

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, AUGUST 8, 2019; 4:00 PM

CITY COUNCIL CHAMBERS CITY HALL 226 W 4TH STREET

I. Call to Order

II. Secretary's Report

- A. Approval of the July 11, 2019 meeting minutes.

III. Old Business: None

IV. New Business

- A. Request HV19-09 of Robert and Pamela Danielson at 2804 Farnam Street for a hardship variance to encroach 7 feet into the required 20 foot setback from the corner side lot line for a detached garage. The property is zoned "R-4C" Single-Family and Two-Family Central Residential Zoning District.

Section 17.09.030.K.3.b of the Davenport Municipal Code reads: Where there is no alley access, and the garage or carport is located in the corner side yard and takes access from the abutting street, the garage or carport must be setback 20 feet from the corner side lot line. [Ward 5]

V. Other Business

- A. Election of Chairperson
- B. Election of Vice Chairperson (if necessary).

VI. Adjourn

City of Davenport  
Zoning Board of Adjustment

Department: Community Planning and Economic Development  
Department  
Contact Info: Ryan Rusnak 563-888-2022  
rrusnak@ci.davenport.ia.us

**Date**  
**8/8/2019**

Subject:  
Approval of the July 11, 2019 meeting minutes.

Recommendation:  
Approve the minutes.

ATTACHMENTS:

Type	Description
Backup Material	7-11-2019 Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Flynn, Matt	Approved	8/5/2019 - 11:52 AM



**MINUTES**  
**City of Davenport**  
**Zoning Board of Adjustment**  
**July 11, 2019**



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, Cochran, and Hart.

Board Member excused: Lee, Reistroffer

Staff present: Koops, Hoyt

**I. Secretary's Report:**

The minutes of the 6-27-2019 were approved by voice vote.

**II. Old Business:**

None

**III. New Business:**

- A. None. Request HV19-09 of Dan Gunsteen at W.K. First Addition lot 1 (corner of Elsie and W Kimberly Rd) for a hardship variance to encroach into the required buffer yard along the north property line to accommodate a car wash development. The property is zoned "C-2" Corridor Commercial.

Section 17.11.080.A.3. and C.1. require a 15 foot buffer yard where a nonresidential district is adjacent to a residential district. The property to the north is zoned "R-4" Residential. [2<sup>nd</sup> Ward]

**Request**

Koops presented the staff report.

No comments were received.

**Findings & Staff Recommendation:**

Findings: (Per the analysis in the staff report)

- Item #1 application of the ordinance creating hardship has not been established;
- Item #2 physical and topographical conditions of the site does not limit the use;
- Item #3 unique circumstance has not been established;
- Item #4 protection of essential character may not have been established;

Recommendation:

Staff recommends denial of the request as the application does not meet approval standards for a hardship variance.

**Motion:**

A motion to approve the request was made by Strayhall and seconded by Cochran. Motion to approve failed. (0-3):

Strayhall, no; Cochran, no and Hart, no.

**IV. Other Business**

None.

**V. Adjourn**

The meeting adjourned unanimously by voice vote at approximately 4:32 pm.

City of Davenport  
Zoning Board of Adjustment

Department: Community Planning and Economic Development  
Department  
Contact Info: Ryan Rusnak 563-888-2022  
rrusnak@ci.davenport.ia.us

**Date**  
**8/8/2019**

**Subject:**

Request HV19-09 of Robert and Pamela Danielson at 2804 Farnam Street for a hardship variance to encroach 7 feet into the required 20 foot setback from the corner side lot line for a detached garage. The property is zoned "R-4C" Single-Family and Two-Family Central Residential Zoning District.

Section 17.09.030.K.3.b of the Davenport Municipal Code reads: Where there is no alley access, and the garage or carport is located in the corner side yard and takes access from the abutting street, the garage or carport must be setback 20 feet from the corner side lot line. [Ward 5]

**Recommendation:**

Staff recommends approval of HV19-10 in accordance with submitted rendering.

**Background:**

The petitioners are requesting a hardship variance to reconstruct a detached garage. The existing garage is 20 wide wide x 22 wide long (440 square feet in area). There is no alley access. The existing garage is accessed from East Garfield Street.

