ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, MARCH 14, 2019; 4:00 PM

CITY HALL COUNCIL CHAMBERS 226 WEST 4TH STREET DAVENPORT, IOWA 52801

I. Call to Order

II. Secretary's Report

A. Consideration of the minutes from the 1/10/19 public hearing.

III. Old Business

IV. New Business

A. Request HV19-01 of Galesburg Sign on behalf of Monson T-n-T at 4315 Wapello Avenue for two Hardship Variances: an increase the height for a freestanding sign, and an increase in allowed area for a freestanding sign. The proposed sign will be 80 feet tall and 400 square feet. The property is zoned "I-2" Heavy Industrial District. Section 17.12.060 of the Davenport Municipal Code limits freestanding signs in the "I-2" District to 25 feet in height, and 100 square feet in area. [1st Ward; Ald. Dunn]

B. Request HV19-02 of Calvin Shwarz on behalf of Sharonanne Dilley at 5526 Delton Drive for a hardship variance to encroach into the rear yard by 6 feet with an enclosed addition. The addition was originally planned as an open deck and will be 14 feet from the rear (north) property line. The property is zoned "R-4" Single/Two Family Residential District.

Section 17.04.030 of the Davenport Municipal Code requires a rear yard setback of 20% of the lot depth. [1st Ward; Ald. Dunn]

V. Other Business

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: CPED
Contact Info: Scott Koops, AICP, Planner II
sek@ci.davenport.ia.us

Date
3/14/2019

Subject:
Consideration of the minutes from the 1/10/19 public hearing.

ATTACHMENTS:

	Type	Description
🗋	Exhibit	Jan 10, 2019 Minutes

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	3/8/2019 - 2:19 PM

MINUTES
City of Davenport
Zoning Board of Adjustment
January 10, 2019

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

Call to Order

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

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

Staff present: Koops, Hoyt

I. Secretary's Report:

The minutes of the December 27, 2018 meeting was approved.

II. Old Business:

None.

III. New Business:

Request

Request SUP18-02 of Metro Fibernet, LLC at 4700 Tremont Avenue for a special use permit for a proposed 88-foot communication tower/pole. The pole will be a receive-only antenna for internal communications and is not for cellular/mobile phones. The subject property is zoned "M-1" Light Industrial District.

Section 17.49 of the Zoning Ordinance allows the Board of Adjustment to grant a special use permit for a wireless communication towers. [Ward 7; Alderman Matson]

Koops presented the staff report.

No comments either in favor of or opposed to the request were received by staff.

Recommendation and Findings of Fact

Staff presented the recommendation to the Board.

Findings:
The location, design, and construction of the proposed pole meet the requirements of the SUP.

Recommendation:
Staff recommends approval of the request.

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

No one spoke in opposition to or in favor of the request.

Motion:
A motion approve the request was made by Cochran and seconded by Strayhall. Motion to approve carried unanimously. (4-0):

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

IV. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:13 pm.

City of Davenport
Zoning Board of Adjustment

Department: CPED **Date**
Contact Info: **3/14/2019**

Subject:
Request HV19-01 of Galesburg Sign on behalf of Monson T-n-T at 4315 Wapello Avenue for two Hardship Variances: an increase the height for a freestanding sign, and an increase in allowed area for a freestanding sign. The proposed sign will be 80 feet tall and 400 square feet. The property is zoned "I-2" Heavy Industrial District.
Section 17.12.060 of the Davenport Municipal Code limits freestanding signs in the "I-2" District to 25 feet in height, and 100 square feet in area. [1st Ward; Ald. Dunn]

Recommendation:
The petitioner purchased the electronic message sign at an auction. A sign meeting the requirements of this ordinance (25' tall/100 sq.ft.) would be visible to traffic on Wapello Avenue; however the petitioner wishes the sign to be seen by motorists on I-280. While the lot at 4315/4307 Wapello Avenue is a 'through lot' (meaning it has two frontages), it can only be accessed via Wapello Avenue.

Public Input
Notices were sent to adjacent property owners within 200 feet.

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

Approval Standards
The Zoning Board of Adjustment decision must make findings to support each of the following:
(code requirement/*applicants response*/staff comments)

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

Applicant Response:
The height variance of 25' - The hardship that the 25' overall height presents is the trees on the property which the sign will be located on will block the visibility of the sign along the interstate. So thus if we can increase the overall height to 80' this will get the sign high enough out of the trees along the interstate to be seen above them.

The square footage variance - The hardship that this will create is that if receive the variance for the height this will create a problem with the sign limited to 100 sq.ft. being visible at that height. The speed at which the traffic travels at on the interstate hinders the ability to read the sign at a distance. Monson T-n-T would like to install a sign with the companies name and an Electronic Message Center to advertise the services that Monson T-n-T provides (as per provided drawing).

Staff Comments:

If the proposed sign was located off of Wapello Avenue both the height and size of the sign could meet code requirements. The services provided by Monson Truck and Towing are not an impulse buy, meaning that motorist passing by on the I-80 are not likely to see the business sign and decide they need services from Monson and take the next exit. The sign as proposed would act more as a billboard than a business identification sign.

The petitioner has stated that the trees block the view of the sign if built to code. This would only be true if the sign were built along the 'rear' of the property near I-80. If the sign was located near the front of the business along Wapello Avenue, there is no hardship. The petitioner has not clearly demonstrated that meeting the sign code would place a hardship on the property owner. No reasons have been given why a sign would be needed along I-280 verses on the street from which the business is accessed (Wapello).

The proposed sign is a convenience to the petitioner, and if denied, the property owner could construct a sign that meets code requirements without a hardship.

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 amount and density of trees on the property, along with the distance from the interstate would make this a extremely high cost for the property owner to get rid of.

Staff:
The sign could be located along Wapello Avenue which is where customers access the business. Trees can be trimmed and/or removed. The topography of the lot does not create a hardship and the issues described by the petitioner are only inconveniences.

