

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, SEPTEMBER 12, 2019; 4:00 PM

CITY HALL, 226 W 4TH ST., DAVENPORT, IA, COUNCIL CHAMBERS

I. Call to Order

II. Secretary's Report

- A. Consideration of the minutes from the 8/22/19 public hearing.

III. Old Business

IV. New Business

- A. Request HV19-12 of Randall and Mary McDonald at 1645 W 12<sup>th</sup> Street for a hardship variance to allow a detached garage, accessory building and swimming pool to be located in the front yard. The property is zoned R-MF Multi-Family Residential Zoning District. [Ward 3]

Section 17.09.030.A.4.c of the Davenport Municipal Code reads:

No structure may be located in a front or corner side yard unless specifically allowed by this Ordinance.

- B. Request HV19-13 of Shawna Smith on behalf of RAH Partnership, Inc. at 4756 Elmore Avenue for a hardship variance to exceed the maximum size for a wall sign. The property is zoned "C-3" General Commercial Zoning District. [Ward 6]

Section 17.12.060.I.4 of the Davenport Municipal Code reads: For a structure that contains multiple tenants, each tenant that has exterior business façade area is permitted a total wall sign area of one square foot per linear foot of business frontage or 40 square feet, whichever is greater, along their individual frontage(s).

V. Other Business

VI. Adjourn

City of Davenport  
Zoning Board of Adjustment

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

**Date**  
**9/12/2019**

Subject:  
Consideration of the minutes from the 8/22/19 public hearing.

Recommendation:  
Adopt the minutes.

ATTACHMENTS:

| Type      | Description         |
|-----------|---------------------|
| ▣ Exhibit | ZBA Minutes 8-22-19 |

REVIEWERS:

| Department | Reviewer     | Action   | Date               |
|------------|--------------|----------|--------------------|
| City Clerk | Koops, Scott | Approved | 9/5/2019 - 9:09 AM |



**MINUTES**  
**City of Davenport**  
**Zoning Board of Adjustment**  
**August 22, 2019**



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

**Call to Order**

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

Board Members present: Lee, Quinn, and Strayhall.

Board Member excused: Cochran and Reistroffer.

Staff present: Koops

**I. Secretary's Report:**

The corrected minutes of 8-8-2019 were approved by voice vote.

**II. Old Business:**

None

**III. New Business:**

Request HV19-11 of Ben Ziegler at 1316 Pershing Avenue for a hardship variance to encroach 1' into the side yard and 3' into the rear yard with two separate stair landings. Each stair landing would be 3' from the nearest property line. The property is zoned "R-MF" Multiple Family.

Section 17.09.040.F. and Table 17.09-1 require a 4' side yard and a 6' rear yard setback for stair landings in the "R-MF" District. [Ward 3]

**Request**

Koops presented the staff report.

No comments were received.

**Findings & Staff Recommendation:**

Findings: (Per the analysis in the staff report)

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

Recommendation:

It is staff's opinion that the requested achieves consistency with the Davenport Municipal Code. Staff recommends approval of HV19-11 in accordance with submitted documents.

**Motion:**

A motion to approve the request was made by Lee and seconded by Quinn. Motion to approve was unanimous. (3-0):

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

**IV. Other Business**

None.

**V. Adjourn**

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

City of Davenport  
Zoning Board of Adjustment

Department: Community Planning and Economic Development  
Department  
Contact Info: Ryan Rusnak 563-888-2022  
rrusnak@ci.davenport.ia.us

**Date**  
**9/12/2019**

**Subject:**

Request HV19-12 of Randall and Mary McDonald at 1645 W 12<sup>th</sup> Street for a hardship variance to allow a detached garage, accessory building and swimming pool to be located in the front yard. The property is zoned R-MF Multi-Family Residential Zoning District. [Ward 3]

**Section 17.09.030.A.4.c of the Davenport Municipal Code reads:**

No structure may be located in a front or corner side yard unless specifically allowed by this Ordinance.

**Recommendation:**

The request achieves consistency with Section 17.14.060 of the Davenport Municipal Code.

Staff recommends approval of HV19-12 in accordance with submitted renderings.

**Background:**

The petitioners are requesting a hardship variance to construct a new detached garage and install a swimming pool. The existing garage would be converted to a pool house.

The Zoning Ordinance prohibits accessory structures from being located in the front or corner side yard. Notably, the existing detached garage is non-conforming because of this ordinance provision.

The map on the next page shows the location of the front and corner side yard (shown in yellow). The residence was constructed c. 1910 and was situated on the bluff to take advantage of the river view. The property slopes dramatically to the south. There is only a small area on the property where accessory structures (detached garages, swimming pools, etc. could be constructed (shown in blue).



The Dr. Kuno Struck House is a Local Marycrest College Historic District. The proposed garage and swimming pool was reviewed and approved by the Historic Preservation Commission at its August 13, 2019 meeting. At that same meeting, the Historic Preservation Commission voted to recommend that the Zoning Board of Adjustment approve variances to permit the detached garage and swimming pool in their proposed locations.

