

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
DECEMBER 11, 2025
5:00 P.M.**

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

1. Roll Call: Gallagher ____, Spranger ____, Tansey ____, Vermillion ____
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of September 11, 2025.
4. The Board to hold a public hearing on the following case:
 - a. **Case 25-048-VAR; 3470 Glenbrook Circle North (UMI)** – Variance to allow a 6-foot high fence in the required front yard adjacent to Devils Glen Road, submitted by Jarred Edmonds.
 - b. **Case 25-049-VAR; 1543 Old Freeport Court (R-1)** – Variance to reduce the required building separation from 8 feet to 6 feet to allow for construction of a shed, submitted by Wood Home Renovations.



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 FOUR (4) HOURS PRIOR TO THE HEARING OR MEETING TO INFORM OF THEIR ANTICIPATED ATTENDANCE.

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

MINUTES
BETTENDORF BOARD OF ADJUSTMENT
SEPTEMBER 11, 2025
5:00 P.M.

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

Item 1. Roll Call

PRESENT: Gallagher, Tansey, Tombergs, Vermillion
ABSENT: Spranger
STAFF: Beck, Fuhrman, Hunt, Magsombol

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of August 14, 2025.

On motion by Tombergs, seconded by Vermillion, that the minutes of the meeting of August 14, 2025 be approved as submitted.

ALL AYES

Motion carried.

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

- a. **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. (Deferred from meeting of August 14, 2025)

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

Beck reviewed the staff report.

Tansey asked if there is a fence at the home immediately adjacent to the applicant's rear yard. Beck confirmed this.

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

Subashini Vijaykumar, the applicant, reiterated that the configuration of the cul-de-sac and placement of his home on the lot resulted in a reduction of buildable area in the rear yard.

Gallagher stated that it is his understanding that the deck would be built approximately 2-3 feet above grade in the same location as the existing patio. Vijaykumar confirmed this.

Gallagher stated that four letters in opposition to the request were received and were distributed to the Board members. (John and Kelly Peters, 4106 Thunder Ridge Road; Kelly Peters, 4106 Thunder Ridge Road; Mike Osler, 4096 Thunder Ridge Road; and Traci and Tyler Johnson, 4082 Thunder Ridge Road.)

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

On motion by Tombergs, seconded by Tansey, that a 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 be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #2 to these minutes.

- b. **Case 25-044-VAR; 6596 Cardinal Road (R-1)** – Variance to allow a 5-foot high fence in the required front yard adjacent to Blackbird Lane, submitted by Tom Murrell.

Beck reviewed the staff report.

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

Tom Murrell, the applicant, explained that while the lot has two front yards, the true front yard has been established on Cardinal Road. He added that the proposed fence would not be a visual obstruction from the corner.

Hunt asked if Murrell is planning to use a wrought iron style for the fence. Murrell confirmed this.

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

On motion by Vermillion, seconded by Tansey, that a variance to allow a 5-foot high fence in the required front yard adjacent to Blackbird Lane be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #3 to these minutes.

- c. **Case 25-046-VAR; 1828 Sunset Drive (R-5)** – Variance to reduce the required building separation from 8 feet to 5 feet to allow for construction of an accessory building, submitted by Ryan Fick.
- d. **Case 25-047-VAR; 1828 Sunset Drive (R-2)** – Variance to reduce the required building separation from 8 feet to 5 feet to allow for construction of an accessory building, submitted by Jami Spriet.

Beswick reviewed the staff reports.

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

Jami Spriet, applicant for Case 25-047-VAR, commented that because there is an 18-foot by 18-foot section of her rear yard that isn't buildable because of the presence of a utility pole, the location of the proposed garage is the only practical one.

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

On motion by Tansey, seconded by Vermillion, that a variance to reduce the required building separation from 8 feet to 5 feet to allow for construction of an accessory building at 6535 James Road be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes

On motion by Tombergs, seconded by Tansey, that a variance to reduce the required building separation from 8 feet to 5 feet to allow for construction of an accessory building at 1828 Sunset Drive be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #5 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:30 p.m.

STAFF REPORT

Subject: Board of Adjustment - Variance
Author: Greg Beck
Department: Community Development
Date: December 11, 2025



Case No.: 25-048
Request: Variance to allow a 6-foot high fence in the required front yard adjacent to Devils Glen Road.
Location: 3470 Glenbrook Circle North
Legal Description: Lot 24, Glenbrook Ridge Second Addition Parcel #: 841019324
Applicant: Jarred Edmonds
Current Zoning: UMI Urban - Medium Intensity DCA
Future Land Use: Mixed Transitional

Background Information & Facts

Jarred Edmonds has submitted a variance request to allow a 6-foot-high fence in the required front yard at the property line/right-of-way line adjacent to Devils Glen Road. In general, city code limits fences to 4 feet high in this location of a residential property.

11-11B-12. L. Fences and Walls of Bettendorf city code provides an exception allowing for 6-foot-high fences in front yards of through lots, where the front yard designated for a fence is adjacent to a street that is defined as a minor collector or higher under the Federal Functional Classification system. However, in such cases the 6-foot fence may be no closer than 12 feet to the right-of-way line or 10 feet if additional landscaping is installed.

The lot in question is a through lot, and Devils Glen Road is considered a major collector street according to Map 1.9 Future Transportation Map, Comprehensive Plan. However, the proposed fence location is at the property line/right-of-way line and thus does not meet the 12-foot setback exception allowed by code.

The yard adjacent to the proposed fence location slopes severely toward Glenbrook Circle North.

Staff Analysis & Recommendations

New statutory standards concerning variances have been enacted by the State of Iowa recently that updated Statute 414.12. Three standards for judging whether a case should receive a variance are:

- “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 property allowed by the zoning ordinance, and so that the spirit of the ordinance be observed and substantial justice be done.” A 6-foot-high fence along Devils Glen Road does not have the effect of providing the full 6-foot height coverage if situated 12 to 15 feet west of the Devils Glen right-of-way line. The sidewalk pedestrian traffic and higher vehicular volume along Devils Glen Road pose greater impacts to this parcel than found along local streets. Since fence heights are determined at grade, the “practical difficulties in making beneficial use of the property” stems from the topography on site. Fence placement at the property line is the way to ensure maximum height for screening by the fence, because this is the flattest ground available.

- “Area, dimensional, or other numerical limitations subject to variances include but are not listed to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking.” The variance requested deals with a “numerical limitation” as a front yard “setback” and also the “height” of the fence.

- “To receive the requested area, dimensional or other numerical variance, the property owner must prove practical difficulties faced are unique to the property at issue and are not self-created and also must demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood.” The fence’s placement would not impede vision of traffic, nor pose a hazard to nearby properties. As other 6-foot-high fences are located along the Devils Glen Road right-of-way, this request is not out of character. Vegetation may not be planted in the 20-foot wide utility easement adjoining the Devils Glen Road right-of-way, so the fence is the only option for screening. The drop in elevation on this property is due to its proximity to Crow Creek, not part of a design of the lot. The “practical difficulties” are related to the fence being able to provide privacy.

Board precedent over the last twenty-one years has been established regarding fences 6 feet in height encroaching into front yard setbacks along Devils Glen Road. Comparable front yard setback requests reducing the front yard setback from 25 feet were found in PR-3 Overlay Districts and R-2 Districts:

- Case 19-051: 5738 Danielle Drive; 6-foot-high fence allowed in a required front yard. Fence facing Devils Glen Road. PR-3 Overlay District. Approved.
- Case 19-050: 5762 Danielle Drive; 6-foot-high fence allowed in a required front yard. Fence facing Devils Glen Road. PR-3 Overlay District. Approved.
- Case 20-031: 5786, 5804, 5842, 5870 and 5964 Danielle Drive; 6-foot-high fence allowed in a required front yard. Fence facing Devils Glen Road. PR-3 Overlay District. Approved.
- Case 06-031: 3438 Grove Place; 6-foot-high fence allowed in a required front yard. Fence facing Devils Glen Road. R-2. Approved.

- Case 04-015: 4471 34th St Ct; 6-foot-high fence allowed in a required front yard. Fence facing Devils Glen Road. R-2. Approved.

These variance cases were also evaluated under a more restrictive hardship standard than those recently passed statutory requirements which became effective in July 2025. All fence locations were permitted on the property line, with only one being required to be one foot removed from the property line.

Staff Recommendation

Staff recommends supporting the petitioner’s request to permit the encroachment into the front yard setback to permit construction of a 6-foot high fence on the right-of-way line facing Devils Glen Road. The petitioner’s yard is more impacted by the slope of the ground than the parcels previously granted variances cited in this report. Staff recommends approval given the circumstances regarding this request.

