

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, APRIL 22, 2021; 4:00 PM

CITY HALL | 226 WEST 4TH STREET | COUNCIL CHAMBERS

THE ZONING BOARD OF ADJUSTMENT HOLDS PUBLIC HEARINGS TO CONSIDER
HARDSHIP VARIANCES, SPECIAL USES, AND INTERPRETATIONS.

I. Call to Order

II. Secretary's Report

A. Consideration of the February 25th, 2021 meeting minutes.

III. Old Business

A. Request SU21-02 of Abdalhadi Matar dba Lila LLC & Haifa LLC at 703 #A West 4th Street for consideration of a Special Use for retail sales of beer and wine only (hard liquor sales are prohibited). Table 17.08-1 of the Davenport Municipal Code requires a Special Use for retail sales of beer/wine for property zoned D-C Downtown District. [3rd Ward]

IV. New Business

A. Request of Willian Raun on behalf of Darrell Honn at 1239 Waverly RD for a Hardship Variance to construct a 1200 sq. ft. detached garage (30' x 40') that will exceed the allowed area by 252.5 square feet. The existing dwelling has 1,895 sq. ft. of living area, which allows for 947.5 sq. ft. of detached garage area. Half of the dwelling's living area is allowed by right for a detached garage.

V. Other Business

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

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

Date
4/22/2021

Subject:
Consideration of the February 25th, 2021 meeting minutes.

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	4/16/2021 - 11:52 AM



MINUTES
Zoning Board of Adjustment
February 25, 2021



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

I. Call to Order:

Board member Reistroffer called the Zoning Board of Adjustment meeting to order in City Hall Council Chambers, Davenport, Iowa at 4:12 p.m.

Board Members present: Loebach and Darland.

Board Members excused: None (Quinn did not attend either in-person or online).

Staff present: Koops, Berkley, and Attorney Hoyt.

II. Secretary's Report:

Minutes were approved for the 2-11-21 Hearing by voice-vote.

III. Old Business:

None.

IV. New Business:

Request SU21-02 of Abdalhadi Matar dba Lila LLC & Haifa LLC at 703 #A West 4th Street for consideration of a Special Use for retail sales of beer and wine only (hard liquor sales are prohibited). Table 17.08-1 of the Davenport Municipal Code requires a Special Use for retail sales of beer/wine for property zoned D-C Downtown District. [3rd Ward]

The Petitioner addressed the Board and stated that due to the presence of only three Board Members they would like to request a tabling of the request as per Board policy.

Motion

Darland, seconded by Loebach, moved to table request SU21-02 until the April 22nd meeting. The motion carried unanimously (3-0).

Loebach, yes; Darland, yes; Reistroffer, yes.

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:18 p.m.

City of Davenport
Zoning Board of Adjustment

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

Date
2/25/2021

Subject:

Request SU21-02 of Abdalhadi Matar dba Lila LLC & Haifa LLC at 703 #A West 4th Street for consideration of a Special Use for retail sales of beer and wine only (hard liquor sales are prohibited). Table 17.08-1 of the Davenport Municipal Code requires a Special Use for retail sales of beer/wine for property zoned D-C Downtown District. [3rd Ward]

Recommendation:

See the attached Staff Report

ATTACHMENTS:

Type	Description
▣ Executive Summary	Staff Report
▣ Exhibit	Application
▣ Exhibit	Notice List
▣ Exhibit	Notice Letter & Map
▣ Exhibit	Comment - opposed #1
▣ Exhibit	Comment - opposed #2
▣ Exhibit	Comment - opposed #3
▣ Exhibit	Comment - opposed #4

REVIEWERS:

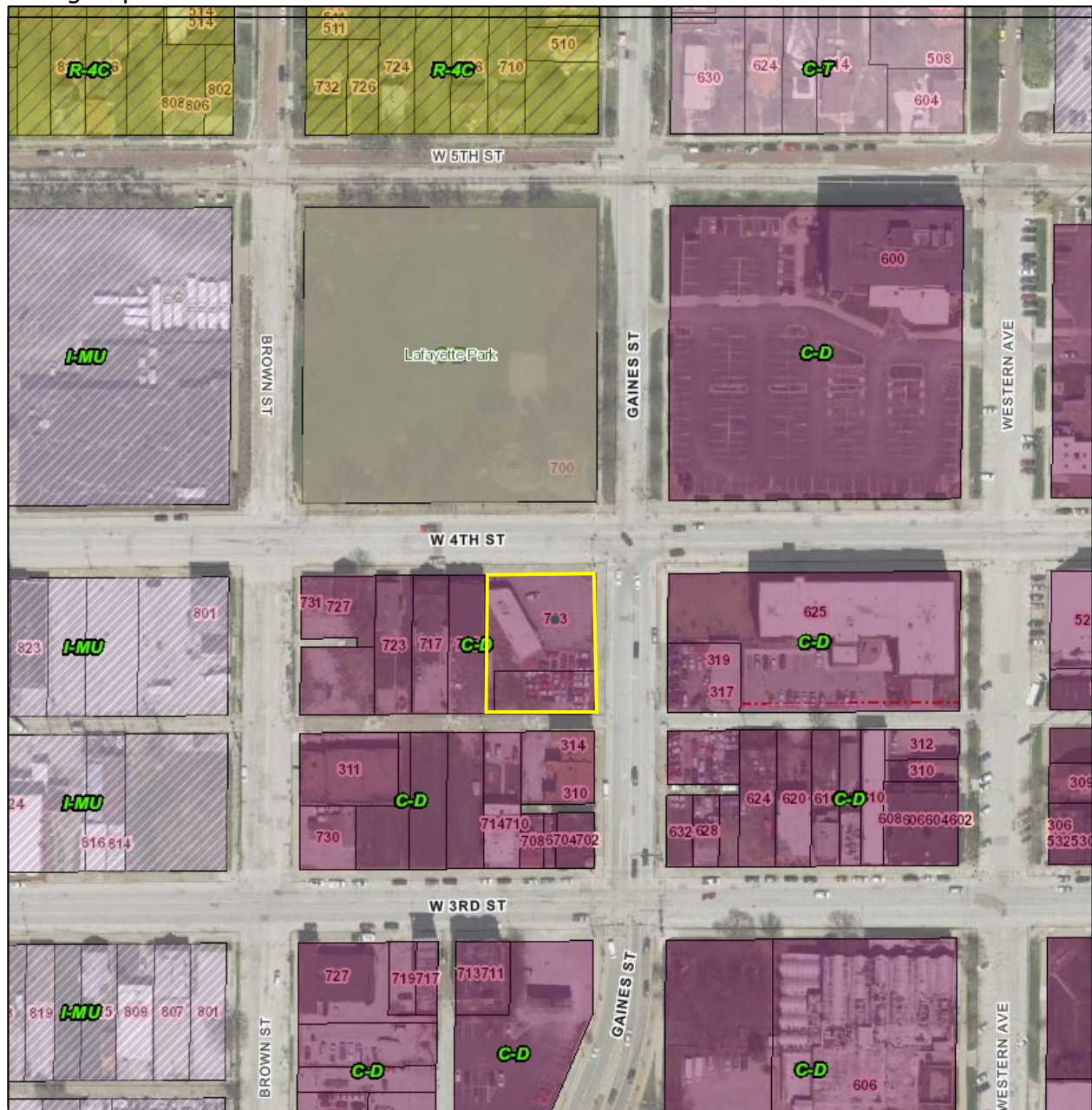
Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	4/16/2021 - 9:15 AM



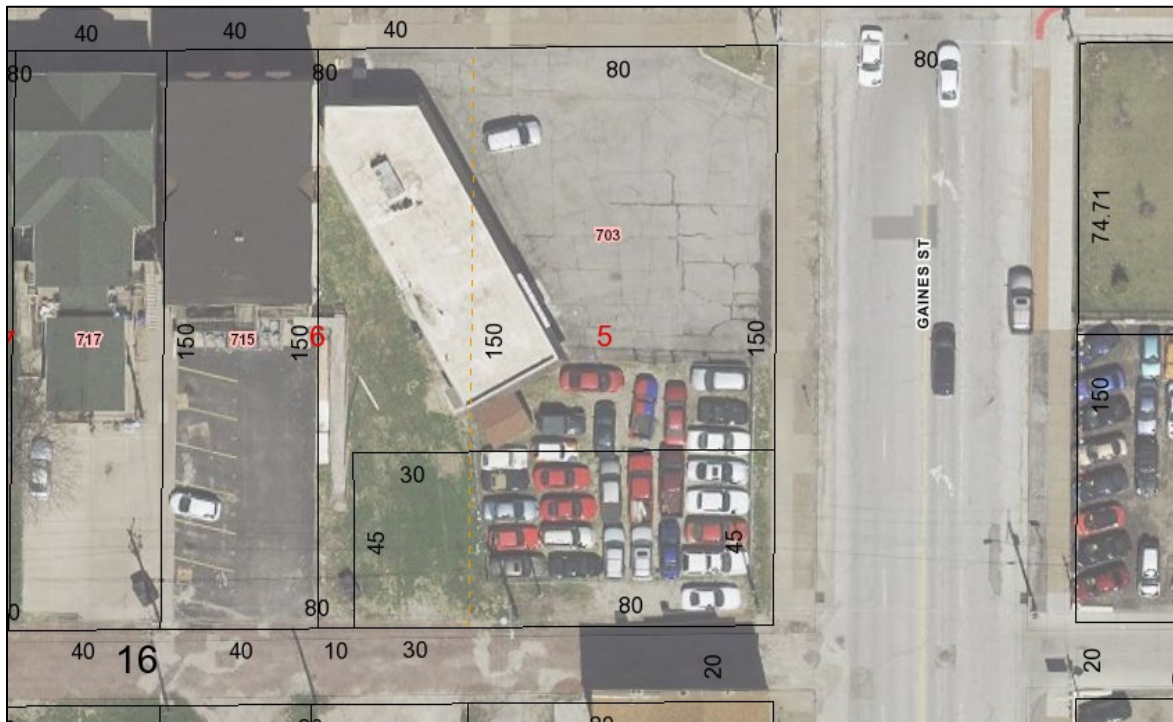
Request SU21-02 of Abdalhadi Matar dba Lila LLC & Haifa LLC at 703 #A West 4th Street for consideration of a Special Use for retail sales of beer and wine only (hard liquor sales are prohibited). Table 17.08-1 of the Davenport Municipal Code requires a Special Use for retail sales of beer/wine for property zoned D-C Downtown District. [3rd Ward]

The subject property is in a mixed-use area and is zoned C-D Downtown district. The Zoning Board of Adjustment shall evaluate whether this use is compatible with, and if the use would have a detrimental impact on, neighborhood properties.

Zoning Map



Airphoto:



Background (continued)

Staff requested calls for service in a vicinity of the subject property (703 W 4th St)
The table below is a summary of that data.

Police Calls

Call For Service (1,500-foot radius from 703 W 4th St)

Dates: 2016-01-01 to 2021-03-08 (5.18 years)

Call Type	# of Incidents	Incidents/Year
Trespass	843	162.7
Domestic	832	160.6
Assault	308	59.5
Drug	212	40.9
Weapon/Firearms	161	31.1
Vandalism	158	30.5
Mental Behavior/Indecency	111	21.4
Death Investigation	11	2.1
Total	2636	508.9

Email from Police Department

From: [Manion, Dennis](#)
To: [Hoyt, Mallory](#); [Harris, Andrew](#)
Cc: [Smith, Jason W.](#); [Koops, Scott E.](#)
Subject: 703 W 4th Street - Calls for service
Date: Tuesday, March 9, 2021 2:25:28 PM
Attachments: [Calls for Service 703 W 4th St 1-1-2016 through 3-8-2021.xlsx](#)

I ran approximately 3 blocks around 703 W 4th St (actually, I ran a 1500 radius from this address since LERMS works better that way), and I came up with 24,307 calls for service for the requested time period of 1/1/216 through yesterday (3/8/2021). The attached Excel document has a listing of the calls, as well as sheets for calls by type and calls by location by type.

