

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, MARCH 23, 2023; 4:00 PM

CITY HALL | 226 WEST 4TH STREET | COUNCIL CHAMBERS

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

I. Call to Order

II. Secretary's Report

A. Consideration of the March 9, 2023 meeting minutes.

III. Old Business

IV. New Business

A. Request HV23-06 of Thomas Jacobson at 6436 Woodland Court for a Hardship Variance to encroach into the front yard of a through lot (double frontage lot) with a 26' x 36' detached garage located near the northwest corner of the dwelling. Section 17.09.030.K. & A.5. prohibit accessory structures in the front yard. Section 17.02.040.P.7. requires through lots to meet both front yards setbacks. [Ward 6]

B. Request HV23-07 of Vera French Manor at 215 East 37th Street for a hardship variance to reduce parking requirements by providing approximately 1.3 parking spaces per dwelling unit. Davenport Municipal Code Table 17.10-2 requires 1.5 parking spaces per residential dwelling unit. [Ward 7]

V. Other Business

A. Consideration of Bylaws for review, comment, and approval.

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: DNS

Contact Info: ScottKoops@davenportiowa.com

Date
3/23/2023

Subject:

Consideration of the March 9, 2023 meeting minutes.

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes



MINUTES
Zoning Board of Adjustment
March 9, 2023



By this reference all reports, documents, presentations, videos and the hearing's video recording are incorporated into the minutes. See the following link: <https://www.youtube.com/user/DavenportToday/videos>

I. Call to Order:

Chairman Darland called the Zoning Board of Adjustment (ZBA) meeting to order in City Hall Council Chambers, Davenport, Iowa at approximately 4:01 p.m.

Board Members present (4): Gallart (remote), Boyd-Carlson, Loebach, and Darland.
Staff present: Koops, Berkley, staff Attorney Bagby

II. Secretary's Report:

Minutes were approved unanimously for the 2023-02-09 ZBA Hearing by voice-vote (4-0).

III. Old Business:

None.

IV. New Business:

A. Request HV23-05 of Hope at the Brick House Community Center at 1431 Ripley Street for a hardship variance to:

1) exceed the maximum building coverage of the lot with a 1,400SF building addition which will cover 43% of the lot;

2) locate the proposed building addition five (5) feet into the buffer yard (and with a sidewalk approximately four (4) feet from the south lot line; and

3) to provide required off-street parking across the street from the use.

Table 17.04-1 allows a maximum building coverage of 35%, Section 17.11.080 requires a 15-foot buffer yard with fencing and landscaping, and Table 17.10-2. requires three (3) off-street parking spaces on site. Property is zoned R-4C Residential. [Ward 5]

Koops presented the staff report.

Findings: (supported by the staff report analysis)

1. ordinance hardship has been established;
2. physical and topographical conditions on site do limit reasonable site usage;
3. unique circumstance has been established;
4. protection of essential character has been established;

Recommendation:

Staff recommends that Board adopt staff's findings and approve request HV23-05 as proposed.

Motion

Gallart moved to adopt staff's findings and approve request HV23-05 as proposed; Body-Carlton seconded the motion and the motion carried unanimously. (4-0)

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

V. Other Business

No other business appeared on the agenda. Staff will present Bylaws and Rules of Procedure for consideration at the next regularly scheduled ZBA meeting.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:28 p.m.

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
3/23/2023

Subject:

Request HV23-06 of Thomas Jacobson at 6436 Woodland Court for a Hardship Variance to encroach into the front yard of a through lot (double frontage lot) with a 26' x 36' detached garage located near the northwest corner of the dwelling. Section 17.09.030.K. & A.5. prohibit accessory structures in the front yard. Section 17.02.040.P.7. requires through lots to meet both front yards setbacks. [Ward 6]

ATTACHMENTS:

Type	Description
▣ Exhibit	Staff Report
▣ Exhibit	Application
▣ Exhibit	Notice List
▣ Exhibit	Notice Letter
▣ Exhibit	Presentation



Zoning Board of Adjustment | Staff Report HV23-06
Encroach Through-Lot Front Yard
6436 Woodland CT | March 23, 2023

Description

Request HV23-06 of Thomas Jacobson at 6436 Woodland Court for a Hardship Variance to encroach into the front yard of a through lot (double frontage lot) with a 26' x 36' detached garage located near the northwest corner of the dwelling. Section 17.09.030.K. & A.5. prohibit accessory structures in the front yard. Section 17.02.040.P.7. requires through lots to meet both front yards setbacks. [Ward 6]

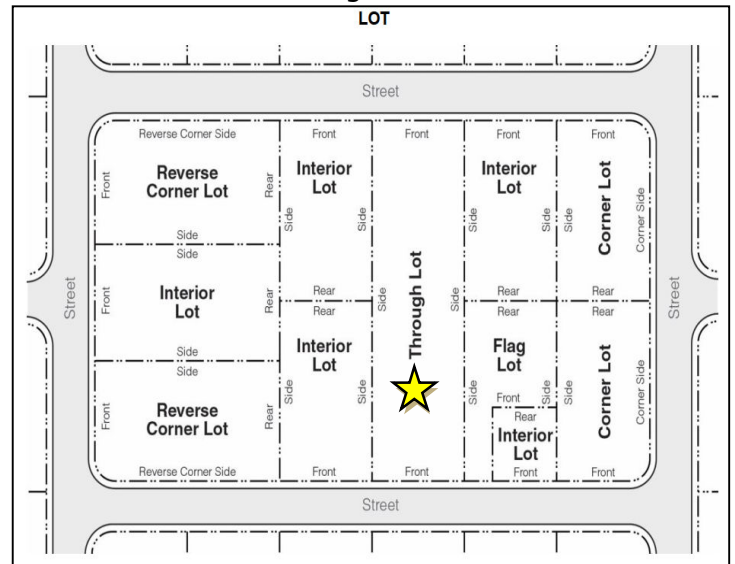
Background | Discussion

The petitioner is proposing a detached garage in the Jersey Ridge front yard. While this yard may appear to be a rear yard, it is in fact a second front yard for the property as defined by the Zoning Ordinance in [§17.02.040.P.7](#). A variance is necessary to build the garage as proposed.

Yard Diagram



Lot Diagram



The property currently has an attached two-story 26' x 36' garage located on the north end of the dwelling which is accessed from Woodland CT (upper level) and E. 65th Streets (lower level). Said garage has 1,872 SF of garage area. Additionally, there is a 'basement' single-stall garage which is also accessed from the E. 65th Street driveway.

Site Photo: Facing West on Woodland CT. Photo shows the traditional or typical front yard.



Site Photo: Facing South on 65th ST. Photo shows access to lower-level of the attached 26' x 36' garage.



Site Photo: Facing East | Jersey Ridge RD Photo shows Jersey front yard. Existing house not visible.



Purpose of a Hardship Variance

[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."*

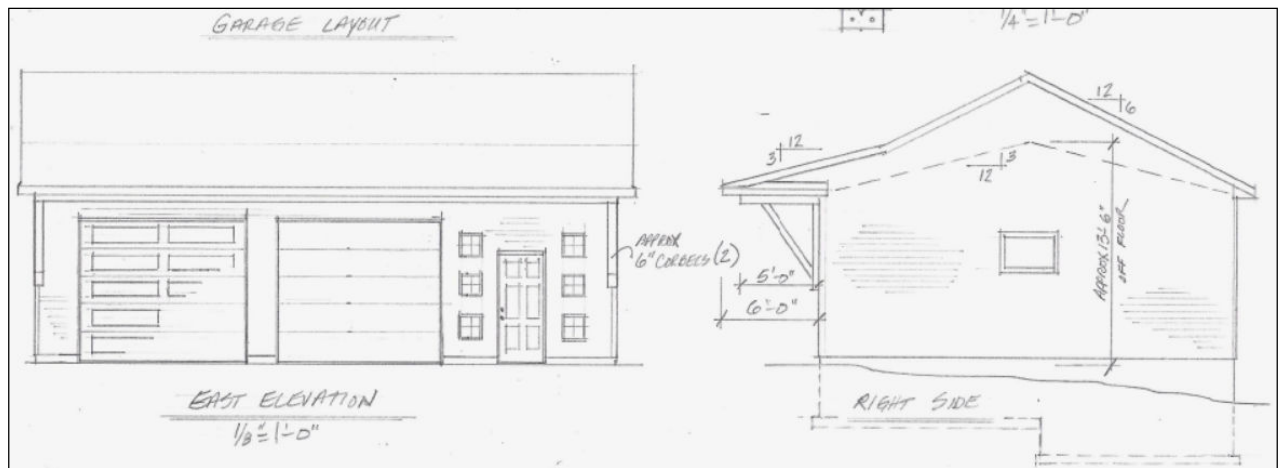
It is the role of the Zoning Board of Adjustment members to evaluate the evidence of hardship.

