

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

Thursday, July 10, 2025; 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 interpretation appeals.

I. Call to Order

II. Secretary's Report

1. Consideration of the June 26th ZBA Minutes.

III. Old Business

IV. New Business

1. Request HV25-05 of Chad Firsching at 455 S Fairmount St for a Hardship Variance to encroach into the corner side yard ("secondary front yard") of a corner lot with a 30' x 36' detached garage located 23' east of the Fairmount property line and 135' north of the Hobson Ave property line. The garage would be located south of the existing private driveway. Section 17.09.030.K. & A.5. requires accessory structures to be located in the side yard or rear yard for property zoned R-3C. For comparison, this property has a 15-foot corner side yard setback and a 25-foot front yard setback for a principal structure. [Ward 1]

V. Other Business

VI. Adjourn

City of Davenport

Department: Development & Neighborhood Services
Contact Info: Scott Koops | 563-326-6701

Action / Date
7/10/2025

Subject:
Consideration of the June 26th ZBA Minutes.

Recommendation:

Background:

Attachments:

1. ZBA Minutes 2025-06-26



MINUTES

Zoning Board of Adjustment

July 26, 2025



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 4:00 p.m.

Members Participating: Kleffmann, Crawford, Boyd-Carlson, Gallart (acting Chair)
Excused: Darland.
Staff present: Werderitch, Koops

II. Secretary's Report:

Minutes were approved for the 2024-03-13 ZBA Hearing by voice-vote (4-0).

III. Old Business:

None.

IV. New Business:

- 1. Request SU25-04 of Donna Van Hecke on behalf of Lolema's Auto Sales for a vehicle dealership at 2833 Hickory Grove RD on a property zoned I-1 Light Industrial District. Table 17.08-1 requires a special use permit for a vehicle dealership zoned I-1 Light Industrial District. [Ward 2]**

Koops presented the staff report to the Board.

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 SU25-04 subject to the following conditions:

1. The property shall contain the required number of parking spaces for all business on the site at any given time;
2. All vehicles must be parked so they are accessible and not 'double-parked';
3. The property shall have all parking spaces painted/striped to clearly mark parking spaces; customer parking shall be signed or otherwise labeled;
4. The applicant shall obtain and maintain all required State and Davenport Dealership Licenses; and
5. Any significant changes in dealer ownership shall require Special Use re-approval.

Joe Van Hecke and Dorcas Mulupepe addressed the Board as the applicants and explained the request.

Motion:

A motion was made by Crawford, seconded by Boyd-Carlson, to approve request SU25-02 as proposed and as conditioned by staff, subject to the following conditions:

1. The property shall contain the required number of parking spaces for all business on the site at any given time;
2. All vehicles must be parked so they are accessible and not 'double-parked';
3. The property shall have all parking spaces painted/striped to clearly mark parking spaces; customer parking shall be signed or otherwise labeled;
4. The applicant shall obtain and maintain all required State and Davenport Dealership Licenses;
5. Any significant changes in dealer ownership shall require Special Use re-approval.

The Board asked questions of staff and the petitioner.

No one in the audience spoke in favor of or against the request.

Boyd-Carlson, yes; Kleffmann, yes; Crawford, yes; and Gallart, yes. The motion was approved unanimously (4-0).

2. Request HV25-04 of Thomas Chouteau at 4 Thode CT for a Hardship Variance to encroach into the corner side yard ("secondary front yard") of a lot with three street frontages with a 30' x 24' detached garage located north of the existing parking pad. The garage would be 17 feet from the West 4th ST lot line and 24 feet from the Lincoln Ave lot line. Section 17.09.030.K. & A.5. requires accessory structures to be located in the side yard or rear yard. [Ward 3]

Koops presented the staff report to the Board.

Findings & Staff Recommendation:

Findings: (supported by the previous analysis)

- Item #1 arguably the ordinance has created a certain type of hardship;
- Item #2 physical and topographical conditions on site do limit impact of the development;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Recommendation:

Staff recommends the Board adopt staff's findings and approve request HV25-04 subject to the followings: #1 the existing driveway shall be utilized for access to the proposed garage and shall have the necessary paving added to access the garage without driving over the grass/yard, and #2, the garage shall have two windows facing Telegraph RD, as shown on the proposed garage plans.

Matthew Russell addressed the Board and explained the request. The Board asked questions of staff and the petitioner. No one spoke in favor or against the request. One comment in favor of the request was submitted to staff and was forwarded to the Board.

