ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, NOVEMBER 12, 2020; 4:00 PM

CITY HALL COUNCIL CHAMBERS 226 W 4TH ST

ZONING BOARD OF ADJUSTMENT, A FIVE MEMBER QUASI-JUDICIAL DECISION MAKING BODY, HOLDS PUBLIC HEARINGS TO CONSIDER HARDSHIP VARIANCES, SPECIAL USES, AND INTERPRETATIONS.

I. Call to Order

II. Secretary's Report

A. Consideration of the 10-22-20 Board minutes.

III. Old Business

A. Request HV20-05 of Jeff Heuer on behalf of Triton Services for a hardship variance at 2324 Hickory Grove Road to construct a 6,864 sq. ft., 66' x 104' nonconforming plumber's storage building on R-4C residential property. The request is for 1) Expansion/enlargement of a nonconforming use/structure, 2) Waiving of R-4C foundation and neighborhood scale requirements and 3) Exceeding the size requirements for a garage structure. Section 17.15.020.B. 'Nonconforming Use' prohibits a use from expansion, extension, enlargement, or an increase in intensity. Section 17.09.030 K. requires the scale and foundation of buildings match the neighborhood. [Ward 4]

IV. New Business

A. Request HV20-11 of Joseph Ehrecke at 5930 W Kimberly Road for a hardship variance to exceed the allowed detached garage size by 834 sq. ft. with a 40' x 40' (1,600 sq. ft.) garage. The property is zoned "R-1" Single-Family Residential District. Table 17.09-1 allows this property to have a 766 sq. ft. detached garage, which is equal to 50% of the living area. The property has a dwelling of 1,533 square feet. [2nd Ward]

V. Other Business

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: Scott Koops, Planner II, AICP
Scott.Koops@davenportiowa.com

Date
11/12/2020

Subject:
Consideration of the 10-22-20 Board minutes.

ATTACHMENTS:

	Type	Description
🗋	Exhibit	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	11/6/2020 - 11:21 AM

MINUTES
Zoning Board of Adjustment
October 22, 2020

By this reference all reports, documents, presentations, videos and the hearing's video recording are incorporated into the minutes.

I. Call to Order:

Board member Loebach called the Zoning Board of Adjustment meeting to order in City Hall Council Chambers, Davenport, Iowa at 4:05 p.m.

Board Members present: Loebach, Cochran, Quinn, and Darland.
Board Members excused: Reistroffer.
Staff present: Koops, Werderitch, Berkley, and City Attorney Thomas Warner.

II. Secretary's Report:

Minutes were approved for the 10-08-20 meeting by voice-vote.

III. Old Business:

None.

IV. New Business:

Request HV20-10 of Tanner Brandt on behalf of Tommy's Car Wash for a hardship variance at 4200 Brady Street for a second freestanding sign. Proposed sign would be located at the northeast (Brady Street/42nd) corner of the lot; the site has an approved freestanding sign for the northwest corner (Welcome Way/42nd) of the property. Section 17.12.060.D. limits the property to one freestanding sign. [Ward 7]

Koops presented the staff report to the Board.

Findings: (Per the staff report)

- Item #1 application of the ordinance creating hardship has not been established;
- Item #2 physical surroundings imposing hardship has not been established;
- Item #3 unique circumstance has not been established;
- Item #4 protection of essential character has not been established;
- The submitted application does not provide the necessary evidence required to prove that any of the zoning code's approval standards have been met.

Recommendation:
Staff recommends denial of the requested hardship variance based on the findings of the staff report.

The petitioner addressed the Board and related to the Board the reasons for the sign, as included with the application. Due to the grade elevation and the location of some brush, the sign is needed at the corner of 42nd Street and Brady.

Motion
Quinn moved to approve the request HV20-10, seconded by Darland. Roll call vote was taken: Cochran, no; Darland, no; Quinn, no; and Loebach, no. The motion failed (0-4).

Request SU20-06 of Greggory Mathews at 619 Marquette Street (owned by Saini Property) for consideration of a Special Use for a minor vehicle repair shop in the existing structure located on the northeast corner of the lot. Property is zoned C-1 Neighborhood Commercial. Section 17.08.020. of the Davenport Municipal Code allows for minor vehicle repair/service in the C-1 District subject to special use approval in compliance with Section 17.08.030.CC. [Ward 3]

Koops presented the staff report to the Board. There was one comment against the request; the comment has been emailed to the Board ahead of the hearing.

Findings:
The location/design/construction of the proposed use meets the requirements of a Special Use.

Recommendation:
Staff recommends approval of the request subject to the following conditions:

1. The special use shall/must be in conformance with all seven (7) listed conditions of Section 17.08.030.CC. (as published on June 16, 2020) for the duration of the operation of the use; failure to comply with Section 17.08.030.CC at all times could result in an immediate stop work order;
2. Should complaints arise from adjacent owners and/or neighborhood residents, or other members of the public due to noncompliance of any of these conditions or of other nuisances or code violations at the site, and/or if staff is aware of infraction(s) to these conditions and/or code violations, a rehearing of the special use shall be scheduled per Davenport Municipal Code specifications for Zoning Board of Adjustment Special Use public hearings at which the Special Use may be modified or revoked/denied;
3. Vehicular access to the site must be from the rear access and shall not be direct from West 7th Street. A driveway from West 7th Street shall not be installed nor shall a curb approach permit be granted by the City for such accesses;
4. Any outdoor storage occurring on the site shall be removed from the site prior to the issuance of an occupancy permit;
5. The existing illegal temporary storage container/shipping container shall be removed from the site prior to the issuance of an occupancy permit; no additional accessory storage structures or sheds shall be permitted/allowed on the site;
6. All repair work shall be conducted within the existing repair bay/garage structure as proposed in the petitioner's Special Use application; no loud tools/devices shall be used such as automotive air tools; a towing operation shall not be an allowed;
7. The use shall not be expanded or enlarged at any point; no additional storage bays shall be allowed beyond the one repair bay which is proposed; no additional parking/pavement shall be added to the property; all vehicles shall be on a paved surface at all times;
8. The petitioner shall designate areas for employee parking and locations for customers to drop of their vehicles;
9. Records, including dates of storage and ownership, for all vehicles being parked/stored on site as conditioned by the 15 day allowance period, shall be kept up-to-day at all times and shall be available to City staff upon request;
10. The site shall conform to all other City, State, and Federal Regulations;
11. The petitioner shall provide articles of incorporation or other equivalent ownership documentation prior to the issuance of a certificate of occupancy;
12. The Special Use shall be limited to this owner only; should the business be sold wholly or by more than 50%, a new Special Use shall be required and shall have a public hearing per Davenport Municipal Code requirements for Zoning Board of Adjustment Special Use public hearings.

Motion
Quinn moved to approve request SU20-06 with staff conditions, seconded by Darland. During discussion Darland moved an amendment to the motion, and it was seconded by Quinn, to add condition #13 limiting the days/hours of operation to Mondays through Saturdays, 8:00am to 6:00pm. This amendment was approved (4-0) via roll call vote.

Roll call vote for the main motion as amended, subject to the original 12 conditions and the additional 13th condition was approved unanimously (4-0).

Cochran, yes; Quinn, yes; Darland, yes, and Loebach, yes, with the following 13 conditions:

1. The special use shall/must be in conformance with all seven (7) listed conditions of Section 17.08.030.CC. (as published on June 16, 2020) for the duration of the operation of the use; failure to comply with Section 17.08.030.CC at all times could result in an immediate stop work order;
2. Should complaints arise from adjacent owners and/or neighborhood residents, or other members of the public due to noncompliance of any of these conditions or of other nuisances or code violations at the site, and/or if staff is aware of infraction(s) to these conditions and/or code violations, a rehearing of the special use shall be scheduled per Davenport Municipal Code specifications for Zoning Board of Adjustment Special Use public hearings at which the Special Use may be modified or revoked/denied;
3. Vehicular access to the site must be from the rear access and shall not be direct from West 7th Street. A driveway from West 7th Street shall not be installed nor shall a curb approach permit be granted by the City for such accesses;
4. Any outdoor storage occurring on the site shall be removed from the site prior to the issuance of an occupancy permit;
5. The existing illegal temporary storage container/shipping container shall be removed from the site prior to the issuance of an occupancy permit; no additional accessory storage structures or sheds shall be permitted/allowed on the site;
6. All repair work shall be conducted within the existing repair bay/garage structure as proposed in the petitioner's Special Use application; no loud tools/devices shall be used such as automotive air tools; a towing operation shall not be an allowed;
7. The use shall not be expanded or enlarged at any point; no additional storage bays shall be allowed beyond the one repair bay which is proposed; no additional parking/pavement shall be added to the property; all vehicles shall be on a paved surface at all times;
8. The petitioner shall designate areas for employee parking and locations for customers to drop of their vehicles;
9. Records, including dates of storage and ownership, for all vehicles being parked/stored on site as conditioned by the 15 day allowance period, shall be kept up-to-day at all times and shall be available to City staff upon request;
10. The site shall conform to all other City, State, and Federal Regulations;
11. The petitioner shall provide articles of incorporation or other equivalent ownership documentation prior to the issuance of a certificate of occupancy;
12. The Special Use shall be limited to this owner only; should the business be sold wholly or by more than 50%, a new Special Use shall be required and shall have a public hearing per Davenport Municipal Code requirements for Zoning Board of Adjustment Special Use public hearings.
13. That the days/hours of operation be limited to Mondays through Saturdays, 8:00am to 6:00pm.

Request SU20-07 of Ryan Kopf at 1460 West 3rd Street for consideration of Special Use for a bar in a C-1 District. Table 17.08-1 of the Davenport Municipal Code requires a Special Use for a bar on property zoned C-1 Neighborhood Commercial District. [3rd Ward]

Koops presented the staff report. There was one comment against the request; the comment has been emailed to the Board ahead of the hearing.

Recommendation & Findings

Findings:
The location/design/construction of the proposed use meets the requirements of a Special Use.

Recommendation:
Staff recommends approval of the request subject to the following conditions:

1. the Special Use shall be limited to this owner only; should the business be sold wholly or by more than 50%, a new Special Use shall be required and shall have a public hearing per Davenport Municipal Code requirements for Zoning Board of Adjustment Special Use public hearings;
2. the petitioner shall provide articles of incorporation or other equivalent ownership documentation prior to the issuance of a certificate of occupancy.

The petitioner addressed the Board and reiterated the request as proposed in the submitted application.

Four adjacent owners/residents spoke before the Board against the petitioner. Concerns were raised over parking and safety.

During the course of discussions with the adjacent owners and the petitioner, city staff stated that any additional parking shall need to be reviewed and approved before any expansion of the parking lot would be able to occur. Staff also commented on the use of the site for storage of items not related to legal uses on the site, stating that only items from the proposed business or personal items from any legal residential tenants are allowed to be stored on the site. Any other such storage would require the appropriate zoning at another site. The site shall not be used for commercial or industrial storage as those uses are not allowed uses for this C-1 zoning District.

Motion:
Quinn moved to approve the request SU20-07 subject to the following conditions:

1. the Special Use shall be limited to this owner only; should the business be sold wholly or by more than 50%, a new Special Use shall be required and shall have a public hearing per Davenport Municipal Code requirements for Zoning Board of Adjustment Special Use public hearings;

2. the petitioner shall provide articles of incorporation or other equivalent ownership documentation prior to the issuance of a certificate of occupancy.

Darland seconded the motion and the motion carried 3-1.

Cochran, no; Quinn, yes; Darland, yes; and Loebach, yes.

V. Other Business
None.

VI. Adjourn
The meeting adjourned unanimously by voice vote at approximately 5:40 p.m.

City of Davenport
Zoning Board of Adjustment

Department: DNS **Date**
Contact Info: Scott Koops, Planner II, AICP **11/12/2020**
Scott.Koops@davenportiowa.com

Subject:
Request HV20-05 of Jeff Heuer on behalf of Triton Services for a hardship variance at 2324 Hickory Grove Road to construct a 6,864 sq. ft., 66' x 104' nonconforming plumber's storage building on R-4C residential property. The request is for 1) Expansion/enlargement of a nonconforming use/structure, 2) Waiving of R-4C foundation and neighborhood scale requirements and 3) Exceeding the size requirements for a garage structure. Section 17.15.020.B. 'Nonconforming Use' prohibits a use from expansion, extension, enlargement, or an increase in intensity. Section 17.09.030 K. requires the scale and foundation of buildings match the neighborhood. [Ward 4]

Recommendation:
See attached Staff Report.

ATTACHMENTS:

	Type	Description
🗋	Executive Summary	Staff Report
🗋	Exhibit	Site Plan
🗋	Exhibit	Rendering
🗋	Exhibit	Elevations
🗋	Exhibit	Application Attachment
🗋	Exhibit	Application
🗋	Exhibit	Communication - Landscaping
🗋	Exhibit	Presentation

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	8/6/2020 - 3:47 PM

Zoning Board of Adjustment
Planning Staff Report
New Building on Nonconforming lot | 2324 Hickory GR RD
November 12, 2020

Description

Request HV20-05 of Jeff Heuer on behalf of Triton Services for a hardship variance at 2324 Hickory Grove Road to construct a 6,864 sq. ft., 66' x 104' nonconforming plumber's storage building on R-4C residential property. The request is for 1) Expansion/enlargement of a nonconforming use/structure, 2) Waiving of R-4C foundation and neighborhood scale requirements and 3) Exceeding the size requirements for a garage structure. Section 17.15.020.B. 'Nonconforming Use' prohibits a use from expansion, extension, enlargement, or an increase in intensity. Section 17.09.030 K. requires the scale and foundation of buildings match the neighborhood. [Ward 4]

Background

The subject property contains a nonconforming use in that the use of the property (heavy service use) is not allowed by the zoning district in which the use is located (residential). As stated concisely in code section 17.15.020B above, any use and/or activity of a nonconforming use that is changed in any way (including relocation of such uses) shall be prohibited by the Davenport Municipal Code.

	Office Area Main BLD	Storage Area Main BLD	Accessory Storage Buildings	Total Sq. Ft. Area
Existing Buildings - All	3,120	4,080	4,048	11,248
Site with Variance - All BLDs	3,120	4,080	**6,864**	14,064

Additional Applicable Code Sections:

Section 17.14.060 Hardship
C. Authority

2. Hardship variances to allow uses that are not allowed within a zoning district are prohibited.

Section 17.14.060 Expiration
F. An approved hardship variance will expire one year from the date of approval unless a building permit is obtained or construction has begun prior to the end of the one year period. The Zoning Board of Adjustment may grant an extension for a period of validity longer than one year as part of the original approval. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

Applicant's Proposal:

- **Demolition of three buildings totaling 4,048 sq. ft.**
- **Construction of a proposed 66' x 104' storage building (6,864 sq. ft.)**
- **Delayed Construction past the expiration date of one year** (to December 2022)

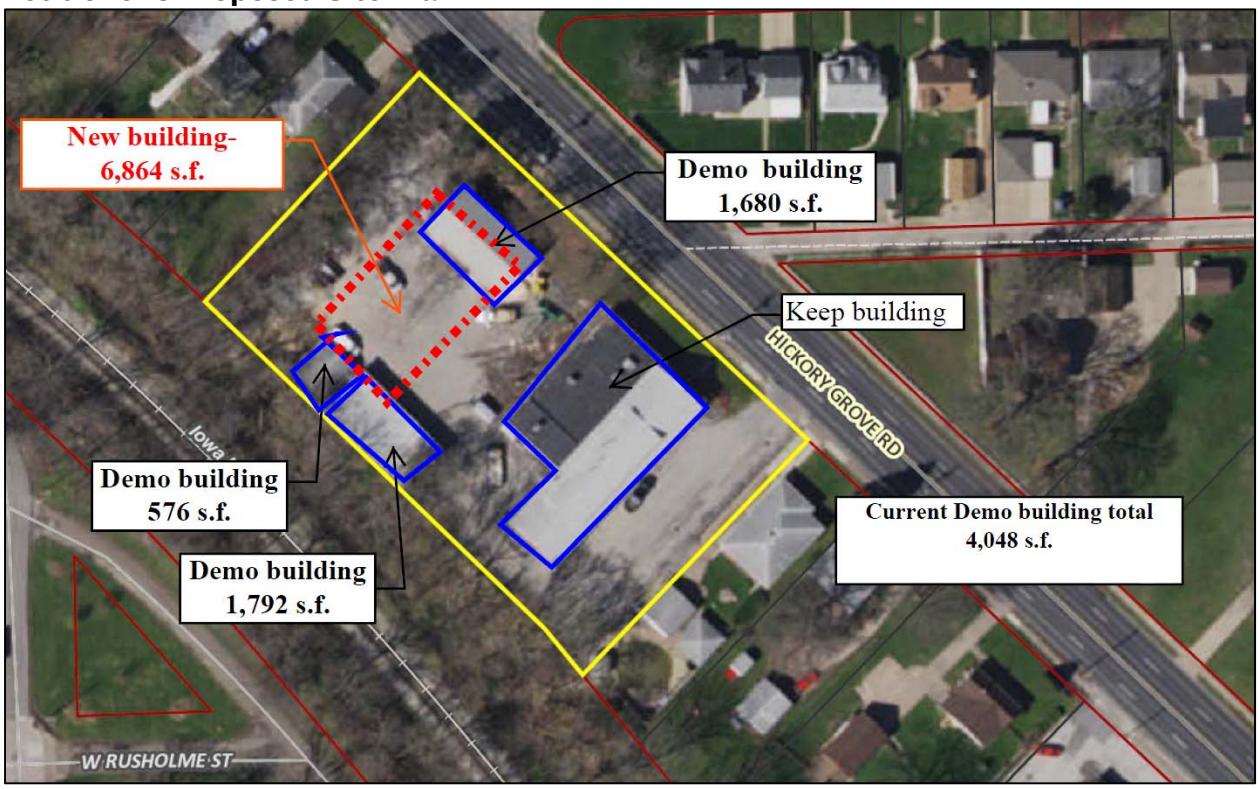
Discussion

As mentioned, the petitioner wishes to remove (demolish) three (3) storage buildings from this site and replace those buildings with one larger building in a different location. This would increase the nonconformity of this site three fold: 1) a new building would be built after three nonconforming buildings were removed from this site, 2) the size of the new storage building (6,864 sq. ft.) would be 70% greater than the three (3) buildings removed (4,048 sq. ft.), and 3) the new building would be built substantially in an area which currently does not have storage.

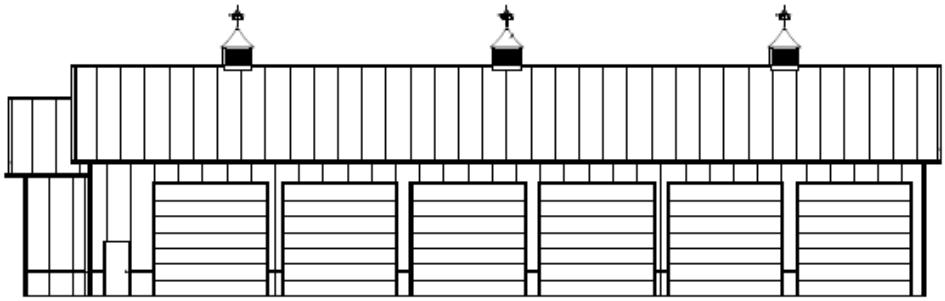
The objective behind nonconforming use code sections is the gradual elimination over time by various means, including obsolescence of design, destruction by acts of god, and other means. The court's rulings in observing this concept have followed a strict policy against the extension or enlargement of a nonconforming use so as to protect the adjacent residential properties and neighborhoods.

This site has had two hardship variances in 1977 (a sign & a 2,400 sq. ft. office addition) and a failed attempt at rezoning the property to light industrial in 1985 after the Plan and Zoning Commission recommended denial of the request. The recommendation for denial of the rezoning was for the following reasons: 1) the establishment of an industrial district at the site is not controllable, 2) the district would be incompatible with the established neighborhood, and 3) the establishment of an industrial district in the midst of residential homes would have a destabilizing effect on the character of the area. In 1989 a hardship variance allowed expansion of the use onto the northerly adjacent residential property. The 1989 hardship variance allowed parking on the residential lot but also required a sizeable landscape buffer between the two uses. This buffer has since been removed illegally.

