



AGENDA
City of Davenport
Zoning Board of Adjustment
April 13, 2017



The Zoning Board of Adjustment will come to order in the first floor Council Chambers at City Hall, 226 W. 4th Street, Davenport, IA to hear the following requests:

I. Secretary's Report:

Consideration of the minutes from the March 23, 2017 public hearing.

II. Old Business:

None.

III. New Business:

1. Request HV17-04 of James Lamont at 4921 Ricker Hill Road for a hardship variance to construct a second detached garage 28' x 32' (896 sq. ft.) that would exceed the allowed number of garages for this property (also one garage is required to be attached) and exceeds the allowed detached garage area by 315.5 sq. ft. Property is zoned R-1 Low Density Dwelling District and has 1,326 square feet of living area, 19,620 square feet of lot area, and an existing two-car detached garage (414 square feet; 18' x 23').

Section 17.10.030 G allows for detached garages up to 75% of the living area of the principal building and only one garage on lots less than 20,000 square feet. The subject property allows for 994.5 square feet of garage area.

IV. Adjourn



MINUTES
City of Davenport
Zoning Board of Adjustment
March 23, 2017



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: Lee, Strayhall, Reistroffer, and Woodard.

Staff present: Scott Koops and attorney Chris Jackson.

I. Secretary's Report:

Minutes for the March 9, 2017 Meeting were unanimously approved by voice vote.

II. Old Business:

- 1. Request HV17-02 of Rodger Dengler at 2806 North Gayman Avenue for a hardship variance to construct a second detached garage 24' x 30' (720 sq. ft.) that would exceed the allowed number of garages for this property. Property is zoned R-4 Moderate Density Dwelling District and has 1,256 square feet of living area, 15,150 square feet of lot area, and one existing single-car attached garage (288 square feet).**

Section 17.16.030 B.1. Permitted Uses allows for attached garages up to 40% of the living area of the principal building and only one garage on lots less than 20,000 square feet. The subject property allows for 720 square feet for a detached garage at a maximum and only one garage.

A motion was made and seconded to unanimously remove the item from the table by voice vote.

Koops presented the staff report.

Recommendation and Findings of Fact

Items #1 reasonable return, and #2 unique circumstances, have been not been met for the granting of a hardship variance. Staff recommends denial of the request.

The petitioner stated their case for the request. As the petitioner was not present when his father submitted the request, the petitioner was not familiar with his options under the zoning code for attached garages versus detached and options for converting the existing garage to storage space.

The Board discussed the issues and what options the petitioner has for extra garage space.

Motion:

Reistroffer moved to table the request for one or two cycles, seconded by Strayhall; the motion carried and was approved unanimously (5-0) by roll call vote.

Woodard, yes; Lee, yes; Strayhall, yes; Reistroffer, yes; and Hart, yes.

III. New Business:

- 2. Request HOP17-01 of Mary Mensch at 3234 at Boies Street for a Home Occupation Permit for a hair salon. The property is zoned "R-4" Moderate Density Dwelling District.**

Section 17.48.010(S)(11)(e) of the Davenport Municipal Code authorizes the Zoning Board of Adjustment to grant by special permit (Home Occupation Permit) the establishment of certain uses including but not limited to the shop of a beautician or barber.

Koops presented the staff report.

Staff stated that notices were sent to 22 property owners within 200 feet of the subject property. Staff received 1 letters in support of the request which has been presented to the Board.

Recommendation and Findings of Fact

The requirements for a home occupation permit have been met as conditioned. Staff recommends the permit be granted subject to the following conditions:

1. the permit be valid for a period of one year from the date of issuance;
2. renewal be based in part upon complaints and/or comments from area property owners;
3. petitioner operate on an appointment only basis;
4. off-street parking (i.e. the driveway) shall be used for client parking, and;
5. hours and days of operation shall be by appointments only weekdays 9:00am to 5:00pm; Saturdays 9:00am to 12:00pm.

Motion:

Strayhall moved to approve the request, seconded by Woodard. The motion was approved unanimously (5-0) by roll call vote.

