

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

Thursday, April 25, 2024; 4:00 PM

City Hall | 226 West 4th Street | Council Chambers

The Zoning Board of Adjustment holds public hearings to consider hardship variances, special uses, and interpretation appeals.

I. Call to Order

II. Secretary's Report

1. Consideration of the April 11, 2024 meeting Minutes.

III. Old Business

IV. New Business

1. Request to table SU24-03 and HV24-06, to instead be up for consideration at the next public ZBA hearing date, which is scheduled for May 9th.
2. Request HV24-04 of Leanne Buerklin at 4511 Rickerhill RD for a Hardship Variance to build an accessory structure (pool & deck) in a front corner side yard. Property zoned R-1 Zoning District requires accessory structures to be in the side or rear yard. [§17.09.030.A.5.c. | Ward 1]
3. Request HV24-05 of Christopher Heggen at 5520 Greenfield CT for a Hardship Variance to construct an attached garage addition which will encroach approximately 3.5 feet into the 7-foot required side yard setback as required by Table 17.04.-1. for property zoned R-3. [Ward 8]

V. Other Business

VI. Adjourn

City of Davenport

Department: Development & Neighborhood Services

Contact Info: |

Action / Date

4/25/2024

Subject:

Consideration of the April 11, 2024 meeting Minutes.

Recommendation:

Approve the Minutes

Background:

Attachments:

1. ZBA Minutes 2024-04-11



MINUTES

Zoning Board of Adjustment

April 11, 2024



By this reference all reports, documents, presentations, videos and the hearing's video recording are incorporated into the minutes.
See the following link: <https://www.youtube.com/user/DavenportToday/videos>

I. Call to Order:

Chairman Darland called the Zoning Board of Adjustment (ZBA) meeting to order in City Hall Council Chambers, Davenport, Iowa at approximately 4:05 p.m.

Members present: Boyd-Carlson, Bloemker (Acting Vice-Chair), Darland (remote)

Excused: Galliart.

Staff present: Koops, Berkley, attorney Heyer

II. Secretary's Report:

Minutes were approved for the 2023-12-21 ZBA Hearing by voice-vote (3-0).

III. Old Business:

None.

IV. New Business:

A. Request HV24-01 of Karilyn Uhlenkamp on behalf of Davenport Community Schools at 1414 E. Locust Street for a Hardship Variance to build an addition to the school which will be approximately 45 feet in height. Property zoned R-4C Zoning District allows for buildings 35 feet in height or less as required in Table 17.04-1. [Ward 5]

Koops presented the staff report. No comments were received.

Recommendation:

Staff recommends approval of the requested hardship variance.

The applicant addressed the Board and answered questions regarding the project phasing and the purpose of the proposed plans.

Staff clarified with the Board that the existing three-story building was presently 49 feet tall, and that the proposed additions, at their tallest, would be approximately 45.3 feet in height. The variance is required because once the existing structure is removed, the nonconforming height cannot be re-established, and the present height regulations only allow for a 35-foot structure.

Motion

Boyd-Carlson moved, seconded by Darland, approval of the request as proposed.

The motion carried unanimously (3-0).

Darland, yes; Boyd-Carlson, yes; and Bloemker, yes;

B. Request SU24-01 of QC Sikh Temple at 1501 East 52nd Street for a Special Use to establish a place of worship on property zoned C-T Commercial Transitional as required in Table 17.08-1.

Koops presented the staff report. One comment was received and was included in the meeting packet.

Staff recommends that the Board adopt staff's findings and approve request SU24-01 subject to the following conditions:

1. Existing trees on the southern portion of the lot shall remain to serve as a vegetative buffer.
2. Prior to occupancy an approved full site plan review shall be completed and approved;
3. Ancillary uses customary to a place of worship shall be allowed.

The applicant addressed the Board and answered questions.

Darland asked staff is there would be any objection to changing the wording of condition #1 from "remain" to "shall be maintained". Staff stated there was no objection.

Motion:

Darland moved to approve SU24-01 subject to the three staff conditions, with an edit to condition number one, striking the word "remain" and replacing with the phrase "shall be maintained". Boyd-Carlson seconded the motion and it carried unanimously (3-0), subject to the following modified conditions:

1. Existing trees on the southern portion of the lot shall be maintained to serve as a vegetative buffer.
2. Prior to occupancy an approved full site plan review shall be completed and approved;
3. Ancillary uses customary to a place of worship shall be allowed.

Boyd-Carlson, yes; Darland, yes, and Bloemker, yes.

C. Request HV24-02 and -03 of Bush Construction on behalf of QC Sikh Temple at 1501 East 52nd Street for a Hardship Variance to establish a place of worship on property zoned C-T Commercial Transitional District with a building over 5,000 square feet and setback outside of the 0 to 20-foot Build-To-Zone. [Ward 7]

Koops presented the staff report. No comments were received.

Findings:

Item #1 zoning code does result in hardship as applied for the proposed use;
Item #2 physical and topographical conditions of the site do limit the use;
Item #3 unique circumstance has been established;
Item #4 protection of essential character has been established;

Staff Recommendation:

Staff recommends that Board adopt staff's findings and approve request HV24-02 and HV24-03 as proposed.

Motion:

Boyd-Carlson moved to approve HV24-02 and HV24-03. Darland seconded the motion and it carried unanimously (3-0).

Boyd-Carlson, yes; Darland, yes, and Bloemker, yes.

