**AGENDA**
**City of Davenport**
**Zoning Board of Adjustment**
**March 8, 2018**

The Zoning Board of Adjustment will come to order at 4:00 P.M. in the first floor Council Chambers at City Hall, 226 W. 4th Street, Davenport, IA to hear the following request:

## I. Secretary's Report:

Consideration of the minutes from the 2-22-18 public hearing.

## II. Old Business:

1) Request HV18-01 of Ryan Uhle at 2906 West 47th Street for a hardship variance to construct a detached accessory structure measuring 24' x 36', which would result in the property exceeding the allowed accessory area for the property by 280 square feet. Property is zoned R-4 Moderate Density Dwelling District. [2nd Ward/Ald. Dickmann]

   Section 17.10.030 B. and 17.42.080 A. allows for the total of all accessory buildings not to exceed 100% of the living area of the dwelling. The subject property allows for 864 square feet of accessory buildings and 720 square feet of garage area.

## III. New Business:

None.

## IV. Adjourn

**MINUTES**
**City of Davenport**
**Zoning Board of Adjustment**
**February 22, 2018**

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: Woodard, Lee, Strayhall, and Hart
Board Member excused: Reistroffer
Staff present: Koops

## I. Secretary's Report:

The minutes of the February 8, 2017 and January 25, 2018 meetings were approved.

## II. Old Business:

**Request HV17-12 of Randy Hughes at 1804 West 16th Street for a hardship variance to reduce the required the front yard setback for a primary dwelling from 19 feet to approximately three (3) feet from the secondary front yard (Wilkes Ave) property line with a room addition. The property is zoned "R-4" Moderate Density Dwelling District.**

**Section 17.42.040 A. of the Davenport City Code requires primary structures to maintain the established building line when the existing structure is within the required front yard setback. The existing setback is approximately 19 feet. Typical 'R-4' properties have a 25 foot front yard setback.**

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.

The request has not met items #1 reasonable return, #2 unique circumstance or #3 essential character. Staff recommends denial of the hardship 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 Strayhall and seconded by Lee. Motion to approve carried unanimously. (4-0):

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

## III. New Business:

**Request HV18-01 of Ryan Uhle at 2906 West 47th Street for a hardship variance to construct a detached accessory structure measuring 24' x 36', which would result in the property exceeding the allowed accessory area for the property by 280 square feet. Property is zoned R-4 Moderate Density Dwelling District. [2nd Ward/Ald. Dickmann]**

**Section 17.10.030 B. and 17.42.080 A. allows for garage area to be 40% of the living area or 720 square feet at a minimum and for the total of all accessory buildings not to exceed 100% of the living area of the dwelling. The subject property allows for 864 square feet of accessory buildings and 720 square feet of garage area.**

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.

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

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

Through discussion with the Board it was determined that an existing garage on the property, that was believed to be schedule for demolition, was in fact going to be kept by the petitioner. Once discovering this development the Board agreed to table the request so that staff would be able to provide a revised staff report reflecting the updated information.

**Motion:**
A motion table the request one cycle was made by Lee and seconded by Strayhall. The motion carried unanimously. (4-0):

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

## IV. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:40 pm.

**Case No.: HV18-01**

City of Davenport
Community Planning & Economic Development Department
**REVISED STAFF REPORT**

**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** March 8, 2018
**Applicant:** Robert Uhle
**Address:** 2906 W 47th St

**Description**
Request HV18-01 of Ryan Uhle at 2906 West 47th Street for a hardship variance to construct a detached accessory structure measuring 24' x 36', which would result in the property exceeding the allowed accessory area for the property by 280 square feet. Property is zoned R-4 Moderate Density Dwelling District. [2nd Ward/Ald. Dickmann]

Section 17.10.030 B. and 17.42.080 A. allows for the total of all accessory buildings not to exceed 100% of the living area of the dwelling. The subject property allows for 864 square feet of accessory buildings and 720 square feet of garage area.

