

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, AUGUST 12, 2021; 4:00 PM

CITY HALL COUNCIL CHAMBERS 226 W 4TH ST

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 July 22, 2021 minutes.

III. Old Business

IV. New Business

A. Request SU21-06 of Nicholas Bragg on behalf of NB Properties LLC for a special use to consider a Neighborhood Commercial Establishment (retail sales/carry-out restaurant) at 330 East 15th Street. Municipal Code 17.08.030.V. allows for Neighborhood Commercial Establishments to be established in nonresidential structures within residential districts (excluding R-1) with the granting of a Special Use. [Ward 3; abutting Ward 5]

V. Other Business

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: Scott Koops, Planner II, AICP
Scott.Koops@davenportiowa.com

Date
8/12/2021

Subject:
Consideration of the July 22, 2021 minutes.

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes 7-22-21

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	8/6/2021 - 9:42 AM



MINUTES
Zoning Board of Adjustment
July 22, 2021



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

I. Call to Order:

Board member Loebach called the Zoning Board of Adjustment meeting to order in City Hall Council Chambers, Davenport, Iowa at approximately 4:04 p.m.

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

Excused: Quinn.

Staff present: Matt, Berkley and Attorney Hoyt.

II. Secretary's Report:

Minutes were approved for the 7-8-21 Hearing by voice-vote.

III. Old Business:

Request HV21-03 of Jim and Amy Holt at 4710 W. 60th Street for a Hardship Variance to construct an approximate 40' x 64' (2,560sq.ft.) detached garage in the rear yard. Section 17.09.030.K. of the Davenport Municipal Code allows a detached garage of 1,681 sq. ft. (existing dwelling is 3,363 sq. ft.). The proposed garage exceeds the allowed garage area by 879 sq. ft. [Ward 2]

Berkley presented the staff report. No comments were received in favor the request.

Review of Approval Standards:

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

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

Applicant Response:

We would like to build a pole barn on our residential property in the west end of Davenport. We live on 3.72 acres. The back portion of our property had been being managed by a farmer from when we purchased the property (2013) until last fall when we decided to take it over.

We were supposed to start the pole barn process last fall until the derecho. Then our contractor put all new buildings on hold so he could focus on all the repairs. We would like to a pole barn approximately 40' x 64' in the northeast portion of our lot to store machinery for the up keep of all property.

We will have a paved driveway that connect to the neighbor's driveway on the east side of the lot. Our Home Owners Association covenant requires machinery to be stored inside. The pole barn is needed to house the equipment we need.

Staff Comments:

Items owned by the petitioner are not grounds for a hardship variance. The site allows for a total of 2,765 sqft. storage space without a hardship variance. Garage space over and above the allowed 2,765 square feet of storage/garage space is a convenience to the petitioner.

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:

We are wanting this pole barn to accommodate the machinery to maintain this property. Having additional storage actually does apply to the majority of nearby properties. As stated before we have three neighbors (not zoned Ag) that have at least one pole barn for the exact reason of why we are wanting one.

Staff Comments:

Properties built 5, 10 to 20 years ago when the zoning ordinance was different are not grounds for a hardship variance. The need for the variance must be unique to the physical traits of the subject property.

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

Applicant Response:

The building will be a rectangle shape building with a low sheen [paint finish]. There will be two garage doors facing east. The hardship would be not having a storage facility for the machinery [needed] to maintain the property.

Staff Comments:

The site allows for a total of 2,765 sqft. storage space without a hardship variance. Garage space over and above the allowed 2,765 square feet of storage/garage space is a convenience to the petitioner. A unique circumstance has not been demonstrated by the petitioner.

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

Applicant Response:

Being granted this variance will not alter the character of the locality at all. We have three neighbors to the north east that have pole barns as well. We are in the city limits but all of the families in this residential are live on 3+ acres. We have a great design and appropriate colors for this proposed pole barn. We have every intention of maximizing this barn to fit into our existing property.

Staff Comments:

While the character of the area may not be immediately impacted by the proposed structure, the hardship variance and the existing attached garage do present a very large amount of storage space for a single-family dwelling. This excessive storage space which will be difficult for the normal single-family household to utilize may very well impact the character of the neighborhood as any new or future owners could look for ways to maximize the use of the property by renting out the storage space for others to use for person or business uses, both of which are illegal uses in this low density dwelling district.

Findings & Staff Recommendation:

Findings: (supported by the previous analysis)

- The petitioner has not demonstrated by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographical conditions or other extraordinary or exceptional situations, that this property subject to the strict application of this title results in peculiar and practical difficulties;
- Item #1 application of the ordinance creating hardship has not been demonstrated;
- Item #2 physical and topographical conditions do not limit use of the site;
- Item #3 unique circumstance has not been established;
- Item #4 essential character of the area will not be protected;

Items of Concern:

- Need for the garage has not been supported by a detailed inventory of items to be storage in the garage/size of the items have not been determined/provided to staff and the covenant has not been provided;
- Staff has no assurance that the garage will not be converted to a business in the future
- Ownership of mowing/turf equipment will be difficult to determine, home owner vs business owned; business equipment cannot be legally storage at this property;
- Access rights to the adjacent gravel drive have not been provided;

Recommendation:

Staff strongly recommends denial of the request as it does meet any of the approval criteria necessary for a hardship determination.

Additionally, if the hardship is approved, there will exist a threat to single-family investment in this neighborhood as the large storage building will be enticing for those who seek inexpensive locations in which to locate a business.

Item #1 Zoning Code Created Hardship, #2 Physical/topographical Hardship #3 Unique Circumstance Hardship and item #4 Protection of Essential Character have not been met per the approval criteria established in Section 17.14.060 of the Davenport Municipal Code.

Bob Inghram spoke against the request. Mr. Inghram stated the property is truly non-conforming with the zoning code. He stated that the use was not compatible.

The petitioner Jimmy Holt addressed the Board and stated his request.

Motion

Darland moved to approve, seconded by Loebach, request HV21-03 as proposed; Reistroffer abstained. The motion failed (0-3).

