

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
AUGUST 10, 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 July 13, 2017.
4. The Board to hold a public hearing on the following items:
 - a. **Case 17-065; 2925 - 18th Street (PUD)** – A request for a variance to allow an accessory structure in an established front yard, submitted by Family Video/Oliver Owen.
 - b. **Case 17-066; Lot 3, Interstate 74 Technology Park Fifth Addition (C-6)** - A request for a variance to allow parking in a required front yard adjacent to Tanglefoot Lane, submitted by Strategic Behavioral Health, LLC/Rob Elsner. (Deferred to meeting of September 14, 2017)
 - c. **Case 17-069; Lot 3, Interstate 74 Technology Park Fifth Addition (C-6)** - A request for a variance to allow parking in a required front yard adjacent to Interstate 74, submitted by Strategic Behavioral Health, LLC/Rob Elsner. (Deferred to meeting of September 14, 2017)
 - d. **Case 17-073; Lot 3, Interstate 74 Technology Park Fifth Addition (C-6)** - A request for a variance to reduce the required rear yard setback from 50 feet to 5 feet and to reduce the required side yard setback from 10 feet to 5 feet to allow construction of a future structure, submitted by Strategic Behavioral Health, LLC/Rob Elsner. (Deferred to meeting of September 14, 2017)

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
JULY 13, 2017
5:00 P.M.

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

Item 1. Roll Call

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

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of June 22, 2017.

On motion by Falk, seconded by Gallagher, that the minutes of the meeting of June 22, 2017 be approved as submitted.

ALL AYES

Motion carried.

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

- a. **Case 17-059; 6024 Shawnee Court (R-1)** – A request for variance to allow a 5-foot high fence in a required front yard adjacent to Hopewell Avenue, submitted by Bonnie Asay.

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.

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

On motion by Gallagher, seconded by Falk, that a variance to allow a 5-foot high fence in a required front yard adjacent to Hopewell Avenue be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. **Case 17-060; 2631 Heather Glen Circle (R-5)** – A request for a variance to allow a swimming pool in a required front yard, submitted by Shawn Dormire.

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 #5 to these minutes.

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

On motion by Falk, seconded by Gallagher, that a variance to allow a swimming pool in a required front yard be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

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

These minutes and annexes approved _____

Bill Connors, Community Development Director



COMMUNITY DEVELOPMENT

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

August 10, 2017

Staff Report

Case No. 17-065

Location: 2925 - 18th Street

Applicant: Family Video/Oliver Owen

Zoning Designation: Planned Unit Development

Request: Variance to allow an accessory structure in an established front yard.

Background Information and Facts

The site is located at the southeast corner of 18th Street and Tech Drive and is the location of a Family Video store (see Attachment A – Location Map). The applicant would like to place an accessory structure (kiosk) that dispenses filtered water and ice in the established front yard (see Attachment B – Kiosk Illustration). The structure's footprint measures nearly 16 feet by 6 feet and will occupy two parking spaces. The applicant would like to place the kiosk in the two parking spaces closest to the 18th Street entrance (see Attachment C – Plot Plan). As shown on the plot plan, the structure would be 93 feet in front of the existing structure.

Staff Analysis

The building was constructed very close to the southeast corner of the property. Because there are no other buildings fronting 18th Street between Tech Drive and Cumberland Square Drive, the front of the building containing Family Video "establishes" the required front yard setback for the property by Code (see Attachment D – Established Front Setback Illustration).

The site currently has 2 more parking spaces than required as indicated on the original site plan. Since the site plan was approved, another business (Cost Cutters) has been added to the site. No additional parking spaces were added for the third business. Approving this request will reduce the number of parking spaces by at least 2, bringing the number down to the minimum required on the original site plan for the original use. There are two issues with required parking:

1. Approving the request will reduce the parking by two spaces.
2. When a third business was recently added no additional parking was added.

While acknowledging the above two issues, staff can confirm that parking availability for the entire site has not been problematic, and the two spaces that will be occupied by the kiosk are some of the furthest away from the entrances of the businesses.

The kiosk will occupy approximately 96 square feet and measures almost 10 feet high according to the submitted plans. As shown on Attachment B, the kiosk will have a significant presence in the front parking lot of the facility. The frontmost portion of the kiosk will be set back over 50 feet from the paved portion of 18th Street and therefore would not pose any line-of-sight issues for vehicles stacked at the driveway on 18th Street.

Other businesses such as gas stations and grocery stores have ice machines with prepackaged ice in front of their facilities. Those containers, however, resemble large refrigerators and are not considered to be structures as is the current request. Those machines are also usually placed against the front walls of the businesses and are not 93 feet in front of the respective businesses.

The proposed structure is very different from the above examples as it would impose a much greater presence for motorists traveling on 18th Street, and this request obviously also involves a structure in a required front yard.

Staff Recommendation

This case could set a precedent for other similar structures proposed to be located in front of other businesses.

Respectfully submitted,

John Soenksen
City Planner



Highland pure water & ice







Established
Front
Setbacks

18TH ST

TECH DR

UNNAMED

WIMBERLAND SQUARE DR



Case No. 17-065

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

Part 1. Property Involved.

Street Address Family Video 2925 18th St. Bettendorf, IA, 52722

Legal Description of the property. Lot 1, Cumberland North 2nd Add

Part 2. Contact Information.

Applicant Name Oliver A. Owen (Family Video) ^{DISTRICT} Manager Phone (309) 269-7485

Address 206 W 17th Ave Ct. COAL VALLEY, IL FAX N/A

E-mail Address: OLIVER.OWEN@FAMILYVIDEO.COM

Owner Name Highland Ventures (Keith Hoagland) Phone 847-904-9000

Address 2500 Lehigh Ave Glenview, IL 60026 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.

We are planning to install an ice kiosk in the parking lot of Family Video. It will vend reverse osmosis water and ice to the public. The machine measures 16' long by 7' wide. We will have a licensed plumber run water to the unit from Family Video. We will have a licensed electrician run power (3-phase) to the machine.

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

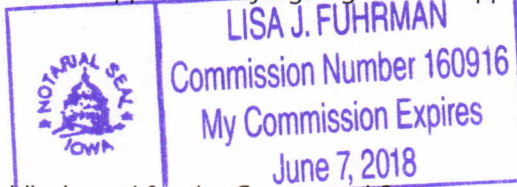
- (✓) 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- () 2. Legal Description. (If not shown on page 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 July, 20 17.

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 July, 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 [Signature]
Amount \$100. Date 7/25/17

credit card (Bldg Dept)