

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
CITY OF BETTENDORF
BOARD OF ADJUSTMENT
AUGUST 14, 2025
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 10, 2025.
4. The Board to hold a public hearing on the following cases:
 - a. **Case 25-034-SU; Lot 5, proposed FG 80 Holdings Sixth Addition (C-3)** – Special use permit to allow a boarding kennel, submitted by Kevin Koellner for Focus Real Estate Development. (Staff: Alyssa Magsombol)
 - b. **Case 25-036-SU; Lot 4, proposed FG 80 Holdings Sixth Addition (C-3)** – Special use permit to allow indoor storage units, submitted by Kevin Koellner for Focus Real Estate Development. (Staff: Alyssa Magsombol)
 - c. **Case 25-030-VAR; 3236 Palmer Hills Court (R-5)** – Variance to reduce the required front yard setback from 25 feet to 11 feet (adjacent to AAA Court) and from 25 feet to 13 feet (adjacent to Palmer Hills Court) to allow for construction of a two-family dwelling unit, submitted by Mike Janecek of Martin & Whitacre. (Staff: Greg Beck)
 - d. **Case 25-032-VAR; 4097 Lilly Court (R-2)** – Variance to reduce the required rear yard setback from 25 feet to 15 feet to allow for construction of a 15-foot by 16-foot deck, submitted by Subashini Vijaykumar. (Staff: Greg Beck)



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

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 10, 2025
5:00 P.M.

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

Item 1. Roll Call

PRESENT: Spranger, Tansey, Tombergs, Vermillion

ABSENT: Gallagher

STAFF: Beck, Hunt, Magsombol, Curran

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of March 13, 2025.

On motion by Tansey, seconded by Spranger, that the minutes of the meeting of March 13, 2025 be approved as submitted.

ALL AYES

Motion carried.

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

- a. **Case 25-027-VAR; 3149 Field Sike Drive (A-2)** – Variance to increase the allowable size of an accessory building from 834 square feet to 1600 square feet and to increase the allowable height of an accessory building measured at mid-gable from 15 feet to 19 feet, submitted by Thomas and Samantha Conger.

Tombergs asked if there was an affidavit of publication. Fuhrman confirmed this.

Chris Curran, City Attorney, summarized the legislation that became effective on July 1, 2025 that relates to area and dimensional variance requests that come before the Board. He explained that prior to the new legislation, Iowa Code Chapter 414 required that a hardship be established to justify granting a variance. He stated that the new

legislation defines area and dimensional variances, adding that minimum lot size, setbacks, yard widths, and height are some examples of this type of variance. Curran explained that those types of variance requests can now be approved if the applicant can show that there are practical difficulties that are not self-created, are unique to the property, and that would not alter the essential character of the neighborhood.

Magsombol reviewed the staff report.

Vermillion asked if the height request is because the applicant wishes to have a second story. Beswick explained that the applicant had indicated that they would like to utilize rafter storage in the building.

Hunt stated that an email in support of the request was received from Trish and Steve Wilger, 3213 Field Sike Drive.

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

On motion by Vermillion, seconded by Tombergs, that a variance to increase the allowable size of an accessory building from 834 square feet to 1600 square feet and to increase the allowable height of an accessory building measured at mid-gable from 15 feet to 19 feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #2 to these minutes.

- b. **Case 25-030-VAR; 3236 Palmer Hills Court (R-5)** – Variance to reduce the required front yard setbacks adjacent to AAA Court and Palmer Hills Court from 25 feet to 10 feet, submitted by Mike Janecek of Martin & Whitacre. (Withdrawn)

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

STAFF REPORT

Subject: Board of Adjustment
Author: Alyssa Magsombol
Department: Community Development
Date: August 8, 2025



Case No.: 25-034-SU
Request: Special Use permit to allow a boarding kennel in the C-3 General Business district
Location: Lot 5, FG 80 Holdings Sixth Addition (proposed) (North of Forest Grove Drive, East of Middle Road, South of I-80)
Parcel ID: 840207404 (currently FG 80 Holdings 4th Addition)
Applicant: Kevin Koellner DBA Focus Real Estate Development
Current Zoning: C-3, General Business
Future Land Use: CC, Community Commercial

Background Information

Kevin Koellner DBA Focus Real Estate Development has submitted a request for a special use permit to allow a kennel in a C-3 General Business district. The development is being proposed on Lot 5 of the FG 80 Holdings Sixth Addition which is located north of Forest Grove Drive, east of Middle Road, and south of Interstate 80 (see [Aerial Map – Attachment A](#)). Currently, it is platted as the Fourth Addition but is proposed to be replatted as the Sixth Addition, pending City Council approval. As mentioned, it is located in the C-3 district, with other surrounding commercial areas to the west, and agricultural and park areas to the east. The Future Land Use Map designates this area as CC, Community Commercial as well as areas to the west. To the east, there are Mixed Transitional and Greenway areas (see [Future Land Use and Zoning – Attachment B](#)).

The Zoning Code allows for kennels to be built in the C-3 General Business district, but they are required to apply for a Special Use permit to determine if the surrounding uses are compatible with the proposal.

Staff Analysis

The proposed kennel building will be 9,960 square feet with an outdoor play area of similar size to on the northern part of the lot. The outdoor play area is proposed to be enclosed by a 6-foot high fence. Access is shown by a private drive lane off of Forest Grove Drive, just east of Iron Tee and Forest Grove Sports Complex (see [Site Plan – Attachment C](#)).

The area surrounding the lot has been rapidly developing over the last 10 years. The TBK Sports Complex was completed in 2018, and there have been multiple strip malls built and businesses moving in since then. The Iron Tee Golf Complex was completed in 2023, and most recently, the Forest Grove Sports Complex was completed in 2024. There is a new ORA Orthopedic building currently being constructed to the west of the proposed boarding kennel. To the east of the lot, there is a farm property, Forest Grove Park, and a school. Staff believes that no existing development near the proposal would be negatively affected by the proposed kennel.

Section 11-15-9 of the City Code specifies nine required standards that must be met for a special use permit to be granted. Staff has abbreviated those standards with the following list and indicated its position on each:

1. **Is the special use allowed in the targeted district?** Yes, per section 11-4-5.
2. **Does the special use appear to comply with all applicable zoning regulations?** Yes.
3. **Is the location, size, and character of the use in harmony with the targeted district?** Yes. The only other current development on this lot and nearby lots is the Forest Grove Sports Complex and Iron Tee, neither of which would be deeply impacted by a kennel. The other developments proposed by the same applicant (indoor storage and short-term rental units) would not be negatively affected since they are sufficiently buffered to minimize noise pollution from barking dogs. Additionally, traffic through the area is expected to remain low. (see [Aerial Overview – Attachment D](#)).
4. **Does the special use unreasonably hinder or discourage development in the target district?** No, this development should encourage future commercial development and will fit in with the other proposed and existing developments in this area.
5. **Is parking adequate and are the entrances and exits sufficient for the traffic flow to be generated?** Yes, 20 spaces are required, and 33 spaces are provided (including 2 ADA-compliant parking spaces.)
6. **Will the proposed use cause substantial injury to the value of other property in the neighborhood?** No, the proposed use will not cause injury to the area, as the surrounding development is being planned and constructed with full awareness of this use. Middle and Forest Grove LLC and FG80 Holdings LLC are developing the area.
7. **Has this case been reviewed and denied by the Board of Adjustment within the past year?** No.
8. **Are there any conditions the Board should impose to ensure the special use is in compliance with the standards above, or to minimize negative externalities of the special use?** Staff is not recommending any conditions for the special use permit.
9. **Is the proposed use consistent with the Comprehensive Plan?** Yes, the development would support the following Comprehensive Plan Goal: Economic Development – Attain and Retain Business and Industry.

Staff Recommendation

Staff contends that all standards of Section 11-15-9 are met, and the proposal would enhance the character of this area, serve public interest, and would not negatively affect the neighboring businesses. Staff recommends **approval** of the Special Use permit to allow a boarding kennel on the proposed Lot 5 of FG 80 Holdings Sixth Addition (Case No. 25-034-SU).

Respectfully submitted,

Alyssa Magsombol
Community Development Intern

Case No. 25-034-SU: Lot 5 FG 80 Holdings 6th Addition

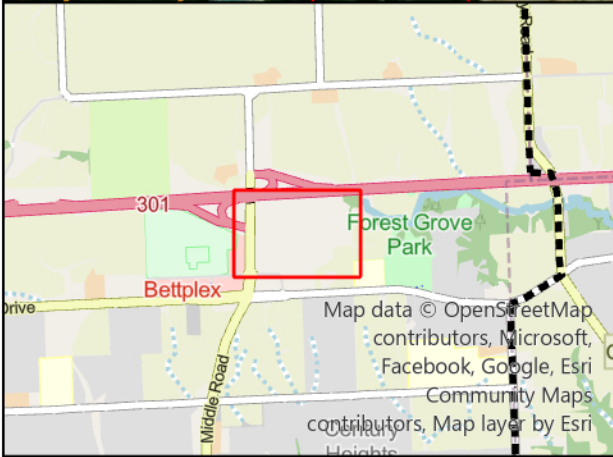
Special Use Request

Aerial Map - Attachment A

1 Inch = 302 Feet



N



Data: Nearmap; Scott County; City of Bettendorf
By: alyssam, Community Development Department
Date: 8/6/2025

Map data © OpenStreetMap contributors, Microsoft, Facebook, Google, Esri Community Maps contributors, Map layer by Esri
Maxar, Microsof, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) Open and

Case No. 25-034-SU: Lot 5 FG 80 Holdings 6th Addition Special Use Request Future Land Use and Zoning - Attachment B

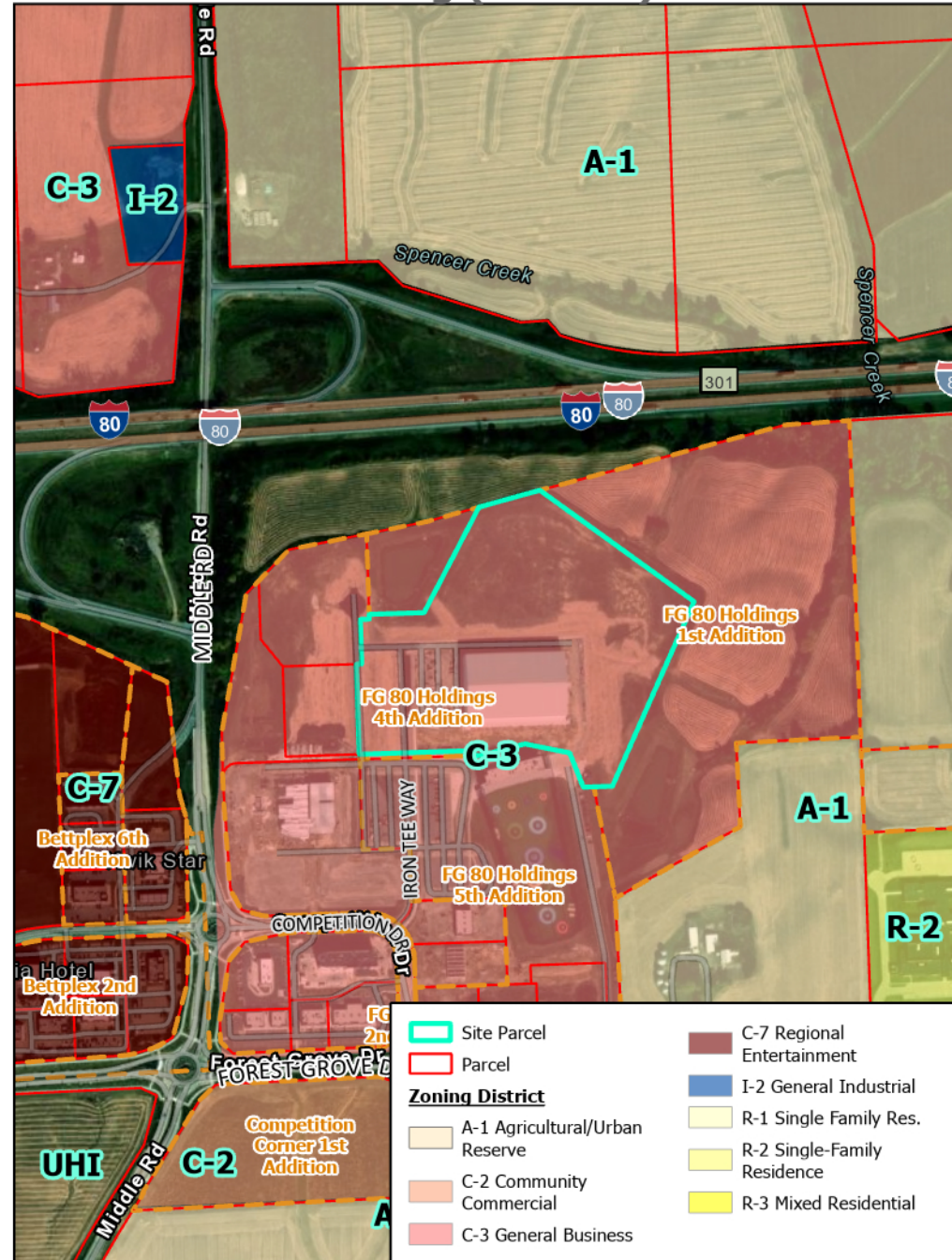
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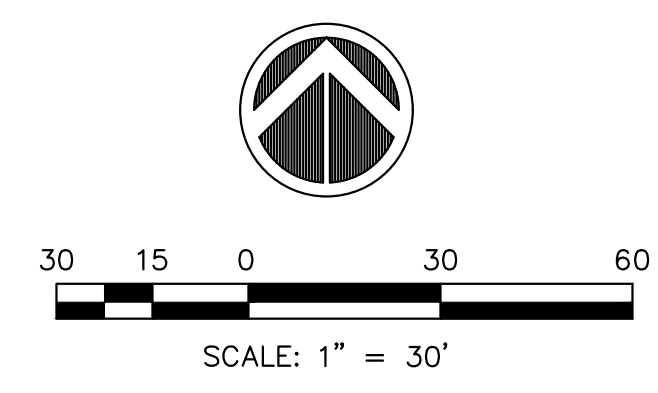


Future Land Use



Zoning (Current)