Roll call: Darland, no; Loebach, no; Boyd-Carlson, no; Reistroffer, abstain.

IV. New Business:

Request SU21-05 of Kevin Koellner on behalf of Elmore Storage LLC at 6403 Elmore Ave for a Special Use for an outdoor storage facility being a continuation of the existing use located on the C-3 property. Table 17.08-1 requires a Special Use for an outdoor storage facility on property zoned C-3 General Commercial District.

Berkley presented the staff report. No comments were received in favor or against the request.

Findings & Staff Recommendation:**Findings:**

1. The petitioner proposed location/design/construction meets Special Use requirements
2. This use is compatible with adjacent land uses and type of development
3. Security measures in place shall limit unwanted access to the site.
4. The proposed Special Use is in accordance with the criteria for Special Use approval.

Recommendation:

Staff recommends that Board adapt staff's findings and approve request SU21-05 subject to the following conditions:

1. Prior to occupancy the pad sites shall be enclosed with the same or similar style of fencing as the existing fence to the south;
2. The new portion of the site shall have restricted access to the site in a similar or same manner than the area to the south;
3. Should complaints arise due to noncompliance of these conditions, and/or if staff is aware of infractions to these conditions and/or any other code violations, a rehearing of the special use shall be scheduled per Davenport Municipal Code specifications for Zoning Board of Adjustment Special Use public hearings; at which the Special Use may be modified, re-approved or revoked.

The petitioner addressed the Board and explained the request.

Motion

Quinn moved to approve, seconded by Darland, the request as proposed with the following staff conditions:

The motion carried and was approved unanimously (4-0).

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

V. Other Business

None.

VI. Adjourn

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

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: Scott Koops, Planner II, AICP
Scott.Koops@davenportiowa.com

Date
8/12/2021

Subject:

Request SU21-06 of Nicholas Bragg on behalf of NB Properties LLC for a special use to consider a Neighborhood Commercial Establishment (retail sales/carry-out restaurant) at 330 East 15th Street. Municipal Code 17.08.030.V. allows for Neighborhood Commercial Establishments to be established in nonresidential structures within residential districts (excluding R-1) with the granting of a Special Use. [Ward 3; abutting Ward 5]

ATTACHMENTS:

Type	Description
▣ Executive Summary	Staff Report
▣ Exhibit	Application
▣ Exhibit	Site Plan
▣ Exhibit	Owners Notice & Map
▣ Exhibit	Notice List

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	8/6/2021 - 9:49 AM



**Zoning Board of Adjustment
Staff Report – Neighborhood Commercial
August 12, 2021**

Description

Request SU21-06 of Nicholas Bragg on behalf of NB Properties LLC for a special use to consider a Neighborhood Commercial Establishment (retail sales/carry-out restaurant) at 330 East 15th Street. Municipal Code 17.08.030.V. allows for Neighborhood Commercial Establishments to be established in nonresidential structures within residential districts (excluding R-1) with the granting of a Special Use. [Ward 3; abutting Ward 5]

Background

The petitioner is proposing to re-occupy this former store/laundry mat through the Neighborhood Commercial Establishment use designation which allows properties zoned residential (but design as commercial buildings) to be re-established. The adjacent area is a predominantly residential neighborhood containing single-family, duplex and tri-plex dwellings along with the occasional apartment building. The Principal Use Standards of 17.08.030.V. must be met. No additions or drive-throughs are planned. The retail space shall be required to meet all commercial building, health code, and business licensing requirements.

The second floor will be utilized for apartments; this use is allowed by right provided all housing and building codes are met. Any internal remodeling shall be approved through the EPlan system; Building, Neighborhood Services, and Fire Department Codes shall be met prior to occupancy.

All Neighborhood Commercial Establishments (NCE) prohibit the sale of alcohol, tobacco, e-cigarettes and vaping accessories. The petitioner has not proposed any of those uses.

Signage would be limited to the same restrictions as businesses' in the C-T district. Wall signs are allowed; a free standing sign must be monument in style, not exceeding 10 feet in height and 100 square feet in area with a landscaped base; all signs shall be located on private property and shall meet setback requirements.

Principal Use Standards 17.08.030.V.