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:
There are no other commercial properties along the interstate that adjoining or nearby properties.

Staff:
This site is like any other flat piece of ground that is a 'through lot'. Being a through lot is not a hardship nor is it unique. Additionally, there are many commercial properties along interstates within Davenport and all of them are subject to the same zoning code requirements.

The plight of the owner is due solely to personal convenience. No evidence has been submitted in support of any unique circumstances due the physical characteristics of the land.

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

Applicant Response:

With the hardship grated nothing with of essential character of the locality will be altered other than the sign itself.

Staff:
A sign 220% taller than allowed and 300% larger than allowed will indeed change the character of the locality.

Background:
Findings: (Per the analysis above)

- Item #1 application of the ordinance creating hardship has not been established;
- Item #2 physical surroundings imposing hardship has not been established;
- Item #3 unique circumstance has not been established;
- Item #4 protection of essential character has not been established;

Recommendation:
Staff recommends denial of the request as the application does not meet any of the approval standards for a hardship variance.

ATTACHMENTS:

	Type	Description
🗋	Exhibit	Staff Report HV19-01
🗋	Exhibit	Application
🗋	Exhibit	Site Plan
🗋	Exhibit	Sign Specs
🗋	Exhibit	Owner List
🗋	Exhibit	Notice Map

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	3/8/2019 - 2:19 PM

Case: HV19-01

City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: March 14, 2019
Applicant: Galesburg Sign
Address: 4315 Wapello Ave

Description

Request HV19-01 of Galesburg Sign on behalf of Monson T-n-T at 4315 Wapello Avenue for two Hardship Variances: an increase the height for a freestanding sign, and an increase in allowed area for a freestanding sign. The proposed sign will be 80 feet tall and 400 square feet. The property is zoned "I-2" Heavy Industrial District.

Section 17.12.060 of the Davenport Municipal Code limits freestanding signs in the "I-2" District to 25 feet in height, and 100 square feet in area. [1st Ward; Ald. Dunn]

Background & Discussion

The petitioner purchased the electronic message sign at an auction. A sign meeting the requirements of this ordinance (25' tall/100 sq.ft.) would be visible to traffic on Wapello Avenue; however the petitioner wishes the sign to be seen by motorists on I-280. While the lot at 4315/4307 Wapello Avenue is a 'through lot' (meaning it has two frontages), it can only be accessed via Wapello Avenue.

Site:

Public Input
Notices were sent to adjacent property owners within 200 feet.

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

Approval Standards
The Zoning Board of Adjustment decision must make findings to support each of the following: (code requirement/*applicants response*/staff comments)

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

Applicant Response:
The height variance of 25' - The hardship that the 25' overall height presents is the trees on the property which the sign will be located on will block the visibility of the sign along the interstate. So thus if we can increase the overall height to 80' this will get the sign high enough out of the trees along the interstate to be seen above them.

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Staff Comments:
If the proposed sign was located off of Wapello Avenue both the height and size of the sign could meet code requirements. The services provided by Monson Truck and Towing are not an impulse buy, meaning that motorist passing by on the I-80 are not likely to see the business sign and decide they need services from Monson and take the next exit. The sign as proposed would act more as a billboard than a business identification sign.

The petitioner has stated that the trees block the view of the sign if built to code. This would only be true if the sign were built along the 'rear' of the property near I-80. If the sign was located near the front of the business along Wapello Avenue, there is no hardship. The petitioner has not clearly demonstrated that meeting the sign code would place a hardship on the property owner. No reasons have been given why a sign would be needed along I-280 verses on the street from which the business is accessed (Wapello).

The proposed sign is a convenience to the petitioner, and if denied, the property owner could construct a sign that meets code requirements without a hardship.

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 amount and density of trees on the property, along with the distance from the interstate would make this a extremely high cost for the property owner to get rid of.

Staff:
The sign could be located along Wapello Avenue which is where customers access the business. Trees can be trimmed and/or removed. The topography of the lot does not create a hardship and the issues described by the petitioner are only inconveniences.

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:
There are no other commercial properties along the interstate that adjoining or nearby properties.

Staff:
This site is like any other flat piece of ground that is a 'through lot'. Being a through lot is not a hardship nor is it unique. Additionally, there are many commercial properties along interstates within Davenport and all of them are subject to the same zoning code requirements.

The plight of the owner is due solely to personal convenience. No evidence has been submitted in support of any unique circumstances due the physical characteristics of the land.

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

Applicant Response:
With the hardship grated nothing with of essential character of the locality will be altered other than the sign itself.

Staff:
A sign 220% taller than allowed and 300% larger than allowed will indeed change the character of the locality.

Findings & Staff Recommendation:

Findings: (Per the analysis above)

- Item #1 application of the ordinance creating hardship has not been established;
- Item #2 physical surroundings imposing hardship has not been established;
- Item #3 unique circumstance has not been established;
- Item #4 protection of essential character has not been established;

Recommendation:
Staff recommends denial of the request as the application does not meet any of the approval standards for a hardship variance.

Prepared by:

Scott Koops, AICP, Planner II Attachments: ZBA Application/plans, Notice Documents

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

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

Applicant (Primary Contact)**
Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Owner (if different from Applicant)
Name:
Company:
Address:
City/State/Zip
Phone:
Email:

Engineer (if applicable)
Name:
Company:
Address:
City/State/Zip
Phone:
Email:

Architect (if applicable)
Name:
Company
Address:
City/State/Zip:
Phone:
Email:

Attorney (if applicable)
Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Application Form Type:

Plan and Zoning Commission
Zoning Map Amendment (Rezoning)
Planned Unit Development
Zoning Ordinance Text Amendment
Right-of-way or Easement Vacation
Voluntary Annexation

Zoning Board of Adjustment
Zoning Appeal
Special Use
Hardship Variance

Design Review Board
Design Approval
Demolition Request in the Downtown
Demolition Request in the Village of East Davenport

Historic Preservation Commission
Certificate of Appropriateness
Landmark Nomination
Demolition Request

Administrative
Administrative Exception
Health Services and Congregate Living Permit

****If the applicant is different from the property owner, please submit an authorization form or an accepted contract for purchase.**

17.14.060 Hardship Variance

A. Purpose

The purpose of the hardship variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships.

