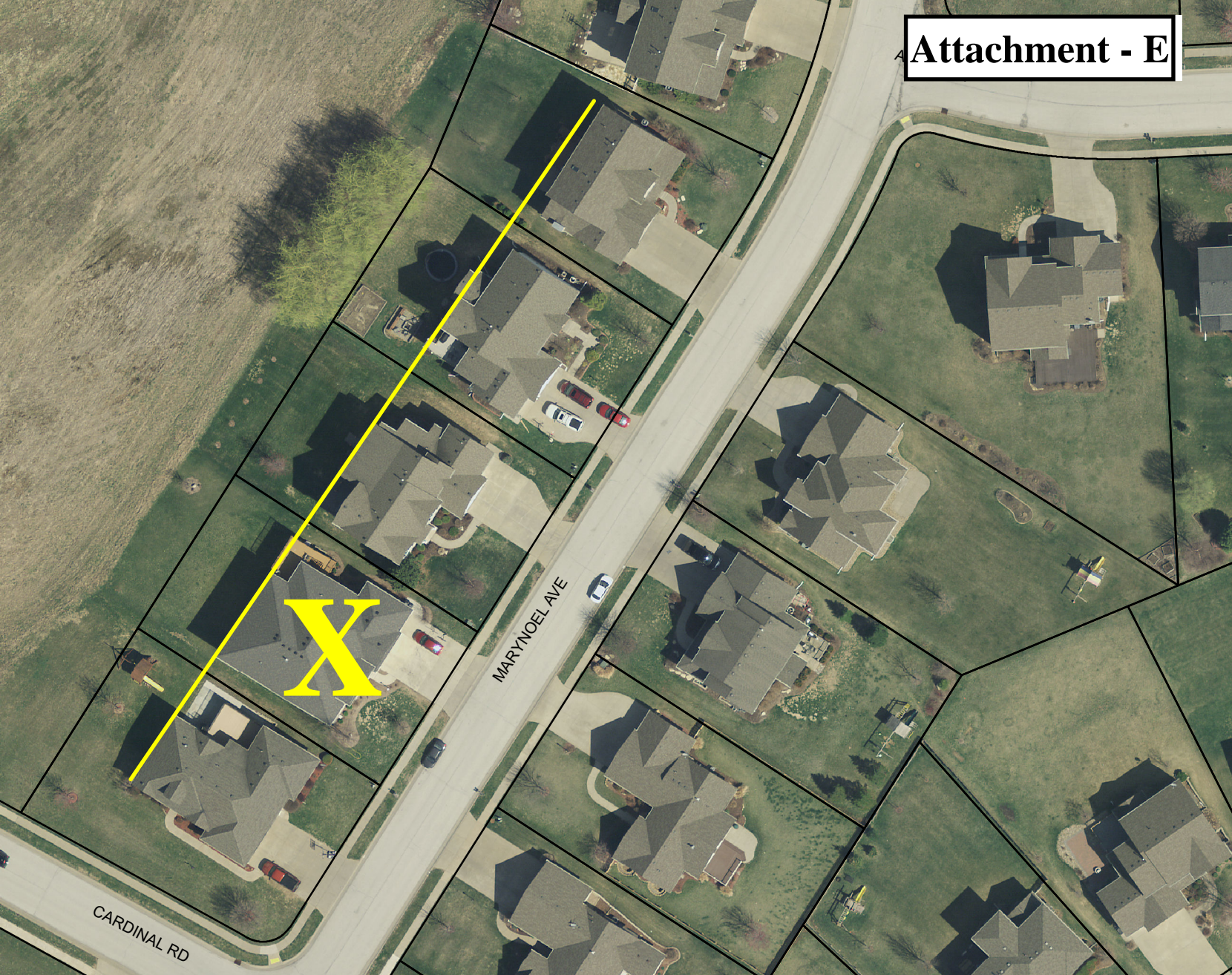
MARYNOEL AVE

HOUSE





Marynoel Avenue



MARYNOEL AVE

CARDINAL RD

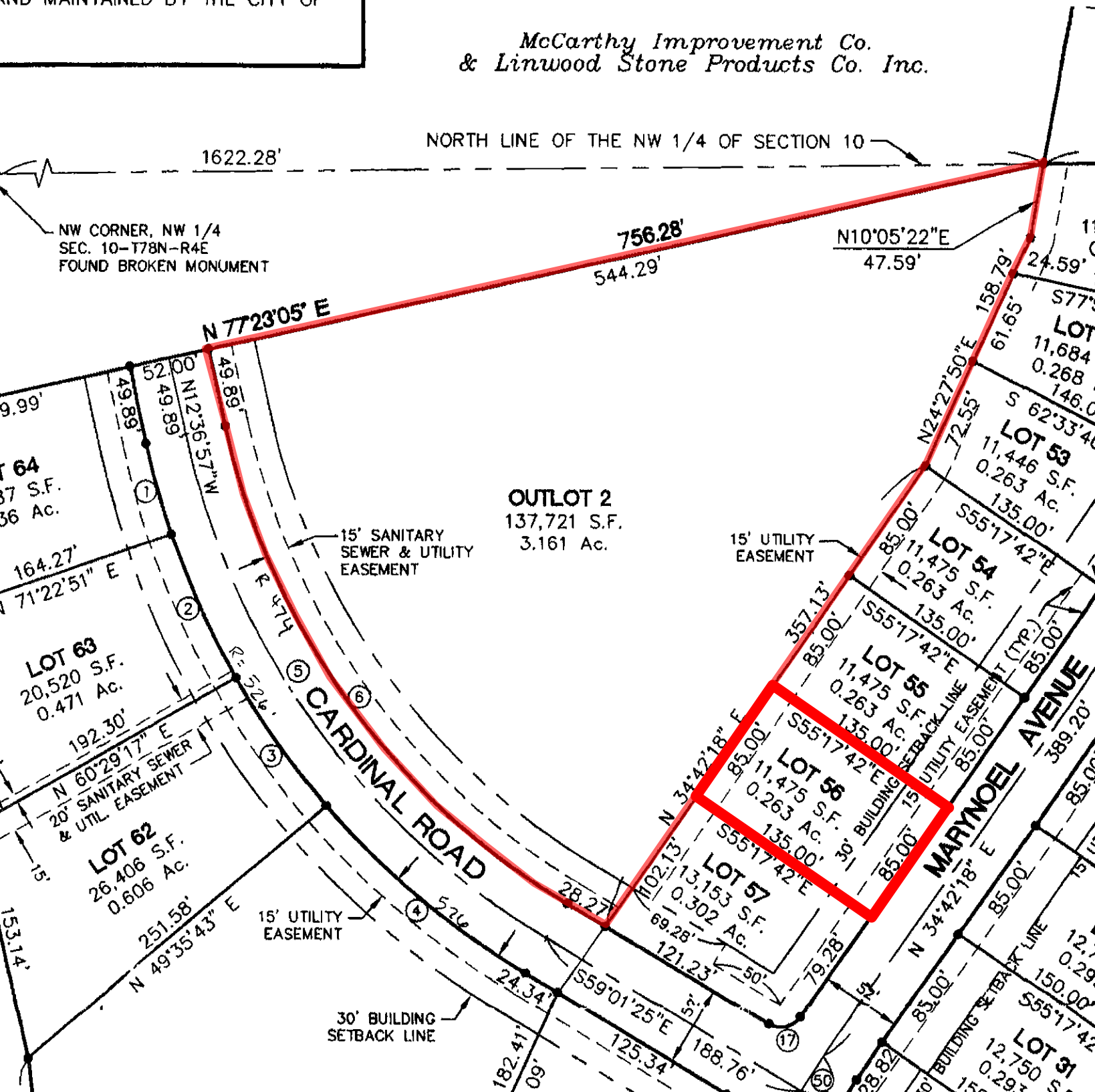
X

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.





Case No. _____

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. Valleywynns 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.)



COMMUNITY DEVELOPMENT

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

May 11, 2017

Staff Report

Case No. 17-041

Location: 4600 Amber Court

Applicant: Melissa Tansey-Bigelow

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

Request: Appeal of the Zoning Administrator's decision to prohibit a home occupation.

Background Information and Facts

The site is located just south of the intersection of Amber Court and Crow Creek Road (see Attachment A – Location Map). The owner of this single-family home is a licensed mental health professional and recently started seeing patients at her home for counseling sessions. Staff received a complaint that a business was being run out of this single-family home. The owner does not possess a Home Occupation permit and was informed by the Zoning Administrator to cease operations. The applicant is appealing that decision to the Board.

Staff Analysis

Section 11-1-6 of the Bettendorf Code defines "home occupation" as follows:

HOME OCCUPATION: Any nondomestic activity, ***with the exception of a professional office in residence***, conducted within a dwelling unit or accessory structure thereto which is secondary and clearly incidental to the use of the dwelling or accessory structure for purely residential purposes and participated in solely by the occupants of the dwelling unit or one additional person not an occupant of the dwelling unit. No home occupation shall be permitted in which there is associated therewith:

1. Any commodity sold upon the premises except that which is produced thereon.
2. Any disturbance such as noise, vibration, smoke, dust, odor, heat or glare beyond the confines of the dwelling unit or accessory structure.
3. Any exterior display, exterior storage of materials, signs (except as otherwise permitted), house calls after nine o'clock (9:00) P.M. or before eight o'clock (8:00) A.M., exterior additions or alterations or other indication from the exterior that the dwelling unit or accessory structure is being used in part for any use other than that of a dwelling or accessory structure for purely residential purposes.

B. A zoning certificate of approval shall be obtained from the zoning administrator and renewed annually when a determination has been made that the above conditions are met. If, in the determination of the zoning administrator, the above conditions are not met or that the home occupation creates a disturbance or becomes a nuisance to the general neighborhood in some other manner, the home occupation shall be terminated.

Section 11-6B-5 of the Code states that a "home occupation" is an allowed accessory use in the R-2, Single-family Residence District; therefore, an assessment of the three criteria listed above for Home Occupation is necessary for an evaluation of this request.

1. No commodities are being sold as a result of the activity taking place at this residence.
2. Staff has visited the site on several occasions, and none of the listed disturbances are taking place as a result of the counseling service.
3. There are no exterior indications of the counseling service visible from the exterior of the house (see Attachment B – House Photos). On each visit by staff, there was not an excessive number of cars parked in the street in front of the applicant's house, and the on-street parking situation appears to be consistent with the rest of the neighborhood. Staff is not aware of any activity outside of the allowed hours of operation listed above.

3b. The applicant did not secure a certificate of approval from the Zoning Administrator *prior* to beginning operations, and therefore the Administrator's decision to cease operations was appropriate.

Because the code states "*with the exception of a professional office in residence*" staff is not comfortable approving the request at the staff level.

The applicant points out the fact that a preschool operation allowing an employee would be allowed onsite as a special use and that type of business would be more intrusive than the counseling service. A bed and breakfast with the associated customer parking is also allowed as a special use.

Staff concedes that the applicant's assertion that those businesses are more intrusive to the neighborhood than is the counseling service is accurate.

The applicant also states that this complaint is not about the issues surrounding her counseling service but is rather retaliation for a permitted piece of playground equipment that was recently installed on her property. Staff has no way of evaluating that claim, and therefore makes no analysis of it.

