

NOTICE TO THE AUDIENCE. PLEASE REMEMBER THAT IF YOU ARE INTERESTED IN MATTERS ON THE AGENDA THAT WILL HAVE SUBSEQUENT MEETINGS, IT IS YOUR RESPONSIBILITY TO NOTE THE DATES, TIMES, AND PLACES. NO FURTHER LETTERS OR REMINDERS WILL BE SENT. OF COURSE, IF YOU HAVE ANY QUESTIONS ABOUT ANY GIVEN MATTER, DO NOT HESITATE TO CONTACT THE PLANNING DEPARTMENT IN THE CITY HALL ANNEX, 4403 DEVILS GLEN ROAD, BETTENDORF, IOWA (344-4100).

**MEETING NOTICE**  
**BOARD OF ADJUSTMENT**  
**FEBRUARY 15, 2024**  
**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 December 14, 2023.
4. The Board to review and approve the 2023 Board of Adjustment Annual Report.
5. Election of officers.
6. The Board to hold a public hearing on the following case:
  - a. **Case 23-080; 1928 Tanglefoot Lane (R-2)** – Variance to reduce the required front yard setback from 25 feet to 17 feet to allow for construction of a deck, submitted by Mary Bunce. (Staff: Beck) **(Withdrawn)**
  - b. **Case 24-007; 3066 Victoria Street (C-1)**– Special Location Plan to allow off-site parking at 3333 – 18<sup>th</sup> Street to meet the minimum parking space requirement, submitted by Karilyn Uhlenkamp for Bettendorf Community School District. (Staff: Beck)



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**  
**DECEMBER 14, 2023**  
**5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Gallagher, Tombergs, Tansey, Vermillion

ABSENT: Spranger

STAFF: Beck, Fuhrman, Hunt

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of November 9, 2023.

On motion by Tombergs, seconded by Vermillion, that the minutes of the meeting of November 9, 2023 be approved as submitted.

ALL AYES

Motion carried.

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

- a. **Case 23-080; 1928 Tanglefoot Lane (R-2)** – Variance to reduce the required front yard setback from 25 feet to 17 feet to allow for construction of a deck, submitted by Mary Bunce. (Staff: Beck)

Beck reviewed the staff report.

Vermillion asked for clarification as to whether the proposed structure is a deck or a ramp. Beck stated that the purpose is to provide handicapped accessibility for the

house and that it is not merely a convenience for the owners who want to have a deck.

Tombergs asked if staff has a recommendation for a different option other than the larger deck. Beck stated that staff would be more supportive of a smaller deck with a smaller encroachment into the front yard. Hunt added that past practice has been to allow accessibility structures of a usable size but with the least incursion into the front yard as possible. He commented that the size of the encroachment would be less important if it were for a ramp, not a deck. He explained that staff's recommendation would be to allow a 3-foot by 3-foot landing which is what is indicated in the building code and is appropriate for a landing area in front of a door.

Tombergs asked if the applicant would consider the smaller landing area. Mary Bunce, the applicant, stated that she does not believe that such a small size would be adequate.

Vermillion asked whether staff believes that it would be acceptable for the deck to be built 16 feet from the property line as some others have been in the past. Hunt stated that the cases cited in the staff report were only examples and not necessarily precedent-setting for future requests. He stated that while he understands that there is an accessibility issue for the applicant, he would not be in favor of allowing such a large deck that could set a negative precedent. He added that a determination must be made as to what is a reasonable size and that he believes that a 3-foot by 3-foot landing is appropriate. Bunce reiterated that such a small landing would not be adequate for her.

Hunt suggested that the Board could defer the request so that the applicant would have an opportunity to work with the Building Department staff to determine the best way to solve the issue.

Tansey commented that the proposed 8-foot by 7-foot deck proposed by the applicant is larger than necessary to allow accessibility to the home.

Tombergs stated that she would be in favor of deferring the request so that city staff and the applicant could work together to see what other design options are available. Hunt stated that the minimum encroachment that satisfies the need for accessibility could then be found which would prevent a negative precedent's being set.

On motion by Vermillion, seconded by Tombergs, that the variance request to reduce the required front yard setback to allow construction of a deck either be deferred to the January 11, 2024 meeting or that city staff find a design for a deck with a smaller encroachment into the front yard that reasonably accommodates the applicant's accessibility needs.

ALL AYES

Motion carried.

Decision and Order is Annex #2 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:20 p.m.



# Board of Adjustment Annual Report

2023

Special Use Permits  
Variances  
Special Location Plans  
Appeals  
Miscellaneous Items