B. Initiation

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

C. Authority

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

D. Procedure

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

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

E. Approval Standards

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

1. The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.
2. The particular physical surroundings, shape, or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
3. The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.
4. The hardship variance, if granted, will not alter the essential character of the locality.

F. Expiration

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

Request:
Please describe the variance(s) requested:

Existing Zoning:

Submittal Requirements:

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed structures affected by the hardship variance. If a paper copy is provided, the maximum size is 11" x 17".
- Description and evidence that demonstrates consistency with the criteria listed in Sections 17.52.060 and 17.52.070 of the Davenport Municipal Code.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- Required fee - $200.

The Applicant hereby acknowledges and agrees to the following procedure and requirements:

(1) Application:
- Prior to submission of the application for the hardship variance, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the hardship variance process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Public Notice for the Zoning Board of Adjustment public hearing:
- Planning staff will send a public hearing notice to surrounding property owners.

(3) Zoning Board of Adjustment's consideration of the hardship variance:
- Planning staff will perform a technical review of the request and present its findings and recommendation to the Zoning Board of Adjustment.
- The Zoning Board of Adjustment will hold a public hearing and vote on the request.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

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

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The particular physical surroundings, shape, or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

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

Applicant: Date:

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by: Date:

Planning staff

Date of the Public Hearing:

Meetings are held in City Hall Council Chambers located at 226 West 4th Street, Davenport, Iowa.

Authorization to Act as Applicant

I,
authorize
to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located at .

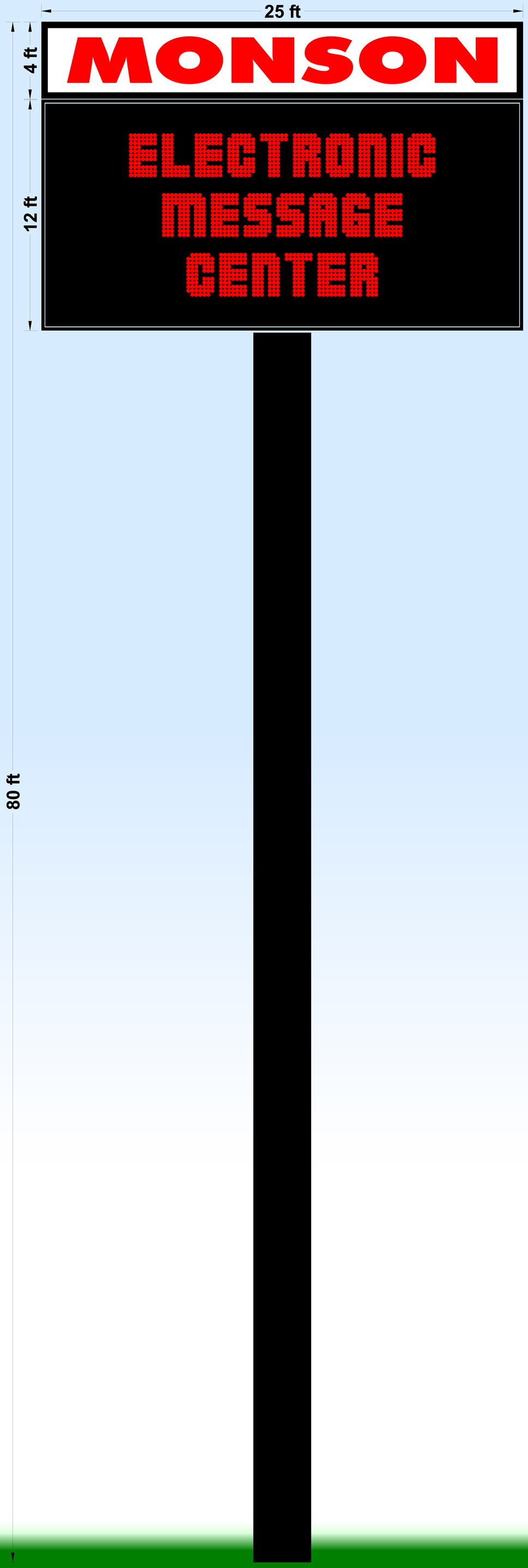
_____

_____

Signature(s)*

*Please note: original signature(s) required.

Imagery ©2019 Google, Map data ©2019 Google 100 ft



This drawing is an original. Unauthorized reproduction of this drawing / sketch in any manner is prohibited by law and remains the sole property of:
GALESBURG SIGN & LIGHTING, INC.

