

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

**MEETING NOTICE
BOARD OF ADJUSTMENT
FEBRUARY 9, 2012
5:00 P.M.**

PLACE: Bettendorf City Hall Council Chambers, 2nd Floor, 1609 State Street

1. Roll Call: Falk _____, Howe _____, Johnson _____, Voelliger _____
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of January 12, 2012.
4. The Board to review and approve the 2011 Board of Adjustment Annual Report.
5. The Board to hold a public hearing on the following items:
 - a. Case 12-007; 1304 Elmore Avenue (R-1) - A request for a variance to reduce the required front yard setback from 30 feet to 20 feet to allow for construction of a deck and pergola, submitted by Richard and Lisa Syfert.
 - b. Case 12-008; 2002 Spruce Hills Drive and 2828 - 18th Street (C-1/C-5) - A request for a special use permit to allow a drive-up window, submitted by FEPH Acquisitions Fund II, LLC.
 - c. Case 12-009; 2002 Spruce Hills Drive and 2828 - 18th Street (C-1/C-5) - A request for a variance to allow parking in a required front yard along 18th Street, submitted by FEPH Acquisitions Fund II, LLC.
 - d. Case 12-012; 3230 Ridge Pointe (C-1) - A request for a special use permit to allow a drive-in banking facility, submitted by Deere Harvester Credit Union.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT AND OTHER APPLICABLE FEDERAL AND STATE LAWS, ALL PUBLIC HEARINGS AND MEETINGS HELD OR SPONSORED BY THE CITY OF BETTENDORF, IOWA, WILL BE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. PERSONS REQUIRING AUXILIARY AIDS AND SERVICES SHOULD CONTACT BETTENDORF CITY HALL AT (563) 344-4000 FIVE (5) DAYS PRIOR TO THE HEARING OR MEETING TO INFORM OF THEIR ANTICIPATED ATTENDANCE. TEXT TELEPHONE (TTY) IS AVAILABLE AT (563) 344-4175. IN ADDITION, PERSONS USING TEXT TELEPHONE HAVE THE OPTION OF CALLING VIA THE IOWA COMPASS VOICE/TTY BY DIALING (800) 735-2942.

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
JANUARY 12, 2012
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Howe, Johnson, Voelliger
ABSENT: None
STAFF: Connors, Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of December 8, 2011.

On motion by Howe, seconded by Voelliger, that the minutes of the meeting of December 8, 2011 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 12-001; 1227 Broadlawn Avenue (R-1) - A request for a variance to allow construction of a 18-foot x 16-foot deck within the established front yard setback, submitted by Amy Beausoleil.

Howe asked if there was an affidavit of publication. Soenksen stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Soenksen reviewed the staff report. Staff report is Annex #3 to these minutes.

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

Amy Beausoleil, the applicant, explained that staff's suggested alternative would substantially reduce the usability of the proposed deck. She indicated that staff's proposed location of an L-shaped deck would be adjacent to the driveway, carport, and sunroom and would also reduce the space available for a stairway leading to the driveway from the proposed deck that she would like to build because of the steepness of the site. Beausoleil commented that both designs protrude into the setback, but

indicated that her proposal would greatly increase the usable space of the deck without a noticeable intrusion.

Keith Timm, the applicant's contractor, reiterated that an L-shaped deck would limit the functionality of the deck because of the narrowness of staff's proposed design.

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

Soenksen commented that in 2009 when a previous applicant had requested permission to place a swimming pool in the front yard, staff had received numerous objections from the neighbors. He indicated that he has received no comments regarding the current applicant's request.

Falk asked how much further the originally proposed deck would protrude into the setback than staff's proposal. Soenksen explained that the encroachment would be reduced by 10-15 percent. Falk asked if this would equate to approximately 2 feet. Soenksen confirmed this.

Voelliger commented that he has no objection the applicant's request, reiterating that it would allow for a stairway to the driveway.

On motion by Voelliger, seconded by Johnson, that a variance to allow construction of a 16-foot x 18-foot deck within an established front yard be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 12-002; 5092 - 45th Avenue (R-1) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Robert Ferns.

Howe asked if there was an affidavit of publication. Soenksen stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Soenksen reviewed the staff report. Staff report is Annex #5 to these minutes.

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

Robert Ferns, the applicant, stated that since he removed the berm along Crow Creek Road it has been difficult to keep his grandchildren contained in the yard. He expressed concern about their safety because of the large amount of traffic that travels along Crow Creek Road.

Howe asked what type of fence the applicant is proposing to install. Ferns explained that it would be a 6-foot high solid wood fence and would have scalloped edges.

Johnson asked far the proposed fence would be from the right-of-way of Crow Creek Road. Soenksen explained that the request is for permission to place a fence on the property line which is typically 1-2 feet from the edge of the sidewalk. He indicated that in this case, the fence would be 20-25 from the paved portion of the street.

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

Voelliger commented that it is likely that other neighbors will make similar requests in light of the close proximity to a proposed commercial development. He asked if the owner of the commercially-zoned property plans to install a fence. Soenksen explained that buffering is required to be installed between the commercial and residential properties. He added that the buffer is allowed to be a combination of fencing and/or landscaping.

Soenksen stated that when the adjacent subdivision was developed, there had been considerable discussion about buffering requirements. Voelliger commented that the original design of the subdivision had indicated that 45th Avenue would be extended. Soenksen stated that because of the concerns of the neighbors, that plan had been abandoned. Voelliger commented that the developer has installed an attractive fence along Middle Road, adding that perhaps the same could be installed when the commercial lot is developed.

Howe commented that typically the Board prefers that a fence be placed at least 10 feet from the property line. He added that because the homeowner on the corner lot has installed a fence 5 feet from the property line, perhaps it would be preferable to maintain continuity of the fence and greenspace in the neighborhood. Falk concurred, adding that he believes that it is likely that the neighbor between the applicant and the corner will make a similar request in the future.

Howe requested that staff ensure that the applicant's fence, if approved, be placed the same distance from the property line as the fence on the corner lot. Soenksen stated that he would make a site visit after the post holes have been dug to ensure the proper placement of the fence.

On motion by Voelliger, seconded by Falk, that a variance to allow a 6-foot high fence in a required front yard be approved in accordance with the Decision and Order and with the condition that it be placed the same distance from the property line along Crow Creek Road as the fence at 4510 Millwood Lane.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:25 p.m.

These minutes and annexes approved

John Soenksen
City Planner



BOARD OF ADJUSTMENT ANNUAL REPORT 2011

Special Use Permits

Variances

Special Location Plans

Appeals

Miscellaneous Items



Board of Adjustment
City of Bettendorf
2011 Annual Report

Summary of Activities

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

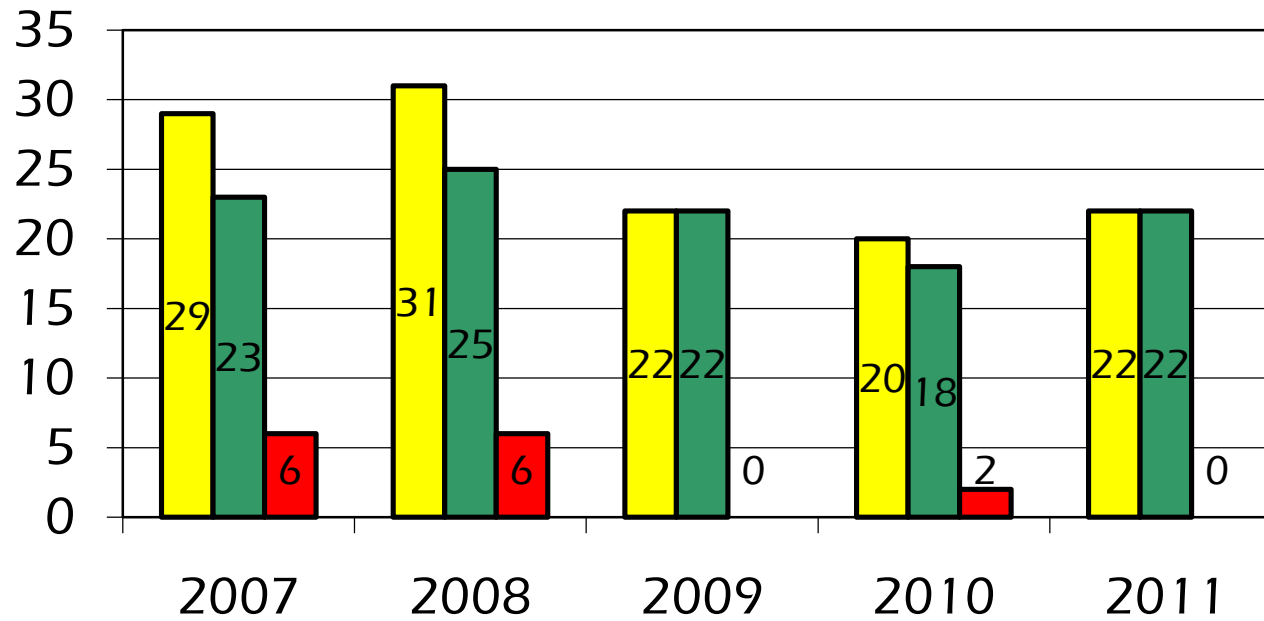
The following is a summary of the activities of the City of Bettendorf's Board of Adjustment. The cases were heard beginning January 2011 and ending December 2011. These cases are those actually brought before the Board and do not include those that were withdrawn or are pending.

