

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, OCTOBER 26, 2017; 4:00 PM

COUNCIL CHAMBERS 226 WEST 4TH STREET DAVENPORT, IOWA 52801

I. Secretary's Report

A. ZBA Minutes October 12, 2017

II. Old Business

III. New Business

A. Request HOP17-03 of Heather Kasterke at 5829 Heather Avenue for a Home Occupation Permit for a hair salon. The property is zoned "R-3" Moderate Density Dwelling District.

Section 17.48.010(S)(11)(e) of the Davenport Municipal Code authorizes the Zoning Board of Adjustment to grant by special permit (Home Occupation Permit) the establishment of certain uses including but not limited to the shop of a beautician or barber.

IV. Other Business

V. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: Community Planning & Economic Development
Contact Info: Matt Flynn 326-2286

Date
10/26/2017

Subject:
ZBA Minutes October 12, 2017

ATTACHMENTS:

Type	Description
▣ Exhibit	ZBA October 12, 2017 Minutes

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	10/23/2017 - 12:57 PM



MINUTES
City of Davenport
Zoning Board of Adjustment
October 12, 2017



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

Call to Order

Chairman Hart called the Zoning Board of Adjustment meeting in the first floor Council Chambers at City Hall, 226 W. 4th Street, Davenport, Iowa to order at 4:00 p.m.

Board Members present: Lee, Woodard, Strayhall, and Hart

Board Member excused: Reistroffer

Staff present: Scott Koops

I. Secretary's Report:

Consideration of the minutes from the September 28, 2017 meeting.

Motion:

Motion by Lee, seconded by Woodard, to approve the minutes as corrected carried unanimously.

II. Old Business:

None.

III. New Business:

Request HV17-11 of Tyler Edwards on behalf of Menard Self Storage Inc at 110 West 53rd Street for a Hardship Variance to exceed the allowed fence height of 8 feet by 6 feet with a 14-foot tall fence to be located within the front yard setback. The property is zoned "PDD" Planned Development District.

Section 17.42.090.B.1 of the Davenport Municipal Code requires fences constructed within front, side, or rear yard setbacks to be 8 feet in height or less. Within the buildable portion of a lot, fences may be constructed to a height exceeding 8 feet.

Koops presented the staff report.

Recommendation and Findings of Fact

Staff cannot recommend approval of the request. Item #1 reasonable return has not been met.

The petitioner spoke before the Board and reiterated the request for the 14-foot tall fence.

No one spoke in favor or in opposition to the request.

Motion:

Motion by Strayhall, second by Lee to approve HV17-11 failed (1-3):

Woodard, no; Lee, no; Strayhall, yes; Hart, no.

IV. Adjourn

Lee moved to adjourn the meeting. Woodard seconded the motion and it carried unanimously by voice vote.

City of Davenport
Zoning Board of Adjustment

Department: Community Planning & Economic Development
Contact Info: Matt Flynn 326-2286

Date
10/26/2017

Subject:

Request HOP17-03 of Heather Kasterke at 5829 Heather Avenue for a Home Occupation Permit for a hair salon. The property is zoned "R-3" Moderate Density Dwelling District. Section 17.48.010(S)(11)(e) of the Davenport Municipal Code authorizes the Zoning Board of Adjustment to grant by special permit (Home Occupation Permit) the establishment of certain uses including but not limited to the shop of a beautician or barber.

ATTACHMENTS:

Type	Description
▣ Exhibit	HOP17-03 Case File

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	10/23/2017 - 12:55 PM



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: October 26, 2017
Request: Home Occupation Permit
Applicant: Heather Kasterke
Address: 5829 Heather Avenue

Description

Request HOP17-03 of Heather Kasterke at 5829 Heather Avenue for a Home Occupation Permit for a hair salon. The property is zoned "R-3" Moderate Density Dwelling District.

Section 17.48.010(S)(11)(e) of the Davenport Municipal Code authorizes the Zoning Board of Adjustment to grant by special permit (Home Occupation Permit) the establishment of certain uses including but not limited to the shop of a beautician or barber.

Background

The subject property is a typical sized lot developed with a single-family residence. Access to the property is from a driveway via the street. The driveway can adequately provide parking space for two or more vehicles. The property contains a three-car garage. The salon will be located in the principal structure.



