



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



The Zoning Board of Adjustment will meet on March 23, 2017 at 4:00PM 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 9, 2017 public hearing.

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.

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.

IV. Adjourn



MINUTES
City of Davenport
Zoning Board of Adjustment
March 9, 2017



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

Call to Order

Vice Chairman Reistroffer 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, and Woodard. Hart was excused.

Staff present: Matt Flynn, Scott Koops and attorney Chris Jackson.

I. Secretary's Report:

Minutes for the February 23, 2016 Meeting were unanimously approved by voice vote.

II. Old Business:

- 1. Request HV17-01 of Jasveer Saini at 1802 West 7th Street for a Hardship Variance to allow a second dynamic display sign. The property is zoned "C-2" General Commercial District.**

Section 17.45.051.B of the Davenport Municipal Code limits a property to one dynamic display sign per lot.

Flynn presented the staff report.

Recommendation and Findings of Fact

In staff's opinion criteria 1, 2, 3 have not been met. Criteria 4 and 5 have been met. Criteria 6, 7, and 8 cannot be determined. All criteria must be met in order to grand a hardship variance. Staff recommends denial of the request.

The petitioner stated their case for the request.

Motion:

Strayhall moved to approve the request, seconded by Woodard. The motion was approved unanimously (4-0) by roll call vote.

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

III. New Business:

- 2. 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.

This request was tabled unanimously (4-0) at the request of staff by voice vote.

3. **Request HV17-03 of Mount Olive Church of God in Christ at 1020 Ripley Street for a hardship variance to encroachment of 10 feet into the required front yard setback being 15 feet from the 11th Street property line with a 29' x 10' building addition. The property is zoned "C-2" General Commercial District and "R-6M" High Density Dwelling District.**

Section 17.42.010 of the Davenport Municipal Code requires a 25-foot front yard setback for the principal structure and any additions to the principal structure.

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

Criteria **#1 Reasonable return** appears not to have been met for a hardship determination. Staff cannot recommend approval of the request.

The petitioner addressed the Board and reiterated the request. The need for the addition is specifically tied to the locations has it is the only area in the church sanctuary that allows for the additional choir space that is necessary for the church.

Lee asked about the training wall and the slope between the sidewalk and the proposed addition. The petitioner addressed her questions.

Motion:

Strayhall moved to approve the request, seconded by Woodard. The motion was approved unanimously (4-0) by roll call vote.

Woodard, yes; Lee, yes; Strayhall, yes; and Reistroffer 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: March 9, 2017
Applicant: Doug Schlickman
Address: 2714 Ridgewood Ave

Description

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.

Background

The subject property has an attached single-car garage. The petitioner is proposing a second garage on a lot that is less than 20,000 sq. ft. Even if half the right-of-way in front of the north lot was counted in the lot area of the two lots, the total would still be less than the required 20,000 sq. ft. for two garages.

South Lot (2806 Gayman) = 7,360
North Lot (122.5' x 66.5') = 8,146
Right-Of-Way (25' x 66') = 1,650 (this area technically does not count toward the total)
Total Area = 17,156

Discussion

The proposed garage would be located on two lots (which can be viewed as one property with a *restrictive covenant – agreement not to sever*) which has less than the required square feet (approximately 4,494 square feet short).

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 allow 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 recommends denial 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

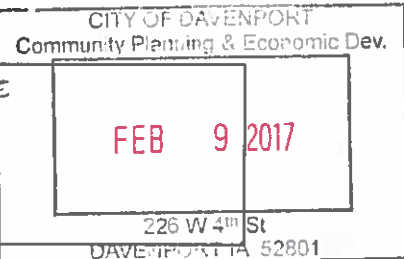
ADDRESS
AFFECTED:
OR

2806 N GAYMAN AVE LOT MARPLE'S 1ST Add LOT 1

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

CONTACT /
APPLICANT

Name: ROGER DENGIER / LUCAS OWNER Name: SAME
Address: 2806 N GAYMAN Address:
ZIP Code: DAVENPORT IA 52804 ZIP Code:
Phone #: 563. 639. 3641 Phone #:
Fax #: Fax #:
Email: Email:



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: 25' x 66'

AFTER PURCHING LOT CONNECTING to my property, to construct a garage
GARAGE, SQUARE FOOTAGE IS NOT 20,000 SQ FEET. I'm ASKING FOR
A VARIANCE of the CITY OWNED RIGHT AWAY where the land
IS JUST GRASS. NO STREET IS CONNECTED

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.