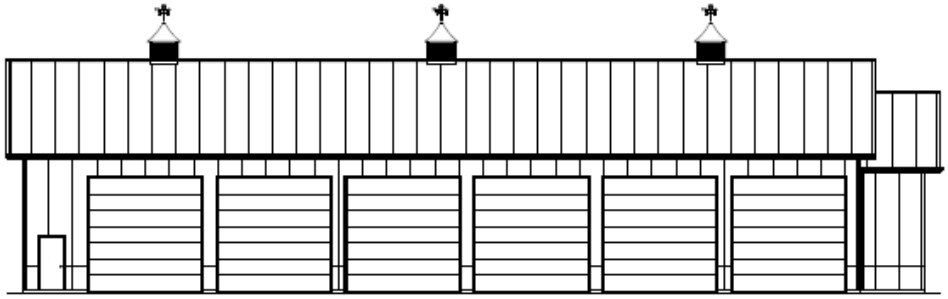
Petitioner's Proposed Site Plan



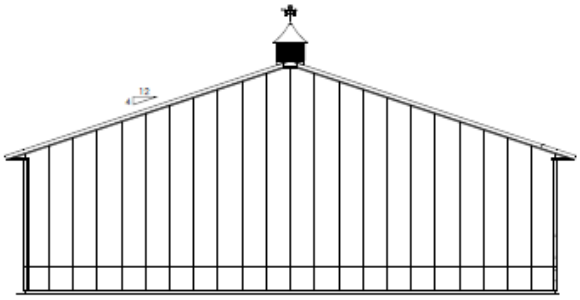
Proposed Building Plans



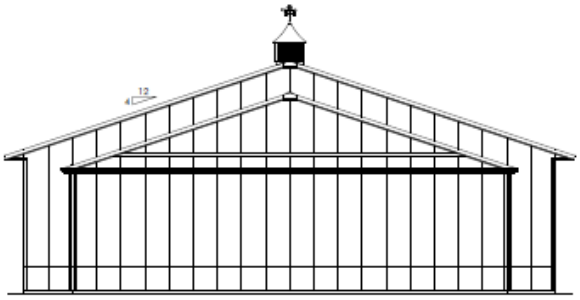
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



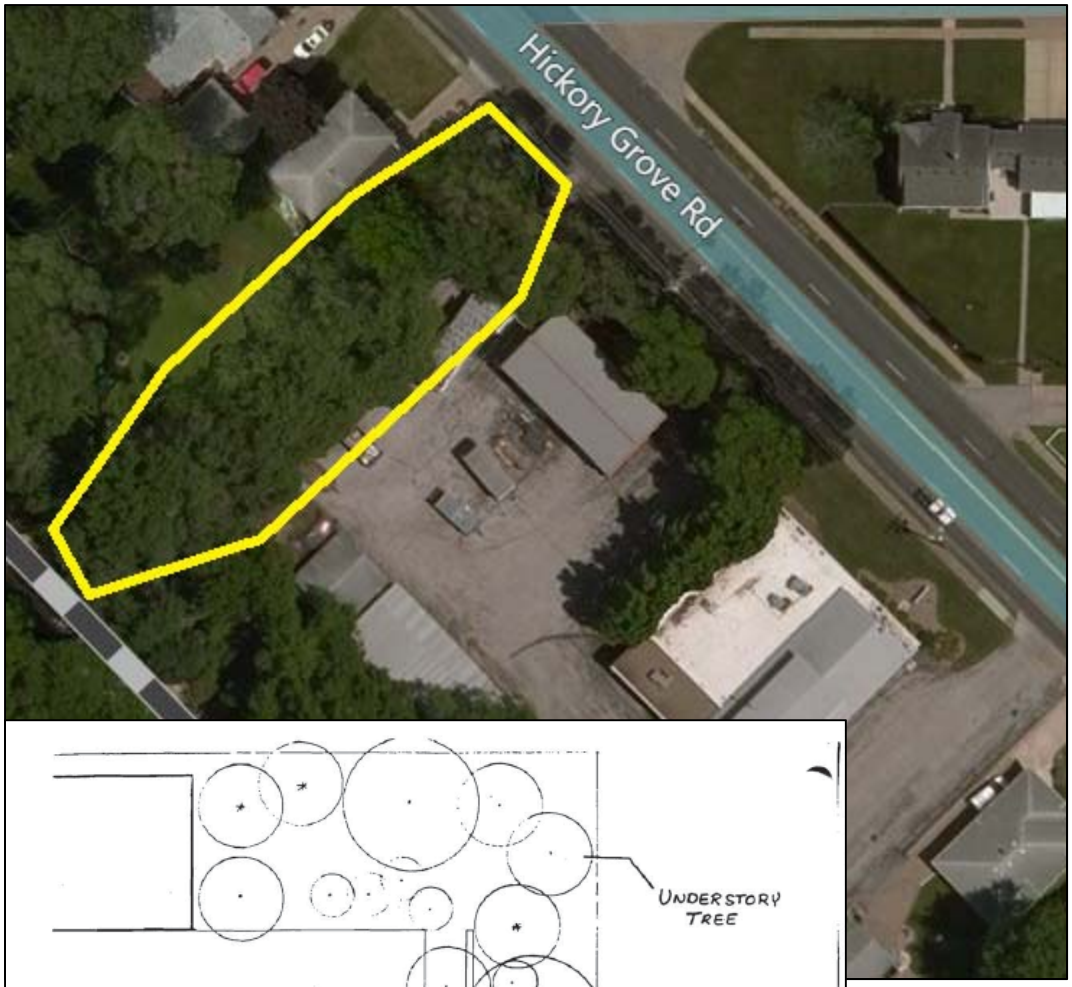
EAST ELEVATION

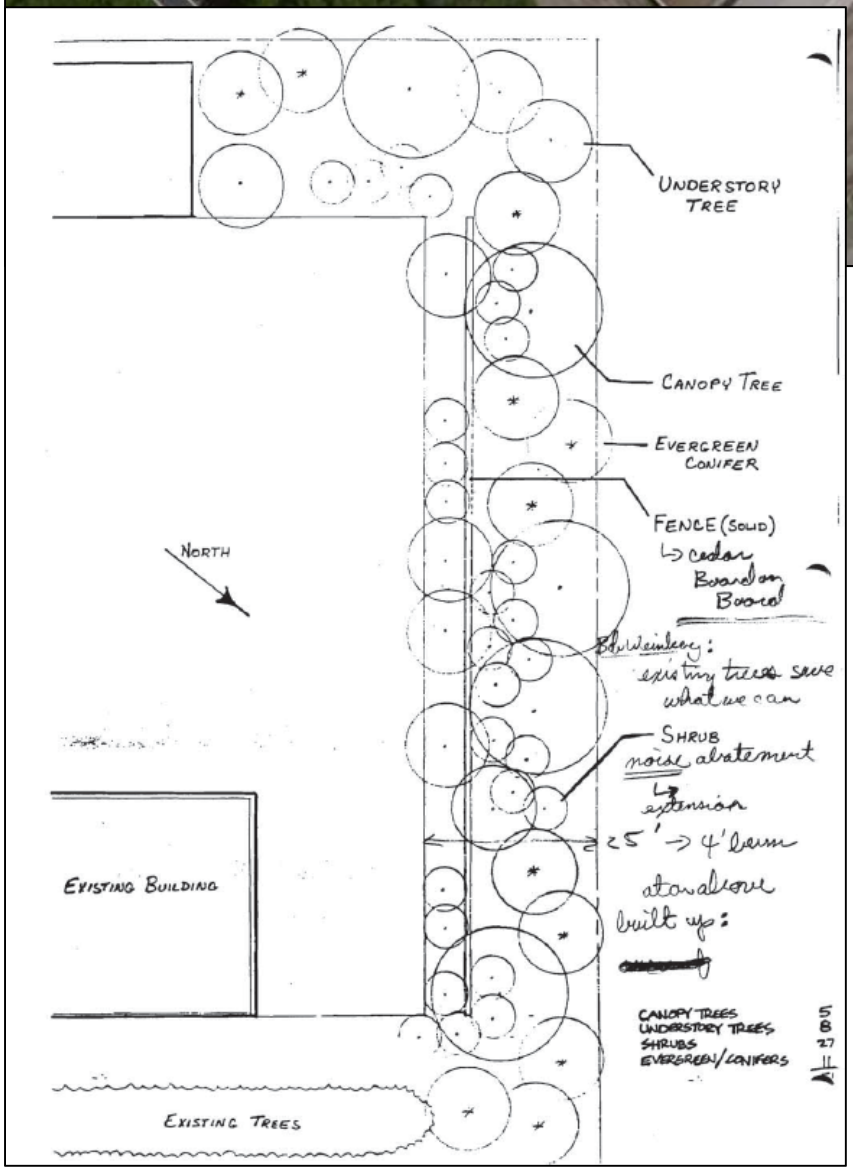
Site (These photos show the site without trees in the front or side yards, as it is today.)

Site (cont.) Trees which screened this use have been removed from the site.

A Mr. Motto email (owner 2334 hickory GR RD) indicates that he does not have any 'need' for landscape, as submitted by the petitioner.

Site (Overhead aerial and Required Landscaping from ZBA, July 1989)


Hickory Grove Rd


UNDERSTORY TREE
CANOPY TREE
EVERGREEN CONIFER
FENCE (SOLID)
↳ cedar Board on Board
NORTH
BBJ Weinberg: existing trees save what we can
SHRUB noise abatement
↳ extension
≥ 5' → 4' berm
at or above built up:
EXISTING BUILDING
EXISTING TREES
CANOPY TREES 5
UNDERSTORY TREES 8
SHRUBS 27
EVERGREEN/CONIFERS 11

Protests:

Case #HV20-05 AND HV20-05 6-20-20

To Zoning Board:

We live Directly across the Street from Triton in our home. They tried to Pass this a few years ago, we were against it then and Still against it NOW!! They Chose to make to this Building directly in the middle of a residential neighborhood. Many businesses have been at that Same property and thrived plenty well the way it is Set up.

From the Highway Dept to Ryan & Associates that chose to move to an industrial area, not a neighborhood. Putting up an 8 foot FENCE will look More like a PRISON! then a business. We have lived in our HOME at 2301 Hickory Grove Rd. Since 1987. They have not finished the Building for over 3 years, and have not cut grass or weeds for Some amount of time.

This idea of a FENCE is the most REDICULOUS IDEA we have heard of. It will DECREASE PROPERTY VALUES for Sure! DONT APPROVE!!

Thank You FOR Your Consideration of this Matter!

Mr. Mrs. Henry Reimers

Protests

Penelope and LE Hamby
2306 Hickory Grove Rd
Davenport, IA 52804

June 23, 2020

To whom it may concern;
We are the neighbors that live directly next to Triton Services and we have several concerns in response to the variance hearing scheduled for Thursday.

Our first concern is the request to put up a 6 to 8 ft fence around the perimeter causing our property to be closed in because of this hardship variance. If this hardship variance is approved it would cause a hardship to us most. Tritan is requesting a variance so that they can park heavy equipment along the fence causing an eye sore for us every time we are to look out our kitchen window. If the fence is erected we will not have access to our property on the north side of the property by our garage. The variance would also make turning around in our driveway very difficult and almost impossible as well as any delivery or company who came to our home would have to back out of our driveway and would not be able to open their door as the fence would then hinder operation of our property.

As a neighbor we are concerned that if they are allowed to do yet another project, like several others they have begun this too will be left unfinished.

We already have an electrical box on the north edge of our driveway as well as a steel pipe that protrudes from the ground making this fence yet another hazard that we must maneuver daily. While our driveway is widened enough to handle a car, a fence up to our property line would make it difficult if we are to open our car doors or even unload packages and make this very difficult as we are an elderly couple and the expectations on unloading our car in the garage is not only unfortunate but also impractical for us. Making this fence a hindrance in our abilities to use our property as we need to accommodate our life.

It is very difficult to explain to everyone that they can not pull into a company driveway but we understand and have made it clear to our visitors that that is private property and we have made concessions for this. However, if this company wants us as residents to make concessions then it would have been nice if they had considered us as well. We are tired of looking at unmowed grass, boarded up buildings and windows and unfinished construction.

Another major concern is our own property. If this fence would be erected our house value is likely to be decreased and for no fault of our own.

Our vote is NO! We do not want our neighborhood messed up with a gaudy fence and half done projects and buildings.

On another note; Tritan is stating that the fence would be to keep crime down. However, they have an incredible security system and to our knowledge there has been zero thefts since we purchased our home three years ago. We have tried to be good neighbors and if we see something we say something and report and follow up with any suspicious activity and this has not been the case.

Thank you for your time,

Protests

JUNE 23, 2020

HV20-05

Triton Services

2324 Hickory Grove RD

Davenport, IA 52804

Several residents have been asked to grant above company a "hardship variance" for expansion and enlargement of non conforming use and non conforming structure with the construction of a new plumbers storage building on *residential* property, along with an 8 foot fence around the entire property perimeter.

Three plus years ago Triton Services made their appearance into "OUR" neighborhood, leaving a lasting 1st impression, the 1st request for a 8' foot fence, along with threatening sign "KEEP OUT" violators will be towed at their expense", no other previous company felt the need to be that aggressive.

The need for an 8 foot or even a 6 foot fence around the entire perimeter is totally ridicules!

If you feel you need to go to that extent to protect your belongs, then you should have looked at an Industrial area instead of residential. Your neighbors are totally against the ***Prison*** look in our neighborhood. My answer on this request is and will always be a definite NO!

My other concern is the main building, it has been remolded, torn apart and TyVek wrapped for 2 years, along with boarded up windows. Will the new building have the same look of abandonment as the main building, along with the un-kept landscaping and lack of lawn care, maybe a finished look would diminish the temptations of break-ins.

I, Deborah L Kauffman am voting **NO** to a fence no matter the height, the expansion granted with the guarantee of completion / finished look on main building and new building and lawn care.

Protests

November 3, 2020

Several residents have been asked to grant above company a "hardship variance" for expansion and enlargement of non conforming use and non conforming structure with the construction of a new plumbers storage building on *residential* property, along with an 8 foot fence around the entire property perimeter.

The main building has remained unfinished for several years, giving the look of abandonment and questioning how long will the new building will have the same look. The need for an 8' fence is totally ridiculous; a prison look in a residential area is definitely an unwanted eye sore that will affect our property value. Maybe an industrial location would better fit their needs

We the following are **TOTALLY** against a fence of any height and would like a finished look to the main building along with the new building within a timely manner.

PETITION AGAINST FENCE OF ANY HEIGHT AND UNFINISHED BUILDINGS

Name & Address

Deborah Kauffman	2248 Hickory Grove Rd.
Ann M Rowe	2301 Hickory Grove Road
Susan Wentz	2111 W. Dover Ct
Beverly Patera	2117 W. Dover Ct.
Jaqueline Patera	2117 W. Dover Ct.
Jenny McAfee-Hanby	2306 Hickory Grove Rd.
L & M Hanby	2306 Hickory Grove Rd
Sandy Reisners	2301 Hickory Grove Rd.
[illegible]	2248 Hickory Grove Rd
[illegible]	2248 Hickory Grove Rd

Discussion (Continued)

Request for Delayed Construction past the expiration date of one year (to Dec. 2022)

Staff does not recommend approval of this extension as the existing building has been without siding for approximately 3 years. Staff has concerns that the proposed building would likewise be in a non-finished state for an unacceptable time period. This is also a concern of the neighbors, i.e., having a building unfinished in their neighborhood for in indeterminate period of time.

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.*

Approval Standards
The Zoning Board of Adjustment decision must make findings to support each of the following: (code requirement/*applicants response*/staff comments)

1. Strict application of Ordinance will result in hardship unless specific relief requested is granted.
Applicant Response:
Property was purchased by Iowa Dept. of Transportation 7-6-34. Assessor web site has current original most easterly building built 1950. Property sold and purchased by Helen Hintze (Ryan Mechanical) 2-3-77 a contractor with Industrial use. Two additions by Hintze without ZBA variance. First addition 1977 expansion of 2,400 s.f. and 1987 a second addition of 720 s.f. In 1986 a new metal warehouse was built without ZBA variance. Property sold and purchased by Sylvia Hildebrand (Hildebrand Construction) 11-13-92 a contractor with Industrial use.

Two of the three buildings need to be torn down are diminished and functionally obsolete. Owner would like to accomplish two issues:
1) *Park as many service vehicles and equipment under one roof and indoor.*
2) *Secure the outdoor area from vandalism and theft.*

The current owner had no reason to question zoning regulations at time of sale due to the extraordinary improvements since IDOT had owned the property along with same type of use two previous owners that had like kind use.

The current owner has made substantial improvements to the interior and exterior of the original IDOT building. She looks to make further improvements of quality, function, and beautification.

This property is 1.2 acres.

Staff Comments:
The applicant has failed to demonstrate how 'application of the zoning ordinance' will result in 'hardship' without the granting of the proposed variance. The petitioner has stated that they did not know the zoning regulations for this property at the time of sale. The nonconforming code section applies equally to all nonconforming properties within the city. As the Zoning CodeOnly *unforeseen applications of this Ordinance*

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 Granting of the hardship variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the near vicinity. Granting of the hardship variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free and safe flow of traffic on the streets and walks.

Staff Comments:
It is the applicant's responsibility to demonstrate how the physical surroundings or topographical conditions of the specific property impose a hardship. No such evidence has been provided.

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

Applicant Response:

Special conditions and circumstances exist to this land, structure and buildings which are not applicable to other lands, structures or buildings in the same zone. This hardship was not created by the private business ownership. The Industrial use was due to the Iowa DOT use. This deprives the applicant of rights commonly enjoyed by other properties in the same type district under the terms of title.

Staff Comments:

The nonconforming use requirements of the zoning code are not grounds for unique circumstance. The nonconforming code section applies equally to all nonconforming properties within the city. The zoning code in and of itself is not grounds for a hardship variance.

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

Applicant Response:

This property has only two (2) direct neighbors on the north and south side. The west side is a ravine with rail road. The overall property has mature trees and shrubs. Along with the new screened fence the property will be secluded. Current contractor has very minimal customer traffic and the new building will not increase ingress/egress on to Hickory Grove Road. All residential homes were built after the original IDOT improvements.

Staff Comments:

A building that is a 70% increase in storage area over the 3 demolished buildings is a significant increase in the nonconformity of this property (4,048 sq. ft. demo vs. 6,864 sq. ft. proposed) and a negative impact on the character of the neighborhood. In addition, implementing only three (5) of seven (7) design standards creates a negative impact of the essential character of the neighborhood.

Design Requirements

Accessory buildings in the R-4C Single/Two Family Residential District are subject to the design requirements below. Since the writing of the previous report, staff has more information on the design of the structure. Previously the application request was for the size and location of the 'replacement' building. An additional request of this variance is relief from two (2) of the seven (7) design requirements.

Design Code Requirements:

Per garage requirements (Section 17.09030.K):

1) The garage shall have 1' ft. eaves (requirement met)
2) Roof shall have a 4/12 pitch or greater (requirement met)
3) Surface of the elevations shall be non-reflective (requirement met)

Per R-4C design requirements for detached garages (Section 17.04.050):

1) Scale shall be compatible with adjacent homes **(variance required)**
2) Foundation height shall be compatible with adjacent homes **(variance required)**
3) Façades facing a street shall have articulations (requirement met)
4) Roof form must be varied (requirement met)

Findings & Staff Recommendation:

Findings: (supported by staff comments regarding "Approval Standards")

Given that the petitioner's request is for a 70% increase in accessory storage area for this nonconforming industrial use and two design standards related to scale and foundation design will not be met, staff finds the following:

- Item #1 hardship of compliance/denial of reasonable use is not established;
- Item #2 site physical/topographical conditions do not limited the use;
- Item #3 unique circumstance is not established by the petitioner; and
- Item #4 protection of essential character is not demonstrated

Recommendation:
Staff recommends HV20-05 for denial, as the approval standards of the zoning code have not been met.

