

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, SEPTEMBER 22, 2022; 4:00 PM

CITY HALL | 226 WEST 4TH STREET | COUNCIL CHAMBERS

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

I. Call to Order

II. Secretary's Report

A. Consideration of the June 23, 2022 and the September 11, 2022 Board Minutes.

III. Old Business

IV. New Business

A. Request SU22-01 of Kunes Development Properties LLC to operate a Vehicle Dealership with Outdoor Storage/Display at 3812 Harrison Street. Table 17.08-1 requires a Special Use for a Vehicle Dealership with Outdoor Storage/Display on property zoned C-3 General Commercial District. [Ward 7]

V. Other Business

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
9/22/2022

Subject:
Consideration of the June 23, 2022 and the September 11, 2022 Board Minutes.

ATTACHMENTS:

Type	Description
▣ Exhibit	ZBA Minutes 2022-06-23
▣ Exhibit	ZBA Minutes 2022-08-11



MINUTES
Zoning Board of Adjustment
June 23, 2022



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

I. Call to Order:

Chairman Darland called the Zoning Board of Adjustment (ZBA) meeting to order in City Hall Council Chambers, Davenport, Iowa at approximately 4:01 p.m.

Board Members present (4): Quinn, Boyd-Carlson, Loebach, and Darland

Excused: Reistroffer

Staff present: Koops, Werderitch, staff Attorney Bagby

II. Secretary's Report:

Minutes were approved for the 2022-06-09 ZBA Hearing by voice-vote (4-0).

III. Old Business:

None.

IV. New Business:

Request HV22-05 of Tammy Speidel on behalf of Youth Justice & Rehabilitation Center for a hardship variance at 4715 Tremont Avenue to reduce parking requirements for a government office/facility. Table 17.10-2. requires one (1) parking space for every 500 SF of gross floor area. The site will provide 76 parking spaces for the 59,025 SF facility. The government office rate is the closest related use to the proposed use. The Zoning Code does not have a specific parking rate for youth detention facilities.

Koops presented the staff report.

Findings: (supported by the previous 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 will be met as proposed.

The petitioner addressed the Board and presented their request.

Quinn voiced concern that events at the site might lead to excessive demand for parking spaces.

Motion

Quinn moved to approve request HV22-05, Boyd-Carlson seconded the motion subject to the staff's conditions as stated below; the motion carried unanimously. (4-0)

Motion Subject to the following conditions:

The parking requirements shall be reevaluated by the Zoning Board of Adjustment with any change in use of the subject property.

Loebach yes; Boyd-Carlson yes; Quinn yes; and Darland yes

Request HV22-06 of Dan Hahn on behalf of Amy Papik at 2208 N. Zenith Avenue for a six (6) foot solid privacy fence in the front yard setback along West Lombard Street. Section 17.09.030.H.2.a limits solid fences within the front or reverse corner side setback to four (4) feet in height and 70% open fences to six (6) feet in height.

Koops presented the staff report.

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 the application does not meet approval standards for a hardship variance.

The applicant addressed the Board and explained the concerns that warrant the approval of the request. The petitioner answered the Board's questions concerning the proposed fence.

Motion

Quinn moved to approve the request of HV22-04, Boyd-Carlson seconded the motion and the motion failed (0-4) without any affirmative votes.

Loebach no; Boyd-Carlson no; Quinn no; and Darland no.

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:45 p.m.



MINUTES
Zoning Board of Adjustment
August 11, 2022



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

I. Call to Order:

Chairman Darland called the Zoning Board of Adjustment (ZBA) meeting to order in City Hall Council Chambers, Davenport, Iowa at approximately 4:01 p.m.

Board Members present (4): Galliart, Boyd-Carlson, Quinn, Loebach, and Darland

Excused: none

Staff present: Koops, Werderitch, Staff Attorney Bagby

II. Secretary's Report:

No Minutes were available for approval.

III. Old Business:

None.

IV. New Business:

Motion authorizing chairperson to coordinate with the attorney liaison to hire counsel

Motion

Loebach moved to approve the motion, Boyd-Carlson seconded the motion and the motion carried unanimously. (5-0)

Galliart yes; Loebach yes; Boyd-Carlson yes; Quinn yes; and Darland yes.