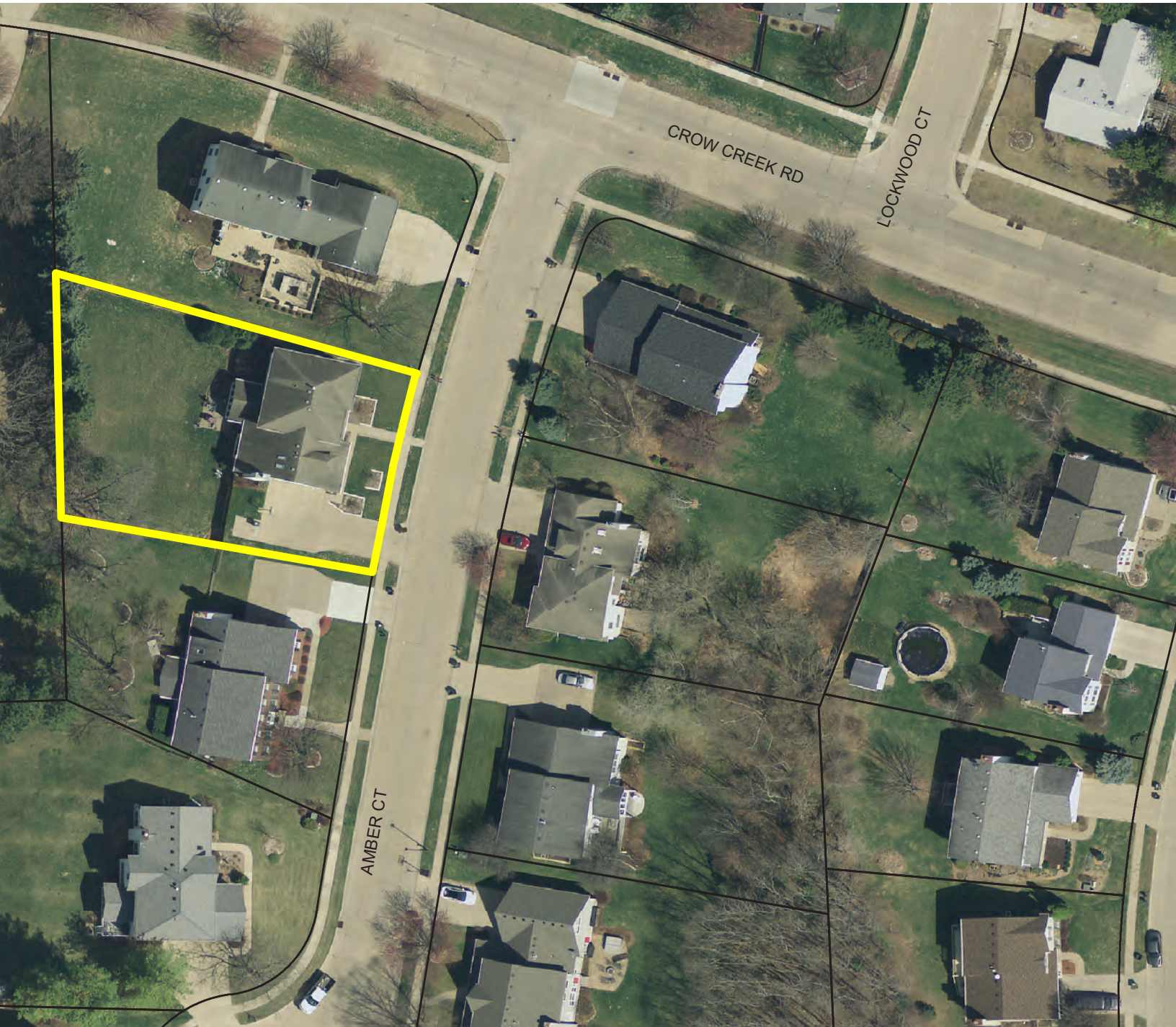
Staff Recommendation

The Board must determine if the applicant's business is the equivalent of a *professional office in a residence*. If the Board determines that this is the case, then the use would not be allowed in the R-2 district. If the Board determines that the business is different than a *professional office in a residence*, then the Board may approve the home occupation as staff feels that the other listed requirements are satisfied.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



Parcel ID: 841501713

Photo 1



Photo 2



Case No. 17-041

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

Part 1. Property Involved.

Street Address 4600 Amber Ct, Bettendorf
 Legal Description of the property: Lot 13 Highland Hills Seventh Add

Part 2. Contact Information.

Applicant Name Melissa Tansey Bigelow Phone 563-570-2533
 Address 4600 Amber Ct, Bettendorf FAX _____
 E-mail Address: love.gratitude@live.com

Owner Name Same 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. APPEAL OF ZONING ADMINISTRATOR'S INTERPRETATION
 (Attach a separate sheet and explain in detail.) OF THE HOME OCCUPATION ORDINANCE

April 17, 2017

Dear Members of the Board,

In response to a recent letter of complaint I received, I am appealing to you to consider making an adjustment in this case.

I am a licensed mental health counselor in the state of Iowa. I have been serving children, couples and families in our community for over 16 years, and prior to that in the state of Florida for many years. I run a successful practice in the area, serving persons with mental health needs including depression, anxiety, marital issues, parenting and other life issues. There is a shortage of this much needed service in our area. People drive to me from the local Quad Cities as well as from Iowa City, Dewitt, Clinton and outlying areas in Iowa, in addition to towns such as Orion, Kewanee and Port Byron in Illinois. I am well established and many of the patients I see are "high profile" personalities in the area who prefer to be seen in a quiet, private environment rather than to be spotted in a public agency.

I have worked in agencies and group practices for most of my career, and just this year moved my practice to a room in our home for several reasons:

- I was recently diagnosed with a lesion on my brain, which affects my energy levels, and also affects my ability to drive in some circumstances. Out of this hardship was born a plan that is a win-win. At home, I am able to rest in between patients and take care of my own needs in order to give my patients the best care. I am least affected by my own disability by being able to practice from a comfortable space in my home.
- I am raising two small children, and being home allows me to adjust my schedule to be available to them as needed.
- My professional patients prefer the relaxed and confidential environment of my home to a crowded agency.

Our family moved from Davenport to Bettendorf approximately 15 months ago. We were welcomed to the neighborhood with several dessert plates, and thanked for taking good care of our lawn. Bettendorf is important to us. Our children attend Bettendorf schools. My mother was a school administrator in Bettendorf for many years. My brother is a successful commercial realtor in Bettendorf and serves on many boards. We do not take our privilege of living in this city lightly.

Upon reading the city code as it is currently written, I have discerned that a business such as a day care, or a beauty parlor would be approved in my home, which could include up to two chairs and another person from outside our home as an employee. This would be a much greater distraction to our neighborhood than my having a few people per day (usually 4 days per week during the hours my children are in school) for a 1 on 1 session in a room in the confines of my home. This usually entails one car in front of my house when someone is visiting, just as anyone visiting our home would park. There are several homes in our cul-de-sac which have one or more cars sitting in front of their home at all times. I have no signs indicating there is a business here. I do not even list our address on the internet

or business cards because my children live here. My business is word of mouth. I do not sell anything. I do not receive shipments of any kind. I produce nothing but mental well-being. There is no noise, untidiness or disturbance of any sort as a result of my business. There is no outside storage necessary for my occupation.

The person who filed this complaint lives on the corner lot next to our house, and their house does not face our street. Their home is not located on the Amber Ct cul-de-sac and no one parks in front of their home. They are not affected by my business. I am not doing anything that takes away from the character of the lovely neighborhood in which we live. I do not perform any procedures or do anything that would be detrimental to anyone in any way. No other neighbor has expressed being affected by my business, or that they are even aware that I have one. In fact, this complaint does not stem from my business. This complaint follows the same neighbor's prior complaint about a lovely play house we built in back yard for our children two weeks ago. The neighbor came out his back door and yelled at our builder that it was tacky and that we should have asked them first. An hour later, I received a text from his wife that reads "We just need to let you know that the thing you are building in your back yard is so rude to us. Do you really think we want to look at that???" That was followed by the same neighbor blasting profane rap music that repeated the "F" word from their back porch speakers at 10pm on that Sunday night for 40 minutes. These neighbors, with whom we were previously friendly, no longer speak to us since the building of our backyard play house. They have made it their mission to find something else to protest about, and in the process, decided to target my livelihood. This neighbor also runs a business out of her own home. The homeowners directly facing their house on Crow Creek Road have been known to erect a large movie screen that is bigger than their garage and invite scores of people for a karaoke street party until the late hours, and these same neighbors do not complain. These complainants regularly entertain on their back porch, are routinely intoxicated and play music into the night that we can hear in our bedrooms with the windows closed. We do not complain. We are glad they are enjoying themselves, and we are neighborly about it. This is not about the business I run, which helps our local residents. This complaint is in retaliation of a play structure for our children that they do not wish to "look at".

With Respect,



Melissa Tansey Bigelow

Licensed Mental Health Counselor

Good Neighbor



COMMUNITY DEVELOPMENT

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

May 11, 2017

Staff Report

Case No. 17-042

Location: 1808 Sunset Drive

Applicant: Aasiya Laheri

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

Request: Variance to reduce the required front yard setback from 25 feet to 5 feet for a 6-foot high fence along 18th Street.

Background Information and Facts

The site is located at the northeast corner of Sunset Drive and 18th Street and is a corner lot (see Attachment A – Location Map). The applicant would like to place a 6-foot fence along 18th Street in a required front yard. Because the lot technically has two front yards, a variance is required.

Staff Analysis

The 18th Street right-of-way gradually widens from its standard width (north of Central Avenue) of 65 feet to a maximum width of 173 feet adjacent to the Rivermont Collegiate campus. This right-of-way disparity is illustrated on Attachment A. There is no reasonable explanation for the inconsistency in the width of the right-of-way, and staff has been working with some of the adjacent land owners to see if the City would deed over the excessive right-of-way to them. The substantial costs associated with the transfer of the excess right-of-way to these adjacent land owners have proven to be a significant deterrent for the transfer of the land.

The applicant would like to place a 6-foot high fence set back approximately 5 feet from the property line adjacent to 18th Street (see Attachment B – Plot Plan). The property is zoned R-2, Single-family Residence District which requires a 25-foot setback.

The right-of-way disparity mentioned above has had a profound effect on the property line setback adjacent to 18th Street at this site. At the 5-foot proposed setback, the fence would be approximately 42 feet from the nearest portion of 18th Street at the rear of the lot and approximately 64 feet from 18th Street at the front part of the lot (see Attachment C – Setback Illustration). If allowed, the fence will far exceed the setback

intent of the ordinance requirement. In addition to this significant setback, the fence would be screened from 18th Street by significant landscaping as shown on Attachments B and C.

Staff Recommendation

The applicant has demonstrated a legitimate hardship regarding the placement of the fence adjacent to 18th Street and if approved will meet the intent of the setback requirement.

