

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
APRIL 14, 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 March 10, 2021.
4. The Board to hold a public hearing on the following items:
 - a. Case 22-014; 7054 St. Ann Drive (R-1) - Variance to allow a 5-foot high fence in a required front yard, submitted by Jeremy Salsberry.
 - b. Case 22-015; 7037 St. Ann Drive (R-1) - Variance to allow a 5-foot high fence in a required front yard, submitted by Jered Poposwki.



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
MARCH 10, 2022
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

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of September 9, 2021.

On motion by Spranger, seconded by Tombergs, that the minutes of the meeting of September 9, 2021 be approved as submitted.

ALL AYES

Motion carried.

Item 4. The Board to review and approve the 2021 Board of Adjustment Annual Report.

Gallagher commented that there were more special use permit requests than variance requests in 2021. Hunt added that several of the special use permit requests were for outdoor service areas which is likely related to the pandemic.

On motion by Tansey, seconded by Tombergs, that the 2021 Board of Adjustment Annual Report be approved as submitted.

ALL AYES

Motion carried.

Item 5. Election of officers.

On motion by Spranger, seconded by Vermillion, that Gallagher and Tombergs remain in their respective positions of Chair and Chair Pro Tem for 2022.

ALL AYES

Motion carried.

Item 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.

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.

Timothy Olsen, 5329 Coachman Road, commented that the proposed garage addition would increase the property value of his home.

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 Spranger, seconded by Vermillion, that a variance to reduce the required front yard setback from 40 feet to 32 feet to allow for construction of a garage addition be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

Hunt stated that an RFP has been drafted for an update to the Comprehensive Plan which will be presented to the Planning and Zoning Commission this month. He added that a zoning ordinance amendment related to allowable fence height will also be presented.

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

These minutes and annexes approved _____

Taylor Beswick
City Planner



COMMUNITY DEVELOPMENT

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

April 14, 2022

Case No. 22-014

Location: 7054 St. Ann Drive

Applicant: Jeremy Salsberry

Zoning Designation: R-1, Single-Family Residence District

Request: Variance to allow a 5-foot high fence in the required front yard adjacent to Spring Creek Drive.

Background Information and Facts

Jeremy Salsberry is requesting a variance to permit a 5-foot-high fence to remain in the required front yard adjacent to Spring Creek Drive. Because the home has frontages on both the east side of Spring Creek Drive and the west side of St. Ann Drive, the lot is considered to have 2 front yards (see Aerial Photo - Attachment A). The applicant would like to maintain the 5-foot high fence which has already been installed within the required 30-foot front yard facing Spring Creek Drive (see Final Plat Section and Site Photo - Attachments B and C). The applicant's contractor did not get a fence permit or apply for a variance to allow the placement of the fence in the required setback at a 5-foot height. The areas shown in color on the plot plan are staff comments regarding the corrections required before a permit would be issued (see Plot Plan - Attachment D). Under 11-11-11B-12-L Fences and Walls: Only four-foot high fences are permitted in front yards (see Zoning Ordinance - Attachment E). Spring Creek Drive does not fit the definition of a collector or arterial street where the Board has granted variances for fences taller than 4 feet. Staff sent the property owner a letter to address the issue of the fence being placed at the 5-foot height within the required front yard (see Staff Letter - Attachment F).

Staff Analysis

The means of entry for the parcel involved is St. Ann Drive. The rear portion of the house faces west. The applicant has indicated he may want to install an in-ground pool in the area facing the Spring Creek Drive right-of-way. The Board has granted variances for 6-foot high fences along 18th Street (17-087: 3876 - 18th Street and 17-042: 1808 Sunset Drive), Devils Glen Road (19-050: 5762 Danielle Drive and 19-051: 5738 Danielle Drive), and 6-foot high fences have been placed along other lots adjacent to high traffic streets like 53rd Avenue. The idea is to provide more privacy and blunting of noise from high traffic areas.

The Board has rejected requests for an increase in fence height when the fence is not located facing the right-of-way of a collector or arterial street. Spring Creek Drive is not a collector or arterial street, and the Board has rejected requests for taller fences in lesser trafficked areas. Relevant cases include 16-058: 4513 Stone Haven Drive (adjacent to Crow Creek Road west of

18th Street), 16-037: 2624 Rosehill Avenue (adjacent to Brentwood Drive) and 16-082: 4287 Happiness Lane (adjacent to Integrity Way).

The applicant must demonstrate a hardship that would facilitate the Board's granting a variance to permit the 5-foot high fence to remain in the 30-foot front yard setback.

Staff Recommendation

In general, City Code 11-15-12-D3 regarding the provision of variances states:

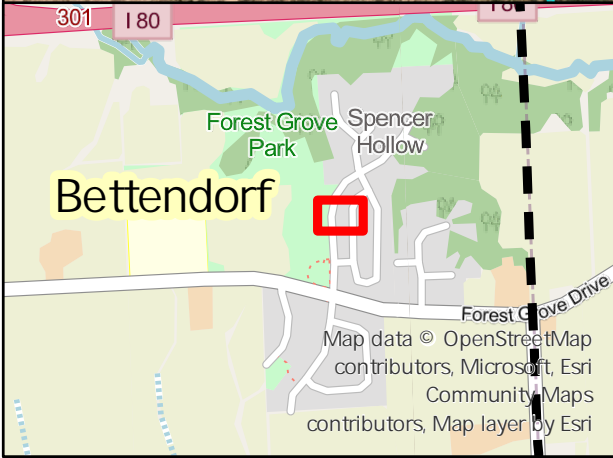
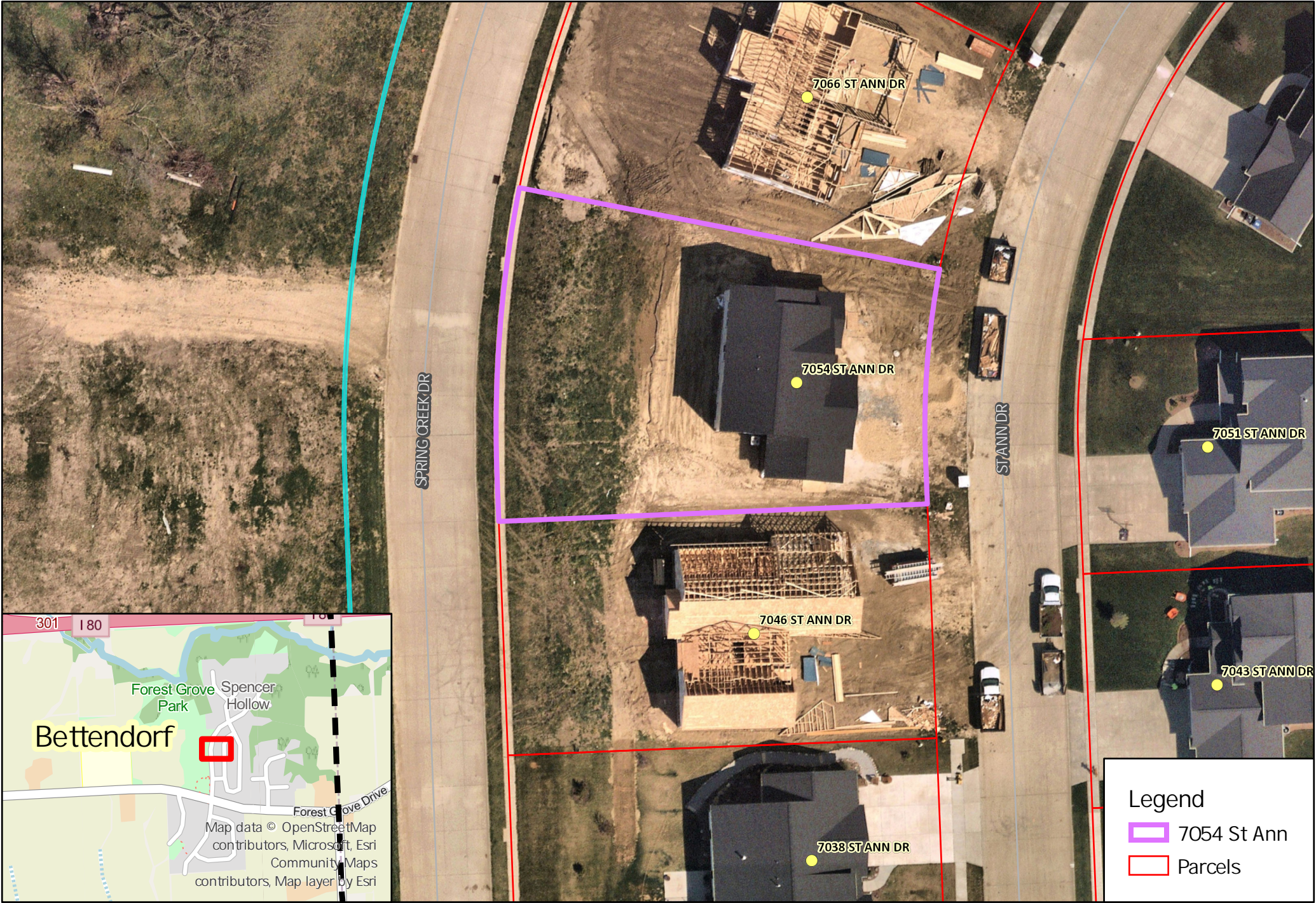
For the board to approve a variance, the petitioner must establish three things. Leaving one unsatisfied would result in the request's being denied.

1. Due to the enforcement of the regulation under consideration, the land cannot yield a reasonable return.
2. The plight of the owner is unique, not of his or her own making, and is related specifically to the land in question and not the neighborhood in general.
3. The use being requested cannot change the essential character of the neighborhood.

Staff contends that the petitioner is not limited in his use or return on the property under the City's fence regulations as written. The petitioner's plight is ubiquitous as it applies to many similarly-situated lots across the City. Finally, allowing the taller fence height to remain would conflict with the established character of the neighborhood. Staff recommends denial of the variance request.

