



MINUTES
City of Davenport
Zoning Board of Adjustment
October 24, 2019



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

Call to Order

Chairman Reistroffer called the Zoning Board of Adjustment meeting in the first floor Council Chambers at City Hall, 226 W. 4th Street, Davenport, Iowa to order at 4:00 p.m.

Board Members present: Lee, Strayhall, Cochran, Quinn, and Reistroffer.

Board Members excused: none

Staff present: Hoyt, Flynn, and Koops

I. Secretary's Report:

The minutes of the 10-10-19 meeting were not approved because a correction regarding the motion to table shall be added to the draft minutes before they are approved at the 11-14-19 meeting.

II. Old Business:

Request HV19-15 of Thomas Lynch at 526 S Clark Street for a hardship variance to construct six foot privacy fencing along the south, east, and north property lines and to the immediate west of the dwelling.

Section 17.09.030.H.2. of the Davenport Municipal Code allows a solid four (4) foot fence in the front yard and an open fence in the front and corner side yard for fences over four (4) feet tall. [Ward 1]

Staff presented the staff report and recommended denial based on the four approval standards which have not been met.

Findings: (Per the staff report)

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

One comment opposing to the request was submitted by the property owner at 527 S Clark Street.

The petitioner addressed the Board. After the request was explained to the Board by the petitioner the Board expressed interest in tabling the request so that the owner could clarify the content of a modified proposal.

A motion to table was made by Cochran and seconded by Strayhall to table the request and move the item to the end of the day's agenda. The motion carried unanimously (5-0)

III. New Business:

Request HV19-16 of Robert Leveridge at 1104 East High Street for a hardship variance to construct a garage/accessory unit which will encroach two (2) feet into the required accessory structure setback. Section 17.11.090.K.3.a. requires a 20-foot setback from the corner side yard property line when there is no alley access and the accessory structure/dwelling unit is accessed from the abutting street (Carey Ave). [Ward 5]

Koops presented the staff report and the Findings/Recommendation to the Board.

One comment in favor of the request was submitted the day of the hearing and emailed to the Board.

Findings: (per the staff report)

Item #1 application of the ordinance creating hardship has been established;

Item #2 physical and topographical conditions of the site do limit the use to an extent;

Item #3 unique circumstance has been established;

Item #4 protection of essential character has been established;

The petitioner addressed the Board and stated the need for the request.

Motion

A motion to approve the request as proposed was made by Cochran and seconded by Lee and the motion carried unanimously.

Strayhall, yes; Cochran, yes; Quinn, yes; Lee, yes; and Reistroffer, yes.

Request HV19-17 of Smart Honda/ACME Sign at 3710 Harrison Street for a hardship variance to relocate a 191 square foot, 45-foot tall 'Honda' sign previously approved by hardship variance. Section 17.12.060.D.4 restricts this freestanding signs to a maximum of 100 square feet and 25 feet in height [Ward 7]

Koops presented the staff report and the Findings/Recommendation to the Board. No comments were submitted from adjacent property owners.

The petitioner addressed the Board and stated the need for the request.

Findings:

Item #1 application of the ordinance creating hardship has been established;

Item #2 physical and topographical conditions of the site do limit the use to an extent;

Item #3 unique circumstance has been established;

Item #4 protection of essential character has been established;

Motion

Strayhall made a motion to approve the request as proposed which was seconded by Cochran and was approved unanimously. (5-0)

Lee, yes; Strayhall, yes; Cochran, yes; Quinn, yes; and Reistroffer, yes.

Request HV19-18 of Lamar Advertising/Angie Thorngren at 621 West Kimberly Road for a hardship variance enabling a reduction of the separation distance which is required between billboards from 1,500 feet to approximately 1,065 feet. The proposed billboard will be separated from the next closest billboard by an approximate

distance 435 feet less than what the principle use standard requires. Section 17.08.030.D.5. states “all billboards must be separated by a minimum distance of at least 1,500 feet”. [Ward 7]

Staff informed the Board that the item was withdrawn per a written request.

With no other items on the agenda except for HV19-15 the Board moved on to that item and continued the hearing for HV19-15.

Request HV19-15 of Thomas Lynch at 526 S Clark Street for a hardship variance to construct six foot privacy fencing along the south, east, and north property lines and to the immediate west of the dwelling.

Section 17.09.030.H.2. of the Davenport Municipal Code allows a solid four (4) foot fence in the front yard and an open fence in the front and corner side yard for fences over four (4) feet tall. [Ward 1]

The Board asked for the revised request. Verbally the petitioner submitted the following: The portions of the fence along Clark Street within the required front yard shall be a 6-foot wooden type fence that is 50% open, and the remainder of the fence remains as originally proposed in the application (6' tall wood privacy fence), all portions of the fence footprint to remain the same.

Motion

Strayhall moved to approved the request as per the amended proposal (motion was seconded by Lee) such that portions of the fence along Clark street within the required front yard shall be a 6-foot wooden type fence that is 50% open, and the remainder of the fence remains as originally proposed in the application (6' tall wood privacy fence), all portions of the fence footprint to remain the same.

Quinn, no; Lee, yes; Strayhall, yes; Cochran, yes; and Reistroffer, no. Motion passed (3-2).

IV. Other Business

None.

V. Adjourn

The meeting adjourned unanimously by voice vote at approximately 5:10 pm.