

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, JULY 22, 2021; 4:00 PM

CITY HALL COUNCIL CHAMBERS 226 W 4TH ST

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 minutes from the 7-8-21 hearing.

III. Old Business

A. Request HV21-03 of Jim and Amy Holt at 4710 W. 60th Street for a Hardship Variance to construct an approximate 40' x 64' (2,560sq.ft.) detached garage in the rear yard. Section 17.09.030.K. of the Davenport Municipal Code allows a detached garage of 1,681 sq. ft. (existing dwelling is 3,363 sq. ft.). The proposed garage exceeds the allowed garage area by 879 sq. ft. [Ward 2]

IV. New Business

A. Request SU21-05 of Kevin Koellner on behalf of Elmore Storage LLC at 6403 Elmore Ave for a Special Use for an outdoor storage facility being a continuation of the existing use located on the C-3 property. Table 17.08-1 requires a Special Use for an outdoor storage facility on property zoned C-3 General Commercial District. [Ward 6]

V. Other Business

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: Laura Berkley, CFM, Development & Planning
Administrator

Date
7/22/2021

Subject:
Consideration of the minutes from the 7-8-21 hearing.

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	7/8/2021 - 11:15 AM

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: Laura Berkley, CFM, Development & Planning
Administrator

Date
7/22/2021

Subject:

Request HV21-03 of Jim and Amy Holt at 4710 W. 60th Street for a Hardship Variance to construct an approximate 40' x 64' (2,560sq.ft.) detached garage in the rear yard. Section 17.09.030.K. of the Davenport Municipal Code allows a detached garage of 1,681 sq. ft. (existing dwelling is 3,363 sq. ft.). The proposed garage exceeds the allowed garage area by 879 sq. ft. [Ward 2]

ATTACHMENTS:

Type	Description
▣ Executive Summary	Staff Report
▣ Exhibit	Application
▣ Exhibit	Garage Comparison
▣ Exhibit	Assessor's Parcel Report
▣ Exhibit	Prior R-1 Code Exhibit
▣ Exhibit	Owners Notice & Map
▣ Exhibit	Notice List

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	7/8/2021 - 11:12 AM

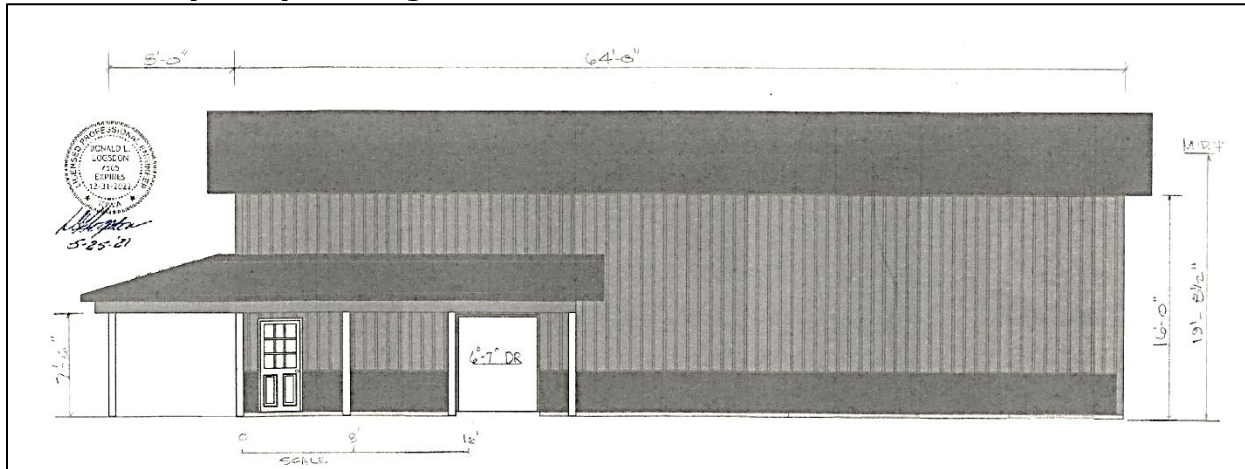


**Zoning Board of Adjustment
Planning Staff Report
Exceed Accessory Garage Area | 4710 W. 60th
June 24, 2021**

Description

Request HV21-03 of Jim and Amy Holt at 4710 W. 60th Street for a Hardship Variance to construct an approximate 40' x 64' (2,560sq.ft.) detached garage in the rear yard. Section 17.09.030.K. of the Davenport Municipal Code allows a detached garage of 1,681 sq. ft. (existing dwelling is 3,363 sq. ft.). The proposed garage exceeds the allowed garage area by 879 sq. ft. [Ward 2]

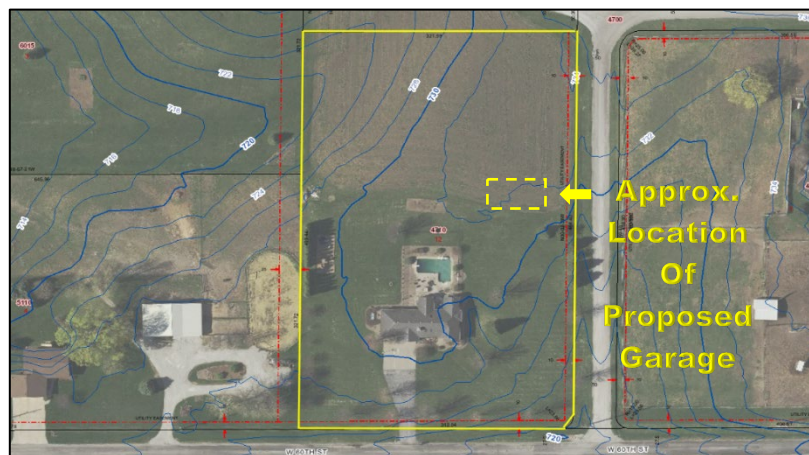
Site – Front (south) Building Elevation



Proposed Detached Garage Site Plan



Site Elevation Contours (2'elevations) & Aerial



Background

This request is before the Board due to the area of the proposed garage. The Zoning Ordinance allows a maximum of 50% of the dwelling's living area for accessory garages. The proposed garage is 76% of the living area of the dwelling on this lot.