Respectfully submitted,

Greg Beck
City Planner



LAND SURVEYOR
JAMES W. ABBITT, JR.
McClure Engineering Assoc., Inc.
4700 KENNEDY DRIVE
EAST MOLINE, ILLINOIS 61244
309-792-9350

ATTORNEY
GREG JAGER
PASTRAK LAW FIRM, P.C.
313 W. THIRD STREET
DAVENPORT, IOWA 52801
563-323-7737

ZONING AND LOT INFORMATION
CURRENT ZONING: R-1
TOTAL NUMBER OF LOTS 38
TOTAL ACREAGE OF LOTS 18.653 ACRES
TOTAL R.O.W. ACREAGE 4.581 ACRES
TOTAL SITE ACREAGE 23.823 ACRES

PLAT OF SUBDIVISION
OF
SPENCER HOLLOW
FIRST ADDITION

Part of Section 1, Township 78 North, Range 4 East of the 5th Principal Meridian, City of Bettendorf, County of Scott, State of Iowa.

THE FOLLOWING AS LISTED HAVE REVIEWED AND APPROVED THIS FINAL PLAT AND FOUND THAT SAID PLAT DOES MEET ALL THE MINIMUM UTILITY REQUIREMENTS.

By: Mark Haseley DATE: 11/20/14
MID-AMERICAN ENERGY COMPANY
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD
By: Ad. Blen DATE: 11-20-14
CENTURY LINK
By: [Signature] DATE: 11-20-14
MEDIACOM
By: [Signature] DATE: 11-20-14
IOWA-AMERICAN WATER COMPANY

OWNER/DEVELOPER
VEN GREEN LAND DEVELOPMENT L.L.C.
30 STAGECLIFF CT
DALLAS, TEXAS 75248

R-1 RESTRICTIONS:
FRONT SETBACK: MIN. 30 FEET *
SIDE SETBACK: MIN. 5 FEET (SUM OF 20 FEET)
REAR SETBACK: MIN. OF 40 FEET
HEIGHT RESTRICTION: PRINCIPAL STRUCTURE, 1-1/2 STORIES (35')
ACCESSORY STRUCTURE, 1 STORY (15')
LOT SIZE RESTRICTIONS: 10,000 S.F. MIN., 75' LOT WIDTH
FLOOR AREA RATIO: NOT TO EXCEED 0.4
MINIMUM DWELLING SIZE: OCCUPIED DWELLINGS SHALL CONTAIN AT LEAST 1,200 S.F. (1 STORY), 1,400 S.F. (2 STORY)

*(FRONT YARD SETBACKS)
THE STRUCTURES ON EACH LOT MUST BE RECESSED OR PROTRUDING IN AN ALTERNATING MANNER SUCH THAT A RATIO OF 25% TO 75% OF THE STRUCTURES ARE ALTERNATING. SETBACKS NOT SHOWN ON PLAT FOR CLARITY PURPOSES.

EASEMENT LEGEND
*1 = UTILITY EASEMENT
*2 = WATER MAIN & UTILITY EASEMENT
*3 = WATER MAIN, SANITARY SEWER & UTILITY EASEMENT
*4 = STORM SEWER & UTILITY EASEMENT
*5 = SANITARY SEWER & UTILITY EASEMENT
*6 = STORM SEWER, DRAINAGE & UTILITY EASEMENT
*7 = DRAINAGE & UTILITY EASEMENT

BOUNDARY LEGEND
SET 5/8" IRON ROD & GREEN PLASTIC CAP #18465
FOUND CAPPED IRON ROD #15581
FOUND CAPPED IRON/ALUMINUM ROD
BOUNDARY LINE
RECORD DISTANCE
MEASURED DISTANCE
LOT LINE
BUILDING SETBACK LINE (AS STATED)
EASEMENT
EXISTING LOT LINE

BENCHMARKS
PT 1007 - FOUND "X" IRON ROD
"12" SOUTH OF FOREST GROVE DRIVE, 60'± EAST OF SPRING CREEK DRIVE" ELEV=727.55
PT 1016 - "GPS MONUMENT"
"5' EAST OF CRISWELL @ NORTH DRIVE TO TRINITY LUTHERAN CHURCH" ELEV=686.67

WE, [Signatures] MAYOR, AND [Signatures] 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 October 9, 2014:

RESOLVED BY THE CITY COUNCIL OF BETTENDORF, IOWA, THAT SPENCER HOLLOW 1ST ADDITION, AN ADDITION TO THE CITY OF BETTENDORF, IOWA, AS FILED WITH THE CITY CLERK BY VENGREEN LAND DEVELOPMENT, L.L.C., BE THE SAME IS HEREBY APPROVED AND ACCEPTED; AND THE DEDICATION FOR PUBLIC STREET PURPOSES AND THE GRANTING OF EASEMENTS AND THE VACATION OF EXISTING EASEMENTS AS 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 14th DAY OF December, 2014.
[Signature] MAYOR OF THE CITY OF BETTENDORF, IOWA

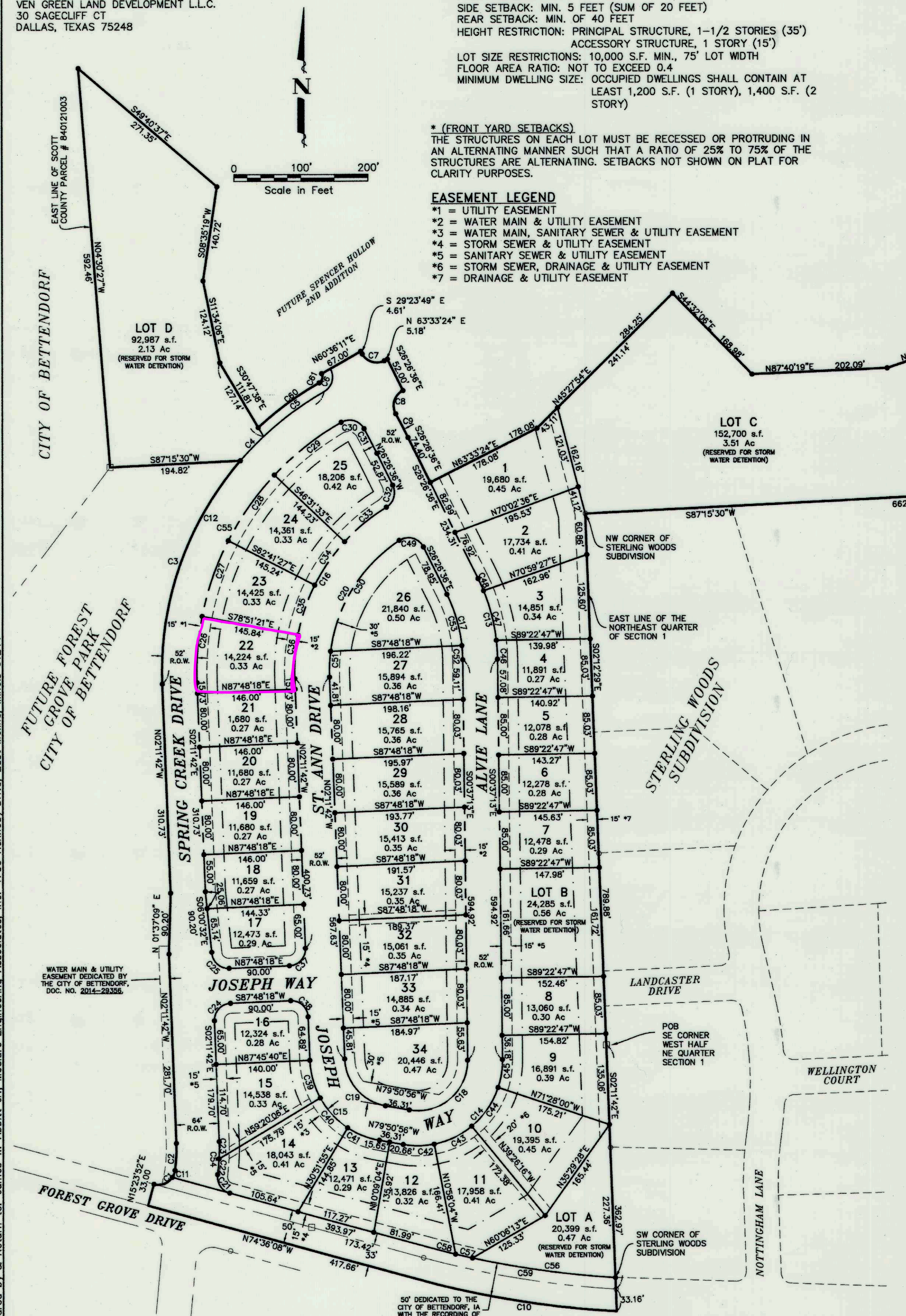
ATTEST: [Signature] CITY CLERK
[Signature] PLANNING AND ZONING COMMISSION

LEGAL DESCRIPTION

Part of Section 1, Township 78 North, Range 4 East of the 5th Principal Meridian, City of Bettendorf, County of Scott, State of Iowa; more particularly described as follows:

Beginning at the Southeast corner of the West half of the Northeast Quarter of said Section 1; Thence, along the East line of the West half of the Southeast Quarter, South 02 degrees 11 minutes 42 seconds East, a distance of 362.97 feet, to the North Right of Way line of Forest Grove Drive; Thence, continuing South 02 degrees 11 minutes 42 seconds East, a distance of 33.16 feet, to the centerline of a 66 foot wide Right of Way of said Forest Grove Drive; Thence, along said centerline, a distance of 417.66 feet; Thence, North 15 degrees 23 minutes 52 seconds East, a distance of 33.00 feet to the aforesaid North Row of Way line of Forest Grove Drive; Thence, a distance of 42.35 feet, along the arc of a non-tangential 25.00 foot radius curve, concave northwesterly, said curve has a delta angle of 97 degrees 02 minutes 58 seconds; Thence, a distance of 40.12 feet along the arc of a tangential 218.00 foot radius curve, concave westerly, said curve has a delta angle of 10 degrees 32 minutes 36 seconds; Thence, North 02 degrees 11 minutes 42 seconds East, a distance of 281.70 feet; Thence, North 01 degrees 37 minutes 09 seconds East, a distance of 90.20 feet; Thence, North 02 degrees 11 minutes 42 seconds East, a distance of 310.73 feet; Thence, a distance of 359.84 feet, along the arc of a tangential 476.00 foot radius curve, concave southeasterly, said curve has a delta angle of 43 degrees 18 minutes 49 seconds; Thence, South 87 degrees 15 minutes 30 seconds West, a distance of 194.82 feet, to an easterly line of Scott County Parcel No. 840121003; Thence, North 04 degrees 30 minutes 27 seconds West, along the easterly line of said Parcel, a distance of 592.46 feet; Thence, South 49 degrees 40 minutes 37 seconds East, a distance of 271.35 feet; Thence, South 08 degrees 35 minutes 19 seconds West, a distance of 140.72 feet; Thence, South 11 degrees 34 minutes 06 seconds East, a distance of 124.12 feet; Thence, South 30 degrees 47 minutes 38 seconds East, a distance of 111.81 feet; Thence, a distance of 112.65 feet, along the arc of a non-tangential 491.00 foot radius curve, concave southeasterly, said curve has a delta angle of 13 degrees 08 minutes 43 seconds; Thence, a distance of 15.71 feet, along the arc of a tangential 10.00 foot radius curve, concave northwesterly, said curve has a delta angle of 90 degrees 02 minutes 11 seconds; Thence, North 60 degrees 36 minutes 11 seconds East, a distance of 67.00 feet; Thence, South 29 degrees 23 minutes 49 seconds East, to an arc, a distance of 4.61 feet; Thence, a distance of 37.98 feet, along the arc of a tangential 25.00 foot radius curve, concave northerly, said curve has a delta angle of 87 degrees 02 minutes 46 seconds; Thence, North 63 degrees 33 minutes 24 seconds East, a distance of 5.18 feet; Thence, South 28 degrees 26 minutes 36 seconds East, to an arc, a distance of 52.00 feet; Thence, a distance of 40.24 feet, to a reverse curve, along the arc having 25.00 foot radius curve, concave easterly, said curve has a delta angle of 92 degrees 12 minutes 50 seconds; Thence, a distance of 39.65 feet along the arc of a tangential 1026.00 foot radius curve, concave southwesterly, said curve has a delta angle of 02 degrees 12 minutes 50 seconds; Thence, South 26 degrees 26 minutes 36 seconds East, a distance of 74.40 feet; Thence, North 63 degrees 33 minutes 24 seconds East, a distance of 178.08 feet; Thence, North 45 degrees 27 minutes 54 seconds East, a distance of 284.25 feet; Thence, South 44 degrees 32 minutes 06 seconds East, a distance 168.98 feet; Thence, North 87 degrees 40 minutes 19 seconds East, a distance 202.09 feet; Thence, North 71 degrees 38 minutes 14 seconds East, a distance of 211.28 feet; Thence, South 02 degrees 14 minutes 12 seconds East, a distance of 248.83 feet; Thence, South 87 degrees 15 minutes 30 seconds West, to the east line of the west half of the northeast quarter, a distance of 662.34 feet; Thence, along said east line, South 02 degrees 12 minutes 29 seconds East, a distance of 789.88, feet to the point of beginning.

CURVE TABLE with columns: CURVE, LENGTH, RADIUS, DELTA, CHORD, CH LENGTH, TANGENT. Contains 61 rows of curve data.



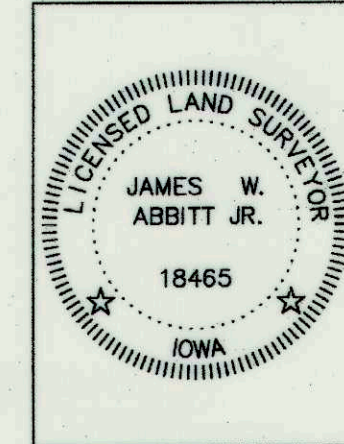
VENGREEN LAND DEVELOPMENT, L.L.C.
30 Stagecliff Court, Dallas, TX 75248

REVISIONS table with columns: NO., ITEM, DATE. Includes plotting scale and drawing by information.

McClure Engineering Associates, Inc.
4700 Kennedy Drive
(309) 792-9350
East Moline, Illinois 61244
Fax (309) 792-9974

PLAT OF SUBDIVISION
SPENCER HOLLOW 1ST ADDITION
BETTENDORF, IOWA
FILE NAME: T:\JABE113.172\dwg\13172 FP 1st.dwg
JOB NUMBER: 01-14-13-172

