

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

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

1. Roll Call: Clements _____, Falk _____, Gallagher _____, Spranger _____, Tombergs _____
2. Election of officers.
3. Review of Board Procedures.
4. The Board to review and approve the minutes of the meeting of September 13, 2018.
5. The Board to hold a public hearing on the following items:
 - a. Case 18-078; 6345 James Road (R-5) - Variance to reduce the required rear yard setback from 25 feet to 20 feet to allow for construction of a screened porch, submitted by Patrick Trimble. (Deferred from meeting of October 11, 2018)
 - b. Case 18-089; 2420 - 18th Street (C-1) - Variance to allow parking in a required front yard, submitted by Will Nigey.
 - c. Case 18-090; 3255 Moenck's Court (I-2) - Variance to allow parking in a required front yard along 62nd Street, submitted by Build to Suit, Inc./Kevin Koellner.

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
SEPTEMBER 13, 2018
5:00 P.M.

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

Item 1. Roll Call

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

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of August 9, 2018.

On motion by Clements, seconded by Gallagher, that the minutes of the meeting of August 9, 2018 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 18-071; 5128 Pandit Drive (R-5) - A request for a variance to reduce the required rear yard setback from 25 feet to 12 feet, submitted by Everest Homes, LLC.

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.

On motion by Gallagher, seconded by Falk, that a variance to reduce the required rear yard setback from 25 feet to 12 feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 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 _____

John Soenksen
Community Development Director



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

October 11, 2018

Staff Report

Case No. 18-078

Location: 6345 James Road

Applicant: Patrick Trimble

Zoning Designation: R-5 High-density Multi-family Residential

Request: For a variance to reduce the rear yard setback from 25 feet to 20 feet to allow construction of a 12-foot by 16-foot screened porch.

Background Information and Facts

The site is located towards the cul-de-sac end of James Road. The site is accessed from Forrest Grove Road to Golf Course Road and then to James Road (see Attachment A – Location Map). The applicant would like to add a 12-foot wide by 16-foot deep screened porch on the rear of the existing structure. If allowed, the structure would be within twenty feet of the rear property line (see Attachment B – Plot Plan).

Staff Analysis

The intent of the required setback is to insure proper separation of structures. The applicant points out the fact that one of the fairways for Crow Valley Golf Course is located directly behind this site as shown on Attachment A and the separation intent of the setback will be observed due to the extensive open space behind this site.

A site visit by staff revealed that the new porch would be only slightly closer to the rear property line than is an existing deck on the rear of the house.

Staff also noted that this site has the narrowest rear yard of all of the lots on St. James Road (see Attachment C – Lot Comparisons).

