

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, FEBRUARY 9, 2023; 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 1-26-23 Minutes

III. Old Business

IV. New Business

- A. Request HV23-01 of Mister Car Wash at 707 E. Kimberly RD for a hardship variance to locate the screened dumpster south of the proposed building along East 38th Street, approximately 15 feet from the south property line. Section 17.09.030.Q. prohibits dumpsters within the front or corner side yard. [Ward 7]
- B. Request HV23-02 of Mister Car Wash at 707 E. Kimberly RD for a hardship variance to reduce the 50% required transparency of the building façades facing public right-of-way. Section 17.05.040 and Table 17.05-2 of the Davenport Municipal Code requires 50% transparent windows for building elevations facing a public right-of-way, as measured between 2 and 10 feet on the façade. This property is zoned C-2 Corridor Commercial. [Ward 7]
- C. Request SU23-01 of Avis Car Rental at 2156 W. Kimberly RD for a Special Use to operate a vehicle rental facility having typically 10 but no more than 25 rental vehicles at the site. This lot containing 10 active businesses (and a total of 23 commercial units) has 210 parking spaces available, which is 25% more off-street parking spaces than required by Code. Table 17.08-1 requires a special use review for vehicle rental in the C-3 General Commercial District.
- D. Request HV23-04 of Hy-Vee Fast & Fresh at 4631 E. 53rd Street for a hardship variance to reduce the 50% required transparency of the building façades facing public right-of-way. Section 17.05.040 and Table 17.05-2 of the Davenport Municipal Code requires 50% transparent windows for building elevations facing a public right-of-way, as measured between 2 and 10 feet on the façade. This property is zoned C-2 Corridor Commercial.

V. Other Business

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
2/9/2023

Subject:
Consideration of the 1-26-23 Minutes

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes 2023-01-26

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	2/2/2023 - 3:48 PM



MINUTES
Zoning Board of Adjustment
January 26, 2023



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): Galliard, Boyd-Carlson, Loebach, and Darland

Excused: Quinn

Staff present: Koops, Berkley, staff Attorney Bagby

II. Secretary's Report:

Minutes were approved for the 2023-01-12 ZBA Hearing by voice-vote (4-0).

III. Old Business:

None.

IV. New Business:

Request HV23-01 of Mister Car Wash at 707 E. Kimberly RD for a hardship variance to locate the screened dumpster south of the proposed building along East 38th Street, approximately 15 feet from the south property line. Section 17.09.030.Q. prohibits dumpsters within the front or corner side yard. [Ward 7]

The Board moved to table the request to the next cycle (February 9th, 2023); the motion carried unanimously via voice vote (4-0).

V. Other Business

1. Consideration of amended Board by-laws.

The Board and staff discussed the by-laws. Once corrections to the draft by-laws are available they will be presented to the Board for approval.

2. Election of Officers.

Darland was elected Chairman unanimously (moved by Galliard; seconded by Loebach; 4-0).

Galliard was elected Vice Chair unanimously (moved by Darland; seconded by Loebach; 4-0).

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:22 p.m.

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
2/9/2023

Subject:

Request HV23-01 of Mister Car Wash at 707 E. Kimberly RD for a hardship variance to locate the screened dumpster south of the proposed building along East 38th Street, approximately 15 feet from the south property line. Section 17.09.030.Q. prohibits dumpsters within the front or corner side yard. [Ward 7]

ATTACHMENTS:

Type	Description
▣ Cover Memo	Staff Report
▣ Exhibit	Application
▣ Exhibit	Notice List
▣ Exhibit	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	2/2/2023 - 3:44 PM



Staff Report | Zoning Board of Adjustment
Refuse Enclosure in Front Yard
707 W. Kimberly Rd
February 9, 2023

Description

Request HV23-01 of Mister Car Wash at 707 E. Kimberly RD for a hardship variance to locate the screened dumpster south of the proposed building along East 38th Street, approximately 15 feet from the south property line. Section 17.09.030.Q. prohibits dumpsters within the front or corner side yard. [Ward 7]

Code Requirements:

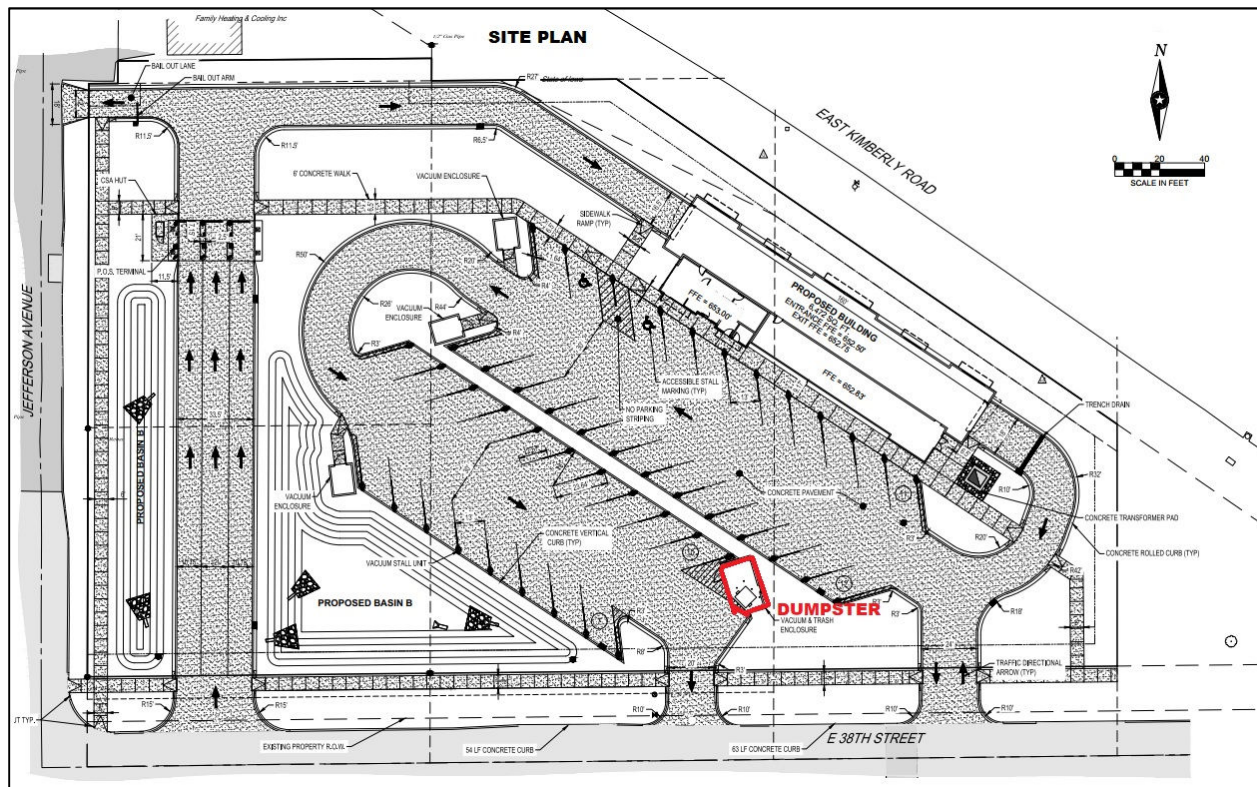
[Section 17.09.030.Q.](#)

"Refuse and recycling container regulations apply to..."non-residential uses. 1. Refuse and recycling containers are prohibited in the front or corner side yard."

Background & Discussion

The proposed development is being built on the site of three (3) lots which have been combined via a plat of survey into one lot, making the site one lot which fronts four streets (Jefferson Ave to the west, E. 38th Street to the south, Davenport Ave to the east, and E. Kimberly Rd to the northeast).

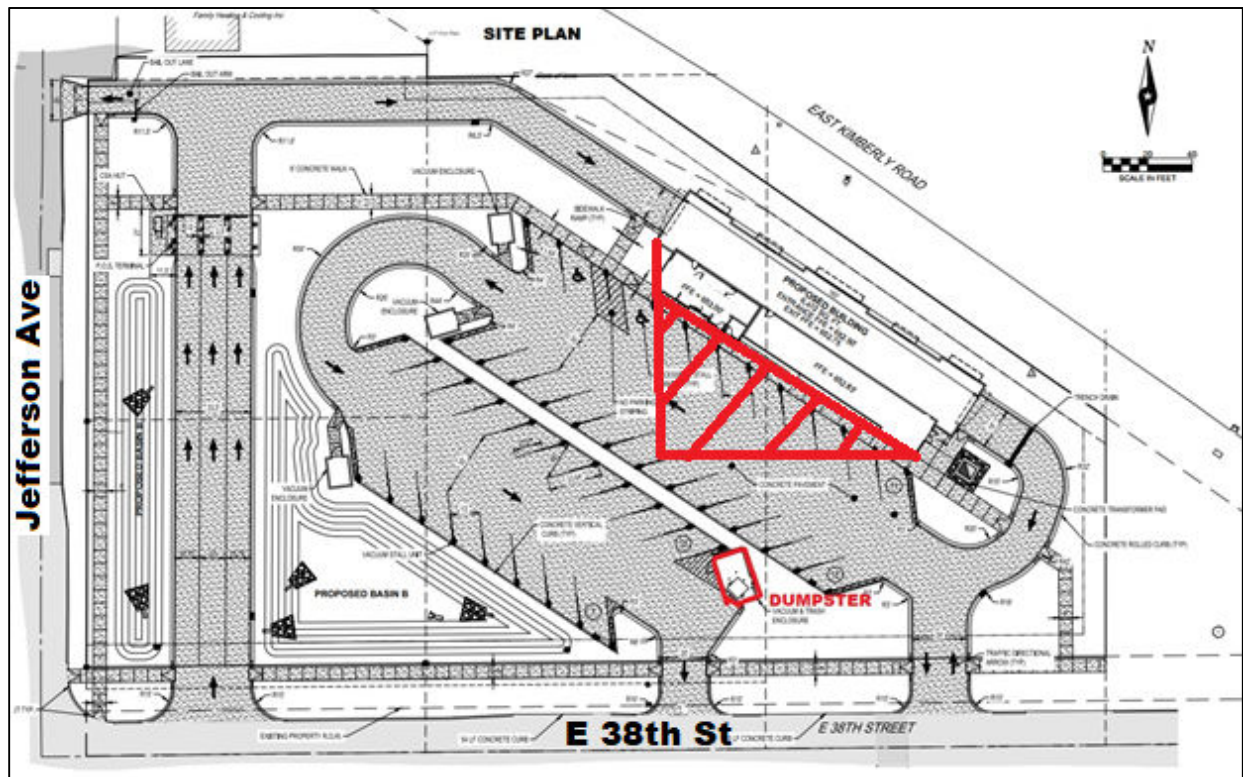
Figure 1 – Site Plan/ Refuse Enclosure Location



Background & Discussion (continued)

Meeting the setback requirements (which disallow dumpsters in the front or corner side yard) *for a lot which has frontage on four abutting streets*, is nearly insurmountable under normal circumstances because the yard along each façade facing the street is considered a front or corner side yard. The triangle in the diagram below shows the only legal location a dumpster could be located on this lot given how the proposed building is situated.

Figure 2 – Allowed Dumpster/ Refuse Enclosure Location



Purpose of a Hardship Variance

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

Applicant's Request Statement

"The current site has four (4) frontage roads [abuts 4 streets]. City code does not allow for dumpster enclosures on frontage roads, [where a lot abuts 4 streets] which is currently incorporated in our plans. We are requesting a variance due to the inability to relocate the dumpster enclosure outside of existing frontage areas [to an allowed location]."

Approval Standards

The Zoning Board of Adjustment decision must make findings to support the following:
(code requirement/applicants response/staff comments)

1. Strict ordinance application will result in hardship unless specific relief requested is granted.

Applicant Response:

We are requesting a variance due to the inability to relocate the dumpster enclosure outside of the frontage areas [required setbacks].

Staff Comments:

The proposed developer is not able to meet code requirements given the parameters of the site and the code requirements. Code requirements in this case do place an undue burden on the use of the property. Criteria for this item have been met for hardship variance determination.

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

Applicant Response:

The current site has 3 [4] frontage roads [faces four streets]. City code does not allow for dumpster enclosures on frontage roads [within required setbacks], which is currently incorporated in our plans.

Staff Comments:

Staff concurs. The physical site constraints of the property do limit development beyond mere inconvenience. Due to current circumstances this criteria has been met.

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

Applicant Response:

The current site is a unique triangular shape that has 3 [4] frontages roads [frontage on four streets]. This does not allow for alternative options on dumpster enclosure placement.

Staff Comments:

This site does have certain circumstances relating to eligible locations for a refuse enclosure. This lot has frontages all three side of the proposed building with no rear yard due to code definition. The proposed enclosure location places the refuse enclosure in a manner, and in similar fashion, to code requirements for interior lots. Given the aforementioned constraints, this site does pose a unique circumstance for a refuse enclosure based on limiting characteristics of the site.

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

Applicant Response:

This property is located within a commercial district. The dumpster enclosure will match the aesthetic of the [proposed] building.

Staff Comments:

The character of the area should not be impacted by the by the proposed structure given that this lot is an irregular shape and the site plan would place the enclosure an acceptable distance from East 38th St, which is a secondary street. Protection of essential character will not be negatively impacted should this hardship be granted. This criteria has been met.

