

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

Thursday, March 12, 2026; 4:00 PM

City Hall | 226 West 4th Street | Council Chambers

The Zoning Board of Adjustment holds public hearings to consider hardship variances, special uses, and interpretation appeals.

- I. Call to Order
- II. Secretary's Report
  1. Consider the minutes from February 12, 2026.
- III. Old Business
- IV. New Business
  1. Request HV26-02 of John Meehan on behalf of Molo Oil dba Big 10 Mart at 5310 Corporate Park Drive for a hardship variance to reconstruct and reface an existing 125 sq ft nonconforming freestanding sign. Section 17.12.060.D allows a maximum of 100 sq ft for this freestanding monument sign. The property is zoned C-3 General Commercial District. [Ward 6]
- V. Other Business
- VI. Adjourn

City of Davenport

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

**Action / Date**  
**3/12/2026**

Subject:  
Consider the minutes from February 12, 2026.

Recommendation:

Background:

Attachments:

1. ZBA Minutes 2026-02-12



**MINUTES**  
**Zoning Board of Adjustment**  
**February 12, 2026**



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

**I. Call to Order:**

Vice Chair Galliard called the Zoning Board of Adjustment (ZBA) meeting to order in City Hall Council Chambers, Davenport, Iowa at approximately 4:00 p.m.

Members Participating: (Vice and acting Chair) Galliard, Boyd-Carlson, Kleffmann, Crawford, Darland (remote)  
Excused: None.  
Staff present: Werderitch, Koops

**II. Secretary's Report:**

Minutes were approved for the 2025-12-11 ZBA Hearing by voice-vote (5-0).

**III. Old Business:**

None.

**IV. New Business:**

**Request SU26-01 of Mark Harpole/Shive-Hattery on behalf of Radiology Group LC at 1970 East 53rd Street for a special use to consider a nine (9) space standalone parking lot expansion which will be an expansion of the exiting parking and be located to the north of building and common access drive. Municipal Code, Table 17.08-1, allows for a parking lot with the granting of a Special Use in the C-2 Corridor Commercial District. The parking lot shall be for the use of the offices adjacent to the south, and generally will contain employee parking. [Ward 8]**

Koops presented the staff report to the board.

**Findings & Staff Recommendation:**

Findings:

The location/design/construction of the proposed use meets the requirements of a Special Use as conditioned.

Recommendation:

Staff recommends approval of the request with the following conditions:

1. The proposed 9-parking space addition, which will be constructed on Lot 2 of Waterford Place 3rd Add, shall only be for businesses located on Lots 2 & 3 of Waterford Place 3rd Add
2. Upon future development of lot 2 of Waterford Place 3rd Add, for additional principal use(s), the parking lot shall be integrated with the new development and the special use for the parking area shall be null and void; and
3. The City of Davenport reserves the right to schedule a rehearing before the Zoning Board of Adjustment should concerns arise regarding this special use.

**Motion:**

A motion by Kleffmann to approve the request as proposed and as conditioned, seconded by, Boyd-Carlson carried unanimously (5-0). Subject to the following staff report conditions:

1. The proposed 9-parking space addition, which will be constructed on Lot 2 of Waterford Place 3rd Add, shall only be for businesses located on Lots 2 & 3 of Waterford Place 3rd Add
2. Upon future development of lot 2 of Waterford Place 3rd Add, for additional principal use(s), the parking lot shall be integrated with the new development and the special use for the parking area shall be null and void; and
3. The City of Davenport reserves the right to schedule a rehearing before the Zoning Board of Adjustment should concerns arise regarding this special use.

Boyd-Carlson, yes; Kleffman, yes; Crawford, yes; Galliard, yes, Darland, yes;

**Request SU26-02 of Orrin Smith on behalf of McGrath Auto at 4640 Brady St (and 4618 Brady) to establish and expand a Special Use for a Vehicle Dealership with Outdoor Display. Table 17.08-1 requires a Special Use for a Vehicle Dealership with Outdoor Display on property zoned C-3 General Commercial District. [WARD 7]**

Koops presented the staff report to the board.