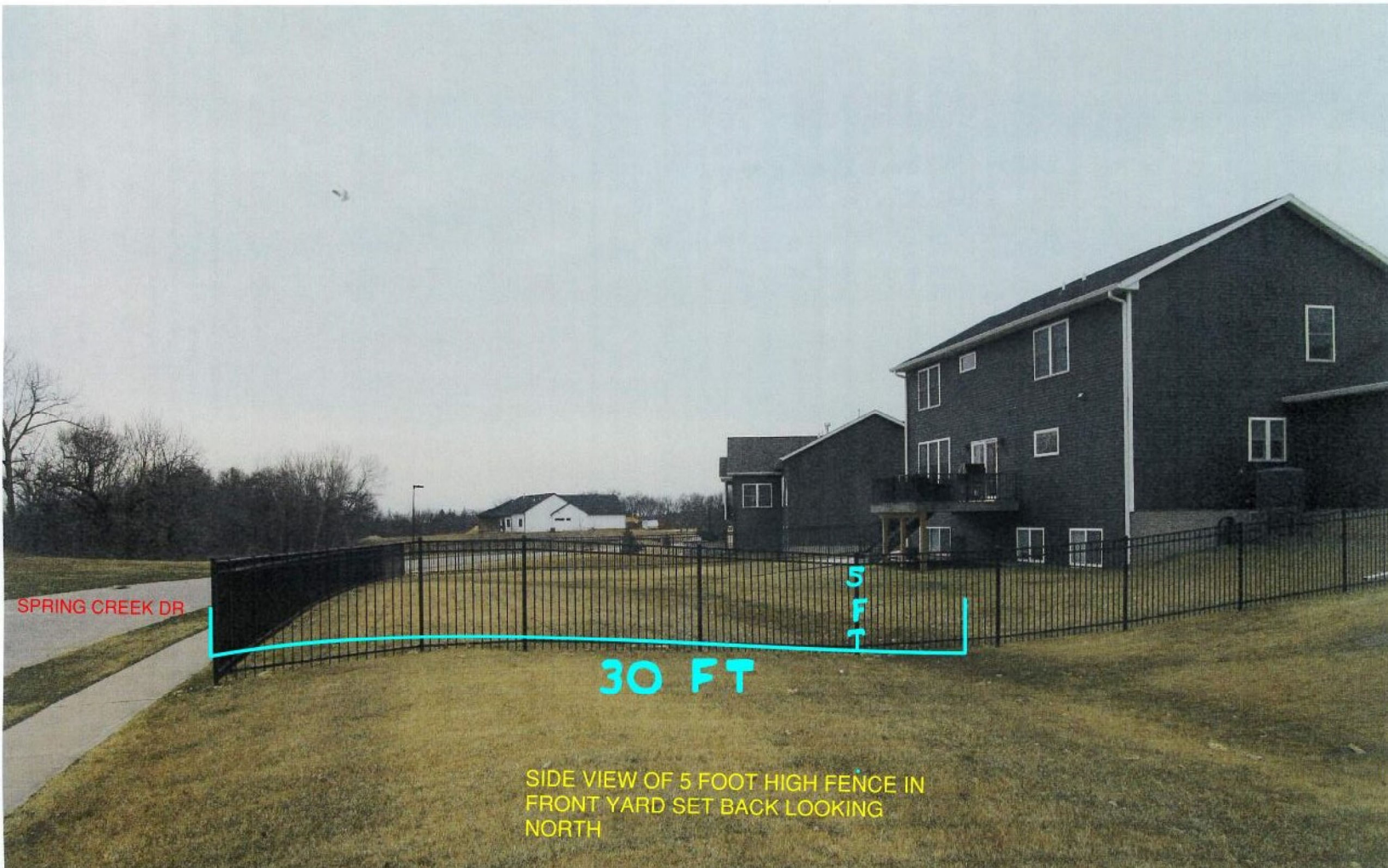
SHEET NO. 1 OF 1



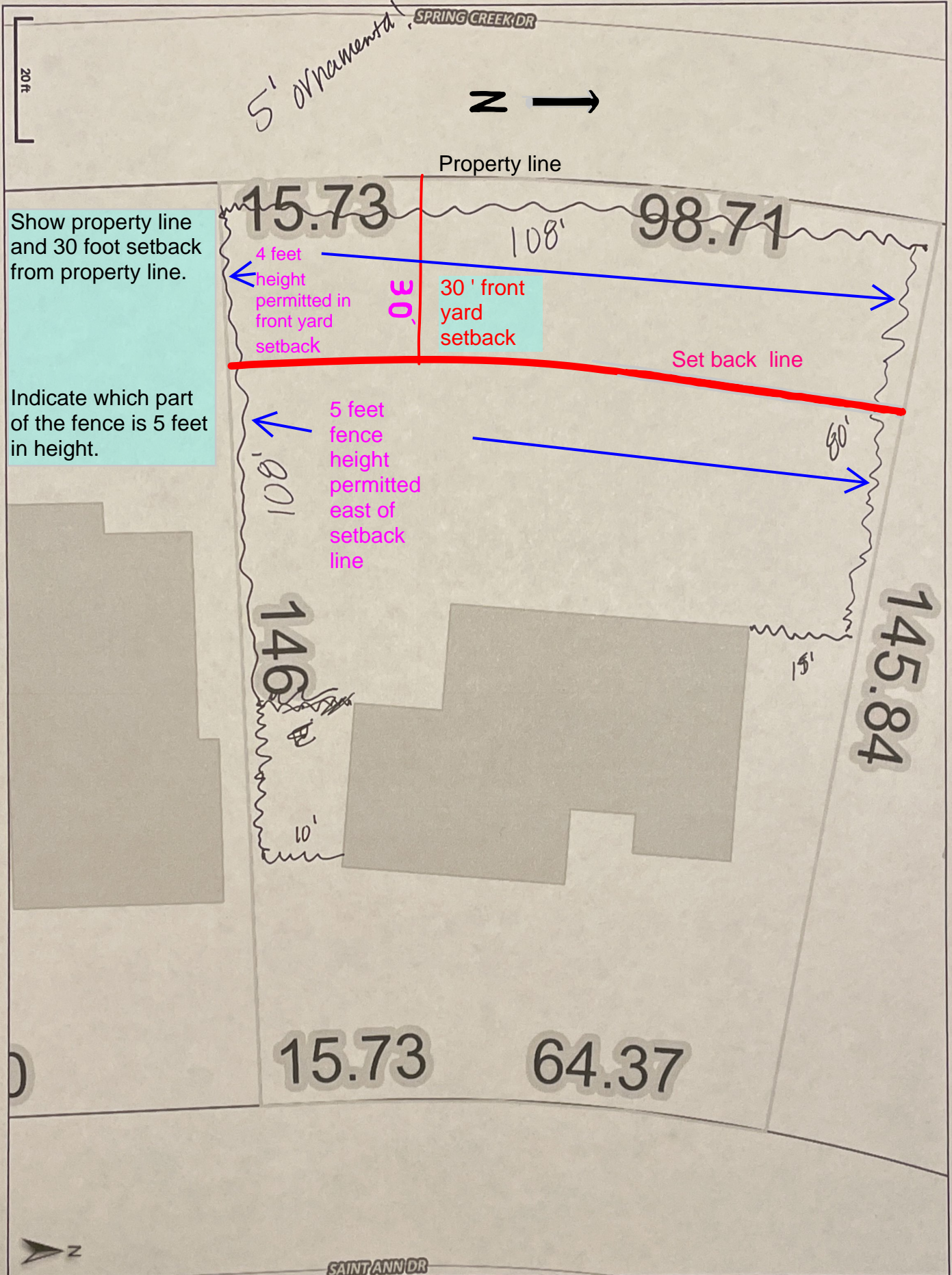
I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.
Signature: [Signature]
James W. Abbitt Jr.
Date: 11/20/14
Reg. No. 18465
My license renewal date is December 31, 2014.
Pages or sheets covered by this seal: THIS SHEET ONLY.



SPRING CREEK DRIVE LOOKING NORTH



SIDE VIEW OF 5 FOOT HIGH FENCE IN FRONT YARD SET BACK LOOKING NORTH



ATTACHMENT E

11-11B-12: SUPPLEMENTAL DEVELOPMENT REGULATIONS - OPEN SPACE ON LOTS:

L. Fences And Walls. Open and closed fences and walls not exceeding four feet (4') in height above the natural grade level in front yards, and closed-type fences and walls not exceeding six feet (6') in height in side and rear yards, and further provided, that for through lots, **a fence not exceeding four feet (4') in height may be located within ten feet (10') 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 fifteen feet (15') 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 twenty five (25) linear feet or fraction thereof of fence.



1609 State Street • Bettendorf, Iowa 52722-4937 • (563) 344-4000

January 25, 2022

JC8214 Revocable Trust
7054 St Ann Drive
Bettendorf, IA 52722

Dear Resident:

Staff noticed that a 5 foot- high fence had been placed in the 30 foot front yard setback at 7054 St Ann Drive. No staff member issued a fence permit for the construction of the fence. On January 24, staff found the 5 foot high fence placed on the property lines in the front yard setback. As mentioned to The Fence Guys in past communication, they were told to reduce the height of the fence in the front yard setback to 4 feet or place the 5 foot high fence 30 feet east of the property line. See City ordinances:

10-9-2: FENCES; PERMIT AND INSTALLATION:

A. Permit Required; Exception:

1. No fence, hedge or wall shall be constructed without first obtaining a separate building permit for each fence or wall from the building official.

2. A permit is not required for fencing of legal agricultural uses and which conforms to other city codes.

B. Installation: Installation shall be in conformance with the Bettendorf zoning and city codes. (2008 Code § 7-16)

11-11B-12: SUPPLEMENTAL DEVELOPMENT REGULATIONS - OPEN SPACE ON LOTS

L. Fences And Walls. Open and closed fences and walls not exceeding four feet (4') in height above the natural grade level in front yards, and closed-type fences and walls not exceeding six feet (6') in height in side and rear yards, and further provided, that for through lots, a fence not exceeding four feet (4') in height may be located within ten feet (10') 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 fifteen feet (15') 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 twenty five (25) linear feet or fraction thereof of fence.

Staff requires the 5 foot high fence be removed from the 30 foot front yard setback area facing Spring Creek Drive. The fence height may be reduced to 4 feet in height and be placed within the 30 foot front yard setback. The fencing along the side lot lines 30 feet from the Spring Creek Drive right – of –way line must not be greater than 4 feet in height. Please comply by April 15, 2022 with the staff determination.

I can be reached at 344-4071.

Cordially,

Greg Beck
City Planner



Case No. 22-014

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

Part 1. Property Involved.

Street Address 7054 St. Ann Dr. Bettendorf

Legal Description of the property. Single Family Residence

Spencer Hollow First Addition Lot 22

Part 2. Contact Information.

Applicant Name Jeremy Salsberry Phone 563-505-0032

Address 7054 St. Ann Dr. FAX _____

E-mail Address: jsalsberry@bettendorf.org

Owner Name JC 8214 Phone _____

Address 7054 St. Ann Dr. 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 U-11B-12 Existing Zoning R-1

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.

See attached

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.
- (X) 4. List additional attachments. Letter detailing request.

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 15th day of March, 20 22.

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

State of Iowa)
) SS
County of Scott)



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

Witness my Hand and Notarial Seal this 15th day of March, 20 22

[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 \$50.00 Date 3/15/22
cash

March 1st, 2022

To: Board of Adjustments

From: Jeremy and Kate Salsberry

Re: JC8214 Revocable Trust Appeal and Application for Variance

Greetings!

We are informed that the installation of the fence located at 7054 St. Ann Dr. is in violation of City Code and requires modification or removal. This letter is to appeal that assessment and request a variance to City Code be applied to our fence, as we believe the lot's location and topography create a unique situation that allows for an exception to be made.

Community Development Staff has likely informed the Board that City Code applies to the front yard of the property. It should be noted, the property is a single lot, oriented with streets to the east and west of the lot and neighboring lots to the north and south. The residence situated on the lot has its front facing east, and the back facing west (See Image below). A lay observer would say the "back yard" is enclosed in the fence and faces Spring Creek Dr. The fence is 5' high and extends to the sidewalk on Spring Creek Dr. Staff states the fence must either be reduced to 4' height for a distance of 30', as it exists in the "front yard setback", or retain its 5' height and be moved to the setback line. We are requesting the Board approve a variance and grant the fence may remain as installed.



Our reasons for this request are as follows:

- 1) The fence was installed in anticipation of being compliant with the City Code requirement of a minimum 5' fence to protect a pool. We anticipate installing a pool this summer (2022).
- 2) The fence was installed extending to the sidewalk for several reasons, but the primary reason is unique to this lot. Opposite this lot is the access road (and likely to be the parking lot) to Bettendorf's newest park! We are happy to have this park and such convenient access for my family (hence the gate to the road), but we are familiar with many of the complaints that can be associated with such proximity to a park. For example: late night noise and headlights from traffic, debris deposited by park attendees, curtilage parking for overflow during events, and pedestrian and pet debris. The fence's location restricts many of these issues to the curtilage. Noise and light incursion may be further mitigated by the installation of bushes or small trees along the fence (yet to be determined, and, following this experience, fully vetted by Staff).
- 3) The fence was installed to allow for our dogs' and family's recreation and exercise. The amount of pedestrian and animal traffic in the area (higher than average due to the park), needs to be kept separate from our animals for the safety of both. The height of the fence allows for this.

In reviewing the fence with Staff, it was also found that compliance with the 30' setback will place the fence line in a swale on the property, formed during construction. This location for the fence creates an obstruction to storm water runoff. We have found that debris and water does accumulate at the fence portion that is in the swale at the south lot line, where storm water enters the property, and at the northwest corner, where storm water leaves the property, for about six to eight feet of the fence line at each location. This is in spite of the fence design being very open. We can therefore conclude that moving the fence to the setback line would create an 80' obstruction to storm water runoff, shortening the life of the fence. The low swale will also effectively reduce the height of the fence to 3'.

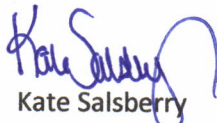
Finally, Staff has also made us aware that in instances of lots facing high traffic roadways, exceptions have been made. We would offer that Spring Creek Dr. is the feeder road for the newly developing additions to the north. Also, the impact the development of the new park is going to have on traffic is yet to be determined, but we all hope it is a heavily utilized park, in whatever form it takes. Crow Creek Park is of similar size and warranted the construction of a second entrance and a traffic light to manage its impact.

Photos are attached of the swale and debris obstruction. We appreciate your thoughtful consideration of this variance request.

Sincerely,



Jeremy Salsberry
(563)505-0032



Kate Salsberry
(563)210-5956



COMMUNITY DEVELOPMENT

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

April 14, 2022

Case No. 22-015

Location: 7037 St. Ann Drive

Applicant: Jered Poposwki

Zoning Designation: R-1, Single Family Residence District

Request: Variance to allow a 5-foot high fence in the required front yard adjacent to Alvie Lane.