The Board of Adjustment made decisions regarding 31 cases during the year ending December 2011. Of those cases 22 were variance requests, 8 were special use requests, and 1 was an appeal of a decision of the zoning administrator. The Board granted 30 requests.

Board Member Listing

Tom Stelk, Chairman (Resigned 11/11)
Kathleen McElhiney, Chairman Pro Tem (Resigned 8/11)
Robert Howe (Appointed 11/04)
Norm Voelliger (Appointed 4/08)
David Falk (Appointed 4/10)
Bryce Johnson (Appointed 9/11)

BOARD OF ADJUSTMENT ACTIVITY VARIANCES 2007 - 2011

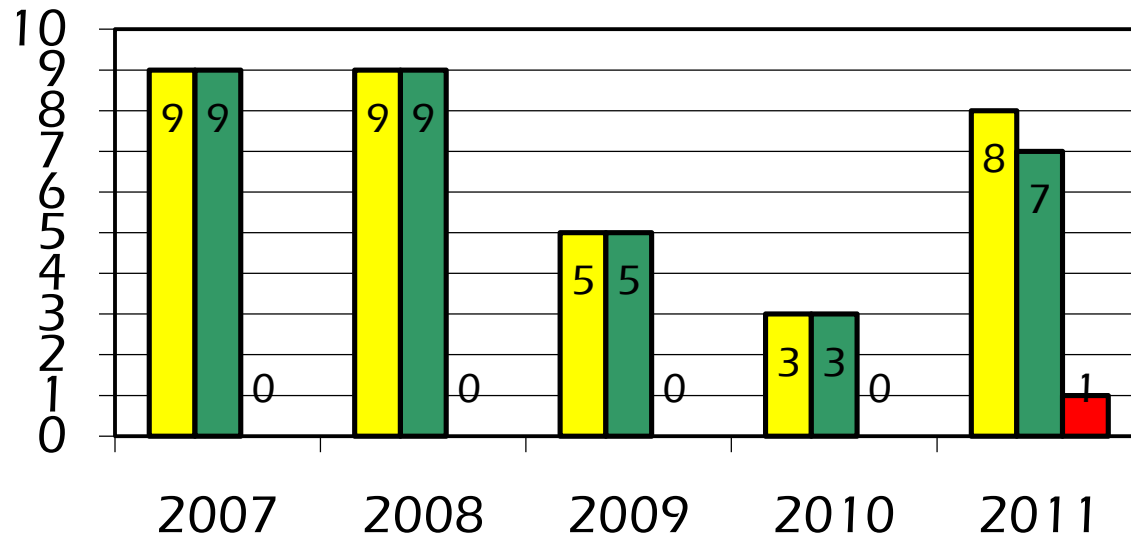


■ CASES HEARD

■ CASES APPROVED

■ CASES DENIED

**BOARD OF ADJUSTMENT ACTIVITY
SPECIAL USE PERMITS
2007 - 2011**



■ CASES HEARD

■ CASES APPROVED

■ CASES DENIED

2011 Board of Adjustment Annual Report

Case Number	Location	Request/Applicant	Decision/Date
11-009	2185 - 53 rd Avenue	Special use to allow a drive-up window, submitted by McDonald's.	Granted 3/10/11
11-010	4513 Stone Haven Drive	Variance from the required established setback from 39 feet to 25 feet to allow for construction of a garage, submitted by George and Toni Hallas.	Granted 3/10/11
11-015	3333 - 18 th Street	Variance to allow parking in a required front yard, submitted by Gary Hintermeister.	Granted 4/14/11
11-016	5573 Charter Oaks Drive	Variance to allow a 6-foot high fence in a required front yard setback, submitted by Robert Huber.	Granted 4/14/11
11-017	3498 Field Sike Drive	Variance to allow a 6-foot high fence in a required front yard setback, submitted by Shadrack Roberts.	Granted 4/14/11
11-018	4000 Middle Road	Variance to allow an additional on-premises identification sign on a non-street frontage and to increase the allowable signage square footage from 300 square feet to 330 square feet, submitted by Ron Crist.	Granted with conditions 4/14/11
11-030	5535 Clemons Road	Special use to allow a 55-foot high noncommercial ham operator transmission tower, submitted by Gary Huff.	Granted with conditions 6/9/11
11-031	880 Lincoln Road	Special use to allow a drive-up window, submitted by Great Western Properties, LLC.	Granted 6/9/11
11-032	2185 - 53 rd Avenue	Variance to allow a drive through lane in a required front yard, submitted by McDonald's.	Granted 6/9/11
11-034	5776 California Drive	Variance to reduce the required front yard setback from 40 feet to 35 feet to allow for construction of a house, submitted by Mark C. Wood Builder, LTD.	Granted 6/9/11
11-035	2501 - 53 rd Avenue	Special use to allow a bar with an outdoor service area, submitted by The Clubhouse.	Denied 6/9/11
11-036	5726 Joshua Street	Variance to reduce the required side yard setback from 5 feet to 3 feet to allow for construction of a utility shed, submitted by Allen Sims, Jr.	Granted 6/9/11
11-038	105 Greenwood Avenue	Variance to increase the allowable height of an accessory structure from 15 feet to 19 feet, submitted by Kenn Brinson.	Granted with conditions 7/14/11

2011 Board of Adjustment Annual Report

Case Number	Location	Request/Applicant	Decision/Date
11-039	1845 Anderson Court	Variance to reduce the required rear yard setback from 25 feet to 19 feet to allow for construction of a 14-foot by 27-foot deck, submitted by Ryan White.	Granted 7/14/11
11-046	3806 Rolling Hills Drive	Variance to allow a 6-foot high fence and a swimming pool in a required front yard, submitted by John Crump.	Granted modified request 9/14/11
11-047	906 Tenplus Street	Variance to allow a swimming pool in a required front yard within 20 feet of the property line, submitted by Troy Broderick.	Granted 9/8/11
11-048	3832 Danbury Court	Variance to allow a 6-foot high fence in a required front yard, submitted by Kaleb Evans.	Granted 9/8/11
11-049	1315 - 18 th Street	Variance to reduce the required rear yard setback from 25 feet to 22 feet to allow for construction of a screened porch, submitted by Tom Wells.	Granted 9/8/11
11-054	6001 State Street	Special use permit to allow a concrete recycling facility, submitted by Teresa and Glen Perkins.	Granted 9/8/11
11-055	6175 Valley Drive	Special use permit to allow the residence of the proprietor on the premises of an industrial use, submitted by Kelly and Randy Beaston.	Granted 9/8/11
11-056	3593 Middle Road	Special use permit to allow a wireless communication facility including a transmission tower for cellular phone use, submitted by AT&T Mobility.	Granted 9/8/11
11-057	Lot 1, Interstate 74 Technology Park Second Addition	Variance to allow parking in a required front yard setback and a variance to reduce the required rear yard setback from 50 feet to 40 feet, submitted by Alan Frankel.	Granted with conditions 9/8/11
11-062	510 Mississippi Boulevard	Variance to reduce the required rear yard setback from 40 feet to 23 feet to allow for construction of a deck, submitted by Raymond Van Severen, Jr.	Granted 10/13/11
11-063	3006 Magnolia Drive	Variance to reduce the required side yard setback from 5 feet to 1 foot to allow for construction of a carport, submitted by Christopher Coachman.	Withdrawn
11-064	6304 Ocean Boulevard	Variance to allow a 6-foot high fence in a required front yard, submitted by Josh and Kristi Jacobs.	Granted 10/13/11

