



MINUTES

Zoning Board of Adjustment

July 11, 2024



By this reference all reports, documents, presentations, videos and the hearing's video recording are incorporated into the minutes.
See the following link: <https://www.youtube.com/user/DavenportToday/videos>

I. Call to Order:

Chairman Darland called the Zoning Board of Adjustment (ZBA) meeting to order in City Hall Council Chambers, Davenport, Iowa at approximately 4:01 p.m.

Members present: Galliar, Boyd-Carlson, Bloemker, Darland

Excused: None.

Staff present: Werderitch, Koops

II. Secretary's Report:

Minutes were approved for the 2024-06-27 ZBA Hearing by voice-vote (4-0).

III. Old Business:

1. None.

IV. New Business:

1. **Request HV24-09 of Bray Architects on behalf of Davenport Community Schools at 1414 E. Locust Street for a Hardship Variance to locate a refuse enclosure in a front yard and to construct a chain-link fence near the property line in the front yard(s). The Davenport Municipal Code requires refuse enclosures to be located in the side or rear yard and prohibits chain-link fences in front yards and corner side yards. [Ward 5]**

Koops presented the staff report to the Board.

Findings & Staff Recommendation:

Staff requests that two separate motions be made for approval, one for the refuse enclosure and one for the chain-link fence.

Refuse Enclosure Findings: (Per the analysis above)

- Item #1 application of the ordinance creating hardship has been established;
- Item #2 physical surroundings imposing hardship has been established;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Refuse Enclosure Recommendation:

Staff recommends approval of the proposed refuse enclosure hardship variance subject to the addition of evergreen landscaping bushes on three (3) sides of the enclosure.

Chain-link Fence Findings: (Per the analysis above)

A decorative metal fence is allowed by right. The applicant has not demonstrated a hardship that would necessitate a variance from the required fence style.

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

- Item #3 unique circumstance has not been established;
- Item #4 protection of essential character may have been established;

Chain-link Fence Recommendation:

Staff recommends denial of the proposed chain-link fence hardship variance as three (3) of four (4) approval standards have not been met.

Motions:

Galliar moved to approve HV24-09, seconded by Boyd-Carlson for the refuse enclosure location subject to the condition that it be landscaped on three sides, per the staff report. The motion carried unanimously (4-0).

Bloemker, yes; Galliar, yes; Boyd-Carlson, yes; and Darland, yes.

Bloemker moved to approve HV24-09, seconded by Boyd-Carlson for the chain-link fence location and style subject to the following conditions: 1). The fence material for the chain-link style fence shall be finished with black PVC or black powder-coating ("privacy slats" prohibited) the same as or similar to the existing black fence along East Locust Street and shall have as a minimum, a top horizontal rail; and 2). the fence shall be maintained in proper working order. The motion carried unanimously (4-0).

Galliar, yes; Boyd-Carlson, yes; Bloemker, yes; and Darland, yes.

2. **Request SU24-04 of 53rd Luxury LLC at 2021 (& 1911, 2131) East 53rd Street to modify a Special Use for a Vehicle Dealership with Outdoor Storage/Display. Table 17.08-1 requires a Special Use for a Vehicle Dealership with Outdoor Storage/Display on property zoned C-3 General Commercial District and §17.14.050. requires a modification to a Special Use when required by code. [Ward 8]**

Koops presented the staff report to the Board.

Findings & Staff Recommendation:

Motion:

Galliar moved, seconded by Boyd-Carlson, to approve request SU24-04 subject to the following proposed staff conditions:

1. The extent of 'Exhibit "A" – Site Plan' as submitted and emailed to Planning staff on July 3, 2024, shall be binding; any changes deemed a modification shall be subject to Special Uses §17.14.50.
2. Prior to occupancy an approved full site plan review shall be completed and approved through the Davenport E-Plan system;
3. The use of flags, pennants, tinsel, balloons or other similar attention-getting devices shall be prohibited;
4. All conditions of Davenport rezoning REZ23-03, City Council Ordinance 2023-436 (labeled Exhibit "C" in the ZBA Packet), shall remain in full force and effect, including but not limited to the location of the car wash facility at least 125' from residential zoning districts, stipulated buffer yard along the north property line of the Stonegate development, prohibition of billboards, and Dark Sky complainant light fixtures; and
5. Should complaints arise due to non-compliance with these conditions, and/or if staff is aware of infractions to these conditions and/or any other code violations, a rehearing of the Special Use shall be scheduled per Davenport Municipal Code specifications for Zoning Board of Adjustment Special Use public hearings; at which the Special Use may be modified, re-approved or revoked.

6. Should the ownership no longer be affiliated with a franchised auto dealership, the Special Use shall be reviewed regarding this change by the Zoning Board of Adjustment.

The motion carried unanimously (4-0).

Gallart, yes; Boyd-Carlson, yes; Bloemker, yes; and Darland, yes.

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:54 p.m.