Woodard, yes; Lee, yes; Strayhall, yes; Reistroffer yes; and Hart, yes.

IV. Adjourn.

The meeting was adjourned at 4:50 pm.



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: April 13, 2017
Applicant: James Lamont
Address: 4921 Ricker Hill Road

Description

Request HV17-04 of James Lamont at 4921 Ricker Hill Road for a hardship variance to construct a second detached garage 28' x 32' (896 sq. ft.) that would exceed the allowed number of garages for this property (also one garage is required to be attached) and exceeds the allowed detached garage area by 315.5 sq. ft. Property is zoned R-1 Low Density Dwelling District and has 1,326 square feet of living area, 19,620 square feet of lot area, and an existing two-car detached garage (414 square feet; 18' x 23').

Section 17.10.030 G allows for detached garages up to 75% of the living area of the principal building and only one garage on lots less than 20,000 square feet. The subject property allows for 994.5 square feet of garage area.

Background

The subject property has a 18' x 23' or 18' x 35' detached garage. The petitioner is proposing a second garage on a lot that is less than 20,000 sq. ft. This second garage would also put the petitioner over the allowed garage area by 315 sq. ft.

Item	Square Ft
Lot Area	19,620
Existing Garage	414
Proposed Garage	896
Total Garage Area	1,310
Allowed Garage Area	994



Discussion

The proposed garage would place the property 315 square feet over the allowed area and would give the property a second garage. The lot is 380 square feet short of being allowed to have two garages. The existing garage could be converted to a storage shed with two-three foot man doors.

Findings

1. The property cannot yield a **reasonable return** with strict compliance to the zoning ordinance:

The property is able to yield a reasonable return in conformance with the Zoning Ordinance without the requested hardship variance. The request is a convenience to the petitioner and a reasonable use has not been denied.

2. The plight of the owner is due to **unique circumstances** which do not apply to other nearby property:

Unique circumstances are those circumstances that apply to the physical aspects of the property. The petitioner has not indicated any reasons, beyond personal reasons, for requesting a second garage. The petitioner has not demonstrated a unique circumstance as defined by the courts.

3. The variation, if granted, will not alter the **essential character** of the locality:

A second garage might alter the essential character of the area. The proposed garage could be considered out of character.

4. The variation, if granted, will not impair an adequate supply of **light and air** to adjacent property:

The proposed project would be properly setback from all property lines. The request would not negatively impact the availability of light and air to the surrounding properties.

5. The variation, if granted, will not increase **congestion in public streets**:

The approval of the requested variance would not increase congestion in the public streets.

6. The variation, if granted, will not increase the danger of fire or endanger **public safety**:

If constructed to building code requirements, the proposed project will not negatively impact public safety.

7. The variation, if granted, will not impair established **property values** of the locality:

The approval of the requested variance should not decrease property values.

8. The variation, if granted, will not impair **public welfare**, comfort, or health of the inhabitants of the City:

The requested variance is a convenience to the petitioner and does not appear to comply with the intent and spirit of the comprehensive plan of the City of Davenport.

Public Input

Notices were sent to property owners within 200 feet of the subject property. No comments have been received at time this staff report was written.

Recommendation

Items #1 reasonable return, and #2 unique circumstances, have been not been met for the granting of a hardship variance. Staff cannot recommend approval of the request.

Prepared by:



Scott Koops, AICP
Planner II

Attached Exhibits: Application & Site Plan, Site Photos, Notice Documentation, Aerial Photo

Zoning Board of Adjustment



City of
Davenport

\$200 Filing Fee

Date Received _____
Fee paid _____
Pre-App Date _____
Meeting Date _____

REQUEST FOR A HARDSHIP VARIANCE

ADDRESS
AFFECTED:
OR

4921 Kicker Hill Rd. Davenport, IA 52802

LOT/BLOCK/SUBDIVISION: (If no known address, see your Real Estate Tax Bill)

CONTACT /
APPLICANT

Name: James Lamont

Address: 3606 Homestead Ave. DAV.

