

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  
FEBRUARY 8, 2018  
5:00 P.M.**

PLACE: Bettendorf City Hall Council Chambers, 2<sup>nd</sup> 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 October 12, 2017.
4. The Board to review and approve the 2017 Board of Adjustment Annual Report.
5. Election of officers.
6. The Board to hold a public hearing on the following item:
  - a. Case 17-074; 2515 - 53<sup>rd</sup> Avenue (C-2) - A request for a special use permit to allow an outdoor service area, submitted by Devon Hill. (Withdrawn)
  - b. Case 18-006; 2925 - 18<sup>th</sup> Street (PUD) - A request for a variance to allow an accessory structure in an established front yard, submitted by Oliver Owen. (Withdrawn)
  - c. Case 18-007; 4850 Bettplex Drive (C-7) - A request for a variance to increase the allowable size of an on-premises identification sign adjacent to Interstate 80 from 300 square feet to 1,146 square feet and a variance to increase the size of an on-premises identification sign adjacent to Bettplex Drive from 300 square feet to 1,589 square feet, submitted by TBK Bank, SSB.

**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  
OCTOBER 12, 2017  
5:00 P.M.**

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

Item 1. Roll Call

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

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of September 14, 2017.

On motion by Falk, seconded by Spranger, that the minutes of the meeting of September 14, 2017 be approved as submitted.

ALL AYES

Motion carried.

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

- a.       **Case 17-074; 2515 - 53<sup>rd</sup> Avenue (C-2)** – A request for a special use permit to allow an outdoor service area, submitted by Devon Hill. (Deferred to meeting of November 9, 2017)
- b.       **Case 17-086; 1609 State Street (C-2)** – A request for a variance to reduce the required setback for an on-premises identification sign from 15 feet to 0 feet, submitted by Shive-Hattery, Inc./Dave Tallman.

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

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

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

Falk asked if the proposed sign meets all other ordinance requirements such as size and height. Soenksen confirmed this.

On motion by Spranger, seconded by Clements, that a variance to reduce the required setback for an on-premises identification sign from 15 feet to 0 feet be approved in accordance with the Decision and Order and the transfer of deed for the property involved from the Iowa Department of Transportation.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- c. **Case 17-087; 3876 - 18<sup>th</sup> Street (R-2)** – A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Yahya Albdairi.

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

Soenksen reviewed the staff report. Staff report is Annex #5 to these minutes.

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

Yahya Albdairi, the applicant, explained that he would like to have a 6-foot high fence in order to protect his privacy and ensure the safety of his children.

Voelliger asked if the drainage area near the applicant's problem affects the request. Albdairi stated that the proposed fence would be approximately 5-10 feet from the edge of the creek. Voelliger asked if the fence would be placed on the property line. Soenksen explained that it would be located approximately 15 feet from the property line along the creek and completely removed from the drainageway.

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

On motion by Falk, seconded by Clements, that the variance to allow a 6-foot high fence in a required front yard be approved 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 5:55 p.m.

These minutes and annexes approved

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John Soenksen, City Planner



# Board of Adjustment Annual Report

2017

Special Use Permits

Variances

Special Location Plans

Appeals

Miscellaneous Items



Board of Adjustment  
City of Bettendorf  
2017 Annual Report

Summary of Activities

The City of Bettendorf's Board of Adjustment is a five-member board appointed by the Mayor. It is the responsibility of the Board to interpret the City's Zoning Ordinance as it applies to variances and special uses. Each month a visit to the site in question is made individually by the Board Members followed by a public hearing.

