

# ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, OCTOBER 8, 2020; 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

A. Approve the Minutes for the the 8-24-20 ZBA Public Hearing.

III. Old Business

IV. New Business

- A. Request SU20-09 of Melissa Moeller at 232 West 15<sup>th</sup> Street for a special use for pet grooming (animal care facility) in a C-1 District. Table 17.08-1 of the Davenport Municipal Code requires a special use for a small animal care facility on property zoned C-1 Neighborhood Commercial District. [3rd Ward]
- B. 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]
- C. 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**  
**10/8/2020**

Subject:  
Approve the Minutes for the the 8-24-20 ZBA Public Hearing.

Recommendation:  
**Approve the Minutes**

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	10/2/2020 - 9:09 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**  
**10/8/2020**

**Subject:**

Request SU20-09 of Melissa Moeller at 232 West 15<sup>th</sup> Street for a special use for pet grooming (animal care facility) in a C-1 District. Table 17.08-1 of the Davenport Municipal Code requires a special use for a small animal care facility on property zoned C-1 Neighborhood Commercial District. [3rd Ward]

**Recommendation:**  
Approve the Request.

**ATTACHMENTS:**

Type	Description
▣ Exhibit	Staff Report

**REVIEWERS:**

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	10/2/2020 - 9:46 AM



**Zoning Board of Adjustment  
Planning Staff Report – Small Animal Care Facility  
October 8, 2020**

**Description**

Request SU20-09 of Melissa Moeller at 232 West 15<sup>th</sup> Street for a special use for pet grooming (animal care facility) in a C-1 District. Table 17.08-1 of the Davenport Municipal Code requires a special use for a small animal care facility on property zoned C-1 Neighborhood Commercial District. [3rd Ward]

**Background**

The subject property is in a mixed-use area and is zoned for commercial businesses. The Zoning Board of Adjustment is to evaluate whether this use would have a detrimental impact to adjacent properties.

**Site**



**Definition of Animal Care Facility – Small Animal.**

An establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, pet grooming facilities, animal training centers and clubs, and pet boarding facilities, where animals are boarded during the day and/or for short-term stays. Animal care facilities do not include animal breeders.

### **Findings/Approval Standards**

1. The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.

The plans meet code requirements for this use. The site is properly designed to have minimal, if any, impact on adjacent property and public facilities if constructed per required building code as has been proposed by the developer

2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.

The plans meet code requirements and the site is properly designed to have minimal, if any, impact on adjacent property. Neighboring properties have or are zoned for commercial use and businesses.

3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

The property immediately abutting the use is commercial property. Land use policy has been met along with all code requirements.

### **Recommendation**

#### Findings:

The location/design/construction of the proposed use meets the requirements of a Special Use.

#### Recommendation:

Staff recommends approval of the request.

Prepared by:



Scott Koops,  
Planner II

Attachments: Application, Notification Map, Exhibits



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.**



**Request:**

Please describe the special use requested:

Location is to be used for the bathing and clipping of dogs.  
Dogs are to be kept indoors only. There are to be no modifications to the outside of the structure.  
Dogs are to be dropped off by owners and picked up when grooming is completed. No animals to be kept overnight. Hours of operation are 8 am to 5 pm Monday, Tuesday, Wednesday, Thursday, Friday and Saturday.

Existing Zoning: C-1

**Submittal Requirements:**

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed improvements affected by the special use. 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 17.14.050 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 - \$400.

**The Applicant hereby acknowledges and agrees to the following procedure and requirements:**

(1) Application:

- Prior to submission of the application for the special use, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the special use 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.
- If approved, a new special use application shall be required for any change to any approved special use that does not qualify as an administrative modification.
- Special uses shall expire one hundred eighty days after the date of the approval unless licenses or permits required for the operation or maintenance of the use have been obtained.

(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 special use permit:

- 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.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

#1 The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.

All animals will be kept leashes upon entering and exiting the building.  
All animals will be properly kenneled and confined according to state and county ordinances while on the property.  
All animals will be up to date on all state and county mandated vaccines.  
Adequate waste receptacles will be distributed throughout the building and all animal waste will be promptly and safely disposed of and disinfected.  
Appointments will be drop off only, no patrons will be permitted to wait in or on the premise.  
Facility will be cleaned and sanitized thoroughly nightly with safe cleaning and disinfecting products.  
Added safety gates indoors installed for the safety of animals and patrons.  
No aggressive animals will be permitted in or on the premise.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

#2 The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.

