

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, DECEMBER 7, 2023; 4:00 PM

CITY HALL | 226 WEST 4TH STREET | COUNCIL CHAMBERS

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

I. Call to Order

II. Secretary's Report

A. Consideration of the October 26th Meeting Minutes.

III. Old Business

IV. New Business

A. Request HV23-16 of Gwen Keen on behalf of QuikTrip Corp. at 2904 W 76th Street for a Hardship Variance to construct: firstly, a second freestanding sign 40' in height being 230 sq.ft. in area, and secondly, three directional signs being 14 sq.ft. in area. Davenport Municipal Code §17.12.060.D restricts freestanding signs to one sign per property, being no more than 25' in height and 100 sq.ft. in area; §17.12.050.C.9 restricts directional signs to 4 sq.ft. in area. [Ward 2]

B. Request HV23-17 of Gwen Keen on behalf of QuikTrip Corp. at 2904 W 76th Street for a Hardship Variance to construct a refuse container (dumpster) in the secondary front yard along north property line. Davenport Municipal Code § 17.09.030.Q restricts refuse containers to the rear or side yards.

V. Other Business

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
12/7/2023

Subject:
Consideration of the October 26th Meeting Minutes.

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	12/1/2023 - 1:10 PM



MINUTES

Zoning Board of Adjustment

October 26, 2023



By this reference all reports, documents, presentations, videos and the hearing's video recording are incorporated into the minutes.
See the following link: <https://www.youtube.com/user/DavenportToday/videos>

I. Call to Order:

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

Members present: Galliart, Boyd-Carlson, Darland
Excused: Bloemker
Staff present: Koops, Berkley, staff Attorney Bagby

II. Secretary's Report:

Minutes were approved for the 2023-09-28 ZBA Hearing by voice-vote (3-0).

III. Old Business:

None.

IV. New Business:

A.

Request HV23-15 of Ben Beydler at the building address of 451 W 67th Street (PIN X0221-04) for a Hardship Variance to construct an unpaved rock/gravel driveway. Section 17.10.030.I.4 requires all driveways/parking pads to be paved.

Koops presented the staff report.

Findings: (supported by the previous analysis)

The petitioner has not demonstrated by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographical conditions or other extraordinary or exceptional situations, that impact this property and result in peculiar and practical difficulties;

Item #1 application of the ordinance creating hardship has not been demonstrated;

Item #2 physical and topographical conditions do not limit use of the site;

Item #3 unique circumstance has not been established;

Item #4 essential character of the area will not be protected;

Recommendation:

Staff recommends denial of the request as it does not meet any of the approval criteria necessary for a hardship determination.

Ms. Leslie DuPree addressed the Board on behalf of the petitioner and explained the request; Mr. Beydler was also participating via telephone.

Discussion by the Board: The Board discussed the issues of the case. The Board voiced concerns similar to those raised in the staff report and also stated that delaying the paving is not desirable

(due to difficulty enforcing at a later date), and that situations change over time (while no neighbors are opposed at this time, adjacent owner change over time as does thing like rural character).

Motion

Boyd-Carlson moved to approve request HV23-15 as proposed; Gallart seconded the motion and the motion failed. (0-3)

Gallart, no; Boyd-Carlson, no; and Darland, no.

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:43p.m.

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
12/7/2023

Subject:

Request HV23-16 of Gwen Keen on behalf of QuikTrip Corp. at 2904 W 76th Street for a Hardship Variance to construct: firstly, a second freestanding sign 40' in height being 230 sq.ft. in area, and secondly, three directional signs being 14 sq.ft. in area. Davenport Municipal Code §17.12.060.D restricts freestanding signs to one sign per property, being no more than 25' in height and 100 sq.ft. in area; §17.12.050.C.9 restricts directional signs to 4 sq.ft. in area. [Ward 2]

ATTACHMENTS:

Type	Description
▣ Executive Summary	Staff Report
▣ Exhibit	Application
▣ Exhibit	Public Hearing Notice
▣ Exhibit	Notice List

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	12/1/2023 - 1:20 PM



**Zoning Board of Adjustment
Planning Staff Report – Exceed Signage Allotment
December 7, 2023**

Description

Request HV23-16 of Gwen Keen on behalf of QuikTrip Corp. at 2904 W 76th Street for a Hardship Variance to construct: firstly, a second freestanding sign 40' in height being 230 sq.ft. in area, and secondly, three directional signs being 14 sq.ft. in area. Davenport Municipal Code § 17.12.060.D restricts freestanding signs to one sign per property, being no more than 25' in height and 100 sq.ft. in area; §17.12.050.C.9 restricts directional signs to 4 sq.ft. in area. [Ward 2]

The proposed signs will be located at a newly developed fuel stop. Section 17.12.050 and .060. limit the property to one freestanding sign feet 25' in height with a sign face of no more than 100SF and parking lot directional signage to 5' in height with a sign face no more than 4SF.