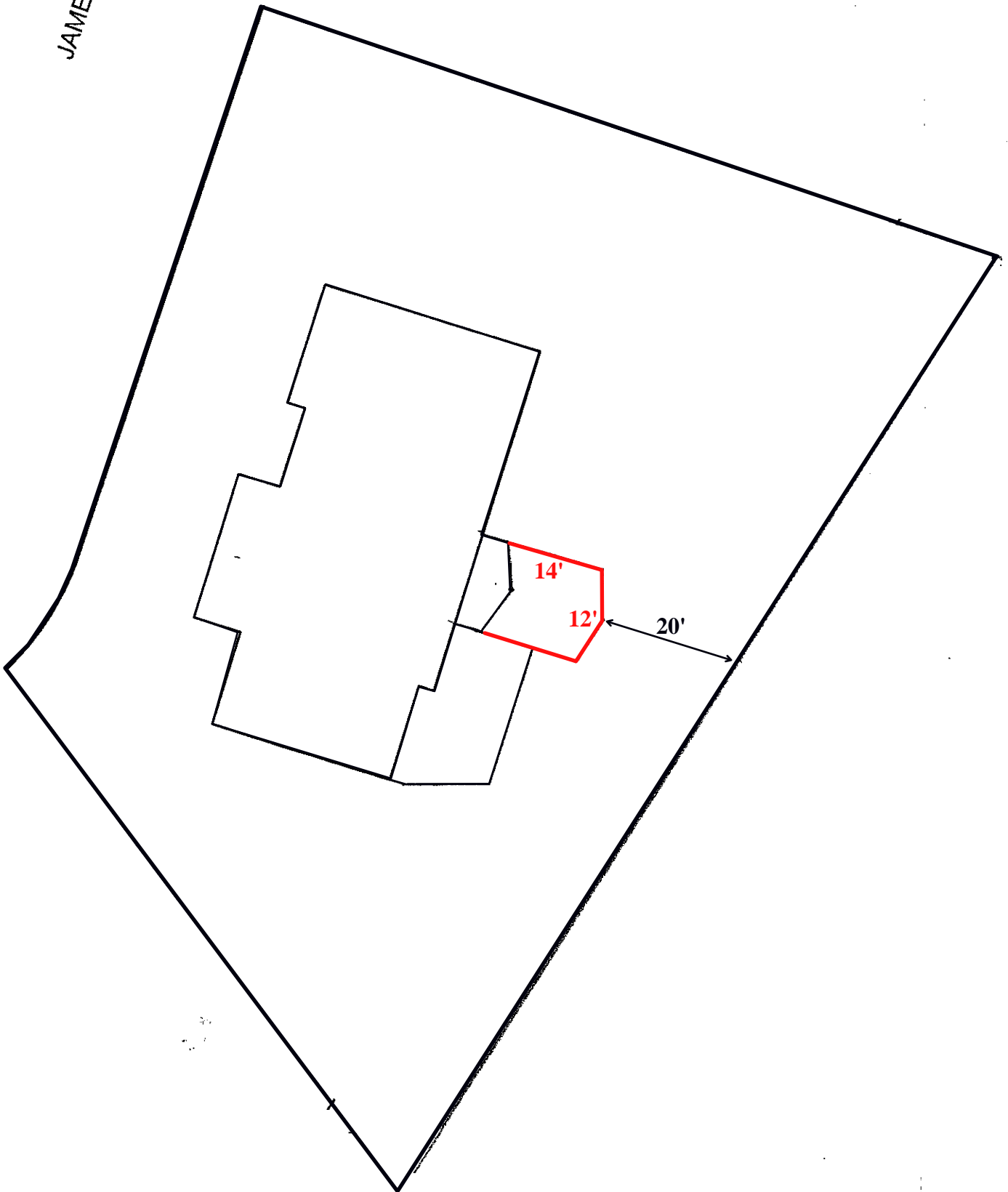
Respectfully submitted,

John Soenksen
City Planner

Attachment - A



JAMES



Front Setback _____

Rear Setback _____

Side Setback Min _____ Total _____

Scale 1" = 20'



PERMIT RECORD

Zoning District _____

	Board of Adjustment Variance:
	No _____ Yes _____
	DEC/ORDER #
	Notes:

Legal Description:
Lot _____
Subdivision: _____
Building Address:
6345 James Road
Contractor:
PLANNING & ZONING REVIEW
PLANNER INITIALS: _____
DATE REVIEWED: _____





Case No. 18-078

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

Part 1. Property Involved.

Street Address 6345 James Road

Legal Description of the property. _____

Part 2. Contact Information.

Applicant Name Patrick Trimble Phone 309-236-3135

Address 6345 James Road FAX _____

E-mail Address: ptrimble@congateinternational.com

Owner Name MARIKAY Trimble Rev Trust Phone 309-236-0407

Address 6345 James Road FAX _____

E-mail Address: MKT 246 @ AOL . com

Agent _____ Phone _____

Address _____ FAX _____

E-mail Address: _____

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

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:

- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
- (b) That it will not impair an adequate supply of light and air to adjacent property.
- (c) That it will not unreasonably increase the congestion in public streets.
- (d) That it will not increase the danger of fire or of the public safety.
- (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
- (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

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

- (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
- (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
- (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
- (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
- (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
- (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
- (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

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

Part 4. General Information.

Section(s) of Zoning Ordinance Involved _____ 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 asking for a variance from a 25' setback on the rear of our property to a 15' setback. This would allow us to build a screen porch to the rear of our home. We cannot do a 12 to 15' screen porch and keep a 25' setback. Our two adjacent neighbors has told us that they have no objection to the screen porch being added to our home.

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 *Patricia Hubble* 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 12th day of Sept., 20 18.

John Doe
 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 Doe*
 Amount 50.00 Date 9-12-2018
CV#1105



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

November 8, 2018

Staff Report

Case No. 18-089

Location: 2420 – 18th Street

Applicant: Will Nigey

Zoning Designation: C-1, Neighborhood Commercial District

Request: Variance to allow parking in a required front yard.