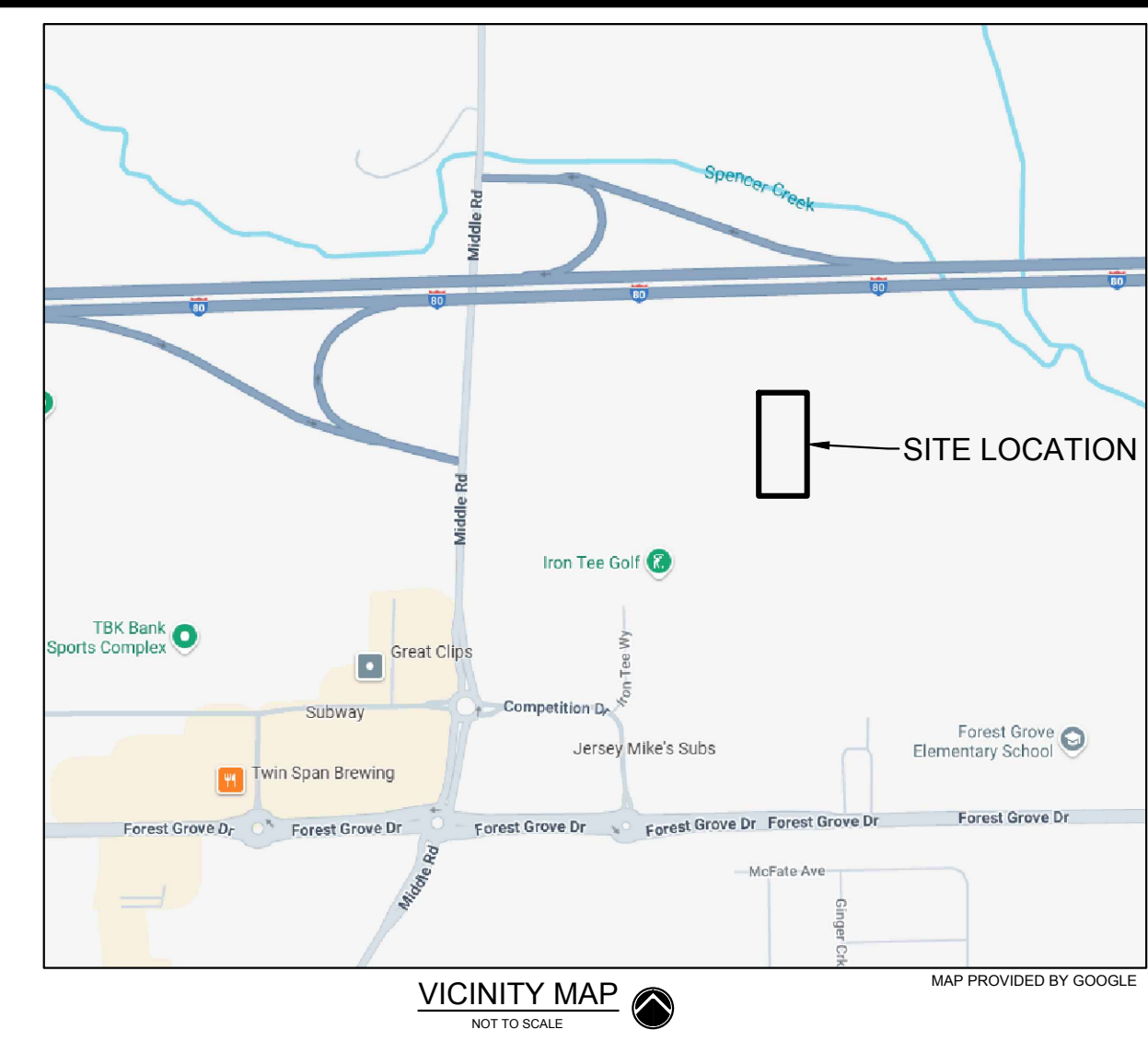




OWNER / SUBDIVIDER
MIDDLE & FOREST GROVE, LLC
 1805 STATE STREET #101
 BETTENDORF, IOWA 52722
 PHONE: 563-529-4753 (KEVIN KOELLNER)

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DEVELOPER
FOCUS REAL ESTATE DEVELOPMENT
 1805 STATE STREET #101
 BETTENDORF, IOWA 52722
 PHONE: 563-529-4753 (KEVIN KOELLNER)



LEGAL DESCRIPTION
 LOT NUMBER 5 OF FG 80 HOLDINGS SIXTH ADDITION, IN THE CITY OF BETTENDORF, SCOTT COUNTY, IOWA

SITE INFORMATION	
ZONING DISTRICT: C-3 GENERAL BUSINESS	
SITE LOCATION: LOT 5 FG80 HOLDINGS 6TH ADDITION, BETTENDORF, IOWA	
TOTAL LOT 5 AREA	96,818 S.F. ±
FRONT YARD REQUIRED	25'
SIDE YARD REQUIRED	NONE
REAR YARD REQUIRED	10'
TOTAL BUILDING AREA	9,960 S.F.
REQUIRED PARKING = 20 SPACES (INCLUDING 1 ADA)	
PROVIDED = 33 (INCLUDING 2 ADA)	
TOTAL VEHICULAR USE AREA (V.U.A.) = 15,900 S.F. ± (ACCESS DRIVE) / 14,900 S.F. ± (LOT 5)	
CONSTRUCTION ACTIVITY DESCRIPTION: The construction includes 1 proposed building, pet yard area, associated parking lot and utilities.	

LEGEND	
	STORM INLET
	FLARED END SECTION
	SANITARY MANHOLE
	WATER VALVE
	HYDRANT
	SURVEY BOUNDARY
	PROPERTY LINE
	CENTERLINE
	HISTORICAL LINE - AS NOTED
	EASEMENT LINE
	R.O.W. LINE
	SETBACK LINE
	SANITARY SEWER
	STORM SEWER
	WATER LINE
	CONTOUR
	PROPOSED CONTOUR
	PROPOSED SANITARY SEWER
	PROPOSED STORM SEWER
	PROPOSED WATER LINE
	PROPOSED STORM SEWER INLET
	PROPOSED FLARED END SECTION
	PROPOSED STORM MANHOLE
	PROPOSED WATER VALVE
	PROPOSED HYDRANT
	PROPOSED SANITARY MANHOLE
	PROPOSED SANITARY CLEANOUT
	PROPOSED HMA PAVEMENT
	PROPOSED PCC PAVEMENT
	PROPOSED BUILDING

- GENERAL NOTES**
- ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF BETTENDORF DESIGN AND SPECIFICATIONS, LATEST EDITION, AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
 - UNDERGROUND FACILITIES, STRUCTURES AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS, RECORDS, AND FIELD INVESTIGATION. THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. IT IS POSSIBLE THERE MAY BE OTHERS, THE EXISTENCE OF WHICH PRESENTLY NOT KNOWN OR SHOWN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR EXISTENCE AND EXACT LOCATION AND TO AVOID DAMAGE THERETO.
 - IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY CONFLICTS WITH THE DRAWINGS OCCUR. ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
 - PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREAS. DO NOT ALLOW WATER TO POND ONTO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
 - ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
 - THE CONTRACTOR SHALL EXERCISE PROPER CAUTION TO PROTECT THE EXISTING IMPROVEMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY DAMAGE.
 - ALL EROSION CONTROL MEASURES MUST BE INSTALLED PRIOR TO THE COMMENCEMENT OF ANY EARTH DISTURBING OPERATIONS. THE REMAINING EROSION CONTROL MEASURES SHALL BE INSTALLED AS SOON AS REASONABLY POSSIBLE AFTER GRADING OPERATIONS BEGIN. WHERE THE PRESENCE OF SILT FENCE WILL INTERFERE WITH ACTIVITIES, DIVERSION DITCHES AND SMALL TEMPORARY SEDIMENT TRAPS SHALL BE UTILIZED UNTIL SILT FENCE OR OTHER MEASURES MAY BE INSTALLED AND VEGETATION ESTABLISHED.
 - BUILDING CONSTRUCTION TYPE IS ANTICIPATED TO BE TYPE "II-2" PER THE 2015 INTERNATIONAL BUILDING CODE.
 - SEE ARCHITECTURAL PLANS FOR BUILDING OCCUPANCY TYPE PER THE 2015 INTERNATIONAL BUILDING CODE.
 - THE PROPOSED BUILDING WILL BE EQUIPPED WITH AN AUTOMATIC FIRE SPRINKLER SYSTEM.

NO.	REVISIONS DESCRIPTION	DATE



FOCUS REAL ESTATE - MFG
 BETTENDORF, IA

SITE DEVELOPMENT PLAN - KENNEL

IMEG Project No: 25002099.00
File Name: 25002099.00_City Site 25002099.dwg
© COPYRIGHT 2025 ALL RIGHTS RESERVED
Field Book No: #####
Drawn By: KCK
Checked By: ZSE
Date: 07/29/2025
C-1
Sheet ---- of 1

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

Zachary S. Eggleston
 Signature Date 07/29/2025

ZACHARY S. EGGLESTON
 License No. P27990
 My license renewal date is December 31, 2026
 Pages or sheets covered by this seal: THIS SHEET

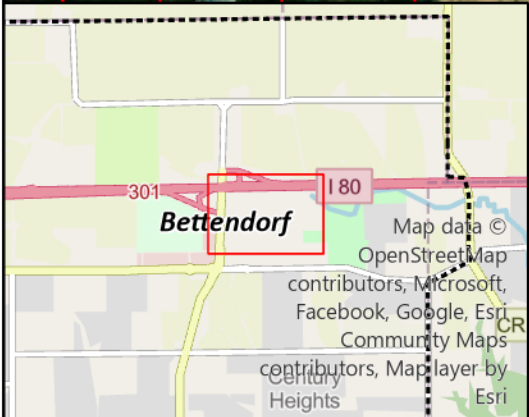
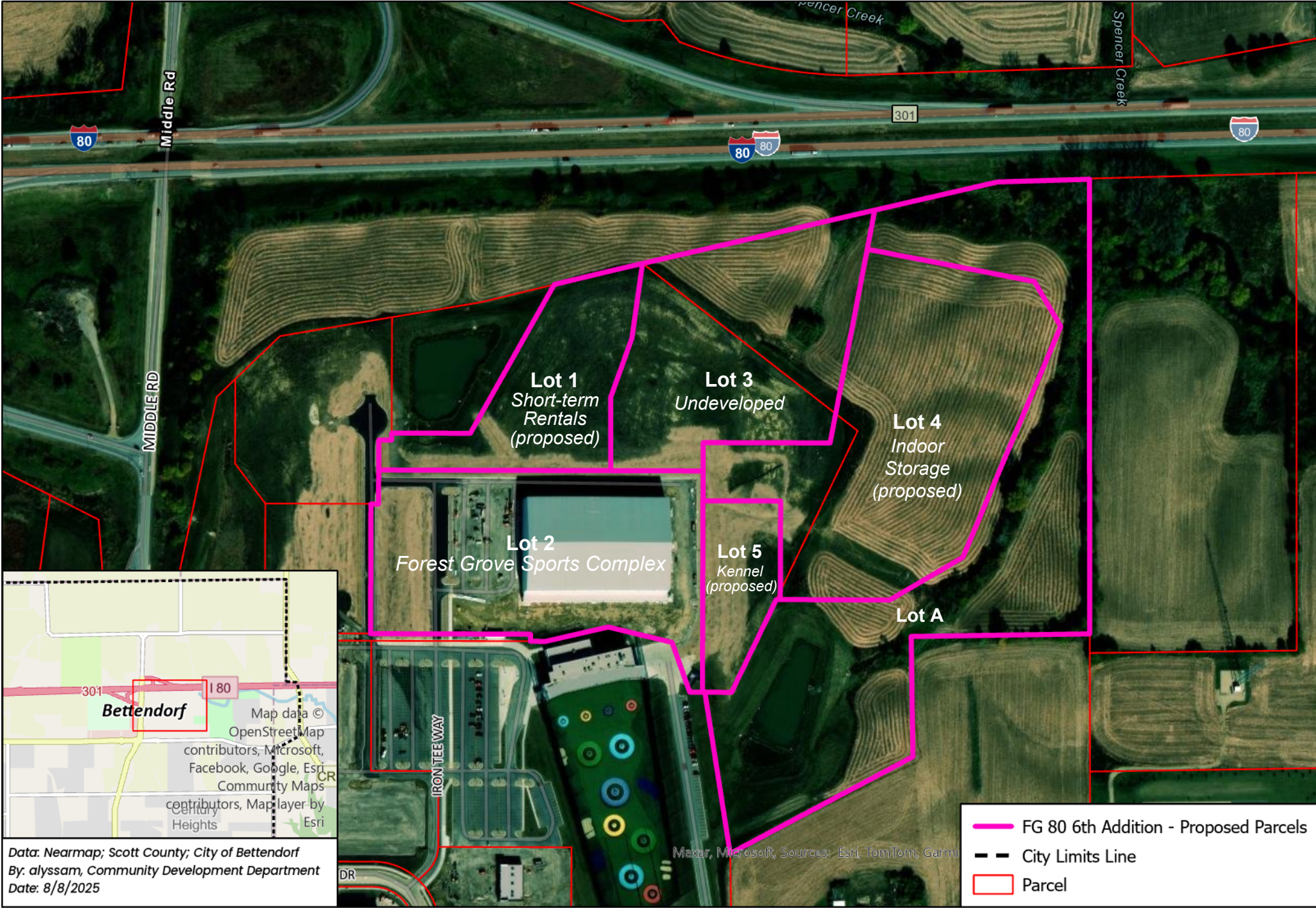
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Proposed Parcels for FG 80 Holdings 6th Addition Aerial Overview - Attachment D

1 Inch = 458 Feet



N



Data: Nearmap; Scott County; City of Bettendorf
By: alyssam, Community Development Department
Date: 8/8/2025

- FG 80 6th Addition - Proposed Parcels
- City Limits Line
- Parcel

STAFF REPORT

Subject: Board of Adjustment
Author: Alyssa Magsombol
Department: Community Development
Date: August 8, 2025



Case No.: 25-036-SU
Request: Special Use permit to allow indoor storage units in the C-3 General Business district
Location: Lot 4, FG 80 Holdings Sixth Addition (proposed) (North of Forest Grove Drive, East of Middle Road, South of I-80)
Parcel ID: 840207404 (currently FG 80 Holdings 4th Addition)
Applicant: Kevin Koellner DBA Focus Real Estate Development
Current Zoning: C-3, General Business
Future Land Use: CC, Community Commercial

Background Information

Kevin Koellner DBA Focus Real Estate Development has submitted a request for a special use permit to allow 11 indoor storage buildings (total of 111,600 square feet) located in the C-3 General Business district. The development is being proposed on Lot 4 of the FG 80 Holdings Sixth Addition, which is located north of Forest Grove Drive, east of Middle Road, and south of Interstate 80 (see [Aerial Map – Attachment A](#)). It is currently platted as the Fourth Addition but is proposed to be replatted as the Sixth Addition, pending City Council approval. There are surrounding commercial areas to the west, and agricultural and residential areas to the east. The Future Land Use Map designates this area as CC, Community Commercial as well as areas to the west. To the east, there are Mixed Transitional and Greenway areas (see [Future Land Use and Zoning – Attachment B](#)).

Per approval of Ordinance No. 12-25 (passed on June 17, 2025), Convenience Storage in the C-3 District is permitted by Special Use subject to approval of the Board of Adjustment.

Staff Analysis

The proposed storage buildings will range in size between 10,000 and 10,800 square feet. Access to each of the 11 buildings is shown by a private drive lane off of Forest Grove Drive, just east of Iron Tee and Forest Grove Sports Complex. The developer has designated Lot A to be reserved for stormwater detention (see [Site Plan – Attachment C](#)).

The area surrounding the lot has been rapidly developing over the last 10 years, with TBK Sports Complex opening in 2018 and the development of multiple strip malls and businesses moving in. The Iron Tee Golf Complex was completed in 2023, and most recently, the Forest Grove Sports Complex was completed in 2024. There is a new ORA Orthopedic building currently being constructed to the west of the proposed storage units. To the east of the lot, there is a farm property, Forest Grove Park, and a school. Staff believes that no existing development near the proposal would be negatively affected by the proposed storage units.

In addition to any potential negative externalities, staff analyzed the commercial property supply and demand for the selected location. City Council's intent in allowing indoor storage in the C-3 General Business District is to locate this use in commercial areas which have relatively low potential for customer trip generation or another, higher, economic intensive use. Staff contends the proposed location has limited commercial development potential due to the access distance from main thoroughfares including Competition Drive, Middle Road, Forest Grove Drive, and I-80.

Section 11-15-9 of the City Code specifies nine required standards that must be met for a special use permit to be granted. Staff has abbreviated those standards with the following list and indicated its position on each:

1. **Is the special use allowed in the targeted district?** Yes, per Ordinance No. 12-25 (passed June 17, 2025).
2. **Does the special use appear to comply with all applicable zoning regulations?** Yes.
3. **Is the location, size, and character of the use in harmony with the targeted district?** Yes. Other nearby developments include Iron Tee and Forest Grove Sports Complex, neither of which would be affected by the indoor storage units. The other proposed developments proposed by the same applicant would not be affected (boarding kennel and short-term rental units) (see [Aerial Overview – Attachment D](#)).
4. **Does the special use unreasonably hinder or discourage development in the target district?** No. It is a new development allowed in this area but will not affect the rest of the existing and future developments within the General Business district and the Future Land Use designation, Community Commercial.
5. **Is parking adequate and are the entrances and exits sufficient for the traffic flow to be generated?** Yes, there are four parking spaces in front of the rental office. In front of the storage buildings, there is ample space (70 feet) for users to pull their vehicles up to the doors, and there is a lane for traffic flow.
6. **Will the proposed use cause substantial injury to the value of other property in the neighborhood?** No. The surrounding development is being planned and constructed with full awareness of this use. Middle and Forest Grove LLC and FG80 Holdings LLC are developing the area.
7. **Has this case been reviewed and denied by the Board of Adjustment within the past year?** No.
8. **Are there any conditions the Board should impose to ensure the special use is in compliance with the standards above, or to minimize negative externalities of the special use?** Staff is not recommending any conditions for the special use permit.
9. **Is the proposed use consistent with the Comprehensive Plan?** Yes, the development would support the following Comprehensive Plan Goal: Economic Development – Attain and Retain Business and Industry.

