

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, SEPTEMBER 28, 2017; 4:00 PM

COUNCIL CHAMBERS 226 WEST 4TH STREET DAVENPORT, IOWA 52801

I. Secretary's Report

II. Old Business

- A. Request HOP17-02 of Azra Vallejo at 1312 West 41st Street for a Home Occupation Permit for a hair salon. The property is zoned "R-3" Moderate Density Dwelling District.

Section 17.48.010(S)(11)(e) of the Davenport Municipal Code authorizes the Zoning Board of Adjustment to grant by special permit (Home Occupation Permit) the establishment of certain uses including but not limited to the shop of a beautician or barber.

III. New Business

IV. Other Business

V. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: Community Planning & Economic Development
Contact Info: Matt Flynn 326-2286

Date
9/14/2017

Subject:

Request HOP17-02 of Azra Vallejo at 1312 West 41st Street for a Home Occupation Permit for a hair salon. The property is zoned "R-3" Moderate Density Dwelling District.

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ATTACHMENTS:

Type	Description
▣ Exhibit	HOP17-02 Hair Salon 1312 W 41st St

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	9/8/2017 - 12:04 PM



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: September 14, 2017
Request: Home Occupation Permit
Applicant: Azra Vallejo
Address: 1312 West 41st Street

Description

Request HOP17-02 of Azra Vallejo at 1312 West 41st Street for a Home Occupation Permit for a hair salon. The property is zoned "R-3" Moderate Density Dwelling District.

Section 17.48.010(S)(11)(e) of the Davenport Municipal Code authorizes the Zoning Board of Adjustment to grant by special permit (Home Occupation Permit) the establishment of certain uses including but not limited to the shop of a beautician or barber.

Background

The subject property is a typical sized lot developed with a single-family residence. Access to the property is from a driveway via West 41st Street. The driveway can adequately provide parking space for two vehicles. The property contains a two-car garage. The salon will be located in the dwelling.



Discussion

The proposed hours and days of operation: every other weekend 9:00am to 6:00pm; and Tuesdays 10:00 AM to 6:00 PM. All services will be performed on an appointment only basis with no overlap of patrons. Customers will be instructed to park in the driveway.

Public Input:

Notices of this request were sent to property owners within 200 feet of the subject property. To date, staff has received one (1) phone call about the request asking if kids will be playing in the back yard.

Analysis

1. The use does not require any construction, extension, structural alteration or height increase incompatible with requirements of the district in which such use is proposed or authorized:

The petitioner has indicated that no alteration will be necessary.

2. The use does not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home for the purpose the district was created and primarily intended:

The proposed use, if operated on an appointment only basis, should present very little intrusion on the character of the neighborhood. If properly conditioned, the permit should not cause undue infringement on the rights of the neighboring residents.

3. That there shall be no sign used in connection with such use, other than a name plate no more than one square foot in area, or no display that will indicate from the exterior that the building is being utilized in whole in part for any purpose other than that of a residential building:

A one-square foot nameplate, if attached to the building, would be permitted with a home occupation permit. The petitioner has not indicated if they plan on utilizing the allowed signage.

4. The use shall not be conducted in any accessory building other than such accessory buildings as are permitted by the regulations of this chapter for the district in which such use is requested:

The proposed use is to be located within the principal structure. No accessory structures will be utilized.

5. The use shall not create traffic and parking requirements that impose a burden upon the neighboring residents. Off-street parking may be required and in accordance with the required front yard of the district and shall observe a minimum side yard of seven feet on the side of the lot adjoining a dwelling use. The Board may require the parking area to be improved and screened in accordance with the provisions of Article XXIII, Section 42-103. Parking requirements:

The existing driveway should adequately accommodate the necessary parking space(s). Adequate parking exists if the business is operated on an appointment only basis.

6. The Board may exact other regulations and assurances, covenants and warranties as may be necessary to protect the rights of neighboring residents:

The petitioner shall meet other requirements imposed by the Board for the protection of the surrounding neighbors. These shall include the following conditions:

1. permit be valid for a period of one year from the date of issuance;
2. renewal be based in part upon complaints and/or comments from area property owners;
3. petitioner operate on an appointment only basis; and
4. hours of operation are agreed to by the Board.

7. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property:

The proposed use is to be located in the residence. According to the petitioner, it appears that no alterations will be made to the existing structure.

8. That such use shall not impair an adequate supply of light and air to surrounding property:

The proposed use is to be located within the principal structure. An adequate supply of light and air to the surrounding properties should not be impaired, nor are there any caustic chemicals vented that would impair air quality.

9. That such use shall not unduly increase congestion in the streets, or public danger of fire and safety:

If there will only be one or two additional vehicles at the residence at a time, the existing driveway would more than accommodate such vehicles.