The proposed garage would be 20 wide wide x 24 wide long (480 square feet in area) and would utilize the driveway access to East Garfield Street.

The Zoning Ordinance allows detached garages to encroach into the corner side yard when there is no alley access, but requires a 20 foot setback. Staff has reasoned that the 20 foot setback requirement is to allow adequate space to park a vehicle on the driveway. In this area of Davenport, the street rights-of-way are 60 feet in width and travel surface is approximately 24 feet in width. In this circumstance there is approximately 10 feet of right-of-way as measured from the north end of the sidewalk to the petitioners' property. As depicted, there would be approximately 24 feet from the north end of the sidewalk to the proposed garage. This would allow adequate space to park a vehicle on the driveway and not encroach onto the sidewalk.

Approval Standards

Section 17.14.969 of the Davenport Municipal Code sets forth the approval standards.

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

Staff analysis:

It is staff's opinion that the hardship is the lot configuration. First, the lot is 59 feet by 90 feet (5,310 square feet in area). The adjacent properties to the north and south extend to the alley and contain 150 feet in lot depth. This allows adequate space to have a detached garage with alley

access. Also, there is no alley access, which necessitates a larger setback to the corner side yard property line. Meeting the required corner side yard setback would reduce the usable rear yard.

*2. The particular physical surroundings, shape, or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.*

Staff analysis:

It is staff's opinion that the hardship is the particular shape of the property. First, the lot is 59 feet by 90 feet (5,310 square feet in area). The adjacent properties to the north and south extend to the alley and contain 150 feet in lot depth. This allows adequate space to have a detached garage with alley access. Also, there is no alley access, which necessitates a larger setback to the corner side yard property line. Meeting the required corner side yard setback would reduce the usable rear yard.

*3. The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.*

Staff analysis:

It is staff's opinion that the hardship is the shape of the property and this was not self-created. The adjacent properties to the north and south extend to the alley and contain 150 feet in lot depth. This allows adequate space to have a detached garage with alley access. There is no alley access, which necessitates a larger setback to the corner side yard property line. Meeting the required corner side yard setback would reduce the usable rear yard.

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

Staff analysis:

Detached garages are prevalent in this area of Davenport. The proposed garage would not exceed the size of a typical two-car garage.

**Recommendation:**

It is staff's opinion that the requested achieves consistency with Section 17.14.969 of the Davenport Municipal Code. Staff recommends approval of HV19-10 in accordance with submitted rendering.

**ATTACHMENTS:**

Type	Description
□ Backup Material	Application
□ Backup Material	Public Hearing Notice

**REVIEWERS:**

Department	Reviewer	Action	Date
Community Planning & Economic Development	Flynn, Matt	Approved	8/5/2019 - 11:29 AM



Complete application can be emailed to [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

Property Address\* 2804 FARNAM ST DAVENPORT IA 52803  
\*If no property address, please submit a legal description of the property.

**Applicant (Primary Contact)\*\***

Name: ROBERT DANIELSEN JR  
Company: -  
Address: 2804 FARNAM ST  
City/State/Zip: DAVENPORT IA 52803  
Phone: 563-370-6036  
Email: DBC225@YAHOO.COM

*Application Form Type:*

**Plan and Zoning Commission**

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

**Owner (if different from Applicant)**

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

**Zoning Board of Adjustment**

Zoning Appeal ☐  
Special Use ☐  
Hardship Variance ☒

**Design Review Board**

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

**Engineer (if applicable)**

Name: N/A  
Company:   
Address:   
City/State/Zip:   
Phone:   
Email:

**Historic Preservation Commission**

Certificate of Appropriateness ☐  
Landmark Nomination ☐  
Demolition Request ☐

**Architect (if applicable)**

Name: N/A  
Company:   
Address:   
City/State/Zip:   
Phone:   
Email:

**Administrative**

Administrative Exception ☐  
Health Services and Congregate Living Permit ☐

**Attorney (if applicable)**

Name: N/A  
Company:   
Address:   
City/State/Zip:   
Phone:   
Email:

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

**Request:**

Please describe the variance(s) requested:

To reduce the corner side yard for a detached garage.  
old garage would be demolished

Existing Zoning: R-4C

**Submittal Requirements:**

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed structures affected by the hardship variance. 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 17.14.060 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 - \$200.