Prepared by:

Scott Koops, AICP, Planner II

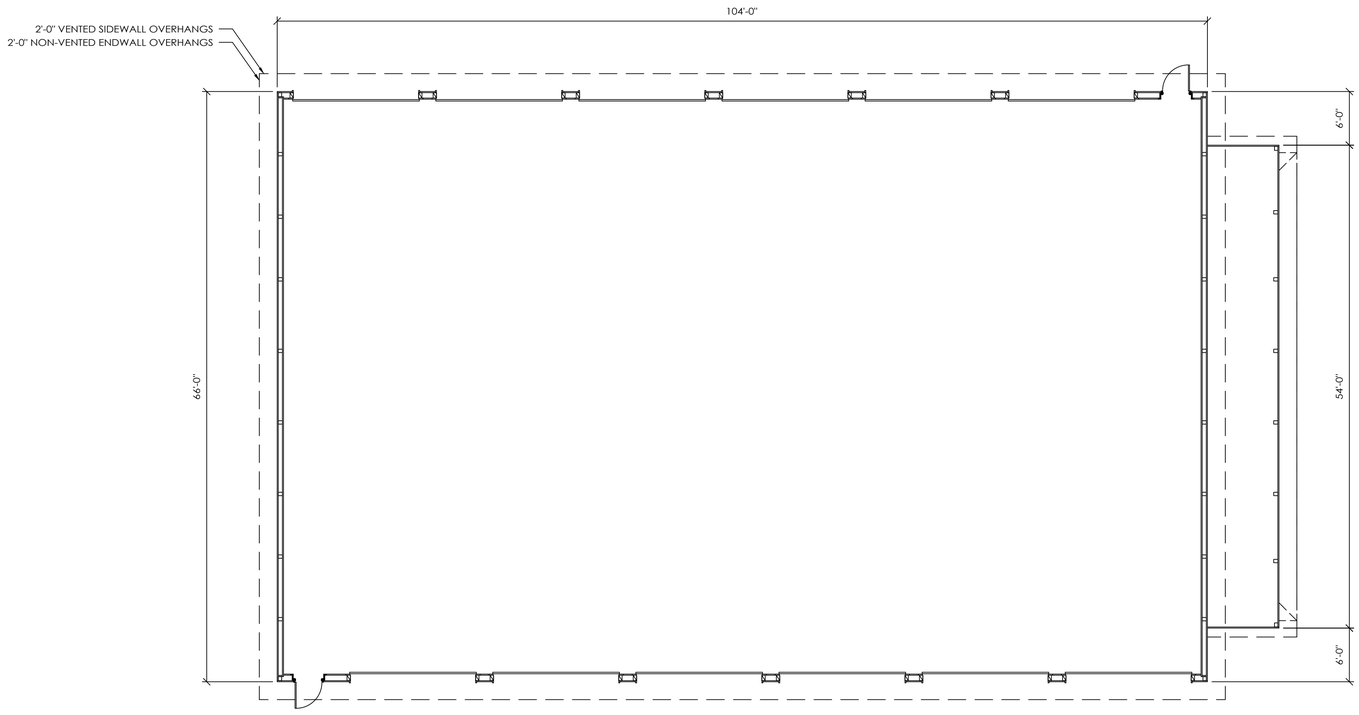
Attachments: ZBA application/plans, notice documents

Issues to consider:

- Will siding be installed on the existing building (3 years without finishing); would a new building be built in a timely manner or remain in various stages of construction for significant periods of time?
- Is the building needed at the proposed size/could it be smaller?
- Fencing is not requested at this time; should it be requested later it could be a chain link 6 feet tall fence at the property line without a variance, rather than a solid privacy style with a 3' setback off of the southeasterly lot line.

2" Caliber Shade tree
2" Caliber Shade tree
2" Caliber tree
Ornamental Grass (3)
2" Caliber Shade tree
Ornamental Grass (1)
2" Caliber Shade tree
Ornamental Grass (3)
2" Caliber Shade tree
Ornamental Grass (1)
Proposed Building
2336
2334
2330
2125
2117
2324
2306
2248

104'
306 66'x16' 4"x104' (@1)



COLUMN PLAN

N

SCALE: 1" 2" 4" 8" 16'

PRELIMINARY DRAWING
FOR OWNER'S APPROVAL

- ☐ - DRAWING APPROVED AS SUBMITTED
- ☐ - DRAWING APPROVED PENDING CHANGES NOTED
- ☐ - REVISE DRAWING WITH NOTED CHANGES AND RESUBMIT

OWNERS SIGNATURE _____ DATE _____

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MORTON BUILDINGS, INC.

OFFICE: ATKINSON, IL

JOB NO. 024

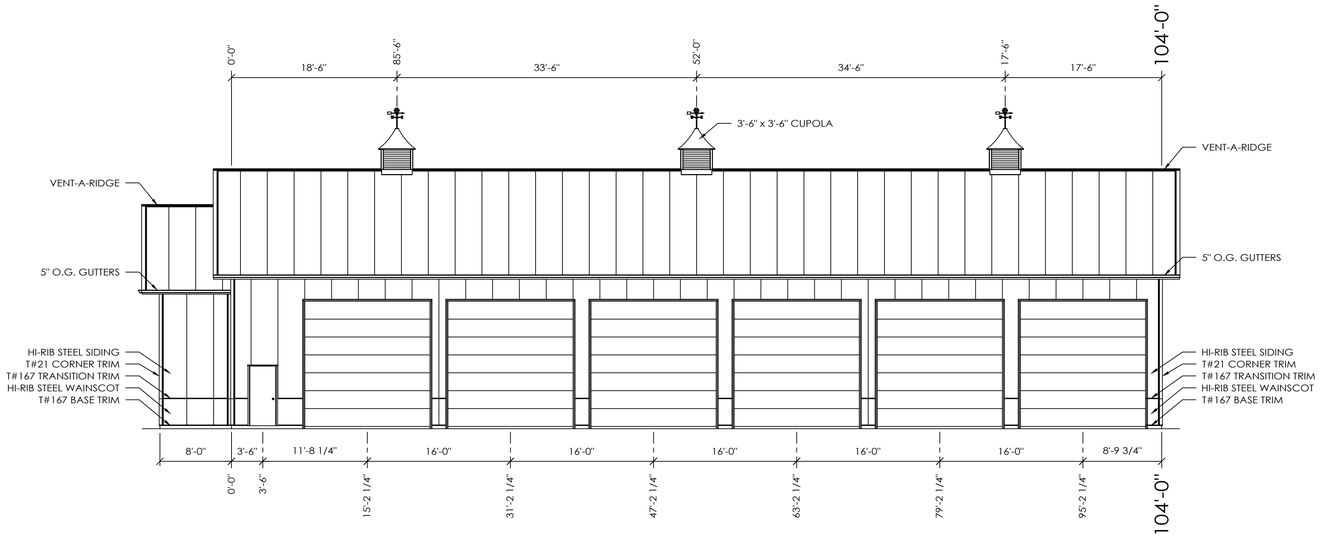
TRITON PLUMBING HEATING AIR CONDITIOING

DAVENPORT, IA

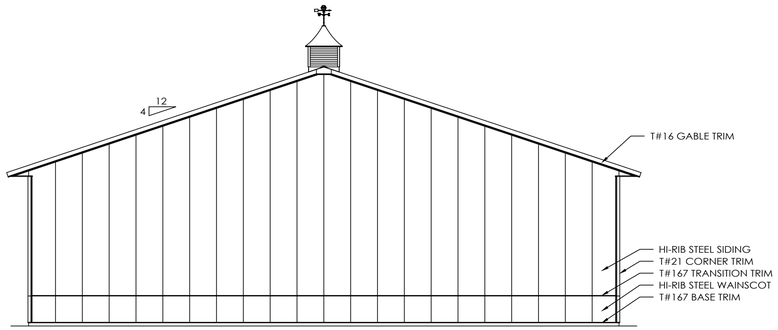
DRAWN BY:	S. JOHNSON
DATE:	8/19/2020
CHECKED BY:	----
DATE:	----
REVISED DATE:	----
REVISED DATE:	----
REVISED DATE:	----
REVISED DATE:	----

SCALE: AS NOTED

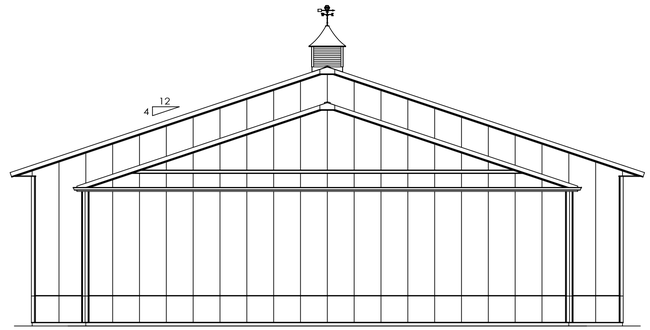
SHEET NO. S1 OF S2



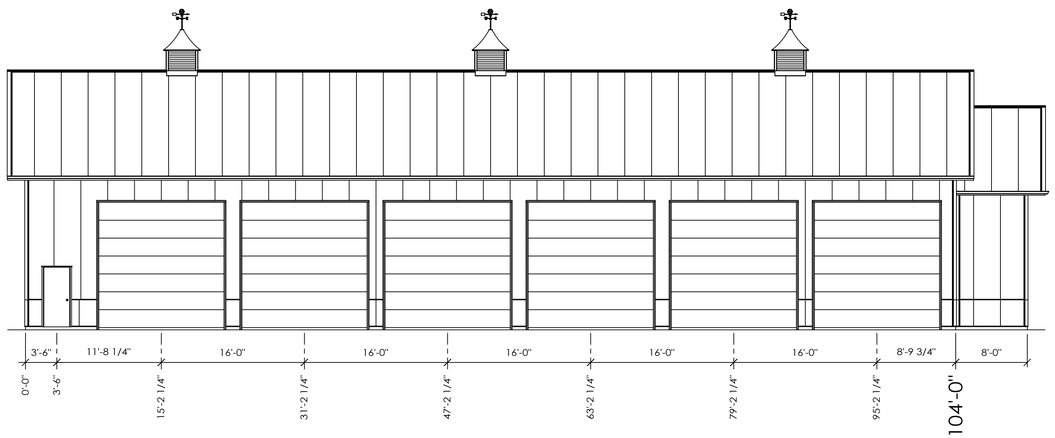
NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION

SCALE: 2' 8' 1" 4" 16'

PRELIMINARY DRAWING FOR OWNER'S APPROVAL

- ☐ - DRAWING APPROVED AS SUBMITTED
- ☐ - DRAWING APPROVED PENDING CHANGES NOTED
- ☐ - REVISE DRAWING WITH NOTED CHANGES AND RESUBMIT

OWNERS SIGNATURE _____ DATE _____

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MORTON BUILDINGS, INC.

OFFICE: ATKINSON, IL

JOB NO. 024

TRITON PLUMBING HEATING AIR CONDITIONING
DAVENPORT, IA

DRAWN BY:	S. JOHNSON
DATE:	8/19/2020
CHECKED BY:	----
DATE:	----
REVISED DATE:	----
REVISED DATE:	----
REVISED DATE:	----
REVISED DATE:	----

SCALE: AS NOTED

SHEET NO. S2 OF S2

AMENDMENT TO THE REQUEST APPLICTION DESCRIPTION

October 13, 2020

Zoning Board of Adjustment
c/o Scott Koops
226 West 4th Street
Davenport, IA 52801

Re: 2324 Hickory Grove Rd, Davenport, IA 52804 – Application addendum

Applicant: Erin Brown deed holder.

Per our conversations and emails.

1. Let this email serve as a request for withdrawal of HV20-06 (fence variance only).
2. **Variance(s) requested.**
   Owner request to demolish 3 existing buildings, per attached aerial, and replace with a 6,864 sq. ft. building.
   Owner requests that if the Hardship Variance is approved the period of expiration will be on or before July 1, 2022.
   Owner request that if the Hardship Variance is approved it will covenant with the property as long as ownership comply with the terms and conditions of the final recorded petition.
3. As stated 7-8-20 for your concerns on 9-10-20 for finish. Also we will not meet the foundation requirement per your 7-24-20 email of design requirements per R-4. Which we are asking for Variance of (a) Scale shall be compatible with adjacent homes. (b) Foundation height shall be compatible with adjacent homes.
   Siding – Fluoroflex 1000 Hi-Rib Steel which is non-reflective.
   Overhang – 2' Wide Vented Sidewall Overhang with standard 6" fascia, Gutters, downspouts with elbows at base.
   Wainscot on all sides 36" tall Fluoroflex 1000 which is non-reflective.
4. In addition the attached "Triton bldg._Elevations" show a 4/12 pitch which should meet all 3 of the garage requirements. Also this attachment shows meeting the R-4C design requirements (a) Facades facing a street shall have articulations. (b) Roof form must be varied. Overall 5 of the 7 requirements will be made.
5. As far as your email 9-10-20 stating "Quinn asked what the existing building will look like once the rehab is finished." The owner intends to use like kind materials of the new building skin. Fluoroflex 1000 Hi-Rib or stucco type finish both would be complimentary in color.
6. Also in your email 9-10-20 asking about the northwest property line and landscaping (required by previous ZBA action) we have added 2 shade trees of 2" caliber in the front since there currently has no hard surface parking. We are concerned about removing the parking that is up to the lot line at this time. The house located at 2334 Hickory Grove is a rental income property. I have contacted the owner and will discuss.

My thought was to give you information and discuss with you what sections of the application you want me to amend along with any additional information to submit before 10-19-20.

Complete application can be emailed to planning@ci.davenport.ia.us

Property Address* 2324 Hickory Grove Rd, Davenport, IA 52804
***If no property address, please submit a legal description of the property.**

Applicant (Primary Contact)**

Name:	Jeff R Heuer
Company:	Ruhl Commercial Company
Address:	5111 Utica Ridge Rd
City/State/Zip:	Davenport, IA 52807
Phone:	563-508-5998
Email:	jheuer@ruhlcommercial.com

Owner (if different from Applicant)

Name:	Erin Brown
Company:	Triton Service
Address:	2324 Hickory Grove Rd
City/State/Zip	Davenport, IA 52804
Phone:	563-322-9500
Email:	mary@tritonservice.net

Engineer (if applicable)

Name:	
Company:	
Address:	
City/State/Zip	
Phone:	
Email:	

Architect (if applicable)

Name:	
Company	
Address:	
City/State/Zip:	
Phone:	
Email:	

Attorney (if applicable)

Name:	
Company:	
Address:	
City/State/Zip:	
Phone:	
Email:	

Application Form Type:

Plan and Zoning Commission
- Zoning Map Amendment (Rezoning) ☐
- Planned Unit Development ☐
- Zoning Ordinance Text Amendment ☐
- Right-of-way or Easement Vacation ☐
- Voluntary Annexation ☐

Zoning Board of Adjustment
- Zoning Appeal ☐
- Special Use ☐
- Hardship Variance ☑

Design Review Board
- Design Approval ☐
- Demolition Request in the Downtown ☐
- Demolition Request in the Village of East Davenport ☐

Historic Preservation Commission
- Certificate of Appropriateness ☐
- Landmark Nomination ☐
- Demolition Request ☐

Administrative
- Administrative Exception ☐
- Health Services and Congregate Living Permit ☐

****If the applicant is different from the property owner, please submit an authorization form or an accepted contract for purchase.**

17.14.060 Hardship Variance

A. Purpose

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.

B. Initiation

A property owner in the City, or person expressly authorized in writing by the property owner, may file an application for a hardship variance. A property owner, or his/her designee, may only propose a hardship variance for property under his/her control.

C. Authority

1. The Zoning Board of Adjustment will take formal action on hardship variance applications. However, the Zoning Administrator is authorized to grant certain administrative exceptions, as described in Section 17.14.070.
2. Hardship variances to allow uses that are not allowed within a zoning district are prohibited.

D. Procedure

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of *Adjustment.*

1. After receipt of a complete application, the Zoning Board of Adjustment will consider the proposed hardship variance at a public hearing. If, in the Zoning Board of Adjustment's judgment, the application does not contain sufficient information to enable proper review and consideration, the Zoning Board of Adjustment may request additional information from the applicant and the public hearing may be continued.
2. The Zoning Board of Adjustment must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section.
3. The Zoning Board of Adjustment must approve, approve with conditions, or deny the hardship variance within 30 days of the close of the public hearing, unless an extension is agreed to by the applicant.
4. The Zoning Board of Adjustment may impose conditions and restrictions upon the hardship variance as deemed necessary for the protection of the public health, safety, and welfare. The Zoning Board of Adjustment may grant a hardship variance that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the hardship variance application.

E. Approval Standards

The Zoning Board of Adjustment decision must make findings to support each of the following:

1. The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.
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.
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.
4. The hardship variance, if granted, will not alter the essential character of the locality.

F. Expiration

An approved hardship variance will expire one year from the date of approval unless a building permit is obtained or construction has begun prior to the end of the one year period. The Zoning Board of Adjustment may grant an extension for a period of validity longer than one year as part of the original approval. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

Request:

Please describe the variance(s) requested:

Owner requests to demolish 3 existing buildings, per attached aerial, and replace with one larger building.
Owner requests to install a new security containment fence with privacy slats.
Owner requests that if the Hardship Variance is approved the period of expiration on or before December 31, 2022.
Owner requests that if the Hardship Variance is approved it will covenant with the property as long as ownership comply with terms and conditions of the final recorded petition.

Existing Zoning: R4-C

Submittal Requirements:

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed structures affected by the hardship variance. If a paper copy is provided, the maximum size is 11" x 17".
- Description and evidence that demonstrates consistency with the criteria listed in Section 17.14.060 of the Davenport Municipal Code.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- Required fee - $200.

The Applicant hereby acknowledges and agrees to the following procedure and requirements:

(1) Application:
- Prior to submission of the application for the hardship variance, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the hardship variance process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Public Notice for the Zoning Board of Adjustment public hearing:
- Planning staff will send a public hearing notice to surrounding property owners.

(3) Zoning Board of Adjustment's consideration of the hardship variance:
- Planning staff will perform a technical review of the request and present its findings and recommendation to the Zoning Board of Adjustment.
- The Zoning Board of Adjustment will hold a public hearing and vote on the request.

(4) The staff report will be available on the City website approximately 4 days before the ZBA meeting at this location: https://www.cityofdavenportiowa.com/government/boards_commissions under Zoning Board of Adjustment > Search Minutes & Agendas.

It is the applicant's responsibility to access the website to see the staff report. Planning staff will not mail/email the report.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.

Property was purchased by Iowa Dept of Transportation 7-6-34. Assessor web site has current original most easterly building built 1950.
Property sold and purchased by Helen Hintze (Ryan Mechanical) 2-3-77 a contractor with Industrial use.
Two additions by Hintze without ZBA variance. First addition 1977 expansion of 2,400 s.f. and 1987 a second addition of 720 s.f.
In 1986 a new metal warehouse was built without ZBA variance.
Property sold and purchased by Sylvia Hillebrand (Hillebrand Construction) 11-13-92 a contractor with Industrial use.
Property sold and purchased by current owner Erin L. Brown (Triton Services) 8-31-15 a contractor with Industrial use.

Two of the Three buildings need to be torn down are diminished and functionally obsolete. Owner would like to accomplish two issues.
1) Park as many service vehicles and equipment under one roof and indoor.
2) Secure the outdoor area from vandalism and theft.

The current owner had no reason to question zoning regulations at time of sale due to the extraordinary improvements since IDOT had owned the property along with same type use of two previous owners that had like kind use.

The current owner has made substantial improvements to the interior and exterior of the original IDOT building. She looks to make further improvements of quality, function and beautification.

This property is 1.20 acres.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

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.

Granting of the hardship variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the near vicinity.
Granting of the hardship variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free and safe flow of traffic on the streets and walks.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

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.

Special conditions and circumstances exist to this land, structure and buildings which are not applicable to other lands, structures or buildings in the same zone. This hardship was not created by the private business ownership. The Industrial use was due to the Iowa DOT use.
This deprives the applicant of rights commonly enjoyed by other properties in the same type district under the terms of title.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

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

This property has only 2 direct neighbors on the north and south side. The west side is a ravine with rail road. The overall property has mature trees and shrubs. Along with a new screened fence the property will be secluded.
Current contractor has very minimal customer traffic and the new building will not increase ingress/egress on to Hickory Grove Road.
All residential homes were built after the original IDOT improvements.