Matthew Flynn
(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.

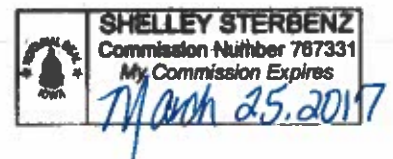
I, the undersigned, do hereby certify that the above information is true and correct to the best of my knowledge and
that I have read, understand, and agree to comply with the conditions as stated above.

Signature of Appellant

Date

Sworn to before me, this 7th day of February, 2017.

Signature of Notary



2-7-2017

City of Davenport Zoning Board of Adjustment

I Roger Dencier purchased the lot connecting my property, which is named Marple's 1st addition. The thought was to build a out building to construct a garage. After meeting with two different city officials. Matthew Flynn and Tom Leabhart. The results was not quite what I was looking for. The answer was that I would not have the square footage required to build this garage. So I'm asking the city to consider the hardship variance to incorporate the unused approach of the end of the street. Which is a deadend street. The street im referring to is Gayman Ave. It is a grass area with no restriction in this area. The measurements are 25' x 66'. I would maintain this area, by cutting all the grass and tammimg any trees which could beautify the area. Also no city workers would be needed to maintaine this area. I understand this request is a unique circumstances. The build would not interfear or hender any other neighbors, because of the location is to be set back, 25' and only one way to enter and exit would be past my residents. Myself and my son would be the only ones, coming and going to the garage. The garage will ~~not~~ block any other neighbors view or cause any other public health problems also it will be well light. for secerity purpose. The build will increase a tax flow to the city. The lot is of no

Use to build, any thing else on this property.
No extra traffic would cause any neighbors to have a problem with my plans.

Also the contractor I talked to about building is bonded with the city and I believe he has done, much work for the City of Davenport. I'm sure he will follow-up with all the building codes from the permits to all other perils of construction. ~~I~~^{My} understand is a through company. Doing and building everything by the codes of the City of Davenport building department. The name is TVC Improvements. Tim Viager. The size of the building would be 24x30 or 720 Sq footage. So I asking and preying you will grant my request to build this garage.

Please see draft in included in this request. The land to the north has a 6' privacy fence to full length of the property.

Thank you Very Much

Roger Dangler

Green Dangle

SOUTH

EAST



NORTH

February 10, 2017

Roger Dengler
2806 Gayman Ave.
Davenport, IA 52804

Subject: Variance Request

Dear Roger:

I looked at your response to the need for a variance and didn't think it met the format we are looking for very well, so I took the liberty of summarizing our discussions into the usual format the Board looks at.

With your permission I will request this be included in our packet.

Keep in mind that as staff we cannot support the request because it does not in our mind constitute a hardship on your part. But as I said, the Board sometimes sees things differently.

You don't need to respond back to me unless you have suggested changes. Thanks!

Matthew G. Flynn, AICP
Senior Planning Manager

Roger Dengler
2806 Gayman

Response to 8 questions for a hardship variance

1. Property I hope to acquire has little value without the garage; it will likely remain vacant.
2. I did not plat the lot without street frontage.
3. Area is already single family with several detached garages in the vicinity.
4. The proposed garage will not encroach upon existing setback rules.
5. No additional dwelling units are proposed.
6. Building will be built to code and no unusual hazards will be created.
7. No impact on property values should be expected.
8. The general character of the neighborhood will not be impacted by the proposed construction.



**NOTICE OF PUBLIC HEARING
ZONING BOARD OF ADJUSTMENT
CITY OF DAVENPORT
3/9/2017**



**TO ALL PROPERTY OWNERS WITHIN 200 FEET OF THE SUBJECT PROPERTY LOCATED AT:
2806 North Gayman Avenue.**

The Zoning Board of Adjustment will hold a public hearing on Thursday 3/9/2017 at 4:00 P.M. in Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa to consider the Request HV17-02 of Rodger Dengler at 2806 North Gayman Avenue 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, 3/9/2017.

