

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, MAY 24, 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 4/26/18 public hearing.

II. Old Business

III. New Business

- A. Request HV18-02 of Marc Kots at 5055 Garner Court for a Hardship Variance to allow a covered porch along the front elevation of the house to encroach approximately 10 feet into the front yard and be located approximately 15 feet from the front (north) property line. The property is zoned "R-4PUD" Moderate Density Dwelling District.

Section 17.42.040 of the Davenport Municipal Code requires a 25-foot front yard setback for this property. [8th Ward/Ald. Tompkins]

IV. Other Business

- A. Election of Officers

V. Adjourn

City of Davenport
Zoning Board of Adjustment

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

Date
5/24/2018

Subject:

Consideration of the minutes from the 4/26/18 public hearing.

ATTACHMENTS:

Type	Description
▯ Cover Memo	ZBA Minutes 4-26-18

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	5/17/2018 - 12:28 PM



MINUTES
City of Davenport
Zoning Board of Adjustment
April 26, 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, Lee, and Hart

Board Member excused: Woodard

Staff present: Koops

I. Secretary's Report:

The minutes of the April 12, 2018 meeting were approved.

II. Old Business:

None.

III. New Business:

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]

Koops presented the staff report. Comments opposed to the request received by staff were forwarded to the Board.

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. A number of persons spoke in opposition to the request.

Motion:

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

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

IV. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:20 pm.

City of Davenport
Zoning Board of Adjustment

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

Date
5/24/2018

Subject:

Request HV18-02 of Marc Kots at 5055 Garner Court for a Hardship Variance to allow a covered porch along the front elevation of the house to encroach approximately 10 feet into the front yard and be located approximately 15 feet from the front (north) property line. The property is zoned "R-4PUD" Moderate Density Dwelling District.

Section 17.42.040 of the Davenport Municipal Code requires a 25-foot front yard setback for this property. [8th Ward/Ald. Tompkins]

ATTACHMENTS:

Type	Description
▣ Exhibit	HV18-02 Full Report

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	5/17/2018 - 12:30 PM



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: May 24, 2018
Applicant: Marc Kots
Address: 5055 Garner Court

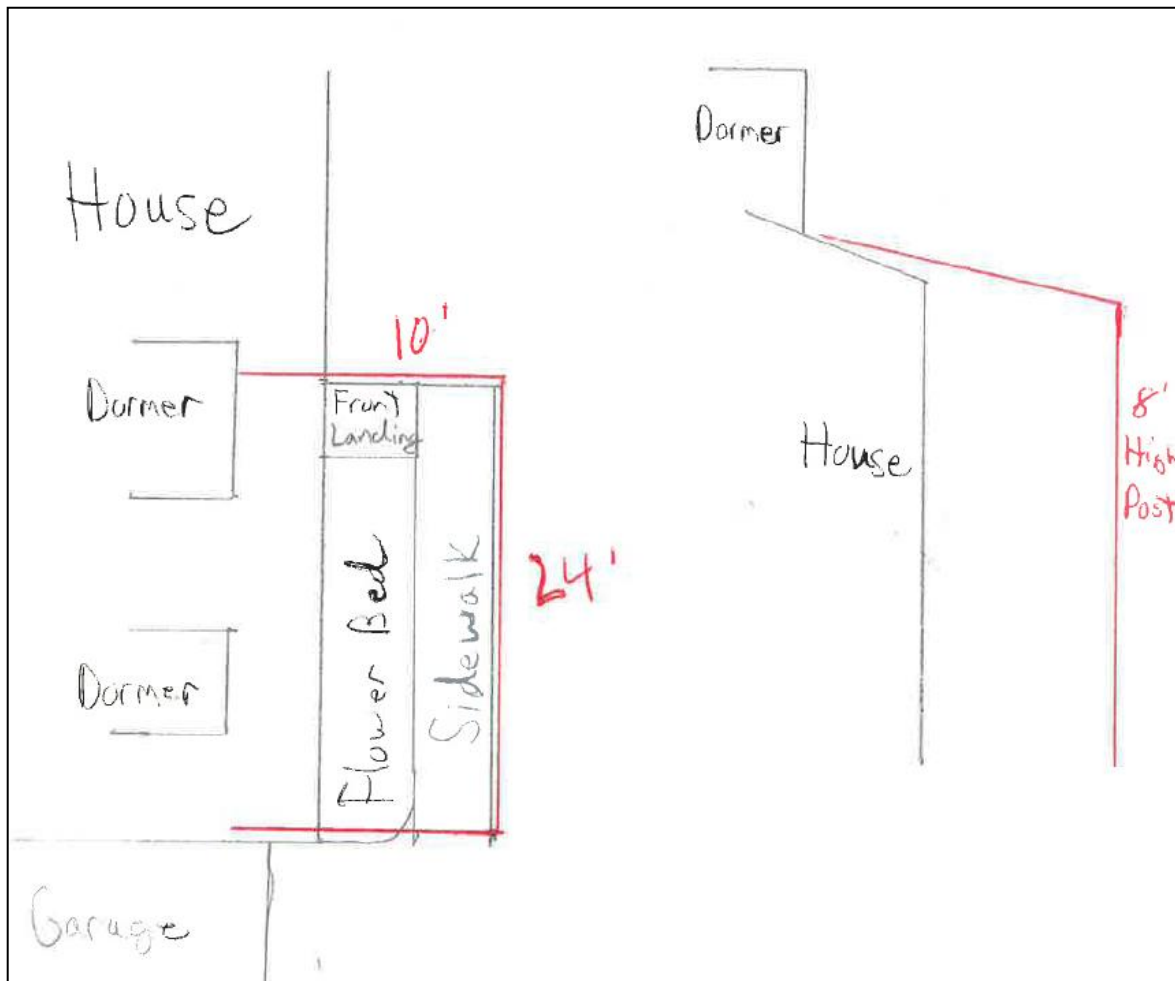
Description:

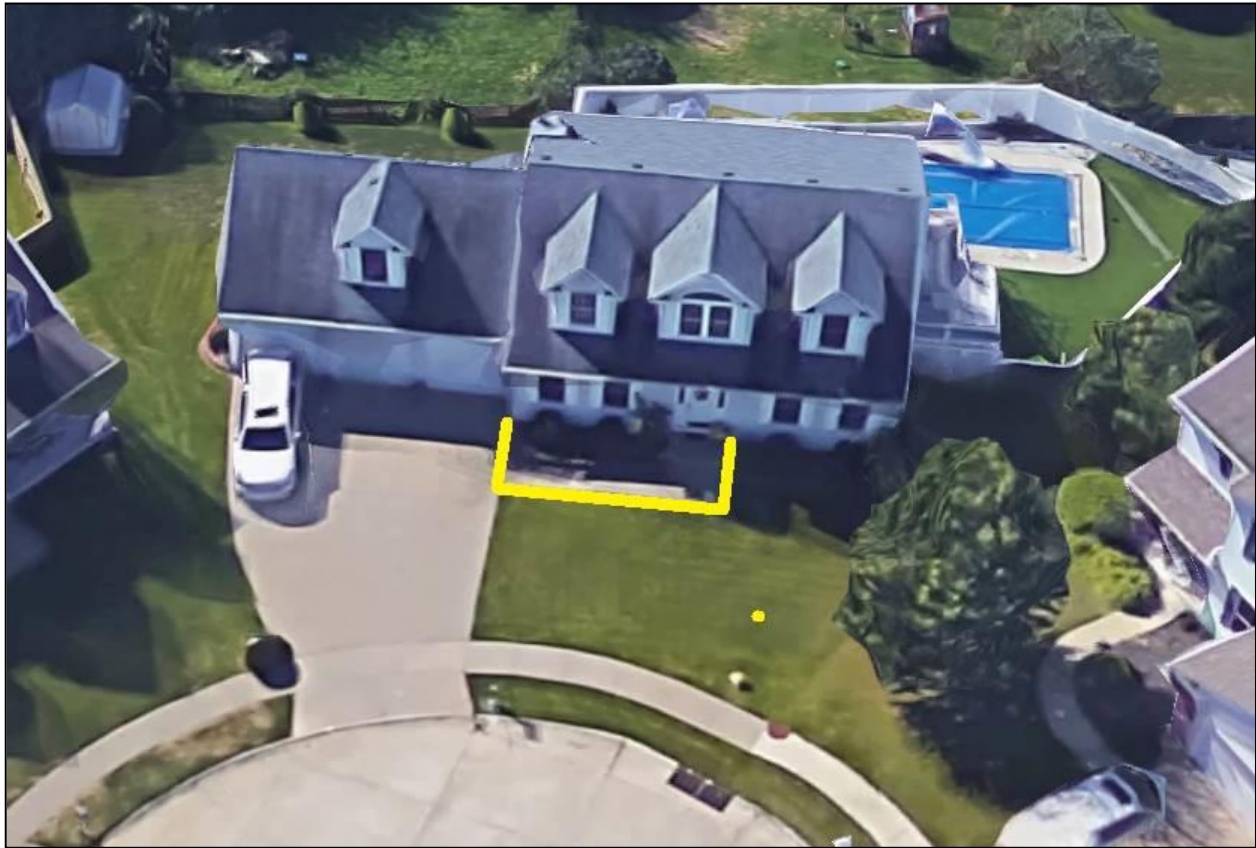
Request HV18-02 of Marc Kots at 5055 Garner Court for a Hardship Variance to allow a covered porch along the front elevation of the house to encroach approximately 10 feet into the front yard and be located approximately 15 feet from the front (north) property line. The property is zoned "R-4PUD" Moderate Density Dwelling District.