2011 Board of Adjustment Annual Report

Case Number	Location	Request/Applicant	Decision/Date
11-065	4306 State Street	Variance to reduce the required side yard setback from 10 feet to 5 feet to allow for construction of a building for an auto repair business, submitted by Greg Poley.	Granted 10/13/11
11-066	3243 Bear Tooth Court	Appeal of the zoning administrator's decision to prohibit a fitness center in an I-2 General Industrial District, submitted by Dennis and Teresa Achenbaugh.	Granted 10/13/11
11-070	2561 - 53 rd Avenue	Variance to allow outdoor operations, submitted by 53 rd Avenue Pizzeria, LLC.	Granted with conditions 11/10/11
11-071	2561 - 53 rd Avenue	Special use permit to allow a bar, cocktail lounge, and tavern, submitted by 53 rd Avenue Pizzeria, LLC.	Granted 11/10/11
11-073	6023 Whispering Hill Drive	Variance to allow a 6-foot high fence in a required front yard, submitted by John Klein.	Granted 12/8/11
11-074	2975 Elk Drive	Variance to reduce the required side yard setback from 5 feet to 2 ½ feet to allow for construction of a shed, submitted by Melinda Koehler.	Granted 12/8/11
11-075	3220 Zimmerman Drive	Variance to reduce the required sign setback from 25 feet to 3 feet, submitted by Dan Santry.	Granted 12/8/11



COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4100

February 9, 2012

Staff Report

Case No. 12-007

Location: 1304 Elmore Avenue

Applicant: Richard and Lisa Syfert

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

Request: Variance to reduce the required front yard setback from 30 feet to 20 feet to allow for construction of a deck with a pergola.

Background Information and Facts

The site is located at the southern end of Elmore Avenue and is accessed by driving west on Locust Street, south on Eastmere Drive and 6th Street, west on Crestline Drive, and then south on Elmore Avenue (see Attachment A – Location Map with driving directions). The applicant is requesting a variance to add a deck with a pergola within the required front yard (see Attachment B – Plot Plan). The roofline plan for the pergola is shown on Attachment C.

Staff Analysis

If allowed, the covered deck would wrap around the south and east sides of the house and would connect to an existing deck on the north side of the house. The existing deck is 12 feet x 9 feet or 108 square feet. The proposed deck is 408 square feet; together the two decks would total 516 square feet in size.

The house has an exposed basement facing the front (see Attachment D – House Photo); therefore, the deck surface will be raised approximately one story above the ground level as viewed from the front (Elmore Avenue). The new deck would occupy the area in front of the house outlined in red on Attachment E. If allowed, the deck/pergola addition will be the predominant feature on the front of the house and within the front setback.

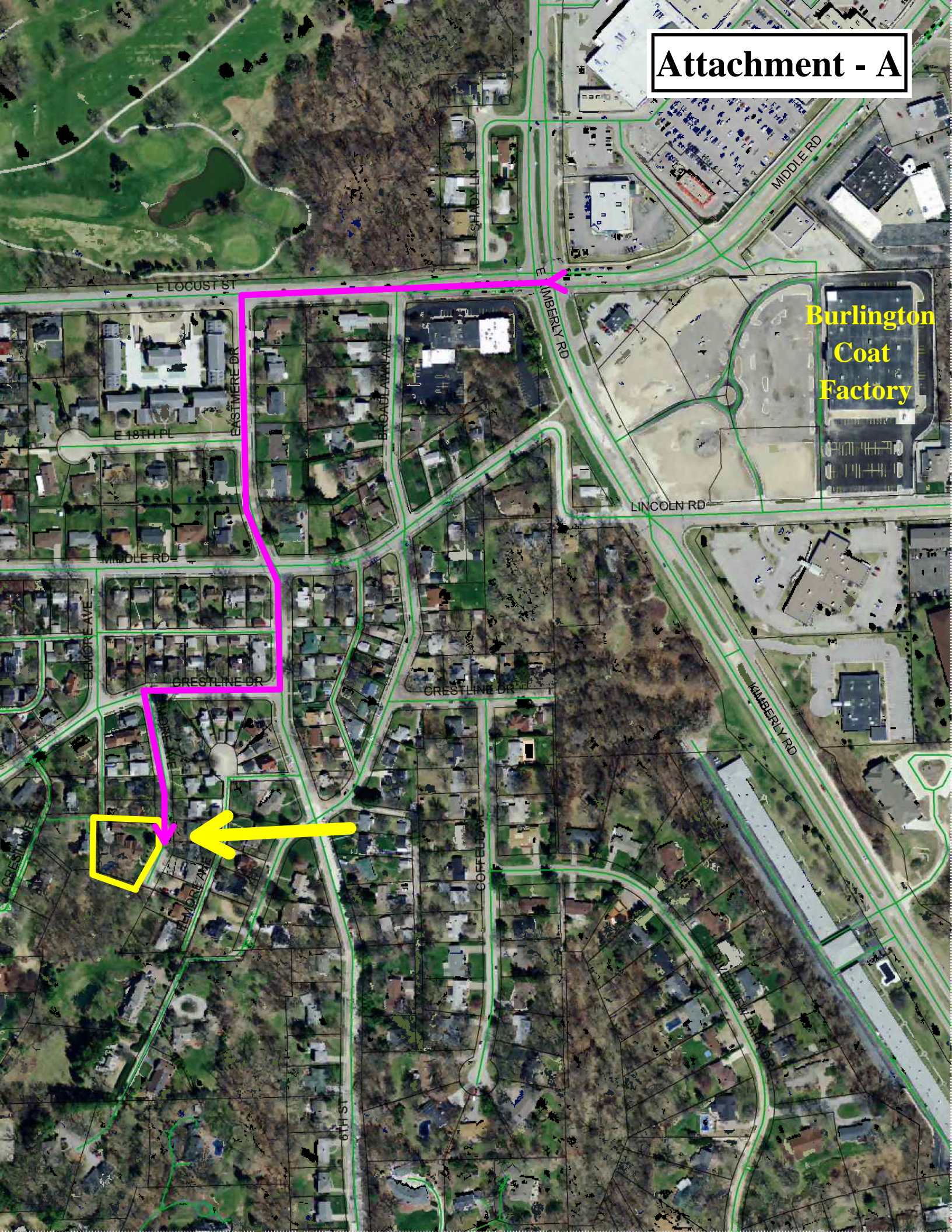
Staff is not able to cite a hardship related to either the ordinance or lot size/configuration. The R-1 District requires 10,000 square feet per lot. The lot in question has 21,910 square feet or over twice the square footage required. The lot in question is, in fact, the largest lot in the entire neighborhood/area (see Attachment F – Lot Size Comparison).