Dennis

Officer Dennis Manion #603
Services Division | Police Department
City of Davenport

T 563-888-3602
416 N. Harrison St, Davenport, IA 52801

Discussion

This site is in a mixed use area containing government buildings, a nonconforming auto sales business, a mobile wireless phone outlet, bars, restaurants, second hand retailers, a museum, carryout liquor stores (Discount Tobacco, Golden Mart, ATC Liquor and Central Grocery), a park, social services, apartments, single & two family dwellings and various other businesses.

This site has been previously utilized as retail and for personal business/personal service. The C-D District does not require off-street parking, however the site does have parking in front of the building.

Staff has four (4) areas of primary concern related to this request for retail beer/wine sales.

I. Public Need

The purposed statement of the Special Use Application process states:

Section 17.14.050 Special Use

A. Purpose

This Ordinance is based upon the division of the City into districts. Within each district the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be permitted in a particular district or districts without individual consideration of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

As such, uses proposed that do not provide for a public need at a particular location/area, can be denied.

Staff has analyzed the City's issued liquor (and Beer/wine) licenses for this neighborhood (see "Notable Properties Exhibit and Map". The exhibit shows four (4) retail liquor stores (selling beer wine and hard liquor) within 6 blocks of the proposed use and six (6) bars within 4 ½ blocks of the subject property (703 #A W 4th St). These numbers indicate that there is very little public need for a retail beer/wine use which requires a special use approval at this location.

Taking into account the adjacent dwelling units that would be impacted by the approval of this Special Use, a strong case can be made that the impact of the use proposed is not compatible with the existing neighborhood, nor is there any public need for such a use. The "Notable Properties Exhibit and Map" shows the close proximity of 75 dwelling units to the proposed site, 64 of which immediately abut the subject property or face the property. Eight (8) of these units will be undergoing rehabilitation in the near future at the *Hiller Building*.

II. Compliance Issues

Development and Neighborhood Services (formerly CSD) of the City of Davenport has had an ongoing compliance case at this property and with this owner (HAIFA LLC/Mr. A. Matar).

The most recent letter of this ongoing compliance issue was sent to the owner of the property on April 30, 2020.

The property is being used illegally as a storage site for automobile vehicles which are stored to the south of the commercial building at 703 W 4th Street. This District (C-D Downtown Zoning District) does not allow for the storage of automobiles vehicles, nor for the sale of automobile vehicles outside. This site does not have vested rights to park or store such vehicles at this location and as such the vehicles must be removed to come into compliance.

Additionally the vehicles are not parked on a paved surface nor does the owner have a dealership license, both of which are required.

Smith's Auto Sales has been documented as the owner of most of the vehicles stored on this site. The Smith Auto Sales business is only permitted at 319 Gaines Street and on the 60' x 80' lot immediately adjacent across the alley, as a nonconforming use which cannot be expanded or increased in intensity of use.

Noncompliance over a period of time indicates to staff that the owner of this property is not operating in good faith with respect to zoning code and the automobiles stored on this site. If the owner is unwilling to follow zoning laws that restrict the storage of vehicles on this site, staff is hesitant to forecast successful compliance with the special use code section of the Davenport Municipal Code at the proposed site.

III. City Park

Staff has concerns regarding the location of the adjacent park and the proximity to retail sales of beer and wine for a number of reasons.

1. Intoxication or being under the influenced of beer, alcoholic beverages or drugs are prohibited behavior in parks and recreation areas. See 12.72.0080 of the Davenport Municipal Code.
2. The adjacent park is the site for prograded activities sponsored and directed by the City of Davenport Parks Department and is targeted for children residing in this neighborhood.
3. Concerns exist regarding the possible consumption of beer/wine in the park which would create an unfavorable atmosphere for children and other occupants of the park.

IV. Traffic Safety

Staff has concerns about the four (4) access driveway points on the site 703 W 4th Street. Both Gaines Street and West 4th Street have two access driveway approaches. This places the access drives/approaches too close to the intersection and presents safety issues. If/when 4th Street is converted to two-way traffic, the 4th Street access adjacent to the stoplight would be problematic for drivers who would attempt to use the drives and would likely lead to accidents at this location. The same can be said for drivers leaving the site and turning south on to Gaines Street. Drivers turning right on to Gaines will be turning into oncoming which may also be executing a turning movement. See the "Traffic Engineer Exhibit" for the location to the drives and an email from the City Traffic Engineer. It may be possible for the two drives near the stoplight to be closed, although how that would come to fruition is unclear. Finally, the lot is not adequately striped.

Findings/Approval Standards

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

If this use is were permitted, this site will not fulfill a public need as there are four (4) retail liquor stores in the area and six (6) bars in the area. Please note that bars are allowed to sell packaged beer/wine

goods, so there are 10 business within 4 ½ to 6 blocks of the proposed use which are capable of filling the need for beer and wine in this area.

Additionally, the existing parking driveway design creates a safety hazard for motorists using the site and for motorists at this intersection.

Finally, the location of the City Park across the street is problematic as customer of an alcohol retail store cannot be under the influence of alcohol in the park nor around anyone using of the park.

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

The use is not compatible with the adjacent uses, many of which are dwelling units which face or abut this property. Generally, residences are not a compatible land use with liquor stores selling beer and wine.

The adjacent park is not compatible to the proposed use. The City of Davenport Parks department has specific programming for Lafayette Park and the youth in this neighborhood. The Parks Department programming conflicts with the proposed use as it is not appropriate for children to witness alcohol use at a young age, in a similar manor that daycares must be located a significant distance from retail beer and wine sales per Davenport Municipal Code Title 5.

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 proposed use does not meet a public need and is therefore not consistent with the local use policies of the City as is discussed in the sections above relating to public need, compliance with code, the location of the city park, and with respect to certain traffic concerns.

Recommendation & Findings

Findings:

None of the criteria required for approval of a Special Use has need met as stated in the staff report.

Recommendation:

Staff recommends the proposed special use shall be denied.

Prepared by:



Scott Koops,
Planner II

Attachments: Application, Notification Map, Exhibits

Applicable Code Sections Exhibit: "Public Need"

Section 17.14.050 Special Use

A. Purpose

This Ordinance is based upon the division of the City into districts. Within each district the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be permitted in a particular district or districts without **individual consideration of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.**

D. Procedure

An application for a special use 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. Action by the Zoning Board of Adjustment

a. After receipt of a complete application, the Zoning Board of Adjustment will consider the special use 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.

b. The Zoning Board of Adjustment will evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Zoning Board of Adjustment must make a decision of approval, approval with conditions, or denial of the special use within 30 days of the close of the public hearing, unless an extension is agreed to by the applicant.

2. Conditions on Special Uses

The Zoning Board of Adjustment may impose conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary for the protection of the public health, safety, and welfare.

E. Approval Standards

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use must be evaluated on an individual basis, in relation to all applicable standards of this Ordinance. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed. **The decision of the Zoning Board of Adjustment must make findings to support each of the following conclusions:**

1. The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.
2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

Notable Properties Exhibit "Public Need"

Adjacent Residential (map color – brown)

625 W 4TH ST	LAFAYETTE SQUARE (48-unit apartment building; adjacent to site)
715 W 4TH ST	URBAN HOUSING COOP (8-unit apartment building; adjacent to site)
314 GAINES ST	HILLER BUILDING (8-unit apartment build/beginning rehab; adjacent to site)
OTHER RESIDENTIAL	
717 W 4TH ST	8-unit apartment building
723 W 4TH ST	single-family dwelling
727 W 4TH ST	two-family conversion
708 W 3RD ST	single-family
710 W 3RD ST	4-Unit apartment building
628 W 3RD ST	Two-Family Conversion
602 W 3RD ST	24-unit apartment building
310 WESTERN AV	two-family conversion
711 W 3RD ST	6-unit apartment building
815 W 3RD ST	single-family
816 W 2ND ST	8-unit apartment building

Liquor Stores [packed beer, wine and alcohol] (map color – purple)

828 W RIVER DR	DISCOUNT TOBACCO (5 blocks)
1026 W RIVER DR	GOLDEN MART (6 blocks)
214 MYRTLE ST	ATC LIQUOR (5 ½ blocks)
243 W 3RD ST	CENTRAL GROCERY (5 ½ blocks)

Bars [bars allowed to sell packaged beer/wine/liquor] (map color – orange)

300 W 3RD ST	KILKENNY'S PUB (4 ½ blocks)
312 W 3RD ST	CARRIAGE HAUS (4 ½ blocks)
316 W 3RD ST	MAC'S TAVERN (4 ½ blocks)
702 W 3RD ST	GATEWAY PUB (1/2 block)
831 W 3RD ST	3 RD ST BAR & GRILL (2 ½ blocks)
832 W 2ND ST	MARY'S ON 2ND (3 ½ blocks)

Social Assistance Sites (map color – green)

1016 W 5TH ST	HUMILITY OF MARY SHELTER INC (housing)
G0050-53A	HUMILITY OF MARY SHELTER INC (housing)
906 W 5TH ST	PROJECT RENEWEL OF DAVENPORT (social services)
510 WARREN ST	PROJECT RENEWEL OF DAVENPORT (social services)
G0051-15	PROJECT RENEWEL OF DAVENPORT (social services/vacant)
809 W 6TH ST	ECUMENICAL HOUSING DEVELOPMENT (housing)
732 W 5TH ST	EAGLES NEST VETERANS HOME INC (housing)
726 W 5TH ST	EAGLES NEST VETERANS HOME INC (housing)

