

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, APRIL 26, 2018; 4:00 PM

CITY HALL COUNCIL CHAMBERS 226 WEST 4TH STREET DAVENPORT, IOWA 52801

THE ZONING BOARD OF ADJUSTMENT IS A QUASI-JUDICIAL BOARD WHICH
REVIEWS APPLICATIONS REGARDING CRITERIA FOR GRANTING OF SPECIAL
USE PERMITS, HARDSHIP VARIANCES, SPECIAL EXCEPTIONS AND APPEALS TO
INTERPRETATION OF THE ZONING CODE.

I. Secretary's Report

- A. Consideration of the minutes from the 4/12/18 public hearing.

II. Old Business

III. New Business

- A. Request HOP18-01 of Robert Buzzell at 4323 Ridgewood Court for a home occupation permit to operate a massage therapy practice out of the residence. Property is zoned "R-2" Low Density Dwelling District.

Section 17.48.010 of the Zoning Ordinance allows the Board of Adjustment to grant a home occupation permit in an "R" district. [6th Ward; Ald. Clewell]

IV. Other Business

V. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: Community Planning & Economic Development
Contact Info: Matt Flynn, 888-2286

Date
4/26/2018

Subject:

Consideration of the minutes from the 4/12/18 public hearing.

ATTACHMENTS:

Type	Description
▣ Exhibit	ZBA Minutes 4-12-18

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	4/18/2018 - 11:35 AM



MINUTES
City of Davenport
Zoning Board of Adjustment
April 12, 2018



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: Strayhall, Reistroffer, Woodard, and Hart

Board Member excused: Lee

Staff present: Koops

I. Secretary's Report:

The minutes of the March 8, 2018 meeting were approved.

II. Old Business:

None.

III. New Business:

Request SUP18-01 of Mark Witte at 2802 East Locust Street for a Special Use Permit construct a 6-foot tall privacy fence within the secondary front yard setback. The property is zoned "R-4" Moderate Density Dwelling District.

Section 17.42.090.A.3 of the Davenport Municipal Code requires fences constructed within the secondary front yard to obtain a Special (conditional) Use Permit. [6th Ward/Ald. Clewell]

Koops presented the staff report.

No comments either in favor of or opposed to the request were received by staff.

Recommendation and Findings of Fact

Staff presented the recommendation to the Board.

Conditions of the Permit have been met. Staff recommends approval of the request.

The petitioner provided an overview of the project and answered the Board's questions.

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

Motion:

A motion approve the request was made by Strayhall and seconded by Woodard. Motion to approve carried unanimously. (4-0):

Reistroffer, yes; Woodard, yes; Strayhall, yes; and Hart, yes.

Request SE18-01 of Patrice Boehler on behalf of HOA Development, LLC (for a Dollar General) at 7510 Northwest BLVD for a Special Exception to reduce the required parking of the retail store from 39 to 30 off-street parking spaces. The proposed building contains 5,686 square feet of gross sales area. Property is zoned "M-1" Light Industrial District.

Section 17.44.010.22 of the Zoning Ordinance requires one (1) parking space for each one hundred (100) square feet of gross sales area for buildings containing up to two thousand (2,000) square feet, plus one (1) parking space for each two hundred (200) square feet of gross sales area over two thousand (2,000) square feet but less than twenty thousand (20,000) square feet. [8th Ward/Ald. Tompkins]

Koops presented the staff report.

No comments either in favor of or opposed to the request were received by staff.

Recommendation and Findings of Fact

The proposed request meets the requirements for the granting of a Special Exception. Staff recommends approval of the request.

The petitioner's representative provided an overview of the project and answered the Board's questions.

No one spoke in favor of the request.

John Ryan spoke in opposition to the request, stating that the area was too congested as it is already, and that the electrical service box at the corner of the street is too close to the intersection.

The Board asked staff to have the city Traffic Division look into the traffic concerns related to Mr. Ryan's comments.

Motion:

A motion approve the request was made by Strayhall and seconded by Reistroffer. Motion to approve carried unanimously. (4-0):

Woodard, yes; Reistroffer, yes; Strayhall, yes; and Hart, yes.

IV. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:25 pm.

City of Davenport
Zoning Board of Adjustment

Department: Community Planning & Economic Development
Contact Info: Matt Flynn, 888-2286

Date
4/26/2018

Subject:

Request HOP18-01 of Robert Buzzell at 4323 Ridgewood Court for a home occupation permit to operate a massage therapy practice out of the residence. Property is zoned "R-2" Low Density Dwelling District.