Section 17.42.040 of the Davenport Municipal Code requires a 25-foot front yard setback for this property. [8th Ward/Ald. Tompkins]

Background

The petitioner wishes to construct a 10' deep x 24' wide covered porch attached to the front of the residence adjacent to the garage.





Analysis (code requirement/staff comments)1. The property cannot yield a reasonable return if used under conditions allowed by the regulations:

The property currently does not have a covered porch. The addition of a covered porch to this dwelling would be a convenience to the petitioner and not a necessity, that should it be denied, would result denial of a reasonable use of the property. No evidence of a hardship has been presented.

2. The plight of the owner is due to unique circumstances which do not apply to adjoining property:

No unique circumstance has been provided with the application. Other homes in the area, while having a porch, met required setbacks.

3. The variation, if granted, will not alter the essential character of the locality:

It does not appear that other homes in the neighborhood have similar encroachments such as proposed with this request. The granting of the variance would likely alter the essential character of the locality.

4. The variation will not impair an adequate supply of light & air to adjacent property:

The granting of the variance should not affect the availability of light and air to the surrounding properties.

5. The variation will not unduly increase congestion in public streets:

The granting of the variance should not increase congestion in the public streets.

6. The variation will not increase the danger of fire or endanger the public safety:

The granting of the variance should not affect public safety if the structure is built to building code requirements.

7. The variation will not unreasonably impair established property values within the surrounding area:

The granting of the variance should not negatively impact property values.

8. The variation will not impair public health, safety, comfort, morals or welfare of the inhabitants of the City:

The granting of the variance should not impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.

Public Input

Notices were sent to adjacent property owners within 200 feet of the subject property. At the date this report was written, staff had not received any calls or letters regarding the request.

Staff Recommendation:

Items **#1 Reasonable Return**, **#2 Unique Circumstance**, and **#3 Essential Character** have not been met for a hardship variance determination. Staff cannot recommend approval of the request.

Prepared by:



Scott Koops, AICP
Planner II

Attached: Application, Hearing Notice, Map and Notification List

Zoning Board of Adjustment



\$200 Filing Fee

Date Received _____
Fee paid _____
Pre-App Date _____
Meeting Date _____

REQUEST FOR A HARSHIP VARIANCE

ADDRESS
AFFECTED:
OR

5055 Garner Court Davenport IA 52806

LOT/BLOCK/SUBDIVISION: (if no known address, see your Real Estate Tax Bill)

CONTACT /
APPLICANT

Name: Marc & Val Kots

Address: 5055 Garner Ct.

ZIP Code: 52806

Phone #: 563-370-1455

Fax #:

Email: MKots@LoveWellFence.com

OWNER Name: Same.