The Petition before the Board is described as follows:

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).

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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

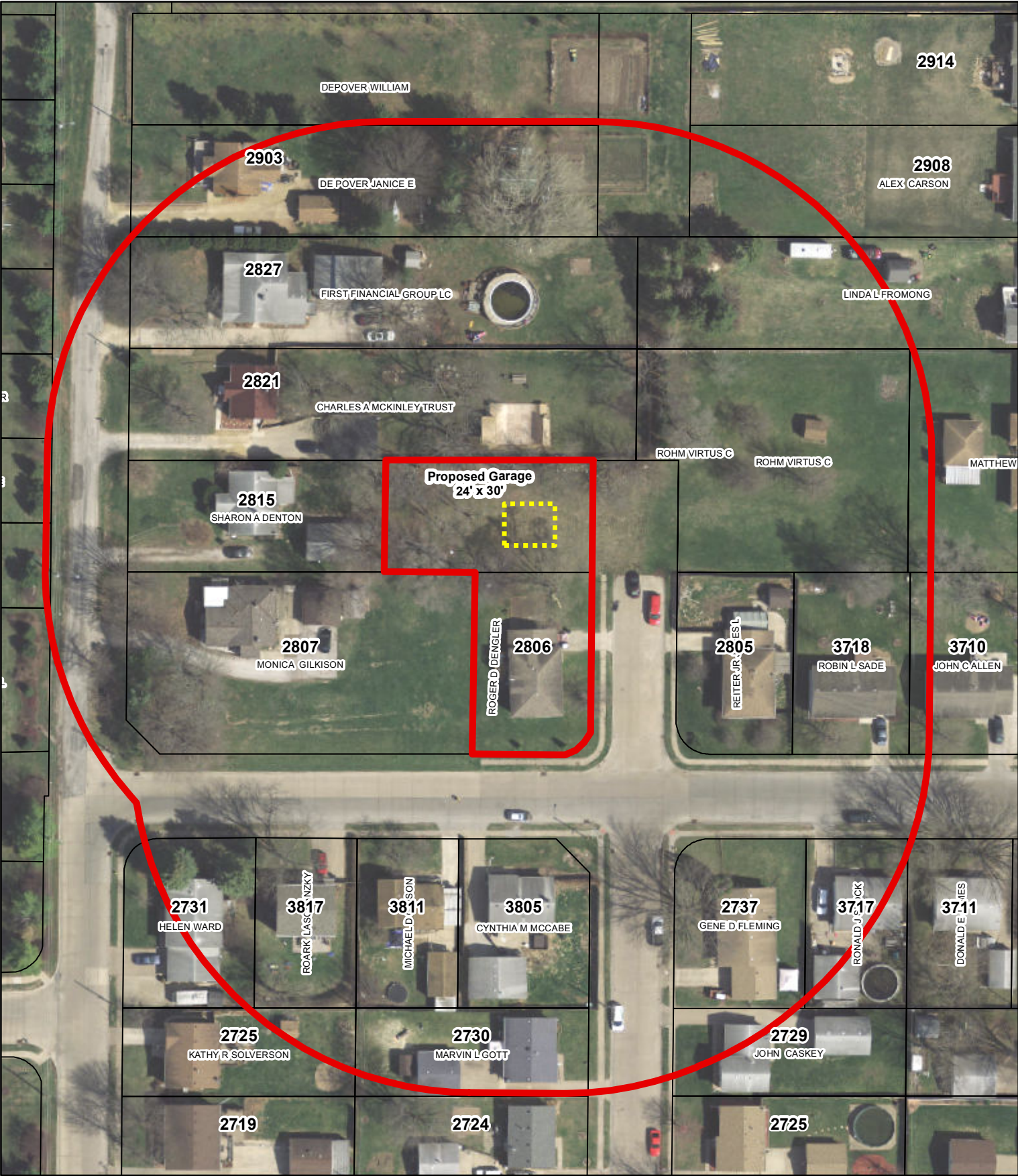
Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner. If you choose to attend the hearing, you may wish to contact Community Planning prior to your departure for the meeting to learn of any changes to the agenda.

