

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, OCTOBER 24, 2019; 4:00 PM

CITY COUNCIL CHAMBERS CITY HALL 226 W 4TH STREET

I. Call to Order

II. Secretary's Report

- A. Consideration of the 10-10-19 ZBA minutes.

III. Old Business

- A. Request HV19-15 of Thomas Lynch at 526 S Clark Street for a hardship variance to construct six foot privacy fencing along the south, east, and north property lines and to the immediate west of the dwelling.

Section 17.09.030.H.2. of the Davenport Municipal Code allows a solid four (4) foot fence in the front yard and an open fence in the front and corner side yard for fences over four (4) feet tall. [Ward 1]

IV. New Business

- A. Request HV19-16 of Robert Leveridge at 1104 East High Street for a hardship variance to construct a garage/accessory unit which will encroach two (2) feet into the required accessory structure setback.

Section 17.11.090.K.3.a. requires a 20-foot setback from the corner side yard property line when there is no alley access and the accessory structure/dwelling unit is accessed from the abutting street (Carey Ave). [Ward 5]

- B. Request HV19-17 of Smart Honda/ACME Sign at 3710 Harrison Street for a hardship variance to relocate a 191 square foot, 45-foot tall Honda sign previously approved by hardship variance.

Section 17.12.060.D.4 restricts this freestanding signs to a maximum of 100 square feet and 25 feet in height [Ward 7]

- C. Request HV19-18 of Lamar Advertising/Angie Thorngren at 621 East Kimberly Road for a hardship variance enabling a reduction of the separation distance which is required between billboards from 1,500 feet to approximately 1,065 feet. The proposed billboard will be separated from the next closest billboard by an approximate distance 435 feet less than what the principal use standard requires.

Section 17.08.030.D.5. states "all billboards must be separated by a minimum distance of at least 1,500 feet". [Ward 7]

V. Other Business

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

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

Date
10/24/2019

Subject:
Consideration of the 10-10-19 ZBA minutes.

Recommendation:
Approve the minutes.

Background:

ATTACHMENTS:

Type	Description
▢ Backup Material	ZBA Minutes 10-10-19

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	10/17/2019 - 10:19 AM



MINUTES
City of Davenport
Zoning Board of Adjustment
October 10, 2019



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

Call to Order

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

Board Members present: Lee, Strayhall, Quinn.

Board Member excused: Reistroffer, Cochran

Staff present: Flynn

I. Secretary's Report:

The minutes of the 9-26-2019 were approved following correction to reflect HV19-14 was denied by the ZBA.

II. Old Business:

None

III. New Business:

Request HV19-15 of Thomas Lynch at 526 S Clark Street for a hardship variance to construct six foot privacy fencing along the south, east, and north property lines and to the immediate west of the dwelling.

Section 17.09.030.H.2. of the Davenport Municipal Code allows a solid four (4) foot fence in the front yard and an open fence in the front and corner side yard for fences over four (4) feet tall. [Ward 1]

Following a brief summary of the request by Flynn, the petitioner Thomas Lynch was asked if he wanted to continue to a vote, given only three Board members present. He chose to table until the 10-24-19 meeting.

IV. Other Business

None.

V. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:25 pm.

City of Davenport
Zoning Board of Adjustment

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

Date
10/24/2019

Subject:

Request HV19-15 of Thomas Lynch at 526 S Clark Street for a hardship variance to construct six foot privacy fencing along the south, east, and north property lines and to the immediate west of the dwelling.

Section 17.09.030.H.2. of the Davenport Municipal Code allows a solid four (4) foot fence in the front yard and an open fence in the front and corner side yard for fences over four (4) feet tall. [Ward 1]

Recommendation:

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

Background:

The petitioner has submitted a site plan showing a proposed six foot tall solid privacy fence at the property line in this R-4C single-family area.

Considerations in Granting a Hardship Variance

When a subject property, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographical conditions or other extraordinary or exceptional situations of a specific piece of property, the strict application of any provision of the zoning code would result in peculiar and practical difficulties and clearly demonstrable hardship upon the owner of such property, amounting to practical confiscation thereof and not a mere inconvenience to the owner, the board may authorize, after public hearing, a variance in the strict application of the terms of the zoning code. In its consideration of standards of practical difficulties or particular hardship, the board shall require evidence as stipulated in Section 17.14.060 below.

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:

The only location available for a fence would be the front of the yard on the East side. If we followed the ordinance of only a four foot fence, it would only cover part of the structure.

Staff Comments:

The petitioner can build a fence in the front and corner side yard, however the petitioner wishes to build at a height and style not allowed by the zoning code. Proof that the granting of hardship variance would provide relief from unforeseen applications of zoning code, which has created practical difficulties or particular hardships, has not been demonstrated or submitted with this application. This is a self-created hardship. The desire to have a fence other than that allowed by code is not evidence of a hardship.

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

Applicant Response:

The 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 ordinance prevents us from having a six foot privacy fence in our only useable yard space.

Staff:

The topography of the lot is flat and does not limit the use of the property. No physical characteristics of the property pose a hardship. A fence can be located in the area requested, but not at the height and style desired. The request is a convenience to the petitioner.

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 structure was built in 1926 and lies on the West side of the property, whereas all other structures in the area lie on the East side of their property.

Staff:

The dwelling is located closer to the alley than other homes on this street, as it was when the property was purchased by the petitioner. A 6-foot fence located in-line with the house to the north and the south wall of the subject property is the closest a solid 6-foot tall privacy fence can be located. See the 'Corrected Site Plan'. The zoning code in and of itself does not create a hardship.

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

Applicant Response:

A six foot fence would not fall within the visibility triangle at the intersection. The fence would be appealing and raise property value.

Staff:

The character of the area will be altered by the fortress-like effect a solid six (6) foot tall privacy fence would have at the property line. There are no other properties in the area with similar fences like the petitioner has proposed.

Findings & Staff Recommendation:

Findings: (Per the analysis above)

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

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

Item #3 unique circumstance has not been established;

Item #4 protection of essential character may not have been established;

Recommendation:

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

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	10/4/2019 - 11:43 AM



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Description

Request HV19-15 of Thomas Lynch at 526 S Clark Street for a hardship variance to construct six foot privacy fencing along the south, east, and north property lines and to the immediate west of the dwelling.

Section 17.09.030.H.2. of the Davenport Municipal Code allows a solid four (4) foot fence in the front yard and an open fence in the front and corner side yard for fences over four (4) feet tall.
[Ward 1]

Background & Discussion

The petitioner has submitted a site plan showing a proposed solid privacy fence at the property line in this R-4C single-family area.

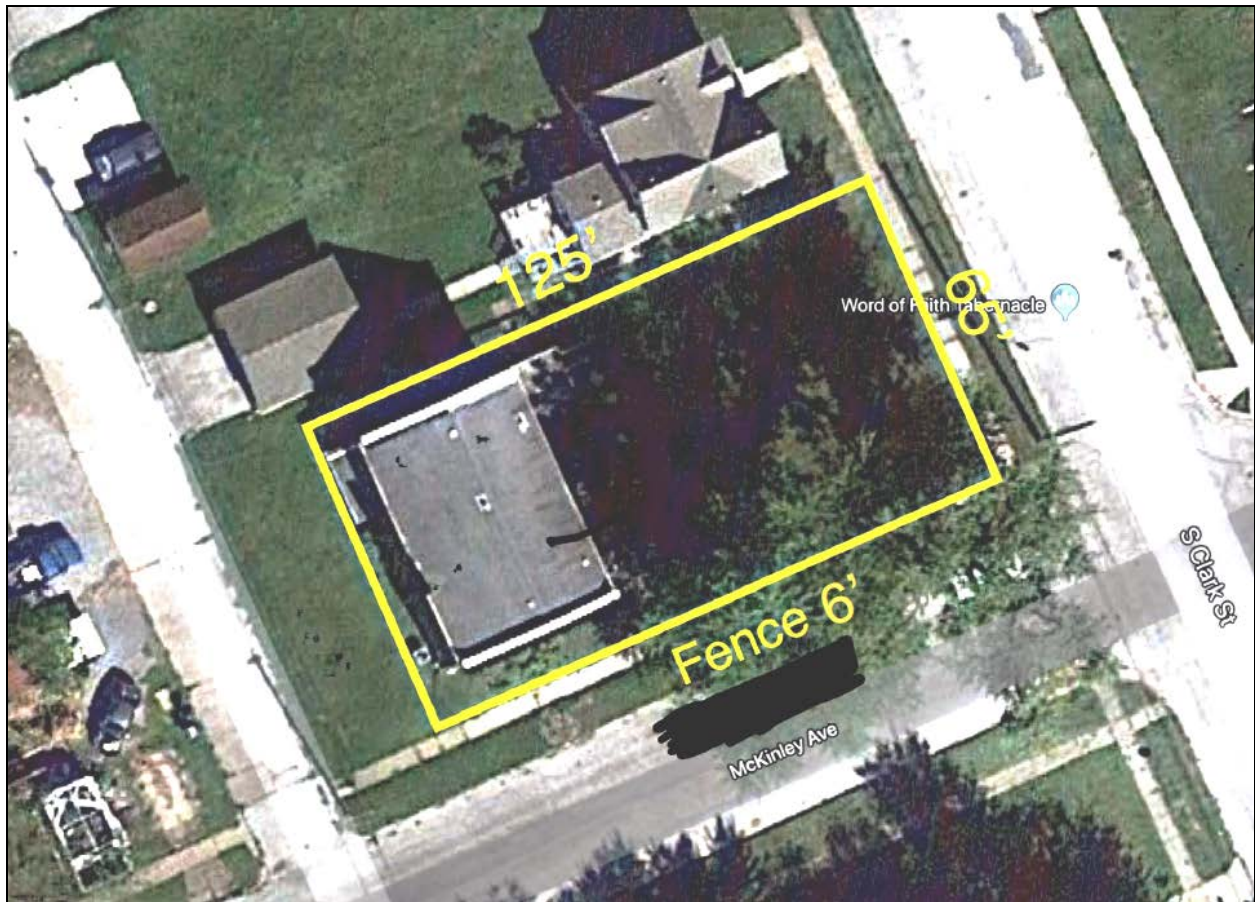
Corrected Fence Plan

(proposed fence in **BROWN**, vision triangle in **RED**, allowed area for 6' privacy fence **GREEN**):
Setback required: 15' from Clark property line and 9' from McKinley property line



Petitioner Site Plan:

NOTE: The petitioner's application states that the fence will be built to the front property lines. The petitioner's submitted plan shows the fence on public right-of-way. The corrected site plan above showing the fence completely on private property is where the fence will be located. Staff has confirmed this with the petitioner.



Considerations in Granting a Hardship Variance

When a subject property, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographical conditions or other extraordinary or exceptional situations of a specific piece of property, the strict application of any provision of the zoning code would result in peculiar and practical difficulties and clearly demonstrable hardship upon the owner of such property, amounting to practical confiscation thereof and not a mere inconvenience to the owner, the board may authorize, after public hearing, a variance in the strict application of the terms of the zoning code. In its consideration of standards of practical difficulties or particular hardship, the board shall require evidence as stipulated in Section 17.14.060 below.

Purpose of a Hardship Variance

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Staff Comments:

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Applicant Response:

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Staff:

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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:

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Staff:

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Findings & Staff Recommendation:

Findings: (Per the analysis above)

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

Recommendation:

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

Prepared by:



Scott Koops, AICP, Planner II

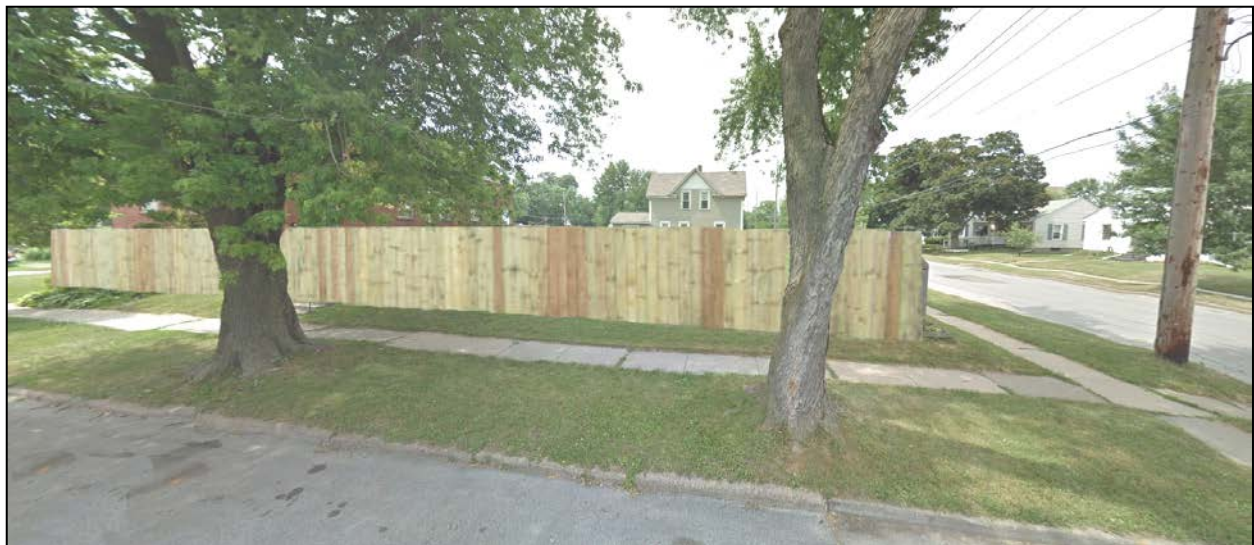
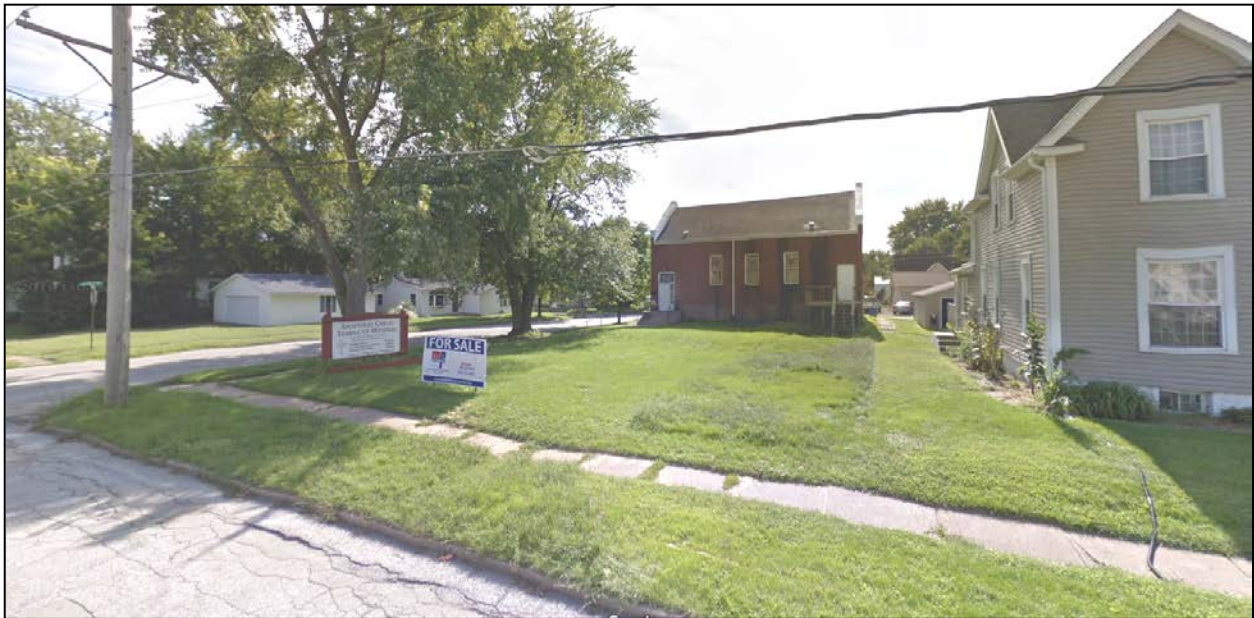
Attachments: ZBA application/plans, notice documents

