



MINUTES
Zoning Board of Adjustment
November 12, 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, Berkley, and Attorney Hoyt.

II. Secretary's Report:

Minutes were approved for the 10-22-20 meeting by voice-vote.

III. Old Business:

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]

Koops presented the staff report to the Board and reminded the Board of the six comments in protest which were submitted with the staff report.

Findings: (see also the staff report's "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 limit 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.

The petitioner addressed the Board and related to the Board the reasons for hardship variance. No one spoke in favor of or against the request.

Motion

Quinn moved to approve request HV20-05, seconded by Darland.

During Board discussion, a motion to amend the main motion was made by Darland and seconded by Cochran. The amendment attaches the following conditions to the request:

1. The size of the new building shall not exceed the area of the demolished building area on site (4,048 sq. ft. has been proposed for demolition which allows a building approximately 60' x 68' compared to the petitioner's original proposal of 66' x 104');
2. Any future fencing shall be limited to a solid privacy fence style fence no more than 6' tall in the side or rear yards; chain link fences shall be prohibited; AND the southeasterly side property line shall have a 3-foot setback for all fences;
3. Completion of the existing office/storage building shall be sided with a durably surfaced siding prior to the construction of the new storage building (the certificate of occupancy shall be withheld if necessary), and metal siding on the existing office/storage building shall be prohibited;
4. The proposed landscaping submitted with the application shall be required and as shown below; and



5. The applicant shall have 18 months in which to complete the project.

Roll call vote was taken on the 5 conditions of the amendment,

Cochran, yes; Quinn, yes; Darland, yes; and Loebach, yes. The motion to amend the original motion with the five (5) conditions stated above passed unanimously (4-0).

Roll call vote on the main motion to approve the request (now subject to the five conditions of the amendment) was approved and carried unanimously (4-0).

Quinn, yes; Darland, yes; Cochran, yes; and Loebach, yes. The motion carried unanimously 4-0.

IV. New Business:

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]

Koops presented the staff report to the Board. There was no comments for or against the request.

Findings: (supported by the staff report's 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.

The petitioner addressed the Board reiterated the reason why the variance is needed as presented in their application.

No one spoke in favor of or against the request.

Motion:

Darland moved to approve request HV20-11, seconded by Quinn, and the motion carried unanimously, 4-0.

Darland, yes; Cochran, yes; Quinn, yes; and Loebach, yes.

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 5:30 p.m.