Discussion

All services will be performed on an appointment only basis with no overlap of patrons. Customers will be instructed to park in the driveway.

Public Input:

Notices of this request were sent to property owners within 200 feet of the subject property. To date, staff has not received any calls or written correspondence regarding the proposed request.

Analysis

1. The use does not require any construction, extension, structural alteration or height increase incompatible with requirements of the district in which such use is proposed or authorized:

The petitioner has indicated that no alteration will be necessary other than installation of a sink. Use of the garage/principal area is acceptable.

2. The use does not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home for the purpose the district was created and primarily intended:

The proposed use, if operated on an appointment only basis, should present very little intrusion on the character of the neighborhood. If properly conditioned, the permit should not cause undue infringement on the rights of the neighboring residents.

3. That there shall be no sign used in connection with such use, other than a name plate no more than one square foot in area, or no display that will indicate from the exterior that the building is being utilized in whole in part for any purpose other than that of a residential building:

A one-square foot nameplate, if attached to the building, would be permitted with a home occupation permit. The petitioner has indicated that they plan on utilizing the allowed signage.

4. The use shall not be conducted in any accessory building other than such accessory buildings as are permitted by the regulations of this chapter for the district in which such use is requested:

The proposed use is to be located within the principal structure. No accessory structures will be utilized.

5. The use shall not create traffic and parking requirements that impose a burden upon the neighboring residents. Off-street parking may be required and in accordance with the required front yard of the district and shall observe a minimum side yard of seven feet on the side of the lot adjoining a dwelling use. The Board may require the parking area to be improved and screened in accordance with the provisions of Article XXIII, Section 42-103. Parking requirements:

The existing driveway should adequately accommodate the necessary parking space(s). Adequate parking exists if the business is operated on an appointment only basis.

6. The Board may exact other regulations and assurances, covenants and warranties as may be necessary to protect the rights of neighboring residents:

The petitioner shall meet other requirements imposed by the Board for the protection of the surrounding neighbors. These shall include the following conditions:

1. permit be valid for a period of one year from the date of issuance;
2. renewal be based in part upon complaints and/or comments from area property owners;
3. petitioner operate on an appointment only basis; and
4. hours of operation are agreed to by the Board.

7. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property:

The proposed use is to be located in the residence. According to the petitioner, it appears that no structural alterations will be made to the existing structure.

8. That such use shall not impair an adequate supply of light and air to surrounding property:

The proposed use is to be located within the principal structure. An adequate supply of light and air to the surrounding properties should not be impaired, nor are there any caustic chemicals vented that would impair air quality.

9. That such use shall not unduly increase congestion in the streets, or public danger of fire and safety:

If there will only be one or two additional vehicles at the residence at a time, the existing driveway would more than accommodate such vehicles.

10. That such use shall not diminish or impair established property values:

Being located within the residence with minimal outward appearance of a business should limit any potential negative impact. There should not be an undue impairment of established property values in the surrounding area.

11. That such use shall be in accord with the intent, purpose and spirit of this chapter and the comprehensive plan of the City:

The Zoning Ordinance allows the Board to grant home occupations within any residential district.

Recommendation

The requirements for a home occupation permit have been met as conditioned. Staff recommends the permit be granted subject to the following conditions:

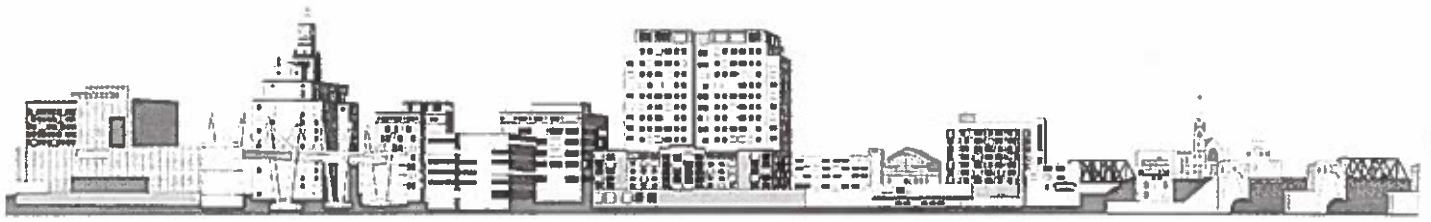
1. the permit be valid for a period of one year from the date of issuance;
2. renewal be based in part upon complaints and/or comments from area property owners;
3. petitioner operate on an appointment only basis;
4. off-street parking (i.e. the driveway) shall be used for client parking, and;
5. hours and days of operation shall be by appointment only Tuesday to Thursday 10:00 am to 6:00 pm; Friday 10:00 am to 5:00 pm, and Saturday 9:00 am to 1:00 pm.