Staff Recommendation

Staff contends that all the standards for a Special Use permit (11-15-9) are met, and the proposal would enhance the character of this area, serve public interest, and does not negatively affect the neighboring businesses. Staff recommends **approval** of the Special Use permit to allow indoor storage units on the proposed Lot 4 of FG 80 Holdings Sixth Addition (Case No. 25-036-SU).

Respectfully submitted,

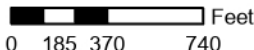
Alyssa Magsombol
Community Development Intern

Case No. 25-036-SU: Lot 4 FG 80 Holdings 6th Addition

Special Use Request

Future Land Use and Zoning Map - Attachment B

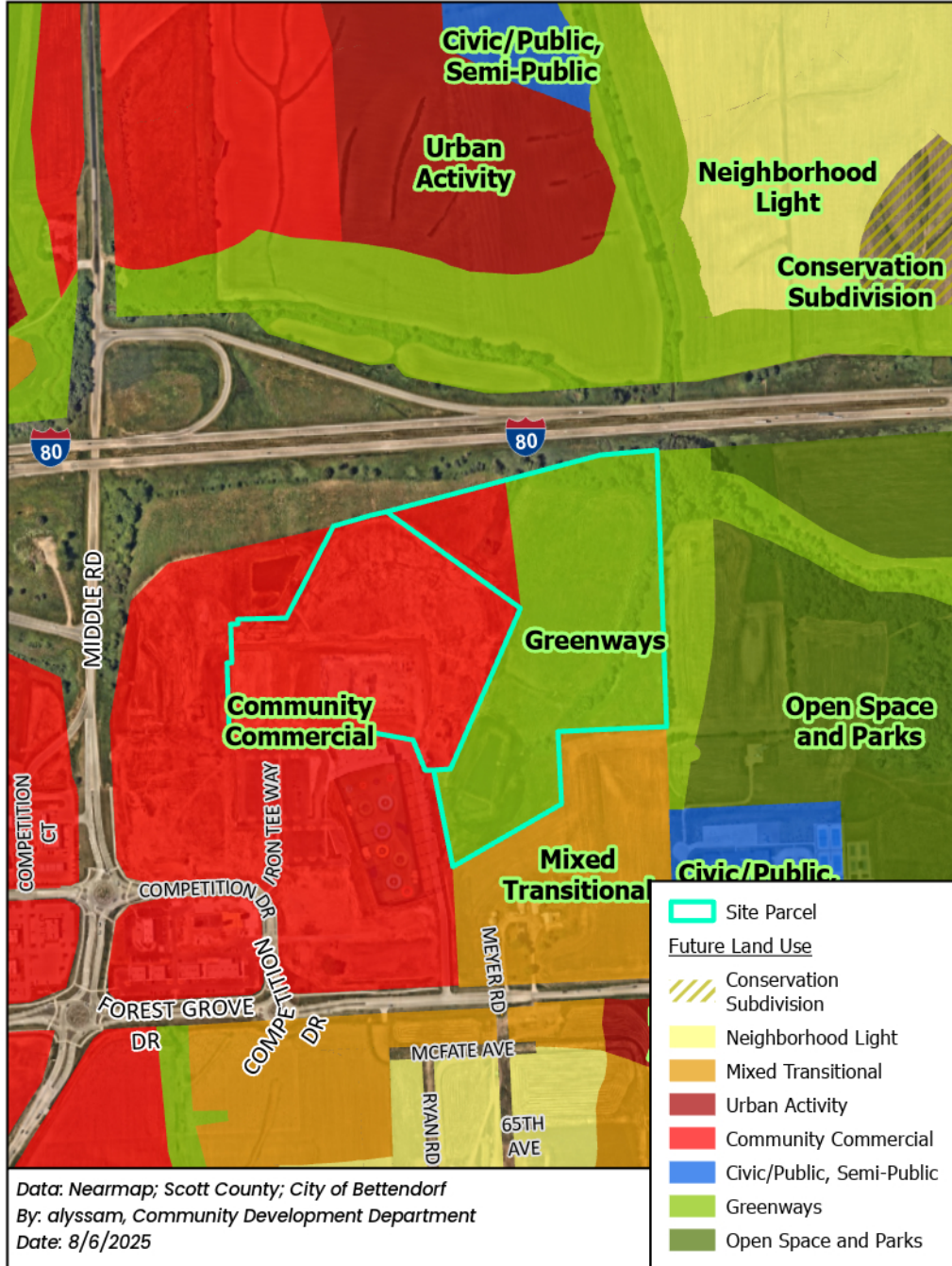
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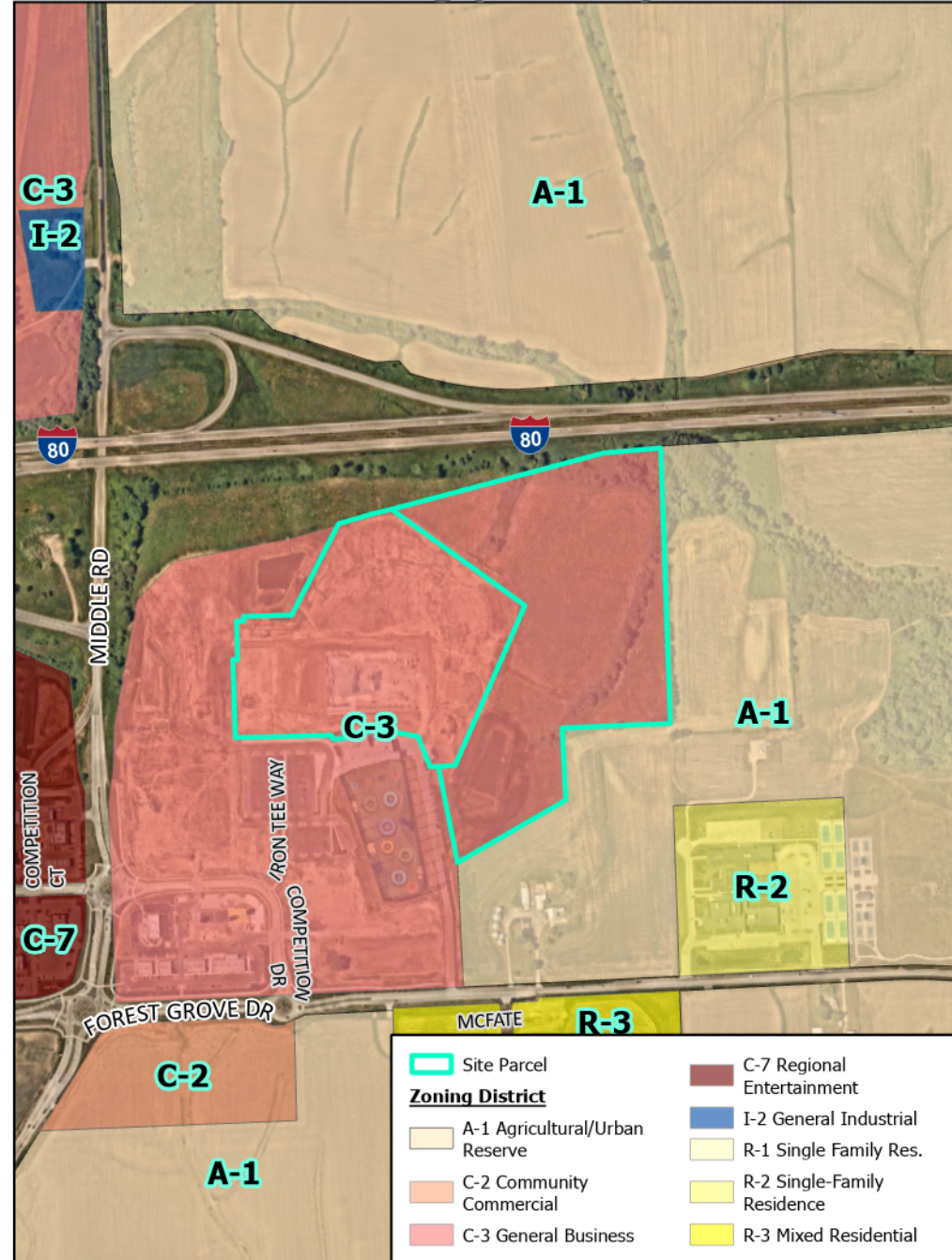
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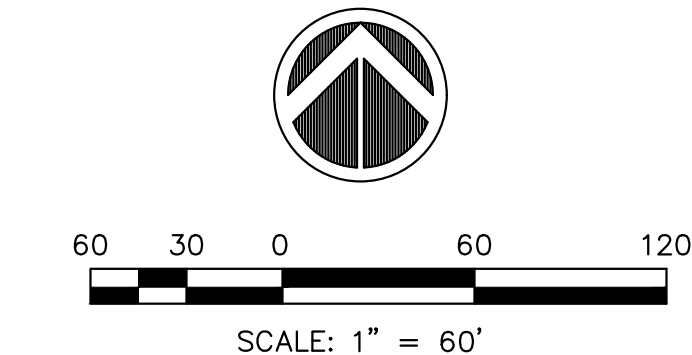


Future Land Use



Zoning (Current)

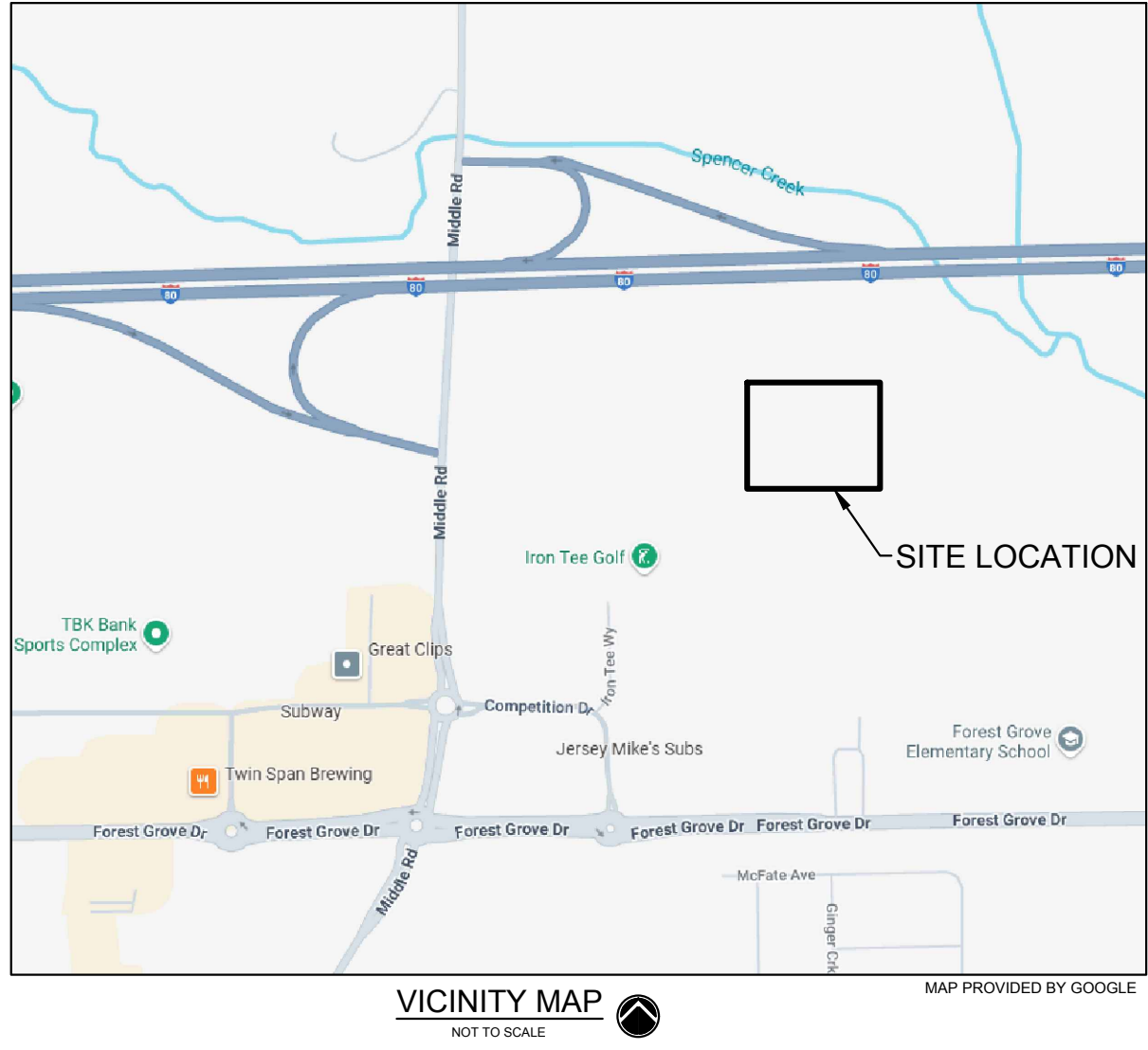




OWNER / SUBDIVIDER
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 BETTENDORF, IOWA 52722
 PHONE: 563-529-4753 (KEVIN KOELLNER)

ARCHITECT
JOSEPH ARCHITECTURAL
 4510 42ND AVENUE
 ROCK ISLAND, ILLINOIS 61201
 PHONE: 309-786-9920

DEVELOPER
FOCUS REAL ESTATE DEVELOPMENT
 1805 STATE STREET #101
 BETTENDORF, IOWA 52722
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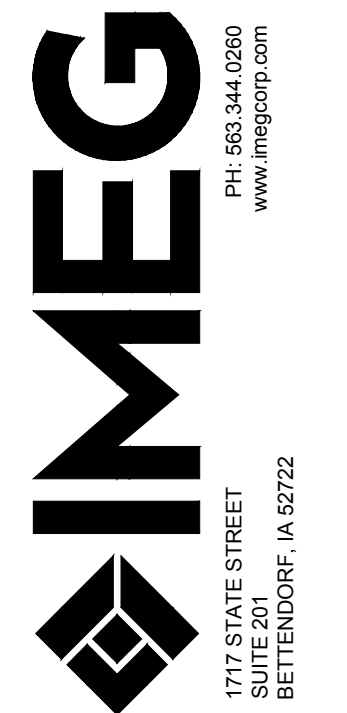
LEGAL DESCRIPTION
 LOT NUMBER 4 OF FG80 HOLDINGS SIXTH ADDITION, IN THE CITY OF BETTENDORF, SCOTT COUNTY, IOWA

SITE INFORMATION	
ZONING DISTRICT: C-3 GENERAL BUSINESS	
SITE LOCATION: LOT 4 FG80 HOLDINGS 6TH ADDITION, BETTENDORF, IOWA	
TOTAL LOT 4 AREA	533,313 S.F. ±
FRONT YARD REQUIRED	25'
SIDE YARD REQUIRED	NONE
REAR YARD REQUIRED	10'
TOTAL BUILDING AREA	REFER TO ARCH PLAN FOR BUILDING AREA PER UNIT TYPE
REQUIRED PARKING = 1	PROVIDED = 4
TOTAL VEHICULAR USE AREA (V.U.A.)	= 138,900 S.F. ±
CONSTRUCTION ACTIVITY DESCRIPTION: The construction includes 11 proposed buildings, associated parking and utilities.	