Findings & Staff Recommendation:

Findings:

- Item #1 zoning code does result in hardship as applied for the proposed use;
- Item #2 physical and topographical conditions of the site do limit the use;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Recommendation:

Staff recommends that Board adopt staff's findings and approve request HV23-01 subject to the following condition:

The refuse enclosure area shall met all City standards for screening (solid fence six feet in height) and additionally, a robust landscape plan for the screening of the refuse enclosure shall be reviewed and approved by planning staff prior to occupancy of the commercial building.

Prepared by:



Scott Koops, AICP,
Planner II

Attachments: ZBA application/plans, notice documents



CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 W. 46th St
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR

HARDSHIP VARIANCE

ZONING BOARD OF ADJUSTMENT

APPLICANT INFORMATION	
APPLICANT NAME TFC Kimberly Rd, LLC (Elliot Smith - contact)	DATES: PRE-APP SUBMITTAL PUBLIC HEARING
ADDRESS 6770 South 900 East, Suite 300	SITE ADDRESS & PARCEL OR LOCATION DESCRIPTION 707 E. Kimberly Rd, Davenport IA 52807
CITY, STATE, ZIP Midvale, UT 84047	REASON FOR HARDSHIP REQUEST The current site has 3 frontage roads. City code does not allow for dumpster enclosures on frontage roads, which is currently incorporated in our plans. We are requesting a variance due to the inability to relocate the dumpster enclosure outside of existing frontage areas.
PHONE (801) 278-4689	COMPLETE SUBMITTALS SHALL INCLUDE: SUBMITTED Concept/Development Plan to Scale* ☒ *shall show setbacks, height and size dimensions, etc. Consent to request hardship/legal interest Affidavit* ☒ *shall include owner contact information Application Fee* \$200 ☒ *required for a complete application
SECONDARY PHONE (801) 573-0444	
E-MAIL ADDRESS ebsmith@terraformco.com	
Acceptance of Applicant I, the undersigned, certify that the information on this application to the best of my knowledge is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property. In addition to the application fee, I understand I am responsible for attendance at the meeting as shown on the public hearing zoning board calendar. The City reserves the right to require further site studies as necessary, such as a traffic study. Elliot Smith Type Applicant's Name Elliott B. Smith 12/16/2022 Applicant's Signature Date DEVELOPMENT TEAM Property Owner TFC Kimberly Rd, LLC (Elliot Smith - contact) Address 6770 South 900 East, Suite 300 Phone (801) 278-4689 Secondary Phone (801) 573-0444 E-Mail Address ebsmith@terraformco.com Project Manager/Other Jeana Kedrowski - Project Coordinator, ISG Inc. Address 7900 International Drive, Ste 550 Phone (952) 426-0699 Secondary Phone E-Mail Address jeana.kedrowski@isginc.com	
DEMONSTRATE WITH EVIDENCE THE FOLLOWING (4) ITEMS: 1. The strict application of the terms of this ordinance will result in hardship unless the specific relief requested is granted. We are requesting a variance due to the inability to relocate the dumpster enclosure outside of existing frontage areas. 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. The current site has 3 frontage roads. City code does not allow for dumpster enclosures on frontage roads, which is currently incorporated in our plans. 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. The current site is a unique triangular shape that has 3 frontage roads. This does not allow for alternative options on dumpster enclosure placement. 4. The hardship variance, if granted, will not alter the essential character of the locality. This property is located within a commercial district. The dumpster enclosure will match the aesthetic of the building. Contact Development & Neighborhood Services (DNS) Planning Division at planning@davenportiowa.com with any questions, for additional information, and to submit this form.	

Development and Neighborhood Services
1200 East 46th St. Davenport, Iowa 52807

T | 563.326.6198
E | planning@davenportiowa.com

davenportiowa.com/DNS



707 E Kimberly RD Adjacent Owner Notice List.xlsx

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Subject Property:	707 E Kimberly RD	APPLICANT - MISTER CAR WASH		
Ward/Alderman:	7th Ward	Cornette	All Alderman Notified	Notices Sent: 7
P1310A09	707 E KIMBERLY RD	SUBJECT PROPERTY		
P1310A08	E 38TH ST	SUBJECT PROPERTY		
P1310A07A	E 38TH ST	NORWEST BANK IOWA NA QUAD CITIES	PO BOX 2609	CARLSBAD CA 92018
P1310A06A	3831 JEFFERSON AV	FAMILY HEATING & COOLING INC	3831 JEFFERSON AVE	DAVENPORT IA 52807
P1309A11	3828 JEFFERSON AVE	MARK STEFFEN	1495 ANTLER CT	BETTENDORF IA 52722
P1309A13A	621 E KIMBERLY RD	MARK STEFFEN	1495 ANTLER CT	BETTENDORF IA 52722
P1309A12B	3842 JEFFERSON AVE	LORENZEN-STEFFEN INSURANCE AGC	1495 ANTLER CT	BETTENDORF IA 52722
P1310B01	3640 DAVENPORT AV	DAVENPORT COMMUNITY SCHOOL DI	1702 MAIN ST	DAVENPORT IA 52803
P1309A10	622 E 38TH ST	SENN ANDREA	622 E 38TH ST	DAVENPORT IA 52807
P1310A04	710 E KIMBERLY RD	E & W PROPERTIES SERIES ONE LLC	710 E KIMBERLY RD	DAVENPORT IA 52807



Public Hearing Notice | Zoning Board of Adjustment

Date: 2/9/2023 **Location:** City Hall | 226 W 4th ST | Council Chambers
Time: 4:00:00 PM **Subject:** Hearing for Hardship Variance | Zoning Board of Adjustment

Example Notice Letter
Notices Sent: 8

To: All property owners within 200' of the subject property **707 E. Kimberly RD:**

What is this About?

This notice is being sent to inform you that a public hearing will be held for a Hardship Variance. The purpose of the Hardship Variance is to grant permission to waive or alter a size or dimensional code requirement.

Request/Case Description

Request HV23-01 of Mister Car Wash at 707 E. Kimberly RD for a hardship variance to locate the screened dumpster south of the proposed building along East 38th Street, approximately 15 feet from the south property line. Section 17.09.030.Q. prohibits dumpsters within the front or corner side yard. [Ward 7]

What are the Next Steps after the Public Hearing?

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

Would You Like to Submit an Official Comment?

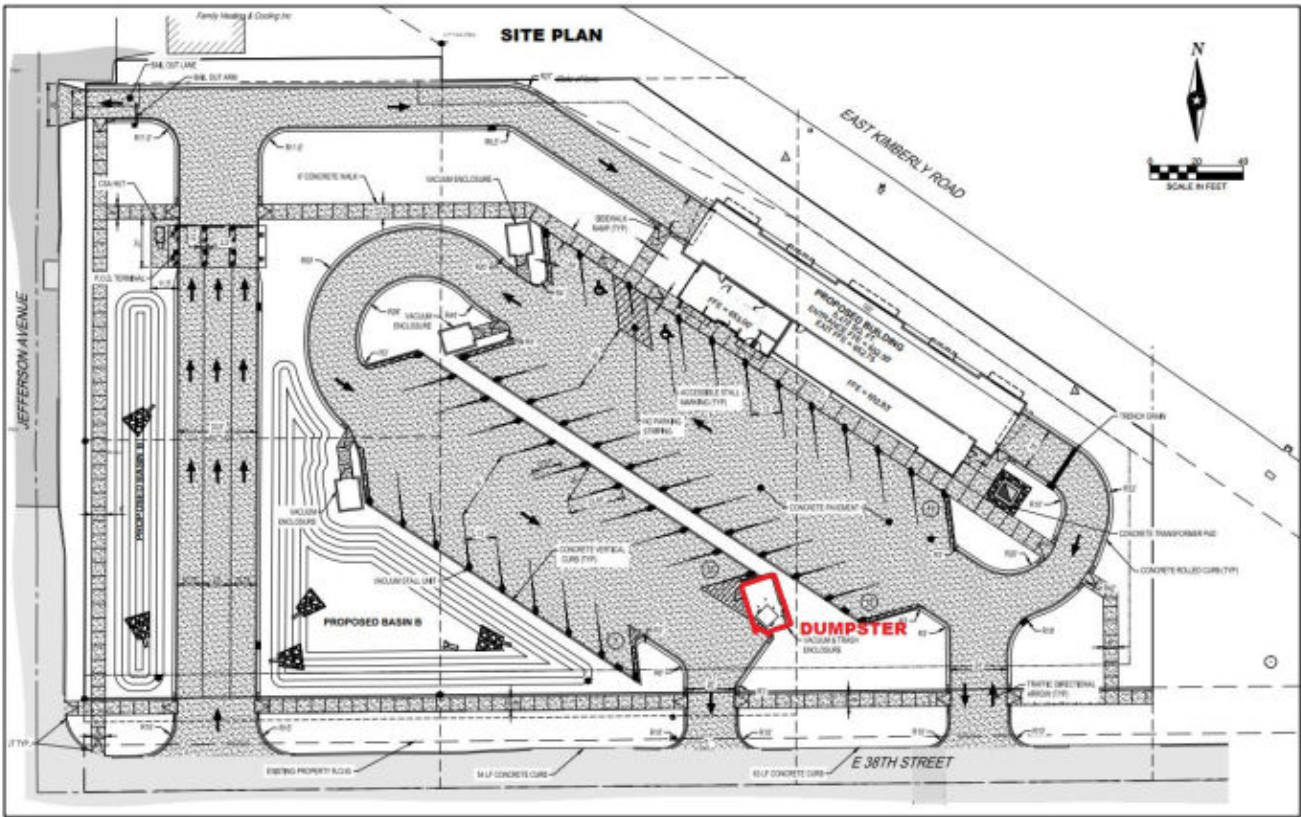
As a property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200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

Adjacent Owner Notice Area:
Owners within 200' of the Subject Property



City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
2/9/2023

Subject:

Request HV23-02 of Mister Car Wash at 707 E. Kimberly RD for a hardship variance to reduce the 50% required transparency of the building façades facing public right-of-way. Section 17.05.040 and Table 17.05-2 of the Davenport Municipal Code requires 50% transparent windows for building elevations facing a public right-of-way, as measured between 2 and 10 feet on the façade. This property is zoned C-2 Corridor Commercial. [Ward 7]

ATTACHMENTS:

Type	Description
▣ Executive Summary	Staff Report
▣ Exhibit	Application
▣ Exhibit	Public Hearing Notice
▣ Exhibit	Notice List

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	2/3/2023 - 1:38 PM



Planning Staff Report | Zoning Board of Adjustment **Reduction of Window Transparency Design Standards** **707 E Kimberly Rd** **February 9, 2023**

Description

Request HV23-02 of Mister Car Wash at 707 E. Kimberly RD for a hardship variance to reduce the 50% required transparency of the building façades facing public right-of-way. Section 17.05.040 and Table 17.05-2 of the Davenport Municipal Code requires 50% transparent windows for building elevations facing a public right-of-way, as measured between 2 and 10 feet on the façade. This property is zoned C-2 Corridor Commercial. [Ward 7]

Code Requirements

Table 17.05-2: Commercial Districts Design Standards (C-2 District)

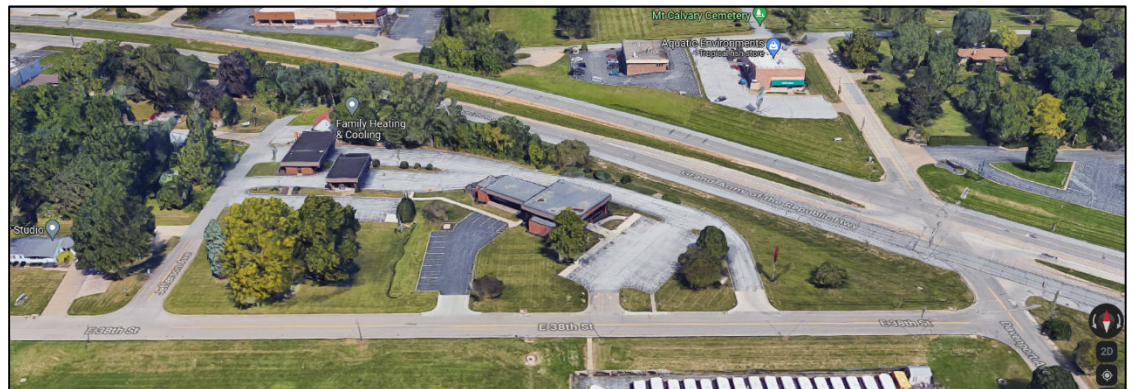
The ground floor of a façade facing a public right-of-way must maintain min. 50% transparency.

