

# ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, SEPTEMBER 28, 2023; 4:00 PM

CITY HALL | 226 WEST 4TH STREET | COUNCIL CHAMBERS

THE ZBA HOLDS PUBLIC HEARINGS FOR HARDSHIP VARIANCES, SPECIAL USES,  
AND INTERPRETATION APPEALS.

I. Call to Order

II. Secretary's Report

A. Consideration of the August 24th meeting minutes.

III. Old Business

IV. New Business

A. Request HV23-13 of Ann Schwickerath on behalf of Project Renewal at 513 Warren Street for a Hardship Variance to reduce the required number of off-street parking spaces for a community center from seven (7) to five (5). Table 17.10-2 requires seven (7) off-street parking spaces for a community center. [Ward 3]

B. Request HV23-14 of Ben Kantner on behalf of Habitat for Humanity QC at 329 Oak Street for a 6-foot principle use encroachment into a reverse corner side yard setback with a proposed single-family dwelling which would be 19 feet from the W. 4th Street property line. The Davenport Municipal Zoning Code requires a 25-foot setback in the R-MF District from W. 4th Street. [Ward 3]

V. Other Business

VI. Adjourn

City of Davenport  
Zoning Board of Adjustment

Department: DNS

Contact Info: ScottKoops@davenportiowa.com

**Date**  
**9/28/2023**

Subject:

Consideration of the August 24th meeting minutes.

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes Aug 24 2023



# MINUTES

## Zoning Board of Adjustment

### August 24, 2023



By this reference all reports, documents, presentations, videos and the hearing's video recording are incorporated into the minutes.  
See the following link: <https://www.youtube.com/user/DavenportToday/videos>

#### I. Call to Order:

Chairman Darland called the Zoning Board of Adjustment (ZBA) meeting to order in City Hall Council Chambers, Davenport, Iowa at approximately 4:01 p.m.

Members present: Galliart, Boyd-Carlson, Bloemker, Darland  
Excused: none  
Staff present: Koops, staff Attorney Bagby

#### II. Secretary's Report:

Minutes were approved for the 2023-08-10 ZBA Hearing by voice-vote (4-0).

#### III. Old Business:

- A. Request HV23-12 of John Trimble at 6230 Telegraph RD for a Hardship Variance to construct a 1,920 sq. ft. detached garage (40' x 48') which will exceed the allowed area by 1,120 sq. ft. Existing dwelling has 1,600 sq. ft. of living area. Table §17.09-1 of the Municipal Code allows for a detached garage half of the size of the dwelling's living area (800 sq. ft.). Proposed garage will be 240% of the allowed size; total garage area for this single-family dwelling will be 157% of the dwelling's living area. [Ward 1]**

Koops presented the staff report.

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 not been established;

Recommendation:

The proposed garage has not met the approval standards for a hardship. The petitioner can by right, without hardship, construct a 20' by 40' garage to accommodate an RV. Staff recommended denial of the request.

Discussion by the Board: The Board briefly discussed the issues of the case.

Bloemker stated that he does not think it is incumbent upon the City to accommodate needs in terms of someone's accumulating personal assets. If one is accumulating assets, one should also inquire about how to protect those assets before purchasing them.

Galliart stated that his concern is that the size of the proposed storage will exceed the size of the living structure itself.

Darland stated that zoning regulations are in place because situations change. When the Board reviews these requests, the Board needs to understand that personal needs change over time and that adjacent properties also change by potentially having windows or decks added that would be impacted if a hardship variance were granted. Also, more particularly, Darland stated the he is concerned about the potentially 'flipping' of the principle use from dwelling to storage, as the storage space would exceed the living space on the property if the hardship were granted.

**Motion**

Gallart moved to approve request HV23-12 as proposed; Boyd-Carlson seconded the motion and the motion failed. (1-3)

Bloemker, no; Boyd-Carlson, yes, Gallart, no; and Darland, no.

**IV. New Business:**

None.

**V. Other Business**

None.

**VI. Adjourn**

The meeting adjourned unanimously by voice vote at approximately 4:41 p.m.

City of Davenport  
Zoning Board of Adjustment

Department: DNS  
Contact Info: ScottKoops@davenportiowa.com

**Date**  
**9/28/2023**

**Subject:**

Request HV23-13 of Ann Schwickerath on behalf of Project Renewal at 513 Warren Street for a Hardship Variance to reduce the required number of off-street parking spaces for a community center from seven (7) to five (5). Table 17.10-2 requires seven (7) off-street parking spaces for a community center. [Ward 3]

**ATTACHMENTS:**

Type	Description
▢ Executive Summary	Staff Report
▢ Exhibit	Letter of Support
▢ Exhibit	Application
▢ Exhibit	Notice Letter
▢ Exhibit	Notice List

**REVIEWERS:**

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	9/22/2023 - 2:39 PM



## Zoning Board of Adjustment Staff Report Reduce Parking Requirements Sept 28, 2023

### Description

Request HV23-13 of Ann Schwickerath on behalf of Project Renewal at 513 Warren Street for a Hardship Variance to reduce the required number of off-street parking spaces for a community center from seven (7) to five (5). Table 17.10-2 requires seven (7) off-street parking spaces for a community center. [Ward 3]

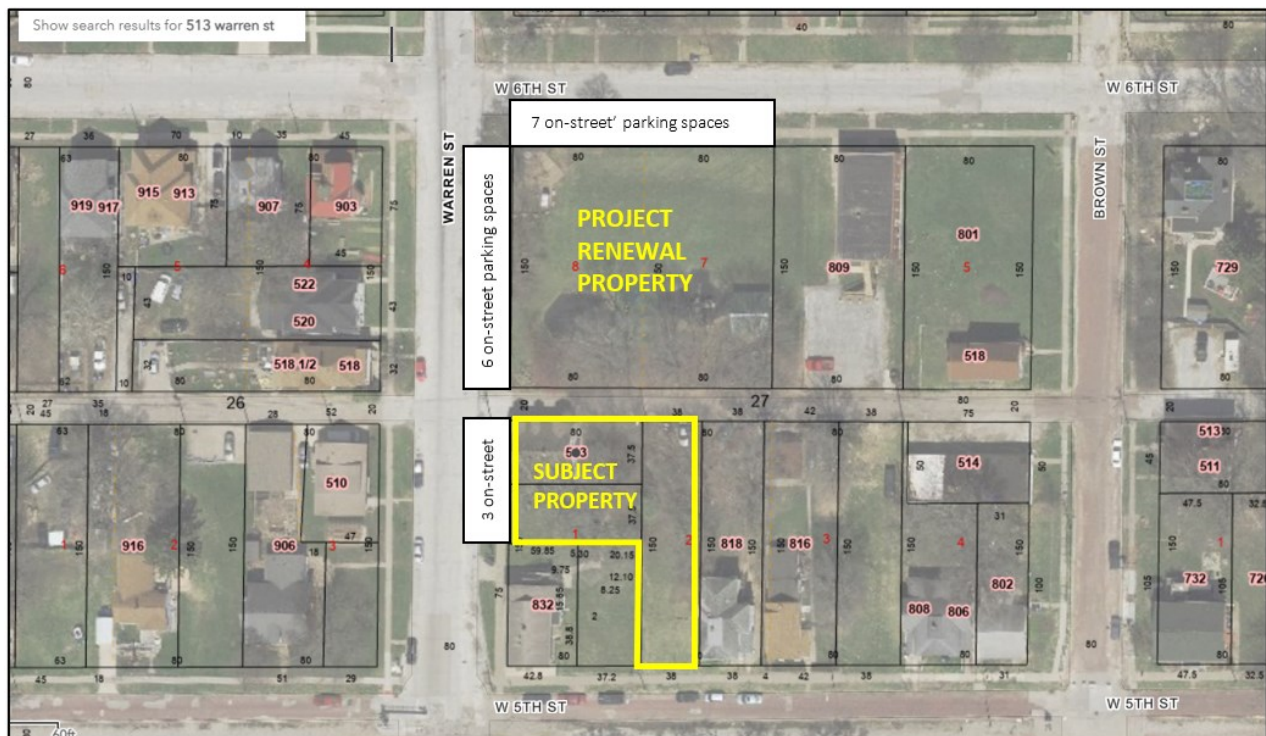
Table 17.10-2. requires seven (7) off-street parking spaces on site. Property is zoned R-4C Residential. [Ward 5]