Board of Adjustment  
City of Bettendorf  
2023 Annual Report

Summary of Activities

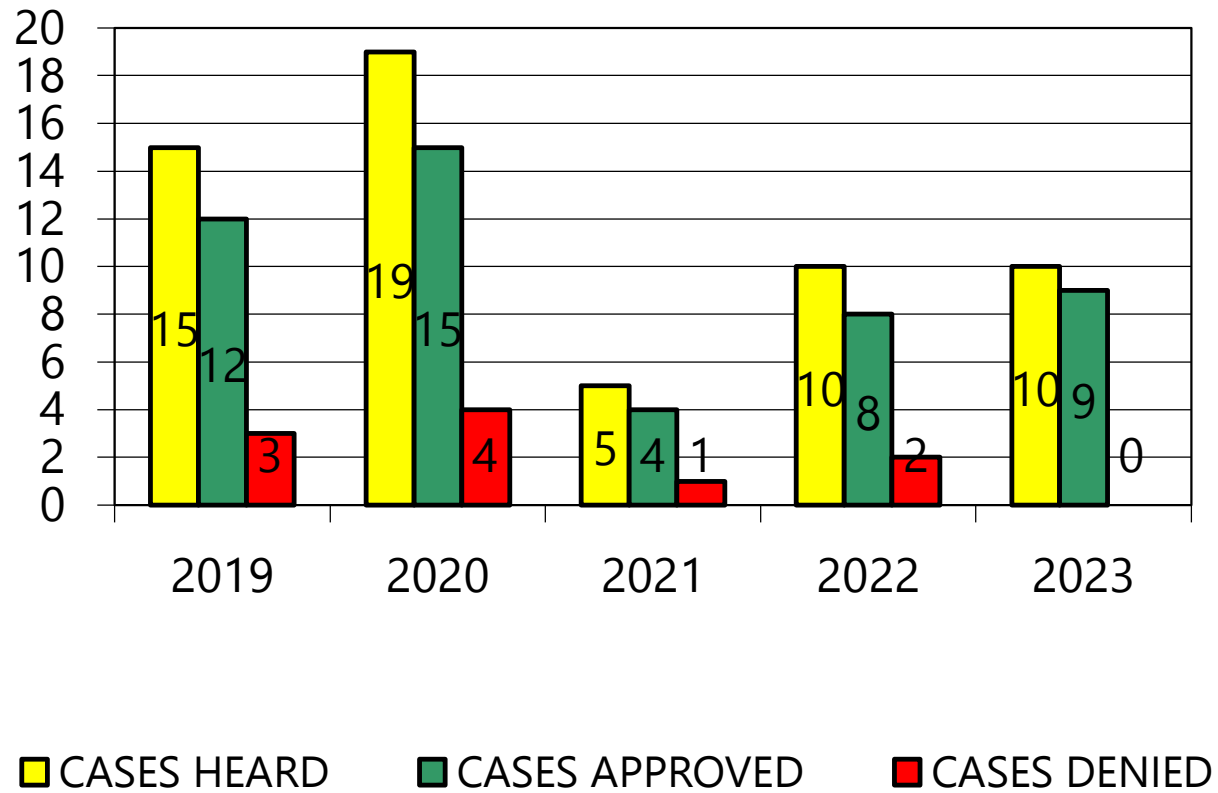
The City of Bettendorf's Board of Adjustment is a five-member board appointed by the Mayor. It is the responsibility of the Board to interpret the City's Zoning Ordinance as it applies to variances and special uses. Each month a visit to the site in question is made individually by the Board members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

The Board of Adjustment held public hearings regarding 18 cases during the year ending December 2023. Of those cases, 10 were Variance requests, 7 were Special Use Permit requests, and 1 was a request for approval of a Special Location Parking Plan which was approved. The Board granted 9 variance requests and 7 special use permits. One Variance request was deferred and subsequently withdrawn.

Board Member Listing

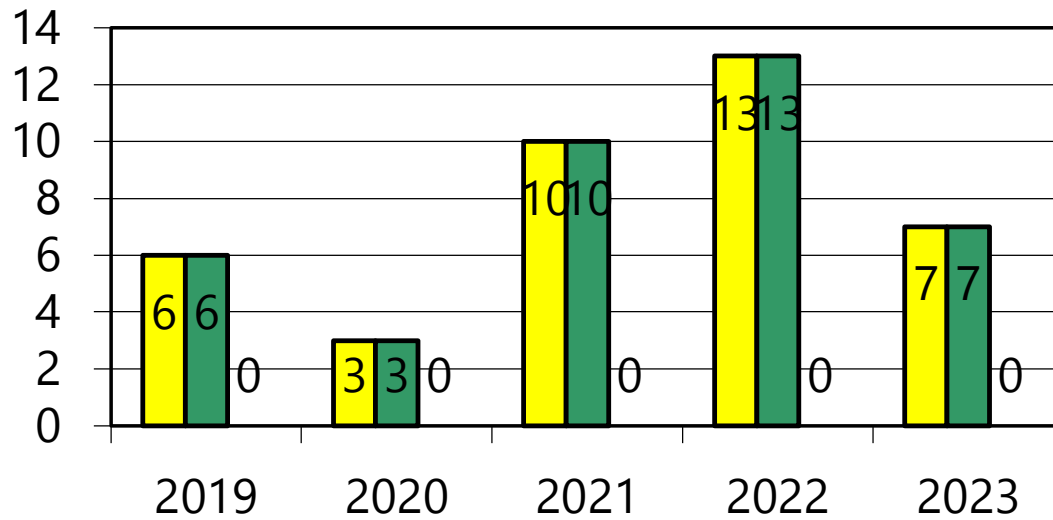
Robert Gallagher (Appointed 2/12)  
Mary Spranger (Appointed 7/12)  
Gwen Tombergs (Appointed 10/18)  
Jim Tansey (Appointed 11/19)  
Rocky Vermillion (Appointed 8/21)

## BOARD OF ADJUSTMENT ACTIVITY VARIANCES 2019 - 2023



\*One Variance request was deferred and subsequently withdrawn.