While there are other large garages or 'pole barns' in this vicinity, all of those garages were built prior to the existing Zoning Code. The chart below shows a comparison of four sites which are to the northeast proposed of the site:

Garage Comparison of
Near-by "pole barns"

	4620 W 60th	4540 W 60th	4520 W 60th	4440 W 60th
Dwelling Living Area (source: Tax Parcel Report):	4,085 sqft	2,660 sqft	2,199 sqft	2,413 sqft
Area of Detached Garage:	2,856 sqft	768 sqft	1,440 sqft	1,782 sqft (2017) & 2,650 sqft AG build. (1998) @
Previous Zone Prior to 2019):	R-1	R-1	R-1	R-1
Year Built:	2014	2003	2000	2017 @
Detached Garage Area (including Ag) Restriction:	None. (Also: Ag buildings exempt)	None. (Also: Ag buildings exempt)	None. (Also: Ag buildings exempt)	None. (Also: Ag buildings exempt)
Garages Allowed (quantity)*: * One must be attached	2	2	2	2
2nd Garage Lot size Requirement:	> 20,000 sqft	> 20,000 sqft	> 20,000 sqft	> 20,000 sqft
Existing "2019 R-1" Zoning:	R-1	R-1	R-1	R-1
Detached Garage Area Restriction:	50% of the Living Area	50% of the Living Area	50% of the Living Area	50% of the Living Area
Garages Allowed (quantity)*: * One must be attached	2	2	2	2
2nd Garage Lot size Requirement:	None.	None.	None.	None.

@ The 2nd garage was approved with a hardship variance which allowed a second structure.

Background (continued)

It should be noted that the of the properties with excessive garages referenced by the petitioner in their application were all built under a Code which left the size of an accessory structure unregulated, other than the fact that the structure must somehow be accessory to the dwelling use located on property.

In the R-1 Districts of the prior zoning ordinance, code interpretation allowed a garage/storage structure up to the size of the principal structure on the lot, and anything larger than that was deemed a primary use, and therefore not allowed in a residential district. All other single-family districts at that time limited an accessory garage/structure to 1,080 square feet.

In comparison, the new zoning does place limitations on detached garages in an R-1 District. The new restriction allows for a garage up to 50% of the living area of the dwelling on the lot. At the time of the drafting of the 2019 Zoning Ordinance, the planning consultants, and city planners reached consensus (and backed by City Council) that garages in the R-1 District should have a size limitation.

If this hardship request is approved, the lot will have more garage area than living area (1,084s.f. existing + 2,560s.f. proposed; 3,644s.f. garage vs 3,363s.f. dwelling area). The garages will no longer be ancillary to the dwelling. Garages are only allowed in an R-1 District if they are accessory structures to the dwelling (principal) use.

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.*

The Zoning Board of Adjustment is authorized to approve a hardship variance whereby reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographical conditions or other extraordinary or exceptional situations of a specific piece of property, whereas the strict application of any provision of this title would result in atypical and practical difficulties and whereby clearly demonstrable hardship upon the owner of such property, amounting to practical confiscation thereof and not a mere inconvenience to the owner, and only after all approval criteria have been met, shall a hardship variance be considered by the Board.

Discussion

The applicant wants space garage to “*store machinery for the up keep of all property*” and to “*store and clean the equipment we would need to get to be able to take care of the current and additional land*”.

The petitioner has indicated that a covenant from the Home Owner’s Association does not allow for the keeping or storage of machinery or any miscellaneous items outside. While the covenant has not been supplied to staff, covenants are not a burden of the Zoning Code. All properties within the City are required to meet State and City laws and code regardless of what a covenant requires.

Staff asked the petitioner how they determined the needed size for the garage and along those lines of thought, what specific items would be necessary to be stored in the

structure, and how the applicant determined that the allowed detached garage size of 1,681 sqft. is insufficient and that the proposed garage of 2,560 sqft. is needed.

Staff requested an inventory of the equipment needed to be stored in the detached garage. Staff has not received such a list, nor does staff know how many square feet these items would need per item.

The petitioner has indicated that the 1.5 acres of land that was row cropped by the farmer will now be kept as grass and will be mowed by the petitioner. A mower, rake, bailer and a small tractor would be easily be contained by the allowed 1,681 sqft. garage.

Also of note, the property owner already has an attached garage of 1,084 sqft. garage, which combined with the allowed 1,681 sqft. detached garage is a total of 2,765 sqft. storage space for the entire property.

Staff received a phone call the week of June 7th from an abutting neighbor who is concerned that the garage will be used to store items from the applicant's various business ventures which include a landscaping business, and the *All Around Town* store located at 4401 West Locust Street. Services provided at the store are outdoor construction (kitchens, bars, patios, retaining walls, outdoor lighting, water features, pergolas, fencing, swimming pool installation, hot tub installation, turf care, holiday lighting) and a full service retail center. Since the applicant provides turf care for their business, the mowing equipment stored on this site would be difficult to identify as equipment ancillary to a sign-family dwelling, versus equipment provided for custom lawn care service through the All Around Town business.

On June 18th staff received another phone call from an adjacent owner concerned about the increased dust from additional usage of the gravel access drive. Staff is also concerned that the applicant have not provided proof of access rights to the proposed garage via the adjacent gravel road. Without proof of access right, the petitioner will be required to pave a driveway from West 6th Street to the proposed garage.

Given the concerns stated about, staff is leery of an approval for such a large structure in a low density single-family district.

Approval Standards

The Zoning Board of Adjustment decision must make findings to support each of the following: (code requirement/*applicant's response*/staff comments)

1. Strict ordinance application of will result in hardship unless specific relief requested is granted.

Applicant Response:

We would like to build a pole barn on our residential property in the west end of Davenport. We live on 3.72 acres. The back portion of our property had been being managed by a farmer from when we purchased the property (2013) until last fall when we decided to take it over.

We were supposed to start the pole barn process last fall until the derecho. Then our contractor put all new buildings on hold so he could focus on all the repairs. We would like to a pole barn approximately 40' x 64' in the northeast portion of our lot to store machinery for the up keep of all property.

We will have a paved driveway that connect to the neighbor's driveway on the east side of the lot. Our Home Owners Association covenant requires machinery to be stored inside. The pole barn is needed to house the equipment we need.

Staff Comments:

Items owned by the petitioner are not grounds for a hardship variance. The site allows for a total of 2,765 sqft. storage space without a hardship variance. Garage space over and above the allowed 2,765 square feet of storage/garage space 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:

We are wanting this pole barn to accommodate the machinery to maintain this property. Having additional storage actually does apply to the majority of nearby properties. As stated before we have three neighbors (not zoned Ag) that have at least one pole barn for the exact reason of why we are wanting one.

Staff Comments:

Properties built 5, 10 to 20 years ago when the zoning ordinance was different are not grounds for a hardship variance. The need for the variance must be unique to the physical traits of the subject property.

