

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, AUGUST 13, 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 minutes from the July 23, 2020 public hearing.

III. Old Business

- A. THIS ITEM IS TABLED UNTIL AUGUST 27TH.

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. THIS ITEM IS TABLED UNTIL AUGUST 27TH.

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 SU20-05 of Brian Girsakis on behalf of Suburban Construction at 3602

Harrison Street for a Heavy Retail Special Use to ensure the use is compatible with the general land use of adjacent properties and the immediate vicinity. Heavy Retail Establishments may include retail sales of heavier and larger-scale commercial character typically requiring permanent outdoor storage areas. Section 17.08.020 requires a Special Use for this C-3 General Commercial property and the proposed business. [Ward 7]

V. Other Business

- A. Discussion regarding the reconsideration of HV20-07 Speedway.

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

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

Date
8/13/2020

Subject:
Approval of the minutes from the July 23, 2020 public hearing.

Recommendation:
Approve the minutes.

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	8/6/2020 - 3:45 PM



MINUTES
Zoning Board of Adjustment
July 23, 2020



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.

Staff present: Koops, Berkley, and attorney Hoyt.

I. Secretary's Report:

Minutes were approved for the for 5-28-20 meeting by voice-vote.

II. Old Business:

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. 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. District R-4C and Section 17.030.K require certain design requirements for the eaves, roof line and elevation articulation of accessory buildings.

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.

The above items were tabled until Aug. 27, 2020 by voice vote so that the applicant can work further with staff to provide plans that meet design requirements.

III. New Business:

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"; and
- 4.) a variance for 'directional signage' allowing signs "L", "M", & "N" at 5 sqft. and "P" at 15 sqft.

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]

Koops presented the staff report.

Staff Findings & Recommendation

Findings: (Per the analysis section of the staff report)

- 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.

Gary Caldwell spoke on behalf of Speedway. The applicant reiterated the reasons for the request as proposed in the hardship variance application. Speedway feels that to be competitive this requested sign package is necessary.

Loebach asked for the size of the larger Love's sign. Staff did not have that information on hand, however the petitioner stated that the sign was 80 tall and 919 sqft.

John Corelis spoke in favor of the request. No one spoke against the request.

Reistroffer asked the petitioner if there was anything else they would like to add before Board discussion. The petitioner stated they had "no other comments".

Strayhall voiced concern over the size of the signs and the continual exceedance of the sign code by businesses in general.

Strayhall moved to approve the motion for the sake of discussion. Quinn seconded the motion and a roll call vote was called.

Loebach, yes; Quinn, yes; Strayhall, no; and Reistroffer, no. The motion failed (2-2).

IV. Other Business

None.

V. Adjourn

The meeting adjourned unanimously by voice vote at approximately 5:37pm.

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:
THIS ITEM IS TABLED UNTIL AUGUST 27TH.

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REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	8/6/2020 - 3:47 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:
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City of Davenport
Zoning Board of Adjustment

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

Date
8/13/2020

Subject:

Request SU20-05 of Brian Girskis on behalf of Suburban Construction at 3602 Harrison Street for a Heavy Retail Special Use to ensure the use is compatible with the general land use of adjacent properties and the immediate vicinity. Heavy Retail Establishments may include retail sales of heavier and larger-scale commercial character typically requiring permanent outdoor storage areas. Section 17.08.020 requires a Special Use for this C-3 General Commercial property and the proposed business. [Ward 7]

Recommendation:

See the attached Report

ATTACHMENTS:

Type	Description
▣ Executive Summary	Staff Report
▣ Exhibit	Application
▣ Exhibit	Notice List
▣ Exhibit	Notice Letter & Map

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	8/6/2020 - 4:04 PM



Zoning Board of Adjustment Planning Staff Report – Heavy Retail in C-3 August 13, 2020

