

CITY OF MUSCATINE

APPEAL UNDER THE ZONING ORDINANCE

NOTE: This appeal must be typewritten and filed within thirty (30) days of the decision or refusal of the Zoning Administrator, from which this appeal is taken.

Board of Adjustment Case No.: 892

Filed: March 20, 2012

BOARD OF ADJUSTMENT
CITY OF MUSCATINE, IOWA

Ladies and Gentlemen:

On March 9, 2012, the undersigned applied for a building permit to construct a detached single family residence closer to the side property line than is designated for the Riverbend 6th Addition.

Located on Lot 28 Block Addition Riverbend 6th Addition Address 3205 Anastasia Place in the S-3 Zoning District.

This permit was refused because (this is to be completed by the Zoning Administrator): The S-3 District approval for this development stipulates that a side yard of 5 feet shall be maintained unless otherwise noted. No further clarification exists.

The above decision of the Zoning Administrator is hereby appealed on the grounds that See attached.

Very truly yours,

APPELLANT SIGNATURE

Daniel P. Dolan

PRINT NAME

2660 E. 53rd Street Suite 6

Davenport, IA 52807

ADDRESS

563-381-4088 or 563-570-1460

PHONE

Fee Paid: 03/20/12

Receipt No.: 78111

Date of Hearing: 04/03/12

Notice Sent: 03/27/12

Approved by Steve Boka: Yes

Filing fee is \$150.00.

March 27, 2012

City of Muscatine
Planning, Zoning and Building Safety
Steven W. Boka, Director
City Hall, 215 Sycamore St.
Muscatine, IA 52761-3840

FAX (563)262-4142

Re: River Bend Sixth Addition

When the original development plan was presented as shown in the Public Notice, it was our intent and desire that we could build attached zero lot line or detached units as desired by the buyer. This was submitted on Exhibit 4A and Exhibit 4B in the development plan. It is my memory that it was agreed to allow a 2 foot side yard setback on the zero lot line side of a detached building, and further, that there would be no windows or door openings until they were at least 5 feet from the side yard property line.

We are requesting a variance to allow the original intent and allow for a 2 foot side yard setback if buildings are split and built as detached houses. This oversight was discovered on a recent acceptance of an offer to purchase a detached house on Lot 28. The topography of this lot falls off so quickly with the retention pond behind the house that the 5 foot side yard would move the house further down the slope creating a difficult building scenario.

We are requesting a variance allowing a 2 foot side yard setback on the zero lot line side of the lot from the existing 5 foot side yard requirement on any detached houses built in River Bend Sixth Addition.

TOWNE & COUNTRY RIVERBEND, L.L.C.

By:



Daniel P. Dolan, President

Joe Polaschek

From: "Brian Holland" <b.holland@landgroup.biz>
To: <sboka@ci.muscatine.ia.us>
Cc: "Joe Polaschek" <joe@schalklaw.com>; <m.shamsie@landgroup.biz>; "Beth Welzenbach" <dandolanhomes@qwest.net>
Sent: Wednesday, July 11, 2007 11:21 AM
Attach: PDP 2.pdf, PDP 1.pdf
Subject: Riverbend 3rd Addition

Mr. Boka,

I attach hereto a couple of 8.5 x 11 PDF pages of the proposed development plans for the above mentioned project. I thought if you would like you could include these drawings in the Public Notice to all the neighbors within 200 feet of the subdivision for there reference.

Thanks,

Brian Holland
Project Manager
Landmark Engineering Group, Inc.
455 Avenue of the Cities
East Moline, IL 61244
Office: 309-755-3400 Ext. 111
Fax: 309-755-4422
Cell: 309-269-3659

PUBLIC NOTICE

Riverbend 3rd Addition

On behalf of the developer, Dan Dolan Homes, Inc., we present herewith the proposed development with the re-platting of Lot 1 of Riverbend 3rd Addition.