Applicant's Description of the Request

The purposed of the proposed garage is to store finished classic cars and auto memorabilia. No mechanical work will be done there. The current upper garage is 36' X 26' capped garage over the lower 36' X 26' with a single 16' door. The area under the three seasons room is 11'6" X 28' unfinished area for storage of lawn equipment. The property is defined as a through lot as it borders on two parallel streets. The request is for an accessory garage in the established back yard, but it has been deemed to have two front yards.

Applicant's Building Elevations & Site Plan: Proposed 26' x 36' Detached Garage

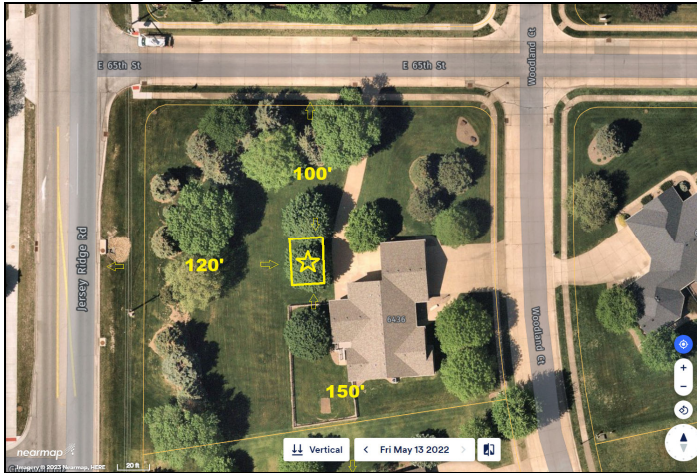
Elevations:



Applicant's Site Plan:



Distance Diagram



Approval Standards

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

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

Applicant Response:

The through lot borders on Woodland Ct on the front, Jersey Ridge Rd on the rear, and 65th St. on the side, as per attached site plan. Through lots are considered differently for connected garages and free-standing garages. A connected garage would not be feasible.

Staff Comments:

As the site already has ample garage space, it is somewhat difficult to evaluate this request as a hardship, however what is traditionally considered 'rear' yard on this lot is more than 120' deep from Jersey Ridge Road to the rear of the dwelling. Impact to adjacent properties will be minimal, if any due the distance to Jersey Ridge and to the dwelling to the south (approximately 150').

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 proposed garage meets all requirements for setbacks and permeable ground. There are no issues with dimensional zoning requirements, topographical or natural characteristics. If the interpretations of regulations, which calls the established backyard a second front yard, are carried out, the garage cannot be built. There is no access to the established back yard from Jersey Ridge Road, which has a curb, gutter and drainage ditch.

Staff Comments:

The physical conditions of the site do limit impact to adjacent properties and visibility of the proposed garage. The lot is one acre in size and the distance to the nearest neighbor will be over 150' with several trees (both deciduous and evergreens) between the proposed garage and nearest neighbor to the south. Standard #2 has been met.

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 one-acre property is unique in that it borders on Jersey Ridge Road to the west, East 65th Street to the north, and Woodland Court to the east. These unique characteristics do not apply to nearly any nearby properties and is not a self-created hardship relative to application of regulation.

Staff Comments:

The size of the lot (one-acre), the copious amounts of landscaping, and the distance from the proposed garage to the nearest abutting property, do create a somewhat unique circumstance when paired with the 'two' front yard requirements for through lots. Standard #3 has been met.

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

Applicant Response:

The proposed building site would result in a structure that is well within all set back lines, no matter how the front, back or side yards are defined, as per attached site plan. The proposed structure is shielded by mature trees. It would match the style, siding and roof color of the existing structure. It would not alter the essential character of the surrounding neighborhood.

Staff Comments:

The character of the area will not be impacted by the proposed project for the various reasons stated in staff's responses to standards #1, #2, and #3. Protection of essential character has been established.

Findings & Staff Recommendation:

Findings: (supported by the previous analysis)

- Item #1 arguably the ordinance has created a certain type of hardship;
- Item #2 physical and topographical conditions on site do limit impact of the development;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Recommendation:

Approval standards appear to have been met.

Staff recommends approval of the request as proposed.

Prepared by:



Scott Koops, AICP
Planner II

Attachments: ZBA application/plans, notice documents



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

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
HARDSHIP VARIANCE
ZONING BOARD OF ADJUSTMENT

APPLICANT INFORMATION		
APPLICANT NAME	REASON FOR HARDSHIP REQUEST	
ADDRESS		
CITY, STATE, ZIP	COMPLETE SUBMITTALS SHALL INCLUDE: SUBMITTED Concept/Development Plan to Scale* *shall show setbacks, height and size dimensions, etc. Consent to request hardship/legal interest Affidavit* *shall include owner contact information Application Fee* \$200 *required for a complete application	
PHONE		
SECONDARY PHONE		
E-MAIL ADDRESS	DEMONSTRATE WITH EVIDENCE THE FOLLOWING (4) ITEMS: 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.	
Acceptance of Applicant I, the undersigned, certify that the information on this application to the best of my knowledge is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements. In addition to the application fee, I understand I am responsible for attendance at the meeting as shown on the public hearing zoning board calendar. The City reserves the right to require further site studies as necessary. Type Applicant's Name _____ Applicant's Signature _____ Date _____		
DEVELOPMENT TEAM		
Property Owner		
Address		
Phone	Secondary Phone	
E-Mail Address		
Project Manager/Other		
Address		
Phone	Secondary Phone	
E-Mail Address		
Contact Development & Neighborhood Services (DNS) Planning Division at planning@davenportiowa.com with any questions, for additional information, and to submit this form.		

HV23-06 6436 Woodland CT Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Subject Property:	6436 WOODLAND CT	THOMAS L JACOBSON	6436 WOODLAND CT	DAVENPORT IA 52807
Ward/Aldreman:	6th Ward	Jobgen		Notices Sent: 10
Y0637-02A	6516 WOODLAND CT	SCOTT T PEARSON	6516 WOODLAND CT	DAVENPORT IA 52807
Y0637-11B	6530 JERSEY RIDGE RD	STEPHEN S BRISKER	PO BOX 1708	BETTENDORF IA 52722
Y0637-06	6432 WOODLAND CT	JESTEL LIVING TRUST	6432 WOODLAND CT	DAVENPORT IA 52807
Y0637-14	6429 WOODLAND CT	CONG UY & TAMI TRAN	6429 WOODLAND CT	DAVENPORT IA 52807
Y0637-15	6435 WOODLAND CT	CHRISTINA I RAPPELTRUST	6435 WOODLAND CT	DAVENPORT IA 52807
Y0637-66A	2345 CROMWELL CR	SCOTT A ALPEN	2345 CROMWELL CR	DAVENPORT IA 52807
Y0637-13B	6503 WOODLAND CT	DEAN L HERRIN	6503 WOODLAND CT	DAVENPORT IA 52807
Y0637-22A	2340 CROMWELL CR	AARON D DUNLOP	2340 CROMWELL CR	DAVENPORT IA 52807
Y0637-01A	6502 WOODLAND CT	MYSTIC LIVING TRUST	985 LINCOLN RD #224	BETTENDORF IA 52722
Y0653-07	6428 WOODLAND CT	JASON SENJEM	6428 WOODLAND CT	DAVENPORT IA 52807



Public Hearing Notice | Zoning Board of Adjustment

Date: 3/23/2023 **Location:** City Hall | 226 W 4th ST | Council Chambers
Time: 4:00:00 PM **Subject:** Hearing for Hardship Variance | Zoning Board of Adjustment

Example Notice
Ward 6 Jobgen
Notices Sent: 10

To: All property owners within 200' of the subject property **6436 Woodland Court:**

What is this About?