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

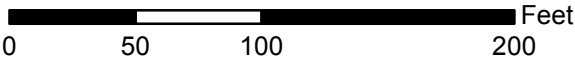
2806 N Gayman Ave - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	2806 N GAYMAN AV	ROGER D DENGLE	2806 N GAYMAN AV	DAVENPORT IA 52804
Ward/Ald:	1st Ward	Alderman Dunn		27 Notices Sent
T2007-01A	2827 N ZENITH AV	FIRST FINANCIAL GROUP LC	1987 SPRUCE HILLS DR	BETTENDORF IA 52722
T2007-01C	2826 N FAIRMOUNT ST	LINDA L FROMONG	2826 N FAIRMOUNT ST	DAVENPORT IA 52804
T2007-02B	2908 N FAIRMOUNT ST	ALEX CARSON	2908 N FAIRMOUNT ST	DAVENPORT IA 52804
T2007-03B	2903 N ZENITH AV	DE POVER JANICE E	2903 N ZENITH ST	DAVENPORT IA 52804
T2007-04D		DEPOVER WILLIAM	2903 N ZENITH AVE	DAVENPORT IA 52804
T2023-05	2821 N ZENITH AV	CHARLES A MCKINLEY TRUST	2821 N ZENITH AV	DAVENPORT IA 52804
T2023-06D	2822 N FAIRMOUNT ST	MATTHEW M SCANLAN	2822 N FAIRMOUNT ST	DAVENPORT IA 52804
T2023-06E		ROHM VIRTUS C	2822 FAIRMOUNT ST	DAVENPORT IA 52804
T2023-07A	2815 N ZENITH AV	SHARON A DENTON	2815 N ZENITH AV	DAVENPORT IA 52804
T2023-09C	2807 N ZENITH AV	MONICA GILKISON	2110 10TH ST	CORALVILLE IA 52241
T2023-39	2901 N STARK ST	PATRICIA R CARTER	2901 N STARK ST	DAVENPORT IA 52804
T2023-40	2813 N STARK ST	RICHARD L HIPPLE	2813 N STARK ST	DAVENPORT IA 52804
T2023-41	2811 N STARK ST	DAVID L DOANE	2811 N STARK ST	DAVENPORT IA 52804
T2023-42	2809 N STARK ST	STEVEN D RUSSELL	2809 N STARK ST	DAVENPORT IA 52804
T2023B06	3711 W GARFIELD ST	DONALD E JAMES	3711 W GARFIELD ST	DAVENPORT IA 52804
T2023B07	3717 W GARFIELD ST	RONALD J STOCK	3717 W GARFIELD ST	DAVENPORT IA 52804
T2023B08	2737 N GAYMAN AV	GENE D FLEMING	2842 MARTINIQUE AV	EUGENE OR 97408
T2023B09	2729 N GAYMAN AVE	JOHN CASKEY	2729 N GAYMAN AVE	DAVENPORT IA 52804
T2023B16	2730 N GAYMAN AV	MARVIN L GOTT	2730 N GAYMAN AV	DAVENPORT IA 52804
T2023B17	3805 W GARFIELD ST	CYNTHIA M MCCABE	822 W RUSHOLME ST	DAVENPORT IA 52804
T2023B18	3811 W GARFIELD ST	MICHAEL D GIBSON	3811 W GARFIELD ST	DAVENPORT IA 52804
T2023B19	3817 W GARFIELD ST	ROARK LASCHANZKY	3817 W GARFIELD ST	DAVENPORT IA 52804
T2023B20	2731 N ZENITH AV	HELEN WARD	2731 N ZENITH AV	DAVENPORT IA 52804
T2023B21	2725 N ZENITH AV	KATHY R SOLVERSON	2725 N ZENITH AV	DAVENPORT IA 52804
T2023B26	2805 N GAYMAN AV	REITER JR JAMES L	2805 N GAYMAN AV	DAVENPORT IA 52804
T2023B27	3718 W GARFIELD ST	ROBIN L SADE	3718 W GARFIELD ST	DAVENPORT IA 52804
T2023B28	3710 W GARFIELD ST	JOHN C ALLEN	3710 W GARFIELD ST	DAVENPORT IA 52804

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.





