

# ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, SEPTEMBER 24, 2020; 4:00 PM

NO QUORUM

\*\*\*CANCELED DUE TO LACK OF QUORUM\*\*\* ZONING BOARD OF ADJUSTMENT, A FIVE MEMBER QUASI-JUDICIAL DECISION MAKING BODY, HOLDS PUBLIC HEARINGS TO CONSIDER HARDSHIP VARIANCES, SPECIAL USES, AND INTERPRETATIONS.

I. Call to Order

II. Secretary's Report

A. THIS MEETING WAS CANCELLED DUE TO A LACK OF A QUORUM.

III. Old Business

IV. New Business

- A. Request HV20-08 of Jonathon Carstens on behalf of Atlas Real Estate Group at 302 East 6<sup>th</sup> Street for a hardship variance to construct a ten unit apartment building which will encroach 15 feet into the required front yard setback along E 6<sup>th</sup> Street. The structure will be 10 feet from the E. 6<sup>th</sup> St. front lot line; the previous structure at this location was setback approximately 3 feet from the same lot line. Section 17.04.030. and Table 17.04-1 require a 25-foot setback from the East 6<sup>th</sup> Street lot line. [Ward 3]
- B. Request HV20-09 of Jonathon Carstens on behalf of Atlas Real Estate Group at 302 East 6<sup>th</sup> Street for a hardship variance to provide 11 off-street parking spaces for a 10 unit apartment building, at a ratio of 1.1 parking spaces per unit. Table 17.10-2 requires 1.5 parking spaces per unit of a multiple-family dwelling. [Ward 3]

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**  
**9/24/2020**

Subject:  
THIS MEETING WAS CANCELLED DUE TO A LACK OF A QUORUM.

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	9/18/2020 - 11:12 AM



**MINUTES**  
**Zoning Board of Adjustment**  
**August 27, 2020**



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By this reference all reports, documents, presentations, videos and the hearing's video recording are incorporated into the minutes.

**I. Call to Order:**

Chairman Reistroffer called the Zoning Board of Adjustment meeting to order in the Community Planning Room at the Davenport Police Station, Davenport, Iowa at 4:03 p.m.

Board Members present: Loebach, Strayhall, Quinn, and Reistroffer.  
Board Members excused: Cochran.  
Staff present: Koops

**II. Secretary's Report:**

Minutes were approved for the for 8-13-20 meeting by voice-vote.

**III. Old Business:**

None. (HV20-05 & 6 remain tabled until September 24<sup>th</sup>)

**IV. New Business:**

Request HV20-07 of Gary Caldwell on behalf of Speedway LLC for a hardship variance at 8303 Northwest BLVD for a sign package allowing:

- 1.) a second, or additional freestanding sign, being sign "A";
- 2.) a freestanding sign 40' in height at 260 sq. ft., also being sign "A";
- 3.) a variance for 'parking lot signage' allowing signs "L", "M", & "N" at 5 sq. ft. and sign "P" at 15 sq. ft.

The proposed signs will be located on a newly developed fuel stop. Section 17.12.050 and .060. limits the property to one freestanding sign feet 25' in height with a sign face of no more than 100 sq. ft. and parking lot directional signage to 5' in height with a sign face no more than 4 sq. ft. [Ward 8]

**Staff Findings & Recommendation**

Findings: (Per the analysis above)

- 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 has not been established;
- The submitted application does not provide the necessary evidence required to prove that any of the zoning code's approval standards have been met.

Recommendation:

Staff recommends denial of the requested hardship variances.

Signs “A” and “H”: these signs are both significantly over the height and area allowed by the freestanding sign code; while sign “H” exceeds the requirements to a lesser extent than sign “A”, there still remains a lack of justification for the additional size of sign “H” and for the second sign in general.

### **Motion**

The Staff recommended the Board consider the request as three separate motions.

Motion #1 - Quinn moved to approve the request for an additional freestanding sign, sign ‘A’ ”, seconded by Loebach

Strayhall, no; Loebach, yes; Quinn, yes; Reistroffer, yes. The motion passed (3-1).

Motion #2: Quinn moved to approve the size and height of the approved second freestanding sign at the requested height and area” (40’ tall, 260 sq. ft. in area), seconded by Loebach.

Quinn, yes; Loebach, yes; Strayhall, no; Reistroffer, yes. The motion passed (3-1).

Motion #2: Loebach moved to approve the request for directional signs ‘L’, ‘M’, ‘N’ and ‘P’ ”, seconded by Strayhall.

Loebach, yes; Strayhall, no; Quinn, yes; Reistroffer, yes. The motion passed (3-1).

### **V. Other Business**

None.

### **VI. Adjourn**

The meeting adjourned unanimously by voice vote at approximately 4:50 p.m.

City of Davenport  
Zoning Board of Adjustment

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

**Date**  
**9/24/2020**

**Subject:**

Request HV20-08 of Jonathon Carstens on behalf of Atlas Real Estate Group at 302 East 6<sup>th</sup> Street for a hardship variance to construct a ten unit apartment building which will encroach 15 feet into the required front yard setback along E 6<sup>th</sup> Street. The structure will be 10 feet from the E. 6<sup>th</sup> St. front lot line; the previous structure at this location was setback approximately 3 feet from the same lot line. Section 17.04.030. and Table 17.04-1 require a 25-foot setback from the East 6<sup>th</sup> Street lot line. [Ward 3]

**Recommendation:**

See the attached report.

