

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, OCTOBER 22, 2020; 4:00 PM

CITY HALL COUNCIL CHAMBERS 226 W 4TH ST

ZONING BOARD OF ADJUSTMENT, A FIVE MEMBER QUASI-JUDICIAL DECISION MAKING BODY, HOLDS PUBLIC HEARINGS TO CONSIDER HARDSHIP VARIANCES, SPECIAL USES, AND INTERPRETATIONS.

I. Call to Order

II. Secretary's Report

A. Consideration of the 10-08-20 ZBA Minutes

III. Old Business

IV. New Business

- A. Request HV20-10 of Tanner Brandt on behalf of Tommy's Car Wash for a hardship variance at 4200 Brady Street for a second freestanding sign. Proposed sign would be located at the northeast (Brady Street/42nd) corner of the lot; the site has an approved freestanding sign for the northwest corner (Welcome Way/42nd) of the property. Section 17.12.060.D. limits the property to one freestanding sign. [Ward 7]
- B. Request SU20-06 of Gregory Mathews at 619 Marquette Street (owned by Saini Property) for consideration of a Special Use for a minor vehicle repair shop in the existing structure located on the northeast corner of the lot. Property is zoned C-1 Neighborhood Commercial. Section 17.08.020. of the Davenport Municipal Code allows for minor vehicle repair/service in the C-1 District subject to special use approval in compliance with Section 17.08.030.CC. [Ward 3]
- C. Request SU20-07 of Ryan Kopf at 1460 West 3rd Street for consideration of Special Use for a bar in a C-1 District. Table 17.08-1 of the Davenport Municipal Code requires a Special Use for a bar on property zoned C-1 Neighborhood Commercial District. [3rd Ward]

V. Other Business

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: Scott Koops, Planner II, AICP
Scott.Koops@davenportiowa.com

Date
10/22/2020

Subject:
Consideration of the 10-08-20 ZBA Minutes

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	10/19/2020 - 2:25 PM



MINUTES
Zoning Board of Adjustment
October 8, 2020



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

I. Call to Order:

Chairman Reistroffer called the Zoning Board of Adjustment meeting to order in Council Chambers at the Davenport Police Station, Davenport, Iowa at 4:20 p.m.

Board Members present: Loebach, Cochran, Quinn, and Reistroffer.

Board Members excused: None (Strayhall resigned).

Staff present: Koops, Hoyt.

II. Secretary's Report:

Minutes were approved for the for 8-27-20 meeting by voice-vote.

III. Old Business:

None.

IV. New Business:

Request SU20-09 of Melissa Moeller at 232 West 15th Street for a special use for pet grooming (animal care facility) in a C-1 District. Table 17.08-1 of the Davenport Municipal Code requires a special use for a small animal care facility on property zoned C-1 Neighborhood Commercial District. [3rd Ward]

Koops presented the staff report to the Board.

Findings:

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

Recommendation:

Staff recommends approval of the request.

Motion

Quinn moved to approve the request SU20-09, seconded by Loebach

Cochran, yes; Loebach, yes; Quinn, yes; Reistroffer, yes. The motion passed (4-0).

Request HV20-08 of Jonathon Carstens on behalf of Atlas Real Estate Group at 302 East 6th Street for a hardship variance to construct a ten unit apartment building which will encroach 15 feet into the required front yard setback along E 6th Street. The structure will be 10 feet from the E. 6th St. front lot line; the previous structure at this location was setback approximately 3 feet from the same lot line.

Section 17.04.030. and Table 17.04-1 require a 25-foot setback for the principal structure from the East 6th Street lot line. [Ward 3]
Staff Findings & Recommendation

Koops presented the staff report to the Board.

Findings: (supported by the staff report analysis)

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

Recommendation:

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

Motion

Quinn moved to approve request HV20-08 (building encroachment), seconded by Cochran, and the motion was approved (4-0).

Loebach, yes; Quinn, yes; Cochran, yes; Reistroffer, yes.

Request HV20-09 of Jonathon Carstens on behalf of Atlas Real Estate Group at 302 East 6th Street for a hardship variance to provide 11 off-street parking spaces for a 10 unit apartment building, at a ratio of 1.1 parking spaces per unit. Table 17.10-2 requires 1.5 parking spaces per unit of a multiple-family dwelling. [Ward 3]

Koops presented the staff report. There were two comment against the request; comments have been attached to the packet.

Findings: (supported by the staff report analysis)

- Item #1 ordinance hardship has been established;
- Item #2 physical and topographical conditions on site do limit reasonable site usage;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Recommendation:

Staff recommends approval of the request as approval standards for a hardship variance will be met as proposed.

Quinn stated that while the hillside does make things more difficult to meet the requirements for on-site parking, he believes that there a hardship has not been demonstrated. During discussion of the motion, Reistroffer agreed with Quinn's statement.

Motion:

Quinn moved to approve the request HV20-09 (for a parking reduction) and the motion was seconded by Loebach.

Cochran, yes; Quinn, no; Loebach, yes; Reistroffer, no. The motion failed. (2-2).

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 5:50 p.m.

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: Scott Koops, Planner II, AICP
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Date
10/22/2020

Subject:

Request HV20-10 of Tanner Brandt on behalf of Tommy's Car Wash for a hardship variance at 4200 Brady Street for a second freestanding sign. Proposed sign would be located at the northeast (Brady Street/42nd) corner of the lot; the site has an approved freestanding sign for the northwest corner (Welcome Way/42nd) of the property. Section 17.12.060.D. limits the property to one freestanding sign. [Ward 7]

Recommendation:

See the attached Staff Report.

ATTACHMENTS:

Type	Description
▣ Executive Summary	Staff Report
▣ Exhibit	Application - Main
▣ Exhibit	Application
▣ Exhibit	Application and Elevations
▣ Exhibit	Notice List
▣ Exhibit	Notice Letter & Map

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	10/19/2020 - 2:49 PM



Zoning Board of Adjustment Planning Staff Report – 2nd Freestanding Sign October 22, 2020

Description

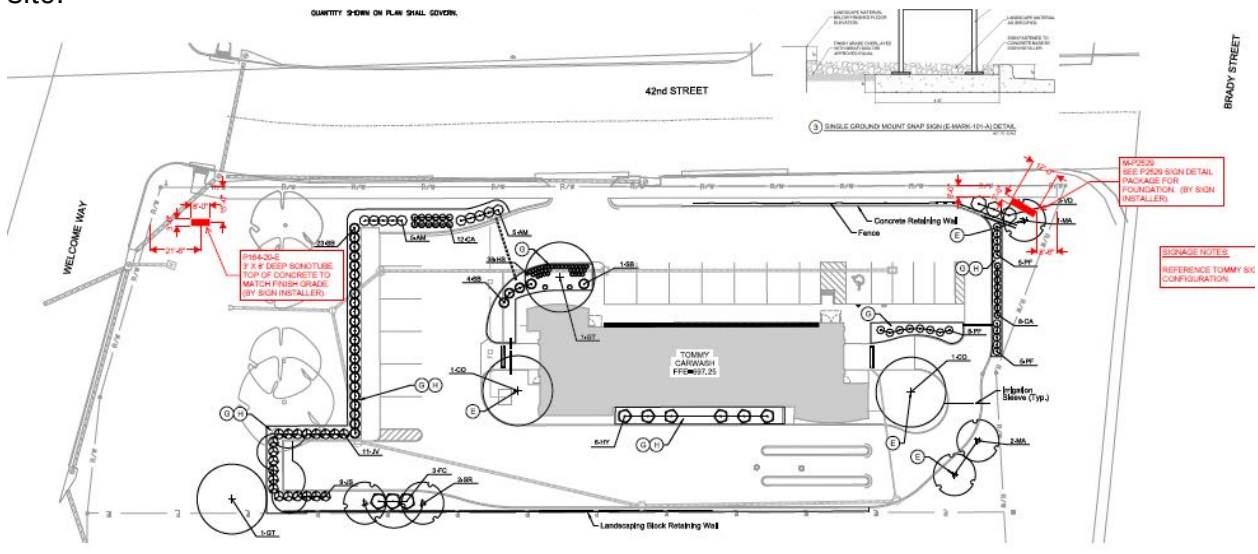
Request HV20-10 of Tanner Brandt on behalf of Tommy's Car Wash for a hardship variance at 4200 Brady Street for a second freestanding sign. Proposed sign would be located at the northeast (Brady Street/42nd) corner of the lot; the site has an approved freestanding sign for the northwest corner (Welcome Way/42nd) of the property. Section 17.12.060.D. limits the property to one freestanding sign. [Ward 7]

Background & Discussion

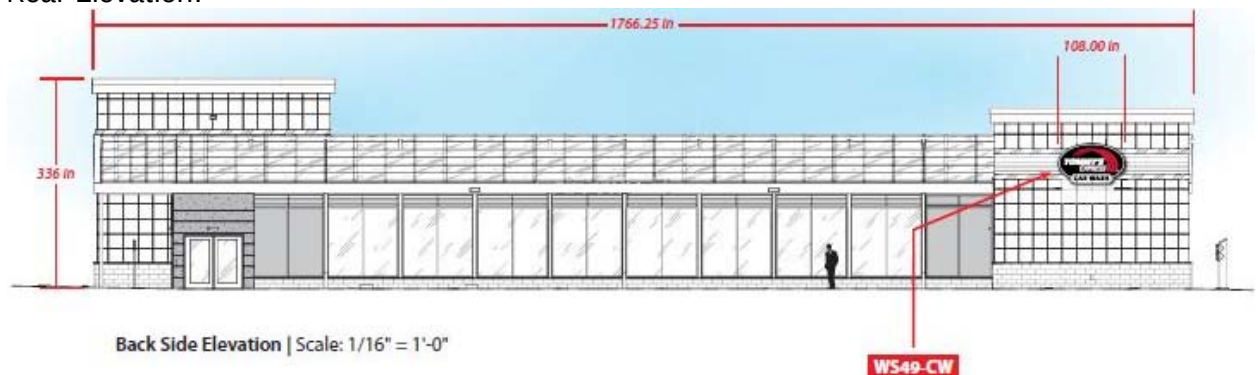
Tommy's Car wash has been approved a freestanding sign at the intersection of Welcome way and 42nd Street. The request is for a second, additional freestanding sign at the corner of Brady and 42nd Street. The code only allows this site one freestanding sign.

The petitioner does have a building mounted sign on the south (rear) elevation of the building which will be visible from Brady Street, sign WS49-CW.

