



AGENDA
City of Davenport
Zoning Board of Adjustment
January 25, 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 12-14-17 public hearing (The 12-28-17, and 1-11-18 Hearings were canceled).

II. Old Business:

None.

III. New Business:

- 1) 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.

IV. Adjourn



MINUTES
City of Davenport
Zoning Board of Adjustment
December 14, 2017



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: Lee, Woodard, Strayhall, Reistroffer and Hart

Board Member excused: None

Staff present: Koops, Hoyt

I. Secretary's Report:

The minutes of the November 16, 2017 meeting were approved following a motion by Strayhall and a second by Lee. Motion carried unanimously.

II. Old Business:

None.

III. New Business:

Request HV17-13 of Will Brooke at 820 Bridge Avenue for a hardship variance to construct a 24' x 30' – 21' tall detached garage/carriage house. The proposed carriage house will exceed height restrictions by 6 feet. Property is zoned "R- 4" Moderate Density Dwelling District.

Section 17.42.080 A.3. of the Zoning Ordinance limits a detached garage to 15 feet in height.

Koops presented the staff report.

One comment in favor of the request was emailed to staff and forwarded to the Board.

Recommendation and Findings of Fact

Staff presented the recommendation to the Board.

Technically item #1 reasonable return has not been met for the granting of a hardship variance. Staff cannot recommend approval of the request.

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

A number of neighbors spoke in favor of the request.

No one spoke in opposition to the request.

Motion:

A motion approve the request was made by Strayhall and seconded by Lee. Motion to approve carried unanimously. (5-0):

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

Request HV17-15 of John Trimble at 3400 Telegraph Road for a hardship variance to construct a 17.8' tall, 30' x 48' (1440 sq. ft.) detached garage which would exceed the allowed area and height for a detached garage at this property. The lot is approximately 7.4 acres and has 1,568 square feet of living area. Property is zoned R-4 Moderate Density Dwelling District.

Section 17.42.080 limits detached garages to 50% of the dwelling's living area (in this case 784 sq. ft.) and to 15 feet in height in the "R-4" District.

Koops presented the staff report.

One comment in favor of the request was emailed to staff and forwarded to the Board.

Recommendation and Findings of Fact

Staff presented the recommendation to the Board.

Items #1 reasonable return has not been met for the granting of a hardship variance. Staff cannot recommend approval of the request.

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

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

Motion:

A motion approve the request was made by Reistroffer and seconded by Woodard. Motion to approve carried unanimously. (5-0):

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

IV. Adjourn

The meeting adjourned at 4:20 pm.



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: January 25, 2018
Applicant: Randy Hughes
Address: 1804 West 16th Street

Description:

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.

Background

The petitioner has proposed to build a (16' x 28') building addition in the secondary front yard which will encroach 16 feet into the required front yard (i.e., it will project past the front wall of the dwelling 16') along Wilkes Avenue and be approximately 3 feet from the front property line. The addition is for a master bedroom and master bath and walker mobility.

The distance from the public sidewalk to the Wilkes Avenue property line is ten (10) feet. The elevation of the buildable portion of this lot is approximately two (2) feet above street grade.

Discussion:

The petitioner has proposed a building addition to the east of the dwelling of a master bedroom suite (bedroom and master bath). The petitioner has stated that due to the interior layout of the house there is no other location on the site to place the addition. While the proposed location may be the most local location for an addition, the request is a convenience to the petitioner and does not meet the requirements for a hardship.

Analysis (code requirement/staff comments)

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

Residential zoning allows for a dwelling on this property. The subject property has a dwelling which functions reasonably at this time. The request is a convenience to the petitioner. If this hardship variance request were denied, a reasonable use of the property would not be denied.



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

The petitioner has not demonstrated a unique circumstance for this property which does not apply to other properties in the area of the City. Convenience for the petitioner is not grounds for a hardship variance.

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

The proposed variance may very well alter the essential character of the area given amount of the proposed encroachment into in the front yard. The proposed building addition would be only three feet from the front property line.

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

The variation should not affect the availability of light and air to the surrounding properties given the location of the proposed use.

