

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, JANUARY 14, 2021; 4:00 PM

CITY HALL | 226 WEST 4TH STREET | COUNCIL CHAMBERS

THE ZONING BOARD OF ADJUSTMENT HOLDS PUBLIC HEARINGS TO CONSIDER
HARDSHIP VARIANCES, SPECIAL USES, AND INTERPRETATIONS.

I. Call to Order

II. Secretary's Report

A. No Minutes Available at this time.

III. Old Business

IV. New Business

A. Request HV20-14 of Karen Guest at 129 Ridgewood Drive for a hardship variance to construct a four (4) foot garage addition to the front of the existing garage. The proposed addition would be located four (4) feet closer to the Hillcrest property line, approximately 13 feet from the front of the garage to the lot line. Table 17.04-1 and 17.15 sets this front setback at the front of the existing garage (approximately 17 feet).
[Ward 6]

V. Other Business

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: Scott Koops, Planner II, AICP
Scott.Koops@davenportiowa.com

Date
1/14/2021

Subject:
No Minutes Available at this time.

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	1/11/2021 - 4:19 PM

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: Scott Koops, Planner II, AICP
Scott.Koops@davenportiowa.com

Date
1/14/2021

Subject:

Request HV20-14 of Karen Guest at 129 Ridgewood Drive for a hardship variance to construct a four (4) foot garage addition to the front of the existing garage. The proposed addition would be located four (4) feet closer to the Hillcrest property line, approximately 13 feet from the front of the garage to the lot line. Table 17.04-1 and 17.15 sets this front setback at the front of the existing garage (approximately 17 feet). [Ward 6]

Recommendation:

See attached Staff Report.

ATTACHMENTS:

Type	Description
▣ Executive Summary	Staff Report
▣ Exhibit	Application
▣ Exhibit	Plans
▣ Exhibit	Notice List
▣ Exhibit	Owners Notice & Map

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	1/11/2021 - 4:23 PM



Zoning Board of Adjustment Planning Staff Report – Encroach Front Yard January 14, 2021

Description

Request HV20-14 of Karen Guest at 129 Ridgewood Drive for a hardship variance to construct a four (4) foot garage addition to the front of the existing garage. The proposed addition would be located four (4) feet closer to the Hillcrest property line, approximately 13 feet from the front of the garage to the lot line. Table 17.04-1 and 17.15 sets this front setback at the front of the existing garage (approximately 17 feet). [Ward 6]

Background

The subject property zoned R-3C Residential and is located in a sizeable residential neighborhood. The block face in which the encroachment will be built has only three (3) properties, none of which face the street (Hillcrest Ave). This block of Hillcrest functions more as an alley than as a street carrying through traffic than a street with homes facing the street as is typical.

Hillcrest Block Face Yellow lines show direction of fronts of homes. None face Hillcrest.



Discussion

The proposed four (4) foot garage addition will be expanded toward Hillcrest Ave and be an extension of the existing garage which would place the front of the garage four feet closer to Hillcrest than it is presently.

Technically the ordinance defines Hillcrest Ave. as the front yard as the lot is narrower along Hillcrest compared to Ridgewood Dr. If this were a corner side yard, the addition would only be two (2) feet into the required setback, compared to the four foot required setback. Presently the front of the garage establishes the setback line along Hillcrest Ave, so that any addition in this direction would require a hardship variance no matter of the size or depth of the addition.

Facing southwest toward 129 Ridgewood Ave. Note there are no dwelling facing the street