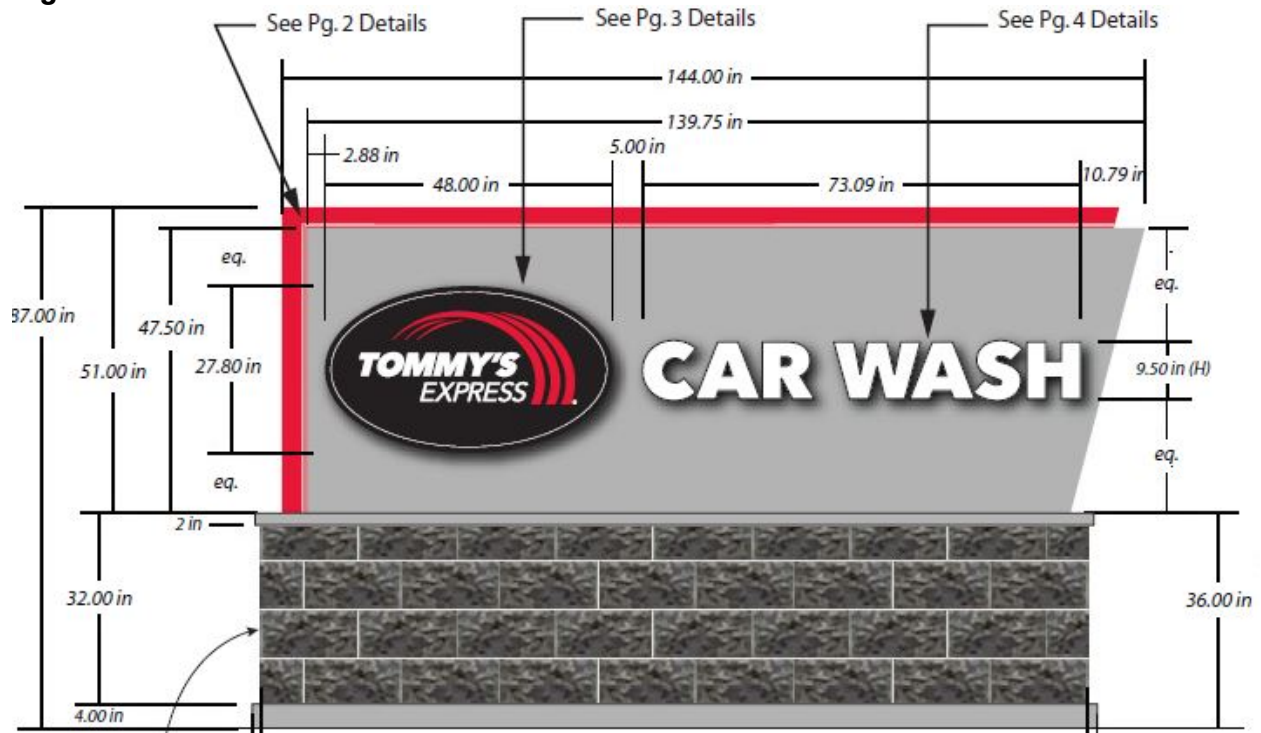
Site:



Rear Elevation:



Sign:



Rear Sign Location and Freestanding sign location (approx. near black sign)

- Photo is taken facing north on Brady Street



Public Input

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

Purpose of a Hardship Variance

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

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:

While driving North on N. Brady St., cars are unable to see our car wash or identify what our business is. Due to the location in between two one-ways, the trees and shrubs on the lot to the south of us, and the 8 foot drop in the topography, citizens driving north on N. Brady Street cannot see the Tommy's Express Car Wash until they have driven past it. See attached photo evidence that shows the lack of visibility due to the trees and steep drop in elevation.



(Petitioner submitted photo)

Staff Comments:

The second proposed freestanding sign is a convenience to the petitioner as the business is readily identified with the rear (south) elevation wall sign.

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 unique circumstances include the trees that are not under our control as they are on the neighboring property to the south, as well as the steep, 8 foot drop in elevation from the road down to our site. This lack of visibility could make it dangerous for drivers if they see the car wash at the last minute and want to turn onto 42nd street.

Staff comments:

The building does sit lower than the property to the north, however the rear sign will be visible regardless. The bushes mentioned in the petitioner's photo do not block visibility of the rear sign. Additionally the No evidence has been submitted that support a hardship due to "particular

physical surroundings, shape, or topographical conditions which impose a particular hardship upon the owner”

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

Applicant Response:

The unique circumstances include the trees that are not under our control as they are on the neighboring property to the south, as well as the steep, 8 foot drop in elevation from the road down to our site. This lack of visibility could make it dangerous for drivers if they see the car wash at the last minute and want to turn onto 42nd street.

Staff Comments:

This site does have a slope; however the building rises above the grade of the roadway and the rear wall sign will be visible to traffic moving north in Brady Street. Additionally, the wall sign will be more readily visible from the south than the proposed location of the second freestanding sign. The plight of the owner is due solely to personal convenience.

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

Applicant Response:

This hardship would be a benefit to the locality as it would allow drivers traveling North on N. Brady to know what business is on that lot without having to turn to look after they pass the building. Also, the addition of a monument sign on the northeast corner of the property would not alter the essential character of the locality in any way.

Staff Comments:

A second freestanding sign over the one that is allowed will in staff's opinion change the character of the locality as businesses are only allowed on freestanding sign.

Findings & Staff Recommendation:

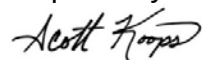
Findings: (Per the analysis above)

- Item #1 application of the ordinance creating hardship has not been established;
- Item #2 physical surroundings imposing hardship has not been established;
- Item #3 unique circumstance has not been established;
- Item #4 protection of essential character has not been established;
- The submitted application does not provide the necessary evidence required to prove that any of the zoning code's approval standards have been met.

Recommendation:

Staff recommends denial of the requested hardship variance based on the findings of the staff report.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA Application/plans, Notice Documents





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

Property Address*

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

Applicant (Primary Contact) **

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

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

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

Zoning Board of Adjustment

Zoning Appeal
Special Use
Hardship Variance

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:

Existing Zoning:

Submittal Requirements:

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

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

(1) Application:

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

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

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

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

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

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

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

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

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

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

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

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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

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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:

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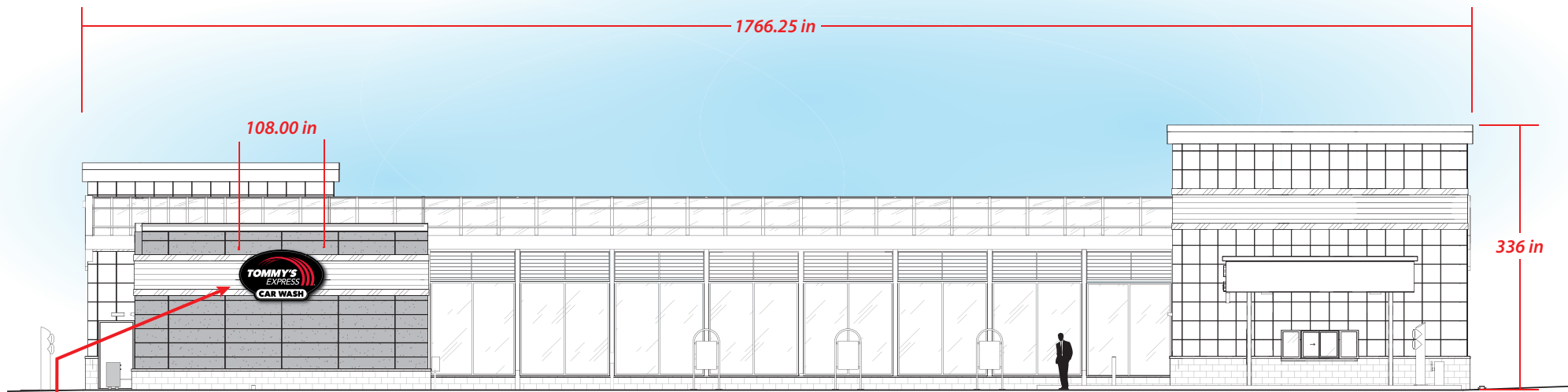
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The hardship variance, if granted, will not alter the essential character of the locality.



Front Side Elevation | Scale: 1/16" = 1'-0"

WS49-CW



5009 West River Drive
Comstock Park, MI 49321
Ph 616.784.5711 | Fx 616.784.8280
www.valleycitysign.com

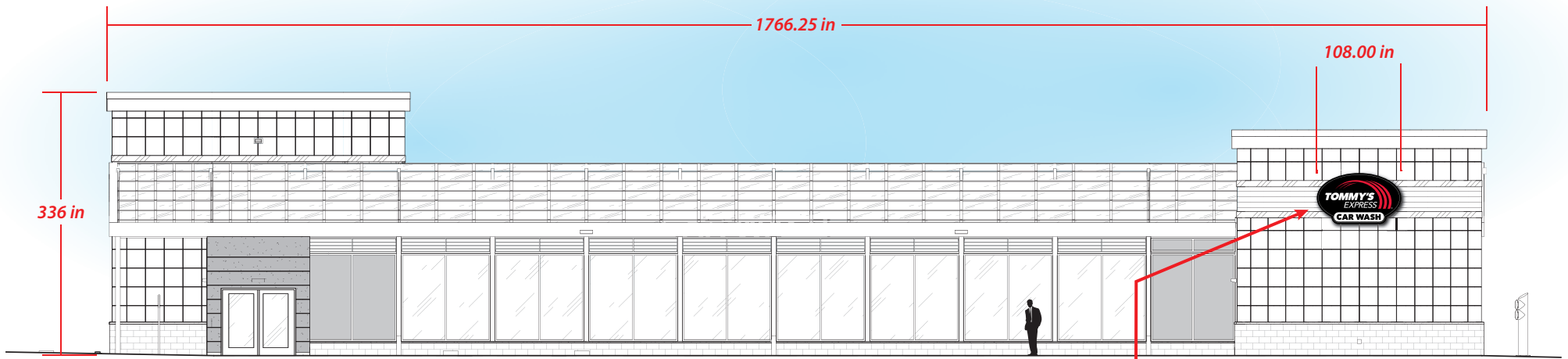
The designs, details and plans represented herein are the property of Valley City Sign; specifically developed for your personal use in connection with the project being planned for you by Valley City Sign. They are not to be shown to anyone outside of your organization, nor are they to be used, reproduced, exhibited or copied in any fashion whatsoever.