D. Request SU24-02 of Christopher Kretz at 1527 Brady Street for a Special Use to establish a bed and breakfast on property zoned C-T Commercial Transitional District as required in Table 17.08-1. [Ward 5]

Koops presented the staff report. No comments were received.

Staff recommends that the Board adopt staff's findings and approve request SU24-02 subject to the following conditions:

1. Should the need arise, the owner/manager of the bed and breakfast shall be required to obtain off-street parking arrangements with adjacent uses;
2. All Building Codes shall be met while the business is in operation; and
3. All Principal Use Standards shall be met while the Bed & Breakfast is in operation.

The applicant addressed the Board. The Board discussed the request.

Motion:

Darland moved to approve request SU23-02 with staff conditions; the motion was seconded by Boyd-Carlson, and it carried unanimously (3-0).

Boyd-Carlson, yes; Darland, yes ; and Bloemker, yes.

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 5:07 p.m.

City of Davenport

Department: Development & Neighborhood Services
Contact Info: Scott Koops | 563-326-6701

Action / Date
4/25/2024

Subject:

Request to table SU24-03 and HV24-06, to instead be up for consideration at the next public ZBA hearing date, which is scheduled for May 9th.

Recommendation:

Table the Item.

Background:

The applicant has scheduling conflicts and has requested the items be tabled. Courtesy notices will be re-sent to adjacent property owners.

Attachments:

1. Request to Table to May 9th Meeting

Eric Hartmann

From: Hartmann, Eric <EHartmann@L-WLAW.com>
Sent: Tuesday, April 16, 2024 12:40 PM
To: Koops, Scott E.
Subject: RE: [EXT] RE: Zoning Approval Request - 111 E 50th St & 805 W 35th St

My client has indicated that they would like to table this application for consideration on May 9, 2024. I will plan to appear on the 25th. The formal reason is scheduling conflicts with the individuals with knowledge of the project. Can you confirm that this email satisfies your request below, and advise if I need to do anything other than appear April 25 and confirm this tabling request?

Thanks,

Eric

Eric M. Hartmann
LANE & WATERMAN LLP
ATTORNEYS AT LAW SINCE 1854

220 North Main Street, Suite 600
Davenport, Iowa 52801
Tel: 563.333.6649
Fax: 563.324.1616
Email: ehartmann@L-WLaw.com
www.L-WLaw.com

From: Koops, Scott E. <Scott.Koops@davenportiowa.com>
Sent: Monday, April 15, 2024 12:32 PM
To: Hartmann, Eric <EHartmann@L-WLAW.com>
Subject: RE: [EXT] RE: Zoning Approval Request - 111 E 50th St & 805 W 35th St

I am sorry I did not respond to this sooner, I was out of the office.

Since all the notices were mailed out and QC Times notice was posted in the paper, You or someone would need to be at the April 25th Meeting to request a tabling. (Also please email a request to table as well)

Staff will forward your request to table a head of time to the Board, it might be useful if they know why a tabling is necessary, but I leave that up to you to decide.

Thank you!

Scott Koops, AICP
Planner II | DNS – Planning & Zoning
City of Davenport

T 563-328-6701
1200 E 46th St, Davenport, IA 52807

DavenportIowa.com | www.DavenportIowa.com/ePlan

City of Davenport

Department: Development & Neighborhood Services

Contact Info: Scott Koops | 563-326-6701

Action / Date

4/25/2024

Subject:

Request HV24-04 of Leanne Buerklin at 4511 Rickerhill RD for a Hardship Variance to build an accessory structure (pool & deck) in a front corner side yard. Property zoned R-1 Zoning District requires accessory structures to be in the side or rear yard. [§17.09.030.A.5.c. | Ward 1]

Recommendation:

Background:

Attachments:

1. Staff Report 4511 Rickerhill Rd HV24-04 Encroach Front Yard with Deck & Pool
2. Application
3. PROPOSED SITE PLAN
4. HV24-04 - 4511 Rickerhill RD - Adjacent Owner Notice List
5. Example Notice 4511 Rickerhill HV24-04



Zoning Board of Adjustment Staff Report | Parking in Front Yard April 25, 2024

Description

Request HV24-04 of Leanne Buerklin at 4511 Rickerhill RD for a Hardship Variance to build an accessory structure (pool & deck) in a front corner side yard. Property zoned R-1 Zoning District requires accessory structures to be in the side or rear yard. [§17.09.030.A.5.c. | Ward 1]

Code Section:

[§17.09.030.A.5.c.](#)

No structure may be located in a front, reverse corner, or corner side yard unless specifically allowed.

Background | Discussion

The petitioner is proposing a pool/deck to the southwest of the dwelling. Due to this lot having street frontage on two/three sides, the only location any accessory structure can be located is to the west of the dwelling.

PROPOSED SITE PLAN



Purpose of a Hardship Variance

[Davenport Municipal Code Section 17.14.060](#) states: "The purpose of the hardship variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships."

It is the role of Zoning Board members to evaluate the evidence of hardship and weigh their decision accordingly.

Allowed Accessory Structure Area (15' x 35')



Approval Standards

The Zoning Board of Adjustment decision must make findings to support the following:
(code requirement | *applicants' response* | staff comments)

1. Strict ordinance application will result in hardship unless specific relief requested is granted.

Applicant Response:

No we don't need a pool, we want a pool. Our family has always enjoyed swimming but it's nearly impossible to go to a public pool there days. People are rude, there's fighting or they are just overly crowded. This would be something private our family and could safely enjoy and not have to worry.

