

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, JUNE 10, 2021; 4:00 PM

CITY HALL COUNCIL CHAMBERS 226 W 4TH ST

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. Approval of the 5-27-21 minutes.

III. Old Business

IV. New Business

A. Request SU21-03 of Bret Flory/Melissa Hernandez on behalf of Jerry Jones at 4073 Northwest Boulevard for a Special Use for a major vehicle repair collision center in the existing structure. Property is zoned C-3 General Commercial. Section 17.08.020. of the Davenport Municipal Code allows for major vehicle repair/service in the C-3 District subject to the granting of a Special Use in compliance with Section 17.08.030.CC. [Ward 7]

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**  
**6/10/2021**

Subject:  
Approval of the 5-27-21 minutes.

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes 5-27-21

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	6/4/2021 - 10:14 AM



**MINUTES**  
**Zoning Board of Adjustment**  
**May 27, 2021**



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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 Loebach called the Zoning Board of Adjustment meeting to order in City Hall Council Chambers, Davenport, Iowa at approximately 4:10 p.m.

Board Members present: Quinn, Darland, and Loebach.

Excused: Reistroffer

Staff present: Koops, and Attorney Hoyt.

**II. Secretary's Report:**

Minutes were approved for the 4-22-21 Hearing by voice-vote.

**III. Old Business:**

None

**IV. New Business:**

**Request HV21-02 of John Des Jardins at 4902 W. Locust St for a Hardship Variance to construct a 720 sq. ft. detached garage (24' x 30') which be set back approximately 52 feet from the Locust St property line. The front wall of the dwelling establishes the setback requirement for a detached garage; said dwelling is approximately 91 feet from the front (Locust St) property line. Section 17.09-1 and 17.02.040 require detached garages on residential property to be located in the interior side or rear yard. [Ward 1]**

Koops presented the staff report. No comments were received in favor or against the request.

**Findings & Staff Recommendation:**

Findings:

- Item #1 the prosed application for a second garage appears to be a convenience;
- Item #2 physical and topographical conditions do limit use of the site to some extent;
- Item #3 unique circumstance appears to have been established;
- Item #4 protection of essential character appears to have been established;

Recommendation:

Staff cannot recommend approval of the request as it does not appear to meet approval criteria #1 (application of the ordinance creating a hardship).

**Motion**

Quinn moved to approve the request as proposed. Seconded by Darland.

The motion was approved unanimously (3-0).

Darland, yes; Quinn, Yes; Loebach yes.

**V. Other Business**

None.

**VI. Adjourn**

The meeting adjourned unanimously by voice vote at approximately 4:20 p.m.

City of Davenport  
Zoning Board of Adjustment

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

**Date**  
**6/10/2021**

**Subject:**

Request SU21-03 of Bret Flory/Melissa Hernandez on behalf of Jerry Jones at 4073 Northwest Boulevard for a Special Use for a major vehicle repair collision center in the existing structure. Property is zoned C-3 General Commercial. Section 17.08.020. of the Davenport Municipal Code allows for major vehicle repair/service in the C-3 District subject to the granting of a Special Use in compliance with Section 17.08.030.CC. [Ward 7]

**ATTACHMENTS:**

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

**REVIEWERS:**

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	6/4/2021 - 10:35 AM



### **Description**

Request SU21-03 of Bret Flory/Melissa Hernandez on behalf of Jerry Jones at 4073 Northwest Boulevard for a Special Use for a major vehicle repair collision center in the existing structure. Property is zoned C-3 General Commercial. Section 17.08.020. of the Davenport Municipal Code allows for major vehicle repair/service in the C-3 District subject to the granting of a Special Use in compliance with Section 17.08.030.CC. [Ward 7]

### **Background**

The subject property is in a mixed use area with the majority of the area being zoned for regional commercial uses as allowed by the C-3 General Commercial Development. North Park Mall is the dominate influencer in this the commercial node which is one of the largest commercial nodes in Davenport.

### **Discussion**

The petitioner is requesting a Special Use to open a major vehicle repair shop on the subject property. As proposed, the petitioner's business would operate in conformance with the vehicle repair/service requirements, as stated below:

Davenport Municipal Code 'Principal Use Standards' requirement:

#### ***17.08.030.CC. Vehicle Repair/Service – Major or Minor***

- 1. Vehicle repair/service establishments may not store the same vehicles outdoors on the site for longer than 15 days once repair is complete. Only vehicles that have been or are being serviced may be stored outdoors.*
- 2. Repair of vehicles is prohibited in the front or side yards. Storage of all merchandise, auto parts, and supplies must be within an enclosed structure.*
- 3. Vehicle repair/service establishments that abut a residential district must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet and a maximum of seven feet in height.*
- 4. Outdoor repairs are only allowed in the rear yard and must be screened by a solid fence or masonry wall no less than six feet and no more than eight feet in height.*
- 5. No partially dismantled, wrecked, junked, or discarded vehicles may be stored outdoors on the premises. This standard does not apply to vehicles under repair.*
- 6. The sale of new or used vehicles is prohibited.*
- 7. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.*

The site shall be run as a Major vehicle repair use as defined in the Zoning Ordinance as follows:

#### ***Vehicle Repair – Major.***

*A business that provides services in major reconditioning of worn or damaged motor vehicles, motorcycles, all-terrain vehicles (ATV), recreational vehicles and trailers, towing and collision service, including body, frame, or fender straightening or repair, painting of motor vehicles, interior (upholstery, dashboard, etc.) reconstruction and/or repairs, and restoration services. A major vehicle repair business may also include minor vehicle repair services.*



