

# ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, APRIL 14, 2022; 4:00 PM

CITY HALL | 226 WEST 4TH STREET | COUNCIL CHAMBERS

THE ZONING BOARD OF ADJUSTMENT HOLDS PUBLIC HEARINGS TO CONSIDER  
HARDSHIP VARIANCES, SPECIAL USES, AND INTERPRETATION APPEALS.

I. Call to Order

II. Secretary's Report

A. Consideration of the Minutes from the 3-24-22 ZBA meeting.

III. Old Business

A. Reconsideration of Request AA22-01 of Mike Meloy on behalf of John Davis/AlleyKats LLC for an appeal of an administrative interpretation, appealing the Zoning Administrator's interpretation letter dated December 9, 2021 regarding sale of vehicles at 1707 West River Drive in the City of Davenport, Iowa. Property is zoned I-2 Heavy Industrial District. [Ward 3]

IV. New Business

V. Other Business

VI. Adjourn

City of Davenport  
Zoning Board of Adjustment

Department: DNS  
Contact Info: ScottKoops@davenportiowa.com

**Date**  
**4/14/2022**

Subject:  
Consideration of the Minutes from the 3-24-22 ZBA meeting.

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes 3-24-22

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	5/2/2022 - 2:54 PM



**MINUTES**  
**Zoning Board of Adjustment**  
**March 24, 2022**



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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> or <https://youtu.be/n4CtNsLZh4k>

**I. Call to Order:**

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

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

Excused: Quinn.

Staff present: Werderitch, Zoning Administrator Berkley, City Attorney Warner.

**II. Secretary's Report:**

Minutes were approved for the 3-10-22 ZBA Hearing were modified as stated in the March 23<sup>rd</sup>, 2022 email by Board Member Darland, which was sent to staff and the Board. The motion was approved by voice-vote (4-0).

**III. Old Business:**

None.

**IV. New Business:**

None.

**V. Other Business**

Darland asked staff that if the Board wanted to revisit the previous case, would that come under other Business? Staff member Berkley confirmed that would be under Other Business.

Board member Loebach, after reading the 3-10-22 minutes regarding case AA22-01 stated that she would like to move to reconsider the previous motion regarding AA22-01. The rehearing would be held at the next regularly scheduled ZBA hearing on April 14, 2022.

Chairman Reistroffer asked City Attorney Warner if that would be allowed. Attorney Warner stated that the Board uses Robert's Rules of Order as a guideline, and that under those rules should a motion be made by the prevailing side (and should the motion carry) it would then be heard at the next regularly scheduled meeting after notification of the other party.

Reistroffer asked if a motion would be required. Attorney Warner stated that if the Board would like to reconsider the motion, then yes a motion would be required.

Loebach said she would like to move to reconsider case AA22-01 at the next regularly scheduled meeting (April 14<sup>th</sup>, 2022), after public notice.

Boyd-Carlson seconded the motion.

Reistroffer interjected that he wanted to be clear that a yes vote would result in a reconsideration of the item at the April 14<sup>th</sup>, 2022 meeting.

Roll Call vote:

Darland, yes; Loebach yes; Reistroffer, yes; Boyd-Carlson, yes.

**Other Business** (continued):

Election of Officers

Darland stated he would like to be considered for chair.

Boyd-Carlson nominated Darland for chair, Loebach seconded the motion. The motion carried (4-0) unanimously to elect Darland as Chairman of the Davenport Zoning Board of Adjustment.

Roll call vote: Darland, yes; Loebach, yes; Reistroffer, yes; Boyd-Carlson, yes.

Reistroffer stated that he would like to pass on being Vice-Chair.

Loebach moved to consider Boyd-Carlson for Vice-Chair, seconded by Reistroffer; the motion carried unanimously (4-0).

Roll call vote: Darland, yes; Loebach, yes; Boyd-Carlson, yes; Reistroffer, yes.

Reistroffer stated he would like to do a review of the by-laws to see if elected officers could have 2-year terms. Staff informed him that it would be possible to look into the possibility of 2-year terms for the Board's elected officers, but that staff would also like to do a larger review of the by-laws at some time as well.

**VI. Adjourn**

The meeting adjourned unanimously by voice vote at approximately 4:17 p.m.

City of Davenport  
Zoning Board of Adjustment

Department: DNS  
Contact Info: ScottKoops@davenportiowa.com

**Date**  
**3/10/2022**

**Subject:**

Reconsideration of Request AA22-01 of Mike Meloy on behalf of John Davis/AlleyKats LLC for an appeal of an administrative interpretation, appealing the Zoning Administrator's interpretation letter dated December 9, 2021 regarding sale of vehicles at 1707 West River Drive in the City of Davenport, Iowa. Property is zoned I-2 Heavy Industrial District. [Ward 3]

**Recommendation:**

Take action on the Reconsideration of Request AA22-01.

**Background:**

At the March 24th ZBA meeting a motion to reconsider this item was made by a member who voted on the prevailing side, it was seconded, and the motion passed.

The effect of an approved motion to reconsider is it immediately places the item before the Board in the exact position it occupied the moment before it was originally voted on.

Thus, the Board will not be taking additional evidence or comments. If, however, a Board Member would like to further discuss this item with the other members of the board or has questions about the agenda item, the Member may ask his or her question of the applicant or staff. Responses should be limited to answering the Board Member's specific question.

A motion should be as follows:

For clarity, a "yes" vote is a vote finding that the applicant has met its burden of proof of establishing that a lawful, non-conforming use existed at 1707 West River Drive, thus granting the applicant's appeal and overturning the Zoning Administrator's zoning interpretation; a "no" vote is a vote finding that the applicant has failed to carry its burden of proof of establishing that a lawful, non-conforming use existed at 1707 West River Drive, thus denying the applicant's appeal and upholding the Zoning Administrator's zoning interpretation.

**ATTACHMENTS:**

Type	Description
▣ Exhibit	Staff Handout Documents
▣ Exhibit	Timeline
▣ Exhibit	Staff Presentation PowerPoint
▣ Exhibit	H1 - IDOT Email & License M&S Motorsports
▣ Exhibit	H2 - Change in Dealer Ownership - IDOT
▣ Exhibit	H3 - Dealership Program Emails
▣ Exhibit	H4 - Iowa Code Chapter 322 Motor Vehicles
▣ Exhibit	H5 Photographic Record
▣ Exhibit	Petitioner Exhibits 1-11, handouts on 3-10-22
▣ Exhibit	Petitioner Photo Exhibits, handouts on 3-10-22
▣ Exhibit	3-10-22 Meeting Packet Documents:

- ▢ Exhibit
- ▢ Exhibit
- ▢ Exhibit
- ▢ Exhibit
- ▢ Exhibit
- ▢ Exhibit
- ▢ Exhibit

- Staff Report
- A Zoning Administrator's Interpretation
- B Administrative Appeal Application
- C Transition Rules 17.01.040.F.
- D City Business Licenses
- E City Building Permit Record
- F Aerial & Site Photography

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	4/8/2022 - 11:18 AM

**The following Documents were distributed by hand at the beginning of the  
3-10-22 ZBA Meeting.**

Timeline	Year 2017												2018												2019												2020												2021																																																																							
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	State Dealership License																								M&S Motorsports D5074; EXP, ownership change^																																																																																															
	Business License, other (City)																																																																																																																							
	Dealership License (City)																								M&S Motorsports#; unpaid renewal																								Carter Auto Sales; Issued in Error@; EXP ^																																																																							
	Elevation Certificate																								Never Issued; work incomplete																																																																																															
	Floodplain Permit																								Started, not completed; Expired																																																																																															
	Building Permit																								Interior rehab & door; Expired *																																																																																															
	Occupancy Permit previous 1969																																																																																																																							
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	2017												2018												2019												2020												2021																																																																							

\* Inactive

# not renewed, fee not paid  
Lic#: 50014002

^ License expired upon change of ownership  
@ Lic#: 50015490

^ License expired upon change of ownership



# Zoning Board of Adjustment

AA22-01

Administrative  
Appeal

1707 W River Dr



March 10, 2022 | Council Chambers

## Description of the Appeal

Veric LLC/AllyKats LLC appeals the December 9, 2021 letter from the City [which] erroneously interpreted the Davenport zoning ordinance.

The use of this property as a vehicle sale use with outdoor storage was approved on February 4, 2020. See attached February 4, 2020 letter from Matthew Flynn to Derric Carter.

We request the Zoning Board

overrule the December 9, 2021 zoning decision as erroneous and contradicted by the clear evidence of Mr. Flynn's February 4, 2020 letter to Derric Carter and the issuance of business licenses to this real property in 2018 and 2021.

The City now claims Mr. Flynn's letter was an "error" and refuses to allow the auto vehicle sales to continue as a lawful business.

# Appeal – Board Action Required

Options of the Board - The Zoning Board shall either:

1. Confirm the ZA's interpretation as stated in the letter dated Dec. 9, 2021 (see Exhibit A); OR
2. Overturn the ZA's interpretation.

If the Board confirms the ZA's interpretation, vehicle dealership uses would be confirmed illegal under the present zoning code with no other vested rights related to vehicle dealerships for the subject property.

If the Board overturns the ZA's interpretation, a vehicle dealership would be allowed as a legal-nonconforming use.

# Zoning Administrator's Evidence

(Exhibit "A" | Dated 12/9/21)

1. Zoning Administrator's interpretation: vehicle dealership is not an allowed use under current code or as a vested right
2. A vehicle dealership was never legally established on the site prior to the 1-20-2019 zoning code re-write; accordingly transition rule F. & nonconforming code sections do not apply
3. Occupancy Permit was never issued for any uses after the gas station use ceased
4. M&S Motorsports never opened and was never legally established

# Zoning Administrator's Evidence

(Exhibit "A" | Dated 12/9/21)

5. Building Permit, Floodplain Development Permit and the Elevation certificate where never approved or finalized
6. No sign permit was issued for a dealership or any other use after the gas station use ceased
7. Polk City Directories have no listed uses for the site from 2017 to the present
8. Photographic evidence from 15 data points over 5 years show the site as vacant
9. The site had no electric or water/sewer services for 20 months from Oct. 2019 to May 2021

# Zoning Administrator's Evidence

(Exhibit "A" | Dated 12/9/21)

10. M&S Motorsports' State of Iowa DOT dealership license #D5074 expired July 29, 2019 with the change of ownership for 1707 W River from John Cernovich to Carter Auto Salvage LLC
11. State of Iowa Dealerships are not transferable to new property ownership and require a new application and a new dealership license
12. No State of Iowa DOT dealership licenses were issued after July 29, 2019
13. Dealerships are required to be licensed by both the State and the City
14. The Matt Flynn letter & the subsequent issuance of a City dealership license is a moot point, as the use was never established & never had State of Iowa licensing

## 03-10-22

Timeline	Year 2017												2018												2019												2020												2021											
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	2017												2018												2019												2020												2021											
<div>* Inactive # not renewed, fee not paid Lic#: 50014002 ^ License expired upon change of ownership @ Lic#: 50015490 ^ License expired upon change of ownership</div>																																																												

# Select Photos of the site



# IDOT License #D5074

## John Cernovich/M&S Motorsports:

Form 41000 (04-11)

**IOWADOT**  
Office of Vehicle & Motor Carrier Services  
P.O. Box 9278  
Des Moines, IA 50306-9278

Phone: (515) 287-3110  
Fax: (515) 237-3056  
E-mail: [vehser@iowadot.us](mailto:vehser@iowadot.us)  
Web site: [www.iowadot.gov/mvd](http://www.iowadot.gov/mvd)

**APPLICATION FOR MOTOR VEHICLE OR TRAVEL TRAILER DEALER LICENSE**  
(Pursuant to Chapters 322 and 322C, Code of Iowa)

1. ☒ New Application ☐ Transfer of Ownership ☐ Location Change ☐ Change of Corporate Officers ☐ Name Change

2. Name of Dealership: M&S Motorsports #6759443  
(Firm name must be identified on supporting documents and must be the same)  
1707 W River Dr Des Moines Iowa 52802  
Street City State Zip Code  
Land Line Phone 1-515-345-2730 County Scott County  
E-Mail JohnKirstyn@hotmail.com

3. Check the box relating to ownership:  
☒ If individual ownership: submit name, address and phone number of owner:  
☐ If partnership: submit name and bona fide address of the two partners:  
☐ If corporation: submit name and bona fide address of the president and vice president or officer of the corporation:  
John Cernovich 1032 Western Ave Kewanee IL 61443 309-525-5846  
Name Address Phone

4. List the address of any extensions of your business: Extension lots of motor vehicle dealers must be located in the same city or township as the principal place of business and must be properly zoned. Extension lots of travel trailer dealers must be located in the same county as the principal place of business.  
(Extension lot licenses cannot be issued to restricted dealers. Only registered and unregistered dealers are eligible to obtain extension lot licenses.)  
a. \_\_\_\_\_  
b. \_\_\_\_\_

5. Check types of vehicles you sell:  
☐ New cars ☐ New travel trailers\* ☐ New motorcycles ☐ New motorized bicycles  
☒ Used cars ☐ Used travel trailers\* ☐ Used motorcycles ☐ Used motorized bicycles  
☐ New motor homes ☐ New trucks ☐ New low speed vehicles  
☐ Used motor homes ☒ Used trucks ☐ Used low speed vehicles  
\*Travel trailers need additional dealer license fees paid. (See fee section.)

6. Check the box relating to your type of business.  
REGISTERED AND UNREGISTERED MOTOR VEHICLE AND/OR TRAVEL TRAILER DEALERS:  
☒ Engage in business of selling vehicles at retail.  
☒ Registered ☐ Unregistered (Unregistered dealers do not have dealer plate privileges).  
RESTRICTED DEALER LICENSE:  
(Restricted dealers must have an office, zone approval, dealer bond, land line telephone, and maintain regular business hours. Once regular business hours are no longer being maintained the license must be turned in, dealer plates are not available.)  
☐ Sell motor vehicles solely through an option to purchase in lease agreements.  
☐ Sell only those vehicles repossessed or acquired by lien, title retention instruments, or security contracts.  
☐ Fleet vehicle sale.  
☐ Auction only.  
☐ Insurers selling vehicles of a type subject to registration, solely for the purpose of disposing of vehicles acquired as a result of a damage settlement or recovered stolen vehicles acquired as a result of a loss settlement.

REC MVDMMR  
MAR 26 2018

# Change in Ownership requires a new IDOT Dealer License

From IDOT Dealership Programs Website:

A new application for a Motor Vehicle Dealer License must be submitted With a change in ownership;

Therefore M&S Motorsports #D5074 expired 7-29-19

## 6. Change in ownership.

Submit to Vehicle Central Programs:

- A new [Application for Motor Vehicle or Towable Recreational Vehicle Dealer License](#) form and [Fees for Dealer License Application](#) completed by new owner.
- A license fee of \$35 (only applies to towable recreational vehicle dealers). No charge for motor vehicle dealers.
- A copy of each franchise or buy-sell agreement. If a buy-sell agreement is submitted in lieu of a franchise, the actual franchise must be forwarded to the department when received.
- An original, signed motor vehicle or towable recreational vehicle dealer surety bond for the new owner.
- Authorization of the seller for the purchaser to use seller's dealer plates and dealer number, which also identifies the number of plates being transferred.
- The dealer's license issued to the seller and:
- Contact [Iowa DOT's Bureau of Investigation and Identity Protection](#) to inspect the facilities at the new location. The investigator will submit a report to Vehicle Central Programs. Only applies to motor vehicle dealers.
- Evidence that the location is properly zoned (from the city or county office responsible).
- Towable recreational vehicle dealers must submit [towable recreational vehicle dealer certification form](#).

<https://iowadot.gov/mvd/buyingselling/buyingselling/misc#30153543-changes-in-the-method>

# **IDOT Dealer License Regulations**

## **From IDOT Dealer Programs staff email:**

- Permit #D5074 for M&S Motorsports was the only license ever issued (4-30-2018) for 1707 W. River Dr.
- License expired on change of ownership (7-29-19)
- No licenses issued prior to 4-30-2018
- No current license's are issued
- No pending applications for Veric LLC/AllyKats LLC

# Findings

- Since the change in ownership to Derric Carter on 7-29-19, there has not been a State IDOT dealership license
- A vehicle dealership Occupancy Permit was never issued
- No evidence has been submitted demonstrating actual operation of the site as a car sales lot
- No evidence has been submitted demonstrating the site is a non-conforming site with vested rights to operate a vehicle sales dealership
- No significant amount of investment in the property has occurred for the conversion of the property to a vehicle sales operation

## **Recommendation:**

Staff recommends the Board:

“Move to confirm (uphold) the interpretation of the Zoning Administrator per the letter sent to Veric LLC/AllyKats LLC dated December 9, 2021, identified in the staff report as “Exhibit A. Zoning Administrator’s Interpretation.”



# **IDOT Dealer License Regulations**

## **2022 IAC 322.3.1: License Required for a person to engage in selling motor vehicles**

1. A person shall not engage in this state in the business of selling at retail new motor vehicles of any make or represent or advertise that the person is engaged or intends to engage in such business in this state unless the person is authorized to do so by a contract in writing with the manufacturer or distributor of such make of new motor vehicles and unless the department has licensed the person as a motor vehicle dealer in this state in motor vehicles of such make and has issued to the person a license in writing as provided in this chapter

# IDOT Dealer License Regulations

## **2022 IAC 322.3.2: Licensed person, not property Non-transferable**

A person other than a licensed dealer in new motor vehicles shall not engage in this state in the business of selling at retail used motor vehicles or represent or advertise that the person is engaged or intends to engage in such business in this state unless and until the department has licensed the person as a used motor vehicle dealer in the state and has issued to the person a license in writing as provided in this chapter.

# IDOT Dealer License Regulations

## **2022 IAC 322.3.16:** (Licensed not transferable)

A person other than a licensed dealer in new motor vehicles shall not engage in this state in the business of selling at retail used motor vehicles or represent or advertise that the person is engaged or intends to engage in such business in this state unless and until the department has licensed the person as a used motor vehicle dealer in the state and has issued to the person a license in writing as provided in this chapter.

# Dealer Programs Emails:

## Emails with the State of Iowa Dealer Programs (IDOT Vehicle Dealership Licensing)

### Dealer Programs: Burrows, Desiree

From: Burrows, Desiree <Desiree.Burrows@iowadot.us> on behalf of [DOT] <Dealer.Programs@iowadot.us>  
Sent: Monday, February 28, 2022 1:15 PM  
To: Koops, Scott E.  
Subject: RE: [EXT] RE: 1707 W. River Drive - any dealership licensee's

D5074 M & S Motorsports was the only license issued at 1707 W River Drive, Davenport. Their license was issued 4-30-2018 and expired 12-31-2020. [Expired on 7-29-19 on change of ownership] Nothing prior to 4-30-2018.  
Desiree

From: Koops, Scott E. <Scott.Koops@davenportiowa.com>  
Sent: Monday, February 28, 2022 12:52 PM  
To: Programs, Dealer [DOT] <Dealer.Programs@iowadot.us>  
Subject: RE: [EXT] RE: 1707 W. River Drive - any dealership licensee's

Thank you Desiree!


Staff has the documents for M&S Motor Sports, D5074.  
What I would like to confirm is if there are or were any other Licenses during the time frame of Jan 1, 2017 to April 30, 2018 for 1707 West Diver Drive, Davenport, IA?

Thank you!

SCOTT KOOPS, AICP  
Planner II | Development & Neighborhood Services (DNS)  
City of Davenport

From: Burrows, Desiree <Desiree.Burrows@iowadot.us> On Behalf Of Programs, Dealer [DOT]  
Sent: Monday, February 28, 2022 10:48 AM  
To: Koops, Scott E. <Scott.Koops@davenportiowa.com>  
Subject: RE: [EXT] RE: 1707 W. River Drive - any dealership licensee's

The license issued at 1707 W River Dr, Davenport was valid 4-30-2018 through 12-31-2020. [Expired on 7-29-19 on change of ownership]  
Let us know if you have additional questions. Have a great day.

 Desiree  
CLERK SPECIALIST, VEHICLE CENTRAL PROGRAMS  
iowadot.gov/mvd | Iowa Department of Transportation  
Office: 515-237-3156  
FAX: 515-817-6532 | @iowadot  
Dealer.Programs@iowadot.us

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### Koops, Scott E.

From: Koops, Scott E. <Scott.Koops@davenportiowa.com>  
Sent: Monday, February 28, 2022 9:09 AM  
To: Programs, Dealer [DOT] <Dealer.Programs@iowadot.us>  
Subject: RE: [EXT] RE: 1707 W. River Drive - any dealership licensee's

Erika,

I have a follow up question if that is alright.  
Where there any dealer licenses for 1707 W River Drive between Jan. 1 of 2017 to Apr/May of 2018? Thank you so much!

SCOTT KOOPS, AICP  
Planner II | Development & Neighborhood Services (DNS)

From: Eckstein, Erika <Erika.Eckstein@iowadot.us> On Behalf Of Programs, Dealer [DOT]  
Sent: Tuesday, February 22, 2022 12:35 PM  
To: Koops, Scott E. <Scott.Koops@davenportiowa.com>  
Subject: [EXT] RE: 1707 W. River Drive - any dealership licensee's

Scott, RE: 1707 W River Dr, Davenport IA 52802

A Motor Vehicle Dealer License D5074 was issued for M & S Motorsports at 1707 W River Dr, Davenport IA 52802 effective April 30, 2018 through December 31, 2020. [Expired on 7-29-19 on change of ownership] This dealership was individually owned by John Cernovich of Illinois. Documents attached.

There is no current license at this location.

RE: Zoning Appeal Attachment

1. Dealerships related to Derric Carter are as follows:
  - Motor Vehicle Dealer – D5218 Carters Auto Sales LLC 2637 Rockingham Rd, Davenport IA 528502 – Effective 10/11/2018, due to Expire 12/31/2022  
Extension Lot: 2333 Rockingham Rd, Davenport IA 52802 – Effective 10/11/2018, due to Expire 12/31/2022
  - Motor Vehicle Dealer – D4640 Carters Auto Salvage LLC 3426 S Concord St, Davenport IA 52802 – Effective 12/11/2015, due to Expire 12/31/2022  
Extension Lot: 2637 Rockingham Rd, Davenport IA 52802 – Effective 06/21/2017, Voluntary Surrendered 10/11/2018  
Extension Lot: 2333 Rockingham Rd, Davenport IA 52802 – Effective 04/13/2018, Voluntary Surrendered 10/11/2018
  - Vehicle Recycler – R1451 Carters Auto Salvage LLC 3426 S Concord St, Davenport IA 52802 – Effective 09/22/2015, due to Expire 12/31/2022  
Types: Vehicle Rebuilder, Used Vehicle Parts Dealer and Vehicle Salvager
  - Recycler Transporter – T275 Carters Auto Salvage LLC 3426 S Concord St, Davenport IA 52802 – Effective 12/11/2015, Expired 12/31/2020
  - Vehicle Recycler – R1710 QC Auto Salvage LLC 5831 S Concord St, Davenport IA 52802 – Effective 04/05/2021, due to Expire 12/31/2022  
Types: Vehicle Rebuilder, Used Vehicle Parts Dealer and Vehicle Salvager

2. We do not have a pending application for Veric LLC or AbbyKats LLC



Thank you,  
dealer.programs@iowadot.us  
Iowa Department of Transportation  
Central Programs Bureau, Dealer Programs  
PO Box 9278, Des Moines IA 50306-9278  
Phone: 515-237-3156 | Fax: 515-817-6532

2

## Koops, Scott E.

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**From:** Eckstein, Erika <Erika.Eckstein@iowadot.us>  
**Sent:** Thursday, March 10, 2022 1:06 PM  
**To:** Koops, Scott E.  
**Subject:** RE: [EXT] RE: 1707 W. River Drive - any dealership licensee's  
**Attachments:** D5074 M & S Motorsports Dealersnapshot.pdf

Scott

Attached is the snapshot of the license information that was issued for M & M Motorsports at 1707 W River Dr, Davenport IA. No other types of dealer licenses were issued at this location for any other time period that we have on file.



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**From:** Burrows, Desiree **On Behalf Of** Programs, Dealer [DOT]  
**Sent:** Monday, February 28, 2022 1:15 PM  
**To:** Koops, Scott E. <Scott.Koops@davenportiowa.com>  
**Subject:** RE: [EXT] RE: 1707 W. River Drive - any dealership licensee's

D5074 M & S Motorsports was the only license issued at 1707 W River Drive, Davenport. Their license was issued 4-30-2018 and expired 12-31-2020. Nothing prior to 4-30-2018.

Desiree

---

**From:** Koops, Scott E. <[Scott.Koops@davenportiowa.com](mailto:Scott.Koops@davenportiowa.com)>  
**Sent:** Monday, February 28, 2022 12:52 PM  
**To:** Programs, Dealer [DOT] <[Dealer.Programs@iowadot.us](mailto:Dealer.Programs@iowadot.us)>  
**Subject:** RE: [EXT] RE: 1707 W. River Drive - any dealership licensee's

Thank you Desiree.

Staff has the documents for M&S Motor Sports, D5074.  
What I would like to confirm is if there are or were any other Licenses during the time frame of Jan 1, 2017 to April 30, 2018 for 1707 West Diver Drive, Davenport, IA?

**Thank you!**

**SCOTT KOOPS, AICP**

Planner II | Development & Neighborhood Services (DNS)  
**City of Davenport**

○ 563-328-6701

1200 E 46<sup>th</sup> ST | Davenport IA 52807

[davenportiowa.com/planning](http://davenportiowa.com/planning) | [EPlan](#) | [Zoning Ordinance](#) | [Zoning Map](#)

Make Davenport Better, Use **SeeClickFix**, to make requests for service.

<https://seeclickfix.com/davenport>

---

**From:** Burrows, Desiree <[Desiree.Burrows@iowadot.us](mailto:Desiree.Burrows@iowadot.us)> **On Behalf Of** Programs, Dealer [DOT]

**Sent:** Monday, February 28, 2022 10:48 AM

**To:** Koops, Scott E. <[Scott.Koops@davenportiowa.com](mailto:Scott.Koops@davenportiowa.com)>

**Subject:** RE: [EXT] RE: 1707 W. River Drive - any dealership licensee's

The license issued at 1707 W River Dr, Davenport was valid 4-30-2018 through 12-31-2020.

Let us know if you have additional questions.

Have a great day.



Desiree

CLERK SPECIALIST, VEHICLE CENTRAL PROGRAMS

[iowadot.gov/mvd](http://iowadot.gov/mvd)  Iowa Department of Transportation

Office: 515-237-3156

FAX: 515-817-6532  [@iowadot](https://twitter.com/iowadot)  [@iowadot](https://www.instagram.com/iowadot)

[Dealer.Programs@iowadot.us](mailto:Dealer.Programs@iowadot.us)

---

**From:** Koops, Scott E. <[Scott.Koops@davenportiowa.com](mailto:Scott.Koops@davenportiowa.com)>

**Sent:** Monday, February 28, 2022 9:09 AM

**To:** Programs, Dealer [DOT] <[Dealer.Programs@iowadot.us](mailto:Dealer.Programs@iowadot.us)>

**Subject:** RE: [EXT] RE: 1707 W. River Drive - any dealership licensee's

Erika,

I have a follow up question if that is alright.

Where there any dealer licenses for 1707 W River Drive between Jan. 1 of 2017 to Apr/May of 2018?

Thank you so much!

**SCOTT KOOPS, AICP**

Planner II | Development & Neighborhood Services (DNS)

**City of Davenport**

○ 563-328-6701

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<https://seeclickfix.com/davenport>

---

**From:** Eckstein, Erika <[Erika.Eckstein@iowadot.us](mailto:Erika.Eckstein@iowadot.us)> **On Behalf Of** Programs, Dealer [DOT]

**Sent:** Tuesday, February 22, 2022 12:35 PM

**To:** Koops, Scott E. <[Scott.Koops@davenportiowa.com](mailto:Scott.Koops@davenportiowa.com)>

**Subject:** [EXT] RE: 1707 W. River Drive - any dealership licensee's

Scott

RE: 1707 W River Dr, Davenport IA 52802

A Motor Vehicle Dealer License D5074 was issued for M & S Motorsports at 1707 W River Dr, Davenport IA 52802 effective April 30, 2018 through December 31, 2020. This dealership was individually owned by John Cernovich of Illinois. Documents attached.

There is no current license at this location.

RE: Zoning Appeal Attachment

1. Dealerships related to Derric Carter are as follows:
  - Motor Vehicle Dealer – D5218 Carters Auto Sales LLC 2637 Rockingham Rd, Davenport IA 528502 – Effective 10/11/2018, due to Expire 12/31/2022  
Extension Lot: 2333 Rockingham Rd, Davenport IA 52802 – Effective 10/11/2018, due to Expire 12/31/2022
  - Motor Vehicle Dealer – D4640 Carters Auto Salvage LLC 3426 S Concord St, Davenport IA 52802 – Effective 12/11/2015, due to Expire 12/31/2022  
Extension Lot: 2637 Rockingham Rd, Davenport IA 52802 – Effective 06/21/2017, Voluntary Surrendered 10/11/2018  
Extension Lot: 2333 Rockingham Rd, Davenport IA 52802 – Effective 04/13/2018, Voluntary Surrendered 10/11/2018
  - Vehicle Recycler – R1451 Carters Auto Salvage LLC 3426 S Concord St, Davenport IA 52802 – Effective 09/22/2015, due to Expire 12/31/2022  
Types: Vehicle Rebuilder, Used Vehicle Parts Dealer and Vehicle Salvager
  - Recycler Transporter – T275 Carters Auto Salvage LLC 3426 S Concord St, Davenport IA 52802 – Effective 12/11/2015, Expired 12/31/2020
  - Vehicle Recycler - R1710 QC Auto Salvage LLC 5831 S Concord St, Davenport IA 52802 – Effective 04/05/2021, due to Expire 12/31/2022  
Types: Vehicle Rebuilder, Used Vehicle Parts Dealer and Vehicle Salvager
2. We do not have a pending application for Veric LLC or AllyKats LLC.



Thank you,  
**[dealer.programs@iowadot.us](mailto:dealer.programs@iowadot.us)**  
**Iowa Department of Transportation**  
Central Programs Bureau, Dealer Programs  
PO Box 9278, Des Moines IA 50306-9278  
**Phone: 515-237-3156 | Fax: 515-817-6532**

---

**From:** Koops, Scott E. <[Scott.Koops@davenportiowa.com](mailto:Scott.Koops@davenportiowa.com)>  
**Sent:** Tuesday, February 22, 2022 9:46 AM  
**To:** Programs, Dealer [DOT] <[Dealer.Programs@iowadot.us](mailto:Dealer.Programs@iowadot.us)>  
**Subject:** 1707 W. River Drive - any dealership licensee's

Iowa D.O.T. – Dealership Programs

Erica,

Thank you for taking my call this morning. As mentioned in our conversation, the City of Davenport is looking for any dealership licenses for 1707 West River Drive, from 2017 to the present, either as a primary lot or as an accessory/satellite/sub lot, under any ownership. The City is trying to establish if a state license was issued for this site so that the City can compare our records and use restrictions during the time frame that the property might have had a State DOT Dealership License.

If licenses exist, in addition to the license, the City would like to know the existing status and if the license is still valid, and if not please provide the date the license expired or became invalid.

Any other additional information like inspection reports or photographs of the site would be appreciated if they are available.

Just for reference, the Administrative Appeal that has been filed is attached. This appeal will be heard before the Zoning Board of Adjustment on March 10, 2022.

I appreciate your time researching this issue.