Address:

ZIP Code:

Phone #:

Fax #:

Email:

Note: Copies of the notice and staff report are mailed to above addresses; incomplete information will delay the request two weeks.

PROPOSAL
DESCRIPTION:

Describe the proposal and why the Zoning Code requires a variance to allow the proposal:

We would like to add a 10'x24' front porch with a roof. IT would go from the garage to the front door. The porch & roof would extend to the front side walk to door.

DESCRIPTION OF THE CASE – On a separate sheet of paper DESCRIBE THE CASE WITH EVIDENCE THAT SUPPORTS EACH OF THE FOLLOWING REQUIREMENTS.

1. The property in question cannot yield a **reasonable return** if permitted to be used only under the conditions allowed by the regulations in the zone.
2. The plight of the owner is due to **unique circumstances** which circumstances do not apply to other adjoining or nearby property.
3. The variation, if granted, will not alter the **essential character** of the locality.
4. The variation will not impair an adequate supply of **light and air** to adjacent property.
5. The variation will not unreasonably increase **congestion** in public streets.
6. The variation will not increase the danger of fire or endanger the **public safety**.
7. The variation will not unreasonably diminish or impair established **property values** within the surrounding area.
8. The variation will not in any other respect impair the **public health, safety, comfort, morals or welfare** of the inhabitants of the City.

Is the property located in a flood zone? ☐ Yes ☒ No.

Is the property historic? ☐ Yes ☒ No.

I CERTIFY THAT I HAVE MET WITH STAFF TO DISCUSS THIS REQUEST, THE ORDINANCE REQUIREMENTS, AND POTENTIAL OPTIONS THAT COULD REDUCE OR ELIMINATE THE NECESSITY FOR THIS ACTION.

(Staff initial & date)

ATTACHED HERETO AND MADE A PART OF THIS APPEAL, I SUBMIT THE DRAWING(S), showing all conditions as to structures or premises affected by this appeal.

NOTE: At least one copy of the drawing must be 8-1/2" x 11" in size.

These papers must be submitted with the appeal; otherwise, the request will be delayed two weeks.

I, the undersigned, do hereby certify that the above information is true and correct to the best of my knowledge and that I have read, understand, and agree to comply with the conditions as stated above.

Marc Kots
Signature of Appellant

4/30/18
Date

Sworn to before me, this _____ day of _____, 20____.

