

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

Thursday, September 11, 2025; 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 August 28th ZBA Minutes.

III. Old Business

1. Request HV25-07 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. allows one sign per street frontage and one per access point if at least 75' apart from any other multi-tenant sign. [Ward 6]

IV. New Business

V. Other Business

VI. Adjourn

City of Davenport

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

Action / Date
9/11/2025

Subject:
Consideration of the August 28th ZBA Minutes.

Recommendation:

Background:

Attachments:

1. ZBA Minutes 2025-08-28



MINUTES

Zoning Board of Adjustment

August 28, 2025



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 4:00 p.m.

Members Participating: Kleffmann, Crawford, Boyd-Carlson
Excused: Darland, Gallart
Staff present: Berkley, Koops

II. Secretary's Report:

Minutes were approved for the 2025-08-14 ZBA Hearing by voice-vote (3-0).

III. Old Business:

None.

IV. New Business:

- 1. Request HV25-07 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. allows one sign per street frontage and one per access point if at least 75' apart from any other multitenant sign. [Ward 6]**

The request was tabled at the request of the petitioner due to only three Board members present.

Kleffman moved to table for one cycle, seconded by Crawford. The motion carried unanimously (3-0) by voice vote.

- 2. Request HV25-08 of Pete Stopulos on behalf of 227 LeClaire LLC at 227 LeClaire Street (L0015B01 & L0015B02) for a hardship variance from Table 17.05-3 and Section 17.09.030.Q. regarding setback/build-to requirements for new construction of a hotel, mixed-use building, and refuse receptacle. The C-D Downtown District requires a 0' to 10' built-to zone for at least 80% of the street frontage along all three (3) public streets of this lot for buildings and refuse receptacles are prohibited within front yard. [Ward 3]**

Koops presented the staff report to the Board.

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 HV25-08 subject to the following:

The refuse area shall met all City standards for screening, in addition to special requirements as follows:

- 1) a robust landscape plan for the dumpster enclosure shall be reviewed by the Design Review Board and approved by planning staff prior to occupancy;
- 2) the enclosure shall be constructed of the same materials as the hotel building (excluding the wood-like panels).

The applicant addressed the Board and explained the request. The Board asked questions of staff and the petitioner. No one in the audience spoke in favor of or against the request.

Motion:

A motion was made by Kleffman to approve the request as conditioned by staff, seconded by Crawford seconded by Kleffmann, to approve request HV25-06 as proposed.

Conditions:

The refuse area shall meet all City standards for screening, in addition to special requirements as follows:

- 1) a robust landscape plan for the dumpster enclosure shall be reviewed by the Design Review Board and approved by planning staff prior to occupancy;
- 2) the enclosure shall be constructed of the same materials as the hotel building (excluding the wood-like panels).

Kleffmann, yes; Crawford, yes; and Boyd-Carlson, yes. The motion carried unanimously (3-0).

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:14 p.m.

City of Davenport

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

Action / Date
9/11/2025

Subject:

Request HV25-07 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. allows one sign per street frontage and one per access point if at least 75' apart from any other multi-tenant sign. [Ward 6]

Recommendation:

Background:

Attachments:

1. Staff Report 3170 E 53rd ST HV25-07 Sign within 75 Ft Separation
2. Adjacent Owner Notice List - HV25-07
3. Example Adjacent Owner Notice Letter
4. Previous Case Documents and Minutes June 27 - 2024
5. Protest T-Mobile Site



Staff Report | Zoning Board of Adjustment
3170 E 53rd ST | Multi-tenant Sign
September 11, 2025

Description

Request HV25-07 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. allows one sign per street frontage and one per access point if at least 75' apart from any other multitenant sign. [Ward 6]

NOTE: This is the second request for this sign. The previous request was before the Board in June of 2024. While nothing substantial has changed for the proposed sign, the one year waiting period for the same request has been passed, allowing the applicant to submit the request again.

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.

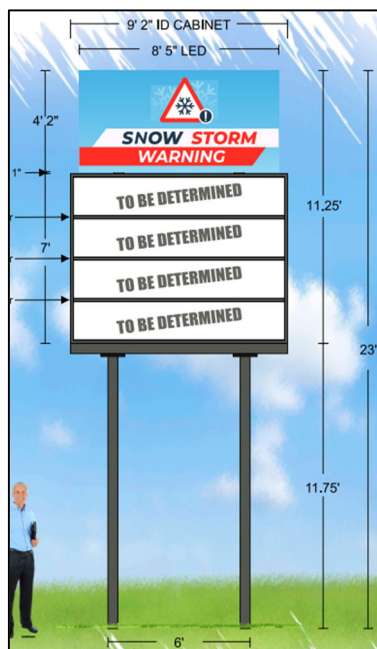


Background

Zoning Lot Plat and Proposed Sign Location



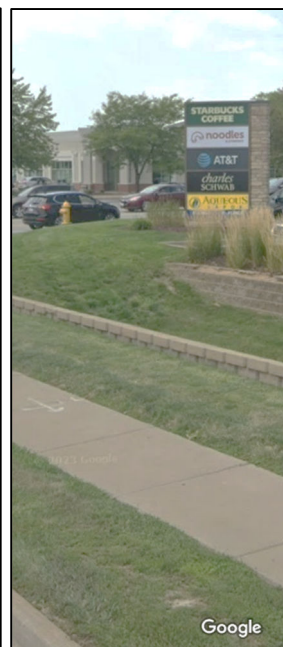
Signs: Proposed



Existing (NW)