City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: March 23, 2017
Applicant: Mary Mensch
Address: 3234 at Boies Street

Description

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.

Background

The subject property is a typical sized lot developed with a single-family residence. Access to the property is from a driveway via Ohio Avenue. The driveway can adequately provide parking space for two vehicles. The property contains a two-car garage. The salon will be located in the dwelling.



Discussion

The proposed hours and days of operation: Weekdays appointments available from 6:00pm to 9:00pm; Saturdays 9:00am to 1:00pm. All services will be performed on an appointment only basis with no overlap of patrons. The petitioner anticipates one to two customers per hour and approximately ten customers per week. Customers will be instructed to park in the driveway.

Public Input:

Notices of this request were sent to property owners within 200 feet of the subject property. To date, staff has received one (1) comment in favor of the request.

Analysis

1. The use does not require any construction, extension, structural alteration or height increase incompatible with requirements of the district in which such use is proposed or authorized:

The petitioner has indicated that no alteration will be necessary.

2. The use does not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home for the purpose the district was created and primarily intended:

The proposed use, if operated on an appointment only basis, should present very little intrusion on the character of the neighborhood. If properly conditioned, the permit should not cause undue infringement on the rights of the neighboring residents.

3. That there shall be no sign used in connection with such use, other than a name plate no more than one square foot in area, or no display that will indicate from the exterior that the building is being utilized in whole in part for any purpose other than that of a residential building:

A one-square foot nameplate, if attached to the building, would be permitted with a home occupation permit. The petitioner has indicated they do not plan on utilizing the allowed signage.

4. The use shall not be conducted in any accessory building other than such accessory buildings as are permitted by the regulations of this chapter for the district in which such use is requested:

The proposed use is to be located within the principal structure. No accessory structures will be utilized.

5. The use shall not create traffic and parking requirements that impose a burden upon the neighboring residents. Off-street parking may be required and in accordance with the required front yard of the district and shall observe a minimum side yard of seven feet on the side of the lot adjoining a dwelling use. The Board may require the parking area to be improved and screened in accordance with the provisions of Article XXIII, Section 42-103. Parking requirements:

The existing driveway should adequately accommodate the necessary parking space(s). Adequate parking exists if the business is operated on an appointment only basis.

6. The Board may exact other regulations and assurances, covenants and warranties as may be necessary to protect the rights of neighboring residents:

The petitioner shall meet other requirements imposed by the Board for the protection of the surrounding neighbors. These shall include the following conditions:

1. 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; and
4. hours of operation are agreed to by the Board.

7. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property:

The proposed use is to be located in the residence. According to the petitioner, it appears that no alterations will be made to the existing structure.

8. That such use shall not impair an adequate supply of light and air to surrounding property:

The proposed use is to be located within the principal structure. An adequate supply of light and air to the surrounding properties should not be impaired, nor are there any caustic chemicals vented that would impair air quality.

9. That such use shall not unduly increase congestion in the streets, or public danger of fire and safety:

If there will only be one or two additional vehicles at the residence at a time, the existing driveway would more than accommodate such vehicles.

10. That such use shall not diminish or impair established property values:

Being located within the residence with minimal outward appearance of a business should limit any potential negative impact. There should not be an undue impairment of established property values in the surrounding area.

11. That such use shall be in accord with the intent, purpose and spirit of this chapter and the comprehensive plan of the City:

The Zoning Ordinance allows the Board to grant home occupations within any residential district.

Recommendation

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.

Prepared by:



Scott Koops, AICP
Planner II

Exhibits: Aerial Map, Application, and Notification Map and Noticed Owners

**Zoning Board
of Adjustment**



\$250.00 Filing Fee

3-23-17

REQUEST FOR A HOME OCCUPATION PERMIT

FOR OFFICE USE

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

Premises Affected - Address:
Legal Description:
/Lot/Block/Subdivision Name)
(See your real estate tax bill)

Lot: 001 Ewert Estate Add 3234 Boies Ave
Block: 004

APPELLANT - Name: Mary Mensch
Address: 3234 Boies Ave.
Zip Code: 52802
Phone #: 563-322-1277
Fax #:
Email:

OWNER - Name: Mary Mensch
Address: 3234 Boies Ave.
Zip Code: 52802
Phone #: 563-322-1277
Fax #:
Email:

DESCRIPTION OF REQUEST: DESCRIBE THE PROPOSED USE BRIEFLY.