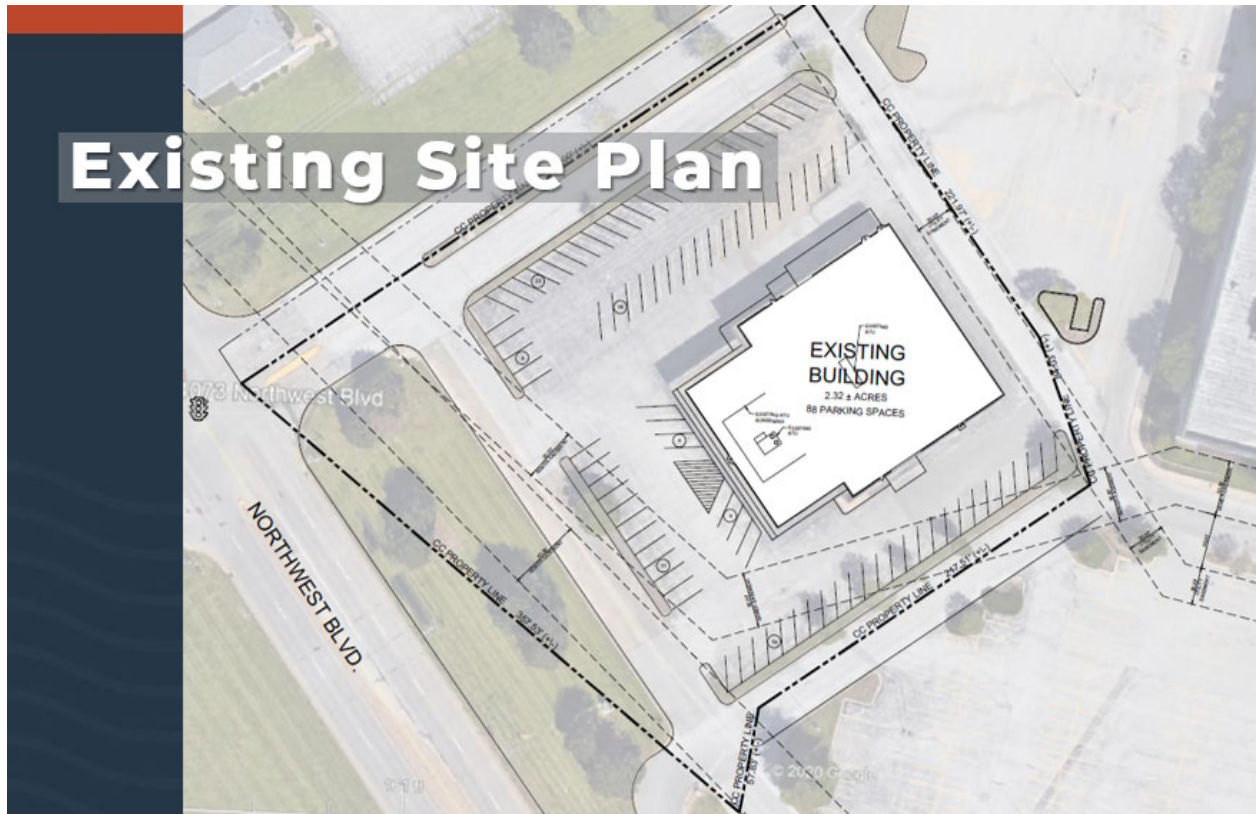
## Zoning Map (C-3) (R-3) (R-MF)



