

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

MONDAY, DECEMBER 16, 2019; 4:00 PM

DAVENPORT POLICE DEPARTMENT | 416 HARRISON STREET | COMMUNITY ROOM

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

I. Call to Order

- A. THIS MEETING HAS BEEN CANCELED DUE TO A LACK OF A QUORUM.

THE MEETING HAS BEEN RESCHEDULED FOR DECEMBER 16, 2019 AT
5:00 PM AT 416 HARRISON ST

II. Secretary's Report

- A. Consideration of the 11-14-19 meeting minutes.

III. Old Business

IV. New Business

- A. Request HV19-20 of ACME Sign on behalf of Five Below at 902 W. Kimberly Road for a hardship variance to install an 87.75 square foot sign which will exceed the amount of allowed wall signage by 31.17 square feet. Section 17.12.060.I.4 allows a maximum sign area of 56.58 square feet for this commercial unit's wall sign. [Ward 7]
- B. Request HV19-21 of Tim Shaffer dba Dale's Service Center at 3816 W. Locust Street for a hardship variance to waive curbing requirements along the north and west perimeter of the parking lot and to reduce the width of a buffer yard from 15 to 7.5 feet along the east property line. Sections 17.11.080.A.2 and 17.10.030.E require parking lots to be designed with curbing and buffer yards when abutting landscape, walkways, or structures and residential districts, respectively. [Ward 1]
- C. Request HV19-22 of Riverbend Signworks on behalf of The Ridge at 4750 Utica Ridge Road Suite 100 for a hardship variance to install a 95 square foot sign which will exceed the amount of allowed wall signage by 55 square feet. Section 17.12.060.I.4 allows a maximum sign area of 40 square feet for this commercial unit's wall sign as the unit is less than 40 feet in width. [Ward 6]
- D. Request HV19-23 of Terrance Schabilion on behalf of Mindy Richards at 3331 Hobson Avenue for a hardship variance to encroach into the required front setback with a detached garage and to maintain the existing gravel driveway. The proposed garage would be set back 30 feet from the front lot line (28-foot encroachment into the required 58-foot setback). Section 17.09.030.A.4.c prohibits detached accessory structures in a front yard. Section 17.10.030.I.4 requires hard surfaced materials for vehicular areas. [Ward 1]

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
12/12/2019

Subject:

THIS MEETING HAS BEEN CANCELED DUE TO A LACK OF A QUORUM.

THE MEETING HAS BEEN RESCHEDULED FOR DECEMBER 16, 2019 AT 5:00 PM AT
416 HARRISON ST

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	12/12/2019 - 9:20 AM

City of Davenport
Zoning Board of Adjustment

Department: CPED
Contact Info:

Date
12/12/2019

Subject:
Consideration of the 11-14-19 meeting minutes.

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	11/21/2019 - 11:55 AM



MINUTES
City of Davenport
Zoning Board of Adjustment
October 24, 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, Cochran, Quinn, and Reistroffer.

Board Members excused: none

Staff present: Hoyt and Koops

I. Secretary's Report:

The minutes of the 10-10-19 and 10-24-19 meetings were approved unanimously by voice vote.

II. Old Business:

None.

III. New Business:

- A. Request HV19-19 of Bush Construction at 9104 N. Zenith Avenue for a hardship variance to construct a rear building addition that will encroach approximately 6 feet into the required rear yard setback and be approximately 9 feet from the rear yard property line. Property is zoned I-1 Light Industrial. Section 17.06.030 requires a 15-foot setback from the rear property line for principal structures in the I-1 District. [Ward 8]**

Staff member Koops informed the Board that early that afternoon Bush Construction (the petitioner) emailed staff and requested staff to withdraw the item from the agenda.

- B. Request SU19-02 of Falcon Auto/Anthony Pintozzi at 707 N. Division Street for approval of a special use for a minor vehicle repair shop in the existing structure. Property is zoned C-1 Neighborhood Commercial. Section 17.08.020. of the Davenport Municipal Code allows for minor vehicle repair/service in the C-1 District subject to special use approval in compliance with Section 17.08.030.CC. [Ward 3] C. Request SU19-03 of Ward Development/AT&T at 1530 E. 39th Street for a special use to approve a new 165' wireless communications tower. Property is zoned S-OS Open Space. Section 17.08.020. of the Davenport Municipal Code allows for wireless communications towers in any zoning district subject to special use approval in compliance with Section 17.08.030.EE. [Ward 7]**

Koops presented the staff report and the Findings/Recommendation to the Board.

No comments in favor of or opposed to the request were submitted to staff.

Findings: (per the staff report and staff presentation)

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

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.

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

The planned operation would meet code requirements and would have minimal, if any, impact on adjacent property and public facilities.

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.

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. Should complaints arise from adjacent owners and neighborhood residents due to noncompliance of these conditions, or if staff is aware of repeated infractions to these conditions and/or 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/denied.

The petitioner Antony Pintozzi/Lester Monkus addressed the Board and stated the need for the request.

Board members discussed the request and asked some clarifying questions.

No one from the audience spoke in favor of or opposed to the request.

Motion

A motion to approve the request subject to the conditions listed in the staff report and listed here in these minutes, was made by Strayhall and seconded by Quinn and the motion carried unanimously (5-0).

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

C. Request SU19-03 of Ward Development/AT&T at 1530 E. 39th Street for a special use to approve a new 165' wireless communications tower. Property is zoned S-OS Open Space. Section 17.08.020. of the Davenport Municipal Code allows for wireless communications towers in any zoning district subject to special use approval in compliance with Section 17.08.030.EE. [Ward 7]

Koops presented the staff report and the Findings/Recommendation to the Board. No comments were submitted from adjacent property owners.

The petitioner addressed the Board and stated the need for the request.

Findings:

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

Recommendation:

Staff recommends approval of the request.

Motion

Strayhall made a motion to approve the request as proposed which was seconded by Cochran and was approved unanimously. (5-0)

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

IV. Other Business

None.

V. Adjourn

The meeting adjourned unanimously by voice vote at approximately 5:10 pm.

City of Davenport
Zoning Board of Adjustment

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

Date
12/12/2019

Subject:

Request HV19-20 of ACME Sign on behalf of Five Below at 902 W. Kimberly Road for a hardship variance to install an 87.75 square foot sign which will exceed the amount of allowed wall signage by 31.17 square feet. Section 17.12.060.I.4 allows a maximum sign area of 56.58 square feet for this commercial unit's wall sign. [Ward 7]

Recommendation:

Findings: (supported by the analysis)

Item #1 application of the ordinance creating hardship has been established;

Item #2 physical and topographical conditions of the site do limit the use; Item #3 unique circumstance has been established;

Item #4 protection of essential character has been established;

Recommendation: Staff recommends approval of the request as proposed.

Background:

The petitioner has proposed a front entrance wall sign which will be centered on the design feature as shown in the petitioner's proposed signage plan. The scale of the sign would appear to be in keeping with other signs at this location and with within acceptable design practices. The sign does not appear overly large given the surrounding fascia and with the set back of over 550 feet from the roadway. Planning staff plans to redraft the sign ordinance to allow businesses a more suitable signage allowance per building frontage, as the code appears to be overly restrictive in this particular aspect of the sign code.

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.*

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:

Five Below is located on the north side of the Village Shopping Center Kimberly Road parking lot. The store space is on 2 elevations. The store is deep but only 56' 7" wide. The space they wish to go in has been vacant for a number of years. They are a considerable distance from the street and the sign on the building is their main form of advertising and directing people to

their business. They will be new to the Quad Cities and need all the help we can give them.

Staff Comments:

As the petitioner indicated, the proposed sign would be at a similar or smaller scale than the existing adjacent tenant signage. If the code is applied to this business as required, the sign would have the appearance of being too small for this entrance feature and would be much less legible from the parking lot. The sign proposal meets the requirement for a hardship determination.

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 physical surroundings that bring about special conditions is the distance from the street. Also even though the parking lot is flat right adjacent to the street the parking lot elevation is above the street.

Staff Comments:

Due to the sign being located over 550 feet from Kimberly Road, and the site being elevated above the roadway grade, there are grounds for a variance due to the physical surroundings.

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:

Looking at the adjacent tenant spaces, you can see that Five Below is inline or on the smaller side of their signs. The sign Five Below requests does not infringe on their adjacent tenants building fascia. The requested sign is similar in size to the adjacent tenants or smaller.

Staff Comments:

The situation is unique in that all the adjacent tenants have signs of similar size or larger than what is proposed. Due to the extreme set back from the roadway and the size of the proposed sign, the request appears to meet the requirements for unique circumstance.

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

Applicant Response:

The sign is going on a shopping center which is older and has been remodeled. The shopping center has a huge parking lot in between it and Kimberly Road. The area is commercial and all the storefronts that have businesses have signs of a similar or larger size.

Staff Comments:

The petitioner has proposed a sign similar to or smaller than several of the existing signs in the development. The character of the locality will not be impacted by the proposed signage.

Findings & Staff Recommendation:

Findings: (supported by the previous analysis)

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

Recommendation:

Staff recommends approval of the request as proposed.

ATTACHMENTS:

Type	Description
▣ Exhibit	Exhibits for report
▣ Exhibit	Application
▣ Exhibit	Notice List
▣ Exhibit	Owners Notice & Map

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	11/21/2019 - 11:55 AM



City of Davenport
Community Planning & Economic Development Department
Exhibits and Report

Description

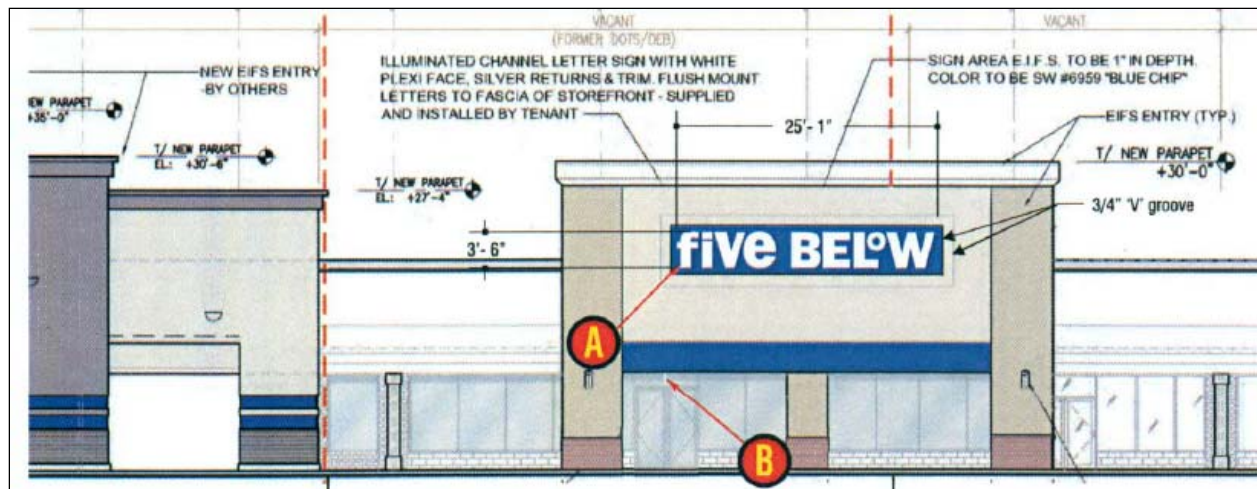
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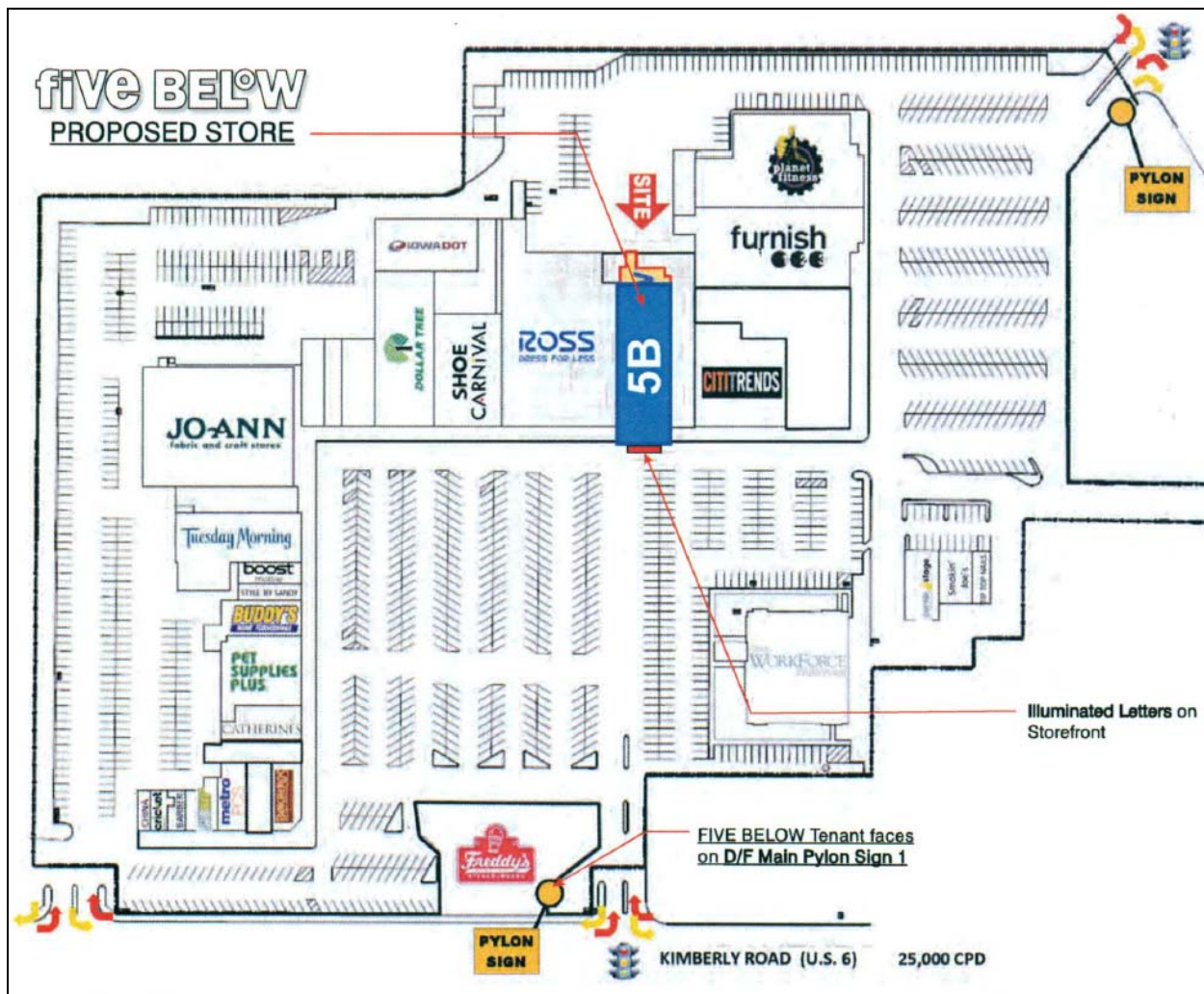
Background & Discussion

The petitioner has proposed a front entrance wall sign which will be centered on the design feature as shown in the petitioner's proposed signage plan. The scale of the sign would appear to be in keeping with other signs at this location and with within acceptable design practices. The sign does not appear overly large given the surrounding fascia and with the set back of over 550 feet from the roadway. Planning staff plans to redraft the sign ordinance to allow businesses a more suitable signage allowance per building frontage, as the code appears to be overly restrictive in this particular aspect of the sign code.

Proposed Signage:



Site Plan:



Purpose of a Hardship Variance

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Applicant Response:

Five Below is located on the north side of the Village Shopping Center Kimberly Road parking lot. The store space is on 2 elevations. The store is deep but only 56' 7" wide. The space they wish to go in has been vacant for a number of years. They are a considerable distance from the street and the sign on the building is their main form of advertising and directing people to their business. They will be new to the Quad Cities and need all the help we can give them.

Staff Comments:

As the petitioner indicated, the proposed sign would be at a similar or smaller scale than the existing adjacent tenant signage. If the code is applied to this business as required, the sign would have the appearance of being too small for this entrance feature and would be much less legible from the parking lot. The sign proposal meets the requirement for a hardship determination.

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 physical surroundings that bring about special conditions is the distance from the street. Also even though the parking lot is flat right adjacent to the street the parking lot elevation is above the street.