Staff Comments:

Strict application of the ordinance allows only a small accessory structure envelope (15' x 35') for placement on the property to the west of the dwelling. See the "Allowed Accessory Structure Area" diagram. This code section creates a tangible 'practical difficulty' for this lot. Standard #1 is met.

2. The particular physical surroundings, shape, or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

Applicant Response:

Due to us having a double frontage lot it has been hard to build anything. We have made sure we are staying in the property limits so the double frontage lot should not be a problem!

Staff Comments:

The physical conditions (road frontages along every façade of the house except for the west elevation) do limit the developability of the site. This code section creates a tangible 'practical difficulty' for this lot. Standard #2 is met.

3. The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.

Applicant Response:

Due to the shape of our lot we have "three front yards" and with the rule being you can't have a pool in your front yard, it is impossible to follow regulations, leading us to file this hardship.

Staff Comments:

The street layout of the area creates a unique circumstance for this lot. Standard #3 is met.

4. The hardship variance, if granted, will not alter the essential character of the locality.

Applicant Response:

Residential Amenity- Some of our neighbors have a pool so they understand the benefits and will not protest our pool. We will also have it fenced in so the public will not have entry.

Staff Comments:

The character of the area may be impacted by the proposed pool as there are few properties through-out the City with accessory structures located in the front yard. Accessory structures are not a guaranteed development right. Standard #4 does not appear to be met.

Findings & Staff Recommendation:

Findings: (supported by the previous analysis)

- Standard #1 the ordinance creating a hardship has been met
- Standard #2 physical and topographical conditions of the site do limit development
- Standard #3 unique circumstance is established
- Standard #4 essential character may not be protected

Recommendation:

Standards 1 through 3 appear to be met for hardship approval. Standard #4 essential character does not appear to be met. Staff technically cannot recommend approval of request HV24-04.

Prepared by:



Scott Koops, AICP
Planner II

Attachments: ZBA application/plans, notice documents



CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 E. 46th St
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
HARDSHIP VARIANCE
ZONING BOARD OF ADJUSTMENT

APPLICANT INFORMATION		
Applicant Name Company Name	DATES: PRE-APP SUBMITTAL PUBLIC HEARING	
Address		
City State Zip		
Phone		
Secondary Phone		
E-Mail Address	SITE ADDRESS & PARCEL OR LOCATION DESCRIPTION	
SPECIFICALLY DESCRIBE THE REQUEST & RELIEF NEEDED		
COMPLETE SUBMITTALS SHALL INCLUDE: SUBMITTED		
Concept/Development Plan to Scale* *shall show setbacks, height and size dimensions, etc. Consent to request hardship/legal interest Affidavit* *shall include owner contact information Application Fee* \$200 *required for a complete application		
DEMONSTRATE WITH EVIDENCE THE FOLLOWING (4) ITEMS:		
Acceptance of Applicant		
I, the undersigned, certify that the information on this application to the best of my knowledge is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.		
In addition to the application fee, I understand I am responsible for attendance at the meeting as shown on the public hearing zoning board calendar. The City reserves the right to require further site studies as necessary.		
Type Applicant's Name		
Applicant's Signature Date		
DEVELOPMENT TEAM		
Property Owner		
Address		
Phone	Secondary Phone	
E-Mail Address		
Project Manager/Other		
Address		
Phone	Secondary Phone	
E-Mail Address		
Contact Development & Neighborhood Services (DNS) Planning Division at planning@davenportiowa.com with any questions, for additional information, and to submit this form.		

PROPOSED SITE PLAN



Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Subject Property: 4511 RICKERHILL RD		LEANNE BUERKLIN		
Ward/Alderman: 1ST WARD				NOTICES SENT:
20503-56	4525 RICKER HILL RD	LAWREN LYNN BUEHL	4525 RICKER HILL RD	DAVENPORT IA 52802
20503-59A	4412 RICKER HILL RD	DAVENPORT WATER CO	PO BOX 5086	MOUNT LAUREL NJ 08054
20503-47A	4316 ROCKINGHAM RD	BRIDGET M FUNK	4316 ROCKINGHAM RD	DAVENPORT IA 52802
20503-61	4516 RICKER HILL RD	JOSEPH ANDREW HOLCOMB	4516 RICKER HILL RD	DAVENPORT IA 52802
20503-43	4412 ROCKINGHAM RD	PATRICK N HOLMES	4412 ROCKINGHAM RD	DAVENPORT IA 52802
R0505-06	4302 ROCKINGHAM RD	JAY KASKE	4302 ROCKINGHAM RD	DAVENPORT IA 52802
20503-54	4515 RICKER HILL RD	DANIELLE DONALD NOTHDORF	4515 RICKER HILL RD	DAVENPORT IA 52802
23251-OLA		ROBERT E TAPPENDORF	6605 W RIVER DR	DAVENPORT IA 52802
20503-62	4424 RICKER HILL RD	ROBERT E TAPPENDORF		
20503-03		ROBERT E TAPPENDORF		
20503-04		ROBERT E TAPPENDORF		
20503-05	410 RICKER HILL RD	SUDBECK JEFFREY R	16765 BARBERRY ST APT 10C4	SOUTHGATE MI 48195



Public Hearing Notice | Zoning Board of Adjustment

Date: 4/25/2024
Time: 4:00:00 PM

Location: City Hall | 226 W 4th ST | Council Chambers
Subject: Hearing for Hardship Variance | Zoning Board of Adjustment

EXAMPLE NOTICE LETTER
8 Sent | Ward 1

To: All property owners within 200' of the subject property **4511 Rickerhill RD:**

What is this About?

