

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, AUGUST 10, 2023; 4:00 PM

CITY HALL | 226 WEST 4TH STREET | COUNCIL CHAMBERS

THE ZONING BOARD OF ADJUSTMENT HOLDS PUBLIC HEARINGS TO CONSIDER
HARDSHIP VARIANCES, SPECIAL USES, AND INTERPRETATION APPEALS.

I. Call to Order

II. Secretary's Report

A. Consideration of the Board's June 22, 2023 meeting minutes.

III. Old Business

IV. New 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]

V. Other Business

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
8/10/2023

Subject:
Consideration of the Board's June 22, 2023 meeting minutes.

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	8/4/2023 - 9:17 AM



MINUTES

Zoning Board of Adjustment

June 22, 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.

Board Members present: Gallart, Boyd-Carlson, Loebach, Bloemker; (Darland abstained).

Excused: none.

Staff present: Koops, Berkley, staff Attorney Bagby

II. Secretary's Report:

Minutes were approved unanimously for the 2023-06-08 ZBA Hearing by voice-vote (4-0).

III. Old Business:

None.

IV. New Business:

A. Request HV23-11 of Andrea Belk Olson at 2501 Middle RD for a hardship variance to locate a one stall parking pad in the front yard. Section 17.10.020.A. prohibits parking in the front yard unless on a driveway directly connecting to a legal parking space in the side yard, rear yard, or garage.

Koops presented the staff report.

Findings: (supported by the staff report analysis)

- Item #1 the ordinance creates a hardship;
- Item #2 physical and topographical conditions on site limit development;
- Item #3 unique circumstance is established;
- Item #4 protection of essential character is established;

Recommendation:

Staff recommends that Board adopt staff's findings and approve request HV23-11.

Motion

Loebach moved to adopt staff's findings and approve request HV23-10 as proposed; Boyd-Carlson seconded the motion and the motion carried unanimously. (4-0)

Bloemker, yes; Boyd-Carlson, yes; Loebach, yes; and Gallart, yes. (Darland, abstain)

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:22 p.m.

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
8/10/2023

Subject:

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]

ATTACHMENTS:

Type	Description
▣ Executive Summary	Staff Report
▣ Exhibit	Application
▣ Exhibit	Response to Staff's Application Questions
▣ Exhibit	Code Section
▣ Exhibit	Plans
▣ Exhibit	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	8/3/2023 - 1:20 PM



Staff Report | Zoning Board of Adjustment
Exceed garage size | 6230 Telegraph RD
August 10, 2023

Description

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]

Background & Discussion

This single-family property was constructed in 1960. The proposed garage will be located to the north of the dwelling and the existing driveway will be extended to the location of the proposed garage. All additional driveway will be paved.

Detached garages are allowed to be 50% of the living space of the dwelling, which is 800 SF in this case. The applicant is proposing a 1,920 SG detached garage. The total garage area for the lot would be 2,520 SF (1,920 proposed + 600 existing attached).

Request Details

Existing	Proposed
Garage (attached) 600 SF	1,920 SF (Overage: 1,120 SF)
Living Area 1,600 SF	800 SF (allowed detached area)
	240% of Allowed Garage Area
	2,520 Total Lot Garage Area