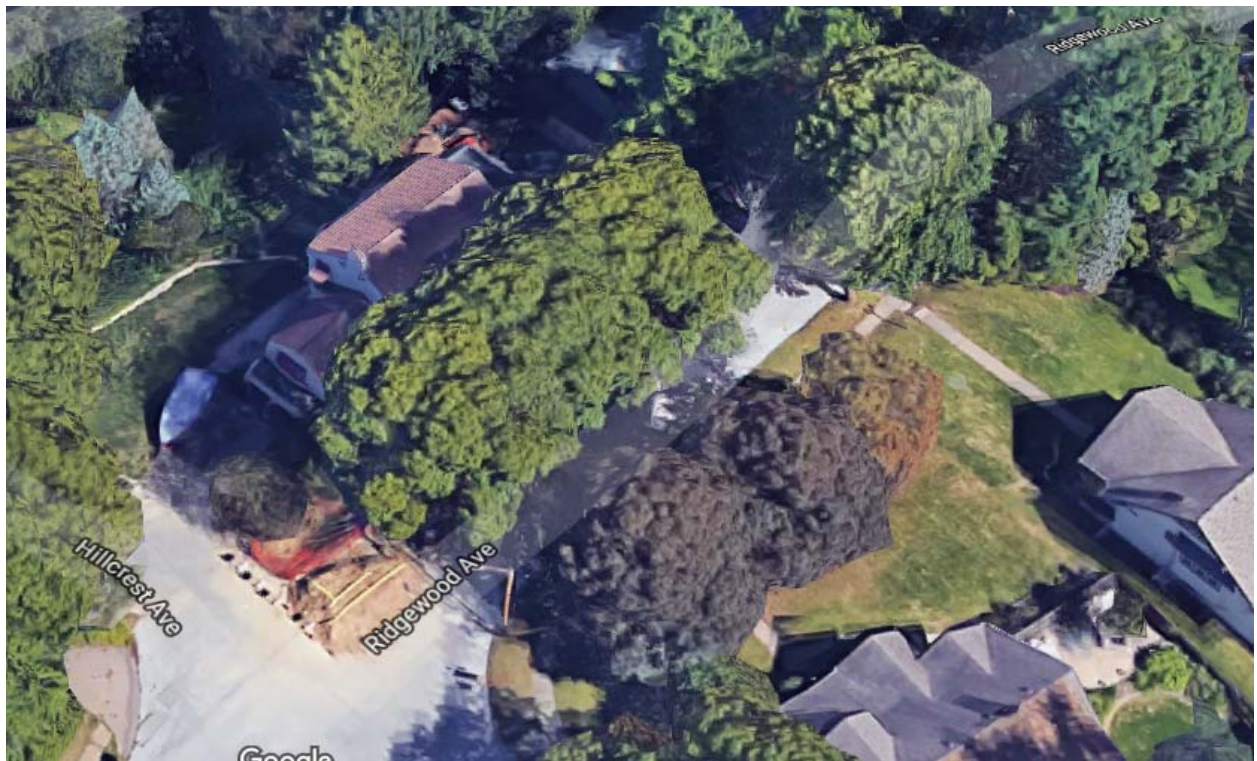
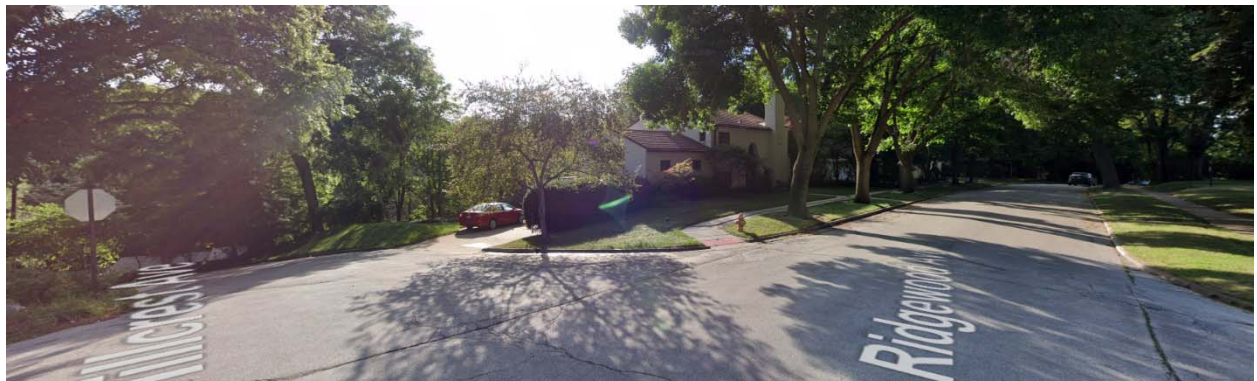