Motion:

A motion was made by Kleffmann, seconded by Boyd-Carlson, to approve request SU25-04 subject to the following conditions: #1 the existing driveway shall be utilized for access to the proposed garage and shall have the necessary paving added to access the garage without driving over the grass/yard, and #2, the garage shall have two windows facing Telegraph RD, as shown on the proposed garage plans.

Kleffmann, yes; Boyd-Carlson, yes; Crawford, yes; and Gallart, yes. The motion was approved unanimously (4-0).

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:22 p.m.

City of Davenport

Department: Development & Neighborhood Services

Contact Info: Scott Koops | 563-326-6701

Action / Date

7/10/2025

Subject:

Request HV25-05 of Chad Firsching at 455 S Fairmount St for a Hardship Variance to encroach into the corner side yard ("secondary front yard") of a corner lot with a 30' x 36' detached garage located 23' east of the Fairmount property line and 135' north of the Hobson Ave property line. The garage would be located south of the existing private driveway. Section 17.09.030.K. & A.5. requires accessory structures to be located in the side yard or rear yard for property zoned R-3C. For comparison, this property has a 15-foot corner side yard setback and a 25-foot front yard setback for a principal structure. [Ward 1]

Recommendation:

Background:

Attachments:

1. Staff Report HV25-05 - 455 Fairmount ST - Detached Garage in Front Yard & Corner Side Yard
2. property lines
3. Example Notice Letter - 455 S Fairmount ST
4. HV25-05 Adjacent Owner Notice List - 455 S Fairmount



**Zoning Board of Adjustment
Planning Staff Report
455 Fairmount ST | Encroach Setback with Detached Garage
July 10, 2025**

Description

Request HV25-05 of Chad Firsching at 455 S Fairmount St for a Hardship Variance to encroach into the corner side yard ("secondary front yard") of a corner lot with a 30' x 36' detached garage located 23' east of the Fairmount property line and 135' north of the Hobson Ave property line. The garage would be located south of the existing private driveway. Section 17.09.030.K. & A.5. requires accessory structures to be located in the side yard or rear yard for property zoned R-3C. For comparison, this property has a 15-foot corner side yard setback and a 25-foot front yard setback for a principal structure. [Ward 1]

Background | Discussion

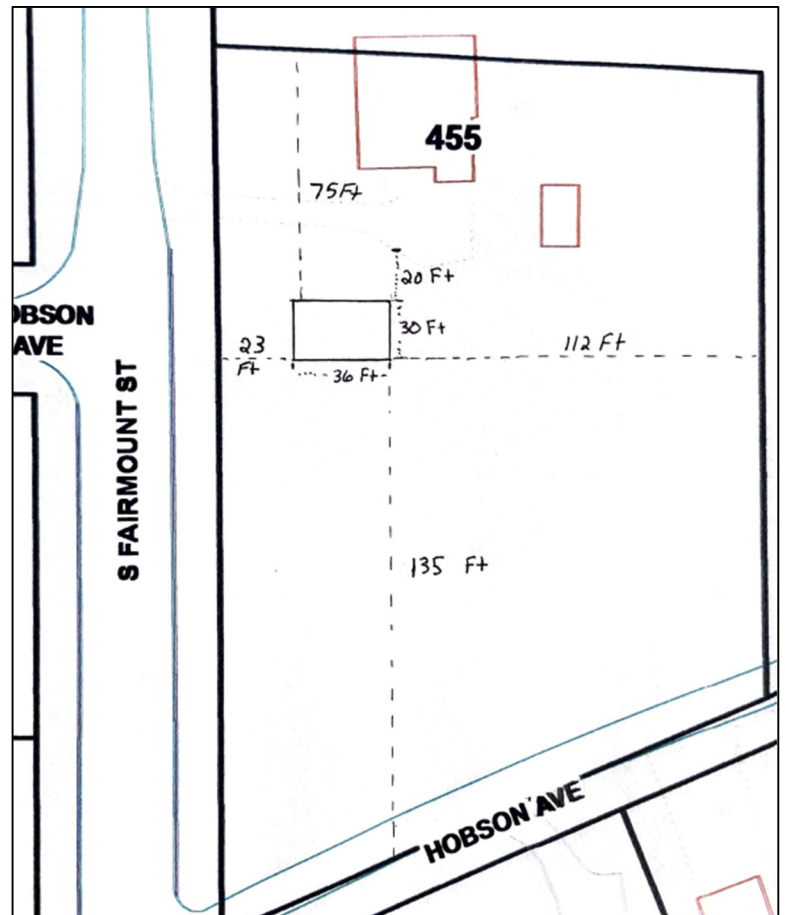
The petitioner is proposing a detached garage in the corner side yard (and the Hobson Ave front yard). While this yard may appear to be a front yard, it is in fact a corner side yard as defined by the Zoning Ordinance in [§17.02.040.P.7](#). A variance is necessary to build the detached garage as proposed.