Staff Comments:

Due to the sign being located over 550 feet from Kimberly Road, and the site being elevated above the roadway grade, there are grounds for a variance due to the physical surroundings.

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Staff Comments:

The petitioner has proposed a sign similar to or smaller than several of the existing signs in the development. The character of the locality will not be impacted by the proposed signage.

Findings & Staff Recommendation:

Findings: (supported by the previous analysis)

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

Recommendation:

Staff recommends approval of the request as proposed.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents



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

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

Property Address* 902 W. KIMBERLY RD SPACE #3

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

Applicant (Primary Contact)**

Name: DOUGLAS L. JARVIS
Company: ACME SIGN CO. INC.
Address: 1504 W. 4th ST
City/State/Zip: DAVENPORT, IA 52802
Phone: 563-322-7947
Email: JARVIS.DOUGLAS@ACMESIGNCO.INC.COM

JARVIS.DOUGLAS@ACMESIGNCO.INC.COM

Owner (if different from Applicant)

Name: FLUOR BLOW
Company:
Address: 902 W. KIMBERLY RD SPACE #3
City/State/Zip: DAVENPORT, IA
Phone:
Email:

Engineer (if applicable)

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

Architect (if applicable)

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

Attorney (if applicable)

Name:
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 ☐

Zoning Board of Adjustment

- Zoning Appeal ☐
Special Use ☐
Hardship Variance ☒

Design Review Board

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

Historic Preservation Commission

- Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Administrative

- Administrative Exception ☐
Health Services and Congregate Living Permit ☐

****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:

FIVE BELOW WALKIES TO INCREASE THE
ALLOWABLE FASCIA SIGN SQUARE FOOTAGE
FROM 57.75 $\square'$ TO 87.75 $\square'$

Existing Zoning:

Submittal Requirements:

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed structures affected by the hardship variance. If a paper copy is provided, the maximum size is 11" x 17".
- Description and evidence that demonstrates consistency with the criteria listed in Section 17.14.060 of the Davenport Municipal Code.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- Required fee - \$200.

The Applicant hereby acknowledges and agrees to the following procedure and requirements:

(1) Application:

- Prior to submission of the application for the hardship variance, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the hardship variance process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Public Notice for the Zoning Board of Adjustment public hearing:

- Planning staff will send a public hearing notice to surrounding property owners.

(3) Zoning Board of Adjustment's consideration of the hardship variance:

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

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.

FIVE BELOW IS LOCATED ON THE NORTH SIDE OF THE VILLAGE SHOPPING CENTER KIMBERLY RD PARKING LOT. THEIR STORE SPACE IS ON 2 ELEVATIONS THE STORE IS DEEP BUT ONLY 56'7" WIDE, THE SPACE THEY WISH TO GO IN HAS BEEN VACANT FOR A NUMBER OF YEARS.

THEY ARE A CONSIDERABLE DISTANCE FROM THE STREET AND THE SIGN ON THE BUILDING IS THEIR MAIN FORM OF ADVERTISING AND DIRECTING PEOPLE TO THEIR BUSINESS THEY WILL BE NEW TO THE QUAD CITIES AND NEED ALL THE HELP WE CAN GET THEM

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

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

THE PHYSICAL SURROUNDINGS
THAT BRING ABOUT SPECIAL
CONDITIONS IS THE DISTANCE
FROM THE STREET
ALSO EVEN THOUGH THE PARKING
LOT IS FLAT, RIGHT ADJACENT
TO THE STREET, THE PARKING
LOT ELEVATION IS ABOVE THE STREET

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.

LOOKING AT THE ADJACENT
TENANTS SPACES - YOU CAN SEE
THAT FIVE BELOW IS LINED UP
ON THE SMALLER SIDE OF THEIR
SIGNS. THE SIGN FIVE BELOW
REQUESTS DOES NOT INFRINGE
ON THEIR ADJACENT TENANTS
BUILDING FASCIA. THE REQUESTED
SIGN IS SIMILAR IN SIZE TO
ADJACENT TENANTS OR SMALLER

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

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

THE SIGN IS GOING ON A SHOPPING CENTER WHICH IS OLDER AND HAS BEEN REMODELED. THE SHOPPING CENTER HAS A HUGE PARKING LOT INBETWEEN IT AND KIMBERLY RD THE AREA IS COMMERCIAL AND ALL THE STOREFRONTS THAT HAVE BUSINESSES HAVE SIGNS

Applicant: ACME SIGN CO. INC

Date: 11/11/19

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 4th Street, Davenport, Iowa.

Authorization to Act as Applicant

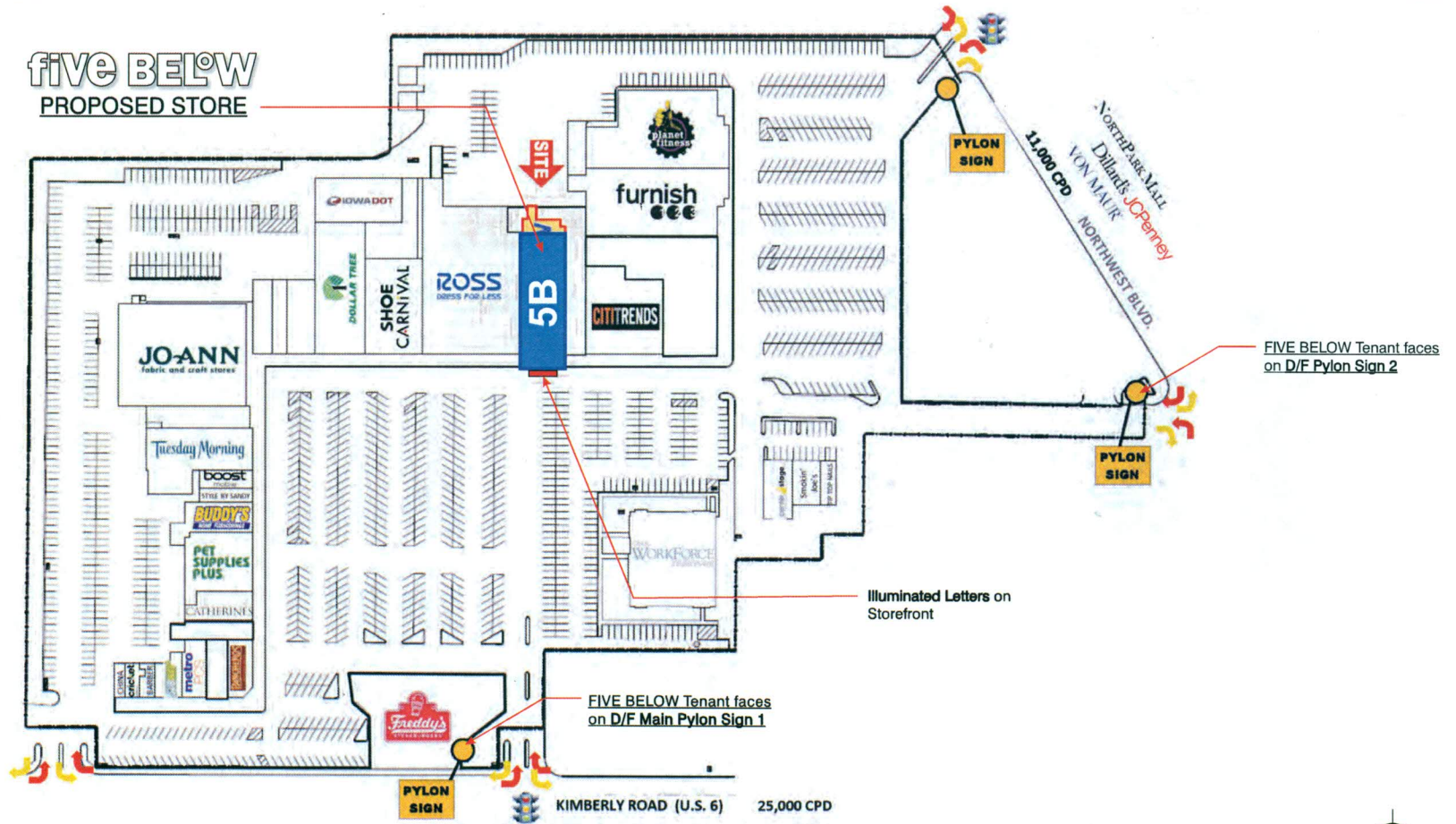
I, _____
authorize _____
to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located
at _____

Douglas Z Jarvis
Signature(s)*

*Please note: original signature(s) required.

five BELOW

SITE IDENTIFICATION Site Plan



SITE PLAN



Kieffer | Starlite
National Sign Manufacturers and Consultants
Dallas/Ft. Worth | Chicago | Sheboygan | Charlotte

ACCOUNT: FIVE BELOW	REVISIONS:	INITIALS & DATE:
LOCATION: Davenport, IA (Village S/C)	▲ Relocate pylon sign 1	MAK 9/26/19
ACCT. REP: LC	▲	-
DATE: 6/17/19	▲	-
DESIGNER: MAK	▲	-
COMPANION FILES	▲	-
	▲	-
	▲	-
	▲	-
	▲	-
	▲	-



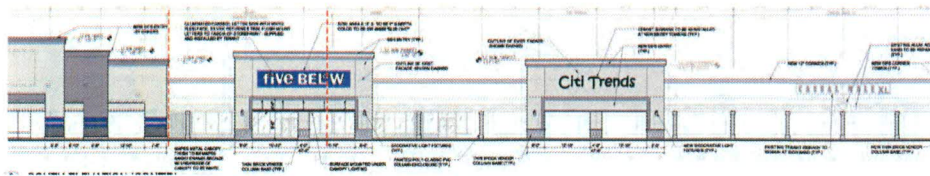
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For Contact Information
visit us at
www.kssigngroup.com

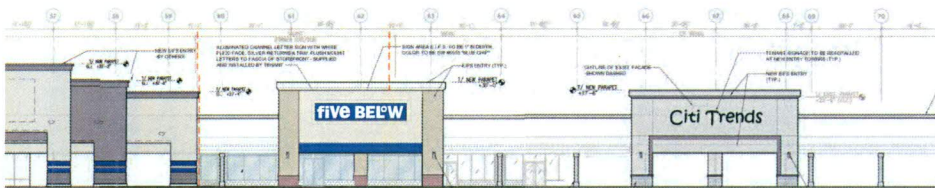
SITE PLAN

five BELOW

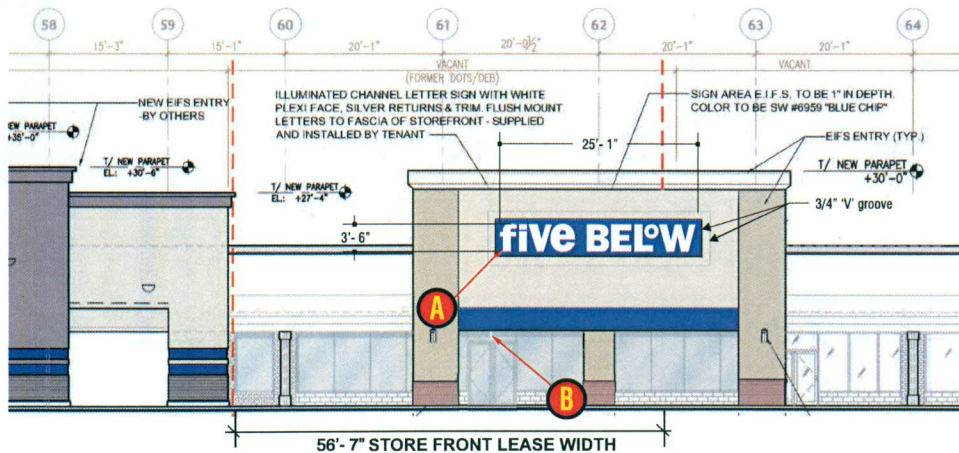
SITE IDENTIFICATION Store Elevation



EXISTING STOREFRONT



PROPOSED STOREFRONT



ENLARGED STOREFRONT

Facade:

- LL to engineer and build up parapet, height to be 30'-0"
- LL to engineer new storefront glass, 9'-6" high, 4'-0" min panel with two 3'-4" panels to the right of the door, no upper mullions.
- LL to locate 8' tall storefront doors per tenant's final plans
- LL to install walkway lighting, 5'-4" min O.C., with additional door light
- LL to install HILTI eyebolts in facade for temporary banners, see A40 for loc.
- LL to install curb cut near storefront entry
- LL to provide unobstructed permanent access to sign mountable/electrical connection area
- LL to provide electrical to center of all applicable sign mountable areas

Signage:

- Primary Sign: 42" internally illuminated channel letters
- Temp Post and Panel: Construction sign placed near entrance
- Walkway sign: 1'-0" x 3'-0" UC Sign
- Pylon Panel: LL to provide tenant with a sign panel on the common pylon sign.
- If a panel is not available, tenant has the right to take an open panel when available.

Finishes by LL:

- Facade: 1 1/2" Dryvit 456 Oyster Shell
- Signage EIFS: 1 1/2" Dryvit FIBE011021S (Five Below Blue)
- Cornice EIFS: 1" Dryvit 310 China White
- Pilasters: 2" Dryvit 113 Amarillo White
- Pilaster Base: Shopping Center Brick to be approved by Five Below

Sign A

Sign Type: 42" Five Below Individual Channel Letters

Illumination: Internally Illuminated LED

Square Footage: 87.79 TTL SQ FT

Reference DRWG. #B61022D for detailed specifications

Sign B

Sign: 1' x 3' Undercanopy Sign

Sign Type: Exterior Sign

Illumination: Non-Illuminated

Reference DRWG. #B65543B for detailed specifications

Kieffer | Starlite
National Sign Manufacturers and Consultants
Dallas/Ft. Worth | Chicago | Sheboygan | Charlotte

ACCOUNT: FIVE BELOW
LOCATION: Davenport, IA (Village S/C)
ACCT. REP: LC
DATE: 6/17/19
COMPANION FILES



REVISIONS:
▲ Revised elevation
▲ Revised notes
▲
▲
▲
▲
▲
▲

INITIALS & DATE:
MAK 10/9/19
MAK 10/14/19

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For Contact Information
visit us at
www.kssigngroup.com

KS1902192

five BELOW

SITE IDENTIFICATION
Tenant Faces



D/F PYLON SIGN 1



Face Layout
(2) Faces Required

N. T. S.

General Description

Tenant faces. SPECS AND SIZES PER FIELD SURVEY -
SEE COLOR SCHEDULE for standard color specs.

COLOR SCHEDULE:

- ☒ Match 3M #3630-167 Bright Blue
- ☐ White Logotype

Kieffer | Starlite
National Sign Manufacturers and Consultants
Dallas/Ft. Worth | Chicago | Sheboygan | Charlotte

ACCOUNT: **FIVE BELOW**
LOCATION: **Davenport, IA** (Village S/C)
ACCT. REP: **LC** DESIGNER: **MAK**
DATE: **6/17/19**
COMPANION FILES



REVISIONS:
▲ Rename pylon sign
▲ -
▲ -
▲ -
▲ -
▲ -
▲ -
▲ -

INITIALS & DATE:
MAK 9/26/19

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For Contact Information
visit us at
www.kssigngroup.com

KS1902192A

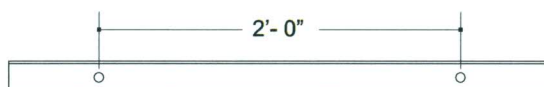
five BELOW

SITE IDENTIFICATION
1' x 3' Under canopy Sign

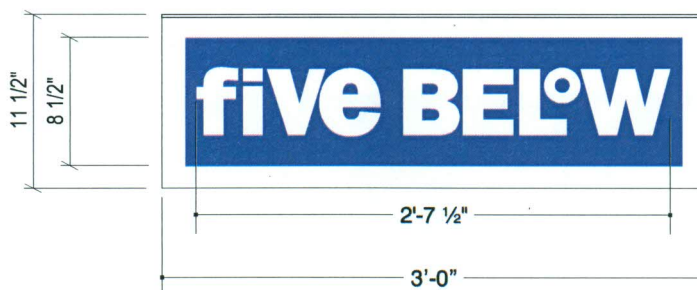
TYPICAL INSTALLATION



WALKWAY APPLICATION



Top View



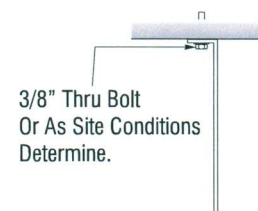
D/F Under Canopy Sign

Scale: 1 1/2" = 1'-0"

.063 White pre-coat aluminum
w/brake-formed 1" flange at
top. 5/16" dia. holes drilled in
flange.
3M vinyl logotype graphics
applied 1st surface.
Mounting hardware to be
provided by installer.