Applicant: Jeff R. Heuer Date:

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by: Erin Brown Date: 6/1/20
Planning staff

Date of the Public Hearing:

Meetings are held in City Hall Council Chambers located at 226 West 4th Street, Davenport, Iowa.

Authorization to Act as Applicant

I, Erin Brown
authorize Jeff R. Heuer
to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located at

Signature(s)*
*Please note: original signature(s) required.

ZBA Calendar 2020

ZONING BOARD OF ADJUSTMENT

**** The Applicant or their representative MUST be at the Meeting/Public Hearing ****

NOTE: Special Use requests require a Site Plan review prior to being placed on the ZBA schedule.

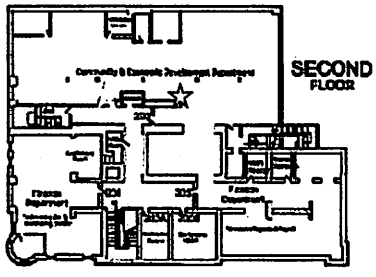
Day:	Monday (5pm)	Thursday (4pm)
Activity:	**Submittal**	**Meeting**
Date:	12/16/19	01/09/20
	12/30/19	01/23/20
	01/21/20 *	02/13/20
	02/03/20	02/27/20
	02/18/20 *	03/12/20
	03/02/20	03/26/20
	03/16/20	04/09/20
	03/30/20	04/23/20
	04/20/20	05/14/20
	05/04/20	05/28/20
	05/18/20	06/11/20
	06/01/20	06/25/20
	06/15/20	07/09/20
	06/29/20	07/23/20
	07/20/20	08/13/20
	08/03/20	08/27/20
	08/17/20	09/10/20
	08/31/20	09/24/20
	09/14/20	10/08/20
	09/28/20	10/22/20
	10/19/20	11/12/20
	No Meeting	No Meeting (Thanksgiving)
	11/16/20	12/10/20
	No Meeting	No Meeting (Christmas)
	12/21/20	01/14/21
	01/04/21	01/28/21

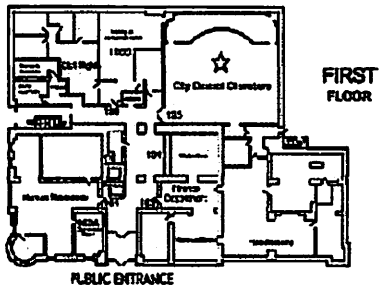
*Date changed due to Holiday

Location/Time subject to change

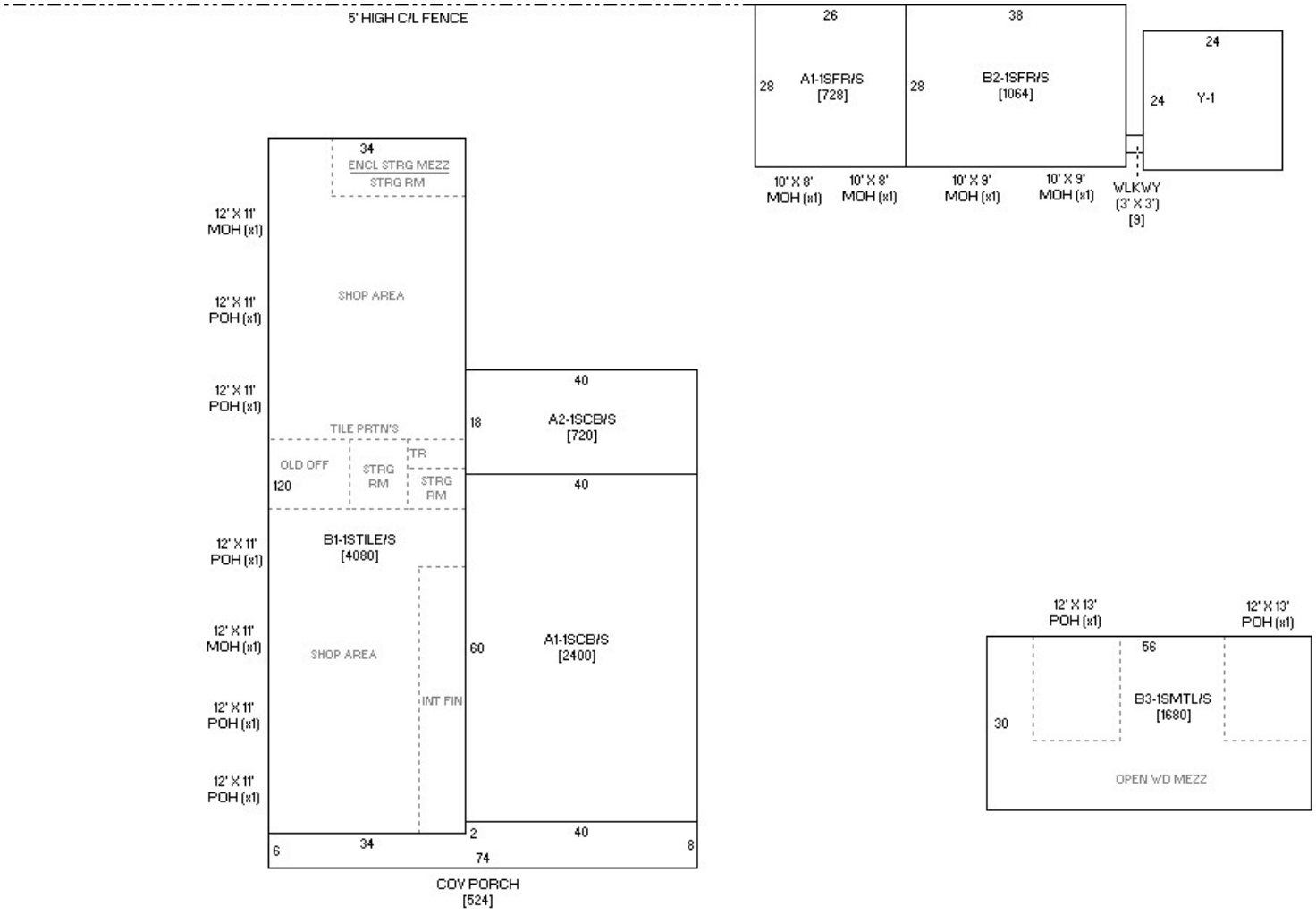
Contact planning@ci.davenport.ia.us to confirm meeting date/time/location

	Application Due:	Meeting Appearance (Required):
Time:	5:00 PM	4:00 PM
Location:	Community Planning Second Floor, City Hall *(see below)*	City Council Chambers 226 W. 4th St Davenport IA 52801 First Floor, City Hall *(see below)*





City Hall is located at 226 W 4th St, Davenport IA 52801



Sketch by www.camavision.com

New building-
6,864 s.f.
Demo building
1,680 s.f.
Keep building
Demo building
576 s.f.
Demo building
1,792 s.f.
Current Demo building total
4,048 s.f.
W DOVER CT
KELLING ST
HICKORY GROVE RD
W RUSHOLME ST
CEDAR ST
CRESCENT AVE

Scott County / City of Davenport, Iowa

Summary - Auditor's Office

Parcel ID	A0047-15A
Alternate ID	A24006
Property Address	**2324 HICKORY GROVE RD** **DAVENPORT IA 52804**
Sec/Twp/Rng	N/A
Brief	AUDITOR'S PLAT OF HOME ACRES Lot: 00G AUDITOR'S PLAT
Tax Description	OFHOME ACRES & SLY 50'OF LOT 3 MODJESKA,PETER REPLAT (Note: Not to be used on legal documents)
Deed Book/Page	2015-23567
Contract Book/Page	
Gross Acres	0.00
Net Acres	0.00
Adjusted CSR Pts	0
Class	C - Commercial (Note: This is for tax purposes only. Not to be used for zoning.)
District	DAD - DAVENPORT DAVENPORT
School District	DAVENPORT SCHOOL
Subdivision	AUDITOR'S PLAT OF HOME ACRES

Owners - Auditor's Office

Deed Holder
BROWN ERIN L
2324 HICKORY GROVE RD
DAVENPORT IA 52804

Contract Holder

Mailing Address
BROWN ERIN L
2324 HICKORY GROVE RD
DAVENPORT IA 52804

Land - Assessor's Office

Map Area C-409
Lot Area 1.20 Acres ; 52,090 SF

Land Sizes Used For Assessment Purposes Only. Not A Survey Of The Property.

Commercial Buildings - Assessor's Office

Total GBA 10,672 SF
Total Units 0

Building 1: Shop, C'Blk or Tile - 8", 1 Story, Built - 1950, 4080 SF, Bsmt - 0 SF,
HVAC - Suspended Unit Heater (Gas), Roof - Asph. Shingle/ Wood Dk, Condition - Normal
Adjustments: Liner - compo (SFSA), 4080 SF
Office - internal w/heat only, 368 SF
Partition C'Blk (8") - P.S.F.S.A., 1196 SF
Interior - finish, 168 SF
Interior - finish, 230 SF
Mezzanine - storage, 230 SF
Mezzanine - finished(no a/c), 700 SF
Mezzanine - storage, 1532 SF
Lift - platform, 1 SF

Addition 1: Office - General, C'Blk or Tile - 8", 1 Story, Built - 1977, 2400 SF, Bsmt - 0 SF
HVAC - Combination FHA - AC, Roof - Rubber Membrane/Stl

Addition 2: Office - General, C'Blk or Tile - 8", 1 Story, Built - 1987, 720 SF, Bsmt - 0 SF
HVAC - Combination FHA - AC, Roof - Rubber Membrane/Stl

Plumbing: 1 - Toilet Room, 1 - Urinal - Wall
Building Extras: #1- Craneway, 8" Beam, Yes, 14 Ft on Center, 11 Ft high, 42 LF, 1950, Qty1
#2- Door, O.H. Door - Manual, 12 Ft Wide, 11 Ft High, 1950, Qty2
#3- Door, O.H. Door - Power, 12 Ft Wide, 11 Ft High, 1950, Qty5
#4- Porch (Commercial), 524 SF, Porch, Low Pricing, 1977, Qty1

Building 2: Warehouse, Wood - Frame / Wood - Frame, 1 Story, Built - 1950, 1064 SF, Bsmt - 0 SF,
HVAC - No HVAC, Roof - Rubber Membrane/Wood, Condition - Normal
Adjustments: Plumbing - no whse(LS), 1 SF
Heat - none, 1064 SF

Addition 1: Warehouse, Wood - Frame / Wood - Frame, 1 Story, Built - 1950, 728 SF, Bsmt - 0 SF
HVAC - No HVAC, Roof - Rubber Membrane/Wood
Adjustments: Heat - none, 728 SF

Building Extras: #1- Door, O.H. Door - Manual, 10 Ft Wide, 9 Ft High, 1950, Qty2
#2- FR WALKWAY, Quantity=9.00, Units=Square Feet, Height=0, 1977, Qty1
#3- Door, O.H. Door - Manual, 10 Ft Wide, 8 Ft High, 1950, Qty2

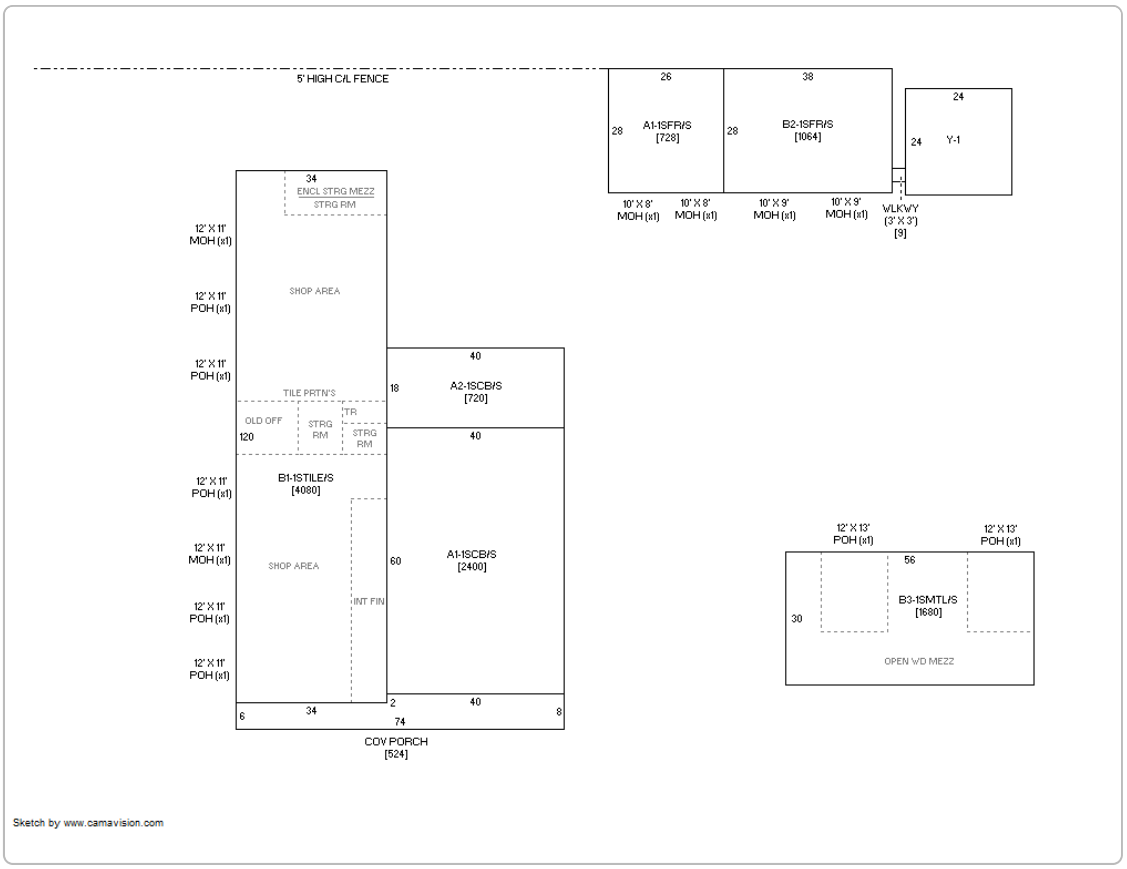
Building 3: Metal Warehouse - Pole Frame, Metal/ Frame (< 50' Wide), 1 Story, Built - 1986, 1680 SF, Bsmt - 0 SF, HVAC - No HVAC, Roof - Metal/ Frm/ Insul (< 50' Wide), Condition - Normal
Adjustments: Mezzanine - open storage/Whse/wd, 1140 SF
Building Extras: #1- Door, O.H. Door - Power, 12 Ft Wide, 13 Ft High, 1986, Qty2

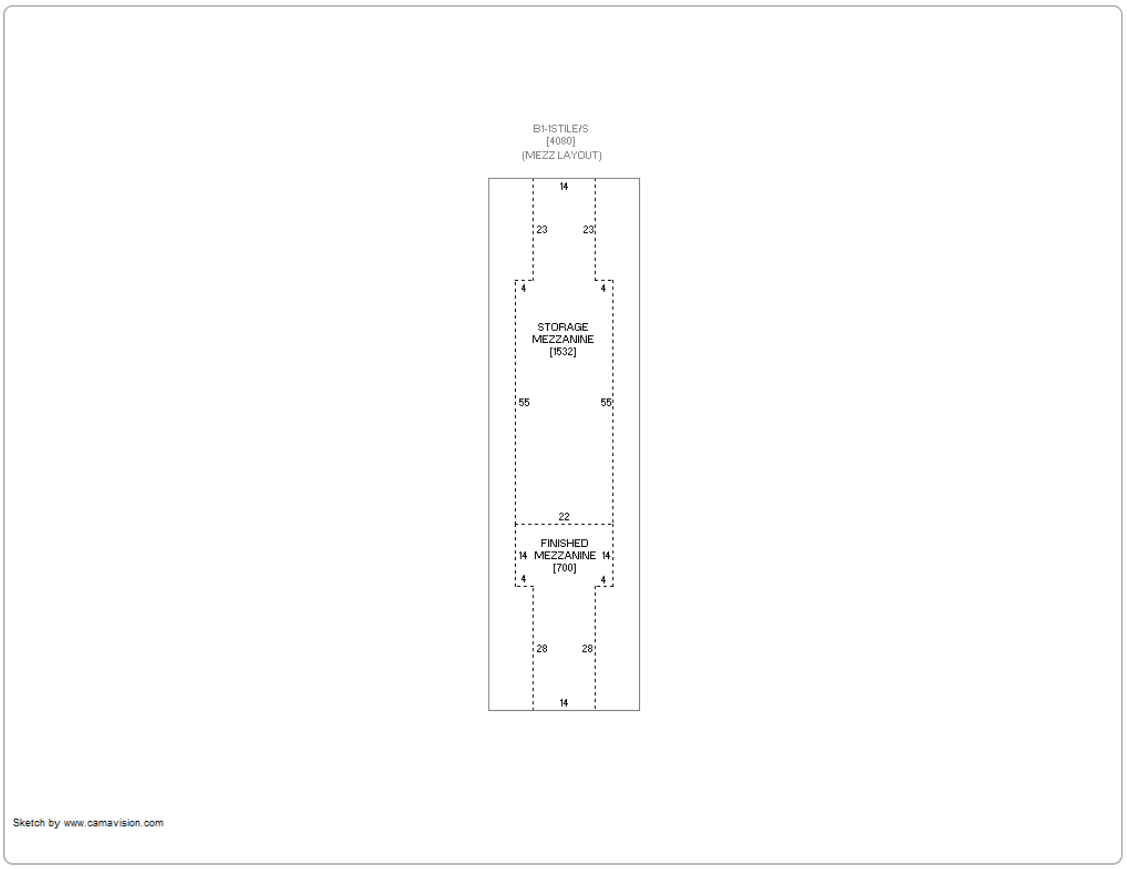
Yard Extras - Assessor's Office

#1 - (1) Garage 576 SF, Frame, Average Pricing, Built 1977
#2 - (1) Paving - Asphalt 25,500 SF, Asphalt Parking, Average Pricing, Built 1990
#3 - (1) Fencing - Chain No Barbs, 5 Ft-Hgh, 130 LF, 0 LF-Gates, Built 1990

Photos - Assessor's Office

Sketches - Assessor's Office


5' HIGH C/L FENCE
26
28
A1-1SFR/S
[728]
38
28
B2-1SFR/S
[1064]
24
24
Y-1
10' X 8'
MOH (x1)
10' X 8'
MOH (x1)
10' X 9'
MOH (x1)
10' X 9'
MOH (x1)
WLK/WY
(3' X 3')
[9]
34
ENCL STRG MEZZ
STRG RM
12' X 11'
MOH (x1)
SHOP AREA
12' X 11'
POH (x1)
12' X 11'
POH (x1)
40
18
A2-1SCB/S
[720]
TILE PRTN'S
OLD OFF
120
STRG
RM
TR
STRG
RM
40
12' X 11'
POH (x1)
B1-1STILE/S
[4080]
12' X 11'
MOH (x1)
SHOP AREA
60
A1-1SCB/S
[2400]
INT FIN
12' X 11'
POH (x1)
12' X 11'
POH (x1)
6
34
2
40
8
74
COV PORCH
[524]
12' X 13'
POH (x1)
12' X 13'
POH (x1)
56
30
B3-1SMTL/S
[1680]
OPEN WD MEZZ
Sketch by www.camavision.com



Permits - Assessor's Office

Permit #	Date	Description	Amount
E012847	08/28/2019	Misc	5,220
B035072	08/08/2019	Misc	0
B034980	07/25/2019	Roof	5,000
B024821	12/18/2015	Roof	32,000
B004410	11/27/2007	Roof	5,500
M002050	06/04/2007	HVAC	1,600