CUSTOMER INFO	
Tommy's Express Car Wash	
ACCOUNT	
4200 Brady St	
ADDRESS	
August 1, 2019	
INITIAL PROPOSAL DATE	

REVISIONS	INITIALS & DATE
A Updated wall signs	JV 8/08/19
B Updated wall signs / directionals	JV 8/13/19
C Added M48-4-E monument sign	JV 9/30/19
D Updated all drawings/elevations	JV 1/15/20
E Updated mon./pylon drwgs to new	JV 2/11/20
F Updated M51-4-E to DIR-EN	JV 3/17/20
Added DIR-EN and DIR-EX signs	JV 3/23/20

REVISIONS CONT.	INITIALS & DATE
G DIR-EN to M51-4-E/deleted DIR-EX	JV 5/15/20
H Updated mon. sign to custom	JV 5/27/20
I Added type of veneer to mon. sign	JV 6/03/20
J Updated site plan / sign locations	JV 7/01/20
K Added loc. dimensions for dir.	JV 7/07/20
L Removed mon. sign	JV 8/21/20
Updated pylon specs/added boxes	JV 9/11/20

SITE#
P2529
Davenport,
Iowa



Back Side Elevation | Scale: 1/16" = 1'-0"



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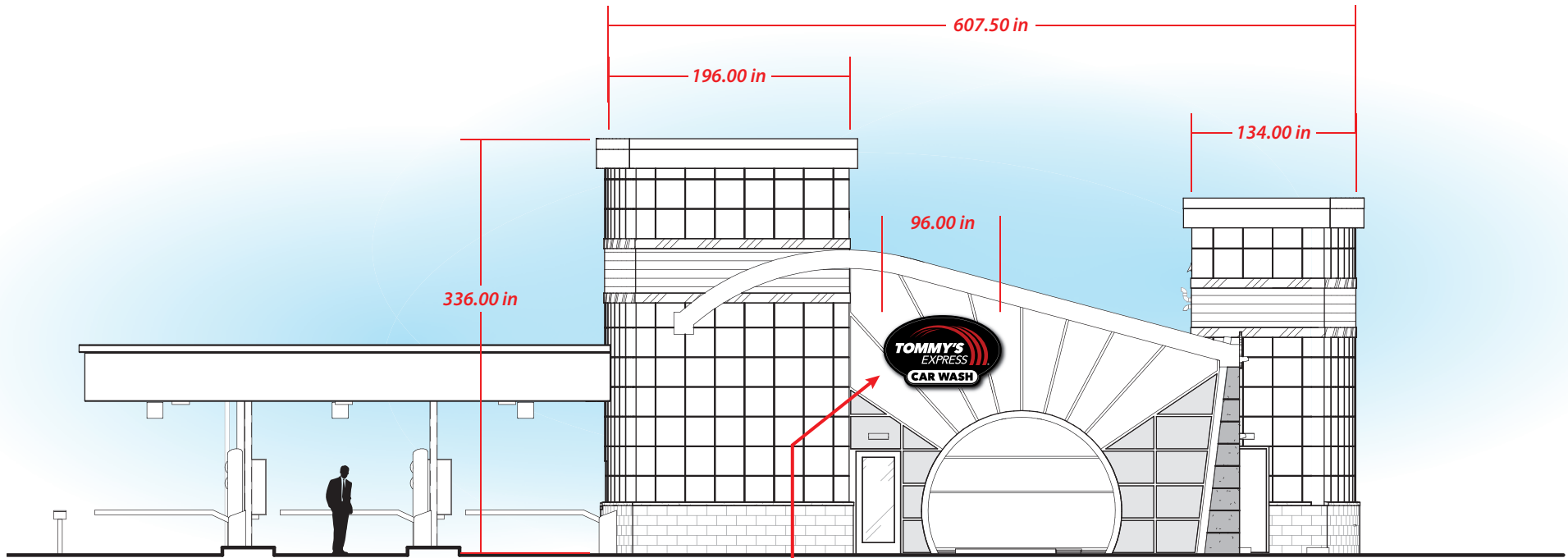
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Entry End Elevation | Scale: 3/32" = 1'-0"

WS39-CW



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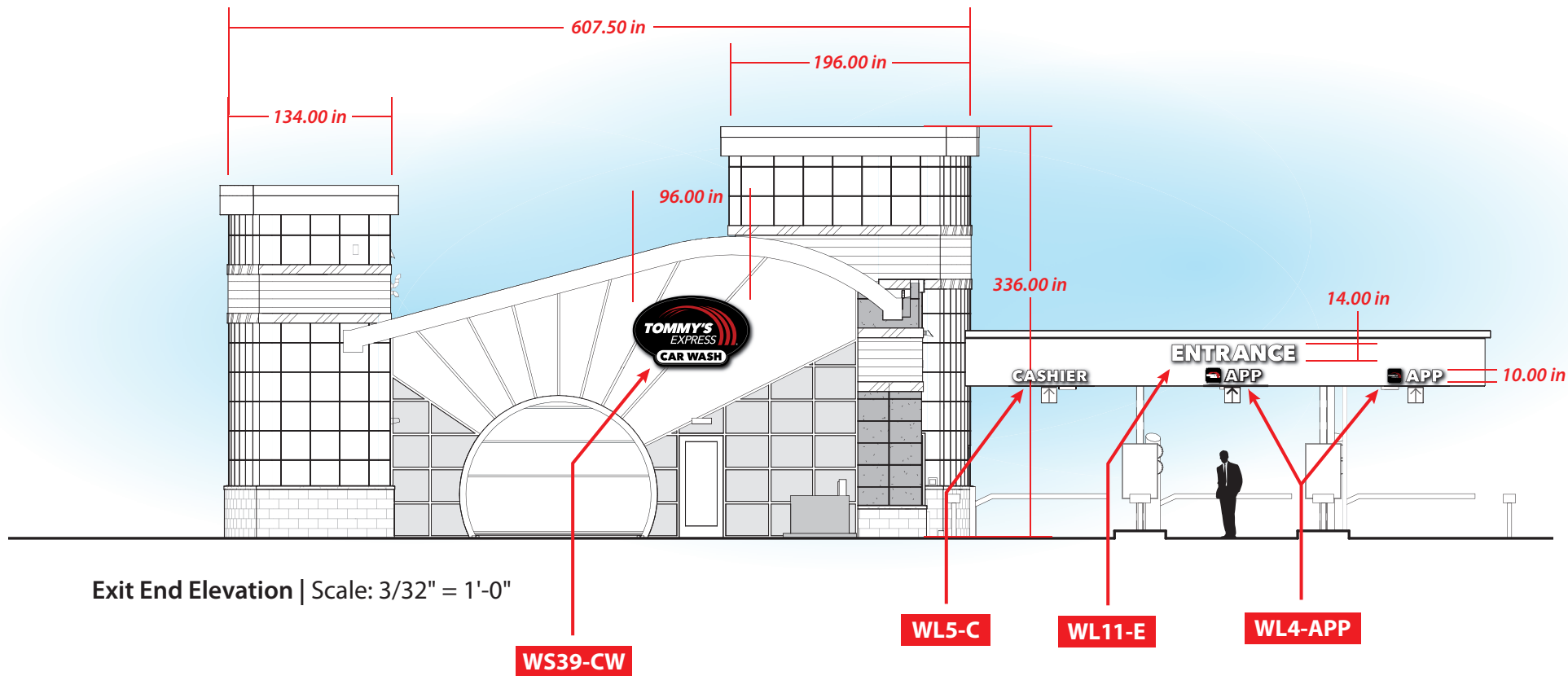
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Updated pylon specs/added boxes	
	JV 9/11/20

SITE#
P2529
Davenport,
Iowa

SU20-10 Adjacent Owner Notice List.xlsx

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	4200 BRADY ST	TOMMY'S CAR WASH/PWS HOLDINGS 19 IA LLC	4265 45TH ST S STE 200	FARGO ND 58104
Ward/Clerks:	Ward 7	All Alderman Notified	Tiffany Thorndike	Samantha Torres
Neighborhood:				7 Notices Sent
P1301-14	4221 BRADY ST	REORGANIZED JESUS CHRIST LATTER DAY SAINTS	4221 BRADY ST	DAVENPORT IA 52806
P1301-15G	4210 BRADY ST	MACERICH NORTH PARK MALL LLC	PO BOX 4085	SANTA MONI CA 90411
P1307-01B	4121 BRADY ST	MANDELA PROPERTIES LLC	904 MIDDLE RD	BETTENDORF IA 52722
P1307-13A	4201 BRADY ST	HANDICAPPED DEVELOPMENT CENTER	3402 HICKORY GROVE RD	DAVENPORT IA 52806
P1308-09A	4114 N BRADY ST	MTJB LLC	27023 GLYNN"S CREEK CT	ELDRIDGE IA 52748
P1308-10	4128 BRADY ST	BENITTA BERKE TRUSTEE	125 N HALSTED ST #203	CHICAGO IL 60661
P1405-07A	320 W KIMBERLY RD	TF DAVENPORT IA LLC	1170 KANE CONCOURSE	HARBOE ISLANDS FL 33154



PUBLIC HEARING NOTICE | Zoning Board of Adjustment

Date: 10/22/2020 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 4:00 PM Subject: Public hearing for a Hardship Variance before the Zoning Board

To: All property owners within 200 feet of the subject property located at **4200 Brady 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 dimensional code requirement.

Request/Case Description

Request HV20-10 of Tanner Brandt on behalf of Tommy's Car Wash for a hardship variance at 4200 Brady Street for a second freestanding sign. Proposed sign would be located at the northeast (Brady Street/42nd) corner of the lot; the site has an approved freestanding sign for the northwest corner (Welcome Way/42nd) of the property. Section 17.12.060.D. limits the property to one freestanding sign. [Ward 7]

What are the Next Steps after the Public Hearing?

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

Would You Like to Submit an Official Comment?

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

On-line/Telephone Participation:

Persons may join the meeting virtually: <https://global.gotomeeting.com/join/415560525> & at 1-866-899-4679 with access code: 415 560 525. All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

Do You Have Any Questions?

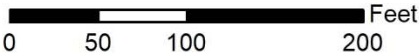
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at scott.koops@davenportiowa.com or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: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

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

Zoning Board of Adjustment: Adjacent Property Owner Notice Area



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



City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: Scott Koops, Planner II, AICP
Scott.Koops@davenportiowa.com

Date
10/22/2020

Subject:

Request SU20-06 of Gregory Mathews at 619 Marquette Street (owned by Saini Property) for consideration of a Special Use for a minor vehicle repair shop in the existing structure located on the northeast corner of the lot. Property is zoned C-1 Neighborhood Commercial. Section 17.08.020. of the Davenport Municipal Code allows for minor vehicle repair/service in the C-1 District subject to special use approval in compliance with Section 17.08.030.CC. [Ward 3]

Recommendation:

See the attached Staff Report.