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

(1) Application:

- Prior to submission of the application for the hardship variance, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the hardship variance 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.

(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 hardship variance:

- 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.



Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

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

HAVING to BUILD A GARAGE 20' BACK  
FROM THE lot line WOULD PRETTY MUCH  
TAKE UP THE small BACK YARD THAT  
I ALREADY HAVE,

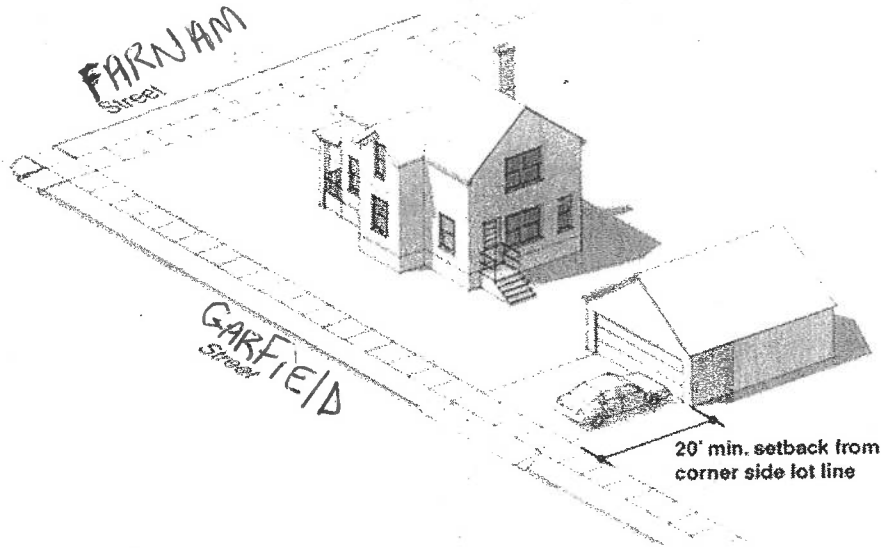
Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The particular physical surroundings, shape, or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

THE PROPERTY IS A CORNER LOT, BUT ONLY A PARTIAL LOT. BEING A PARTIAL LOT GIVES ME A VERY SMALL BACK YARD. WITH REDUCED LOT LINES AND NO ALLEY ACCESS I'M VERY LIMITED AS TO WHERE A GARAGE CAN BE BUILT.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.



b. Where there is no alley access, and the garage or carport is located in the corner side yard and takes access from the abutting street, the garage or carport must be set back 20 feet from the corner side lot line.

THE ABOVE PICTURE IS MY SITUATION  
IN MIRRORED FORM. IN THIS  
SITUATION WITH GIVEN LOT LINE I  
WOULD BE 24' BACK. WITH THE  
LOCATION OF MY CURRENT LOT LINES,  
THAT'S WHAT CREATES THE  
HARDSHIP.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

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

IF GRANTED, THE CHARACTER OF THE LOCALITY WILL NOT BE ALTERED, IT WILL BE A GREAT IMPROVEMENT TO THE PROPERTY. DETACHED GARAGES ARE ALSO VERY COMMON IN MY NEIGHBORHOOD, SO I WOULD NOT BE BUILDING ANYTHING OUT OF THE ORDINARY THAT WOULD CHANGE THE CHARACTERISTIC OF THE AREA.