Background Information and Facts

Jered Poposwki is requesting a variance to permit a 5-foot-high fence in the required front yard adjacent to Alvie Lane. Because the home has frontages on both the west side of Alvie Lane and the east side of St. Ann Drive, the lot is considered to have 2 front yards (see Aerial Photo - Attachment A). The applicant would like to place a 5-foot high fence within the 30-foot front yard setback adjacent to Alvie Lane (see Final Plat and Site Photo - Attachments B and C). A neighbor to the south has a 4-foot high fence for which a permit was approved and which is not located within the 30-foot front yard setback. Under 11-11-11B-12-L Fences and Walls: Only four-foot high fences are permitted in front yards (see Zoning Ordinance, Attachment D). The Board has previously granted variances for fences taller than 4 feet in front yard setbacks facing collector or arterial streets. Alvie Lane does not fit the definition of a collector or arterial street.

Staff Analysis

The means of entry for the parcel involved is from St Ann Drive. The rear portion of the house faces east. The applicant has indicated he may want a swimming pool in the area facing the Alvie Lane right of way. He wants to place the 5-foot high fence at the property line on top of the berm facing Alvie Lane. The Board has granted variances for 6-foot high fences along 18th Street (17-087: 3876 18th Street and 17-042: 1808 Sunset Drive), Devils Glen Road (19-050: 5762 Danielle Drive and 19-051: 5738 Danielle Drive) and 6-foot-high fences have been placed along other lots adjacent to high traffic streets like 53rd Avenue. The idea is to provide more privacy and blunting of noise from high traffic areas.

The Board has rejected requests for an increase in fence height when the fence is not located facing the right-of-way of a collector or arterial street. Alvie Lane is not classified as a collector or arterial street, and the Board has rejected requests for taller fences in lesser trafficked areas. Relevant cases include 16-058: 4513 Stone Haven Drive (adjacent to Crow Creek Road west of 18th Street), 16-037: 2624 Rosehill Avenue (adjacent to Brentwood Drive), and 16-082: 4287 Happiness Lane (adjacent to Integrity Way).

Some type of hardship needs to be demonstrated that would facilitate a Board ruling for a variance to permit the 5-foot-high fence to be placed in the 30-foot front yard setback. The applicant has expressed a concern that someone may attempt to jump the fence from the berm to enter the yard, if the fence is placed 30 feet from the property line.

Staff Recommendation

In general City Code 11-15-12-D3 regarding the provision of variances states:

For the board to approve a variance, the petitioner must establish three things. Leaving one unsatisfied would result in the request's being denied.

1. Due to the enforcement of the regulation under consideration, the land cannot yield a reasonable return.
2. The plight of the owner is unique, not of his or her own making, and is related specifically to the land in question and not the neighborhood in general.
3. The use being requested cannot change the essential character of the neighborhood.

Staff contends that the petitioner is not limited in his use or return on the property under the City's fence regulations as written. The petitioner's plight is ubiquitous as it applies to many similarly-situated lots across the City. Finally, increasing the allowable fence height would conflict with the established character of the neighborhood. Staff recommends denial of the variance request.

Respectfully submitted,

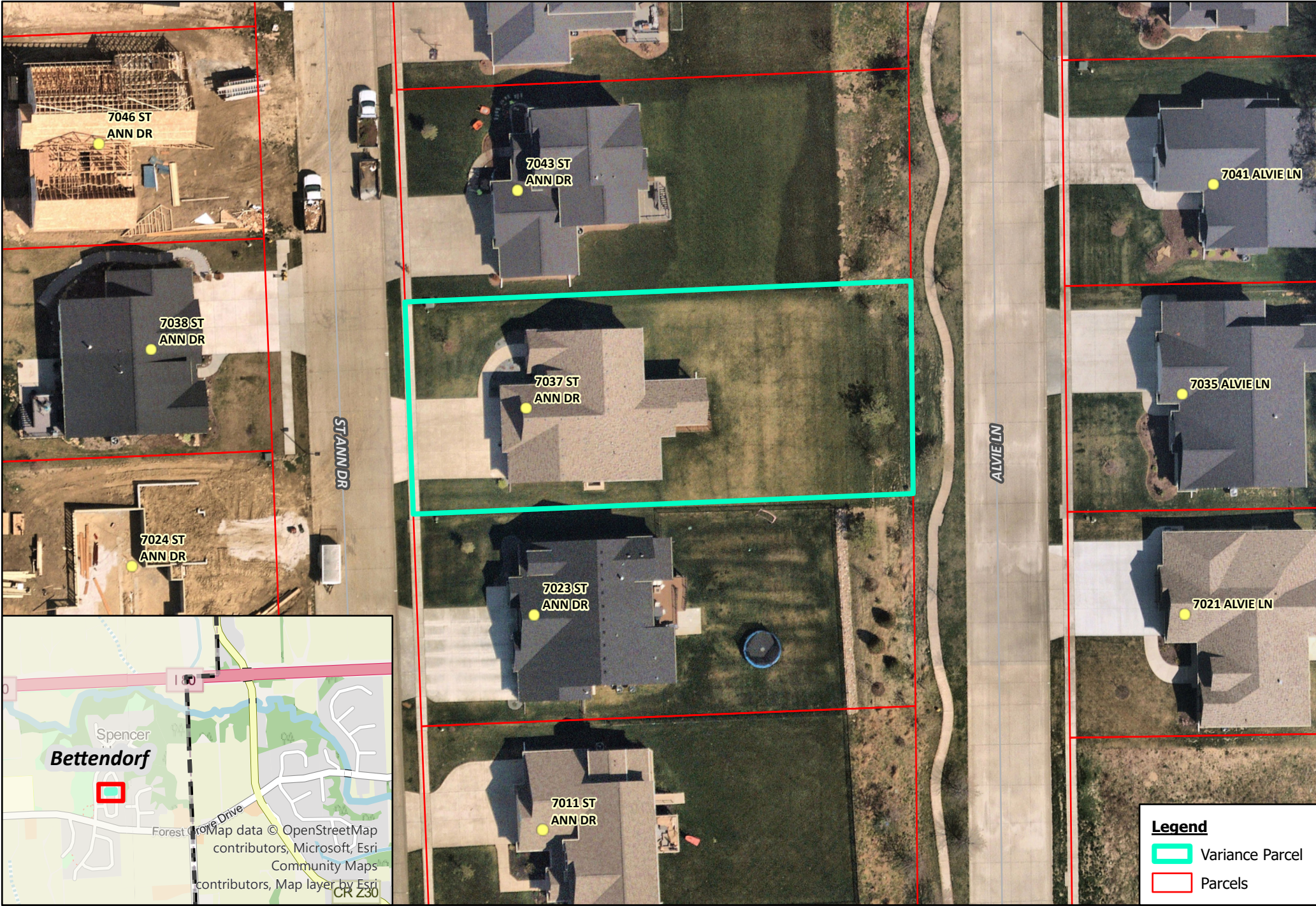
Greg Beck
City Planner

**Case 22-015: 7037 St. Ann Drive
Variance - 5-foot Fence in Front Yard
Aerial Map**

1 Inch = 46 Feet



N



Legend

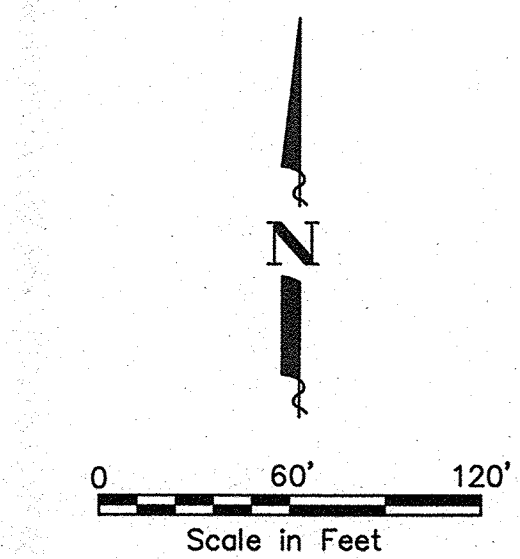
- Variance Parcel
- Parcels

Map data © OpenStreetMap contributors, Microsoft, Esri Community Maps contributors, Map layer by Esri

CORRECTED PLAT OF SUBDIVISION OF SPENCER HOLLOW SECOND ADDITION

BEING A REPLAT OF LOTS 26-33 OF SPENCER HOLLOW FIRST ADDITION DOC. NO. 2014-30766,
PART OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN,
CITY OF BETTENDORF, COUNTY OF SCOTT, STATE OF IOWA.

Doc ID: 020977180001 Type: PLA
Recorded: 02/02/2017 at 08:46:54 PM
Fee Amt: \$7.50 Page 1 of 1
Scott County Iowa
Rita A. Varnos Recorder
File 2017-00002913



BOUNDARY LEGEND

- SET 5/8" IRON ROD & GREEN PLASTIC CAP #18465
- FOUND CAPPED IRON ROD #18465
- FOUND CAPPED IRON ROD #13581
- FOUND CAPPED IRON/ALUMINUM ROD
- BOUNDARY LINE
- RECORD DISTANCE
- MEASURED DISTANCE
- LOT LINE
- BUILDING SETBACK LINE (AS STATED)
- EASEMENT LINE
- EXISTING LOT LINE

BENCHMARKS

- PT 1007 - FOUND "1/2" IRON ROD "12" SOUTH OF FOREST GROVE DRIVE, 60'± EAST OF SPRING CREEK DRIVE" ELEV=727.55
- PT 1016 - "GPS MONUMENT" "5' EAST OF CRISWELL @ NORTH DRIVE TO TRINITY LUTHERAN CHURCH" ELEV=686.67

