

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 (344-4079).

MEETING NOTICE
BOARD OF ADJUSTMENT
MARCH 10, 2022
5:00 P.M.

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

1. Roll Call: Gallagher ____, Spranger ____, Tansey ____, Tombergs ____, Vermillion ____
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of September 9, 2021.
4. The Board to review and approve the 2021 Board of Adjustment Annual Report.
5. Election of officers.
6. The Board to hold a public hearing on the following item:
 - a. Case 22-005; 5329 Coachman Road (A-2) - Variance to reduce the required front yard setback from 40 feet to 32 feet to allow for construction of a garage addition, submitted by Leslie Olsen.



The materials for the Board of Adjustment meeting can be accessed by scanning the QR Code.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT AND OTHER APPLICABLE FEDERAL AND STATE LAWS, ALL PUBLIC HEARINGS AND MEETINGS HELD OR SPONSORED BY THE CITY OF BETTENDORF, IOWA, WILL BE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. PERSONS REQUIRING AUXILIARY AIDS AND SERVICES SHOULD CONTACT BETTENDORF CITY HALL AT (563) 344-4000 FIVE (5) DAYS PRIOR TO THE HEARING OR MEETING TO INFORM OF THEIR ANTICIPATED ATTENDANCE.

The following are minutes of the Bettendorf Board of Adjustment and are a synopsis of the discussion that took place at this meeting and as such may not include the entirety of each statement made. The minutes of each meeting do not become official until approved at the next Board meeting.

MINUTES
BETTENDORF BOARD OF ADJUSTMENT
SEPTEMBER 9, 2021
5:00 P.M.

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

Item 1. Roll Call

PRESENT: Gallagher, Spranger, Tansey, Tombergs, Vermillion

ABSENT: None

STAFF: Beswick, Fuhrman, Hunt

Gallagher introduced Rocky Vermillion as a new member of the Board of Adjustment.

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of August 12, 2021.

On motion by Tansey, seconded by Tombergs, that the minutes of the meeting of August 12, 2021 be approved as submitted.

ALL AYES

Motion carried.

Item 4.

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

- a. **Case 21-068; 2035 Bellevue Avenue (R-2)** - Variance to increase the allowable size of a detached garage from 1,000 square feet to 1,728 square feet, submitted by Richard L. Wells.

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

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

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

Ellen Weber, 2101 Bellevue Avenue, expressed support for the request and indicated that reducing the number of cars that park on the street would be beneficial to the neighborhood because the streets are not plowed very well in the winter.

Richard Wells, the applicant, stated that he has some antique cars that he would like to store and that he would like to have space for a woodworking shop. He indicated that none of his neighbors had indicated any opposition to his request.

Tombergs asked if the applicant would be required to submit another variance request if this case is denied. Gallagher commented that the applicant is allowed to have a 1,000 square foot garage according to the ordinance. Hunt added that the question before the Board is related to the size of the garage as the proposed structure is code-compliant with regard to required setbacks.

Eula Wells, 2035 Bellevue Avenue, stated that her husband has always wanted a workshop and that he needs to have space for his antique cars. She commented that it would be an attractive structure.

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

Spranger commented that a 1,728 square foot garage is not proportional to the property, adding that allowing the request would set a precedent for the neighborhood.

On motion by Spranger, seconded by Tombergs, that a variance to increase the allowable size of a detached garage from 1,000 square feet to 1,728 square feet be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. **Case 21-070; 4590 Wyndham Drive (C-1)** - Special use permit to allow an outdoor service area associated with a restaurant with alcohol service, submitted by Adam Seitz.

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

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

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

On motion by Spranger, seconded by Tansey, that a special use permit to allow an outdoor service area associated with a restaurant with alcohol service be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:25 p.m.

