

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, MARCH 9, 2023; 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 2023-03009 meeting minutes.

III. Old Business

IV. New Business

A. Request HV23-05 of Hope at the Brick House Community Center at 1431 Ripley Street for a hardship variance to:

- 1) exceed the maximum building coverage of the lot with a 1,400SF building addition which will cover 43% of the lot;
- 2) locate the proposed building addition five (5) feet into the buffer yard (and with a sidewalk approximately four (4) feet from the south lot line; and
- 3) to provide required off-street parking across the street from the use.

Table 17.04-1 allows a maximum building coverage of 35%, Section 17.11.080 requires a 15-foot buffer yard with fencing and landscaping, and Table 17.10-2. requires three (3) off-street parking spaces on site. Property is zoned R-4C Residential. [Ward 5]

V. Other Business

A.

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
3/9/2023

Subject:
Consideration of the 2023-03009 meeting minutes.

Recommendation:
Approved the minutes.

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes 2023-02-09

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	3/3/2023 - 10:09 AM



MINUTES
Zoning Board of Adjustment
February 9, 2023



By this reference all reports, documents, presentations, videos and the hearing's video recording are incorporated into the minutes. See the following link: <https://www.youtube.com/user/DavenportToday/videos>

I. Call to Order:

Chairman Darland called the Zoning Board of Adjustment (ZBA) meeting to order in City Hall Council Chambers, Davenport, Iowa at approximately 4:01 p.m.

Board Members present (4): Gallart (remote), Boyd-Carlson, Loebach, and Darland

Excused: The Board has one empty seat after Quinn's resignation.

Staff present: Koops, Berkley, staff Attorney Bagby

II. Secretary's Report:

Minutes were approved unanimously for the 2023-01-26 ZBA Hearing by voice-vote (4-0).

III. Old Business:

None.

IV. New Business:

A. Request HV23-01 of Mister Car Wash at 707 E. Kimberly RD for a hardship variance to locate the screened dumpster south of the proposed building along East 38th Street, approximately 15 feet from the south property line. Section 17.09.030.Q. prohibits dumpsters within the front or corner side yard. [Ward 7]

Koops presented the staff report.

Findings: (supported by the staff report analysis)

1. zoning code does result in hardship as applied for the proposed use;
2. physical and topographical conditions of the site do limit the use;
3. unique circumstance has been established;
4. protection of essential character has been established;

Recommendation:

Staff recommends that Board adopt staff's findings and approve request HV23-01 subject to the condition listed in the staff report regarding landscaping for the screened dumpster enclosure.

Motion

Body-Carlton moved to adopt staff's findings and approve request HV23-01 subject to the staff's conditions as stated in the staff report and repeated below; Loebach seconded the motion and the motion carried unanimously. (4-0)

Condition: The refuse enclosure area shall met all City standards for screening (solid fence six feet in height) and additionally, a robust landscape plan for the screening of the refuse enclosure shall be reviewed and approved by planning staff prior to occupancy of the commercial building.

Loebach, yes; Gallart, yes; Boyd-Carlson, yes; and Darland, yes. The motion was unanimously approved (4-0).

B. Request HV23-02 of Mister Car Wash at 707 E. Kimberly RD for a hardship variance to reduce the 50% required transparency of the building façades facing public right-of-way. Section 17.05.040 and Table 17.05-2 of the Davenport Municipal Code requires 50% transparent windows for building elevations facing a public right-of-way, as measured between 2 and 10 feet on the façade. This property is zoned C-2 Corridor Commercial. [Ward 7]

Koops presented the staff report.

Findings: (supported by the staff report analysis)

1. application of the ordinance creating hardship has been established;
2. physical and topographical conditions of the site do impact functionality;
3. unique circumstance has been established;
4. protection of essential character has been established;

Recommendation:

Staff recommends that Board adopt staff's findings and approve request HV23-02 subject to the following condition: the development shall equal the required amount of transparency with spandrel glass, as shown on the submitted application, for the southeast and southwest elevations.

Motion

Loebach moved to adopt staff's findings and approve request HV23-02 subject to the staff's conditions as stated in the staff report and repeated below; Boyd-Carlson seconded the motion and the motion carried unanimously. (4-0)

Condition: The development shall equal the required amount of transparency with spandrel glass, as shown on the submitted application, for the southeast and southwest elevations.

Gallart, yes; Boyd-Carlson, yes; Loebach, yes; and Darland, yes. The motion carried and was unanimously approved (4-0).

C. Request SU23-01 of Avis Car Rental at 2156 W. Kimberly RD for a Special Use to operate a vehicle rental facility having typically 10 but no more than 25 rental vehicles at the site. This lot has 210 parking spaces available, which is 25% more off-street parking spaces than required by Code. Table 17.08-1 requires a special use review for vehicle rental in the C-3 General Commercial District. [Ward 2]

Koops presented the staff report.

Findings:

1. The petitioner proposed location/design/construction meets Special Use requirements
2. This use is compatible with adjacent land uses and types of development
3. The proposed Special Use is in accordance with the criteria for Special Use approval

Recommendation:

Staff recommends that the Board adapt staff's findings and approve request SU21-01 subject to the following condition: the use shall not exceed the maximum 25 rental vehicles; vehicles shall be parked in the leased area (in the southeast corner of the lot) as shown on submitted Special Use application exhibit.

Motion

Gallart moved to adopt staff's findings and approve request SU23-01 subject to the staff's conditions as stated in the staff report and repeated below; Loebach seconded the motion and the motion carried unanimously. (4-0)

Condition: the use shall not exceed the maximum 25 rental vehicles; vehicles shall be parked in the leased area (in the southeast corner of the lot) as shown on submitted Special Use application exhibit.

Gallart, yes; Boyd-Carlson, yes; Loebach, yes; and Darland, yes. The motion carried and was unanimously approved (4-0).

D. Request HV23-04 of Hy-Vee Fast & Fresh at 4631 E. 53rd Street for a hardship variance to reduce the 50% required transparency of the building façades facing public right-of-way. Section 17.05.040 and Table 17.05-2 of the Davenport Municipal Code requires 50% transparent windows for building elevations facing a public right-of-way, as measured between 2 and 10 feet on the façade. This property is zoned C-2 Corridor Commercial. [Ward 6]

Koops presented the staff report.