Respectfully submitted,

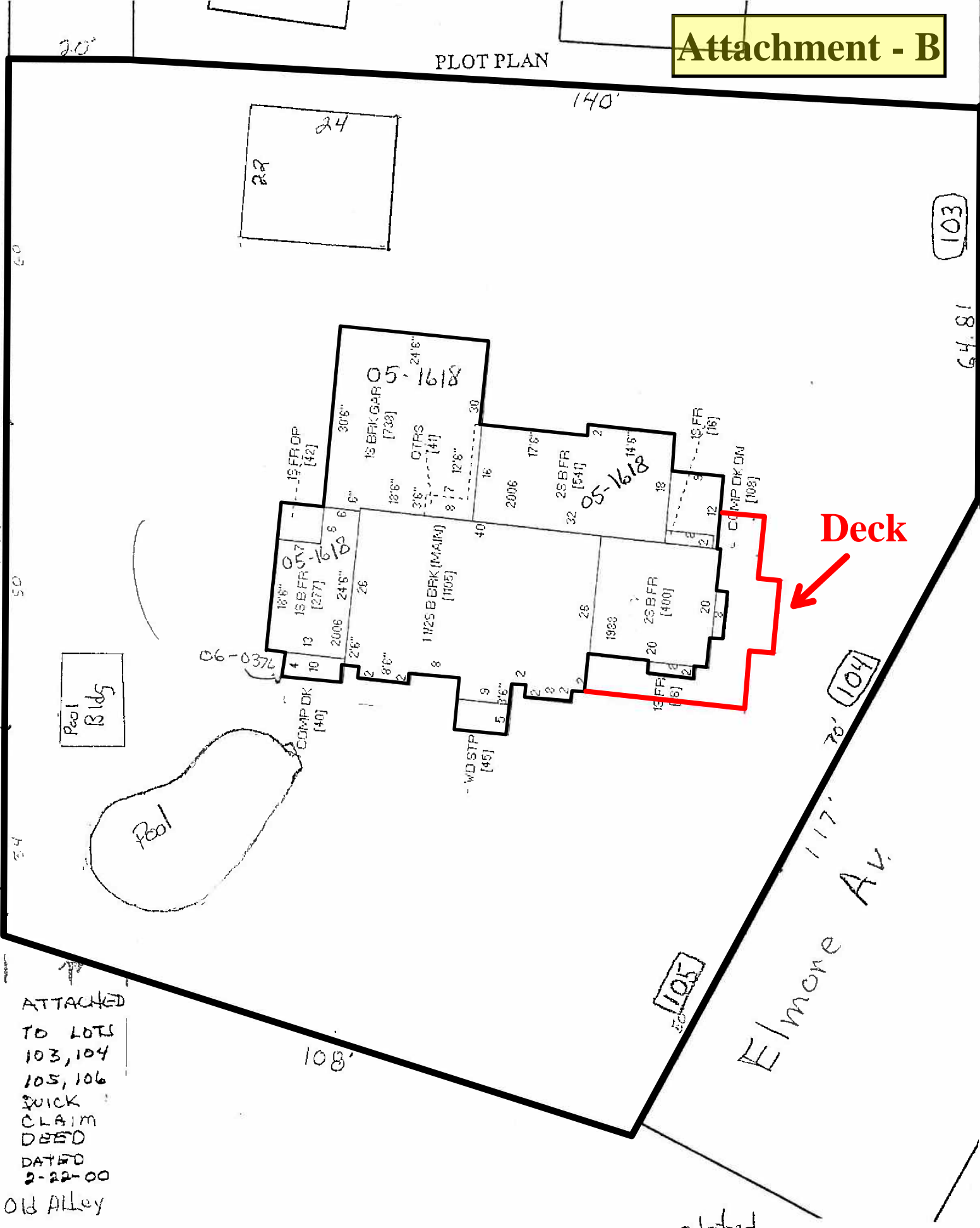
John Soenksen
City Planner

Attachment - A

**Burlington
Coat
Factory**



PLOT PLAN



Deck

Pool Bldg

Pool

ATTACHED
 TO LOTS
 103, 104
 105, 106
 QUICK
 CLAIM
 DEED
 DATED
 2-22-00
 Old Alley

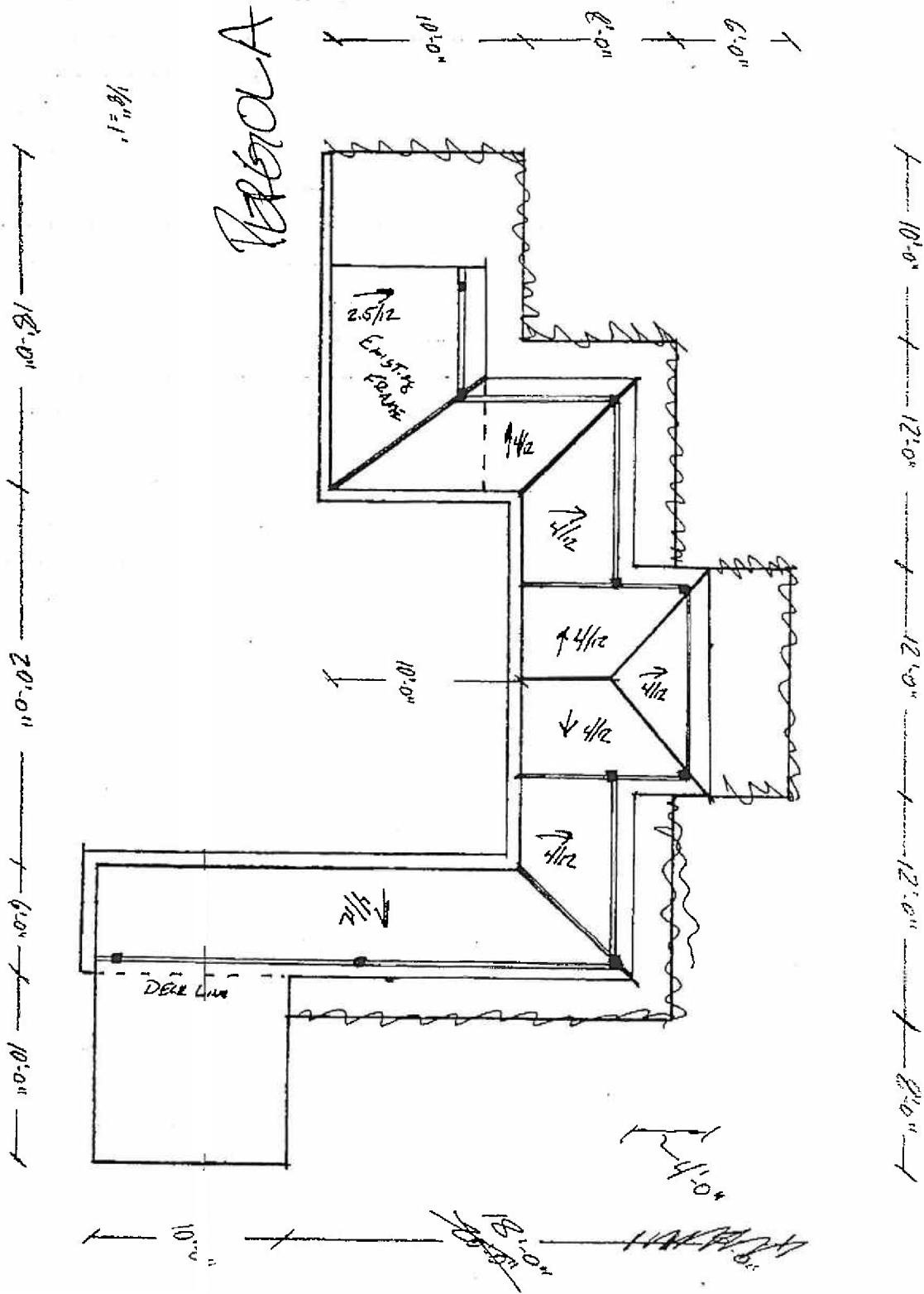
updated 1-18-12

Zoning District R-1

Front setback _____



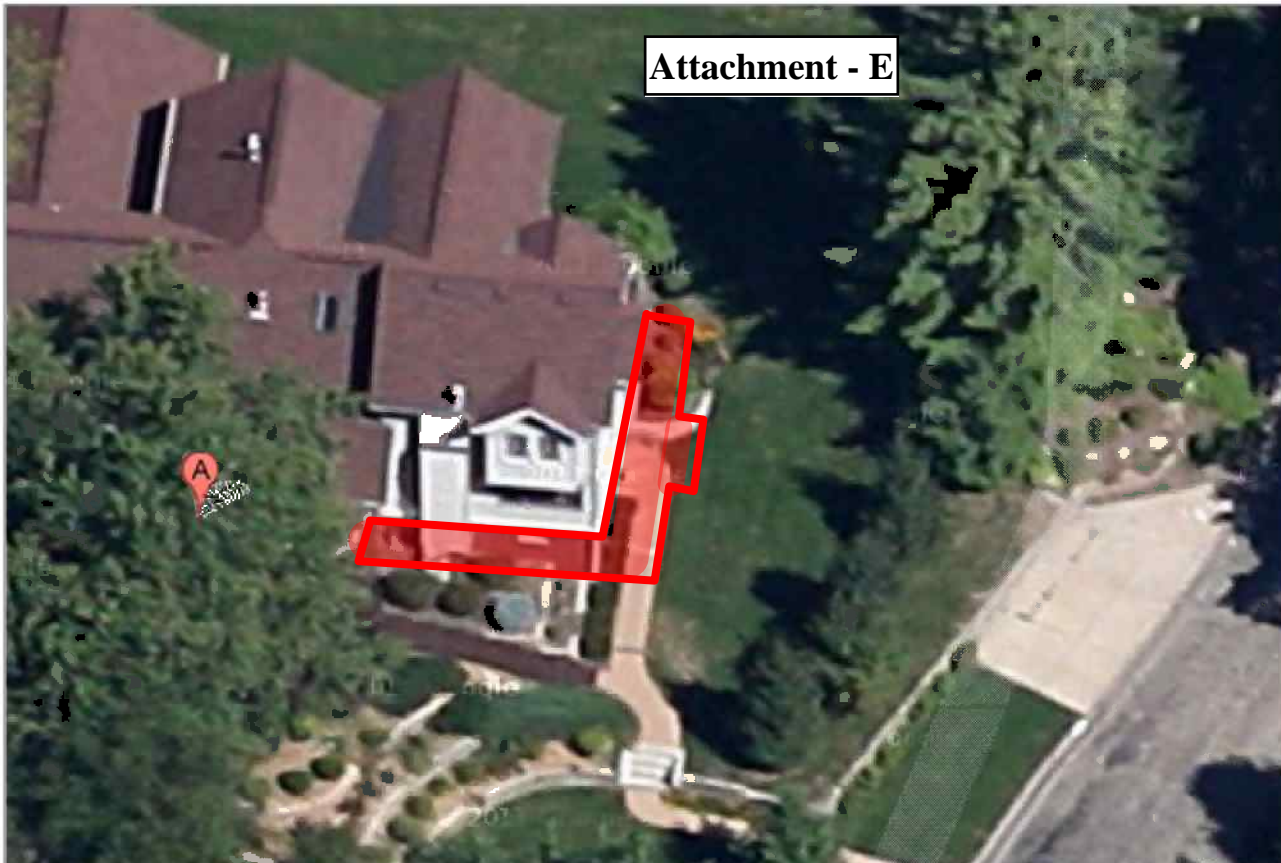
Attachment - C



Attachment - D



Attachment - E



Attachment - F





Case No. 12-007

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

Part 1. Property Involved.

Street Address 1304 ELMORE AVE, Bettendorf, IA 52722

Legal Description of the property. Single Home Residence

Part 2. Contact Information.

Applicant Name RICHARD SYFOOT / LISA SYFOOT Phone 563-343-9300
Address 1304 ELMORE AVE, Bettendorf FAX 563-386-5211
E-mail Address: _____

Owner Name RICHARD L SYFOOT / LISA SYFOOT Phone 563-343-9300
Address 1304 ELMORE AVE, Bettendorf FAX N/A
E-mail Address: _____

Agent TIMM CONSTRUCTION Phone _____
Address _____ FAX _____
E-mail Address: _____

Part 3. Type of Application. (check at least one)

- 1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions MUST be met:
 - (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
 - (b) That it will not impair an adequate supply of light and air to adjacent property.
 - (c) That it will not unreasonably increase the congestion in public streets.
 - (d) That it will not increase the danger of fire or of the public safety.
 - (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
 - (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.
- 2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions MUST be met:
 - (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
 - (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
 - (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
 - (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
 - (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
 - (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
 - (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.
- 3. Other. _____
(Attach a separate sheet and explain in detail.)

Part 4. General Information.

Section(s) of Zoning Ordinance Involved _____ Existing Zoning _____

Part 5. Reasons for Application. In the space below, give a general description of the activity desired and principal reasons why this application should be granted by the Board. If this application is for a variance, please state the hardship which the zoning ordinance imposes on the property. Use the following criteria as justification for the requested variance. Use additional sheets if necessary.

- (a) It shall be the property owner's responsibility to show that the terms of this ordinance will impose unusual and practical difficulties or particular hardships. The hardship established by the property owner must not be SELF-IMPOSED. A self-imposed hardship is NOT justification for the approval of a variance request.
- (b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance.
- (c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected.
- (d) That by granting the request for a variance substantial justice shall be done.

Construction of wrap Around Deck / Porch on the South and East Region of the house. Connects existing Deck on East side of House to a door on the South side of House. The proposed plan could extend into the front yard set back approximately 10 feet.

Part 6. Attachments. The following items are attached and are a part of this application.

- () 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- () 2. Legal Description. (If not shown on page 1.)
- () 3. Floor plan if internal design of building is part of application.