Respectfully submitted,

Greg Beck
City Planner

List of Attachments:

- A – Aerial Location Map
- B – FLUM and Zoning Map
- C – Fence Plot Plan
- D- Final Plat - Glenbrook Ridge Second Addition
- E – Site Photo Fence Location
- F – Plat Section Lot 24

Case No. 25-048: 3470 Glenbrook Circle N

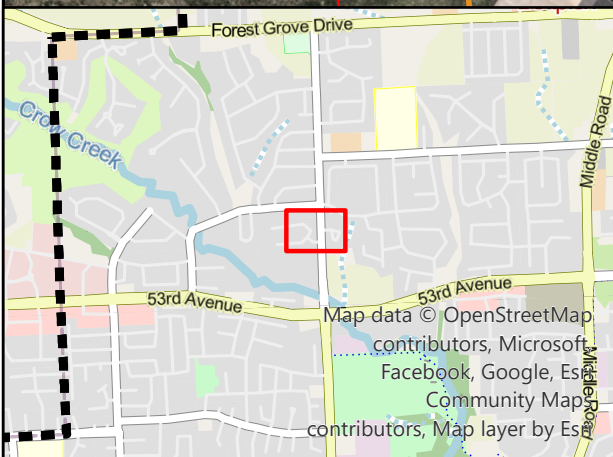
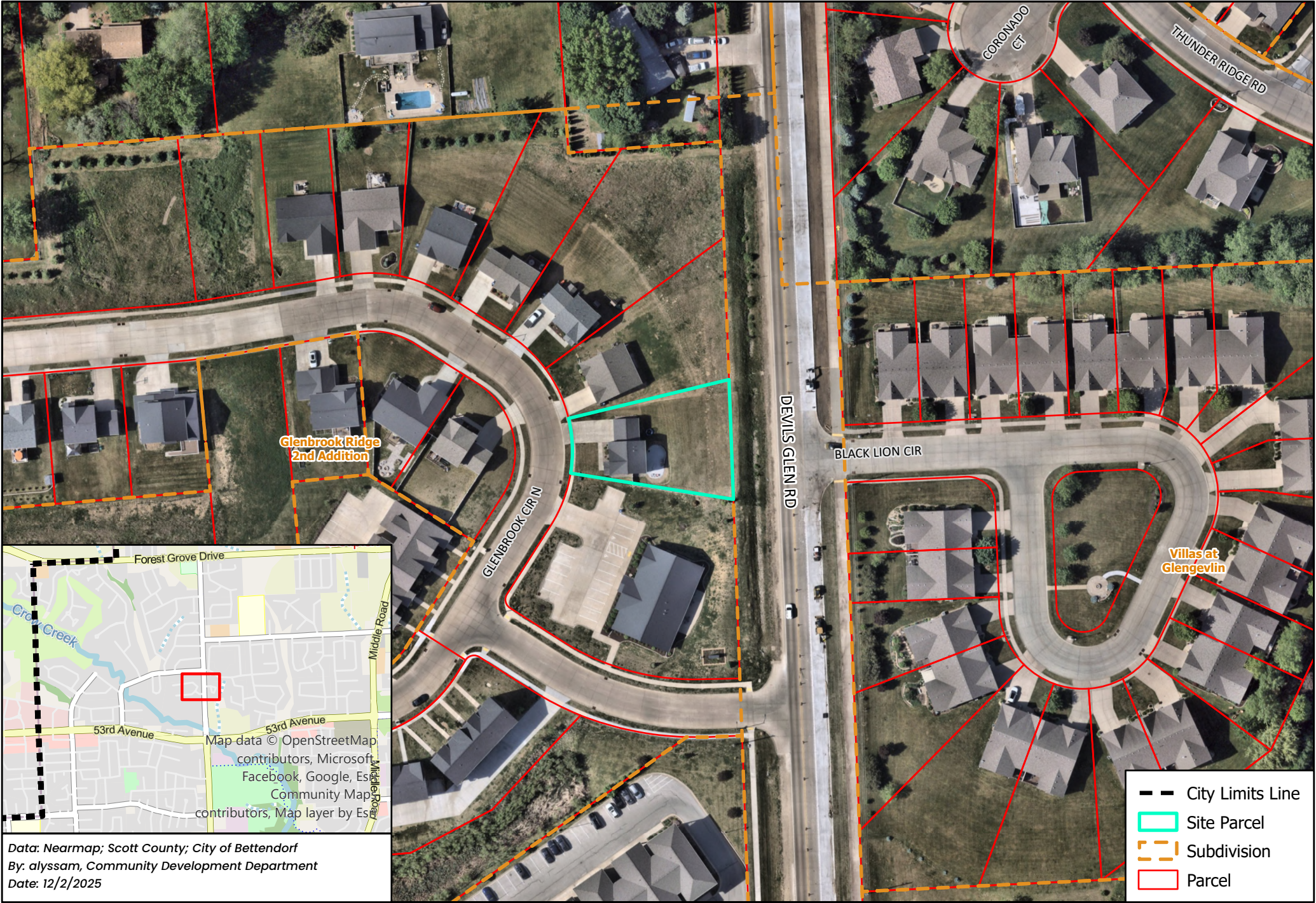
Variance

Aerial Map - Attachment A

1 Inch = 111 Feet



N



Data: Nearmap; Scott County; City of Bettendorf
By: alyssam, Community Development Department
Date: 12/2/2025

- City Limits Line
- Site Parcel
- Subdivision
- Parcel

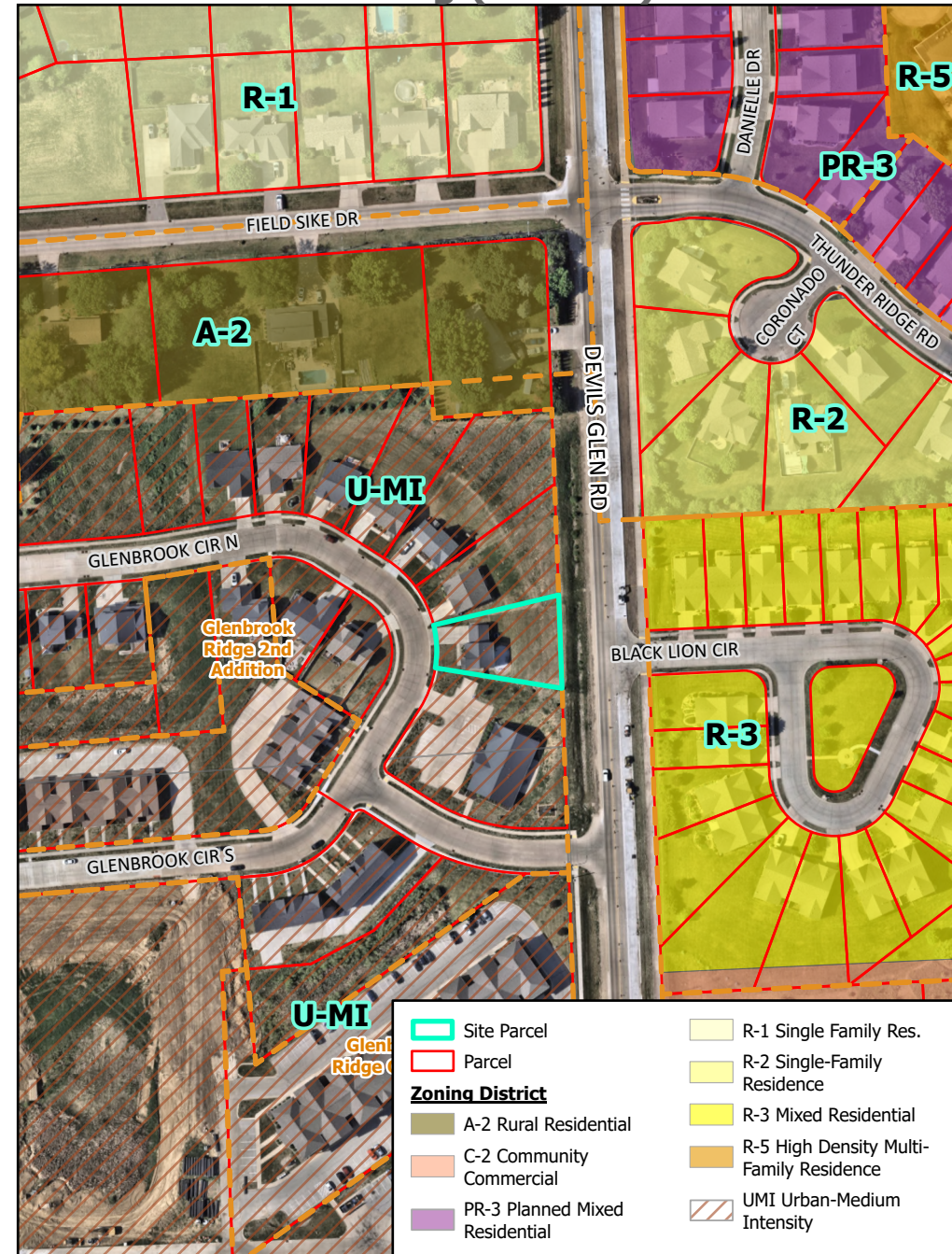
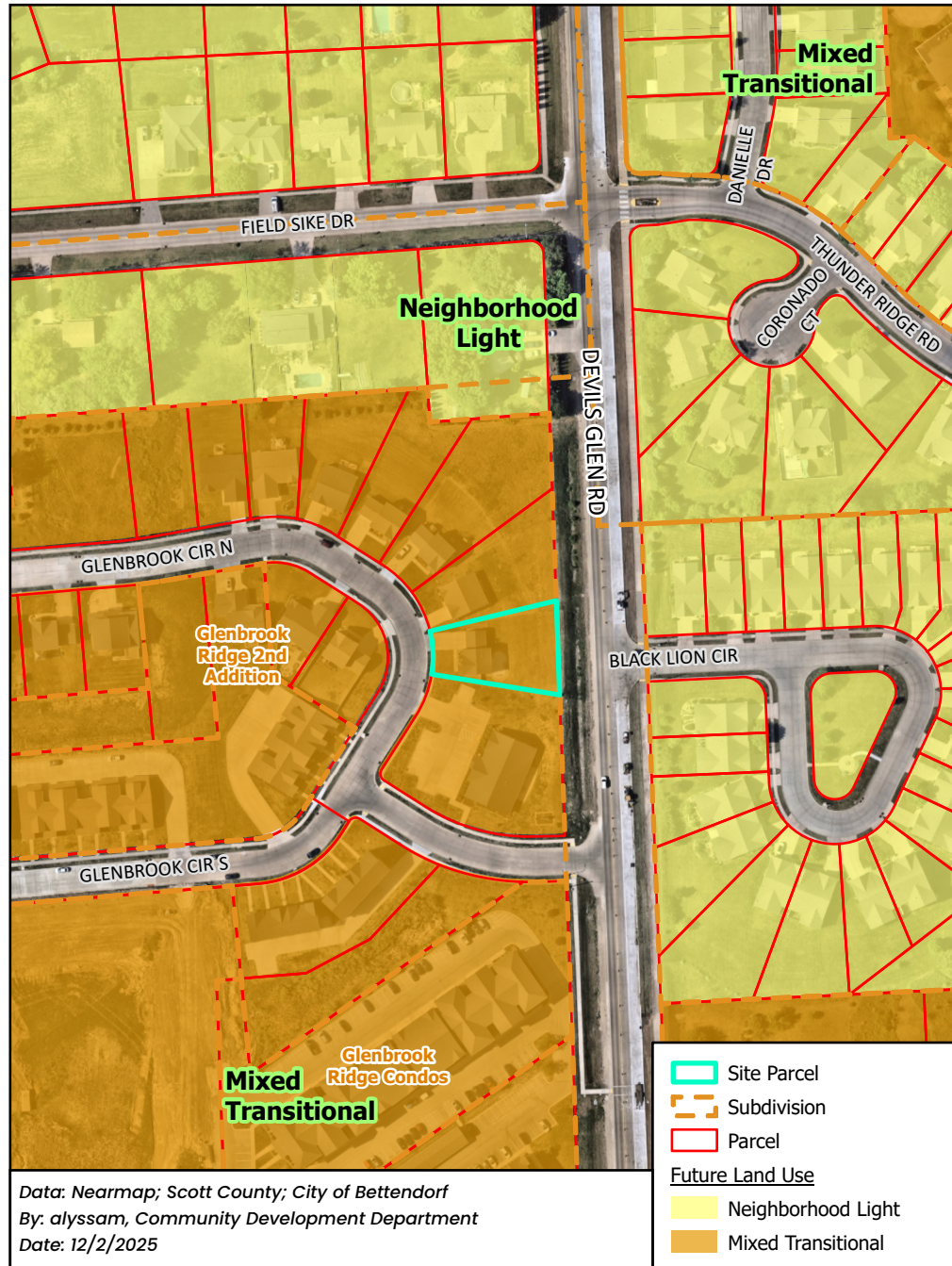
Case No. 25-048: 3470 Glenbrook Circle N Variance Future Land Use & Zoning - Attachment B