### Background & Discussion

The petitioner has demolished a four-unit multi-family dwelling on this site and has proposed plans for a community center with two upper-level apartments. A detached garage is proposed as well with access off of the alley. The garage would have two parking spots for the apartments which shall be occupied by Renewal staff.

Approximately 16 on-street spaces are available abutting property owned by Project Renewal on West 6<sup>th</sup> and Warren Streets, with 9 of those spaces located along Warren Street and being within 120 feet of the subject property.

On-Street Parking abutting Project Renewal Property: (16 spaces)



[illegible]

The site plan shows a proposed building (1,892 S.F. ±) and a proposed garage (690 S.F. ±) on a lot. The building has a 10' building setback and a 15' building setback. The garage has a 15' building setback. The lot is bounded by an alley to the north and east, and a 15' buffer yard to the south. The plan includes dimensions for setbacks, lot area, and building footprint. A proposed concrete driveway and parking area (1,223 S.F. ±) is shown to the north of the building. A proposed concrete patio and walk (673 S.F. ±) is shown to the south of the building. A proposed accessory structure (4' setback) is shown to the east of the building. A proposed dumpster location is shown to the east of the building. The plan also shows existing features like a walk to remain and a 20' setback.

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."

**Reason for Hardship Request (Applicant Response):**

*Requesting a hardship variance to provide on-street parking in order to meet parking requirements. Under current regulations, 7 parking stalls, including 1 ADA compliant stall, are required. A dumpster enclosure is also required. These factors plus certain site constraints have deemed it necessary to apply for a parking hardship variance that would allow on-street parking to contribute to the overall parking requirements.*

**Approval Standards**

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

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

**Applicant Response:**

*Unless the request is granted, Project Renewal's Youth Center will not be able to proceed as planned as the current ordinance will require 7 off-street parking. Providing 7 off-street parking would incur a major cost and the initial design intent of the project would suffer greatly as this would reduce the green space that is slated to be used for a pollinator garden and activity area for Youth Center's students.*

*Project Renewal is asking for relief from providing 7 off street parking spots and will provide 5 off street parking spots. This request will actually increase the amount of off-street parking compared to the previous owner's use of this property. Not only will our planned design increase the parking availability, but that overall, there would be a net reduction in anticipated traffic since the prior property had 4 apartment units whereas ours will only have 2 on the top floor*

*There will be only two apartments (compared to the previous owner who had four apartments and no off-street parking), not as much parking is needed for residents. The second floor of this project will have two apartments for Project Renewal staff to live and work in the neighborhood. Resident staff will have full use of the two-car garage to park their vehicles. Three additional off-street parking spaces, this includes one accessible space, are provided in this plan. If Project Renewal's request is granted there will be an increase of off-street parking compared to the current and previous use of this property.*

**Staff Comments:**

The proposed community center, which is being built in the previous location of a four unit dwelling, shall not have a detrimental impact on the neighborhood, as on-street parking abutting property owned by Project Renewal shall more than compensate for the 2 parking spaces deficit. The petitioner has met the grounds for relief from this specific code section.

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 site is limited in the E/W direction. The project also requires a dumpster enclosure, which further limits the design as planned. This project is located in one of the oldest Davenport neighborhoods and next to a busy railway line. When the original mapping of this neighborhood was done there was limited space for buildings, compared to modern developments that allow for*



*expansion. Project Renewal is making the best use of the given space to improve our community given the constraints imposed originally in 1900.*

*More so than in any other neighborhood, there is a high concentration of rental housing units and service organizations in this neighborhood that work with transient populations which contributes to our neighborhood fragility and safety. Project Renewal staff are residents who work, live and advocate for the City of Davenport residents, and specifically our neighborhood. Our resident staff have a stabilizing presence.*

*Not allowing the relief from the requested parking hardship variance will hinder Project Renewal's ability to be a positive presence in one of the City of Davenport's most fragile neighborhood. Project Renewal is a hub of stability and provides a neighborhood youth program for populations who are often overlooked and underserved.*

*Project Renewal's neighborhood presence and stability aligns with the Q2030 belief that neighborhoods are one of the core units that affect regional health. As identified in the City of Davenport's 5-year consolidated plan as a priority area of need: Low-mod clientele and public service providing services to residents, particularly youth and financial literacy, Project Renewal fulfills this void.*

*Project Renewal's mission includes immersing their staff and volunteers to be residents of the neighborhood since it's inception in 1974, and continues to do so. Our additional property, 513 Warren Street, will increase stability, positive role modeling and advocacy for our neighbors and neighborhood which aligns will Project Renewal's mission and core values:*

**Mission Statement**

*We empower children and families by acting as a welcoming presence in the neighborhood.*

**Core Values Statement**

***Dignity*** = We affirm the worth and gift of each person

***Stability*** = We provide structure and support for kids and neighbors

***Trust*** = We offer a warm, loving presence in the neighborhood

***Education*** = We invest in our children and neighbors to reach their full potential

***Justice*** = We advocate for just and equitable opportunities

*While Project Renewal directly serves youth, at the same time, staff and volunteers are role models and advocates for our youth participant's parents, our neighbors and neighborhood, being a positive, daily presence for those who are unable to advocate for themselves or seek out supportive resources. Statistically, our direct population served is 100% extremely low-moderate income and 100% minority. Project Renewal has historically worked with diverse and under-served youth in Davenport since 1974 as a local, grass roots organization.*

Staff Comments:

The physical conditions of the site do constrict this use due to the narrowness of the lot. Lot sizes in infill areas typically preclude nonresidential uses meeting zoning code requirements, however the code does allow for such uses and provisions have been written into the code to allow such uses.

Staff supports the applicant's response.