LEGEND	
	STORM INLET
	FLARED END SECTION
	SANITARY MANHOLE
	WATER VALVE
	HYDRANT
	SURVEY BOUNDARY
	PROPERTY LINE
	CENTERLINE
	HISTORICAL LINE - AS NOTED
	EASEMENT LINE
	R.O.W. LINE
	SETBACK LINE
	SANITARY SEWER
	STORM SEWER
	WATER LINE
	CONTOUR
	PROPOSED CONTOUR
	PROPOSED SANITARY SEWER
	PROPOSED STORM SEWER
	PROPOSED WATER LINE
	PROPOSED STORM SEWER INLET
	PROPOSED FLARED END SECTION
	PROPOSED STORM MANHOLE
	PROPOSED WATER VALVE
	PROPOSED HYDRANT
	PROPOSED SANITARY MANHOLE
	PROPOSED SANITARY CLEANOUT
	PROPOSED HMA PAVEMENT
	PROPOSED PCC PAVEMENT
	PROPOSED BUILDING

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 - PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREAS. DO NOT ALLOW WATER TO POND ONTO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
 - ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
 - THE CONTRACTOR SHALL EXERCISE PROPER CAUTION TO PROTECT THE EXISTING IMPROVEMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY DAMAGE.
 - ALL EROSION CONTROL MEASURES MUST BE INSTALLED PRIOR TO THE COMMENCEMENT OF ANY EARTH DISTURBING OPERATIONS. THE REMAINING EROSION CONTROL MEASURES SHALL BE INSTALLED AS SOON AS REASONABLY POSSIBLE AFTER GRADING OPERATIONS BEGIN. WHERE THE PRESENCE OF SILT FENCE WILL INTERFERE WITH ACTIVITIES, DIVERSION DITCHES AND SMALL TEMPORARY SEDIMENT TRAPS SHALL BE UTILIZED UNTIL SILT FENCE OR OTHER MEASURES MAY BE INSTALLED AND VEGETATION ESTABLISHED.
 - BUILDING CONSTRUCTION TYPE IS ANTICIPATED TO BE TYPE "II-2" PER THE 2015 INTERNATIONAL BUILDING CODE.
 - SEE ARCHITECTURAL PLANS FOR BUILDING OCCUPANCY TYPE PER THE 2015 INTERNATIONAL BUILDING CODE.

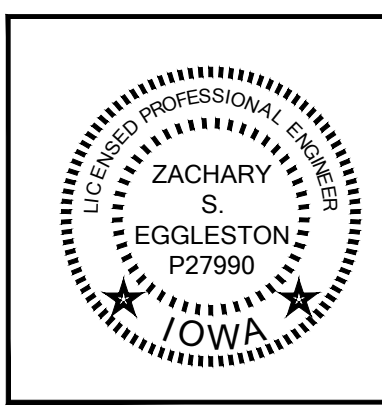
NO.	REVISIONS DESCRIPTION	DATE



FOCUS REAL ESTATE - MFG
 BETTENDORF, IA

SITE DEVELOPMENT PLAN - STORAGE UNITS

IMEG Project No: 25002099.00
File Name: 25002099.00_City Site
© COPYRIGHT 2025 ALL RIGHTS RESERVED
Field Book No: #####
Drawn By: KCK
Checked By: ZSE
Date: 07/29/2025
C-1
Sheet ---- of 1



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

Zachary S. Eggleston
 Signature Date: 07/29/2025

ZACHARY S. EGGLESTON
 License No. P27990
 My license renewal date is December 31, 2026
 Pages or sheets covered by this seal: THIS SHEET

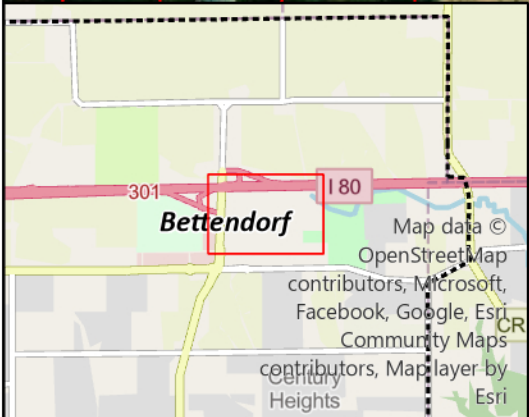
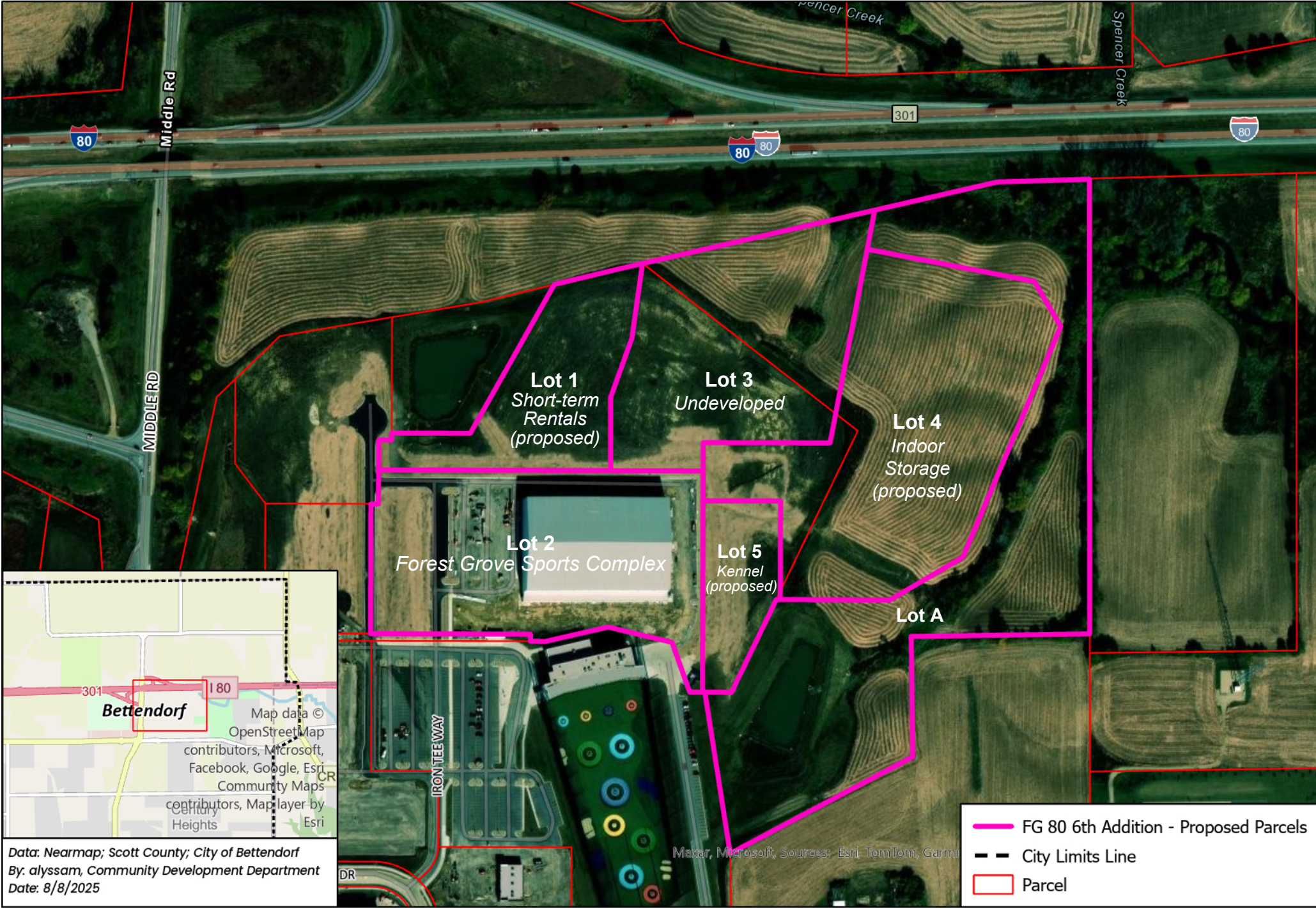
Tuesday, July 29, 2025 1:35:32 PM
 G:\2025\25002099.00\DESIGN\CIVIL\CD\PL01.CITY SITE PLAN_STORAGE UNITS.DWG

Proposed Parcels for FG 80 Holdings 6th Addition Aerial Overview - Attachment D

1 Inch = 458 Feet



N



Data: Nearmap; Scott County; City of Bettendorf
By: alyssam, Community Development Department
Date: 8/8/2025

- FG 80 6th Addition - Proposed Parcels
- City Limits Line
- Parcel

STAFF REPORT

Subject: Board of Adjustment - Variance
Author: Greg Beck
Department: Community Development
Date: August 14, 2025



Case No.: 25-030

Request: Variance to reduce the required front yard setback adjacent to AAA Court from 25 feet to 11 feet and to reduce the required front yard setback adjacent to Palmer Hills Court from 25 feet to 13 feet.

Location: 3236 Palmer Hills Court

Legal Description: Lot 4, AAA Office Park 2nd ADD (Parcel #: 841203604)

Applicant: Mike Janecek, Martin & Whitacre

Current Zoning: R-5 , High Intensity Multi-Family Residence District

Future Land Use: Community Commercial (CC)

Background Information & Facts

Mike Janecek of Martin & Whitacre Surveyors and Engineers has requested a variance to reduce the required front yard setbacks at 3236 Palmer Hills Court (proposed replat of Lot 4, AAA Office Park 2nd Addition. The applicant requests a reduction in the front yard setback from 25 feet to 11 feet adjacent to AAA Court, and from 25 feet to 13 feet adjacent to Palmer Hills Court. The lot in question will be split into two lots for the purpose of constructing two attached dwelling units referred to as "Single-Family Residential (Attached)" under city zoning code.

Staff Analysis & Recommendations

The Board has been made aware of recent changes to the State law allowing the Board to consider approving dimensional/numerical variances based on practical difficulties to the property owner so long as the spirit of the City's ordinance is maintained and the requested variance does not significantly alter the character of the neighborhood.

Staff contends the following practical difficulties exist and are not caused by the owner.

- The newly-formed lots are encumbered by the AAA Court and Palmer Court cul-de-sac configuration which encumbers them more than if they were parallel to the right-of-way.
- Both of the newly-formed lots are effectively corner lots, which reduces the buildable area.

Additionally, staff notes that even under the previous more stringent variance test, some precedent has been established regarding structures encroaching into the front yard setback as noted:

- Case 16-092, Deer Trail Road, 12-foot by 42-foot house addition, reduced setback to 13 feet in an R-2 district.
- Case 16-051, 702 Eighth Street, two level deck, reduced setback to 3.75 feet in an R-2 district.
- Case 23-001, 1101 Hillside Drive, 576 square-foot garage, reduced setback to 7 feet in an R-2 district.

Staff Recommendation

Staff recommends approving the petitioner's request to encroach into the front yard setbacks in order to facilitate the construction of the single-family residential (attached) structure subject to the following condition:

1. The replat of Lot 4, AAA Office Park Second Addition must occur prior to issuance of any building permits.

Respectfully submitted,

Greg Beck
City Planner

List of Attachments:

- A – Aerial Location Map
- B – FLUM and Zoning Map
- C – AAA Office Park 5th Addition
- D - AAA Office Park 2nd Addition
- E – Petitioner's Plot Plan
- F – Statute Provision Variances

Case No. 25-030: 3236 Palmer Hills Court

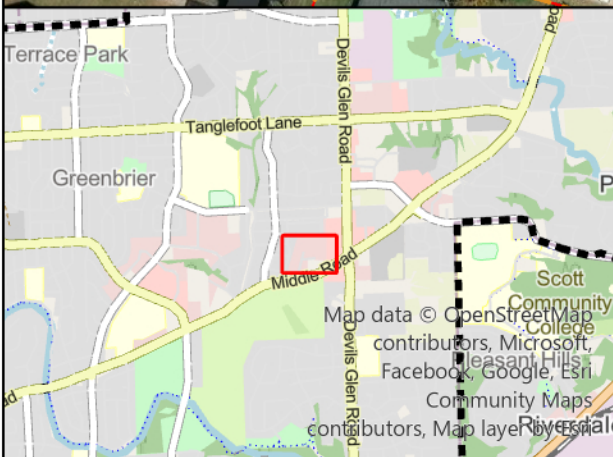
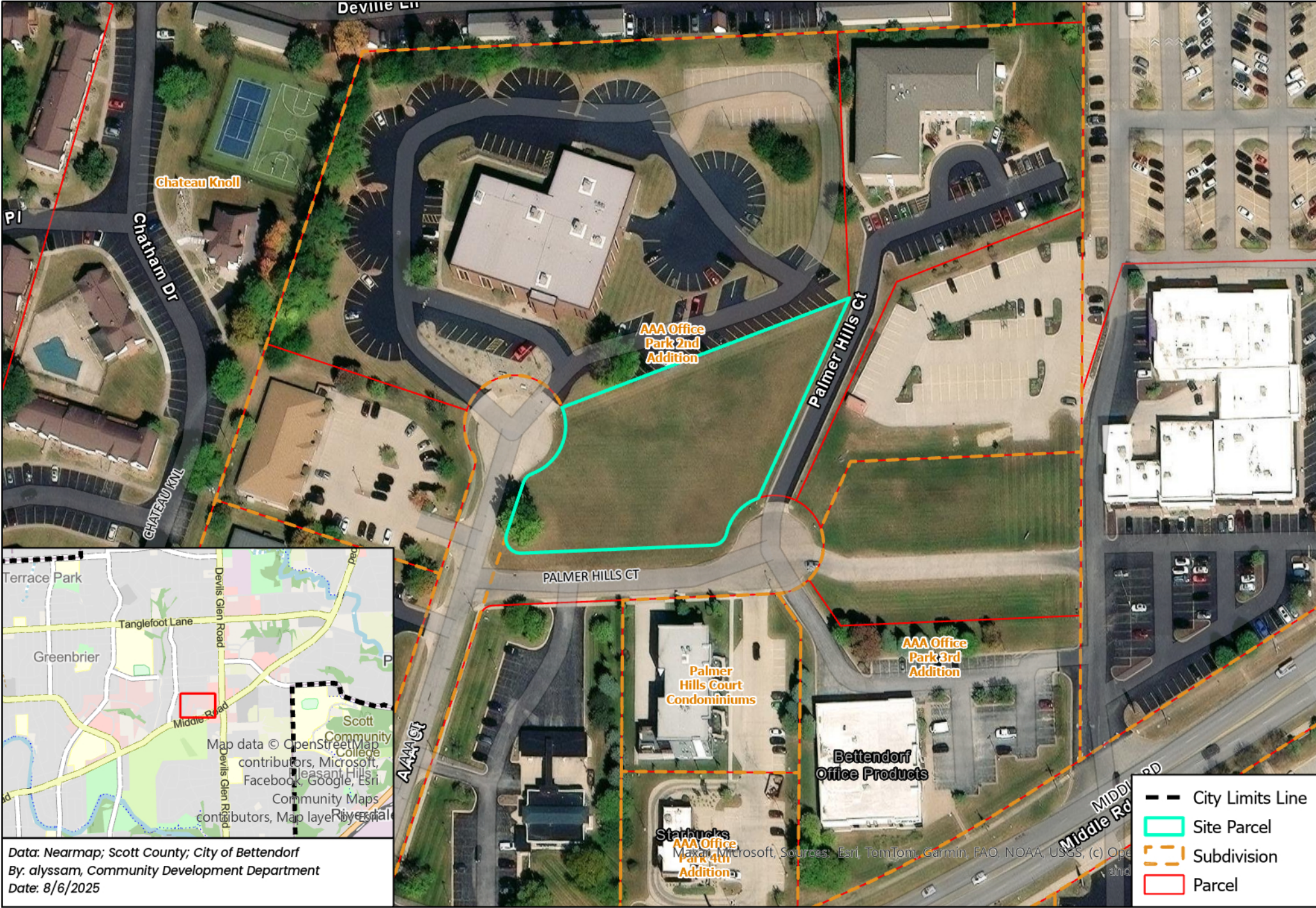
Variance

Aerial Map - Attachment A

1 Inch = 125 Feet



N



Data: Nearmap; Scott County; City of Bettendorf
By: alyssam, Community Development Department
Date: 8/6/2025