**Findings & Staff Recommendation:**

Findings:

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

Recommendation:

Staff recommends the Board adopt staff’s findings and approve request SU26-02 subject to the following conditions:

1. The extent of submitted Site Plan shall be binding; any changes deemed a modification shall be subject to Special Uses §17.14.50;
2. Prior to construction full site plan review shall be approved through the E-Plan system;
3. The use of flags/pennants/tinsel/balloons shall be prohibited; and  
Should complaints arise due to non-compliance of conditions a rehearing of the Special Use shall be scheduled per Davenport Municipal Code specifications for Board of Adjustment action.

**Motion:**

A motion by Crawford to approve the request as proposed, seconded by, Kleffmann carried unanimously (5-0), subject to the following staff report conditions:.

1. The extent of submitted Site Plan shall be binding; any changes deemed a modification shall be subject to Special Uses §17.14.50;
2. Prior to construction full-site plan review shall be approved through the E-Plan system;
3. The use of flags/pennants/tinsel/balloons shall be prohibited; and  
Should complaints arise due to non-compliance of conditions a rehearing of the Special Use shall be scheduled per Davenport Municipal Code specifications for Board of Adjustment action.

Boyd-Carlson, yes; Kleffman, yes; Crawford, yes; Galliard, yes, Darland, yes;

**Request HV26-01 of Duane Iossi at 4820 N Division ST for a Hardship Variance to encroach into the 49th Street front yard and exceed the allowed garage size for a detached accessory garage. The proposed detached garage would be 32' x 44' (1,408 sq ft) and be located 15' east of the rear property line, 128' from the Division street property line and approximately 110' south of the 49th street property line. The allowed detached garage size for this lot/dwelling is 1,121.5 sq ft and the proposed garage size is 1,408, which makes the garage 286.5 sq ft over the allowed size. [WARD 2]**

Koops presented the staff report to the board.

**Findings & Staff Recommendation:**

Findings FOR THE LOCATION: (supported by the previous analysis)

- physical and topographical conditions on site do limit impact of the development
- unique circumstance has been established
- protection of essential character will be upheld

Recommendation FOR THE LOCATION:

Staff recommends the Board adopt staff's findings and approve request HV26-01 subject to the following condition:

- #1 the existing driveway shall be utilized for access to the proposed garage; all new areas for vehicular use that are not currently in use as a driveway shall have paving installed.

Findings TO EXCEED ALLOWED AREA: (supported by the previous analysis)

There does not appear to be any evidence beyond convenience to support a detached garage that exceeds the allowed area for such a structure.

Recommendation TO EXCEED ALLOWED AREA:

Staff recommends the Board adopt staff's findings and vote down, with a separate motion, the request to exceed the area of the proposed garage as part of HV26-01.

**Motions:**

A motion by Darland to approve the **location** request as proposed, seconded by, Crawford carried unanimously (5-0).

Boyd-Carlson, yes; Kleffman, yes; Crawford, yes; Galliard, yes, Darland, yes;

A motion by Crawford to approve the **area** request as proposed, seconded by, Boyd-Carlson **failed** (0-5).

Boyd-Carlson, no; Kleffman, no; Crawford, no; Galliard, no, Darland, no;

**V. Other Business**

None.

**VI. Adjourn**

The meeting adjourned unanimously by voice vote at approximately 4:41 p.m.