Respectfully submitted,

John Soenksen
City Planner



COST BREAKDOWN

Building _____

Plumbing _____

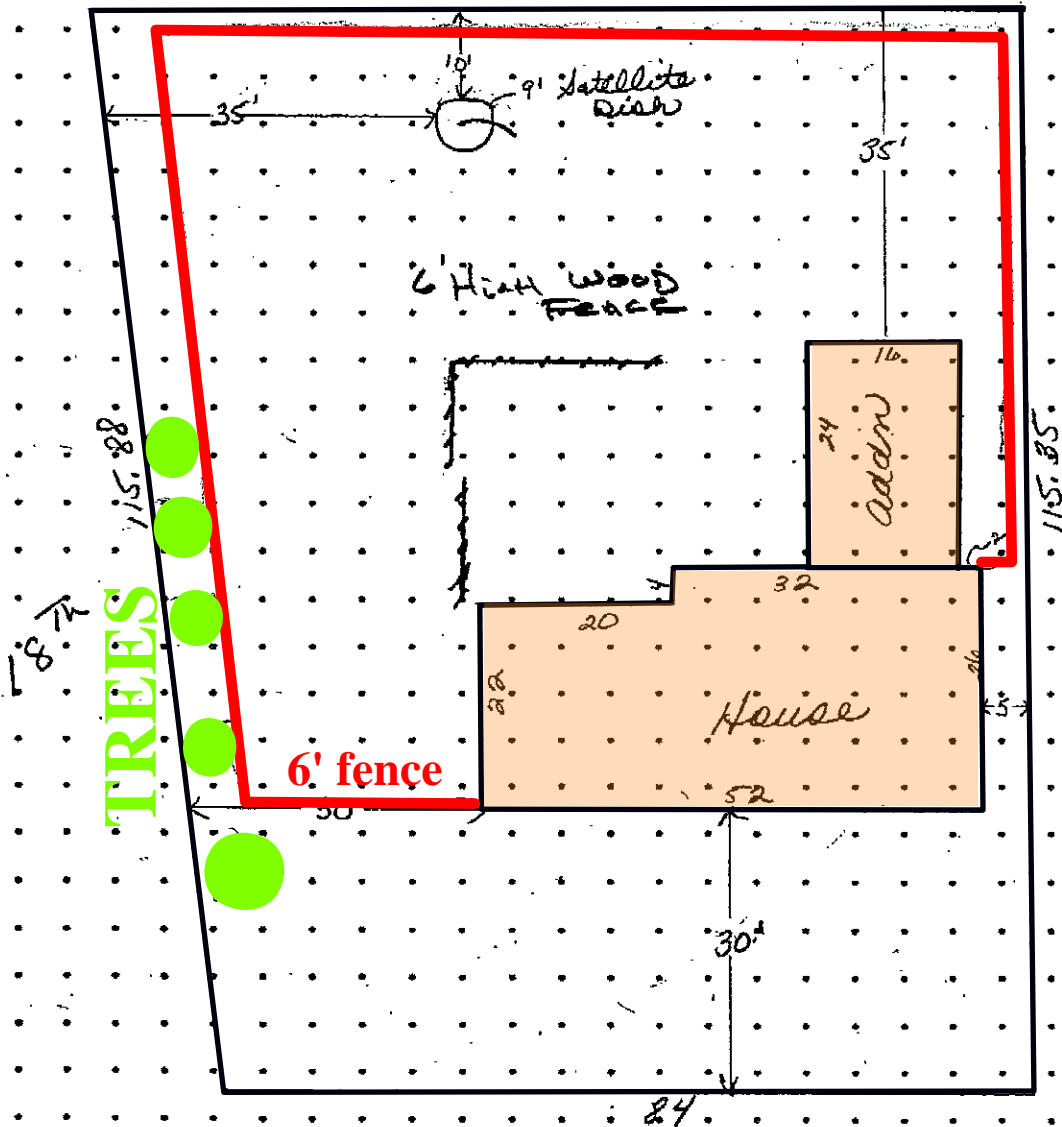
Heating & Air Conditioning _____

Electrical _____

TOTAL _____

Attachment - B

9.6.9

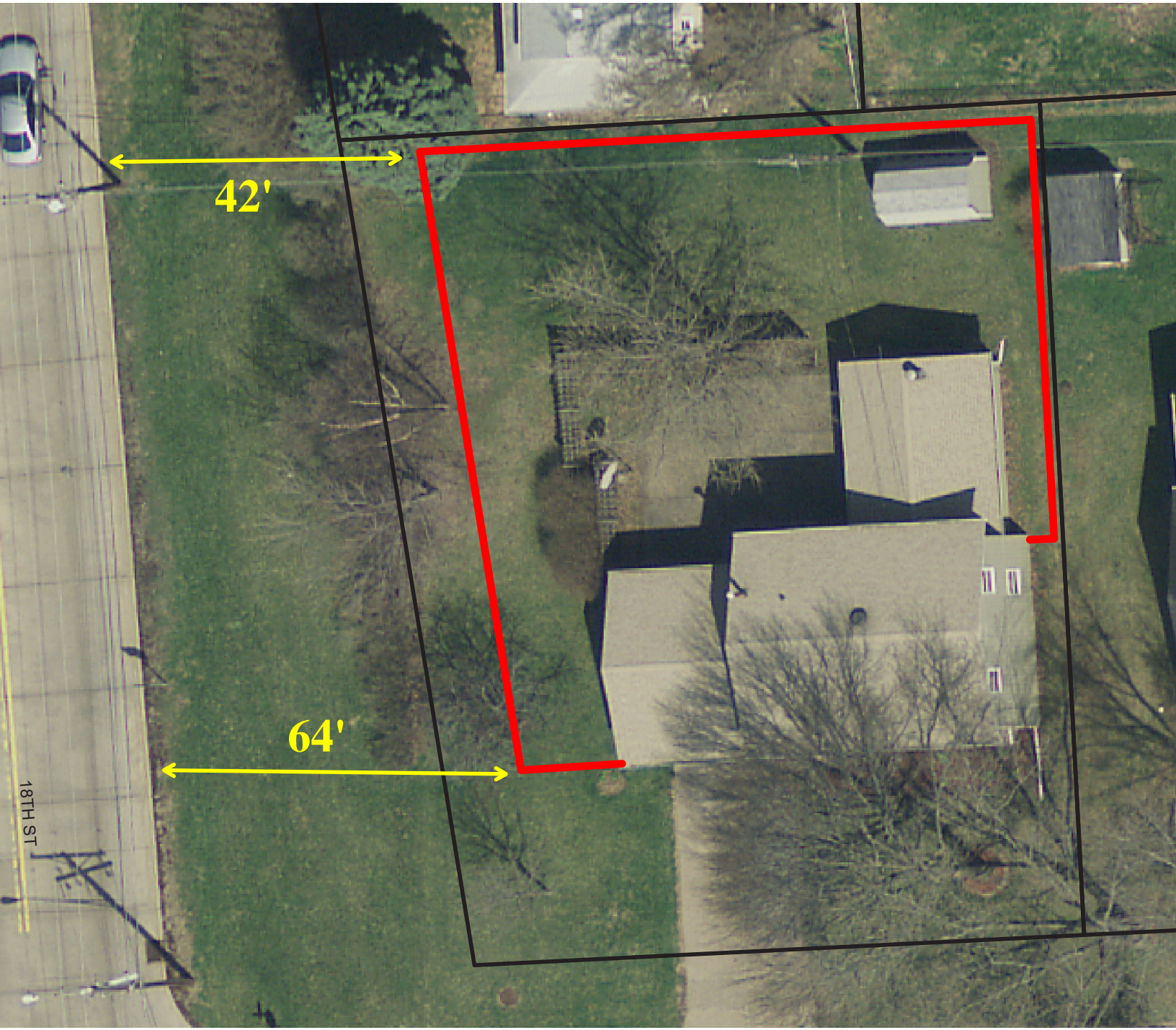


SUNSET



SCALE 1" = 20'

Attachment - C





Case No. 17-042

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

Part 1. Property Involved.

Street Address 1808 Sunset dr. Bettendorf, Ia 52722

Legal Description of the property. Lot #22, Sunset Place Subdivision

Part 2. Contact Information.

Applicant Name JACOB SWAIN Phone 563.639.9192

Address 1808 SUNSET DR. BETTENDORF IA 52722 FAX _____

E-mail Address: JSHALWKEYE@ME.COM

Owner Name Aasiya Laheri Phone 630-456-452

Address 1808 SUNSET DR BETTENDORF IA 52722 FAX _____

E-mail Address: AASIYA89@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:

- (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 5. (d)

The right-of-way for 18th Street widens considerably south of Central Avenue as compared to the 18th Street right-of-way north of Central Avenue. The property line adjacent to 18th Street is set back an additional 17 feet from 18th Street at the rear of our property and an additional 26 feet at the front of our property. We will be placing the fence behind (to the east) of the existing vegetation which will place the rear of the fence adjacent to 18th Street 43 feet from the paved portion of 18th Street and at the front of the fence will be 51 feet from the paved portion of 18th Street. The required front yard setback in the R-2 Single-family Residence District is 25 feet, and we feel that the proposed fence placement will meet the intent of the ordinance and therefore request the variance be granted.



COMMUNITY DEVELOPMENT

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

May 11, 2017

Staff Report

Case No. 17-043

Location: 1407 Olde Freeport Place

Applicant: Scott Pearson

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

Request: Variance to reduce the required rear yard setback from 40 feet to 25 feet to allow construction of an 11-foot by 19-foot deck.

Background Information and Facts

The site is located on the east side of the cul-de-sac terminus of Olde Freeport Place. The site is accessed by turning from 23rd Street east onto Lincoln Road then turning south onto Olde Freeport Place (see Attachment A – Location Map). The applicant would like to replace a previous deck which would be within 25 feet of the rear property line rather than the required 40-foot setback.

Staff Analysis

This request is simply to replace a previous deck in the exact same location. Attachment A illustrates the deck from an overhead view, and Attachment C shows that the Scott County Assessor acknowledged the previous deck on the plot plan. If allowed, the replacement deck would be of the same design and dimensions as the previous deck and occupy the same spot on the lot. City records show that the previous deck was approved in 1993 as a part of the original building permit when decks were considered an allowable encroachment into the required rear setback. Decks are now considered to be part of the principal structure and are not allowed to encroach into the required setback without a variance.

The previous deck existed for 23 years and did not cause any adverse impact on the surrounding neighborhood. Staff's interpretation as to what constitutes a principal structure is the only thing that has changed since the house was built. It would be reasonable to assume that allowing the exact same replacement will not cause substantial harm to the surrounding area. The cul-de-sac effect constrains this lot to a greater degree when compared with the other lots on Olde Freeport Place north of the applicant's location.

Respectfully submitted,

John Soenksen
City Planner

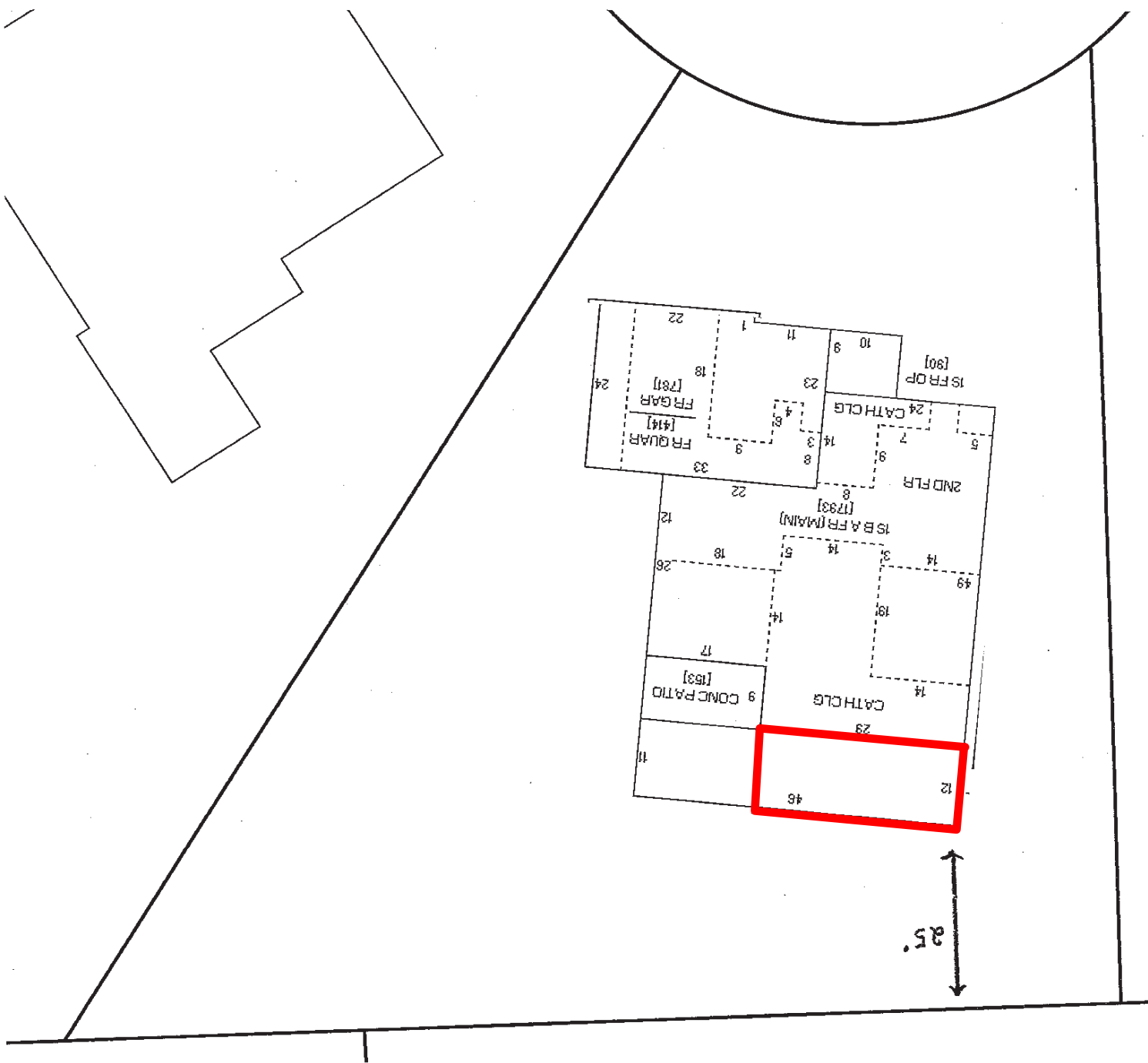
Attachment - A



Attachment - B

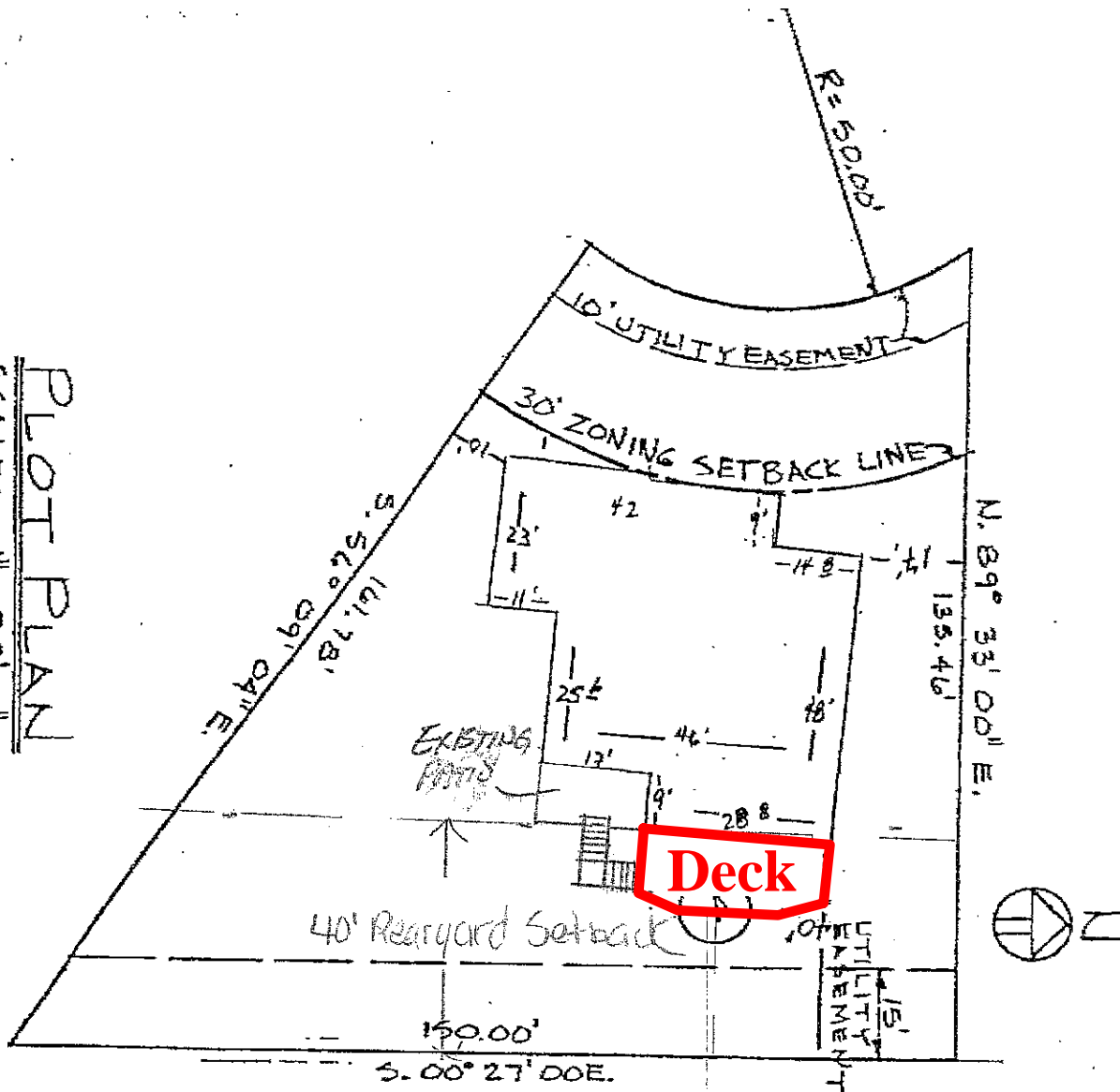


Attachment - C



Attachment - D

PLOT PLAN
SCALE: 1" = 30'-0"



R-1





Case No. 17-043

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

Part 1. Property Involved.