Section 17.48.010 of the Zoning Ordinance allows the Board of Adjustment to grant a home occupation permit in an "R" district. [6th Ward; Ald. Clewell]

Background:

This item is not approved by the ZBA at this time, but it is approved to be on the agenda.

ATTACHMENTS:

Type	Description
▣ Exhibit	HOP18-01 Staff Report

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	4/18/2018 - 11:38 AM



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: April 26, 2018
Applicant: Robert Buzzell
Address: 4323 Ridgewood Court

Description

Request HOP18-01 of Robert Buzzell at 4323 Ridgewood Court for a home occupation permit to operate a massage therapy practice out of the residence. Property is zoned "R-2" Low Density Dwelling District.

Section 17.48.010 of the Zoning Ordinance allows the Board of Adjustment to grant a home occupation permit in an "R" district. [6th Ward; Ald. Clewell]

Background

The subject property contains a single-family dwelling with a large driveway. Surrounding properties also contain single-family dwellings. The petitioner will operate by appointment only with only one client at a time. More than adequate driveway space exists for client parking.

Discussion

The petitioner has indicated that the massage therapy practice would operate on an appointment only basis with one appointment at a time; the hours of possible appointments being proposed are 8:00 am to 5:00 pm, Monday to Saturday. The petitioner anticipates two (2) appointments per day normally, with a maximum of four (4) per day given time constraints. Due to the processes used during appointments, no more than one (1) client can be served every two (2) hours. The petitioner has stated in the application that this occupation permit is not intended to be a full-time occupation, but rather a retirement 'gig'.

As long as the petitioner operates on an appointment only basis adequate parking will be available for the Home Occupation Permit on the driveway which will limit impact to the neighborhood.



Analysis

1. The use does not require any construction, 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; the use will take place inside the residence.

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 as the use will not be visible other than a car parked on the driveway.

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:

A one-square foot nameplate, if attached to the building, would be permitted with a home occupation permit. The petitioner has not 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:

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

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/operation of the use adequately safeguards the health, safety and 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, no structural alterations will be made to the existing structure.

8. That such use shall not impair an adequate supply of light & 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:

With only 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 no 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 appear to 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 Monday to Saturday 8:00 am to 5:00 pm.

Prepared by:



Scott Koops, AICP
Planner II

Attachments: Application, Notification Documents



Property Address* 4323 Ridgewood Ct, Davenport IA 52807
 *If no property address, please submit a legal description of the property.

Applicant (Primary Contact)**

Name: Robert Buzeal
 Company:
 Address: 4323 Ridgewood Ct
 City/State/Zip: Davenport IA 52807
 Phone: (563) 508-8072
 Email: Buzeal56@yahoo.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 For Type:

Plan and Zoning Commission

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

Zoning Board of Adjustment

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

Design Review Board

Certificate of Design Approval Demolition
 Request in the Downtown

Historic Preservation Commission

Certificate of Appropriateness
 Landmark Nomination
 Demolition Request

****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:

Massage and Reflexology
EWOT (Exercise with oxygen training)
By Appointment only
4 appointments per day max. ; 2 is more realistic

Existing Zoning: Residential

Submittal Requirements:

- The following items should be submitted to planning@ci.davenport.ia.us for review:
- 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 - \$250.

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:

- Applicant or Applicant's Representative must be present for the meeting.
- 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.

NONE Required

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.

~~AA~~
The business will be conducted completely within the house, thereby no dust, noise, odor fumes, etc. the amount of business is not foreseen as to cause any nuisance to anyone.

The ENOT is supplied by an oxygen concentrator, which concentrates the present O_2 in the air, into a holding bladder (90L) only until use. It takes up to 1.5 hrs to concentrate the O_2 for a 15-30 exercise cycle. This will limit cycles to about 1 every 2 hrs, leaving the air slightly less oxygenated, having been depleted by the exercise.

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.

No signage is anticipated

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.

*will be conducted entirely within the
presently occurring building.*

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.

should have only one client at a time, with possible overlapping of arrival/departure. Totally within the existing parking on driveway.

Hours of business generally 8-5, by appointment only. May vary slightly to accommodate peoples schedules, including Monday through Saturday. Not looking to maintain anything close to full time employment, as this is intended as a part time retirement gig.

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.

Again, not looking to disrupt the peace
of the neighborhood. Will have very little
traffic, as I'm not looking to work that
hard/long.

Applicant: Robert Buzzell

Date: 4/3/2018

Do you acknowledge and agree to the aforementioned submittal requirements, formal procedure and that you must be present at scheduled meetings: Yes ☐

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.