**Thank you!**

**SCOTT KOOPS, AICP**

Planner II | Development & Neighborhood Services (DNS)  
**City of Davenport**

📞 563-328-6701  
1200 E 46<sup>th</sup> ST | Davenport IA 52807

[davenportiowa.com/planning](http://davenportiowa.com/planning) | [EPlan](#) | [Zoning Ordinance](#) | [Zoning Map](#)

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<https://seeclickfix.com/davenport>

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## DealerSnapshot

Active Filters: LicenseNumber: d5074

### Dealer Information

**Name:** M & S Motorsports

**Identifier:** [REDACTED]

**Address:** 1707 W RIVER DR DAVENPORT IA 52802 **Customer Number:** 6759443

**County:** Scott

**Website:**

### Ownership

Name	Address	Affiliation	Phone #	Email Id
M & S Motorsports	1707 W RIVER DR DAVENPORT IA 52802	Business	563-345-2730	johnkirstyn@hotmail.com
Cernovich, John	[REDACTED] 61443	Owner		

### DBA

Name
------

### License Information

**License #:** D5074

**License Type:** Reg Motor Veh Dealer Lic

**License Status:** Inactive

**License Issued:** 4/30/2018 8:59:51 AM **License Expiration:** 12/31/2020 11:59:59 PM

**Township:**

**NMVTIS ID Number:**

### Business Type:

Selling Vehicles at Retail

### Physical Address:

Vehicle Makes	Vehicle Types
	Used All Types

### Bond Information

**Bond Holder:** Liberty Mutual Insurance Company

**Amount:** 75000.0000

**Policy #:** 404003118

**Address:** 505 Main Street, Suite 830 Orange CA 92868

### Business Hours

Monday: 8:00 AM to 3:00 PM

Tuesday: 8:00 AM to 3:00 PM

Wednesday: 8:00 AM to 3:00 PM

Thursday: 8:00 AM to 3:00 PM

Friday: 8:00 AM to 3:00 PM

Saturday: to

Sunday: to

## H2. Change in Ownership Requires a New License

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### BUYING & SELLING A VEHICLE

### MISCELLANEOUS DEALER INFORMATION, PERMITS AND PLATES

#### CHANGES IN THE METHOD OF DOING BUSINESS

In order to maintain a license dealers are required to notify the Iowa DOT prior to any change in name, style, location or business hours. A motor vehicle or towable recreational vehicle dealer has 10 days to notify the department of any change in the method of doing business. Specific changes that might occur are outlined below.

#### 1. Change of the firm name.

Submit to Vehicle Central Programs:

- Endorsement to the motor vehicle or towable recreational vehicle dealer bond reflecting the name change.
- The dealer license previously issued.
- Evidence of written notice to the franchiser, if a franchised dealer.
- Evidence that articles of incorporation have been filed if the firm is operating as a corporation. After the name change has been processed, all manufacturer certificates of origin will need to be reassigned from the old name to the new name, and new titles on any used vehicles will need to be obtained.
- Towable recreational vehicle dealers must submit a \$35 fee for the name change.

#### 2. Change in the business location.

Submit to Vehicle Central Programs:

- Contact [Iowa DOT's Bureau of Investigation and Identity Protection](#) to set up an appointment for an on-site inspection. The investigator will inspect the facilities at the new location and submit a report to Vehicle Central Programs. (Applies only to motor vehicle dealers. towable recreational vehicle dealers do not need an on-site inspection.)
- Endorsement to the motor vehicle and towable recreational vehicle dealer bond reflecting the change in address only if the address listed on the bond will be incorrect.
- Evidence of written notice to the franchisor if currently a franchised dealer.
- The dealer's license and any extension lot license previously issued.
- Statement of zoning approval from city/county zoning authority for the principal place of business and any extensions.
- Towable recreational vehicle dealers must submit a \$35 fee. (No fee is due for motor vehicle dealers)
- Towable recreational vehicle dealers must submit the [Towable recreational vehicle dealer certification form](#).

#### 3. Adding a new line-make.

Submit to Vehicle Central Programs:

- A copy of the franchise must be forwarded to Vehicle Central Programs. The franchise must be signed and dated by both parties.
- The applicant must complete the [Manufacturer's Certification of Compliance with Iowa Code Chapter 322A](#) form.
- Dealer license must be surrendered before a new license can be issued.
- A corrected license will be issued. The department will notify the county treasurer's office in the dealer's area and the motor vehicle investigator of the change.

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new on-site inspection of the facilities.

- If licensed as a new or used motorcycle dealer exclusively and have applied for selling new or used cars/trucks or motor homes, [Iowa DOT's Bureau of Investigation and Identity Protection](#) will need to be contacted to perform a new on-site inspection of the facilities.
- Towable recreational vehicle dealers must pay a \$35 fee. (No fee is due for motor vehicle dealers.)

#### **4. Deleting a new line-make.**

Submit to Vehicle Central Programs:

- Dealer license previously issued.
- Statement indicating the make is being voluntarily deleted off of the dealer or retailer license.
- Towable recreational vehicle dealers must pay a \$35 fee to correct the dealer's license. The department will issue a corrected dealer license to a motor vehicle dealer at no charge.
- Once the new line-make has been deleted from the license, the dealership will no longer be able to sell that line-make as a new motor vehicle or towable recreational vehicle.

#### **5. Officers of the corporation or partners of the partnership change.**

Submit to Vehicle Central Programs:

- Notify the department in writing of the change.
- An individual ownership or a partnership going to a corporation or vice versa will require an endorsement on the bond. A motor vehicle dealer bond must reflect:
  - The individual's name doing business (DBA) the name that the dealership will be conducting business under.
  - Both or all partner's names DBA the name that the dealership will be conducting business under.
  - The corporate name DBA the name that the dealership will be conducting business under.
- Evidence that articles of incorporation have been filed if the change represents a new corporation being formed; or
- A new bond must be secured if, at any time, the bond principal is no longer an owner of the business.

#### **6. Change in ownership.**

Submit to Vehicle Central Programs:

- A new [Application for Motor Vehicle or Towable Recreational Vehicle Dealer License](#) form and [Fees for Dealer License Application](#) completed by new owner.
- A license fee of \$35 (only applies to towable recreational vehicle dealers). No charge for motor vehicle dealers.
- A copy of each franchise or buy-sell agreement. If a buy-sell agreement is submitted in lieu of a franchise, the actual franchise must be forwarded to the department when received.
- An original, signed motor vehicle or towable recreational vehicle dealer surety bond for the new owner.
- Authorization of the seller for the purchaser to use seller's dealer plates and dealer number, which also identifies the number of plates being transferred.
- The dealer's license issued to the seller and:
- Contact [Iowa DOT's Bureau of Investigation and Identity Protection](#) to inspect the facilities at the new location. The investigator will submit a report to Vehicle Central Programs. Only applies to motor vehicle dealers.
- Evidence that the location is properly zoned (from the city or county office responsible).
- Towable recreational vehicle dealers must submit [towable recreational vehicle dealer certification form](#).

# H3. Emails with the State of Iowa Dealer Programs (IDOT Vehicle Dealership Licensing)

## Dealer Programs: Burrows, Desiree

---

**From:** Burrows, Desiree <Desiree.Burrows@iowadot.us> on behalf of [DOT] <Dealer.Programs@iowadot.us>  
**Sent:** Monday, February 28, 2022 1:15 PM  
**To:** Koops, Scott E.  
**Subject:** RE: [EXT] RE: 1707 W. River Drive - any dealership licensee's

D5074 M & S Motorsports was the only license issued at 1707 W River Drive, Davenport. Their license was issued 4-30-2018 and expired 12-31-2020. [Expired on 7-29-19 on change of ownership] Nothing prior to 4-30-2018.  
Desiree

---

**From:** Koops, Scott E. <Scott.Koops@davenportiowa.com>  
**Sent:** Monday, February 28, 2022 12:52 PM  
**To:** Programs, Dealer [DOT] <Dealer.Programs@iowadot.us>  
**Subject:** RE: [EXT] RE: 1707 W. River Drive - any dealership licensee's

Thank you Desiree.

Staff has the documents for M&S Motor Sports, D5074.

What I would like to confirm is if there are or were any other Licenses during the time frame of Jan 1, 2017 to April 30, 2018 for 1707 West Diver Drive, Davenport, IA?

Thank you!

SCOTT KOOPS, AICP  
Planner II | Development & Neighborhood Services (DNS)  
City of Davenport

**From:** Burrows, Desiree <[Desiree.Burrows@iowadot.us](mailto:Desiree.Burrows@iowadot.us)> On Behalf Of Programs, Dealer [DOT]  
**Sent:** Monday, February 28, 2022 10:48 AM  
**To:** Koops, Scott E. <[Scott.Koops@davenportiowa.com](mailto:Scott.Koops@davenportiowa.com)>  
**Subject:** RE: [EXT] RE: 1707 W. River Drive - any dealership licensee's

The license issued at 1707 W River Dr, Davenport was valid 4-30-2018 through 12-31-2020. [Expired on 7-29-19 on change of ownership]  
Let us know if you have additional questions. Have a great day.



Desiree  
CLERK SPECIALIST, VEHICLE CENTRAL PROGRAMS  
[iowadot.gov/mvd](http://iowadot.gov/mvd)  Iowa Department of Transportation

Office: 515-237-3156

FAX: 515-817-6532

 @iowadot

 @iowadot

[Dealer.Programs@iowadot.us](mailto:Dealer.Programs@iowadot.us)

## Koops, Scott E.

**From:** Koops, Scott E. <[Scott.Koops@davenportiowa.com](mailto:Scott.Koops@davenportiowa.com)>

**Sent:** Monday, February 28, 2022 9:09 AM

**To:** Programs, Dealer [DOT] <[Dealer.Programs@iowadot.us](mailto:Dealer.Programs@iowadot.us)>

**Subject:** RE: [EXT] RE: 1707 W. River Drive - any dealership licensee's

Erika,

I have a follow up question if that is alright.

Where there any dealer licenses for 1707 W River Drive between Jan. 1 of 2017 to Apr/May of 2018? Thank you so much!

SCOTT KOOPS, AICP

Planner II | Development & Neighborhood Services (DNS)

**From:** Eckstein, Erika <[Erika.Eckstein@iowadot.us](mailto:Erika.Eckstein@iowadot.us)> **On Behalf Of** Programs, Dealer [DOT]

**Sent:** Tuesday, February 22, 2022 12:35 PM

**To:** Koops, Scott E. <[Scott.Koops@davenportiowa.com](mailto:Scott.Koops@davenportiowa.com)>

**Subject:** [EXT] RE: 1707 W. River Drive - any dealership licensee's

Scott RE: 1707 W River Dr, Davenport IA 52802

A Motor Vehicle Dealer License D5074 was issued for M & S Motorsports at 1707 W River Dr, Davenport IA 52802 effective April 30, 2018 through December 31, 2020. [Expired on 7-29-19 on change of ownership] This dealership was individually owned by John Cernovich of Illinois. Documents attached.

There is no current license at this location.

RE: Zoning Appeal Attachment

1. Dealerships related to Derric Carter are as follows:

- Motor Vehicle Dealer – D5218 Carters Auto Sales LLC 2637 Rockingham Rd, Davenport IA 528502 – Effective 10/11/2018, due to Expire 12/31/2022  
Extension Lot: 2333 Rockingham Rd, Davenport IA 52802 – Effective 10/11/2018, due to Expire 12/31/2022
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Types: Vehicle Rebuilder, Used Vehicle Parts Dealer and Vehicle Salvager
- Recycler Transporter – T275 Carters Auto Salvage LLC 3426 S Concord St, Davenport IA 52802 – Effective 12/11/2015, Expired 12/31/2020
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Types: Vehicle Rebuilder, Used Vehicle Parts Dealer and Vehicle Salvager

2. We do not have a pending application for Veric LLC or AllyKats LLC.



Thank you,  
[dealer.programs@iowadot.us](mailto:dealer.programs@iowadot.us)  
Iowa Department of Transportation  
Central Programs Bureau, Dealer Programs  
PO Box 9278, Des Moines IA 50306-9278  
Phone: 515-237-3156 | Fax: 515-817-6532

**Koops, Scott E.**

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**From:** Koops, Scott E. <[Scott.Koops@davenportiowa.com](mailto:Scott.Koops@davenportiowa.com)>  
**Sent:** Tuesday, February 22, 2022 9:46 AM  
**To:** Programs, Dealer [DOT] <[Dealer.Programs@iowadot.us](mailto:Dealer.Programs@iowadot.us)>  
**Subject:** 1707 W. River Drive - any dealership licensee's

Iowa D.O.T. – Dealership Programs Erica,

Thank you for taking my call this morning. As mentioned in our conversation, the City of Davenport is looking for any dealership licenses for 1707 West River Drive, from 2017 to the present, either as a primary lot or as an accessory/satellite/sub lot, under any ownership. The City is trying to establish if a state license was issued for this site so that the City can compare our records and use restrictions during the time frame that the property might have had a State DOT Dealership License.

If licenses exist, in addition to the license, the City would like to know the existing status and if the license is still valid, and if not please provide the date the license expired or became invalid.

Any other additional information like inspection reports or photographs of the site would be appreciated if they are available.

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I appreciate your time researching this issue.

**Thank you!**

**SCOTT KOOPS, AICP**

Planner II | Development & Neighborhood Services (DNS)  
**City of Davenport**

## CHAPTER 322

MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS,  
WHOLESALERS, AND DEALERS

Referred to in §307.27, 321.1, 321.20B, 321.23, 321.48, 321.52, 321.57, 321.58, 321.69, 321.69A, 321.95, 321.105A, 321.115, 321.157, 321A.39, 321F9, 321H.3, 322A.2, 322A.12, 322A.14, 322C.6, 523H.1, 535.2, 537A.10

Court action required for termination of installment contract, foreclosure of mortgage, or repossession of property during military service; application for relief respecting obligation or liability incurred prior to military service; §29A.102, 29A.103, 29A.104, 29A.105

322.1	Administration.	322.19A	Documentary fee.
322.2	Definitions.	322.20	Extension of time.
322.3	Prohibited acts.	322.21	Remaining balance on trade vehicle.
322.4	Application for license.		
322.5	License fees — temporary permits.	322.22	Reserved.
322.6	Denial of license.	322.23	Complaints.
322.7	License of motor vehicle dealer.	322.24	Hearing — subpoenas.
322.7A	Used motor vehicle dealer education program.	322.25	and 322.26 Reserved.
322.7B	Consignment sales of motor trucks.	322.27	Manufacturer's license.
		322.27A	Wholesaler's license.
322.8	Supplemental statements.	322.28	Distributor or wholesaler's license.
322.9	Revocation or suspension of license.	322.29	Issuance of license — fees.
		322.30	Display.
322.10	Judicial review.	322.31	Denial of license.
322.11	Injunctions.	322.32	Construction of applicability to contracts.
322.12	Disposition of fees.	322.33	Applicability of the Iowa consumer credit code.
322.13	Rules.		
322.14	Penalties.	322.34	Reserved.
322.15	Construction of chapter.	322.35	Disclosure of manufacturer's suggested price for certain motor vehicles — penalty.
322.16	Reserved.		
322.17	Copy of contract to buyer.		
322.18	Dual-interest insurance.	322.36	Motorcycle and autocycle dealer business hours.
322.19	Finance charges — amount.		

**322.1 Administration.**

1. The administration of [this chapter](#) shall be vested in the director of transportation. The department may employ such employees as are necessary for the administration of [this chapter](#), provided the amount expended in any one year shall not exceed the revenue derived from the provisions of [this chapter](#).

2. The director may enter into reciprocity agreements with the authorized representatives of any jurisdiction to exchange information on dealer activity in order to pursue legal action for violations.

[C39, §5039.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.1]

[92 Acts, ch 1175, §12](#)

Referred to in [§321F.10](#)

**322.2 Definitions.**

As used in [this chapter](#) and unless a different meaning appears from the context:

1. "At retail" means to dispose of a motor vehicle to a person who will devote it to a consumer use.

2. "Autocycle" means as defined in [section 321.1](#).

3. "Completed motor vehicle" means a motor vehicle which does not require any additional manufacturing operations to perform its intended function except the addition of readily attachable equipment, components, or minor finishing operations. "Completed motor vehicle" also includes a glider kit vehicle as defined in [section 321.1](#).

4. "Department" means the state department of transportation.

5. "Distributor" or "wholesaler" means a person, resident or nonresident, who in whole or part, sells or distributes motor vehicles to motor vehicle dealers, or who maintains distributor representatives.

6. “*Distributor branch*” means a branch office similarly maintained by a distributor or wholesaler for the same purposes.

7. “*Distributor representative*” means a representative similarly employed by a distributor, distributor branch, or wholesaler.

8. “*Engaged in the business*” means doing any of the following acts for the purpose of the sale of motor vehicles at retail: acquiring, selling, exchanging, holding, offering, displaying, brokering, accepting on consignment, conducting a retail auction, advertising as being engaged in any of those acts, or acting as an agent for the purpose of doing any of those acts. A person selling at retail more than six motor vehicles during a twelve-month period may be presumed to be engaged in the business.

9. “*Factory branch*” means a branch office maintained by a person who manufactures or assembles motor vehicles, for the sale of motor vehicles to distributors, or for the sale of motor vehicles to motor vehicle dealers or for directing or supervising in whole or part, its representatives.

10. “*Factory representative*” means a representative employed by a person who manufactures or assembles motor vehicles or by a factory branch, for the purpose of making or promoting the sale of its motor vehicles, or for supervising or contacting its dealers or prospective dealers.

11. “*Final-stage manufacturer*” means a person who performs such manufacturing operations on an incomplete motor vehicle that it becomes a completed motor vehicle.

12. The “*holder*” of a retail installment contract means the retail seller of the motor vehicle under or subject to the contract or, if the contract is purchased by a sales finance company or other assignee, the sales finance company or other assignee.

13. “*Incomplete motor vehicle*” means an assemblage consisting, at a minimum, of frame and chassis structure, power train, steering system, suspension system, and braking system to the extent that those systems are to be part of a completed motor vehicle, that requires further manufacturing operations, other than the addition of readily attachable components, such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, to become a completed motor vehicle.

14. “*Incomplete motor vehicle manufacturer*” means a person who manufactures an incomplete motor vehicle by assembling components none of which, taken separately, constitute a completed motor vehicle.

15. “*Manufacturer*” means any person engaged in the business of fabricating or assembling motor vehicles. “*Manufacturer*” does not include a person who converts, modifies, or alters a completed motor vehicle manufactured by another person or a person who assembles a glider kit vehicle as defined in [section 321.1](#). “*Manufacturer*” includes a person who uses a completed motor vehicle manufactured by another person to construct a class “B” motor home as defined in [section 321.124](#) or a motorsports recreational vehicle as defined in [section 321.1](#). “*Manufacturer*” also includes a final-stage manufacturer.

16. “*Motorcycle*” means as defined in [section 321.1](#). “*Motorcycle*” does not include an all-terrain vehicle as defined in [section 321.1](#).

17. “*Motor vehicle*” means any self-propelled vehicle subject to registration under [chapter 321](#).

18. “*Multi-stage manufactured vehicle*” means a motor vehicle built in two or more stages in which an incomplete motor vehicle, built by one manufacturer, is completed by another manufacturer who adds cargo carrying components or other components to the vehicle.

19. “*Person*” includes any individual, firm, corporation, partnership, joint adventure, or association, and the plural as well as the singular number.

20. “*Place of business*” means a designated location wherein proper and adequate facilities shall be maintained for displaying, reconditioning, and repairing either new or used cars.

21. “*Retail buyer*” or “*buyer*” means a person who buys a motor vehicle from a retail seller.

22. “*Retail installment contract*” or “*contract*” means an agreement, entered into in this state, pursuant to which the title to, the property in or a lien upon the motor vehicle, which is the subject matter of a retail installment transaction, is retained or taken by a retail seller from a retail buyer as security, in whole or in part, for the buyer’s obligation. The term includes a chattel mortgage, a conditional sales contract and a contract for the bailment or leasing of a

motor vehicle by which the bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to or in excess of its value and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the motor vehicle upon full compliance with the provisions of the contract.

23. “*Retail installment transaction*” means any sale evidenced by a retail installment contract between a retail buyer and a retail seller wherein the retail buyer buys a motor vehicle from a retail seller at a time price payable in one or more installments.

24. “*Retail seller*” or “*seller*” means a person who sells a motor vehicle to a retail buyer.

25. “*Sales finance company*” means a person engaged, in whole or in part, in the business of purchasing retail installment contracts from one or more retail sellers. The term also includes a retail seller engaged, in whole or in part, in the business of creating and holding retail installment contracts. The term does not include the pledgee of an aggregate number of such contracts to secure a bona fide loan thereon.

26. “*Selling*” includes bartering, exchanging, delivering, or otherwise dealing in.

27. “*Special equipment*” means equipment installed on a motor truck which, in combination with the motor truck on which the equipment is installed, constitutes a self-contained unit configured for a specific purpose. To constitute special equipment, a minimum of seven thousand five hundred dollars or twenty-five percent of the retail value of the motor truck, whichever is greater, must be expended in installing the equipment on the motor truck, including the cost of the equipment. “*Special equipment*” does not include equipment designed for the transportation of passengers.

28. “*Used motor vehicle*” or “*second-hand motor vehicle*” means any motor vehicle of a type subject to registration under the laws of this state which has been sold “at retail” as defined in [this chapter](#) and previously registered in this or any other state.

[C39, §5039.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.2]

97 Acts, ch 108, §35; 2000 Acts, ch 1134, §4; 2001 Acts, ch 32, §29; 2008 Acts, ch 1032, §106; 2010 Acts, ch 1069, §107; 2012 Acts, ch 1048, §1, 6; 2013 Acts, ch 103, §19, 21; 2014 Acts, ch 1127, §16; 2016 Acts, ch 1083, §3; 2016 Acts, ch 1098, §18; 2018 Acts, ch 1010, §2, 3

Referred to in §321.1

### 322.3 Prohibited acts.

1. A person shall not engage in this state in the business of selling at retail new motor vehicles of any make or represent or advertise that the person is engaged or intends to engage in such business in this state unless the person is authorized to do so by a contract in writing with the manufacturer or distributor of such make of new motor vehicles and unless the department has licensed the person as a motor vehicle dealer in this state in motor vehicles of such make and has issued to the person a license in writing as provided in [this chapter](#). Notwithstanding the prohibitions in [this subsection](#), a final-stage manufacturer of multi-stage manufactured vehicles that holds a used motor vehicle dealer license issued pursuant to [this chapter](#) may assign an incomplete motor vehicle’s manufacturer’s statement of origin to a retail buyer for purposes of issuance of a certificate of title by a county treasurer as a new motor vehicle with the same make as the incomplete motor vehicle without holding a new motor vehicle dealer license and without paying any associated motor vehicle registration fees. A licensed dealer in new motor vehicles may also assign an incomplete motor vehicle’s manufacturer’s statement of origin in the same manner as provided in [this subsection](#).

2. A person other than a licensed dealer in new motor vehicles shall not engage in this state in the business of selling at retail used motor vehicles or represent or advertise that the person is engaged or intends to engage in such business in this state unless and until the department has licensed the person as a used motor vehicle dealer in the state and has issued to the person a license in writing as provided in [this chapter](#).

3. [Subsections 1, 2, and 16](#) shall not be construed to require the separate licensing of persons employed as salespersons of motor vehicles by a retail motor vehicle dealer. However, the department may promulgate reasonable rules as necessary for the proper identification of persons employed as salespersons.

4. A person who is engaged in the business of selling at retail motor vehicles shall not enter into any contract, agreement, or understanding, express or implied, with any manufacturer

or distributor of any such motor vehicles that the person will sell, assign, or transfer any retail installment contracts arising from the retail installment sale of such motor vehicles only to a designated person or class of persons. A condition, agreement, or understanding between any manufacturer or distributor and a motor vehicle dealer in this state of this nature is hereby declared to be against the public policy of this state and to be unlawful and void.

5. A manufacturer or distributor of motor vehicles or any agent or representative of a manufacturer or distributor shall not terminate, threaten to terminate, or fail to renew any contract, agreement, or understanding for the sale of new motor vehicles to any motor vehicle dealer in this state without just, reasonable, and lawful cause or because the motor vehicle dealer failed to sell, assign, or transfer any retail installment contract arising from the retail sale of such motor vehicles or any one or more of them to a person or a class of persons designated by the manufacturer or distributor.

6. A person who is engaged in the business of selling at retail motor vehicles shall not make and enter into a retail installment contract unless the contract meets the following requirements:

a. Every retail installment contract shall be in writing, shall be signed by both the buyer and the seller, and shall be completed as to all essential provisions prior to the signing of the contract by the buyer except that, if delivery of the motor vehicle is not made at the time of the execution of the contract, the identifying numbers or marks of the motor vehicle or similar information and the due date of the first installment may be inserted in the contract after its execution.

b. The contract shall comply with the Iowa consumer credit code, [chapter 537](#), where applicable.

7. [This section](#) shall not be construed to require that a place of business as defined in [this chapter](#) shall be maintained by a person selling motor vehicles at retail solely for the purpose of disposing of motor vehicles acquired or repossessed by such person in exercise of powers or rights granted by lien or title-retention instruments or contracts given as security for loans or purchase money obligations.

8. A manufacturer or distributor of motor vehicles or agent or representative of a manufacturer or distributor shall not coerce or attempt to coerce any motor vehicle dealer to accept delivery of any motor vehicle or vehicles, parts, or accessories, or any other commodity or commodities which have not been ordered by the dealer.

9. A person licensed under [this chapter](#) shall not, either directly or through an agent, salesperson, or employee, engage in this state, or represent or advertise that the person is engaged or intends to engage in this state, in the business of buying or selling at retail new or used motor vehicles, other than mobile homes more than eight feet in width or more than thirty-two feet in length as defined in [section 321.1](#), on the first day of the week, commonly known and designated as Sunday.

10. A manufacturer, distributor, or importer of motor vehicles or agent or representative of such manufacturer, distributor, or importer shall not require a motor vehicle dealer to submit to arbitration to resolve a controversy before the controversy arises. The parties may enter into a voluntary agreement to arbitrate a controversy after it arises. Such an agreement shall require that the arbitrator apply Iowa law in resolving the controversy. Either party may appeal a decision of an arbitrator to the district court on the grounds that the arbitrator failed to apply Iowa law.

11. A person who is engaged in the business of selling motor vehicles at retail shall not sell, offer for sale, display, represent, or advertise that the person intends to sell motor vehicles from a location other than the person's place of business, except as provided in [section 322.5](#).

12. A person who has been convicted of a fraudulent practice, has been convicted of three or more violations of [section 321.92](#), [subsection 2](#), or [section 321.99](#), has been convicted of three or more violations of [subsection 16 of this section](#) in the previous three-year period, or has been convicted of any other indictable offense in connection with selling or other activity relating to motor vehicles, in this state or any other state, shall not for a period of five years from the date of conviction be an owner, salesperson, employee, officer of a corporation, or representative of a licensed motor vehicle dealer or represent themselves as an owner,

salesperson, employee, officer of a corporation, or representative of a licensed motor vehicle dealer.

13. a. A manufacturer, distributor, or importer of motor vehicles or agent or representative of such manufacturer, distributor, or importer shall not reduce the amount of compensation for, or disallow a claim for, any of the following if twelve months or more have passed since the claim was submitted to the manufacturer, distributor, or importer or agent or representative thereof:

(1) Warranty parts, repairs, or service supplied by a motor vehicle dealer.

(2) Sales or leasing incentives provided to a motor vehicle dealer or to a customer of a motor vehicle dealer including but not limited to rebates and discounted interest rates.

b. The twelve-month limitation shall not apply if a court of competent jurisdiction in this state finds the claim was fraudulent.

14. A manufacturer or importer shall not directly or indirectly be licensed as, own an interest in, operate, or control a motor vehicle dealer. [This subsection](#) shall not prohibit any of the following:

a. A manufacturer or importer from being licensed as a motor vehicle dealer or owning an interest in, operating, or controlling a motor vehicle dealership for a period not to exceed one year to facilitate transfer of the motor vehicle dealership to a new owner if both of the following apply:

(1) The prior owner transferred the motor vehicle dealership to the manufacturer or importer.

(2) The motor vehicle dealership is continuously offered for sale by the manufacturer or importer upon reasonable terms and conditions.

b. A manufacturer or importer from temporarily owning an interest in a motor vehicle dealership for the purpose of enhancing opportunities for persons who lack the financial resources to purchase the motor vehicle dealership without such assistance. A manufacturer or importer may temporarily own an interest in a motor vehicle dealership pursuant to this paragraph only if the manufacturer or importer enters into a contract with a person pursuant to which all of the following apply:

(1) The person operates the motor vehicle dealership.

(2) The person has made a significant financial investment in the motor vehicle dealership and is subject to loss on such investment.

(3) The person has an ownership interest in the motor vehicle dealership.

(4) The person will acquire full ownership of the motor vehicle dealership within a reasonable time under reasonable conditions.

c. A manufacturer or importer from owning an interest in, operating, or controlling a person whose primary business is renting motor vehicles and who is licensed as a used motor vehicle dealer.

d. A manufacturer of motor homes, as defined in [section 321.1](#), from owning an interest in, operating, or controlling a motor vehicle dealer of the motor homes manufactured by that manufacturer or from being licensed as a motor vehicle dealer only of the motor homes manufactured by that manufacturer.

e. A manufacturer from owning a minority interest in an entity that owns and operates motor vehicle dealers, licensed under [this chapter](#) or the laws of the jurisdiction in which they are located, of the line-make manufactured by the manufacturer if all of the motor vehicle dealers owned and operated by the entity in this state are motor vehicle dealers of only the line-make manufactured by the manufacturer and if, on January 1, 2000, there were not less than one and not more than three motor vehicle dealers of that line-make licensed under [this chapter](#).

f. A final-stage manufacturer of multi-stage manufactured vehicles from being licensed as a used motor vehicle dealer or from assigning an incomplete motor vehicle's manufacturer's statement of origin to a retail buyer for purposes of issuance of a certificate of title by a county treasurer as a new motor vehicle with the same make as the incomplete motor vehicle without holding a new motor vehicle dealer license and without paying any associated motor vehicle registration fees. This paragraph shall not be construed to authorize a manufacturer

or incomplete motor vehicle manufacturer to directly sell at retail incomplete or completed motor vehicles to a retail buyer except as provided in [this subsection](#).

15. A manufacturer, distributor, or importer of motor vehicles or an agent or representative of a manufacturer, distributor, or importer shall not reduce the amount of compensation for, or disallow a claim for, warranty parts, repairs, or service supplied by a motor vehicle dealer on the grounds that the dealer failed to submit a claim fewer than sixty days after the motor vehicle dealer completed the work underlying the claim for warranty parts, repairs, or service.

16. A motor vehicle dealer or wholesaler licensed under [this chapter](#) shall not sell, loan, rent, lease, or charge a fee for the use of the license to another person for the purpose of allowing the person to engage in the business of selling motor vehicles.

[C39, §5039.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.3]

90 Acts, ch 1061, §1; 96 Acts, ch 1090, §13; 97 Acts, ch 108, §36; 98 Acts, ch 1075, §26; 99 Acts, ch 69, §1; 2000 Acts, ch 1003, §1; 2000 Acts, ch 1232, §66; 2001 Acts, ch 32, §30, 31, 40; 2003 Acts, ch 44, §114; 2006 Acts, ch 1068, §34; 2009 Acts, ch 130, §35; 2010 Acts, ch 1011, §1; 2010 Acts, ch 1035, §8; 2010 Acts, ch 1061, §180; 2016 Acts, ch 1083, §4 – 6; 2018 Acts, ch 1010, §4, 5

Referred to in §321.105A, 322.5, 322.6, 322.29, 322A.5  
Fraudulent practices, see §714.8 – 714.14

#### **322.4 Application for license.**

1. Each person before engaging in this state in the business of selling at retail motor vehicles or representing or advertising that the person is engaged or intends to engage in such business in this state shall file in the office of the department an application for license as a motor vehicle dealer in the state in such form as the department may prescribe, duly verified by oath, which application shall include the following:

a. The name of the applicant and the applicant's principal place of business wherever situated, and the following, as appropriate:

(1) If the applicant is an individual, the name or style under which the individual intends to engage in such business.

(2) If the applicant is a partnership, the name or style under which the partnership intends to engage in such business and the name and bona fide address of two partners.

(3) If the applicant is a corporation, the state of incorporation and the name and bona fide address of two officers of the corporation.

b. The make or makes of new motor vehicles, if any, which the applicant will offer for sale at retail in this state.

c. The location of each place of business within this state to be used by the applicant for the conduct of the applicant's business.

d. If the applicant is a party to any contract or agreement or understanding with any manufacturer or distributor of motor vehicles or is about to become a party to such a contract, agreement, or understanding, the applicant shall state the name of each such manufacturer or distributor and the make or makes of new motor vehicles, if any, which are the subject matter of each such contract.

e. A statement of the previous history, record, and association of the applicant and if the applicant is a partnership, of each partner thereof, and if the applicant is a corporation, of each officer and director thereof, which statement shall be sufficient to establish to the department the reputation in business of the applicant.

f. A description of the general plan and method of doing business in this state, which the applicant will follow if the license applied for in such application is granted.

g. Before the issuance of a motor vehicle dealer's license to a dealer engaged in the sale of vehicles for which a certificate of title is required under [chapter 321](#), or the issuance of a temporary permit under [section 322.5, subsection 6](#), paragraph "b", the applicant shall furnish a surety bond executed by the applicant as principal and executed by a corporate surety company, licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of seventy-five thousand dollars and be conditioned upon the faithful compliance by the applicant as a dealer with all of the statutes of this state regulating

or applicable to the business of a dealer in motor vehicles, and indemnifying any person who buys a motor vehicle from the dealer from any loss or damage occasioned by the failure of the dealer to comply with any of the provisions of [chapter 321](#) and [this chapter](#), including but not limited to the furnishing of a proper and valid certificate of title to the motor vehicle involved in a transaction. The bond shall also indemnify any motor vehicle purchaser from any loss or damage caused by the failure of the dealer to comply with the odometer requirements in [section 321.71](#), regardless of whether the motor vehicle was purchased directly from the dealer. The bond shall be filed with the department prior to the issuance of a license or permit. The aggregate liability of the surety, however, shall not exceed the amount of the bond.

h. Proof that the applicant has financial liability coverage as defined in [section 321.1](#), except that such coverage shall be in limits of not less than one hundred thousand dollars because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, three hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, and fifty thousand dollars because of injury to or destruction of property of others in any one accident.

i. If the applicant is applying for a used motor vehicle dealer license, certification that the applicant has met the educational requirements for licensure under [section 322.7A](#). The certification may be transmitted to the department by the education provider in electronic format.

j. Such other information touching the business of the applicant as the department may require.