Background & Discussion

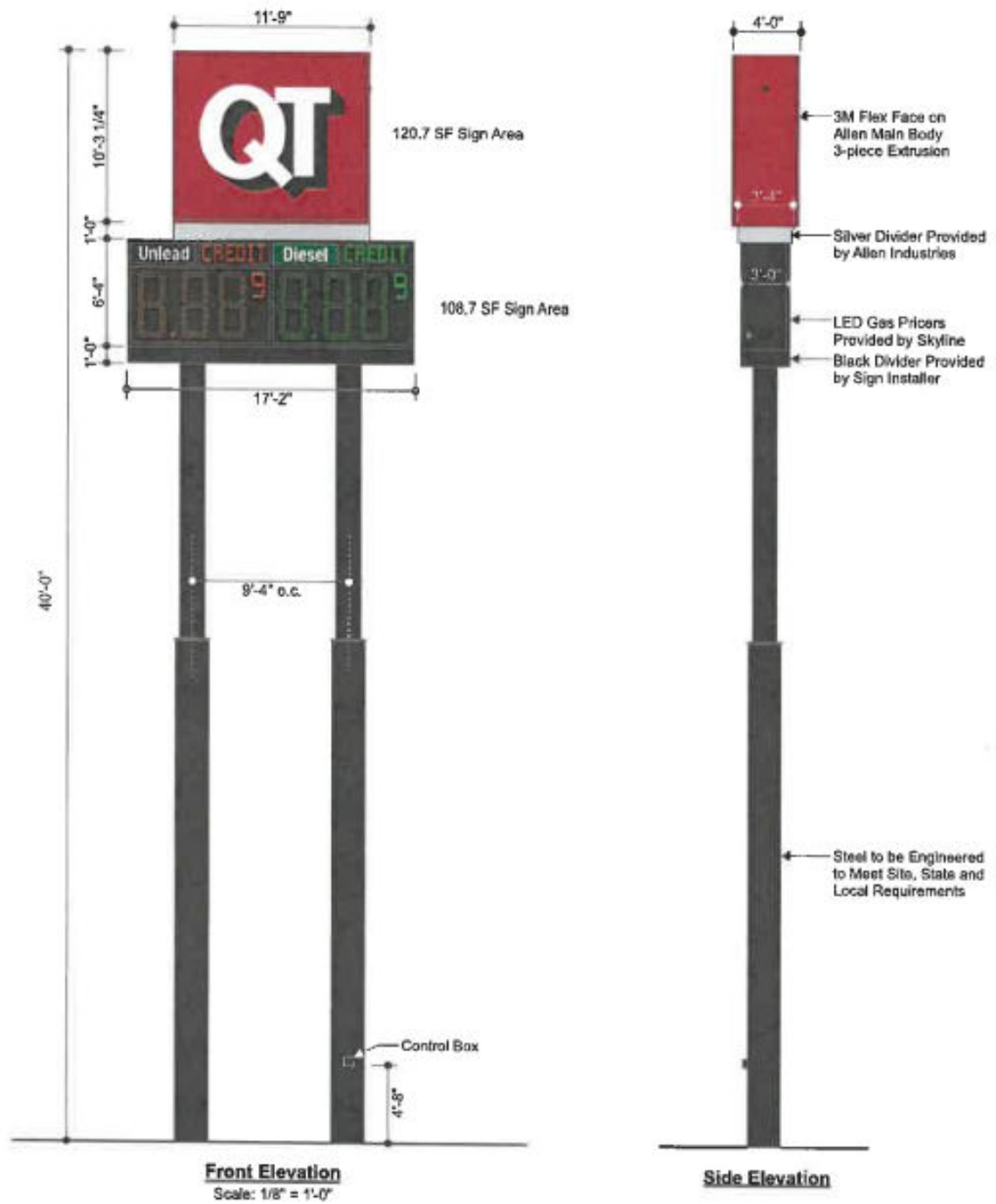
In summary, the request is for an additional freestanding sign (only one of which is allowed that will be 40' tall (rather than 25') and 230SF in area (rather than 100SF).

Additionally, three (3) 'directional' signs are proposed at the three entrances of the development on W. 76th ST which will be 14SF (rather than 4SF).

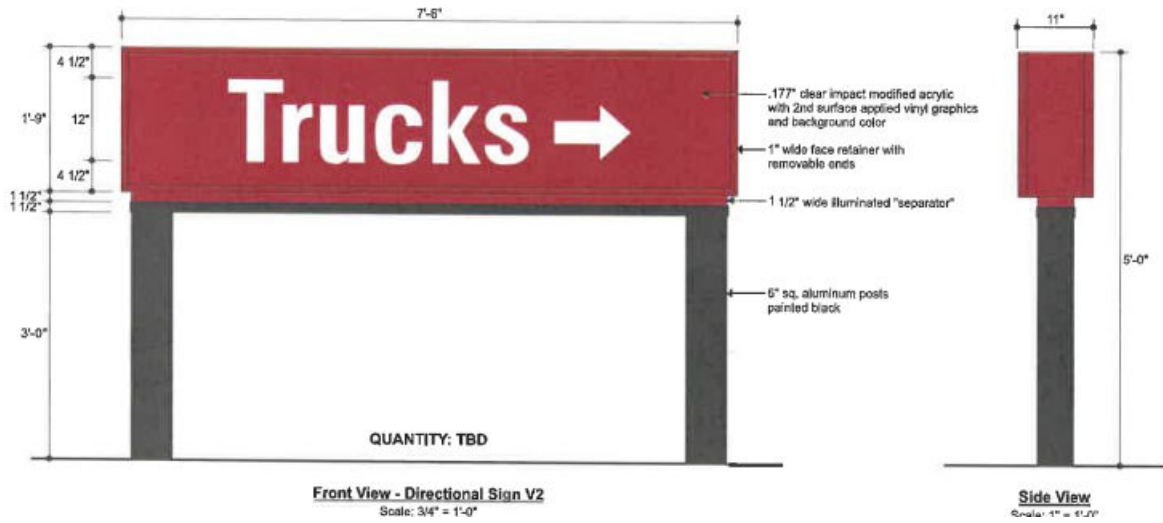
Site Overview:



