



AGENDA
City of Davenport
Zoning Board of Adjustment
February 23, 2017



The Zoning Board of Adjustment will meet on *February 23, 2017 at 4:00PM* in the first floor Council Chambers at City Hall, 226 W. 4th Street, Davenport, Iowa to hear the following requests:

I. Secretary's Report:

Consideration of the minutes from the January 12, 2017 public hearing. (No minutes are available from Jan. 26th and Feb 9th, as those meetings were cancelled.)

II. Old Business:

1. Request HV17-01 of Jasveer Saini at 1802 West 7th Street for a Hardship Variance to allow a second dynamic display sign. The property is zoned "C-2" General Commercial District.

Section 17.45.051.B of the Davenport Municipal Code limits a property to one dynamic display sign per lot.

III. New Business:

None.

IV. Adjourn



**Minutes
City of Davenport
Zoning Board of Adjustment
January 12, 2017**



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

Call to order

Chairman Hart called the meeting to order at 5:00 p.m.

Board Members present: Strayhall, Woodard, and Hart.

Staff present: Matt Flynn, Ryan Rusnak, Gary Statz.

I. Secretary's Report:

Consideration of the minutes from the December 22, 2016 public hearing.

Motion by Woodard, second by Strayhall to approve the minutes from the December 22, 2016 public hearing. Motion to approve was unanimous (3-0) by voice vote.

II. Old Business:

None.

III. New Business:

1. Request SUP17-01 of Hy-Vee, Inc. on behalf of First Equity Management, L.C. at 3200 East Kimberly Road for a Special Use Permit for a Class "A" service station for the sale of motor vehicle fuel. The property is zoned "C-2" General Commercial District.

Section 17.48.020B.1 of the Davenport Municipal Code authorizes the Zoning Board of Adjustment to review and approve gasoline sales.

Hart informed the petitioner that the Bylaws allow for the petitioner to ask for a tabling in the event there are only three Board members because the petition would need all three votes in favor for it to be approved.

Kacie Bonjour on behalf of Hy-Vee, Inc., indicated that they wish for the petitioned to be considered this evening.

Rusnak presented the staff report.

He stated that eight notices were sent to property owners within 200 feet of the subject property and that he had not received any correspondence regarding the request.

He stated that a traffic impact study was submitted and that Gary Statz with Davenport Public Works was in the audience if there any traffic related questions.

Recommendation

Staff recommends approval of SUP17-01 subject to the following condition:

1. That a sidewalk be installed along East Kimberly Road/Elmore Avenue and up to the intersection of Elmore Avenue and Spruce Hills Drive.

Kacie Bonjour provided a brief introduction and stated that she was present to answer any questions.

Strayhall asked Statz if the proposed development would add to the congestion at Intersection of East Kimberly Road and Elmore Avenue.

Statz stated that the proposed development would add some additional traffic, but the roadway design allows for additional traffic. He said the City could monitor the traffic and increase signal timing if needed.

Motion:

Strayhall moved to approve the request subject to the condition recommended by City staff. Woodard seconded the motion and it carried unanimously (3-0) on a roll call vote.

2. Request HV17-01 of Jasveer Saini at 1802 West 7th Street for a Hardship Variance to allow a second dynamic display sign. The property is zoned "C-2" General Commercial District.

Section 17.45.051.B of the Davenport Municipal Code limits a property to one dynamic display sign per lot.

Hart informed the petitioner that the Bylaws allow for the petitioner to ask for a tabling in the event there are only three Board members because the petition would need all three votes in favor for it to be approved.

Robbie Ortiz on behalf of Jasveer Saini indicated that he would like the petition tabled one cycle.

Motion:

Strayhall moved to approve to table the request to the January 26, 2017 public hearing. Woodard seconded the motion and it carried unanimously (3-0) by voice vote.

IV. Adjourn**Motion:**

Strayhall moved to adjourn the public hearing. Woodard seconded the motion and it carried unanimously (3-0) by voice vote.



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: February 23, 2017
Applicant: Saini II LLC
Address: 1802 W 7th Street

Contact: Matthew G. Flynn, AICP
Senior Planning Manager
mflynn@ci.davenport.ia.us
563-326-7743

Description

Petitioner requests two dynamic display signs for this property.

Section 17.45.051(B) of the Davenport Municipal Code allows for only one dynamic display sign per lot.

