

# ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, JULY 23, 2020; 4:00 PM

CITY HALL COUNCIL CHAMBERS 226 W 4TH ST

ZONING BOARD OF ADJUSTMENT, A FIVE MEMBER QUASI-JUDICIAL DECISION MAKING BODY, HOLDS PUBLIC HEARINGS TO CONSIDER HARDSHIP VARIANCES, SPECIAL USES, AND INTERPRETATIONS.

## I. Call to Order

## II. Secretary's Report

- A. Approval of the May 28, 2020 ZBA Minutes

## III. Old Business

- A. Request HV20-05 of Jeff Heuer on behalf of Triton Services for a hardship variance at 2324 Hickory Grove Road to allow the expansion and enlargement of a nonconforming use and nonconforming structures with the construction of a plumber's storage building on residential property (R-4C). The proposed nonconforming structure will be 70% larger (and in a different location) than the three (3) structures to be demolished. The proposed 66' x 104' structure will be for storage for the nonconforming business. Addition relief is requested from design requirements of the R-4C District and Section 17.09.030 K. Section 17.15.020.B. 'Nonconforming Use' states: A nonconforming use of a structure or land cannot be expanded, extended, enlarged, or increased in intensity. Such prohibited activity includes additions or enlargements of any structure devoted entirely to a nonconforming use, and any expansion, extension, or relocation of a nonconforming use to any other structure, any portion of the floor area, or any land area currently not occupied by such nonconforming use. District R-4C and Section 17.030.K require certain design requirements for the eaves, roof line and elevation articulation of accessory buildings. [Ward 4]
- B. Request HV20-06 of Jeff Heuer on behalf of Triton Services for a hardship variance at 2324 Hickory Grove Road to construct an 8-foot fence near the perimeter of the lot and near the building line along Hickory Grove Road; the proposed fence will not be located in the front yard nor will the proposed fence have barbed wire. Section 17.09.030.H.2.b. requires fences located in the minimum side or rear setbacks to be limited to 6 feet in height. [Ward 4]

## IV. New Business

- A. Request HV20-07 of Gary Caldwell on behalf of Speedway LLC for a hardship variance at 8303 Northwest BLVD for a sign package allowing:
  - 1.) a second, or additional freestanding sign, being sign "A";
  - 2.) a freestanding sign 40' in height at 260 sq. ft., also being sign "A";

- 3.) a freestanding sign 29.5' in height at 165 sq. ft., being sign "H";
- 4.) a variance for 'parking lot signage' allowing sign "L", "M", & "N" at 5 sq. ft. and sign "P" at 15 sq. ft.

The proposed signs will be located on a newly developed fuel stop. Section 17.12.050 and .060. limits the property to one freestanding sign feet 25' in height with a sign face of no more than 100 sq. ft. and parking lot directional signage to 5' in height with a sign face no more than 4 sq. ft. [Ward 8]

V. Other Business

VI. Adjourn

City of Davenport  
Zoning Board of Adjustment

Department: CPED  
Contact Info: Scott Koops, Planner II, AICP  
scott.koops@davenportiowa.com

**Date**  
**7/23/2020**

Subject:  
Approval of the May 28, 2020 ZBA Minutes

Recommendation:  
Approve the Minutes

ATTACHMENTS:

Type	Description
▣ Exhibit	ZBA Minutes 5-28-20

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	7/10/2020 - 1:50 PM



**MINUTES**  
**City of Davenport**  
**Zoning Board of Adjustment**  
**May 28, 2020**



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

**Call to Order**

Chairman Reistroffer called the Zoning Board of Adjustment meeting to order in the Community Planning Room at the Davenport Police Station, Davenport, Iowa at 4:15 p.m.

Board Members present: Loebach, Strayhall, Quinn, and Reistroffer.

Board Members excused: Cochran (due to a planning staff error).

Staff present: Koops

**I. Secretary's Report:**

Minutes were approved for the for 5-14-20 meeting by voice-vote.

**II. Old Business:**

None.

**III. New Business:**

None.

**IV. Other Business**

None.

**V. Adjourn**

The meeting adjourned unanimously by voice vote at approximately 4:16 pm.



City of Davenport  
Zoning Board of Adjustment

Department: DNS  
Contact Info: Scott Koops, Planner II, AICP  
Scott.Koops@davenportiowa.com

**Date**  
**7/23/2020**

**Subject:**

Request HV20-05 of Jeff Heuer on behalf of Triton Services for a hardship variance at 2324 Hickory Grove Road to allow the expansion and enlargement of a nonconforming use and nonconforming structures with the construction of a plumber's storage building on residential property (R-4C). The proposed nonconforming structure will be 70% larger (and in a different location) than the three (3) structures to be demolished. The proposed 66' x 104' structure will be for storage for the nonconforming business. Addition relief is requested from design requirements of the R-4C District and Section 17.09.030 K. Section 17.15.020.B.

'Nonconforming Use' states: A nonconforming use of a structure or land cannot be expanded, extended, enlarged, or increased in intensity. Such prohibited activity includes additions or enlargements of any structure devoted entirely to a nonconforming use, and any expansion, extension, or relocation of a nonconforming use to any other structure, any portion of the floor area, or any land area currently not occupied by such nonconforming use. District R-4C and Section 17.030.K require certain design requirements for the eaves, roof line and elevation articulation of accessory buildings. [Ward 4]

**Recommendation:**

See the attached report

**ATTACHMENTS:**

Type	Description
▣ Executive Summary	Staff Report
▣ Exhibit	Application
▣ Exhibit	Exhibits for report
▣ Exhibit	Notice List
▣ Exhibit	Notice Letter

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	7/10/2020 - 1:29 PM



**Zoning Board of Adjustment  
Planning Staff Report –  
New Building | 2324 Hickory GR RD  
July 23, 2020**

**The June 25<sup>th</sup> report has been  
revised in this July 23<sup>rd</sup> report.  
All changes are marked in RED.**

### **Description**

Request HV20-05 of Jeff Heuer on behalf of Triton Services for a hardship variance at 2324 Hickory Grove Road to allow the expansion and enlargement of a nonconforming use and nonconforming structures with the construction of a plumber's storage building on residential property (R-4C). The proposed nonconforming structure will be 70% larger (and in a different location) than the three (3) structures to be demolished. The proposed 66' x 104' structure will be for storage for the nonconforming business. **Addition relief is requested from design requirements of the R-4C District and Section 17.09.030 K.** Section 17.15.020.B. 'Nonconforming Use' states: A nonconforming use of a structure or land cannot be expanded, extended, enlarged, or increased in intensity. Such prohibited activity includes additions or enlargements of any structure devoted entirely to a nonconforming use, and any expansion, extension, or relocation of a nonconforming use to any other structure, any portion of the floor area, or any land area currently not occupied by such nonconforming use. **District R-4C and Section 17.030.K require certain design requirements for the eaves, roof line and elevation articulation of accessory buildings.** [Ward 4]

### **Background**

The subject property contains a nonconforming use in that the use of the property (heavy service use) is not allowed by the zoning district in which the use is located (residential). As stated concisely in code section 17.15.020B above, any use and/or activity of a nonconforming use that is changed in any way (including relocation of such uses) shall be prohibited by the Davenport Municipal Code.

### **Additional Applicable Code Sections:**

#### **Section 17.14.060 Hardship**

##### **C. Authority**

**2. Hardship variances to allow uses that are not allowed within a zoning district are prohibited.**

#### **Section 17.14.060 Expiration**

F. An approved hardship variance will expire one year from the date of approval unless a building permit is obtained or construction has begun prior to the end of the one year period. **The Zoning Board of Adjustment may grant an extension for a period of validity longer than one year as part of the original approval.** An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

### **Applicant's Proposal:**

- Demolition of three buildings totaling 4,048 sq. ft.
- Construction of a proposed 66' x 104' storage building (6,864 sq. ft.)
- Construction of a perimeter security fence (see HV20-06)
- Delayed Construction past the expiration date of one year (to December 2022)
- **One (1) foot eave; 4/12 or greater roof pitch; non-glare metal siding finish.**

## Discussion

As mentioned, the petitioner wishes to remove (demolish) three (3) storage buildings from this site and replace those buildings with one larger building in a different location. This would increase the nonconformity of this site three fold: 1) a new building would be built after three nonconforming buildings were removed from this site, 2) the size of the new storage building (6,864 sq. ft.) would be 70% greater than the three (3) buildings removed (4,048 sq. ft.), and 3) the new building would be built substantially in an area which currently does not have storage.

## Petitioner's Proposed Site Plan



The objective behind nonconforming uses is the gradual elimination over time by various means, including obsolescence of design, destruction by acts of god, and other means. The court's rulings in observing this concept have followed a strict policy against the extension or enlargement of a nonconforming use so as to protect the adjacent residential properties and neighborhoods.

This site has had two hardship variances in 1977 (sign & a 2,400 sq. ft. office addition) and a failed attempt at rezoning the property to light industrial in 1985 after the Plan and Zoning Commission recommended denial of the request. The recommendation for denial of the rezoning was for the following reasons: 1) the establishment of an industrial district at the site is not controllable, 2) the district would be incompatible with the established neighborhood, and 3) the establishment of an industrial district in the midst of residential homes would have a destabilizing effect on the character of the area. In 1989 a hardship variance allowed expansion of the use onto the northerly adjacent residential property. The 1989 hardship variance allowed parking on the residential lot but also required a sizeable landscape buffer between the two uses.