Scott County Parcel Report

LOT

Lot Dimensions: 186.9 x 315.0

Lot Area 1.35 Acres; 58,874 SF

Residential Dwelling

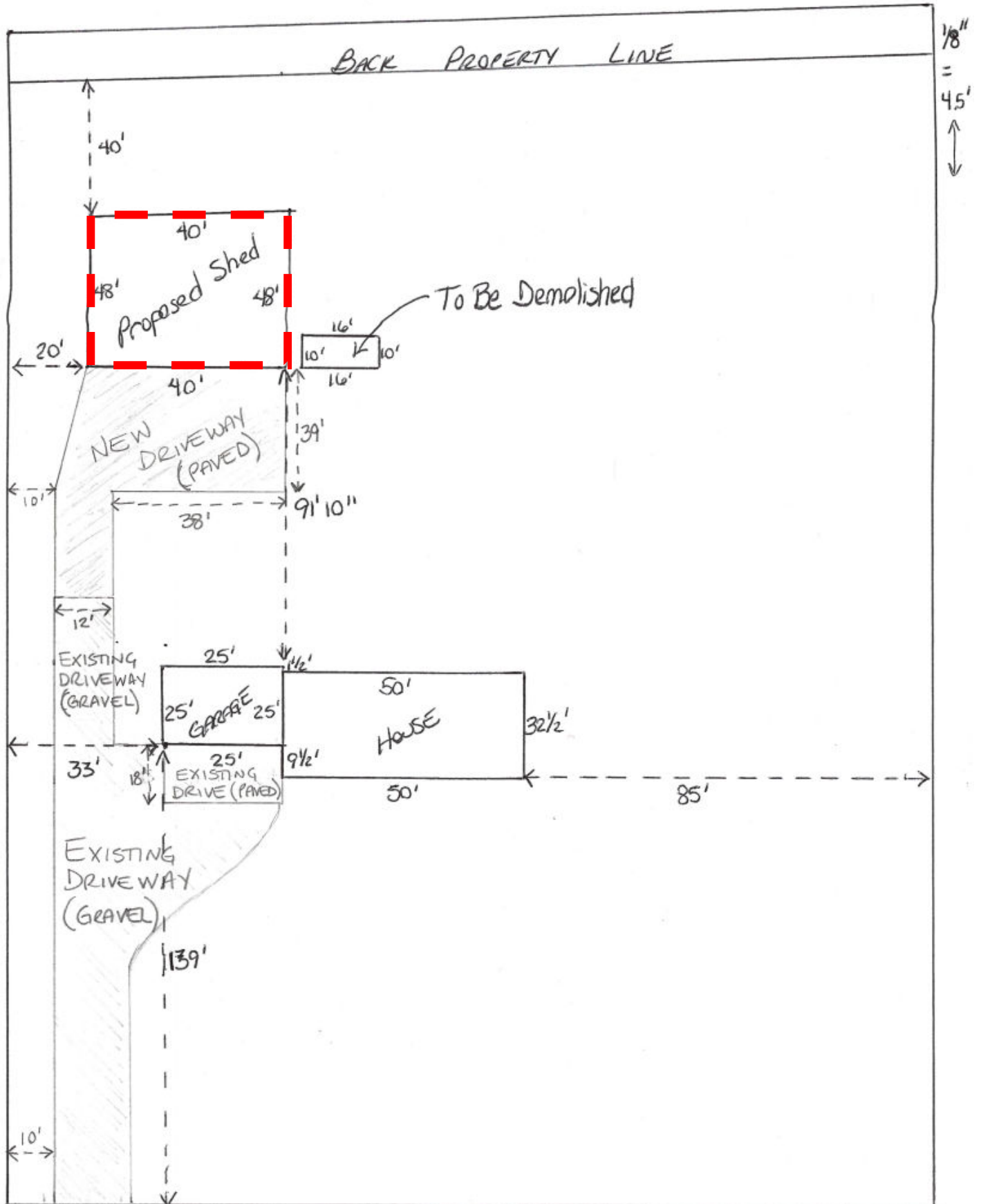
Occupancy	Single-Family
Style	1 Story Frame
Year Built	1960
Exterior Material	Pressed Board
Gross Living Area	1,600 SF
Attic Type	None;
Numb. of Rooms	0 above; 0 below
Numb. of Bedrooms	3 above; 0 below
Basement Area Type	Full
Basement Area	1,600
Porches	Stoop/Deck (40 SF)
Decks	Wood Deck (160 SF)
Garages	600SF - Attached

Dwelling – Front Elevation photograph:



Existing Site Plan with Proposed Detached Garage

Proposed 40' x 48' (1920 sq. ft.) detached garage



This site presently is entitled to an accessory detached garage of up to 800 square feet (which is half of the dwelling's living area). The petitioner can by right, without hardship, construct a 25' by 32' (3-car) detached garage or a 20' by 40' garage to accommodate an RV.

Detached garages are allowed in this District provided they are accessory in nature. The Davenport Municipal Zoning Code allows garages as accessory structures as follows:

Definition - §17.02.030:

Accessory Structure. *A detached structure located on the same lot as the principal building that is incidental to the use of the principal building.*

When 'accessory' or incidental or ancillary structures would exceed the principal building's footprint and living area, the accessory nature is no longer incidental or ancillary to the dwelling use of the property. This is a significant concern regarding the proposed building.

