



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



The Zoning Board of Adjustment will meet on March 9, 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 February 23, 2017 public hearing.

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 (1) dynamic display sign per lot.

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.

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.

IV. Adjourn



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



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

The Zoning Board of Adjustment met on February 23, 2017 at 4:00PM in the first floor Council Chambers at City Hall, 226 W. 4th Street, Davenport, Iowa.

Roll Call: Present: Hart, Reistroffer, Woodward, Lee
Excused: Strayhall

Staff: Flynn, Jackson

I. Secretary's Report:

The minutes from the January 12, 2016 public hearing were approved following motion by Woodard and a second by Restroffer.

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.

The petitioner has requested this case be tabled for one cycle.

MOTION: Motion by Woodard, seconded by Lee to table the request for one cycle.
Vote to table was unanimous.

III. New Business:

None.

IV. Adjourn. The meeting was adjourned at 4:20 pm.



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: January 12, 2017
Applicant: Saini II LLC
Address: 1802 W 7th Street

Contact: Matthew G. Flynn, AICP
Senior Planning Manager
mflynn@ci.davenport.ia.us
563-326-7743

Description

Petitioner requests two dynamic display signs for this property.

Section 17.45.051(B) of the Davenport Municipal Code allows for only one dynamic display sign per lot.

Background

Petitioner applied for sign permits on November 22, 2016. The illustration included with the permit showed three signs, only one “LED” (Dynamic Display) however the written permit application indicated 2 LED signs. The Community Planning office OK’d the permit in error, not catching the discrepancy between the illustration and written permit.

Staff informed the petitioner that the second LED sign was approved in error and needed to be removed. The petitioner asked what remedy would be available to himself and staff informed him the only recourse from the City would be to request a hardship variance.

This property is zoned C-2, General Commercial. It allows up to three wall signs totaling up to 2 square feet per foot of frontage. For this property, up to 390 square feet of wall signage would be permissible. 84 square feet for 3 signs has been permitted. However, the Code only allows one dynamic display sign.

Discussion

In general, development permits issued in error do not validate the activity applied for. In this case, the same legal tests exist for the existing sign in question (which has been allowed to remain pending the outcome of this case) compared to if there was no sign there at all.

The Code limits the use of Dynamic Display signs to one per lot due to the potential higher level of distraction created by those signs compared to static signs.

Analysis (code requirement/petitioner response/staff comments)

1. The property cannot yield a reasonable return if used under conditions allowed by the regulations:

We need 2 LED signs so that traffic coming in both directions can see 1 sign at a time.

The petitioner has not demonstrated that a reasonable use of the property would be denied should this hardship request be denied. Relatively large signs are allowed on three sides of the building. The only question is more than one LED sign

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

Location of our business

Staff believes there is nothing unique about the location of the business. It is zoned C-2 and are other scattered properties on this section of Division Street.

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

No

Staff does not agree as approving the request would allow two Dynamic Display signs where all other businesses in the vicinity are allowed only 1. Further, the signs would add to the level of lighting in the area, even if operated under the legal limitations imposed within the Code.

4. The variation will not impair an adequate supply of light & air to adjacent property:

The signs where placed currently do not bother any resident's homes at all.

With respect to light and air, staff concurs.

5. The variation will not unduly increase congestion in public streets:

Traffic flow will not be altered

Staff concurs

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

No safety concerns with the signs, had inspected and approved.

Impact on safety of having two dynamic display signs has not been determined.

7. The variation will not unreasonably impair established property values within the surrounding area:

Will not affect other home prices. We have increased the value in some way by opening our business in the area.

The long term impact of the new business on the surrounding neighborhood has not yet been determined. Efforts to rezone the adjoin property for commercial was opposed by much of the neighborhood.

8. The variation will not impair public health, safety, comfort, morals or welfare of the inhabitants of the City:

No

The impact of the additional LED has not been determined.

Staff Recommendation:

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.

Prepared by:

A handwritten signature in black ink, appearing to read "Matthew G. Flynn", written in a cursive style.