Street Address 1407 Olde Freeport Pl, Bettendorf

Legal Description of the property. #4 Oak Pointe 3rd

Part 2. Contact Information.

Applicant Name Scott Pearson - Pearson Bldg Pursuits Phone 563-529-9505

Address 6516 Woodland Ct, Des Moines 52807 FAX _____

E-mail Address: pearson.building.pursuits@mchsi.com

Owner Name Peter & Susan Marty Phone _____

Address 1407 Olde Freeport Place FAX _____

E-mail Address: _____

Agent Scott Pearson 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.

Replace existing deck, however, deck was built at
some time (20yrs ago). Replacing footings w/ engineered
footings.

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" = ~~30'~~ 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 24 day of April, 20 17.

Signature of Applicant Scott Pearson 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 24th day of April, 20 17.

[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 CC. by Deb M. Idt
Amount 50.00 Date 4-24-2017



COMMUNITY DEVELOPMENT

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

May 11, 2017

Staff Report

Case No. 17-044

Location: 6021 Emery Court

Applicant: Nick Wood

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

Request: Variance to reduce the required front yard setback from 30 feet to 25 feet to allow a portion of a deck to be constructed in a required front yard.

Background Information and Facts

The site is located at the northeast corner of the intersection of Emery Court and Hopewell Avenue (see Attachment A – Location Map). The applicant would like to construct a new deck that, if allowed, will encroach slightly into the front yard setback adjacent to Hopewell Avenue (see Attachment B – Plot Plan).

Staff Analysis

The plot plan illustrates that the site is very tight and almost no buildable area remains due to the size and configuration of the lot and the required setbacks:

- A 30-foot front yard setback adjacent to Hopewell Avenue.
- A 30-foot front yard setback adjacent to Emery Court.
- A side yard setback on the east side of the lot adjacent to the Hopewell Creek drainage area.
- A 40-foot rear yard setback on the north side of the lot.

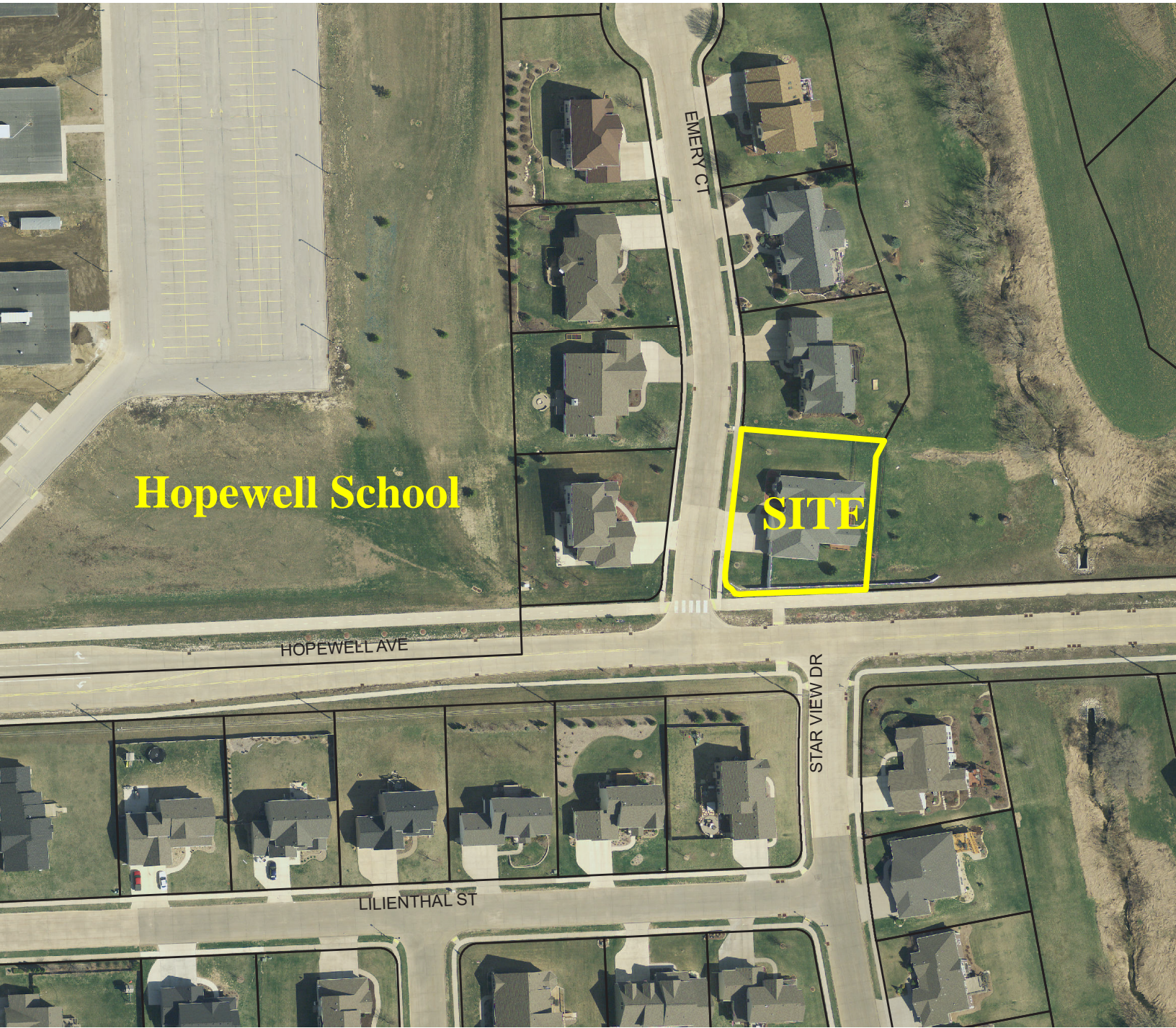
The only reasonable location to place the deck given the above analysis seems to be the proposed location. The only buildable area left on this lot is at the chosen location for the proposed deck (see Attachment C – Setback Illustration).

The applicant has chosen an irregular design for the proposed deck in an effort to reduce the encroachment into the required yard. A small, triangular portion of the overall deck will encroach into the required setback (see shaded area on Attachment B). Staff does note that the house does already have an existing deck which is visible on both Attachment A and Attachment B.

Respectfully submitted,

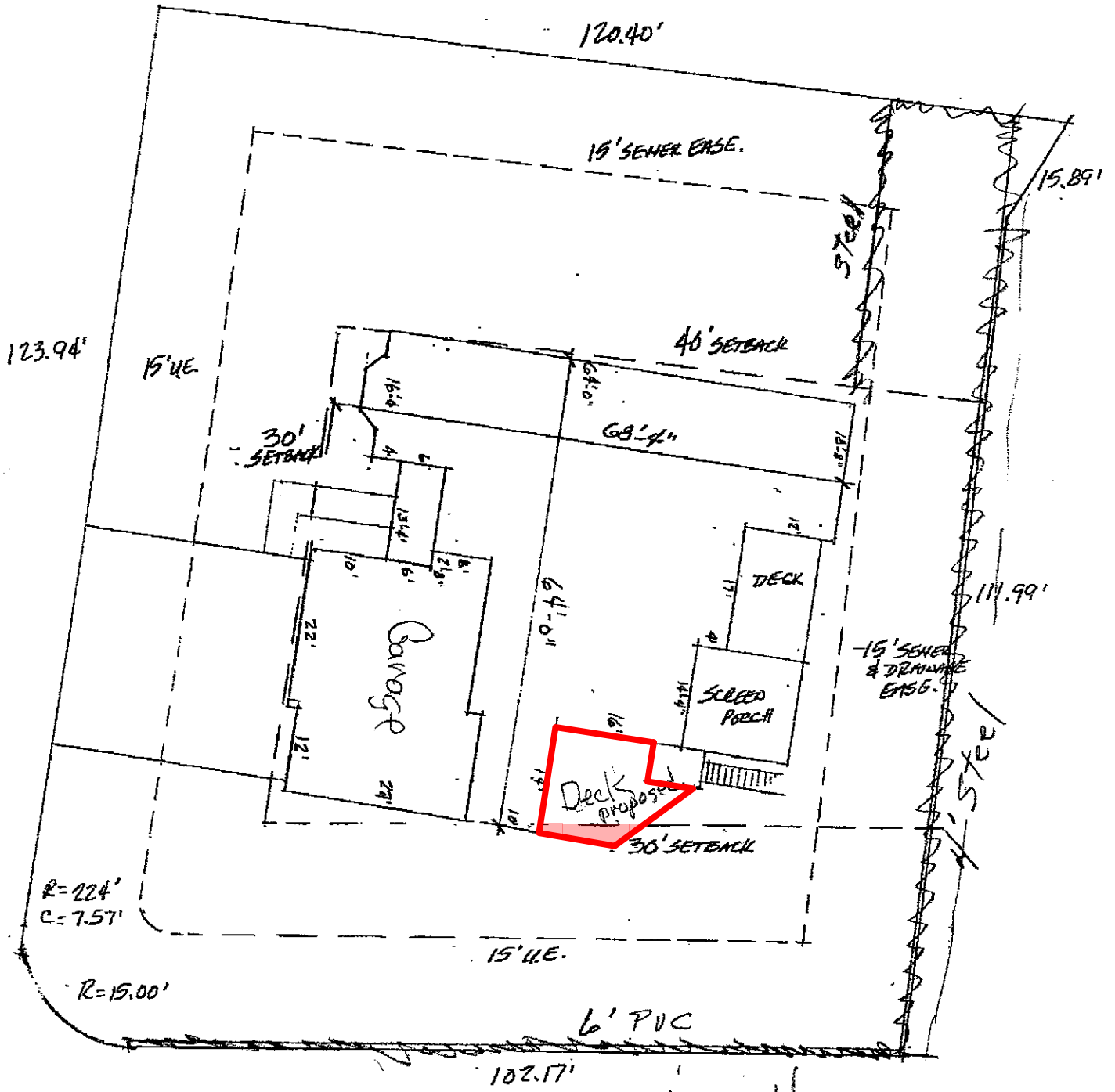
John Soenksen
City Planner

Attachment - A



PLOT PLAN

Attachment - B



SITE PLAN
 LOT #11
 LEGENDS OF HOPEWELL CREEK
 1" = 20.00'

Hopewell

NORTH

COY CUSTOM HOMES

S.P.
5/26/06

Zoning District RI

Front setback 30



Attachment - C





Case No. 17-044

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

Part 1. Property Involved.

Street Address 6021 Emery Ct Bettendorf IA

Legal Description of the property. Lot 11 legends of Hopewell

Part 2. Contact Information.

Applicant Name Nick Wood Wood Home Renovations Phone 309-558-7896

Address 3007 36th St Moline IL 61265 FAX _____

E-mail Address: Woodhomerenovations@gmail.com

Owner Name Dan & Kris Robinson Phone _____

Address 6021 Emery Ct 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.

Requesting variance to allow a five foot protrusion
of a portion of a deck into a front yard setback.

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

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

Part 7. Signature.

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

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

State of Iowa)
) SS
 County of Scott)

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

Witness my Hand and Notarial Seal this 25th day of Apr. 1 2017.

[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] - Credit Card
 Amount \$50 Date 4-25-2017



COMMUNITY DEVELOPMENT

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

May 11, 2017

Staff Report

Case No. 17-045

Location: Northwest corner of the intersection of Forest Grove Drive and Middle Road

Applicant: Missman, Inc.

Zoning Designation: C-7, Public Gathering and Recreational Activity District

Request: Variance to allow parking/driveway in a front setback.

Background Information and Facts

The site is located near the northwest corner of the intersection of Forest Grove Drive and Middle Road (see Attachment A – Location Map). It is the site of the proposed BettPlex regional indoor/outdoor sporting complex. The applicant is seeking a variance to allow parking/driveway within a required front yard setback.

Staff Analysis

The new development will have a new east/west street north of and parallel to Forest Grove Drive. The original plan showed that there would be approximately 182 parking spaces adjacent to and just north of the new street within the required front yard. Those spaces are highlighted in pink on Attachment B – Original Site Plan. South of the new street will be 4 very large commercial lots that are anticipated to be developed with businesses that are complementary to or perhaps even developed in conjunction with the sports complex. The original site plan has since been updated, and the parking/driveway plan has been reconfigured such that none of the parking spaces will be located in the required front yard (see Attachment C - Updated Parking/Driveway plan). Only the driveway that runs parallel to the street will be in the required setback.