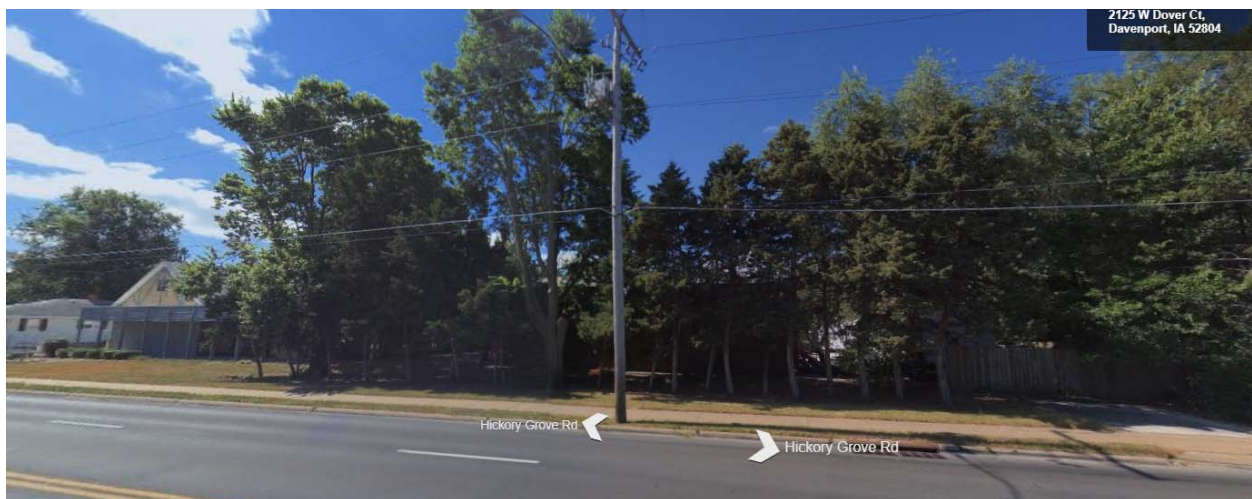


**Site** (These photos show the site without trees in the front or side yards, as it is today.)

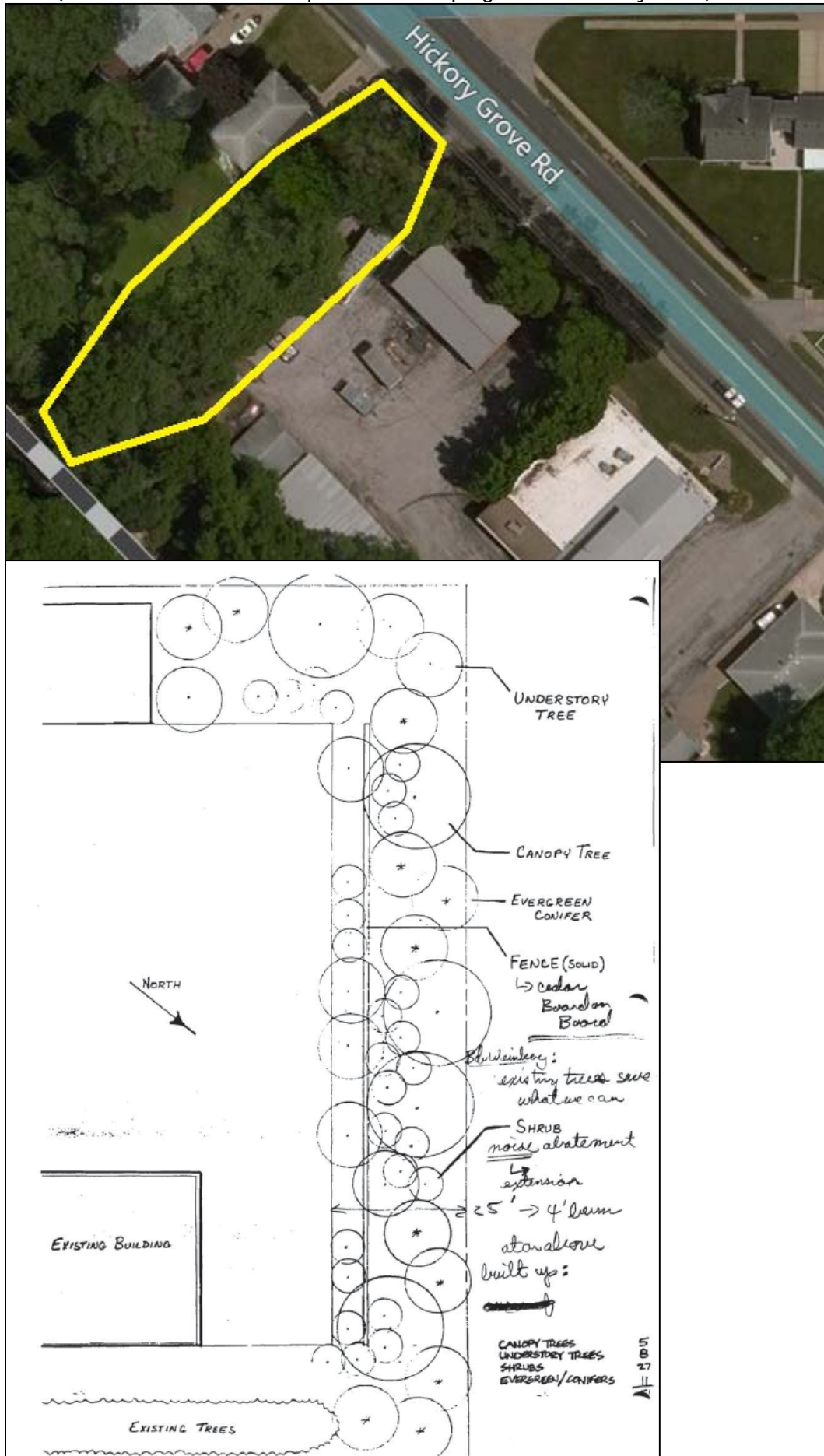




**Site (cont.)** Trees which screened this use have been removed from the site.



Site (Overhead aerial and Required Landscaping from ZBA, July 1989)



## **Purpose of a Hardship Variance**

In the Davenport Municipal Code, Section 17.14.060 states: *The purpose of the hardship variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships.*

## **Approval Standards**

The Zoning Board of Adjustment decision must make findings to support each of the following: (code requirement/ *applicant's response*/staff comments)

1. Strict application of this Ordinance will result in hardship unless the specific relief requested is granted.

Applicant Response:

*Property was purchased by Iowa Dept. of Transportation 7-6-34. Assessor web site has current original most easterly building built 1950. Property sold and purchased by Helen Hintze (Ryan Mechanical) 2-3-77 a contractor with Industrial use. Two additions by Hintze without ZBA variance. First addition 1977 expansion of 2,400 s.f. and 1987 a second addition of 720 s.f. In 1986 a new metal warehouse was built without ZBA variance. Property sold and purchased by Sylvia Hillebrand (Hillebrand Construction) 11-13-92 a contractor with Industrial use.*

*Two of the three buildings need to be torn down are diminished and functionally obsolete. Owner would like to accomplish two issues:*

- 1) Park as many service vehicles and equipment under one roof and indoor.*
- 2) Secure the outdoor area from vandalism and theft.*

*The current owner had no reason to question zoning regulations at time of sale due to the extraordinary improvements since IDOT had owned the property along with same type of use two previous owners that had like kind use.*

*The current owner has made substantial improvements to the interior and exterior of the original IDOT building. She looks to make further improvements of quality, function, and beautification.*

*This property is 1.2 acres.*

Staff Comments:

The applicant has failed to demonstrate how 'application of the zoning ordinance' will result in 'hardship' without the granting of the proposed variance. The petitioner has stated that they did not know the zoning regulations for this property at the time of sale.

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.

Applicant Response:

*The Granting of the hardship variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the near vicinity. Granting of the hardship variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free and safe flow of traffic on the streets and walks.*

Staff Comments:

It is the applicant's responsibility to demonstrate how the physical surroundings or topographical conditions of the specific property impose a hardship. No such evidence has been provided.



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

Applicant Response:

*Special conditions and circumstances exist to this land, structure and buildings which are not applicable to other lands, structures or buildings in the same zone. This hardship was not created by the private business ownership. The Industrial use was due to the Iowa DOT use. This deprives the applicant of rights commonly enjoyed by other properties in the same type district under the terms of title.*

Staff Comments:

The nonconforming use requirements of the zoning code are not grounds for unique circumstance. The zoning code in and of itself is not grounds for a hardship variance.

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

Applicant Response:

*This property has only two (2) direct neighbors on the north and south side. The west side is a ravine with rail road. The overall property has mature trees and shrubs. Along with the new screened fence the property will be secluded. Current contractor has very minimal customer traffic and the new building will not increase ingress/egress on to Hickory Grove Road. All residential homes were built after the original IDOT improvements.*

Staff Comments:

A building that is a 70% increase in storage area over the 3 demolished buildings is a significant increase in the nonconformity of this property (4,048 sq. ft. demo vs. 6,864 sq. ft. proposed) and a negative impact on the character of the neighborhood. **In addition, implementing only three (3) of seven (7) design standards creates a negative impact of the essential character of the neighborhood.**

### **Design Requirements**

Accessory buildings in the R-4C Single/Two Family Residential District are subject to the design requirements below. Since the writing of the previous report, staff has more information on the design of the structure. Previously the application request was for the size and location of the 'replacement' building. An additional request of this variance is relief from three of seven design requirements.

### **Design Code Requirements:**

Per garage requirements (Section 17.09030.K):

- 1) The garage shall have 1' ft. eaves **(This requirement will be met)**
- 2) Roof shall have a 4/12 pitch or greater **(This requirement will be met)**
- 3) Surface of the elevations shall be non-reflective **(This requirement will be met)**

Per R-4C design requirements for detached garages (Section 17.04.050):

- 1) Scale shall be compatible with adjacent homes
- 2) Foundation height shall be compatible with adjacent homes
- 3) Façades facing a street shall have articulations
- 4) Roof form must be varied

**None of the R-4C design requirements appear to have been met.**



## **Findings & Staff Recommendation:**

Findings: (supported by staff comments regarding "Approval Standards")

Given that the petitioner's request is for a 70% increase in storage area for this nonconforming industrial use **and that only three (3) of seven (7) design standards will be met**, staff finds the following:

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

### Recommendation:

Staff recommends HV20-05 for denial, as the approval standards of the zoning code have not been met.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

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

**Property Address\***

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

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

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

*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:   
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:   
Company:   
Address:   
City/State/Zip:   
Phone:   
Email:

**Historic Preservation Commission**

Certificate of Appropriateness ☐  
Landmark Nomination ☐  
Demolition Request ☐

**Architect** (if applicable)

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

**Administrative**

Administrative Exception ☐  
Health Services and Congregate Living Permit ☐

**Attorney** (if applicable)

Name:   
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.**

## **17.14.060 Hardship Variance**

### **A. Purpose**

The purpose of the hardship variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships.