#### Approval Standards

Section 17.14.060 of the Davenport Municipal Code sets forth the approval standards.

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

#### Staff analysis:

The Zoning Ordinance defines the front yard as the area between the residence and West 12 Street as the front yard and defines the corner side yard as the area between the residence and Division Street. The Zoning Ordinance does not allow the placement of accessory structures in the front or corner side yard. The house is setback approximately 250 feet from West 12th Street. The property slopes dramatically to the south. There is only a small area on the property where accessory buildings (detached garages, swimming pools, etc. could be constructed (shown in blue). It is staff's opinion that the strict application of the terms of This Ordinance result in hardship.

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

Staff analysis:

The house is setback approximately 250 feet from West 12th Street. The property slopes dramatically to the south. There is only a small area on the property where accessory buildings (detached garages, swimming pools, etc. could be constructed (shown in blue). It is staff's opinion that the particular physical surroundings and topographical conditions result in a hardship.

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

Staff analysis:

It is staff's opinion that this particular property is uniquely configured. .

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

Staff analysis:

The house is setback approximately 250 feet from West 12th Street. Both the detached garage and swimming are likely not be visible from West 12th Street or Division Street.

**Recommendation:**

**Finding:**

The request achieves consistency with Section 17.14.060 of the Davenport Municipal Code.

Staff recommends approval of HV19-12 in accordance with submitted renderings.

**ATTACHMENTS:**

| Type              | Description                                 |
|-------------------|---------------------------------------------|
| ▣ Backup Material | Application                                 |
| ▣ Backup Material | Renderings                                  |
| ▣ Backup Material | Public Hearing Notice and Notification List |

**REVIEWERS:**

| Department                                | Reviewer    | Action   | Date               |
|-------------------------------------------|-------------|----------|--------------------|
| Community Planning & Economic Development | Flynn, Matt | Approved | 9/9/2019 - 9:55 AM |



Complete application can be emailed to [planning@ci.davenport.ia.us](mailto: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.**

## 17.14.060 Hardship Variance

### **A. Purpose**

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.

### **B. Initiation**

A property owner in the City, or person expressly authorized in writing by the property owner, may file an application for a hardship variance. A property owner, or his/her designee, may only propose a hardship variance for property under his/her control.

### **C. Authority**

1. The Zoning Board of Adjustment will take formal action on hardship variance applications. However, the Zoning Administrator is authorized to grant certain administrative exceptions, as described in Section 17.14.070.
2. Hardship variances to allow uses that are not allowed within a zoning district are prohibited.

### **D. Procedure**

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Adjustment.

1. After receipt of a complete application, the Zoning Board of Adjustment will consider the proposed hardship variance at a public hearing. If, in the Zoning Board of Adjustment's judgment, the application does not contain sufficient information to enable proper review and consideration, the Zoning Board of Adjustment may request additional information from the applicant and the public hearing may be continued.
2. The Zoning Board of Adjustment must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section.
3. The Zoning Board of Adjustment must approve, approve with conditions, or deny the hardship variance within 30 days of the close of the public hearing, unless an extension is agreed to by the applicant.
4. The Zoning Board of Adjustment may impose conditions and restrictions upon the hardship variance as deemed necessary for the protection of the public health, safety, and welfare. The Zoning Board of Adjustment may grant a hardship variance that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the hardship variance application.

### **E. Approval Standards**

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

1. The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.
2. The particular physical surroundings, shape, or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
3. The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.
4. The hardship variance, if granted, will not alter the essential character of the locality.

### **F. Expiration**

An approved hardship variance will expire one year from the date of approval unless a building permit is obtained or construction has begun prior to the end of the one year period. The Zoning Board of Adjustment may grant an extension for a period of validity longer than one year as part of the original approval. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

**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.

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

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

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

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

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

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

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

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

Applicant:

Date:

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

Received by:

Planning staff

Date:

Date of the Public Hearing:

Meetings are held in City Hall Council Chambers located at 226 West 4<sup>th</sup> 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.

# ZBA Calendar 2019

## ZONING BOARD OF ADJUSTMENT

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

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

\* Date changed due to Holiday

Location/Time subject to change

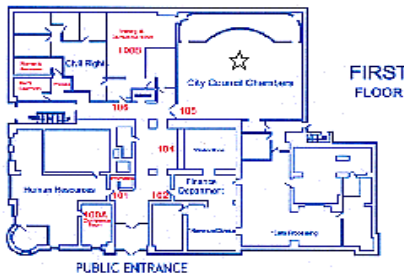
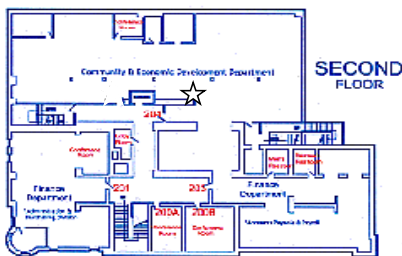
Contact [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) to confirm meeting date/time/location