Table 17.05-2: Commercial Districts Design Standards				
Fenestration Design	C-T	C-1	C-2	C-3
The ground floor of a façade facing a public right-of-way (excluding alleys) must maintain a minimum transparency of 50%, measured between two and ten feet in height from grade.		•	•	

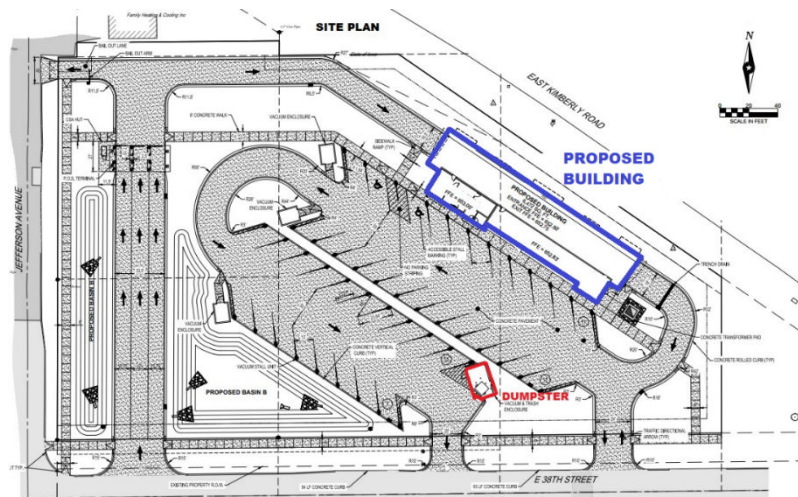
Background & Discussion

The petitioner is proposing to develop the proposed site with a Mister Car Wash at the site. The southwest elevation would have 9% transparency (and 41% spandrel) in the required 2' to 10' range, however there will be 530 sq.ft. (41%) of spandrel glass (opaque reflective glass used to mimic actual windows). The southeast elevation would have 32% transparency (and 18% spandrel). As the northwest elevation does not face a street, no transparency is required there.

Existing Site:



Proposed Site Plan:

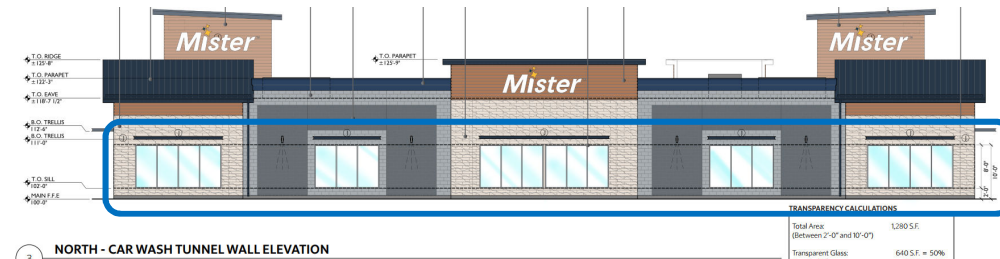


Building Elevations: 50% Required on all elevations (except for the Northwest)

Southwest: **9% Transparency** **HARDSHIP VARIANCE REQUIRED** (41% Spandrel glazing)



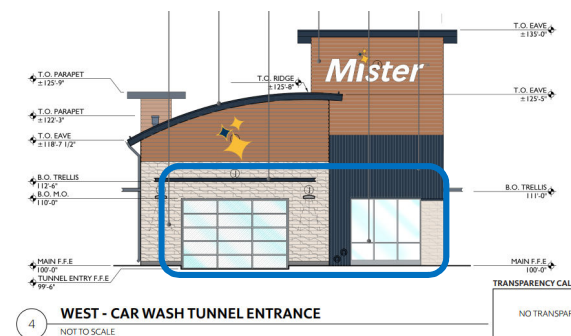
Northeast: **50% Transparency** **MEETS REQUIREMENTS** (0% Spandrel glazing)



Southeast: **32% Transparency** **HARDSHIP VARIANCE REQUIRED** (18% Spandrel glazing)



Northwest: **55% Transparency** **DOES NOT REQUIRE ANY TRANSPARENCY** (0% Spandrel glazing)



Elevation Table of Transparency Levels

Transparency Levels per Elevation		Total Building Elevation Area	Area b/t 2' & 10'	Transparent Window Area (between 2' & 10')	TRANSPARENCY PROPOSED	Transparency Required	Percent & Area of Spandrel Glass
Variance Required	Southwest Elevation:	4189	1280	113	9%	50%	41% 530 SF
Variance Required	Southeast Elevation:	1269	352	112	32%	50%	32% 64 SF
Meets Requirements	Northeast Elevation:	3895	1280	640	50%	50%	0% 0 SF
0% Required	Northwest Elevation:	1308	360	201	55%	0%	0% 0 SF

Purpose of a Hardship Variance

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

Approval Standards

The Zoning Board of Adjustment decision must make findings to support each of the following: (code requirement/applicant's response/staff comments)

1. Strict application of this Ordinance will result in hardship without the specific relief requested.

Applicant Response:

We are requesting a variance due to the inability to meet the 50% required glazing on two sides of the building, based on city glazing materials.

[Note the City does not have glazing requirements, what the applicant means is they cannot meet the transparency requirements]

Staff Comments:

Staff understands that due to the functional use of the building, windows along the southwest elevation are not realistic. The proposed design presents the full amount of transparency to the primary street frontage along East Kimberly Road/Davenport Avenue. The spandrel glass (41%) supplements the provided 113 SF of transparency window area with 530 SF of spandrel glass to compensate for the loss of traditional transparency.

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

Applicant Response:

The current site is utilizing spandrel glazing on two sides of the building, which the city does not account for in their transparency glazing requirements.

Staff:

Being located on four street frontages creates a unique situation for the applicant. The site does present a unique circumstance.

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

Applicant Response:

Mister Car Wash is requesting to use spandrel glazing on two sides of the building, which the city does not account for in their transparency glazing requirements.

Staff:

Given the location of the proposed building on a lot with four street frontages and the internal layout of the use, a case can be made for unique circumstances supporting a hardship determination for this development.

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

Applicant Response:

This property is located within a commercial district. Aside from the two sides we are requesting spandrel glazing on, all others will meet the criteria set by the City of Davenport.

Staff:

The character of the area will not be impacted by the by the proposed building and the elevation visible from East 38th Street will provide sufficient visual interest. Protection of essential character has been established.

Findings & Staff Recommendation:

The subject property has four (4) frontages, each requiring 50% transparency. Regardless of which use locates on this site, any use would have difficulty meeting transparency requirements.

Findings: (supported by the previous analysis)

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

Recommendation:

Staff recommends approval of the request as the approval standards for a hardship variance have been met, subject to the development equaling the required amount of transparency with spandrel glass, as shown on the submitted application, for the southeast and southwest elevations.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents



CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 W. 46th St
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
HARDSHIP VARIANCE
ZONING BOARD OF ADJUSTMENT

APPLICANT INFORMATION		DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING
APPLICANT NAME TFC Kimberly Rd, LLC (Elliot Smith - contact)		SITE ADDRESS & PARCEL OR LOCATION DESCRIPTION 707 E. Kimberly Rd, Davenport IA 52807		
ADDRESS 6770 South 900 East, Suite 300		REASON FOR HARDSHIP REQUEST Due to city code not counting spandrel glazing as part of the 50% required transparency glazing, we will need to request a hardship for two sides of the building.		
CITY, STATE, ZIP Midvale, UT 84047		COMPLETE SUBMITTALS SHALL INCLUDE:		
PHONE (801) 278-4689		SUBMITTED		
SECONDARY PHONE (801) 573-0444		Concept/Development Plan to Scale* ☒		
E-MAIL ADDRESS ebsmith@terraformco.com		*shall show setbacks, height and size dimensions, etc.		
Acceptance of Applicant		Consent to request hardship/legal interest Affidavit* ☒		
I, the undersigned, certify that the information on this application to the best of my knowledge is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property.		*shall include owner contact information		
In addition to the application fee, I understand I am responsible for attendance at the meeting as shown on the public hearing zoning board calendar. The City reserves the right to require further site studies as necessary, such as a traffic study.		Application Fee* \$200 ☒		
Elliot Smith		*required for a complete application		
Type Applicant's Name		DEMONSTRATE WITH EVIDENCE THE FOLLOWING (4) ITEMS:		
		1. The strict application of the terms of this ordinance will result in hardship unless the specific relief requested is granted.		
Applicant's Signature		We are requesting a variance due to the inability to meet the 50% required glazing on two sides of the building, based on city glazing materials.		
Date		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.		
12/30/22		The current site is utilizing spandrel glazing on two sides of the building, which the city does not account for in their transparency glazing requirements.		
DEVELOPMENT TEAM		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.		
Property Owner		Mister Car Wash is requesting to use spandrel glazing on two sides of the building, which the city does not account for in their transparency glazing requirements.		
TFC Kimberly Rd, LLC (Elliot Smith - contact)		4. The hardship variance, if granted, will not alter the essential character of the locality.		
Address		This property is located within a commercial district. Aside from the two sides we are requesting spandrel glazing on, all others will meet the criteria set by the city of Davenport.		
6770 South 900 East, Suite 300				
Phone				
(801) 278-4689				
Secondary Phone				
(801) 573-0444				
E-Mail Address				
ebsmith@terraformco.com				
Project Manager/Other				
Jeana Kedrowski - Project Coordinator, ISG Inc.				
Address				
7900 International Drive, Ste 550				
Phone				
(952) 426-0699				
Secondary Phone				
E-Mail Address				
jeana.kedrowski@isginc.com				

Contact Development & Neighborhood Services (DNS)
Planning Division at planning@davenportiowa.com with any
questions, for additional information, and to submit this form.



Public Hearing Notice | Zoning Board of Adjustment

Date: 2/9/2023 **Location:** City Hall | 226 W 4th ST | Council Chambers
Time: 4:00:00 PM **Subject:** Hearing for Hardship Variance | Zoning Board of Adjustment

Example Notice
Notices Sent: 8

To: All property owners within 200' of the subject property **707 E. Kimberly RD:**

What is this About?

This notice is being sent to inform you that a public hearing will be held for a Hardship Variance. The purpose of the Hardship Variance is to grant permission to waive or alter a size or dimensional code requirement.

Request/Case Description

Request HV23-02 of Mister Car Wash at 707 E. Kimberly RD for a hardship variance to reduce the 50% required transparency of the building façades facing public right-of-way. Section 17.05.040 and Table 17.05-2 of the Davenport Municipal Code requires 50% transparent windows for building elevations facing a public right-of-way, as measured between 2 and 10 feet on the façade. This property is zoned C-2 Corridor Commercial. [Ward 7]

What are the Next Steps after the Public Hearing?

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

Would You Like to Submit an Official Comment?

As a 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.

Adjacent Owner Notice Area:
Owners within 200' of the Subject Property



707 E Kimberly RD Adjacent Owner Notice List.xlsx

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Subject Property:	707 E Kimberly RD	APPLICANT - MISTER CAR WASH		
Ward/Alderman:	7th Ward	Cornette	All Alderman Notified	Notices Sent: 7
P1310A09	707 E KIMBERLY RD	SUBJECT PROPERTY		
P1310A08	E 38TH ST	SUBJECT PROPERTY		
P1310A07A	E 38TH ST	NORWEST BANK IOWA NA QUAD CITIES	PO BOX 2609	CARLSBAD CA 92018
P1310A06A	3831 JEFFERSON AV	FAMILY HEATING & COOLING INC	3831 JEFFERSON AVE	DAVENPORT IA 52807
P1309A11	3828 JEFFERSON AVE	MARK STEFFEN	1495 ANTLER CT	BETTENDORF IA 52722
P1309A13A	621 E KIMBERLY RD	MARK STEFFEN	1495 ANTLER CT	BETTENDORF IA 52722
P1309A12B	3842 JEFFERSON AVE	LORENZEN-STEFFEN INSURANCE AGC	1495 ANTLER CT	BETTENDORF IA 52722
P1310B01	3640 DAVENPORT AV	DAVENPORT COMMUNITY SCHOOL DI	1702 MAIN ST	DAVENPORT IA 52803
P1309A10	622 E 38TH ST	SENN ANDREA	622 E 38TH ST	DAVENPORT IA 52807
P1310A04	710 E KIMBERLY RD	E & W PROPERTIES SERIES ONE LLC	710 E KIMBERLY RD	DAVENPORT IA 52807

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
2/9/2023

Subject:

Request SU23-01 of Avis Car Rental at 2156 W. Kimberly RD for a Special Use to operate a vehicle rental facility having typically 10 but no more than 25 rental vehicles at the site. This lot containing 10 active businesses (and a total of 23 commercial units) has 210 parking spaces available, which is 25% more off-street parking spaces than required by Code. Table 17.08-1 requires a special use review for vehicle rental in the C-3 General Commercial District.

ATTACHMENTS:

Type	Description
▣ Exhibit	Staff Report
▣ Exhibit	Exhibit "A" Required Parking
▣ Exhibit	Application
▣ Exhibit	Notice List
▣ Exhibit	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	2/3/2023 - 1:38 PM



**Zoning Board of Adjustment
Planning Staff Report – Car Rental
February 9, 2023**

Description

Request SU23-01 of Avis Car Rental at 2156 W. Kimberly RD for a Special Use to operate a vehicle rental facility having typically 10 but no more than 25 rental vehicles at the site. This lot containing 10 active businesses (and a total of 23 commercial units) has 210 parking spaces available, which is 25% more off-street parking spaces than required by Code. Table 17.08-1 requires a special use review for vehicle rental in the C-3 General Commercial District.

