

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, MAY 23, 2019; 4:00 PM

CITY COUNCIL CHAMBERS CITY HALL 226 W 4TH STREET

THE ZONING BOARD OF ADJUSTMENT WILL COME TO ORDER AT 4:00 P.M. IN THE FIRST FLOOR COUNCIL CHAMBERS AT CITY HALL, 226 W. 4TH STREET, DAVENPORT, IA TO HEAR THE FOLLOWING REQUESTS:

I. Call to Order

II. Secretary's Report

A. ZBA Minutes 4-25-19

III. Old Business

IV. New Business

A. Request SU19-01 of Andrew Dasso on behalf of Redband Coffee at 1304 Brady Street for a special use to approve a drive-through facility. The property is zoned "C-1" Neighborhood Commercial District.

Section 17.08.020, Table 17.08-1 of the Davenport Municipal Code requires a special use for drive-through facilities on property zoned "C-1". [3rd Ward; Ald. Meginnis]

B. Request HV19-07 of Tom Thomas on behalf of Place of Refuge at 518 Brown Street for a hardship variance to refrain from providing required off-street parking spaces. Proposed plans provide no off-street parking spaces for the 84-seat place of worship. The property is zoned "R-4C" Central Residential District.

Section 17.10.040, Table 17.10-2 of the Davenport Municipal Code requires 9 parking spaces for an 84-seat place of worship (1 space for every 10 seats). [3rd Ward; Ald. Meginnis]

V. Other Business

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: Community Planning & Economic Development
Contact Info: Scott Koops, AICP, Planner II
sek@ci.davenport.ia.us

Date
5/23/2019

Subject:
ZBA Minutes 4-25-19

ATTACHMENTS:

Type	Description
▣ Exhibit	ZBA April 25 Minutes

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	5/20/2019 - 12:29 PM



MINUTES
City of Davenport
Zoning Board of Adjustment
April 25, 2019



By this reference all reports, documents, presentations, videos and the hearing's video recording are incorporated into the minutes.

Call to Order

Chairman Hart called the Zoning Board of Adjustment meeting in the first floor Council Chambers at City Hall, 226 W. 4th Street, Davenport, Iowa to order at 4:00 p.m.

Board Members present: Cochran, Lee, Strayhall, Reistroffer, and Hart

Board Member excused: none

Staff present: Koops, Hoyt

I. Secretary's Report:

The minutes of the 4-11-2019 were approved, subject to one change (Lynn was excused; Reistroffer was present), by voice vote.

II. Old Business:

None.

III. New Business:

Request HV19-05 of Kirk Whalen on behalf of HOA at 4401 Elmore Avenue for a hardship variance to reduce the required parking for the proposed hotel. Proposed plans provide 118 parking spaces for the 108 room hotel. The property is zoned "C-3" General Commercial District.

Section 17.10.040, Table 17.10-2 of the Davenport Municipal Code requires 162 parking spaces for a 108 room hotel. [6th Ward; Ald. Clewell]

Request

Koops presented the staff report.

No comments were opposed to the request.

Recommendation and Findings of Fact

Recommendation:

Staff recommends approval of the request per the listed findings.

The petitioner provided an overview of the project and answered the Board's questions.

Motion:

A motion approve the request was made by Strayhall and seconded by Cochran. Motion to approve carried unanimously. (5-0):

Lee, yes; Reistroffer, yea; Cochran, Strayhall, yes; and Hart, yes.

Request HV19-06 of Kirk Whalen on behalf of HOA at 4401 Elmore Avenue for a hardship variance to exceed the allowed height for the proposed hotel. Plans indicate a building height of 58 feet. The property is zoned "C-3" General Commercial District.

Section 17.05.030, Table 17.05-1 of the Davenport Municipal Code allows a maximum building height of 50 feet for property zoned "C-3". [6th Ward; Ald. Clewell]

Request

Koops presented the staff report.

No comments were opposed to the request.

Recommendation and Findings of Fact**Recommendation:**

Staff recommends approval of the request per the listed findings.

The petitioner provided an overview of the project and answered the Board's questions.

Motion:

A motion approve the request was made by Strayhall and seconded by Cochran. Motion to approve carried unanimously. (5-0):

Strayhall, yes; Lee, yes; Reistroffer, yea; Cochran, and Hart, yes.

IV. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:37 pm.

City of Davenport
Zoning Board of Adjustment

Department: Community Planning & Economic Development
Contact Info: Scott Koops, AICP, Planner II
sek@ci.davenport.ia.us

Date
5/23/2019

Subject:

Request SU19-01 of Andrew Dasso on behalf of Redband Coffee at 1304 Brady Street for a special use to approve a drive-through facility. The property is zoned "C-1" Neighborhood Commercial District.

Section 17.08.020, Table 17.08-1 of the Davenport Municipal Code requires a special use for drive-through facilities on property zoned "C-1". [3rd Ward; Ald. Meginnis]

Recommendation:

Approval

ATTACHMENTS:

Type	Description
▣ Executive Summary	Staff Report SU19-01
▣ Exhibit	Application
▣ Exhibit	Notice Letter
▣ Exhibit	Owner List
▣ Exhibit	Notice Map
▣ Exhibit	Plan

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	5/20/2019 - 12:21 PM



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: May 23, 2019
Request: Special Use – Drive Through
Address: 1304 Brady Street
Applicant: Redband Coffee

Description

Request SU19-01 of Andrew Dasso on behalf of Redband Coffee at 1304 Brady Street for a special use to approve a drive-through facility. The property is zoned "C-1" Neighborhood Commercial District.

Section 17.08.020, Table 17.08-1 of the Davenport Municipal Code requires a special use for drive-through facilities on property zoned "C-1". [3rd Ward; Ald. Meginnis]

Background

The subject property is in a mixed use area. Redband is combining two lots via a new subdivision should this special use be approved.