The Isle is the only other property within the City of Bettendorf that is zoned C-7. When originally adopted, the C-7 District required:

- 100-foot front yard setbacks
- 50-foot side yard setbacks
- 50-foot rear yard setbacks

Even at The Isle, these excessive setbacks have not been adhered to and numerous variances have been granted. Items in the required setbacks include:

- Signage
- Building associated with the Jetty

- Isle Parkway (roadway)
- The city recreational trail
- Two sky bridges with associated support structures.
- The newest hotel structure.

Staff has recognized the impracticality of the current required setbacks, and the new ordinance poised for final adoption has changed the C-7 District setbacks to:

- 20-foot front yard setbacks
- 10-foot side yard setbacks
- 20-foot rear yard setbacks

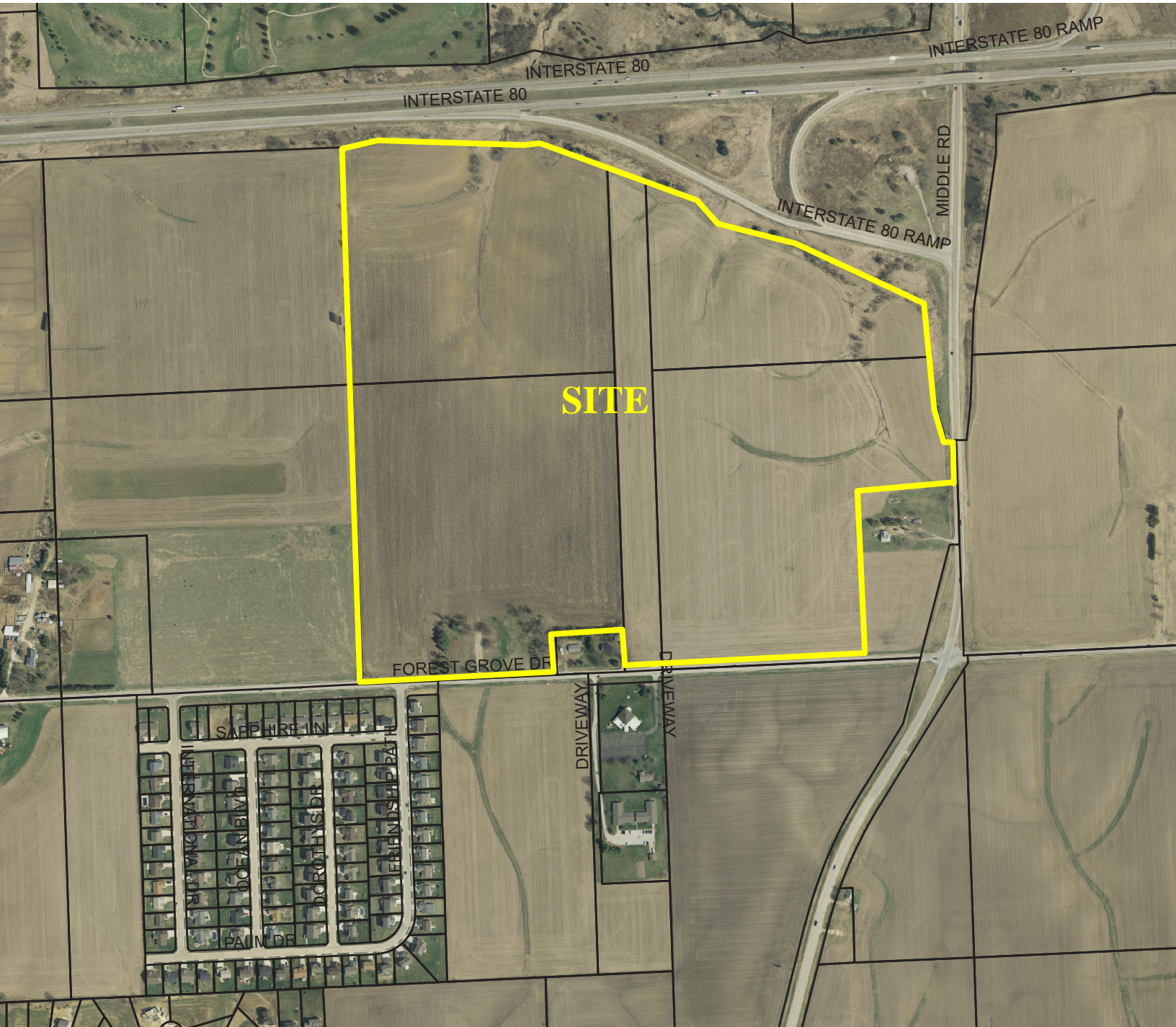
Staff Recommendation

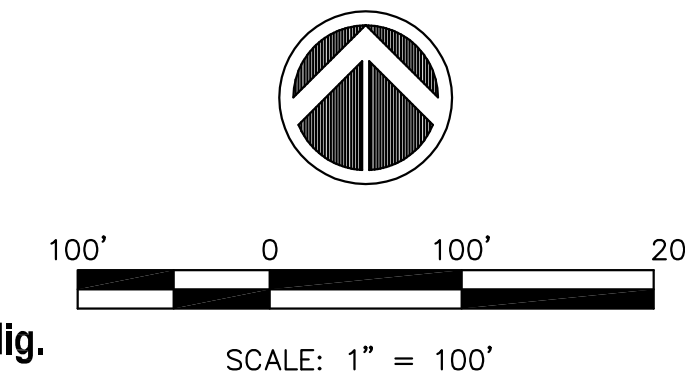
The regional sports complex is a unique concept, and the associated parking appears to be complementary to the overall development of the BettPlex and to the remaining undeveloped adjacent lots. The developer is attempting to maximize as much on-site parking as possible and has reconfigured the parking plan to minimize any setback encroachment. A concerted effort was made to redesign the site so that only the driveway is in the required setback.

Respectfully submitted,

John Soenksen
City Planner

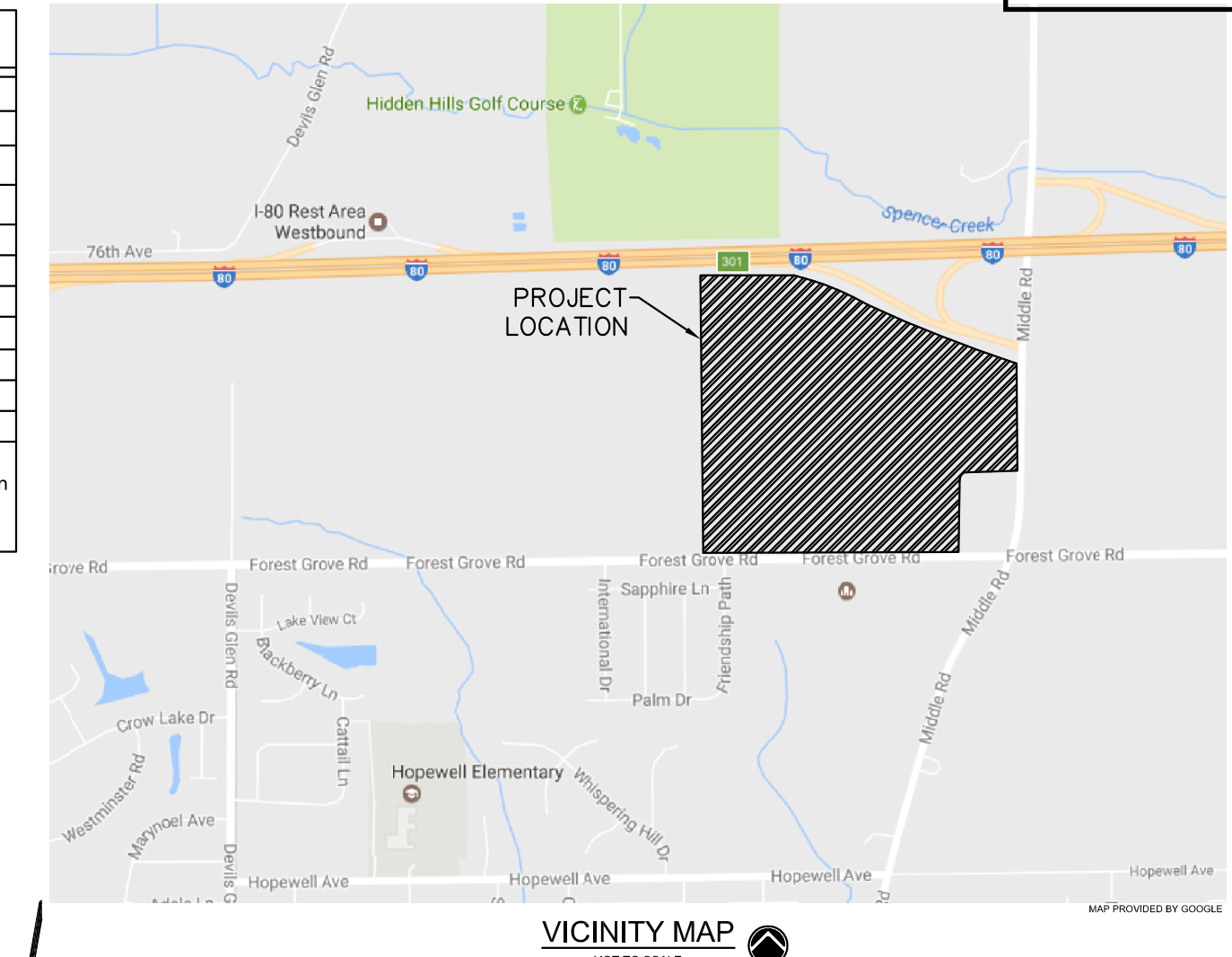
Attachment - A





SITE INFORMATION	
ZONING DISTRICT:	C-7 PUBLIC GATHERING AND RECREATIONAL ACTIVITY DISTRICT
SITE LOCATION:	MIDDLE ROAD & FOREST GROVE ROAD, BETTENDORF, IOWA
SITE AREA:	5,392.892 S.F. ±
FRONT YARD REQUIRED:	123.80 ACRES ±
SIDE YARD REQUIRED:	100'
REAR YARD REQUIRED:	50'
TOTAL BUILDING AREA:	(SEE BUILDING AREA TABLE)
REQUIRED PARKING = 7 SPACES	
PROVIDED = 1593 (INCLUDING 28 HANDICAPPED)	
TOTAL VEHICULAR USE AREA (V.U.A.):	= 654,991 S.F. ±
CONSTRUCTION ACTIVITY DESCRIPTION: The construction involves 1 proposed multi-use building, 1 maintenance garage, 2 concession stands, 4 turf soccer fields, 4 turf baseball/softball fields, 2 turf softball fields, utility services, 4 access drives, multi-use walking paths & a 1,610 parking stall parking lot.	

BUILDING AREA TABLE	
BUILDING "A"	SEE ARCHITECTURAL PLANS FOR DETAILS
BUILDING "B"	CONCESSIONS STAND - 1,600 SF TOTAL
BUILDING "C"	MAINTENANCE SHED - 5,400 SF TOTAL
BUILDING "D"	CONCESSIONS STAND - 1,600 SF TOTAL