4-11-18

Accounting/Public Notices

Re: Public Notice

Please publish the following Zoning Board of Adjustment public hearing notice in your next available edition of the Quad City Times. The Purchase Order Number for this notice is PO# 1814944 .

We would appreciate receiving proof of publication for our records. If you have any questions, please contact me at the same email address this was sent with or at my phone number listed in my email.

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

The Zoning Board of Adjustment will meet on ***Thursday, April 26, 2018, at 4:00 P.M.*** in the first floor Council Chambers of City Hall, 226 West 4th Street Davenport, Iowa, to hold a public hearing to consider the following request:

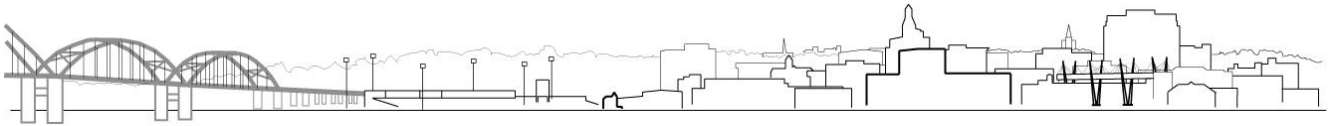
Request HOP18-01 of Robert Buzzell at 4323 Ridgewood Court for a home occupation permit to operate a massage therapy practice out of the residence. Property is zoned "R-4" Moderate Density Dwelling District.

Section 17.48.010 of the Zoning Ordinance allows the Board of Adjustment to grant a home occupation permit in an "R" district. [6th Ward/Ald. Clewell]

All interested persons may submit written comments on the above item(s) and/or attend the public hearing to express your views. Any written/e-mailed comment(s) to be reported at the public hearings should be received by Community Planning, City Hall, no later than 12:00 p.m. on the day prior to the public hearing. PO# 1814944

Community Planning & Economic Development
E-mail: planning@ci.davenport.ia.us
Phone: (563) 326-7765

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



Public Hearing Details:

Date: 4/26/2018 Ward: **6th**
Time: 4:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a Home Occupation Permit before the Zoning Board of Adjustment
Case #: HOP18-01

To: All property owners within 200 feet of the subject property located at **4323 Ridgewood Court.**

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a Home Occupation Permit. The purpose of the Home Occupation Permit is to authorize certain limited business uses on residential properties subject to special conditions.

Request Description

Request HOP18-01 of Robert Buzzell at 4323 Ridgewood Court for a home occupation permit to operate a massage therapy practice out of the residence. Property is zoned "R-4" Moderate Density Dwelling District. Section 17.48.010 of the Zoning Ordinance allows the Board of Adjustment to grant a home occupation permit in an "R" district. [6th Ward/Ald. Clewell]

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?