Background

Petitioner applied for sign permits on November 22, 2016. The illustration included with the permit showed three signs, only one "LED" (Dynamic Display) however the written permit application indicated 2 LED signs. The Community Planning office OK'd the permit in error, not catching the discrepancy between the illustration and written permit.

Staff informed the petitioner that the second LED sign was approved in error and needed to be removed. The petitioner asked what remedy would be available to himself and staff informed him the only recourse from the City would be to request a hardship variance.

This property is zoned C-2, General Commercial. It allows up to three wall signs totaling up to 2 square feet per foot of frontage. For this property, up to 390 square feet of wall signage would be permissible. 84 square feet for 3 signs has been permitted. However, the Code only allows one dynamic display sign.

Discussion

In general, development permits issued in error do not validate the activity applied for. In this case, the same legal tests exist for the existing sign in question (which has been allowed to remain pending the outcome of this case) compared to if there was no sign there at all.

The Code limits the use of Dynamic Display signs to one per lot due to the potential higher level of distraction created by those signs compared to static signs.

Analysis (code requirement/petitioner response/staff comments)

1. The property cannot yield a reasonable return if used under conditions allowed by the regulations:

We need 2 LED signs so that traffic coming in both directions can see 1 sign at a time.

The petitioner has not demonstrated that a reasonable use of the property would be denied should this hardship request be denied. Relatively large signs are allowed on three sides of the building. The only question is more than one LED sign

2. The plight of the owner is due to unique circumstances which do not apply to adjoining property:

Location of our business

Staff believes there is nothing unique about the location of the business. It is zoned C-2 and are other scattered properties on this section of Division Street.

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

No

Staff does not agree as approving the request would allow two Dynamic Display signs where all other businesses in the vicinity are allowed only 1. Further, the signs would add to the level of lighting in the area, even if operated under the legal limitations imposed within the Code.

4. The variation will not impair an adequate supply of light & air to adjacent property:

The signs where placed currently do not bother any resident's homes at all.

With respect to light and air, staff concurs.

5. The variation will not unduly increase congestion in public streets:

Traffic flow will not be altered

Staff concurs

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

No safety concerns with the signs, had inspected and approved.

Impact on safety of having two dynamic display signs has not been determined.

7. The variation will not unreasonably impair established property values within the surrounding area:

Will not affect other home prices. We have increased the value in some way by opening our business in the area.

The long term impact of the new business on the surrounding neighborhood has not yet been determined. Efforts to rezone the adjoin property for commercial was opposed by much of the neighborhood.

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

No

The impact of the additional LED has not been determined.

Staff Recommendation:

In staff's opinion criteria 1, 2, 3 have not been met. Criteria 4 and 5 have been met. Criteria 6, 7, and 8 cannot be determined.

All criteria must be met in order to grand a hardship variance.

Staff recommends denial of the request.

Prepared by:

A handwritten signature in black ink, appearing to read "Matthew G. Flynn", written in a cursive style.

Matthew G. Flynn, AICP
Senior Planning Manager

**Zoning Board
of Adjustment**



City of
Davenport

\$200 Filing Fee

Date Received _____
Fee paid _____
Pre-App Date _____
Meeting Date _____

REQUEST FOR A HARDSHIP VARIANCE

ADDRESS
AFFECTED:
OR

1802 W 7th ST

LOT/BLOCK/SUBDIVISION: (if no known address, see your Real Estate Tax Bill)

CONTACT /
APPLICANT

Name: JASVEER SAINI
Address: 1802 W 7th ST
ZIP Code: 52802
Phone #: 563-574-6306
Fax #: 563-574-6306
Email: JASVC6@GMAIL.COM

OWNER Name: SAINI II LLC
Address: 4607 N PINE ST, DAVENPORT
ZIP Code: 52806
Phone #: 563-574-6306
Fax #: 563-574-6306
Email:

Note: Copies of the notice and staff report are mailed to above addresses; incomplete information will delay the request two weeks.

PROPOSAL DESCRIPTION: Describe the proposal and why the Zoning Code requires a variance to allow the proposal:

BECAUSE 2 LED 3'X6' SIGNS WERE INSTALLED
ON EACH END OF BUILDING, WITH 1 STATIC
SIGN ON WEST SIDE OF BUILDING.