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

The variation would not increase congestion in the public streets.

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

The variation should not affect public safety if built in compliance with building codes.

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

The variation may negatively impact property values given the proposed location of the structure.

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

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

Public Input

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

Staff Recommendation:

The request has not met items #1 reasonable return, #2 unique circumstance or #3 essential character. Staff recommends denial of the hardship request.

Prepared by:



Scott Koops, AICP Planner II

Attachments: Application, Notice Documents, Site Plan, photos

Hardship Variance Application

226 West 4th Street
Davenport, Iowa 52801
(563) 326-7765
Planning@ci.davenport.ia.us

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

Property Address* 1804 - W. 16th St. Davenport, Ia 52804
*If no property address, please submit a legal description of the property.

Applicant (Primary Contact)**

Name: RANDY / DEB Hughes
Company:
Address: 1804 - W. 16th St.
City/State/Zip: Davenport, Ia 52804
Phone: 563-324-3011
Email: randyhug59@yahoo.com.

Application Form Type:

Plan and Zoning Commission

- Rezoning (Zoning Map Amendment) ☐
Zoning Ordinance Text Amendment ☐
Right-of-way or Easement Vacation ☐
Final Development Plan ☐
Voluntary Annexation ☐
Subdivision ☐

Owner (if different from Applicant)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Zoning Board of Adjustment

- Appeal from an Administrative Decision ☐
Special Use Permit - New Cell Tower ☐
Home Occupation Permit ☐
Special Exception ☐
Special Use Permit ☐
Hardship Variance ☐

Engineer (if applicable)

Name: Deamon D. Pursuits
Company:
Address: 6516 - Woodland Ct.
City/State/Zip: Davenport, Ia 52807
Phone: 563-529-9505
Email:

Design Review Board

- Certificate of Design Approval ☐
Demolition Request in the Downtown ☐

Historic Preservation Commission

- Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Architect (if applicable)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Administrative

- Floodplain Development ☐
Cell Tower Co-Location ☐
Identification Signs ☐
Site Plan ☐

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.

*Check
City of Davenport*

Request:

Please describe the variance(s) requested:

In addition on main level - east side of home 16'x28'. Would consist a master bedroom & master bath. Room for walker-mobility as needed.

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.

As the view of property, as being seen, there is no other alternative but to go out the way I suggested.

Welcome to come out and browse around. It's not right to take away certain accents of the home which was built 1902. — but you can add to make it part of the era.

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.

Medical conditions is my unique circumstance. My wife has dystonia. It is a progressive disease. With this ⁱⁿ ~~the~~ area in which we live (which we like very much) this can be made to work. All we are asking for is an addition with a master bedroom & master bath with stackable washer/dryer on main level. This will not devalue the area or pose a safety concern in our vicinity. It will be 2 to 3 ft. behind line. See pics provided!

Thank You.

Sandy L. Hughes

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.

I want to keep the character of this property & house as is. That is my goal if I do this addition. It will tastefully go with the era. of this structure. Again - I'm picky & constant to strive for this. I welcome anyone on my property to view as it is now - then later if I go through with this.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.060 of the Davenport Municipal Code:

The variation will not impair an adequate supply of light and air to adjacent property.

The bedroom and bathroom will be on the east side of property. This will be a addition to existing dwelling. No adjacent property to worry about - on a corner lot at 16th and Wilkes St. Please refer to pictures supplied.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.060 of the Davenport Municipal Code:

The variation will not unreasonably increase congestion in public streets.

Being on my corner lot will not increase congestion ~~of~~ on Wilkes & especially 16th St. 16th St side sits farther back plus there is enclosed front porch. The addition will be in the back of enclosed porch. See pictures provided.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.060 of the Davenport Municipal Code:

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

Addition won't increase fire or public safety. As with any addition electric to be ran to bedroom & bathroom. Water for bath. Addition will not go full length of total house on Wilkes side. What I mean by full length - I am including porch. So this will be air space

- X Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.060 of the Davenport Municipal Code:

The variation will not unreasonably diminish or impair established property values within the surrounding area.