These minutes and annexes approved _____

Taylor Beswick
City Planner



Board of Adjustment Annual Report

2021

Special Use Permits

Variances

Special Location Plans

Appeals

Miscellaneous Items



Board of Adjustment
City of Bettendorf
2021 Annual Report

Summary of Activities

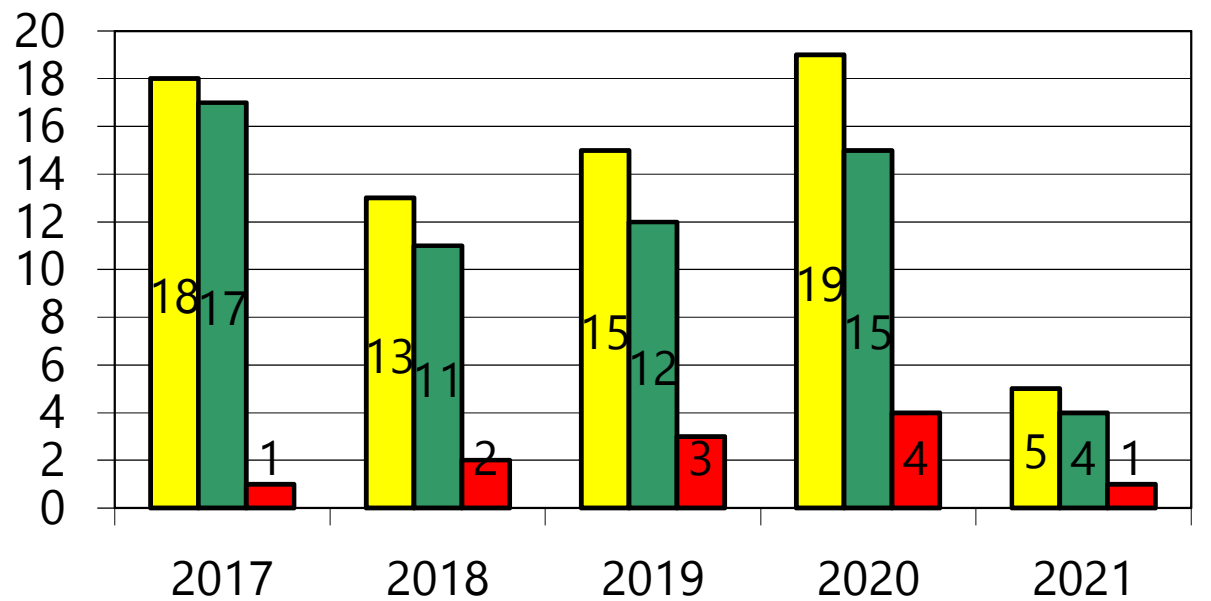
The City of Bettendorf's Board of Adjustment is a five-member board appointed by the Mayor. It is the responsibility of the Board to interpret the City's Zoning Ordinance as it applies to variances and special uses. Each month a visit to the site in question is made individually by the Board Members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

The Board of Adjustment held public hearings regarding 15 cases during the year ending December 2021. Of those cases, 5 were variance requests, and 10 were special use permit requests. The Board granted 4 variance requests and 10 special use permits. One variance request was denied, and 9 variance requests were withdrawn prior to the scheduled public hearing date.

Board Member Listing

Robert Gallagher (Appointed 2/12)
Mary Spranger (Appointed 7/12)
Gwen Tombergs (Appointed 10/18)
Jim Tansey (Appointed 11/19)
Rocky Vermillion (Appointed 8/21)

BOARD OF ADJUSTMENT ACTIVITY VARIANCES 2017 - 2021

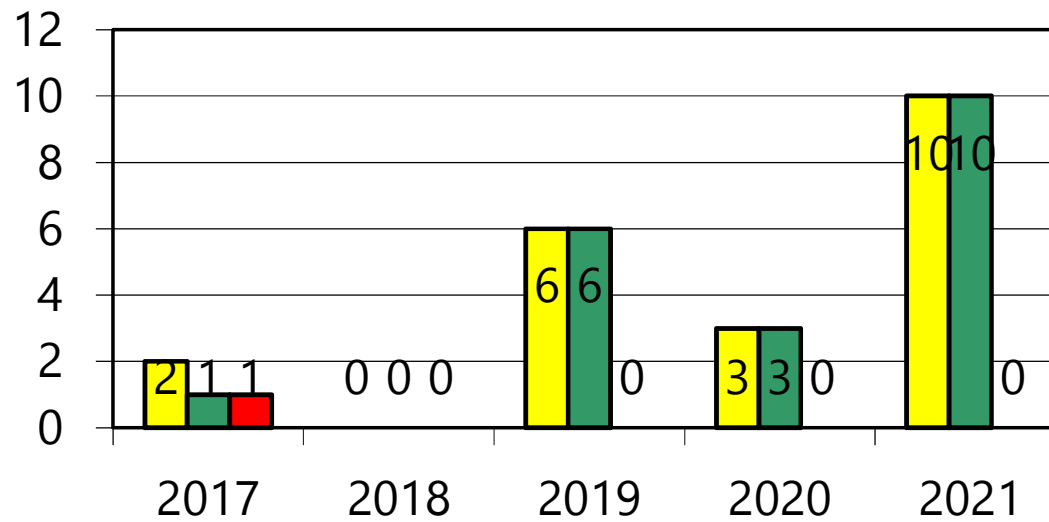


■ CASES HEARD

■ CASES APPROVED

■ CASES DENIED

BOARD OF ADJUSTMENT ACTIVITY SPECIAL USE PERMITS 2017 - 2021



■ CASES HEARD

■ CASES APPROVED

■ CASES DENIED

2021 Board of Adjustment Annual Report

Case Number	Location	Request (Applicant)	Decision/ Date
21-004	1040 State Street	Special use permit to allow a bar in a C-3 zoning district. (Edgebrooke Homes, LLC)	Granted 2/11/21
21-005	905 Middle Road	Special use permit to allow a bar in a C-2 district. (Amber Brainerd)	Granted 2/11/21
21-016	2925 - 18 th Street	Special use permit to allow kennels in association with a veterinary clinic. (Dr. Sue Hartmann)	Granted 3/11/21
21-025	2775 Hickory Hills Court	Variance to reduce the required front yard setback along Belmont Road from 40 feet to 20 feet to allow for construction of a garage addition and deck. (Cristina Thomas)	Granted 4/8/21
21-026	1507 State Street	Special use permit to allow an outdoor service area associated with a restaurant. (Sidney Rognoni)	Granted 4/8/21
21-034	905 Middle Road	Special use permit to allow an outdoor service area associated with a bar. (Amber Brainerd)	Granted 6/10/21
21-035	6386 and 6882 Championship Drive	Special use permit to allow outdoor service areas associated with two commercial buildings. (Build to Suit, Inc./Kevin Koellner)	Granted 5/13/21
21-037	4371 - 53 rd Avenue	Special use permit to allow an outdoor service area associated with a bar. (Johnna and Austin Chesney)	Granted 5/13/21
21-044	3923 State Street	Variance to allow an on-premises identification sign on a non-street frontage and to increase the allowable square footage of on-premises identification signage from 279 square feet to 929 square feet. (Manatt's)	Granted modified request 7/8/21
21-045	4465 - 53 rd Avenue	Special use permit to allow an outdoor service area associated with a restaurant. (Shane Edwards)	Granted 6/10/21
21-054	6906 Competition Court	Special use permit to allow outdoor service areas associated with two restaurants. (Build to Suit, Inc./Kevin Koellner)	Granted 7/8/21