City of Davenport

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

**Action / Date**  
**3/12/2026**

Subject:

Request HV26-02 of John Meehan on behalf of Molo Oil dba Big 10 Mart at 5310 Corporate Park Drive for a hardship variance to reconstruct and reface an existing 125 sq ft nonconforming freestanding sign. Section 17.12.060.D allows a maximum of 100 sq ft for this freestanding monument sign. The property is zoned C-3 General Commercial District. [Ward 6]

Recommendation:

Background:

Attachments:

1. HV26-02 Staff Report - exceed freestanding sign area
2. Power Point Slides
3. HV26-02 Adjacent Owner Notice List - 5310 Corporate Park Dr
4. EXAMPLE Public Hearing Notice 5310 Corporate Park DR ii



## Zoning Board of Adjustment Staff Report | Exceed Freestanding Sign Area March 12, 2026

### Description

Request HV26-02 of John Meehan on behalf of Molo Oil dba Big 10 Mart at 5310 Corporate Park Drive for a hardship variance to reconstruct and reface an existing 125 sq ft nonconforming freestanding sign. Section 17.12.060.D allows a maximum of 100 sq ft for this freestanding monument sign. The property is zoned C-3 General Commercial District. [Ward 6]

### Code Requirement(s)

Section 17.12.060.D allows a maximum of 100 sq ft for this freestanding monument sign.

### Background

The petitioner has requested a hardship variance from sign code requirements, requesting a nonconforming 124.85 SF freestanding sign be replaced with a 124.85 SF sign in the same location and of similar style. The original sign met area requirements when it was constructed (Pre 2019), which means the sign is nonconforming with respect to the existing sign code.

### Applicable Nonconforming Code Sections (17.15.010, 17.15.020, 17.15.060)

Nonconforming Signs are specifically addressed in the Nonconforming Section of the Zoning Code. Simple sign face changes are allowed by right but "the structure cannot be altered to accommodate such change". [Think about a 'traditional sign cabinet with a simple vinyl face within the frame'. Any changes beyond a simple face change will result in the loss of the nonconformity and a variance would be required if the proposed sign does not meet all codes.]

Given that the applicant cannot make a simple face change for what they have proposed, the hardship variance is required to change the sign beyond what the nonconforming code allows.

## CHAPTER 17.15. NONCONFORMITIES

### Section 17.15.010 General Applicability

#### A. Authority to Continue

Any use, structure, lot, or site element that legally existed as a nonconformity as of the effective date of this Ordinance, and any use, structure, lot, or site element that has been made nonconforming as of the effective date of this Ordinance, and any subsequent amendments, may continue subject to the provisions of this Chapter so long as it remains otherwise legal. A use, structure, lot, or site element that is illegal as of the effective date of this Ordinance, remains illegal.

### Section 17.15.020 Nonconforming Use

#### A. Definition

A nonconforming use is the use of a structure or land that at one time was an allowed use within a zoning district, but because of subsequent amendments to the Ordinance is no longer allowed.

### Section 17.15.060 Nonconforming Signs

A. A nonconforming permanent sign and sign structure may remain in use so long as it remains otherwise lawful and has not been damaged or destroyed to the extent of less than 50% of its value prior to the damage. A nonconforming permanent sign and sign structure that is damaged or destroyed to the extent of 50% or more of its value prior to the damage, or if it the sign and/or sign structure has been removed, cannot be restored or repaired unless it conforms to all applicable regulations for the district. Sign owners must supply the Zoning Administrator with a repair cost estimate of the damaged sign and an estimate of the cost of a new identical sign.