Prepared by:



Scott Koops, AICP
Planner II

Exhibits: Aerial Map, Application, and Notification Map and Noticed Owners



Property Address* 5829 Heather Ave. Dav. IA 52807

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

Applicant (Primary Contact)**

Name: Heather Kasterke
Company: Solid Gold Hair Salon
Address: 5829 Heather Ave
City/State/Zip: Davenport IA 52807
Phone: 563-579-1163
Email: m-hennes@live.com

Owner (if different from Applicant)

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

Engineer (if applicable)

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

Architect (if applicable)

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

Attorney (if applicable)

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

Application Form Type:

Plan and Zoning Commission

- Rezoning (Zoning Map Amendment)
- Zoning Ordinance Text Amendment
- Right-of-way or Easement Vacation
- Final Development Plan
- Voluntary Annexation
- Subdivision

Zoning Board of Adjustment

- Appeal from an Administrative Decision
- Special Use Permit - New Cell Tower
- Home Occupation Permit
- Special Exception
- Special Use Permit
- Hardship Variance

Design Review Board

- Certificate of Design Approval
- Demolition Request in the Downtown

Historic Preservation Commission

- Certificate of Appropriateness
- Landmark Nomination
- Demolition Request

Administrative

- Floodplain Development
- Cell Tower Co-Location
- Identification Signs
- Site Plan

**If the applicant is different from the property owner, please submit an authorization form or an accepted contract for purchase.

Request:

Please describe the home occupation requested:

A single chair hair salon. To be built in my garage.

Existing Zoning:

Submittal Requirements:

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed improvements affected by the home occupation permit. 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 17.48.010 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 - \$100.

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

- (1) Application:
 - Prior to submission of the application for the home occupation permit, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the home occupation permit 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.
 - In its consideration of the home occupation permit, the Zoning Board of Adjustment may exact any other regulations and assurances, covenants and warranties as may be necessary to protect the rights of the neighboring residents.
 - The home occupation permit, if granted, is personal to the applicant and not transferable to any other person or place.
- (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 home occupation 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.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.48.010 of the Davenport Municipal Code:

The use shall not require any construction, extension or structural alteration or height increase incompatible with the requirements of the district in which such use is proposed to be authorized. A home occupation request shall not require the granting of any hardship variance.

The Salon will be built in the 3rd Stall of our already existing garage. All construction will be internal. With exception of a door.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.48.010 of the Davenport Municipal Code:

The use shall not create dust, noise, odor, fumes, vibrations, or other continually generated nuisances that is not customary to the residential neighborhood and that would infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their home for the purpose the district was created and primarily intended.

The salon will be inside and not create any additional noise or dust, odor or fumes. There will be proper ventilation installed.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.48.010 of the Davenport Municipal Code:

The use shall be permitted a one square foot, non-illuminated nameplate, attached to the residence or accessory structure in which the use is located. This nameplate shall only state the business name and address. No other signage or display shall be permitted that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a residential dwelling.

The only placement for a name will be a sticker on the door.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.48.010 of the Davenport Municipal Code:

The use shall be conducted in the principal structure/residence or any accessory building that is permitted by the regulations of this title for the district in which such use is requested.

It's going to be built in the 3rd stall of our already existing garage.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.48.010 of the Davenport Municipal Code:

The use shall not create traffic and parking requirements which impose a burden upon the neighboring residents. Additional off-street parking may be required and if so required, shall be set back from the street in accordance with the required front yard of the district, shall observe a minimum side setback of five feet, shall be screened from adjacent residential or open space uses with a forty-two inch tall solid hedge, wall or fence, and be paved with an all-weather hard surface material.

We have enough space for 5 cars to park in our driveway and at least 4/6 off-street in front of our home.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.48.010 of the Davenport Municipal Code:

The use shall be incidental to or operated in such a manner as to be compatible with the residential use of the property.

It will be in our garage with a
Separate entrance to not bother our
everyday living situation.