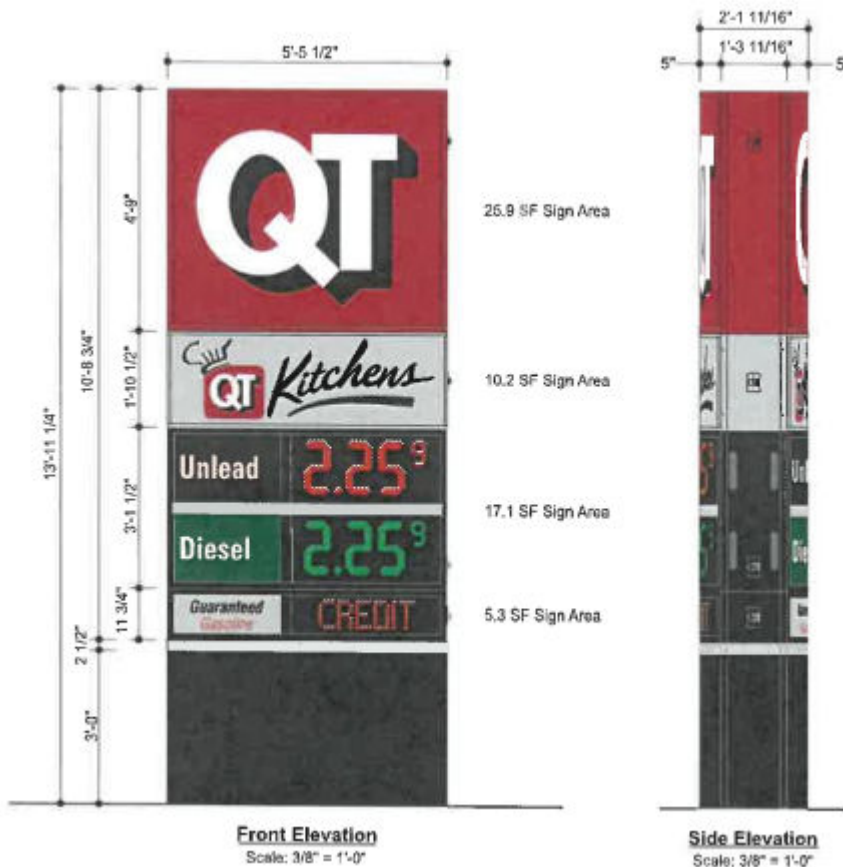
SECOND FREESTANDING SIGN (40FT; 230SF; to be located in the northwest lot corner)



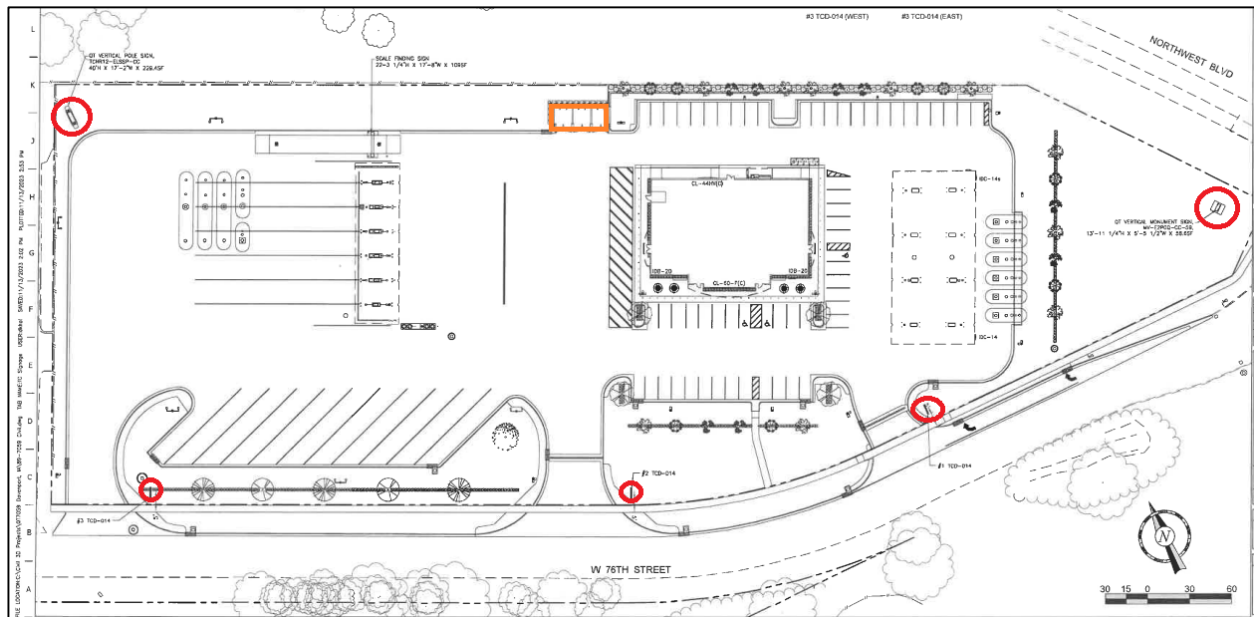
3 DIRECTIONAL SIGNS (14SF) – Code Allows 4SF



ALLOWED BY RIGHT – 1 FREESTANDING SIGN



SIGN LOCATIONS



Public Input

Notices were sent to adjacent property owners within 200 feet of the request.

Purpose of a Hardship Variance

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.*

Site from the Northwest BLVD/Adjacent to I-80 Exit Ramp



Approval Standards – Applicant Responses

The Zoning Board of Adjustment decision must make findings to support each of the following:

Variance Request #1: a second, or additional freestanding sign

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

Visibility – consumers need to identify our location and gas prices to make safe traffic movements. The placement of the 2 signs are 815 feet apart due to the location of the Interstate highway and the intersection of 76th Street & Northwest Blvd.

The first sign is needed for visibility as customers come off the highway to identify our location. The second sign is necessary for when consumers are going north on Northwest Blvd. There is a bend as consumers approach the intersection. If there is not a freestanding sign at the corner, consumers will not have notice to make safe traffic movements to turn.

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.

This is an oddly shaped lot, with a wide stretch of ROW and developable ground. Long stretch of frontage from Interstate highway and the intersection of 76th Street & Northwest Blvd.

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.

This is an oddly shaped lot, with a wide stretch of ROW and developable ground. Long stretch of frontage from Interstate highway and the intersection of 76th Street & Northwest Blvd.