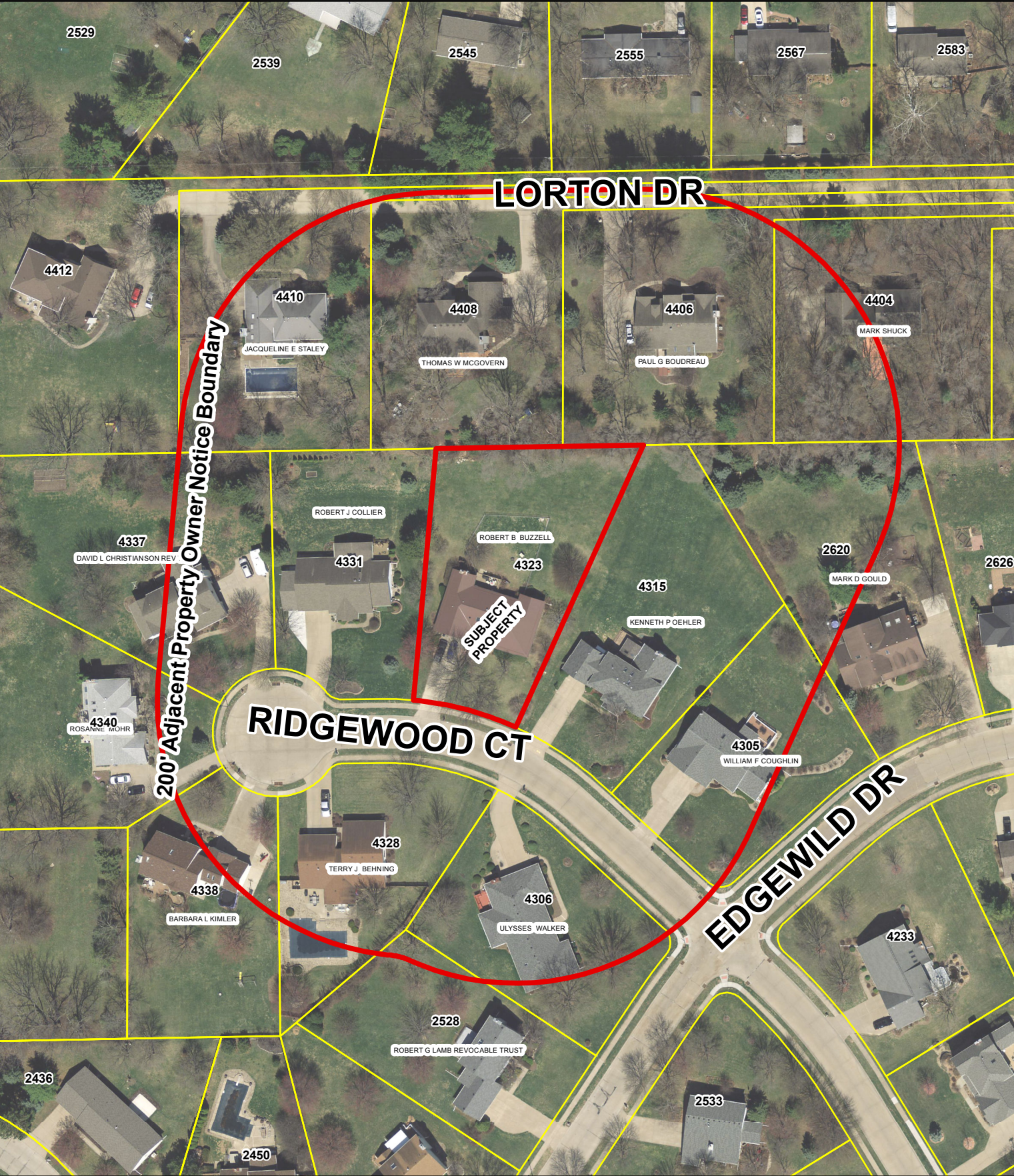
If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. 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 Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us for updates.

4323 Ridgewood Ct - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	4323 RIDGEWOOD CT	ROBERT B BUZZELL	4323 RIDGEWOOD CT	DAVENPORT IA 52807
Ward/Ald:	6th Ward	Alderman Clewell		14 Notices Sent
N1803-37	2528 EDGEWILD DR	ROBERT G LAMB REVOCABLE TRUST	2528 EDGEWILD DR	DAVENPORT IA 52807
N1803-38	4306 RIDGEWOOD CT	ULYSSES WALKER	4306 RIDGEWOOD CT	DAVENPORT IA 52807
N1803-39	4328 RIDGEWOOD CT	TERRY J BEHNING	4328 RIDGEWOOD CT	DAVENPORT IA 52807
N1803-40	4338 RIDGEWOOD CT	BARBARA L KIMLER	4338 RIDGEWOOD CT	DAVENPORT IA 52807
N1803-41	4340 RIDGEWOOD CT	ROSANNE MOHR	4340 RIDGEWOOD CT	DAVENPORT IA 52807
N1803-42	4337 RIDGEWOOD CT	DAVID L CHRISTIANSON REV TR	4337 RIDGEWOOD CT	DAVENPORT IA 52807
N1803-43	4331 RIDGEWOOD CT	ROBERT J COLLIER	4331 RIDGEWOOD CT	DAVENPORT IA 52807
N1803-45	4315 RIDGEWOOD CT	KENNETH P OEHLER	4315 RIDGEWOOD CT	DAVENPORT IA 52807
N1803-46	4305 RIDGEWOOD CT	WILLIAM F COUGHLIN	4305 RIDGEWOOD CT	DAVENPORT IA 52807
N1803-47	2620 EDGEWILD DR	MARK D GOULD	2620 EDGEWILD DR	DAVENPORT IA 52807
N1803-56	4404 LORTON AVE	MARK SHUCK	4404 LORTON AVE	DAVENPORT IA 52807
N1803-57	4406 LORTON AV	PAUL G BOUDREAU	4406 LORTON AVE	DAVENPORT IA 52807
N1803-58	4408 LORTON AV	THOMAS W MCGOVERN	4408 LORTON AV	DAVENPORT IA 52807
N1803-59	4410 LORTON AVE	JACQUELINE E STALEY	4410 LORTON AVE	DAVENPORT IA 52807

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.

1 inch = 100 feet