The proposed development will consist of 40 town home units, averaging in size of 1,900 square feet and consisting of two (2) bedrooms, 2 baths and a 2-car garage along with many other energy saving features and amenities.

The 40 town homes will consist of a combination of single and double units. The exact number of each type of town home will be driven by perspective buyer's desire to have either a traditional town home or a single stand-alone unit.

The average selling price range is expected to range between \$200,000 to \$250,000.

The proposed development of 40 units reduces the density by 5% than the current development plan approval in 2004, which consists of 42 units and reduces the original Master Plan of Riverbend 3rd Addition approval in 2001 by 13%.

The developer, builder, engineer, and governing agencies are working together to remove regulatory barriers that inhibit innovation, incorporation of all possible green building aspects and strategies, utilizing conservation-based subdivision design, use of recycled products, and minimizing the impact on the natural environment. This will result in a development with environmental and natural habitat amenities and the associated quality of life that homebuyers are paying a premium for.

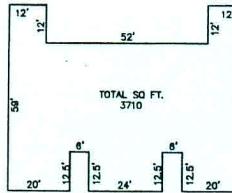
The benefits to the homebuyer are both tangible with the financial savings with respect to energy and intangible with the quality of life being nestled within the natural habitat.

The Muscatine City Planning & Zoning Commission will consider the proposed development at the scheduled public hearing at 7pm on July 10th 2007.

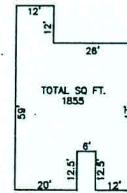
PRELIMINARY DEVELOPMENT PLAN
OF
RIVERBEND THIRD ADDITION

NOTE:
THE PRELIMINARY DEVELOPMENT PLAN CONSISTS OF A MIXTURE OF 40' WIDE STAND ALONE UNITS (HATCHED) AND 30' WIDE STAND ALONE UNITS. A COMBINATION OF EXHIBIT 4A AND 4B WILL BE USED TO DEVELOP THE SUBDIVISION. THE EXACT NUMBER OF EACH TYPE OF TOWN HOME WILL BE DRIVEN BY THE PERSPECTIVE BUYER'S DESIRE TO HAVE EITHER A TRADITIONAL TOWN HOME OR A STAND ALONE UNIT.

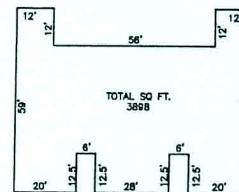
EXHIBIT 4A



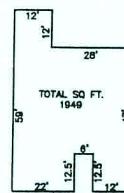
TRADITIONAL TOWN
HOME 'A'



**STAND ALONE
UNIT "A"**



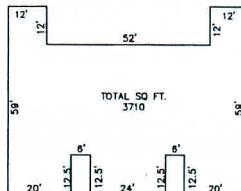
TRADITIONAL TOWN HOME "B"



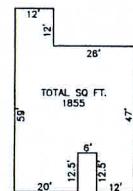
**STAND ALONE
UNIT "B"**

PRELIMINARY DEVELOPMENT PLAN		RIVERBEND THIRD ADDITION MUSCATINE, IOWA	
			
<p>DATA 1/29/2007 DRAWN 1/29/2007 CHANGED 1/29/2007</p>			
1			
SHEET 1 OF 2			
01-07-597			

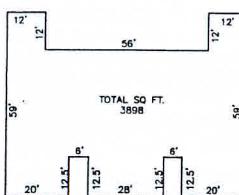
PRELIMINARY DEVELOPMENT PLAN
OF
RIVERBEND THIRD ADDITION



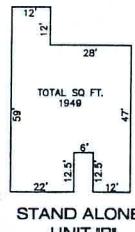
TRADITIONAL TOWN HOME "A"



**STAND ALONE
UNIT "A"**



TRADITIONAL TOWN HOME "B"



**STAND ALONE
UNIT "B"**

NOTE:
THE PRELIMINARY DEVELOPMENT PLAN CONSISTS OF A MIXTURE OF 40' WIDE STAND ALONE UNITS (HATCHED) AND 38' WIDE STAND ALONE UNITS. A COMBINATION OF EXHIBIT 4A AND 4B WILL BE USED TO DEVELOP THE SUBDIVISION. THE EXACT NUMBER OF EACH TYPE OF TOWN HOME WILL BE DRIVEN BY THE PERSPECTIVE BUYER'S DESIRE TO HAVE EITHER A TRADITIONAL TOWN HOME OR A STAND ALONE UNIT.