Staff Submittal: Conceptual Images of what the fence might look like (approximately to scale).

East Elevation



South Elevation





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

Property Address* **526 S Clark St**

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

Applicant (Primary Contact)**

Application Form Type:

Name: Thomas Lynch
Company:
Address: 118 Colony Dr.
City/State/Zip: Davenport, IA 52806
Phone:
Email: 563-320-7711

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

Thomas@lynchheatingandplumbing.com

Owner (if different from Applicant)

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

Zoning Board of Adjustment

Zoning Appeal
Special Use
Hardship Variance

Design Review Board

Design Approval

Engineer (if applicable)

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

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:

Request:

Please describe the variance(s) requested:

The relief we are looking for is being able to build a six foot fence from the front building line to the front property line.

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.

The only location available for a fence would be the front of the yard on the East side.

If we followed the ordinance of only a four foot fence, it would only cover part of the structure.

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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.

A six foot fence would not fall within the visibility triangle at the intersection. The fence would be appealing and raise property value.

Applicant: Thomas Lynch

Date: 9/16/2019

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

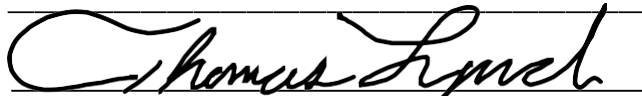
Date:

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 .

A handwritten signature in black ink, reading "Thomas Lynch", is written over a horizontal line.

Signature(s)*

*Please note: original signature(s) required.

ZBA Calendar 2019

ZONING BOARD OF ADJUSTMENT

*** The Applicant or their representative MUST be at the Meeting/Public Hearing ***

Day:	Monday (5pm)	Thursday (4pm)
Activity:	Submittal	Meeting
Date:	12/17/18	01/10/19
	12/31/18	01/24/19
	01/22/19*	02/14/19
	02/04/19	02/28/19
	02/19/19*	03/14/19
	03/04/19	03/28/19
	03/18/19	04/11/19
	04/01/19	04/25/19
	04/15/19	05/09/19
	04/29/19	05/23/19
	05/20/19	06/13/19
	06/03/19	06/27/19
	06/17/19	07/11/19
	07/01/19	07/25/19
	07/15/19	08/08/19
	07/29/19	08/22/19
	08/19/19	09/12/19
	09/03/19*	09/26/19
	09/16/19	10/10/19
	09/30/19	10/24/19
	10/21/19	11/14/19
	No Meeting	No Meeting (Thanksgiving)
	11/18/19	12/12/19
	No Meeting	No Meeting (Christmas)
	12/16/19	01/09/20
	12/30/19	01/23/20

*Date changed due to Holiday

Location/Time subject to change

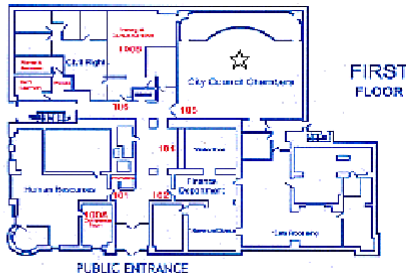
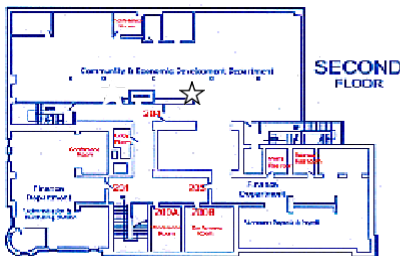
Contact planning@ci.davenport.ia.us to confirm meeting date/time/location

Application Due:

Meeting Appearance (Required):

Time: 5:00 PM
Location: Community Planning
Second Floor, City Hall
(see below)

Time: 4:00 PM
Location: City Council Chambers
First Floor, City Hall
(see below)



City Hall is located at 226 W 4th St, Davenport IA 52801

2019

January							February						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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27	28	29	30	31			24	25	26	27	28		
March							April						
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July							August						
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September							October						
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November							December						
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24	25	26	27	28	29	30	29	30	31				

526 S Clark St - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	118 COLONY DR	LYNCH THOMAS	118 COLONY DR	DAVENPORT IA 52806
Ward/Notices	Ward 1	Notices Sent: 27	3245 E 35TH ST CT	
J0037-09	511 S CLARK ST	GORDON DENNIS	511 S CLARK ST	DAVENPORT IA 52802
J0037-10	517 S CLARK ST	OSBORN TERESA M	517 S CLARK ST	DAVENPORT IA 52802
J0037-11	523 S CLARK ST	FULLER PHILLIP A	523 S CLARK ST	DAVENPORT IA 52802
J0037-12		JOE CETANYAN LIVING TRUST	5567 JOSHUA ST	BETTENDORF IA 52722
J0036-27		DONCO RENTAL LLC	1153 OAK DR	COLONA IL 61241
J0036-28		HIYO HOLDINGS LLC	191 UNIVERSITY BLVD #124	DENVER CO 80206-4613
J0036-29	502 S CLARK ST	ROSILES LUIS M	502 S CLARK ST	DAVENPORT IA 52802
J0044-03	2929 MCKINLEY AV	LEMBURG RANDOLPH S	2929 MCKINLEY AV	DAVENPORT IA 52802
J0044-03	2929 MCKINLEY AV	LEMBURG CARMEN	2929 MCKINLEY AV	DAVENPORT IA 52802
J0044-04	613 S DITTMER ST	MAYNARD JESSICA	613 S DITTMER ST	DAVENPORT IA 52802
J0045-32	520 S CLARK ST	MURILLO MARCO	520 S CLARK ST	DAVENPORT IA 52802
J0045-33		NORSE SERIES LLC SERIES B	2310 JERSEY RIDGE RD	DAVENPORT IA 52803
J0044-01		FIRST FINANCIAL GROUP LC	1987 SPRUCE HILLS DR	BETTENDORF IA 52722
J0044-02		WILLIAM G SCHAEFFER REV TRUST	15763 106TH AV	DAVENPORT IA 52804
J0044-11		JOHNSON MONTE	2020 GRAND AV	DAVENPORT IA 52803
J0044-12	608 S CLARK ST	ANDERSON SUSAN J	608 S CLARK ST	DAVENPORT IA 52802
J0044-13	602 S CLARK ST	SPEETZEN RAQUEL S	602 S CLARK ST	DAVENPORT IA 52802
J0045-27	511 S DITTMER ST	HERNANDEZ STEVEN A JR	511 S DITTMER ST	DAVENPORT IA 52802
J0045-28	517 S DITTMER ST	KARR DENNIS E	517 S DITTMER ST	DAVENPORT IA 52803
J0045-28	2920 HARRISON ST	TRITON INVESTMENTS LTD	2920 HARRISON ST	DAVENPORT IA 52803
J0045-29	521 S DITTMER ST	ERICKSON DAVID C	521 S DITTMER ST	DAVENPORT IA 52802
J0045-30	527 S DITTMER ST	MARBURY KELLY	527 S DITTMER ST	DAVENPORT IA 52802
J0045-31A		COOK FUNDS SEVENTY-FIVE LLC	P O BOX 869	BETTENDORF IA 52722
J0044-14	603 S CLARK ST	STICKEL VICKIE J	603 S CLARK ST	DAVENPORT IA 52802
J0044-15	605 S CLARK ST	BLUMER JERRY D	605 S CLARK ST	DAVENPORT IA 52802
J0044-16	611 S CLARK ST	SOLIS ANGELICA M	611 S CLARK ST	DAVENPORT IA 52802
J0037-08		POTTER INVESTMENTS LLC	801 IOWA DR	LE CLAIRE IA 52753



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



Public Hearing Details:

Date: 10/10/2019
Time: 4:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a Hardship Variance before the Zoning Board of Adjustment
Case #: HV19-15

Ward: **1st Ward**

To: All property owners within 200 feet of the subject property located at **526 S Clark 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 HV19-15 of Thomas Lynch at 526 S Clark Street for a hardship variance to construct six foot privacy fencing along the south, east, and north property lines and to the immediate west of the dwelling.

Section 17.09.030H.2. of the Davenport Municipal Code requires a four (4) foot fence in the front yard and an open fence in the corner side yard for fences over four (4) feet. [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 (563-326-7765) the next Business day. Rulings of the Zoning Board of adjustment are final. The applicant may request reconsideration at the next public hearing, and aggrieved parties may file a writ of certiorari with the district court.

Would You Like to Submit an Official Comment?

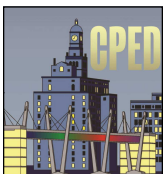
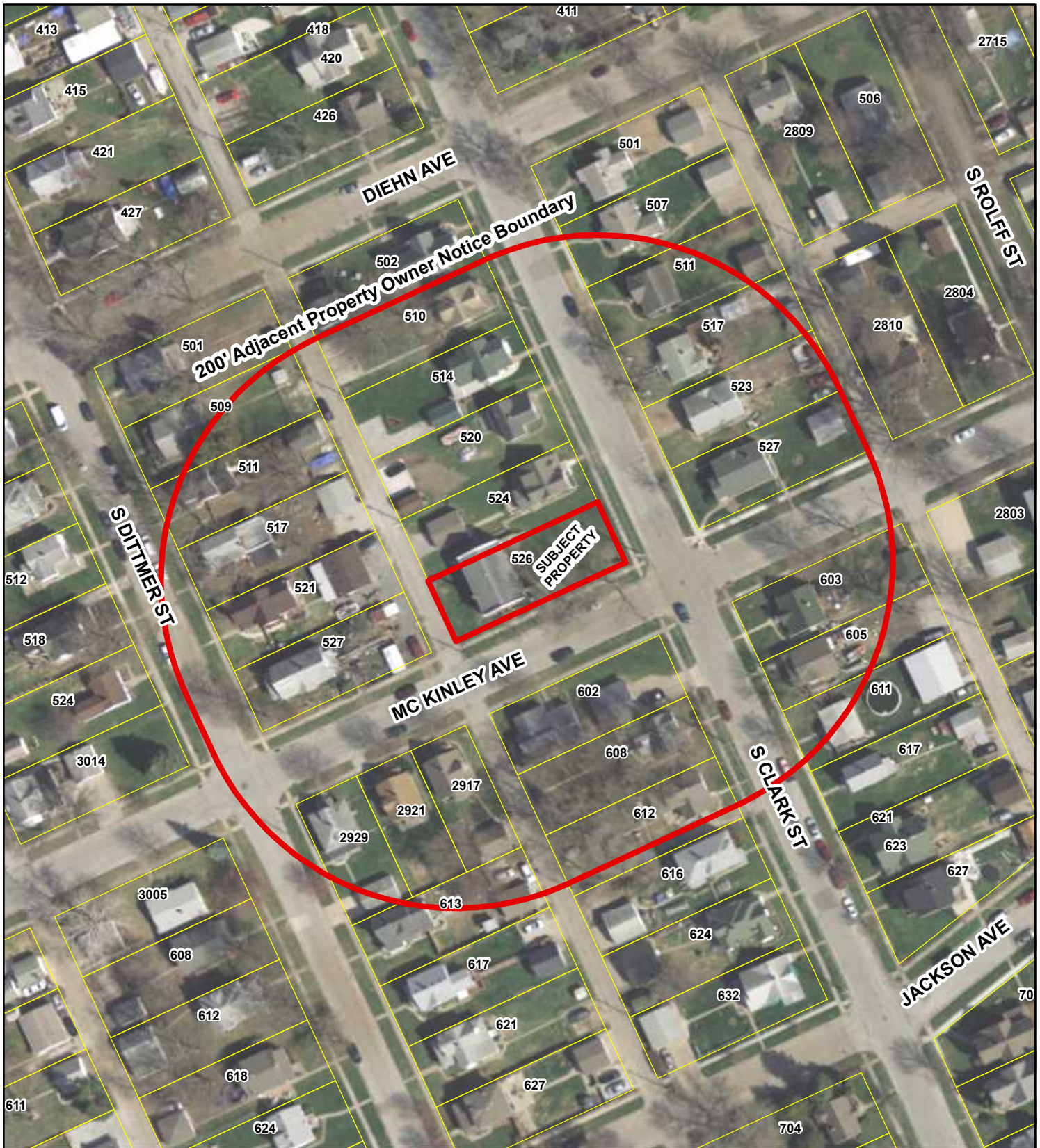
As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one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

Do You Have Any Questions?