2021 Board of Adjustment Annual Report

Case Number	Location	Request (Applicant)	Decision/Date
21-058	5200-5252 Pandit Drive	Variance to reduce the required rear yard setback from 25 feet to 12 feet to allow for construction of decks. (Everest Homes, LLC)	Granted 8/12/21
21-059	810 Brown Street	Variance to reduce the required rear and side yard setbacks for an accessory structure from 5 feet to 2 feet to allow for construction of an 18-foot by 20-foot garage. (Eric and Michelle Mundhausen)	Granted 8/12/21
21-068	2035 Bellevue Avenue	Variance to increase the allowable area of a detached garage from 1000 square feet to 1728 square feet. (Richard L. Wells)	Denied 9/9/21
21-070	4590 Wyndham Drive	Special use permit to allow an outdoor service area associated with a restaurant with alcohol service. (Adam Seitz)	Granted 9/9/21
21-079	Lots 1 and 5, Forest Grove Crossing Fifth Addition	Variance to reduce the required rear yard setback from 25 feet to 19 feet to allow for construction of screened porches. (Mike Richmond)	Withdrawn
21-080	Lots 4 and 6, Forest Grove Crossing Fifth Addition	Variance to reduce the required rear yard setback from 25 feet to 19 feet to allow for construction of screened porches. (Mike Richmond)	Withdrawn
21-081	Lots 7 and 9, Forest Grove Crossing Fifth Addition	Variance to reduce the required rear yard setback from 25 feet to 19 feet to allow for construction of screened porches. (Mike Richmond)	Withdrawn
21-082	Lots 10 and 12, Forest Grove Crossing Fifth Addition	Variance to reduce the required rear yard setback from 25 feet to 23 feet to allow for construction of screened porches. (Mike Richmond)	Withdrawn
21-083	Lots 13 and 15, Forest Grove Crossing Fifth Addition	Variance to reduce the required rear yard setback from 25 feet to 23 feet to allow for construction of screened porches. (Mike Richmond)	Withdrawn
21-084	Lots 16 and 18, Forest Grove Crossing Fifth Addition	Variance to reduce the required rear yard setback from 25 feet to 23 feet to allow for construction of screened porches. (Mike Richmond)	Withdrawn
21-085	Lots 19 and 21, Forest Grove Crossing Fifth Addition	Variance to reduce the required rear yard setback from 25 feet to 22 feet to allow for construction of screened porches. (Mike Richmond)	Withdrawn

2021 Board of Adjustment Annual Report

Case Number	Location	Request (Applicant)	Decision/Date
21-086	Lots 22 and 24, Forest Grove Crossing Fifth Addition	Variance to reduce the required rear yard setback from 25 feet to 22 feet to allow for construction of screened porches. (Mike Richmond)	Withdrawn
21-087	Lots 25 and 27, Forest Grove Crossing Fifth Addition	Variance to reduce the required rear yard setback from 25 feet to 22 feet to allow for construction of screened porches. (Mike Richmond)	Withdrawn



COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4079

March 10, 2022 Board of Adjustment Meeting

Staff Report

Case No. 22-005

Request: Variance to reduce the required front yard setback from 40 feet to 32 feet for the construction of a 12-foot by 20-foot attached garage addition.

Location: 5329 Coachman Road

Legal Description: Surrey Heights Third Addition, Lot 62 (Parcel #: [841155162](#))

Applicant: Leslie Olsen

Zoning Designation: A-2, Rural Residence District

Background Information and Facts

This double frontage lot is located at the northwest corner of the intersection of Crow Creek Road and Coachman Road in Surrey Heights Third Addition (see Attachment A – Aerial Map). The property is located in the A-2, Rural Residence District (see Attachment B – Zoning Map). An existing attached two-car garage exists on the property and is accessed via Coachman Road. The applicant would like to reduce the required 40-foot front yard setback on Crow Creek Road to 32 feet so that they can build a 12-foot by 20-foot attached garage addition (see Attachment C – Proposed Garage Location).

A variance for a 6-foot tall fence located in the required front yard was approved by the Board of Adjustment in 1996 (see Attachment D – Case No. 96-83 Decision and Order). The applicant notes the fence, vegetation, and landscaping currently in place will remain and shield the garage addition from view along Crow Creek Road (see Attachment E – Picture of Applicant's Crow Creek Road Frontage).

