

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, JULY 12, 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 6/14/18 public hearing (no meeting was held on 6-28-18).

II. Old Business

III. New Business

- A. Request HOP18-02 of Rebecca Nakashima Brooke at 802 Bridge Avenue for a home occupation permit to operate a yoga instruction 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. [3rd Ward; Ald. Meginnis]

IV. Other Business

V. Adjourn

City of Davenport
Zoning Board of Adjustment

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

Date
7/12/2018

Subject:

Consideration of the minutes from the 6/14/18 public hearing (no meeting was held on 6-28-18).

ATTACHMENTS:

Type	Description
▯ Cover Memo	ZBA Minutes 6-14-18

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	7/5/2018 - 1:53 PM



MINUTES
City of Davenport
Zoning Board of Adjustment
June 14, 2018



The Zoning Board of Adjustment came to order at 4:00 P.M. in the first floor Council Chambers at City Hall, 226 W. 4th Street, Davenport, IA to hear the following request:

I. Secretary's Report:

Roll Call: Present: Hart, Strayhall, Woodard, Lee, Reistroffer
Excused: None.
Staff: Koops, Hoyt

The minutes from the 4/26/18 public hearing were approved unanimously following a motion by Lee and a second by Woodard.

II. Old Business:

1. **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 7 feet into the front yard and be located approximately 18 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]

Koops presented the staff report. The encroachment was confirmed at 7 feet instead of 10 feet.

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.

Items #1 reasonable return, and #2 unique circumstances, have been not been met for the granting of a hardship variance. Staff cannot recommend 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 or against the request.

Motion:

A motion to approve the request was made by Reistroffer and seconded by Strayhall. Motion to approve carried. (3-2):

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

III. New Business:

None.

IV. Adjourn

Motion to adjourn was approved at 4:20 pm following a motion by Woodard and a second by Strayhall.

City of Davenport
Zoning Board of Adjustment

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

Date
7/12/2018

Subject:

Request HOP18-02 of Rebecca Nakashima Brooke at 802 Bridge Avenue for a home occupation permit to operate a yoga instruction 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. [3rd Ward; Ald. Meginnis]

ATTACHMENTS:

Type	Description
▣ Exhibit	HOP18-02 Report

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	7/5/2018 - 1:56 PM



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: July 12, 2018
Applicant: Rebecca Nakashima Brooke
Address: 802 Bridge Avenue

Description

Request HOP18-02 of Rebecca Nakashima Brooke at 802 Bridge Avenue for a home occupation permit to operate a yoga instruction 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. [3rd Ward; Ald. Meginnis]

Background

The subject property contains a single-family dwelling with a large driveway. Surrounding properties also contain single-family dwellings, high density dwellings (apartments) and Gilda's Club of the Quad Cities. 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 practice would operate on an appointment only basis with one appointment at a time; the hours of possible appointments being proposed are Monday 9am to 12pm and 6pm to 8pm; Wednesday 9am to 12pm and 6pm to 8pm.

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 indicated that they will not utilize 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 residential districts.

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:

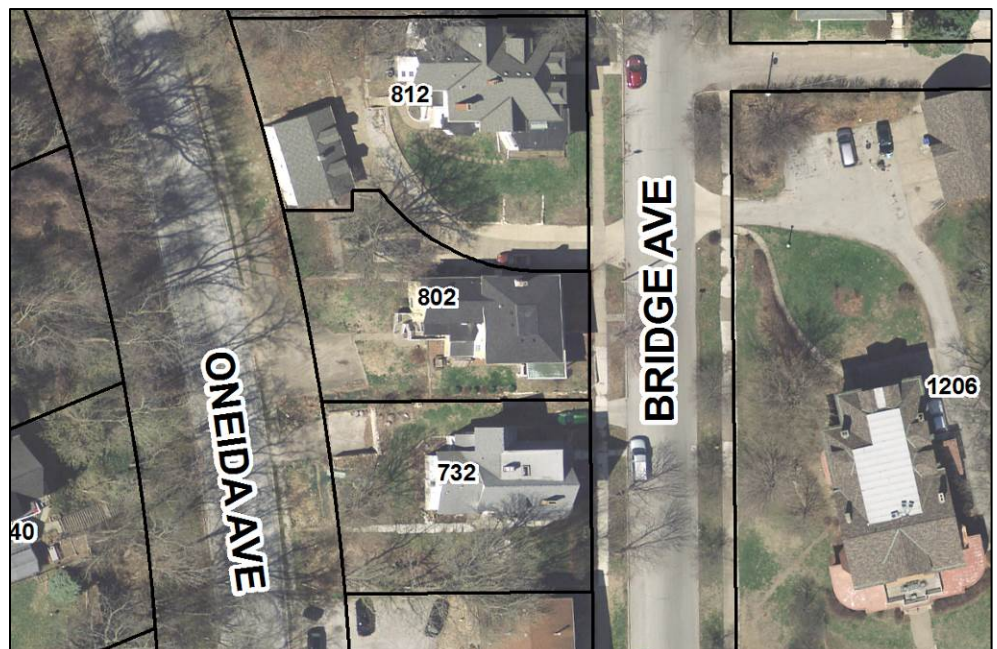
1. the permit be valid for a period of one year from the date of issuance;
2. renewal be based in part upon complaints and/or comments from area property owners;
3. petitioner operate on an appointment only basis;
4. off-street parking (i.e. the driveway) shall be used for client parking, and;
5. hours and days of operation shall be by appointment only Monday 9am to 12pm and 6pm to 8pm; Wednesday 9am to 12pm and 6pm to 8pm. Friday 9am to 12pm; and Saturday 12pm to 4pm.