Background Information and Facts

The site is located at the southwest corner of Sutton Place and 18th Street and is the site of the former Cities Insurance Group (see Attachment A – Location Map). The applicant will be demolishing the existing structure and replacing it with a new building that will house two commercial businesses, one of which is anticipated to be a Domino's Pizza restaurant. The site development plan for the project, which has been recommended for approval to the City Council by the Planning and Zoning Commission, includes parking in the required front yard setbacks adjacent to Sutton Place and 18th Street (see Attachment B – Site Plan).

Staff Analysis

This site has operated as a commercial entity for years. The former business, Cities Insurance Group, had parking in the required front yard adjacent to Sutton Place; staff is not aware of any issues associated with that parking configuration (see Attachment C – Current Parking). During a site visit, staff noted that parking in required front yard setbacks adjacent to 18th Street is common in this area. Attachment D illustrates that at least five other business in this area have parking in the required front yard setbacks.

The site plan, Attachment B, shows that the requested parking will be set back from 2 to 4 ½ feet from the property lines. The previous parking configuration at this site and the other businesses shown on Attachment D show spaces located at the property line.

Domino's Pizza will have predominantly take-out customers although a small dining area is anticipated. The other half of the building (the north half) has not yet been assigned to a specific business and therefore staff and the Planning and Zoning Commission have

encouraged the developer to provide as much on-site parking as possible. Parking is prohibited on 18th Street and is not encouraged on Sutton Place because there are several apartment complexes located directly adjacent.

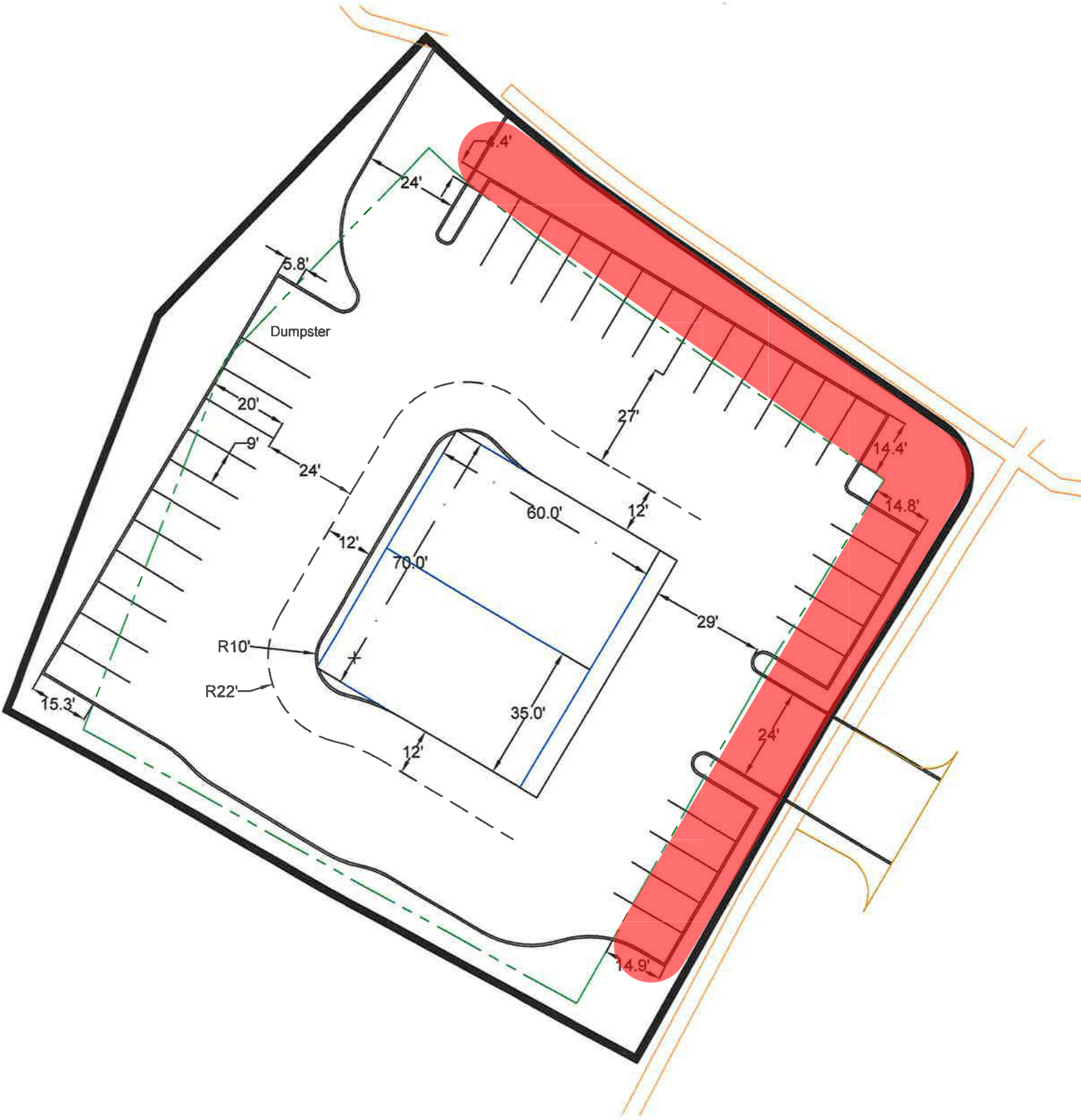
The proposed parking configuration appears to be consistent with that of the businesses in the surrounding neighborhood and helps fulfill the need to maximize on-site parking.

