

# ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, DECEMBER 27, 2018; 4:00 PM

CITY HALL COUNCIL CHAMBERS 226 WEST 4TH STREET DAVENPORT, IOWA 52801

THE ZONING BOARD OF ADJUSTMENT IS A QUASI-JUDICIAL BOARD WHICH REVIEWS APPLICATIONS REGARDING CRITERIA FOR GRANTING OF SPECIAL USE PERMITS, HARDSHIP VARIANCES, SPECIAL EXCEPTIONS AND APPEALS TO INTERPRETATION OF THE ZONING CODE.

I. Call to Order

II. Secretary's Report

A. Consideration of the minutes from the 7/14/18 public hearing.

III. Old Business

IV. New Business

A. Request HV18-03 of David Howard on behalf of Ron O'Tool at 1301 Harrison Street for four Hardship Variances: an increase the height of a freestanding monument sign, an exceedance of the allowed area, a pole sign, and an encroachment into the required sign setback. The proposed sign will be approximately 10 feet tall, will be a pole sign (vs. a monument sign), and will be approximately 4 feet from the from the Harrison Street property line and on/at the 13th Street property line. The property is zoned "C-2" General Commercial – Hilltop Campus Village Overlay District (HCVOD).

Section 17.07.050 of HCVOD of the Davenport Municipal Code limits business signs in this District with HCVOD standards to 6 feet in height, 36 square feet in area, a monument style sign, and 17.45.070 requires a 10 foot setback for both front property lines. [3rd Ward; Ald. Meginnis]

V. Other Business

VI. Adjourn

City of Davenport  
Zoning Board of Adjustment

Department: CPED

Contact Info: Scott Koops sek@ci.davenport.ia

**Date**  
**12/27/2018**

Subject:

Consideration of the minutes from the 7/14/18 public hearing.

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	12/14/2018 - 12:28 PM



**MINUTES**  
**City of Davenport**  
**Zoning Board of Adjustment**  
**July 12, 2018**



The Zoning Board of Adjustment came to order at 4:00 P.M. in the first floor Council Chambers at City Hall, 226 W. 4<sup>th</sup> Street, Davenport, IA to hear the following request:

**I. Secretary's Report:**

Roll Call: Present: Lee, Strayhall, and Reistroffer  
Excused: Hart.  
Staff: Koops, Hoyt

The minutes from the 6/14/18 public hearing were approved unanimously following a motion by Lee and a second by Woodard.

**II. Old Business:**

1. **Request HOP18-02 of Rebecca Nakashima Brooke at 802 Bridge Avenue for a home occupation permit to operate a yoga instruction practice out of the residence. Property is zoned "R-4" Moderate Density Dwelling District.**

**Section 17.48.010 of the Zoning Ordinance allows the Board of Adjustment to grant a home occupation permit in an "R" district. [3rd Ward; Ald. Meginnis]**

Koops presented the staff report.

Two comments in favor of the request were received by staff.

**Recommendation and Findings of Fact**

Staff presented the finding and recommendation to the Board.

**Findings:**

The application meets the conditions of the 8 criteria for a home occupation permit.

**Recommendation:**

Staff recommends the permit be granted subject to the following conditions:

1. the permit be valid for a period of one year from the date of issuance;
2. renewal be based in part upon complaints and/or comments from area property owners;
3. petitioner operate on an appointment only basis;
4. off-street parking (i.e. the driveway) shall be used for client parking, and;
5. hours and days of operation shall be by appointment only Monday 9am to 12pm and 6pm to 8pm; Wednesday 9am to 12pm and 6pm to 8pm. Friday 9am to 12pm; and Saturday 12pm to 4pm.

**Motion:**

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

Lee, yes; Strayhall, yes; Reistroffer, yes.

**III. New Business:**

None.

**IV. Adjourn**

Motion to adjourn was approved at 4:17 pm following a motion by Lee and a second by Strayhall.



City of Davenport  
Zoning Board of Adjustment

Department: CPED  
Contact Info: Scott Koops sek@ci.davenport.ia

**Date**  
**12/27/2018**

**Subject:**

Request HV18-03 of David Howard on behalf of Ron O'Tool at 1301 Harrison Street for four Hardship Variances: an increase the height of a freestanding monument sign, an exceedance of the allowed area, a pole sign, and an encroachment into the required sign setback. The proposed sign will be approximately 10 feet tall, will be a pole sign (vs. a monument sign), and will be approximately 4 feet from the from the Harrison Street property line and on/at the 13th Street property line. The property is zoned "C-2" General Commercial – Hilltop Campus Village Overlay District (HCVOD).

Section 17.07.050 of HCVOD of the Davenport Municipal Code limits business signs in this District with HCVOD standards to 6 feet in height, 36 square feet in area, a monument style sign, and 17.45.070 requires a 10 foot setback for both front property lines. [3rd Ward; Ald. Meginnis]

**Recommendation:**

**Findings & Staff Recommendation:**

Findings:

Per the analysis above:

- Item #1 reasonable return has not been met for the granting of a hardship variance;
- Item #2 unique circumstance has not been met for the granting of a hardship variance;
- Item #3 essential character has not been met for the granting of a hardship variance;
- Item #7 property values has not been met for the granting of a hardship variance;

**Recommendation:**

Staff recommends denial of the request as the application does not meet the requirements and grounds for a hardship variance.