10. That such use shall not diminish or impair established property values:

Being located within the residence with minimal outward appearance of a business should limit any potential negative impact. There should not be an undue impairment of established property values in the surrounding area.

11. That such use shall be in accord with the intent, purpose and spirit of this chapter and the comprehensive plan of the City:

The Zoning Ordinance allows the Board to grant home occupations within any residential district.

Recommendation

The requirements for a home occupation permit have been met as conditioned. Staff recommends the permit be granted subject to the following conditions:

1. the permit be valid for a period of one year from the date of issuance;
2. renewal be based in part upon complaints and/or comments from area property owners;
3. petitioner operate on an appointment only basis;
4. off-street parking (i.e. the driveway) shall be used for client parking, and;
5. hours and days of operation shall be by appointments only every other weekend 9:00am to 6:00pm; and Tuesdays 10:00 AM to 6:00 PM.

Prepared by:



Scott Koops, AICP
Planner II

Exhibits: Aerial Map, Application, and Notification Map and Noticed Owners

**Zoning Board
of Adjustment**



HOP17-02
\$250.00 Filing Fee

FOR OFFICE USE

Date Received 8-14-17
Fee paid ☒
Pre-App Date ☒
Meeting Date 9-14-17

REQUEST FOR A HOME OCCUPATION PERMIT

Premises Affected - Address:
Legal Description
/Lot/Block/Subdivision Name)
(See your real estate tax bill)

Dist Parcel DAVENPORT DAVENPORT MASOS B11 Type: 2014 CT
Receipt# 704121 Location: 1312 West 41st. St. Legal: SEIFFERT'S
6th ADD LOT: 002 SEIFFERT'S 6th ADD

APPELLANT -	Name: Azra Vallejo	OWNER - Name: Azra & Jason Vallejo
	Address: 1312 West 41st Street	Address: 1312 West 41st Street (Same)
	Zip Code: 52806	Zip Code: 52806 (Same)
	Phone #: (563) 579-3475	Phone #: (563) 579-3475
	Fax #: -	Fax #: -
	Email: Aavdic33@hotmail.com	Email: Aavdic33@hotmail.com

DESCRIPTION OF REQUEST: DESCRIBE THE PROPOSED USE BRIEFLY.

Salon in basement. Only 2 days a week so I can stay home with my children more.

DESCRIPTION OF THE CASE - On a separate sheet of paper DESCRIBE THE CASE WITH EVIDENCE THAT SUPPORTS THE FOLLOWING REQUIREMENTS:

1. The use does not require any construction, extension or structural alteration or height increase incompatible with requirements of the district in which such use is proposed to be authorized.
2. The use does not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home for the purpose the district was created and primarily intended.
3. That there shall be no sign used in connection with such use, other than a name plate not more than one square foot in area, or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a residential dwelling.
4. The use shall not be conducted in any accessory building other than such accessory buildings as are permitted by the regulations of this chapter for the district in which such use is requested.
5. The use shall not create traffic and parking requirements that impose a burden upon the neighboring residents. Off-street parking may be required and in accordance with the required front yard of the district and shall observe a minimum side yard of seven feet on the side of the lot adjoining a dwelling use. The Board may require the parking area to be improved and screened in accordance with the provisions of Article XXIII, Section 42-103.
6. The Board may exact any other regulations and assurances, covenants and warranties as may be necessary to protect the rights of the neighboring residents.
7. That the proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
8. That such use shall not impair an adequate supply of light and air to surrounding property.
9. That such use shall not unduly increase congestion in the streets, or public danger of fire and safety.
10. That such use shall not diminish or impair established property values
11. That such use shall be in accord with the intent, purpose and spirit of this chapter and the comprehensive plan of the City.

I CERTIFY THAT I HAVE MET WITH STAFF TO DISCUSS THIS REQUEST, THE ORDINANCE REQUIREMENTS, AND POTENTIAL OPTIONS THAT COULD REDUCE OR ELIMINATE THE NECESSITY FOR THIS ACTION.

A.A. 8-10-17
(Initial & date)

ATTACHED HERETO AND MADE A PART OF THIS APPEAL, I SUBMIT THE DRAWING(S), showing all conditions as to structures or premises affected by this appeal. (Note: These papers must be submitted with the appeal.)

I, the undersigned, do hereby certify that the above information is true and correct to the best of my knowledge and that I have read, understand, and agree to comply with the conditions as stated above.

Signature of Appellant

Date

Sworn to before me, this Aug 10th day of August, 2017.

Signature of Notary



Azra Vallejo

From: Azra Avdic <aavdic33@hotmail.com>
Sent: Friday, August 18, 2017 1:58 PM
To: Koops, Scott E.
Subject: Re: app is attached.

I still didn't see any actual questions. Page one had 1-11 "requirements" in assuming that's what you needed me to fill out? If I'm wrong please let me know and I really appreciate you helping me thru this applications I apologize I'm having such a hard time. I couldn't figure out how to click on/next to the questions from my phone or iPad (we don't have a desk top computer.

