

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).

The Board of Adjustment meeting will be open to the public. Additional and necessary measures will be taken to adhere to social distancing recommendations. Any members of the public who wish to be heard may attend the meeting in person or may call (563) 344-4071 for specific questions or alternative participation. In an effort to practice social distancing and in support of CDC guidelines, the City of Bettendorf will broadcast this meeting online at <http://www.bettendorf.org/live-meeting>.

Constituents who do not have a matter to address with the Board of Adjustment in person are strongly encouraged to stay at home and view the meeting online.

MEETING NOTICE
BOARD OF ADJUSTMENT
JUNE 11, 2020
5:00 P.M.

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

1. Roll Call: Clements ____, Gallagher ____, Spranger ____, Tansey ____, Tombergs ____
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of May 14, 2020.
4. The Board to hold a public hearing on the following items:
 - a. Case 20-009; 3557 Middle Road (C-3) - Special use permit to allow an outdoor service area associated with a bar, submitted by The Quarry QC, LLC. (Deferred from meeting of May 14, 2020)
 - b. Case 20-015; 3557 Middle Road (C-3) - Variance to reduce the required number of parking spaces, submitted by The Quarry QC, LLC. (Deferred from meeting of May 14, 2020)
 - c. Case 20-022; 1510 Bellevue Avenue (R-2) - A request for a variance to reduce the required rear yard setback from 25 feet to 15 feet, submitted by Mark Brandl.
 - d. Case 20-028; 1233 Mississippi Boulevard (R-2) - Variance to allow a 6-foot high fence in the required front yard along 13th Street, submitted by Dionne and Robert Bergeson.

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.

- e. Case 20-030; 2849 Cody Street (R-2) - Variance to allow a 6-foot high fence in the required front yard along 29th Street, submitted by Vanessa Zepeda.
- f. Case 20-031; 5786, 5804, 5842, 5870, and 5894 Danielle Drive (R-2) - Variance to allow a 6-foot high fence in the required front yard along Devils Glen Road, submitted by Kevin Dolan.
- g. Case 20-032; 4670 Atwood Court (PUD) - Variance to allow a 5-foot high fence and a swimming pool in the required front yard along Crow Creek Road, submitted by Brock Moshier.

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
MAY 14, 2020
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Gallagher, Tansey, Tombergs
ABSENT: Clements, Spranger
STAFF: Beck, Curran, Reiter

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of May 14, 2020.

On motion by Tombergs, seconded by Tansey, that the minutes of the meeting of May 14, 2020 be approved as submitted.

ALL AYES

Motion carried.

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

- a. **Case 20-009; 3557 Middle Road (C-3)** - Special use permit to allow an outdoor service area associated with a bar, submitted by The Quarry QC, LLC. (Deferred from meeting of April 9, 2020)
- b. **Case 20-010; 3557 Middle Road (C-3)** - Variance to reduce the required number of parking spaces, submitted by The Quarry QC, LLC. (Deferred from meeting of April 9, 2020)

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. He added that materials were provided by the applicant after the packet had been distributed. He

indicated that the applicant is attempting to show parking spaces that could be used by his business off-site. He explained that the only parking spaces allowed to be counted are those that are on-site. Beck stated that when the original site plan was submitted there was no anticipation of a bar's being located there which is why there is such a dearth of parking spaces available for a bar.

Tombergs asked why the applicant assumed the outdoor patio would be approved as it seems as though the parking is inadequate without taking the outdoor service area into consideration. Andy Gadiant, the applicant, stated that 3 additional spaces were added last week as shown on a photo he had submitted. He indicated that he has spoken with all of the neighboring businesses regarding the issue of the shared parking. He stated that the business owner to the south is more than willing to help by allowing the 3 spaces on his property. Gadiant stated that there will not be a conflict between the neighboring businesses as they have different peak hours. He reiterated that all of the neighboring businesses are in favor of the request.

Tombergs stated that the applicant had submitted a partial email from the owner of Whitey's which seems to indicate some sort of agreement and asked the applicant to further explain. Gadiant stated that the agreement he made with Whitey's is that he would be willing to install signs indicating that his customers are not allowed to park there. Gallagher commented that the applicant's agreement with Whitey's does not increase the number of parking spaces available to him. Gadiant stated that the increase in the number of parking spaces is from those located at ColoHub.

Tombergs asked if staff could clarify whether or not the applicant's proposed solution is workable. Beck explained that applicant would be required to submit a special location plan to include the 3 additional spaces located to the south because they are on a different lot of record.

Tombergs stated that one of the applicant's suggestions was to remove existing landscaping and replace it with parking. She asked if this is feasible. Beck stated that the applicant would not be allowed to remove required landscaping.

Tombergs commented that there is an inadequate number of spaces available for the bar before calculating the additional requirement because of the outdoor patio. She stated that she does not believe that any of the applicant's suggestions are doable. Gadiant stated that the patio will occupy 2 existing spaces but that he has provided 3 more spaces at ColoHub. He commented that he was granted approval for the bar despite the parking issues and that he hopes that by adding 3 additional spaces would make up for the spaces that would be occupied by the patio.

Tombergs asked if the proposed patio would block access to the existing sidewalk in front of the businesses in the strip mall. Jason McCoy, co-owner, explained that the Code

requires that the railing connect to the building on the east end so that it becomes an extension to the bar so that customers can't walk out of the bar or patio at that end. He added that he would not be opposed to leaving it open if it is allowed. He commented that the entrance to the patio would be on the west side closest to the door to the building. He indicated that the proposed configuration would not allow customers to use the sidewalk from one end of the building to the other. Tombergs asked if staff would be opposed to leaving the patio open on both ends. Beck stated that it would be preferable for the sidewalk to be open for the length of the building. He commented that if the railing blocks the sidewalks, customers may have to walk in the parking lot in order to gain entrance to some of the businesses depending on where they have to park. Beck stated that he is not sure whether or not there are ADA compliance issues involved. Tombergs questioned whether or not there would be handicapped accessibility if the sidewalk is blocked by a railing. Curran stated that if the special use permit is granted staff would work with the applicant to ensure compliance with ADA requirements. He added that it makes more sense for the sidewalk to be accessible for the length of the building.

McCoy explained that he had assumed when he applied for the special use permit for a bar that an outdoor patio would be allowed because most bars in Bettendorf have a patio. He commented that had he known that they couldn't have an outdoor patio they would have picked a different location. He reiterated that they have striped 3 additional spaces on the adjacent lot to make up for the 2 that would be occupied by the patio. He stated that the pictures that he submitted show ample parking available at different times of the day. He stated that an outdoor area would be vital to the bar's success.

Tombergs asked what would happen if the special use permit were granted but it doesn't work out. Curran explained that once the special use permit is granted it cannot be taken away. He added that conditions could be added for the outdoor patio. He commented that a special use permit was granted to allow a bar and that adding an outdoor patio necessitates additional parking spaces. He stated that more parking spaces are required and that 2 parking spaces would be occupied by the patio. Curran asked for clarification of the total number of spaces required for the bar and outdoor service area. Beck stated that 13 additional spaces are required for the outdoor patio.

Tombergs asked if the applicant could reapply if circumstances change in the future. Curran explained that if the conditions or the request changes, the applicant could come back before the Board. Gallagher commented that the parking situation for the development would be affected either negatively or positively based upon what type of business locates in the currently vacant units. He added that the nature of the businesses in the development will likely change over time.

Tombergs asked if parking for future tenants would be restricted if the variance is granted. Beck explained that parking issues that occur after the original site development plan is approved are typically addressed between the landlord and the tenants.

Gallagher asked if a bar is proposed for one of the vacant spaces would be allowed to locate in the development if there aren't enough spaces available. Beck explained that a special use permit for a bar would be required and that staff would recommend denial because of the lack of necessary parking spaces.

McCoy stated that the lease agreement he and his partners negotiated with the owner includes an outdoor patio area to be built at his expense.

Gadient stated that one of the vacant units will be a nail salon and that the end cap will be a spray tan business. He indicated that the hours of operation for those businesses and the bar should not conflict. He stated that there should be no problems with the neighbors as a result of building an outdoor patio. Curran commented that the staff report references a special location parking plan and asked if the applicants have any agreement in writing from the business owner to the south regarding the 3 additional spaces to which they referred or from other tenants expressing support. He asked how many people would be on the patio and how many vehicles they would likely generate. Gadient stated that he has no additional information.

Beck stated that the Code indicates that one year must have elapsed and conditions must have substantially changed in the area before an applicant is allowed to reapply for a special use permit for the same use that was previously denied.

Tansey asked how his continued abstention on these cases affects the quorum on the issues. Curran stated that there is a quorum for the meeting even if Tansey abstains. Gallagher commented that it might be in the applicant's best interest to defer the cases until there are more members present and until more information from the applicant is available.

Gadient stated that he would be willing to defer the cases until next month.

On motion by Gallagher, seconded by Tombergs, that a special use permit to allow an outdoor service area associated with a bar be deferred until such time as more members are present and the applicant provides more information.

ALL AYES

Motion carried.

On motion by Gallagher, seconded by Tombergs, that a variance to reduce the required number of parking spaces be deferred until such time as more members are present and the applicant provides more information.

ALL AYES

Motion carried.

- c. Case 20-023; 203 Grant Street (R-2) - Variance to increase the allowable lot coverage in the required rear yard from 40 percent to 70 percent to allow construction of a 22-foot by 30-foot detached garage, submitted by Barbara Mansholt.

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 #4 to these minutes.

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

Barbara Mansholt, the applicant, stated that the existing garage is in disrepair and that she would like to replace it. She asked if it would be possible to place the garage in a slightly different location than is indicated on the submitted drawing. She explained that she would like to construct the garage such that it is parallel with the alley. Gallagher stated that as long as the required setbacks are met that would be acceptable.

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

On motion by Tombergs, seconded by Tansey, that a variance to increase the allowable lot coverage in the required rear yard from 40 percent to 70 percent to allow construction of a 22-foot by 30-foot detached garage be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #5 to these minutes.

- d. Case 20-027; 4950 Woodland Drive (R-2) - Variance to allow an 8-foot high fence to surround a swimming pool, submitted by Windmill Development.

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 #6 to these minutes.

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

Reed Windmiller, the applicant, stated that there have been problems with tenants of nearby townhouses to the north coming onto their property and that they would like to prevent their gaining access to the pool.

Tansey asked if the fence would be similar in style to the one at Beacon Ridge. Windmiller stated that it would be different in that the vertical fence rails will go past the horizontal bars which will make it harder to scale. Gallagher asked if it would be chain link. Windmiller stated that it would be not but that it would be aluminum with vertical slats and 3 horizontal bars.

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

On motion by Tansey, seconded by Tombergs, that a variance to allow an 8-foot high fence surrounding a swimming pool be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #7 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 _____

Greg Beck
City Planner



COMMUNITY DEVELOPMENT

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

May 14, 2020

Case 20-009

Special use permit to allow an outdoor service area associated with a bar.

Case 20-015

Variance to reduce the required number of parking spaces.

Location: 3557 Middle Road

Applicant: The Quarry QC, LLC

Zoning Designation: C-3, General Business District

Update – May 14

At the March 12 meeting, the Board deferred Cases 20-009 and 20-015 until such time as a parking plan was submitted which shows how the applicant plans to remedy the issue of the lack of required parking spaces. Another deferral was granted at the April 9 meeting. At the May 14 meeting the applicant requested a deferral until such time as more members are present. The applicant stated at that meeting that he has obtained 3 spaces on the lot to the south to offset the 2 that would be taken by the proposed patioe. He communicated to staff via email that they plan to obtain 2 additional spaces at the rear of the building to offset the proposed loss; however, staff does not see where any available space could be found to provide those stalls, and the applicant has not provided a physical plan showing the change.

Background Information and Facts

The site is located just southeast of Whitey's Ice Cream near the intersection of Middle Road and Devils Glen Road. The Quarry is a new bar located in a recently-constructed multi-tenant retail structure (see Attachment A – Location Map). If allowed, the applicant would like to have an outdoor service area adjacent to (north of) the main entrance to the unit involved (see Attachment B – Front of Building). The owner plans to enclose the area with a railing to separate it from vehicular traffic. The proposed outdoor service area would occupy two existing parking spaces.

Staff Analysis

The applicable portions of the C-3 District description for this request are: "The C-3 general business district is intended to provide mixed-use areas to be used for **all types of retailing and service uses**, certain wholesale and warehousing uses, and some limited industrial activities that are normally associated with commercial uses. **The uses allowed are often large space uses** and cater to customers who do not make frequent purchases. The district is normally located along major thoroughfares, where adequately sized parcels of land allow for large setbacks, clear vision, and safe ingress and egress."

If allowed, the outdoor service area will have significant separation from surrounding residential areas and individual residences (see Attachment C – Separations), specifically:

- 760-foot separation from the nearest residence to the north and adjacent to Middle Road.
- 990-foot separation from the nearest residence to the east on Sparrow Court.
- 850-foot separation from the nearest residence to the southwest on Holiday Court.

The Board of Adjustment may impose conditions and restrictions upon the premises benefited by any special use permit. In the past, the Board has restricted the hours of outdoor service areas adjacent to residential districts as well as the amount of sound or music that will be allowed as part of the special use permit process. The applicant does intend to have outdoor music and, on occasion, live outdoor music. In this case, the distances listed above from the nearest residences may indicate that those restrictions are not needed.

The special use request for this specific strip center unit has never previously been denied by the Board and therefore, by Code, can be given consideration for approval or denial at this time.

The Board approved a special use permit for the bar. If the current request is approved, that use will be extended to the outdoor patio and expanded by 649+ square feet generating the need for more parking. The parking required for both the indoor bar and the outdoor patio for the bar is 25 spaces (see Attachment D – Bar and Patio Plan). The patio will also occupy at least two existing parking spaces. Upon examination, the overall parking did not match the approved site development plan (see Attachment E – Site Parking). 97 parking spaces were shown to be provided, however, only 89 spaces were actually provided. Taking away 2 spaces for the patio reduces the amount to 87 on-site spaces. The original parking plan did not factor a bar use into the formula which requires a greater number of parking spaces over the originally planned restaurant (21 additional). Beyond the 96 required spaces for the original design, the additional 21 spaces would create a new obligation for 117 parking spaces for the entire site. The adjacent unit to the Quarry is Indulge Salon Studios which operates until 8 pm on Tuesdays and Thursdays. On Mondays and Wednesdays, Indulge is only open until 3 pm. Some overlap is present in these hours, as the petitioner previously mentioned their peak hours were from 3-8 pm. There are also two open retail spaces at this facility, and those final uses and their need for parking are not yet known. The final approval of those future uses will depend upon the available parking. The applicant has indicated that he has added 3 off site spaces to offset the patio area occupation of 2 spaces but has not submitted the required special location plan in order to include them. 117 spaces are required for this site, while 87 parking spaces are provided on site.

Staff suggests the Board evaluate the number of parking spaces needed for this site and if this request will have any adverse impact on the overall development and the adjacent business owners. The standards for evaluating a special use permit are listed in 11-15-9. A.-E. (see Attachment F - City Ordinance). The Petitioner has emailed the attached photos and correspondence (see Attachment G - Photos and Correspondence).

Respectfully submitted,

Greg Beck
City Planner

Attachment - A





Attachment - C



4610 42nd Avenue
Rock Island, IL 61201
Phone: 309.796.6920
Fax: 309.796.6924
jag-architect.com

jag
JOSEPH ARCHITECTURAL GROUP, P.C.

© 2010 JosephArchitecturalGroup, P.C.
All rights reserved.
THIS DOCUMENT IS AN INSTRUMENT OF SERVICE.
IT IS THE PROPERTY OF JOSEPH ARCHITECTURAL GROUP, P.C. AND MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION.