This notice is being sent to inform you that a public hearing will be held for a Hardship Variance. The purpose of the Hardship Variance is to grant permission to waive or alter a size or dimensional code requirement.

Request/Case Description

Request HV23-06 of Thomas Jacobson at 6436 Woodland Court for a Hardship Variance to encroach into the front yard of a through lot (double frontage lot) with a 26' x 36' detached garage located near the northwest corner of the dwelling. Proposed garage would be approximately 93' from Jersey Ridge RD and 80' from E. 65th ST. Section 17.09.030.K. & A.5. prohibit accessory structures in the front yard. Section 17.02.040.P.7. requires through lots to meet both front yards setbacks. [Ward 6]

What are the Next Steps after the Public Hearing?

For approved ZBA requests, the ruling is effective immediately. Rulings of the Zoning Board of adjustment are final. The applicant may request reconsideration at the next public hearing, and aggrieved parties may file a writ of certiorari with the district court.

Would You Like to Submit an Official Comment?

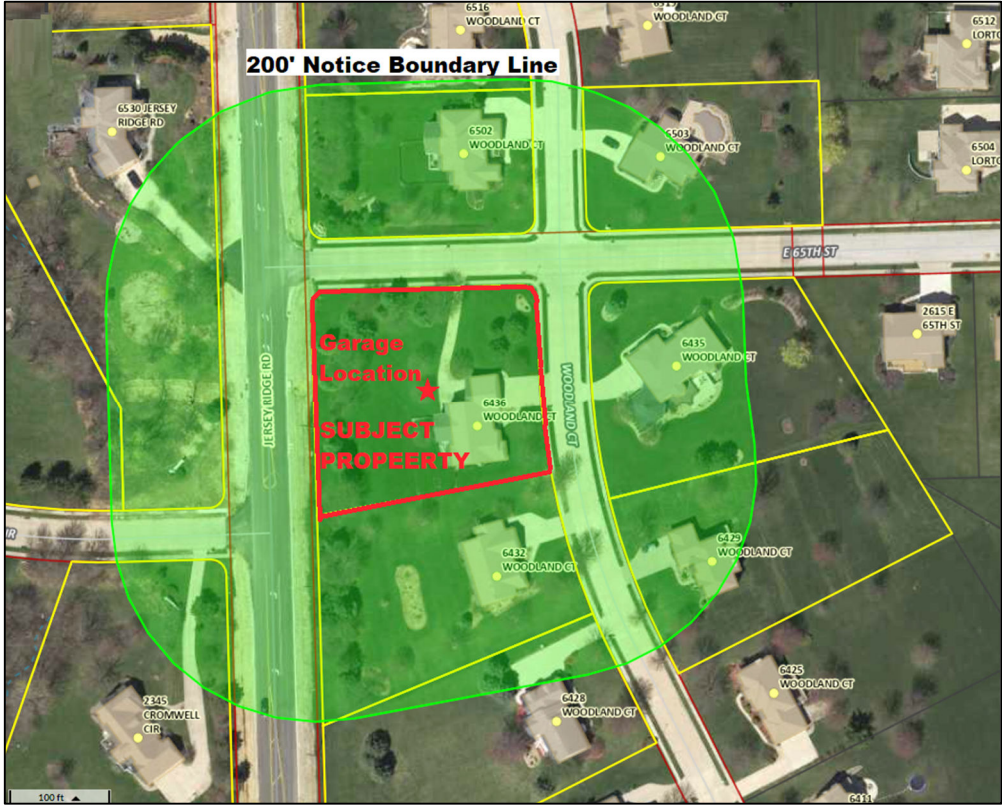
As a property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200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

Do You Have Any Questions?

If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at scott.koops@davenportiowa.com or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

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

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



SITE PLAN:





THE CITY OF
DAVENPORT
IOWA | USA

6436 Woodland CT | Front Yard Garage



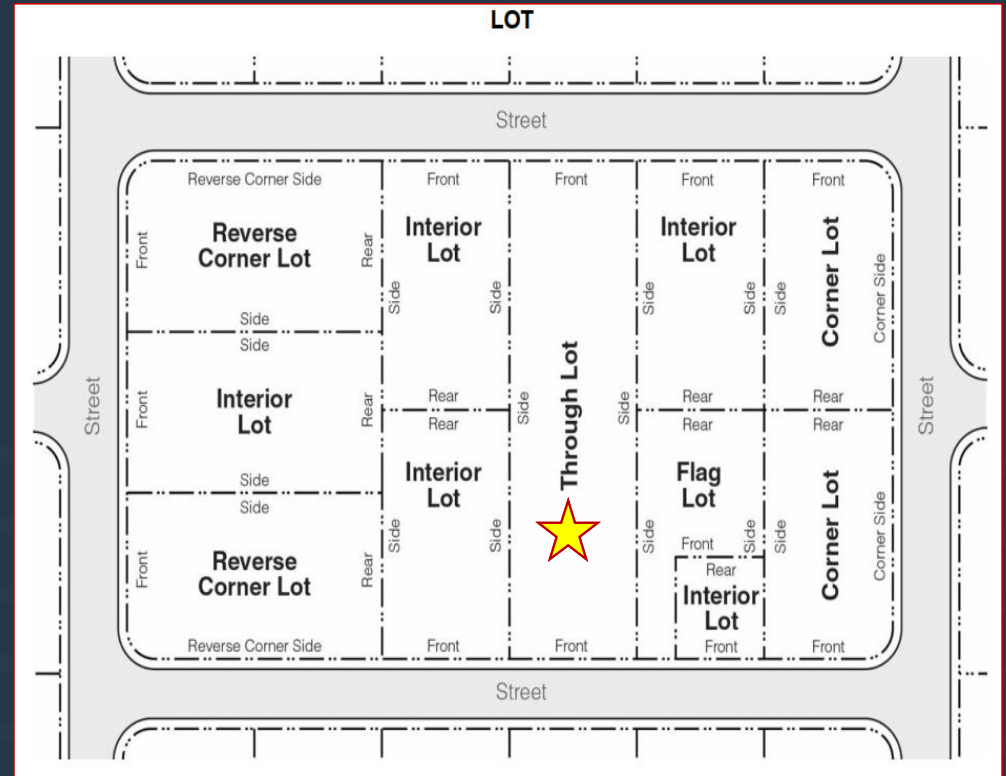
Request

HV23-06 Front Yard Detached Garage

Variance to:

**Construct a Detached Garage in the
Jersey Ridge 'Front Yard'**

Yard and Lot Diagrams



Existing Site



nearmap

Imagery © 2023 Nearmap, HERE

20 ft

Vertical

< Fri May 13 2022 >



Existing Site



Existing Site



Applicant Site Plan

26' x 36'