1 Inch = 209 Feet
0 185 370 740 Feet



Future Land Use

Zoning (Current)





OOK CIR N
 BEP
 GLENBROOK RIDGE 2ND ADDITION Lot: 24
 (Note: Not to be used on legal documents)

Alternate ID n/a
 Class R
 Acreage 0.265
 Graphic Acres 0.265

Owner Address PRASAD SUJITH MAGANAHALLI
 3470 GLENBROOK CIR N
 BETTENDORF IA 52722

PARCEL TABLE	
PARCEL	AREA
DETENTION OUTLOT #2	21028 SF (0.48 AC)
DETENTION OUTLOT #3	41007 SF (0.94 AC)
DETENTION OUTLOT #4	36625 SF (0.84 AC)
DETENTION OUTLOT #5	30661 SF (0.70 AC)
OUTLOT A	456942 SF (10.49 AC)
OUTLOT B	37017 SF (0.85 AC)
OUTLOT C	31654 SF (0.73 AC)
OUTLOT D	11024 SF (0.25 AC)
OUTLOT E	14003 SF (0.32 AC)
ROW	74715 SF (1.72 AC)

FINAL PLAT

GLENBROOK RIDGE SECOND ADDITION

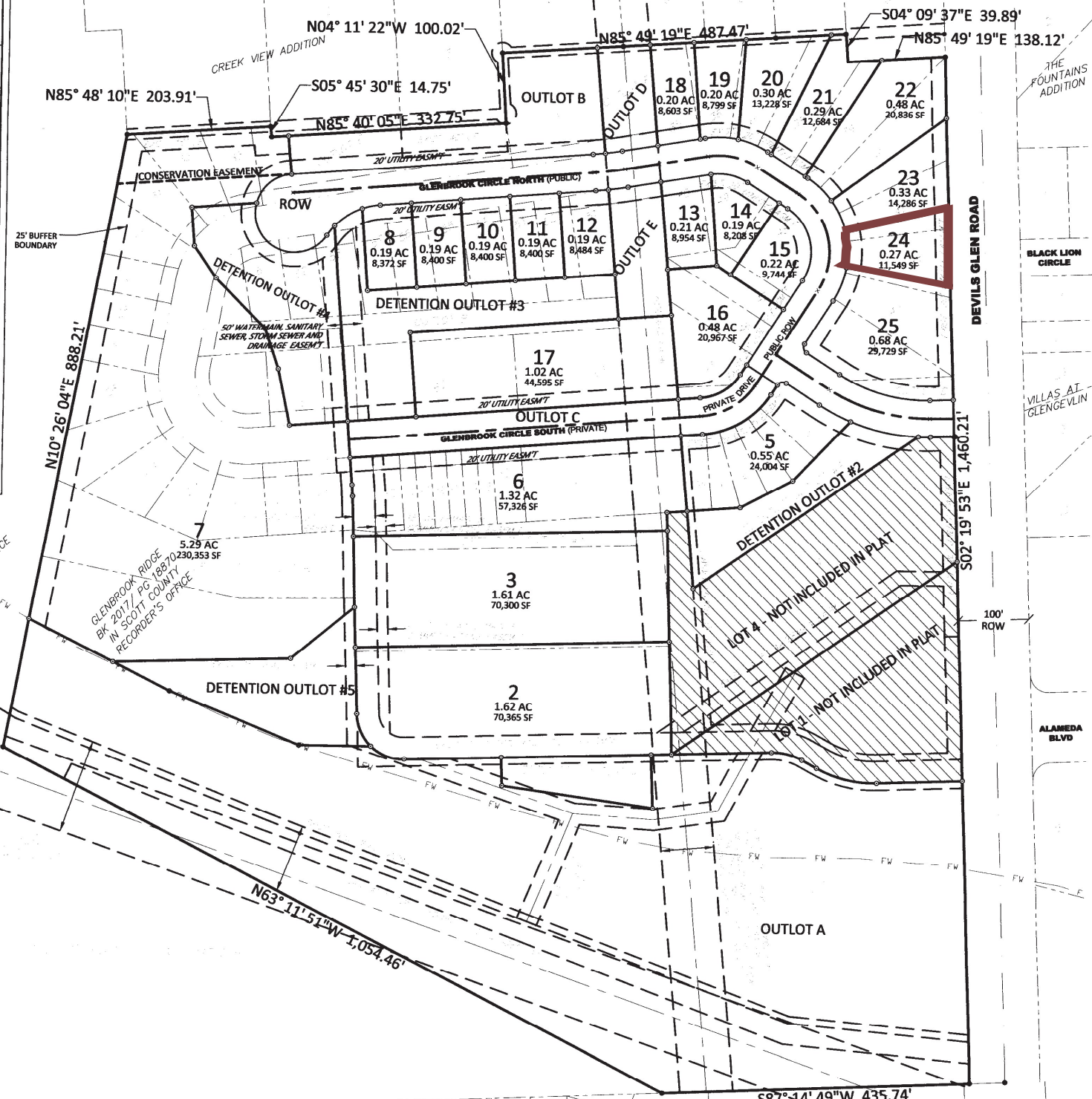
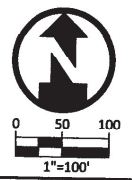
A REPLAT OF LOTS 2, 3, AND 5 - 60 OF GLENBROOK RIDGE ADDITION INCLUDING ALL OUTLOTS AND RIGHT-OF-WAYS

BETTENDORF, IOWA

FOR RECORDER'S USE ONLY

Doc ID: 021972350010 Type: PLA
 Recorded: 05/10/2019 at 04:00:14 PM
 Fee Amt: \$56.00 Page 1 of 10
 Scott County Iowa
 Rita A. Various Recorder
 File # 2019-00011022

RECORDER'S INDEX	
COUNTY:	SCOTT
SECTION:	10-78N-4E
QUARTER SECTION:	SE 1/4
CITY:	BETTENDORF
SUBDIVISION:	GLENBROOK RIDGE
BLOCK:	NA
LOT(S):	NA
PROPRIETOR:	DEVILS GLEN HOLDING, LLC
REQUESTED BY:	DEVILS GLEN HOLDING, LLC
PREPARED BY:	AXIOM CONSULTANTS, LLC, 60 E. COURT ST. UNIT 3 IOWA CITY, IA 52240 - PH# 319.519.6220



LEGAL DESCRIPTION
 GLENBROOK RIDGE AS RECORDED IN THE SCOTT COUNTY RECORDER'S OFFICE IN BK 2017, PG 18870, EXCEPT LOT 1 AND LOT 4.

- OUTLOT INFORMATION:**
- DETENTION OUTLOT #1 FOR PUBLIC STORM WATER MANAGEMENT.
 - DETENTION OUTLOT #2 FOR PUBLIC STORM WATER MANAGEMENT.
 - DETENTION OUTLOT #3 FOR PUBLIC STORM WATER MANAGEMENT.
 - DETENTION OUTLOT #4 FOR PUBLIC STORM WATER MANAGEMENT.
 - DETENTION OUTLOT #5 FOR PUBLIC STORM WATER MANAGEMENT.
 - OUTLOT A FOR COMMON OPEN SPACE.
 - OUTLOT B FOR COMMON OPEN SPACE.
 - OUTLOT C FOR PUBLIC ACCESS AND UTILITIES.
 - OUTLOT D FOR COMMON OPEN SPACE.
 - OUTLOT E FOR COMMON OPEN SPACE.