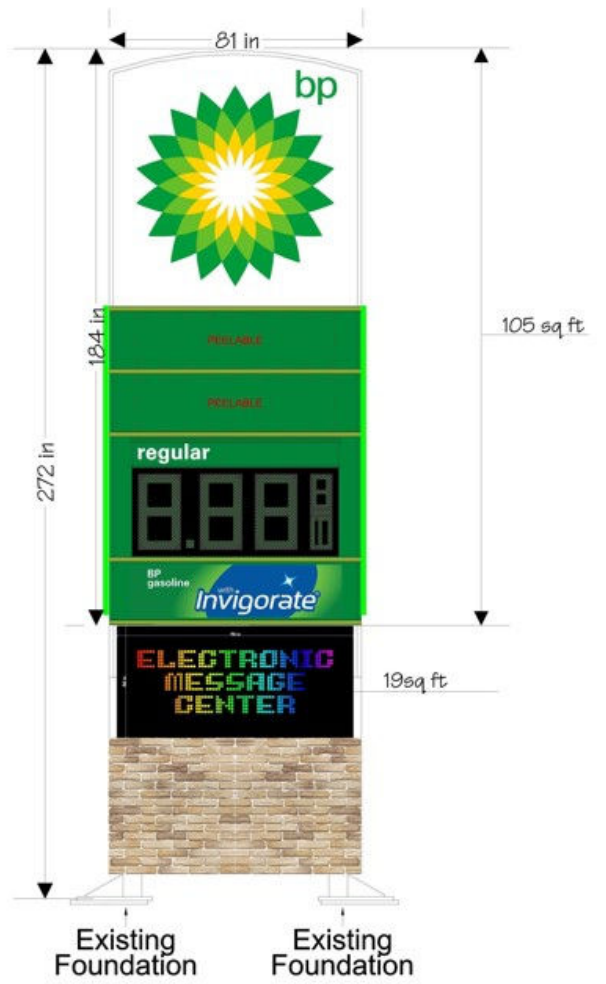
B. All temporary nonconforming signs must be removed or brought into conformance within 30 days of the effective date of this Ordinance.

C. The sign face of an existing nonconforming permanent sign may be replaced, but the structure cannot be altered to accommodate such change. A change of a sign face requires a sign permit.

**SIGNS:** Existing (124.85 SF)



**Proposed** (124.85 SF)



**Site:**



## **Input**

No comments were received; notices were sent to adjacent owners within 200 feet of the site.

## **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.*

## **Approval Standards**

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

*The existing sign is currently 124.85 SF and the new one is also 124.85 SF. Molo Oil (Big Ten Mart) has spent over \$1,200,000 in the last 5 months replacing all tanks, dispensers, lines, and sumps. Majority of the parking lot has been replaced along with 80% of the sidewalk around the store. The current sign is 30+ years old and obsolete. BP is requiring Molo to replace the sign as part of the new BP image standards.*

### Staff Comments:

It appears to staff that approval standard #1 has been met. If the sign was a simple sign face change, a hardship variance would not be required.

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:

*Existing sign is the same square footage as the one being replaced.*

### Staff comments:

The area of the sign will remain the same as the existing sign, the existing sign is nonconforming with respect to area (100 SF is allowed; the existing sign is approximately 124 SF). This approval standard has been met.

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

### Applicant Response:

*Molo Oil (Big 10 Mart) will potentially be adding 2 more businesses, Godfathers Pizza and Scooter's Coffee. This makes this unique because there would be 3 different businesses. Applications are being submitted for Godfathers and Scooters. Molo Oil doesn't want to go backwards in the size that will limit their ability to promo their convenience store and future expansion of their business.*

### Staff Comments:

Staff concurs. It appears that condition #3 has been met. The proposed sign will not add to sign proliferation.

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

### Applicant Response:

*The new sign being requested is the same square footage as the existing sign.*

**Staff Comments:**

Staff concurs that the size of the proposed sign negates concerns regarding the potential impact to the essential character of the location. Essential character will not be negatively impacted, as the sign will remain the same size as the existing sign. If the sign was a simple sign face change, a hardship variance would not be required.

**Findings & Staff Recommendation:**

Findings: (as summarized from the staff report's analysis section)

- Item #1 application of the ordinance creating hardship has been established;
- Item #2 physical surroundings imposing hardship has been established;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

**Recommendation:**

The requested hardship variance, based on the findings of the staff report, supports approval of request HV26-02.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA Application/plans, Notice Documents

# POWERPOINT SLIDES



1



2

# Sign Code – 17.12.060.D.3

Area allowed for Freestanding Sign in C-3: 100 SF

## 3. Freestanding Signs – Standard Regulations

Freestanding signs – standard are subject to the following.

