

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**  
**AUGUST 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 July 11, 2024.
4. The Board to hold a public hearing on the following cases:
  - a. **Case 24-053; 2460 State Street (C-3)** – Special Use Permit for an outdoor service area with alcohol, submitted by Judith Mariscal. (Staff: Beck), (Deferred to meeting of September 12, 2024)
  - b. **Case 24-054; 3077 – 48<sup>th</sup> Avenue (R-2)** – Variance/Exception to allow a 5-foot-high fence in a required front yard along Davis Street, submitted by Kyle Pfitzenmaier. (Staff: Beck)
  - c. **Case 24-059; Lots 2 and 3, Hopewell Farm Second Addition (R-3)** – Exception to reduce the required minimum size and width of lots to allow for construction of townhomes, submitted by Scott Wilson for CT Creek. (Staff: Hunt)
  - d. **Case 24-060; 2834 Villa Court (R-5)** – Exception to reduce the required rear yard setback from 25 feet to 16 feet to allow construction of a deck, submitted by Tarikere Kumar. (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**  
**JULY 11, 2024**  
**5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Tansey, Tombergs, Vermillion

ABSENT: Gallagher, Spranger

STAFF: Beck, Fuhrman, Hunt, Knepp

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of June 13, 2024.

On motion by Tansey, seconded by Vermillion, that minutes of the meeting of June 13, 2024 be approved as submitted.

ALL AYES

Motion carried.

Hunt introduced the Community Development Department intern Jacob Knepp.

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

- a. **Case 24-047; 1740 State Street (C-3)** – Special Location Parking Plan to allow part of the required number of parking spaces to be located off-site submitted by Jason Sturtevant. (Staff: Beck)

Beck reviewed the staff report. Hunt clarified the provision in the City Code related to parking requirements for the downtown area and provided details regarding the specific request for the site in question.

Tansey asked if the applicant has had any discussions with the property owners to the south regarding parking as it is likely that customers will park there and leave their vehicles rather than use the public parking locations that are available. Jason Sturtevant, the applicant, commented that people currently park on his property and that he will post signage identifying his spaces. Tombergs commented that most of the businesses on the south side of State Street close between 5:00 and 7:00 p.m. Sturtevant concurred, adding that there are also on-street parking spaces available.

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

On motion by Vermillion, seconded by Tansey, that a Special Location Parking Plan to allow part of the required number of parking spaces to be located off-site be approved subject to staff recommendations and in accordance with the Decision and Order.

ALL AYES

Decision and Order is Annex #2 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:10 p.m.

## STAFF REPORT

**Subject:** Board of Adjustment - Variance  
**Author:** Greg Beck  
**Department:** Community Development  
**Date:** December 14, 2023

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**Case No.:** 23-054  
**Request:** Variance/Exception to permit a 5-foot-high fence in a front yard setback  
**Location:** 3077 48 th Avenue  
**Legal Description:** Lot 18 , Schafer Farms First Addition (Parcel #: [841049318](#))  
**Applicant:** Kyle Pfitzenmaier  
**Current Zoning:** R-2, Single Family Residence District  
**Future Land Use:** Neighborhood Light

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### Background Information & Facts

The fence contractor for the project at 3077 48<sup>th</sup> Avenue is requesting a variance or exception to permit a five-foot-high fence in the front yard setback. The fence in question has already been built. In addition to exceeding the height limit, the fence encroaches nine feet into the front yard setback. Prior to construction, the contractor requested a permit from the City Building Division, but was not issued a permit due to the height discrepancy and encroachment issue. The encroachment area is highlighted on the plot plan submitted with the permit application

The involved lot is zoned R-2 with Neighborhood Light future land use designation. The lot is located in an established single-family neighborhood and has frontages on 48<sup>th</sup> Avenue and Davis Street. Both 48<sup>th</sup> Avenue and Davis Streets are residential roads.

### Staff Analysis & Recommendations

A clear precedence has been established regarding fences not bordering a collector street or arterial street right-of-way. Variance or exception requests rejected by the Board of Adjustment for fences not located along collector or arterial streets include:

- 7054 St Anne Drive 5 feet in height (2022)
- 7037 St Anne Drive 5 feet in height (2022)
- 2624 Rosehill Avenue 6 feet in height (2016)
- 4287 Happiness Lane 6 feet in height (2016)
- 4889 Allen Road 6 feet in height (2014)

Staff could not find variances or exceptions granted for the placement of a greater than four-foot-high fence along streets that were not collector or arterial streets.

The zoning ordinance at 11-12-15D.3. a.-c., requires an unnecessary hardship be found in order to grant a variance. To establish an unnecessary hardship, a property owner must show all of the following elements:

- The land in question cannot yield a reasonable return from any use permitted by the regulations of the district in which the land is located.

- The plight of the owner is due to unique circumstances not of the owner's own making, which unique circumstances must relate specifically to the land in question and not to general conditions in the neighborhood.
- The *use* to be authorized by the variance will not alter the essential character of the locality of the land in question.

Staff does not find the first two conditions being met. Also, the third provision regarding the use of the ground is not in question.

**Staff Recommendation**

Staff opposes the requested variance/exception. The petitioner has not demonstrated the necessary hardship for a variance, nor are the related road frontages classified as collectors or arterials, which would allow for increased height. Approving it as an exception to the code under 11-15-12, D.2 would not be consistent with the code's intent, as the code provides clear language for when fences may exceed the four-foot height restriction in the front yard. This can be found 11-11B-12, L.

Staff is not opposed to a placement of the fence 25 feet behind the property line at five feet in height. Another remedy is the reduction of the fence height to 4 feet, as was the prior fence height.

Respectfully submitted,

Greg Beck  
City Planner

List of Attachments:

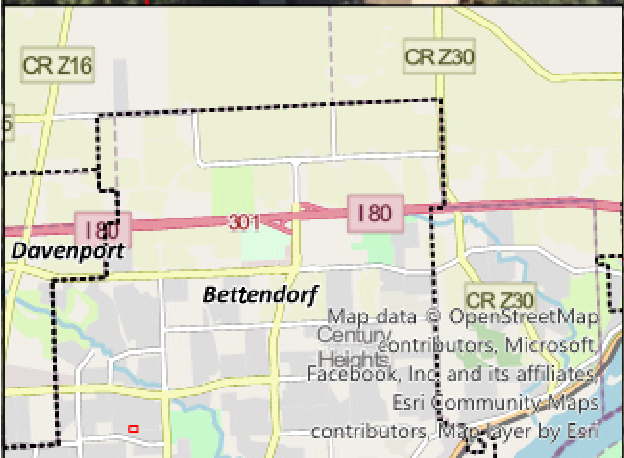
- A – Aerial Location Map
- B – FLUM and Zoning Map
- C – Comparison Site Photos
- D – Current Site Photo
- E – Plot Plan



3077  
48th Ave.