- NOTES:**
- BASIS OF BEARINGS IS THE IOWA PLANE COORDINATE SYSTEM SOUTH ZONE NAD 83.
 - REFER TO GLENBROOK RIDGE FINAL PLAT FILE 2017, PG 18870 IN THE SCOTT COUNTY, IOWA RECORDER'S OFFICE FOR EXISTING EASEMENTS.
 - 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.
 - PART OF THIS SUBDIVISION IS SUBJECT TO A SPECIAL FLOOD HAZARD AREA AS DESIGNATED BY FEMA ON COMMUNITY FIRM MAP NO. 19163C0378F WITH AN EFFECTIVE DATE OF FEBRUARY 18, 2011.
 - DISTANCES ARE LISTED IN FEET AND DECIMAL PART OF A FOOT.
 - ALL MONUMENTS HAVE BEEN FOUND OR WILL BE SET AS SHOWN ON THIS PLAT BY DECEMBER 31, 2019.
 - 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.
 - BLANKET ACCESS EASEMENTS ACROSS LOTS 1, 2, 3, 4, AND 6 ARE GRANTED TO THE OWNERS OF ALL OF THOSE LOTS.
 - NO DIRECT ACCESS TO DEVILS GLEN ROAD SHALL BE ALLOWED FROM LOTS 4, 21-25.
 - MINIMUM 4-FT WIDE SIDEWALK ON INTERIOR RIGHTS-OF-WAY. MINIMUM 5-FT WIDE SIDEWALK ALONG DEVILS GLEN ROAD.
 - ALL PRIVATE DRIVES SHALL BE OWNED AND MAINTAINED BY THE OWNERS OF LOTS NOT FRONTING GLENBROOK CIRCLE NORTH RIGHT-OF-WAY.
 - ALL EXISTING EASEMENTS ORIGINAL TO GLENBROOK RIDGE 1ST ADDITION SHALL BE VACATED WITH THE RECORDING OF THIS APPROVED PLAT.

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

OWNER/APPLICANT:
 DEVILS GLEN HOLDING, LLC
 C/O BEN EASTEP
 1805 STATE STREET, #103
 BETTENDORF, IA 52722

SUBDIVIDER'S ATTORNEY:
 BENJAMIN YEGGY
 GOMEZ MAY, LLP
 2322 E. KIMBERLY RD. SUITE 120W
 DAVENPORT, IA 52806
 563.359.3591
 YEGGYB@GOMEZMAYLAW.COM

CITY OF BETTENDORF

BY: *[Signature]* 5/10/19
 DATE

ATTEST: *[Signature]* 5-10-19
 DATE

PLANNING AND ZONING

BY: *[Signature]* 5-10-19
 DATE

IOWA - AMERICAN WATER CO.

BY: *[Signature]* 5-10-19
 DATE

MIDAMERICAN ENERGY COMPANY

BY: *[Signature]* 5/10/19
 DATE

MEDIACOM

BY: *[Signature]* 5-10-19
 DATE

CENTURYLINK

BY: *[Signature]* 5-10-2019
 DATE

LEGEND

●	PROPERTY CORNER - FOUND AS LABELED
○	PROPERTY CORNER - SET 5/8" Ø REBAR WITH OPC #19828
○	OPC - ORANGE PLASTIC CAP
○	YPC - YELLOW PLASTIC CAP
---	BOUNDARY OR PROPERTY LINE
---	EXISTING PROPERTY LINE
---	EASEMENT
-FW-	FEMA FLOODWAY
×	PC OR PT ON STREET CL

ERROR OF CLOSURE IS LESS THAN 1 IN 10,000

DRAWING LOG

REV	DESCRIPTION OF CHANGES	DATE

RECORDATION

ISSUED FOR: **GLENBROOK RIDGE SECOND ADDITION**

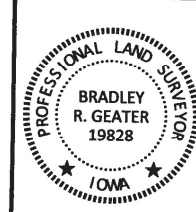
DATE ISSUED: **MAY 7, 2019**

CURRENT REV: **B**

CLIENT NAME: DEVILS GLEN HOLDING, LLC

PROJECT NO.: 18-0082

PROJECT MANAGER: BETTIS



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.

SIGNED: *[Signature]* DATE: 5/8/19

BRADLEY R. GEATER, P.L.S., P.E.
 LICENSE NUMBER 19828.
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019.
 PAGES OR SHEETS COVERED BY THIS SEAL: THIS PLAT

3470 Glenbrook Circle North

FENCE LINE PERIMETER

3470 GLENBROOK CIRCLE NORTH

11/25/2025 09:56

SIDEWALK FACING DEVILS GLEN ROAD

N85° 49' 19" E

138.12'

AC
8 SF
21
0.29 AC
12,684 SF

48' 90'
22
0.48 AC
20,836 SF

23
0.33 AC
14,286 SF

15
22 AC
744 SF

24
0.27 AC
11,549 SF

25
0.68 AC
29,746 SF

THE
FOUNT.
ADDI

BLACK

VILLAS
GLENCE

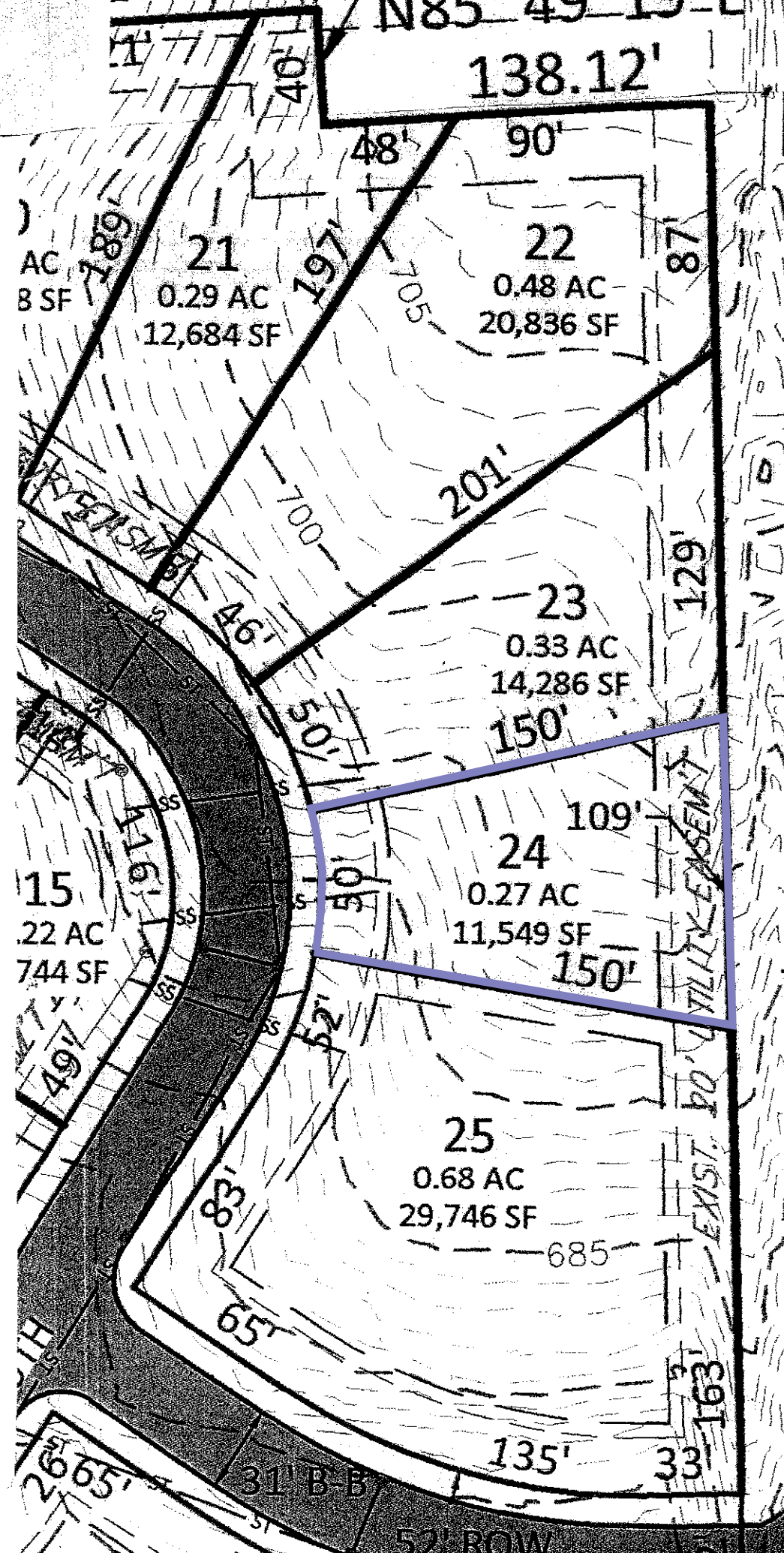
3

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22

21

20



STAFF REPORT

Subject: Board of Adjustment - Variance
Author: Greg Beck
Department: Community Development
Date: December 11, 2025



Case No.: 25-049
Request: Variance to reduce the required building separation from 8 feet to 6 feet to allow for construction of a shed.
Location: 1543 Old Freeport Court
Legal Description: Lot 16, Oak Pointe 2nd Addition Parcel #: 842807216
Applicant: Wood Home Renovations
Current Zoning: R-1, Single Family Residence District
Future Land Use: Neighborhood Light

Background Information & Facts

Nick Wood of Wood Home Renovations has submitted a variance request to reduce the required building separation from 8 feet to 6 feet between a single-family dwelling and an accessory building to permit construction of an 8-foot by 14-foot shed (11-11A-9.D.7.Accessory Buildings). Available flat ground, structures near the house, and topography are reasons cited by the petitioner for the placement of the shed at this location. Accessory buildings are permitted in an R-1 district.