ZIP Code: 52802

Phone # (513) 822-2236

Fax #:

Email: jrlamont65@gmail.com

OWNER Name: Teresa Lamont

Address: 3606 Homestead Ave. Davenport

ZIP Code: 52802

Phone # (563) 505-7977

Fax #:

Email: teresaray.69@gmail.com

Note: Copies of the notice and staff report are mailed to above addresses; incomplete information will delay the request two weeks.

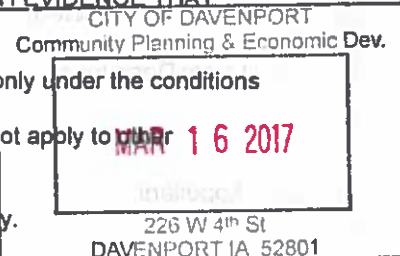
PROPOSAL
DESCRIPTION:

Describe the proposal and why the Zoning Code requires a variance to allow the proposal:

We would like to request to build a functional garage on our property. The current nonfunctional garage would exceed the total square footage of the home.

DESCRIPTION OF THE CASE – On a separate sheet of paper DESCRIBE THE CASE WITH EVIDENCE THAT SUPPORTS EACH OF THE FOLLOWING REQUIREMENTS.

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone.
2. The plight of the owner is due to unique circumstances which circumstances do not apply to other adjoining or nearby property.
3. The variation, if granted, will not alter the essential character of the locality.
4. The variation will not impair an adequate supply of light and air to adjacent property.
5. The variation will not unreasonably increase congestion in public streets.
6. The variation will not increase the danger of fire or endanger the public safety.
7. The variation will not unreasonably diminish or impair established property values within the surrounding area.
8. The variation will not in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.



Is the property located in a flood zone? ☐ Yes ☒ No.

Is the property historic? ☐ Yes ☒ No.

I CERTIFY THAT I HAVE MET WITH STAFF TO DISCUSS THIS REQUEST, THE ORDINANCE REQUIREMENTS, AND POTENTIAL OPTIONS THAT COULD REDUCE OR ELIMINATE THE NECESSITY FOR THIS ACTION.

ALL
(Staff Initial & date)

ATTACHED HERETO AND MADE A PART OF THIS APPEAL, I SUBMIT THE DRAWING(S), showing all conditions as to structures or premises affected by this appeal.

NOTE: At least one copy of the drawing must be 8-1/2" x 11" in size.

These papers must be submitted with the appeal; otherwise, the request will be delayed two weeks.

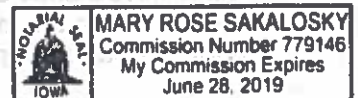
I, the undersigned, do hereby certify that the above information is true and correct to the best of my knowledge and that I have read, understand, and agree to comply with the conditions as stated above.

James Lamont
Signature of Appellant

3-16-17
Date

Sworn to before me, this 16th day of March, 2017

Mary Rose Sakalosky
Signature of Notary



1. DESCRIPTION OF REQUEST:

- James and Teresa Lamont are requesting a hardship variance to exceed the maximum size for a detached accessory building AND to exceed the maximum size for the aggregate total of all detached accessory buildings. We request permission to build a new functional 3 car garage (32' x 28' = 869 sq. ft.) at our residence and also keep the current outdated, nonfunctional garage (35' x 18' = 630 sq. ft.) to utilize for storage. Because the total size of the detached accessory building(s) will exceed the living area of the home (1326 sq ft) (869 sq. ft + 630 sq. ft. = 1499 sq. ft.) we are requesting a hardship variance.
- A variance of the ordinance is required in order to allow us the right to have a functional, dated garage that we are able to utilize as a garage to park our vehicles in.
- Site plan: attached. (att. A)