Findings: (supported by the staff report analysis)

1. application of the ordinance creating hardship has been established;
2. physical and topographical conditions of the site do impact functionality;
3. unique circumstance has been established;
4. protection of essential character has been established, if conditioned properly;

Recommendation:

Staff recommends that Board adopt staff's findings and approve request HV23-04 subject to the following conditions:

1. The north (front) elevation shall meet the required 50% transparency (as proposed);
2. The south elevation shall have 35% (288 square feet) of spandrel glass between 2' and 10' in height;
3. The east elevation shall have 35% (140 square feet) of spandrel glass between 2' and 10' in height.

Motion

Loebach moved to adopt staff's findings and approve request HV23-02 subject to the staff's conditions as stated in the staff report and repeated below; Gallart seconded the motion and the motion carried unanimously.

Conditions:

1. The north (front) elevation shall meet the required 50% transparency (as proposed);
2. The south elevation shall have 35% (288 square feet) of spandrel glass between 2' and 10' in height;
3. The east elevation shall have 35% (140 square feet) of spandrel glass between 2' and 10' in height.

Gallart, yes; Boyd-Carlson, yes; Loebach, yes; and Darland, yes (4-0).

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:48 p.m.

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
3/9/2023

Subject:

Request HV23-05 of Hope at the Brick House Community Center at 1431 Ripley Street for a hardship variance to:

- 1) exceed the maximum building coverage of the lot with a 1,400SF building addition which will cover 43% of the lot;
- 2) locate the proposed building addition five (5) feet into the buffer yard (and with a sidewalk approximately four (4) feet from the south lot line; and
- 3) to provide required off-street parking across the street from the use.

Table 17.04-1 allows a maximum building coverage of 35%, Section 17.11.080 requires a 15-foot buffer yard with fencing and landscaping, and Table 17.10-2. requires three (3) off-street parking spaces on site. Property is zoned R-4C Residential. [Ward 5]

ATTACHMENTS:

Type	Description
▢ Executive Summary	Staff Report
▢ Exhibit	Application
▢ Exhibit	Applicant Exhibit "A" - Site Plan
▢ Exhibit	Applicant Exhibit "B" - Parking
▢ Exhibit	Notice List
▢ Exhibit	Public Hearing Notice
▢ Exhibit	Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	3/6/2023 - 12:03 PM



Zoning Board of Adjustment | Staff Report HV23-05
Reduce Site Requirements
1431 Ripley ST | March 9, 2023

Description

Request HV23-05 of Hope at the Brick House Community Center at 1431 Ripley Street for a hardship variance to:

- 1) exceed the maximum building coverage of the lot with a 1,400SF building addition which will cover 43% of the lot;
- 2) locate the proposed building addition five (5) feet into the buffer yard (and with a sidewalk approximately four (4) feet from the south lot line; and
- 3) to provide required off-street parking across the street from the use.

Table 17.04-1 allows a maximum building coverage of 35%, Section 17.11.080 requires a 15-foot buffer yard with fencing and landscaping, and Table 17.10-2. requires three (3) off-street parking spaces on site. Property is zoned R-4C Residential. [Ward 5]

Background & Discussion

The petitioner is proposing a facility addition of 1,400SF attached to the existing building to be located in the rear (south) interior side yard. The facility will be for additional programming.

Building Coverage		Buffer Yard		Off-street Parking	
Proposed:	45%	Proposed:	10'	Proposed:	Maintain Existing Spaces*
Required:	35%	Required:	15'	Required:	3 'New'/additional Spaces
Existing:	33%	Existing:	N/A	Existing:	5 off-street parking spaces#

approximately 10 on-street spaces available and excess parking allowed on the Hilltop Lot at 433 W 15TH ST (West across Ripley)

Site Plan: Applicant's Exhibit "A" Building Addition



Site Plan: Applicant's Exhibit "B" Parking Location



Purpose of a Hardship Variance

[Davenport Municipal Code Section 17.14.060](#) states: *"The purpose of the hardship variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships."*

Applicant's Description of the Request

- 1. Request to exceed the Maximum Building Coverage*
- 2. Request to reduce width of the buffer yard and allow a sidewalk within the buffer yard*
- 3. Request to reduce required off-street parking*

Hope at Brick House's need for the Addition/Why the variance is needed:

- A. The reduced side yard setback allows for planned use of the addition with 3 classroom spaces, 1 multipurpose room and additional restrooms.*
- B. The addition will have a focused use for expanding the After School program on-site and allow additional space for community events and services.*
- C. The current space for the afterschool program only allows for half of the students to participate in programs on-site, the balance of the students have to be transported off-site. This transportation limits the allowable number of students in our programs (not enough van space; not enough program space).*
- D. This transport also cuts into program time by 30-40 minutes every day through loading, transport, and unloading; time that would be best spent on program activities instead of logistics.*
- E. Unfortunately, the off-site location is not always available to host our program and requires us to cancel programming for those students. This hardship falls back onto us and the community to make up the deficit.*
- F. Many Davenport after school programs cancelled their after-school programs right before school started. Schools are referring their students to our programs and we cannot currently take them due to the limitations of our current space. We also have a Waiting List of 20 students, all of whom the program could take if they had the space and didn't transport, and several calls weekly for more students.*
- G. This additional space will also be utilized beyond the after-school programs for the Neighborhood Connections program, which provides a variety of services aimed at improving the overall quality of life in the neighborhood with Friday evening neighborhood events, monthly neighborhood connection and networking meetings, community resources and life skills coaching for mentoring and budgeting assistance. The additional space will also allow us to increase these programs within our current neighborhood.*
- H. The addition will also contain expanded and updated and fully accessible restrooms for the programs. The current facility has minimum requirements, and these would expand the restrooms and provide better access for all community members within the programs to utilize.*

Approval Standards

The Zoning Board of Adjustment decision must make findings to support the following:
(code requirement | *applicant's response* | staff comments)

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

Applicant Response:

Variance requests 1 and 2

The proposed building addition will not alter the current use of the facility, but will allow additional space for the current use. The property is a neighborhood amenity which provides a structured after-school program for children and youth. This program provides expanded learning opportunities for the children and fulfills a vital need for parents to have a safe place for their children after school. It also provides community support for residents in the area. Without the variance, the limited addition size would not be sufficient to support the additional planned services to the surrounding neighborhood.

Variance request 3

The addition of more parking will take away from existing grass area currently used and planned for continued use by the facility for green space.

In addition, there is ample street parking available at the site along both Ripley and 15th Streets. The facility also has an agreement with the Harrison Lofts Apartments to use vacant spaces in the Hilltop Parking Lot located at the southwest corner of 15th and Ripley Streets. While spaces in this lot cannot be guaranteed, it is estimated to typically be only 10% full on any given day. (See Exhibit B)

Staff Comments:

The petitioner's plan would provide be low impact on the adjacent property and would provide a 10 foot side yard setback (as opposed to the standard setback that is normally required). The petitioner has met the grounds for relief from this specific code section.