Jersey Farms 2nd Addition

WOODLAND CT

204.21

231.37

108.5

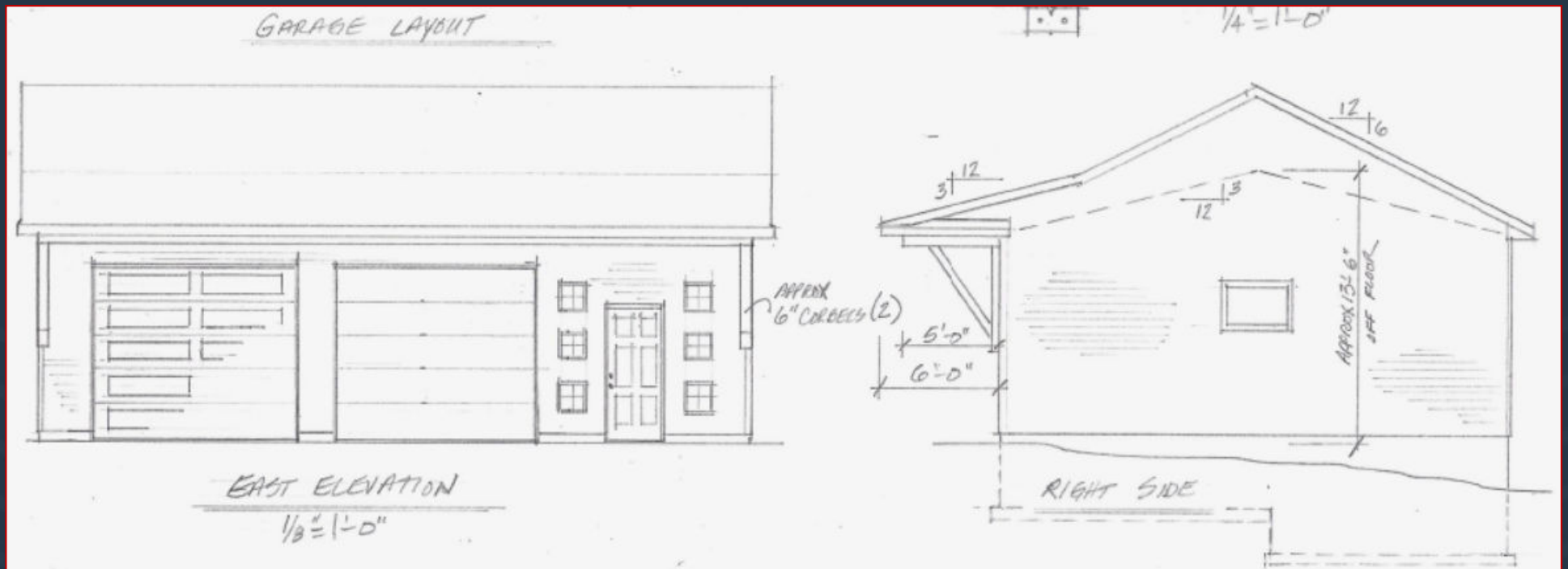
59.92

136.86

53 ft

26' x 36'

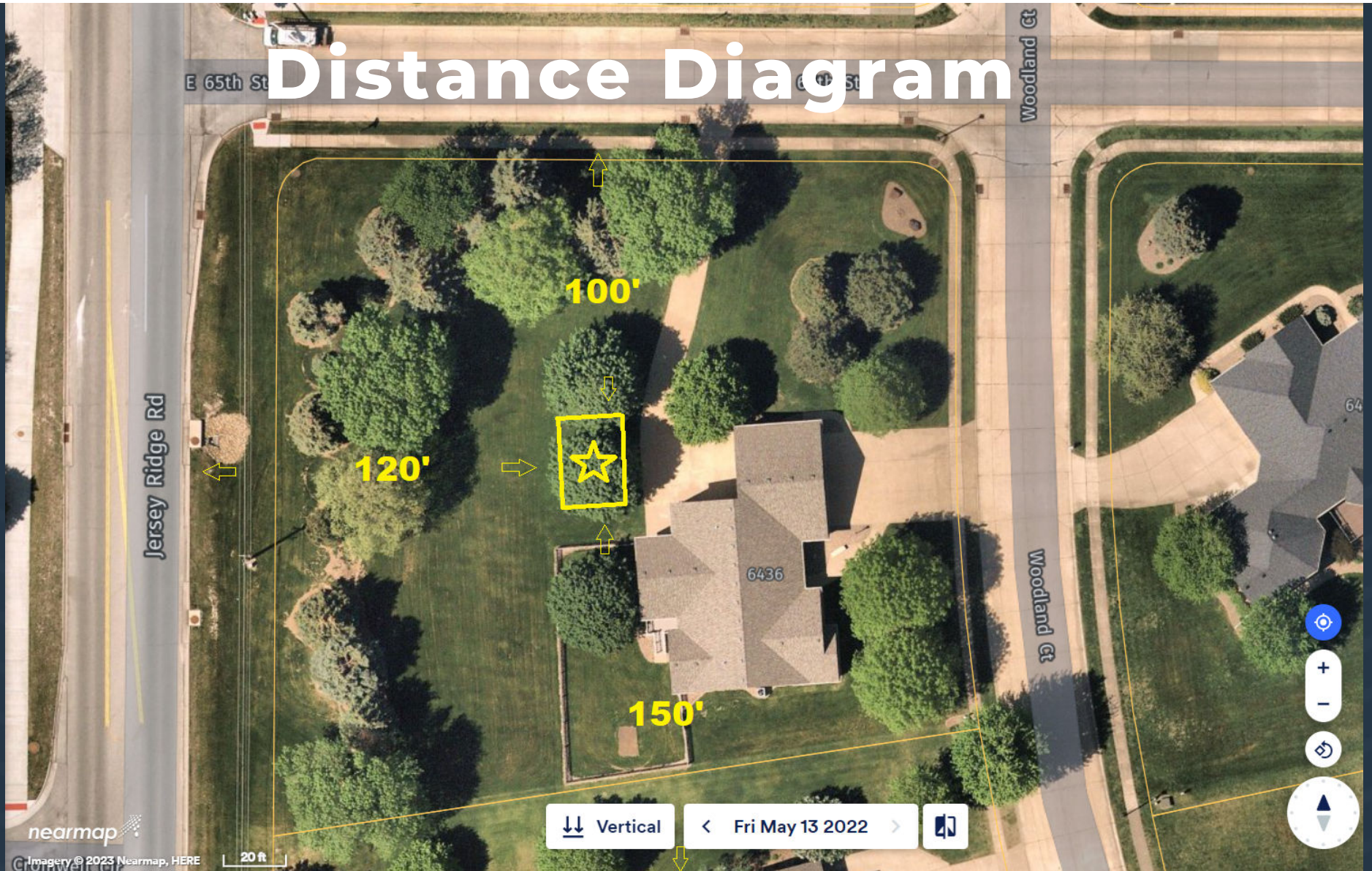
Building Plans/Elevations



East Elevation

Right Side

Distance Diagram



Notification Procedures

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



HV23-06 6436 Woodland CT Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Subject Property: 6436 WOODLAND CT		THOMAS L JACOBSON	6436 WOODLAND CT	DAVENPORT IA 52807
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Y0653-07	6428 WOODLAND CT	JASON SENJEM	6428 WOODLAND CT	DAVENPORT IA 52807

Findings

In review of the Approval Standards staff has found:

- Item #1 arguably the ordinance has created a limited hardship;
- Item #2 physical and topographical conditions of the site do impact development;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established.

Recommendation:

Approval standards appear to have been met.

Staff recommends approval of HV23-06 as proposed.

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
3/23/2023

Subject:

Request HV23-07 of Vera French Manor at 215 East 37th Street for a hardship variance to reduce parking requirements by providing approximately 1.3 parking spaces per dwelling unit. Davenport Municipal Code Table 17.10-2 requires 1.5 parking spaces per residential dwelling unit. [Ward 7]

ATTACHMENTS:

Type	Description
▣ Executive Summary	Staff Report
▣ Exhibit	Application
▣ Exhibit	Notice List
▣ Exhibit	Notice Letter

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	3/17/2023 - 2:26 PM



Zoning Board of Adjustment | Staff Report HV23-07
Reduce Off-Street Parking
215 E 37th ST | March 23, 2023

Description

Request HV23-07 of Vera French Manor at 215 East 37th Street for a hardship variance to reduce parking requirements by providing approximately 1.3 parking spaces per dwelling unit. Davenport Municipal Code Table 17.10-2 requires 1.5 parking spaces per residential dwelling unit. [Ward 7]

Background & Discussion

The petitioner is proposing six (6) new dwelling units for this site. The request is to provide 47 parking spaces which is 1.3 per unit, rather than the required 54 at 1.5 spaces per unit. Previous surveys indicate only 6 renters per 30 units park a car at this site.