Adjacent properties are commercial

Immediate vicinity is a mixture of commercial and residential.

Building has previously been used as a commercial location and would not require rezoning.

No changes will be made to the outside of the structure.

No additions will be placed on the outside of the structure.

Structure will be continued to be used as commercial as previously used.

No changes to noise level or lighting will be made.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

#3 The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

We are not changing any part of the outside of the building.  
There will be NO outside structures or kennels.

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.

## SU20-06 Adjacent Owner Notice List.xlsx

Parcel	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	MELISSA MOELLER - PET GROOMING	SITE: 232 W 15th St	
Ward/Ald:	Alderman Meginnis - 3rd Ward	All Alderman Notified	
Admin Clerks:	Tiffany Thorndike	Samantha Torres	13 Notices Sent
Neighborhood:	Hilltop Campus Village Association	122 E 15th St	DAVENPORT IA 52803
G0010-50	BREED THOMAS S	217 E WATE ST	WILTON IA 52778
G0010-41	CARMAN STEVEN H	1518 N MAIN ST	DAVENPORT IA 52803
G0010-48	CASTEL RICHARD M	1604 W 13TH ST	DAVENPORT IA 52804
G0023-51	FUTURE CAPITAL LLC	5001 TREMONT AVE	DAVENPORT IA 52807
G0022-48A	HARRISON LOFTS	233 PARK AVE SOUTH STE 201	MINNEAPOLIS MN 55415
G0010-33	HERNANDEZ VICTOR	808 TREMONT AV	DAVENPORT IA 52803
G0023-23	HILLTOP ASSOCIATION	PO BOX 4175	DAVENPORT IA 52808-4175
G0010-49	HOBERT SCOTT A	1510 MAIN ST	DAVENPORT IA 52803
G0010A01	MCLEMORE JOSEPH	2453 E 32ND ST	DAVENPORT IA 52807
G0010-40	MIDWEST HOLDINGS LLC	501 S OAK LN	BLUE GRASS IA 52726
G0010-32	THOMAS L & KATHARINE M WINE	1414 W LOCUST ST	DAVENPORT IA 52804
G0011-02	RDF LLC	P O BOX 3708	DAVENPORT IA 52808
G0023-20	RDF LLC		
G0023-21	RDF LLC		
G0010A04	RDF LLC		
G0010A08	RDF LLC		
G0010-37	RDF LLC		
G0011-03	RDF LLC		
G0011-04	RDF LLC		
G0011-05	RDF LLC		
G0011-01	RDF LLC		
G0023-22	RDF LLC		
G0010A03	RDF LLC		
G0010A05	RDF LLC		
G0010A06	RDF LLC		
G0010A07	RDF LLC		
G0010-35	RDF LLC		
G0010-36	RDF LLC		
G0010-38	RDF LLC		



## PUBLIC HEARING NOTICE | Zoning Board of Adjustment

Date: 10/8/2020 Location: Council Chambers | City Hall | 226 W. 4th ST.  
Time: 4:00 PM Subject: Public hearing for a Speical Use before the Zoning Board of Adjustment

To: All property owners within 200 feet of the subject property located at **232 West 15th Street**.

### What is this All About?

This notice is being sent to inform you that a public hearing will be held for a Speical Use. The purpose of the Speical Use is to authorize certain special/conditional uses of property which are allowed but require special consideration.

#### Request/Case Description

**Request SU20-09 of Melissa Moeller at 232 West 15th Street for a special use for pet grooming (animal care facility) in a C-1 District. Table 17.08-1 of the Davenport Municipal Code requires a special use for a small animal care facility on property zoned C-1 Neighborhood Commercial District. [3rd Ward]**

### 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 centauri 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.