2. The particular physical surroundings, shape, or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

Applicant Response:

Hope at the Brick House is are being asked to increase services to students and we could do that if we had additional space. The full side yard setback would decrease the footprint and reduce the number of classrooms in the addition. This reduction in program spaces will require the continuation of the off-site space and transportation needs to become counter-productive.

Maintaining the 10'-0" side lot setback allows any future wood framed residential structure on the adjacent lot to be non-rated, and allows for planting beds along the addition for additional teaching. The current side yard setback creates a very inefficient shape and limits the program spaces that can be added.

The 35% maximum building coverage requirement limits the ability to put any addition on to the current building. To this end, in order to grow the project, we would have to move out of the community we serve. As noted in the application, the current building, including the adjacent tied lot is 34%. The goal is to put on the addition for the required program area to serve the community and bathrooms as efficiently as possible. We are able to do this with an increase to allow 43%. The addition is held back from the street to maximizes the playground area to the front and keep green space behind for student use.

Not being able to have the addition, sized to the minimum variances requested, imposes a hardship not just for the program, but for the entire community that relies on the services it provides. These services offered are a true need for the community where they are located and not simply a convenience for those who utilize it.

Variance 1

Due to the use being non-residential, the Maximum Building Coverage per code is limited to 35%. The existing building coverage area is 34%, which allows no room for any added improvements. The size of the addition would increase the total coverage (existing and new) to 43%.

Variance 2

The dimensions of the parcel do not allow for the necessary addition size if a 15' buffer yard is required.

Variance 3

Physical surroundings or topography do not propose a hardship for additional parking. The variance is requested due to the lack of need for additional parking and the preferred use for the existing green space.

Staff Comments:

The physical conditions of the site do limit the use of the site as there are minimal areas available for parking and building addition. This is an infill site that is utilizing an existing nonresidential building in a residential area/district. The site is on a previously used residential lot. Lot sizes in infill area typically preclude nonresidential uses meeting zoning code requires, however the code does allow for such uses and provisions have been written into the code to allow such uses.

Staff supports the applicant's response.

3. The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.

Applicant Response:

Variances 1, 2 and 3

This property is unique in that it is providing a community support service to the surrounding neighborhood. This neighborhood encompasses a combination of residential (R-4C) to the north, west and immediately south, multi-family residential (R-MF) to the south (across 14th Street) and commercial (C-1) immediately east across the alley. Due to the existing and continued use of this property, it has different zoning requirements that are not applicable to nearby properties.

Staff Comments:

Staff believes that the limiting features of this site warrant relief. The side yard to be provided by the applicant will be twice as wide as the normal side yard setback in this district.

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

Applicant Response:

Variances 1, 2 and 3

The property is an existing amenity to the neighborhood and being able to add the additional space will not alter the essential character of the locality. If granted the variance, the facility will continue to be a benefit to the neighborhood.

Staff Comments:

The character of the area will not be impacted by the proposed project; the site will have adequate parking spaces for the intended use. Protection of essential character has been established.

Findings & Staff Recommendation:

Findings: (supported by the previous analysis)

- Item #1 ordinance hardship has been established;
- Item #2 physical and topographical conditions on site do limit reasonable site usage;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Recommendation:

Staff recommends approval of the request as approval standards will be met as proposed.

Prepared by:


Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents



1200 E 46th Street Davenport,
Iowa 52807
(563) 326-6198
Planning@davenportiowa.com

Complete application can be emailed to 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

Engineer (if applicable)

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

Design Review Board

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

Architect (if applicable)

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

Historic Preservation Commission

Certificate of Appropriateness
Landmark Nomination
Demolition Request

Administrative

Administrative Exception
Health Services and Congregate
Living Permit

Attorney (if applicable)

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

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

17.14.060 Hardship Variance

A. Purpose

The purpose of the hardship variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships.

B. Initiation

A property owner in the City, or person expressly authorized in writing by the property owner, may file an application for a hardship variance. A property owner, or his/her designee, may only propose a hardship variance for property under his/her control.

C. Authority

1. The Zoning Board of Adjustment will take formal action on hardship variance applications. However, the Zoning Administrator is authorized to grant certain administrative exceptions, as described in Section 17.14.070.
2. Hardship variances to allow uses that are not allowed within a zoning district are prohibited.

D. Procedure

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

1. After receipt of a complete application, the Zoning Board of Adjustment will consider the proposed hardship variance at a public hearing. If, in the Zoning Board of Adjustment's judgment, the application does not contain sufficient information to enable proper review and consideration, the Zoning Board of Adjustment may request additional information from the applicant and the public hearing may be continued.
2. The Zoning Board of Adjustment must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section.
3. The Zoning Board of Adjustment must approve, approve with conditions, or deny the hardship variance within 30 days of the close of the public hearing, unless an extension is agreed to by the applicant.
4. The Zoning Board of Adjustment may impose conditions and restrictions upon the hardship variance as deemed necessary for the protection of the public health, safety, and welfare. The Zoning Board of Adjustment may grant a hardship variance that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the hardship variance application.

E. Approval Standards

The Zoning Board of Adjustment decision must make findings to support each of the following:

1. The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.
2. The particular physical surroundings, shape, or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
3. The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.
4. The hardship variance, if granted, will not alter the essential character of the locality.

F. Expiration

An approved hardship variance will expire one year from the date of approval unless a building permit is obtained or construction has begun prior to the end of the one year period. The Zoning Board of Adjustment may grant an extension for a period of validity longer than one year as part of the original approval. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

Request:

Please describe the variance(s) requested:

Existing Zoning:

Submittal Requirements:

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

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

(1) Application:

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

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

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

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

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

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

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

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

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

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

The particular physical surroundings, shape, or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

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

The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.

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

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

Applicant:

Date:

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

Received by:

Planning staff

Date:

Date of the Public Hearing:

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

Authorization to Act as Applicant

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

Signature(s)*

*Please note: original signature(s) required.

Zoning Board of Adjustment (ZBA) | City of Davenport

Meeting Calendar 2023

--- The Applicant and/or their representative MUST attend the Meeting/Public Hearing ---
 NOTE: Special Use Site Plans MUST be reviewed prior to placement on the ZBA schedule.