Staff Analysis

The current garage is 440 square feet (see Attachment F – Assessor's Structure Dimensions). Adding a 12-foot x 20-foot addition will bring the total size of the garage to 680 square feet. Code allows 1,000 square feet of garage area or 75% of the building footprint of the residence, whichever is greater. The proposal meets this requirement.

The applicant's dwelling is considered a legally non-conforming structure in the A-2 District due to the principal structure's encroachment of 10 feet into the 40-foot front yard setback along Coachman Road. This is the case for 121 of 174 (70%) of the lots located in Surrey Heights First-Fourth Additions and Century Heights First-Fourth and Sixth Additions (see Attachment G – Legally Non-Conforming A-2 Lots). Most, if not all, of these subdivisions were platted in unincorporated Scott County in the 1960s to 1970s and subsequently annexed into the City of Bettendorf shortly thereafter. At the time of construction, residences located in the noted subdivisions were not connected to city sewer or city water. The A-2, Rural Residence District allows the use of septic tanks and wells while R-1 and R-2 Single-Family Districts do not. Today, all residences in the noted subdivisions are connected to sewer and water and would be conforming lots in the R-1, Single Family Residence District which includes a 30-foot front yard setback requirement.

Staff contends a hardship exists on the applicant's property due the current zoning classification being outdated and no longer reflecting the current use. City staff plans to initiate an up-zoning of A-2 properties meeting certain criteria to R-1 in the future with the purpose of bringing a majority of the lots into conformance with the Zoning Ordinance. Due to timing and project length for this task, staff recommends a variance in the A-2 district for the garage addition which would not hinder or delay the applicant's use of the property. Furthermore, the proposed garage would be set back 32 feet from Crow Creek Road and 30 feet from Coachman Road, which is permitted in the R-1 District.

Staff Recommendation

Staff recommends approving the 32-foot front yard setback in lieu of the required 40-foot front yard setback as prescribed in the A-2 Zoning District. The hardship acknowledged for approval is the current zoning classification's no longer reflecting the characteristics or use of the property and hindering use of a portion of the front yard. For this reason and the facts noted above, staff recommends approval of this variance request.

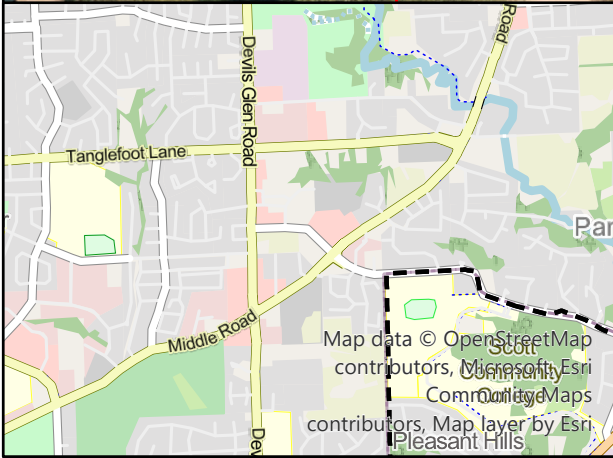
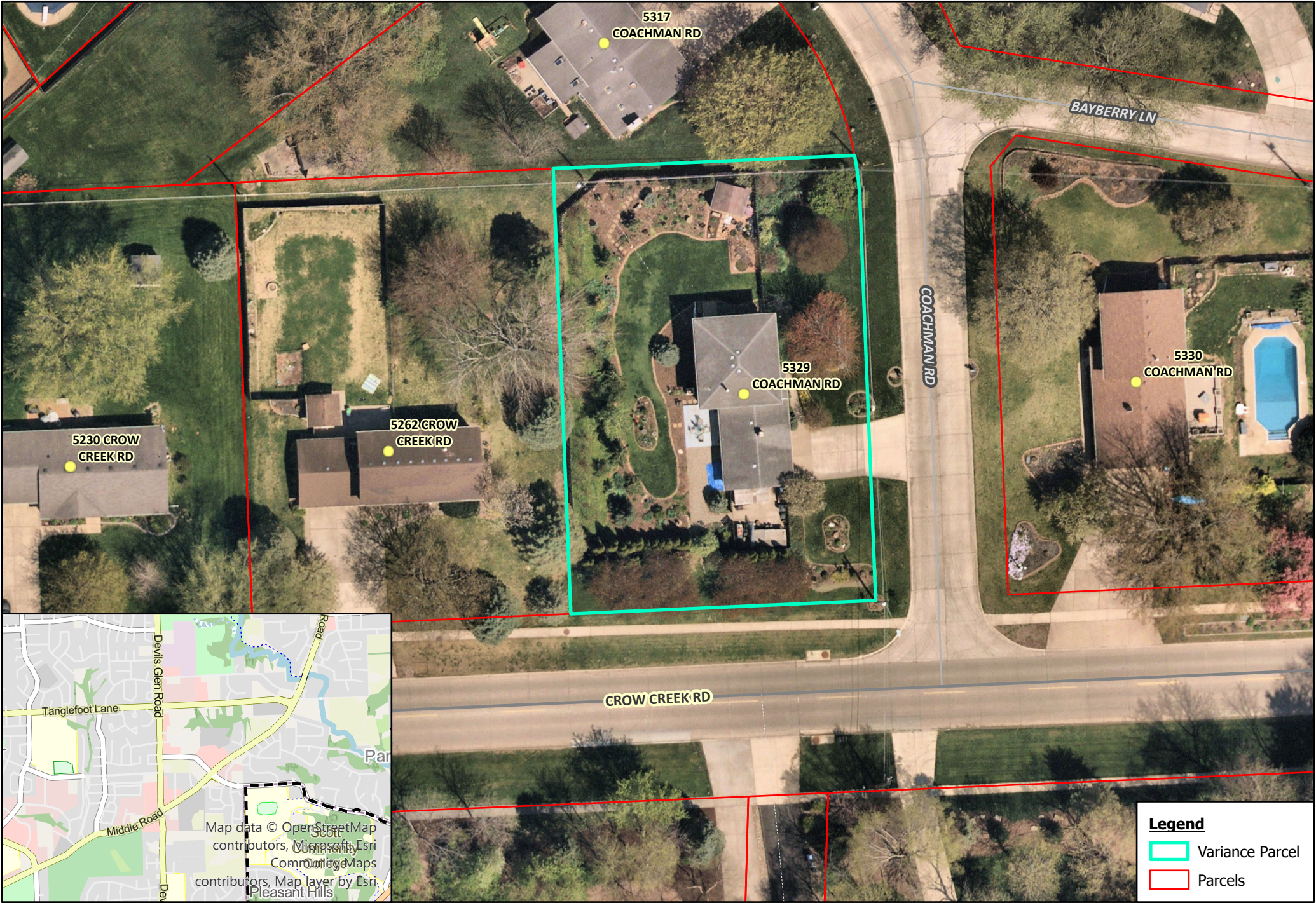
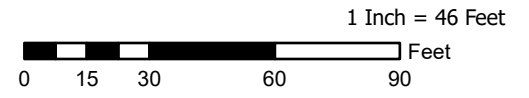
Respectfully submitted,