Matthew G. Flynn, AICP
Senior Planning Manager

**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

1802 W 7th ST

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

CONTACT /
APPLICANT

Name: JASVEER SAINI
Address: 1802 W 7th ST
ZIP Code: 52802
Phone #: 563-574-6306
Fax #: 563-574-6306
Email: JASVC6@gmail.com

OWNER Name: SAINI II LLC
Address: 4607 N PINE ST, DAVENPORT
ZIP Code: 52806
Phone #: 563-574-6306
Fax #: 563-574-6306
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:

BECAUSE 2 LED 3'x6' SIGNS WERE INSTALLED
ON EACH END OF BUILDING. WITH 1 STATIC
SIGN ON WEST SIDE OF BUILDING.

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.

(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 Applicant

Date

12-21-16

Sworn to before me, this _____ day of _____, 20____

Signature of Notary

ANSWERS TO QUESTIONS

1. WE NEED 2 LED SIGNS SO THAT TRAFFIC COMING IN BOTH DIRECTIONS CAN SEE 1 SIGN AT A TIME.

2. LOCATION OF OUR BUSINESS

3. NO

4. THE SIGNS WERE PLACED CURRENTLY DO NOT BOTHER ANY RESIDENTS HOMES AT ALL.

5. TRAFFIC FLOW WILL NOT BE ALTERED

6. NO SAFETY CONCERNS WITH SIGNS. HAD INSPECTORS AND APPROVED

7. WILL NOT AFFECT OTHER HOME PRICES. WE HAVE INCREASED THE VALUE IN SOME WAY BY OPENING OUR BUSINESS IN AREA.

8. NO



West Side Grocery

*Serving the Community
One Item at a Time*

GROCERY - CIGARETTES - BEER - LIQUOR - MEAT







**NOTICE OF PUBLIC HEARING
ZONING BOARD OF ADJUSTMENT
CITY OF DAVENPORT
1/12/2017**



**TO ALL PROPERTY OWNERS WITHIN 200 FEET OF THE SUBJECT PROPERTY LOCATED AT:
1802 West 7th Street.**

The Zoning Board of Adjustment will hold a public hearing on Thursday 1/12/2017 at 4:00 P.M. in Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa to consider the request of Jasveer Saini at 1802 West 7th Street for a Hardship Variance to allow a second dynamic display sign. 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, 1/12/2017.

The Petition before the Board is described as follows:

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.

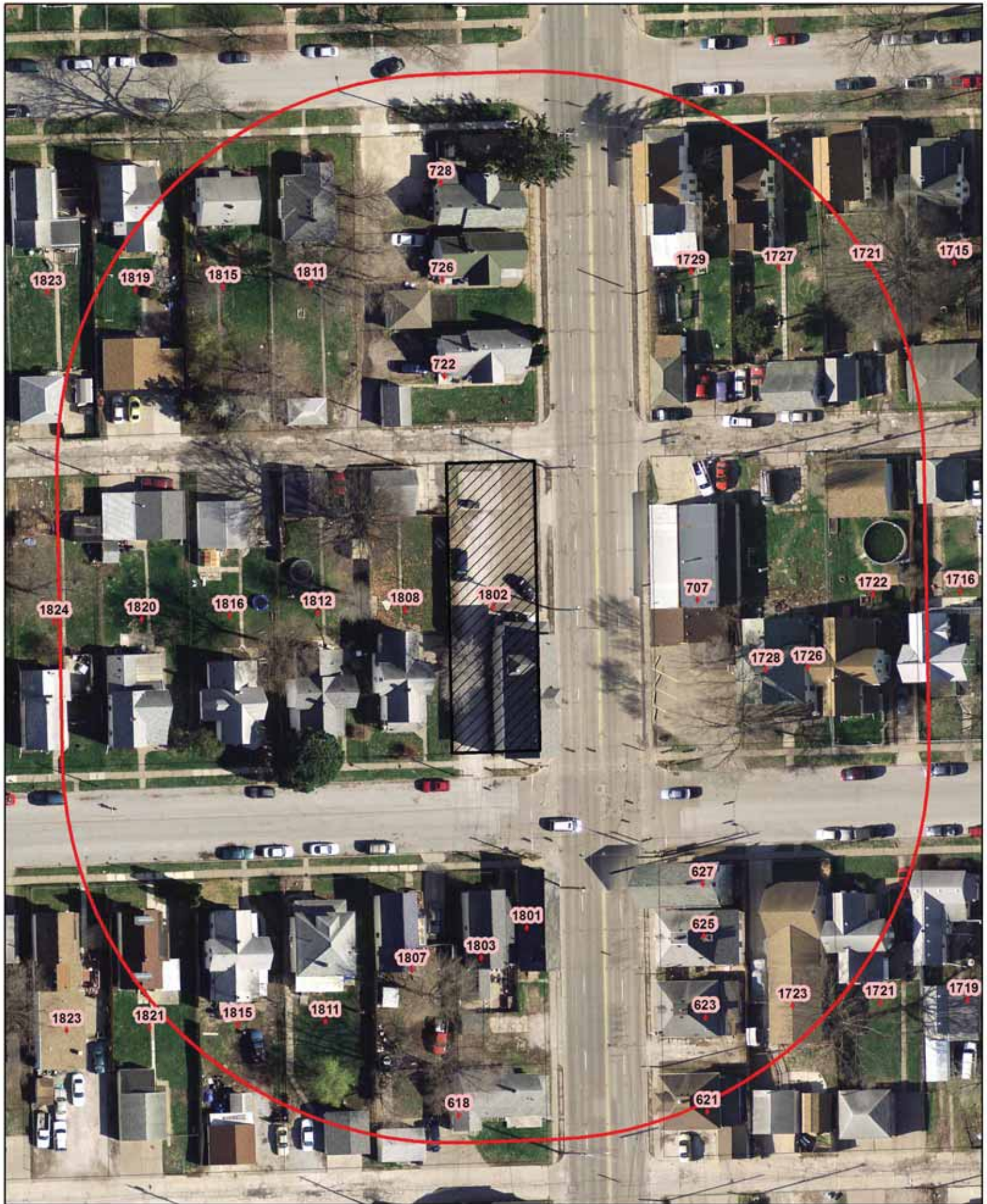
Section 17.45.051.B of the Davenport Municipal Code limits a property to one dynamic display sign per lot.