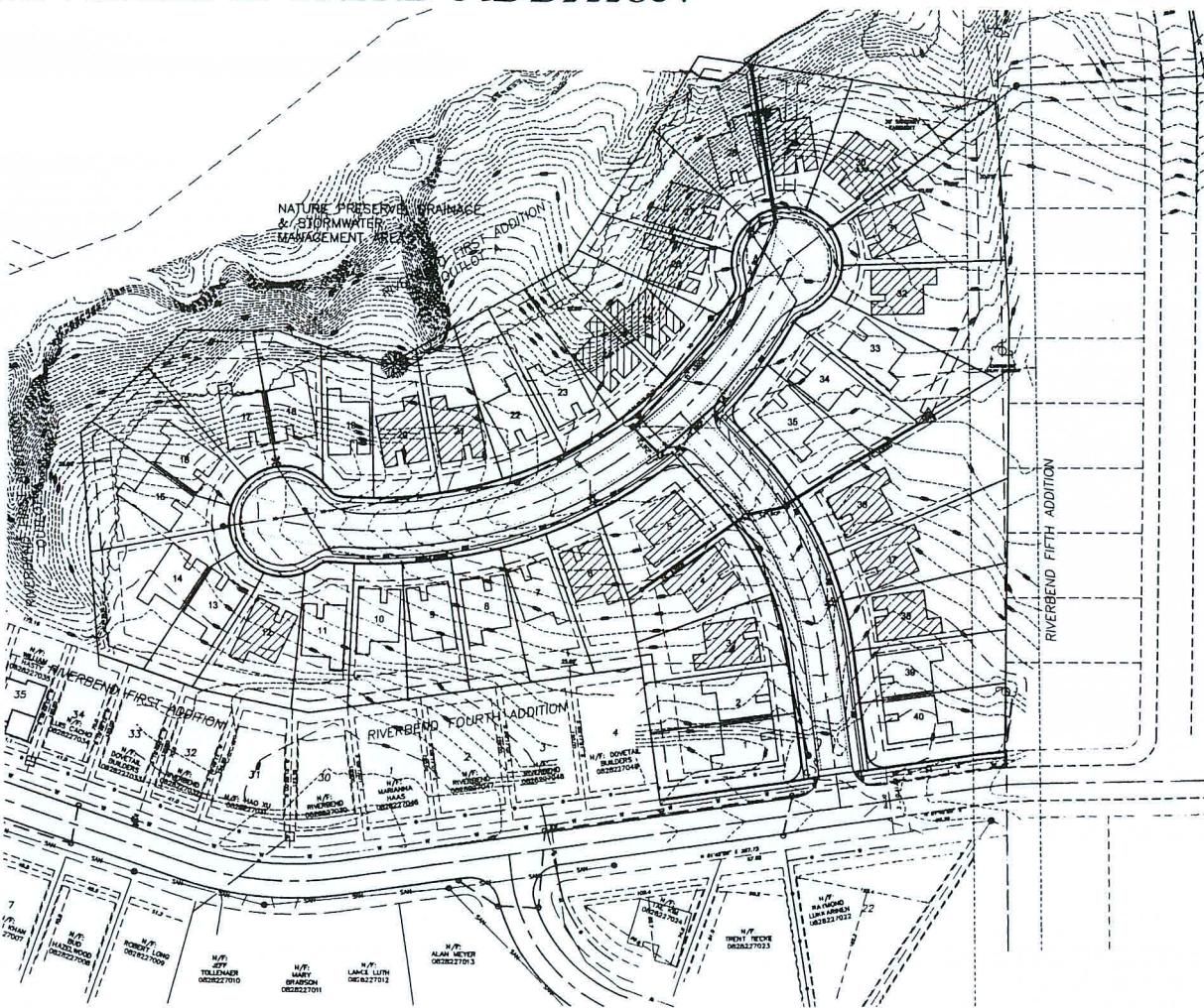


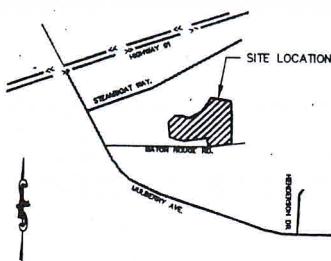
EXHIBIT 4B

THE FINAL PLAT OF
RIVERBEND SIXTH ADDITION

TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA
BEING A REPLAT OF LOT 1 OF RIVERBEND THIRD ADDITION
TO THE CITY OF MUSCATINE, IOWA

BEING A REPLAT OF LOT 1 OF RIVERBEND THIRD ADDITION
TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA.

LOCATION MAP



LEGAL DESCRIPTION

LOT 1 OF RIVERBEND THIRD ADDITION TO THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA, CONTAINING 8.37 ACRES, MORE OR LESS, WHICH INCLUDES 1.45 ACRES OF ROAD RIGHT-OF-WAY THAT IS TO BE DEDICATED TO THE PUBLIC, AND IS SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD.