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:15 p.m.

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
9/22/2022

Subject:

Request SU22-01 of Kunes Development Properties LLC to operate a Vehicle Dealership with Outdoor Storage/Display at 3812 Harrison Street. Table 17.08-1 requires a Special Use for a Vehicle Dealership with Outdoor Storage/Display on property zoned C-3 General Commercial District. [Ward 7]

ATTACHMENTS:

Type	Description
▢ Executive Summary	Staff Report
▢ Exhibit	Site Plan
▢ Exhibit	Public Hearing Notice
▢ Exhibit	Application
▢ Exhibit	Notice List



Zoning Board of Adjustment

Planning Staff Report

3812 Harrison Street | Vehicle Dealership Outdoor Display

September 22, 2022

Description

Request SU22-01 of Kunes Development Properties LLC to operate a Vehicle Dealership with Outdoor Storage/Display at 3812 Harrison Street. Table 17.08-1 requires a Special Use for a Vehicle Dealership with Outdoor Storage/Display on property zoned C-3 General Commercial District. [Ward 7]

Background

The 2019 Zoning Ordinance requires a Special Use for an outdoor vehicle dealership when located in the C-3 General Commercial Zoning District. For contextual purposes, Special Uses are required for any outdoor dealership located in the C-3, C-E, and I-1 districts. Only the I-MU Industrial Mixed Use District does not require a Special Use.

There are no Principle Use Standards applicable for this use, therefore only the standards that must be adhered to are the usual Special Use approval standards of 17.14.050.E.

Zoning District Use Matrix:

TABLE 17.08-1: USE MATRIX																	
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2
Vehicle Dealership - With Outdoor Storage/Display										S					S	S	P

P indicates a use is permitted by-right in the district. S indicates a use is a Special Use in the district and requires Zoning Board approval. Blank cells indicate a use is not allowed.

Special Use Approval Standards per 17.14.050.E.:

E. Approval Standards

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use must be evaluated on an individual basis, in relation to all applicable standards of this Ordinance. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed. The decision of the Zoning Board of Adjustment must make findings to support each of the following conclusions:

1. The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.
2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

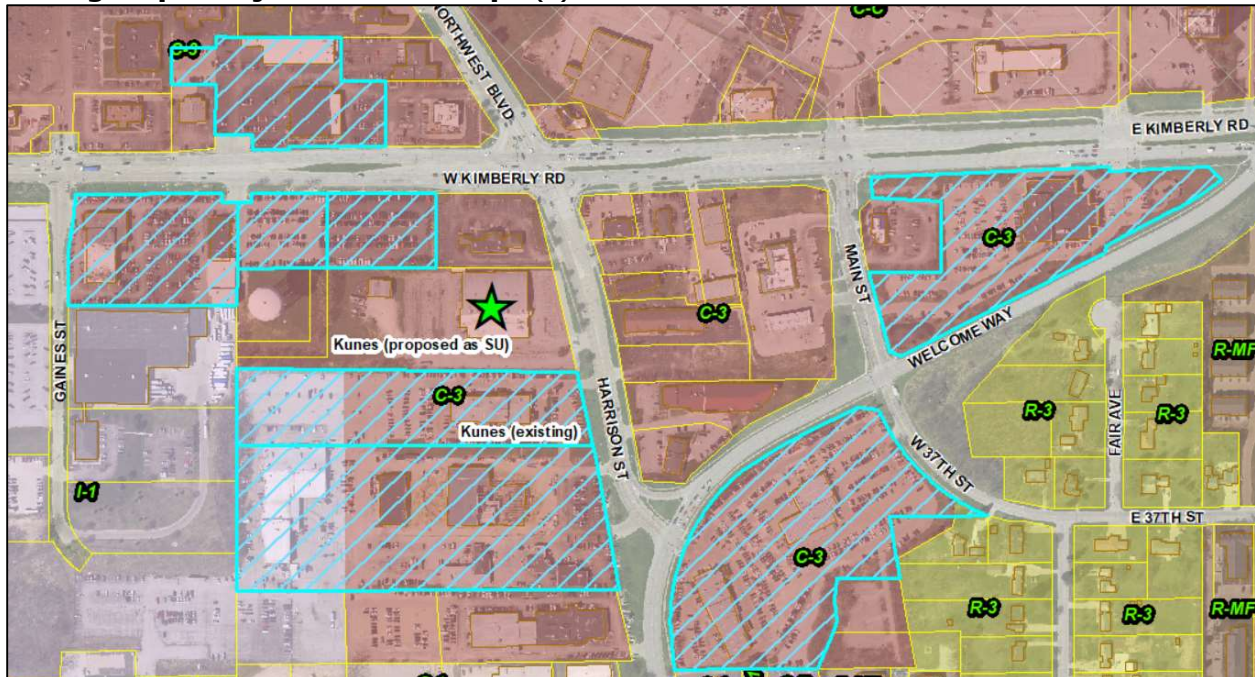
Vehicle Dealership with Outdoor storage/display is defined as:

An establishment that sells or leases new or used automobiles, vans, motorcycles, and/or all-terrain vehicles (ATV) vehicles, or other similar motorized transportation vehicles with outdoor display of vehicles. A motor vehicle dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

Site Aerial Photo:



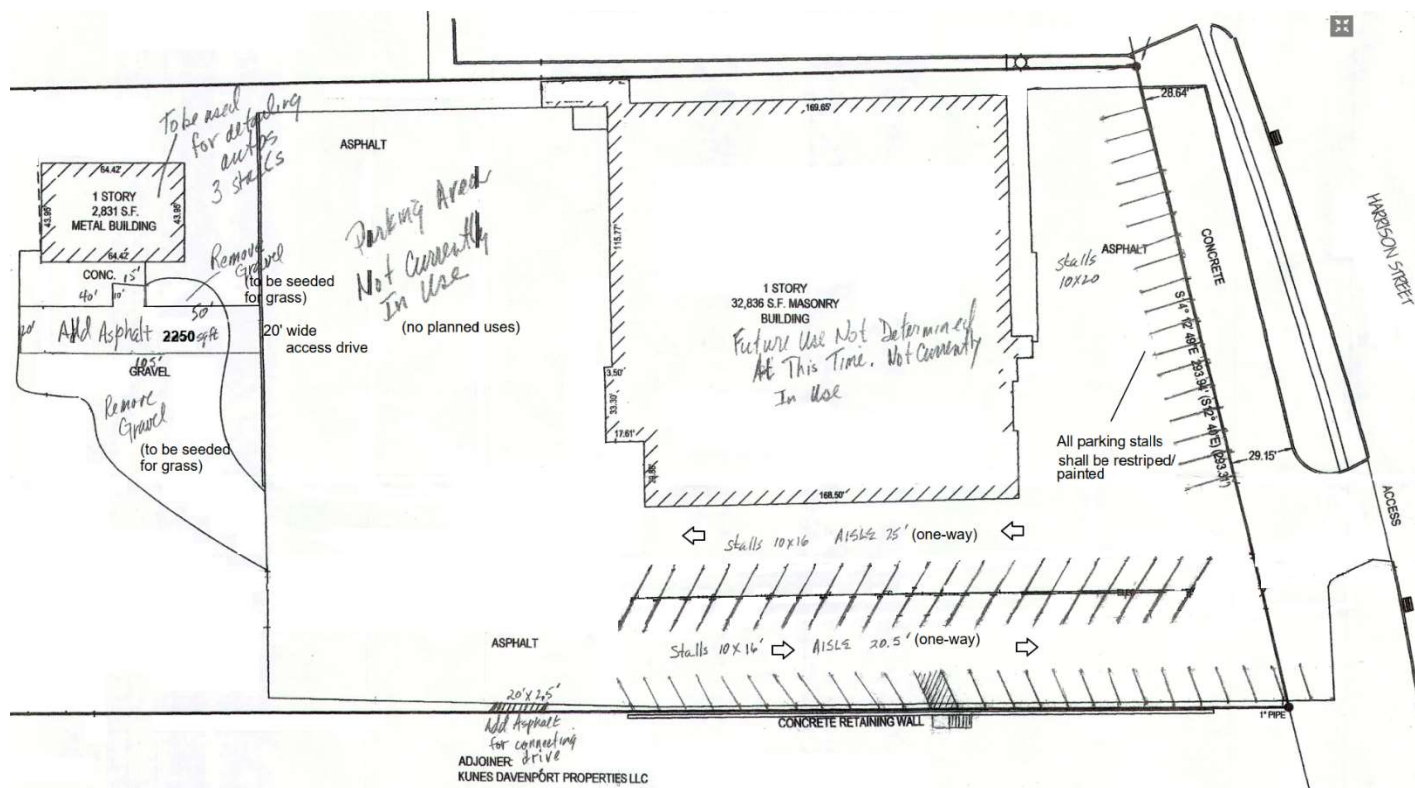
Zoning Map & Adjacent dealerships (5):