# BOARD OF ADJUSTMENT ACTIVITY SPECIAL USE PERMITS 2019 - 2023



■ CASES HEARD

■ CASES APPROVED

■ CASES DENIED

## 2023 Board of Adjustment Annual Report

<b>Case Number</b>	<b>Location</b>	<b>Request (Applicant)</b>	<b>Decision/ Date</b>
22-080	2211 Grant Street	Special use permit to allow a bar in a C-1 district. (Ben Earwood)	Granted 2/9/23
22-081	2211 Grant Street	Special use permit to allow an outdoor service area with alcohol. (Ben Earwood)	Granted with conditions 2/9/23
23-001	1101 Hillside Drive	Variance to reduce the required front yard setback along Cypress Drive from 25 feet to 7 feet to allow for construction of a 24-foot by 24-foot garage. (Jason Dummer)	Granted 1/12/23
23-002	2255 Middle Road	Variance to reduce the required front yard setback from 25 feet to 10 feet to accommodate infrastructure improvements related to the proposed community water park. (Brent Morlok/City of Bettendorf.	Granted 1/12/23
23-008	5007 – 53 <sup>rd</sup> Avenue	Special use permit to allow a car wash associated with a convenience store. (Townsend Engineering)	Granted 3/9/23
23-009	5007 – 53 <sup>rd</sup> Avenue	Special use permit to allow gas sales associated with a convenience store that is designed to include pump islands that will permit fueling of more than 8 vehicles at a time. (Townsend Engineering)	Granted 3/9/23
23-031	6722 and 6780 Friendship Path	Variance to allow parking in a required front yard. (Paul Bofelli)	Granted 5/11/23
23-032	1705 Oak Street	Special use permit to allow an electronic programmable sign in an R-2 district. (Steve Miller)	Granted 5/11/23
23-033	2207 Falcon Avenue	Special use permit to allow an outdoor service area with alcohol. (Rigoberto Herrera)	Granted 5/11/23
23-035	Lot 1, Creek Ridge Estates Third Addition	Variance to reduce the required side yard setback from 21 feet to 7.5 feet. (Axiom Consultants/Brian Boelk)	Granted 5/11/23
23-039	1040 State Street	Special use permit to allow an outdoor service area with alcohol. (Jonathan Manatt)	Granted 6/15/23
23-041	250 – 35 <sup>th</sup> Street	Variance to reduce the required front yard setback from 50 feet to 20 feet. (Focus Real Estate Development)	Granted 6/15/23

## 2023 Board of Adjustment Annual Report

<b>Case Number</b>	<b>Location</b>	<b>Request (Applicant)</b>	<b>Decision/Date</b>
23-042	Adjacent to 204 – 36 <sup>th</sup> Street	Variance to reduce the required front yard setback along 35 <sup>th</sup> Street from 50 feet to 20 feet, to reduce the front yard setback along Depot Street from 50 feet to 15 feet, and to reduce the required street yard landscaping. (Barton Solvents)	Granted 6/15/23
23-045	1227 Broadlawn Avenue	Variance to reduce the required front yard setback from 30 feet to 24 feet to allow for construction of a garage. (Doug Anderson/Drafting Solutions)	Granted 7/13/23
23-052	2211 Grant Street	Special Location Plan to allow 3 offsite parking spaces to be used to meet the requirement of 35 total parking spaces for a bar. (Ben Earwood/EFH, LLC)	Granted 8/10/23
23-074	Lot 2, Coreline Addition	Variances to reduce the required rear yard setback from 25 feet to 7 feet, to reduce the required front yard setback from 25 feet to 12 feet, to reduce the required buffer on the northern lot line from 30 feet to 5 feet, and to reduce the required side yard setback from 5 feet to 2 feet to accommodate parking. (Webster Properties, LLC)	Granted 11/9/23
23-077	5235 Competition Drive	Variance to allow parking in the required front yard. (Jason Steward of Frontier Hospitality Group)	Granted 11/9/23
23-080	1928 Tanglefoot Lane	Variance to reduce the required front yard setback from 25 feet to 17 feet to allow for construction of a deck. (Mary Bunce)	Withdrawn

## STAFF REPORT

**Subject:** Special Location Parking Plan  
**Author:** Greg Beck  
**Department:** Community Development  
**Date:** February 15, 2024



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**Case No.:** 24-007  
**Request:** Allow off street parking requirement to be met on nearby parking lot  
**Location:** 3066 Victoria Street and 3333 - 18<sup>th</sup> Street  
**Legal Description:** (Parcels 841639001 - school and 841655307 - academy)  
**Applicant:** Karilyn Uhlenkamp, Bray Architects for Bettendorf Community School District  
**Current Zoning:** R-1, Single Family Residence District and C-1, Neighborhood Commercial District  
**Future Land Use:** UMI - Urban Medium Intensity and ULI - Urban Low Intensity

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### Background Information & Facts

Karilyn Uhlenkamp, Bray Architects, has submitted a Special Location Plan to permit some of the required off-street parking for 3066 Victoria Street to be located in the Bettendorf High School parking lot at 3333 - 18<sup>th</sup> Street (see Aerial Site Photo, Attachment A). The proposed location for an alternative high school containing additional classroom space includes parking to be used by school employees. The current site is governed by UMI land use, and the site of the proposed parking is governed by ULI land use (see Future Land Use Aerial, Attachment B). The zoning permitted under the most restrictive land use (ULI) supports the zoning classes of both locations (see Zoning Aerial, Attachment C). Each educational activity and associated parking on the separate parcels are permitted.