**Background:**

**Background & Discussion**

The petitioner appeared before the Design Review Board (DRB) on November 26<sup>th</sup> to obtain a Certificate of Design Review Approval for a dynamic sign (see the attached DRB application). As the proposed sign did not meet the requirements for signs in the C-2/Hilltop Campus Village Overlay District, the DRB tabled the request so that the petitioner could proposed a sign that met requirements in these four areas: height, area, style, and setback. The Design Review Board does not have the authority to waive such requirements so the DRB tabled the request to allow the petitioner to provide them with a sign designed properly.

In the meantime, rather than redesign the sign and resubmitted an application to the DRB, the petitioner applied to the Zoning Board of Adjustment for a hardship variance. Should this hardship variance be approved, the petitioner shall be required to obtain a Certificate of Design Review Approval from the DRB.

The Design Review Board Submitted Sign Diagram:

Note that the sign proposed in the application for the DRB is set back approximately 9' from Harrison Street, as opposed to the sign that is proposed before the ZBA which has a 4' setback.

Considerations in making variations:

The Davenport Municipal code is clear on the criteria for considering a hardship variance, as the following is stated in Section 17.52.70:

*Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographical conditions or other extraordinary or exceptional situations of a specific piece of property, the strict application of any provision of this title would result in peculiar and practical difficulties and clearly demonstrable hardship upon the owner of such property, amounting to practical confiscation thereof and not a mere inconvenience to the owner, the board may authorize, after public hearing, a variance in the strict application of the terms of the title.*

In its consideration of standards of practical difficulties or particular hardship, the board shall require evidence that:

**Analysis** (code requirement/applicants response/staff comments)

1. The property cannot yield a reasonable return under conditions allowed by the regulations:

Applicant Response:

*Per Staff. To install the Digital at the location the sign would have to be lowered with the max height of 6ft. Which would effect visibility to this business. If any vehicle parked in the parking lot in front of this sign it would block the visibility to the sign. Also, if lowered the sign would block some view up Harrison street from 13th street for vehicles that would be entering the roadway from 13th street. Customer wishes and is refurbishing oval sign which was installed in 1960. It is an icon for this location and would like to see it fresh. Adding a Digital sign is not altering anything with the existing sign except mounting a bracket to hold it on the existing poles. Owner wants to be seen effectively without having to regulate where customers are parking in an already limited parking area. If location of the digital sign is moved to an alternate area like the building. The building is recessed from the road and then your altering visibility. If you alter the visibility to the business you hinder public safety of anyone who is traveling down the road looking for it. There are many other businesses in this area with a sign of this nature right next to the road. Some are on buildings and some are monument style and some are way bigger then what we are asking for. We are requesting to mount a 15 square foot message center on two existing poles. Those locations offer better options for those types of installs unlike this one where that type of install either direction is not beneficial to anything or anyone except the ordinance as its written.*

Staff:

The proposed sign is a convenience to the petitioner. A freestanding monument sign 6 feet in height, an area of 36 square feet is permitted by right. The Davenport Municipal Regulations in and of themselves are not grounds for a hardship variance. All other commercial locations in Davenport are required to meet these regulations. The petitioner has not provided any evidence

that the regulations result in a practical confiscation due to the code. The property can be reasonably used under the zoning regulations.

Obtaining a hardship variance to avoid meeting the requirements of the Hilltop Campus Village Overlay District undermines the very purpose of the overlay.

2. The plight of the owner is due to unique circumstances not applied to adjoining property:

Applicant Response:

*The situation the owner is faced with at this location is different from other businesses because of style of building and property, the buildings adjoining are street front properties what I mean by that is they are directly in front of the street and sidewalk and the owners building is set back from the road and the current sign is currently installed on a corner where there is a stop sign from the side street. The only way any consumer can find him.*

Staff:

The plight of the owner is due solely to personal convenience. No evidence has been submitted in support of any unique circumstances due the physical characteristics of the land. Existing nonconforming sign structures are not a unique circumstance. The existing sign is visible from more than one block away.

3. The variation, if granted, will not alter the essential character of the locality:

Applicant Response:

*The situation will not alter the essential character of the locality. The essential character of this location will remain just as important with or without the sign.*

Staff:

The increased height of the sign (10' vs 6') is nearly double the height allowed. Additionally, the pole sign is the very type of sign that the Overlay District was created to regulate. Monument style signs are required in the HCVOD because of their ability to blend into the environment while still maintaining their effectiveness. The variance will alter the essential character of the area if granted. The overall area of the oval sign and the proposed digital sign will exceed the allowed freestanding sign allotment by 178% which will certainly impact the character of the locality.

4. The variation will not impair an adequate supply of light & air to adjacent property:

Applicant Response:

*No, this variance will not impair the Light and Air of any surrounding properties.*

Staff:

Given the location of the sign (located near the street), the additional height of the proposed sign would not affect the availability of light and air to the adjacent property.