- City Limits Line
- Site Parcel
- Subdivision
- Parcel

Case No. 25-030: 3236 Palmer Hills Court

Variance

Future Land Use and Zoning - Attachment B

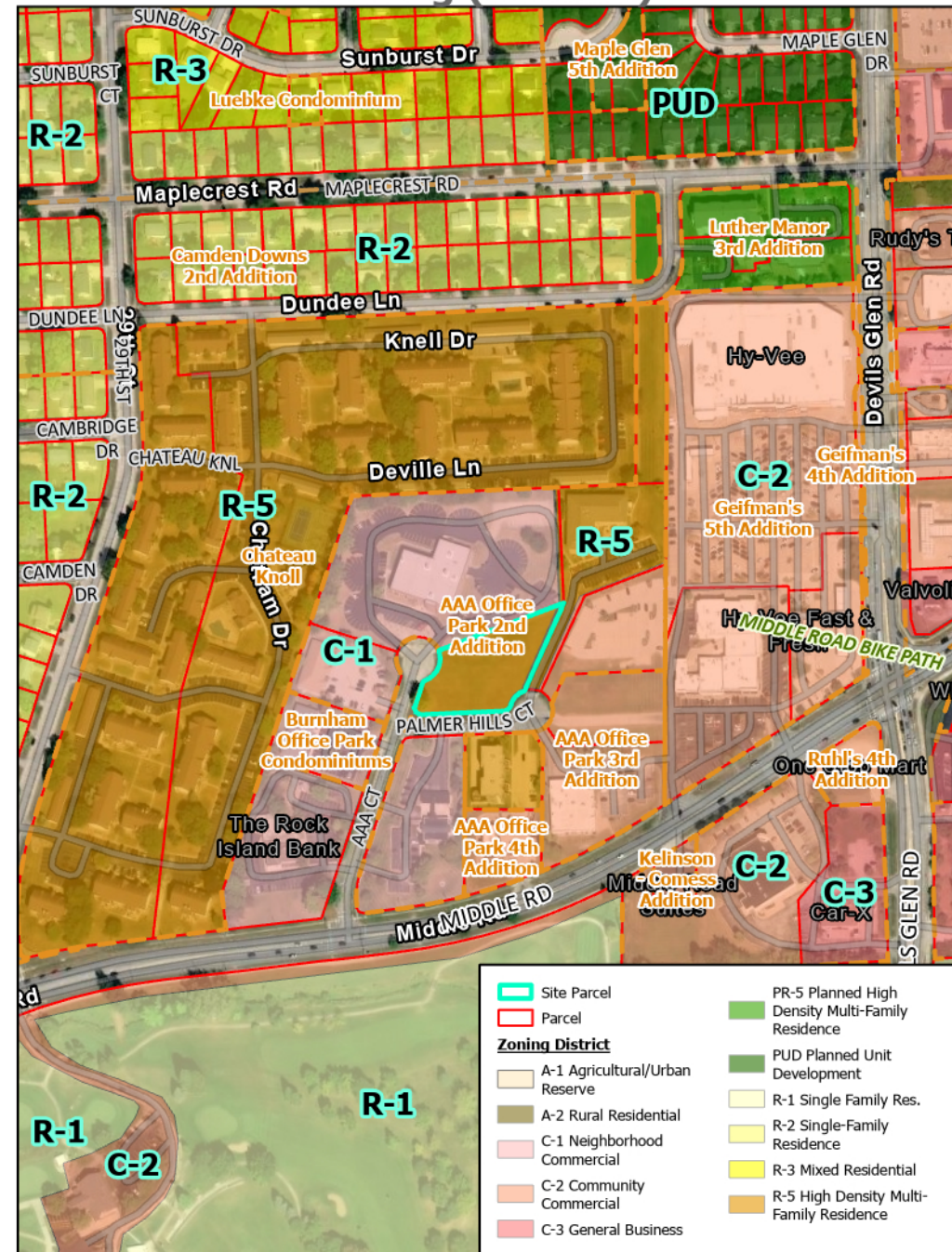
1 Inch = 417 Feet

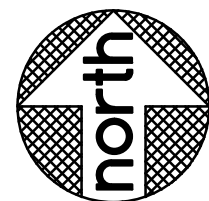


Future Land Use

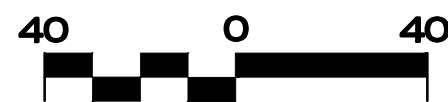


Zoning (Current)





BASIS OF BEARINGS
IOWA REGIONAL COORDINATE SYSTEM
ZONE II



AAA OFFICE PARK 5TH ADDITION FINAL PLAT

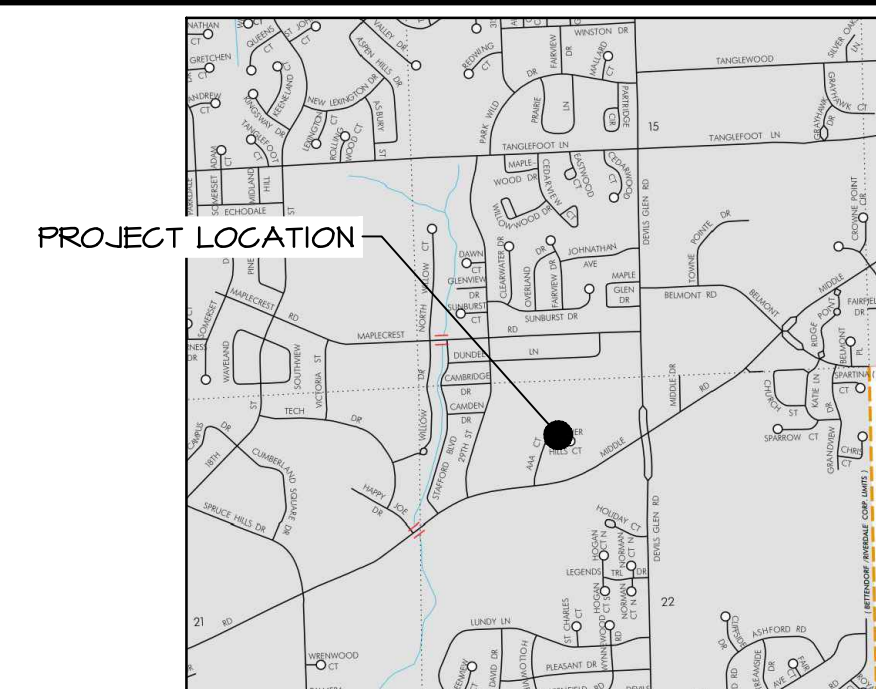
REPLAT OF LOT 4 OF AAA OFFICE PARK 2ND ADDITION OF BETTENDORF,
IOWA
PER DOC # 12106-97

AREA
GROSS = 1.07 ACRES

LAND DESCRIPTION -
Lot Number Four (4) in AAA Office Park 2ND
Addition, situated in Scott County, Iowa

SURVEY NOTES

- IT SHOULD BE NOTED THAT IN THE PERFORMANCE OF THIS SURVEY, THE COURSES AND DISTANCES OF THE SURVEY MAY VARY FROM THE RECORDED CALLS, BASED ON THE EXISTENCE OF FOUND MONUMENTATION, OCCUPATION OR OTHER CONTROLLING CALLS OR CONDITIONS THAT HAVE OCCURRED IN THE SURVEY OF THIS PROPERTY.
- NO INVESTIGATIONS WERE MADE AS A PART OF THIS SURVEY CONCERNING ENVIRONMENTAL OR SUBSURFACE CONDITIONS, OR FOR THE EXISTENCE OF UNDERGROUND CONTAINERS, STRUCTURES OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THE PROPERTY.
- NO INVESTIGATIONS WERE MADE AS A PART OF THIS SURVEY TO DETERMINE OR SHOW DATA CONCERNING THE EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY OR LOCATION OF ANY UTILITIES OR MUNICIPAL FACILITIES, EXCEPT AS NOTED. CALL IOWA ONE-CALL AT 811 OR 1-800-242-8989 FOR INFORMATION REGARDING THESE UTILITIES OR FACILITIES.
- ALL MONUMENTS SHOWN HAVE BEEN FOUND OR WILL BE SET BY DECEMBER 31ST, 2025.



VICINITY MAP
NOT TO SCALE

ZONING

R-5 HIGH DENSITY MULTI-FAMILY
RESIDENCE
I-FAMILY ATTACHED

DEVELOPER

KRE, L.L.C.
4374 STATE STREET, SUITE I
BETTENDORF, IOWA 52722

SETBACKS

FRONT*	SIDE	REAR
YARD	YARD	YARD
25'	5'	25'

*VARIANCE REQUESTED

OWNER(S)

J & K INVESTMENT COMPANY, L.L.C.
4374 STATE STREET, SUITE I
BETTENDORF, IOWA 52722

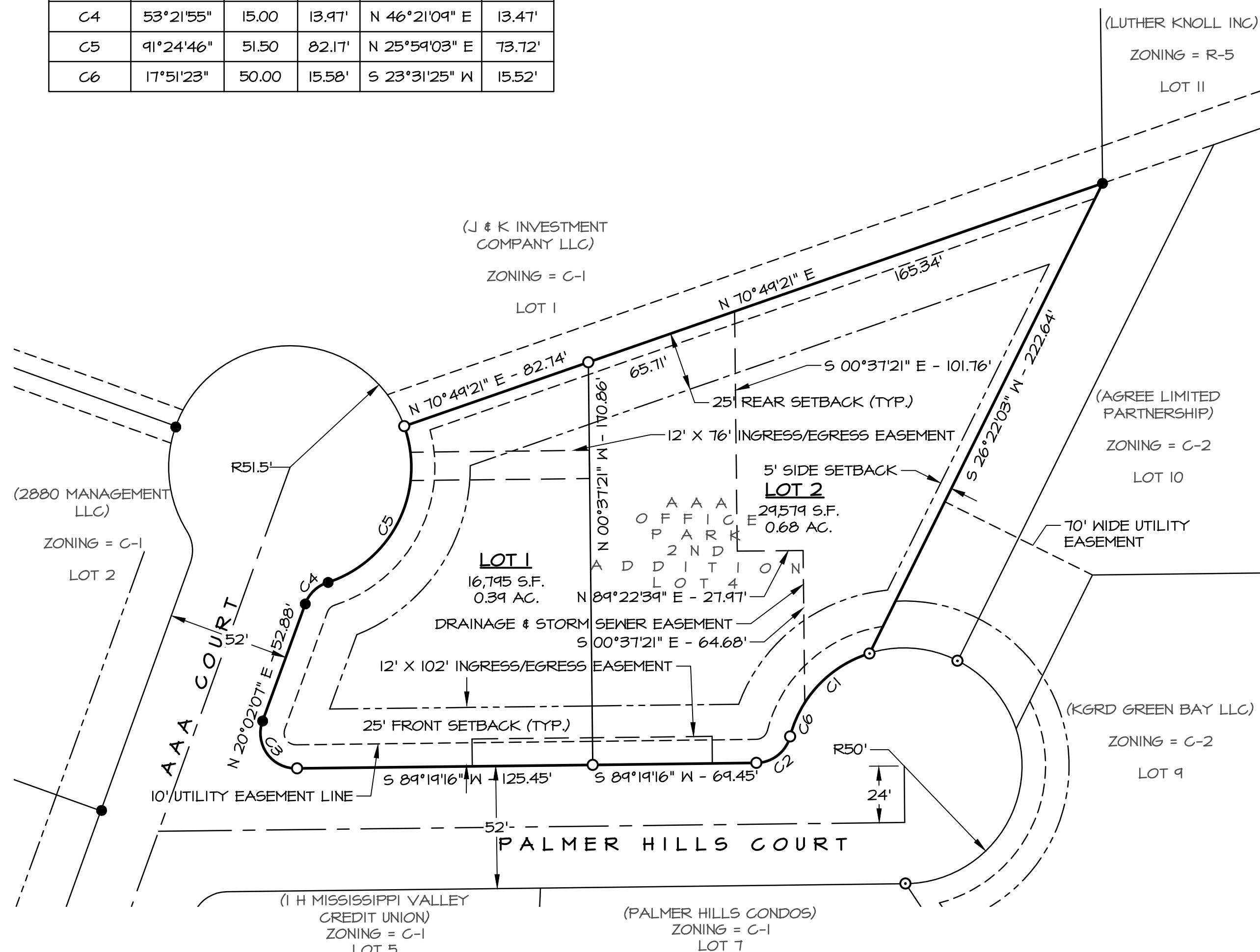
LEGEND

- SET 1/2" X 36" REBAR WYELLOW CAP #10316
- FOUND REBAR
- FOUND 1/2" REBAR WYELLOW CAP #7636

CURVE DATA					
CURVE #	DELTA	RADIUS	ARC	BEARING	CHORD
C1	40°28'24"	50.00	35.32'	S 52°41'19" W	34.59'
C2	74°50'47"	15.00	19.59'	S 51°53'47" W	18.23'
C3	112°04'47"	15.00	29.34'	N 36°08'31" W	24.88'
C4	53°21'55"	15.00	13.97'	N 46°21'09" E	13.47'
C5	91°24'46"	51.50	82.17'	N 25°59'03" E	73.72'
C6	17°51'23"	50.00	15.58'	S 23°31'25" W	15.52'

GENERAL NOTES

- ALL LANDSCAPING SHALL BE COMPLIANT WITH CITY OF BETTENDORF LANDSCAPE ORDINANCE, AND SHALL BE INSTALLED PRIOR TO CITY COUNCIL ACCEPTANCE OF SUBDIVISION IMPROVEMENTS.
- ALL STORM & SANITARY SEWER IMPROVEMENTS ARE PRIVATE.
- DETENTION POND SHALL BE JOINTLY AND EQUALLY MAINTAINED BY LOTS 1 & 2.
- BLANKET UNDERGROUND EASEMENTS GRANTED FOR ALL PRIMARY AND SECONDARY ELECTRIC CABLES, PAD MOUNTED TRANSFORMERS, ELECTRIC TRANSFORMERS, GAS SERVICE, WATER SERVICE, SEWER LATERAL, TELEPHONE SERVICE AND CABLE T.V. SERVICE TO INDIVIDUAL STRUCTURES AND STREET LIGHTS.
- ZONING SETBACK LINES ARE BASED ON ZONING REQUIREMENTS AS OF THE DATE OF CITY COUNCIL APPROVAL. IN CASE OF A 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 AT ITS SOLE DISCRETION TO ALTER OR AMEND ANY PLAT NOTE, OR TO SELL OR VACATE ANY RIGHT OF WAY OR UTILITY EASEMENT 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 RE-PLATTED.



CITY OF BETTENDORF, IOWA

_____ Date

Attest: _____ Title Date

PLANNING AND ZONING

The utility easements as shown are acceptable to the following utilities:

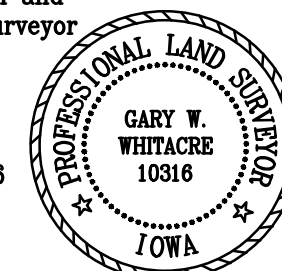
CENTURYLINK, LC _____ Title Date

MEDIACOM _____ Title Date

IOWA-AMERICAN WATER COMPANY _____ Title Date

MID-AMERICAN ENERGY CO. _____ Title Date

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 Professional Land Surveyor under the laws of the State of Iowa.