Facing east/southeast, on the right is 129 Ridgewood Ave. Note the vegetation facing the street



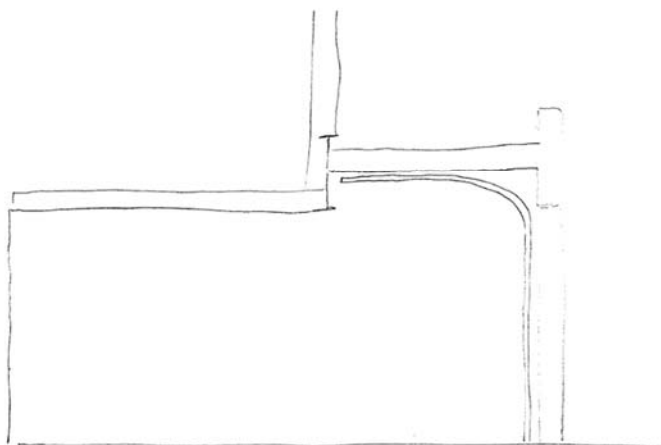
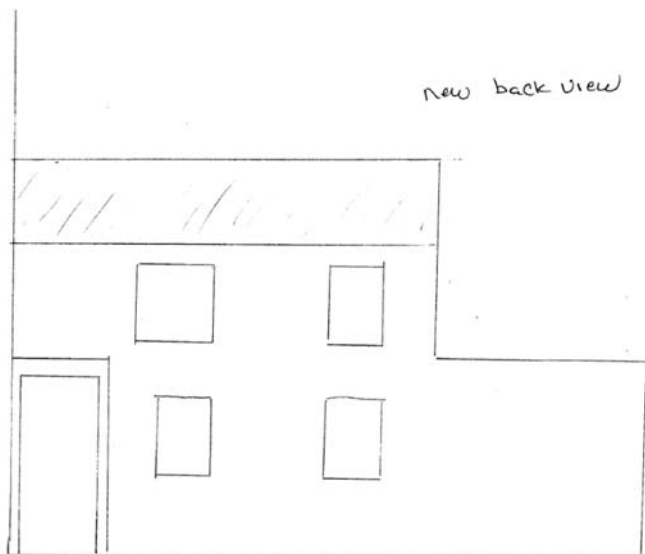
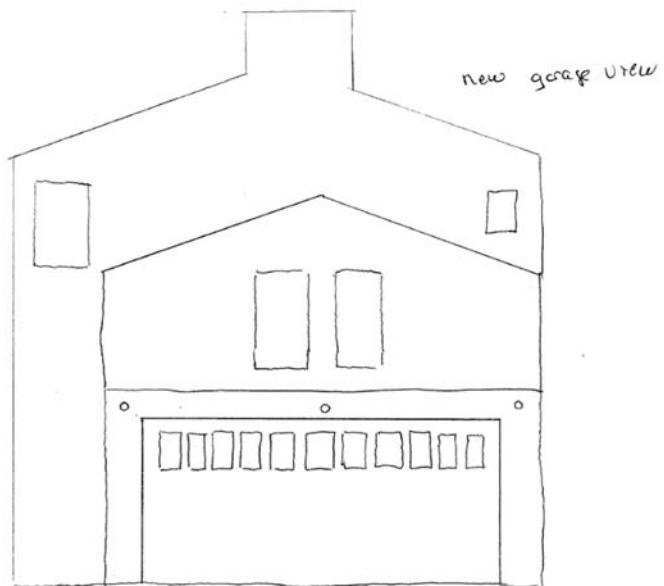
129 Ridgewood Ave.; the garage in front of the pickup will be extended 4 feet toward the street





Plans





elevation pocket view
of garage doors
to show how we will
be able to park on
street in the garage.

Approval Standards

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

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

Applicant Response:

The house was built in 1930. The garages are short and low and modern vehicles cannot be parked in them. The garage doors cannot be standard due to how the garage was constructed. A four (4) foot setback will allow me to tear off the current deck/garage area and replace it with the same thing only bigger and useful. It will not look much different. See pictures. Once done, we will be able to park an SUV in the garage. Now, only small cars can be parked.