The Vera French Housing Corporation was formed in October 1994, to assist individuals with persistent mental illness to obtain permanent, affordable housing that is linked to the Center's support services and additional services within the community. This specialty population has significantly less off-street parking demand, as many/most residents do not own or have a car to park at their dwelling.

Table 1. Parking Provisions	Existing Development	Resulting Development (totals after proposed site work)
Code required parking spaces	45	54
# of parking spaces provided	47	47
# of dwelling units	30	36 (6 new dwelling units)
Parking ratio (spaces/unit)	1.6	1.3
Residents owning/parking a car	6 (20%; 2020 figure)	8 (20%) estimated

Purpose of a Hardship Variance

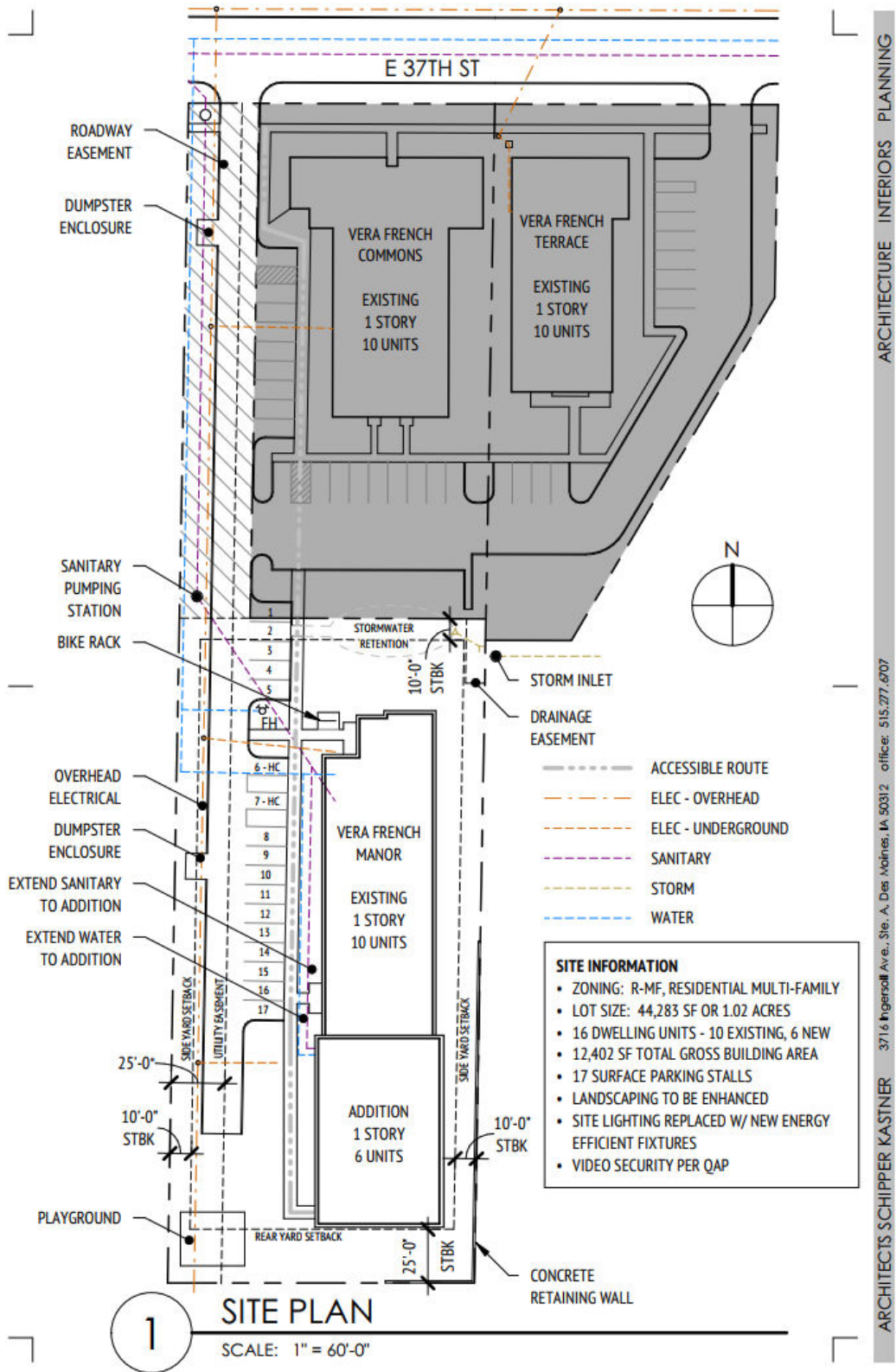
In the Davenport Municipal Code, Section 17.14.060 states: *The purpose of the hardship variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships.*

It is the role of the Zoning Board of Adjustment members to evaluate the evidence of hardship.

Applicant's Description of the Request

Vera French Housing is submitting a tax credit application to the Iowa Finance Authority to renovate the 10 units at 215 East 37th Street and add six units of new housing to the south of the building. VFH, LLLP services a low-income population with mental illness. A request for variance was submitted in 2020 for the same location. We are now resubmitting the request and reducing the number of units we hope to construct.

Site Plan:



ASK
STUDIO
COPYRIGHT 2020
ASK STUDIO

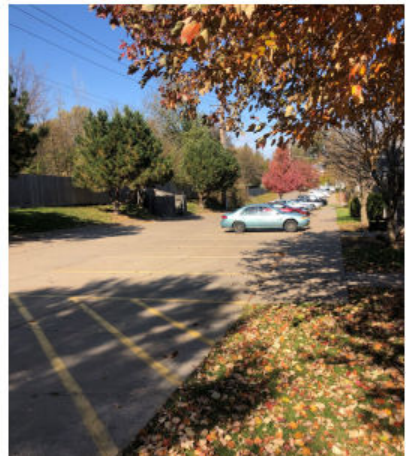
VERA FRENCH MANOR
VERA FRENCH HOUSING CORP
215 E 37TH ST
DAVENPORT, IOWA

ISSUE DATE:
2.9.2023

5B

PROJECT 00000

Site Photos:



Approval Standards

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

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

Applicant Response:

It is a community hardship. The need for additional housing services for community members with special needs continues growing. Vera French has found it most beneficial for residents to grow in locations that were not originally imagined to need this additional housing. This is a location where Vera French has served the community as a whole and the community of residents with great success, and the ordinance isn't written in recognition of this unique community of residents.

Staff Comments:

The petitioner's plan would add 6 dwelling units to this existing site which has 30 units presently. Attached photo exhibits and informal staff surveys illustrate the overabundance of parking on this site. Parking utilization was well under 20 percent of the existing site during previous staff inspections, including weekend dates. Staff does not want or support over development of parking/pavement areas which, at a minimum, would lead to unnecessary stormwater runoff. The petitioner's plan should in no way pose a parking issue for this site or adjacent neighborhoods. The petitioner has met the grounds for relief from this code section.

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 site's unique shape and topography make the addition of parking in the center of the site a potential erosion issue due to the inability to outlet stormwater to 37th Street due to the low grades of the center of the site. Storm water has exited the area to the east historically, and additional hard surface parking would not positively impact the property to the east. The retention of green space at the center of the site allows the ability to treat and retain stormwater at an appropriate distance from the lot line rather than introducing more hard-surfaced parking that will not be used because of the resident's needs.

Staff Comments:

The physical conditions of the site do limit the use of the site as there are minimal areas available for parking. Staff supports this requested parking reduction due, in part, to the detrimental impacts of unnecessary stormwater runoff.

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 circumstance is unique because of the residents served by Vera French. The residents all have life factors that create a need for special housing and conversely a majority of residents do not own or maintain vehicles as assumed by the ordinance. The circumstances of site drainage and topography are also unique to this site. On this particular site, parking is not needed and its addition causes harm rather than good.

