



AGENDA
City of Davenport
Zoning Board of Adjustment
January 12, 2017



The Zoning Board of Adjustment will meet on *January 12, 2017 at 4:00PM* in the first floor Council Chambers at City Hall, 226 W. 4th Street, Davenport, Iowa to hear the following requests:

I. Secretary's Report:

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

II. Old Business:

None.

III. New Business:

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

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

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

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

IV. Adjourn



**Minutes
City of Davenport
Zoning Board of Adjustment
December 22, 2016**



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

Call to Order

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

Board Members present: Strayhall, Reistroffer, Woodard, and Hart.

Staff present: Scott Koops.

I. Secretary's Report:

Minutes for the December 8, 2016 meeting were unanimously approved by voice vote.

II. Old Business:

None.

Request SUP16-15 of Mark Cross at 601 Deer Woods Drive for a special use permit for a horse stable. Property is zoned "PDD" Planned Development District.

Section 17.48.010 H. of the Davenport Municipal Code requires a Special Use Permit for a stable at this location, and requires the following provisions: 1) the stable building shall be 75 feet and the fenced areas shall be 100 feet from the nearest property lines, and 2) a stormwater runoff plan shall be submitted to the Natural Resources Department of the City of Davenport for approval.

Koops presented the staff report.

Staff stated that notices were sent to adjacent owners within 200 feet of the subject property. Staff received no letters or calls in opposition to the request.

**Recommendation and Findings of Fact
Findings**

- the request has achieved consistency with Section 17.48.010 H. of the Davenport Municipal Code
- the proposed use would be in accord with the intent, purpose and spirit of this title and the comprehensive plan of the City

Staff Recommendation:

The request meets the necessary provisions for the granting of a Special Use Permit. Staff recommends approval of SUP16-15 as proposed.

The petitioner addressed the Board and reiterated the request.

No one spoke in favor of or against the request.

Motion:

Strayhall moved to approve the request as proposed. Reistroffer seconded the motion and it carried unanimously (4-0) on a roll call vote.

Woodard, yes; Strayhall, yes; Reistroffer, yes; and Hart, yes.

III. New Business:

Request SUP16-18 of Vibrant Credit Union at 5354 Elmore Circle for a special use permit for a proposed 70-foot communication tower. The tower will be adjacent to the southwest corner of the existing building. The tower will be used for the company's internal data communications. The subject property is zoned "PDD" Planned Development District.

Section 17.49 of the Zoning Ordinance allows the Board of Adjustment to grant a conditional use permit for a wireless communication tower subject to required conditions.

Koops presented the staff report.

Staff stated that notices were sent to adjacent owners within 300 feet of the subject property. Staff received no letters or calls in opposition to the request.

Recommendation and Findings of Fact Findings

- the request has achieved consistency with Section 17.49 of the Davenport Municipal Code
- the proposed use would be in accord with the intent, purpose and spirit of this title and the comprehensive plan of the City

Staff Recommendation:

The request meets the necessary provisions for the granting of a Special Use Permit. Staff recommends approval of SUP16-18 as proposed.

The petitioner addressed the Board and reiterated the request.

No one spoke in favor of or against the request.

Motion:

Strayhall moved to approve the request as proposed. Reistroffer seconded the motion and it carried unanimously (4-0) on a roll call vote.

Woodard, yes; Strayhall, yes; Reistroffer, yes; and Hart, yes.

IV. Adjourn

With no other business a motion to adjourn was seconded and unanimously approved by a voice vote at approximately 4:13PM.



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: January 12, 2017
Request: Special Use Permit • Gasoline sales
Address: 3200 East Kimberly Road
Applicant: Hy-Vee, Inc. on behalf of First Equity Management, L.C.