This notice is being sent to inform you that a public hearing will be held for a Hardship Variance. The purpose of the Hardship Variance is to grant permission to waive or alter a size or dimensional code requirement.

Request/Case Description

Request HV24-04 of Leanne Buerklin at 4511 Rickerhill RD for a Hardship Variance to build an accessory structure (pool & deck) in a front corner side yard. Property zoned R-1 Zoning District requires accessory structures to be in the side or rear yard. [§17.08.030.K.4. | Ward 1]

What are the Next Steps after the Public Hearing?

For approved ZBA requests, the ruling is effective immediately. Rulings of the Zoning Board of Adjustment are final. The applicant may request reconsideration at the next public hearing, and aggrieved parties may file a writ of certiorari with the district court.

Would You Like to Submit an Official Comment?

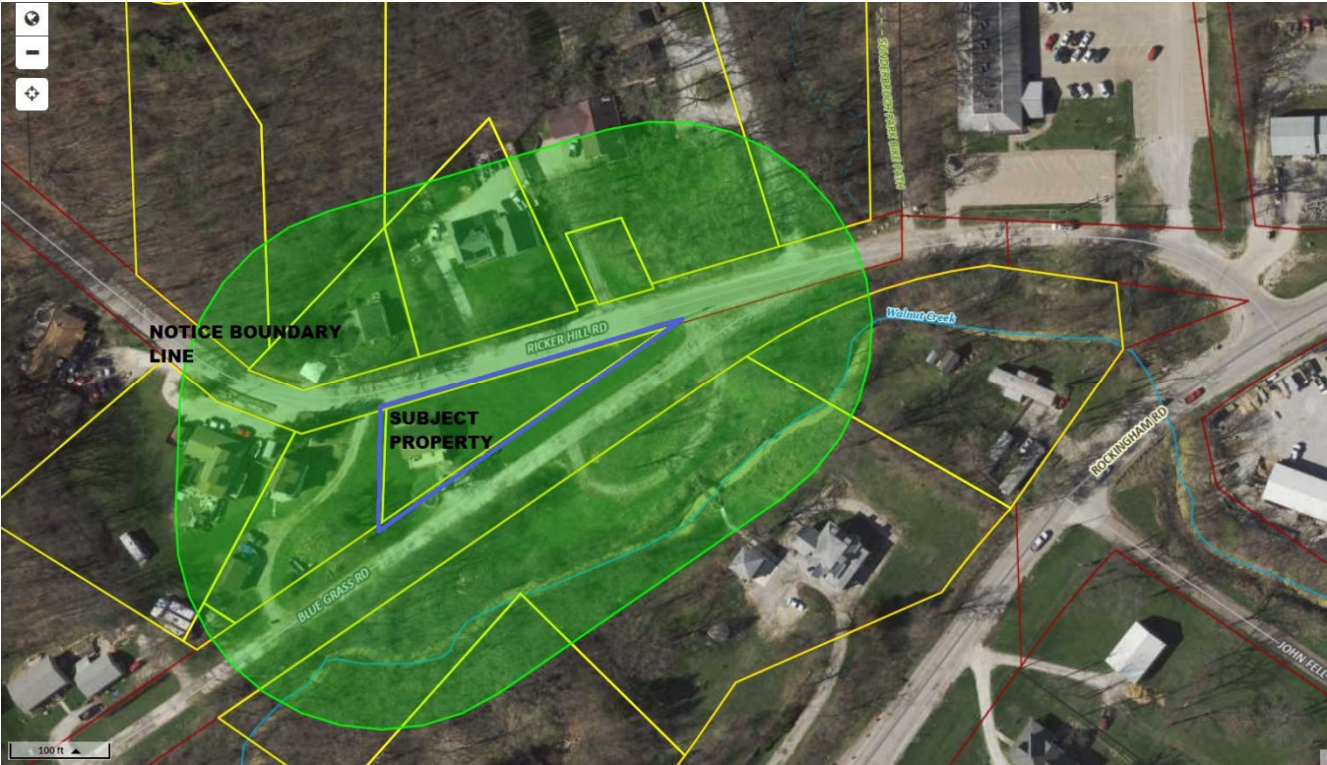
As a property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46th St, Davenport IA 52807.

Do You Have Any Questions?

If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at scott.koops@davenportiowa.com or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

Adjacent Owner Notice Area:
Owners within 200' of the Subject Property



City of Davenport

Department: Development & Neighborhood Services

Contact Info: |

Action / Date

4/25/2024

Subject:

Request HV24-05 of Christopher Heggen at 5520 Greenfield CT for a Hardship Variance to construct an attached garage addition which will encroach approximately 3.5 feet into the 7-foot required side yard setback as required by Table 17.04.-1. for property zoned R-3. [Ward 8]

Recommendation:

Background:

Attachments:

1. Staff Report 5520 Greenfield CT HV24-05 - Encroach Side Yard with detached garage
2. Application 5520 Greenfield Ct
3. SITE PLAN
4. Adjacent Owner Notice List - 5520 Greenfield CT HV24-05
5. Example Adjacent Owner Notice Letter 5520 Greenfield CT HV24-05
6. 5509 Greenfield CT Heiderscheit Trust - IN FAVOR
7. 5528 Greenfield CT Mike and Jennifer Van Speybroeck - IN FAVOR



