

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, SEPTEMBER 26, 2019; 4:00 PM

CITY COUNCIL CHAMBERS CITY HALL 226 W 4TH STREET

PUBLIC HEARING MEETING FOR THE ZONING BOARD OF ADJUSTMENT

I. Call to Order

II. Secretary's Report

A. Consideration of the minutes from the 9/12/19 public hearing.

III. Old Business

IV. New Business

A. Request HV19-14 of American Freight Furniture/Signs Now at 1010 E Kimberly Rd for a hardship variance to exceed the size allowance for front façade signage by 139 sq. ft. with a 269 sq. ft. front façade sign. Code allows for 130 sq. ft. of size area on the front façade as the unit has 130 linear feet of building frontage.

Section 17.12.060.I.4. states: For a structure that contains multiple tenants, each tenant with exterior business façade area is permitted a total wall sign area of one square foot per linear foot of business frontage or 40 square feet, whichever is greater, along their individual frontages. [Ward 7]

V. Other Business

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: CPED
Contact Info: Scott Koops, Planner II, AICP
sek@ci.davenport.ia.us

Date
9/26/2019

Subject:
Consideration of the minutes from the 9/12/19 public hearing.

Recommendation:
Approve the Minutes

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	9/20/2019 - 12:06 PM



MINUTES
City of Davenport
Zoning Board of Adjustment
September 12, 2019



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

Call to Order

Chairman Reistroffer called the Zoning Board of Adjustment meeting in the first floor Council Chambers at City Hall, 226 W. 4th Street, Davenport, Iowa to order at 4:00 p.m.

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

Board Member excused: Cochran.

Staff present: Melton, Flynn, Hoyt

I. Secretary's Report:

The minutes of the 8-22-2019 were approved by voice vote.

II. Old Business:

None

III. New Business:

Request HV19-12 of Randall and Mary McDonald at 1645 W 12th Street for a hardship variance to allow a detached garage, accessory building and swimming pool to be located in the front yard. The property is zoned R-MF Multi-Family Residential Zoning District. [Ward 3]

Section 17.09.030.A.4.c of the Davenport Municipal Code reads: No structure may be located in a front or corner side yard unless specifically allowed by this Ordinance.

Request

Melton presented the staff report.

The petitioner provided comments supporting his application.

Findings & Staff Recommendation:

Findings: (Per the analysis in the staff report)

- Item #1 application of the ordinance creating hardship has been established;
- Item #2 physical and topographical conditions of the site does limit the use;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Recommendation:

It is staff's opinion that the requested achieves consistency with Section 17.14.969 of the Davenport Municipal Code. Staff recommends approval of HV19-12 in accordance with submitted materials.

Motion:

A motion to approve the request was made by Strayhall and seconded by Quinn. Motion to approve was unanimous. (4-0):

Lee, yes; Strayhall, yes; Quinn, yes; and Reistroffer, yes.

Request HV19-13 of Shawna Smith on behalf of RAH Partnership, Inc. at 4756 Elmore Avenue for a hardship variance to exceed the maximum size for a wall sign. The property is zoned "C-3" General Commercial Zoning District. [Ward 6]

Section 17.12.060.I.4 of the Davenport Municipal Code reads: For a structure that contains multiple tenants, each tenant that has exterior business façade area is permitted a total wall sign area of one square foot per linear foot of business frontage or 40 square feet, whichever is greater, along their individual frontage(s).

Request

Melton presented the staff report.

The petitioner, her husband, and a representative from Dairy Queen America provided comments supporting the application.

Findings & Staff Recommendation:

Findings: (Per the analysis in the staff report)

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

Recommendation:

It is staff's opinion that the request does not achieve consistency with Section 17.14.969 of the Davenport Municipal Code. Staff recommends denial of HV19-13.