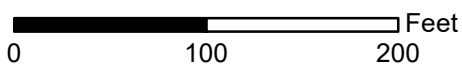
If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles.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

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

Zoning Board of Adjustment: Adjacent Property Owner Notice Area



1 inch = 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.



From: [Joe Cetanyan at 527 S Clark](#)

To: [Koops, Scott E.](#)

Subject: 526 S Clark St Hardship Variance. Monday, October 21, 2019 10:52:21 AM

Date:

To whom this may concern,

I oppose the installing a six foot fence around the property directly across the street from my property @ 527 S Clark St. In fact I oppose any fence, but understand that's not likely.

Most fences look good at the time of installation but over time there not kept up, Examples are chain link fence will collect all sort of trash, and most property owners never remove the trash/leaves from the fence line. While a wood fence will look attractive when first installed the home owners never keep the fences painted or stained, boards become broken/loose, missing, and becomes an eye sore for the surrounding property and area. The last thing the west end needs is another eye sore.....I'm someone who knows the west end well, as I grew up in the west end and my mother still lives in the west end and the last thing the neighbor's/neighborhood needs is another thing that will make the property's around 526 S Clark less desirable.....and unattractive, which I think fences do.

We do not need to make the west end less desirable but more desirable.....People already do not keep there property's up as is.

This is on a major road on Clark and McKinley no less, kids walk to school and would throw there trash on the ground and also get caught in the fencing. I know this because I'm always picking up trash in the yard.

Thank you for the time to respond to this issue and hope that the city does the correct thing and deny this six foot fence regardless, if chain link , wood or any other fencing.

Joe Cetanyan
527 S Clark St Davenport,Ia
Property owner

City of Davenport
Zoning Board of Adjustment

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

Date
10/24/2019

Subject:

Request HV19-16 of Robert Leveridge at 1104 East High Street for a hardship variance to construct a garage/accessory unit which will encroach two (2) feet into the required accessory structure setback.

Section 17.11.090.K.3.a. requires a 20-foot setback from the corner side yard property line when there is no alley access and the accessory structure/dwelling unit is accessed from the abutting street (Carey Ave). [Ward 5]

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. The petitioner's plans (and a staff confirmation measurement) place the proposed garage/accessory dwelling unit 18 feet from the Carey Avenue property line/sidewalk, which leaves space for a vehicle to be parked in front of the structure without blocking the public sidewalk. The ordinance defines a parking space as having at least 18' in length. The property line (according to Davenport GIS) is at the back edge of the sidewalk.

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:

The variation will keep the new structure more than twenty feet from the road and five feet from the property line of our northern neighbor. The standard of excellence regarding construction will not be affected in any way by the variance. The variation only applies to a fully code-compliant structure being built partially in the side yard of our property, and most, but not fully, in our rear yard.

Staff Comments:

The petitioner's plan allows for a vehicle to be parked in the corner side yard without blocking the public sidewalk, which is the intent of the 20 foot setback. Due to the rising grade from the side walk to the garage location, a deeper setback would require additional excavation and the removal of a tree to the east of the proposed structure. These issues pose a hardship from 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:

This variation only applies to the placement of a structure on my property. The new garage we construction will have the same access from the street, with or without the variance. The only concern is how far back on our property the new structure is required to be built. Therefore, this variance will not affect congestion or street traffic at all.

Staff:

The topography of the lot slopes upward from the sidewalk to the site of the proposed structure. The physical characteristics of the property pose a hardship. Additionally, a mature tree would likely be damaged by compliance with the setback. 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:

Our property originally had side yards on both the east and west. Decades ago, previous owners partitioned the property, creating the plot that now hosts 1110 E. High St., so that now the eastern property line is extremely close to the eastern wall of our house. As a result, our house is very much off-center on our property. Had the house been built on the plot as it currently is, it would have been constructed closer to the street, and thus edge of the rear yard would be closer to the street, similar to the lot of our neighbor to the north. Because of this anomaly with our property, the driveway we'll be required to have to conform with the municipal code will have to be significantly longer than any comparable driveway in our neighborhood.

Compliance with the municipal code would jeopardize a mature Shagbark Hickory tree on our property, and we would very much like to avoid the loss of this tree.

Staff:

The narrowness of the lot, the presence of a mature tree near the footprint of the required garage site, along with the slope of the yard are grounds for a hardship determination

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

Applicant Response:

The structure being built is designed to match the historic aesthetic of our home, and will only add aesthetic value to the surrounding neighborhood. The variance only applies to the

placement of the structure on our property, and the only impact on the character of the locality will be positive, to the extent that investment in the character of one property benefits the neighborhood, broadly speaking.

Staff:

The character of the area will not be impacted by the by the proposed structure as the property abutting the site has a detached structure set back the same distance from the property as proposed by the petitioner. 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 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
▣ Exhibit	Exhibits for report
▣ Exhibit	Application
▣ Exhibit	Notice List
▣ Exhibit	Notice Letter
▣ Exhibit	Notice Map

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	10/17/2019 - 10:06 AM



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

Description

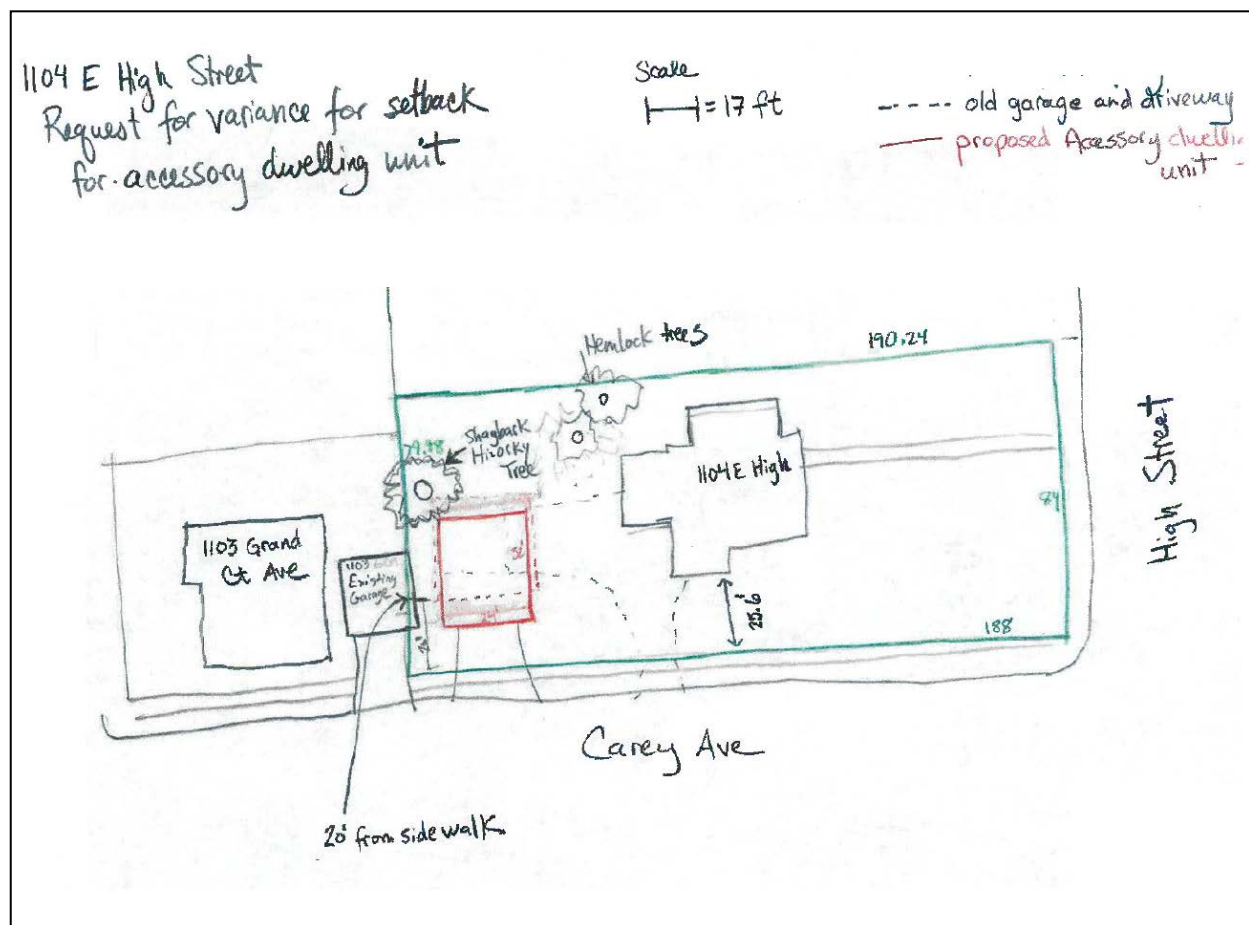
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Background & Discussion

The petitioner has submitted a site plan for an accessory structure. The petitioner's plans (and a staff confirmation measurement) place the proposed garage/accessory dwelling unit 18 feet from the Carey Avenue property line/sidewalk, which leaves space for a vehicle to be parked in front of the structure without blocking the public sidewalk. The ordinance defines a parking space as having at least 18' in length. The property line (according to Davenport GIS) is at the back edge of the sidewalk.

Site Plan:



Site:



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.

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The variation will keep the new structure more than twenty feet from the road and five feet from the property line of our northern neighbor. The standard of excellence regarding construction will not be affected in any way by the variance. The variation only applies to a fully code-compliant structure being built partially in the side yard of our property, and most, but not fully, in our rear yard.

Staff Comments:

The petitioner's plan allows for a vehicle to be parked in the corner side yard without blocking the public sidewalk, which is the intent of the 20 foot setback. Due to the rising grade from the side walk to the garage location, a deeper setback would require additional excavation and the removal of a tree to the east of the proposed structure. These issues pose a hardship from on the petitioner.

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Applicant Response:

This variation only applies to the placement of a structure on my property. The new garage we construction will have the same access from the street, with or without the variance. The only concern is how far back on our property the new structure is required to be built. Therefore, this variance will not affect congestion or street traffic at all.

Staff:

The topography of the lot slopes upward from the sidewalk to the site of the proposed structure. The physical characteristics of the property pose a hardship. Additionally, a mature tree would likely be damaged by compliance with the setback. 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:

Our property originally had side yards on both the east and west. Decades ago, previous owners partitioned the property, creating the plot that now hosts 1110 E. High St., so that now the eastern property line is extremely close to the eastern wall of our house. As a result, our house is very much off-center on our property. Had the house been built on the plot as it currently is, it would have been constructed closer to the street, and thus edge of the rear yard would be closer to the street, similar to the lot of our neighbor to the north. Because of this anomaly with our property, the driveway we'll be required to have to conform with the municipal code will have to be significantly longer than any comparable driveway in our neighborhood.

Compliance with the municipal code would jeopardize a mature Shagbark Hickory tree on our property, and we would very much like to avoid the loss of this tree.

Staff:

The narrowness of the lot, the presence of a mature tree near the footprint of the required garage site, along with the slope of the yard are grounds for a hardship determination

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

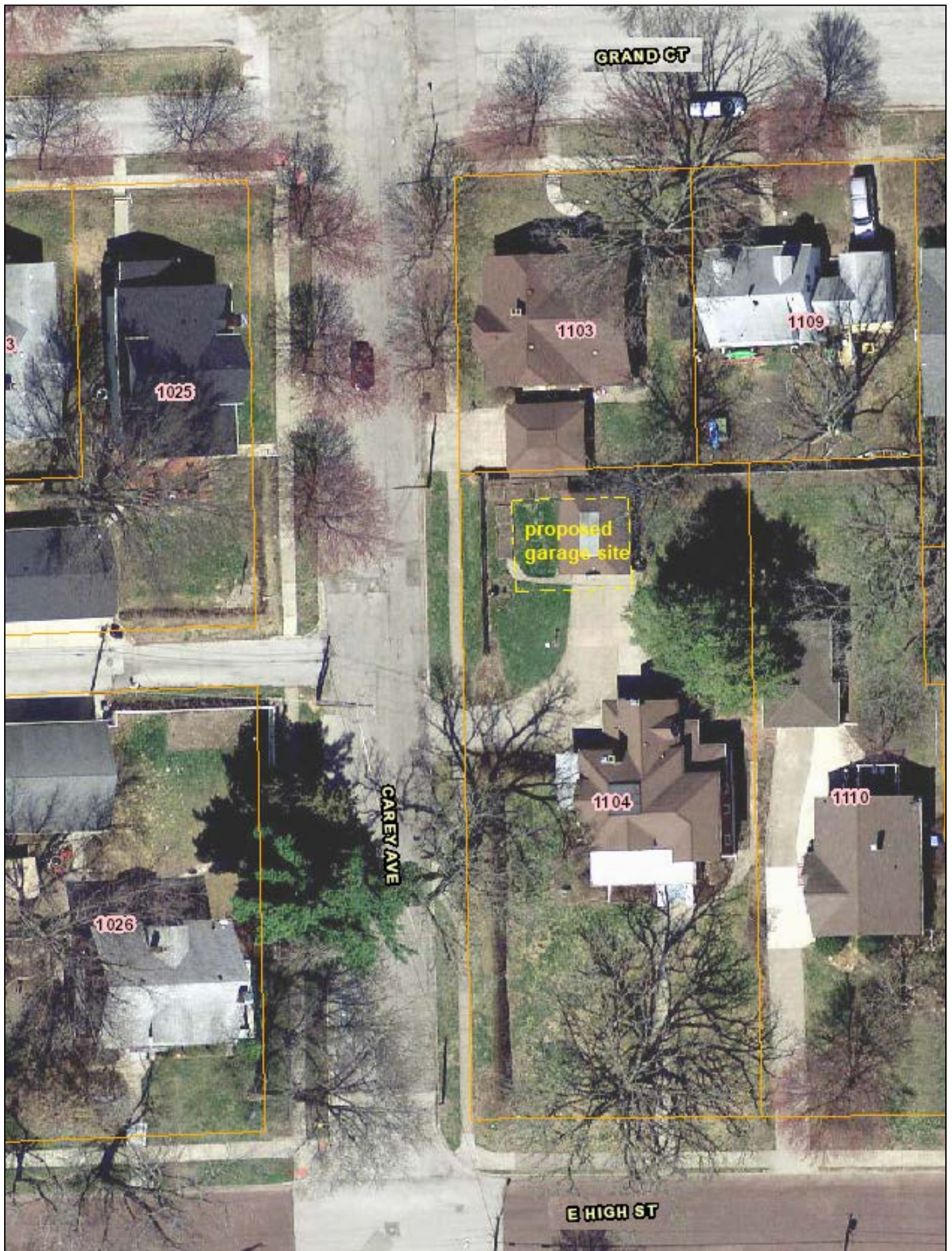
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Staff:

The character of the area will not be impacted by the by the proposed structure as the property abutting the site has a detached structure set back the same distance from the property as proposed by the petitioner. 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



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:

Owner (if different from Applicant)

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

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

Zoning Board of Adjustment

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

Design Review Board

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

Historic Preservation Commission

- Certificate of Appropriateness ☐
 Landmark Nomination ☐
 Demolition Request ☐

Administrative

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

**** 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:

We are constructing a new garage with an apartment above, so that it will be classified as an Accessory Dwelling Unit. The code stipulates that the new construction must be within the rear yard, in line with the western wall of our house. Our request is to be able to build the garage closer to the street, in line with the garage of our neighbor, as the two garages will be side by side. This would have our garage set back approximately 18 feet from the sidewalk. If this is not permissible, we request to have the structure built with a 20-foot setback, which is the standard setback for a garage that is not an accessory dwelling unit.