Discussion

The petitioner is proposing

Code Requirements – Drive-Through Facility

1. All drive-through facilities must provide adequate stacking spaces.
STAFF: Plans meet this requirement.
2. Drive-through design shall ensure no adverse affect to on-street traffic circulation.
STAFF: Plans meet this requirement.
3. Proper screening is required adjacent to residential lots.
STAFF: Not applicable in for this site/plans meet this requirement.
4. A bail-out lane is required.
STAFF: Plans meet this requirement.

Findings/Approval Standards

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

The plans meet code requirements for a drive through facility. The site is properly designed to have minimal, if any, impact on adjacent property and public facilities.

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 and public facilities.

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 property immediately abutting the drive-through is a commercial property. Land use policy has been met along with all code requirements.

Recommendation

Findings:

The location/design/construction of the proposed use meets the requirements of a Special Use.

Recommendation:

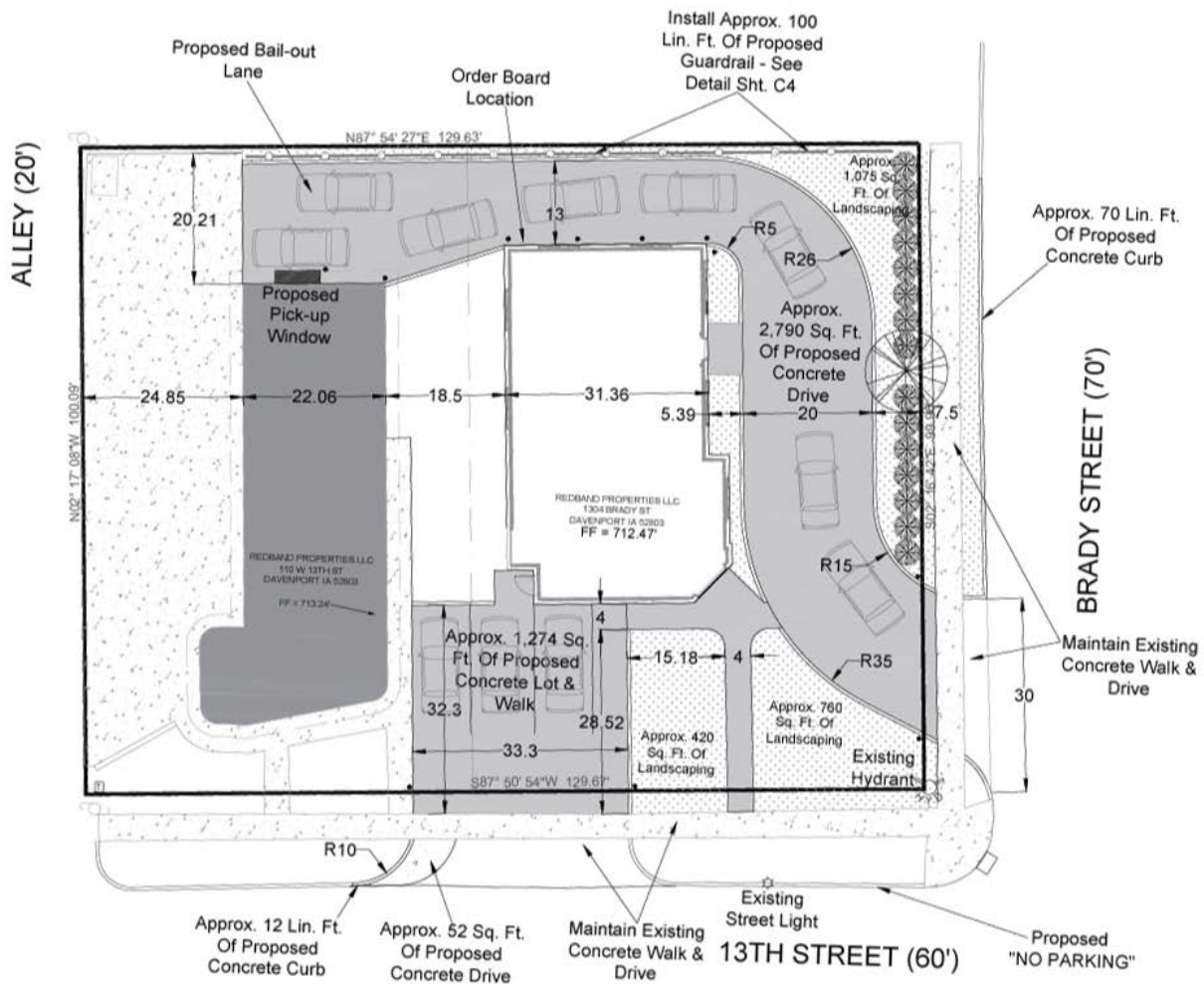
Staff recommends approval of the request.

Prepared by:

Scott Koops

Scott Koops,
Planner II

Attachments: Aerial Map, Site Plan Submitted by the Petitioner, Application, Notification Map, Exhibits





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:

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 special use requested:

Existing Zoning:

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.

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.

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.

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.

Applicant:

Date:

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.



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



Public Hearing Details:

Date: 5/23/2019

Ward: **3rd Ward**

Time: 4:00 PM

Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa

Subject: Public hearing for a Hardship Variance before the Zoning Board of Adjustment

Case #: SU19-01

To: All property owners within 200 feet of the subject property located at **1304 Brady Street**.

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a Special Use. The purpose of the Special Use is to grant permission to certain uses needing additional review for approval.

Request Description

Request SU19-01 of Andrew Dasso on behalf of Redband Coffee at 1304 Brady Street for a special use to approve a drive-through facility. The property is zoned "C-1" Neighborhood Commercial District.

Section 17.08.020, Table 17.08-1 of the Davenport Municipal Code requires a special use for drive-through facilities on property zoned "C-1". [3rd Ward; Ald. Meginnis]

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?

