

# ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, MAY 27, 2021; 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 INTERPRETATIONS.

I. Call to Order

II. Secretary's Report

- A. Approval of the 4/22/21 minutes (no meeting was held on 5-13-21 due to a lack of business).

III. Old Business

IV. New Business

- A. Request HV21-02 of John Des Jardins at 4902 W. Locust St for a Hardship Variance to construct a 720 sq. ft. detached garage (24' x 30') which be set back approximately 52 feet from the Locust St property line. The front wall of the dwelling establishes the setback requirement for a detached garage; said dwelling is approximately 91 feet from the front (Locust St) property line. Section 17.09-1 and 17.02.040 require detached garages on residential property to be located in the interior side or rear yard.  
[Ward 1]

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**  
**5/27/2021**

Subject:

Approval of the 4/22/21 minutes (no meeting was held on 5-13-21 due to a lack of business).

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes 4-22-21

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	5/21/2021 - 10:33 AM



**MINUTES**  
**Zoning Board of Adjustment**  
**April 22, 2021**



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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:**

Board member Loebach called the Zoning Board of Adjustment meeting to order in City Hall Council Chambers, Davenport, Iowa at approximately 4:10 p.m.

Board Members present: Quinn, Darland, and Loebach.

Staff present: Koops, and Attorney Hoyt.

**II. Secretary's Report:**

Minutes were approved for the 2-25-21 Hearing by voice-vote.

**III. Old Business:**

**Request SU21-02 of Abdalhadi Matar dba Lila LLC & Haifa LLC at 703 #A West 4<sup>th</sup> Street for consideration of a Special Use for retail sales of beer and wine only (hard liquor sales are prohibited). Table 17.08-1 of the Davenport Municipal Code requires a Special Use for retail sales of beer/wine for property zoned D-C Downtown District. [3rd Ward]**

The petitioner requested that the item be withdrawn and removed from the agenda.

**Motion**

Darland moved to withdraw SU21-02 from the agenda; the motion was seconded by Quinn and the motion carried unanimously (3-0)

Quinn, yes; Darland, yes; Loebach, yes.

**IV. New Business:**

**Request HV21-01 of William Raun on behalf of Darrell Honn at 1239 Waverly RD for a Hardship Variance to construct a 1,200 sq. ft. detached garage (30' x 40') which will exceed the allowed area by 252.5 square feet. The existing dwelling has 1,895 sq. ft. of living area, half of which is 947.5 sq. ft. Davenport Municipal Code allows for a detached garage half of the size of the dwelling's living area. [Ward 1]**

Koops presented the staff report.

Notices were sent to the adjacent property owners; no comments were received.

**Findings & Staff Recommendation:**

Findings: (supported by the staff report analysis)

- Item #1 application of the ordinance creating hardship has not been met;
- Item #2 physical and topographical conditions do not limit use of the site;

- Item #3 unique circumstance has not been established;
- Item #4 protection of essential character has been established;

Recommendation:

The proposed garage has not meet the approval standard for a hardship. A 30' x 31.6' accessory garage is allowed by right without a hardship. Staff cannot recommend approval of the request.

**Motion**

Darland, seconded by Quinn, moved to approve request as proposed; the motion failed (1-2).

Quinn, no; Darland, yes; Loebach, no.

**V. Other Business**

None.

**VI. Adjourn**

The meeting adjourned unanimously by voice vote at approximately 4:40 p.m.

City of Davenport  
Zoning Board of Adjustment

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

**Date**  
**5/27/2021**

**Subject:**

Request HV21-02 of John Des Jardins at 4902 W. Locust St for a Hardship Variance to construct a 720 sq. ft. detached garage (24' x 30') which be set back approximately 52 feet from the Locust St property line. The front wall of the dwelling establishes the setback requirement for a detached garage; said dwelling is approximately 91 feet from the front (Locust St) property line. Section 17.09-1 and 17.02.040 require detached garages on residential property to be located in the interior side or rear yard. [Ward 1]

**Recommendation:**

See attached Staff Report

**ATTACHMENTS:**

Type	Description
▣ Executive Summary	Staff Report
▣ Exhibit	Application
▣ Exhibit	Assessor's Parcel Report
▣ Exhibit	Notice Letter & Map
▣ Exhibit	Notice List