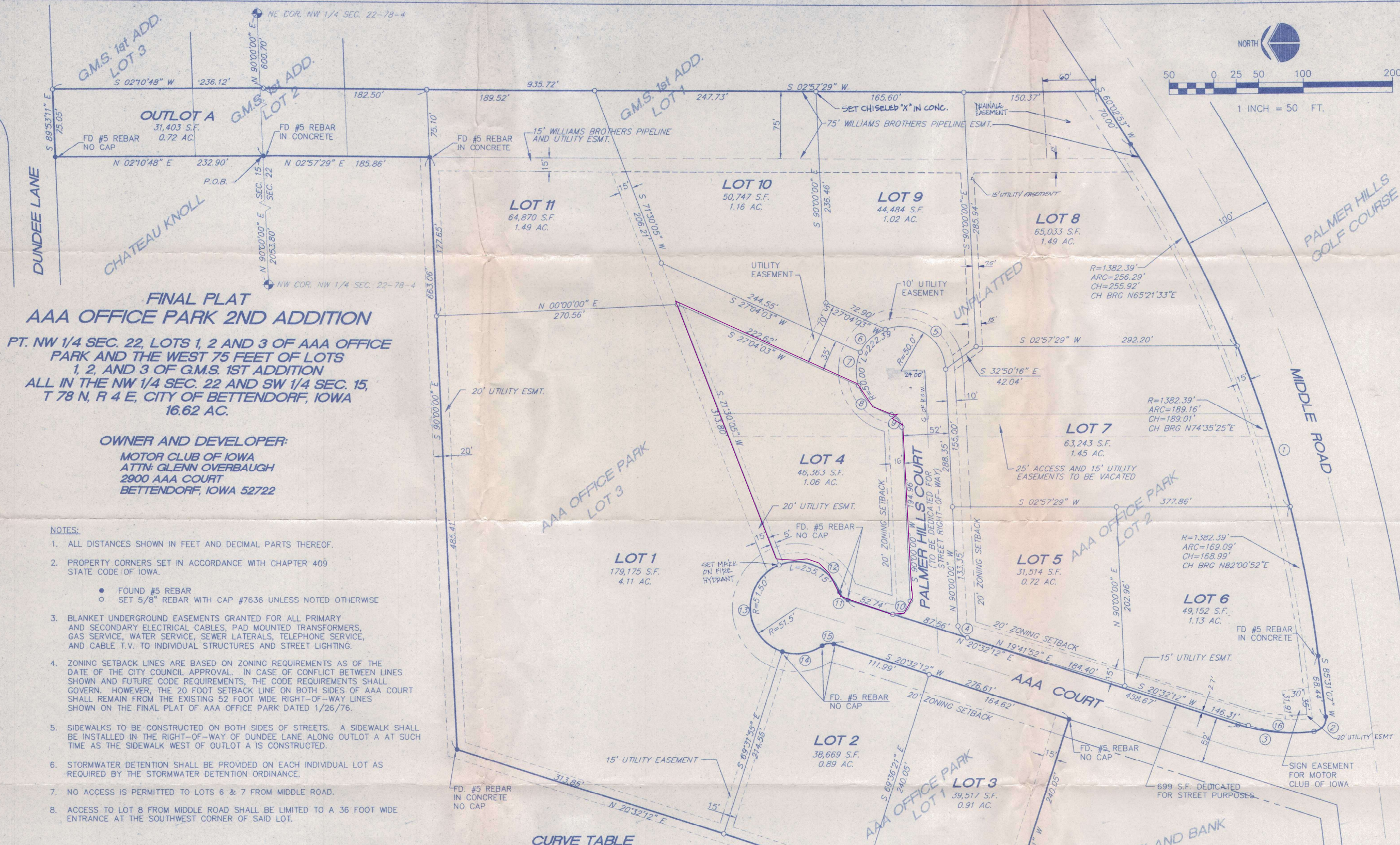
Gary W. Whitacre
Date _____ Reg. No. 10316
My license renewal date is December 31, 2025
Pages or sheets covered by this seal: 1

SURVEY COMPANY / RETURN TO:
Martin & Whitacre
Surveyors & Engineers, Inc.
1508 BIDWELL ROAD, MUSCATINE, IOWA 52761
INFO@MARTIN-WHITACRE.COM (563)263-7691

SURVEYOR: GARY W. WHITACRE
PROPRIETOR(S): J & K INVESTMENT COMPANY, L.L.C.
REQUESTOR: KRE, L.L.C.

LOCATION: LOT 4 OF AAA OFFICE PARK 2ND ADDITION
SURVEY TYPE: FINAL PLAT

FILE	BOOK	SCALE	DRN	CHK'D	DATE	JOB NO.
SCANNED	KOELLNER PROJECTS	1"=40'	MAR	GWW	1/23/25	4204.25
REV. 0	4204 SUBDIVISION.DWG				SHEET	OF 1



**FINAL PLAT
AAA OFFICE PARK 2ND ADDITION**

PT. NW 1/4 SEC. 22, LOTS 1, 2 AND 3 OF AAA OFFICE PARK AND THE WEST 75 FEET OF LOTS 1, 2, AND 3 OF G.M.S. 1ST ADDITION
ALL IN THE NW 1/4 SEC. 22 AND SW 1/4 SEC. 15, T 78 N, R 4 E, CITY OF BETTENDORF, IOWA
16.62 AC.

OWNER AND DEVELOPER:
MOTOR CLUB OF IOWA
ATTN: GLENN OVERBAUGH
2900 AAA COURT
BETTENDORF, IOWA 52722

NOTES:

- ALL DISTANCES SHOWN IN FEET AND DECIMAL PARTS THEREOF.
- PROPERTY CORNERS SET IN ACCORDANCE WITH CHAPTER 409 STATE CODE OF IOWA.
 - FOUND #5 REBAR
 - SET 5/8" REBAR WITH CAP #7636 UNLESS NOTED OTHERWISE
- BLANKET UNDERGROUND EASEMENTS GRANTED FOR ALL PRIMARY AND SECONDARY ELECTRICAL CABLES, PAD MOUNTED TRANSFORMERS, GAS SERVICE, WATER SERVICE, SEWER LATERALS, TELEPHONE SERVICE, AND CABLE T.V. TO INDIVIDUAL STRUCTURES AND STREET LIGHTING.
- ZONING SETBACK LINES ARE BASED ON ZONING REQUIREMENTS AS OF THE DATE OF THE CITY COUNCIL APPROVAL. IN CASE OF CONFLICT BETWEEN LINES SHOWN AND FUTURE CODE REQUIREMENTS, THE CODE REQUIREMENTS SHALL GOVERN. HOWEVER, THE 20 FOOT SETBACK LINE ON BOTH SIDES OF AAA COURT SHALL REMAIN FROM THE EXISTING 52 FOOT WIDE RIGHT-OF-WAY LINES SHOWN ON THE FINAL PLAT OF AAA OFFICE PARK DATED 1/26/76.
- SIDEWALKS TO BE CONSTRUCTED ON BOTH SIDES OF STREETS. A SIDEWALK SHALL BE INSTALLED IN THE RIGHT-OF-WAY OF DUNDEE LANE ALONG OUTLOT A AT SUCH TIME AS THE SIDEWALK WEST OF OUTLOT A IS CONSTRUCTED.
- STORMWATER DETENTION SHALL BE PROVIDED ON EACH INDIVIDUAL LOT AS REQUIRED BY THE STORMWATER DETENTION ORDINANCE.
- NO ACCESS IS PERMITTED TO LOTS 6 & 7 FROM MIDDLE ROAD.
- ACCESS TO LOT 8 FROM MIDDLE ROAD SHALL BE LIMITED TO A 36 FOOT WIDE ENTRANCE AT THE SOUTHWEST CORNER OF SAID LOT.

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
1	1382.39'	614.54'	312.43'	609.49'	S 72°47'00" W	25°28'14"
2	15.00'	23.64'	15.08'	21.27'	N 49°20'12" W	90°17'22"
3	199.21'	85.98'	43.67'	85.31'	N 08°10'20" E	24°43'43"
4	15.00'	18.19'	10.40'	17.09'	N 55°16'06" E	69°27'48"
5	50.00'	93.92'	68.35'	80.71'	N 36°11'07" E	107°37'45"
6	50.00'	38.99'	20.55'	38.01'	N 39°58'13" W	44°40'56"
7	50.00'	38.56'	20.30'	37.61'	N 84°24'14" W	44°11'05"
8	50.00'	50.91'	27.91'	48.74'	S 44°19'57" W	58°20'33"
9	15.00'	19.59'	11.48'	18.23'	S 52°34'50" W	74°50'19"
10	15.00'	28.94'	21.64'	24.65'	N 34°43'54" W	110°32'12"
11	15.00'	13.60'	7.31'	13.14'	N 46°30'17" E	51°56'10"
12	51.50'	82.27'	52.90'	73.80'	N 26°42'25" E	91°31'54"
13	51.50'	126.26'	143.33'	96.93'	S 89°17'44" E	140°28'23"
14	51.50'	46.62'	25.04'	45.04'	S 05°27'56" E	51°52'02"
15	15.00'	13.60'	7.31'	13.14'	S 05°25'53" E	51°56'10"
16	169.76'	74.44'	37.83'	73.84'	N 08°22'09" E	25°07'26"

IOWA-AMERICAN WATER CO.
BY: *[Signature]*
DATE: 9-9-96

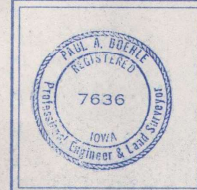
U.S. WEST COMMUNICATIONS
BY: *[Signature]*
DATE: 9-9-96

MIDAMERICAN ENERGY CO.
BY: *[Signature]*
DATE: 9-9-96

COX COMMUNICATIONS
BY: *[Signature]*
DATE: 9/9/96

PLAN AND ZONE COMMISSION
BY: *[Signature]*
DATE: 4-22-97

CITY OF BETTENDORF, IOWA
BY: *[Signature]*
DATE: 4-22-97
ATTEST: *[Signature]*
4-22-97



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

[Signature] DATE: 9-9-96
PAUL A. BOEHLE IA. REG. NO. 7636
MY RENEWAL DATE IS DECEMBER 31, 1996.

FINAL PLAT
AAA OFFICE PARK 2nd ADDITION
PT. NW 1/4 SEC. 22 AND
PT. SW 1/4 SEC. 15, T 78 N, R 4 E
BETTENDORF, IA

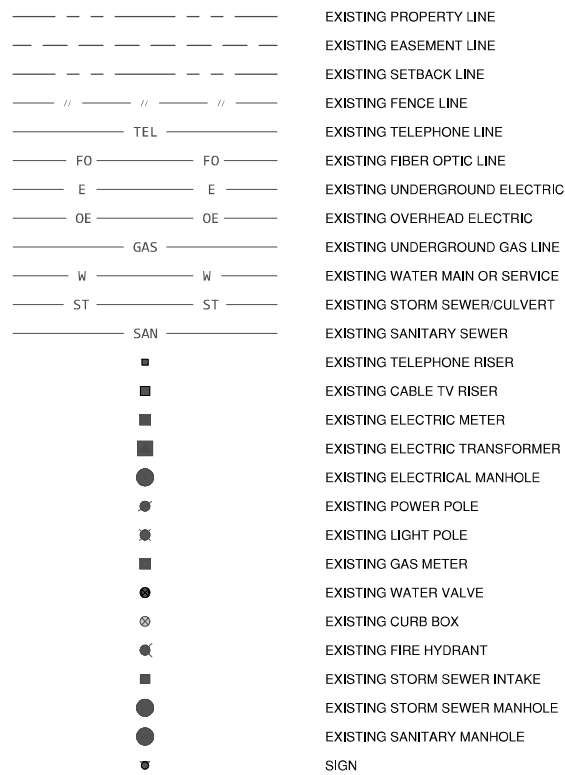
DESIGNED	DATE	BY
DRAWN	DATE	BY
CHECKED	DATE	BY

DATE: 9 SEPT 96

THE SCHEMERS ASSOCIATES INC.
ARCHITECTS - ENGINEERS - PLANNERS

JOB NO. 376601
SHEET 1 OF 4

EXISTING TOPOGRAPHIC/UTILITIES



COMMON ABBREVIATIONS

PCC	PORTLAND CEMENT CONCRETE
HMA	HOT MIX ASPHALT
DIP	DUCTILE IRON PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLY VINYL CHLORIDE PIPE
CMP	CORRUGATED METAL PIPE
PE	POLYETHYLENE PIPE
HDPE	HIGH DENSITY POLYETHYLENE PIPE
IDOT	IOWA DEPARTMENT OF TRANSPORTATION
SUDAS	STATEWIDE URBAN DESIGN AND SPECIFICATIONS
EX	EXISTING GROUND ELEVATION
TW	TOP OF SIDEWALK ELEVATION
FG	FINAL GRADE ELEVATION
BC	BACK OF CURB ELEVATION
TC	TOP OF CURB ELEVATION
FL	FLOWLINE ELEVATION
M.E.	MATCH EXISTING ELEVATION
ODI	OPEN DITCH INTAKE
FES	FLARED END SECTION
ROW	RIGHT-OF-WAY

CONTOUR LINES



- NOTES:**
1. WATER SUPPLY: PRIVATE WATER CONNECTED TO IOWA AMERICAN WATER SYSTEM.
 2. SANITARY & STORM SEWER - PRIVATE SEWER CONNECTED TO CITY SEWER
 3. SEE LANDSCAPING PLAN FOR LANDSCAPING IMPROVEMENTS.
 4. SEE CONSTRUCTION PLANS FOR LOCATION MAP.
 5. LEGAL DESCRIPTION IS LOT 4 OF AAA OFFICE PARK 2ND ADDITION.

ARCHITECT: ANDREW DASSO, AIA
 STREAMLINE ARCHITECTS
 575 12TH AVENUE
 EAST MOLINE, IA 52722
 563-345-2724

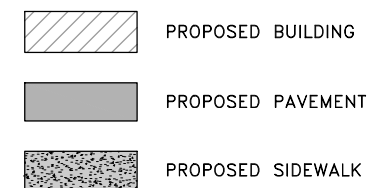
DEVELOPER/OWNER: FOCUS REAL ESTATE DEVELOPMENT
 4374 STATE STREET, SUITE 1
 BETTENDORF, IA 52722
 563-529-4753

REQUIRED PARKING STALLS 4
PROVIDED PARKING STALLS 10

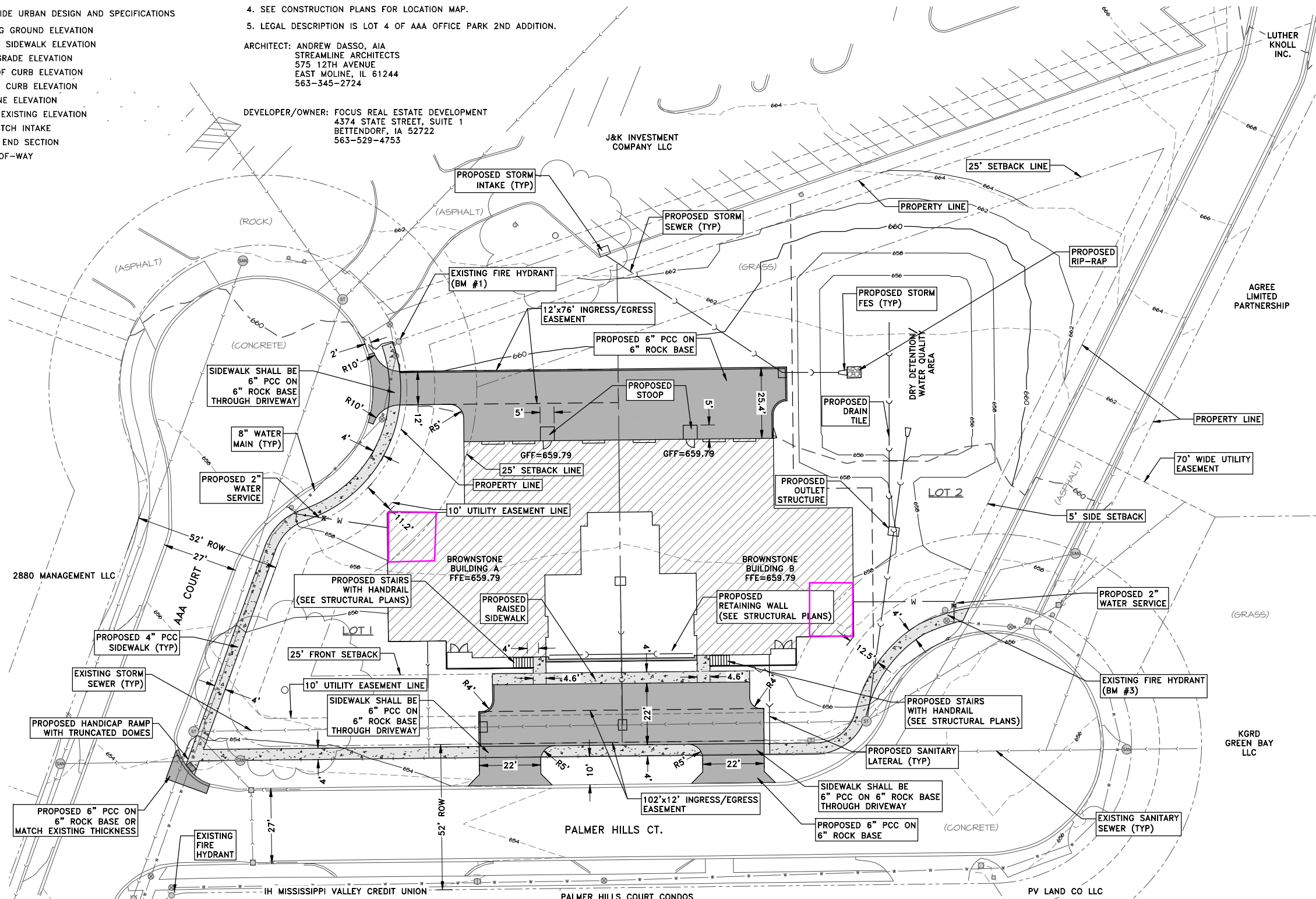
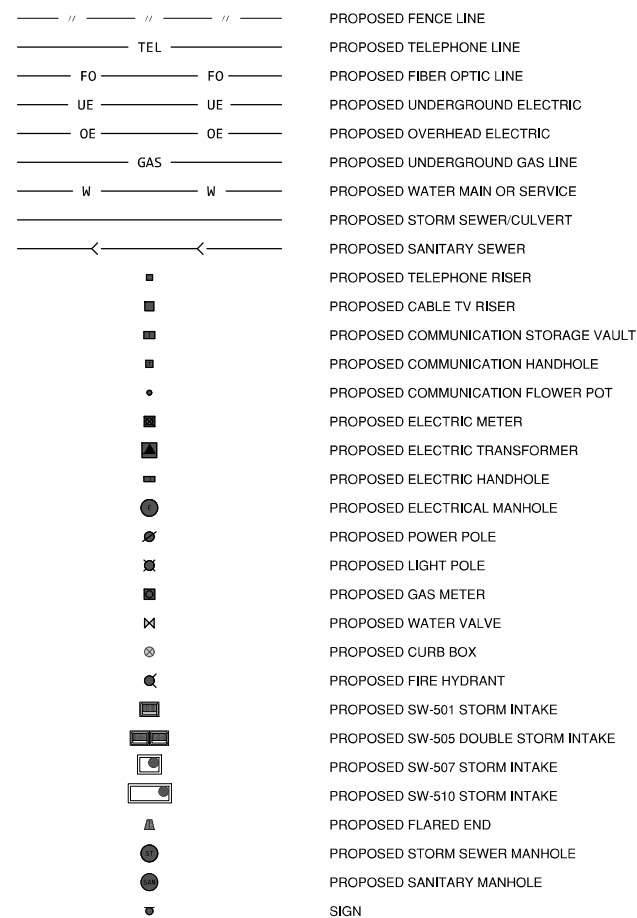
ZONING: R-5