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

This is a very commercialize area with several other business utilizing signs much higher than our request. It will not alter the character of the locality, but conform to what already exists.

Approval Standards – Applicant Responses

The Zoning Board of Adjustment decision must make findings to support each of the following:

Variance Request #2: a freestanding sign 40' in height and 230 sq feet

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

Visibility – consumers need to identify our location and gas prices to make safe traffic movements.

The height of the proposed freestanding sign is necessary due to our site sitting in a hole in comparison to the Interstate highway.

The ROW is very wide and our sign is set back from the highway in order to stay on premises.

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.

This is an oddly shaped lot, with a wide stretch of ROW and developable ground. Due to the grades of the site and the location of the Interstate interchange our site sits in a hole.

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.

This is an oddly shaped lot, with a wide stretch of ROW and developable ground. Due to the grades of the site and the location of the Interstate interchange our site sits in a hole.

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

This is a very commercialize area with several other business utilizing signs much higher than our request. It will not alter the character of the locality, but conform to what already exists.

Approval Standards – Applicant Responses

The Zoning Board of Adjustment decision must make findings to support each of the following:

Variance Request #3: directional signs, total of 3, 5' in height and 14 sq. feet

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

Visibility – for safety reasons we believe it is vital for truck traffic to be clearly directed to the correct entrance and exits from the site, and to indicate where small vehicles should not traverse. This prevents unnecessary traffic issues in the lot and separates the smaller vehicular traffic from the trucks.

In order for a consumer to see the directional signs from a safe distance, we request an increase in square footage.

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.

There is a bend along 76th Street and landscaping required along the frontage. If the signs are not recognized in time, it creates a traffic issue in the road and on the lot.

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.

There is a bend along 76th Street and landscaping required along the frontage. If the signs are not recognized in time, it creates a traffic issue in the road and on the lot.

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

This is a very commercialize area with several other business utilizing larger directional signs then allowed in the code. It will not alter the character of the locality, but conform to what already exists.

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

Staff Comments:

The second freestanding sign is a convenience to the petitioner. Both the sign height and sign face are oversized compared to sign ordinance requirements. A desire or a perceived need for visibility at certain distances are not grounds for a hardship variance. The requirements of the zoning code, in and of themselves, are not grounds for a hardship variance.

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

Staff comments:

The lot is flat, but happens to be somewhat close to the interstate. Proximity near an interstate interchange is not physical limitations to this site which create or place any hardship on the applicant. It is difficult to find any "particular physical surroundings, shape, or topographical conditions which impose a particular hardship" upon the applicant.

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.

Staff Comments:

This site is like any other flat piece of ground with a retail use. Being located near other similar uses or near an interstate interchange, is not a hardship nor is it unique. The plight of the owner is due to personal convenience.

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

Staff Comments:

A second freestanding sign may change the character of the locality.

Findings & Staff Recommendation:

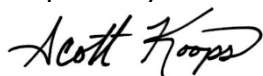
Findings: (Per the analysis above)

- Item #1 application of the ordinance creating hardship has not been established;
- Item #2 physical surroundings imposing hardship has not been established;
- Item #3 unique circumstance has not been established;
- Item #4 protection of essential character has not been established;

Recommendation:

Staff technically cannot recommend approval of the requested hardship variance.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA Application/plans, Notice Documents



CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 W. 46th St
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
HARDSHIP VARIANCE
ZONING BOARD OF ADJUSTMENT

APPLICANT INFORMATION		
Applicant Name	REASON FOR HARDSHIP REQUEST	
Address		
City State Zip		
Phone		
Secondary Phone		
E-Mail Address	COMPLETE SUBMITTALS SHALL INCLUDE: SUBMITTED Concept/Development Plan to Scale* *shall show setbacks, height and size dimensions, etc. Consent to request hardship/legal interest Affidavit* *shall include owner contact information Application Fee* \$200 *required for a complete application	
Acceptance of Applicant I, the undersigned, certify that the information on this application to the best of my knowledge is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements. In addition to the application fee, I understand I am responsible for attendance at the meeting as shown on the public hearing zoning board calendar. The City reserves the right to require further site studies as necessary. Type Applicant's Name _____ <u>Gwen Keen</u> Applicant's Signature _____ Date _____		
DEVELOPMENT TEAM		
Property Owner		
Address _____		
Phone _____	Secondary Phone _____	
E-Mail Address _____		
Project Manager/Other		
Address _____		
Phone _____	Secondary Phone _____	
E-Mail Address _____		

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

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.

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.

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

Contact Development & Neighborhood Services (DNS) Planning Division at planning@davenportiowa.com with any questions, for additional information, and to submit this form.



Public Hearing Notice | Zoning Board of Adjustment

Date: 12/7/2023 **Location:** City Hall | 226 W 4th ST | Council Chambers
Time: 4:00:00 PM **Subject:** Hearing for Hardship Variance | Zoning Board of Adjustment

EXAMPLE NOTICE

13 Sent Ward 2

To: All property owners within 200' of the subject property: **2904 W 76th ST:**

What is this About?

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

Request/Case Description

Request HV23-16 & 17 of Gwen Keen on behalf of QuikTrip Corp. at 2904 W 76th Street for a Hardship Variance to construct: firstly, a second freestanding sign 40' in height being 230 SF in area, and secondly, three directional signs being 14 sq.ft. in area and thirdly, a dumpster in the secondary front yard. Davenport Code § 17.12.060.D restricts freestanding signs to one sign per property no more than 25' in height and 100 sq.ft. in area; § 17.12.050.C.9 restricts directional signs to 4 sq.ft. in area; § 17.09.030.Q restricts dumpsters to the rear/side yards. [Ward 2]

What are the Next Steps after the Public Hearing?

