



MINUTES

Zoning Board of Adjustment

August 24, 2023



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

I. Call to Order:

Chairman Darland called the Zoning Board of Adjustment (ZBA) meeting to order in City Hall Council Chambers, Davenport, Iowa at approximately 4:01 p.m.

Members present: Galliart, Boyd-Carlson, Bloemker, Darland
Excused: none
Staff present: Koops, staff Attorney Bagby

II. Secretary's Report:

Minutes were approved for the 2023-08-10 ZBA Hearing by voice-vote (4-0).

III. Old Business:

- A. Request HV23-12 of John Trimble at 6230 Telegraph RD for a Hardship Variance to construct a 1,920 sq. ft. detached garage (40' x 48') which will exceed the allowed area by 1,120 sq. ft. Existing dwelling has 1,600 sq. ft. of living area. Table §17.09-1 of the Municipal Code allows for a detached garage half of the size of the dwelling's living area (800 sq. ft.). Proposed garage will be 240% of the allowed size; total garage area for this single-family dwelling will be 157% of the dwelling's living area. [Ward 1]**

Koops presented the staff report.

Findings: (supported by the staff report analysis)

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

Recommendation:

The proposed garage has not met the approval standards for a hardship. The petitioner can by right, without hardship, construct a 20' by 40' garage to accommodate an RV. Staff recommended denial of the request.

Discussion by the Board: The Board briefly discussed the issues of the case.

Bloemker stated that he does not think it is incumbent upon the City to accommodate needs in terms of someone's accumulating personal assets. If one is accumulating assets, one should also inquire about how to protect those assets before purchasing them.

Galliart stated that his concern is that the size of the proposed storage will exceed the size of the living structure itself.

Darland stated that zoning regulations are in place because situations change. When the Board reviews these requests, the Board needs to understand that personal needs change over time and that adjacent properties also change by potentially having windows or decks added that would be impacted if a hardship variance were granted. Also, more particularly, Darland stated the he is concerned about the potentially 'flipping' of the principle use from dwelling to storage, as the storage space would exceed the living space on the property if the hardship were granted.

Motion

Gallart moved to approve request HV23-12 as proposed; Boyd-Carlson seconded the motion and the motion failed. (1-3)

Bloemker, no; Boyd-Carlson, yes, Gallart, no; and Darland, no.

IV. New Business:

None.

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:41 p.m.