Submittal/Application Deadline**	Meetings***
4:00 P.M. on the Monday Identified Below Davenport Public Works, 1200 E 46 th Street, Davenport, IA 52807	4:00 P.M. on the Thursday Identified Below Applicant/Representative Presence Required Davenport City Hall Council Chambers 226 W 4 th St, Davenport, IA 52801
12/19/22	01/12/23
12/30/22*	01/26/23
01/17/23*	02/09/23
01/30/23	02/23/23
02/13/23	03/09/23
02/27/23	03/23/23
03/20/23	04/13/23
04/03/23	04/27/23
04/17/23	05/11/23
05/01/23	05/25/23
05/15/23	06/08/23
05/30/23*	06/22/23
06/16/23*	07/13/23
06/30/23*	07/27/23
07/17/23	08/10/23
07/31/23	08/24/23
08/21/23	09/14/23
09/01/23*	09/28/23
09/18/23	10/12/23
10/02/23	10/26/23
10/16/23	11/09/23
No Meeting	No Meeting - Thanksgiving
11/13/23	12/07/23*
11/27/23	12/21/23*
12/18/23	01/11/24
01/02/24*	01/25/24

* Change Due to Holiday.

** Email completed PDF Application to: planning@davenportiowa.com, or mail USB drive with a copy of the completed application to: Planning, Davenport Public Works, 1200 E 46th St, Davenport, IA 52807.

*** Applicant/Representative Presence Required

For more information contact: planning@davenportiowa.com or 563.326.6198.

Any and all Date/Location/Time are subject to change.



HOPE AT THE BRICK HOUSE INC.
1431 Ripley Street, Davenport, IA
HARDSHIP VARIANCE REQUEST

rtm project no. 23.SLA.C01
designed by: _____
drawn by: _____
checked by: _____
date: 02.09.2023

Exhibit A



5137 utica ridge road
davenport, ia 52807
www.rtmec.com



Scale: 1" = 40'



HOPE AT THE BRICK HOUSE INC.
1431 Ripley Street, Davenport, IA
HARDSHIP VARIANCE REQUEST

rtm project no. 23.SLA.C01
designed by:
drawn by:
checked by:
date: 02.09.2023

Exhibit B



engineering consultants
5137 utica ridge road
davenport, ia 52807
www.rtmec.com

1431 Ripley ST Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip	
Subject Property:	1431 RIPLEY ST	HOPE AT THE BRICK HOUSE INC			
Ward/Aldreman:	5th Ward	Kelly	Adjacent Wards (3 & 4)	Notices Sent:	12
G0010A03	1501 HARRISON ST	RDF LLC	PO BOX 3708	DAVENPORT IA 52808	1
G0011-01	1502 HARRISON ST	RDF LLC			
G0011-02	1506 HARRISON ST	RDF LLC			
G0011-03	1510 HARRISON ST	RDF LLC			
G0011-04	1512 HARRISON ST	RDF LLC			
G0011-05	1514 HARRISON ST	RDF LLC			
G0011-14A		RDF LLC			
G0011-15	1511 RIPLEY ST	RDF LLC			
G0011-16	1507 RIPLEY ST	RDF LLC			
G0011-17	1503 RIPLEY ST	RDF LLC			
G0011-19	1502 RIPLEY ST	AHIMSA LLC	848 N RAINBOW BLVD STE 717	LAS VEGAS NV 89107	2
G0011-20	1510 RIPLEY ST	KAUCHER HELEN	1510 RIPLEY ST	DAVENPORT IA 52803	3
G0011-21	1514 RIPLEY ST	ANTONIO & LYDIA RUTH VENTURA	1514 RIPLEY ST	DAVENPORT IA 52803	4
G0011-36	414 W 15TH ST	BOOKER SHAWN P	11034 140TH ST PL	DAVENPORT IA 52804	5
G0011-37	408 W 15TH ST	VINAUDE AGRA	410 W 15TH ST	DAVENPORT IA 52803	6
G0022-33		URBAN REHAB LLC	832 TREMONT AVE	DAVENPORT IA 52803	7
G0022-34	1417 RIPLEY ST	URBAN REHAB LLC			
G0022-35	1415 RIPLEY ST	URBAN REHAB LLC			
G0022-36	1413 RIPLEY ST	URBAN REHAB LLC			
G0022-37	1409 RIPLEY ST	JENSMA KEN	467 CAMINO FLORA VISTA	SAN CLEMENTE CA 92673	8
G0022-38	1401 RIPLEY ST	SMITH ALLAN H	1401 RIPLEY ST	DAVENPORT IA 52803	9
G0022-48A	1416 HARRISON ST	HARRISON LOFTS LIMITED	233 PARK AVE SOUTH STE 201	MINNEAPOLIS MN 55415	10
G0022-49B	433 W 15TH ST	HILLTOP CAMPUS VILLAGE INC	122 E 15TH ST	DAVENPORT IA 52803	11
G0023-23	1423 HARRISON ST	HILLTOP ASSOCIATION	PO BOX 4175	DAVENPORT IA 52808	12



Public Hearing Notice | Zoning Board of Adjustment

Date: 3/9/2023 **Location:** City Hall | 226 W 4th ST | Council Chambers
Time: 4:00:00 PM **Subject:** Hearing for Hardship Variance | Zoning Board of Adjustment

Example Notice
12 Notices Sent
Ward 5

To: All property owners within 200' of the subject property **1431 Ripley ST:**

What is this About?

This notice is being sent to inform you that a public hearing will be held for a Hardship Variance. The purpose of the Hardship Variance is to grant permission to waive or alter a size or dimensional code requirement.

Request/Case Description

Request HV23-05 of the Brickhouse Community Center at 1431 Ripley Street for a hardship variance to: 1) exceed the maximum building coverage of the lot with a 1,400SF building addition which will cover 43% of the lot; 2) locate the proposed building addition five (5) feet into the buffer yard (and with a sidewalk approximately four (4) feet from the south lot line; and 3) to provide required off-street parking across the street from the use. Table 17.04-1 allows a maximum building coverage of 35%, Section 17.11.080 requires a 15-foot buffer yard with fencing and landscaping, and Table 17.10-2. requires three (3) off-street parking spaces on site. [Ward 5]

What are the Next Steps after the Public Hearing?

For approved ZBA requests, the ruling is effective immediately. Rulings of the Zoning Board of adjustment are final. The applicant may request reconsideration at the next public hearing, and aggrieved parties may file a writ of certiorari with the district court.

Would You Like to Submit an Official Comment?