For approved ZBA requests, the ruling is effective immediately. Rulings of the Zoning Board of Adjustment are final. The applicant may request reconsideration at the next public hearing, and aggrieved parties may file a writ of certiorari with the district court.

Would You Like to Submit an Official Comment?

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

Do You Have Any Questions?

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

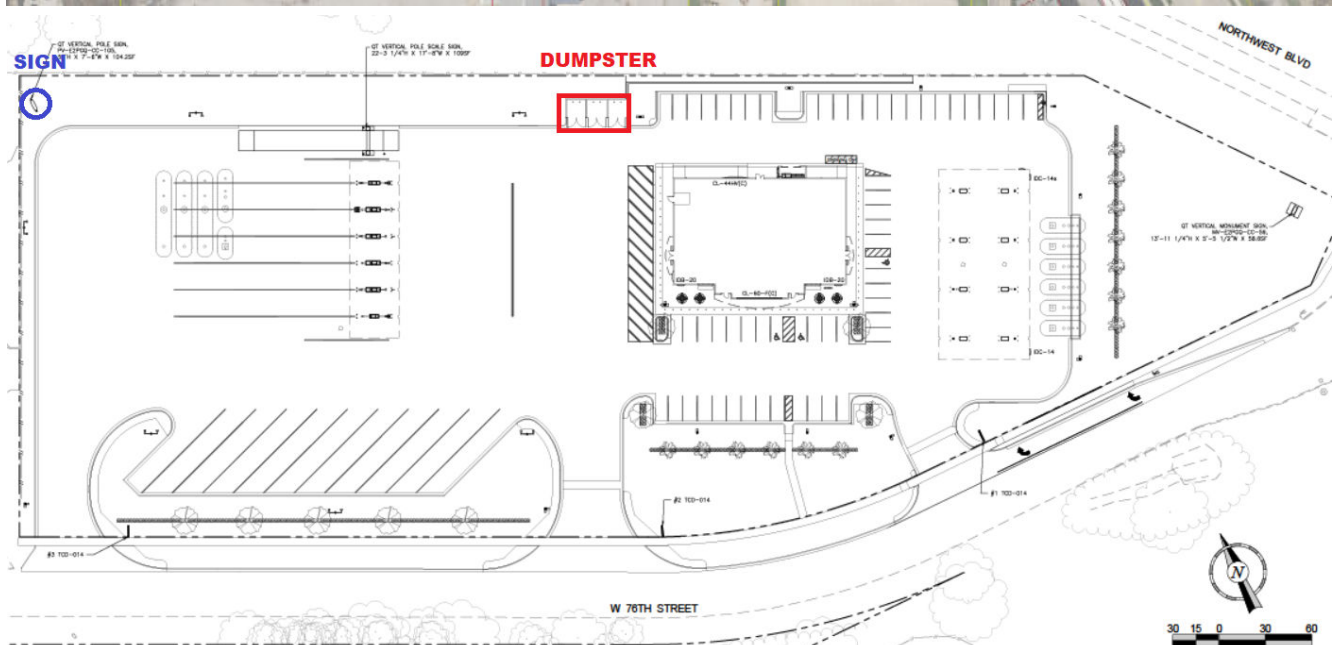
Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.



THE CITY OF
DAVENPORT
IOWA | USA

Adjacent Property Owner
200' Notice Area

HV23-16 & HV23-17



HV23-16 -2904 W 76th St - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Subject Property: 2904 W 76TH ST		Gwen Keen - QuikTrip Corp		
Ward/Aldreman: 2nd WARD				NOTICES SENT: 13
W0405A01A	2940 W 73RD ST	RLR INVESTMENTS, LLC	600 GILLAM RD	WILMINGTON OH 45177
W3353-02A	7739 NORTHWEST BD	M A FORD MFG CO	7737 NORTHWEST BLVD	DAVENPORT IA 52806
W3351-01	3020 W 76TH ST	CINTAS CORPORATION NO 2	6800 CINTAS BLVD	MASON OH 45040
W3351-19B	3131 W 76TH ST UNIT #19	CG SCDV PROPERTY HOLDINGS LLC	1544 GREENVIEW DR SW STE 100	ROCHESTER MN 55902
W0405B07A	2828 W 73RD ST	NEST HOLDINGS LLC	2727 EAGLE HEIGHTS CT	BETTENDORF IA 52722
W3351-20B	3131 W 76TH ST UNIT #20	CG SCDV PROPERTY HOLDINGS LLC	1544 GREENVIEW DR SW STE 100	ROCHESTER MN 55902
W3351-21B	3131 W 76TH ST UNIT #21	CG SCDV PROPERTY HOLDINGS LLC	1544 GREENVIEW DR SW STE 100	ROCHESTER MN 55902
W3351-23B	3131 W 76TH ST UNIT #23	CG SCDV PROPERTY HOLDINGS LLC	1544 GREENVIEW DR SW STE 100	ROCHESTER MN 55902
W0405B06A	2802 W 73RD ST	ROSEMAN PROPERTIES LLC	2802 W 73RD ST	DAVENPORT IA 52806
W3353-03A	-	M A FORD MFG CO	7737 NORTHWEST BLVD	DAVENPORT IA 52806
W3351-22B	3131 W 76TH ST UNIT #22	CG SCDV PROPERTY HOLDINGS LLC	1544 GREENVIEW DR SW STE 100	ROCHESTER MN 55902
W0405B04A	7522 NORTHWEST BD	ARTHUR J JOHNSON FAMILY LP	1305 12TH AV	ROCK FALLS IL 61071
W3351-24B	3131 W 76TH ST UNIT #24	CG SCDV PROPERTY HOLDINGS LLC	1544 GREENVIEW DR SW STE 100	ROCHESTER MN 55902

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
12/7/2023

Subject:

Request HV23-17 of Gwen Keen on behalf of QuikTrip Corp. at 2904 W 76th Street for a Hardship Variance to construct a refuse container (dumpster) in the secondary front yard along north property line. Davenport Municipal Code § 17.09.030.Q restricts refuse containers to the rear or side yards.