FRONT SETBACK 25' (VARIANCE REQUEST TO 10')
 REAR SETBACK 25'
 SIDE YARD SETBACK 5' MIN, SUM OF 15'

LEGEND



PROPOSED TOPOGRAPHIC/UTILITIES



PLOTTED: 7/24/2025

F:\CIVIL3D\PROJECTS\9209 FOCUS AAA COURT\22 PLAN SHEETS\9209 COMBINED SITE PLAN.DWG

#	DATE	DESCRIPTION	BY

DESIGNED BY:	MWJ
DRAWN BY:	JAL
PROJECT ENGR:	MWJ

Martin & Whitacre
Surveyors & Engineers, Inc.
 1508 BIDWELL ROAD MUSCATINE, IOWA
 PHONE (563) 263-7691 EMAIL info@martin-whitacre.com

AAA COURT IMPROVEMENTS
 KRE, LLC
 BETTENDORF, IOWA

DEVELOPMENT SITE PLAN

PROJ NO:	9209.25	DRAWING NO:	C-1
CONST PROJ:	000	SCALE:	1"=20'
DATE:	7/24/25	SHEET NO:	1 OF 1



STATE OF IOWA
KIM REYNOLDS
GOVERNOR

April 25, 2025

The Honorable Paul Pate
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary,

I hereby transmit:

House File 652, an Act concerning county and city regulation of real property and the powers granted to a board of adjustment.

The above House File is hereby approved on this date.

Sincerely,

A handwritten signature in black ink that reads "Kim Reynolds".

Kim Reynolds
Governor of Iowa

cc: Secretary of the Senate
Clerk of the House



House File 652

AN ACT

CONCERNING COUNTY AND CITY REGULATION OF REAL PROPERTY AND THE
POWERS GRANTED TO A BOARD OF ADJUSTMENT.


BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 335.15, Code 2025, is amended by adding the following new subsection:

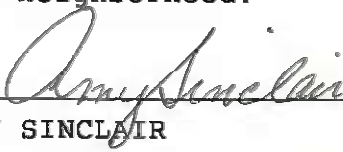
NEW SUBSECTION. 4. To authorize on appeal, in specific cases, such variance from the terms of the ordinance with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance, and so that the spirit of the ordinance shall be observed and substantial justice done. Area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking. To receive the requested area, dimensional, or other numerical variance, the property owner must prove that the practical difficulties faced are unique to the property at issue and not self-created and must also demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood.

Sec. 2. Section 414.12, Code 2025, is amended by adding the following new subsection:

NEW SUBSECTION. 4. To authorize on appeal, in specific cases, such variance from the terms of the ordinance with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance, and so that the spirit of the ordinance shall be observed and substantial justice done. Area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking. To receive the requested area, dimensional, or other numerical variance, the property owner must prove that the practical difficulties faced are unique to the property at issue and not self-created and must also demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood.




PAT GRASSLEY
Speaker of the House



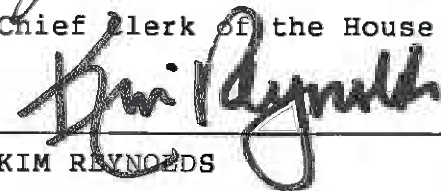
AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 652, Ninety-first General Assembly.



MEGHAN NELSON
Chief Clerk of the House

Approved April 25th, 2025



KIM REYNOLDS
Governor

STAFF REPORT

Subject: Board of Adjustment - Variance
Author: Greg Beck
Department: Community Development
Date: August 14, 2025



Case No.: 25-032-VAR
Request: Variance to reduce the required rear yard setback from 25 feet to 15 feet to allow for construction of a 15-foot by 16-foot deck.
Location: 4097 Lilly Court
Legal Description: Lot 34, Highlands Fifth Addition (Parcel #: 841007234)
Applicant: Subashini Vijaykumar
Current Zoning: R-2, Single Family Residence District
Future Land Use: Neighborhood Light

Background Information & Facts

Subashini Vijaykumar is requesting a variance to permit a 10-foot encroachment into the rear yard setback to build a 15-foot by 16-foot deck at 4097 Lilly Court.

The lot in question is located on the south side of the Lilly Court cul-de-sac. The radius of the cul-de-sac constrains the buildable area on the property compared to similar properties not on a cul-de-sac.

Staff Analysis & Recommendations

The Board has been made aware of recent changes to the State law allowing the Board to consider approving dimensional/numerical variances based on practical difficulties to the property owner so long as the spirit of the City's ordinance is maintained and the requested variance does not significantly alter the character of the neighborhood.

Staff contends the following to be true:

- The requested variance is numerical or dimensional as opposed to a use variance.
- The cul-de-sac and relatively smaller size of the lot are practical difficulties not caused by the owner.
- The encroachment of the deck into the setback would not significantly alter the character of the neighborhood.
- The spirit of the ordinance would be upheld if the encroachment were approved given that it would only allow for the deck to encroach into the rear yard.

Additionally, staff notes that even under the previous more stringent variance test, some precedent has been established regarding structures attached to the principal dwelling being allowed to encroach into a required setback. See below:

- Case 16-035, 4112 Woodview Drive, 16-foot by 16-foot screened porch, reduced setback to 15 feet in an R-2 district.
- Case 16-036, 3431 Maple Glen Drive, 14-foot by 14-foot deck, reduced setback to 15 feet in an R-3 district.

These cases all involved rear yard setbacks of 25 feet despite occurring in different zoning districts. As noted, these variances were granted under a more restrictive hardship standard than those statutory requirements becoming effective in July 2025.

Staff Recommendation

Staff recommends approval of the petitioner's request to allow the deck to encroach 10 feet into the required rear yard setback.

Respectfully submitted,

Greg Beck
City Planner

List of Attachments:

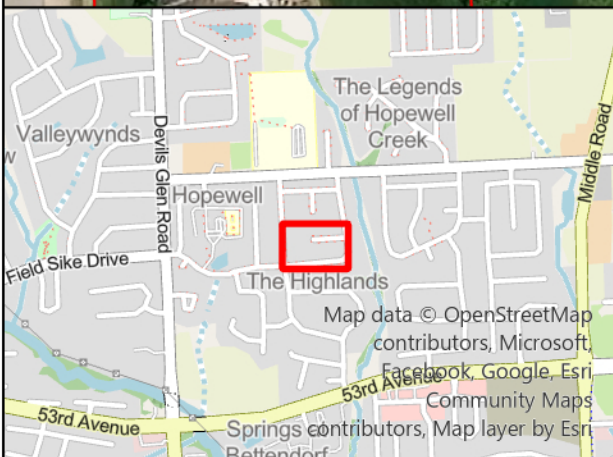
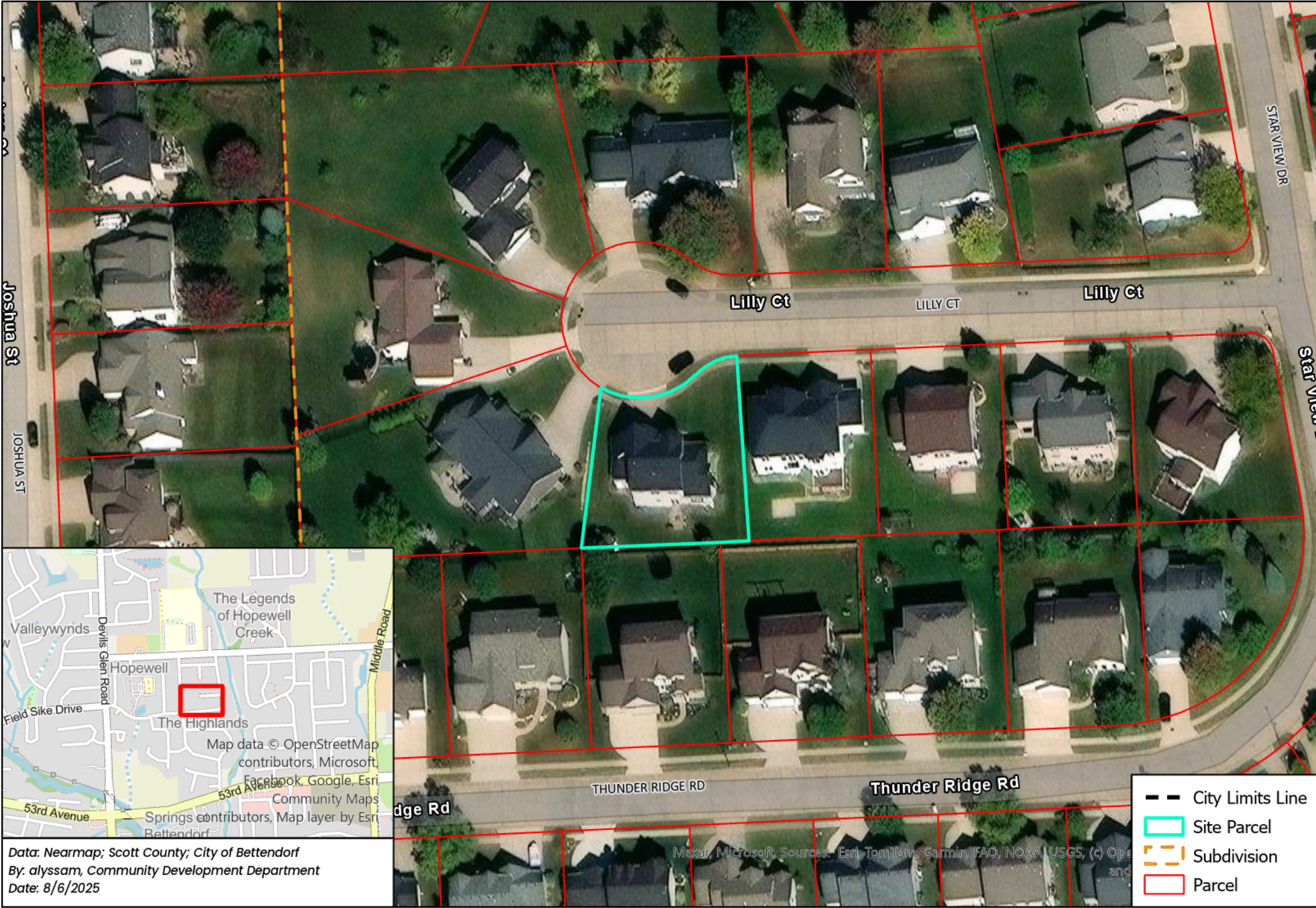
- A – Aerial Location Map
- B – FLUM and Zoning Map
- C – Highlands Fifth Addition
- D – Petitioner's Plot Plan
- E – Statute Provision Variances

Case No. 25-032: 4097 Lilly Court Variance Aerial Map - Attachment A

1 Inch = 79 Feet



N



Data: Nearmap; Scott County; City of Bettendorf
By: alyssam, Community Development Department
Date: 8/6/2025

- City Limits Line
- Site Parcel
- Subdivision
- Parcel

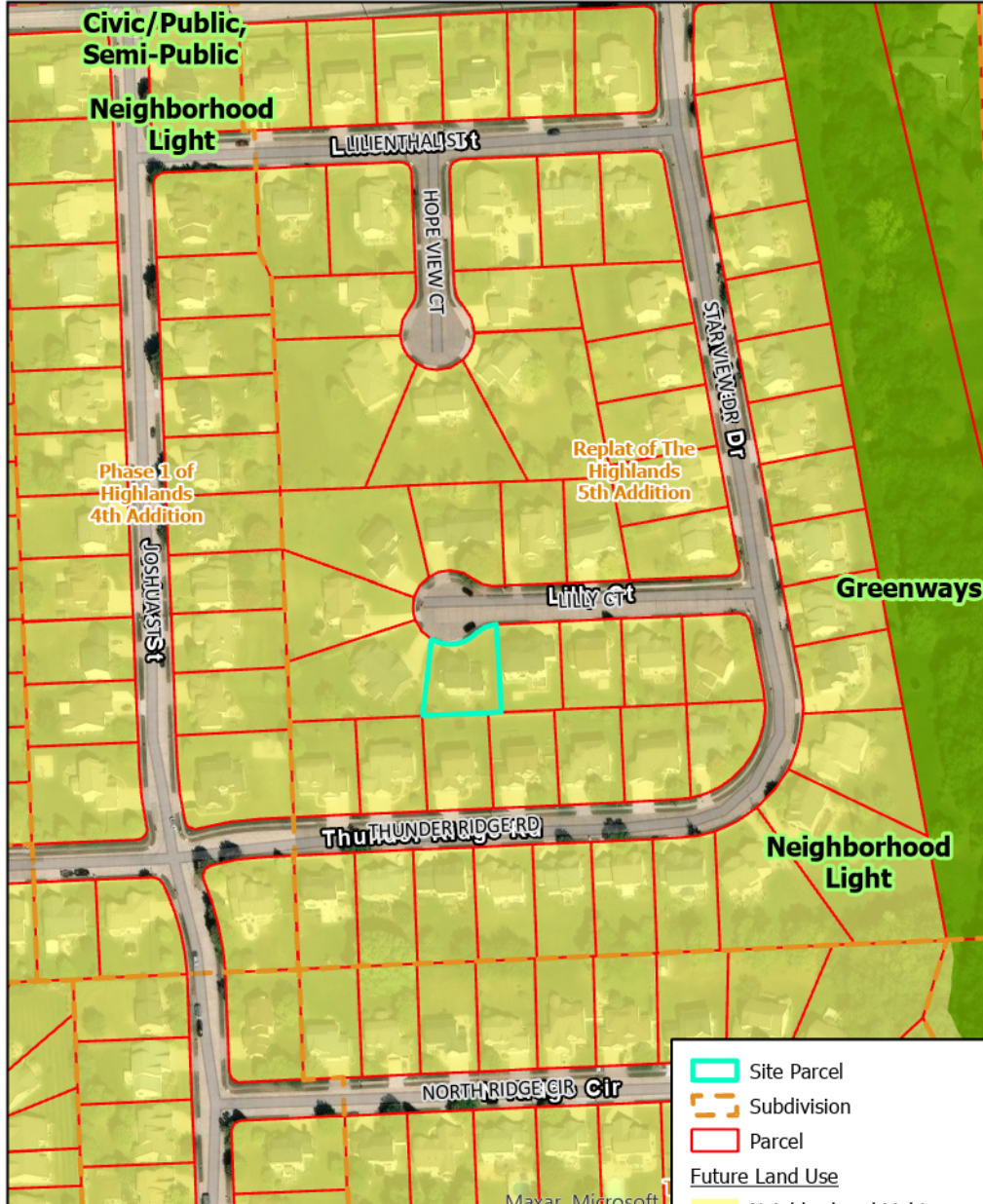
Map data © OpenStreetMap contributors, Microsoft, Facebook, Google, Esri, Community Maps contributors, Map layer by Esri, Maxar, Microsoft, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, Imagery © Mapbox and