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 building will be a rectangle shape building with a low sheen [paint finish]. There will be two garage doors facing east. The hardship would be not having a storage facility for the machinery [needed] to maintain the property.

Staff Comments:

The site allows for a total of 2,765 sqft. storage space without a hardship variance. Garage space over and above the allowed 2,765 square feet of storage/garage space is a convenience to the petitioner. A unique circumstance has not been demonstrated by the petitioner.

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

Applicant Response:

Being granted this variance will not alter the character of the locality at all. We have three neighbors to the north east that have pole barns as well. We are in the city limits but all of the families in this residential are live on 3+ acres. We have a great design and appropriate colors for this proposed pole barn. We have every intention of maximizing this barn to fit into our existing property.

Staff Comments:

While the character of the area may not be immediately impacted by the proposed structure, the hardship variance and the existing attached garage do present a very large amount of storage space for a single-family dwelling. This excessive storage space which will be difficult for the normal single-family household to utilize may very well impact the character of the neighborhood as any new or future owners could look for ways to maximize the use of the property by renting out the storage space for others to use for person or business uses, both of which are illegal uses in this low density dwelling district.

Findings & Staff Recommendation:

Findings: (supported by the previous analysis)

- The petitioner has not demonstrated by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographical conditions or other extraordinary or exceptional situations, that this property subject to the strict application of this title results in peculiar and practical difficulties;
- Item #1 application of the ordinance creating hardship has not been demonstrated;
- Item #2 physical and topographical conditions do not limit use of the site;
- Item #3 unique circumstance has not been established;
- Item #4 essential character of the area will not be protected;

Items of Concern:

- Need for the garage has not been supported by a detailed inventory of items to be storage in the garage/size of the items have not been determined/provided to staff and the covenant has not been provided;
- Staff has no assurance that the garage will not be converted to a business in the future
- Ownership of mowing/turf equipment will be difficult to determine, home owner vs business owned; business equipment cannot be legally storage at this property;
- Access rights to the adjacent gravel drive have not been provided;

Recommendation:

Staff strongly recommends denial of the request as it does meet any of the approval criteria necessary for a hardship determination.

Additionally, if the hardship is approved, there will exist a threat to single-family investment in this neighborhood as the large storage building will be enticing for those who seek inexpensive locations in which to locate a business.

Item #1 Zoning Code Created Hardship, #2 Physical/topographical Hardship #3 Unique Circumstance Hardship and item #4 Protection of Essential Character have not been met per the approval criteria established in Section 17.14.060 of the Davenport Municipal Code.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents



Complete application can be emailed to planning@davenportiowa.com

Property Address* 4710 W. 60th Street Davenport, IA 52806

*If no property address, please submit a legal description of the property.

Applicant (Primary Contact)**

Name: Amy Holt & Jimmy Holt
 Company:
 Address: 4710 W. 60th Street
 City/State/Zip: Davenport, IA 52806
 Phone: 563-676-1094
 Email: amyholt1010@gmail.com

Application Form Type:

Plan and Zoning Commission

- Zoning Map Amendment (Rezoning) ☐
 Planned Unit Development ☐
 Zoning Ordinance Text Amendment ☐
 Right-of-way or Easement Vacation ☐
 Voluntary Annexation ☐

Owner (if different from Applicant)

Name:
 Company:
 Address:
 City/State/Zip:
 Phone:
 Email:

Zoning Board of Adjustment

- Zoning Appeal ☐
 Special Use ☐
 Hardship Variance ☒

Engineer (if applicable)

Name:
 Company:
 Address:
 City/State/Zip:
 Phone:
 Email:

Design Review Board

- Design Approval ☐
 Demolition Request in the Downtown ☐
 Demolition Request in the Village of East Davenport ☐

Architect (if applicable)

Name:
 Company:
 Address:
 City/State/Zip:
 Phone:
 Email:

Historic Preservation Commission

- Certificate of Appropriateness ☐
 Landmark Nomination ☐
 Demolition Request ☐

Administrative

- Administrative Exception ☐
 Health Services and Congregate Living Permit ☐

Attorney (if applicable)

Name:
 Company:
 Address:
 City/State/Zip:
 Phone:
 Email:

** If the applicant is different from the property owner, please submit an authorization form or an accepted contract for purchase.

Request:

Please describe the variance(s) requested:

We recently took over all of our land. A large portion was farmed by a local farmer. We are wanting to build a pole barn approx 40 x 64 to store and clean the equipment we would need to get to be able to take care of the current + additional land.

Existing Zoning: R-1

Submittal Requirements:

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed structures affected by the hardship variance. If a paper copy is provided, the maximum size is 11" x 17".
- Description and evidence that demonstrates consistency with the criteria listed in Section 17.14.060 of the Davenport Municipal Code.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- Required fee - \$200.

The Applicant hereby acknowledges and agrees to the following procedure and requirements:**(1) Application:**

- Prior to submission of the application for the hardship variance, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the hardship variance process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Public Notice for the Zoning Board of Adjustment public hearing:

- Planning staff will send a public hearing notice to surrounding property owners.

(3) Zoning Board of Adjustment's consideration of the hardship variance:

- Planning staff will perform a technical review of the request and present its findings and recommendation to the Zoning Board of Adjustment.
- The Zoning Board of Adjustment will hold a public hearing and vote on the request.

(4) The staff report will be available on the City website approximately 4 days before the ZBA meeting at this location: https://www.cityofdavenportiowa.com/government/boards_commissions under Zoning Board of Adjustment > Search Minutes & Agendas.

It is the applicant's responsibility to access the website to see the staff report. Planning staff will not mail/email the report.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.

We would like to build a Pole barn on our residential property in the west end of Davenport. We live on 3.72 acres. The back portion of our property had been being managed by a farmer from whom we purchased the property (2013) until last fall when we decided to take it over. We were supposed to start the Pole barn process last fall, until the derraccio hit. Then our contractor put all "new" builds on hold so he could focus on all the repairs, which leads us up to now. We would like to build a 64x40 pole barn in the NE portion of our lot to store machinery for the upkeep of our property. We will have a paved driveway that connects to the gravel road on the east side of our lot. Our HOA covenant says we cannot have machinery or any misc. items being kept outside or in the driveway. We need the barn to house the equipment we need.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

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.

We are wanting this Pole barn, to accomodate the machinery to maintain this property. Having additional storage ~~are~~ actually does apply to the majority of nearby properties. As stated before we have 3+ neighbours (who are not zoned A&R) that have at least one pole barn for the exact reason of why we are wanting one.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

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.