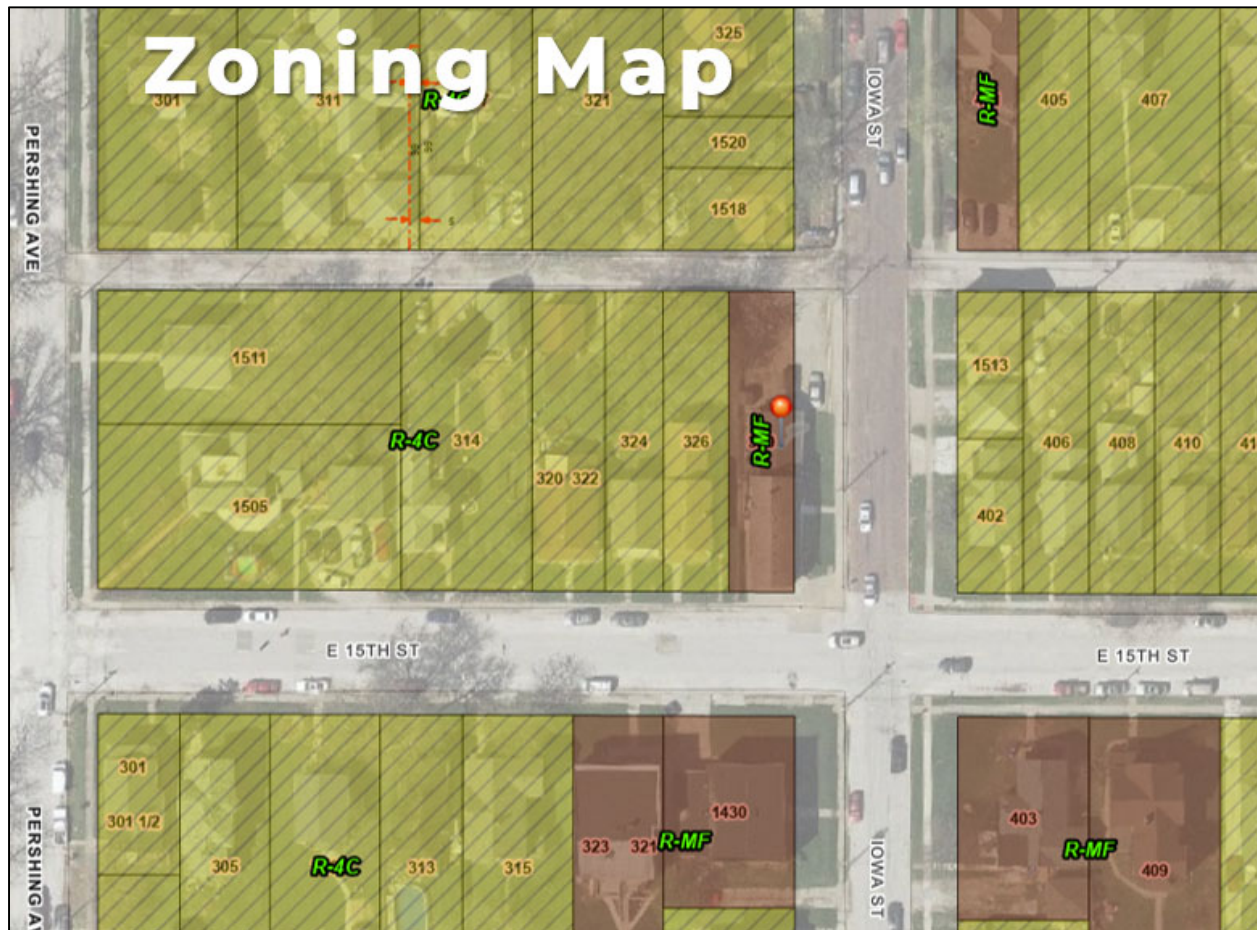
V. Neighborhood Commercial Establishment (NCE)

1. Neighborhood commercial establishments shall be allowed within existing structures that are nonresidential in their construction and/or use as of January 20, 2019.
2. The following non-residential uses are permitted:
 - a. Art gallery, b. Arts studio, c. Office, d. Personal service establishment,
 - e. Restaurant, f. Retail goods establishment:
 - i. Retail sales of alcohol is prohibited,
 - ii. Retail sales of tobacco products, electronic cigarettes, and vaping and tobacco smoking accessories and supplies is prohibited.
3. No off-street parking is required; all existing off-street parking shall be maintained.
4. Drive-through facilities are prohibited.
5. Outside storage or display is prohibited. All business, servicing, processing, and storage uses must be located within the structure.
6. Signs are limited to those allowed in the C-T District.

Site Location



Zoning Map



Discussion

Well-managed enterprises generally are welcomed in a neighborhood. A neighborhood commercial establishment is compatible with the adjacent neighborhood and the intent and spirit of the Zoning Ordinance. While parking is not required for a neighborhood commercial establishment, all existing spaces shall be maintained (as the petitioner has proposed).

Findings/Approval Standards

1. The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.

As each business is unique and as each business is operated under different business plans, this Special Use shall be limited to this owner only. Should the business be sold wholly or by more than 50%, a new Special Use shall be required and shall have a public hearing per Davenport Municipal Code requirements for Zoning Board of Adjustment Special Use public hearings.

The management and daily operation of this store will be vital to achieving health and safety for near-by residents and property owners. Whether or not this use will endanger the public remains to be seen.

2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.

Interior use of the existing building as a commercial business is compatible with the adjacent neighborhood as a general concept. Concern exists over how the store will be managed and whether activity outside may impact adjacent residents and property owners.

3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

The proposed use is in keeping with the intent of the neighborhood commercial establishment parameters; however, as with most businesses successful management of the business will ensure consistency with the intent and spirit of the Zoning Ordinance

Recommendation & Findings

Findings:

The location/design/construction of the proposed use meets the requirements of a Special Use; successful management of outdoor activity will be vital to neighborhood compatibility.

Recommendation:

Staff recommends approval of the request subject to the following conditions:

1. The special use shall be in conformance with all six (6) listed conditions of Section 17.08.030.V. (as published on June 16, 2021) for the duration of the operation of the use; failure to comply with Section 17.08.030.V. at all times could result in an immediate stop work order and potentially revocation of the Special Use;
2. Retail sales of alcohol is prohibited; retail sales of tobacco products, electronic cigarettes, and vaping, tobacco, and marijuana smoking accessories and supplies is prohibited;
3. Should the use become noncompliant with any of these conditions or Section 17.08.030.V., and/or if staff is aware of infractions to these conditions or any other code violations, a rehearing of the special use shall be scheduled per Davenport Municipal Code specifications for Zoning Board of Adjustment Special Use public hearings; at which the Special Use may be modified, approved or revoked;
4. The use shall not be expanded or enlarged at any point; no additional storage or building additions shall be allowed;
5. Loitering on the premises shall be prohibited.
6. All Building, Neighborhood Services, and Fire Department codes shall be met prior to occupancy;
7. The dumpster shall be located in the rear yard and shall be screened by a gated 6-foot solid enclosure (fence); daily all outside trash and debris shall be removed from the grounds and placed in the dumpster.
8. The site shall conform to all other City, State, and Federal Regulations;
9. The Special Use shall be limited to this owner only; should the business be sold wholly or by more than 50%, a new Special Use shall be required and shall have a public hearing per Davenport Municipal Code requirements for Zoning Board of Adjustment Special Use public hearings.