2. For the purpose of investigating the matters contained in such application, the department may withhold the granting of a license for a period not exceeding thirty days.

3. For purposes of [this section](#), “*bona fide address*” means the same as defined in [section 321.1](#).

[C39, §5039.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.4]

90 Acts, ch 1057, §1; 94 Acts, ch 1199, §80; 97 Acts, ch 139, §12, 17; 2007 Acts, ch 51, §1; 2007 Acts, ch 143, §22; 2008 Acts, ch 1032, §107; 2012 Acts, ch 1048, §2, 6; 2016 Acts, ch 1083, §7

Referred to in [§322.5](#)

### **322.5 License fees — temporary permits.**

1. a. The license fee for a motor vehicle dealer for a two-year period or part thereof is the sum of seventy dollars for the licensee’s principal place of business in each city or township and an additional twenty dollars for a two-year period or part thereof for each car lot which is in the city or township in which the principal place of business is located and which is not adjacent to that place, to be paid to the department at the time a license is applied for. In case the application is denied, the department shall refund the amount of the fee to the applicant.

b. For the purposes of [this section](#), “*adjacent*” means that the principal place of business and each additional lot are adjoining parcels of property. Parcels of property shall be deemed to be adjacent if the parcels are only separated by an alley, street, or highway that is not a controlled-access facility.

2. a. In addition to selling motor vehicles at the motor vehicle dealer’s principal place of business and at car lots, a motor vehicle dealer may do any of the following:

(1) Display new motor vehicles at fairs, vehicle shows, and vehicle exhibitions, upon application for and receipt of a temporary permit issued by the department.

(2) Display, offer for sale, and negotiate sales of new motor vehicles at fair events, as defined in [chapter 174](#), the state fair, as discussed in [chapter 173](#), vehicle shows, and vehicle exhibitions, upon application for and receipt of a temporary permit issued by the department. Such activities may only be conducted at a fair event, the state fair, a vehicle show, or a vehicle exhibition, if the fair event, state fair, vehicle show, or vehicle exhibition is held in the motor vehicle dealer’s community, as defined in [section 322A.1](#), for the vehicles that are displayed and offered for sale. A sale of a motor vehicle by a motor vehicle dealer shall not be completed and an agreement for the sale of a motor vehicle shall not be signed at a fair event, the state fair, a vehicle show, or a vehicle exhibition. All such sales shall be consummated at the motor vehicle dealer’s principal place of business.

b. An application for a temporary permit under [this subsection](#) shall be made upon a form provided by the department and shall be accompanied by a ten-dollar permit fee. The department may issue a temporary permit for a period not to exceed fourteen days. The department may issue multiple consecutive temporary permits.

3. A motor vehicle dealer may also, upon receipt of a temporary permit approved by the department, display and sell classic cars only at county fairs, as defined in [chapter 174](#), vehicle shows, and vehicle exhibitions which have been approved by the department for purposes of classic car display and sale and the provisions of [section 322.3, subsection 9](#), shall not be applicable. Application for a temporary permit shall be made on forms provided by the department and shall be accompanied by a ten-dollar permit fee. A permit shall be issued for a single period of not to exceed five days. Not more than three permits may be issued to a motor vehicle dealer in any one calendar year. For purposes of [this subsection](#), “classic car” means a motor vehicle fifteen years old or older but less than twenty years old which is primarily of value as a collector’s item and not as transportation.

4. a. A nonresident motor vehicle dealer, who is authorized by a written contract with a manufacturer or distributor of new motor trucks to sell at retail such new motor trucks, may display motor trucks within this state at qualified events approved by the department. The dealer must obtain a temporary permit from the department. An application for a temporary permit shall be made upon a form provided by the department and shall be accompanied by a ten-dollar permit fee. Permits shall be issued for a period not to exceed fourteen days. The department shall issue a temporary permit under [this subsection](#) only if the qualified event for which the permit is issued meets all of the following conditions:

- (1) The sale of motor vehicles is not allowed during the qualified event.
- (2) The qualified event is conducted in a controlled area and is not open to the public generally.
- (3) The qualified event generally promotes the motor truck industry.
- (4) The qualified event is conducted within the area of responsibility that is specified in the motor vehicle dealer’s contract with the manufacturer or distributor.

b. A temporary permit shall not be issued under [this subsection](#) unless the state in which the nonresident motor vehicle dealer is licensed extends by reciprocity similar privileges to a motor vehicle dealer licensed by this state.

5. a. A manufacturer, distributor, or dealer may, upon receipt of a temporary permit approved by the department, display new ambulances, new fire vehicles, and new rescue vehicles for educational purposes only at vehicle shows and vehicle exhibitions conducted for the express purpose of educating fire and rescue personnel in new technology and techniques for fire fighting and rescue efforts. Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten-dollar permit fee. Permits shall be issued for a single show or exhibition, not to exceed five consecutive days.

b. A temporary permit shall not be issued under [this subsection](#) to a nonresident manufacturer, distributor, or dealer unless the state in which the nonresident manufacturer, distributor, or dealer is licensed extends by reciprocity similar privileges to a manufacturer, distributor, or dealer licensed by this state.

6. a. Upon application for and receipt of a temporary permit issued by the department under [this subsection](#), a motor vehicle dealer authorized to sell used motorcycles or autocycles may display, offer for sale, and negotiate sales of used motorcycles or autocycles at a motorcycle rally located in this state that meets all of the following conditions:

- (1) The sponsor of the rally conducts not more than one rally annually in this state.
- (2) The rally is conducted for a single period of not less than three and not more than seven consecutive days.
- (3) Attendance at the rally is restricted to persons who have paid a nonrefundable admission fee to the sponsor of the rally.

b. A person licensed as a motor vehicle dealer in another state may apply for and be issued a temporary permit under [this subsection](#) if the person meets all of the following conditions:

- (1) The person presents the department with a current motor vehicle dealer license valid for the sale of used motorcycles or autocycles at retail in the person’s state of residence.
- (2) The state in which the person is licensed as a motor vehicle dealer allows a motor

vehicle dealer licensed in Iowa to be issued a permit substantially similar to the temporary permit authorized under [this subsection](#).

(3) The person furnishes to the department a surety bond that meets the requirements of [section 322.4, subsection 1](#), paragraph “g”.

(4) The person presents any additional information the department may require.

c. Application for a temporary permit under [this subsection](#) shall be made on forms provided by the department accompanied by a fee in the amount established for a temporary permit under [subsection 2](#), paragraph “b”.

d. A sale of a motorcycle or auticycle at a motorcycle rally shall not be completed and an agreement for the sale of a motorcycle or auticycle shall not be signed at a motorcycle rally. All such sales shall be consummated at the motor vehicle dealer’s principal place of business.

e. The department may issue a temporary permit under [this subsection](#) for a period not to exceed seven consecutive days. A motor vehicle dealer may not receive more than one temporary permit issued under [this subsection](#) in a calendar year.

[C39, §5039.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.5]

92 Acts, ch 1175, §13; 93 Acts, ch 45, §1, 2; 93 Acts, ch 174, §3, 4; 98 Acts, ch 1058, §1, 2; 99 Acts, ch 13, §23; 2001 Acts, ch 32, §32; 2002 Acts, ch 1063, §38; 2004 Acts, ch 1019, §28; 2005 Acts, ch 3, §63; 2006 Acts, ch 1068, §35, 47, 57; 2010 Acts, ch 1069, §108; 2012 Acts, ch 1048, §3, 4, 6; 2012 Acts, ch 1138, §66, 82, 83; 2015 Acts, ch 123, §38; 2016 Acts, ch 1098, §19 – 21

Referred to in §321.124, 322.3, 322.4  
Controlled-access facility, §306A.2

### **322.6 Denial of license.**

1. The department may deny the application of a person for a license as a motor vehicle dealer and refuse to issue a license to the person if, after reasonable notice and a hearing, the department determines any of the following:

a. The applicant made a material false statement in the application for the license.

b. The applicant has not complied with the provisions of [this chapter](#) or any rules or regulations adopted by the department pursuant to [this chapter](#), except as otherwise provided.

c. The applicant is of bad business repute.

d. The applicant has been convicted of a fraudulent practice or any indictable offense in connection with selling or other activity relating to motor vehicles, in this state or any other state, or has been convicted of three or more violations of [section 321.92, subsection 2](#), or [section 321.99](#).

e. The applicant is about to engage in a fraudulent practice or other indictable offense in connection with selling or other activity relating to motor vehicles in this or any other state.

f. The applicant has entered into a contract or agreement or is about to enter into a contract or agreement with a manufacturer or distributor of motor vehicles which is contrary to any provision of [this chapter](#).

g. The applicant has a contract or agreement with a manufacturer or distributor of motor vehicles or is about to enter into a contract or agreement with a manufacturer or distributor of motor vehicles who, without just, reasonable, and lawful cause, has terminated within ninety days from the date of application a contract or agreement with a motor vehicle dealer in any county of the state in which the applicant proposes to engage in business.

h. The applicant does not have a place of business within the meaning of [this chapter](#), unless the applicant is a person referred to in [section 322.3, subsection 7](#).

i. The applicant has been determined in a final judgment of a court of competent jurisdiction to have violated [section 714.16](#) in connection with selling or other activity relating to motor vehicles and the department determines that the applicant should not therefore be engaged in the business of selling motor vehicles.

j. Following a judicial determination that the applicant intentionally violated any provision of the Iowa consumer credit code, [chapter 537](#), the applicant continues to make consumer credit sales, consumer loans, or consumer leases in violation of the Iowa consumer credit code, [chapter 537](#).

k. The applicant is or will be acting on behalf of a person whose dealer license has been revoked as provided in [this chapter](#).

2. It shall be sufficient cause for refusal or revocation of a license as a motor vehicle dealer in the case of a partnership or corporation if any member of the partnership or any officer or director of the corporation has committed an act or omission which would be cause for refusing to issue a license to, or revoking a license of, such person as an individual.

3. In considering whether or not a contract or agreement between a motor vehicle dealer and a manufacturer or distributor of motor vehicles has been terminated by the manufacturer or distributor without just and reasonable cause, the department shall take into consideration the circumstances existing at the time of the termination, including the amount of business transacted by the motor vehicle dealer pursuant to the contract or agreement and prior to the termination; the investment necessarily made and the obligation necessarily incurred by the motor vehicle dealer in the performance of the dealer's part of the contract; the permanency of such investment; the reasons for the termination by the manufacturer or distributor; and the fact that it is injurious to the public welfare for the business of a motor vehicle dealer to be disrupted by termination of a contract without just and reasonable cause.

4. Whenever the department determines to deny the application of a person for a license as a motor vehicle dealer and refuses to issue a license to the person, the department shall enter a final order with its findings relating to the determination within thirty days from the date of the hearing.

[C39, §5039.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.6]

[2003 Acts, ch 44, §114](#); [2009 Acts, ch 130, §36](#); [2010 Acts, ch 1035, §9, 10](#)

Referred to in [§321E.9, 322.9](#)

Fraudulent practices, see [§714.8 – 714.14](#)

### **322.7 License of motor vehicle dealer.**

1. If the department grants the application of any person for a license as a motor vehicle dealer, it shall evidence the granting thereof by a final order and shall issue to the person a license in such form as may be prescribed by the department, which license shall include the following:

a. If the applicant is an individual or a partnership, the name or style under which the licensee will engage in such business.

b. The principal place of business of the licensee and location therein of each place wherein the licensee is licensed to carry on such business.

c. The make or makes of new motor vehicles which the licensee is licensed to sell.

2. The instrument evidencing the license or a certified copy thereof provided by the department shall be kept posted conspicuously in the principal office of the licensee and in each place of business maintained and operated by the applicant pursuant to the license in this state.

3. The license of a motor vehicle dealer is valid for a two-year period and expires, unless revoked or suspended, on December 31 of even-numbered years.

4. The motor vehicle dealer license provided for in [this chapter](#) shall be renewed upon application in the form and content prescribed by the department and upon payment of the required fee. A used motor vehicle dealer license shall not be renewed for an applicant who is subject to continuing education requirements until the licensee certifies completion of the educational requirements for license renewal under [section 322.7A](#). The certification may be transmitted to the department by the education provider in electronic format. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee.

[C39, §5039.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.7]

[92 Acts, ch 1175, §14](#); [2000 Acts, ch 1016, §20](#); [2006 Acts, ch 1068, §48, 57](#); [2007 Acts, ch 51, §2](#); [2007 Acts, ch 143, §23](#); [2008 Acts, ch 1032, §107](#)

### **322.7A Used motor vehicle dealer education program.**

1. An applicant for a license as a used motor vehicle dealer shall complete a minimum

of eight hours of preclicensing education program courses pursuant to [this section](#) prior to submitting an application to the department.

2. A person seeking renewal of a used motor vehicle dealer license shall complete a minimum of five hours of continuing education program courses over a two-year period pursuant to [this section](#) prior to submitting an application for license renewal. However, an applicant for renewal of a used motor vehicle dealer license who has met the preclicensing education requirement under [subsection 1](#) within the preceding twenty-four months is exempt from the continuing education requirement for license renewal.

3. To meet the requirements of [this section](#), at least one individual who is associated with the used motor vehicle dealer as an owner, principal, corporate officer, director, or member or partner of a limited liability company or limited liability partnership shall complete the education program courses.

4. The Iowa independent automobile dealers association, in consultation with the state department of transportation, the department of education, the attorney general, and the Iowa association of community college trustees, shall develop the preclicensing and continuing education course curricula for the used motor vehicle dealer education program, which shall include but not be limited to examination of federal and state laws applicable to the motor vehicle industry and federal and state regulations pertaining to used motor vehicle dealers. The education program courses shall be provided by community colleges as defined in [section 260C.2](#) or by the Iowa independent automobile dealers association in conjunction with a community college. The department of education shall adopt rules establishing reasonable fees to be charged for the preclicensing education courses and the continuing education courses.

5. A community college shall issue a certificate to each person who successfully completes the preclicensing education program or a continuing education program under [this section](#). The current certificate of completion, or a copy of the certificate, shall be posted conspicuously in the principal office of the licensee.

6. The provisions of [this section](#) apply to all used motor vehicle dealers, including but not limited to individuals, corporations, and partnerships, except for the following:

- a. Motor vehicle rental companies having a national franchise.
- b. National motor vehicle auction companies.
- c. Wholesale dealer-only auction companies.
- d. Used car dealerships owned by a franchise motor vehicle dealer.
- e. Banks, credit unions, and savings associations.

7. Each community college providing used motor vehicle dealer education program courses shall transmit a report on the program annually by December 31 to the director of transportation, the director of the department of education, the attorney general, and the president of the Iowa association of community college trustees.

[2007 Acts, ch 51, §3; 2008 Acts, ch 1124, §18, 40; 2012 Acts, ch 1017, §71](#)

Referred to in [§322.4, 322.7](#)

### **322.7B Consignment sales of motor trucks.**

A licensed motor vehicle dealer may sell a used motor truck on a consignment basis if all of the following conditions apply:

1. The dealer is licensed to sell used motor vehicles.
2. The motor truck offered for sale has a gross vehicle weight rating of twenty-six thousand one or more pounds.

3. The dealer prominently displays the words “consignment vehicle” on the motor truck and indicates clearly in the sales documentation that the motor truck is a consignment vehicle. The dealer shall put customers on notice that the dealer does not have title to the vehicle and does not warranty the title.

4. The purchaser certifies to the dealer that the person is either a corporation, limited liability company, or partnership or a person who files a schedule C or schedule F form for federal income tax purposes, and that the motor truck is being purchased for business purposes, and not for personal use.

5. The dealer assumes no liability for damages resulting from a customer’s test drive of

the motor truck, and the consignor maintains financial liability coverage as required under [section 321.20B](#) or [325A.6](#), as appropriate, for the motor truck throughout the term of the consignment.

[2014 Acts, ch 1123, §32](#)

Referred to in [§321.48](#), [322.9](#)

### **322.8 Supplemental statements.**

1. Each motor vehicle dealer licensee shall promptly file with the department from time to time during the period of the license, statements supplemental to the statements contained in the application for license whenever any change shall occur in the licensee's personnel or in the licensee's plan or method of doing business or in the location of the place or places of business, so that the statements made in the application do, after such change, properly disclose the licensee's status and method and plan of doing business. The supplemental statement shall be in the form prescribed by the department and shall disclose such information as would have been required by [this chapter](#) if such changes had occurred prior to the licensee making application for a license.

2. A supplemental statement shall include any change in the licensee's financial liability coverage.

3. If the department finds that the changes set forth in the supplemental statement do not violate the provisions of [this chapter](#) and it grants to the licensee the privilege of doing business in the manner set forth therein, it shall upon surrender to it of the license of the motor vehicle dealer, issue to the dealer a new license appropriate to the dealer's original application as modified by such supplemental statement.

[C39, §5039.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.8]

[97 Acts, ch 139, §13, 17; 2017 Acts, ch 54, §76](#)

### **322.9 Revocation or suspension of license.**

1. The department may revoke or suspend the license of a retail motor vehicle dealer if, after notice and hearing by the department of inspections and appeals, it finds that the licensee has been guilty of an act which would be a ground for the denial of a license under [section 322.6](#).

2. The department may revoke or suspend the license of a retail motor vehicle dealer if, after notice and hearing by the department of inspections and appeals, it finds that the licensee has been convicted or has forfeited bail on three charges of:

a. Failing upon the sale or transfer of a vehicle, except upon the sale of a vehicle under [section 322.7B](#), to deliver to the purchaser or transferee of the vehicle sold or transferred, a manufacturer's or importer's certificate, or a certificate of title duly assigned, as provided in [chapter 321](#).

b. Failing upon the purchasing or otherwise acquiring of a vehicle, except a vehicle acquired on consignment under [section 322.7B](#), to obtain a manufacturer's or importer's certificate, or a certificate of title duly assigned as provided in [chapter 321](#).

c. Failing upon the purchasing or otherwise acquiring of a vehicle, except a vehicle acquired on consignment under [section 322.7B](#), to obtain a new certificate of title to such vehicle when and where required in [chapter 321](#).

[C39, §5039.09; C46, §322.9; C50, 54, §322.9, 322.16; C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.9]

[85 Acts, ch 67, §38; 89 Acts, ch 273, §3; 2010 Acts, ch 1061, §180; 2014 Acts, ch 1123, §33](#)

### **322.10 Judicial review.**

Judicial review of actions of the department may be sought in accordance with the terms of the Iowa administrative procedure Act, [chapter 17A](#). The petitioner shall file with the clerk a bond for the use of the respondent, with sureties approved by the clerk and in an amount fixed by the clerk. In no case shall the bond be less than fifty dollars. All bonds shall include the condition that the petitioner shall perform the orders of the court.

[C39, §5039.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.10]

[2003 Acts, ch 44, §114; 2005 Acts, ch 19, §42](#)

Referred to in [§322A.17](#), [602.8102\(55\)](#)

**322.11 Injunctions.**

Whenever the department shall believe from evidence satisfactory to it that any person has or is now violating any provision of [this chapter](#), the department may, in addition to any other remedy, bring an action in the name and on behalf of the state of Iowa against such person and any other person concerned in or in any way participating in or about to participate in practices or acts in violation of [this chapter](#), to enjoin such person and said other person from continuing the same. In any such action, the department may apply for and on due showing be entitled to have issued the court's subpoena, requiring forthwith the appearance of any defendant, the defendant's agent and employees and the production of documents, books, and records as may appear necessary for the hearing of such petition to testify and give evidence concerning the acts or conduct or practices or things complained of in such application for injunction. In said action an order or judgment may be entered, awarding such preliminary or final injunctions as may be proper.

[C39, §5039.11; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.11]

**322.12 Disposition of fees.**

All fees and funds of whatever character accruing from the administration of [this chapter](#) shall be accounted for and paid by the department into the state treasury monthly and shall be placed in the road use tax fund.

[C39, §5039.12; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.12]

**322.13 Rules.**

1. The department shall have full authority to prescribe reasonable rules for the administration and enforcement of [this chapter](#), which shall be in addition to and not inconsistent with [this chapter](#). All rules shall be filed and entered by the department in its office in an indexed, permanent book or record, with the effective date of the rules suitably indicated. The book or record shall be a public document. The department may provide notice of a new rule or regulation by a posting on the department's internet site.

2. The department shall have power to prescribe the forms to be used in connection with the licensing of persons as provided in [this chapter](#).

[C39, §5039.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.13]

[2004 Acts, ch 1013, §31, 35; 2013 Acts, ch 90, §257; 2020 Acts, ch 1063, §163](#)

**322.14 Penalties.**

1. A person who violates any of the provisions of [this chapter](#) for which a penalty is not specifically provided is guilty of a simple misdemeanor punishable by a fine of not less than two hundred fifty dollars nor more than one thousand five hundred dollars or by imprisonment not to exceed thirty days.

2. Notwithstanding [subsection 1](#), if a provision of [chapter 537](#) is applicable to a retail installment contract and a violation of that provision is subject to a penalty under [chapter 537](#), that penalty shall apply in lieu of a penalty provided in [this chapter](#).

[C39, §5039.14; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.14]

[97 Acts, ch 108, §37; 99 Acts, ch 13, §24](#)

**322.15 Construction of chapter.**

1. All provisions of [this chapter](#) shall be liberally construed to the end that the practice or commission of fraud in the sale, barter, or disposition of motor vehicles at retail in this state may be prohibited and prevented, and irresponsible, unreliable, or dishonest persons may be prevented from engaging in the business of selling, bartering, or otherwise dealing in motor vehicles at retail in this state and reliable persons may be encouraged to engage in the business of selling, bartering, and otherwise dealing in motor vehicles at retail in this state.

2. Nothing contained in [this chapter](#) shall be construed to require the licensing or to apply to any bank, credit union, or trust company in Iowa.

[C39, §5039.15; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.15]

[2010 Acts, ch 1069, §109; 2020 Acts, ch 1063, §164](#)

**322.16** Reserved.**322.17 Copy of contract to buyer.**

A copy of every retail installment contract shall be furnished to the buyer at the time of the execution of the contract. An acknowledgment by the buyer contained in the body of the retail installment contract of the delivery of a copy thereof shall be conclusive proof of delivery in any action or proceeding by or against any assignee of a retail installment contract.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.17]

**322.18 Dual-interest insurance.**

If dual-interest insurance on the motor vehicle is purchased by the holder it shall, within thirty days after execution of the retail installment contract, send or cause to be sent to the buyer a policy or policies or certificate of insurance, written by an insurance company authorized to do business in this state, clearly setting forth the amount of the premium, the kind or kinds of insurance and the coverages. The buyer shall have the privilege of purchasing such insurance from an agent or broker of the buyer's own selection and of selecting an insurance company acceptable to the holder; but in such case the inclusion of the insurance premium in the retail installment contract shall be optional with the seller. If any insurance is canceled, unearned insurance premium refunds received by the holder shall be credited to the final maturing installments of the contract except to the extent applied toward payment for similar insurance protecting the interests of the buyer and the holder or either of them.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.18]

**322.19 Finance charges — amount.**

1. Notwithstanding the provisions of any other existing law, a retail installment transaction may include a finance charge not in excess of the following rates:

a. Class 1. Any new motor vehicle designated by the manufacturer by a year model not earlier than the year in which the sale is made, an amount equivalent to one and three-fourths percent per month simple interest on the declining balance of the amount financed.

b. Class 2. Any new motor vehicle not in class 1 and any used motor vehicle designated by the manufacturer by a year model of the same or not more than two years prior to the year in which the sale is made, an amount equivalent to two percent per month simple interest on the declining balance of the amount financed.

c. Class 3. Any used motor vehicle not in class 2 and designated by the manufacturer by a year model more than two years prior to the year in which the sale is made, an amount equivalent to two and one-fourth percent per month simple interest on the declining balance of the amount financed.

2. For purposes of [this chapter](#), “amount financed” means as defined in [section 537.1301](#). However, notwithstanding [section 322.33, subsection 3](#), the amount financed may also include additional charges for the following, which shall not be included in the finance charge:

a. A motor vehicle service contract as defined in [section 523C.1](#).

b. Voluntary debt cancellation coverage, whether insurance or debt waiver, which may be excluded from the finance charge under the federal Truth in Lending Act as defined in [section 537.1302](#).

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.19; [82 Acts, ch 1153, §1, 18\(1\)](#)]

[2003 Acts, ch 8, §22](#); [2005 Acts, ch 70, §1](#); [2010 Acts, ch 1061, §180](#); [2020 Acts, ch 1063, §165](#)

Referred to in [§322.20, 537.2201](#)

**322.19A Documentary fee.**

1. For purposes of [this section](#), “documentary fee” means a fee that may be charged to a customer by a motor vehicle dealer for the preparation of documents related to an application for motor vehicle registration and an application for issuance of a certificate of title, and the performance of other related services for the customer. “Documentary fee” does not include any costs or fees charged to a motor vehicle dealer or a dealer's customer by a third party.

2. A motor vehicle dealer may charge a documentary fee not to exceed one hundred eighty dollars for each motor vehicle sold in a transaction.

3. A motor vehicle dealer who charges a documentary fee to a customer shall include the fee in the price of the motor vehicle. The dealer shall disclose the full amount of the fee in any price of a motor vehicle advertised by the dealer and when making or accepting an offer to sell a motor vehicle. The dealer shall provide the following notice to the customer, which notice shall be clearly and conspicuously disclosed in any motor vehicle purchase agreement with the customer:

DOCUMENTARY FEE. A DOCUMENTARY FEE IS NOT AN OFFICIAL FEE. A DOCUMENTARY FEE IS NOT REQUIRED BY LAW, BUT MAY BE CHARGED TO A BUYER FOR THE PREPARATION OF DOCUMENTS AND THE PERFORMANCE OF RELATED SERVICES. THE MAXIMUM AMOUNT THAT MAY BE CHARGED FOR A DOCUMENTARY FEE IS DETERMINED BY IOWA CODE [SECTION 322.19A](#). THIS NOTICE IS REQUIRED BY LAW.

4. A violation of [this section](#) is an unlawful practice under [section 714.16](#).

[2016 Acts, ch 1083, §8](#); [2021 Acts, ch 38, §4](#)

Subsection 3 stricken and former subsections 4 and 5 renumbered as 3 and 4

### **322.20 Extension of time.**

[Sections 537.2503](#) and [537.3402](#) notwithstanding, if the holder of a retail installment contract in connection with the purchase or sale of a vehicle, at the request of the buyer, renews the loan or extends the scheduled due date of all or any part of an installment or installments, the holder may restate the amount of installments and the time schedule for paying installments and collect for installments, subject to the renewal or extension, a finance charge on the outstanding declining balance of the amount financed for the period of the extension or renewal. The finance charge on a renewal or extension under [this section](#) shall not exceed the rate on the original retail installment contract as limited by [section 322.19](#).

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.20]

[90 Acts, ch 1088, §1](#); [2019 Acts, ch 59, §98](#)

### **322.21 Remaining balance on trade vehicle.**

The extension of credit by a retail seller to a retail buyer, pursuant to a retail installment contract, of the amount actually paid or to be paid by the retail seller to discharge a purchase-money security interest, as provided in [section 554.9103](#), on a motor vehicle traded in by the retail buyer shall not subject the retail seller to the provisions of [chapter 536](#) or [536A](#).

[99 Acts, ch 13, §25](#); [2000 Acts, ch 1149, §167, 187](#)

### **322.22 Reserved.**

### **322.23 Complaints.**

Any retail buyer having reason to believe that the provisions of [this chapter](#) relating to the buyer's installment contract have been violated may file with the department a written complaint setting forth the details of such alleged violation and the department, upon the receipt of such complaint, may inspect the pertinent books, records, letters and contracts of the licensee or other person relating to such specific complaint.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.23]

### **322.24 Hearing — subpoenas.**

1. The state department of transportation and the department of inspections and appeals may issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence in any matter over which the respective department has jurisdiction, control, or supervision pertaining to [this chapter](#).

2. If a person refuses to obey a subpoena, to give testimony, or to produce evidence as required, a judge of the district court of the state of Iowa in and for Polk county may,

upon application and proof of the refusal, make an order awarding process of subpoena, or subpoena duces tecum, out of the court, for the witness to appear before the respective department, to give testimony, and to produce evidence as required. Upon filing the order in the office of the clerk of the district court, the clerk shall issue process of subpoena as directed, under the seal of the court, requiring the person to whom it is directed to appear at the time and place designated.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.24]

[89 Acts, ch 273, §4](#)

Referred to in [§602.8102\(55\)](#)

### **322.25 and 322.26** Reserved.

### **322.27 Manufacturer's license.**

A manufacturer, except an alien manufacturer represented by an importer, shall not engage in business as a manufacturer in this state or employ, appoint, or maintain distributors or wholesalers or dealers, without a license as provided in [this chapter](#). However, new motor vehicle dealers may wholesale motor vehicles without an additional license and used motor vehicle dealers may wholesale used motor vehicles without an additional license.

[C66, 71, 73, 75, 77, 79, 81, §322.27]

[2000 Acts, ch 1154, §24](#)

### **322.27A Wholesaler's license.**

1. A person shall not engage in business as a wholesaler of new motor vehicles in this state without a license as provided in [this chapter](#).

2. Prior to the issuance of such license, the department, at a minimum, and in addition to any other information the department deems necessary to the application, shall require proof that the applicant has financial liability coverage as defined in [section 321.1](#), except that such coverage shall be in limits of not less than one hundred thousand dollars because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, three hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, and fifty thousand dollars because of injury to or destruction of property of others in any one accident.

[98 Acts, ch 1121, §6, 9; 2006 Acts, ch 1068, §36](#)

Referred to in [§321.105A](#)

### **322.28 Distributor or wholesaler's license.**

A distributor or wholesaler of new motor vehicles shall not sell or offer for sale a new motor vehicle at retail unless licensed as a new motor vehicle dealer. A licensed distributor or wholesaler of a new motor vehicle shall not register or title a new motor vehicle held for sale and shall transfer ownership of a new motor vehicle by assigning the manufacturer's statement of origin for the vehicle.

[C66, 71, 73, 75, 77, 79, 81, §322.28]

[2001 Acts, ch 32, §33, 40](#)

### **322.29 Issuance of license — fees.**

1. Application for license shall be made to the department by a manufacturer, distributor, or wholesaler, in a form and containing information as the department requires and shall be accompanied by the required license fee. The license shall be granted or refused within thirty days after application. A license expires, unless sooner revoked or suspended, on December 31 of even-numbered years. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee.

2. License fees for each two-year period or part thereof are as follows:

- a. For a motor vehicle manufacturer, seventy dollars.
- b. For a new motor vehicle distributor or wholesaler, forty dollars.

3. A license shall not be issued to a person as a distributor or wholesaler for a new

motor vehicle model unless the distributor or wholesaler has written authorization from the manufacturer as a distributor or wholesaler of the motor vehicle model.

4. Upon payment of the license fee as provided in [this section](#), a person who rebuilds new completed motor vehicles by fabricating, altering, adding, or replacing essential parts, components, or equipment for the purpose of building an ambulance, rescue vehicle, fire vehicle, or towing or recovery vehicle as defined in [chapter 321](#) may be issued a license as a wholesaler of new motor vehicles of the make and model rebuilt without written authorization from the manufacturer.

5. Upon payment of the license fee as provided in [this section](#), a person who installs cranes, hook loaders, buckets, aerial ladders, tanks, or special equipment on new completed motor trucks with a gross vehicle weight rating of fourteen thousand five hundred pounds or more may be issued a license as a wholesaler of new motor vehicles of the make and model on which the equipment is installed without written authorization from the manufacturer.