COLOR SPECIFICATIONS

3M #3630-167 Bright Blue



3/8" Thru Bolt
Or As Site Conditions
Determine.

Side View

Scale: 1 1/2" = 1'-0"

Kieffer | Starlite
National Sign Manufacturers and Consultants

ACCOUNT: **FIVE BELOW**

LOCATION: **VARIOUS**

ACCT. REP: **LC**

DATE: **7/22/15**

COMPANION FILES

DESIGNER: **MAK**



PRODUCTION PROCESSING

Kieffer Item #

Job #

-001

-002

-003

-004

-005

REVISIONS:

1

2

3

4

5

6

7

INITIALS & DATE:

-

-

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-

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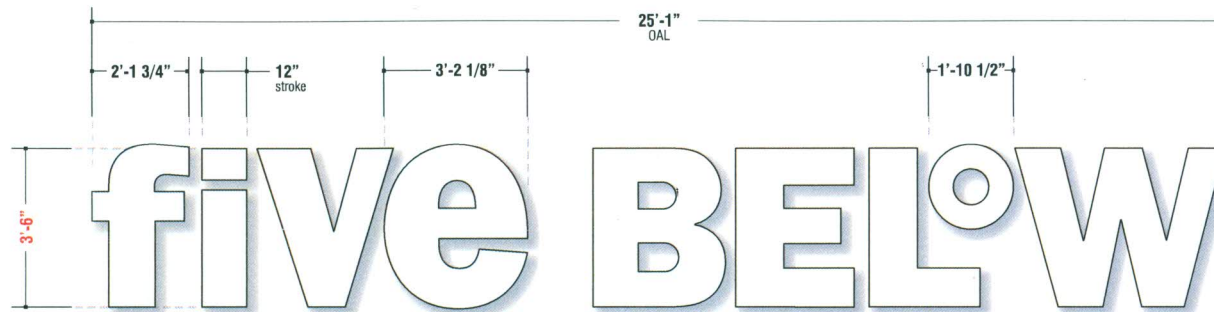
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585 Bond Street, Lincolnshire, Illinois 60069
PHONE: (877) 543-3337 FAX: (847) 520-1543
www.kieffersigns.com

B65543B

five BELOW

SITE IDENTIFICATION
42" Illuminated Letters



Letter Set Layout

Scale: 3/8" = 1'-0"

Square Feet: 87.79

GENERAL SPECIFICATIONS

Internally Illuminated Letter Set to be flush-mounted.

COLOR SPECIFICATIONS

Material/Paint Specifications

- (P1) ☒ Painted Brushed Aluminum
Logotype Returns
- (P2) ☐ White Acrylic
Faces

CHANNEL LETTERS - REMOTE

A ILLUMINATION COLOR	WHITE
B POWER SUPPLY TYPE	AGILITE
C FACE MATERIAL	ACRYLIC
D RETAINER TYPE	TRIM CAP
E RETURN MATERIAL	METALLIC SILVER
F BACK MATERIAL	.063 ALUMINUM
G MOUNTING TYPE	MECHANICAL
H ELECTRICAL TYPE	PASS THRU
I SWITCH TYPE	DISCONNECT/TOGGLE

* 2 WEEP HOLES PER LETTER REQUIRED (1/4" DIA.).
 * CAULK REQUIRED.
 * UL LISTED PRODUCT.
 * ALL ELECTRICAL OUTS LOCATED FOR RACEWAY OR REMOTE APPLICATION.

Kieffer | Starlite
National Sign Manufacturers and Consultants

ACCOUNT: FIVE BELOW	PRODUCTION PROCESSING	REVISIONS:	INITIALS & DATE:
LOCATION: Various	Kieffer Item #	1	
ACCT. REP: LC	DESIGNER: JRS	2	
DATE: 6/11/12		3	
COMPANION FILES		4	
		5	
		6	
		7	
		8	
		9	
		10	

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585 Bond Street, Lincolnshire, Illinois 60069
 PHONE: (877) 543-3337 FAX: (847) 520-1543
 www.kieffersigns.com

B61022D

902 W Kimberly - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner: 902 W KIMBERLY RD AMCE SIGN Admin Clerks: tthorndike@ci.davenport.ia.us samantha.torres@ci.davenport.ia.us Alderman: mmatson@ci.davenport.ia.us jcondon@ci.davenport.ia.us kgripp@ci.davenport.ia.us 19 Notices Sent				
P1407A01	902 W KIMBERLY RD	CAPREALTY 14-VILLAGE LLC	ONE MILLRIDGE LN	CHESTER NJ 07930
P1407-04	4134 NORTHWEST BD	CHRISTIAN RETIREMENT HOMES INC	4130 NORTHWEST BD	DAVENPORT IA 52806
P1408-01	1002 W KIMBERLY RD	DAVENPORT COMM SCHOOL DISTRICT	1002 W KIMBERLY RD	DAVENPORT IA 52806
P1406-09C	4004 NORTHWEST BD	FIRST FEDERAL SAVINGS & LOAN	ATTN TAX DEPARTMENT	MINNEAPOLIS MN 55406
P1410-02C	807 W KIMBERLY RD	KARTRIDG PAK CO INC (THE)	807 W KIMBERLY RD	DAVENPORT IA 52808
P1410-01D		KARTRIDGE PAK		
P1410-01B	625 W KIMBERLY RD	KIMBERLY REALTY	625 W KIMBERLY RD	DAVENPORT IA 52806
P1409-01F	925 W KIMBERLY RD	KRL LLC	C/O DOUGLAS F STEWART	BURLINGTON IA 52601
P1408-03A	1020 W KIMBERLY RD	LITTLE MISSISSIPPI LLP	8 E 61ST ST CT	DAVENPORT IA 52807
P1405-07J	320 W KIMBERLY RD	MACERICH NORTH PARK MALL LLC	PO BOX 4085	SANTA MONI CA 90411-4085
P1403D33	4211 RIPLEY ST	MIDWEST PROPERTY HOLDINGS LLC	501 S OAK LN	BLUE GRASS IA 52726-9667
P1407A02	916 W KIMBERLY RD	MLY REAL ESTATE LLC	1241 PARK PLACE NE STE C	CEDAR RAPIDS IA 52402
P1407-03	902 W KIMBERLY RD	P.H.K.H. LLC	C/O PETER HASAKIS	DAVENPORT IA 52806
P1406-01B	900 W KIMBERLY RD	REALTY INCOME CORPORATION	11995 EL CAMINO REAL STE 101	SAN DIEGO CA 92130-2565
P1408-04E	1012 W KIMBERLY RD	SPIRIT MASTER FUNDING VII LLC	2727 N HARWOOD ST	DALLAS AZ 75201
P1406-01A	616 W KIMBERLY RD	STRIETER MOTOR CO	520 W KIMBERLY RD	DAVENPORT IA 52806
P1406-08C	520 W KIMBERLY RD	STRIETER MOTOR CO		
P1406-08A	3932 NORTHWEST BD	TGS LLC	PO BOX 1388	IOWA CITY IA 52240
P1406-01C	320 W KIMBERLY RD	THE HIGBEE COMPANY	C/O DILLARD'S PROP TAX DEPT	FORT WORTH TX 76137-3218
P1406-10A	4004 NORTHWEST BD	TOWNE & COUNTRY MANOR DEV CORP	2660 E 53RD ST STE 6	DAVENPORT IA 52807
P1407A04		VILLAGE MM LLC	ONE MILLRIDGE LN	CHESTER NJ 07930
P1407A03		VILLAGE MM LLC		



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



Public Hearing Details:

Date: 12/12/2019

Ward: **7th Ward**

Time: 4:00 PM

Location: Community Planning Room, Davenport Police Station 416 Harrison Street Davenport, Iowa

Subject: Public hearing for a Hardship Variance before the Zoning Board of Adjustment

Case #: HV19-20

To: All property owners within 200 feet of the subject property located at **902 W. Kimberly Road.**

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 HV19-20 of AMCE Sign on behalf of Five Below at 902 W. Kimberly Road for a hardship variance to install an 87.75 square foot sign which will exceed the amount of allowed wall signage by 31.17 square feet. Section 17.12.060.1.4 allows a maximum sign area of 56.58 square feet for this commercial unit's wall sign. [Ward 7]

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 (563-326-7745) 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

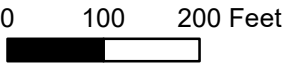
Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us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

Zoning Board of Adjustment: Adjacent Property Owner Notice Area



Project Site HV19-20
200' Adjacent Owner Notice Boundary Line

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



City of Davenport
Zoning Board of Adjustment

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

Date
12/12/2019

Subject:

Request HV19-21 of Tim Shaffer dba Dale's Service Center at 3816 W. Locust Street for a hardship variance to waive curbing requirements along the north and west perimeter of the parking lot and to reduce the width of a buffer yard from 15 to 7.5 feet along the east property line. Sections 17.11.080.A.2 and 17.10.030.E require parking lots to be designed with curbing and buffer yards when abutting landscape, walkways, or structures and residential districts, respectively. [Ward 1]

Recommendation:

Staff recommends approval of the request as it meets the approval standards for a hardship variance with one condition:

perimeter parking lot curbing shall be installed within seven years or alternatively, curbing shall be constructed in the future parking areas depicted on the site plan when those areas are available to the petitioner for development, whichever comes first.

Background:

The petitioner is proposing to construct a parking lot which will have a reduced buffer yard width on the east side, and have a variance on the north and west side for curbing which will be constructed at a later date (at 3822 W. Locust Street). The 3822 Locust Street property in-between the service center and the parking lot is a commercially zoned vacant dwelling which has been boarded up for over a year and is not currently habitable nor has the out-of-state owner had the property, at any time, on the rental inspection roll.

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.*

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:

Without a variance to the landscape buffer width the required space to meet design standards for off-street parking lots would not be applicable. The business owner would then not be able to provide off-street parking for his clientele and for any storage of vehicles to be serviced.

A variance from requirement of curb construction along the North & West sides of the project is practicable for the future of the parking area development. Without this variance additional construction costs would be incurred that would have to be removed to accommodate future parking lot expansion and/or improvements.

Staff Comments:

The ordinance does place heavy burdens on narrow commercial lots that are around 6,000 square foot range, making it impossible to provide more than a few parking spaces when adhering to all code provisions. The lot would not be able to provide more than 3 or 4 parallel parking spaces if all codes were met (and that would require a total reconfiguration with any parking expansion to the west or north, as planned). Requiring full curbing along the west and north property lines (which both abut commercial properties) only to have them removed at a future date creates practical difficulties necessitating a variance.

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

Applicant Response:

The landscape buffer variance request helps increase actual square footage for the needed design of the off-street parking. The lot to be improved is only 50 foot in width and reducing that width to 35 foot due to the current landscape buffer requirement would not allow for any improvements to be constructed to meet the city code for off-street parking lots.

The adjacent land owner refuses to sell his property at a reasonable cost to the owner to allow for immediate parking expansion. The additional space would allow for the landscape buffer requirement to be meet. This would also allow for the proper curbing requirements to be designed into the parking area.

Staff:

The surrounding properties north and west are zoned commercial while the property to the east (3804 Locust) is currently zoned residential. The east property has a dwelling that is over 80 feet from the proposed parking lot where the reduced 7.5 foot buffer will be located (rather than the full 15 foot wide). The 3804 Locust property is the only residential lot facing Locust Street on this block face. That property (at least the front portion) is very likely to be rezoned commercial when next marketed. These aspects of the adjacent uses, along with the code impacts on smaller lots, appear to be compelling reasons for a hardship determination.

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 owner would like to development the entire area adjacent to his existing business but is handcuffed by the adjacent property owner's unwillingness to sell his property as a reasonable cost. This obstacle means the owner has to make do with the limited property available to him to

allow for the design of his off-street parking area. With the limited property available the owner is therefore requesting the hardship variances to proceed with plans for site improvements.

The owner's intent is to development the entire area for future building & parking lot expansion once the adjacent property would become available at a fair-market price.

Staff:

Given the location of the service station, the lot currently owned to the north which will be used for future parking, and the plans to obtain the lot with the vacant building in-between the petitioner's properties (when available), a case can be made for unique circumstance supporting a hardship determination.

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

Applicant Response:

Acceptance of the variances will improve the existing lot and provide for off-street parking desperately needed by the owner. This also helps with the public safely entering and exiting the premises. This reduces and or eliminates the need for on-street parking on the adjacent streets next to the business. The area has gone through a recent change on zoning to commercial and is ready for the improvements to be made to enhance the area surrounding the business.

The improvements will not deter from the neighborhood and will enhance the area by allowing for off-street vehicle storage and reduction of on-street parking in the neighborhood.

Staff:

The character of the area will not be impacted by the by the proposed use. The area is predominately commercial on this block face with one dwelling. A buffer will be provided, albeit reduced to 7.5 feet, for the residential property to the east (in addition to the existing 80 feet of separation). Protection of essential character has been established.

Findings & Staff Recommendation:

Findings: (supported by the previous analysis)

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

Recommendation:

Staff recommends approval of the request as it meets the approval standards for a hardship variance with one condition:

- 1 . perimeter parking lot curbing shall be installed within seven years or alternatively, curbing shall be constructed in the future parking areas depicted on the site plan when those areas are available to the petitioner for development, whichever comes first.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Exhibits for report
▣ Exhibit	Application
▣ Exhibit	Adjacent Rental Property
▣ Exhibit	Notice List
▣ Exhibit	Notice Letter & Map

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	11/21/2019 - 11:56 AM



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

Description

Request HV19-21 of Tim Shaffer dba Dale's Service Center at 3816 W. Locust Street for a hardship variance to waive curbing requirements along the north and west perimeter of the parking lot and to reduce the width of a buffer yard from 15 to 7.5 feet along the east property line. Sections 17.11.080.A.2 and 17.10.030.E require parking lots to be designed with curbing and buffer yards when abutting landscape, walkways, or structures and residential districts, respectively. [Ward 1]

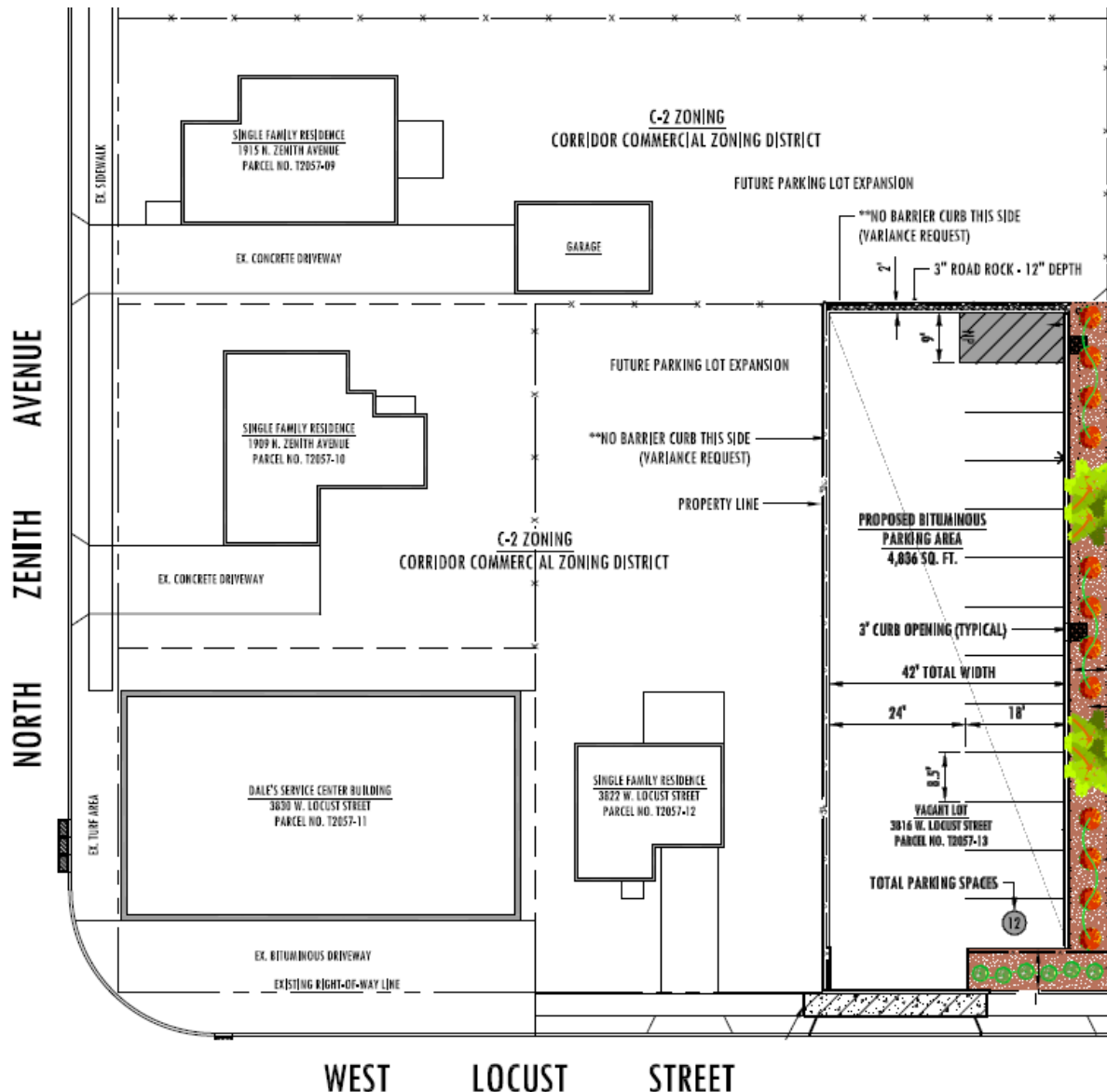
Background & Discussion

The petitioner is proposing to construct a parking lot which will have a reduced buffer yard width on the east side, and have a variance on the north and west side for curbing which will be constructed at a later date (at 3822 W. Locust Street). The 3822 Locust Street property in-between the service center and the parking lot is a commercially zoned vacant dwelling which has been boarded up for over a year and is not currently habitable nor has the out-of-state owner had the property, at any time, on the rental inspection roll.

