

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

Thursday, August 14, 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 meeting minutes for the July 10th, 2025, Public Hearing.
- III. Old Business
- IV. New Business
 - 1. Request HV25-06 of High Pointe Properties at 5330 Gaines ST for a Hardship Variance to place six (6) air conditioning/heat pump units in the 53rd Street front yard adjacent to the proposed residential unit on a concrete patio. The mechanical units will be screened with a 6' tall privacy fence (screening is required by code). Section 17.09.030.N.1.a. only allows mechanical equipment in the side or rear yard. [Ward 8]
- V. Other Business
- VI. Adjourn

City of Davenport

Department: Development & Neighborhood Services

Contact Info: Scott Koops | 563-326-6701

Action / Date

8/14/2025

Subject:

Consideration of the meeting minutes for the July 10th, 2025, Public Hearing.

Recommendation:

Background:

Attachments:

1. ZBA Minutes 2025-07-10



MINUTES

Zoning Board of Adjustment

July 10, 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, Darland
Excused: None.
Staff present: Berkley, Koops

II. Secretary's Report:

Minutes were approved for the 2025-07-10 ZBA Hearing by voice-vote (4-0).

III. Old Business:

None.

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]**

Koops presented the staff report to the Board.

Findings & Staff Recommendation:

Findings:

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

Recommendation:

Staff recommends that the Board adopt staff's findings and approve request SU25-05 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.

The applicant addressed the Board and explained the request.

The Board asked questions of staff and the petitioner.

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

Motion:

A motion was made by Crawford, seconded by Galliard, 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.

Boyd-Carlson, yes; Kleffmann, yes; Crawford, yes; Galliard, yes; Darland, yes. The motion carried unanimously (5-0).

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:16 p.m.

City of Davenport

Department: Development & Neighborhood Services

Contact Info: Scott Koops | 563-326-6701

Action / Date

8/14/2025

Subject:

Request HV25-06 of High Pointe Properties at 5330 Gaines ST for a Hardship Variance to place six (6) air conditioning/heat pump units in the 53rd Street front yard adjacent to the proposed residential unit on a concrete patio. The mechanical units will be screened with a 6' tall privacy fence (screening is required by code). Section 17.09.030.N.1.a. only allows mechanical equipment in the side or rear yard. [Ward 8]

Recommendation:

Background:

Attachments:

1. Staff Report - 5330 Gaines ST - Mechanical In Corner Side Yard
2. Example Public Hearing Adjacent Owner Notice - 5330 Gaines ST
3. HV25-06 Adjacent Owner Notice List - 5330 Gaines ST



**Zoning Board of Adjustment
Planning Staff Report
5330 Gaines ST – Mechanicals in Corner Side Yard
High Pointe
August 14, 2025**

Description

Request HV25-06 of High Pointe Properties at 5330 Gaines ST for a Hardship Variance to place six (6) air conditioning/heat pump units in the 53rd Street front yard adjacent to the proposed residential unit on a concrete patio. The mechanical units will be screened with a 6' tall privacy fence (screening is required by code). Section 17.09.030.N.1.a. only allows mechanical equipment in the side or rear yard. [Ward 8]

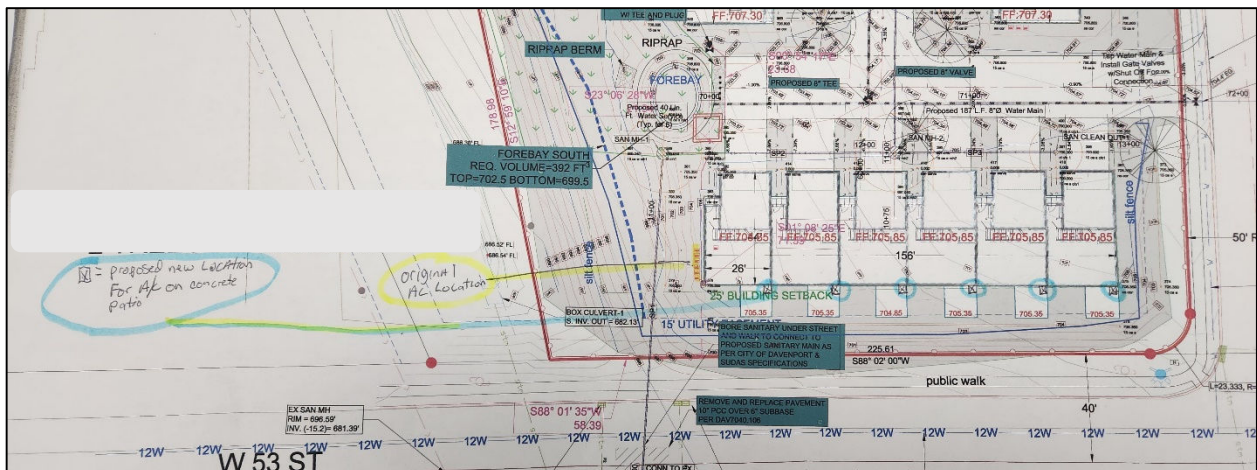
Background & Discussion

The applicant needs to relocate the A/C heat pump units so that they are significantly less distance from the dwelling units. The back patio is the preferred location which conflicts with mechanical code placing the unit in the front yard. Placing the units at the west end of the units will result in refrigeration lines in excess of 178'. This would result in a drop in system capacity (lower BTU's delivered, a drop in efficiency, and greatly reduced equipment life expectancy).