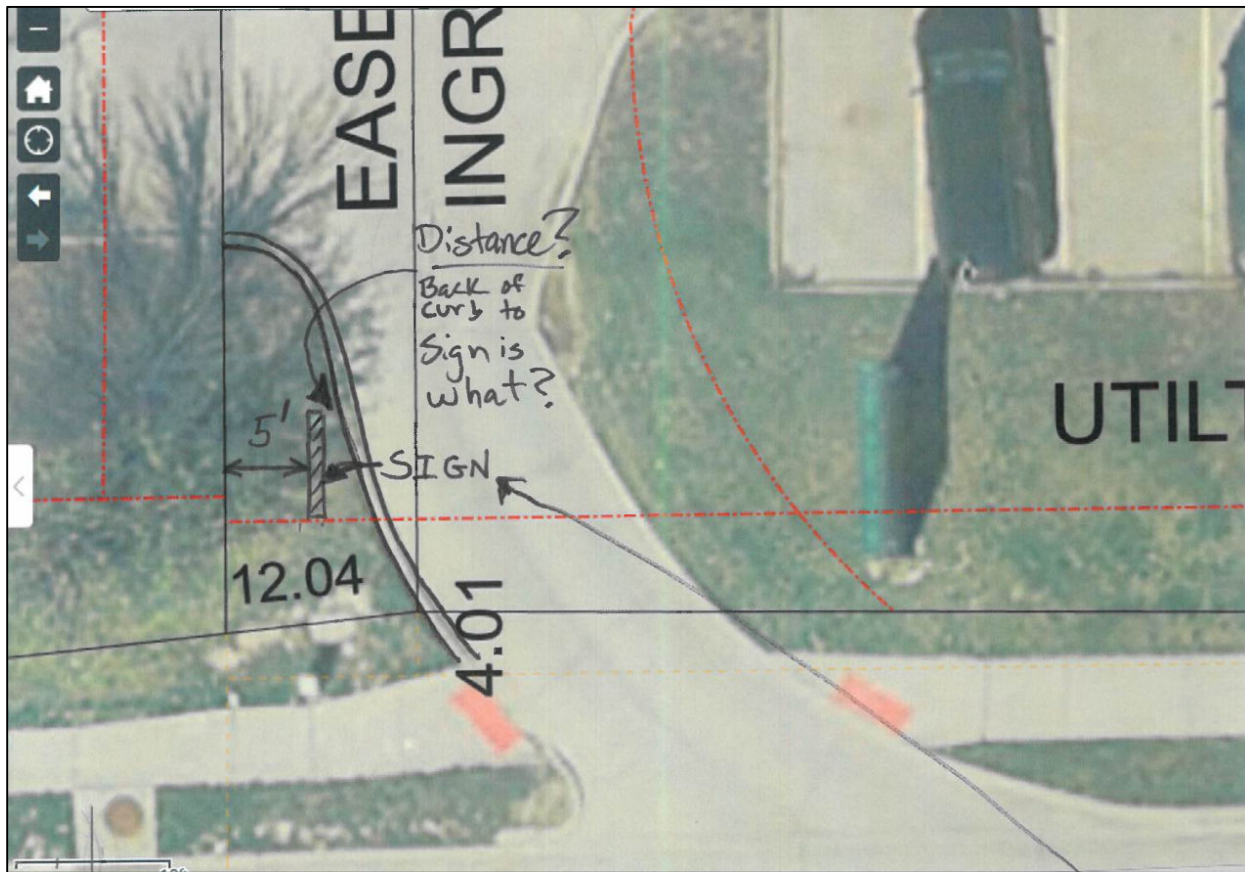
Existing (SW)



Existing (SE)



NOTE: This request is to approve a sign the does not meet setback requirements from other freestanding signs on the same zoning lot. The sign will need to be reviewed for compliance to monument style signage and appropriate integration of digital/electronic signage should this request be approved.



Discussion

The applicant is proposing a freestanding monument 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. It appears there are nearby/adjacent underground utilities, although precisely where they are located is yet to be determined.

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

Alternatives to the Hardship Request

Staff has consulted with the applicant previously regarding the options to increase freestanding signage for this property. The most practical (without a hardship variance) to add freestanding signage for the subject property is to reconfigure the "Diamond" sign located on Elmore Avenue. A second alternative is to reconfigure 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 subject property. The applicant has stated they have tried to work with the adjacent tenants; however staff has not seen any correspondence indicating such. A third alternative is to install a 5' tall directional sign up to 4 square feet in area of the proposed sign.

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.

Request

"We are requesting a sign variance to place a monument sign on property owned by OGAD Properties located at 3170 E 53rd ST, Davenport along 53rd ST."

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:

"Hardship Without Relief: The absence of permitted signage along 53rd Avenue creates a substantial hardship for our property. Without visibility from this heavily trafficked road, it is exceedingly difficult for businesses to attract attention, which directly affects their ability to succeed. Relief Is necessary to ensure that the property remains commercially viable."

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 the opportunity to locate on the existing multi-tenant sign, which is already constructed, nor has the applicant modified the "Diamond" sign on Elmore Avenue. The conditions of the signage were in place at the time the property was purchased.

Lack of visibility of the business is not grounds for a hardship variance when the code allows for a multitenant sign. The property has signage on Elmore, and while this street may not be the applicant's preferred location, it does provide signage along a major corridor. The request to have a sign on both Elmore and E 53rd Street is a convenience to the petitioner. Application of the zoning ordinance as written does not create a hardship for the applicant. The Elmore access point also allows for both left and right turning movements into the subject property. 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:

"Hidden Location: Our property is uniquely situated behind the T-Moblle store, which significantly obstructs visibility from 53rd Avenue. This hidden positioning has made it difficult to lease the space, and several tenants have either struggled to maintain operations or have gone out of business largely due to this lack of exposure."

Staff:

Physical or topographical hardships are not present, and the nature of the lot (a flag lot without building frontage on Elmore or E. 53rd Street) was known at the time of acquisition of the 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 topographical or physical hardship. Desire for an additional sign when there are other options available 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:

"Comparative Disadvantage and Denied Access to Shared Signage: Neighboring properties all benefit from large, monument-style signs directly on 53rd Avenue, placing our property at a clear and ongoing disadvantage. In an effort to address this issue, we proactively contacted the owners of both adjacent properties that border our southern entrance to request access to their existing signage. Unfortunately, both property owners denied to share or allow use of their signage. This leaves us with no alternative but to request direct relief for our own signage. This unique situation imposes a hardship that neighboring properties do not face."