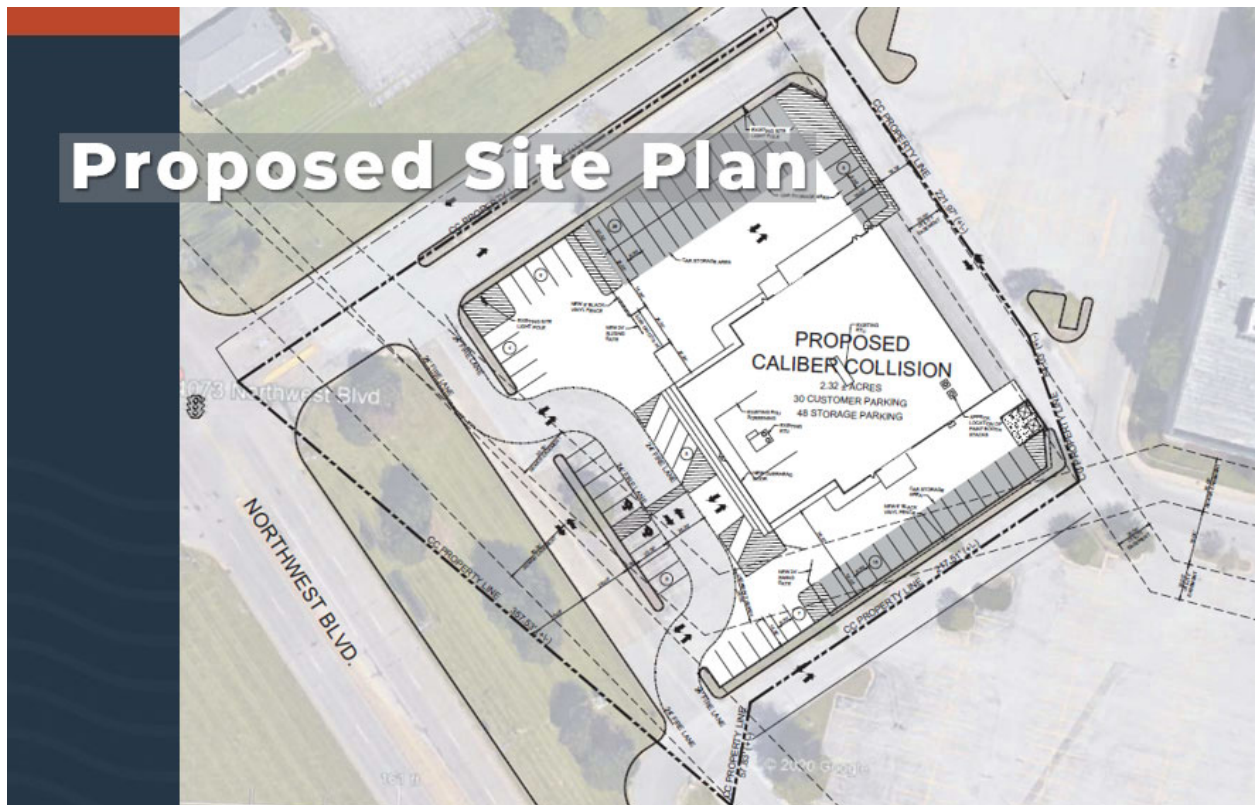


## Site Plans

### Existing Site Plan

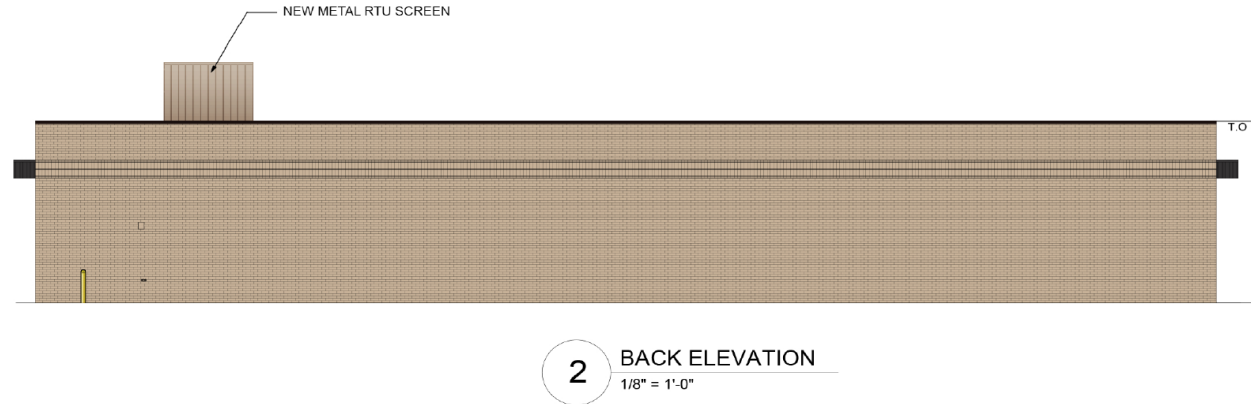


### Proposed Site Plan





Building Elevations



## **Findings/Approval Standards**

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

### **Applicant's Comments:**

*The operator implements specific operational and safety guidelines that secure on-going daily assurance of employee, customer, property and surrounding area safety. All products used, services rendered, and disposals of waste are highly regulated to prevent unwanted affects. All products and equipment are designed to ensure compliance. Laws and limitations are monitored and enforced so that any employee, clientele and passerby may be assured of a safe environment. All repair activities will be conducted in-doors and completely screened from public view. Spray painting will be conducted within a fully enclosed paint-booth and shall be installed per the city, state, and federal requirements.*

### **Staff Response:**

The plans meet code requirements for the proposed use. The site is properly designed to have minimal, if any, impact on adjacent property and public facilities provided a wall is constructed where the site plan calls for a solid vinyl privacy fence. A Business License shall be required for this use.

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

### **Applicant's Comments:**

*The property is in a C-3 district intended to provide areas for Commercial and Retail businesses which supply commodities on the premises. The existing building was used as tire and auto center. Caliber Collision will revitalize the existing building and site without deviating from the overall design features of the surrounding neighborhood. The Auto Body Paint & Shop will be a great addition to the already accessible neighborhood services.*

### **Staff Response:**

The proposed site plan and use will be compatible with general land use of the area. The proposed use fits the existing zoning and character of the area provided a wall is constructed where the site plan calls for a solid vinyl privacy fence. Staff strongly recommends a wall over a vinyl fence since the site is close to residential, is a standalone site in front of the mall, and so that the site will more closely match the brick and other design features of the mall.

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

Land use screening requirements are already existing on this site; the proposed use will meet all code requirements.

### **Applicant's Comments:**

*The site is in C-3 district that allows the operation of Major Vehicle Repair through Special Use permit. It is the operator's intent to adhere to its conditions and observe the standards associated with the vehicle repair establishments in Commercial District. All repair activities will be conducted in-doors and completely screened from public view. All vehicles received for repair will remain behind the screened wall. We are proposing two fenced parking on each side for vehicles in need of repair and where the access to the overhead doors are located.*

**Staff Response:**

If constructed per the proposed site plan (and with a wall substituted for the fence) the use shall be consistent with the intent and spirit of the zoning ordinance. The brick and other design materials of the mall present a permanence that is not compatible with a vinyl fence.

**Recommendation**

Findings:

The location, design, and construction of the proposed use meets the requirements of a Special Use as properly conditioned and as per items #1 to #3 of the staff analysis.

Recommendation:

Staff recommends approval of the request subject to the use meeting the following conditions:

1. The special use shall be in conformance with Section 17.08.030.CC. for the duration of the operation of the use;
2. To more closely match the design and materials of existing mall structures and to protect adjacent residential property, the proposed fencing (excluding the gates) shown on the site plan shall be replaced with a wall composed of CMU block (concrete masonry unit block) or other similar product. The gates shall remain as proposed (a solid vinyl privacy fence or other solid material). Chain link and privacy slats for chain link fences shall be prohibited.
3. Should complaints arise due to noncompliance of these conditions, and/or if staff is aware of infractions to these conditions and/or any other code violations, a rehearing of the special use shall be scheduled per Davenport Municipal Code specifications for Zoning Board of Adjustment Special Use public hearings; at which the Special Use may be modified, approved or revoked.
4. The Special Use shall be limited to this owner only; should the business be sold wholly or by more than 50%, a new Special Use shall be required and shall have a public hearing per Davenport Municipal Code requirements for Zoning Board of Adjustment Special Use public hearings.

Prepared by:



Scott Koops,  
Planner II

Attachments: Aerial Map, Site Plan Submitted by the Petitioner, Application, Notification Map, Exhibits



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

**Property Address\***

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

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

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

*Application Form Type:*

**Plan and Zoning Commission**

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

**Owner** (if different from Applicant)

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

**Zoning Board of Adjustment**

Zoning Appeal  
Special Use  
Hardship Variance

**Engineer** (if applicable)

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

**Design Review Board**

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

**Architect** (if applicable)

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

**Historic Preservation Commission**

Certificate of Appropriateness  
Landmark Nomination  
Demolition Request

**Administrative**

Administrative Exception  
Health Services and Congregate  
Living Permit

**Attorney** (if applicable)

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

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



**Request:**

Please describe the special use requested:

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.

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

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

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.

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.

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.



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:

Planning staff

Date:

Date of the Public Hearing:

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

### Authorization to Act as Applicant

I,   
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.

## SU21-03Adjacent Owner Notice List.xlsx

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	4073 Northwest BLVD	Bret Floy	<a href="mailto:bflory@crossarchitects.com">bflory@crossarchitects.com</a>	
Neighborhood:	None		<email address>	All Alderman Notified
Ward/Ald:		7 Miller		Notices Sent: 9
P1403D28	4241 RIPLEY ST	QCPH COOPERATIVE	PO BOX 2124	DAVENPORT IA 52809-2124
P1403D29	4235 RIPLEY ST	QCPH COOPERATIVE		
P1403D30	4227 RIPLEY ST	JLD INC	2726 E RIVER DR	DAVENPORT IA 52803
P1403D33	4211 RIPLEY ST	MIDWEST PROPERTY HOLDINGS LLC	501 S OAK LN	BLUE GRASS IA 52726-9667
P1405-07J	320 W KIMBERLY RD	MACERICH NORTH PARK MALL LLC	PO BOX 4085	SANTA MONI CA 90411-4085
P1406-01B	900 W KIMBERLY RD	REALTY INCOME CORPORATION	11995 EL CAMINO REAL STE 101	SAN DIEGO CA 92130-2565
P1406-01C	320 W KIMBERLY RD	THE HIGBEE COMPANY	4501 N BEACH ST	FORT WORTH TX 76137-3218
P1407A01	902 W KIMBERLY RD	CAPREALTY 14-VILLAGE LLC	ONE MILLRIDGE LN	CHESTER NJ 07930
P1407A03		VILLAGE MM LLC	ONE MILLRIDGE LN	CHESTER NJ 07930