ATTACHMENTS:

Type	Description
▣ Executive Summary	Revised Staff report
▣ Exhibit	Application
▣ Exhibit	Site Plan
▣ Exhibit	Notice List
▣ Exhibit	Notice Letter & Map

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	10/19/2020 - 2:57 PM



**Zoning Board of Adjustment
Planning Staff Report – Minor Vehicle Repair
October 22, 2020**

Description

Request SU20-06 of Gregory Mathews at 619 Marquette Street (owned by Saini Property) for consideration of a Special Use for a minor vehicle repair shop in the existing structure located on the northeast corner of the lot. Property is zoned C-1 Neighborhood Commercial. Section 17.08.020. of the Davenport Municipal Code allows for minor vehicle repair/service in the C-1 District subject to special use approval in compliance with Section 17.08.030.CC. [Ward 3]

Background

The subject property is in a predominately residential neighborhood with two C-1 neighborhood commercially zoned lots at the intersection of Marquette and 7th streets. A neighborhood convenience/grocery store and a laundry mat are located at this intersection creating a small cluster of commercial uses.

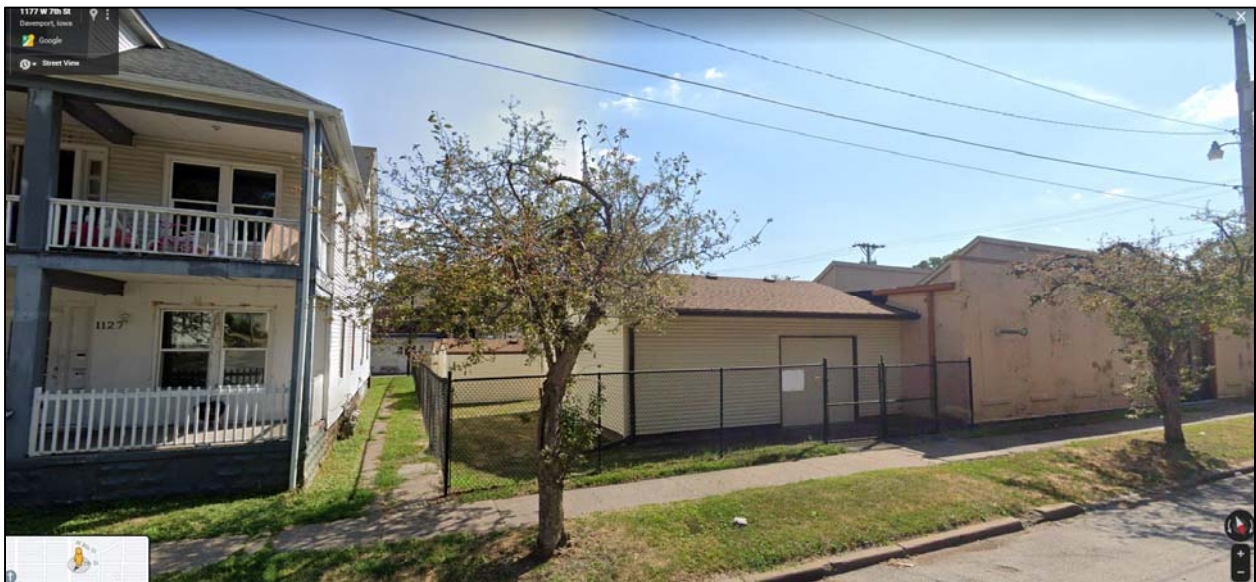
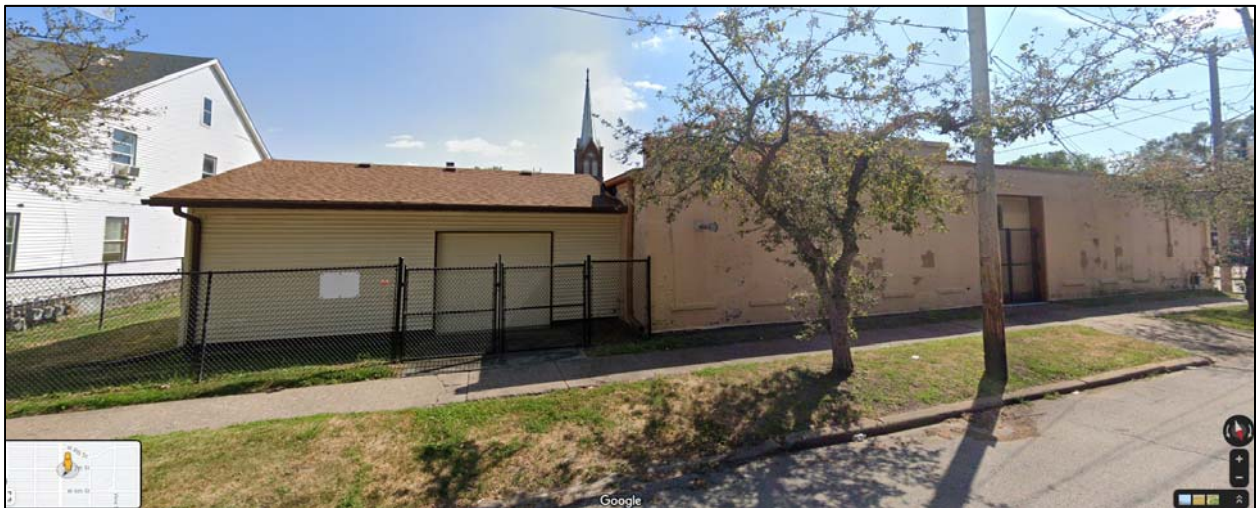
Zoning Map



Discussion

The petitioner is requesting a Special Use to open a minor vehicle repair shop on the subject property. As proposed and as conditioned, the petitioner's business would operate in conformance with the vehicle repair/service requirements.

Site:



Minor vehicle repair is defined as:

Vehicle Repair – Minor. A business that provides services in minor repairs to motor vehicles, motorcycles, and all-terrain vehicles (ATV) vehicles, including, but not limited to, repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining, and repairs, wheel servicing, alignment, and balancing, repair and replacement of shock absorbers, engine rebuilding, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like. Any type of vehicle repair services for recreational vehicles is a major vehicle repair business and does not qualify as minor repair under this Ordinance regardless of the level of repair service.

Use Standard Code requirements:

17.08.030.CC. Vehicle Repair/Service – Major or Minor

1. Vehicle repair/service establishments may not store the same vehicles outdoors on the site for longer than 15 days once repair is complete. Only vehicles that have been or are being serviced may be stored outdoors.
2. Repair of vehicles is prohibited in the front or side yards. Storage of all merchandise, auto parts, and supplies must be within an enclosed structure.
3. Vehicle repair/service establishments that abut a residential district must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet and a maximum of seven feet in height.
4. Outdoor repairs are only allowed in the rear yard and must be screened by a solid fence or masonry wall no less than six feet and no more than eight feet in height.
5. No partially dismantled, wrecked, junked, or discarded vehicles may be stored outdoors on the premises. This standard does not apply to vehicles under repair.
6. The sale of new or used vehicles is prohibited.
7. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

Findings/Approval Standards

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

If operated in conformance with the use standards for vehicle repair (Section 17.08.030.CC.) the business should not be a detriment to the health, safety or welfare of the neighborhood. However, the use must be operated with strict conformance to Use Standards of Section 17.08.030.CC.

No additional repair bays shall be permissible. As each business is unique and as each business is operated under different business plans, this Special Use shall be limited to this owner only. Should the business be sold wholly or by more than 50%, a new Special Use shall be required and shall have a public hearing per Davenport Municipal Code requirements for Zoning Board of Adjustment Special Use public hearings. If so operated the use should not have an impact on adjacent properties.

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

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

3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

Fencing (solid, 6' tall) shall be located along the entire rear and side lot lines in conformance with 17.08.030.CC. screening requirements.

Recommendation

Findings:

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

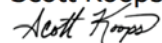
Recommendation:

Staff recommends approval of the request subject to the following conditions:

1. The special use shall/must be in conformance with all seven (7) listed conditions of Section 17.08.030.CC. (as published on June 16, 2020) for the duration of the operation of the use; failure to comply with Section 17.08.030.CC at all times could result in an immediate stop work order;
2. Should complaints arise from adjacent owners and/or neighborhood residents, or other members of the public due to noncompliance of any of these conditions or of other nuisances or code violations at the site, and/or if staff is aware of infraction(s) to these conditions and/or code violations, a rehearing of the special use shall be scheduled per Davenport Municipal Code specifications for Zoning Board of Adjustment Special Use public hearings at which the Special Use may be modified or revoked/denied;
3. Vehicular access to the site must be from the rear access and shall not be direct from West 7th Street. A driveway from West 7th Street shall not be installed nor shall a curb approach permit be granted by the City for such accesses;
4. Any outdoor storage occurring on the site shall be removed from the site prior to the issuance of an occupancy permit;
5. The existing illegal temporary storage container/shipping container shall be removed from the site prior to the issuance of an occupancy permit; no additional accessory storage structures or sheds shall be permitted/allowed on the site;
6. All repair work shall be conducted within the existing repair bay/garage structure as proposed in the petitioner's Special Use application; no loud tools/devices shall be used such as automotive air tools; a towing operation shall not be an allowed;
7. The use shall not be expanded or enlarged at any point; no additional storage bays shall be allowed beyond the one repair bay which is proposed; no additional parking/pavement shall be added to the property; all vehicles shall be on a paved surface at all times;
8. The petitioner shall designate areas for employee parking and locations for customers to drop of their vehicles;
9. Records, including dates of storage and ownership, for all vehicles being parked/stored on site as conditioned by the 15 day allowance period, shall be kept up-to-day at all times and shall be available to City staff upon request;
10. The site shall conform to all other City, State, and Federal Regulations;
11. The petitioner shall provide articles of incorporation or other equivalent ownership documentation prior to the issuance of a certificate of occupancy;
12. The Special Use shall be limited to this owner only; should the business be sold wholly or by more than 50%, a new Special Use shall be required and shall have a public hearing per Davenport Municipal Code requirements for Zoning Board of Adjustment Special Use public hearings.