REVISIONS

▲ ▲ ▲ ▲

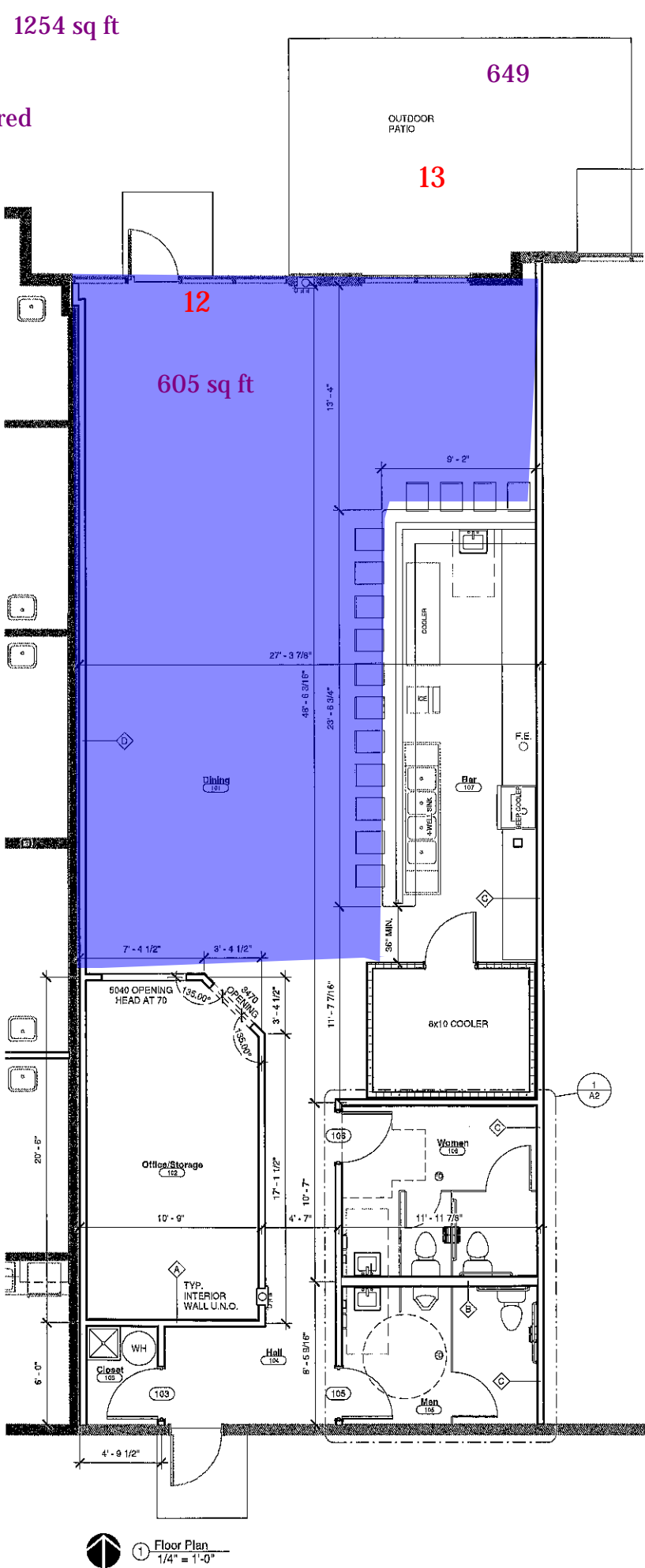
Construction Drawings for:
Pub Tenant Build-Out
3557 Middle Road, Bettendorf, Iowa

RUSSELL
4610 42nd Avenue, Bettendorf, IA 52007
(319) 451-0400 | www.russell.com

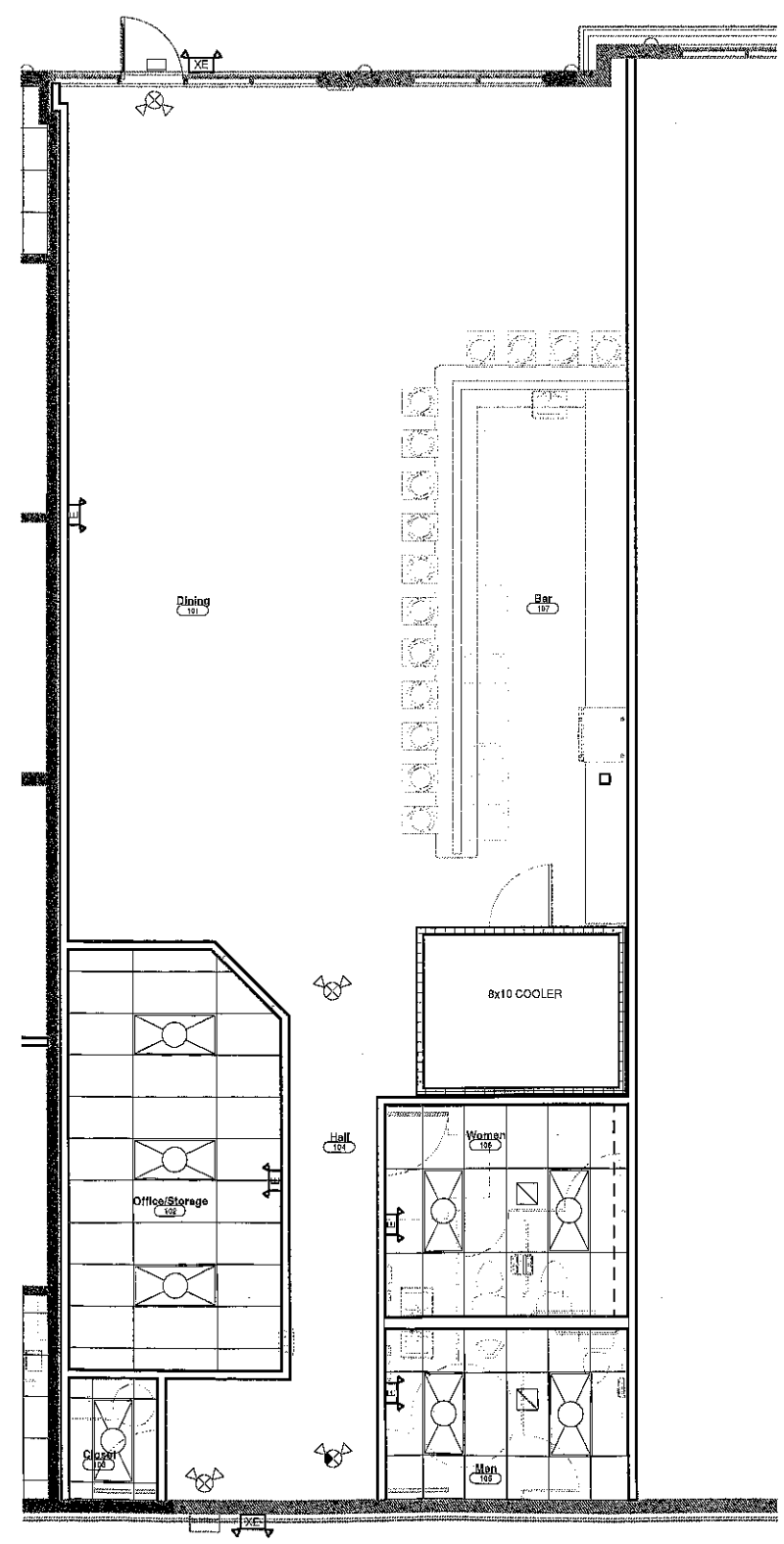
Floor Plan & RCP

DATE
11 October 2019

A1
PROJECT NO.
#08719



1 Floor Plan
1/4" = 1'-0"



2 Reflected Ceiling Plan
1/4" = 1'-0"

- A - (TYPICAL INTERIOR WALL)** - 3-5/8" STEEL STUDS @ 16" O.C. W/ 5/8" GYP BD EACH SIDE, CAVITY FILLED W/ SOUND BATT INSULATION
- B - (PLUMBING WALL)** - 6" STEEL STUDS @ 16" O.C. W/ 5/8" GYP BD EACH SIDE, CAVITY FILLED W/ SOUND BATT INSULATION
- C - (1 HOUR FIRE RATED WALL)** - SEE DETAIL 3/A00. SECURELY ATTACH WALL TO UNDERSIDE OF ROOF DECK
- D - (SOUND WALL)** - 1/2" GAP FROM FACE OF EXISTING GYP BD, THEN 3-5/8" STEEL STUDS @ 24" O.C. AND SOUND BREAK X SOUND BOARD, CAVITY FILLED W/ MINERAL WOOL INSULATION

- NOTE:
- EXISTING WALLS ARE DIMENSIONED FROM WALL FACE.
 - NEW WALLS ARE DIMENSIONED TO WALL CENTERLINE, U.N.O.
 - FIREBLOCK COMBUSTIBLE WALL SPACES VERTICALLY AT THE CEILING AND FLOOR LEVELS AND HORIZONTALLY AT INTERVALS NOT EXCEEDING 10 FEET - SEE DETAIL 5/A00

- WALL OR FRAME TYPE
- Wall Types & General Notes
1/4" = 1'-0"
- 2'-0" x 4'-0" GENERAL PURPOSE TO CEILING MOUNT FIXTURES (TYPICAL)
 - WALL PACK
 - EX-HAUST FAN
 - EXIT FIXTURE - PER CODE
 - EXIT FIXTURE W/ EMERGENCY LIGHTING - PER CODE
 - DIRECTIONAL EXIT FIXTURE - PER CODE
 - EMERGENCY LIGHTING - PER CODE
 - EXTERIOR EMERGENCY LIGHTING - PER CODE

- EXIT FIXTURES TO BE ON BATTERY BACK UP AS PER CODE. LOCATE EXITS SIGNS AND LIGHTING PER CODE, SHOWN IN PLAN FOR REFERENCE ONLY. SEE COMCHECK FOR DETAILED LIGHT REQUIREMENTS
- WALL LIGHTS THAT PROTRUDE MORE THAN 4" FROM THE WALL SHALL BE MOUNTED SO THAT THE BOTTOM EDGE IS AT LEAST 80" AFF

RCP Legend
1/4" = 1'-0"

1254 sq ft

25 spaces required

649

13

605 sq ft

12

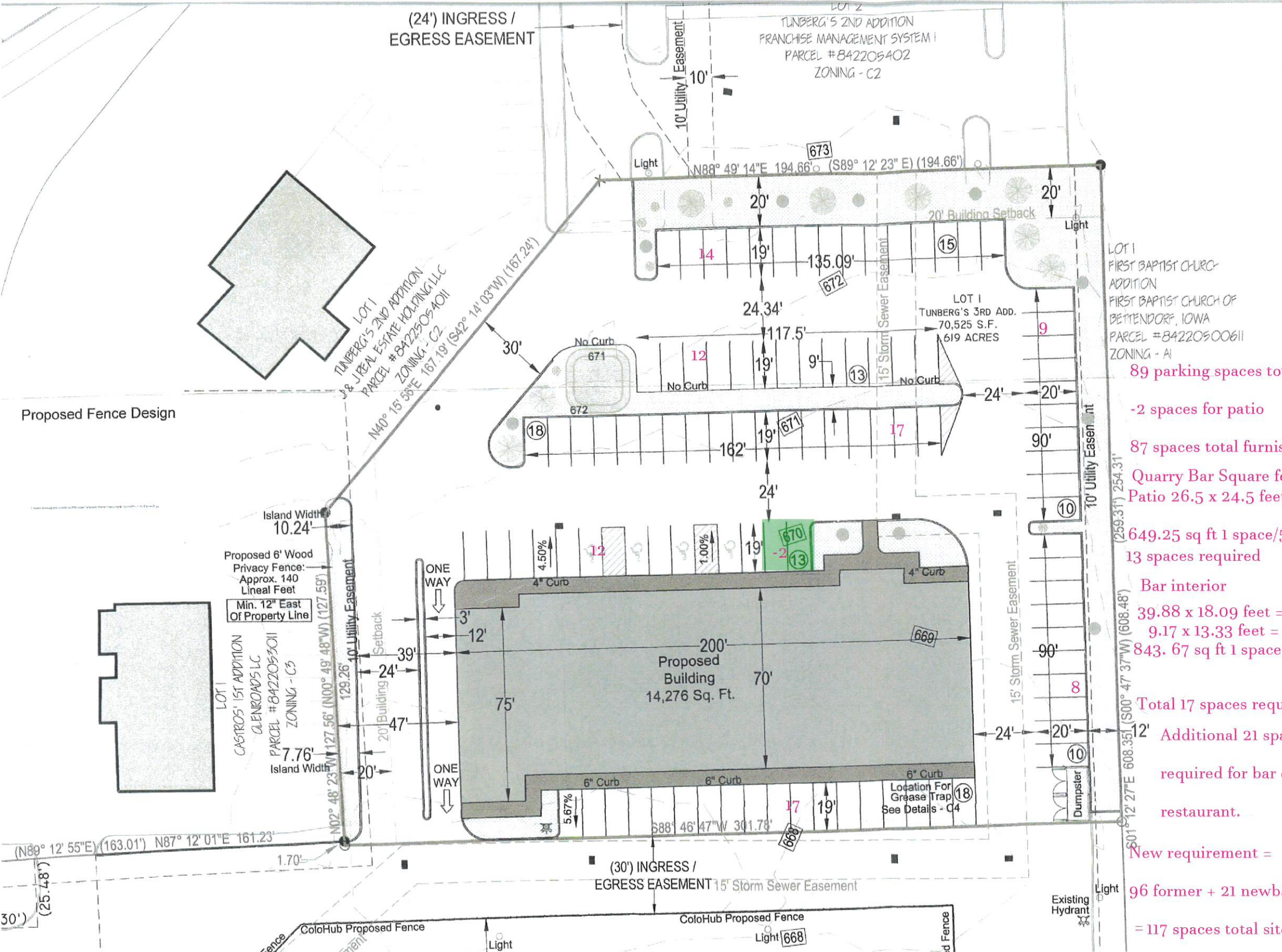
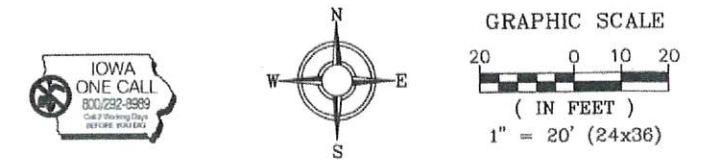
RCP Legend
1/4" = 1'-0"

Russell Construction Company

Commercial Building

Lot 1 Tunberg's Third Addition

Bettendorf, Iowa 52722



89 parking spaces total
 -2 spaces for patio
 87 spaces total furnished.
 Quarry Bar Square feet
 Patio 26.5 x 24.5 feet =
 649.25 sq ft 1 space/50 sq ft
 13 spaces required
 Bar interior
 39.88 x 18.09 feet = 721.43
 9.17 x 13.33 feet = 122.24
 843.67 sq ft 1 space / 50
 Total 17 spaces required
 Additional 21 spaces
 required for bar over
 restaurant.
 New requirement =
 96 former + 21 newbar spaces
 = 117 spaces total site.