DAVIS ST

48TH AVE

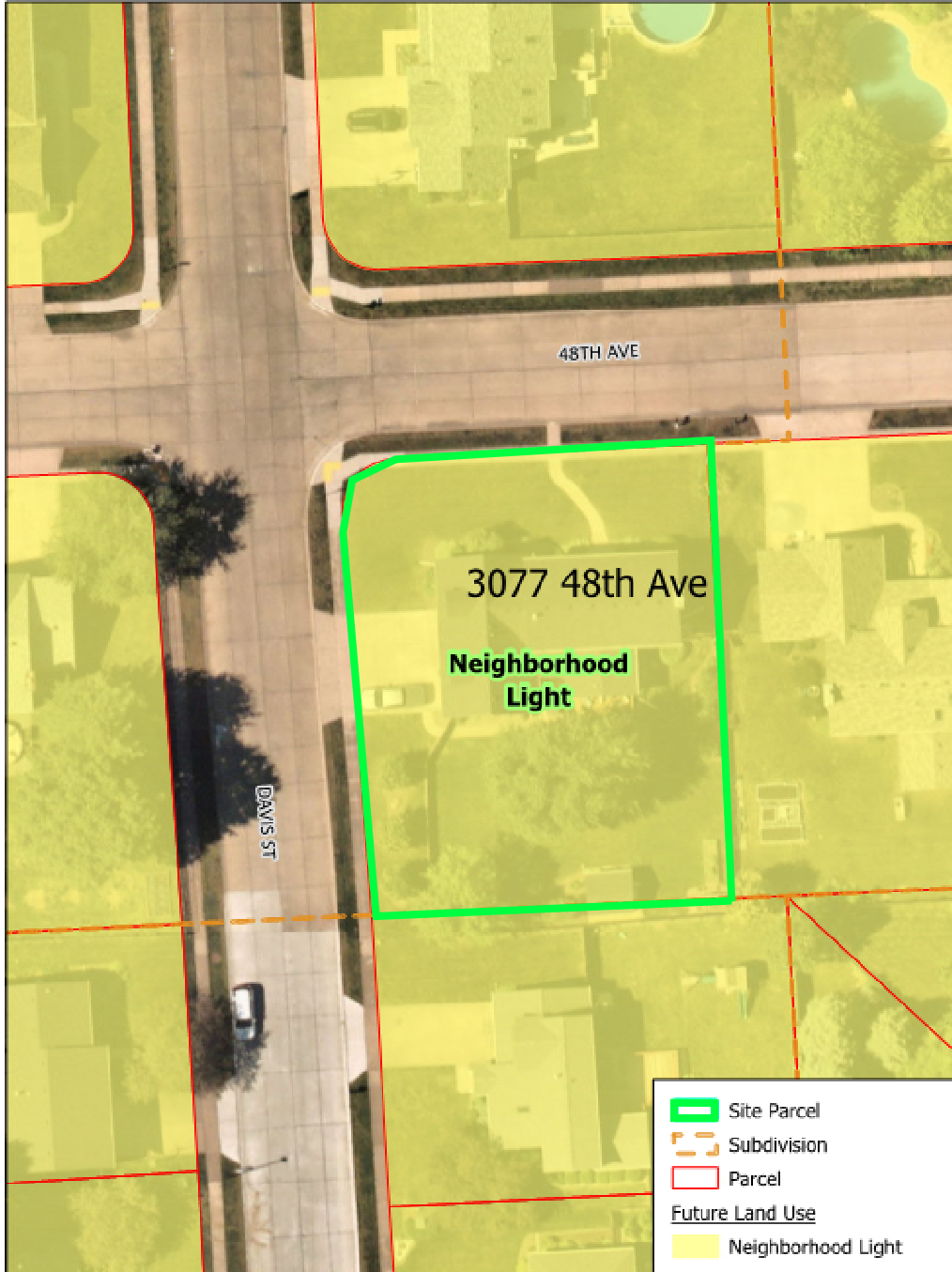


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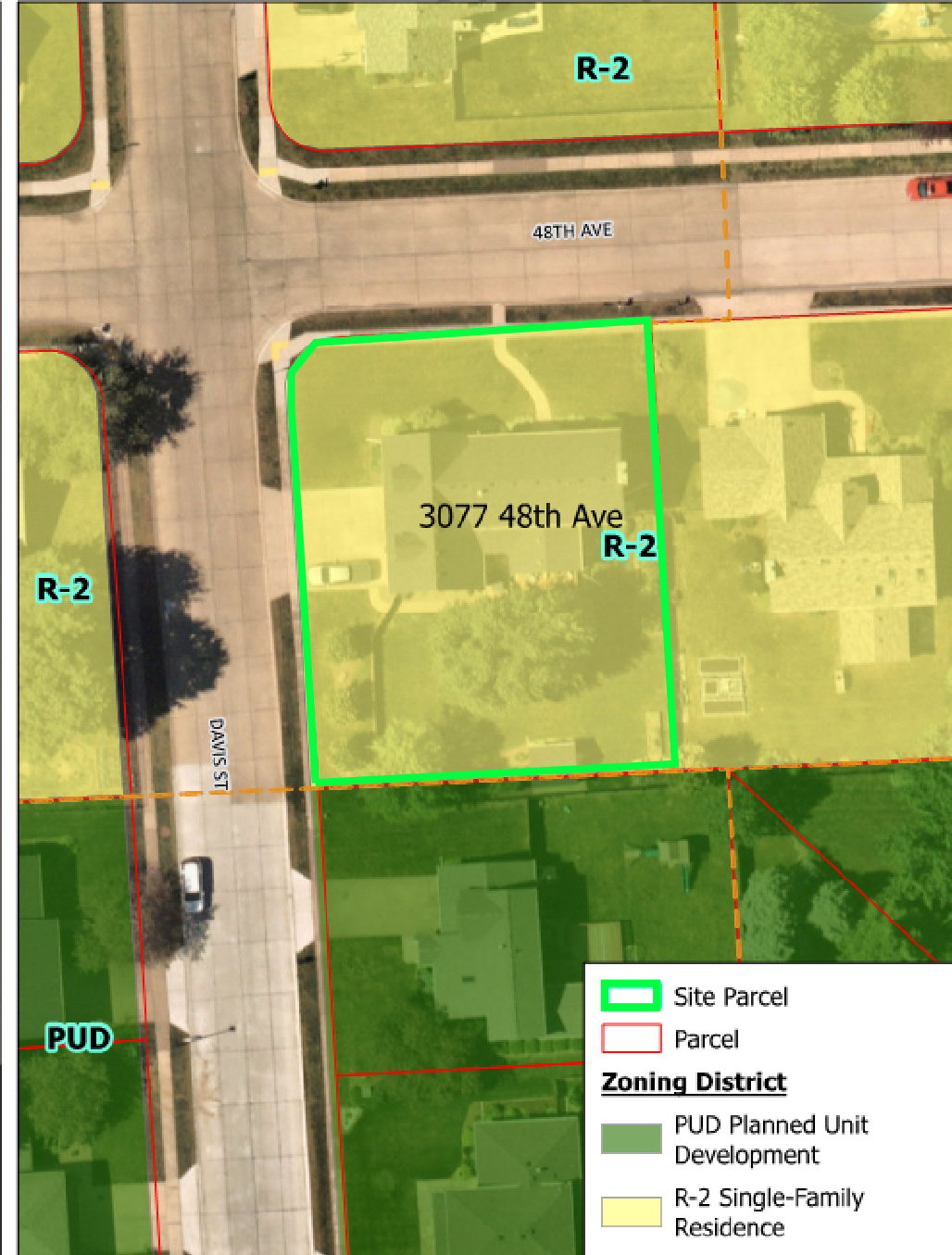
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[Red outline] Parcel

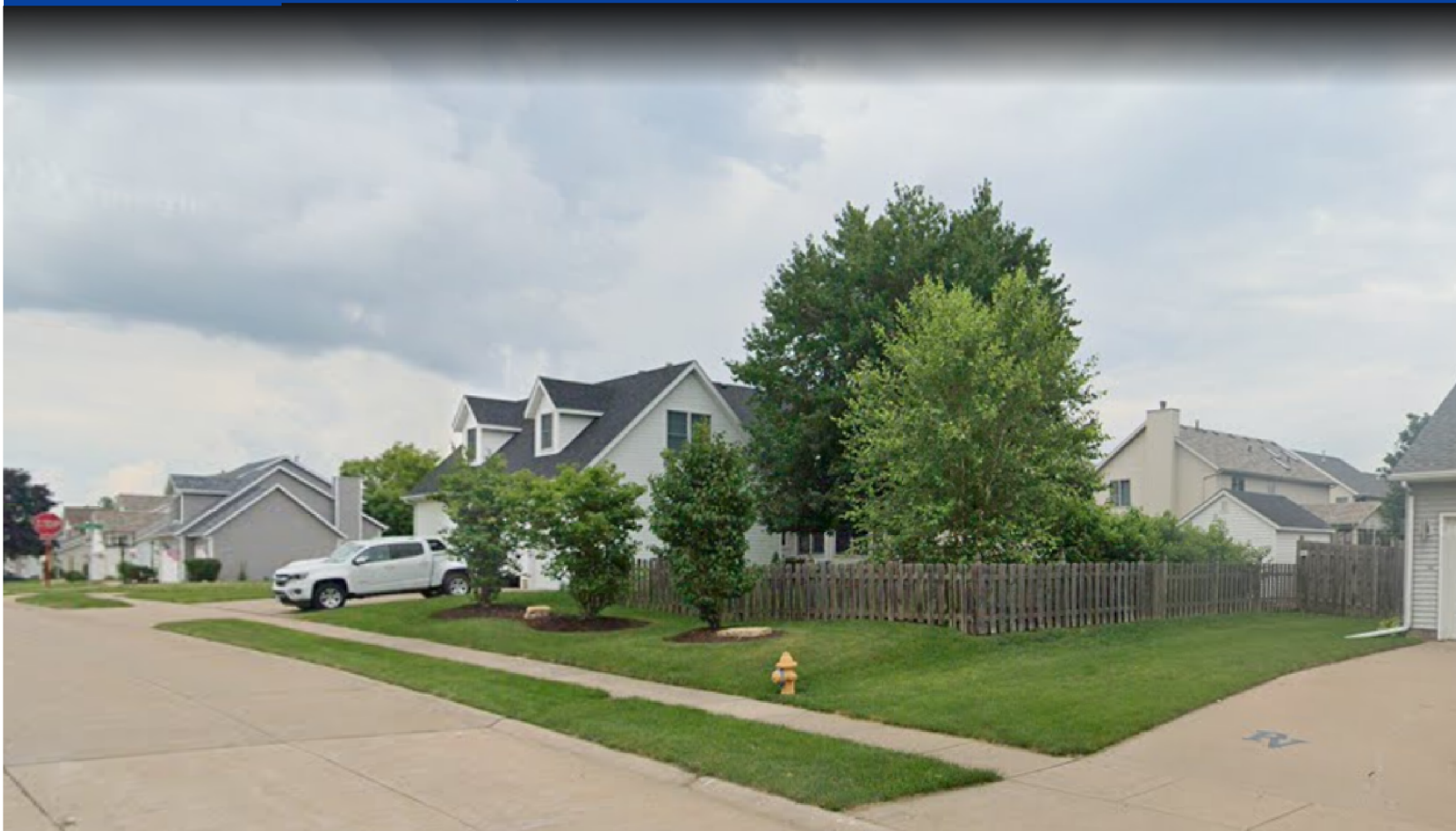


**Future Land Use**



**Zoning (Current)**





07/18/2024 12:48

DAVIS STREET FRONT YARD FENCE SETBACK ENCROACHMENT



PLOT PLAN

CURRENT ZONING DISTRICT R-2

COST BREAKDOWN

BUILDING	<u>100,000</u>
ELECTRICAL	<u>4,000</u>
HEATING & A/C	<u>7,000</u>
PLUMBING	<u>9,000</u>
TOTAL:	<u>120,000</u>

YARD REQUIREMENTS: (In feet)