Applicant: ROBERT DANIELSEN JR

Date: 7/16/19

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: Ryan Rusnak

Date: 7/16/2019

### Planning staff

Date of the Public Hearing: 8/8/2019

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

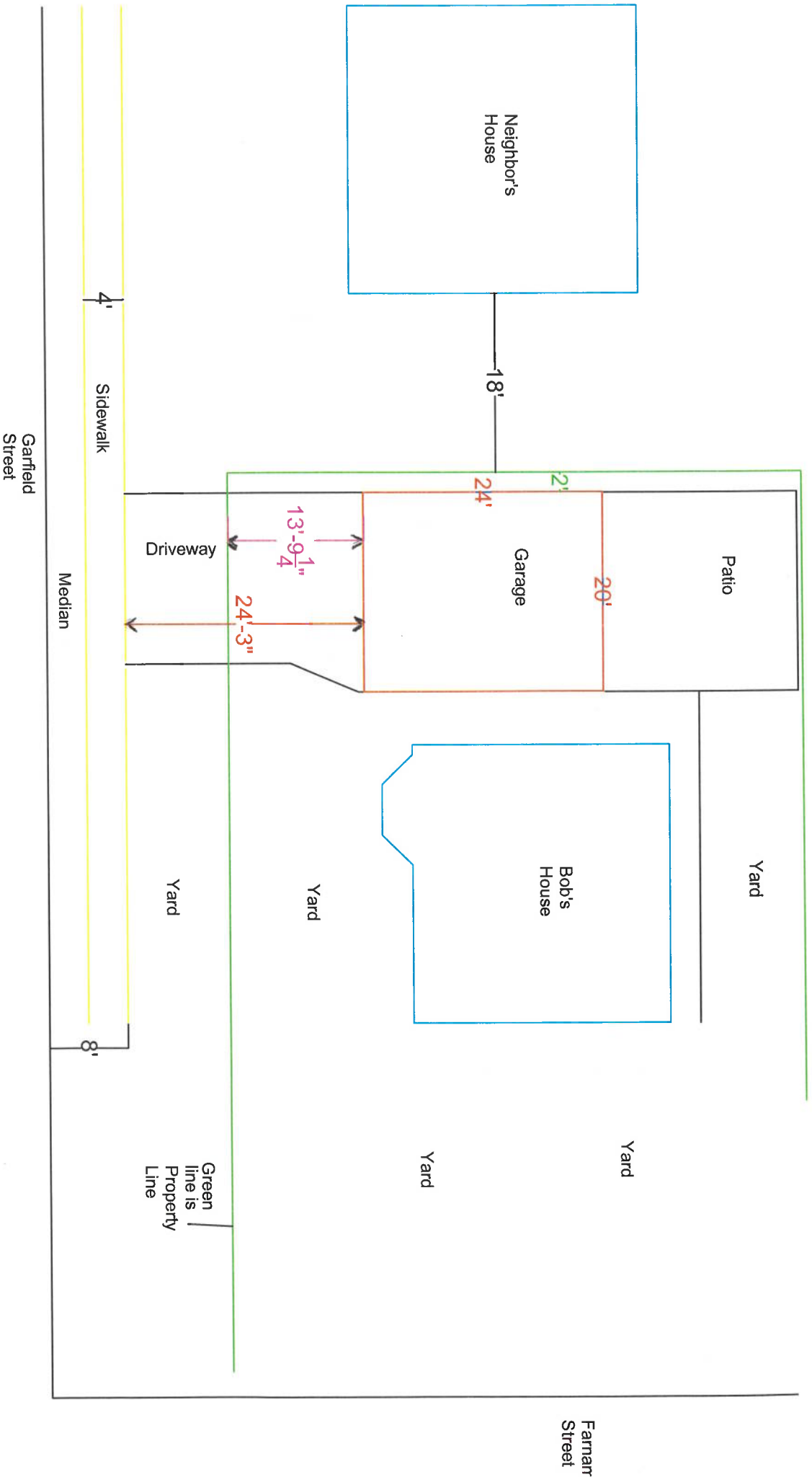
### Authorization to Act as Applicant

I, \_\_\_\_\_  
 authorize \_\_\_\_\_  
 to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located  
 at \_\_\_\_\_

the Zoning Board of Adjustment for the

Signature(s)\*

**\*Please note: original signature(s) required.**





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



**Public Hearing Details:**

Date: 8/8/2019  
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 #: HV19-10

Ward: **5th Ward**

To: All property owners within 200 feet of the subject property located at **2804 Farnam Street**.