Prepared by:

Scott Koops, Planner II Attachments: Aerial Map, Site Plan Submitted by the Petitioner, Application, Notification Map, Exhibits





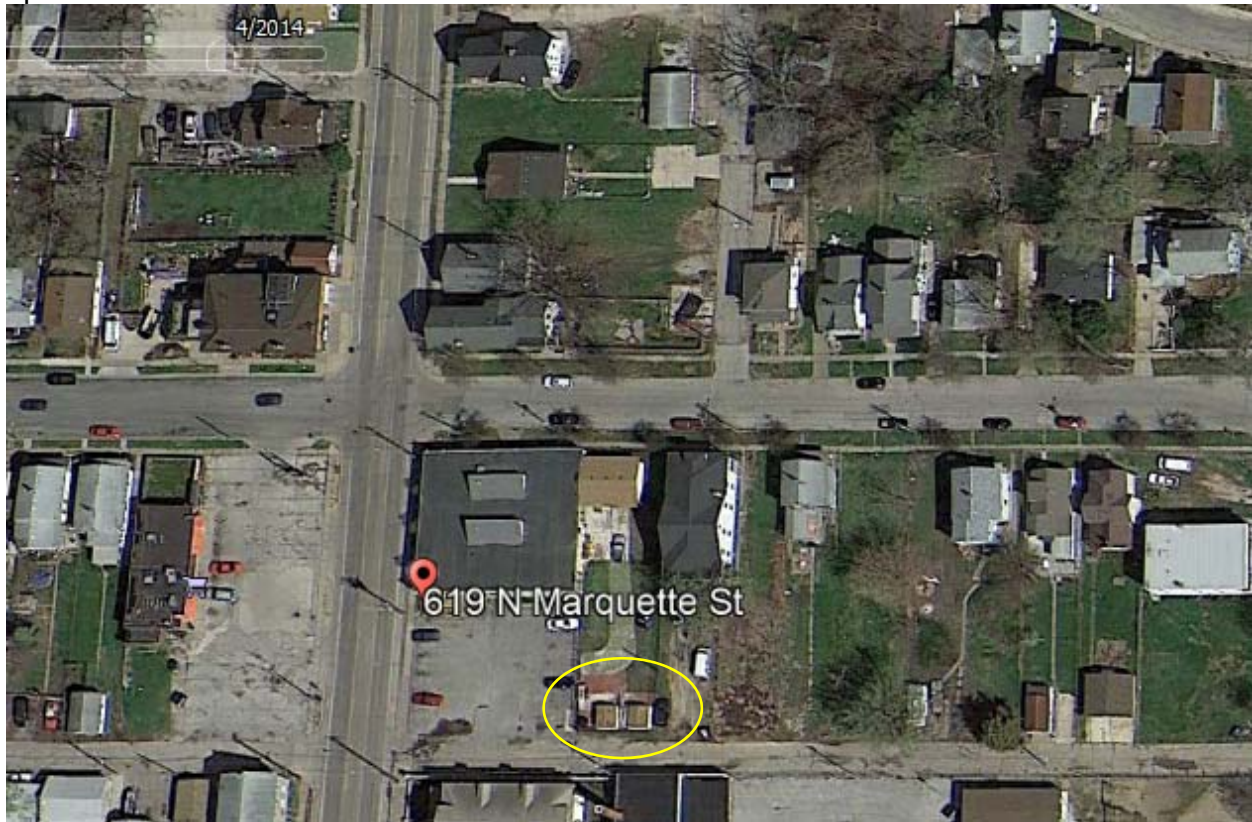
Vehicle Repair - Major. A business that provides services in major reconditioning of worn or damaged motor vehicles, motorcycles, all-terrain vehicles (ATV), recreational vehicles and trailers, towing and collision service, including body, frame, or fender straightening or repair, painting of motor vehicles, interior (upholstery, dashboard, etc.) reconstruction and/or repairs, and restoration services. A major vehicle repair business may also include minor vehicle repair services.

Vehicle Repair – Minor. A business that provides services in minor repairs to motor vehicles, motorcycles, and all-terrain vehicles (ATV) vehicles, including, but not limited to, repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining, and repairs, wheel servicing, alignment, and balancing, repair and replacement of shock absorbers, engine rebuilding, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like. Any type of vehicle repair services for recreational vehicles is a major vehicle repair business and does not qualify as minor repair under this Ordinance regardless of the level of repair service.

Illegal Storage container:



April 2014:

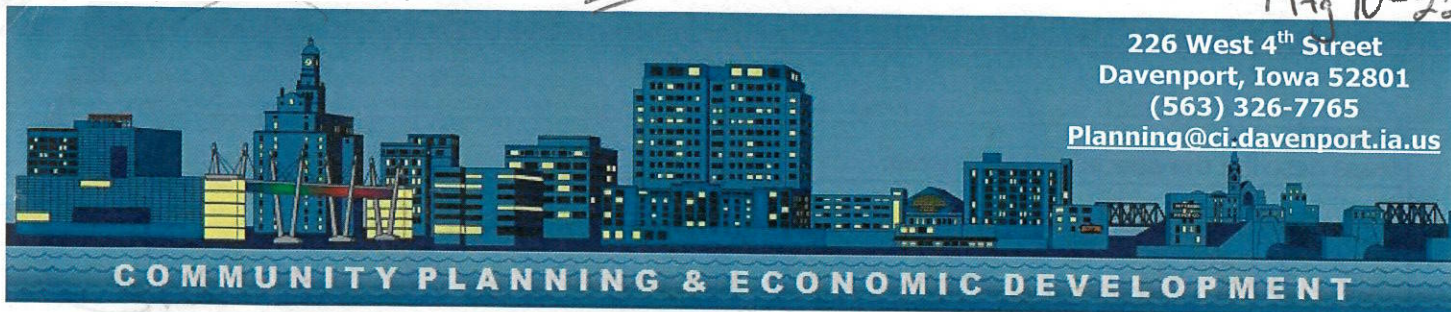


October 2016:



5070-06

Mtg 10-22



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

FEE

Property Address*

619 Marquette

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

Applicant (Primary Contact)**

Name:

Gregory Matthews

Company:

Marquette Garage

Address:

1812 S. Main

City/State/Zip:

Davenport, IA 52803

Phone:

563-3400284

Email:

mredbeck@gmail.com

Application Form Type:

Plan and Zoning Commission

Zoning Map Amendment (Rezoning) ☐

Planned Unit Development ☐

Zoning Ordinance Text Amendment ☐

Right-of-way or Easement Vacation ☐

Voluntary Annexation ☐

Owner (if different from Applicant)

Name:

Ved Pal

Company:

Saini Property

Address:

1418 Marquette

City/State/Zip:

Davenport, IA 52802

Phone:

563-329-3241

Email:

PS868@aol.com

Zoning Board of Adjustment

Zoning Appeal ☐

Special Use ☒

Hardship Variance ☐

Design Review Board

Design Approval ☐

Demolition Request in the Downtown ☐

Demolition Request in the Village of

East Davenport ☐

Historic Preservation Commission

Certificate of Appropriateness ☐

Landmark Nomination ☐

Demolition Request ☐

Engineer (if applicable)

Name:

Company:

Address:

City/State/Zip:

Phone:

Email:

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 special use requested:

I am requesting for a public Garage at 619 Marquette, all repairs will be done inside the building. I have Battery operated equipment.

Existing Zoning:

Submittal Requirements:

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed improvements affected by the special use. 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 17.14.050 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 - \$400.

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

- Prior to submission of the application for the special use, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the special use 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.
- If approved, a new special use application shall be required for any change to any approved special use that does not qualify as an administrative modification.
- Special uses shall expire one hundred eighty days after the date of the approval unless licenses or permits required for the operation or maintenance of the use have been obtained.

(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 special use permit:

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

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

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

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

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

There is a fence surrounding the entrances on all access points, plus we are putting up a privacy fence all around.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

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

No Fluids, Tires, ~~Auto~~ scrape
are going to be stored outside,
There is 2 storage sheds for
Items like that.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

#3 The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

There will be no lotoring,
automobiles just dropped off after hrs,
Mon - Fr 8am to 5pm

Sat 9am 1pm

Sun - ~~off~~ off

~~I~~ I will have storage fees in tack
for work performed and unpaid
Invoices

Applicant: Gregory Mathews

Date: 9/28/20

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: A. Smith

Date:

Planning staff

Date of the Public Hearing: 10-22 If all is completed on time 9-28

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

Authorization to Act as Applicant

I, red Pal
authorize Gregory Mathews
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.



If have to
 remove context +
 8 more on Alley side
 3 19.60

6x8 Natural Stocked Fence Panel
 Model #: 173188 Menards SKU: 173188
 Total of 24 Panels \$958.80 / 1,278.40

SU20-06 Adjacent Owner Notice List.xlsx

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner: 619 MARQUETTE ST				
Ald/Clerks: Alderman Meginnis - 3rd				
Neighborhood: Central Community CIR				
		SAINI PROPERTY LLC	619 Marquette St	DAVENPORT IA 52802
		All Alderman Notified	Tiffany Thorndike	Samantha Torres
		Brad Creviston	harleybear1955@yahoo.com	21 Notices Sent
G0048-11	707 MARQUETTE ST	B BOY WONDER LLC	2490 HEATHER GLEN AVE	BETTENDORF IA 52722
H0056-88	712 MARQUETTE ST	BESSIE B MATTLY	712 MARQUETTE ST	DAVENPORT IA 52802
G0049-40	1125 W 7TH ST	BRIAN MORROW	1123 W 7TH ST	DAVENPORT IA 52802
H0056-37	1214 W 6TH ST	CARLOS R MARTINEZ	1210 W 6TH ST	DAVENPORT IA 52802
H0056-43	1211 W 7TH ST	CAROLYN WILKINSON OR OCCUPANT	1211 W 7TH ST	DAVENPORT IA 52802
G0048-17	1110 W 7TH ST	HOPE M PEIRCE	1110 W 7TH ST	DAVENPORT IA 52802
G0048-12	701 MARQUETTE ST	JACKS HOME IMPROVEMENTS CO	701 MARQUETTE ST	DAVENPORT IA 52802
G0048-16	1114 W 7TH ST	JUAN DESANTIAGO	1109 W 7TH ST	DAVENPORT IA 52802
H0056-86	702 MARQUETTE ST	KEITH K JACKS	702 MARQUETTE ST	DAVENPORT IA 52802
G0049-41	1127 W 7TH ST	LENNY J DESANTIAGO	1109 W 7TH ST	DAVENPORT IA 52802
G0048-08	715 MARQUETTE ST	MARIA MARTINEZ DE RODRIGUEZ	718 FILLMORE ST	DAVENPORT IA 52802
G0049-39	1123 W 7TH ST	MARIE PARROW	1123 W 7TH ST	DAVENPORT IA 52804
G0048-15	1118 W 7TH ST	MONICA MARTINEZ	1118 W 7TH ST	DAVENPORT IA 52802
G0048-14	1120 W 7TH ST	QUIET CAPITAL LLC	5001 TREMONT AV	DAVENPORT IA 52807
H0056-44	1213 W 7TH ST	RICK WILLIAMS	1213 W 7TH ST	DAVENPORT IA 52802
H0056-41	614 MARQUETTE ST	S & J REALTY	6480 131ST ST	BLUE GRASS IA 52728
H0056-42	648 MARQUETTE ST	SAM FOOD LLC	2325 W 61ST ST	DAVENPORT IA 52806
G0048-10A	709 MARQUETTE ST	SHIM CO LLC	PO BOX 260242	LAKEWOOD CO 80226
G0049-03D	615 MARQUETTE ST	THE 180 ZONE INC	615 MARQUETTE ST	DAVENPORT IA 52802
G0049-37	1115 W 7TH ST	VALENTINE P MARTINEZ	721 13TH ST	ROCK ISLAND IL 61201
G0049-36	1111 W 7TH ST	VETERANS ADMINISTRATOR	1111 W 7TH ST	DAVENPORT IA 52802



PUBLIC HEARING NOTICE | Zoning Board of Adjustment

Date: 10/22/2020 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 4:00 PM Subject: Public hearing for a Special Use before the Zoning Board of Adjustment

To: All property owners within 200 feet of the subject property located at **619 Marquette Street**.