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:

*Correct, this is a unique circumstance.*

*The building use is primarily for youth-based outreach and programming. The youth participants are in grades K-12, the vast majority do not drive and will not need parking. Youth participants will walk to the building or get dropped off and picked up.*

*Adjacent to 513 Warren property, to the north across the alley, is another property owned and maintained by Project Renewal, Sr. Concetta Park. This property has been used as a park for over 34 years and will continue for this purpose. This property, being a park, does not have high vehicle traffic, it is used by Project Renewal for youth programming and surrounding neighbors who walk and visit the park for short periods of time – long term or overnight parking is not needed. This helps assure that Project Renewal's 513 property request for the parking hardship variance will not contribute to a lack of parking for surrounding neighbors.*

Staff Comments:

Staff believes that the limiting features of this site warrant relief. The on-street parking space shall adequately compensate for the two (2) parking space deficit.

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

Applicant Response:

*The hardship variance will not alter the essential character of the locality, in fact it will greatly enhance the surrounding neighborhood. The previous building on this site contained four apartments which were a terrible nuisance and eyesore, the source of major drug dealing, guns and trafficking resulting in several police calls, raids by the swat team, nuisance abatement and shootings.*

*The first floor will allow space for positive youth activities. The second floor will only have two apartments that will contain Project Renewal staff that make a commitment to work and live in our neighborhood to be a positive presence and good neighbor.*

Staff Comments:

The character of the area will not be impacted by the proposed project; the site will have adequate parking spaces for the intended use. Protection of essential character has been established.

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

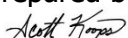
Findings: (supported by the aforementioned analysis)

- 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 will be met as proposed.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents





# Central Community Circle Neighborhood

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TO: ZONING BOARD OF ADJUSTMENT

FROM: THE CENTRAL COMMUNITY CIRCLE NEIGHBORHOOD

REGARDING: SUPPORT OF A PARKING HARDSHIP VARIANCE FOR PROJECT RENEWAL'S  
PROPOSED YOUTH CENTER

DATE: September 14, 2023

The Central Community Circle Neighborhood deeply values Project Renewal's participation in our neighborhood. Its presence and mission contributes immeasurably to our safety and stability. We're fully supportive of the new proposed Youth Center construction. Indeed, we're eager for the project's completion because it will expand Project Renewal's ability to provide vital supportive services to our youth as well as our neighborhood.

We're confident the off-street and on-street parking Project Renewal is proposing will be adequate and appropriate for this building. This is based both in our awareness of the context of the properties surrounding the proposed Youth Center and in light of the proposed building's functioning. From our perspective the granting of a parking hardship variance is entirely desirable because it will allow the building's foundation construction to begin in a timely manner.

I speak not only personally here. I'm also reflecting the overwhelming support expressed this week by those attending our regular monthly neighborhood meeting. As the situation was discussed, not one concern or negative comment was raised in the group. Discussion comments were unanimous in the expressed desire for the granting of a parking hardship variance. This group included representatives of the City and the Davenport police as well as homeowners and representatives of other neighborhood stakeholder nonprofit organizations.

It is our neighborhood's fervent hope that you will decide in favor of granting a parking hardship variance to Project Renewal. This construction project will promote an improved quality of life for our neighborhood residents as well as all at-risk youth they serve. Please feel free to contact me if you wish any further clarification.

Sincerely,

BILLIE GREENWOOD, CCC NEIGHBORHOOD CO-LEADER

626 Vine Street  
DAVENPORT, IA 52802  
(515) 257-3857  
BGREENW@GMAIL.COM





**CITY OF DAVENPORT**  
Development & Neighborhood  
Services – Planning  
1200 W. 46<sup>th</sup> St  
Davenport, IA 52807

Office 563.326.6198  
planning@davenportiowa.com

APPLICATION FOR

## HARDSHIP VARIANCE

ZONING BOARD OF ADJUSTMENT

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING
<i>pl</i>	<i>9-1</i>	<i>9-28</i>
SITE ADDRESS & PARCEL OR LOCATION DESCRIPTION		
513 Warren Street, Davenport, IA 52802		
REASON FOR HARDSHIP REQUEST		
see attached		
<b>COMPLETE SUBMITTALS SHALL INCLUDE:</b>		
<b>SUBMITTED</b>		
Concept/Development Plan to Scale* <input checked="" type="checkbox"/>		
*shall show setbacks, height and size dimensions, etc.		
Consent to request hardship/legal interest Affidavit* <input checked="" type="checkbox"/>		
*shall include owner contact information		
Application Fee* \$200 <input checked="" type="checkbox"/>		
*required for a complete application		
<b>DEMONSTRATE WITH EVIDENCE THE FOLLOWING (4) ITEMS:</b>		
1. The strict application of the terms of this ordinance will result in hardship unless the specific relief requested is granted.		
see attached		
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.		
see attached		
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.		
see attached		
4. The hardship variance, if granted, will not alter the essential character of the locality.		
see attached		
Contact Development & Neighborhood Services (DNS) Planning Division at <a href="mailto:planning@davenportiowa.com">planning@davenportiowa.com</a> with any questions, for additional information, and to submit this form.		

APPLICANT INFORMATION
APPLICANT NAME
Project Renewal of Davenport
ADDRESS
906 W. 5th Street
CITY, STATE, ZIP
Davenport, IA 52802-3403
PHONE
(563) 324-0800
SECONDARY PHONE
(563) 940-0809
E-MAIL ADDRESS
ann@projectrenewal.net
<b>Acceptance of Applicant</b>
I, the undersigned, certify that the information on this application to the best of my knowledge is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.
In addition to the application fee, I understand I am responsible for attendance at the meeting as shown on the public hearing zoning board calendar. The City reserves the right to require further site studies as necessary.
<b>Project Renewal of Davenport</b>
Type Applicant's Name
<i>Ann Schmitt</i>
Applicant's Signature
08/28/2023
Date
<b>DEVELOPMENT TEAM</b>
<b>Property Owner</b>
Project Renewal of Davenport
Address
906 W. 5th Street, Davenport, IA 52802-3403
Phone
(563) 324-0800
Secondary Phone
(563) 940-0809
E-Mail Address
ann@projectrenewal.net
<b>Project Manager/Other</b>
Joshua Arguello
Address
575 12th Avenue, East Moline, IL
Phone
(563) 265-4348
Secondary Phone
E-Mail Address
joshua@streamlinearchitects.com

# Authorization to Act as Applicant

I/We, Project Renewal of Davenport

[as property owner(s)]

authorize Ann Schwickerath

[the above person(s)]

to act as applicant, representing me/us before the following board: Zoning Board of Adjustment \*

for the property located at 513 Warren Street, Davenport, IA 52802

Ann Schwickerath  
Signature(s)\*

\*Please note: original signature(s) are required signed in front of a Notary.

Notarization:

09/01/2023  
Date

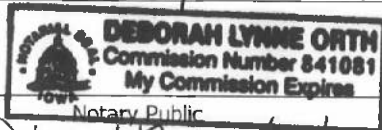
State of Iowa,

County of Scott,

Sworn and subscribed before me

this 1 day of September, 2023

Driver's License  
[ identification type ]



Deborah Lynne Orth  
My Commission Expires: July 22, 2025

## \* Application Form by Board Type

### Plan and Zoning Commission

Zoning Map Amendment (Rezoning)  
Planned Unit Development  
Zoning Ordinance Text Amendment  
Right-of-way or Easement Vacation

### Zoning Board of Adjustment

Special Use  
Hardship Variance  
Zoning Appeal  
Nonconforming Use Exception

### Design Review Board

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

### Historic Preservation Commission

Certificate of Appropriateness  
Landmark Nomination  
Demolition Request



**Reason for Hardship Request:**

Requesting a hardship variance to provide on-street parking in order to meet parking requirements. Under current regulations, 7 parking stalls, including 1 ADA compliant stall, are required. A dumpster enclosure is also required. These factors plus certain site constraints have deemed it necessary to apply for a parking hardship variance that would allow on-street parking to contribute to the overall parking requirements.