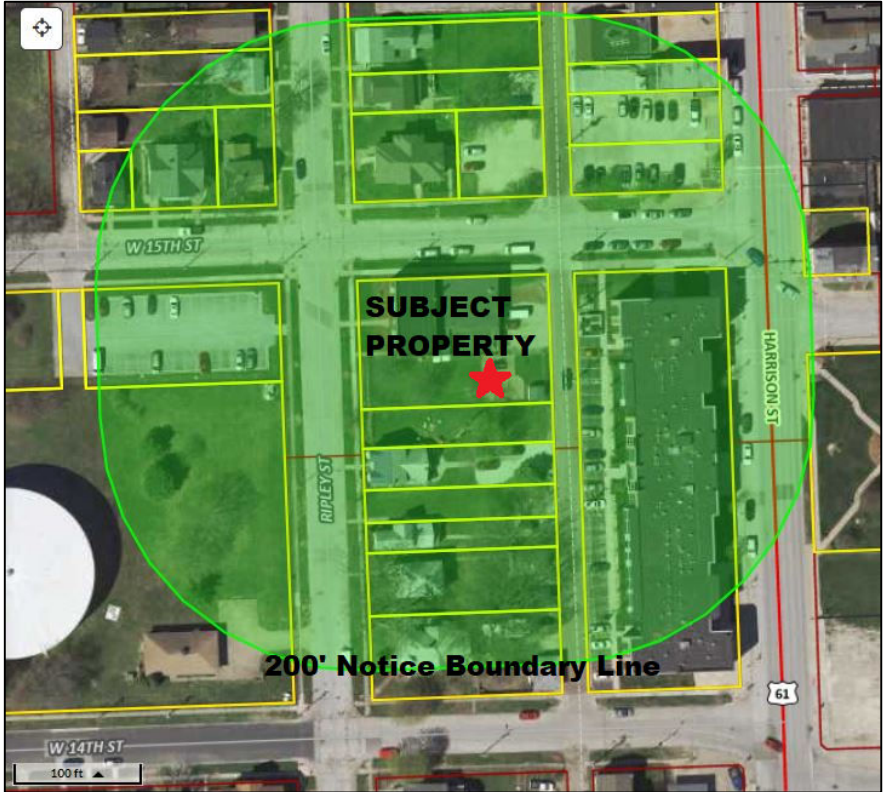
As a property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46th St, Davenport IA 52807.

Do You Have Any Questions?

If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at scott.koops@davenportiowa.com or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

Adjacent Owner Notice Area:
Owners within 200' of the Subject Property



SITE PLAN:





THE CITY OF
DAVENPORT
IOWA | USA

4631 E 53rd St | Hy-Vee Fast & Fresh



Request

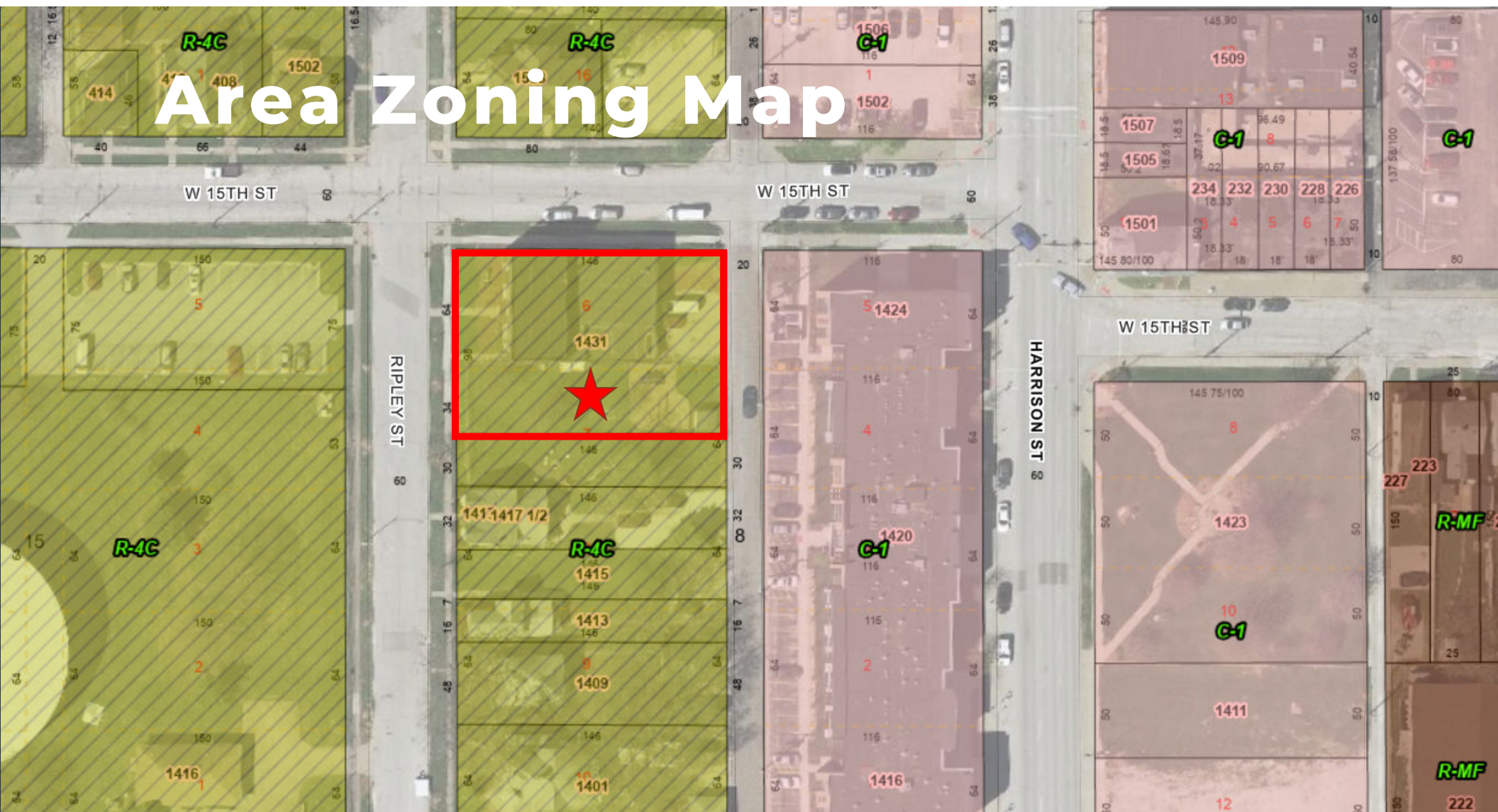
**HV23-05 Hope at the Brickhouse
Community Center | 1431 Ripley ST**

