

**MINUTES
CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT
REGULAR SESSION**

5:00 p.m.
Thursday, July 22, 2021
Virtual Meeting

This meeting was conducted virtually.

Board Members Present: Chairperson Jonathan McCoy, Board Members Keith Ahlvin, Bethany Golombeski, Gwen Kosel, and Matt Mauss.

Board Members Excused: none

Board Members Unexcused: none

Staff Members Present: Wally Wernimont, Shena Moon, Guy Hemenway, Travis Schrobilgen and Jason Duba

CALL TO ORDER: The meeting was called to order by Chairperson McCoy at 5:05 p.m.

MINUTES: Motion by Ahlvin, seconded by Kosel, to approve the minutes of the June 24, 2021 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss, and McCoy; Nay – None.

DOCKET – 19-21: Application of Jeffrey Lewis, 152 Saunders St. to build a fence 7' high in the front yard (Saunders Street), where 4' maximum is permitted in an R-1 Single-Family Residential zoning district.

Jeffrey Lewis, 152 Saunders Street, spoke in favor of the request. He explained that he misunderstood the permission he needed to get before starting construction. He said now he's seeking a special exception for the fence on the west side of his house.

Staff Member Schrobilgen detailed the staff report noting the western portion is under review because it is closer than 20' to the front property line and higher than 4'. He said the height appeared to be about 6'8" but is certainly less than 7' in height. He noted that because the fence was more than 12' from the front property line, there were no safety concerns. He also displayed two approval letters provided by the applicant which discussed the proposal the adjacent property owners to the west and east.

The Board had no questions or concerns.

Motion by Ahlvin, seconded by McCoy, to approve the request to build a fence 7' high in the front yard (Saunders Street), where 4' maximum is permitted in an R-1 Single-

Family Residential zoning district. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss, and McCoy; Nay – None.

DOCKET – 20-21: Application of Tom Giese, 395 Villa St. to build a fence 8' high along the rear and side property lines, where 7' maximum is permitted in an R-1 Single-Family Residential zoning district.

Tom Giese, the applicant and property owner at 395 Villa Street, spoke in favor of the request. He explained that there is an existing 6' fence along the west property line that they plan to replace with an aluminum fence. He said that approximately 80' of the fence on the south side of the west property line would remain 6' high. He said that approximately 20' of the fence on the north side of the west property line and continuing about 50' along the north property line would be 8' high. He explained that some of the screening trees that had been there previously were removed, exposing his property to the neighbor's swimming pool.

Staff Member Hemenway detailed the staff report noting the status and location of the existing fence. He then explained the height and location of the proposed fence, noting the portion to be 6' high and the portion to be 8' high.

The Board expressed some concerns about the height of the fence along the west property line nearest the neighbor at 655 Florence Street, but Mr. Giese reiterated that the portion nearest the neighbor's house would remain 6' high as requested.

Board members discussed the option of allowing the fence to be up to 8' high along the entire west side property line. Mr. Giese said that he was satisfied with allowing only 20' of the west side property line fence to be built to 8' in height.

Motion by Ahlvin, seconded by Golombeski, to approve the request to build a fence 8' high along the rear and side property lines, where 7' maximum is permitted in an R-1 Single-Family Residential zoning district. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss, and McCoy; Nay – None.

DOCKET – 21-21: Application of George & Abby Nauman, 870 Robin St. to build a detached accessory structure 16' in height and for a total of 1,835 sq. ft. of detached accessory structures where 15' in height maximum and 1,000 sq. ft. of detached accessory structures maximum is permitted, respectively, in an R-1 Single-Family Residential zoning district.

George Nauman, applicant and property owner at 870 Robin Street, spoke in favor of the request. He explained that the previous special exception they were granted is now too small because the pool they wanted wasn't available. He said that they have found a larger pool available, and therefore are now requesting a larger accessory structure to accommodate it.

Adam Koehler, 565 Heritage Drive, expressed opposition to the proposal citing the

material of the existing house and anticipating noise nuisance from the proposed structure. He suggested moving the structure closer to Robin Street.