- GENERAL NOTES**
- ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF BETTENDORF STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, LATEST EDITION, AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
 - LOT 1 TUNBERG'S THIRD ADDITION BEING A REPLAT OF LOT 3 OF TUNBERG'S 2ND ADDITION TO THE CITY OF BETTENDORF, SCOTT COUNTY IOWA.
 - IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY CONFLICTS WITH THE DRAWINGS OCCUR. ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. EXISTING UTILITY LOCATIONS SHOWN ON THE DRAWINGS ARE APPROXIMATE.
 - THE CONTRACTOR SHALL NOTIFY THE CITY OF BETTENDORF AND THE ENGINEER 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
 - PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREAS. DO NOT ALLOW WATER TO DRAIN OR TO POND ONTO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
 - ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
 - CONCRETE PAVEMENT SHALL CONFORM TO THE REQUIREMENTS OF IOWA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAYS AND BRIDGE CONSTRUCTION, SECTION 2301, PORTLAND CEMENT CONCRETE PAVEMENT. CONCRETE PAVEMENT WITHIN THE PUBLIC RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF BETTENDORF STANDARDS AND SPECIFICATIONS.
 - ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL CONFORM TO THE IOWA CONSTRUCTION SITE EROSION CONTROL MANUAL, LATEST EDITION.
 - NOTE: ALL DIMENSIONS ARE TO THE BACK OF CURB, UNLESS OTHERWISE NOTED.
 - EXISTING ZONING: C2
 - ALL UTILITIES ARE PRIVATE ONSITE. ALL SANITARY & STORM SEWER MAINTENANCE TO BE DONE BY THE OWNERS OF ANY PORTION OF THE PLATTED AREA.
 - PARKING LOT LIGHTING WILL BE DESIGNED BY A QUALIFIED ELECTRICIAN AND A PHOTOMETRIC PLAN WILL BE SUPPLIED TO THE CITY OF BETTENDORF FOR REVIEW. A MINIMUM OF (2) PARKING LOT LIGHTS WILL BE DESIGNED AND WALL PACKS FOR EACH UNIT WILL BE SHOWN.

LEGEND:

--- EASEMENT	⊗ EXISTING GAS VALVE	--- EXISTING CONTOUR LINE
- - - SETBACK LINE	⊗ EXISTING WATER VALVE	--- PROPOSED CONTOUR LINE
--- CENTERLINE	⊗ EXISTING LIGHT POLE	○ SPOT ELEVATION TOP OF CURB
--- PROPERTY BOUNDARY	⊗ EXISTING TREE	○ SPOT ELEVATION FL OUTER
--- EXISTING FENCE	⊗ EXISTING BUSH	○ SPOT ELEVATION FINISHED FLOOR ELEVATION
--- EXISTING SANITARY	⊗ EXISTING MANHOLE	
--- EXISTING STORM SEWER	⊗ EXISTING FIRE HYDRANT	
--- PROPOSED SANITARY	⊗ FOUND PROPERTY PIN	
--- PROPOSED STORM SEWER	⊗ CONTROL POINT	
--- EXISTING WATER		
--- PROPOSED WATER		
--- EXISTING GAS LINE		
--- PROPOSED GAS LINE		
--- EXISTING ELECTRIC		

C2 Zoning Requirements

Front Yard: 20 Ft. Minimum Building Setback

Side Yard: 0 Ft. Minimum Building Setback

Rear Yard: 0 Ft. Minimum Building Setback

Proposed Building Total Square Footage: 14,276

LANDSCAPING NOTES

Minimum Street Yard Greenspace requirements: Total Required Tree Factors = 16

Buffer Yard Area = 9 Tree Factors
 Vehicular Use Area = 7 Tree Factors

	Deciduous Overstory Tree A shade-producing woody plant having a mature height and spread of at least 30 feet with one well-defined trunk and no branches at or near the base.	Deciduous overstory 2-inch caliper and 22-inch ball or pot 1.0 4-inch caliper and 40-inch ball or pot 2.0
	Deciduous Understory Tree A woody plant at least 10 feet tall at maturity with one or more well-defined trunks.	One-stem deciduous understory 1 1/4-inch caliper and 16-inch ball or pot 0.5 3-inch caliper and 30-inch ball or pot 1.0 Multi-stem deciduous understory 6-foot height and 16-inch ball or pot 0.5 12-inch height and 30-inch ball or pot 1.0
	Evergreen/Conifer Tree An upright cone-bearing plant having green needle-like foliage throughout the year and at least 20 feet tall at maturity.	Evergreen 6-foot height and 16-inch ball or pot 0.5 12-foot height and 30-inch ball or pot 1.0

I hereby certify that this Engineering document was prepared by me or under my direct personal supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Iowa.

CHESTER R. TOWNSEND
 License number: 14864
 My license renewal date is December 31, 2018
 Pages or Sheets covered by this seal: C1-C5

Date: 10-25-17

117 required spaces -
 87 spaces provided =
 30 spaces needed.

- A. Purpose: This title is based upon the division of the city into districts, within which the uses of land, and the uses and bulk of buildings and structures, are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, can only be properly classified in any particular district or districts upon consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two categories:
1. Uses publicly operated or traditionally affected with a public interest, and
 2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property, public facilities, or the city as a whole.
- B. Authority: Special-use permits may be granted by the board of adjustment, but only in accordance with the requirements hereinafter set forth.
- C. Application and Notice of Hearing: An application for a special-use permit shall be filed in duplicate with the city clerk, who shall forward a copy of the application to the board of adjustment without delay. The application shall be in such form, contain such information, and be accompanied by such plans as the board of adjustment may by rule require. The board of adjustment shall hold a public hearing on such application in the manner described in Section 11-15-12 of this chapter.
- D. Report and Decision: Within 100 days after the close of the hearing, unless the applicant shall have consented to a longer period, the board of adjustment shall grant or deny the proposed special use. A written report giving the findings and recommendations for action to be taken on the application shall be prepared by the board of adjustment. The report shall include any recommended conditions or restrictions to be imposed upon the premises benefited by the special-use permit.
- E. Standards: No special-use permit may be granted unless:
1. The proposed use is designated by this title as a special use in the district in which the use is to be located.
 2. The proposed use will comply with all applicable regulations in the district in which the use is to be located.
 3. 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.
 4. 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.
 5. 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.
 6. The proposed use will not cause substantial injury to the value or other property in the neighborhood.
 7. 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.
 8. 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 general intent of this title. Failure to comply with such conditions or restrictions shall constitute a violation of this title.
 9. The proposed use is consistent with the Bettendorf Comprehensive Plan and serves to further the goals of the plan.

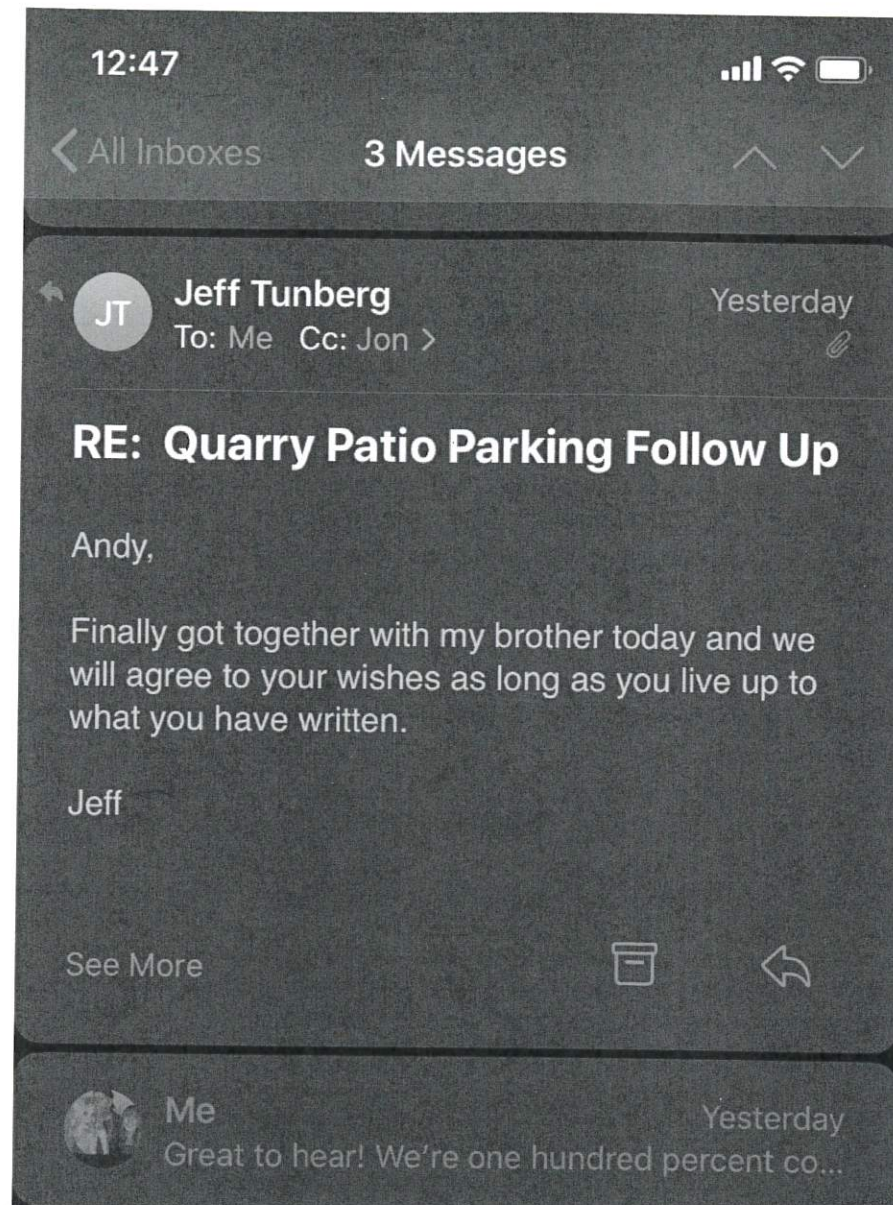
The Quarry Patio Proposal

After deferring our proposal from the last board of adjustment meeting, we'd like to offer these possible solutions to be able to move forward with our patio construction for Spring 2020.

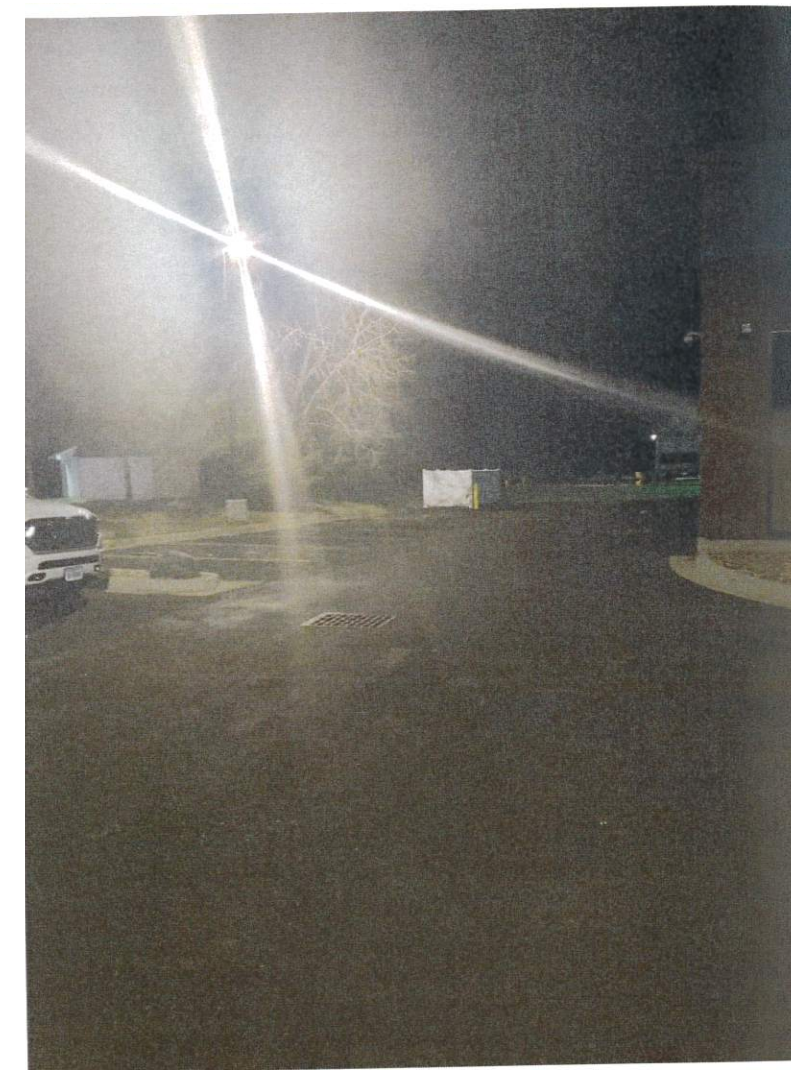
While our proposed space sits outside our front door to the North of the building, it takes up two parking spaces. So we are looking at creating two more spaces in our lot. Here is a bulleted list of options we have explored and are willing to adhere to.

- Notice on marquis that there is parking available in the back of the building, in an effort to discourage parking in our neighboring establishments lots.
- Purchasing "No Parking" signs for our neighbors as well as installing or paying for installation of the signs
- Creating two new spots for parking, leaving us with the same amount of parking as we have now and have been approved for.

With our bar capacity in relation to our current available parking, our busy hours on a Friday night still leave a plethora of parking options in our lot. That's seats at the bar filled and at least two people at most tables. The patio, in our estimation creates room for about 24 more guests if we are at capacity inside. We are attaching photos of the parking lot at 6PM and 8 PM on a Friday night. This should illustrate the kind of space we have outdoors while having a full bar indoors.



Petitioner's Submittals





Case No. 20-009

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

Part 1. Property Involved.

Street Address 3557 Middle Road Bettendorf IA

Legal Description of the property. LOT 1 Tunberg's Third Add

Part 2. Contact Information.

Applicant Name Andy Gadien + Phone 563.940.5083
Address 603 Leckie Street Davenport IA FAX _____
E-mail Address: dreugadien@gmail.com

Owner Name Andy Gadien + Phone 563.940.5083
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.)

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.
Outdoor seating for guests, fenced in patio for music, drinks and food. Looking for open to close hours as we are in a commercial area. Live music twice a month on Sunday daytime.

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 10th day of Feb 2020

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)

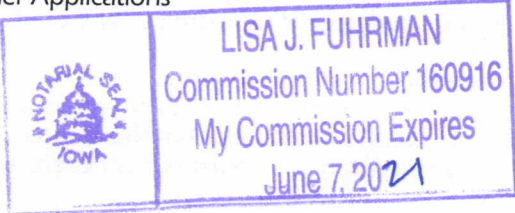
State of Iowa)
 SS
County of Scott)

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 20th day of February, 2020
[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 Feb 10, 2020





COMMUNITY DEVELOPMENT

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

June 11, 2020

Case No. 20-022

Location: 1510 Bellevue Avenue

Applicant: Mark Brandl

Zoning Designation: R-2, Single-family Residence District

Request: Variance to reduce the required rear yard setback from 25 feet to 15 feet.

Background Information and Facts

The site is located on the west side of 16th Street and north of Bellevue Avenue (see Attachment A – Aerial Photo). The ordinance defines the rear yard of a corner lot as the one opposite the shortest street frontage (west boundary). All standards for lots and setbacks predate the Zoning Ordinance approved in 1959 see Final Plat Section - Attachment B). The existing garage would be removed and an addition built that would encroach into the rear yard toward the west (see Site Photo and Plot Plan - Attachments C and D).

Staff Analysis

The applicant indicates that many structures are built without required setbacks in the rear or front yards being observed throughout the Broadview Heights Addition. The homes on 3 lots in particular (1415 Alcoa Avenue, 1404 Central Avenue, and 1012 16 ½ Street) encroach into the front and rear yard setbacks without variances having been granted. The applicant has not provided a hardship, but does reference many relevant examples of encroachments in yards that are similar to the relief he is requesting.

Given the standards used in the older neighborhoods platted prior to the 1959 passage of the City's first Zoning Ordinance, many other subdivisions have dwellings that are built on smaller lots that encroach into required setbacks to a greater degree.