If the applicant chose to attach the garage to the dwelling, this garage would NOT need a setback variance.

STAFF DIAGRAM



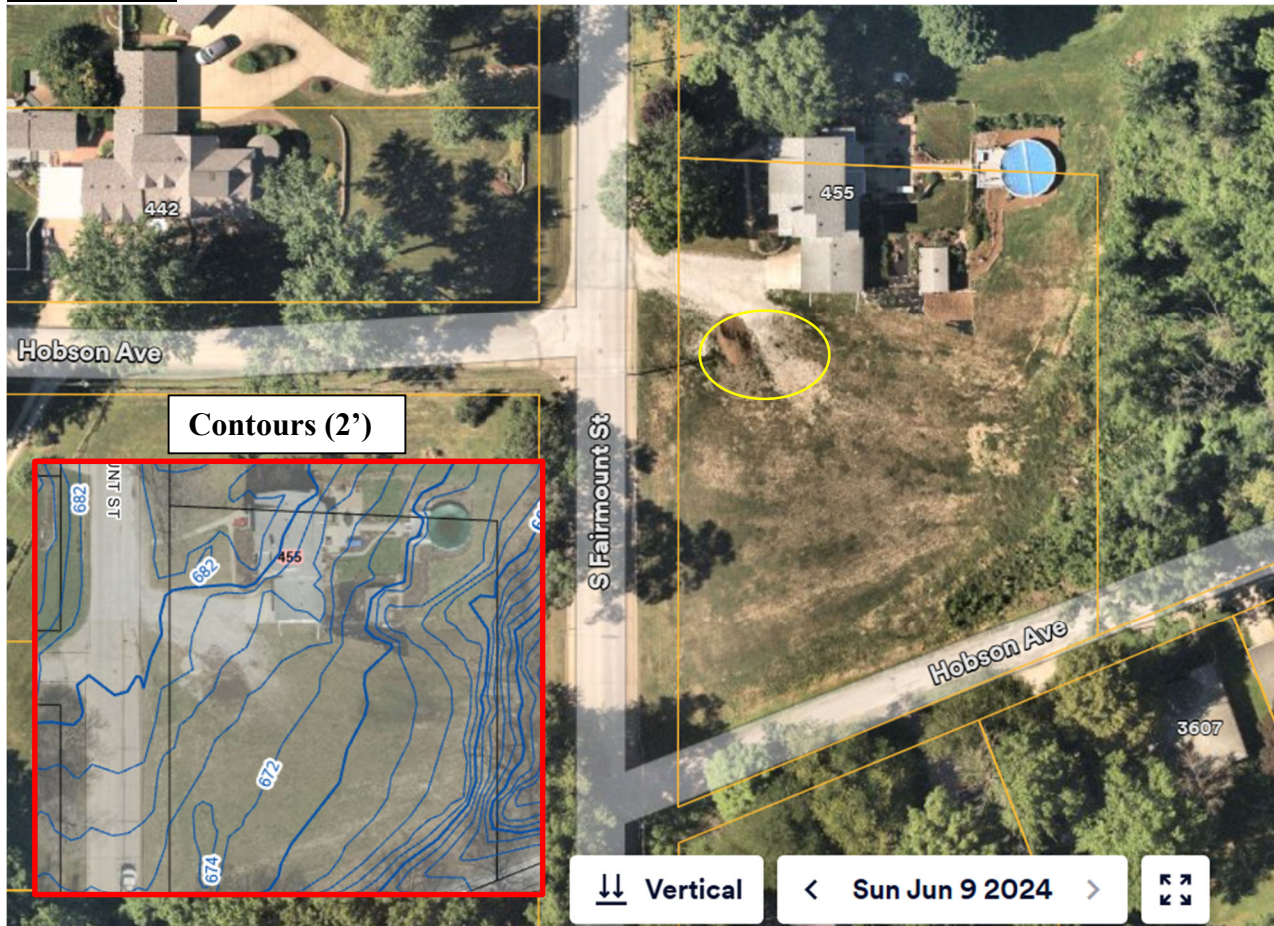
PETITIONER SITE PLAN



Background | Discussion (continued)

The proposed setback for the garage would meet the setback standards for a principal building on this lot. Since the proposed structure is an accessory structure, accessory structure setbacks in this situation are more restrictive than the setbacks for the dwelling (principal building).