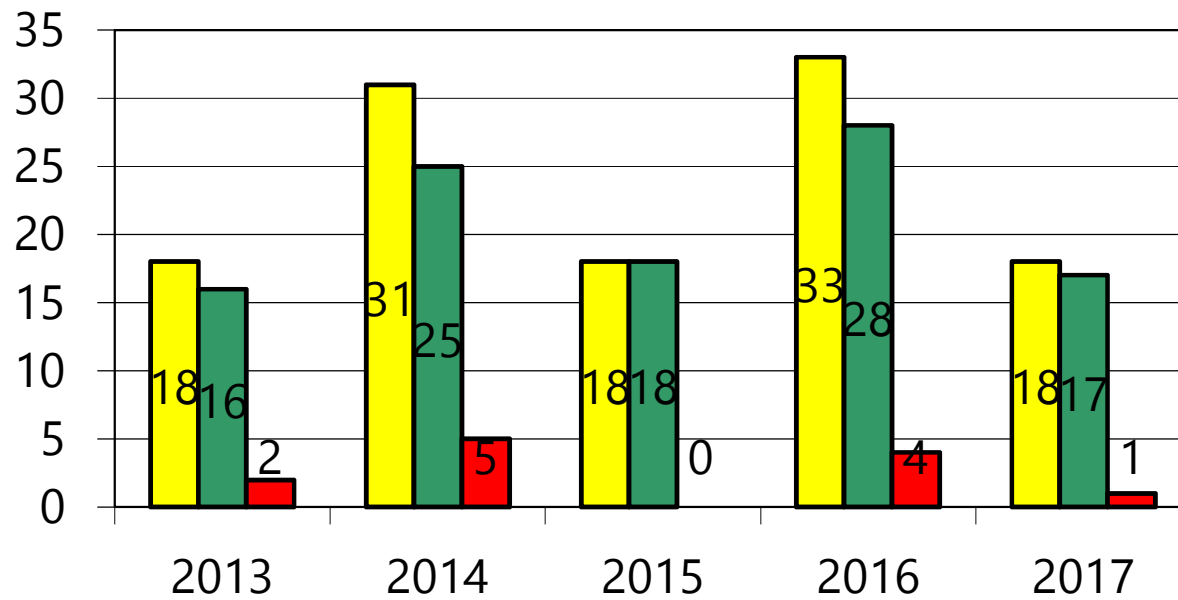
The following is a summary of the activities of the City of Bettendorf's Board of Adjustment. The cases were heard beginning January 2017 and ending December 2017. These cases are those for which a public hearing was held.

The Board of Adjustment held public hearings regarding 22 cases during the year ending December 2017. Of those cases, 18 were variance requests, and 2 were special use permit requests. The Board granted 14 variance requests, one special use permit, one appeal of the zoning administrator's decision, and one expansion of a non-conforming use. One variance request and one special use permit were denied. Two variance requests were withdrawn after a public hearing was held.

Board Member Listing

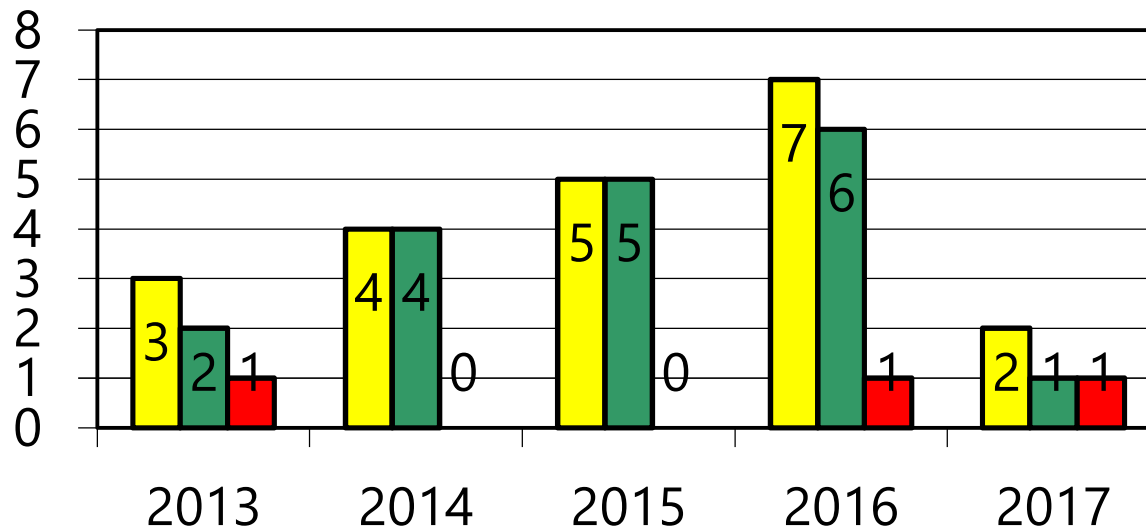
Norm Voelliger (Appointed 4/08)  
David Falk (Appointed 4/10)  
Robert Gallagher (Appointed 2/12)  
Mary Spranger (Appointed 7/12)  
Kris Clements (Appointed 6/16)