**ATTACHMENTS:**

Type	Description
▣ Exhibit	Staff report and Exhibits

**REVIEWERS:**

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	9/18/2020 - 11:15 AM



**Zoning Board of Adjustment  
Planning Staff Report – Encroach Corner Side Yard  
September 24, 2020**

**Description**

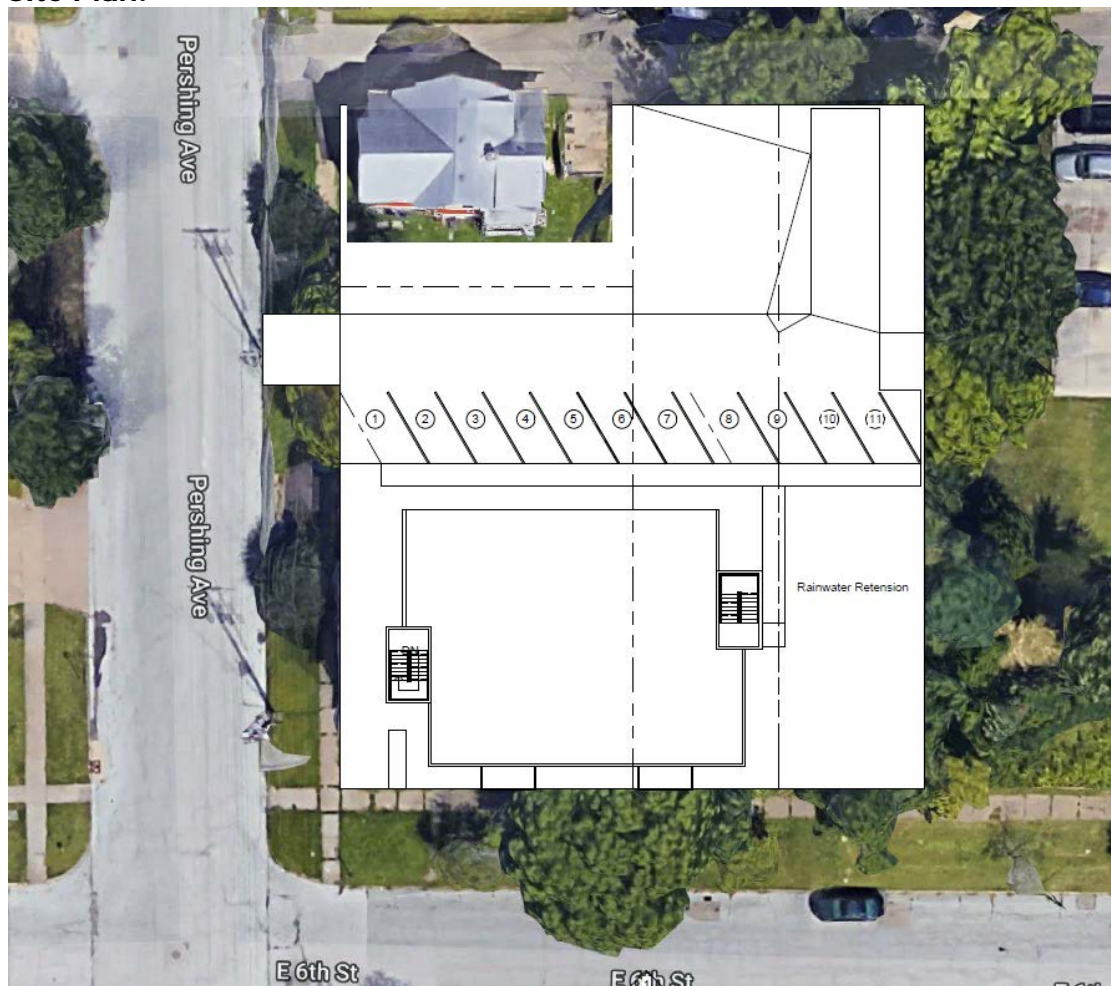
Request HV20-08 of Jonathon Carstens on behalf of Atlas Real Estate Group at 302 East 6<sup>th</sup> Street for a hardship variance to construct a ten unit apartment building which will encroach 15 feet into the required front yard setback along E 6<sup>th</sup> Street. The structure will be 10 feet from the E. 6<sup>th</sup> St. front lot line; the previous structure at this location was setback approximately 3 feet from the same lot line.

Section 17.04.030. and Table 17.04-1 require a 25-foot setback for the principal structure from the East 6<sup>th</sup> Street lot line. [Ward 3]