### Application Due:

### Meeting Appearance (Required):

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

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



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

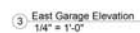
2019

| January   |    |    |    |    |    |    | February |    |    |    |    |    |    |
|-----------|----|----|----|----|----|----|----------|----|----|----|----|----|----|
| Su        | Mo | Tu | We | Th | Fr | Sa | Su       | Mo | Tu | We | Th | Fr | Sa |
|           |    | 1  | 2  | 3  | 4  | 5  |          |    |    |    |    | 1  | 2  |
| 6         | 7  | 8  | 9  | 10 | 11 | 12 | 3        | 4  | 5  | 6  | 7  | 8  | 9  |
| 13        | 14 | 15 | 16 | 17 | 18 | 19 | 10       | 11 | 12 | 13 | 14 | 15 | 16 |
| 20        | 21 | 22 | 23 | 24 | 25 | 26 | 17       | 18 | 19 | 20 | 21 | 22 | 23 |
| 27        | 28 | 29 | 30 | 31 |    |    | 24       | 25 | 26 | 27 | 28 |    |    |
| March     |    |    |    |    |    |    | April    |    |    |    |    |    |    |
| Su        | Mo | Tu | We | Th | Fr | Sa | Su       | Mo | Tu | We | Th | Fr | Sa |
|           |    |    |    |    | 1  | 2  |          |    | 1  | 2  | 3  | 4  | 5  |
| 3         | 4  | 5  | 6  | 7  | 8  | 9  | 7        | 8  | 9  | 10 | 11 | 12 | 13 |
| 10        | 11 | 12 | 13 | 14 | 15 | 16 | 14       | 15 | 16 | 17 | 18 | 19 | 20 |
| 17        | 18 | 19 | 20 | 21 | 22 | 23 | 21       | 22 | 23 | 24 | 25 | 26 | 27 |
| 24        | 25 | 26 | 27 | 28 | 29 | 30 | 28       | 29 | 30 |    |    |    |    |
| 31        |    |    |    |    |    |    |          |    |    |    |    |    |    |
| May       |    |    |    |    |    |    | June     |    |    |    |    |    |    |
| Su        | Mo | Tu | We | Th | Fr | Sa | Su       | Mo | Tu | We | Th | Fr | Sa |
|           |    |    | 1  | 2  | 3  | 4  |          |    |    |    |    |    | 1  |
| 5         | 6  | 7  | 8  | 9  | 10 | 11 | 2        | 3  | 4  | 5  | 6  | 7  | 8  |
| 12        | 13 | 14 | 15 | 16 | 17 | 18 | 9        | 10 | 11 | 12 | 13 | 14 | 15 |
| 19        | 20 | 21 | 22 | 23 | 24 | 25 | 16       | 17 | 18 | 19 | 20 | 21 | 22 |
| 26        | 27 | 28 | 29 | 30 | 31 |    | 23       | 24 | 25 | 26 | 27 | 28 | 29 |
|           |    |    |    |    |    |    | 30       |    |    |    |    |    |    |
| July      |    |    |    |    |    |    | August   |    |    |    |    |    |    |
| Su        | Mo | Tu | We | Th | Fr | Sa | Su       | Mo | Tu | We | Th | Fr | Sa |
|           | 1  | 2  | 3  | 4  | 5  | 6  |          |    |    |    | 1  | 2  | 3  |
| 7         | 8  | 9  | 10 | 11 | 12 | 13 | 4        | 5  | 6  | 7  | 8  | 9  | 10 |
| 14        | 15 | 16 | 17 | 18 | 19 | 20 | 11       | 12 | 13 | 14 | 15 | 16 | 17 |
| 21        | 22 | 23 | 24 | 25 | 26 | 27 | 18       | 19 | 20 | 21 | 22 | 23 | 24 |
| 28        | 29 | 30 | 31 |    |    |    | 25       | 26 | 27 | 28 | 29 | 30 | 31 |
| September |    |    |    |    |    |    | October  |    |    |    |    |    |    |
| Su        | Mo | Tu | We | Th | Fr | Sa | Su       | Mo | Tu | We | Th | Fr | Sa |
| 1         | 2  | 3  | 4  | 5  | 6  | 7  |          |    | 1  | 2  | 3  | 4  | 5  |
| 8         | 9  | 10 | 11 | 12 | 13 | 14 | 6        | 7  | 8  | 9  | 10 | 11 | 12 |
| 15        | 16 | 17 | 18 | 19 | 20 | 21 | 13       | 14 | 15 | 16 | 17 | 18 | 19 |
| 22        | 23 | 24 | 25 | 26 | 27 | 28 | 20       | 21 | 22 | 23 | 24 | 25 | 26 |
| 29        | 30 |    |    |    |    |    | 27       | 28 | 29 | 30 | 31 |    |    |
| November  |    |    |    |    |    |    | December |    |    |    |    |    |    |
| Su        | Mo | Tu | We | Th | Fr | Sa | Su       | Mo | Tu | We | Th | Fr | Sa |
|           |    |    |    |    | 1  | 2  |          |    | 1  | 2  | 3  | 4  | 5  |
| 3         | 4  | 5  | 6  | 7  | 8  | 9  | 8        | 9  | 10 | 11 | 12 | 13 | 14 |
| 10        | 11 | 12 | 13 | 14 | 15 | 16 | 15       | 16 | 17 | 18 | 19 | 20 | 21 |
| 17        | 18 | 19 | 20 | 21 | 22 | 23 | 22       | 23 | 24 | 25 | 26 | 27 | 28 |
| 24        | 25 | 26 | 27 | 28 | 29 | 30 | 29       | 30 | 31 |    |    |    |    |