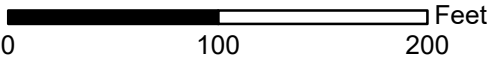
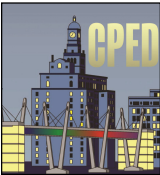
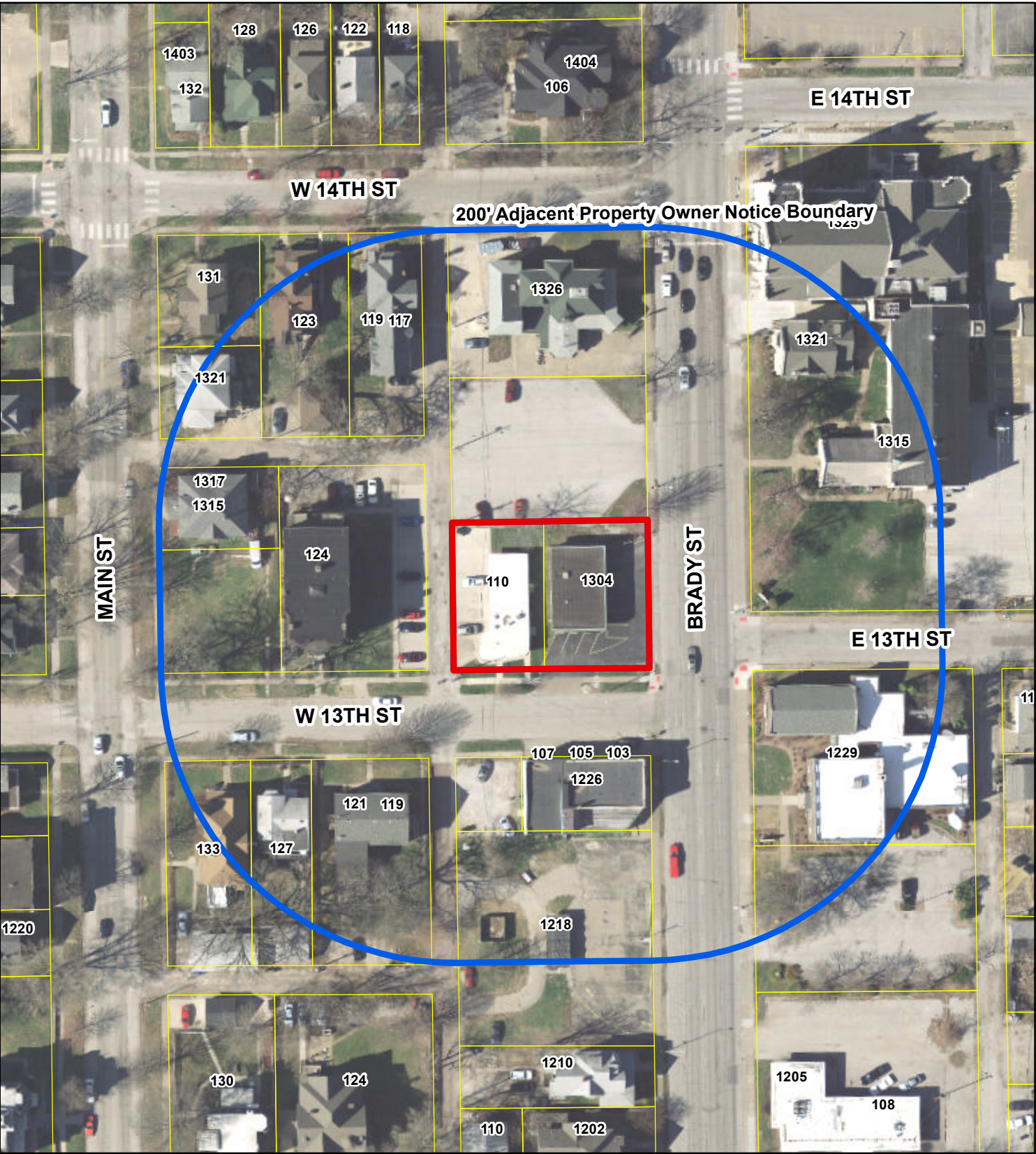
If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us for updates.

1304 Brady St - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	1304 Brady	REDBAND		
Ward/Ald:	3rd Ward	Alderman Meginnis		13 Notices Sent
G0026-03	133 W 13TH ST	BRAVO PROPERTIES LLC	422 PERSHING AVE	DAVENPORT IA 52801
G0023-03	130 W 13TH ST	CORE DESIGNS LLC	5258 RED FOX RD	BETTENDORF IA 52722
G0026-01	119 W 13TH ST	GRACYCELAND REI SERIES LLC SERIES AA	1411 5TH STREET	COAL VALLEY IL 61240
G0023-16	117 W 14TH ST	IMBOREK PROPERTIES LLC SERIES 5	2406 LECLAIRE ST	DAVENPORT IA 52803
G0024-25	1326 BRADY ST	KELLY L WALLACE	1326 BRADY ST	DAVENPORT IA 52803
G0026-02	127 W 13TH ST	MAD PROPERTIES COOPERATIVE	1006 W 51ST ST	DAVENPORT IA 52806
G0023-15	123 W 14TH ST	MICHAEL A GARLISCH TRUST	123 W 14TH ST	DAVENPORT IA 52803
G0025-34	1218 BRADY ST	MIDWEST PROPERTY HOLDINGS LLC	501 S OAK LN	BLUE GRASS IA 52726
G0025-37	1226 BRADY ST	MIDWEST PROPERTY HOLDINGS LC		
G0025-38		MIDWEST PROPERTY HOLDINGS LC		
G0023-41	1315 MAIN ST	SHARON D PETERSON-FREEDMAN	P O BOX 1522	BETTENDORF IA 52722
G0024-04C	109 E 14TH ST	ST JOHN'S UNITED METHODIST CHU	109 E 14TH ST	DAVENPORT IA 52803
G0024-24		ST JOHN'S UNITED METHODIST CHU		
G0023-14	131 W 14TH ST	THINATOS LLC	205 E RUSHOLME ST	DAVENPORT IA 52803
G0025-24A		TOWNSQUARE MEDIA QUAD CITIES LLC	1229 BRADY ST	DAVENPORT IA 52803
G0025-25A		TOWNSQUARE MEDIA QUAD CITIES LLC		
G0023-40	1321 MAIN ST	URBAN HOUSING COOPERATIVE	PO BOX 4622	DAVENPORT IA 52808

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.