Barber Shop



DESCRIPTION OF THE CASE - On a separate sheet of paper DESCRIBE THE CASE WITH EVIDENCE THAT SUPPORTS THE FOLLOWING REQUIREMENTS:

1. The use does not require any construction, extension or structural alteration or height increase incompatible with requirements of the district in which such use is proposed to be authorized.
2. The use does not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home for the purpose the district was created and primarily intended.
3. That there shall be no sign used in connection with such use, other than a name plate not more than one square foot in area, or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a residential dwelling.
4. The use shall not be conducted in any accessory building other than such accessory buildings as are permitted by the regulations of this chapter for the district in which such use is requested.
5. The use shall not create traffic and parking requirements that impose a burden upon the neighboring residents. Off-street parking may be required and in accordance with the required front yard of the district and shall observe a minimum side yard of seven feet on the side of the lot adjoining a dwelling use. The Board may require the parking area to be improved and screened in accordance with the provisions of Article XXIII, Section 42-103.
6. The Board may exact any other regulations and assurances, covenants and warranties as may be necessary to protect the rights of the neighboring residents.
7. That the proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
8. That such use shall not impair an adequate supply of light and air to surrounding property.
9. That such use shall not unduly increase congestion in the streets, or public danger of fire and safety.
10. That such use shall not diminish or impair established property values
11. That such use shall be in accord with the intent, purpose and spirit of this chapter and the comprehensive plan of the City.

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.

(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: These papers must be submitted with the appeal.)

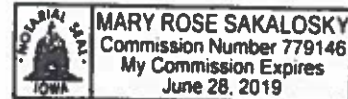
I, the undersigned, do hereby certify that the above information is true and correct to the best of my knowledge and that I have read, understand, and agree to comply with the conditions as stated above.

Mary Mensch
Signature of Appellant

2-27-17
Date

Sworn to before me, this 27th day of February, 2017

Mary Rose Sakalosky
Signature of Notary



Barber Shop

1. NO
2. NO
3. NO
4. NO
5. NO have apartment only & I can drive
6. yes
7. yes
8. yes shall not
9. shall not
10. shall not
11. shall not

I am the only worker
I was ~~there Wednesday~~ 9 AM to 5:00 PM & Tue Fri
Some Sat till 12:00 PM open 9 AM
T

There were no signs
 no more than 2 or 3 cars parked.
 2 car driveway

front
 out
 side
 Door

parking 16' long
 chair

Hair
 Dryer

8' wide

Hair
 Dryer

Washing
 Sink
 Styling
 Chair
 cabinet

Door
 Inside
 To House

House



**NOTICE OF PUBLIC HEARING
ZONING BOARD OF ADJUSTMENT
CITY OF DAVENPORT
3/23/2017**



**TO ALL PROPERTY OWNERS WITHIN 200 FEET OF THE SUBJECT PROPERTY LOCATED AT:
3234 Boies Street.**

The Zoning Board of Adjustment will hold a public hearing on Thursday 3/23/2017 at 4:00 P.M. in Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa to consider the Request HOP17-01 of Mary Mensch at 3234 at Boies Street for a Home Occupation Permit for a hair salon. 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, 3/23/2017.

The Petition before the Board is described as follows:

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.