**Streamline Architects, P.L.C.**  
Andrew Dasso, AIA  
318 E. Third Street  
Davenport, IA 52801  
309-737-8587  
andrew@streamlinearchitects.com



**MATERIAL SCHEDULE**  
1/4" = 1'-0"

[illegible]

Owner  
McDonald Residence  
EXTERIOR  
ELEVATIONS

|                |                |
|----------------|----------------|
| Project number | Project Number |
| Date           | Issue Date     |
| Drawn by       | Author         |
| Checked by     | Checker        |
| A200           |                |
| Scale          | 1/4" = 1'-0"   |



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



**Public Hearing Details:**

Date: 9/12/2019

Ward: **3rd Ward**

Time: 4:00 PM

Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa

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

Case #: HV19-12

To: All property owners within 200 feet of the subject property located at **1645 West 12<sup>th</sup> Street**

**What is this All About?**

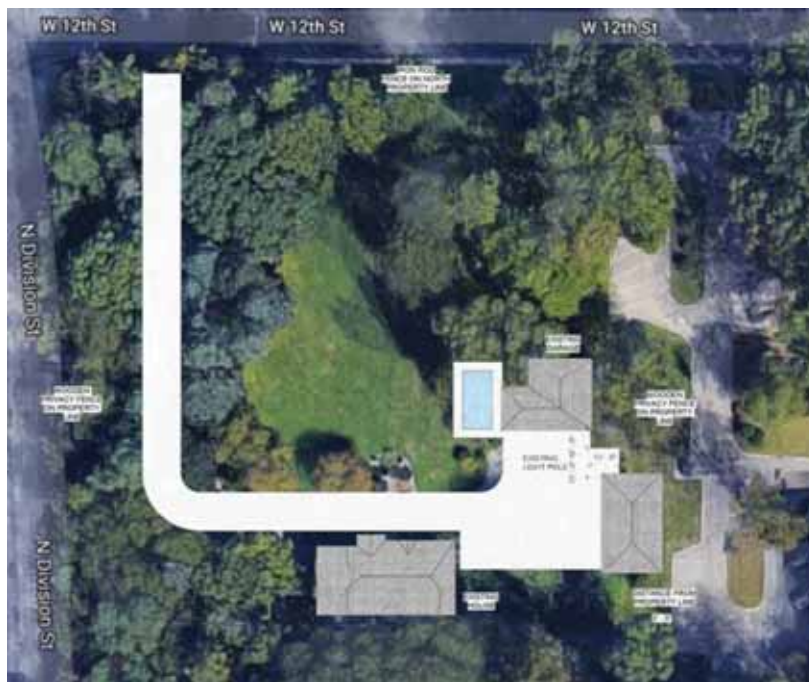
This notice is being sent to inform you that a public hearing will be held for a Hardship Variance. The purpose of the Hardship Variance is to allow the construction of a detached garage east of the existing residence and the construction of an in ground swimming pool west of the existing detached garage.

Request Description

**Request HV19-12 of Randall and Mary McDonald at 1645 W 12th Street for a hardship variance to allow a detached garage, accessory building and swimming pool to be located in the front yard. The property is zoned "R-MF" Multi-Family Residential Zoning District. [Ward 3]**

**Section 17.09.030.A.4.c of the Davenport Municipal Code reads:**

**No structure may be located in a front or corner side yard unless specifically allowed by this Ordinance.**



Rendering provided applicant

**What are the Next Steps after the Public Hearing?**

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

### Would You Like to Submit an Official Comment?

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

### Do You Have Any Questions?

If you have any questions on this request, or if you need accommodations for any reason, please contact Ryan Rusnak, AICP, the case planner assigned to this project at [rrusnak@ci.davenport.ia.us](mailto:rrusnak@ci.davenport.ia.us) or 563-888-2022. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

