



MINUTES
Zoning Board of Adjustment
February 9, 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): Gallart (remote), Boyd-Carlson, Loebach, and Darland

Excused: The Board has one empty seat after Quinn's resignation.

Staff present: Koops, Berkley, staff Attorney Bagby

II. Secretary's Report:

Minutes were approved unanimously for the 2023-01-26 ZBA Hearing by voice-vote (4-0).

III. Old Business:

None.

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]

Koops presented the staff report.

Findings: (supported by the staff report analysis)

1. zoning code does result in hardship as applied for the proposed use;
2. physical and topographical conditions of the site do limit the use;
3. unique circumstance has been established;
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 condition listed in the staff report regarding landscaping for the screened dumpster enclosure.

Motion

Body-Carlton moved to adopt staff's findings and approve request HV23-01 subject to the staff's conditions as stated in the staff report and repeated below; Loebach seconded the motion and the motion carried unanimously. (4-0)

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.

Loebach, yes; Gallart, yes; Boyd-Carlson, yes; and Darland, yes. The motion was unanimously approved (4-0).

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]

Koops presented the staff report.

Findings: (supported by the staff report analysis)

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

Recommendation:

Staff recommends that Board adopt staff's findings and approve request HV23-02 subject to the following condition: the development shall equal the required amount of transparency with spandrel glass, as shown on the submitted application, for the southeast and southwest elevations.

Motion

Loebach moved to adopt staff's findings and approve request HV23-02 subject to the staff's conditions as stated in the staff report and repeated below; Boyd-Carlson seconded the motion and the motion carried unanimously. (4-0)

Condition: The development shall equal the required amount of transparency with spandrel glass, as shown on the submitted application, for the southeast and southwest elevations.

Galliar, yes; Boyd-Carlson, yes; Loebach, yes; and Darland, yes. The motion carried and was unanimously approved (4-0).

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 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]

Koops presented the staff report.

Findings:

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

Recommendation:

Staff recommends that the Board adapt staff's findings and approve request SU21-01 subject to the following condition: 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.

Motion

Gallart moved to adopt staff's findings and approve request SU23-01 subject to the staff's conditions as stated in the staff report and repeated below; Loebach seconded the motion and the motion carried unanimously. (4-0)

Condition: 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.

Gallart, yes; Boyd-Carlson, yes; Loebach, yes; and Darland, yes. The motion carried and was unanimously approved (4-0).

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. [Ward 6]

Koops presented the staff report.

Findings: (supported by the staff report analysis)

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

Recommendation:

Staff recommends that Board adopt staff's findings and approve request HV23-04 subject to the following conditions:

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.

Motion

Loebach moved to adopt staff's findings and approve request HV23-02 subject to the staff's conditions as stated in the staff report and repeated below; Gallart seconded the motion and the motion carried unanimously.

Conditions:

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.

Gallart, yes; Boyd-Carlson, yes; Loebach, yes; and Darland, yes (4-0).

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:48 p.m.