**Background**
The subject property has an existing 14' x 20' shed/garage which will be converted into an accessory building. A smaller shed (approx. 80 sq. ft.) will be removed.

| **Accessory Building Areas** | **Square Ft** | **Garage Area** | **Square Ft** |
|---|---|---|---|
| Living Area | 864 | Living Area | 864 |
| Existing Accessory (14 x 20) | 280 | Existing Garage Area | 0* |
| Proposed Accessory Area | 240 | Proposed Garage Area | 624 |
| Proposed Garage Area | 624 | Total Garage Area | 624 |
| Total Accessory Area | 1144 | | |
| Allowed Accessory Area | 864 | Allowed Garage Area | 720 |
| **Area Exceeding Allotment** | **280** | **No Variance needed for garage.** | |

* The existing 14' x 20' garage will be converted to an accessory building with 6' door.

## Discussion

The proposed garage/accessory building would place the property 280 square feet over the allowed area for total area of accessory structures, but not over the allowed area for garage space.

## 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. Accessory storage buildings are 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 additional accessory building area. 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 proposed garage should not alter the essential character of the area given the large lots in this area. The proposed garage/storage area would not be considered out of character.

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

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

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

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

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

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

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

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

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

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

## Public Input

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

## Recommendation

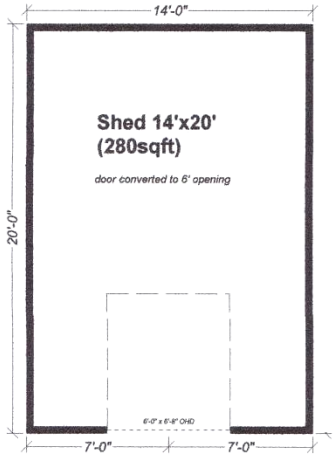
Items #1 reasonable return, and #2 unique circumstances, have been not been met for the granting of a hardship variance. Staff cannot recommend approval of the request.

Prepared by:

Scott Koops, AICP
Planner II

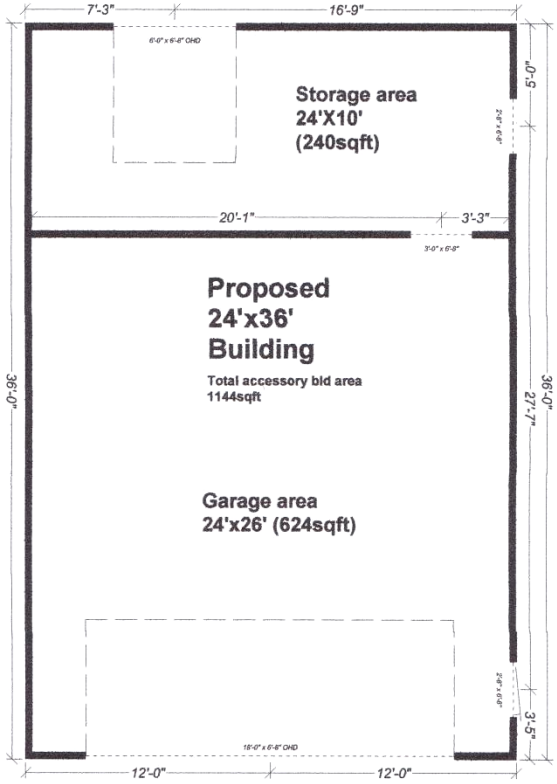
Attached Exhibits: Application & Site Plan, Site Photos, Notice Documentation, Aerial Photo