Front 25

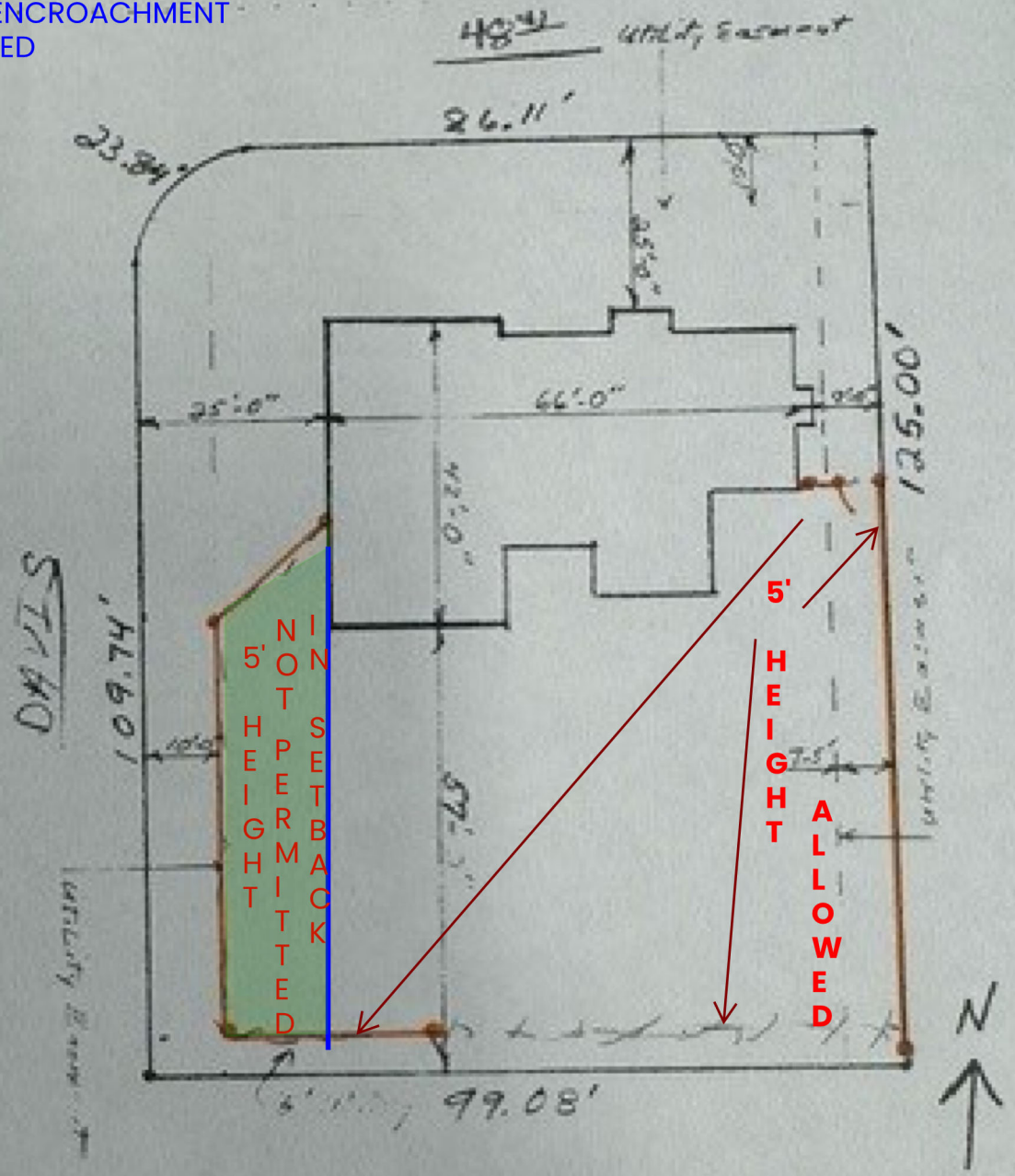
Side Min 5 Total 15

Rear 25

BOARD OF ADJUSTMENT VARIANCE:

No X Yes      Dec & Order #     

APPLICANT'S PLOT PLAN FOR 5 FOOT HIGH FENCE  
 HIGHLIGHTING ENCROACHMENT  
 NO PERMIT ISSUED



PERMIT RECORD

<u>1 house</u>	<u>94-1224</u>	<u>7-18-94</u>

LEGAL DESCRIPTION Lot 18  
Schafer Farms - One

BUILDING ADDRESS 3077 48<sup>th</sup> Ave  
Brett IA 52722

CONTRACTOR McAndrews Const Co

## STAFF REPORT

**Subject:** Variance/Exception – Minimum Lot Size  
**Author:** Mark D. Hunt  
**Department:** Community Development  
**Date:** August 15, 2024



### Background Information & Facts

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**Case No.:** 24-059  
**Request:** Reduce Lot Size to less the 2,400 SF  
**Location:** Hopewell Farm Third Addition (multiple lots)  
**Legal Description:** N/A  
**Applicant:** CT Creek/Scott Wilson  
**Current Zoning:** R-3, Mixed Residential  
**Future Land Use:** NL, Neighborhood Light

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Scott Willson on behalf of CT Creek has requested an exception from the minimum lot size for eleven lots with the proposed Hopewell Farm Third Addition, which is a replat of Lots 2 and 3 from Hopewell Farm Second Addition. The proposed exception would reduce the lots to slightly less than the 2,400 SF requirement for townhomes in an R-3 district. The requested lot size reduction would impact interior lots on the proposed 29-unit townhome development.

A preliminary and final plat of Hopewell Farm Third Addition were recommended for approval by the Planning and Zoning Commission on July 17, 2024, subject to the approval of a minimum lot size exception by the Board of Adjustment. In bringing the application for re-plat the applicant stated market conditions were necessitating the change from condominium style property regime to townhome style property regime.

The original re-zoning concept for the R-3 rezoning included 32 dwelling units in the area covered under this application. The applicant has reduced the number of dwelling units by two, since the original concept was approved.

#### Staff Analysis

The lots shown in red text in the table below are the subjects of the requested exception. The difference from the required 2,400 SF minimum is shown as a negative number. The requested deviation from the 2,400 SF standard ranges from -249 SF to -37 SF. The development exceeds the overall minimum standard of 3,000 SF per dwelling unit.

Under 11-15-12, D2 the Board of Adjustment has the power to grant exceptions to the zoning code. Staff have previously identified the density limitations currently required for townhomes in R-3 districts as problematic and are seeking to update this code section in the near future. The applicant could, theoretically, comply with the existing code by drawing non-standard lot boundaries, where the middle townhouse lots flare out in the rear yards (as opposed to remaining parallel). Staff would recommend against such boundaries as they can be confusing for property owners and may cause unnecessary property disputes in the future.

**Table 1 Lot Sizes and Difference from Minimum Allowable**

Lot	Area	Difference	Lot	Area	Difference
30	4,547	2,147	45	6,065	3,665
31	2,170	-230	46	3,528	1,128
32	2,170	-230	47	2,363	-37
33	3,162	762	48	3,164	764
34	2,927	527	49	4,860	2,460
35	2,234	-166	50	2,317	-83
36	2,344	-56	51	3,066	666
37	5,285	2,885	52	3,482	1,082
38	3,584	1,184	53	2,316	-84
39	2,646	246	54	2,316	-84
40	2,521	121	55	3,481	1,081
41	3,197	797	56	3,064	664
42	4,072	1,672	57	2,315	-85
43	2,151	-249	58	4,854	2,454
44	2,287	-113			

**Staff Recommendation**

Staff contends the requested exemption is in keeping with the intent of the zoning ordinance and should be granted to prevent non-standard lot configurations.

Respectfully submitted,

Mark D. Hunt  
Community Development Director

- List of Attachments:  
 A – Preliminary Plat Hopewell Farm Third Addition  
 B – Final Plat Hopewell Farm Third Addition  
 C – Plat Hopewell Farm Second Addition