Site:



Site Plan:



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.*

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:

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The adjacent land owner refuses to sell his property at a reasonable cost to the owner to allow for immediate parking expansion. The additional space would allow for the landscape buffer requirement to be met. This would also allow for the proper curbing requirements to be designed into the parking area.

Staff:

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Staff:

The character of the area will not be impacted by the by the proposed use. The area is predominately commercial on this block face with one dwelling. A buffer will be provided, albeit reduced to 7.5 feet, for the residential property to the east (in addition to the existing 80 feet of separation). Protection of essential character has been established.

Findings & Staff Recommendation:

Findings: (supported by the previous analysis)

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

Recommendation:

Staff recommends approval of the request as it meets the approval standards for a hardship variance with one condition:

1. perimeter parking lot curbing shall be installed within seven years or alternatively, curbing shall be constructed in the future parking areas depicted on the site plan when those areas are available to the petitioner for development, whichever comes first.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents



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

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

Property Address*

* 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 ☐

Historic Preservation Commission

Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Architect (if applicable)

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

Administrative

Administrative Exception ☐
Health Services and Congregate Living Permit ☐

Attorney (if applicable)

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

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

Request:

Please describe the variance(s) requested:

Section 17.080 - Sub-Section C (Item 1)
Variance from the 15 foot landscape buffer zone to a 7.5 foot landscape buffer zone.
Adjacent property to east of project is zoned R-3 (Single Family & Two-Family Residential District) where the variance is requested.
Variance requested for purposes of required space to meet design standards for off-street parking lots.
Current lot width is 50 feet.
Section 17.10.30 - Sub-Section E (Item 1)
Variance from required curb construction along the North & West sides of the project.
Future parking development will be added to the proposed project that would require the removal of such curbs in these areas.

Existing Zoning: C-2 Corridor Commercial Zoning District

Submittal Requirements:

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed structures affected by the hardship variance. If a paper copy is provided, the maximum size is 11" x 17".
- Description and evidence that demonstrates consistency with the criteria listed in Section 17.14.060 of the Davenport Municipal Code.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- Required fee - \$200.

The Applicant hereby acknowledges and agrees to the following procedure and requirements:

(1) Application:

- Prior to submission of the application for the hardship variance, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the hardship variance process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Public Notice for the Zoning Board of Adjustment public hearing:

- Planning staff will send a public hearing notice to surrounding property owners.

(3) Zoning Board of Adjustment's consideration of the hardship variance:

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

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.

Without a variance to the landscape buffer width the required space to meet design standards for off-street parking lots would not be applicable. The business owner would then not be able to provide off-street parking for his clientele and for any storage of vehicles to be serviced.

A variance from requirement of curb construction along the North & West sides of the project is practicable for the future of the parking area development. Without this variance additional construction costs would be incurred that would have to be removed to accommodate future parking lot expansion and/or improvements.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

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

The landscape buffer variance request helps increase actual square footage for the needed design of the off-street parking. The lot to be improved is only 50 foot in width and reducing that width to 35 foot due to the current landscape buffer requirement would not allow for any improvements to be constructed to meet the city code for off-street parking lots.

The adjacent land owner refuses to sell his property at a reasonable cost to the owner to allow for immediate parking expansion. The additional space would allow for the landscape buffer requirement to be met. This would also allow for the proper curbing requirements to be designed into the parking area.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.

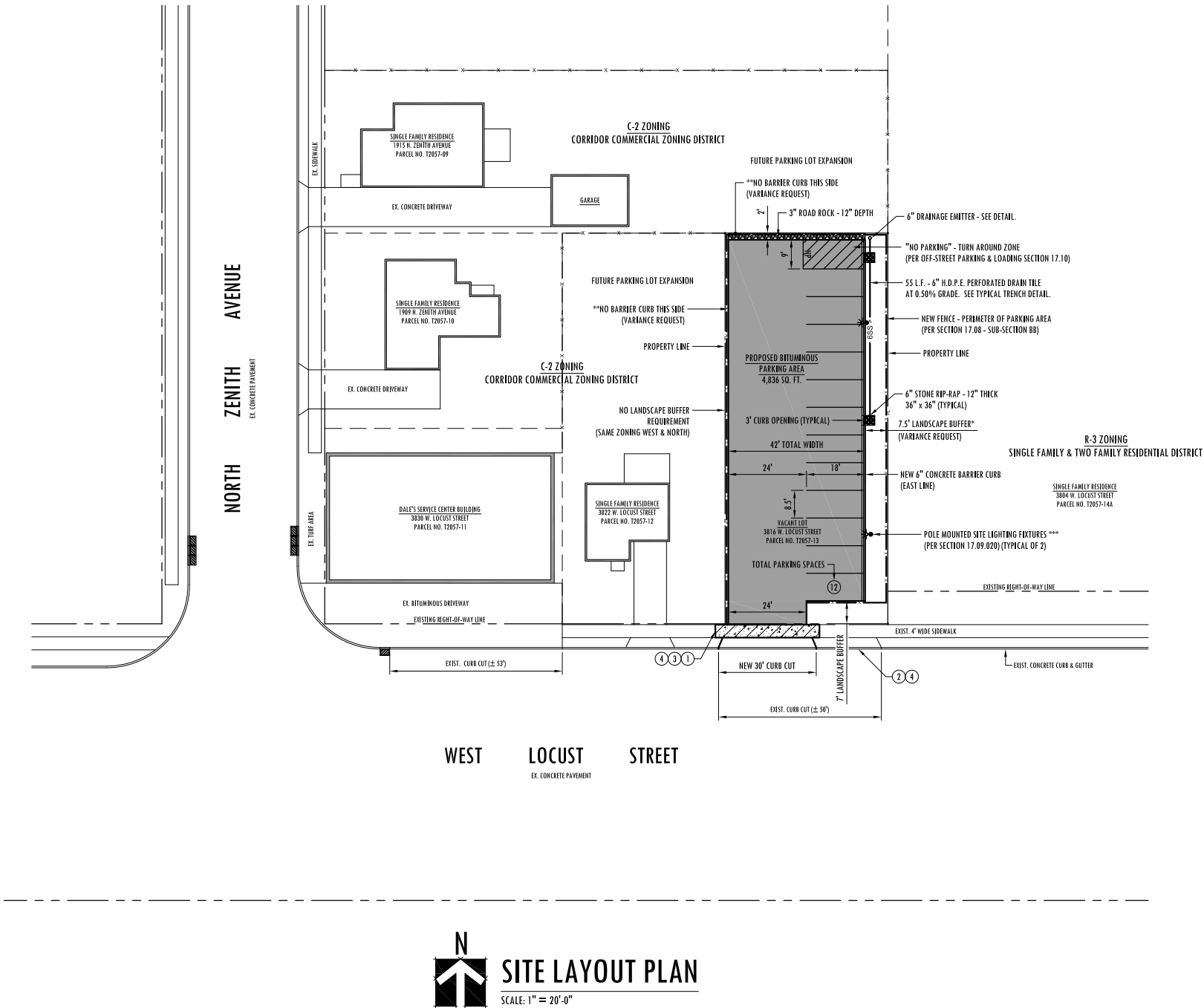
The owner would like to development the entire area adjacent to his existing business but is handcuffed by the adjacent property owner's unwillingness to sell his property as a reasonable cost. This obstacle means the owner has to make due with the limited property available to him to allow for the design of his off-street parking area. With the limited property available the owner is therefore requesting the hardship variances to proceed with plans for site improvements.

The owner's intent is to development the entire area for future building & parking lot expansion once the adjacent property would become available at a fair-market price.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

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

Acceptance of the variances will improve the existing lot and provide for off-street parking desperately needed by the owner. This also helps with the public safely entering and exiting the premises. This reduces and or eliminates the need for on-street parking on the adjacent streets next to the business. The area has gone through a recent change on zoning to commerical and is ready for the improvements to be made to enhance the area surrounding the business. The improvements will not deter from the neighborhood and will enhance the area by allowing for off-street vehicle storage and reduction of on-street parking in the neighborhood.



SITE PLAN DESIGN NOTES

BASIS OF DESIGN
PARKING LOT DESIGN BASED ON SECTION 17.10.030 OFF-STREET PARKING DESIGN STANDARDS PER THE CITY OF DAVENPORT, IOWA.

A. DIMENSIONS
1. DIMENSIONS PER FIGURE 17.10-1
2. NOT APPLICABLE

B. ACCESS
1. VEHICULAR ACCESS PROVIDED FROM STREET
2. ACCESS TO PUBLIC SIDEWALK PROVIDED
3. FORWARD MOVEMENT ACCESS INTO TRAFFIC
4. CURB CUT COMPLES WITH MUNICIPAL CODE
5. TURNAROUND SPACE & MARKING PROVIDED

C. SURFACING
1. BITUMINOUS SURFACE PROVIDED

D. STRIPING
1. PAVEMENT MARKINGS PROVIDED TO MEET STALL WIDTH/DEPTH REQUIREMENTS
2. NO ACCESSIBLE SPACES PROVIDED FOR - PRIVATE PARKING AREA FOR BUSINESS ONLY

E. CURBING
1. SEE VARIANCE REQUEST.
2. NO WHEEL STOPS USED

F. LIGHTING
1. EXTERIOR LIGHTING DESIGN TO BE PER SECTION 17.09.020. SEE SITE LIGHTING PLAN NOTE.

G. LANDSCAPE
1. LANDSCAPING SHOWN IN ACCORDANCE WITH SECTION 17.11 WITH THE EXCEPTION OF THE BUFFER YARD REQUIREMENT. SEE BUFFER YARD VARIANCE REQUEST.

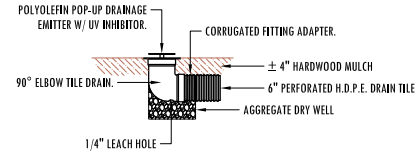
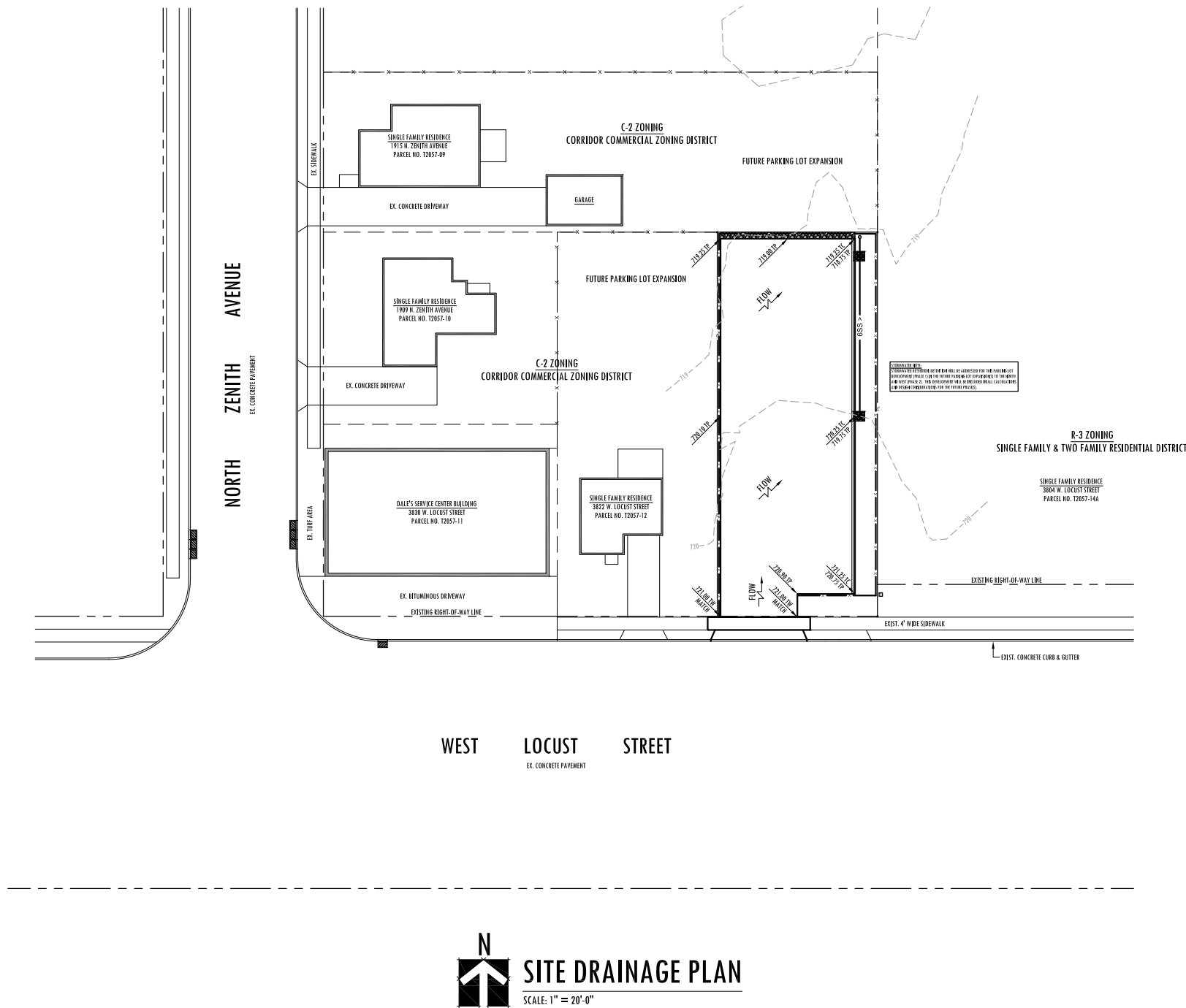
****VARIANCE REQUEST - SECTION 17.080 - SUB-SECTION C (ITEM 1)**
C-2 ZONING ADJACENT TO R-3 ZONING REQUIREMENT VARIANCE FROM THE 15 FT. LANDSCAPE BUFFER YARD REQUIREMENT TO A 7.5 FT. LANDSCAPE BUFFER YARD ON THE EAST SIDE OF THE NEW PARKING AREA TO MEET PARKING LOT REQUIREMENTS FOR TWO-WAY AISLE WIDTH & STALL WIDTH & DEPTH DIMENSIONS. THE PARCEL WIDTH (50 FT.) LIMITS PRACTICAL APPLICATION OF ALL DIMENSION REQUIREMENTS BEING APPLIED.