2. EVIDENCE OF HARDSHIP:

1. REASONABLE RETURN: The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone. The current outdated, primitive garage on the premises is classified as a 2 car garage (35' x 18') but it does not truly function that way.. The garage is partitioned with a permanent wall that runs east to west and is approximately 12' from the south wall. (att. A) (PLEASE SEE ATTACHED) The west side of the garage that is accessible from the road has been permanently closed and is not accessible. (att. B) The south side of the garage has 2 windows and is not accessible. (att. C) The west side of the garage has a 7' sliding "barn" door that sits approximately 15' from the edge of the woods and the neighbors property but is not realistically accessible with a vehicle. (att. D) The north side of the garage has 1 sliding door that is functional and the NW side is permanently closed. The 1 functional

door is approximately 6' high x 8' wide but only opens approximately 6' to 7'. (att. E) To try and update the current garage would not be cost prohibitive to make it a functional, dated garage to park vehicles in. Because of the layout and design of the current garage we are requesting to build a new functional 3 car garage. We are requesting permission to build the new garage at 32' x 28'. We are requesting this because we currently have a 3 car (30' x 24') garage and do not have the room to park our vehicles and store our items in it efficiently. We currently have 3 registered vehicles, 2 registered motorcycles, a 4-wheeler and a riding lawn mower along with a push mower, weed eater, leaf blower, 2 portable generators, a power washer and other numerous tools and items that we would like to access efficiently. There have also been numerous thefts in the area so we would like to keep our items secure and not tempt others by having to leave items outside if we are not allowed to secure our items in either building.

2. **UNIQUE CIRCUMSTANCES:** Our circumstances are unique to only us in our area because other home owners in the area have more dated, adequate, functional garages that they are able to utilize as actual garages and easily park their vehicles in.
3. **ESSENTIAL CHARACTER:** The variation, if granted, will not alter the essential character of the locality. If granted, the new garage would make the whole residence look more up to date with a functional garage. There are numerous residences in the area that have multiple detached buildings or larger buildings due to being in a more rural setting.
4. **LIGHT & AIR:** The variation, if granted, will not impair an adequate supply of light and air to adjacent property. The closest property to the east (4911 Ricker Hill Rd.) should not be affected any more by the proposed garaged than the current garage that is already there or privacy fence that is currently dividing the 2 properties.

5. CONGESTION: The variation, if granted, will not unreasonably increase congestion, parking or traffic in the public streets.
6. PUBLIC SAFETY: The variation, if granted, will not increase the danger of fire or endanger the public safety.
7. ESTABLISHED PROPERTY: The variation, if granted, will not diminish or impair established property within the surrounding area or negatively impact the surrounding property values.
8. GENERAL WELFARE: The variation, if granted, will not in any other respect impair the public health, safety, comfort, morals or welfare the inhabitants of the City.