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:

"Maintaining Character of the Area: Granting this request for signage relief will not alter the essential character of the locality. Rather, It will bring our property In line with surrounding developments and enhance the overall commercial visibility and vibrancy 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. Additionally, the applicant has signage on Elmore which has not been updated this previous year.

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:

The request is a convenience to the applicant. Viable alternatives exist.
Staff recommends denial of request HV25-07.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents

Adjacent Owner Notice List - HV25-07

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



Public Hearing Notice | Zoning Board of Adjustment

Date: 8/28/2025

Time: 4:00 PM

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

Subject: Hearing for Hardship Variance | Zoning Board of Adjustment

Example Letter

[Address Block Here]

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. allows one sign per street frontage and one per access point if at least 75' apart from any other multitenant sign. [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?

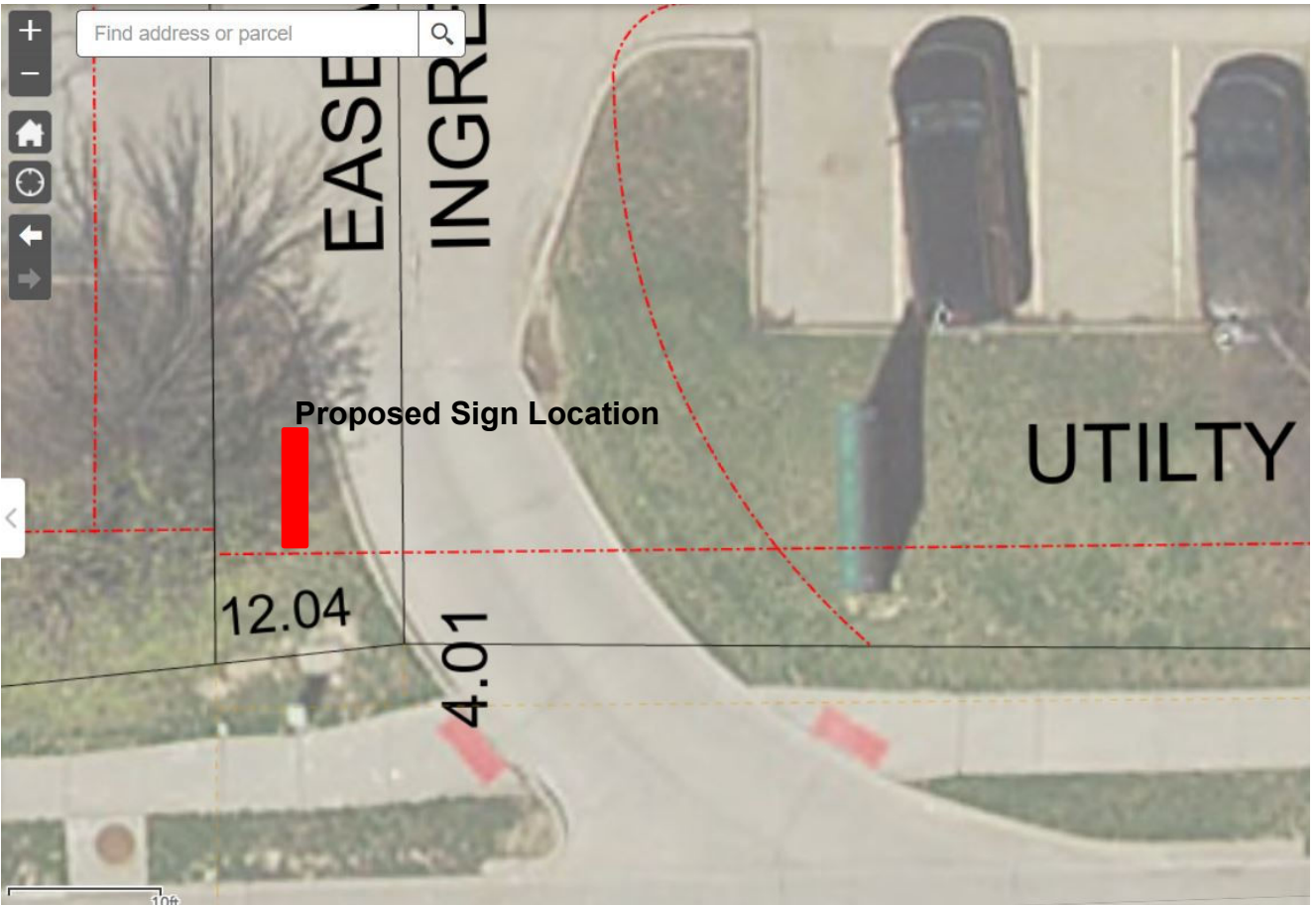
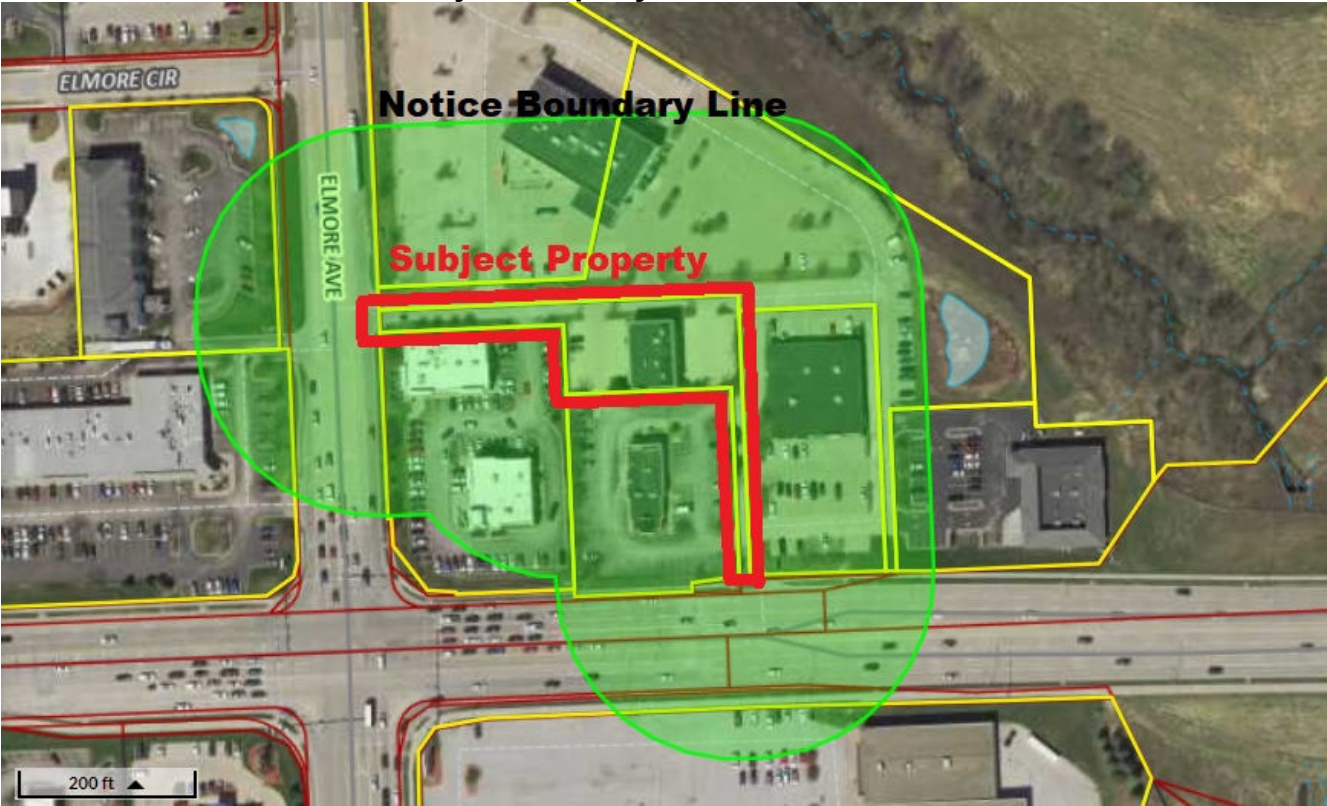
As a property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200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