- () 4. List additional attachments.

Part 7. Signature.

I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 16 day of January 2012.

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

State of Iowa)
) SS
 County of Scott)

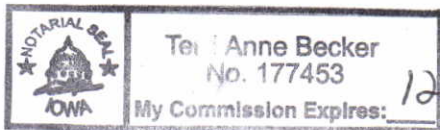
Before me the undersigned Notary Public, in and for the County and State, personally appeared applicant(s) and separately and severally acknowledge the execution of the foregoing application is his/her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this 16 day of January 2012,
Jerru Anne Becker
 Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.

\$ 50.00 Single Family/Two-Family Residential Variance
 \$ 100.00 All Other Applications

Received by Pub - Credit Card
 Amount \$50 Date 1-18-12





COMMUNITY DEVELOPMENT
City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4100

February 9, 2012

Staff Report

Case 12-008 and Case 12-009

Location: 2002 Spruce Hills Drive

Applicant: FEPH Acquisition Fund II, LLC

Zoning Designation: C-1, Local Shopping District and C-5, Office Transitional

Request: Special use permit to allow a drive-up window and a variance to allow parking in a required front yard along 18th Street.

Background Information and Facts

The site is located at the northwest corner of the intersection of Spruce Hills Drive and 18th Street and involves two buildings: the First National Bank Building and the multi-tenant retail structure housing H&R Block, Cost Cutters, Koos and Meloy Law, and AllState (see Attachment A – Location Map). The applicant would like to demolish both buildings and replace them with a single structure that will house a future CVS Pharmacy. The proposed pharmacy will have a drive-through window which requires a special use permit and parking spaces within the required front yard setback adjacent to 18th Street which requires a variance.

Staff Analysis - Special Use Permit

Currently, the site has two driveway entrances from 18th Street. The proposed design will eliminate the driveway entrance closest to Spruce Hills Drive reducing potential traffic congestion at the intersection (see Attachment B – Site Plan). All traffic from 18th Street will access the site from the existing entrance which is 300 feet away from the intersection. This entrance will be allowed as a shared access from the adjoining property (the City of Bettendorf parking lot for Faye’s Field). The layout will allow drive-through traffic to flow smoothly from 18th Street southbound to the drive-up window located on the northwest corner of the building. The design will allow 8-9 vehicles to stack at the drive-up lane while not interfering with the parking space area of the lot. Traffic from Spruce Hills Drive will travel counterclockwise around the building to access the drive-up window.

Staff Analysis - Variance

The proposed parking along 18th Street would be set back 10 feet rather than at the required 20-foot setback. The parking adjacent to Spruce Hills Drive will comply with the required setback. The existing businesses in the area have the following parking lot setbacks:

- City of Bettendorf (adjacent to Faye’s Field) 10 feet
- Valley Bank 6 feet
- Mel Foster 10 feet
- BP gas station 0 feet

- Dairy Queen 0 feet
- Wells Fargo Bank 17 feet

Therefore, the request is consistent with the existing situation in the surrounding neighborhood.

By placing the parking area closer to 18th Street, the site will gain 25 additional parking spaces, allowing them to be far enough east to allow proper traffic flow for cars approaching the drive-up window from Spruce Hills Drive. The proposed configuration will encourage a safer internal traffic pattern.

