

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
DECEMBER 12, 2019
5:00 P.M.**

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

1. Roll Call: Clements ____, Gallagher ____, Spranger ____, Tansey ____, Tombergs ____
2. Introduction of new Board member Jim Tansey.
3. Review of Board Procedures.
4. The Board to review and approve the minutes of the meeting of October 10, 2019.
5. The Board to hold a public hearing on the following items:
 - a. Case 19-101; 3515 Moencks Road (R-1) - Special use permit to allow an accessory dwelling unit in a single-family home, submitted by Janessa Ormsby/Shabby to Chic.
 - b. Case 19-102; 3515 Moencks Road (R-1) - Variance from the requirement that an accessory dwelling unit share a common entrance with the attached single-family home, submitted by Janessa Ormsby/Shabby to Chic.

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 10, 2019
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Gallagher, Spranger, Tombergs
ABSENT: Clements
STAFF: Beck, Fuhrman

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meetings of August 22, 2019 and September 12, 2019.

On motion by Tombergs, seconded by Spranger, that the minutes of the meetings of August 22, 2019 and September 12, 2019.

ALL AYES

Motion carried.

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

- a. Case 19-056; 2285 St. Andrews Circle (R-1) - Variance from the requirement that a religious assembly be located such that it fronts on a collector or arterial thoroughfare so designated in the comprehensive plan, submitted by Chabad Lubavitch of the Quad Cities/Rabbi Shneur Cadaner. (Withdrawn)

Beck commented that the City Attorney would be issuing an opinion regarding Case 19-056.

- b. Case 19-072; 2226 Lundy Lane (R-1) - A request for a variance from the requirement to enclose a swimming pool with a fence, submitted by Russell Kurtz.

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

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

Tombergs stated that the documentation in the packet states that pool covers add another layer of protection in addition to fences and are not meant to be used in lieu of a fence. She expressed concern that the homeowner could forget to close the pool cover, adding that a fence would provide security at all times.

Gallagher asked if a fence of a certain height around a pool is required by ordinance. Beck confirmed this. Gallagher asked if staff is aware of any waivers to this requirement. Beck stated that he was not made aware of any prior to the meeting. Gallagher commented that he shares the concerns expressed by Tombergs.

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

On motion by Spranger, seconded by Tombergs, that a variance from the requirement to enclose a swimming pool with a fence be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- c. **Case 19-083; 3557 Middle Road (C-2)** - A request for a special use permit to allow a bar, submitted by The Quarry QC, LLC.

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

Beck 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, Gallagher closed the public hearing.

Spranger asked if the current request is for a bar only with no outdoor service. Gallagher confirmed this.

On motion by Tombergs, seconded by Spranger, that a special use permit to allow a bar be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

- d. **Case 19-084; 5123 Middle Road (C-1)** - A request for a variance to reduce the required front yard setback from 20 feet to 11 feet to allow enlargement of an existing 4.5-foot by 17-foot deck, submitted by Townsend Engineering.

Beck reviewed the staff report. Staff report is Annex #7 to these minutes.

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

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

Chris Townsend, engineer representing the applicant, explained that the deck would be used for access only. He added that request was made to accommodate the elevation change on the property.

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

On motion by Tombergs, seconded by Spranger, that a variance to reduce the required front yard setback from 20 feet to 11 feet to allow enlargement of an existing 4.5-foot by 17-foot deck be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

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

These minutes and annexes approved _____

Greg Beck
City Planner



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

December 12, 2019

Staff Report

Case No. 19-101 and Case 19-102

Location: 3515 Moencks Road

Applicant: Shabby to Chic

Zoning Designation: R-1, Single Family Residence District

Requests:

Special use permit to allow an accessory dwelling unit in a single-family home (Case 19-101).

Variance from the requirement that an accessory dwelling unit share a common entrance with the attached single-family home (Case 19-102).

Background Information and Facts

The site is located on the southeast corner of Moencks Road and Jenny Lane and is accessed from Woodholm Lane (see Attachment A – Location Map). The applicant would like to add a building addition to the east side of the existing home (see Attachment B – Addition Illustration). The addition is intended to be used as a “mother-in-law suite” or, according to the Code, an Accessory Dwelling Unit which requires a special use permit (see Attachment C – House Plan). The Code also mandates that an accessory dwelling unit use a common entrance door for both the existing single-family home and the accessory dwelling unit. The applicant is requesting a variance from this requirement.

Staff Analysis

The property in question complies with the following requirements regarding an accessory dwelling unit:

- The owner of the property will reside in one of (the original) dwelling units.
- The two dwelling units will not be under separate ownership.
- The accessory dwelling unit will be between 400 and 800 square feet in size (estimated at 638 square feet).
- The plan as shown on Attachment C shows that an additional garage parking space will be provided for the unit.
- The new construction will be aesthetically compatible with the existing home (see Attachment D – Addition Elevations).

Staff has determined that the proposed special use permit warrants recommendation for approval with the exception of the common entrance door.