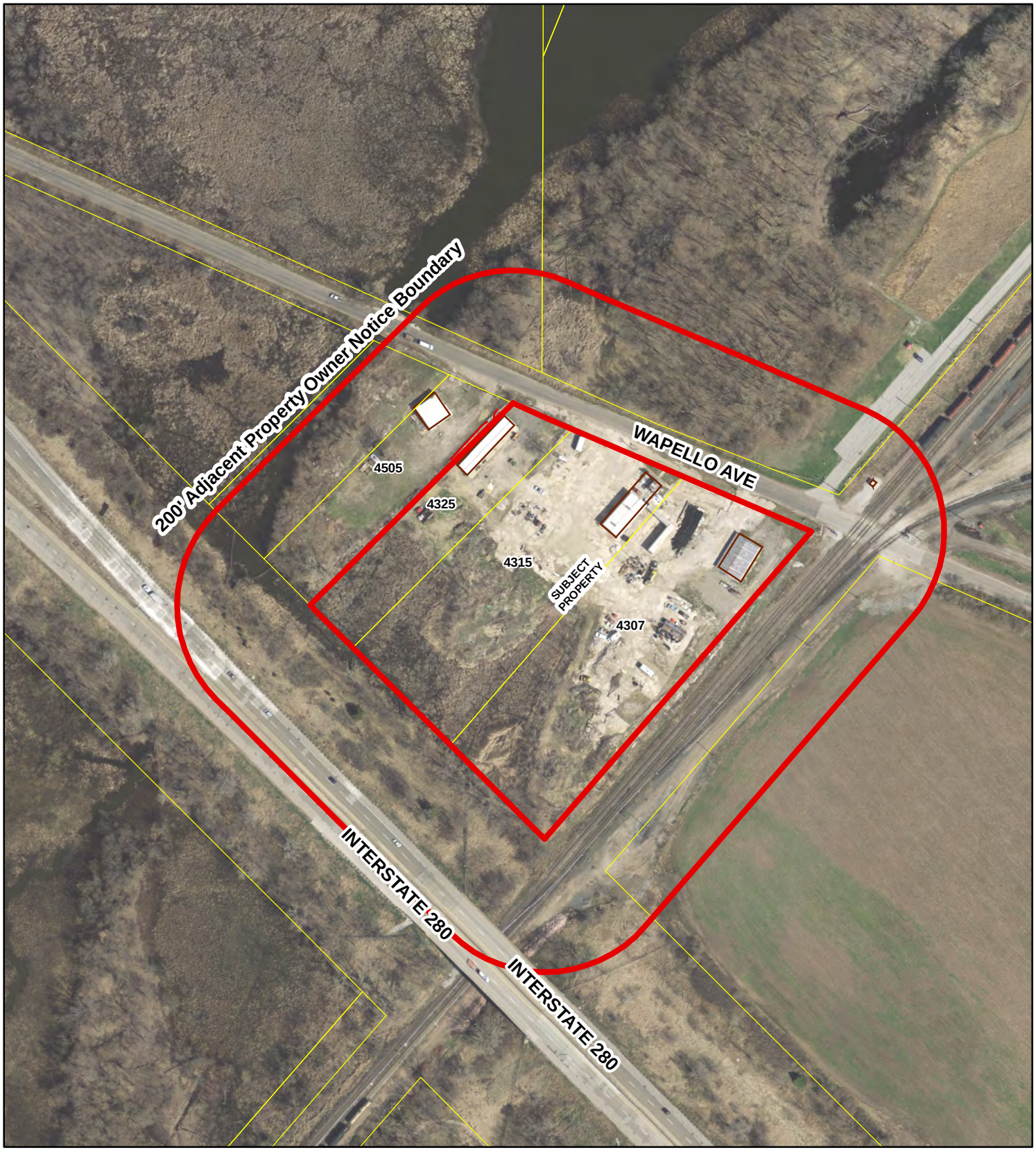
OKed BY: DATE:

GALESBURG SIGN & LIGHTING
Ph. (309)342-9798 FAX # (309)342-5799
SIGNS
1518 S. HENDERSON ST.
GALESBURG, IL. 61401

4315 Wapello - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	4315 WAPELLO AV	JOHN J SHEFFEY SR	4900 WAPELLO AV	DAVENPORT IA 52802
Ward/Ald:	1St Ward	Alderman Dunn		3 Notices Sent
R0821-01	4220 WAPELLO AV	CITY OF DAVENPORT	226 W 4th St	DAVENPORT IA 52801
30835-03	4505 WAPELLO AV	HOME INVESTORS 23 LC	2920 HARRISON ST	DAVENPORT IA 52803
30819-09		NAHANT MARSH EDUCATION CENTER	4220 WAPELLO AVE	DAVENPORT IA 52802
30837-23B		NAHANT MARSH EDUCATION CENTER		

Zoning Board of Adjustment: Adjacent Property Owner Notice Area



CPED

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.

Feet
0 50 100 200
1 inch = 200 feet

N

City of Davenport
Zoning Board of Adjustment

Department: CPED **Date**
Contact Info: Scott Koops, AICP sek@ci.davenport.ia.us **3/14/2019**

Subject:
Request HV19-02 of Calvin Shwarz on behalf of Sharonanne Dilley at 5526 Delton Drive for a hardship variance to encroach into the rear yard by 6 feet with an enclosed addition. The addition was originally planned as an open deck and will be 14 feet from the rear (north) property line. The property is zoned "R-4" Single/Two Family Residential District.

Section 17.04.030 of the Davenport Municipal Code requires a rear yard setback of 20% of the lot depth. [1st Ward; Ald. Dunn]

Recommendation:
Findings: (Per the analysis above)

- Item #1 application of the ordinance creating hardship has not been established;
- Item #2 physical surroundings imposing hardship has not been established;
- Item #3 unique circumstance has not been established;
- Item #4 protection of essential character has been confirmed;

Recommendation:
Staff cannot recommend approval of the request as the application has not met all the approval standards for a hardship variance.

ATTACHMENTS:

	Type	Description
🗋	Cover Memo	Staff Report
🗋	Cover Memo	Application
🗋	Cover Memo	Plan
🗋	Cover Memo	Owner List

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	3/8/2019 - 2:18 PM

Case: HV19-02

City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: March 14, 2019
Applicant: Calvin Shwarz
Address: 5526 Delton Dr

Description

Request HV19-02 of Calvin Shwarz on behalf of Sharonanne Dilley at 5526 Delton Drive for a hardship variance to encroach into the rear yard by 6 feet with an enclosed addition. The addition was originally planned as an open deck and will be 14 feet from the rear (north) property line. The property is zoned "R-4" Single/Two Family Residential District.