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a Special Use. The purpose of the Special Use is to authorize certain special/conditional uses of property which are allowed but require special consideration.

Request/Case Description

Request SU20-06 of Gregory Mathews at 619 Marquette Street (owned by Saini Property) for consideration of a Special Use for a minor vehicle repair shop in the existing structure located on the northeast corner of the lot. Property is zoned C-1 Neighborhood Commercial. Section 17.08.020. of the Davenport Municipal Code allows for minor vehicle repair/service in the C-1 District subject to special use approval in compliance with Section 17.08.030.CC. [Ward 3]

What are the Next Steps after the Public Hearing?

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

Would You Like to Submit an Official Comment?

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

On-line/Telephone Participation:

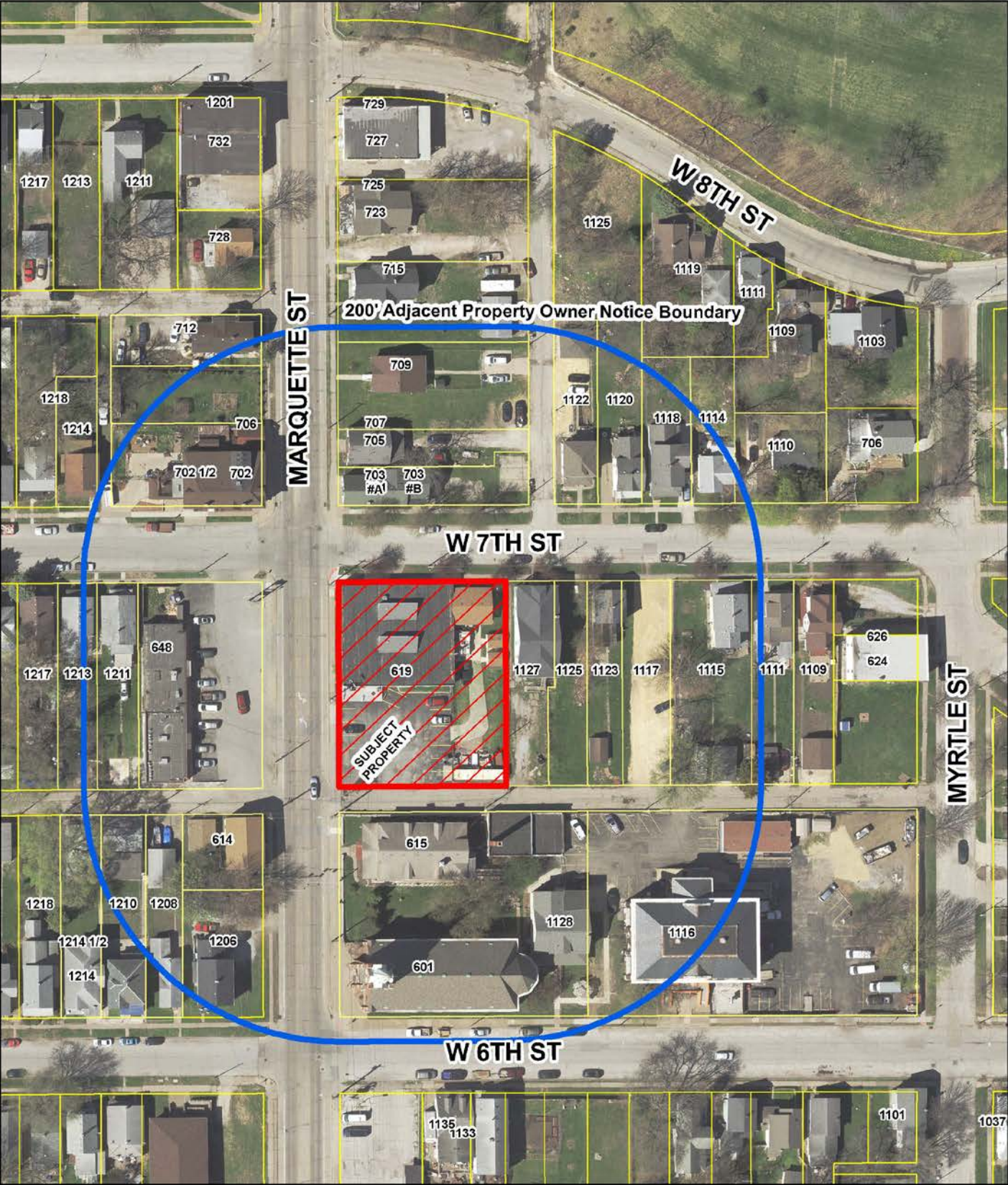
Persons may join the meeting virtually: <https://global.gotomeeting.com/join/415560525> & at 1-866-899-4679 with access code: 415 560 525. All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

Do You Have Any Questions?

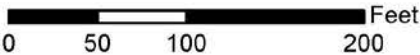
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at scott.koops@davenportiowa.com or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: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

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

Zoning Board of Adjustment: Adjacent Property Owner Notice Area



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



City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: Scott Koops, Planner II, AICP
Scott.Koops@davenportiowa.com

Date
10/22/2020

Subject:

Request SU20-07 of Ryan Kopf at 1460 West 3rd Street for consideration of Special Use for a bar in a C-1 District. Table 17.08-1 of the Davenport Municipal Code requires a Special Use for a bar on property zoned C-1 Neighborhood Commercial District. [3rd Ward]

Recommendation:

See the attached Staff Report.

ATTACHMENTS:

Type	Description
▣ Executive Summary	Revised Staff report
▣ Exhibit	Application
▣ Exhibit	Notice List
▣ Exhibit	Notice Letter & Map

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	10/19/2020 - 3:02 PM



Request SU20-07 of Ryan Kopf at 1460 West 3rd Street for consideration of Special Use for a bar in a C-1 District. Table 17.08-1 of the Davenport Municipal Code requires a Special Use for a bar on property zoned C-1 Neighborhood Commercial District. [3rd Ward]

The subject property is in a mixed-use area and is zoned for neighborhood compatible commercial businesses. The Zoning Board of Adjustment is to evaluate whether this use would have a detrimental impact to adjacent properties.

This aerial map of the Northside area in Memphis, Tennessee, provides a detailed view of the neighborhood's layout. Key streets shown include W 4th St, W 3rd St, W 2nd St, and W 1st St. The map highlights several points of interest, including the Ascendia Credit Union, Harris Plaza, and the Robert H. H. House. A red pin marks the location of the Memphis Police Department's Northside Precinct, situated near the intersection of W 4th St and W 3rd St. Other notable features include the Memphis Police Department's Northside Precinct, the Memphis Police Department's Northside Precinct, and the Memphis Police Department's Northside Precinct.

Discussion

This site is in a mixed use area containing both businesses and dwellings and has been previously utilized as a retail and personal service commercial property. The C-1 District does not require off-street parking, however the site does have parking to the rear of the lot. The rear area will be repaved, siding will be added/replaced and the building will be reroofed. The business will be operated as a “nerd bar” with action figures and collectables displayed and drinks will be named after “nerdy popular culture”. Within two blocks of the subject property are the following businesses: Frick’s Tap, Super Saver Tobacco & Liquor, Harris Pizza, Geezers Bar, and ACME Sign Company. With an existing bar on the same block as the proposed bar, the area should not be significantly impacted.

Findings / Approval Standards

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

The plans meet code requirements for this use. The site is properly designed to have minimal, if any, impact on adjacent property and public facilities if rehabilitated per required building code as has been proposed by the developer. As each business is unique and as each business is operated under different business plans, this Special Use shall be limited to this owner only. Should the business be sold wholly or by more than 50%, a new Special Use shall be required and shall have a public hearing per Davenport Municipal Code requirements for Zoning Board of Adjustment Special Use public hearings.

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

The use meets code requirements and the site is properly designed to have minimal, if any, impact on adjacent property. Neighboring properties are a mixture of institutional, retail and personal service business in addition to residential uses.

3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

Land use policy has been met along with all code requirements.

Recommendation & Findings

Findings:

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

Recommendation:

Staff recommends approval of the request subject to the following conditions:

1. the Special Use shall be limited to this owner only; should the business be sold wholly or by more than 50%, a new Special Use shall be required and shall have a public hearing per Davenport Municipal Code requirements for Zoning Board of Adjustment Special Use public hearings;
2. the petitioner shall provide articles of incorporation or other equivalent ownership documentation prior to the issuance of a certificate of occupancy.

Prepared by:



Scott Koops,
Planner II

Attachments: Application, Notification Map, Exhibits



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

Property Address*

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

Applicant (Primary Contact) **

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

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

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

Zoning Board of Adjustment

Zoning Appeal
Special Use
Hardship Variance

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 special use requested:

Existing Zoning:

Submittal Requirements:

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed improvements affected by the special use. 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 17.14.050 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 - \$400.

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

(1) Application:

- Prior to submission of the application for the special use, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the special use 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.
- If approved, a new special use application shall be required for any change to any approved special use that does not qualify as an administrative modification.
- Special uses shall expire one hundred eighty days after the date of the approval unless licenses or permits required for the operation or maintenance of the use have been obtained.