Case No. 25-032: 4097 Lilly Court Variance Future Land Use and Zoning - Attachment B

1 Inch = 254 Feet
0 185 370 740 Feet



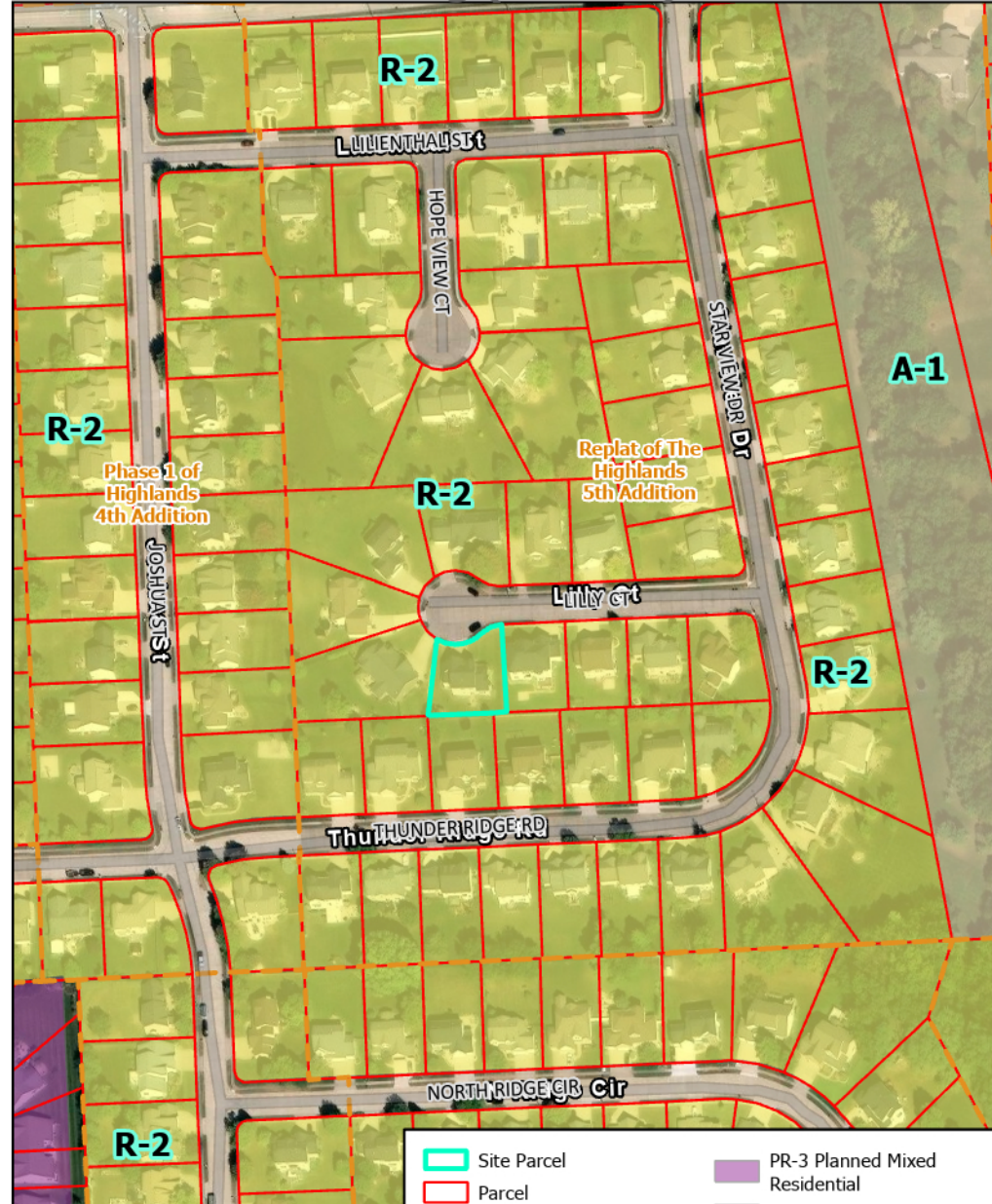
Future Land Use



- Site Parcel
 - Subdivision
 - Parcel
- Future Land Use**
- Neighborhood Light
 - Civic/Public, Semi-Public
 - Greenways

Data: Nearmap; Scott County; City of Bettendorf
By: alyssam, Community Development Department
Date: 8/6/2025

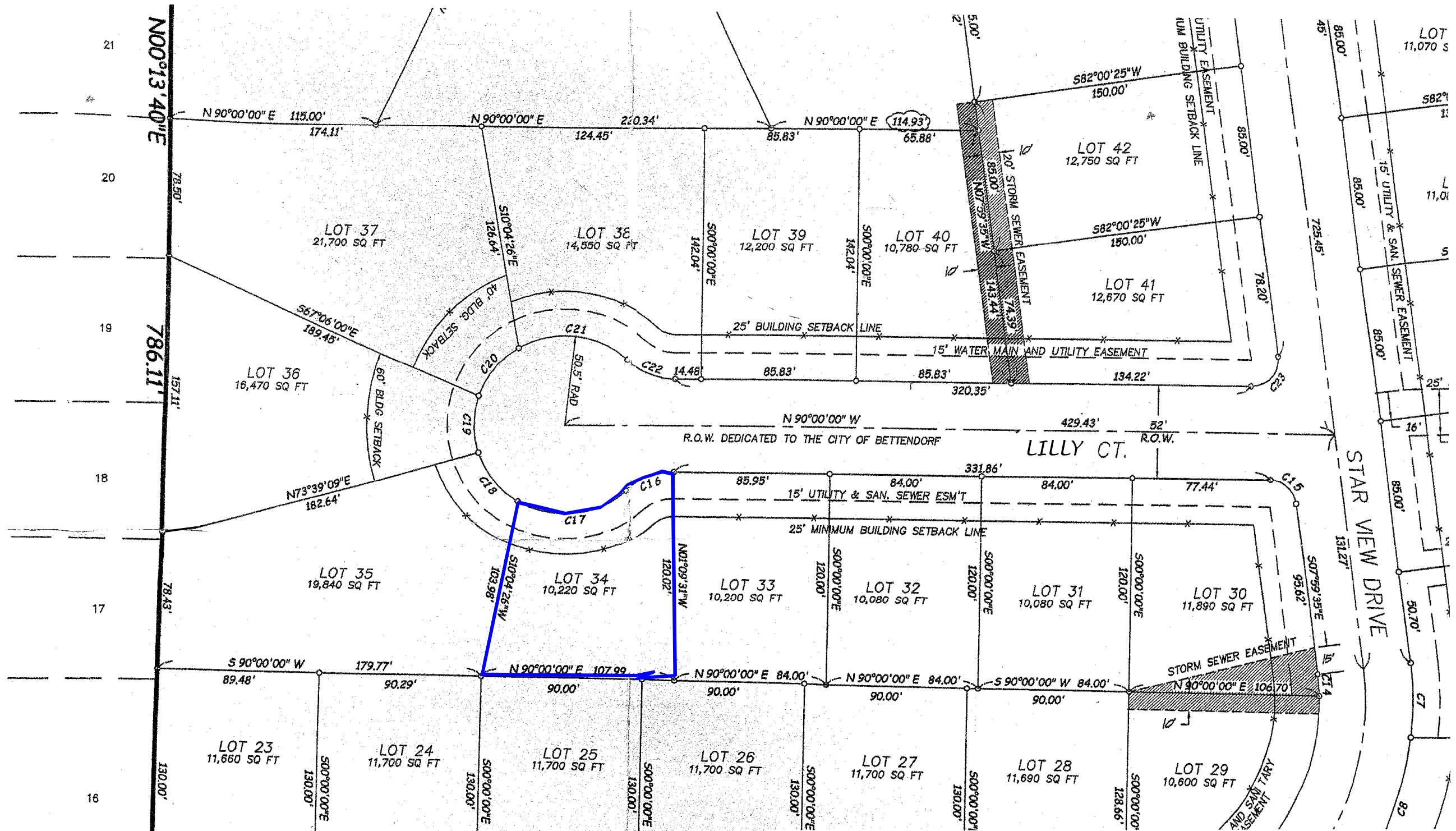
Zoning (Current)



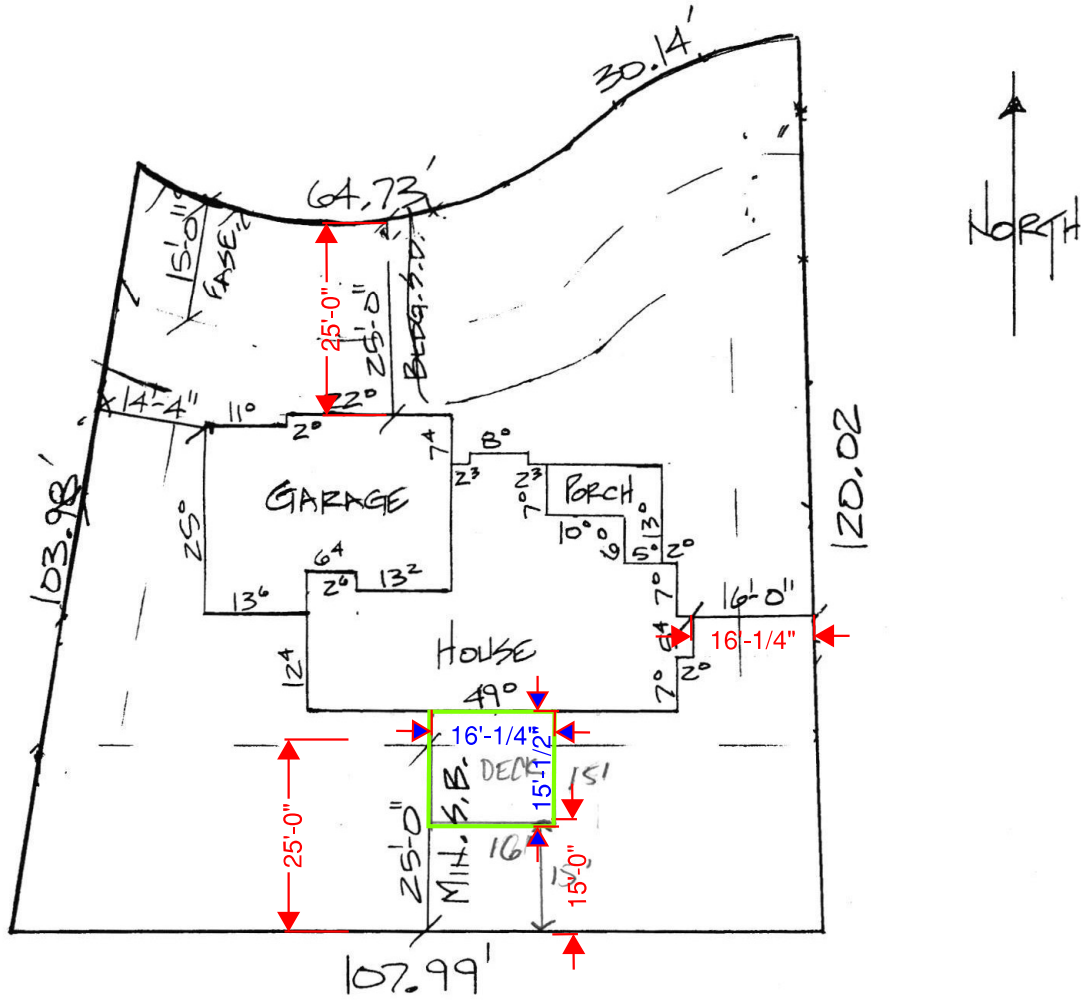
- Site Parcel
 - Parcel
- Zoning District**
- R-2 Single-Family Residence
 - PR-3 Planned Mixed Residential
 - A-1 Agricultural/Urban Reserve
 - R-1 Single Family Res.

LOT 34, HIGHLANDS FIFTH ADDITION PLAT SECTION

25-032 ATTACHMENT C

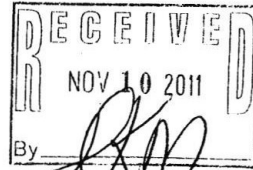


PLOT PLAN



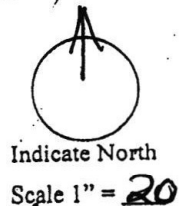
DAVE PROCHASKA CONSTRUCTION
 LOT 34 THE HIGHLANDS

1" = 20'-0"



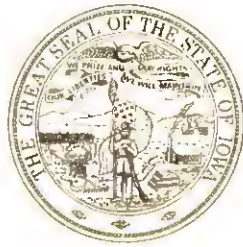
Zoning District R2
 Board of Adjustment Variance:
 no ___ yes ___ Dec/Order# _____

Front setback 25
 Side setback min 7 total 15
 Rear setback 25



Permit Record: DAV 11-01955 11/15/11 Legal Description Lot 34 Highlands 57L

Building Address 4097 Lilly Ct
 Contractor Dave Prochaska



STATE OF IOWA
KIM REYNOLDS
GOVERNOR

April 25, 2025

The Honorable Paul Pate
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary,

I hereby transmit:

House File 652, an Act concerning county and city regulation of real property and the powers granted to a board of adjustment.

The above House File is hereby approved on this date.

Sincerely,

Kim Reynolds
Governor of Iowa

cc: Secretary of the Senate
Clerk of the House



House File 652

AN ACT

CONCERNING COUNTY AND CITY REGULATION OF REAL PROPERTY AND THE
POWERS GRANTED TO A BOARD OF ADJUSTMENT.

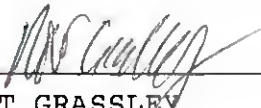
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 335.15, Code 2025, is amended by adding the following new subsection:

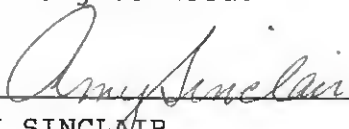
NEW SUBSECTION. 4. To authorize on appeal, in specific cases, such variance from the terms of the ordinance with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance, and so that the spirit of the ordinance shall be observed and substantial justice done. Area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking. To receive the requested area, dimensional, or other numerical variance, the property owner must prove that the practical difficulties faced are unique to the property at issue and not self-created and must also demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood.

Sec. 2. Section 414.12, Code 2025, is amended by adding the following new subsection:

NEW SUBSECTION. 4. To authorize on appeal, in specific cases, such variance from the terms of the ordinance with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance, and so that the spirit of the ordinance shall be observed and substantial justice done. Area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking. To receive the requested area, dimensional, or other numerical variance, the property owner must prove that the practical difficulties faced are unique to the property at issue and not self-created and must also demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood.

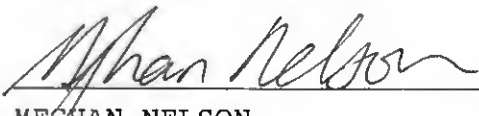


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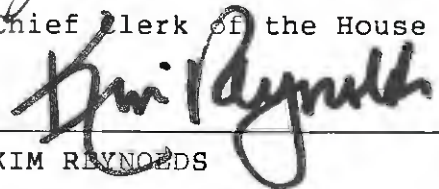
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