The building will be a rectangle shape building with a low sheen, matte material used for the exterior. There will be two garage doors - facing east. The Hardship would be not having a storage facility for the machinery to maintain the property.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

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

Being granted this variance will not alter the character of the locality at all. We have three neighbours to the NE of us that have pole barns as well. We are in city limits, but all of the families in this residential area live on 3+ acres. We have a great design + appropriate colors for this proposed pole barn. We have every intention of making this barn fit into our existing property.

Applicant: Amy and Jimmy Holt

Date: 5-15-21

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by: _____

Planning staff

Date: _____

Date of the Public Hearing: _____

Meetings are held in City Hall Council Chambers located at 226 West 4th Street, Davenport, Iowa.

Authorization to Act as Applicant

I, _____
authorize _____
to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located
at _____

Signature(s)*

*Please note: original signature(s) required.

40'

64'

Proposed
Garage (64' x 40')

paved
driveway

40'

N00-02-39'W

484.40

EASEMENT

DATE: 12/1/11
SCALE: 1" = 10'



Garage Comparison of Near-by "pole barns"



	4620 W 60th	4540 W 60th	4520 W 60th	4440 W 60th	SUBJECT PROPERTY (PROPOSED GARAGE)
Dwelling Living Area (source: Tax Parcel Report):	4,085 sqft	2,660 sqft	2,199 sqft	2,413 sqft	3,363 sqft
Area of Detached Garage:	2,856 sqft	768 sqft	1,440 sqft	1,782 sqft (2017) & 2,650 sqft AG build. (1998) @	2560 sqft (proposed)
Previous Zone Prior to 2019):	R-1	R-1	R-1	R-1	n/a
Year Built:	2014	2003	2000	2017 @	2021 (Proposed)
Detached Garage Area (including Ag) Restriction:	None. (Also: Ag buildings exempt)	None. (Also: Ag buildings exempt)	None. (Also: Ag buildings exempt)	None. (Also: Ag buildings exempt)	50% of the Living Area/ No Ag exemption
Garages Allowed (quantity)*: * One must be attached	2	2	2	2	
2nd Garage Lot size Requirement:	> 20,000 sqft	> 20,000 sqft	> 20,000 sqft	> 20,000 sqft	
Existing "2019 R-1" Zoning:	R-1	R-1	R-1	R-1	R-1
Detached Garage Area Restriction:	50% of the Living Area	50% of the Living Area	50% of the Living Area	50% of the Living Area	50% of the Living Area
Garages Allowed (quantity)*: * One must be attached	2	2	2	2	2
2nd Garage Lot size Requirement:	None.	None.	None.	None.	None.

@ The 2nd garage was approved
with a hardship variance which
allowed a second structure.



Scott County / City of Davenport, Iowa

Summary - Auditor's Office

Parcel ID V0549-12
 Alternate ID V04020
 Property Address 4710 W 60TH ST
 DAVENPORT IA 52806
 Sec/Twp/Rng N/A
 Brief HENRY HEIGHTS EQUESTRIAN Lot: 012 HENRY HEIGHTSEQUESTRIAN
 Tax Description ESTATES
 (Note: Not to be used on legal documents)
 Deed Book/Page 2014-22231
 Contract Book/Page
 Gross Acres 0.00
 Net Acres 0.00
 Adjusted CSR Pts 0
 Class R - Residential
 (Note: This is for tax purposes only. Not to be used for zoning.)
 District DAD - DAVENPORT DAVENPORT
 School District DAVENPORT SCHOOL
 Subdivision HENRY HEIGHTS EQUESTRIAN



Owners - Auditor's Office

Deed Holder
[HOLT JAMES P](#)
[4710 W 60TH ST](#)
 DAVENPORT IA 52806

Contract Holder

Mailing Address
 HOLT JAMES P
 4710 W 60TH ST
 DAVENPORT IA 52806

HOLT AMY
[4710 W 60TH ST](#)
 DAVENPORT IA 52806

Residential Dwelling - Assessor's Office

Residential Dwelling
 Occupancy Single-Family
 Style 1 Story Frame
 Architectural Style N/A
 Year Built 1995
 Exterior Material Vinyl
 Total Gross Living Area 2,286 SF
 Attic Type None;
 Number of Rooms 0 above; 0 below
 Number of Bedrooms 3 above; 0 below
 Basement Area Type Full
 Basement Area 2,274
 Basement Finished Area 1,077 - Living Qtrs. (Multi); 390 - Standard Finish
 Plumbing 2 Full Bath; 2 Shower Stall Bath; 1 Wet Bar / Pot Filler; 1 Fbgl Service Sink;
 Central Air Yes
 Heat FHA - Gas
 Fireplaces 1 Prefab; 1 Gas/Elec-Side;
 Porches 1S Frame Open (44 SF); 1S Frame Enclosed (256 SF);
 Decks Wood Deck-Med (224 SF);
 Additions 1 Story Frame (12 SF);
 Garages 1,084 SF - Att Frame (Built 1995);

data available for the following modules: Summary - Inactive, DBA (Doing Business As) - Assessor's Office, Tax Sale Certificates - Treasurer's Office, Scott County Data Correction Feedback Form, S

claimer: The information in this web site represents current data from a working file which is updat

Pre-2019 Zoning Code: Accessory Buildings

17.08.040—17.10.030

H. Country club or golf courses, except a miniature course or driving range for commercial purposes;

I. Kennel, veterinary hospital or public stable; provided that any buildings or enclosures so used shall be located not less than one hundred feet from any street or lot line;

J. Cemeteries;

K. Extraction of sand, gravel, and other minerals. A restoration plan must be filed in accordance with provisions as stated in Section 17.50.030;

L. Grain elevator and the usual accessory structures for storage of farm products when located upon or within one hundred feet of a railroad right-of-way;

M. Home office;

N. Accessory building or use, including a maximum of two private garages, customarily incident to any of the above uses and not involving the conduct of a business, on lots equal to or exceeding twenty thousand square feet. Lots of less than twenty thousand square feet in size shall be limited to one private garage. Any accessory building which is not part of the main building that is located less than one hundred feet from the front lot line shall be in conformance with all yard requirements, except as otherwise provided in Sections 17.42.020 through 17.42.070. (Ord. 97-429 § 1: New: Ord. 75-422 § 1: prior code § 42-11).

17.08.040 Height, yard, lot width, and area regulations.

The height, yard, and lot width requirements within the A-1 agricultural district shall be as required in Chapter 17.42. (Prior code § 42-12).