****VARIANCE REQUEST - SECTION 17.10.30 - SUB-SECTION E (ITEM 1)**
VARIANCE FROM CURBING REQUIREMENT ON WEST & NORTH PARKING LOT SIDES FOR FUTURE PARKING LOT EXPANSION IN THESE AREAS. STORM WATER RUN-OFF WILL BE DIVERTED TO THE LANDSCAPE BUFF AREA. SEE SHEET C-2 FOR DRAINAGE PATTERNS.

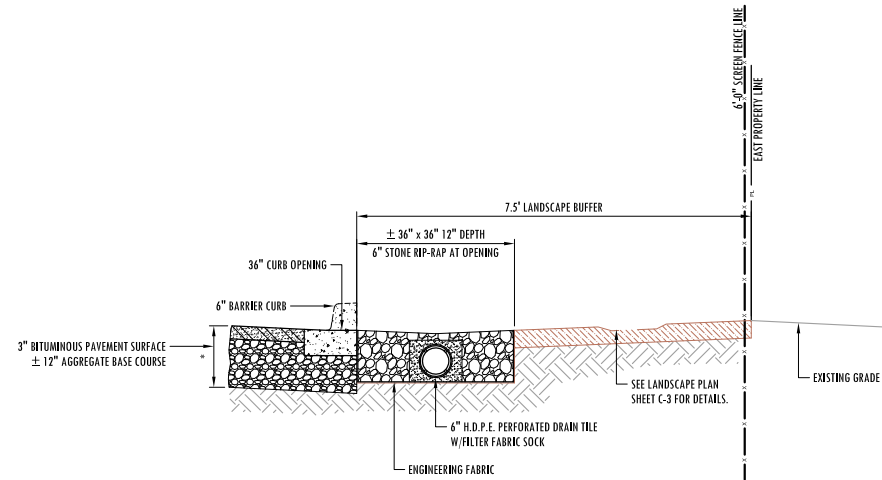
***** SITE LIGHTING PLAN**
TO BE SUBMITTED SEPARATELY AFTER THE APPROVAL OF THE SITE PLAN. SUBMITTAL SHALL MEET THE REQUIREMENTS OF SECTION 17.09.020

WORK IN RIGHT-OF-WAY NOTES:

- NEW 7" P.C. CONCRETE SIDEWALK, (4'-0" WIDTH) MATCH EXISTING SIDEWALK ELEVATIONS EACH SIDE. REMOVE & REPLACE TO NEAREST SIDEWALK JOINT EACH SIDE.
- NEW 6" P.C. CONCRETE BARRIER CURB. (± 20" TO MATCH NEW CURB CUT WIDTH)
- ALL NEW SIDEWALK CONSTRUCTION SHALL BE PER CHAPTER 12A OF SUDAS STANDARDS & ALL APPLICABLE ADA REGULATIONS FOR SLOPE.
- ALL IMPROVEMENTS WITH IN THE ROW LIMITS SHALL MEET THE CITY OF DAVENPORT SUDAS STANDARDS, LATEST EDITION INCLUDING THE CITY SUPPLEMENTAL SPECIFICATIONS.



SECTION VIEW - DRAINAGE EMITTER
LANDSCAPE BUFFER AREA
NOT TO SCALE



SECTION VIEW - CURB OPENING
LANDSCAPE BUFFER AREA
NOT TO SCALE

VSP
ENGINEERING
2570 Holiday Road - Suite 150 Cranville, IA. 52241
Ph: (319) 625-6056
www.vspeng.com



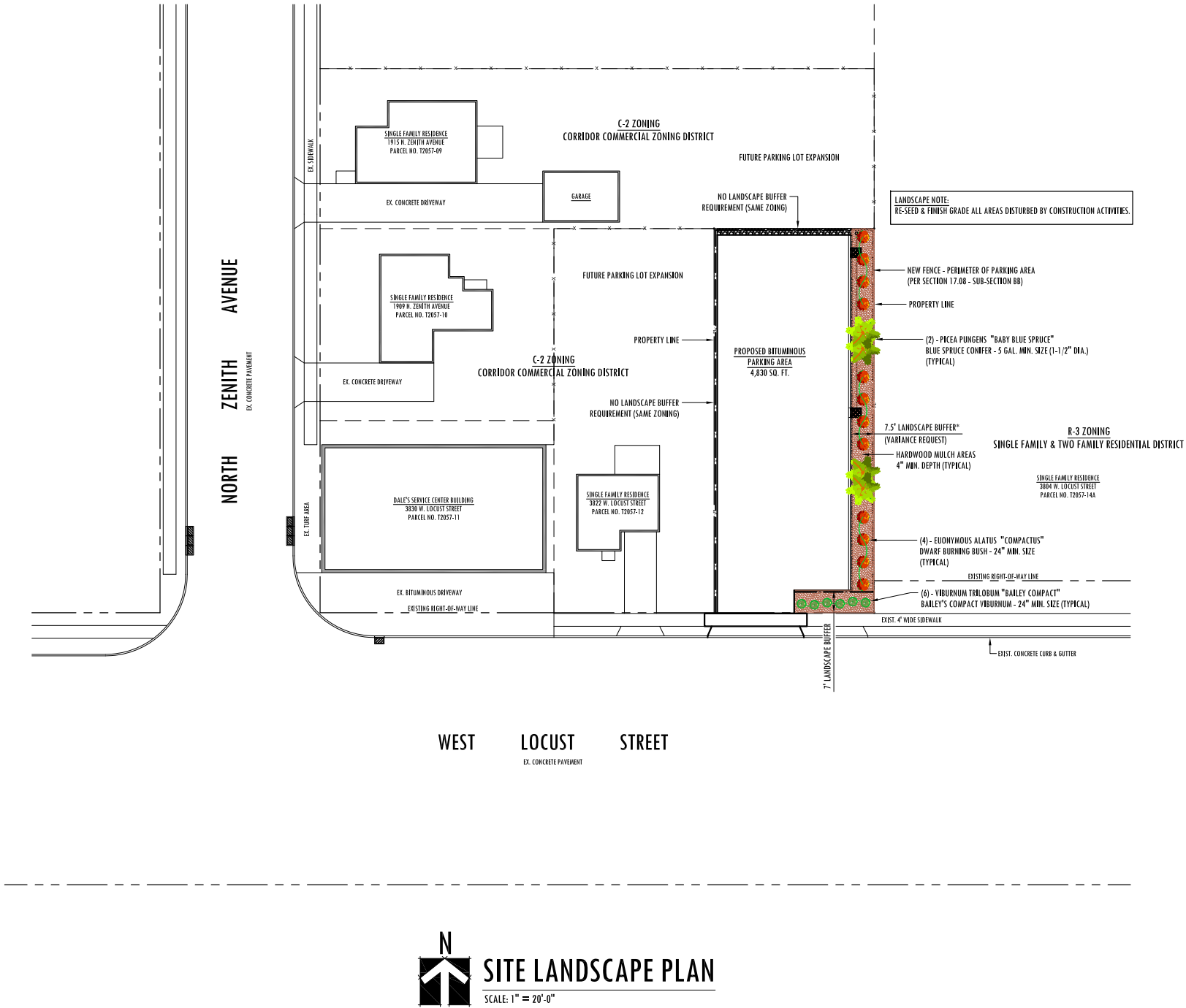
DALE'S
SERVICE CENTER

DATE
9/30/2019
REVISIONS
10/28/2019

SCALE
AS NOTED
DRAWN BY
NCW
APPROVED BY
RLV

SITE IMPROVEMENTS - PARKING AREA
DALE'S SERVICE CENTER - AUTOMOTIVE
3816 WEST LOCUST STREET - DAVENPORT, IA.

C-2 SHEET NO. **3**
OF
TOTAL SHEETS
VSP JOB NO.
18-274



From: [Belz, Hilary](#)
To: [Koops, Scott E.](#)
Subject: RE: Rental history (recent) for 3822 W Locust St
Date: Wednesday, December 4, 2019 11:04:23 AM

I do not show 3822 W Locust as a registered rental property in our system. It was last boarded up in 2018 and has had nuisance violations for snow, debris and tall grass. It does not appear we have been inside the property.

Hilary Belz

Customer Experience Team

City of Davenport, Iowa

Direct 563-326-6198

Main 563-326-7923

Fax 563-888-3521

hbelz@ci.davenport.ia.us

Our goal is to deliver the best customer experience!

From: Koops, Scott E. <sek@ci.davenport.ia.us>
Sent: Wednesday, December 04, 2019 10:08 AM
To: Belz, Hilary <hbelz@ci.davenport.ia.us>
Subject: Rental history (recent) for 3822 W Locust St

Hi Hilary!

We have a zoning board case next to 3822 W Locust St and I need a little background on that property. It appears to be a rental property.

Is the dwelling livable? (the petitioner does not think it is)

Has it passed rental inspections, or is it vacant?

Any recent history of noncompliance to correct code violations?

If you have any information concerning these items that would be greatly appreciated.

Thanks.

Scott Koops, AICP

Planner II

563.328.6701

Links:

[EPlan](#) | [Zoning Ordinance](#) | [Zoning Map](#)
cityofdavenportiowa.com/planning

3816 W Loucst - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner: 3816 W LOCUST ST SHAFFER AUTOMOTIVE INC 12023 70TH AV BLUE GRASS IA 52804 Admin Clerks: tthorndike@ci.davenport.ia.us samantha.torres@ci.davenport.ia.us Alderman: rdunn@ci.davenport.ia.us jcondon@ci.davenport.ia.us kgripp@ci.davenport.ia.us 9 Notices Sent				
S2907-01A	3705 W LOCUST ST	ON COOPERATIVE RIGHT	11664 131ST ST	DAVENPORT IA 52804
S2907-02B	3817 W LOCUST ST	MCALISTER PROPERTIES LLC	1314 VAIL AV	DURANT IA 52747
S2907-02C	3823 W LOCUST ST	MCALISTER PROPERTIES LLC	1314 VAIL AV	DURANT IA 52747
T2055-01F	1908 N ZENITH AV	IDLE WHEELS MOBILE HOME PK INC	1108 WAVERLY RD	DAVENPORT IA 52804
T2057-05	2001 N ZENITH AV	TLC REAL ESTATE LLC	4319 W 30TH ST	DAVENPORT IA 52804
T2057-06	1929 N ZENITH AV	RICHARD W SHAFFER	2130 OKLAHOMA AV	DAVENPORT IA 52804
T2057-07	1923 N ZENITH AV	RICHARD W SHAFFER		
T2057-08	1919 N ZENITH AVE	TIMOTHY & AMANDA SHAFFER TRUST		
T2057-09	1915 N ZENITH AV	RICHARD SHAFFER		
T2057-10	1909 N ZENITH AV	TIMOTHY & AMANDA SHAFFER TRUST		
T2057-11	3830 W LOCUST ST	SHAFFER AUTOMOTIVE INC		
T2057-12	3822 W LOCUST ST	WILLIAM JAMES MAST	11336 PRINCE CT	RIVERSIDE CA 92503
T2057-14A	3804 W LOCUST ST	DONALD E BRENTISE	3804 W LOCUST ST	DAVENPORT IA 52804
T2057-15A	3730 W LOCUST ST	ALL AROUND TOWN ENTERPRISES LLC	2602 N UTAH AV	DAVENPORT IA 52804



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



Public Hearing Details:

Date: 12/12/2019

Ward: **1st Ward**

Time: 4:00 PM

Location: Community Planning Room, Davenport Police Station 416 Harrison Street Davenport, Iowa

Subject: Public hearing for a Hardship Variance before the Zoning Board of Adjustment

Case #: HV19-21

To: All property owners within 200 feet of the subject property located at **3816 W. Locust 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 HV19-21 of Tim Shaffer dba Dale's Service Center at 3816 W. Locust Street for a hardship variance to waive curbing requirements along the north and west perimeter of the parking lot and to reduce the width of a buffer yard from 15 to 7.5 feet along the east property line. Sections 17.11.080.A.2 and 17.10.030.E require parking lots to be designed with curbing and buffer yards when abutting landscape, walkways, or structures and residential districts, respectively. [Ward 1]

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 (563-326-7745) 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?

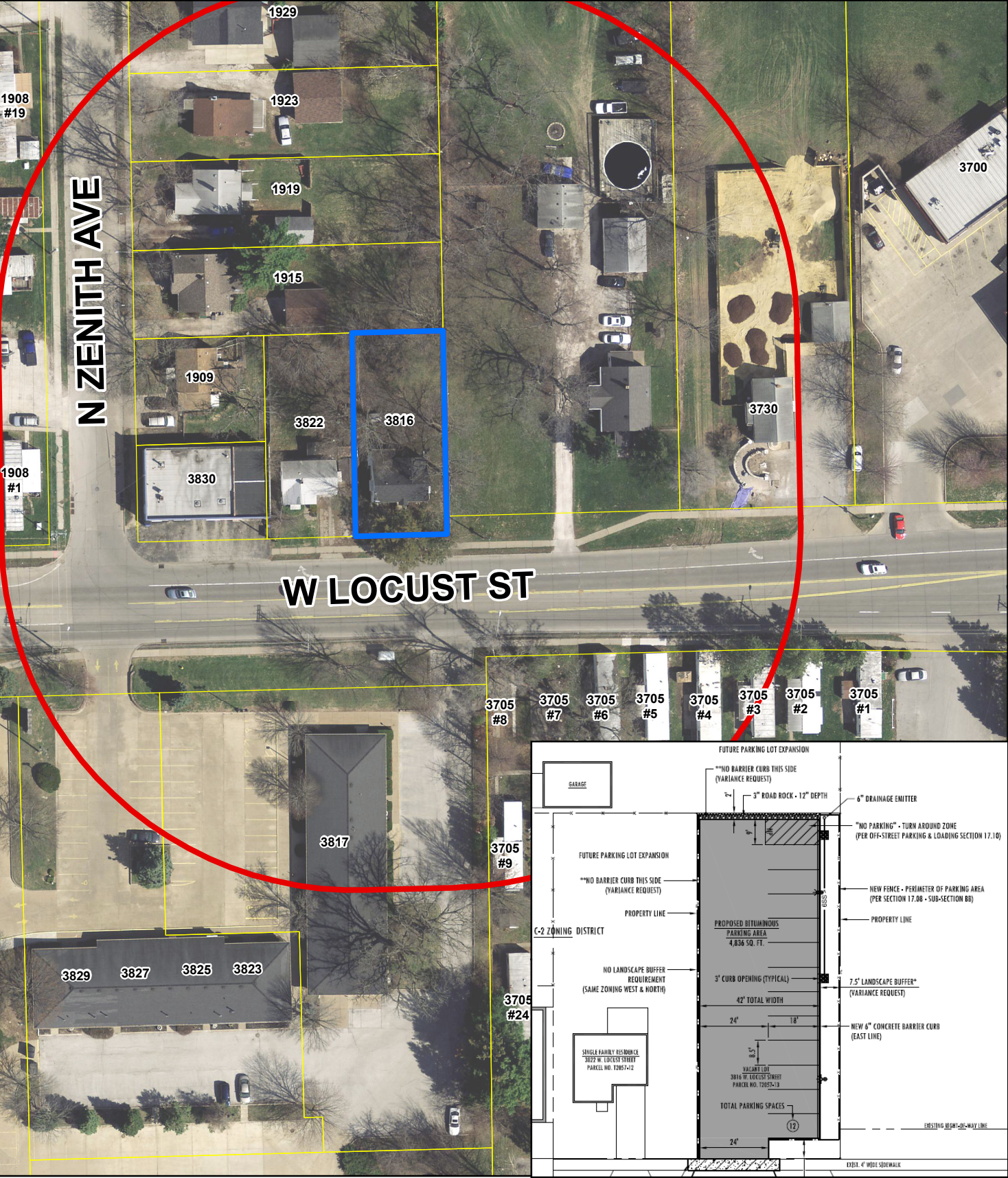
As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one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

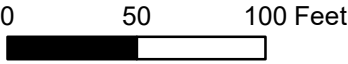
Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us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

Zoning Board of Adjustment: Adjacent Property Owner Notice Area



-  Subject Property HV19-21
-  200' Adjacent Owner Notice Boundary

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



City of Davenport
Zoning Board of Adjustment

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

Date
12/12/2019

Subject:

Request HV19-22 of Riverbend Signworks on behalf of The Ridge at 4750 Utica Ridge Road Suite 100 for a hardship variance to install a 95 square foot sign which will exceed the amount of allowed wall signage by 55 square feet. Section 17.12.060.I.4 allows a maximum sign area of 40 square feet for this commercial unit's wall sign as the unit is less than 40 feet in width. [Ward 6]

Recommendation:

Findings: (supported by the analysis)

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

Recommendation:

Staff recommends approval of the request as proposed.