The reason for this request is two-fold:

Residential

1. Our previous garage was in disrepair and has been torn down. We wish to construct the new garage in essentially the same location on our property (see attached drawing), but the current code will require it to be pushed back further into our yard than it would otherwise need to be. Constructing the new garage further back will require the removal of a large, mature tree in our backyard which we wish to protect if at all possible.
2. Our property originally had side yards on both the east and west. Decades ago, previous owners partitioned the property, creating the plot that now hosts 1110 E. High St., so that now the eastern property line is extremely close to the eastern wall of our house. As a result, our house is very much off-center on our property. Had the house been built on the plot as it currently is, it would have been constructed closer to the street, and thus edge of the rear yard would be closer to the street, similar to the lot of our neighbor to the north. Because of this anomaly with our property, the driveway we'll be required to have to conform with the municipal code will have to be significantly longer than any comparable driveway in our neighborhood.

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed structures affected by the hardship variance. If a paper copy is provided, the maximum size is 11" x 17".
- Description and evidence that demonstrates consistency with the criteria listed in Sections 17.52.060 and 17.52.070 of the Davenport Municipal Code.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- Required fee - \$200.

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

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

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

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

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

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

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

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

The variation will allow us to construct our garage five feet closer to the street. There is nothing about the dimensions of the actual construction that requires a variance. This variance will not affect light or air supply in any way.

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

The variation will not unreasonably increase congestion in public streets.

This variation only applies to the placement of a structure on my property. The new garage we construction will have the same access from the street, with or without the variance. The only concern is how far back on our property the new structure is required to be built. Therefore, this variance will not affect congestion or street traffic at all.

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

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

The variance requested applies only to the location of our construction, not to any other aspects of the construction. The location adjustment requested is also a relatively small change to what is required by the code, approximately five feet. There will be no impact on fire or public safety.

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

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

The only impact that this variance might have on surrounding properties is an enhancement and a mild benefit. The new garage will be situated right next to our neighbor's garage, whose property borders ours to the north. Without the variance the two garages will be staggered, not lined up next to one another, and our driveway will be forced to be about 7 or 8 feet longer than our neighbor's (our neighbor's garage does not conform to current municipal code regarding setback). This will probably look somewhat odd when you consider the aesthetics of the street as a whole. With the variance, our garage and our neighbor's garage will look more appropriately placed in relation to one another. This is not the primary reason for requesting the variance, but suffice to say, the variance will be a modest plus to the visual presentation of the neighborhood, and certainly not diminish or impair anyone's property value.

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

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

The variation will keep the new structure more than twenty feet from the road and five feet from the property line of our northern neighbor. The standard of excellence regarding construction will not be affected in any way by the variance. The variation only applies to a fully code-compliant structure being built partially in the side yard of our property, and most, but not fully, in our rear yard. The variation will have no impact on the public health, safety, comfort morals or welfar of the inhabitants of the city.

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

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

Compliance with the municipal code would jeopardize a mature Shagbark Hickory tree on our property, and we would very much like to avoid the loss of this tree.

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

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

Our property originally had side yards on both the east and west. Decades ago, previous owners partitioned the property, creating the plot that now hosts 1110 E. High St., so that now the eastern property line is extremely close to the eastern wall of our house. As a result, our house is very much off-center on our property. Had the house been built on the plot as it currently is, it would have been constructed closer to the street, and thus edge of the rear yard would be closer to the street, similar to the lot of our neighbor to the north. Because of this anomaly with our property, the driveway we'll be required to have to conform with the municipal code will have to be significantly longer than any comparable driveway in our neighborhood.

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

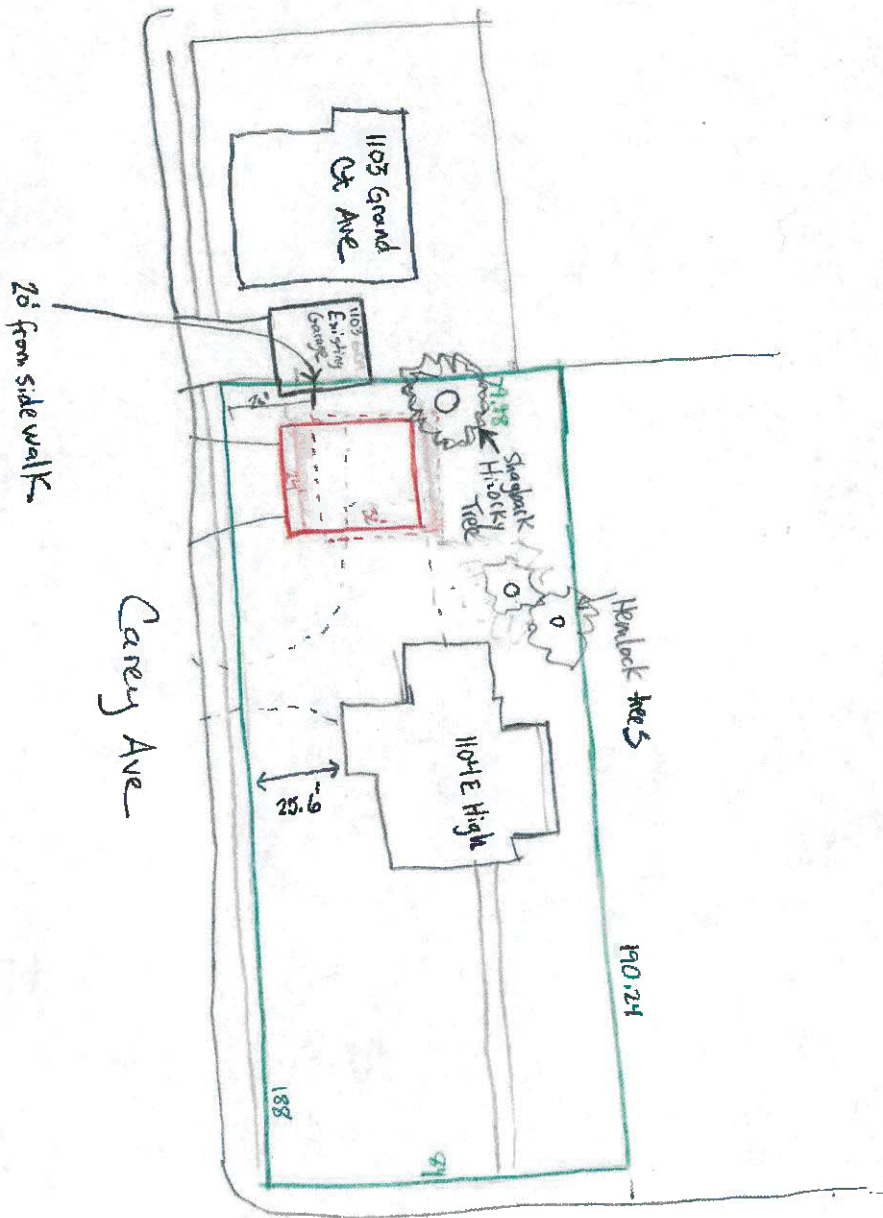
The variation, if granted, will not alter the essential character of the locality.

The structure being built is designed to match the historic aesthetic of our home, and will only add aesthetic value to the surrounding neighborhood. The variance only applies to the placement of the structure on our property, and the only impact on the character of the locality will be positive, to the extent that investment in the character of one property benefits the neighborhood, broadly speaking.

1104 E High Street
 Request for variance for setback
 for accessory dwelling unit

Scale
 1" = 17 ft

1107 E High Street property line
 --- old garage and driveway
 --- proposed Accessory dwelling unit



Request to have accessory dwelling unit front of building setback to be even with neighbors garage front or not more than 20' from edge of sidewalk.

1104 E Hight St - Adjacent Owner Notice Addresses

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	1104 E HIGH ST	LEVERIDGE ROBERT L	1104 E HIGH ST	DAVENPORT IA 52803
Ward/Notices	Ward 5	Notices Sent: 33	3245 E 35TH ST CT	
C0053-03	2044 CAREY AV	BJERKE JILL M	2044 CAREY AV	DAVENPORT IA 52803
C0053-04	1027 E HIGH ST	JENSEN GARRETT	1027 E HIGH ST	DAVENPORT IA 52803
C0053-05		GOTT REAL ESTATE LLC	1916 E 61ST CR	DAVENPORT IA 52807
C0053-34	1016 E HIGH ST	CONNORS CHRISTOPHE T	1016 E HIGH ST	DAVENPORT IA 52803
C0053-35	1022 E HIGH ST	BROWN SAMUEL A	1022 E HIGH ST	DAVENPORT IA 52803
C0053-06	1015 E HIGH ST	HAASE JUSTIN M	1015 E HIGH ST	DAVENPORT IA 52803
C0044-11	1022 GRAND CT	MAINEY SARA A	1022 GRAND CT	DAVENPORT IA 52803
C0044-12	1026 GRAND CT	KIEHN BEVERLY E	1026 GRAND CT	DAVENPORT IA 52803
C0043-27	2205 CAREY AVE	JARRETT THOMAS B	2205 CAREY AVE	DAVENPORT IA 52803
C0043-28	1108 GRAND CT	MCARTOR JEFFERY B	1108 GRAND CT	DAVENPORT IA 52803
C0043-29	1114 GRAND CT	FENN CRESTON	1114 GRAND CT	DAVENPORT IA 52803
C0043-30	1118 GRAND CT	SIEVERTSEN LISA M	1118 GRAND CT	DAVENPORT IA 52803
C0043-31	1124 GRAND CT	FELSKE CAROL A	1124 GRAND CT	DAVENPORT IA 52803
C0054-18	1121 GRAND CT	FLATLEY RYAN J	1121 GRAND CT	DAVENPORT IA 52803
C0054-19	1115 GRAND CT	GOLDFARB PHILIP R	1115 GRAND CT	DAVNPORT IA 52803
C0054-20	1109 GRAND CT	GARCIA ROBYNN A	1109 GRAND CT	DAVENPORT IA 52803
C0054-10B	1110 E HIGH ST	BARBARA J DETAEYE TRUST	1110 E HIGH ST	DAVENPORT IA 52803
C0054-11	1116 E HIGH ST	WISONG TIMOTHY A	1116 E HIGH ST	DAVENPORT IA 52803
C0054-17	1127 GRAND CT	LOPEZ CHERYL M	1127 GRAND CT	DAVENPORT IA 52803
C0054-21	1103 GRAND CT	SCHAEFER JOSEPHINE	1103 GRAND CT	DAVENPORT IA 52803
C0054-22	1115 GRAND CT	GOLDFARB PHILIP R	1115 GRAND CT	DAVNPORT IA 52803
C0053-36	1026 E HIGH ST	SMITH JEFFREY J	1026 E HIGH ST	DAVENPORT IA 52803
C0053-37	1025 GRAND CT	KOPATICH DAVID M	1025 GRAND CT	DAVENPORT IA 52803
C0053-38	1023 GRAND CT	FEY ROBERT JOHN	1023 GRAND CT	DAVENPORT IA 52803
C0053-39	1017 GRAND CT	MARTINEZ TROY A	1017 GRAND CT	DAVENPORT IA 52803
C0054-07B	1107 E HIGH ST	SCHLABACH ELLIOTT J	1107 E HIGH ST	DAVENPORT IA 52803
C0054-08	1105 E HIGH ST	GREENLEE ROBERT G	1105 E HIGH ST	DAVENPORT IA 52803
C0054-09		SOENKSEN GREG M	2608 250TH ST	DEWITT IA 52742
C0054-23	2029 CAREY AV	MILLIES JUDITH S	2029 CAREY AV	DAVENPORT IA 52803
C0054-04	1127 E HIGH ST	GLESS RACHEL E	1127 E HIGH ST	DAVENPORT IA 52803
C0054-05		LIVING OUR DREAMS LLC	14631 FERN AV	DAVENPORT IA 52804
C0054-06	1115 E HIGH ST	MCMANUS JULIE A	1115 E HIGH ST	DAVENPORT IA 52803
C0054-13A	1140 E HIGH ST	GRACE EVANGELICAL LUTHERAN	1140 E HIGH ST	DAVENPORT IA 52803



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



Public Hearing Details:

Date: 10/24/2019
Time: 4:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a Hardship Variance before the Zoning Board of Adjustment
Case #: HV19-16

Ward: 5

To: All property owners within 200 feet of the subject property located at **1104 East High 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 HV19-16 of Robert Leveridge at 1104 East High Street for a hardship variance to construct a garage/accessory unit which will encroach two (2) feet into the required accessory structure setback.