**REVIEWERS:**

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	5/21/2021 - 10:33 AM



**Planning Staff Report | Zoning Board of Adjustment**  
**4902 W. Locust St | Encroach Front Yard with Accessory Garage**  
**May 27, 2021**

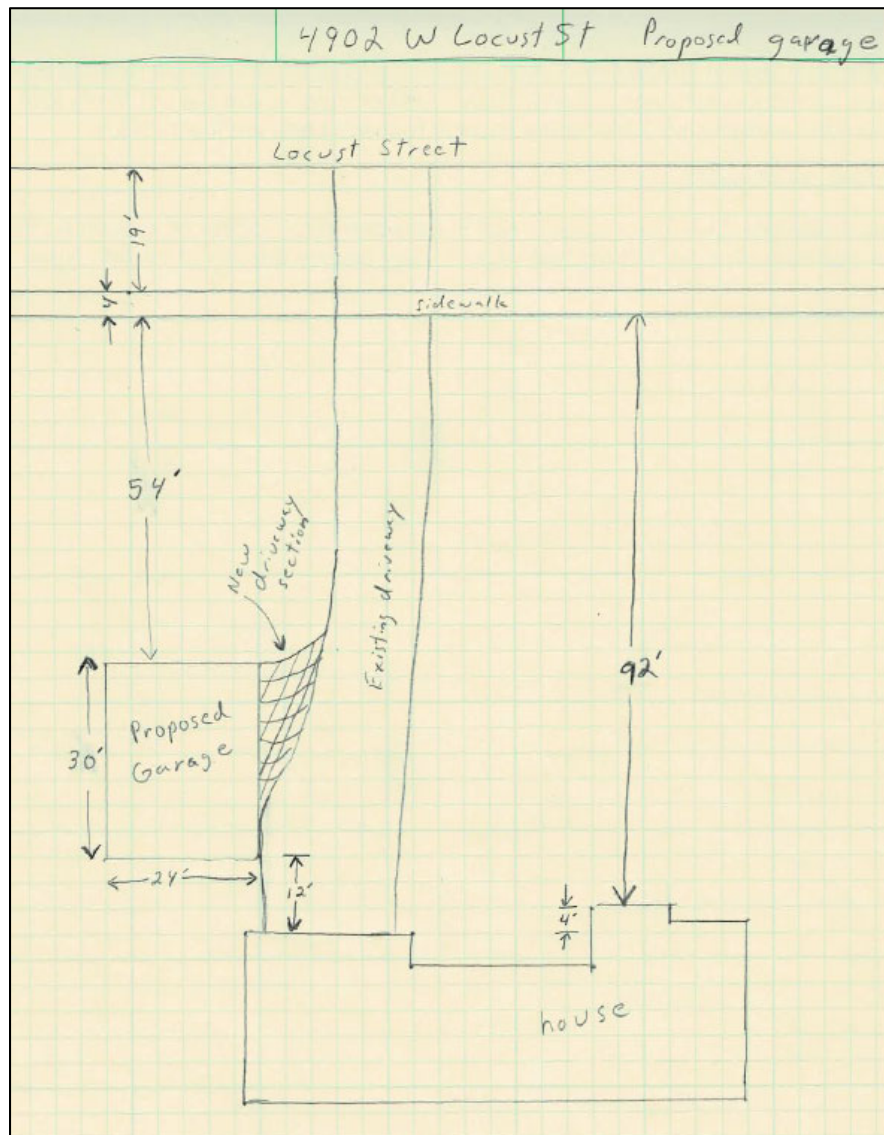
**Description**

Request of John Des Jardins at 4902 W. Locust St for a Hardship Variance to construct a 720 sq. ft. detached garage (24' x 30') which be set back approximately 52 feet from the Locust St property line. The front wall of the dwelling establishes the setback requirement for a detached garage; said dwelling is approximately 91 feet from the front (Locust St) property line. Section 17.09-1 and 17.02.040 require detached garages on residential property to be located in the interior side or rear yard. [Ward 1]

**Background & Discussion**

This property is a newer construction (2009) single family dwelling with an attached two-car 676 sq. ft. (26' x 26') garage. The proposed garage will be located just in front, and to the side, of the existing primary structure and be accessed from a small side extension of the existing paved driveway. Said extension shall also be paved as indicated by the petitioner.

