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Scott County Iowa
Rita A. Vargas Recorder
File 2013-00040581

Return to: Lisa Fuhrman, City of Bettendorf, 4403 Devils Glen Road, Bettendorf, IA 52722, 563-344-4061

CITY OF BETTENDORF - ZONING BOARD OF ADJUSTMENT DECISION AND ORDER

Project Location 3204 Bear Tooth Court
Legal Description Lot 14, Fields Development First Addition
Project Number 13-063
Project Type Variance to reduce the required side yard setback from 10 feet to 6 feet to allow for a building addition.

Facts

The request involves the first building on the west side of Bear Tooth Court when entering the industrial park from State Street. The applicant is requesting permission to place a 14-foot by 40-foot addition on the northeast corner of the existing building.

The facility was converted into a crematory approximately two years ago. The facility incorporates many high technology features that ensure a very clean operation as a modern crematory. As a result, the entirety of the existing floor space is being utilized. The owner has an urgent need for a secure cool storage area to be added to the existing structure. Because the existing building has an in-floor heating system which precludes the installation of a cool storage area, a new addition must be built to accomplish the project.

Because of the current internal layout of the building, the northeast corner is the only practical location for the addition.

The applicant is in the process of acquiring an additional 10-foot wide strip of land on the north side of the lot to provide room for the proposed addition. Recently the neighbor received approval for a site development plan for the adjacent lot. The applicant has been working closely with the adjacent owner/developer to ensure that, if approved, the addition will in no way interfere with that newly-approved site development plan.

If approved, the new addition will not extend any further north than does the existing electrical transformer pad on the north side of the building. If allowed, the new addition will be 30 feet from the new building to be built on the adjacent property and approximately 13 feet away from the parking lot.

The variance request is for a 4-foot encroachment into the required setback. The applicant is asking the Board to consider all of the above facts and analysis as a hardship to allow the requested variance.

If approved, staff recommends that any approval be conditioned upon the successful acquisition of the 10-foot strip of land to be added on the north side of the applicant's lot.

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF BETTENDORF, IOWA; that the following Findings of Fact are made:

1. 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.
2. That it will not impair an adequate supply of light and air to adjacent property.
3. That it will not unreasonably increase the congestion in public streets.
4. That it will not increase the danger of fire or of the public safety.
5. That it will not unreasonably diminish or impair established property values within the surrounding area.
6. That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.
7. That the fence must conform to all other City of Bettendorf ordinance requirements.
8. Approval is conditioned upon the council's approval of any regulatory matters within the sphere of authority of the council in its normal regulatory duty.

THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF BETTENDORF, IOWA; that a request for a variance to reduce the required side yard setback from 10 feet to 6 feet to allow for a building addition at 3204 Bear Tooth Court and legally described as Lot 14, Fields Development First Addition be granted subject to the following condition:

1. That Lot 13 and Lot 14 of Fields Development First Addition be replatted to reflect the incorporation of 10 feet from Lot 13 into Lot 14.

Done this 10th day of October, 2013.


Norm Voelliger, Chairman
Board of Adjustment