Staff Comments:

This site supports a specific clientele which happen to have significantly less demand for off-street parking. The purpose of minimum off-street parking requirements is to limit congestion in the street and to protect adjacent property owners. A hardship for this property would uphold the purposes of this code section.

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

Applicant Response:

This project and the variance request will not change the essential character of this locality. The variance will maintain a parking ration greater than one to one, which is becoming an urban standard in the age of UBER. Based on the ratio of residents to drivers currently at one car per five apartment units, there is projected to be a total of nine resident cars and 47 available spaces. There will not be a lack of parking that will impact the neighborhood with increased street parking or congestion.

Staff Comments:

The character of the area will not be impacted by the proposed parking reduction as the site is already constructed and has a presence in the neighborhood with excess parking spaces. Underutilized parking spaces already existing on the site will provide the necessary off-street parking capacity for the additional dwelling units. Protection of essential character has been established.

Findings & Staff Recommendation:

Findings: (supported by the previous analysis)

- Item #1 ordinance hardship has been established;
- Item #2 physical and topographical conditions on site do limit reasonable site usage;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Recommendation:

Staff recommends approval of the request as approval standards have been met.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents



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

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
HARDSHIP VARIANCE
ZONING BOARD OF ADJUSTMENT

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



Public Hearing Notice | Zoning Board of Adjustment

Date: 3/23/2023 **Location:** City Hall | 226 W 4th ST | Council Chambers
Time: 4:00:00 PM **Subject:** Hearing for Hardship Variance | Zoning Board of Adjustment

Example Letter

To: All property owners within 200' of the subject property **215 East 37th 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 HV23-07 of Vera French Manor at 215 East 37th Street for a hardship variance to reduce parking requirements by providing approximately 1.1 parking spaces per dwelling unit. Davenport Municipal Code Table 17.10-2 requires 1.5 parking spaces per residential dwelling unit. [Ward 7]

What are the Next Steps after the Public Hearing?

For approved ZBA requests, the ruling is effective immediately. Rulings of the Zoning Board of Adjustment are final. The applicant may request reconsideration at the next public hearing, and aggrieved parties may file a writ of certiorari with the district court.

Would You Like to Submit an Official Comment?

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

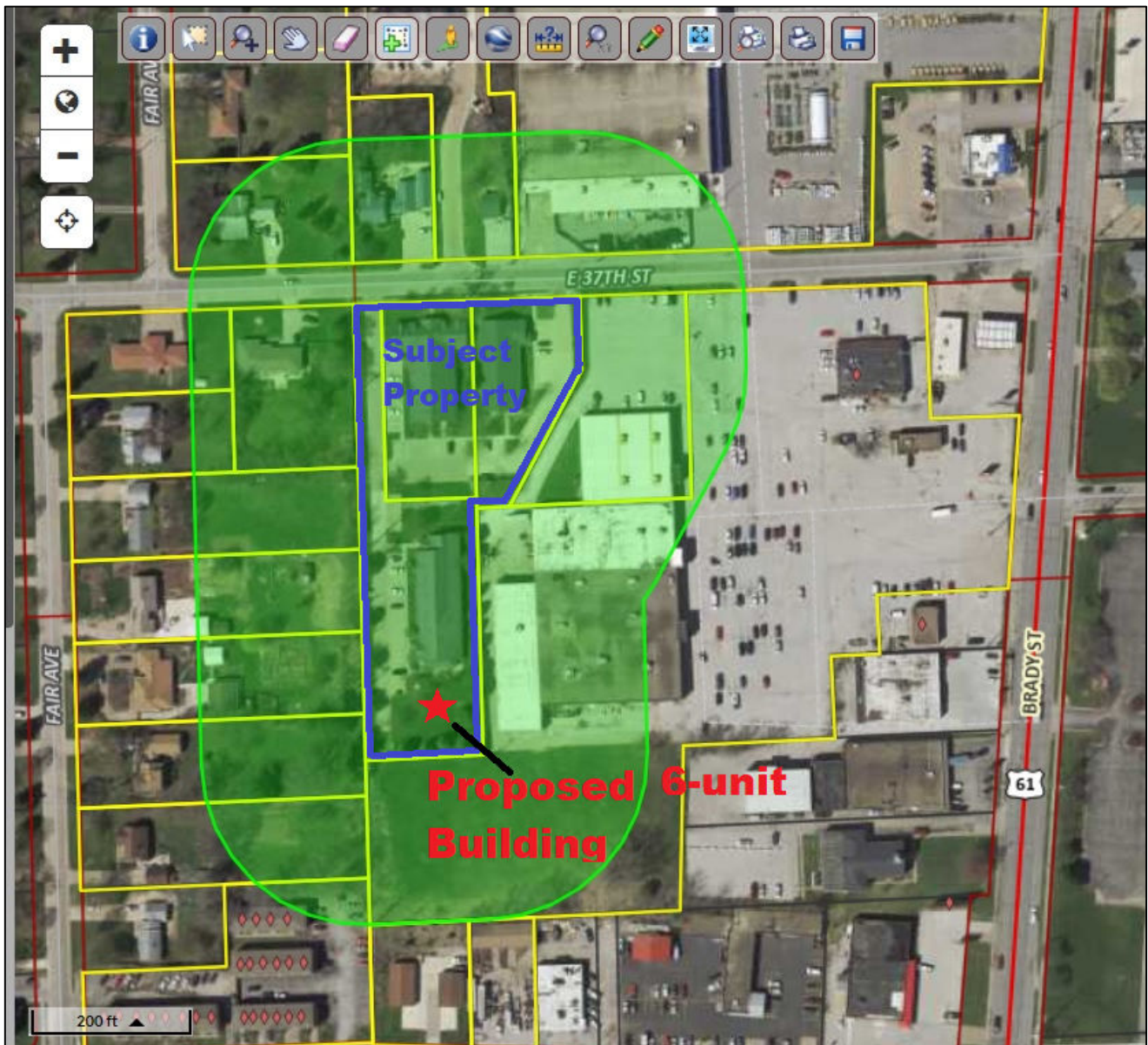
Do You Have Any Questions?

If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at scott.koops@davenportiowa.com or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

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

Adjacent Owner Notice Area:

Owners within 200' of the Subject Property



City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
3/23/2023

Subject:
Consideration of Bylaws for review, comment, and approval.

ATTACHMENTS:

Type	Description
▣ Exhibit	Bylaws and Rules of Procedure
▣ Exhibit	DMC 2.66 Zoning Board

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	3/16/2023 - 4:22 PM

BYLAWS AND RULES OF PROCEDURE ZONING BOARD OF ADJUSTMENT DAVENPORT, IOWA

Adopted
DRAFT DOCUMENT

The Zoning Board of Adjustment holds public hearings to consider hardship variances, special uses, and administrative appeals. The board consists of five members as appointed by the Mayor and approval of City Council. All members of the board shall be legal residents of the City of Davenport and shall serve without compensation. [[2.66](#)]

Governing Rules

The Zoning Board of Adjustment (ZBA) shall be governed by all applicable laws. Specific reference is made to the terms of [Chapter 414 of the State Code of Iowa](#), [Chapter 21 of the State Code of Iowa](#), the [Davenport Municipal Code](#), and to the [Zoning Ordinance of January 20, 2019, as amended](#), including but not limited to Chapters [2.66](#), [17.13](#), and [17.14](#).

1 Officers

1.1 Officers

1.1.a Chairperson

- 1) The position of Chairperson is hereby established.
- 2) The Chairperson shall preside at all meetings of the Board.
- 3) The Chairperson shall have general charge of the business of the Board.
- 4) The Chairperson shall perform such other duties as are usually exercised by the Chairperson of a Board or as specifically authorized by the Board.

1.1.b Vice-Chairperson

- 1) The position of Vice-Chairperson is hereby established.
- 2) The Vice-Chairperson shall act in the capacity of Chairperson in the absence of the Chairperson.
- 3) In the event the office of Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term and the Board shall elect a successor to the office of Vice-Chairperson for the unexpired term.