Prepared by:

Scott Koops

Scott Koops, AICP
Planner II

Attachments: Application,
Notification Documents



Zoning Board

Adjustment



City of
Davenport

\$250.00 Filing Fee of

FOR OFFICE USE

Date Received _____

Fee paid _____

Pre-App Date _____

Meeting Date _____

REQUEST FOR A HOME OCCUPATION PERMIT

Premises Affected - Address:
Legal Description
/Lot/Block/Subdivision Name)
(See your real estate tax bill)

802 Bridge Avenue

Davenport, Iowa, 52803

Area: 54 Davenport, SE1/4, S of Kimberly-E of Brady Subdivision: Churchill

APPELLANT – Name: Rebecca Nakashima Brooke	OWNER - Name: Rebecca Nakashima Brooke
Address: 802 Bridge Avenue	Address: 802 Bridge Avenue
Zip Code 52803	Zip Code: 52803
Phone #: 563-505-0476	Phone #: 563-505-0476
Email: beckynakabrooke@gmail.com	Email: beckynakabrooke@gmail.com

DESCRIPTION OF REQUEST: DESCRIBE THE PROPOSED USE BRIEFLY.

I would like a special use variance, pursuant to 17.48.010(S), to allow for a home occupation of 802 Bridge Avenue. I intend to practice Thai Bodywork, Private Yoga Sessions, and Reiki Practice in my home and all clients engaging in practice with me will have appointments. I do not take walk in clients for my practice.

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

1. The use does not require any construction, extension or structural alteration or height increase incompatible with requirements of the district in which such use is proposed to be authorized.
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.
3. That there shall be no sign used in connection with such use, other than a name plate not more than one square foot in area, or no display 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.
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.
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.
6. The Board may exact any other regulations and assurances, covenants and warranties as may be necessary to protect the rights of the neighboring residents.
7. That 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.
8. That such use shall not impair an adequate supply of light and air to surrounding property.
9. That such use shall not unduly increase congestion in the streets, or public danger of fire and safety.
10. That such use shall not diminish or impair established property values
11. That such use shall be in accord with the intent, purpose and spirit of this chapter and the comprehensive plan of the City.

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.

(initial & date)

6-13-18

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: These papers must be submitted with the appeal.)

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

I do not require any construction, extension or structural alteration or height increase for the property.

I will be able to use the existing structure for my practice area and do not need any additional parking area. I will have no outside display or storage of materials, goods, supplies or equipment related to my practice.

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.

I will not create dust, noise, odor, fumes, vibrations, or other continually generated nuisances that are not customary to the residential neighborhood and that would infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes.

3. That there shall be no sign used in connection with such use, other than a name plate not more than one square foot in area, or no display 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.

I do not intend to put out any signage, excluding the property address which exists on the home already.

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.

No activities will be conducted in any accessory building. There are no accessory buildings.

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.

I will be able to use the parking area (there are 3 parking spots in the back of the house) and do not need any additional parking area. As such, I would not need to have any clients park in the street and create no public danger of fire and/or safety.

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

7. That 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.

N/A

The location exists and no design, construction or operation changes are needed, excluding the special use variance. The current existing location, design, construction and proposed operation adequately safeguards the health, safety, and general welfare of persons residing and working in adjoining and surrounding properties.

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

The proposed special use variance does not impair an adequate supply of light and air to surrounding property, as there is no change to the supply of light or air surrounding the property.