LEGAL DESCRIPTION
LOT NUMBER 1 OF BETTPLEX FIRST ADDITION, IN THE CITY OF BETTENDORF, SCOTT COUNTY, IOWA

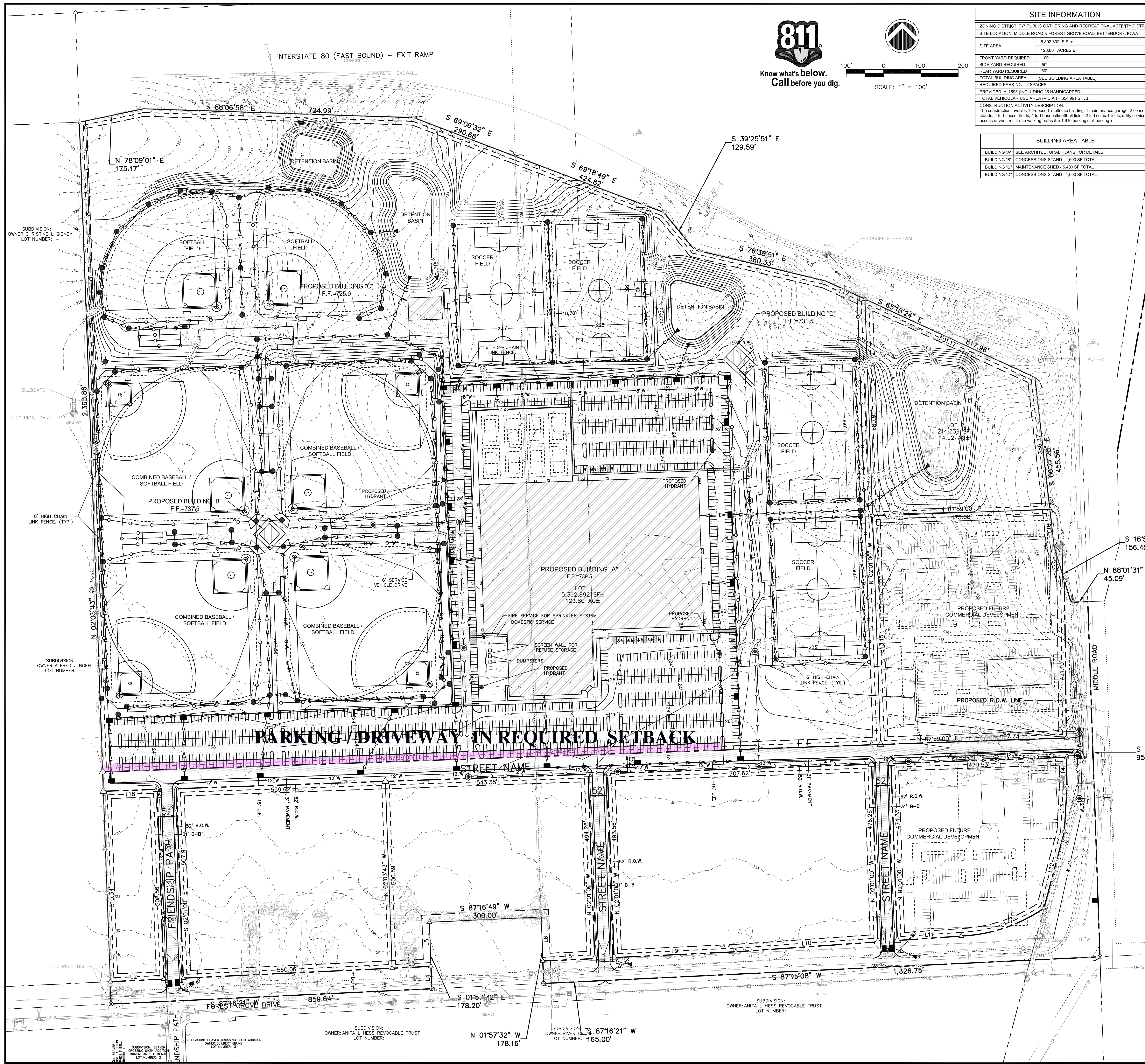
OWNER / SUBDIVIDER
THE BETTPLEX
P.O. BOX 394
BETTENDORF, IOWA 52722

ARCHITECT
STUDIO 483
201 W. 2ND STREET, SUITE 608
DAVENPORT, IOWA 52801

DEVELOPER
BUILD TO SUIT
1805 STATE STREET #101
BETTENDORF, IOWA 52722

PROPOSED	EXISTING	
●	○	STORM MANHOLE
○	○	STORM INLET
○	○	STORM INLET
○	○	SANITARY MANHOLE
○	○	SANITARY/STORM CLEANOUT
○	○	WATER VALVE
○	○	HYDRANT
○	○	WATER SERVICE
○	○	POWER POLE W/ METER
○	○	GUY WIRE
○	○	ELECTRIC MANHOLE
○	○	ELECTRIC METER
○	○	TELEPHONE POLE
○	○	TELEPHONE MANHOLE
○	○	TELEPHONE PEDESTAL
○	○	CABLE TV PEDESTAL
○	○	UTILITY MANHOLE
○	○	GAS VALVE
○	○	GAS METER
○	○	LIGHT POLE
---	---	PROPERTY LINE
---	---	EASEMENT LINE
---	---	SECTION LINE
---	---	R.O.W. LINE
---	---	SETBACK LINE
---	---	CHAIN LINK FENCE
---	---	WIRE FENCE
---	---	SANITARY SEWER
---	---	STORM SEWER
---	---	PIPE UNDERDRAIN
---	---	WATER LINE
---	---	OVERHEAD ELECTRIC
---	---	UNDERGROUND ELECTRIC
---	---	GAS LINE
---	---	EXISTING CROP LINE
---	---	CONTOUR
---	---	HMA PAVEMENT
---	---	SIDEWALK / CONCRETE PAVEMENT

- GENERAL NOTES**
- ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF BETTENDORF DESIGN AND SPECIFICATIONS, LATEST EDITION, AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
 - UNDERGROUND FACILITIES, STRUCTURES AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS, RECORDS, AND FIELD INVESTIGATION. THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. IT IS POSSIBLE THERE MAY BE OTHERS. THE EXISTENCE OF WHICH PRESENTLY NOT KNOWN OR SHOWN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR EXISTENCE AND EXACT LOCATION AND TO AVOID DAMAGE THEREOF.
 - IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY CONFLICTS WITH THE DRAWINGS OCCUR. ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
 - PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREAS. DO NOT ALLOW WATER TO POND ONTO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
 - ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
 - THE CONTRACTOR SHALL EXERCISE PROPER CAUTION TO PROTECT THE EXISTING IMPROVEMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY DAMAGE.
 - ALL EROSION CONTROL MEASURES MUST BE INSTALLED PRIOR TO THE COMMENCEMENT OF ANY EARTH DISTURBING OPERATIONS. THE REMAINING EROSION CONTROL MEASURES SHALL BE INSTALLED AS SOON AS REASONABLY POSSIBLE AFTER GRADING OPERATIONS BEGIN. WHERE THE PRESENCE OF SILT FENCE WILL INTERFERE WITH ACTIVITIES, DIVERSION DITCHES AND SMALL TEMPORARY SEDIMENT TRAPS SHALL BE UTILIZED UNTIL SILT FENCE OR OTHER MEASURES MAY BE INSTALLED AND VEGETATION ESTABLISHED.
 - BUILDING CONSTRUCTION TYPE IS ANTICIPATED TO BE TYPE "1B" PER THE 2009 INTERNATIONAL BUILDING CODE.
 - SEE ARCHITECTURAL PLANS FOR BUILDING OCCUPANCY TYPE PER THE 2009 INTERNATIONAL BUILDING CODE.
 - THE PROPOSED BUILDING WILL BE EQUIPPED WITH AN AUTOMATIC FIRE SPRINKLER SYSTEM.



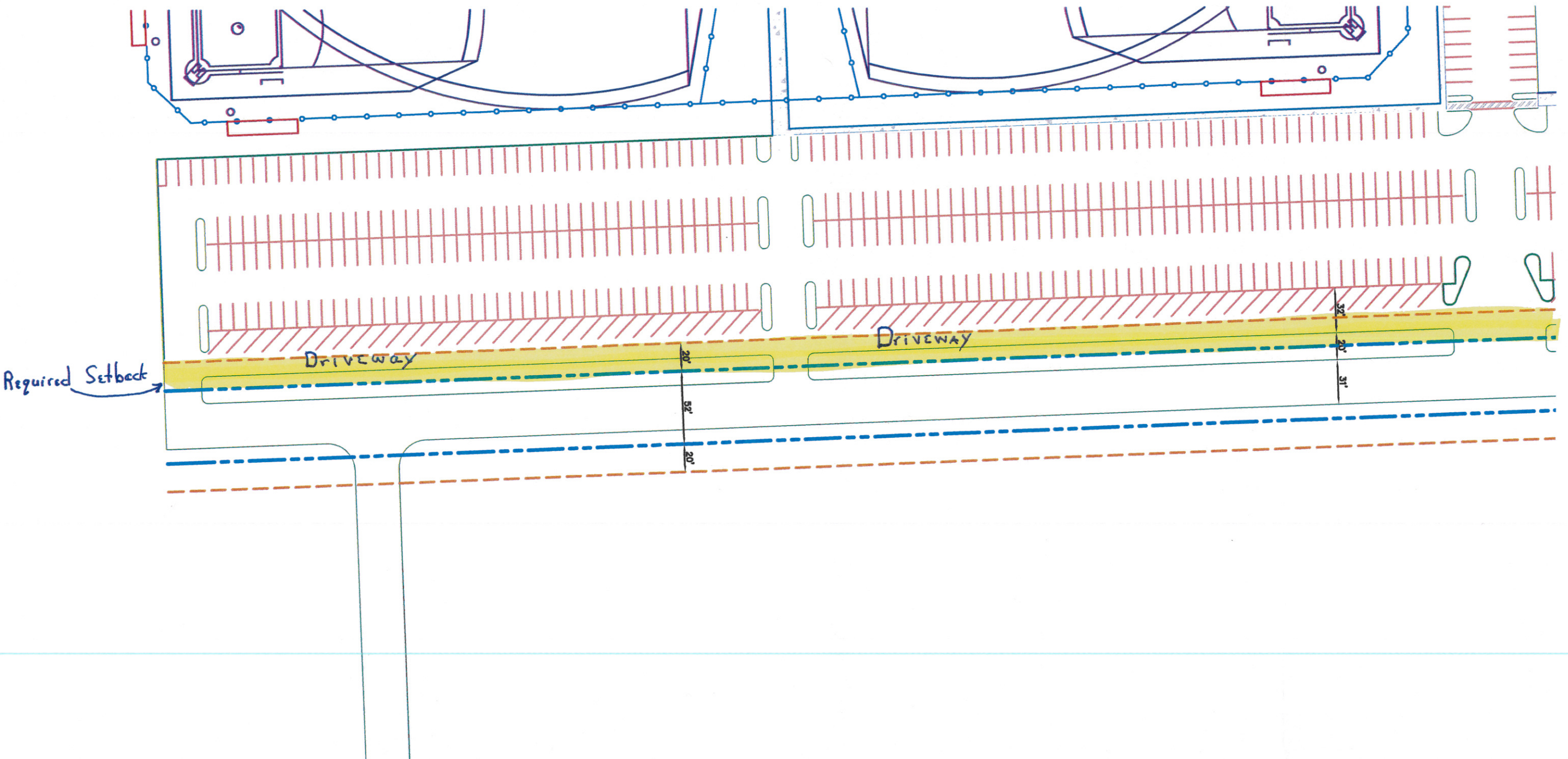
DATE	REVISIONS	DESCRIPTION
	No.	

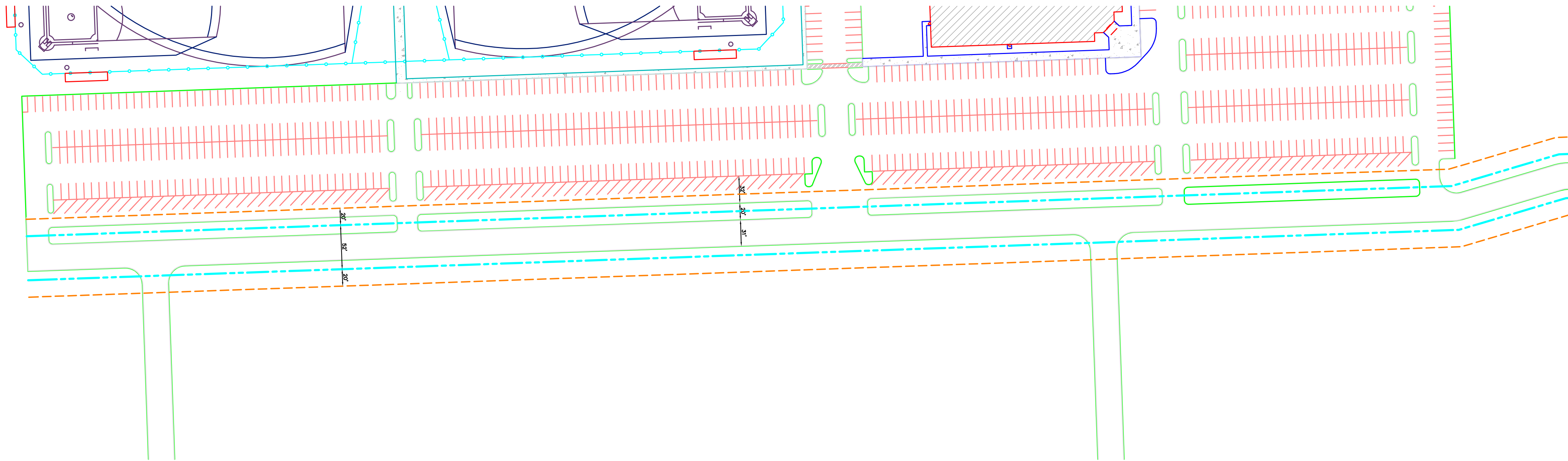


BUILD TO SUIT - BETTPLEX
BETTENDORF, IOWA

SITE PLAN

Missman Project No: C16L052
File Name: C16L052 SITE PLAN.dwg
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Field Book No: #####
Drawn By: KEC
Checked By: JLH
Date: 04-28-2017
SP-1
Sheet 1 of 1







Case No. 17-045

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

Part 1. Property Involved.

Street Address NW of the intersection at Middle Rd & Forest Grove Rd

Legal Description of the property. attached

Part 2. Contact Information.

Applicant Name MISSMAN, INC., Kristin Crawford Phone 563-344-0260
Address 1717 State St, Suite 201, Bettendorf IA 52722 FAX 563-344-0263
E-mail Address: kristinc@missman.com

Owner Name The Bettplex LLC Phone 563-349-3760
Address P.O. Box 394, Bettendorf, IA 52722 FAX 563-823-3335
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.
- (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 11, 2017

Staff Report

Case No. 17-046

Location: 3627-3651 Devils Glen Road

Applicant: Andrew Dasso

Zoning Designation: C-2, Community Shopping District

Request: Special use permit to allow a bar, cocktail lounge, or tavern with an associated outdoor service area.

