



MINUTES

Zoning Board of Adjustment

May 9, 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 4:02 p.m.

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

Excused: None.

Staff present: Koops, Berkley, Davidson

II. Secretary's Report:

Minutes were approved for the 2024-04-25 ZBA Hearing by voice-vote (4-0).

III. Old Business:

None.

IV. New Business:

A. Request SU24-03 of Deanoz Holdings LLC on behalf of CRC Recovery INC at 111 E. 50th ST for a Special Use to establish a drug treatment clinic on property zoned C-2 Corridor Commercial as required in Table 17.08-1. [Ward 7]

Koops presented the staff report. Two comments opposed to the request were received and were sent via email to the Board and presented as hard copies at the hearing.

Findings & Staff Recommendation:

Findings:

1. The petitioner's proposed location/design meets Special Use requirements
2. This use is compatible with adjacent land uses and type of development
3. The proposed Special Use is in accordance with the criteria for Special Use approval.

Recommendation:

Staff recommends that the Board adopt staff's findings and approve request SU24-03 subject to the following conditions:

1. A hardship variance shall be required to reduce the distance separation from adjacent residential zoning.
2. No activities of the clinic shall be allowed outside of the leased building area, excepting use of the parking lot area for the parking of clients, visitors, employees, and allowance of solid waste collection.
3. Should the clinic have a pattern of noncompliance with condition number 2 above, the Zoning Board of Adjustment reserves the right to rehear/reconsider the special use and/or to revisit the conditions of the special use.

Motion:

Gallart moved to approve SU24-03 subject to the staff's conditions, seconded by Boyd-Carlson. The motion carried unanimously (4-0).

Conditions:

1. A hardship variance shall be required to reduce the distance separation from adjacent residential zoning.
2. No activities of the clinic shall be allowed outside of the leased building area, excepting use of the parking lot area for the parking of clients, visitors, employees, and allowance of solid waste collection.
3. Should the clinic have a pattern of noncompliance with condition number 2 above, the Zoning Board of Adjustment reserves the right to rehear/reconsider the special use and/or to revisit the conditions of the special use.

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

B. Request HV24-06 of Deanoz Holdings LLC on behalf of CRC Recovery INC at 111 E. 50th ST for a Hardship Variance to decrease a Health Services use separation from 300 feet to 270 feet. Section 17.08.030.L.7. requires the proposed clinic to be 300 feet from a residentially zoned property. The residential property is a non-buildable outlot in use for stormwater detention. [Ward 7]

Koops presented the staff report. No comments were received.

Findings & Staff Recommendation:

Findings:

- Item #1 zoning code does result in hardship as applied for the proposed use;
- Item #2 physical and topographical conditions of the site do limit the use;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Recommendation:

Staff recommends that Board adopt staff's findings and approve request HV24-06 as proposed.

Motion:

Boyd-Carlson moved to approve HV24-06, seconded by Galliard. The motion carried unanimously (4-0).

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

C. Request HV24-07 of Streamline Architects on behalf of Project Renewal at 513 Warren Street for a Hardship Variance to locate a portion of the proposed building five (5) feet into the required side buffer yard. Section 17.11.080.A.2. requires a 15-foot buffer yard between the proposed community center use and the adjacent dwelling units. [Ward 3]

Koops presented the staff report. One comments in favor of the request was received.

Findings & Staff Recommendation:

Due to the minimum impact of a 3.2' encroachment, staff finds that:

- Item #1 zoning code does result in hardship as applied for the proposed use;
- Item #2 physical and topographical conditions of the site do limit the use;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Staff Recommendation:

Staff recommends that Board adopt staff's findings and approve request HV24-07 as proposed.

Motion:

Bloemker moved to approve HV24-07 as proposed. Galliard seconded the motion and it carried unanimously (4-0).

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

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:45 p.m.