# PRELIMINARY PLAT HOPEWELL FARM THIRD ADDITION IN THE CITY OF BETTENDORF, SCOTT COUNTY, IOWA

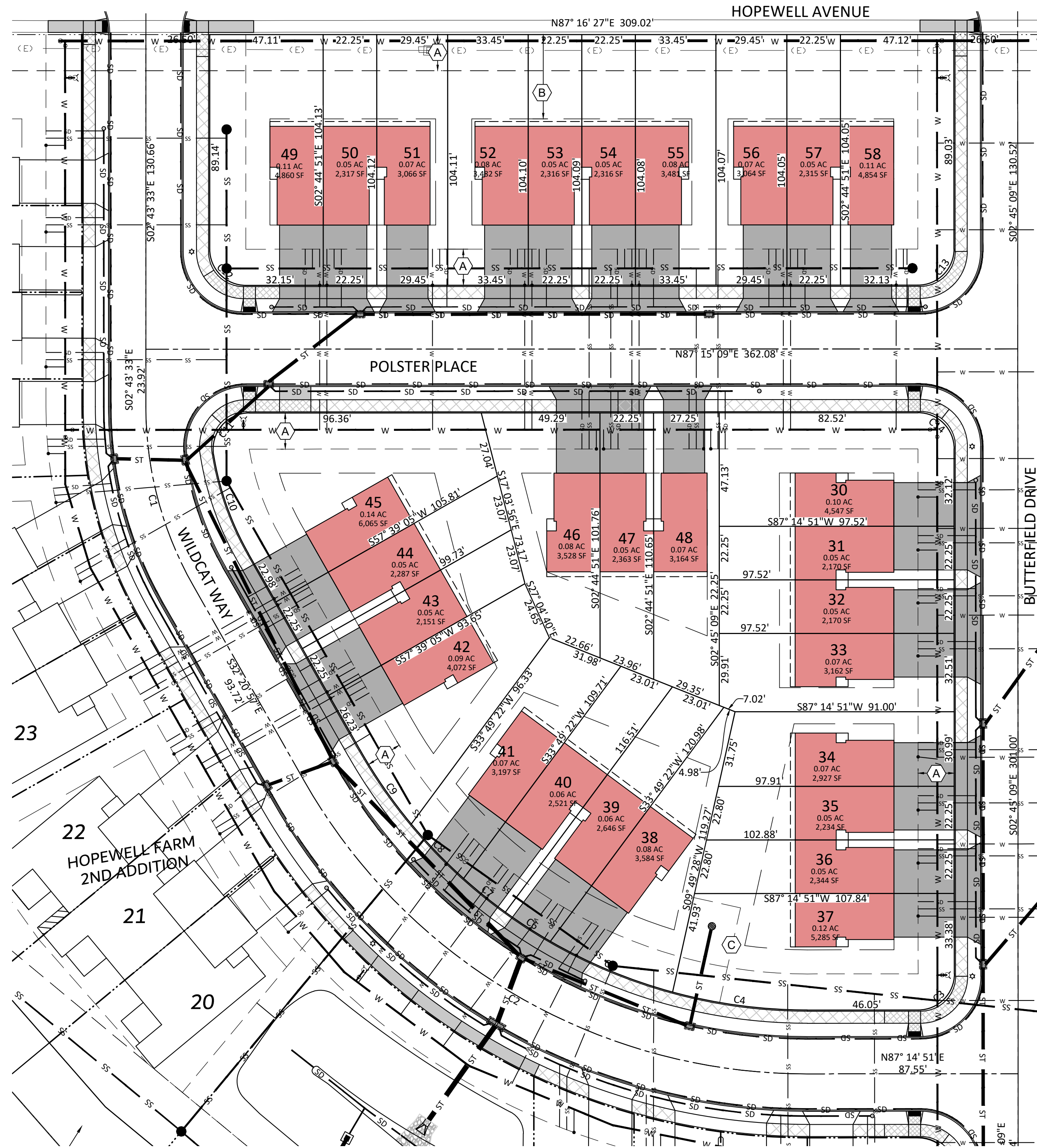
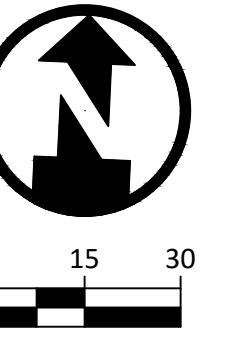
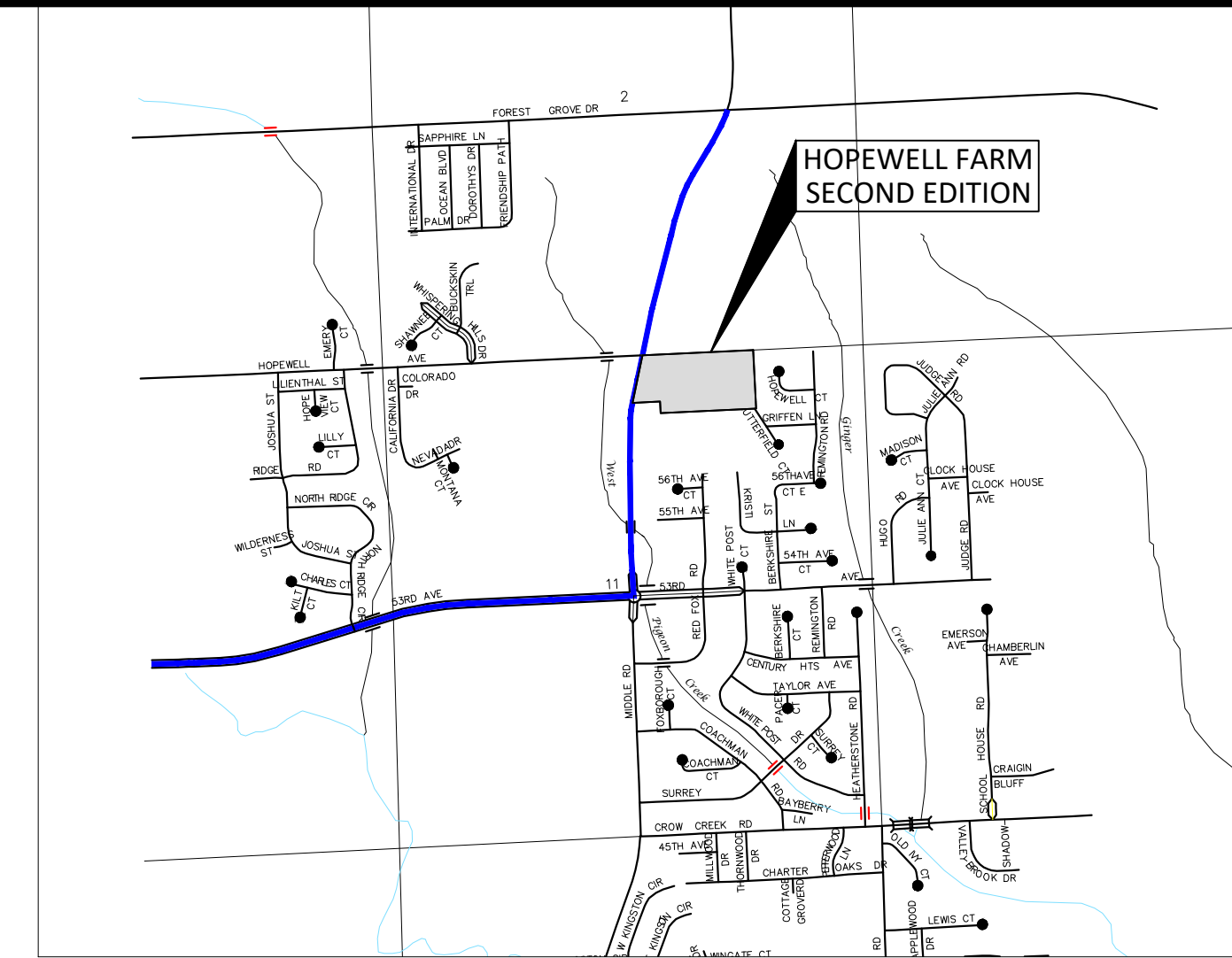
**OWNER:**  
HOPEWELL LAND DEVELOPMENT  
3480 GLENBROOK CIR N  
BETTENDORF, IA 52722

**APPLICANT:**  
CT CREEK  
3480 GLENBROOK CIR N  
BETTENDORF, IA 52722

**PREPARED BY:**  
AXIOM CONSULTANTS, LLC  
300 S CLINTON STREET, UNIT 200  
IOWA CITY, IOWA 52240

**LEGAL DESCRIPTION:**

ALL OF LOT 2 AND LOT 3 OF HOPEWELL FARMS SECOND ADDITION AS RECORDED IN FILE # XXXX, NOW IN AND FORMING A PART OF THE CITY OF BETTENDORF, SCOTT COUNTY, IOWA  
DESCRIBED AREA CONTAINS 2.13 ACRES AND IS SUBJECT TO EASEMENTS AND OTHER RESTRICTIONS OF RECORD.



**GENERAL NOTES:**

- ALL IMPROVEMENTS ARE TO BE INSTALLED IN ACCORDANCE WITH THE LATEST CITY OF BETTENDORF STANDARD SPECIFICATIONS AND DETAIL DRAWINGS.
- THE EXISTING ZONING FOR THE LOTS SHOWN ON THE SITE IS R-3.  
REQUIRED SETBACKS ARE:  
FRONT      SIDE      REAR  
25'          5'/10'      25'
- EASEMENTS FOR PLANNING PURPOSES. SUBJECT TO CHANGE WITH SITE DESIGN. TO BE INCORPORATED INTO FINAL PLAT OR EASEMENT EXHIBITS.
- ALL UTILITY INFRASTRUCTURE TO BE CONSTRUCTED AS PART OF HOPEWELL FARM SECOND ADDITION.
- ALL OF THIRD ADDITION TO HAVE BLANKET EASEMENT FOR PUBLIC UTILITY ACCESS, DRAINAGE AND HOA MAINTENANCE ACCESS.

**KEYNOTES:**

- (A) 15' PUBLIC UTILITY EASEMENT
- (B) 35' ZONING SETBACK
- (C) STORM SEWER EASEMENT RECORDED AS PART OF HOPEWELL FARM SECOND ADDITION

**LEGEND:**

	EXISTING	PROPOSED
<b>UTILITIES</b>		
COMMUNICATIONS	— (CD) —	— CO —
OVERHEAD LINE	— (DH) —	— OH —
ELECTRIC	— (E) —	— E —
FIBER OPTIC	— (FD) —	— FO —
GAS	— (G) —	— G —
SANITARY SEWER	— (S) —	— SS —
STORM	— (ST) —	— ST —
SUBDRAIN	— (SD) —	— SD —
WATER: DOMESTIC	— (W) —	— W —
COMMUNICATIONS HANDHOLE	⊠	⊠
COMMUNICATIONS PEDESTAL	⊞	⊞
COMMUNICATIONS MANHOLE	⊙	⊙
GUY WIRE ANCHOR	↑	↑
UTILITY POLE	⊙	⊙
UTILITY POLE WITH LIGHT	⊙	⊙
LIGHT POLE	⊙	⊙
ELECTRIC MANHOLE	⊙	⊙
ELECTRIC TRANSFORMER	⊙	⊙
SANITARY SEWER MANHOLE	⊙	⊙
SANITARY SEWER CLEANOUT	⊙	⊙
STORM SEWER MANHOLE	⊙	⊙
STORM SEWER INTAKE	⊙	⊙
HYDRANT	⊙	⊙
WATER VALVE	⊙	⊙
CURB STOP	⊙	⊙
<b>SITE</b>		
CONTOUR - INDEX	— 100 —	— 100 —
CONTOUR - INTERMEDIATE	— 101 —	— 101 —
FENCE: BARB WIRE	— x — x — x —	— x — x — x —
FENCE: WOOD	— o — o — o —	— o — o — o —
SHRUBBERY	⊙	⊙
TREE: DECIDUOUS	⊙	⊙
TREE: CONIFEROUS	⊙	⊙
SIGN	⊙	⊙

**HOPEWELL FARM  
THIRD ADDITION  
BETTENDORF, IOWA**

CT CREEK

ISSUED FOR  
**CITY REVIEW**

DATE: 07-17-2024  
DESCRIPTION: DATE:

DESIGNED BY: BB  
DETAILED BY: JP  
CHECKED BY: BG  
PROJECT NO.: 23-0008  
SHEET NAME:

PRELIMINARY PLAT

1 OF 1



# FINAL PLAT HOPEWELL FARM SECOND ADDITION BEING A REPLAT OF HOPEWELL FARM FIRST ADDITION BETTENDORF, IOWA

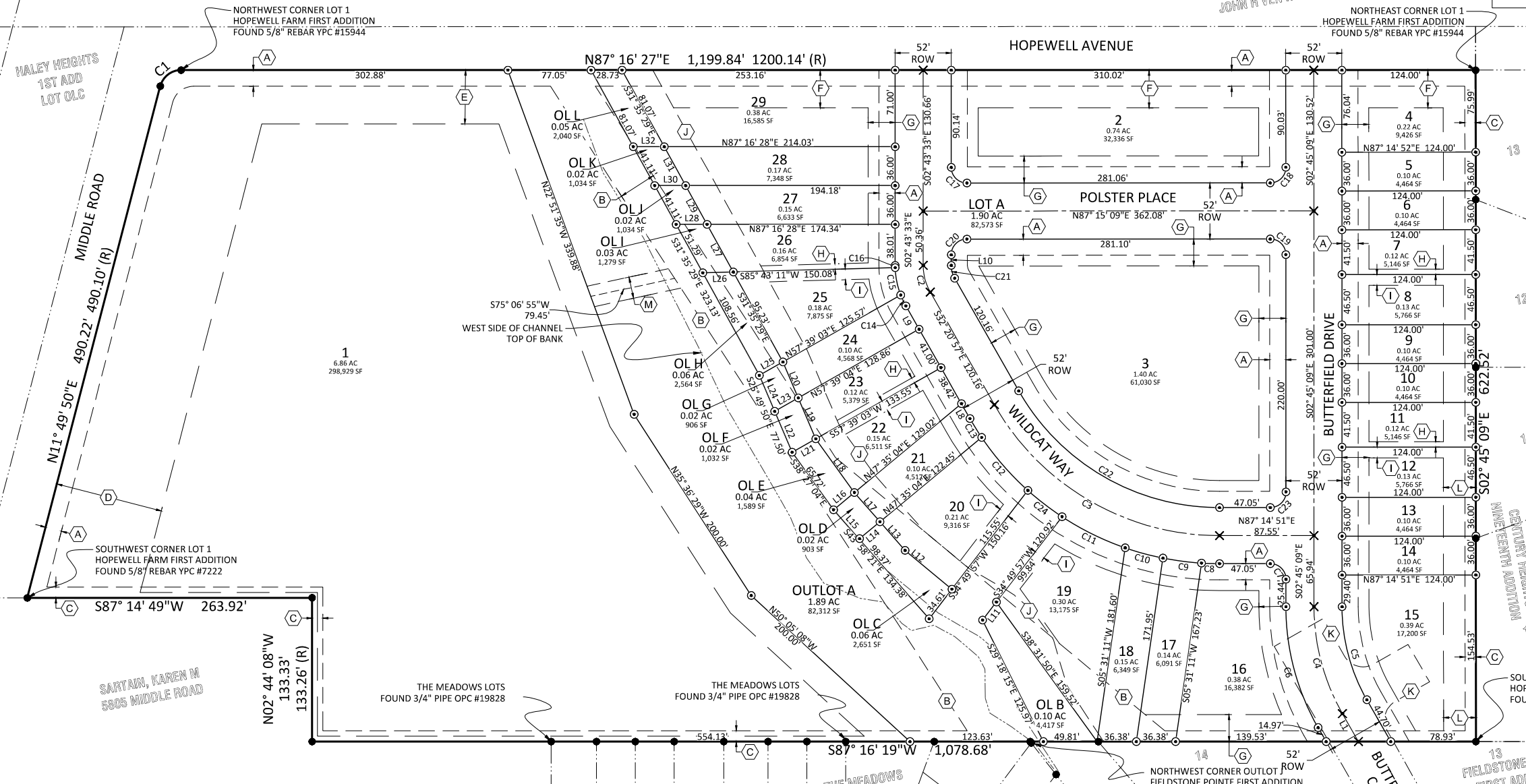
**OWNER:**  
FIRST ASSEMBLY OF GOD  
1811 18TH ST  
BETTENDORF, IA 52722

**APPLICANT:**  
CT CREEK  
1805 STATE ST STE 103  
BETTENDORF, IA 52722

**PREPARED BY:**  
AXIOM CONSULTANTS, LLC  
60 E. COURT STREET, UNIT 3  
IOWA CITY, IOWA 52240

**LEGAL DESCRIPTION:**  
ALL OF LOT 1 OF HOPEWELL FARMS FIRST ADDITION AS RECORDED IN FILE # 2003-64452, NOW IN AND FORMING A PART OF THE CITY OF BETTENDORF, SCOTT COUNTY, IOWA  
DESCRIBED AREA CONTAINS 17.67 ACRES AND IS SUBJECT TO EASEMENTS AND OTHER RESTRICTIONS OF RECORD.

FOR RECORDER'S USE ONLY		RECORDER'S INDEX	
COUNTY: SCOTT		SECTION: 11-178N-R4E	
QUARTER SECTION: N 1/2 NE 1/4		CITY: BETTENDORF	
SUBDIVISION: HOPEWELL FARM 2ND ADD		BLOCK: NA	
LOT(S): NA			



LINE TABLE		
LINE #	LENGTH	BEARING
L1	29.84	S32° 28' 52"E
L2	29.95	N87° 16' 19"E
L3	29.95	N87° 16' 19"E
L4	26.00	N87° 16' 27"E
L5	26.00	N87° 16' 27"E
L6	26.00	N87° 16' 27"E
L7	26.00	N87° 16' 27"E
L8	15.90	N32° 20' 57"W
L9	24.84	N32° 20' 57"W
L10	9.87	S02° 43' 33"E
L11	21.08	S34° 49' 57"W
L12	56.38	S53° 02' 06"E
L13	35.29	S43° 58' 21"E
L14	25.08	N47° 35' 04"E
L15	36.01	S43° 58' 21"E
L16	25.08	N47° 35' 04"E
L17	36.01	S43° 58' 21"E
L18	61.32	S38° 27' 04"E
L19	41.27	S25° 49' 50"E
L20	36.23	S25° 49' 50"E
L21	25.16	S57° 39' 03"W
L22	41.27	S25° 49' 50"E
L23	25.16	N57° 39' 04"E
L24	36.23	S25° 49' 50"E
L25	25.16	N57° 39' 03"E
L26	28.32	S85° 43' 11"W
L27	50.41	S31° 35' 29"E
L28	28.73	N87° 16' 28"E
L29	41.11	S31° 35' 29"E
L30	28.73	N87° 16' 28"E
L31	41.11	S31° 35' 29"E
L32	28.73	N87° 16' 28"E

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIR.	CHORD LEN.
C1	26.20	20.00	75°02'37"	N49° 37' 05"E	24.36
C2	25.85	50.00	29°37'26"	S17° 32' 15"E	25.56
C3	253.02	240.00	60°24'12"	S62° 33' 03"E	241.46
C4	103.77	200.00	29°43'43"	S17° 37' 00"E	102.61
C5	90.28	174.00	29°43'43"	S17° 37' 00"E	89.27
C6	117.26	226.00	29°43'43"	N17° 37' 00"W	115.95
C7	22.78	14.50	90°00'00"	N47° 45' 09"W	20.51
C8	16.77	266.00	3°36'41"	S89° 03' 12"W	16.76
C9	36.03	266.00	7°45'39"	N85° 15' 38"W	36.00
C10	36.30	266.00	7°49'08"	N77° 28' 14"W	36.27
C11	65.37	266.00	14°04'54"	N66° 31' 13"W	65.21
C12	65.37	266.00	14°04'54"	N43° 48' 53"W	65.21
C13	20.54	266.00	4°25'29"	N34° 33' 41"W	20.54
C14	11.20	76.00	8°26'25"	N28° 07' 44"W	11.19
C15	26.04	76.00	19°37'43"	N14° 05' 40"W	25.91
C16	2.06	76.00	1°33'16"	N03° 30' 11"W	2.06

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIR.	CHORD LEN.
C17	22.78	14.50	90°01'19"	N47° 44' 12"W	20.51
C18	22.78	14.50	90°00'17"	S42° 15' 00"W	20.51
C19	22.78	14.50	89°59'43"	N47° 45' 00"W	20.51
C20	22.77	14.50	89°58'41"	S42° 15' 48"W	20.50
C21	12.41	24.00	29°37'24"	S17° 32' 15"E	12.27
C22	225.61	214.00	60°24'12"	S62° 33' 03"E	215.30
C23	22.78	14.50	90°00'00"	N42° 14' 51"E	20.51
C24	40.04	266.00	8°37'27"	N55° 10' 03"W	40.00

**DRAWING LOG**

REV	DATE	DESCRIPTION OF CHANGES

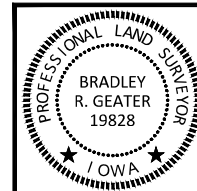
- KEY NOTES:**
- (A) 15' PUBLIC UTILITY EASEMENT
  - (B) SANITARY SEWER, STORM SEWER & DRAINAGE EASEMENT, BK2003;PG 64452
  - (C) 10' UTILITY EASEMENT
  - (D) 100' ZONING SETBACK
  - (E) 50' ZONING SETBACK
  - (F) 35' ZONING SETBACK
  - (G) 25' BUILDING FRONT AND REAR SETBACK
  - (H) 5' BUILDING SIDE SETBACK (TYP)
  - (I) 10' BUILDING SIDE SETBACK (TYP)
  - (J) 50' BUFFER FROM TOP OF BANK/OVERLAND FLOW EASEMENT
  - (K) INGRESS/EGRESS EASEMENT TO BE VACATED
  - (L) 30' SETBACK
  - (M) 20' PRIVATE SANITARY SEWER EASEMENT