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



| FID | Parcel    | Address        | Deed1_Name                                   | Deed1_Addr           | Deed1_CSZ                 |
|-----|-----------|----------------|----------------------------------------------|----------------------|---------------------------|
| 0   | H0027-29G | 1607 W 12TH ST | SIGNATURE HOLDING COMPANY-<br>KYLE RHOADS    | PO BOX 703           | PLATTEVILLE WI 53818-0703 |
| 1   | H0028-01  | 1660 W 12TH ST | JESSICA RHOADS<br>JOSHUA MUELLER             | 1660 W 12TH ST       | DAVENPORT IA 52804-4035   |
| 2   | H0028-02  | 1652 W 12TH ST | SAMANTHA BRATZLAFF<br>GEORGE KANZAKI         | 1652 W 12TH ST       | DAVENPORT IA 52804-4035   |
| 3   | H0028-03  |                | KATHARINA KANZAKI<br>DEAN MICKLEWRIGHT       | 6790 RIDGES CT       | BETTENDORF IA 52722       |
| 4   | H0028-04  | 1642 W 12TH ST | DENISE SUE MICKLEWRIGHT                      | 1642 W 12TH ST       | DAVENPORT IA 52804        |
| 5   | H0028-05  | 1640 W 12TH ST | DIANE KLINKRODT                              | 516 PRAIRIE VISTA DR | ELDRIDGE IA 52748         |
| 6   | H0028-06  | 1636 W 12TH ST | FRANCIS FLATMAN<br>ALEX CHRISTENSON          | 1636 W 12TH ST       | DAVENPORT IA 52804        |
| 7   | H0028-07  | 1630 W 12TH ST | BRITTANY ARTHUR                              | 1630 W 12TH ST       | DAVENPORT IA 52804-4035   |
| 8   | H0028-08  | 1628 W 12TH ST | BETTY L RAE                                  | 1628 W 12TH ST       | DAVENPORT IA 52804        |
| 9   | H0028-11A | WEST 12TH ST   | SIGNATURE HOLDING COMPANY<br>JOSEPH MOCKMORE | PO BOX 703           | PLATTEVILLE WI 53818-0703 |
| 10  | H0028-12  | 1612 W 12TH ST | TINA MOCKMORE                                | 1612 W 12TH ST       | DAVENPORT IA 52804-4035   |
| 11  | H0028-13  | 1602 W 12TH ST | MARYCREST HOUSING LC                         | PO BOX 703           | PLATTEVILLE WI 53818-0703 |
| 12  | H0028-16A | WEST 12TH ST   | SIGNATURE HOLDING COMPANY                    | PO BOX 703           | PLATTEVILLE WI 53818-0703 |
| 13  | H0029-15A |                | CITY OF DAVENPORT                            | 226 W 4TH St         | DAVENPORT IA 52801        |
| 14  | H0029-25  | 1717 W 12TH ST | DAVENPORT PUBLIC MUSEUM<br>RANDALL MCDONALD  | 1717 W 12TH ST       | DAVENPORT IA 52804        |
| 15  | H0037-20B | 1645 W 12TH ST | MARY MCDONALD                                | 1645 W 12TH ST       | DAVENPORT IA 52804        |
| 16  | H0037-20C | 1607 W 12TH ST | MARYCREST MR LLC                             | PO BOX 703           | PLATTEVILLE WI 53818-0703 |
| 17  | H0036-02A | 1717 W 12TH ST | CITY OF DAVENPORT                            | 226 W 4TH ST         | DAVENPORT IA 52801        |

City of Davenport  
Zoning Board of Adjustment

Department: CPED  
Contact Info: Brandon Melton, brandon.melton@ci.davenport.ia.us,  
563-888-2221

**Date**  
**9/12/2019**

**Subject:**

Request HV19-13 of Shawna Smith on behalf of RAH Partnership, Inc. at 4756 Elmore Avenue for a hardship variance to exceed the maximum size for a wall sign. The property is zoned "C-3" General Commercial Zoning District. [Ward 6]

Section 17.12.060.I.4 of the Davenport Municipal Code reads: For a structure that contains multiple tenants, each tenant that has exterior business façade area is permitted a total wall sign area of one square foot per linear foot of business frontage or 40 square feet, whichever is greater, along their individual frontage(s).

**Recommendation:**

**Finding:**

The request does not achieve consistency with Section 17.14.060 of the Davenport Municipal Code. However, it should be noted that city staff recognizes that per this Hardship Variance Application, the signs were purchased based upon approval granted by City Staff of architectural drawings which included scaled signage.

Staff recommends denial of HV19-13.

**Background:**

The petitioner has submitted a sign permit application that was denied as the proposed signage exceeded the 40 sf limitation on the east elevation at approximately 76 sf exceeding the limitation.

If the board chooses to approve this request, staff advises the board to make approval subject to the following condition: that if signage approved by this variance is removed, any replacement signage must conform with the then current code requirement.

**Approval Standards**

Section 17.14.060 of the Davenport Municipal Code sets forth the approval standards.

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

**Staff analysis:**

It is staff's opinion that there would be a hardship for the owners of the business in that they would need to purchase new signage in addition to the signs they had already purchased. Staff recognizes that per this Hardship Variance Application, the signs were purchased based upon approval granted by City Staff of architectural drawings which included scaled signage.

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

Staff analysis:

It is staff's opinion that there are no unique physical characteristics of the site that would constitute a hardship.

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

Staff analysis:

It is staff's opinion that this particular property is not uniquely configured.