Taylor Beswick
City Planner

Case 22-005: 5329 Coachman Road

Variance: Garage in Front Yard

Aerial Map



Legend

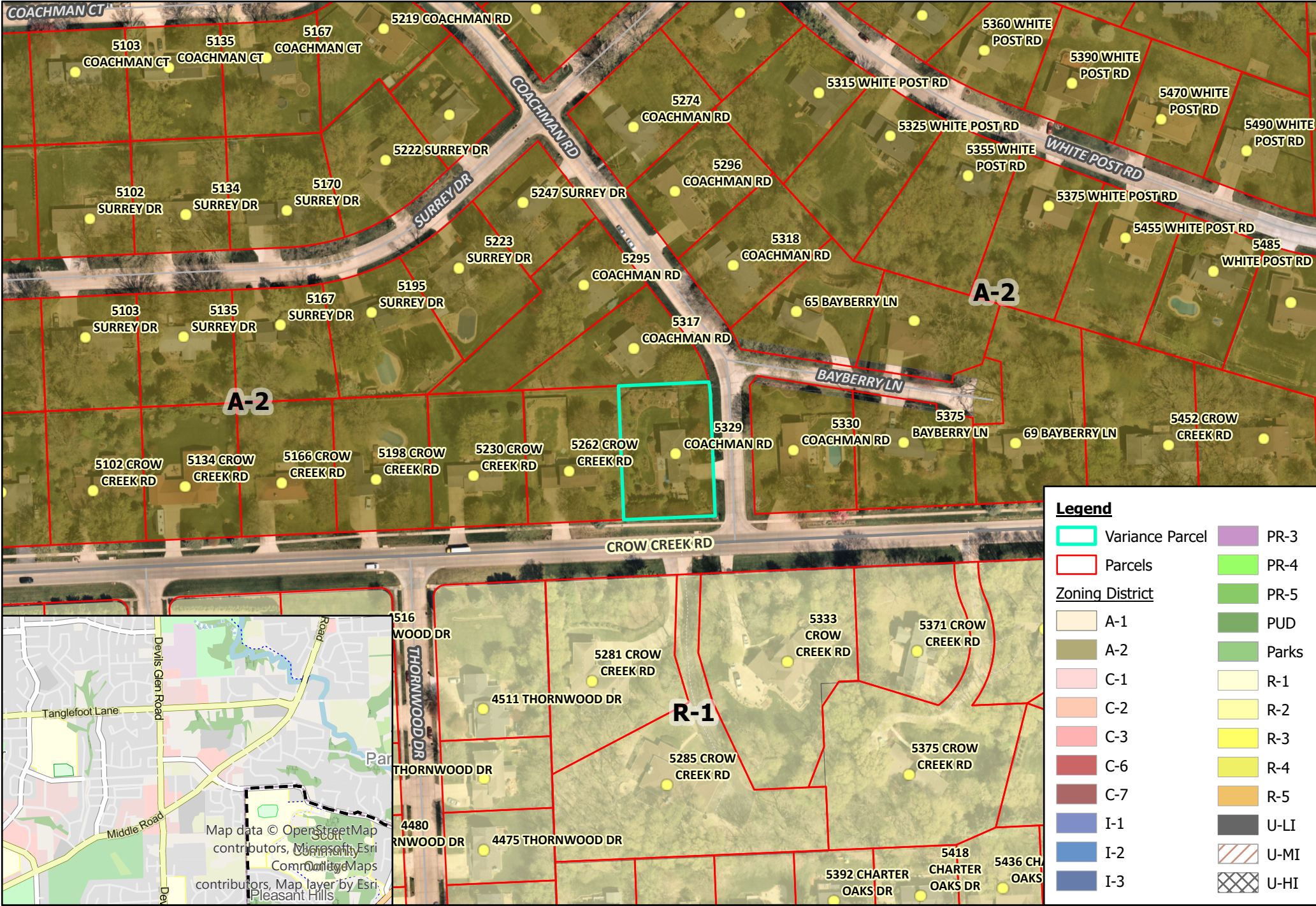
- Variance Parcel
- Parcels

Case 22-005: 5329 Coachman Road