Staff Comments:

The location of the house would not be practical to change. Unless the dwelling is moved, it will not comply with the setback requirements. The only option for a useable garage is as proposed. The proposed option will allow for the most historically appropriate garage extension. Staff feels this item has been met for a hardship determination.

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

Applicant Response:

The physical surrounding are not the issue.

Staff Comments:

Due to the slope on this property, no other location for a garage is practical. The physical surrounds do impact the buildable area of this lot. Staff feels this item has been met for a hardship determination.

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

Applicant Response:

No other nearby properties have this issue. All the houses in the McClellan Heights are unique as is the topography. I did not create the issue. The way the garages were built in the 1930's is the issue.

Staff Comments:

The dwelling is already constructed and the only remaining area for a garage is on a slope to the northeast of the dwelling. This slope is not suitable for garage construction. As for an extension of the existing garage, adding to the front of the garage is the only way to make the size of the garage stalls compatible with the size of contemporary vehicles. Staff feels this item has been met for a hardship determination.

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

Applicant Response:

Please see attached photos. No one will ever really notice. In fact it will be an improvement as the garage doors are falling apart and due to the way the garage was constructed, very hard to replace. It will be a significant improvement.*

** Wood doors and openings are out of square. New doors cannot be put in as currently fitted.*

Staff Comments:

No dwellings face this block of Hillcrest Ave. The garage addition will not be visible from any other dwellings which face this street; additionally, only an obstructed view from Ridgewood Ave. will be noticeable from that direction. Staff feels this item has been met for a hardship determination.

Staff Recommendation:

Staff does not object to the proposed setback as this street functions more as an alley than a street.

All items #1 through #4 appear to have been met. Staff recommends approval of the request.

Prepared by: Scott Koops,



AICP Planner II

Attachments: App, site plan, notice documents



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

Property Address* 129 Ridgewood Ave Davenport IA 52803

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

Applicant (Primary Contact)**

Name: Karen Guest
Company: _____
Address: 129 Ridgewood Ave
City/State/Zip: Davenport, IA 52803
Phone: 513-692-8340
Email: guest.karen.j@gmail.com

Owner (if different from Applicant)

Name: Max Adams
Company: _____
Address: _____
City/State/Zip: _____
Phone: _____
Email: Max.Adams@davenport.ia.us

Engineer (if applicable)

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

Architect (if applicable)

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

Attorney (if applicable)

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

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

Application Form Type:

Plan and Zoning Commission

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

Zoning Board of Adjustment

- Zoning Appeal ☐
Special Use ☐
Hardship Variance ☒

Design Review Board

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

Historic Preservation Commission

- Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Administrative

- Administrative Exception ☐
Health Services and Congregate Living Permit ☐

MAX

370 7162

Request:

Please describe the variance(s) requested:

Four foot extension into side yard set back to
4x garage.

Existing Zoning:

Submittal Requirements:

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed structures affected by the hardship variance. If a paper copy is provided, the maximum size is 11" x 17".
- Description and evidence that demonstrates consistency with the criteria listed in Section 17.14.060 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.
- (4) The staff report will be available on the City website approximately 4 days before the ZBA meeting at this location: https://www.cityofdavenportiowa.com/government/boards_commissions under Zoning Board of Adjustment > Search Minutes & Agendas.

It is the applicant's responsibility to access the website to see the staff report. Planning staff will not mail/email the report.

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

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

No other nearby properties have this issue. All the houses in McClellan Heights are unique as is the topography. I did not create this issue. The way the garages were built in the 1930's is the issue.