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

I will be able to use the parking area (there are 3 parking spots in the back of the house) and do not need any additional parking area. As such, I would not need to have any clients park in the street and create no public danger of fire and/or safety.

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

The proposed special use variance will not diminish or impair established property values, as I am not creating any physical changes to the residence relating to the special use variance. In fact, I am restoring the property to better the neighborhood and the residence. The restoration includes both the outside of the residence and interior to showcase the historical beauty of the home.

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 proposed special use variance is in accord with the intent, purpose and spirit of this title and the comprehensive plan of the city. The property will remain a detached single family dwelling and will be compatible with a good residential environment. I intend to occupy this residence and practice Thai Bodywork, Private Yoga Sessions, and Reiki Practice in my home. All clients engaging in practice with me will have appointments and will not be walk in clients. As such, I will be in compliance with maintaining a good residential environment.

Additional Questions

1) Please state how many persons will be in each class. Remember there is a limit of 5 at any one time.

I teach at Sol Hot Yoga Studio in Bettendorf, Iowa and do not intend to have many classes at my home. My intention is to have private yoga classes with one client at time in my home.

2) Please mention that no one other than persons residing on the premises will be working there.

I will be working alone. The space is to be maintained as a peaceful environment. I will not have any employees.

3) Please provide the days and hours of operation

Monday 9 a.m. -12 p.m. 6 p.m.-8 p.m.

Wednesday 9 a.m. -12 p.m. 6 p.m.-8 p.m.

Friday 9 a.m. -12 p.m.

Saturday 12 p.m.- 4 p.m.

4) Please state how many off-street parking spaces you will have available for students and how many cars you expect at each lesson

I have one parking space on the side of the house on Bridge Avenue and 3 spaces off of Oneida Street.

I intend to have one car per session, which is an hour and a half to two hours duration.



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



Public Hearing Details:

Date: 7/12/2018
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 #: HOP18-02

Ward: **3rd Ward**

To: All property owners within 200 feet of the subject property located at **802 Bridge Avenue.**

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 HOP18-02 of Rebecca Nakashima Brooke at 802 Bridge Avenue for a home occupation permit to operate a yoga instruction 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. [3rd Ward; Ald. Meginnis]

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?

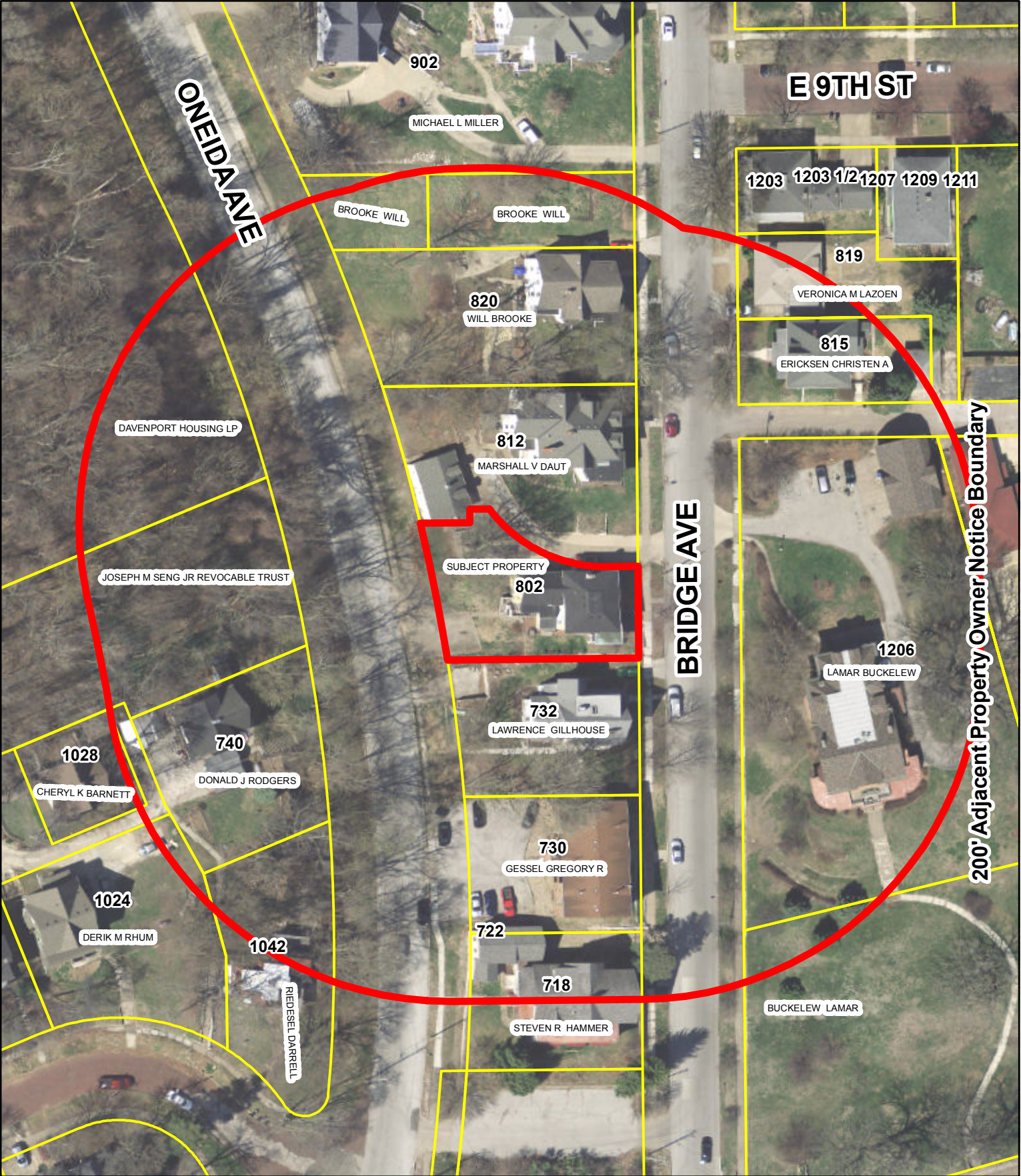
If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles.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