Prepared by: Scott Koops, 
Planner II

Attachments: Aerial Map, Site Plan, Application, Notification Map, Exhibits

REX J. RIDENOUR
REX J. RIDENOUR ATTORNEY AT LAW, PLLC
201 West Second Street; Suite 400
Davenport, Iowa 52801

Telephone (563) 324-1971

Email Address: rridenour@drmlawfirmpc.com

Facsimile (563) 324-1974

July 19, 2021
Via Hand Delivery

City of Davenport
Zoning Board of Adjustment
Development and Neighborhood Services
1200 E. 46th Street
Davenport, Iowa 52807

Re: Application for Special Use Permit - 330 E. 15th Street

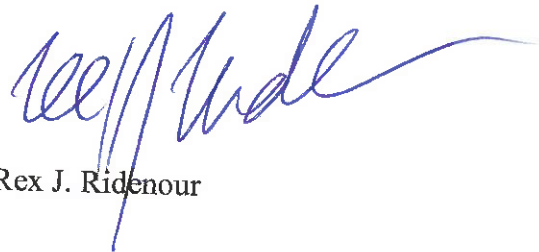
Ladies and Gentlemen:

Enclosed for filing are the following on behalf of the applicant, The Iowa Mart, LLC:

1. Completed Application to Zoning Board of Adjustment for a Special Use Permit as concerns that property located at 330 E. 15th Street.
2. Separate Authorization to Submit Application for Special Use signed on behalf of titleholder.
3. County Auditor's photographs and dimensions of the exterior of the property subject to this Application.
4. Handwritten plans of the proposed interior improvements.
5. Copy of recorded Warranty Deed to the present titleholder, NB Properties, LLC.
6. File-stamped copy of the Certificate of Organization of the titleholder, NB Properties, LLC.

7. File-stamped copy of the Certificate of Organization of the applicant, The Iowa Mart, LLC.
8. My Trust Account check in the amount of \$400.

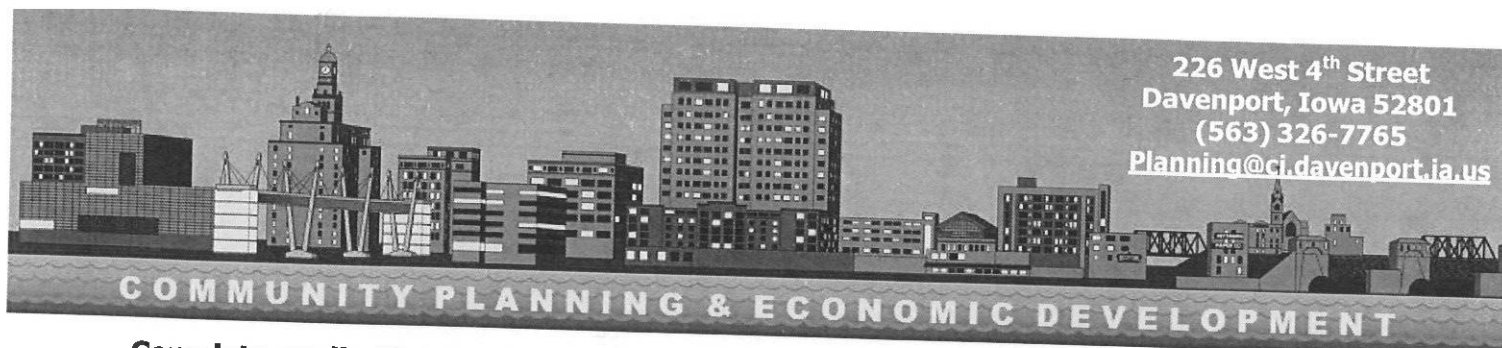
Very truly yours,



Rex J. Ridenour

RJR/cap
Enclosures

cc: Nicholas Bragg (via email w/o enclosures)



226 West 4th Street
Davenport, Iowa 52801
(563) 326-7765
Planning@ci.davenport.ia.us

Complete application can be emailed to planning@ci.davenport.ia.us

Property Address* 330 E. 15th Street; Davenport, Iowa 52803

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

Applicant (Primary Contact)**

Name:	Nicholas Bragg
Company:	The Iowa Mart, LLC
Address:	1224 Tremont Avenue
City/State/Zip:	Davenport, Iowa 52803
Phone:	563/579-0252
Email:	nbragg0404@gmail.com

Owner (if different from Applicant)

Name:	Nicholas Bragg for NB Properties, LLC
Company:	NB Properties, LLC
Address:	1224 Tremont Avenue
City/State/Zip:	Davenport, Iowa 52803
Phone:	563/579-0252
Email:	nbragg0404@gmail.com

Engineer (if applicable)

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

Architect (if applicable)

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

Attorney (if applicable)

Name:	Rex J. Ridenour
Company:	Rex J. Ridenour Attorney at Law, PLLC
Address:	201 West Second Street; Suite 400
City/State/Zip:	Davenport, Iowa 52801
Phone:	563/324-1971
Email:	rridenour@drmlawfirmmpc.com

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

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 ☐

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 ☐

Historic Preservation Commission

- Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Administrative

- Administrative Exception ☐
Health Services and Congregate ☐
Living Permit ☐

Request:

Please describe the special use requested:

The applicant requests a special use to allow a Neighborhood Commercial Establishment under Section 17.08.030.U. More particularly a Retail Goods Establishment/Restaurant-Carryout Only (f&e). The first floor of this establishment was for many years operated as a laundromat and is constructed for commercial use. The applicant is uncertain of when that use terminated.

Existing Zoning: **R-MF**

Submittal Requirements:

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed improvements affected by the special use. 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 17.14.050 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 - \$400.

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

- Prior to submission of the application for the special use, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the special use 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.
- If approved, a new special use application shall be required for any change to any approved special use that does not qualify as an administrative modification.
- Special uses shall expire one hundred eighty days after the date of the approval unless licenses or permits required for the operation or maintenance of the use have been obtained.

(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 special use permit:

- 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.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

#1 The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.

The present construction of the building upon the premises and its prior use makes it such so as to make it most adaptable and efficient for residential rental on the second floor and a commercial use on the first floor as evidenced by its prior use as a laundromat.

The applicant's intended use is that of a neighborhood convenience store with some emphasis on hot carryout lunch items.

As provided by ordinance, the store will not sell any tobacco or alcohol products.

The regular days and hours of operation have not been finally determined.