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

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

Please see attached photos. No one will ever really notice. In fact, it will be an improvement as the garage doors are falling apart and due to the way the garage was constructed, * very hard to replace. It will be a significant improvement

* wood doors and openings are out of square. New doors can't be put in as currently fitted.

back view



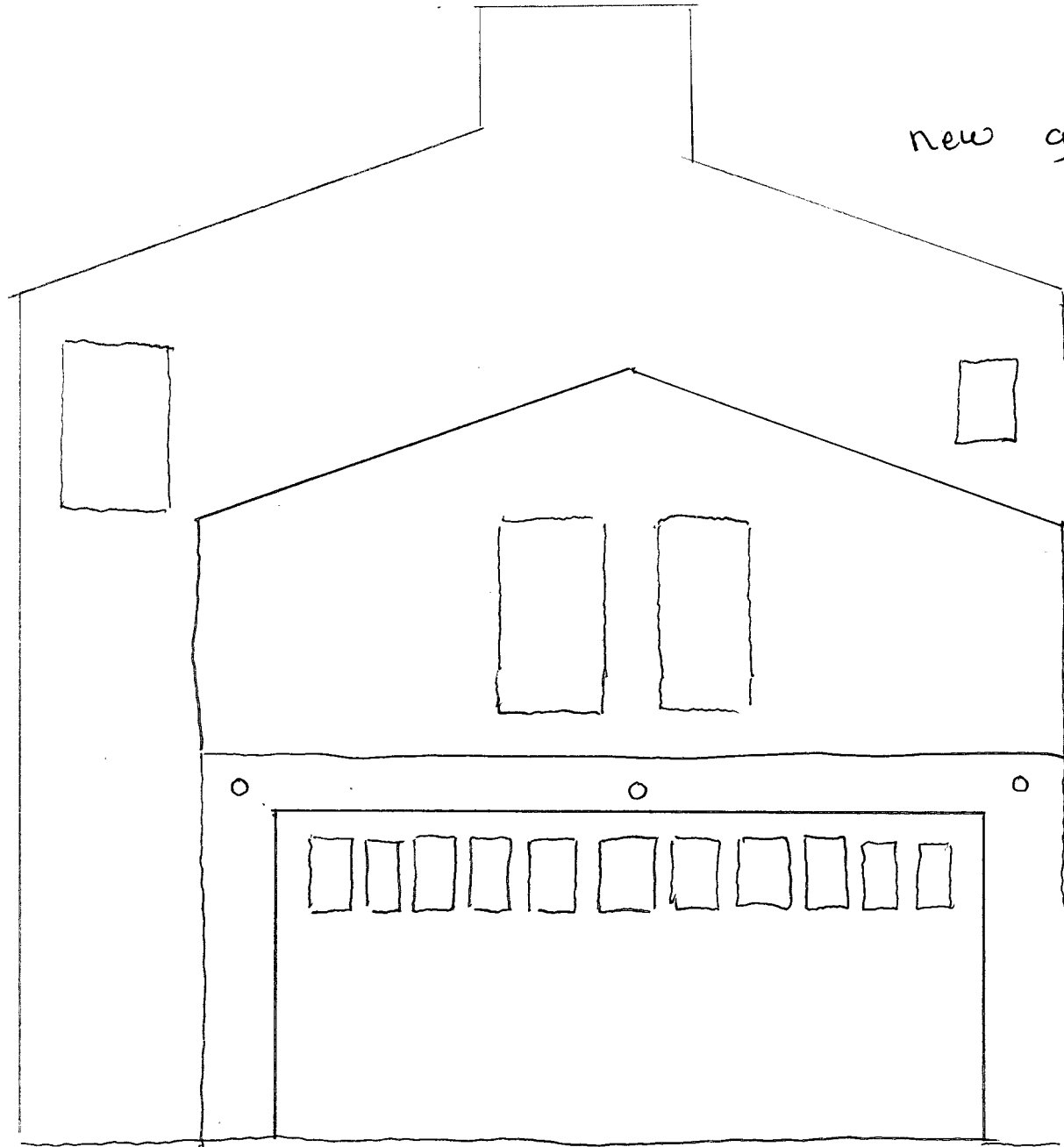


view from front