Background Information and Facts

The site is located just southeast of the intersection of Devils Glen Road and Tanglefoot Lane (see Attachment A – Location Map). The applicant would like to locate a microbrewery in the northernmost half of a new commercial building to be built on the site (see Attachment B – Site Plan). If allowed, the building and the associated outdoor service area will resemble the illustrations shown on Attachments C, D, and E.

Staff Analysis

Prior to approving a special use permit, 9 standards must be met. Below is a listing of those standards and staff's evaluation of the request relative to each standard.

1. The proposed use is designated by this title as a special use in the district in which the use is to be located.

Section 11-7B-3 lists "bar, cocktail lounge, or tavern " as an allowed special use.

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

The site development plan for the project will be reviewed by the Planning and Zoning Commission and the City Council. This site plan approval process is intended to ensure that the above standard is met. Staff will require compliance with these requirements

3. The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

Staff is satisfied that the proposed site will be in harmony with the development within this area and these items will also be reviewed by the Planning and Zoning Commission and City Council. Staff, at the Board's the Planning and Zoning Commission's direction, may recommend hours of operation restrictions on the outdoor service area and address further outdoor sound restrictions to ensure the development is in harmony with the nearby residential area.

4. The location, nature and height of buildings, walls and fences, and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.

These issues will be a main focus of the site plan approval process during further review by the Planning and Zoning Commission and City Council.

5. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining uses, and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.

Staff is currently working with the developer to ensure this standard will be met, and this issue will be further scrutinized during the site plan approval process at City Council.

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

The site plan approval process will allow two public hearings to allow the Council and Planning and Zoning to address any concerns of the neighbors.

7. Conditions in the area have substantially changed, and at least one year has elapsed since any denial by the board of adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.

The request has never been the subject of a denial by the Board.

8. The board of adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this title. Failure to comply with such conditions or restrictions shall constitute a violation of this title.

At this time staff is not requesting any further conditions. In the past, the Board has restricted the hours of outdoor services areas adjacent to residential districts as well as the amount of sound or music that will be allowed as part of the special use process.

9. The proposed use is consistent with the Bettendorf comprehensive plan and serves to further the goals of the plan.

The future land use map designates the area as commercial. The request is consistent with that designation.

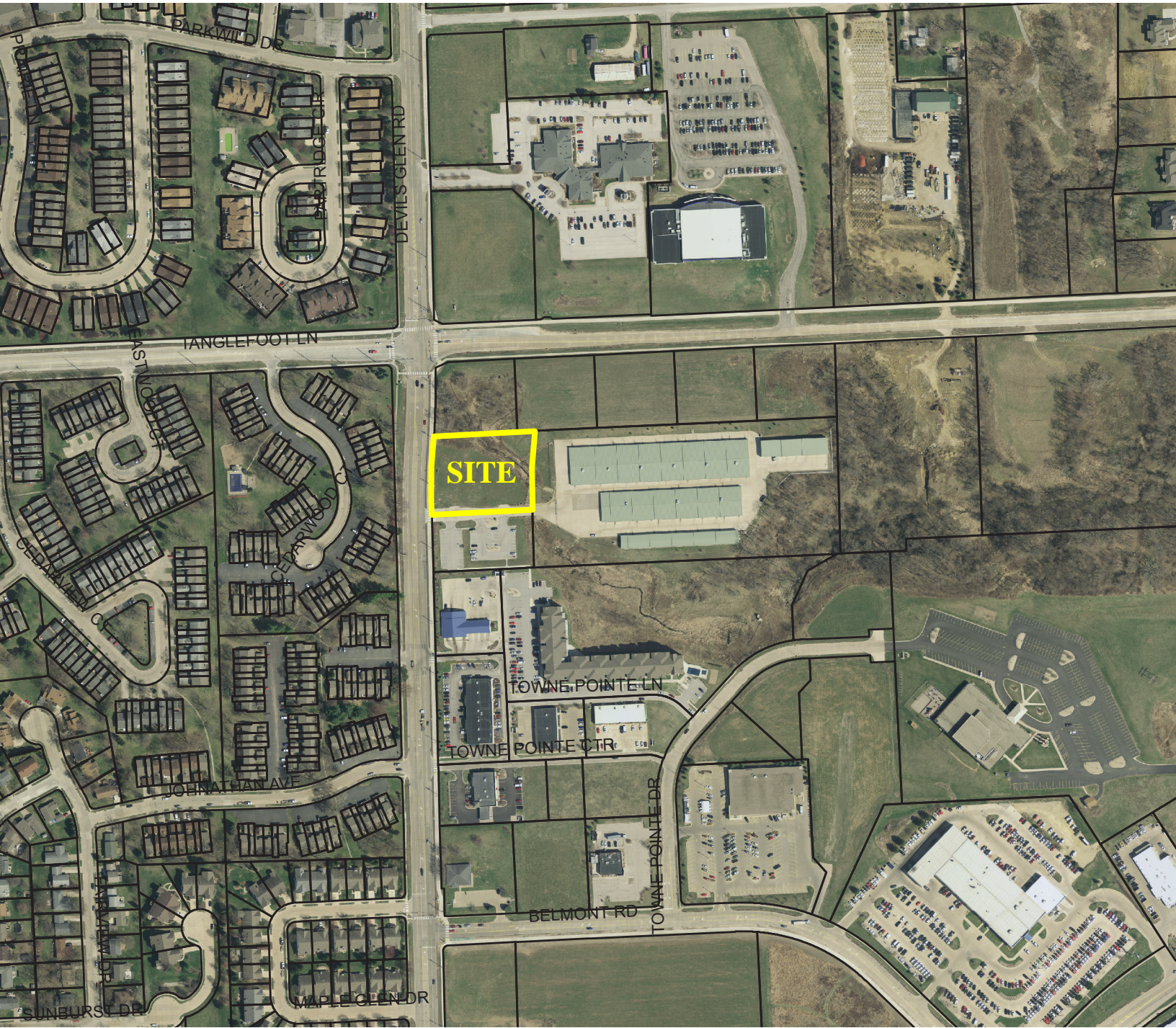
Staff Recommendation

Staff is seeking the Board's recommendations on what, if any restrictions should be imposed on this request to ensure that all of the above standards are met and that the request can be approved.

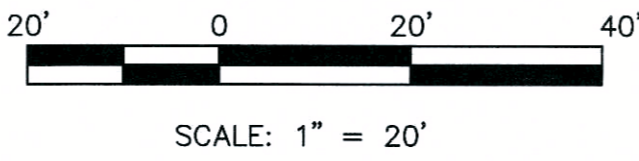
Respectfully submitted,

John Soenksen
City Planner

Attachment - A

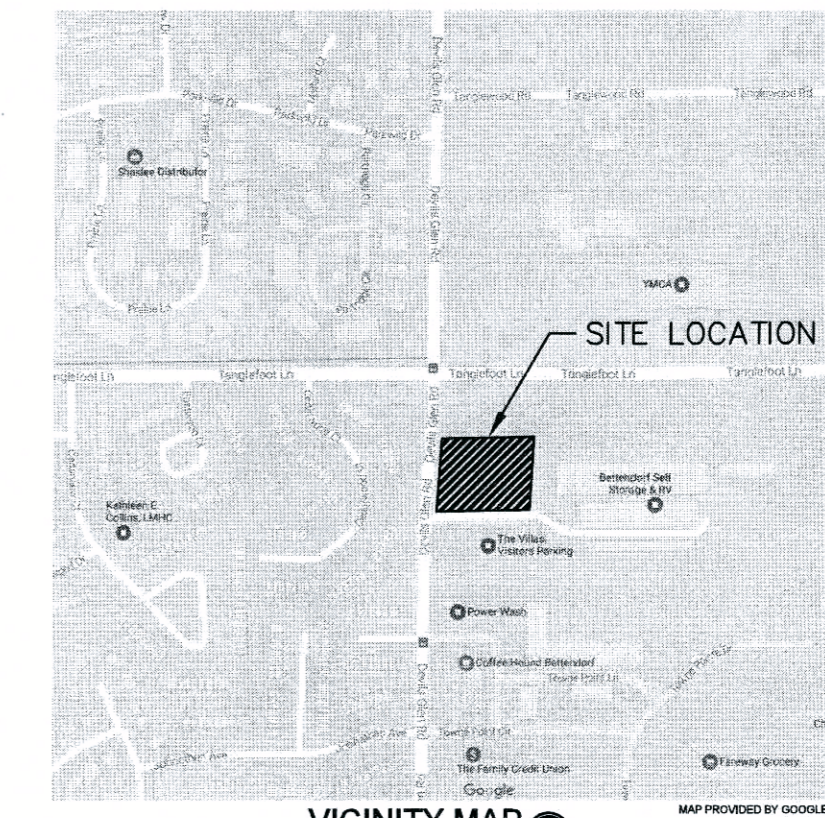


**PRELIMINARY
NOT FOR CONSTRUCTION**



SITE INFORMATION	
ZONING DISTRICT:	C-2 COMMUNITY SHOPPING DISTRICT
SITE LOCATION:	DEVILS GLEN ROAD & TANGLEFOOT LANE, BETTENDORF, IOWA
SITE AREA:	60,762 S.F. ±
	1.395 ACRES ±
FRONT YARD REQUIRED:	20'
SIDE YARD REQUIRED:	NONE
REAR YARD REQUIRED:	NONE
TOTAL BUILDING AREA:	16,889 SF
REQUIRED PARKING = 122 SPACES - W/ MEZZANINE 100 SPACES W/OUT MEZZANINE PROVIDED = 51 (INCLUDING 2 HANDICAPPED)	
TOTAL VEHICULAR USE AREA (V.U.A.) = 16,055 S.F. ±	
CONSTRUCTION ACTIVITY DESCRIPTION: The construction involves 1 proposed split use building, an elevated patio with retaining wall, utility services, a 28 parking stall upper lot, & a 19 parking stall lower lot.	

BUILDING AREA TABLE			
BREWERY STORAGE	3401 SF	BIKE STORAGE	3165 SF
BREWERY FIRST FLOOR	3062 SF	BIKE FIRST FLOOR	3230 SF
BREWERY MEZZANINE	1401 SF	BIKE MEZZANINE	1435 SF
TOTAL FLOOR SPACE		15,694 SF	



OWNER / SUBDIVIDER
DG STORAGE I LLC
1805 STATE STREET STE 101
BETTENDORF, IOWA 52722

ARCHITECT
DESIGN BUILD BY ARCHITECTS
318 E. THIRD STREET
DAVENPORT, IOWA 52801

DEVELOPER
BUILT TO SUIT
1805 STATE STREET #101
BETTENDORF, IOWA 52722

LEGAL DESCRIPTION
Lot 1 of Hoffman's First
Addition at Devils Glen

NO.	REVISIONS	DATE

Missman, inc.
Professional Engineers & Land Surveyors

Rock Island, IL • Bettendorf, IA • Rockford, IL • DeKalb, IL
(309) 788-7644 • (563) 344-0260 • (815) 965-6400 • (815) 748-5643
www.missman.com

LEGEND

PROPOSED	EXISTING	
●	○	STORM MANHOLE
■	□	STORM INLET
◐	◑	FLARED END SECTION
◒	◓	SANITARY MANHOLE
◔	◕	SANITARY/STORM CLEANOUT
⊕	⊖	WATER VALVE
⊗	⊘	HYDRANT
⊙	⊚	POWER POLE
⊛	⊜	POWER POLE W/ LIGHT
⊝	⊞	ELECTRIC PEDESTAL/TRANSFORMER
⊟	⊠	ELECTRIC METER
⊡	⊢	UTILITY MANHOLE
⊣	⊤	HANDHOLE
⊥	⊦	GAS METER
⊧	⊨	LIGHT POLE
⊩	⊪	SIGN
		DECIDUOUS TREE
		CONTROL POINT
		BENCHMARK
		SURVEY BOUNDARY
		PROPERTY LINE
		CENTERLINE
		EASEMENT LINE
		R.O.W. LINE
		SETBACK LINE
		SANITARY SEWER
		STORM SEWER
		BACK OF CURB / FLOW LINE
		WATER LINE
		OVERHEAD ELECTRIC
		UNDERGROUND ELECTRIC
		GAS LINE
		EDGE OF WATER LINE/DITCH FLOWLINE
		CONTOUR
		TREE LINE
		HMA PAVEMENT
		SIDEWALK / CONCRETE PAVEMENT

- GENERAL NOTES**
- ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF BETTENDORF DESIGN AND SPECIFICATIONS, LATEST EDITION, AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
 - UNDERGROUND FACILITIES, STRUCTURES AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS, RECORDS, AND FIELD INVESTIGATION. THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. IT IS POSSIBLE THERE MAY BE OTHERS, THE EXISTENCE OF WHICH PRESENTLY NOT KNOWN OR SHOWN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR EXISTENCE AND EXACT LOCATION AND TO AVOID DAMAGE THEREOF.
 - IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY CONFLICTS WITH THE DRAWINGS OCCUR. ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
 - PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREAS. DO NOT ALLOW WATER TO POND ONTO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
 - ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
 - THE CONTRACTOR SHALL EXERCISE PROPER CAUTION TO PROTECT THE EXISTING IMPROVEMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY DAMAGE.
 - ALL EROSION CONTROL MEASURES MUST BE INSTALLED PRIOR TO THE COMMENCEMENT OF ANY EARTH DISTURBING OPERATIONS. THE REMAINING EROSION CONTROL MEASURES SHALL BE INSTALLED AS SOON AS REASONABLY POSSIBLE AFTER GRADING OPERATIONS BEGIN. WHERE THE PRESENCE OF SILT FENCE WILL INTERFERE WITH ACTIVITIES, DIVERSION DITCHES AND SMALL TEMPORARY SEDIMENT TRAPS SHALL BE UTILIZED UNTIL SILT FENCE OR OTHER MEASURES MAY BE INSTALLED AND VEGETATION ESTABLISHED.
 - BUILDING CONSTRUCTION TYPE IS ANTICIPATED TO BE TYPE "IIB" PER THE 2009 INTERNATIONAL BUILDING CODE.
 - OCCUPANCY TYPE IN THIS BUILDING WILL BE GROUP "A-2" FOR THE BREWERY OCCUPANCY PER THE 2009 INTERNATIONAL BUILDING CODE.
 - OCCUPANCY TYPE IN THIS BUILDING WILL BE GROUP "B" FOR THE BIKE SHOP OCCUPANCY PER THE 2009 INTERNATIONAL BUILDING CODE.
 - PROPOSED BUILDING WILL BE EQUIPPED WITH AN AUTOMATIC FIRE SPRINKLER SYSTEM.