Staff Report | Zoning Board of Adjustment 5520 Greenfield CT | Exceed garage size April 25, 2024

Description

Request HV24-05 of Christopher Heggen at 5520 Greenfield CT for a Hardship Variance to construct an attached garage addition which will encroach approximately 3.5 feet into the 7-foot required side yard setback as required by Table 17.04.-1. for property zoned R-3. [Ward 8]

Code Section

Table 17.04-1: Residential Districts Dimensional Standards <i>SF = Single-Family // SF-SD = Single-Family Semi-Detached // 2F = Two-Family // TH = Townhouse // MF = Multi-Family</i>				
Setbacks	R-1	R-2	R-3	R-3C
Minimum Interior Side Setback	7'	7'	7'	5'

Background & Discussion

This single-family property was constructed in 1998, and purchased by the applicant in 2014. At the time of construction and at the time of the most recent purchase, the side yard setback was 7 feet, the same as it is currently. Similarly, the smallest side yard setback has never been less than 5 feet.

The applicant is proposing an addition to the existing attached garage which is at the northeast property line.

Dwelling – Front Elevation photograph:



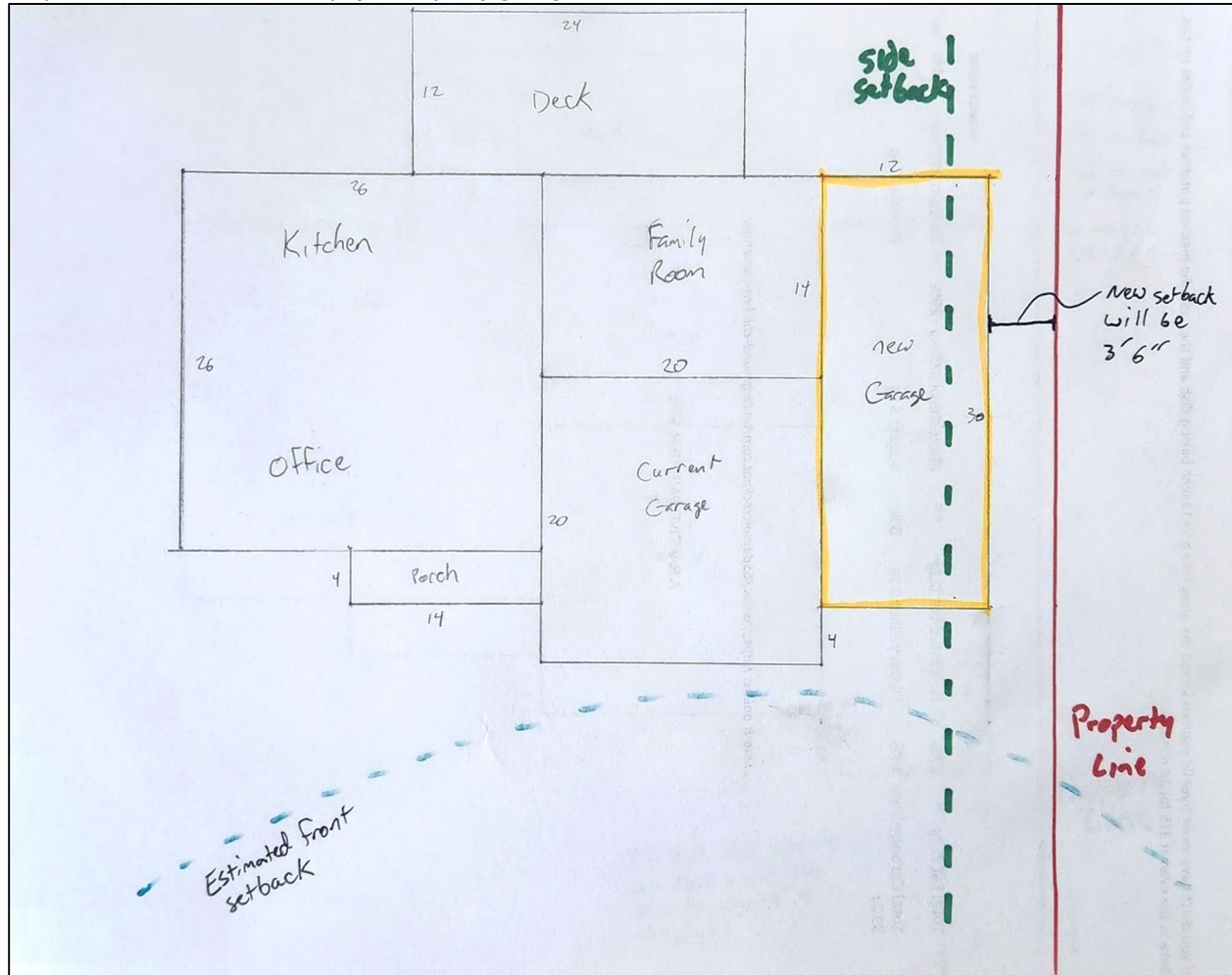
Purpose of a Hardship Variance

In the Davenport Municipal Code, Section 17.14.060 states: *The purpose of the hardship variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships.*

As the Zoning Code is the same as on the date of the purchase of the property (2014), there cannot be an "unforeseen application of the Zoning Code". The present zoning code existed at the time the property was purchased, making the setback for an attached garage a known parameter at the time of purchase.