LAND SURVEYOR

JAMES W. ABBITT, JR.
McCLURE ENGINEERING ASSOC., INC.
4700 KENNEDY DRIVE
EAST MOLINE, ILLINOIS 61244
309-792-9350

ATTORNEY

GREG JAGER
PASTRNAK LAW FIRM, P.C.
313 W. THIRD STREET
DAVENPORT, IOWA 52801
563-323-7737

OWNER/DEVELOPER

VEN GREEN LAND DEVELOPMENT L.L.C.
30 SAGECLIFF CT
DALLAS, TEXAS 75248

ZONING AND LOT INFORMATION

CURRENT ZONING: R-1
TOTAL NUMBER OF LOTS: 8
TOTAL ACREAGE OF LOTS: 2.804 ACRES
TOTAL R.O.W. ACREAGE: 0.074 ACRES
TOTAL SITE ACREAGE: 2.878 ACRES

R-1 RESTRICTIONS:

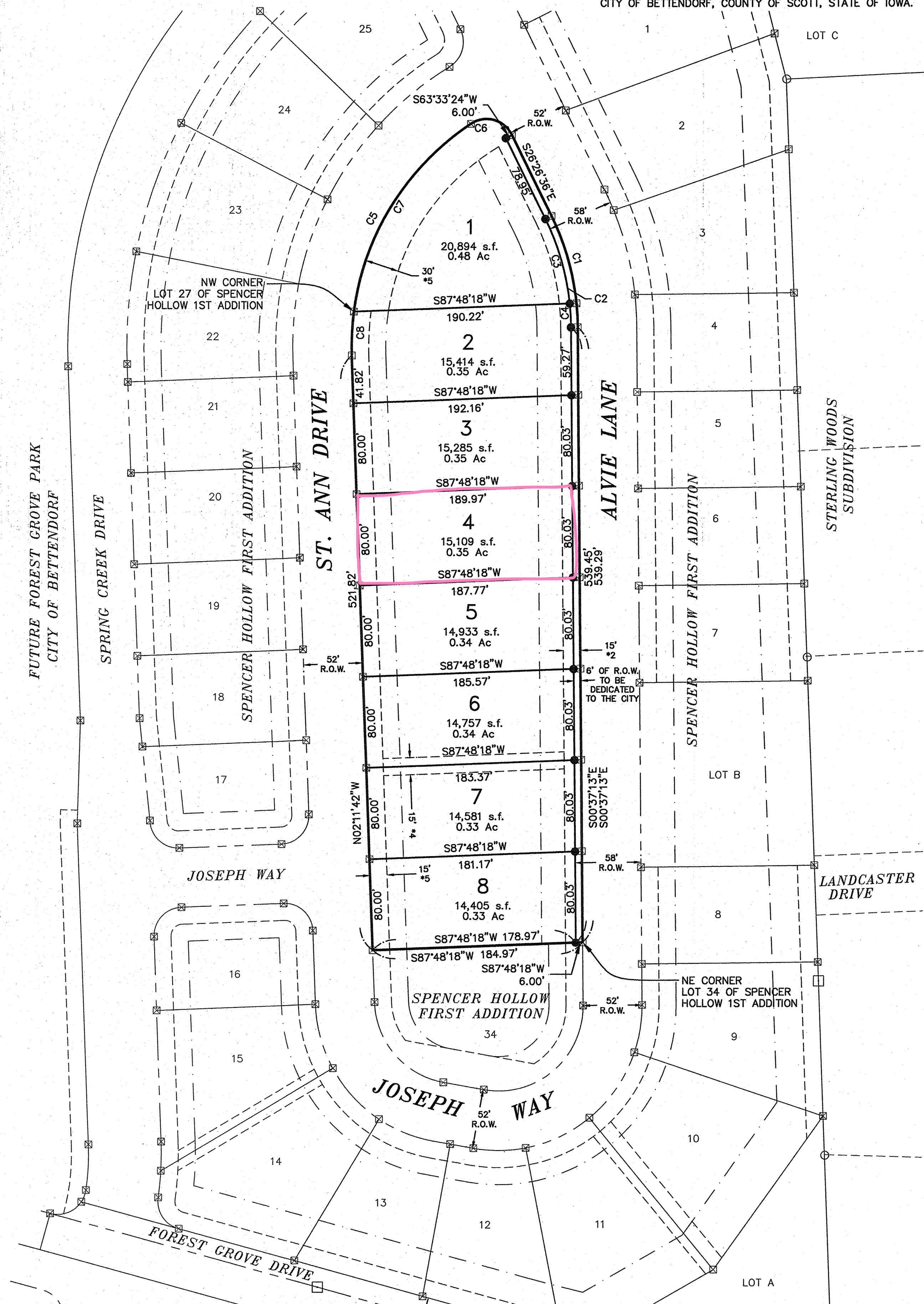
- FRONT SETBACK: MIN. 30 FEET *
- SIDE SETBACK: MIN. 5 FEET (SUM OF 20 FEET)
- REAR SETBACK: MIN. OF 40 FEET
- HEIGHT RESTRICTION: PRINCIPAL STRUCTURE, 1-1/2 STORIES (35')
ACCESSORY STRUCTURE, 1 STORY (15')
- LOT SIZE RESTRICTIONS: 10,000 S.F. MIN., 75' LOT WIDTH
- FLOOR AREA RATIO: NOT TO EXCEED 0.4
- MINIMUM DWELLING SIZE: OCCUPIED DWELLINGS SHALL CONTAIN AT LEAST 1,200 S.F. (1 STORY), 1,400 S.F. (2 STORY)

***(FRONT YARD SETBACKS)**

THE STRUCTURES ON EACH LOT MUST BE RECESSED OR PROTRUDING IN AN ALTERNATING MANNER SUCH THAT A RATIO OF 25% TO 75% OF THE STRUCTURES ARE ALTERNATING. SETBACKS NOT SHOWN ON PLAT FOR CLARITY PURPOSES.

EASEMENT LEGEND

- *1 = UTILITY EASEMENT
- *2 = WATER MAIN & UTILITY EASEMENT
- *3 = WATER MAIN, SANITARY SEWER & UTILITY EASEMENT
- *4 = STORM SEWER & UTILITY EASEMENT
- *5 = SANITARY SEWER & UTILITY EASEMENT
- *6 = STORM SEWER, DRAINAGE & UTILITY EASEMENT
- *7 = DRAINAGE & UTILITY EASEMENT



| CURVE TABLE | | | | | | |
|-------------|--------|--------|-----------|-------------|-----------|---------|
| CURVE | LENGTH | RADIUS | DELTA | CHORD | CH LENGTH | TANGENT |
| C1 | 100.96 | 224.00 | 25°49'23" | N13°31'54"W | 100.10 | 51.35 |
| C2 | 98.25 | 218.00 | 25°49'23" | N13°31'54"W | 97.42 | 49.97 |
| C3 | 77.49 | 218.00 | 20°21'59" | N16°15'36"W | 77.08 | 39.16 |
| C4 | 20.76 | 218.00 | 5°27'24" | N03°20'55"W | 20.75 | 10.39 |
| C5 | 238.25 | 232.00 | 58°50'28" | S27°13'31"W | 227.92 | 130.83 |
| C6 | 42.29 | 25.00 | 96°54'40" | N74°53'56"W | 37.42 | 28.21 |
| C7 | 199.90 | 232.00 | 49°22'02" | S31°57'43"W | 193.77 | 106.63 |
| C8 | 38.36 | 232.00 | 9°28'24" | S02°32'30"W | 38.32 | 19.22 |

THE FOLLOWING AS LISTED HAVE REVIEWED AND APPROVED THIS FINAL PLAT AND FOUND THAT SAID PLAT DOES MEET ALL THE MINIMUM UTILITY REQUIREMENTS.

- BY: *[Signature]* DATE: 12/15/16
MID-AMERICAN ENERGY COMPANY
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD
- BY: *[Signature]* DATE: 12-15-16
CENTURY LINK
- BY: *[Signature]* DATE: 12-15-16
MEDIACOM
- BY: *[Signature]* DATE: 12-15-16
IOWA-AMERICAN WATER COMPANY

NOTES:

1. STORM & SANITARY SEWERS SHALL BE OWNED AND MAINTAINED BY THE CITY OF BETTENDORF. WATER MAINS, HYDRANTS AND OTHER FIXTURES SHALL BE OWNED AND MAINTAINED BY IOWA AMERICAN WATER COMPANY.
2. ALL STREET ACCESS FOR LOTS 1-8 WILL BE TO ST. ANN DRIVE.
3. SIDEWALKS SHALL BE CONSTRUCTED ALONG ALL PUBLIC STREET FRONTAGES. INSTALLATION OF SIDEWALKS SHALL OCCUR WHEN THE ADJUTING PROPERTY (LOT) IS DEVELOPED OR WHEN SO ORDERED BY THE CITY.
4. NO PART OF SUBDIVISION LIES WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON FEMA'S FLOOD INSURANCE RATE MAPS.
5. NO VEGETATION SHALL BE PLANTED IN ANY UTILITY EASEMENT.
6. THIS PLATTED AREA SHALL DRAIN INTO THE STORM WATER DETENTION PONDS LOCATED WITHIN SPENCER HOLLOW 1ST ADDITION. (LOTS A, B, C & D.)
7. ALL EASEMENTS CONGRUENT WITH RIGHTS-OF-WAYS ARE WATER, SANITARY & UTILITY EASEMENTS. ALL EASEMENTS ALONG SIDE LOT LINES ARE STORM SEWER AND DRAINAGE EASEMENTS.
8. EASEMENTS FOR TRANSPORTING STORM WATER AND SANITARY SEWAGE ARE DEDICATED TO THE CITY WITH THE RECORDING OF THIS PLAT. ALL LAND UNDERLYING SAID EASEMENTS ARE OWNED BY OWNER/DEVELOPER.
9. ALL DRAINAGE EASEMENTS SHALL BE KEPT CLEAR OF TREES, SHRUBS, STRUCTURES AND ANY OBSTRUCTIONS BLOCKING OR IMPEDING THE FLOW OF STORM WATER.
10. SANITARY SEWER DESIGN MUST BE APPROVED BY THE CITY ENGINEER PRIOR TO CITY COUNCIL CONSIDERATION OF THIS PLAT.