Mark Malloy, 585 Heritage Drive, expressed opposition with similar concerns about sound, lighting, and impact to property value. He disagreed with the other neighbor's alternate location suggestion because that would be closer to him.

Mr. Nauman addressed some of their points. The applicant noted the distance to both properties was more than 85' and that the proposed building will still have some screening and be below the grade of their properties.

Staff Member Moon detailed the staff report noting the proposed structure is lower than neighboring properties and approximately 80'-85' from the nearest one. She explained that the total coverage area for the proposed structure is well within the amount allowed. She displayed a map with utility easements, showing the proposed structure outside these areas and also provided photos which provided clarification on the elevation of the lot where the accessory structure would be located.

The Board expressed concern with the 47% larger size of the new proposed structure. They also asked about the finish of the proposed structure, the size of the existing house, and the orientation of the proposed structure. Mr. Nauman responded that the proposed structure would be sided with black vinyl, the house is 38' x 32', and he would prefer not to change the orientation of the building due to existing stormwater concerns.

Mr. McCoy explained to Mr. Nauman the option of tabling his request till next month and coming back to the Board with some modifications, and Mr. Nauman elected to table.

Motion by McCoy, seconded by Ahlvin, to table the request to build a detached accessory structure 16' in height and for a total of 1,835 sq. ft. of detached accessory structures where 15' in height maximum and 1,000 sq. ft. of detached accessory structures maximum is permitted, respectively, in an R-1 Single-Family Residential zoning district. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss, and McCoy; Nay – None.

DOCKET – 22-21: Application of Joyce Bonifas, 2645 Nebraska to build a 36' x 32' (1,152 sq. ft.) detached garage 4' from the east side property line where 1,000 sq. ft. maximum is permitted and 6' minimum is required, respectively, in an R-1 Single-Family Residential zoning district.

Joyce Bonifas, applicant and property owner at 2645 Nebraska Street, spoke in favor of the request. She explained that they propose to build a three-car detached garage to be used for vehicle, lawn mower and motorcycle storage. She described the construction of the garage as wood frame, concrete floor, white vinyl siding, and asphalt roof. She indicated that the neighbor to the east is fine with their proposal, and the garage would be nearly in-line with the neighbor's garage, approximately 29' back from the front property line.

Vice Chair Keith Ahlvin took over the meeting when Mr. McCoy lost connection temporarily. Mr. McCoy reconnected and took part in the docket.

Roger Duster, 1598 McPoland Avenue, noted that he had no concerns after hearing the entire proposal from the applicant. He noted that his initial concerns were that the garage would be a large, unscreened pole shed in the rear yard near his property. He reiterated that given the applicants proposal, he no longer had those concerns.

Ms. Bonifas reiterated that the garage would be wood frame construction, that the location is closer to the front of the property than the rear, and that there is a privacy fence and trees along the rear lot line.

Planning Technician Jason Duba detailed the staff report noting the property is a double lot, so the proposed garage and driveway would not exceed the maximum impermeable area. He said that the front of the garage would be approximately 9' behind the front of the house. He noted that many properties in the area also have detached garages. He suggested conditions to ensure the driveway is paved and the garage remain an accessory use to the residential use. He noted that the applicant would need to work with the Engineering Department on extending the curb cut and installing a sidewalk.

The Board expressed some concern about the size of the proposed structure but felt that being located behind the front of the house helped mitigate the massing and that neighbors having detached garages made this more acceptable regarding the character of the neighborhood.

Motion by McCoy, seconded by Ahlvin, to approve the request to build a 36' x 32' (1,152 sq. ft.) detached garage 4' from the east side property line where 1,000 sq. ft. maximum is permitted and 6' minimum is required, respectively, in an R-1 Single-Family Residential zoning district with the conditions that:

1. Runoff from the structure be directed toward and managed on the subject property
2. A paved driveway be installed
3. The garage will not be used for commercial purposes
4. A curb cut and sidewalk be installed per Engineering Department standards/requirements
5. The garage be constructed to match the home with white vinyl and asphalt shingles

Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss, and McCoy; Nay – None.