## PUBLIC HEARING NOTICE | Zoning Board of Adjustment

Date: 6/10/2021      Location: Council Chambers | City Hall | 226 W. 4th ST.  
Time: 4:00 PM      Subject: Public Hearing for Speical Use before the Zoning Board of Adjustment

[Example Notice  
7th Ward  
8 Notices Sent]

To: All property owners within 200 feet of the subject property located at **4073 Northwest Boulevard.**

### What is this About?

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

#### Request/Case Description

**Request SU21-03 of Bret Flory/Melissa Hernandez on behalf of Jerry Jones at 4073 Northwest Boulevard for a Special Use for a major vehicle repair collision center in the existing structure. Property is zoned C-3 General Commercial. Section 17.08.020. of the Davenport Municipal Code allows for major vehicle repair/service in the C-3 District subject to the granting of a Special Use in compliance with Section 17.08.030.CC. [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 centauri with the district court.

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

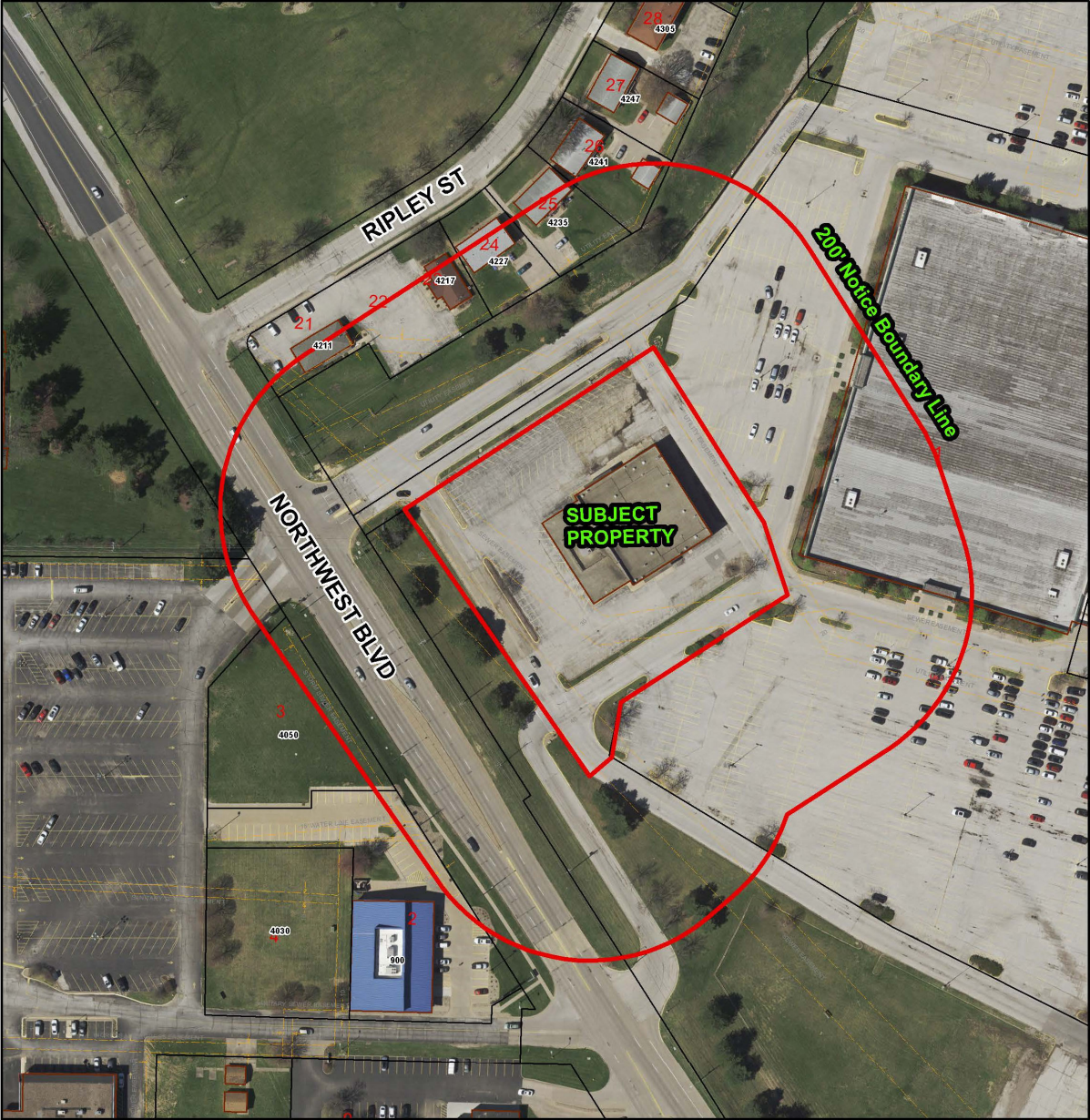
As a neighboring property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent to [planning@davenportiowa.com](mailto:planning@davenportiowa.com) (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46<sup>th</sup> St, Davenport IA 52807.