Variance to:

- 1) exceed maximum building coverage
1,400SF add | 43% | max. 35% | existing 33%**
- 2) decrease buffer yard (15' to 10'); and**
- 3) provide 3 off-street parking space across
the street in an existing parking lot.**

[illegible]

Area Zoning Map



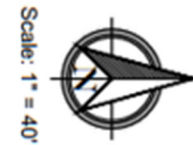
Site Plan

Applicant Exhibit "A"



Site Plan

Applicant Exhibit “B”



Site Photos



Site Photos



Site Photos



Shanghai Spa Massage

Hope At The Brick House

O' Tool Design
Custom Tattoo

Hilltop Groceries
& Spirits
Convenience store

Google

Layers

2D

+

-

⬆

Site Photos



Site Photos

← 1431 N Ripley St

Davenport, Iowa


 Google Street View


May 2021

[See more dates](#)



Emergency Room
Free Shop & Used...

 W 15th St

 O' Tool Design Custom Tattoo



Site Photos



Site Photos



Site Photos

← Davenport, Iowa

Google Street View

May 2021



Free Shop & Used...

W 15th St

O' Tool Design Custom Tattoo



Site Photos



← Davenport, Iowa

Google Street View

May 2021

Free Shop & Used...

W 15th St

O' Tool Design
Custom Tattoo

Google

Site Photos – Adjacent Parking Area



City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: ScottKoops@davenportiowa.com

Date
3/9/2023

Subject:

ATTACHMENTS:

Type	Description
▣ Exhibit	Bylaws and Rules of Procedure
▣ Exhibit	DMC 2.66 Zoning Board

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	3/6/2023 - 12:06 PM

BYLAWS AND RULES OF PROCEDURE ZONING BOARD OF ADJUSTMENT DAVENPORT, IOWA

**Adopted
March 9, 2023**

The Zoning Board of Adjustment holds public hearings to consider hardship variances, special uses, and administrative appeals. The board consists of five members as appointed by the Mayor and approval of City Council. All members of the board shall be legal residents of the City of Davenport and shall serve without compensation. [[2.66](#)]

Governing Rules

The Zoning Board of Adjustment (ZBA) shall be governed by all applicable laws. Specific reference is made to the terms of [Chapter 414 of the State Code of Iowa](#), [Chapter 21 of the State Code of Iowa](#), the [Davenport Municipal Code](#), and to the [Zoning Ordinance of January 20, 2019, as amended](#), including but not limited to Chapters [2.66](#), [17.13](#), and [17.14](#).

1 Officers

1.1 Officers

1.1.a Chairperson

- 1) The position of Chairperson is hereby established.
- 2) The Chairperson shall preside at all meetings of the Board.
- 3) The Chairperson shall have general charge of the business of the Board.
- 4) The Chairperson shall perform such other duties as are usually exercised by the Chairperson of a Board or as specifically authorized by the Board.

1.1.b Vice-Chairperson

- 1) The position of Vice-Chairperson is hereby established.
- 2) The Vice-Chairperson shall act in the capacity of Chairperson in the absence of the Chairperson.
- 3) In the event the office of Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term and the Board shall elect a successor to the office of Vice-Chairperson for the unexpired term.

1.1.c Secretary

- 1) The position of a non-elected officer, Secretary, is hereby established.
- 2) The Secretary shall be city staff personnel designated by the Director of Development and Neighborhood Services to act as staff liaison for the Board.
- 3) The Secretary shall provide staff support to the Board in pursuit of its duties.
- 4) The Secretary shall attend all regular and special meetings and public hearings and shall call the roll of those members present.
- 5) The Secretary shall present a record of meetings to the Board.

1.2 Election of Officers

1.2.a Officers of the Board must be members of the Board and shall be elected at the second regularly scheduled meeting of the Board in January and shall hold office for one year or until their successors are elected.

1.2.b Any vacancy of a position may be filled at any Regular or Special Meeting after such vacancy.

1.2.c In the absence of both the chair and vice-chair the Board shall elect a Chairperson pro- tempore to serve in their absence.

2 Public Hearings

The Board shall hold public hearings in conjunction with consideration of Special Use, Hardship Variance, and Administrative Appeal Applications

- 2.1 Notice of the time and place of the hearing will be given not less than four (4) and no more than twenty (20) days prior to such hearing by one publication in a newspaper of general circulation.
- 2.2 The notice procedures outlined in Zoning Code Sections [17.14.020](#) (published notice requirements) and [17.14.030](#) (continuances of hearing, etc.) shall be followed.
- 2.3 Procedures for [17.14.010](#) (pre-application meeting required, etc.), shall be followed. Applicants shall discuss their request and possible alternatives with staff. Applicants shall submit the request after this meeting with their final proposal having considered various options that may reduce or elimination the need for portions of the request.
- 2.4 The public will be allowed to provide evidence regarding matters requiring a public hearing, with a maximum of five (5) minutes at the discretion of the Chair.
- 2.5 All participants shall conduct themselves in a respectful, courteous and civil manner.
- 2.6 Participants of the public hearings shall not speak unless recognized by the Chairperson; the lone exception would be when it is appropriate for staff to clarify a point of order and/or to ensure the meeting is run in conformance with applicable meeting procedures.

3 Meetings

- 3.1 Meetings
 - 3.1.a The monthly meetings of the Board shall be held on the second and fourth Thursdays of the month at 4:00 P.M., excepting the fourth Thursdays of November and December.
 - 3.1.b All meetings shall be held at [City Hall](#) unless otherwise specified. If there is no business for the Board, the secretary of the Board may elect to forego the meeting until there is business before the Board.
 - 3.1.c In the event that all elected officers should be absent or unable to attend to the duties of their office, the members of the Board may, at any Meeting, appoint a Chairperson pro-tempore, who shall attend to all the duties of such office until such officer shall return or be able to attend to their duties.
 - 3.1.d The Board may, on motion, recess a meeting to a time and place set forth in such motion.

3.2 Special Meetings

- 3.2.a Special Meetings of the Board may be called by the Chairperson and held at any time or place fixed in the call with proper notice.
- 3.2.b Any three or more members of the Board may request in writing to staff to call a Special Meeting.

3.3 Notice of Meetings

- 3.3.a The Staff shall file with the Deputy City Clerk the time and place of all Board meetings, together with a copy of the Agenda and previous meeting minutes at least twenty-four hours in advance of the meeting.
- 3.3.b A copy of the agenda and minutes together with such additional material as the Staff deems appropriate shall be made available to each member of the Board.