6. Notwithstanding [section 322.3, subsection 14](#), a person licensed as a wholesaler under [subsection 4](#) may be licensed as a used motor vehicle dealer.

[C66, 71, 73, 75, 77, 79, 81, §322.29]

[88 Acts, ch 1047, §2](#); [97 Acts, ch 108, §38](#); [2000 Acts, ch 1016, §21, 22](#); [2001 Acts, ch 32, §34](#); [2006 Acts, ch 1068, §37, 49 – 51, 57](#); [2007 Acts, ch 102, §2](#); [2008 Acts, ch 1018, §27](#)

### **322.30 Display.**

The licenses of manufacturers and distributors shall specify the location of the office and must be conspicuously displayed at such location. In case such location be changed, the department shall endorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license.

[C66, 71, 73, 75, 77, 79, 81, §322.30]

[2000 Acts, ch 1154, §25](#)

### **322.31 Denial of license.**

The department may deny the application of any person for a license as a manufacturer, distributor, or wholesaler, if after reasonable notice and a hearing the department determines that such applicant has violated any provision of [this chapter](#) and may revoke or suspend any such license that has been issued if the department shall determine after reasonable notice and a hearing that such licensee has violated any provision of [this chapter](#).

[C66, 71, 73, 75, 77, 79, 81, §322.31]

[97 Acts, ch 108, §39](#)

### **322.32 Construction of applicability to contracts.**

Nothing in [this chapter](#) shall be construed to impair the obligations of a contract or to prevent a licensee under [this chapter](#) from requiring performance of a written contract entered into with another licensee under [this chapter](#), nor shall the requirement of such performance constitute a violation of any of the provisions of [this chapter](#).

[C66, 71, 73, 75, 77, 79, 81, §322.32]

[2020 Acts, ch 1063, §166](#)

### **322.33 Applicability of the Iowa consumer credit code.**

1. The provisions of the Iowa consumer credit code, [chapter 537](#), shall apply to a consumer credit sale in which a licensed motor vehicle dealer participates or engages, and any violation of that code shall be a violation of [this chapter](#).

2. [Chapter 537, article 2, parts 5 and 6](#), and [chapter 537, article 3, sections 537.3203, 537.3206, 537.3209, 537.3304, 537.3305, and 537.3306](#), shall apply to any credit transaction, as defined in [section 537.1301](#), that is a retail installment transaction. For the purpose of applying provisions of the consumer credit code in those transactions, “consumer credit sale” shall include a sale for a business purpose.

3. A provision of the Iowa consumer credit code, [chapter 537](#), shall supersede a conflicting provision of [this chapter](#).

[C75, 77, 79, 81, §322.33]

[2003 Acts, ch 44, §114](#); [2013 Acts, ch 30, §69](#)

Referred to in [§322.19](#)

**322.34** Reserved.

**322.35 Disclosure of manufacturer's suggested price for certain motor vehicles — penalty.**

1. A person shall not sell or offer for sale at retail a new car, multipurpose vehicle, or pickup, as those terms are defined in [section 321.1](#), without a label securely affixed to the windshield or side window containing the manufacturer's clear and legible endorsement disclosing the following true and correct information:

a. The retail price of the vehicle suggested by the manufacturer.

b. The retail delivered price suggested by the manufacturer for each accessory or item of optional equipment, physically attached to the vehicle at the time of its delivery to the retail seller, which is not included within the price of the vehicle as stated pursuant to paragraph "a".

c. The amount charged, if any, to the retail seller for the transportation of the vehicle to the location at which it is delivered to the retail seller.

d. The total of the amounts specified pursuant to paragraphs "a", "b", and "c".

2. A person who violates [this section](#) commits a simple misdemeanor. Violation with respect to each vehicle constitutes a separate offense.

[86 Acts, ch 1084, §1](#)

**322.36 Motorcycle and autocycle dealer business hours.**

A person in the business of selling motorcycles or autocycles under [chapter 322D](#) is not required to maintain regular business hours at the dealer's principal place of business or other place of business.

[97 Acts, ch 69, §1](#); [2016 Acts, ch 1098, §22](#)

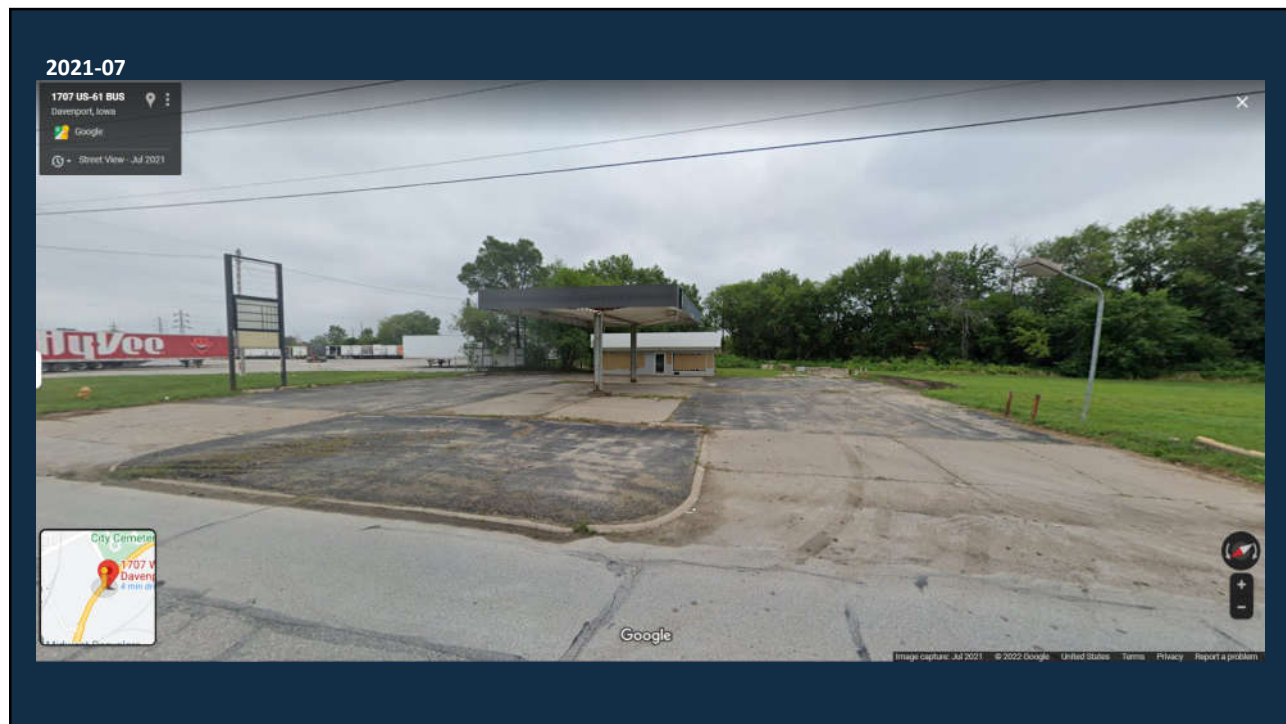
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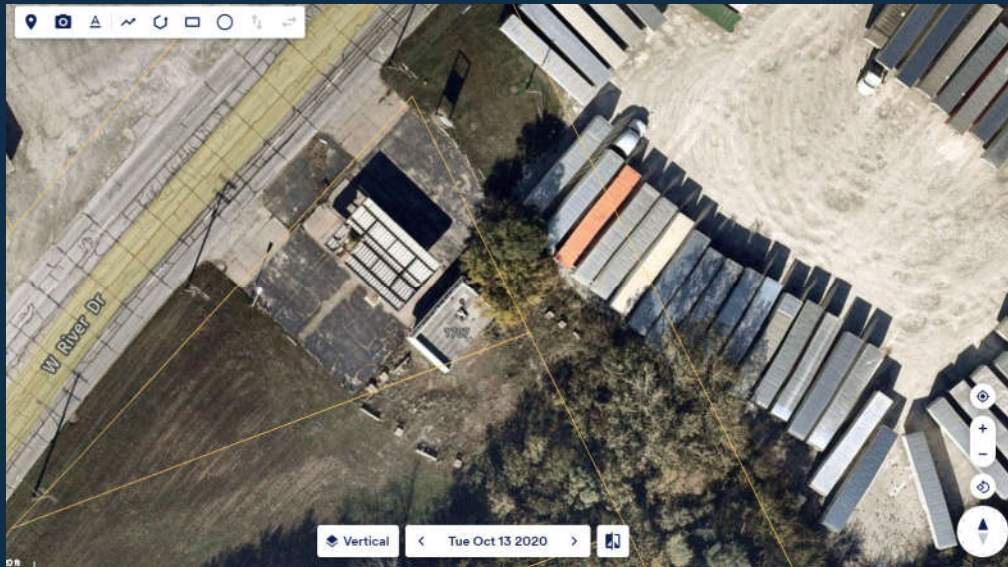
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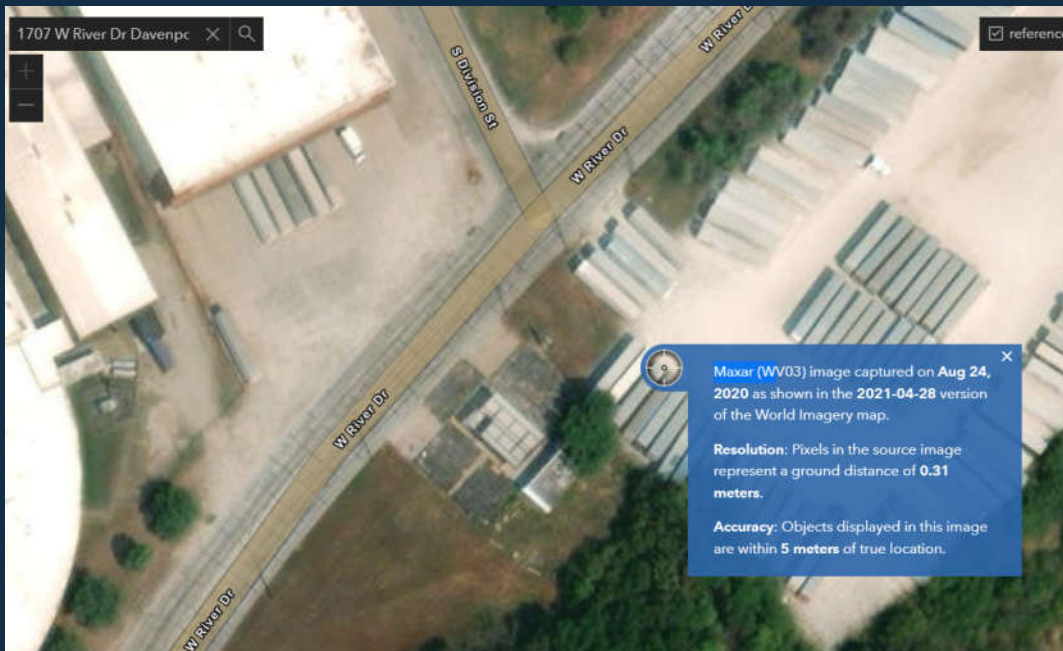
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Maxar (WV03) image captured on Aug 24, 2020 as shown in the 2021-04-28 version of the World Imagery map.

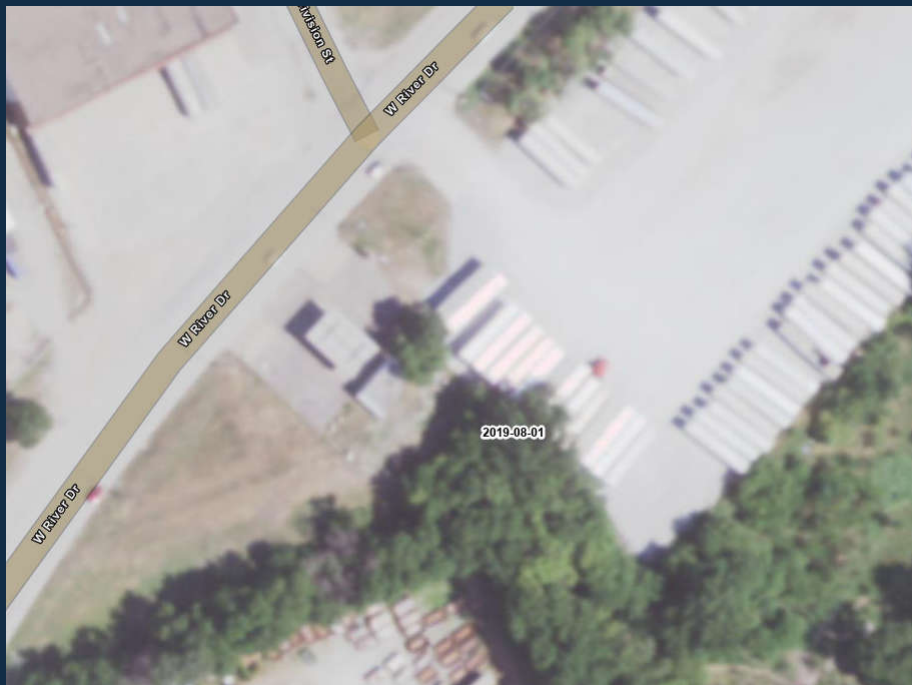
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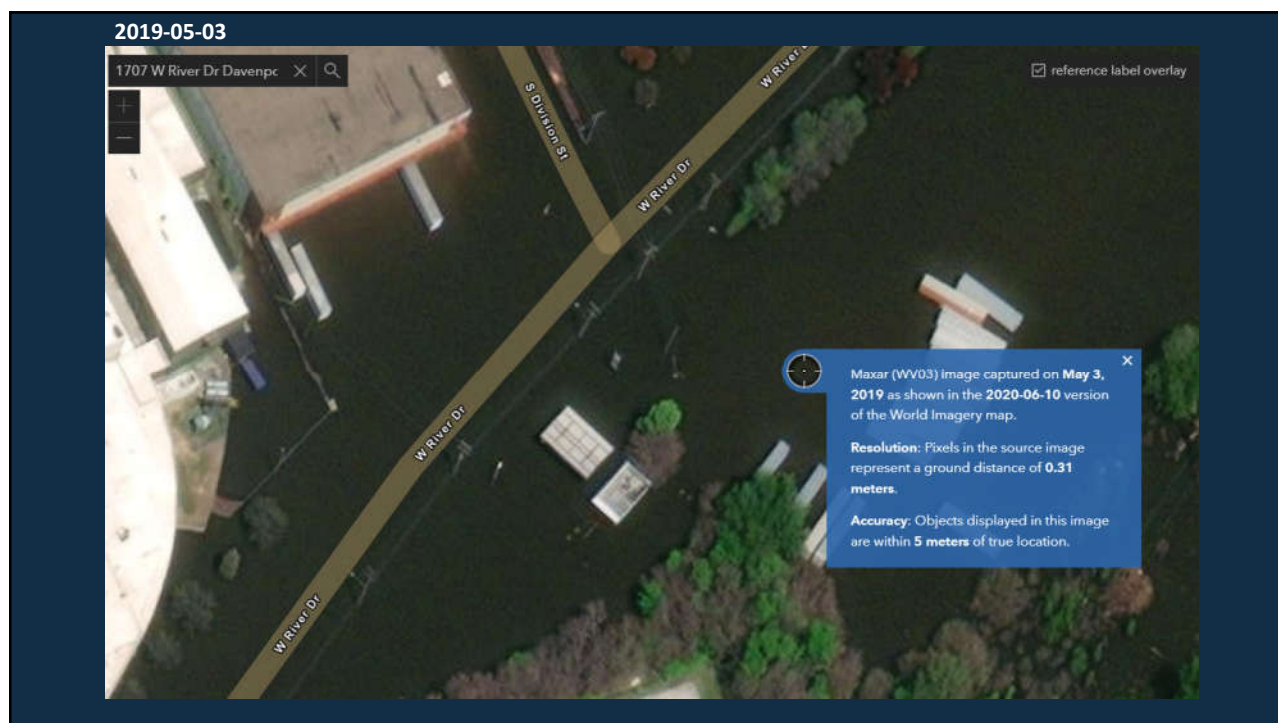
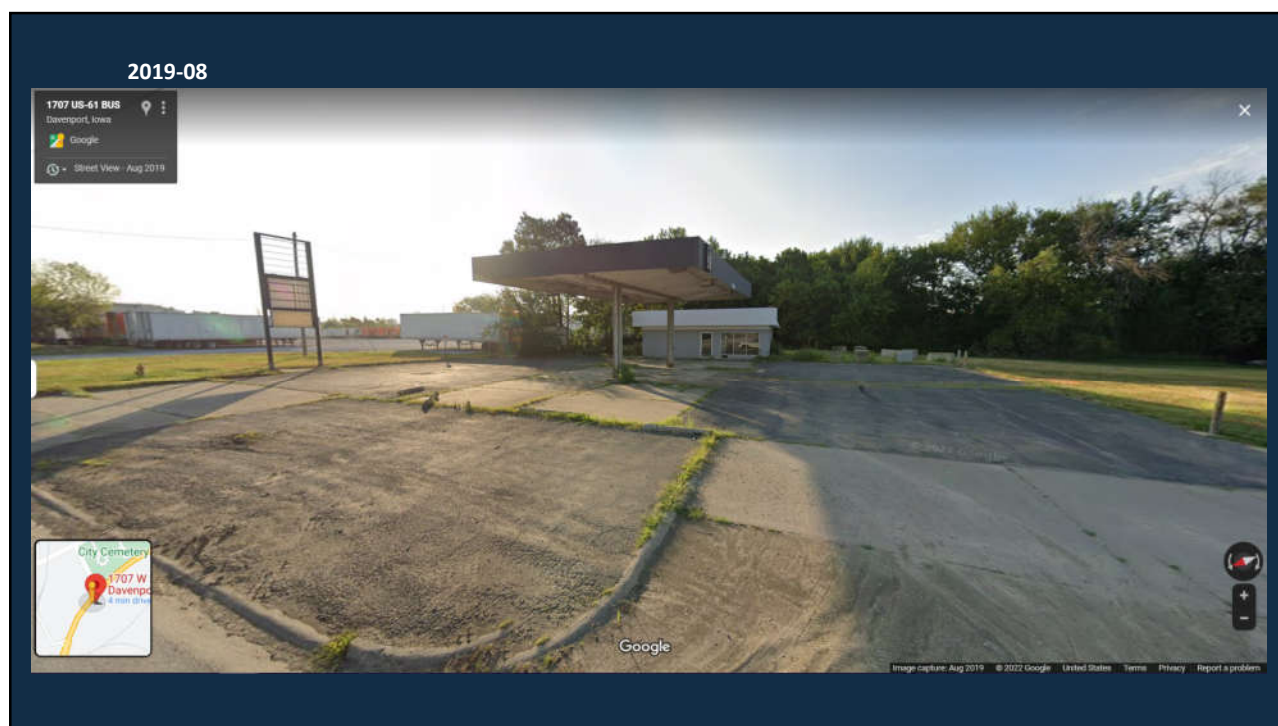
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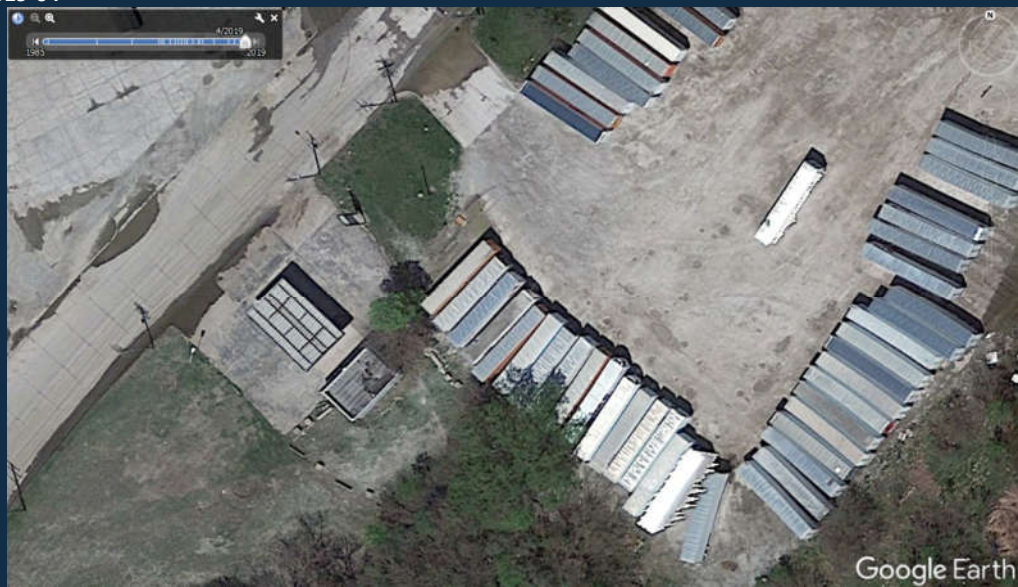


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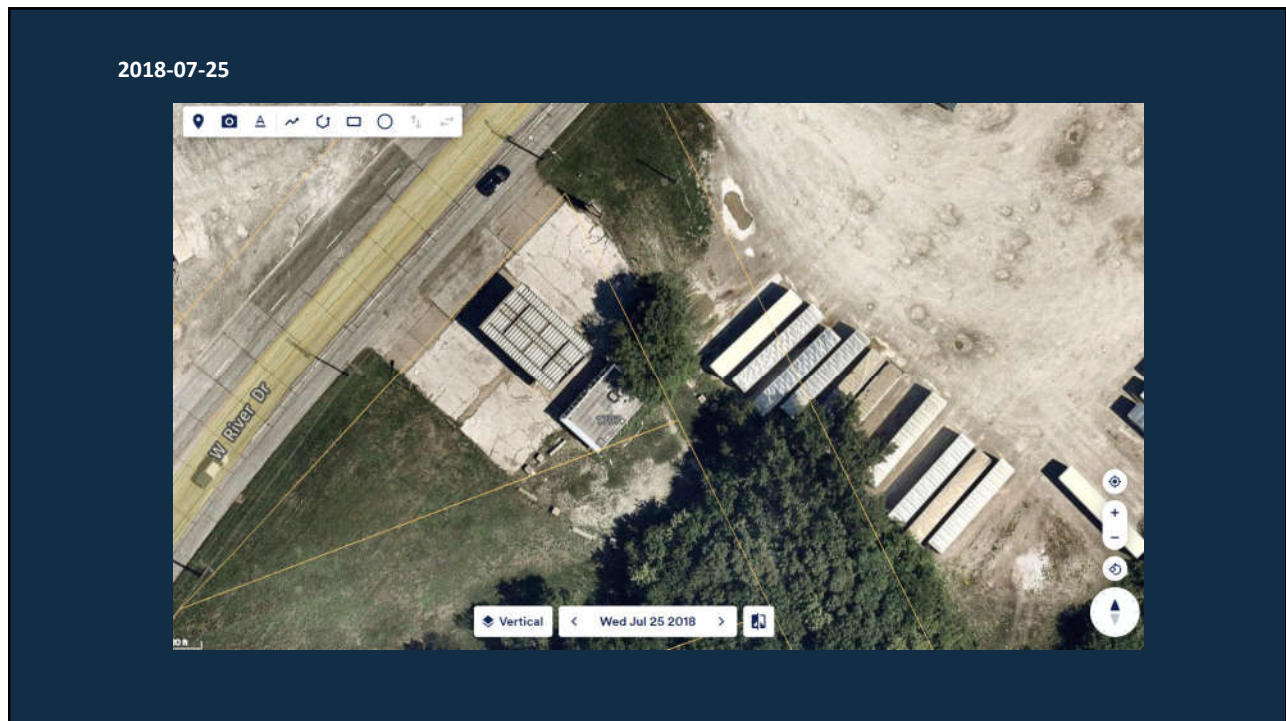


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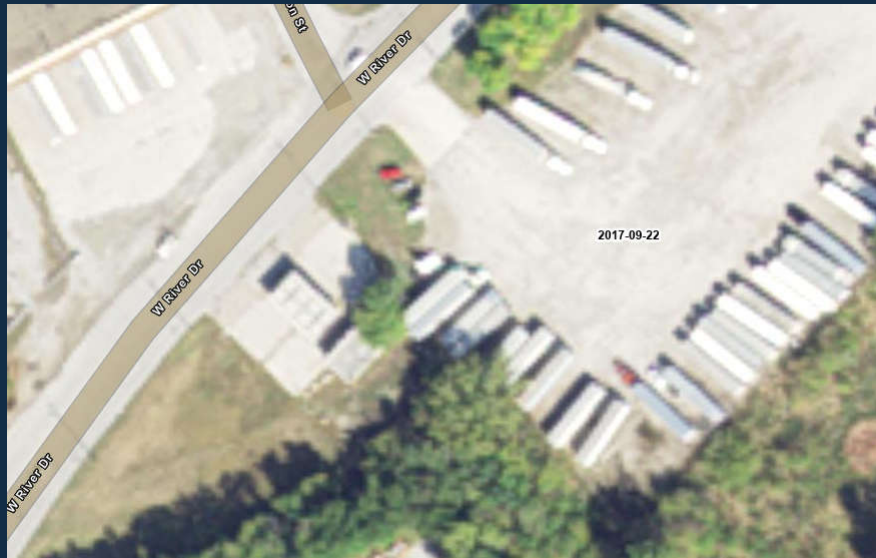


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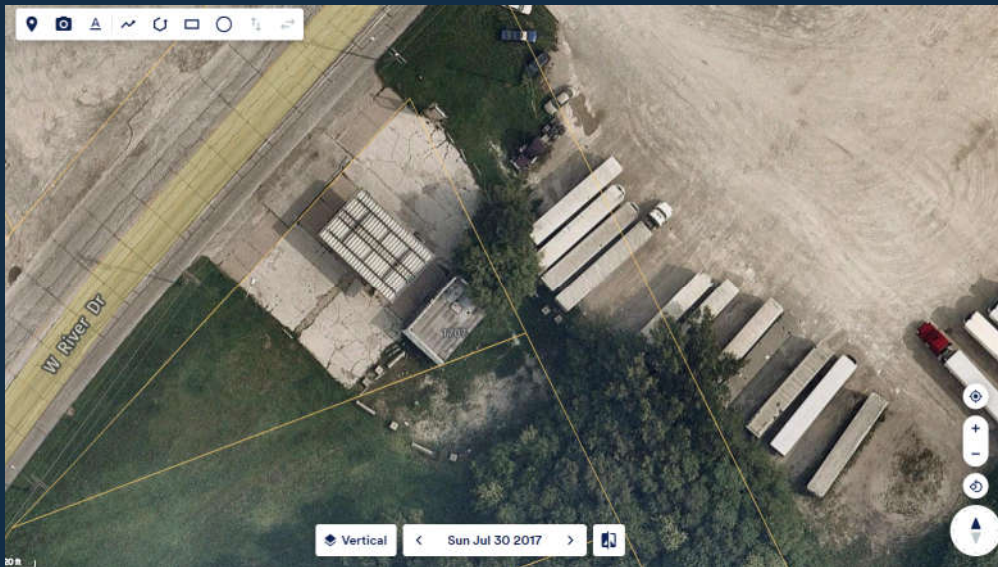
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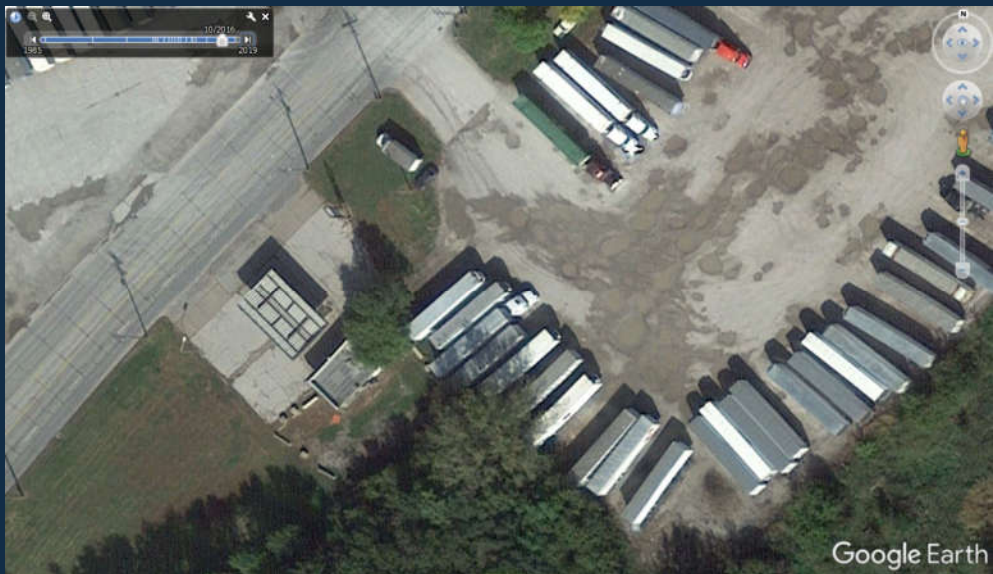
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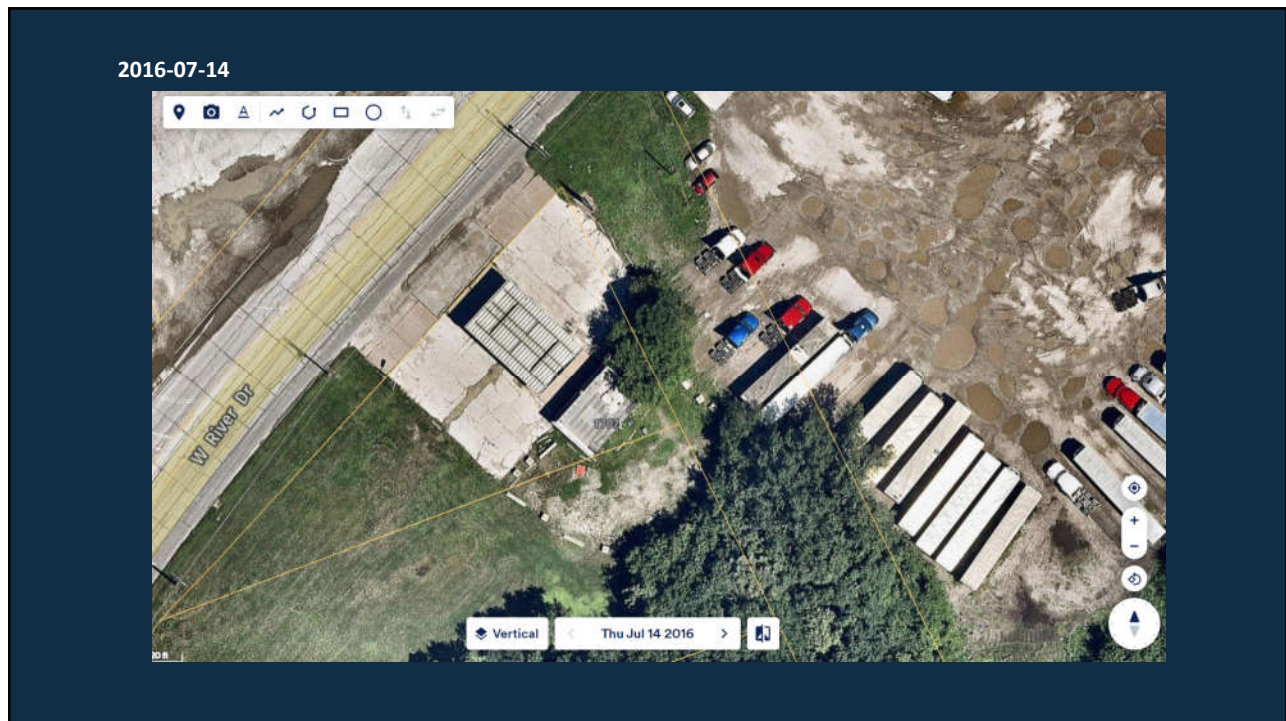
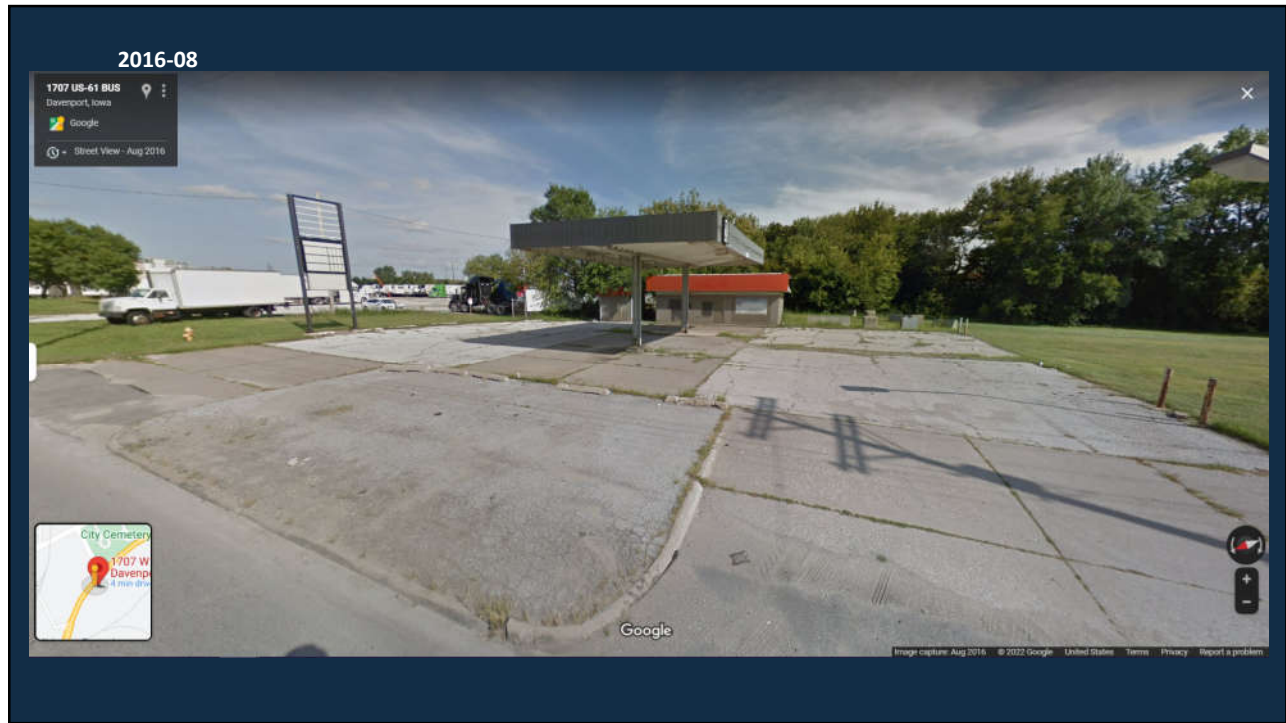