Aerial Photo:

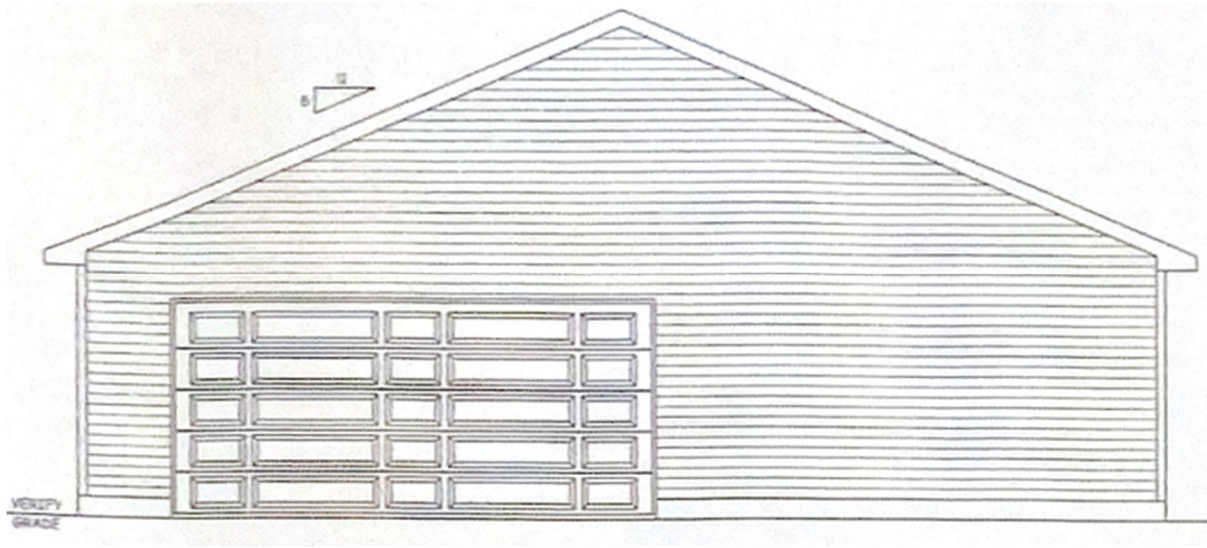


Site Photo:

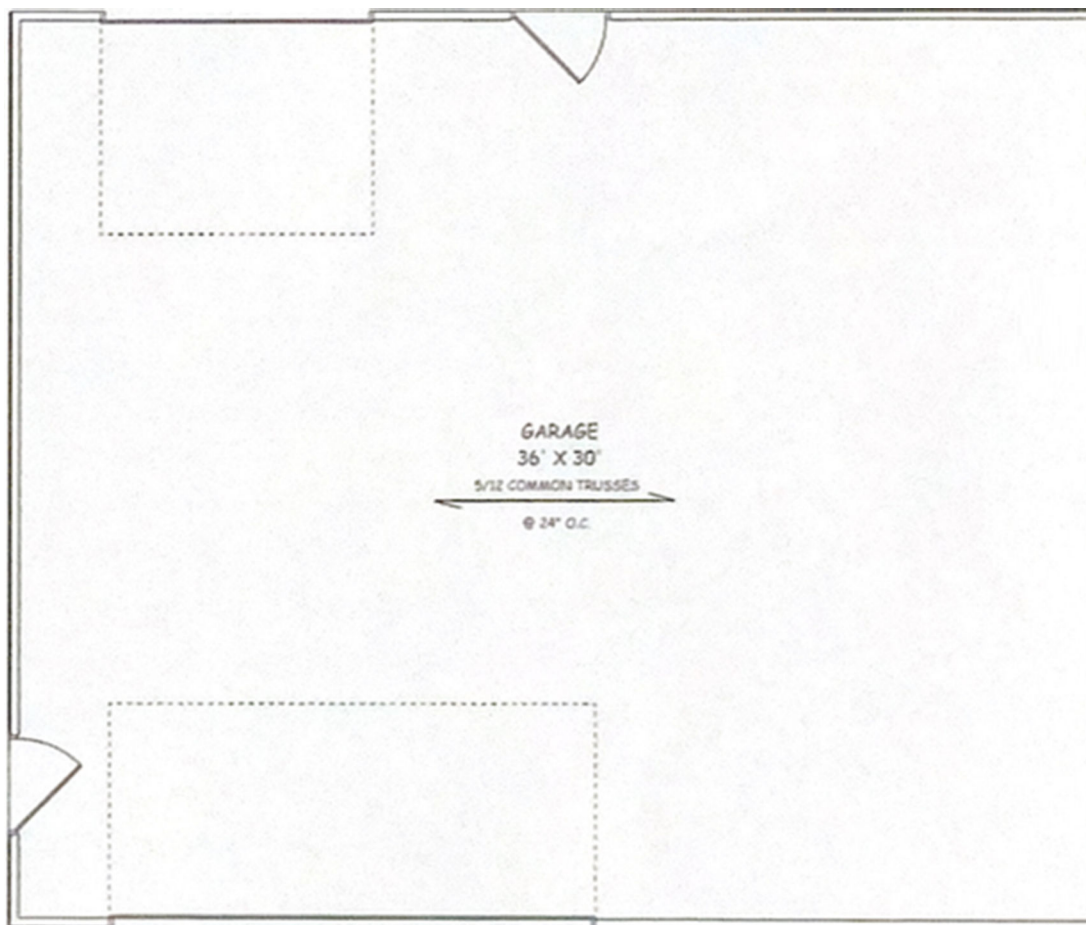


Applicant's Building Elevation & Floor Plan:

North Elevation



Floor Plan (South is at the top)



Purpose of a Hardship Variance

[Davenport Municipal Code Section 17.14.060](#) states: "The purpose of the hardship variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships."

It is the role of the Zoning Board of Adjustment members to evaluate the evidence of hardship.

Approval Standards

The Zoning Board of Adjustment decision must make findings to support the following:

1. Strict ordinance application will result in hardship unless specific relief requested is granted.

Applicant Response:

"Store and maintain lawn equipment needed to keep clean the trees behind the house."

Staff Comments:

As a residential property allows for detached garage space, and since the proposed location would meet or exceed principal use setbacks if the garage were built attached to the dwelling, the required standards do impose practical difficulties in meeting code requirements. Impact to adjacent properties will be minimal, if any, due the distance from the property line to the proposed garage exceeding the principal structure setbacks. Standard #1 has been met.

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:

"With property lines and hilly nature of the property, it is impossible to put [the garage] somewhere else."

Staff Comments:

The physical conditions of the site do limit the allowable locations for a detached garage, given the slope. Standard #2 has been met.

3. 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.

Applicant Response:

"Property is larger than that of the average homeowner, more to take care of. Also taking care of elderly neighbors."

Staff Comments:

The slope of the lot does limit practical locations of a detached garage, and the proposed accessory structure will exceed principal use setbacks. Standard #3 has been met.

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

Applicant Response:

"The garage will not be out of place in the neighborhood and will only add value to the property."

Staff Comments:

As the site allows for detached garage space, and since the proposed location would meet setbacks if the garage were built attached to the dwelling, the character of the area will not be impacted by the proposed project for the various reasons stated in staff's responses to standards #1, #2, and #3. Protection of essential character/standard #4 has been established.

Findings & Staff Recommendation:

Findings: (supported by the previous analysis)

- physical and topographical conditions on site do limit impact of the development
- unique circumstance has been established
- protection of essential character will be upheld

Recommendation:

Staff recommends the Board adopt staff's findings and approve request HV25-05 subject to the following conditions:

- #1 the existing driveway shall be utilized for access to the proposed garage; all new areas for vehicular use that are not currently in use as a driveway shall have paving installed; and
- #2, the garage shall have two separate windows facing Fairmount Street.