802 Bridge Ave - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	802 BRIDGE AV	REBECCA BROOKE	802 BRIDGE AV	DAVENPORT IA 52803
Ward/Ald:	3rd Ward	Alderman Meginnis		20 Notices Sent
F0038-16	902 BRIDGE AV	MICHAEL L MILLER	902 BRIDGE AV	DAVENPORT IA 52803
F0042-02	1234 E RIVER DR	GILDA"S CLUB QUAD CITIES	1234 E RIVER DR	DAVENPORT IA 52803
F0043-01		SENG JR REVOCABLE TRUST	4804 NORTHWEST BD	DAVENPORT IA 52806
F0043-03A	819 BRIDGE AV	VERONICA M LAZOEN	732 21ST AVE	EAST MOLINE IL 61244
F0043-04	815 BRIDGE AV	ERICKSEN CHRISTEN A	732 21ST AVE	EAST MOLINE IL 61244
F0043-05A		BUCKELEW LAMAR	1206 E RIVER DR	DAVENPORT IA 52803
F0043-05B	1206 E RIVER DR	LAMAR BUCKELEW	1206 E RIVER DR	DAVENPORT IA 52803
F0043-06		BROOKE WILL	820 BRIDGE AV	DAVENPORT IA 52803
F0043-07		BROOKE WILL	820 BRIDGE AV	DAVENPORT IA 52803
F0043-08	820 BRIDGE AV	WILL BROOKE	820 BRIDGE AV	DAVENPORT IA 52803
F0043-09	812 BRIDGE AV	MARSHALL V DAUT	812 BRIDGE AV	DAVENPORT IA 52803
F0043-10	802 BRIDGE AV	CREDIT UNION VIBRANT	1900 52ND AV	MOLINE IL 61265
F0043-11	732 BRIDGE AV	LAWRENCE GILLHOUSE	732 BRIDGE AV	DAVENPORT IA 52803
F0043-12	730 BRIDGE AV	GESSEL GREGORY R	19494 258TH AVE	BETTENDORF IA 52722
F0043-13B	718 BRIDGE AV	STEVEN R HAMMER	718 BRIDGE AV	DAVENPORT IA 52803
F0043-17	1024 CHARLOTTE ST	DERIK M RHUM	1024 CHARLOTTE ST	DAVENPORT IA 52803
F0043-19	1042 CHARLOTTE ST	RIEDELSE DARRELL	1042 CHARLOTTE ST	DAVENPORT IA 52803
F0043-20	740 ONEIDA AV	DONALD J RODGERS	740 ONEIDA AV	DAVENPORT IA 52803
F0043-21	1028 E 6TH ST	CHERYL K BARNETT	1028 E 6TH ST	DAVENPORT IA 52803
F0044-01B	1021 E 10TH ST	DAVENPORT HOUSING LP	PO BOX 703	PLATTEVILLE WI 53818

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