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

Staff analysis:

It is staff's opinion that the essential character of the area would not be significantly altered as it is primarily surrounded by higher intensity commercial uses.

**ATTACHMENTS:**

| Type                                     | Description           |
|------------------------------------------|-----------------------|
| <input type="checkbox"/> Backup Material | East Elevation        |
| <input type="checkbox"/> Backup Material | Public Hearing Notice |
| <input type="checkbox"/> Backup Material | Notice Map            |
| <input type="checkbox"/> Backup Material | Notification List     |
| <input type="checkbox"/> Backup Material | Application           |
| <input type="checkbox"/> Backup Material | Paid Receipt          |

**REVIEWERS:**

| Department | Reviewer    | Action   | Date               |
|------------|-------------|----------|--------------------|
| City Clerk | Flynn, Matt | Approved | 9/9/2019 - 9:55 AM |

## Front Elevation View

Page 2 of 5

Proposed



Note: Signage Sizes & Placement Per Elevation.  
HO LED Illuminated

5'6 1/4" x 8'5 1/2" S/F DQ® Logo  
46.69 S.F.

2'8" x 11'1" S/F DQ Grill & Chill®  
29.55 S.F.

\*Note: Spacing between Logo and Bowtie is 8"

## Elevation View

Scale 1/8"=1'0"



### Project Information

Client  
International Dairy Queen  
Location  
4756 Elmore Ave  
Davenport IA 52807  
File  
DQ\_40796 Davenport IA\_101\_Custom

Sales House Design SS Project Manager JC

### Date / Description

06/10/19 Issue Date

### Client Review Status

Allen Industries, Inc. requires that an "Approved" drawing be obtained from the client prior to any production release or production release revision.

☐ Approved ☐ Approved as Noted ☐ Revise & Resubmit

Name \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

### Notes

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This is an original, unpublished drawing, created by Allen Industries, Inc. This drawing is submitted to you in confidence for your use solely in connection with the project being planned for you by Allen Industries, Inc. and is not to be shown to anyone outside your organization, nor used, reproduced, copied or exhibited in any fashion whatsoever. The designs shown on the drawing (except for any registered trademarks that may belong to a client of Allen Industries, Inc.) remain the property of Allen Industries, Inc.

**Allen Industries**  
YOUR BRAND AT ITS BEST™

**1-800-967-2553**  
**www.allenindustries.com**



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



**Public Hearing Details:**

Date: 9/12/2019

Ward: **6th Ward**

Time: 4:00 PM

Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa

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

Case #: HV19-13

To: All property owners within 200 feet of the subject property located at **4756 Elmore Avenue**

**What is this All About?**

This notice is being sent to inform you that a public hearing will be held for a Hardship Variance. The purpose of the Hardship Variance is to allow the installation of business sign that exceeds the maximum size allowed by the City's sign regulations.

Request Description

**Request HV19-13 of Shawna Smith on behalf of RAH Partnership, Inc. at 4756 Elmore Avenue for a hardship variance to exceed the maximum size for a wall sign. The property is zoned "C-3" General Commercial Zoning District. [Ward 6]**

**Section 17.12.060.I.4 of the Davenport Municipal Code reads:**

**For a structure that contains multiple tenants, each tenant that has exterior business façade area is permitted a total wall sign area of one square foot per linear foot of business frontage or 40 square feet, whichever is greater, along their individual frontage(s).**