### **B. Initiation**

A property owner in the City, or person expressly authorized in writing by the property owner, may file an application for a hardship variance. A property owner, or his/her designee, may only propose a hardship variance for property under his/her control.

### **C. Authority**

1. The Zoning Board of Adjustment will take formal action on hardship variance applications. However, the Zoning Administrator is authorized to grant certain administrative exceptions, as described in Section 17.14.070.
2. Hardship variances to allow uses that are not allowed within a zoning district are prohibited.

### **D. Procedure**

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Adjustment.

1. After receipt of a complete application, the Zoning Board of Adjustment will consider the proposed hardship variance at a public hearing. If, in the Zoning Board of Adjustment's judgment, the application does not contain sufficient information to enable proper review and consideration, the Zoning Board of Adjustment may request additional information from the applicant and the public hearing may be continued.
2. The Zoning Board of Adjustment must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section.
3. The Zoning Board of Adjustment must approve, approve with conditions, or deny the hardship variance within 30 days of the close of the public hearing, unless an extension is agreed to by the applicant.
4. The Zoning Board of Adjustment may impose conditions and restrictions upon the hardship variance as deemed necessary for the protection of the public health, safety, and welfare. The Zoning Board of Adjustment may grant a hardship variance that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the hardship variance application.

### **E. Approval Standards**

The Zoning Board of Adjustment decision must make findings to support each of the following:

1. The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.
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.
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.
4. The hardship variance, if granted, will not alter the essential character of the locality.

### **F. Expiration**

An approved hardship variance will expire one year from the date of approval unless a building permit is obtained or construction has begun prior to the end of the one year period. The Zoning Board of Adjustment may grant an extension for a period of validity longer than one year as part of the original approval. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

**Request:**

Please describe the variance(s) requested:

Owner requests to demolish 3 existing buildings, per attached aerial, and replace with one larger building.  
Owner requests to install a new security containment fence with privacy slats.  
Owner requests that if the Hardship Variance is approved the period of expiration on or before December 31, 2022.  
Owner requests that if the Hardship Variance is approved it will covenant with the property as long as ownership comply with terms and conditions of the final recorded petition.

Existing Zoning: R4-C

**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.

(4) The staff report will be available on the City website approximately 4 days before the ZBA meeting at this location: [https://www.cityofdavenportiowa.com/government/boards\\_commissions](https://www.cityofdavenportiowa.com/government/boards_commissions) under Zoning Board of Adjustment > Search Minutes & Agendas.

It is the applicant's responsibility to access the website to see the staff report. Planning staff will not mail/email the report.

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.

Property was purchased by Iowa Dept of Transportation 7-6-34. Assessor web site has current original most easterly building built 1950.

Property sold and purchased by Helen Hintze (Ryan Mechanical) 2-3-77 a contractor with Industrial use.

Two additions by Hintze without ZBA variance. First addition 1977 expansion of 2,400 s.f. and 1987 a second addition of 720 s.f.

In 1986 a new metal warehouse was built without ZBA variance.

Property sold and purchased by Sylvia Hillebrand (Hillebrand Construction) 11-13-92 a contractor with Industrial use.

Property sold and purchased by current owner Erin L. Brown (Triton Services) 8-31-15 a contractor with Industrial use.

Two of the Three buildings need to be torn down are diminished and functionally obsolete. Owner would like to accomplish two issues.

- 1) Park as many service vehicles and equipment under one roof and indoor.
- 2) Secure the outdoor area from vandalism and theft.

The current owner had no reason to question zoning regulations at time of sale due to the extraordinary improvements since IDOT had owned the property along with same type use of two previous owners that had like kind use.

The current owner has made substantial improvements to the interior and exterior of the original IDOT building. She looks to make further improvements of quality, function and beautification.

This property is 1.20 acres.

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.

Granting of the hardship variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the near vicinity.  
Granting of the hardship variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free and safe flow of traffic on the streets and walks.

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.

Special conditions and circumstances exist to this land, structure and buildings which are not applicable to other lands, structures or buildings in the same zone. This hardship was not created by the private business ownership. The Industrial use was due to the Iowa DOT use.  
This deprives the applicant of rights commonly enjoyed by other properties in the same type district under the terms of title.

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.

This property has only 2 direct neighbors on the north and south side. The west side is a ravine with rail road. The overall property has mature trees and shrubs. Along with a new screened fence the property will be secluded.

Current contractor has very minimal customer traffic and the new building will not increase ingress/egress on to Hickory Grove Road.


All residential homes were built after the original IDOT improvements.



Applicant: Jeff R. Heuer

Date:                     

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by:  Erin Brown

Planning staff


Date: 6/11/20

Date of the Public Hearing:                     

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, Erin Brown  
authorize Jeff R. Heuer  
to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located  
at



Signature(s)\*

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

# ZBA Calendar 2020

## ZONING BOARD OF ADJUSTMENT

\*\*\* The Applicant or their representative **MUST** be at the Meeting/Public Hearing \*\*\*

**NOTE:** Special Use requests require a Site Plan review prior to being placed on the ZBA schedule.

Day:	Monday (5pm)	Thursday (4pm)
Activity:	Submittal	Meeting
Date:	12/16/19	01/09/20
	12/30/19	01/23/20
	01/21/20 *	02/13/20
	02/03/20	02/27/20
	02/18/20 *	03/12/20
	03/02/20	03/26/20
	03/16/20	04/09/20
	03/30/20	04/23/20
	04/20/20	05/14/20
	05/04/20	05/28/20
	05/18/20	06/11/20
	06/01/20	06/25/20
	06/15/20	07/09/20
	06/29/20	07/23/20
	07/20/20	08/13/20
	08/03/20	08/27/20
	08/17/20	09/10/20
	08/31/20	09/24/20
	09/14/20	10/08/20
	09/28/20	10/22/20
	10/19/20	11/12/20
	No Meeting	No Meeting (Thanksgiving)
	11/16/20	12/10/20
	No Meeting	No Meeting (Christmas)
	12/21/20	01/14/21
	01/04/21	01/28/21

\* Date changed due to Holiday

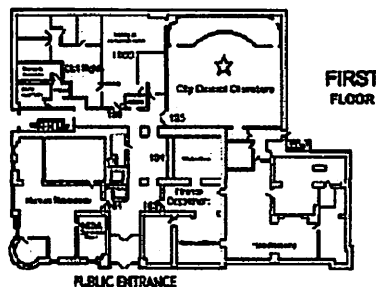
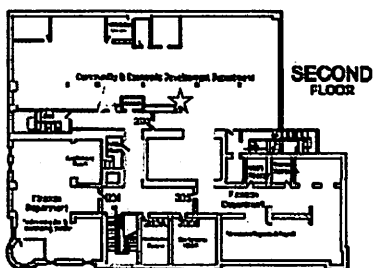
Location/Time subject to change

Contact [planning@ci.davenport.iowa.us](mailto:planning@ci.davenport.iowa.us) to confirm meeting date/time/location

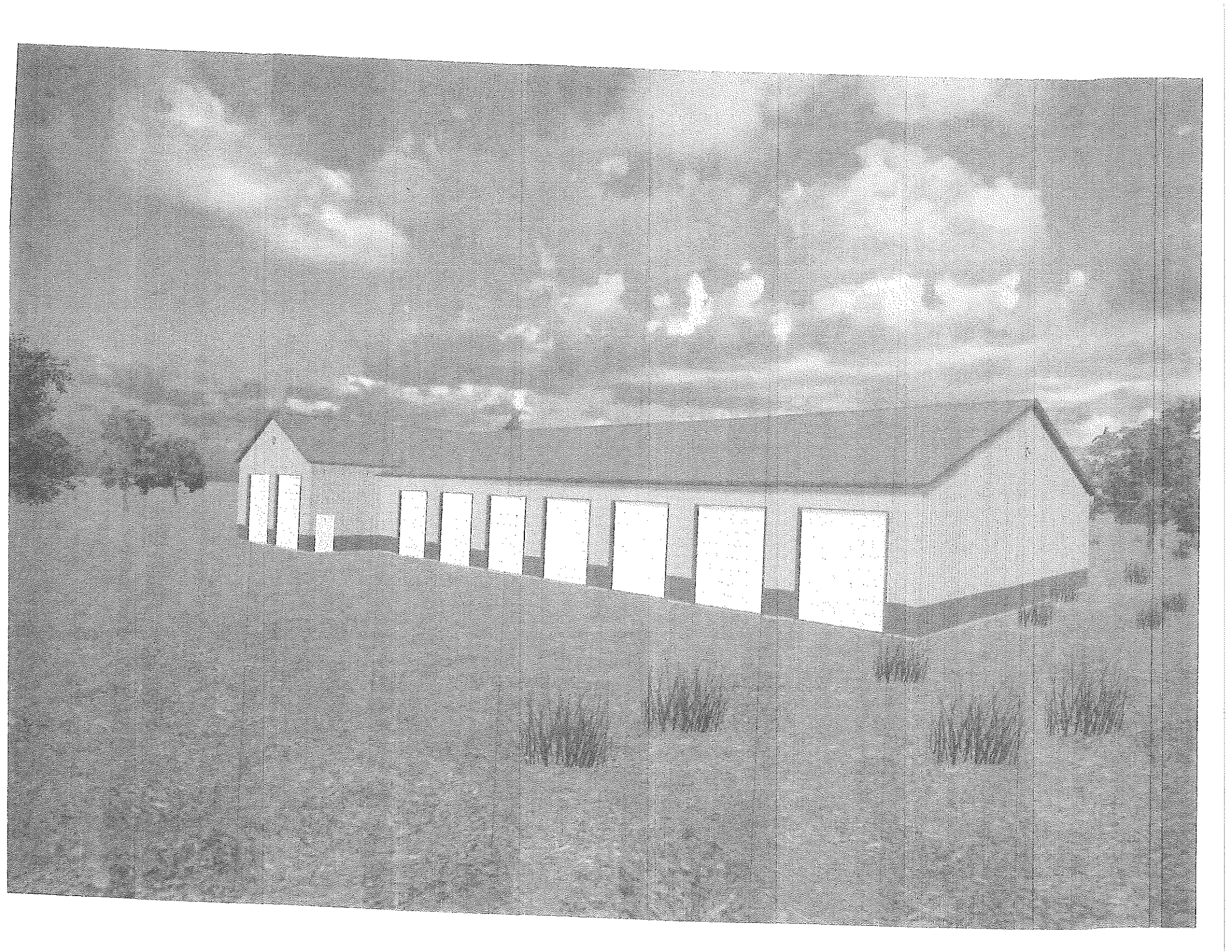
### Application Due:

### Meeting Appearance (Required):

Time:	5:00 PM	4:00 PM
Location:	Community Planning Second Floor, City Hall (see below)	City Council Chambers 226 W. 4th St Davenport IA 52801 First Floor, City Hall (see below)



City Hall is located at 226 W 4th St, Davenport IA 52801



## Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	2324 HICKORY GROVE RD	BROWN ERIN L	2324 HICKORY GROVE RD	DAVENPORT IA 52804
Neighborhood:	None			
Ward	4 th Ward	Alderman Ambrose		23 Notices Sent
A0048-21	2204 W RUSHOLME ST	LEIBOLD THOMAS L	2204 W RUSHOLME ST	DAVENPORT IA 52804
A0048-22D		MAJAK LLC	26782 172ND AVE	LONG GROVE IA 52756
A0048-05	2103 W RUSHOLME ST	RONNEBECK JERRY W	2103 W RUSHOLME ST	DAVENPORT IA 52804
A0048-06	2221 CEDAR ST	LANCASTER SKIP	2221 CEDAR ST	DAVENPORT IA 52804
A0048-03	2336 HICKORY GROVE RD	NANK CARL	2336 HICKORY GROVE RD	DAVENPORT IA 52804
A0048-04	2348 HICKORY GROVE RD	DOTHAGER ROBIN T	2348 HICKORY GROVE RD	DAVENPORT IA 52804
A0034-24	2138 W DOVER CT	CHRISTA M HEBBEL, TRUSTEE	2138 W DOVER CT	DAVENPORT IA 52804
A0034-25	2126 W DOVER CT	RYAN JOHN F	2126 W DOVER CT	DAVENPORT IA 52804
A0034-26	2126 W DOVER CT	RYAN JOHN F	2126 W DOVER CT	DAVENPORT IA 52804
A0034-22	2415 HICKORY GROVE RD	CASE JOAN B	2415 HICKORY GROVE RD	DAVENPORT IA 52804
A0034-23		LANNY H KEARNEY TRUST	P O BOX 2417	DAVENPORT IA 52809
A0047-04		HERMISTON SANDRA L	PO BOX 637	WALCOTT IA 52773
A0047-05	2107 W DOVER CT	KORCH DONALD R	2107 W DOVER CT	DAVENPORT IA 52804
A0047-06	2111 W DOVER CT	OERTEL TRAVIS J	2111 W DOVER CT	DAVENPORT IA 52804
A0047-07	2117 W DOVER CT	PATERA JACQUELINE I	2117 W DOVER CT	DAVENPORT IA 52804
A0047-08	2125 W DOVER CT	BAUGHMAN VALERIE L	2125 W DOVER CT	DAVENPORT IA 52804
A0047-09A	2301 HICKORY GROVE RD	REIMERS HENRY M	2301 HICKORY GROVE RD	DAVENPORT IA 52804
A0033-15	2406 HICKORY GROVE RD	LIVINGSTON TRAVIS	2406 HICKORY GROVE RD	DAVENPORT IA 52804
A0047-12	2242 HICKORY GROVE RD	KAUFFMAN DEBORAH L	2242 HICKORY GROVE RD	DAVENPORT IA 52804
A0047-13	2248 HICKORY GROVE RD	HUDSON JEFFREY	2248 HICKORY GROVE RD	DAVENPORT IA 52804
A0047-14	2306 HICKORY GROVE RD	HAMBY PENELOPE A MCAFEE	2306 HICKORY GROVE RD	DAVENPORT IA 52804
A0048-02		MOTTO HOLDINGS LLC	3811 LORTON AV	DAVENPORT IA 52807
A0047-09E	2229 HICKORY GROVE RD	GREENFIELD WILLIAM W	2229 HICKORY GROVE RD	DAVENPORT IA 52804



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



### Public Hearing Details:

Date: 7/23/2020

Time: 4:00 PM

Location: Council Chambers | City Hall | 226 W. 4th ST.

Subject: Public hearing for a Hardship Variance before the Zoning Board of Adjustment

Ward: 2nd

Case: HV20-05

To: All property owners within 200 feet of the subject property located at **2324 Hickory Grove RD.**

### 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 dimensional code requirement.

#### Request/Case Description

**Request HV20-05 of Jeff Heuer on behalf of Triton Services for a hardship variance at 2324 Hickory Grove Road to allow the expansion and enlargement of a nonconforming use and nonconforming structures with the construction of a plumber's storage building on residential property (R-4C). The proposed nonconforming structure will be 70% larger (and in a different location) than the three (3) structures to be demolished. The proposed 66' x 104' structure will be for storage for the nonconforming business. Addition relief is requested from design requirements of the R-4C District and Section 17.09.030 K. Section 17.15.020.B. 'Nonconforming Use' states: A nonconforming use of a structure or land cannot be expanded, extended, enlarged, or increased in intensity. Such prohibited activity includes additions or enlargements of any structure devoted entirely to a nonconforming use, and any expansion, extension, or relocation of a nonconforming use to any other structure, any portion of the floor area, or any land area currently not occupied by such nonconforming use. District R-4C and Section 17.030.K require certain design requirements for the eaves, roof line and elevation articulation of accessory buildings. [Ward 4]**

### What are the Next Steps after the Public Hearing?

For approved ZBA requests, the ruling is effective immediately. 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 via email or in person at the public hearing. Send written comments to [planning@davenportiowa.com](mailto:planning@davenportiowa.com) (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46<sup>th</sup> St, Davenport IA 52807.

### On-line/Telephone Participation:

Persons may join the meeting virtually: <https://global.gotomeeting.com/join/415560525> & at 1-866-899-4679 with access code: 415 560 525. All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": [www.cityofdavenportiowa.com/boards](http://www.cityofdavenportiowa.com/boards) Mondays before the meeting/public hearing.

### Do You Have Any Questions?

If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at [scott.koops@davenportiowa.com](mailto:scott.koops@davenportiowa.com) or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested verifying case actions and/or tablings, please contact Planning at 563-326-6198 or [planning@davenportiowa.com](mailto:planning@davenportiowa.com) for updates.

City of Davenport  
Zoning Board of Adjustment

Department: DNS  
Contact Info: Scott Koops, Planner II, AICP  
Scott.Koops@davenportiowa.com

**Date**  
**7/23/2020**

**Subject:**

Request HV20-06 of Jeff Heuer on behalf of Triton Services for a hardship variance at 2324 Hickory Grove Road to construct an 8-foot fence near the perimeter of the lot and near the building line along Hickory Grove Road; the proposed fence will not be located in the front yard nor will the proposed fence have barbed wire. Section 17.09.030.H.2.b. requires fences located in the minimum side or rear setbacks to be limited to 6 feet in height. [Ward 4]

**Recommendation:**  
see attached report

**ATTACHMENTS:**

Type	Description
▣ Cover Memo	Staff Report

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	7/10/2020 - 1:35 PM





**Zoning Board of Adjustment  
Planning Staff Report –  
Fence at 2324 Hickory Grove RD  
July 23, 2020**

**The June 25<sup>th</sup> report has been  
revised in this July 23<sup>rd</sup> report.  
All changes are marked in RED.**

### Description

Request HV20-06 of Jeff Heuer on behalf of Triton Services for a hardship variance at 2324 Hickory Grove Road to construct an 8-foot fence near the perimeter of the lot and near the building line along Hickory Grove Road; the proposed fence will not be located in the front yard nor will the proposed fence have barbed wire. Section 17.09.030.H.2.b. requires fences located in the minimum side or rear setbacks to be limited to 6 feet in height. [Ward 4]

### Background

The subject property is a legal-nonconforming heavy service use (plumber's storage yard) zoned R-4C Residential District. Heavy service uses are allowed in light and mixed use industrial districts (similar to the previous zoning code, which allowed contractor's storage yards in light and heavy industrial districts).

Triton Plumbing purchased the subject property Aug. 2015 (relocation from W. Locust) and applied for a hardship variance for a 10' tall chain-link/barbed wire fence in Oct. of 2015. The 2015 fence hardship variance was denied by the Zoning Board of Adjustment on Oct. 8, 2015.

### Discussion

For security reasons, to prevent theft and vandalism, the petitioner has proposed a ~~9-foot~~ **8-foot** tall chain-link fence to enclose the property. **There will be no barbed wire on this fence.** The maximum height for a fence located in near the property line in R-4C is six (6) feet. If the fence will be built outside of rear (20' depth) and side yard setbacks (5 feet wide) and behind the front wall of the structures, no variance would be required for an 8 foot fence.

**Fence Plan: (8' tall chain-link with slats proposed where marked with a green line)**



## Site





## Approval Standards

The Zoning Board of Adjustment decision must make findings to support each of the following:  
(code requirement/ applicants response/staff comments)

1. Strict application of this Ordinance will result in hardship unless the specific relief requested is granted.

### Applicant Response:

*Property was purchased by Iowa Dept. of Transportation 7-6-34. Assessor web site has current original most easterly building built 1950. Property sold and purchased by Helen Hintze (Ryan Mechanical) 2-3-77 a contractor with Industrial use. Two additions by Hintze without ZBA variance. First addition 1977 expansion of 2,400 s.f. and 1987 a second addition of 720 s.f. In 1986 a new metal warehouse was built without ZBA variance. Property sold and purchased by Sylvia Hillebrand (Hillebrand Construction) 11-13-92 a contractor with Industrial use.*

*Two of the three buildings need to be torn down are diminished and functionally obsolete. Owner would like to accomplish two issues:*

- 1) Park as many service vehicles and equipment under one roof and indoor.*
- 2) Secure the outdoor area from vandalism and theft.*

*The current owner had no reason to question zoning regulations at time of sale due to the extraordinary improvements since IDOT had owned the property along with same type of use two previous owners that had like kind use.*

*The current owner has made substantial improvements to the interior and exterior of the original IDOT building. She looks to make further improvements of quality, function, and beautification.*

*This property is 1.2 acres.*

### Staff Comments:

The applicant has failed to demonstrate how the 'application of the zoning ordinance' will result in 'hardship' without the granting of the proposed variance. The petitioner has stated that they desire to store vehicles and equipment indoors to secure against vandalism and theft. An 8-foot privacy fence is a typical height for commercial businesses and is two (2) feet taller than an allowed **in residential districts**.