Absolutely not diminish value. I invite anyone to come and tour my property inside and out. We take pride of our property. Look & ask any one you wish. We try to be immaculate. What I'm about to say has nothing to do with this but we were on Garden Home Tours twice. So we strive for what we do and enjoy doing. Older homes in area can be made attractive.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.060 of the Davenport Municipal Code:

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

Nothing will be impaired. Street views will be as it is now. I guess you may see it more ~~of~~ as a enhancement for others to view but that's not why I'm doing this as I will explain later.

Applicant:

Sandy L. Hughes

Date: 12/5/17

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:

Planning staff

Date:

Date of the Public Hearing:

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

Jessica Rhoads 12/5/17

















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



Public Hearing Details:

Date: 12/28/2017
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 #: HV17-12

To: All property owners within 200 feet of the subject property located at **1804 West 16th 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 alter a size or dimension requirement of the zoning ordinance.

Request Description

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.

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 certiorari 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?

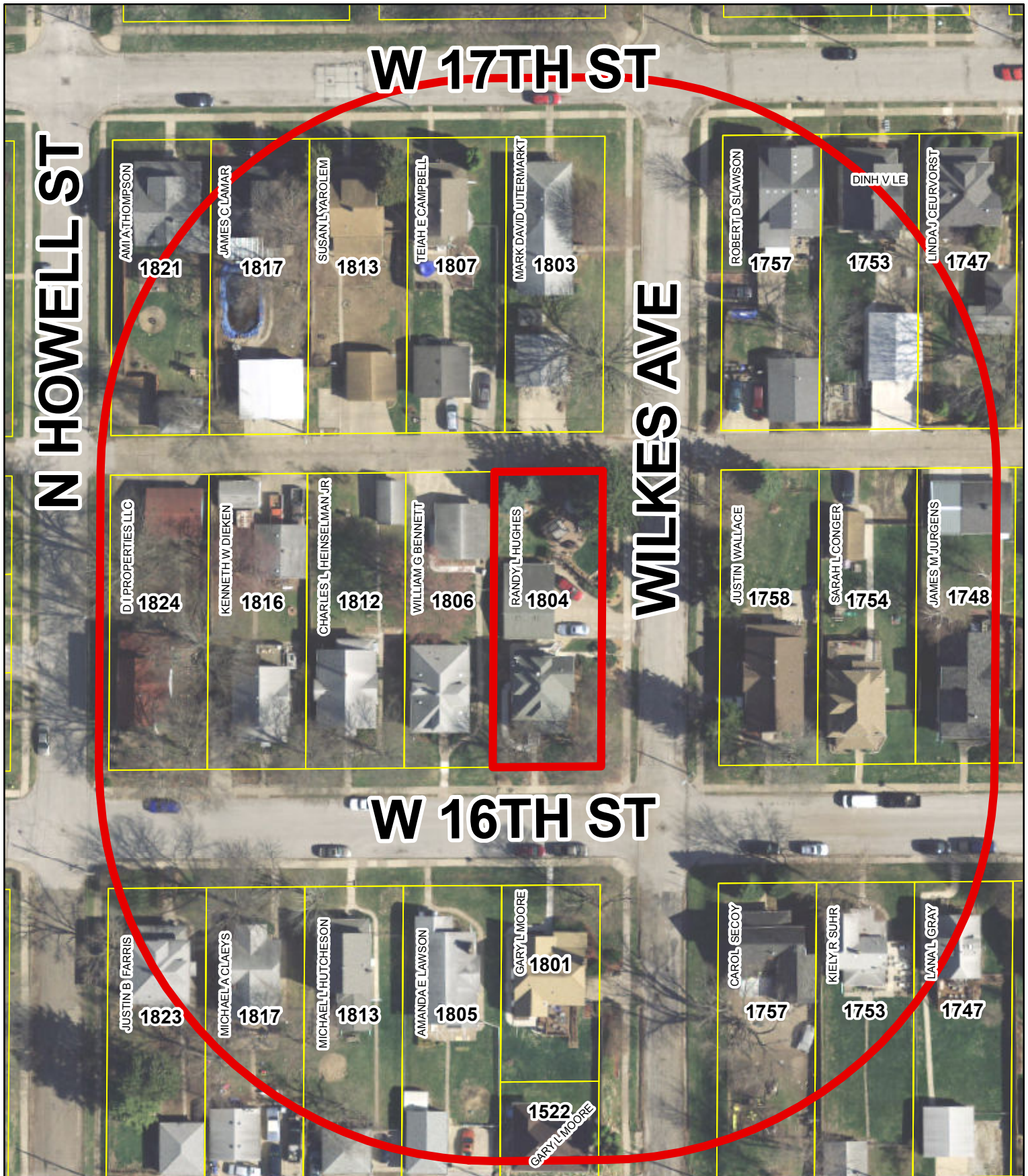
If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles.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