Sales - Assessor's Office

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
8/31/2015	HILLEBRAND SYLVIA	BROWN, ERIN L	2015-23567	Normal	WD		$195,000.00
12/19/1997	HILLEBRAND, SYLVIA	HILLEBRAND, SYLVIA	1998-00974	NONE	FFC		$0.00
11/13/1992	HINTZE, HELEN L	HILLEBRAND, SYLVIA	1992-32018	NONE	Contract		$176,000.00
2/1/1978		HINTZE, HELEN L	1978-01936	NONE	X		$0.00

Recent Sales in Area

Sale date range:

From:

2010-05-30

To:

2020-05-30

Sales by Neighborhood

Sales by Subdivision

Sales by Distance

1500

Feet

Valuation - Assessor's Office

		2020	2019	2018	2017	2016
	Classification	Commercial	Commercial	Commercial	Commercial	Commercial
+	Assessed Land Value	$78,140	$78,140	$78,140	$78,140	$78,140
+	Assessed Building Value	$181,900	$181,900	$173,270	$173,270	$158,090
+	Assessed Dwelling Value	$0	$0	$0	$0	$0
=	Gross Assessed Value	**$260,040**	**$260,040**	**$251,410**	**$251,410**	**$236,230**
-	Exempt Value	$0	$0	$0	$0	$0
=	Net Assessed Value	**$260,040**	**$260,040**	**$251,410**	**$251,410**	**$236,230**

Taxation - Auditor\Treasurer's Office

		2018 Pay 2019-2020	2017 Pay 2018-2019	2016 Pay 2017-2018	2015 Pay 2016-2017
x	Rollback (estimated)	90	90	90	90
+	Taxable Land Value	$70,326	$70,326	$70,326	$96,480
+	Taxable Building Value	$155,943	$155,943	$142,281	$110,520
+	Taxable Dwelling Value	$0	$0	$0	$0
=	Gross Taxable Value	**$226,269**	**$226,269**	**$212,607**	**$207,000**
-	Military Credit	$0	$0	$0	$0
=	Net Taxable Value	**$226,269**	**$226,269**	**$212,607**	**$207,000**
x	Levy Rate (per $1000 of value)	39.41990	39.48449	39.93330	39.37128
=	Gross Taxes Due	**$8,919.50**	**$8,934.12**	**$8,490.10**	**$8,149.85**
-	Ag Land Credit	$0.00	$0.00	$0.00	$0.00
-	Family Farm Credit	$0.00	$0.00	$0.00	$0.00
-	Homestead Credit	$0.00	$0.00	$0.00	$0.00
-	Disabled and Senior Citizens Credit	$0.00	$0.00	$0.00	$0.00
-	Business Property Credit	($3,278.61)	($3,280.80)	($3,118.78)	($3,112.71)
=	Net Taxes Due	**$5,640.00**	**$5,654.00**	**$5,372.00**	**$5,038.00**

Tax History - Treasurer's Office

Year	Due Date	Amount	Paid	Date Paid	Receipt
2018	March 2020	$2,820	Yes	8/27/2019	615086
	September 2019	$2,820	Yes	8/27/2019	
2017	March 2019	$2,827	Yes	8/28/2018	615812
	September 2018	$2,827	Yes	8/28/2018	
2016	March 2018	$2,686	Yes	8/31/2017	650450
	September 2017	$2,686	Yes	8/31/2017	
2015	March 2017	$2,519	Yes	2/28/2017	806143
	September 2016	$2,519	Yes	10/4/2016	

Year	Due Date	Amount	Paid	Date Paid	Receipt
2014	March 2016	$2,869	Yes	12/8/2015	729808
	September 2015	$2,869	Yes	9/10/2015	
2013	March 2015	$3,899	Yes	4/2/2015	662453
	September 2014	$3,899	Yes	10/3/2014	
2012	March 2014	$4,720	Yes	4/3/2014	638305
	September 2013	$4,720	Yes	10/4/2013	
2011	March 2013	$4,764	Yes	4/3/2013	637979
	September 2012	$4,764	Yes	10/2/2012	
2010	March 2012	$5,664	Yes	4/5/2012	625227
	September 2011	$5,664	Yes	10/5/2011	
2009	March 2011	$5,490	Yes	4/4/2011	638192
	September 2010	$5,490	Yes	10/1/2010	
2008	March 2010	$5,368	Yes	4/1/2010	624989
	September 2009	$5,368	Yes	10/2/2009	

Special Assessments - Treasurer's Office

Project:
20171002 - Davenport Utility Fee
Accepted Date:
10/2/2017
Parcel Number:
A0047-15A
Amortization Date:
12/1/2018
Amortized Interest:
0
Number of Years:
0
Payoff:
$0.00

Payment	Due Date	Principal Left	Tax Billed	Amortized Interest	Interest	Admin Fees	Total	Receipt Number	Date Paid
1	9/30/2018	$47.33	$47.33	$0.00	$0.00	$5.00	$52.33	107278	10/12/2017
Total			**$47.33**	**$0.00**	**$0.00**	**$5.00**	**$52.33**		

Davenport Data Correction Feedback Form

Link to Data Correction Feedback Form

Treasurer Data Correction Feedback Form

Link to Treasurer Data Correction Feedback Form

Pay Property Taxes

Click here to pay your Property Taxes online for this parcel

Davenport Assessment Appeals Process

Start a petition to the Board of Review for the assessment of this property

Visit here for more information about protesting your assessment.

Due to the recent outbreak of the COVID-19 virus, a Declaration of Disaster was declared in Iowa which extends the period for filing a protest with the Board of Review (Iowa Code section 441.37). The filing dates are now: April 2 to June 5, 2020 and the Board of Review will remain in session until June 15, 2020

Davenport Tax Credit Applications

Apply for Homestead, Military or Business Property Tax Credits

Iowa Land Records

View (1-38)

Data for Scott County between Beacon and Iowa Land Records is available on the Iowa Land Records site beginning in 1989. For records prior to 1989, contact the County Recorder or Customer Support at www.IowaLandRecords.org.

No data available for the following modules: Summary - Inactive, Residential Dwellings - Assessor's Office, Agricultural Buildings - Assessor's Office, Tax Sale Certificates - Treasurer's Office, Scott County Data Correction Feedback Form, Scott County Assessment Appeals Process, Scott County Tax Credit Applications.

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User Privacy Policy
GDPR Privacy Notice

Version 2.3.61

From: Mike E. Motto [mailto:memotto@bmcklaw.com]
Sent: Tuesday, November 03, 2020 3:46 PM
To: Jeff Heuer
Subject: RE: Motto Holdings, LLC

Jeff – I am the sole member of Motto Holdings, LLC, which owns 2334 Hickory Grove Rd. Your email accurately memorializes our discussion and you can forward this on to the City. Thanks!

Michael E. Motto, Attorney at Law
Bush, Motto, Creen, Koury & Halligan, PLC
5505 Victoria Avenue, Suite 100
Davenport, Iowa 52807
P: 563/ 344-4900
F: 563/ 344-8961
memotto@bmcklaw.com

From: Jeff Heuer
Sent: Tuesday, November 3, 2020 3:34 PM
To: Mike E. Motto
Subject: Motto Holdings, LLC

Mike,
Per our conversation yesterday I would like to memorialize our discussion concerning the landscape between the Triton property at 2324 Hickory Grove and Motto Holdings, LLC at 2334 Hickory Grove which I assume you are managing member.

We discussed the demolition of the red bldg. in front and the 2 older bldgs. along the railroad side to be replaced with 6,600 s.f. bldg. for inside storage of equipment. We have withdrawn the petition for a 8' non-conforming fence.

As far as the previous landscape between our properties you did not have any need for any landscape. We do have landscape intended for the front along the length of the facility which I have attached.

Please confirm and comment that I can forward to the City of Davenport's ZBA.

Feel free to call if you have any questions.

Thank you,

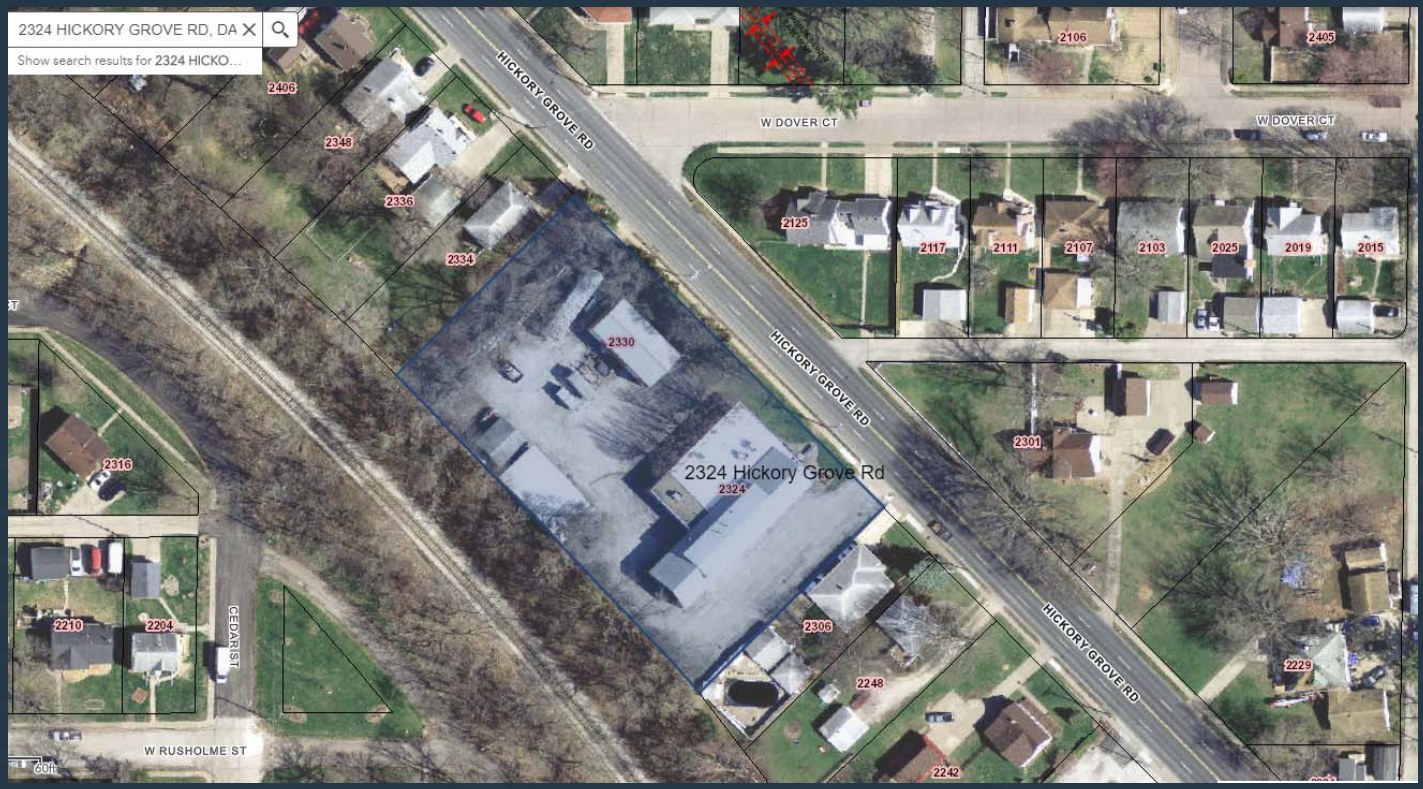
Jeff

THE CITY OF DAVENPORT
IOWA | USA

HV20-05

- Demo 3 Buildings 4,048 sq. ft.
- Construct 1 BLD 6,864 sq. ft.

November 12, 2020



Site

Site

DAVENPORT
IOWA | USA

Site

DAVENPORT
IOWA | USA

Site

DAVENPORT
IOWA | USA

Site

DAVENPORT
IOWA | USA

Site

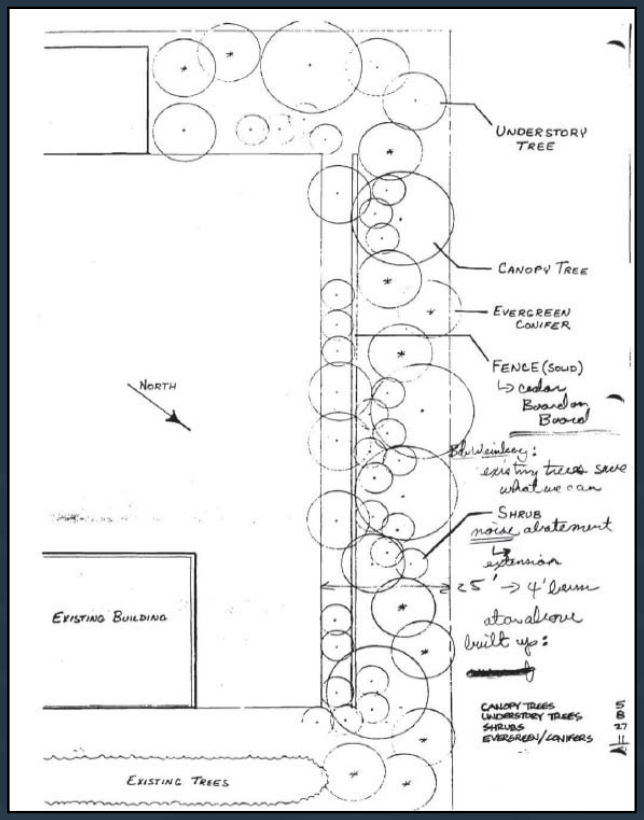
2125 W Dover Ct,
Davenport, IA 52804
Hickory Grove Rd
Hickory Grove Rd

Site

DAVENPORT
IOWA | USA

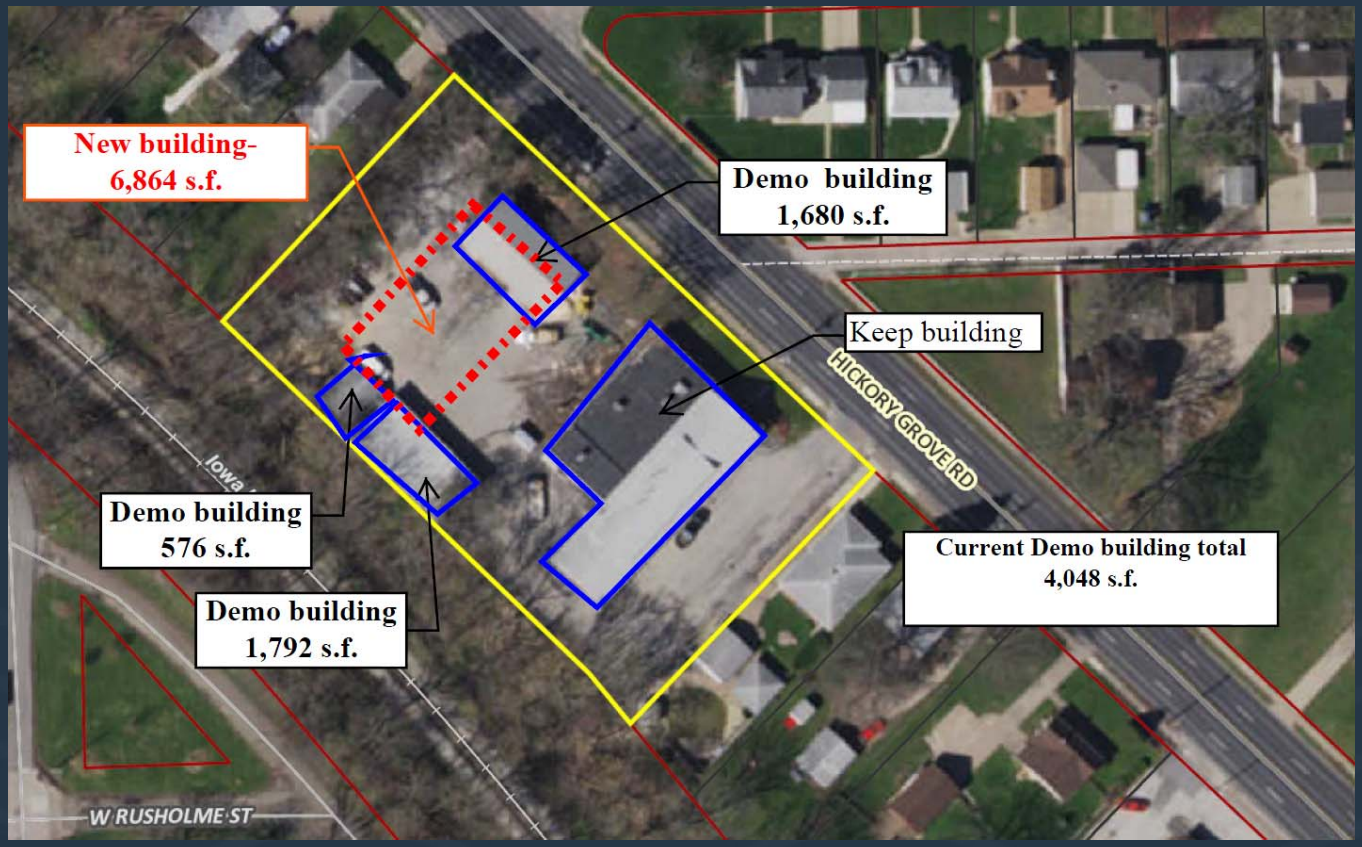
Site

1989 HV Expansion Request required the landscaping below:



Proposed Building

- Proposed building footprint is **red**
- Proposed buildings for demo are located northwest of the main office/storage building, shown in **blue**

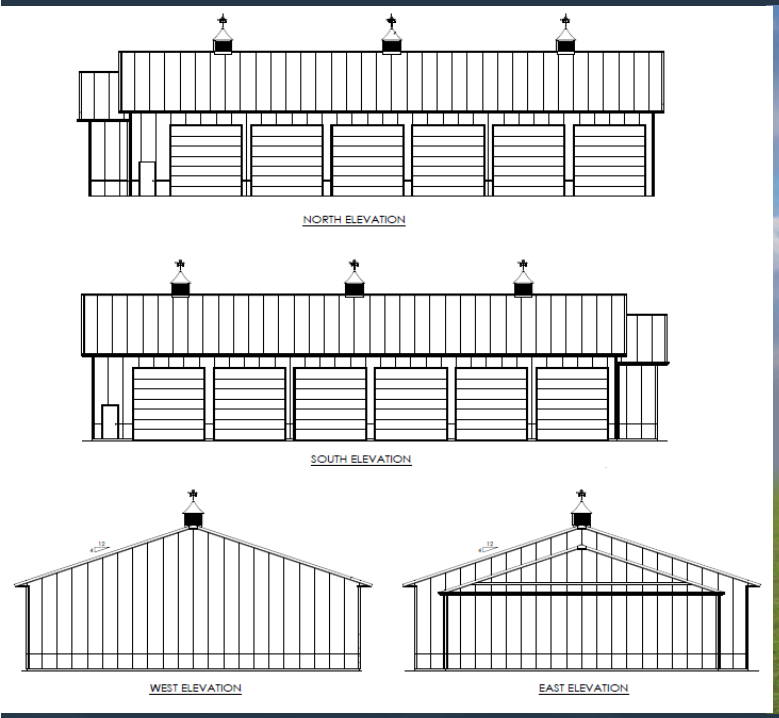


Site

2" Caliber Shade tree
2" Caliber Shade tree
2" Caliber tree
Ornamental Grass (3)
2" Caliber Shade tree
Ornamental Grass (1)
2" Caliber Shade tree
Ornamental Grass (3)
2" Caliber Shade tree
Ornamental Grass (1)
Proposed Building
2336
2334
2330
2125
2117
2324
2306
2248