The Planning and Zoning Commission recommended approval of the site development plan for enlarging the former financial services building to accommodate extra classroom space for high school aged students (see Site Development Plan, Attachment D). The City Council will consider the site development plan after the Board of Adjustment makes its ruling. The addition to the structure shall add four classrooms (see Architectural Design, Attachment E). The southwest side of the building is where the addition will be constructed for the four classrooms (see Site Photo, Attachment F). An ADA required crosswalk is also necessary for student access from the high school parking lot to the alternative high school building (see Crosswalk Location, Attachment G).

### Staff Analysis & Recommendations

Eighteen parking spaces are located at 3066 Victoria Street and will be used by Bettendorf Community School District employees. The maximum number of students that could be enrolled in the alternative school program is 70, according to the applicant. Typically, 50-60 students will participate in the program. 30 students who normally would attend Bettendorf High School would already use the high school parking lot. At most 40 students from outside the district would account for an overage of use in the Bettendorf High School parking lot.

The zoning ordinance provision governing the process for permitting off-site parking on closely located parcels is **11-11-3: Location**. The Board of Adjustment makes the determination as to whether a Special Location Plan is approved for two or more parcels. The parking area for the off-site location must be no further removed than 300 from the parcel being served if the parcel is commercially zoned. The alternative learning building and high school parking lot are separated by less than the required 300 feet (170 feet). For purposes of parking on site at the high school, the south lot contains 324 parking spaces. Additional student parking on the north side of the high school totals 594 spaces. Parking requirements for high school locations entail:

**Table 11-13-7B1: Minimum Off-Street Parking Requirements**

<b>Secondary Education</b>	
-High School	One parking space shall be provided for each four students in the eleventh and twelfth grades (based on the maximum number of students that the facility is designed to handle at any one time), plus one for each two employees. Parking spaces equal to one-fifth (1/5) the capacity of any place of assembly will be required if provided in the school.

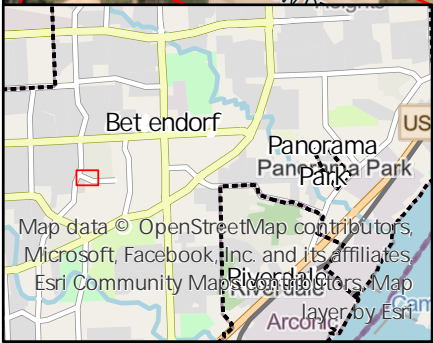
The parking calculation is:  $70 \text{ students} / 4 = 18$  additional parking spaces. These spaces would be easily accommodated by the large parking capacity found in the south parking lot. If accounting for the 30 students of high school age who would normally attend Bettendorf High School the number would be  $70 - 30 = 40 / 4 = 10$  additional spaces. Parking by students attending the alternative school will not be used every day, because of the staggered hours classes meet at the alternative school. The parking increases required would be minimal.

**Staff Recommendation**

The use of the south parking lot to accommodate additional parking for 3066 Victoria Street meets the distance, permission requirements and extra parking capacity on the high school lot for Board approval. Staff would therefore recommend approval of the Special Location Plan for 3066 Victoria Street and 3333 18<sup>th</sup> Street.

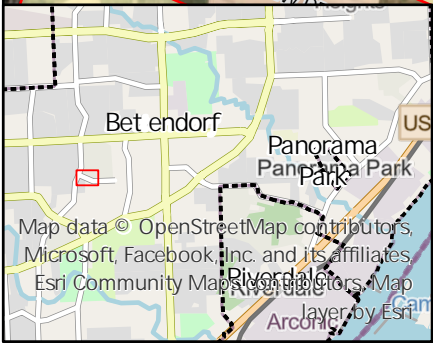
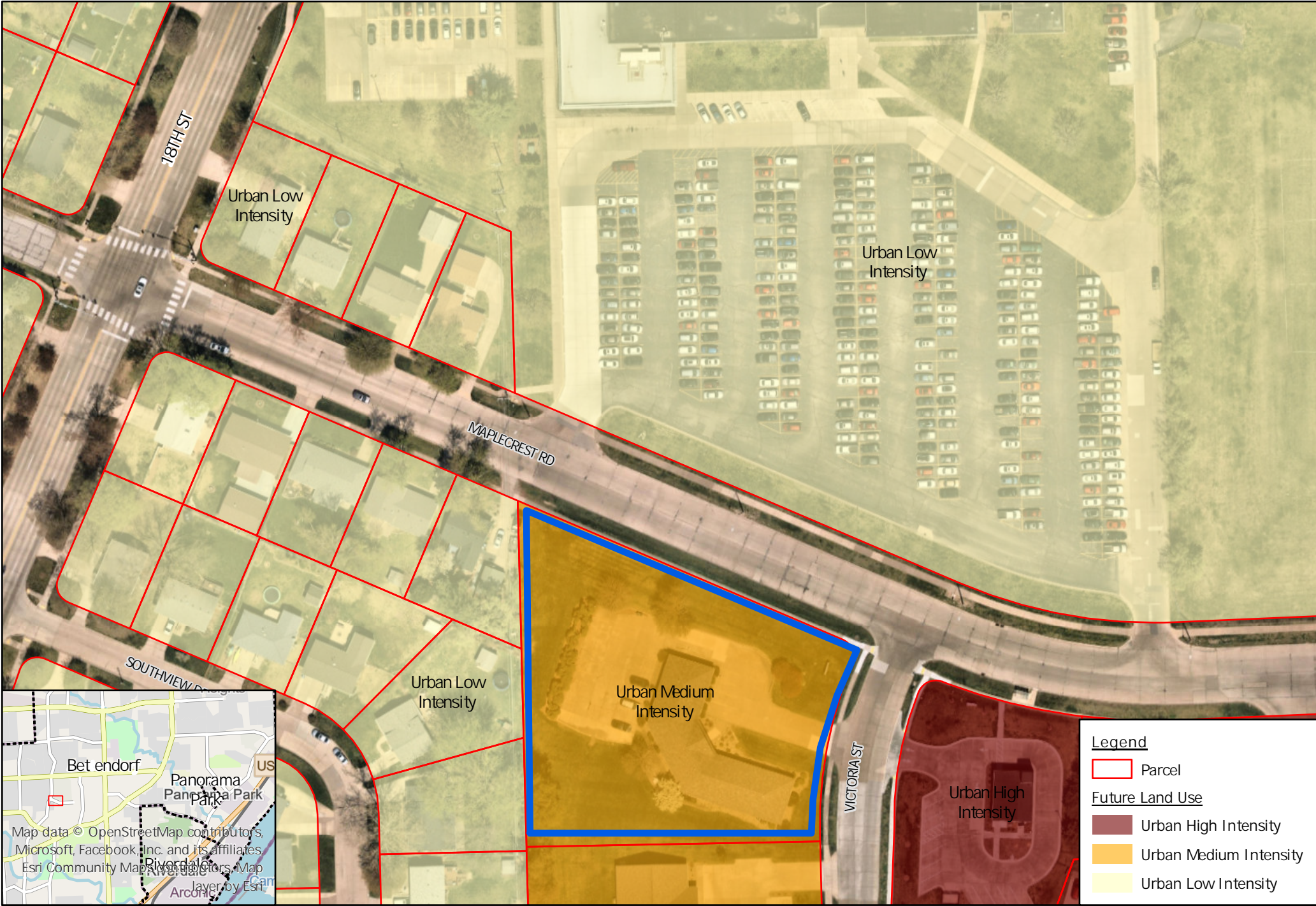
Respectfully submitted,