DESCRIPTION OF THE CASE – On a separate sheet of paper DESCRIBE THE CASE WITH EVIDENCE THAT SUPPORTS EACH OF THE FOLLOWING REQUIREMENTS:

1. The property in question cannot yield a **reasonable return** if permitted to be used only under the conditions allowed by the regulations in the zone.
2. The plight of the owner is due to **unique circumstances** which circumstances do not apply to other adjoining or nearby property.
3. The variation, if granted, will not alter the **essential character** of the locality.
4. The variation will not impair an adequate supply of **light and air** to adjacent property.
5. The variation will not unreasonably increase **congestion** in public streets.
6. The variation will not increase the danger of fire or endanger the **public safety**.
7. The variation will not unreasonably diminish or impair established **property values** within the surrounding area.
8. The variation will not in any other respect impair the **public health, safety, comfort, morals or welfare** of the inhabitants of the City.

Is the property located in a flood zone? ☐ Yes ☒ No.

Is the property historic? ☐ Yes ☒ No.

I CERTIFY THAT I HAVE MET WITH STAFF TO DISCUSS THIS REQUEST, THE ORDINANCE REQUIREMENTS, AND POTENTIAL OPTIONS THAT COULD REDUCE OR ELIMINATE THE NECESSITY FOR THIS ACTION.

(Staff initial & date)

ATTACHED HERETO AND MADE A PART OF THIS APPEAL, I SUBMIT THE DRAWING(S), showing all conditions as to structures or premises affected by this appeal.

NOTE: At least one copy of the drawing must be 8-1/2" x 11" in size.
These papers must be submitted with the appeal; otherwise, the request will be delayed two weeks.

I, the undersigned, do hereby certify that the above information is true and correct to the best of my knowledge and that I have read, understand, and agree to comply with the conditions as stated above.

Signature of Applicant

Date

12-21-16

Sworn to before me, this _____ day of _____, 20____

Signature of Notary

ANSWERS TO QUESTIONS

1. WE NEED 2 LED SIGNS SO THAT TRAFFIC COMING IN BOTH DIRECTIONS CAN SEE 1 SIGN AT A TIME.

2. LOCATION OF OUR BUSINESS

3. NO

4. THE SIGNS WHERE PLACED CURRENTLY DO NOT BOTHER ANY RESIDENTS HOMES AT ALL.

5. TRAFFIC FLOW WILL NOT BE ALTERED

6. NO SAFETY CONCERNS WITH SIGNS. HAD INSPECTORS AND APPROVED

7. WILL NOT AFFECT OTHER HOME PRICES. WE HAVE INCREASED THE VALUE IN SOME WAY BY OPENING OUR BUSINESS IN AREA.

8. NO









**NOTICE OF PUBLIC HEARING
ZONING BOARD OF ADJUSTMENT
CITY OF DAVENPORT
1/12/2017**



**TO ALL PROPERTY OWNERS WITHIN 200 FEET OF THE SUBJECT PROPERTY LOCATED AT:
1802 West 7th Street.**

The Zoning Board of Adjustment will hold a public hearing on Thursday 1/12/2017 at 4:00 P.M. in Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa to consider the request of Jasveer Saini at 1802 West 7th Street for a Hardship Variance to allow a second dynamic display sign. As a neighboring property owner, you have the opportunity to submit written comments, and/or to appear at the meeting, to express your views on the request described below. 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, 1/12/2017.

The Petition before the Board is described as follows:

Request HV17-01 of Jasveer Saini at 1802 West 7th Street for a Hardship Variance to allow a second dynamic display sign. The property is zoned "C-2" General Commercial District.