Background:

The petitioner has proposed a front entrance wall sign which will be centered on the design feature as shown in the petitioner's proposed signage plan. The scale of the sign would appear to be in keeping with building unit's fascia. Planning staff plans to redraft the sign ordinance to allow businesses a more suitable signage allowance per building frontage, as the code appears to be overly restrictive in this particular aspect of the sign code.

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.*

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:

Allowing a larger sign, proposed 90 sq ft, will allow drivers to quickly and accurately notice the business from both the near side of the street and the far lane of the street. The current guideline restricts it to 40 sq ft for signage. The created building with the extension of the face

upwards also creates an ineffective look for any business that would have gone into that spot. The massive face of the building, which was not created "for" them, almost demands a largely more visible sign, as to not create a sense of a visually unappealing sign size as deemed by the 40 sq ft restriction.

Staff Comments:

If the code is applied to this business as required, the sign would have the appearance of being too small for this entrance feature and would be much less legible from the road. As this is the only sign that will be visible from Utica Ridge Road for this business (no freestanding sign or sign face is proposed), the ordinance does result in a practical difficulty.

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 set back from the road, and the fact that the building sits below the grade of the street, and because there is a fairly high (45 mph) speed limit, there is a large hindrance on the readability while driving South bound on Utica. This creates an even larger readability issue from those traveling North bound on Utica.

Staff Comments:

Without a freestanding sign, there are grounds for a variance due to the physical surroundings as the distance to the road to the building elevation is considerable if only a 40sq ft sign is allowed.

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 only structure with the size of face in this area is the one the owner will be occupying. This will be the only instance in which the larger size of sign will be needed in the area. The building was created before the tenant purchased, and now needs to display their brand appropriately on the building.

Staff Comments:

The situation is unique in that most developments also have a freestanding sign. Due to the set back from the roadway and the size of the proposed sign, the request appears to meet the requirements for unique circumstance.

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

Applicant Response:

No character will be altered. We are merely enlarging the sign restriction to create a visually appealing and more readability sign for the location.

Staff Comments:

The petitioner has proposed a sign similar to or smaller than several of the existing signs further north along Utica Ridge Road. The character of the locality will not be impacted by the proposed signage.

Findings & Staff Recommendation:

Findings: (supported by the previous analysis)

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

Recommendation:

Staff recommends approval of the request as proposed.

ATTACHMENTS:

Type	Description
▢ Cover Memo	Exhibits for report
▢ Exhibit	Application
▢ Exhibit	Notice List
▢ Exhibit	Notice Letter & Map

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	11/21/2019 - 11:57 AM



City of Davenport
Community Planning & Economic Development Department
Exhibits and Report

Description

Request HV19-22 of Riverbend Signworks on behalf of The Ridge at 4750 Utica Ridge Road Suite 100 for a hardship variance to install a 95 square foot sign which will exceed the amount of allowed wall signage by 55 square feet. Section 17.12.060.1.4 allows a maximum sign area of 40 square feet for this commercial unit's wall sign as the unit is less than 40 feet in width. [Ward 6]

Background & Discussion

The petitioner has proposed a front entrance wall sign which will be centered on the design feature as shown in the petitioner's proposed signage plan. The scale of the sign would appear to be in keeping with building unit's fascia. Planning staff plans to redraft the sign ordinance to allow businesses a more suitable signage allowance per building frontage, as the code appears to be overly restrictive in this particular aspect of the sign code.

Proposed Signage:



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

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

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Allowing a larger sign, proposed 90 sq ft, will allow drivers to quickly and accurately notice the business from both the near side of the street and the far lane of the street. The current guideline restricts it to 40 sq ft for signage. The created building with the extension of the face upwards also creates an ineffective look for any business that would have gone into that spot. The massive face of the building, which was not created "for" them, almost demands a largely more visible sign, as to not create a sense of a visually unappealing sign size as deemed by the 40 sq ft restriction.

Staff Comments:

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- Item #4 protection of essential character has been established;

Recommendation:

Staff recommends approval of the request as proposed.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents



Complete application can be emailed to 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 variance(s) requested:

Existing Zoning:

Submittal Requirements:

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed structures affected by the hardship variance. If a paper copy is provided, the maximum size is 11" x 17".
- Description and evidence that demonstrates consistency with the criteria listed in Section 17.14.060 of the Davenport Municipal Code.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- Required fee - \$200.

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

- Prior to submission of the application for the hardship variance, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the hardship variance process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Public Notice for the Zoning Board of Adjustment public hearing:

- Planning staff will send a public hearing notice to surrounding property owners.

(3) Zoning Board of Adjustment's consideration of the hardship variance:

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

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

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

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

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

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

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

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 4th Street, Davenport, Iowa.

Authorization to Act as Applicant

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

Signature(s)*

*Please note: original signature(s) required.

City of Davenport

Sign (Permanent) Permit Application

Permanent (and temporary) signs must be permitted and approved prior to installation. Permanent (and temporary) signs placed without proper approval and permits may be ordered removed and/or subject to fine.

Submit this completed application along with an inventory of existing signage, graphic of proposed sign with sign height, sign area, quantity of signs requested and site plan indicating location and setback, along with any other applicable site details via the [Davenport E-Plan Review](#) portal.

Questions pertaining to the permissibility of signs should be directed to Community Planning at 563.326.7765 or planning@ci.davenport.ia.us.

Staff will contact applicant once proposed sign(s) are approved.

The permit fee for permanent sign installation is \$50.00. This fee is payable to the City of Davenport, Public Works Building Division, 1200 E 46th St, Davenport, IA 52807 upon approval.

Signs painted directly to a wall require permit and are subject to height, area and quantity requirements, but are exempt from the \$50.00 permit fee.

Where the owner of the improvements is a tax levying body, a permit shall be obtained in the normal manner, but no fee is required.

Signs requiring an electrical connection require an [electrical permit](#) in addition to the sign permit. All electrical work must be performed by a licensed and bonded electrical contractor.

Address of Proposed Sign		4750 Utica Ridge Rd Suite 100				How many signs currently exist at this location?	
Purpose of Sign		Branding - new Business sign					
Description of Project		Install New Signage to Front + Rear of Suite				0	
Sign Height	1 @ 10' x 9.5' 1 @ 7' x 4.5'	Sign Area	129 sq ft total	Quantity	2		
Will electricity be required for this sign?						☒ Yes ☐ No	
Owner Name		Johnna Chesney / The Ridge					
Address		City	Davenport	State	IA	Zip	52807
Contact Name		Phone	563-949-2247	E-mail	johnna@theridgegc.com		
Contractor Name		Riverbend Sign works					
Address		City	Bettendorf	State	IA	Zip	52722
Contact Name		Phone	563-424-5841	E-mail	matt@riverbendsignworks.com		
License #		Bond #	50007495 SUR602721				
Zoning Review and Conditions (if applicable)				Zoning Approval			
				By			
				Date			
I understand the regulations and terms for placing the sign described. I affirm this application is a complete and accurate description of the temporary signage permit we are applying for.							
Signature				Date	9/27/19		
For Office Use Only							
Processed by		Permit #		Date			

PROOF

PLEASE READ THIS PROOF CAREFULLY!

I CONFIRM THAT ALL MEASUREMENTS DOCUMENTED IN THIS PROOF ARE ACCURATE: INITIAL HERE

We make every effort to assure the accuracy of your proof, however, it is your ultimate responsibility to ensure that this proof is accurate, including spelling & layout to your specifications. Approval of this proof constitutes legally binding subsequent production of the final product. Note: proof is not for color matching.



Date:

APPROVAL SIGNATURE



95 sq ft

Company: **The Ridge Social Drinkery**

Project: **Front Building Signs**

Date: **8/26/19**

PRODUCTION NOTES:

Copyright Notice. This drawing and all reproductions thereof are the property of Riverbend Signworks and may not be reproduced, published, changed or used in any way without written consent

Non Lit Dim Letters

Wade
PROJECT MANAGER
EMAIL - auggi@riverbendsignworks.com

Auggi
DESIGNER

 **RIVERBEND**
SIGNWORKS.COM
f i in
563.424.5841

4750 Utica - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner: 3331 HOBSON AV		TERRANCE SCHABILION		
Alderman: rclewell@ci.davenport.ia.us		jcondon@ci.davenport.ia.us	kgripp@ci.davenport.ia.us	10 Notices Sent
N0853-02L	4750 PROGRESS DR	DAVENPORT LODGING GROUP	JEFFREY G LAMONT	ABERDEEN SD 57401
N0853-03A	4729 PROGRESS DR	SAIBABA REAL ESTATE LLC	PO BOX 638	BETTENDORF IA 52722
N0853-03E	3800 MARKET SQUARE CR	CW DAVENPORT LLC	PO BOX 9495	FARGO ND 58106-9495
N0855-01	4750 UTICA RIGE RD	STRIP CENTER ON UTICA LLC	4620 E 53RD ST	DAVENPORT IA 52807
N0855-01D	4901 UTICA RIDGE RD	W&Y LLC	5111 UTICA RIDGE RD	DAVENPORT IA 52807
N0855-02	4885 UTICA RIDGE RD	SCOTT COUNTY FAMILY Y	606 W 2ND ST	DAVENPORT IA 52801
N0855-02A	4706 UTICA RIDGE RD	SAIBABA REAL ESTATE LLC	200 W 98TH ST	BLOOMINGTON MN 55420
N0855-OLC		COVENTRY PARK II CONDO ASSOC	5111 UTICA RIDGE RD	DAVENPORT IA 52807
N0853-02M		UTICA CROSSING LLC	808 DEARBORN AV	WATERLOO IA 50703
N0855-01F	4601 UTICA RIDGE RD	CHRIST'S FAMILY CHURCH	4601 UTICA RIDGE RD	DAVENPORT IA 52807



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



Public Hearing Details:

Date: 12/12/2019

Ward: **6th Ward**

Time: 4:00 PM

Location: Community Planning Room, Davenport Police Station 416 Harrison Street Davenport, Iowa

Subject: Public hearing for a Hardship Variance before the Zoning Board of Adjustment

Case #: HV19-22

To: All property owners within 200 feet of the subject property located at **4750 Utica Ridge Road Suite 100**.

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 HV19-22 of Riverbend Signworks on behalf of The Ridge at 4750 Utica Ridge Road Suite 100 for a hardship variance to install a 95 square foot sign which will exceed the amount of allowed wall signage by 55 square feet. Section 17.12.060.I.4 allows a maximum sign area of 40 square feet for this commercial unit's wall sign as the unit is less than 40 feet in width. [Ward 6]

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 (563-326-7745) 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.

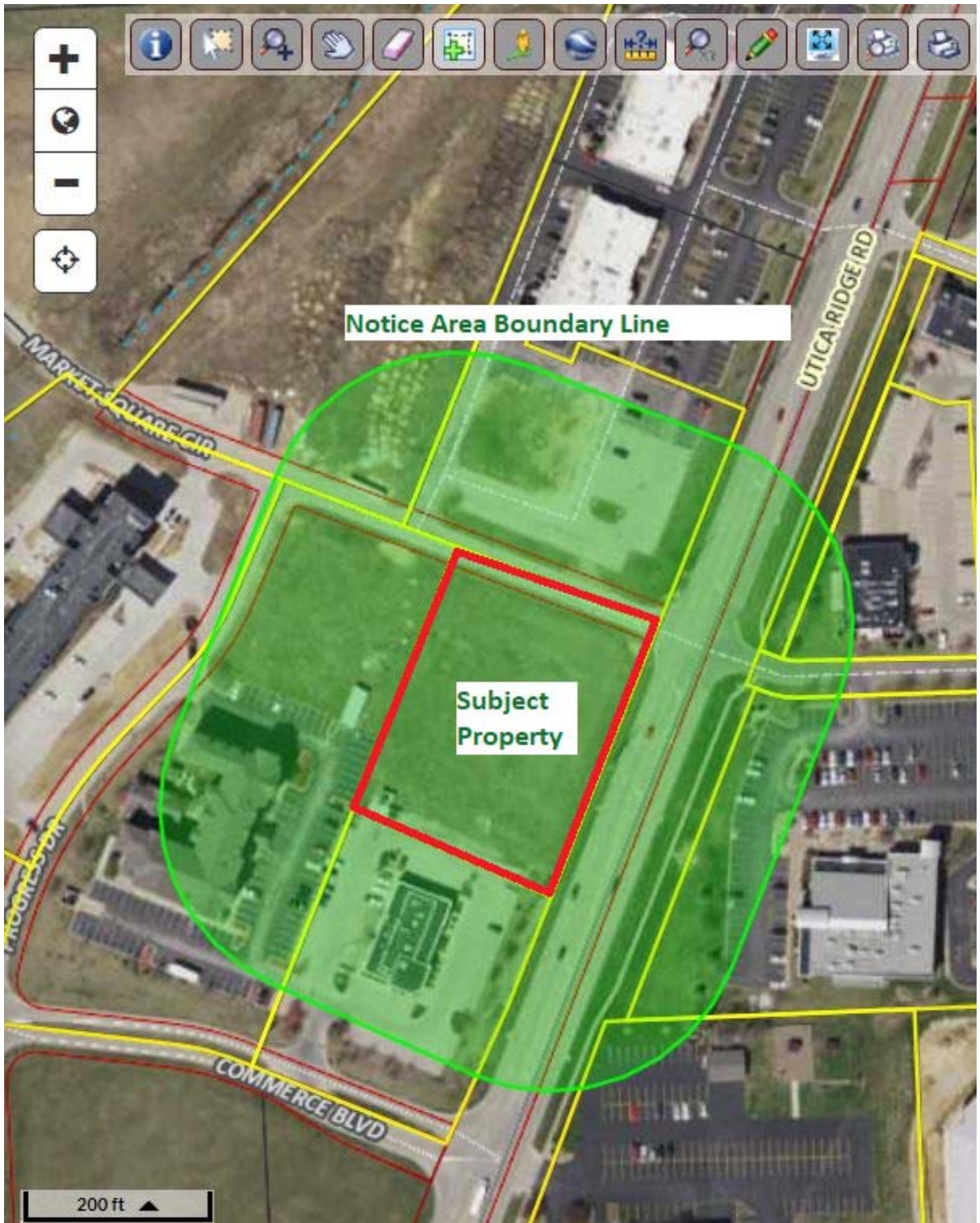
Would You Like to Submit an Official Comment?

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.



City of Davenport
Zoning Board of Adjustment

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

Date
12/12/2019

Subject:

Request HV19-23 of Terrance Schabillion on behalf of Mindy Richards at 3331 Hobson Avenue for a hardship variance to encroach into the required front setback with a detached garage and to maintain the existing gravel driveway. The proposed garage would be set back 30 feet from the front lot line (28-foot encroachment into the required 58-foot setback). Section 17.09.030.A.4.c prohibits detached accessory structures in a front yard. Section 17.10.030.I.4 requires hard surfaced materials for vehicular areas. [Ward 1]

Recommendation:

Findings: (supported by the analysis)

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

Recommendation:

Staff recommends approval of the request as it meets the approval standards for a hardship variance.

Background:

The petitioner has submitted a site plan for an accessory structure (garage) due to a slope at the middle to rear of the property. Because of this slope, engineering work to build up the grade to make the ground level (and to place the garage behind the front wall of the house) poses what appears to be a financial burden on the petitioner.

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.*

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:

If we have to follow the ordinance it will add over \$20,000 in construction costs (plus \$8,000 for a paved driveway). It will also make the building [of] the garage unaffordable. So we ask that

you allow us to set the garage forward of the house using the 30' set back from the front property line. Please see drawing 1A.

Staff Comments:

The petitioner's plan allows for the garage to be built with significantly less engineering and fill than if the garage were built behind the front wall of the house. The proposed garage will be set back farther than all but one of the houses on Hobson Avenue. Only one other driveway is paved along this street. These issues pose a hardship on the petitioner.