Zoning: Multi-Family | One & Two-Family | Institutional Campus

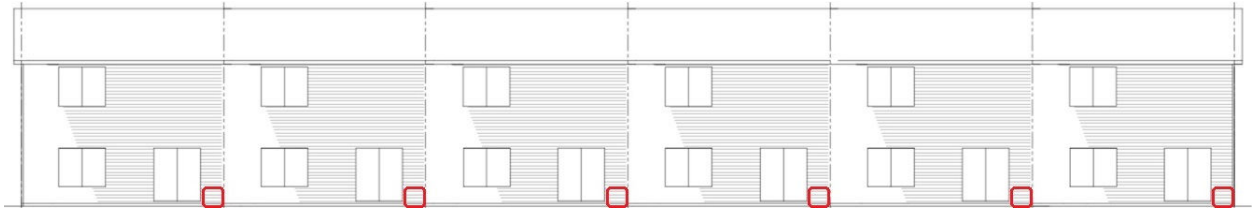


Site Plan



Proposed Building Elevation (South/53rd ST)

- **RED: Locaiton of Mechanicals**



Fence for Screening: White Vinyl Privacy Fence by Yardworks (6')



Public Input

Notices were sent to adjacent property owners within 200 feet of the request.

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.*

Approval Standards

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

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

Applicant Response:

"Placing the units at the west end of the units will result in refrigeration lines in excess of 178'. This would result in a drop in system capacity (lower BTUs delivered, a drop in efficiency, and greatly reduced equipment life expectancy)."

Staff Comments:

Staff concurs with the assessment of the applicant. Approval 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:

"The ordinance as written limits the location of the A/C Heat Pump units to the west side of the buildings. The building length and equipment location will result in A/C Heat pump equipment to operate outside of manufactured specifications."

Staff comments:

Staff concurs that the building unit length will result in capacity and efficiency issues beyond the normal specification for such equipment. Additionally, the site has a low-elevation area and stormwater easement that limits much of the site from development. Approval standard #2 has been met.

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

Applicant Response:

"The adjoining rental properties on both east and west side have A/C units exposed"

Staff Comments:

Staff concurs that a unique circumstance exists and the intent of the ordinance has been met. Approval standard #3 has been met.

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

Applicant Response:

"The owner will place a dedicated fence/cover so mechanical units will be screened from 53rd and Gaines Streets."

Staff Comments:

Given the location of the fence and the screening of mechanical equipment, the proposed use will not impact the character of the locality. Approval standard #4 has been met.

Findings & Staff Recommendation:

Findings: (Per the analysis above)

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

Recommendation:

Staff recommends approval of request HV25-06 as proposed with screening of the mechanical units with a 6-foot tall privacy fence.

Prepared by: *Scott Koops*

Scott Koops, AICP, Planner II

Attachments: ZBA Application/plans, Notice Documents





Public Hearing Notice | Zoning Board of Adjustment

Date: 8/14/2025 **Location:** City Hall | 226 W 4th ST | Council Chambers
Time: 4:00 PM **Subject:** Hearing for Hardship Variance | Zoning Board of Adjustment

12 Notices Sent
8th Ward

To all property owners within 200' of the subject property **5330 Gaines 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 HV25-06 of High Pointe Properties at 5330 Gaines ST for a Hardship Variance to place six (6) air conditioning/heat pump units in the 53rd Street front yard adjacent to the proposed residential units on a concrete patio. The mechanical units will be screened with a privacy fence as required by the zoning ordinance. Section 17.09.030.N.1.a. only allows mechanical equipment in the side or rear yard. [Ward 8]

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?

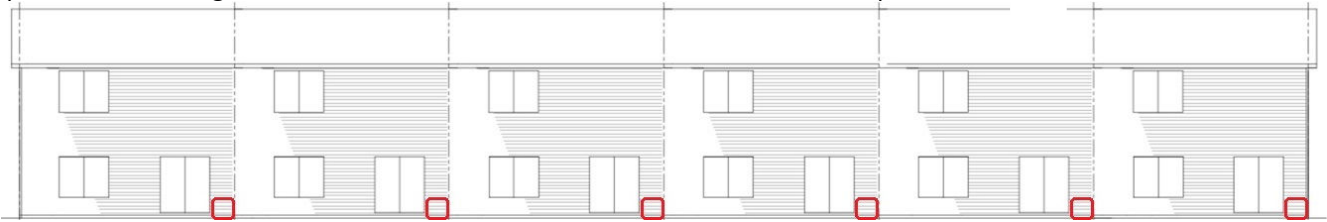
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at scott.koops@davenportiowa.com or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: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