Lot 16, Oak Pointe 2nd Addition is level with the house on the west side of the lot where the shed is proposed. The eastern end of the parcel is slanted toward a lower elevation like most of the rear yards in this subdivision. An area with a retaining wall is already paved and could accommodate this structure, but the location of the retaining wall would require the structure to be placed 2 feet closer to the dwelling. The shed's proposed location would utilize the surrounding paving to easily store landscaping equipment and remove items for use.

Staff Analysis

New statutory standards concerning variances have been enacted by the State of Iowa recently that updated Statute 414.12. Three standards for judging whether a case should receive a variance are:

- “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 property allowed by the zoning ordinance, and so that the spirit of the ordinance be observed and substantial justice be done.” The contractor would maintain separation of six feet and would provide fire protection as cited under IRC Section 302.1 (Exterior Walls) and 302.6 (approved fire resistive materials). Fire treated building materials would be required for the proposed shed per staff. The surrounding paving and retaining wall structures can accommodate the shed’s placement, instead of building out the paved area an extra two feet to create an eight-foot separation.

- “ Area, dimensional, or other numerical limitations subject to variances include but are not listed to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking.” The variance requested deals with a “numerical limitation” as a separation distance requirement.
- “ To receive the requested area, dimensional or other numerical variance, the property owner must prove practical difficulties faced are unique to the property at issue and are not self-created and also must demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood.” The shed’s proposed placement is related to the existing retaining wall and paved area that could more conveniently accommodate the shed’s. Other portions of the lot would pose “practical difficulties” because of sloping terrain and greater distance of the accessory structure to the house. The placement eight feet removed from the house would require dismantling of the retaining wall or potential placing of the shed location in the side yard setback.

Board precedent over the last fifteen years has been established regarding accessory structure separation from single family dwellings:

- Case 10-013: 2532 Roberts Street; 6-foot separation of accessory structure reduced from 8 foot required separation with the condition of fireproofing the accessory structure. R-2, Single Family Residence District. Approved.
- Case 25-046: 6535 James Road; 5-foot-separation of garage from single family dwelling, with the condition of fireproofing the accessory structure per IRC 302. R-5, High Density Multi-Family Residence District. Approved.
- Case 25-047: 1828 Sunset Drive; 5-foot-separation of garage from single family dwelling, with the condition of fireproofing the accessory structure per IRC 302. R-2, Single Family Residential. Approved.

The first Board of Adjustment case was evaluated under a more restrictive hardship standard than the two September cases determined under the recently passed statutory requirements which became effective in July 2025. These prior cases involved garages of greater size than the proposed shed and permitted the detached garages to be at or closer to the single-family

dwelling than the petitioner is asking. The applicant is not requesting relief greater than that provided in past variance rulings.

Staff Recommendation

Staff recommends supporting the petitioner's request given past precedent and no examples of denial. The petitioner has been made aware that compliance with International Residential Code provisions (IRC 302 standards) for fire safety separation is required. Staff recommends approval given the circumstances regarding this request.

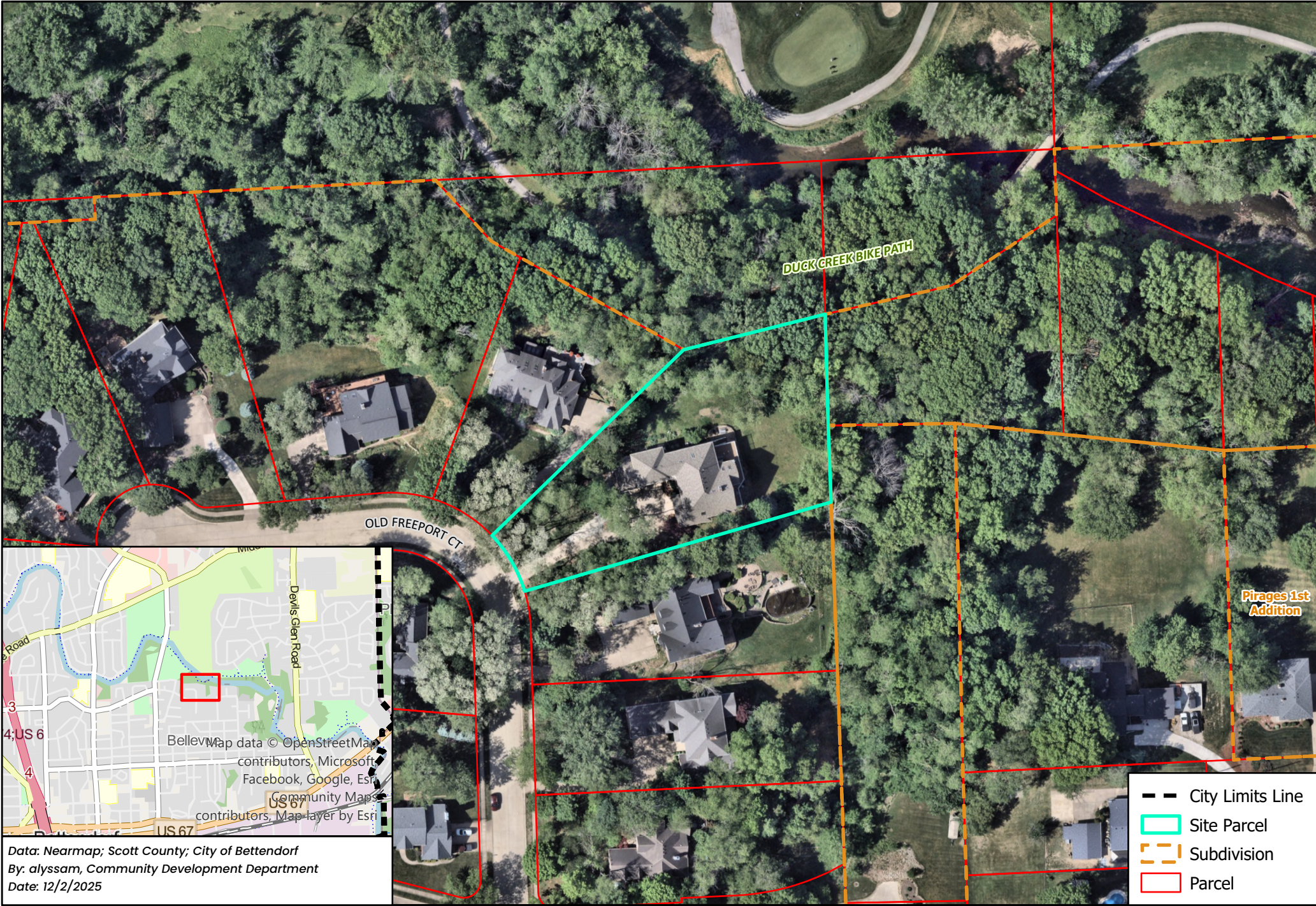
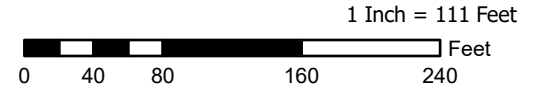
Respectfully submitted,

Greg Beck
City Planner

List of Attachments:

- A – Aerial Location Map
- B – FLUM and Zoning Map
- C – Plat Oak Pointe 2nd Addition
- D – Petitioner's Plot Plan
- E- Aerial Plot Plan
- F- Site Photo
- G – Petitioner's Letter
- H- Shed dimensions

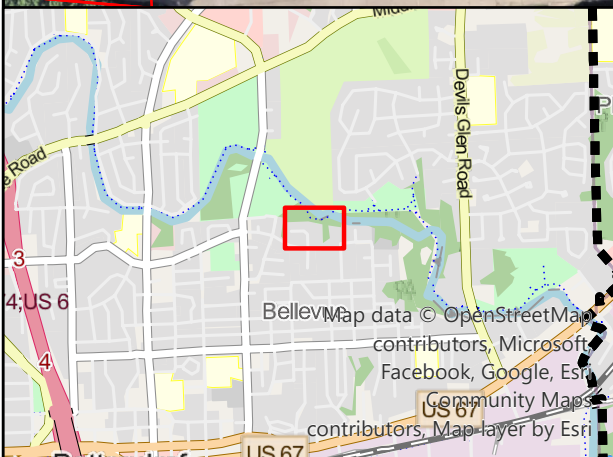
Case No. 25-049-VAR: 1543 Old Freeport Court Variance Aerial Map - Attachment A



DUCK CREEK BIKE PATH

OLD FREEPORT CT

Pirages 1st Addition



Data: Nearmap; Scott County; City of Bettendorf
By: alysam, Community Development Department
Date: 12/2/2025