Signature of Notary

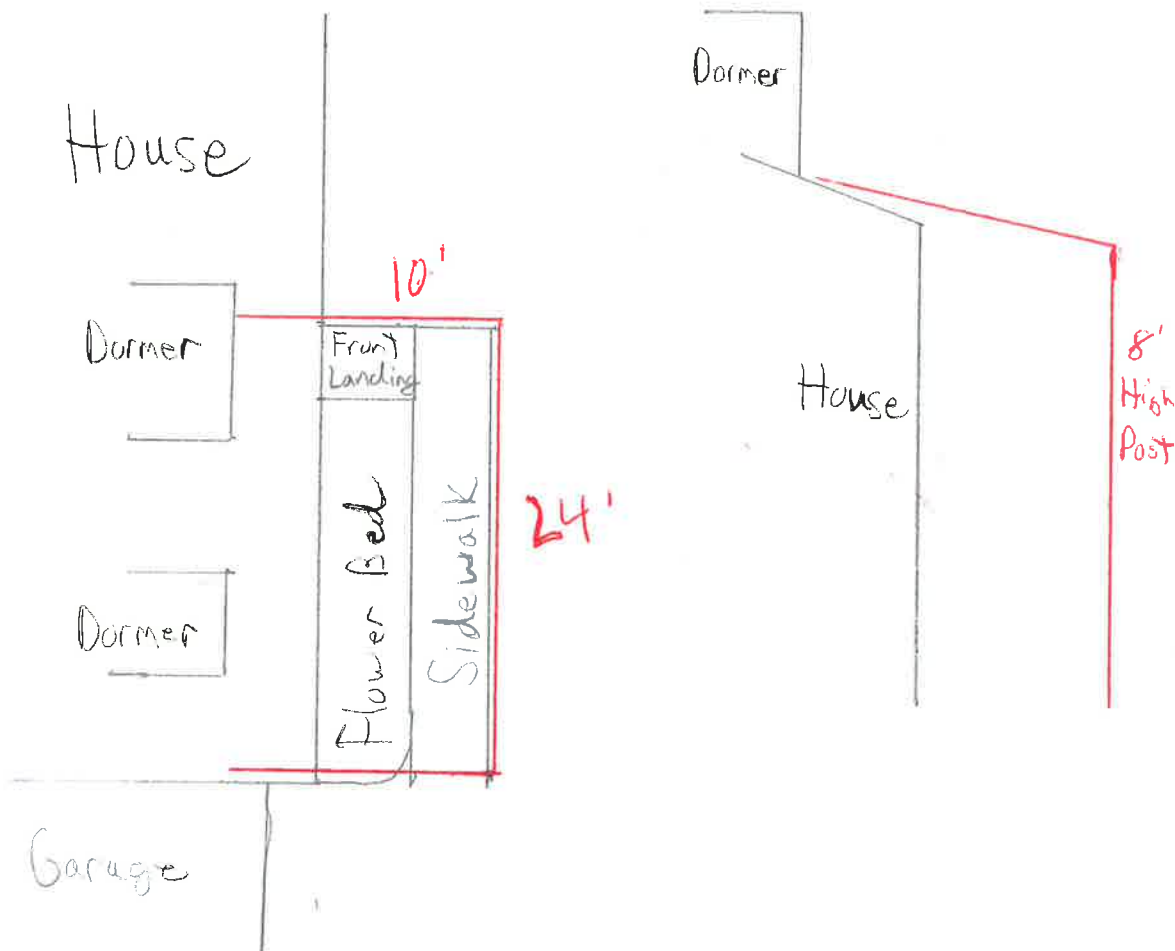


Image capture: Aug 2011 © 2018 Google

Davenport, Iowa

Google, Inc.

Street View - Aug 2011



Marc & Val Kots

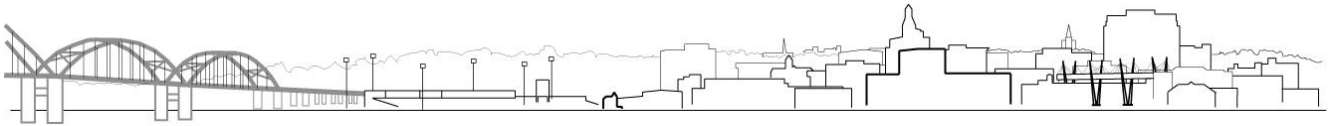
5055 Garner Court

Davenport, Ia. 52806

Hardship variance questions:

1. When this house was built it was one of two houses that was built without a Front porch in the Garner farms subdivision. A front porch would add value to The property and match the existing houses.
2. Every house in our court has a front porch except ours. It makes it very different From the other properties.
3. If the front porch and roof were added it would not hinder any character to the adjacent properties because we are the end house of the court and our neighbors do not line up next to us.
4. Our house faces north and air flow normal comes from the west or straight down the court. Since we face north the sun comes up and follows our house from east to west and only cast a shadow on our front lawn. The shadow in the summer is very limited due to the height of the sun and in the winter months it only covers a small portion of our front lawn.
5. Obviously being at the end of the court it will have no issues with congestion.
6. We should also be good for public safety and fire.
7. If anything, it should increase value to everyone in the court.
8. Since we live in a court, the amount of traffic we get from vehicles and pedestrians is very limited compared to the main roads so I don't think people will even notice.

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



Public Hearing Details:

Date: 5/24/2018

Ward: **8th**

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 #: HV18-02

To: All property owners within 200 feet of the subject property located at **5055 Garner Court**.

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 HV18-02 of Marc Kots at 5055 Garner Court for a Hardship Variance to allow a covered porch along the front elevation of the house to encroach approximately 10 feet into the front yard and be located approximately 15 feet from the front (north) property line. The property is zoned "R-4PUD" Moderate Density Dwelling District.

Section 17.42.040 of the Davenport Municipal Code requires a 25-foot front yard setback for this property. [8th Ward/Ald. Tompkins]

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?