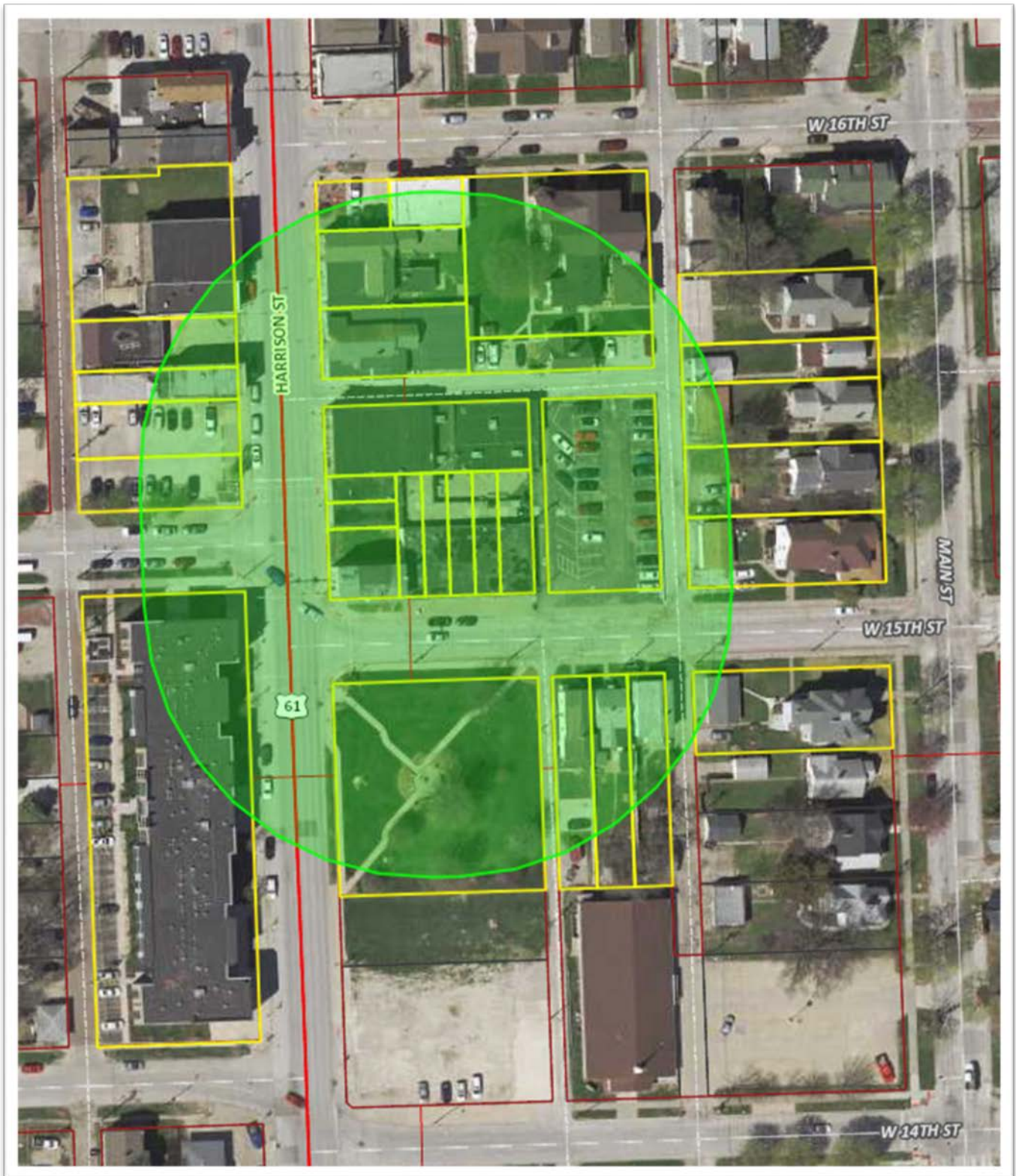
### Do You Have Any Questions?

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.



## Zoning Board of Adjustment: Adjacent Property Owner Notice Area





# Customer Ad Proof

60067429 CITY OF DAVENPORT - LEGALS

Order Nbr 79059

Publication	Quad-City Times		
Contact	CITY OF DAVENPORT - LEGALS	PO Number	2102673
Address 1	226 W 4TH ST	Rate	Legal
Address 2		Order Price	13.98
City St Zip	DAVENPORT IA 52801	Amount Paid	0.00
Phone	5638882074	Amount Due	13.98
Fax	5633286742		
Section	Notices & Legals	Start/End Dates	09/27/2020 - 09/27/2020
SubSection		Insertions	1
Category	2633 Zoning Notices	Size	25
Ad Key	79059-1	Salesperson(s)	Molly Cox 211
Keywords	Zoning Board of Adjustmennt 9-24-20	Taken By	Michelle McCoy
Notes			