**Need to submit:****Concept/Development Plan to Scale\***

**\*shall show setbacks, height and size dimensions, etc.**

**Demonstrate with Evidence the following (4) items:**

**1. The strict application of the terms of this ordinance will result in hardship unless the specific relief requested is granted.**

Unless the request is granted, Project Renewal's Youth Center will not be able to proceed as planned as the current ordinance will require 7 off-street parking. Providing 7 off-street parking would incur a major cost and the initial design intent of the project would suffer greatly as this would reduce the green space that is slated to be used for a pollinator garden and activity area for Youth Center's students.

Project Renewal is asking for relief from providing 7 off street parking spots and will provide 5 off street parking spots. This request will actually increase the amount of off-street parking compared to the previous owner's use of this property. Not only will our planned design increase the parking availability, but that overall, there would be a net reduction in anticipated traffic since the prior property had 4 apartment units whereas ours will only have 2 on the top floor.

There will be only two apartments (compared to the previous owner who had four apartments and no off-street parking), not as much parking is needed for residents. The second floor of this project will have two apartments for Project Renewal staff to live and work in the neighborhood. Resident staff will have full use of the two-car garage to park their vehicles. Three additional off-street parking spaces, this includes one accessible space, are provided in this plan. If Project Renewal's request is granted there will be an increase of off-street parking compared to the current and previous use of this property.

**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.**

The site is limited in the E/W direction. The project also requires a dumpster enclosure, which further limits the design as planned. This project is located in one of the oldest Davenport neighborhoods and next to a busy railway line. When the original mapping of this neighborhood was done there was limited space for buildings, compared to modern developments that allow for expansion. Project Renewal is making the best use of the given space to improve our community given the constraints imposed originally in 1900.



- 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.**

Correct, this is a unique circumstance.

The building use is primarily for youth-based outreach and programming. The youth participants are in grades K-12, the vast majority do not drive and will not need parking. Youth participants will walk to the building or get dropped off and picked up.

Adjacent to 513 Warren property, to the north across the alley, is another property owned and maintained by Project Renewal, Sr. Concetta Park. This property has been used as a park for over 34 years and will continue for this purpose. This property, being a park, does not have high vehicle traffic, it is used by Project Renewal for youth programming and surrounding neighbors who walk and visit the park for short periods of time – long term or overnight parking is not needed. This helps assure that Project Renewal's 513 property request for the parking hardship variance will not contribute to a lack of parking for surrounding neighbors.

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

The hardship variance will not alter the essential character of the locality, in fact it will greatly enhance the surrounding neighborhood. The previous building on this site contained four apartments which were a terrible nuisance and eyesore, the source of major drug dealing, guns and trafficking resulting in several police calls, raids by the swat team, nuisance abatement and shootings.

The first floor will allow space for positive youth activities. The second floor will only have two apartments that will contain Project Renewal staff that make a commitment to work and live in our neighborhood to be a positive presence and good neighbor.



## Public Hearing Notice | Zoning Board of Adjustment

**Date:** 9/28/2023      **Location:** City Hall | 226 W 4th ST | Council Chambers  
**Time:** 4:00:00 PM      **Subject:** Hearing for Hardship Variance | Zoning Board of Adjustment

EXAMPLE NOTICE  
14 SENT

To: All property owners within 200' of the subject property: **513 Warren 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 HV23-13 of Ann Schwickerath on behalf of Project Renewal at 513 Warren Street for a Hardship Variance to reduce the required number of off-street parking spaces for a community center from seven (7) to five (5). Table 17.10-2 requires seven (7) off-street parking spaces for a community center. [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?

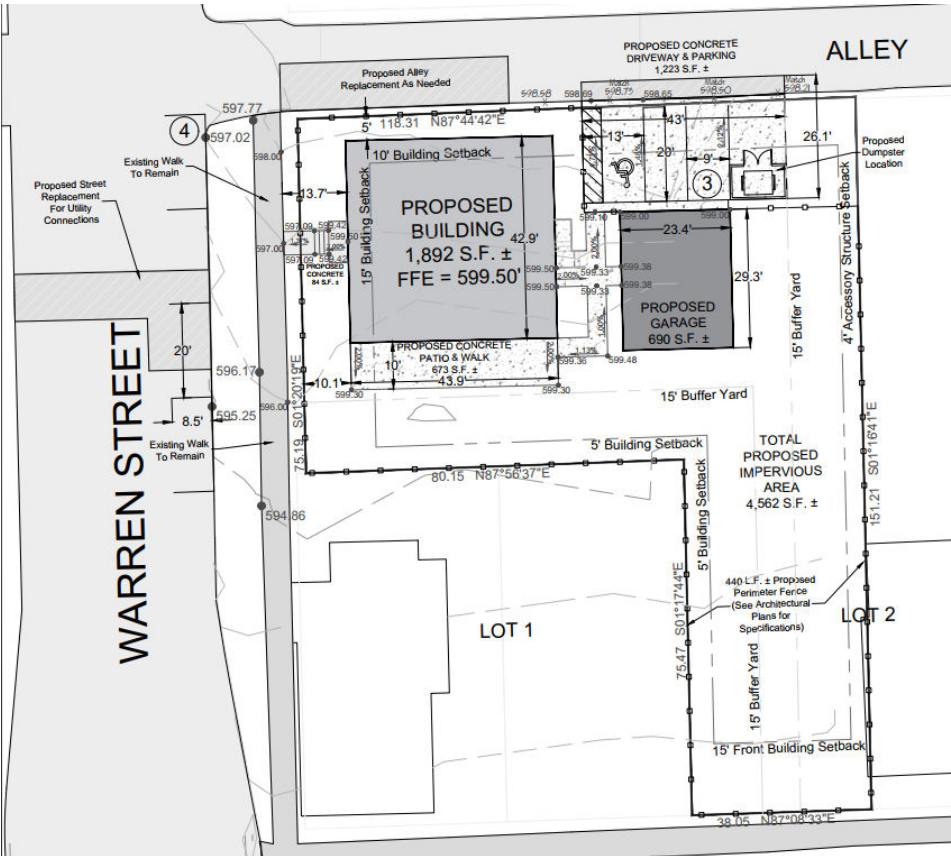
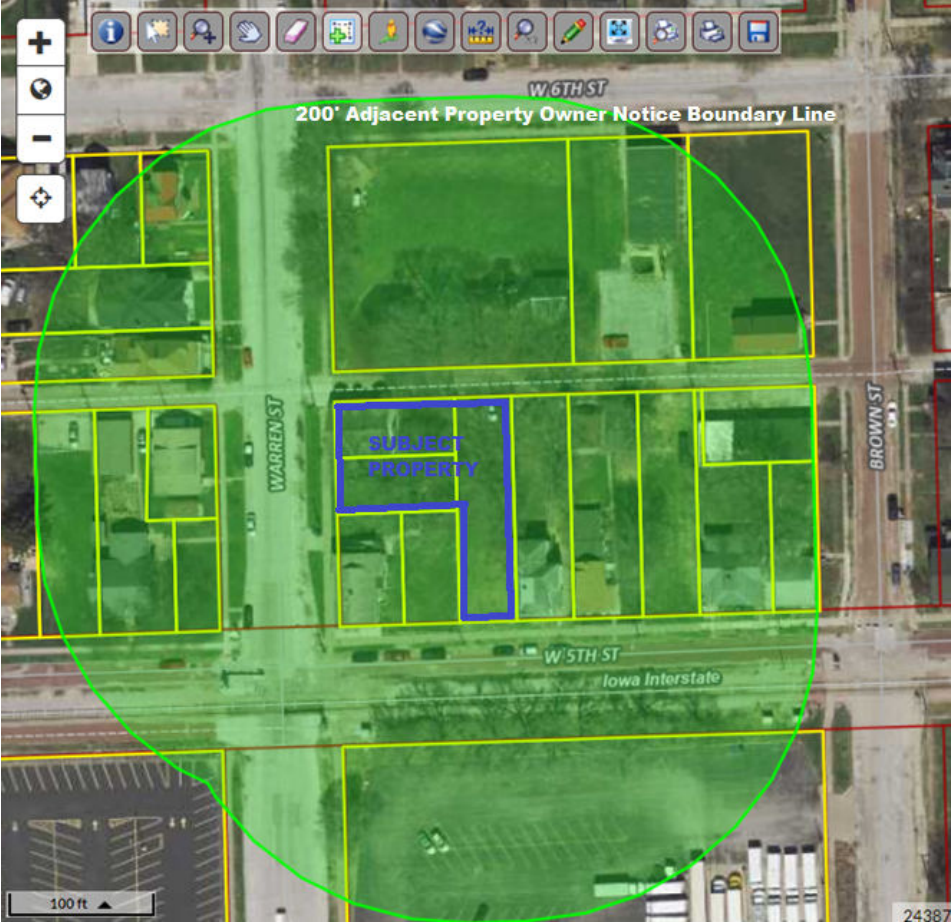
As a property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent to [planning@davenportiowa.com](mailto:planning@davenportiowa.com) (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46<sup>th</sup> St, Davenport IA 52807.