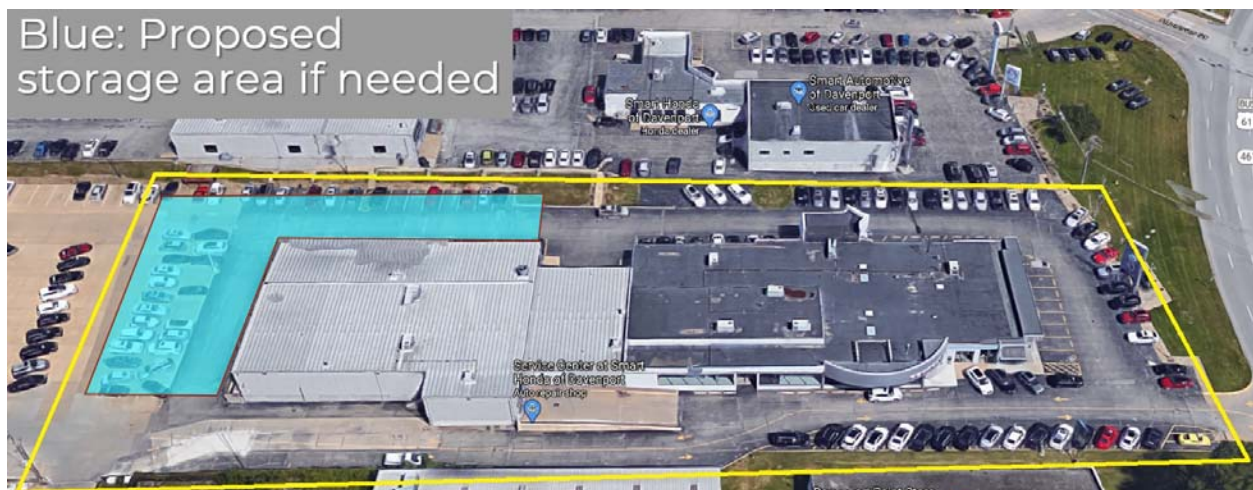
Description

Request SU20-05 of Brian Girskis on behalf of Suburban Construction at 3602 Harrison Street for a Heavy Retail Special Use to ensure the use is compatible with the general land use of adjacent properties and the immediate vicinity. Heavy Retail Establishments may include retail sales of heavier and larger-scale commercial character typically requiring permanent outdoor storage areas. Section 17.08.020 requires a Special Use for this C-3 General Commercial property and the proposed business. [Ward 7]

Background

The subject property is in a mixed commercial/industrial area. The proposed building will be utilized as the office and show room for Suburban Construction (which is currently located at 616 W 35th St). The Zoning Board of Adjustment (ZBA) is to evaluate whether this use is compatible with the surround uses and zoning districts. No exterior changes are proposed at this time, however there will be internal remodeling.

Existing Site: 616 W 35th Street | Proposed Site: 3602 Harrison Street



Background (continued)

Heavy Retail Establishment Definition (Section 17.08.050):

Retail centers of a heavier and larger-scale commercial character typically requiring permanent outdoor storage areas and/or partially enclosed structures. Examples of heavy retail establishments include large-scale home improvement centers with outdoor storage and display, lumberyards, recreational vehicle dealerships, and sales of heavy equipment. Wholesale establishments that sell to the general public, including those establishments where membership is required, are considered heavy retail establishments. Equipment rental is permitted if conducted solely inside the principal structure.

Findings/Approval Standards

1. The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.

The proposed use meets code requirements for Heavy Retail. The site is properly designed to have minimal, if any, impact on adjacent property and public facilities if constructed per required building code as has been proposed by the developer.

2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.

The plans meet code requirements and the site is properly designed to have minimal, if any, impact on adjacent property. Neighboring properties have or are zoned for commercial uses and businesses in this mixed use area.

3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

The property immediately abutting the use is commercial or industrial property. Land use policy has been met along with all code requirements.


Recommendation

Findings:

The location/design/construction of the proposed use meets the requirements of a Special Use.