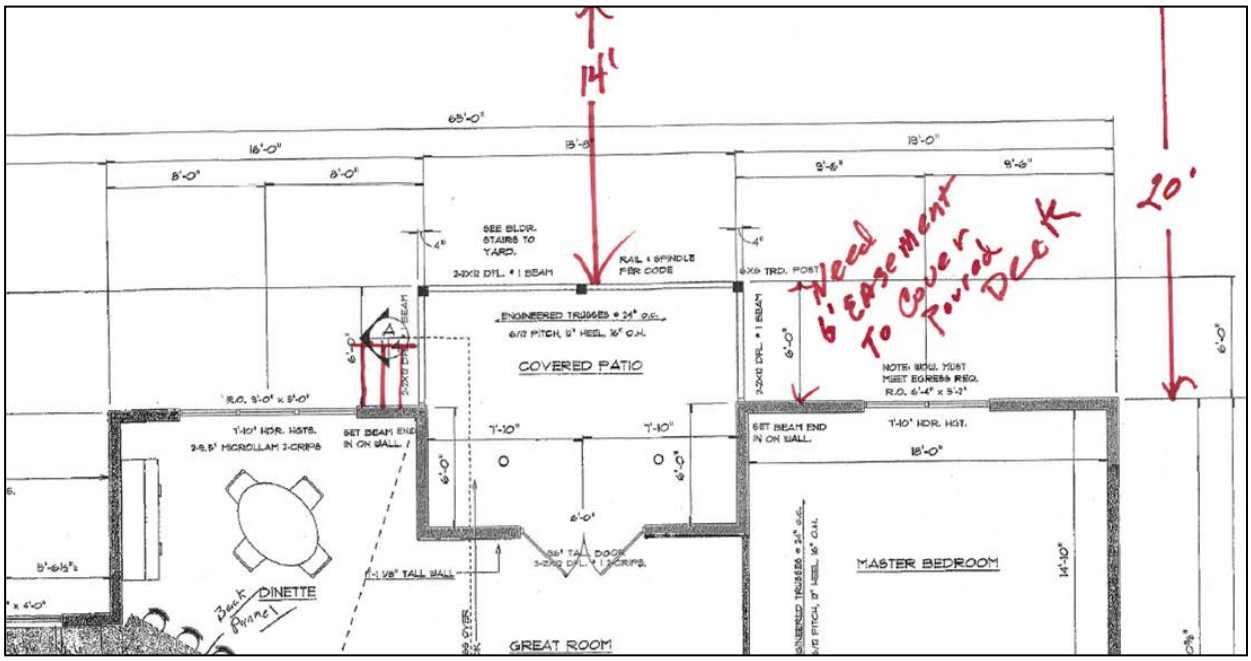
Section 17.04.030 of the Davenport Municipal Code requires a rear yard setback of 20% of the lot depth. [1st Ward; Ald. Dunn]

Background & Discussion

The home owner originally planned for an open deck in the area for the proposed room addition. After the foundations were poured the home owner changed their mind and wanted to construct a room addition in the area where to the deck was to be located.

Since an open deck could encroach into the rear yard setback, the deck would not have needed a hardship variance. A room addition to the house however requires the same setback as the house, which in this case is 20 from the rear (north) property line.

House Plan:



Public Input
Notices were sent to adjacent property owners within 200 feet.

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

Approval Standards
The Zoning Board of Adjustment decision must make findings to support each of the following: (code requirement/*applicants response*/staff comments)

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

Applicant Response:
Attached is a set of plans and the setback that are on the plans. There will still be 14 feet to the property line as shown.

Staff:
The house is already built and a significant foundation for the room addition has already been poured. It is a convenience to the petitioner to change plans from an open deck to a room addition.

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:
No response was given.

Staff:
With the foundation of the house already built, there is no longer an opportunity to relocate the house on the lot or redesign the dwelling to accommodate the room addition. While the lot is only 100 feet deep, the lot meets lot size requirements and the size of the lot was known when the lot was purchased by the home owner.

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 corner lot is only 100 feet deep and is hard to get a house on and [comply] apply with all ordinances. We will still be 14 feet from adjacent lot, the lot next to us is only required to be 7 feet from the property line. We will be 21′ about.

Staff:
With the foundation of the house already built, there is no longer an opportunity to relocate the house on the lot or redesign the dwelling to accommodate the room addition. While the lot is only 100 feet deep, the lot meets lot size requirements and the size of the lot was known when the lot was purchased by the home owner.

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

Applicant Response:
No response was given.

Staff:
Only a few persons who know the code well will know that the rear yard is to the north rather than to the east. It is doubtful that the character of the locality will altered by the proposed variance.

Findings & Staff Recommendation:

Findings: (Per the analysis above)

- Item #1 application of the ordinance creating hardship has not been established;
- Item #2 physical surroundings imposing hardship has not been established;
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Recommendation:
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Prepared by:

Scott Koops, AICP, Planner II

Attachments: ZBA Application/plans, Notice Documents

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

Property Address* 5526 Delton Dr DAV IA 52804
***If no property address, please submit a legal description of the property.**

Applicant (Primary Contact)**
Name: Calvin Schwartz
Company: Schwartz Coost
Address: 10687 – 160 St
City/State/Zip: DAV IA 52804
Phone: 563 940 0587
Email: Schwcalsba@Aol.Com

Owner (if different from Applicant)
Name: Sharon Ann Dilley
Company: -
Address: 5526 - Delton Dr Lot 26
City/State/Zip DAV IA 52804
Phone: 775-267-3784
Email: Sherry Dilley@Charter.Net

Engineer (if applicable)
Name:
Company:
Address:
City/State/Zip
Phone:
Email:

Architect (if applicable)
Name:
Company
Address:
City/State/Zip:
Phone:
Email:

Attorney (if applicable)
Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

****If the applicant is different from the property owner, please submit an authorization form or an accepted contract for purchase.**