1. BEARINGS ARE BASED ON RIVERBEND FIRST ADDITION WHICH IS RECORDED IN FILE NO. 2001-07454 IN THE MUSCATINE COUNTY RECORDER'S OFFICE.

2. 15' UTILITY EASEMENT SHOWN FOR ALL FRONT YARDS. OTHERS ARE AS DIMENSIONED.

3 ALL FRONT YARD SETBACKS ARE 20'. ALL REAR YARD SETBACKS ARE 25'. ALL SIDE SETBACKS ARE 5' UNLESS OTHERWISE NOTED.

4. UTILITY EASEMENTS SHALL INCLUDE ALL PLATTED RIGHTS-OF-WAY, AND ARE PROVIDED FOR GAS, ELECTRICITY, CABLE T.V., TELEPHONE, SANITARY SEWERS, STORM SEWER DRAINAGE AND WATERMAINS. ALL EASEMENTS SHALL BE NON-EXCLUSIVE, EXCEPT AS SPECIFICALLY NOTED ON THE PLAT.

LEGEND

BSL BUILDING SETBACK LINE
UDE UTILITY DRAINAGE EASEMENT
500'00"00'W 385.10' BEARING AND DISTANCE
● SET 5/8" IRON ROD
W/ CAP #10897
○ FOUND IRON ROD
W/ CAP #15749