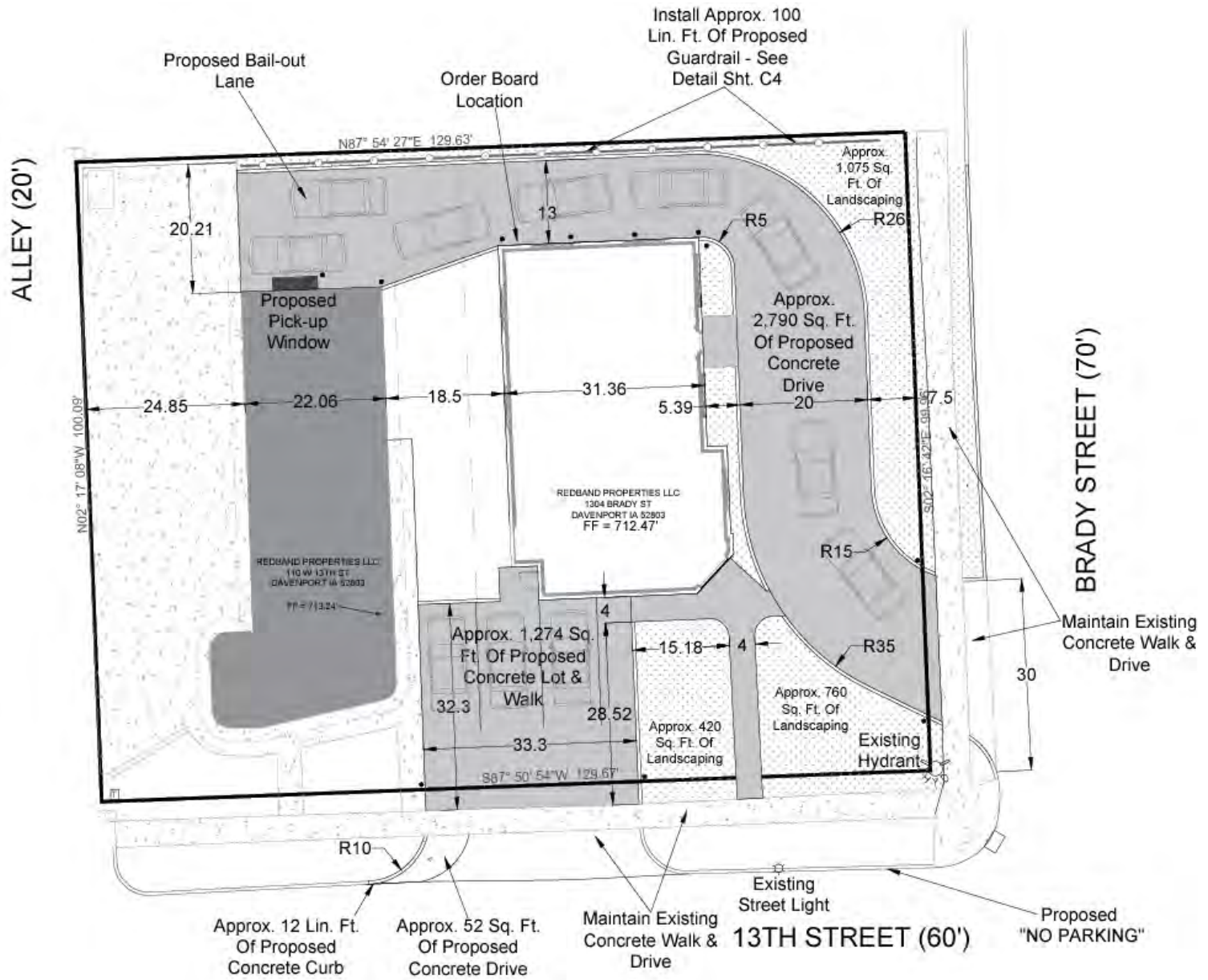
Legend

 Subject Property

 200' Notice Boundary



Proposed Site Plan



City of Davenport
Zoning Board of Adjustment

Department: Community Planning & Economic Development
Contact Info: Scott Koops, AICP, Planner II
sek@ci.davenport.ia.us

Date
5/23/2019

Subject:

Request HV19-07 of Tom Thomas on behalf of Place of Refuge at 518 Brown Street for a hardship variance to refrain from providing required off-street parking spaces. Proposed plans provide no off-street parking spaces for the 84-seat place of worship. The property is zoned "R-4C" Central Residential District.

Section 17.10.040, Table 17.10-2 of the Davenport Municipal Code requires 9 parking spaces for an 84-seat place of worship (1 space for every 10 seats). [3rd Ward; Ald. Meginnis]

Recommendation:

Denial

ATTACHMENTS:

Type	Description
▣ Executive Summary	Staff Report HV19-01
▣ Exhibit	Application
▣ Exhibit	Notice Letter
▣ Exhibit	Owner List
▣ Exhibit	Notice Map

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	5/20/2019 - 12:26 PM



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: May 23, 2019
Applicant: Place of Refuge
Address: 518 Brown Street

Description

Request HV19-07 of Tom Thomas on behalf of Place of Refuge at 518 Brown Street for a hardship variance to refrain from providing required off-street parking spaces. Proposed plans provide no off-street parking spaces for the 84-seat place of worship. The property is zoned "R-4C" Central Residential District.