LEGAL DESCRIPTION

SECOND ADDITION:
Part of Section 1, Township 78 North, Range 4 East of the 5th Principal Meridian, City of Bettendorf, County of Scott, State of Iowa; more particularly described as follows:
Lots 26-33, Spencer Hollow First Addition.
The above described tract contains 2.878 acres, more or less. For the purpose of this description the east line of the west half of the southeast quarter of Section 1, has a bearing of South 02 degrees 11 minutes 42 seconds East,

WE, *[Signature]* MAYOR, AND *[Signature]* 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 1/16, 2016:

RESOLVED BY THE CITY COUNCIL OF BETTENDORF, IOWA, THAT SPENCER HOLLOW 2ND ADDITION, AN ADDITION TO THE CITY OF BETTENDORF, IOWA, AS FILED WITH THE CITY CLERK BY VENGREEN LAND DEVELOPMENT, L.L.C., BE THE SAME IS HEREBY APPROVED AND ACCEPTED; AND THE DEDICATION FOR PUBLIC STREET PURPOSES AND THE GRANTING OF EASEMENTS AND THE VACATION OF EXISTING EASEMENTS AS 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 17th DAY OF JANUARY, 2016
[Signature]
MAYOR OF THE CITY OF BETTENDORF, IOWA

ATTEST:
[Signature]
CITY CLERK
[Signature]
PLANNING AND ZONING COMMISSION

NOTE:

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 RIGHT 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 REPLATTED.

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.
ANY AND ALL CHANGES TO BOUNDARIES AND EASEMENTS SHALL BE IN ACCORDANCE WITH RELATIVE CHAPTERS OF THE IOWA ADMINISTRATIVE CODE AND THE CODE OF IOWA.

* TO CORRECT PREVIOUS DOCUMENT 2016-31121
RECORDED NOVEMBER 3, 2016

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Signature: *[Signature]*
Date: 2-1-17 Reg. No. 18465
My license renewal date is December 31, 2016.
Pages or sheets covered by this seal:
THIS SHEET ONLY.

Prepared by & Return to: James W. Abbitt Jr., McClure Engineering Associates, Inc., 4700 Kennedy Drive, East Moline, Illinois 61244

VENGREEN LAND DEVELOPMENT, L.L.C.
30 Stagecliff Court, Dallas, TX 75248

| REVISIONS | | |
|-----------|------|------|
| NO. | ITEM | DATE |
| | | |
| | | |

PLOTTING SCALE: 1" = 1'
DRAWN BY: BMS
CHECKED BY: JWA
DATE: AUGUST 2016

McClure
Engineering Associates, Inc.
4700 Kennedy Drive East Moline, Illinois 61244
(309) 792-9350 Fax (309) 792-8974
Design Firm License: Illinois #184-000816
Copyright 2016 By McClure Engineering Associates, Inc.

CORRECTED PLAT OF SUBDIVISION
SPENCER HOLLOW SECOND ADDITION **BETTENDORF, IOWA**
FILE NAME: T:\ABE113.172\dwg\13172 FP 2nd-Addition.dwg JOB NUMBER: 01-14-13-172

SHEET NO.
1
OF
1



VIEW LOOKING FROM EAST SIDE OF LOT AT POTENTIAL FENCE PERIMETER

ATTACHMENT D

11-11B-12: SUPPLEMENTAL DEVELOPMENT REGULATIONS - OPEN SPACE ON LOTS:

L. Fences And Walls. Open and closed fences and walls not exceeding four feet (4') in height above the natural grade level in front yards, and closed-type fences and walls not exceeding six feet (6') in height in side and rear yards, and further provided, that for through lots, a fence not exceeding four feet (4') in height may be located within ten feet (10') 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 fifteen feet (15') 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 twenty five (25) linear feet or fraction thereof of fence.



Case No. 22-015

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

Part 1. Property Involved.

Street Address 7037 St. Ann Dr. Bettendorf, IA 52722

Legal Description of the property. Single family residence
Lot 4 Spencer Hollow 4th Add

Part 2. Contact Information.

Applicant Name Jered Popowski Phone 763-258-7323
Address 7037 St Ann Dr. Bettendorf, IA 52722 FAX _____
E-mail Address: jeredp@gmail.com

Owner Name Jered Popowski Phone same as above
Address same as above 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 10-9-1 10-9-2 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.

Request variance to allow a 5 foot high ornamental iron fence to go up to the 15' water and utility easement on Alvie Ln. Approval of this request will provide significantly greater safety protection for an in-ground pool that's currently on contract with OCA Pools & Spa. The back yard of the property contains a 5' tall berm which would make it too easy for a child to simply jump over the fence from the top of the steep berm. The property has two 30' front building setbacks. The HOA approves of the fence going over the berm (Pete Barboutis, HOA president 563-650-4931). Alvie Ln. is an extremely quiet local street and away from any arterials.

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 21 day of March 2022.

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)

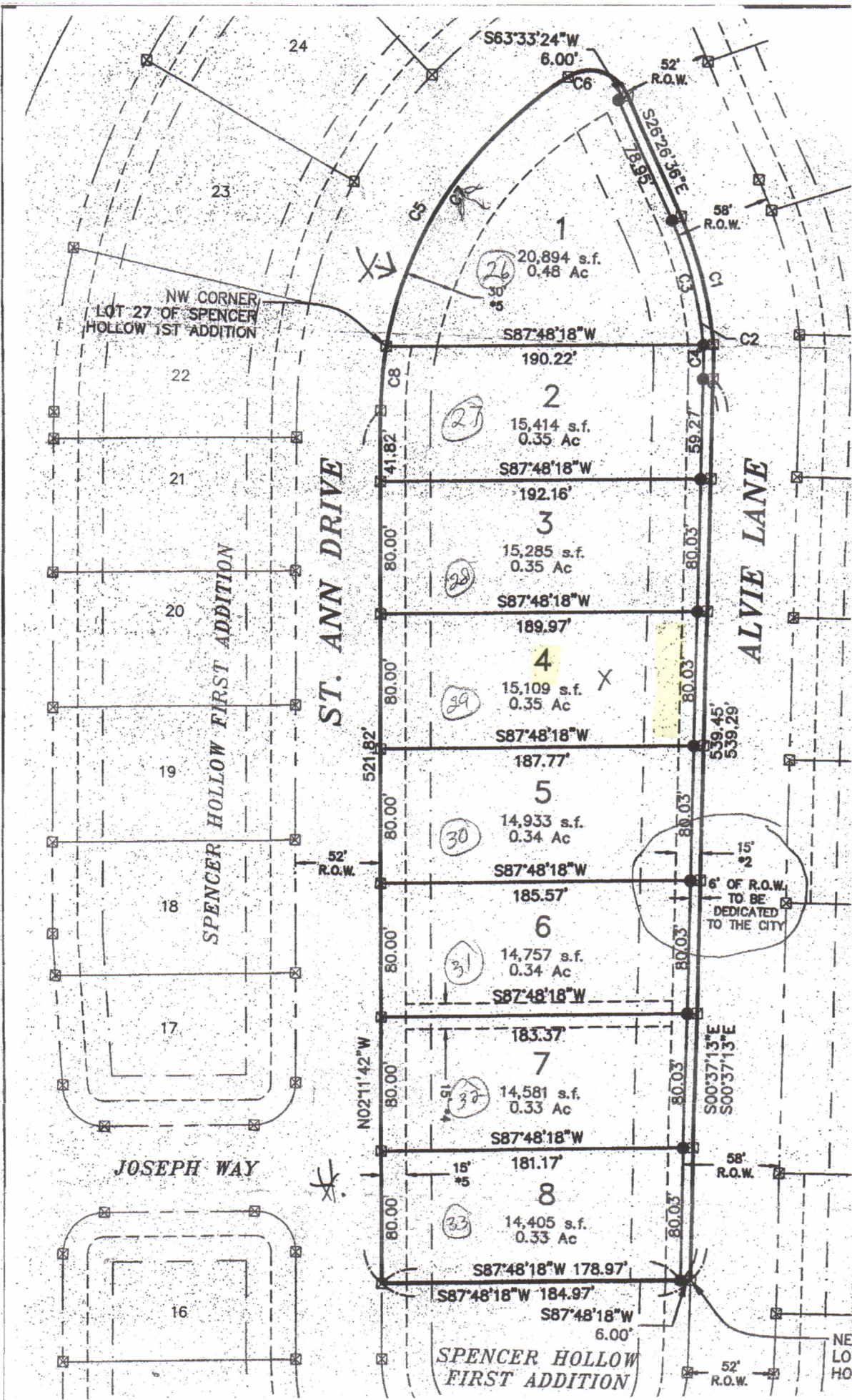
Before me the undersigned Notary Public, in and for the County and State, personally appeared applicant(s) and separately and severally acknowledge the execution of the foregoing application is his/her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this 21st day of March, 2022.