Rendering provided applicant

**What are the Next Steps after the Public Hearing?**

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

### Would You Like to Submit an Official Comment?

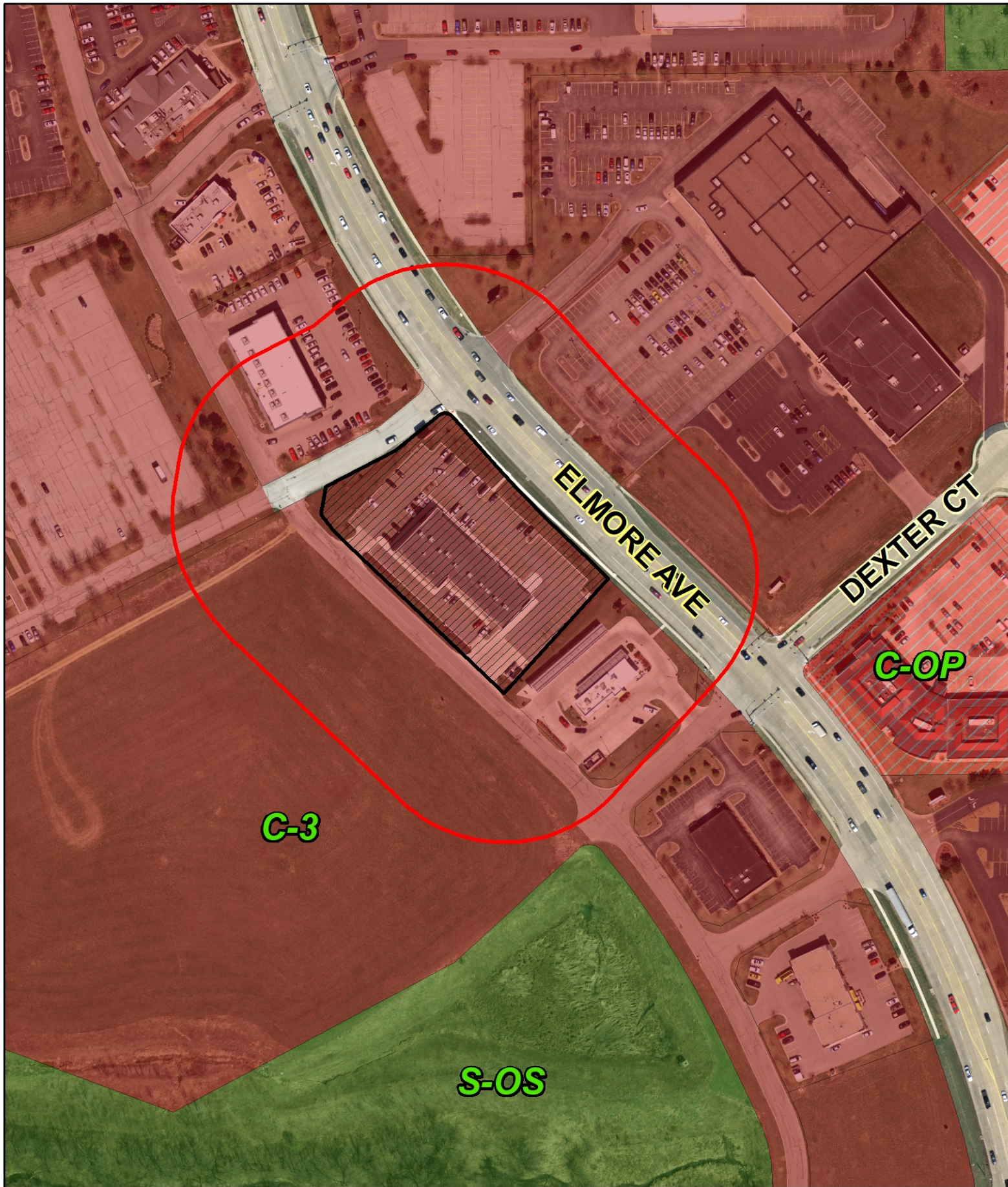
As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one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

### Do You Have Any Questions?

If you have any questions on this request, or if you need accommodations for any reason, please contact Ryan Rusnak, AICP, the case planner assigned to this project at [rrusnak@ci.davenport.ia.us](mailto:rrusnak@ci.davenport.ia.us) or 563-888-2022. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

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





HV19-13



200' Notification Radius



| FID | Parcel    | Address        | Deed1_Name                         | Deed1_Addr                 | Deed1_CSZ                   |
|-----|-----------|----------------|------------------------------------|----------------------------|-----------------------------|
| 0   | N0849-01B |                | THF DAVENPORT SOUTH<br>MARK MILLER | 211 N STADIUM BLV STE 211  | COLUMBIA MO 65203           |
| 1   | N0835-01A | 5153 ELMORE AV | 5153 ELMORE OWNER LLC              | 9595 WILSHIRE BLVD STE 710 | BEVERLY HILLS CA 90212      |
| 2   | N0849-01A | 4800 ELMORE AV | FURN USA-IA LLC                    | PO BOX 89810               | SIOUX FALLS SD 57109        |
| 3   | N0849-01C | 4760 ELMORE AV | KLK PROPERTIES LLC                 | 4228 BERRY HILL RD         | CEDAR FALLS IA 50613        |
| 4   | N0849-02A | 4810 ELMORE AV | FALLS PLAZA LLC                    | 3044 VILLAGE PARK DR       | PLOVER WI 54467             |
| 5   | N0851-02D | 4740 ELMORE AV | SRI REAL ESTATE PROPERTIES LLC     | PO BOX 2438                | OKLAHOMA CITY OK 73101-2438 |
| 6   | N0851-02E | 4775 ELMORE AV | LMJCO LLC                          | 4775 ELMORE AV             | DAVENPORT IA 52807          |



226 West 4<sup>th</sup> Street  
Davenport, Iowa 52801  
(563) 326-7765  
[Planning@ci.davenport.ia.us](mailto:Planning@ci.davenport.ia.us)

Complete application can be emailed to [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

Property Address\* 4756 Elmore Ave Davenport, IA 52807  
\*If no property address, please submit a legal description of the property.