1804 W 16th St - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	1804 W 16TH ST	RANDY L HUGHES	1804 W 16TH ST	DAVENPORT IA 52804
Ward/Ald:	4th Ward	Alderman Ambrose		23 Notices Sent
H0014-17	1805 W 16TH ST	AMANDA E LAWSON	1805 W 16TH ST	DAVENPORT IA 52804
H0003-05	1821 W 17TH ST	AMI A THOMPSON	1821 W 17TH ST	DAVENPORT IA 52804
H0013-24	1757 W 16TH ST	CAROL SECOY	1757 W 16TH ST	DAVENPORT IA 52804
H0014-37	1812 W 16TH ST	CHARLES L HEINSELMAN JR	1812 W 16TH ST	DAVENPORT IA 52804
H0014-35	1824 W 16TH ST	D I PROPERTIES LLC	348 RIVER DR	BETTENDORF IA 52722
H0004-12	1753 W 17TH ST	DINH V LE	1753 W 17TH ST	DAVENPORT IA 52804
H0014-15	1522 WILKES AV	GARY L MOORE	1801 W 16TH ST	DAVENPORT IA 52804
H0014-16	1801 W 16TH ST	GARY L MOORE		
H0003-04	1817 W 17TH ST	JAMES C LAMAR	1817 W 17TH ST	DAVENPORT IA 52804
H0013-27	1748 W 16TH ST	JAMES M JURGENS	1748 W 16TH ST	DAVENPORT IA 52804
H0013-25	1758 W 16TH ST	JUSTIN WALLACE	1758 W 16TH ST	DAVENPORT IA 52804
H0014-20	1823 W 16TH ST	JUSTIN B FARRIS	1823 W 16TH ST	DAVENPORT IA 52804
H0014-36	1816 W 16TH ST	KENNETH W DIEKEN	1816 W 16TH ST	DAVENPORT IA 52804
H0013-23	1753 W 16TH ST	KIELY R SUHR	1753 W 16TH ST	DAVENPORT IA 52804
H0013-22	1747 W 16TH ST	LANA L GRAY	PO BOX 2504	DAVENPORT IA 52809
H0004-11	1747 W 17TH ST	LINDA J CEURVORST	1747 W 17TH ST	DAVENPORT IA 52804
H0003-01	1803 W 17TH ST	MARK DAVID UITERMARKT	1803 W 17TH ST	DAVENPORT IA 52804
H0014-19	1817 W 16TH ST	MICHAEL A CLAEYS	1817 W 16TH ST	DAVENPORT IA 52804
H0014-18	1813 W 16TH ST	MICHAEL L HUTCHESON	1813 W 16TH ST	DAVENPORT IA 52804
H0004-13	1757 W 17TH ST	ROBERT D SLAWSON	1757 W 17TH ST	DAVENPORT IA 52804
H0013-26	1754 W 16TH ST	SARAH L CONGER	4006 EASTERN AV	DAVENPORT IA 52807
H0003-03	1813 W 17TH ST	SUSAN L YAROLEM	1813 W 17TH ST	DAVENPORT IA 52804
H0003-02	1807 W 17TH ST	TEIAH E CAMPBELL	1807 W 17TH ST	DAVENPORT IA 52804
H0014-38	1806 W 16TH ST	WILLIAM G BENNETT	1806 W 16TH 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.