5. The variation will not unduly increase congestion in public streets:

Applicant Response:

*The variance requested will not unreasonably increase congestion. If anything the public traffic will be able to find and identify the owners business more easily and react in a safer manner. If*

*the sign is lowered per today's ordinance it could block the view partially from the side street, 13th Street looking up at the traffic coming down Harrison St. If left as requested the sign will have plenty of view under and around and could see farther up the street.*

Staff:

The installation of the proposed sign would not increase congestion in the public streets. However, it could cause distraction as motorists enter a school zone (Central High school).

6. The variation will not increase the danger of fire or endanger the public safety:

Applicant Response:

*The variance requested will not cause any fire or danger to public safety. If programmed appropriately it will be read easier and be more effective to the public.*

Staff:

The installation of the proposed sign would not impair public safety if constructed to meet Building Code safety standards per what is required with a permit.

7. The variation will not impair established property values within the surrounding area:

Applicant Response:

*The variance requested will not impair the values of the requested property or the surrounding area. According to studies by the SBA reports have shown the property with the Digital sign installed have seen increased value of the business because they are proven to read faster and as I said programmed appropriately without a distraction.*

Staff:

The installation of the proposed sign could possibly impair established property values within the surrounding area as the sign will not conform to the requirements of the Hilltop Campus Village Overlay District. If none of the businesses in this district adhere to the requirements, all impacts of the overlay would be forfeit.

8. The variation will not impair public safety, comfort, or welfare of the inhabitants of the City:

Applicant Response:

*The variance requested cannot and will not in any way impair the public health, comfort, morals or welfare of the inhabitants of the city. It could however improve them. The location requested has not been known to be one of the greatest or I should say safest neighborhoods in the area. With business owners like Ron who would like to improve any location in this area and provide good quality improvements to the property Will attract a more positive audience to the Hilltop. Not to mention more business.*

Staff:

The installation of the proposed sign would not impair public health, safety, comfort, morals or welfare of the inhabitants of the City if constructed to meet Building Code safety standards.

**Public Input**

Notices were sent to adjacent property owners within 200 feet.

## Findings & Staff Recommendation:

### Findings:

Per the analysis above:

- Item #1 reasonable return has not been met for the granting of a hardship variance;
- Item #2 unique circumstance has not been met for the granting of a hardship variance;
- Item #3 essential character has not been met for the granting of a hardship variance;
- Item #7 property values has not been met for the granting of a hardship variance;

### Recommendation:

Staff recommends denial of the request as the application does not meet the requirements and grounds for a hardship variance.

Prepared by:

Scott Koops, AICP, Planner II  
Documents

Attachments: ZBA Application, DRB Application, Notice

### ATTACHMENTS:

Type	Description
▣ Executive Summary	Staff Report
▣ Exhibit	Application
▣ Exhibit	Adjacent owners list
▣ Exhibit	Notice Letter
▣ Exhibit	Notice Map

### REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	12/14/2018 - 11:56 AM



City of Davenport  
Community Planning & Economic Development Department  
**STAFF REPORT**

## ZONING BOARD OF ADJUSTMENT

**Meeting Date:** December 27, 2018  
**Applicant:** David Howard on behalf of Ron O'Tool  
**Address:** 1301 Harrison Street

### Description

Request HV18-03 of David Howard on behalf of Ron O'Tool at 1301 Harrison Street for four Hardship Variances: an increase the height of a freestanding monument sign, an exceedance of the allowed area, a pole sign, and an encroachment into the required sign setback. The proposed sign will be approximately 10 feet tall, will be a pole sign (vs. a monument sign), and will be approximately 4 feet from the from the Harrison Street property line and on/at the 13<sup>th</sup> Street property line. The property is zoned "C-2" General Commercial – Hilltop Campus Village Overlay District (HCVOD).

Section 17.07.050 of HCVOD of the Davenport Municipal Code limits business signs in this District with HCVOD standards to 6 feet in height, 36 square feet in area, a monument style sign, and 17.45.070 requires a 10 foot setback for both front property lines. [3<sup>rd</sup> Ward; Ald. Meginnis]

### Background & Discussion

The petitioner appeared before the Design Review Board (DRB) on November 26<sup>th</sup> to obtain a Certificate of Design Review Approval for a dynamic sign (see the attached DRB application). As the proposed sign did not meet the requirements for signs in the C-2/Hilltop Campus Village Overlay District, the DRB tabled the request so that the petitioner could proposed a sign that met requirements in these four areas: height, area, style, and setback. The Design Review Board does not have the authority to waive such requirements so the DRB tabled the request to allow the petitioner to provide them with a sign designed properly.

In the meantime, rather than redesign the sign and resubmitted an application to the DRB, the petitioner applied to the Zoning Board of Adjustment for a hardship variance. Should this hardship variance be approved, the petitioner shall be required to obtain a Certificate of Design Review Approval from the DRB.

### The Design Review Board Submitted Sign Diagram:

Note that the sign proposed in the application for the DRB is set back approximately 9' from Harrison Street, as opposed to the sign that is proposed before the ZBA which has a 4' setback.