17.08.050 Off-street parking and loading regulations.

The off-street parking and loading requirements within the A-1 agricultural district shall be as required in Chapter 17.44. (Prior code § 42-13).

Chapter 17.10

R-1 LOW DENSITY DWELLING DISTRICT

Sections:

17.10.010 Intent.

17.10.020 Applicability.

17.10.030 Use regulations.

17.10.040 Height, yard, lot width, and area regulations.

17.10.050 Off-street parking and loading regulations.

17.10.010 Intent.

This district is intended to provide for high quality, single-family residential development of a semisuburban character on a low density basis. (Prior code § 42-14).

17.10.020 Applicability.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the district requirements in the R-1 low density dwelling district. (New: prior code § 42-15).

17.10.030 Use regulations.

A building or premises shall be used only for the following purposes:

- A. Single-family dwellings;
- B. Church, synagogue or other place of worship;
- C. Public and parochial schools and private schools having a similar basic curriculum;
- D. Golf courses and country clubs except miniature courses or practice driving tees operated for commercial purposes;
- E. Parks, playgrounds, libraries, and community buildings owned or operated by public agencies;
- F. Home office;
- G. Accessory buildings and accessory uses customarily incident to the above uses, not invol-

ing the conduct of a business, including farm buildings and a maximum of two private garages on any lot equal to or exceeding twenty thousand square feet provided that one of the two garages is attached to the principal dwelling. Lots of less than twenty thousand square feet shall be limited to one private garage. Any accessory building that is not a part of the main structure shall be located in conformance with all yard requirements, except as otherwise provided by Sections 17.42.020 through 17.42.070. (Ord. 97-429 § 2; New: Ord. 75-422 § 2; prior code § 42-16).

17.10.040 Height, yard, lot width, and area regulations.

The height, yard, lot width and area requirements within the R-1 low density dwelling district shall be as required in Chapter 17.42. (New: prior code § 42-17).

17.10.050 Off-street parking and loading regulations.

The off-street parking and loading requirements within the R-1 low density dwelling district shall be as required in Chapter 17.44. (New: prior code § 42-18).

Chapter 17.12

R-2 LOW DENSITY DWELLING DISTRICT

Sections:

- 17.12.010 Intent.**
- 17.12.020 Applicability.**
- 17.12.030 Use regulations.**
- 17.12.040 Height, yard, lot width and area regulations.**
- 17.12.050 Off-street parking and loading regulations.**

17.12.010 Intent.

This district is intended to provide for high quality single-family residential development of semisuburban character, but of slightly higher density and permitting smaller lots than the R-1 district, and where municipal service facilities are available. (Prior code § 42-19).

17.12.020 Applicability.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the district regulations in the R-2 low density dwelling districts. (New: prior code § 42-20).

17.12.030 Use regulations.

A building or premises shall be used only for the following purposes:

- A. Single-family dwellings;
- B. Parks, playgrounds, and community buildings owned or operated by public agencies;
- C. Public and parochial schools and private schools having a similar basic curriculum;
- D. Church, synagogue or other place of worship;
- E. Golf courses and country clubs except miniature courses or practice driving tees operated for commercial purposes;
- F. Home office;
- G. Accessory uses.

1. One private garage shall be allowed on lots of twenty thousand square feet or less, or two private garages, on lots equal to or exceeding twenty thousand square feet in size provided one of the garages is attached to the principal dwelling to be used for residential purposes. The floor area shall be no more than forty percent of the principal structure for attached garages. However, one two and one-half car garage, twenty-four feet by thirty feet or seven hundred twenty square feet, is permitted as a minimum. Detached garages shall be limited to a maximum of one thousand eighty square feet except as provided in Section 17.52.050K.



Public Hearing Notice | Zoning Board of Adjustment

Date: 6/24/2021 **Location:** Council Chambers | City Hall | 226 W. 4th ST.
Time: 4:00 PM **Subject:** Public Hearing for Hardship Variance before the Zoning Board of Adjustment

Example Notice
Ward 2
13 Notices Sent

To: All property owners within 200 feet of the subject property located at **4710 W. 60th Street.**

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 HV21-03 of Jim and Amy Holt at 4710 W. 60th Street for a Hardship Variance to construct an approximate 40' x 64' (2,560 sq.ft.) detached garage in the rear yard. Section 17.09.030.K. of the Davenport Municipal Code allows a detached garage of 1,681 sq. ft. (existing dwelling is 3,363 sq. ft.). The proposed garage exceeds the allowed garage area by 879 sq. ft. [Ward 2]

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

Zoning Board of Adjustment Adjacent Property Owner Notice Area



HV21-03 Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	4710 W 60TH ST	JAMES P HOLT	4710 W 60TH ST	DAVENPORT IA 52806
Neighborhood:	None			All Alderman Notified
Ward/Ald:		7 Miller		Notices Sent: 13
V0801-01C	4607 60TH ST	NICHOLAS J GROTH	4607 60TH ST	DAVENPORT IA 52806
V0801-05C	5005 W 60TH ST	SCOTT P SHIMP	5005 W 60TH ST	DAVENPORT IA 52806
V0801-04C	4903 W 60TH ST	CAROL J STROBBE	4903 W 60TH ST	DAVENPORT IA 52806
V0801-01D	4713 W 60TH ST	ALEX SCHLUE	4713 W 60TH ST	DAVENPORT IA 52806
V0801-02C	4625 W 60TH ST	MORELOCK FAMILY TRUST	4625 W 60TH ST	DAVENPORT IA 52806
V0549-02	6125 WISCONSIN AV	TOM RIOS	6125 WISCONSIN AV	DAVENPORT IA 52806
V0549-04	5110 W 60TH ST	EMIEL HENRY FLUEGEL JR	5110 W 60TH ST	DAVENPORT IA 52806
V0549-03	6015 WISCONSIN AV	BARRY HUBER	6015 WISCONSIN AV	DAVENPORT IA 52806
V0551-12	1355 W 49TH ST	AUSTIN K HENRY	1355 W 49TH ST	DAVENPORT IA 52806
V0549-05	4720 W 60TH ST	JOHN H WEIMAN	4720 W 60TH ST	DAVENPORT IA 52806
V0549-06	4640 W 60TH ST	DANIEL L CULVER	4640 W 60TH ST	DAVENPORT IA 52806
V0551-01	4750 W 60TH ST	WULF RUN FARM LLC	4750 W 60TH ST	DAVENPORT IA 52806
V0801-02D	4713 W 60TH ST	ALEX SCHLUE	4713 W 60TH ST	DAVENPORT IA 52806