Discussion

Kunes auto sales wishes to utilize the former bowling site at 3812 Harrison Street as an inventory lot for additional vehicle display area and to use the rear building for a detail shop. The site will serve the adjacent property to the south which is operated by Kunes Nissan auto sales. The existing building on the site was damaged by fire. The petitioner has no plans to utilize the former bowling alley building at this time.

The sites will be connected for pedestrian access via path and staircase on the common property line. The site will be able to be accessed from Harrison Street and also via a newly proposed common access drive between the lots, as shown on the petitioner's site plan.



The plans meet code requirements and the site is properly designed to have minimal, if any, impact on adjacent property as proposed.

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, as properly conditioned.

Recommendation & Findings

Findings:

1. The petitioner's proposed location/design meets Special Use requirements
2. This use is compatible with adjacent land uses and type of development
3. The proposed Special Use is in accordance with the criteria for Special Use approval.

Recommendation:

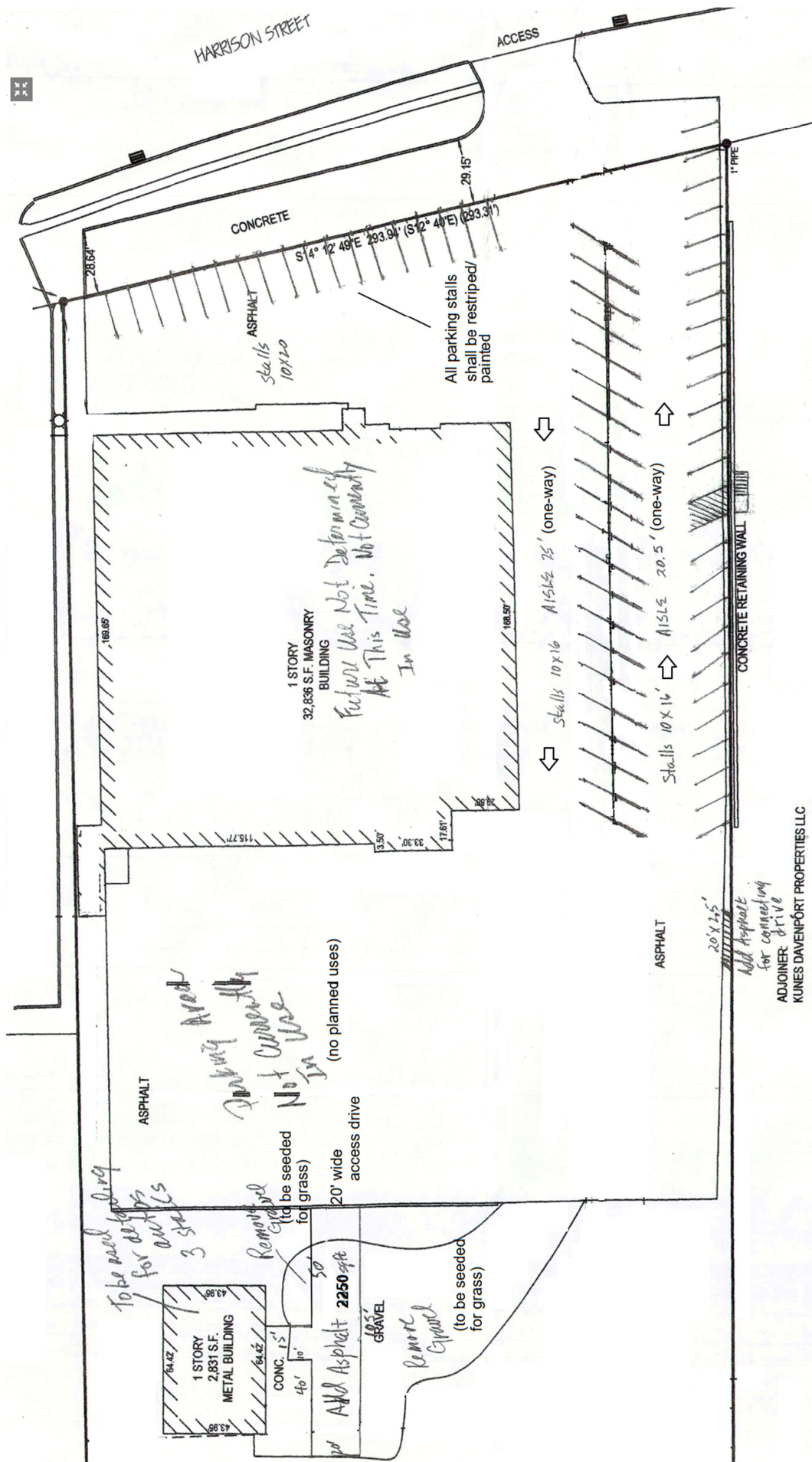
Staff recommends that Board adapt staff's findings and approve request SU22-01 subject to the following conditions:

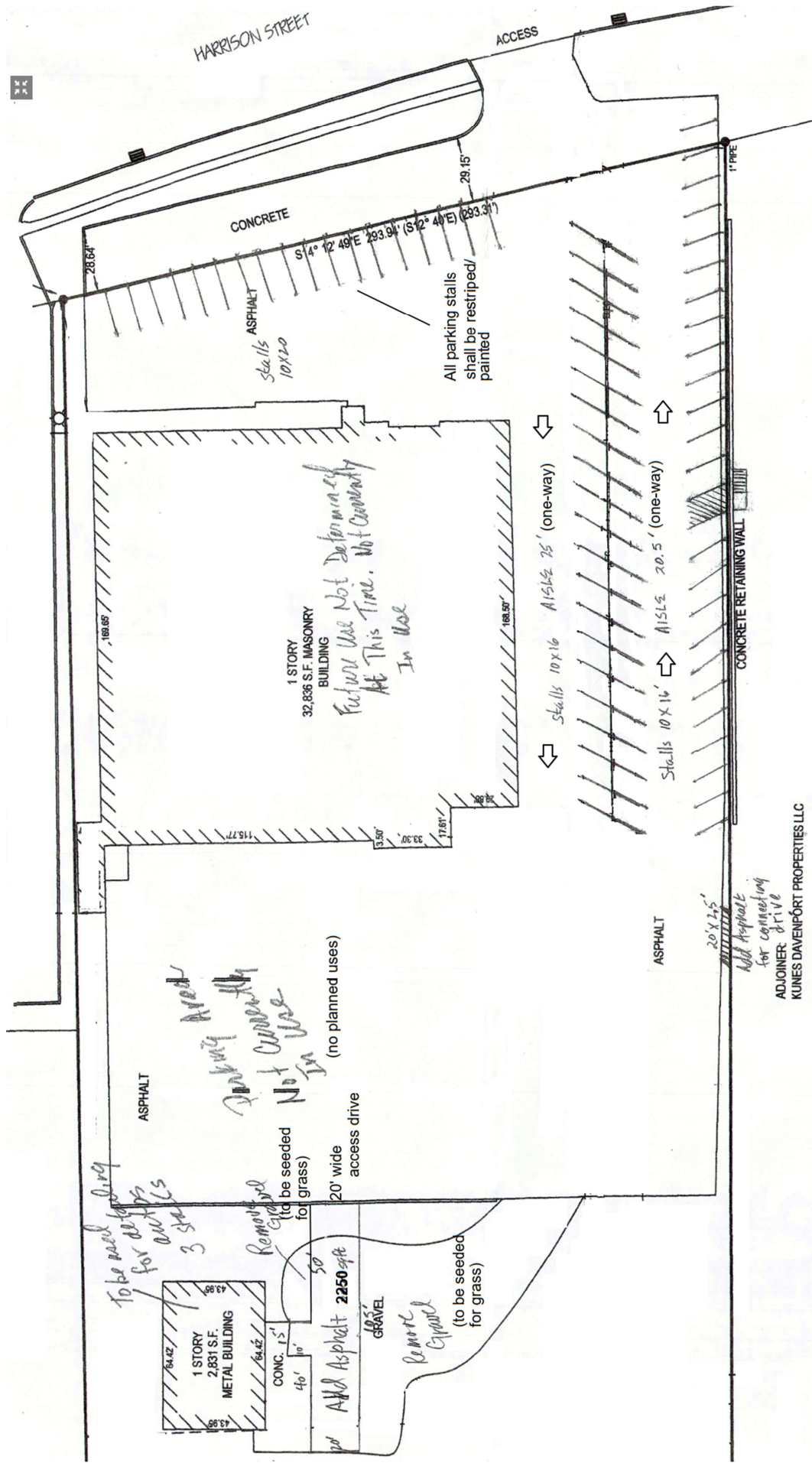
1. The submitted Site Plan from the Sept. 22, 2022 Public Hearing packet shall be binding;
2. Prior to occupancy the stairway pedestrian connection shall be completed;
3. Prior to occupancy the gravel areas shall be removed completely from the site and new asphalt or concrete paving installed as per the site plan with a 20' wide driveway;
4. Prior to occupancy all parking spaces to be utilized shall be repainted and one-way arrows painted as appropriate at each ends of each drive aisle;
5. Use of the principal structure (former bowling alley) shall be prohibited without a modification to the Special Use;
6. The use of flags, pennants, tinsel, balloons or other similar attention-getting devices shall be prohibited at 3812 Harrison Street.
7. Should complaints arise due to noncompliance of these conditions, and/or if staff is aware of infractions to these conditions and/or any other code violations, or if ownership or management companies change, 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, re-approved or revoked.