1.1.c Secretary

- 1) The position of a non-elected officer, Secretary, is hereby established.
- 2) The Secretary shall be city staff personnel designated by the Director of Development and Neighborhood Services to act as staff liaison for the Board.
- 3) The Secretary shall provide staff support to the Board in pursuit of its duties.
- 4) The Secretary shall attend all regular and special meetings and public hearings and shall call the roll of those members present.
- 5) The Secretary shall present a record of meetings to the Board.

1.2 Election of Officers

- 1.2.a Officers of the Board must be members of the Board and shall be elected at the second regularly scheduled meeting of the Board in January and shall hold office for one year or until their successors are elected.
- 1.2.b Any vacancy of a position may be filled at any Regular or Special Meeting after such vacancy.
- 1.2.c In the absence of both the chair and vice-chair the Board shall elect a Chairperson pro- tempore to serve in their absence.

2 Public Hearings

The Board shall hold public hearings in conjunction with consideration of Special Use, Hardship Variance, and Administrative Appeal Applications

- 2.1 Notice of the time and place of the hearing will be given not less than four (4) and no more than twenty (20) days prior to such hearing by one publication in a newspaper of general circulation.
- 2.2 The notice procedures outlined in Zoning Code Sections [17.14.020](#) (published notice requirements) and [17.14.030](#) (continuances of hearing, etc.) shall be followed.
- 2.3 Procedures for [17.14.010](#) (pre-application meeting required, etc.), shall be followed. Applicants shall discuss their request and possible alternatives with staff. Applicants shall submit the request after this meeting with their final proposal having considered various options that may reduce or elimination the need for portions of the request.
- 2.4 The public will be allowed to provide evidence regarding matters requiring a public hearing, with a maximum of five (5) minutes at the discretion of the Chair.
- 2.5 All participants shall conduct themselves in a respectful, courteous and civil manner.
- 2.6 Participants of the public hearings shall not speak unless recognized by the Chairperson; the lone exception would be when it is appropriate for staff to clarify a point of order and/or to ensure the meeting is run in conformance with applicable meeting procedures.

3 Meetings

- 3.1 Meetings
 - 3.1.a The monthly meetings of the Board shall be held on the second and fourth Thursdays of the month at 4:00 P.M., excepting the fourth Thursdays of November and December.
 - 3.1.b All meetings shall be held at [City Hall](#) unless otherwise specified. If there is no business for the Board, the secretary of the Board may elect to forego the meeting until there is business before the Board.
 - 3.1.c In the event that all elected officers should be absent or unable to attend to the duties of their office, the members of the Board may, at any Meeting, appoint a Chairperson pro-tempore, who shall attend to all the duties of such office until such officer shall return or be able to attend to their duties.
 - 3.1.d The Board may, on motion, recess a meeting to a time and place set forth in such motion.

3.2 Special Meetings

- 3.2.a Special Meetings of the Board may be called by the Chairperson and held at any time or place fixed in the call with proper notice.
- 3.2.b Any three or more members of the Board may request in writing to staff to call a Special Meeting.

3.3 Notice of Meetings

- 3.3.a The Staff shall file with the Deputy City Clerk the time and place of all Board meetings, together with a copy of the Agenda and previous meeting minutes at least twenty-four hours in advance of the meeting.
- 3.3.b A copy of the agenda and minutes together with such additional material as the Staff deems appropriate shall be made available to each member of the Board.

3.4 Quorum

- 3.4.a Three appointed members of the Board shall constitute a quorum for the transaction of business at all Board meetings, regardless of any membership vacancies, absences, or abstentions.
- 3.4.b At meetings with only three members present, the Board may, at the Chair's discretion, inform the applicant that approval of any motion requires the concurring vote of all three members present and may allow the applicant to request a tabling prior to the commencement of the public hearing.
- 3.4.c Without a quorum, no business will be transacted and no official action on any matter will take place.

3.5 Agenda – Order of Business

- 3.5.a Consideration of the previous meeting(s) minutes
- 3.5.b Old/New Business for Special Use or Hardship Variance Public Hearing requests
 - 1) Chairperson shall read the description of the request;
 - 2) Staff presents the staff report, notices and comments, findings and recommendation; staff receives and answers questions from the Board;
 - 3) Applicant or their representative makes a statement outlining the nature of the request; Applicant presents evidence in support of the application; and Applicant receives and answers questions from the Board;
 - 4) Staff receives and answers questions from the Board, if necessary;
 - 5) The general public is provided an opportunity to provide evidence to the Board in Favor of the request; the Board may solicit comment from either the applicant or staff;
 - 6) The general public is provided an opportunity to provide evidence to the Board

in opposition to the request; the Board may solicit comment from either the applicant or staff;

- 7) Board discussion; the Board may solicit comment from either the applicant or staff;
- 8) Board deliberation; Board outlines findings;
- 9) Motion is received by the Chairperson; motion is made in the affirmative, wherein a “yes” vote is a vote to approve the request, and a “no” vote is a vote to deny the request; and
- 10) Any other old or new business for special use or hardship variance is deliberated repeating steps 1) through 9) above.

3.5.c Old or New Business Zoning Administrative Appeal Public Hearing requests

- 1) Chairperson reads the description of the request;
- 2) The Zoning Administrator and/or their designee explains cause for the Zoning Interpretation, presents the staff report, notices and comments, findings and recommendations; Zoning Administrator or their designee
- 3) Applicant presents evidence in support of the application; Applicant receives and answers questions from the Board;
- 4) Zoning Administrator or their designee presents the staff report, notices and comments, findings and recommendation; staff receives and answers questions from the Board;
- 5) Zoning Administrator and/or their designee has opportunity for rebuttal;
- 6) Board discussion; the Board may solicit comment from any parties which provided evidence to the Board;
- 7) Board deliberation; Board outlines findings;
- 8) Motion is received by the Chairperson; motion is made in the affirmative, wherein a “yes” vote is a vote to approve the request, and a “no” vote is a vote to deny the request; and
- 9) Any other old or new business for administrative appeal is deliberated repeating steps 1) through 10) above.

3.5.d Discussion of any non-public hearing administrative items, if necessary

3.5.e Meeting Adjournment

3.6 Voting

3.6.a Voting will be roll call, called by the Secretary, and will be recorded by yeas and nays or present. A vote of Present will have the effect of a nay vote.

3.6.b Every member of the Board, including the Chairperson, is required to cast a vote upon each motion. The concurring vote of three (3) members of the Board shall be required to approve any motion (request) before the Board

3.6.c A member may abstain only if the member believes there is a conflict of interest as provided in Subsection 3.7.

- 3.6.d Members shall be physically present at the meeting in order to exercise their vote. Proxy voting, mail voting or telephone voting are prohibited. If deemed necessary (i.e., declared pandemic, health, certain travel, etc.), the Chairperson may permit a virtual attendance and virtual voting on a temporary basis.
- 3.6.e The affirmative vote of three Board members shall be required for the exercise of powers or functions conferred or imposed upon the Board as per [Chapter 414 of the State Code of Iowa](#).
- 3.6.f Reconsiderations of Board actions must be moved by a Board member who voted on the prevailing side of the motion. Reconsiderations, at the request of the applicant or the City of Davenport, must be moved at the same or next scheduled meeting of a rendered decision.
- 3.6.g All motions shall be made in the affirmative, whereas a “yes” vote is a vote to approve the request, and a “no” vote is a vote to deny the request.

3.7 Conflict of Interest

- 3.7.a A member of the Board must abstain from participating in a matter before the Board when the member has a conflict of interest or an appearance of impropriety.
- 3.7.b Conflict of interest shall mean a direct and personal interest in the outcome of the proceedings. An appearance of impropriety shall mean an apparent conflict of interest based on objective standards.
- 3.7.c A member of the Board shall declare their conflict or appearance of impropriety as soon as the matter comes before the Board for discussion or as soon thereafter as the member becomes aware of the appearance of impropriety or conflict. Thereafter, the member shall take no part in the discussion or vote on the matter.