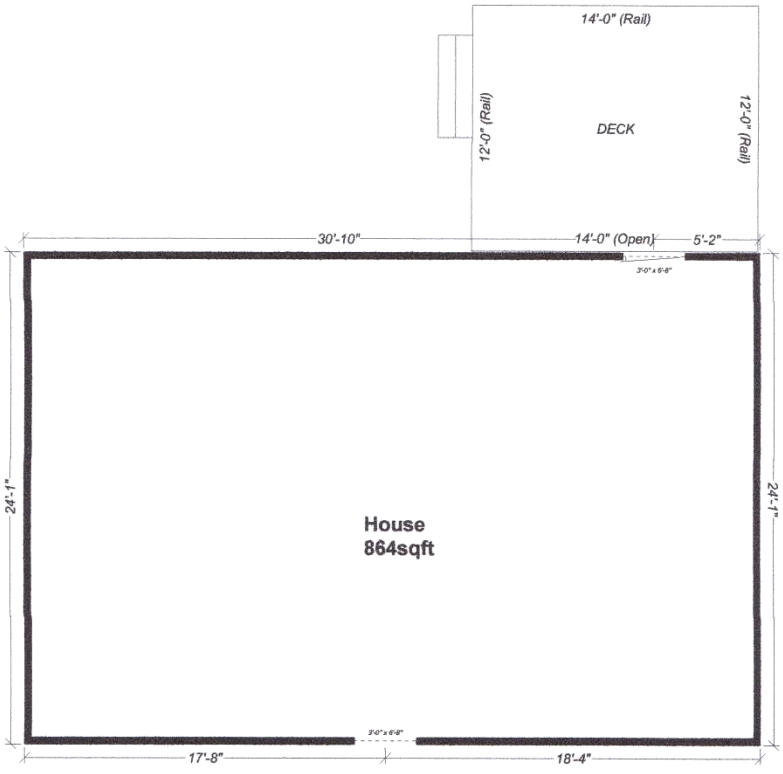
# New Site Plan




| Accessory Building Areas | Square Ft | Garage Area | Square Ft |
|---|---|---|---|
| Living Area | 864 | Living Area | 864 |
| Existing Accessory (14 x 20) | 280 | Existing Garage Area | 0* |
| Proposed Accessory Area | 240 | Proposed Garage Area | 624 |
| Proposed Garage Area | 624 | Total Garage Area | 624 |
| Total Accessory Area | 1144 | | |
| Allowed Accessory Area | 864 | Allowed Garage Area | 720 |
| **Area Exceeding Allotment** | **280** | **No Variance needed for garage.** | |

* The existing 14′ x 20′ garage will be converted to an accessory building with 6′ door.



Applicant: Ryan Uhle Date: 1-23-18

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.

2906 W 47th St

Uhlee1@Me.com

Ryan Uhle

**Request:**

Please describe the variance(s) requested:

I am requesting a hardship variance for a detached garage to be built on my property. The variance will be to add 288 square feet over the 720 square foot maximum. The additional square footage will add much needed storage space for my family

Existing Zoning:

**Submittal Requirements:**

- The following items should be submitted to planning@davenport.ia.us for review:
- 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.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.070 of the Davenport Municipal Code:

The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone.

The additional space I am requesting will be invaluable to my family for storing our lawn equipment and childrens toys as well as our vehicles. I have a large yard that requires extra maintenance equipment, which is currently stored outdoors, in all weather conditions. This has creatd an unsightly and congested yard and has shortened the life of the equipment.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.070 of the Davenport Municipal Code:

The plight of the owner is due to unique circumstances, which circumstances do not apply to other adjoining or nearby property.

Neighboring properties have garages well outside of the maximum allowed square footage.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.070 of the Davenport Municipal Code:

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

This garage I am requesting will be a standard width garage only adding twelve feet to the depth which will not be noticeable from the street or look out of place to the neighboring properties.