Background & Discussion

Avis Car Rental has requested a Special Use for the unit located at 2156 W Kimberly RD. Typically 10 rental vehicles will be on site; maximum capacity per the lease would allow up to 25 vehicles; 25 spaces in the southeast corner of the lot have been identified for vehicle use.

Staff has analyzed the parking for the site; after the establishment of the car rental use, and accommodations for the 25 spaces, the site has a surplus of 51 parking spaces above the Zoning Ordinance requirements.

Use Matrix 17.08.-1 requires a Special Use to establish vehicle rental with outdoor display in the C-3 General Commercial District.

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
Vehicle Rental - With Outdoor Storage/Display										S					S

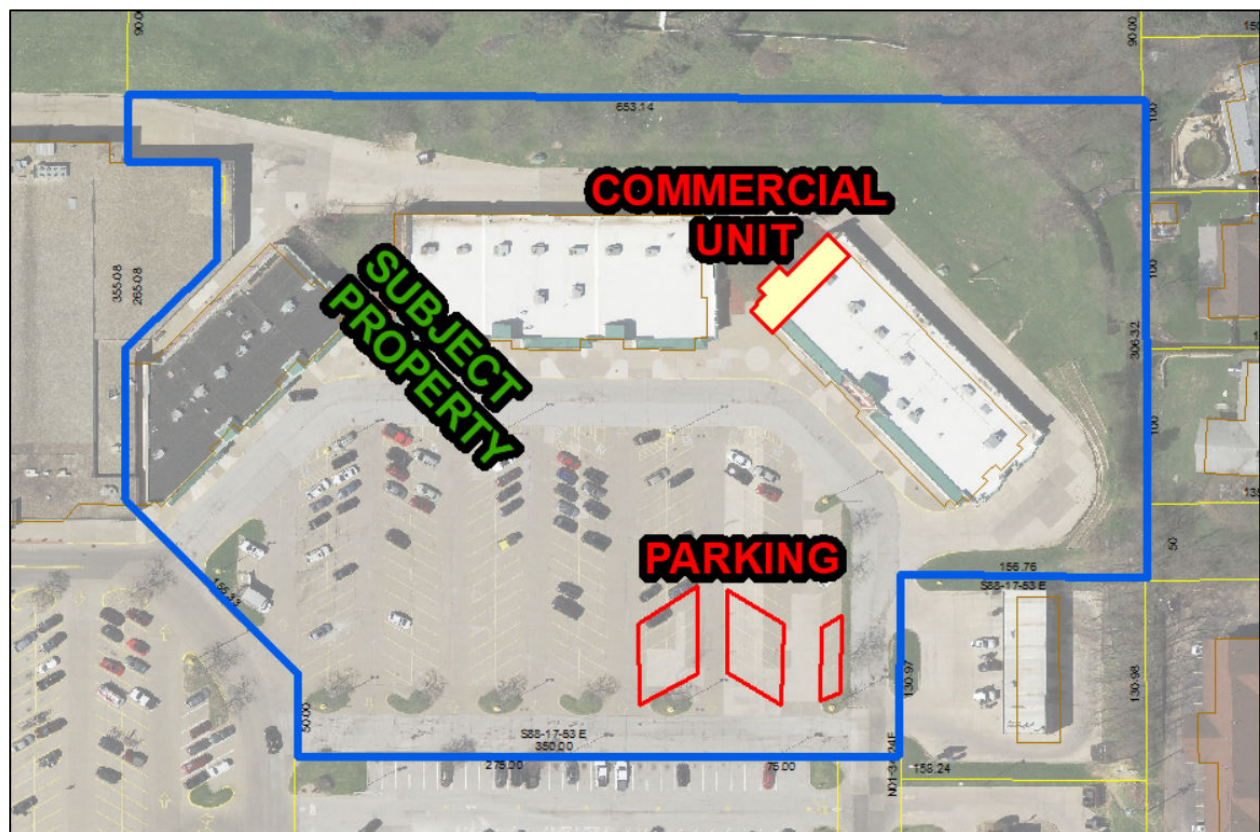
P indicates a use is permitted by-right in the district. S indicates a use is a Special Use in the district and requires Zoning Board approval.

Definition of Vehicle Rental

Vehicle Rental. An establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles. A motor vehicle rental establishment 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. Vehicle rental does not include truck rental establishments or rental of heavy equipment, which is considered part of heavy retail, rental, and service.

There are no Principle Use Standards for vehicle rental. The Special Use is reviewed based on the Approval Standards of [Section 17.14.050](#). See the Required Parking Exhibit "A" for additional details.

Site Aerial:



Approval Standards [Section 17.14.050](#)

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

The proposed use meets code requirements for the proposed capacity of the car rental business, with a surplus of 51 parking spaces above what is required per code. The site is properly designed to have minimal, if any, impact on adjacent property and public facilities.

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

The plans meet code requirements and the site is properly designed to have minimal, if any, impact on adjacent property as proposed. The unit is already existing; access to the site already exists, and the vehicles will be parked in an existing parking lot that is screened from residential property by the existing commercial building.

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 site is zoned C-3 General Commercial District. Land use policy has been met along with all code requirements, as properly conditioned.

Recommendation

Findings:

1. The petitioner proposed location/design/construction 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 adopt staff's findings and approve request SU21-01 subject to the following conditions:

1. The use shall not exceed the maximum 25 rental vehicles; vehicles shall be parked in the leased area (in the southeast corner of the lot) as shown on submitted Special Use application exhibit.

Prepared by: 

Scott Koops, Planner II

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

EXHIBIT "A"

Required Parking with Proposed Car Rental | Blds 1, 2, & 3 | 2140 W Kimberly Rd

SITE:	2156 W Kimberly RD	Parcel #: M1508-17J	Parking Spaces
Parking Lot Capacity		210	physical count of parking spaces on PIN M1508-17J
Required Parking Spaces		134	Per Zoning Code Requirements 17.10.040.E. PLUS 25 Rental Spaces (159)
Remaining Unused Parking Spaces		51	(210 - 134 - 25 = 51)
Proposed # of Rental Cars (Maximum)		25	proposed lease allows 25 parking spaces maximum (10 parking spaces on ave.)

Building Number	Unit Address	Tenant Space	Type of Commercial Use*	Gross Floor Area (in SF)	Parking Spaces Required*	Parking Rate per Zoning Code
Bld#1	2180	Ear 2 Ear Smiles Dentist	Medical Dental	2598	6	1 per 500 SF
Bld#1	2182	Ear 2 Ear Smiles Dentist		-	-	
Bld#1	2184	Vacant	Vacant	1280	4	1 per 400 SF**
Bld#1	2188	Vacant	Vacant	1265	4	1 per 400 SF
Bld#1	2192	Great Clips	Personal Service	1265	3	1 per 500 SF
Bld#1	2194	Pretty Nails	Personal Service	974	2	1 per 500 SF
Bld#1	2196	Fanny May Candy	Retail	1140	3	1 per 500 SF
Bld#1	2198	Vacant	Vacant	865	3	1 per 400 SF
Bld#2	2162	Amana Care Clinic	Medical Dental	4015	9	1 per 500 SF
Bld#2	2162B	Amana Care Clinic		-	-	
Bld#2	2164	Lily	Personal Service	1850	19	1 per 500 SF
Bld#2	2172	Sun Tan City	Personal Service	3807	39	1 per 500 SF
Bld#2	2172B	Sun Tan City		-	-	
Bld#2	2174	T-Mobile	Retail	1910	4	1 per 500 SF
Bld#2	2176	Vacant	Vacant	1910	5	1 per 400 SF
Bld#2	2178B	Athletico Physical Therapy	Medical Dental	2160	5	1 per 500 SF
Bld#2		Athletico Physical Therapy		-	-	
Bld#3	2144	Vacant	Vacant	5587	14	1 per 400 SF
Bld#3	2146	Vacant	Vacant	-	-	
Bld#3	2148	Vacant	Vacant	-	-	
Bld#3	2150	Rent-a-Center	Retail Goods	4536	10	1 per 500 SF
Bld#3	2152	Rent-a-Center		-	-	
Bld#3	2154	Rent-a-Center		-	-	
SUBJECT PROPERTY: Bld#3	2156	Proposed Car Rental Office	Vehicle Rental	1655	4	1 per 500 SF
Total Gross Area (SF)				36,817	134	
					159	Required Parking (including 25 rental spaces)
					1 Parking Space for every 231 SF	Effective Rate (210/159)
						** (Vacant Units: Ave of Retail/Personal Services)

* See [17.10.040.E.](#) for Parking Requirement table



CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 W. 46th ST
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
SPECIAL USE
ZONING BOARD OF ADJUSTMENT

APPLICANT INFORMATION	
APPLICANT NAME Avis Budget Car Rental, LLC / Jeff Wagner	DATES: PRE-APP SUBMITTAL PUBLIC HEARING [Set After Site Plan Review]
ADDRESS P.O. Box 612707	SITE ADDRESS & PARCEL OR LOCATION DESCRIPTION 2156 W. Kimberly Road / M1508-17J
CITY, STATE, ZIP DFW Airport, TX 75261	SPECIAL USES MUST FIRST HAVE AN APPROVED SITE PLAN I, the Applicant, certify understanding that a site plan must be reviewed & approved prior to placement on the Zoning Board of Adjustment calendar. ☒
PHONE (972) 453-4051	REASON FOR SPECIAL USE REQUEST Addition of a full service car rental office
SECONDARY PHONE (469) 576-6569	COMPLETE SUBMITTALS SHALL INCLUDE: SUBMITTED Site Plan/Concept Plan (to scale)* ☒ *shall show setbacks, height and size dimensions, etc. Authorization to Act as Agent Affidavit* ☒ *shall include owner contact information Application Fee (REQUIRED) \$400 ☒
E-MAIL ADDRESS jeff.wagner@avisbudget.com	
Acceptance of Applicant I, the undersigned, certify that the information on this application to the best of my knowledge is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements. In addition to the application fee, I understand I am responsible for attendance at the meeting as shown on the public hearing zoning board calendar. The City reserves the right to require further site studies as necessary. Jeff Wagner Type Applicant's Name Jeff Wagner Digitally signed by Jeff Wagner Date: 2023.01.11 12:54:18 -06'00' Applicant's Signature 01/11/2023 Date	
DEVELOPMENT TEAM	
Property Owner EIG Kimberly West, LLC Address 127 W. Berry St, Suite 300, Ft. Wayne, IN 46802 Phone (260) 426-4704 Secondary Phone E-Mail Address aqueen@eigfw.com	
Project Manager/Other Address Phone Secondary Phone E-Mail Address	
Contact Development & Neighborhood Services (DNS) Planning Division at planning@davenportiowa.com with any questions, for additional information, and to submit this form.	

Avis Budget Car Rental, LLC
Special Use Permit Application
2156 W. Kimberly Rd
Davenport, IA 52806
Project Narrative

Avis Budget Car Rental, LLC is the parent company of Avis Rent a Car System, LLC and Budget Rent a Car System, Inc. We operate both the Avis and Budget car rental brands throughout the United States and worldwide. We are expanding our footprint in the Davenport / Quad Cities area. We will have both Avis and Budget brands at this site.

We will typically have less than 10 cars idle at any given time. There are times during the month/year where the fleet on hand could be as high as 25 on heavy holiday or vacation return days. Our fleet is shared with the Quad Cities Airport and is shuttled in/out based on reservation demand. This will be a full-service car rental facility, servicing both commercial accounts and leisure customers from the surrounding area. We offer daily, weekly, and monthly rates, along with one-way rentals to and from any of our other rental locations within the lower 48 states. Our hours of operation will be Monday through Friday – 7:30 AM to 6:00 PM, Saturday 8:00 AM to 2:00 PM, and Sunday 10:00 AM to 1:00 PM or something very similar. This location will not offer truck rentals.

The location is minimally staffed with an independent agency operator. At this particular location, there would be a maximum of two staff members on duty at any time. Vehicles will be cleaned on site (interiors) and all washing activities will take place next door at the coin operated car washing facility. No vehicular maintenance will be conducted on-site.

(1) PARKING OF AVIS VEHICLES:

Tenant shall have the non-exclusive right to use that portion of the parking lot designated as Area A on Exhibit A solely for the purpose of parking its vehicle inventory of 25 vehicles (the "Avis Vehicles") provided that such Area shall at all times, at Tenant's sole cost and expense, comply with (and be used only as permitted, if at all, by) all applicable laws, rules, regulations, ordinances and authorities. Prior to the placement of the Avis Vehicles, Tenant agrees to submit to Landlord plans and specifications concerning any signage regarding identification of the Avis Vehicles in such detail as Landlord may require and shall obtain Landlord approval regarding location and arrangement, as well as submit a Certificate of Insurance, naming Landlord as "Additional Insured" on terms acceptable to Landlord to the extent such areas are not covered in Tenant's insurance otherwise required hereunder. Tenant agrees that the Avis Vehicles shall be and be kept in good and slightly repair, and removed when required, by Tenant, at Tenant's expense. Upon the expiration or other termination of this Lease, the Avis Vehicles shall remain the property of Tenant, and shall be removed by Tenant, and Tenant shall repair any and all damage caused by such removal, including, without limitation, the patching, cleaning of oil stains, etc. within the parking lot areas. Tenant shall be permitted to perform light (interior) cleaning of the Avis Vehicles in the portion of the common area designated as Area B on Exhibit A. Tenant acknowledges that washing of the Avis Vehicles is not permitted at the Shopping Center.