Ad Proof	<p><b>PUBLIC HEARING NOTICE:</b> The Davenport Zoning Board of Adjustment (ZBA) will meet on Thursday, September 24th, 2020, at 4:00 P.M. in City Hall Council Chambers at 226 W. 4th Street, Davenport, Iowa, for a public hearing to consider the following request(s): Request SU20-09 of Melissa Moeller at 232 West 15th Street for a special use for pet grooming (animal care facility) in a C-1 District. Table 17.08-1 of the Davenport Municipal Code requires a special use for a small animal care facility on property zoned C-1 Neighborhood Commercial District. [3rd Ward] Interested persons may submit comments and/or attend the public hearing to express any opinions on the request. Written/e-mailed comments should be received by Planning no later than 12:00 p.m. one day prior to the public hearing to be conveyed to the Board before the hearing. planning@davenportiowa.com   (563) 326-6198   PO# 2102673.</p>
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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
City Clerk	Koops, Scott	Approved	10/2/2020 - 8:54 AM



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

**Description**

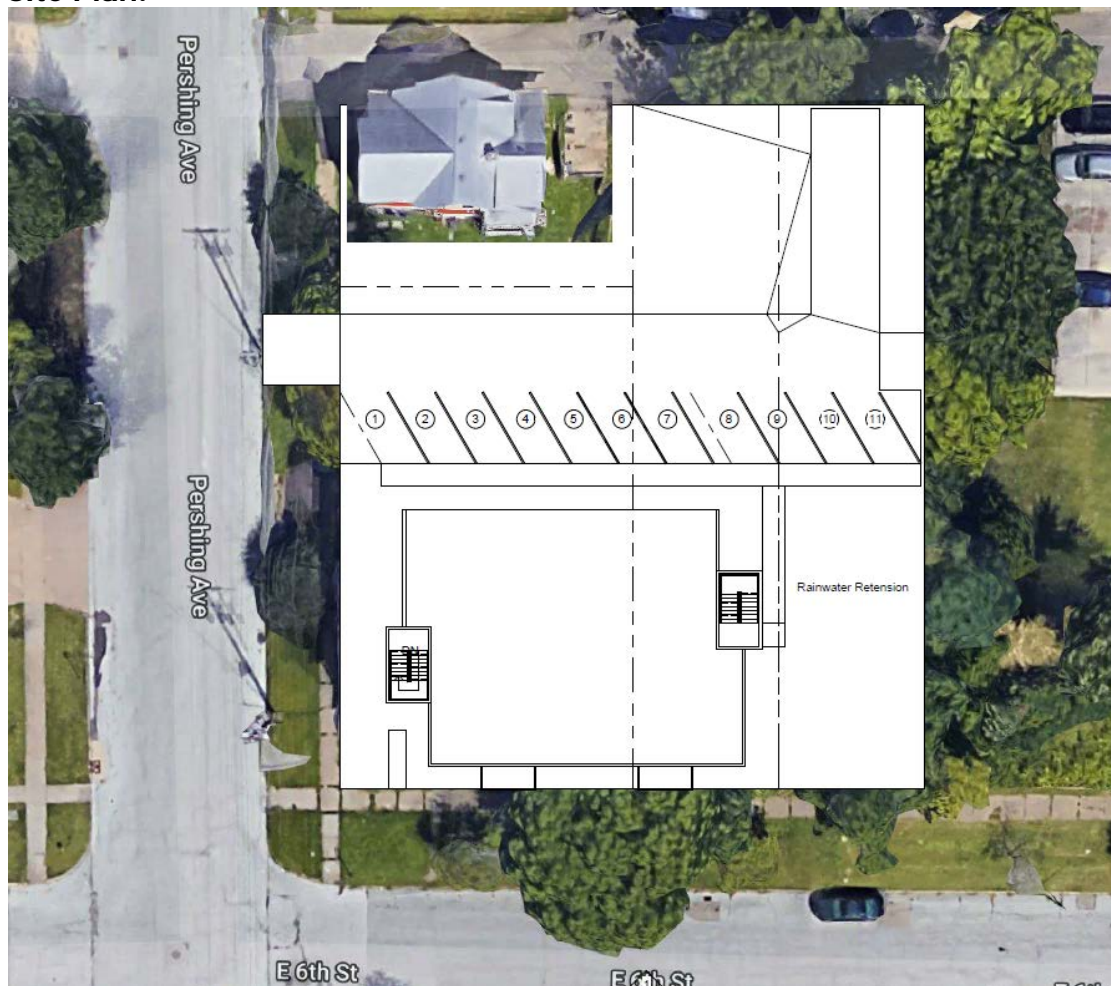
Request HV20-08 of Jonathon Carstens on behalf of Atlas Real Estate Group at 302 East 6<sup>th</sup> Street for a hardship variance to construct a ten unit apartment building which will encroach 15 feet into the required front yard setback along E 6<sup>th</sup> Street. The structure will be 10 feet 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]