Greg Beck  
City Planner



**Legend**

Parcel

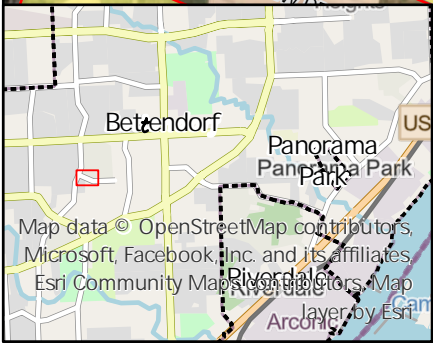
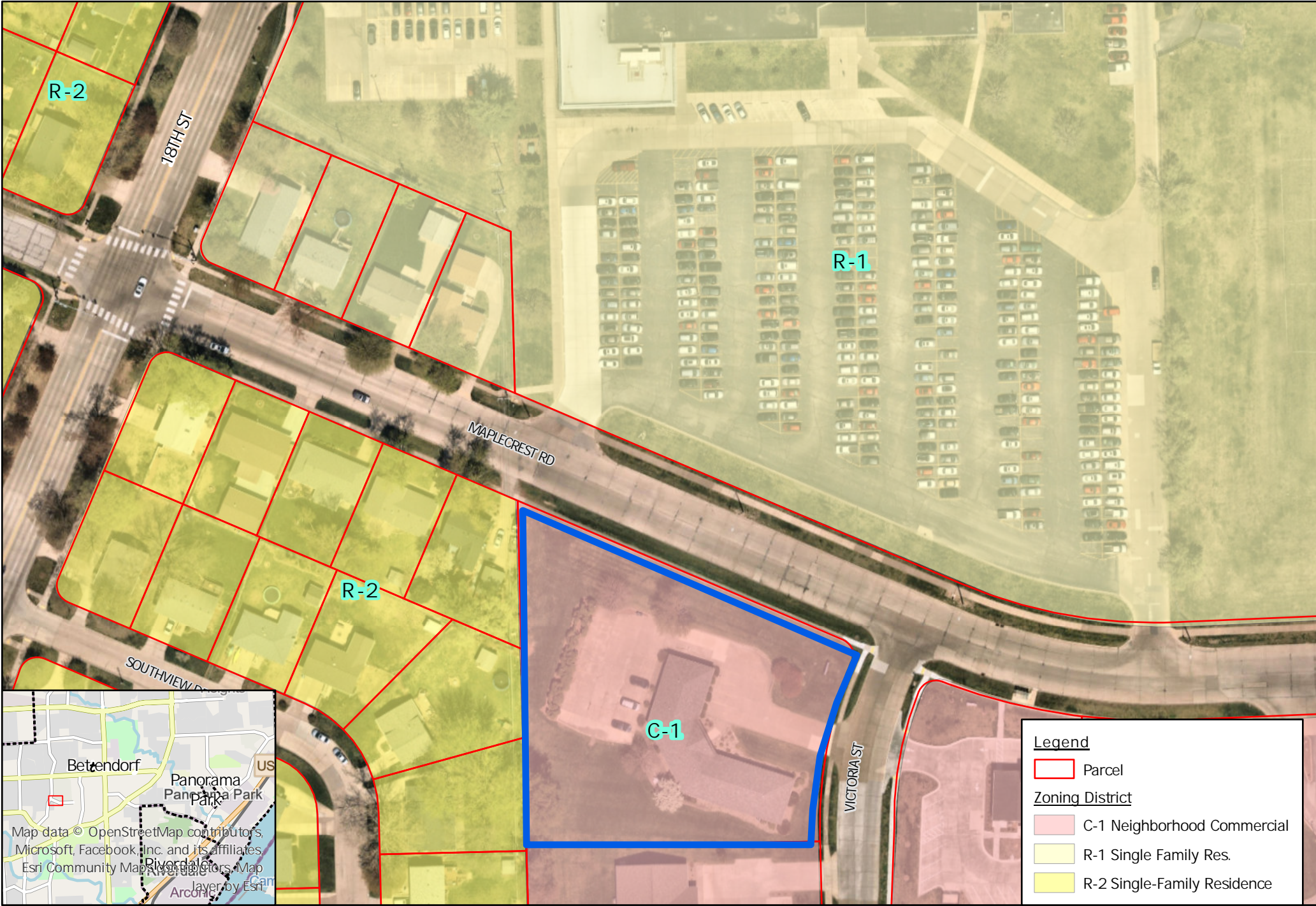