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.

### Applicant Response:

*The granting of the hardship variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the near vicinity. Granting of the hardship variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free and safe flow of traffic on the streets and walks.*

### Staff Comments:

It is the applicant's responsibility to demonstrate how the physical surroundings or topographical conditions of the specific property impose a hardship. No such evidence has been provided.

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

Applicant Response:

*Special conditions and circumstances exist to this land, structure and buildings which are not applicable to other lands, structures or buildings in the same zone. This hardship was not created by the private business ownership. The Industrial use was due to the Iowa DOT use. This deprives the applicant of rights commonly enjoyed by other properties in the same type district under the terms of title.*

Staff Comments:

The nonconforming use requirements of the zoning code are not grounds for unique circumstance. The zoning code in and of itself is not grounds for a hardship variance.

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

Applicant Response:

*This property has only 2 direct neighbors on the north and south side. The west side is a ravine with rail road. The overall property has mature trees and shrubs. Along with the new screened fence the property will be secluded. Current contractor has very minimal customer traffic and the new building will not increase ingress/egress on to Hickory Grove Road. All residential homes were built after the original IDOT improvements.*

Staff Comments:

A six foot solid privacy fence is allowed in residential districts. A 6-foot fence for this property would be much more in keeping, and would be less 'commercial-like' than would an 8-foot chain link fence in this neighborhood.

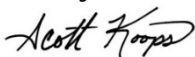
**Staff Recommendation:**

Items 1 through 4 in the analysis section of the report appear to have not been met. Staff recommends denial of the request as proposed.

Should the fence be considered by the Board for approval contrary to staff's recommendation, staff proposes that the fence be properly conditioned as follows:

1. The fence shall be installed at the location depicted on the submitted site plan;
2. The fence shall be limited to a solid privacy fence style (chain-link fences with slats are not defined as solid fences by the zoning code) no more than 6-feet in height within the required side yards;
3. Outside the fence near the northerly property line within the required side yard setback, landscaping shall be added so that a) at least three understory trees be planted within 100' of the front property line, and b) between the trees and to the west property line a continuous hedgerow shall be planted comprised of 80% shrubs & bushes and the remaining 20% of the hedgerow could be comprised of other perennials; and
4. Fencing along the southerly lot line shall be set back at least 3' from said lot line.

Prepared by: Scott Koops,



AICP Planner II

Attachments: App, site plan, notice documents

City of Davenport  
Zoning Board of Adjustment

Department: DNS  
Contact Info: Scott Koops, Planner II, AICP  
Scott.Koops@davenportiowa.com

**Date**  
**7/23/2020**

**Subject:**

Request HV20-07 of Gary Caldwell on behalf of Speedway LLC for a hardship variance at 8303 Northwest BLVD for a sign package allowing:

- 1.) a second, or additional freestanding sign, being sign "A";
- 2.) a freestanding sign 40' in height at 260 sq. ft., also being sign "A";
- 3.) a freestanding sign 29.5' in height at 165 sq. ft., being sign "H";
- 4.) a variance for 'parking lot signage' allowing sign "L", "M", & "N" at 5 sq. ft. and sign "P" at 15 sq. ft.

The proposed signs will be located on a newly developed fuel stop. Section 17.12.050 and .060. limits the property to one freestanding sign feet 25' in height with a sign face of no more than 100 sq. ft. and parking lot directional signage to 5' in height with a sign face no more than 4 sq. ft.  
[Ward 8]

**Recommendation:**  
see attached

**ATTACHMENTS:**

Type	Description
▣ Cover Memo	Staff Report
▣ Exhibit	Application
▣ Exhibit	Site Plan
▣ Exhibit	Notice List
▣ Exhibit	Notice Letter

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	7/10/2020 - 1:46 PM



**Zoning Board of Adjustment  
Planning Staff Report – Exceed Signage Allotment  
June 25, 2020**

**Description**

Request HV20-07 of Gary Caldwell on behalf of Speedway LLC for a hardship variance at 8303 Northwest BLVD for a sign package allowing:

- 1.) a second, or additional freestanding sign, being sign “A”;
- 2.) a freestanding sign 40’ in height at 260 sq. ft., also being sign “A”;
- 3.) a freestanding sign 29.5’ in height at 165 sq. ft., being sign “H”;
- 4.) a variance for ‘parking lot signage’ allowing sign “L”, “M”, & “N” at 5 sq. ft. and sign “P” at 15 sq. ft.

The proposed signs will be located on a newly developed fuel stop. Section 17.12.050 and .060. limits the property to one freestanding sign feet 25’ in height with a sign face of no more than 100 sq. ft. and parking lot directional signage to 5’ in height with a sign face no more than 4 sq. ft. [Ward 8]

**Background & Discussion**

In summary, the request is for two (2) identification signs (“A” & “H”); only one of which is allowed at 100 sq.ft., being no more than 35’ in height.

Additionally, four (4) ‘directional’ signs (what the zoning code refers to as “Parking Lots and Structures: Additional Signs”) are proposed (“L” “M” “N” “P”); three of these need a variance for exceeding the allowed sign face by 1 sq.ft. each.; the other ‘directional’, sign (labeled “P”) is at the far northeast portion of the lot, and is designed for trucks. ‘Directional’ sign “P” would be 15 sq. ft. in area, which is 11 sq. ft. more than allowed. None of the ‘directional’ signs would exceed the allowed height of five (5) feet above grade.

Site Overview:

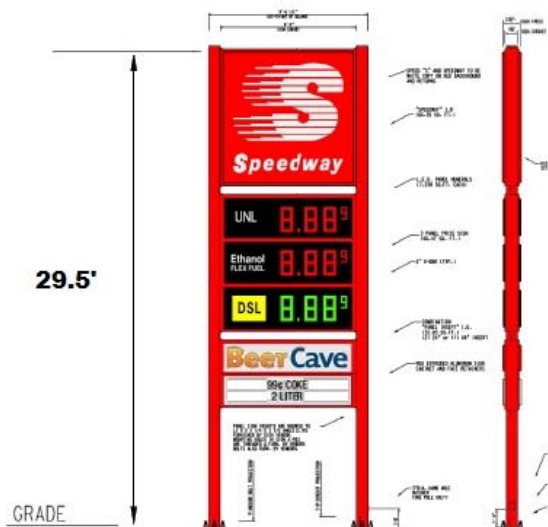


Site: Two (2) identification signs are located at "A" & "H")  
 Four (4) 'directional' signs are located at "L" "M" "N" & "P"



## Sign "H"

Proposed: 165 sqft vs. 100sqft Allowed  
 29.5' vs. 25'



## Sign "A"

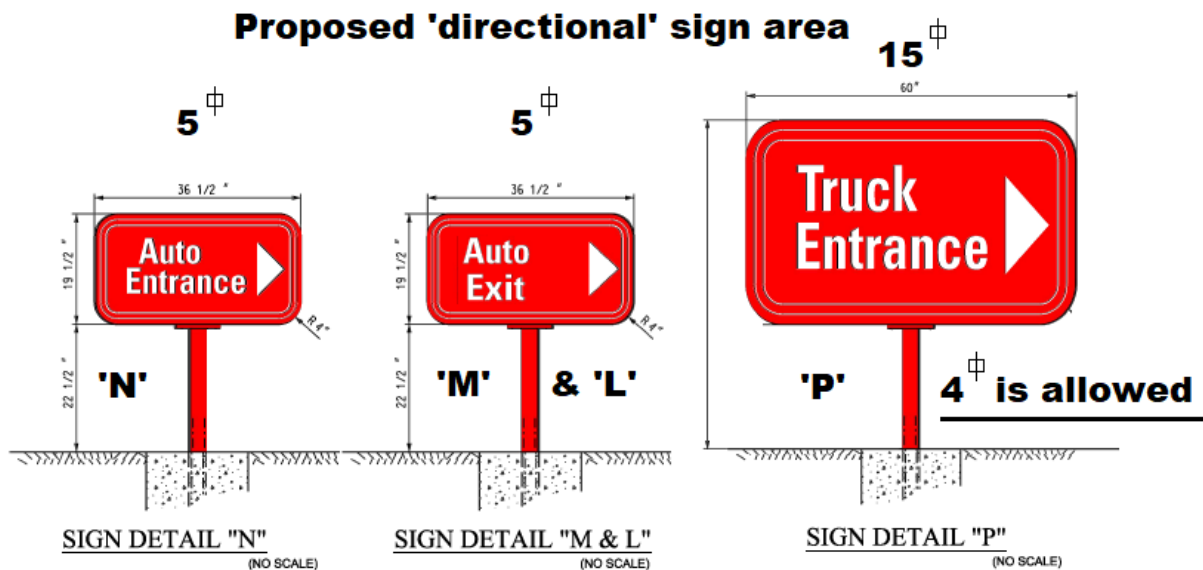
"Extra Sign"  
 (only 1 freestanding sign is allowed)

Proposed: 260 sqft vs. 0 sqft Allowed  
 40' vs. 0'

40'

GRADE 2'-0" TYP.





### Public Input

Notices were sent to adjacent property owners within 200 feet of the request.