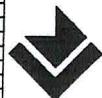
CURVE TABLE

Curve	Length	Radius	Defl. TA	Radius	Chord	Defl. CH
C1	60.28	270.0	1747'37"	30.27	1140'40"07'	
C2	71.81	270.0	1512'22"	36.12	1094'51"05'	71.81
C3	31.49	270.0	404'58"	15.78	1039'36"30"	
C4	22.04	15.0	841'14"6"	13.65	886'05"23"	
C5	43.40	15.0	374'34"2"	36.04	857'54"17"	43.40
C6	51.10	15.0	328'48"2"	31.27	855'24"27"	51.10
C7	42.50	15.0	328'48"2"	31.27	855'24"27"	42.50
C8	43.50	15.0	347'44"2"	21.77	1047'24"27"	43.50
C9	43.18	430.0	546'11"1"	21.61	1063'34"17"	43.18
C10	43.23	430.0	530'34"2"	21.63	1057'17"37"	
C11	11.28	430.0	450'28"1"	10.97	588'22"17"	21.67
C12	11.28	15.0	450'28"1"	10.97	588'22"17"	11.28
C13	13.79	50.0	154'20"3"	6.94	532'32"05"	
C14	37.82	50.0	43'20"1"	18.87	598'26"25"	
C15	32.06	50.0	36'45"25"	16.61	592'20"43"	31.51
C16	22.44	50.0	25'42"37"	11.41	519'14"37"	22.22
C17	19.50	50.0	22'07"27"	8.98	504'47"24"	19.50
C18	19.50	50.0	22'07"27"	8.98	513'16"24"	19.50
C19	29.79	50.0	34'07"11"	16.30	513'16"24"	
C20	45.18	50.0	51'45"24"	24.48	522'04"24"	43.64
C21	9.15	50.0	10'28"54"	4.58	114'03"55"	9.15
C22	13.06	50.0	49'45"24"	9.67	89'44"25"	
C23	30.50	370.0	4'25"34"	14.30	583'53"08"	26.56
C24	50.59	370.0	5'47"45"	18.71	587'16"48"	
C25	55.44	370.0	6'17"45"	22.77	587'16"48"	
C26	56.63	370.0	6'17"45"	22.77	587'16"48"	
C27	56.33	370.0	6'35"47"	29.88	587'22"42"	56.33
C28	58.88	370.0	6'35"47"	29.88	587'22"42"	
C29	73.50	370.0	6'07"03"	26.50	544'33"27"	
C30	25.45	50.0	3'20"20"	8.74	119'18"58"	73.07
C31	13.05	15.0	1'01"19"	4.67	119'18"58"	21.85
C32	26.25	50.0	3'04"43"	13.43	59'25"45"	
C33	30.58	50.0	3'02"24"	17.59	520'14"04"	30.15
C34	25.62	50.0	2'02"19"	13.10	581'05"01"	
C35	29.48	50.0	3'41"28"	15.42	583'35"01"	29.48
C36	25.44	50.0	3'53"27"	15.11	583'35"01"	25.44
C37	35.63	50.0	3'53"27"	15.11	583'35"01"	
C38	29.99	50.0	3'41"29"	15.44	590'10"51"	28.54
C39	30.22	50.0	3'47"38"	15.59	582'07"06"	
C40	10.58	15.0	3'04"06"	5.40	521'55"69"	10.58
C41	15.00	15.0	3'11"01"	6.48	511'24"24"	
C42	44.34	15.0	5'25"47"	22.47	583'22"44"	
C43	43.05	15.0	5'21"11"	21.14	583'22"44"	43.03
C44	22.04	15.0	5'41"46"	13.56	530'05"27"	
C45	53.15	330.0	8'13"43"	28.63	532'11"03"	53.10
C46	56.37	330.0	10'17"28"	29.78	526'37"05"	
C47	330.0	330.0	7'29"39"	21.48	119'44"24"	42.48
C48	46.22	330.0	10'21"28"	29.78	119'44"24"	
C49	23.56	15.0	8'00"25"	15.00	531'27"01"	71.20
C50	23.56	15.0	9'00"25"	15.00	531'27"01"	71.20
C51	20.21	330.0	3'30"24"	10.11	583'27"01"	

THE FINAL PLAT OF
RBEND SIXTH ADDITION
MUSCATINE, IOWA

DATE 6/07/02
DRAWN BY H.G.
CHECKED BY H.G.

1
SHEET 1 OF 1
01-07-597



Landmark
ENGINEERING GROUP
455 AVENUE OF THE CITIES EAST MOLINE, IL 61244
455 755-3400 FAX (309) 755-4422
CIVIL ENGINEERING AND LAND SURVEYING



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.

 25/03/04
 CAROL L. LUEBMANN DATE
 LICENSE NUMBER 10897
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2009
 PAGES OR SHEETS COVERED BY THIS SEAL 1 of 1