# BOARD OF ADJUSTMENT ACTIVITY VARIANCES 2013 - 2017



■ CASES HEARD    ■ CASES APPROVED    ■ CASES DENIED

# BOARD OF ADJUSTMENT ACTIVITY SPECIAL USE PERMITS 2013 - 2017



■ CASES HEARD

■ CASES APPROVED

■ CASES DENIED

## 2017 Board of Adjustment Annual Report

<b>Case Number</b>	<b>Location</b>	<b>Request (Applicant)</b>	<b>Decision/ Date</b>
16-092	3557 Deertrail Road	Variance to reduce the required front yard setback from 25 feet to 16 feet to allow for construction of a garage addition. (Donald and Cindy Tice)	Granted 1/12/17
17-006	5104 Pandit Drive	Variance to reduce the required width of a single-family residential lot from 70 feet to 50.5 feet. (Everest Homes, LLC)	Granted 3/9/17
17-007	3775 Middle Road	Variance to reduce the required side yard setback from 50 feet to 29 feet to allow construction of a building addition. (McClure Engineering)	Granted 3/9/17
17-008	4555 Utica Ridge Road	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. (REMAX Centre, LLC)	Granted 4/11/17
17-009	221 - 15 <sup>th</sup> Street	Variance to reduce the required front yard setback from 20 feet to 1.8 feet to allow for construction of a 5-story apartment building. (Jennifer Bennett)	Withdrawn
17-010	221 - 15 <sup>th</sup> Street	Variance to reduce the required number of parking spaces from 247 to 170. (Jennifer Bennett)	Withdrawn
17-037	3128 Marynoel Avenue	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. (Sampson Construction)	Denied 5/22/17
17-041	4600 Amber Court	Appeal of the zoning administrator's decision to prohibit a home occupation. (Melissa Bigelow)	Decision overturned 5/22/17
17-042	1808 Sunset Drive	Variance to reduce the required front yard setback from 25 feet to 5 feet for a 6-foot high fence along 18 <sup>th</sup> Street. (Jacob Swain/Aasiya Laheri)	Granted 5/22/17
17-043	1407 Olde Freeport Place	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. (Scott Pearson)	Granted 5/22/17

## 2017 Board of Adjustment Annual Report

<b>Case Number</b>	<b>Location</b>	<b>Request (Applicant)</b>	<b>Decision/Date</b>
17-044	6021 Emery Court	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. (Nick Wood)	Granted 5/22/17
17-045	4850 Bettplex Drive	Variance to allow parking/driveway in a required front yard. (Missman, Inc.)	Granted 5/22/17
17-046	3627-51 Devils Glen Road	Special use permit to allow a bar, cocktail lounge, or tavern with an associated outdoor service area. (Andrew Dasso)	Granted with conditions 5/22/17
17-059	6024 Shawnee Court	Variance to allow a 5-foot high fence in a required front yard adjacent to Hopewell Avenue. (Bonnie Asay)	Granted 7/13/17
17-060	2631 Heather Glen Circle	Variance to allow a swimming pool in a required front yard. (Shawn Dormire)	Granted 7/13/17
17-065	2925 - 18 <sup>th</sup> Street	Variance to allow an accessory structure in an established front yard. (Family Video/Oliver Owen)	Denied 8/10/17
17-066	770 Tanglefoot Lane	Variance to allow parking in a required front yard adjacent to Tanglefoot Lane. (Strategic Behavioral Health, LLC/Rob Elsner)	Granted 9/14/17
17-069	770 Tanglefoot Lane	Variance to allow parking in a required front yard adjacent to Interstate 74. (Strategic Behavioral Health, LLC/Rob Elsner)	Granted 9/14/17
17-071	770 Tanglefoot Lane	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. (Strategic Behavioral Health, LLC/Rob Elsner)	Withdrawn
17-073	3665 Devils Glen Road	Request for expansion of a non-conforming use (indoor storage units). (Build to Suit/Kevin Koellner)	Granted 9/14/17
17-074	2515 - 53 <sup>rd</sup> Avenue	Special use permit to allow an outdoor service area. (Devon Hill)	Withdrawn