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 the 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



Subject Property

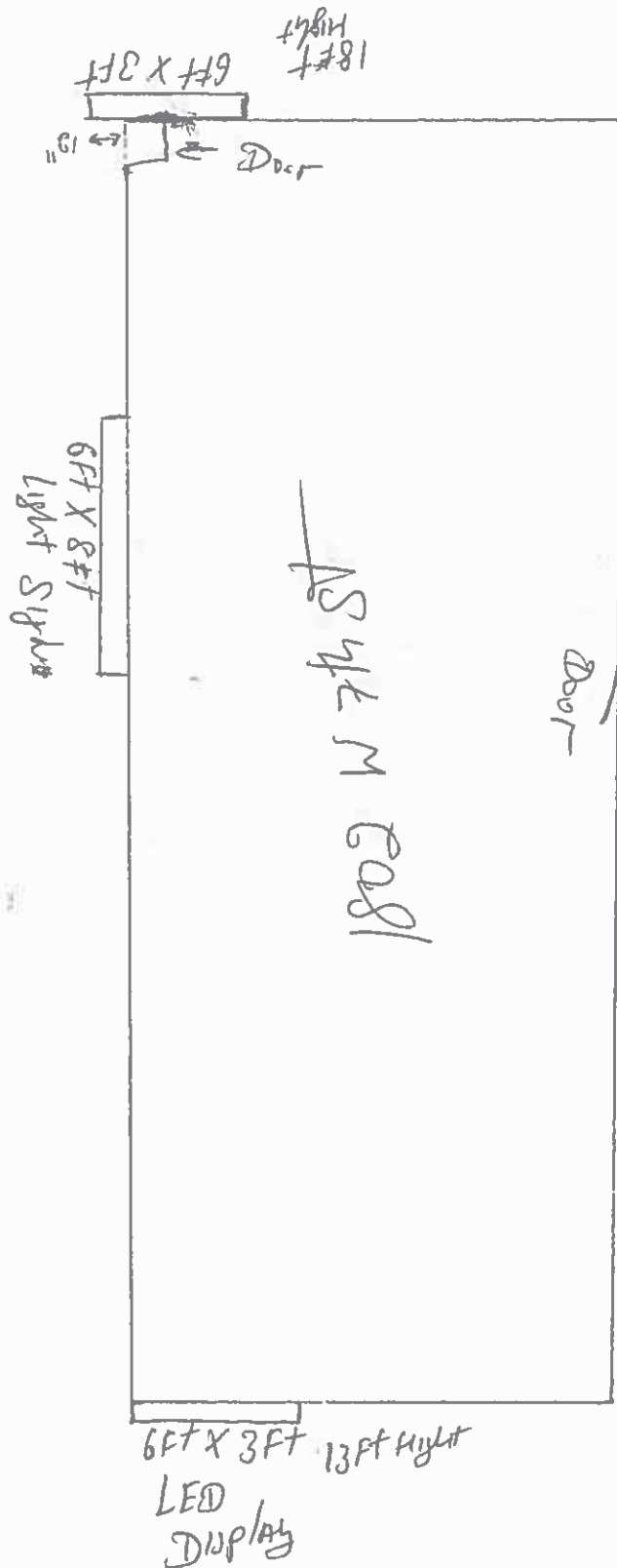


200 Foot Notification Radius

N



74



Only Approach
A. Kepph



City of
Davenport

Sign (Permanent) Permit Application

The requirements regarding the quantity, size, setback and height for placement of permanent signs is detailed in Davenport's City Code. Permanent (and temporary) signs placed without proper approval and permits may be ordered removed and the Owner may be fined. The process for placing a permanent sign is as follows.

- Submit an inventory of existing signage, graphic of proposed sign with sign height, sign area, quantity of signs requested and site plan indicating location and setback, along with any other applicable site details to the city's Community Planning and Economic Development, Zoning Division located at 226 W 4th Street, Davenport, IA 52801. Questions regarding this process should be directed to the Zoning Office at 563.326.7765.
- Once approved by zoning complete and submit this application along with the applicable fee to the city's Public Works Building Division located at 1200 E 46th Street, Davenport, IA 52807. Questions regarding application submission can be directed to the Building Division at 563.326.7765.

The fee for permanent sign installation is \$50.00. Signs painted directly to a wall of a building are exempt from this fee. Where the owner of the improvements is a tax levying body, a permit shall be obtained in the normal manner, but no fee is required.

Signs requiring electricity will require an electrical permit in addition to the sign application. All electrical work must be performed by a licensed and bonded electrical contractor.

Address of Proposed Sign		1802 W 7th St					
Purpose of Sign		2 LED SIGN front AND BACK each 3 FT X 6 FT and one Lit LED sign					
Description of Project		Install 3 Signs					