Section 17.11.090.K.3.a. requires a 20-foot setback from the corner side yard property line when there is no alley access and the accessory structure/dwelling unit is accessed from the abutting street (Carey Ave). [Ward 5]

What are the Next Steps after the Public Hearing?

For approved ZBA requests, the ruling is effective immediately. For projects requiring a Building Permit the applicant may contact the Permit office (563-326-7765) the next Business day. Rulings of the Zoning Board of adjustment are final. The applicant may request reconsideration at the next public hearing, and aggrieved parties may file a writ of certiorari with the district court.

Would You Like to Submit an Official Comment?

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

Do You Have Any Questions?

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

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

Zoning Board of Adjustment: Adjacent Property Owner Notice Area



City of Davenport
Zoning Board of Adjustment

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

Date
10/24/2019

Subject:

Request HV19-17 of Smart Honda/ACME Sign at 3710 Harrison Street for a hardship variance to relocate a 191 square foot, 45-foot tall Honda sign previously approved by hardship variance.

Section 17.12.060.D.4 restricts this freestanding signs to a maximum of 100 square feet and 25 feet in height [Ward 7]

Recommendation:

Staff recommends approval of the request as proposed.

Background:

The petitioner has proposed to move a Honda sign from the east side of Harrison St/Welcome Way to the west side of the street and be located at 3710 Harrison St near the south driveway. The sign was approved by hardship variance in 1998.

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.
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.

Applicant Response:

Smart Honda requests a variance to move the 191 sq. ft. Honda pylon sign across the street @ 3700 Harrison to new location @ 3710 Harrison. Honda Corp. requested that Smart Honda move to new larger facility & lot, Smart Honda tore a 60 year Chevrolet building down & is building a new state of the art Honda facility. At the same time Kia Corp. requested a larger

facility, lot & service area not shared with other dealerships. The existing Honda building is receiving an extensive interior/exterior renovation. Smart Kia is moving their 80 sq. ft. pylon sign to existing Honda lot.

As part of the "Honda facilities expansion Smart got rid of its Mazda & Mitsubishi dealerships. Those pylon signs will be removed. Current building that houses Kia will be demolished & removed. The Honda lot will extend to the wall at the south end of property. The Chevrolet building at one time had 4 pylon signs on just its property: There is one pylon sign remaining that is the size of one of the Chevrolet pylons. The Honda sign is owned by Honda Corp. & has a long term lease with Smart Honda. Redevelopment of these properties is cleaning up a mishmash of smaller buildings.

A number of years ago Pete Pohlman used to go before the ZBA quite frequently. The ZBA tired of that situation asked Wayne Willie, City Staffer, & Lujacks to get together & go over amount of pylon signs & those needed & to come back before the board one last time. That was done & a variance was passed encompassing all of the car dealerships in that area. Unfortunately Wayne Willie has retired & some of that paperwork is hard to find. For years it has gone on removing one sign and putting up a new one. These two signs are swapping sides of the street.

Staff Comments #1:

The petitioner has systematically reduced the number of freestanding signs on their properties in fulfillment of a joint City/dealership plan requested by the Zoning Board of Adjustment. The existing proposal is a relocation of an approved sign from the east side of the street to the west

side of the street as the car lines of Kia and Honda have switched buildings, necessitating the change.

Staff Comments #2:

Due to the requirements of Kia (which require an individual lot and building) the dealership wishes to relocate the Honda sign (which is owned by the Honda Corporation) to the other side of the street. There is no alternative which allowed for the sign to remain in its present location.

Staff Comments #3:

Requirements of the Kia car line where not predictable and where unknown at the time the Honda sign was approved.

Staff Comments #4:

The character of the area will not be impacted by the relocation of an existing sign from one side of the street to the other as the sign is already in the area.

Findings & Staff Recommendation:

Findings:

Given the history of the property, the number of hardship variances on the various properties, and

the dealership's conceptual plans and actions reducing the number of freestanding signs, staff wishes to honor past efforts and plans on the various properties owned by Lujacks. Staff finds that the request to relocate a freestanding sign, previously approved by variance, to a site across the street meets the intent of the hardship variance approval standards.

Recommendation:

Staff recommends approval of the request as proposed.

ATTACHMENTS:

Type	Description
▣ Exhibit	Exhibits for report
▣ Exhibit	Application
▣ Exhibit	Notice Letter
▣ Exhibit	Notice Map
▣ Exhibit	Notice List

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	10/17/2019 - 9:56 AM



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Description

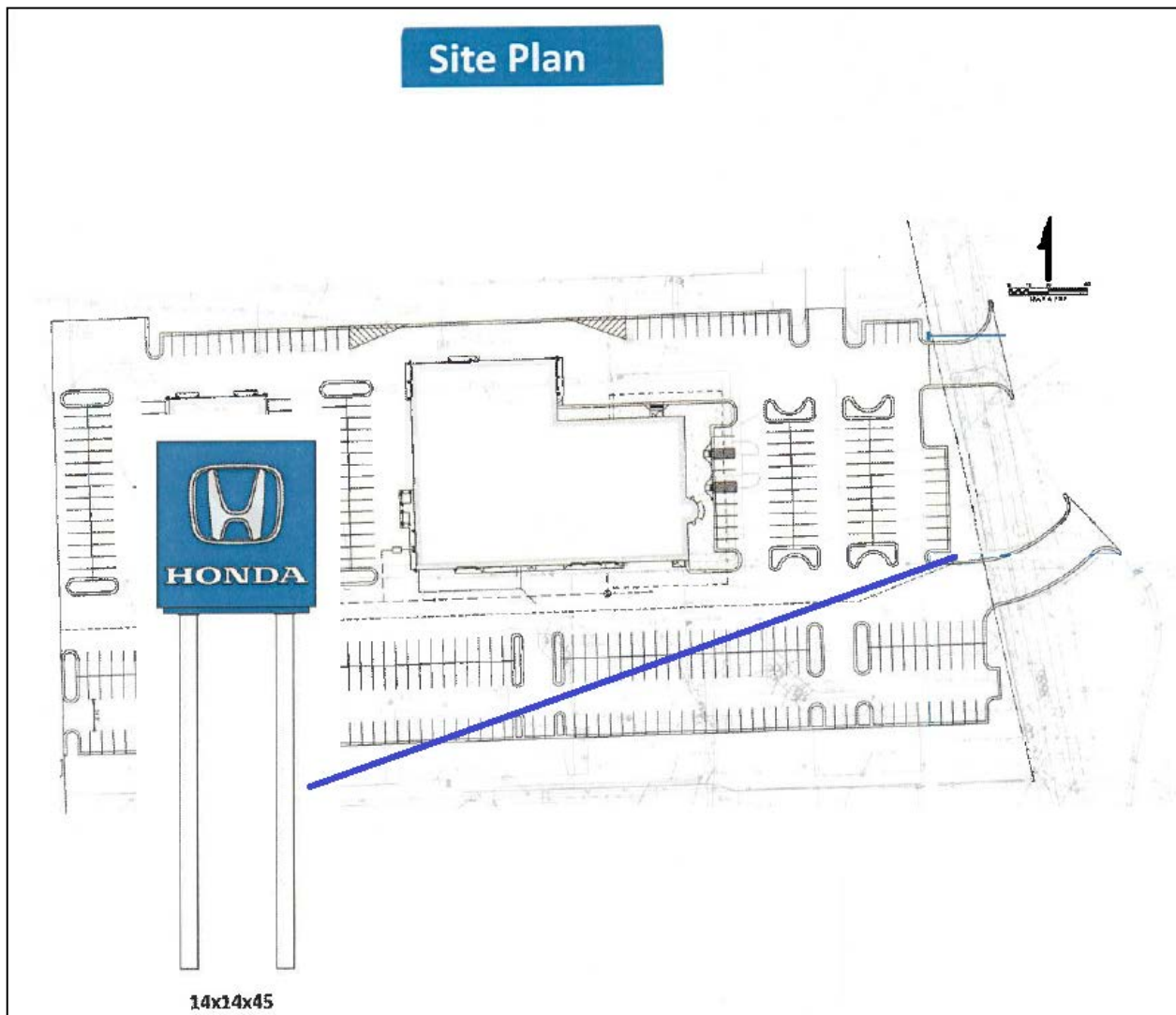
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Section 17.12.060.D.4 restricts this freestanding signs to a maximum of 100 square feet and 25 feet in height [Ward 7]

Background & Discussion

The petitioner has proposed to move a Honda sign from the east side of Harrison St/Welcome Way to the west side of the street and be located at 3710 Harrison St near the south driveway. The sign was approved by hardship variance in 1998.

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/applicant's response/staff comments)

1. Strict application 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.
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Applicant Response:

Smart Honda requests a variance to move the 191 sq. ft. Honda pylon sign across the street @ 3700 Harrison to new location @ 3710 Harrison. Honda Corp. requested that Smart Honda move to new larger facility & lot, Smart Honda tore a 60 year Chevrolet building down & is building a new state of the art Honda facility. At the same time Kia Corp. requested a larger facility, lot & service area not shared with other dealerships. The existing Honda building is receiving an extensive interior/exterior renovation. Smart Kia is moving their 80 sq. ft. pylon sign to existing Honda lot.

As part of the "Honda facilities expansion Smart got rid of its Mazda & Mitsubishi dealerships. Those pylon signs will be removed. Current building that houses Kia will be demolished & removed. The Honda lot will extend to the wall at the south end of property. The Chevrolet building at one time had 4 pylon signs on just its property: There is one pylon sign remaining that is the size of one of the Chevrolet pylons. The Honda sign is owned by Honda Corp. & has a long term lease with Smart Honda. Redevelopment of these properties is cleaning up a mishmash of smaller buildings.

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Findings & Staff Recommendation:

Findings:

Given the history of the property, the number of hardship variances on the various properties, and the dealership's conceptual plans and actions reducing the number of freestanding signs, staff wishes to honor past efforts and plans on the various properties owned by Lujacks. Staff finds that the request to relocate a freestanding sign, previously approved by variance, to a site across the street meets the intent of the hardship variance approval standards.

Recommendation:

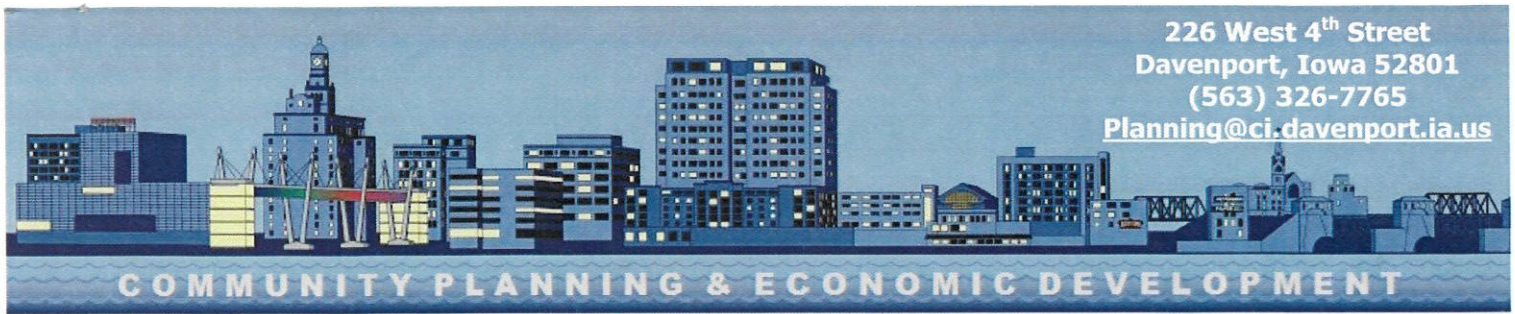
Staff recommends approval of the request as proposed.

Prepared by:

A handwritten signature in black ink, appearing to read "Scott Koops". The signature is fluid and cursive, with the first name "Scott" and last name "Koops" clearly distinguishable.

Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents



Complete application can be emailed to planning@ci.davenport.ia.us *MEETING: 10-24-19*

Property Address* 3710 HARRISON
 *If no property address, please submit a legal description of the property.

Applicant (Primary Contact)**

Name: BILL CONNORS
 Company: SMART HONDA
 Address: 3710 HARRISON
 City/State/Zip: DAVENPORT, IA
 Phone: 563-570-2383
 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: SAM
 Company:
 Address:
 City/State/Zip:
 Phone:
 Email:

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.**

Request:

Please describe the variance(s) requested:

MOVE HONDA PYLON SIGN
FROM 1 SIDE OF THE STREET
TO THE OTHER SIDE

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.

Applicant: SMART HONDA

Date: 9/30/19

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: _____

Date: _____

Planning staff

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.