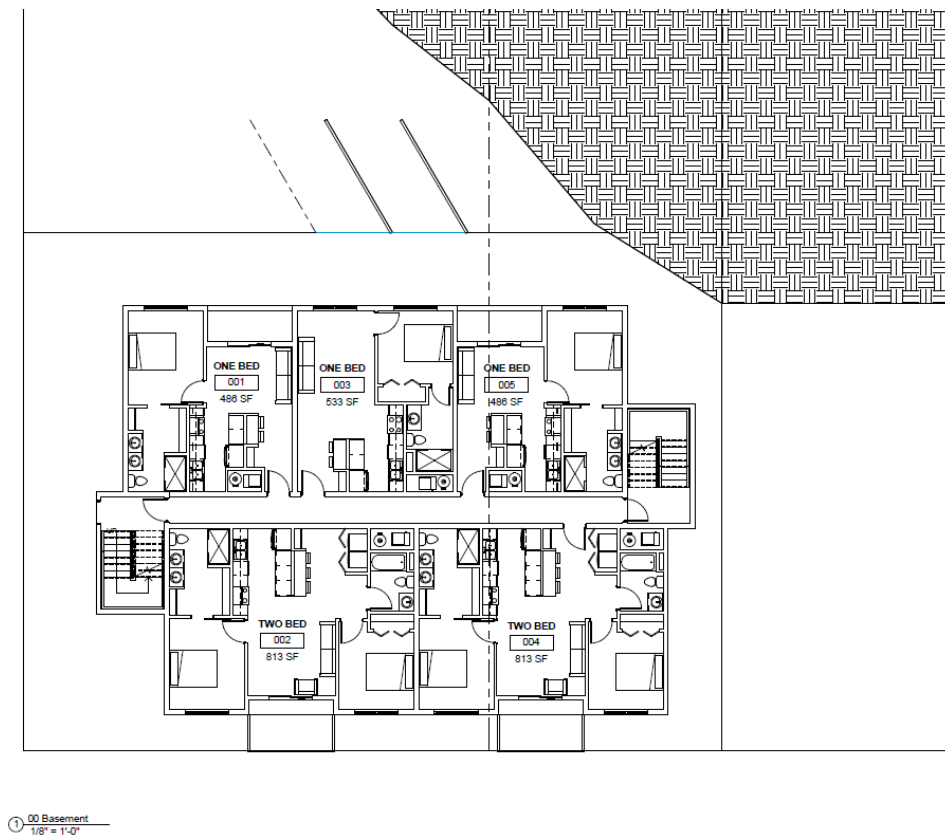
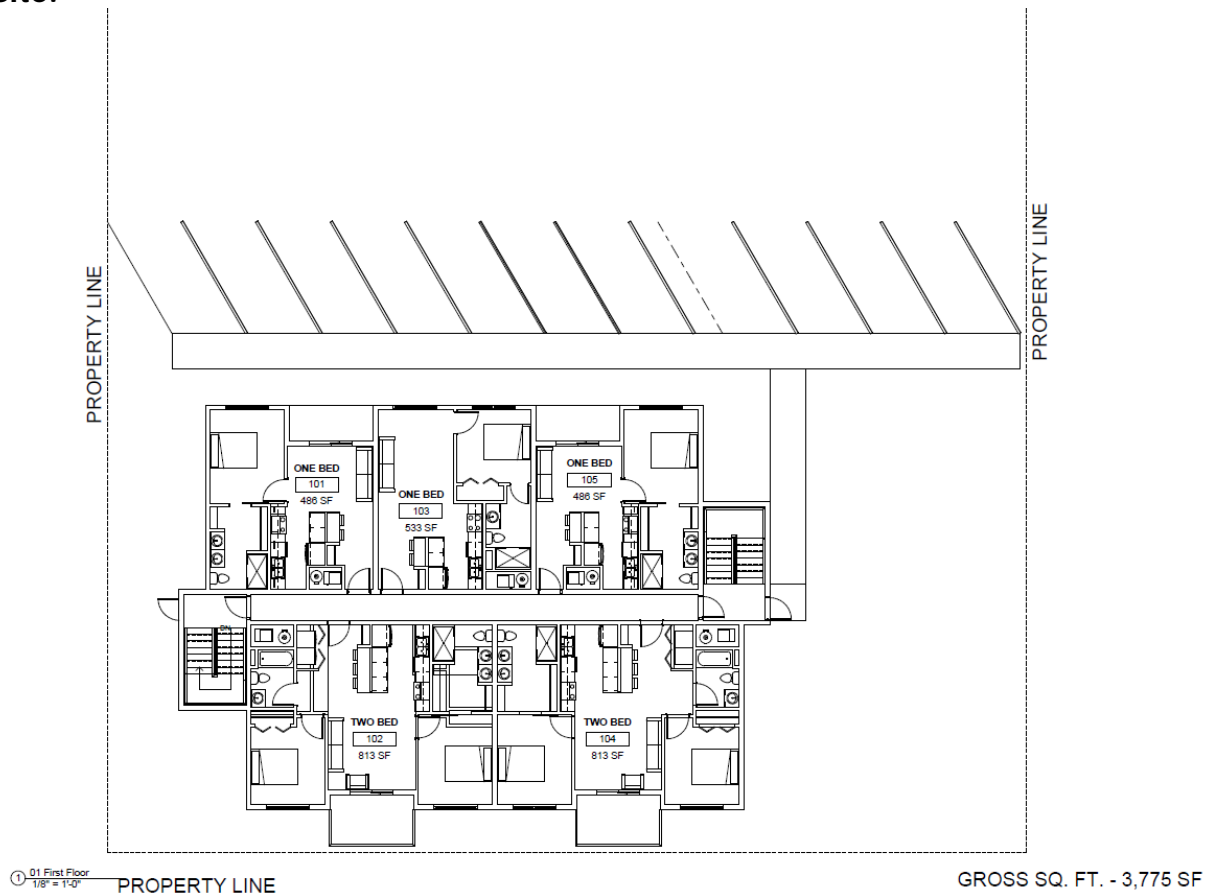
**Background & Discussion**

The petitioner has submitted a concept plan for the location of a ten (10) unit apartment dwelling. The petitioner's plans call for a 10-foot corner side yard setback along East 6<sup>th</sup> Street. The structure be located in a similar location to a previous multiple-family dwelling which had an approximate 3-foot corner side yard setback along East 6<sup>th</sup> Street.

**Site Plan:**



Site:



### **Purpose of a Hardship Variance**

In the 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: (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 property at 306 E. 6<sup>th</sup> Street is a corner lot and subject to a front yard setback and revers corner setback. Strict adherence to the code required setbacks, existing topographical restraints, and water quality and runoff reduces the buildable area of the lot to a space that is prohibitively small. While the lot is adequate in size based on the square footage by unit, these restrictions reduce the space for construction to an under the area of economic viability for a R-MF zoned lot.*

#### **Staff Comments:**

The petitioner's plan makes for the most use of the site which has inherent topographical concerns. Due to the rising grade from the side walk to the rear of the lot, a smaller setback is required along east 6<sup>th</sup> Street. These issues pose a hardship on the petitioner.

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 topography of the lot rises approximately 9-10 feet between 6th St. and 7th St. That is a significant grade differential in a short span. That change in grade makes ADA compliance near impossible if the building is required to be setback from the public right of way. Reduction of the setback would allow for proper ramping per the 2010 ADA Standards for Accessible design. Rainwater drainage would also be a large concern based on the steep change in grade. Included in physical surroundings is the fact that the existing sewer line is very shallow, and pushing the building further away from it will lead to a problem with having sufficient fall in the line.*

#### **Staff:**

The topography of the lot slopes upward from the sidewalk to the rear site of the proposed structure. The physical characteristics of the property pose a hardship. Physical and topographical conditions of the site do limit the use to an extent.

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:**

*The plight of this lot is unique. While there are no other buildings along the block of north 6th St, the property to the east has a large flat area of land that would meet the required setbacks*



*of the district. Also existing structures within the neighborhood would not meet the setback requirements of the new zoning code.*

Staff:

The confines of the lot and the presence of a significant slopes appear to necessitate a reduce corner side setback; there appears to be grounds for a hardship determination

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

Applicant Response:

*If the hardship variance is granted the essential character of the locality would not change. It would be consistent with what existed previously as well as similar to the surrounding buildings in the area.*

Staff:

The character of the area will not be impacted by the by the proposed structure as the property abutting to the north of the site has a front (west lot line) set back less than the distance from the property line as proposed by the petitioner for the south setback. Also, the previous multiple-family structure on this lot was only 6-feet from the East 6<sup>th</sup> Street lot line. Protection of essential character has been established.