- a. One freestanding sign - standard is permitted per lot.
- b. Freestanding sign - standard are limited to a maximum area of 100 square feet
- c. Freestanding sign - standard are limited to a maximum height of ten feet in the residential districts, and in the C-T, C-1, C-D, C-V, and AG Districts. In all other districts where allowed they are limited to 25 feet.

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# Nonconforming Sign Code

## Section 17.15.010 General Applicability

### A. Authority to Continue

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## Section 17.15.020 Nonconforming Use

### A. Definition

A nonconforming use is the use of a structure or land that at one time was an allowed use within a zoning district, but because of subsequent amendments to the Ordinance is no longer allowed.

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# Nonconforming Sign Code

## Section 17.15.060 Nonconforming Signs

A. A nonconforming permanent sign and sign structure may remain in use so long as it remains otherwise lawful and has not been damaged or destroyed to the extent of less than 50% of its value prior to the damage. A nonconforming permanent sign and sign structure that is damaged or destroyed to the extent of 50% or more of its value prior to the damage, or if it the sign and/or sign structure has been removed, cannot be restored or repaired unless it conforms to all applicable regulations for the district. Sign owners must supply the Zoning Administrator with a repair cost estimate of the damaged sign and an estimate of the cost of a new identical sign.

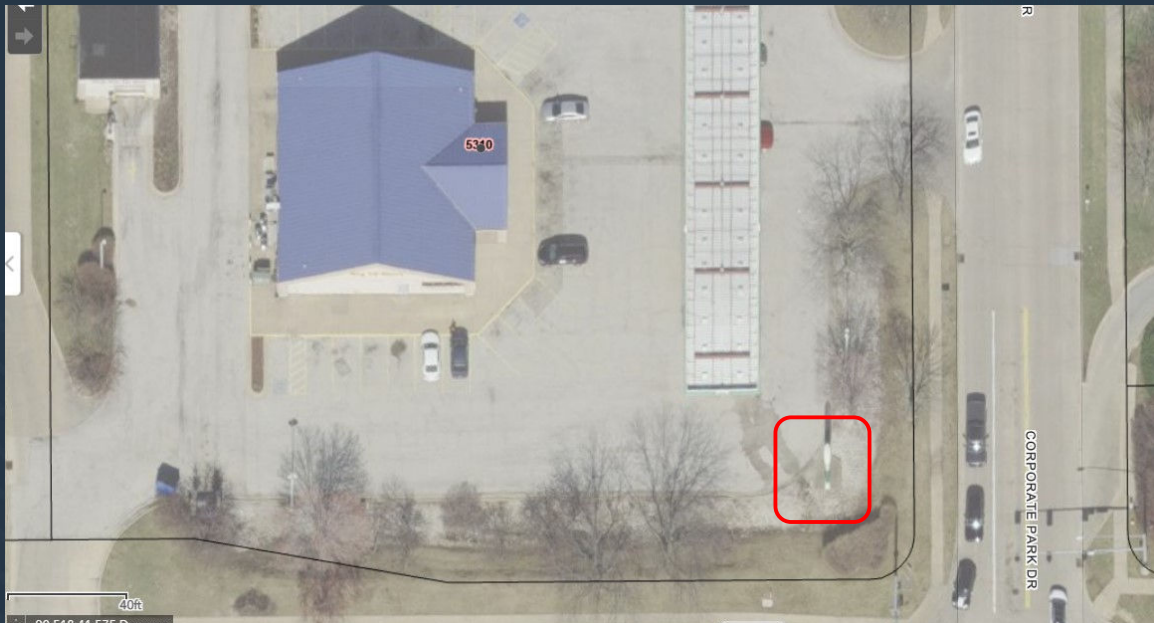
B. All temporary nonconforming signs must be removed or brought into conformance within 30 days of the effective date of this Ordinance.

C. The sign face of an existing nonconforming permanent sign may be replaced, but the structure cannot be altered to accommodate such change. A change of a sign face requires a sign permit.