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:

Date:

Planning staff

Date of the Public Hearing:

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

Authorization to Act as Applicant

I, Heather Kosterke
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.

**PUBLIC HEARING NOTICE
ZONING BOARD OF ADJUSTMENT
CITY OF DAVENPORT**



Public Hearing Details:

Date: 10/26/2017
Time: 4:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a Hardship Variance before the Zoning Board of Adjustment
Case #: HOP17-03

To: All property owners within 200 feet of the subject property located at: **5829 Heather Avenue.**

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 dimension requirement of the zoning ordinance.

Request Description

Request HOP17-03 of Heather Kasterke at 5829 Heather Avenue for a Home Occupation Permit for a one-chair hair salon. The property is zoned "R-3" Moderate Density Dwelling District. Section 17.48.010(S)(11)(e) of the Davenport Municipal Code authorizes the Zoning Board of Adjustment to grant by special permit (Home Occupation Permit) the establishment of certain uses including but not limited to the shop of a beautician or barber.

What are the Next Steps after the Public Hearing?

For approved ZBA requests, the ruling is effective immediately. For projects requiring a Building Permit the applicant may contact the Permit office (563-326-7765) the next Business day. 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 either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

Do You Have Any Questions?

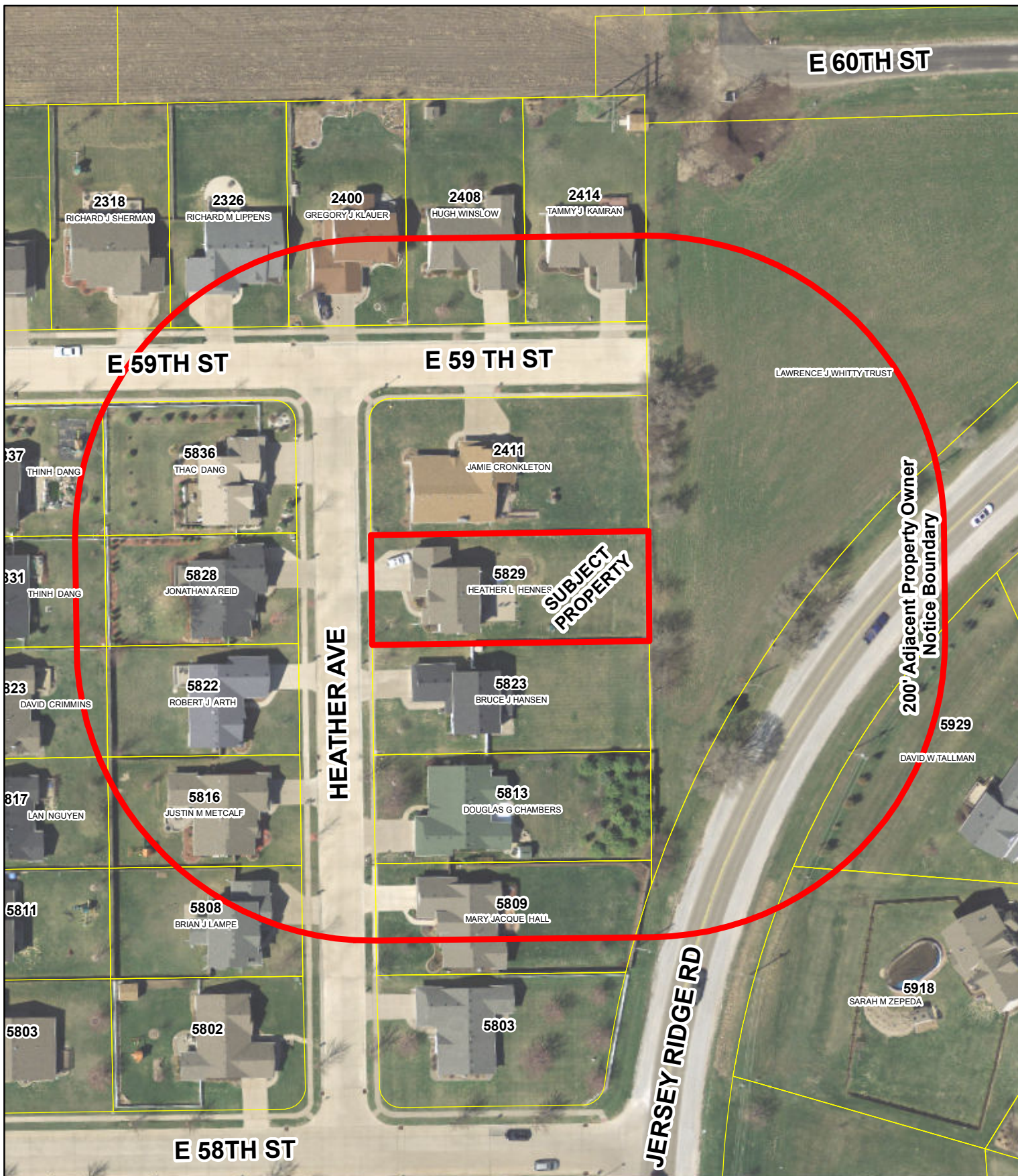
If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the applicant. If you choose to attend the hearing, you may wish to contact Community Planning prior to your departure to learn of any changes to the agenda.