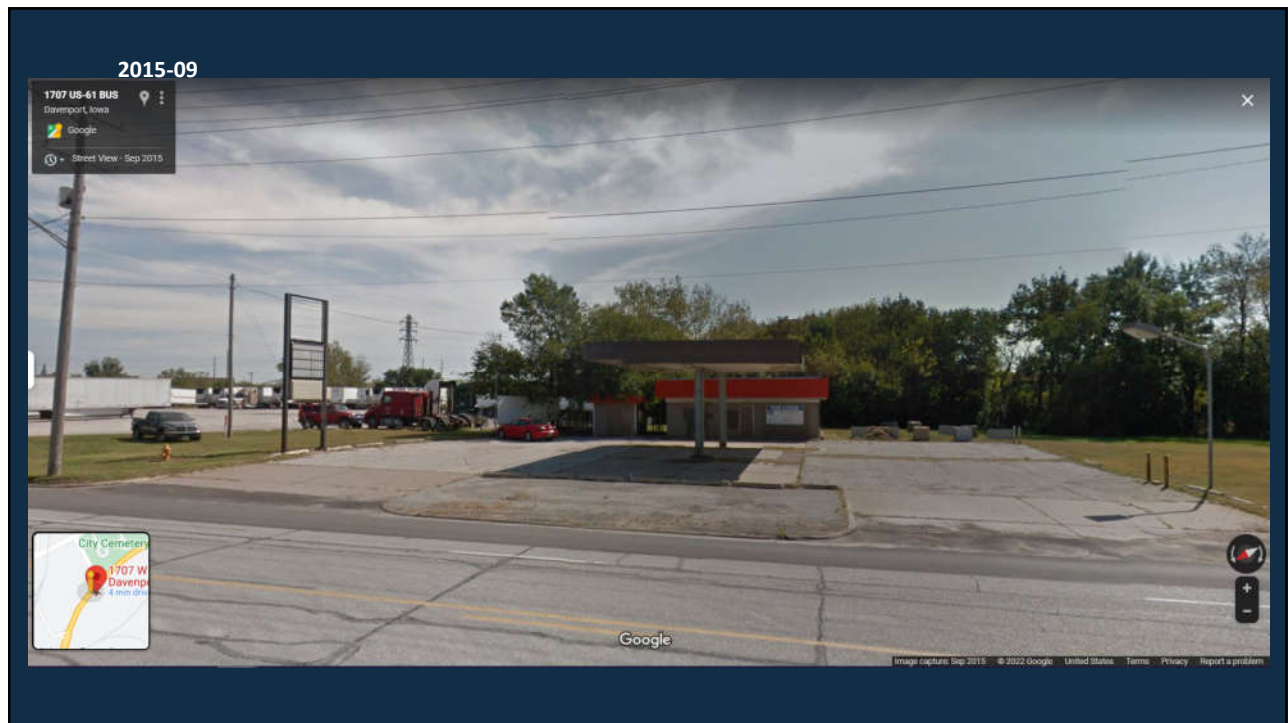
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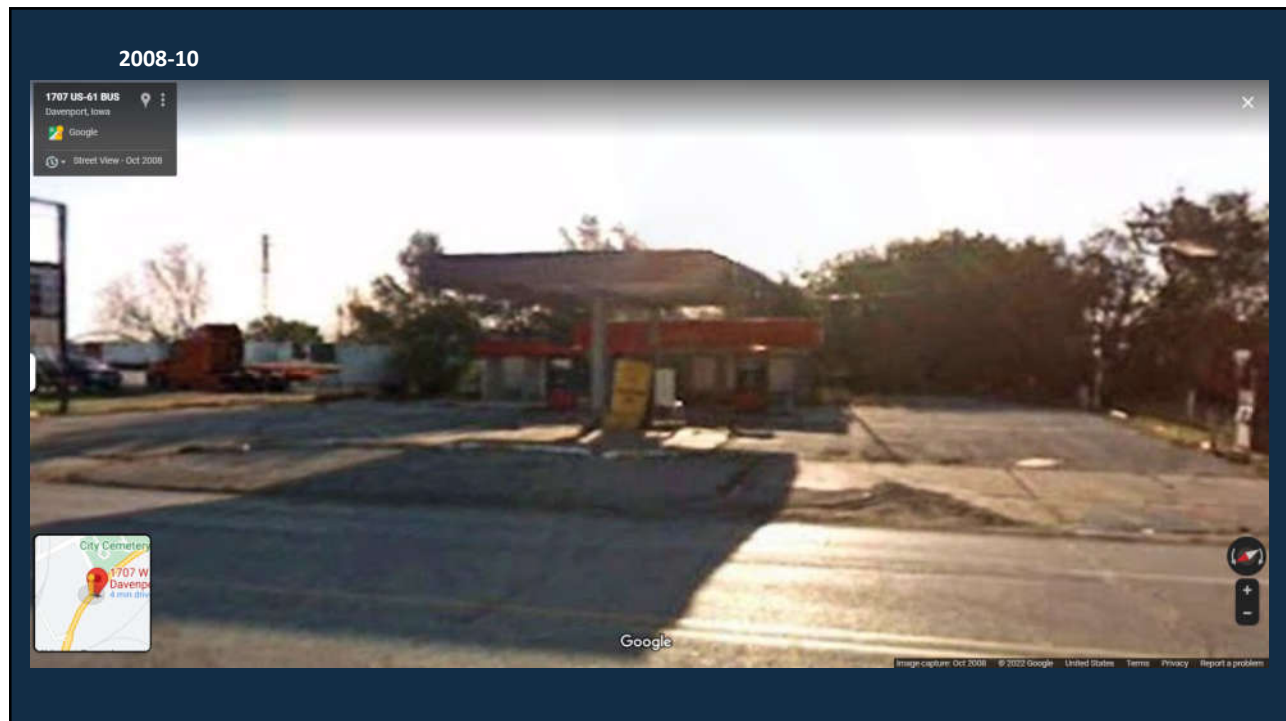
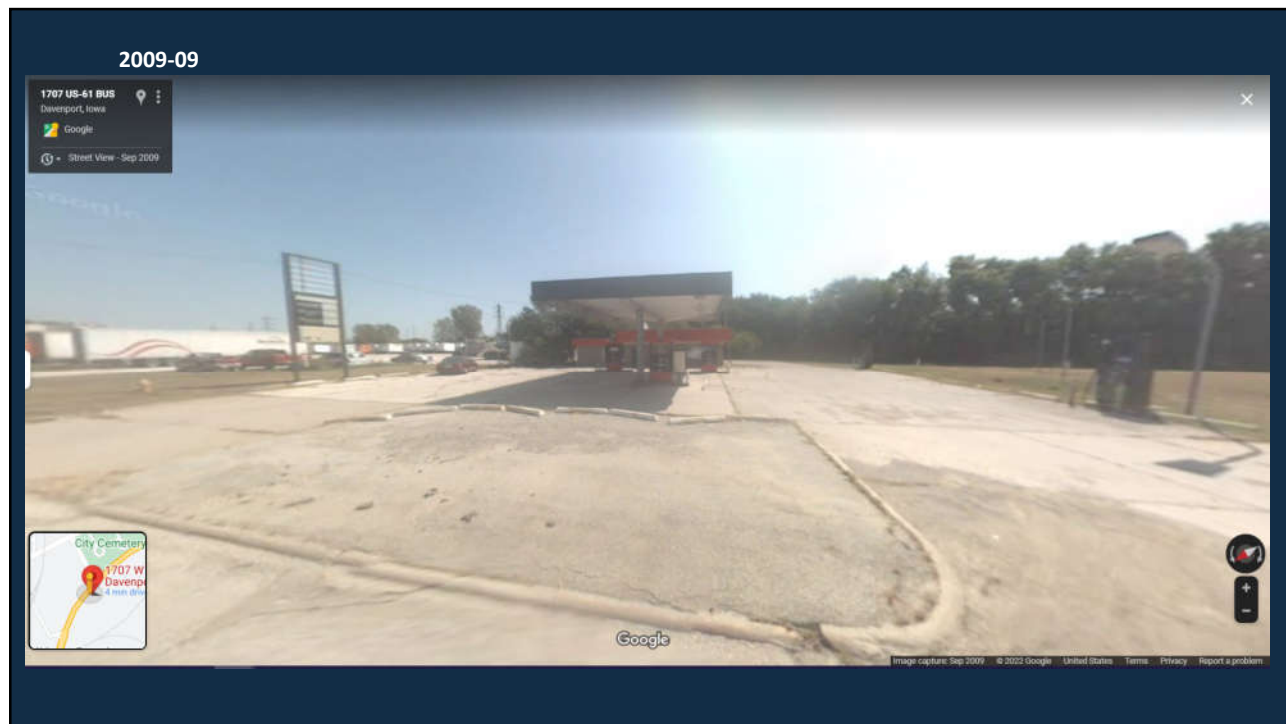


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2011-07

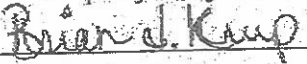




POST IN A CONSPICUOUS PLACE	City of Davenport, IA BUSINESS LICENSE 2018 THIS LICENSE EXPIRES 03/31/2019	License Number 50014002

Business Name: M&S MOTORSPORTS  
Address: 1707 W RIVER DRIVE  
DAVENPORT, IA 52802

Account Number: 920242203

<b>Business License</b> Witnessed and the seal of the City of Davenport Brian Krup Deputy City Clerk 	Type	Quantity	Fee	Penalty	Total
	CAR/TRUCK USED DEALER	1	100.00	0	100.00
	Total Paid:		100.00	0	100.00
	Comments:				

Date Issued: 09/25/2018

This License is NON-Transferable

CUSTOMER FILE COPY	City of Davenport, IA BUSINESS LICENSE 2018 THIS LICENSE EXPIRES 03/31/2019	License Number 50014002


Date Issued: 09/25/2018

Business Location:

M&S MOTORSPORTS  
1707 W RIVER DRIVE  
DAVENPORT, IA 52802

Mailing Address

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EXHIBIT


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1 p.1

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Address: 1707 W RIVER DRIVE  
DAVENPORT, IA 52802

Account Number: 920242203

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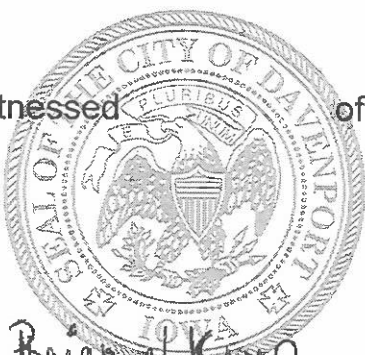
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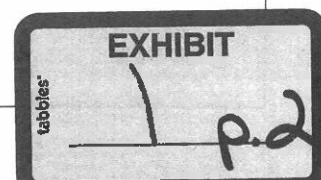
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 Witnessed of the <i>Brian J. Krup</i>	Type CAR/TRUCK USED DEALER	Quantity 1	Fee 100.00	Penalty 0	Total 100.00
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	Comments:				



POST IN A CONSPICUOUS PLACE	City of Davenport, IA BUSINESS LICENSE 2020 THIS LICENSE EXPIRES 03/31/2021	License Number 50015490
		 City of Davenport

Business Name: CARTER AUTO SALES  
Address: 2637 ROCKINGHAM  
DAVENPORT, IA 52802

Account Number: 920241153

 Witnessed and the seal of the <i>Brian J. Kuip</i> Date Issued:	<table border="1"> <thead> <tr> <th>Type</th> <th>Quantity</th> <th>Fee</th> <th>Penalty</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>CAR/TRUCK USED DEALER SUBLOT</td> <td>1</td> <td>0.00</td> <td>0</td> <td>0.00</td> </tr> <tr> <td colspan="2">Total Paid:</td> <td>0.00</td> <td>0</td> <td>0.00</td> </tr> </tbody> </table>	Type	Quantity	Fee	Penalty	Total	CAR/TRUCK USED DEALER SUBLOT	1	0.00	0	0.00	Total Paid:		0.00	0	0.00
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Total Paid:		0.00	0	0.00												
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		 City of Davenport


Date Issued:

Business Location:

CARTER AUTO SALES  
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DAVENPORT, IA 52802

Mailing Address

CARTER AUTO SALES  
2637 ROCKINGHAM  
DAVENPORT, IA 52802

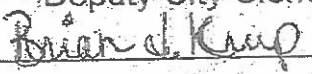
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3 p.1


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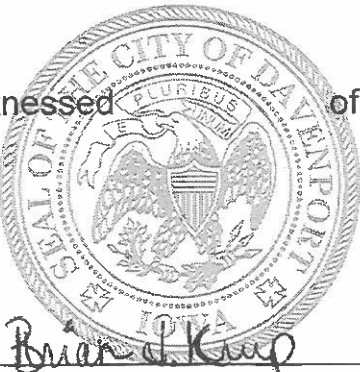
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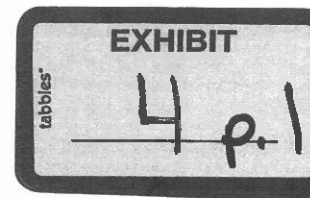
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City of Davenport, IA  
Thursday, March 10, 2022

## Title 17. Zoning

### Chapter 17.15. NONCONFORMITIES

#### 17.15.020. Nonconforming use.

- A. Definition. A nonconforming use is the use of a structure or land that at one time was an allowed use within a zoning district, but because of subsequent amendments to the ordinance is no longer allowed.
- B. Expansion. A nonconforming use of a structure or land cannot be expanded, extended, enlarged, or increased in intensity. Such prohibited activity includes additions or enlargements of any structure devoted entirely to a nonconforming use, and any expansion, extension, or relocation of a nonconforming use to any other structure, any portion of the floor area, or any land area currently not occupied by such nonconforming use.
- C. Relocation. A nonconforming use of a structure or land cannot be relocated, in whole or in part, to any other structure or location on the same lot. The nonconforming use may only be relocated to another structure or lot if the use conforms to all regulations of the zoning district where it is relocated.
- D. Change of Use. A nonconforming use can only be changed to a use allowed within the zoning district where it is located. When a nonconforming use has been changed, in whole or in part, to an allowed use, the whole or part that conforms cannot be changed back to a use that is not allowed in the district. A change of use occurs when an existing nonconforming use has been terminated and another use has commenced. Any change in use in violation of this ordinance is deemed an abandonment of the previously existing nonconforming use.
- E. Discontinuation or Abandonment. If a nonconforming use is discontinued or abandoned for a continuous period of one year, the nonconforming use is terminated. Any subsequent use or occupancy of such land or structure must comply with all regulations of the zoning district in which the structure or land is located. A period of discontinuance caused by acts of god are not included in calculating the length of discontinuance or abandonment for this section. When a nonconforming use is offered for sale, such sale period of up to one additional year is not included in calculating the length of discontinuance or abandonment for this section; however, all equipment, building design, and similar use infrastructure must be maintained in working condition during the sale period.

F. Damage or Destruction.

1. In the event that any structure that is devoted in whole or in part to a nonconforming use is structurally damaged or destroyed through no fault of the property owner or tenant, the nonconforming use may be re-established provided that no new nonconformities are created and the degree of the previous nonconformity is not increased.
2. If the structure containing the nonconforming use is a nonconforming structure, the structure may only be rebuilt, restored, repaired, or reconstructed in accordance with Section **17.15.030**.
3. However, if a building permit is not obtained within one year of the date of damage or destruction, then the nonconforming use may not be reestablished unless it conforms to all regulations of the zoning district in which it is located, including use. This time period to obtain a building permit may be extended based on evidence showing good reason for the delay.

Select Language ▼

**TITLE 17 ZONING**  
**CHAPTER 17.08 USES**  
**17.08.050 USE DEFINITION**

**VEHICLE DEALERSHIP DEFINITION**

An establishment that sells or leases new or used automobiles, vans, motorcycles, and/or all-terrain vehicles (ATV) vehicles, or other similar motorized transportation vehicles. A motor vehicle dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle dealerships do not include truck, trailer, boat, or heavy equipment sales, which are considered heavy retail, rental, and service.



IOWA  
SECRETARY OF STATE

No: FT0122142  
Date: 06/14/2021

489DI C-673488  
RIVER DRIVE AUTOSALES LLC

EXHIBIT

tabbies

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ACKNOWLEDGEMENT OF DOCUMENT FILED

The Secretary of State acknowledges receipt of the following document:

Certificate of Organization

The document was filed on Jun 11 2021 5:04PM, to be effective as of Jun 11 2021 5:04PM.

The amount of \$50.00 was received in full payment of the filing fee.



*Paul D. Pate*

PAUL D. PATE SECRETARY OF STATE

07-0634-00  
 NELSON BROTHERS AGENCY INC  
 940 LINCOLN RD  
 BETTENDORF IA 52722

# ***Auto-Owners*** **INSURANCE**

LIFE • HOME • CAR • BUSINESS

PO Box 30660 • Lansing, MI 48909-8160  
 517.323.1200

09-27-2021

Auto-Owners Insurance Company

You can view your policy, pay your bill, or change your paperless options at any time online at [www.auto-owners.com](http://www.auto-owners.com).

## **ADDITIONAL WAYS TO PAY YOUR BILL**

Pay Online  
[www.auto-owners.com](http://www.auto-owners.com)  
 Pay My Bill

Pay by Mail  
 AUTO-OWNERS INSURANCE  
 PO BOX 740312  
 CINCINNATI, OH 45274-0312

Pay by Phone  
 1-800-288-8740

RIVER DRIVE AUTO SALES  
 1707 W RIVER DR  
 DAVENPORT IA 52802-1836

Your agency's phone number is (563) 323-9233.

RE: Policy 53-525-656-00

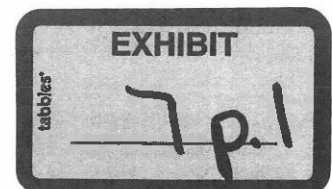
Billing Account 100151591

Thank you for selecting Auto-Owners Insurance Group to serve your insurance needs! Feel free to contact your independent Auto-Owners agent with questions you may have.

Auto-Owners and its affiliate companies offer a full complement of policies, each of which has its own eligibility requirements, coverages and rates. In addition, Auto-Owners also offers many billing options. Please take this opportunity to review your insurance needs with your Auto-Owners agent, and discuss which company, program, and billing option may be most appropriate for you.

Auto-Owners Insurance Company was formed in 1916. Our A++ (Superior) rating by A.M. Best Company signifies that we have the financial strength to provide the insurance protection you need. The Auto-Owners Insurance Group is comprised of six property and casualty companies and a life insurance company.

*Serving Our Policyholders and Agents Since 1916*



Auto-Owners Insurance Company  
Company Number: 18988

P.O. Box 30660  
Lansing, MI 48909

**CERTIFICATE OF INSURANCE  
STATE OF IOWA**

An authorized Iowa insurer, has issued a policy of automobile liability insurance which is in compliance with the financial responsibility requirements of Iowa. The policy also conforms to meet the minimum liability limits required by any state or Canadian province in which the vehicle is operated.

Named Insured **RIVER DRIVE AUTO SALES**

Year/Make **ALL OWNED VEHICLES**  
VIN

Policy Number **53-525-656-00**

Effective Date **09-09-2021** Expiration Date **09-09-2022**

Agency **NELSON BROTHERS AGENCY INC**

Phone (563) 323-9233 Agency Code **07-0634-00**

**THIS CARD MUST BE CARRIED IN THE INSURED MOTOR  
VEHICLE FOR PRODUCTION UPON DEMAND.**

No motor vehicle may be operated in Iowa unless an automobile liability insurance policy, or other evidence of financial responsibility, is in effect in at least the minimum amounts prescribed by Iowa law.

THIS FORM DOES NOT CONSTITUTE ANY PART OF YOUR INSURANCE POLICY AND MAY NOT BE USED TO MODIFY THE TERMS OR CONDITIONS OF THE POLICY. EXAMINE YOUR POLICY CAREFULLY.

89178 (2-12)

Auto-Owners Insurance Company  
Company Number: 18988

P.O. Box 30660  
Lansing, MI 48909

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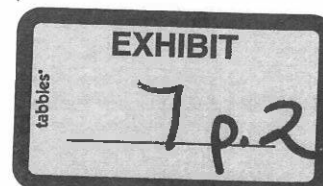
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89178 (2-12)

THIS IS YOUR I.D. CARD/CERTIFICATE OF INSURANCE

THIS IS YOUR I.D. CARD/CERTIFICATE OF INSURANCE



23327 (09-09)



Bond for Motor Vehicle Dealer  
and/or  
Towable Recreational Vehicle Dealer

KNOW ALL PERSONS BY THESE PRESENTS:

Bond No. 65617487

That we River Drive Auto Sales

Dealer No. \_\_\_\_\_

(Applicant DBA / Firm Name)

Revenue \_\_\_\_\_

(City)

Iowa, as Principal, and the

WESTERN SURETY COMPANY  
(Bonding Company)

a corporation duly licensed to do business in the State of Iowa, as

Surety, are held and firmly bound unto the State of Iowa in the penal sum of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) for the payment of which, well and truly to be made, we bind ourselves and our legal representatives jointly and severally by these presents.

THE CONDITION of the above obligation is such that WHEREAS the Principal has applied for the issuance of a Motor Vehicle Dealer License and/or an Iowa Towable Recreational Vehicle Dealer License and presents this bond in accordance with said statute.

NOW, THEREFORE if the aforesaid Principal shall faithfully comply with all the statutes of the State of Iowa regulating or being applicable to the business of said dealer, and shall indemnify any person dealing or transacting business with the Principal in connection with any motor vehicle or towable recreational vehicle from any loss or damage occasioned by the failure of such dealer to comply with Iowa Code, chapters 321, 322, and 322C, including, but not limited to, the furnishing of a proper and valid certificate of title to a vehicle, then this obligation to be void; otherwise, to remain in total force and effect.

The aggregate liability of the Surety of all persons shall in no event, exceed the amount of this bond during any one license year.

This bond shall be effective on the 15th day of September, 2021 and shall operate as a new bond for each license year it is in effect. (Month) (Year)

This bond may be cancelled by the Surety giving written notice to the Principal and the Vehicle & Motor Carrier Services Bureau, Iowa Department of Transportation, P.O. Box 9278, Des Moines, IA 50306-9278, stating the date of cancellation, which in no event shall be less than 30 days after receipt of said notice by the Vehicle & Motor Carrier Services Bureau, however the Surety shall remain liable for any and all acts of the Principal covered by this bond up to the date of cancellation.

Dated this 9th day of September, 2021 (Month) (Year)

WITNESS TO PRINCIPAL

PRINCIPAL

River Drive Auto Sales

Amber Dennis

WITNESS TO SURETY

BONDING COMPANY

WESTERN SURETY COMPANY

A. Vioron

Pat Jackson

Paul T. Brulat

Paul T. Brulat, Vice President

EXHIBIT

8

tabler

# Des Moines Area Community College

This certificate is awarded to

*Amber Davis*

Dealership: Ez Auto, 2118 Dixwell Street, Davenport, IA, 52802

In recognition of successful completion of the State of Iowa Used Motor Vehicle Dealer  
Department of Transportation Required 8-Hour Continuing Education Training

Section/Class# 15023, Used Auto Dealer Pre-License

September 9, 2020

Instructor: Todd Thein

  
Curt Behr, Coordinator  
DMACC Continuing Education

**DMACC**  
DES MOINES AREA  
COMMUNITY COLLEGE

Please retain original copy for your files.



# DAVENPORT

COMMUNITY PLANNING &  
ECONOMIC DEVELOPMENT

February 4, 2020

Mr. Derric Carter  
4620 Rockingham Rd.  
Davenport, IA 52802

Subject: Zoning Verification Letter, 1707 W. River Drive

Dear Mr. Carter:

You have requested a zoning verification letter in order to allow vehicle sales with outdoor display at 1707 W. River Drive.

In January of 2019, the City of Davenport adopted a new zoning ordinance for the entire City. Part of this effort included assigning new zoning classifications to each parcel in the City. This property was classified I-2, Heavy Industrial Zoning District.

Vehicle sales with outdoor storage is not normally permitted within this zoning district. But in this case, the use was established before the new code was adopted and is considered a legal non-conforming use. Thus, the use is allowed for zoning purposes.

I understand you are still awaiting final approval of your business license application. Be advised I have already approved the application for zoning compliance as a legal non-conforming use. Other City Departments may have concerns that warrant attention.

Let me know if you have any questions.

Matthew G. Flynn, AICP  
Senior Planning Manager  
matt.flynn@davenportiowa.com  
563-888-2286

## CERTIFICATE OF TITLE TO A VEHICLE

Regular

Designation

Title No. 82AJ08618

County Scott

Issue Date 02/18/2020

VIN 5FNRL180X4B107539

Type Multi-purpose

Year	2004	Make	Honda	Model	Odyssey EXL	Style	SV
Cyl.	6	Fuel	Gasoline	Weight	4,400	GWR	
Color	Gold			LP	\$28,500	Sq. Ft.	
Odometer						Cumulative Damage	

Owner(s)

Robbins, Brittney Jo  
3015 W 52nd Street Ct Lot 206  
Davenport IA 528062916

	Fee	Penalty
Title Fees	\$25.00	\$0.00
Fee for New Reg	\$68.75	
Registration Fees	\$0.00	\$0.00
SI Fees	\$0.00	
Plate Fees	\$0.00	
Other Fees	\$0.00	
Totals	\$123.75	\$0.00

Prev. Title No. /ST 57AD27685 /IA

Prev. Owner

Wiley, Heidi Meshell  
2800 24TH ST  
MARION IA 523021228

## 1ST Security Interest

If there are NO Security Interests "X" here: ☒ No.

Date:

Held By:

Address:

## Cancellation of 1ST Security Interest

Date \_\_\_\_\_ No \_\_\_\_\_ Date \_\_\_\_\_  
Holder \_\_\_\_\_ CO Treas \_\_\_\_\_  
By \_\_\_\_\_ By \_\_\_\_\_

## 2ND Security Interest

Date:

Held By:

Address:

## Cancellation of 2ND Security Interest

Date \_\_\_\_\_ No \_\_\_\_\_ Date \_\_\_\_\_  
Holder \_\_\_\_\_ CO Treas \_\_\_\_\_  
By \_\_\_\_\_ By \_\_\_\_\_

## 3RD Security Interest

Date:

Held By:

Address:

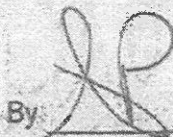
## Cancellation of 3RD Security Interest

Date \_\_\_\_\_ No \_\_\_\_\_ Date \_\_\_\_\_  
Holder \_\_\_\_\_ CO Treas \_\_\_\_\_  
By \_\_\_\_\_ By \_\_\_\_\_

Witness My Hand

Mike Fennelly  
County Treasurer

By



Deputy

EXHIBIT

11 p.1



A021384618

Federal and State law requires that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

### ASSIGNMENT OF TITLE

The undersigned hereby certifies that the motor vehicle described in this title has been transferred to the following printed name and address:

Carter's Auto Sales 1707 W River Dr Davenport, IA 52802

I further certify that the odometer reading is: EX and that to the best of my knowledge the odometer mileage is:

☐ actual mileage ☐ not actual mileage - WARNING ODOMETER DISCREPANCY ☐ exceeds mechanical limits of odometer

DATE OF SALE 6/4/20

- DISCLOSURE**
- I have knowledge the motor vehicle is now or was previously titled as salvage, rebuilt or flood in this state or any other state: ☐ Yes ☐ No  
If Yes, and the front of this title does not indicate that the vehicle was previously titled as salvage, rebuilt or flood, you must complete a separate damage disclosure statement and give to the buyer.
  - If you answered "No" to question #1, complete the following:  
I have knowledge that, prior to or during the time I owned the motor vehicle, it sustained damage for which the cost of repair exceeded 50% of the fair market value before it became damaged.  
☐ Yes ☐ No

Signature(s) of Seller(s)

Printed Name of Seller

I am aware of the above odometer certification made by the seller

Signature(s) of Buyer(s)

### FIRST RE-ASSIGNMENT BY LICENSED DEALER

The undersigned hereby certifies that the motor vehicle described in this title has been transferred to the following printed name and address:

Jumpin Joes 1914 N. Division St Davenport, IA 52804

I further certify that the odometer reading is: EX and that to the best of my knowledge the odometer mileage is:

☐ actual mileage ☐ not actual mileage - WARNING ODOMETER DISCREPANCY ☐ exceeds mechanical limits of odometer

DATE OF SALE 11/20/20

- DISCLOSURE**
- I have knowledge the motor vehicle is now or was previously titled as salvage, rebuilt or flood in this state or any other state: ☐ Yes ☐ No  
If Yes, and the front of this title does not indicate that the vehicle was previously titled as salvage, rebuilt or flood, you must complete a separate damage disclosure statement and give to the buyer.
  - If you answered "No" to question #1, complete the following:  
I have knowledge that, prior to or during the time I owned the motor vehicle, it sustained damage for which the cost of repair exceeded 50% of the fair market value before it became damaged.  
☐ Yes ☐ No

Name of Dealer

Dealer No.

Signature of Dealer Representative

Title

Printed Name of Dealer Representative

I am aware of the above odometer certification made by the seller

Signature(s) of Buyer(s)

Printed Name(s)

### SECOND RE-ASSIGNMENT BY LICENSED DEALER

The undersigned hereby certifies that the motor vehicle described in this title has been transferred to the following printed name and address:

I further certify that the odometer reading is: EX and that to the best of my knowledge the odometer mileage is:

☐ actual mileage ☐ not actual mileage - WARNING ODOMETER DISCREPANCY ☐ exceeds mechanical limits of odometer

DATE OF SALE

- DISCLOSURE**
- I have knowledge the motor vehicle is now or was previously titled as salvage, rebuilt or flood in this state or any other state: ☐ Yes ☐ No  
If Yes, and the front of this title does not indicate that the vehicle was previously titled as salvage, rebuilt or flood, you must complete a separate damage disclosure statement and give to the buyer.
  - If you answered "No" to question #1, complete the following:  
I have knowledge that, prior to or during the time I owned the motor vehicle, it sustained damage for which the cost of repair exceeded 50% of the fair market value before it became damaged.  
☐ Yes ☐ No

Name of Dealer

Dealer No.