**What is this All About?**

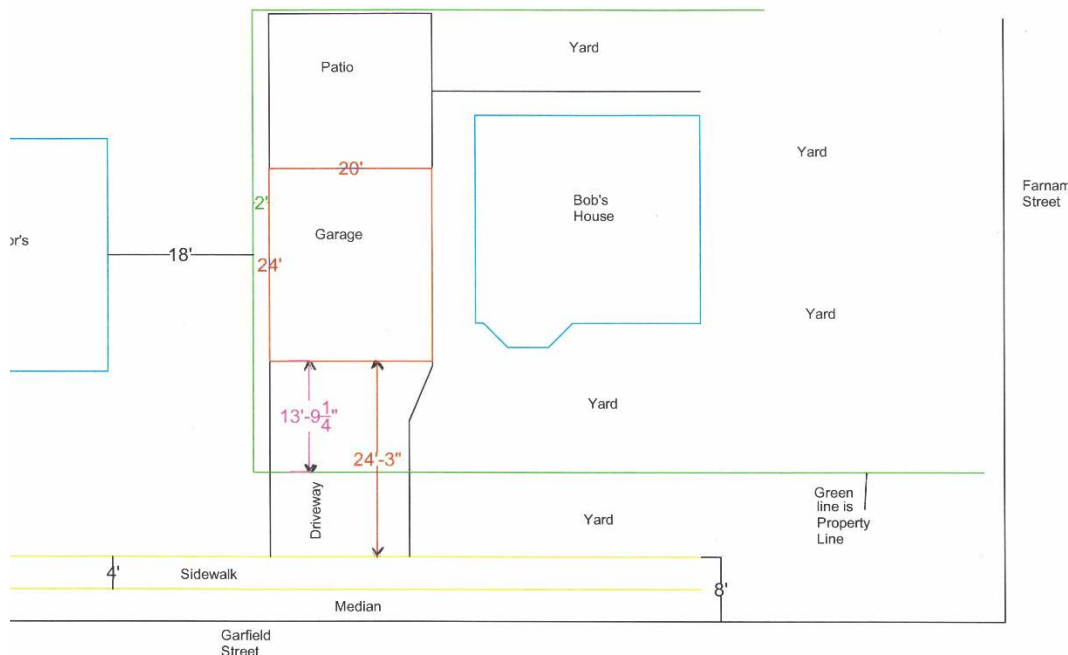
This notice is being sent to inform you that a public hearing will be held for a Hardship Variance. The purpose of the Hardship Variance is reduce the setback Garfield Street for new garage.

**Request Description**

**Request HV19-09 of Robert and Pamela Danielson for a hardship variance to encroach 7 feet into the required 20 foot setback from the corner side lot line for a detached garage. The property is zoned "R-4C" Single-Family and Two-Family Central Residential Zoning District.**

**Section 17.09.030.K.3.b of the Davenport Municipal Code reads:**

**Where there is no alley access, and the garage or carport is located in the corner side yard and takes access from the abutting street, the garage or carport must be setback 20 feet from the corner side lot line. [Ward 5]**



