

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, JANUARY 27, 2022; 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. Approval of the 12-09-21 ZBA meeting minutes.

III. Old Business

IV. New Business

A. Request HV22-01 of the City of Davenport at 300 East 42nd Street ([P1301-15G](#)) for a hardship variance from Table 17.05-2 transparency requirements for new construction of a public safety facility (fire station). The C-2 District requires a window transparency of 50% for facades facing a public street. The proposed essential service building will meet the transparency requirements on the East 42nd Street façade (61%), however the Welcome Way and Brady Street facades will provide transparency of approximately 19% and 31% respectively. [Ward 7]

V. Other Business

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
1/27/2022

Subject:
Approval of the 12-09-21 ZBA meeting minutes.

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes 12-09-21

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	1/21/2022 - 1:06 PM



MINUTES
Zoning Board of Adjustment
December 9, 2021



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:

Board member Loebach called the Zoning Board of Adjustment meeting to order in City Hall Council Chambers, Davenport, Iowa at approximately 4:01 p.m.

Board Members present: Loebach, Boyd-Carlson, and Darland

Excused: Quinn and Reistroffer

Staff present: Koops, Zoning Administrator Berkley; Assistant City Attorney Bagby

II. Secretary's Report:

Minutes were approved for the 11-18-21 ZBA Hearing by voice-vote (3-0).

III. Old Business:

None.

IV. New Business:

None.

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:03 p.m.

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
1/27/2022

Subject:

Request HV22-01 of the City of Davenport at 300 East 42nd Street ([P1301-15G](#)) for a hardship variance from Table 17.05-2 transparency requirements for new construction of a public safety facility (fire station). The C-2 District requires a window transparency of 50% for facades facing a public street. The proposed essential service building will meet the transparency requirements on the East 42nd Street façade (61%), however the Welcome Way and Brady Street facades will provide transparency of approximately 19% and 31% respectively. [Ward 7]

ATTACHMENTS:

Type	Description
▢ Exhibit	Staff Report
▢ Exhibit	Application
▢ Exhibit	Plans and Site Information
▢ Exhibit	Notice List
▢ Exhibit	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	1/21/2022 - 1:14 PM



Zoning Board of Adjustment | Planning Staff Report
Reduction of Window Transparency Design Standards
300 E. 42nd St
January 27, 2022

Description

Request HV22-01 of the City of Davenport at 300 East 42nd Street ([P1301-15G](#)) for a hardship variance from Table 17.05-2 transparency requirements for new construction of a public safety facility (fire station). The C-2 District requires a window transparency of 50% for facades facing a public street. The proposed essential service building will meet the transparency requirements on the East 42nd Street façade (61%), however the Welcome Way and Brady Street facades will provide transparency of approximately 19% and 31% respectively. [Ward 7]

Background & Discussion

The petitioner is proposing to relocate Fire Station #3 approximately three-quarters of a mile from the existing site at 35th and Welcome Way to the proposed site at 42nd and Welcome Way. The existing site is approximately 17,500 sq. ft. in lot size, while the proposed site contains 118,761 sq. ft. of lot area. The 19,000 sq. ft. multi-purpose facility will contain police work stations, community room, and on-site training mezzanine and training stair in addition to the traditional functions of a fire station such as apparatus storage, living quarters and a kitchen.

Existing Site:



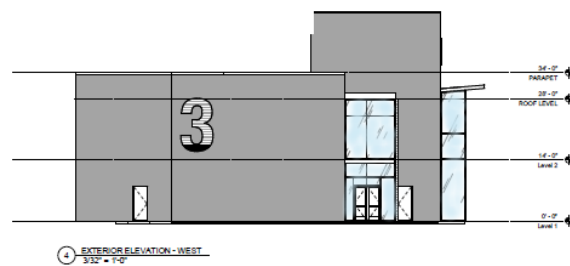
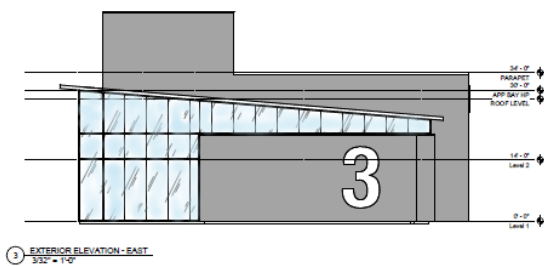
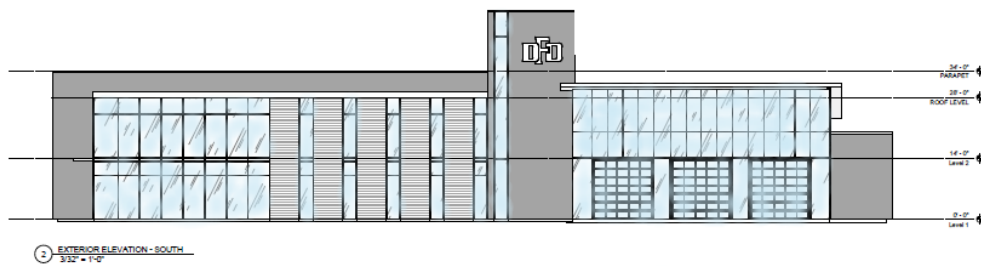
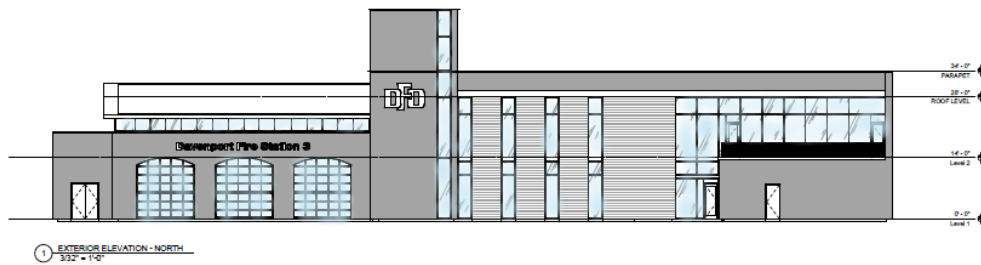
Proposed Site:



Conceptual Plan



Building Elevations:



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:

The new fire station has been strategically oriented lengthwise along the east to west axis. Fenestration was intentionally included on the north and south elevations and minimized on the east and west elevations. This maximizes daylighting into the facility while minimizing the negative effects of heat loss during the winter and heat gain during the summer. Glazing was further minimized on the west elevation due to natural screening from Welcome Way by existing tree growth. Glazing was extended on the east elevation to promote visual interest along Brady Street while minimizing the negative impacts noted above.

The west side of the proposed building is being designed for a shelter that will act as a multi-functional space. Use of the space includes: tactical operations center, training room and community space. This room will require a hardened exterior wall to ensure building integrity. On the east side of the structure, the City has a desire to showcase the station's fire trucks, which is a unique feature, within the apparatus bay, while also ensuring that the supplies associated with the functional aspects of the fire services, located on the first floor, that are not as aesthetically pleasing be masked from public view. In addition, Station 3 serves as the training station for the Fire Department and the second floor of this portion of the facility will include a training mezzanine. One of the functions of this mezzanine will be to simulate full black-out scenarios so that firefighters can train in an environment where visibility is nonexistent; for this purpose there cannot be any windows or lighting from the outside into the area.

It is challenging to properly balance the needs of the building and the services that are provided within these three public facing sides while also seeking to meet window transparency requirement for a site with three (3) street frontages.

Staff Comments:

Staff concurs with the applicant response. The proposed design presents a pleasing amount of transparency to the primary street frontage along 42nd Street. The transparency for the west and east elevations are more than adequate; a hardship has been established.

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 property has three frontages that must be designed for, in addition, the west side has topographical challenges making it difficult for vehicular traffic to see this part of the property. It is challenging to properly balance the needs of the building and the services that are provided within these three public facing facades while also seeking to meet window transparency requirement for a site with three (3) street frontages.

Staff:

Access to the site from Welcome Way is not possible due to the grade change and proximity to the intersection. Having a building that addresses a third street in addition to 42nd and Brady Street is excessive and places an undue burden upon the property owner and users of the property. The intent of the ordinance is to provide walkable neighborhoods with buildings accessible to pedestrians. As the site does not have any sidewalks along Welcome Way or Brady Street, it does not make sense to require additional window transparency for the west or east building facades. The physical surroundings and topography of this lot do impact the development and do provide grounds for a hardship variance determination.

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 location of the property requires that the City design three frontages to these design standards. This makes it difficult due to the unique use of the building and the community needs it will serve. Sites with three street frontages are unique and present design challenges. Most properties at one or maybe two street frontages. This is a unique site in that it has three street frontages.

Staff:

Given the location of the proposed building on a lot with three street frontages, and with the building grade relative to the street along Welcome Way, a case can be made for unique circumstances supporting a hardship determination for this development. Unique circumstances have been met.

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

Applicant Response:

The variance will not alter the essential character of the locality as the west elevation is naturally screened from the public way by existing vegetation. As described above, the east elevation strategically expanded the use of glass due to the exposure to Brady Street, while minimizing the negative impacts of the east solar exposure. The building has also been designed for increased transparency on the southern portion with 62%, while also having non-required transparency on the northern at 35%.

Staff:

The character of the area will not be impacted by the by the proposed building and will not be readily visible from Welcome Way; the east elevation provides a significant amount of transparency at the first floor and above. Protection of essential character has been established.

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 visibility;
- 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.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents



Complete application can be emailed to planning@davenportiowa.com

300 EAST 42ND STREET

Property Address*

* If no property address, please submit a legal description of the property.

Applicant (Primary Contact) **

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

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

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

Zoning Board of Adjustment

Zoning Appeal
Special Use
Hardship Variance

Engineer (if applicable)

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

Design Review Board

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

Architect (if applicable)

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

Historic Preservation Commission

Certificate of Appropriateness
Landmark Nomination
Demolition Request

Administrative

Administrative Exception
Health Services and Congregate
Living Permit

Attorney (if applicable)

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

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

Request:

Please describe the variance(s) requested:

Existing Zoning:

Submittal Requirements:

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

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

(1) Application:

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

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

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

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

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

(4) The staff report will be available on the City website approximately 4 days before the ZBA meeting at this location: https://www.cityofdavenportiowa.com/government/boards_commissions under Zoning Board of Adjustment > Search Minutes & Agendas.

It is the applicant's responsibility to access the website to see the staff report. Planning staff will not mail/email the report.

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

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

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

#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.

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

#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.

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

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

Applicant:

Date:

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

Received by: Scott Koops

Date: 1-12-22

Planning staff

Date of the Public Hearing: 1-27-22

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

Authorization to Act as Applicant

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

Signature(s)*

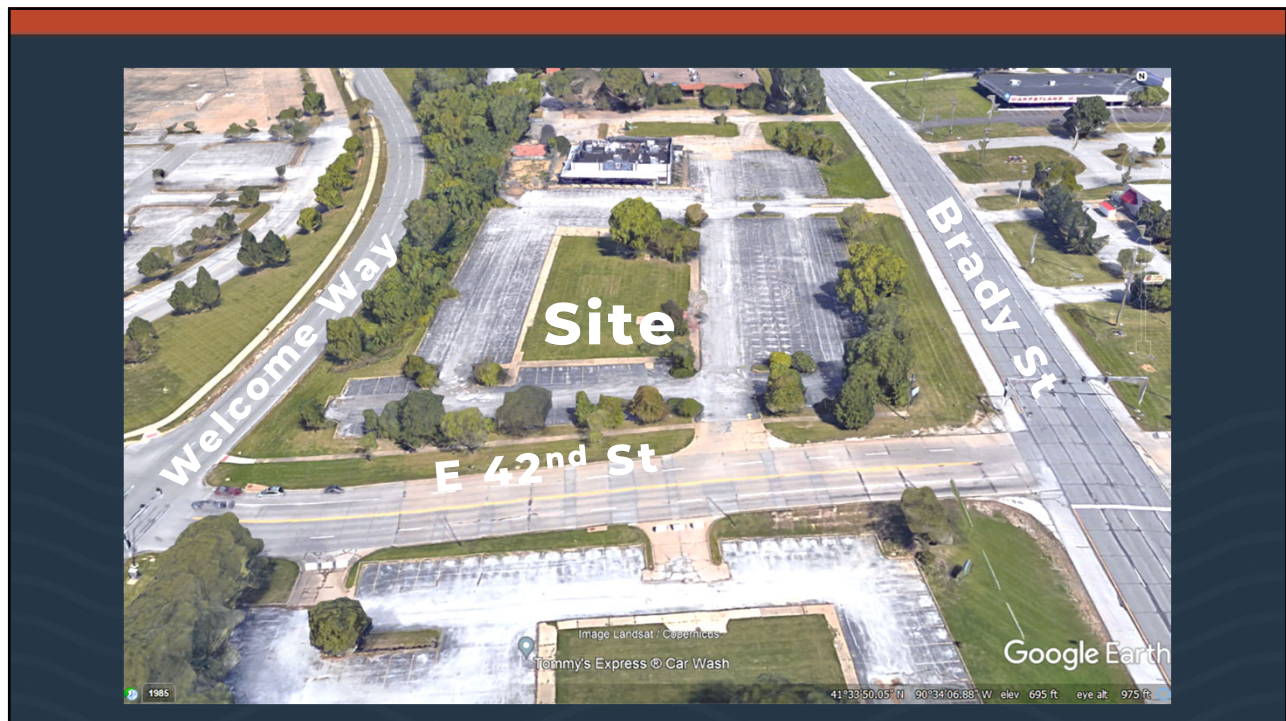
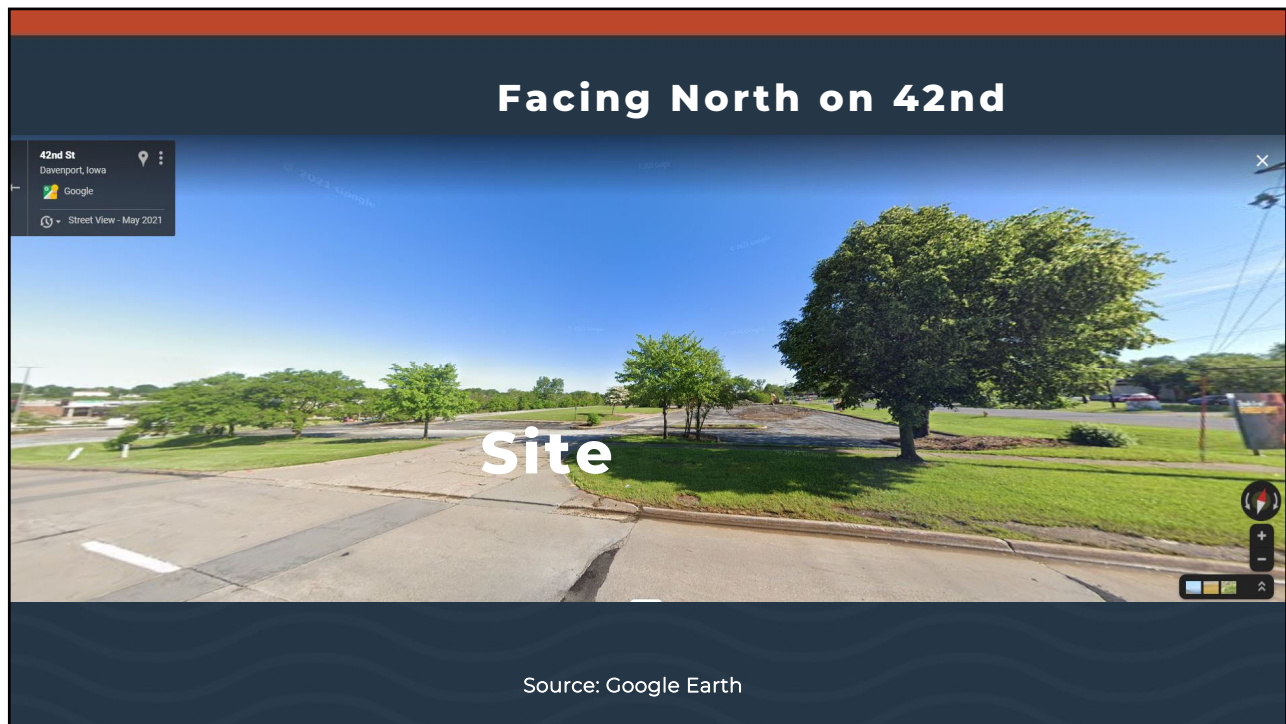
*Please note: original signature(s) required.

300 E 42nd Street | Fire Station #3

Aerial & Street View Photography Review





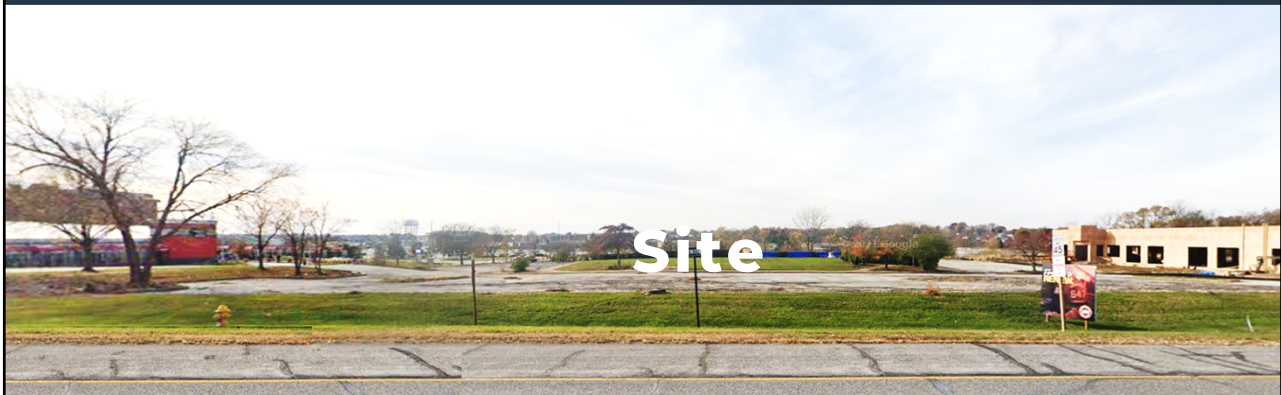


Facing Northwest on 42nd



Source: nearmap.com services

Facing West on Brady St



Source: Google Maps/Google Earth services



Facing East toward Welcome Way



Source: Google Maps/Google Earth services

Facing East on Welcome Way



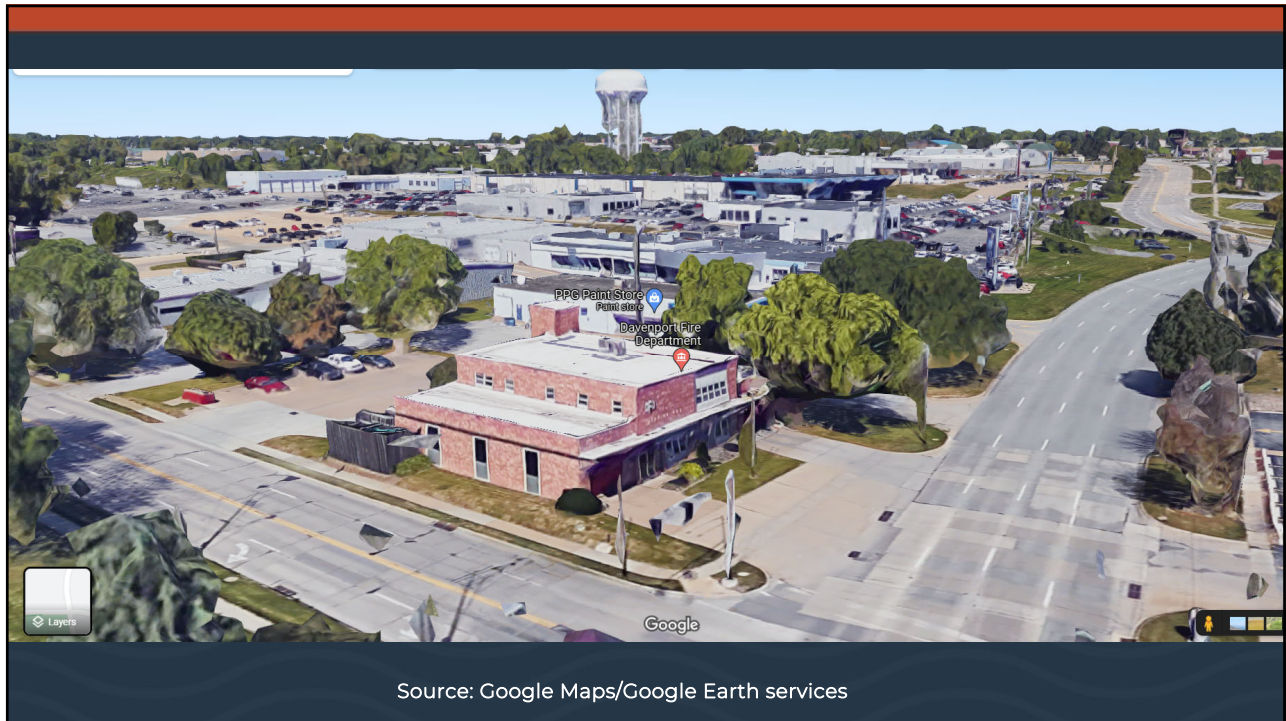
Source: Google Maps/Google Earth services

35th & Welcome Way Site



17,468 sq. ft.

Source: Google Maps/Google Earth services



Request

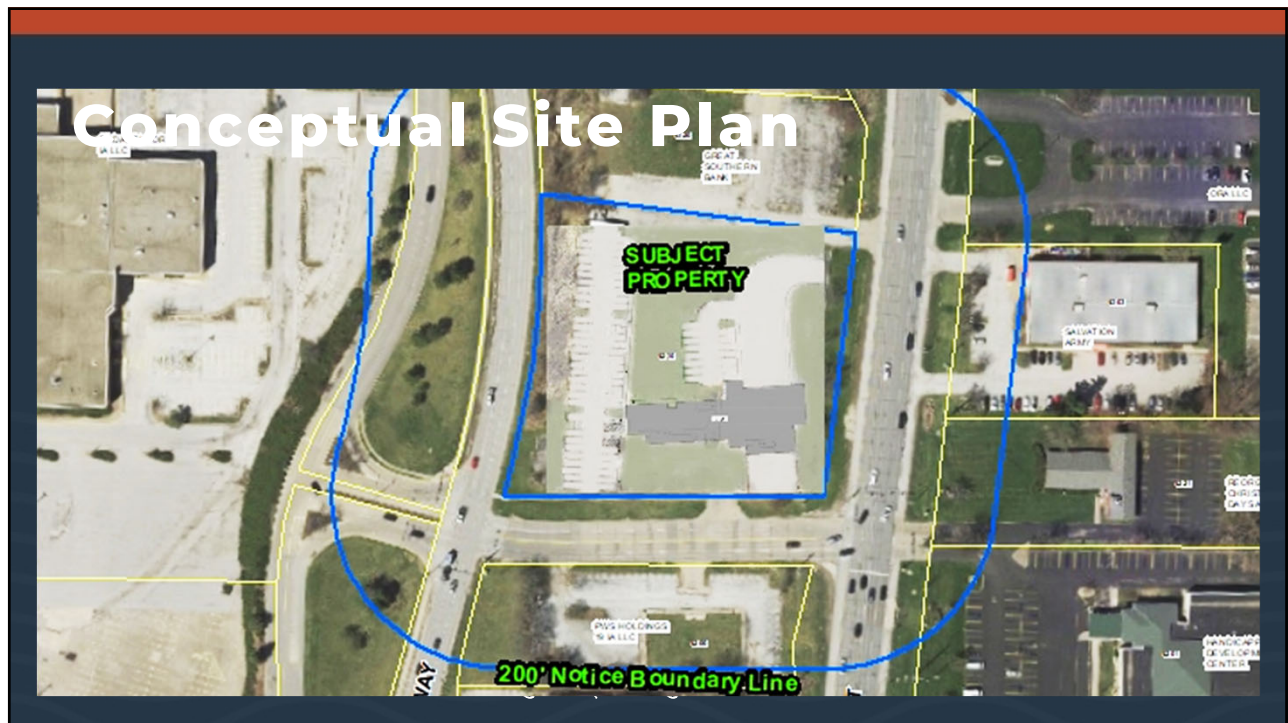
C-2 district requires a minimum 50% window transparency for Facades facing public streets (b/t 2' 10')

Site:

- **East 42nd Street (61%)**
- **Welcome Way (19%)**
- **Brady Street (31%)**

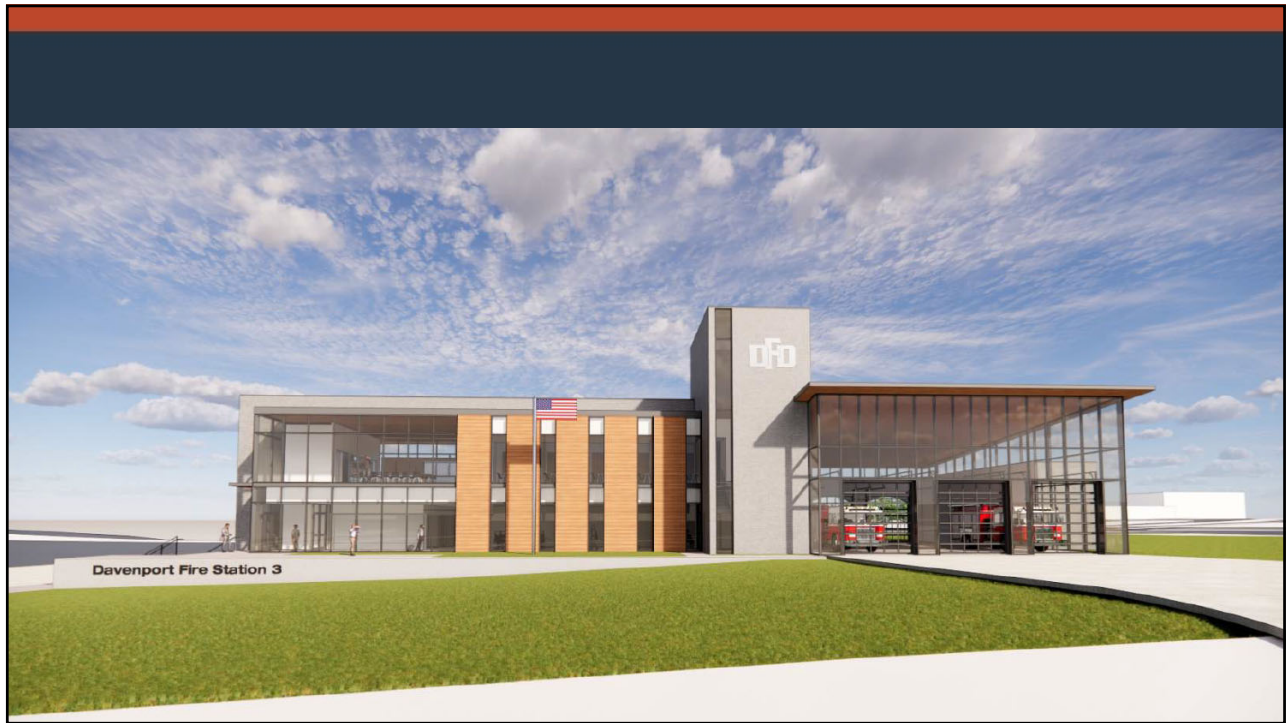
For comparison, C-3 and C-C districts require a minimum 35% transparency