A

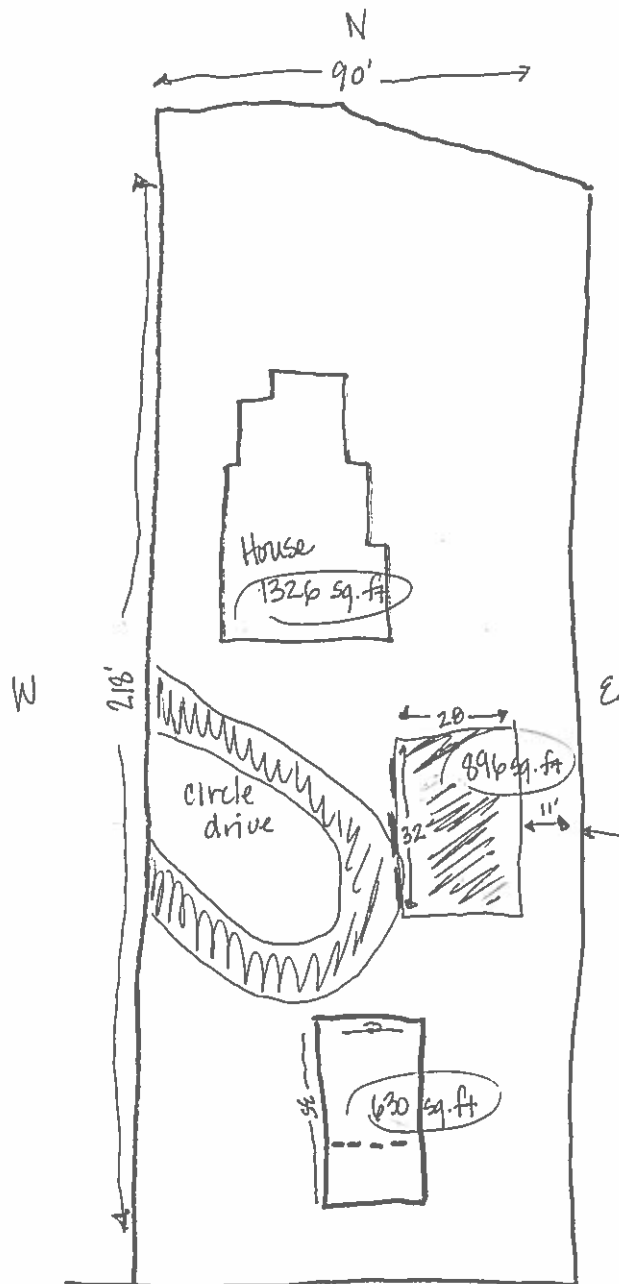
James and Teresa Lamont
4921 Ricker Hill Rd. Davenport, 52802

Property dimensions 90' x 218' = 19,620

Garage 630
living 1326

$$630 + 896 = 1526$$

$$\begin{array}{r} - 1326 \\ \hline 200 \text{ sq. ft. difference} \end{array}$$



New proposed garage
32' x 28'

Build approximately 11'
from property line.



B
WEST SIDE
WEST

C
SOUTH
SIDE



D
EAST
SIDE

Σ
NORTH
SIDE





**NOTICE OF PUBLIC HEARING
ZONING BOARD OF ADJUSTMENT
CITY OF DAVENPORT
4/13/2017**



**TO ALL PROPERTY OWNERS WITHIN 200 FEET OF THE SUBJECT PROPERTY LOCATED AT:
4921 Ricker Hill Road.**

The Zoning Board of Adjustment will hold a public hearing on Thursday 4/13/2017 at 4:00 P.M. in Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa to consider the Request HV17-04 of James Lamont at 4921 Ricker Hill Road for a hardship variance to construct a second detached garage. As a neighboring property owner, you have the opportunity to submit written comments, and/or to appear at the meeting, to express your views on the request described below. 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, 4/13/2017.

The Petition before the Board is described as follows:

Request HV17-04 of James Lamont at 4921 Ricker Hill Road for a hardship variance to construct a second detached garage 28' x 32' (896 sq. ft.) that would exceed the allowed number of garages for this property (also one garage is required to be attached) and exceed the allowed detached garage area by 806 sq. ft. Property is zoned R-1 Low Density Dwelling District and has 1,326 square feet of living area, 19,620 square feet of lot area, and an existing two-car detached garage (630 square feet; 18' x 35').

Section 17.10.030 G allows for detached garages up to 50% of the living area of the principal building (720 sq. ft. at a minimum) and only one garage on lots less than 20,000 square feet. The subject property allows for 720 square feet for a detached garage at a maximum and only one garage.

Please feel free to comment on this request. Comments to the Zoning Board of Adjustment must be presented in writing/email.

To submit written comments send email to planning@ci.davenport.ia.us or mail a letter to:
ZBA/City Hall, 226 West Fourth Street, Davenport, IA 52801