- GENERAL NOTES:**
- BASIS OF BEARINGS IS THE IOWA STATE PLANE COORDINATE SYSTEM SOUTH ZONE NAD 83. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS AND ROADWAYS OF RECORD.
  - NO INVESTIGATION CONCERNING ENVIRONMENTAL AND SUBSURFACE CONDITIONS, OR FOR THE EXISTENCE OF UNDERGROUND CONTAINERS, STRUCTURES OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
  - NO INVESTIGATION WAS MADE AS A PART OF THIS SURVEY TO DETERMINE OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITIES OR MUNICIPAL FACILITIES, EXCEPT AS NOTED. CALL IOWA ONE-CALL AT 1-800-292-8989 FOR INFORMATION REGARDING THESE UTILITIES OR FACILITIES.
  - DISTANCES ARE LISTED IN FEET AND DECIMAL PART OF A FOOT.
  - ZONING SETBACK LINES ARE BASED ON ZONING REQUIREMENTS AS OF THE DATE OF CITY COUNCIL APPROVAL. IN CASE OF CONFLICT BETWEEN LINES SHOWN AND FUTURE CODE REQUIREMENTS THE CODE REQUIREMENTS SHALL GOVERN.
  - 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.
  - BLANKET UNDERGROUND EASEMENTS GRANTED FOR ALL PRIMARY AND SECONDARY ELECTRIC CABLES, PAD MOUNTED TRANSFORMERS, ELECTRIC TRANSFORMERS, PRIMARY CABLE, GAS SERVICE, WATER SERVICE, SEWER LATERALS, TELEPHONE SERVICE AND CABLE T.V. TO INDIVIDUAL STRUCTURES AND STREET LIGHTS.

- THE OWNERS OF LOTS WITH DRAINAGE EASEMENTS SHALL MAINTAIN A STORM WATER PASSAGEWAY WITHIN THE AREA PLATTED AS A "DRAINAGE EASEMENT". THIS AREA SHALL BE MAINTAINED AS A LAWN FREE OF STRUCTURES, BUSHES, TREES, AND OTHER LANDSCAPING THAT WOULD IMPEDE THE SURFACE FLOW OF STORM WATER. FUTURE VARIANCES SHALL NOT BE GIVEN TO SUCH STRUCTURES. FENCES SHALL NOT BE ALLOWED WITHIN ANY DRAINAGE EASEMENT OR DRAINAGEWAY.
- ALL INTERIOR ROADS SHALL HAVE SIDEWALK ON BOTH SIDES.
- ALL DEVELOPED LOTS ASSOCIATED WITH THIS PLAT TO CONTRIBUTE TO THE EXISTING REGIONAL DETENTION FACILITY IN AN AMOUNT TO BE CALCULATED BY THE CITY ENGINEER.
- OWNERS OF LOT 2, LOTS 4-15, AND LOTS 16-29 ARE PROHIBITED FROM ENCRDACHING INTO THE REAR YARD SETBACK AND MAY NOT MAKE A VARIANCE REQUEST TO DO SO.
- LOTS 19-29 CANNOT BE SOLD WITHOUT THE ADJOINING OUTLOTS B-L, RESPECTIVELY, BEING INCLUDED AND NO STRUCTURES ARE PERMITTED ON THE OUTLOTS.
- THE ZONING FOR THE LOTS SHOWN ON THE SITE IS R-3 AT TIME OF PLATTING. REQUIRED SETBACKS FOR THE R-3 ZONING ARE:  
FRONT 25' SIDE 5'/10' STREET SIDE 25' REAR 25'
- THE INTENDED USE OF THE OUTLOT AND LETTERED LOTS WITHIN THE PLAT ARE AS FOLLOWS:  
OUTLOT INTENDED USE RESPONSIBLE PARTY  
OUTLOT A AREA FOR DRAINAGE HOMEOWNER'S ASSOCIATION  
OUTLOT B-L FLOODPLAIN/DRAINAGE EASEMENT LOT OWNER  
LOT A RIGHT-OF-WAY DEDICATION CITY OF BETTENDORF

**LEGEND**

- SET 3/4" Ø PIPE OPC 19828
- ✕ SET CUT X
- FOUND 5/8" REBAR W/ YPC #7222 OR AS LABELED
- (R) PREVIOUSLY RECORDED AS
- OPC ORANGE PLASTIC CAP
- YPC YELLOW PLASTIC CAP
- PROPOSED BOUNDARY/PROPERTY LINE
- - - EXISTING PROPERTY LINE
- - - PROPOSED EASEMENT



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.

BRADLEY R. GEATER, P.L.S., P.E.  
LICENSE NUMBER 19828

DATE \_\_\_\_\_

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2023.

PAGES OR SHEETS COVERED BY THIS SEAL: THIS PLAT

**CITY OF BETTENDORF**

BY \_\_\_\_\_ DATE \_\_\_\_\_

ATTEST \_\_\_\_\_ DATE \_\_\_\_\_

**PLANNING AND ZONING**

BY \_\_\_\_\_ DATE \_\_\_\_\_

**UTILITY APPROVALS**

CENTURYLINK	DATE
MIDAMERICAN ENERGY	DATE
MEDIACOM	DATE
IOWA AMERICAN WATER COMPANY	DATE
METRONET	DATE

**PROJECT NAME:**  
HOPE CHURCH  
BETTENDORF, IOWA

**CLIENT NAME:**  
CT CREEK

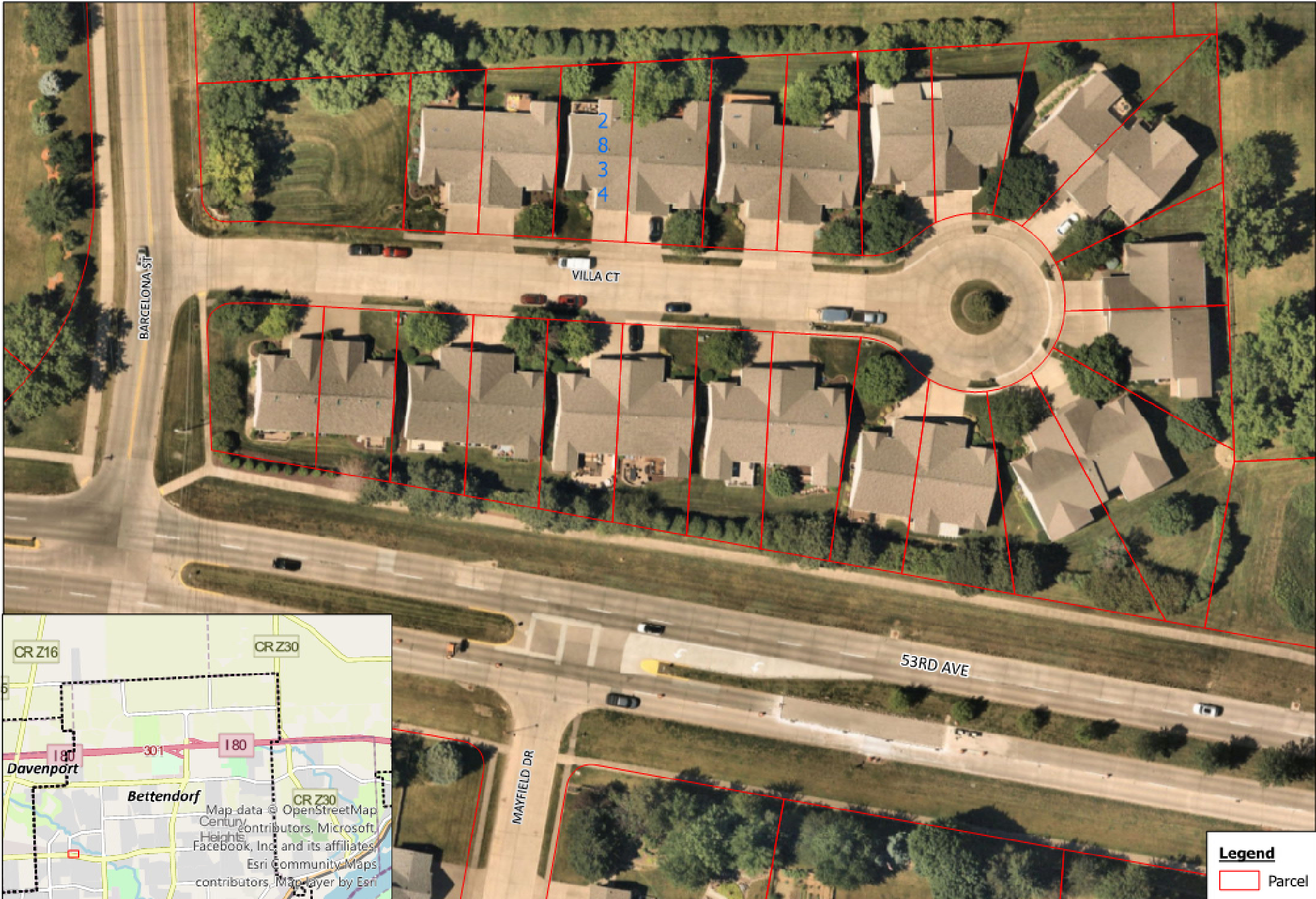
**SHEET NO.:**  
230008

**DESIGNED, DETAILED, AND CHECKED BY:**  
BOELK

**SHEET NAME:**  
FINAL PLAT

**SHEET NUMBER:**  
1 OF 1

**NOT FOR CONSTRUCTION**



2  
8  
3  
4

BARCELONA ST

VILLA CT

53RD AVE

MAYFIELD DR



**Legend**  
Parcel



**STAFF REPORT**

**Subject:** Board of Adjustment - Variance  
**Author:** Greg Beck  
**Department:** Community Development  
**Date:** August 15, 2024

**Case No.:** 24-060  
**Request:** Exception to reduce the required rear yard setback from 25 feet to 16 feet  
**Location:** 2834 Villa Court  
**Legal Description:** Lot 4, Villas at Walnut Grove (Parcel #: [8410176041](#))  
**Applicant:** Tarikere Kumar  
**Current Zoning:** R-5, High Density Multi-Family Residence District  
**Future Land Use:** Mixed Residential

**Background Information & Facts**

Tarikere Kumar is requesting an exception to reduce the required rear yard setback from 25 feet to 16 feet to allow for construction of a deck. The deck would be extended 4 feet beyond the current deck. The newly updated plot plan shows a 12-foot by 16-foot proposed deck. Other decks within the subdivision have received Board of Adjustment approval in this subdivision to encroach into the rear yard setback.