Signature of Dealer Representative

Title

Printed Name of Dealer Representative

I am aware of the above odometer certification made by the seller

Signature(s) of Buyer(s)

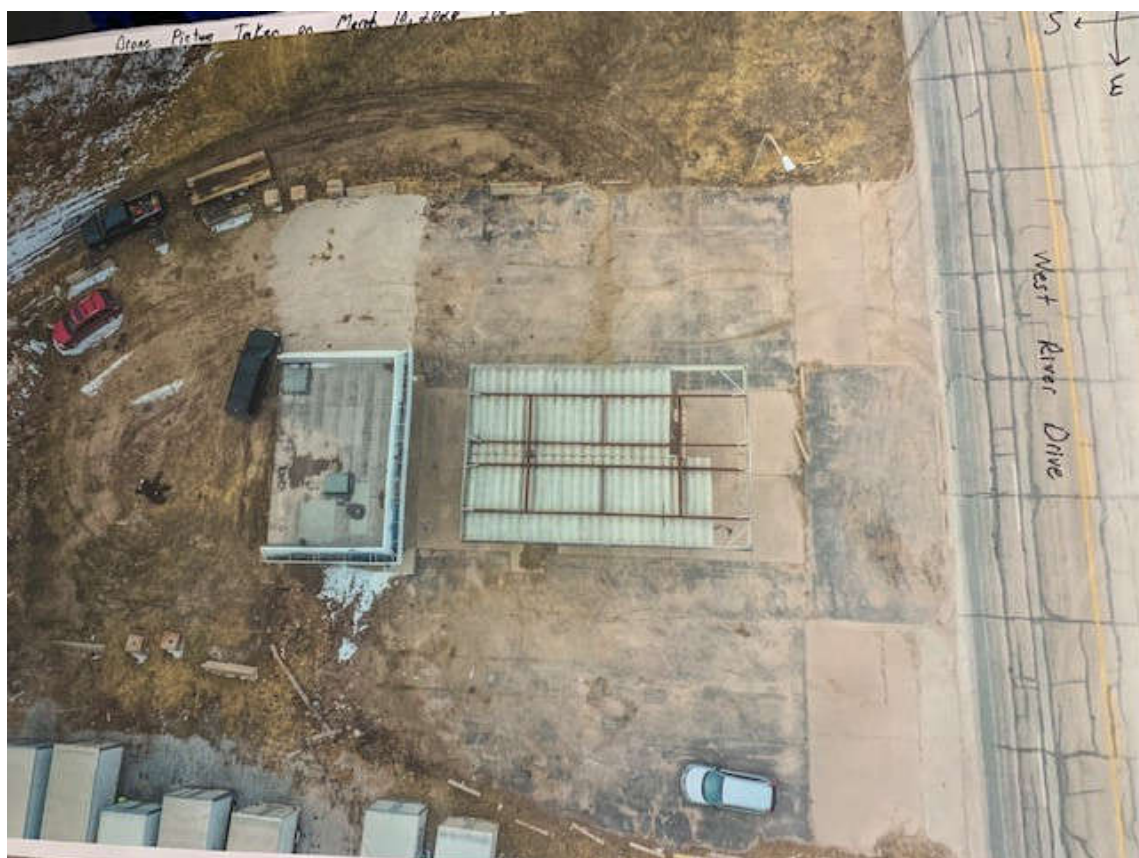
Printed Name(s)

Any Alteration or Erasure Voids This Title

EXHIBIT

11 p. 2

Petitioner Exhibits (submitted during the 3-10-22 Public Hearing)



Petitioner Exhibits (submitted during the 3-10-22 Public Hearing)



Petitioner Exhibits (submitted during the 3-10-22 Public Hearing)



**The following Documents were distributed electronically on March 4, 2022 prior to the 3-10-22 ZBA Meeting:**



**Zoning Board of Adjustment  
Planning Staff Report  
Appeal of Zoning Administrator's Interpretation  
1707 W River Drive | March 10, 2022**

**Description**

Request AA22-01 of Mike Meloy on behalf of John Davis/AlleyKats LLC for an appeal of an administrative interpretation, appealing the Zoning Administrator's interpretation letter dated December 9, 2021 regarding the sale of vehicles at 1707 West River Drive in the City of Davenport, Iowa. Property is zoned I-2 Heavy Industrial District. [Ward 3]

**Zoning Interpretation**

The City of Davenport Zoning Administrator sent a zoning interpretation letter dated December 9, 2021 to the contract owners and deed owner of 1707 West River Drive.

The Zoning Administrator's interpretation is that an automobile sales/vehicle dealership is not an allowed use at 1707 West River Drive (since Jan 20, 2019, date of the 2019 Zoning Code Rewrite), nor is the site allowed automobile sales as a nonconforming use, regardless any previously issued letters or city dealership licenses, specifically the letter dated February 4, 2020 written by Matt Flynn and city dealer license for Carter Auto Sales (#50015490).

The Flynn zoning determination letter relied on erroneous information regarding the established use of the property. Mr. Flynn relied on testimony that the site was in operation as a vehicle sales dealership continuously from the date of the M&S Motorsports license to the date the letter was issued, February 4, 2020. The reason the letter was written in error is that the determination pre-supposed a nonconforming use existing on the property, when in fact the site never had a legally established auto sales lot and business with inventory and sales physically occurring at the site.

**Background**

M&S Motorsports (#50014002) was issued a city dealership license on September of 2018 for 1707 W. River Dr. which expired March 31, 2019. There is no evidence that vehicle inventory was located on site, or that auto sales ever occur at 1707 W. River Dr. One of the reasons the site was never utilized was that the property owner failed to obtain a necessary Occupancy Permit, Building Permit, and Elevation Certificate.

Building permit do not indication that there was any substantial or moderate investment in the property to convert the site from a 2001 gas station, to a vehicle dealership in 2018 by M&S Motorsports LLC (or later in 2020 by Carter's Auto sales). At the time M&S Motorsports dealership license was issued by the City, the property was zoned M-2 Heavy Industrial District under the pre-'2019' zoning code. That license (#50014002), issued specifically to M&S Motorsports expired in July of 2019. Issuing a city dealership license for a use that was never physically present on the site does not vest the right for later use/establishment after a zoning code changed to disallow such use (which, as stated, has never been physically established on the site).

Since M&S vehicle dealership use was not established prior to the code changes dated January 20, 2019, the property no longer can be developed as a vehicle dealership, as the property no longer allows vehicle dealerships and due to the fact that no transition rules (which would allow for the continuance of a nonconforming use) apply under Section 17.01.040 'Transition Rules' (see Exhibit C

Carter's Auto Sales applied for a city dealership license on October 23, 2019 for 1707 W. River Dr. The application failed to provide the following:

1. total square feet of the sales lot,
2. maximum number of vehicles on the lot at any one time,
3. a site plan, and
4. copy of Iowa Department of Transportation approval

During the review of the city dealer's license, on Feb. 4, 2020 Matt Flynn issued a zoning determination letter which erroneously concluded that the property was a non-conforming property. The property was not listed on the City's list of non-conforming properties, nor was there any evidence that there had ever been any auto sales business physically present on the property and at the time the property was zoned I-2 Heavy Industrial District which does not support vehicle dealership as an allowed use. The city dealership license was then issued in error on April of 2020; however the dealership license is absent of an 'issue date' a 'fee paid' amount. The permit was later deactivated due to the aforementioned issues and inactivity on the lot. Additionally, there was never an occupancy permit issued.

Carter then sold the property to Veric LLC on December 29, 2020. Veric subsequently sold to Gunnar LLC on contract and Gunnar LLC sold to AllyKats on contract, all on the same date, December 29, 2020.

Staff's full interpretation is located in **Exhibit A. Zoning Administrator's Interpretation** and below for your convenience:

December 9, 2021

To Whom It May Concern,

A request for a dealership license for 1707 W. River Drive has been received by the City. On January 20, 2019 the property was zoned to I-2 Heavy Industrial Zoning District during a complete replacement of the city's zoning code. Auto dealership is not a permitted use in the I-2 District (see attached Table 17.08-1 Use Matrix). I am aware that a letter dated February 4, 2020 was issued by Matthew Flynn, Senior Planning Manager, stating that vehicle sales with outdoor display was considered a legal non-conforming use. Upon further review, this letter as well as a sub-lot to a primary dealership license was issued in error.

Licensing records show that a dealership license was issued for this property on September 27, 2018. While a dealership license had been issued for this property prior to the January 2019 Zoning Code changes which removed vehicle dealerships as an allowed use, review of aerial photos indicate a dealership use had not been physically established on the property. A Certificate of Occupancy was never issued for the property as the required Elevation Certificate was never received showing the work met Section 15.44: Flood Damage Prevention regulations in the City Code. Since the vehicle dealership use was not established prior to the code changes dated January 20, 2019, the property no longer can be developed as a vehicle dealership. No transition rules under 17.01.040 apply.

A property owner, or a person expressly authorized in writing by the property owner may file an appeal of the Zoning Administrator's interpretation. An application for appeal must be filed within 30 days of the date of this letter. After receipt of a complete application, the Zoning Board of Adjustment will consider the proposed zoning appeal at a public hearing. A Zoning Appeal application is enclosed for your review.

Sincerely,

Laura Berkley

Development & Planning Administrator

Enclosures: Letter dated February 4, 2020; Use Matrix Table 17.08-1 from current Zoning Code, Zoning Appeal Application

CC: Veric LLC, Gunnar LLC

Sent by certified and regular mail

### **Appeal of a Zoning Administrator's Interpretation**

The Davenport Zoning Ordinance allows for 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 to file an appeal of the Zoning Administrator's decision on a zoning interpretation decision related to the Zoning Ordinance (Section 17.14.130). The process is intended to provide appropriate checks and balances on the administrative authority of the Zoning Administrator.

The Zoning Board of Adjustment will take formal action on zoning administrative appeal application once a submittal is completed. The burden of proof is on the applicant of the appeal to prove the claims of the request.

The applicant's appeal is stated as follows from the Appeal Application:

"Veric, L.L.C. & AllyKats L.L.C. appeals the decision of a zoning interpretation for real property located at 1707 W. River Drive, Davenport, Iowa 52802. The December 9, 2021 letter from the City erroneously interpreted the Davenport zoning ordinance.

The use of this property as a vehicle sale use with outdoor storage was approved on February 4, 2020. See attached February 4, 2020 letter from Matthew Flynn to Derric Carter. Flynn reviewed and approved the operation at 1707 W. River Drive, who is Davenport Senior Planning Manager.

We request the Zoning Board overrule the December 9, 2021 zoning decision as erroneous and contradicted by the clear evidence of Mr. Flynn's February 4, 2020 letter to Derric Carter and the issuance of business licenses to this real property in 2018 and 2021. See Senior Planning Manager Matthew G. Flynn's, AICP, February 4, 2020 letter and attached business licenses from the City. The City now claims Mr. Flynn's letter was an "error" and refuses to allow the auto vehicle sales to continue as a lawful business."

### **Board Options**

The "Zoning Board of Adjustment must either confirm or overturn the Zoning Administrator's decision" as specified in the City of Davenport Zoning Code (see Section 17.14.130).

If the Board confirms the Zoning Administrator's interpretation, the property would not be allowed to sell automobiles as a vehicle dealership.

### **Discussion**

The City Development & Planning Administrator (who is designated as the City Zoning Administrator) reviewed the real property located at 1707 West River Drive for use a vehicle dealership.

The Zoning Administrator conducted the following in preparation for the interpretation:

- I. Review of existing documentation related to the property.
  - a. Determination letter dated February 4, 2020 written by Matt Flynn
  - b. City Dealership License for M&S Motorsports (#50014002)
  - c. City Dealership License for Carter's Auto Sales (#50015490)

II. Review of historic aerial and street-view photography

All know city inspection records, GIS data files and third party photography was reviewed in addition to the Scott County Assessor's inspection photos and data from [www.ScottCountyIowa.com](http://www.ScottCountyIowa.com) .

III. A review of the Davenport Municipal Code (both the January 20, 2019 and the pre-2019 Zoning Codes).

**Findings & Staff Recommendation:**

Findings:

- No evidence has been submitted demonstrating actual operation of the site as a car sales lot
- No evidence has been submitted demonstrating the site is a non-conforming site with vested rights to operate a vehicle sales dealership
- No significant amount of investment in the property has occurred for the conversion of the property to a vehicle sales operation

Recommendation:

Staff recommends the Board "Move to confirm the interpretation of the Zoning Administrator in the letter addressed to Veric LLC/AlleyKats LLC dated December 9, 2021 (also identified in this report as **Exhibit A. Zoning Administrator's Interpretation**).

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA Notice of appeal application, notice documents, exhibits

Exhibits:

- A. Zoning Administrator's Interpretation
- B. Administrative Appeal Application
- C. Transition Rules 17.01.040.F
- D. City Business Licenses/Applications
- E. City Building Permit Record
- F. Aerial & Site Photography

## Exhibit A. Zoning Administrator's Interpretation



December 9, 2021

AllyKats LLC  
822 Indian Road  
Davenport, IA 52804

RE: Zoning Interpretation for 1707 W. River Drive, Davenport, Iowa

To Whom It May Concern,

A request for a dealership license for 1707 W. River Drive has been received by the City. On January 20, 2019 the property was zoned to I-2 Heavy Industrial Zoning District during a complete replacement of the city's zoning code. Auto dealership is not a permitted use in the I-2 District (see attached Table 17.08-1 Use Matrix). I am aware that a letter dated February 4, 2020 was issued by Matthew Flynn, Senior Planning Manager, stating that vehicle sales with outdoor display was considered a legal non-conforming use. Upon further review, this letter as well as a sub-lot to a primary dealership license was issued in error.

Licensing records show that a dealership license was issued for this property on September 27, 2018. While a dealership license had been issued for this property prior to the January 2019 Zoning Code changes which removed vehicle dealerships as an allowed use, review of aerial photos indicate a dealership use had not been physically established on the property. A Certificate of Occupancy was never issued for the property as the required Elevation Certificate was never received showing the work met Section 15.44: Flood Damage Prevention regulations in the City Code. Since the vehicle dealership use was not established prior to the code changes dated January 20, 2019, the property no longer can be developed as a vehicle dealership. No transition rules under 17.01.040 apply.

A property owner, or a person expressly authorized in writing by the property owner may file an appeal of the Zoning Administrator's interpretation. An application for appeal must be filed within 30 days of the date of this letter. After receipt of a

complete application, the Zoning Board of Adjustment will consider the proposed zoning appeal at a public hearing. A Zoning Appeal application is enclosed for your review.

Sincerely,

A handwritten signature in blue ink, reading "Laura Berkley". The signature is fluid and cursive, with the first name "Laura" being more prominent than the last name "Berkley".

Laura Berkley  
Development & Planning Administrator

Enclosures: Letter dated February 4, 2020; Use Matrix Table 17.08-1 from current Zoning Code, Zoning Appeal Application

CC: Veric LLC, Gunnar LLC

Sent by certified and regular mail



# DAVENPORT

COMMUNITY PLANNING &  
ECONOMIC DEVELOPMENT

February 4, 2020

Mr. Derric Carter  
4620 Rockingham Rd.  
Davenport, IA 52802

Subject: Zoning Verification Letter, 1707 W. River Drive

Dear Mr. Carter:

You have requested a zoning verification letter in order to allow vehicle sales with outdoor display at 1707 W. River Drive.

In January of 2019, the City of Davenport adopted a new zoning ordinance for the entire City. Part of this effort included assigning new zoning classifications to each parcel in the City. This property was classified I-2, Heavy Industrial Zoning District.

Vehicle sales with outdoor storage is not normally permitted within this zoning district. But in this case, the use was established before the new code was adopted and is considered a legal non-conforming use. Thus, the use is allowed for zoning purposes.

I understand you are still awaiting final approval of your business license application. Be advised I have already approved the application for zoning compliance as a legal non-conforming use. Other City Departments may have concerns that warrant attention.

Let me know if you have any questions.

Matthew G. Flynn, AICP  
Senior Planning Manager  
matt.flynn@davenportiowa.com  
563-888-2286

TABLE 17.08-1: USE MATRIX																							
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Adult Use																S	S					Sec. 17.08.030.A	
Agriculture																			P				
Amusement Facility - Indoor									P	P	P		P	P	P	P		P					
Amusement Facility - Outdoor										S	S				S	P		S					
Animal Care Facility – Large Animal																			P				
Animal Care Facility – Small Animal							S	S	P	P	P		S	S	P	P		P	P			Sec. 17.08.030.B	
Animal Breeder																			P			Sec. 17.08.030.B	
Art Gallery							P	P	P	P	P		P	P	P			P					
Arts and Fitness Studio							P	P	P	P	P		P	P	P			P					
Bar									P	P	P		P	P	P			P					
Bar – Neighborhood								P														Sec. 17.08.030.C	
Bed and Breakfast	S	S	S	S	S														P			Sec. 17.08.030.D	
Billboard									P	P						P	P					Sec. 17.08.030.E	
Body Modification Establishment								P	P	P	P		P		P			P					
Broadcasting Facility TV/Radio								P	P	P		P	P	P	P	P	P	P			P		
Campground																			S	P		Sec. 17.08.030.F	
Car Wash									P	P					S			P				Sec. 17.08.030.G	
Casino															P								
Cemetery																				P			
Children’s Home					P				P	P					P			S			P	Sec. 17.08.030.H	
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Community Center	P	P	P	P	P		P	P	P	P	P		P	P	P			P	P	P	P		
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	Sec. 17.08.030.I	
Conservation Area																			P	P			
Country Club																				P			
Cultural Facility							P	P	P	P	P		P	P	P			P		P	P		
Day Care Center					P		P	P	P	P	P	P	P	P	P	S		P			P	Sec. 17.08.030.J	
Day Care Home	P	P	P	P	P														P			Sec. 17.08.030.K	
Drive-Through Facility									P	P	S		S		P	P	P					Sec. 17.08.030.K	
Drug/Alcohol Treatment Facility, Residential									S	S					S			S			S	Sec. 17.08.030.L	
Drug Treatment Clinic									S	S					S			S			S	Sec. 17.08.030.L	
Domestic Violence Shelter					P			P	P	P					P			P			P	Sec. 17.08.030.H	
Dwelling – Accessory Dwelling Unit	P	P	P	P																		Sec. 17.08.030.M	

TABLE 17.08-1: USE MATRIX																							
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Dwelling – Manufactured Home						P													S			Sec. 17.08.030.N	
Dwelling - Multi-Family					P		P	P	P	P	S		P	P	P			P				Sec. 17.08.030.O	
Dwelling - Townhouse					P		P	P	P	P	S		P	P	P			P				Sec. 17.08.030.P	
Dwelling - Single-Family	P	P	P	P			P	P	P					P								Sec. 17.08.030.P	
Dwelling - Single-Family Semi-Detached		P	P	P	P		P	P	P		S			P								Sec. 17.08.030.P	
Dwelling - Two-Family (New Construction)			P	P	P		P	P	P		S			P								Sec. 17.08.030.P	
Dwelling - Two-Family (Conversion)					P		P	P	P					P								Sec. 17.08.030.P	
Educational Facility - Primary or Secondary	P	P	P	P	P																P		
Educational Facility - University or College										P	P	P	P		P						P		
Educational Facility - Vocational							S	S	S	P	P	P	P	S	P	P	P	P			P		
Equine, Keeping of/Equestrian Facility	P																		P			Sec. 17.08.030.Q	
Fairground																			S	S	P		
Financial Institution							P	P	P	P	P	P	P	P	P			P					
Financial Institution, Alternative									S	S					S			P				Sec. 17.08.030.R	
Food Bank																	P	P	P				
Food Pantry									P	S					S			S					
Funeral Home							S	S	S	P					P			P					
Gas Station								S	P	P	S				P	P	P	P				Sec. 17.08.030.S	
Golf Course/Driving Range																				P			
Government Office/Facility							P	P	P	P	P	P	P	P	P	P	P	P		P	P		
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Greenhouse/Nursery - Retail										P					P			P	S				
Group Home	P	P	P	P	P																	Sec. 17.08.030.T	
Halfway House									S	S					S			S			S	Sec. 17.08.030.L	
Healthcare Institution																					P		
Heavy Rental and Service																P		P					
Heavy Retail										S					S	P		P					
Homeless Shelter									S	S					S			S			S	Sec. 17.08.030.L	
Hotel									P	P	P	P	P	S	P			P					
Industrial - General																	P						
Industrial - Light												P				P	P	P					
Industrial Design								P	P	P		P	P		P	P	P	P					

TABLE 17.08-1: USE MATRIX																							
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Live Performance Venue										P	P		P	P	P	P		P					
Lodge/Meeting Hall	S	S	S	S	S		P	P	P	P	P	P	P	P	P	P	P	P	P			Sec. 17.08.030.U	
Manufactured Home Park						P																	
Medical/Dental Office							P	P	P	P	P	P	P	P	P			P			P		
Micro-Brewery/Distillery/Winery									P	P	P		P	P	P	P		P					
Neighborhood Commercial Establishment		S	S	S	S																	Sec. 17.08.030.V	
Office							P	P	P	P	P	P	P	P	P	P	P	P			P		
Outdoor Dining							P	P	P	P	P	P	P	P	P	P	P	P			P	Sec. 17.08.030.W	
Parking Lot (Principal Use)								S	S	S	S	S	S	S	S	P	S	S			P	Chapter 17.10	
Parking Structure (Principal Use)								S	S	P	P	P	S	S	P			P			P	Chapter 17.10	
Personal Service Establishment							P	P	P	P	P	P	P	P	P	P		P			P		
Place of Worship	P	P	P	P	P		S	S	P	P	P		P	P	P	P			P		P		
Private Recreation Facility								P	P	P	P	P	P	P	P	P		P			P		
Public Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P		
Public Safety Facility					P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Public Works Facility												P				P	P	P	P		P		
Reception Facility	S	S	S	S				S	S	P	P		S	S	P			P	S			Sec. 17.08.030.X	
Recreational Vehicle (RV) Park																			S	S		Sec. 17.08.030.F	
Research and Development												P				P	P	P			P		
Residential Care Facility					P		P	P	P	P	P	P	P		P	P		P			P	Sec. 17.08.030.Y	
Restaurant								P	P	P	P	P	P	P	P	P	P	P		P	P		
Retail Goods Establishment							P	P	P	P	P	P	P	P	P	P	P	P			P		
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Retail Alcohol Sales									P	P	S		S		P	P							
Retail Sales of Fireworks																P	P					Sec. 17.08.030.Z	
Salvage Yard																	S						
Self-Storage Facility: Enclosed									S	S					P	P	P	P				Sec. 17.08.030.AA	
Self-Storage Facility: Outdoor																P	P	S				Sec. 17.08.030.AA	
Social Service Center									P	P					P			P			P		
Solar Farm												P				P	P		S		P	Sec. 17.08.030.BB	
Specialty Food Service								P	P	P	P		P	P	P	P		P					
Storage Yard - Outdoor																P	P					Sec. 17.08.030.CC	
Truck Stop																P	P						

TABLE 17.08-1: USE MATRIX																							
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Vehicle Dealership – Enclosed										P		S	P		P	S		P					
Vehicle Dealership – With Outdoor Storage/Display										S					S	S		P					
Vehicle Operation Facility																P	P				P		
Vehicle Rental – Enclosed										P		S	P		P	S		P					
Vehicle Rental – With Outdoor Storage/Display										S					S	S		P					
Vehicle Repair/Service– Major										S						P	P	P				Sec. 17.08.030.EE	
Vehicle Repair/Service – Minor									P	P					P	P	P	P				Sec. 17.08.030.EE	
Warehouse																P	P						
Wholesale Establishment																P	P	S					
Wind Energy System												S				S	S		S		S	Sec. 17.08.030.EE	
Wine Bar								S	P	P	P		P	P	P			P					
Winery																			S				
Wireless Telecommunications	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 17.08.030.FF	
Wireless Telecommunications – Stealth Design Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 17.08.030.FF	
Wireless Telecommunications – DAS Co-Location	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 17.08.030.FF	
Wireless Telecommunications – DAS New Pole	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 17.08.030.FF	
TEMPORARY USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Farmers' Market					T		T	T	T	T	T	T	T	T	T			T	T	T	T	Sec. 17.08.040.A	
Real Estate Project Sales Office/Model Unit	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T	T	T			T	Sec. 17.08.040.B	
Temporary Cell On Wheels (COW)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.C	
Temporary Contractor Office and Contractor Yard	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.D	
Temporary Outdoor Entertainment	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T		T	T	T	T	Sec. 17.08.040.E	
Temporary Outdoor Sales (No Fireworks Stand)	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T		T	T		T	Sec. 17.08.040.F	
Temporary Outdoor Sales - Fireworks Stand Only																T	T					Sec. 17.08.040.G	
Temporary Outdoor Storage Container	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.H	



Complete application can be emailed to [planning@davenportiowa.com](mailto:planning@davenportiowa.com)

**Property Address\***

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

**Applicant (Primary Contact)\*\***

Name:

Company:

Address:

City/State/Zip:

Phone:

Email:

*Application Form Type:*

**Plan and Zoning Commission**

Zoning Map Amendment (Rezoning)

Planned Unit Development

Zoning Ordinance Text Amendment

Right-of-way or Easement Vacation

Voluntary Annexation

**Owner** (if different from Applicant)

Name:

Company:

Address:

City/State/Zip

Phone:

Email:

**Zoning Board of Adjustment**

Zoning Appeal

Special Use

Hardship Variance

**Design Review Board**

Design Approval

Demolition Request in the Downtown

Demolition Request in the Village of

East Davenport

**Engineer** (if applicable)

Name:

Company:

Address:

City/State/Zip

Phone:

Email:

**Historic Preservation Commission**

Certificate of Appropriateness

Landmark Nomination

Demolition Request

**Architect** (if applicable)

Name:

Company

Address:

City/State/Zip:

Phone:

Email:

**Administrative**

Administrative Exception

Health Services and Congregate

Living Permit

**Attorney** (if applicable)

Name:

Company:

Address:

City/State/Zip:

Phone:

Email:

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

**Request:**

Please describe the zoning appeal:

Existing Zoning:

**Submittal Requirements:**

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed improvements affected by the appeal. If a paper copy is provided, the maximum size is 11" x 17".
- Supporting documentation and evidence.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- Required fee - \$250.

**The Applicant hereby acknowledges and agrees to the following procedure and requirements:****(1) Application:**

- Prior to submission of the application for the zoning appeal, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the appeal process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.
- Pursuant to Section 17.14.130 of the Davenport City Code zoning appeals shall be filed in writing within 30 calendar days after the decision is rendered with the Zoning Administrator.

**(2) Zoning Board of Adjustment's consideration of the zoning appeal:**

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

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

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

Applicant:

Date:

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

Received by:

Planning staff

Date:

Date of the Public Hearing:

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

**Authorization to Act as Applicant**

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

\_\_\_\_\_

\_\_\_\_\_

Signature(s)\*

\*Please note: original signature(s) required.

# ZBA Calendar 2022

## ZONING BOARD OF ADJUSTMENT

**\*\*\* The Applicant or their representative MUST be at the Meeting/Public Hearing \*\*\***

**NOTE: Special Use Site Plans MUST be review prior to placement on the ZBA schedule.**

Day:	Monday (4PM)	Thursday (4PM)
Activity:	<b>Submittal</b>	<b>Meeting</b>
Date:	12/20/21	01/13/22
	01/03/21	01/27/22
	01/14/22 *	02/10/22
	01/31/22	02/24/22
	02/14/22	03/10/22
	02/28/22	03/24/22
	03/21/22	04/14/22
	04/04/22	04/28/22
	04/18/22	05/12/22
	05/02/22	05/26/22
	05/16/22	06/09/22
	05/27/22 *	06/23/22
	06/20/22	07/14/22
	07/01/22 *	07/28/22
	07/18/22	08/11/22
	08/01/22	08/25/22
	08/15/22	09/08/22
	08/29/22	09/22/22
	09/19/22	10/13/22
	10/03/22	10/27/22
	10/17/22	11/10/22
	No Meeting	No Meeting (Thanksgiving)
	11/14/22	12/08/22
	No Meeting	No Meeting (Christmas)
	12/19/22	01/12/23
	12/30/22 *	01/26/23

### Application Due:

**4:00 PM**

**Public Works Facility**

**1200 E 46th St | Davenport IA, 52807**

### Meeting Appearance (REQUIRED):

**4:00 PM**

**Council Chambers | City Hall**

**226 W 4th St | Davenport IA 52801**

\*Date changed due to Holiday | Location/Time are subject to change  
Contact [planning@davenportiowa.com](mailto:planning@davenportiowa.com) to confirm meeting date/time/location

## Exhibit B. Zoning Appeal Application



226 West 4<sup>th</sup> Street  
Davenport, Iowa 52801  
(563) 326-7765  
[Planning@ci.davenport.ia.us](mailto:Planning@ci.davenport.ia.us)

Complete application can be emailed to [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

**Property Address\*** 1707 W. River Drive, Davenport, Iowa 52802

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

### **Applicant (Primary Contact)\*\***

Name: Veric, L.L.C. & AllyKats, L.L.C.  
Company:   
Address: 1707 W. River Drive  
City/State/Zip: Davenport, IA 52802  
Phone: 563-449-7686  
Email:

*Application Form Type:*

### **Plan and Zoning Commission**

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

### **Owner (if different from Applicant)**

Name: Veric, L.L.C.  
Company:   
Address: 2490 Heather Glen Ave.  
City/State/Zip: Bettendorf, IA 52722  
Phone:   
Email: rvesole@gmail.com

### **Zoning Board of Adjustment**

Zoning Appeal ☒  
Special Use ☐  
Hardship Variance ☐

### **Design Review Board**

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

### **Engineer (if applicable)**

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

### **Historic Preservation Commission**

Certificate of Appropriateness ☐  
Landmark Nomination ☐  
Demolition Request ☐

### **Architect (if applicable)**

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

### **Administrative**

Administrative Exception ☐  
Health Services and Congregate Living Permit ☐

### **Attorney (if applicable)**

Name: Michael J. Meloy  
Company: Meloy Law Office  
Address: 2535 Tech Drive, Ste. 206  
City/State/Zip: Bettendorf, IA 52722  
Phone: 563-359-3959  
Email: mike@meloylaw.com

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

**Request:**

Please describe the zoning appeal:

Veric, L.L.C. & AllyKats L.L.C. appeals the decision of a zoning interpretation for real property located at 1707 W. River Drive, Davenport, Iowa 52802. The December 9, 2021 letter from the City erroneously interpreted the Davenport zoning ordinance. The use of this property as a vehicle sale use with outdoor storage was approved on February 4, 2020. See attached February 4, 2020 letter from Matthew Flynn to Derric Carter. Flynn reviewed and approved the operation at 1707 W. River Drive, who is Davenport Senior Planning Manager. We request the Zoning Board overrule the December 9, 2021 zoning decision as erroneous and contradicted by the clear evidence of Mr. Flynn's February 4, 2020 letter to Derric Carter and the issuance of business licenses to this real property in 2018 and 2021. See Senior Planning Manager Matthew G. Flynn's, AICP, February 4, 2020 letter and attached business licenses from the City. The City now claims Mr. Flynn's letter was an "error" and refuses to allow the auto vehicle sales to continue as a lawful business.

Existing Zoning: M-1

**Submittal Requirements:**

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed improvements affected by the appeal. If a paper copy is provided, the maximum size is 11" x 17".
- Supporting documentation and evidence.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- Required fee - \$250.

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

(1) Application:

- Prior to submission of the application for the zoning appeal, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the appeal process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.
- Pursuant to Section 17.14.130 of the Davenport City Code zoning appeals shall be filed in writing within 30 calendar days after the decision is rendered with the Zoning Administrator.

(2) Zoning Board of Adjustment's consideration of the zoning appeal:

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

Applicant:

Date:

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

Received by:

Date:

Planning staff

Date of the Public Hearing:

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

### Authorization to Act as Applicant

I, John Davis  
authorize Michael J. Meloy  
to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located  
at 1707 West River Drive, Davenport, Iowa.



Signature(s)\*

\*Please note: original signature(s) required.



# DAVENPORT

DEVELOPMENT &  
NEIGHBORHOOD SERVICES

December 9, 2021

Veric LLC  
2490 Heather Glen Avenue  
Bettendorf, IA 52722

RE: Zoning Interpretation for 1707 W. River Drive, Davenport, Iowa

Dear Mr. Vesole,

A request for a dealership license for 1707 W. River Drive has been received by the City. On January 20, 2019 the property was zoned to I-2 Heavy Industrial Zoning District during a complete replacement of the city's zoning code. Auto dealership is not a permitted use in the I-2 District (see attached Table 17.08-1 Use Matrix). I am aware that a letter dated February 4, 2020 was issued by Matthew Flynn, Senior Planning Manager, stating that vehicle sales with outdoor display was considered a legal non-conforming use. Upon further review, this letter as well as a sub-lot to a primary dealership license was issued in error.

Licensing records show that a dealership license was issued for this property on September 27, 2018. While a dealership license had been issued for this property prior to the January 2019 Zoning Code changes which removed vehicle dealerships as an allowed use, review of aerial photos indicate a dealership use had not been physically established on the property. A Certificate of Occupancy was never issued for the property as the required Elevation Certificate was never received showing the work met Section 15.44: Flood Damage Prevention regulations in the City Code. Since the vehicle dealership use was not established prior to the code changes dated January 20, 2019, the property no longer can be developed as a vehicle dealership. No transition rules under 17.01.040 apply.

A property owner, or a person expressly authorized in writing by the property owner may file an appeal of the Zoning Administrator's interpretation. An application for appeal must be filed within 30 days of the date of this letter. After receipt of a

complete application, the Zoning Board of Adjustment will consider the proposed zoning appeal at a public hearing. A Zoning Appeal application is enclosed for your review.

Sincerely,



Laura Berkley  
Development & Planning Administrator

Enclosures: Letter dated February 4, 2020; Use Matrix Table 17.08-1 from current Zoning Code, Zoning Appeal Application

CC: AllyKats LLC, Gunnar LLC

Sent by certified and regular mail



# DAVENPORT

COMMUNITY PLANNING &  
ECONOMIC DEVELOPMENT

February 4, 2020

Mr. Derric Carter  
4620 Rockingham Rd.  
Davenport, IA 52802

Subject: Zoning Verification Letter, 1707 W. River Drive

Dear Mr. Carter:

You have requested a zoning verification letter in order to allow vehicle sales with outdoor display at 1707 W. River Drive.

In January of 2019, the City of Davenport adopted a new zoning ordinance for the entire City. Part of this effort included assigning new zoning classifications to each parcel in the City. This property was classified I-2, Heavy Industrial Zoning District.

Vehicle sales with outdoor storage is not normally permitted within this zoning district. But in this case, the use was established before the new code was adopted and is considered a legal non-conforming use. Thus, the use is allowed for zoning purposes.

I understand you are still awaiting final approval of your business license application. Be advised I have already approved the application for zoning compliance as a legal non-conforming use. Other City Departments may have concerns that warrant attention.

Let me know if you have any questions.

Matthew G. Flynn, AICP  
Senior Planning Manager  
matt.flynn@davenportiowa.com  
563-888-2286

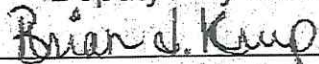
TABLE 17.08-1: USE MATRIX

TABLE 17.08-1: USE MATRIX																														
PRINCIPAL USE																														
	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	R-11	R-12	R-13	R-14	R-15	R-16	R-17	R-18	R-19	R-20	R-21	R-22	R-23	R-24	R-25	R-26	R-27	R-28	R-29	R-30
Adult Use																														
Agriculture																														
Amusement Facility - Indoor																														
Amusement Facility - Outdoor																														
Animal Care Facility - Large Animal																														
Animal Care Facility - Small Animal																														
Animal Breeder																														
Art Gallery																														
Arts and Fitness Studio																														
Bar																														
Bar - Neighborhood																														
Bed and Breakfast																														
Billboard																														
Body Modification Establishment																														
Broadcasting Facility TV/Radio																														
Campground																														
Car Wash																														
Casino																														
Cemetery																														
Children's Home																														
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	R-11	R-12	R-13	R-14	R-15	R-16	R-17	R-18	R-19	R-20	R-21	R-22	R-23	R-24	R-25	R-26	R-27	R-28	R-29	R-30
Community Center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Conservation Area																														
Country Club																														
Cultural Facility																														
Day Care Center																														
Day Care Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Drive-Through Facility																														
Drug/Alcohol Treatment Facility, Residential																														
Drug Treatment Clinic																														
Domestic Violence Shelter																														
Dwelling - Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

POST IN A CONSPICUOUS PLACE	City of Davenport, IA BUSINESS LICENSE 2018 THIS LICENSE EXPIRES 03/31/2019	License Number 50014002

Business Name: M&S MOTORSPORTS  
Address: 1707 W RIVER DRIVE  
DAVENPORT, IA 52802

Account Number: 920242203

<b>Business License</b> Witnessed and the seal of the City of Davenport Brian Krup Deputy City Clerk 	Type CAR/TRUCK USED DEALER	Quantity 1	Fee 100.00	Penalty 0	Total 100.00
	Total Paid: 100.00 0 100.00				
	Comments:				
Date Issued: 09/25/2018					

**This License is NON-Transferable**

CUSTOMER FILE COPY	City of Davenport, IA BUSINESS LICENSE 2018 THIS LICENSE EXPIRES 03/31/2019	License Number 50014002


Date Issued: 09/25/2018

Business Location:

M&S MOTORSPORTS  
1707 W RIVER DRIVE  
DAVENPORT, IA 52802

Mailing Address

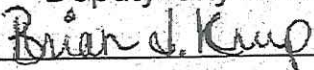
M&S MOTORSPORTS  
1707 W RIVER DRIVE  
DAVENPORT, IA 52802

<b>Business License</b> Witnessed and the seal of the City of Davenport Brian Krup Deputy City Clerk 	Type CAR/TRUCK USED DEALER	Quantity 1	Fee 100.00	Penalty 0	Total 100.00
	Total Paid: 100.00 0 100.00				
	Comments:				

POST IN A CONSPICUOUS PLACE	City of Davenport, IA BUSINESS LICENSE 2021 THIS LICENSE EXPIRES 03/31/2022	License Number 50015490

Business Name: CARTER AUTO SALES  
Address: 2637 ROCKINGHAM  
DAVENPORT, IA 52802

Account Number: 920241153

<b>Business License</b> Witnessed and the seal of the City of Davenport Brian Krup Deputy City Clerk 	Type	Quantity	Fee	Penalty	Total
	CAR/TRUCK USED DEALER SUBLOT	1	0.00	0	0.00
	Total Paid:				
	Comments: SUBLOT LOCATION 1707 W RIVER DRIVE K0022-04				
Date Issued:					

This License is NON-Transferable

CUSTOMER FILE COPY	City of Davenport, IA BUSINESS LICENSE 2021 THIS LICENSE EXPIRES 03/31/2022	License Number 50015490


Date Issued:

Business Location:

CARTER AUTO SALES  
2637 ROCKINGHAM  
DAVENPORT, IA 52802

Mailing Address

CARTER AUTO SALES  
2637 ROCKINGHAM  
DAVENPORT, IA 52802

<b>Business License</b> Witnessed and the seal of the City of Davenport Brian Krup Deputy City Clerk 	Type	Quantity	Fee	Penalty	Total
	CAR/TRUCK USED DEALER SUBLOT	1	0.00	0	0.00
	Total Paid:				
	Comments: SUBLOT LOCATION 1707 W RIVER DRIVE K0022-04				

## Exhibit C. Transition Rules 17.01.040.F

### Section 17.01.040 Transition Rules

#### A. Existing Illegal Structures and Uses

A structure or use that is illegal at the time of the adoption of, but is made legal by the provisions of this Ordinance, is deemed lawful as of the effective date of this Ordinance. However, if that structure or use does not conform to every requirement of this Ordinance, then that structure or use remains illegal and is subject to the enforcement provisions of this Ordinance.

#### B. Existing Uses

1. If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, and now that use is classified as a permitted use as of the effective date of this Ordinance or any subsequent amendment to this Ordinance, that use is classified as a permitted use.
2. If a structure or land is used in a manner that was classified as a special use prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, and now that use is classified as a special use as of the effective date of this Ordinance or any subsequent amendment to this Ordinance, that use is classified as a special use and subject to the approval conditions under which it was originally approved.
3. If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, and now that use is classified as a special use as of the effective date of this Ordinance or any subsequent amendment to this Ordinance, that use is deemed a special use. Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Ordinance for special uses.
4. If a structure or land is used in a manner that was classified as a special use prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, and that use is now classified as a permitted use as of the effective date of this Ordinance or any subsequent amendment to this Ordinance, that use is deemed a permitted use. Any subsequent addition, enlargement, or expansion of that use must conform to any Ordinance requirements for such permitted use and is no longer subject to any approval conditions under which it was originally approved.
5. If a structure or land is used in a manner that was classified as permitted or special use prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, but this Ordinance no longer classifies that use as either a permitted or special use in the zoning district in which it is located, that use is deemed a nonconforming use and is controlled by the provisions of Chapter 17.15.

#### C. Structures Rendered Nonconforming

If a structure existing on the effective date of this Ordinance was a conforming structure before the effective date of this Ordinance, but such structure does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that structure is deemed a nonconforming structure and is controlled by the provisions of Chapter 17.15.

#### **D. Lots Rendered Nonconforming**

If a lot of record existing on the effective date of this Ordinance was a conforming lot before the effective date of this Ordinance, but such lot does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that lot is deemed a nonconforming lot of record and is controlled by the provisions of Chapter 17.15.

#### **E. Site Characteristics Rendered Nonconforming**

If a site characteristic existing on the effective date of this Ordinance was conforming before the effective date of this Ordinance or any subsequent amendment to this Ordinance, but such site characteristic does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that site characteristic is deemed a nonconforming site characteristic and is controlled by the provisions of Chapter 17.15.

#### **F. Previously Issued Building Permits**

If a building permit for a structure was lawfully issued prior to the effective date of this Ordinance, and remains active and in good standing, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under a certificate of occupancy for the use originally intended.

#### **G. Previously Granted Variances**

All variance approvals granted prior to the effective date of this Ordinance remain in full force and effect, unless such variance is no longer needed after the effective date. The recipient of the variance may proceed to develop the property in accordance with the approved plans and all applicable conditions. However, if the recipient has failed to act on the variance before the approval expires, including any approved periods of extension, then the provisions of this Ordinance govern.

#### **H. Previously Granted Special Uses**

1. All special uses granted prior to the effective date of this Ordinance, but where the use has not yet commenced, remain in full force and effect. The recipient of the special use may proceed to use the property in accordance with the approved plans and all applicable conditions.
2. However, if the special use becomes a permitted use in the district as of the effective date, such special use approval is no longer needed.
3. If the recipient has failed to act on the special use before the approval expires, including any approved periods of extension, then the special use is null and void.

#### **I. Previously Approved Planned Developments**

1. Previously approved TND Traditional Neighborhood Development Districts remain in effect and continue to control the development of land that is subject to such approval. These previously approved planned development districts are considered planned unit developments as of the effective date of this Ordinance. Any amendments to existing planned developments are subject to the amendment procedures of planned unit developments unless specific amendment process has been included as part of the approval.
2. Previously approved PID Planned Institutional Districts remain in effect and continue to control the development of land that is subject to such approval. These previously approved planned development districts are considered the S-IC Institutional Campus District as of the effective date of this Ordinance. Any amendments to existing planned developments are subject to the amendment procedures of the S-IC District unless specific amendment process has been included as part of the approval.

#### **J. Pending Applications**

1. A variance, special use, or design review application that has been deemed complete and has been scheduled for a public hearing or meeting, as applicable, is subject to the Ordinance requirements in effect on the date the application was deemed complete.
2. A building permit that has been submitted and deemed complete is subject to the Ordinance requirements in effect on the date the application was deemed complete.

## Exhibit D. City Business Licenses

Jamie Swanson












**From:** Swanson, Jamie  
**Sent:** Tuesday, February 22, 2022 12:55 PM  
**To:** Koops, Scott E.; Shinbori, Jon  
**Cc:** Berkley, Laura; Odean, James  
**Subject:** RE: 1707 W. River Drive - any dealership licensee's  
**Attachments:** Email-BL\_NewCertificate#\_2070561.pdf; REV Business License - 11-5-2019.pdf; 1707 W River Dr 2020.pdf; Email-BL\_NewCertificate#\_2092097.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Scott,

I have attached the business license that was issued to M&S Motor Sports on 9/25/2018 and expired on 03/31/2019 (attachment 1).

The application to use 1707 W River Drive as a sub-lot (attachment 2) was submitted on 11/05/2019 and approved on 04/15/2020. You can find the history of the application below. There have been 2 sub-lot permits issued (attachments 3 & 4) for Carter Auto Sales.

Life Cycle	Queue	Entry User	Entry Date	Exit User	Exit Date
 	 	 	 	 	
Business License	Initial Q	TLINEHAN	11/5/2019 9:31:41 AM	MANAGER	11/5/2019 9:31:41 AM
Business License	PLANNING	MANAGER	11/5/2019 9:32:52 AM	MATT.FLYNN	11/13/2019 3:27:43 PM
Business License	Routing Q	MANAGER	11/5/2019 9:32:52 AM	MANAGER	11/5/2019 9:32:52 AM
Business License	BUILDING	MATT.FLYNN	11/13/2019 3:27:43 PM	TRISHNA.PRADI	12/12/2019 7:43:52 AM
Business License	CLERK	TRISHNA.PRADI	12/12/2019 7:43:52 AM	BKRUP	12/16/2019 9:03:59 AM
Business License	FIRE	BKRUP	12/16/2019 9:03:59 AM	F537	4/15/2020 10:08:39 AM
Business License	Approved	F537	4/15/2020 10:08:39 AM	TLINEHAN	4/17/2020 10:02:06 AM
Business License	Remove Docs Q	TLINEHAN	4/17/2020 10:02:06 AM	OBSERVICE	4/17/2020 10:02:06 AM

1707 W River Drive was not actively used as a sub-lot and did not have active utility (sewer/water) services from 08/28/2019 through 08/17/2021. The permit was changed to an "inactive" status on 12/02/2021.

If there is anything else that is needed, please let me know.

**Jamie Swanson**

Revenue Coordinator | Finance – Revenue  
City of Davenport

T 563-326-7795 | F 563-326-7722  
226 W 4th St, Davenport, IA 52801

[davenportiowa.com](http://davenportiowa.com)

Jamie Swanson

---

**From:** Swanson, Jamie  
**Sent:** Tuesday, March 1, 2022 8:58 AM  
**To:** Koops, Scott E.  
**Subject:** RE: 1707 W. River Drive - any dealership licensee's  
**Attachments:** Email-BL\_NewCertificate#\_2070561.pdf; 1707 W River Dr 2020.pdf; Email-BL\_NewCertificate#\_2092097.pdf

Scott,

On 9/25/2018, there was a regular dealer license for 1707 W River Drive. I have included the license that was previously attached for M&S Motor Sports. This license expired on 03/31/2019. The did not pay the renewal that began on 4/1/2019, and the account was deactivated on 7/19/2019.

The only "non-dealership" business license for 1707 W River Dr was the subplot license listed under 2637 Rockingham Rd as the main dealer license that the sub-lot was under. This license was approved on 04/15/2020 and expired on 03/31/2021, and the renewal went from 4/1/2021 through 03/31/2022. However, the subplot was not actively used and deactivated. This was for Carter Auto Sales.

Utilities were active from 03/01/2018-08/28/2019 under John Cernovich and then again from 08/17/2021-12/31/9999 (active) under River Drive Auto Sales LLC. It was inactive for nearly 2 years.

Please let me know if there is more information that is needed.

Thank you,

Jamie Swanson

---

**From:** Koops, Scott E.  
**Sent:** Monday, February 28, 2022 9:26 AM  
**To:** Swanson, Jamie <Jamie.Swanson@davenportiowa.com>  
**Subject:** FW: 1707 W. River Drive - any dealership licensee's

Jamie, I forgot to ask, from Jan 1 of 2017 to the present, has there been any regular (non-dealership) business licenses for 1707 W River Dr? And if so what where the date ranges and business names?

**Thank you!**

**SCOTT KOOPS, AICP**

Planner II | Development & Neighborhood Services (DNS)

**City of Davenport**



📞 563-328-6701

1200 E 46<sup>th</sup> ST | Davenport IA 52807

POST IN A CONSPICUOUS PLACE	<b>City of Davenport, IA</b> <b>BUSINESS LICENSE</b> <b>2018</b> <b>THIS LICENSE EXPIRES 03/31/2019</b>	License Number 50014002
		 <b>City of Davenport</b>

Business Name: M&S MOTORSPORTS  
 Address: 1707 W RIVER DRIVE  
 DAVENPORT, IA 52802

Account Number: 920242203

Witnessed  the  	<table border="1"> <thead> <tr> <th>Type</th> <th>Quantity</th> <th>Fee</th> <th>Penalty</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>CAR/TRUCK USED DEALER</td> <td>1</td> <td>100.00</td> <td>0</td> <td>100.00</td> </tr> </tbody> </table>	Type	Quantity	Fee	Penalty	Total	CAR/TRUCK USED DEALER	1	100.00	0	100.00
	Type	Quantity	Fee	Penalty	Total						
	CAR/TRUCK USED DEALER	1	100.00	0	100.00						
Total Paid: 100.00 0 100.00											
Comments:											

Date Issued: 09/25/2018

**This License is NON-Transferable**

CUSTOMER FILE COPY	<b>City of Davenport, IA</b> <b>BUSINESS LICENSE</b> <b>2018</b> <b>THIS LICENSE EXPIRES 03/31/2019</b>	License Number 50014002
		 <b>City of Davenport</b>



Date Issued: 09/25/2018

Business Location:

M&S MOTORSPORTS  
 1707 W RIVER DRIVE  
 DAVENPORT, IA 52802

Mailing Address

M&S MOTORSPORTS  
 1707 W RIVER DRIVE  
 DAVENPORT, IA 52802

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Total Paid: 100.00 0 100.00											
Comments:											



City of Davenport

paid  
10-24-19

City of Davenport  
Revenue Department  
226 West 4<sup>th</sup> Street  
Davenport, Iowa 52801  
Phone (563) 326-7715

**APPLICATION FOR MOTORCYCLE & MOTOR VEHICLE SALES & DEALER LICENSE**  
City Ordinance: Chapter 5.08 (Motorcycle) & 5.09 (Motor Vehicle)

**Application Date** 10-23-19 **Business Opening Date** ASAP

**Business Name** Carters Auto Sales **Address** 1707 W. River Drive

**City** Davenport **State** Iowa **Zip** 52802 **Phone** 319-651-7537

Name, address, and telephone number of all owners, including number of years a resident of Davenport, Iowa.

Derric Carter  
4620 Rockingham Rd  
5 years

**Type Dealership** - ☐ New ☒ Used **Total square feet of sales lot** extension lot! **Number of repair stalls** 1

Do you have shop facilities and personnel to repair all types of vehicles you will be selling? Yes

**Maximum number of vehicles / motorcycles that will be on lot at any one time** \_\_\_\_\_

**License Requirements:**

- Minimum Sales Lot Square Feet (sqft) – **Motor Vehicle Sales** 10,000 sqft and **Motorcycle Sale** 5,000 sqft
- Repair Stalls – **Motorcycle** min of 4 stalls, **Motor Vehicle** - 1-10 vehicles – 1 stall, 11-20 vehicles – 2 stalls, 21-50 vehicles – 4 stalls, 51-100 vehicles – 6 stalls, 101-200 vehicles – 8 stalls, >200 vehicles – 10 stalls
- This business shall have adequate facilities / equipment to satisfactorily service/repair the vehicles offered for sale and shall also have a competent mechanic available at all time.
- All shop facilities must be owned, leased, or otherwise controlled by the licensee
- The approval from the required facilities by the state department of safety

**Signature of Applicant** [Signature] **Date** \_\_\_\_\_

**Applicant Attachments:**

Site Plan

Copy of Iowa Department of Transportation approval

Pending

**Fee Schedule:**

Car / Truck New Dealer - Code 0069 - \$100.00  
Car / Truck Used Dealer - Code 0070 - \$100.00  
Motorcycle Dealer - Code 0158 - \$100.00



Return completed application to the address above along with a \$25 application fee

\* Sublot \*

POST IN A CONSPICUOUS PLACE	<b>City of Davenport, IA BUSINESS LICENSE 2020</b> <b>THIS LICENSE EXPIRES 03/31/2021</b>	License Number 50015490
		 City of Davenport

Business Name: CARTER AUTO SALES  
 Address: 2637 ROCKINGHAM  
 DAVENPORT, IA 52802

Account Number: 920241153

Witnessed and the seal of the  	<table border="1"> <thead> <tr> <th>Type</th> <th>Quantity</th> <th>Fee</th> <th>Penalty</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>CAR/TRUCK USED DEALER SUBLOT</td> <td>1</td> <td>0.00</td> <td>0</td> <td>0.00</td> </tr> <tr> <td colspan="2"><b>Total Paid:</b></td> <td><b>0.00</b></td> <td>0</td> <td>0.00</td> </tr> </tbody> </table>	Type	Quantity	Fee	Penalty	Total	CAR/TRUCK USED DEALER SUBLOT	1	0.00	0	0.00	<b>Total Paid:</b>		<b>0.00</b>	0	0.00
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<b>Total Paid:</b>		<b>0.00</b>	0	0.00												
Comments: SUBLOT LOCATION 1707 W RIVER DRIVE K0022-04																
<b>Date Issued:</b>																

**This License is NON-Transferable**

CUSTOMER FILE COPY	<b>City of Davenport, IA BUSINESS LICENSE 2020</b> <b>THIS LICENSE EXPIRES 03/31/2021</b>	License Number 50015490
		 City of Davenport

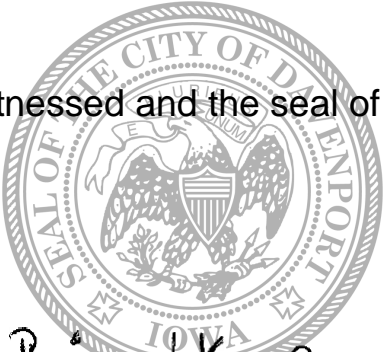

Date Issued:

Business Location:

CARTER AUTO SALES  
 2637 ROCKINGHAM  
 DAVENPORT, IA 52802

Mailing Address



CARTER AUTO SALES  
 2637 ROCKINGHAM  
 DAVENPORT, IA 52802

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Comments: SUBLOT LOCATION 1707 W RIVER DRIVE K0022-04																

POST IN A CONSPICUOUS PLACE	<b>City of Davenport, IA</b> <b>BUSINESS LICENSE</b> <b>2021</b> <b>THIS LICENSE EXPIRES 03/31/2022</b>	License Number 50015490
		 <b>City of Davenport</b>

Business Name: CARTER AUTO SALES  
 Address: 2637 ROCKINGHAM  
 DAVENPORT, IA 52802

Account Number: 920241153

Witnessed  the  	<table border="1"> <thead> <tr> <th>Type</th> <th>Quantity</th> <th>Fee</th> <th>Penalty</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>CAR/TRUCK USED DEALER SUBLOT</td> <td>1</td> <td>0.00</td> <td>0</td> <td>0.00</td> </tr> </tbody> </table>	Type	Quantity	Fee	Penalty	Total	CAR/TRUCK USED DEALER SUBLOT	1	0.00	0	0.00
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<b>Total Paid:</b> 0.00 0 0.00											
Comments: SUBLOT LOCATION 1707 W RIVER DRIVE K0022-04											

**Date Issued:**

**This License is NON-Transferable**

CUSTOMER FILE COPY	<b>City of Davenport, IA</b> <b>BUSINESS LICENSE</b> <b>2021</b> <b>THIS LICENSE EXPIRES 03/31/2022</b>	License Number 50015490
		 <b>City of Davenport</b>



Date Issued:

Business Location:

CARTER AUTO SALES  
 2637 ROCKINGHAM  
 DAVENPORT, IA 52802

Mailing Address

CARTER AUTO SALES  
 2637 ROCKINGHAM  
 DAVENPORT, IA 52802

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<b>Total Paid:</b> 0.00 0 0.00											
Comments: SUBLOT LOCATION 1707 W RIVER DRIVE K0022-04											

## Exhibit E. City Building Permit Record



**PLUMBING PERMIT**  
PUBLIC WORKS DEPARTMENT  
BUILDING INSPECTION DIVISION  
DAVENPORT, IOWA  
563.326.7745

Permit Number: **PLB-007178DAV**  
Job Address: **1707 W RIVER DR**

Issue Date: 5/28/2014  
Expiration Date: 11/24/2014

Permission is hereby given to:  
Contractor: CRAWFORD HTG & CLG CO

on 5/28/2014

To be used as: SINGLE FAMILY DWELLING  
Class of work: REPAIRS  
Parcel #:  
Legal Description:

Valuation: \$1,000.00

Owner Name THAD DENHARTOG 1707 WEST RIVER DRIVE LL Const. Type/Sq Ft:  
& Address: 835 GOLDEN VALLEY DR  
BETTENDORF IA 52722 Occupancy Load:  
Sprinkler Y/N: N

COMMENTS:  
WATER LINE REPAIRS

This permit is issued on the express condition that the above work shall conform in all respects to the statements certified to in the application for such permit, and that all work shall be done in accordance with all applicable zoning, building, electrical, land use, excavating, plumbing and mechanical ordinances of the City of Davenport and the State of Iowa. FAILURE TO IDENTIFY A CODE DEFICIENCY DURING THIS REVIEW OF THE APPLICATION FOR A BUILDING PERMIT DOES NOT GIVE THE PERMIT APPLICANT THE RIGHT TO VIOLATE THE CODE. THE FINAL INSTALLATION MUST BE IN CONFORMANCE WITH THE CODE. I or we further certify that we have read and understand the requirements of this permit and that all statements made by us in securing this permit are true and complete to the best of our knowledge.

TOTAL FEES: \$17.50

---

Inspector

---

Licensed Contractor/Owner

CRAWFORD HTG & CLG CO  
1306 MILL ST  
ROCK ISLAND IL 61201

Door

Men's  
Restroom

Women's  
Restroom

Front Door

6' x 12'  
Enclosed Office

Received By \_\_\_\_\_

Date \_\_\_\_\_

**City of Davenport Commercial Building Permit Application**

Public Works Department

1200 E. 46<sup>th</sup> St.

Davenport, Iowa

Phone: 563.326.7745/ Fax: 563.327.5182

**REQUIRED INFORMATION:**Job Address 1707 West River Drive Date \_\_\_\_\_Is the project located in a designated Flood Plain? / Yes / NoIs the project located in a Davenport Historical District? / Yes / NoIs the project on the Davenport Registry of Landmark Property? / Yes / NoOwner's Name: John CampovichAddress: 1032 Western AveCity: Kewanee State IL Zip 61443Phone: 1-309-525-5842

Signature of owner or contractor: \_\_\_\_\_

Contractor Name: Kelly's Painting & Concrete LLCContact: Hurt Kelly Phone 1-309-716-2414Address: 2764 Knox Rd 200ECity: Rio State IL Zip 61472Use or Occupancy: Storage Units - Used Car Dealership Square Ft. Area: 16,425 SFDescription of Project: Small Room + Door / Plumbing / etc

Cost Breakdown:	Dollar Amount	Subcontractor Name
Building	\$ 1,500	Kelly's Painting & Concrete LLC
Electric	\$ 2,100	L&L Electric
Heating	\$	
Plumbing	\$ 400	Right On Time

Total: \$ 4,000

Permit Fee \$ 67.25

Paid date \_\_\_\_\_ Rec'd by \_\_\_\_\_ Check # 16646

\*\*\*\*\*

**Checklist**

1. Survey Certificate (Standard Form) legal description. (New Construction Only)
2. 7 Full sets of construction documents shall be submitted for review. Construction documents shall include: Architectural, Engineering, Mechanical, Electrical, Plumbing, Landscape, Paving/Parking, Dimensioned Site Plan, Curb Cut, Storm Water Flow, Site Lighting and Utility construction details and specifications as required to convey the development. Additional schematics shall be submitted for individual fire sprinkler, fire/ smoke detection and alarm systems. Plans shall be submitted on substantial paper. An Iowa Architect and/or engineer's seal is required, as specified by the Building Official. (New and Additions)
3. One set of plans shall be submitted to Davenport City Assessor's Office, 400 W. 4<sup>th</sup> St. 52801. 563.326.8659
4. Check for Building Permit fees to accompany application. (ALL)
5. Sidewalk, approach, and work in the public right-of-way require separate permits issued by the Engineers Division. 563.326.7704
6. Sewer Connection Fee to be established by Engineering Division. 563.326.7704
7. Food establishments, public bath facilities and septic systems require prior approval from the Scott Co. Health Dept. 326.8618
8. Soil erosion plans and flood plain verification shall be submitted to the Engineering Division of the Public Works Department.

## FLOODPLAIN DEVELOPMENT PERMIT/APPLICATION

Application # \_\_\_\_\_

Date \_\_\_\_\_

TO THE ADMINISTRATOR: The undersigned hereby makes application for a Permit to develop in a floodplain. The work to be performed, including flood protection works, is as described below and in attachments hereto. The undersigned agrees that all such work shall be done in accordance with the requirements of the Floodplain Management Ordinance and with all other applicable county/city ordinances and the laws and regulations of the State of Iowa.

Owner or Agent: John Carnovich Date: \_\_\_\_\_ Builder: Hellus Painting & Concrete LLC Date: \_\_\_\_\_

Address: 1032 Western Ave. Havana, IL Address: 27164 Knox Rd 200E Rio, IL 61472

Phone: 1-309-525-5842 Phone: 1-309-716-2414

### SITE DATA

1. Location: \_\_\_\_\_ 1/4; \_\_\_\_\_ 1/4; section \_\_\_\_\_; Range \_\_\_\_\_ Township \_\_\_\_\_  
Street Address: 1707 West River Drive
2. Type of Development: Filling \_\_\_\_\_ Grading \_\_\_\_\_ Excavation \_\_\_\_\_ Min Improvement ☒  
Routine Maintenance \_\_\_\_\_ Substantial Improvement \_\_\_\_\_ New Const \_\_\_\_\_ Other \_\_\_\_\_
3. Description of Development: Small Room + Door / Plumbing
4. Premises: Size of site \_\_\_\_\_ ft X \_\_\_\_\_ ft Area of site 116,425 SF  
Estimated cost \$ 4,000 (Permit) Principal use Storage  
Accessory uses (storage, parking, etc.) \_\_\_\_\_
5. Addition or modification to nonconforming use? Yes \_\_\_\_\_ No \_\_\_\_\_  
Assessed value of structure \$ \_\_\_\_\_
6. Elevation of the 100-year flood (ID source) 564.5 ft NGVD 564.3 ft MSL/NGVD
7. Elevation of the proposed development site 560.2 - 562.2 ft 560 - 562 ft MSL/NGVD
8. Elevation/floodproofing requirement 565.5 ft 565.3 ft MSL/NGVD
9. Other floodplain elevation information (ID and describe source) \_\_\_\_\_
10. Other permits required? Corps of Engineer 404 Permit: Yes \_\_\_\_\_ No ☒  
State Dept. of Natural Resources: Yes \_\_\_\_\_ No ☒  
Other Building Permit  
All provisions of Ordinance 15.144, Floodplain Management  
Ordinance shall be in compliance.

### PERMIT APPROVAL/DENIAL

Plans and Specifications Approved Denial this 22<sup>nd</sup> Day of DECEMBER 2017

Signature of Developer/Owner

Authorizing Official

### REQUIRED

- UTILITIES TO BE ELEVATED ABOVE 565.5
- BACKFLOW PREVENTOR for ALL PLUMBING
- FLOOD VENTING REQUIRED

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT FLOOR) OF ANY NEW OR SUBSTANTIALLY IMPROVED RESIDENTIAL BUILDING WILL BE ELEVATED 1.0 FT. ABOVE THE BASE FLOOD ELEVATION. IF THE PROPOSED DEVELOPMENT IS A NON-RESIDENTIAL BUILDING, THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT) OF A NEW OR SUBSTANTIALLY IMPROVED NON-RESIDENTIAL BUILDING WILL BE ELEVATED OR FLOODPROOFED 1.0 FT. ABOVE THE BASE FLOOD ELEVATION.

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE DEVELOPER/OWNER WILL PROVIDE CERTIFICATION BY A REGISTERED ENGINEER, ARCHITECT, OR LAND SURVEYOR OF THE "AS-BUILT" LOWEST FLOOR (INCLUDING BASEMENT) ELEVATION OF ANY NEW OR SUBSTANTIALLY IMPROVED BUILDING COVERED BY THIS PERMIT.