(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 special use permit:

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

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

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

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

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

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

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

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

#3 The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

Applicant:

Date:

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by:

Planning staff

Date:

Date of the Public Hearing:

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

Authorization to Act as Applicant

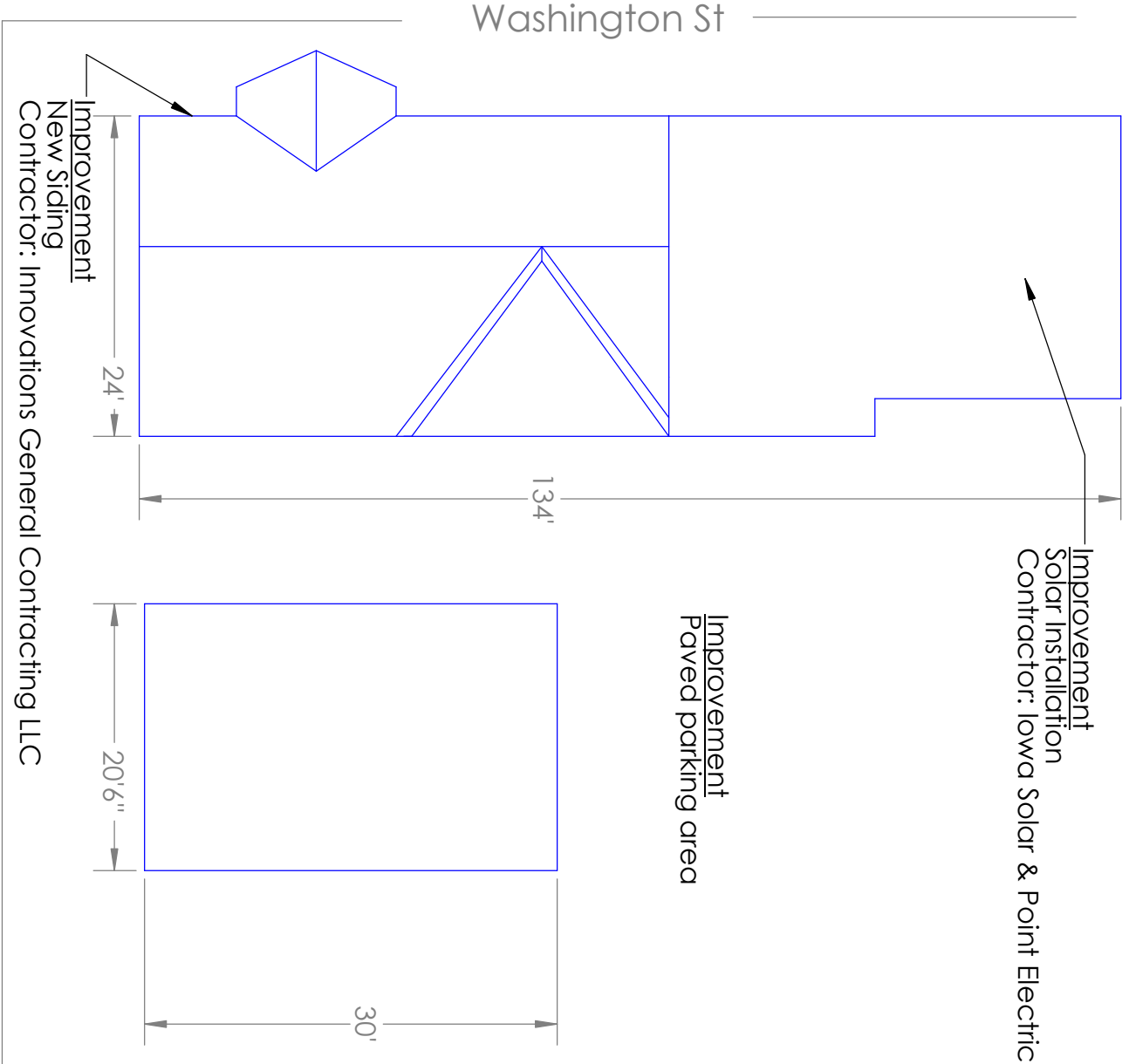
I,
authorize
to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located
at .



Signature(s)*

*Please note: original signature(s) required.

1460 W 3rd St



[Back to Dashboard \(/Dashboard\)](#)



Certificate of Organization - LLC

Information

CODE 489 DOMESTIC LIMITED LIABILITY COMPANY

Chapter

W3 LLC

Name of Entity

9/15/2020 6:00:00 PM

Effective Date and Time

Perpetual

Expiration Date

01-Certificate-of-Organization.pdf (/Uploads/Filings/20200915/b2ac4bd8-f72f-4a15-b6fb-4802f9b5ba31.pdf)

Upload your Certificate of Organization in PDF

No

Does the limited liability company hold an interest in agricultural land in Iowa?

Registered Agent and Registered Office Address

SCHNELL & HANCOCK, P.C.

Full Name

5701 UTICA RIDGE ROAD, SUITE 300

Address1

Address2

DAVENPORT

City

IA

State

52807

Zip

USA

Country

Email Address

Principal office

5701 Utica Ridge Road

Address1

Suite 300

Address2

Davenport

City

IA

State

52807

Zip

USA

Country

Signature(s)

Ryan Kopf

Organizer

9/15/2020 5:42:47 PM

Date

First Floor • Lucas Building

321 E. 12th St

Des Moines, IA 50319

Website: sos.iowa.gov (https://sos.iowa.gov/)

Email: ftf@sos.iowa.gov (mailto:help@sos.iowa.gov)

Phone: 1-888-767-8683 (tel:1-888-767-8683)

**CERTIFICATE OF ORGANIZATION
OF
W3 LLC**

The undersigned Organizer of a limited liability company organized under the Revised Uniform Limited Liability Company Act, Chapter 489, Code of Iowa, does hereby adopt the following Certificate of Organization for such limited liability company.

**ARTICLE I
Name of the Limited Liability Company**

The name of the limited liability company shall be W3 LLC.

**ARTICLE II
Registered Office and Registered Agent**

The address of the initial registered office of the limited liability company is 5701 Utica Ridge Road, Suite 300, Davenport, IA 52807. The initial registered agent at such address is Melissa A. Hancock.

**ARTICLE III
Period of Duration**

The limited liability company's existence shall commence upon the acceptance of this Certificate of Organization by the Secretary of State of Iowa for filing and shall be perpetual or as otherwise provided by law.

IN WITNESS WHEREOF, the aforesaid organizer has caused the execution on the foregoing Certificate of Organization on this 15th day of September, 2020.



Ryan Kopf, Organizer of W3 LLC



Agency Disclosure Notice and Consent to Dual Agency



Our Company is pleased to assist you in connection with the purchase and/or sale of real estate. The following will govern the terms of your relationship with Sharon Tahere as its Appointed/Designated Agent to represent W3 LLC in connection with the possible purchase and/or sale of real estate. Term of client shall hereafter refer to buyer, seller, landlord, tenant, optionor, or optionee. Only the Appointed/Designated Agent will represent the Client(s) named above (together with any additional Appointed/Designated Agent who may be designated by our company hereafter). No other Broker or Sales Associate affiliated with our company will be acting as an Agent for the Client(s) named above. It is the policy of our company to offer real estate services exclusively through Appointed/Designated Agents with respect to Iowa/Illinois real estate. The Appointed/Designated Agent and other company Sales Associates may provide services simultaneously to other parties involving the same real estate. When representing the Buyer, our company and the Appointed/Designated Agent will generally be offered and will accept a commission from the Seller or the Seller's real estate Agent, who may not be a Client of our company or the Appointed/Designated Agent. It is the policy of our company to reciprocate with other Broker's offers to cooperate and compensate. It is also the policy of our company to neither offer subagency to or accept subagency from cooperating Brokers.

DUTIES TO ALL PARTIES

A real estate agent, including the Appointed/Designated Agent, has the following duties to all parties to a transaction, regardless of which party the agent represents:

- A. To provide real estate brokerage services to all parties to the transaction honestly and in good faith;
- B. To diligently exercise reasonable skill and care in providing brokerage services to all parties;
- C. To disclose to each party all material adverse facts that the agent knows, except for the following:
 1. Material adverse facts known by the party.
 2. Material adverse facts the party could discover through a reasonably diligent inspection, and which would be discovered by a reasonably prudent person under like or similar circumstances.
 3. Material adverse facts the disclosure of which is prohibited by law.
- D. Material adverse facts that are known to a person who conducts an inspection on behalf of a party. A "material adverse fact" means an adverse fact that a party indicates is of such significance, or that is generally recognized by a real estate agent as being of such significance to a reasonable party, that it affects or would affect a party's decision to enter into a contract or agreement concerning a transaction, or affects or would affect a party's decision about the terms of a contract or agreement.
- E. To account for all property coming into the possession of the agent that belongs to any party within a reasonable time of receiving the property.

DUTIES TO A CLIENT

In addition to the real estate agent's duties to all parties as provided above, a real estate agent, including the Appointed/Designated Agent, has the following duties to the agent's client(s):

- A. To place the client's interests ahead of the interests of any other party, unless the agent is acting as a disclosed dual agent, as discussed below;
- B. To disclose to the client all information known by the agent that is material to the transaction and that is not known by the client or could not be discovered by the client through a reasonably diligent inspection;
- C. To fulfill any obligation that is within the scope of the agency agreement, except those obligations

- that are inconsistent with other duties that the agent has under the law;
- D. To disclose to the client any financial interests the agent or the brokerage has in any business entity to which the agent or brokerage refers a client for any service or product related to a transaction.

DUTIES OF A DISCLOSED DUAL AGENT

An Appointed/Designated Agent may legally represent both the seller and the buyer in a transaction, but only with the prior knowledge and the written consent of both parties. This is called "Dual Agency". The Appointed/Designated Agent will be acting as a Dual Agent when he or she represents both the owner/seller and the prospective buyer. This means that when the Appointed/Designated Agent is the listing agent and the selling agent, the Appointed/Designated Agent will be representing both parties simultaneously. When acting as Dual Agent, the agent has the same Duties to All Parties and Duties to a Client, as set forth above, EXCEPT, a Dual Agent may not and does not have a duty to place one client's interests ahead of the interests of the other client. Representing more than one party to a transaction may present a conflict of interest since both clients may rely upon Appointed/Designated Agent's advice and Buyer and Seller's respective interests may be adverse to each other. The Appointed/Designated Agent will endeavor to be impartial between both parties and will not represent the interest of either party to the exclusion or detriment of the other party. Appointed/Designated Agent will act as a dual agent only with the written consent of ALL parties in the transaction.

By signing this agreement the client agrees that the Appointed/Designated Agent may act as a Disclosed Dual Agent when the agent represents both the seller/owner and the buyer. Parties are not required to participate in Disclosed Dual Agency.