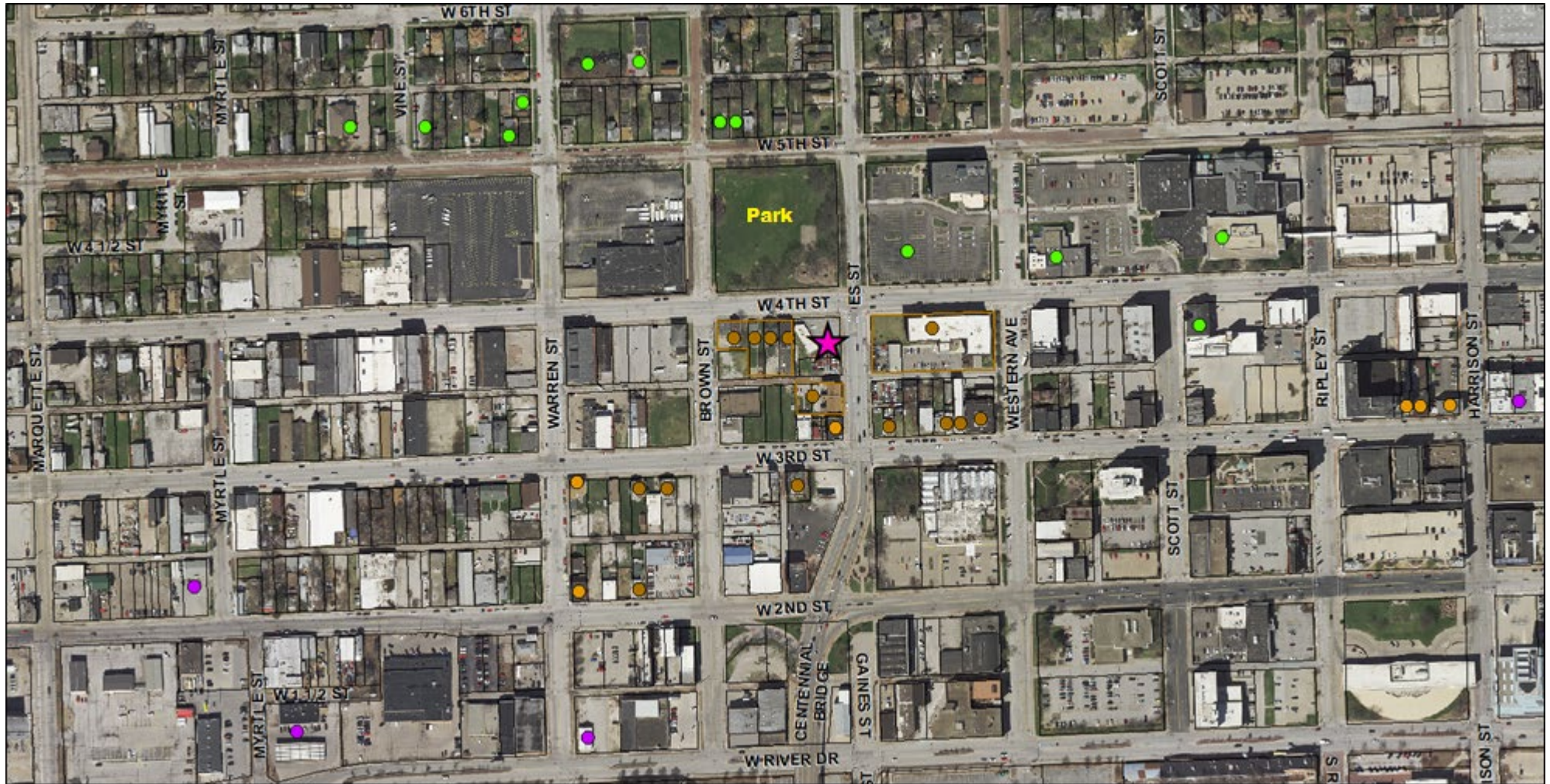
Government Buildings (map color – green)

600 W 4 TH ST	SCOTT COUNTY ADMIN BUILDING
500 W 4 TH ST	SCOTT CO JUVENILE DETENTION CENTER
500 W 4 TH ST	SCOTT COUNTY COURT HOUSE
425 W 4TH ST	CENTRAL FIRE STATION
416 HARRISON ST	DAVENPORT POLICE DEPARTMENT
226 W 4TH ST	DAVENPORT CITY HALL

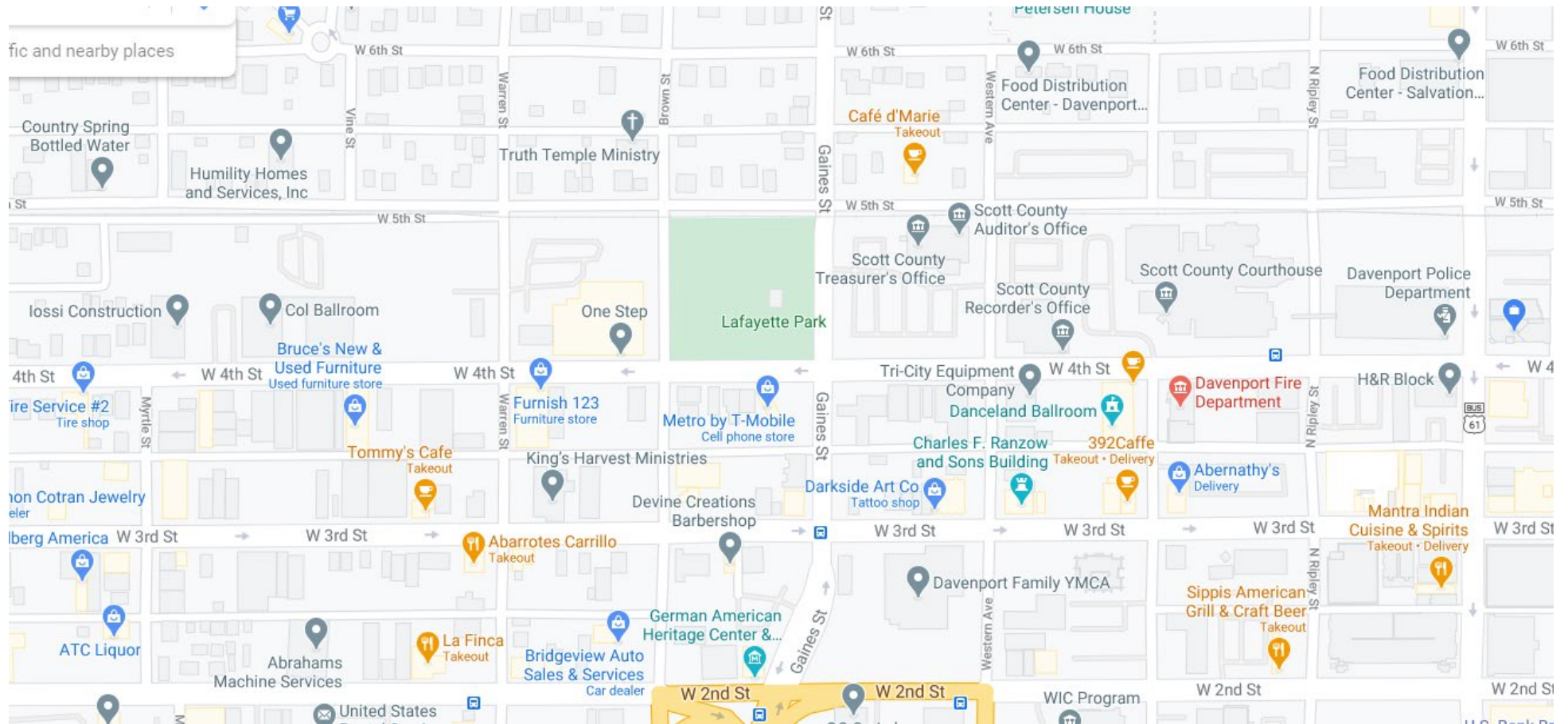
Commercial/Mixed Use (Use that are generally compatible with retail sales of beer & wine)

806 W 4TH ST	Commercial/Warehouse space
825 W 4TH ST	Retail –new and used furniture
801 W 4TH ST	vacant commercial/mixed use building
814 W 3RD ST	vacant commercial/mixed use building
824 W 3RD ST	dba Quad Cities Vineyard
311 BROWN ST	vacant commercial
730 W 3RD ST	vacant commercial
620 W 3RD ST	vacant commercial
616 W 3RD ST	tattoo shop
612 W 3RD ST	Martshaw's Mart
610 W 3RD ST	mixed use commercial
606 W 2ND ST	vacant YMCA
712 W 2ND ST	German American Heritage Center (potentially not compatible with retail alcohol sales)
727 W 3RD ST	auto repair specialty services
807 W 3RD ST	office/apartments
819 W 3RD ST	vacant commercial
822 W 2ND ST	night club
802 W 2ND ST	auto repair/sales
724 W 2ND ST	contractor's business
211 BROWN ST	auto body shop

Notable Properties Exhibit – continued, Map; “Public Need”



Other Notable Properties



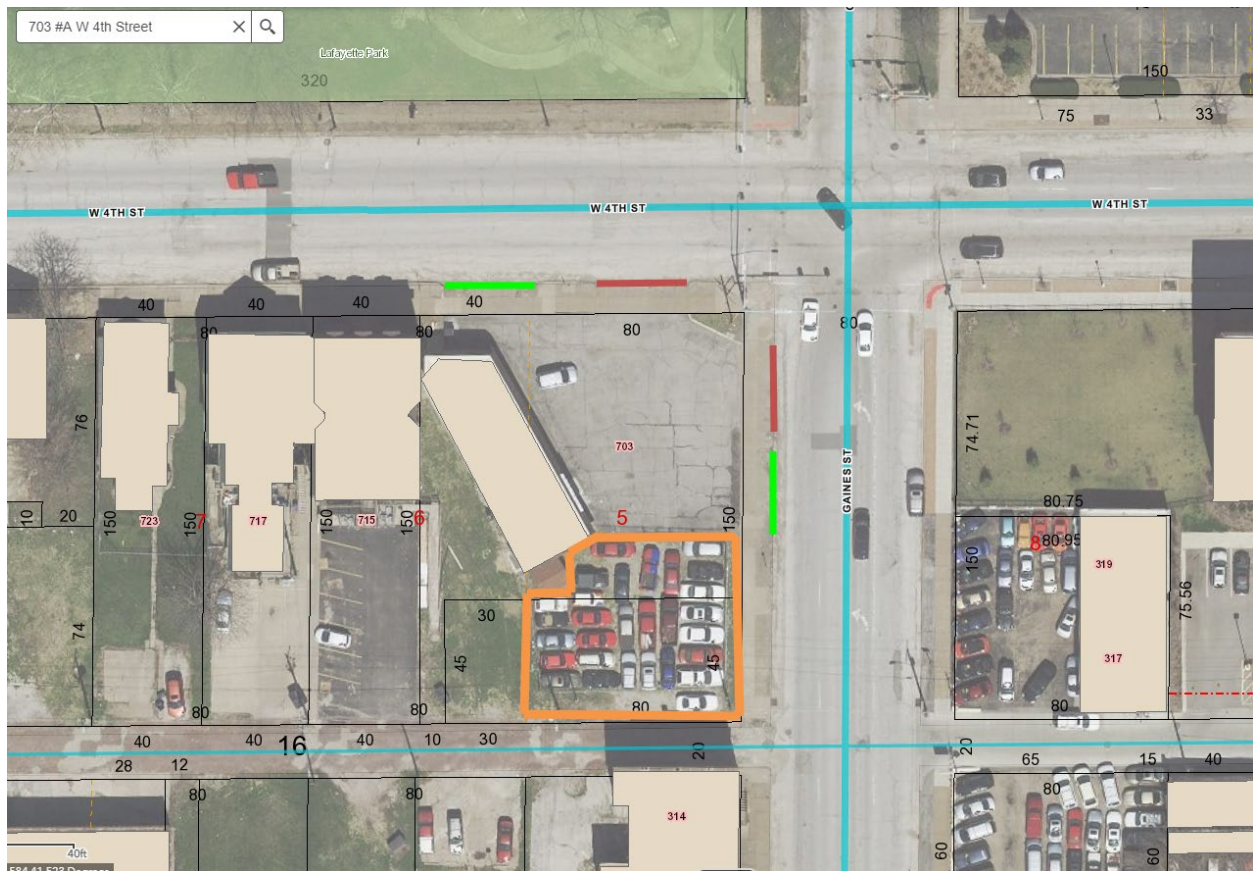
Neighborhood Services Exhibit "Compliance Issues"

Site 703 #A W 4th ST Summary of Enforcement Actions

	Activity	Status	Start Date	Stop Date	Task ID
1	BUILDING PERMIT	In Progress	2-Sep-20		20-58369
2	CSD - Weed Inspection	Completed	19-Jun-20	29-Jun-20	20-39767
3	CSD - Zoning: Prohibited Use	Planned	30-Apr-20	30-Apr-20	20-27000
4	Environmental Clean Up	Completed		24-Mar-20	20-17984
5	CSD - Zoning: Prohibited Use	Completed	23-Oct-19	5-Nov-19	19-51790
6	CSD - Snow Inspection	Completed	30-Nov-18	30-Nov-18	18-60131
7	CSD - Vehicle Issue	Completed		23-Jan-18	18-709

Area within the Orange polygon is the area which holds illegally parked/stored vehicles.
All vehicles must be removed from this area should this Special Use be approved.