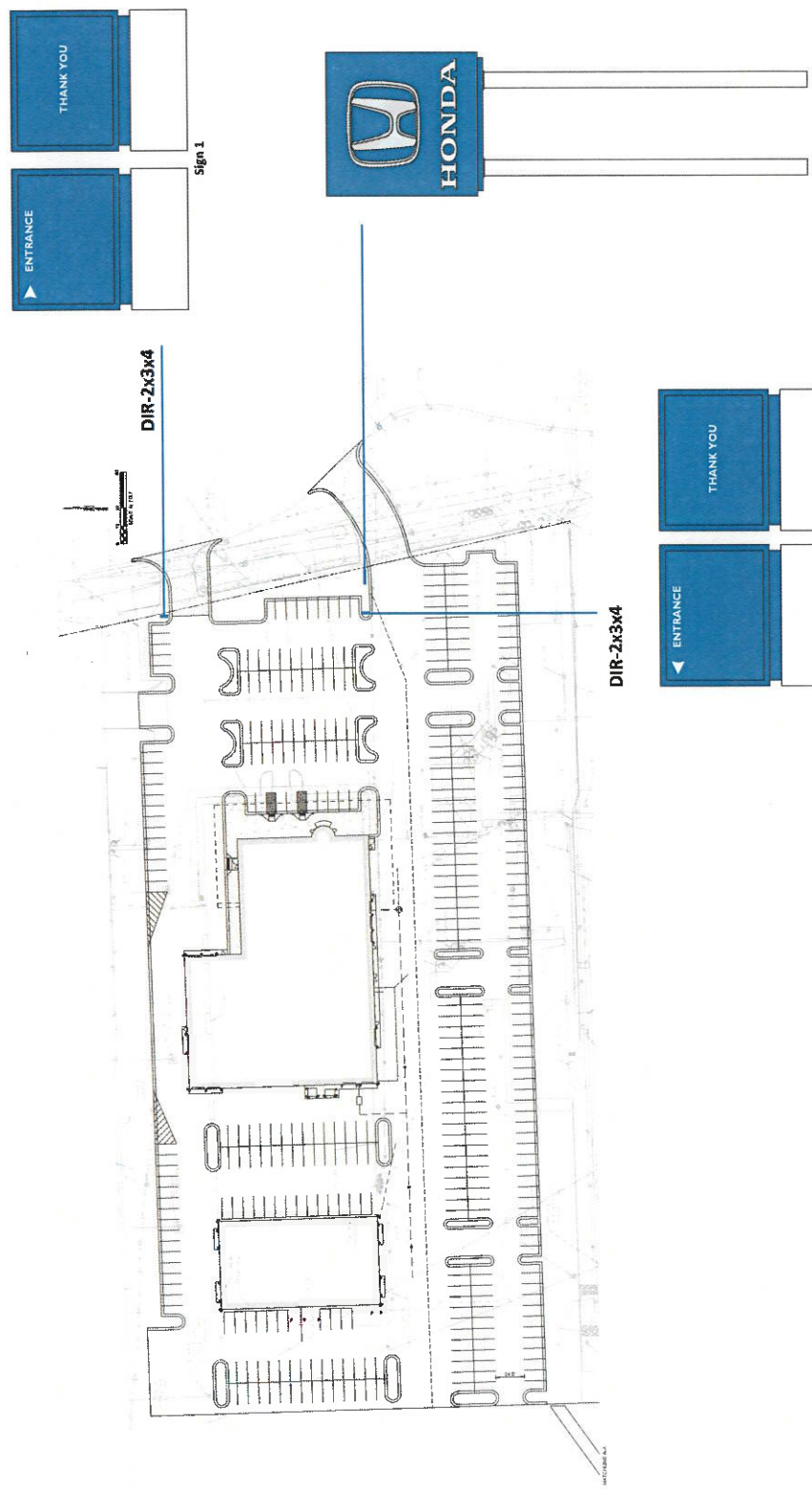
Smart Honda requests a variance to move the 191 sq. ft. Honda pylon sign across the street @ 3700 Harrison to new location @ 3710 Harrison. Honda Corp. requested that Smart Honda move to new larger facility & lot. Smart Honda tore a 60 year Chevrolet building down & is building a new state of the art Honda facility. At the same time Kia Corp. requested a larger facility, lot & service area not shared with other dealerships. The existing Honda building is receiving an extensive interior/exterior renovation. Smart Kia is moving their 80 sq. ft. pylon sign to existing Honda lot. As part of the Honda facilities expansion Smart got rid of its Mazda & Mitsubishi dealerships. Those pylon signs will be removed. Current building that houses Kia will be demolished & removed. The Honda lot will extend to the wall at the south end off property. The Chevrolet building at one time had 4 pylon signs on just its property. There is one pylon sign remaining that is the size of one of the Chevrolet pylons. The Honda sign is owned by Honda Corp. & has a long term lease with Smart Honda. Redevelopment of these properties is cleaning up a mishmash of smaller buildings. A number of years ago Pete Pohlman used to go before the ZBA quite frequently. The ZBA tired of that situation asked Wayne Willie, City Staffer, & Lujacks to get together & go over amount of pylon signs & those needed & to come back before the board 1 last time. That was done & a variance was passed encompassing all of the car dealerships in that area. Unfortunately Wayne Willie has retired & some of that paperwork is hard to find. For years it has gone on removing one sign and putting up a new one. These 2 signs are swamping sides of the street. We ask that you grant this request.


Douglas L. Jarvis

Acme Sign Co., Inc.

Site Plan

Project ID KR2-25433	
Date:	DEC-05-2018
Scale:	N.T.S.
Sales:	K. Rosen
Designer:	C. Sabatino
Rev. 4: R3	Date: 20-AUG-2019
Revision Note:	
☒ Conceptual	Information Required:
☐ Master	Electrical
☒ 120V	☐ 347V
☐ Other	
Customer Approval	
Signature	DATE/DOY/YY
It is the Customer's responsibility to ensure that the structure of the building is designed and constructed to accept the installation of the sign. The sign is not to be installed until the building is ready to provide further details if required. All rights reserved. The artwork depicted herein are copyright and are the exclusive property of Pattison Sign Group. No part of this document can be reproduced in whole or in part without written permission by Pattison Sign Group.	



208492
Lujack Honda
3700 N Harrison St.
Davenport, IA

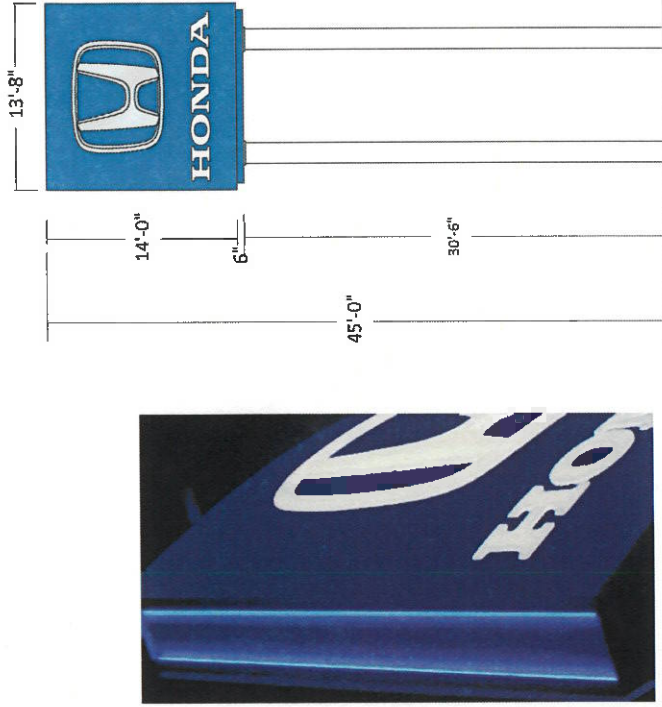
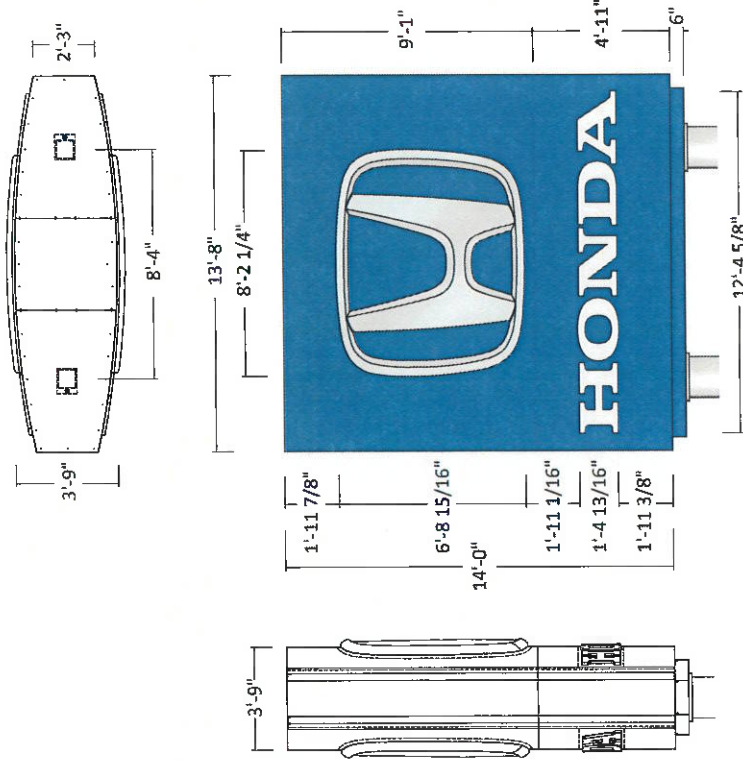
Sign Item
Site Plan

520 West Summit Hill Drive, Suite 702, Knoxville TN 37902
(Tel) Fax) 1.866.635.1110 (Fax) 1.899.694.1106
www.pattisonsign.com

Pattison Sign Group
Powering Your Brand



Gen III Honda Brand Sign Pylon Dual Poles - 14x14x45



HBS-14x14x45 - GEN 3 Supply & Install (1) One New Double Face Illuminated Pylon

Specifications

- Aluminum construction
- Cabinet & escutcheon painted to match Honda Blue (PMS 285c)
- Aluminum face routed out
- Pushed through 3D molded white acrylic logo & letters
- White LED illumination
- Blue LED recessed lighting on side of cabinet
- Electrical hook-up by others
- 18"/30" ϕ - 5/16" Support poles painted Honda white
- Direct bury installation

Project ID KR2-25433	
Date: APR-29-2019	Scale: 3/16"=1'-0"
Sales: K.Rosen	Designer: C.Subramanian
Rev. #:	Date:
Revision Note:	
☒ Conceptual Information Required:	
☐ Master ☒ Electrical ☒ 120V ☐ 240V ☐ Other:	
Customer Approval Signature: _____ MM/DD/YYYY	
It is the Customer's responsibility to ensure that the structure of the building is designed and constructed to support the weight of the sign. The sign is not to be used as a structural member. Please ask for details if required.	
All rights reserved. The artwork depicted herein are copyright and trademarks of the Honda Motor Co., Ltd. and are used under license by Pattison Sign Group and as such cannot be reproduced in whole or in part without written permission by Pattison Sign Group.	
208492 Lujack Honda 3700 N. Harrison St. Davenport, IA	
Sign Item SG1	

Fluorescent, Neon and LED signs contain Mercury (Hg).
Dispose of the signs according to Local, Provincial, State or Federal Laws.

This sign to be installed in accordance with the requirements of Article 620 of the National Electrical Code and/or other applicable local codes.
This includes proper grounding and bonding of the sign.

520 West Summit Hill Drive Suite 702 Knoxville TN 37902
 (Toll Free) 1.866.635.1110 (Fax) 1.998.694.1106
 www.pattisonsign.com

Pattison Sign Group
 Powering Your Brand



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



Public Hearing Details:

Date: 10/24/2019
Time: 4:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a Hardship Variance before the Zoning Board of Adjustment
Case #: HV19-17

Ward: 7

To: All property owners within 200 feet of the subject property located at **3710 Harrison Street**.

What is this All About?

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

Request Description

Request HV19-17 of Smart Honda/ACME Sign at 3710 Harrison Street for a hardship variance to relocate a 191 square foot, 45-foot tall 'Honda' sign previously approved by hardship variance.

Section 17.12.060.D.4 restricts this freestanding signs to a maximum of 100 square feet and 25 feet in height [Ward 7]

What are the Next Steps after the Public Hearing?

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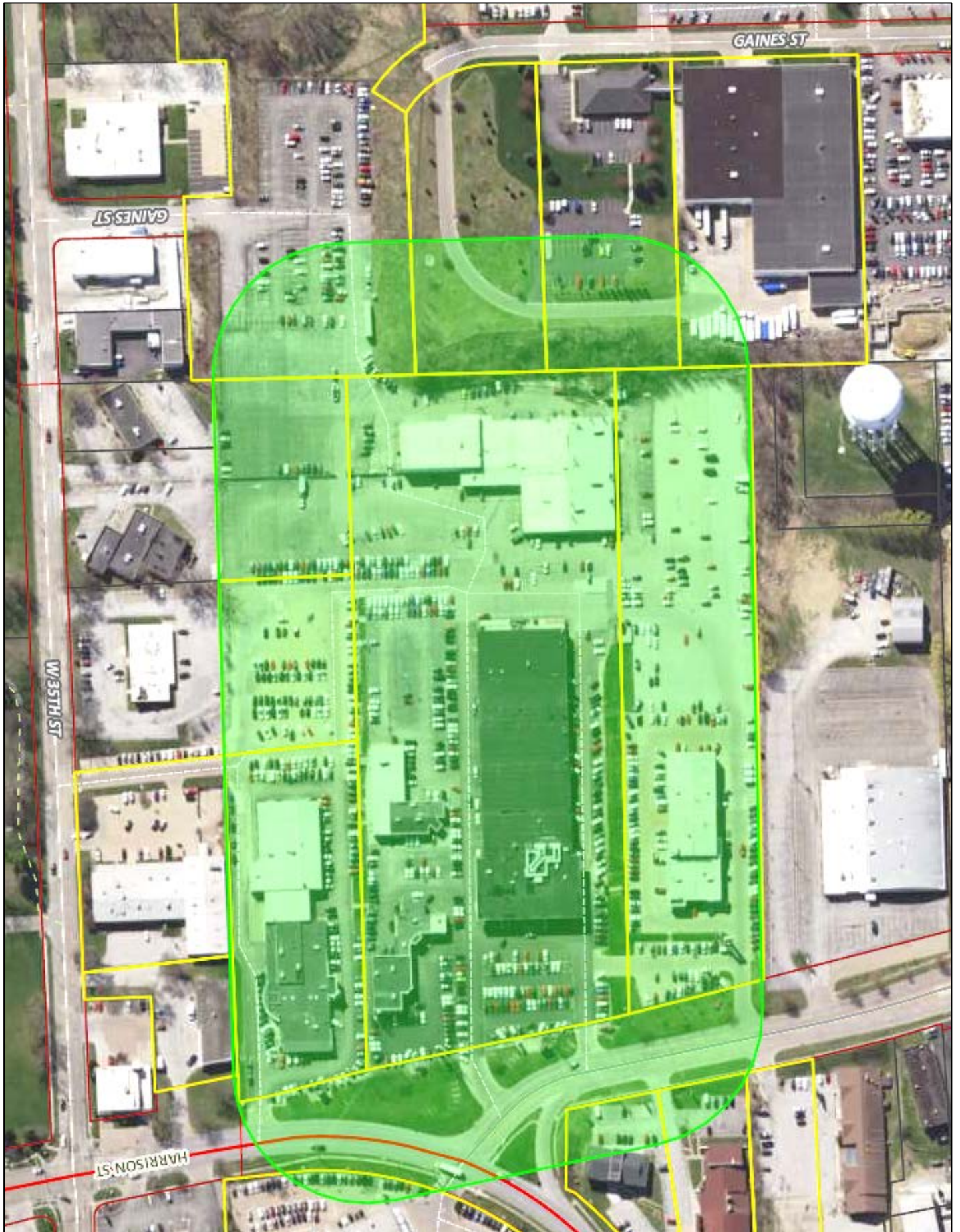
Would You Like to Submit an Official Comment?