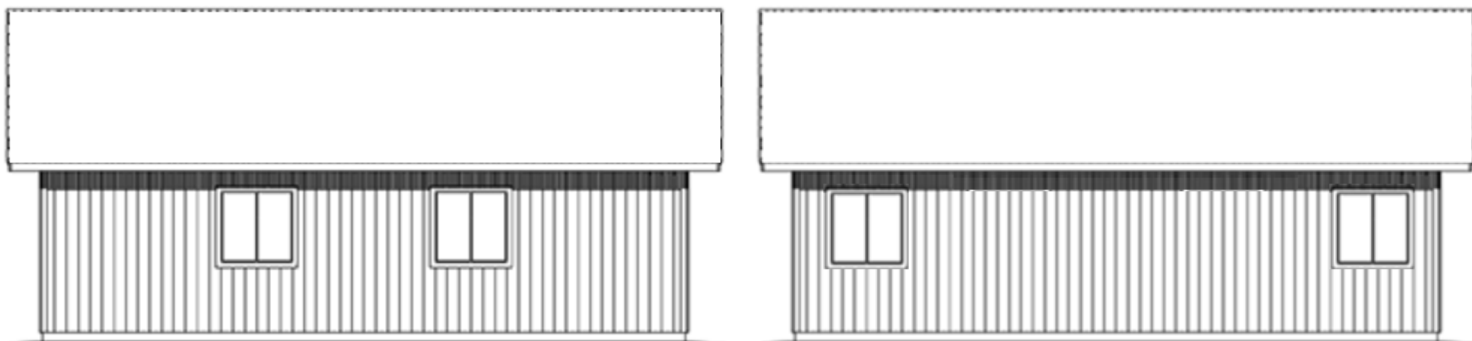
Prepared by:



Scott Koops, AICP
Planner II

Attachments: ZBA application/plans, notice documents

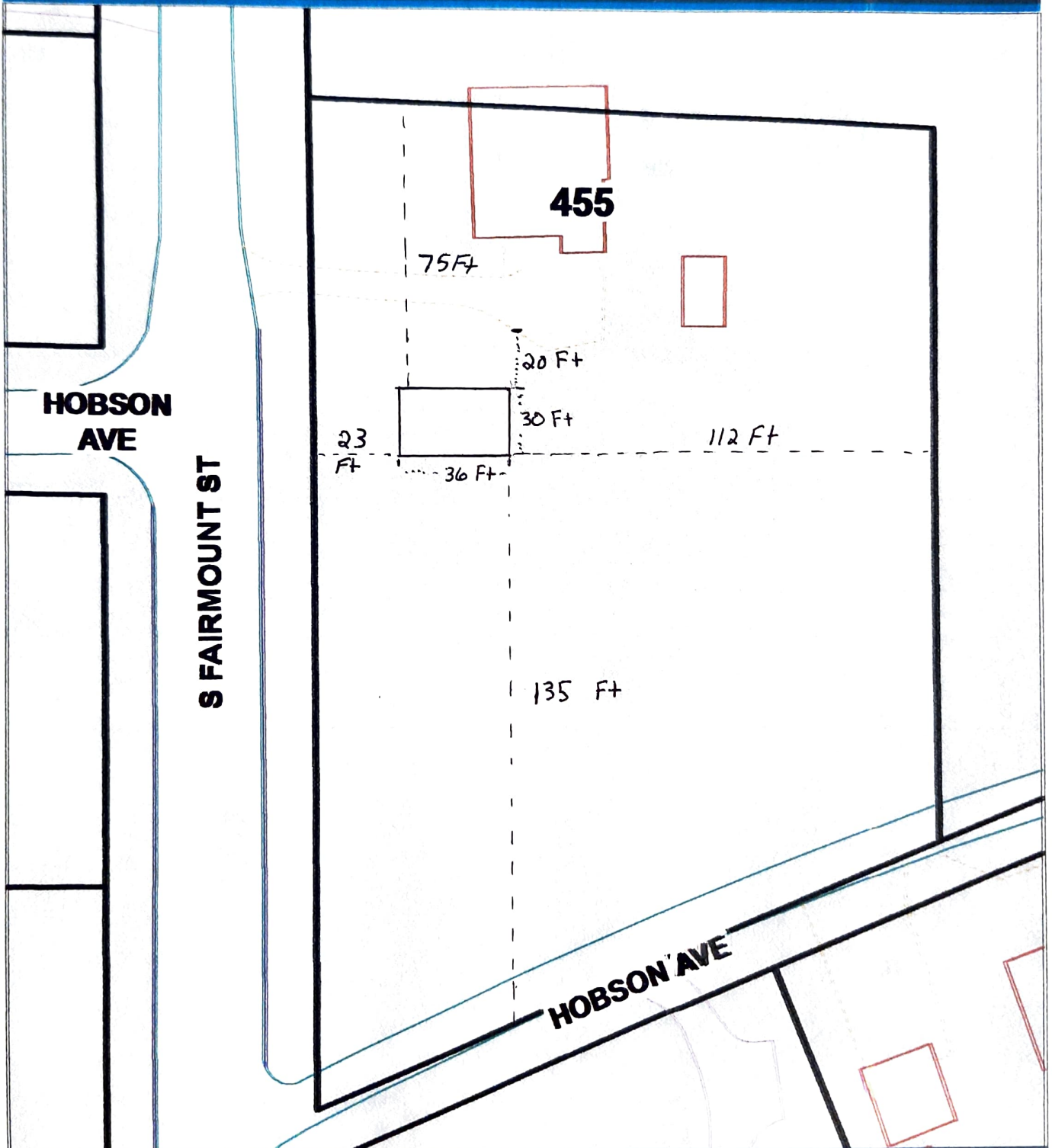
Examples of Possible Window Locations (Façade to Face Fairmount ST)