# PUBLIC HEARING NOTICE
# ZONING BOARD OF ADJUSTMENT
# CITY OF DAVENPORT

**Public Hearing Details:**

Date: 2/22/2018 Ward: **2nd**
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 #: HV18-01

To: All property owners within 200 feet of the subject property located at **2906 West 47th Street.**

**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 HV18-01 of Robert Uhle at 2906 West 47th Street for a hardship variance to construct a detached garage (accessory structure) measuring 23' 10" x 42', being 1,001 sq. ft. which would result in the property exceeding the allowed accessory area for the property by 137 square feet (1001-864), and exceed garage area by 281 feet (1001-720). Property is zoned R-4 Moderate Density Dwelling District.**

**Section 17.10.030 B. and 17.42.080 A. allows for garage area to be 40% of the living area or 720 square feet at a minimum and for the total of all accessory buildings not to exceed 100% of the living area of the dwelling. The subject property allows for 864 square feet of accessory buildings and 720 square feet of garage area. [2nd Ward/Ald. Dickmann]**

**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?**

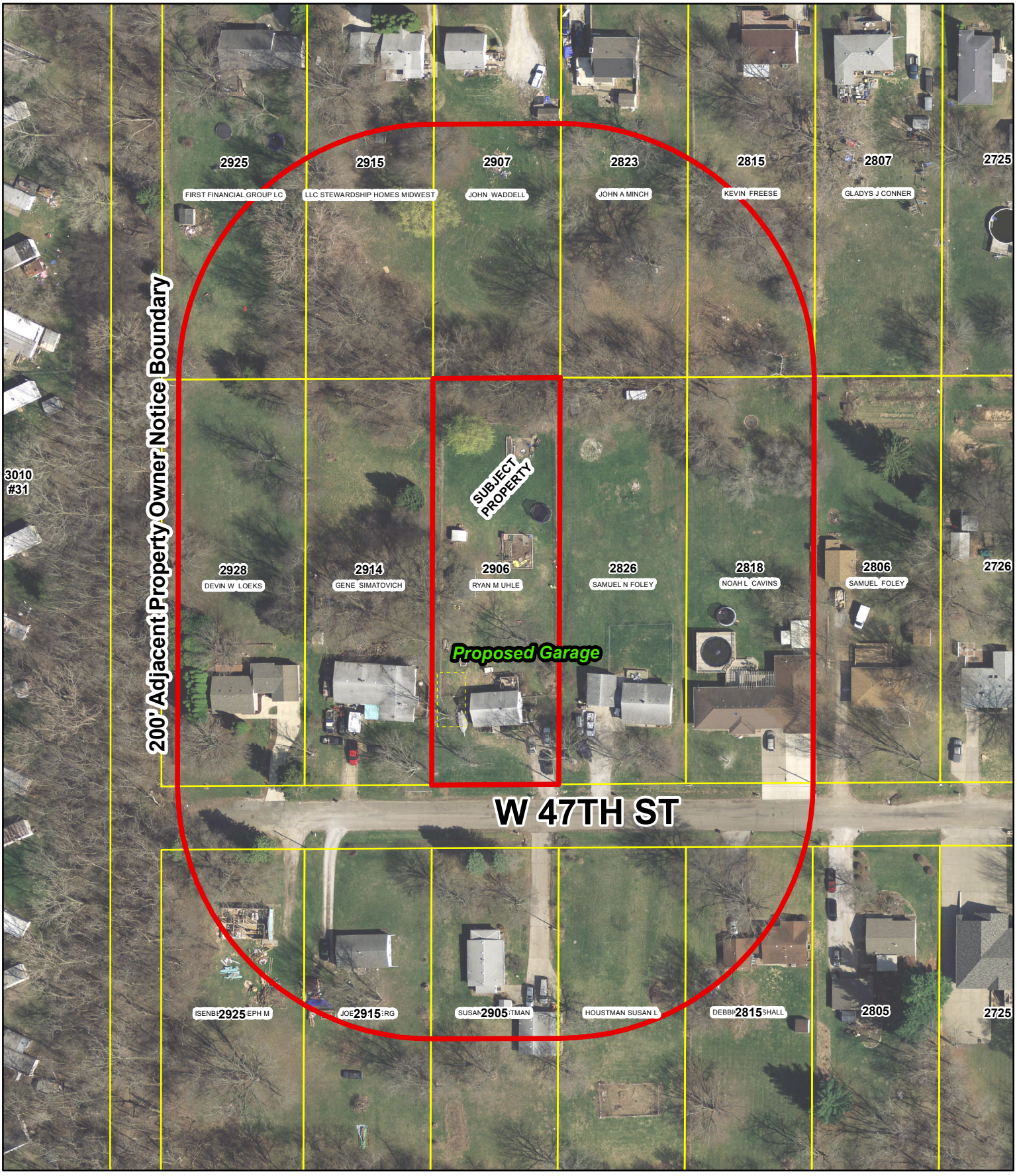
If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenpor.ia.us or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles.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