Proposed Building

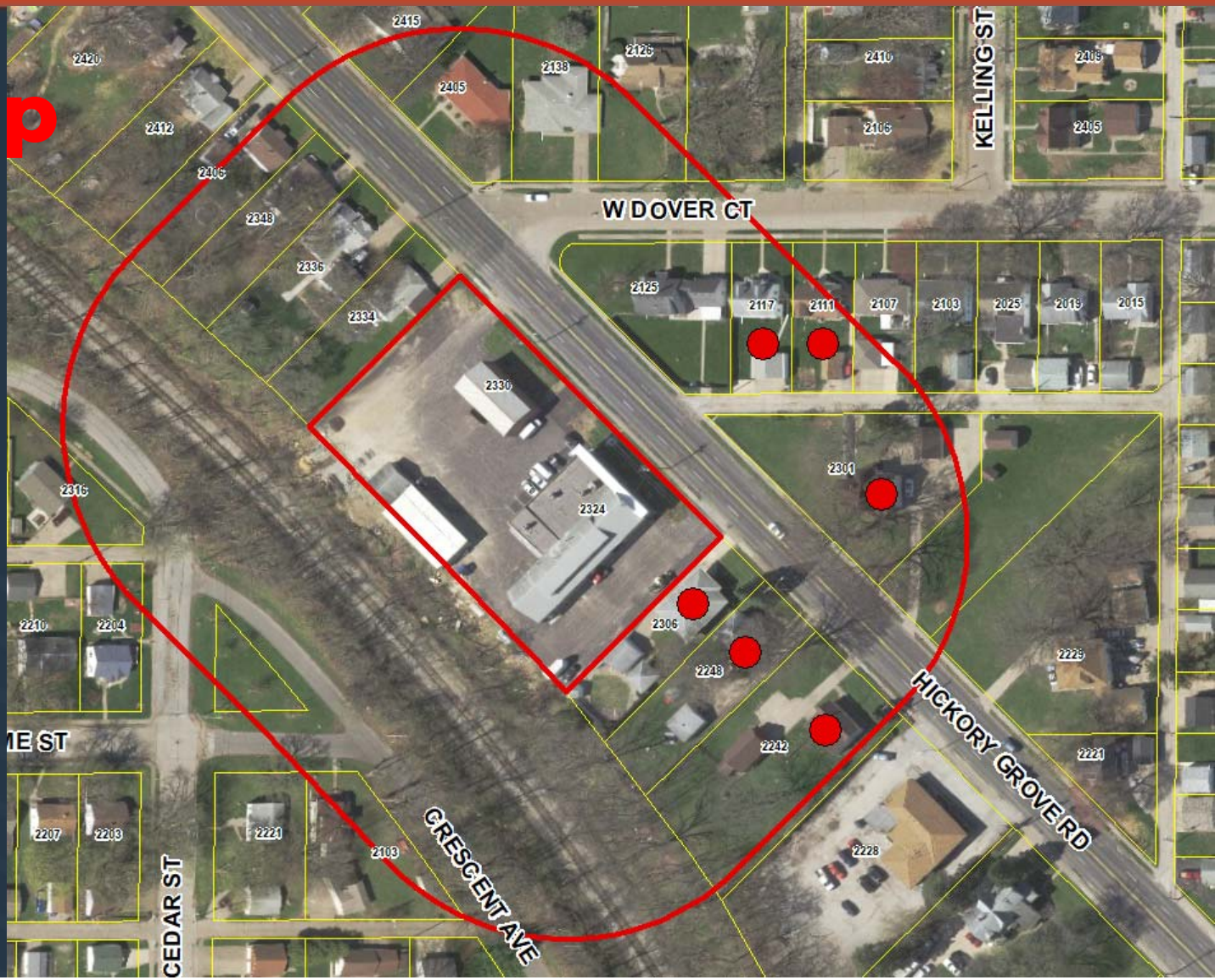
DAVENPORT
IOWA | USA



Notice Map

W DOVER CT
KELLING ST
HICKORY GROVE RD
CRESCENT AVE
W RUSHOLME ST
CEDAR ST
Iowa Interstate
100 ft

Protest Map


W DOVER CT
KELLING ST
HICKORY GROVE RD
CRESCENT AVE
CEDAR ST
2415
2420
2412
2405
2406
2348
2336
2334
2330
2324
2316
2310
2304
2306
2248
2242
2301
2228
2221
2109
2125
2117
2111
2107
2103
2025
2019
2015
2410
2106
2138
2126
2405
2403

Protests

November 3, 2020

Several residents have been asked to grant above company a "hardship variance" for expansion and enlargement of non conforming use and non conforming structure with the construction of a new plumbers storage building on *residential* property, along with an 8 foot fence around the entire property perimeter.

The main building has remained unfinished for several years, giving the look of abandonment and questioning how long will the new building will have the same look. The need for an 8' fence is totally ridiculous; a prison look in a residential area is definitely an unwanted eye sore that will affect our property value. Maybe an industrial location would better fit their needs

We the following are **TOTALLY** against a fence of any height and would like a finished look to the main building along with the new building within a timely manner.

PETITION AGAINST FENCE OF ANY HEIGHT AND UNFINISHED BUILDINGS

Name & Address

Deborah Kauffman	2248 Hickory Grove Rd.
Ann M Rowe	2301 Hickory Grove Road
Beverly Patera	2111 W. Dover Ct
Jacqueline Patera	2117 W. Dover Ct.
Penny McPherson-Hamby	2117 W. Dover Ct.
LE Hamby	2306 Hickory Grove Rd.
Sandy Reimers	2306 Hickory Grove Rd
Lisa Kuyper	2301 Hickory Grove Rd.
Bertha Hudson	2248 Hickory Grove Rd
	2248 Hickory Grove Rd.

Penelope and LE Hamby
2306 Hickory Grove Rd
Davenport, IA 52804

June 23, 2020

To whom it may concern;
We are the neighbors that live directly next to Triton Services and we have several concerns in response to the variance hearing scheduled for Thursday.

Our first concern is the request to put up a 6 to 8 ft fence around the perimeter causing our property to be closed in because of this hardship variance. If this hardship variance is approved it would cause a hardship to us most. Tritan is requesting a variance so that they can park heavy equipment along the fence causing an eye sore for us every time we are to look out our kitchen window. If the fence is erected we will not have access to our property on the north side of the property by our garage. The variance would also make turning around in our driveway very difficult and almost impossible as well as any delivery or company who came to our home would have to back out of our driveway and would not be able to open their door as the fence would then hinder operation of our property.

As a neighbor we are concerned that if they are allowed to do yet another project, like several others they have begun this too will be left unfinished.

We already have an electrical box on the north edge of our driveway as well as a steel pipe that protrudes from the ground making this fence yet another hazard that we must maneuver daily. While our driveway is widened enough to handle a car, a fence up to our property line would make it difficult if we are to open our car doors or even unload packages and make this very difficult as we are an elderly couple and the expectations on unloading our car in the garage is not only unfortunate but also impractical for us. Making this fence a hindrance in our abilities to use our property as we need to accommodate our life.

It is very difficult to explain to everyone that they can not pull into a company driveway but we understand and have made it clear to our visitors that that is private property and we have made concessions for this. However, if this company wants us as residents to make concessions then it would have been nice if they had considered us as well. We are tired of looking at unmowed grass, boarded up buildings and windows and unfinished construction.

Another major concern is our own property. If this fence would be erected our house value is likely to be decreased and for no fault of our own.

Our vote is NO! We do not want our neighborhood messed up with a gaudy fence and half done projects and buildings.

On another note; Tritan is stating that the fence would be to keep crime down. However, they have an incredible security system and to our knowledge there has been zero thefts since we purchased our home three years ago. We have tried to be good neighbors and if we see something we say something and report and follow up with any suspicious activity and this has not been the case.

Thank you for your time,

Protests

JUNE 23, 2020

HV20-05

Triton Services

2324 Hickory Grove RD

Davenport, IA 52804

Several residents have been asked to grant above company a "hardship variance" for expansion and enlargement of non conforming use and non conforming structure with the construction of a new plumbers storage building on *residential* property, along with an 8 foot fence around the entire property perimeter.

Three plus years ago Triton Services made their appearance into "OUR" neighborhood, leaving a lasting 1st impression, the 1st request for a 8' foot fence, along with threatening sign "KEEP OUT" violators will be towed at their expense", no other previous company felt the need to be that aggressive.

The need for an 8 foot or even a 6 foot fence around the entire perimeter is totally ridicules!

If you feel you need to go to that extent to protect your belongs, then you should have looked at an Industrial area instead of residential. Your neighbors are totally against the ***Prison*** look in our neighborhood. My answer on this request is and will always be a definite NO!

My other concern is the main building, it has been remolded, torn apart and TyVek wrapped for 2 years, along with boarded up windows. Will the new building have the same look of abandonment as the main building, along with the un-kept landscaping and lack of lawn care, maybe a finished look would diminish the temptations of break-ins.

I, Deborah L Kauffman am voting **NO** to a fence no matter the height, the expansion granted with the guarantee of completion / finished look on main building and new building and lawn care.

Case #HV20-05 AND HV20-05 6-20-20

To Zoning Board:

We live Directly across the Street from Triton in our home. They tried to Pass this a few years ago, we were against it then and Still against it NOW!! They Chose to make to this Building directly in the middle of a residential neighborhood. Many businesses have been at that Same property and thrived plenty well the way it is Set up.

From the Highway Dept to Ryan's Associates that chose to move to an industrial area, not a neighborhood. Putting up an 8 foot FENCE will look More like a PRISON! then a business. We have lived in our HOME at 2301 Hickory Grove Rd. Since 1987. They have not finished the Building for over 3 years, and have not cut grass or weeds for Some amount of time.

This idea of a FENCE is the most REDICULOUS IDEA we have heard of. It will DECREASE PROPERTY VALUES for sure! DONT APPROVE!!

Thank You FOR Your Consideration of this Matter!

Mr. Mrs. Henry Reimers

Findings/Recommendation

Findings: With respect to the petitioner's request to replace 3 storage buildings with 1 new building for a 70% increase of accessory storage area, to waive scaled design requirements, and construction timelines, staff finds the following:

- Item #1 hardship of compliance is not established by the petitioner;
- Item #2 site physical/topographical conditions do not limited the use;
- Item #3 unique circumstance is not established by the petitioner; and
- Item #4 protection of essential character is not demonstrated.

Recommendation:

Staff recommends denial of HV20-05 as the zoning code hardship approval standards are not met with this request.

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: Scott Koops, Planner II, AICP
Scott.Koops@davenportiowa.com

Date
11/12/2020

Subject:
Request HV20-11 of Joseph Ehrecke at 5930 W Kimberly Road for a hardship variance to exceed the allowed detached garage size by 834 sq. ft. with a 40' x 40' (1,600 sq. ft.) garage. The property is zoned "R-1" Single-Family Residential District. Table 17.09-1 allows this property to have a 766 sq. ft. detached garage, which is equal to 50% of the living area. The property has a dwelling of 1,533 square feet. [2nd Ward]

Recommendation:
See attached Staff Report

ATTACHMENTS:

	Type	Description
	Executive Summary	Staff Report
	Exhibit	Application
	Exhibit	Plans
	Exhibit	Notice List
	Exhibit	Notice Letter & Map

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	11/6/2020 - 11:56 AM

Zoning Board of Adjustment
Planning Staff Report
Exceed garage size | 5930 W Kimberly
November 12, 2020

Description

Request HV20-11 of Joseph Ehrecke at 5930 W Kimberly Road for a hardship variance to exceed the allowed detached garage size by 834 sq. ft. with a 40' x 40' (1,600 sq. ft.) garage. The property is zoned "R-1" Single-Family Residential District. Table 17.09-1 allows this property to have a 766 sq. ft. detached garage, which is equal to 50% of the living area. The property has a dwelling of 1,533 square feet. [2nd Ward]

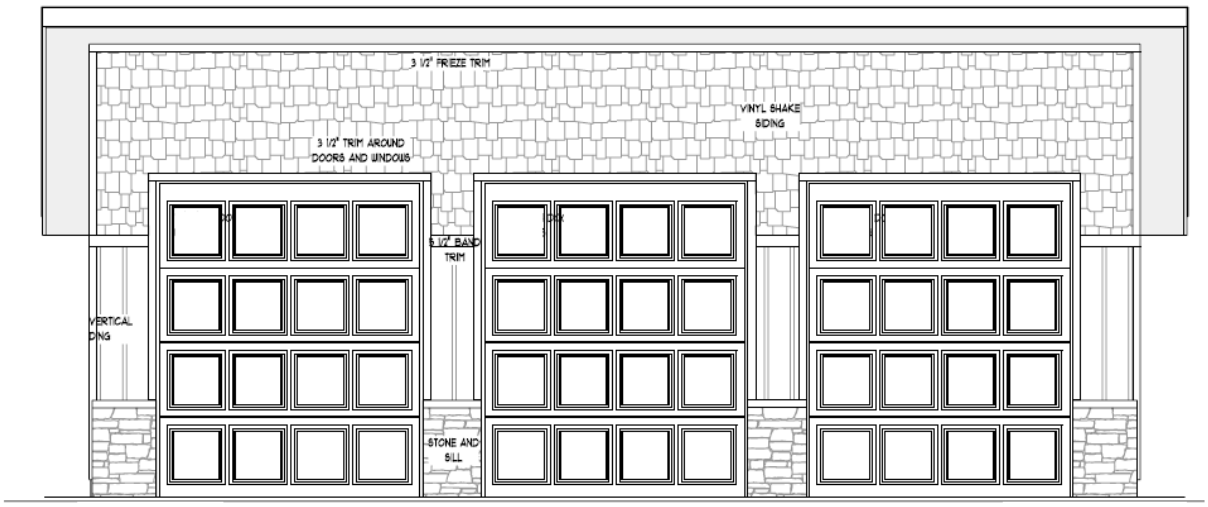
Background & Discussion

This property is zoned R-1 Single Family (low density) Zoning District. This area of the City was annexed in 1958. Many of the structures in this area were constructed in the late 1940's without size limitations or zoning code restriction.

The petitioner purchased this property in 2001, prior to the complete repeal and replacement of the zoning code in 2019. Prior zoning code in 2001 did not limit detached garage area in this district other than to ensure the structures were 'ancillary' in nature to the residential use on the property. If this garage were proposed in 2001, zoning staff would have been able to approve a garage of at least 1,533 square feet.

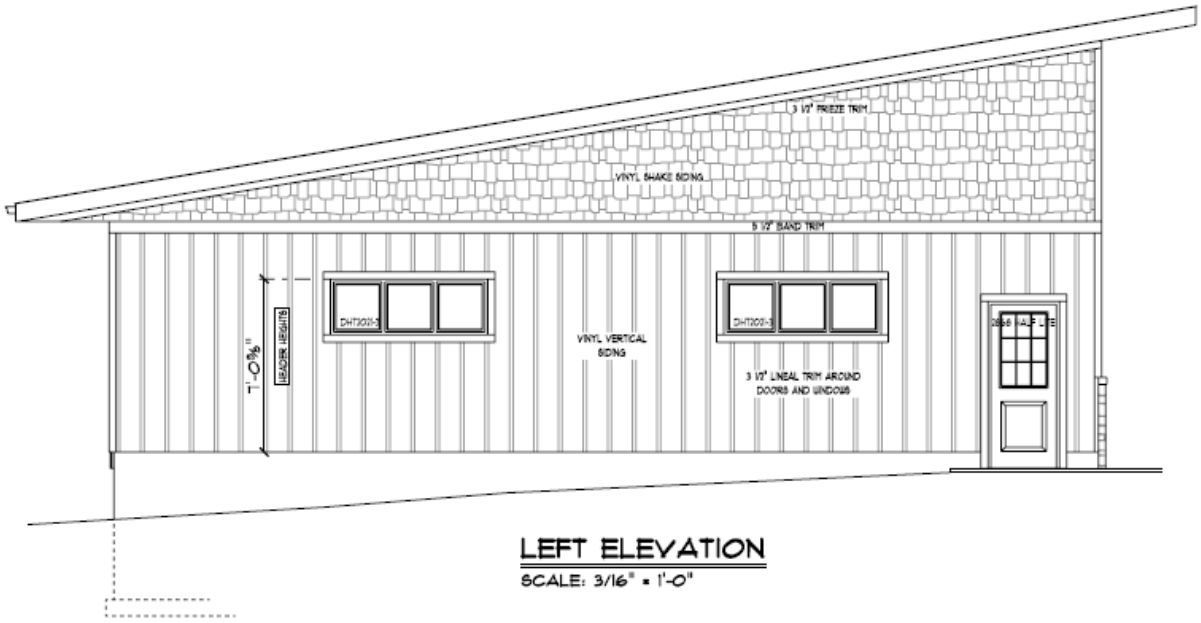
The petitioner's plans show the structure being north of the existing dwelling and driveway parking pad. The proposed garage would be 40' x 40' and would more than exceed the City's design standards for garages in this district.

Building Plans: Proposed 40' x 40' (1600 sq. ft.) detached garage

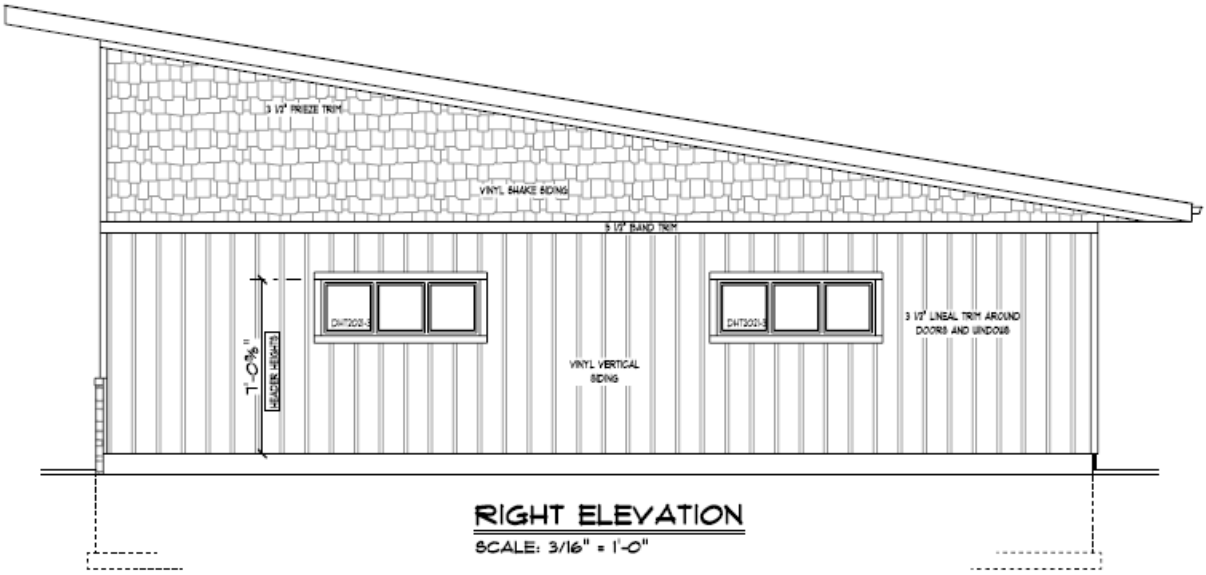


FRONT ELEVATION

Building Plans: (continued)

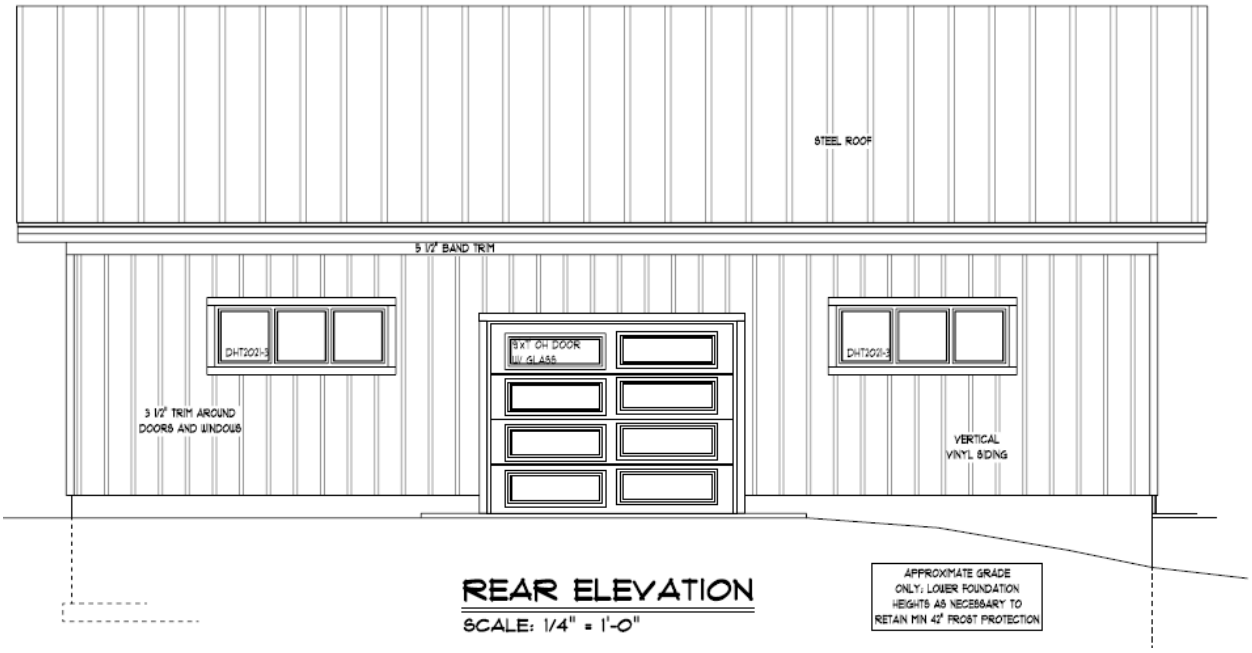


LEFT ELEVATION
SCALE: 3/16" = 1'-0"