Respectfully submitted,

Greg Beck
City Planner

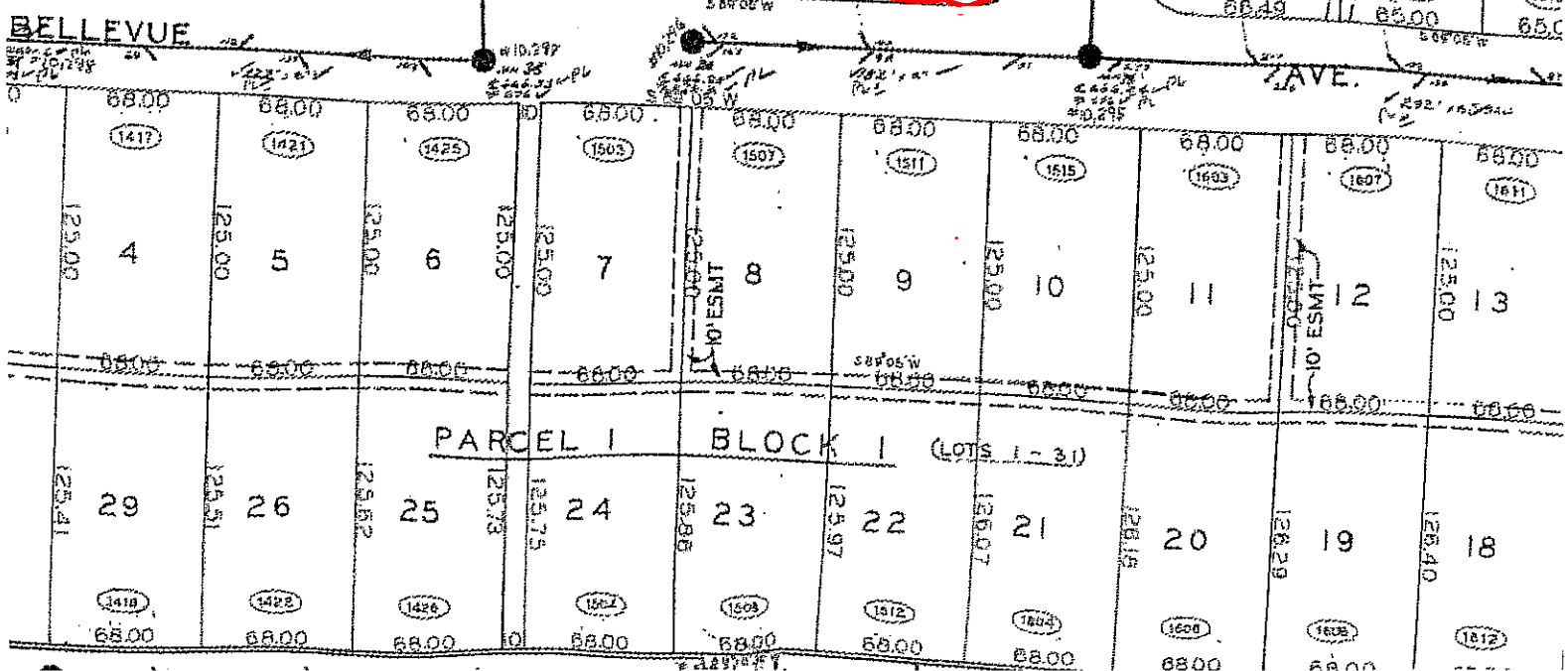
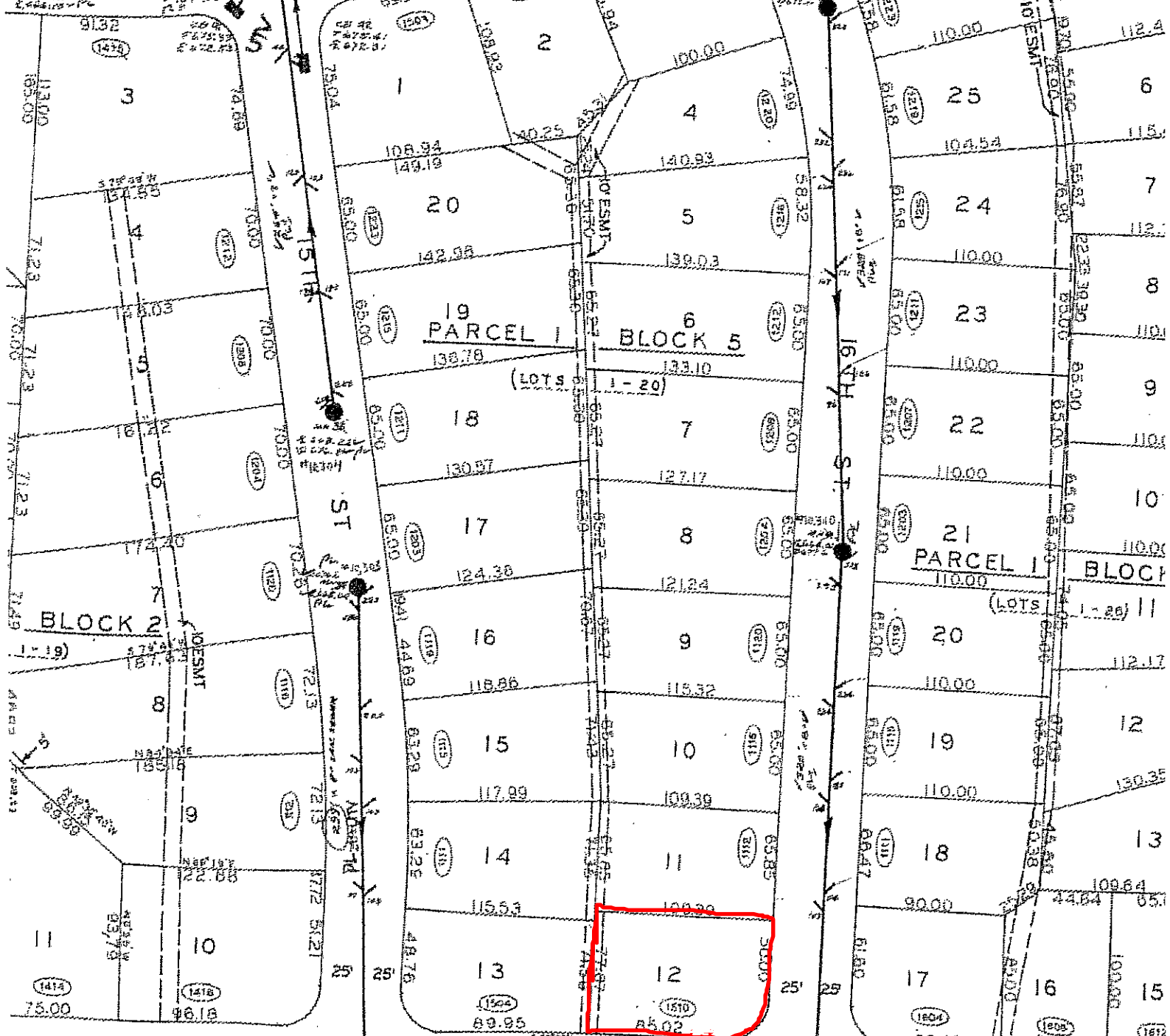


15TH ST

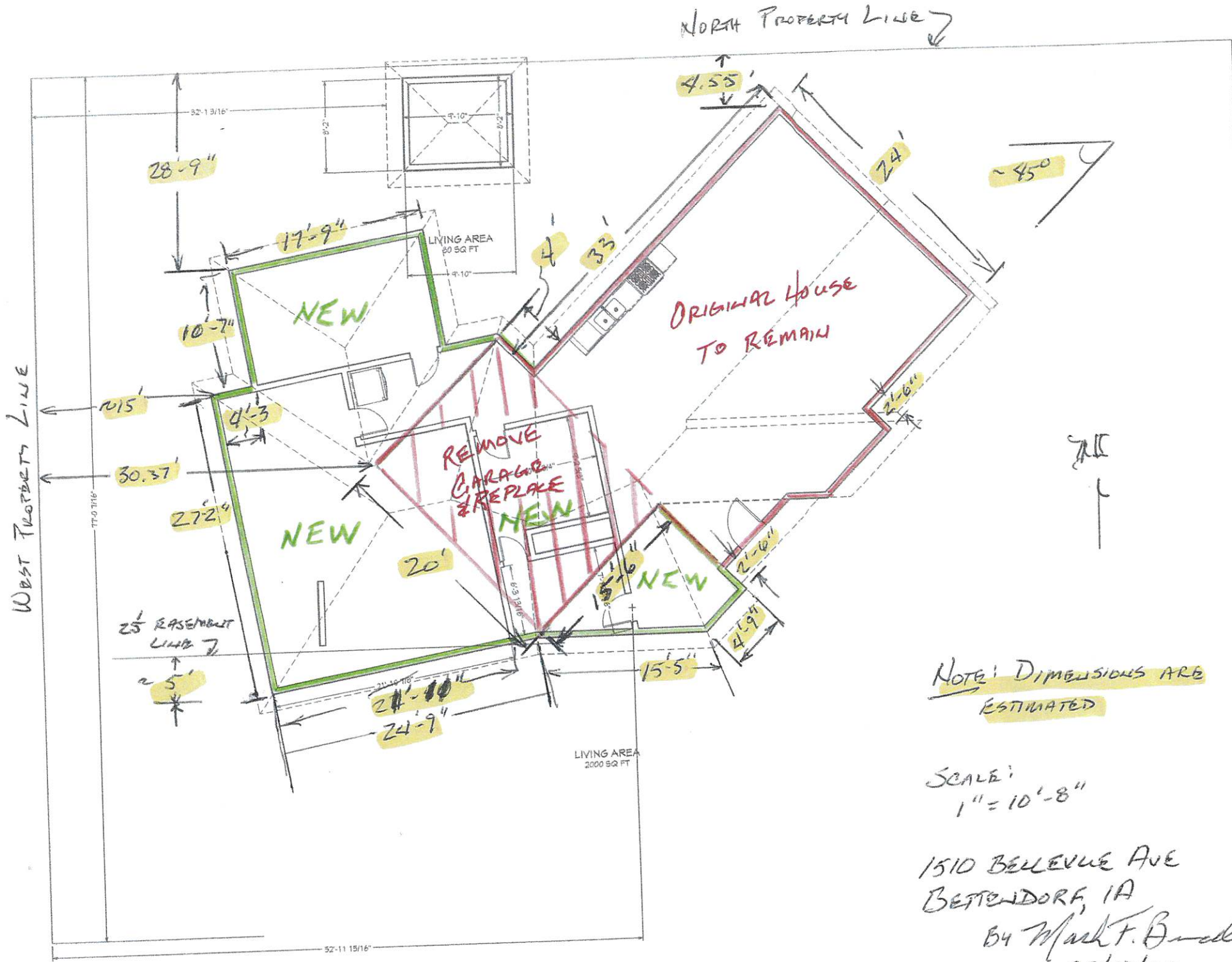
16TH ST

BELLEVUE AVE

CENTRAL AVE







NOTE: DIMENSIONS ARE ESTIMATED

SCALE: 1" = 10'-8"

1510 BELLEVUE AVE
 BETTENDORF, IA
 BY Mark F. Bredel, P.E.
 05/03/20



Case No. 20-022

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

Part 1. Property Involved.

Street Address 1510 BELLEVUE AVE., BETTENDORF

Legal Description of the property. LOT 12 IN BLOCK 5 IN BROADVIEW HEIGHTS SUBDIVISION, CITY OF BETTENDORF

Part 2. Contact Information.

Applicant Name MARK BRANDL Phone 563-370-3066
Address 1510 BELLEVUE AVE. FAX _____
E-mail Address: ibbean1@gmail.com

WORK: 563-271-2075

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

May 14, 2020

Case No. 20-028

Location: 1233 Mississippi Boulevard

Applicant: Robert and Dionne Bergeson

Zoning Designation: R-2, Single-Family Residence District

Request: Variance to allow a 6-foot high fence in the required front yard along 13th Street.

Background Information and Facts

The site is located on the west side of 13th Street and the south side of Mississippi Boulevard (see Aerial Photo - Attachment A). The applicant would like to place a 6-foot high fence within the required 25-foot front yard setback on the 13th Street side (see Final Plat and Site Photo - Attachments B and C). The Code allowed only 4-foot high fences in required front yards (see Zoning Ordinance - Attachment D).

Staff Analysis

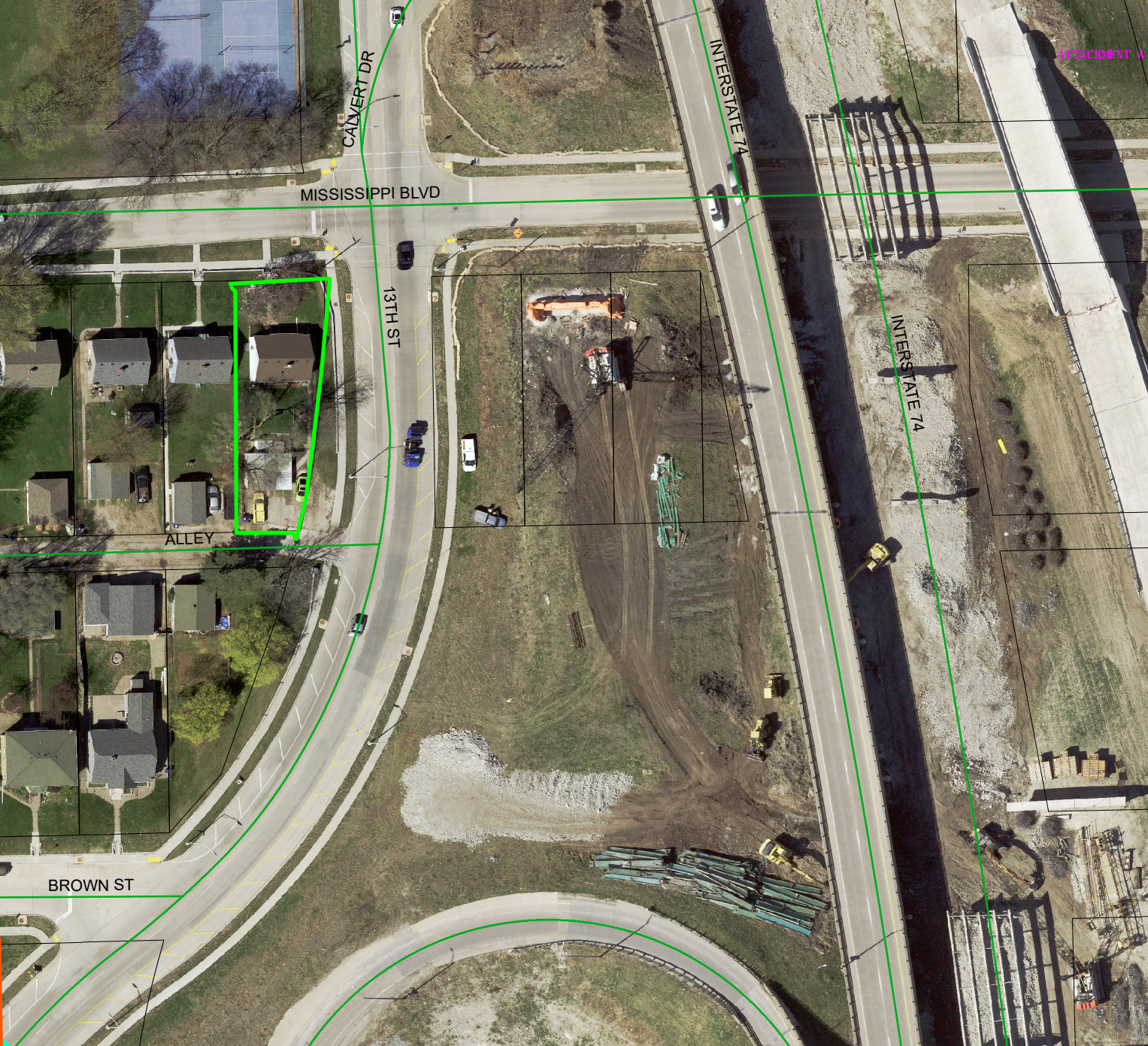
The lot involved in this request has the longest portion of its front yard against what now has become an arterial street (13th Street). The Board has ruled in favor of 6-foot high fences along other arterials such as 18th Street (3876 - 18th Street (Case 17-087) and 1808 Sunset Drive (Case 17-042); Devils Glen Road (5762 Danielle Drive (Case 19-050) and 5738 Danielle Drive (Case 19-051) and along other lots adjacent to high traffic streets in the past (53rd Avenue). The idea is to provide more privacy and lessen the impact of noise from high traffic areas.