THE CITY OF
DAVENPORT
IOWA | USA

455 S Fairmount ST



0 20 40 60 120 Feet



Public Hearing Notice | Zoning Board of Adjustment

Date: 7/10/2025 **Location:** City Hall | 226 W 4th ST | Council Chambers
Time: 4:00 PM **Subject:** Hearing for Hardship Variance | Zoning Board of Adjustment

To all property owners within 200' of the subject property **455 S Fairmount ST:**

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 HV25-05 of Chad Firsching at 455 S Fairmount St for a Hardship Variance to encroach into the corner side yard ("secondary front yard") of a corner lot with a 30' x 36' detached garage located 23' east of the Fairmount property line and 135' north of the Hobson Ave property line. The garage would be located south of the existing private driveway. Section 17.09.030.K. & A.5. requires accessory structures to be located in the side yard or rear yard for property zoned R-3C. For comparison, this property has a 15-foot corner side yard setback and a 25-foot front yard setback for a principal structure. [Ward 1]

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 property owner/occupant you may have an interest in commenting on the proposed request (either in favor of or opposed to the request). Submit comments via email or in person at the public hearing. Official comments must have written signatures sent 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.

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 in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

Adjacent Owner Notice Area:
Owners within 200' of the Subject Property



Site Plan



HV25-05 Adjacent Owner Notice List - 455 S Fairmount

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Subject Property: 4 THODE CT		FIRSCHING CHAD A (Deed)	455 S FAIRMOUNT ST	DAVENPORT IA 52802
Ward: 1ST WARD				NOTICES SENT: 12
J0033-05A	447 S FAIRMOUNT ST	RETTIG RICHARD R (Deed)	447 S FAIRMOUNT ST	DAVENPORT IA 52802
J0048-02A	3508 HOBSON AV	CARTER RUSSELL E (Deed)	3508 HOBSON AV	DAVENPORT IA 52802
J0048-05	3331 HOBSON AV	EVERLASTING TR (Deed)	3331 HOBSON AVE	DAVENPORT IA 52802
J0048-06	3607 HOBSON AV	PHILLIPS CONNIE J (Deed)	3607 HOBSON AV	DAVENPORT IA 52802
J0048-06A	3603 HOBSON AV	TL FLATTEN LLC (Deed)	600 34TH AVE N	CLINTON IA 52732
J0048-07	505 S FAIRMOUNT ST	CHERRYHOLMES KENT (Deed)	505 S FAIRMOUNT ST	DAVENPORT IA 52802
J0048-08A	3636 DIEHN AV	SULLIVAN DAVID H (Deed)	3636 DIEHN AV	DAVENPORT IA 52804
J0048-08B		NICELY SCOTT A (Deed)	3520 ROCKINGHAM RD	DAVENPORT IA 52802
J0048-08B		NICELY JENNIFER M (Deed)	3520 ROCKINGHAM RD	DAVENPORT IA 52802
R3241-01	3721 HOBSON AV	DUTTON REVOC TR (Deed)	3721 HOBSON AVE	DAVENPORT IA 52802
R3241-08	442 S FAIRMOUNT ST	KENT JACOB J (Deed)	442 S FAIRMOUNT ST	DAVENPORT IA 52802
R3241-10D	426 S FAIRMOUNT ST	LOWE KYLE JACOB (Deed)	633 WAVERLY RD	DAVENPORT IA 52804