How Many Signs Currently Exist at this Location?		1 Removing					
Sign Height		Sign Area		Quantity			
Be sure to include a copy of the site plan, showing the location and set-back details for the proposed sign and the graphic proposed for the sign.							
Will electricity be required for this sign?							☒ Yes ☐ No
Owner Name		SAINI II LLC					
Address		1802 W 7th		City	DAVENPORT	State	IA
Contact Name		JUNE		Phone	563-579-6306	E-mail	
Contractor Name		SAINI II LLC					
Address		1802 W 7th St		City	DAVENPORT	State	IA
Contact Name		JESSIE		Phone	563-579-6306	E-mail	
License #				Bond #			
Zoning Review and Conditions (if applicable)				Zoning Approval			
				By			
				Date			
I understand the regulations and terms for placing the sign described. I affirm this application is a complete and accurate description of the temporary signage permit we are applying for.							
Signature						Date	
						11/22/16	
For Office Use Only							
Processed by				Permit #			Date



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 all property lines. The request would not negatively impact the availability of light and air to the surrounding properties.

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

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

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

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

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

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

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

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

Public Input

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

Recommendation

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

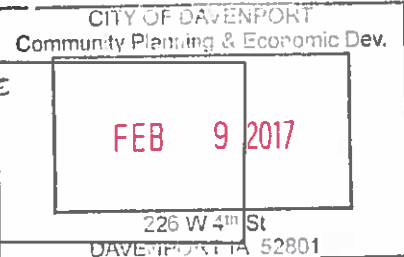
ADDRESS
AFFECTED:
OR

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

Area Deline

South

EAST

WEST

NORTH

122.5

66.5



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).

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.