ATTACHMENTS:

Type	Description
▣ Executive Summary	Staff Report
▣ Exhibit	Application
▣ Exhibit	Public Hearing Notice
▣ Exhibit	Notice List

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	12/1/2023 - 2:01 PM



Staff Report | Zoning Board of Adjustment
Refuse Location | 2904 W. 76th ST
December 7, 2023

Description

Request HV23-17 of Gwen Keen on behalf of QuikTrip Corp. at 2904 W 76th Street for a Hardship Variance to construct a refuse container (dumpster) in the secondary front yard along north property line. Davenport Municipal Code §17.09.030.Q restricts refuse containers to the rear or side yards. [Ward 2]

Code Requirements:

[Section 17.09.030.Q.](#)

“Refuse and recycling container regulations apply to”...“non-residential uses [and] are prohibited in the front or corner side yard”.

Background & Discussion

The proposed development is being built on a site which effectively has street frontage along three sides of the lot, restricting refuse containers to only a small area west of the proposed building. (see Figure 1 for proposed location, and Figure 2 for the allowed location; below)

Vicinity Map



Figure 1 – Proposed Dumpster/ Refuse Enclosure Location

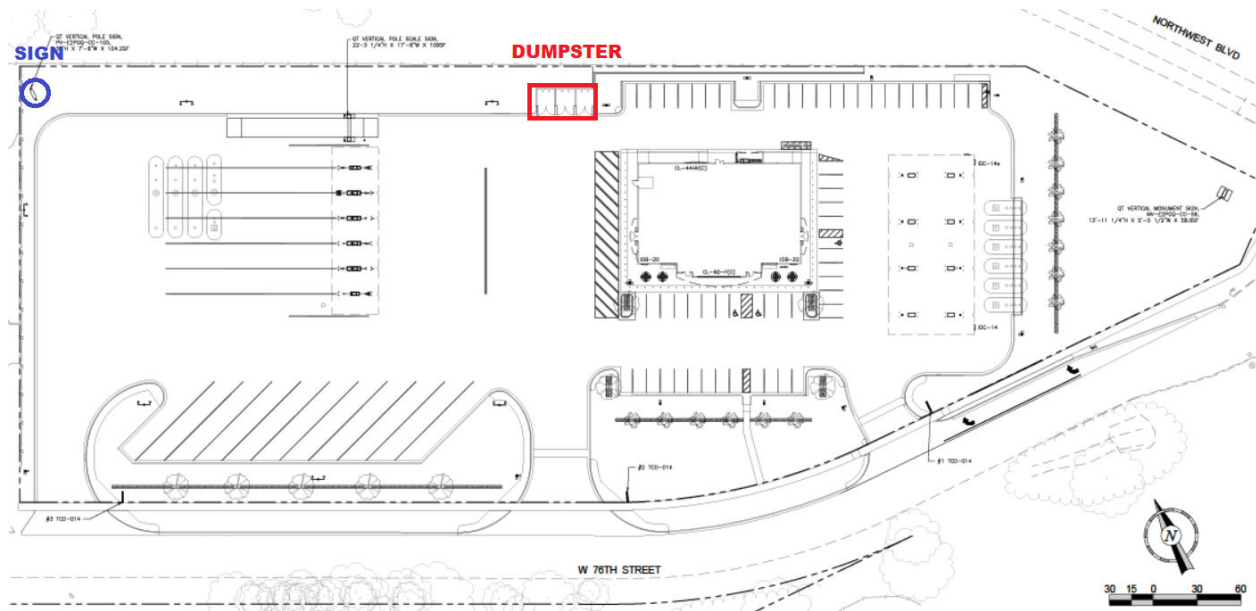
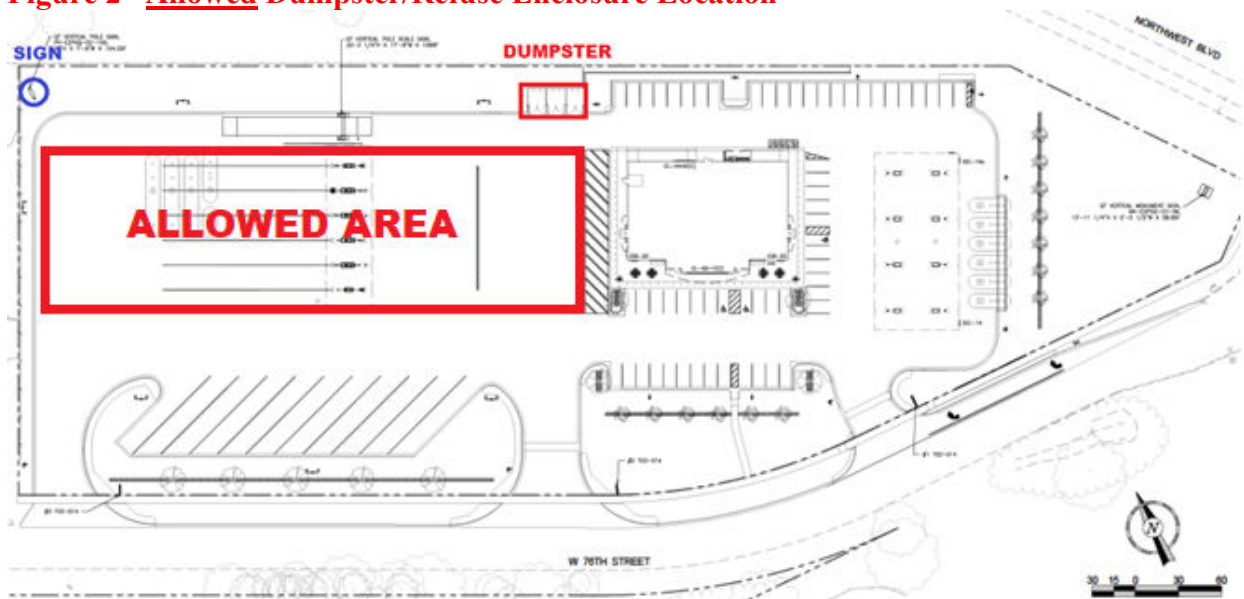


Figure 2 –Allowed Dumpster/Refuse Enclosure Location



Background & Discussion (continued)

Meeting the setback requirements (which disallow dumpsters in the front or corner side yard) *for a lot which has frontage on three abutting sides* leaves only a small area for legal location of the container. The allowed area rectangle in the Figure 2 above shows the only legal location a dumpster could be located on this lot given how the proposed building is situated.