## 2017 Board of Adjustment Annual Report

<b>Case Number</b>	<b>Location</b>	<b>Request (Applicant)</b>	<b>Decision/Date</b>
17-086	1609 State Street	Variance to reduce the required setback for an on-premises identification sign from 15 feet to 0 feet. (Shive-Hattery, Inc./Dave Tallman)	Granted 10/12/17
17-087	3876 - 18 <sup>th</sup> Street	Variance to allow a 6-foot high fence in a required front yard. (Yahya Albdairi)	Granted 10/12/17



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

February 8, 2018

Staff Report

**Case No. 18-007**

**Location:** 4850 Bettplex Drive

**Applicant:** TRK Bank, SSB

**Zoning Designation:** C-7, Regional Entertainment District

**Request:** Variance to increase the allowable size of an on-premises identification sign adjacent to Interstate 80 from 300 square feet to 1,146 square feet and a variance to increase the size of an on-premises identification adjacent to Bettplex Drive from 300 square feet to 1,589 square feet.

**Background Information and Facts**

The request involves the new regional sports complex being built at the southeast corner of Middle Road and Interstate 80 at 4850 Bettplex Drive (see Attachment A - Location Map) which will be named the TBK Bank Sports Complex. The request involves signage identifying the facility's new name to be visible from Interstate 80 (for the signage on the north side of the building) and from Middle Road and Bettplex Drive (for the south side of the building). A large (1,146 square foot) TBK Bank sign will be placed on both the north and south sides of the building; in addition, a large (442.5 square foot) logo will be placed above the main complex entrance on the south side of the building (see Attachment B – Site Plan). Examples of the signs are shown on Attachments C and D, and those illustrations are approximately scaled to the proposed location on the building. If allowed, the TBK Bank sign on the north side of the building will be visible from Interstate 80 as shown on Attachment E. Attachment E was prepared by staff and is not to scale but does approximate the appearance of the sign to motorists traveling on the interstate.

**Staff Analysis**

The sign on the north side of the building ("TBK Bank Sports Center") will serve as the business identifier for motorists traveling on Interstate 80 at a speed of 65+ miles per hour. Those traveling due north of the complex will be a minimum of 1,400 feet from the sign. Vehicles on I-80 at the Middle Road overpass and at the eastbound off ramp will be a minimum of 2,000 feet from the sign.

The TBK Sports Center sign on the south side of the building will serve as a business identifier for those traveling on Bettplex Drive at an average speed of 25 miles per hour and for Middle Road traffic traveling at an average speed of 45 miles per hour. Motorists traveling due south of the complex on Bettplex Drive will be within 300 feet of the sign, and vehicles at the intersection of Middle Road and Forest Grove Drive will be approximately 2,200 feet from the sign.

In April of 2013, the Board approved a large on-premises identification sign at 3487 Towne Pointe Drive for Bettendorf Christian Church (BCC). That sign is similar in design to what is currently being proposed (see Attachment F – BCC Sign Illustration). The BCC sign faces Belmont Road, and the Board noted the fact that the nearest portion of Belmont Road is 625 feet from the church. The Board also noted that the BCC sign appeared proportionate to the large wall surface where it is located (see bottom photo on Attachment F). The proposed signs for the sports complex will be mounted on building surfaces much larger than BCC and may be proportionate to the building size and distance from the involved roadways.