Only customer vehicles of retail business(s) located on this lot are allowed on the premises.



Neighborhood Services Exhibit – Continued "Compliance Issues"

April 30th, 2020 Letter sent to HAIFA LLC requesting the removal of the illegally stored/parked cars at 703 #A W 4th St. (Page 1)



HAIFA LLC
4350 APPLE VALLEY DR
BETTENDORF, IA 52722

April 30, 2020

Re: Vehicle Storage

Parcel #: L0004-23, L0004-24

Dear Property Owner:

The City of Davenport has received complaints in regards to the illegal vehicle storage which does not comply with the City of Davenport's municipal zoning regulations which came after the adoption of Ordinance # 2002-669. This zoning ordinance was enacted in December of 2002. Expansion to any lots that were not in existence prior to the enactment of this zoning ordinance is considered to be incompliant with the City of Davenport's Municipal Zoning code.

As of January 2019 a new zoning ordinance has gone into effect. As a result, properties previously zoned "C-4" have been rezoned to "C-D". Per 17.08.020, Parcels with Outdoor Storage/Display is still not permitted in this district. As the use was not permitted before the zoning ordinance update, it must be discontinued.

For your reference, the City of Davenport's Municipal Code can be viewed at:
<https://www.ecode360.com/DA4058>.

In order to comply with zoning regulations, said lots would need to be cleared of all vehicles. The City of Davenport's zoning department can be reached at (563) 326-7765, for questions regarding zoning regulations.

Please correct by a compliance deadline of May 18th, 2020. Failure to comply will result said vehicles being tagged for tow, and/or citations being issued pursuant to Section 17.16.020 of the Davenport Municipal Code, and/or additional equitable relief. Each day a violation is permitted to exist shall constitute a separate offense.

I have enclosed a map that illustrates the expansion, as well as a copy of the ordinance.

Neighborhood Services Exhibit – Continued "Compliance Issues"

April 30th, 2020 Letter sent to HAIFA LLC requesting the removal of the illegally stored/parked cars at 703 #A W 4th St. (Page 2)

Smith Auto Gaines Street



0 12.5 25 50 75 100 Feet



Gary Statz, Traffic Engineer City of Davenport

From: Statz, Gary
Sent: Friday, February 19, 2021 11:15 AM
To: Koops, Scott E.
Subject: RE: SU21-02 Beer/Wine carry-out 703 #A W 4th ST

Scott,

The current access points for this property would not be allowed today. Our priority at a busy intersection is to keep the driveways as far as possible from the corners. Therefore I will propose to only allow one driveway on each street and both should be as far as possible from the intersection of 4th and Gaines. There are driveways that are about 30 feet wide at the west end and the south end of this parking lot so those should be the two that are allowed to remain open. The driveway off of 4th Street close to the intersection would be especially problematic if 4th Street becomes a two-way street because it will often be blocked by traffic and left turns out of it would be difficult.

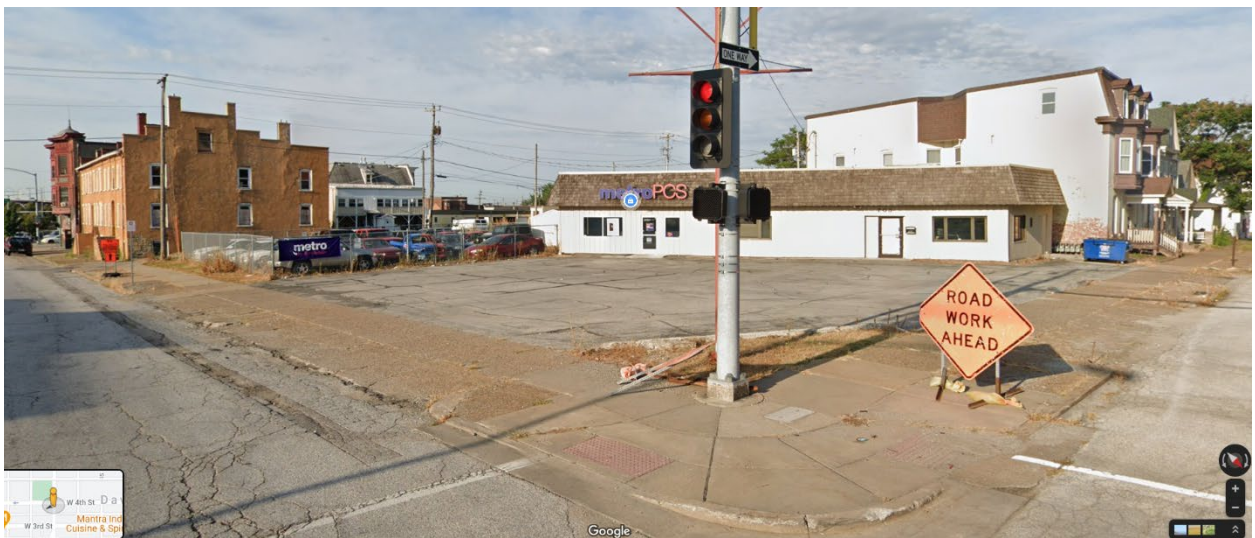
Other than the driveway locations, I do not have any concerns about this business causing problems related to traffic and circulation safety.

Gary Statz, PE
Traffic Engineer | Department of Public Works - Engineering
City of Davenport

T 563-326-7754 | **M** 563-320-8400
1200 E 46th St, Davenport, IA 52807

[illegible]

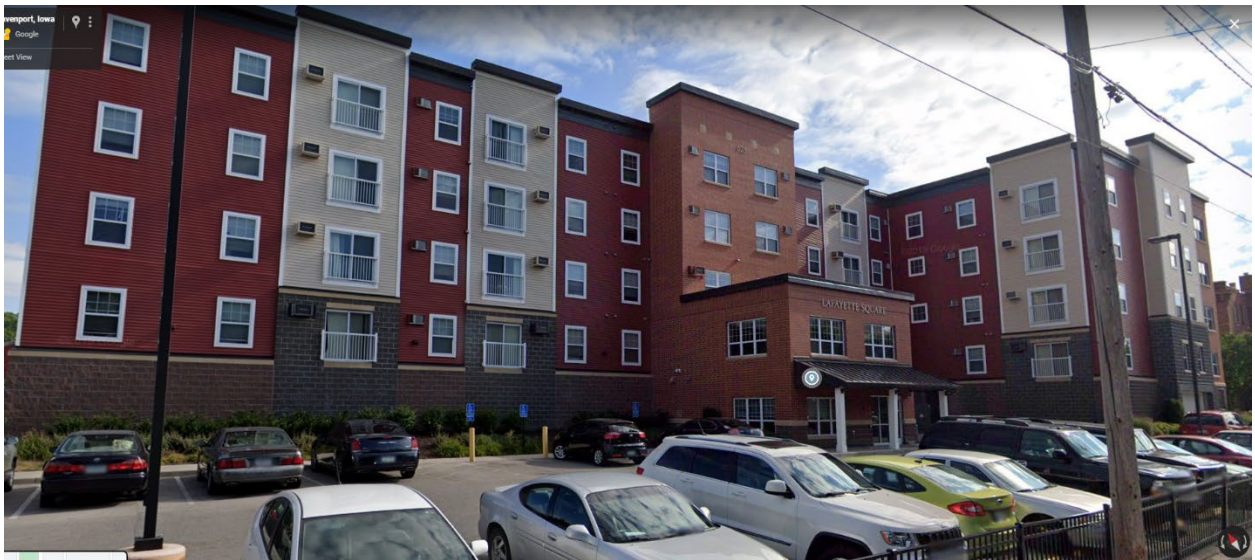
Site Photos



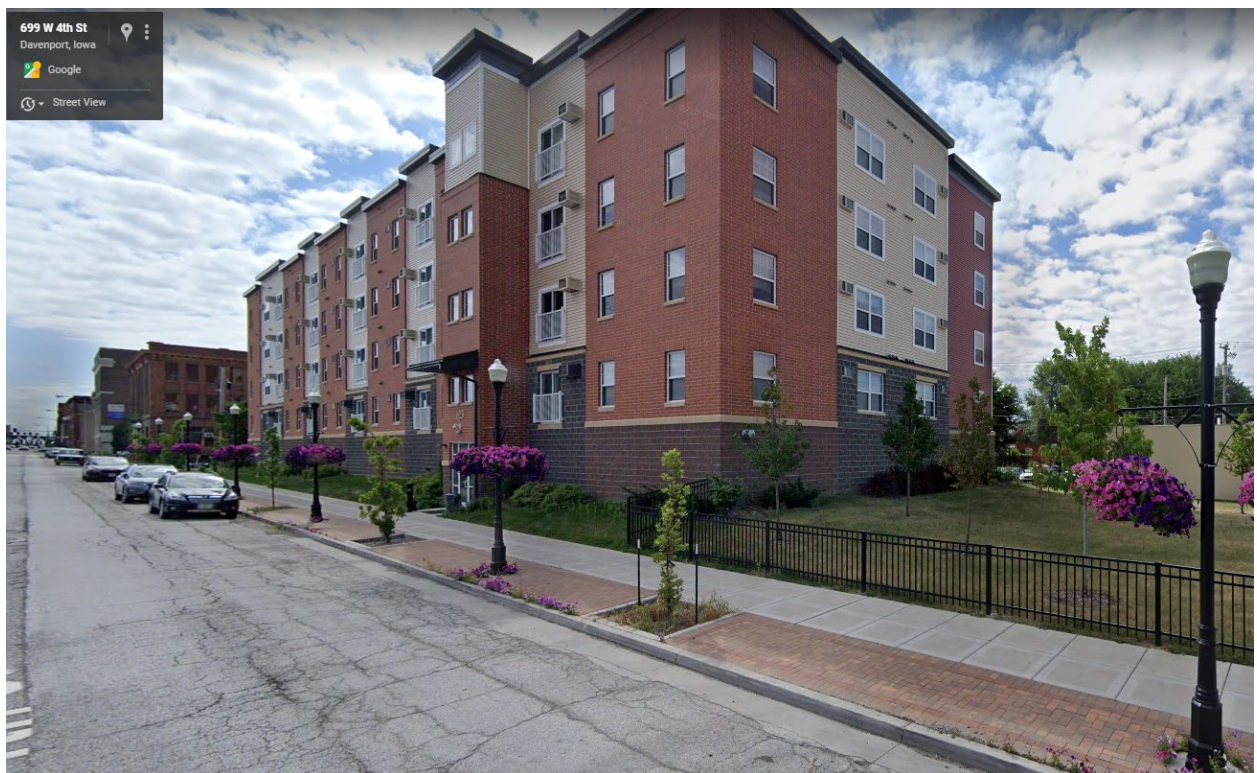
Site Photos



Adjacent Residential



Adjacent Residential - continued



Adjacent Park



Adjacent Commercial



Submitted Comments/Protests (4 pages; page 1)

Kyle Carter - Opposed

From: Kyle Carter <kcarter@quadcitieschamber.com>
Sent: Wednesday, February 24, 2021 3:54 PM
To: Koops, Scott E.
Subject: [EXT] 703 W. 4th Proposal

Follow Up Flag: Follow up
Flag Status: Flagged

Scott,

For the record, DDP staff agrees with City staff's recommendation for denial regarding the 703 W. 4th Street proposal for carry-out alcohol sales. The proposed use is inconsistent with the recently accepted Downtown Master Plan; we see future public investment in Lafayette Park directly across the street and increased family activities and events. As a key residential neighborhood and downtown gateway, it's even more important that we think carefully about how this corridor is developed. We feel City staff's thorough report regarding denial in the meeting documents are well stated.