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.*

As the Zoning Code is the same as on the date of the purchase of the property (2022), there cannot be an "unforeseen application of the Zoning Code". The present zoning code existed at the time the property was purchased, making the allowable detached garage area a known parameter.

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:

Without the variance to construct the storage shed requested, damage would most likely occur to our equipment and motorhome during bad weather, which would result in tens of thousands of dollars' worth of expenses. This in turn would result in a financial hardship to my family. The construction of the requested storage shed would allow us to adequately protect our equipment investments.

Staff Comments:

Items owned by the petitioner, and protecting them, are not grounds for a hardship variance. Excessive garage area is a convenience to the petitioner.

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:

Not having a physical structure to store our equipment and RV would result in a significant diminished value from being outside daily, not to mention any additional damage incurred during inclement weather. Not having the storage shed results in the equipment and RV sitting visibly around on our property, making the property unsightly and worth less over time.

We are not requesting a hardship variance from paving requirements. Snow removal equipment is not part of a business and is only for personal use, this property is indeed used for single-family use, farming equipment is a loader tractor, a small disc, a trailer, and a box blade - all used for personal garden/landscaping.

Staff:

No evidence of a physical or topographical hardship has been presented. Items owned by the petitioner are not grounds for a hardship variance.

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:

The vast majority of adjoining and nearby properties all have detached storage structures on the property that are well over the 50% of the square footage of the home, which is the parameter allowed by the city. As such, our property is currently the unique one as it does not have a storage garage.

Farming is not a primary source of income; the proposed building will be used strictly for residential purposes.

Staff:

Adjacent or neighboring nonconforming properties are not a unique circumstance to this property. No evidence has been presented necessitating a hardship variance. Without hardship the petitioner can, by right, construct a 25' by 32' (3-car) detached garage or a 20' by 40' garage to accommodate an RV. Desire for a larger garage is not a unique circumstance, it is a convenience to the petitioner.

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

Applicant Response:

Given the rural/agricultural nature of the area, this building would not alter the essential character of the locality. People would not be surprised to see the addition of a nice storage shed on the property.

Staff:

Granting this request would impact the character in the neighborhood with this overly large accessory structure, which exceeds the size of the dwelling by 157%.

Findings & Staff Recommendation:

The petitioner has not demonstrated any practical difficulties or particular hardships associated with this property or for the need of the proposed detached garage, other than convenience. The proposed structure would exceed allowed detached garage area requirements by 240% and would exceed the living area of the structure by 920 SF.

Findings: (supported by the previous 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 recommends denial of the request.

Prepared by: 

Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents



CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 W. 46th St
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
HARDSHIP VARIANCE
ZONING BOARD OF ADJUSTMENT

APPLICANT INFORMATION		
Applicant Name	REASON FOR HARDSHIP REQUEST	
Address		
City State Zip		
Phone		
Secondary Phone		
E-Mail Address	COMPLETE SUBMITTALS SHALL INCLUDE: SUBMITTED Concept/Development Plan to Scale* *shall show setbacks, height and size dimensions, etc. Consent to request hardship/legal interest Affidavit* *shall include owner contact information Application Fee* \$200 *required for a complete application	
Acceptance of Applicant I, the undersigned, certify that the information on this application to the best of my knowledge is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements. In addition to the application fee, I understand I am responsible for attendance at the meeting as shown on the public hearing zoning board calendar. The City reserves the right to require further site studies as necessary. Type Applicant's Name _____ Applicant's Signature _____ Date _____		
DEVELOPMENT TEAM		
Property Owner		
Address _____		
Phone _____	Secondary Phone _____	
E-Mail Address _____		
Project Manager/Other		
Address _____		
Phone _____	Secondary Phone _____	
E-Mail Address _____		

DATES: PRE-APP **SUBMITTAL** **PUBLIC HEARING**

SITE ADDRESS & PARCEL OR LOCATION DESCRIPTION

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.

Contact Development & Neighborhood Services (DNS) Planning Division at planning@davenportiowa.com with any questions, for additional information, and to submit this form.

John Trimble -- Response to Staff's December 19th Email

From: JMGE Trimble <space_nut@msn.com>
Sent: Sunday, July 9, 2023 9:15 PM
To: Koops, Scott E.
Subject: Re: [EXT] [ci.davenport.ia.us] Variance request
Attachments: property layout.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Scott,
thank you for your patience.
i believe we finally have a site plan for the garage that will work. Please see attached document.