Here are my answers:

- 1) No
- 2) No
- 3) No
- 4) No
- 5) No Burden. Have space in front of two car garage.
- 6) Yes
- 7) Yes
- 8) No
- 9) No it will not.
- 10) No
- 11) No

Hours I plan on working are (starting oct 28th&29th)
EVERY OTHER Sat&Sun and EVER Tues.

Please let me know if this is correct. Thank you.
-Azra Vallejo

From: Koops, Scott E. <sek@ci.davenport.ia.us>
Sent: Friday, August 18, 2017 9:36:17 AM
To: aavdic33@hotmail.com
Subject: app is attached.

app is attached.

Scott Koops, AICP
Planner II
563.328.6701

E Plan is now live. Click [here](#) to submit an application & for more information.
Contact information, Parcel ID/#, and PDF Plans are required.



Zoning Ordinance REWRITE

<https://DavenportZoning.com>

S p r e a d t h e W o r d !

**PUBLIC HEARING NOTICE
ZONING BOARD OF ADJUSTMENT
CITY OF DAVENPORT**



Public Hearing Details:

Date: 9/14/2017
Time: 4:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a Home Occupation Permit before the Zoning Board of Adjustment
Case #: HOP17-02

To: All property owners within 200 feet of the subject property located at: **1312 West 41st Street.**

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a Home Occupation Permit. The purpose of the Home Occupation Permit is to authorize certain limited business uses on residential properties subject to special conditions.

Request Description

Request HOP17-02 of Azra Vallejo at 1312 West 41st Street for a Home Occupation Permit for a hair salon. The property is zoned "R-3" Moderate Density Dwelling District.

Section 17.48.010(S)(11)(e) of the Davenport Municipal Code authorizes the Zoning Board of Adjustment to grant by special permit (Home Occupation Permit) the establishment of certain uses including but not limited to the shop of a beautician or barber.

What are the Next Steps after the Public Hearing?

For approved ZBA requests, the ruling is effective immediately. For projects requiring a Building Permit the applicant may contact the Permit office (563-326-7765) the next Business day.

Rulings of the Zoning Board of adjustment are final. The applicant may request reconsideration at the next public hearing, and aggrieved parties may file a writ of certiorari with the district court.

Would You Like to Submit an Official Comment?

As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

Do You Have Any Questions?

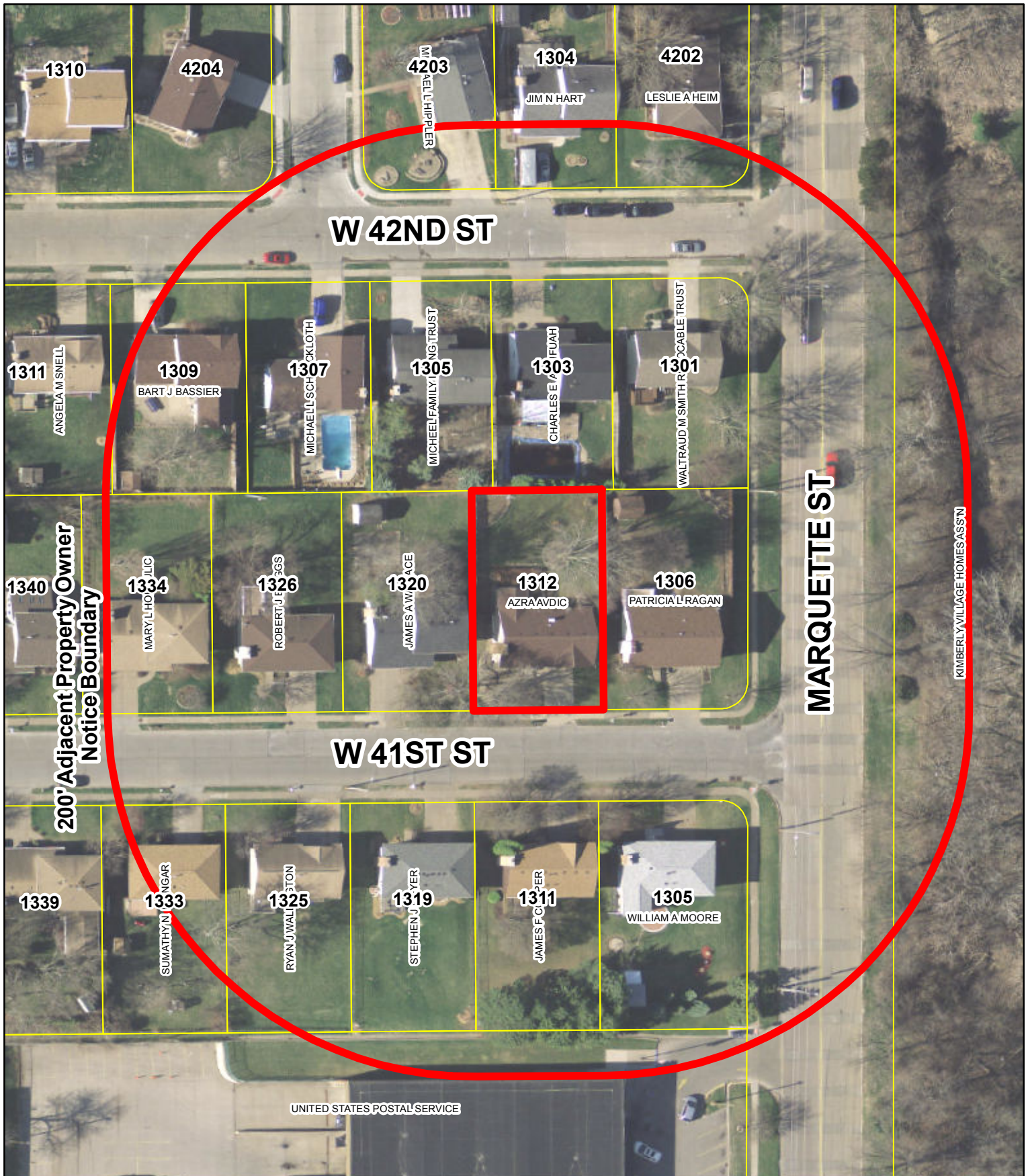
If you have any questions on this request, or if ADA/special accommodations are needed, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701.