# 2906 W 4th St - Adjacent Owner Notice List

| Parcel | Property Address | Owner Name | Owner Street | Owner CityStateZip |
|---|---|---|---|---|
| Petitioner: | 2906 W 47TH ST | RYAN M UHLE | 2906 W 47TH ST | DAVENPORT IA 52806 |
| Ward/Ald: | 2nd Ward | Alderman Dickmann | | 16 Notices Sent |
| U0953-09 | 2815 W 47TH ST | DEBBIE L MARSHALL | 2815 W 47TH ST | DAVENPORT IA 52806 |
| U0953-10 | | HOUSTMAN SUSAN L | 2815 W 47TH ST | DAVENPORT IA 52806 |
| U0953-11 | 2905 W 47TH ST | SUSAN L HOUSTMAN | 2905 W 47TH ST | DAVENPORT IA 52806 |
| U0953-12 | 2915 W 47TH ST | JOE ISENBERG | 2915 W 47TH ST | DAVENPORT IA 52806 |
| U0953-13 | 2925 W 47TH ST | ISENBERG JOSEPH M | 1835 W 51ST ST | DAVENPORT IA 52806 |
| U0953-14 | 2928 W 47TH ST | DEVIN W LOEKS | 2928 W 47TH ST | DAVENPORT IA 52806 |
| U0953-15 | 2914 W 47TH ST | GENE SIMATOVICH | 2914 W 47TH ST | DAVENPORT IA 52806 |
| U0953-17 | 2826 W 47TH ST | SAMUEL N FOLEY | 6730 DOUBLE EAGLE DR | DAVENPORT IA 52804 |
| U0953-18 | 2818 W 47TH ST | NOAH L CAVINS | 2818 W 47TH ST | DAVENPORT IA 52806 |
| U0953-19 | 2806 W 47TH ST | SAMUEL FOLEY | 6730 DOUBLE EAGLE DR | DAVENPORT IA 52804 |
| U0953-36 | 2807 W 49TH ST | GLADYS J CONNER | 108 E 37TH ST | DAVENPORT IA 52806 |
| U0953-37 | 2815 W 49TH ST | KEVIN FREESE | 1122 W 59TH ST | DAVENPORT IA 52806 |
| U0953-38 | 2823 W 49TH ST | JOHN A MINCH | 2823 W 49TH ST | DAVENPORT IA 52806 |
| U0953-39 | 2907 W 49TH ST | JOHN WADDELL | 3300 HICKORY GROVE RD | DAVENPORT IA 52806 |
| U0953-40 | 2915 W 49TH ST | STEWARDSHIP HOMES MIDWEST | 2050 BEAVER CREEK RD | OREGON CITY OR 97045 |
| U0953-41 | 2925 W 49TH ST | FIRST FINANCIAL GROUP LC | 1987 SPRUCE HILLS DR | BETTENDORF IA 52722 |

# Zoning Board of Adjustment: Adjacent Property Owner Notice Area




Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

1 inch = 100 feet

Feet
0 25 50 100 150 200