A list of the items to be offered for sale include but is not necessarily limited to:

Steak Phillies
Chicken Phillies
Nacho chips
Chicken
Tacos
Polish b&p
Fries/w t
Pizza puff
3 sides/random
Burger/turkey
Pastries/cakes
Regular candy
Penny candy
Chips
Pops
Jerky
Peanuts
Gum
Lighters
Medical
Chapstick
Fruit
Icemy machine
Over the counter health and hygiene items
Toiletries
Napkins, paper towels, plastic utensils, picnic items, other convenience store items

There will be no seating for inside dining, all food items will be for carry out but no drive through service. There is some limited off street parking at the rear of the property and also on street parking.

It is contemplated that this will be a convenience store servicing the neighborhood. It is not expected to draw a significant number of customers from outside of the neighborhood.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

#2 The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.

This property being several blocks from both Brady Street and Locust Street is admittedly not adjacent to other properties being used for any type of commercial purpose. However the use of this property in the past for the commercial purpose of operating a laundromat has apparently been deemed compatible with adjacent and other property in immediate vicinity. It is submitted that the applicant's proposed use as a neighborhood convenience store will also be compatible.

Although the applicant does not know the extended history of the past use of this property its construction indicates it was likely a small retail facility at a time when owners sometimes lived above their store. Although the applicant does not intend to reside upon the premises that is the nature of the special use proposed.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

#3 The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

The ordinance provides for Special Use for a Neighborhood Commercial Establishment. It is submitted that the spirit and intent of that is to allow for the provision of services to a neighborhood in a manner that is convenient to the residents of the neighborhood. Much as the laundromat did in the past at this location the items proposed to be offered by applicant will be readily and conveniently available to the residents of this neighborhood.

The building structure is such so that the only practical use for the first floor is some type of commercial use.

Applicant: Nicholas Bragg

Date: 7/19/2021

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: [Signature]

Planning staff

Date: 7-19-21

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, Nicholas Bragg for NB Properties, LLC
authorize Nicholas Bragg for The Iowa Mart, LLC and Rex J. Ridenour his attorney
to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located
at 330 E. 15th Street; Davenport, Iowa.

NB PROPERTIES, LLC

[Signature]
Nicholas Bragg

Signature(s)*

*Please note: original signature(s) required.

AUTHORIZATION TO SUBMIT APPLICATION FOR SPECIAL USE

TO: Zoning Board of Adjustment, City of Davenport

The titleholder to that real estate located at 330 E. 15th Street, Davenport, Iowa, described as:

The East Half of Lot 5 in Block 113 in Smith and Kelly's
Addition to the City of Davenport, Scott County, Iowa

is NB Properties, LLC.

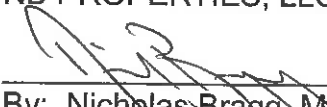
The applicant for special use of that property is The Iowa Mart, LLC.

Both the titleholder and applicant are single member limited liability companies organized in the State of Iowa. Nicholas Bragg is the single member of each.

NB Properties, LLC by and through its undersigned member authorizes The Iowa Mart, LLC to make this application for special use.

Dated 7/19/2021

NB PROPERTIES, LLC


By: Nicholas Bragg, Member



Scott County / City of Davenport, Iowa

Summary - Auditor's Office

Parcel ID F0016-16
Alternate ID F10067
Property Address 330 E 15TH ST
 DAVENPORT IA 52803
Sec/Twp/Rng N/A
Brief Tax Description SMITH & KELLEY'S ADD Lot: 005 Block: 113 SMITH & KELLEY'S ADDE/2 OF
 (Note: Not to be used on legal documents)
Deed Book/Page 2021-19677
Contract Book/Page
Gross Acres 0.00
Net Acres 0.00
Adjusted CSR Pts 0
Class C - Commercial; M - MultiResidential
 (Note: This is for tax purposes only. Not to be used for zoning.)
District DAD - DAVENPORT DAVENPORT
School District DAVENPORT SCHOOL
Subdivision SMITH & KELLEY'S ADD



Owners - Auditor's Office

Deed Holder
 NB PROPERTIES LLC
 1224 TREMONT AVE
 DAVENPORT IA 52803

Contract Holder

Mailing Address
 NB PROPERTIES LLC
 1224 TREMONT AVE
 DAVENPORT IA 52803

DBA (Doing Business As) - Assessor's Office

FKA: PINK POODLE LAUNDROMAT

Land - Assessor's Office

Map Area MR-South Conversion
Lot Dimensions Regular Lot: 32.10 x 150.00
Lot Area 0.11 Acres; 4,815 SF

Land Sizes Used For Assessment Purposes Only. Not A Survey Of The Property.

Residential Dwelling - Assessor's Office

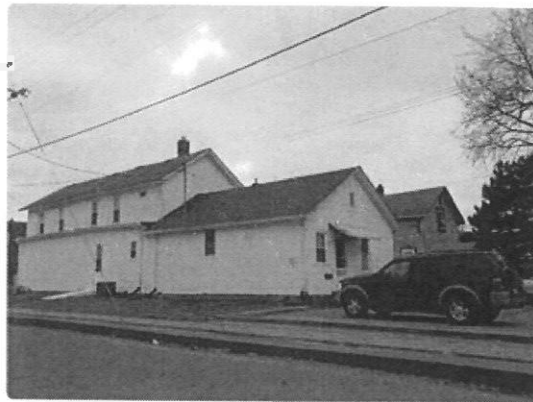
Residential Dwelling
Occupancy Three-Family Conversion
Style 2 Story Frame
Year Built 1900
Exterior Material Asbestos Shingles
Total Gross Living Area 2,745 SF
Attic Type None;
Number of Rooms 0 above; 0 below
Number of Bedrooms 3 above; 0 below
Basement Area Type Full
Basement Area 510
Basement Finished Area
Plumbing 3 Full Bath; 1 Toilet Room; 2 Sink; 1 Water Heater;
Central Air Yes
Heat FHA - Gas
Fireplaces
Porches Concrete Stoop/Deck (54 SF); 1S Frame Open (24 SF); Concrete Stoop/Deck (12 SF);
Decks Wood Deck-Med (96 SF);
Additions 2 Story Frame (558 SF);
 1 Story Frame (90 SF) (90 Bsmt SF);
 1 Story Frame (672 SF);
 1 Story Frame (60 SF) (60 Bsmt SF);
 1 Story Frame (87 SF);