Application Form Type:

Plan and Zoning Commission
Zoning Map Amendment (Rezoning) ☐
Planned Unit Development ☐
Zoning Ordinance Text Amendment ☐
Right-of-way or Easement Vacation ☐
Voluntary Annexation ☐

Zoning Board of Adjustment
Zoning Appeal ☐
Special Use ☐
Hardship Variance ☒

Design Review Board
Design Approval ☐
Demolition Request in the Downtown ☐
Demolition Request in the Village of East Davenport ☐

Historic Preservation Commission
Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Administrative
Administrative Exception ☐
Health Services and Congregate Living Permit ☐

Request:

Please describe the variance(s) requested:

We would like to inclose the Porch in the Back of This New Home + Make it a 3 season Room The concrete walls + Concrete slab Has already ben poured when The Basement walls were poured 6' of this Porch is Already under Roof

Existing Zoning: R-2

Submittal Requirements:

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed structures affected by the hardship variance. If a paper copy is provided, the maximum size is 11" x 17".
- Description and evidence that demonstrates consistency with the criteria listed in Sections 17.52.060 and 17.52.070 of the Davenport Municipal Code.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- Required fee - $200.

The Applicant hereby acknowledges and agrees to the following procedure and requirements:

(1) Application:
- Prior to submission of the application for the hardship variance, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the hardship variance process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Public Notice for the Zoning Board of Adjustment public hearing:
- Planning staff will send a public hearing notice to surrounding property owners.

(3) Zoning Board of Adjustment's consideration of the hardship variance:
- Planning staff will perform a technical review of the request and present its findings and recommendation to the Zoning Board of Adjustment.
- The Zoning Board of Adjustment will hold a public hearing and vote on the request.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

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

Attached is a set of Plans + Thes et Back that are on the Plans There will still Be 14' to the Property Line as shown

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.

This corner Lot is only 100' Deep & is Hard to get a House on & Apply with all ordinances we will still Be 14' from a Jason Lot - the Lot next to us is only Required to Be 7' from Property Lines. We will Be 21' abart

Schwab

Applicant: Calvin Schwab Date: 2/19/19
By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by: [signature] Date: 2-19-19
Planning staff

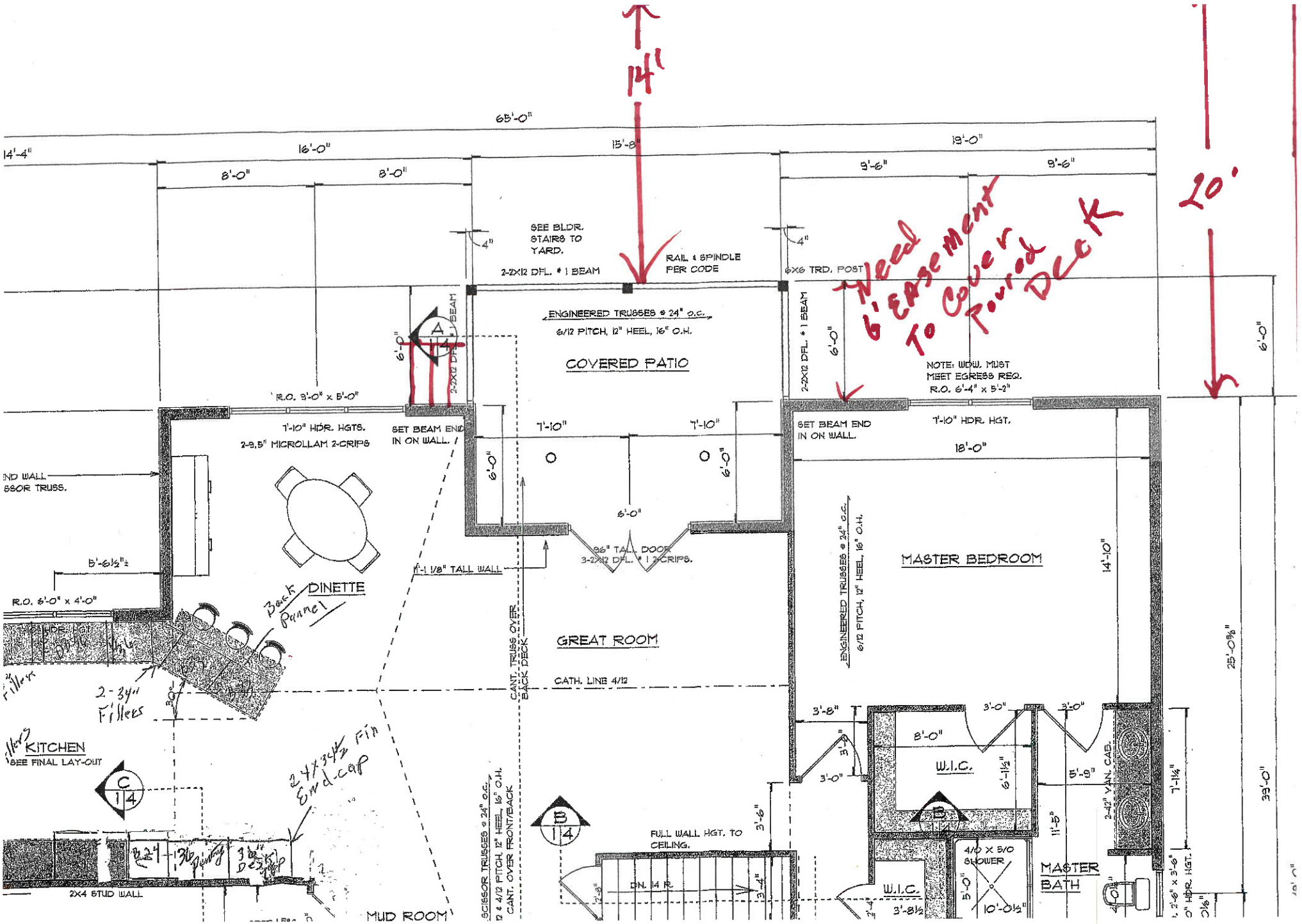
Date of the Public Hearing: 3-14-19

Meetings are held in City Hall Council Chambers located at 226 West 4th Street, Davenport, Iowa.