**Legend**

- Parcel

**Future Land Use**

- Urban High Intensity
- Urban Medium Intensity
- Urban Low Intensity



**Legend**

- Parcel

**Zoning District**

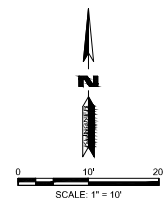
- C-1 Neighborhood Commercial
- R-1 Single Family Res.
- R-2 Single-Family Residence

- KEY NOTES:**
- 1 ACCESSIBLE PARKING STALL
  - 2 SIDEWALK
  - 3 CROSSWALK
  - 4 CURB RAMP
  - 5 STAIRS
  - 6 ACCESSIBLE RAMP
  - 7 STORMWATER DETENTION
  - 8 NEW DOMESTIC WATER SERVICE
  - 9 NEW FIRE FLOW SERVICE

- PAVEMENT LEGEND**
- 6.5" CONCRETE PAVEMENT  
OR 5" SIDEWALK (DETAIL 3/C5.1)

- PAVEMENT JOINT LEGEND**
- EXPANSION JOINT (EJ)
  - TIED JOINT (TJ OR DJ)
  - SAWED JOINT (SJ)

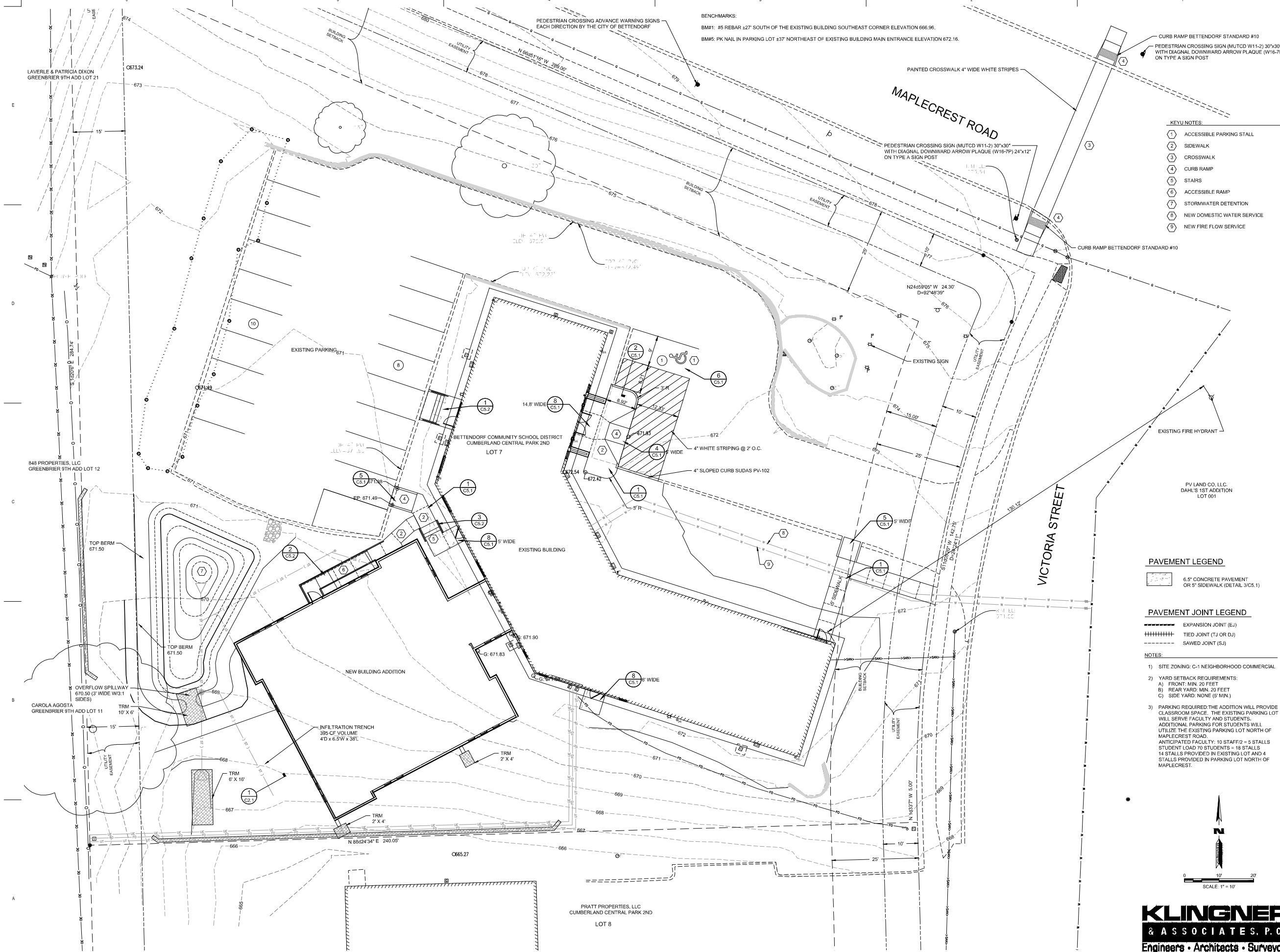
- NOTES:**
- 1) SITE ZONING: C-1 NEIGHBORHOOD COMMERCIAL
  - 2) YARD SETBACK REQUIREMENTS:  
A) FRONT: MIN. 20 FEET  
B) REAR YARD: MIN. 20 FEET  
C) SIDE YARD: NONE (5' MIN.)
  - 3) PARKING REQUIRED THE ADDITION WILL PROVIDE CLASSROOM SPACE. THE EXISTING PARKING LOT WILL SERVE FACULTY AND STUDENTS. ADDITIONAL PARKING FOR STUDENTS WILL UTILIZE THE EXISTING PARKING LOT NORTH OF MAPLECREST ROAD. ANTICIPATED FACULTY: 10 STAFF/2 = 5 STALLS STUDENT LOAD: 70 STUDENTS = 18 STALLS 14 STALLS PROVIDED IN EXISTING LOT AND 4 STALLS PROVIDED IN PARKING LOT NORTH OF MAPLECREST.