Prepared by: 

Scott Koops, AICP
Planner II

Attachments: Map, Site Plan, Application, Notification Map, Exhibits





ADJOINER DRIVE
KUNES DAVENPORT PROPERTIES LLC



Public Hearing Notice | Zoning Board of Adjustment

Date: 9/22/2022 **Location:** City Hall | 226 W 4th ST | Council Chambers
Time: 4:00:00 PM **Subject:** Hearing for Speical Use | Zoning Board of Adjustment

[Mailing Address]
Ward 7
11 Notices Sent

To: All property owners within 200' of the subject property **3812 Harrison Street:**

What is this About?

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

Request/Case Description

Case SU22-01: Request of Kunes Development Properties LLC to operate a Vehicle Dealership – With Outdoor Storage/Display at 3812 Harrison Street. Table 17.08-1 requires a Special Use for a Vehicle Dealership – With Outdoor Storage/Display on property zoned C-3 General Commercial District. [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 centauri with the district court.

Would You Like to Submit an Official Comment?

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

Do You Have Any Questions?

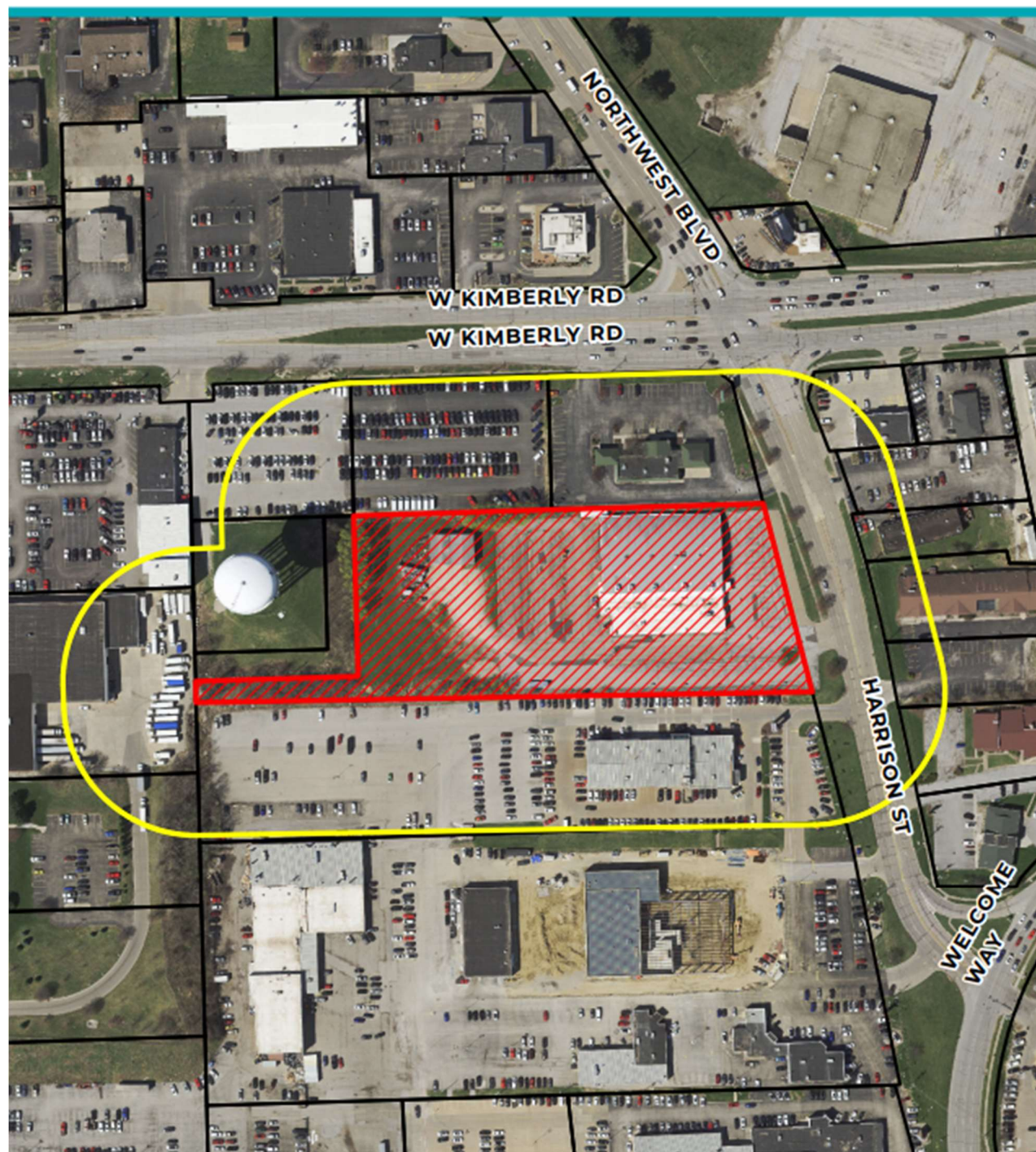
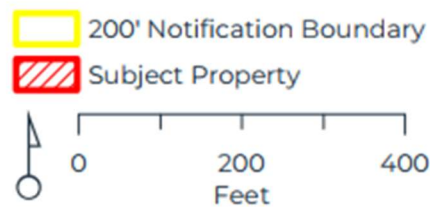
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at scott.koops@davenportiowa.com or 563-328-6701 . Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: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

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

Special Use Permit | Public Hearing Notice

Case SU22-01: 3812 Harrison Street

Request to Operate a Vehicle Dealership
With Outdoor Storage/Display





DAVENPORT

DEVELOPMENT AND
NEIGHBORHOOD SERVICES

Completed application shall be emailed to planning@davenportiowa.com

FEE: \$400

Property Address* 3812 N. Harrison St PIN: P1411-18A

*If no property address, please submit the Scott County Iowa PIN (parcel identification number(s))

