

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

5:30 p.m.

Thursday, September 23, 2021

City Council Chambers, Historic Federal Building

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, and Jason Duba

CALL TO ORDER: The meeting was called to order by Chairperson McCoy at 5:33 p.m.

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

DOCKET – 28-21: Application of Jeremy Cruse, 2405 Maryville Dr. to construct a fence 7' high along the frontage with Kaufmann Avenue where 4' maximum is permitted in an R-1 Single Family Residential zoning district.

Jeremy Cruse, 2405 Maryville Dr, spoke in favor of the request. He explained that he installed a 6' vinyl privacy fence to help block the noise and to provide safety for his young daughter. He stated that it does not impede traffic view.

Staff Member Duba detailed the staff report noting that the fence is in a required front yard, as it fronts on Kaufmann Avenue. He explained that it does not obscure visibility and is in character with the surrounding neighborhood.

The Board had no questions or concerns.

Motion by Ahlvin, seconded by Golombeski, to approve the request to construct a fence 7' high along the frontage with Kaufmann Avenue 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 – 29-21: Application of Kody Rife, 189 St. Mary's St. to convert a single-family residence to a duplex with a deficit of two off-street parking spaces in an R-3 Moderate Density Multi-Family Residential zoning district.

Kody Rife, 189 St. Mary's St, spoke in favor of the request. He explained they are currently credited two parking spots for a single-family home, and they are applying to get a variance for two more in order to convert the property to a rental duplex. He stated there is space for three cars in front of the house.

Staff Member Duba detailed the staff report noting the parking requirements and credits for the property, leading to this variance request for two spaces. He described this unique street and area with its steep bluff and narrow, one-way street. He noted the challenges presented by this topography and the difficulty in providing any off-street parking.

The Board expressed a number of questions about the case. Board Member Kosel stated that she was concerned about parking and wondered whether there was any way to build on-site parking here. Mr. Rife replied no, not without significantly impacting the stability of the property and existing residence.

Board Member Golombeski wondered whether the applicant had asked the Cathedral about leasing parking. Mr. Rife replied no, but stated there is open parking on 3rd Street. The subject property is six houses in from 3rd Street.

Board Member Ahlvin expressed less concern with this request, noting that this area is regulated by the City's residential parking permit program, and no objections to the case had been received. Mr. Rife explained how the parking permit system works. Staff member Moon looked up information about the parking permit program from the City's website and shared it with the Board Members.

Board Member Ahlvin asked the applicant what his time frame was for completing this transition to a duplex, and Mr. Rife stated within a month to a month-and-a-half.

Board Member Kosel observed that public notices only go to property owners, and there are a number of rental properties here, and perhaps those tenants might have complained about this parking variance.

Motion by McCoy, seconded by Mauss, to approve the request to convert a single-family residence to a duplex with a deficit of two off-street parking spaces in an R-3 Moderate Density Multi-Family Residential zoning district. Motion failed by the following vote: Aye – Ahlvin and Mauss; Nay – Golombeski and Kosel, citing criteria 4 and 5, and McCoy, citing criteria 2, 4, and 5.

DOCKET – 30-21: Application of Stephen Liske, 295 York St. to construct a 9' x10' deck 0' from the west side property line where 6' minimum is required in an R-1 Single-Family Residential zoning district.

Staff member Moon informed the Board that the applicant, Mr. Liske, was not present, as his wife had just given birth that morning. She read a note from Mr. Liske reviewing his case and pointing out that no negative feedback had been provided by neighbors. Staff member Moon also summarized emails with positive feedback from two adjacent neighbors that had just been received.

Chair McCoy stated that it was not acceptable not to have a representative at the meeting, and he moved to table.

Motion by McCoy, seconded by Kosel, to table the request to construct a 9' x10' deck 0' from the west side property line where 6' 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 – 31-21: Application of Ron Conrad, Jr., 1265 Bluff St. to permit 4 dwelling units with a total of 3,900 sq. ft. of lot area where 8,000 is required in an R-4 Multi-Family Residential zoning district.

Ron Conrad, Jr., 14115 Kathleen Ct, spoke in favor of the request. He explained that he has owned this property for almost 18 years, and it has been a 4-plex that entire time. He stated he's had numerous housing inspections over the years, but the most recent showed that four weren't permitted. He's just looking to straighten that out.

Staff Member Moon detailed the staff report noting the applicant is looking to legally recognize the 4th unit. She stated up to 12 units are allowed on a property in the R-4 district. She stated no complaints had been received and that the property has sufficient parking.

Board Member Ahlvin asked the applicant if he would be okay with a condition of maintaining the paved space for off-street parking and not building on it. Mr. Conrad stated that would be fine.

Board Member Mauss asked whether the 4th unit was built in 2010, as records seemed to indicate. Mr. Conrad stated that there were four units when he bought it in 2004.

Motion by Ahlvin, seconded by Mauss, to approve the request to permit 4 dwelling units with a total of 3,900 sq. ft. of lot area where 8,000 is required in an R-4 Multi-Family Residential zoning district with the condition that the paved space on the property be maintained for off-street parking. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

ITEMS FROM PUBLIC: None

ITEMS FROM BOARD:

Chair McCoy stated that he would like the Board to reconsider the Five Flags sign variance from the August Board meeting, noting he was not interested in denial but believed further discussion around items such as hours of operation and lumens should be considered.

Planning Services Manager Wernimont spoke to the Board Members and read into the record the section of the Zoning Board of Adjustment by-laws specifically pertaining to reconsiderations. He clarified it is within the Board's authority to request reconsideration of an item provided a motion is made by one of the members of the prevailing vote. He requested for the Board to clearly indicate the reasons for this requested reconsideration.

McCoy prompted the Board for a motion. Motion by Mauss, seconded by McCoy, to reconsider the sign variance for 405 Main St from August 2021 Board meeting. Board member Ahlvin questioned whether there could be further discussion regarding why the reconsideration. Chair McCoy stated there is a motion and a second. Motion carried by the following vote: Aye – Kosel, Mauss, and McCoy; Nay – Ahlvin and Golombeski.

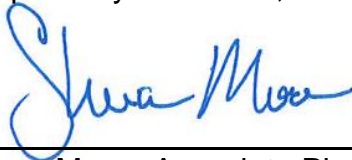
Board Members asked about the waiver they are supposed to sign and asked why there is an injury release and a photographic release. Staff said they would reach out the City Attorney and provide the Board with clarification regarding the details of the waiver.

ITEMS FROM STAFF: None

ADJOURNMENT: Motion by McCoy, seconded by Golombeski, to adjourn the September 23, 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 6:10 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

10-28-2021

Adopted