Variance: Garage in Front Yard

Zoning Map

1 Inch = 154 Feet



Legend

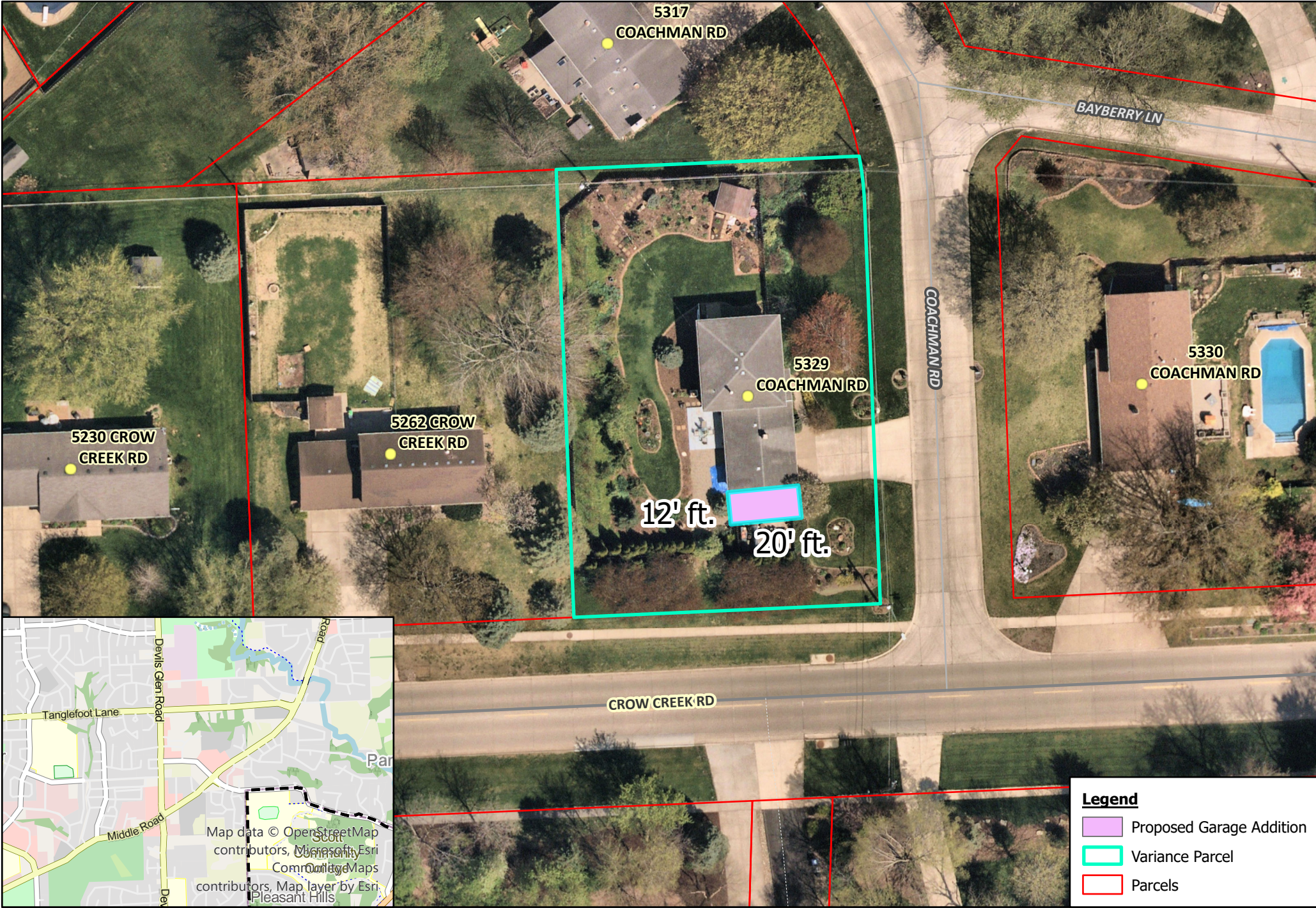
Variance Parcel	PR-3
Parcels	PR-4
Zoning District	
A-1	PUD
A-2	Parks
C-1	R-1
C-2	R-2
C-3	R-3
C-6	R-4
C-7	R-5
I-1	U-LI
I-2	U-MI
I-3	U-HI