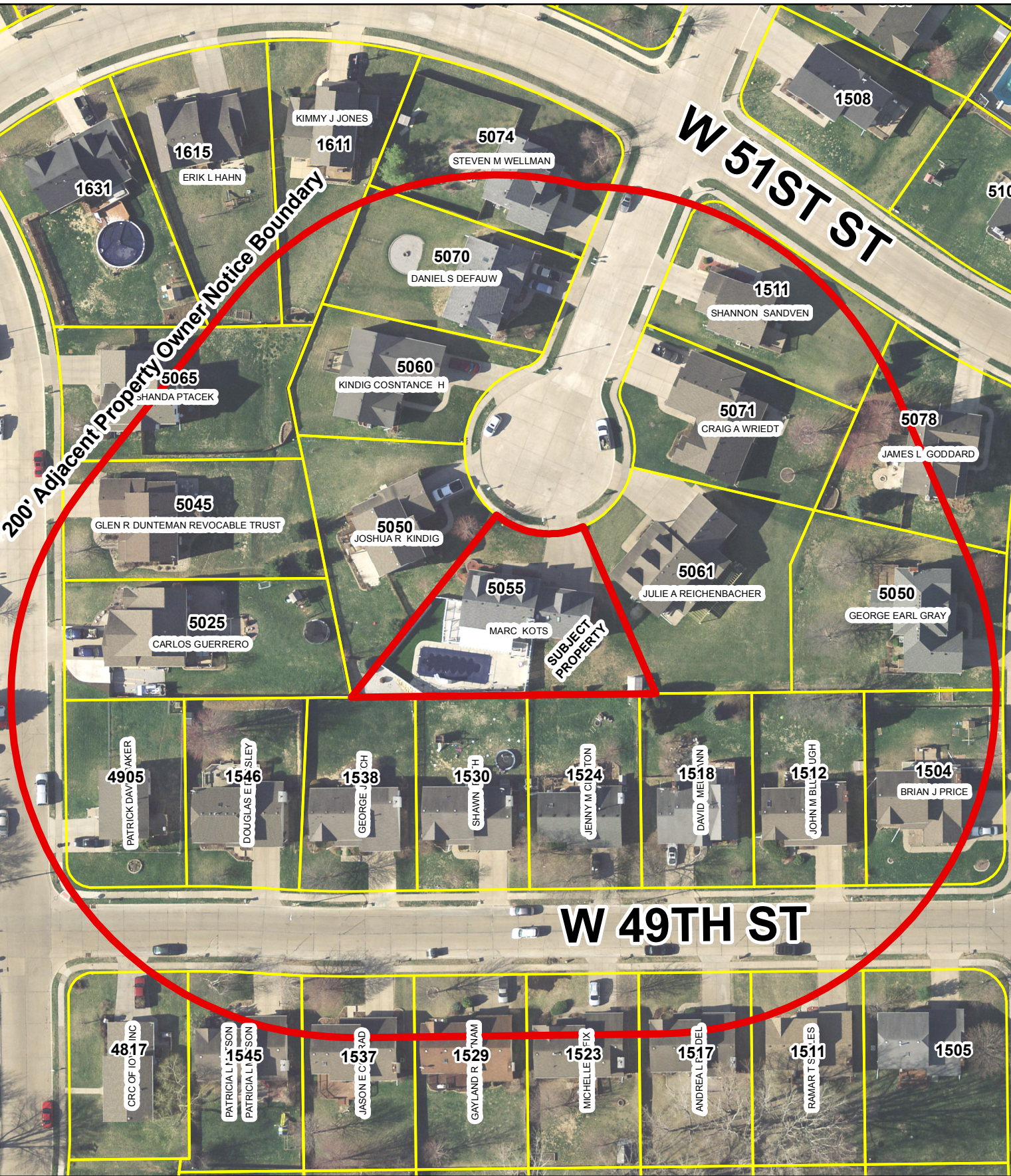
If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles.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