The specific conditions to be reviewed for the variance and the special use have been addressed by the applicant and are attached to this report. Staff does not dispute the applicant's response to those conditions.

Staff Recommendation

Based on the above analysis, staff feels that the applicant has demonstrated that the variance request is consistent with the existing situations of the surrounding properties. Staff also recommends approve of the special use to allow the drive-up window

Staff requests that if the Board grants either or both requests, approval be contingent on the completion of this specific project and the design submitted.

Respectfully submitted,

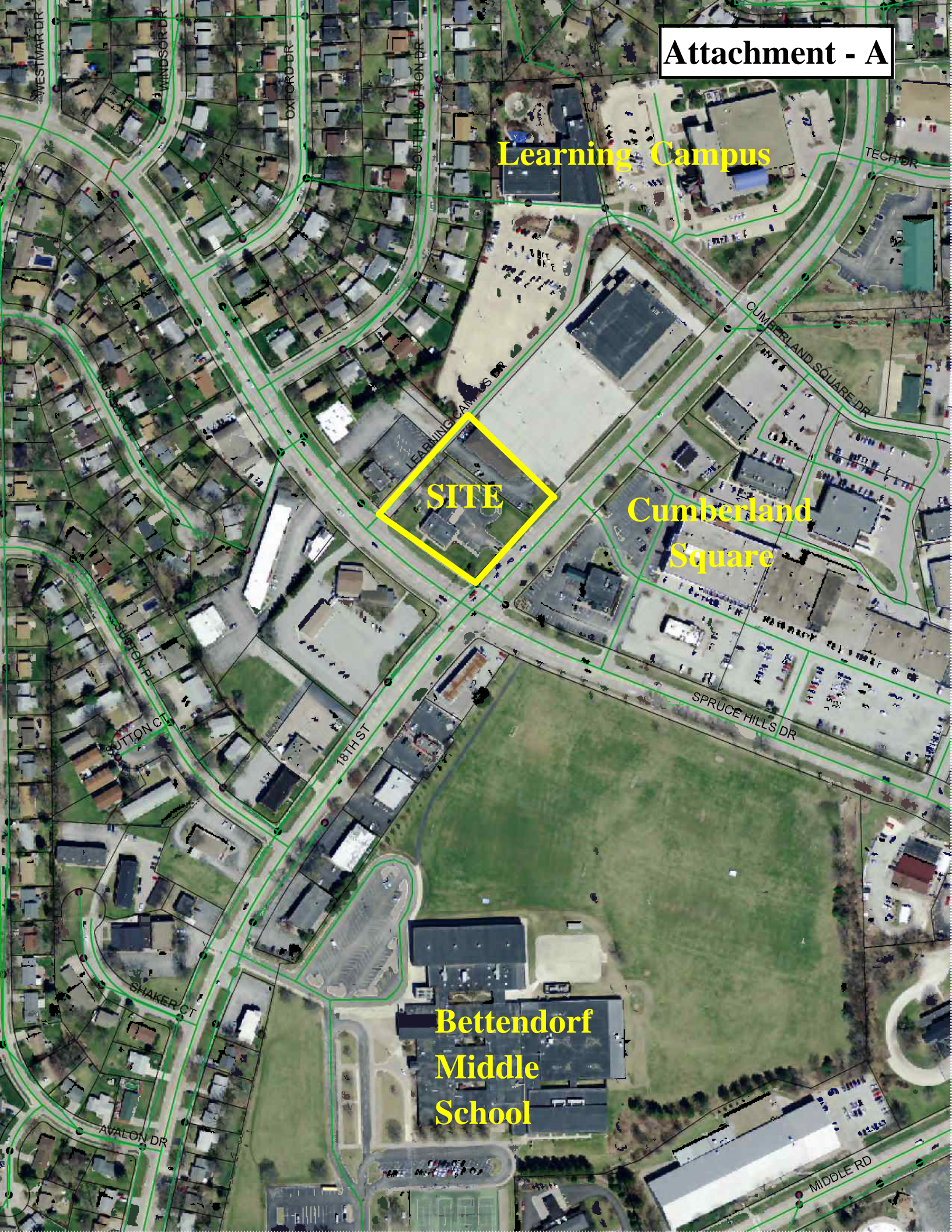
John Soenksen
City Planner

Learning Campus

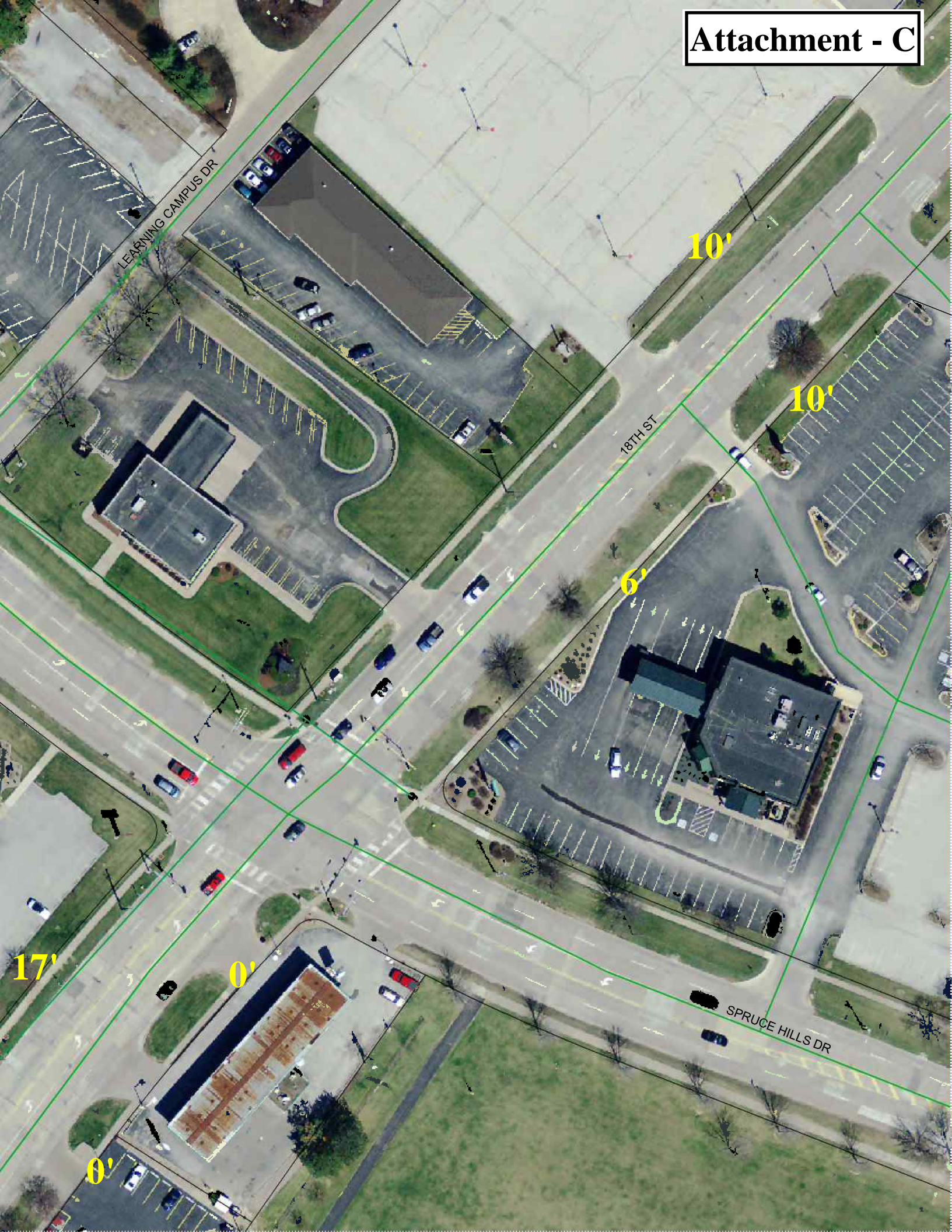
SITE

Cumberland Square

Bettendorf Middle School



Attachment - C



LEARNING CAMPUS DR

18TH ST

SPRUCE HILLS DR

10'

10'

6'

17'

0'

0'



Case No. 12-008

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

Part 1. Property Involved.