Purpose of a Hardship Variance

[Davenport Municipal Code Section 17.14.060](#) states: "*The purpose of the hardship variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships.*"

Applicant's Request Statement

"Trash Enclosure location: This is an oddly shaped lot having 3 frontages. The side yard is not wide enough for the dumpster placement due to truck turning movements. City code does not allow dumpster enclosures along a frontage road. We are requesting a variance due to the inability to relocate the dumpster enclosure outside of the existing frontage areas.

Approval Standards

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

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

Applicant Response:

There is no other practical, safe location for the dumpster and therefore, we are unable to relocate it outside of the existing frontage area.

Staff Comments:

The proposed developer is not able to meet code requirements given the parameters of the site and the code requirements, and the proposed use. Code requirements in this case do place an undue burden on the use of the property. This criterion has been met for hardship variance 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 site is an oddly shaped lot with 3 frontages and a narrow strip of green space at the side yard property line.

Staff Comments:

Staff concurs. The physical site constraints of the property do limit development beyond mere inconvenience. Due to current circumstances this criterion has been met.

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:

There are no alternative options for the location of the dumpster as this is an oddly shaped lot with 3 frontages and limited room in the side yard. The dumpster needs to be in a safe, functional location for the use of our employees.

Staff Comments:

This site does have certain circumstances relating to eligible locations for a refuse enclosure. This lot has frontages on three sides of the proposed site. The proposed enclosure location places the refuse enclosure in a manner, and in similar fashion, to code requirements for interior lots. Given

the aforementioned constraints, this site does pose a unique circumstance for a refuse enclosure based on limiting physical characteristics of the site.

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

Applicant Response:

The property is located in a commercial area along the highway [130]. The dumpster location is along the frontage, behind the store, built with masonry to match the building and surrounded by shrubs. There are trees in the ROW to provide screening of the dumpster and the ROW is very wide along the frontage.

Staff Comments:

The character of the area should not be impacted by the by the proposed structure given that this lot is an irregular shape and the site plan would place the enclosure more than acceptable distance (approx. 150') from HWY 130/Northwest BLVD. Protection of essential character will not be negatively impacted should this hardship be granted in this industrial district. This criterion has been met.

Findings & Staff Recommendation:

Findings:

- Item #1 zoning code does result in hardship as applied for the proposed use;
- 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 that Board adopt staff's findings and approve request HV23-17 as proposed.

Prepared by:



Scott Koops, AICP,
Planner II

Attachments: ZBA application/plans, notice documents



CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 W. 46th St
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
HARDSHIP VARIANCE
ZONING BOARD OF ADJUSTMENT

APPLICANT INFORMATION		
Applicant Name	REASON FOR HARDSHIP REQUEST	
Address		
City State Zip		
Phone		
Secondary Phone		
E-Mail Address	COMPLETE SUBMITTALS SHALL INCLUDE: SUBMITTED Concept/Development Plan to Scale* *shall show setbacks, height and size dimensions, etc. Consent to request hardship/legal interest Affidavit* *shall include owner contact information Application Fee* \$200 *required for a complete application	
Acceptance of Applicant I, the undersigned, certify that the information on this application to the best of my knowledge is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements. In addition to the application fee, I understand I am responsible for attendance at the meeting as shown on the public hearing zoning board calendar. The City reserves the right to require further site studies as necessary. Type Applicant's Name <i>Jwen Keen</i> Applicant's Signature Date		
DEVELOPMENT TEAM		
Property Owner		
Address		
Phone	Secondary Phone	
E-Mail Address		
Project Manager/Other		
Address		
Phone	Secondary Phone	
E-Mail Address		

DATES: PRE-APP **SUBMITTAL** **PUBLIC HEARING**

11/13/23 **12/07/23**

SITE ADDRESS & PARCEL OR LOCATION DESCRIPTION

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

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.

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.

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

Contact Development & Neighborhood Services (DNS) Planning Division at planning@davenportiowa.com with any questions, for additional information, and to submit this form.



Public Hearing Notice | Zoning Board of Adjustment

Date: 12/7/2023 **Location:** City Hall | 226 W 4th ST | Council Chambers
Time: 4:00:00 PM **Subject:** Hearing for Hardship Variance | Zoning Board of Adjustment

EXAMPLE NOTICE

13 Sent Ward 2

To: All property owners within 200' of the subject property: **2904 W 76th ST:**

What is this About?

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

Request/Case Description

Request HV23-16 & 17 of Gwen Keen on behalf of QuikTrip Corp. at 2904 W 76th Street for a Hardship Variance to construct: firstly, a second freestanding sign 40' in height being 230 SF in area, and secondly, three directional signs being 14 sq.ft. in area and thirdly, a dumpster in the secondary front yard. Davenport Code § 17.12.060.D restricts freestanding signs to one sign per property no more than 25' in height and 100 sq.ft. in area; § 17.12.050.C.9 restricts directional signs to 4 sq.ft. in area; § 17.09.030.Q restricts dumpsters to the rear/side yards. [Ward 2]

What are the Next Steps after the Public Hearing?