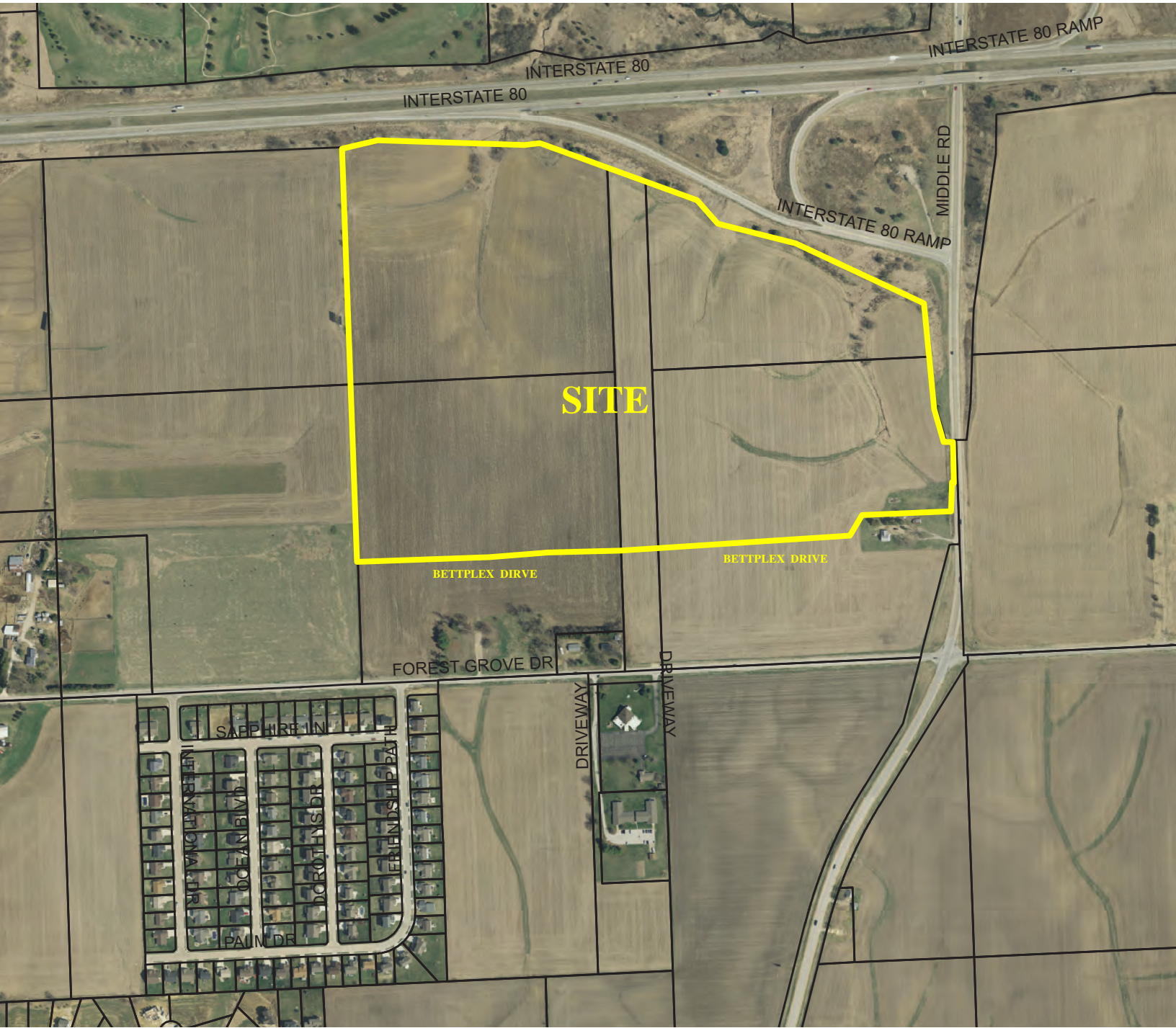
The property is in a C-7, Regional Entertainment District. The only other C-7 District in the city is The Isle property. The Board approved a large sign for the top of the original hotel structure in 2000. That sign is 584 square feet in size and is visible from the I-74 Interstate bridge over the Mississippi River.