Street Address 2002 Spruce Hills Dr. & 2828 18th St.

Legal Description of the property, See attached.

Part 2. Contact Information.

Applicant Name FEPH Acquisitions Fund II, LLC Phone 312-857-7000

Address 150 N. Wacker Dr. Suite 1717 Chicago, IL 60606 FAX 312-857-7015

E-mail Address: tom@lequitygroup.com

Owner Name First National Bank - Jamie Burt Phone 309-797-7800

Address 1601 15th Street, Moline, IL 61266 FAX 309-797-7804

E-mail Address: _____

Owner 2:

Agent T.R. Holdings, L.C. c/o Thad Denhartog Phone 563-823-5276

Address 835 Golden Valley Dr., Bettendorf, IA 52722 FAX _____

E-mail Address: _____

Part 3. Type of Application. (check at least one)

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions MUST be met:

- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
- (b) That it will not impair an adequate supply of light and air to adjacent property.
- (c) That it will not unreasonably increase the congestion in public streets.
- (d) That it will not increase the danger of fire or of the public safety.
- (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
- (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions MUST be met:

- (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
- (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
- (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
- (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
- (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
- (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
- (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

____ 3. Other. _____
(Attach a separate sheet and explain in detail.)

Part 4. General Information.

Section(s) of Zoning Ordinance Involved 15.23 & 19.1-3 (b) Existing Zoning C-1 & C-5

Part 5. Reasons for Application. In the space below, give a general description of the activity desired and principal reasons why this application should be granted by the Board. If this application is for a variance, please state the hardship which the zoning ordinance imposes on the property. Use the following criteria as justification for the requested variance. Use additional sheets if necessary.

- (a) It shall be the property owner's responsibility to show that the terms of this ordinance will impose unusual and practical difficulties or particular hardships. The hardship established by the property owner must not be SELF-IMPOSED. A self-imposed hardship is NOT justification for the approval of a variance request.
- (b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance.
- (c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected.
- (d) That by granting the request for a variance substantial justice shall be done.

See attached.

Part 6. Attachments. The following items are attached and are a part of this application.

- 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- 2. Legal Description. (If not shown on page 1.)
- 3. Floor plan if internal design of building is part of application.
- 4. List additional attachments.

Part 7. Signature.

I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 24 day of January 20 12.

Signature of Applicant [Signature]

Signature of Owner [Signature: James G. St. President/CEO]

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

State of IL)
~~Iowa~~

County of Cook)
~~Scott~~ SS

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

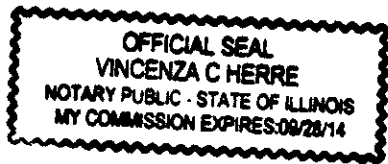
Witness my Hand and Notarial Seal this 24 day of January 20 12
[Signature]
Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.

\$ 50.00 Single Family/Two-family Residential Variance
\$ 100.00 All Other Applications

Received by _____

Amount _____ Date _____





Case No. 12-009

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

Part 1. Property Involved.

Street Address 2002 Spruce Hills Dr. & 2828 18th St.

Legal Description of the property. See attached.

Part 2. Contact Information.

Applicant Name FEPH Acquisitions Fund II, LLC Phone 312-857-7000
Address 150 N. Wacker Dr. Suite 1717 Chicago, IL 60606 FAX 312-857-7015
E-mail Address: tom@lequitygroup.com

Owner Name First National Bank - Jamie Burt Phone 309-797-7800
Address 1601 15th Street, Moline, IL 61266 FAX 309-797-7804
E-mail Address: _____

Owner 2:
Agent T.R. Holdings, L.C. c/o Thad Denhartog Phone 563-823-5276
Address 835 Golden Valley Dr., Bettendorf, IA 52722 FAX _____
E-mail Address: _____

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- (d) That it will not increase the danger of fire or of the public safety.
- (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
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2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions MUST be met:

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- (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
- (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
- (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
- (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

3. Other. _____
(Attach a separate sheet and explain in detail.)

Part 4. General Information.

Section(s) of Zoning Ordinance Involved 15.23 & 19.1-3(b) Existing Zoning C-1 & C-5

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See attached.

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- 2. Legal Description. (If not shown on page 1.)
- 3. Floor plan if internal design of building is part of application.
- 4. List additional attachments.

Part 7. Signature.

I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 24th day of JANUARY 2012

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

State of ILLINOIS
County of Scott

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

Witness my Hand and Notarial Seal this 24 day of JANUARY 2012
[Signature]
Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.

\$ 50.00 Single Family/Two-family Residential Variance
\$ 100.00 All Other Applications
Received by _____
Amount _____ Date _____



Petitioner: FEPH Acquisitions Fund II, LLC
Site: 2002 Spruce Hills & 2828 18th St.
Request: Special Use for drive-thru and
Variance for required parking setback

Part 5. Reasons for Application

The proposed redevelopment consists of 1.56 acres at the northwest corner of 18th Street and Spruce Hills Drive in Bettendorf. The proposed redevelopment would accommodate a freestanding CVS/pharmacy with drive-thru and on-site parking. This redevelopment proposes to relocate CVS from its current location in Cumberland Square where CVS/Osco has operated a store since 1975. The size and configuration of CVS' existing location does not accommodate its preferred design standards, particularly the lack of a drive-thru, so the relocation scenario is being pursued in order to better serve the Bettendorf customers' needs.

Variance

We are requesting the Board of Adjustments approve a variance to allow parking within the required front yard setback along 18th Street. Parking is proposed at ten feet (10') versus the required twenty foot (20') setback along 18th Street. The proposed site plan complies with the yard requirement along Spruce Hills Drive - actually exceeds the requirement with setbacks ranging from 22.9 feet to 39.4 feet along Spruce Hills Drive, making up for the reduced green space along 18th Street.

City owned property to the north (former Eagle) currently provides for a setback of approximately ten feet (10') from the 18th Street ROW and the proposed CVS site plan aligns with the existing parking and drive aisle configuration of this City parcel. The proposed site plan has been designed to utilize an existing easement on the City parcel which permits the existing curb cut on the City property to serve as a shared access to 18th Street. No other access is proposed from the proposed redevelopment to 18th Street. Landscaping and screening will be provided per city code.

The redevelopment meets the following conditions for approval of a Variance, specifically:

- (a) *That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.*

A pharmacy with drive thru is permitted under the existing and proposed zoning.

- (b) *That it will not impair an adequate supply of light and air to adjacent property.*

The construction of a new single story CVS/pharmacy will not impair an adequate supply of light and air to adjacent property. The approximately 10,000 square feet of existing floor area will be replaced by a new 12,900sf structure, not a significant increase of density on the site.

- (c) *That it will not unreasonably increase the congestion in public streets.*
One curb cut is being eliminated along 18th Street and an existing access is being utilized along Spruce Hills Drive so the proposed redevelopment will not adversely affect traffic patterns in the area.
- (d) *That it will not increase the danger of fire or the public safety.*
A newly constructed CVS, designed in accordance with newer, updated building codes will actually decrease the danger of fire and increase public safety.
- (e) *That it will not unreasonably diminish or impair established property values within the surrounding areas.*
Once complete, the acquisition of the existing properties, demolition of dated facilities, and the construction of a new commercial establishment on commercially zoned property will not diminish established property values in the area.
- (f) *That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.*
A new development at the proposed location will not impair the public health, comfort, safety, morals, or welfare of the inhabitants of Bettendorf.

Special Use

We are requesting the Board of Adjustments approve a special use for a drive-thru for the proposed CVS building. The redevelopment meets the following conditions for approval of a Special Use, specifically:

- (a) *The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.*
A pharmacy is a permitted use under the existing and proposed zoning district – the addition of a drive thru requires a Special Use Permit
- (b) *The proposed use will comply with all applicable regulations in the district in which the use is to be located.*
Other than the requested variance to a front yard setback along 18th Street, the proposed redevelopment complies with all applicable regulations in the district in which the use is to be located.
- (c) *The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.*
The construction of the new CVS/pharmacy with drive thru, on-site parking, and landscaping improvements will be in harmony with the appropriate and orderly development of the district in which it is located.

The existing uses on the property are commercial in nature and the other three quadrants of the intersection are also commercially zoned property.