City of Davenport

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

Action / Date
6/27/2024

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 multitenant freestanding sign at the same access point and within 36' of an existing multitenant sign. Section 17.12.060.D.4.a. allows one sign per street frontage and one per access point if at least 75' apart from any other multitenant sign.

Recommendation:

Background:

Attachments:

1. Staff Report 3170 E 53rd ST HV24-08 Sign within 75 Ft Separation
2. Application for 3170 E 53rd ST HV24-08
3. Opposition Comment on HV24-08 from 3150 E 53rd Mandar Pattekar
4. Adjacent Owner Notice List - HV24-08
5. Example Adjacent Owner Notice Letter



Staff Report | Zoning Board of Adjustment
3170 E 53rd ST | Multi-tenant Sign
June 27, 2024 ~~May 23, 2024~~

UPDATE #2: On May 23 this request was tabled at the ZBA Public Hearing. As of June 7, the applicant has advised staff to hold on the Interpretation/Appeal Process and to act on the Hardship Variance Request.

PREVIOUS 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.

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. allows one sign per street frontage and one per access point if at least 75' apart from any other multitenant sign. [Ward 6]

Code Sections

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

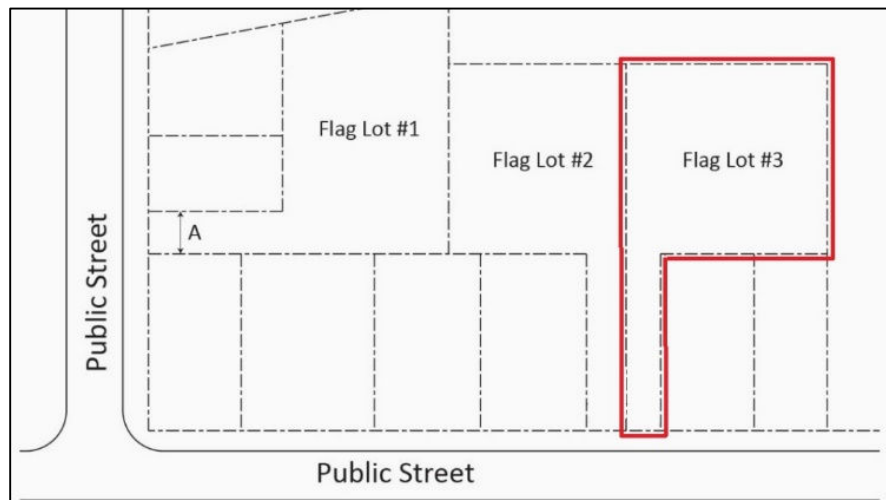
One freestanding sign – multitenant commercial center is permitted per street frontage of a lot. An additional freestanding sign is permitted for each additional access point to the lot; however, a minimum separation of 75 feet is required between signs. For the purposes of this regulation, a multitenant 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.

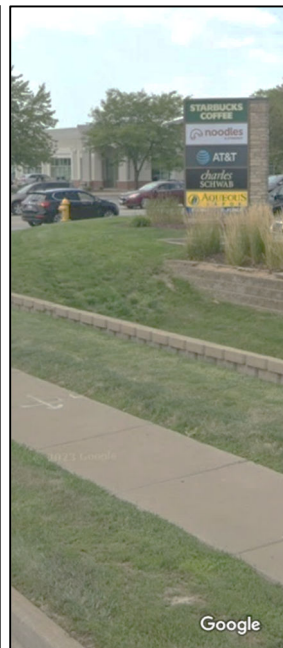
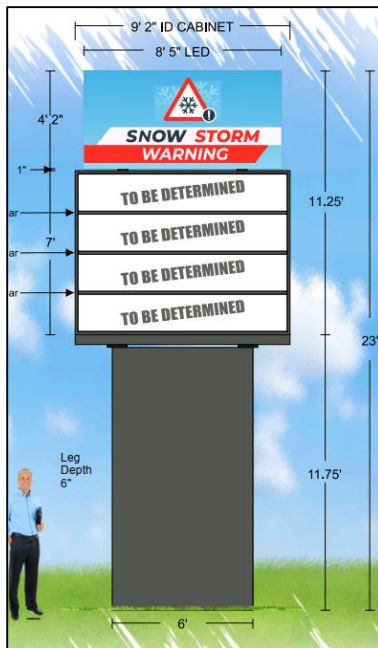


Background

Zoning Lot Plat and Proposed Sign Location



Signs: Proposed Existing (NW) Existing (SW) Existing (SE)



[NOTE: No property survey exists at this time]



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 parking lot curb to the north/northeast, however no survey is on file nor has one been submitted.