**Site Plan with Proposed Detached Garage (and driveway addition – North is at the bottom)**



The current code does not allow for any detached accessory buildings to be located in the front yard, regardless of how far the principle structure is located from the front property line.

### Location Options

If the petitioner attached this proposed garage to the existing house/attached garage, a hardship variance would not be needed. The resulting structure would be required to have frost-free footings and would need to be attached per building code requirements (more than a simple breezeway would be required per building code). The elevation of the lot does pose some issues as the slope to the west of the dwelling is too steep to place a driveway or a garage. The slope on the east side of the lot is less impactful, however a certain amount of fill would be required to extend the garage to the east. Staff does not believe the proposed garage can be readily attached to the existing structure nor would it change the character of the area were it to be attached.

### **Site Elevation Contours (2'elevations)**





## Site – Front Building Elevations





W LOCUST ST

38'

115'

95'

25'

52' garage setback

60'

W LOCUST ST

5102, 4924, 4902, 4822, 1919, 4923, 4726, 5127, 4903, 4819, 4925

200m

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.*

The Zoning Board of Adjustment decision must make findings to support **each** of the following:  
(code requirement/ *applicant's response*/staff comments)

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

Applicant Response:

*Allow a detached garage to be built in a location in front of the existing house as shown on attached layout.*

Staff Comments:

The petitioner's plan allows for a garage to be built with less engineering and fill than if the garage were built behind the front wall of the house. The proposed garage will be set back farther than all but one of the houses on this portion of West Locust Street.

While there may be challenges for the homeowner to build the preferred plans for a second accessory garage, it is noteworthy that the property already contains a 26' x 26' garage. The zoning ordinance does not ensure that property owners will be able to have multiple garages on a residential property, let alone one garage. Garages are accessory to the residential use. The site already contains a garage. A second garage on this property would be a convenience to the petitioner, and not a hardship. It does not appear that this criteria has been met for hardship variance determination.

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:

*Property on sides and behind the house have significant downward slope from the house and driveway. Allowing the garage in front of the house will keep the garage at the same level of the driveway and house. Building a garage behind the house will create the need for a steep driveway to the garage and difficult to get vehicles to and from the garage.*

Staff Comments:

The topography of the lot slopes away from the dwelling on each side of the house. The physical characteristics of the property pose a moderate 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:

*Downward slopes from the house on the property is unique to this property only.*

Staff Comments:

The excessive setback of the dwelling on this property poses a unique circumstance on the petitioner that does not apply to most dwellings along this street. The existing conditions appear to be grounds for a hardship determination.

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

Applicant Response:

*Detached garage will be in forward of house but along the existing driveway allowing full visibility to existing house from the street and all buildings will still be back from street an amount in line with other properties.*

Staff Comments:

The character of the area should not be impacted by the by the proposed structure given the deep setback of the house compared to the nearest dwelling to the east. Protection of essential

character does not appear to be negatively impacted, should this hardship be granted. This could be further mitigated by the style of the garage, providing same siding, roof pitch/color, window style and shutters.

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

#### Findings:

- Item #1 the proposed application for a second garage appears to be a convenience;
- Item #2 physical and topographical conditions do limit use of the site to some extent;
- Item #3 unique circumstance appears to have been established;
- Item #4 protection of essential character appears to have been established;

#### Recommendation:

Staff cannot recommend approval of the request as it does not appear to meet approval criteria #1 (application of the ordinance creating a hardship).

Prepared by:

A handwritten signature in black ink that reads "Scott Koops". The signature is written in a cursive, flowing style.

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.

**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.





## Scott County / City of Davenport, Iowa

### Summary - Auditor's Office

Parcel ID	T2049-05
Alternate ID	T08001
Property Address	4902 W LOCUST ST DAVENPORT IA 0
Sec/Twp/Rng	N/A
Brief Tax Description	HANLIN'S 2ND ADD Lot: 001 HANLIN'S 2ND ADD (Note: Not to be used on legal documents)
Deed Book/Page	2019-7870
Contract Book/Page	
Gross Acres	0.00
Net Acres	0.00
Adjusted CSR Pts	0
Class	R - Residential (Note: This is for tax purposes only. Not to be used for zoning.)
District	DAD - DAVENPORT DAVENPORT
School District	DAVENPORT SCHOOL
Subdivision	HANLIN'S 2ND ADD