### Purpose of a Hardship Variance

Davenport Municipal Code Section 17.14.060 states: *The purpose of the hardship variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships.*

### Approval Standards

The Zoning Board of Adjustment decision must make findings to support each of the following: (code requirement/ applicants response/staff comments)

1. Strict application of this Ordinance will result in hardship unless the specific relief requested is granted.

#### Applicant Response:

A. Variance to allow for 1 additional free standing ID sign on top of the 1 allowed free standing ID sign. The hardship that would result is based on both location and competition. The Speedway facility is located the farthest from the interchange compared to its immediate two competitors. The immediate competitors are Love's and Petro, both of which have two free standing ID signs totaling 1,078.68 sf and 080 sf respectively. Speedway's proposal is to allow for two freestanding ID signs totaling 425 sf. Without the variance Speedway would be at a severe disadvantage in attracting customers to their site.

B. Variance to allow for a Goal Post sign to exceed the 25'-0" height and 100 sf restriction at a height of 29'-5" and a total of 165 sf. The variance will allow the Speedway costumers to see the sign at a safe distance and allow them to maneuver safely onto the site per the United States

*Sign Council (USSC) and American Planning Association recommendations. As stated in part A, without the variance Speedway will be at a severe disadvantage.*

*C. Variance to allow for a mid rise sign to exceed the 25'-0" height and 100 sf restriction at a height of 40'-0" and a total of 260 sf. The mid rise sign is the farthest sign from the interchange and therefore requires the additional height and square footage as shown. The variance will allow the Speedway costumers to see the sign from the interchange and to be directed towards the site. As stated in part A, without the variance Speedway will be at a severe disadvantage.*

*D. Variance to allow for (1) directional sign (Truck Entrance) to exceed the 4 sf at a total of 15 sf. Along Hillandale the truck entrance is 871 ft from the intersection with Northwest Boulevard. In addition the truck entrance is on the left hand side verses a right hand inbound lane for the Love's truck entrance. Therefore the additional square footage will allow the Speedway truck costumer to safely maneuver on Hillandale and enter the site. Without this variance Speedway will be at severe disadvantage in regards to the truck costumers.*

*E. Variance to allow for (3) directional signs (Auto Entrance & Exit) to exceed the 4 sf at 5 sf each. Hillandale would serve as auto entrance for both the Love's and Speedway costumer. Hillandale is a 4-lane road with dedicated turn lanes and therefore is considered a complex road per USSC guidelines. In order for the Speedway costumer to see the directional sign from a safe distance a variance is required.*

Staff Comments:

The second freestanding sign, proposed sign "A", is a convenience to the petitioner. Both the sign height (a 60% increase over the allowed height) and sign face (a 160% increase over the allowed area) are significantly oversized compared to sign ordinance requirements. Furthermore, only one freestanding identification sign is allowed (excluding parking lot or 'directional' signage). Previous sign codes also limited truck stops to one main freestanding sign.

Proposed 'oversized' sign "H" is 29.5' in height and exceeds the allowed height for a freestanding by 4.5' which is an increase of 18% above code allowances. Additionally, sign "H" exceeds the allowed face by 65 sq.ft., which is an increase of 65% beyond the allowed limit. This sign is also a convenience to the petitioner; no evidence of hardship has been presented other than a desire to be allowed larger signage.

If a hardship variance has been granted over time for other similarly situated uses, those variance were and are specific to the site at which they exist and do not grant the applicant any special standing for the site under consideration at 8303 Northwest BLVD. Previous signage variances do not set a precedence for any other properties or any other future hardship variances, as Iowa Courts have consistently ruled over time. The Flying J truck stop's hardship variance for a larger size sign, and the Love's truck stop hardship variance to expand their sign package are independent actions not related to this request.

For this request the applicant is responsible for demonstrating, with evidence, the basis for the hardship and the need for the requested signage. No evidence of a hardship related to this specific site has been documented. A desire or a perceived need for visibility at certain distances are not grounds for a hardship variance. The requirements of the zoning code, in and of themselves, are not grounds for a hardship variance.

The proposed sign is a convenience to the petitioner, and if denied, the property owner could construct a sign that meets code requirements without any hardship.

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.

*Applicant Response:*

*A/B/C. Variances A, B & C to allow for 1 additional free standing ID sign and additional height and square footage for the ID signs are required because of the proximity to the interchange and to the competition.*

*D/E. Variance to allow for directional signage to exceed the 4 sf; the physical surroundings of Hillandale are such that it is a 4 lane boulevard with businesses proposing to enter and exit on both sides of the road. Mandate the directional signage is visible from a safe distance and therefore the variance is required.*

Staff comments:

Proximity of one's competitors to this site and whether or not his site is near an interstate interchange are not physical limitations to this site which create or place any hardship on the applicant. There is no 'mandate' regarding 'directional' signage (or what the code refers to as "Parking Lots and Structures: Additional Signs"). No evidence has been submitted that support a hardship due to "particular physical surroundings, shape, or topographical conditions which impose a particular hardship upon the owner"

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.

*Applicant Response:*

*A/B/C. Variances A, B & C to allow for 1 additional free standing ID sign and additional height and square footage for the ID signs: The unique circumstance is due to the proximity to the interchange and to the existence of the nearby competitors.*

*D/E. Variance to allow for directional signage to exceed the 4 sf: The unique circumstance is due to the complexity of Hillandale as a boulevard complete with a landscape median, 4 lanes and a dedicated turn lane.*

Staff Comments:

This site is like any other flat piece of ground with a retail use. Being located near other similar uses or near an interstate interchange, is not a hardship nor is it unique. Additionally, there are many commercial properties along interstates within Davenport and all of them are subject to the same zoning code requirements.

The plight of the owner is due solely to personal convenience. No evidence has been submitted in support of any unique circumstances due the physical characteristics of the land.

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

*Applicant Response:*

*A/B/C. Variances A, B & C to allow for 1 additional free standing ID sign and additional height and square footage for the ID signs: The variance that Speedway is requesting is for two signs at a total of 425 sf verses the two nearest competitor signs at approximately 1,080 sf. Therefore the variance would not alter the essential character of the locality.*



*D/E. Variance to allow for directional signage to exceed the 4 sf: The direction signs are only visible for the patrons that are on Hillandale and there for their safety. Therefore these signs will not alter the essential character of the locality.*

Staff Comments:

A second freestanding sign ("A") over the one that is allowed, which is a 60% increase in height and a 160% increase in area, will in staff's opinion change the character of the locality.

**Findings & Staff Recommendation:**

Findings: (Per the analysis above)

- Item #1 application of the ordinance creating hardship has not been established;
- Item #2 physical surroundings imposing hardship has not been established;
- Item #3 unique circumstance has not been established;
- Item #4 protection of essential character has not been established;
- The submitted application does not provide the necessary evidence required to prove that any of the zoning code's approval standards have been met.

Recommendation:

Staff recommends denial of the requested hardship variances.

Signs "A" and "H": these signs are both significantly over the height and area allowed by the freestanding sign code; while sign "H" exceeds the requirements to a lesser extent than sign "A", there still remains a lack of justification for the additional size of sign "H" and for the second sign in general;

the hardship variance request for the 'directional' signage is less of a concern for staff due to the lower stature of those signs, which are primarily on-site wayfinding aids and are proposed at or lower than the allowed 'directional' sign height.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA Application/plans, Notice Documents



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

**Property Address\***

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

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

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

*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:  
Company:  
Address:  
City/State/Zip  
Phone:  
Email:

**Zoning Board of Adjustment**

Zoning Appeal  
Special Use  
Hardship Variance

**Engineer** (if applicable)

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

**Design Review Board**

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

**Architect** (if applicable)

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

**Historic Preservation Commission**

Certificate of Appropriateness  
Landmark Nomination  
Demolition Request

**Administrative**

Administrative Exception  
Health Services and Congregate  
Living Permit

**Attorney** (if applicable)

Name:  
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:

Existing Zoning:

**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.

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.

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

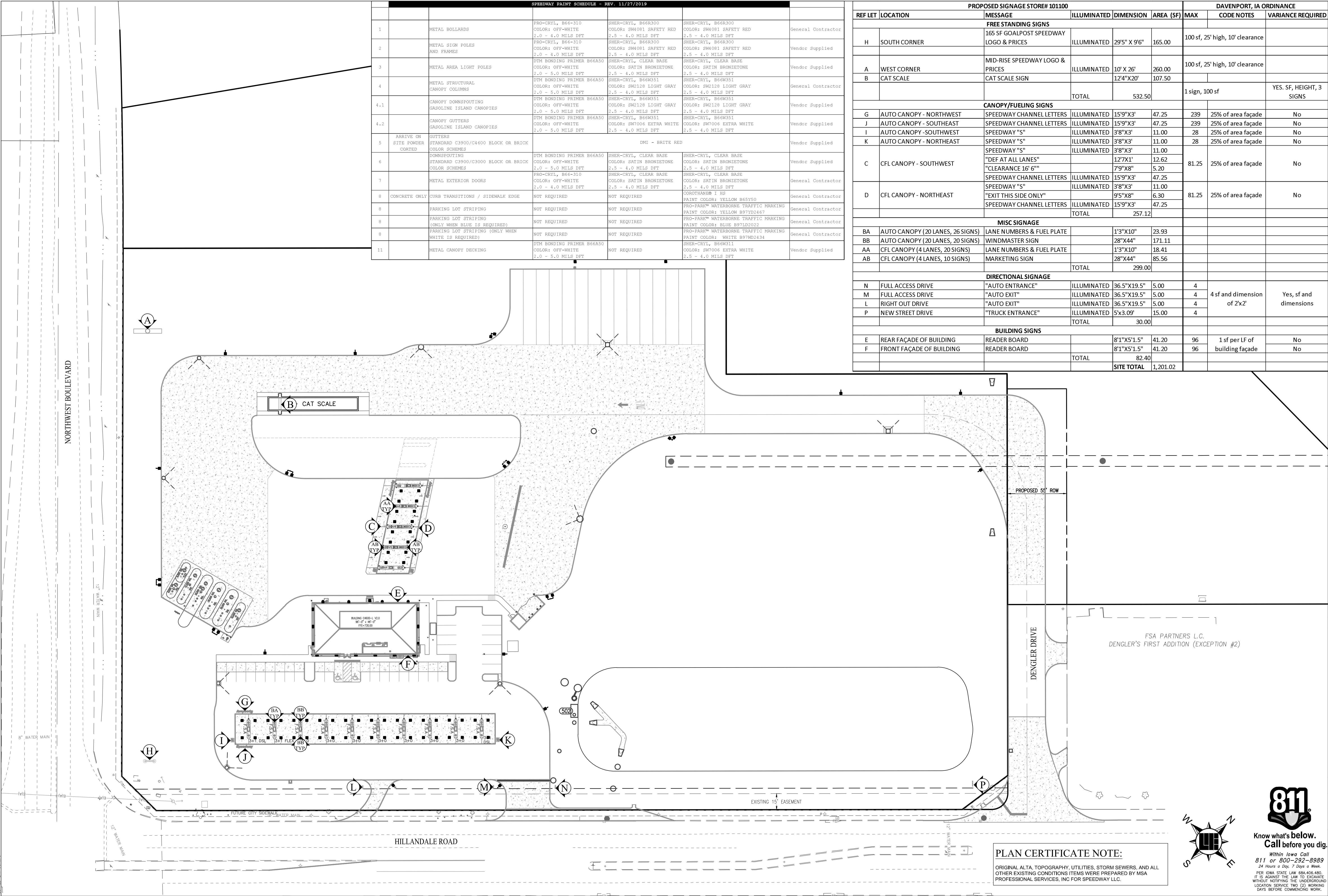
The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.