Staff has consulted with the applicant on a couple of occasions regarding the options to increase freestanding signage for this property. The most practical (without a hardship variance) to add freestanding signage for the building at 3170 E 53rd Street is to **(1)** reconfigure 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.

HV24-05 | 3 of 6

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 the opportunity to locate on the existing multi-tenant sign which is already constructed.

Lack of visibility of the business is not grounds for a hardship variance when the code allows for a multitenant sign. The request is a convenience to the petitioner. Application of the zoning ordinance as written does not create a hardship for the applicant as one multitenant sign is allowed on East 53rd Street. The applicant should locate on the 'DXL/Enterprise' sign.

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 available 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:

The request is a convenience to the applicant. Viable alternatives exist.
Staff recommends denial of 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

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

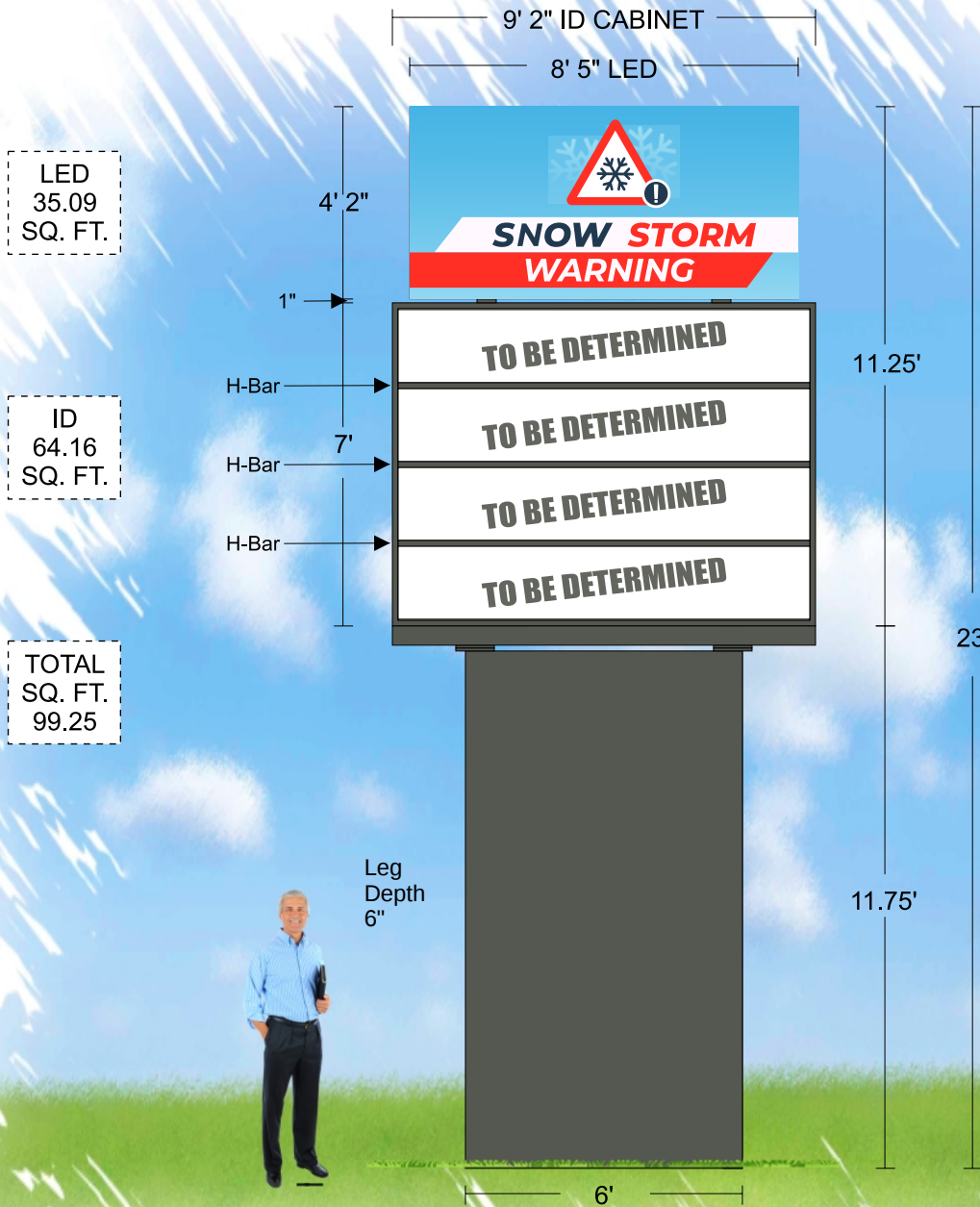
feet is required between signs. For the purposes of this regulation, a multitenant development where the development as a whole is comprised of separate lots of record, the entire development, including outlot parcels and inline development, is considered one lot.

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.