### 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 in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or [planning@davenportiowa.com](mailto:planning@davenportiowa.com) for updates.

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



## HV23-15 - 513 Warren St - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Subject Property: 513 WARREN ST		PROJECT RENEWAL		
Ward/Aldreman: 3rd WARD		MEGINNIS		NOTICES SENT: 15
G0051-01		PROJECT RENEWAL OF DAVENPORT	906 W 5TH ST	DAVENPORT IA 52802
G0051-02		PROJECT RENEWAL OF DAVENPORT	906 W 5TH ST	DAVENPORT IA 52802
G0051-03A	832 W 5TH ST	SCC SERIES LLC SERIES A	1732 SKYLINE DR	BETTENDORF IA 52722
G0051-04A		SCC SERIES LLC SERIES B	1732 SKYLINE DR	BETTENDORF IA 52722
G0051-05		PROJECT RENEWAL OF DAVENPORT	906 W 5TH ST	DAVENPORT IA 52802
G0051-06	818 W 5TH ST	GREAT RIVER REAL ESTATE INC	1644 W 64TH ST	DAVENPORT IA 52806
G0051-07		JONES CHARLES E	816 W 5TH ST	DAVENPORT IA 52802
G0051-08	802 W 5TH ST	PLACE OF REFUGE MINISTRIES INC	518 BROWN ST	DAVENPORT IA 52802
G0051-09	514 BROWN ST	OROPEZA ANTHONY L	448 MASTICK AVE	SAN BRUNO CA 94066
G0051-10	809 W 6TH ST	CELADA ALEXANDER	3201 40TH ST	MOLINE IL 61265
G0051-11		TRUTH APOSTOLIC TEMPLE	514 BROWN	DAVENPORT IA 52802
G0051-13B	903 W 6TH ST	PLACE OF REFUGE MINISTRIES INC	518 BROWN ST	DAVENPORT IA 52802
G0051-14	907 W 6TH ST	ECUMENICAL HOUSING DEVELOPMENT	P O BOX 1673	BETTENDORF IA 52722
G0051-15		PROJECT RENEWAL	906 W 5TH ST	DAVENPORT IA 52802
G0051-16	916 W 5TH ST	HOLLAND JAMES	903 W 6TH ST	DAVENPORT IA 52802
G0051-17		NO BOUNDRY LLC	4118 BRIARWOOD DR	COUNCIL BLUFFS IA 51503
G0051-18		RAMIREZ JESUS	4802 SILENT LK	SAN ANTONIO TX 78244
G0051-18	906 W 5TH ST	GENECEO HEATHER	913 W 6TH ST	DAVENPORT IA 52802
G0051-23A	510 WARREN ST	DAVID DITTMER REVOC LIVING TRUST	6404 N HOWELL ST	DAVENPORT IA 52806
G0051-24		SAMPICA JACK L	518 WARREN ST	DAVENPORT IA 52802
G0051-26	902 W 4TH ST	PROJECT RENEWEL OF DAVENPORT I	906 W 5TH ST	DAVENPORT IA 52802
G0051-27A	806 W 4TH ST	PROJECT RENEWAL	906 W 5TH ST	DAVENPORT IA 52802
G0051-27B		PROJECT RENEWAL	906 W 5TH ST	DAVENPORT IA 52802
G0051-28		SAMPICA JACK L	518 WARREN ST	DAVENPORT IA 52802
G0051-29		ECUMENICAL HOUSING DEVELOPMENT GROUP	PO BOX 1673	BETTENDORF IA 52722

City of Davenport  
Zoning Board of Adjustment

Department: DNS  
Contact Info: ScottKoops@davenportiowa.com

**Date**  
**9/28/2023**

**Subject:**

Request HV23-14 of Ben Kantner on behalf of Habitat for Humanity QC at 329 Oak Street for a 6-foot principle use encroachment into a reverse corner side yard setback with a proposed single-family dwelling which would be 19 feet from the W. 4th Street property line. The Davenport Municipal Zoning Code requires a 25-foot setback in the R-MF District from W. 4th Street. [Ward 3]

**ATTACHMENTS:**

Type	Description
▣ Executive Summary	Staff Report
▣ Exhibit	Application
▣ Exhibit	Notice Letter
▣ Exhibit	Notice List