5055 Garner Ct - Adjacent Owner Notice List

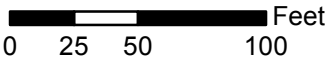
Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	5055 GARNER CT	MARC KOTS	5055 GARNER CT	DAVENPORT IA 52806
Ward/Ald:	8th Ward	Alderman Tompkins		29 Notices Sent
M1055A31	1517 W 49TH ST	ANDREA L BLADEL	1517 W 49TH ST	DAVENPORT IA 52806
M1055A36	1504 W 49TH ST	BRIAN J PRICE	1504 W 49TH ST	DAVENPORT IA 52806
M1037-19B	5025 STURDEVANT ST	CARLOS GUERRERO	5025 STURDEVANT ST	DAVENPORT IA 52806
M1039-16C	5071 GARNER CT	CRAIG A WRIEDT	5071 GARNER CT	DAVENPORT IA 52806
M1053B19	4817 STURDEVANT ST	CRC OF IOWA INC	PO BOX 869	BETTENDORF IA 52722
M1039-21C	5070 GARNER CT	DANIEL S DEFAUW	5070 GARNER CT	DAVENPORT IA 52806
M1055A34	1518 W 49TH ST	DAVID MEUMANN	1518 W 49TH ST	DAVENPORT IA 52806
M1053B42	1546 W 49TH ST	DOUGLAS E BEASLEY	1546 W 49TH ST	DAVENPORT IA 52806
M1037-20B	5045 STURDEVANT ST	DUNTEMAN REVOCABLE TRUST	5045 STURDEVANT ST	DAVENPORT IA 52806
M1037-23B	1615 W 51ST ST	ERIK L HAHN	1615 W 51ST ST	DAVENPORT IA 52806
M1053B39	1529 W 49TH ST	GAYLAND R PUTNAM	1529 W 49TH ST	DAVENPORT IA 52806
M1039-28	5050 FILLMORE LN	GEORGE EARL GRAY	5050 FILLMORE LN	DAVENPORT IA 52806
M1053B41	1538 W 49TH ST	GEORGE J MECH	1538 W 49TH ST	DAVENPORT IA 52806
M1039-29	5078 FILLMORE LN	JAMES L GODDARD	5078 FILLMORE LN	DAVENPORT IA 52806
M1053B38	1537 W 49TH ST	JASON E CONRAD	1537 W 49TH ST	DAVENPORT IA 52806
M1055A33	1524 W 49TH ST	JENNY M CLAYTON	1524 W 49TH ST	DAVENPORT IA 52806
M1055A35	1512 W 49TH ST	JOHN M BLUBAUGH	1512 W 49TH ST	DAVENPORT IA 52806
M1039-19C	5050 GARNER CT	JOSHUA R KINDIG	5050 GARNER CT	DAVENPORT IA 52806
M1039-17C	5061 GARNER CT	JULIE A REICHENBACHER	5061 GARNER CT	DAVENPORT IA 52806
M1037-24B	1611 W 51ST ST	KIMMY J JONES	1611 W 51ST ST	DAVENPORT IA 52806
M1039-20C	5060 GARNER CT	KINDIG COSNTANCE H	5060 GARNER CT	DAVENPORT IA 52806
M1055A32	1523 W 49TH ST	MICHELLE R FIX	1523 W 49TH ST	DAVENPORT IA 52806
M1053B37	1545 W 49TH ST	PATRICIA L MATSON	1545 W 49TH STREET	DAVENPORT IA 52806
M1053B20	4905 STURDEVANT ST	PATRICK DAVID BAKER	5336 HILLANDALE RD	DAVENPORT IA 52806
M1055A30	1511 W 49TH ST	RAMAR T SCALES	1511 W 49TH ST	DAVENPORT IA 52806
M1037-21B	5065 N STURDEVANT ST	SHANDA PTACEK	5065 N STURDEVANT ST	DAVENPORT IA 52806
M1039-15C	1511 W 51ST ST	SHANNON SANDVEN	1511 W 51ST ST	DAVENPORT IA 52806
M1053B40	1530 W 49TH ST	SHAWN ROTH	1530 W 49TH ST	DAVENPORT IA 52806
M1039-22C	5074 GARNER CT	STEVEN M WELLMAN	5074 GARNER CT	DAVENPORT IA 52806

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 = 75 feet



City of Davenport
Zoning Board of Adjustment

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

Date
5/24/2018

Subject:
Election of Officers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	5/17/2018 - 12:31 PM