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 #:

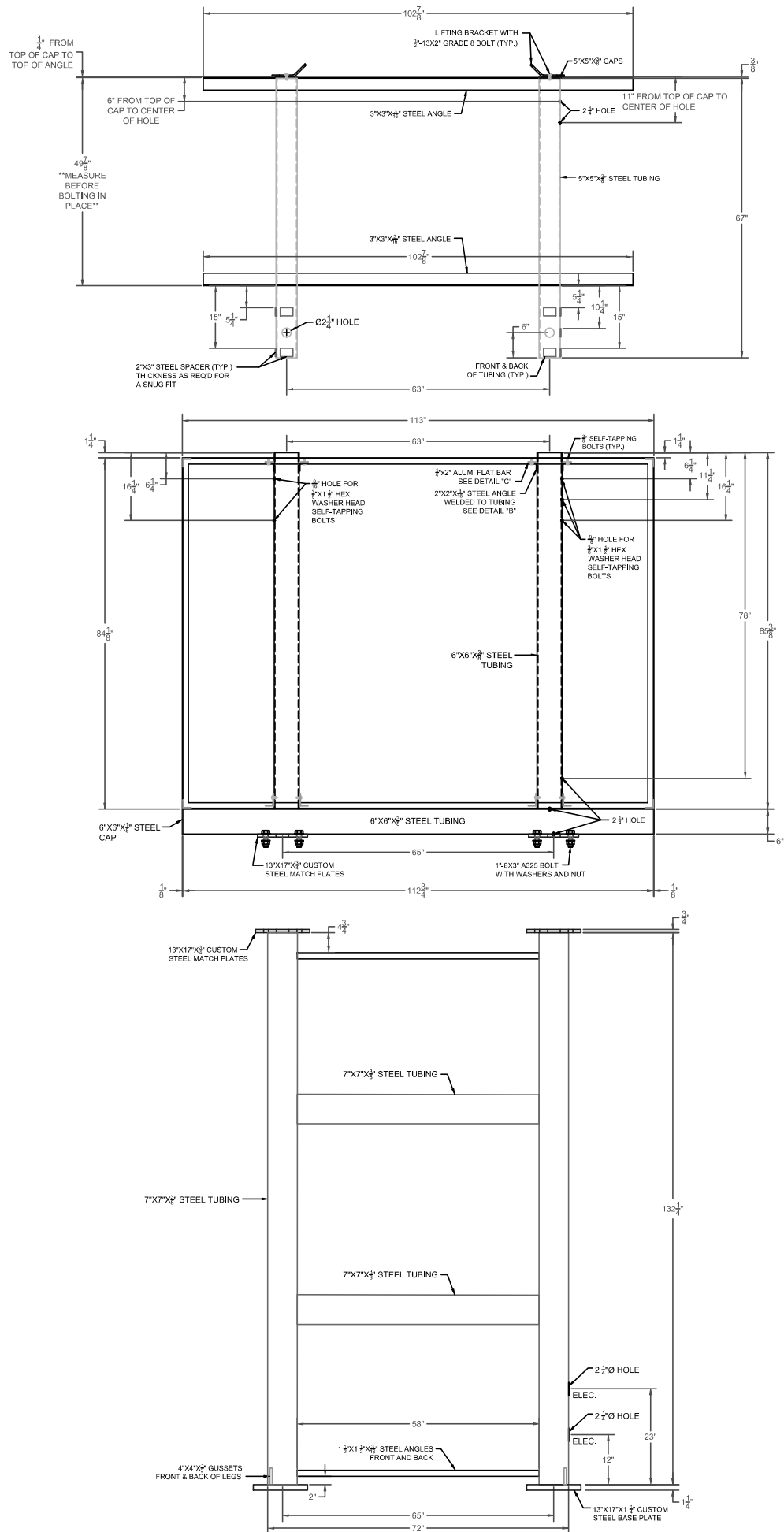
Customer #:

Customer Name:

Customer Address:

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 N4B 3K2
TEL: 416-299-9888 FAX: 416-299-9889

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

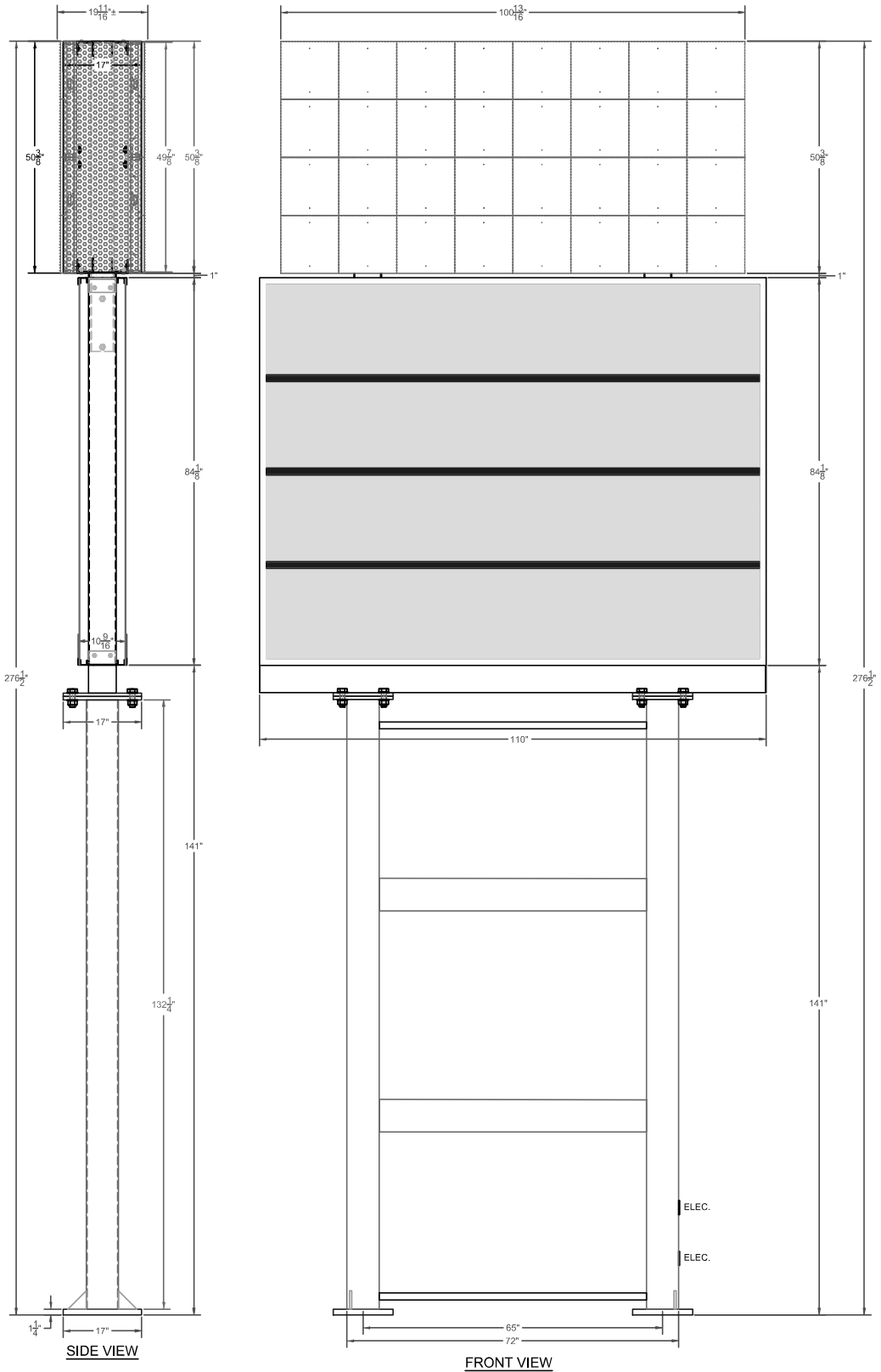
Sign Model:

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

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



Public Hearing Notice | Zoning Board of Adjustment

Date: 6/27/2024

Time: 4:00 PM

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

Subject: Hearing for Hardship Variance | Zoning Board of Adjustment

Example Letter

[Address Block Here]

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. allows one sign per street frontage and one per access point if at least 75' apart from any other multitenant sign. [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?

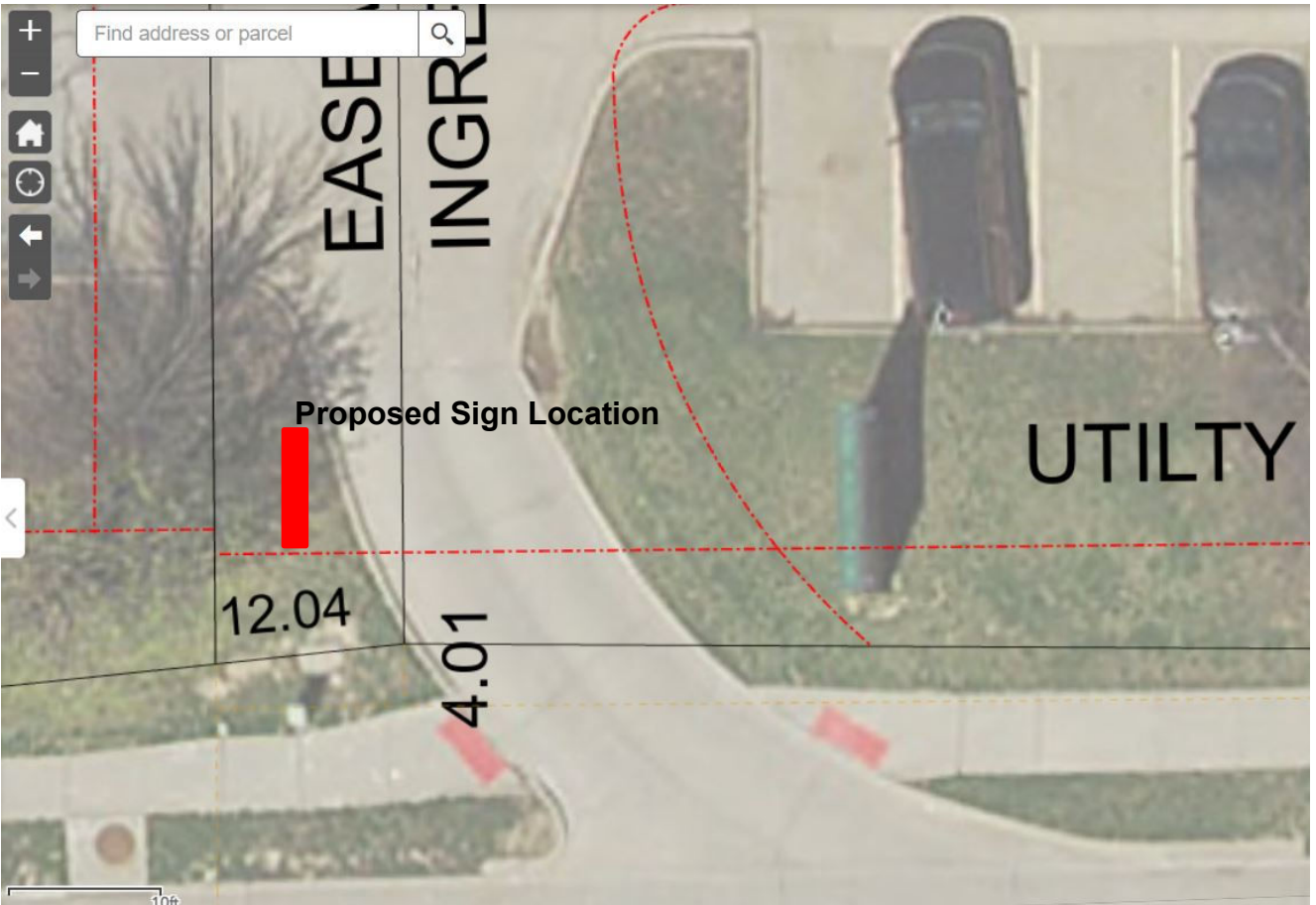
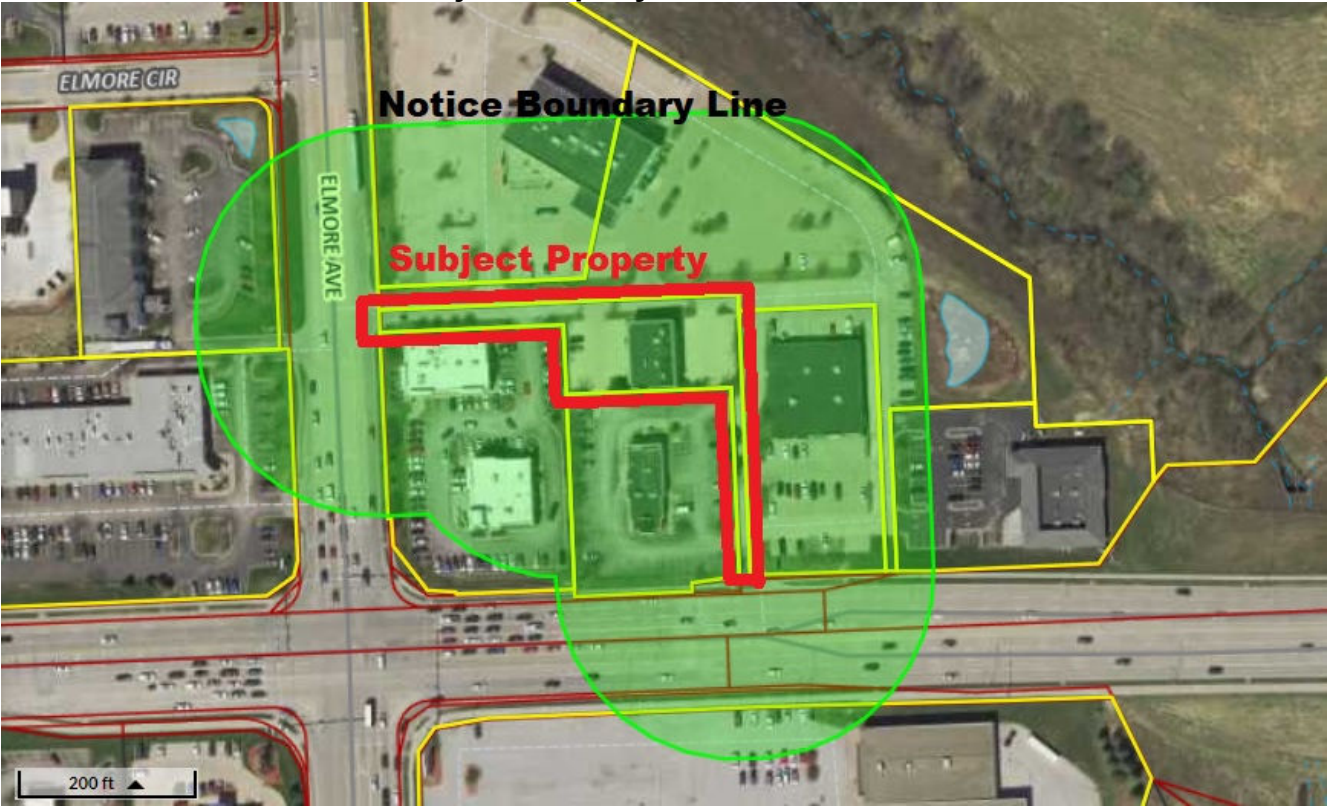
As a property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200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





MINUTES

Zoning Board of Adjustment

May 23, 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:

Vice Chair Galliard called the Zoning Board of Adjustment (ZBA) meeting to order in City Hall Council Chambers, Davenport, Iowa at approximately 4:04 p.m.

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

Excused: None.

Staff present: Werderitch, Berkley, Davidson

II. Secretary's Report:

Minutes were approved for the 2024-05-23 ZBA Hearing by voice-vote (4-0).

III. Old Business:

- A. 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. allows one sign per street frontage and one per access point if at least 75' apart from any other multitenant sign.**

IV. New Business:

None.

Werderitch presented the staff report to the Board.

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:

The request is a convenience to the applicant. Viable alternatives exist.
Staff recommends denial of request HV24-08.

Charles Owen addressed the Board on behalf of the applicant. Mr. Owen explained the request and answered the Boards questions.

Motion:

Darland moved to approve HV24-08, seconded by Boyd-Carlson. The motion failed (1-3).

Bloemker, yes; Boyd-Carlson, no; Darland, no; and Galliard, no.

To

Date: August 20, 2025

The Zoning board of adjustment

Development and neighborhood services

City of Davenport - Illinois

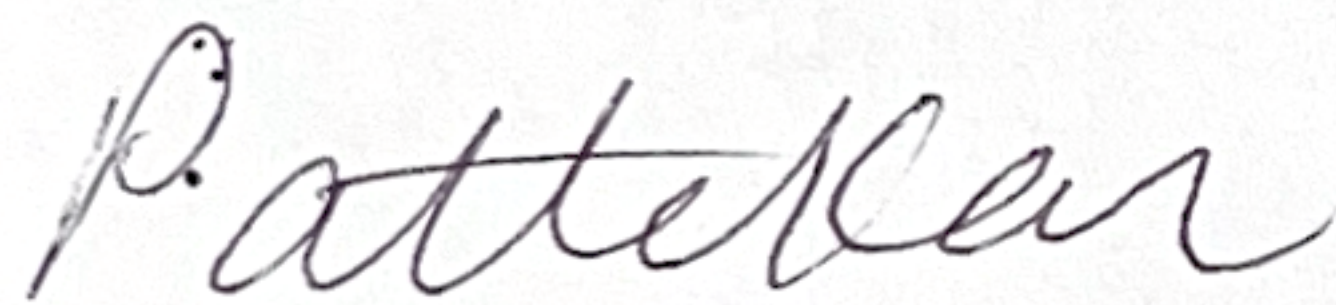
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I therefore OPPOSE this request **HV24-08** and requires the zoning board to **NOT** grant the hardship variance to the requester.

Thank you for your understanding



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309-868-0591