## Zoning Board of Adjustment Staff Report Encroach Corner Side Yard (R-MF District) September 28, 2023

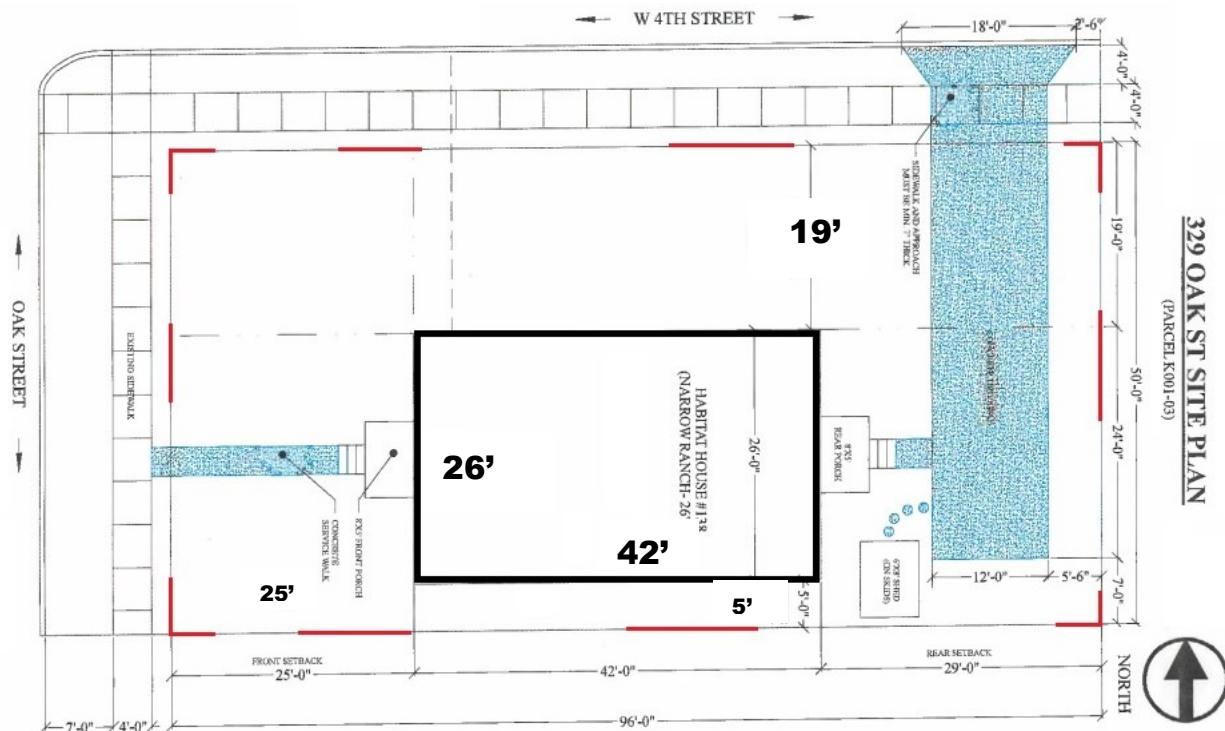
### Description

Request HV23-14 of Ben Kantner on behalf of Habitat for Humanity QC at 329 Oak Street for a 6-foot principle use encroachment into a corner side yard setback with a proposed single-family dwelling which would be 19 feet from the W. 4th Street property line. The Davenport Municipal Zoning Code requires a 25-foot setback in the R-MF District from W. 4th Street. [Ward 3]

### Background & Discussion

The petitioner has submitted a concept plan for the location of a single-family dwelling which will be located on a lot zoned R-MF Multiple-Family which has a 25' corner-side setback requirement in that District. The petitioner's plans call for a 19-foot corner side yard setback along East 4<sup>th</sup> Street. The previous structure located on the lot was approximately 5' from the West 4<sup>th</sup> Street corner-side lot line.

### Site Plan:

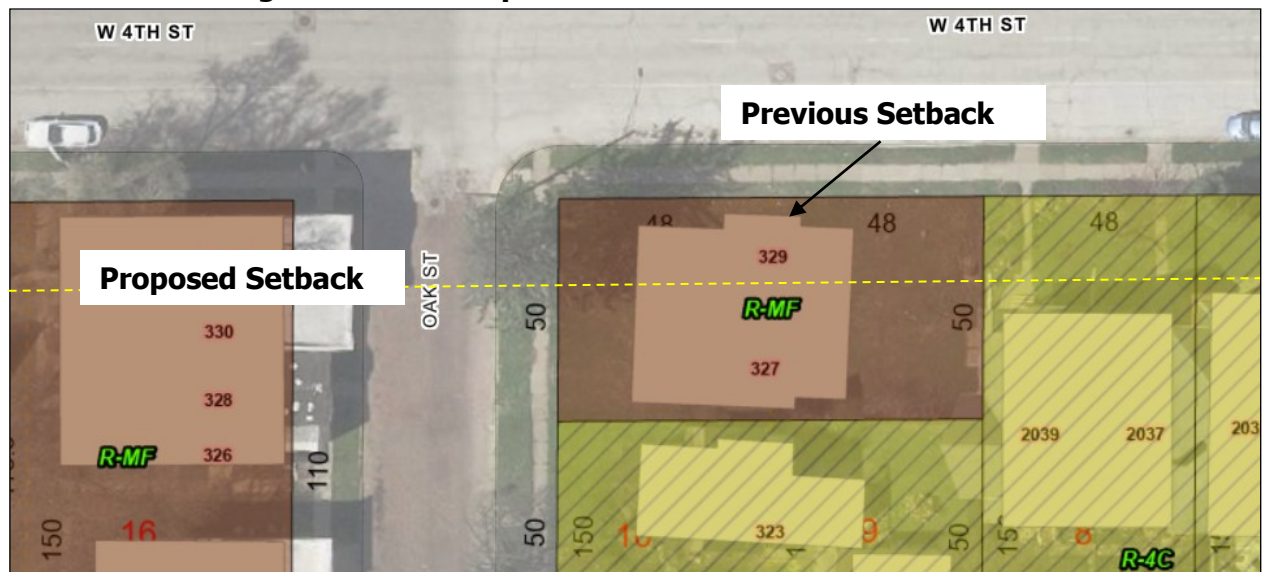


### Purpose of a Hardship Variance

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.*



## Previous Dwelling Location & Proposed Setback:



## Approval Standards

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

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

Applicant Response:

*It is not possible to build a house on this lot that meets all zoning requirements. Either the corner side setback needs to be less than 25' or the width of the house needs to be 20' (code requires dwellings to be at least 24' wide).*

Staff Comments:

The petitioner's plan makes for the most use of the site which has inherent size challenges. These issue poses a hardship on the petitioner as there is no option to meet code requirements.

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 size of the lot is 50' by 96'; The zoning for this lot is R-MF.*

*The setbacks are as follows:*

<i>Front: Oak:</i>	<i>(25')</i>	<i>West</i>
<i>Corner side yard</i>	<i>(25')</i>	<i>North</i>
<i>Rear</i>	<i>(19')</i>	<i>East</i>
<i>Interior Side</i>	<i>(5')</i>	<i>South</i>

Staff:

The corner side setback is 38% of lot width; the dwelling width is 52% of the lot width and the side setback is 10% of the lot width. The physical characteristics of the property pose a hardship. Physical lot size 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 site, 329 Oak Street, is a corner lot; as such it has two (2) 25-foot setbacks.*

Staff:

The confines of the lot and the setbacks of multi-family zoning do not accommodate a lesser setback for a single-family dwelling. It appears that a unique circumstance exists to necessitate a reduced 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:

*The 3 properties adjacent on the corners of the intersection of Oak and W 4<sup>th</sup> Street have buildings that all sit very close to West 4<sup>th</sup> Street.*

Staff:

The character of the area will not be impacted by the by the proposed structure as the properties abutting to the west and east set back less than the proposed 19' setback from 4<sup>th</sup> St. Also, the previous multiple-family structure on this lot was only 5-feet from the West 4<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 HV23-14 as approval standards for a hardship variance are met.