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

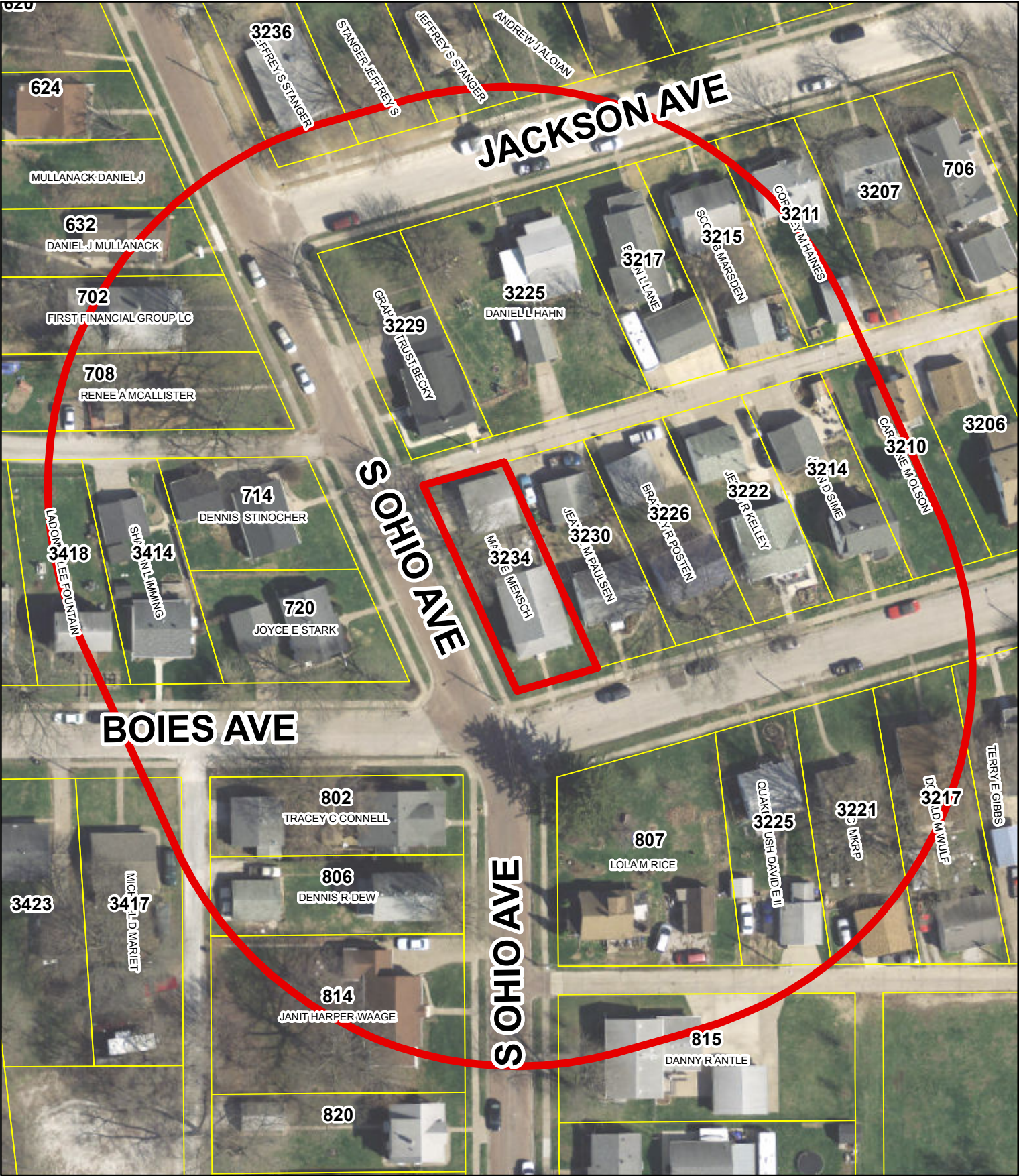
Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner. If you choose to attend the hearing, you may wish to contact Community Planning prior to your departure for the meeting to learn of any changes to the agenda.