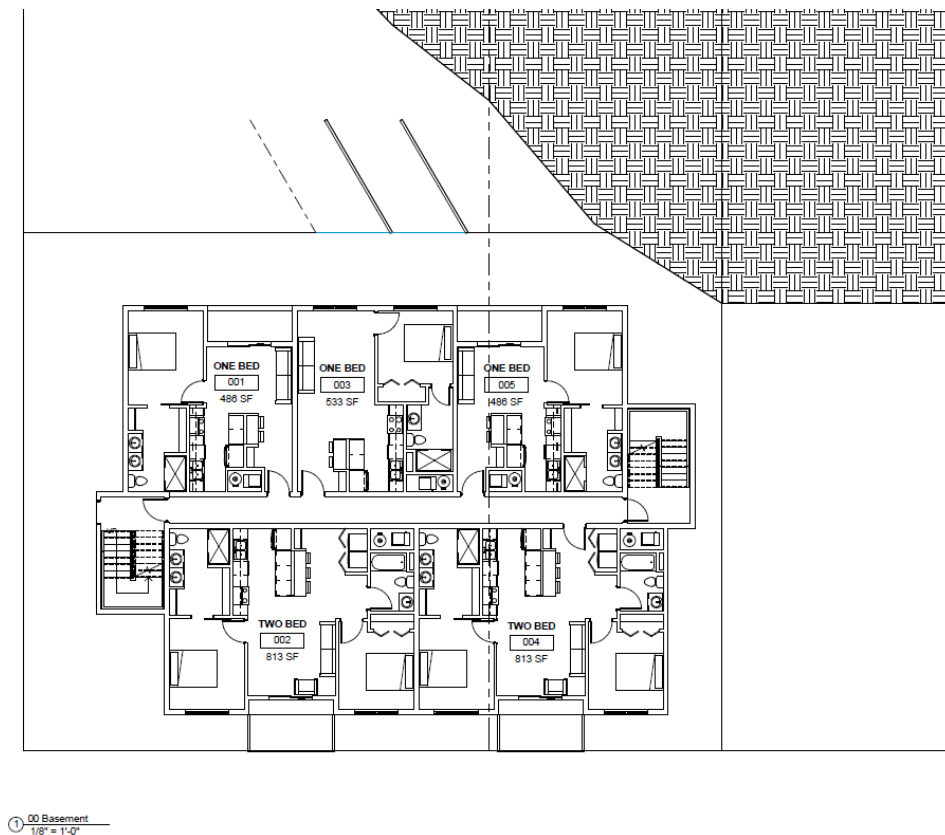
**Background & Discussion**

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.

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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.

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- Planning staff will send a public hearing notice to surrounding property owners.

**(3) Zoning Board of Adjustment's consideration of the hardship variance:**

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- 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.**

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

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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)\*

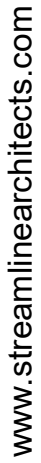
\*Please note: original signature(s) required.

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 rooms and 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 smaller 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 suggests a multi-unit residential or institutional building.