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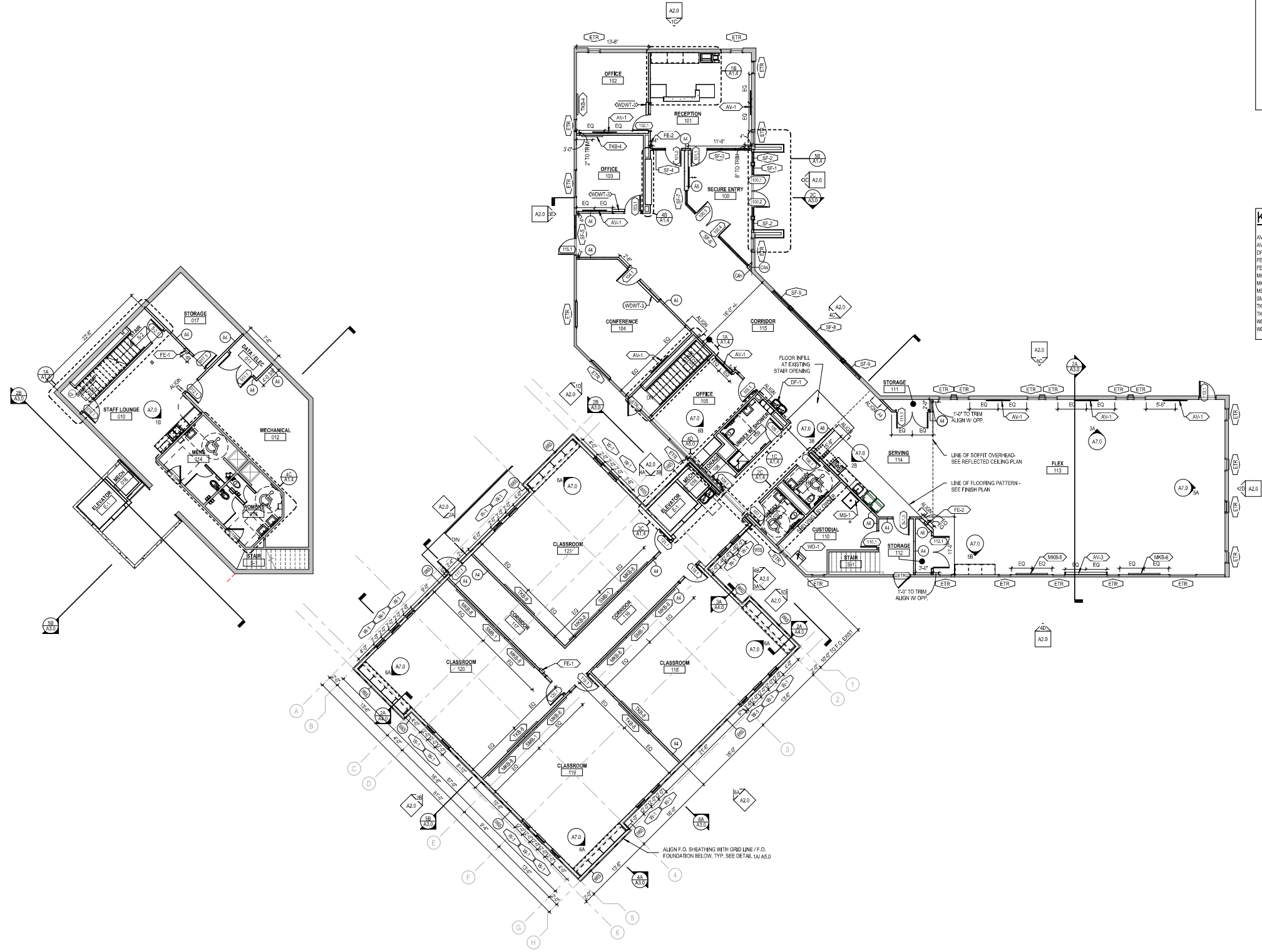