3.4 Quorum

- 3.4.a Three appointed members of the Board shall constitute a quorum for the transaction of business at all Board meetings, regardless of any membership vacancies, absences, or abstentions.
- 3.4.b At meetings with only three members present, the Board may, at the Chair's discretion, inform the applicant that approval of any motion requires the concurring vote of all three members present and may allow the applicant to request a tabling prior to the commencement of the public hearing.
- 3.4.c Without a quorum, no business will be transacted and no official action on any matter will take place.

3.5 Agenda – Order of Business

- 3.5.a Consideration of the previous meeting(s) minutes
- 3.5.b Old/New Business for Special Use or Hardship Variance Public Hearing requests
 - 1) Chairperson shall read the description of the request;
 - 2) Staff presents the staff report, notices and comments, findings and recommendation; staff receives and answers questions from the Board;
 - 3) Applicant or their representative makes a statement outlining the nature of the request; Applicant presents evidence in support of the application; and Applicant receives and answers questions from the Board;
 - 4) Staff receives and answers questions from the Board, if necessary;
 - 5) The general public is provided an opportunity to provide evidence to the Board in Favor of the request; the Board may solicit comment from either the applicant or staff;
 - 6) The general public is provided an opportunity to provide evidence to the Board

in opposition to the request; the Board may solicit comment from either the applicant or staff;

- 7) Board discussion; the Board may solicit comment from either the applicant or staff;
- 8) Board deliberation; Board outlines findings;
- 9) Motion is received by the Chairperson; motion is made in the affirmative, wherein a “yes” vote is a vote to approve the request, and a “no” vote is a vote to deny the request; and
- 10) Any other old or new business for special use or hardship variance is deliberated repeating steps 1) through 9) above.

3.5.c Old or New Business Zoning Administrative Appeal Public Hearing requests

- 1) Chairperson reads the description of the request;
- 2) The Zoning Administrator and/or their designee explains cause for the Zoning Interpretation, presents the staff report, notices and comments, findings and recommendations; Zoning Administrator or their designee
- 3) Applicant presents evidence in support of the application; Applicant receives and answers questions from the Board;
- 4) Zoning Administrator or their designee presents the staff report, notices and comments, findings and recommendation; staff receives and answers questions from the Board;
- 5) Zoning Administrator and/or their designee has opportunity for rebuttal;
- 6) Board discussion; the Board may solicit comment from any parties which provided evidence to the Board;
- 7) Board deliberation; Board outlines findings;
- 8) Motion is received by the Chairperson; motion is made in the affirmative, wherein a “yes” vote is a vote to approve the request, and a “no” vote is a vote to deny the request; and
- 9) Any other old or new business for administrative appeal is deliberated repeating steps 1) through 10) above.

3.5.d Discussion of any non-public hearing administrative items, if necessary

3.5.e Meeting Adjournment

3.6 Voting

3.6.a Voting will be roll call, called by the Secretary, and will be recorded by yeas and nays or present. A vote of Present will have the effect of a nay vote.

3.6.b Every member of the Board, including the Chairperson, is required to cast a vote upon each motion. The concurring vote of three (3) members of the Board shall be required to approve any motion (request) before the Board

3.6.c A member may abstain only if the member believes there is a conflict of interest as provided in Subsection 3.7.

- 3.6.d Members shall be physically present at the meeting in order to exercise their vote. Proxy voting, mail voting or telephone voting are prohibited. If deemed necessary (i.e., declared pandemic, health, certain travel, etc.), the Chairperson may permit a virtual attendance and virtual voting on a temporary basis.
- 3.6.e The affirmative vote of three Board members shall be required for the exercise of powers or functions conferred or imposed upon the Board as per [Chapter 414 of the State Code of Iowa](#).
- 3.6.f Reconsiderations of Board actions must be moved by a Board member who voted on the prevailing side of the motion. Reconsiderations, at the request of the applicant or the City of Davenport, must be moved at the same or next scheduled meeting of a rendered decision.
- 3.6.g All motions shall be made in the affirmative, whereas a “yes” vote is a vote to approve the request, and a “no” vote is a vote to deny the request.

3.7 Conflict of Interest

- 3.7.a A member of the Board must abstain from participating in a matter before the Board when the member has a conflict of interest or an appearance of impropriety.
- 3.7.b Conflict of interest shall mean a direct and personal interest in the outcome of the proceedings. An appearance of impropriety shall mean an apparent conflict of interest based on objective standards.
- 3.7.c A member of the Board shall declare their conflict or appearance of impropriety as soon as the matter comes before the Board for discussion or as soon thereafter as the member becomes aware of the appearance of impropriety or conflict. Thereafter, the member shall take no part in the discussion or vote on the matter.

3.8 Ex Parte Communications

- 3.8.a It shall be the policy of the Board that members not attend private meetings whose principal purpose is to discuss substance and/or details of business that is before or will come before the Board, unless such attendance is approved by the Board by motion prior to the private meeting.
- 3.8.b Ex Parte means communication between a Board member(s) and an applicant or third party outside of duly scheduled meetings on an issue pending before the Board. Ex Parte communications should be avoided because they raise the issue of due process fairness. In the event a situation arises where such communication occurs, the member shall place on the public record the sum and substance of the communication to enable interested persons to rebut the communications.

4 Meeting Attendance

- 4.1 Board members are expected to attend all regular and special Board meetings.
- 4.2 Prior to any scheduled Meeting, members shall notify the Secretary regarding any absences.
- 4.3 Failure of members to attend meetings as outlined in [Section 2.66.060](#) of the City Code may be subject to forfeiture of appointment.
- 4.4 Applicants (or designated representatives) shall attend the meeting at which their request is to be heard. After two meetings without informing staff of an excused absence, the request shall be returned to the applicant with no action taken and without fee refund.

5 Communications

- 5.1 Only the Chairperson shall speak, make public statements, or issue news releases on behalf of the entire Board pertaining to its actions, attitudes and/or actions. After any such official statement, the Chairperson shall inform the secretary. Any member of the Board may express their personal opinion on matters not before the Board, provided their expressly state their comments are as a private citizen and not as a member of the Board.
- 5.2 Members shall not attend private meetings whose principal purpose is to discuss business that is before the Board, unless such attendance is approved by the Board prior to the meeting.
- 5.3 Any written communication to a Board member(s) regarding business of the Board shall be reported and presented to the entire Board and shall be included in the public record. Any verbal communication to a Board member(s) regarding business of the Board shall be summarized and presented to the entire Board and the summary shall be included in the public record.