### Do You Have Any Questions?

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

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

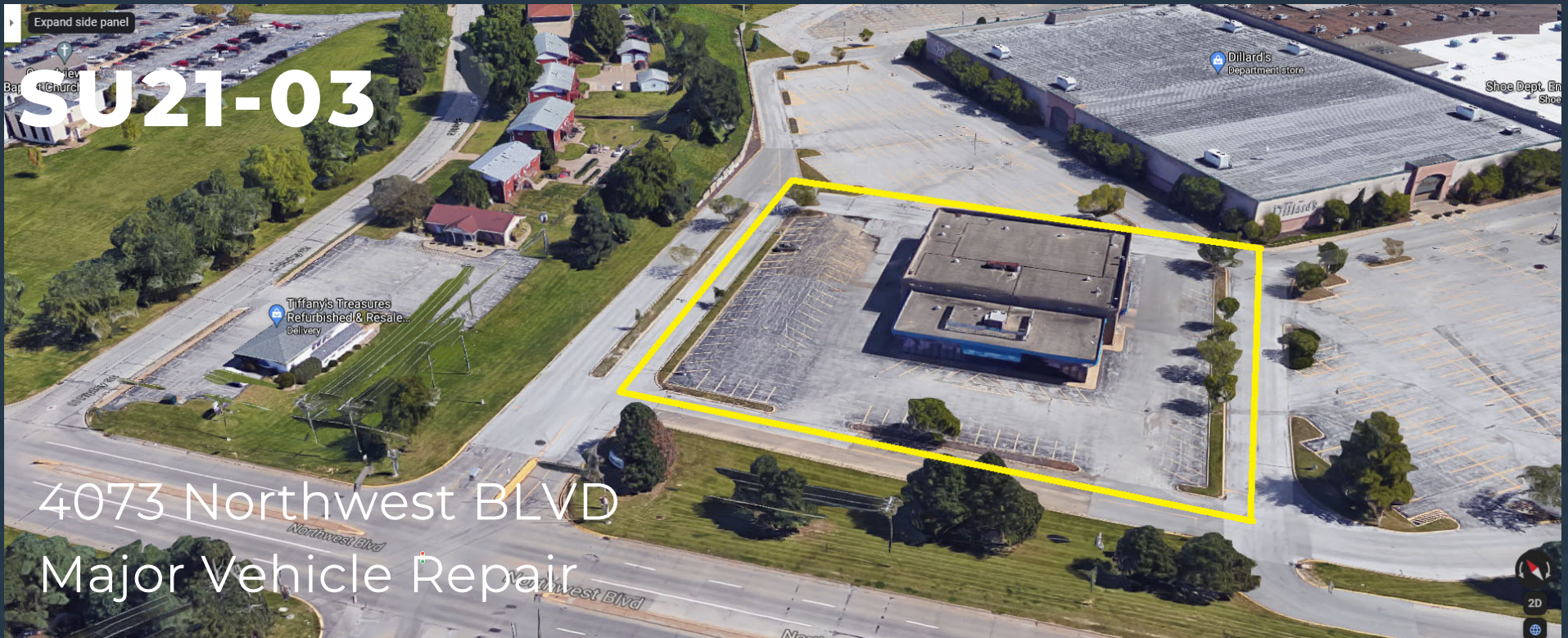
# Zoning Board of Adjustment: Adjacent Property Owner Notice Area