Staff has had conversations with representatives of the TBK Bank Sports Complex regarding additional signage requests that, as currently planned, will also require variances. Staff anticipates a future request for a programmable sign much larger than the allowable 50 square feet. There is also the possibility that the two entrance monument signs (one at the Middle Road entrance and one at the Bettplex Drive entrance) will be larger than allowed by Code and will require variances. Therefore, the Board should assume that the current request is only a portion of what may ultimately be the total proposed signage for this facility.

Respectfully submitted,

John Soenksen  
City Planner

# Attachment - A





**Landscaping Notes**

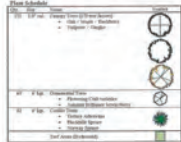
1. All plantings shall be approved by the appropriate local jurisdiction.
2. All plantings shall be installed within 90 days of project completion.
3. All plantings shall be installed in accordance with the approved landscape plan.
4. All plantings shall be installed in accordance with the approved landscape plan.
5. All plantings shall be installed in accordance with the approved landscape plan.
6. All plantings shall be installed in accordance with the approved landscape plan.
7. All plantings shall be installed in accordance with the approved landscape plan.
8. All plantings shall be installed in accordance with the approved landscape plan.
9. All plantings shall be installed in accordance with the approved landscape plan.
10. All plantings shall be installed in accordance with the approved landscape plan.

**Plant Schedule**

Plant Name	Quantity	Notes
...	...	...

**BTS - BettPlex**

Preliminary Landscape Plan 4.27.2017



APR 28 2017

**Build to Suit**  
INCORPORATED

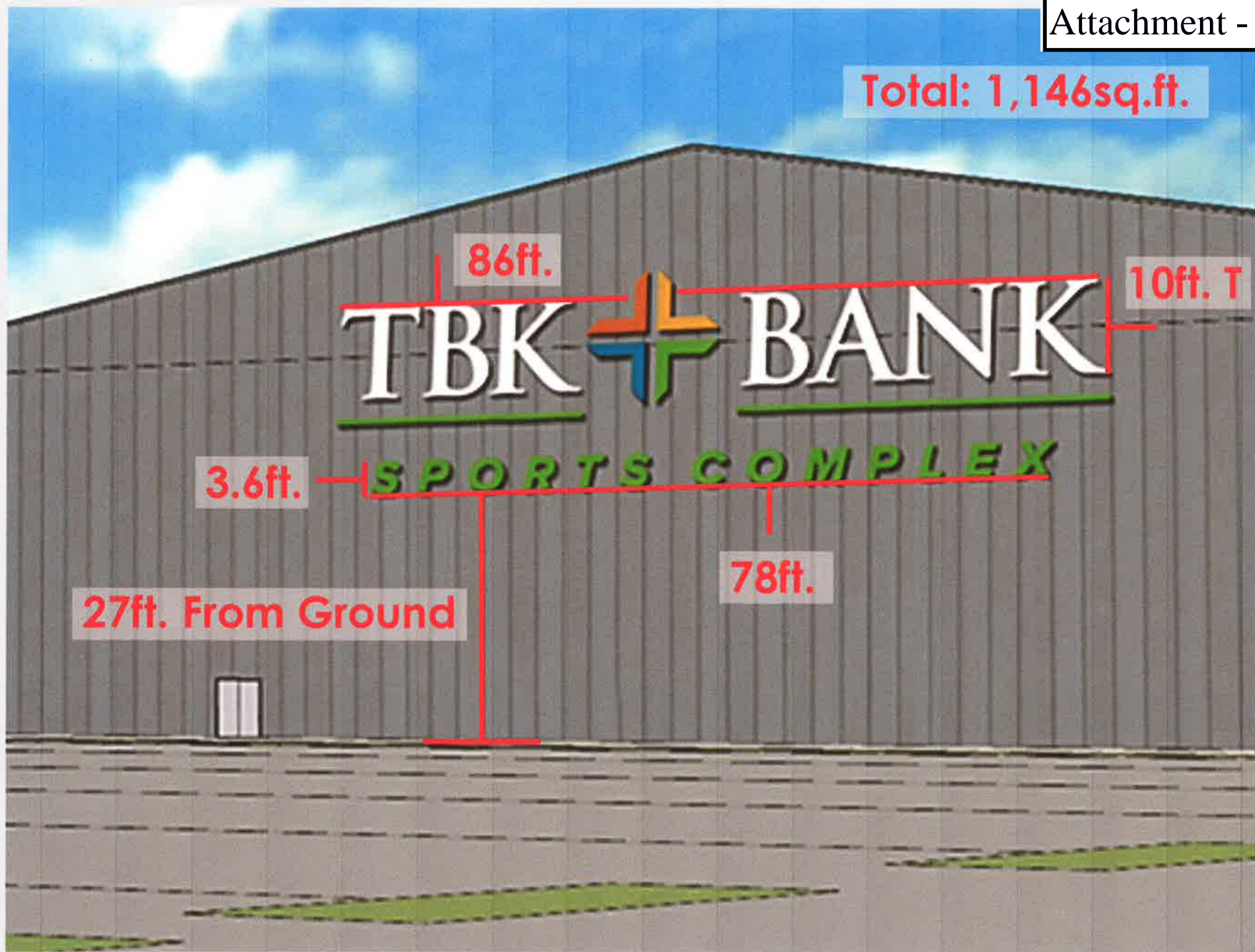
**MISSMAN, INC.**  
Professional Engineers & Land Surveyors