The configuration of the lot is such that it angles away from the sidewalk adjacent to 13th Street which would lessen the impact of the proposed 6-foot high fence from the street.

The Board has granted numerous variance requests for 6 foot high fences granted by the Board of Adjustment over a number of years when the fence is abutting a collector or an arterial street.

Respectfully submitted,

Greg Beck
City Planner



CALVERT DR

MISSISSIPPI BLVD

13TH ST

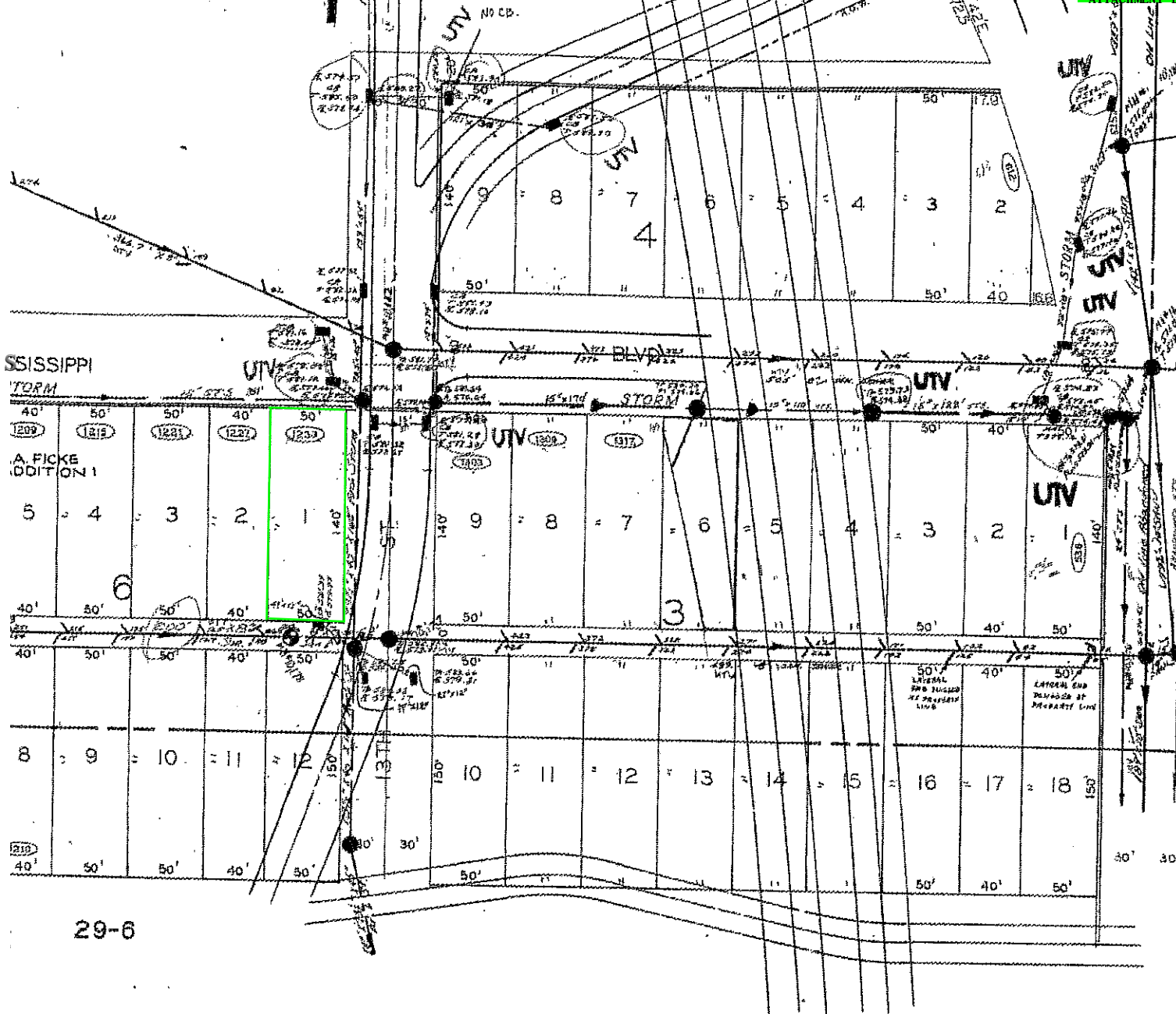
ALLEY

BROWN ST

INTERSTATE 74

INTERSTATE 74

MISSISSIPPI



29-6



1233 MISSISSIPPI
BOULEVARD

FENCE LINE

13TH STREET

MISSISSIPPI BLVD

- g. In any residential district, no accessory building shall be nearer than five feet to the rear lot line, nor nearer than eight feet to any unattached principal building provided, however, that swimming pools shall not be nearer than ten feet to the rear lot line, nor nearer than eight feet to any unattached principal building or accessory building having a basement, and not closer than five feet to any principal building or accessory building not having a basement.

4. In Side Yards:

- a. Overhanging eaves and gutters projecting into the yard for a distance not exceeding 40 percent of the required yard width, but in no case exceeding two feet.
- b. Enclosed detached off-street parking spaces, but not nearer than five feet to the side lot line, nor nearer than ten feet to any principal building.
- c. Open off-street parking spaces. (2008 Code App. B § 18.30)

11-11-12. L. L. Fences and Walls. Open and closed fences and walls not exceeding four feet in height above the natural grade level in front yards, and closed-type fences and walls not exceeding six feet in height in side and rear yards, and further provided, that for through lots, a fence not exceeding four feet in height may be located within ten feet of the rear property line when said property line is the right-of-way line of a major street as shown on the thoroughfare plan. When said fence on a through lot is located within 15 feet or less of the right-of-way line, a minimum of one evergreen type plant or comparable landscape planting shall be placed between said fence and right-of-way line for every 25 linear feet or fraction thereof of fence.

- 1. Orientation: The finished side of all fences shall face outward toward any adjacent rights-of-way. All support posts and stringers shall face inward toward the property upon which the fence is located, or the subdivision that it screens (if located on commonly owned property).

11-11-13. SUPPLEMENTAL DEVELOPMENT REGULATIONS – HEIGHT:

Except in a planned unit development, no building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the structure is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the structures and fire or parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, radio and television transmission towers and aerials, wireless masts, electric and telephone service poles, water tanks, silos, storage hoppers, elevators, or similar structures may be erected above the height limits herein prescribed. (2008 Code App. B § 18.5)

11-11-14. SUPPLEMENTAL DEVELOPMENT REGULATIONS – RESIDENTIAL USES:

- A. Space Between Buildings: The minimum horizontal distance between buildings shall be:
 - 1. Ten feet (10') between one-story, two-story, two and one-half story (2 ½) single-family or two-family buildings or combinations thereof.
 - 2. Thirty feet (30') between one-story, two-story, two and one-half (2 ½) story multi-family buildings or combinations thereof.

Case No. 20-078

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

Part 1. Property Involved.

Street Address 1233 Mississippi Blvd Bett. IA 52722

Legal Description of the property. Single Family Home

LOT 1 BLOCK 6 C.A. FICK'S ADDITION

Part 2. Contact Information.

Applicant Name Robert & Dionne Bergeson Phone 563 370 5213

Address 1233 Mississippi Blvd Bett. IA FAX _____

E-mail Address: Bergesondionne@gmail.com

Owner Name Robert & Dionne Bergeson Phone 563 370 5213

Address 1233 Mississippi Blvd Bett. IA FAX _____

E-mail Address: Bergesonclionne@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.)

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.

Requesting:
 Six foot high fence in the front yard set back area instead of 4 foot

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 11 day of May, 20 20.

Signature of Applicant Robert O. Berg Signature of Owner Diome Bergura
 (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 11 day of May, 20 20.



Sorcia Hanghian
 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 W. J. Zimmerman
 Amount \$50. Date 5/13/20
CC



COMMUNITY DEVELOPMENT

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

May 14, 2020

Case No. 20-030

Location: 2849 Cody Street

Applicant: Vanessa Zepeda

Zoning Designation: R-2, Single-Family Residence District

Request: Variance to allow a 6-foot high fence in the required front yard along 29th Street.

Background Information and Facts

The site is located on the west side of 29th Street and the south side Cody Street (see Aerial Photo - Attachment A). The applicant would like to place a 6-foot high fence within the required 25-foot front yard setback on the 29th Street side (see Final Plat and Site Photo - Attachments B and C). The Code allows only 4-foot high fences in required front yards (see Zoning Ordinance - Attachment D).

Staff Analysis

The parcel involved in this request has the longest portion of its front yard against what is a local street by definition (29th Street). While the Board has ruled in favor of 6-foot high fences along other lots adjacent to high traffic streets in the past in order to provide more privacy and lessen the impact of noise from high traffic areas, the street in question is a local street.

This area is not heavily-trafficked, and the Board has rejected requests for higher fences in lesser-trafficked areas including Case 16-058 at 4513 Stone Haven Drive (adjacent to Crow Creek Road west of 18th Street), Case 16-037 at 2624 Rosehill Avenue (adjacent to Brentwood Drive), and Case 16-082 at 4287 Happiness Lane (adjacent to Integrity Way).

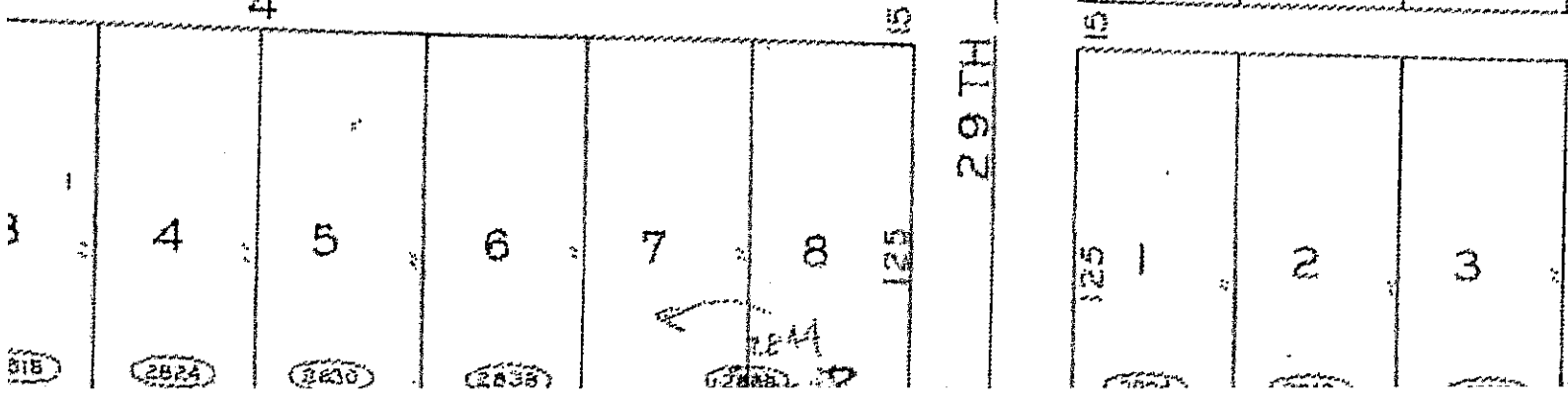
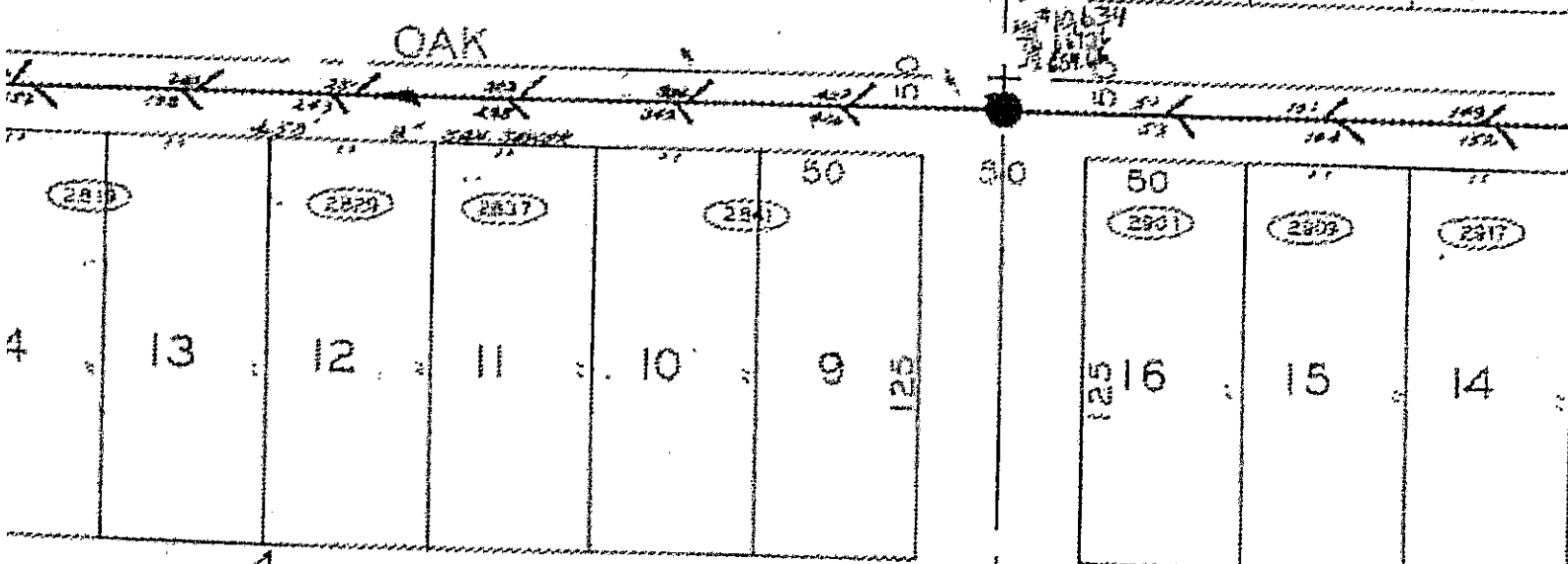
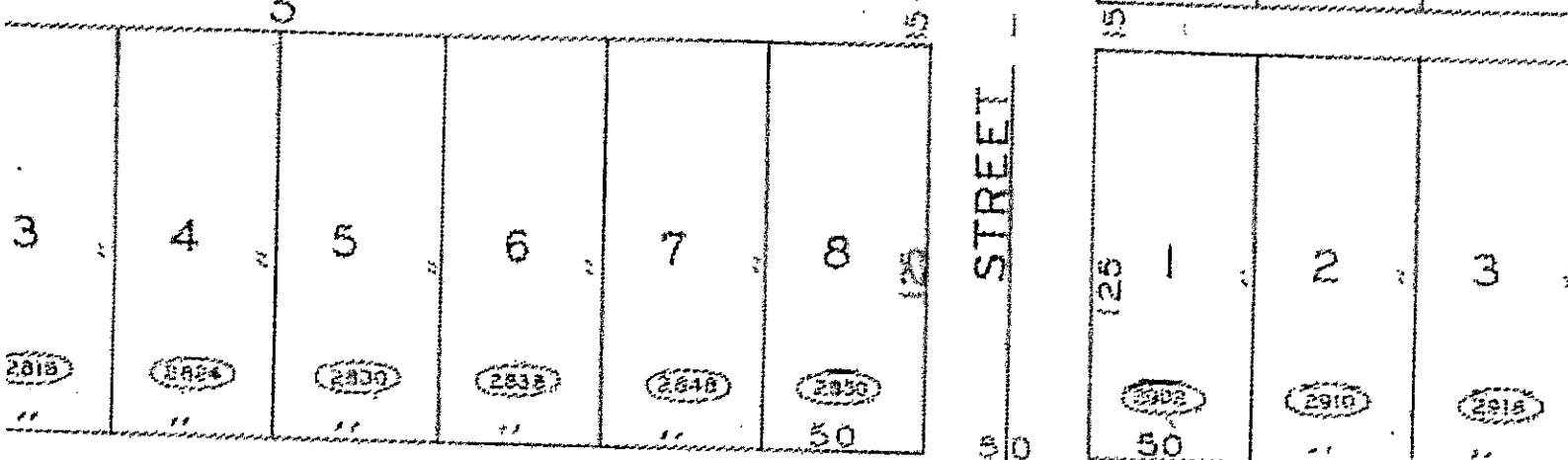
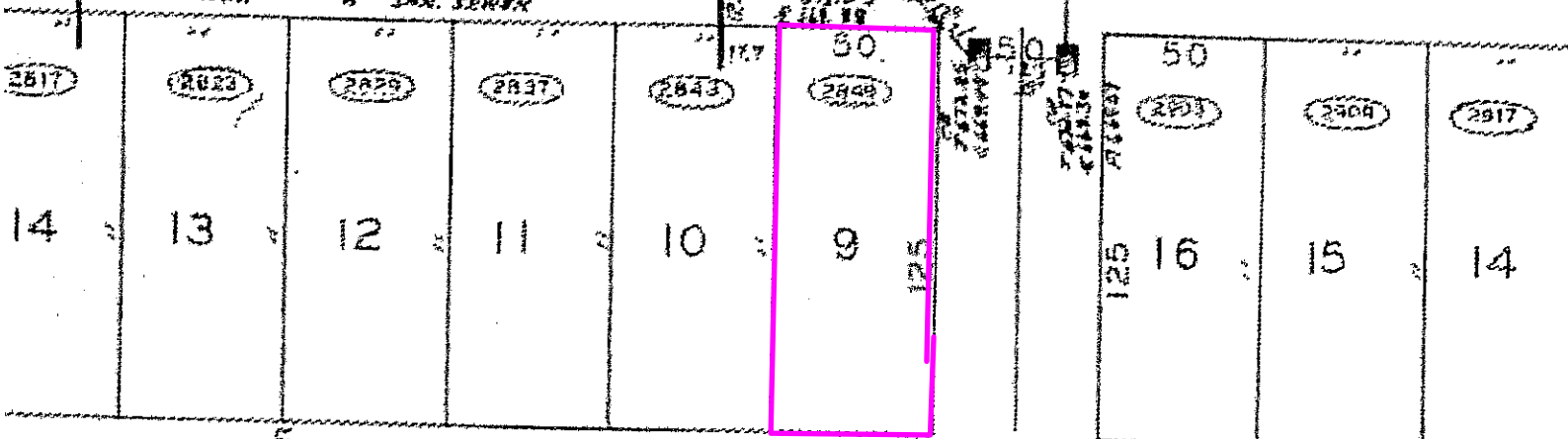
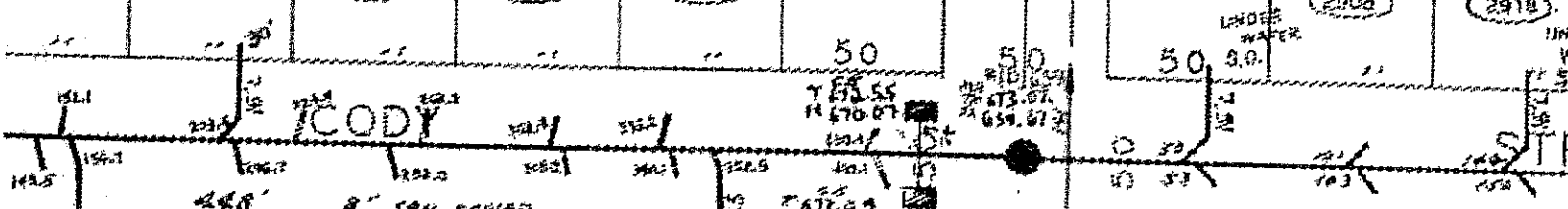
The Board has denied numerous variance requests for 6-foot high fences when the fence is abutting a local street.