Respectfully submitted,

John Soenksen
Director of Community Development



Attachment - B



Attachment - C



Attachment - D





Case No. 18-089

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

Part 1. Property Involved.

Street Address 2420 18th STREET BETTENDORF

Legal Description of the property. _____

Part 2. Contact Information.

Applicant Name WILLIAM NIGEY Phone 309 314 1855

Address 4665 E 48th PL DAVENPORT IA FAX _____

E-mail Address: wmnigey@hotmail.com

Owner Name _____ Phone _____

Address _____ FAX _____

E-mail Address: _____

Agent _____ Phone _____

Address _____ FAX _____

E-mail Address: _____

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

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:

- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
- (b) That it will not impair an adequate supply of light and air to adjacent property.
- (c) That it will not unreasonably increase the congestion in public streets.
- (d) That it will not increase the danger of fire or of the public safety.
- (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
- (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

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

- (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
- (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
- (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
- (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
- (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
- (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
- (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

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



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

November 8, 2018

Staff Report

Case No. 18-090

Location: 3255 Moenck's Court

Applicant: Build to Suit, Inc.

Zoning Designation: I-2, General Industrial District

Request: Variance to allow parking in a required front yard adjacent to 62nd Street.

Background Information and Facts

The site is located at the northeast corner of the intersection of Moenck's Court and 62nd Street in the industrial area off of U.S. 67/State Street (see Attachment A – Location Map). A new contractor's building is nearing completion at this site and the applicant would like to extend the parking lot 10 feet closer to 62nd Street (see Attachment B – Site Plan).

Staff Analysis

The building is intended to be used, at least in part, for parking of large recreational vehicles. The parking lot has just been installed, and the building occupant has discovered that the current parking lot is not large or wide enough to accommodate the turning radius of large recreational vehicles that are anticipated to be stored in the building. The applicant and the occupant are requesting a variance to allow the extension of the parking lot another 10 feet south to allow ingress/egress for the recreational vehicles.