- City Limits Line
- Site Parcel
- Subdivision
- Parcel

Case No. 25-049-VAR: 1543 Old Freeport Court

Variance

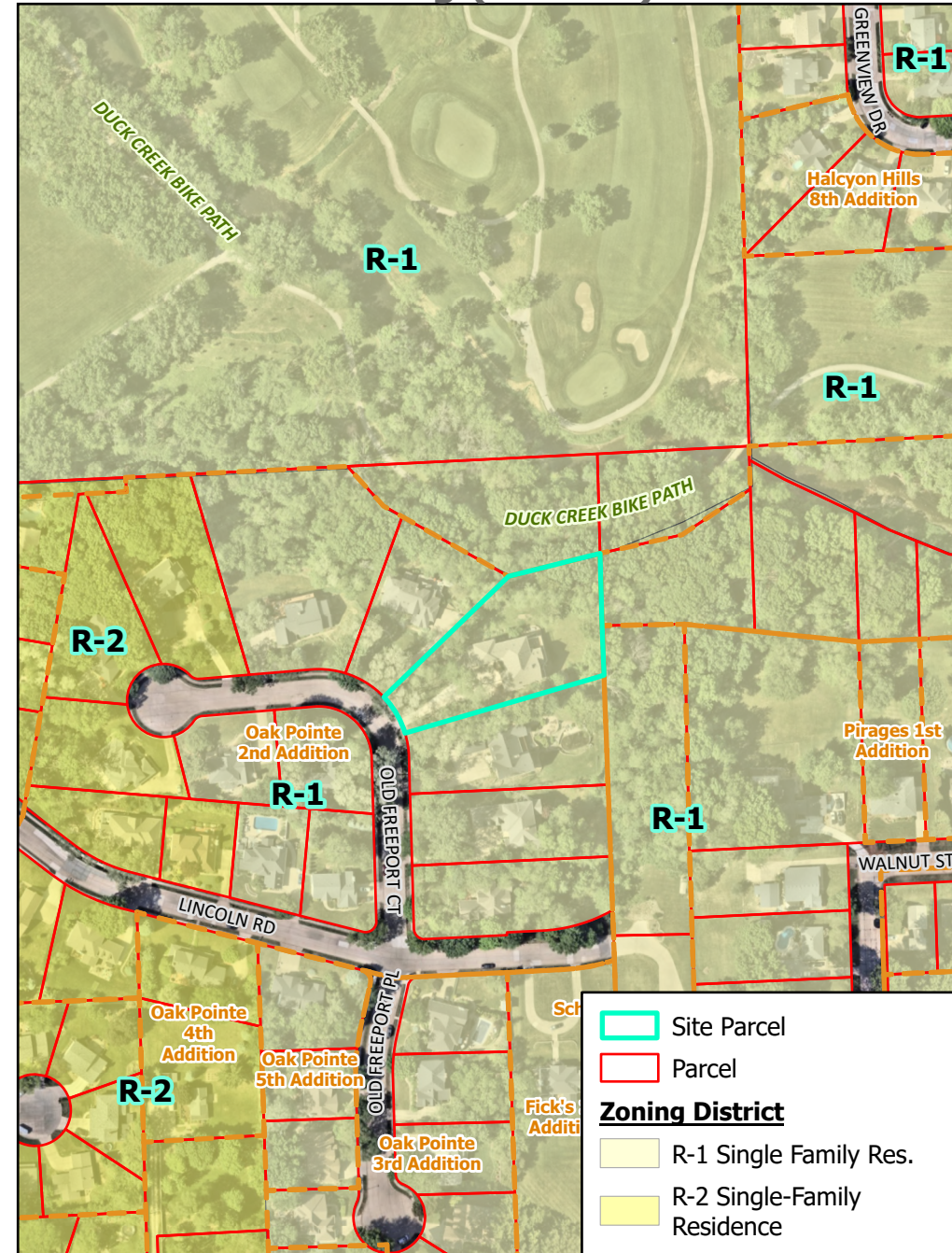
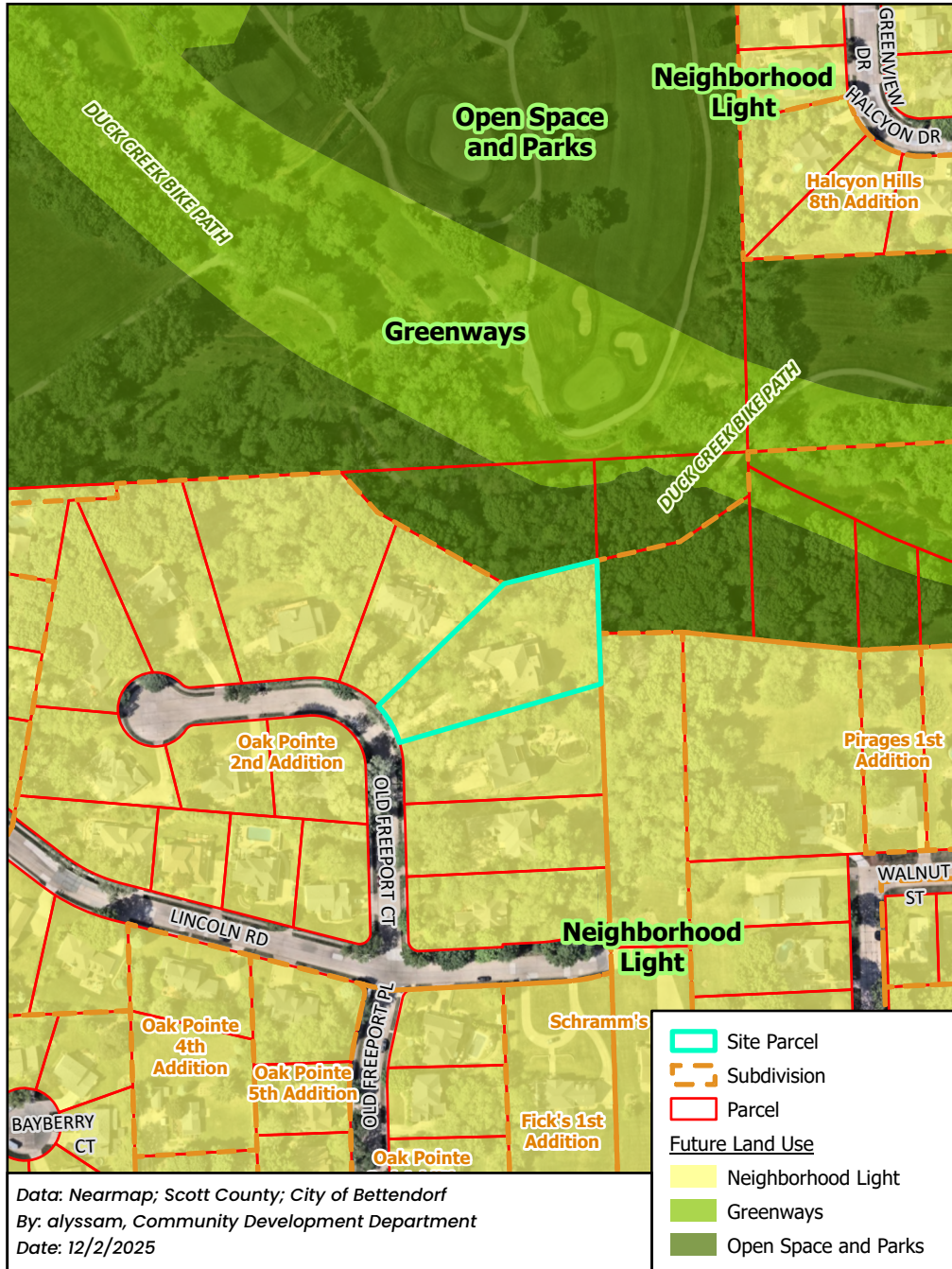
Future Land Use & Zoning - Attachment B

1 Inch = 250 Feet
0 185 370 740 Feet



Future Land Use

Zoning (Current)