MISSMAN PROJECT NO. C16.052  
File Name: Build to Suit - BETTPLEX - BETTBOOBY.CAD  
Client: Field Bank (Bettplex)  
Drawn By: [Redacted]  
Checked By: [Redacted]  
Date: 4-28-17

BUILD TO SUIT - BETTPLEX  
BETTBOOBY.CAD  
LANDSCAPE PLAN

L-1  
Sheet 1 of 1

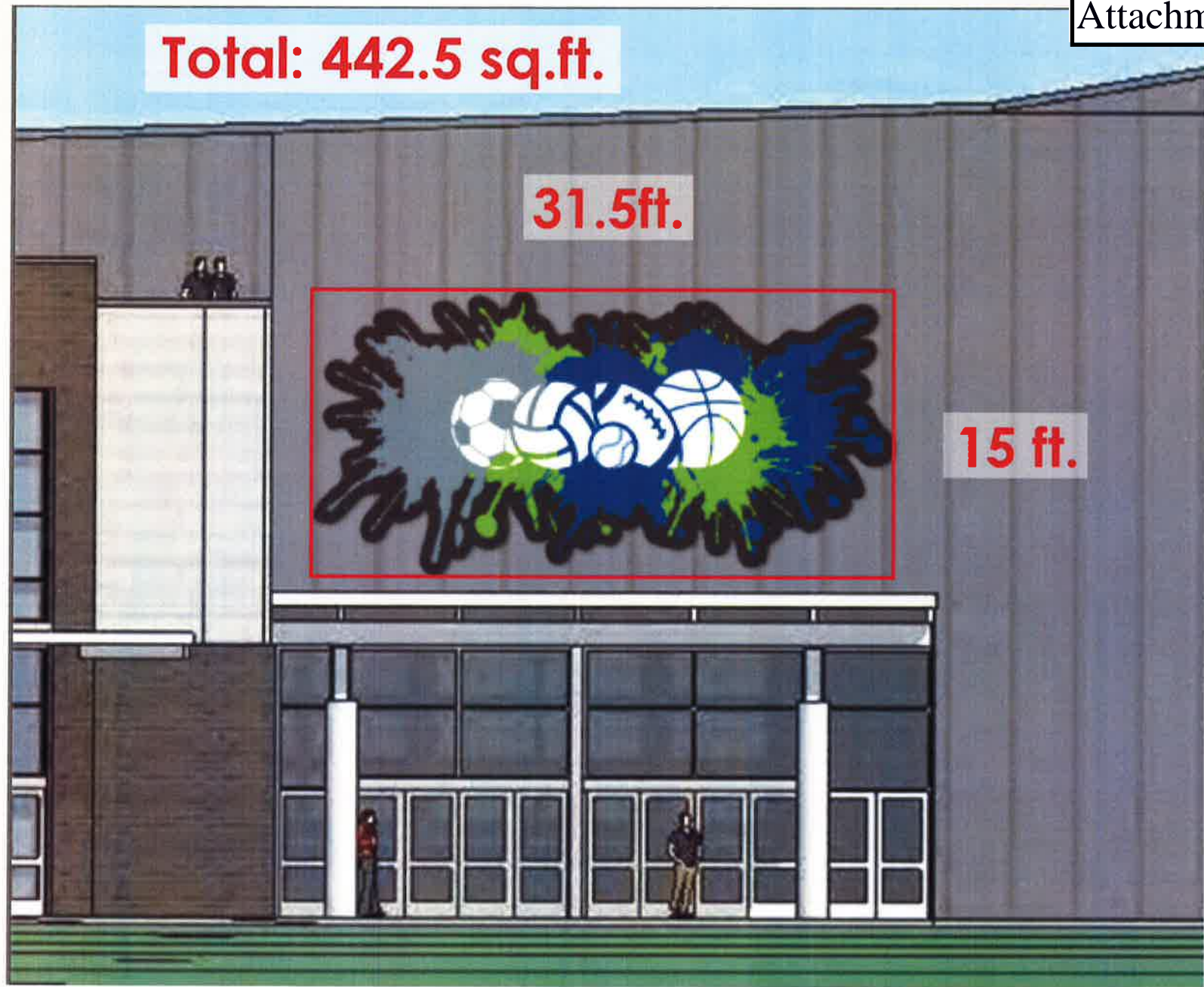
Total: 1,146sq.ft.



**Total: 442.5 sq.ft.**

**31.5ft.**

**15 ft.**









Case No. 18-007

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

Part 1. Property Involved.

Street Address 4850 BettPlex Drive Bettendorf IA

Legal Description of the property. - See Attached.

Lot 1, Bettplex First Addition

Part 2. Contact Information.

Applicant Name TBK BANK SSB Phone 563-823-3305

Address 852 middle Rd Bettendorf FAX 563-344-3949

E-mail Address: maryann.reid@tbkbank.com

Owner Name BettPlex LLC Phone 563-210-6808

Address P.O. BOX 394 Bettendorf IA FAX \_\_\_\_\_

E-mail Address: lvandyke@bettplex.com

Agent RIVERBEND SIGNWORKS Phone 515-554-5015

Address 979-40th Ave Bettendorf IA FAX \_\_\_\_\_

E-mail Address: brad@riverbendsignworks.com

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 SIGN ORDINANCE Existing Zoning 300 sqft  
*rec building elevation.*

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.

TBK BANK would like to place a sign as shown in the rendering attached.  
WE feel that due to the distance the building is from the roadway (Highway I-80 + Forest Grove Rd) that the sign will not be effective at 300 sqft as currently allowed.

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.

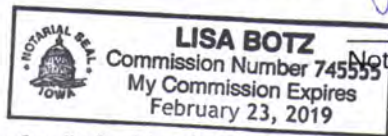
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 22nd day of JANUARY, 20 18.

Signature of Applicant Mary Ann Reed Signature of Owner Leslie VanDyke  
 (The owner MUST indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

State of Iowa )  
 ) SS  
 County of Scott )

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

Witness my Hand and Notarial Seal this 22nd day of January, 20 18.



Lisa Botz  
 Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.

\$ 50.00 Single Family/Two-family Residential Variance  
 \$ 100.00 All Other Applications

Received by John Seaman  
 Amount \$100 Date 1-22-2018