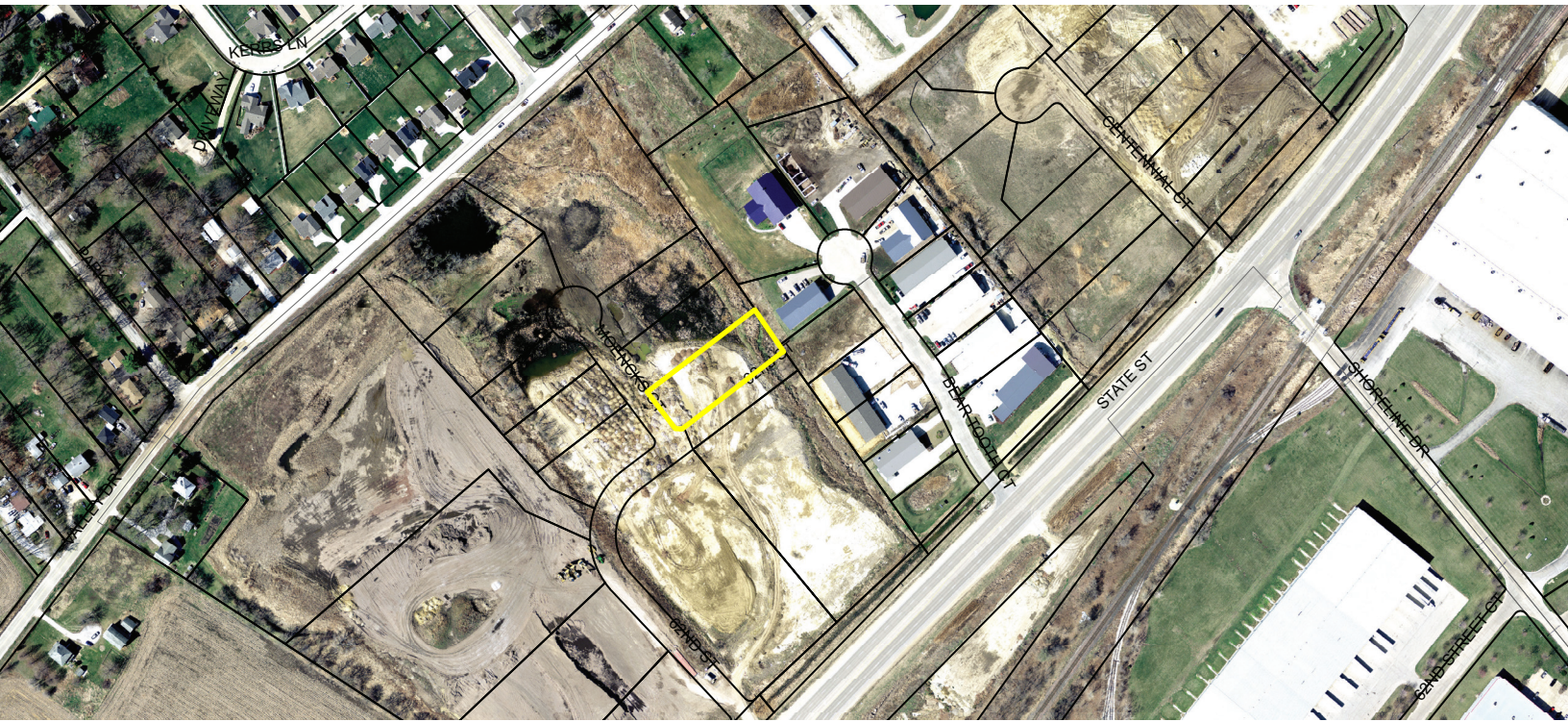
If allowed, the parking lot will still be 15 feet from the south property line and nearly 25 feet back from any paved portion of 62nd Street. A staff visit to the site reveals that there will be no line of sight issues at the intersection if the variance is granted (see Attachment C – Request Illustration.)

It should be noted that staff discovered two parking areas on Bear Tooth Court, which is also an I-2 District and adjacent to this site, that currently have 15-foot setbacks off the front property lines (see Attachment D – Bear Tooth Court Illustration).

Respectfully submitted,

John Soenksen
Community Development Director

Attachment - A





15'

10'

Attachment - C





Case No. 18-090

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

Part 1. Property Involved.

Street Address 3255 Moenck's Court
Legal Description of the property. Lot 3 Bettendorf Industrial Third addition

Part 2. Contact Information.

Applicant/Contact Name Build to Suit Inc Kevin Koellner Phone 563-355-2022
Address 1805 State Street Suite 101, Bettendorf, IA 52722
E-mail Address: kevink@buildtosuitinc.com

Owner Name Ron Crist Phone 563-528-0182
Address 4000 Middle Road, Bettendorf, IA 52722
E-mail Address: ron@duckcreektire.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 B-1 Existing Zoning I-2

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.

Request is for a 10' encroachment into the setback for expansion of parking apron at the front of the building so as to allow for the owner and tenants to back trailers and larger vehicles into the overhead doors. The overall parking will not be impacted as there is easily capacity for 18 vehicles within the building and the use (6 bays of storage) is not a heavily parked business. We have submitted photos showing 25' from curb parking on the next door subdivision, matching our request. There are no sidewalks in this or the neighboring subdivision.

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 [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 22nd day of October, 20 18.

Heidi A Doyle
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 10/30/18