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.com



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

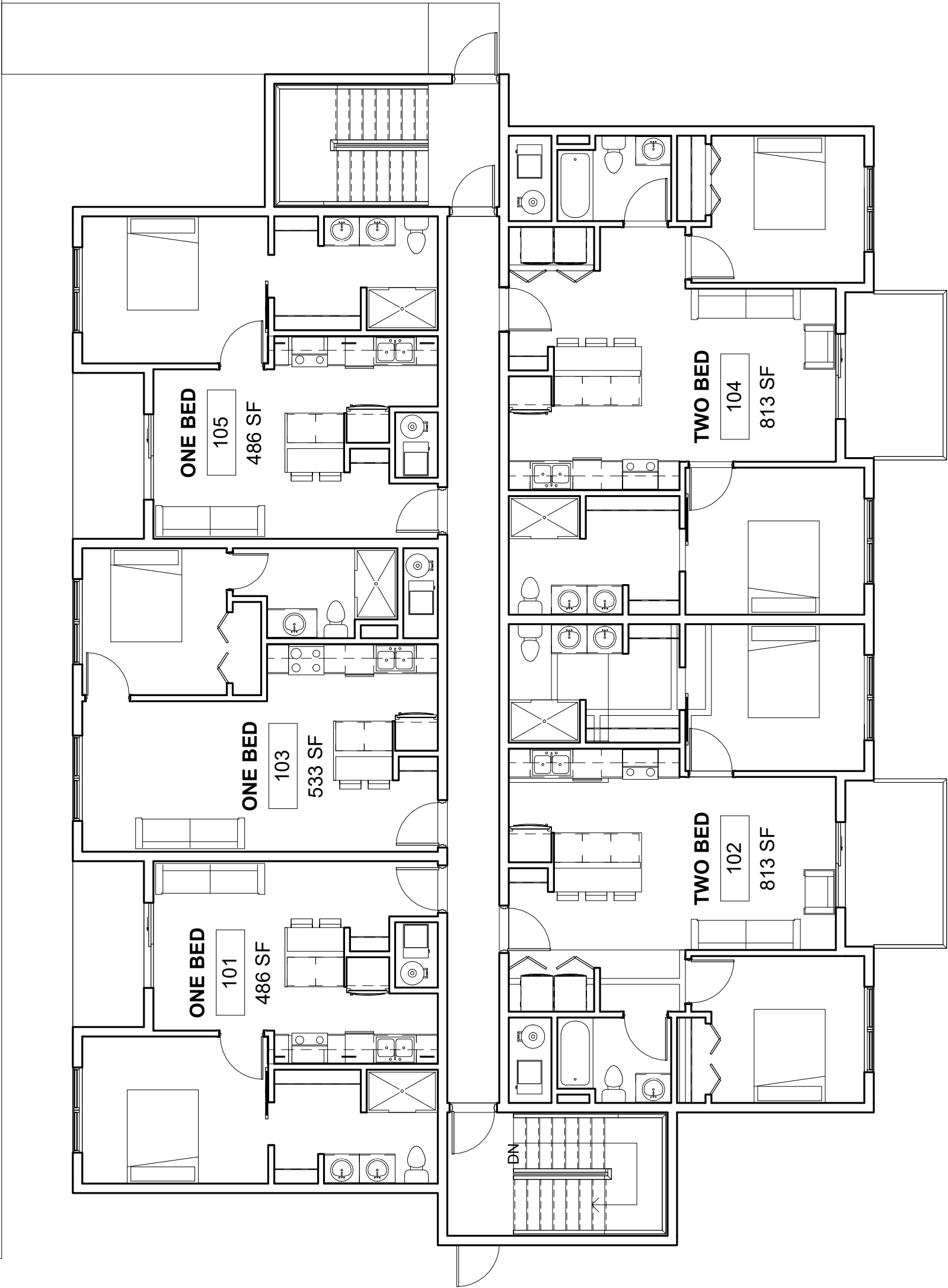
# A102

Scale  
1/8" = 1'-0"

# PROPERTY LINE

## PROPERTY LINE

## PROPERTY LINE

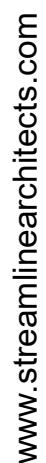


1 01 First Floor  
1/8" = 1'-0"

# PROPERTY LINE

GROSS SQ. FT. - 3,775 SF





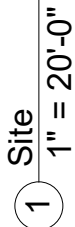
Zach Enderle, AIA  
309 S. Main Street, Suite 2  
Rockford IL 61101  
(815)-904-6666  
zach@streamlinearchitects.com

[illegible]

# Roof

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

Scale  
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:**

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**Recommendation:**

See attached.