Motion:

A motion to approve the request subject to the condition that if signage approved by this variance is removed, any replacement signage must conform with the then current code requirement was made by Lee and seconded by Strayhall. Motion to approve was split. (3-1):

Lee, yes; Strayhall, no; Quinn, yes; and Reistroffer, yes.

IV. Other Business

None.

V. Adjourn

The meeting adjourned unanimously by voice vote at approximately 5:05 pm.

City of Davenport
Zoning Board of Adjustment

Department: CPED
Contact Info: Scott Koops, Planner II, AICP
sek@ci.davenport.ia.us

Date
9/26/2019

Subject:

Request HV19-14 of American Freight Furniture/Signs Now at 1010 E Kimberly Rd for a hardship variance to exceed the size allowance for front façade signage by 139 sq. ft. with a 269 sq. ft. front façade sign. Code allows for 130 sq. ft. of size area on the front façade as the unit has 130 linear feet of building frontage.

Section 17.12.060.I.4. states: For a structure that contains multiple tenants, each tenant with exterior business façade area is permitted a total wall sign area of one square foot per linear foot of business frontage or 40 square feet, whichever is greater, along their individual frontages. [Ward 7]

Recommendation:

Findings & Staff Recommendation:

Findings: (Per the analysis above)

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

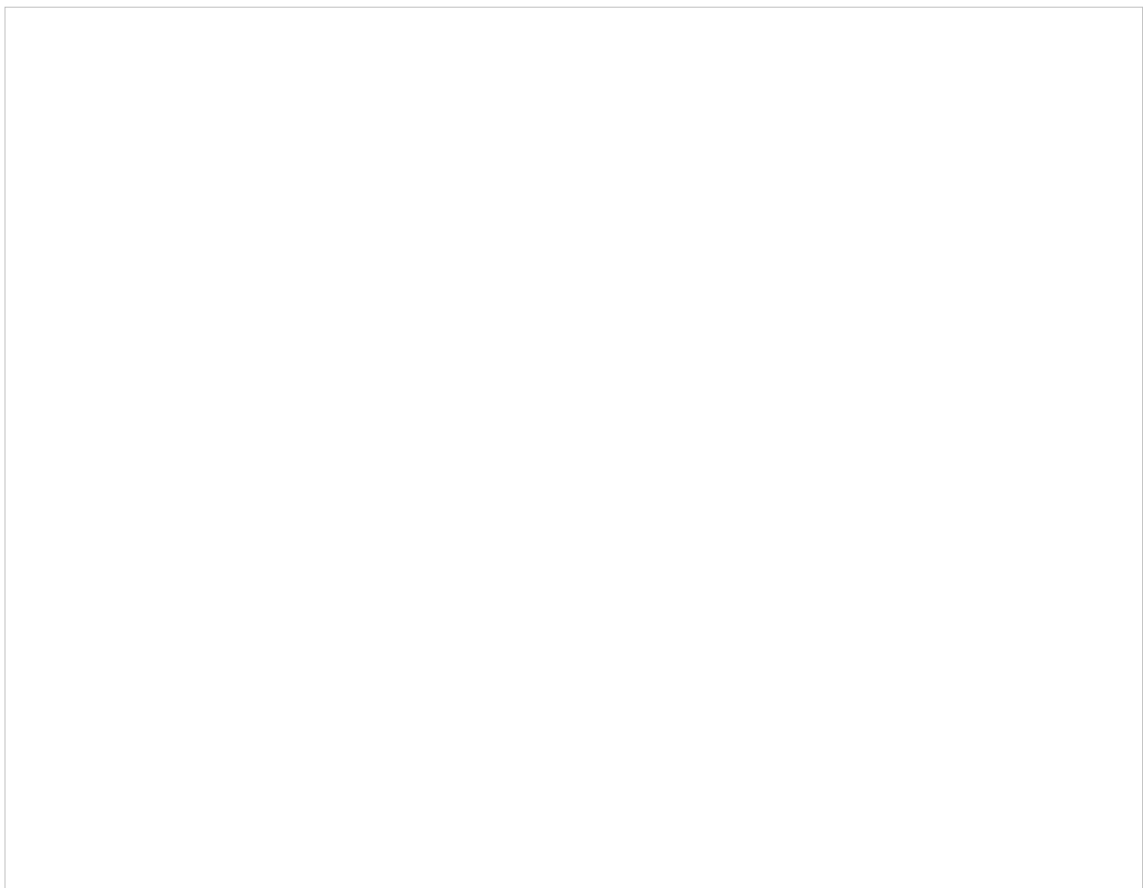
Recommendation:

Staff recommends denial of the request as the application does not meet approval standards for a hardship variance.

Background:

Background & Discussion

The petitioner has submitted a sign plan showing signage that is twice the size allowed by the sign code. The property is zoned "C-2" Corridor Commercial and is surrounded by other commercial uses.

**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.*

Applicant Description of the Request

Due to the extreme setback of the building at 1010 E. Kimberly Road, American Freight Furniture would like to request that The City of Davenport allow for a set of larger than permitted building channel letters. This would allow for an increased exposure to traffic on E.

Kimberly Road. Current signage allowed based on code is 130 sqft. American Freight Furniture is requesting that an increased logo / letter size of 269 sqft. be allowed. Letter height would go from 28" tall to 40" tall. American Freight Furniture would like The City of Davenport to understand that for each inch of letter height readable distance is 10'. At a letter size of 40" tall, readable distance is 400'. Building setback from the road currently is just under 400'.

Approval Standards

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

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

Applicant Response:

American Freight Furniture requests that The City of Davenport view this setback from traffic as a unique/extreme circumstance. The hardship would prevent customers from seeing and recognizing their building signage, due to the line of sight distance and speed of traffic. It is the belief of American Freight Furniture that a negative sales impact would be experienced due to the setback, and lack of larger letters/logo on the building.

Staff Comments:

The petitioner has assumed that building mounted signage will be the only signage visible to the passing motorist. Freestanding signage with a sign near the street is allowed for this business which would be readable from the street. This is a self-created hardship.

2. The particular physical surroundings, shape, or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

Applicant Response:

The topography of the lot and layout in front of the building (1010 E. Kimberly Road) is an asphalt parking lot with a small amount of grass / drainage culvert between the edge of the parking lot and E. Kimberly Road.

Staff:

The topography of the lot is flat/sloping slightly uphill and does not limit the use of the property. No physical characteristics of the property pose a hardship. A freestanding monument sign would provide for visibility from the street. The request is a convenience to the petitioner.

To meet the criteria for a hardship due to topographic conditions, the petitioner must demonstrate the following 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 petitioner has not demonstrated such.

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 unique circumstance is that this the building signage is just under 400' away from traffic on E. Kimberly Road. The setback creates a difficulty in reading signage / letters at that distance.

Staff:

Many properties along Kimberly Road have buildings set back a large distance from Kimberly Road, commonly ranging from 300 to 500 feet. The zoning code in and of itself does not create a hardship, especially since a freestanding signs (with a 5' setback between the property line and sign) are allowed by right in addition to any building mounted signage.

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

Applicant Response:

American Freight Furniture understands and respects the position of The City of Davenport with regard to signage code, but asks that a variance be granted to accommodate readable letters at the current distance from E. Kimberly Road for reasons previously mentioned.

Staff:

The character of the area will be impacted by a sign that is twice as large as provided for in the sign code.

Findings & Staff Recommendation:

Findings: (Per the analysis above)

- Item #1 application of the ordinance creating hardship has not been established;
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Recommendation:

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ATTACHMENTS:

Type	Description
<input type="checkbox"/> Executive Summary	Staff Report
<input type="checkbox"/> Exhibit	Application
<input type="checkbox"/> Exhibit	Application - Sign Plans
<input type="checkbox"/> Exhibit	Notice Letter
<input type="checkbox"/> Exhibit	Notice List

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	9/20/2019 - 12:16 PM



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Description

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Background & Discussion

The petitioner has submitted a sign plan showing signage that is twice the size allowed by the sign code. The property is zoned "C-2" Corridor Commercial and is surrounded by other commercial uses.