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

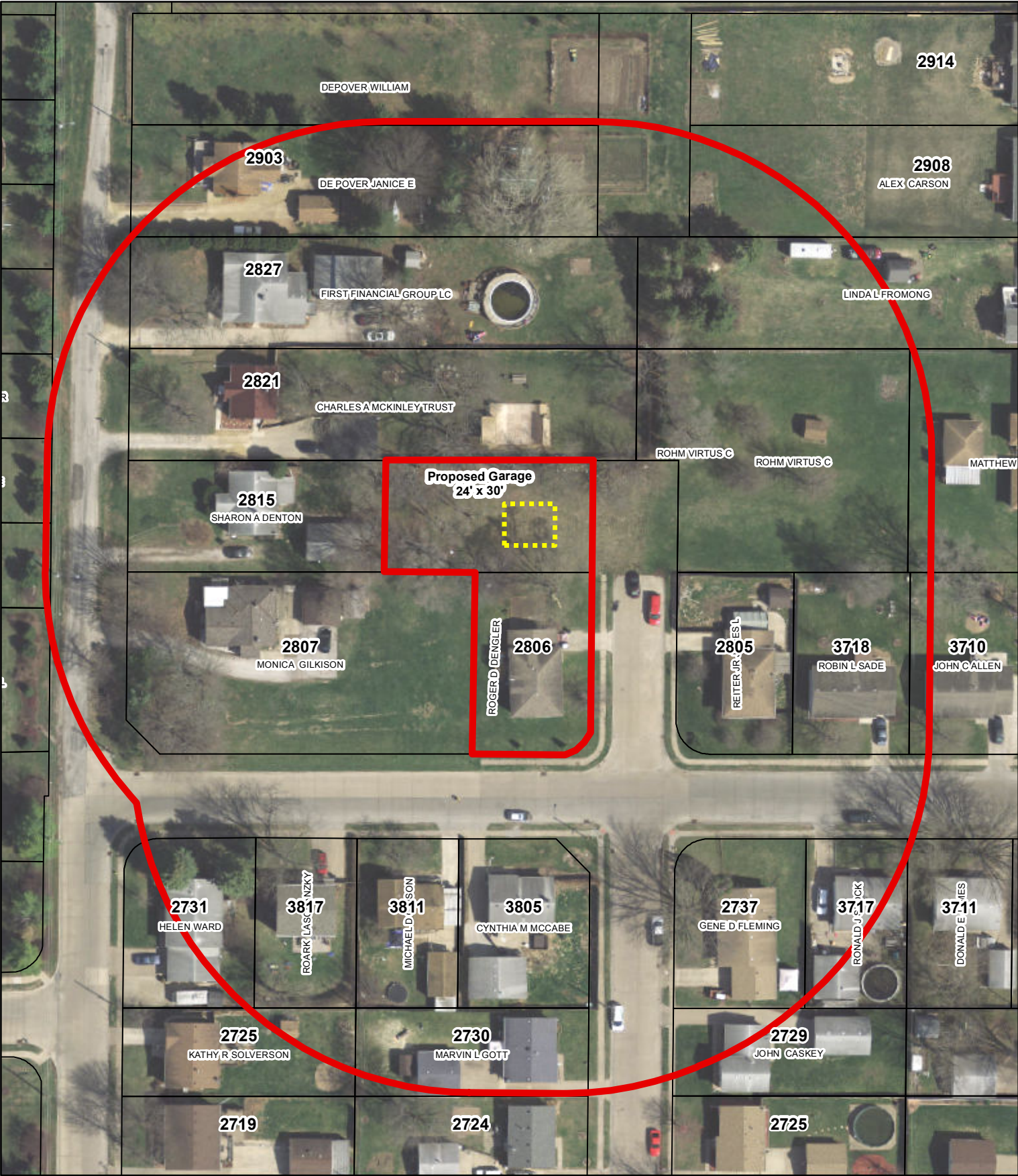
Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner. If you choose to attend the hearing, you may wish to contact Community Planning prior to your departure for the meeting to learn of any changes to the agenda.

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

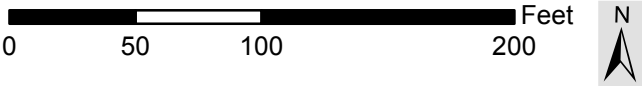
2806 N Gayman Ave - Adjacent Owner Notice List

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

ZONING BOARD OF ADJUSTMENT

Meeting Date: March 9, 2017
Request: Hardship Variance – encroach front yard setback
Location: 1020 Ripley Street
Applicant: Mount Olive Church of God in Christ

Description

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.

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.