- (d) *The location, nature, and height of buildings, walls, and fences and the nature and extend of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.*

The construction of a new CVS/pharmacy with drive thru, on-site parking, and landscaping improvements will not hinder or discourage the appropriate development and use of the adjacent land and buildings. The proposed use is compatible with other adjacent uses.

- (e) *Parking areas will be of adequate size for the particular use, property located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.*

The site accommodates 88 parking stalls that comply with municipal parking design requirements. The layout and configuration of the drives and parking stalls provide for the most efficient layout for the site.

- (f) *The proposed use will not cause substantial injury to the value of other property in the neighborhood.*

Once complete, the acquisition of the existing properties, demolition of dated facilities, and the construction of a new commercial establishment on commercially zoned property will not diminish established property values in the area.

- (g) *Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustments of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.*

No prior application for a special use has been submitted for this property.

- (h) *The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.*

The development will comply with the Board of Adjustment conditions.



COMMUNITY DEVELOPMENT
City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4100

February 9, 2012

Staff Report

Case No. 12-012

Location: 3230 Ridge Pointe

Applicant: Deere Harvester Credit Union

Zoning Designation: C-1, Local Shopping District

Request: Special use permit to allow a drive-in banking facility.

Background Information and Facts

The site is located on the northeast corner of Belmont Road and Middle Road (see Attachment A – Location Map). Deere Harvester Credit Union would like to open a new banking facility which would include drive-up services.

Staff Analysis

No traffic access will be allowed on either Middle Road or Belmont Road. Both of those streets carry high levels of traffic; to ensure that there is no interference with that traffic, the only access for this site will be from Ridge Pointe (see Attachment B – Site Plan).

The drive-up banking facility will incorporate one drive-up window and four lanes with pneumatic tube islands for additional drive-up service. The south side of the facility will serve the drive-up traffic and will accommodate up to 25 vehicles. All traffic will proceed counterclockwise around the building for both walk-in traffic and drive-in traffic. The one-way traffic pattern will alleviate traffic congestion and support an orderly flow of traffic around the building.

The project, as a whole, appears to be logically laid-out and provides parking on three sides of the building. None of the three parking areas conflict with the drive-up lanes.

Staff has applied the eight criteria associated with special use by the Code and feels that the request is not in conflict with any of the standards.

Staff Recommendation

Based on the above analysis and on staff's review of the site plan, staff recommends approval of the special use permit for a drive-up banking facility. If granted, staff would recommend the approval be contingent on the completion of this specific project and on the specific design submitted.

Respectfully submitted,

John Soenksen
City Planner

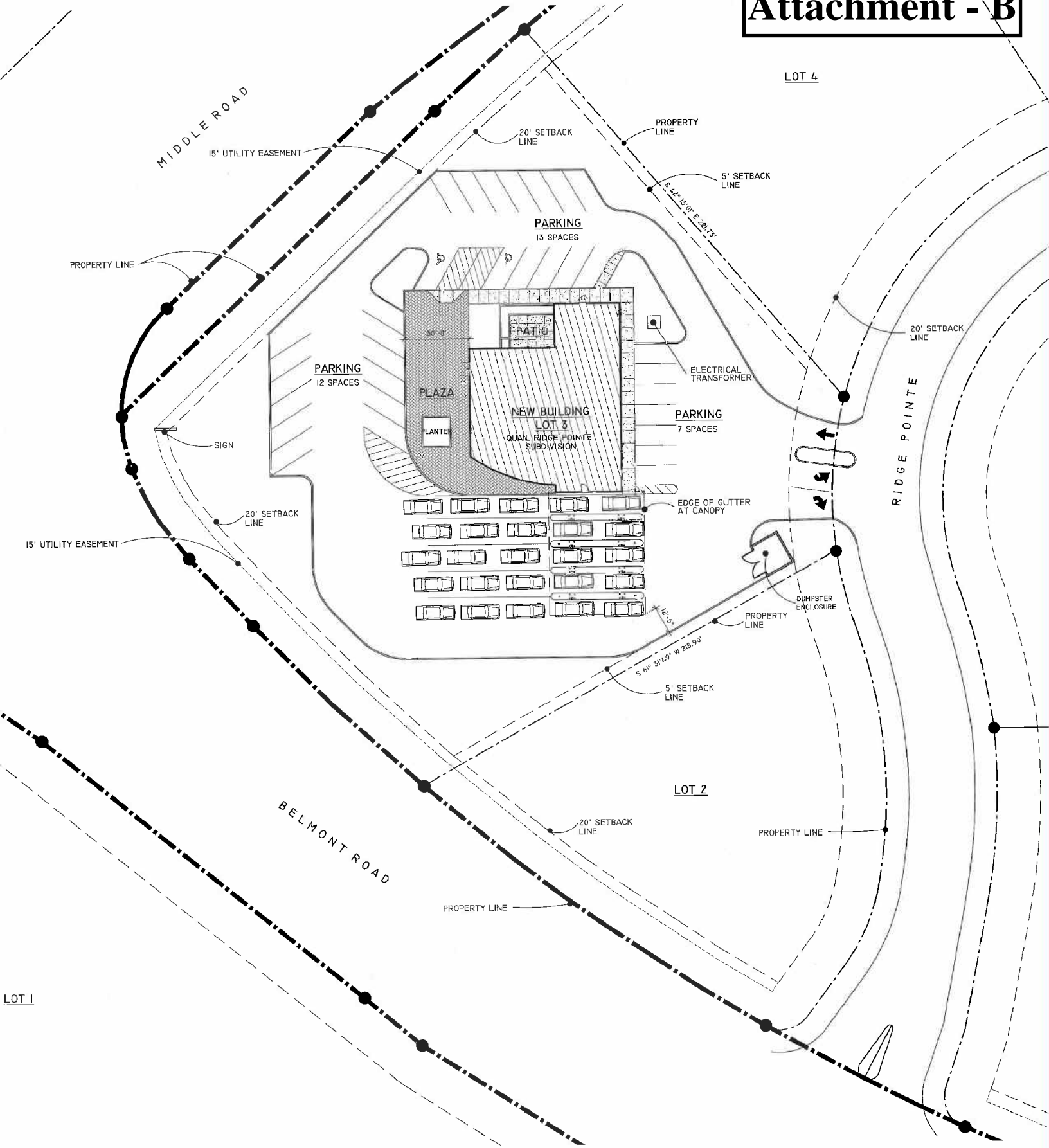
Attachment - A

**Lindquist
Ford**

SITE



Attachment - B



SITE PLAN
 SCALE: 1" = 25'-0"
 NORTH

VEHICULAR USE AREA: 30,747 SQ. FT.
 REQUIRED VEHICULAR USE GREEN SPACE: (7%) 2154 SQ. FT.
 ACTUAL VEHICULAR USE GREEN SPACE: 2260 SQ. FT.

NOTE:
 EXISTING WALK ALONG MIDDLE ROAD AND
 NEW WALK ALONG BELMONT ROAD NOT SHOWN



Case No. 12-012

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

Part 1. Property Involved.

Street Address 3230 Ridge Pointe, Bettendorf, Iowa

Legal Description of the property. Lot 3, Quail Ridge Pointe Subdivision, Bettendorf, Iowa

Part 2. Contact Information.

Applicant Name DHCU Community Credit Union Phone 309-796-7508
Address 1900 52nd Avenue, Moline, IL 61265 FAX 309-796-7608
E-mail Address: jvanherz@dhcu.org

Owner Name DHCU Community Credit Union Phone 309-796-7508
Address 1900 52nd Avenue, Moline, IL 61265 FAX 309-796-7608
E-mail Address: jvanherz@dhcu.org

Agent Jeff VanHerzeele, Facilities Manager Phone 309-796-7508
Address 1900 52nd Avenue, Moline, IL 61265 FAX 309-796-7608
E-mail Address: jvanherz@dhcu.org

Part 3. Type of Application. (check at least one)

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Special use for drive-up tellers.

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Part 7. Signature.

I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 27th day of JANUARY, 20 12.

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

State of Iowa)
 SS
County of Scott)

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

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Received by [Signature]
Amount \$100 Date 11/27/12