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: Laura Berkley, CFM, Development & Planning
Administrator

Date
7/22/2021

Subject:

Request SU21-05 of Kevin Koellner on behalf of Elmore Storage LLC at 6403 Elmore Ave for a Special Use for an outdoor storage facility being a continuation of the existing use located on the C-3 property. Table 17.08-1 requires a Special Use for an outdoor storage facility on property zoned C-3 General Commercial District. [Ward 6]

ATTACHMENTS:

Type	Description
▣ Executive Summary	Staff Report
▣ Exhibit	Site Plan
▣ Exhibit	Application
▣ Exhibit	Owners Notice & Map
▣ Exhibit	Notice List

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	7/8/2021 - 11:01 AM



**Zoning Board of Adjustment
Planning Staff Report – Outdoor self-storage units
July 22, 2021**

Description

Request SU21-05 of Kevin Koellner on behalf of Elmore Storage LLC at 6403 Elmore Ave for a Special Use for an outdoor storage facility being a continuation of the existing use located on the C-3 property. Table 17.08-1 requires a Special Use for an outdoor storage facility on property zoned C-3 General Commercial District. [Ward 6]

Background

In 2015 the south half of this site was developed with outdoor storage units, at which time the property was zoned for Planned Development District, which allowed for the use.

In January of 2019 the zoning code was replaced and the property was zoned C-E Elmore Corridors which rendered the property nonconforming with respect to use of the property.

The C-E District does not allow for outdoor self-storage units. Accordingly a zoning map amendment was recently requested and approved (on 7-14-21), rezoning the property to C-3 General Commercial District. The C-3 zoning allows outdoor self-storage units which are a continuation of the existing use on the lot.

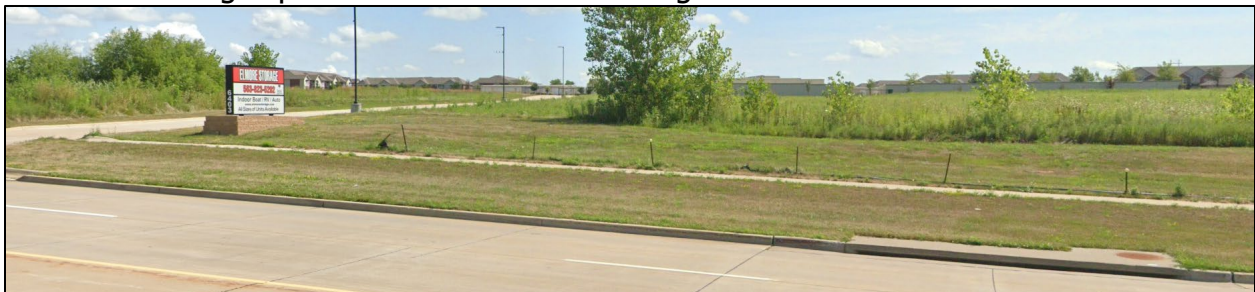
In addition to the rezoning, the site requires Special Use approval which is required for the outdoor self-storage units in the C-3 District.

As additional background, the Findings of the Zoning Map Amendment are as follows:

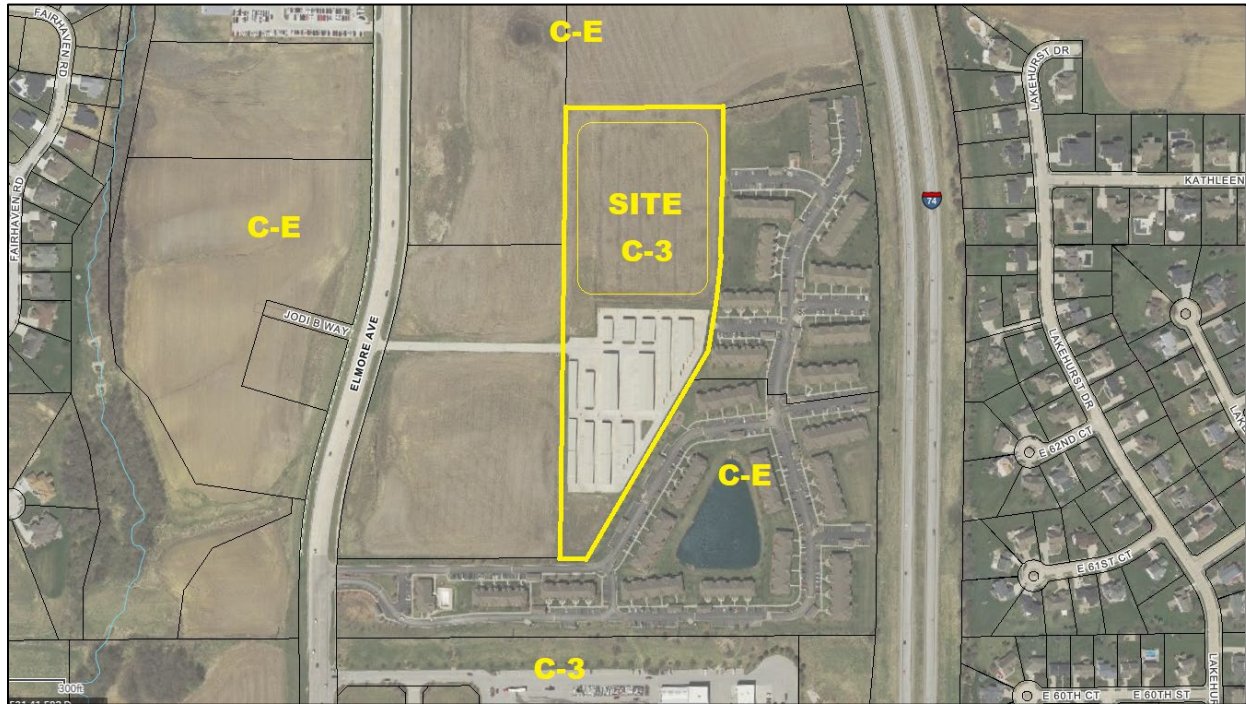
1. The zoning map amendment is consistent with the Davenport 2035+ Land Use Plan, (Regional Commercial – RC) which allows for the proposed use and other such similar uses.
2. The proposed C-3 District and storage use is compatible with the adjacent zoning, area characteristics, and public health and welfare as there are other regional commercial uses nearby and the use is allowed in the RC future land use classification.
3. Rezoning the property to C-3 General Commercial District does not create any nonconformities and will in fact change a nonconforming use into a conforming use.