**ATTACHMENTS:**

Type	Description
▣ Exhibit	Staff Report
▣ Exhibit	Application

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	10/2/2020 - 8:54 AM



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

**Description**

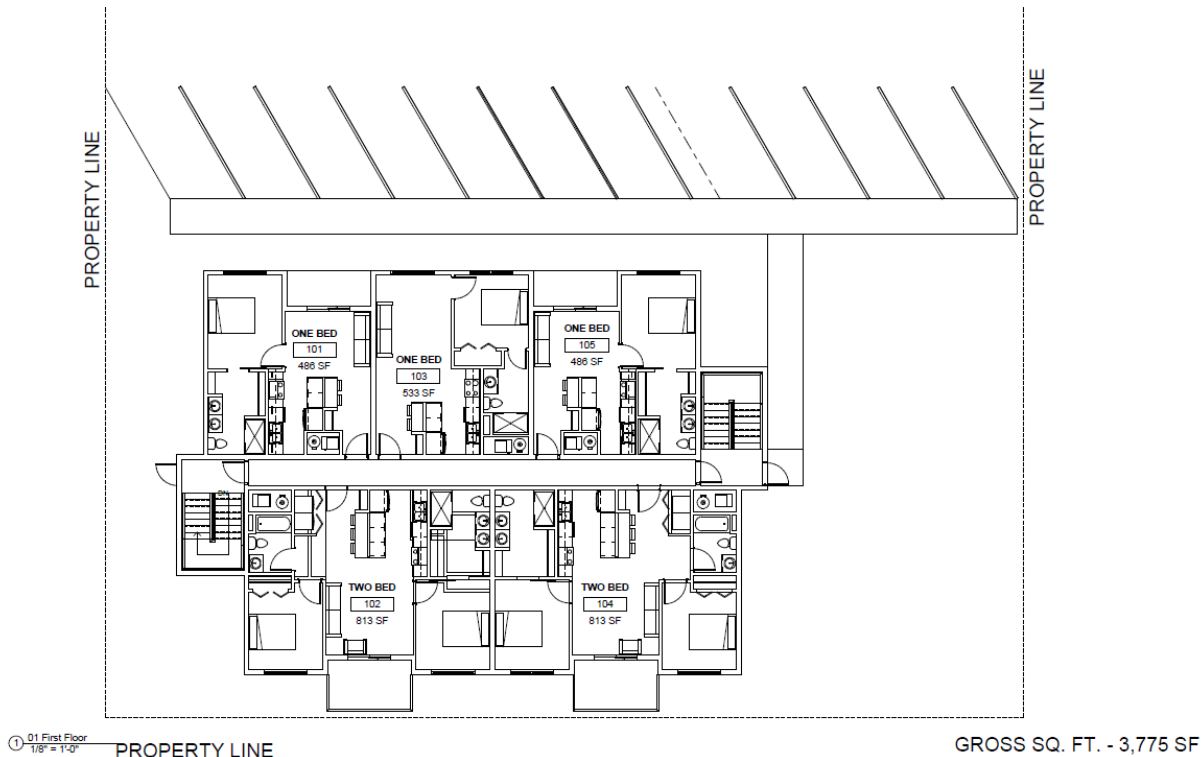
Request HV20-09 of Jonathon Carstens on behalf of Atlas Real Estate Group at 302 East 6<sup>th</sup> Street for a hardship variance to provide 11 off-street parking spaces for a 10 unit apartment building, at a ratio of 1.1 parking spaces per unit. Table 17.10-2 requires 1.5 parking spaces per unit of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

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

**Architect** (if applicable)

Name:  
Company:  
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**Historic Preservation Commission**

Certificate of Appropriateness  
Landmark Nomination  
Demolition Request

**Administrative**

Administrative Exception  
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Name:  
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**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".
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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.

# 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:	Submittal	Meeting
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

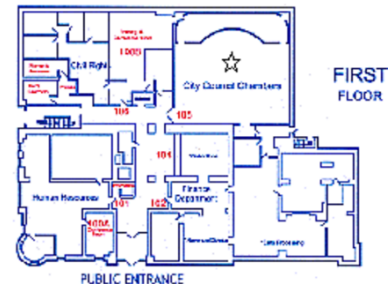
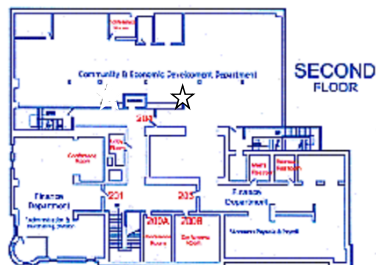
Location/Time subject to change

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

### Application Due:

### Meeting Appearance (Required):

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



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