#### **Findings & Staff Recommendation:**

Findings: (supported by the previous analysis)

- Item #1 application of the ordinance creating hardship has been established;
- 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 approval of the request as it meets the approval standards for a hardship variance.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents

Complete application can be emailed to [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

**Property Address\***

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

**Applicant (Primary Contact)\*\***

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

*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

**Owner** (if different from Applicant)

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

**Zoning Board of Adjustment**

Zoning Appeal  
Special Use  
Hardship Variance

**Engineer** (if applicable)

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

**Design Review Board**

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

**Architect** (if applicable)

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

**Historic Preservation Commission**

Certificate of Appropriateness  
Landmark Nomination  
Demolition Request

**Administrative**

Administrative Exception  
Health Services and Congregate  
Living Permit

**Attorney** (if applicable)

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

## 17.14.060 Hardship Variance

### **A. Purpose**

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.

### **B. Initiation**

A property owner in the City, or person expressly authorized in writing by the property owner, may file an application for a hardship variance. A property owner, or his/her designee, may only propose a hardship variance for property under his/her control.

### **C. Authority**

1. The Zoning Board of Adjustment will take formal action on hardship variance applications. However, the Zoning Administrator is authorized to grant certain administrative exceptions, as described in Section 17.14.070.
2. Hardship variances to allow uses that are not allowed within a zoning district are prohibited.

### **D. Procedure**

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Adjustment.

1. After receipt of a complete application, the Zoning Board of Adjustment will consider the proposed hardship variance at a public hearing. If, in the Zoning Board of Adjustment's judgment, the application does not contain sufficient information to enable proper review and consideration, the Zoning Board of Adjustment may request additional information from the applicant and the public hearing may be continued.
2. The Zoning Board of Adjustment must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section.
3. The Zoning Board of Adjustment must approve, approve with conditions, or deny the hardship variance within 30 days of the close of the public hearing, unless an extension is agreed to by the applicant.
4. The Zoning Board of Adjustment may impose conditions and restrictions upon the hardship variance as deemed necessary for the protection of the public health, safety, and welfare. The Zoning Board of Adjustment may grant a hardship variance that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the hardship variance application.

### **E. Approval Standards**

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

1. The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.
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.
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.
4. The hardship variance, if granted, will not alter the essential character of the locality.

### **F. Expiration**

An approved hardship variance will expire one year from the date of approval unless a building permit is obtained or construction has begun prior to the end of the one year period. The Zoning Board of Adjustment may grant an extension for a period of validity longer than one year as part of the original approval. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

**Request:**

Please describe the variance(s) requested:

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](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 strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.

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

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.

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.

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.



Applicant:

Date:

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by:

Planning staff

Date:

Date of the Public Hearing:

Meetings are held in City Hall Council Chambers located at 226 West 4<sup>th</sup> Street, Davenport, Iowa.

### **Authorization to Act as Applicant**

I,  
authorize  
to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located  
at .

---

Signature(s)\*

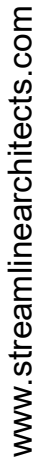
\*Please note: original signature(s) required.

The image shows a detailed architectural floor plan of a building. The plan is divided into several sections. On the left, there is a large area with a repeating geometric pattern, possibly representing a wall or a decorative surface. To the right of this patterned area is a parking lot with several parking spaces indicated by dashed lines. The building itself is a long, rectangular structure with a central corridor. The plan includes the following details:

- Room 001:** ONE BED, 486 SF. Located at the top left of the building.
- Room 003:** ONE BED, 533 SF. Located in the middle left of the building.
- Room 005:** ONE BED, 486 SF. Located at the bottom left of the building.
- Room 002:** TWO BED, 813 SF. Located at the top right of the building.
- Room 004:** TWO BED, 813 SF. Located in the middle right of the building.

The plan also shows various other rooms, including bathrooms, kitchens, and living areas, as well as a central staircase and a large open area at the bottom right. The overall layout is symmetrical, with rooms arranged around a central corridor.

ATLAS REAL ESTATE	
302 E. 6TH STREET	
Ground Level	
Project number	18-057
Date	08-30-18
Drawn by	AJD
Checked by	AJD
A101	
Scale	1/8" = 1'-0"



Andrew Dasso, AIA  
318 E. Third Street  
Davenport, IA 52801  
309-737-8587

andrew@streamlinearchitects.com

Zach Enderle, AIA  
309 S. Main Street, Suite 2  
Rockford IL 61101  
(815)-904-6666  
zach@streamlinearchitects



ATLAS REAL ESTATE  
302 E. 6TH STREET  
Ground Level

Project number	18-057
Date	08-30-18
Drawn by	AJD
Checked by	AJD

# A101

Scale  
1/8" = 1'-0"



**Streamline Architects, P.L.C.**

Andrew Dasso, AIA  
318 E. Third Street  
Davenport, IA 52801  
309-737-8587  
andrew@streamlinearchitects.com

Zach Enderle, AIA  
309 S. Main Street, Suite 2  
Rockford IL 61101  
(815)-904-6666  
zach@streamlinearchitects.com

[illegible]