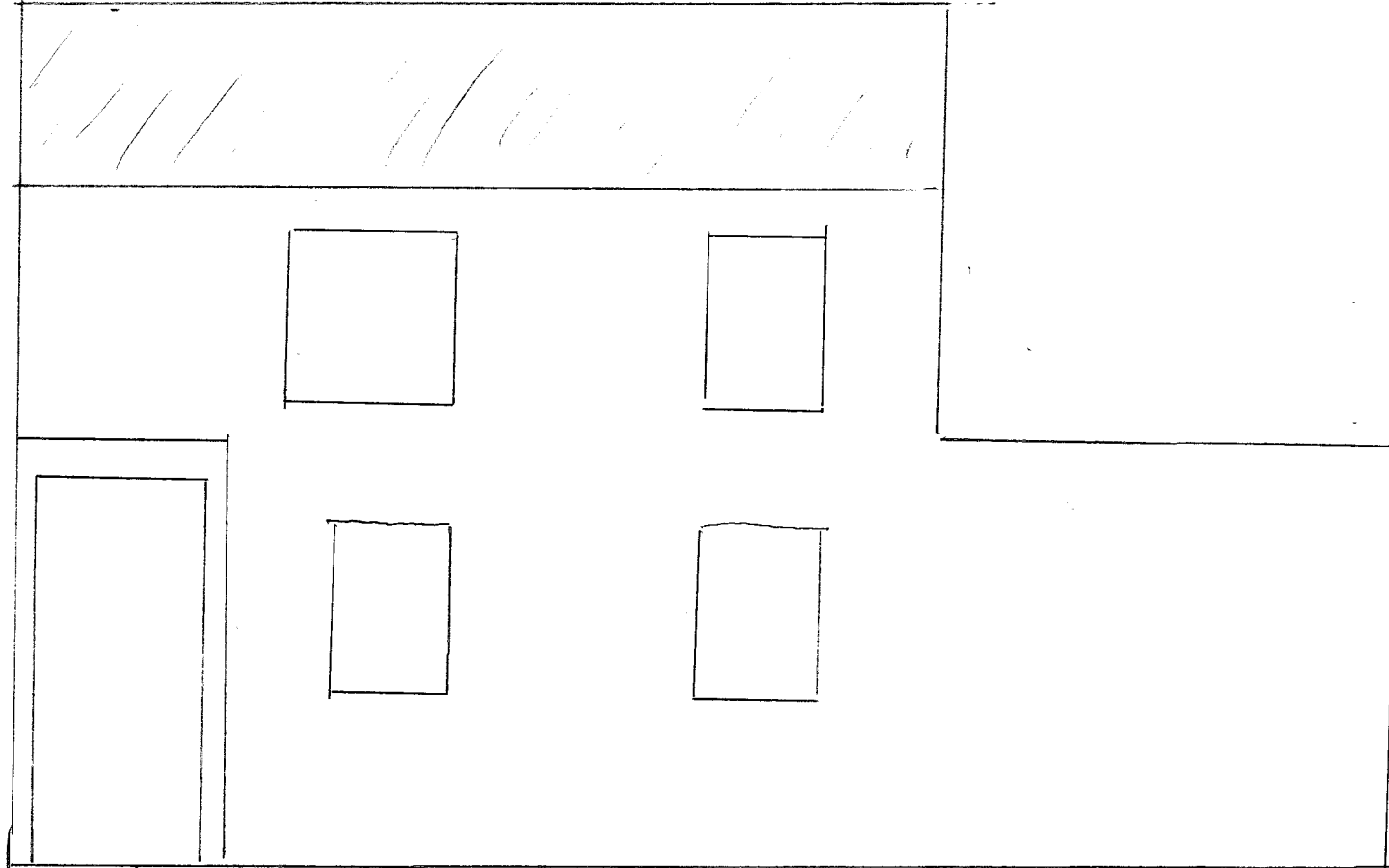
deck
existing over garage

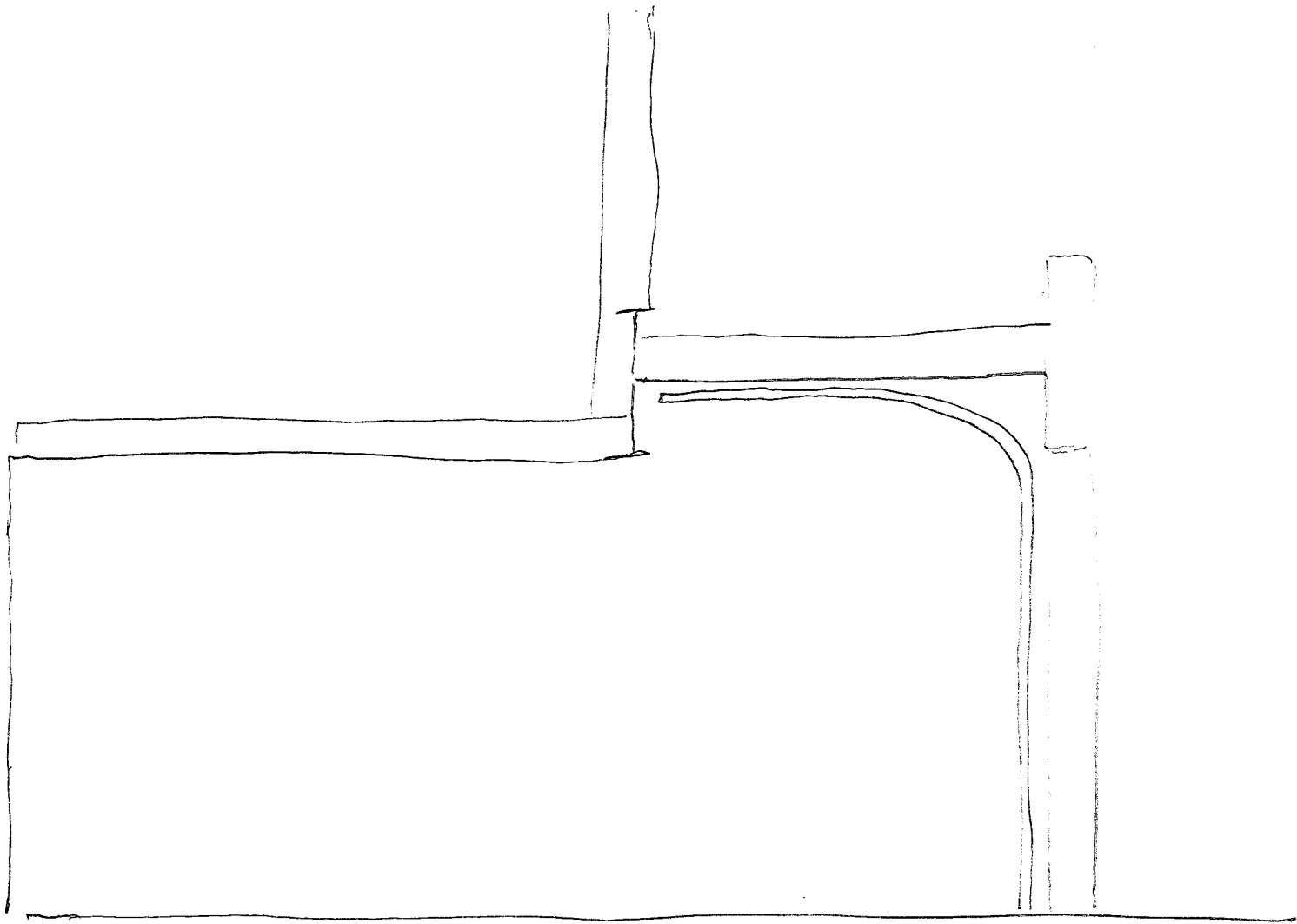


new garage view



new back view





elevation pocket view
of garage doors
to show how we will
be able to park on
street in the garage.