**BIKE SHOP AND BREWERY
BETTENDORF, IA**

SITE PLAN

Missman Project No:
C17L011

File Name:
C17L011-city SITE

DATE: 04/28/17
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Field Book No:####

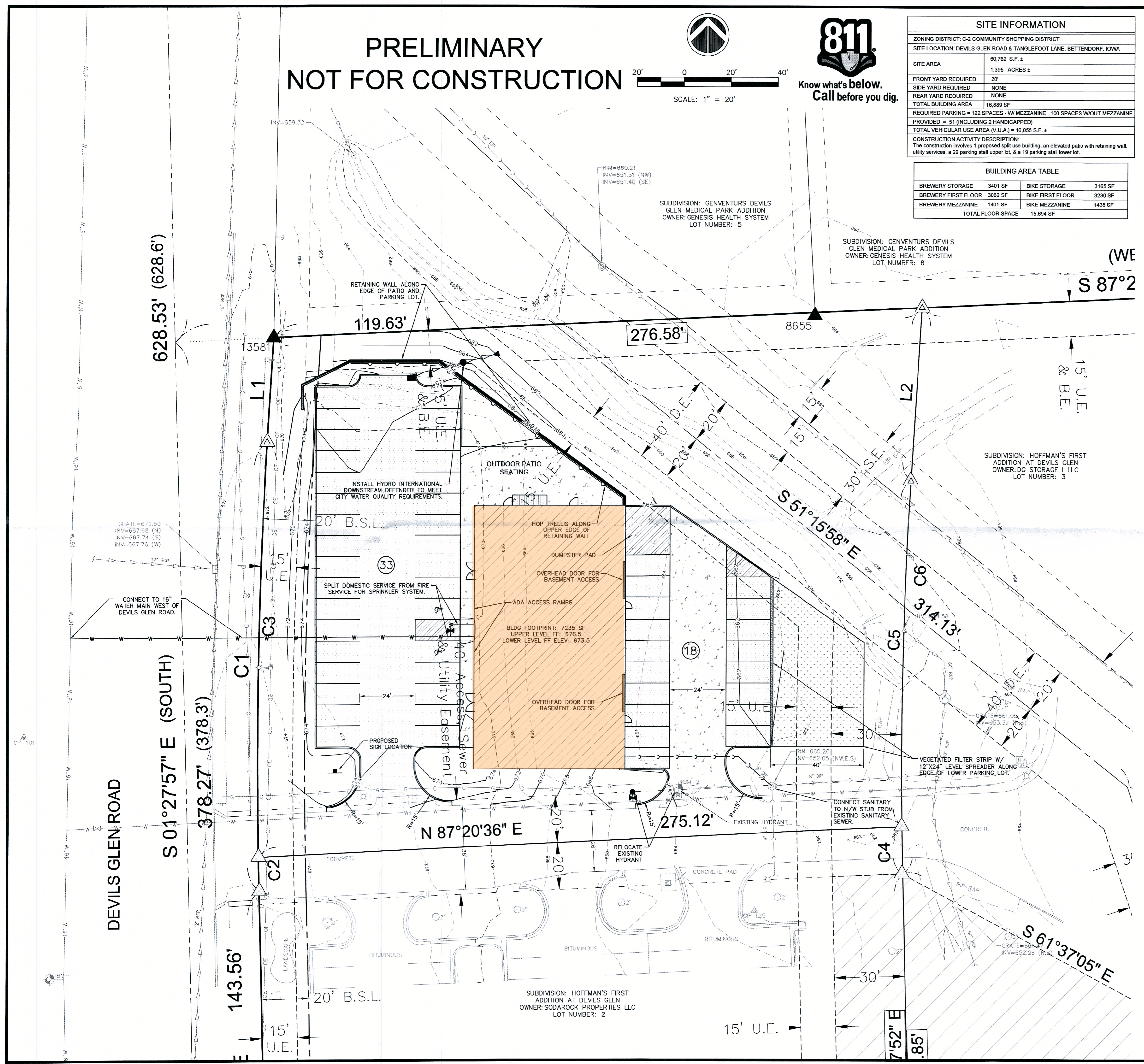
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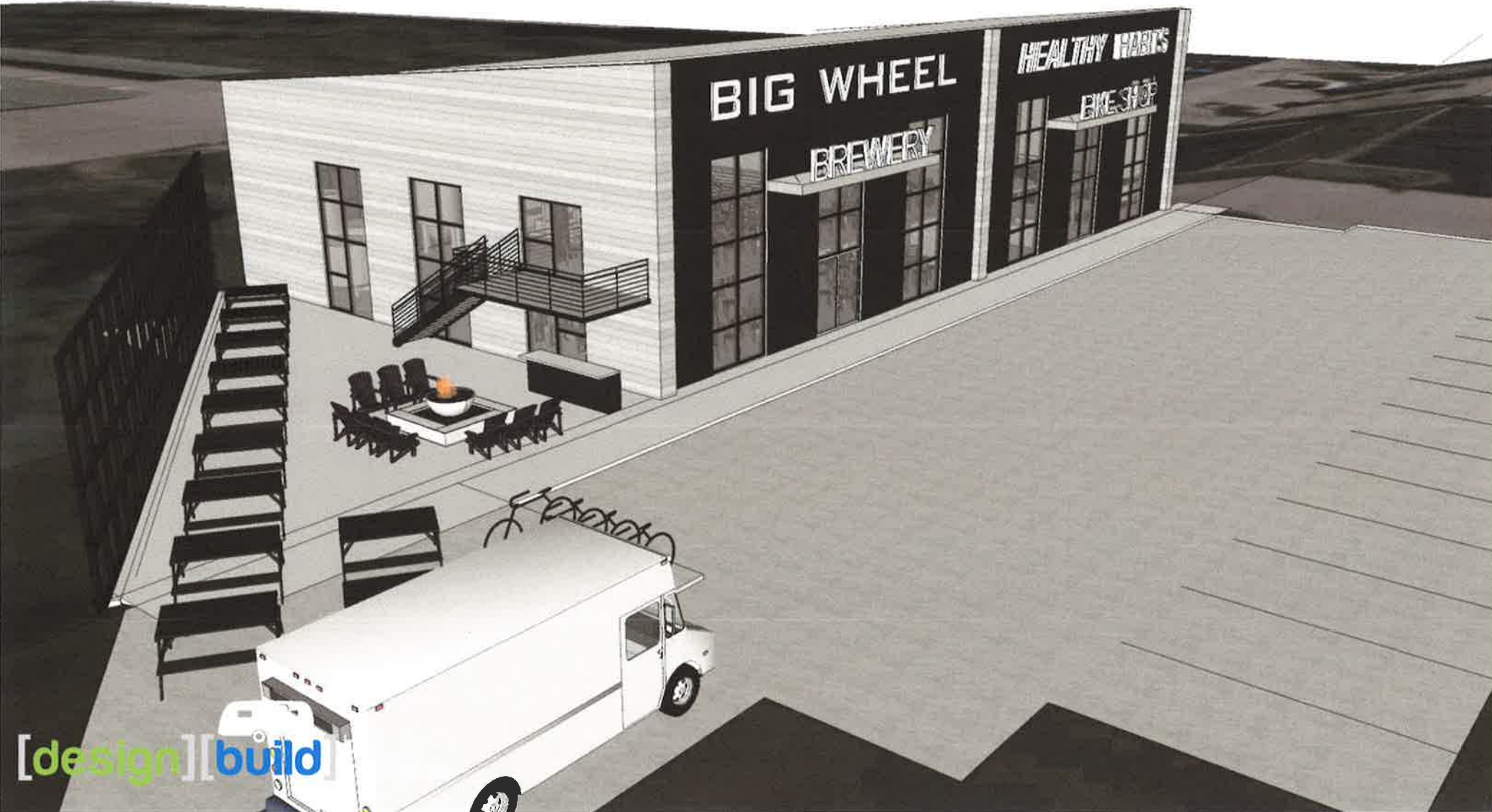
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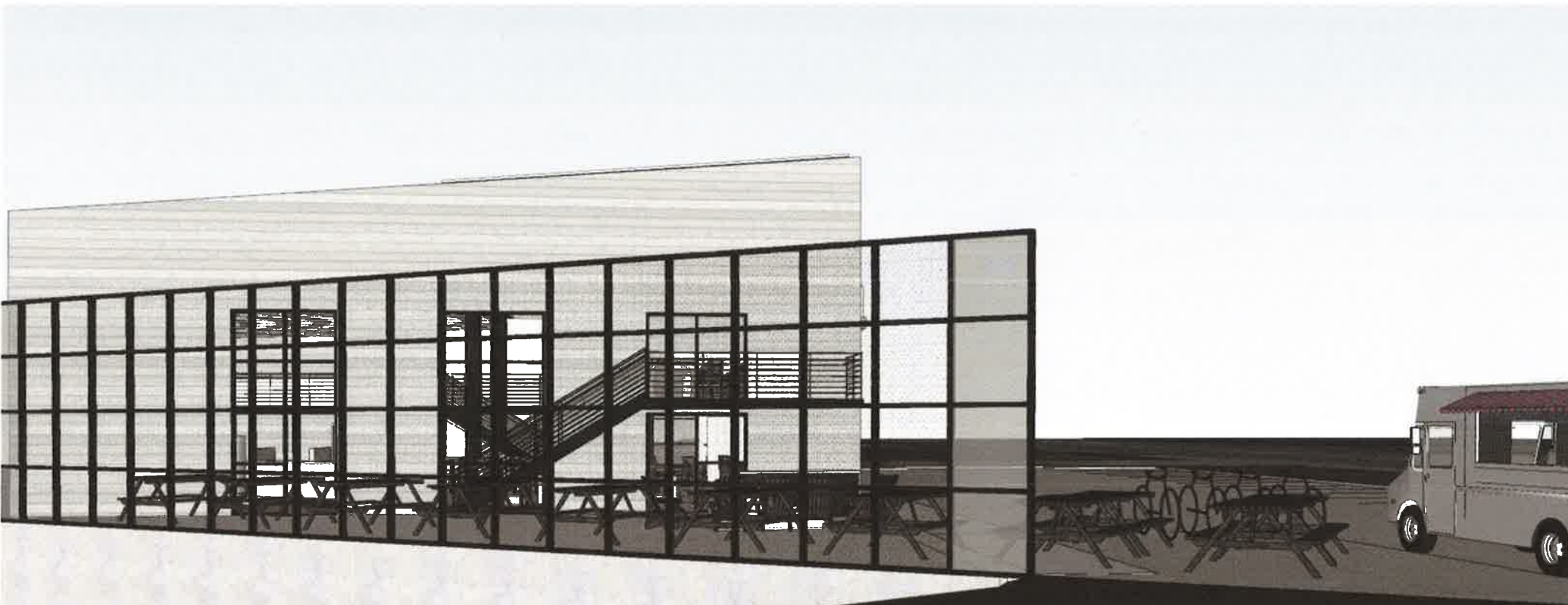
Sheet 1 of 1





[design][build]





[design][build] by architects



Case No. 17-045

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

Part 1. Property Involved.

Street Address 3627-3651 Devils Glen Road

Legal Description of the property. Lot #1 of Hoffmans 1st Addition at Devils Glen

Part 2. Contact Information.

Applicant Name Andrew Dasso Phone 309-737-8587

Address 318 E. Third Street, Davenport, IA FAX _____

E-mail Address: andrew@buildbyarchitects.com

Owner Name Crawford Brewworks/Healthy Habits Phone 309-283-5223

Address 1306 Mill Street, Rock Island, IL 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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3. Other. _____
(Attach a separate sheet and explain in detail.)