**ZBA Requested Sign Specifications vs. Ordinance Requirements**  
(for the proposed sign and the existing oval sign which will be refaced):

**Proposed Dynamic Sign**

	Proposed	Allowed (maximum)
Height:	10'	6'
Area:	100 sqft	36 sqft
Style:	Pole	Monument
Setback:	4'	10' (Harrison St)
Setback:	0'	10' (13th St)

**Existing Nonconforming Oval Sign\***

	Built-to	Allowed (when built)
Height:	18'	45'
Area:	85 sqft	200 sqft max. (entire property)
Style:	Pole	Pole
Setback:	4'	10' (Harrison St)
Setback:	0'	10' (13th St)

\* This sign is allowed to be re-faced  
under it's nonconforming status  
without requiring a Hardship Variance.

**Proposed Sign for the Hardship Variance**  
(4' setback form Harrison St; 3' x 5')



Considerations in making variations:

The Davenport Municipal code is clear on the criteria for considering a hardship variance, as the following is stated in Section 17.52.70:

*Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographical conditions or other extraordinary or exceptional situations of a specific piece of property, the strict application of any provision of this title would result in peculiar and practical difficulties and clearly demonstrable hardship upon the owner of such property, amounting to practical confiscation thereof and not a mere inconvenience to the owner, the board may authorize, after public hearing, a variance in the strict application of the terms of the title.*

In its consideration of standards of practical difficulties or particular hardship, the board shall require evidence that:

**Analysis** (code requirement/applicants response/staff comments)

1. The property cannot yield a reasonable return under conditions allowed by the regulations:

Applicant Response:

*Per Staff. To install the Digital at the location the sign would have to be lowered with the max height of 6ft. Which would effect visibility to this business. If any vehicle parked in the parking lot in front of this sign it would block the visibility to the sign. Also, if lowered the sign would block some view up Harrison street from 13th street for vehicles that would be entering the roadway from 13th street. Customer wishes and is refurbishing oval sign which was installed in 1960. It is an icon for this location and would like to see it fresh. Adding a Digital sign is not altering anything with the existing sign except mounting a bracket to hold it on the existing poles. Owner wants to be seen effectively without having to regulate where customers are parking in an already limited parking area. If location of the digital sign is moved to an alternate area like the building. The building is recessed from the road and then your altering visibility. If you alter the visibility to the business you hinder public safety of anyone who is traveling down the road looking for it. There are many other businesses in this area with a sign of this nature right next to the road. Some are on buildings and some are monument style and some are way bigger then what we are asking for. We are requesting to mount a 15 square foot message center on two existing poles. Those locations offer better options for those types of installs unlike this one where that type of install either direction is not beneficial to anything or anyone except the ordinance as its written.*

Staff:

The proposed sign is a convenience to the petitioner. A freestanding monument sign 6 feet in height, an area of 36 square feet is permitted by right. The Davenport Municipal Regulations in and of themselves are not grounds for a hardship variance. All other commercial locations in Davenport are required to meet these regulations. The petitioner has not provided any evidence that the regulations result in a practical confiscation due to the code. The property can be reasonably used under the zoning regulations.

Obtaining a hardship variance to avoid meeting the requirements of the Hilltop Campus Village Overlay District undermines the very purpose of the overlay.



2. The plight of the owner is due to unique circumstances not applied to adjoining property:

Applicant Response:

*The situation the owner is faced with at this location is different from other businesses because of style of building and property, the buildings adjoining are street front properties what I mean by that is they are directly in front of the street and sidewalk and the owners building is set back from the road and the current sign is currently installed on a corner where there is a stop sign from the side street. The only way any consumer can find him.*

Staff:

The plight of the owner is due solely to personal convenience. No evidence has been submitted in support of any unique circumstances due the physical characteristics of the land. Existing nonconforming sign structures are not a unique circumstance. The existing sign is visible from more than one block away.

3. The variation, if granted, will not alter the essential character of the locality:

Applicant Response:

*The situation will not alter the essential character of the locality. The essential character of this location will remain just as important with or without the sign.*

Staff:

The increased height of the sign (10' vs 6') is nearly double the height allowed. Additionally, the pole sign is the very type of sign that the Overlay District was created to regulate. Monument style signs are required in the HCVOD because of their ability to blend into the environment while still maintaining their effectiveness. The variance will alter the essential character of the area if granted. The overall area of the oval sign and the proposed digital sign will exceed the allowed freestanding sign allotment by 178% which will certainly impact the character of the locality.

4. The variation will not impair an adequate supply of light & air to adjacent property:

Applicant Response:

*No, this variance will not impair the Light and Air of any surrounding properties.*

Staff:

Given the location of the sign (located near the street), the additional height of the proposed sign would not affect the availability of light and air to the adjacent property.

5. The variation will not unduly increase congestion in public streets:

Applicant Response:

*The variance requested will not unreasonably increase congestion. If anything the public traffic will be able to find and identify the owners business more easily and react in a safer manner. If the sign is lowered per today's ordinance it could block the view partially from the side street, 13th Street looking up at the traffic coming down Harrison St. If left as requested the sign will have plenty of view under and around and could see farther up the street.*

Staff:

The installation of the proposed sign would not increase congestion in the public streets. However, it could cause distraction as motorists enter a school zone (Central High school).

