



Approved

MINUTES CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT REGULAR SESSION

5:00 p.m.

Thursday, August 26, 2021

City Council Chamber, Historic Federal Building

Board Members Present: Vice Chairperson Keith Ahlvin, Board Members Bethany Golombeski and Matt Mauss

Board Members Excused: Jonathan McCoy and Gwen Kosel

Board Members Unexcused: none

Staff Members Present: Shena Moon, Travis Schrobilgen and Jason Duba

CALL TO ORDER: The meeting was called to order by Vice Chairperson Ahlvin at 5:00 p.m.

MINUTES: Motion by Mauss, seconded by Golombeski, to approve the minutes of the July 22, 2021 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Golombeski, Mauss, and Ahlvin; Nay – None.

DOCKET – 25-21: Application of Wayne Polsean, 2915 Van Buren St. to construct a 22' x 13' carport 0' from the side property line where 6' side yard setback is required in an R-1 Single Family Residential zoning district.

Wayne Polsean, 2915 Van Buren, spoke in favor of the request. He explained the carport would be constructed properly and he has located the survey pin to identify where the lot line is. He said he spoke with the majority of his neighbors and got verbal approval from them.

Staff Member Moon detailed the staff report noting characteristics of the lot and traits of the proposed carport. She pointed out that a few other properties in the area have structures such as the proposed carport constructed within required side yard areas. She suggested two conditions for approval for the Board's consideration.

The Board wondered whether the carport would be of an open design, and Mr. Polsean confirmed that it would be. The Board suggested adding a condition to ensure the carport design is open. Mr. Polsean stated he was accepting of the proposed conditions from staff as well as the recommended open design condition from the Board.

Motion by Ahlvin, seconded by Mauss, to approve the request to construct a 22' x 13'

carport 0' from the side property line where 6' side yard setback is required in an R-1 Single Family Residential zoning district with the following conditions:

1. Should the carport roof pitch be designed so that it pitches toward the neighboring property to the west, the property owner be required to install a roof gutter on the west side of the carport to help divert stormwater from flowing directly onto the neighboring property. Note: no portion of the gutter should encroach over the property line.
2. The property owner be required to demonstrate to the Building Department the location of the property line by either locating the pins or obtaining a survey.
3. The carport remain an open design.

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

DOCKET – 26-21: Application of H.R. Cook/ASM Global, 405 Main St. to permit a 136-square foot wall-mounted sign, where 100 square feet maximum is permitted, in a C-5 Central Business District zoning district.

H.R. Cook, Manager of Five Flags, spoke in favor of the request. He explained that they are hoping to use the two existing signs in unison and that there would be no change to the physical structure. He showed example photos of graphics that are currently compressed too small on just one sign and how they would like to use both displays for one sign instead. He noted that advertising materials from promoters would work better on a larger sign.

Staff Member Duba detailed the staff report noting the characteristics of the sign, the Five Flags building, and the surrounding area. He explained the previous approval for this sign as a replacement for a larger, older one. He noted that Five Flags has offered to sacrifice one of their other permitted 100 square foot wall signs.

The Board confirmed that there would be no physical change to the existing signs as a result of this variance.

Motion by Golombeski, seconded by Mauss, to approve the request to permit a 136-square foot wall-mounted sign, where 100 square feet maximum is permitted, in a C-5 Central Business District zoning district. Motion carried by the following vote: Aye – Golombeski, Mauss, and Ahlvin; Nay – None.

DOCKET – 27-21: Application of Joe Ehlers, 2620 University Ave. to allow an indoor restaurant as a conditional use in a C-1 Neighborhood Commercial zoning district.

Joe Ehlers, owner of 2620 University, spoke in favor of the request. He explained that he plans to set up the first floor to accommodate three restaurant areas – one coffee shop and two smaller pop-up restaurants, and to use the upstairs for three offices.

Staff Member Schrobilgen detailed the staff report noting the characteristics of the building, property, and surrounding area. He explained that a parking variance was not

required and that the property maintained a 22-space parking credit from previous uses. He noted that a conditional use permit allows the Board to review and place conditions to mitigate any potential concerns regarding a use. He proposed five conditions for approval and noted that hours of operation and limiting seats are often considered when forming conditions for a proposal.

The Board clarified with Mr. Ehlers how the business would operate with restaurants below and offices above. Mr. Ehlers stated he planned to operate his personal business from the offices on the second floor and provided more detail regarding the restaurant use below. They also discussed limiting seating and hours of operation for the restaurant uses.

Motion by Mauss, seconded by Ahlvin, to approve the request to allow an indoor restaurant as a conditional use in a C-1 Neighborhood Commercial zoning district with the following conditions:

1. Any alcohol service be accessory to an indoor restaurant.
2. Screening be added along the south and west property lines to current City standards.
3. All site lighting shall meet current City standards.
4. The dumpster be fully enclosed to current City standards.
5. The parking lot be striped.
6. Restaurant use hours of operation be limited to 6:00 a.m. to 10:00 p.m.
7. Limit restaurant seating to 36 seats.

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

ITEMS FROM PUBLIC: None

ITEMS FROM BOARD: The Board discussed moving the start of their meetings to 5:30 PM. Board members noted that the current 5:00 PM start time is difficult because of conflicts with work hours. That change could be included on the agenda and voted on at the next meeting. Staff stated they would follow-up with all the Board members to try to get a consensus on future meeting start times. Staff also stated the Board's by-laws may need to be amended, but that staff would confirm this.

ITEMS FROM STAFF: Planning Services Manager Wally Wernimont discussed the limited ability for Board members to call in/virtually participate in a meeting. He noted that a quorum of Board members would need to be in-person to conduct any business. Wally also introduced new staff members, Shena Moon and Jason Duba to the Board.

ADJOURNMENT: Motion by Ahlvin, seconded by Mauss, to adjourn the August 26, 2021 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Golombeski, Mauss, and Ahlvin; Nay – None

The meeting adjourned at 5:35 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Shena Moon".

Shena Moon, Associate Planner

September 23, 2021

Adopted