ATLAS REAL ESTATE  
302 E. 6TH STREET  
First Floor Plan

Project number	18-057
Date	08-30-18
Drawn by	Author
Checked by	Checker

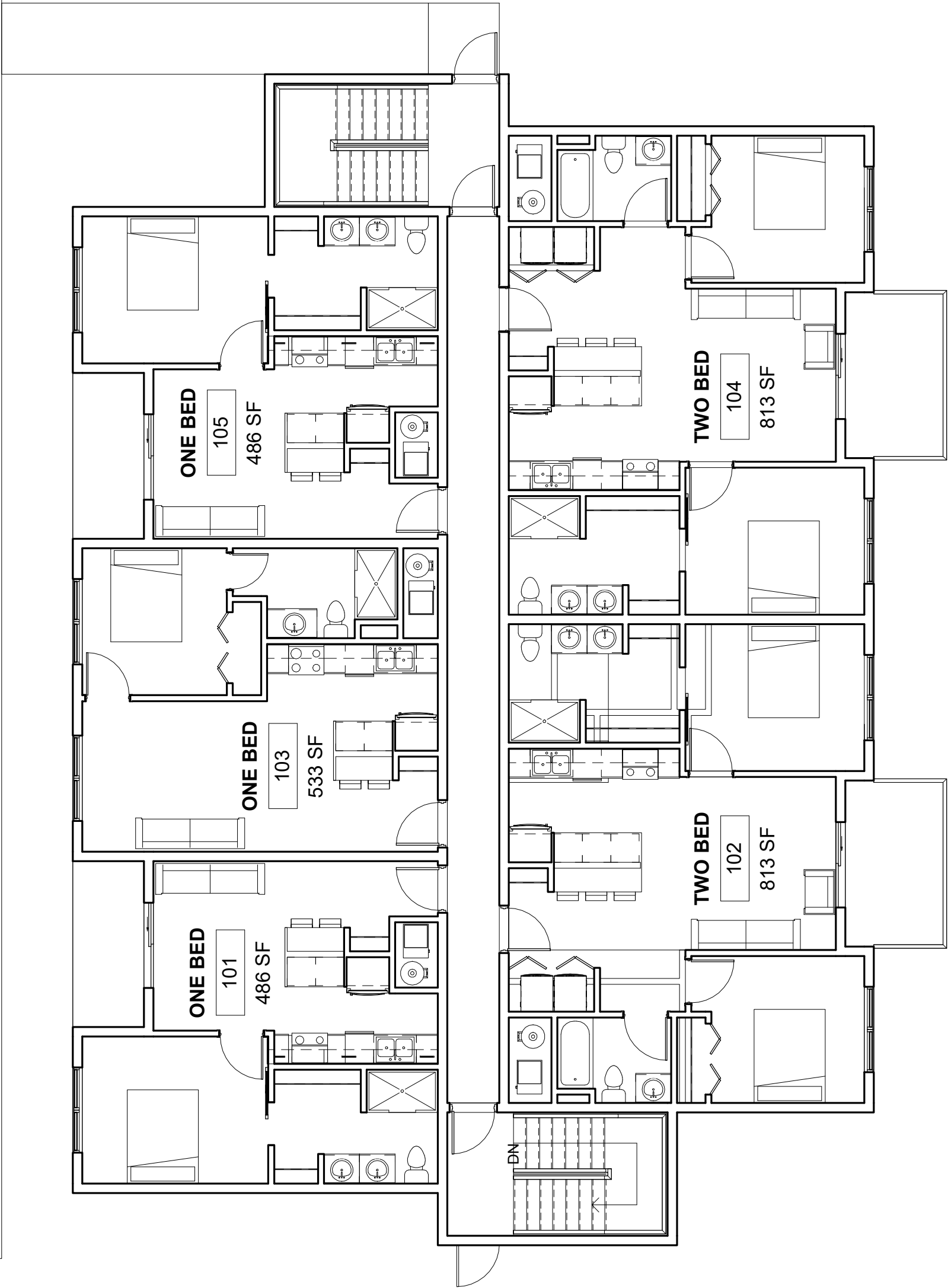
# A102

Scale  
1/8" = 1'-0"

# PROPERTY LINE

## PROPERTY LINE

## PROPERTY LINE

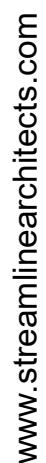


1 01 First Floor  
1/8" = 1'-0"

PROPERTY LINE

GROSS SQ. FT. - 3,775 SF





Zach Enderle, AIA  
309 S. Main Street, Suite 2  
Rockford IL 61101  
(815)-904-6666  
zach@streamlinearchitects.com

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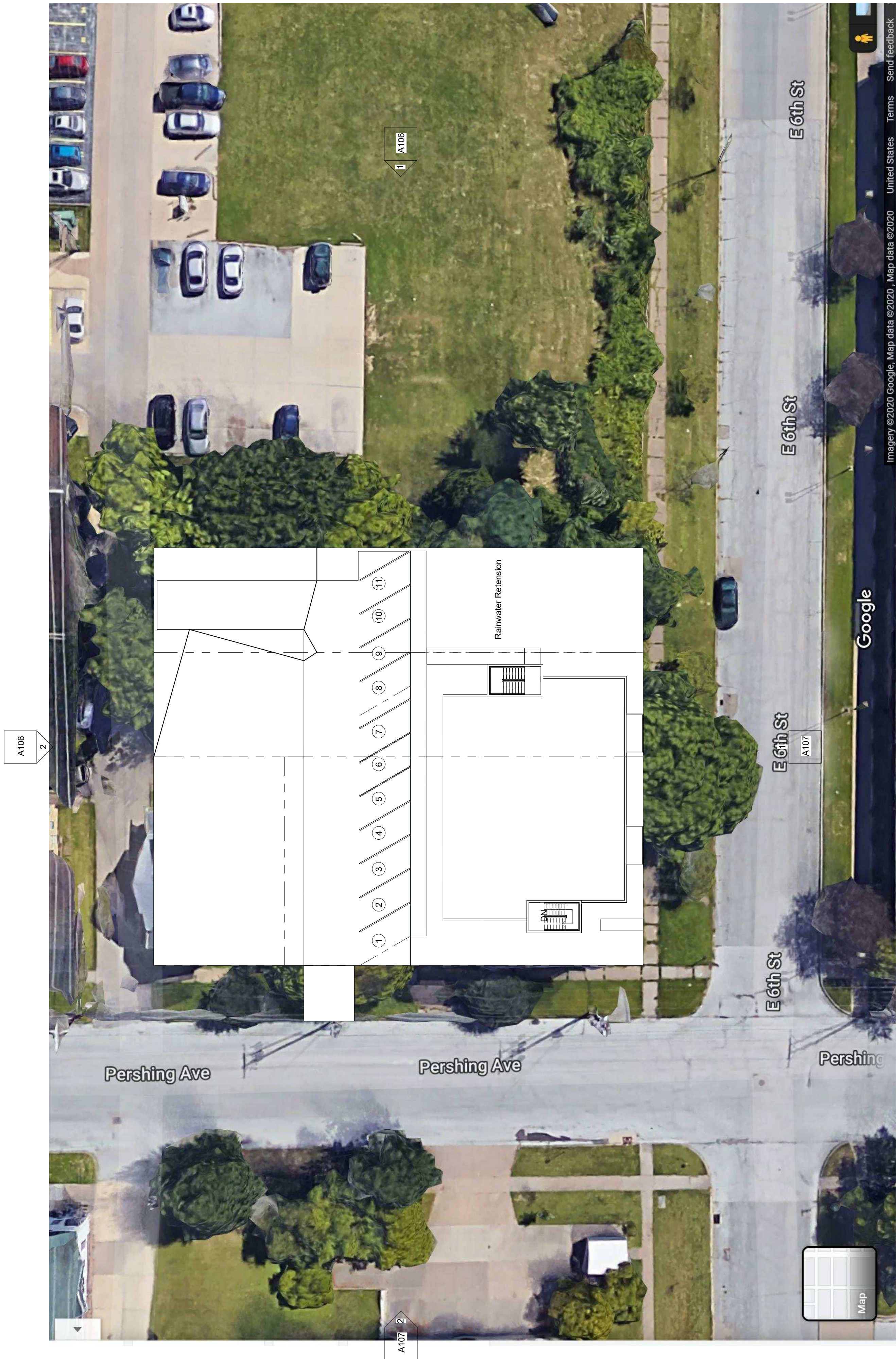
# Roof