### Owners - Auditor's Office

Deed Holder  
[DES JARDINS JOHN E](#)  
[4902 W LOCUST ST](#)  
 DAVENPORT IA 52804

#### Contract Holder

ALLEN-DES JARDINS MARY C  
[4902 W LOCUST ST](#)  
 DAVENPORT IA 52804

#### Mailing Address

DES JARDINS JOHN E  
 4902 W LOCUST ST  
 DAVENPORT IA 52804

### Land - Assessor's Office

Map Area T08  
 Lot Dimensions Regular Lot: 204.80 x 286.00  
 Lot Area 1.35 Acres; 58,573 SF

Land Sizes Used For Assessment Purposes Only. Not A Survey Of The Property.

### Residential Dwellings - Assessor's Office

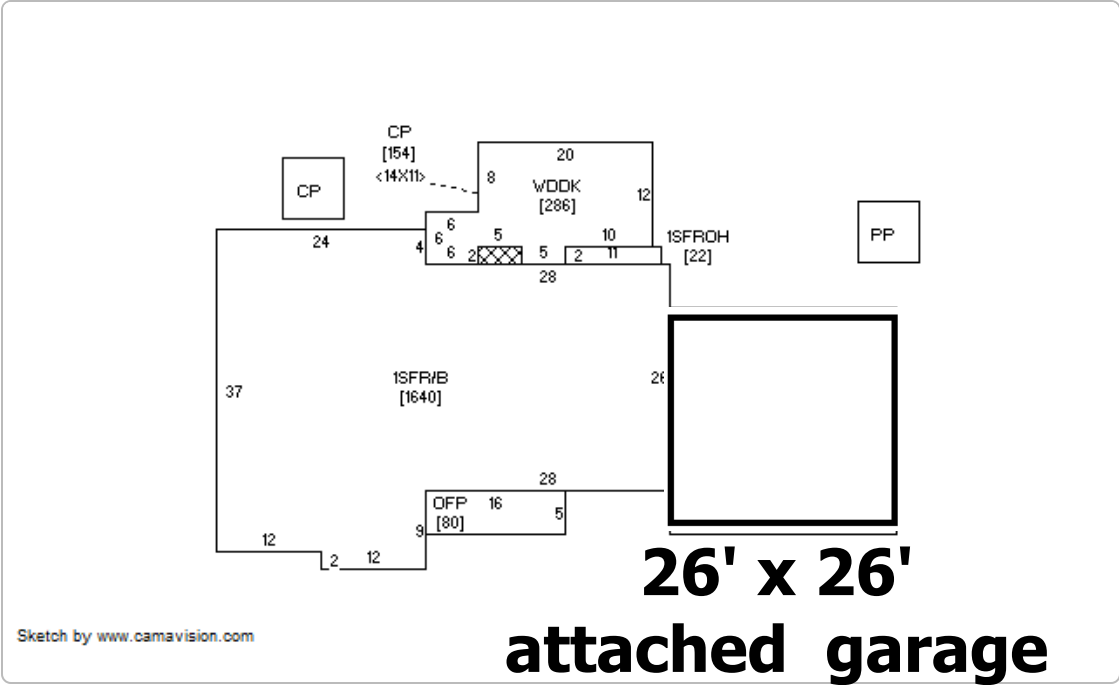
Residential Dwelling	
Occupancy	Single-Family
Style	1 Story Frame
Year Built	2009
Exterior Material	Vinyl
Total Gross Living Area	1,662 SF
Attic Type	None;
Number of Rooms	0 above; 0 below
Number of Bedrooms	4 above; 0 below
Basement Area Type	Full
Basement Area	1,640
Basement Finished Area	1,075 - Living Qtrs. W/ Walk-out
Plumbing	1 Shower Stall Bath 1 Full Bath 1 Lavatory 1 W'Pool Bath w/Shower
Central Air	Yes
Heat	FHA - Gas
Fireplaces	1 Gas/Elec-Side;
Porches	1S Frame Open (80 SF);
Decks	Concrete Patio-Med (154 SF); Wood Deck-Med (286 SF);
Additions	1 Story Frame (22 SF);
Garages	676 SF - Att Frame (Built 2009);

### Photos - Assessor's Office

# Existing Garages: 676 SF (26' x 26')



Sketches - Assessor's Office



No data available for the following modules: Summary - Inactive, DBA (Doing Business As) - Assessor's Office, Commercial Buildings - Assessor's Office, Agricultural Buildings - Assessor's Office, Tax Sale Certificates - Treasurer's Office, Special Assessments - Treasurer's Office, Scott County Data Correction Feedback Form, Scott County Tax Credit Applications.