Garages

Yard Extras - Assessor's Office

#1 - (1) Paving - Concrete 2,500 SF, Concrete Parking, Low Pricing, Built 1970
 #2 - (1) Shed W6.00 x L6.00 36 SF, Frame, Average Pricing, Built 2015

Photos - Assessor's Office



<https://beacon.schneidercorp.com/Application.aspx?AppID=1024&LayerID=21532&PageTypeID=4&PageID=9191&Q=1725685894&KeyValue=F0016...> 2/5



Scott County / City of Davenport, Iowa

Summary - Auditor's (

Parcel ID	FOU
Alternate ID	F11
Property Address	330
	DA
Sec/Twp/Rng	N/
Brief Tax Description	SM
	(Nc
Deed Book/Page	20;
Contract Book/Page	
Gross Acres	0.0
Net Acres	0.0
Adjusted CSR Pts	0
Class	C -
	(Nc
District	DA
School District	DA
Subdivision	SM

Owners - Auditor's Op

Deed Holder
NB PROPERTIES LLC
1224 TREMONT AVE
DAVENPORT IA 52803

DBA (Doing Business

FKA:PINK POODLE LAUND

Land - Assessor's Office

Map Area	MR-South Con
Lot Dimensions	Regular 1
Lot Area	0.11 Acre

Land Sizes Used For Assess

Residential Dwelling -

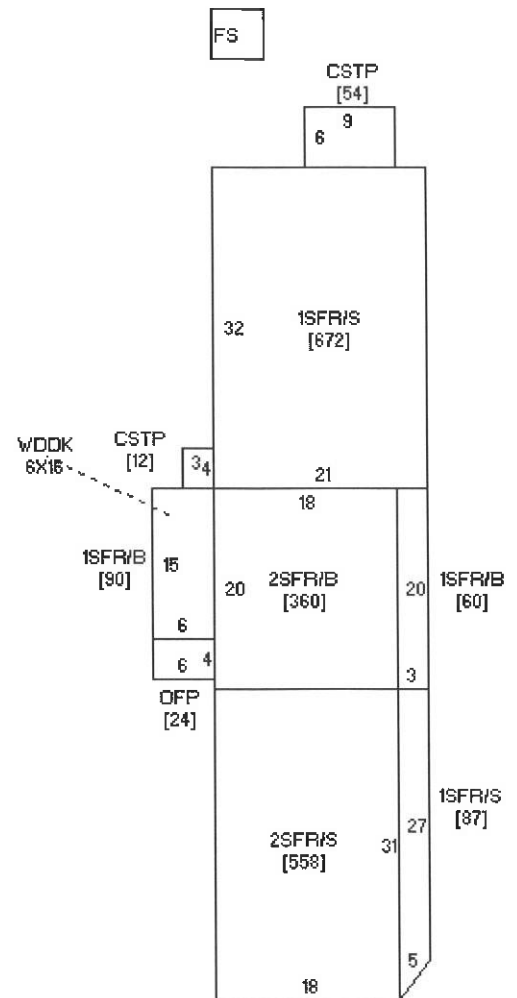
- Residential Dwelling
- Occupancy
- Style
- Year Built
- Exterior Material
- Total Gross Living Area
- Attic Type
- Number of Rooms
- Number of Bedrooms
- Basement Area Type
- Basement Area
- Basement Finished Area
- Plumbing
- Central Air
- Heat
- Fireplaces
- Porches
- Decks
- Additions

Garages

Yard Extras - Assessor

#1 - (1) Paving - Concrete 2, _____
#2 - (1) Shed W6.00 x L6.00 36 SF, Frame, Average Pricing, Built 2015

Photos - Assessor's Office





Doc ID: 022825230001 Type: LAM
 Recorded: 06/09/2021 at 03:12:43 PM
 Fee Amt: \$147.20 Page 1 of 1
 Revenue Tax: \$135.20
 Scott County Iowa
 Rita A. Vargas Recorder
 File **2021-00019677**

Prepared by: Ronald A May, 2322 E. Kimberly Road, Suite 120W, Davenport, IA 52807; (563) 359-3591
 Return To: Ronald A May, 2322 E. Kimberly Road, Suite 120W, Davenport, IA 52807
 Address Tax Statement: NB Properties, LLC 1224 Tremont Ave, Davenport, IA 52802

WARRANTY DEED

For the consideration of One Dollar(s) and other valuable consideration, Joel R. Limburg, an unmarried person, does hereby Convey to NB Properties, LLC,

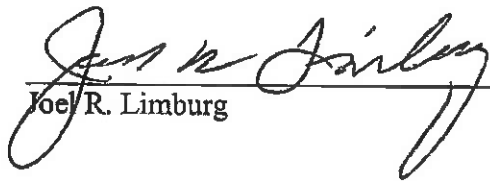
the following described real estate in Scott County, Iowa:

The East Half of Lot 5 in Block 113 in Smith and Kelly's Addition to the City of Davenport, Scott County, Iowa.

Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and Convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate.

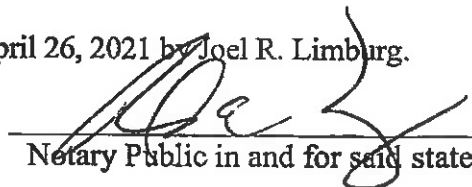
Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

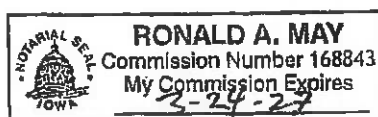
Dated: April 26, 2021


 Joel R. Limburg

STATE OF IOWA, COUNTY OF SCOTT, SS:

This record was acknowledged before me on April 26, 2021 by Joel R. Limburg.