6. The variation will not increase the danger of fire or endanger the public safety:

Applicant Response:

*The variance requested will not cause any fire or danger to public safety. If programmed appropriately it will be read easier and be more effective to the public.*

Staff:

The installation of the proposed sign would not impair public safety if constructed to meet Building Code safety standards per what is required with a permit.

7. The variation will not impair established property values within the surrounding area:

Applicant Response:

*The variance requested will not impair the values of the requested property or the surrounding area. According to studies by the SBA reports have shown the property with the Digital sign installed have seen increased value of the business because they are proven to read faster and as I said programmed appropriately without a distraction.*

Staff:

The installation of the proposed sign could possibly impair established property values within the surrounding area as the sign will not conform to the requirements of the Hilltop Campus Village Overlay District. If none of the businesses in this district adhere to the requirements, all impacts of the overlay would be forfeit.

8. The variation will not impair public safety, comfort, or welfare of the inhabitants of the City:

Applicant Response:

*The variance requested cannot and will not in any way impair the public health, comfort, morals or welfare of the inhabitants of the city. It could however improve them. The location requested has not been known to be one of the greatest or I should say safest neighborhoods in the area. With business owners like Ron who would like to improve any location in this area and provide good quality improvements to the property Will attract a more positive audience to the Hilltop. Not to mention more business.*

Staff:

The installation of the proposed sign would not impair public health, safety, comfort, morals or welfare of the inhabitants of the City if constructed to meet Building Code safety standards.

**Public Input**

Notices were sent to adjacent property owners within 200 feet.

## **Findings & Staff Recommendation:**

### Findings:

Per the analysis above:

- Item #1 reasonable return has not been met for the granting of a hardship variance;
- Item #2 unique circumstance has not been met for the granting of a hardship variance;
- Item #3 essential character has not been met for the granting of a hardship variance;
- Item #7 property values has not been met for the granting of a hardship variance;

### Recommendation:

Staff recommends denial of the request as the application does not meet the requirements and grounds for a hardship variance.

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, DRB Application, Notice Documents

## Hardship Variance Application

226 West 4<sup>th</sup> Street  
Davenport, Iowa 52801

(563) 326-7765

Planning@ci.davenport.ia.us

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

**Property Address\*** 1301 North Harrison Street, Davenport, IA

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

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

Name: David Howard  
Company: Gulf Development  
Address: 1225 E River Drive  
City/State/Zip: Davenport IA 52803  
Phone: 319-210-8545  
Email:

### **Owner (if different from Applicant)**

Name: Ron O'Tool  
Company: O'tool Design  
Address: 1301 N. Harrison Street  
City/State/Zip: Davenport, IA 52803  
Phone: 309-269-5050  
Email: ronotool@hotmail.com

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

### *Application Form Type:*

#### **Plan and Zoning Commission**

- Rezoning (Zoning Map Amendment) ☐  
Zoning Ordinance Text Amendment ☐  
Right-of-way or Easement Vacation ☐  
Final Development Plan ☐  
Voluntary Annexation ☐  
Subdivision ☐

#### **Zoning Board of Adjustment**

- Appeal from an Administrative Decision ☒  
Special Use Permit - New Cell Tower ☐  
Home Occupation Permit ☐  
Special Exception ☐  
Special Use Permit ☐  
Hardship Variance ☐

#### **Design Review Board**

- Certificate of Design Approval ☐  
Demolition Request in the Downtown ☐

#### **Historic Preservation Commission**

- Certificate of Appropriateness ☐  
Landmark Nomination ☐  
Demolition Request ☐

#### **Administrative**

- Floodplain Development ☐  
Cell Tower Co-Location ☐  
Identification Signs ☐  
Site Plan ☐

12-27-18 Meeting Date  
PRT-722

**\*\*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:

Owner would like to install a electronic sign under the existing sign currently installed at this location since 1960. The current sign is a larger oval and as the ordinance is written it is non conforming. In the Hilltop District new signs have to be a monument style sign with a max height of 6ft. The Owner is allowed to reface the existing sign however if electronic sign is added staff considers this altering the existing sign which would require for him to come into compliance with the current zoning code. Client is and has been already spending money to refurbish the larger oval which is as Ron put in an Icon for that area and one of the main reasons he purchased the location. The code as written today he would have to remove that sign completely and lower the entire installation of the new sign which would be blocked by any vehicle parking their vehicle in the parking zone.

Existing Zoning:

**Submittal Requirements:**

- The following items should be submitted to [planning@davenport.ia.us](mailto:planning@davenport.ia.us) for review:
- 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 Sections 17.52.060 and 17.52.070 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.