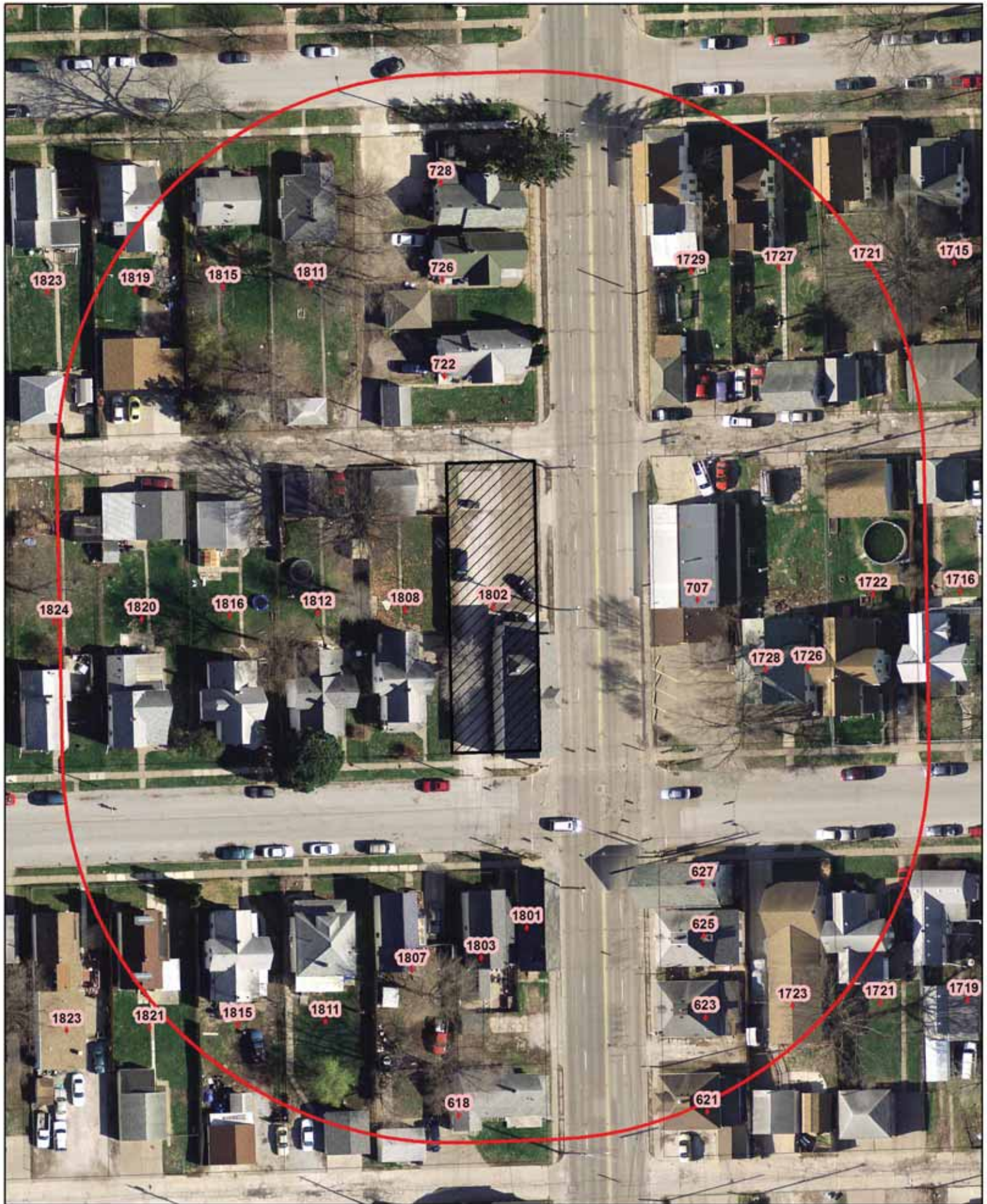
Section 17.45.051.B of the Davenport Municipal Code limits a property to one dynamic display sign per lot.

Please feel free to comment on this request. Comments to the Zoning Board of Adjustment must be presented in writing/email.

To submit written comments send email to planning@ci.davenport.ia.us or mail a letter to:
ZBA/City Hall, 226 West Fourth Street, Davenport, IA 52801

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner. If you choose to attend the hearing, you may wish to contact the Community Planning prior to your departure for the meeting to learn of any changes to the agenda.

Contact the Community Planning and Economic Development Department:
Email: planning@ci.davenport.ia.us • Phone: 326-7765