Thank you for your consideration; please feel free to share our opinion with Board members.

Sincerely,

Kyle

Kyle Carter
Executive Director, Downtown Davenport Partnership
VP Place Management, Quad Cities Chamber
331 W. 3rd St. Davenport, IA 52801
P. 563.823.2674

Submitted Comments/Protests (4 pages; page 2)

Rusty Boruff - Opposed

From: Rusty Boruff <rusty@oneeighty.org>
Sent: Wednesday, February 24, 2021 10:10 AM
To: Koops, Scott E.
Subject: [EXT] Beer and Wine Store at SW Corner of W 4th

Hey Scott,

I had heard about your special use permit request for a beer and wine store at SW corner of 4th and Gaines.

Even though we do not have properties directly in the area of required notification, within the map you included in the Notable Properties Exhibit we do own a few properties.

This includes our main campus (6th and Myrtle), a stability home for former graduates (5th street and Myrtle), and our Career Training Center for our residents (Marquette and 5th). One Eighty specializes in treatment of those with addictions, specifically alcohol and drugs. If this is approved, it would be adding another store that sells alcohol in the community which goes against our efforts.

We have something going here with non-profits including: Cafe on Vine, Humility Homes and Services, Tapestry Farms, Central Community Circle, and Project Renewal that is working. Change is happening. Adding a place like this works against that good and is a step backwards.

Thank you for the consideration.

It is my goal that this would be read into the notes or at least mentioned in regards to the hearing with ZBA. Thank you!

Sincerely,



Rusty Boruff
Executive Director

rusty@oneeighty.org
www.oneeighty.org

Submitted Comments/Protests (4 pages; page 3)

February 25, 2021

From: Project Renewal <projectrenewal@revealed.net>
Sent: Thursday, February 25, 2021 2:31 PM
To: Scott Koops <scott.koops@davenportiowa.com>
Subject: ZBA meeting, 2-25-2021



TO: Zoning Board of Adjustment Members:

RE: Special Use Permit Request SU21-02 of Abdalhadi Matar dba Lila LLC & Haifa

I writing to express my disapproval to allow a Special Use Permit for retail sales of beer and wine located at 703 #A West 4th Street, Davenport. As a resident and youth advocate of 28 years living and working two blocks from the location of this proposed purpose I wholeheartedly know we do not need any more alcohol sales permitted.

As a resident at 5th and Warren Streets, I already frequently pick up garbage disposed of on our streets, boulevards and yards that consist of beer cans and bottles, hard liquor bottles, wine containers, tobacco materials along with general candy, food, and other containers and materials. I have seen people drive by in vehicles throwing out their garbage, people in parked vehicles in our neighborhood drop garbage upon exit/entry of vehicles and pedestrian traffic with and without adaptive devices (cane, walker, wheelchair) dispose of their garbage as they are passing through our neighborhood.

As the Director of Project Renewal, located in and serving neighborhood youth surrounding 6th and Warren Streets we pick up garbage left in our neighborhood park, many beers cans and broken alcohol bottles. We have had people on our private property sitting between our house and vehicle drinking alcohol and/or relieving themselves of bodily fluids.

All the above statements that reflect my personal, lived experience conclude that there is no need for a business of this type, there is plenty of access to alcohol by all walks of life as evident in the refuse we collect.

The establishment of this business would be a detriment and advance the deterioration of our neighborhood, endanger public health, safety, or welfare. Our neighborhood has a large concentration of pedestrian and vehicle traffic that does not respect our environment. The increase of product sales proposed by this special use will decrease the overall value of our neighborhood properties.

The proposed special use is not compatible to nurturing our neighborhood, families, and positive youth development. There are many opportunities that already exist for purchasing the proposed products outlined in this special use request. Our neighborhood is fragile and cannot healthily withstand additional products for sale that increase the use of addictive, mood-altering products.

The special use in this location is not consistent with the spirit and intent of this ordinance and land use policies. Our neighborhood is already saturated with these types of businesses this Special Use does not support a healthy mix of business for our neighborhood or larger community.

Please do not approve this Special Use Permit. Thank you for your consideration!


906 West 5th Street
Davenport, IA 52802
563-324-0800

Sincerely,

Ann Schwicklerath

Submitted Comments/Protests (4 pages; page 4)

Glenn Hanzelin, apartment owner at 715 W 4th St - Opposed

From: Amy, Glenn, Jay or Barb <bigedsholdings@yahoo.com>
Sent: Wednesday, February 24, 2021 4:42 PM
To: Planning
Subject: [EXT] SU21-02 of Abdalhadi Matar

To whom it may concern,

Glenn & Amy Hanzelin, the owners of Urban Housing located at 715 West 4th, **STRONGLY OBJECT** to SU21-02 of Abdalhadi Matar bda Lila LLC for 703 # A 4th for the request to use this address for retail sales of beer and wine. Below are two strong reasons why we object.

- Our apartment building frequently has several homeless people pass by our building going from Humility of Mary to the City Bus Station/Downtown Davenport. If this SU21-02 were to pass these homeless people would have greater accessibility to purchase alcohol when walking to and from the Bus station/Downtown Davenport. The city would then have to deal with drunk people causing more problems that the city already has at the bus station and the streets of Downtown Davenport.
- The intersection that 703 #A sits on is a busy intersection with traffic coming off of the bridge. If alcohol is sold at this location these people would be congregating in this area with the heavy traffic coming in and off bridge. Many accidents could happen here because of this.
- We also want to note that the city already has homeless people congregating in front of Central Grocery on 3rd street with alcohol in a bag. These people often walk into traffic and hassle people for change to buy more alcohol. We do not need any more retail shops selling alcohol in downtown davenport.

Amy & Glenn Hanzelin

Owners of Urban Housing

563-650-7162

Davenport+Iowa.com/
Services / Beer-wine
and-liquor-
licenses

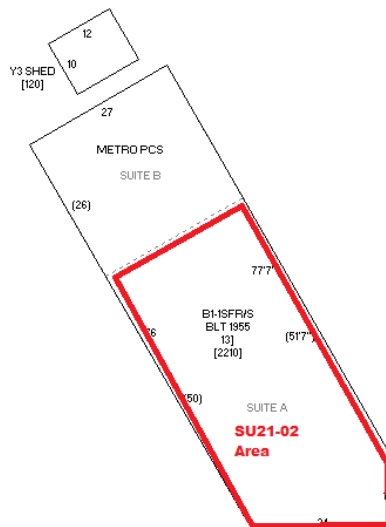
703 A

W. 4TH ST

C-D Downtown Zoning District
Special Use

SW CORNER
W 4TH ST
& GAINES
ST

"First Stop Liquor"



Soda

Note

9 Door Cooler

1000

Size shelves: 22 inch Deep, 24 inch Wide

2 Door Wine: 22 Inch Deep, 24 Inch Wide

1510 sq

Counter

Exit

FOOD SERVICE AREA

Storage

Bath Room

Utility Room

Water/Gabonide

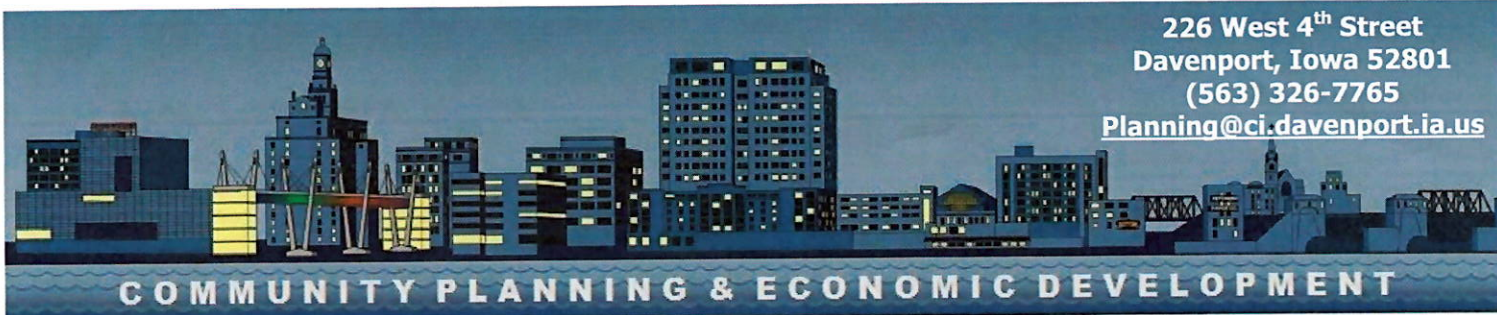
Milk/Juice

juice

Frozen Food

Frozen Food

Frozen Food



226 West 4th Street
Davenport, Iowa 52801
(563) 326-7765
Planning@ci.davenport.ia.us

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

Property Address* 703 A W 4th ST

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

Applicant (Primary Contact)**

Name: ABDALHADI MATAR
Company: LILA LLC
Address: 703 A W 4th ST
City/State/Zip: Davenport IA 52802
Phone: 309-373-0795
Email: HaiFa8080@yahoo.com

Owner (if different from Applicant)

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

Engineer (if applicable)

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

Architect (if applicable)

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

Attorney (if applicable)

Name: Garth Carlson
Company: Gomez May LLP
Address: 2322 E Kimberly RD Iowa
City/State/Zip: Davenport IA 52807
Phone: 563 359 3591
Email: CarlsonG@GomezMayLaw.com

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

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 ☐

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 ☐

Historic Preservation Commission

- Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Administrative

- Administrative Exception ☐
Health Services and Congregate Living Permit ☐

Applicant: ABDALHADI MATAR - LILA LLC

Date: 01-26-21

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.**

Request:

Please describe the special use requested:

~~Project~~

Retail ALCOHOL Sales

Beer and wine only

Existing Zoning: C-D Downtown Zoning District

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.

THE ESTABLISHMENT OF THIS BUSINESS WILL NOT ENDANGER THE PUBLIC HEALTH, SAFETY, OR WELFARE OF THE AREA. THE LOCATION IS ON A VERY BUSY INTERSECTION WITH ADEQUATE ACCESS AND AMPLE PARKING TO SUPPORT THIS NEW BUSINESS. THERE IS AREA TO THE WEST AND SOUTH OWNED BY THE APPLICANT FOR ADDITIONAL EMPLOYEE PARKING. DUMPSTERS WILL BE LOCATED ON THE SOUTHWEST PORTION OF THE PROPERTY WITH A KEY ACCESS FOR THE TRUCKS TO PICK THEM UP. NO ADDITIONAL TRAFFIC IS EXPECTED.

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.

THE EXISTING USES IN THE ADJACENT BLOCKS ARE CONSISTANT WITH THIS RETAIL BUSINESS USE. THIS USE WILL SUPPORT THE NEARBY BUSINESSES AND APARTMENT BUILDINGS WITH CONVENIENT ACCESS TO BOTH FOOD AND CONVENIENCE ITEMS. CARRY OUT SALES OF TOBACCO/CIGARETTE/NICOTINE VAPOR, BEER AND WINE, FOOD, MISC GROCERY ITEMS.

THIS WILL LEAD TO AN INCREASE TO THE OVERALL VALUE OF THE ADJACENT PROPERTIES.

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.

THIS USE IS CONSISTENT WITH THE SPIRIT AND INTENT OF THE DAVENPORT MUNICIPAL CODE TO PROVIDE A HEALTHY MIX OF BUSINESSES TO SUPPORT THE LOCAL NEIGHBORHOOD AND LARGER COMMUNITY.