For approved ZBA requests, the ruling is effective immediately. Rulings of the Zoning Board of Adjustment are final. The applicant may request reconsideration at the next public hearing, and aggrieved parties may file a writ of certiorari with the district court.

Would You Like to Submit an Official Comment?

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

Do You Have Any Questions?

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

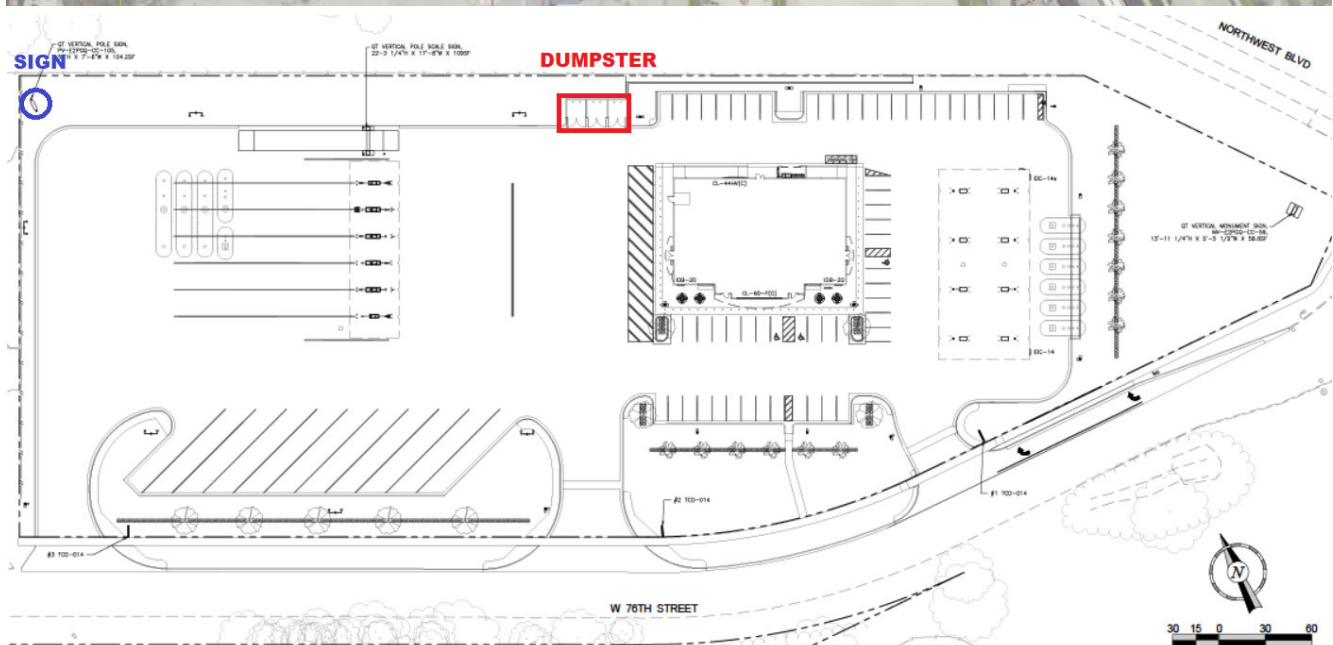
Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.



THE CITY OF
DAVENPORT
IOWA | USA

Adjacent Property Owner
200' Notice Area

HV23-16 & HV23-17



HV23-16 -2904 W 76th St - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Subject Property: 2904 W 76TH ST		Gwen Keen - QuikTrip Corp		
Ward/Aldreman: 2nd WARD				NOTICES SENT: 13
W0405A01A	2940 W 73RD ST	RLR INVESTMENTS, LLC	600 GILLAM RD	WILMINGTON OH 45177
W3353-02A	7739 NORTHWEST BD	M A FORD MFG CO	7737 NORTHWEST BLVD	DAVENPORT IA 52806
W3351-01	3020 W 76TH ST	CINTAS CORPORATION NO 2	6800 CINTAS BLVD	MASON OH 45040
W3351-19B	3131 W 76TH ST UNIT #19	CG SCDV PROPERTY HOLDINGS LLC	1544 GREENVIEW DR SW STE 100	ROCHESTER MN 55902
W0405B07A	2828 W 73RD ST	NEST HOLDINGS LLC	2727 EAGLE HEIGHTS CT	BETTENDORF IA 52722
W3351-20B	3131 W 76TH ST UNIT #20	CG SCDV PROPERTY HOLDINGS LLC	1544 GREENVIEW DR SW STE 100	ROCHESTER MN 55902
W3351-21B	3131 W 76TH ST UNIT #21	CG SCDV PROPERTY HOLDINGS LLC	1544 GREENVIEW DR SW STE 100	ROCHESTER MN 55902
W3351-23B	3131 W 76TH ST UNIT #23	CG SCDV PROPERTY HOLDINGS LLC	1544 GREENVIEW DR SW STE 100	ROCHESTER MN 55902
W0405B06A	2802 W 73RD ST	ROSEMAN PROPERTIES LLC	2802 W 73RD ST	DAVENPORT IA 52806
W3353-03A	-	M A FORD MFG CO	7737 NORTHWEST BLVD	DAVENPORT IA 52806
W3351-22B	3131 W 76TH ST UNIT #22	CG SCDV PROPERTY HOLDINGS LLC	1544 GREENVIEW DR SW STE 100	ROCHESTER MN 55902
W0405B04A	7522 NORTHWEST BD	ARTHUR J JOHNSON FAMILY LP	1305 12TH AV	ROCK FALLS IL 61071
W3351-24B	3131 W 76TH ST UNIT #24	CG SCDV PROPERTY HOLDINGS LLC	1544 GREENVIEW DR SW STE 100	ROCHESTER MN 55902