Respectfully submitted,

Greg Beck
City Planner



Case 20-030 2849 Cody Street



STREET

29TH



11 20 2018

- g. In any residential district, no accessory building shall be nearer than five feet to the rear lot line, nor nearer than eight feet to any unattached principal building provided, however, that swimming pools shall not be nearer than ten feet to the rear lot line, nor nearer than eight feet to any unattached principal building or accessory building having a basement, and not closer than five feet to any principal building or accessory building not having a basement.

4. In Side Yards:

- a. Overhanging eaves and gutters projecting into the yard for a distance not exceeding 40 percent of the required yard width, but in no case exceeding two feet.
- b. Enclosed detached off-street parking spaces, but not nearer than five feet to the side lot line, nor nearer than ten feet to any principal building.
- c. Open off-street parking spaces. (2008 Code App. B § 18.30)

11-11-12. L. L. Fences and Walls. Open and closed fences and walls not exceeding four feet in height above the natural grade level in front yards, and closed-type fences and walls not exceeding six feet in height in side and rear yards, and further provided, that for through lots, a fence not exceeding four feet in height may be located within ten feet of the rear property line when said property line is the right-of-way line of a major street as shown on the thoroughfare plan. When said fence on a through lot is located within 15 feet or less of the right-of-way line, a minimum of one evergreen type plant or comparable landscape planting shall be placed between said fence and right-of-way line for every 25 linear feet or fraction thereof of fence.

- 1. Orientation: The finished side of all fences shall face outward toward any adjacent rights-of-way. All support posts and stringers shall face inward toward the property upon which the fence is located, or the subdivision that it screens (if located on commonly owned property).

11-11-13. SUPPLEMENTAL DEVELOPMENT REGULATIONS – HEIGHT:

Except in a planned unit development, no building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the structure is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the structures and fire or parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, radio and television transmission towers and aerials, wireless masts, electric and telephone service poles, water tanks, silos, storage hoppers, elevators, or similar structures may be erected above the height limits herein prescribed. (2008 Code App. B § 18.5)

11-11-14. SUPPLEMENTAL DEVELOPMENT REGULATIONS – RESIDENTIAL USES:

- A. Space Between Buildings: The minimum horizontal distance between buildings shall be:
 - 1. Ten feet (10') between one-story, two-story, two and one-half story (2 ½) single-family or two-family buildings or combinations thereof.
 - 2. Thirty feet (30') between one-story, two-story, two and one-half (2 ½) story multi-family buildings or combinations thereof.



Case No. 20-030

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

Part 1. Property Involved.

Street Address 2849 Cody Street

Legal Description of the property.

LOT 9 Block 5 Bellevue 1st Add

Part 2. Contact Information.

Applicant Name Vanessa Zepeda

Phone 309-798-6763

Address 2849 Cody Street

FAX _____

E-mail Address: v28693@gmail.com

Owner Name Vanessa Zepeda

Phone 309-798-6763

Address 2849 Cody Street

FAX _____

E-mail Address: v2869@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.)



COMMUNITY DEVELOPMENT

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

May 14, 2020

Case No. 20-031

Location: 5786, 5804, 5842, 5870, and 5984 Danielle Drive (Lots 3-7, The Fountains 8th Addition)

Applicant: Kevin Dolan

Zoning Designation: PR-3

Request: Variance to allow a 6-foot high fence in the required front yard along Devils Glen Road.

Background Information and Facts

The lots involved are located on the west side of Danielle Drive (see Aerial Photo - Attachment A). The applicant would like to place 6-foot high fences in the required front yard along Devils Glen Road District (see Final Plat and Site Photo - Attachments B and C). The Code allows only 4-foot high fences in required front yards (see Zoning Ordinance - Attachment D).

Staff Analysis

The lots involved back onto an arterial street (Devils Glen Road). The Board allowed 6-foot high fences in this subdivision along Devils Glen Road at 5762 Danielle Drive (Case 19-050) and 5738 Danielle Drive (Case 19-051). Other 6-foot high fences have been allowed along other through lot areas backing on to high traffic streets in the past (53rd Avenue). The idea is to provide more privacy and lessen the impact of noise from the high traffic areas.

The Board has granted numerous variance requests for 6-foot high fences when the fence is abutting a collector or an arterial street.

Respectfully submitted,

Greg Beck
City Planner



ADELE LN

DECKARD DR

DOLAN DR

VALLEYWYND S DR

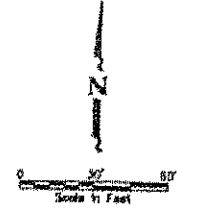
DEVILS GLEN RD

DANIELLE DR

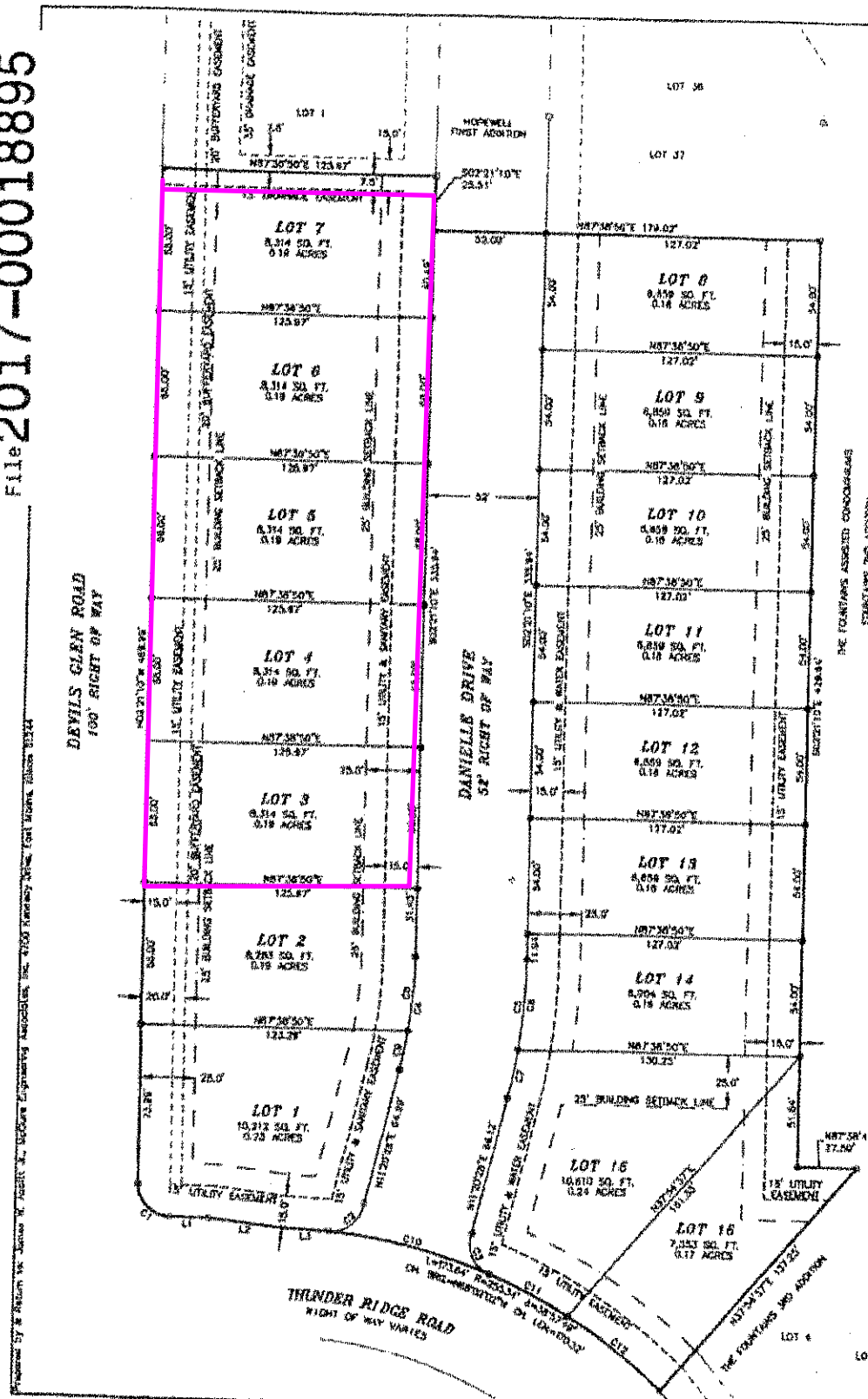
THUNDER RIDGE RD

PLAT OF SUBDIVISION OF THE FOUNTAINS 8TH ADDITION

BEING A REPLAT OF FOUNTAINS SEVENTH ADDITION, ACCORDING TO THE PLAT THEREOF, AS PROPOSED (TO BE RECORDED) LOCATED IN THE EAST HALF OF SECTION 10, TOWNSHIP 28 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BETTENDORF, COUNTY OF SCOTT, STATE OF IOWA.



Doc ID: 021197010010 Type: PLA
Recorded: 07/17/2017 at 01:01:44 PM
Fee Amt: \$52.00 Page 1 of 10
Scott County Iowa
Rita A. Vargas Recorder
File 2017-00018895



OWNER/DEVELOPER

TOWNE & COUNTRY BETTENDORF L.L.C.
CONTACT: DAN DOLAN
2800 E. 53RD STREET, SUITE 8
DAVENPORT, IOWA 52807
563-381-4084

LAND SURVEYOR

JAMES W. ARBIT, JR.
MCCLEURE ENGINEERING ASSOC., INC.
4700 KENNEDY DRIVE
EAST MELLE, ILLINOIS 61244
309-792-6550

ZONING AND LOT INFORMATION

ZONING: PR-3
TOTAL NUMBER OF LOTS: 16
TOTAL ACRES OF LOTS: 2.90
TOTAL A.D.M. ACRES: 0.57
TOTAL S.F. ACRES: 3.47
BUILDING SETBACK 25' FRONT
25' REAR, 0' MIN. SIDE YARD OR 0' (IF FOR ATTACHED ONLY)

BOUNDARY LEGEND

- 1. 3/4" FROM ROD #18465
- 2. FOUND CAPPED FROM ROD #18466
- 3. FOUND 3/4" FROM ROD #18467
- 4. FOUND CAPPED FROM ROD #18468
- 5. FOUND CAPPED FROM ROD #18469
- 6. FOUND CAPPED FROM ROD #18470
- 7. FOUND CAPPED FROM ROD #18471
- 8. FOUND CAPPED FROM ROD #18472
- 9. FOUND CAPPED FROM ROD #18473
- 10. FOUND CAPPED FROM ROD #18474
- 11. FOUND CAPPED FROM ROD #18475
- 12. FOUND CAPPED FROM ROD #18476
- 13. FOUND CAPPED FROM ROD #18477
- 14. FOUND CAPPED FROM ROD #18478
- 15. FOUND CAPPED FROM ROD #18479
- 16. FOUND CAPPED FROM ROD #18480

ATTORNEY

MICHAEL GORSLINE
101 W. THIRD STREET, SUITE 201
DAVENPORT, IOWA 52801
563-321-0444

NOTES:
PLAT NOTES ESTABLISH REQUIREMENTS FOR HOW A SUBDIVISION WILL DEVELOP. HOWEVER, THE CITY RESERVES THE RIGHT IN ITS SOLE DISCRETION TO ALTER OR AMEND ANY PLAT NOTE, OR TO SELL OR VACATE ANY PORTION OF WAY OR UTILITY DEDICATED WITHIN THE PLAT. FURTHER, THE CITY RESERVES THE RIGHT UPON REQUEST OF THE OWNER TO RELOCATE ANY EASEMENT, ALTER LOT BOUNDARIES OR ALLOW GROUND TO BE REPLATED.
CHANGES IN THE PLAT WHICH AFFECT THE PLACEMENT OF UTILITY FACILITIES ARE TO BE REVIEWED AND APPROVED BY THE AFFECTED UTILITIES AND ANY CHANGES WHICH RESULT IN THE RELOCATION OF UTILITY FACILITIES SHALL BE AT THE EXPENSE OF THE PARTY REQUESTING THE CHANGE.