Project number	18-057
Date	08-30-18
Drawn by	Author
Checked by	Checker

# A104

Scale  
1" = 20'-0"

Site  
1  
1" = 20'-0"





## **PUBLIC HEARING NOTICE | Zoning Board of Adjustment**

Date: 9/24/2020 Location: Council Chambers | City Hall | 226 W. 4th ST.

Time: 4:00 PM Subject: Public hearing for a Hardship Variance before the Zoning Board of Adjustment

To: All property owners within 200 feet of the subject property located at **306 E 6th St.**

### **What is this All 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 HV20-08 of Jonathon Carstens on behalf of Atlas Real Estate Group at 302 East 6th Street for a hardship variance to construct a ten unit apartment building which will encroach 15 feet into the required front yard setback along E 6th Street. The structure will be 10 feet from the E. 6th St. front lot line; the previous structure at this location was setback approximately 3 feet from the same lot line. Section 17.04.030. and Table 17.04-1 require a 25-foot setback from the East 6th Street lot line. [Ward 3]**

**Request HV20-09 of Jonathon Carstens on behalf of Atlas Real Estate Group at 302 East 6th Street for a hardship variance to provide 11 off-street parking spaces for a 10 unit apartment building, at a ratio of 1.1 parking spaces per unit. Table 17.10-2 requires 1.5 parking spaces per unit of a multiple-family dwelling. [Ward 3]**

### **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](mailto:planning@davenportiowa.com) (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46<sup>th</sup> St, Davenport IA 52807.

### **On-line/Telephone Participation:**

Persons may join the meeting virtually: <https://global.gotomeeting.com/join/415560525> & at 1-866-899-4679 with access code: 415 560 525. All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": [www.cityofdavenportiowa.com/boards](http://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](mailto: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](mailto:planning@davenportiowa.com) for updates.

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	302 E 6TH ST	SUBJECT PROPERTY		
Admin Clerk:	Tiffany Thorndike	Samantha Torres		
Neighborhood:	None			All Alderman Notified
Ward/Ald:	3rd th Ward	Alderman Meginnis		13 Notices Sent
F0049-05B	529 PERSHING AV	HUMILITY OF MARY HOUSING INC	3805 MISSISSIPPI AVE	DAVENPORT IA 52807
F0049-19C	621 PERSHING AV	SILKE CAPITAL INVESTMENTS LLC	5152 ALHAMA DR	WOODLAND HILLS CA 91364
F0064-12B	518 PERSHING AV	PERSHING HILL LOFTS LLC	101 W 2ND ST STE 400	DAVENPORT IA 52801
F0049-01A	224 E 6TH ST	BURNS MATTHEW J	224 E 6TH ST	DAVENPORT IA 52803
F0049-01A	224 E 6TH ST	HUFFMAN BURNS KARIN S	224 E 6TH ST	DAVENPORT IA 52803
F0049-03	618 PERSHING AV	TYSON MIKE	618 PERSHING AV	DAVENPORT IA 52803
F0049-07	629 PERRY ST	AMERICAN INDUSTRIAL DOOR	629 PERRY ST	DAVENPORT IA 52803
F0049-18	625 PERSHING AV	SIEBERE MARCIA M	625 PERSHING AV	DAVENPORT IA 52803
F0049-20	613 PERSHING AV	ATLAS REAL ESTATE CO LC	2211 CENTRAL AV	BETTENDORF IA 52722
F0049-32A	321 E 7TH ST	PENNYTWO LLC	3435 N BIRCHWOOD AVE	DAVENPORT IA 52806
F0064-05B	529 PERSHING AV	DAVENPORT ELECTRIC CO	P.O. BOX 4229 529 PERSHING AV	DAVENPORT IA 52808
F0064-55H	500 IOWA ST	5TH STREET LOFTS LLC	2450 RIMROCK RD STE 100	MADISON WI 53713
F0064-20A	521 PERRY ST	PALMER CHIROPRACTIC	1000 BRADY ST	DAVENPORT IA 52803

City of Davenport  
Zoning Board of Adjustment

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

**Date**  
**9/24/2020**

**Subject:**

Request HV20-09 of Jonathon Carstens on behalf of Atlas Real Estate Group at 302 East 6<sup>th</sup> Street for a hardship variance to provide 11 off-street parking spaces for a 10 unit apartment building, at a ratio of 1.1 parking spaces per unit. Table 17.10-2 requires 1.5 parking spaces per unit of a multiple-family dwelling. [Ward 3]

**Recommendation:**

See attached.