Description

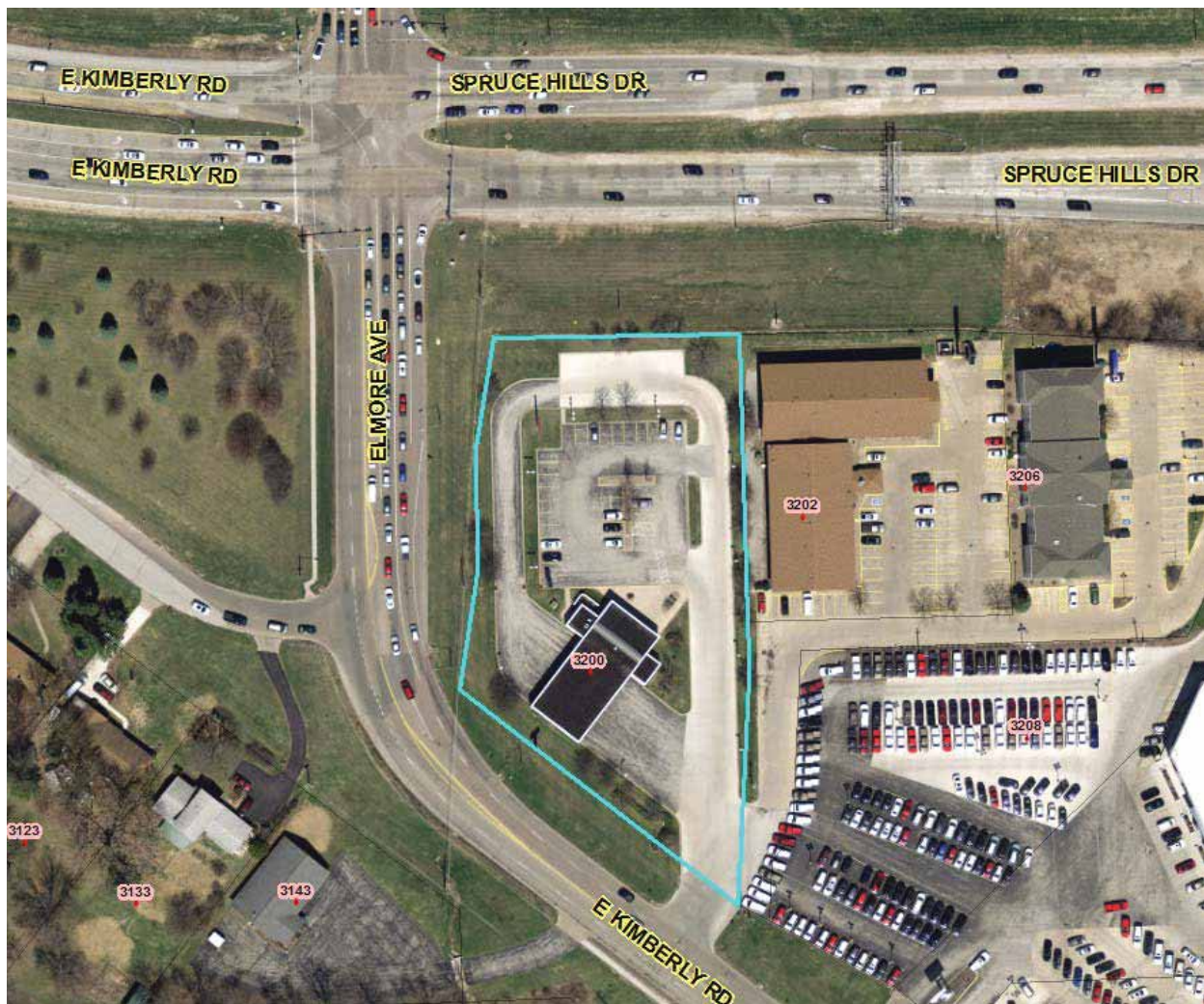
Request SUP17-01 of Hy-Vee, Inc. on behalf of First Equity Management, L.C. at 3200 East Kimberly Road for a Special Use Permit for a Class "A" service station for the sale of motor vehicle fuel. The property is zoned "C-2" General Commercial District.

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

Background

The petitioner is proposing to redevelopment the former Wells Fargo Bank property with a 4,500 convenient store, two bay car wash and 16 fueling stations.





Section 17.48.020B.1 of the City of Davenport Municipal Code authorizes the Zoning Board of Adjustment, by special permit, to authorize the location, construction, extension or structural alteration of a Class 'A' service station for the sale of motor vehicle fuel to the general public.

Public Input

Property owners within 200 feet of the subject property were notified of this request. Eight (8) letters were mailed. To date, City staff has not received any correspondence objecting to the request.

Analysis

Criteria for Granting a Special Use Permit

Section 17.48.030 of the City of Davenport Municipal Code provides the general restrictive provisions for granting Special Use Permits. In its determination upon the particular uses (specified in Section 17.48.020) at the location requested, the Zoning Board of Adjustment shall consider all of the following provisions:

- A. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.*

Staff Commentary: It is staff's opinion that the proposed location, design, construction and operation of the proposed Class "A" service station for the sale of motor vehicle fuel to the general public would comply with and/or will comply with all requirements of the Davenport Municipal Code.

- B. Such use shall not impair an adequate supply of light and air to surrounding property.*

Staff Commentary: It is staff's opinion that the proposed Class "A" service station for the sale of motor vehicle fuel to the general public would not impair an adequate supply of light and air to surrounding property, as the proposed building will comply with the minimum setback requirements and maximum building height requirements of the underlying Zoning District.

- C. Such use shall not unduly increase congestion in the streets, or public danger of fire and safety.*

It is staff's opinion that the proposed use would not unduly increase congestion in the streets, or public danger of fire and safety.

- D. Such use shall not diminish or impair established property values in adjoining or surrounding property.*

It is staff's opinion that the proposed use would not diminish or impair property values in adjoining or surrounding property. The existing and proposed use is compatible with the existing commercial character of the area.

- E. Such use shall be in accord with the intent, purpose and spirit of this title and the comprehensive plan of the city.*

It is staff's opinion that the proposed would be in accord with the intent, purpose and spirit of the Zoning Ordinance and the comprehensive plan of the city and is compatible with the *Davenport 2025* land use plan which allows for retail development of this nature.

Section 17.48.020B.1 of the City of Davenport Municipal Code provides the specific restrictive provisions for granting Special Use Permits for Class "A" service station(s), for the sale of motor vehicle fuel to the general public.

- a. In addition to the site plan, detailed plans showing the building layout with floor elevations, tank locations and their capacity, pumps and their associated piping, and safety curb locations. In making their determination the zoning board of adjustment shall also consider internal circulation for all traffic movement, such as vehicle stacking at the entrance(s) and exit(s) and pump islands, the backing out of vehicles in designated parking spaces and the maneuvering required for fuel and non-fuel delivery vehicles;

Staff Commentary: Building layout with floor elevations, tank locations and their capacity, pumps and their associated piping, and safety curb locations will be reviewed during administrative site plan review. It is staff's opinion that there is adequate internal circulation for all traffic movement, vehicle stacking at the entrance(s) and exit(s) and pump islands, backing out of vehicles in designated parking spaces and the maneuvering required for fuel and non-fuel delivery vehicles. Notably, the northerly driveway on East Kimberly Road is a right-in/right-out only. The design of this driveway shall be reviewed and approved by Davenport Public Works.

- b. That there shall be no overnight storage of material, merchandise, and/or equipment except within approved buildings or structures;

Staff Commentary: This will be an on-going performance standard.

- c. All signage shall comply with the regulations of Chapter 17.45;

Staff Commentary: Consistency with Chapter 17.45 will be ensured during administrative site plan review.

- d. All tank installations and subsequent replacements and/or removals shall comply with all applicable State Department of Natural Resources (DNR) and Federal Environmental Protection Agency (EPA) regulations;
- e. Gas island canopy(ies) may project into the required front yard setback so that the leading edge of the canopy(ies) is not less than ten feet from the front property line.

Staff Commentary: Consistency with this requirement will be ensured during administrative site plan review.

Recommendation

Based on the analysis and findings presented above, staff recommends approval of SUP17-01 subject to the following condition:

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

Prepared by:



Ryan Rusnak, AICP
Planner III

Attachments:

Application
Public Hearing Notice, Map and Property Owners

**Zoning Board
of Adjustment**



City of
Davenport

\$400.00 Filing Fee

REQUEST FOR A SPECIAL USE PERMIT

FOR OFFICE USE

Date Received _____

Fee paid _____

Pre-App Date _____

Meeting Date _____

Premises Affected – Address:

Legal Description:

(Lot/Block/Subdivision Name)

(See your real estate tax bill)

3200 E. KIMBERLY ROAD, DAVENPORT, IA.

SEE ATTACHED EXHIBIT FOR LEGAL DESCRIPTION.

APPELLANT – Name: **Hy-YEE, INC.**

Address: **5820 WESTOWN PKWY**

Zip Code: **WEST DES MOINES, IA 50266**

Phone #: **(515) 453-2795**

Fax #: _____

Email: **jbrehm@hy-yee.com**

OWNER – Name: **FIRST EQUITY MGMT., L.C.**

Address: **5025 UTICA RIDGE RD.**

Zip Code: **STE. 105**

Phone #: _____

Fax #: **DAVENPORT, IA 52807**

Email: _____

DESCRIPTION OF REQUEST: DESCRIBE THE REQUESTED CONDITIONAL USE (AND THE SECTION OF THE ORDINANCE BEING UTILIZED, IF KNOWN)

SPECIAL USE PERMIT REQUESTED FOR A BUILDING OF 4,500 SQUARE FEET, AND GASOLINE/DIESEL SALES.

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

1. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and welfare of persons residing or working in adjoining or surrounding property. Also, including the hours/days of operation, if applicable.
2. Such use shall not impair an adequate supply of light and air to surrounding property.
3. Such use shall not unduly increase congestion in the streets, or public danger of fire and safety.
4. Such use shall not diminish or impair established property values in adjoining or surrounding property.
5. Such use shall be in accord with the intent, purpose, and spirit of Chapter 42 and the comprehensive plan of the city.

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

(Staff initial & Date)

ATTACHED HERETO AND MADE A PART OF THIS APPEAL, I SUBMIT THE DRAWING(S), showing all conditions as to structures or premises affected by this appeal. At least one copy of the drawings submitted must be 8-1/2 x 11" in size. (Note: These papers must be submitted with the appeal.)

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

Signature of Appellant

Date

Sworn to before me, this **16TH** day of **December**, 20**16**.

Signature of Notary **Vicki K. Archer**



VICKI K. ARCHER
COMMISSION NO. 199092
MY COMMISSION EXPIRES
5-12-2018

LAND DESCRIPTION PER TITLE OPINION NO. 1147.053

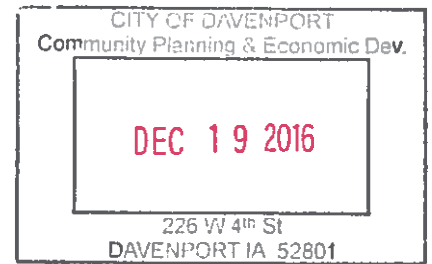
LOT 1 OF MEL FOSTER CO. PROPERTIES INC. COMMERCIAL PARK 1ST ADDITION TO THE
CITY OF DAVENPORT, IOWA, COUNTY OF SCOTT, STATE OF IOWA.

WHICH HAS THE APPARENT ADDRESS OF 3200 EAST KIMBERLY ROAD, DAVENPORT, IOWA.



December 16, 2016

Ryan Rusnak, AICP
Planner III
City of Davenport
Community Planning and Economic Development
226 West 4th Street
Davenport, Iowa 52801



Jan. 12, 2017

RE: Zoning Board of Adjustment Request for a Special Use Permit for 3200 East Kimberly Road

Dear Mr. Rusnak:

Enclosed is our application for a Special Use Permit to allow for construction of a 4,500 square foot convenience store and gasoline sales at 3200 East Kimberly Road. Hy-Vee intends to build the convenience store with 8 fuel dispensers, a coffee shop with drive up service, and a two bay car wash in the coming year, pending approval. Below is a point-by-point description of our case, as required on the application. See attached site plan for additional reference.

1. **Does the proposed use adequately safeguards the health, safety, and welfare of persons working or residing in adjacent or nearby property?** This project will remove the existing bank on the site and replace it with a 4,500 square foot convenience store and coffee shop. The convenience store and car wash will both be inside the required building setbacks, and the existing buffer between the properties to the east will be maintained and expanded. City landscape requirements will be met. Gasoline and diesel fuel stored on site will be kept in approved underground storage tanks with the appropriate venting and safety devices as required by the City and State Fire Marshal and Building Inspector. Propane will be kept in a locked cabinet on the exterior of the convenience store. Car wash chemicals will be kept in a locked equipment room in the car wash building. Vehicles will have full access to the site off Kimberly Road via the shared access drive, and right-in, right-out access via a new entrance cut into Kimberly opposite E 32nd Street.
2. **The proposed use will not block an adequate supply of light and air to surrounding property.** The convenience store and car wash will be significantly lower in height than the surrounding structures, allowing both light and air to the neighbors. Dust will be controlled with regular sweeping and a paved surface for parking and access. Proper venting, vapor recovery and cleaning of

Hy-Vee, Inc.
5820 Westown Parkway, West Des Moines, Iowa 50266
Phone: (515) 267-2800

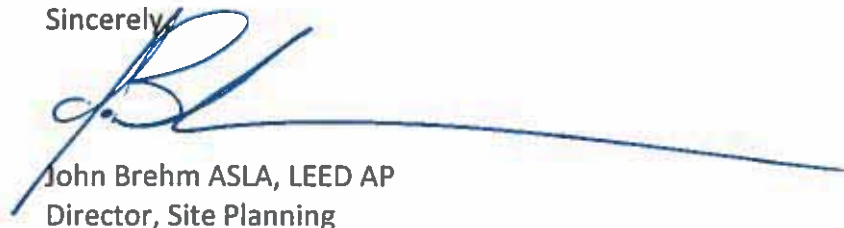


the fueling equipment will prevent gasoline and diesel fumes from impacting neighboring property.

3. **The proposed project will not increase congestion in the public streets.** This site is highly visible from the intersection of Spruce Hills Road and Kimberly Road. The site has adequate parking, loading, and vehicular access to prevent backups or congestion onto the public streets. 20 parking stalls, in addition to 16 fueling positions provide 36 available off-street parking spots. Spruce Hills Road and Kimberly Road have adequate capacity to handle additional traffic driven by the convenience store. Hy-Vee c-stores typically have 3 to 5 employees on site for each shift, and they receive multiple deliveries of product each day. Fuel and product deliveries can be made without disrupting traffic inside the site, and they can also be adjusted to avoid peak use hours.
4. **The proposed use should not impair or diminish established property values in the surrounding area.** Property values should be enhanced in the area with the addition transportation and retail services a convenience store offers. New development will help refresh and encourage additional growth and investment in the area, and the use is complimentary to the hospitality uses nearby.
5. **The proposed use is in accord with the intent or spirit of the Zoning Ordinance and comprehensive plan of the City.** We have met with City Staff to discuss this project. The proposed use falls within the existing zoning of the site.

We are looking forward to bringing this project to Davenport, and working with the City to make it a success. Please let me know if you have any questions or need additional information for your review. I can be reached at (515) 453-2795 or jbrehm@hy-vee.com.

Sincerely,



John Brehm ASLA, LEED AP
Director, Site Planning

Enclosures

Cc: Steve Geifman, First Equity via e-mail
Kacey Bonjour, Hy-Vee, Inc.

Hy-Vee, Inc.
5820 Westown Parkway, West Des Moines, Iowa 50266
Phone: (515) 267-2800



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



**TO ALL PROPERTY OWNERS WITHIN 200 FEET OF THE SUBJECT PROPERTY LOCATED AT:
3200 East Kimberly Road.**

The Zoning Board of Adjustment will hold a public hearing on Thursday 1/12/2017 at 4:00 P.M. in Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa to consider the request of Hy-Vee, Inc. on behalf of First Equity Management, L.C. at 3200 East Kimberly Road for a Special Use Permit for a Class "A" service station for the sale of motor vehicle fuel. As a neighboring property owner, you have the opportunity to submit written comments, and/or to appear at the meeting, to express your views on the request described below. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM, 1/12/2017.

The Petition before the Board is described as follows:

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

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

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

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

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

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



-  Subject Property
-  200 Foot Notification Radius



FID	OBJECTID	Parcel	Address	Deed1_Name	Deed1_Addr	Deed1_CSZ
0	8329	N1715-01B	3210 E KIMBERLY RD	JILL A GREEN TRUST	3210 E KIMBERLY RD	DAVENPORT IA 52806
1	18879	N1715-01E	3200 E KIMBERLY RD	NORWEST BANK IOWA	PO BOX 2609	CARLSBAD CA 92018
2	1807	N1715-03A	3208 E KIMBERLY RD	JILL A GREEN TRUST	3210 E KIMBERLY RD	DAVENPORT IA 52806
3	18872	N1715-05	3202 E KIMBERLY RD	ANK HOSPITALITY LLC W2005/FARGO HOTELS (POOL C) RE	5074 BRITTANY CT	BETTENDORF IA 52722
4	18877	N1715-06	3206 E KIMBERLY RD	RYAN LLC	PO BOX 06019	CHICAGO IL 60606
5	3748	N1716-01	3143 E KIMBERLY RD	NORTHSIDE CHURCH OF CHRIST DANIEL WALSH	3143 E KIMBERLY RD	DAVENPORT IA 52807
6	24722	N1716-02	3133 E KIMBERLY RD	LINDA WALSH PARTICIA FROESCHE	3133 E KIMBERLY RD	DAVENPORT IA 52807
7	31270	N2001-01	2900 E 32ND ST	MATTHEW FROESCHLE	2900 E 32ND ST	DAVENPORT IA 52807
8	23636	N2002-03	3300 E KIMBERLY RD	KIMBERLY CLUB APARTMENTS COOP	1825 WINDING HILL RD	DAVENPORT IA 52807



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: January 12, 2017
Applicant: Saini II LLC
Address: 1802 W 7th Street

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

Description

Petitioner requests two dynamic display signs for this property.

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

Background

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

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

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

Discussion

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

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

Analysis (code requirement/petitioner response/staff comments)

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

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

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

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

Location of our business

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

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

No

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

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

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

With respect to light and air, staff concurs.

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

Traffic flow will not be altered

Staff concurs

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

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

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

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

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

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

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

No

The impact of the additional LED has not been determined.

Staff Recommendation:

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

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

Staff recommends denial of the request.

Prepared by:

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

Matthew G. Flynn, AICP
Senior Planning Manager

Zoning Board of Adjustment



City of
Davenport

\$200 Filing Fee

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

REQUEST FOR A HARDSHIP VARIANCE

ADDRESS
AFFECTED:
OR

1802 W 7th ST

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

CONTACT /
APPLICANT

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

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

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

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

BECAUSE 2 LED 3'x6' SIGNS WERE INSTALLED
ON EACH END OF BUILDING, WITH 1 STATIC
SIGN ON WEST SIDE OF BUILDING.

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

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

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

Is the property historic? ☐ Yes ☒ No.

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

(Staff initial & date)

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

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

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

Signature of Applicant

Date

12-21-16

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

Signature of Notary

ANSWERS TO QUESTIONS

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

2. LOCATION OF OUR BUSINESS

3. NO

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

5. TRAFFIC FLOW WILL NOT BE ALTERED

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

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

8. NO









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



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

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

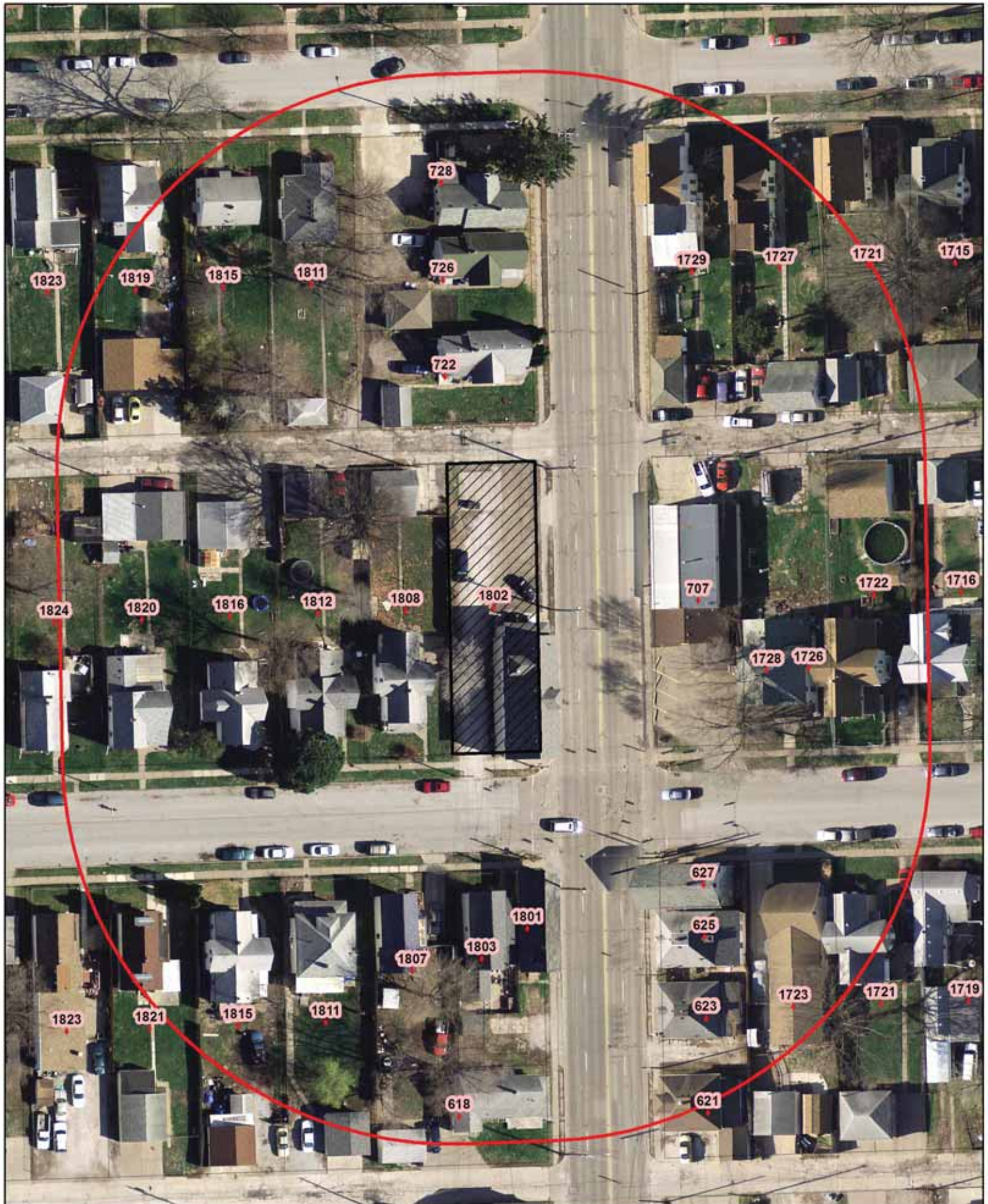
Section 17.45.051.B of the Davenport Municipal Code limits a property to one dynamic display sign per lot.

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

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

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

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



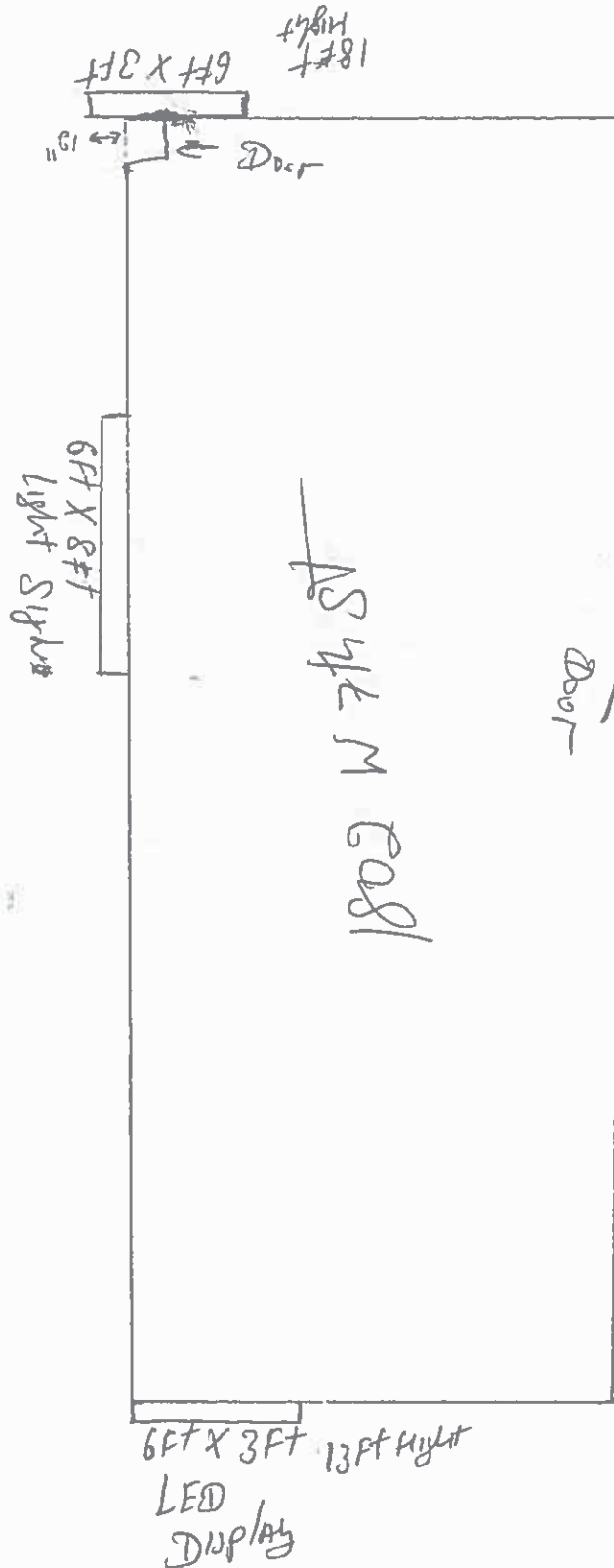
Subject Property



200 Foot Notification Radius



74



Only Approach
A. Kepph



Sign (Permanent) Permit Application

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

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

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

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

Address of Proposed Sign		1802 W 7th St					
Purpose of Sign		2 LED SIGN front AND BACK each 3 FT X 6 FT and one Lit LED sign					
Description of Project		Install 3 Signs					
How Many Signs Currently Exist at this Location?		1 Removing					
Sign Height		Sign Area		Quantity			
Be sure to include a copy of the site plan, showing the location and set-back details for the proposed sign and the graphic proposed for the sign.							
Will electricity be required for this sign?							☒ Yes ☐ No
Owner Name		SAINI II LLC					
Address		1802 W 7th	City	DAVENPORT	State	IA	Zip 52802
Contact Name		JUNE	Phone	563-579-6306	E-mail		
Contractor Name		SAINI II LLC					
Address		1802 W 7th St	City	DAVENPORT	State	IA	Zip 52802
Contact Name		Jessie	Phone	563-579-6306	E-mail		
License #		Bond #					
Zoning Review and Conditions (if applicable)				Zoning Approval			
				By			
				Date			
I understand the regulations and terms for placing the sign described. I affirm this application is a complete and accurate description of the temporary signage permit we are applying for.							
Signature					Date		
					11/22/16		
For Office Use Only							
Processed by		Permit #		Date			

COPY OF NOTICE
EXHIBIT "A"

AFFIDAVIT OF PUBLICATION

ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING NOTICE CITY OF
DAVENPORT

The Zoning Board of Adjustment will meet on Thursday, January 12, 2016, at 4:00 P.M. in the first floor Council Chambers of City Hall, 226 West 7th Street Davenport, Iowa, to hold a public hearing to consider the following request:

Request SUP15-05 of Hy-Vee, Inc. on behalf of First Equity Management, L.C. at 3200 East Kimberly Road for a Special Use Permit for a Class "A" service station for the sale of motor vehicle fuel. The property is zoned "C-2" General Commercial District.

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

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All interested persons may submit written comments on the above item(s) and/or attend the public hearing(s) to express your views. Any written/e-mailed comment(s) to be reported at the public hearing(s) should be received by Community Planning, City Hall, no later than 12:00 p.m. on the day of the public hearing. PO 1710285.

Community Planning & Economic Development

Phone: (563) 326-7765

E-mail: planning@ci.davenport.ia.us

STATE OF IOWA }
SCOTT COUNTY, } ss.

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE QUAD-CITY TIMES, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is hereto annexed as Exhibit "A" and made a part of this affidavit, was published in said THE QUAD-CITY TIMES, on the following dates:

1-4

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

Cef. Saini

Subscribed and sworn to before me by said affiant this

day of

January

20

17



STEPHEN H. THOR
Commission Number 168839
My Commission Expires
3-24-17

Stephen H. Thor

Notary Public in and for Scott County, Iowa