



MINUTES
Zoning Board of Adjustment
June 6, 2022



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 (4): Reistroffer, Boyd-Carlson, Loebach, and Darland

Excused: Quinn

Staff present: Koops, Zoning Administrator Berkley, staff Attorney Bagby

II. Secretary's Report:

Minutes were approved for the 2022-05-12 ZBA Hearing by voice-vote (4-0).

III. Old Business:

None.

IV. New Business:

Request HV22-04 of Rusty Doss and Rod Hamby of The Overland Group on behalf of Dollar General at 2340 Rockingham RD for a hardship variance to locate a refuse enclosure in the Boies Avenue front yard of this through lot. The proposed dumpster enclosure would be located to the rear of the proposed retail building which is considered the Boies Avenue front yard. Section 17.09.030.Q. prohibits refuse containers in front yards.

Koops presented the staff report.

Findings & Staff Recommendation:

Findings:

- Item #1 zoning code does result in hardship as applied for the proposed use;
- Item #2 physical and topographical conditions of the site do limit the use;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Recommendation:

Staff recommends that Board adopt staff's findings and approve request HV22-04 subject to the following condition:

The refuse enclosure area shall met all City standards for screening (solid fence six feet in height) and additionally, a robust landscape plan for the screening of the refuse enclosure shall be reviewed and approved by planning staff prior to occupancy of the retail building.

The applicant addressed and explained the concerns that warrant the approval of the request. The petitioner also answered the Board's questions.

Motion

Reistroffer moved to approve the request of HV22-04, Boyd-Carlson seconded the motion subject to the staff's conditions as stated below; the motion carried unanimously. (4-0)

Motion Subject to the following conditions:

The refuse enclosure area shall met all City standards for screening (solid fence six feet in height) and additionally, a robust landscape plan for the screening of the refuse enclosure shall be reviewed and approved by planning staff prior to occupancy of the retail building.

Loebach yes; Reistroffer, yes; Boyd-Carlson, yes; and Darland, yes.

V. Other Business

No other business was on the agenda. Persons from the general public attempted to address the Board. City staff expressed a point of order, being that the Board can only address business items on the agenda, notwithstanding a valid request for reconsideration no more than one cycle removed from a rendered decision on a business item.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:15 p.m.