**ATTACHMENTS:**

Type	Description
▣ Exhibit	Staff Report
▣ Exhibit	Application

**REVIEWERS:**

Department	Reviewer	Action	Date
Community Planning & Economic Development	Admin, Default	Approved	10/22/2020 - 10:22 AM



**Zoning Board of Adjustment  
Planning Staff Report – Reduce parking ratio  
September 24, 2020**

**Description**

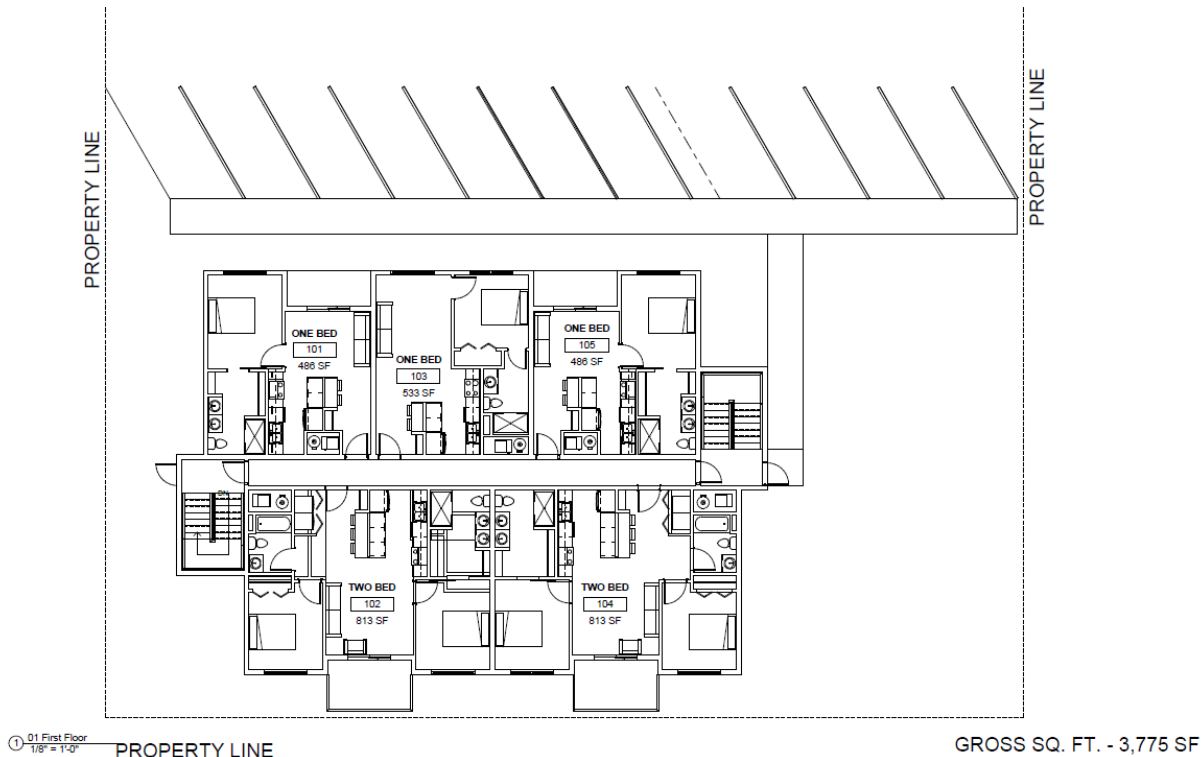
Request HV20-09 of Jonathon Carstens on behalf of Atlas Real Estate Group at 302 East 6<sup>th</sup> Street for a hardship variance to provide 11 off-street parking spaces for a 10 unit apartment building, at a ratio of 1.1 parking spaces per unit. Table 17.10-2 requires 1.5 parking spaces per unit of a multiple-family dwelling. [Ward 3]

**Background & Discussion**

The petitioner is proposing a new 10 unit apartment building for this site. The request is to provide 11 of the 15 required off-street parking spaces which is 1.1 per unit, rather than the required 1.5 spaces per unit. The petitioner has indicated that many of their clientele have only one car and some have no cars requiring off-street parking. This use is located on a block that does not have any other dwellings or businesses facing the street except for the proposed building. On-street parking is available along the entire block on both sides of the street without any other users on this block face.

<b>Table 1. Parking Provisions</b>	Existing Development
# of parking spaces provided	11
Required parking spaces	15
# of dwelling units	10
Parking ratio (spaces/unit)	1.1

**Site Plan:**





## **Purpose of a Hardship Variance**

In the 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 of this Ordinance will result in hardship unless the specific relief requested is granted.

*Applicant: Site concerns based on topography make additional parking stalls inaccessible. We request a reduction from 15 to 11 based on the plans attached as those are the spots that can be accomplished per design standards.*

Staff: Given the availability of on-street parking along the entire block face, staff has no concerns regarding the shortfall of four (4) parking spaces since there is ample on-street parking.

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: The topography of the lot rises approximately 9-10 feet over 100 feet. That change in grade makes ADA compliance difficult if the building is required to be setback from the public right of way. Reduction of the setback would allow for proper ramping per the 2010 ADA Standards for Accessible design. The topography would also make retaining walls and foundation systems expensive. Rainwater drainage would also be a large concern based on the steep change in grade. Included in physical surroundings is the fact that the parking would have to be either elevated or cut into the hill creating drainage and sloping issues for parking.*

Staff: Topography does limit the use of this property and is grounds for a hardship variance.

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: This problem is unique to this lot due to the size of the lot and the parking requirement for units. Lots in the surrounding are have turned to shared parking and off site parking that is no longer allowed in the code, as it was previously.*

Staff: Parking is difficult to locate on this site due to topography. This situation is unique to this site.