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## Site



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# Existing



124.85 SF Area

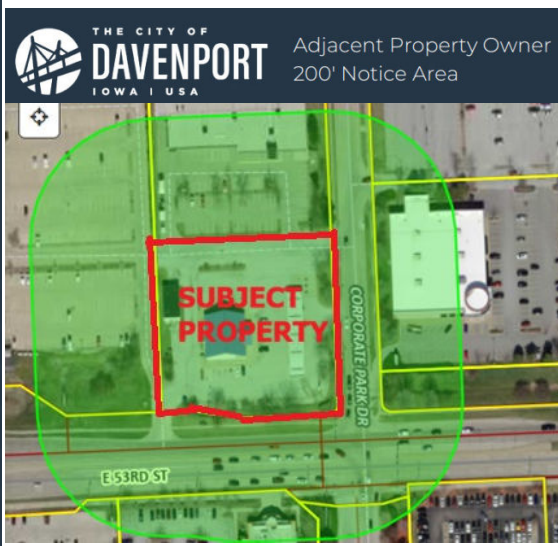
# Proposed



124.85 SF Area

# Notification Procedures

9 sent



### HV26-02 Adjacent Owner Notice List - 5310 Corporate Park Dr

Parcel	Property Address	Owner Name	Owner Street	Owner City/State/Zip
Subject Property: 5310 CORPORATE PARK DR MLOO OIL COMPANY				
Ward: 6TH WARD				
Y0823-05B	4010 E 53RD ST	DAVENPORT CRG LLC	5111 UTICA RIDGE RD	NOTICES SENT: 0 DAVENPORT IA 52807
Y0823-01D	4000 E 53RD ST	CAPREALTY 22-DAVENPORT LLC	730 COOL SPRINGS BLVD - STE 630	FRANKLIN TN 37067
Y0821-02	5320 CORPORATE PARK DR	STEVE TOWERS HOLDING LLC	205 NORTHWEST 40TH ST	LINCOLN NE 68528
Y0821-01B	3800 E 53RD ST	CORAM DEO BIBLE CHURCH	3800 E 53RD ST	DAVENPORT IA 52807
N0839-02C	4005 E 53RD ST	TEXAS ROADHOUSE HOLDINGS LLC	6040 DUTCHMANS LN	LOUISVILLE KY 40205
N0837-03A	3903 E 53RD ST	SHAW & COMPANY LLC	PO BOX 250329	ATLANTA GA 30325
N0837-03A	3903 E 53RD ST	NIBOR LLC	3939 GREYSTONE DR	CEDAR RAPIDS IA 52411
N0837-03F	3805 E 53RD ST	3805 EAST 53RD LLC	3501 SW FAIRLAWN RD STE 200	TOPEKA KS 66614
N0837-01D	3601 E 53RD ST	EPT NINETEEN INC	909 WALNUT ST STE 200	KANSAS CITY MO 64106

**No Comments Received**

# Findings/Recommendation:

Findings: (as summarized from the staff report's analysis section)

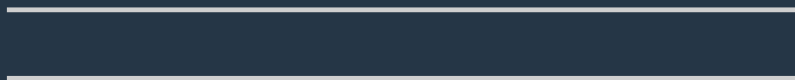
- Item #1 application of the ordinance creating hardship has been established;
- Item #2 physical surroundings imposing hardship has been established;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Recommendation:

The requested hardship variance, based on the findings of the staff report, supports approval of request HV26-02.

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## HV26-02 Adjacent Owner Notice List - 5310 Corporate Park Dr

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Subject Property: 5310 CORPORATE PARK DR		MOLO OIL COMPANY		
Ward: 6TH WARD				NOTICES SENT: 9
Y0823-05B	4010 E 53RD ST	DAVENPORT CRG LLC	5111 UTICA RIDGE RD	DAVENPORT IA 52807
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N0839-02C	4005 E 53RD ST	TEXAS ROADHOUSE HOLDINGS LLC	6040 DUTCHMANS LN	LOUISVILLE KY 40205
N0837-03A	3903 E 53RD ST	SHAW & COMPANY LLC	PO BOX 250329	ATLANTA GA 30325
N0837-03A	3903 E 53RD ST	NIBOR LLC	3939 GREYSTONE DR	CEDAR RAPIDS IA 52411
N0837-02F	3805 E 53RD ST	3805 EAST 53RD LLC	3501 SW FAIRLAWN RD STE 200	TOPEKA KS 66614
N0837-01D	3601 E 53RD ST	EPT NINETEEN INC	909 WALNUT ST STE 200	KANSAS CITY MO 64106



## Public Hearing Notice | Zoning Board of Adjustment

**Date:** 3/12/2026    **Location:** City Hall | 226 W 4th ST | Council Chambers  
**Time:** 4:00 PM    **Subject:** Hearing for Hardship Variance | Zoning Board of Adjustment

EXAMPLE

To all property owners within 200' of the subject property **5310 Corporate Park Drive:**

### 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 SU26-02 of John Meehan on behalf of Molo oil dba Big 10 Mart at 5310 Corporate Park Drive for a hardship variance to reconstruct and reface an existing 125 sq ft nonconforming freestanding sign. Section 17.12.060.D allows a maximum of 100 sq ft for this freestanding monument sign. [Ward 6]**

### What are the Next Steps after the Public Hearing?

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

### Would You Like to Submit an Official Comment?

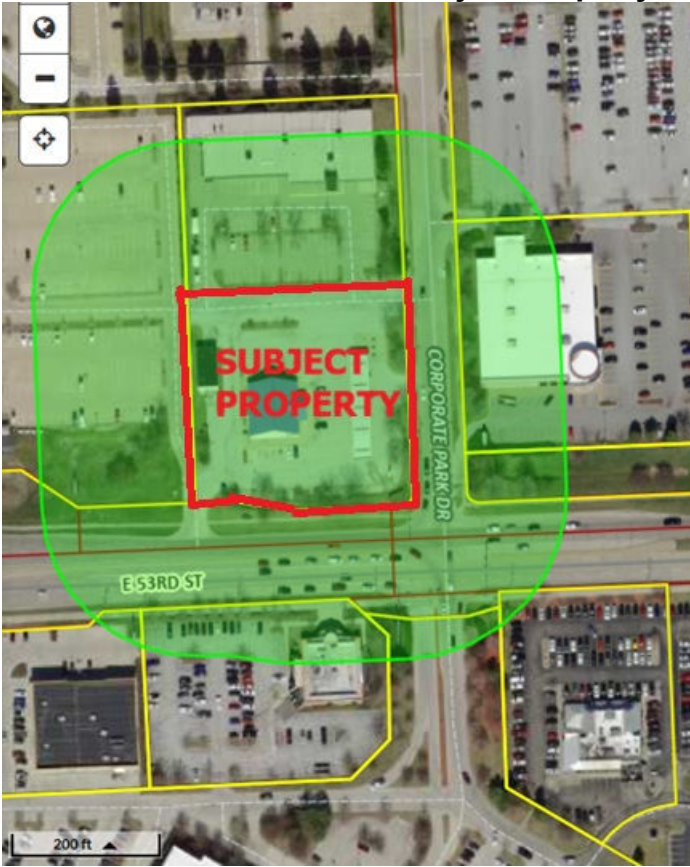
As a property owner/occupant you may have an interest in commenting on the proposed request (either in favor of or opposed to the request). Submit comments via email or in person at the public hearing. Official comments must have written signatures sent to [planning@davenportiowa.com](mailto:planning@davenportiowa.com) (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46<sup>th</sup> 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](mailto: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](mailto:planning@davenportiowa.com) for updates.

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



Existing Sign

**EXISTING** 124.85 sq.ft.



**PROPOSED SIGN** [to be located in same location as the existing sign in the SE corner of the lot]