Parcel Line Table

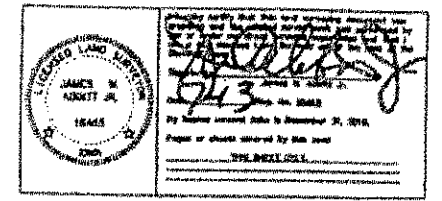
Line #	Length	Direction
1	17.58'	S67°35'08"W
2	34.61'	N05°17'12"W
3	21.70'	N88°45'42"E

Curve Table

CURVE #	LENGTH	RADIUS	DELTA	CH. BRG.	CH. LEN.
C1	23.38'	15.00'	89°18'21"	S47°34'36"E	25.38'
C2	20.85'	15.00'	78°47'20"	N01°11'03"E	20.86'
C3	21.32'	15.00'	81°28'39"	S28°24'15"E	21.33'
C4	24.28'	22.00'	175°2'48"	N04°25'12"E	34.28'
C5	25.17'	278.00'	133°1'44"	N04°21'42"E	25.17'
C6	42.23'	278.00'	8°45'57"	N02°01'48"E	42.23'
C7	22.85'	278.00'	4°45'46"	N05°47'41"E	22.85'
C8	34.69'	224.00'	6°52'21"	N02°05'05"E	34.69'
C9	18.57'	224.00'	5°00'24"	N09°01'23"E	18.57'
C10	77.26'	205.54'	17°21'56"	N78°48'36"W	77.26'
C11	41.73'	255.34'	9°21'32"	N03°28'04"W	41.73'
C12	54.52'	255.34'	12°14'01"	N54°40'06"W	54.52'

Rita A. Vargas
WATER AND DECKARD PROD.,
6120
RESOLVED BY THE CITY COUNCIL OF BETTENDORF, IOWA, THAT THE CITY CLERK OF THE CITY OF BETTENDORF, IOWA, DO HEREBY CERTIFY THAT THE FOLLOWING RESOLUTION WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF BETTENDORF, IOWA, AT A REGULAR MEETING HELD ON 7/13/17.
RESOLVED BY THE CITY COUNCIL OF BETTENDORF, IOWA, THAT THE PLAT OF THE FOUNTAINS 8TH ADDITION, AN ADDITION TO THE CITY OF BETTENDORF, IOWA, AS FILED WITH THE CITY CLERK BY TOWNE & COUNTRY BETTENDORF L.L.C. BE THE SAME AS HEREBY APPROVED AND ADOPTED, AND THE DEDICATION FOR PUBLIC STREET PURPOSES AND THE DRAINAGE OF EASEMENTS AND THE VACATION OF EXISTING EASEMENTS AS MAY BE SHOWN ON SAID PLAT ARE ACCEPTED AND CONFIRMED AND THE MAYOR AND CITY CLERK OF SAID CITY BE AND THEY HEREBY ARE AUTHORIZED AND DIRECTED TO CERTIFY THE ADOPTION OF THIS RESOLUTION ON SAID PLAT AS REQUIRED BY LAW.
DATED AT BETTENDORF, IOWA, THIS 13th DAY OF JULY 2017.
Dana Kuppeler
CITY CLERK
PLANNING AND ZONING COMMISSION

THE FOLLOWING AS LISTED HAVE REVIEWED AND APPROVED THIS FINAL PLAT AND FOUND THAT SAID PLAT DOES MEET ALL THE MINIMUM UTILITY REQUIREMENTS.
Mark Koenig DATE 7/13/17
IAD-AMERICAN ENERGY COMPANY
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD
BY: *Jim* DATE: 7/12/17
CENTURY LINK
BY: *James P. O'Brien* DATE: 7/13/17
IAD-AMERICAN WATER COMPANY



TOWNE & COUNTRY BETTENDORF L.L.C.
2800 E. 53RD STREET, DAVENPORT, IOWA
COPY

NO.	REVISIONS	DATE

PLATTING SCALE: 1" = 100'
DRAWN BY: JAR/JMS
CHECKED BY: LVA/MS
DATE: MARCH 8 2017

McCleure
Engineering Associates, Inc.
2000 Grand Blvd.
Des Moines, Iowa 50319
515-281-4300
Fax: 515-281-4301
www.mccleure.com

PLAT OF SUBDIVISION
THE FOUNTAINS 8TH ADDITION
BETTENDORF, IOWA
FILE NAME: S:\SUBDIVISIONS\15155-FOUNTAINS-8TH
JOB NUMBER: 15155-01-14-17-020

SHEET NO. 1 OF 1



ROAD

GLEN

DEVILS

- g. In any residential district, no accessory building shall be nearer than five feet to the rear lot line, nor nearer than eight feet to any unattached principal building provided, however, that swimming pools shall not be nearer than ten feet to the rear lot line, nor nearer than eight feet to any unattached principal building or accessory building having a basement, and not closer than five feet to any principal building or accessory building not having a basement.

4. In Side Yards:

- a. Overhanging eaves and gutters projecting into the yard for a distance not exceeding 40 percent of the required yard width, but in no case exceeding two feet.
- b. Enclosed detached off-street parking spaces, but not nearer than five feet to the side lot line, nor nearer than ten feet to any principal building.
- c. Open off-street parking spaces. (2008 Code App. B § 18.30)

11-11-12. L. L. Fences and Walls. Open and closed fences and walls not exceeding four feet in height above the natural grade level in front yards, and closed-type fences and walls not exceeding six feet in height in side and rear yards, and further provided, that for through lots, a fence not exceeding four feet in height may be located within ten feet of the rear property line when said property line is the right-of-way line of a major street as shown on the thoroughfare plan. When said fence on a through lot is located within 15 feet or less of the right-of-way line, a minimum of one evergreen type plant or comparable landscape planting shall be placed between said fence and right-of-way line for every 25 linear feet or fraction thereof of fence.

- 1. Orientation: The finished side of all fences shall face outward toward any adjacent rights-of-way. All support posts and stringers shall face inward toward the property upon which the fence is located, or the subdivision that it screens (if located on commonly owned property).

11-11-13. SUPPLEMENTAL DEVELOPMENT REGULATIONS – HEIGHT:

Except in a planned unit development, no building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the structure is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the structures and fire or parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, radio and television transmission towers and aerials, wireless masts, electric and telephone service poles, water tanks, silos, storage hoppers, elevators, or similar structures may be erected above the height limits herein prescribed. (2008 Code App. B § 18.5)

11-11-14. SUPPLEMENTAL DEVELOPMENT REGULATIONS – RESIDENTIAL USES:

- A. Space Between Buildings: The minimum horizontal distance between buildings shall be:
 - 1. Ten feet (10') between one-story, two-story, two and one-half story (2 ½) single-family or two-family buildings or combinations thereof.
 - 2. Thirty feet (30') between one-story, two-story, two and one-half (2 ½) story multi-family buildings or combinations thereof.



Case No. 20-031

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

Part 1. Property Involved.

Street Address 5786,5804,5842,5870,5894 Danielle Drive
Legal Description of the property. Lots 3-7 Fountains 8th Addition

Part 2. Contact Information.

Applicant/Contact Name Kevin Dolan Phone 5635064265
Address 2660 E. 53rd Street Davenport IA 52807
E-mail Address: kevin@dandolanhomes.com

Owner Name Tcвне & Country Bettendorf LLC Phone 5635064265
Address 2660 E. 53rd Street Davenport IA 52807
E-mail Address: kevin@dandolanhomes.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.

This is a variance request to continue the privacy fence contiguous with the two homes that already received a variance in July 2019 (5738 and 5762 Danielle). This is a senior housing addition and due to the proximity to the bike path and Devils Glenn, we are requesting to continue the existing privacy fence.

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 15 day of May, 2020.

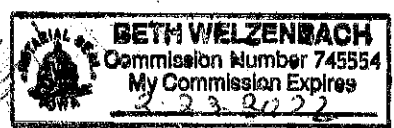
Signature of Applicant [Signature] Signature of Owner [Signature]

(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 15 day of May, 2020.

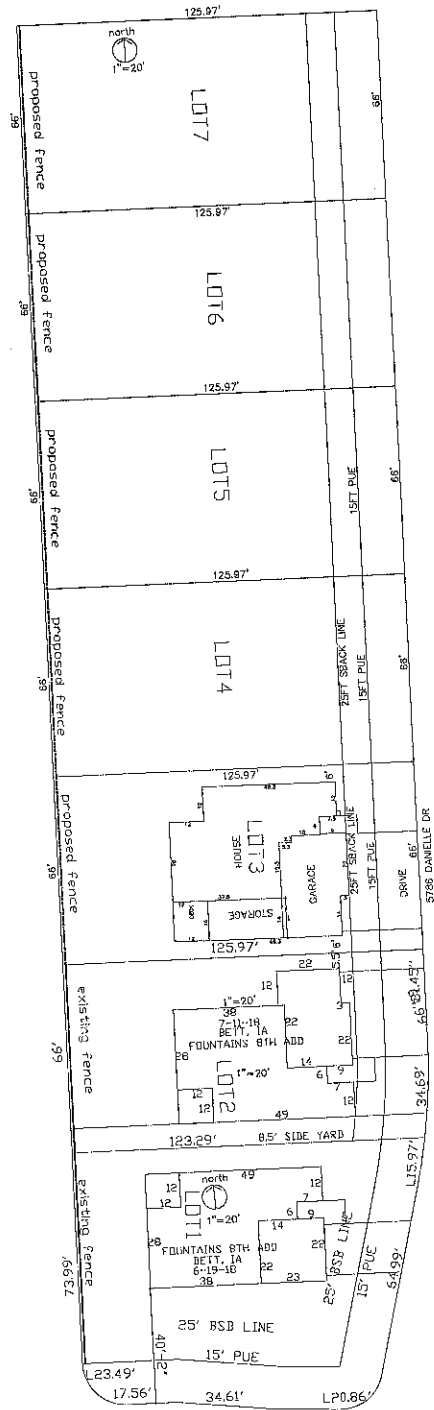


Beth Welzenbach
Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.

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

Received by [Signature]
Amount \$ 50 Date 5/26/20
CK# 7536



Dan Dolan Homes
 LOT 1-7 FOUNTAINS
 RESIDENTIAL • COMMERCIAL • INDUSTRIAL • AGRICULTURE • RECREATION



COMMUNITY DEVELOPMENT

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

May 14, 2020

Case No. 20-032

Location: 4670 Atwood Court

Applicant: Brock Moshier

Zoning Designation: PUD

Request: Variance to allow a 5-foot high fence and a swimming pool in the required front yard along Crow Creek Road.

Background Information and Facts

The site is located on the west side of Atwood Court and on the north side of Crow Creek Road (see Aerial Photo - Attachment A). The applicant would like to place a 5-foot high fence around a proposed swimming pool which would be located within the required 25-foot front yard setback as established by Note 12 of the Final PUD Plan (see Final Plan and Site Photo - Attachments B and C). Section 11-11-9. D.5. Swimming Pools of the zoning ordinance clearly states that no swimming pools shall be placed in front yard setbacks (see Zoning Ordinance - Attachment D). The house appears to be near the 25-foot front yard setback distance as a point of reference.

Staff Analysis

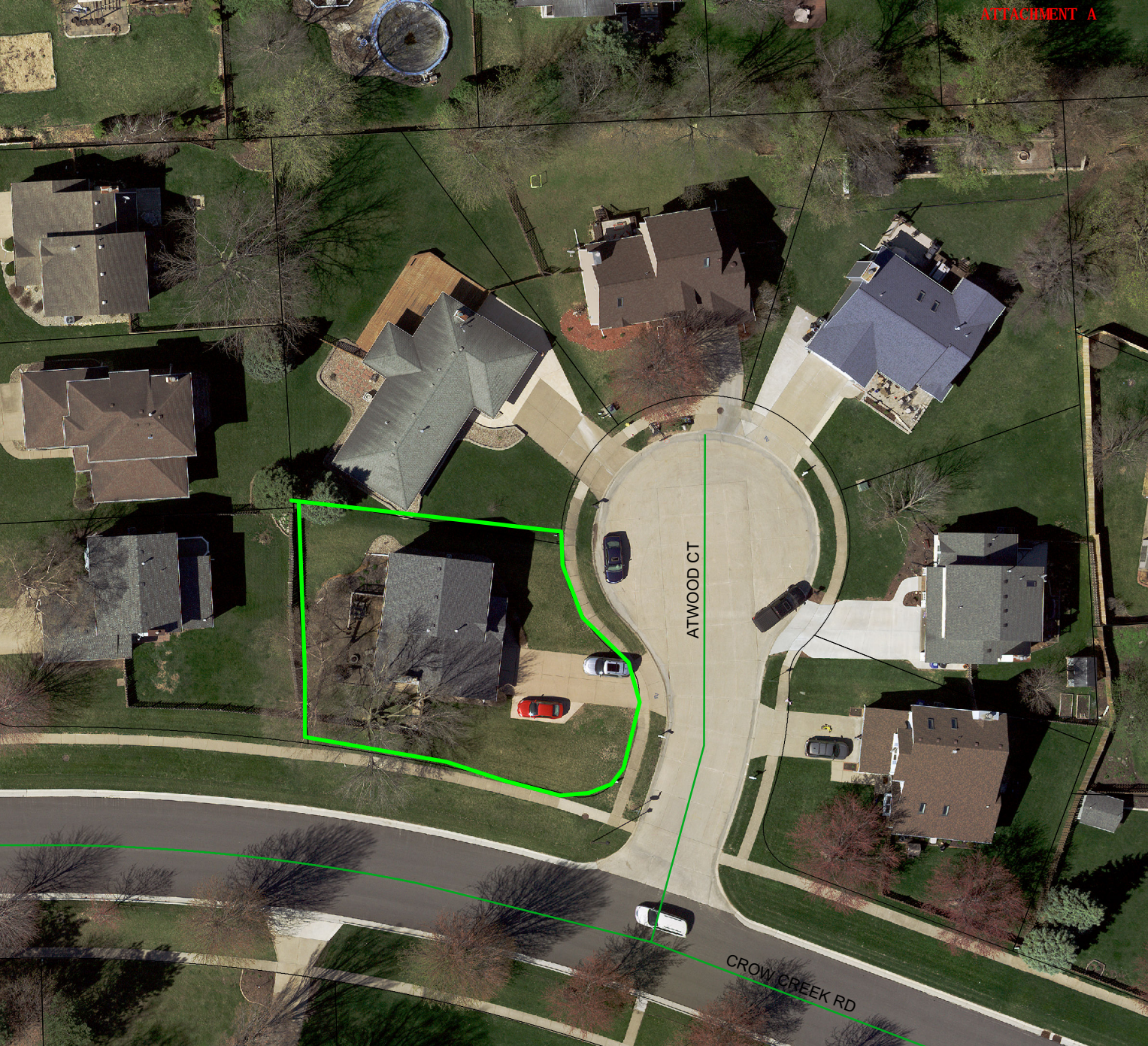
The applicant would like to have an aboveground swimming pool in the front yard. Staff found two previous cases regarding swimming pools in front yards. The homeowner at 2631 Heather Glen Circle requested permission to place a pool in the required front yard adjacent to 53rd Avenue (Case 17-060). The Board considered the platted 70-foot setback along 53rd Avenue to be excessive and felt that it posed a legitimate hardship. The swimming pool that was allowed is located 48 feet from the property line along 53rd Avenue. The Board required that a swimming pool placed within 10 feet of the right-of-way line at 1304 Elmore Avenue be removed (Case 00-040). Staff could not find any Board decisions permitting swimming pools in the required front yards.