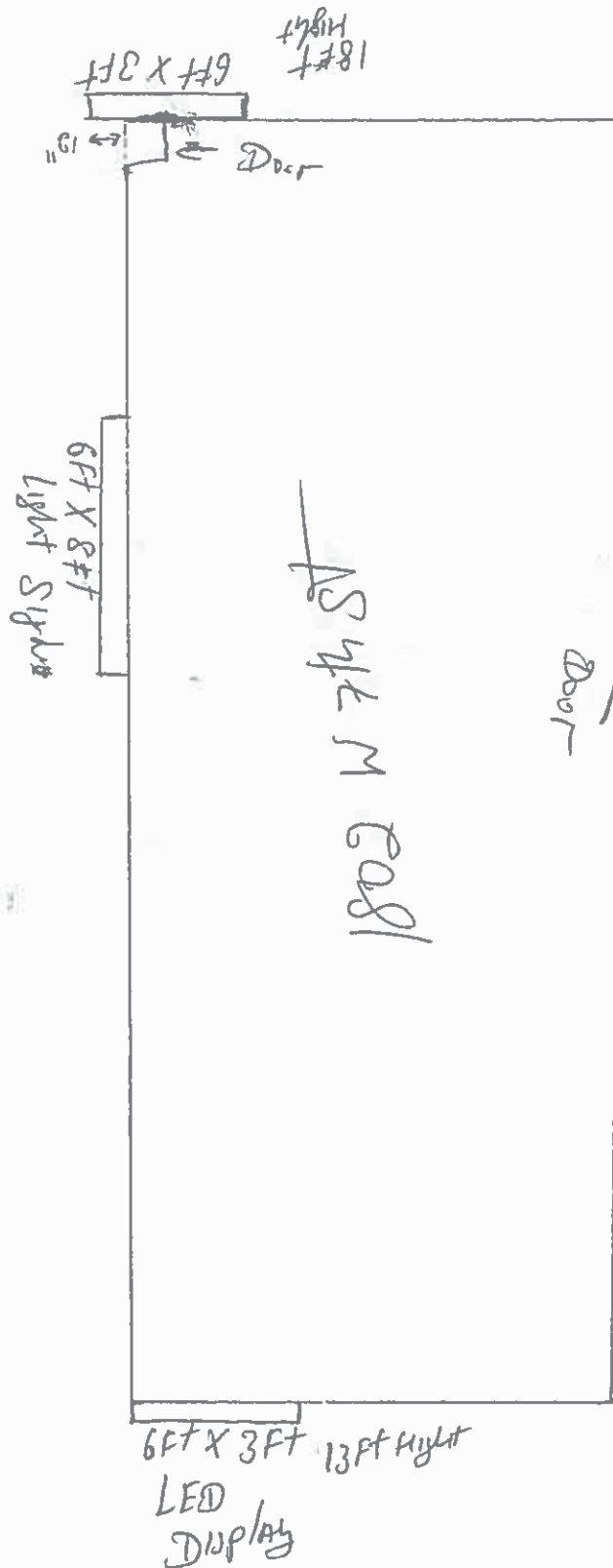
Subject Property



200 Foot Notification Radius



74



Only Approach
A. Kepph



Sign (Permanent) Permit Application

The requirements regarding the quantity, size, setback and height for placement of permanent signs is detailed in Davenport's City Code. Permanent (and temporary) signs placed without proper approval and permits may be ordered removed and the Owner may be fined. The process for placing a permanent sign is as follows.

- Submit an inventory of existing signage, graphic of proposed sign with sign height, sign area, quantity of signs requested and site plan indicating location and setback, along with any other applicable site details to the city's Community Planning and Economic Development, Zoning Division located at 226 W 4th Street, Davenport, IA 52801. Questions regarding this process should be directed to the Zoning Office at 563.326.7765.
- Once approved by zoning complete and submit this application along with the applicable fee to the city's Public Works Building Division located at 1200 E 46th Street, Davenport, IA 52807. Questions regarding application submission can be directed to the Building Division at 563.326.7765.

The fee for permanent sign installation is \$50.00. Signs painted directly to a wall of a building are exempt from this fee. Where the owner of the improvements is a tax levying body, a permit shall be obtained in the normal manner, but no fee is required.

Signs requiring electricity will require an electrical permit in addition to the sign application. All electrical work must be performed by a licensed and bonded electrical contractor.

Address of Proposed Sign		1802 W 7th St					
Purpose of Sign		2 LED SIGN front AND BACK each 3 FT X 6 FT and one Lit LED sign					
Description of Project		Install 3 Signs					
How Many Signs Currently Exist at this Location?		1 Removing					
Sign Height		Sign Area		Quantity			
Be sure to include a copy of the site plan, showing the location and set-back details for the proposed sign and the graphic proposed for the sign.							
Will electricity be required for this sign?							☒ Yes ☐ No
Owner Name		SAINI II LLC					
Address		1802 W 7th		City	DAVENPORT	State	IA
Contact Name		JUNE		Phone	563-579-6306	E-mail	
Contractor Name		SAINI II LLC					
Address		1802 W 7th St		City	DAVENPORT	State	IA
Contact Name		JESSIE		Phone	563-579-6306	E-mail	
License #				Bond #			
Zoning Review and Conditions (if applicable)				Zoning Approval			
				By			
				Date			
I understand the regulations and terms for placing the sign described. I affirm this application is a complete and accurate description of the temporary signage permit we are applying for.							
Signature						Date	
						11/22/16	
For Office Use Only							
Processed by				Permit #			Date