Section 17.10.040, Table 17.10-2 of the Davenport Municipal Code requires 9 parking spaces for an 84-seat place of worship (1 space for every 10 seats). [3rd Ward; Ald. Meginnis]

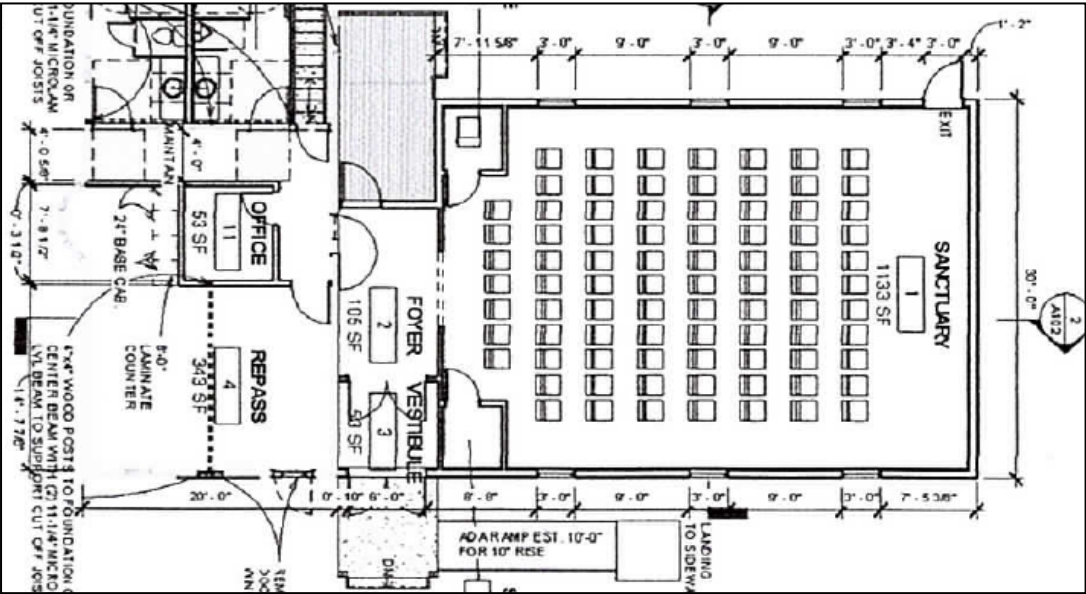
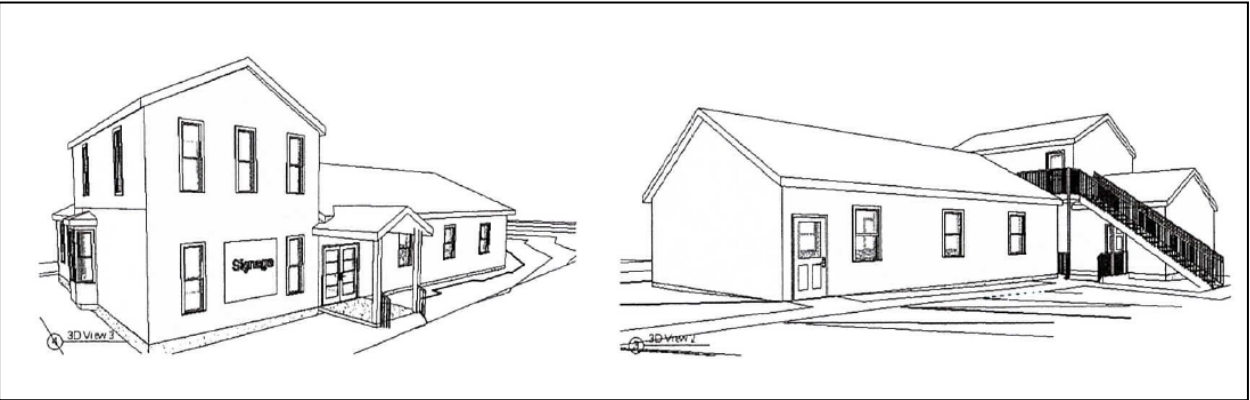
Background & Discussion

The petitioner has submitted a site plan application through Davenport's EPlan submittal. Plans show an addition to the north of the existing building for a sanctuary. Currently the sanctuary is located in the existing building which was built originally as a dwelling unit. The petitioner will need to submit a subdivision for this site as the expansion would be over a property line without the new subdivision. The petitioner plans on refraining from providing any off-street parking. Nine (9) off-street parking spaces are required for the 84 seat sanctuary.

Existing Site:



Site Plan:



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.*

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

Applicant Response:

The onsite parking requirement is a hardship based on site conditions of the project. The project is a corner lot with excessive grade difference. Our request is that the onsite parking requirement be waived. This corner does have ample on street parking that does not contribute to the onsite parking requirement.

Staff Comments:

This site overall is not conducive to use as a place of worship. The lots together are too small for the size of the proposed facility. Access is restricted due to the slope, but even more, the site is simply too small for the use. The land area is arguably four times smaller than what is ideal for this size of facility. The site requires parking, landscaping and buffers that this site cannot provide to the size of the development parcels.

The residential area will have a strong negative impact should this building addition be allowed without proper parking.

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:

The existing lot has approximately a 10'-0" grade difference from the alley south of the property to 6th St on the North of the property. Most of the grade difference occurs close to the property lines on the North and the East. The only allowable access for any parking would be from the alley to the south of the property due to the excessive grade difference. The allowable space from the side yard setback does not allow for a driveway to be placed in that location. Also the amount of usable space based on the topography would not allow for proper storm water drainage. This lot has no direct access to a storm water main and uses the existing green space for water absorption.

Staff:

As the petitioner has stated, the site does not have enough building area to accommodate the size of the use proposed. While there is a slope on this property, the site would be engineered to make full use of the site. However, even if that occurred, the site is still too small for the 84 seat sanctuary.

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:

This parking situation is unique to this lot based on the location of the existing structures, the width of the existing lot, and the existing topography of the lot. The adjoining property to the west has a structure placed far enough north to avoid the grade issue and to allow for space for parking, but is non-conforming with the side yard buffer requirements. The adjoining properties to the south do not have the same topographical concerns.

Staff:

All place of worship uses in Davenport are subject to this requirement, the code applies to all uses equally. Having a lot too small for a proposed use is not grounds for a hardship. Appropriate sized lots are available elsewhere for the size of the use desired.

The plight of the owner is due solely to trying to accommodate a use too large for the existing site.

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

Applicant Response:

The project that is being proposed is an addition to the existing structure for the purpose of a gathering space for worship. Existing services have been located and practicing in this surrounding locality for multiple years, and the congregation is mainly local residents. The majority of the parishioners walk to service and would not require parking. Also there is only one day (Sunday) of major use of this structure, with minimal use for the rest of the week. Other churches have been located in neighborhood districts like this around Davenport.