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.



3710 Harrison - Adjacent Owner Notice Addresses

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	3710 HARRISON ST	SMART HONDA		
Ward/Notices	Ward 7	Notices Sent: 9		
P1410-01	3809 GAINES ST	A D HUESING BOTTLING WORKS INC	3809 GAINES ST	DAVENPORT IA 52804
P1411-01D		AFS II CORP	13459 CROSBY RD	MORRISON IL 61270
P1411-02D	3709 N HARRISON ST	BASSFORD CONSTRUCTION LLC	3709 N HARRISON ST	DAVENPORT IA 52806
P1411-15		CAR LEE IA HH LLC	8484 WESTPARK DR - STE 200	MC LEAN VA 22102
P1414B02A		GRAPE ROAD LLC	5201 N GRAPE RD	MISHAWAKA IN 46545
P1414C14B		GRAPE ROAD LLC		
P1411D02		GRAPE ROAD LLC		
P1411-16		GRAPE ROAD LLC		
P1410-02E		GRAPE ROAD LLC		
P1411C02		GRAPE ROAD LLC		
P1411-07		ICONIUM CORPORATION LLC	90 BOX 897	BOISE ID 83701
P1411-17A		JAX AUTOMOTIVE REAL ESTATE LLC	PO BOX 96	GOTHAM WI 53540
P1410-01A		JOHNSON PARTNERS LP	PO BOX 2770	DAVENPORT IA 52809
P1410-02B		JOHNSON PARTNERS LP		
P1414B01		PPG ARCHITECTURAL FINISHES INC	ONE PPG PLACE	PITTSBURGH PA 15272

City of Davenport
Zoning Board of Adjustment

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

Date
10/24/2019

Subject:

Request HV19-18 of Lamar Advertising/Angie Thorngren at 621 East Kimberly Road for a hardship variance enabling a reduction of the separation distance which is required between billboards from 1,500 feet to approximately 1,065 feet. The proposed billboard will be separated from the next closest billboard by an approximate distance 435 feet less than what the principal use standard requires.

Section 17.08.030.D.5. states "all billboards must be separated by a minimum distance of at least 1,500 feet". [Ward 7]

Recommendation:

Staff recommends denial of the request as no evidence of a hardship has been established.

Background:

The petitioner submitted a request for a hardship variance to place a new billboard at 621 East Kimberly Rd which is approximately 1,065 feet from the nearest existing billboard located at 4001 Brady St (on the Salvation Army property). This would place the proposed billboard approximately 435 feet closer to an adjacent billboard than allowed by zoning code.

The City continues to fine tune the new Zoning Ordinance, adopted in January 2019. During the most recent round of omnibus text amendments, allowing Billboards in the C-2 as a permitted use was added. At this time, Lamar Advertising also requested the Council consider an amendment to allow for 1500 foot separation for both sides of the roadway rather than the 1500 foot radial separation that exists now. Council chose not to vote on this request.

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:

Due to the radial spacing of 1500', we will be forced to remove two (2) existing viable billboard structures in order to build a billboard at this one. This new structure would show to east and west-bound traffic on

Kimberly Road.

The first existing location is 4001 Brady St. (Parcel #P1307-01A). This location is more than 1,000 feet away and shows to north-bound traffic on Brady. It is not visible from the new location and is capturing a completely different traffic pattern and audience.

The other is 4128 Brady Street, which shows to Welcome Way (Parcel #P1308-10). This location is almost 1300' away and shows to south-bound traffic on Welcome Way/Harrison. It is also not visible from the new location and capturing a different traffic pattern and audience.

Staff Comments:

The zoning code and/or city staff is not forcing the removal of two existing billboards. Those signs can remain where they are and can be maintained as nonconforming billboards.

Zoning code requirements have been established to avoid a proliferation of billboards in commercial/industrial districts and to limit their size; whether one billboard is visible from another location is not at issue as the zoning code regulates location of billboards in relation to each other, and the separation requirement is not measured by 'visual' distance.

The site of the proposed billboard is not guaranteed the right to construct a billboard. The site allows for billboards, if the billboard complies with zoning code. This site does not meet zoning code requirements for a billboard. Zoning codes, in and of themselves, are not grounds for a hardship. No evidence of hardship has been provided in the text of the application nor in the submitted supporting documents.

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 this dense commercial area, Davenport's major traffic pattern is one-way traffic for north and south bound. Because of the 1500' spacing, we are unable to utilize this commercial area that is zoned C-2 and allows for billboard, in order to capture east and west-bound traffic on Kimberly.

Staff:

The shape and topography of the property at 621 East Kimberly Road is relatively flat and supports buildings and structures. The site in and of itself supports a billboard, however it is the specifics of the zoning code requirements (specifically those relating to separation distances) that limit/regulate how close these signs can be from each other. The physical characteristics of this site have no bearing on the location of the other billboards in close proximity of the proposed billboard. Highest and best use of land is not an entitlement to any one property; only that the property can be reasonably used for the purposes intended by the district. Corridor Commercial (C-2) zoning uses are allow at this site *if the use meets the specifics of code requirements*. The proposed billboard does not met principal use standards required for billboards. No physical characteristics of the property pose a hardship.

To meet the criteria for a hardship due to topographic conditions, the petitioner must demonstrate the following where, by reason of exceptional narrowness, shallowness, or shape of a specific

piece of property, or by reason of exceptional topographical conditions or other extraordinary or exceptional situations of a specific piece of property, the strict application of any provision of this title would result in peculiar and practical difficulties and clearly demonstrable hardship upon the owner of such property, amounting to practical confiscation thereof and not a mere inconvenience to the owner. The petitioner has not demonstrated such.

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

Applicant Response:

The property is zoned C-2, and is conducive for placement of off-premise (billboard) signs, however, given the spacing under this ordinance, it precludes us from this opportunity.

Staff:

The plight of the owner must be due to unique circumstances that do not apply to other properties in the city. Many 'C-2' zoned properties exist near other streets with the same zoning principal use standards and regulations applied. No evidence for unique circumstance has been provided.

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

Applicant Response:

This parcel is zoned C-2 commercial which is designated for billboards.

Staff:

Without a separation distance between billboard properties most all commercial properties would be large enough to accommodate billboards per code requirements. Without the separation distance requirement, or with a reduced one, proliferation of large billboard structures in the city would likely be prevalent. The over-prevalence of billboards, and this billboard specifically, would negatively impact the character of the area.

Findings & Staff Recommendation:

Findings: (Per the analysis above)

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

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

Item #3 unique circumstance has not been established;

Item #4 protection of essential character has not have been established;

Recommendation:

Staff recommends denial of the request as no evidence of a hardship has been established.

ATTACHMENTS:

Type	Description
□ Exhibit	Exhibits for report
□ Exhibit	Application
□ Exhibit	Notice List
□ Exhibit	Notice Letter
□ Exhibit	Notice Map

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	10/17/2019 - 9:48 AM



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

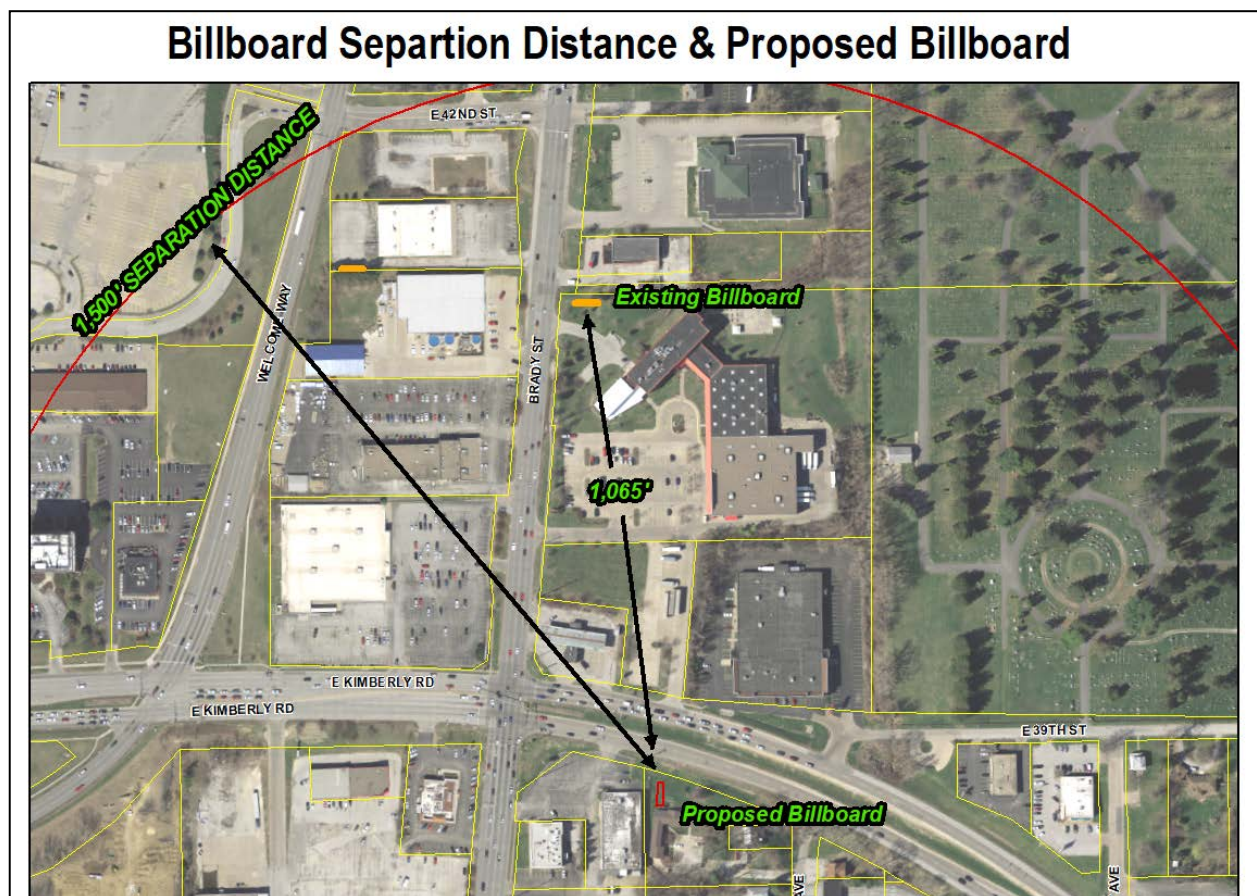
Description

Request HV19-18 of Lamar Advertising/Angie Thorngren at 621 East Kimberly Road for a hardship variance enabling a reduction of the separation distance which is required between billboards from 1,500 feet to approximately 1,065 feet. The proposed billboard will be separated from the next closest billboard by an approximate distance 435 feet less than what the principal use standard requires. Section 17.08.030.D.5. states "all billboards must be separated by a minimum distance of at least 1,500 feet". [Ward 7]

Background & Discussion

The petitioner submitted a request for a hardship variance to place a new billboard at 621 East Kimberly Rd which is approximately 1,065 feet from the nearest existing billboard located at 4001 Brady St (on the Salvation Army property). This would place the proposed billboard approximately 435 feet closer to an adjacent billboard than allowed by zoning code.

Distance Separation



[illegible]

Purpose of a Hardship Variance

Approval Standards

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

Due to the radial spacing of 1500', we will be forced to remove two (2) existing viable billboard structures in order to build a billboard at this one. This new structure would show to east and west-bound traffic on Kimberly Road.

The first existing location is 4001 Brady St. (Parcel #P1307-01A). This location is more than 1,000 feet away and shows to north-bound traffic on Brady. It is not visible from the new location and is capturing a completely different traffic pattern and audience.

The other is 4128 Brady Street, which shows to Welcome Way (Parcel #P1308-10). This location is almost 1300' away and shows to south-bound traffic on Welcome Way/Harrison. It is also not visible from the new location and capturing a different traffic pattern and audience.

Staff Comments:

The zoning code and/or city staff is not forcing the removal of two existing billboards. Those signs can remain where they are and can be maintained as nonconforming billboards.

Zoning code requirements have been established to avoid a proliferation of billboards in commercial/industrial districts and to limit their size; whether one billboard is visible from another location is not at issue as the zoning code regulates location of billboards in relation to each other, and the separation requirement is not measured by 'visual' distance.

The site of the proposed billboard is not guaranteed the right to construct a billboard. The site allows for billboards, if the billboard complies with zoning code. This site does not meet zoning code requirements for a billboard. Zoning codes, in and of themselves, are not grounds for a hardship. No evidence of hardship has been provided in the text of the application nor in the submitted supporting documents.

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 this dense commercial area, Davenport's major traffic pattern is one-way traffic for north and south bound. Because of the 1500' spacing, we are unable to utilize this commercial area that is zoned C-2 and allows for billboard, in order to capture east and west-bound traffic on Kimberly.

Staff:

The shape and topography of the property at 621 East Kimberly Road is relatively flat and supports buildings and structures. The site in and of itself supports a billboard, however it is the specifics of the zoning code requirements (specifically those relating to separation distances) that limit/regulate how close these signs can be from each other. The physical characteristics of this site have no bearing on the location of the other billboards in close proximity of the proposed billboard. Highest and best use of land is not an entitlement to any one property; only that the property can be reasonably used for the purposes intended by the district. Corridor Commercial (C-2) zoning uses are allow at this site *if the use meets the specifics of code requirements*. The proposed billboard does not met principal use standards required for billboards. No physical characteristics of the property pose a hardship.