Background

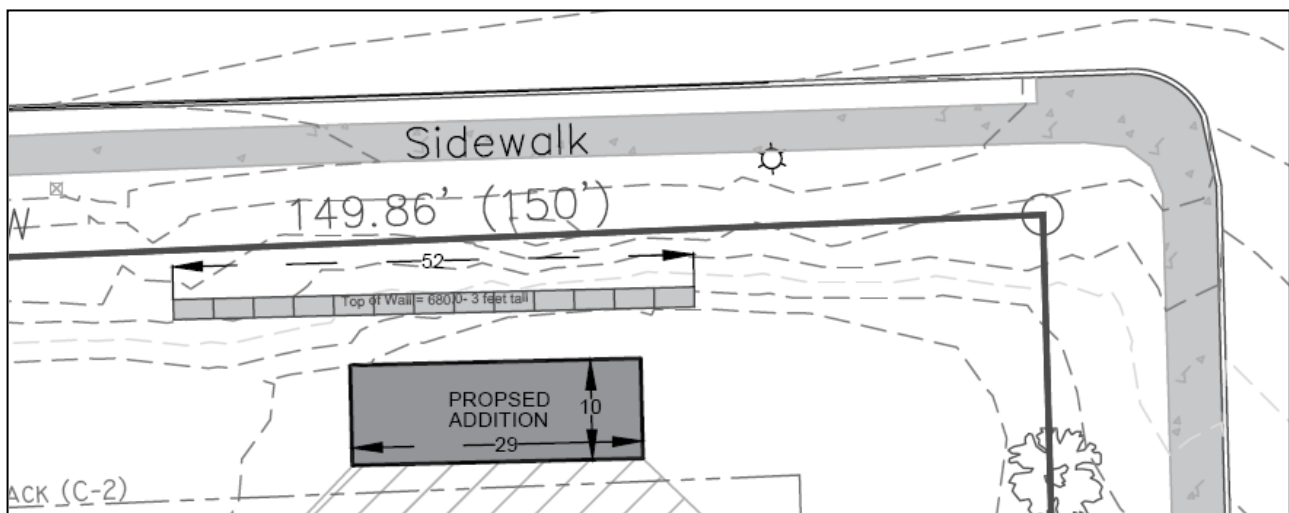
The subject property is located at the intersection of West 11th and Ripley Streets. The church building is setback 25 feet from W. 11th Street. The petitioner would like to decrease the required setback by 10 feet and be located 15 feet from the front property line. The site is located in a commercial and high density residential zoned area, although the area is used primarily as residential property.

Discussion

The proposed building addition is for a choir area. The proposed depth is 10 feet. The distance to the curb, after the proposed addition, would be approximately 25 feet. The building is significantly lower than street grade and there would be a retaining wall between the street and the proposed addition.



Petitioner Site Plan





Analysis

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

The proposed building addition is a convenience to the petitioner. A reasonable use of the property is possible with or without this variance, however there is only one location that would add space for the choir, and that would be an addition built to the north as the petitioner has proposed.

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

Due to the configuration of the sanctuary, the only location that would work for the choir space is if the addition is to the north.

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

Due to the topography of the site, the addition would not appear to change the essential character of the area.

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

The variance would not impact the availability of light and air to the surrounding properties given the location of the proposed addition.

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

The requested variance should not increase congestion in the public streets. The choir addition does not remove any off-street parking.

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

Properly permitted and constructed there should be no significant danger to the general public.

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

The proposed building addition should not negatively impact property values in the surrounding area, although this is difficult to determine.

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

The requested variance should not in any other respect impair the public health, safety comfort, morals or welfare of the inhabitants of the City.

Public Input

Notices were sent to property owners within 200 feet of the subject property. To date, staff has not received any calls or letters regarding the request.