1988 NOV 23 PM 3:53
FEE \$5500 paid
Recorder of Deeds
SCOTT COUNTY, IOWA

21100-88

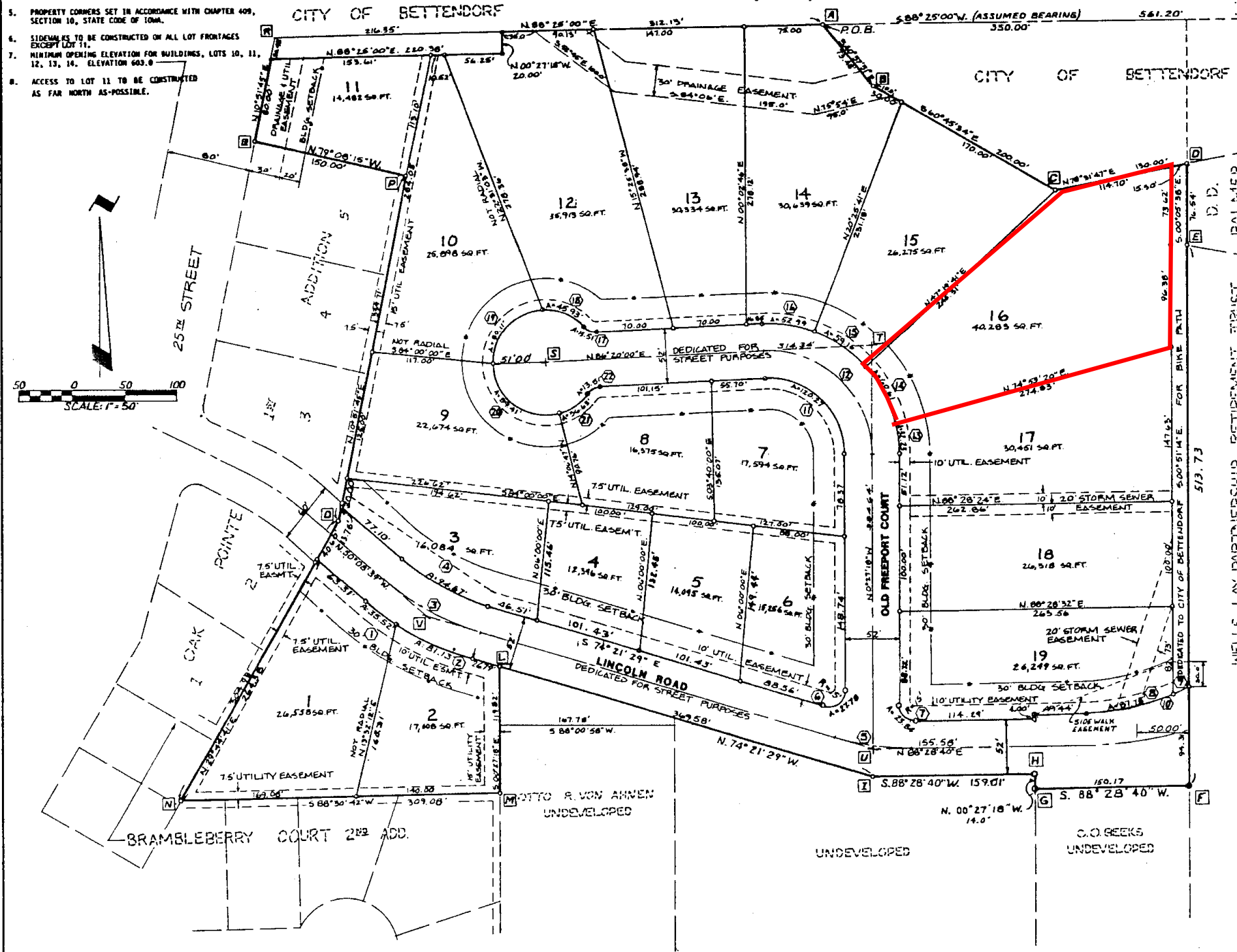
SCOTT COUNTY AUDITOR
068915

- NOTES:
1. ALL DISTANCES ARE IN FEET AND DECIMAL PARTS THEREOF.
 2. "A" STANDS FOR ARC DISTANCE.
 3. BLANKET UNDERGROUND EASEMENTS GRANTED FOR ALL ELECTRIC PRIMARY & SECONDARY CABLES AND FOR STREET LIGHTING, SERVICE WIRES, GAS LINES, WATER LINES, TELEPHONE WIRES, SEWER LATERALS AND CABLE TV.
 4. 5/8" DIA. REBAR SHOWN THIS: 4" x 8" x 36" CONC. MONUMENT SHOWN THIS:
 5. PROPERTY CORNERS SET IN ACCORDANCE WITH CHAPTER 409, SECTION 10, STATE CODE OF IOWA.
 6. SIDEWALKS TO BE CONSTRUCTED ON ALL LOT FRONAGES EXCEPT LOT 11.
 7. MINIMUM OPENING ELEVATION FOR BUILDINGS, LOTS 10, 11, 12, 13, 14. ELEVATION 603.0
 8. ACCESS TO LOT 11 TO BE CONSTRUCTED AS FAR NORTH AS POSSIBLE.

OWNER / DEVELOPER:
OAK POINTE PARTNERS
P.O. BOX 708
BETTENDORF, IOWA

FINAL PLAT OF OAK POINTE 2ND ADDITION AN ADDITION TO THE CITY OF BETTENDORF, IOWA PART OF THE N.E. 1/4 SECTION 28 T-78-N, R-4-E, OF THE 5th P.M.

12.616 ACRES



CURVE SEGMENT

	RADIUS	ARC	Δ	CHORD	CHORD BEARING	TANGENT
1	276.00'	35.52'	07°22'22"	35.49'	N 53°49'50" W	17.78'
2	276.00'	81.13'	16°50'29"	80.84'	N 68°56'17" W	40.86'
3	250.00'	105.65'	24°12'50"	104.87'	N 62°15'04" W	53.63'
4	224.00'	94.67'	24°12'50"	93.96'	N 62°15'04" W	48.05'
5	250.00'	74.89'	17°09'51"	74.61'	N 82°56'24" W	37.73'
6	15.00'	27.78'	108°05'49"	23.97'	N 52°35'36" E	19.94'
7	15.00'	23.84'	91°04'01"	21.41'	N 49°59'18" E	15.28'
8	220.00'	87.75'	22°51'09"	87.17'	N 77°03'06" E	44.46'
9	220.00'	16.65'	04°20'09"	16.65'	N 63°27'27" E	08.33'
10	220.00'	104.40'	27°11'18"	103.42'	N 74°53'01" E	53.20'
11	74.00'	120.27'	93°12'43"	107.54'	N 47°03'39" E	78.27'
12	100.00'	162.69'	93°12'43"	145.33'	N 47°03'39" E	105.77'
13	126.00'	32.23'	14°39'22"	32.14'	N 07°46'59" E	16.20'
14	126.00'	60.61'	27°33'38"	60.03'	N 28°53'29" E	30.90'
15	126.00'	59.16'	26°54'01"	58.61'	N 56°07'18" E	30.13'
16	126.00'	52.99'	24°05'41"	52.60'	N 81°37'09" E	26.89'
17	15.00'	13.51'	51°35'43"	13.06'	N 57°52'09" E	07.25'
18	51.00'	45.33'	51°35'43"	44.39'	N 57°52'09" E	24.65'
19	51.00'	80.11'	90°00'00"	72.12'	N 41°20'00" E	51.00'
20	51.00'	89.41'	100°26'47"	78.39'	N 53°53'24" E	61.26'
21	51.00'	36.63'	41°08'56"	35.85'	N 55°19'45" E	19.14'
22	15.00'	13.06'	51°35'43"	13.06'	N 60°32'08" E	07.25'

POINT COORDINATES

	NORTHING	EASTING		NORTHING	EASTING
A	9964.4931	9439.0144	L	9372.3830	9131.8134
B	9929.0080	9487.1861	M	9252.5635	9132.7651
C	9831.3125	9661.7014	N	9244.5350	8823.7883
D	9857.1645	9789.1051	O	9509.3254	8975.0955
E	9780.6246	9789.2306	P	9642.9475	9039.1142
F	9266.9518	9796.8862	Q	9871.2152	8891.8018
G	9262.9626	9646.7718	R	9969.8917	8910.7368
H	9276.9598	9646.5607	S	9666.0973	9174.1540
I	9272.7356	5487.7027	T	9686.2001	9487.8547
			U	9298.9311	9490.9305
			V	9419.1010	9061.3870

COX CABLE TELEVISION CO.
BY: *[Signature]*
DATE: 3-24-88

IOWA - AMERICAN WATER CO.
BY: *[Signature]*
DATE: 3-24-88

N.W. BELL TELEPHONE CO.
BY: *[Signature]*
DATE: 3-24-88

IA.-ILL. GAS & ELECTRIC CO.
BY: *[Signature]*
DATE: 3/24/88

PLAN & ZONE COMMISSION
BY: *[Signature]*
DATE: 7/6/88

CITY OF BETTENDORF, IOWA
BY: *[Signature]*
DATE: 7/6/88

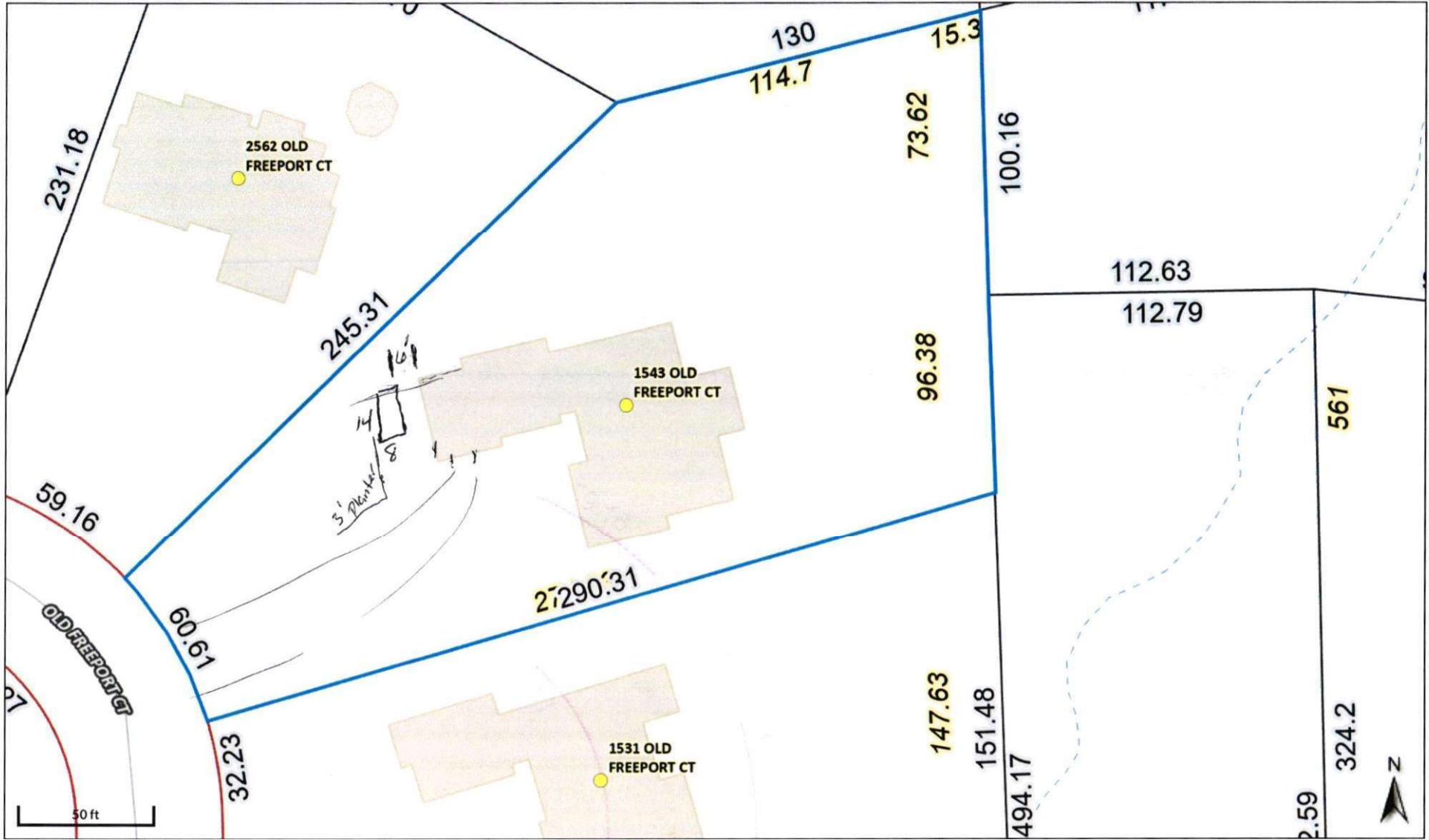
CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA, AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF LANDS SURVEYED.
[Signature] DATE: 3/24/88
I.A. REG. NO. 5493