Mr. McCoy re-assumed his role as Chair.

DOCKET – 23-21: Application of Brianna Flynn & Nicholas Berndt, 4165 Cayden Ct. to build a 12' x 20' (240 sq. ft.) deck 10' from the rear property line where 20' minimum is required in an R-1 Single-Family Residential zoning district.

Brianna Flynn, applicant and property owner at 4165 Cayden Court, spoke in favor of the request. She said they propose to build a 12' x 20' composite deck. She said there is a detention pond behind their house, so they would not be encroaching on a home.

A letter of support from Jeffery Glass, 4155 Cayden Court, was displayed.

Staff Member Moon detailed the staff report noting that the house is not parallel to the front lot line, making the north rear corner closer to the rear lot line and leaving less space for a deck. She noted this deck would be consistent with other properties in the neighborhood that have rear decks and also noted there is not a neighboring residential property abutting the rear property line.

The Board had no questions or concerns.

Motion by Ahlvin, seconded by Mauss, to approve the request to build a 12' x 20' (240 sq. ft.) deck 10' from the rear property line where 20' minimum is required in an R-1 Single-Family Residential zoning district. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss, and McCoy; Nay – None.

DOCKET – 24-21: Application of Dubuque Sign Company, Keith Wolff, 137 Main St. to install a second 100-sq. ft. non-illuminated wall sign on the south wall where one is permitted in a C-4 Downtown Commercial zoning district.

Keith Wolff, Dubuque Sign Company, 210 Cedar Cross Road, spoke in favor of the request. He explained that Origin Design is moving their office from Pennsylvania Avenue to 137 Main Street. He said Origin will have one 9-square foot projecting sign on the front of the building. He stated that Origin also wants a larger wall sign like Platinum, and the south side of the building has good visibility. He stated the sign would not be internally illuminated and would have gooseneck lighting. He noted the sign is not intended as a directional sign.

Staff Member Hemenway detailed the staff report noting that Platinum was approved for two 100-square foot signs in 2004, one on the north and one on the south of the building. He stated that, at that time, the Zoning Board of Adjustment made a condition that no additional wall-mounted signs be put on north or south wall faces. He said the code allows one projecting or one wall-mounted sign, so the Board would both have to waive the 2004 condition and approve a second sign for Origin.

The Board asked questions regarding the occupancy of the building and how Platinum would feel about this sign. Pat Ready with Origin Design explained they lease the first three floors, Platinum leases the top two floors, and Platinum suggested this proposed sign to him. The Board expressed concern with overturning the 2004 condition prohibiting further signs, the size of this proposed sign, and the possibility for additional signs in the future.

Mr. McCoy brought up the option of tabling the request, but Mr. Ready declined.

Motion by Ahlvin, seconded by Mauss, to approve the request to install a second 100-sq. ft. non-illuminated wall sign on the south wall where one is permitted in a C-4 Downtown Commercial zoning district. Motion denied by the following vote: Aye – Mauss; Nay – Ahlvin, Golombeski, Kosel, and McCoy, all citing the following criteria:

1. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage, which disadvantage does not apply to other properties in the vicinity.
2. Because of this disadvantage, the owner is unable to make reasonable use of the affected property.
3. This disadvantage does not exist because of conditions created by the owner or previous owners of the property.
5. Granting of the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the intent and purpose of the provision waived.

ITEMS FROM PUBLIC: None

ITEMS FROM BOARD: The Board requested to have the Special Exception and Variance criteria in every packet.


ITEMS FROM STAFF:

- The Board meetings will be back to in-person meetings at the City Council chambers starting in August
- This is Guy's last meeting. Planning Services Manager Wally Wernimont expressed appreciation for his years of service to our community. Mr. McCoy echoed the sentiments of gratitude.

ADJOURNMENT: Motion by McCoy, seconded by Ahlvin, to adjourn the July 22, 2021 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None

The meeting adjourned at 6:45 p.m.

Respectfully submitted,



Guy Hemenway, Assistant Planner

8-26-21

Adopted