Recommendation

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

Prepared by:

Scott Koops,
Planner II

Exhibits: Aerial, Petitioner Site Plan, Application, Notice Documents

Zoning Board of Adjustment



\$200 Filing Fee

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

REQUEST FOR A HARDSHIP VARIANCE

ADDRESS

1020 Ripley Street
Davenport, IA 52803

OR

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

CONTACT / APPLICANT

Name: LySanias Broyles

Address: P.O. Box 98

ZIP Code: 52805

Phone #: (563) 650-3857

Fax #:

Email: LYSANIASBROYLES@YAHOO.COM

OWNER Name: Mount Olive Church of God in Christ

Address: 1020 Ripley Street

ZIP Code: 52803

Phone #: (563) 323-9882

Fax #:

Email:

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

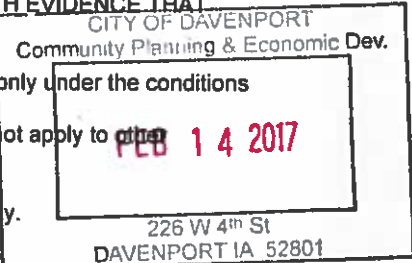
PROPOSAL DESCRIPTION:

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

Mount Olive Church of God in Christ requires a hardship variance to reduce the north setback along 11th Street from 25 feet to 15 feet in order to extend the worship facility 10 feet to the north to accommodate the overall capital improvement and building expansion plan.

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.

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.

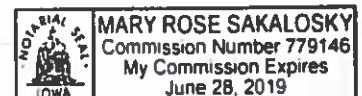
I, the undersigned, do hereby certify that the above information is true and correct to the best of my knowledge and that I have read, understand, and agree to comply with the conditions as stated above.

Signature of Appellant

Date

Sworn to before me, this 14 day of February, 2017.

Signature of Notary



Description of Request

Mount Olive is embarking on a much needed facility expansion and improvement project including administration, education, fellowship and outreach spaces. Northward extension of the edifice is required to accommodate the construction of a choir area. The current setback is 25 feet and we are requesting a variance that will allow Mount Olive to extend the north side of the existing structure by 10 feet; reducing the setback to 15 feet.

Evidence of Hardship

Mount Olive is maximally utilizing the existing building. The choir/music area has become insufficient for our needs and deprives the church the benefit of intended use of the space. Without the ability to expand northward it will not be possible to provide necessary, sufficient and appropriate space allocation for the complete intended use of the facility and exacerbate the condition.

The unique circumstances of Mount Olive do not apply to many adjacent properties as they are primarily residential. 11th Street runs parallel to the north side of the octagonal sanctuary and an alley runs perpendicular to the same on the west side of the structure beyond the parking lot. The uniqueness of the circumstances is exemplified by two other worship facilities and at least two homes between 10th and 11th Streets and along Ripley Street that are constructed within 10 feet of a public sidewalk or street. Other worship facilities in the general area (less than 1,500 foot radius from Mount Olive) benefit from a setback of less than 10 feet from public walkways. If granted, the proposed variance will retain a setback of 15 feet; still exceeding what is found on several parcels in the surrounding area.

Granting this variance will not alter the essential character of the locality as it will leave adequate space between the church and the 11th Street sidewalk. The addition's aesthetics will compliment that of the current edifice and its north setback will remain greater than what is observed by other worship facilities in the area.

The addition will not impede light nor air requirements for adjacent properties as the proposed variation will be ~50 feet from the nearest adjacent structure and ~80 feet from the nearest structure north of the proposed extension. The maximum height of the addition will only be ~20 feet and will not create an impairment in that regard. The variation will not impede light, air or ventilation requirements for the surrounding property. The variation will neither impair the reasonable use of nor pose a nuisance to adjacent and surrounding properties.

The proposed variation will not cause any traffic circulation problems on public streets and it will not adversely impact public parking as the edifice will remain ~17 feet from the public sidewalk and ~25 feet from the curb.

Public safety will not be adversely impacted by the construction of the addition for which the variance is sought. The variance will not increase the danger of fire and existing approved emergency exits, alarms and fire extinguishers will remain in use.

Property values will not decrease if the proposed variance is approved. The expansion is an improvement and will not diminish the value of neighboring properties.

The general welfare of the City of Davenport will not be adversely impacted by granting Mount Olive a variance ultimately decreasing the parcel's north setback by 10 feet to accommodate the necessary expansion and improvements. Public safety, morals, health and comfort will not be impaired by approving the reduced setback nor will the construction of the northward expansion contribute in any way to such impairments disclosed in the General Welfare requirement.



**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:
1020 Ripley Street.**

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 HV17-03 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. 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 HV17-03 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.

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.