Site Plan showing the Proposed Attached Garage Addition

Proposed 12' wide x 30' deep (360 sq. ft.) garage addition



Property Lines and Proposed Garage Addition [PAVED DRIVEWAY ADDITION REQUIRED]



Approval Standards

The Zoning Board of Adjustment decision must make findings to support each of the following:
(code requirement/ applicant's response/staff comments)

1. Strict ordinance application of will result in hardship unless specific relief requested is granted.

Applicant Response:

Code 17.02.040.M.2.d, requiring only 75% of the prescribed lot width from Code 17.04.030.C. Table 17.04-1, is the root cause of the hardship when comparing the non-symmetrical shape of the property in question versus the symmetrical, trapezoidal nature of the example lot in the picture provided in section 17.02-040.M, "Lot Width."

The perpendicular nature of the Northeast property line results in half of the growth-in-width of the lot when compared to the example cul-de-sac lot in the code. This growth-in-width being the basis to only require 75% of the lot width from the above mentioned table is resulting in hardship for the lot in question, as it is narrower at the front setback than what it should be if the lot were symmetrical like the code shows. If the property in question were symmetrical, and grew in width like the code was anticipating, the proposed addition would be able to meet the interior side yard setback without need for this variance.

However, as the shape of the lot cannot be modified at this point in time, the relief being requested is relief from 17.04.030.C. Table 17.04-1, which prescribes 7 foot for the interior side setback.

The addition is necessary due to a major life event of a household occupant. Pregnancy resulted in development of additional allergies, and worsening of existing allergies, to dust/fumes/etc, to the point that occupant underwent septoplasty surgery. As such, the workshop can no longer exist in the basement of the main household as it has for the past 10 years, and must be moved to the requested addition.

Staff Comments:

A two-car garage exists on the property. A third-stall garage is not necessary for this property to be reasonably used as a residentially zoned lot. The third stall is not grounds for a hardship variance. The request is a convenience to the petitioner.

2. The particular physical surroundings, shape, or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

Applicant Response:

The slopes on the North and South corners of the lot, as well as the resulting saturated condition of the remainder of the yard after inclement weather due to drainage of those slopes, create a particular hardship for this lot as well.

Applying code compliant setbacks to the irregular shape of the cul-de-sac lot, when combined with these slopes and the resultant saturated low spot throughout the remainder of the property, makes constructing any structure anywhere else on the lot impossible.

Staff:

Physical or topographical hardship are not present, as the dwelling and a two-car garage exist without a hardship. A desire for a third parking stall is not grounds for a hardship variance.

3. The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.

Applicant Response:

Although a majority of the houses in the subdivision are also irregularly shaped cul-de-sac lots, several of the surrounding properties have consistent slopes, or general lack of slope, on their properties to

better deal with rain run-off, and allow multiple options for placement of accessory structures. This lot has a parabolic shape, with two significant slopes sending rain run off to the back yard - making any structures with necessary access impossible anywhere other than the location proposed. This is confirmed by the neighbor to the south having a shed in their backyard, and the two neighbors across the cul-de-sac both being able to have pools in their backyards, vice the shed for the property in question having to be located where the addition has to go (the shed will no longer be needed).

Staff:

No evidence has been presented necessitating a hardship variance due to a unique circumstance of this property. A dwelling and a two-garage garage have been built on this site without a hardship variance. Garages, especially a third stall, are not a right guaranteed by the zoning ordinance. Desire for a larger garage is not a unique circumstance, it is a convenience to the petitioner.

4. The hardship variance, if granted, will not alter the essential character of the locality.

Applicant Response:

There are currently three properties in the North Meadows subdivision with 3-car garages - including one on Hillside Ct with a nearly identical layout to the proposed addition. The combination hip style and valley style rooflines proposed for the addition can both be seen used in tandem throughout the entire subdivision as well.

The overall appearance of a minimum 14 feet between houses (due to individual 7 foot setbacks of any two adjacent properties), is still maintained due to the neighboring house being set back sufficiently far from the property line. This appearance is more obvious on the 4 houses entering the subdivision off of Appomattox Rd, but can also be seen on Greenfield Ct between 5528 and 5530, as well as 5521 and 5527.

Staff:

Adjacent or neighboring properties exceeding minimum side yard setbacks are not guaranteed to remain in the future. Neighboring owners have the right to build up to the minimum setbacks. Essential character may not be maintained. Future action of other property owners cannot be predicted or restrained through the hardship variance process.

Findings & Staff Recommendation:

The petitioner has not demonstrated any practical difficulties or particular hardships associated with this property or justification for a third garage stall, other than convenience to the petitioner.

Findings: (supported by the previous analysis)

- Item #1 application of the ordinance creating hardship has not been met;
- Item #2 physical and topographical conditions do not limit use of the site;
- Item #3 unique circumstance has not been established;
- Item #4 protection of essential character may not be established;

Recommendation:

Staff recommends denial of the request.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents



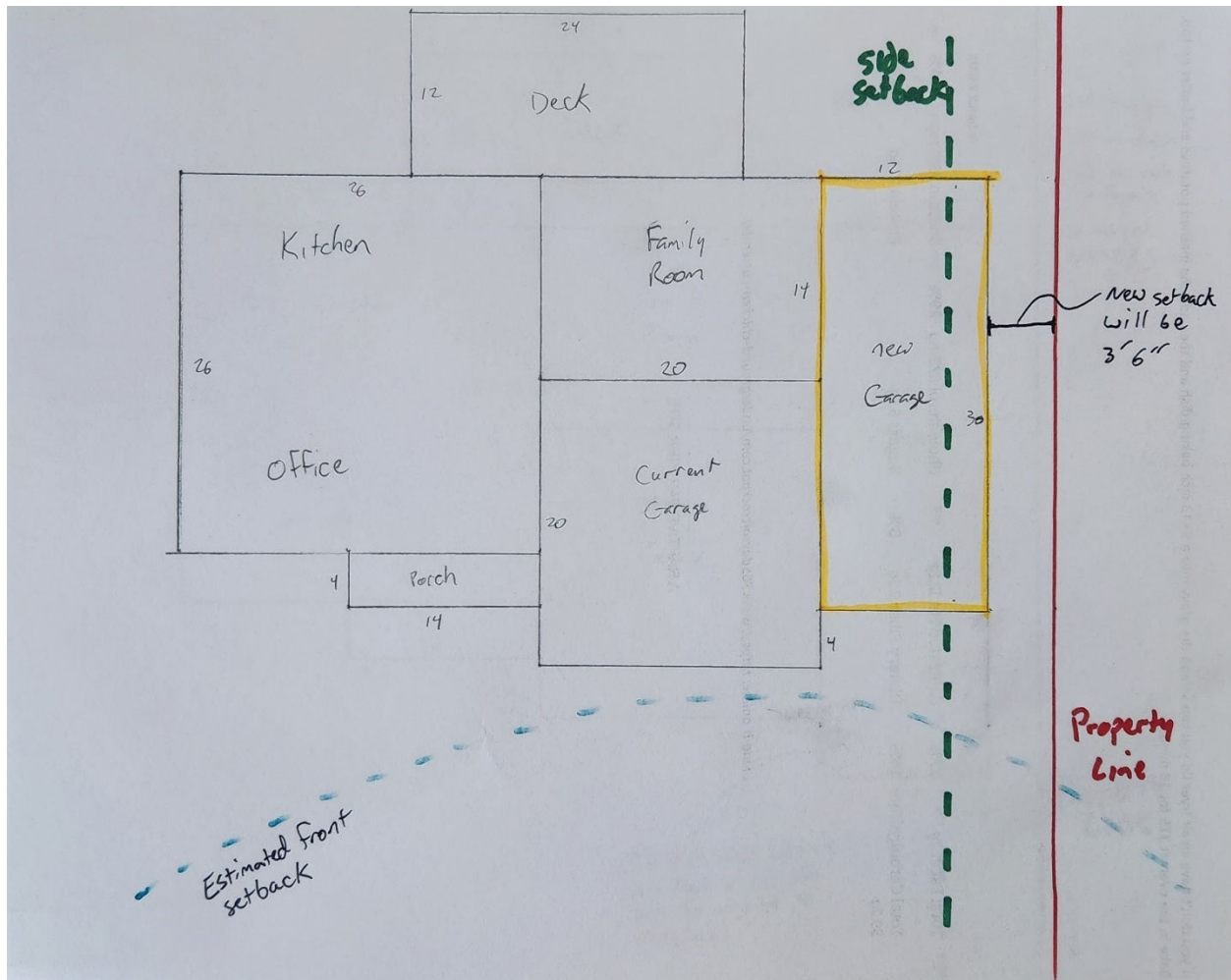
CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 E. 46th St
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
HARDSHIP VARIANCE
ZONING BOARD OF ADJUSTMENT

APPLICANT INFORMATION	
Applicant Name	SPECIFICALLY DESCRIBE THE REQUEST & RELIEF NEEDED
Address	
City State Zip	
Phone	
Secondary Phone	
E-Mail Address	COMPLETE SUBMITTALS SHALL INCLUDE: SUBMITTED Concept/Development Plan to Scale* *shall show setbacks, height and size dimensions, etc. Consent to request hardship/legal interest Affidavit* *shall include owner contact information Application Fee* \$200 *required for a complete application
Acceptance of Applicant I, the undersigned, certify that the information on this application to the best of my knowledge is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements. In addition to the application fee, I understand I am responsible for attendance at the meeting as shown on the public hearing zoning board calendar. The City reserves the right to require further site studies as necessary. Type Applicant's Name _____ Applicant's Signature _____ Date _____	
DEVELOPMENT TEAM	
Property Owner	
Address _____	
Phone _____	Secondary Phone _____
E-Mail Address _____	
Project Manager/Other	
Address _____	
Phone _____	Secondary Phone _____
E-Mail Address _____	
Contact Development & Neighborhood Services (DNS) Planning Division at planning@davenportiowa.com with any questions, for additional information, and to submit this form.	