Conceptual Site Plan

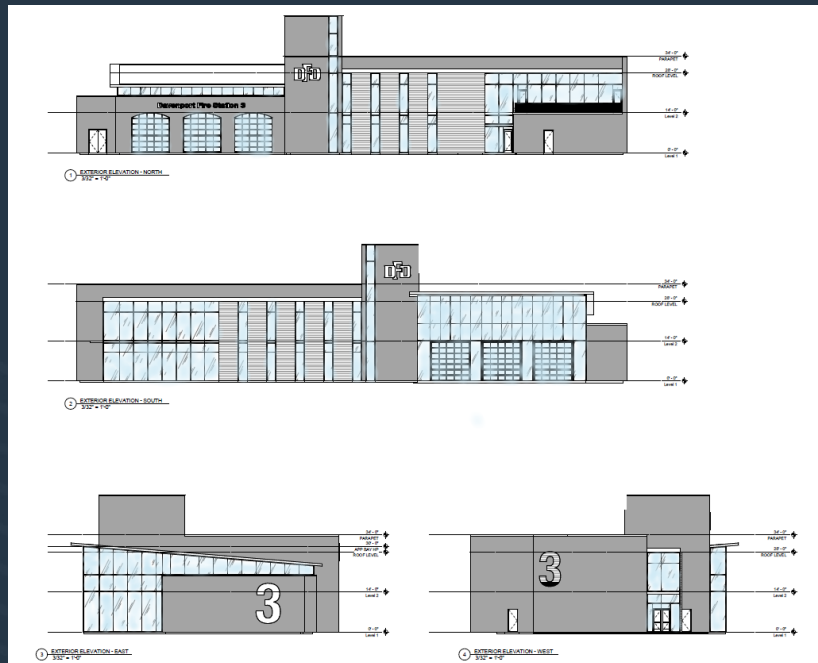








Building Facades



Findings

The petitioner has demonstrated the following:

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

Recommendation:

Approval standards for a hardship have been met per staff report analysis and staff report findings.

Staff recommends approval of the request.



HV22-01 - 300 E 42nd Street Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner: 300 E 42nd St		City of Davenport	P1301-15G/4210 Brady St	Davenport IA 52806
Neighborhood: none				
Ward/Ald: Ward 7		Ald Cornette	All Alderman Notified	Notices Sent: 10
P1301-10A	4319 BRADY ST	ORA LLC	2618 CLIFFWOOD DR	BURLINGTON IA 52601
P1301-11C	4303 BRADY ST	SALVATION ARMY	10 W ALGONGUIN RD	DES PLAINES IL 60016
P1301-14	4221 BRADY ST	COMMUNITY OF CHRIST	4221 BRADY ST	DAVENPORT IA 52806
P1301-15B	4200 BRADY ST	PWS HOLDINGS 19 IA LLC	4609 33RD AVE STE 400	FARGO ND 58104
P1301-15H	4320 BRADY ST	STERN MATTHEW J	55 HAWTHORNE RD	ROCK ISLAND IL 61201
P1301-15I	4334 BRADY ST	QC DIRTWORX LLC	208 18TH ST STE 206	ROCK ISLAND IL 61201
P1307-13A	4201 BRADY ST	HANDICAPPED DEVELOPMENT CENTER	3402 HICKORY GROVE RD	DAVENPORT IA 52806
P1405-07A	320 W KIMBERLY RD	TF DAVENPORT IA LLC	3333 BEVERLY RD DEPT 36134	HOFFMAN ESTATES IL 60179
P1405-02C	320 W KIMBERLY RD	MACERICH NORTH PARK MALL LLC	PO BOX 4085	SANTA MONICA CA 90411
P1405-02C	320 W KIMBERLY RD	NORTH PARK MALL	320 W KIMBERLY RD	DAVENPORT IA 52806
P1405-07J	320 W KIMBERLY RD	MACERICH NORTH PARK MALL LLC		



Public Hearing Notice | Zoning Board of Adjustment

Date: 1/27/2022 **Location:** City Hall | 226 W 4th ST | Council Chambers
Time: 4:00:00 PM **Subject:** Public Hearing for Hardship Variance before Zoning Board of Adjustment

Ald Cornette
All Alderman Notified
Notices Sent: 10

To: All property owners within 200' of the subject property **300 E. 42nd Street**

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 HV22-01 of the City of Davenport at 300 East 42nd Street (P1301-15G) for a hardship variance from Table 17.05-2 transparency requirements for new construction of a public safety facility (fire station). The C-2 District requires a window transparency of 50% for facades facing a public street. The proposed essential service building will meet the transparency requirements on the East 42nd Street façade (61%), however the Welcome Way and Brady Street facades will provide transparency of approximately 19% and 31% respectively. [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 verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

ZBA: Adjacent Property Owner Notice Area



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

0 50 100 200 Feet