Applicant (Primary Contact)**

Name: Gregg E. Kunes
Company: Kunes Davenport Properties
Address: P.O. Box 546
City/State/Zip: Delavan, WI 53115
Phone: 262-215-2373
Email: r.forkorst@kunes.com
Curtis.welch@kunes.com

Zoning Board of Adjustment Form Type:

Hardship Variance ☐
Special Use ☒
Zoning Appeal ☐

Owner (if different from Applicant)

Name: Kunes Davenport Properties, LLC
Company:
Address: 3738 N. Harrison St
City/State/Zip: Davenport, IA 52806
Phone: 262-215-2373
Email: r.forkorst@kunes.com

For completion by Office Staff:

Received by:
Date Received:
Public Hearing Date:

**Applicants purchasing property subject to ZBA approval shall submit the contract for purchase and shall complete the "Authorization to Act as Applicant" section below or submit an accepted email correspondence from the property owner to city staff. All correspondence shall be sent to the primary contact.

Request: Describe the special use requested (include the days and hours of operation)

Applicant/Owner owns and operates Kunes Nissan of Davenport on the property adjoining to the south. A/O requests special use to expand onto this property. Initially the special use is requested for display of autos for sale on the blacktop area and detailing in the metal building on the west side of the property. Use of the bowling alley building is undetermined at this time. Operation will be same as the dealership: M-Th 9:00 AM - 8:00 PM F 9:00 AM - 6:00 PM Sat 9:00 AM - 5:00 PM

Existing Zoning: C-3 General Commercial

Applicant: Gregg E. Kunes Date: July 29, 2022

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.

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)*

Date: July 29, 2022

*please note that original signature(s) are required

Provide 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.

The special use requested is for the expansion of an existing business on the adjoining property which is the similar to several other businesses (ie auto dealerships) in the immediate vicinity. See attached survey indicating proposed uses.

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

There are six existing auto dealerships, an auto repair and an auto rental business on adjacent properties or within 300 feet of the Property.

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

The special use requested is consistent with adjoining and surrounding uses and is consistent with the spirit and intent of the zoning ordinance and adopted land use policies of the City of Davenport.

ParcelId	OwnerName	OwnerAddress1	OwnerCityStZip
P1410-01	A D HUESING BOTTLING WORKS INC	3809 GAINES ST	DAVENPORT IA 52804
P1411-01D	AFS II CORP	13459 CROSBY RD	MORRISON IL 61270
P1411-02C	COURTESY REALTY IOWA LLC	625 W KIMBERLY RD	DAVENPORT IA 52806
P1411-21	GRAPE ROAD LLC	5201 N GRAPE RD	MISHAWAKA IN 46545
P1411-01C	GREAT SOUTHERN BANK	218 S GLENSTONE AVE	SPRINGFIELD MO 65802
P1411-07	ICONIUM CORPORATION LLC	2877 PARADISE ROAD #2204	LAS VEGAS NV 89109
P1411-06A	ICONIUM CORPORATION LLC		
P1411-01	IOWA AMERICAN WATER COMPANY	PO BOX 5627	CHERRY HILL NJ 08034
P1410-01A	JOHNSON PARTNERS	PO BOX 2770	DAVENPORT IA 52809
P1410-01	JOHNSON PARTNERS LP		
P1410-01B	KIMBERLY REALTY	625 W KIMBERLY RD	DAVENPORT IA 52806
P1411-18A	KUNES DAVENPORT PROPERTIES LLC	1234 E GENEVA ST	DELAVAN WI 53115
P1411-17A	KUNES DAVENPORT PROPERTIES LLC		
P1411-22	TERRY L SMITH & WENDY D SMITH REV TR	625 W KIMBERLY RD	DAVENPORT IA 52806
P1411-04	TGS LLC	6405 WOODLAND CT	DAVENPORT IA 52807
P1411-07A	TGS LLC		