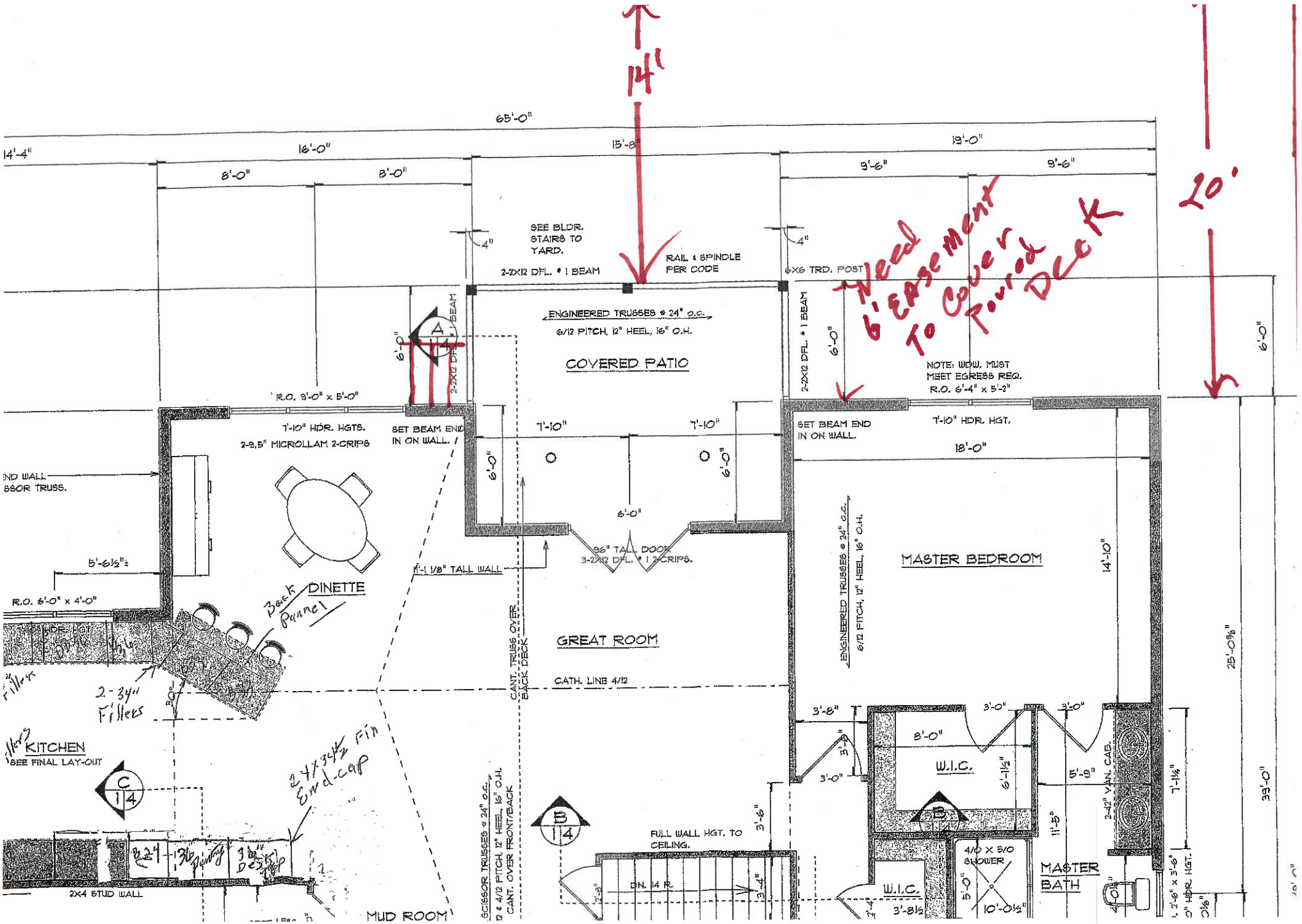
Authorization to Act as Applicant

I, Sharonanne Dilley
authorize
to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located at 5526 Dewton Dr
DAV IA
52804

Sharonanne Dilley
Signature(s)*
*Please note: original signature(s) required.



14'
20'
65'-0"
14'-4"
16'-0"
15'-8"
19'-0"
8'-0"
8'-0"
9'-6"
9'-6"
SEE BLDR. STAIRS TO YARD.
2-2X12 DFL. # 1 BEAM
RAIL & SPINDLE PER CODE
6X6 TRD. POST
Need 6' Easement To Cover Poured Deck
ENGINEERED TRUSSES @ 24" o.c.
6/12 PITCH, 12" HEEL, 16" O.H.
COVERED PATIO
NOTE: WDW. MUST MEET EGRESS REQ.
R.O. 6'-4" x 5'-2"
R.O. 3'-0" x 5'-0"
7'-10" HDR. HGTS.
2-9.5" MICROLLAM 2-CRIPS
SET BEAM END IN ON WALL.
7'-10"
7'-10"
SET BEAM END IN ON WALL.
7'-10" HDR. HGT.
18'-0"
96" TALL DOOR
3-2X12 DFL. # 1 2-CRIPS.
MASTER BEDROOM
14'-10"
5'-6½"±
R.O. 6'-0" x 4'-0"
DINETTE
Back Pannel
GREAT ROOM
CANT. TRUSS OVER BACK DECK
CATH. LINE 4/12
2-34" Fillers
KITCHEN
SEE FINAL LAY-OUT
24x34½ Fin End-cap
2X4 STUD WALL
MUD ROOM
SCISSOR TRUSSES @ 24" o.c.
12 & 4/12 PITCH, 12" HEEL, 16" O.H.
CANT. OVER FRONT/BACK
FULL WALL HGT. TO CEILING.
DN. 14 R.
W.I.C.
W.I.C.
4/0 X 5/0 SHOWER
10'-0½"
MASTER BATH
2-42" VAN. CAB.
25'-0⅜"
39'-0"



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PUBLIC HEARING NOTICE
ZONING BOARD OF ADJUSTMENT
CITY OF DAVENPORT

Public Hearing Details:

Date: 3/14/2019 Ward: **1st Ward**
Time: 4:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a Hardship Variance before the Zoning Board of Adjustment
Case #: HV19-02

To: All property owners within 200 feet of the subject property located at **5526 Delton Drive.**

What is this All About?