ACKNOWLEDGEMENT AND CONSENT TO AGENCY/DUAL AGENCY

I (We) acknowledge that I (we) have read this document, and that our company and the Appointed/Designated Agent have made full disclosure of the client(s) the Appointed/Designated Agent represents, the duties of a real estate agent to the parties, and the type of representation the agent will provide. I (We) consent to the Appointed/Designated Agency policy and the designation of the above referenced agent as our Appointed/Designated Agent. I (We) have read and understand this statement, have asked questions I (we) have deemed appropriate regarding this disclosure and agreement, and I (we) acknowledge signing and receiving a copy of this document before receiving any specific assistance from the Appointed/Designated Agent or making or accepting an offer, which ever is sooner.

If you do not understand all the terms of this document, seek legal advice before signing.

Buyer's or Seller's Signature(s):

Appointed/Designated Agent's Signature:

W3 LLC, Ryan L. Kopf, Manager

Printed Name

W3 LLC, Ryan L. Kopf, Manager dotloop verified 09/15/20 9:34 PM CDT WYGE-Y1WM-HMNF-3UON

Signature

Date

Sharon Tahere

Printed Name

Sharon Tahere dotloop verified 09/15/20 7:30 PM CDT WLMB-X3QW-ZCBM-UQMZ

Signature

Date

Ryan Kopf for W3 LLC

Printed Name

Signature

Date

Page 2 of 2

SU20-07 Adjacent Owner Notice List.xlsx

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	1460 W 3RD ST	MAUREEN L ARGO	1924 W 2ND ST	DAVENPORT IA 52802
Ald/Clerks:	Alderman Meginnis - 3rd	All Alderman Notified	Tiffany Thorndike	Samantha Torres
Neighborhood:	Central Community CIR	Brad Creviston	harleybear1955@yahoo.com	27 Notices Sent
K0006-01	322 WASHINGTON ST	GARCIA M PEDRO	322 WASHINGTON ST	DAVENPORT IA 52802
K0006-02	1501 W 4TH ST	THOMPSON SAMUEL	1501 W 4TH ST	DAVENPORT IA 52802
K0006-03	1507 W 4TH ST	RYAN JOHNSON PROPERTIES LLC	2401 BRADY ST	DAVENPORT IA 52803
K0006-04	1511 W 4TH ST	WILLIE C OWENS	2613 E 50TH ST	DAVENPORT IA 52807
K0006-05	1513 W 4TH ST	CHARLES STYVAERT	2837 OAK ST	BETTENDORF IA 52722
K0006-05	1513 W 4TH ST	CHARLES STYVAERT		
K0006-32		JOSHUA CANTU	612 W 13TH ST	DAVENPORT IA 52803
K0006-33	1510 W 3RD ST	CHARLES E AKRIGHT	1510 W 3RD ST	DAVENPORT IA 52802
K0006-34	1506 W 3RD ST	BRUCE W CLIFTON SR	1506 W 3RD ST	DAVENPORT IA 52802
K0006-35	314 WASHINGTON ST	JACOB H WARD	314 WASHINGTON ST	DAVENPORT IA 52802
K0006-37	238 WASHINGTON ST	SHANNON WATSON	238 WASHINGTON ST	DAVENPORT IA 52802
K0006-38	1503 W 3RD ST	SIERRA LEE LLC	1987 SPRUCE HILLS DR	BETTENDORF IA 52722
K0007-01	229 WASHINGTON ST	229 WASH TRUST	4730 S FORT APACHE RD STE 300	LAS VEGAS NV 89147
K0007-02	1453 W 3RD ST	DARYLE W GRUBBS	1453 W 3RD ST	DAVENPORT IA 52802
K0007-03	1451 W 3RD ST	ADAM B ANDERSON	1451 W 3RD ST	DAVENPORT IA 52802
K0007-04	1445 W 3RD ST	TIOFILO PEREZ	1445 W 3RD ST	DAVENPORT IA 52802
K0007-06A	1441 W 3RD ST	JAMES H AYERS	1441 W 3RD ST	DAVENPORT IA 52802
K0007-08A		OSCAR MAYER FOODS CORP	801 WAUKEGAN RD	GLENVIEW IL 60025
K0007-23	1436 W 3RD ST	CAPITAL FUTURE LLC	5001 TREMONT AVE	DAVENPORT IA 52807
K0007-24	1440 W 3RD ST	JERUSALEM TEMPLE APOS CHURCH	1440 W 3RD ST	DAVENPORT IA 52802
K0007-25	1448 W 3RD ST	JERUSALEM TEMPLE APOS CHURCH		
K0007-26	1450 W 3RD ST	JERUSALEM TEMPLE APOS CHURCH		
K0007-27	1454 W 3RD ST	MAUREEN L ARGO	1924 W 2ND ST	DAVENPORT IA 52802
K0007-28	305 WASHINGTON ST	MAUREEN L ARGO		
K0007-29	1457 W 4TH ST	JEREY DAPHNE OJEAH	111 N WINDSOR BLVD	LOS ANGELES CA 90004
K0007-30	1453 W 4TH ST	TAMMY J MILLER	1453 W 4TH ST	DAVENPORT IA 52802
K0007-31	1451 W 4TH ST	TRIPLE I SERVICES LLC	3630 E 3892 N	KIMBERLY ID 83341
K0007-32	1443 W 4TH ST	AHIMSA LLC	16420 SE MCGILLIVRAY BLVD	VANCOUVER WA 98683
K0007-33	1439 W 4TH ST	FIVE TALENTS INV GROUP LLC	2915 MIDDLE RD	DAVENPORT IA 52803
K0007-34	1437 W 4TH ST	GHD PROPERTY LLC	11110 140TH ST PL	DAVENPORT IA 52804
K0007-35	1433 W 4TH ST	MARIA CASTEL DEL ROSARIO	1433 W 4TH ST	DAVENPORT IA 52802



PUBLIC HEARING NOTICE | Zoning Board of Adjustment

Date: 10/22/2020 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 4:00 PM Subject: Public hearing for a Special Use before the Zoning Board of Adjustment

To: All property owners within 200 feet of the subject property located at **1460 West 3rd Street**.

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a Special Use. The purpose of the Special Use is to authorize certain special/conditional uses of property which are allowed but require special consideration.

Request/Case Description

Request SU20-07 of Ryan Kopf at 1460 West 3rd Street for consideration of Special Use for a bar in a C-1 District. Table 17.08-1 of the Davenport Municipal Code requires a Special Use for a bar on property zoned C-1 Neighborhood Commercial District. [3rd Ward]

What are the Next Steps after the Public Hearing?

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

Would You Like to Submit an Official Comment?

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

On-line/Telephone Participation:

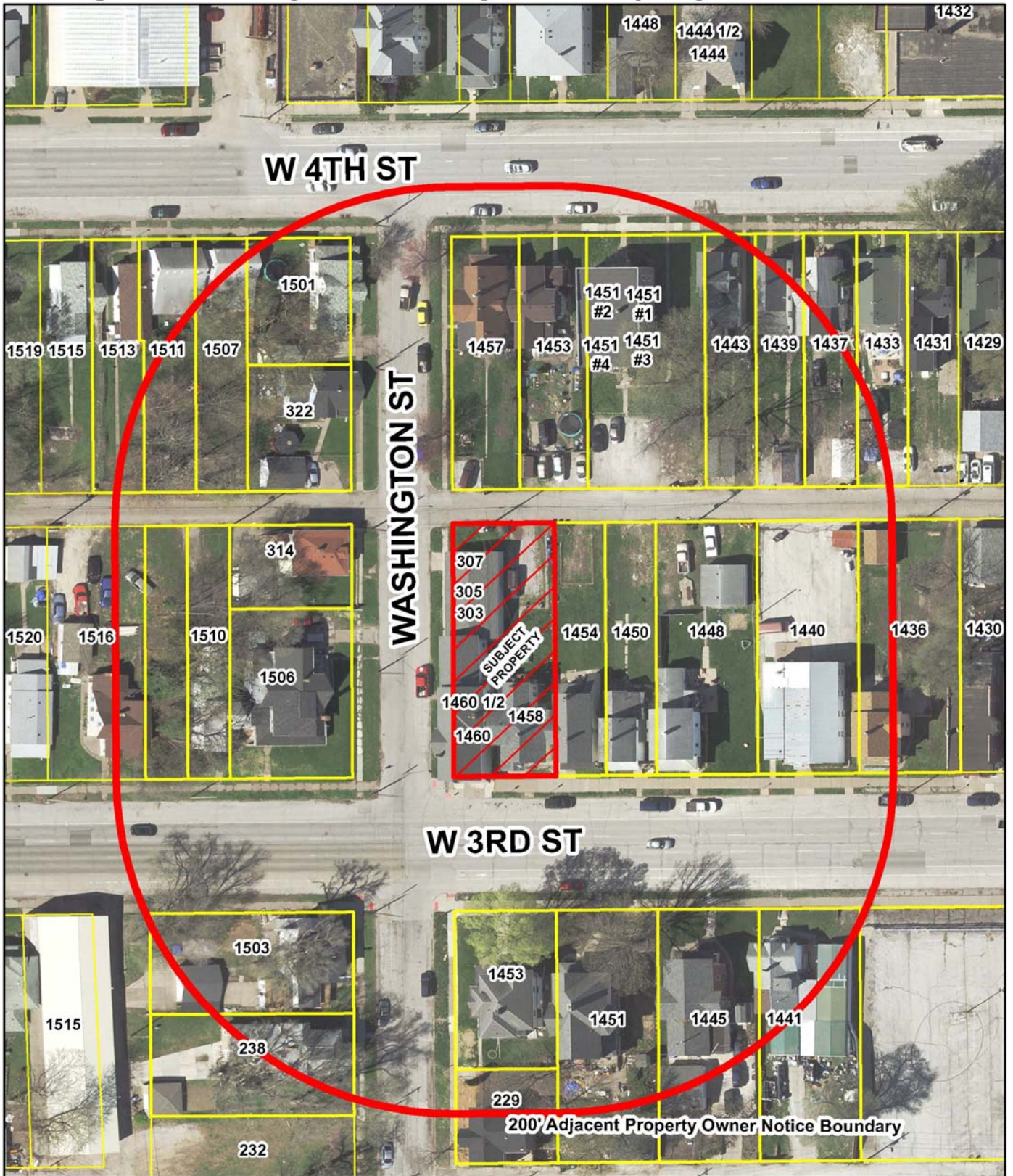
Persons may join the meeting virtually: <https://global.gotomeeting.com/join/415560525> & at 1-866-899-4679 with access code: 415 560 525. All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

Do You Have Any Questions?

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

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

Zoning Board of Adjustment: Adjacent Property Owner Notice Area



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.