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Version 2.3.121



# DAVENPORT

DEVELOPMENT &  
NEIGHBORHOOD SERVICES

## PUBLIC HEARING NOTICE | Zoning Board of Adjustment

Date: 5/27/2021 Location: Council Chambers | City Hall | 226 W. 4th ST.  
Time: 4:00 PM Subject: Public Hearing for Hardship Variance before the Zoning  
Board of Adjustment

ALD. DUNN  
EXAMPLE NOTICE  
Notices Sent: 12

To: All property owners within 200 feet of the subject property located at **4902 W. Locust St.**

### What is this About?

This notice is being sent to inform you that a public hearing will be held for a Hardship Variance. The purpose of the Hardship Variance is to grant permission to waive or alter a size or dimensional code requirement.

#### Request/Case Description

**Request of John Des Jardins at 4902 W. Locust St for a Hardship Variance to construct a 720 sq. ft. detached garage (24' x 30') which be set back approximately 51 feet from the Locust St property line. The front wall of the dwelling establishes the setback requirement for a detached garage; said dwelling is approximately 91 feet from the front (Locust St) property line. Section 17.09-1 and 17.02.040 require detached garages on residential property to be located in the interior side or rear yard. [Ward 1]**

### What are the Next Steps after the Public Hearing?

For approved ZBA requests, the ruling is effective immediately. Rulings of the Zoning Board of adjustment are final. The applicant may request reconsideration at the next public hearing, and aggrieved parties may file a writ of certiorari with the district court.

### Would You Like to Submit an Official Comment?

As a neighboring property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent 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://www.gotomeet.me/Davenport\\_Planning/zba](https://www.gotomeet.me/Davenport_Planning/zba) & at 1-877- 568-4106 with access code: 417-263-477. 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**



HV21-02 Adjacent Property Owner Notice List.xlsx

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	1239 WAVERLY RD	JOHN DES JARDINS	4902 W LOCUST ST	DAVENPORT IA 52804
Neighborhood:	None			All Alderman Notified
Ward/Ald:	1st WARD	ALDERMAN DUNN	EXAMPLE NOTICE	Notices Sent: 12
S2901-01F	4825 W LOCUST ST	SCOTT A GALL REV TR	4825 W LOCUST ST	DAVENPORT IA 52804
S2903-14	4819 W LOCUST ST	EDITH A ERFLING	5409 PINE CREEK DR	LA PORTE TX 77571
S2901-03B	4903 W LOCUST ST	LORI BETH RODRIGUEZ	4903 W LOCUST ST	DAVENPORT IA 52804
S2901-02D	4927 W LOCUST ST	RICHARD J MCINNIS	4927 W LOCUST ST	DAVENPORT IA 52804
T2051-01	4822 W LOCUST ST	JEFFREY A WOODWORTH	4822 W LOCUST ST	DAVENPORT IA 52804
T2049-06	4833 W PLEASANT ST	KIRK D JOHNSON	4833 W PLEASANT ST	DAVENPORT IA 52804
T2051-05	4819 W PLEASANT ST	JOSEPH F MARLEY	4819 W PLEASANT ST	DAVENPORT IA 52804
T2051-02	1918 OKLAHOMA AVE	TODD VOSS	1918 OKLAHOMA AVE	DAVENPORT IA 52804
T2049-04	4924 W LOCUST ST	CHAD E JOHNSON	4924 W LOCUST ST	DAVENPORT IA 52804
S2901-01J	4835 W LOCUST ST	JUAN ZAMORA	4835 W LOCUST ST	DAVENPORT IA 52804
S2901-01H	4839 W LOCUST ST	ROBERT S BYTNAR JR	4839 W LOCUST ST	DAVENPORT IA 52804
S2901-01D	4841 W LOCUST ST	MARTIN LEAL	4841 W LOCUST ST	DAVENPORT IA 52804