Staff:

The character of the area will not be impacted by the appearance of the building, but the use will impact the character in that there will be an over burdening on on-street parking in this area that other places of worship do not have since they meet parking requirements and do not exclusively use on-street parking for all their needs.

Findings & Staff Recommendation:

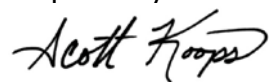
Findings: (Per the analysis above)

- Item #1 application of the ordinance creating hardship has not been established;
- Item #2 physical surroundings are too small for the proposed use;
- Item #3 unique circumstance has not been established;
- Item #4 protection of essential character has not been established;

Recommendation:

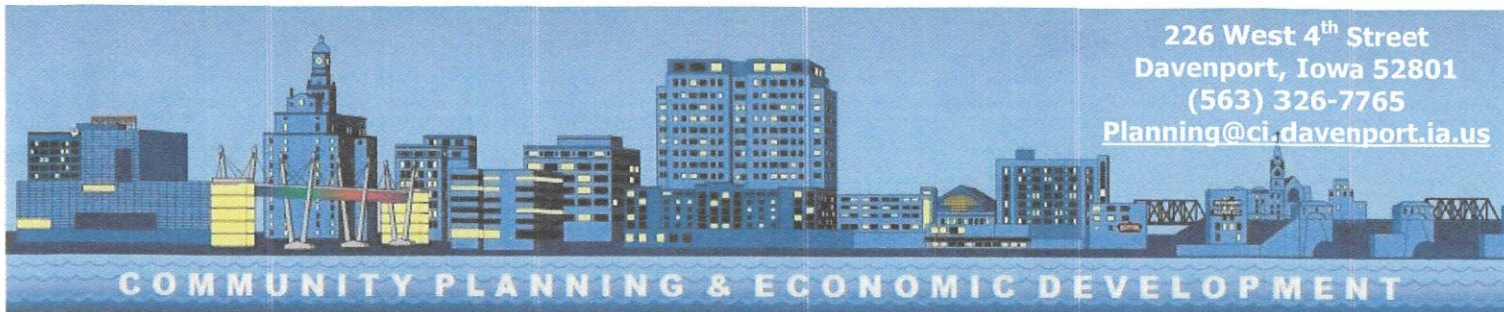
Staff recommends denial of the request as the application does not meet any of the approval standards for a hardship variance and would have a significant negative impact on the neighborhood.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA Application/plans, Notice Documents



226 West 4th Street
Davenport, Iowa 52801
(563) 326-7765
Planning@ci.davenport.ia.us

Complete application can be emailed to planning@ci.davenport.ia.us

PRJ-1011

Property Address* 518 Brown St, Davenport IA

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

Applicant (Primary Contact)**

Name: Thomas Thomas
Company: PLATE OF REFUSE
Address: 2324 W. 5th
City/State/Zip: DAV. IOWA 52806
Phone: 319-948-8025
Email:

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: Jonathon Carstens
Company: Streamline Architects
Address: 316 E Third St
City/State/Zip: Davenport, IA
Phone: 309-235-4588
Email: jonathon@streamlinearchitects.com

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.**

17.14.060 Hardship Variance

A. Purpose

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.

B. Initiation

A property owner in the City, or person expressly authorized in writing by the property owner, may file an application for a hardship variance. A property owner, or his/her designee, may only propose a hardship variance for property under his/her control.

C. Authority

1. The Zoning Board of Adjustment will take formal action on hardship variance applications. However, the Zoning Administrator is authorized to grant certain administrative exceptions, as described in Section 17.14.070.
2. Hardship variances to allow uses that are not allowed within a zoning district are prohibited.

D. Procedure

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Adjustment.

1. After receipt of a complete application, the Zoning Board of Adjustment will consider the proposed hardship variance at a public hearing. If, in the Zoning Board of Adjustment's judgment, the application does not contain sufficient information to enable proper review and consideration, the Zoning Board of Adjustment may request additional information from the applicant and the public hearing may be continued.
2. The Zoning Board of Adjustment must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section.
3. The Zoning Board of Adjustment must approve, approve with conditions, or deny the hardship variance within 30 days of the close of the public hearing, unless an extension is agreed to by the applicant.
4. The Zoning Board of Adjustment may impose conditions and restrictions upon the hardship variance as deemed necessary for the protection of the public health, safety, and welfare. The Zoning Board of Adjustment may grant a hardship variance that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the hardship variance application.

E. Approval Standards

The Zoning Board of Adjustment decision must make findings to support each of the following:

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.

F. Expiration

An approved hardship variance will expire one year from the date of approval unless a building permit is obtained or construction has begun prior to the end of the one year period. The Zoning Board of Adjustment may grant an extension for a period of validity longer than one year as part of the original approval. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

Request:

Please describe the variance(s) requested:

We are requesting a variance from the on-site parking requirement.

Existing Zoning: Residential

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.

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.

The on site parking requirement is a hardship based on site conditions of the project. The project is a corner lot with excessive grade difference. Our request is that the on site parking requirement be waved. This corner does have ample on street parking that does not contribute to the on site parking requirement.

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 existing lot has approximately a 10'-0" grade difference from the alley South of the property to 6th St on the North of the property. Most of the grade difference occurs close to the property lines on the North and the East. The only allowable access for any parking would be from the alley to the south of the property due to the excessive grade difference. The allowable space from the side yard setback does not allow for a driveway to be placed in that location. Also the amount of usable space based on the topography would not allow for proper storm water drainage. This lot has no direct access to a storm water main and uses the existing green space for water absorption.

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.

This parking situation is unique to this lot based on the location of the existing structures, the width of the existing lot, and the existing topography of the lot. The adjoining property to the west has a structure placed far enough north to avoid the grade issue and to allow for space for parking, but is non-conforming with the side yard buffer requirements. The adjoining properties to the south do not have the same topographical concerns.

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.

The project that is being proposed is an addition to the existing structure for the purpose of a gathering space for worship. Existing services have been located and practicing in this surrounding locality for multiple years, and the congregation is mainly local residents. The majority of the parishioners walk to service and would not require parking. Also there is only one day(Sunday) of major use of this structure, with minimal use for the rest of the week. Other churches have been located in neighborhood districts like this around Davenport.