#### General Instructions on Evidence of Hardship:

1. **REASONABLE RETURN:** The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone. (How does the strict enforcement of the ordinance prevent you from reasonably using your property? You need to demonstrate that without the variance your property has been deprived of all beneficial use. That it would be more valuable, produce more profit, supply jobs or increase the tax base are not valid tests for the variance.)
2. **UNIQUE CIRCUMSTANCE:** The plight of the owner is due to unique circumstances which circumstances to not apply to other adjoining or nearby property. (Do the conditions causing this hardship exist only on your property or do they also apply to adjoining or nearby property? You need to demonstrate that the physical circumstance(s) is not shared by other property.)
3. **ESSENTIAL CHARACTER:** The variation, if granted, will not alter the essential character of the locality. (Will the variation requested alter or change the character of the neighborhood or locality? You need to demonstrate that the requested variation is compatible with and similar to other existing features in the area.)
4. **LIGHT & AIR:** The variation will not impair an adequate supply of light and air to adjacent property. (Will the variation block solar access or prevent or inhibit air circulation to the surrounding property? Dust, fumes, odor, smoke, etc. would neither pose a nuisance nor prohibit or impair the reasonable use of adjacent or surrounding property.)
5. **CONGESTION:** The variation will not unreasonably increase congestion in the public streets. (Will the variation create or increase traffic and/or parking problems for the surrounding area? Explain or demonstrate how this variance will reduce, alleviate or not affect existing traffic circulation or vehicle parking in the adjacent public streets.)
6. **PUBLIC SAFETY:** The variation will not increase the danger of fire or endanger the public safety. (Will the construction/operation for which the variation is requested create a safety hazard for the tenants or surrounding occupants? You will need to demonstrate that your plans meet local building and fire regulations and submit proof of compliance with any state or federal regulations. Please explain the operation and any safety procedures proposed.)
7. **ESTABLISHED PROPERTY:** The variation will not unreasonably diminish or impair established property within the surrounding area. (Will the variation cause a real or perceived loss in surrounding property values? Demonstrate that this variation will have no effect or a positive effect on surrounding property. Will property marketability be affected? The expertise of an appraiser may be required.)
8. **GENERAL WELFARE:** The variation will not in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.060 of the Davenport Municipal Code:

The variation will not impair an adequate supply of light and air to adjacent property.

No this variance will not impair the Light and Air of any surrounding properties.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.060 of the Davenport Municipal Code:

The variation will not unreasonably increase congestion in public streets.

The variance requested will not unreasonably increase congestion of public streets. If anything the public traffic will be able to find and identify the owners business more easily and react in a safer manner. If the sign is lowered per todays ordinance it could block the view partially from the side street, 13th Street looking up at the traffic coming down Harrison St. If left as requested the sign will have plenty of view under and around and could see farther up the street.



Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.060 of the Davenport Municipal Code:

The variation will not increase the danger of fire or endanger the public safety.

The variance requested will not cause any fire or danger to public safety. If programmed appropriately it will be read easier and be more effective to the public.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.060 of the Davenport Municipal Code:

The variation will not unreasonably diminish or impair established property values within the surrounding area.

The variance requested will not impair the values of the requested property or the surrounding area. According to studies by the SBA reports have shown the property with the Digital sign installed have seen increased value of the business because they are proven to read faster and as I said programmed appropriately without a distraction.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.060 of the Davenport Municipal Code:

The variation will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.

The variance requested cannot and will not in any way impair the public health, comfort, morals or welfare of the inhabitants of the city. It could however improve them. The location requested has not been known to be one of the greatest or I should say safest neighborhoods in the area. With business owners like Ron who would like to improve any location in this area and provide good quality improvements to the property will attract a more positive audience to the Hilltop. Not to mention more business.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.070 of the Davenport Municipal Code:

The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone.

Per staff. To install the Digital at the location the sign would have to be lowered with the max height of 6ft. Which would effect visibility to this business. if any vehicle parked in the parking lot in front of this sign it would block the visibility to the sign. Also, of lowered the sign would block some view up Harrison street from 13th street for vehicles that would be entering the roadway from 13th street. Customer wishes and is refurbishing oval sign which was installed in 1960. It is an icon for this location and would like to see it fresh. Adding a Digital sign is not altering anything with the existing sign except mounting a bracket to hold it on the existing poles. Owner wants to be seen effectively without having to regulate where customers are parking in an already limited parking area. If location of the digital sign is moved to an alternate area like the building. The building is recessed from the road and then your altering visibility. If you alter the visibility to the business you hinder public safety of anyone who is traveling down the road looking for it. Their are many other businesses in this area with a sign of this nature right next to the road. Some are on buildings and some are monument style and some are way bigger then what we are asking for. We are requesting to mount a 15 square foot message center on two existing poles. Those locations offer better options for those types of installs unlike this one where that type of install either direction is not beneficial to anything or anyone except the ordinance as its written.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.070 of the Davenport Municipal Code:

The plight of the owner is due to unique circumstances, which circumstances do not apply to other adjoining or nearby property.

The situation the owner is faced with at this location is different from other businesses because of style of building and property, the buildings adjoining are street front properties what I mean by that is they are directly in front of the street and sidewalk and the owners building is set back from the road and the current sign is currently installed on a corner where there is a stop sign from the side street. The only way any consumer can find him.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.070 of the Davenport Municipal Code:

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

The situation will not alter the essential character of the locality. The essential character of this location will remain just as important with or without the sign.

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

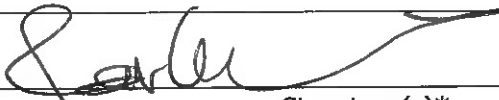
Date:

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, Ron O'Neil  
authorize David Hewer  
to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located  
at 1301 N. Harrison St Danvers IA.