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner: 703 #A W 4th St		Abdakhadi Matar dba HAFI and LILA LLCs		
Neighborhood: None				
Ward/Ald: 3rd Ward		44 Notices Sent		
L0004-08	317 GAINES ST	SMITH KYLE F	2930 WISCONSIN AVE	DAVENPORT IA 52804
	317 GAINES ST	OCCUPANT	317 GAINES ST	DAVENPORT IA 52801
L0004-11	632 W 3RD ST	SMITH RON L	PO BOX 217	DAVENPORT IA 52805
L0004-12	628 W 3RD ST	SMITH RONNIE L	2930 WISCONSIN AVE	DAVENPORT IA 52804
	628 W 3RD ST	OCCUPANT	628 W 3RD ST	DAVENPORT IA 52801
L0004-13	626 W 3RD ST	VOSSOUGH AHMAD S	4622 30TH AVE CT	ROCK ISLAND IL 61201
	626 W 3RD ST	OCCUPANT	626 W 3RD ST	DAVENPORT IA 52801
L0004-14	624 W 3RD ST	SMITH RON L	PO BOX 217	DAVENPORT IA 52805
	624 W 3RD ST	OCCUPANT	624 W 3RD ST	DAVENPORT IA 52801
L0004-23	GAINES ST	HAIFA LLC	1635 N LANCHERSTER RD	SOUTH ELGIN IL 60177
L0004-24	703 W 4TH ST	HAIFA LLC	1635 N LNACASTER RD	SOUTH ELGIN IL 60177
	703 W 4TH ST	OCCUPANT	703 W 4TH ST	DAVENPORT IA 52802
L0004-25	715 W 4TH ST	URBAN HOUSING COOPERATIVE	PO BOX 4622	DAVENPORT IA 52808
	715 W 4TH ST	OCCUPANT	715 W 4TH ST	DAVENPORT IA 52802
L0004-26	717 W 4TH ST	FRANCIS HOUSING LLLP	1212 W 3RD ST	DAVENPORT IA 52802
	717 W 4TH ST	OCCUPANT	717 W 4TH ST	DAVENPORT IA 52802
L0004-27	723 W 4TH ST	INC. TBIC	P O BOX 3708	DAVENPORT IA 52808
	723 W 4TH ST	OCCUPANT	723 W 4TH ST	DAVENPORT IA 52802
L0004-29A	727 W 4TH ST	GARCIA ALFREDO	727 W 4TH ST	DAVENPORT IA 52802
L0004-30	BROWN ST	TROPICAL BEACH INVESTMENT CO	PO BOX 3708	DAVENPORT IA 52808
	311 BROWN ST	OCCUPANT	311 BROWN ST	DAVENPORT IA 52802
	730 W 3RD ST	OCCUPANT	730 W 3RD ST	DAVENPORT IA 52802
L0004-33	722 W 3RD ST	TROPICAL BEACH INVESTMENT CO	PO BOX 3708	DAVENPORT IA 52808
	722 W 3RD ST	OCCUPANT	722 W 3RD ST	DAVENPORT IA 52802
L0004-34	718 W 3RD ST	TROPICAL BEACH INVESTMENT CO	PO BOX 3708	DAVENPORT IA 52808
	718 W 3RD ST	OCCUPANT	718 W 3RD ST	DAVENPORT IA 52802
L0004-35	714 W 3RD ST	CLOUGH DOUGLAS L	302 ISLAND AV	EAST MOLINE IL 61244
	714 W 3RD ST	OCCUPANT	714 W 3RD ST	DAVENPORT IA 52802
L0004-36	710 W 3RD ST	CLOUGH DOUGLAS L	302 ISLAND AV	EAST MOLINE IL 61244
	710 W 3RD ST	OCCUPANT	710 W 3RD ST	DAVENPORT IA 52802
L0004-37	708 W 3RD ST	CARRIE ANN WISE LIVING TRUST	302 ISLAND AV	EAST MOLINE IL 61244
	708 W 3RD ST	OCCUPANT	708 W 3RD ST	DAVENPORT IA 52802
	706 W 3RD ST	OCCUPANT	706 W 3RD ST	DAVENPORT IA 52802
	702 W 3RD ST	OCCUPANT	702 W 3RD ST	DAVENPORT IA 52802
L0004-40	314 GAINES ST	SELBY ENTERPRISES LLC	PO BOX 1437	MOLINE IL 61266
	314 GAINES ST	OCCUPANT	314 GAINES ST	DAVENPORT IA 52802
L0004-01A	625 W 4TH ST	MWF IA3 LIMITED PARTNERSHIP	7645 LYNDALE AV SOUTH	MINNEAPOLIS MN 55423
	625 W 4TH ST	OCCUPANT	625 W 4TH ST	DAVENPORT IA 52801



DAVENPORT

DEVELOPMENT &
NEIGHBORHOOD SERVICES

PUBLIC HEARING NOTICE | Zoning Board of Adjustment

Date: 2/25/2021 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 4:00 PM Subject: Public Hearing for Special Use before the Zoning Board of Adjustment

SMITH KYLE F
2930 WISCONSIN AVE
DAVENPORT IA 52804

To: All property owners within 200 feet of the subject property located at **703 #A W 4TH ST.**

What is this 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 SU21-02 of Abdalhadi Matar bda Lila LLC & Haifa LLC at 703 #A West 4th Street for consideration of a Special Use for retail sales of beer and wine only (hard liquor sales are prohibited). Table 17.08-1 of the Davenport Municipal Code requires a Special Use for retail sales of beer/wine for property zoned D-C Downtown District. [3rd Ward]

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/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent 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://www.gotomeet.me/Davenport_Planning/zba & at 1-877- 568-4106 with access code: 417-263-477. 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 Notice Area**



Kyle Carter - Opposed

From: Kyle Carter <kcarter@quadcitieschamber.com>
Sent: Wednesday, February 24, 2021 3:54 PM
To: Koops, Scott E.
Subject: [EXT] 703 W. 4th Proposal

Follow Up Flag: Follow up
Flag Status: Flagged

Scott,

For the record, DDP staff agrees with City staff's recommendation for denial regarding the 703 W. 4th Street proposal for carry-out alcohol sales. The proposed use is inconsistent with the recently accepted Downtown Master Plan; we see future public investment in Lafayette Park directly across the street and increased family activities and events. As a key residential neighborhood and downtown gateway, it's even more important that we think carefully about how this corridor is developed. We feel City staff's thorough report regarding denial in the meeting documents are well stated.

Thank you for your consideration; please feel free to share our opinion with Board members.

Sincerely,

Kyle

Kyle Carter
Executive Director, Downtown Davenport Partnership
VP Place Management, Quad Cities Chamber
331 W. 3rd St. Davenport, IA 52801
P. 563.823.2674
[Website](#)

Rusty Boruff - Opposed

From: Rusty Boruff <rusty@oneeighty.org>
Sent: Wednesday, February 24, 2021 10:10 AM
To: Koops, Scott E.
Subject: [EXT] Beer and Wine Store at SW Corner of W 4th

Hey Scott,

I had heard about your special use permit request for a beer and wine store at SW corner of 4th and Gaines.

Even though we do not have properties directly in the area of required notification, within the map you included in the Notable Properties Exhibit we do own a few properties.

This includes our main campus (6th and Myrtle), a stability home for former graduates (5th street and Myrtle), and our Career Training Center for our residents (Marquette and 5th). One Eighty specializes in treatment of those with addictions, specifically alcohol and drugs. If this is approved, it would be adding another store that sells alcohol in the community which goes against our efforts.

We have something going here with non-profits including; Cafe on Vine, Humility Homes and Services, Tapestry Farms, Central Community Circle, and Project Renewal that is working. Change is happening. Adding a place like this works against that good and is a step backwards.

Thank you for the consideration.

It is my goal that this would be read into the notes or at least mentioned in regards to the hearing with ZBA. Thank you!

Sincerely,



Rusty Boruff
Executive Director

rusty@oneeighty.org
www.oneeighty.org

Glenn Hanzelin, apartment owner at 715 W 4th St - Opposed

From: Amy, Glenn, Jay or Barb <bignedsholdings@yahoo.com>
Sent: Wednesday, February 24, 2021 4:42 PM
To: Planning
Subject: [EXT] SU21-02 of Abdalhadi Matar

To whom it my concern,

Glenn & Amy Hanzelin, the owners of Urban Housing located at 715 West 4th, **STRONGLY OBJECT** to SU21-02 of Abdalhadi Matar bda Lila LLC for 703 # A 4th for the request to use this address for retail sales of beer and wine. Below are two strong reasons why we object.

- Our apartment building frequently has several homeless people pass by our building going from Humility of Mary to the City Bus Station/Downtown Davenport. If this SU21-02 were to pass these homeless people would have greater accessibility to purchase alcohol when walking to and from the Bus station/Downtown Davenport. The city would then have to deal with drunk people causing more problems that the city already has at the bus station and the streets of Downtown Davenport.
- The intersection that 703 #A sits on is a busy intersection with traffic coming off of the bridge. If alcohol is sold at this location these people would be congregating in this area with the heavy traffic coming in and off bridge. Many accidents could happen here because of this.
- We also want to note that the city already has homeless people congregating in front of Central Grocery on 3rd street with alcohol in a bag. These people often walk into traffic and hassle people for change to buy more alcohol. We do not need any more retail shops selling alholoch in downtown davenport.

Amy & Glenn Hanzelin

Owners of Urban Housing

563-650-7162

563-650-6633

From: Project Renewal <projectrenewal@revealed.net>
Sent: Thursday, February 25, 2021 2:31 PM
To: Scott Koops <scott.koops@davenportiowa.com>
Subject: ZBA meeting, 2-25-2021

February 25, 2021



TO: Zoning Board of Adjustment Members:

RE: Special Use Permit Request SU21-02 of Abdalhadi Matar dba Lila LLC & Haifa

I writing to express my disapproval to allow a Special Use Permit for retail sales of beer and wine located at 703 #A West 4th Street, Davenport. As a resident and youth advocate of 28 years living and working two blocks from the location of this proposed purpose I wholeheartedly know we do not need any more alcohol sales permitted.

As a resident at 5th and Warren Streets, I already frequently pick up garbage disposed of on our streets, boulevards and yards that consist of beer cans and bottles, hard liquor bottles, wine containers, tobacco materials along with general candy, food, and other containers and materials. I have seen people drive by in vehicles throwing out their garbage, people in parked vehicles in our neighborhood drop garbage upon exit/entry of vehicles and pedestrian traffic with and without adaptive devices (cane, walker, wheelchair) dispose of their garbage as they are passing through our neighborhood.

As the Director of Project Renewal, located in and serving neighborhood youth surrounding 6th and Warren Streets we pick up garbage left in our neighborhood park, many beers cans and broken alcohol bottles. We have had people on our private property sitting between our house and vehicle drinking alcohol and/or relieving themselves of bodily fluids.

All the above statements that reflect my personal, lived experience conclude that there is no need for a business of this type, there is plenty of access to alcohol by all walks of life as evident in the refuse we collect.

The establishment of this business would be a detriment and advance the deterioration of our neighborhood, endanger public health, safety, or welfare. Our neighborhood has a large concentration of pedestrian and vehicle traffic that does not respect our environment. The increase of product sales proposed by this special use will decrease the overall value of our neighborhood properties.

The proposed special use is not compatible to nurturing our neighborhood, families, and positive youth development. There are many opportunities that already exist for purchasing the proposed products outlined in this special use request. Our neighborhood is fragile and cannot healthily withstand additional products for sale that increase the use of addictive, mood-altering products.