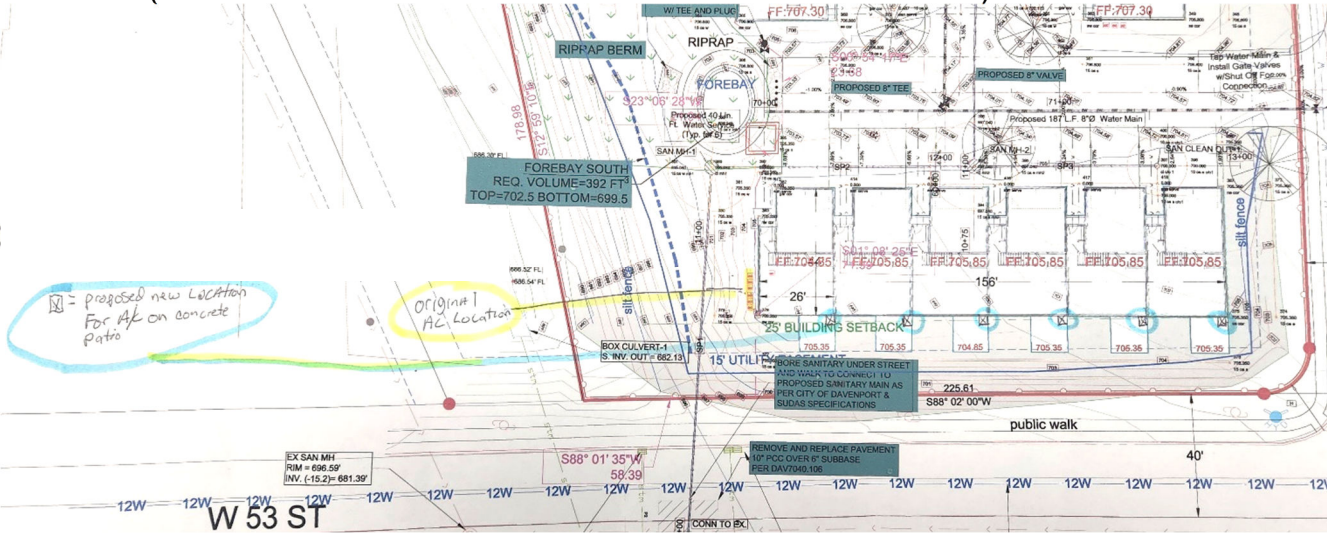
Adjacent Owner Notice Area:
Owners within 200' of the Subject Property



Plans: [South Façade facing 53rd Street]
(the red rectangles shows the location of the mechanical units)



Site Plan: (the blue circles shows the location of the mechanical units)



HV25-06 Adjacent Owner Notice List - 5330 Gaines ST

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Subject Property: 5330 GAINES ST		HIGH POINTE PROPERTIES LLC	455 S FAIRMOUNT ST	DAVENPORT IA 52802
Ward: 8TH WARD				NOTICES SENT: 12
P1110-01E		RICHARD A ARNDT REV TR	741 W 53RD ST	DAVENPORT IA 52806
P1110-02B	729 W 53RD ST	DERRICK THURBLE E	729 W 53RD ST	DAVENPORT IA 52806
P1110-02E	733 W 53RD ST	QUAD CITY SIKH TEMPLE	733 W 53RD ST	DAVENPORT IA 52806
P1110-03	717 W 53RD ST	AHRENS ADAM ROBERT	717 W 53RD ST	DAVENPORT IA 52806
P1110B01	749 W 53RD ST	MOORE STUART	749 W 53RD ST	DAVENPORT IA 52806
P1110B01A	741 W 53RD ST	SHARON K ARNDT REV TR	741 W 53RD ST	DAVENPORT IA 52806
P1110B01A	741 W 53RD ST	RICHARD A ARNDT REV TR	741 W 53RD ST	DAVENPORT IA 52806
P1111A23	641 W 53RD ST	MIMG CLIII CANDLELIGHT LLC	PO BOX 149416	AUSTIN TX 78714
X1119-01C	5454 GAINES ST	LUTHER CREST INC	3118 DEVILS GLEN RD	BETTENDORF IA 52722
X1119A05A	5419 APPOMATTOX RD	MIMG CLIII CANDLELIGHT LLC	PO BOX 149416	AUSTIN TX 78714
X1119C02	5317 GAINES ST	MIMG CLIII CANDLELIGHT LLC		
X1119C03	5315 APPOMATTOX RD	MIMG CLIII CANDLELIGHT LLC		
X1119D01	810 W 53RD ST	MIMG CLIII CANDLELIGHT LLC		
X1119E02		MIMG CLIII CANDLELIGHT LLC	PO BOX 149416	AUSTIN TX 78714
X1121-02C	626 W 53RD ST	DAVENPORT COMMUNITY SCHOOL	1702 MAIN ST	DAVENPORT IA 52803