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:

In order to put the garage even with or in back of the house, we would have to put in a full foundation at least 4' high and backfill the garage, as well as the driveway, which would add over \$20,000 to the cost of the garage. There is also a concrete slab and pergola that was put there by the previous owners. The other properties around this one do not have their houses set so far back, so the hill is not affecting theirs.

Staff:

The topography of the lot slopes downward away from the street to the site of the proposed structure. The physical characteristics of the property pose a hardship. Additionally, this area was developed at a time that pavement was not required for driveways. Physical and topographical conditions of the site do limit the use to an extent.

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:

In order to put the garage even with or in back of the house, we would have to put in a full foundation at least 4' high and backfill the garage, as well as the driveway, which would add over \$20,000 to the cost of the garage. There is also a concrete slab and pergola that was put there by the previous owners. The other properties around this one do not have their houses

set so far back, so the hill is not affecting theirs. Driveway: not adding the driveway paved would not change the neighborhood as that's what's there now.

Staff:

The excessive setback of the dwelling on this property poses a unique circumstance on the petitioner that does not apply to the other dwellings along this street. The existing conditions appear to be grounds for a hardship determination.

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

Applicant Response:

The other properties around this one do not have their houses set so far back, so the hill is not

affecting theirs. Driveway: not adding the driveway paved would not change the neighborhood as that's [gravel drive] what's there now.

Staff:

The character of the area will not be impacted by the by the proposed structure or unpaved driveway. The area was developed in the late 1800's. Zoning ordinances for the city did not exist at the time and this site was also outside of City Limits. Only the dwelling at 3331 Hobson is set back more than 30 feet from the property line. The garage, if built, will be setback farther than the other buildings on this street. Only one driveway on Hobson Avenue is paved. The unpaved driveway would not change the essential character of the area. Protection of essential character has been established.

Findings: (supported by the previous analysis)

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

Recommendation:

Staff recommends approval of the request as it meets the approval standards for a hardship variance.

ATTACHMENTS:

Type	Description
▢ Cover Memo	Exhibits for report
▢ Exhibit	Application
▢ Exhibit	Application 2
▢ Exhibit	Pavement Bid
▢ Exhibit	Notice List
▢ Exhibit	Notice Letter & Map

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	11/21/2019 - 11:57 AM



City of Davenport
Community Planning & Economic Development Department
EXHIBITS & STAFF REPORT
ZONING BOARD OF ADJUSTMENT

Description

Request HV19-23 of Terrance Schabillon on behalf of Mindy Richards at 3331 Hobson Avenue for a hardship variance to encroach into the required front setback with a detached garage and to maintain the existing gravel driveway. The proposed garage would be set back 30 feet from the front lot line (28-foot encroachment into the required 58-foot setback). Section 17.09.030.A.4.c prohibits detached accessory structures in a front yard. Section 17.10.030.I.4 requires hard surfaced materials for vehicular areas. [Ward 1]

Background & Discussion

The petitioner has submitted a site plan for an accessory structure (garage) due to a slope at the middle to rear of the property. Because of this slope, engineering work to build up the grade to make the ground level (and to place the garage behind the front wall of the house) poses what appears to be a financial burden on the petitioner.

Site Plan:



Site:



Contours



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.*

Approval Standards

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

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

Applicant Response:

If we have to follow the ordinance it will add over \$20,000 in construction costs (plus \$8,000 for a paved driveway). It will also make the building [of] the garage unaffordable. So we ask that you allow us to set the garage forward of the house using the 30' set back from the front property line. Please see drawing 1A.

Staff Comments:

The petitioner's plan allows for the garage to be built with significantly less engineering and fill than if the garage were built behind the front wall of the house. The proposed garage will be set back farther than all but one of the houses on Hobson Avenue. Only one other driveway is paved along this street. These issues pose a hardship on the petitioner.

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:

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Staff:

The topography of the lot slopes downward away from the street to the site of the proposed structure. The physical characteristics of the property pose a hardship. Additionally, this area was developed at a time that pavement was not required for driveways. Physical and topographical conditions of the site do limit the use to an extent.

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.

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In order to put the garage even with or in back of the house, we would have to put in a full foundation at least 4' high and backfill the garage, as well as the driveway, which would add over \$20,000 to the cost of the garage. There is also a concrete slab and pergola that was put there by the previous owners. The other properties around this one do not have their houses

set so far back, so the hill is not affecting theirs. Driveway: not adding the driveway paved would not change the neighborhood as that's what's there now.

Staff:

The excessive setback of the dwelling on this property poses a unique circumstance on the petitioner that does not apply to the other dwellings along this street. The existing conditions appear to be grounds for a hardship determination.

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

Applicant Response:

The other properties around this one do not have their houses set so far back, so the hill is not affecting theirs. Driveway: not adding the driveway paved would not change the neighborhood as that's [gravel drive] what's there now.

Staff:

The character of the area will not be impacted by the by the proposed structure or unpaved driveway. The area was developed in the late 1800's. Zoning ordinances for the city did not exist at the time and this site was also outside of City Limits. Only the dwelling at 3331 Hobson is set back more than 30 feet from the property line. The garage, if built, will be setback farther than the other buildings on this street. Only one driveway on Hobson Avenue is paved. The unpaved driveway would not change the essential character of the area. Protection of essential character has been established.

Site:



Findings & Staff Recommendation:

Findings: (supported by the previous analysis)

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

Recommendation:

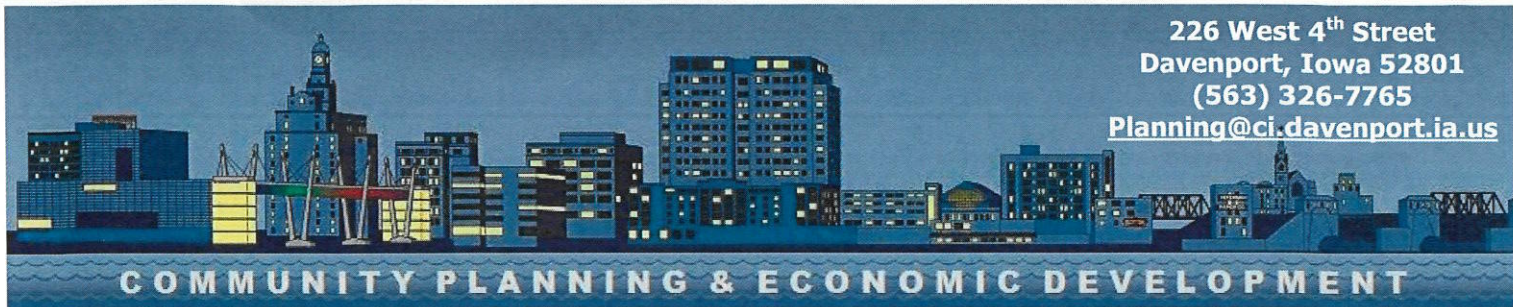
Staff recommends approval of the request as it meets the approval standards for a hardship variance.

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/plans, notice documents



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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

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

Property Address* 3331 Hobson Ave Davenport, IA

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

Applicant (Primary Contact)**

Name: Terrance Schabillon
Company: TRCS, LLC
Address: 1810 W 169th St
City/State/Zip: DAVENPORT, IA 52806
Phone: 309-750-7719
Email: TRIADRCES@gmail.com

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

Name: Mindy Richards
Company:
Address: 542 S. Concord St.
City/State/Zip: DAVENPORT, IA 52804
Phone: 563-349-4686
Email: mindybrynne@yahoo.com

Zoning Board of Adjustment

- Zoning Appeal ☐
Special Use ☐
Hardship Variance ☒

Design Review Board

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

Engineer (if applicable)

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

Historic Preservation Commission

- Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Architect (if applicable)

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

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.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.

In order to put the garage even-with or in back of the house, we would have to put in a full foundation at least 4' high and back fill the garage, as well as the driveway, which would add over 15K to the cost of the garage. There is also a concrete slab & pergola that was put there by the previous owners.

The other properties around this one do not have their houses set so far back, so the hill is not affecting theirs.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.

If we have to follow the ordinance it will add over 20K in cost. it will also make building the garage unaffordable.

So we ask that you allow us to set the garage forward of the house using the 30' set back from the front property line

Please see drawing 1-A

1/15/2019



Davenport Interactive City Map

Davenport Interactive City Map

with Web AppBuilder

3331 Hobson Ave, Davenport X Q

Show search results for 3331 H...

HOBSON AVE

3331

3603

20ft

3331 Hobson Ave, Davenport X Q

Show search results for 3331 H...

HOBSON AVE

3331

3603

20ft

OFFER TO BUY REAL ESTATE AND ACCEPTANCE

Upon the following terms and conditions, the undersigned Purchaser hereby offers to purchase and the undersigned Seller by their acceptance hereby agrees to sell the real property locally known as: 3331 Hobson Ave and more legally described as:

per abstract

with any easements and appurtenant servient estates, but subject to the following: (i) any zoning and other ordinances; (ii) any covenants of record; and (iii) any easements of record for public utilities, roads and highways.

1. Purchase Price. The purchase price shall be \$ 135,000 ~~133,000~~ and the method of payment shall be as follows:

Earnest Money: Earnest money in the amount of \$ 500 shall be deposited upon acceptance of this offer and held in trust by Seller's attorney and shall be part of the cash paid at closing. Should any contingency fail to be met by the date contained in such contingency, this agreement shall be null and void and Seller shall return the earnest money to Purchaser.

Balance of Purchase Price:

(a) Cash. The balance of the purchase price shall be paid in cash at the time of closing; or

(b) Subject to Financing. This agreement is subject to Purchaser obtaining a loan commitment on the subject property in an amount not to exceed 80 % loan to value. If Purchaser cannot obtain commitment after making reasonable efforts to obtain such loan, this agreement shall become null and void and the earnest money shall be returned to the Purchaser. The Purchaser shall make application for such financing within 3 days after this agreement has been finally accepted by both parties and Purchaser shall be given until 3 days prior to closing to obtain such commitment for financing.

Seller Contribution: Seller hereby agrees to contribute up to \$ 2000.00 ~~3000.00~~ towards Purchaser's closing costs and prepaid items, which shall include but not be limited to all loan related fees, impounds, mortgage insurance premiums and points.

2. Real Estate Taxes and Other Prorations. Seller shall prorate the real estate taxes as of the date of closing, and any unpaid real estate taxes payable in prior years and shall provide Purchaser a credit for such proration at closing. Purchaser shall pay all subsequent real estate taxes. Any proration of real estate taxes on the real estate shall be based upon such taxes for the year currently payable unless the parties state otherwise. Additionally, the following items, if applicable, shall be prorated through the date of closing: association dues; rent (with transfer in full of any security/damage deposit); and gas remaining in LP Tank.

3. Special Assessments. Seller shall pay all special assessments: (i) which are a lien against the property as of the date of closing; or (ii) which are to be levied for improvements completed where notice or resolution for improvements is in effect prior to the date of closing.

4. Use of Purchase Price. At the time of closing, funds of the purchase price may be used to pay taxes and other liens and to acquire outstanding interests, if any, of others.

5. Appraisal. This agreement is contingent upon the Purchaser or Purchaser's lender obtaining an appraisal performed by a state licensed or certified appraiser, at an amount at or above the purchase price. Should the property fail to appraise for at least the purchase price, the Purchaser shall have the option to declare this agreement null and void, with the earnest money to be returned to the Purchaser.

6. Closing and Possession. If Purchaser timely performs all obligations, closing and possession of the real estate shall be delivered to Purchaser on or before

10/18/2019 11/15/19
10/21/19 11/30/19 SS 10/21/2019

7. Subject to Sale. This agreement is expressly contingent upon Purchaser entering into a binding contract for sale of the Purchaser's existing residence located at _____ by 12:00 midnight on _____, and the subsequent closing of the same on or before _____. Purchaser agrees to market said house for sale within 72 hours of acceptance of this agreement and to proceed with all due diligence to procure a binding contract. In the event Purchaser does not enter into a binding contract on or before the date specified and does not close on the sale of such property on or before the date specified, this agreement shall become null and void and the Earnest Money deposit shall be refunded to Purchaser.

Due to the aforementioned sale contingency, it is mutually agreed that the Seller may continue to offer the subject property for sale. In the event another offer which Seller wishes to accept, is tendered on the subject property, Seller shall deliver to Purchaser, or their agent, written notification of the Seller's intent to accept said offer and the Purchaser shall then have 72 hours, including weekends and holidays, from the time notification is received to eliminate the sale contingency in their offer. If the above Purchaser fails to eliminate said contingency within the 72-hour period, this offer shall become null and void and Purchaser thereby relinquishes all claim on the subject property, and the earnest money will be returned to the Purchaser.

8. Wood Infestation Inspection. Purchaser, at their expense, shall have the property inspected for termites and other wood destroying insects by a licensed pest inspector. If active infestation is found or treatment is recommended, the property shall be treated at the Seller's expense. If damage due to infestation, either present or prior, is discovered, the property shall be repaired at Seller's expense, provided that the cost of such repairs does not exceed \$1,000. If such repairs exceed the aforesaid amount, Purchaser may either pay the cost of repairs in excess of the aforesaid amount, or declare this agreement null and void, with the Earnest Money being refunded to Purchaser.

9. Inspection(s). This agreement is subject to the following inspection(s), to be paid for by Purchaser: Whole Home. Said inspection(s) shall be completed within 20 days of acceptance of this agreement by Seller. Within three (3) days of

receipt of a report from an inspection, Purchaser must notify Seller in writing of any deficiencies identified by such inspection and Purchaser's disapproval of such deficiencies and request repairs and/or additional inspections reasonably related to such deficiency. The parties may agree, by amendment and/or modification to this agreement, on terms necessary to remedy any deficiency revealed by an inspection and then proceed thereunder with performance of this agreement. Notwithstanding the preceding sentence, Purchaser may declare this agreement null and void should the results of any inspection not be satisfactory to Purchaser.

10. Radon Test. In the event that Purchaser elects to have a radon test performed (as indicated in Paragraph 9, above), Purchaser shall have the property tested for the presence of radon gas by a qualified professional and shall provide the written results of such test to Seller. If said results reveal the presence of radon in the property at a level greater than 4.0 pCi/L and Seller does not agree to remediate the property at Seller's expense such that the radon levels in the property are reduced to a level below 4.0 pCi/L, then Purchaser shall have the option to declare this agreement null and void, in which case all earnest money shall be returned to Purchaser.

11. Mechanical Systems. Seller warrants that the heating and air conditioning systems, plumbing and electrical systems and all other mechanical equipment included as part of the purchase price will be in working order as of date of possession, with no exceptions. In the event the condition of the air conditioning system cannot be determined on the date of possession, due to the season of the year, the affirmation of it shall be extended for 10 days following closing so that the air conditioning system can be properly tested. The warranty contained herein shall survive the closing of the transaction. Notice of breach of warranty must be served upon Seller or Seller's Attorney within 48 hours after the date of possession or, if concerning the air conditioning system, within the extended term. Failure to give written notice within the specified period shall constitute a waiver of the right to recover for damages.

12. Inspection of Private Sewage Disposal System. Seller represents and warrants to Purchaser:

- (a) that the property is not served by a private sewage disposal system, and there are no known private sewage disposal systems on the property; or
- (b) that the property is served by a private sewage disposal system, or that there is a private sewage disposal system on the property; and Seller shall complete any and all time of transfer inspection requirements as related to the private sewage disposal system; or
- (c) the property is exempt from time of transfer inspection requirements.

13. Care and Maintenance. The property shall be preserved in its present condition and delivered intact at the time possession is delivered to Purchaser, ordinary wear and tear excepted. Purchaser shall be permitted to perform a final walk-through inspection of the property within 48 hours prior to possession or closing, whichever occurs first, in order to determine that there has been no change in the condition of the property.

14. Risk of Loss and Insurance. Seller shall bear the risk of loss or damage to the property prior to the delivery of possession to the Purchaser.

15. Fixtures. All personal property that integrally belongs to or is a part of the real estate, whether attached or detached, such as light fixtures, window shades, blinds, rods, brackets, awnings, storm windows and doors, window, door and porch screens, permanently installed floor coverings, permanently installed heating and cooling equipment, water heaters, water softeners, plumbing fixtures and all built in items, garage door openers and transmitters, outside television towers and antennas, fencing, trees, shrubs, plants and all other fixtures shall be considered a part of the real estate included in this sale, no exceptions.

