



MINUTES
Zoning Board of Adjustment
July 23, 2020



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

Call to Order

Chairman Reistroffer called the Zoning Board of Adjustment meeting to order in the Community Planning Room at the Davenport Police Station, Davenport, Iowa at 4:15 p.m.

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

Board Members excused: Cochran.

Staff present: Koops, Berkley, and attorney Hoyt.

I. Secretary's Report:

Minutes were approved for the for 5-28-20 meeting by voice-vote.

II. Old Business:

Request HV20-05 of Jeff Heuer on behalf of Triton Services for a hardship variance at 2324 Hickory Grove Road to allow the expansion and enlargement of a nonconforming use. Section 17.15.020.B. 'Nonconforming Use' states: A nonconforming use of a structure or land cannot be expanded, extended, enlarged, or increased in intensity. District R-4C and Section 17.030.K require certain design requirements for the eaves, roof line and elevation articulation of accessory buildings.

Request HV20-06 of Jeff Heuer on behalf of Triton Services for a hardship variance at 2324 Hickory Grove Road to construct an 8-foot fence near the perimeter of the lot and near the building line along Hickory Grove Road; the proposed fence will not be located in the front yard nor will the proposed fence have barbed wire. Section 17.09.030.H.2.b. requires fences located in the minimum side or rear setbacks to be limited to 6 feet in height.

The above items were tabled until Aug. 27, 2020 by voice vote so that the applicant can work further with staff to provide plans that meet design requirements.

III. New Business:

Request HV20-07 of Gary Caldwell on behalf of Speedway LLC for a hardship variance at 8303 Northwest BLVD for a sign package allowing:

- 1.) a second, or additional freestanding sign, being sign "A";
- 2.) a freestanding sign 40' in height at 260 sq. ft., also being sign "A";
- 3.) a freestanding sign 29.5' in height at 165 sq. ft., being sign "H"; and
- 4.) a variance for 'directional signage' allowing signs "L", "M", & "N" at 5 sqft. and "P" at 15 sqft.

The proposed signs will be located on a newly developed fuel stop. Section 17.12.050 and .060. limits the property to one freestanding sign feet 25' in height with a sign face of no more than 100 sq. ft. and parking lot directional signage to 5' in height with a sign face no more than 4 sq. ft. [Ward 8]

Koops presented the staff report.

Staff Findings & Recommendation

Findings: (Per the analysis section of the staff report)

- 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 variances.

Signs "A" and "H": these signs are both significantly over the height and area allowed by the freestanding sign code; while sign "H" exceeds the requirements to a lesser extent than sign "A", there still remains a lack of justification for the additional size of sign "H" and for the second sign in general.

Gary Caldwell spoke on behalf of Speedway. The applicant reiterated the reasons for the request as proposed in the hardship variance application. Speedway feels that to be competitive this requested sign package is necessary.

Loebach asked for the size of the larger Love's sign. Staff did not have that information on hand, however the petitioner stated that the sign was 80 tall and 919 sqft.

John Corelis spoke in favor of the request. No one spoke against the request.

Reistroffer asked the petitioner is there was anything else they would like to add before Board discussion. The petitioner stated they had "no other comments".

Strayhall voiced concern over the size of the signs and the continual exceedance of the sign code by businesses in general.

Strayhall moved to approve the motion for the sake of discussion. Quinn seconded the motion and a roll call vote was called.

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

IV. Other Business

None.

V. Adjourn

The meeting adjourned unanimously by voice vote at approximately 5:37pm.