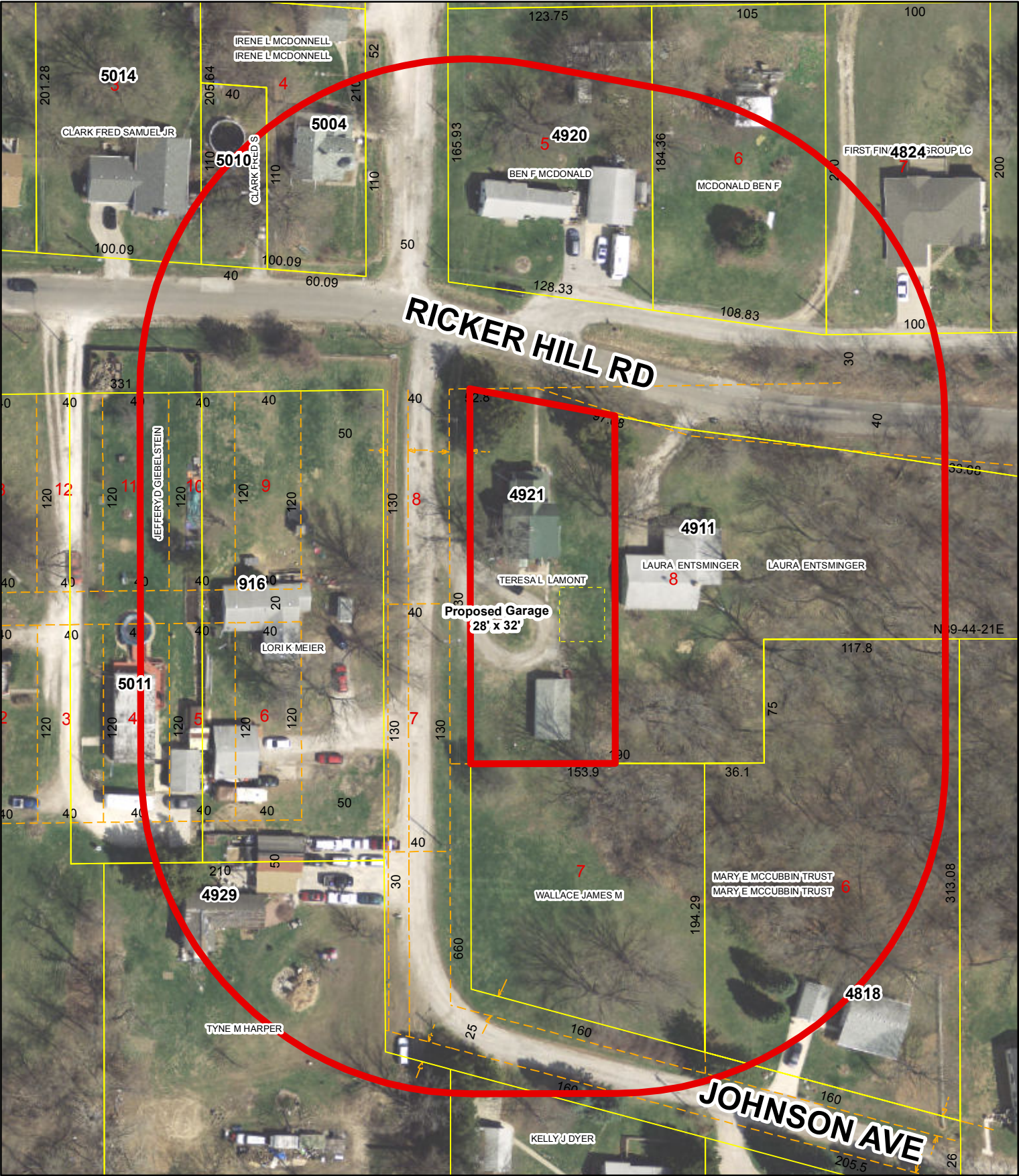
Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner. If you choose to attend the hearing, you may wish to contact Community Planning prior to your departure for the meeting to learn of any changes to the agenda.