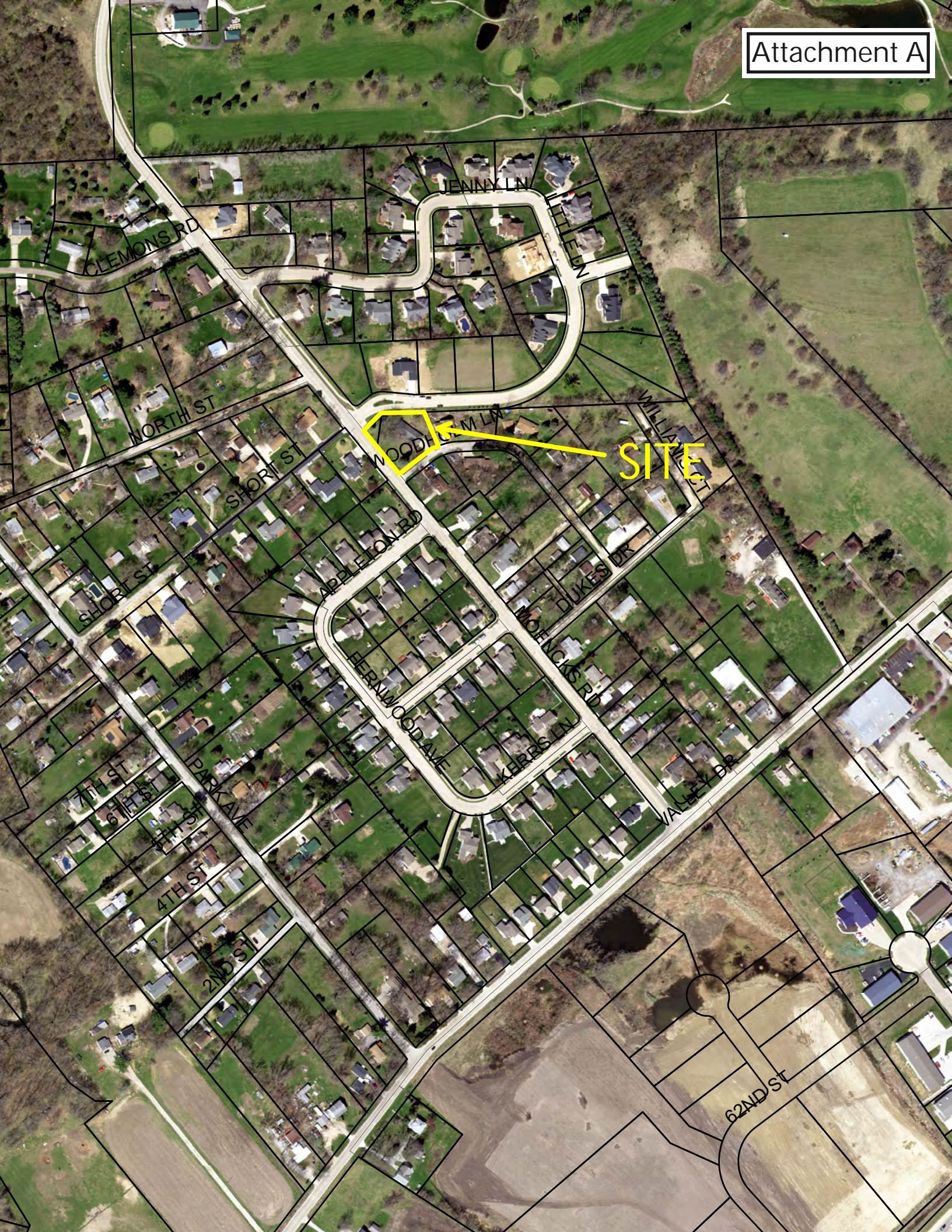
It is staff's interpretation that a required common entrance door is intended to discourage an accessory dwelling unit from becoming a future apartment or part of a duplex, neither of which are allowed in the R-1 District. Therefore, if the Board places a condition on the special use permit and variance that neither unit may ever be used for a rental or be under separate ownership, then perhaps the intent of the requirement may be satisfied. Any such conditional approval will be included in the Decision and Order and recorded in the land records department of the Scott County Recorder and will become part of the permanent record for this property.

Staff Recommendation

Staff recommends that any approval of the special use permit and variance be conditioned on not allowing either unit to ever be rented or placed under separate ownership.

Respectfully submitted,

John Soenksen
City Planner



LITTLE LN

ADDITION

MOENCKS RD

WOODHOLM LN





Case No. 19-101(S4); 19-102(V)

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

Part 1. Property Involved.

Street Address 3515 Moencks Rd, Bettendorf IA 52722

Legal Description of the property. Dietrich's Add. Lot: 001

Part 2. Contact Information.

Applicant Name Janessa Ormsby, Shabby to Chic Phone 503-468-9136

Address 3449 Moencks Rd, Bettendorf IA 52722 FAX n/a

E-mail Address: sales@shabbychicbuilders.com

Owner Name Amber Rock Phone 503-468-3435

Address 3515 Moencks Rd, Bettendorf IA 52722 FAX n/a

E-mail Address: amberlynnrock@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.)

11-11-9-D:

8. Accessory Dwelling Units: Accessory Dwelling Units (ADUs) are permitted in single-family homes where the property is in compliance with the permitted use and bulk regulation requirements of this ordinance, subject to the following additional requirements:

- a. The review and approval of an ADU application is by special-use permit. The proposed ADU must meet all the requirements of the Bettendorf Building Code and all other applicable city requirements.
- b. Only one ADU is permitted on a single-family property. The ADU must be attached to or within the residential structure. Both dwellings must use a common entrance door.
- c. The owner of the subject property must reside in one of the dwelling units on the property.
- d. The ownership of the property may not be divided into separate condominium ownership of each separate unit.
- e. One off-street parking space, in addition to the parking requirement for the single-family home, must be provided in accordance with this ordinance's requirements for parking on a single-family lot.
- f. The minimum size of the ADU is 400 square feet and the maximum size is 800 square feet.
- g. Any new construction must be aesthetically compatible with the existing home.