

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
JULY 12, 2018
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 June 21, 2018.
4. The Board to hold a public hearing on the following item:
 - a. Case 18-060; Lots 37-42, Everest Summit First Addition, Lots 7-18, Everest Summit Second Addition, and Lots 1, 2, and 8, Everest Summit Third Addition (R-5) - Variance to reduce the required rear yard setback from 25 feet to 12 feet, submitted by Rad Pandit.

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
JUNE 21, 2018
5:00 P.M.**

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

Item 1. Roll Call

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

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of May 17, 2018.

On motion by Falk, seconded by Spranger, that the minutes of the meeting of May 17, 2018 be approved as submitted.

ALL AYES

Motion carried.

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

- a. **Case 18-051; 900 Spruce Hills Drive (C-6)** - A request for a variance to allow parking in a required front yard adjacent to the Interstate 74 right-of-way and a proposed private drive, submitted by CDC QC.

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.

Voelliger asked who owns the flag lot. Soenksen stated that all of the lots are under the same ownership.

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 parking in a required front yard adjacent to the Interstate 74 right-of-way and a proposed private drive be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. **Case 18-052; 5000 Foxborough Court (R-1)** - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Brad Gibson.

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 the existing fence would be extended. Soenksen stated that the entire fence would be replaced. Brad Gibson, the applicant, explained that a new fence has been installed up to the 70-foot setback line, adding that he would like to extend it to the property line.

Voelliger asked if there would be any fencing adjacent to the bike path. Gibson stated that there would not.

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 Spranger, that a 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.

- c. **Case 18-053; 2816 Magnolia Drive (R-2)** - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Martin Connor.

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 #7 to these minutes. He indicated that he had spoken with the applicant to request that if the variance is approved, the fence be installed 19 feet from the paved portion of the roadway so that there is a clear line of sight for motorists. He added that another option would be for the applicant to reduce the height of the proposed fence to 4 feet at the setback line.

Voelliger asked if the right-of-way is 50 feet wide and if it is evenly divided. Soenksen commented that it appears as though there is 25 feet of right-of-way on either side, he cannot definitively determine that.

Voelliger asked if the proposed fence would be 19 feet from the concrete. Soenksen confirmed this, adding that the 6-foot portion of the fence would be required to be 7 feet from the property line.

Voelliger asked if the applicant is comfortable with the setback proposed by staff. Martin Connors, the applicant, confirmed this. Soenksen added that if the Board approves the variance, the request would be for a 6-foot high fence to be allowed 7 feet from the front property line. He indicated that in effect the fence would be 19 feet from the street.

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 Gallagher, seconded by Spranger, that a variance to allow a 6-foot high fence in a required front yard be approved in accordance with the Decision and Order and with the condition that the fence be placed no closer than 7 feet from the front property .

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

Voelliger announced that the July Board of Adjustment meeting would be his last. Soenksen expressed his appreciation for Voelliger's many years of service to the city. Other Board members concurred.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:15 p.m.

These minutes and annexes approved _____

John Soenksen, Community Development Director



COMMUNITY DEVELOPMENT

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

July 14, 2018

Staff Report

Case No. 18-060

Location: 5052-5258 Pandit Drive

Applicant: Rad Pandit

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

Request: Variance to reduce the required rear yard setback from 25 feet to 12 feet.

Background Information and Facts

The site is located east of The Springs at Bettendorf apartment complex and involves 22 lots adjacent to Pandit Drive (see Attachment A – Location Map and Involved Lots). Originally, the plan for this entire subdivision was to place multiple 6-plexes on all of the lots on Pandit Drive. As the project progressed, it became apparent that the 6-plex product was not marketable and the developer has abandoned the plan to build those types of units. He has instead chosen to construct single-family homes in this development. As such, the developer intends to re-plat the subdivision, combining the existing lots into larger (wider) lots that will accommodate single-family homes.

The developer has a plot plan for such single-family homes that will fit on the anticipated new lots (see Attachment B – Plot Plan). The only problem with the design is the fact that no decks could be allowed on any of the homes due to the required setbacks for single-family units. Therefore, the developer is requesting the variances to allow the home layout shown on Attachment B and attached decks to be built. If allowed, the home will resemble the illustration shown on Attachment C.

Staff Analysis

The Hope Creek drainage basin is located to the rear of all of the lots involved ensuring a separation of at least 300 feet to the west; therefore, the intent of the rear separation requirement will be observed if the variance is granted. Lots 37 – 42 are adjacent to the quarry pond area of Crow Creek Park, and nothing will be built to the rear of those lots.

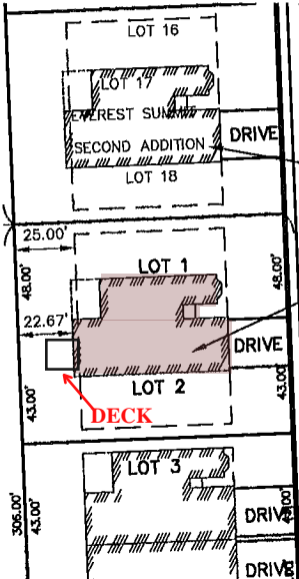
If allowed, the development will be built-out in a much less dense way than was originally approved, and the rear separation intent will still be served.

Respectfully submitted,

John Soenksen
Community Development Director

Attachment - A





PROPOSED S
5' SIDE YARD
25' FRONT A

PROPOSED SINGLE
5' SIDE YARD SETE
25' FRONT AND RE

PANDIT DRIVE

MD





Case No. 18-060

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

Part 1. Property Involved.

Street Address 5052-5082, 5192-5258, 5116, 5178, and 5184 Pandit Drive
Legal Description of the property. Lots 37-42 Everest Summit First Addition, Lots 7-18 Everest Summit Second Addition, and
Lots 1, 2, and 8 Everest Summit Third Addition

Part 2. Contact Information.

Applicant/Contact Name Rad Pandit Phone 676-0993
Address 5772 New Castle Lane
E-mail Address: radpandit@gmail.com

Owner Name Everest Homes, LLC Phone 676-0993
Address 5772 New Castle Lane
E-mail Address: radpandit@gmail.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. _____

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.

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 26 day of June, 20 18.

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

State of Iowa) ss
County of Scott)

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

Witness my Hand and Notarial Seal this 26th day of June, 20 18.

[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 June 26, 2018