Self-Storage Facility (Outdoor) is defined as:

A facility for the storage of personal property where individual renters control and access individual storage spaces and where each storage unit has individual outdoor access.



Site Aerial:



Discussion

Planning staff is in agreement with City Council that this location is suitable for an outdoor self-storage facility. The northern portion of this lot has been graded for use similar to the portion of the site to the south.

The facility is currently secured by a gated access-code security fence. The petitioner has proposed to extend this fencing onto the northern portion of the lot so that all use areas will be enclosed with the same fence style and shall also have restricted access.

Approval Standards

1. The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.

The proposed use meets code requirements for outdoor self-storage. The site is properly designed to have minimal, if any, impact on adjacent property and public facilities if constructed per required building code as has been proposed by the developer and with the required solid fence screening.

2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.

The plans meet code requirements and the site is properly designed to have minimal, if any, impact on adjacent property as proposed.

3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

Rezoning REZ21-03 has been approved, rezoning the property to C-3 general Commercial District. Land use policy has been met along with all code requirements, as properly conditioned.

Recommendation

Findings:

1. The petitioner proposed location/design/construction meets Special Use requirements
2. This use is compatible with adjacent land uses and type of development
3. Security measures in place shall limit unwanted access to the site.
4. The proposed Special Use is in accordance with the criteria for Special Use approval.

Recommendation:

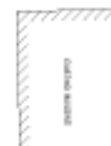
Staff recommends that Board adapt staff's findings and approve request SU21-05 subject to the following conditions:

1. Prior to occupancy the pad sites shall be enclosed with the same or similar style of fencing as the existing fence to the south;
2. The new portion of the site shall have restricted access to the site in a similar or same manner than the area to the south;
3. Should complaints arise due to noncompliance of these conditions, and/or if staff is aware of infractions to these conditions and/or any other code violations, a rehearing of the special use shall be scheduled per Davenport Municipal Code specifications for Zoning Board of Adjustment Special Use public hearings; at which the Special Use may be modified, re-approved or revoked.

Prepared by: 

Scott Koops, Planner II

Attachments: Map, Site Plan, Application, Notification Map, Exhibits

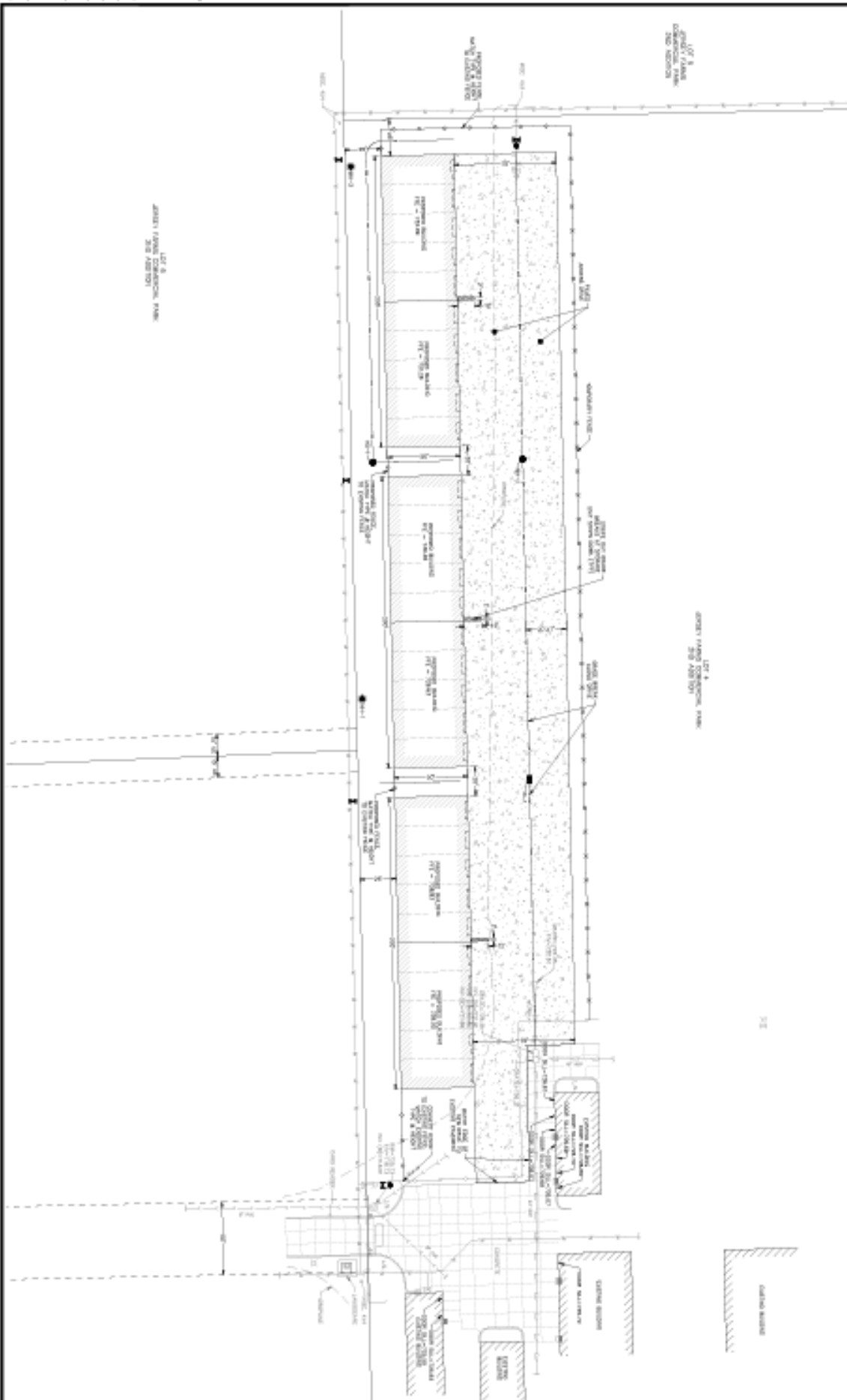


NO.	REVISIONS DESCRIPTION	DATE



ELMORE STORAGE UNITS
DAVENPORT, IOWA
OVERALL SITE PLAN

ELMORE STORAGE UNITS DAVENPORT, IOWA OVERALL SITE PLAN DATE: 08/24/2011 DRAWN BY: JAH CHECKED BY: JAH DATE: 08/24/2011	C3.00	Sheet 4 of 11
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Complete application can be emailed to planning@ci.davenport.ia.us

Property Address*

***If no property address, please submit a legal description of the property.**

Applicant (Primary Contact)**

Name:
 Company:
 Address:
 City/State/Zip:
 Phone:
 Email:

Owner (if different from Applicant)

Name:
 Company:
 Address:
 City/State/Zip:
 Phone:
 Email:

Engineer (if applicable)

Name:
 Company:
 Address:
 City/State/Zip:
 Phone:
 Email:

Architect (if applicable)

Name:
 Company:
 Address:
 City/State/Zip:
 Phone:
 Email:

Attorney (if applicable)

Name:
 Company:
 Address:
 City/State/Zip:
 Phone:
 Email:

****If the applicant is different from the property owner, please submit an authorization form or an accepted contract for purchase.**

Application Form Type:

Plan and Zoning Commission

- Zoning Map Amendment (Rezoning) ☐
 Planned Unit Development ☐
 Zoning Ordinance Text Amendment ☐
 Right-of-way or Easement Vacation ☐
 Voluntary Annexation ☐

Zoning Board of Adjustment

- Zoning Appeal ☐
 Special Use ☒
 Hardship Variance ☐

Design Review Board

- Design Approval ☐
 Demolition Request in the Downtown ☐
 Demolition Request in the Village of East Davenport ☐

Historic Preservation Commission

- Certificate of Appropriateness ☐
 Landmark Nomination ☐
 Demolition Request ☐

Administrative

- Administrative Exception ☐
 Health Services and Congregate Living Permit ☐

Request:

Please describe the special use requested:

Special use request for a Self-Storage Facility within the C-3 zoning at 6403 Elmore Avenue, Davenport, IA 52807 as per Section 17.14.050 of the Davenport Municipal Code and Section Z of 17.08.030 of the Davenport Municipal Code.

Existing Zoning: C-3

Submittal Requirements:

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed improvements affected by the special use. If a paper copy is provided, the maximum size is 11" x 17".
- Description and evidence that demonstrates consistency with the criteria listed in Section 17.14.050 of the Davenport Municipal Code.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- Required fee - \$400.

The Applicant hereby acknowledges and agrees to the following procedure and requirements:

(1) Application:

- Prior to submission of the application for the special use, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the special use process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.
- If approved, a new special use application shall be required for any change to any approved special use that does not qualify as an administrative modification.
- Special uses shall expire one hundred eighty days after the date of the approval unless licenses or permits required for the operation or maintenance of the use have been obtained.

(2) Public Notice for the Zoning Board of Adjustment public hearing:

- Planning staff will send a public hearing notice to surrounding property owners.

(3) Zoning Board of Adjustment's consideration of the special use permit:

- Planning staff will perform a technical review of the request and present its findings and recommendation to the Zoning Board of Adjustment.
- The Zoning Board of Adjustment will hold a public hearing and vote on the request.

(4) The staff report will be available on the City website approximately 4 days before the ZBA meeting at this location: https://www.cityofdavenportiowa.com/government/boards_commissions under Zoning Board of Adjustment > Search Minutes & Agendas.

It is the applicant's responsibility to access the website to see the staff report. Planning staff will not mail/email the report.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

#1 The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.

The self-storage facility does not endanger the public health, safety or welfare as evidenced by Elmore Storage having no issues since operations began in 2015-2016.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

#2 The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.

The self-storage facility is compatible with the general land use in the immediate vicinity as evidenced by Elmore Storage having no issues since operations began in 2015-2016.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

#3 The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

The self-storage facility is consistent with the spirit and intent of the ordinance as evidenced by Elmore Storage having no issues since operations began in 2015-2016.

Applicant: Kevin Koellner

Date: 06/24/2021

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by:

Date:

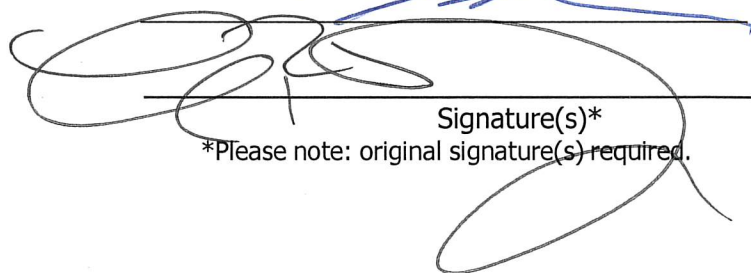
Planning staff

Date of the Public Hearing:

Meetings are held in City Hall Council Chambers located at 226 West 4th Street, Davenport, Iowa.

Authorization to Act as Applicant

I, Thad DenHartog
authorize Kevin Koellner
to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located
at



Signature(s)*

*Please note: original signature(s) required.



Public Hearing Notice | Zoning Board of Adjustment

Date: 7/22/2021 **Location:** Council Chambers | City Hall | 226 W. 4th ST.
Time: 4:00:00 PM **Subject:** Public Hearing for Speical Use before the Zoning Board of Adjustment

Example Notice
Ward 6
3 Notices sent

To: All property owners within 200 feet of the subject property located at **6403 Elmore AVE.**

What is this About?

This notice is being sent to inform you that a public hearing will be held for a Speical Use. The purpose of the Speical Use is to authorize certain special/conditional uses of property which are allowed but require special consideration.

Request/Case Description

Request SU21-05 of Kevin Koellner on behalf of Elmore Storage LLC at 6403 Elmore Ave for a Special Use for an outdoor storage facility being a continuation of the existing use located on the C-3 property. Table 17.08-1 requires a Special Use for an outdoor storage facility on property zoned C-3 General Commercial District.

What are the Next Steps after the Public Hearing?

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Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

Zoning Board of Adjustment Adjacent Property Owner Notice Area Map



SU21-05 Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	6403 ELMORE AVE	ELMORE STORAGE LLC	3245 E 35TH ST CT	DAVENPORT IA 52807
Neighborhood:	None			All Alderman Notified
Ward/Ald:		6 Jobgen		Notices Sent: 4
Y0549A03	Elmore & Vet.Mem.PW	JCO PROPERTIES INC	PO BOX 49	PRINCETON IA 52768
Y0535A05	I-74 & Vet.Mem.PW	O'BROS LLC	3885 ELMORE AVE STE 100	DAVENPORT IA 52807
Y0535A06	6401 ELMORE AVE	JJO LLC	PO BOX 49	PRINCETON IA 52768
Y0500-01B	5901 ELMORE AVE	PEDCOR INVESTMENTS	PO BOX 574	CARMEL IN 46082
Y0500-01B	5901 ELMORE AVE	CROSS CREEK APARTMENTS	5901 ELMORE AVENUE	DAVENPORT IA 52807