  
Signature(s)\*

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



## 1301 Harrison - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	1301 HARRISON ST	O'TOOL	242 FOREST LN	SHERRARD IL 61281
Ward/Ald:	3rd Ward	Alderman Meginnis		
Ward/Ald:	4th Ward	Alderman Ambrose		23 Notices Sent
G0022-02A	1312 HARRISON ST	AKHTER NASREEN	4565 AMESBURY	BETTENDORF IA 52722
G0022-03	1316 HARRISON ST	ANDREW J ALOIAN	PO BOX 2246	DAVENPORT IA 52809
G0022-04	1320 HARRISON ST	VERIC LLC	921 E LOCUST ST	DAVENPORT IA 52803
G0022-05	1324 HARRISON ST	BROWN PROPERTY DEVELOPMENT LLC	1324 HARRISON ST	DAVENPORT IA 52803
G0022-06	1330 HARRISON ST	KIMBERLEY L ZUDE REVOCABLE TRUST	625 W KIMBERLY RD	DAVENPORT IA 52803
G0022-42	1309 RIPLEY ST	PENTECOSTAL CHURCH OF GOD	1234 RIPLEY ST	DAVENPORT IA 52803
G0022-43	1305 RIPLEY ST	PENTECOSTAL CHURCH OF GOD		
G0023-04	220 W 13TH ST	THIRD MISSIONARY BAPTIST CHURCH	222 W 14TH ST	DAVENPORT IA 52803
G0023-05	222 W 13TH ST	R & R PREMIER PROPERTIES LLC	214 E 7TH ST	DEWITT IA 52742
G0023-12		R & R PREMIER PROPERTIES LLC		
G0023-09	1329 HARRISON ST	SPEARS MARTHA L	4540 N MAIN ST	DAVENPORT IA 52806
G0023-10	225 W 14TH ST	MIDWEST PROPERTY HOLDINGS LLC	501 S OAK LN	BLUE GRASS IA 52726
G0023-11	221 W 14TH ST	MIDWEST PROPERTY HOLDINGS LLC		
G0023-11A	1313 HARRISON ST	HILLTOP LAW LC	1313 HARRISON ST	DAVENPORT IA 52803
G0023-13		THIRD MISSIONARY BAPTIST CHURC	222 W 14TH ST	DAVENPORT IA 52803
G0023-42	1304 MAIN ST	DONALD A KLINE	1304 MAIN ST	DAVENPORT IA 52803
G0023-43	1308 MAIN ST	KLINE DONALD A	1304 MAIN ST	DAVENPORT IA 52803
G0023-44	1314 N MAIN ST	BARR TRADING & CONSULTING LLC	4493 AMBER CT	BETTENDORF IA 52722
G0023-45	1318 MAIN ST	BRUS CHAD L	501 S OAK LN	BLUE GRASS IA 52726
G0023-46	1326 N MAIN ST	MARK WINCHESTER	5436 MORGAN RD	CERES CA 95307
G0026-04	211 W 13TH ST	KLINE DONALD	1304 MAIN ST	DAVENPORT IA 52803
G0026-10C		DAVENPORT COMMUNITY SCHOOLS	1606 BRADY ST	DAVENPORT IA 52803
G0027-11A	1202 HARRISON ST	DAVENPORT COMMUNITY SCHOOLS		
G0027-12	1226 HARRISON ST	DAVENPORT COMMUNITY SCHOOLS		
G0026-10D	1211 HARRISON ST	DAVENPORT COMMUNITY SCHOOLS		
G0026-19	1220 MAIN ST	CHASCO LLC	PO BOX 1644	DAVENPORT IA 52809
G0026-20	1224 MAIN ST	SJM LLC PROPERTIES	2122 WINDING HILL RD	DAVENPORT IA 52807
G0026-21	1228 MAIN ST	RED CLOUD HOLDINGS LLC	2621 IOWA ST	DAVENPORT IA 52803
G0027-13	1230 HARRISON ST	M & M PAWNBROKERS INC	1230 HARRISON ST	DAVENPORT IA 52803



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



**Public Hearing Details:**

Date: 12/27/2018  
Time: 4:00 PM  
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa  
Subject: Public hearing for a Hardship Variance before the Zoning Board of Adjustment  
Case #: HV18-03

Ward: **3rd Ward**

To: All property owners within 200 feet of the subject property located at **1301 Harrison Street**.

**What is this All About?**

This notice is being sent to inform you that a public hearing will be held for a Hardship Variance. The purpose of the Hardship Variance is to grant permission to waive or alter a size or dimension requirement of the zoning ordinance.

