

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

Thursday, May 23, 2024; 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
 1. Consideration of the May 9th, 2024 Minutes.
- III. Old Business
- IV. New Business
 1. Request HV24-08 of Kerry Panozzo on behalf of OGAD Properties LLC at 3170 E. 53rd ST for a Hardship Variance to construct a multi-tenant freestanding sign at the same access point and within 36' of an existing multi-tenant sign. Section 17.12.060.D.4.a. requires a separate access point and at least 75' between multi-tenant signs.
- V. Other Business
- VI. Adjourn

City of Davenport

Department: Development & Neighborhood Services
Contact Info: Scott Koops | 563-326-6701

Action / Date
5/23/2024

Subject:
Consideration of the May 9th, 2024 Minutes.

Recommendation:

Background:

Attachments:

1. ZBA Minutes 2024-05-09



MINUTES

Zoning Board of Adjustment

May 9, 2024



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 4:02 p.m.

Members present: Galliard, Boyd-Carlson, Bloemker, Darland

Excused: None.

Staff present: Koops, Berkley, Davidson

II. Secretary's Report:

Minutes were approved for the 2024-04-25 ZBA Hearing by voice-vote (4-0).

III. Old Business:

None.

IV. New Business:

A. Request SU24-03 of Deanoz Holdings LLC on behalf of CRC Recovery INC at 111 E. 50th ST for a Special Use to establish a drug treatment clinic on property zoned C-2 Corridor Commercial as required in Table 17.08-1. [Ward 7]

Koops presented the staff report. Two comments opposed to the request were received and were sent via email to the Board and presented as hard copies at the hearing.

Findings & Staff Recommendation:

Findings:

1. The petitioner's proposed location/design 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 the Board adopt staff's findings and approve request SU24-03 subject to the following conditions:

1. A hardship variance shall be required to reduce the distance separation from adjacent residential zoning.
2. No activities of the clinic shall be allowed outside of the leased building area, excepting use of the parking lot area for the parking of clients, visitors, employees, and allowance of solid waste collection.
3. Should the clinic have a pattern of noncompliance with condition number 2 above, the Zoning Board of Adjustment reserves the right to rehear/reconsider the special use and/or to revisit the conditions of the special use.

Motion:

Galliard moved to approve SU24-03 subject to the staff's conditions, seconded by Boyd-Carlson. The motion carried unanimously (4-0).

Conditions:

1. A hardship variance shall be required to reduce the distance separation from adjacent residential zoning.
2. No activities of the clinic shall be allowed outside of the leased building area, excepting use of the parking lot area for the parking of clients, visitors, employees, and allowance of solid waste collection.
3. Should the clinic have a pattern of noncompliance with condition number 2 above, the Zoning Board of Adjustment reserves the right to rehear/reconsider the special use and/or to revisit the conditions of the special use.

Bloemker yes; Gallart yes; Boyd-Carlson, yes; and Darland, yes.

B. Request HV24-06 of Deanoz Holdings LLC on behalf of CRC Recovery INC at 111 E. 50th ST for a Hardship Variance to decrease a Health Services use separation from 300 feet to 270 feet. Section 17.08.030.L.7. requires the proposed clinic to be 300 feet from a residentially zoned property. The residential property is a non-buildable outlot in use for stormwater detention. [Ward 7]

Koops presented the staff report. No comments were received.

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 HV24-06 as proposed.

Motion:

Boyd-Carlson moved to approve HV24-06, seconded by Gallart. The motion carried unanimously (4-0).

Boyd-Carlson, yes; Bloemker yes; Gallart yes; and Darland, yes.

C. Request HV24-07 of Streamline Architects on behalf of Project Renewal at 513 Warren Street for a Hardship Variance to locate a portion of the proposed building five (5) feet into the required side buffer yard. Section 17.11.080.A.2. requires a 15-foot buffer yard between the proposed community center use and the adjacent dwelling units. [Ward 3]

Koops presented the staff report. One comments in favor of the request was received.

Findings & Staff Recommendation:

Due to the minimum impact of a 3.2' encroachment, staff finds that:

- 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;

Staff Recommendation:

Staff recommends that Board adopt staff's findings and approve request HV24-07 as proposed.

Motion:

Bloemker moved to approve HV24-07 as proposed. Gallart seconded the motion and it carried unanimously (4-0).

Galliar, yes; Boyd-Carlson, yes; Bloemker, yes; and Darland, yes.

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:45 p.m.

City of Davenport

Department: Development & Neighborhood Services
Contact Info: Scott Koops | 563-326-6701

Action / Date
5/23/2024

Subject:

Request HV24-08 of Kerry Panozzo on behalf of OGAD Properties LLC at 3170 E. 53rd ST for a Hardship Variance to construct a multi-tenant freestanding sign at the same access point and within 36' of an existing multi-tenant sign. Section 17.12.060.D.4.a. requires a separate access point and at least 75' between multi-tenant signs.

Recommendation:

Table the Request

Background:

Attachments:

1. Staff Report UPDATED 3170 E 53rd ST HV24-08 Sign within 70 Ft Separation
2. Zoning Interpretation Application
3. Zoning Interpretation and Appeal Process
4. Application for 3170 E 53rd ST HV24-08
5. Comment in Opposition to Reuest HV24-08 at 3150 E 53rd ST Mandar Pattekar
6. Example Adjacent Owner Notice Letter
7. Adjacent Owner Notice List - HV24-08
8. QC Times Public Notice Affidavit HV24-08



**Staff Report | Zoning Board of Adjustment
3170 E 53rd ST | Multi-tenant Sign
May 23, 2024**

UPDATE: As of May 21, the applicant has filed a request for a Zoning Interpretation, requesting the Zoning Administrator to review the interpretation of a Multi-Tenant Commercial Center. With this new request, under City legal advice, it has been recommended that the Board be advised of this new application, and that it is also further recommended that the request be acted upon in the standard order as set for in the Davenport Municipal Code 17.14, by hearing the request for a Zoning Interpretation prior to the Hardship Variance Request.

It is therefore recommended by Planning Staff and Legal Staff that Hardship Request HV24-08 be tabled until after a decision has been rendered regarding the requested Zoning Interpretation.

Two new documents have been appended to this case documentation, the request for a Zoning Interpretation application form submitted by the Applicant and the Administrative Appeal Process outlined in the Davenport Municipal Code.

Description

Request HV24-08 of Kerry Panozzo on behalf of OGAD Properties LLC at 3170 E. 53rd ST for a Hardship Variance to construct a multitenant freestanding sign at the same access point and within 36' of an existing multitenant sign. Section 17.12.060.D.4.a. requires a separate access point and at least 75' between multitenant signs. [Ward 6]

Code Sections

§17.12.060.D.4.a. (Multi-tenant Signs)

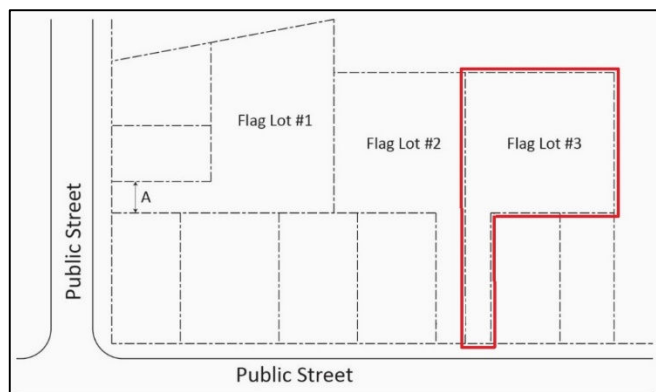
One freestanding sign – multitenant commercial center is permitted per street frontage of a lot. An additional freestanding sign is permitted for each additional access point to the lot; however, a minimum separation of 75 feet is required between signs. For the purposes of this regulation, a multitenant development where the development as a whole is comprised of separate lots of record, the entire development, including outlot parcels and inline development, is considered one lot.

§17.02.030. (Zoning Lot)

A lot or combination of lots within a single block, which is designated by its owner or developer to be used, developed, or built upon as a unit. A zoning lot may coincide with a lot of record or may be comprised of one or more lots of record.

§17.02.030.1.5 (Flag Lot)

A flag lot is platted so that the main building site area (the “flag”) is set back from the street on which it fronts and includes an access strip (the “pole”) connecting the main building site with the street.

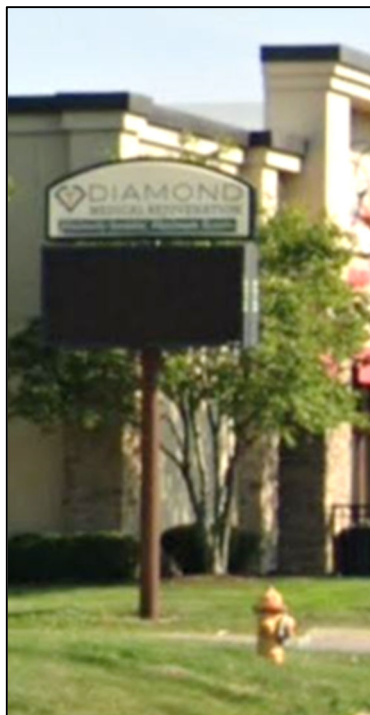
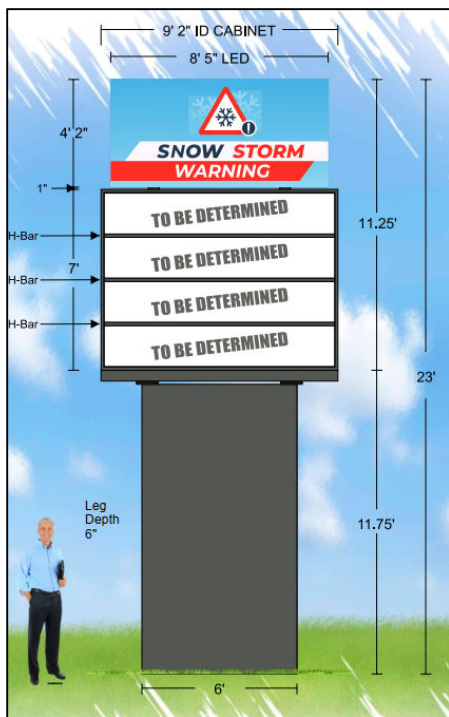


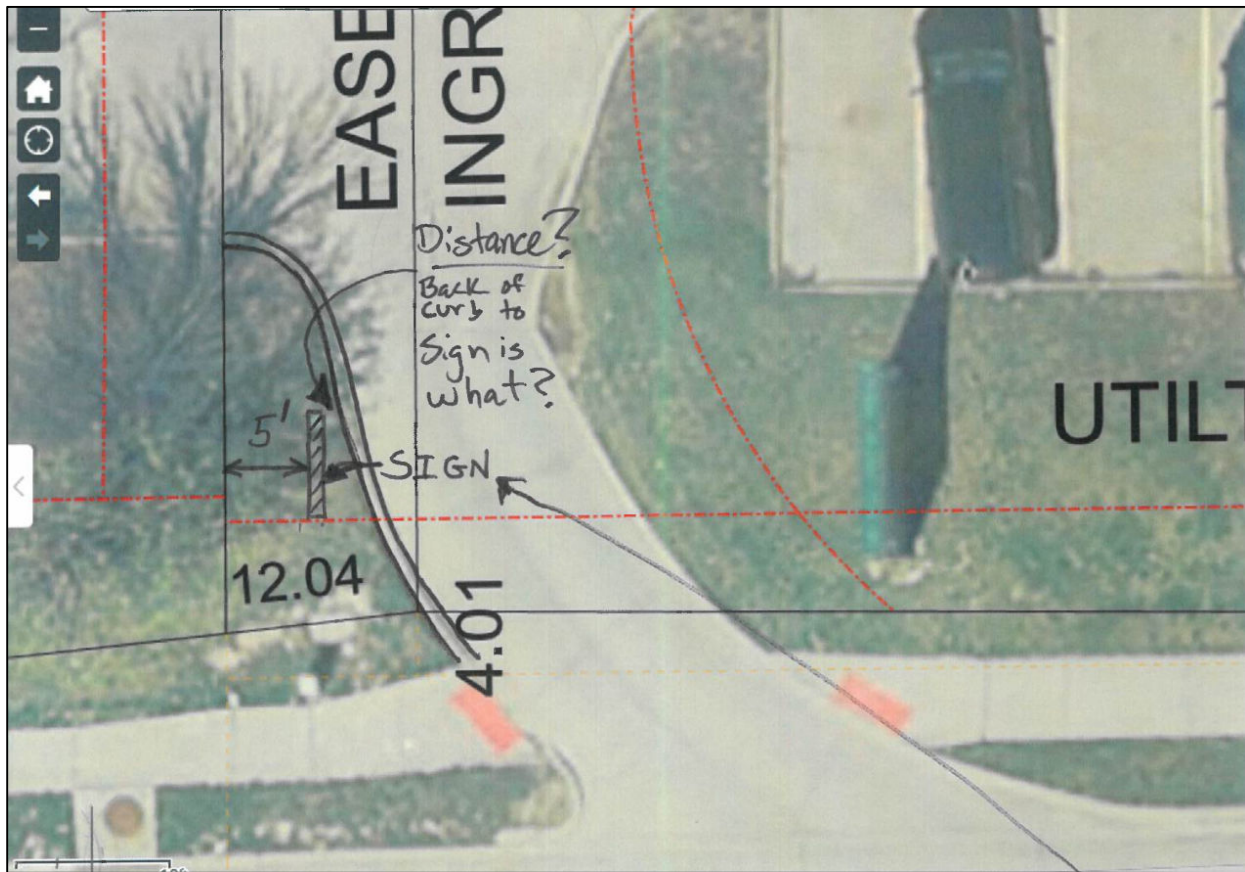
Background

Zoning Lot Plat and Proposed Sign Location



Signs: Proposed Existing Existing





Discussion

The applicant is proposing a freestanding multi-tenant sign on a zoning lot which already has a multi-tenant sign less than 36 feet from the proposed sign. The Zoning Ordinance requires 75 feet between a multi-tenant sign AND a separate access point. The proposed location only has one access point, not the required separate access point. It appears there are nearby/adjacent underground utilities, although precisely where they are located is yet to be determined.

The City was not been provided a site survey, which creates difficulty in determining if the site is adequate to meet setback requirements and the required two-foot landscaped buffer. Verbally the applicant has stated that the sign will be at least 2 feet from the nearest curb, however no survey is on file nor has one been submitted.

Alternatives

Staff has consulted with the applicant on a couple of occasions regarding the options to increase freestanding signage for this property. The most logical way (without a hardship variance) to add freestanding signage for the building at 3170 E 53rd Street is to redo to the existing multi-tenant sign next to the existing access point on E 53rd Street. This would allow for signage for DXL and Enterprise, as well as signage for the tenants in the building at 3107 E 53rd. Staff has suggested this option, but to staff's knowledge the applicant has not attempted to enquire into this option with the adjacent property owner.

Another alternative would be to redo the "Diamond" sign along Elmore Avenue.

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.*

As the Zoning Code is the same as on the date of the purchase of the property (2019), there cannot be an "unforeseen application of the Zoning Code". The present zoning code existed at the time the property was purchased. It is difficult to prove a hardship in such cases.

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

Applicant Response:

Current Zoning for 3170 E 53rd St, Davenport IA 52807 is C-3. C-3 Zoning allows for Multi-Tenant Commercial Center. 3170 E 53rd is a 2-story structure with 2 tenants. Current Sign Ordinance allow for 2 signs per the Municipal Code Title 17 Zoning: MULTI-TENANT COMMERCIAL CENTER: A group of two or more commercial establishments that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant commercial centers are large shopping centers/malls and strip centers. [Ord. No. 2019-195 § 1]

It has been and continues to be extremely difficult to attract tenants to this multi-tenant building. All of the other local properties have been able to attract and maintain occupancy with the exception of this property. As you can see from the chronology below many businesses have purchased this location and no businesses have been successful at this location over the past 13 years. Many tenants have not even considered the site due to the lack of signage along 53rd St. Many potential tenants have chosen to not occupy the space due to the lack of signage along 53rd and feel that the building is not a good location due to lack of the building signage. Several businesses have chosen to occupy the space but closed due to the lack of visibility (Bank, Medical Facility, Dance Studio, Dr Office).

Timeline:

01-03-2011	Regent Financial purchased and closed down.
05-03-2012	Regent Financial sold to Trinity Property Group.
11-01-2017	Trinity Property Group closed down.
05-07-2019	Trinity Property Group sold to OGAD Properties LLC.
04-01-2020	OGAD Properties LLC opens business.
05-01-2021	OGAD Properties LLC business closes.
2021 to 2024	Vacant building [approximal] 3 years.

I have invested a significant resource to repurpose the lower level (Salon and Suites) in order to breathe new life into the building. I have had a very difficult time in filling the space due to the fact that there is no signage on 53rd St. Each of the other buildings along 53rd have their own Pylon Sign along 53rd St. These businesses include: Fortress Bank, Enterprise Rent a Car/DXL Big and Tall T-Mobile, and Starbucks/AT&T.

Our parcel of land has frontage along 53rd St and Elmore Ave. We currently have a pylon sign along Elmore and are requesting a second pylon sign along 53rd St. Per the Sign ordinance Freestanding Signs – Multitenant Commercial Regulations, Freestanding signs are subject to the following:

One freestanding sign – multitenant commercial center is permitted per street frontage of a lot. An additional freestanding sign is permitted for each additional access point to the lot; however, a minimum

separation of 75 feet is required between signs. For the purposes of this regulation, a multitenant development where the development as a whole is comprised of separate lots of record, the entire development, including outlot parcels and inline development, is considered one lot.

The second Pylon sign we are requesting is located approximately 456ft distance from the pylon sign on Elmore Ave. Each of the buildings along 53rd Street has a dedicated pylon sign along 53rd except for 3170 E 53rd St. It is my hopes that the sign along 53rd St will aid in the prosperity of both the lower and the upper-level tenants.

Staff Comments:

Flag lots by definition have the buildable portion of the lot 'off of' or not visible from the public street. The sign code allows for additional signage in this situation. The applicant has not taken advantage of the existing multi-tenant sign which is already constructed. An additional, separate access point is not present where the sign is proposed.

Lack of visibility of the business is not grounds for a hardship variance. The request is a convenience to the petitioner. Application of the zoning ordinance as written does not creating hardship for the applicant. Approval Standard #1 has not been met.

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 narrowness of the lot at the southern border where the sign is proposed inhibit the position of the base of the sign.

Staff:

Physical or topographical hardships are not present, as the applicant could locate on the existing multi-tenant sign (DXL/Enterprise) without a hardship. Flag lots are allowed by code and there are numerous flag lots throughout the city. A business located on a flag lot does not create a topographical hardship. Desire for an additional sign when there are other options is not grounds for a hardship variance. Approval Standard #2 has not 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 visibility of the building is unique to this site and not shared with the neighboring buildings.

Staff:

No evidence has been presented necessitating a hardship variance due to a unique circumstance of this property. Flag lots are allowed by code and there are numerous flag lots throughout the city. A business located on a flag lot does not create a unique circumstance. Convenience to the petitioner is not a unique circumstance. Approval Standard #3 has not been met.

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

Applicant Response:

The hardship variance will not alter the essential character of the locality due to the fact that all buildings in this area are zoned C-3 and each of the current properties already has a sign along 53rd Street. Allowing an additional sign will not alter the characteristics of the area.

Staff:

Allowing this sign to block visibility of other existing signs does negatively impact essential character. The 75-foot separation is in part established to space signs out so that they do not block other signs, in addition to limiting proliferation of signs. The request is a convenience to the petitioner. Standard #4 has not been met.

Findings & Staff Recommendation:

The petitioner has not demonstrated any practical difficulties or particular hardships associated with this property or justification for an additional multi-tenant sign.

Findings: (supported by the previous analysis)

- Approval Standard #1 application of the ordinance does not create a hardship;
- Approval Standard #2 physical and topographical conditions do not limit use of the site;
- Approval Standard #3 unique circumstance is not established;
- Approval Standard #4 protection of essential character is not established;

Recommendation:

Staff recommends denial of the request HV24-08.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents



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

Office: 563.326.6198
planning@davenportiowa.com

APPLICATION FOR ZONING INTERPRETATION

BY THE ZONING ADMINISTRATOR

APPLICANT INFORMATION		DATES: PRE-APP	SUBMITTAL	CODE SECTION(S) OF NOTE
Applicant Name Company Name KERRY PANOUZO - OGAD Properties LLC		SITE ADDRESS & PARCEL OR LOCATION DESCRIPTION 3170 E 53RD ST. Davenport IA 52801		
Address 3170 E 53RD ST.		DESCRIBE PROPOSED DEVELOPMENT/CONFORMANCE ISSUE LARA BENKLEY HAS DECIDED THAT THE PROPERTY IS MULTI TENANT DEVELOPMENT.		
City State Zip Davenport IA 52807				
Phone 309-721-3288		COMPLETE SUBMITTALS SHALL INCLUDE: SUBMITTED		
Secondary Phone		.PDF Interpretation Request Statement, if applicable* ☐ *This is required if the text box below is not utilized		
E-Mail Address KPANOUZO@YAHOO.COM		Authorization to Act as Applicant, if applicable* ☒ *shall include owner contact information or controlling interest		
		Additional Requested Information, if applicable ☐		
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. KERRY PANOUZO Type Applicant's Name [Signature] Applicant's Signature 5-21-24 Date		EXPLAIN THE REQUEST FOR INTERPRETATION: * *OR submit a separate .PDF if desired or if additional space is needed. I REQUEST THE PROPERTY BE TREATED AS ALL OTHER PROPERTIES IN THE AREA AS A SEPARATE MULTITENANT BUILDING AS Ryan Roszak PREVIOUS STATED ON 3-13-19.		
OTHER CONTACTS				
Property Owner OGAD Properties LLC - KERRY PANOUZO				
Address 3170 E. 53RD ST. Davenport IA				
Phone 309-721-3288				
Secondary Phone				
E-Mail Address KPANOUZO@YAHOO.COM				
Project Attorney/Other				
Address				
Phone				
Secondary Phone				
E-Mail Address				
		FORMAL PROCEDURE (17.14.120) A. Purpose. Interpretation authority is intended to recognize that the provisions of this Ordinance, though detailed & extensive, cannot, as a practical matter, address every specific zoning issue. However, this zoning interpretation authority is not intended to add or change the essential content of the Ordinance. B. Initiation. City Council, Plan & Zoning Commission, Zoning Board of Adjustment, or a property owner in the City, or person expressly authorized in writing by the property owner, may request a zoning interpretation. All interpretation requests must be for the purpose of furthering some actual development. C. Authority. The Zoning Administrator will review and make final decisions on written requests for zoning interpretations. D. Procedure. All applications for interpretations must be filed with the Zoning Administrator. The Administrator must review a written request for an interpretation and render the interpretation in writing within a reasonable time. The Zoning Administrator may request additional information prior to rendering an interpretation. Contact Development & Neighborhood Services (DNS) Planning Division at planning@davenportiowa.com with any questions, for additional information, and to submit this form.		

Section 17.14.120 Zoning Interpretation

A. Purpose

The interpretation authority is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue. However, this zoning interpretation authority is not intended to add or change the essential content of the Ordinance.

B. Initiation

The City Council, the Plan and Zoning Commission, Zoning Board of Adjustment, or a property owner in the City, or person expressly authorized in writing by the property owner, may request a zoning interpretation. All interpretation requests must be for the purpose of furthering some actual development.

C. Authority

The Zoning Administrator will review and make final decisions on written requests for zoning interpretations.

D. Procedure

All applications for interpretations must be filed with the Zoning Administrator. The Zoning Administrator must review a written request for an interpretation and render the interpretation in writing within a reasonable time. The Zoning Administrator may request additional information prior to rendering an interpretation.

Section 17.14.130 Zoning Appeals

A. Purpose

The zoning appeals process is intended to provide appropriate checks and balances on the administrative authority of the Zoning Administrator

B. Initiation

A property owner in the City, or person expressly authorized in writing by the property owner, that is directly affected by a determination of the Zoning Administrator may file an appeal of the Zoning Administrator's decision on an administrative exception, zoning interpretation, temporary use permit, or other administrative decision related to this Zoning Ordinance.

C. Authority

The Zoning Board of Adjustment will take formal action on zoning appeal applications.

D. Procedure

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Adjustment.

1. After receipt of a complete application, the Zoning Board of Adjustment will consider the proposed zoning appeal at a public hearing. If, in the Zoning Board of Adjustment's judgment, the application does not contain sufficient information to properly review and consider the application, the Zoning Board of Adjustment may request additional information from the applicant and the public hearing may be continued.
2. Within 30 days of the close of the public hearing, the Zoning Board of Adjustment must either confirm or overturn the Zoning Administrator's decision.

E. Limitations on Zoning Appeals

A decision of the Zoning Administrator may only be appealed if an application is filed within 30 days of the date of notice of the Zoning Administrator's decision.



CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 E. 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 OGAD Properties, LLC - Kerry Panozzo		SITE ADDRESS & PARCEL OR LOCATION DESCRIPTION 3170 E 53rd St, Davenport IA 52807		
Address 3170 E 53rd St		SPECIFICALLY DESCRIBE THE REQUEST & RELIEF NEEDED a second pylon sign located along 53rd St		
City State Zip Davenport, IA 52807		COMPLETE SUBMITTALS SHALL INCLUDE: SUBMITTED		
Phone (309) 721-3288		Concept/Development Plan to Scale* ☒		
Secondary Phone		*shall show setbacks, height and size dimensions, etc.		
E-Mail Address kpanozzo@yahoo.com		Consent to request hardship/legal interest Affidavit* ☒		
Acceptance of Applicant		*shall include owner contact information		
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.		Application Fee* \$200 ☒		
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.		*required for a complete application		
Kerry Panozzo Type Applicant's Name		DEMONSTRATE WITH EVIDENCE THE FOLLOWING (4) ITEMS:		
Applicant's Signature		1. The strict application of the terms of this ordinance will result in hardship unless the specific relief requested is granted.		
Date		See attached		
DEVELOPMENT TEAM		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.		
Property Owner OGAD Properties LLC		See attached		
Address 332 N Harrison St, Davenport IA 52801		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.		
Phone (309) 721-3288		See attached		
Secondary Phone		4. The hardship variance, if granted, will not alter the essential character of the locality.		
E-Mail Address kpanozzo@yahoo.com		See attached		
Project Manager/Other Kerry Panozzo		Contact Development & Neighborhood Services (DNS) Planning Division at planning@davenportiowa.com with any questions, for additional information, and to submit this form.		
Address 332 N Harrison St, Davenport IA 52801				
Phone (309) 721-3288				
Secondary Phone				
E-Mail Address kpanozzo@yahoo.com				

1. The strict application of the ordinance will result in hardship to the property as follows:

Current Zoning for 3170 E 53rd St, Davenport IA 52807 is C-3

C-3 Zoning allows for Multi Tenant Commercial Center

3170 E 53rd is a 2 story structure with 2 tenants.

Current Sign Ordinance allow for 2 signs

Per the Municipal Code Title 17 Zoning:

MULTI-TENANT COMMERCIAL CENTER

A group of two or more commercial establishments that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant commercial centers are large shopping centers/malls and strip centers.

[Ord. No. 2019-195 § 1]

It has been and continues to be extremely difficult to attract tenants to this multitenant building. All of the other local properties have been able to attract and maintain occupancy with the exception of this property. As you can see from the chronology below many businesses have purchased this location and no businesses have been successful at this location over the past 13 years. Many tenants have not even considered the site due to the lack of signage along 53rd St. Many potential tenants have chosen to not occupy the space due to the lack of signage along 53rd and feel that the building is not a good location due to lack of the building signage. Several businesses have chosen to occupy the space but closed due to the lack of visibility (Bank, Medical Facility, Dance Studio, Dr Office).

1-3-11 Regent Financial purchased and closed down.

5-3-12 Regent Financial sold to Trinity Property Group.

11-1-17 Trinity Property Group closed down.

5-7-19 Trinity Property Group sold to OGAD Properties LLC.

4-1-20 OGAD Properties LLC opens business.

5-1-21 OGAD Properties LLC business closes.

Vacant building for the past 3 years.

I have invested a significant resources to repurpose the lower level (Salon and Suites) in order to breath new life into the building. I have had a very difficult time in filling the space due to the fact that there is no signage on 53rd St. Each of the other buildings along 53rd have their own Pylon Sign along 53rd St.

These businesses include:

Fortress Bank

Enterprise Rent a Car/DXL Big and Tall

T-Mobile

Starbucks/AT&T

Our parcel of land has frontage along 53rd St and Elmore Ave. We currently have a pylon sign along Elmore and are requesting a second pylon sign along 53rd St. Per the Sign ordinance:

Freestanding Signs – Multitenant Commercial Regulations.

Freestanding signs – multitenant commercial center are subject to the following.

One freestanding sign – multitenant commercial center is permitted per street frontage of a lot. An additional freestanding sign is permitted for each additional access point to the lot; however, a minimum separation of 75

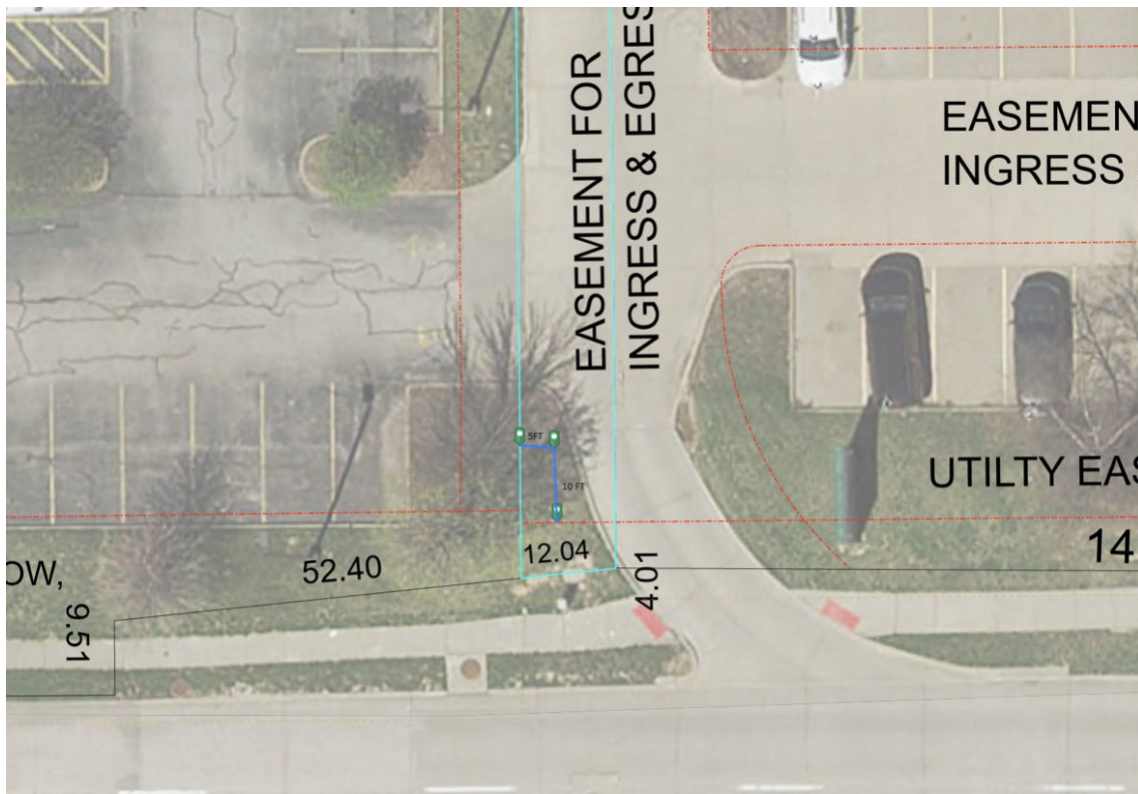
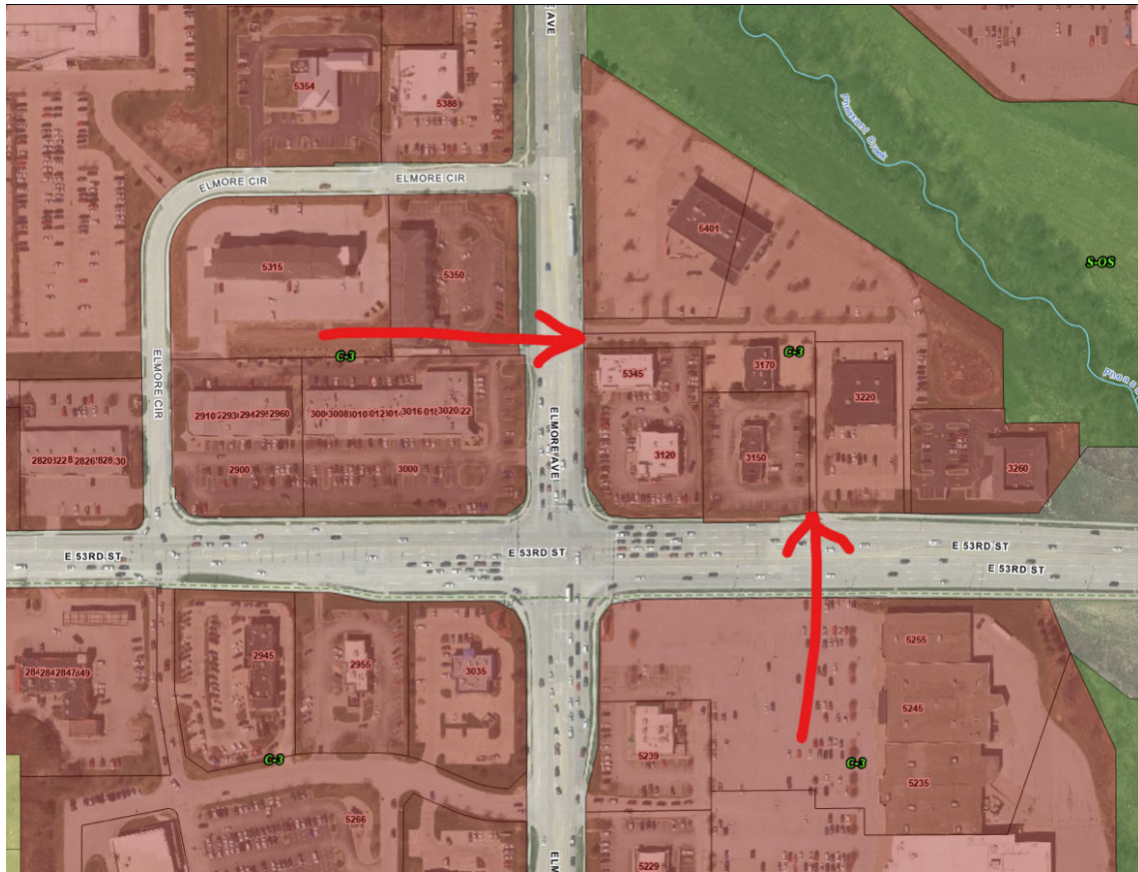
feet is required between signs. For the purposes of this regulation, a multitenant development where the development as a whole is comprised of separate lots of record, the entire development, including outlot parcels and inline development, is considered one lot.

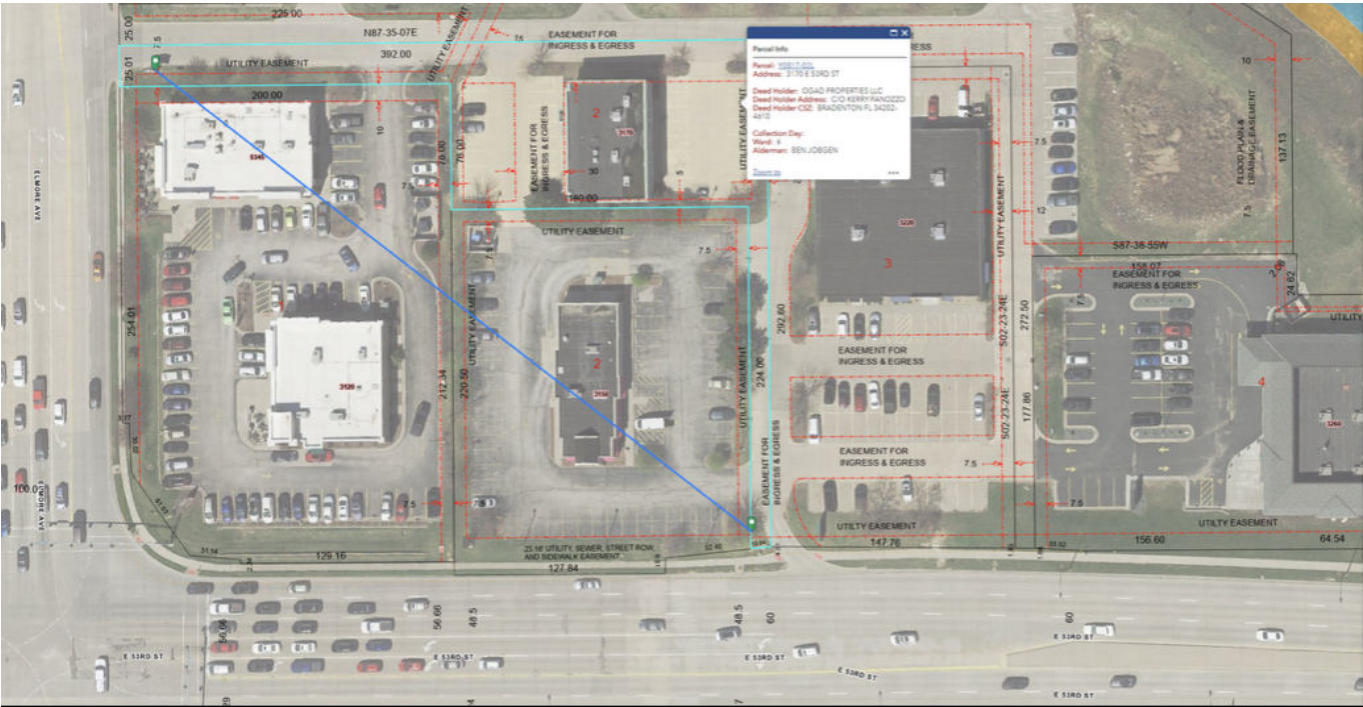
The second Pylon sign we are requesting is located approximately 456ft distance from the pylon sign on Elmore Ave.

Each of the buildings along 53rd Street has a dedicated pylon sign along 53rd except for 3170 E 53rd St.

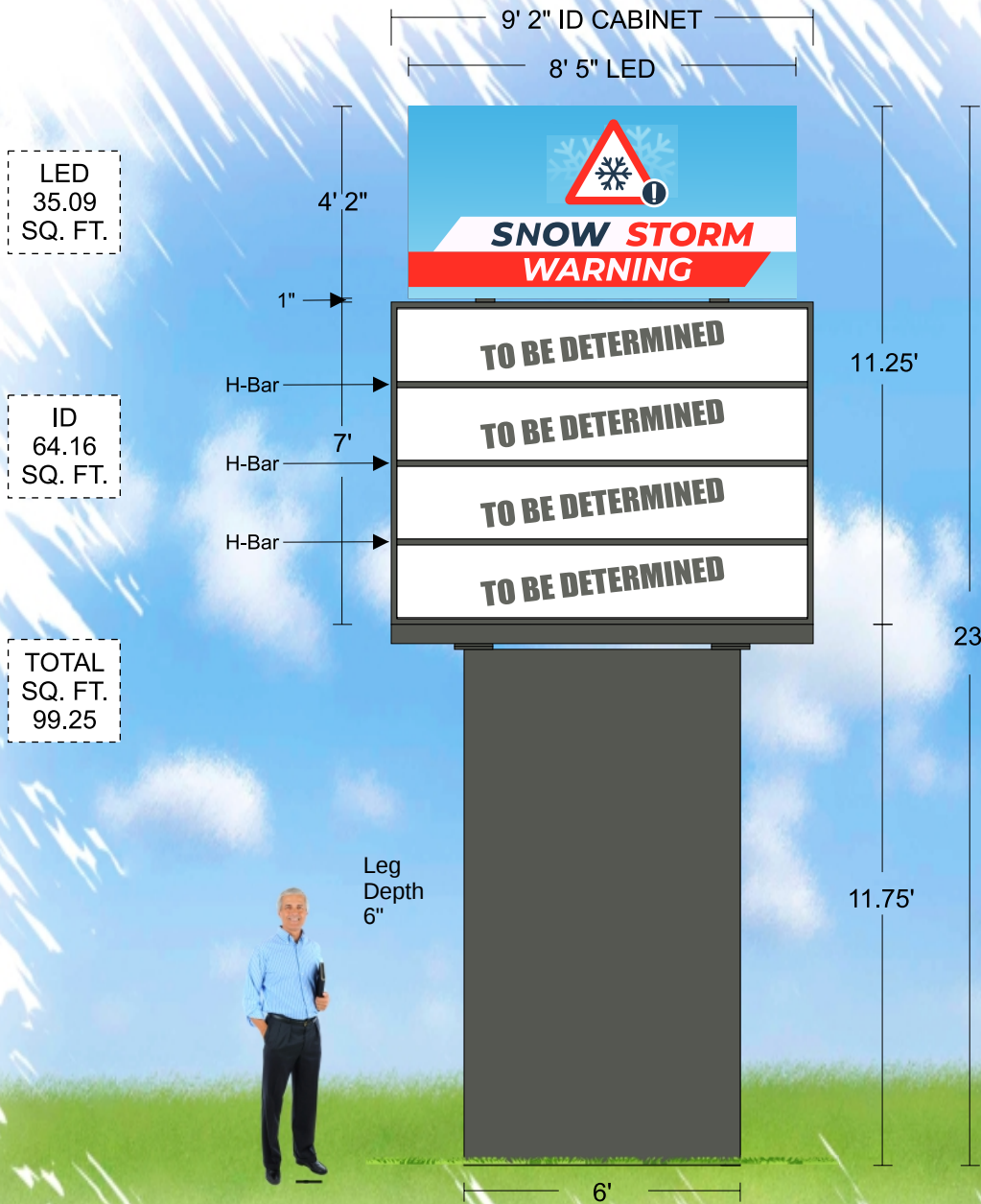
It is my hopes that the sign along 53rd St will aid in the prosperity of both the lower and the upper level tenants.

2. The narrowness of the lot at the southern border where the sign is proposed inhibit the position of the base of the sign.
3. The visibility of the building is unique to this site and not shared with the neighboring buildings.
4. The hardship variance will not alter the essential character of the locality due to the fact that all buildings in this area are zoned C-3 and each of the current properties already has a sign along 53rd Street. Allowing an additional sign will not alter the characteristics of the area.





Measurement Result
456.6 Feet
Clear



ATLAS 16mm 80x 160, Color/Flat Face ID 7' x 9' 2"
with 4 panels, Each Panel is 19" x 110"
LED CABINET: 4' 2" " x 8' 5"

Atlas Color 16mm 80x160
Sk: 1034710-1d Cust: 3151111
3/7/2024 CW/aVasquez PROPOSAL
Scale: 1/4"=1'
ID/Structure/H-Bars Color: Pewter

Signature _____

Date _____

Please confirm that all lettering, colors and graphics are correct before signing. Changes to artwork after signature is received will incur a \$500 art change fee.

Stewart Signs
ONE SIGN, ONE COMPANY

1-800-237-3928 stewartsigns.com





REVISION	DESCRIPTION
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Drawing #:

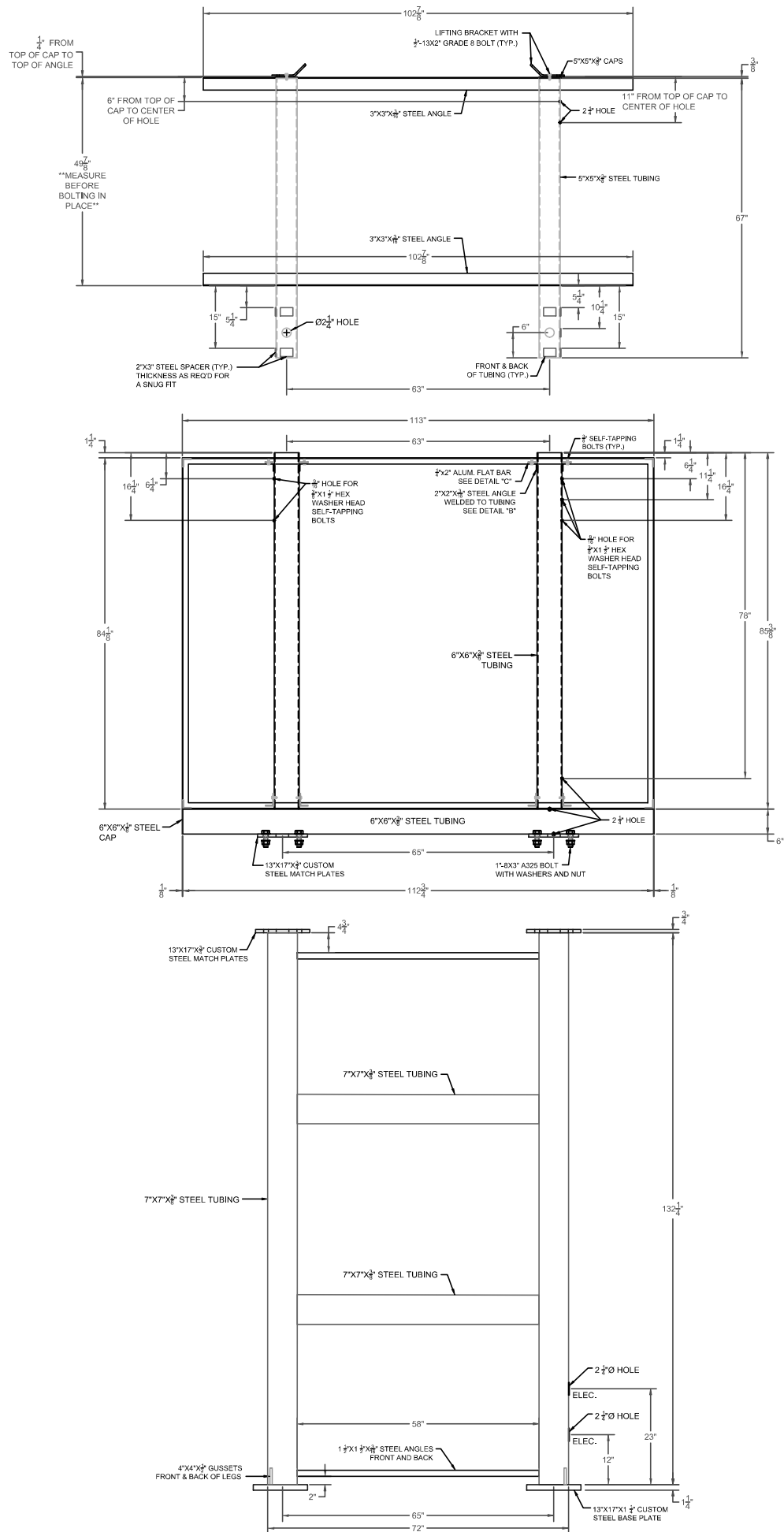
etch #: 1034710-1d

Customer #: 3151111

Customer Name: INTERVENTIONS IN PAIN MANAGEMENT

Customer Address:
3170 E 53RD ST.
DAVENPORT, IA 52807

DRAWING DESIGNED TO BE PRINTED ON 8 1/2"x14" PAPER





2201 CENTRAL COURT, SUITE 215, SHERBORNE, ON N4A 3K2
TEL: 416-291-5833 FAX: 416-291-5835

Date: 03-18-24
Drawn by: JRM

REVISIONS

DESCRIPTION

Drawing #:

ATLAS-16mm-C-80x160

Sketch #:

1034710-1d

Customer #:

3151111

Customer Name:

INTERVENTIONS IN
PAIN MANAGEMENT

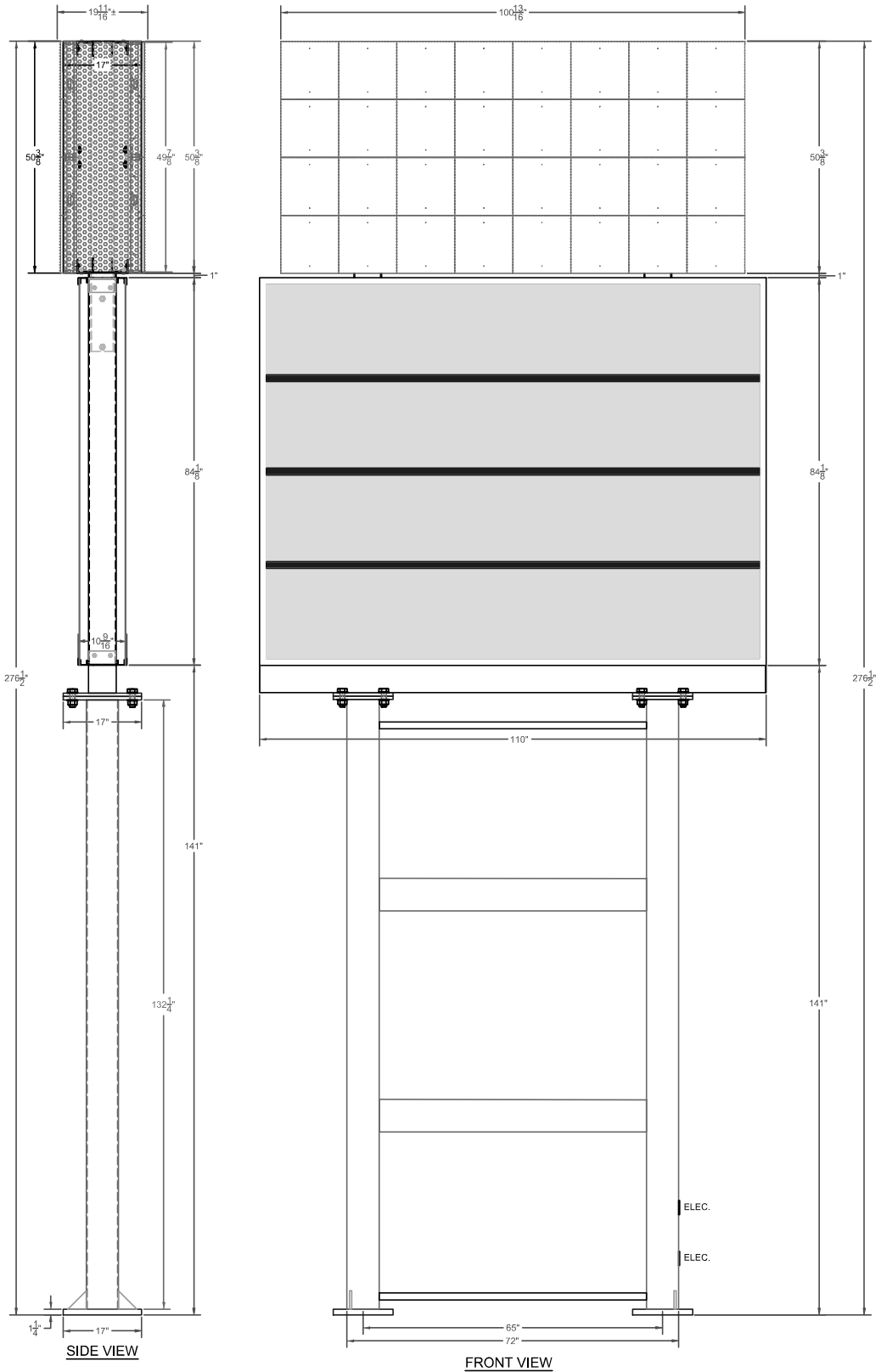
Sign Model:

ATLAS COLOR 16mm 80x160

Customer Address:

3170 E 53RD ST.
DAVENPORT, IA 52807

Page
2 OF 7



DRAWING DESIGNED TO BE PRINTED ON 8 1/2"X14" PAPER

To

Date: May 16, 2024

The Zoning board of adjustment

Development and neighborhood services

City of Davenport - Illinois

Honorable members of the Zoning board:

I am the owner of the commercial building located at 3150 E 53rd St, Davenport, which is currently leased to T-Mobile Inc. I received the public hearing notification about the **request HV24-08** on behalf of OGAD properties LLC at 3170 E 53rd St. for a hardship variance.

The above-mentioned request to construct a multi-tenant freestanding sign at the access point will be extremely detrimental to my property. The sign if constructed will decrease the visibility of my tenant's signage from the main road which will result in adverse effect on their business. The signage will make my property less desirable for future leasing, and negatively affect the value of my property.

I therefore OPPOSE this request **HV24-08** and requires the zoning board to **NOT** grant the hardship variance to the requester.

Thank you for your understanding



Mandar Pattekar

Imperial Davenport LLC

pattekar@hotmail.com

309-868-0591



Public Hearing Notice | Zoning Board of Adjustment

Date: 5/23/2024

Location: City Hall | 226 W 4th ST | Council Chambers

Time: 4:00 PM

Subject: Hearing for Hardship Variance | Zoning Board of Adjustment

EXAMPLE NOTICE LETTER
ADDRESS BLOCK LOCATION

To all property owners within 200' of the subject property **3170 East 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 HV24-08 of Kerry Panozzo on behalf of OGAD Properties LLC at 3170 E. 53rd ST for a Hardship Variance to construct a multitenant freestanding sign at the same access point and within 36' of an existing multitenant sign. Section 17.12.060.D.4.a. requires a separate access point and at least 70' between multitenant signs. [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?

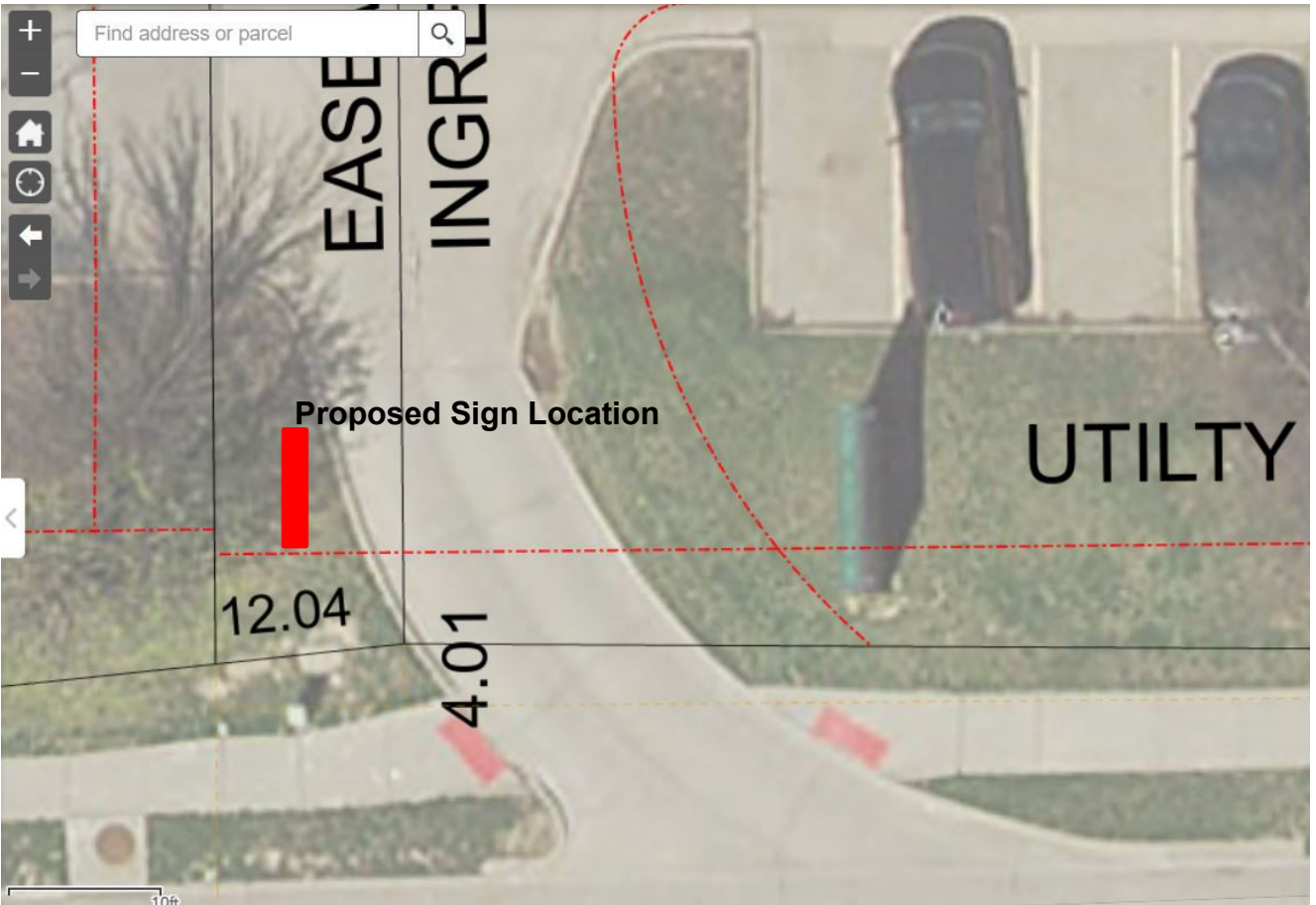
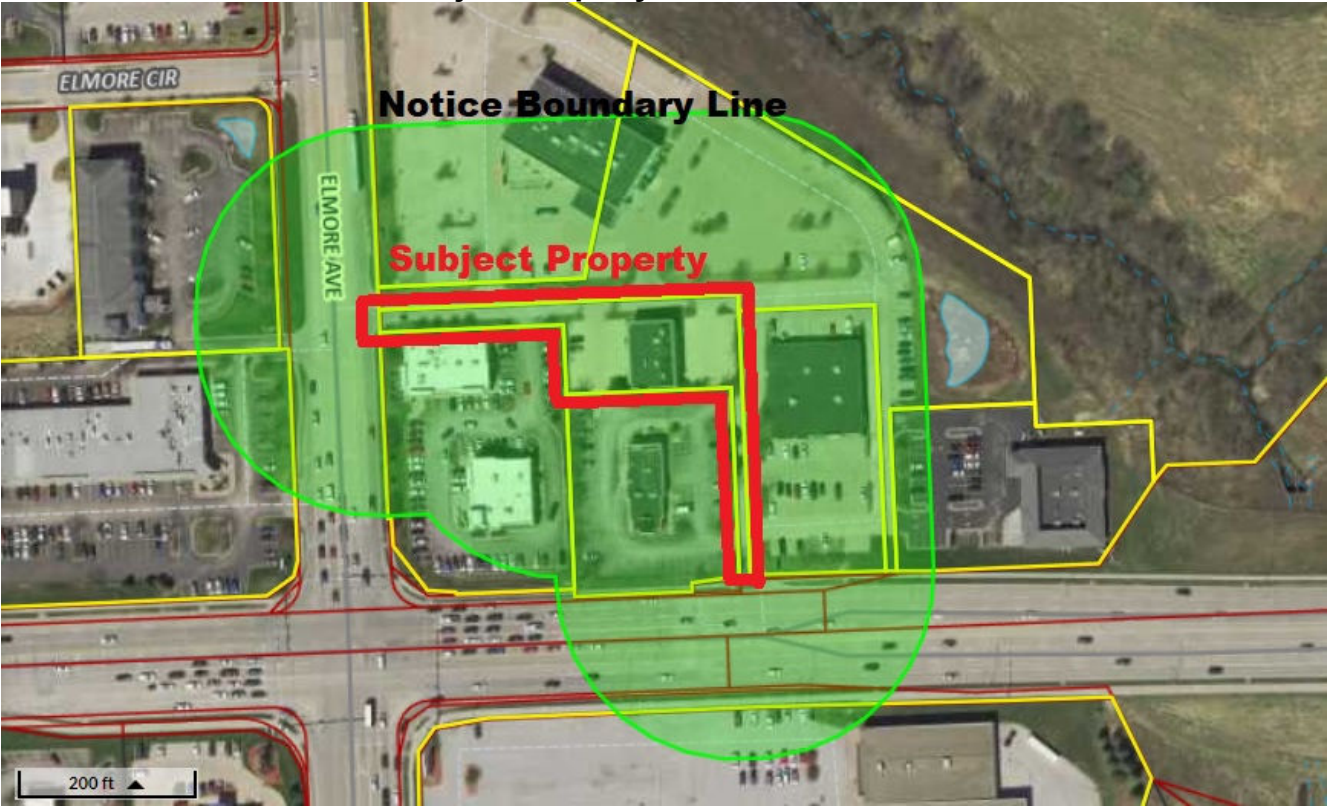
As a property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200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



Adjacent Owner Notice List - HV24-08

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Subject Property: 3170 E 53rd ST		OGAD PROPERTIES LLC		
Ward: 6TH				NOTICES SENT: 10
Y0817-03J	3000 E 53RD ST	CONSOLIDATED INVESTORS LLC	5167 UTICA RIDGE RD	DAVENPORT IA 52807
Y0817-03H	3220 E 53RD ST	LEVERAGED HOLDINGS LLC	5167 UTICA RIDGE RD	DAVENPORT IA 52807
Y0817-12	5401 ELMORE AV	ARROWHEAD LLC	6600 ELMORE AVE	DAVENPORT IA 52807
Y0817-02J	5350 ELMORE AV	KAMAL GROUP LLC	3616 SW 165TH AVE	MIRIMAR FL 33027
N0833-04B	5235 ELMORE AV	AGREE DAVENPORT IA LLC	PO BOX 460389 DEPT 125	HOUSTON TX 77056
Y0819AOLA1		THF DAVENPORT NORTH DEVELOPMEN	211 N STADIUM BLVD STE 201	COLUMBIA MO 65203
Y0817-01K	3120 E 53RD ST	CONSOLIDATED INVESTORS LLC	5167 UTICA RIDGE RD	DAVENPORT IA 52807
Y0817-02K	3150 E 53RD ST	IMPERIAL DAVENPORT LLC	3121 W WAR MEMORIAL DR	PEORIA IL 61615
Y0817-04G	3260 E 53RD ST	FIRST STATE BANK OF ILLINOIS	3260 E 53RD ST	DAVENPORT IA 52807
Y0819-13A	3260 E 53RD ST	ARROWHEAD LLC	6600 ELMORE AVE	DAVENPORT IA 52807

AFFIDAVIT OF PUBLICATION

State of Florida, County of Duval, ss:

Nichole Seitz, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent 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 made part of this affidavit, was published in said The Quad-City Times, on the dates listed below.

May, 14 2024

NOTICE ID: VaO8ZDaBvWr7sPCRuF00

PUBLISHER ID: COL-IA-200377

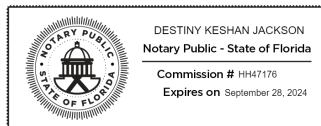
NOTICE NAME: ZBA Legal Notice May 23 2024-05-23

Publication Fee: \$18.54

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

Nichole Seitz

(Signed) _____



VERIFICATION

State of Florida
County of Duval

Subscribed in my presence and sworn to before me on this: 05/14/2024

Destinyk. Jackson

Notary Public

Notarized remotely online using communication technology via Proof.

PUBLIC HEARING NOTICE: Davenport Zoning Board of Adjustment (ZBA) will meet on Thursday, May 23, 2024, at 4:00 P.M. in City Hall Council Chambers, 226 W 4 th ST, Davenport Iowa, for a public hearing meeting to consider the following request(s):

Request HV24-08 of Kerry Panozzo on behalf of OGAD Properties LLC at 3170 E. 53 rd ST for a Hardship Variance to construct a multitenant freestanding sign at the same access point and within 36' of an existing multitenant sign. Section 17.12.060.D.4.a. requires a separate access point and at least 70' between multitenant signs. [Ward 6]

Interested persons may submit comments and/or attend the meeting to express opinions on the request(s). Written (and signed) comments should be emailed/received by Planning by 12:00 P.M. one day prior to the public hearing. planning@davenportiowa.com | 563-326-6198
COL-IA-200377