Prepared by:

Scott Koops, AICP, Planner II



### **Vacant Lot at 329 Oak Street:**







**CITY OF DAVENPORT**  
Development & Neighborhood  
Services – Planning  
1200 E. 46<sup>th</sup> St  
Davenport, IA 52807

Office 563.326.6198  
planning@davenportiowa.com

APPLICATION FOR  
**HARDSHIP VARIANCE**  
ZONING BOARD OF ADJUSTMENT

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING
<i>pd</i>	09/01/2023	09/28/2023
SITE ADDRESS & PARCEL OR LOCATION DESCRIPTION		
329 Oak St <i>PARCEL K001-03</i>		
REASON FOR HARDSHIP REQUEST		
Habitat for Humanity QC has received HOME funds to help build a new single family house at this property. <i>6' FY Setback reduction; 4th St</i>		
COMPLETE SUBMITTALS SHALL INCLUDE:		
SUBMITTED		
Concept/Development Plan to Scale* <input checked="" type="checkbox"/>		
*shall show setbacks, height and size dimensions, etc.		
Consent to request hardship/legal interest Affidavit* <input checked="" type="checkbox"/>		
*shall include owner contact information		
Application Fee* \$200 <input checked="" type="checkbox"/>		
*required for a complete application		
DEMONSTRATE WITH EVIDENCE THE FOLLOWING (4) ITEMS:		
1. The strict application of the terms of this ordinance will result in hardship unless the specific relief requested is granted. It is not possible to build a house on this lot that meets all zoning requirements. Either the corner setback needs to be less than 25' or the width of the house needs to be 20' or less.		
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. The size of this lot is 50'x96'. The zoning for this lot is R-MF. The setbacks are as follows: Front (on Oak St)- 25' Reverse Corner (W 4th St)- 25' Rear (east lot line)- 25' or 20% of the lot depth, whichever is less. In this case- 19.2' Interior (south lot line)- 5'		
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. 329 Oak St is a corner lot. As such, it has two 25' setbacks.		
4. The hardship variance, if granted, will not alter the essential character of the locality. The 3 properties on adjacent corners of the intersection between Oak St and W 4th St have buildings that sit very close to W 4th St.		
Contact Development & Neighborhood Services (DNS) Planning Division at <a href="mailto:planning@davenportiowa.com">planning@davenportiowa.com</a> with any questions, for additional information, and to submit this form.		

APPLICANT INFORMATION	
Applicant Name	
Habitat for Humanity QC (Ben Kantner)	
Address	
3625 Mississippi Ave	
City   State   Zip	
Davenport, IA 52807	
Phone	
(563) 359-9066	
Secondary Phone	
E-Mail Address	
ben.kantner@habitatqc.org	
Acceptance of Applicant	
I, the undersigned, certify that the information on this application to the best of my knowledge is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.	
In addition to the application fee, I understand I am responsible for attendance at the meeting as shown on the public hearing zoning board calendar. The City reserves the right to require further site studies as necessary.	
Ben Kantner	
Type Applicant's Name	
<i>[Signature]</i>	08/31/2023
Applicant's Signature	Date
DEVELOPMENT TEAM	
Property Owner	
Address	
Habitat for Humanity QC	
Phone	Secondary Phone
(563) 359-9066	
E-Mail Address	
ben.kantner@habitatqc.org	
Project Manager/Other	
Ben Kantner	
Address	
3625 Mississippi Ave, Davenport IA	
Phone	Secondary Phone
(563) 359-9066	(563) 343-1510
E-Mail Address	

# Authorization to Act as Applicant

I/We, Habitat for Humanity QC  
[as property owner(s)]

authorize Ben Kantner  
[the above person(s)]

to act as applicant, representing me/us before the following board: Zoning Board of Adjustment \*

for the property located at 329 Oak St

Ben Kantner  
Signature(s)\*

\*Please note: original signature(s) are required signed in front of a Notary.

Notarization: \_\_\_\_\_

08/31/2023

Date

State of Iowa,

County of Scott,

Sworn and subscribed before me

Drivers License

[ identification type ]

this 31 day of Aug, 2023

Melinda Hyczewski  
Notary Public

My Commission Expires:



## \* Application Form by Board Type

### Plan and Zoning Commission

Zoning Map Amendment (Rezoning)  
Planned Unit Development  
Zoning Ordinance Text Amendment  
Right-of-way or Easement Vacation

### Zoning Board of Adjustment

Special Use  
Hardship Variance  
Zoning Appeal  
Nonconforming Use Exception

### Design Review Board

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

### Historic Preservation Commission

Certificate of Appropriateness  
Landmark Nomination  
Demolition Request



## Public Hearing Notice | Zoning Board of Adjustment

**Date:** 9/28/2023      **Location:** City Hall | 226 W 4th ST | Council Chambers  
**Time:** 4:00:00 PM      **Subject:** Hearing for Hardship Variance | Zoning Board of Adjustment

EXAMPLE NOTICE  
31 Notices Sent

To: All property owners within 200' of the subject property: **329 Oak 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 HV23-14 of Ben Kantner on behalf of Habitat for Humanity QC at 329 Oak Street for a 6-foot principle use encroachment into a reverse corner side yard setback with a proposed single-family dwelling which would be 19 feet from the W. 4th Street property line. The Davenport Municipal Zoning Code requires a 25-foot setback in the R-MF District from W. 4th Street. [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?