The special use in this location is not consistent with the spirit and intent of this ordinance and land use policies. Our neighborhood is already saturated with these types of businesses this Special Use does not support a healthy mix of business for our neighborhood or larger community.

Please do not approve this Special Use Permit. Thank you for your consideration!

Sincerely,

Ann Schwickerath


906 West 5th Street
Davenport, IA 52802
563-324-0800

City of Davenport
Zoning Board of Adjustment

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

Date
4/22/2021

Subject:

Request of Willian Raun on behalf of Darrell Honn at 1239 Waverly RD for a Hardship Variance to construct a 1200 sq. ft. detached garage (30' x 40') that will exceed the allowed area by 252.5 square feet. The existing dwelling has 1,895 sq. ft. of living area, which allows for 947.5 sq. ft. of detached garage area. Half of the dwelling's living area is allowed by right for a detached garage.

Recommendation:

See attached Staff report.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	4/16/2021 - 3:31 PM



**Zoning Board of Adjustment
Planning Staff Report
Exceed Accessory Garage Area | 1239 Waverly RD
April 22, 2021**

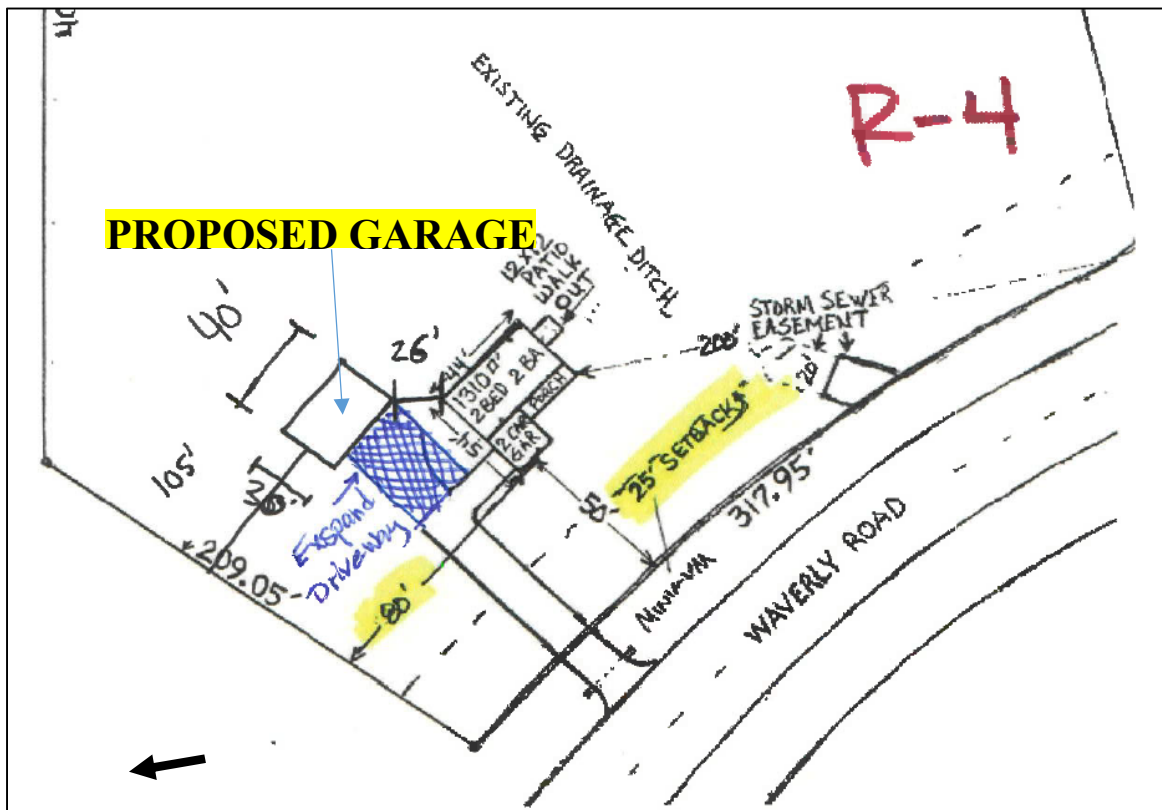
Description

Request HV21-01 of William Raun for Darrell Honn at 1239 Waverly RD for a Hardship Variance to construct a 1,200 sq. ft. detached garage (30' x 40') which will exceed the allowed area by 252.5 square feet. The existing dwelling has 1,895 sq. ft. of living area, half of which is 947.5 sq. ft. Table 17.09-1 of the Davenport Municipal Code allows for a detached garage half of the size of the dwelling's living area. [Ward 1]

Background & Discussion

This property is a recent new construction (2020); Southland Second Addition was platted in 2020 as well. The existing zoning code and garage code were published in January 2019. The proposed garage will be located to the north of the dwelling and the existing driveway will be extended to the location of the proposed garage.

Existing Site Plan with Proposed Detached Garage



The petitioner's plans show the structure being north of the existing dwelling and driveway parking pad. The proposed garage would be 40' x 40' and would more than exceed the City's design standards for garages in this district.

This site presently is entitled to an accessory detached garage of up to 947.5 square feet (which is half of the dwelling's living area). The petitioner can by right (without proving hardship) constructed a 30' by 31.6' square foot accessory garage.

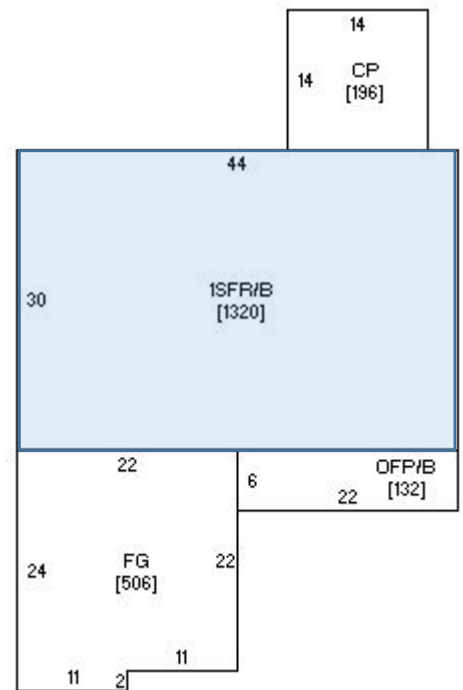
Presently the site has a dwelling (1,895sq.ft.) and an attached garage that is 506 square feet (equivalent to 22' x 23'). Shown is the building footprint of 1239 Waverly RD.

The proposed accessory garage (30' x 40') is slightly smaller than the principal building's base living area (30' x 44').

Detached garages are allowed in the R-4 District provide they are accessory in nature. The Davenport Municipal Zoning Code defines garages as follows:

Accessory Structure. *A detached structure located on the same lot as the principal building that is incidental to the use of the principal building.*

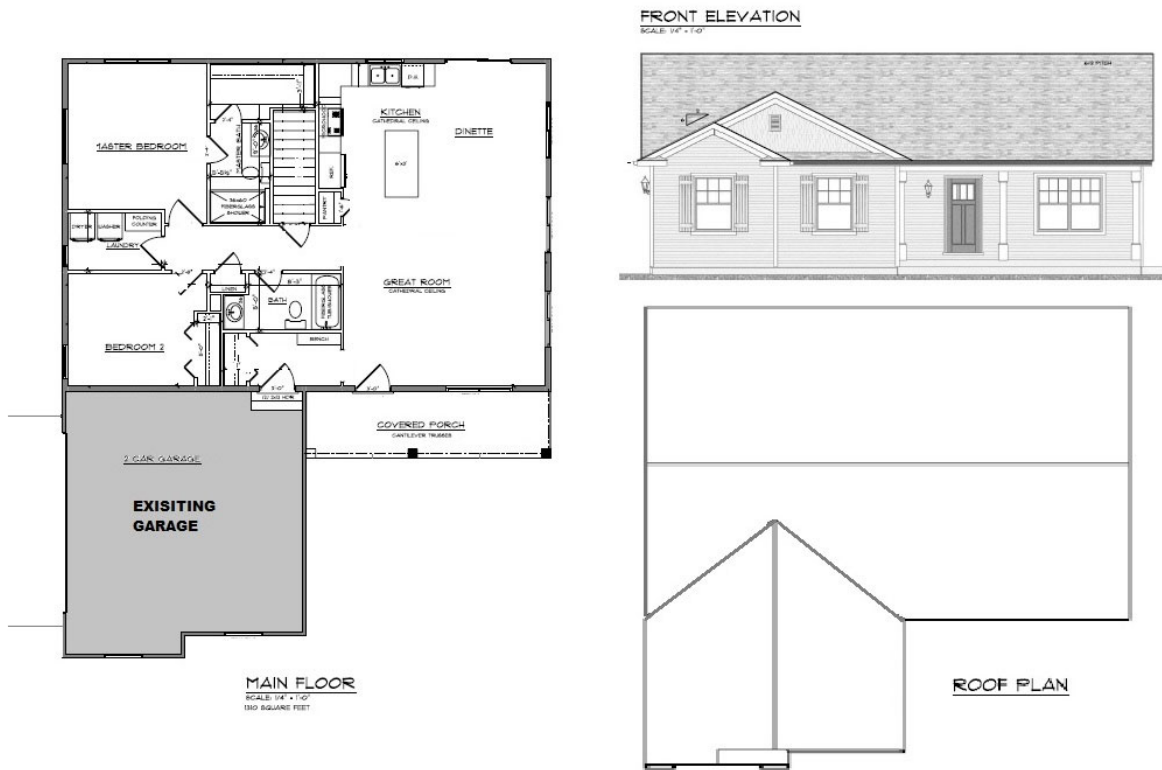
When 'accessory' or incidental or ancillary structures nearly rival the principal building's footprint of living area, the accessory nature of the second building comes into question. This is staff's primary concern regarding the proposed building.



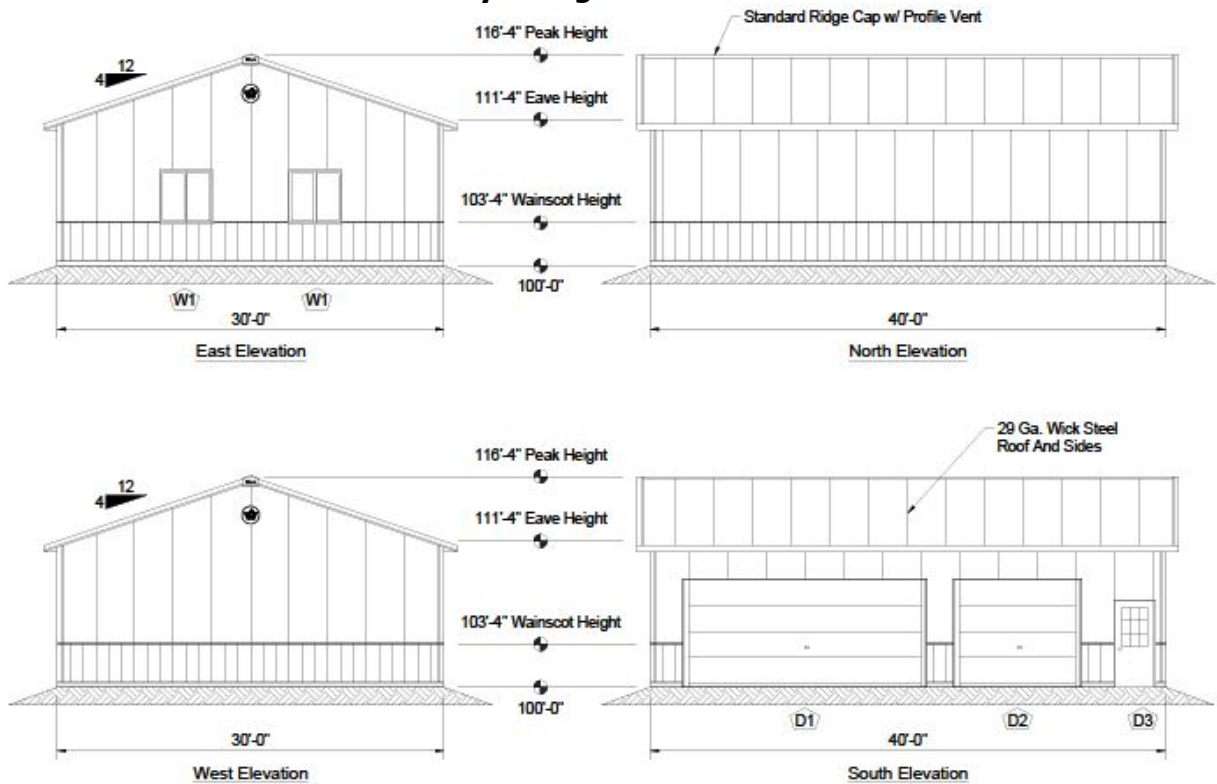
Dwelling – Front Elevation photograph:



Dwelling – Front Elevation Plan



Accessory Garage Elevations Plans



Aerial of Southland 2nd Addition



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.*

As the Zoning Code was the same on the date of the purchase of the property as it was when the dwelling was built, there cannot be an “unforeseen application of the Zoning Code.