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

Request Description

Request HV19-02 of Calvin Shwarz on behalf of Sharonanne Dilley at 5526 Delton Drive for a hardship variance to encroach into the rear yard by 6 feet with an enclosed addition. The addition was originally planned as an open deck and will be 14 feet from the rear (east) property line. The property is zoned "R-4" Single/Two Family Residential District.

Section 17.04.030 of the Davenport Municipal Code requires a rear yard setback of 20% of the lot depth. [1st Ward; Ald. Dunn]

What are the Next Steps after the Public Hearing?

For approved ZBA requests, the ruling is effective immediately. For projects requiring a Building Permit the applicant may contact the Permit office (563-326-7765) the next Business day.
Rulings of the Zoning Board of adjustment are final. The applicant may request reconsideration at the next public hearing, and aggrieved parties may file a writ of centauri with the district court.

Would You Like to Submit an Official Comment?

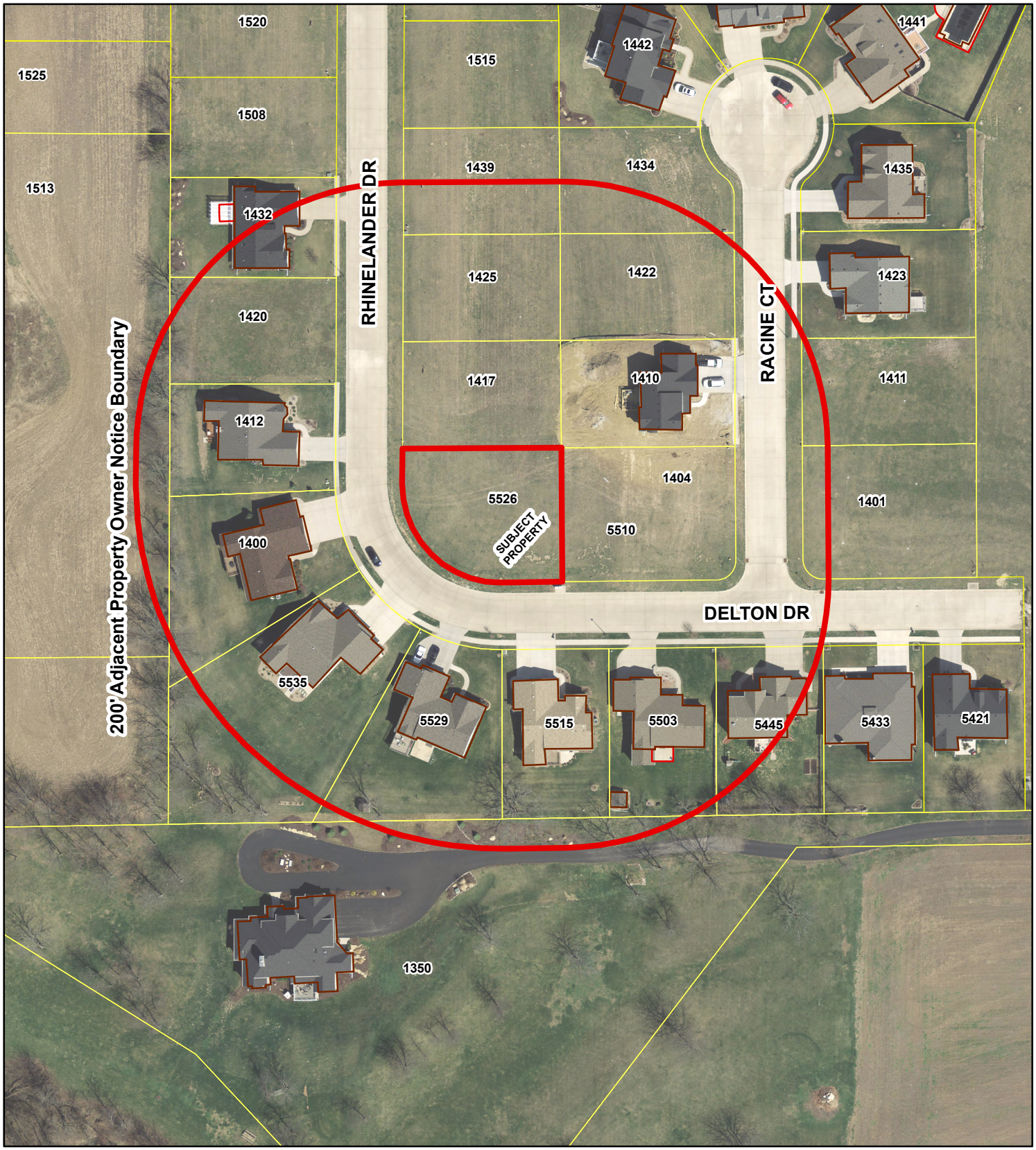
As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

Do You Have Any Questions?

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

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

Zoning Board of Adjustment: Adjacent Property Owner Notice Area



CPED

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.

Feet
0 50 100 200

1 inch = 100 feet

N