THE CITY OF  
**DAVENPORT**  
IOWA | USA

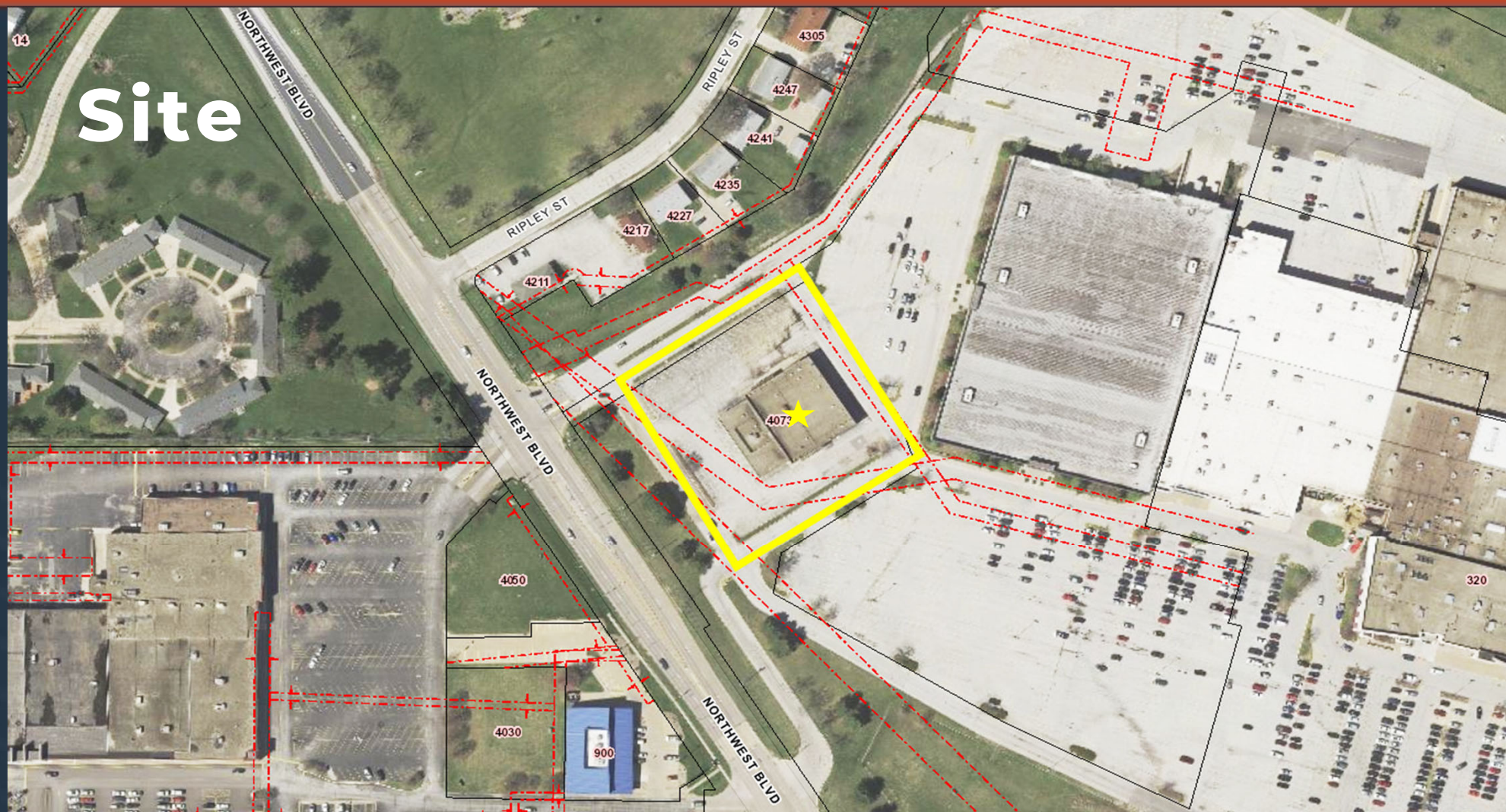


SU21-03

4073 Northwest BLVD  
Major Vehicle Repair

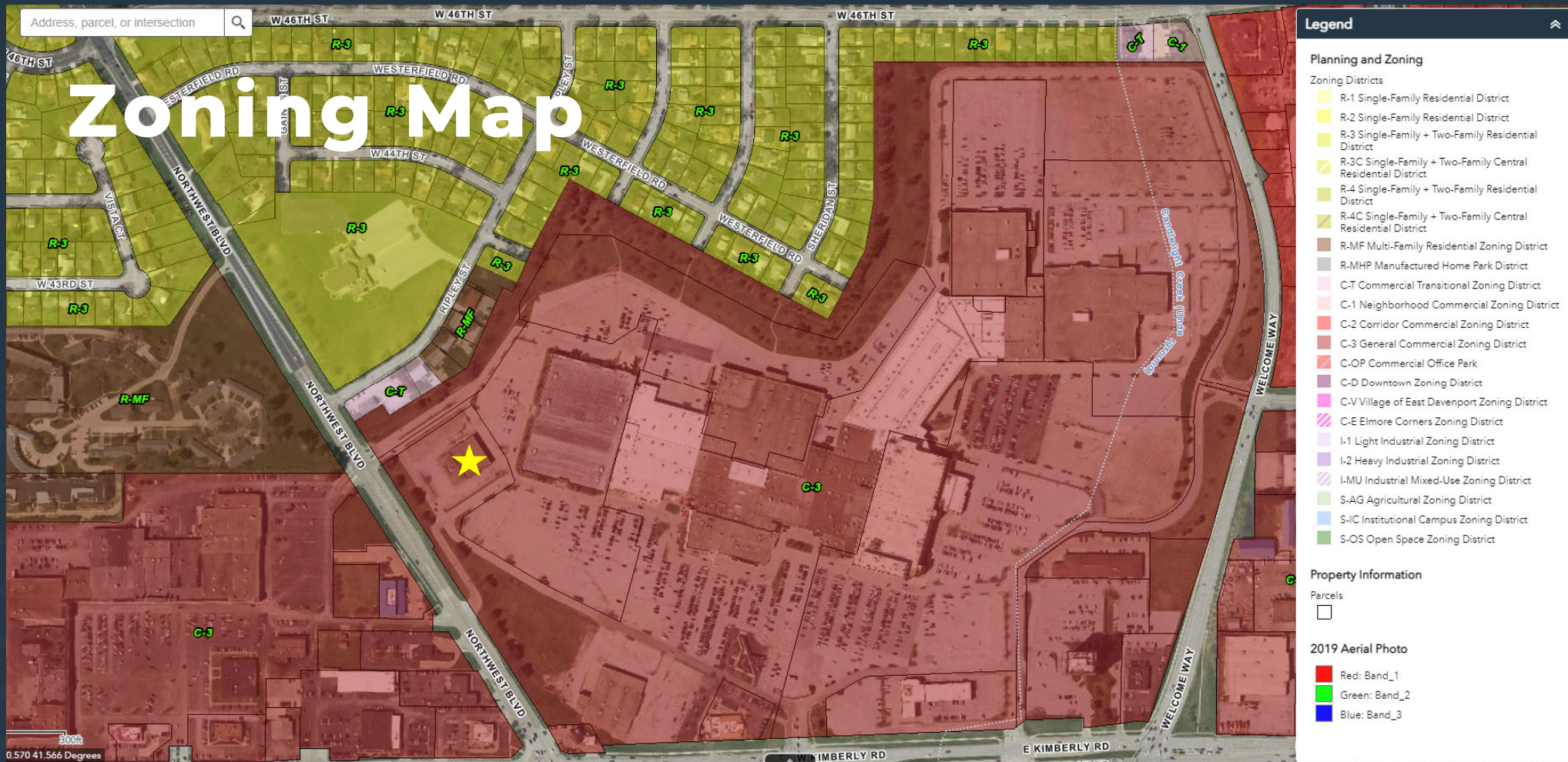


# Site



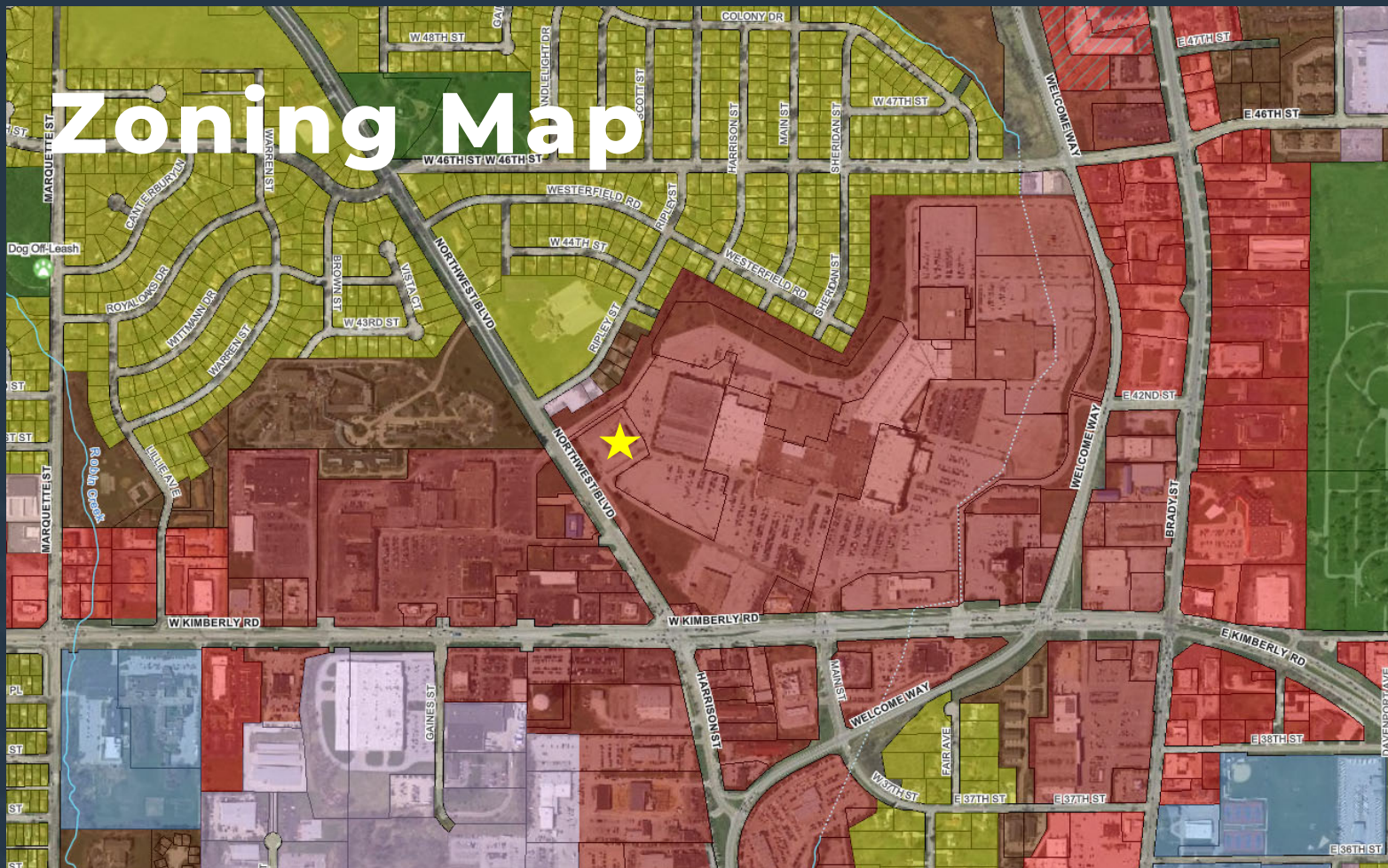


# Zoning Map





# Zoning Map



## Planning and Zoning

### Zoning Districts

- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- R-3 Single-Family + Two-Family Residential District
- R-3C Single-Family + Two-Family Central Residential District
- R-4 Single-Family + Two-Family Residential District
- R-4C Single-Family + Two-Family Central Residential District
- R-MF Multi-Family Residential Zoning District
- R-MHP Manufactured Home Park District
- C-T Commercial Transitional Zoning District