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 ordinance application of will result in hardship unless specific relief requested is granted.

Applicant Response:

The proposed building will be used to house equipment that will be used to upgrade the property. This includes a small tractor, loader, tiller, lawn mower and pickup truck. Without a building we would be forced to park all equipment outdoors presenting a cluttered eyesore for the neighborhood. Parking the equipment outdoors also increase our risk of theft and or damage to the equipment.

Staff Comments:

Items owned by the petitioner are not grounds for a hardship variance.

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:

Our house was newly constructed in 2020 and we are the first occupants. The house is on a lot that is approximately 2.5 acres in size. The back portion of the lot is woods composed of mature trees with brush underneath. The lot and the woods are in need of considerable clearing and landscaping which I plan to do the majority of the work myself.

The proposed building will be used to house equipment that will be used to upgrade the property. This includes a small tractor, loader, tiller, lawn mower and pickup truck. Without a building we would be forced to park all equipment outdoors presenting a cluttered eyesore for the neighborhood. Parking the equipment outdoors also increase our risk of theft and or damage to the equipment.

Staff Comments:

Items owned by the petitioner and a 2.5 acre lot are not grounds for a hardship variance.

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:

The need for the requested variance is to build a storage building which will allow Mr. Honn to store in a neat and orderly manor the equipment he needs to maintain the large percentage of the 2.5-acre lot that is mature trees and underbrush that was not cleared prior to Mr. Honn's ownership of the property.

By building this building Mr. Honn is also being considerate of this neighbored, the alternative if the variance is not granted would be a considerable amount of equipment left out in clear view creating an eyesore for the Honn's neighbors and the general public.

Staff Comments:

Areas of underbrush are not grounds for a hardship variance.

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

Applicant Response:

The need for the requested variance is to build a storage building which will allow Mr. Honn to store in a neat and orderly manor the equipment he needs to maintain the large percent of the 2.5-acre lot that is mature trees and underbrush that was not cleared prior to Mr. Honn's ownership

Staff Comments:

No other house in this addition has a garage this large nor do any of those homes have a hardship variance for an accessory structure exceeding the allowable size. Granting this request would impact the character in the neighborhood with this large of an accessory structure.

Findings & Staff Recommendation:

Findings: (supported by the previous analysis)

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

Recommendation:

The proposed garage has not meet the approval standard for a hardship. A 30' x 31.6' accessory garage is allowed by right without a hardship. Staff cannot recommend approval of the request.

Prepared by:

A handwritten signature in black ink that reads "Scott Koops". The signature is written in a cursive, flowing style.

Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents

March 22, 2021

To: Davenport Zoning Board of Adjustment

RE: Variance Request to Code Section 17.09.030.K

From: Sue & Darrell Honn
1239 Waverly Road
Davenport IA 52804

We are asking approval from the council for a variance to allow the construction of a detached 3-car garage/storage building behind our house.

The current finished area of our house is approximately 1895 square feet. I understand that with this size house the current Davenport building code allows the building of a 948 square foot structure. Our request is for a 1200 square foot building (an additional 252 square feet).

The dimensions of the building we have planned is 30 feet deep and 40 feet wide. Sidewalls will be 10 feet high which matches the height of the house sidewalls. The roof will have a 1 ft. overhang and a 4/12 pitch to match the house roof. The color of the building will also match the house colors. Our goal is to make the building fit in nicely with the house and give a uniform appearance.

Our house was newly constructed in 2020 and we are the first occupants. The house is on a lot that is approximately 2.5 acres in size. The back portion of the lot is woods composed of mature trees with brush underneath. The lot and the woods are in need of considerable clearing and landscaping which I plan to do the majority of the work myself.


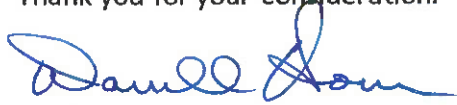
The proposed building will be used to house equipment that will be used to upgrade the property. This includes a small tractor, loader, tiller, lawn mower, and pickup truck. Without a building, we would be forced to park all equipment outdoors presenting a cluttered eyesore for the neighborhood. Parking the equipment outdoors also increases our risk of theft and/or damage to the equipment.

Sue and I have a proven history of improving the land we live on. At our last home (Wisconsin) we invested over \$60,000 in landscaping and property improvements. We're committed to making the Waverly Road location a comfortable home for us and an attractive addition to the neighborhood.

With our property size at 2.5 acres, we feel a slightly larger building will not appear out of place. By locating the building toward the back of the house, the building will not be highly noticeable from the street or from neighboring houses.

We understand and appreciate the need for building codes and are not asking for any code changes, merely a variance in this instance for this detached building on a large lot.

Thank you for your consideration.



Darrell & Sue Horn
1239 Waverly Road
Davenport IA 52804



Complete application can be emailed to planning@davenportiowa.com

Property Address* 1239 Waverly Rd Davenport IA 52804

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

Applicant (Primary Contact)**

Name: William Rawn
Company: Rawn Construction/Wick
Address: 3905 5th Ave
City/State/Zip: Moline IL 61265
Phone: 309 412-8281
Email: RawnConstruction@gmail.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: Darrell + Sue Hohn
Company:
Address: 1239 Waverly Rd
City/State/Zip: Davenport IA 52804
Phone: 563 213 8444
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:

We are asking approval from the council for a variance to allow the construction of a detached 3-car garage/storage building behind our house.

The current finished area of our house is approximately 1895 square feet. I understand that with this size house the current Davenport building code allows the building of a 948 square foot structure. Our request is for a 1200 square foot building (an additional 252 square feet).

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.

(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 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.

The proposed building will be used to house equipment that will be used to upgrade the property. This includes a small tractor, loader, tiller, lawn mower, and pickup truck. Without a building, we would be forced to park all equipment outdoors presenting a cluttered eyesore for the neighborhood. Parking the equipment outdoors also increases our risk of theft and/or damage to the equipment.

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.

Our house was newly constructed in 2020 and we are the first occupants. The house is on a lot that is approximately 2.5 acres in size. The back portion of the lot is woods composed of mature trees with brush underneath. The lot and the woods are in need of considerable clearing and landscaping which I plan to do the majority of the work myself.

The proposed building will be used to house equipment that will be used to upgrade the property. This includes a small tractor, loader, tiller, lawn mower, and pickup truck. Without a building, we would be forced to park all equipment outdoors presenting a cluttered eyesore for the neighborhood. Parking the equipment outdoors also increases our risk of theft and/or damage to the equipment.

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.

The need for the requested variance is to build a storage building which will allow Mr. Honn to store in a neat and orderly manor the equipment he needs to maintain the large percentage of the 2.5-acre lot that is mature trees and underbrush that was not cleared prior to Mr. Honn's ownership of the property.

By Building this building Mr. Honn is also being considerate of his neighbors, the alternative if the variance is not granted would be a considerable amount of equipment left out in clear view creating an eyesore for the Honn's neighbors and the general public.

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.

Sue and I have a proven history of improving the land we live on. At our last home (Wisconsin) we invested over \$60,000 in landscaping and property improvements. We're committed to making the Waverly Road location a comfortable home for us and an attractive addition to the neighborhood.

With our property size at 2.5 acres, we feel a slightly larger building will not appear out of place. By locating the building toward the back of the house, the building will not be highly noticeable from the street or from neighboring houses.

We understand and appreciate the need for building codes and are not asking for any code changes, merely a variance in this instance for this detached building on a large lot.

The dimensions of the building we have planned is 30 feet deep and 40 feet wide. Sidewalls will be 10 feet high which matches the height of the house sidewalls. The roof will have a 1 ft. overhang and a 4/12 pitch to match the house roof. The color of the building will also match the house colors. Our goal is to make the building fit in nicely with the house and give a uniform appearance.



PUBLIC HEARING NOTICE | Zoning Board of Adjustment

Date: 4/22/2021 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 4:00 PM Subject: Public Hearing for Hardship Variance before the Zoning Board of Adjustment

[ADDRESS BLOCK]

To: All property owners within 200 feet of the subject property located at **1239 Waverly RD.**

What is this 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 authorize certain special/conditional uses of property which are allowed but require special consideration.

Request/Case Description

Request HV21-01 of William Raun for Darrell Honn at 1239 Waverly RD for a Hardship Variance to construct a 1,200 sq. ft. detached garage (30' x 40') which will exceed the allowed area by 252.5 square feet. The existing dwelling has 1,895 sq. ft. of living area, half of which is 947.5 sq. ft. Table 17.09-1 of the Davenport Municipal Code allows for a detached garage half of the size of the dwelling's living area. [Ward 1]

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/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent 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://www.gotomeet.me/Davenport_Planning/zba & at 1-877- 568-4106 with access code: 417-263-477. 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 Notice Area**



HV21-01 Adjacent Owner Notice List.xlsx

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	1239 WAVERLY RD	DARRELL J HONN	1239 WAVERLY RD	DAVENPORT IA 52804
Neighborhood:	None			All Alderman Notified
Ward/Ald:		1 DUNN		Notices Sent: 8
I0008-04A	1220 WAVERLY RD	MATTHEW W HENNES	1220 WAVERLY RD	DAVENPORT IA 52804
I0008-04A	1220 WAVERLY RD	SARAH T HENNES	1220 WAVERLY RD	DAVENPORT IA 52804
I0001-01A	1702 MAIN ST	DAVENPORT COMM SCHOOL	1702 MAIN ST	DAVENPORT IA 52803
I0008-02	1101 WAVERLY RD	WADE & SUSAN LUENSE	1101 WAVERLY RD	DAVENPORT IA 52804
I0008-01B	1251 WAVERLY RD	ALBERT TERRONEZ	1251 WAVERLY RD	DAVENPORT IA 52804
I0008-03B	1227 WAVERLY RD	ROBERT GUY	1227 WAVERLY RD	DAVENPORT IA 52804
I0008-03B	1227 WAVERLY RD	KATHLEEN A ROBERT	1227 WAVERLY RD	DAVENPORT IA 52804
I0008-02C	1121 WAVERLY	CLASSIC DEVELOPMENT CO INC	1121 WAVERLY	DAVENPORT IA 52804