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.

LOCATION: I:\2015\180485\Engineering\design\consent\101100 - FE - SS - SIGNAGE PLAN & DETAILS.dwg  
DATE/TIME: June 24, 2020 4:36pm  
DRAWN BY: J. McCain  
CHECKED BY: E. Corler  
ROUTED BY: J. McCain



SPEEDWAY PAINT SCHEDULE - REV. 11/27/2019					
1	METAL BOLLARDS	PRO-CRYL, B66-310 COLOR: OFF-WHITE 2.0 - 4.0 MILS DFT	SHER-CRYL, B66R300 COLOR: SW4081 SAFETY RED 2.5 - 4.0 MILS DFT	SHER-CRYL, B66R300 COLOR: SW4081 SAFETY RED 2.5 - 4.0 MILS DFT	General Contractor
2	METAL SIGN POLES AND FRAMES	PRO-CRYL, B66-310 COLOR: OFF-WHITE 2.0 - 4.0 MILS DFT	SHER-CRYL, B66R300 COLOR: SW4081 SAFETY RED 2.5 - 4.0 MILS DFT	SHER-CRYL, B66R300 COLOR: SW4081 SAFETY RED 2.5 - 4.0 MILS DFT	Vendor Supplied
3	METAL AREA LIGHT POLES	DTM BONDING PRIMER B66A50 COLOR: OFF-WHITE 2.0 - 5.0 MILS DFT	SHER-CRYL, CLEAR BASE COLOR: SATIN BRONZETONE 2.5 - 4.0 MILS DFT	SHER-CRYL, CLEAR BASE COLOR: SATIN BRONZETONE 2.5 - 4.0 MILS DFT	Vendor Supplied
4	METAL STRUCTURAL CANOPY COLUMNS	DTM BONDING PRIMER B66A50 COLOR: OFF-WHITE 2.0 - 5.0 MILS DFT	SHER-CRYL, B66W351 COLOR: SW2128 LIGHT GRAY 2.5 - 4.0 MILS DFT	SHER-CRYL, B66W351 COLOR: SW2128 LIGHT GRAY 2.5 - 4.0 MILS DFT	General Contractor
4.1	CANOPY DOWNSPOUTING GASOLINE ISLAND CANOPIES	DTM BONDING PRIMER B66A50 COLOR: OFF-WHITE 2.0 - 5.0 MILS DFT	SHER-CRYL, B66W351 COLOR: SW2128 LIGHT GRAY 2.5 - 4.0 MILS DFT	SHER-CRYL, B66W351 COLOR: SW2128 LIGHT GRAY 2.5 - 4.0 MILS DFT	Vendor Supplied
4.2	CANOPY GUTTERS GASOLINE ISLAND CANOPIES	DTM BONDING PRIMER B66A50 COLOR: OFF-WHITE 2.0 - 5.0 MILS DFT	SHER-CRYL, B66W351 COLOR: SW7006 EXTRA WHITE 2.5 - 4.0 MILS DFT	SHER-CRYL, B66W351 COLOR: SW7006 EXTRA WHITE 2.5 - 4.0 MILS DFT	Vendor Supplied
5	ARRIVE ON SITE FINDER COATED	GUTTERS STANDARD C3900/C4600 BLOCK OR BRICK COLOR SCHEMES	DMI - BRITE RED		Vendor Supplied
6	DOWNSPOUTING STANDARD C3900/C3000 BLOCK OR BRICK COLOR SCHEMES	DTM BONDING PRIMER B66A50 COLOR: OFF-WHITE 2.0 - 5.0 MILS DFT	SHER-CRYL, CLEAR BASE COLOR: SATIN BRONZETONE 2.5 - 4.0 MILS DFT	SHER-CRYL, CLEAR BASE COLOR: SATIN BRONZETONE 2.5 - 4.0 MILS DFT	Vendor Supplied
7	METAL EXTERIOR DOORS	PRO-CRYL, B66-310 COLOR: OFF-WHITE 2.0 - 4.0 MILS DFT	SHER-CRYL, CLEAR BASE COLOR: SATIN BRONZETONE 2.5 - 4.0 MILS DFT	SHER-CRYL, CLEAR BASE COLOR: SATIN BRONZETONE 2.5 - 4.0 MILS DFT	General Contractor
8	CONCRETE ONLY	CURB TRANSITIONS / SIDEWALK EDGE	NOT REQUIRED	COROTHANE I HS PAINT COLOR: YELLOW B65Y50	General Contractor
8		PARKING LOT STRIPING	NOT REQUIRED	PRO-PARK™ WATERBORNE TRAFFIC MARKING PAINT COLOR: YELLOW B97YD2467	General Contractor
8		PARKING LOT STRIPING (ONLY WHEN BLUE IS REQUIRED)	NOT REQUIRED	PRO-PARK™ WATERBORNE TRAFFIC MARKING PAINT COLOR: BLUE B97LD2022	General Contractor
8		PARKING LOT STRIPING (ONLY WHEN WHITE IS REQUIRED)	NOT REQUIRED	PRO-PARK™ WATERBORNE TRAFFIC MARKING PAINT COLOR: WHITE B97WD2434	General Contractor
11	METAL CANOPY DECKING	DTM BONDING PRIMER B66A50 COLOR: OFF-WHITE 2.0 - 5.0 MILS DFT	NOT REQUIRED	SHER-CRYL, B66W311 COLOR: SW7006 EXTRA WHITE 2.5 - 4.0 MILS DFT	Vendor Supplied

PROPOSED SIGNAGE STORE# 101100					DAVENPORT, IA ORDINANCE		
REF LET	LOCATION	MESSAGE	ILLUMINATED	DIMENSION	AREA (SF)	MAX	CODE NOTES
FREE STANDING SIGNS							
H	SOUTH CORNER	165 SF GOALPOST SPEEDWAY LOGO & PRICES	ILLUMINATED	29'5" X 9'6"	165.00	100 sf, 25' high, 10' clearance	
A	WEST CORNER	MID-RISE SPEEDWAY LOGO & PRICES	ILLUMINATED	10' X 26'	260.00	100 sf, 25' high, 10' clearance	
B	CAT SCALE	CAT SCALE SIGN		12'4"X20'	107.50		
		TOTAL		532.50		1 sign, 100 sf	YES. SF, HEIGHT, 3 SIGNS
CANOPY/FUELING SIGNS							
G	AUTO CANOPY - NORTHWEST	SPEEDWAY CHANNEL LETTERS	ILLUMINATED	15'9"X3'	47.25	239	25% of area façade
J	AUTO CANOPY - SOUTHEAST	SPEEDWAY CHANNEL LETTERS	ILLUMINATED	15'9"X3'	47.25	239	25% of area façade
I	AUTO CANOPY - SOUTHWEST	SPEEDWAY "S"	ILLUMINATED	3'8"X3'	11.00	28	25% of area façade
K	AUTO CANOPY - NORTHEAST	SPEEDWAY "S"	ILLUMINATED	3'8"X3'	11.00	28	25% of area façade
		SPEEDWAY "S"	ILLUMINATED	3'8"X3'	11.00		
C	CFL CANOPY - SOUTHWEST	"DEF AT ALL LANES"		12'7X1'	12.62	81.25	25% of area façade
		"CLEARANCE 16' 6"		7'9"X8"	5.20		
		SPEEDWAY CHANNEL LETTERS	ILLUMINATED	15'9"X3'	47.25		
		SPEEDWAY "S"	ILLUMINATED	3'8"X3'	11.00		
D	CFL CANOPY - NORTHEAST	"EXIT THIS SIDE ONLY"		9'5"X8"	6.30	81.25	25% of area façade
		SPEEDWAY CHANNEL LETTERS	ILLUMINATED	15'9"X3'	47.25		
		TOTAL		257.12			
MISC SIGNAGE							
BA	AUTO CANOPY (20 LANES, 26 SIGNS)	LANE NUMBERS & FUEL PLATE		1'3"X10"	23.93		
BB	AUTO CANOPY (20 LANES, 20 SIGNS)	WINDMASTER SIGN		28"X44"	171.11		
AA	CFL CANOPY (4 LANES, 20 SIGNS)	LANE NUMBERS & FUEL PLATE		1'3"X10"	18.41		
AB	CFL CANOPY (4 LANES, 10 SIGNS)	MARKETING SIGN		28"X44"	85.56		
		TOTAL		299.00			
DIRECTIONAL SIGNAGE							
N	FULL ACCESS DRIVE	"AUTO ENTRANCE"	ILLUMINATED	36.5"X19.5"	5.00	4	4 sf and dimension of 2'x2'
M	FULL ACCESS DRIVE	"AUTO EXIT"	ILLUMINATED	36.5"X19.5"	5.00	4	
L	RIGHT OUT DRIVE	"AUTO EXIT"	ILLUMINATED	36.5"X19.5"	5.00	4	
P	NEW STREET DRIVE	"TRUCK ENTRANCE"	ILLUMINATED	5'x3.09'	15.00	4	
		TOTAL		30.00			
BUILDING SIGNS							
E	REAR FAÇADE OF BUILDING	READER BOARD		8'1"X5'1.5"	41.20	96	1 sf per LF of building façade
F	FRONT FAÇADE OF BUILDING	READER BOARD		8'1"X5'1.5"	41.20	96	
		TOTAL		82.40			
		SITE TOTAL		1,201.02			

WEIHE  
ENGINEERS  
Land Surveying/Civil Engineering  
Landscape Architecture

10505 N. College Avenue  
Indianapolis, Indiana 46280  
317 / 846 - 6611  
317 / 843 - 0340 / fax  
weh@weh.net  
ALLAN E. WEIHE, P.E., L.S., FOUNDER

NO UNLICENSED PROFESSIONAL ENGINEERING  
OR SURVEYING PERMITTED  
PATRICK C. SHERHAN  
317-214-9899

PATRICK C. SHERHAN P.E. 21499

Speedway®

Prepared By:  
Engineering and Construction Dept.  
Enon, OH 45323

DESIGNER: POLYMERVIEWER  
DATE: 06/24/2020

REVISIONS

NO.

SIGNAGE PLAN & DETAILS  
NEW BUILD - STORE 101100  
NEC of Northwest Blvd & Hillendale Rd  
Davenport, IA 52806  
Scott County

BLDG TYPE & VERSION  
4600-V2.0

PROJECT ID NO.  
114431

SCALE  
0 20 40  
1"=40'-0"

DESIGN TEAM  
DGNR. J. McCain  
P.MGR. R. Roosen  
RWVR. E. Corler  
DRWG. NO.

DATE  
10-03-2019  
10-03-2019  
10-03-2019

101100 - SS

811®  
Know what's below.  
Call before you dig.  
Within Iowa Call  
811 or 800-292-8999  
24 hours a day, 7 days a week  
PER IOWA STATE LAW 68A.406.480,  
IT IS AGAINST THE LAW TO EXCAVATE  
WITHOUT NOTIFYING THE UNDERGROUND  
LOCATION SERVICE TWO (2) WORKING  
DAYS BEFORE COMMENCING WORK.

PLAN CERTIFICATE NOTE:  
ORIGINAL ALTA, TOPOGRAPHY, UTILITIES, STORM SEWERS, AND ALL  
OTHER EXISTING CONDITIONS ITEMS WERE PREPARED BY MSA  
PROFESSIONAL SERVICES, INC FOR SPEEDWAY LLC.





NOTE  
FOR SIGN DETAIL "BA" SEE SHEET  
STD-ACC-A.  
FOR SIGN DETAIL "AA" SEE SHEET  
STD-ACC-CFL.  
FOR SIGN DETAILS "BB" & "AB" SEE  
SHEET STD-CYE-A



NOTE  
THIS IS FOR REFERENCE. SEE DRAWINGS  
BY EVERBRITE FOR SIGN DETAILS.

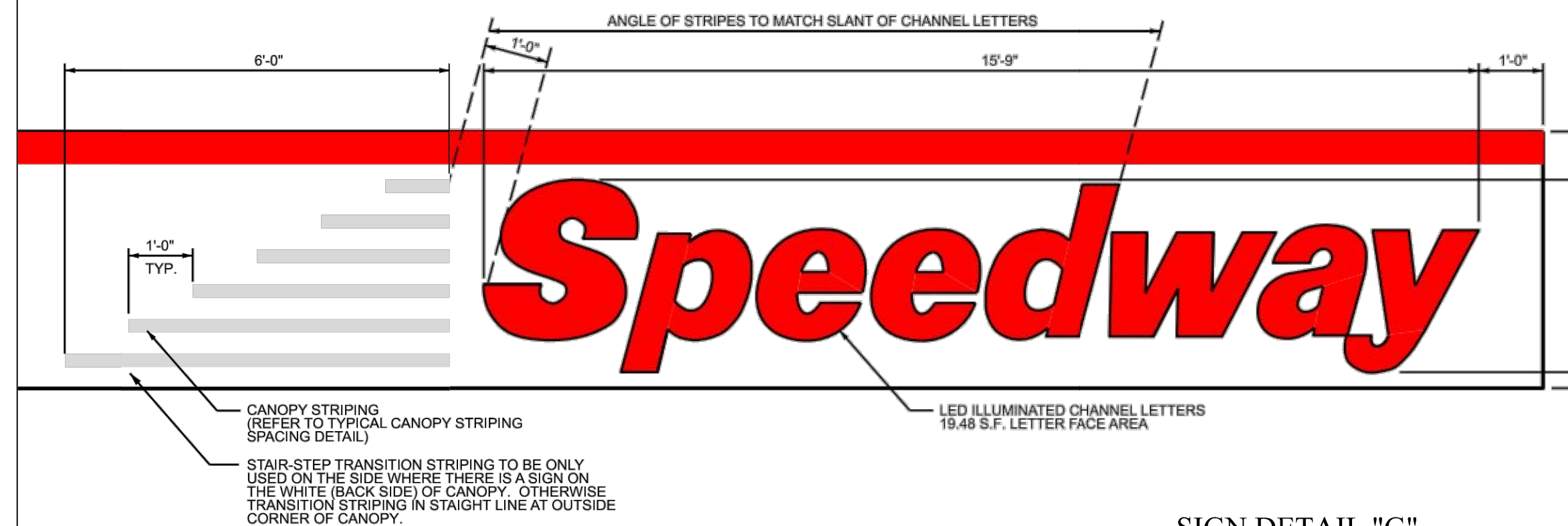
[illegible]

**SIGNAGE PLAN & DETAILS**  
**NEW BUILD - STORE 101100**  
NEC of Northwest Blvd & Hillandale Rd  
Davenport, IA 52806  
Scott County

BLDG TYPE & VERSION		4600-V2.0
PROJECT ID NO.		114431
SCALE		
DESIGN TEAM		DATE
DGNR.	J. McClain	10-03-2019
P.MGR.	R. Roosen	10-03-2019
RVWR.	E. Carter	10-03-2019
DRAWG. NO.		

101100 - SS2





## 8.303 Northwest BLVD HV20-07 - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	8303 Northwest BLVD	SPEEDWAY	2824 W LOCUST ST	
Neighborhood:	none			
Ward/Ald:	Ward 8	All Alderman Notified	Both Admin Clerks Notified	14 Notices Sent
W3317-01		FSA PARTNERS LC	22923 RT 2 & A D 92	PORT BYRON IL 61275
V3223-12A		CALLISON INVESTMENT CO	1436 E ORVID	DES MOINES IA 50316
W3317-01B		BETTENDORF HOTEL ASSOCIATES LC	2 QUAIL CREEK CR	NORTH LIBERTY IA 52317
W3317-02B		BETTENDORF HOTEL ASSOCIATES LC	2 QUAIL CREEK CR	NORTH LIBERTY IA 52317
W3319-11		GREATER DAV REDEVELOPMENT CORP	331 W 3RD ST	DAVENPORT IA 52801
W3319-01D		LOVE'S TRAVEL STOPS INC	15 W 6TH ST - STE 2400	TULSA OK 74119
W3301-04A		DENGLER WALTER A	300 E LINCOLN RD	ELDRIDGE IA 52748
W3301-04A		ZWICKER FAMILY LTD	1405 14TH ST	ORION IL 61273
W3301-04A		DENGLER WAYNE	1050 S SCOTT PARK RD	ELDRIDGE IA 52748
W3317-02D		WALTER A DENGLER TRUSTEE	1050 S SCOTT PARK RD	ELDRIDGE IA 52748
W3317-02D		ZWICKER FAMILY LTD PART	1405 14TH ST	ORION IL 61273
W3317-02D		DENGLER WAYNE A	1050 S SCOTT PARK RD	ELDRIDGE IA 52748
V3223-11D		DAVENPORT FARM & FLEET INC	PO BOX 5391	JANESVILLE WI 53547-5391
W3333-05G		C F J PROPERTIES	STORE #636 BOX 54470	LEXINGTON KY 40555-0888



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



### Public Hearing Details:

Date: 7/23/2020

Time: 4:00 PM

Location: Council Chambers | City Hall | 226 W. 4th ST.

Subject: Public hearing for a Hardship Variance before the Zoning Board of Adjustment

Ward: 8th

Case: HV20-07

To: All property owners within 200 feet of the subject property located at **8303 Northwest BLVD.**

### 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 dimensional code requirement.

#### Request/Case Description

**Request HV20-07 of Gary Caldwell on behalf of Speedway LLC for a hardship variance at 8303 Northwest BLVD for a sign package allowing 1) a second ( or additional) freestanding sign (sign "A"); 2) a freestanding sign 29.5' in height being 165 sq. ft. (sign "H"), 3) a freestanding sign (sign "A") 40' in height being 260 sq. ft. and 4) a variance for 'parking lot signage' allowing sign "N" at 5 sq. ft. and sign "P" at 15 sq. ft. The proposed signs will be located on a newly developed truck stop. Section 17.12.050 and .060. limits the property to one freestanding sign feet 25' in height with a sign face area of no more than 100 sq. ft. and parking lot directional signage to 5' in height with a sign face area no more than 4 sq. ft. [Ward 8]**

### What are the Next Steps after the Public Hearing?

For approved ZBA requests, the ruling is effective immediately. 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 via email or in person at the public hearing. Send written comments to [planning@davenportiowa.com](mailto:planning@davenportiowa.com) (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46<sup>th</sup> St, Davenport IA 52807.

### On-line/Telephone Participation:

Persons may join the meeting virtually: <https://global.gotomeeting.com/join/415560525> & at 1-866-899-4679 with access code: 415 560 525. All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": [www.cityofdavenportiowa.com/boards](http://www.cityofdavenportiowa.com/boards) Mondays before the meeting/public hearing.

### Do You Have Any Questions?

If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at [scott.koops@davenportiowa.com](mailto:scott.koops@davenportiowa.com) or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested verifying case actions and/or tablings, please contact Planning at 563-326-6198 or [planning@davenportiowa.com](mailto:planning@davenportiowa.com) for updates.



Shaded green area is the 200' adjacent property owner notice area and the subject property.