To answer a few of the questions...
we are not requesting a variance for the pavement. we will have the drive up to and inside the shed paved with concrete or blacktop.

The snow removal equipment i am referencing is for private use. I remove snow at my home, my dads home and my mother in laws home.

The property is used for single family.

Next, the only farm equipment is a tractor and plow for a garden. There is no source of income from this.

The building will mainly be used to house an rv and a classic car in the winter when not being used. Strictly residential use. No commercial use at all.

Thanks again for your time.
John and Melissa Trimble

From: Koops, Scott E. <Scott.Koops@davenportiowa.com>
Sent: Wednesday, January 4, 2023 1:50 PM
To: JMGE Trimble <space_nut@msn.com>
Subject: RE: [EXT] [ci.davenport.ia.us] Variance request

I am resending this because I have not had any response.

Thank you!

SCOTT KOOPS, AICP

Planner II | Development & Neighborhood Services (DNS)
City of Davenport

📞 563-328-6701

Make Davenport Better, Use **SeeClickFix**, to make requests for service.

<https://seeclickfix.com/davenport>

From: Koops, Scott E.
Sent: Monday, December 19, 2022 11:22 AM
To: 'JMGE Trimble' <space_nut@msn.com>
Cc: Berkley, Laura <Laura.Berkley@davenportiowa.com>
Subject: RE: [EXT] [ci.davenport.ia.us] Variance request

Mr. Trimble:

It appears that the proposed garage location might be below overhead power lines. Is there an easement for those power lines and/or has Mid-American approved the location of this building? Will the building be located in an utility easement?

Thank you!

SCOTT KOOPS, AICP

From: Koops, Scott E.
Sent: Monday, December 19, 2022 11:03 AM
To: 'JMGE Trimble' <space_nut@msn.com>
Subject: RE: [EXT] [ci.davenport.ia.us] Variance request

Mr. Trimble,

I have reviewed the submitted application and have a few questions and there are a few things staff needs for this to be a complete application.

1. I have attached the correct calendar. Today, 12-19-2022, is the deadline for the 1-12-23 Public Hearing Meeting. (please note attendance at ZBA Public Hearing/Meeting is mandatory and the item will be tabled if you or a representative does not appear at the hearing).
2. The application must have a submitted scale Site Plan, showing the property lines, setbacks for the proposed structure, the existing house and garage and any other structures or parking areas, existing or proposed and distances between such structures.
3. On the Site Plan, Parking Areas/Driveways shall be shown and the material use for the driveway/parking area shall be labeled as either pavement or gravel. **(NOTE: any new areas shall be paved with asphalt or concrete, and shall be shown on the Site Plan, otherwise a hardship variance is needed.)**
4. Staff is unclear if you are requesting a Hardship Variance from paving requirements. If so, the application must reflect that request, and each part of the application must address both issues, the

'exceeding the allowed size of the garage' and 'not paving as required for driveways/parking areas'. NOTE: the building is considered a garage by the definitions of the Zoning Ordinance.

5. Building elevations to scale must be submitted for all four sides of the building. If the building will have sheet metal siding, a statement from the builder will be needed confirming that the metal siding shall have a low sheen paint finish and shall not be highly reflective.
6. Snow removal equipment was mentioned. Is that equipment used to conduct a business?
7. Staff was informed that the property was used exclusively for single-family use. Is this correct?
8. Farm Equipment was mentioned in the application. Staff needs an inventory of all Farm Equipment to be stored in the proposed building. What agricultural enterprise is conducted with the Farm Equipment, and is farming a primary source of income?
9. Staff needs a statement of use for how the proposed building will be used. Will the building be used for commercial purposes? Will the building be used strictly for residential purposes?
10. The City needs a check payable to the 'City of Davenport', or some other form of payment, along with all other items listed in this email and mentioned above by 4:00 PM today, December 19, 2022; otherwise this item will be placed on the January 26th, 2023 ZBA Agenda meeting cycle (with a submittal deadline of Dec. 30, 2022) The Hardship Variance fee is \$200 (nonrefundable).

Thank you!