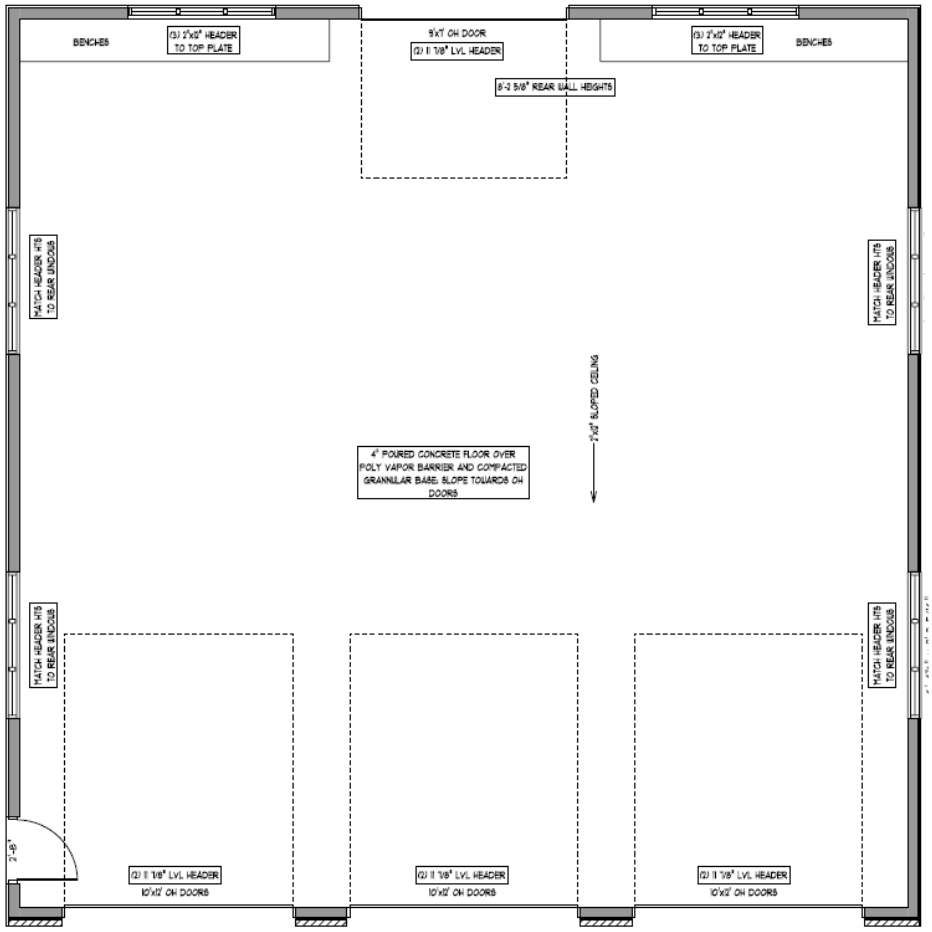
RIGHT ELEVATION
SCALE: 3/16" = 1'-0"

Building Plans: (continued)



REAR ELEVATION

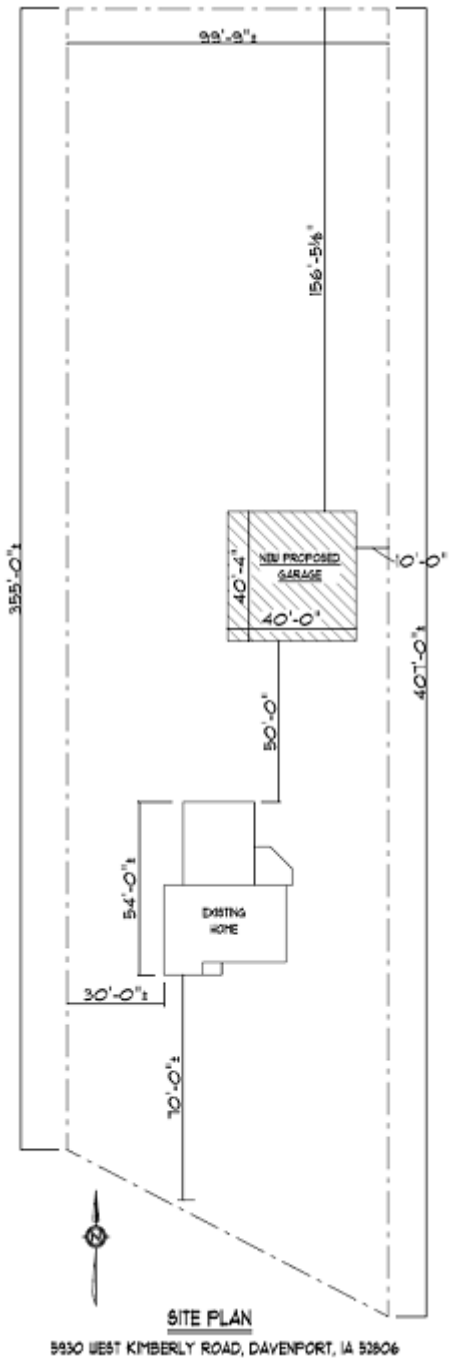
SCALE: 1/4" = 1'-0"



FLOOR PLAN

Site:

Facing north looking at the site



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.*

Approval Standards
The Zoning Board of Adjustment decision must make findings to support each of the following: (code requirement/*applicants response*/staff comments)

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

Applicant Response:
Strict adherence to this ordinance creates a hardship as it specifically prohibits us from building a previously planned structure, which, up until the recent change in ordinance, would have been compliant. The alternatives available to us are limited due to the location of the home on the property, the sloping of our yard into the field behind our house, and secondary intent of the structure, which is to allow our trailers to be backed into the structure and pulled directly out onto Kimberly Road, therefore preventing us from having to back large trailers onto a busy thoroughfare at a notable curve in the road.

Granting the variance would allow our .88 acres to be utilized in the same/similar way to surrounding properties on the edge of town. Several lots such as ours (exceeding half an acre and adjacent to land zoned as Agricultural) were allowed to make maximum use of their property without the present limitations to detached structure size prior to this ordinance.

The two alternatives available to us create further hardship, or in the case of the second alternative, aren't easily accomplished and/or possible given the topography of our lot, which slopes before connecting to the agricultural land at the rear of our lot.

One of the two alternatives, connecting the garage to the home with the structure in its current proposed location, is cost prohibitive and not practical. It would sever access to the rear of our property from the front; further, attachment of the proposed structure to our home would create an awkward look on our property that is not consistent with appearance of surrounding properties.

The hardship created by moving the proposed structure to directly behind the house, then connecting it, is not only that it blocks the backyard from view of the house, it would need to be constructed on the slope in our backyard which has been known to washout during storms in the past.

Staff Comments:
This area of the City was annexed in 1958. Most of the structures in this area were constructed in the late 1940's and were built under County regulations which did not regulate the size of structures (nor were there building codes). As such, a number of garages exceed current allowed sizes in this neighborhood. At the time the petitioner purchased this property in 2001, existing zoning code did not restrict garage area of detached garages on R-1 property.

Given that the neighborhood was mostly constructed in the late 1940's, and that the home was purchased in part for the ability to construct a large garage (allowed at that time), it does appear that there are some grounds for a variance. It is unclear whether these issues rise to the level which would necessitate a variance; however there does appear to be some practical difficulties associated code compliance in this general area with respect to accessory structures.

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 physical characteristics of our lot create challenges. Homes in our area are set back further than some homes, which limits our available lot space to build at the rear of our house. The narrow lot, slope behind the house, and setback of our home limit our options in building a structure in the size we require.

Staff:

The site does have a slope that impacts where a garage could be located on the lot, however that does not appear to have a direct bearing on the proposed garage location as the slope does not prohibit the garage from being attached to the house or further back as the petitioner has proposed. A complicating issue is that the layout of the house does not readily allow for an attached garage due to the location of the most frequently used entrance into the dwelling.

The narrowness of the lot does appear to have an impact on how this lot can be developed. Due to the width of the lot, a garage would either limit access to the rear of the yard, or be located such that a hard left-hand turn would be required to access the garage, which would be difficult with a trailer; however zoning code does not vest against the right to easily access a garage with a trailer. The physical conditions may marginally create practical difficulties at this site, however the issues appear to be more akin to personal convenience.

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 age of our neighborhood (our home was built in 1948), most homes in our area already have a detached structure, size suited for their needs, which varies from a one to two car garage to the 40'x60' building across the street. We have no such structure on our property, nor would a smaller structure suffice. Our personal need for 40'x40' storage is to shelter our vehicles and the trailers we use as small business owners.

The slope on our property, set back of our house, location on a curve on a busy road, and bona fide need for a structure of this size, versus just a 'desire for a big garage' make our request unique and the granting of a variance appropriate in accordance with Section 17.14.060 of Davenport's Municipal Code.

Staff:

While the lot is narrow (1), which impacts access to a side-load garage, and that a large garage would limit access to the rear yard (2), these issue do not appear the meet level of standard needed to determine that this lot presents a unique circumstance exclusive to this property beyond a convenience to the petitioner. Unique circumstance does not appear to have been met.

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

Applicant Response:
The granting of this variance will not alter the essential character of our property, which will remain a residential property on the edge of town; in a neighborhood of homes with properties that feel as much a part of the agricultural ground that surrounds it as it does a part of the city it belongs to. Additionally, granting this variance will not threaten the public health, safety, or welfare of the community at large or our neighbors.

Staff:
Given nature and development history of this neighborhood, the large lot, and the presence of other large garages in this area, the proposed garage would not be out of character. Protection of essential character has been established.

Findings & Staff Recommendation:

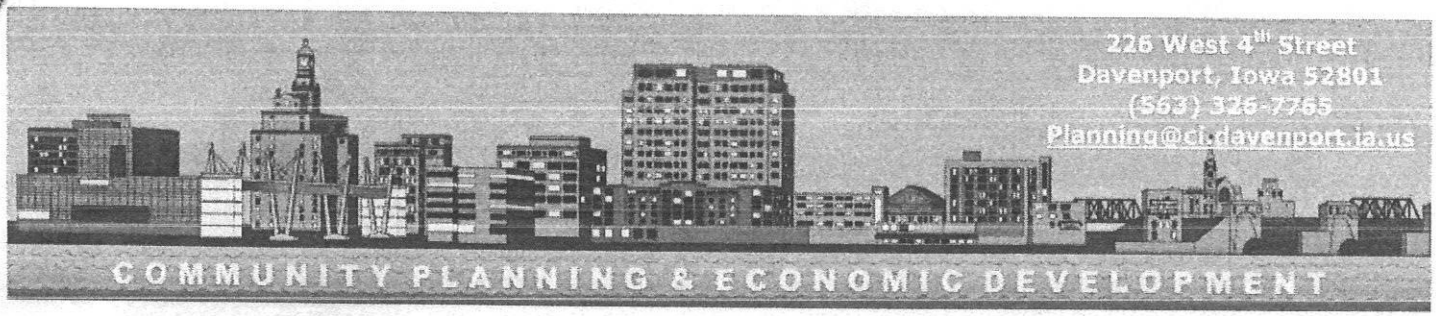
Findings: (supported by the previous analysis)

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

Recommendation:
While the proposed garage would not impact essential character of this neighborhood, other approval standards have not been strictly satisfied. Staff technically cannot recommend approval of the request.

Prepared by:
Scott Koops

Scott Koops, AICP, Planner II Attachments: ZBA application/plans, notice documents



Complete application can be emailed to planning@ci.davenport.ia.us

Property Address* 5930 W Kimberly Rd Davenport, IA 52806
***If no property address, please submit a legal description of the property.**

Applicant (Primary Contact)**
Name: Joseph J Ehrecke
Company:
Address: 5930 W Kimberly
City/State/Zip: Davenport, IA 52806
Phone: 563-340-3884
Email: Maizyriggs@gmail.com

Owner (if different from Applicant)
Name:
Company:
Address:
City/State/Zip
Phone:
Email:

Engineer (if applicable)
Name:
Company:
Address:
City/State/Zip
Phone:
Email:

Architect (if applicable)
Name:
Company
Address:
City/State/Zip:
Phone:
Email:

Attorney (if applicable)
Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

***If the applicant is different from the property owner, please submit an authorization form or an accepted contract for purchase.**

Application Form Type:

Plan and Zoning Commission
- Zoning Map Amendment (Rezoning) ☐
- Planned Unit Development ☐
- Zoning Ordinance Text Amendment ☐
- Right-of-way or Easement Vacation ☐
- Voluntary Annexation ☐

Zoning Board of Adjustment
- Zoning Appeal ☐
- Special Use ☐
- Hardship Variance ☑

Design Review Board
- Design Approval ☐
- Demolition Request in the Downtown ☐
- Demolition Request in the Village of East Davenport ☐

Historic Preservation Commission
- Certificate of Appropriateness ☐
- Landmark Nomination ☐
- Demolition Request ☐

Administrative
- Administrative Exception ☐
- Health Services and Congregate Living Permit ☐

Request:

Please describe the variance(s) requested:

We request a variance to Section 17.09.030 "Accessory Structures and Uses" in order to construct a 40'X40' detached garage at 5930 West Kimberly Road. The variance is required as the required and proposed square footage of the garage we would like to construct (1600 sq. ft.) exceeds 50% of the living area of our home (1533 sq. feet). We have resided here for approximately 16 years, and purchased the property due, in part, to our ability to construct a large detached garage at a later date.

The neighboring properties are R-1, and the property behind our property is Agricultural.

Existing Zoning: R-1

Submittal Requirements:

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed structures affected by the hardship variance. If a paper copy is provided, the maximum size is 11" x 17".
- Description and evidence that demonstrates consistency with the criteria listed in Section 17.14.060 of the Davenport Municipal Code.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- Required fee - $200.

The Applicant hereby acknowledges and agrees to the following procedure and requirements:

(1) Application:
- Prior to submission of the application for the hardship variance, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the hardship variance process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Public Notice for the Zoning Board of Adjustment public hearing:
- Planning staff will send a public hearing notice to surrounding property owners.

(3) Zoning Board of Adjustment's consideration of the hardship variance:
- Planning staff will perform a technical review of the request and present its findings and recommendation to the Zoning Board of Adjustment.
- The Zoning Board of Adjustment will hold a public hearing and vote on the request.

(4) The staff report will be available on the City website approximately 4 days before the ZBA meeting at this location: https://www.cityofdavenportiowa.com/government/boards_commissions under Zoning Board of Adjustment > Search Minutes & Agendas.

It is the applicant's responsibility to access the website to see the staff report. Planning staff will not mail/email the report.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.

Strict adherence to this ordinance creates a hardship as it specifically prohibits us from building a previously planned structure, which, up until the recent change in ordinance, would have been compliant. The alternatives available to us are limited due to the location of the home on the property, the sloping of our yard into the field behind our house, and secondary intent of the structure, which is to allow our trailers to be backed into the structure and pulled directly out onto Kimberly Road, therefore preventing us from having to back large trailers onto a busy thoroughfare at a notable curve in the road.

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The granting of this variance will not alter the essential character of our property, which will remain a residential property on the edge of town; in a neighborhood of homes with properties that feel as much a part of the agricultural ground that surrounds it as it does a part of the city it belongs to. Additionally, granting this variance will not threaten the public health, safety, or welfare of the community at large or our neighbors.

Applicant: Joseph and Elizabeth Ehrecke Date: 10/21/2020

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by: _____ Date: _____

Planning staff

Date of the Public Hearing: _____

Meetings are held in City Hall Council Chambers located at 226 West 4th Street, Davenport, Iowa.

Authorization to Act as Applicant

I, _____

authorize _____

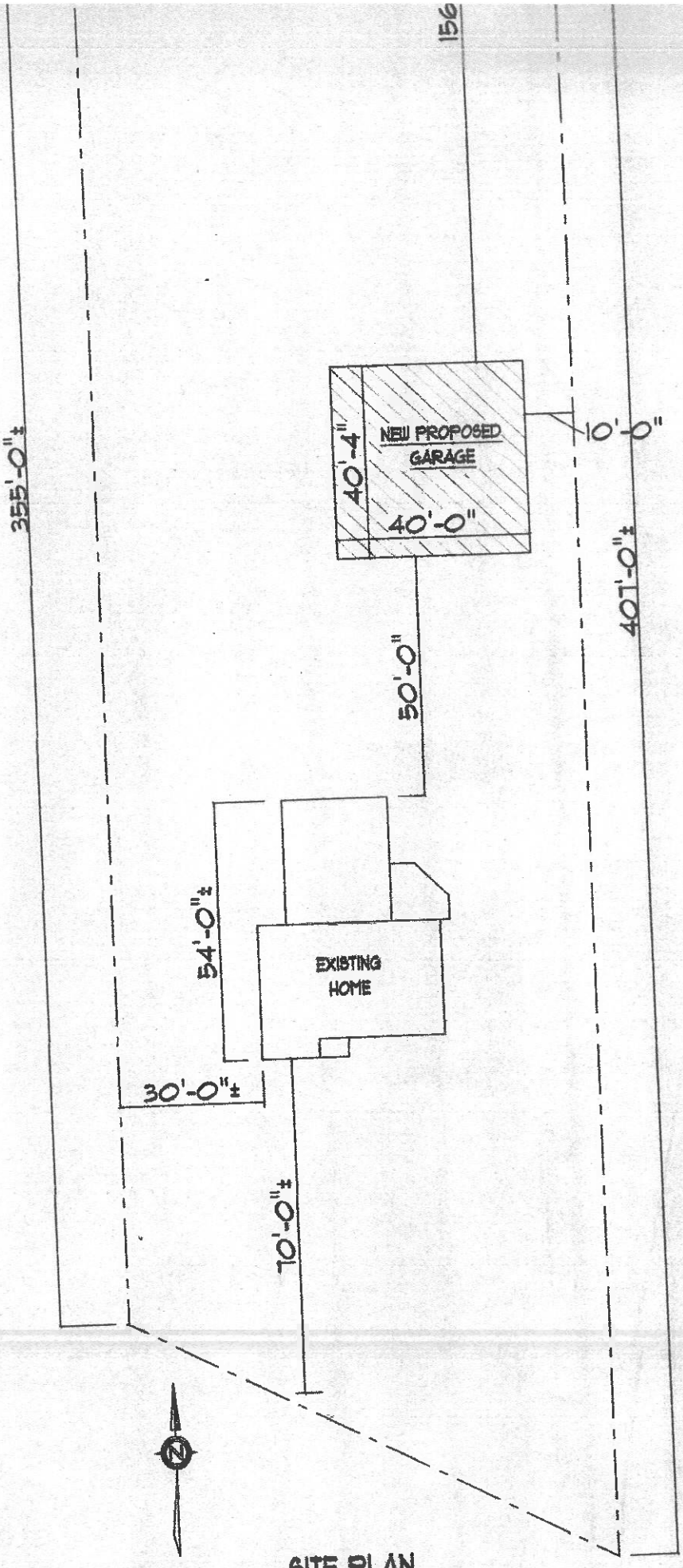
to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located at _____.