SITE PLAN



Adjacent Owner Notice List - 5520 Greenfield CT HV24-05

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Subject Property:	5520 GREENFIELD CT	CHRISTOPHER D HEGGEN	5520 GREENFIELD CT	DAVENPORT IA 52806
Ward/Alderman:	WARD 8	REINARTZ		NOTICES SENT: 15
X1119A05A	5419 APPOMATTOX RD	MIMG CLIII CANDLELIGHT LLC	2195 N HWY 83 STE 14B	FRANKTOWN CO 80116
X1119-42	815 NORTH MEADOWS CT	STACIE L ALMOND	815 NORTH MEADOWS CT	DAVENPORT IA 52806
X1119-41	5520 HILLSIDE CT	DAVID K KELLER	5520 HILLSIDE CT	DAVENPORT IA 52806
X1119-40	5510 HILLSIDE CT	CHRISTOPHER K BANFIELD	5510 HILLSIDE CT	DAVENPORT IA 52806
X1119-39A	5509 HILLSIDE CT	CADE J SIMMONS	5509 HILLSIDE CT	DAVENPORT IA 52806
X1119-38A	5515 HILLSIDE CT	GABRIEL TISUE	5515 HILLSIDE CT	DAVENPORT IA 52806
X1119-37	5521 HILLSIDE CT	DANIEL DEPARDO	5521 HILLSIDE CT	DAVENPORT IA 52806
X1119-36	5529 HILLSIDE CT	SHAWN K HOSTETLER	5529 HILLSIDE CT	DAVENPORT IA 52806
X1119-35	5530 GREENFIELD CT	MATTHEW P HYSER	5530 GREENFIELD CT	DAVENPORT IA 52806
X1119-34	5528 GREENFIELD CT	MICHAEL D VANSPEYBROECK	5528 GREENFIELD CT	DAVENPORT IA 52806
X1119-32A	5510 GREENFIELD CT	JOYCE N PAUSTIAN	5510 GREENFIELD CT	DAVENPORT IA 52806
X1119-31A	5509 GREENFIELD CT	ELAINE HEIDERSCHEIT TRUST	3372 ASHLEY LN	DUBUQUE IA 52002
X1119-30A	5515 GREENFIELD CT	KENNEDY E PARIS	5515 GREENFIELD CT	DAVENPORT IA 52806
X1119-29	5521 GREENFIELD CT	HEATH L GILES	5521 GREENFIELD CT	DAVENPORT IA 52806
X1119-28	5527 GREENFIELD CT	ERIK J PEDERSEN	5527 GREENFIELD CT	DAVENPORT IA 52806



Public Hearing Notice | Zoning Board of Adjustment

Date: 4/25/2024
Time: 4:00:00 PM

Location: City Hall | 226 W 4th ST | Council Chambers
Subject: Hearing for Hardship Variance | Zoning Board of Adjustment

Example Notice Letter
Ward 8 | 15 Notices Sent

To: All property owners within 200' of the subject property **5520 Greenfield CT:**

What is this About?

This notice is being sent to inform you that a public hearing will be held for a Hardship Variance. The purpose of the Hardship Variance is to grant permission to waive or alter a size or dimensional code requirement.

Request/Case Description

Request HV24-05 of Christopher Heggen at 5520 Greenfield CT for a Hardship Variance to construct an attached garage addition which will encroach approximately 3.5 feet into the 7-foot required side yard setback as required by Table 17.04.-1. [Ward 8]

What are the Next Steps after the Public Hearing?

For approved ZBA requests, the ruling is effective immediately. Rulings of the Zoning Board of Adjustment are final. The applicant may request reconsideration at the next public hearing, and aggrieved parties may file a writ of certiorari with the district court.

Would You Like to Submit an Official Comment?

As a property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46th St, Davenport IA 52807.

Do You Have Any Questions?

If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at scott.koops@davenportiowa.com or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

Adjacent Owner Notice Area: Owners within 200' of the Subject Property



Heiderscheit Revocable Tust | 5509 Greenfield CT

From: Kelly Guns <kellyguns73@gmail.com>
Sent: Friday, April 19, 2024 4:28 PM
To: Planning
Subject: [EXT] 5520 Greenfield Ct.

Follow Up Flag: Follow up
Flag Status: Flagged

ATTENTION: This is an external email.

To whom it may concern:

The Heggens are wonderful neighbors and a true asset to our neighborhood. I am in full support of him building a garage on his property. I would hate for them to leave the neighborhood.
I am a neighbor, living at 5509 Greenfield Ct, Davenport, IA 52806.

Thank you for your time and consideration.

Kelly Guns

Michael Speybroeck

From: Van Speybroeck, Michael <Michael.Van.Speybroeck@ssa.gov>
Sent: Wednesday, April 24, 2024 8:33 AM
To: Planning
Subject: [EXT] Zoning mtg 4/25

Follow Up Flag: Follow up
Flag Status: Flagged

ATTENTION: This is an external email.

Please refer to Staff Report 5520 Greenfield CT on the agenda for your April 25 meeting.

As neighbors directly north of 5520 Greenfield Ct, we endorse Chris and Lisa Heggen's proposed plan to build on to their property. We feel that denying the zoning request would unnecessarily force our neighbors from a home they take great pride in, evident by their landscaping efforts and extensive improvements to their homes exterior.

We'd like the committee to recognize the hardship tied to health concerns mentioned in the proposal. Upon the birth of their son, Henry, Lisa started in with heightened allergy concerns and respiratory issues. Due to the health concern their basement workshop can't be used as it throws dirt and allergens in to the ductwork and compromises the air quality in their home. Most households would be OK not having use of a fully functioning workshop, however, it's different for our neighbors household. Chris and Lisa are talented, civic-minded engineers; and, knowing my neighbor the way that I do, the proposed addition would allow Chris a workspace for the use of his many talents as a craftsman and engineer.

In all the time that we've known Chris and Lisa, they have always generously offered their talents and freely offered their assistance to their families, to their neighbors and to their community. Know that we appreciate all that the zoning committee does for our community and that we feel that our neighbors proposal would only improve our area, a great neighborhood with exceptionally great neighbors.

Thanks, Mike & Jenn

Mike and Jennifer Van Speybroeck
5528 Greenfield CT

Davenport, IA 52806

563-340-3011