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the applicant. If you choose to attend the hearing, you may wish to contact Community Planning prior to your departure to learn of any changes to the agenda.

1312 W 41st St - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	1312 W 41ST ST	AZRA AVDIC	1312 W 41ST ST	DAVENPORT IA 52806
Ward/Ald:	7th Ward	Alderman Matson		20 Notices Sent
M1505B04	1311 W 42ND ST	ANGELA M SNELL	1311 W 42ND ST	DAVENPORT IA 52806
M1505B05	1309 W 42ND ST	BART J BASSIER	1309 W 42ND ST	DAVENPORT IA 52806
M1505B08	1303 W 42ND ST	CHARLES E ASSIFUAH	1303 W 42ND ST	DAVENPORT IA 52806
M1505B12	1320 W 41ST ST	JAMES A WALLACE	1320 W 41ST ST	DAVENPORT IA 52806
M1505B29	1311 W 41ST ST	JAMES F COOPER	1311 W 41ST ST	DAVENPORT IA 52806
M1504C07	1304 W 42ND ST	JIM N HART	1304 W 42ND ST	DAVENPORT IA 52806
P1408A14A	4044 LILLIE AV	KIMBERLY VILLAGE HOMES ASS"N	BOX 2222	DAVENPORT IA 52809
M1504C08	4202 MARQUETTE ST	LESLIE A HEIM	4202 MARQUETTE ST	DAVENPORT IA 52806
M1505B32	1334 W 41ST ST	MARY L HORKULIC	1334 W 41ST ST	DAVENPORT IA 52806
M1504C06	4203 TAYLOR ST	MICHAEL L HIPPLER	4203 TAYLOR ST	DAVENPORT IA 52806
M1505B06	1307 W 42ND ST	MICHAEL L SCHNECKLOTH	1307 W 42ND ST	DAVENPORT IA 52806
M1505B07	1305 W 42ND ST	MICHEEL FAMILY LIVING TRUST	1305 W 42ND ST	DAVENPORT IA 52806
M1505B10	1306 W 41ST ST	PATRICIA L RAGAN	1306 W 41ST ST	DAVENPORT IA 52806
M1505B31	1326 W 41ST ST	ROBERT J BRIGGS	1326 W 41ST ST	DAVENPORT IA 52806
M1505B27	1325 W 41ST ST	RYAN J WALLINGTON	1325 W 41ST ST	DAVENPORT IA 52806
M1505B28	1319 W 41ST ST	STEPHEN J MEYER	1319 W 41ST ST	DAVENPORT IA 52806
M1505B26	1333 W 41ST ST	SUMATHY N IYENGAR	1333 W 41ST ST	DAVENPORT IA 52806
M1505-01B	4018 MARQUETTE ST	UNITED STATES POSTAL SERVICE	4018 MARQUETTE ST	DAVENPORT IA 52806
M1505B09	1301 W 42ND ST	WALTRAUD M SMITH REVOCABLE TRUST	1301 W 42ND ST	DAVENPORT IA 52806
M1505B30	1305 W 41ST ST	WILLIAM A MOORE	1305 W 41ST ST	DAVENPORT IA 52806

Zoning Board of Adjustment: Adjacent Property Owner Notice Area



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