16. Abstract and Title. Seller, at their expense, shall promptly obtain an abstract of title to the real estate continued through a date no sooner than 30 days prior to closing, and deliver it to Purchaser for examination. It shall show merchantable title in Seller in conformity with this agreement, Iowa law and Title Standards of the Iowa State Bar Association. The abstract shall become the property of the Purchaser when the purchase price is paid in full. Seller shall pay the costs of any additional abstracting and title work due to any act or omission of Seller, including transfers by or the death of Seller or their assignees.

17. Deed. Upon payment of the purchase price, Seller shall convey the real estate to Purchaser or their assignees, by Warranty Deed, free and clear of all liens, restrictions, and encumbrances. Any general warranties of title shall extend only to the time of acceptance of this offer, with special warranties as to acts of Seller continuing up to time of delivery of the deed.

18. Joint Tenancy in Proceeds and in Real Estate. If Seller, immediately preceding acceptance of this offer holds title to the property in joint tenancy with full right of survivorship, and the joint tenancy is not later destroyed by operation of law or by acts of the Seller, then the proceeds of this sale, any continuing or recaptured rights of Seller in the property, shall belong to Seller as joint tenants with full rights of survivorship and not as tenants in common; and Purchaser, in the event of the death of either Seller, agrees to pay any balance of the price due Seller under this agreement to the surviving Seller and to accept a deed from the surviving Seller consistent with Paragraph 17.

19. Joinder by Seller's Spouse. Seller's spouse, if not a titleholder immediately preceding acceptance of this offer, executes this agreement only for the purposes of relinquishing all rights of dower, homestead and distributive shares or in compliance with Section 561.13 of the Iowa Code and agrees to execute the deed or real estate contract for this purpose.

20. No Real Estate Agent or Broker. Neither party has used the services of a real estate agent or broker in connection with this transaction. Each party agrees to indemnify and save harmless the other party from and against all claims, costs, liabilities and expense (including court costs and reasonable attorney's fees) incurred by the other party as a result of a breach of this representation, which shall survive closing.

21. Remedies of the Parties.

- (a) If Purchaser fails to timely perform this agreement, Seller may forfeit it as provided in the Iowa Code, and all payments made shall be forfeited, or, at Seller's option, upon thirty days' written notice of intention to accelerate the

payment of the entire balance because of such failure (during which thirty days such failure is not corrected) Seller may declare the entire balance immediately due and payable. Thereafter this agreement may be foreclosed in equity and the Court may appoint a receiver.

- (b) If Seller fails to timely perform this agreement, Purchaser has the right to have all payments made returned to them.
- (c) In addition to the remedies set forth above, Purchaser and Seller are also entitled to utilize any and all other remedies or actions at law or in equity available to them and shall be entitled to obtain judgment for costs and attorney fees as permitted by law.

22. Agreement Binding upon Successors in Interest. This agreement shall apply to and bind the successors in interest of the parties.

23. Miscellaneous.

- (a) Construction. Words and phrases shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.
- (b) Governing Law. This agreement shall be governed in accordance with the laws of the State of Iowa.
- (c) Electronic and facsimile signatures shall have the same force and effect as an original signature.

24. Time for Acceptance. If this offer is not accepted by Seller within 48 hours of presentment, it shall become void and all payments shall be repaid to Purchaser.

Purchaser(s):

Mindy Richards 9/10/19
Date

Dylan Emmert 9/10/19
Date
Dylan Emmert

Seller(s):

Savanna Smokey 09/12/19
Date

Buyer current
Address:
Mindy Richards & Dylan Emmert
142 S Concord St.
Davenport, IA 52804

563-349-4686

mindybrynn@yahoo.com

Seller current
Address:
11657 131st St Ct
Davenport IA
52804

Page 5 of 5

563-370-7614
Savanna bramstedt@
yahoo.com
Scanned with CamScanner

Amendment for closing:

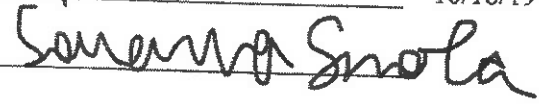
10/18/19

Due to financing issues the closing date has been moved to November 15th, 2019.

All parties are in agreement

Mindy Richards  10/18/19

Dylan Emmert  10/18/19

Savanna Smola 

10/19/19

TRCS, LLC

1810 W 69t St
Davenport, Iowa 52806

Invoice

284

Date

11/21/19 04:44 PM

P.O.

Terms

Ship Via

Ship Date

Bill To

Mindy & Dylan Richards
563-349-4686
3331 Hobson Avenue
Davenport, Iowa 52802

Ship To

3331 Hobson Avenue
Davenport, Iowa 52802

Qty	Description	Unit	Ext
900	Concrete slab on grade 4" 4" thick, fiber mesh reinforced 3500 PSI concrete, broom finished. Saw cut after finish, includes excavation, and haul away of material. Includes all material, equipment, labor and permits. Approximate size 30 x 30 slab to garage slab.	9.48	8,532.00

GET FREE CASH or FREE SERVICE through our referral rewards program!
Thank You for your business!

Total	\$8,532.00
Payments	\$0.00
Balance	\$8,532.00

Add

Request:

Please describe the variance(s) requested:

We would like to request hardship
variance on the driveway as due to
site specific issues the garage is already
going to be considerably more than normal
& if we have to install driveway it will

Existing Zoning:

Submittal Requirements:

- add over \$200 - additional cost
- The completed application form.
 - A PDF that shows the location and dimensions of existing and proposed structures affected by the hardship variance. If a paper copy is provided, the maximum size is 11" x 17".
 - Description and evidence that demonstrates consistency with the criteria listed in Section 17.14.060 of the Davenport Municipal Code.
 - Recorded warranty deed or accepted contract for purchase.
 - Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
 - Required fee - \$200.

The Applicant hereby acknowledges and agrees to the following procedure and requirements:

(1) Application:

- Prior to submission of the application for the hardship variance, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the hardship variance process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Public Notice for the Zoning Board of Adjustment public hearing:

- Planning staff will send a public hearing notice to surrounding property owners.

(3) Zoning Board of Adjustment's consideration of the hardship variance:

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

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.

Same

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

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

not adding the driveway paved
would not change the neighbor hood
as that's what's there now.

Applicant: Terrance Schabillion

Date: 1/11/19

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

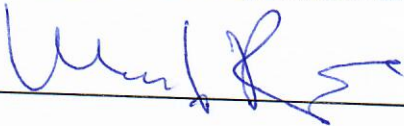
Date: _____

Date of the Public Hearing: _____

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

Authorization to Act as Applicant

I, Mindy Richards
authorize TRCS, LLC Terrance Schabillion
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.

TRCS, LLC

1810 W 69t St
Davenport, Iowa 52806

Invoice 284

Date 11/21/19 04:44 PM

P.O.

Terms

Ship Via

Ship Date

Bill To

Mindy & Dylan Richards
563-349-4686
3331 Hobson Avenue
Davenport, Iowa 52802

Ship To

3331 Hobson Avenue
Davenport, Iowa 52802

Qty	Description	Unit	Ext
900	Concrete slab on grade 4" 4" thick, fiber mesh reinforced 3500 PSI concrete, broom finished. Saw cut after finish, includes excavation, and haul away of material. Includes all material, equipment, labor and permits. Approximate size 30 x 30 slab to garage slab.	9.48	8,532.00

GET FREE CASH or FREE SERVICE through our referral rewards program!
Thank You for your business!

Total	\$8,532.00
Payments	\$0.00
Balance	\$8,532.00

TRCS, LLC

Authorization: I am the Owner /Agent for the job site listed on invoice above, I authorize TRCS, LLC, to enter my property, furnish materials, supply all equipment and perform all labor necessary to complete all work as associated with this invoice. We warranty all work from defects in workmanship for 2 years.

Owner hereby agrees to pay service provider for the aforesaid materials and labor the sum of the invoice as agreed upon. Payment is to be 50% non-refundable deposit down payment, balance upon significant completion of work paid in full. Change order payment is due in full.

You agree not to ask my employees or subs to do any work for you outside of our scope of work for at least 1 year after completion of our work, if you do, you explicitly agree to pay us, the same total amount as paid to them for any work done for you, plus any and all collection cost.

TRCS, LLC will carry appropriate liability insurance to indemnify itself against claims for property damage both bodily injury or death arising out of performance of this agreement.

Liability: I understand TRCS, LLC liability is expressly limited to the total amount of services authorized herein and in no event shall TRCS, LLC, its agents or assigns, be liable for consequential damages of any kind.

Owner agrees to provide unobstructed access to the project site, and is responsible for uninterrupted availability of water and electrical services barring interruptions beyond the control of the owner. Additionally, owner is responsible for keeping pets, all family and guest from construction areas, and equipment. Any delays, or interruptions resulting from such interference shall result in additional charges to owner on a time and material basis.

Change order payment is due in full.

All changes, either additive or deductive, to the scope of work requested by owner must be in writing, signed by owner, and paid in full. Any deductions by change order shall be taken out of final payment.

Should default be made in payment of this contract, all work shall be stopped until remedied, and charges shall be added from date thereof at a rate of eighteen percent per annum (18% PER ANNUM) with a minimum charge of \$2.00 per month. If placed in the hands of an attorney for collection, all attorney fees, costs and legal filing fees shall be paid by the customer accepting said contract.

TRCS, LLC will make reasonable efforts to protect the property from damages, however, it will not be liable for damages to driveways, parking lots, sidewalks, lawns, shrubs, trees, or other plants, caused by trucks, equipment, materials, work forces, or debris.

I have read and understand the Information above and have received a copy for my records. I agree that I am accepting this agreement by electronic signature that will be captured and emailed a copy to me.

TRCS, LLC 1810 W 69th St, Davenport, Iowa 52806

Signed By/Date

3331 Hobson Ave - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner: 3331 HOBSON AV		TERRANCE SCHABILION		
Alderman: rdunn@ci.davenport.ia.us		jcondon@ci.davenport.ia.us	kgripp@ci.davenport.ia.us	9 Notices Sent
J0033-05A	447 S FAIRMOUNT ST	RICHARD R RETTIG	447 S FAIRMOUNT ST	DAVENPORT IA 52802
J0034-02	3410 HOBSON AV	RANDY C RUTLEDGE	3410 HOBSON AV	DAVENPORT IA 52802
J0048-01	455 S FAIRMOUNT ST	KELLY L FIRSCHING	455 S FAIRMOUNT ST	DAVENPORT IA 52802
J0048-04	3422 HOBSON AV	ADAM DUPREE	3422 HOBSON AV	DAVENPORT IA 52802
J0048-02A	3508 HOBSON AV	RUSSELL E CARTER	3508 HOBSON AV	DAVENPORT IA 52802
J0048-03	3502 HOBSON AV	RUSSELL E CARTER		
J0048-06	3607 HOBSON AV	CONNIE J PHILLIPS	3607 HOBSON AV	DAVENPORT IA 52802
J0048-06A	3603 HOBSON AV	TRAVIS L FLATTEN	600 34TH AV NORTH	CLINTON IA 52732
J0048-07	505 S FAIRMOUNT ST	SUSAN C CHERRYHOLMES	505 S FAIRMOUNT ST	DAVENPORT IA 52802
J0048-08B	DIEHN AVE	SCOTT A NICELY	3520 ROCKINGHAM RD	DAVENPORT IA 52802
J0048-09	3324 DIEHN AV	SCOTT A NICELY		
J0048-10	3324 DIEHN AV	SCOTT A NICELY		
J0049-01	DIEHN AVE	SCOTT A NICELY		



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



Public Hearing Details:

Date: 12/12/2019

Ward: **1st Ward**

Time: 4:00 PM

Location: Community Planning Room, Davenport Police Station 416 Harrison Street Davenport, Iowa

Subject: Public hearing for a Hardship Variance before the Zoning Board of Adjustment

Case #: HV19-23

To: All property owners within 200 feet of the subject property located at **3331 Hobson Avenue**.

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 HV19-23 of Terrance Schabilion on behalf of Mindy Richards at 3331 Hobson Avenue for a hardship variance to encroach into the required front setback with a detached garage and to maintain the existing gravel driveway. The proposed garage would be set back 30 feet from the front lot line (28-foot encroachment into the required 58-foot setback). Section 17.09.030.A.4.c prohibits detached accessory structures in a front yard. Section 17.10.030.1.4 requires hard surfaced materials for vehicular areas. [Ward 1]

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 (563-326-7745) 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?

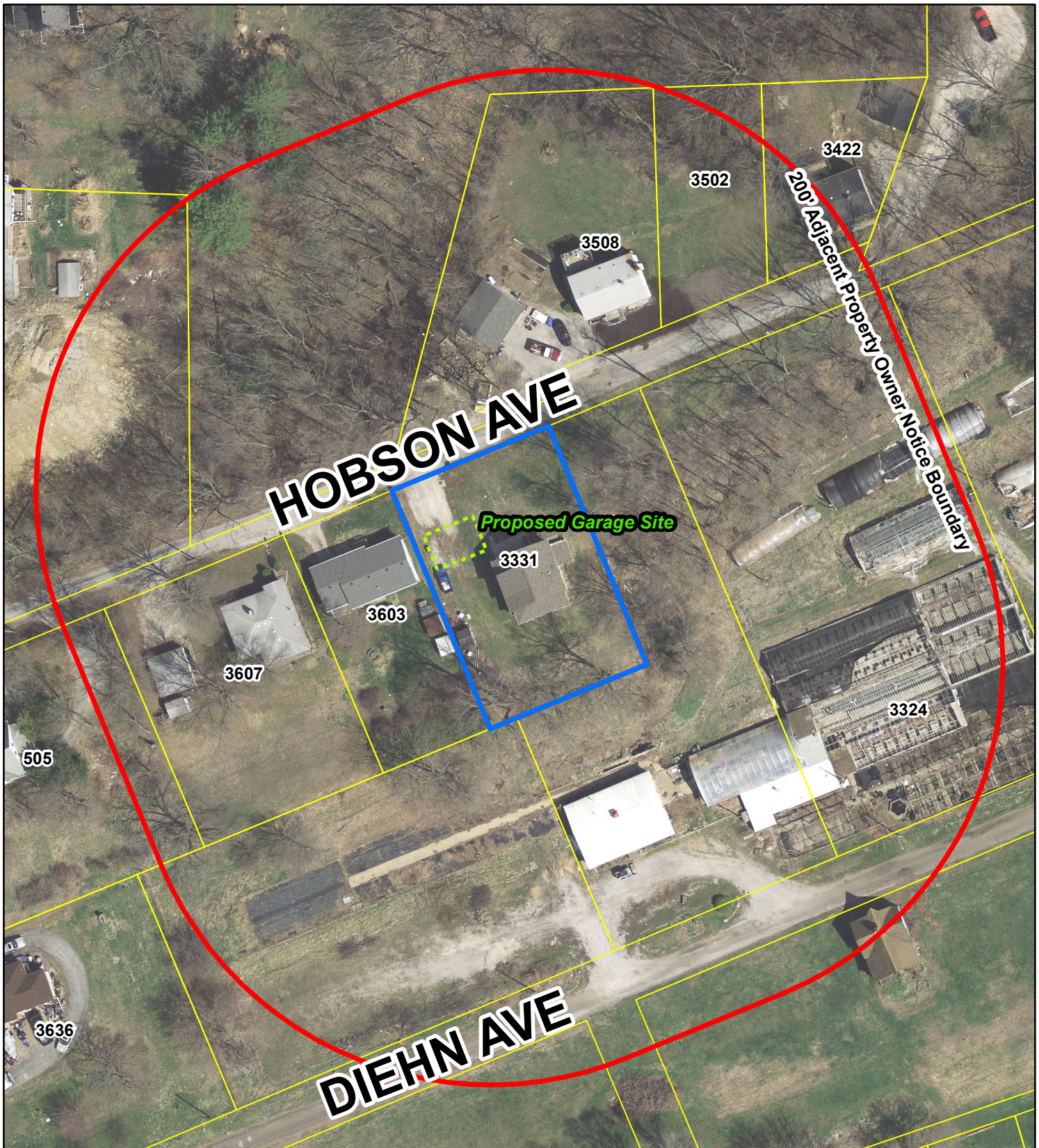
As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one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



Legend

- Proposed Garage Site
- Subject Property HV19-23
- 200' Notice Area Boundary

0 50 100 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.