- C-1 Neighborhood Commercial Zoning District
- C-2 Corridor Commercial Zoning District
- C-3 General Commercial Zoning District
- C-OP Commercial Office Park
- C-D Downtown Zoning District
- C-V Village of East Davenport Zoning District
- C-E Elmore Corners Zoning District
- I-1 Light Industrial Zoning District
- I-2 Heavy Industrial Zoning District
- I-MU Industrial Mixed-Use Zoning District
- S-AG Agricultural Zoning District
- S-IC Institutional Campus Zoning District
- S-OS Open Space Zoning District

### Property Information

Parcels

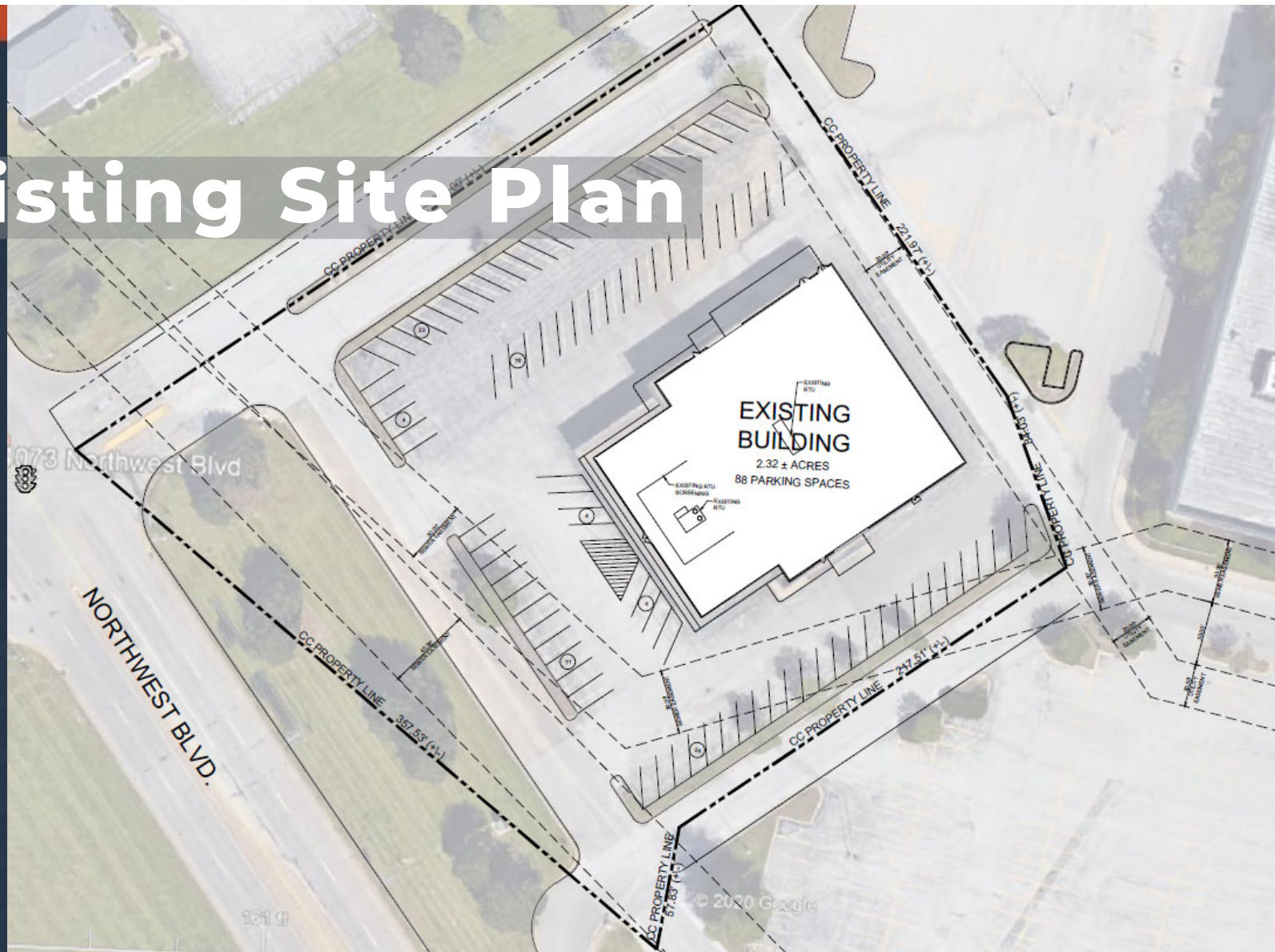


### 2019 Aerial Photo

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



# Existing Site Plan



[illegible]