**BUILDING PERMIT**  
PUBLIC WORKS DEPARTMENT  
BUILDING INSPECTION DIVISION  
DAVENPORT, IOWA  
563.326.7745

Permit Number: **BLD-030691DAV**  
Job Address: **1707 W RIVER DR**

Issue Date: 12/27/2017  
Expiration Date: 06/25/2018

Permission is hereby given to:  
Contractor: OWNER

on: 12/27/2017

To be used as: COMMERCIAL  
Class of work: REMODEL  
Parcel #:  
Legal Description:

Valuation: \$4,000.00

Owner Name JOHN CERNOVICH  
& Address: 1032 WESTERN AVE KEWANEE IL 61443

Const. Type/Sq Ft: VB / 748 SQ FT  
Occupancy Load: 8  
Sprinkler Y/N: N

**COMMENTS:**

CONSTRUCT NON LOAD BEARING WALLS TO CREATE SMALL OFFICE AND ADA RESTROOM. BUSINESS USE ONLY. ALL FLOODPLAIN REQUIRED PER SIGNED DEVELOPMENT APP.- UTILITIES ELVEATED, BACKFLOW PREVENTION ON PLUMBING, FLOOD VENTING REQUIRED. OTHER TRADES REQUIRE SEPARATE PERMITS. ALL PER CITY CODE. MR#11683-12

This permit is issued on the express condition that the above work shall conform in all respects to the statements certified to in the application for such permit, and that all work shall be done in accordance with all applicable zoning, building, electrical, land use, excavating, plumbing and mechanical ordinances of the City of Davenport, Iowa and the State of Iowa. FAILURE TO IDENTIFY A CODE DEFICIENCY DURING THIS REVIEW OF THE APPLICATION FOR A BUILDING PERMIT DOES NOT GIVE THE PERMIT APPLICANT THE RIGHT TO VIOLATE THE CODE. THE FINAL INSTALLATION MUST BE IN CONFORMANCE WITH THE CODE. I or we further certify that we have read and understand the requirements of this permit and that all statements made by us in securing this permit are true and complete to the best of our knowledge.

TOTAL FEES: \$67.25

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Inspector

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Licensed Contractor/Owner

OWNER

Davenport IA 52807



**BUILDING PERMIT**  
PUBLIC WORKS DEPARTMENT  
BUILDING INSPECTION DIVISION  
DAVENPORT, IOWA  
563.326.7745

Permit Number: **BLD-030691DAV**  
Job Address: **1707 W RIVER DR**

Issue Date: 12/27/2017  
Expiration Date: 06/25/2018

Permission is hereby given to:  
Contractor: OWNER

on: 12/27/2017

To be used as: COMMERCIAL  
Class of work: REMODEL  
Parcel #:  
Legal Description:

Valuation: \$4,000.00

Owner Name JOHN CERNOVICH  
& Address: 1032 WESTERN AVE KEWANEE IL 61443

Const. Type/Sq Ft: VB / 748 SQ FT  
Occupancy Load: 8  
Sprinkler Y/N: N

**COMMENTS:**

CONSTRUCT NON LOAD BEARING WALLS TO CREATE SMALL OFFICE AND ADA RESTROOM. BUSINESS USE ONLY. ALL FLOODPLAIN REQUIRED PER SIGNED DEVELOPMENT APP.- UTILITIES ELVEATED, BACKFLOW PREVENTION ON PLUMBING, FLOOD VENTING REQUIRED. OTHER TRADES REQUIRE SEPARATE PERMITS. ALL PER CITY CODE. MR#11683-12

This permit is issued on the express condition that the above work shall conform in all respects to the statements certified to in the application for such permit, and that all work shall be done in accordance with all applicable zoning, building, electrical, land use, excavating, plumbing and mechanical ordinances of the City of Davenport, Iowa and the State of Iowa. FAILURE TO IDENTIFY A CODE DEFICIENCY DURING THIS REVIEW OF THE APPLICATION FOR A BUILDING PERMIT DOES NOT GIVE THE PERMIT APPLICANT THE RIGHT TO VIOLATE THE CODE. THE FINAL INSTALLATION MUST BE IN CONFORMANCE WITH THE CODE. I or we further certify that we have read and understand the requirements of this permit and that all statements made by us in securing this permit are true and complete to the best of our knowledge.

TOTAL FEES: \$67.25

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Inspector

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Licensed Contractor/Owner

OWNER

Davenport IA 52807

# Inspection Report

**Permit:** BLD-030691DAV

**Permit Date:** 12/27/2017

**Address:** 1707 W RIVER DR

**Owner:** JOHN CERNOVICH

**Contractor:** OWNER

**Description:** CONSTRUCT NON LOAD BEARING WALLS TO CREATE SMALL OFFICE AND ADA RESTROOM. BUSINESS USE ONLY. ALL FLOODPLAIN REQUIRED PER SIGNED DEVELOPMENT APP.- UTILITIES ELVEATED, BACKFLOW PREVENTION ON PLUMBING, FLOOD VENTING REQUIRED. OTHER TRADES REQUIRE SEPARATE PERMITS. ALL PER CITY CODE. MR#11683-12

Inspection	Units	Scheduled	Completed	Pass	Inspector
Plumbing Cover				No	Jason E Kauzlarich
<b>Notes:</b>					
Plumbing Final		9/6/2018	9/6/2018	Yes	Jason E Kauzlarich
<b>Notes:</b> no plumbing permit					
Building Framing/B4C			6/1/2018	No	Mike G McGee
<b>Notes:</b> PLUMBING PERMIT AND COVER/FINAL INSPECTION REQUIRED					
Building Final		8/2/2018		No	Trishna Pradhan
<b>Notes:</b> need plumbing permit for water heater, get water in the property & cover ceiling near overhead door. Once this has been completed we can close it out					
Electrical Final		5/31/2018	5/31/2018	Yes	John T Claeys
<b>Notes:</b>					
Building Framing/B4C			7/6/2018	Yes	Jake A Ralfs
<b>Notes:</b> ENGINEERING PROVIDED FOR LINTEL HEADER INSTALLED WITHOUT PLANS. TOWNSEND ENG. 7/2/18					



**ELECTRICAL PERMIT**  
PUBLIC WORKS DEPARTMENT  
BUILDING INSPECTION DIVISION  
DAVENPORT, IOWA  
563.326.7745

Permit Number: **ELC-011308DAV**  
Job Address: **1707 W RIVER DR**

Issue Date: 12/28/2017  
Expiration Date: 6/26/2018

Permission is hereby given to:

Contractor: L & L ELECTRIC, INC

on 12/28/2017

To be used as: COMMERCIAL

Class of work: SERVICE

Valuation: \$1,500.00

Parcel #:

Legal Description:

Owner Name JOHN CERNOVICH  
& Address: 1032 WESTERN AVE  
KEWANEE IL 61443

Const. Type/Sq Ft:  
Occupancy Load:  
Sprinkler Y/N: N

**COMMENTS:**

200A SERVICE. EQUIPMENT MUST BE LOCTED MINIMUM 1 FOOT ABOVE 100 YEAR FLOOD LEVEL.

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TOTAL FEES: \$20.00

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Inspector

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Licensed Contractor/Owner

L & L ELECTRIC, INC  
P.O. BOX 2241  
DAVENPORT IA 52809



**PLUMBING PERMIT**  
PUBLIC WORKS DEPARTMENT  
BUILDING INSPECTION DIVISION  
DAVENPORT, IOWA  
563.326.7745

Permit Number: **PLB-011025DAV**  
Job Address: **1707 W RIVER DR**

Issue Date: 9/19/2018  
Expiration Date: 3/18/2019

Permission is hereby given to:  
Contractor: PETERSEN PLUMBING & HEATING

on 9/19/2018

To be used as: COMMERCIAL  
Class of work: WATER HEATER  
Parcel #:  
Legal Description:

Valuation: \$1,000.00

Owner Name JOHN CERNOVICH  
& Address: 1032 WESTERN AVE  
KEWANEE IL 61443

Const. Type/Sq Ft:  
Occupancy Load:  
Sprinkler Y/N: N

COMMENTS:

This permit is issued on the express condition that the above work shall conform in all respects to the statements certified to in the application for such permit, and that all work shall be done in accordance with all applicable zoning, building, electrical, land use, excavating, plumbing and mechanical ordinances of the City of Davenport and the State of Iowa. FAILURE TO IDENTIFY A CODE DEFICIENCY DURING THIS REVIEW OF THE APPLICATION FOR A BUILDING PERMIT DOES NOT GIVE THE PERMIT APPLICANT THE RIGHT TO VIOLATE THE CODE. THE FINAL INSTALLATION MUST BE IN CONFORMANCE WITH THE CODE. I or we further certify that we have read and understand the requirements of this permit and that all statements made by us in securing this permit are true and complete to the best of our knowledge.

TOTAL FEES: \$15.00

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Inspector

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Licensed Contractor/Owner

PETERSEN PLUMBING & HEATING  
926 W. 3rd St.  
Davenport IA 52802



## METER INSPECTION

Public Works Department  
Building Inspection Division  
Davenport, Iowa  
563-326-7745

Permit Number: 21-23445

Issue Date: 4/15/2021

Job Address: 1707 W RIVER DR

Expiration Date: 10/14/2021

Permission is hereby given to:

Contractor: TBD

To be used as: COMMERCIAL

Class of work: ELECTRICAL METER

Parcel # K0022-04

Legal Description: LENGTHY

Owner Name: CARTERS AUTO SALVAGE LLC  
3426 S CONCORD ST  
DAVENPORT IA 52802

Constr. Type/ Sq. Ft:  
Occupancy Load:  
Sprinkler: Y/N? N

Comments: ATTENTION: The applicant shall provide proper access to all mechanical and electrical equipment. Access shall include a secure ladder or other approved means to access furnace or roof-top equipment.

This permit is issued on the express condition that the above work shall conform in all respects to the statements certified to in the application for such permit, and that all work shall be done in accordance with all applicable zoning, building, electrical, land use, excavating, plumbing and mechanical ordinances of the City of Davenport, Iowa and the State of Iowa. FAILURE TO IDENTIFY A CODE DEFICIENCY DURING THIS REVIEW OF THE APPLICATION FOR A BUILDING PERMIT DOES NOT GIVE THE PERMIT APPLICANT THE RIGHT TO VIOLATE THE CODE. THE FINAL INSTALLATION MUST BE IN CONFORMANCE WITH THE CODE. I or we further certify that we have read understood the requirements of this permit and that all statements made by us in securing this permit are true and complete to the best of our knowledge.

Total Fees: \$55.00

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Inspector

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Licensed Contractor/Owner

TBD

## Exhibit F. Aerial & Site Photography

2022



2022-10



2021-07



2021-03-11



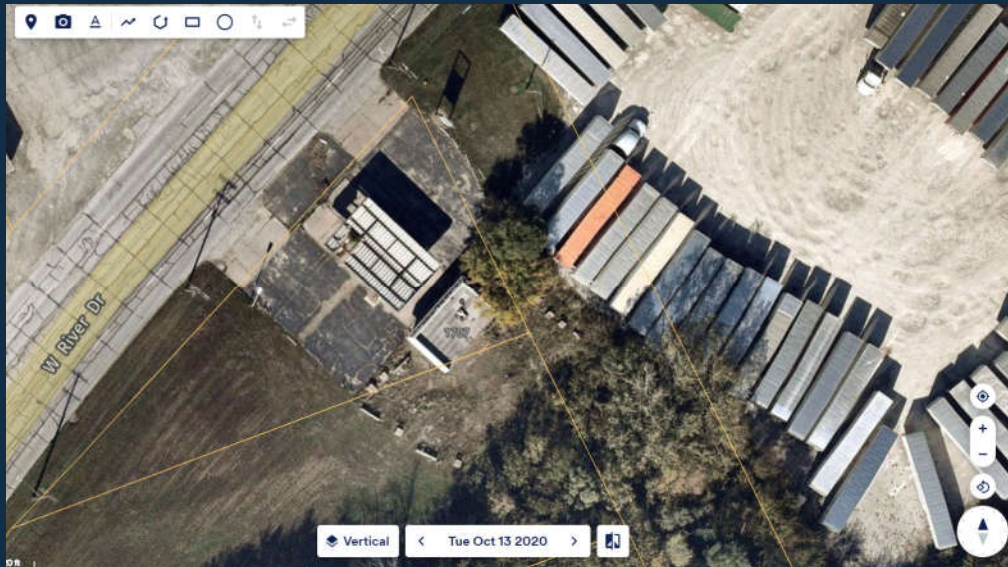
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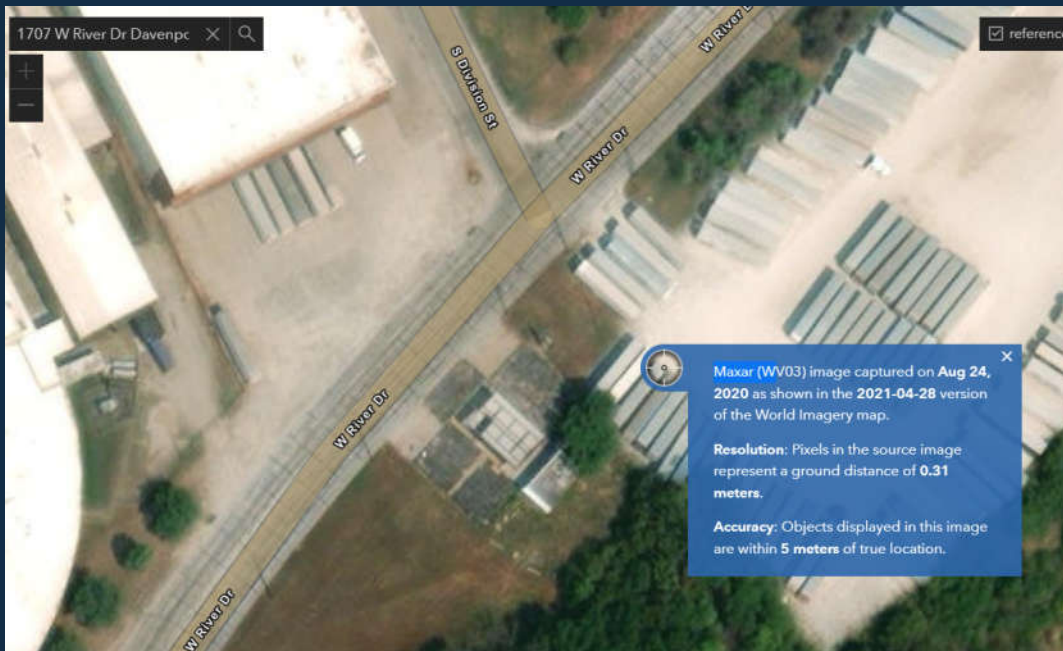
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2020-10-13



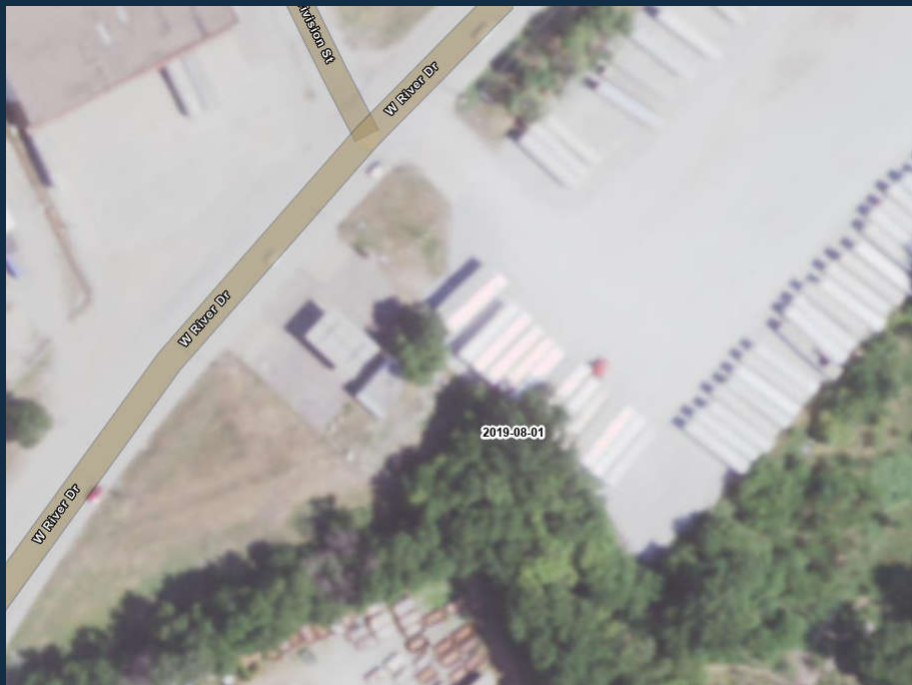
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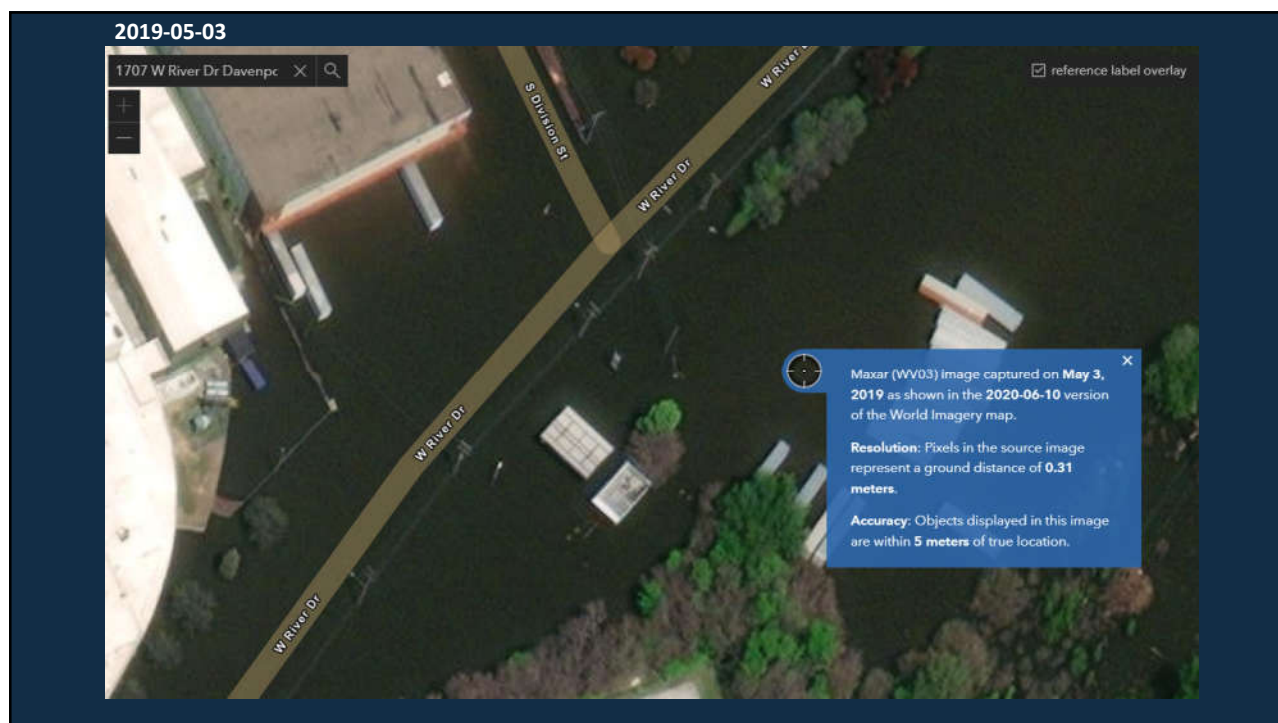
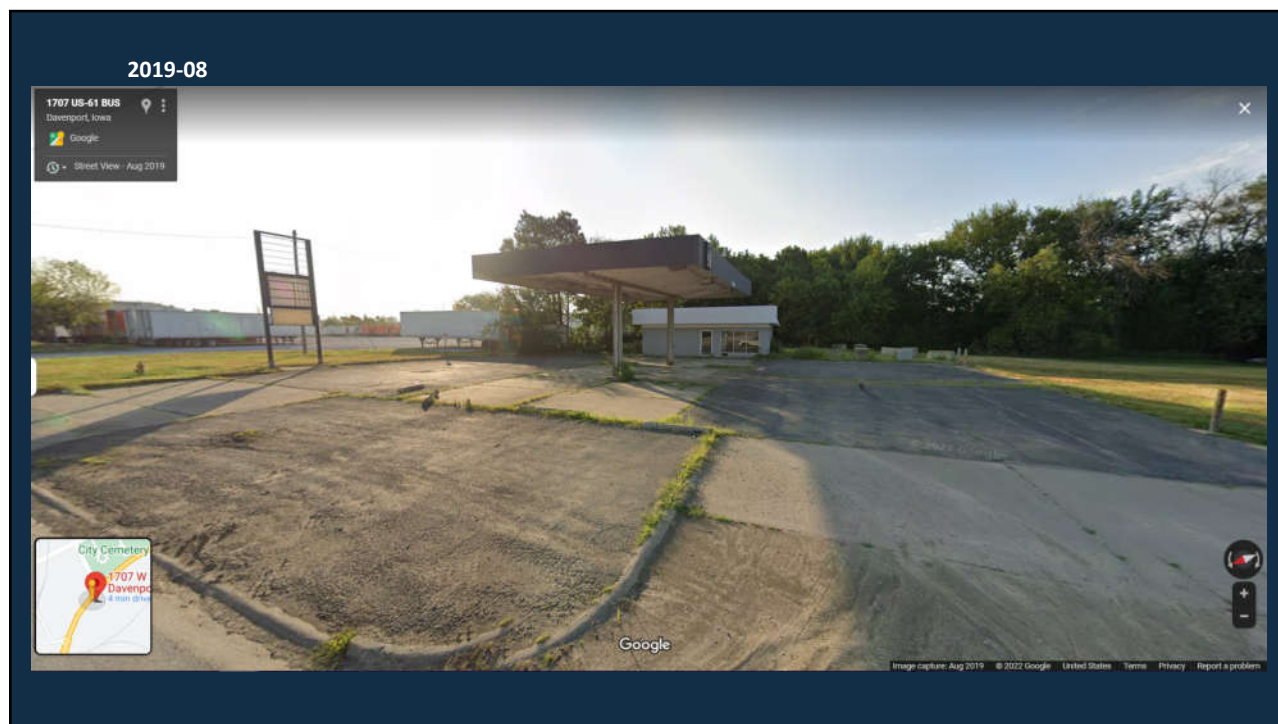


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2019-08-01





2019-04



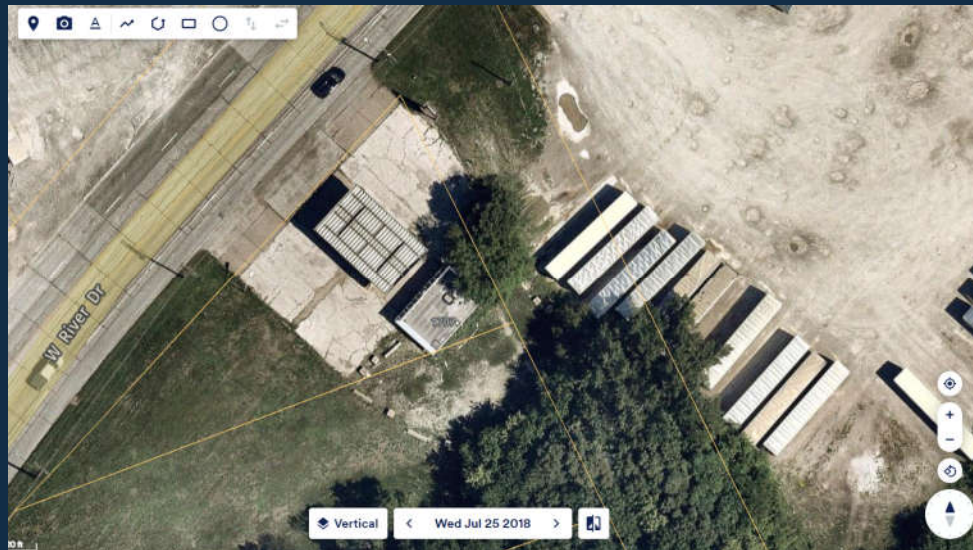
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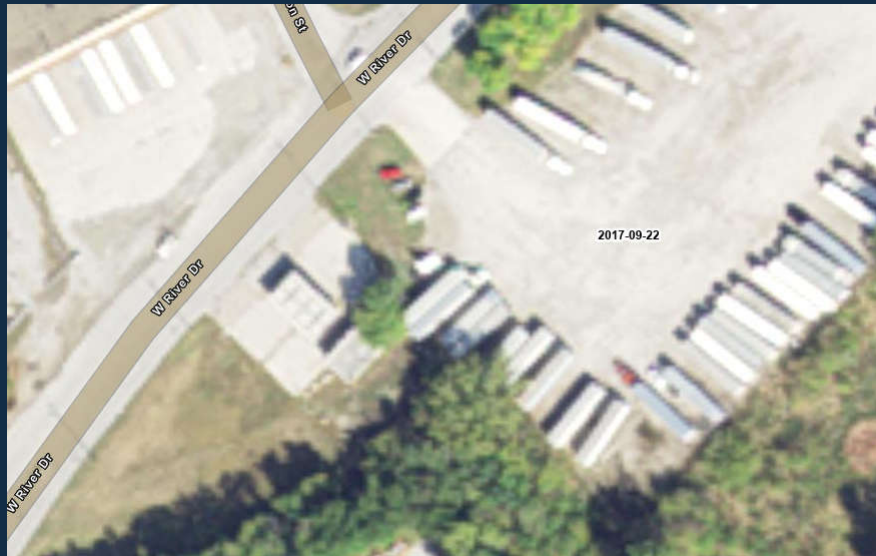
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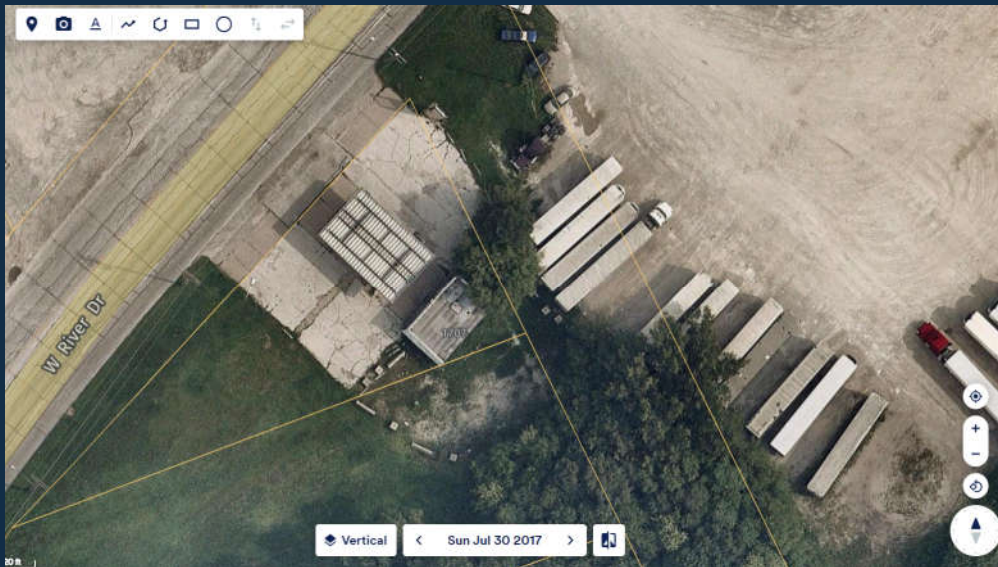
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2017-09



2017-07-30



2017-06-05

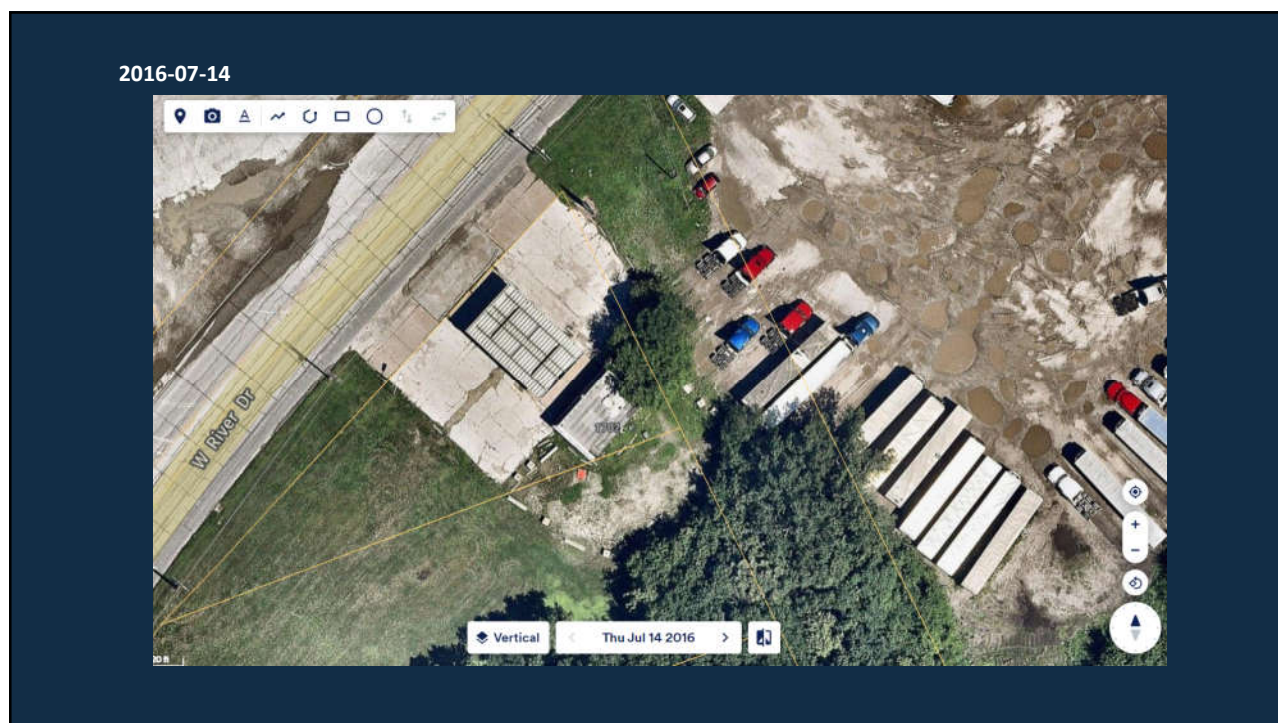
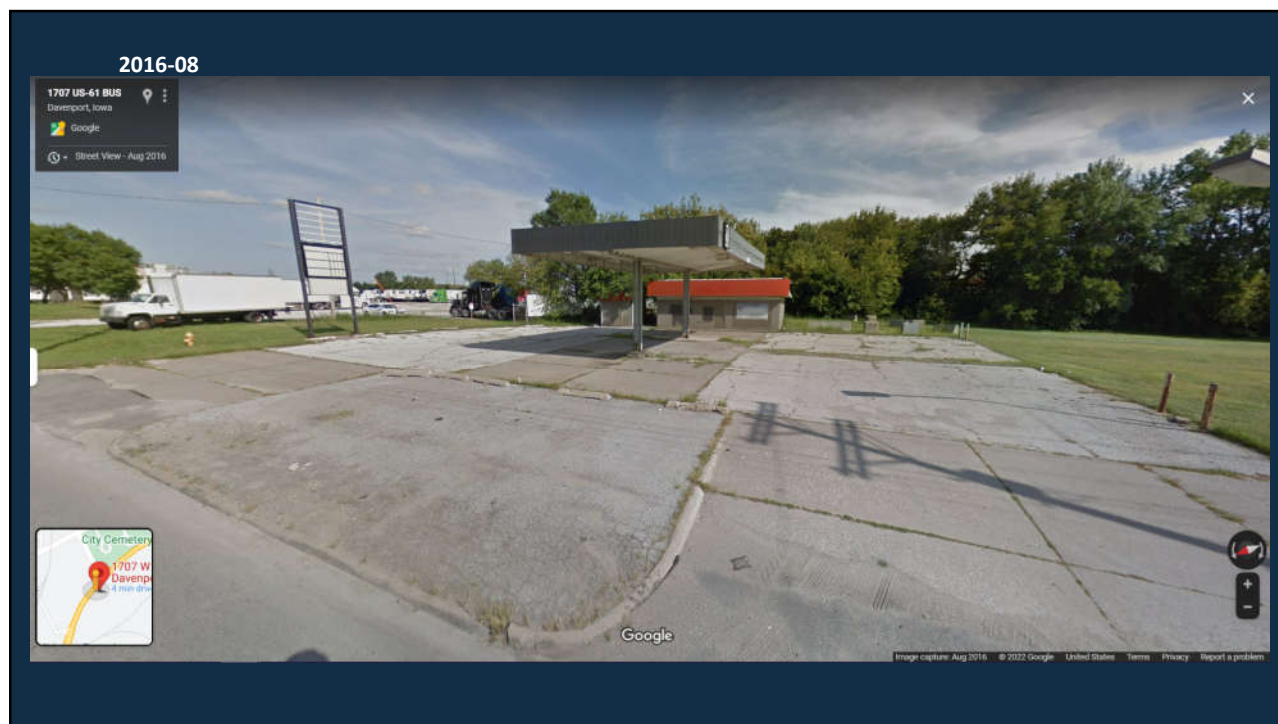


2017-03-29



2016-10





2016-04-11



2015-09



2014-04



2011-07