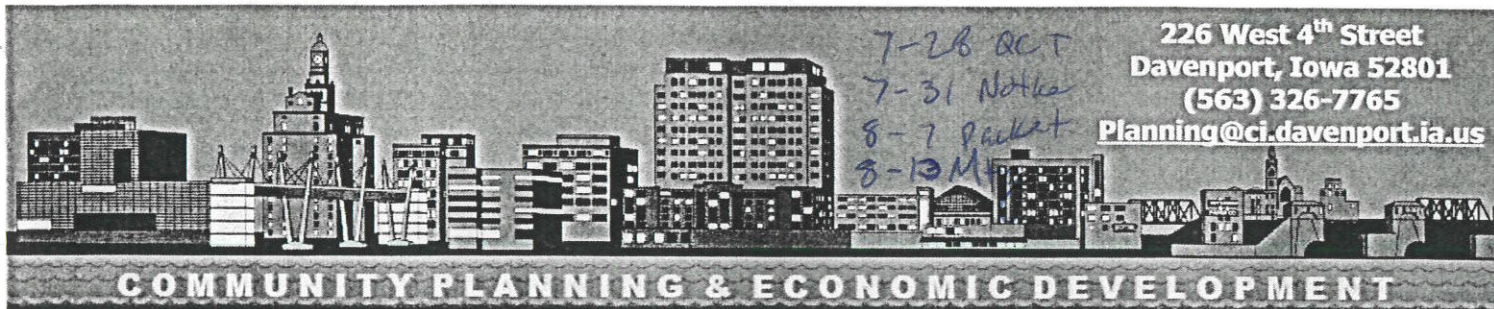
Recommendation:

Staff recommends approval of the request.

Prepared by: 

Scott Koops, Planner II

Attachments: Map, Site Plan, Application, Notification Map, Exhibits



Complete application can be emailed to planning@ci.davenport.ia.us

8-13-2016

Property Address* 3602 Harrison Street Davenport

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

Applicant (Primary Contact)**

Name: Brian Girshis
 Company: suburban
 Address: 616 W. 35th Street
 City/State/Zip: Davenport IA 52816
 Phone: 563 505 7681
 Email: JR @suburban construction, 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: Grape Road LLC
 Company: Grape Road LLC
 Address: 5201 N. Grape Road
 City/State/Zip: Mishawaka IN 46545
 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 special use requested:

Plan to move Suburban Construction under one roof. Have artgrown our current Building + need more space. will be installing state of art showroom & offices. Was told will need special use C3 permit. want to stay in davenport and continue to grow the family business.

Brian "JR" Gish

Existing Zoning:

Submittal Requirements:

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed improvements affected by the special use. 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 17.14.050 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 - \$400.

The Applicant hereby acknowledges and agrees to the following procedure and requirements:**(1) Application:**

- Prior to submission of the application for the special use, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the special use 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.
- If approved, a new special use application shall be required for any change to any approved special use that does not qualify as an administrative modification.
- Special uses shall expire one hundred eighty days after the date of the approval unless licenses or permits required for the operation or maintenance of the use have been obtained.

(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 special use permit:

- Planning staff will perform a technical review of the request and present its findings and recommendation to the Zoning Board of Adjustment.
- The Zoning Board of Adjustment will hold a public hearing and vote on the request.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

#1 The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.

Our maintenance staff will keep the public safe.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

#2 The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.

we will not override the general land use

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

#3 The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

We love downtown and will abide by ordinances

Brian J. Girsho

7/16/20

Applicant:

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:

Date:

Planning staff

Date of the Public Hearing:

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

Authorization to Act as Applicant

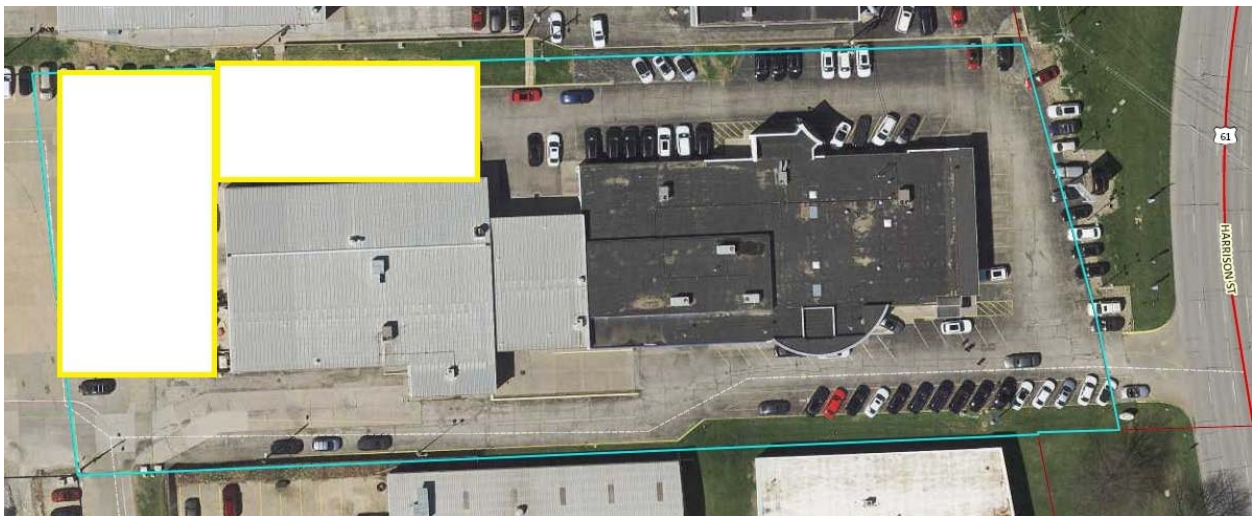
I,
authorize
to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located
at

Signature(s)*

*Please note: original signature(s) required.



Potential Outdoor Storage Location



3602 Harrison - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	3602 HARRISON ST	SUBURBAN CONSTRUCTION	5201 N GRAPE RD	MISHAWAKA IN 46545
Neighborhood:	none			
Ward/Ald:	Ward 7	All Alderman Notified	Both Admin Clerks Notified	5 Notices Sent
P1411-15	3707 HARRISON ST	CARS-DB4 LP	848 WESTPARK DR STE 200	MCLEAN VA 22102
P1414B01	3520 HARRISON ST	PPG ARCHITECTURAL FINISHES INC	ONE PPG PLACE	PITTSBURGH PA 15272
P1414B02A	404 W 35TH ST	GRAPE ROAD LLC	5201 N GRAPE RD	MISHAWAKA IN 46545
P1413A12	3509 HARRISON ST	R I A FEDERAL CREDIT UNION	PO BOX 4750	ROCK ISLAND IL 61201
P1414C15A	430 W 35TH ST	ST AMBROSE UNIVERSITY	518 W LOCUST ST	DAVENPORT IA 52803



PUBLIC HEARING NOTICE ZONING BOARD OF ADJUSTMENT

Date: 8/13/2020
Time: 4:00 PM
Location: Council Chambers | City Hall | 226 W. 4th ST.
Subject: Public hearing for a Special Use before the ZBA

Ward: 7th
Case: SU20-05

To: All property owners within 200 feet of the subject property located at **3602 Harrison Street**.

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a Special Use. The purpose of the Special Use is to authorize certain special/conditional uses of property which are allowed but require special consideration.

Request/Case Description

Request SU20-05 of Brian Girsakis on behalf of Suburban Construction at 3602 Harrison Street for a Heavy Retail Special Use to ensure the use is compatible with the general land use of adjacent properties and the immediate vicinity. Heavy Retail Establishments may include retail sales of heavier and larger-scale commercial character typically requiring permanent outdoor storage areas. Section 17.08.020 requires a Special Use for this C-3 General Commercial property and the proposed business. [Ward 7]

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 (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46th 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 Mondays before the meeting/public hearing.

Do You Have Any Questions?

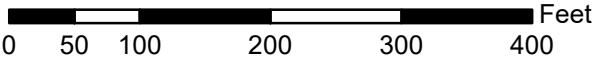
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at scott.koops@davenportiowa.com or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: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

Zoning Board of Adjustment: Adjacent Property Owner Notice Area



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.



City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: Scott Koops, Planner II, AICP
scott.koops@ci.davenport.ia.us

Date
8/13/2020

Subject:
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REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	8/6/2020 - 4:07 PM