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

*Applicant: If the hardship variance is granted the essential character of the locality would not change. Most of the surrounding residential uses off-site parking or shared parking leaving the amount of on-site parking less than what would be required at this point.*

Staff: Given the availability of on-street parking the request should not impact the character of the area.

**Findings & Staff Recommendation:**

Findings: (supported by the previous analysis)

- Item #1 ordinance hardship has been established;
- Item #2 physical and topographical conditions on site do limit reasonable site usage;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Recommendation:

Staff recommends approval of the request as approval standards for a hardship variance will be met as proposed.

Prepared by:

A handwritten signature in black ink, appearing to read "Scott Koops". The signature is fluid and cursive, with the first name "Scott" and last name "Koops" clearly distinguishable.

Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents



Complete application can be emailed to [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

**Property Address\***

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

**Applicant (Primary Contact)\*\***

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

*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

**Owner** (if different from Applicant)

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

**Zoning Board of Adjustment**

Zoning Appeal  
Special Use  
Hardship Variance

**Engineer** (if applicable)

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

**Design Review Board**

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

**Architect** (if applicable)

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

**Historic Preservation Commission**

Certificate of Appropriateness  
Landmark Nomination  
Demolition Request

**Administrative**

Administrative Exception  
Health Services and Congregate  
Living Permit

**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.**

## **17.14.060 Hardship Variance**

### **A. Purpose**

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.

### **B. Initiation**

A property owner in the City, or person expressly authorized in writing by the property owner, may file an application for a hardship variance. A property owner, or his/her designee, may only propose a hardship variance for property under his/her control.

### **C. Authority**

1. The Zoning Board of Adjustment will take formal action on hardship variance applications. However, the Zoning Administrator is authorized to grant certain administrative exceptions, as described in Section 17.14.070.
2. Hardship variances to allow uses that are not allowed within a zoning district are prohibited.

### **D. Procedure**

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Adjustment.

1. After receipt of a complete application, the Zoning Board of Adjustment will consider the proposed hardship variance at a public hearing. If, in the Zoning Board of Adjustment's judgment, the application does not contain sufficient information to enable proper review and consideration, the Zoning Board of Adjustment may request additional information from the applicant and the public hearing may be continued.
2. The Zoning Board of Adjustment must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section.
3. The Zoning Board of Adjustment must approve, approve with conditions, or deny the hardship variance within 30 days of the close of the public hearing, unless an extension is agreed to by the applicant.
4. The Zoning Board of Adjustment may impose conditions and restrictions upon the hardship variance as deemed necessary for the protection of the public health, safety, and welfare. The Zoning Board of Adjustment may grant a hardship variance that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the hardship variance application.

### **E. Approval Standards**

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

1. The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.
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.
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.
4. The hardship variance, if granted, will not alter the essential character of the locality.

### **F. Expiration**

An approved hardship variance will expire one year from the date of approval unless a building permit is obtained or construction has begun prior to the end of the one year period. The Zoning Board of Adjustment may grant an extension for a period of validity longer than one year as part of the original approval. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

**Request:**

Please describe the variance(s) requested:

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](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 strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.

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

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.

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.



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.

Applicant:

Date:

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by:

Planning staff

Date:

Date of the Public Hearing:

Meetings are held in City Hall Council Chambers located at 226 West 4<sup>th</sup> Street, Davenport, Iowa.

### **Authorization to Act as Applicant**

I,  
authorize  
to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located  
at .

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Signature(s)\*

\*Please note: original signature(s) required.

# ZBA Calendar 2020

## ZONING BOARD OF ADJUSTMENT

\*\*\* The Applicant or their representative **MUST** be at the Meeting/Public Hearing \*\*\*

NOTE: Special Use requests require a Site Plan review prior to being placed on the ZBA schedule.

Day:	Monday (5pm)	Thursday (4pm)
Activity:	<b>Submittal</b>	<b>Meeting</b>
Date:	12/16/19.....	01/09/20
	12/30/19.....	01/23/20
	01/21/20.....*	02/13/20
	02/03/20.....	02/27/20
	02/18/20.....*	03/12/20
	03/02/20.....	03/26/20
	03/16/20.....	04/09/20
	03/30/20.....	04/23/20
	04/20/20.....	05/14/20
	05/04/20.....	05/28/20
	05/18/20.....	06/11/20
	06/01/20.....	06/25/20
	06/15/20.....	07/09/20
	06/29/20.....	07/23/20
	07/20/20.....	08/13/20
	08/03/20.....	08/27/20
	08/17/20.....	09/10/20
	08/31/20.....	09/24/20
	09/14/20.....	10/08/20
	09/28/20.....	10/22/20
	10/19/20.....	11/12/20
	No Meeting.....	No Meeting (Thanksgiving)
	11/16/20.....	12/10/20
	No Meeting.....	No Meeting (Christmas)
	12/21/20.....	01/14/21
	01/04/21.....	01/28/21

\*Date changed due to Holiday

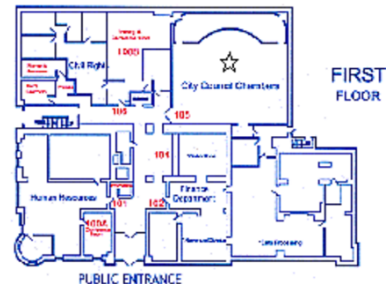
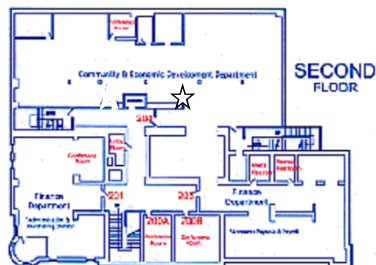
Location/Time subject to change

Contact [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) to confirm meeting date/time/location

### Application Due:

### Meeting Appearance (Required):

Time:	<b>5:00 PM</b>	<b>4:00 PM</b>
Location:	<b>Community Planning Second Floor, City Hall (see below)</b>	<b>City Council Chambers 226 W. 4th St Davenport IA 52801 First Floor, City Hall (see below)</b>



City Hall is located at 226 W 4th St, Davenport IA 52801