The neighborhood has a Future Land Use classification of Mixed Transitional. An R-5 zoning district was assigned in 2017. This site was previously zoned C-5, Office Transitional and received a Special Use Permit from the Board of Adjustment to construct two-family dwellings. The original plat contained a portion of a right-of-way remnant left over from the acquisition for 53<sup>rd</sup> Avenue, which constrained the lots in the subdivision.

**Staff Analysis & Recommendations**

Staff found the following Board of Adjustment case precedent to encroach in rear yard setbacks in R-5, High Density Multi-Family Residence District zoned lots over the last ten years:

- 2814 Villa Court reduced from 25 to 11 feet (2020).
- 5200-5252 Pandit Drive Relief given 25 feet reduced to 12 feet rear yard setback for decks (2021).
- Lots 37-42, Everest Summit First addition; Lots 7-18 Everest Summit Second Addition and Lots 1,2 and 8 Everest Summit Third Addition to reduce rear yard setbacks from 25 feet to 12 feet (2018).
- 5128 Pandit Drive a reduction of 25 feet to 12 feet for rear yard setback (2018).
- No cases were found by staff where the Board of Adjustment rejected variance requests for relief from rear yard setbacks in R-5 districts over the last ten years.
- Prior Board of Adjustment rulings further back than ten years in the vicinity of the applicant’s lot:
  - 2804 Villa Court reduced from 20 feet to 14 feet (Setback from C-5 standards, 2009).
  - Forest View Villas all rear yard setbacks reduced from 25 feet to 5 feet (Adjoining subdivision, 2003).

**Staff Recommendation**

Staff feels the design of the subdivision was constrained by the 53<sup>rd</sup> St. right-of-way. The request is also supported by the precedence documented above. Under 11-15-12, D.2 the Board of Adjustment has the authority to make

exceptions to the zoning code. Staff supports approval of the reduction in the rear yard setback from 25 feet to 16 feet for the deck placement for Lot 4, Villas at Walnut Grove.

Respectfully submitted,

Greg Beck  
City Planner

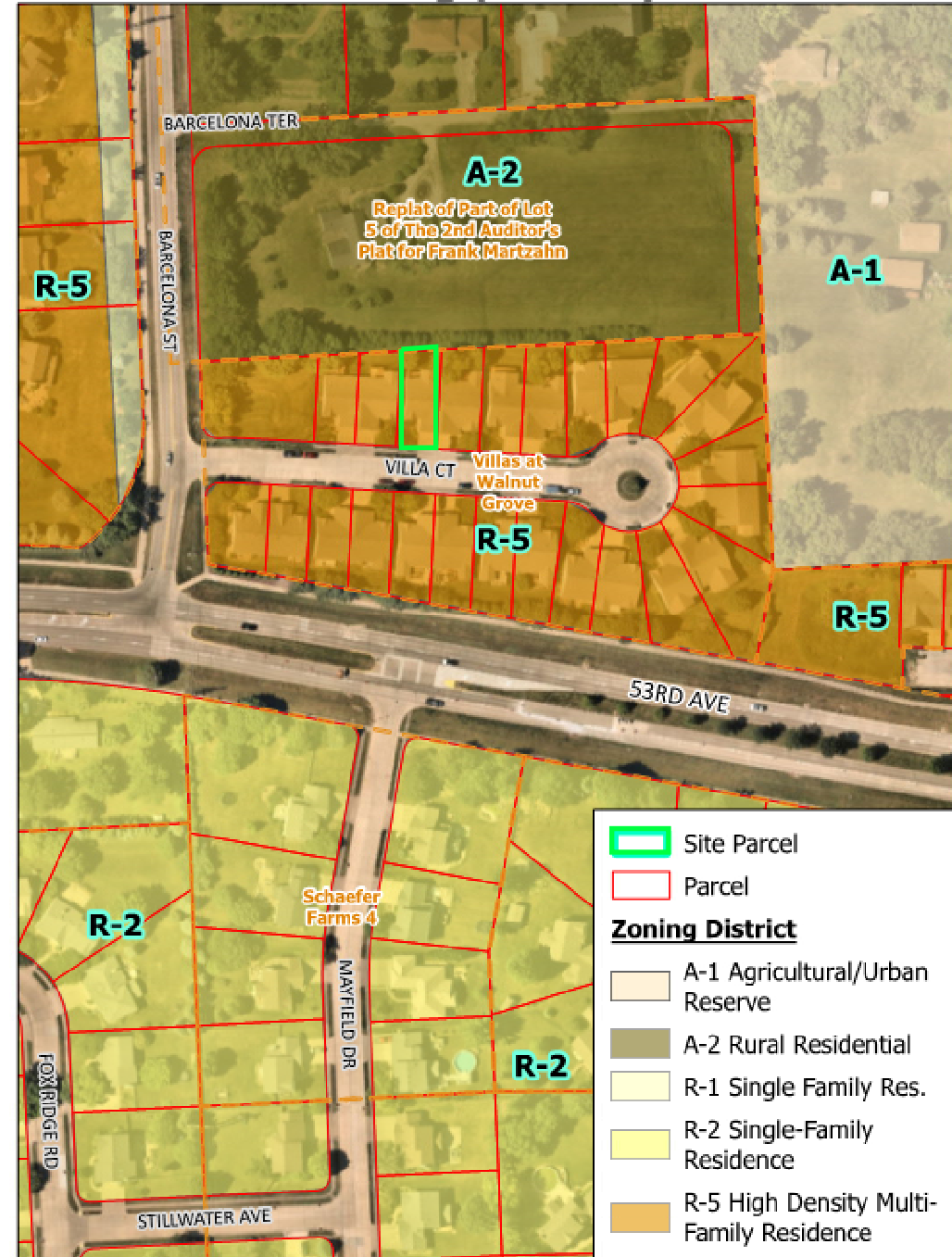
List of Attachments:

- A – Aerial Location Map
- B – FLUM and Zoning Map
- C – Comparison Site Photos
- D – Villas at Walnut Grove Final Plat
- E – Plot Plan



**Future Land Use**

**Zoning (Current)**





NEIGHBORING DECKS NEAR 2834 VILLA CT



CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD DIR.	CHORD
C1	17.53	300.00	8.77	3°20'50"	N86°13'02"W	17.52
C2	22.95	15.00	14.40	87°39'40"	S44°03'37"E	20.78
C3	24.17	15.00	15.63	92°20'20"	S45°56'23"W	21.64
C4	13.73	235.00	6.87	3°20'50"	N86°13'02"W	13.73
C5	16.07	275.00	8.03	3°20'50"	N86°13'02"W	16.06
C6	32.69	40.00	17.32	46°49'35"	N72°02'35"E	31.79
C7	16.55	55.00	8.34	17°14'44"	S57°15'10"W	16.49
C8	36.29	55.00	18.83	37°48'00"	S84°46'32"W	35.63
C9	19.49	55.00	9.85	20°18'00"	N66°10'28"W	19.38
C10	30.79	55.00	15.81	32°04'14"	N39°59'21"W	30.39
C11	30.20	55.00	15.49	31°27'46"	N08°13'21"W	29.82
C12	23.44	55.00	11.90	24°24'52"	N19°42'58"E	23.26
C13	20.36	55.00	10.30	21°12'31"	N42°31'39"E	20.24
C14	29.95	55.00	15.36	31°12'14"	N68°44'02"E	29.58
C15	36.90	55.00	19.17	38°26'07"	S76°26'48"E	36.21
C16	18.73	55.00	9.46	19°30'42"	S47°28'23"E	18.64
C17	32.69	40.00	17.32	46°49'35"	N61°07'50"W	31.79

# Final Plat of VILLAS AT WALNUT GROVE

PART OF LOT 5 OF FRANK MARTZAHN ADDITION IN  
THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 4 EAST  
OF THE 5TH P.M. IN BETTENDORF, SCOTT COUNTY, IOWA

**OWNER & SUBDIVIDER**

Barcelona, LLC  
Attn: Ted Rebitzer  
5111 Utica Ridge Road  
Davenport, IA 52807  
Ph. (563) 355-4000  
Fax (563) 355-4445

NORTH



SCALE: 1" = 30'

MID AMERICAN ENERGY CO.

BY: *Mike Kahlert*  
DATE: 10/3/03

QWEST COMMUNICATIONS

BY: *Mary A. Lotzpeick*  
DATE: 10/3/03

IOWA-AMERICAN WATER CO.