Contact the Community Planning and Economic Development Department:
Email: planning@ci.davenport.ia.us • Phone: 326-7765

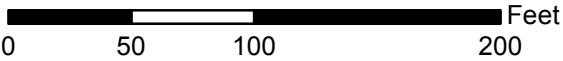
4921 Ricker Hill RD - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	4921 RICKER HILL RD	JAMES LAMONT	4921 RICKER HILL RD	DAVENPORT IA 52802
Ward/Ald:	1st Ward	Alderman Dunn		13 Notices Sent
20501-30	4911 RICKER HILL RD	LAURA ENTSMINGER	3521 MAY LN	DAVENPORT IA 52802
20501-32A		JAMES M WALLACE	4706 BOIES AVE	DAVENPORT IA 52802
20501-32B	4818 JOHNSON AV	MARY E MCCUBBIN TRUST	4818 JOHNSON AV	DAVENPORT IA 52802
20501-34	4909 JOHNSON AV	KELLY J DYER	4909 JOHNSON AVE	DAVENPORT IA 52802
20501-36	4929 JOHNSON AV	TYNE M HARPER	4929 JOHNSON AV	DAVENPORT IA 52802
20501-37	916 RICKER HILL CT	LORI K MEIER	320 E LAURETTA ST	BLUE GRASS IA 52726
20501-38	5011 RICKER HILL RD	JEFFERY D GIEBELSTEIN	5011 RICKER HILL RD	DAVENPORT IA 52802
23249-07	5014 RICKER HILL RD	FRED S CLARK	5014 RICKER HILL RD	DAVENPORT IA 52802
23249-08	5010 RICKER HILL RD	FRED S CLARK	5014 RICKER HILL RD	DAVENPORT IA 52802
23249-10A	5004 RICKER HILL RD	IRENE L MCDONNELL	5004 RICKER HILL RD	DAVENPORT IA 52802
23249-19	4920 RICKER HILL RD	BEN F MCDONALD	4920 RICKER HILL RD	DAVENPORT IA 52802
23249-20	4908 BOIES AV	BEN F MCDONALD	4920 RICKER HILL RD	DAVENPORT IA 52802
23249-21	4824 BOIES AV	FIRST FINANCIAL GROUP LC	1987 SPRUCE HILLS DR	BETTENDORF IA 52722

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.



C-Ped's Copy Scott Koops

COPY OF NOTICE
EXHIBIT "A"

AFFIDAVIT OF PUBLICATION

ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING NOTICE
CITY OF DAVENPORT

The Zoning Board of Adjustment will meet on Thursday, April 13, 2017, at 4:00 P.M. in the first floor Council Chambers of City Hall, 228 West 4th Street Davenport, Iowa, to hold a public hearing to consider the following request:

Request HV17-02 of James Lamont at 4921 Ricker Hill Road for a hardship variance to construct a second detached garage 28' x 32' (896 sq. ft.) that would exceed the allowed number of garages for this property (also one garage is required to be attached) and exceed the allowed detached garage area by 806 sq. ft. Property is zoned R-1 Low Density Dwelling District and has 1,328 square feet of living area, 19,820 square feet of lot area, and an existing two-car detached garage (830 square feet; 18' x 35').

Section 17.10.030 G allows for detached garages up to 50% of the living area of the principal building (720 sq. ft. at a minimum) and only one garage on lots less than 20,000 square feet. The subject property allows for 720 square feet for a detached garage at a maximum and only one garage.

All interested persons may submit written comments on the above item(s) and/or attend the public hearing(s) to express your views. Any written/e-mailed comment(s) to be reported at the public hearing(s) should be received by Community Planning, City Hall, no later than 12:00 p.m. on the day of the public hearing, PO 1715246.

Community Planning & Economic Development
Phone: (563) 326-7765
E-mail: planning@ci.davenport.ia.us

STATE OF IOWA }
SCOTT COUNTY, } SS.

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE QUAD-CITY TIMES, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is hereto annexed as Exhibit "A" and made a part of this affidavit, was published in said THE QUAD-CITY TIMES, on the following dates:

4-5

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

[Signature]

Subscribed and sworn to before me by said affiant this

5th

day of

April

20

17



STEPHEN H. THOR
Commission Number 168839
My Commission Expires
3-24-18

[Signature: Stephen H. Thor]

Notary Public in and for Scott County, Iowa