Map data © OpenStreetMap contributors, Microsoft, Esri, CommunityMaps Pleasant Hills

Case 22-005: 5329 Coachman Road

Variance: Garage in Front Yard

Proposed 12'x20' Garage Addition



Legend

- Proposed Garage Addition
- Variance Parcel
- Parcels

2433J-96

96 SEP 17 PM 1:17

FEE \$600 PAID
Richard Hogen
RECORDED OF DEEDS
SCOTT COUNTY, IOWA

CITY OF BETTENDORF
ZONING BOARD OF ADJUSTMENT
DECISION AND ORDER

Project Location 5329 Coachman Road
Project Number 96-83
Project Type Variance
A request for a variance install a 5-foot high fence in the front yard setback within 25 feet of the property line.
Legal Description Lot 62, Surrey Heights 3rd Addition

FACTS:

The applicant, Leslie Castro, is requesting a variance to place a 5-foot high fence along the south side of the house. The property is generally located at the northwest corner of Coachman Road and Crow Creek Road. This corner lot is zoned A-2 with a front yard setback requirement of 40 feet on both streets. When this was under county control, a 50-foot front yard setback was established. The current zoning ordinance allows the applicant to install a 5-foot high fence along the northwest corner of the house and all the way to the southwest corner of the house. However, the applicant would like to install the south portion of the fence within 25 feet of the property line. The reason for this request is to assure privacy from traffic on Crow Creek Road by providing a shield from noise and light.

FINDINGS AND DECISION:

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF BETTENDORF, IOWA; that the following Findings of Fact are made:

Findings of Fact:

1. That it will not impair an adequate supply of light and air to adjacent property.
2. That it will not unreasonably increase the congestion in public streets.
3. That it will not increase the danger of fire or of the public safety.
4. That it will not unreasonably diminish or impair established property values within the surrounding area.
5. That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.
6. That a hardship is demonstrated because the property involved is a corner lot facing Coachman Road and that the City plans to widen Crow Creek Road in the future.

THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF BETTENDORF, IOWA; that the request for a variance to install a 5-foot high fence in the front yard setback within 25 feet of the property line on property located at 5329 Coachman Road and legally described as Lot 62 of Surrey Heights 3rd Addition, be granted.

Done this 29th day of August, 1996.

Thomas L. Stelt
Thomas Stelt, Chairman
Board of Adjustment

Attachment E:

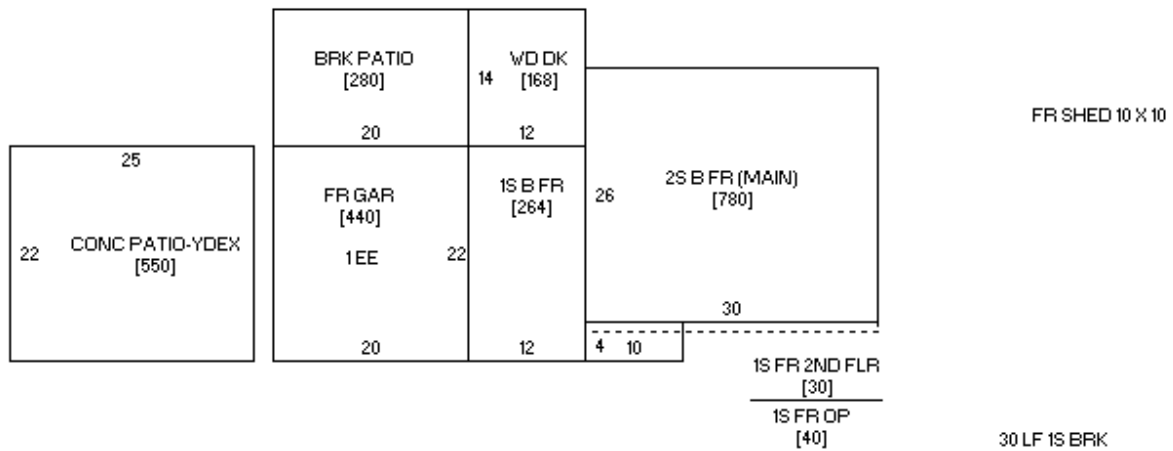
Photo of Crow Creek Road frontage at 5329 Coachman Road, Bettendorf



Attachment F:

Assessor's Office Structure Footprint

Dimensions 5329 Coachman Road, Bettendorf



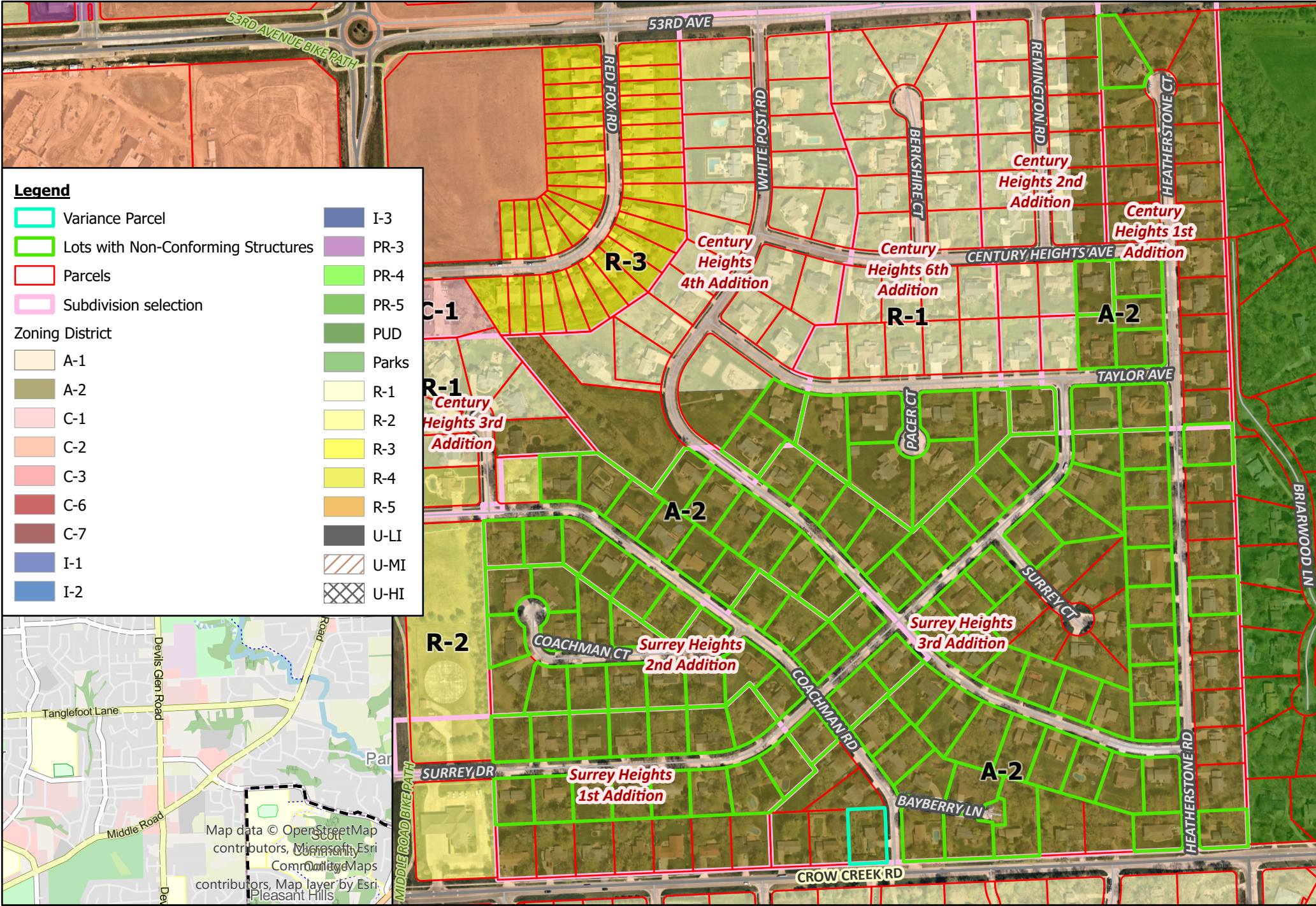
Sketch by www.camavision.com

Case 22-005: 5329 Coachman Road

Variance: Garage in Front Yard

Lots with Non-Conforming Structures in A-2

1 Inch = 375 Feet

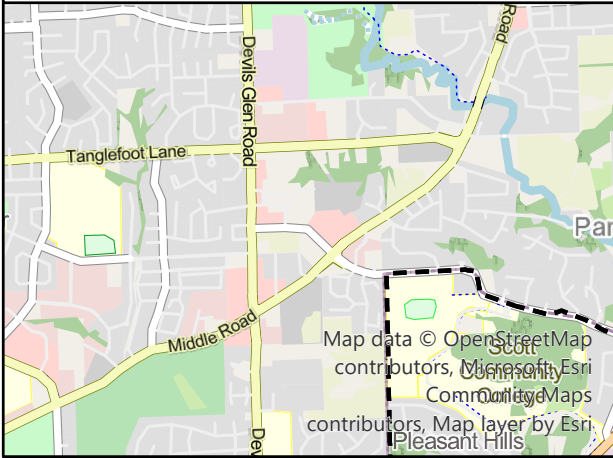


Legend

- Variance Parcel
- Lots with Non-Conforming Structures
- Parcels
- Subdivision selection

Zoning District

- A-1
- A-2
- C-1
- C-2
- C-3
- C-6
- C-7
- I-1
- I-2
- I-3
- PR-3
- PR-4
- PR-5
- PUD
- Parks
- R-1
- R-2
- R-3
- R-4
- R-5
- U-LI
- U-MI
- U-HI



Case No. 22-005

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

Part 1. Property Involved.

Street Address 5329 COACHMAN ROAD
 Legal Description of the property. LOT 62 SURREY HEIGHTS THIRD ADD

Part 2. Contact Information.

Applicant Name TIM & LESLIE OLSEN Phone (563) 332-6363
 Address 5329 COACHMAN RD. FAX _____
 E-mail Address: LESHOME@MCHSI.COM

Owner Name TIM & LESLIE OLSEN Phone (563) 332-6363
 Address 5329 COACHMAN RD. FAX _____
 E-mail Address: LESHOME@MCHSI.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.)