# Proposed Site Plan

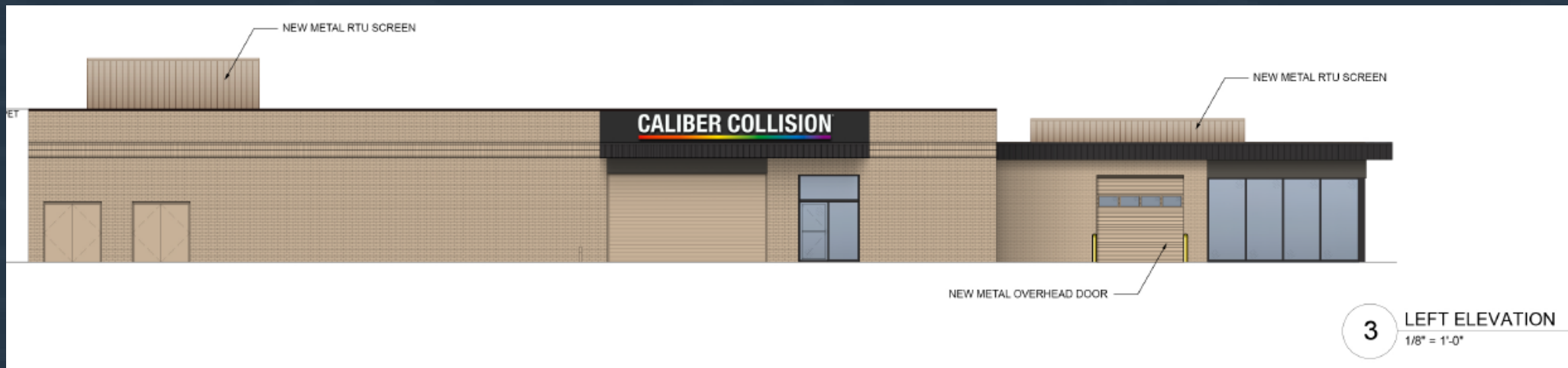


# Proposed Site Plan

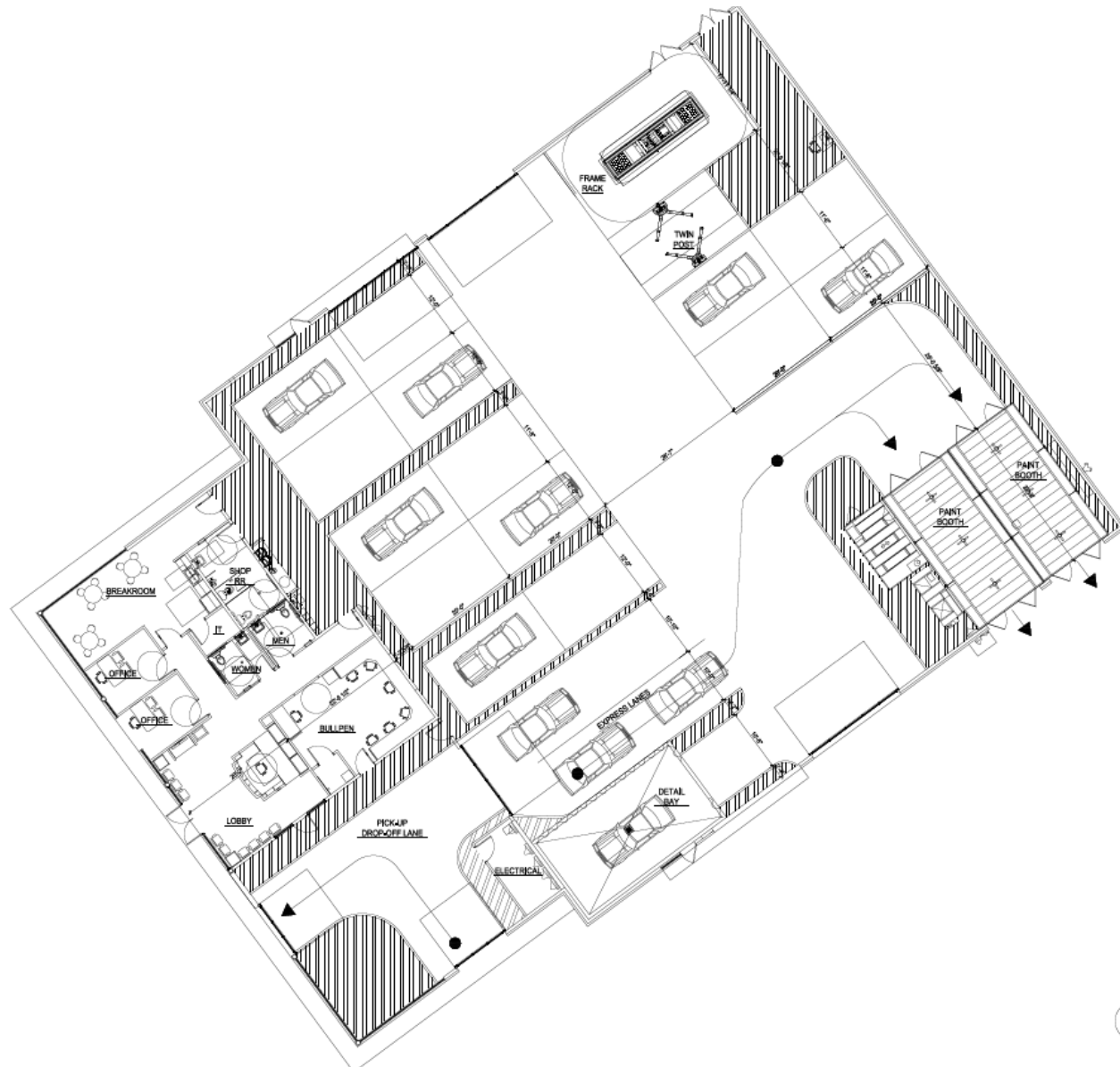


2 BACK ELEVATION  
1/8" = 1'-0"

# Proposed Site Plan



# Floor Plan





# Notice Map



## **Findings:**

- Item #1 the special use will not endanger health, safety and welfare;
- Item #2 the special use is compatible with adjacent and near-by uses;
- Item #3 the special use location is consistent with the intent & spirit of adopted land use policies;

## **Recommendation:**

Staff recommends approval of the request subject to the following conditions:

1. The special use shall be in conformance with Section 17.08.030.CC. of the Davenport Municipal Code for the duration of the operation of the use;

## **Recommendation:**

Staff recommends approval of the request subject to the following conditions:

2. To more closely match the design & materials of the mall & to protect adjacent residential property, the proposed fencing (excluding the gates) shown on the site plan shall be replaced with a wall composed of CMU block or other similar product. The gates shall remain as proposed (a solid vinyl privacy fence or other solid material).

Chain link and privacy slats for chain link fences shall be prohibited.

## **Recommendation:**

Staff recommends approval of the request subject to the following conditions:

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## **Recommendation:**

Staff recommends approval of the request subject to the following conditions:

4. The Special Use shall be limited to this owner only; should the business be sold wholly or by more than 50%, a new Special Use shall be required and shall have a public hearing per Davenport Municipal Code requirements for Zoning Board of Adjustment Special Use public hearings.