_____

_____

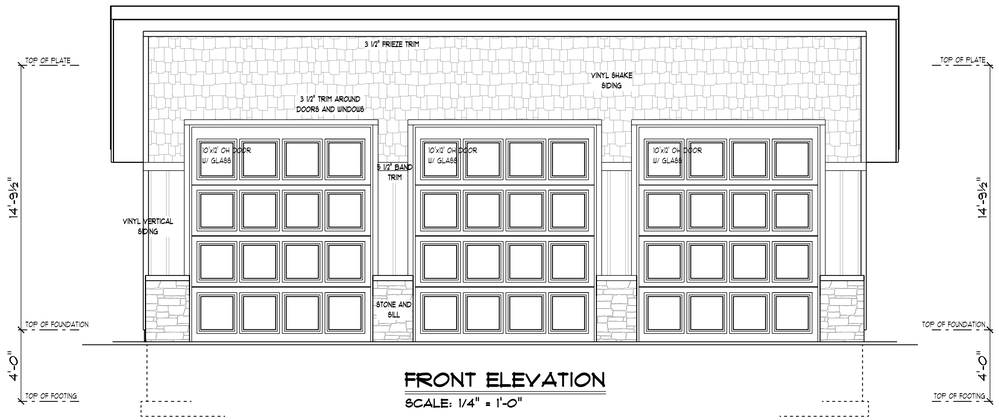
Signature(s)*

*Please note: original signature(s) required.



SITE PLAN

5930 WEST KIMBERLY ROAD, DAVENPORT, IA 52806



FRONT ELEVATION
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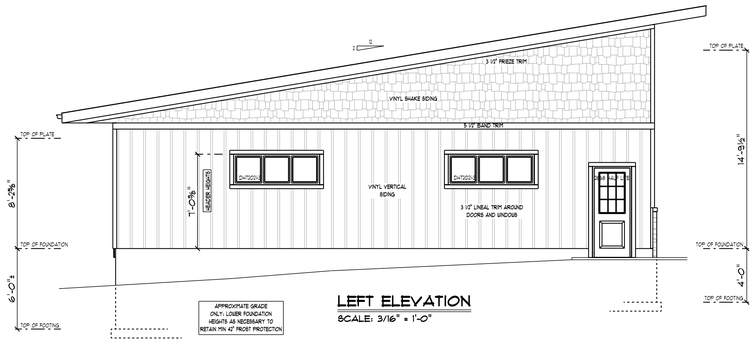
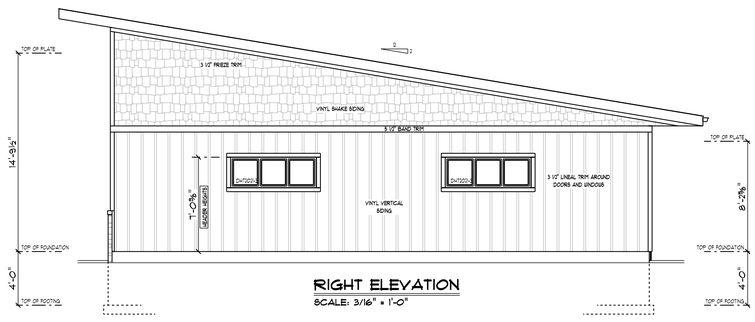
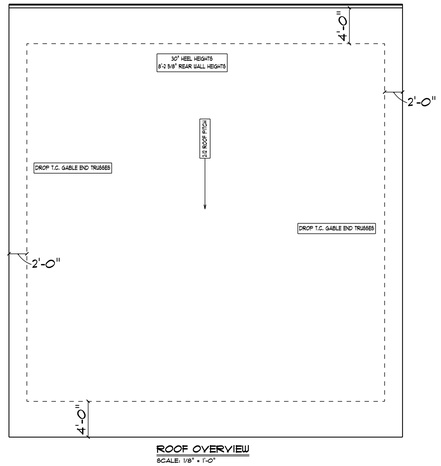


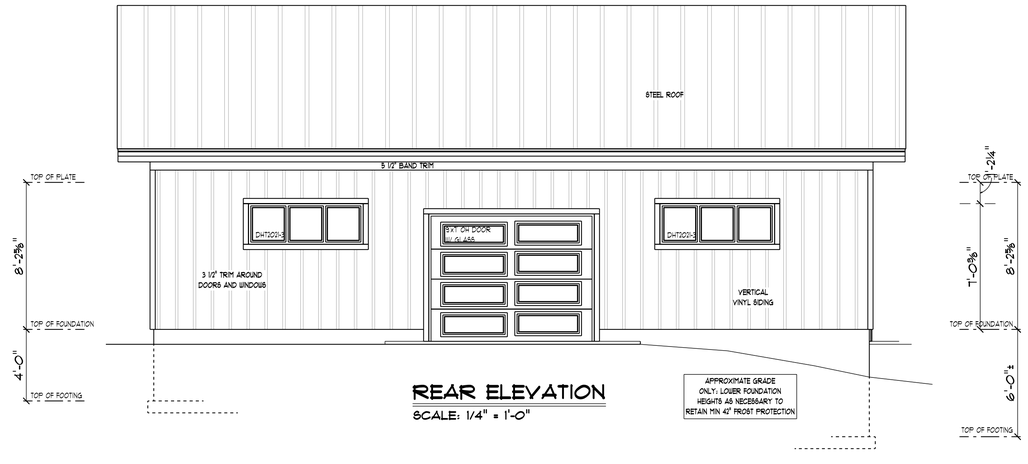
LEFT ELEVATION
SCALE: 3/16" = 1'-0"



RIGHT ELEVATION
SCALE: 3/16" = 1'-0"



ROOF OVERVIEW
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

1505 First Avenue, Silvis, Illinois 61282
(309) 792-0050
Anchor Lumber Do-it center.
[redacted]
Lumber
Windows
Doors
Millwork
Floor & Roof Truss Manufacturer

THESE PLANS HAVE BEEN PREPARED AS A DRAFTING SERVICE ONLY. EVERY ATTEMPT HAS BEEN MADE IN PREPARATION OF THESE PLANS TO PROVIDE ACCURATE DIMENSIONS AND CONFORMITY TO UNIFORM BUILDING CODES. ALTHOUGH, I CANNOT GUARANTEE AGAINST HUMAN ERROR. IT SHALL BE THE SOLE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO VERIFY ALL DIMENSIONS AND DRAWING DETAILS WITH ALL SUBCONTRACTORS AND OWNERS. THEREFORE RELEASING ANY LIABILITY WITH THE MAKER OF THESE PLANS.

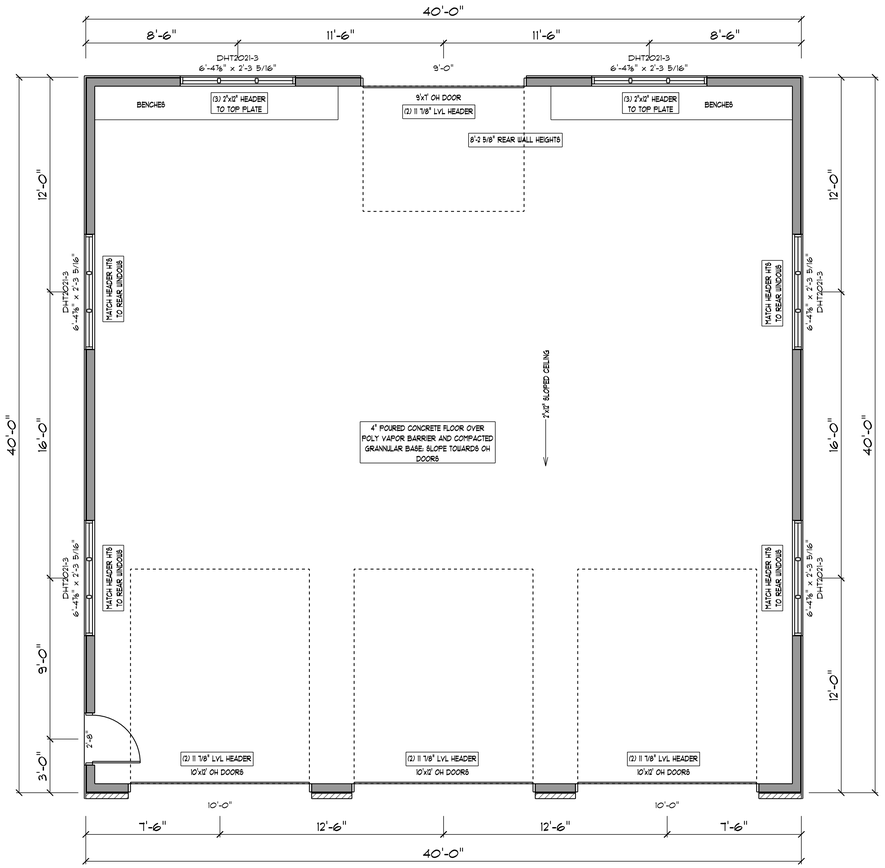
BIRDSEYE Design LLC
RESIDENTIAL DRAFTING
DAVE LUDIN
563.357.8630
ludavyvette44@gmail.com
CUSTOM HOME & LIGHT COMMERCIAL BUILDINGS

LIZ AND JOE EHRECKE
NEW GARAGE PLANS
5930 W. KIMBERLY ROAD, DAVENPORT, IA
563-340-3884

DRAWN BY:
DAVE LUDIN

REVISIONS:
7-06-19 PRELIMS
7-08-19 REVISIONS
7-19-19 REVISIONS
9-18-20 FINALS

DRAWING:
1 OF 2



FLOOR PLAN

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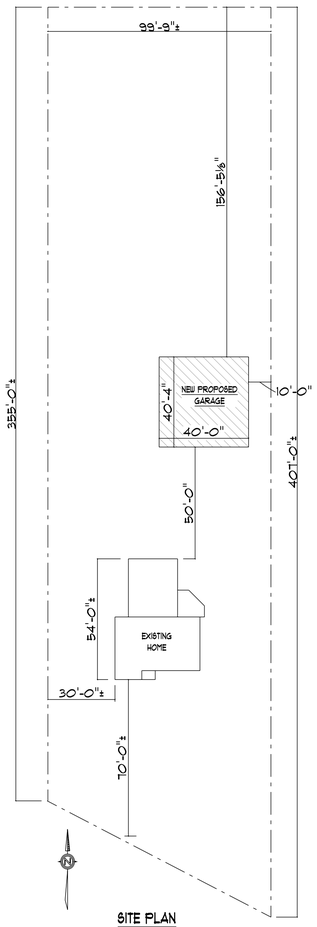
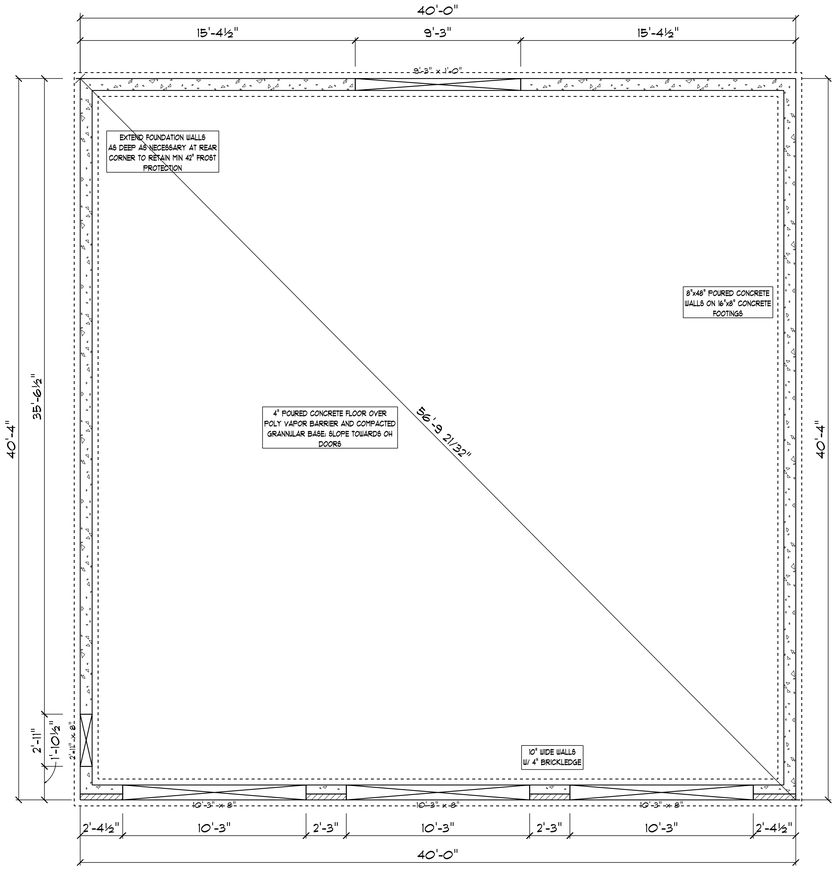


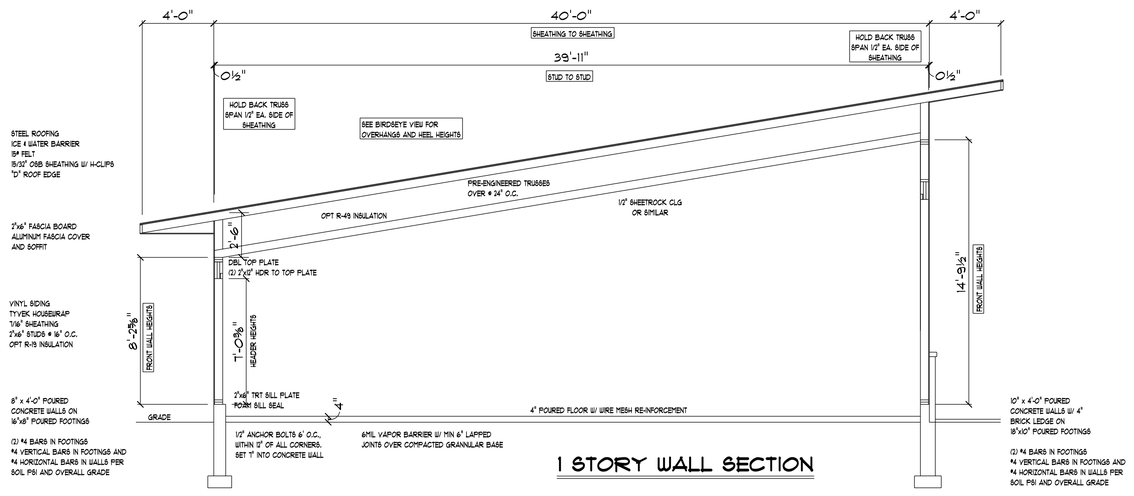
SITE PLAN

5930 WEST KIMBERLY ROAD, DAVENPORT, IA 52806



FOUNDATION PLAN

SCALE: 1/4" = 1'-0"



1 STORY WALL SECTION

SCALE: 1/4" = 1'-0"

1505 First Avenue, Silvis, Illinois 61282
(309) 792-0050
Anchor Lumber
Do-it center.
[redacted]
Lumber
Windows
Doors
Millwork
Floor & Roof Truss Manufacturer

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BIRDSEYE Design LLC
REBIDENTIAL DRAFTING
DAVE LUDIN
563.357.8630
birdseyedesign44@gmail.com

LIZ AND JOE EHRECKE
NEW GARAGE PLANS
5930 W. KIMBERLY ROAD, DAVENPORT, IA
563-340-3884

DRAWN BY:
DAVE LUDIN

REVISIONS:
7-06-19 PRELIMS
7-08-19 REVISIONS
7-19-19 REVISIONS
9-18-20 FINALS

DRAWING:
2 OF 2

HV20-11 Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	5930 W Kimberly Rd	JOSEPH J EHRECKE	5930 W KIMBERLY RD	DAVENPORT IA 52806
Ald/Clerks:	Alderman Dickmann - 2nd	All Alderman Notified	Tiffany Thorndike	Samantha Torres
Neigborhood:				11 Notices Sent
V0703-01	5903 W KIMBERLY RD	CLIFFORD O VOSS	5903 W KIMBERLY RD	DAVENPORT IA 52806
V0703-02	5915 W KIMBERLY RD	CHRITINE WISONG LIVING TUST	5915 W KIMBERLY RD	DAVENPORT IA 52806
V0703-03	5925 W KIMBERLY RD	CHRIS BROOKS	5925 W KIMBERLY RD	DAVENPORT IA 52806-7138
V0703-04	5933 W KIMBERLY RD	KENDRA L HODEL	5933 W KIMBERLY RD	DAVENPORT IA 52806-7138
V0703-05	6005 W KIMBERLY RD	WILLIAM J NAGLE	6005 W KIMBERLY RD	DAVENPORT IA 52806-6602
V0703-06	6015 W KIMBERLY RD	FRANCES R SPENCER-SMITH	6015 W KIMBERLY RD	DAVENPORT IA 52806-6602
V0703-27	6030 W KIMBERLY RD	DUSTIN J WESTPHAL	6030 W KIMBERLY RD	DAVENPORT IA 52806
V0703-27A	6010 W KIMBERLY RD	LARRY A NIEVAS	6010 W KIMBERLY RD	DAVENPORT IA 52806
V0703-28	5930 W KIMBERLY RD	JOSEPH J EHRECKE	5930 W KIMBERLY RD	DAVENPORT IA 52806
V0703-29	5916 W KIMBERLY RD	ALBERT H KIRK	5916 W KIMBERLY RD	DAVENPORT IA 52806-7137
V0703-30	5908 W KIMBERLY RD	DANIEL R CRESS	5908 W KIMBERLY RD	DAVENPORT IA 52806
V0705-02		DAVENPORT COMM SCHOOL	1002 W KIMBERLY RD	DAVENPORT IA 52806

DAVENPORT
DEVELOPMENT & NEIGHBORHOOD SERVICES

PUBLIC HEARING NOTICE | Zoning Board of Adjustment

Date: 11/12/2020 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 4:00 PM Subject: Public hearing for a Hardship Variance before the Zoning Board of Adjustment

To: All property owners within 200 feet of the subject property located at **2324 Hickory Grove Road.**

What is this All 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 HV20-05 of Jeff Heuer on behalf of Triton Services for a hardship variance at 2324 Hickory Grove Road to construct a plumber's storage building on R-4C residential property. The proposed nonconforming storage structure will be 70% larger (and in a new location) than the three (3) storage structures proposed for demolition. The proposed 66' x 104' structure will be for storage for the nonconforming business. The request is for 1) Expansion/enlargement of a nonconforming use/structure, 2) Waiving of R-4C foundation and neighborhood scale requirements and 3) Exceeding the size requirements for a garage structure. Section 17.15.020.B. 'Nonconforming Use' prohibits a use from expansion, extension, enlargement, or an increase in intensity. Section 17.09.030 K. requires the scale and foundation of building to match the neighborhood.

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 centauri with the district court.

Would You Like to Submit an Official Comment?
As a neighboring property owner you may have an interest in commenting on the proposed request via email or in person at the public hearing. Send written comments 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.

On-line/Telephone Participation:
Persons may join the meeting virtually: https://global.gotomeeting.com/join/415560525 & at 1-866-899-4679 with access code: 415 560 525. All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

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 verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

Red Outline = Proposed 66' x

Description

Request HV20-05 of Jeff Heuer on behalf of Triton Services for a hardship variance at 2324 Hickory Grove Road to allow the expansion and enlargement of a nonconforming use and nonconforming structures with the construction of a plumber's storage building on residential property (R-4). The proposed nonconforming structure will be will be 70% larger (and in a different location) than the three (3) structures to be demolished. The proposed 66' x 104'structure will be for storage for the nonconforming business.

Section 17.15.020.B. 'Nonconforming Use' states: A nonconforming use of a structure or land cannot be expanded, extended, enlarged, or increased in intensity. Such prohibited activity includes additions or enlargements of any structure devoted entirely to a nonconforming use, and any expansion, extension, or relocation of a nonconforming use to any other structure, any portion of the floor area, or any land area currently not occupied by such nonconforming use.