Applicant:

Date:

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,
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.

ZBA Calendar 2019

ZONING BOARD OF ADJUSTMENT

*** The Applicant or their representative MUST be at the Meeting/Public Hearing ***

Day:	Monday (5pm)	Thursday (4pm)
Activity:	Submittal	Meeting
Date:	12/17/18.....	01/10/19
	12/31/18.....	01/24/19
	01/22/19 *	02/14/19
	02/04/19.....	02/28/19
	02/19/19 *	03/14/19
	03/04/19.....	03/28/19
	03/18/19.....	04/11/19
	04/01/19.....	04/25/19
	04/15/19.....	05/09/19
	04/29/19.....	05/23/19
	05/20/19.....	06/13/19
	06/03/19.....	06/27/19
	06/17/19.....	07/11/19
	07/01/19.....	07/25/19
	07/15/19.....	08/08/19
	07/29/19.....	08/22/19
	08/19/19.....	09/12/19
	09/03/19 *	09/26/19
	09/16/19.....	10/10/19
	09/30/19.....	10/24/19
	10/21/19.....	11/14/19
	No Meeting.....	No Meeting (Thanksgiving)
	11/18/19.....	12/12/19
	No Meeting.....	No Meeting (Christmas)
	12/16/19.....	01/09/20
	12/30/19.....	01/23/20

* Date changed due to Holiday

Location/Time subject to change

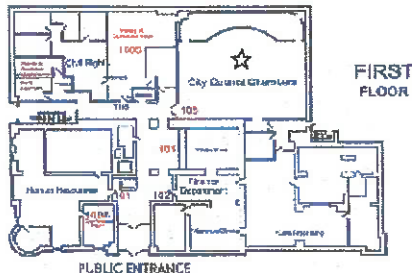
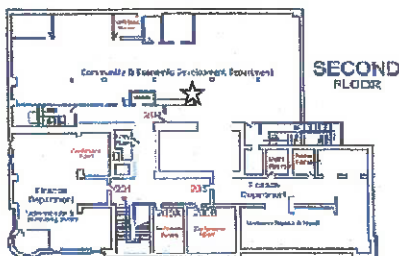
Contact planning@ci.davenport.iowa.us to confirm meeting date/time/location

Application Due:

Meeting Appearance (Required):

Time: **5:00 PM**
Location: **Community Planning
Second Floor, City Hall**
(see below)

Time: **4:00 PM**
Location: **City Council Chambers
First Floor, City Hall**
(see below)



City Hall is located at 226 W 4th St, Davenport IA 52801

2019

January							February						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28		
March							April						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2			1	2	3	4	5
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17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30				
31													
May							June						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1
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19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30						
July							August						
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28	29	30	31				25	26	27	28	29	30	31
September							October						
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8	9	10	11	12	13	14	6	7	8	9	10	11	12
15	16	17	18	19	20	21	13	14	15	16	17	18	19
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29	30						27	28	29	30	31		
November							December						
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10	11	12	13	14	15	16	15	16	17	18	19	20	21
17	18	19	20	21	22	23	22	23	24	25	26	27	28
24	25	26	27	28	29	30	29	30	31				



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



Public Hearing Details:

Date: 5/23/2019

Ward: **3rd Ward**

Time: 4:00 PM

Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa

Subject: Public hearing for a Hardship Variance before the Zoning Board of Adjustment

Case #: HV19-07

To: All property owners within 200 feet of the subject property located at **518 Brown Street**.

What is this All 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 dimension requirement of the zoning ordinance.

Request Description

Request HV19-07 of Thomas Thomas on behalf of Place of Refuge at 518 Brown Street for a hardship variance to refrain from providing required off-street parking spaces. Proposed plans provide no off-street parking spaces for the 84-seat place of worship. The property is zoned "R-4C" Central Residential District.

Section 17.10.040, Table 17.10-2 of the Davenport Municipal Code requires 9 parking spaces for an 84-seat place of worship (1 space for every 10 seats). [3rd Ward; Ald. Meginnis]

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?