(2) EXCLUSIVE USE:

Landlord agrees that, so long as (i) no Tenant event of default exists under this Lease, and (ii) Tenant shall be occupying the Leased Premises for the permitted Use, Landlord and its affiliates and their successors and assigns shall not lease for space within the Shopping Center with any third party (or consent or permit a sublease to a third party if Landlord has discretion to deny such consent) which grants such party the right to operate a business engaging primarily in the leasing or rental of motor vehicles (the "Exclusive Use"). The exclusive restriction contained herein shall lapse and be of no further force or effect if such exclusive restriction is held to be invalid, unenforceable or illegal by any court, governmental authority or agency of competent jurisdiction. In addition, if Tenant fails to exercise its extension option(s), if any, the foregoing exclusive restriction shall automatically terminate and be of no further force or effect on the day

EXISTING SIGN SF:	—
PROPOSED SIGN SF:	31.5

EXISTING CONDITIONS



NO EXISTING SIGNAGE

PROPOSED SIGNAGE



Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
Original	402474	10/06/22 TI					

Davenport, IA Kimberly West
 Parking Calculations
 6/29/2022

<u>Suite</u>	<u>Tenant</u>	<u>SF</u>	<u>Business Type/Use</u>	<u>Required Ratio</u>	<u>Calculation</u>	<u>Rounded Calculation</u>
1	Hy Vee	77,529	Heavy Retail	500	155.1	156
2	The Kidz Wardrobe	865	Retail Goods	500	1.7	2
3	Fannie May	1,140	Office	500	2.3	3
4	Pretty Nails	974	Personal Service	500	1.9	2
5	Great Clips	1,265	Personal Service	500	2.5	3
6	Vacant	1,265		500	2.5	3
7	Tony's Pizzeria	1,280	Restaurant	300	4.3	5
8	Ear 2 Ear Smiles	2,598	Medical/Dental	500	5.2	6
10	Athletico	2,160	Medical/Dental	500	4.3	5
11	Vacant	1,910		500	3.8	4
12	Vacant	1,910		500	3.8	4
13	Sun Tan City	3,807	Personal Service	100	38.1	39
14	Lily Massage	1,850	Personal Service	100	18.5	19
16	Amana Care	4,015	Medical/Dental	500	8.0	8
18	Avis Budget Proposed Space	1,655	Vehicle Rental	500	3.3	4
22	Rent a Center	4,536	Retail Goods	500	9.1	10
23	Vacant Restaurant Space	5,587	Restaurant	300	18.6	19
Total		114,346				292
		Total spaces at center				686
		Surplus parking over requirement				394

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Subject Property: 2156 W Kimberly RD				
Ward/Alderman: 2nd Ward				
		APPLICANT - Avis Car Rental		
		Dickmann	All Alderman Notified	Notices Sent: 22
M1507-06	4035 EL RANCHO DR	MATTHEW G WINGERD	4035 EL RANCHO DR	DAVENPORT IA 52806-4817
M1507-07	4025 EL RANCHO DR	WYATT C LEININGER	4025 EL RANCHO DR	DAVENPORT IA 52806-4817
M1507-08	4015 EL RANCHO DR	LINDA DIANE LANGE	4015 EL RANCHO DR	DAVENPORT IA 52806
M1507-09	4007 EL RANCHO DR	CHRISTOPHER SPROSTY	4007 EL RANCHO DR	DAVENPORT IA 52806-4817
M1508-01	4008 EL RANCHO DR	MARIAN G DICKSON	4008 EL RANCHO DR	BETTENDORF IA 52722-6301
M1508-01A	2128 W KIMBERLY RD	SUPER WASH INC	P O BOX 188	MORRISON IL 61270
M1508-02	4016 EL RANCHO DR	ROBERT M JUDGE	4016 EL RANCHO DR	DAVENPORT IA 52806-4816
M1508-02A	2100 W KIMBERLY RD	SBW CAPITAL PARTNERS LLC	433 N CAMDEN DR STE 400-114	BEVERLY HILLS CA 90210-4434
M1508-03	4026 EL RANCHO DR	CHRISTOPHER WAYNE SCHMIDT	4026 EL RANCHO DR	DAVENPORT IA 52806-4816
M1508-05	4106 EL RANCHO DR	JOHN T BRIBRIESCO	4106 EL RANCHO DR	DAVENPORT IA 52806-4818
M1508-17H	2110 W KIMBERLY RD	MCDONALD'S CORPORATION	3121 52ND AV CT	BETTENDORF IA 52722
M1508-24	4105 KELLING CT	DAVID COWLIN	4105 KELLING CT	DAVENPORT IA 52806-4850
M1508-25	4110 KELLING CT	ORIL A CARLISLE	4110 KELLING CT	DAVENPORT IA 52806-4800
M1508-26	4116 KELLING CT	SEAN NAGLE	4116 KELLING CT	DAVENPORT IA 52806-4800
M1508-34		EIG KIMBERLY WEST LLC	127 W BERRY ST STE 300	FORT WAYNE IN 46802-2310
M1508-43	4101 REGENCY CT	FARMING CORP HEIN	4500 200TH ST	STOCKTON IA 52769
M1508-44	4104 REGENCY CT	WILLIAM L KELLY	4104 REGENCY CT	DAVENPORT IA 52806-4860
M1508-45	4110 REGENCY CT	KEITH SMITH	4110 REGENCY CT	DAVENPORT IA 52806
M1508-46	4118 REGENCY CT	DEMITRIUS T JOHNSON	4118 REGENCY CT	DAVENPORT IA 52806-4860
M1508-47	4130 REGENCY CT	ANTON G STEIDL	4130 REGENCY CT	DAVENPORT IA 52806-4860
M1508-54		KENSINGTON PARK OWNERS ASSOCIA	PO BOX 2263	DAVENPORT IA 52809-2263
M1508-16C	2200 W KIMBERLY RD	REALTY INCOME PROPERTIES 17 LLC	11995 EL CAMINO REAL	SAN DIEGO CA 92130-2539



Public Hearing Notice | Zoning Board of Adjustment

Date: 2/9/2023 **Location:** City Hall | 226 W 4th ST | Council Chambers
Time: 4:00:00 PM **Subject:** Hearing for Special Use | Zoning Board of Adjustment

Example Notice
Notices Sent: 22

To: All property owners within 200' of the subject property **2156 W Kimberly RD:**

What is this About?

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

Request/Case Description

Request SU23-01 of Avis Car Rental at 2156 W. Kimberly RD for a Special Use to operate a vehicle rental facility having typically 10 but no more than 25 rental vehicles at the site. This lot containing 10 active businesses (and a total of 23 commercial units) has 210 parking spaces available, which is 25% more off-street parking spaces than required by Code. Table 17.08-1 requires a special use review for vehicle rental in the C-3 General Commercial District. [Ward 2]

What are the Next Steps after the Public Hearing?

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

Would You Like to Submit an Official Comment?

As a 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 . Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

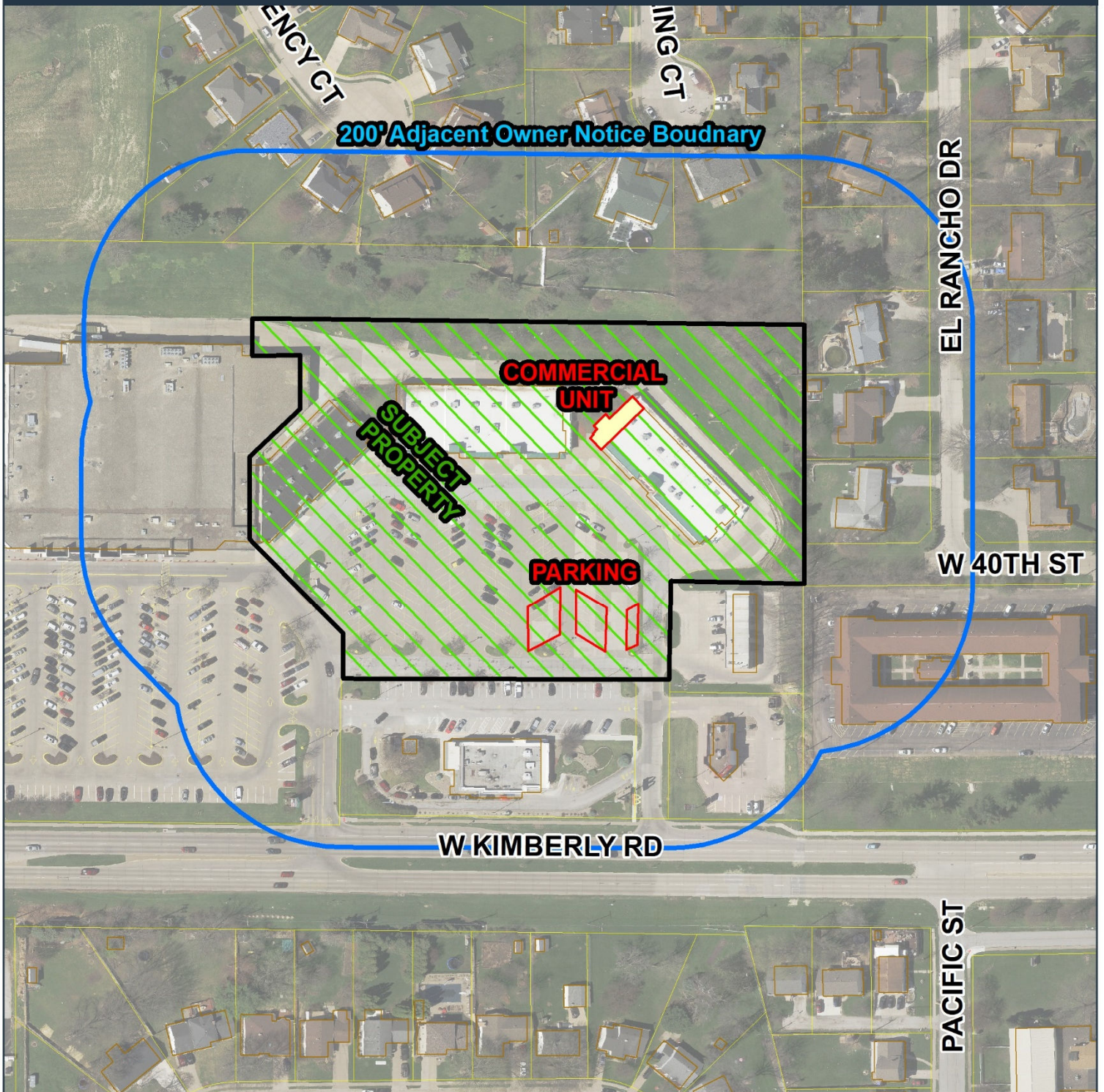
Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.



THE CITY OF
DAVENPORT
IOWA | USA

Notice Map

Zoning Board of Adjustment | Adjacent Property Owner Notice Area



0 50 100 200 Feet



City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
2/9/2023

Subject:

Request HV23-04 of Hy-Vee Fast & Fresh at 4631 E. 53rd Street for a hardship variance to reduce the 50% required transparency of the building façades facing public right-of-way. Section 17.05.040 and Table 17.05-2 of the Davenport Municipal Code requires 50% transparent windows for building elevations facing a public right-of-way, as measured between 2 and 10 feet on the façade. This property is zoned C-2 Corridor Commercial.

ATTACHMENTS:

Type	Description
▣ Exhibit	Application
▣ Exhibit	Application Exhibit
▣ Exhibit	Application Exhibit - Plat
▣ Exhibit	Notice List
▣ Exhibit	Public Hearing Notice
▣ Executive Summary	Staff Report

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	2/3/2023 - 1:38 PM

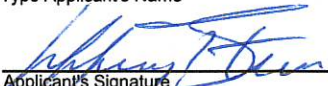


CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 W. 46th St
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
HARDSHIP VARIANCE

ZONING BOARD OF ADJUSTMENT

APPLICANT INFORMATION	
APPLICANT NAME Hy-Vee, Inc. c/o Jeff Stein	REASON FOR HARDSHIP REQUEST Please see attached.
ADDRESS 5820 Westown Parkway	
CITY, STATE, ZIP West Des Moines, IA 50266	
PHONE (515) 267-2819	
SECONDARY PHONE	
E-MAIL ADDRESS jstein@hy-vee.com	
Acceptance of Applicant I, the undersigned, certify that the information on this application to the best of my knowledge is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements. In addition to the application fee, I understand I am responsible for attendance at the meeting as shown on the public hearing zoning board calendar. The City reserves the right to require further site studies as necessary. Jeff Stein Type Applicant's Name  Applicant's Signature 01/13/2023 Date	
DEVELOPMENT TEAM	
Property Owner Hy-Vee, Inc.	
Address 5820 Westown Parkway	
Phone (515) 267-2819	Secondary Phone
E-Mail Address jstein@hy-vee.com	
Project Manager/Other Same	
Address	
Phone	Secondary Phone
E-Mail Address	
DATES: PRE-APP SUBMITTAL PUBLIC HEARING 01/17/2023 02/09/2023	
SITE ADDRESS & PARCEL OR LOCATION DESCRIPTION 4631 East 53rd Street	
COMPLETE SUBMITTALS SHALL INCLUDE:	
Concept/Development Plan to Scale* ☒ *shall show setbacks, height and size dimensions, etc.	
Consent to request hardship/legal interest Affidavit* ☒ *shall include owner contact information	
Application Fee* \$200 ☒ *required for a complete application	
DEMONSTRATE WITH EVIDENCE THE FOLLOWING (4) ITEMS:	
1. The strict application of the terms of this ordinance will result in hardship unless the specific relief requested is granted. Please See Attached	
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. Please See Attached	
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. Please See Attached	
4. The hardship variance, if granted, will not alter the essential character of the locality. Please See Attached	
Contact Development & Neighborhood Services (DNS) Planning Division at planning@davenportiowa.com with any questions, for additional information, and to submit this form.	