Site

1010 E. Kimberly Road, Davenport, IA 52807



QUANTITY 1 SET AS SHOWN OF DIMENSIONAL CHANNEL LETTERS
LETTERS TO BE CONSTRUCTED AND FORMED OF ALUMINUM EXTRUSION
LETTERS / LOGO CAN BE INTERNALLY LIT OR LIT BY EXTERNAL LIGHT BARS
CURRENTLY ON THE BUILDING.
(404" X 96") TOTAL AREA OF LETTERS / LOGO (269 SQFT.)

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.*

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Applicant Response:

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Recommendation:

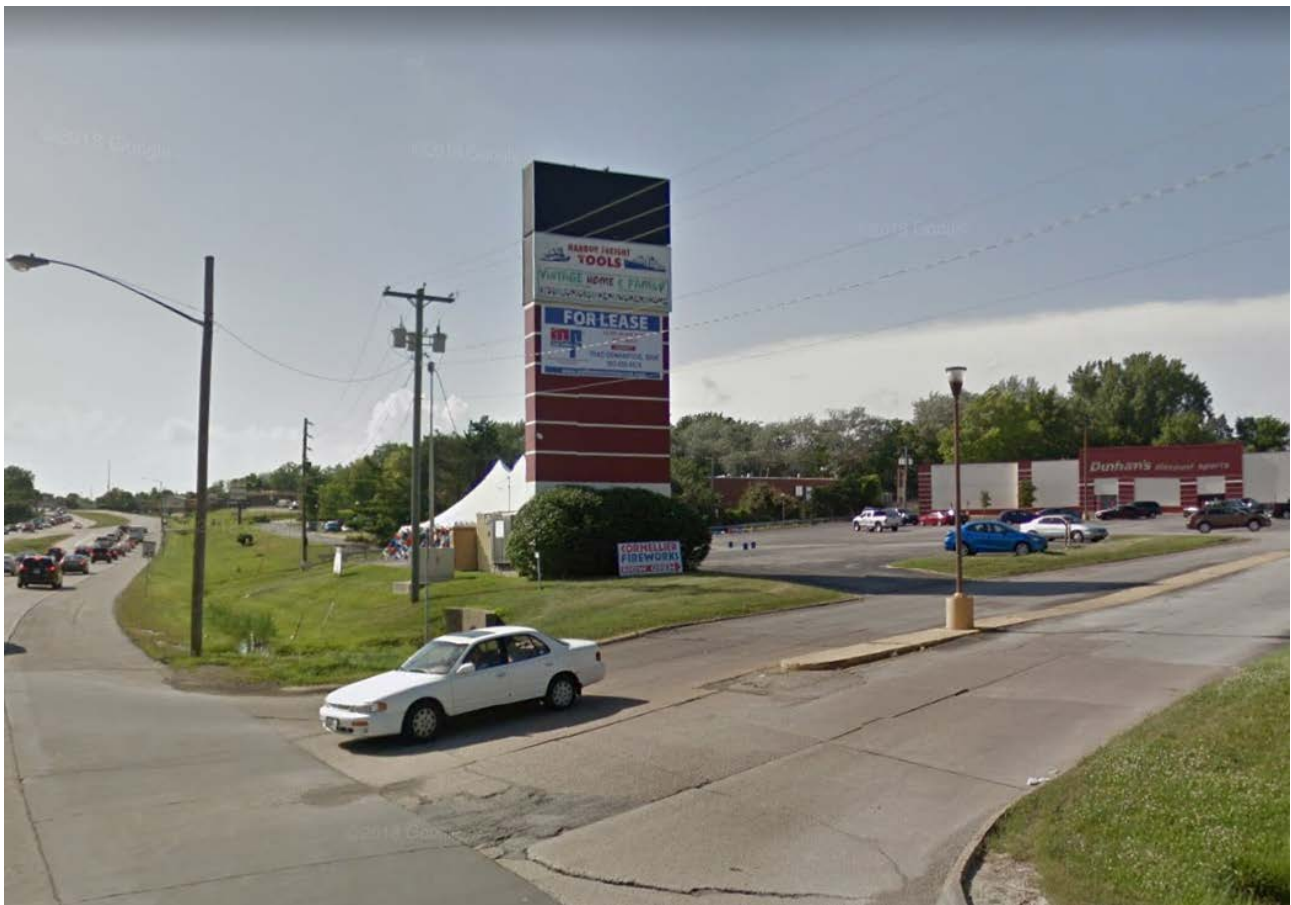
Staff recommends denial of the request as the application does not meet approval standards for a hardship variance.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents



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1010 E. Kimberly Road, Davenport, IA 52807



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Customer will receive 1 complimentary proof change with order. Additional proof changes requested by customer will be billed at an hourly rate.



933 East 53rd Street
Davenport, Iowa 52807
snqc@mchsi.com
[phone] 563.391.5632

Please check all aspects of this layout; including but not limited to: color, size, materials, and spelling.

Approved _____ Date _____
your job will be produced as shown
Changes are needed _____ Date _____
proof will be re-submitted

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1010 E. Kimberly Road, Davenport, IA 52807



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Approved _____ Date _____
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**PUBLIC HEARING NOTICE
ZONING BOARD OF ADJUSTMENT
CITY OF DAVENPORT**



Public Hearing Details:

Date: 9/26/2019

Ward: **7th Ward**

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 #: HV19-14

To: All property owners within 200 feet of the subject property located at **1010 E Kimberly Rd.**

What is this All About?

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

Request Description

Request HV19-14 of American Freight Furniture/Signs Now at 1010 E Kimberly Rd for a hardship variance to exceed the size allowance for front façade signage by 139 sq. ft. with a 269 sq. ft. front façade sign. Code allows for 130 sq. ft. of size area on the front façade as the unit has 130 linear feet of building frontage.

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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?

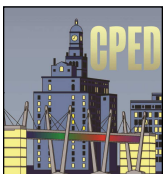
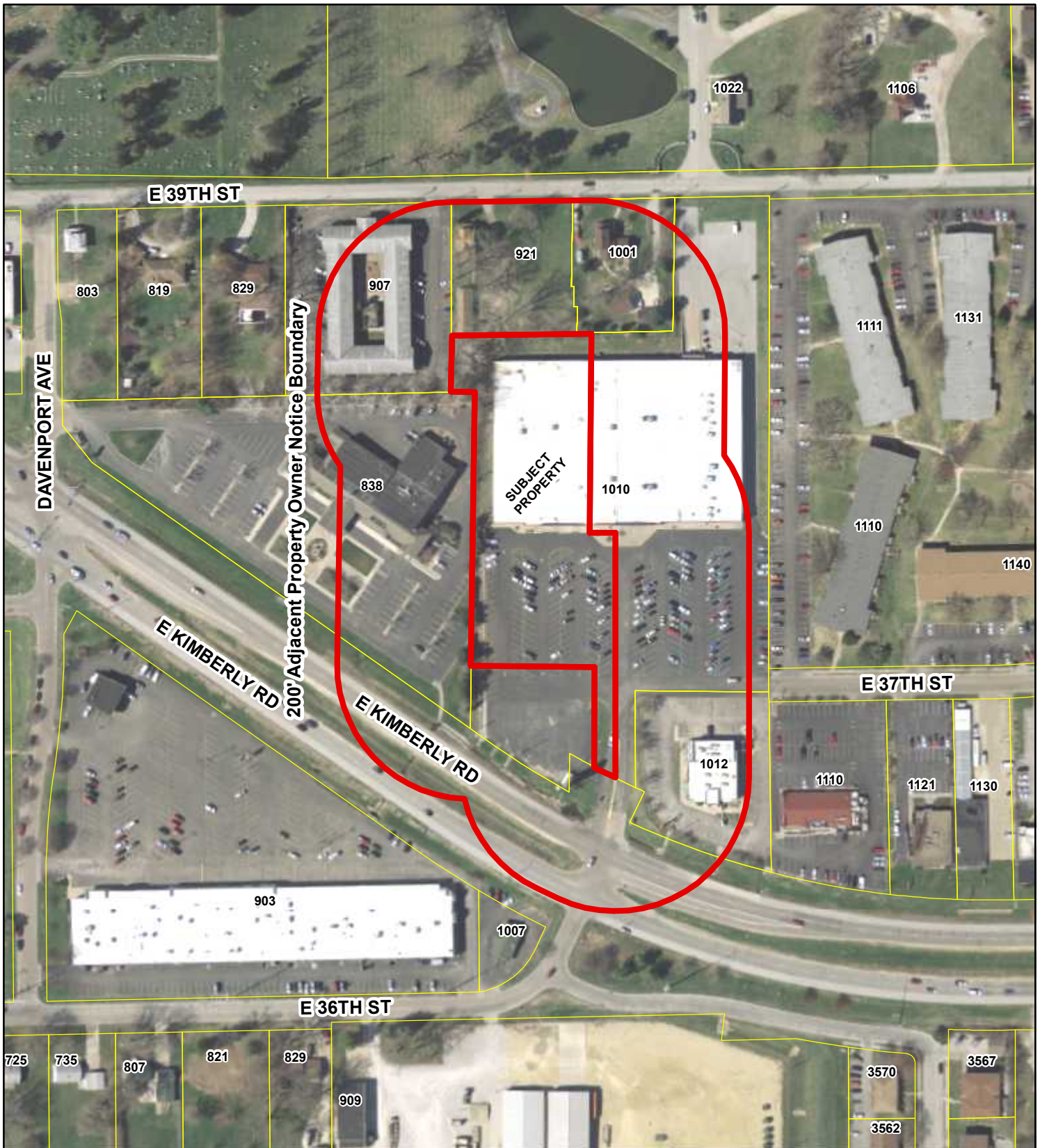
As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us 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 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 for updates.

Zoning Board of Adjustment: Adjacent Property Owner Notice Area



1 inch = 200 feet

0 100 200 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.



1010 E Kimberly Rd - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	1010 E KIMBERLY RD	BAG OF HOLDING COMPANY LLC	1010 E KIMBERLY RD	DAVENPORT IA 52807
Ward/Notices	Ward 6	Notices Sent:	3245 E 35TH ST CT	
P1310-04A	838 E KIMBERLY RD	HAWKEYE BANK OF CEDAR RAPIDS	BOX 130548 TAX 8TH FL	HOUSTON TX 77219
P1311-02A	921 E 39TH ST	DARWIN K BELK	921 E 39TH ST	DAVENPORT IA 52807
P1311-02B	1012 E KIMBERLY RD	LOS PORTALES PROPERTY 2 INC	1012 E KIMBERLY RD	DAVENPORT IA 52807
P1311-02C	1010 E KIMBERLY RD	LEVERAGED HOLDINGS LLC	3245 E 35TH ST CT	DAVENPORT IA 52807
P1311-03	1001 E 39TH ST	DONALD L SCHNAUBER	1001 E 39TH ST	DAVENPORT IA 52807
P1311-08	907 E 39TH ST	MFR-XIV COLONIAL LLC	735 LAKE STREET EAST	DAVENPORT IA 52807