**Applicant (Primary Contact)\*\***

Name: Shawna Smith  
Company: RAH Partnership Inc  
Address: 1945 E 47th Place  
City/State/Zip: Davenport, IA 52807  
Phone: 563-370-3917  
Email:

Application Form Type:

**Plan and Zoning Commission**

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

**Owner** (if different from Applicant)

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

**Zoning Board of Adjustment**

Zoning Appeal ☐  
Special Use ☐  
Hardship Variance ☒

**Engineer** (if applicable)

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

**Design Review Board**

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

**Architect** (if applicable)

Name: Greg Gowey  
Company: Studio 483 Architects  
Address: 201 W 2nd St. Suite 1608  
City/State/Zip: Davenport, IA 52801  
Phone: 563-326-2555  
Email: ggowey@studio483.com

**Historic Preservation Commission**

Certificate of Appropriateness ☐  
Landmark Nomination ☐  
Demolition Request ☐

**Administrative**

Administrative Exception ☐  
Health Services and Congregate Living Permit ☐

**Attorney** (if applicable)

Name: Terry Pepping  
Company: Pepping, Balk, Kincaid & Olson, LTD.  
Address: 105 7th Street  
City/State/Zip: Silvis, IL 61282  
Phone: 309-755-5096  
Email: j.pepping@silvislaw.com

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

#### **17.14.060 Hardship Variance**

##### **A. Purpose**

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.

##### **B. Initiation**

A property owner in the City, or person expressly authorized in writing by the property owner, may file an application for a hardship variance. A property owner, or his/her designee, may only propose a hardship variance for property under his/her control.

##### **C. Authority**

1. The Zoning Board of Adjustment will take formal action on hardship variance applications. However, the Zoning Administrator is authorized to grant certain administrative exceptions, as described in Section 17.14.070.
2. Hardship variances to allow uses that are not allowed within a zoning district are prohibited.

##### **D. Procedure**

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Adjustment.

1. After receipt of a complete application, the Zoning Board of Adjustment will consider the proposed hardship variance at a public hearing. If, in the Zoning Board of Adjustment's judgment, the application does not contain sufficient information to enable proper review and consideration, the Zoning Board of Adjustment may request additional information from the applicant and the public hearing may be continued.
2. The Zoning Board of Adjustment must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section.
3. The Zoning Board of Adjustment must approve, approve with conditions, or deny the hardship variance within 30 days of the close of the public hearing, unless an extension is agreed to by the applicant.
4. The Zoning Board of Adjustment may impose conditions and restrictions upon the hardship variance as deemed necessary for the protection of the public health, safety, and welfare. The Zoning Board of Adjustment may grant a hardship variance that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the hardship variance application.

##### **E. Approval Standards**

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

1. The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.
2. The particular physical surroundings, shape, or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
3. The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.
4. The hardship variance, if granted, will not alter the essential character of the locality.

##### **F. Expiration**

An approved hardship variance will expire one year from the date of approval unless a building permit is obtained or construction has begun prior to the end of the one year period. The Zoning Board of Adjustment may grant an extension for a period of validity longer than one year as part of the original approval. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.



**Request:**

Please describe the variance(s) requested:

Request is to have our current permitted signage approved.

Existing Zoning:

**Submittal Requirements:**

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

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

(1) Application:

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

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

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

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

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

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

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

Our local architect submitted plans to the city for approval. Those plans were approved. International Dairy Queen forwarded those plans to our out of town sign company (Allen signs) for production. Signs arrived to our local installer. It was not brought to our attention that the signs were not approved as part of the plans until signs were purchased and delivered. There are 2 signs that were approved for the store frontage, the IDQ logo and the Grill & Chill logo. Both of these signs are required per our franchisee agreement with IDQ. Our hardship would be that we would be required to purchase all new signage for the frontage.

Acme signs

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

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

The signs are both currently hung on building. They fit the space adequately. Sports clip signage was approved by the city on our portion of the building

Applicant: Shawna Smith

Date: 8/29/19

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

Received by: \_\_\_\_\_

Planning staff

Date: \_\_\_\_\_

Date of the Public Hearing: \_\_\_\_\_

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

### Authorization to Act as Applicant

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

\_\_\_\_\_  
Signature(s)\*

\*Please note: original signature(s) required.



# City of Davenport

City of Davenport  
FINANCE - REVENUE  
226 W 4th St  
Davenport, IA 52801  
563-326-7707  
www.cityofdavenportiowa.com

013868-0054 Jamie B. 08/29/2019 04:26PM

## MISCELLANEOUS

Description: ZONING BOARD  
OF ADJUSTMENT (ZB)

ZONING BOARD OF  
ADJUSTMENT (ZB)

2020 Item: ZB

1 @ 200.00

ZONING BOARD OF  
ADJUSTMENT (ZB)

200.00

Payment Id: 382939

200.00

Subtotal

200.00

Total

200.00

CHECK

200.00

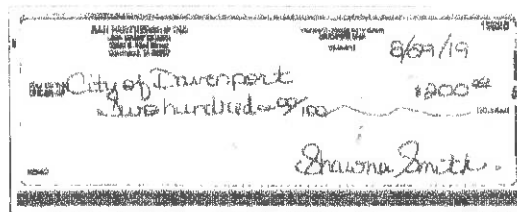
Check Number 019928

Change due

0.00

Paid by: RAH PARTNERSHIP INC

Comments: HARDSHIP VARIANCE SHAWNA SMITH



Thank you for your payment

CUSTOMER COPY  
DUPLICATE RECEIPT