HV20-14 Adjacent Owner Notice List.xlsx

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	129 RIDGEWOOD AV	KAREN J GUEST	129 RIDGEWOOD AV	DAVENPORT IA 52803
Neighborhood:	None			All Alderman Notified
Ward/Ald:	6	Jobgen		Notices Sent: 22
E0027-16A	206 RIDGEWOOD AVE	SARAH J BRADLEY	206 RIDGEWOOD AVE	DAVENPORT IA 52803
E0027-11	55 GLENWOOD AV	MATTHEW J JOHNSTON	55 GLENWOOD AV	DAVENPORT IA 52803
E0027-12	51 GLENWOOD AV	JOSEPH B PODOBA	51 GLENWOOD AV	DAVENPORT IA 52803
E0027-13	37 GLENWOOD AV	RICHARD C BAUMGARTNER	37 GLENWOOD AV	DAVENPORT IA 52803
E0027-10	126 RIDGEWOOD AV	RUEFER REVOC TRUST	126 RIDGEWOOD AV	DAVENPORT IA 52803
E0027-09	122 RIDGEWOOD AV	TIMOTHY J HOIL	122 RIDGEWOOD AV	DAVENPORT IA 52803
E0038-07A	118 RIDGEWOOD AV	PETER L BRITT	118 RIDGEWOOD AV	DAVENPORT IA 52803
E0039-04	40 EDGEHILL TER	JENNIFER OLSEN	40 EDGEHILL TER	DAVENPORT IA 52803
E0027-03*	222 MCCLELLAN BLVD	DOHRN JEFFREY C	222 MCCLELLAN BLVD	DAVENPORT IA 52803
E0027-03*	222 MCCLELLAN BLVD	KELLENBERGER TRUST	2805 HICKORY HILLS CT	BETTENDORF IA 52722
E0039-02A	117 RIDGEWOOD AVE	MARK H SALISBURY REVOC TRUST	117 RIDGEWOOD AVE	DAVENPORT IA 52803
E0027-01	208 MCCLELLAN BD	ECKHART ROBERT S	208 MCCLELLAN BD	DAVENPORT IA 52803
E0027-06	119 RIDGEWOOD AV	CHUPKA MICHAEL T	119 RIDGEWOOD AV	DAVENPORT IA 52803
E0027-21	207 RIDGEWOOD AVE	BLOODSWORTH TODD C	207 RIDGEWOOD AVE	DAVENPORT IA 52803
E0027-20	219 RIDGEWOOD AVE	FEY TODD E	219 RIDGEWOOD AVE	DAVENPORT IA 52803
E0027-02	208 MCCLELLAN BD	ROBERT S ECKHART	208 MCCLELLAN BD	DAVENPORT IA 52803
E0027-05	123 RIDGEWOOD AV	ANDREA K HEITMAN	123 RIDGEWOOD AV	DAVENPORT IA 52803
E0026-27	223 MCCLELLAN BD	CHRISTOPHE R TOWNSEND	223 MCCLELLAN BD	DAVENPORT IA 52803
E0026-26	235 MCCLELLAN BLVD	SHANE SWIFT	235 MCCLELLAN BLVD	DAVENPORT IA 52803
E0026-25	203 HILLCREST AV	PATRICK J SCOTT	203 HILLCREST AV	DAVENPORT IA 52803
E0026-23	209 MC CLELLAN BD	JOY L SPARLING	209 MC CLELLAN BD	DAVENPORT IA 52803
E0027-22	302 MCCLELLAN BLVD	JEREMY METZGER	302 MCCLELLAN BLVD	DAVENPORT IA 52803

* Additional Notice Sent



PUBLIC HEARING NOTICE | Zoning Board of Adjustment

Date: 1/14/2021 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 4:00 PM Subject: Public Hearing for Hardship Variance before the Zoning Board of Adjustment

Ward/Ald: 6
Jobgen
Notices Sent: 22

To: All property owners within 200 feet of the subject property located at **129 Ridgewood Drive**.

What is this 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 dimensional code requirement.

Request/Case Description

Request HV20-14 of Karen Guest at 129 Ridgewood Drive for a hardship variance to construct a four (4) foot garage addition to the front of the existing garage. The proposed addition would be located four (4) feet closer to the Hillcrest property line, approximately 13 feet from the front of the garage to the lot line. Table 17.04-1 and 17.15 sets this front setback at the front of the existing garage (approximately 17 feet). [Ward 6]

What are the Next Steps after the Public Hearing?

For approved ZBA requests, the ruling is effective immediately. 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 via email or in person at the public hearing. Send written comments to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46th St, Davenport IA 52807.

On-line/Telephone Participation:

Persons may join the meeting virtually: https://www.gotomeet.me/Davenport_Planning/zba & at 1-877- 568-4106 with access code: 417-263-477. All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

Do You Have Any Questions?

If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at scott.koops@davenportiowa.com or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

Zoning Board of Adjustment Adjacent Property Notice Area