NO.	DATE	BY	REVISIONS
1			
2			
3			
4			
5			
6			
7			
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21			
22			

DATE: 3-24-88

THE SCHIRMER ASSOCIATES INC.
SURVEYORS & PLANNERS

OAK POINTE 2ND ADDITION
FINAL PLAT



Parcel ID 842807216
 Sec/Twp/Rng n/a
 Property Address 1543 OLD FREEPORT CT
 BETTENDORF

Alternate ID n/a
 Class R
 Acreage 0.968
 Graphic Acres 0.968

Owner Address BABCOCK SHARON L
 1543 OLD FREEPORT CT
 BETTENDORF IA 52722

District BEB
 Brief Tax Description OAK POINTE 2ND ADD Lot: 016 OAK POINTE 2ND ADDLOT 16 & ADJ VAC 15'BIKE PATH

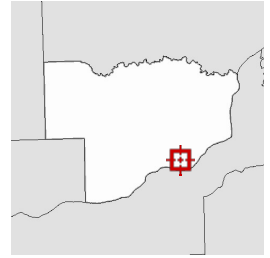
(Note: Not to be used on legal documents)



Scott County / City of Davenport, Iowa



Overview



Legend

- Political Township
- Corporate Limits
- County Boundary
- Railroad
- All Roads**
- Interstate
- US Highway
- State Highway
- County Route
- Major road
- Local roads
- Ramp
- Alleyway/Access Road
- Bike/Pedestrian Trail
- Driveway
- Rights of Way
- Major Rivers and Streams**
- River Centerline
- River Boundary
- Major Stream
- Minor Streams, Other**
- Minor Stream
- Small Lake/Pond
- Drainageways, etc
- Island
- Major Rivers and Lakes**
- Lake
- Major Stream
- River
- Minor Lakes and Ponds
- Parcels
- ◆ Parcel Point

PROPOSED
SHED
LOCATION



11/26/2025 15:37

To: City of Bettendorf Board of Adjustment

From: Sharon Babcock and Nick Wood, Wood Home Renovations

Date: November 26, 2025

Subject: Variance Request for Shed Placement at 1543 Old Freeport Ct, Bettendorf, IA

Dear Members of the Board,

I am writing to respectfully request a variance from the City of Bettendorf's zoning requirement that mandates an eight-foot clearance between accessory structures and an attached garage.

I plan to construct a new 8-foot by 14-foot shed (112 square feet) on an existing concrete slab adjacent to my attached garage. Because the shed is below the 120-square-foot threshold, no building permit is required under Bettendorf's code. This variance request is therefore strictly for maintaining proper distance from other structures, as the shed will have a six-foot clearance from the garage rather than the required eight feet.

Although the proposed shed will be located six feet from the attached garage rather than the required eight feet, the structure will be constructed in full compliance with the International Residential Code (IRC). Specifically, the wall of the shed facing the garage will meet the fire-resistance requirements of IRC Section R302.1 (Exterior Walls) by providing a minimum 1-hour fire-resistance rating with no unprotected openings within three feet of the garage. In addition, construction will follow the intent of IRC Section R302.6 (Dwelling–Garage Separation) by incorporating approved fire-resistive materials such as Type X gypsum board or equivalent assemblies. These measures ensure that the reduced clearance does not compromise fire safety or the protection of adjacent structures, thereby maintaining the spirit and intent of the code while allowing practical use of the existing concrete slab.

Granting this variance will allow me to make practical use of the existing slab while maintaining the intent of the code — protecting public safety and property. The variance will not negatively impact neighboring properties, nor will it alter the essential character of the neighborhood.

I respectfully ask for your consideration and approval of this variance request. Thank you for your time and attention.

Sincerely,

Sharon Babcock (309) 314-0408

Nick Wood, Wood Home Renovations (309) 558-7896

Single Family Residential—One Story Detached Garage

Directions

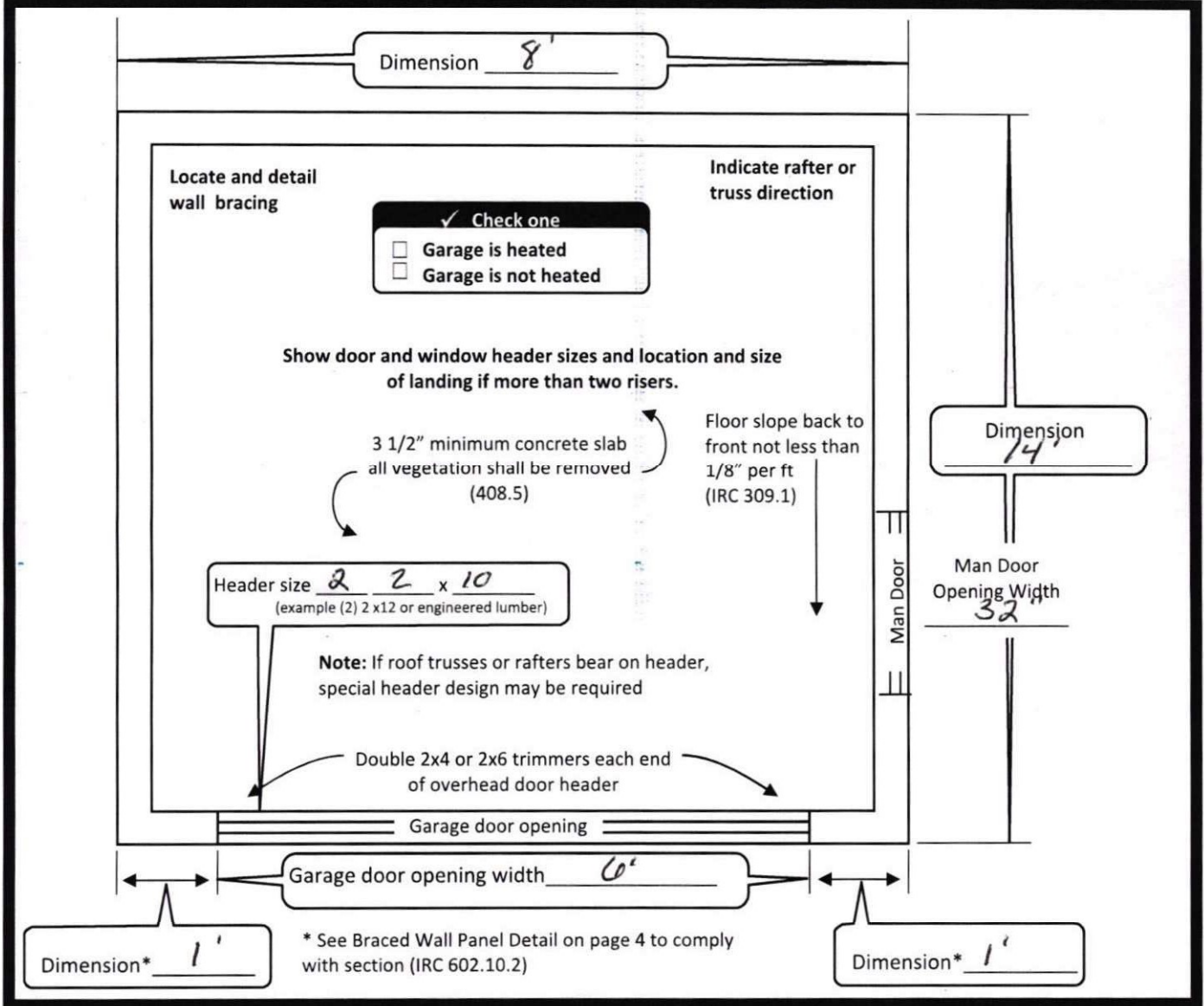
1. Fill in the blanks on pages 2 and 3 with dimensions and materials which will be used to build the structure. Please print legibly.
2. Indicate in the check box on page 3 which foundation detail from page 4 will be used.

Address:

1543 Old Freepart Ct
Belt VA

Note: Heated garages may require special provisions.

Floor Plan



NOTES - Concrete Slab

- All sod and vegetation must be removed.
- If fill is required under slab it must be compacted sand or gravel.
- Floating slab from Detail A and A1 shall be monolithically poured.
- Welded wire fabric or equivalent in slab.
- Minimum 12" perimeter footing (all four sides at least 12" below grade) (IRC 403.1.4).
- Concrete floor or curb to be 6" min. above grade (IRC 404.1.6).
- Floating slab shall be a maximum of 720 sq ft (IRC 403.1.4.1 Exception 1) with no dimension exceeding 30 ft.