5829 Heather Ave - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	5829 HEATHER AV	HEATHER L HENNES	5829 HEATHER AV	DAVENPORT IA 52807
Ward/Ald:	8th Ward	Alderman Tompkins		21 Notices Sent
Y0703-05D	2318 E 59TH ST	RICHARD J SHERMAN	2318 E 59TH ST	DAVENPORT IA 52807
Y0703-06D	2326 E 59TH ST	RICHARD M LIPPENS	2326 E 59TH ST	DAVENPORT IA 52807
Y0703-07D	2400 E 59TH ST	GREGORY J KLAUER	2400 E 59TH ST	DAVENPORT IA 52807
Y0703-08D	2408 E 59TH ST	HUGH WINSLOW	2408 E 59TH ST	DAVENPORT IA 52807
Y0703-09D	2414 E 59TH ST	TAMMY J KAMRAN	2414 E 59TH ST	DAVENPORT IA 52807
Y0703-10D	2411 E 59TH ST	JAMIE CRONKLETON	2411 E 59TH ST	DAVENPORT IA 52807
Y0703-11D	5829 HEATHER AV	HEATHER L HENNES	5829 HEATHER AV	DAVENPORT IA 52807
Y0703-12D	5823 HEATHER AV	BRUCE J HANSEN	5823 HEATHER AVE	DAVENPORT IA 52807
Y0703-13D	5813 HEATHER AVE	DOUGLAS G CHAMBERS	5813 HEATHER AVE	DAVENPORT IA 52807
Y0703-14D	5809 HEATHER AVE	MARY JACQUE HALL	5809 HEATHER AVE	DAVENPORT IA 52807
Y0703-15D	5808 HEATHER AV	BRIAN J LAMPE	5808 HEATHER AV	DAVENPORT IA 52807
Y0703-16D	5816 HEATHER AVE	JUSTIN M METCALF	5816 HEATHER AVE	DAVENPORT IA 52807
Y0703-17D	5822 HEATHER AVE	ROBERT J ARTH	5822 HEATHER AVE	DAVENPORT IA 52807
Y0703-18D	5828 HEATHER AV	JONATHAN A REID	5828 HEATHER AV	DAVENPORT IA 52807
Y0703-19D	5836 HEATHER AV	THAC DANG	5836 HEATHER AVE	DAVENPORT IA 52807
Y0703-20D	5837 DUGGLEBY AV	THINH DANG	5837 DUGGLEBY AVE	DAVENPORT IA 52807
Y0703-21D	5831 DUGGLEBY AV	THINH DANG	5837 DUGGLEBY AVE	DAVENPORT IA 52807
Y0703-22D	5823 DUGGLEBY AVE	DAVID CRIMMINS	5823 DUGGLEBY AVE	DAVENPORT IA 52807
Y0703-23D	5817 DUGGLEBY AV	LAN NGUYEN	5817 DUGGLEBY AVE	DAVENPORT IA 52807
Y0705-08B	5918 WOODLAND AV	SARAH M ZEPEDA	5918 WOODLAND AV	DAVENPORT IA 52807
Y0705-09B	5929 WOODLAND AV	DAVID W TALLMAN	5929 WOODLAND AV	DAVENPORT IA 52807
Y0705-55C		LAWRENCE J WHITTY TRUST	2705 HAPPY JOE DR	BETTENDORF IA 52722

Zoning Board of Adjustment: Adjacent Property Owner Notice Area



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