**Request Description**

**Request HV18-03 of David Howard on behalf of Ron O'Tool at 1301 Harrison Street for four Hardship Variances: an increase the height of a freestanding monument sign, an exceedance of the allowed area, a pole sign, and an encroachment into the required sign setback. The proposed sign will be approximately 10 feet tall, will be a pole sign (vs. a monument sign), and will be approximately 4 feet from the from the Harrison Street property line and on/at the 13th Street property line. The property is zoned "C-2" General Commercial – Hilltop Campus Village Overlay District.**

**Section 17.07.050 of HCVD of the Davenport Municipal Code limits business signs in this District with HCVD standards to 6 feet in height, 36 square feet in area, a monument style sign, and 17.45.070 requires a 10 foot setback for both front property lines. [3rd Ward; Ald. Meginnis]**

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

For approved ZBA requests, the ruling is effective immediately. For projects requiring a Building Permit the applicant may contact the Permit office (563-326-7765) the next Business day.

Rulings of the Zoning Board of adjustment are final. The applicant may request reconsideration at the next public hearing, and aggrieved parties may file a writ of certiorari with the district court.

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

As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) or CPED, 226 W 4th St, Davenport IA 52801.

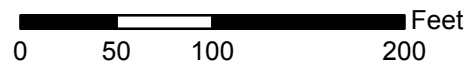
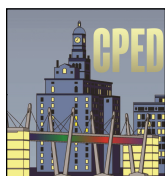
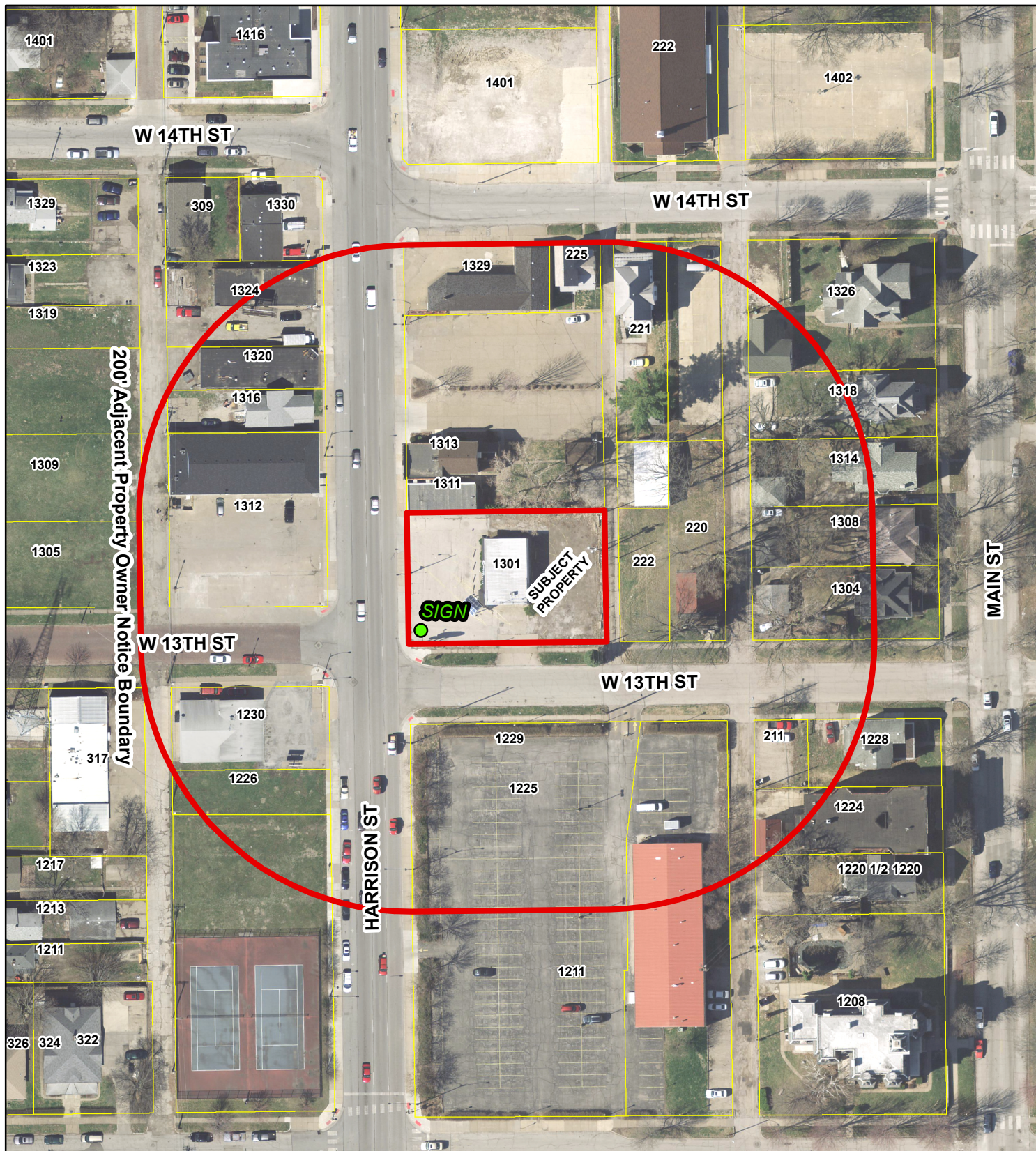
**Do You Have Any Questions?**

If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at [sek@ci.davenport.ia.us](mailto:sek@ci.davenport.ia.us) or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) for updates.



# Zoning Board of Adjustment: Adjacent Property Owner Notice Area



1 inch = 100 feet



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