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

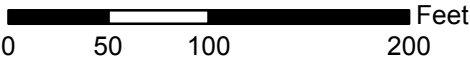
1020 Ripley St - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	1020 RIPLEY ST	MT OLIVE CHURCH OF GOD IN CHRIST	1020 RIPLEY ST	DAVENPORT IA 52803
Ward/Ald:	3rd Ward	Alderman Boom		22 Notices Sent
G0027-22		BLAND FLORA O	4800 GRAND AVE BLDG 1	DAVENPORT IA 52807
G0027-23	1111 RIPLEY ST	ANDREW J ALOIAN	5701 W 46TH ST	DAVENPORT IA 52806
G0027-24	326 W 11TH ST	MARK J VANZUIDEN	3717 KATHLEEN WAY	DAVENPORT IA 52807
G0027-26	316 W 11TH ST	BETHEL A M E CHURCH	323 W 11TH ST	DAVENPORT IA 52803
G0027-35	1102 RIPLEY ST	SHARI MCHENRY	1102 RIPLEY ST	DAVENPORT IA 52803
G0027-36	1106 RIPLEY ST	STEPHANIE DIONNE ANDERSON	\% HABITAT FOR HUMAN	BETTENDORF IA 52722
G0027-37	1112 RIPLEY ST	ORR TYRONE	P O BOX 3853	DAVENPORT IA 52808
G0027-38	1118 RIPLEY ST	BROWN W L	1848 W 6TH ST	DAVENPORT IA 52802
G0028-10	1115 SCOTT ST	FIRST FINANCIAL GROUP LC	1987 SPRUCE HILLS DR	BETTENDORF IA 52722
G0028-12A	1111 SCOTT ST	ANNA BRUCE	3625 MISSISSIPPI AV	DAVENPORT IA 52807
G0028-13	1105 SCOTT ST	JACK BEAR PROPERTIES LLC	2617 212TH ST	DEWITT IA 52742
G0037-07	428 W 10TH ST	ENTERPRISES LLC JBB	7531 E 2ND ST	SCOTTSDALE AZ 85251
G0037-10	1015 SCOTT ST	DAVID L BRITTON	1015 SCOTT ST	DAVENPORT IA 52803
G0037-11	1019 SCOTT ST	ADAM D HARRELL	1019 SCOTT ST	DAVENPORT IA 52804
G0037-13	1025 SCOTT ST	ROBERTS-CRIBBS BETTY L	1025 SCOTT ST	DAVENPORT IA 52803
G0037-14	421 W 11TH ST	FIRST FINANCIAL GROUP	421 W 11TH ST	DAVENPORT IA 52803
G0038-04	930 RIPLEY ST	NORTHWEST BANK & TRUST	100 E KIMBERLY RD	DAVENPORT IA 52806
G0038-05	414 W 10TH ST	LANCE KITZMILLER	414 W 10TH ST	DAVENPORT IA 52803
G0038-07	406 W 10TH ST	HORTON ANTHONY G	1020 RIPLEY ST	DAVENPORT IA 52803
G0038-12		TYRONE R ORR	P O BOX 3853	DAVENPORT IA 52808
G0038-15	1011 RIPLEY ST	HOLMES KEN	2418 45TH ST	MOLINE IL 61265
G0038-29	327 W 10TH ST	ADOLFO NAVA	327 W 10TH ST	DAVENPORT IA 52803

Zoning Board of Adjustment: Adjacent Property Owner Notice Area



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COPY OF NOTICE
EXHIBIT "A"

AFFIDAVIT OF PUBLICATION

ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING NOTICE CITY OF
DAVENPORT

The Zoning Board of Adjustment will meet on Thursday, March 9, 2017, at 4:00 P.M. in the first floor Council Chambers of City Hall, 220 West 4th Street Davenport, Iowa, to hold a public hearing to consider the following requests:

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.

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.

Request HV17-04 of Rodger Dangler at 2806 North Gayman Avenue for a hardship variance to construct a 25' x 66' (1650 sq. ft.) detached that would exceed the allowed size by 930 square feet (130%) and exceed the number of garages allowed. 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.

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) should be received by Community Planning, City Hall, no later than 12:00 p.m. on the day of the public hearing. PO 1713643.

Community Planning & Economic Development
Phone: (563) 325-7765
E-mail: planning@ci.davenport.iowa.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:

3-1

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

20



STEPHEN H. THOR
Commission Number 168839
My Commission Expires
3-24-17

Notary Public in and for Scott County, Iowa