To meet the criteria for a hardship due to topographic conditions, the petitioner must demonstrate the following where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographical conditions or other extraordinary or exceptional situations of a specific piece of property, the strict application of any provision of this title would result in peculiar and practical difficulties and clearly demonstrable hardship upon the owner of such property, amounting to practical confiscation thereof and not a mere inconvenience to the owner. The petitioner has not demonstrated such.

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

Applicant Response:

The property is zoned C-2, and is conducive for placement of off-premise (billboard) signs, however, given the spacing under this ordinance, it precludes us from this opportunity.

Staff:

The plight of the owner must be due to unique circumstances that do not apply to other properties in the city. Many 'C-2' zoned properties exist near other streets with the same zoning principal use standards and regulations applied. No evidence for unique circumstance has been provided.

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

Applicant Response:

This parcel is zoned C-2 commercial which is designated for billboards.

Staff:

Without a separation distance between billboard properties most all commercial properties would be large enough to accommodate billboards per code requirements. Without the separation distance requirement, or with a reduced one, proliferation of large billboards structures in the city would likely be prevalent. The over-prevalence of billboards, and this billboard specifically, would negatively impact the character of the area.

Findings & Staff Recommendation:

Findings: (Per the analysis above)

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

Recommendation:

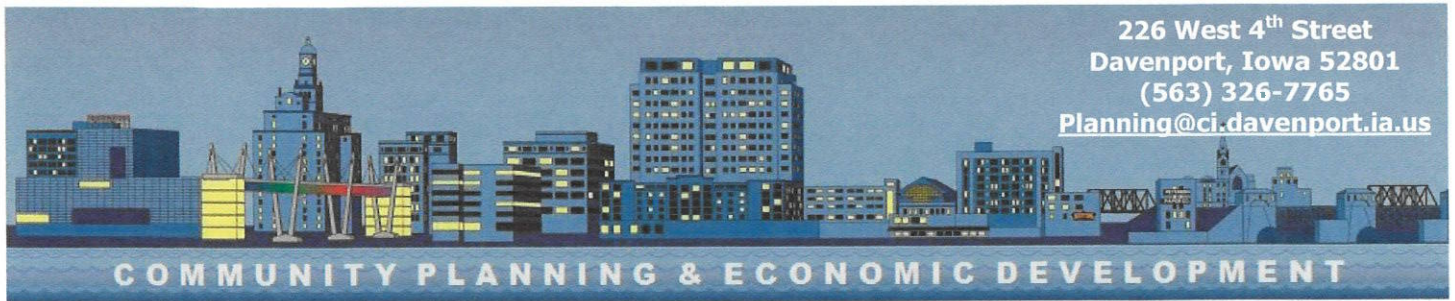
Staff recommends denial of the request as no evidence of a hardship has been established.

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 **MEETING: 10-24-19**

Property Address* 621 East Kimberly Road (Parcel #P1309A13A)

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

Applicant (Primary Contact)**

Name: Angie Thorngren/James Schumacher
Company: Lamar Advertising of Dubuque/QC
Address: 5000 Tremont Ave. #403
City/State/Zip: Davenport, IA 52807
Phone: 563-556-4141
Email: athorngren@lamar.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: Mark Steffen
Company:
Address: 621 E. Kimberly Rd.
City/State/Zip: Davenport, IA 52804
Phone: 563-340-3129
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 ☐

Attorney (if applicable)

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

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:

Variance requested for erecting an off-premise sign within the 1500' spacing requirement per Section 17.08.030(D.) of city code. Although the proposed site is within 1500' of two other existing billboards, both are on completely different arteries and traffic patterns. Neither is visible from the proposed billboard site.

Existing Zoning: C-2 Commercial

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.

Due to the radial spacing of 1500', we will be forced to remove two (2) existing viable billboard structures in order to build a billboard at this one. This new structure would show to east and west-bound traffic on Kimberly Road.

The first existing location is 4001 Brady St. (Parcel #P1307-01A). This location is more than 1,000 feet away and shows to north-bound traffic on Brady. It is not visible from the new location and is capturing a completely different traffic pattern and audience.

The other is 4128 Brady Street, which shows to Welcome Way (Parcel #P1308-10). This location is almost 1300' away and shows to south-bound traffic on Welcome Way/Harrison. It is also not visible from the new location and capturing a different traffic pattern and audience.

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.

In this dense commercial area, Davenport's major traffic pattern is one-way traffic for north and south bound. Because of the 1500' spacing, we are unable to utilize this commercial area that is zoned C-2 and allows for billboard, in order to capture east and west-bound traffic on Kimberly.

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 property is zoned C-2, and is conducive for placement of off-premise (billboard) signs, however, given the spacing under this ordinance, it precludes us from this opportunity.

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.

This parcel is zoned C-2 commercial which is designated for billboards.

REAL ESTATE TRANSFER
TAX PAID 63
STAMP#
\$ 99.20
RECORDER
DATE 5-3-96 COUNTY SCOTT

11073-96

96 MAY -3 AM 8:24

FEE \$ 11.00 paid
RECORDER OF DEEDS
SCOTT COUNTY, IOWA



Transfer Fee \$ 5.00
Recording Fee 6.00

Preparer: Russell A. Dircks, 111 E. 3rd St., #700, Davenport, Iowa 52801 319/324-1971
Information: Individual's Name Street Address City Phone



WARRANTY DEED

SPACE ABOVE THIS LINE
FOR RECORDER

For the consideration of one and no/100
Dollar(s) and other valuable consideration,
Frederick J. Lorenzen, a single person

do hereby Convey to
Mark A. Steffen, a married person

the following described real estate in Scott County, Iowa:
an undivided one-half interest in:

"Part of Lot 16 in Sunnyslope Acres, a Subdivision in the City of Davenport, Scott County, Iowa, being more particularly described as follows: Beginning at the Southwest corner thereof; thence North 00°44' E. 96.88 feet along the West line of said Lot 16; thence Southeasterly on a curve concave Southwesterly and the radius of which is 2232.00 feet for a distance of 290.88 feet to a point in the South line of said Lot 16; thence S. 89°59'53" W. 275.09 feet along the South line of said Lot 16 to the place of beginning.:

"Lot 15 in Sunnyslope Acres, situated in the South half of Section 13, Township 78 North, Range 3 East of the 5th P.M., in Scott County, Iowa, except that tract conveyed to State of Iowa by Warranty Deed dated April 24, 1964, and recorded in 227 Deeds, page 493 in the office of the Recorder of Scott County, Iowa. Also, except that part conveyed in Warranty Deed filed February 12, 1985, and recorded as Document No. 2051.85 in the office of the Recorder of Scott County, Iowa."

Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and convey the real estate; that the real estate is Free and Clear of all Liens and Encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

STATE OF IOWA

Dated: May 2, 1996

ss:

SCOTT COUNTY,

On this 2 day of May

19 96, before me, the undersigned, a Notary Public in and for said State, personally appeared

Frederick J. Lorenzen, a
single person

Frederick J. Lorenzen

(Grantor)

Date: 9/30/19

Received by: _____
Planning staff

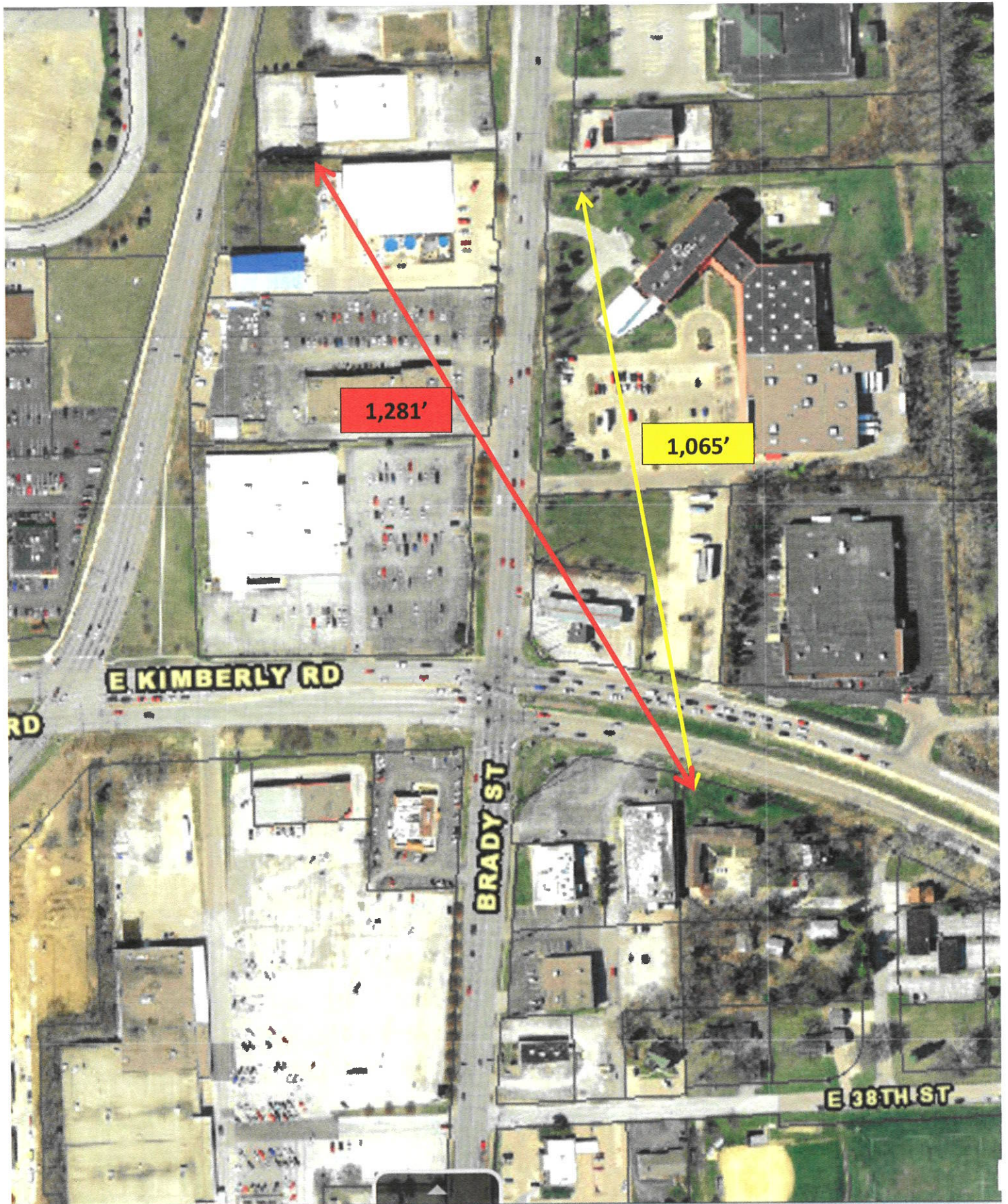
Date:

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

I, Mark Steffen
 authorize Lamar Advertising of Dubuque/QC
 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.





38' from lot line to curb

25' from front lot line
to leading edge of sign

20'

621

621 E Kimberly RD - Adjacent Owner Notice Addresses

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:				
Ward/Notices	Ward 7	Notices Sent: 18	3245 E 35TH ST CT	
P1309A11	621 E KIMBERLY RD	STEFFEN MARK	621 E KIMBERLY RD	DAVENPORT IA 52807
P1309A02A	3849 BRADY ST	GRIGGS MUSIC INC	3849 BRADY ST	DAVENPORT IA 52806
P1309A09		KERN GREGORY V	2450 EDGEWILD DR	DAVENPORT IA 52807
P1309A10		CORE-VENS AND CO INC	2301 N 2ND ST	CLINTON IA 52732
P1309A14		BLU SKY PROPERTIES 2 LLC	3245 E 35TH ST CT	DAVENPORT IA 52807
P1310A06A		FAMILY HEATING & COOLING INC	3831 JEFFERSON AVE	DAVENPORT IA 52807
P1310A08		NORWEST BANK IOWA NA	PO BOX 2609	CARLSBAD CA 92018
P1310A08		NORWEST BANK IOWA NA		CARLSBAD CA 92018
P1310A07A		NORWEST BANK IOWA NA		CARLSBAD CA 92018
P1310A09		NORWEST BANK IOWA NA		CARLSBAD CA 92018
P1309A08	528 E 38TH ST	CRONK DAVID W	528 E 38TH ST	DAVENPORT IA 52807
P1309A12B	621 E KIMBERLY RD	LORENZEN-STEFFEN INSURANCE AGC	621 E KIMBERLY RD	DAVENPORT IA 52809
P1309A13A		STEFFEN MARK A	1495 ANTLER CT	BETTENDORF IA 52722
P1309A15		S S D CORPORATION	2316 5TH AVE	MOLINE IL 61265
P1310A05		STATE OF IOWA	TIM GREENWOOD PROPERTY MGMT	AMES IA 50010
P1308-02A		SALVATION ARMY	PO BOX 1656	DAVENPORT IA 52809
P1307-03		KIMBERLY LLC	8280 COLLEGE PARKWAY SUITE 104	FORT MYERS FL 33919
P1307-04		3901 BRADY HOLDINGS LLC	30200 TELEGRAPH RD STE 205	BINGHAM FARMS MI 48025



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



Public Hearing Details:

Date: 10/24/2019
Time: 4:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a Hardship Variance before the Zoning Board of Adjustment
Case #: HV19-18

Ward: 7

To: All property owners within 200 feet of the subject property located at **621 East 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 HV19-18 of Lamar Advertising/Angie Thorngren at 621 East Kimberly Road for a hardship variance enabling a reduction of the separation distance which is required between billboards from 1,500 feet to 1,065 feet. The proposed billboard will be separated from the next closest billboard by a distance 435 less than what the principle use standard requires.

Section 17.08.030.D.5. states "all billboards must be separated by a minimum distance of at least 1,500 feet". [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 (563-326-7765) the next Business day. Rulings of the Zoning Board of adjustment are final. The applicant may request reconsideration at the next public hearing, and aggrieved parties may file a writ of certiorari with the district court.

Would You Like to Submit an Official Comment?

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

Do You Have Any Questions?

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

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