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

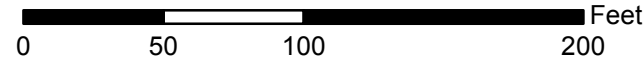
3234 Boies Ave - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	3234 BOIES AV	MARY E MENSCH	3234 BOIES AV	DAVENPORT IA 52802
Ward/Ald:	1st Ward	Alderman Dunn		29 Notices Sent
J0050-13	708 S OHIO AV	RENEE A MCALLISTER	708 S OHIO AVE	DAVENPORT IA 52802
J0050-14	702 S OHIO AV	FIRST FINANCIAL GROUP LC	1987 SPRUCE HILLS DR	BETTENDORF IA 52722
J0050-15	632 S OHIO AV	DANIEL J MULLANACK	PO BOX 646	BUFFALO IA 52728
J0050-33	3236 JACKSON AV	JEFFREY S STANGER	3236 JACKSON AVE	DAVENPORT IA 52802
J0050-36	3225 JACKSON AV	DANIEL L HAHN	3225 JACKSON AV	DAVENPORT IA 52802
J0050-37	3229 JACKSON AVE	BECKY GRAHAM TRUST	3229 JACKSON AVE	DAVENPORT IA 52802
J0051-22	3211 JACKSON AVE	CORTNEY M HAINES	3211 JACKSON AVE	DAVENPORT IA 52802
J0051-23	3215 JACKSON AV	SCOTT B MARSDEN	2855 W 46TH ST	DAVENPORT IA 52806
J0051-24	3217 JACKSON AV	BRIAN L LANE	3733 FAIRHAVEN RD	DAVENPORT IA 52807
J0051-25	3220 JACKSON AV	ANDREW J ALOIAN	PO BOX 2246	DAVENPORT IA 52809
J0062-01	807 S OHIO AV	LOLA M RICE	807 S OHIO AV	DAVENPORT IA 52802
J0062-02A	815 S OHIO AV	DANNY R ANTLE	815 S OHIO AVE	DAVENPORT IA 52802
J0062-21	3211 BOIES AV	TERRY E GIBBS	3211 BOIES AV	DAVENPORT IA 52802
J0062-22	3217 BOIES AV	DONALD M WULF	3217 BOIES AVE	DAVENPORT IA 52802
J0062-23	3221 BOIES AV	MKRP LLC	P O BOX 857	MILAN IL 61264-0857
J0062-24	3225 BOIES AV	DAVID E QUAKENBUSH II	3225 BOIES AV	DAVENPORT IA 52802
J0062-26	3230 BOIES AV	JEANNE M PAULSEN	3230 BOIES AV	DAVENPORT IA 52802
J0062-27	3226 BOIES AV	BRADLEY R POSTEN	3226 BOIES AVE	DAVENPORT IA 52802
J0062-28	3222 BOIES AV	JERRY R KELLEY	3222 BOIES AV	DAVENPORT IA 52802
J0062-29	3214 BOIES AV	JOHN D SIME	3214 BOIES AV	DAVENPORT IA 52802
J0062-30	3210 BOIES AV	CAROLINE M OLSON	3206 BOIES AVE	DAVENPORT IA 52802
J0063-20	814 S OHIO AV	JANIT HARPER WAAGE	814 S OHIO AV	DAVENPORT IA 52802
J0063-21	806 S OHIO AV	DENNIS R DEW	806 S OHIO AV	DAVENPORT IA 52802
J0063-22	802 S OHIO AV	TRACEY C CONNELL	802 S OHIO AV	DAVENPORT IA 52802
J0063-23	3417 BOIES AV	MICHAEL D MARIET	3417 BOIES AV	DAVENPORT IA 52802
J0063-28	3418 BOIES AV	LADONNA LEE FOUNTAIN	11751 130TH ST	DAVENPORT IA 52804
J0063-29	3414 BOIES AV	SHARON L IMMING	3414 BOIES AV	DAVENPORT IA 52802
J0063-30	720 S OHIO AV	JOYCE E STARK	720 S OHIO AV	DAVENPORT IA 52802
J0063-31	714 S OHIO AV	DENNIS STINOCHER	714 S OHIO AV	DAVENPORT IA 52802

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.



COPY OF NOTICE
EXHIBIT "A"

C-Ped copy
AFFIDAVIT OF PUBLICATION

ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING NOTICE
CITY OF DAVENPORT

The Zoning Board of Adjustment will meet on Thursday, March 23, 2017, at 4:00 P.M. in the first floor Council Chambers of City Hall, 226 West 4th Street Davenport, Iowa, to hold a public hearing to consider the following request:

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, 10(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.

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 1714588.
Community Planning & Economic Development
Phone: (563) 328-7765
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:

3-16

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

Subscribed and sworn to before me by said affiant this

day of

March

16th

20

17



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

Notary Public in and for Scott County, Iowa