SCOTT KOOPS, AICP

Planner II | Development & Neighborhood Services (DNS)

City of Davenport

📞 563-328-6701

1200 E 46th ST | Davenport IA 52807

davenportiowa.com/planning | [EPlan](#) | [Zoning Ordinance](#) | [Zoning Map](#)

Make Davenport Better, Use **SeeClickFix**, to make requests for service.

<https://seeclickfix.com/davenport>

From: JMGE Trimble <space_nut@msn.com>

Sent: Sunday, December 18, 2022 8:27 PM

To: Planning <Planning@davenportiowa.com>

Subject: [EXT] [ci.davenport.ia.us] Variance request

ATTENTION: This is an external email.

ATTENTION: This email was sent to a *.ci.davenport.ia.us address. This is slated for decommission on 12-31-2022. Please update your email address with this sender.

K. Detached Garages, Accessory Structures, and Carports

1. Only one detached garage, one shed, and one carport are permitted per lot. Where a lot contains a detached garage and a carport, such carport must be attached to and constructed as an extension of the detached garage.
2. Detached garages, accessory storage buildings, sheds, and carports are permitted in the rear and interior side yards.
3. Detached garages, accessory storage buildings, and carports are permitted in the corner side yard, subject to the following:
 - a. Where there is no alley access, and the garage or carport is located in the corner side yard and takes access from the abutting street, the garage or carport must be set back at least 20 feet from the corner side lot line.
 - b. Where there is no alley access, and the garage or carport is located in the corner side yard but does not take access from the abutting street, the garage or carport must be set back at least four feet from the corner side lot line.
 - c. Any detached garage located in a corner side yard must be set back a minimum of five feet from the front building facade line.
4. Where served by an alley or rear service drive, garages, parking pads for access, and carports must take access from the alley or rear service drive. If a lot abuts an improved public alley that provides adequate access to a street, the garage or carport is not permitted within the required corner side yard setback.
5. Detached garages and accessory buildings are subject to the following design standards:
 - a. Structures shall have the eaves of roof extend a minimum of one foot past the outside walls.
 - b. Structures shall have a minimum 4/12 roof pitch.
 - c. Structures are encouraged to match the pitch of the roof of the principal dwelling.
 - d. Structures utilizing metal siding and/or roofing shall have a matte finish (or similar non-glare finish) and shall maintain the character of the surrounding neighborhood.
 - e. Structures shall not contain cooking facilities or plumbing. This does not apply if an accessory dwelling unit use has been approved, in which case those standards control.
 - f. The design standards related to eaves, roof pitch and metal finish do not apply to detached garages in the S-AG District or on lots 5 acres or greater in the R-1 District which have the detached garage and/or accessory storage building located in the rear yard.
6. Accessory structure size and quantity restrictions do not apply to any structure accessory to an active agricultural use regardless of the presence of a single or two-family dwelling.

Bramlett construction

John Trimble

563-940-0892

7-9-22

1630 Telegraph Road

Davenport Ia.

John This is a contract to build you a 40'x48'x14' building

Included 1-16'x14' steel frame split end door

1-commercial steel clad solid walk door

4-48"x36" sliding windows

building plans

erection

TOTAL COST \$44,462

TERMS \$ 33,462 WHEN ORDERED

\$ 11,000 FOR ERECTION \$ 3,000 WHEN STARTED

\$ 4,000 WHEN FRAMED AND BALANCE ON COMPLETION

NOTE: PERMIT FEE NOT INCLUDED

E-mail address: wickbuildings@gmail.com



Public Hearing Notice | Zoning Board of Adjustment

Date: 8/10/2023 **Location:** City Hall | 226 W 4th ST | Council Chambers
Time: 4:00:00 PM **Subject:** Hearing for Hardship Variance | Zoning Board of Adjustment

EXAMPLE NOTICE
4 NOTICES SENT
WARD 1

To: All property owners within 200' of the subject property **6230 Telegraph RD:**

What is this 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 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]

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 certiorari with the district court.

Would You Like to Submit an Official Comment?