[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 \$50. Date 3/21/22
 CC



NW CORNER
LOT 27 OF SPENCER
HOLLOW 1ST ADDITION

SPENCER HOLLOW FIRST ADDITION

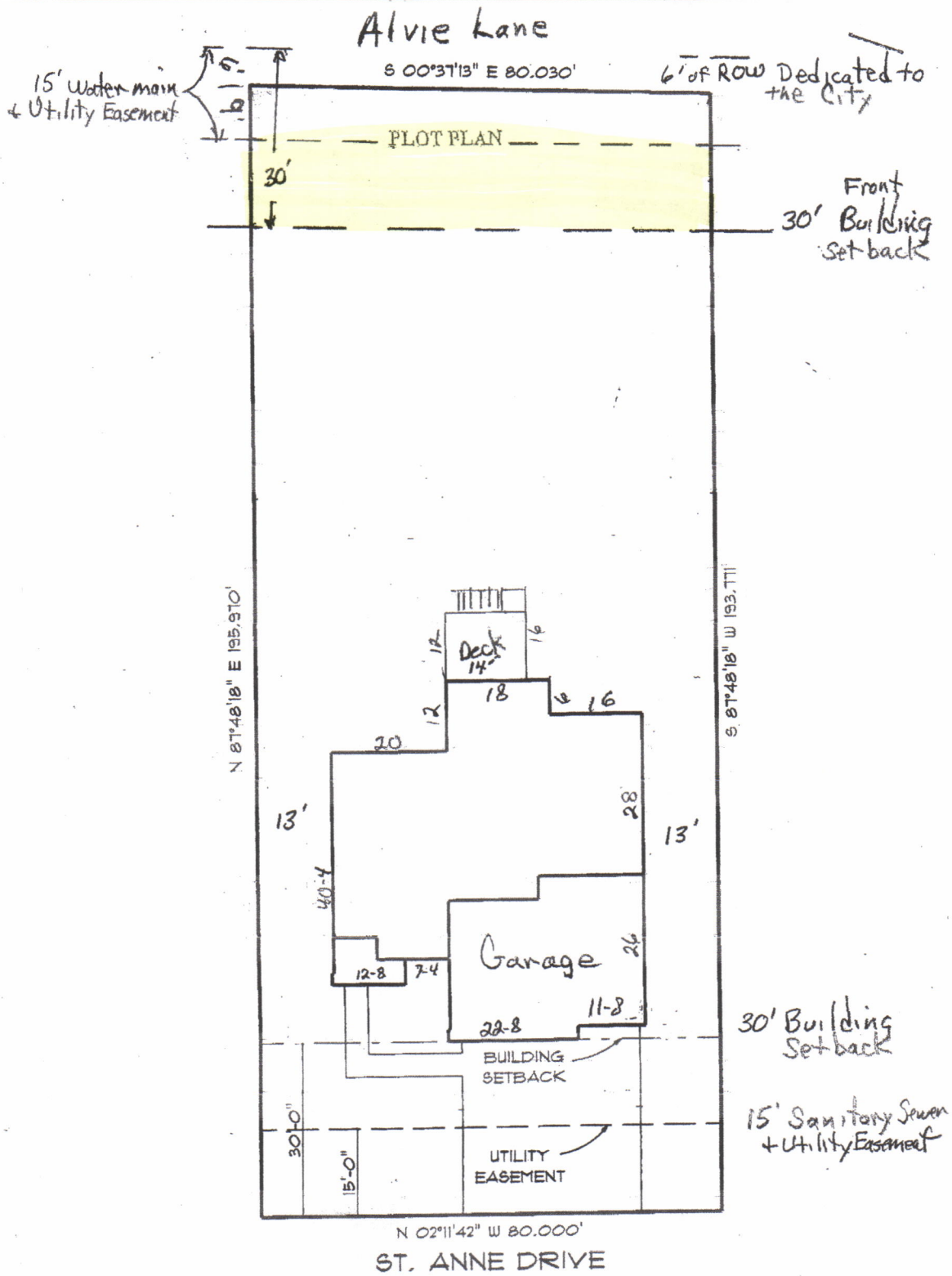
ST. ANN DRIVE

ALVIE LANE

JOSEPH WAY

SPENCER HOLLOW
FIRST ADDITION

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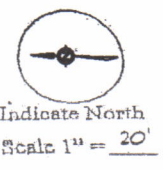


Zoning District R-1

Board of Adjustment Variance:
 no ___ yes ___ Dec/Order# _____

Permit Record:

Front setback 30
 Side setback min 5 total 10
 Rear setback 30



Legal Description Lot 4
Spencer Hollow 2nd
 Building Address 7037 St. Anne Drive
 Contractor Applestone

Prepared by & Return to James W. Abbott Jr., McClure Engineering Associates, Inc. 4700 Kennedy Drive, East Moline, Illinois 61244

ENGINEER
JAMES W. ABBOTT, JR.
McCLURE ENGINEERING ASSOC., INC.
4700 KENNEDY DRIVE
EAST MOLINE, ILLINOIS 61244
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ATTORNEY
GREG JAGER
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563-323-7737

OWNER/DEVELOPER
VEN GREEN LAND DEVELOPMENT L.L.C.
30 SAGECLIFF CT
DALLAS, TEXAS 75248

FUTURE FOREST
CITY OF BEY

ZONING AND LOT INFORMATION

CURRENT ZONING: R-1
TOTAL NUMBER OF LOTS 8
TOTAL ACREAGE OF LOTS 2.804 ACRES
TOTAL R.O.W. ACREAGE 0.074 ACRES
TOTAL SITE ACREAGE 2.878 ACRES

R-1 RESTRICTIONS:

- FRONT SETBACK: MIN. 30 FEET *
- SIDE SETBACK: MIN. 5 FEET (SUM OF 20 FEET)
- REAR SETBACK: MIN. OF 40 FEET
- HEIGHT RESTRICTION: PRINCIPAL STRUCTURE, 1-1/2 STORIES (35')
ACCESSORY STRUCTURE, 1 STORY (15')
- LOT SIZE RESTRICTIONS: 10,000 S.F. MIN., 75' LOT WIDTH
- FLOOR AREA RATIO: NOT TO EXCEED 0.4
- MINIMUM DWELLING SIZE: OCCUPIED DWELLINGS SHALL CONTAIN AT
LEAST 1,200 S.F. (1 STORY), 1,400 S.F. (2
STORY)

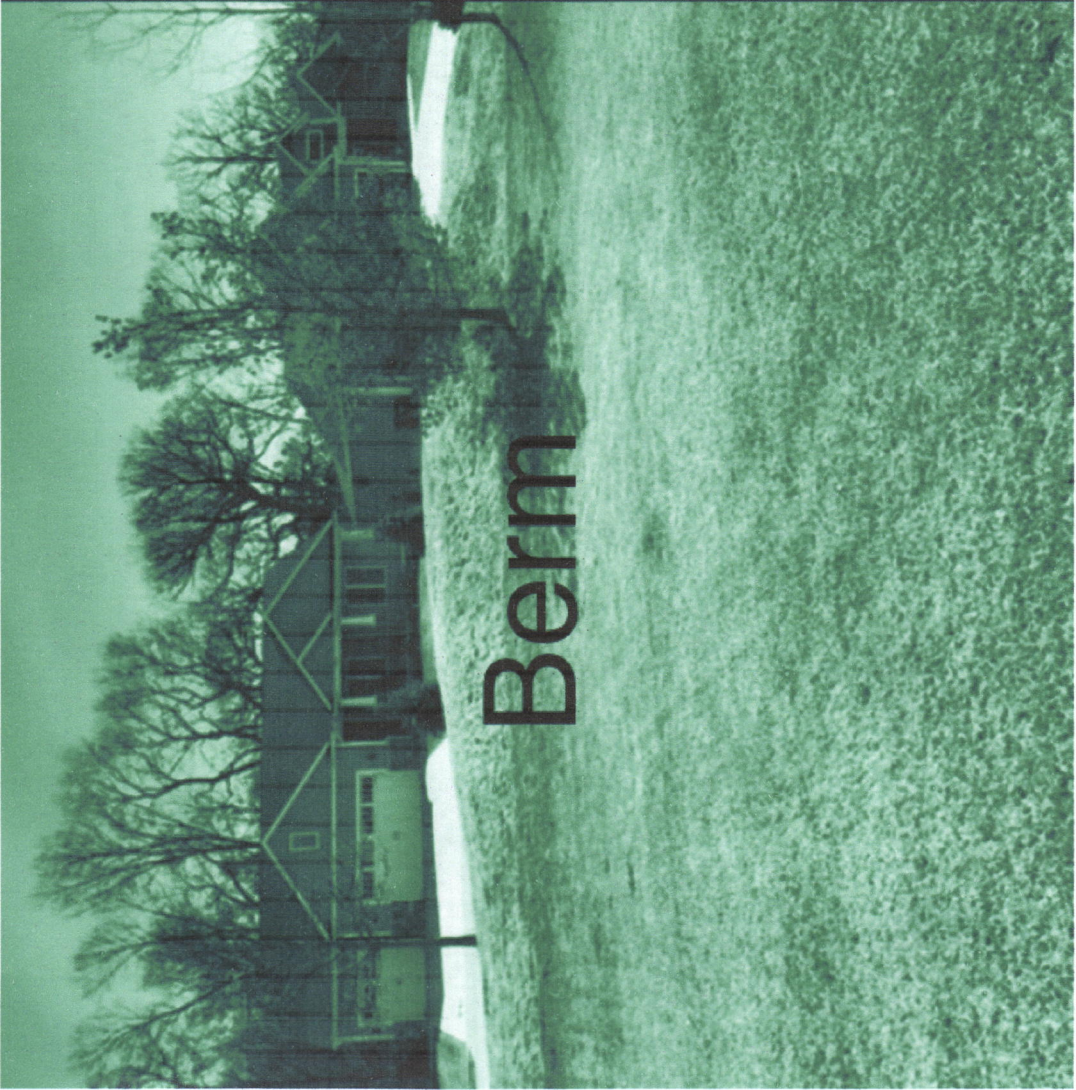
*** (FRONT YARD SETBACKS)**

THE STRUCTURES ON EACH LOT MUST BE RECESSED OR PROTRUDING IN AN ALTERNATING MANNER SUCH THAT A RATIO OF 25% TO 75% OF THE STRUCTURES ARE ALTERNATING. SETBACKS NOT SHOWN ON PLAT FOR CLARITY PURPOSES.

EASEMENT LEGEND

- *1 = UTILITY EASEMENT
- *2 = WATER MAIN & UTILITY EASEMENT
- *3 = WATER MAIN, SANITARY SEWER & UTILITY EASEMENT
- *4 = STORM SEWER & UTILITY EASEMENT
- *5 = SANITARY SEWER & UTILITY EASEMENT
- *6 = STORM SEWER, DRAINAGE & UTILITY EASEMENT
- *7 = DRAINAGE & UTILITY EASEMENT

VENGREEN LAND DEVELOPMENT
30 Stagecliff Court, Dallas, TX 75





SPRING CREEK DR

ST ANN DR

ALVIE LN

JOSEPH WAY



200 ft

POWERED BY
esri

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