 Notary Public in and for said state



CERTIFICATE OF ORGANIZATION**OF****NB PROPERTIES, LLC.**

The undersigned Organizer of a limited liability company organized under the Iowa Limited Liability Company Act, Chapter 489.201 Code of Iowa, does hereby adopt the following Certificate for such limited liability company.

**SECTION I
NAME OF LIMITED LIABILITY COMPANY**

The name of the limited liability company shall be **NB PROPERTIES, LLC.**

**SECTION II
REGISTERED OFFICE AND REGISTERED AGENT**

The address of the initial registered agent of the limited liability company is Ronald A. May of Gomez May, LLP 2322 E. Kimberly Road, Suite 120W Davenport, Iowa 52807, 563-359-3591.

**SECTION III
PRINCIPAL OFFICE**

The address of the principal office of the limited liability company is: 1224 Tremont Ave Davenport IA 52802.

**SECTION IV
PERIOD OF DURATION**

The limited liability company's existence shall commence upon the acceptance of this Certificate of Organization by the Secretary of State of Iowa for filing and shall continue for a period of thirty (30) years, unless sooner dissolved pursuant to the terms of its Operating Agreement, or as otherwise provided by law.

**SECTION V
WRITTEN OPERATING AGREEMENT**

Any Operating Agreement entered into by the members of the limited liability company, and any amendments or restatements thereof, shall be in writing. No oral agreement among any of the members or managers of the limited liability company shall be deemed or construed to constitute any portion of, or otherwise affect the interpretation of, any

written Operating Agreement of the limited liability company, as amended and in existence from time to time.

SECTION VI MANAGERS

The business and affairs of the limited liability company shall be governed by managers. The actions of a member or any other person acting in any capacity other than as a manager of the limited liability company shall not bind the limited liability company.

SECTION VII LIMITATION OF LIABILITY OF MANAGERS

Managers of the limited liability company shall not be liable to the limited liability company or its members for monetary damages for breach of fiduciary duty as a manager; provided, however, that this limitation of liability does not apply to any of the following:

1. Breach of the manager's duty of loyalty to the limited liability company or its members.
2. Acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.
3. Transaction from which the manager derives an improper personal benefit or a wrongful distribution in violation of *Iowa Code* Section 489.405.

IN WITNESS WHEREOF, the aforesaid organizer has caused the execution of the foregoing Certificate of Organization on this 2nd day of Oct 2015.


Nicholas Bragg, Organizer of
NB, LLC.

FILED
IOWA
SECRETARY OF STATE

12-7-15 1:49pm

W01021473

Iowa Secretary of State
321 East 12th Street
Des Moines, IA 50319
sos.iowa.gov



FILED

Date **4/22/2021 02:16 PM**
Corp No **665477**
Cert No **FT0113885**

Certificate of Organization - LLC

Information

CODE 489 DOMESTIC LIMITED LIABILITY COMPANY

Chapter

The Iowa Mart, LLC

Name of Entity

4/22/2021 2:00:00 PM

Effective Date and Time

Perpetual

Expiration Date

No

Does the limited liability company hold an interest in agricultural land in Iowa?

Registered Agent and Registered Office Address

Nicholas Bragg

Full Name

1224 Tremont Avenue

Address1

Address2

Davenport

City

IA

State

52803

Zip

USA

Country

Principal office

330 E 15th St

Address1

Address2

Davenport

City

IA

State

52803

Zip

USA

Country

Signature(s)

Nicholas Bragg

Organizer

4/22/2021 2:15:12 PM

Date

**CERTIFICATE OF ORGANIZATION
OF
THE IOWA MART, LLC**

The undersigned Organizer of a limited liability company organized under the Revised Uniform Limited Liability Company Act, Chapter 489, Code of Iowa, does hereby adopt the following Certificate of Organization for such limited liability company.

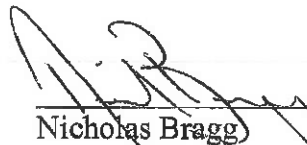
**ARTICLE I
NAME OF THE LIMITED LIABILITY COMPANY**

The name of the limited liability company shall be The Iowa Mart, LLC.

**ARTICLE II
REGISTERED OFFICE AND REGISTERED AGENT**

The address of the initial registered office of the limited liability company is 1224 Tremont Avenue, Davenport, Iowa 52803. The initial registered agent at such address is Nicholas Bragg.

IN WITNESS WHEREOF, the aforesaid organizer has caused the execution of the foregoing Certificate of Organization on this 12th day of April, 2021.



Nicholas Bragg
Organizer of The Iowa Mart, LLC

Back door

Side

#1	#2	#3
----	----	----

Storage

Bath room

Door

Deep Freezer

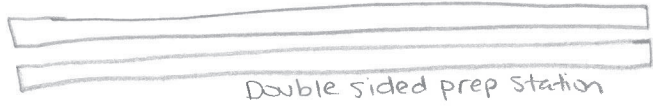
Standup Freezer

Refridgerator

Hot water

Fryer

Fryer



Double sided prep station

main door

counter

warming station

Coolers

Display Rack

Display Rack

bar



DAVENPORT

DEVELOPMENT &
NEIGHBORHOOD SERVICES

Public Hearing Notice | Zoning Board of Adjustment

Date: 8/12/2021 **Location:** Council Chambers | City Hall | 226 W. 4th ST.
Time: 4:00:00 PM **Subject:** Public Hearing for Speical Use before the Zoning Board of Adjustment

Example Letter
Ward 3 (and 5)
32 Notices sent

To: All property owners within 200 feet of the subject property located at **330 East 15th Street.**

What is this About?

This notice is being sent to inform you that a public hearing will be held for a Speical Use. The purpose of the Speical Use is to authorize certain special/conditional uses of property which are allowed but require special consideration.

Request/Case Description

Request SU21-06 of Nicholas Bragg on behalf of NB Properties LLC for a special use to consider a Neighborhood Commercial Establishment (retail sales/carry-out restaurant) at 330 East 15th Street. Municipal Code 17.08.030.V. allows for Neighborhood Commercial Establishments to be established in nonresidential structures within residential districts (excluding R-1) with the granting of a Special Use. [Ward 3; abutting 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 centauri with the district court.

Would You Like to Submit an Official Comment?

As a neighboring 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 verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

Zoning Board of Adjustment Adjacent Property Owner Notice Area Map



HV21-06 Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	330 E 15TH ST	NB PROPERTIES LLC (Deed)	1224 TREMONT AVE	DAVENPORT IA 52803
Neighborhood:	East Bluff Neigh. Assoc.	http://www.eastbluffdavenport.org	'contact us' form sent	All Alderman Notified
Ward/Ald:	3 (& adjacent to 5)	MEGINNIS (& DOHRMANN)		Notices Sent: 31
F0015-17	407 KIRKWOOD BD	OHP 1 LC (Deed)	2920 HARRISON ST	DAVENPORT IA 52803
F0015-23	408 E 15TH ST	KNUTSEN DAVE (Deed)	408 E 15TH ST	DAVENPORT IA 52803
F0016-03	1518 IOWA ST	LOTT THOMAS W (Deed)	1518 IOWA ST	DAVENPORT IA 52803
F0016-04	414 KIRKWOOD BD APT A	CARRIE ANN WISE LIVING TRUST (Deed)	414 KIRKWOOD BD APT A	DAVENPORT IA 52803
F0016-05	325 KIRKWOOD BD	JOHN H SAWYER LIVING TRUST (Deed)	PO BOX 3123	DAVENPORT IA 52808
F0016-07	317 KIRKWOOD BD	ANDREW WOLD INVESTMENTS LLC (Deed)	P.O. BOX 611	BETTENDORF IA 52722
F0016-13	322 E 15TH ST	WEST BRETT DENNIS (Deed)	322 E 15TH ST	DAVENPORT IA 52803
F0016-14	324 E 15TH ST	VOSS PETER (Deed)	PO BOX 1676	DAVENPORT IA 52809
F0016-15	701 TREMONT AVE	BAILEY JOHN J (Deed)	701 TREMONT AVE	DAVENPORT IA 52803
F0016-19	313 E 15TH ST	SANDMAN LORRETTA C (Deed)	313 E 15TH ST	DAVENPORT IA 52803
F0016-21	3625 MISSISSIPPI AVE	MEDRANO ROBERTO (Deed)	3625 MISSISSIPPI AVE	DAVENPORT IA 52807
F0015-35	1417 IOWA ST	BROWN VALERIE A (Deed)	1417 IOWA ST	DAVENPORT IA 52803
F0015-19	1501 21ST ST	BAKERIS PROPERTY MANAGEMENT CO (Deed)	1501 21ST ST	BETTENDORF IA 52722
F0015-20	1513 IOWA ST	ALL OVER PROPERTY MANAGEMENT LLC (Deed)	6012 W JEWELL AVE	LAKEWOOD CO 80232
F0015-21	402 E 15TH ST	SCARPULLA DANIEL (Deed)	60-40 77TH PLACE	MIDDLE VILLAGE NY 11379
F0015-22	406 E 15TH ST	RASH SHARON A (Deed)	406 E 15TH ST	DAVENPORT IA 52803
F0015-24	832 TREMONT AVE	URBAN REHAB LLC (Deed)	832 TREMONT AVE	DAVENPORT IA 52803
F0015-33	409 E 15TH ST	HERNANDEZ BERNABE COBOS (Deed)	409 E 15TH ST	DAVENPORT IA 52803
F0015-33	409 E 15TH ST	COBOS ESPERANZA VALADEZ (Deed)	409 E 15TH ST	DAVENPORT IA 52803
F0015-34	403 E 15TH ST	THINATOS LLC (Deed)	TOM BAKERIS	DAVENPORT IA 52803
F0016-06	321 KIRKWOOD BD	DWYER PATRICK MICHAEL (Deed)	321 KIRKWOOD BD	DAVENPORT IA 52803
F0016-08	311 KIRKWOOD BD	ANDREW WOLD INVESTMENTS LLC (Deed)	P.O. BOX 611	BETTENDORF IA 52722
F0016-10A	1511 PERSHING AV	VERA FRENCH HOUSING CORPORATIO (Deed)	211 E 37TH ST	DAVENPORT IA 52806
F0016-11	1505 PERSHING AV	HERNANDEZ SAVALA MARIA ELENA (Deed)	1505 PERSHING AV	DAVENPORT IA 52803
F0016-12	314 E 15TH ST	GULDENPFENNIG ROBIN F (Deed)	314 E 15TH ST	DAVENPORT IA 52803
F0016-16	330 E 15TH ST	NB PROPERTIES LLC (Deed)	1224 TREMONT AVE	DAVENPORT IA 52803
F0016-01	1418 IOWA ST	HOUSER FRANKLIN R (Deed)	2328 PARLIAMENT ST	EUGENE OR 97405
F0016-02	1418 IOWA ST	LONG PHUONG COOPERATIVE (Deed)	PO BOX 4345	DAVENPORT IA 52808
F0016-18	315 E 15TH ST	CINNAMYL LADY'S VENTURES LLC (Deed)	SERIES H	DAVENPORT IA 52804
F0015-18	405 KIRKWOOD BD	L A MILLER & ASSOCIATES LLC (Deed)	1716 HARRISON ST	DAVENPORT IA 52803
F0016-01A	321 E 15TH ST #1	D&B 321 E 15TH LLC (Deed)	3250 GRANITE CREEK PLACE	NEWCASTLE CA 95658
F0016-02A	321 E 15TH ST #2	D&B 321 E 15TH LLC (Deed)		
F0016-03A	321 E 15TH ST #3	D&B 321 E 15TH LLC (Deed)		
F0016-04A	321 E 15TH ST #4	D&B 321 E 15TH LLC (Deed)		
F0016-10B	1511 PERSHING AV	VERA FRENCH HOUSING CORPORATIO (Deed)	211 E 37TH ST	DAVENPORT IA 52806