One other case regarding the home at 6024 Shawnee Court was found (Case 17-059). The applicant requested a variance to allow a 5-foot high fence to encroach slightly into the front yard setback along Hopewell Avenue to surround a swimming pool. The swimming pool is located entirely in the buildable area of the lot, and the fence is located 25 feet from the property line along Hopewell Avenue. The applicant placed landscaping on the outside of the fence to buffer any adverse effects the fence may have posed.

Staff does not see a hardship for placement of a swimming pool within the front yard setback.

Respectfully submitted,

Greg Beck
City Planner

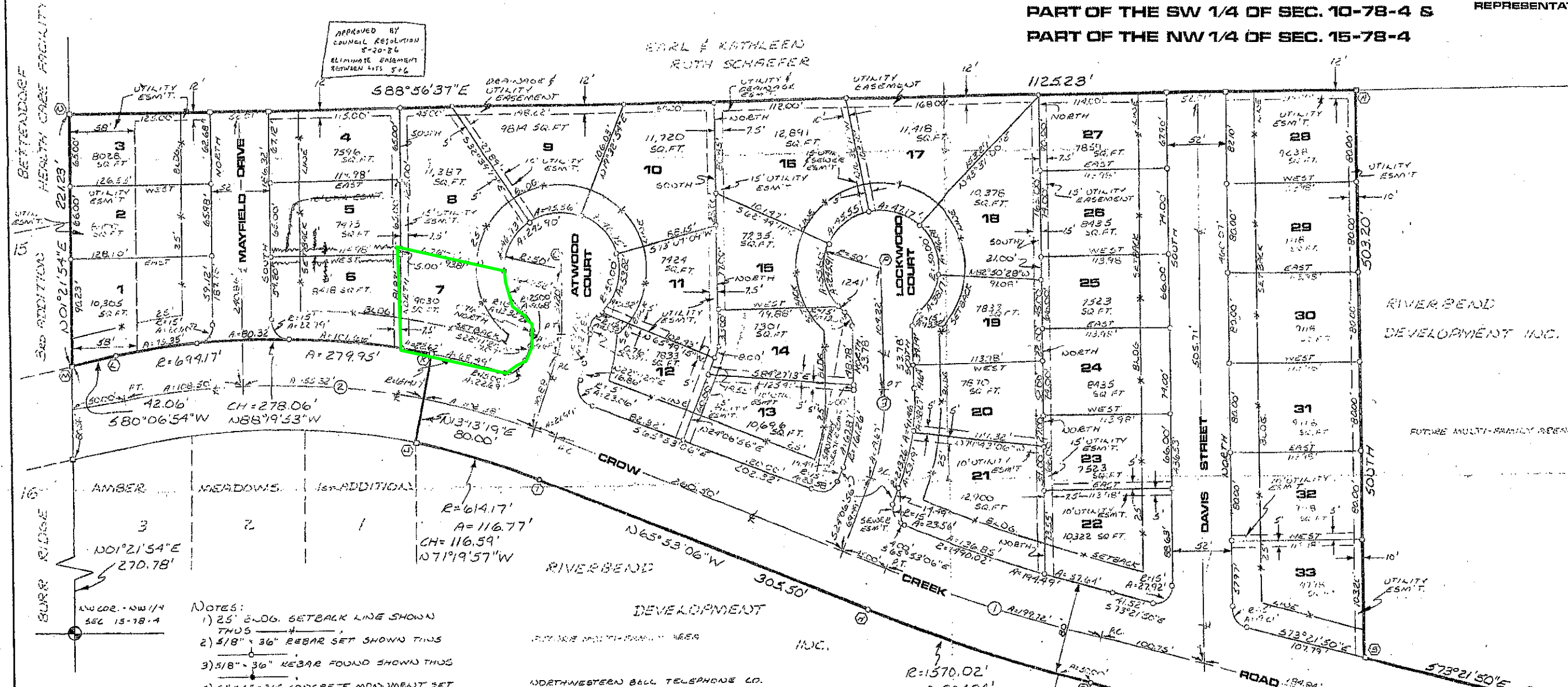


ATWOOD CT

CROW CREEK RD

HIGHLAND HILLS 3RD ADDITION TO THE CITY OF BETTENDORF, IOWA PART OF THE SW 1/4 OF SEC. 10-78-4 & PART OF THE NW 1/4 OF SEC. 15-78-4

OWNER & SUBDIVIDER: RIVERBEND DEVELOPMENT INC.
1970 SPRUCE HILLS DRIVE
BETTENDORF, IOWA
REPRESENTATIVE: WILLIAM STRADT



PT.	NORTH	EAST	WEST
1	13,72,649.1	3,582,200.5	
2	2,669,247.2	8,582,200.5	
3	12,012,388.1	8,773,329.0	
4	12,324,746.1	8,687,940.0	
5	12,417,422.1	8,371,753.9	
6	12,030,212.4	6,134,788.3	
7	12,060,241.9	8,334,236.5	
8	12,731,344.3	8,142,238.1	
9	12,836,362.5	7,863,423.2	
10	12,893,687.9	7,752,962.6	
11	12,971,561.2	7,771,260.5	
12	12,974,657.7	7,743,323.2	
13	12,972,437.2	7,451,887.6	
14	12,972,437.2	7,457,157.4	
15	13,037,611.9	7,840,042.5	
16	13,030,391.9	8,162,263.1	

- NOTES:
- 1) 25' BLDG. SETBACK LINE SHOWN THUS
 - 2) 5/8" x 3/8" REBAR SET SHOWN THUS
 - 3) 5/8" x 3/8" REBAR FOUND SHOWN THUS
 - 4) 6" x 6" x 36" CONCRETE MONUMENT SET SHOWN THUS
 - 5) 6" x 6" x 36" CONCRETE MONUMENT FOUND SHOWN THUS
 - 6) 1/4" STANDS FOR ARC DISTANCE.
 - 7) ALL DISTANCES ARE IN FEET AND DECIMAL PARTS THEREOF.
 - 8) EASEMENT INTERFERENCES IDENTIFIED SHOWN FOR ALL ELECTRIC PENETRY & SECONDARY CABLES IN THE STREET LIGHTING SERVICE WIRE AND WATER LINES, TELEPHONE LINES, CABLE & CABLE TV LINES AND NEARBY WITH SIDE YARD PORTION OF THE BETTENDORF ZONING ORDINANCE. ALONG THE LOT LINES OF EACH LOT NEARBY RECEIVING ELECTRICAL AND WATER.
 - 9) STREET EASMENTS TO BE DEDICATED TO CITY OF BETTENDORF FOR STREET PURPOSES.
 - 10) PINS AND MONUMENTS TO BE SET IN ACCORDANCE WITH CHAPTER 404 SECTION 10, STATE CODE OF IOWA.
 - 11) SIDEWALKS TO BE CONSTRUCTED ON BOTH SIDES OF ALL STREETS AND AROUND CURB CUTS, EXCEPT FOR SIDEWALK ON CROWN CREEK ROAD ADJACENT TO UNPLATTED LAND WHICH SHALL BE INSTALLED WHEN THE ADJACENT LAND IS PLATTED.
 - 12) ARE A DEVELOPER UNDER PLANNED UNIT DEVELOPMENT ZONING. ALL LOTS SHALL BE DEVELOPED WITH SINGLE FAMILY HOMES IN ACCORDANCE WITH BETTENDORF ZONING STANDARDS. DUES LOTS ARE NOTED AND APPROVED BY CITY OF BETTENDORF.
 - 13) THIS PLAN AND ALL OTHER DOCUMENTS SHALL BE A PART OF THE PLANNED UNIT DEVELOPMENT PLAN FOR A...

NORTHWESTERN BELL TELEPHONE CO.
BY: _____
DATE: _____

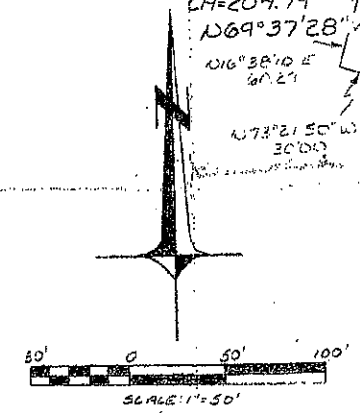
DAVENPORT WATER CO.
BY: _____
DATE: _____

IA-ILL. GAS & ELECTRIC CO.
BY: _____
DATE: _____

APPROVED SUBJECT TO ENCUMBRANCES OF RECORD BY IA-ILL. GAS & ELECTRIC CO.

PLAN & ZONING COMMISSION #1
BY: _____
DATE: 26 March 1979

CITY OF BETTENDORF, IOWA
BY: _____
DATE: 21 August 1977
ATTEST: _____



W. CURVE DATA

#	R	A	Δ	T	D
1	1,530.02'	199.72'	72°28'44"	113.20'	3,744.8'
2	6,541.17'	283.19'	34°00'00"	113.00'	8,186.6'
3	16,126'	176.71'	28°22'24"	113.00'	35,530.1'
4	5,000'	15'	22°24'47"	113.00'	11,344.8'

CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA, AND THAT THIS PLAN IS A TRUE AND CORRECT REPRESENTATION OF LANDS SURVEYED.

W. Stradt



CROW CREEK RD

ATWOOD CT

C. Additional Accessory Uses Permitted in the A-2 District: The following accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted in the A-2 district, in addition to those accessory uses listed above in Section 11-11-9A of this chapter, provided they are operated and maintained under the same ownership and on the same parcel and do not include structures or structural features inconsistent with the permitted use or special use. These additional accessory uses may include, but are not limited to:

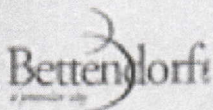
1. Living quarters of persons employed on the premises, and not rented or otherwise used as a separate dwelling.
2. Noncommercial ham operator transmission tower, provided it meets the following conditions:
 - a. The tower does not exceed the allowable height of the principal structure by more than ten feet;
 - b. Guyed or freestanding towers are set back from all property lines and habitable structures by a distance equal to their height;
 - c. Towers attached to the principal structure shall be set back from all property lines a distance equal to the distance the tower extends above the last secure connection to the principal structure;
 - d. The tower and the guys are not located within the front yard; and
 - e. A building permit from the city is required.

D. Accessory Uses Permitted in all Residential Districts and Urban DCAs: The following accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted in all residential districts and urban DCAs, provided they are operated and maintained under the same ownership and on the same parcel and do not include structures or structural features inconsistent with the permitted use or special use. Accessory uses may include, but are not limited to:

1. Garage, carport, and other parking space for the exclusive use of residents and occupants of the premises.
2. Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes.
3. Noncommercial ham operator transmission tower, provided it meets the following conditions:
 - a. The tower does not exceed the allowable height of the principal structure by more than ten feet;
 - b. Guyed or freestanding towers are set back from all property lines and habitable structures by a distance equal to their height;

11-11-9. D. 5.

- c. Towers attached to the principal structure shall be set back from all property lines a distance equal to the distance the tower extends above the last secure connection to the principal structure;
 - d. The tower and the guys are not located within the front yard; and
 - e. A building permit from the city is required.
4. Home occupation, provided that home occupation uses are not permitted in the R-1 district.
 - a. Home Occupation: Any nondomestic activity, with the exception of a professional office in residence, conducted within a dwelling unit or accessory structure thereto which is secondary and clearly incidental to the use of the dwelling or accessory structure for purely residential purposes, and participated in solely by the occupants of the dwelling unit or one additional person not an occupant of the dwelling unit. No home occupation shall be permitted in which there is associated therewith:
 - (1) Any commodity sold upon the premises except that which is produced thereon.
 - (2) Any disturbance such as noise, vibration, smoke, dust, odor, heat, or glare beyond the confines of the dwelling unit or accessory structure.
 - (3) Any exterior display, exterior storage of materials, signs (except as otherwise permitted), house calls after nine o'clock p.m. or before eight o'clock a.m., exterior additions or alterations or other indication from the exterior that the dwelling unit or accessory structure is being used in part for any use other than that of a dwelling or accessory structure for purely residential purposes.
 - b. A zoning certificate of approval shall be obtained from the zoning administrator and renewed annually when a determination has been made that the above conditions are met. If, in the determination of the zoning administrator, the above conditions are not met or that the home occupation creates a disturbance or becomes a nuisance to the general neighborhood in some other manner, the home occupation shall be terminated.
5. Swimming pool, exclusively for the use of the residents and their guests, and set back from every property line at least ten feet and not located in the front yard. (2008 Code App. B § 13.15) Private swimming pools may be located in the required rear yard and shall be enclosed by a fence at least five feet in height. (2008 Code App. B § 18.36)
6. Games of skill or chance, raffles, or bingo pursuant to a license authorized by Iowa Code Chapter 99B, except in residential uses. (2008 Code App. B § 14.15)
7. Accessory Buildings:
 - a. Overview Statement: Accessory buildings and uses are allowed in the various districts as prescribed in each district and shall be compatible with the principal use. (2008 Code App. B § 18.3)



Case No. 20-032

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

Part 1. Property Involved

Street Address 4670 ATWOOD CT, BETTENDORF, IA 52722

Legal Description of the property RESIDENTIAL LOT 7, HIGHLAND HILLS, 3rd

ADDITON

Part 2. Contact Information

Applicant Name BROCK MOSHER Phone 309 236 0288

Address 4670 ATWOOD CT, BETTENDORF, IA 52722 FAX _____

E-mail Address: BROCK2308@GMAIL.COM

Owner Name BROCK MOSHER Phone 309 236 0288

Address 4670 ATWOOD CT, BETTENDORF, IA 52722 FAX _____

E-mail Address: BROCK2308@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.)

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 WOULD LIKE TO PUT A SMALL ABOVE GROUND POOL UP TO 60 FEET/30
FOOT DEEP WITH A FENCE. WOULD BE 12 FOOT CIRCLE/30
INCH DEEP + SIT BELOW FENCE. REQUESTING A VARIANCE BECAUSE
MY YARD SITS ON A HILL THAT IS DIRECTLY CONNECTED TO THE
STREET WATER/SEWER SYSTEM THAT RUNS DIRECTLY INTO/THROUGH
MY BACKYARD WOULD ONLY BE SEVERAL Y CARDS TAKEN
DOWN WITHIN A FEW HOURS. ALSO REQUESTING VARIANCE BECAUSE
COUNTY POOLS ARE CLOSED. ILL ALSO NEED 5 FOOT HIGH FENCE.

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) 20200526

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 _____ day of _____, 20____

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 \$50. Date 5/26/20
cc