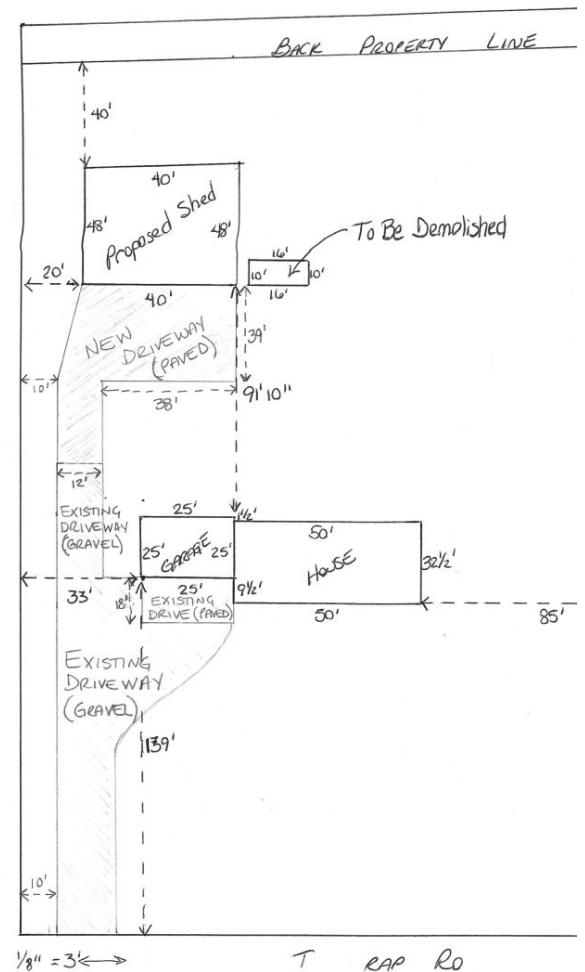
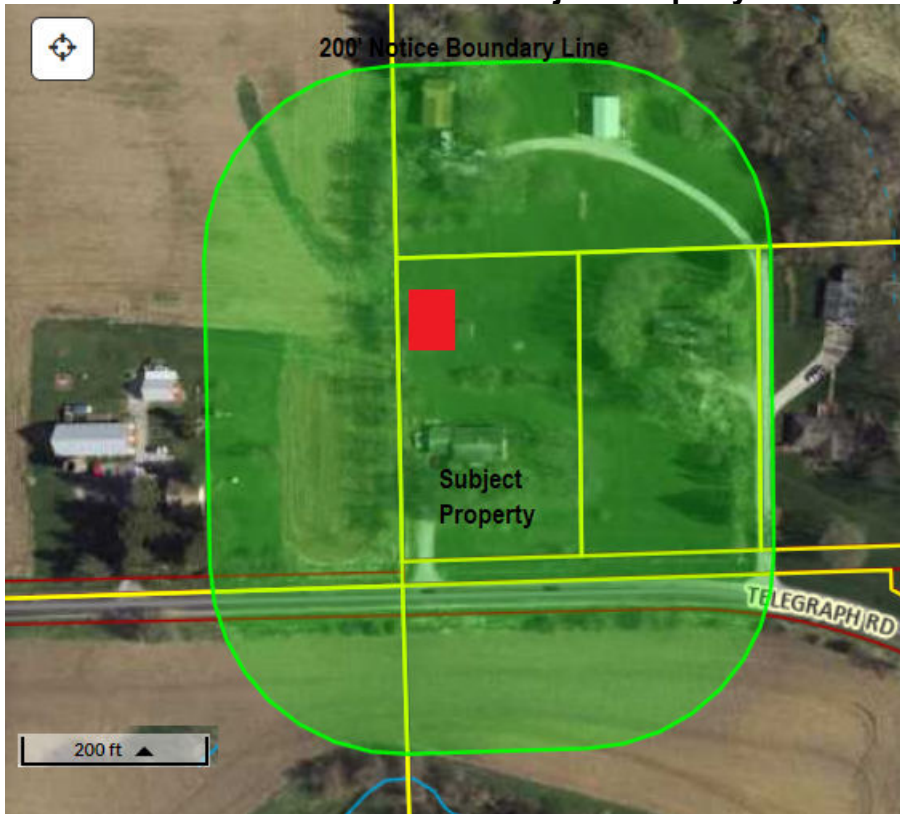
As a property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46th St, Davenport IA 52807.

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

Adjacent Owner Notice Area: Owners within 200' of the Subject Property



JMGE Trimble

From: JMGE Trimble <space_nut@msn.com>
Sent: Sunday, July 9, 2023 9:15 PM
To: Koops, Scott E.
Subject: Re: [EXT] [ci.davenport.ia.us] Variance request
Attachments: property layout.pdf

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