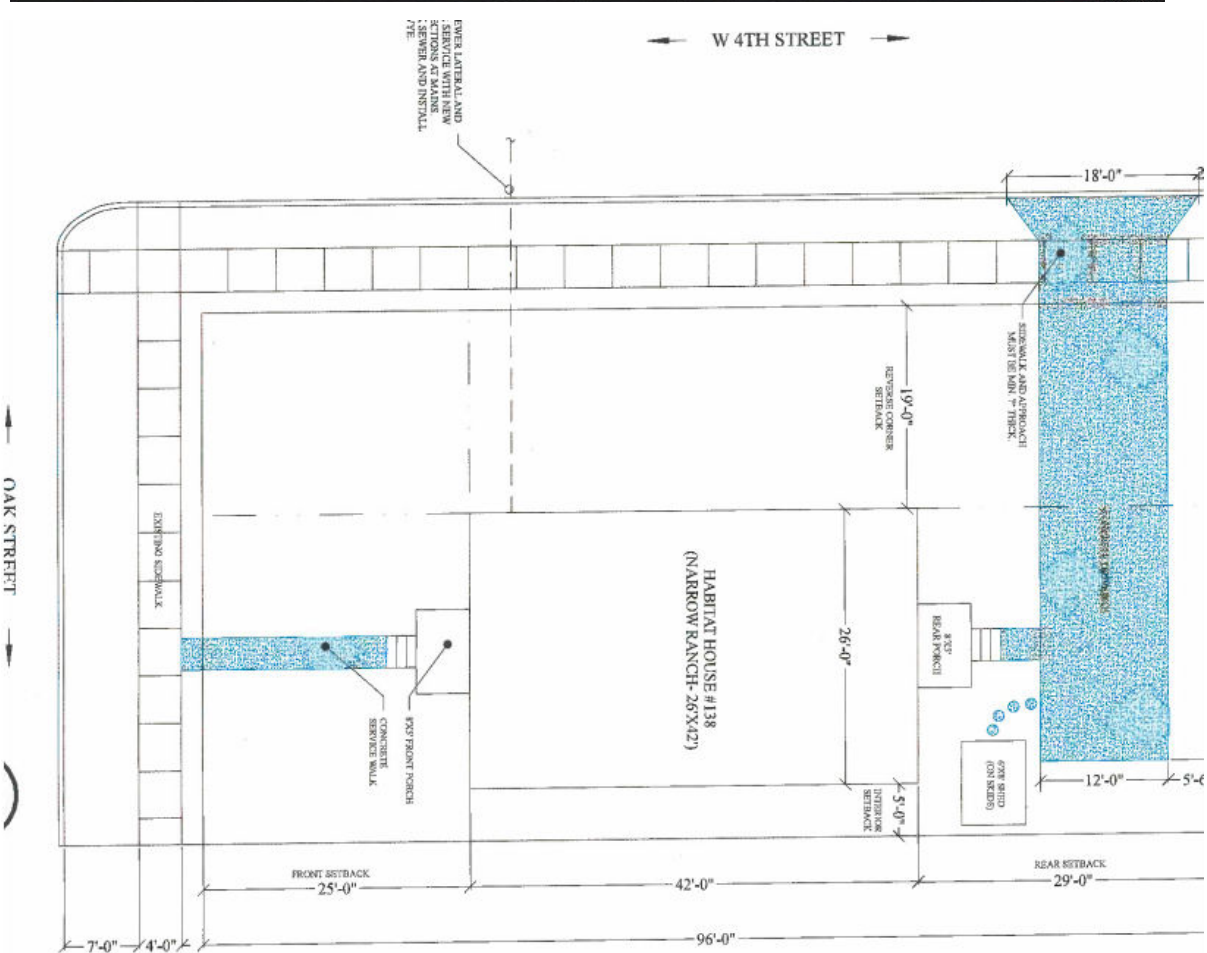
As a property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent to [planning@davenportiowa.com](mailto:planning@davenportiowa.com) (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46<sup>th</sup> St, Davenport IA 52807.

### 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 in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or [planning@davenportiowa.com](mailto:planning@davenportiowa.com) for updates.

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



## HV23-14 - 329 Oak St - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Subject Property:	329 OAK ST	HABITAT FOR HUMANITY QUAD CITIES		
Ward/Alderman:	3rd WARD	MEGINNIS		NOTICES SENT: 31
H0064-47	2106 W 4TH ST	CHAIDEZ PEDRO	2106 W 4TH ST	DAVENPORT IA 52802
H0063-37	2024 W 4TH ST	JACKSON BRANDON MATTHEW	619 W 14TH ST	DAVENPORT IA 52803
H0063-38	2030 W 4TH ST	MYERS KRISTIN V	2030 W 4TH ST	DAVENPORT IA 52802
H0063-39	2032 W 4TH ST	FISHER MATHEW R	2032 W 4TH ST	DAVENPORT IA 52802
H0063-40	2036 W 4TH ST	BARNES ERNESTINA	114 CRESTVIEW DR	ELDRIDGE IA 52748
H0064-09	413 OAK ST	BOLING VICKI	413 OAK ST	DAVENPORT IA 52802
H0064-10	409 OAK ST	NUNALEY ROBERT H	409 OAK ST	DAVENPORT IA 52802
H0064-11	406 OAK ST	406 OAK STREET LLC	PO BOX 21470	COLUMBUS OH 43221
H0064-46	2042 W 4TH ST	MONMOUTH LLC	15537 MISSION PRESERVE PL	SAN DIEGO CA 92131
H0064-48	2110 W 4TH ST	MEISENBURG DENNIS	5 WESTERN OAKS DR	ORION IL 61273
H0064-49	2114 W 4TH ST	HAMBY KELLY	2114 W 4TH ST	DAVENPORT IA 52802
K0001-01	2031 W 4TH ST	LINDQUIST DEBORAH M	2029 W 4TH ST	DAVENPORT IA 52802
K0001-02	2039 W 4TH ST	HAGERT CRYSTAL A	2039 W 4TH ST	DAVENPORT IA 52802
K0001-04	323 OAK ST	HARRISON ANDRE D	2808 E 64TH CT	DAVENPORT IA 52807
K0001-04	323 OAK ST	TEAGUE LISA	323 OAK ST	DAVENPORT IA 52802
K0001-05	319 OAK ST	WILLIAM L CARR REVOC TRUST	3590 TAM-O-SHANTER DR	BETTENDORF IA 52722
K0001-06	322 OAK ST	NGUYEN THIEN	322 OAK ST	DAVENPORT IA 52803
K0001-07	330 OAK ST	330 OAK STREET LLC	1911 SW CAMPUS DR #167	FEDERAL WAY WA 98023
K0001-08	2111 W 4TH ST	JONES BRANDON M	2111 W 4TH ST	DAVENPORT IA 52802
K0001-09	2115 W 4TH ST	HOLMES VELMA M	2115 W 4TH ST	DAVENPORT IA 52802
K0001-22	2108 W 3RD ST	BERNAUER CASSANDRA	2108 W 3RD ST	DAVENPORT IA 52802
K0001-24	314 OAK ST	SIMMONS DIXIE	314 OAK ST	DAVENPORT IA 52802
K0001-25	2046 W 3RD ST	PAPER GREGORY K	2048 W 3RD ST	DAVENPORT IA 52802
K0001-26A	2042 W 3RD ST	BRIBRIESCO ANGELA M	4106 EL RANCHO DR	DAVENPORT IA 52806
K0001-28	2034 W 3RD ST	SIMMONS JAN	2034 W 3RD ST	DAVENPORT IA 52802
K0001-28	2034 W 3RD ST	BOHANNAN KARRY	2034 W 3RD ST	DAVENPORT IA 52802
K0001-29	2028 W 3RD ST	PETERSON NICHOLAS J	2028 W 3RD ST	DAVENPORT IA 52802
K0002-12	2017 W 4TH ST	NELSON ROBERT L	2017 W 4TH ST	DAVENPORT IA 52802
K0002-13	2025 W 4TH ST	THATCHER EDMOND F JR	2025 W 4TH ST	DAVENPORT IA 52802
K0002-14	2027 W 4TH ST	TMFH LLC	1037 35TH ST	DAVENPORT IA 52806
K0002-16A	306 CEDAR ST	180 ZONE INC	601 MARQUETTE ST	DAVENPORT IA 52802