6 Duties

- 6.1 The duties of the Board include:
 - 6.1.a Review and take action on applications submitted and placed on the Board agenda to ensure that such requests are in conformance with the [Davenport Municipal Code and Title 17 Zoning](#).
 - 6.1.b On behest of city staff, the Board may review and make recommendations for staff's review regarding proposed changes to the Zoning Ordinance, altering-ordinance language in conformance with the Comprehensive Plan and City Code.

7 Staff

- 7.1 The Director of Development & Neighborhood Services or the designated representative shall serve as staff to the Board.
- 7.2 The Staff shall be responsible for preparation of the Agenda and for the provision of all staff support and reports to the Board. The Staff shall provide to the Board all reports pending on its upcoming agenda at least 24 hours prior to the scheduled meeting. Action may be deferred on any agenda item not meeting this requirement.
- 7.3 The Staff shall be responsible for maintenance of all correspondence, records, and reports.

8 New Board Member Orientation and Training

8.1 Orientation

- 8.1.a Following appointment to the Board and as soon as possible, new Board members shall attend an orientation session with the Board Chair and Staff. At this meeting the following topics shall be among those covered.

- Duties of the Board
- Zoning Ordinance
- Meeting attendance
- Board bylaws, including conflict of interest and ex-parte contact
- Board member decorum

- 8.1.b Staff will provide new board members with access to relevant onboarding documents and training materials.

8.2 Training

- 8.2.a Board members shall be offered the opportunity for training through invitations to webinars hosted by the Bi-State Regional Board and other sources. The costs of attendance shall be the responsibility of the individual member, or through full or partial reimbursement by the City if funds are available.

9 Rules of Order

9.1 Parliamentary Procedure

- 9.1.a Roberts Rules of Order, Revised, will serve as a guide for the Board meetings in all cases where these rules do not provide for the procedures to be followed.

9.2 Amendments

- 9.2.a The foregoing bylaws, or any part thereof, may be amended at a meeting of the Board where not less than three days' notice has been given to all members of the Board and a copy of the proposed amendment sent with the notice, providing, however, it shall require an affirmative vote by the majority of the Board members present to make any amendment or change in the bylaws.

9.3 Delays in Processing

- 9.3.a Requests brought before the Board for consideration shall be heard in a timely manner in accordance with the applicant's due process rights. Any issue under consideration by the Board, which has been tabled, postponed or returned for additional supporting information shall be returned to the agenda on or before its sixth meeting following the tabling, postponing or returning for additional information.
- 9.3.b Should the requested information not be submitted in the amount of time provided above, the Board may make a recommendation based on the information available or it may return the request to the applicant for future resubmission after making a determination that the request is incomplete and after listing the requisite information.

Referenced Portions Davenport Municipal Code :

[Title 2: Administration and Personnel. Chapter 66 Zoning Board of Adjustment.](#)

[Title 2: Administration and Personnel. Chapter 66 Zoning Board of Adjustment. Section 90 Powers and duties.](#)

[Title 17: Zoning. Chapter 13 Ordinance Administrators.](#)

[Title 17: Zoning. Chapter 14 Zoning Applications.](#)

Chapter 2.66
ZONING BOARD OF ADJUSTMENT¹

2.66.010. Creation. [Ord. No. 2019-02 § 3]

The Zoning Board of Adjustment of the City of Davenport is hereby established. The word "board", when used in this chapter, means the zoning board of adjustment.

2.66.020. Eligibility. [Ord. No. 2019-02 § 3]

All members of the board shall be legal residents of the City of Davenport.

2.66.030. Composition. [Ord. No. 2019-02 § 3]

The board shall consist of five members. All members shall exhibit strong, positive experience or interest in urban planning, urban design and City development.

2.66.035. Compensation. [Ord. No. 2019-02 § 3]

Members shall serve without compensation.

2.66.040. Method of appointment. [Ord. No. 2019-02 § 3]

Members shall be appointed by the Mayor, with the approval of the City Council.

2.66.050. Terms. [Ord. No. 2019-02 § 3]

Members shall serve terms of five years, provided however that all members shall hold over until their successors are appointed and approved. Appointments shall be staggered such that no more than one member is appointed and approved each year. Appointments for non-reappointed members shall begin from the date of the expired term of the non-reappointed member. Vacancies occurring on the board, other than those due to the normal expiration of term of office, shall be filled only for the unexpired portion of the former member's term.

2.66.060. Forfeiture of appointment. [Ord. No. 2019-02 § 3]

A member shall forfeit his or her appointment to the board if he or she changes their legal residence to outside the City's corporate limits or fails to attend in person at least two-thirds of all regularly scheduled meetings during the calendar year.

2.66.070. Meetings. [Ord. No. 2019-02 § 3]

Meetings shall be held at regularly scheduled times and location as determined by the board. All meetings shall be open to the public. Special meetings may be called by the chairperson or upon written request by three members of the commission. Special meetings shall be held at the time and location as determined by the chairperson or three

1. Editor's Note: Former Chapter 2.66, Cable Commission, Was Repealed By Ord. No. 2013-163.

requesting members of the commission. All meetings shall be in accordance with Iowa Open Meetings Law, Iowa Code, Chapter 21.

A public record of meetings shall contain the minutes, attendance records, voting results and summaries of all pertinent action of the commission. A copy shall be filed with the City of Davenport community planning and economic development department for public review.

2.66.080. Quorum. [Ord. No. 2019-02 § 3]

The presence of a majority of the official members of the commission shall constitute a quorum to legally transact commission business.

2.66.090. Powers and duties. [Ord. No. 2019-02 § 3]

The board shall have and exercise all the powers and privileges and shall perform the duties and conduct as established by state law, or as same may be from time to time amended and the provisions thereof being incorporated herein by reference, and such other powers and duties as may from time to time be conferred by or imposed upon it by law. The board shall hold public hearings and make final decisions on special use, hardship variance and zoning appeal applications.

The board shall adopt its own rules of procedure not in conflict with this Chapter or with the Iowa Code.

2.66.100. City officers and employees to assist. [Ord. No. 2019-02 § 3]

It shall be the duty of all City officers and employees of the City to provide assistance to the board and its members as this will enable the board to most effectively perform its duties. City officers and employees of the City are authorized and directed to furnish to the board, upon its request, records, documents, other information which the board may need for its consideration in connection with its duties.