Reason for the Hardship Request

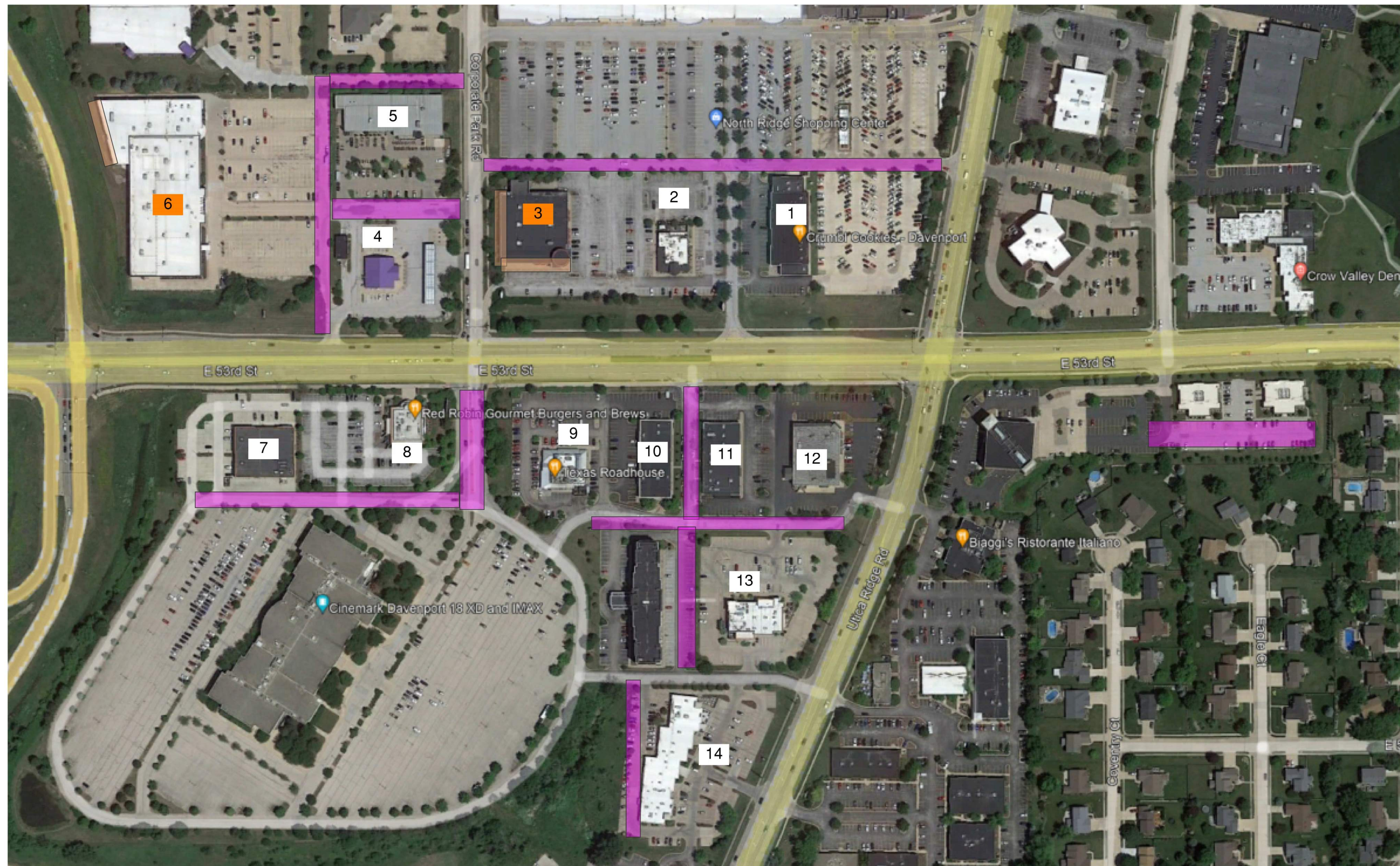
Ordinance 17.05.040 requires 50% transparent glazing on sides of our building that front a public road. We are a retail operator with back room, mechanical rooms and coolers along two sides of the building where this ordinance applies. Transparent glazing is not feasible, nor supportive of the interior programmatic functions. Coolers, food service equipment and mechanicals would cover the transparent glazing.

Demonstrate with Evidence the Following (4) items:

1. The strict application of the terms of this ordinance will result in hardship unless the specific relief requested is granted
Transparent glazing would not be conducive with the interior space planned along the south and east wall of the building. Transparent glass is not an appropriate finish material in a mechanical room, kitchen, or behind a cooler. In a mechanical room, the glazing could be a danger to the systems, people working in the space, and its presence will create other code compliance issues with these systems adjacent to glass. In a kitchen, the glazing would be a sanitation issue and safety concern. Behind a cooler, the glazing would be sanitation issue from the inability to clean the area. Lack of air flow and access would likely lead to microbial growth and improper environmental conditions.
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.
The depth of the parcel is shallow and has a public "backage" road behind the store. Most commercial developments that front an arterial street don't have public roads on the back and sides. Please see exhibit where this ordinance does not apply because the road behind the building is not public. Glass is required by ordinance on the back of our store because the "backage" road behind the store is public.
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.
Most other commercial developments do not have a public street on the side and back of the building. Should this commercial subdivision have been developed in a similar manner to nearby developments, the roads would be private, and the glazing would not be required.

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

Our Fast & Fresh store branding implements durable high end finish selections and detailing with the use of class one architectural materials such as brick, phenolic panels, metal canopies/awnings and glazing. There is variation of materials and facade planes that assist in breaking up the elevations, including the “backage” facades that traditionally do not implement glazing due to the interior programmatic restraints. The proposed building design will be supportive of the development character and be an attractive amenity added to the surrounding area.



EXAMPLES OF BUILDINGS THAT WOULD REQUIRE ADDITIONAL TRANSPARENT GLAZING IF THE HIGHLIGHTED AREAS WERE PUBLIC STREETS. MOST COMMERCIAL SUBDIVISIONS THAT FRONT AN ARTERIAL STREET DO NOT HAVE PARALLEL PUBLIC STREETS BEHIND.

PLANNING & ZONING COMMISSION

BY: [Signature]
DATE: 1-20-22

CITY OF DAVENPORT, IOWA

BY: [Signature]
ATTEST: Brian Kemp
DATE: 1/24/2022

IOWA-AMERICAN WATER COMPANY (WATER)

BY: [Signature]
DATE: 1/16/22

METRONET

BY: [Signature]
DATE: 1/18/22

FLOOD ZONE

THIS PARCEL IS LOCATED WITHIN ZONE X (AREAS OF MINIMAL FLOOD HAZARD) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON FLOOD INSURANCE RATE MAP, MAP NUMBER 19163C0360G DATED MARCH 23, 2021.

CENTURYLINK (TELEPHONE)

BY: [Signature]
DATE: 1-20-22

MIDAMERICAN ENERGY COMPANY (GAS/ELECTRIC)

BY: [Signature]
DATE: 1-8-22

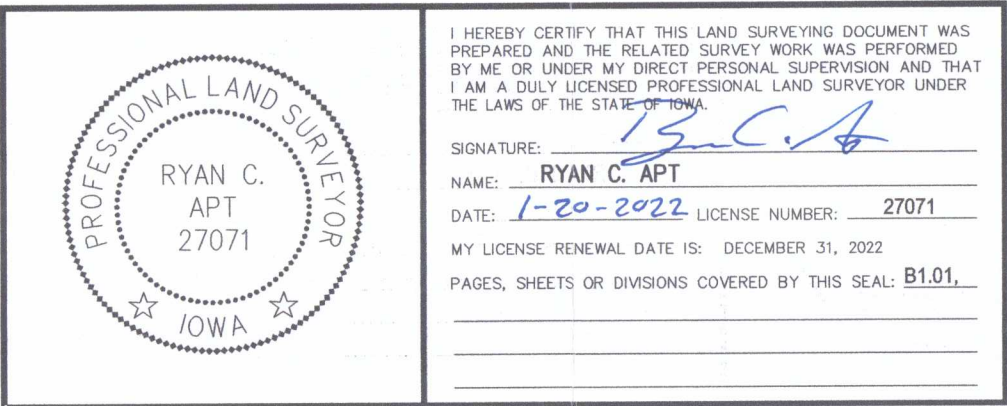
MEDIACOM (CABLEVISION)

BY: [Signature]
DATE: 1-20-22

ZONING

- THIS PARCEL IS ZONED C-2, CORRIDOR COMMERCIAL ZONING DISTRICT, DAVENPORT, IOWA JURISDICTION AND SUBJECT TO CONDITIONS WITHIN ORDINANCE 2021-105 INCLUDING BUT NOT LIMITED TO THE FOLLOWING:
- AN INGRESS/EGRESS POINT IS REQUIRED AT LAKEVIEW PARKWAY AND A SECOND INGRESS/EGRESS POINT TO EAST 53RD STREET IS REQUIRED AND IS BEING PROVIDED AT RAVENWOOD LANE.
- A 20-FOOT SETBACK ON THE EASTERN AND WESTERN MOST PROPERTY LINES IN THE C-2 ZONING DISTRICT SHALL BE REQUIRED WHERE ABUTTING COMMERCIAL ZONING DISTRICTS.
- A 30-FOOT LANDSCAPED SETBACK SHALL BE REQUIRED ON THE EASTERN AND WESTERN MOST PROPERTY LINES OF THE SUBJECT PROPERTY WHERE ABUTTING RESIDENTIAL.
- CARWASHES AND GAS STATIONS SHALL BE PROHIBITED WEST OF LAKEVIEW PARKWAY.
- THE FENCE ASSOCIATED WITH THE REQUIRED BUFFER BETWEEN RESIDENTIAL AND COMMERCIAL SHALL BE INSTALLED AFTER FINAL GRADING IS COMPLETED.
- BUILDINGS WITHIN 100 FEET OF THE WEST PROPERTY, ABUTTING EXISTING RESIDENTIAL LINES SHALL BE LIMITED TO 35 FEET IN HEIGHT.
- THE MULTI-PURPOSE TRAIL SHALL BE EXTENDED TO THE WEST PROPERTY LINE AS INDIVIDUAL LOTS FRONTING EAST 53RD STREET ARE DEVELOPED.

LEGEND	
SURVEY	
PLAN MARK	DESCRIPTION
●	IRON ROD - FOUND
○	IRON ROD - SET W/CAP 27071
✱	X CUT FOUND
00	MEASURED BEARING/DISTANCE
POB	POINT OF BEGINNING
POR	POINT OF REFERENCE
LOT #	BIRCHWOOD SOUTH FIRST ADDITION LOT



GENERAL NOTES

- LOTS A & B SHALL HAVE BLANKET ACCESS, UTILITY, STORM SEWER, DRAINAGE, SANITARY SEWER, AND WATER EASEMENTS AND BE OWNED AND MAINTAINED BY THE OWNER'S ASSOCIATION.
- OWNERS OF LOTS ON WHICH A DRAINAGE EASEMENT HAS BEEN ESTABLISHED AS STORMWATER PASSAGEWAY SHALL MAINTAIN SAID EASEMENT AS A LAWN, PLANTED IN GRASS AND FREE OF STRUCTURES, SWIMMING POOLS, FENCES, FILL, BUSHES, TREES, OR OTHER LANDSCAPING THAT WOULD IMPEDE THE FLOW OF WATER.
- RIGHT-OF-WAY SHALL BE DEDICATED TO THE CITY UPON RECORDING OF THE PLAT.
- NO LOTS SHALL HAVE DIRECT ACCESS TO 53RD STREET.
- A TRAFFIC SIGNAL WILL BE REQUIRED AT THE INTERSECTION OF LAKEVIEW PARKWAY AND EAST 53RD STREET.
- SIDEWALKS WILL BE CONSTRUCTED BY THE DEVELOPERS OF INDIVIDUAL LOTS. MAINTENANCE OF SIDEWALKS IS THE RESPONSIBILITY OF THE ABUTTING PROPERTY OWNERS. MAINTENANCE OF TRAIL SHALL BE RESPONSIBILITY OF THE ABUTTING PROPERTY OWNERS.
- THE SIDEWALK ALONG EAST 53RD STREET SHALL BE CONSTRUCTED AS A TEN FOOT WIDE TRAIL
- A FENCE IN ACCORDANCE WITH CITY OF DAVENPORT ZONING CODE IS REQUIRED IN THE 30' LANDSCAPE SETBACKS. TREES, SHRUBS, AND PERENNIALS ARE NOT REQUIRED WHERE THE LANDSCAPE SETBACK IS WITHIN LOTS A AND B.
- THE ACCESS LOCATION TO LOT 5 FROM RAVENWOOD LANE SHALL BE NO CLOSER TO EAST 53RD STREET THAN THE EAST 52ND STREET INTERSECTION.