LAVERLE & PATRICIA DIXON  
GREENBRIER 9TH ADD LOT 21

848 PROPERTIES, LLC  
GREENBRIER 9TH ADD LOT 12

CAROLA AGOSTA  
GREENBRIER 9TH ADD LOT 11

PRATT PROPERTIES, LLC  
CUMBERLAND CENTRAL PARK 2ND  
LOT 8



**GENERAL NOTES**

- DO NOT SCALE FROM DRAWINGS.
- EXISTING CONDITIONS: EXISTING CONDITIONS SHOWN ON DRAWINGS REPRESENT CURRENT BUILDING. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY EXISTING CONDITIONS PRIOR TO PERFORMING WORK. REPORT ANY DISCREPANCIES TO THE ARCHITECT FOR REVIEW. WORK DONE WITHOUT RESOLUTION OF DISCREPANCIES MUST BE REDONE AT THE REQUEST OF THE ARCHITECT AT NO ADDITIONAL COST TO THE CONTRACT.
- REFER TO SHEET AG1.0 FOR WALL TYPES. REFER TO SHEET G0.1 FOR RATED WALL LOCATIONS.
- REFER TO SHEET AG1.0 FOR TYPICAL MOUNTING HEIGHTS. REFER TO INTERIOR ELEVATION SHEETS FOR ROOM SPECIFIC FURNITURE MOUNTING HEIGHTS.
- DIMENSIONS FOR INTERIOR STUD WALLS ARE TO FACE OF WALL. EXTERIOR STUD WALLS ARE DIMENSIONED TO INTERIOR FACE OF STUD. CMU WALLS ARE DIMENSIONED TO FACE OF WALL.
- IDENTIFY ALL RATED WALLS AND PARTITIONS WITH PAINTED LETTERING THAT READS "FIRE AND/OR SMOKE BARRIER - PROTECT ALL OPENINGS ABOVE CEILING. LETTERING TO BE LOCATED WITHIN 18 FEET OF THE END OF EACH WALL AND AT INTERVALS NOT EXCEEDING 38'-0" O.C. HORIZONTALLY. BOTH SIDES OF WALL LETTERING TO BE NOT LESS THAN 3" IN HEIGHT WITH A 3/8" MINIMUM STROKE IN A CONTRASTING COLOR. SEE SHEET G0.1 PLANS FOR LOCATION OF RATED WALLS.
- REFER TO REFLECTED CEILING PLANS & CLERESTORY PLANS FOR LOCATION OF ALL WINDOW TREATMENTS.
- REQUIRED MEANS OF EGRESS FROM THE EXISTING BUILDING SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION WHEN THE BUILDING REMAINS OCCUPIED. IN THE EVENT THAT AN EXISTING MEANS OF EGRESS CANNOT BE MAINTAINED, CONTRACTOR SHALL PROVIDE AN APPROVED TEMPORARY MEANS OF EGRESS.

**KEYNOTE LEGEND**

- AV-1 FLAT SCREEN MONITOR, WALL MOUNTED - FURNISHED AND INSTALLED BY OWNER
- AV-3 OPERABLE WALL MOUNTED SCREEN
- DF-1 ELECTRIC WATER COOLER - SEE PLUMBING
- FE-1 FIRE EXTINGUISHER AND SEMI-RECESSED CABINET
- FE-2 FIRE EXTINGUISHER AND FULL-RECESSED CABINET
- MKB-6 MARKER BOARD - 6' X 4'
- MKB-8 MARKER BOARD - 8' X 4'
- MS-1 SERVICE SIGN - SEE PLUMBING
- SMB-1 SMART BOARD - FURNISHED BY OWNER, INSTALLED BY CONTRACTOR
- TKB-4 TACK BOARD - 6' X 4'
- TKB-8 TACK BOARD - 8' X 4'
- WD-1 WANDER DRIVER STACKED UNIT - BY OWNER
- WDWT-3 WINDOW TREATMENT ON DOOR SIDELITE (MANUAL ROLLER SHADE) - SEE INTERIOR FINISH LEGEND



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Project Title:  
**Addition & Renovation to  
Bettendorf Alternative HS  
Bettendorf Community School District**  
3066 Victoria St.  
Bettendorf, IA 52722

REVISIONS:

DATE	DESCRIPTION

**NOT FOR  
CONSTRUCTION**

Project Number:  
**3665**

Issued For:  
**50%  
CONSTRUCTION  
DOCUMENTS**  
11/21/2023

Sheet Title:  
**FLOOR PLANS**

Sheet Number:  
**A1.1**

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Autodesk Civil 3D 2023, Bettendorf Community School District, Bettendorf Alternative High School, 3066 Victoria St, A1.1.dwg, 11/21/2023 3:38:39 PM

**6A LEVEL 00**  
A1.1 Scale: 1/8" = 1'-0"

**5A LEVEL 01**  
A1.1 Scale: 1/8" = 1'-0"

VIEW FROM SOUTHWEST VIEWING ADDITION AREA AND PARKING



VIEW OF BUILDING FROM MAPLECREST LOOKING SOUTH



VIEW OF FUTURE ACCESS CROSSWALK LOCATION ADA DESIGN



FUTURE  
EDUCATIONAL  
ACADEMY  
LOCATION

CROSSWALK AREA