Rendering provided applicant

**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.

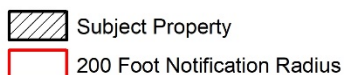
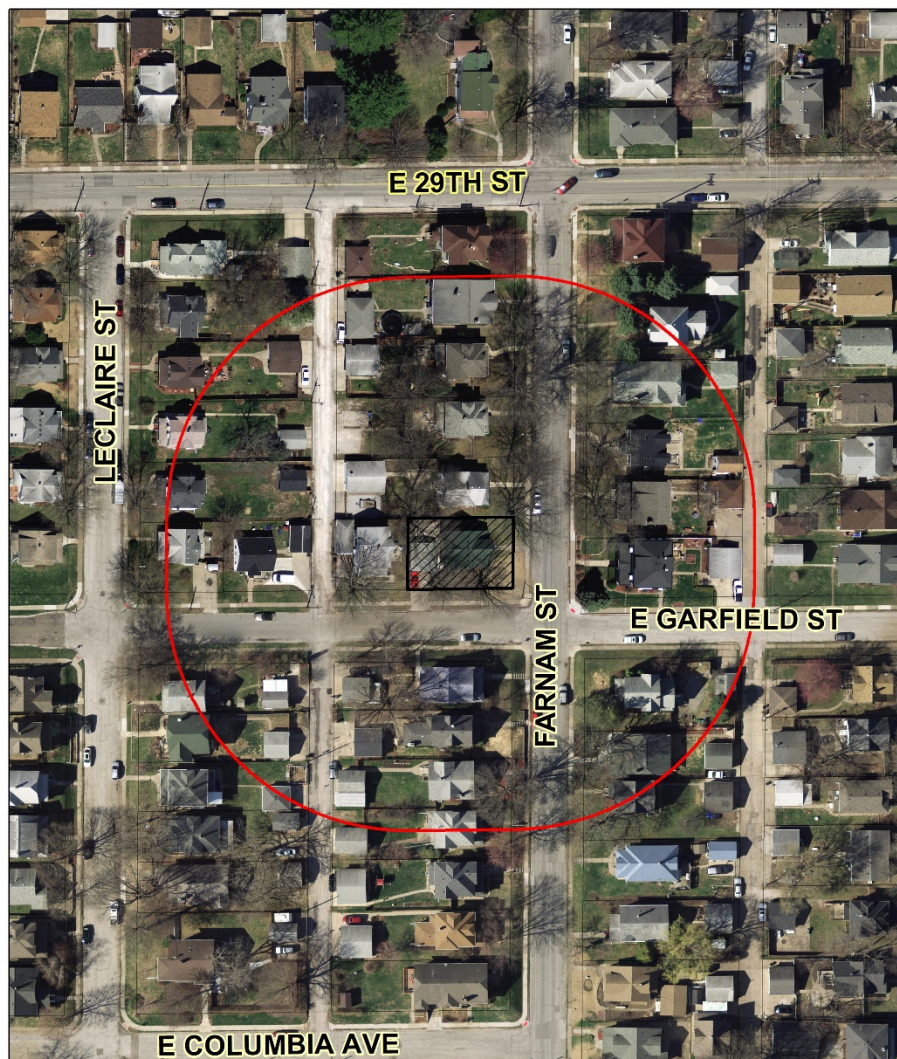
### Would You Like to Submit an Official Comment?

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](mailto: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 Ryan Rusnak, AICP, the case planner assigned to this project at [rrusnak@ci.davenport.ia.us](mailto:rrusnak@ci.davenport.ia.us) or 563-888-2022. 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](mailto:planning@ci.davenport.ia.us) for updates.





FID	Parcel	Address	Acreage	Deed1_Name	Deed1_Addr	Deed1_CSZ
				DANIEL SMITH		
0	C0018-04	2716 FARNAM ST	0.145	BARBARA SMITH	2716 FARNAM ST	DAVENPORT IA 52803
				KURT SCHREINER		
1	C0018-05	2720 FARNAM ST	0.141	DIANE SCHREINER	2720 FARNAM ST	DAVENPORT IA 52803
2	C0018-06	2724 FARNAM ST	0.141	ELIZABETH EPPERLY	2724 FARNAM ST	DAVENPORT IA 52803-1812
				MONA HOWARD		
3	C0018-07	2726 FARNAM ST	0.139	LOUIS BIEL	2726 FARNAM ST	DAVENPORT IA 52803-1812
4	C0018-08	2725 LECLAIRE ST	0.131	TODD MCCAUGHEY	2725 LECLAIRE ST	DAVENPORT IA 52803-1834
5	C0018-09	2723 LECLAIRE ST	0.13	MELISSA LARSON	2723 LECLAIRE ST	DAVENPORT IA 52803
				TODD HOVEY		
6	C0018-10	2719 LECLAIRE ST	0.133	DIXIE LAMBRECHT-HOVEY	2719 LECLAIRE ST	DAVENPORT IA 52803
				ROBERT DANIELSON		
7	C0018-28	2804 FARNAM ST	0.122	PAMELA DANIELSON	2804 FARNAM ST	DAVENPORT IA 52803
8	C0018-29	2808 FARNAM ST	0.172	JAMES OELERICH	2808 FARNAM ST	DAVENPORT IA 52803
9	C0018-30	2814 FARNAM ST	0.172	RUTH HOLST	2814 FARNAM ST	DAVENPORT IA 52803
10	C0018-31	2820 FARNAM ST	0.172	NANCY SCHERLER	2820 FARNAM ST	DAVENPORT IA 52803
				JERRY HOEFER		
11	C0018-32	2828 FARNAM ST	0.172	PAMELA ESTER-HOEFER	2828 FARNAM ST	DAVENPORT IA 52803
12	C0018-33	2830 FARNAM ST	0.172	MARY BECK	2830 FARNAM ST	DAVENPORT IA 52803
13	C0018-35	2825 LECLAIRE ST	0.162	THERESA GROSCHE	2825 LECLAIRE ST	DAVENPORT IA 52803-1620
				ANTHONY VANCAMP II		
14	C0018-36	2821 LECLAIRE ST	0.162	SHELLY VANCAMP	2821 LECLAIRE ST	DAVENPORT IA 52803
15	C0018-37	2813 LECLAIRE ST	0.162	SANDRA HOELZEN	2813 LECLAIRE ST	DAVENPORT IA 52803-1620
				JOHN DOCKERY-JACKSON		
16	C0018-38	2807 LECLAIRE ST	0.162	MARIA DOCKERY-JACKSON	2807 LECLAIRE ST	DAVENPORT IA 52803-1620
17	C0018-39	2801 LECLAIRE ST	0.093	GG HOLDINGS LLC SERIES D	PO BOX 69	DAVENPORT IA 52805
18	C0018-40	512 E GARFIELD ST	0.097	BRIAN MINER	512 E GARFIELD ST	DAVENPORT IA 52803
				ROBERT MARTIN		
19	C0018-41	514 E GARFIELD ST	0.081	LINDA MARTIN	514 E GARFIELD ST	DAVENPORT IA 52803
				LUIS CRUZ		
20	C0019-02	2825 FARNAM ST	0.206	PATRICIA CRUZ	2825 FARNAM ST	DAVENPORT IA 52803
21	C0019-03	2817 FARNAM ST	0.153	GARY MEYER	2817 FARNAM ST	DAVENPORT IA 52803
22	C0019-04	2813 FARNAM ST	0.141	ANNE HELMS	2813 FARNAM ST	DAVENPORT IA 52803
				NICHOLAS SCHLICHTING		
23	C0019-05	2807 FARNAM ST	0.144	STACEY JO SMITH	2807 FARNAM ST	DAVENPORT IA 52803
				JOHN DAVIS		
24	C0019-06	2803 FARNAM ST	0.147	MARILYN DAVIS	2803 FARNAM ST	DAVENPORT IA 52803
				BRANDON GEORGE		
25	C0019-07	2725 FARNAM ST	0.176	CHRISTINA GEORGE	2725 FARNAM ST	DAVENPORT IA 52803
				CHRISTOPHER GARMAN		
26	C0019-08	2721 FARNAM ST	0.118	LISA LEWIS GARMAN	2721 FARNAM ST	DAVENPORT IA 52803
				RYAN JOHNSON		
27	C0019-09	2717 FARNAM ST	0.147	KELLY JOHNSON	5555 240TH ST	WALCOTT IA 52773-9781

City of Davenport  
Zoning Board of Adjustment

Department: Community Planning and Economic Development  
Department  
Contact Info: Ryan Rusnak 563-888-2022  
rrusnak@ci.davenport.ia.us

**Date**  
**8/8/2019**

Subject:  
Election of Chairperson

Recommendation:  
Elect a Chairperson

Background:

Due to the Chairperson leaving the Zoning Board of Adjustment, staff is recommending that a Chairperson be elected until January 2021 when the normal election of officers takes place.

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Flynn, Matt	Approved	8/5/2019 - 11:32 AM

City of Davenport  
Zoning Board of Adjustment

Department: Community Planning and Economic Development  
Department  
Contact Info: Ryan Rusnak 563-888-2022  
rrusnak@ci.davenport.ia.us

**Date**  
**8/8/2019**

Subject:  
Election of Vice Chairperson (if necessary).

Recommendation:  
Elect of Vice Chairperson (if necessary).

Background:  
Due to the Chairperson leaving the Zoning Board of Adjustment, staff is recommending that a Vice Chairperson be elected until January 2021 when the normal election of officers takes place. This would only be necessary if the Vice Chairperson is elected and becomes Chairperson.

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Flynn, Matt	Approved	8/5/2019 - 11:34 AM