BY: *Jim J. DeBois*  
DATE: 10-3-03

MEDIACOM

BY: *Chuck Gustafson*  
DATE: 10/3/03

PLANNING AND ZONING

BY: *Robert H. Dally*  
DATE: 11/5/03

CITY OF BETTENDORF

BY: *Debra P. Beach*  
DATE: 10/16/03

**LEGEND**

- SET 5/8" IRON ROD WITH RED CAP #13581
- FOUND 5/8" IRON ROD

**REVISIONS**

NO.	DESCRIPTION	DATE
1	ADDED DRAINAGE EASEMENTS	09-11-03
2	REVISIONS PER PLANNING AND ZONING	09-30-03

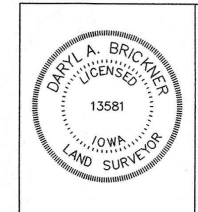
MISSISSIPPI ASSOCIATES, P.C.  
STANLEY & ASSOCIATES, P.C.  
Prepared by  
MISSISSIPPI ASSOCIATES  
STANLEY & ASSOCIATES  
Civil Engineering - Surveying - Environmental Services  
Bettendorf, Iowa  
(563) 344-0260  
FAX (563) 344-0260

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Bettendorf, Iowa  
(563) 344-0260  
FAX (563) 344-0260

Villas at Walnut Grove  
Bettendorf, Iowa  
Barcelona, LLC  
**FINAL PLAT**

MSA Project No.: C03-L003  
Date: August 29, 2003  
Scale: 1" = 30'  
Drawn By: CAM  
Checked By: DAB  
File Name: FinalPlat

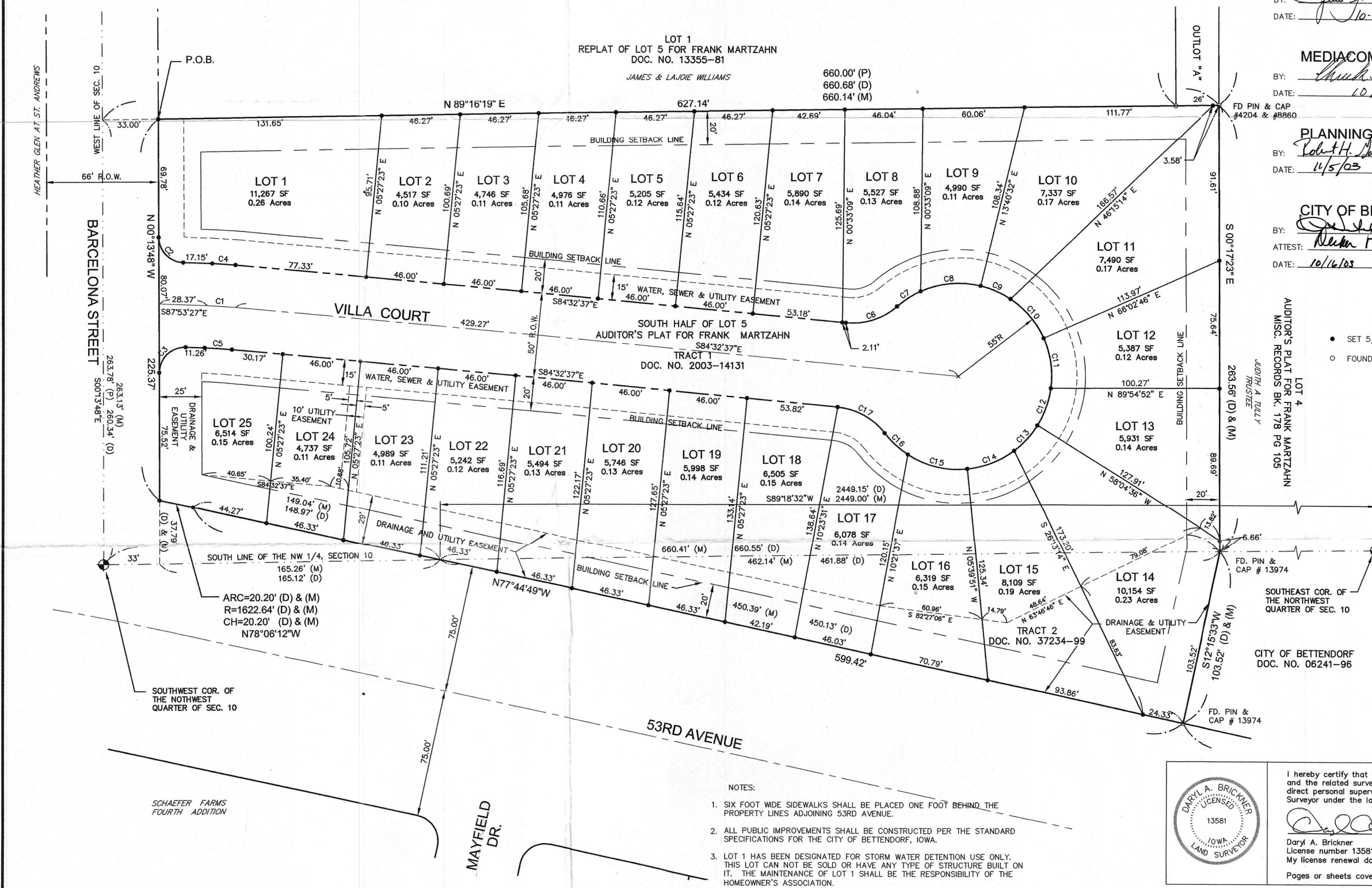
C-1  
Sheet 1 of 1

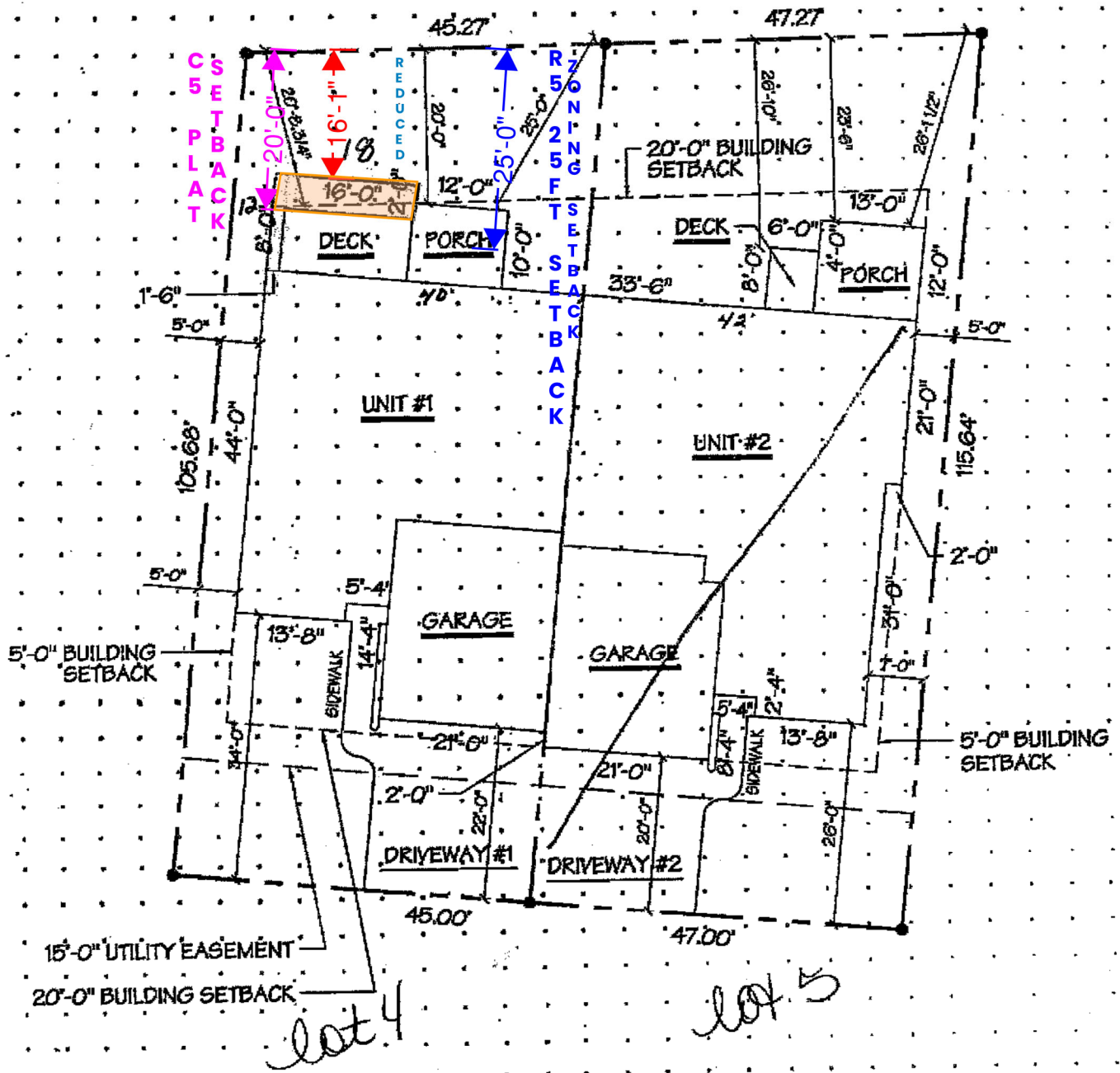


I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.  
*Daryl A. Brickner* 10/1/03  
Daryl A. Brickner (date)  
License number 13581  
My license renewal date is December 31, 2003  
Pages or sheets covered by this seal: 1

**NOTES:**

- SIX FOOT WIDE SIDEWALKS SHALL BE PLACED ONE FOOT BEHIND THE PROPERTY LINES ADJOINING 53RD AVENUE.
- ALL PUBLIC IMPROVEMENTS SHALL BE CONSTRUCTED PER THE STANDARD SPECIFICATIONS FOR THE CITY OF BETTENDORF, IOWA.
- LOT 1 HAS BEEN DESIGNATED FOR STORM WATER DETENTION USE ONLY. THIS LOT CAN NOT BE SOLD OR HAVE ANY TYPE OF STRUCTURE BUILT ON IT. THE MAINTENANCE OF LOT 1 SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION.





Zoning District \_\_\_\_\_  
 Board of Adjustment Variance:  
 no  yes \_\_\_\_\_ Dec/Order# \_\_\_\_\_

Front setback 25'  
 Side setback min 5' total 10'  
 Rear setback 20'



Indicate North  
 Scale 1" = 20'

Permit Record:  
L. House 04-8832 11-9-04 Legal Description Lot 4 Villas of Walnut Glen

Building Address 2834 Villa Court