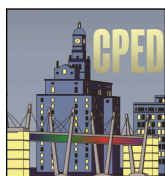
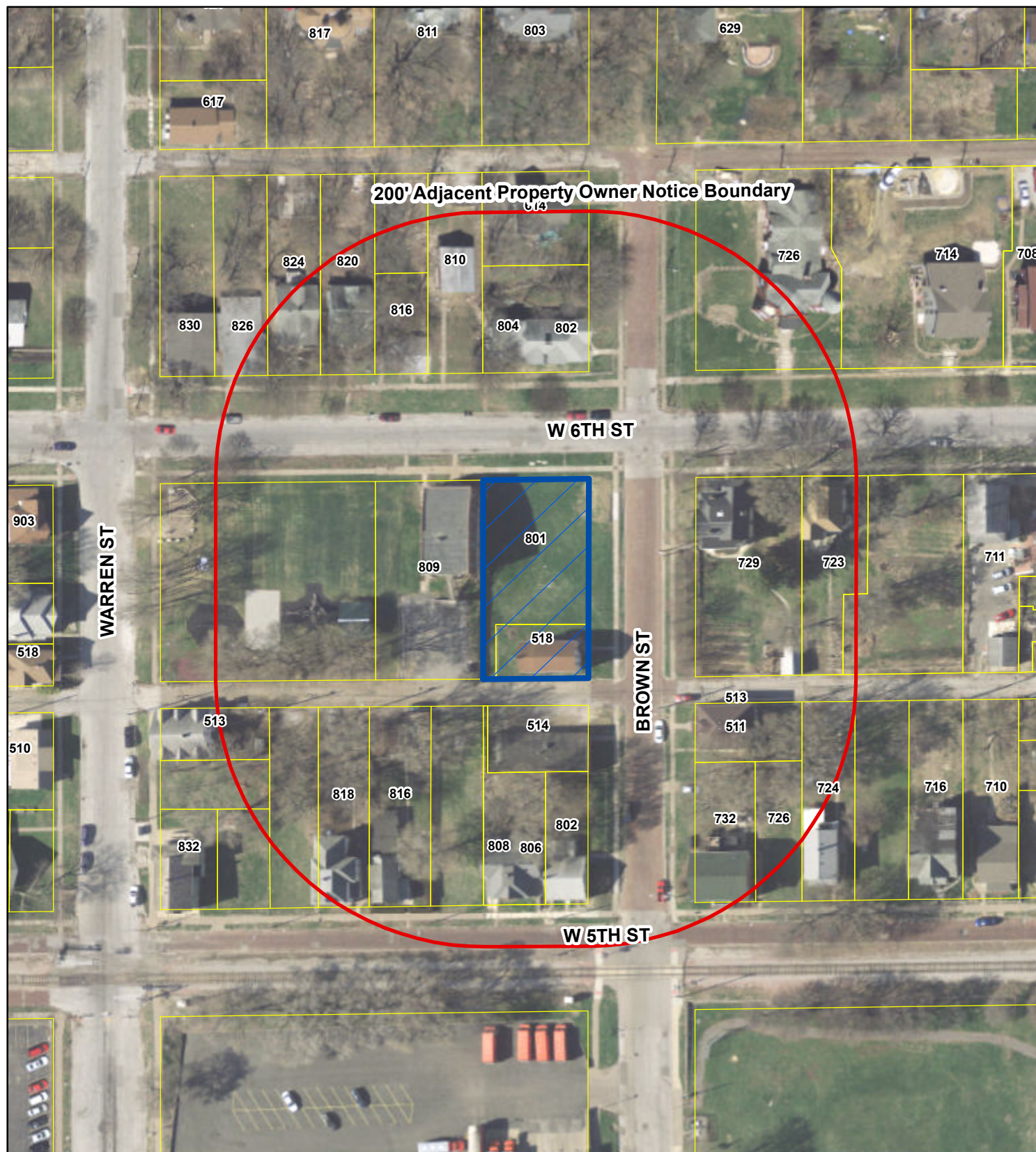
If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us for updates.

518 Brown St - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	518 Brown St	Thomas Thomas		
Ward/Ald:	3rd Ward	Alderman Meginnis		24 Notices Sent
G0051-48	614 BROWN ST	24 B & V PARTNERS LLC	614 BROWN ST	DAVENPORT IA 52802
G0051-06	818 W 5TH ST	BASTIAN GREG	1644 W 64TH ST	DAVENPORT IA 52806
G0052-26		BROWN RUSSELL	724 W 5TH ST	DAVENPORT IA 52803
G0052-23	732 W 5TH ST	EAGLES NEST VETERANS HOME INC	732 W 5TH ST	DAVENPORT IA 52802
G0051-14	809 W 6TH ST	ECUMENICAL HOUSING DEVELOPMENT	P O BOX 1673	BETTENDORF IA 52722
G0051-10	802 W 5TH ST	GUADALUPE PENA	802 W 5TH ST	DAVENPORT IA 52802
G0051-05		HUMILITY HOMES AND SERVICES INC	3805 MISSISSIPPI AV	DAVENPORT IA 52807
G0052-20	723 W 6TH ST	INVESTMENTS LLC DUDLEY	2625 CRESTVIEW DR	BETTENDORF IA 52722
G0051-44	816 W 6TH ST	JAMES HOLLAND	729 W 6TH ST	DAVENPORT IA 52802
G0051-45		JAMES HOLLAND		
G0052-21	729 W 6TH ST	JAMES W HOLLAND		
G0051-01	513 WARREN ST	JONES PATRICK E	513 WARREN ST	DAVENPORT IA 52803
G0051-02		JONES PATRICK E		
G0051-43	820 W 6TH ST	KUEHL INVESTMENT GROUP LLC	1534 RIVER DR #301	MOLINE IL 61265
G0051-46	810 W 6TH ST	LEWIS WASHINGTON	1623 23RD AV	ROCK ISLAND IL 61201
G0051-47	802 W 6TH ST	LEWIS WASHINGTON		
G0052-24	726 W 5TH ST	LIBERTY HOUSE VETERAN'S HOME	732 W 5TH ST	DAVENPORT IA 52801
G0052-25	724 W 5TH ST	LITTLE FISH LLC	714 W 6TH ST	DAVENPORT IA 52802
G0052-39C	726 W 6TH ST	LUND MISTY	1615 W 17TH ST	DAVENPORT IA 52804
G0051-07	816 W 5TH ST	MARTHA A POLLENITZ	816 W 5TH ST	DAVENPORT IA 52802
G0052-22	511 BROWN ST	MCDOWELL RONALD	1319 W 12TH ST	DAVENPORT IA 52804
G0051-08		PLACE OF REFUGE MINISTRIES	2224 W 54TH ST	DAVENPORT IA 52806
G0051-12		PLACE OF REFUGE MINISTRIES		
G0051-13A		PLACE OF REFUGE MINISTRIES		
G0051-15		PROJECT RENEWAL	906 W 5TH ST	DAVENPORT IA 52802
G0051-09	806 W 5TH ST	RAPP ERIC	748 EDMONDS AV	DREXEL HILL PA 19026
G0051-04A		SCC SERIES LLC SERIES B	2107 N ZENITH AV	DAVENPORT IA 52804
G0051-54B	826 W 6TH ST	SHERRI L LUDLOW	826 W 6TH ST	DAVENPORT IA 52802
G0051-11	514 BROWN ST	TRUTH APOSTOLIC TEMPLE	7171 W 60TH ST	DAVENPORT IA 52804
G0051-42	824 W 6TH ST	TWINS CAPITAL HOLDINGS LLC	24 GRANT DR W	VALLEY STREAM NY 11580
G0052-19		UNITY HOUSE REALTY LLC	2625 CRESTVIEW DR	BETTENDORF IA 52722

Zoning Board of Adjustment: Adjacent Property Owner Notice Area



0 50 100 200 Feet
1 inch = 100 feet

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.

Legend

-  Subject Property
-  Notice Area Boundary