FINAL PLAT

BIRCHWOOD SOUTH SECOND ADDITION

TO THE CITY OF DAVENPORT, IOWA
A REPLAT OF BIRCHWOOD SOUTH FIRST ADDITION

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5th P.M., IN SCOTT COUNTY, IOWA

SURVEYOR'S NOTES

- THIS SUBDIVISION CONTAINS 17.921 ACRES MORE OR LESS OF WHICH 2.584 ACRES ARE DEDICATED TO THE CITY OF DAVENPORT FOR RIGHT-OF-WAY PURPOSES.
- SIDEWALKS WILL BE CONSTRUCTED ALONG ALL PUBLIC STREET FRONTAGES. INSTALLATION OF SIDEWALKS SHALL OCCUR WHEN THE ABUTTING PROPERTY IS DEVELOPED OR WHEN SO ORDERED BY THE CITY.

OWNER

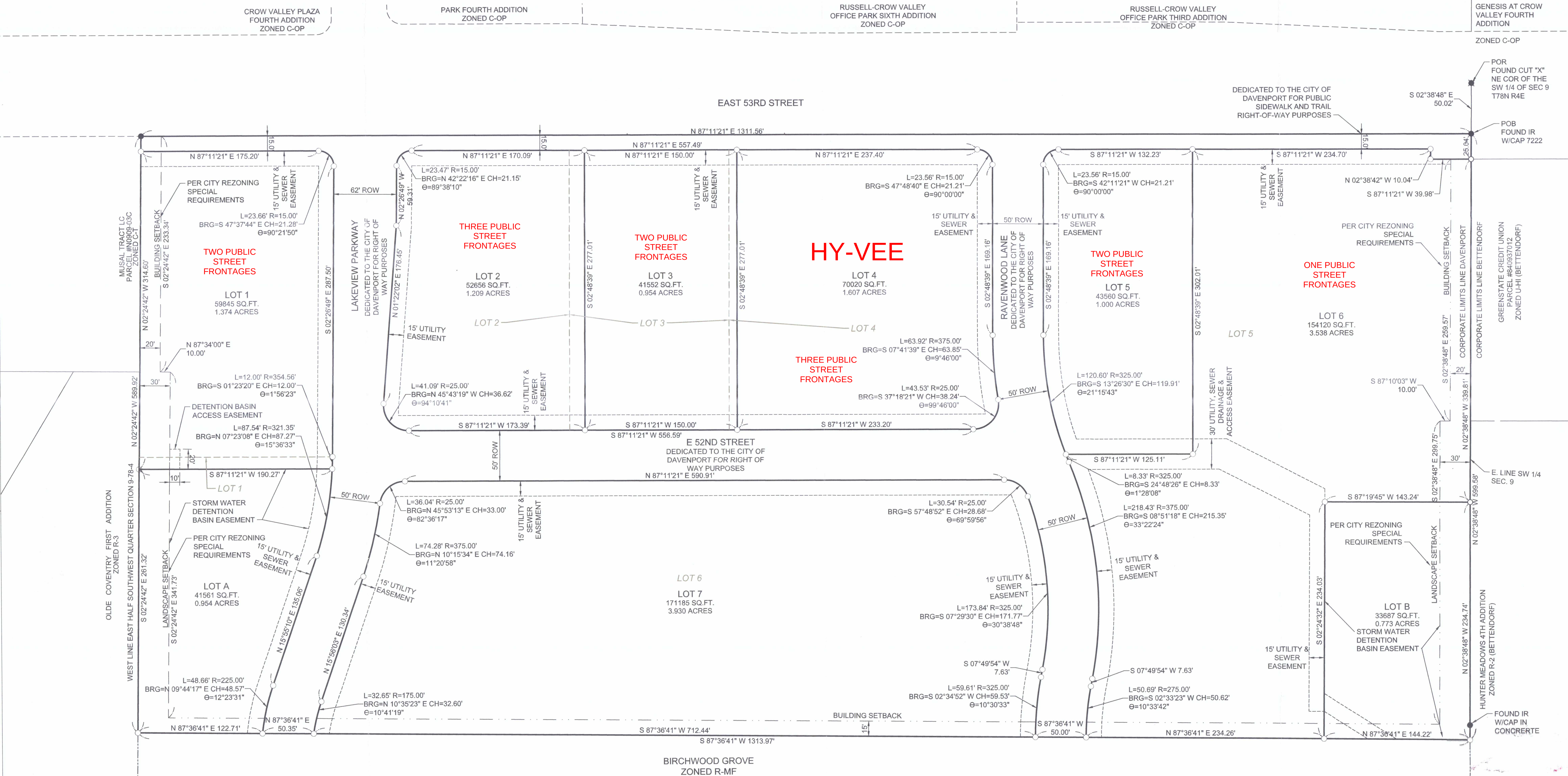
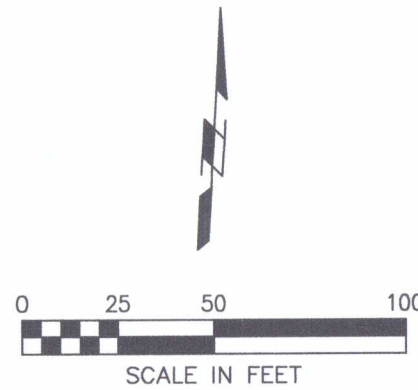
BIRCHWOOD SOUTH LLC
4700 E 53RD ST
DAVENPORT, IA 52807

DEVELOPER

S.J. RUSSELL, L.C.
4700 E 53RD ST
DAVENPORT, IA 52807

RETURN TO:

SHIVE-HATTERY
2144 56TH AVE W.
BETTENDORF, IA 52712



SHIVE-HATTERY
ARCHITECTURE+ENGINEERING

2144 56th Avenue West | Bettendorf, Iowa 52722
563.6357300 | www.shive-hattery.com
Iowa | Illinois | Indiana | Nebraska | Wisconsin

BIRCHWOOD SOUTH SECOND ADDITION

FINAL PLAT

DRAWN: JJB
APPROVED: RCA
ISSUED FOR: REVIEW
DATE: 1/20/2021
PROJECT NO: 320490
FIELD BOOK: 665
CLIENT NO: --

B102

ParcelId	OwnerName	OwnerAddress1	OwnerCityStZip
Y0919C02	S J RUSSELL LC (Deed)	4700 E 53RD ST	DAVENPORT IA 52807
Y0919D03	S J RUSSELL LC (Deed)	4700 E 53RD ST	DAVENPORT IA 52807
N0910C05	BIRCHWOOD SOUTH LLC (Deed)	4700 E 53RD ST	DAVENPORT IA 52807
N0910C06	BIRCHWOOD SOUTH LLC (Deed)	4700 E 53RD ST	DAVENPORT IA 52807
N0910C03	MLY REAL ESTATE LLC (Deed)	1241 PARK PLACE NE STE C	CEDAR RAPIDS IA 52402
N0910C07	BIRCHWOOD SOUTH LLC (Deed)	4700 E 53RD ST	DAVENPORT IA 52807
Y0919-02F	FIRST NATIONAL BANK (Deed)	3455 AVENUE OF THE CITIES	MOLINE IL 61265
N0910C04	HY-VEE INC (Deed)	5820 WESTOWN PARKWAY	WEST DES MOINES IA 50266
N0910C02	CWP WEST CORP (Deed)	222 E 5TH ST	TUCSON AZ 85705



Public Hearing Notice | Zoning Board of Adjustment

Date: 2/9/2023 **Location:** City Hall | 226 W 4th ST | Council Chambers
Time: 4:00:00 PM **Subject:** Hearing for Hardship Variance | Zoning Board of Adjustment

Example Notice
Ward 6
Notices Sent: 9

To: All property owners within 200' of the subject property **4631 E. 53rd ST:**

What is this About?

This notice is being sent to inform you that a public hearing will be held for a Hardship Variance. The purpose of the Hardship Variance is to grant permission to waive or alter a size or dimensional code requirement.

Request/Case Description

Request HV23-04 of Hy-Vee Fast & Fresh at 4631 E. 53rd Street for a hardship variance to reduce the 50% required transparency of the building façades facing public right-of-way. Section 17.05.040 and Table 17.05-2 of the Davenport Municipal Code requires 50% transparent windows for building elevations facing a public right-of-way, as measured between 2 and 10 feet on the façade. This property is zoned C-2 Corridor Commercial. [Ward 6]

What are the Next Steps after the Public Hearing?

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

Would You Like to Submit an Official Comment?

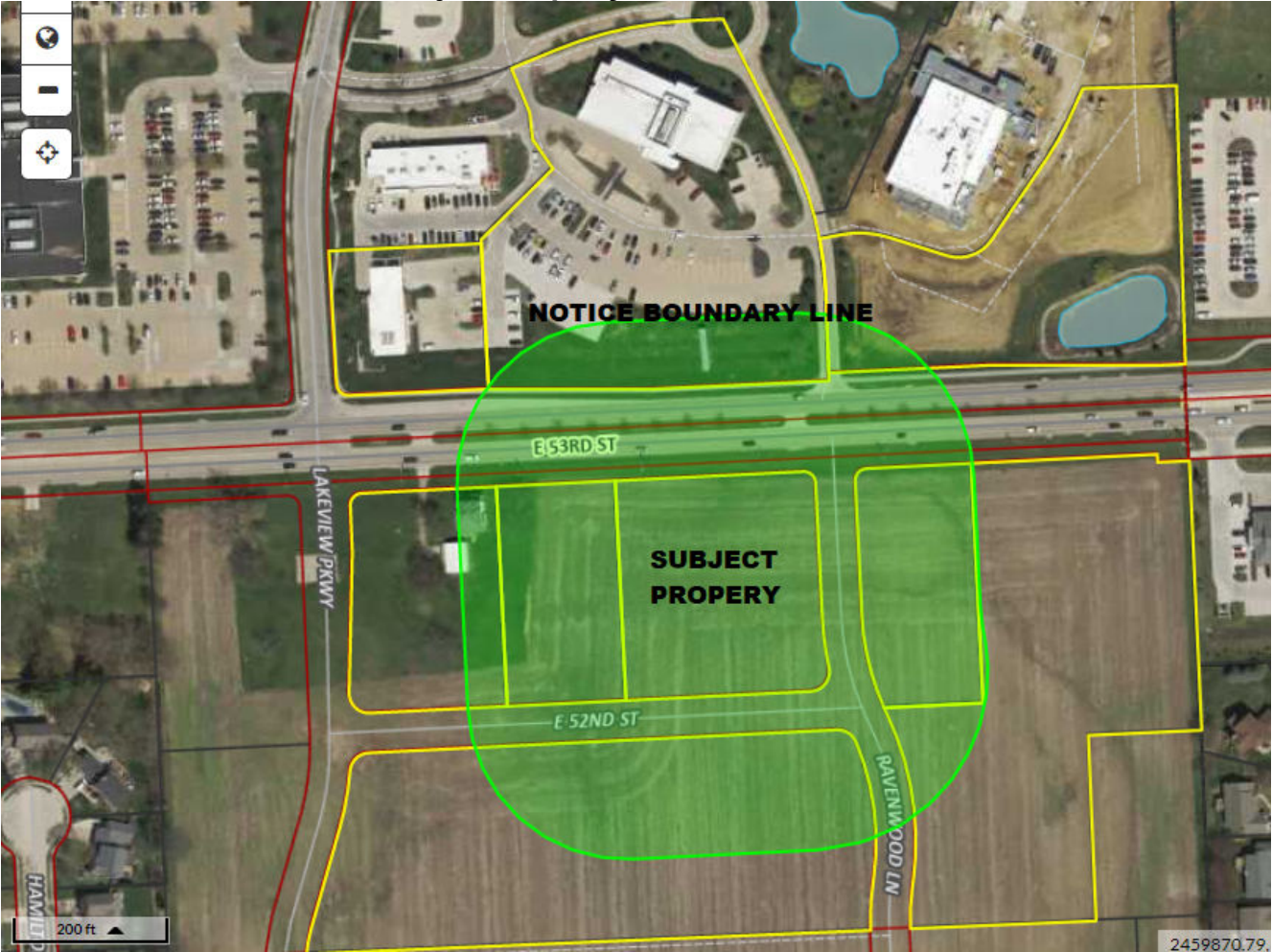
As a property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200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

**Adjacent Owner Notice Area:
Owners within 200' of the Subject Property**





Planning Staff Report | Zoning Board of Adjustment
Reduction of Window Transparency Design Standards
4631 E 53rd Street
February 9, 2023

Description

Request HV23-04 of Hy-Vee Fast & Fresh at 4631 E. 53rd Street for a hardship variance to reduce the 50% required transparency of the building façades facing public right-of-way. Section 17.05.040 and Table 17.05-2 of the Davenport Municipal Code requires 50% transparent windows for building elevations facing a public right-of-way, as measured between 2 and 10 feet on the façade. This property is zoned C-2 Corridor Commercial. [Ward 6]

Code Requirements

Table 17.05-2: Commercial Districts Design Standards (C-2 District)

The ground floor of a façade facing a public right-of-way must maintain min. 50% transparency.