3.8 Ex Parte Communications

- 3.8.a It shall be the policy of the Board that members not attend private meetings whose principal purpose is to discuss substance and/or details of business that is before or will come before the Board, unless such attendance is approved by the Board by motion prior to the private meeting.
- 3.8.b Ex Parte means communication between a Board member(s) and an applicant or third party outside of duly scheduled meetings on an issue pending before the Board. Ex Parte communications should be avoided because they raise the issue of due process fairness. In the event a situation arises where such communication occurs, the member shall place on the public record the sum and substance of the communication to enable interested persons to rebut the communications.

4 Meeting Attendance

- 4.1 Board members are expected to attend all regular and special Board meetings.
- 4.2 Prior to any scheduled Meeting, members shall notify the Secretary regarding any absences.
- 4.3 Failure of members to attend meetings as outlined in [Section 2.66.060](#) of the City Code may be subject to forfeiture of appointment.
- 4.4 Applicants (or designated representatives) shall attend the meeting at which their request is to be heard. After two meetings without informing staff of an excused absence, the request shall be returned to the applicant with no action taken and without fee refund.

5 Communications

- 5.1 Only the Chairperson shall speak, make public statements, or issue news releases on behalf of the entire Board pertaining to its actions, attitudes and/or actions. After any such official statement, the Chairperson shall inform the secretary. Any member of the Board may express their personal opinion on matters not before the Board, provided their expressly state their comments are as a private citizen and not as a member of the Board.
- 5.2 Members shall not attend private meetings whose principal purpose is to discuss business that is before the Board, unless such attendance is approved by the Board prior to the meeting.
- 5.3 Any written communication to a Board member(s) regarding business of the Board shall be reported and presented to the entire Board and shall be included in the public record. Any verbal communication to a Board member(s) regarding business of the Board shall be summarized and presented to the entire Board and the summary shall be included in the public record.

6 Duties

- 6.1 The duties of the Board include:
 - 6.1.a Review and take action on applications submitted and placed on the Board agenda to ensure that such requests are in conformance with the [Davenport Municipal Code and Title 17 Zoning](#).
 - 6.1.b On behest of city staff, the Board may review and make recommendations for staff's review regarding proposed changes to the Zoning Ordinance, altering-ordinance language in conformance with the Comprehensive Plan and City Code.

7 Staff

- 7.1 The Director of Development & Neighborhood Services or the designated representative shall serve as staff to the Board.
- 7.2 The Staff shall be responsible for preparation of the Agenda and for the provision of all staff support and reports to the Board. The Staff shall provide to the Board all reports pending on its upcoming agenda at least 24 hours prior to the scheduled meeting. Action may be deferred on any agenda item not meeting this requirement.
- 7.3 The Staff shall be responsible for maintenance of all correspondence, records, and reports.

8 New Board Member Orientation and Training

8.1 Orientation

- 8.1.a Following appointment to the Board and as soon as possible, new Board members shall attend an orientation session with the Board Chair and Staff. At this meeting the following topics shall be among those covered.

- Duties of the Board
- Zoning Ordinance
- Meeting attendance
- Board bylaws, including conflict of interest and ex-parte contact
- Board member decorum

- 8.1.b Staff will provide new board members with access to relevant onboarding documents and training materials.

8.2 Training

- 8.2.a Board members shall be offered the opportunity for training through invitations to webinars hosted by the Bi-State Regional Board and other sources. The costs of attendance shall be the responsibility of the individual member, or through full or partial reimbursement by the City if funds are available.

9 Rules of Order

9.1 Parliamentary Procedure

- 9.1.a Roberts Rules of Order, Revised, will serve as a guide for the Board meetings in all cases where these rules do not provide for the procedures to be followed.

9.2 Amendments

- 9.2.a The foregoing bylaws, or any part thereof, may be amended at a meeting of the Board where not less than three days' notice has been given to all members of the Board and a copy of the proposed amendment sent with the notice, providing, however, it shall require an affirmative vote by the majority of the Board members present to make any amendment or change in the bylaws.

9.3 Delays in Processing

- 9.3.a Requests brought before the Board for consideration shall be heard in a timely manner in accordance with the applicant's due process rights. Any issue under consideration by the Board, which has been tabled, postponed or returned for additional supporting information shall be returned to the agenda on or before its sixth meeting following the tabling, postponing or returning for additional information.
- 9.3.b Should the requested information not be submitted in the amount of time provided above, the Board may make a recommendation based on the information available or it may return the request to the applicant for future resubmission after making a determination that the request is incomplete and after listing the requisite information.

Referenced Portions Davenport Municipal Code :

[Title 2: Administration and Personnel. Chapter 66 Zoning Board of Adjustment.](#)

[Title 2: Administration and Personnel. Chapter 66 Zoning Board of Adjustment. Section 90 Powers and duties.](#)

[Title 17: Zoning. Chapter 13 Ordinance Administrators.](#)

[Title 17: Zoning. Chapter 14 Zoning Applications.](#)

Chapter 2.66
ZONING BOARD OF ADJUSTMENT¹

2.66.010. Creation. [Ord. No. 2019-02 § 3]

The Zoning Board of Adjustment of the City of Davenport is hereby established. The word "board", when used in this chapter, means the zoning board of adjustment.

2.66.020. Eligibility. [Ord. No. 2019-02 § 3]

All members of the board shall be legal residents of the City of Davenport.

2.66.030. Composition. [Ord. No. 2019-02 § 3]

The board shall consist of five members. All members shall exhibit strong, positive experience or interest in urban planning, urban design and City development.

2.66.035. Compensation. [Ord. No. 2019-02 § 3]

Members shall serve without compensation.

2.66.040. Method of appointment. [Ord. No. 2019-02 § 3]

Members shall be appointed by the Mayor, with the approval of the City Council.

2.66.050. Terms. [Ord. No. 2019-02 § 3]

Members shall serve terms of five years, provided however that all members shall hold over until their successors are appointed and approved. Appointments shall be staggered such that no more than one member is appointed and approved each year. Appointments for non-reappointed members shall begin from the date of the expired term of the non-reappointed member. Vacancies occurring on the board, other than those due to the normal expiration of term of office, shall be filled only for the unexpired portion of the former member's term.

2.66.060. Forfeiture of appointment. [Ord. No. 2019-02 § 3]

A member shall forfeit his or her appointment to the board if he or she changes their legal residence to outside the City's corporate limits or fails to attend in person at least two-thirds of all regularly scheduled meetings during the calendar year.

2.66.070. Meetings. [Ord. No. 2019-02 § 3]

Meetings shall be held at regularly scheduled times and location as determined by the board. All meetings shall be open to the public. Special meetings may be called by the chairperson or upon written request by three members of the commission. Special meetings shall be held at the time and location as determined by the chairperson or three

1. Editor's Note: Former Chapter 2.66, Cable Commission, Was Repealed By Ord. No. 2013-163.

requesting members of the commission. All meetings shall be in accordance with Iowa Open Meetings Law, Iowa Code, Chapter 21.

A public record of meetings shall contain the minutes, attendance records, voting results and summaries of all pertinent action of the commission. A copy shall be filed with the City of Davenport community planning and economic development department for public review.

2.66.080. Quorum. [Ord. No. 2019-02 § 3]

The presence of a majority of the official members of the commission shall constitute a quorum to legally transact commission business.

2.66.090. Powers and duties. [Ord. No. 2019-02 § 3]

The board shall have and exercise all the powers and privileges and shall perform the duties and conduct as established by state law, or as same may be from time to time amended and the provisions thereof being incorporated herein by reference, and such other powers and duties as may from time to time be conferred by or imposed upon it by law. The board shall hold public hearings and make final decisions on special use, hardship variance and zoning appeal applications.

The board shall adopt its own rules of procedure not in conflict with this Chapter or with the Iowa Code.

2.66.100. City officers and employees to assist. [Ord. No. 2019-02 § 3]

It shall be the duty of all City officers and employees of the City to provide assistance to the board and its members as this will enable the board to most effectively perform its duties. City officers and employees of the City are authorized and directed to furnish to the board, upon its request, records, documents, other information which the board may need for its consideration in connection with its duties.