Table 17.05-2: Commercial Districts Design Standards				
Fenestration Design	C-T	C-1	C-2	C-3
The ground floor of a façade facing a public right-of-way (excluding alleys) must maintain a minimum transparency of 50%, measured between two and ten feet in height from grade.		•	•	

Background & Discussion

The petitioner is proposing to develop the proposed site with a Hy-Vee Fast and Fresh store. The south and east elevations would have 0% transparency (and no spandrel glass), while the north elevation would meet the 50% requirement. As the west elevation does not face a street, no transparency is required on that elevation.

Purpose of a Hardship Variance

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

Approval Standards

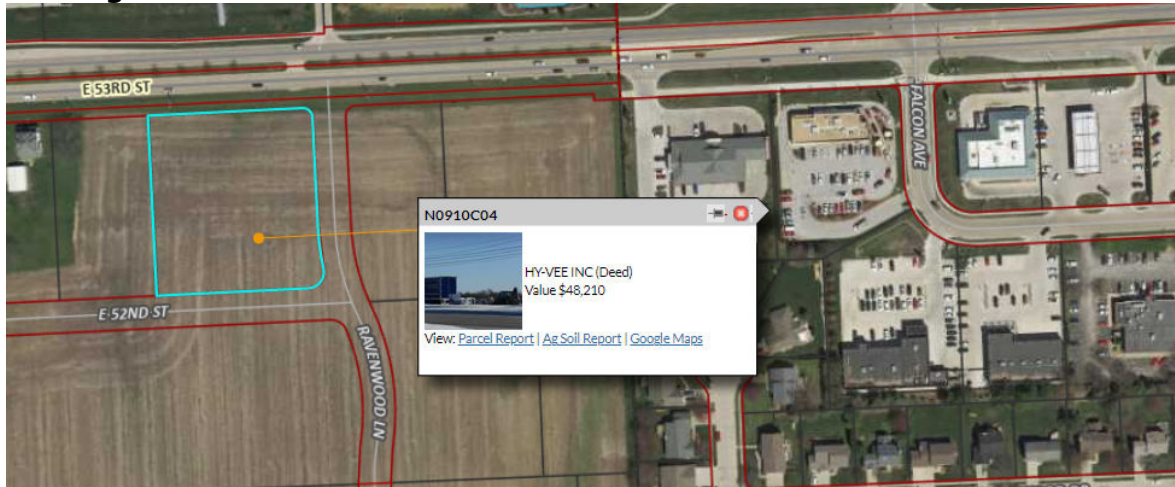
The Zoning Board of Adjustment decision must make findings to support each of the following: (code requirement/ applicants response/staff comments)

1. Strict application of this Ordinance will result in hardship without the specific relief requested.

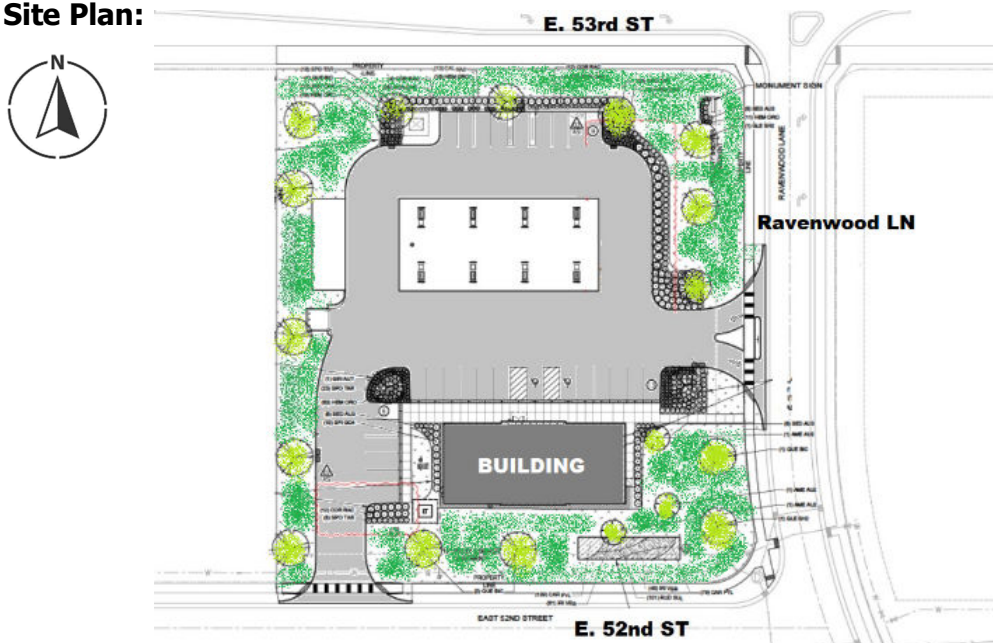
Applicant Response:

Transparent glazing would not be conducive with the interior space planned along the south and east wall of the building. Transparent glass is not an appropriate finish material in a mechanical room, kitchen, or behind a cooler. In a mechanical room, the glazing could be a danger to the systems, people working in the space, and its presence will create other code compliance issues with these systems adjacent to glass. In a kitchen, the glazing would be a sanitation issue and safety concern. Behind a cooler, the glazing would be sanitation issue from the inability to clean the area. Lack of air flow and access would likely lead to microbial growth and improper environmental conditions.

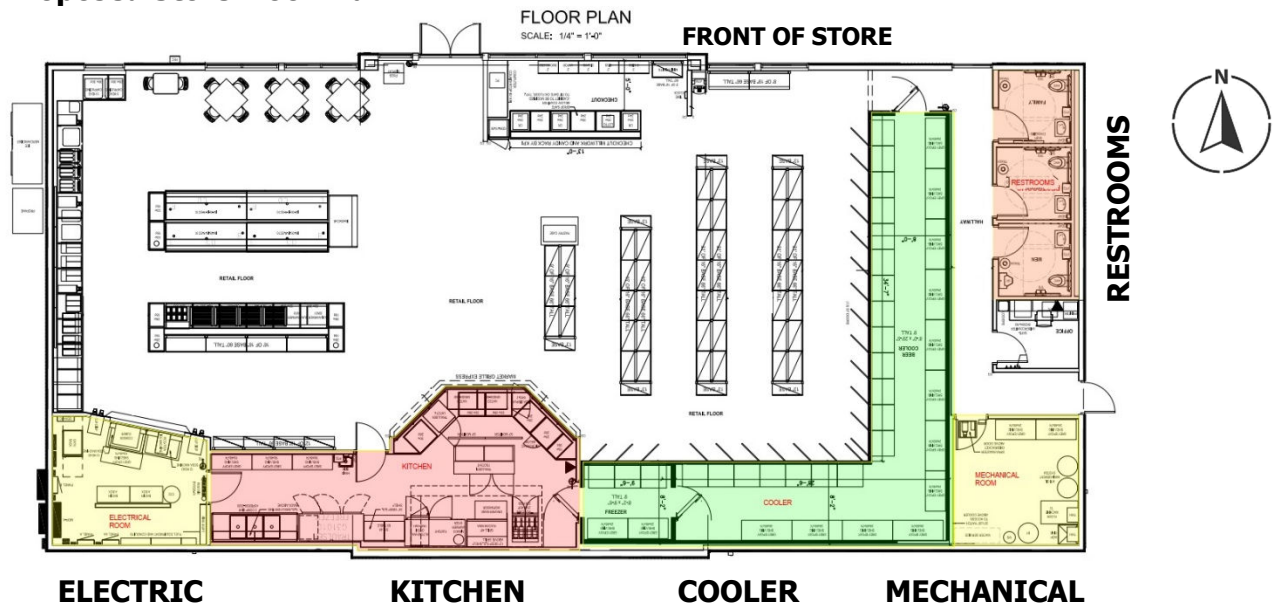
Existing Site:



Proposed Site Plan:



Proposed Store Floor Plan:

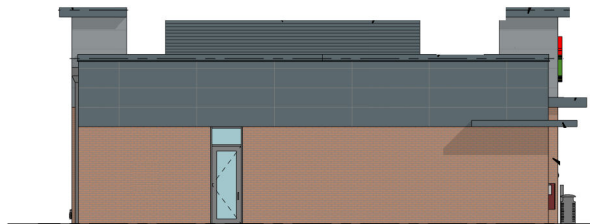


Building Elevations: 50% Required (For each elevation with street frontage - 3)

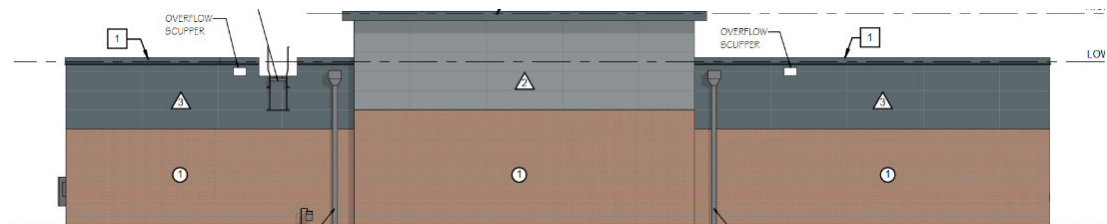
NORTH 53rd St: **50% Transparency** ■ **MEETS REQUIREMENTS**



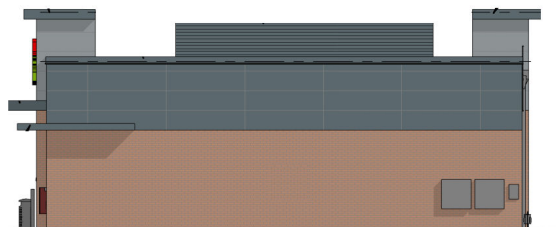
EAST: Ravenwood RD **7% Transparency** ■ **HARDSHIP VARIANCE NEEDED**



SOUTH: 52nd ST **0% Transparency** ■ **HARDSHIP VARIANCE NEEDED**



West: [No Street Frontage] **0% Transparency** ■ **Does Not Require Any Transparency**



Transparency Levels per Elevation		Total Building Elevation Area	Area b/t 2' & 10'	Transparent Window Area (between 2' & 10')	TRANSPARENCY PROPOSED	Transparency Required	Percent & Area of Spandrel Glass
Meets Requirements	North Elevation:	1886	824	412	50%	50%	0% 0 SF
Variance Required	East Elevation:	886	401	27	7%	50%	0% 0 SF
Variance Required	South Elevation:	1891	824	0	0%	50%	0% 0 SF
0% Required	West Elevation:	886	401	0	0%	0%	0% 0 SF

Staff Comments:

Staff understands that due to the functional use of the building, a significant amount of windows along the south and east elevations are not realistic. Staff recommends that spandrel glass be used in place of actual transparent windows on the south and east elevations. The spandrel glass would compensate for the loss of traditional transparency.

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

Applicant Response:

The depth of the parcel is shallow and has a public "backage" road behind the store. Most commercial developments that front an arterial street don't have public roads on the back and sides. Please see exhibit where this ordinance does not apply because the road behind the building is not public. Glass is required by ordinance on the back of our store because the "backage" road behind the store is public.

Staff:

Being located on three (3) street frontages creates a unique situation for the applicant. The site does present a unique circumstance; functionality of the building is impaired under the requirements.

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

Applicant Response:

Most other commercial developments do not have a public street on the side and back of the building. Should this commercial subdivision have been developed in a similar manner to nearby developments, the roads would be private, and the glazing [transparency] would not be required.

Staff:

Given the location of the proposed building on a lot with three (3) street frontages and the internal layout of the use, a case can be made for unique circumstances supporting a hardship determination for this development.

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

Applicant Response:

Our Fast & Fresh store branding implements durable high end finish selections and detailing with the use of class one architectural materials such as brick, phenolic panels, metal canopies/awnings and glazing. There is variation of materials and facade planes that assist in breaking up the elevations, including the "backage" facades that traditionally do not implement glazing due to the interior programmatic restraints. The proposed building design will be supportive of the development character and be an attractive amenity added to the surrounding area.

Staff:

Should the east and south elevations have spandrel glass of 35%, the character of the area should not be impacted. Protection of essential character could be protected if properly conditioned.

Findings & Staff Recommendation:

Findings: (supported by the previous analysis)

- Item #1 application of the ordinance creating hardship has been established;
- Item #2 physical and topographical conditions of the site do impact functionality;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character could be protected, if conditioned properly;

Recommendation:

Staff recommends approval of the request for a hardship variance subject to the following:

1. The north (front) elevation shall meet the required 50% transparency (as proposed);
2. The south elevation shall have 35% (288 square feet) of spandrel glass between 2' and 10' in height;
3. The east elevation shall have 35% (140 square feet) of spandrel glass between 2' and 10' in height.

Prepared by:

A handwritten signature in black ink that reads "Scott Koops". The signature is fluid and cursive, with the first name "Scott" and last name "Koops" clearly legible.

Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents