

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

5:30 p.m.

Thursday, November 18, 2021

City Council Chambers, Historic Federal Building

Board Members Present: Vice Chairperson Keith Ahlvin, Board Members Bethany Golombeski, and Matt Mauss; Board Member Gwen Kosel arrived at 5:33 and departed at 6:53

Board Members Attended Virtually: Chairperson Jonathan McCoy

Board Members Unexcused: none

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

CALL TO ORDER: The meeting was called to order by Chairperson McCoy at 5:30 p.m.

DOCKET – 32-21: Application of Kate Wolff, Dubuque Sign Company to permit a second wall-mounted sign where only one is allowed in combination with a freestanding sign in a Planned Commercial zoning district, which applies sign regulations from the C-2 Neighborhood Shopping Center zoning district.

Kate Wolff, Dubuque Sign Company, spoke in favor of the request. She explained that Pizza Ranch was requesting an additional wall-mounted sign because their business has significantly expanded to include an arcade facility, essentially a separate business. The new sign would advertise this arcade and would be 31.3 square feet, less than the 50 square feet allowed in the C-2 district. She noted that the adjacent property owner has expressed support for their proposal.

Staff Member Duba detailed the staff report noting the history of the property and changes to its zoning over time, as well as changes to the sign code in 2009. He described the changes underway at the Pizza Ranch business, namely the expansion and opening of an arcade. He described signage nearby including a variance. He explained how this sign would have little impact on neighboring residential properties and the vacant lot to the south.

Vice Chair Ahlvin expressed concern that the proposal did not meet the requirement for suffering a disadvantage.

Board Member Golombeski expressed agreement with the proposal, noting the business would be at a disadvantage if unable to advertise the FunZone arcade.

Board Member Kosel expressed no concerns.

Board Member Mauss stated he did see a hardship and had no issues with the second sign.

Motion by Ahlvin, seconded by Golombeski, to approve the request to permit a second wall-mounted sign where only one is allowed in combination with a freestanding sign in a Planned Commercial zoning district, which applies sign regulations from the C-2 Neighborhood Shopping Center zoning district.

Motion carried by the following vote: Aye – Golombeski, Kosel, and Mauss; Nay – Ahlvin and McCoy, citing 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; and
2. Because of this disadvantage, the owner is unable to make reasonable use of the affected property;

and McCoy, citing criteria

3. This disadvantage does not exist because of conditions created by the owner or previous owners of the property

DOCKET – 36-21: Application of Mike Winger, 93 Gandolfo Street to construct a detached garage for a total of 1,800 square feet of detached accord structures where 1,000 square feet is permitted in an R-1 Single-Family Residential zoning district.

Mike Winger, 468 Lincoln, representative for the property owner, spoke in favor of the request. He explained that he was representing the property owner and would be the contractor. He explained that they were looking to build a 1,080-square foot garage, and the existing 400-square foot garage would remain. They would remove two other detached accessory structures, so the total would be 1,480 square feet.

Staff Member Moon detailed the staff report noting the size of the lot and the existing detached accessory structures. She stated the proposed structure would meet the 20' front setback requirement and the 15' maximum height requirement. She pointed out that it would be accessed from Gandolfo and would require coordination with the Engineering Department.

Board Member Mauss asked if the Board could condition their approval on the removal of the two existing structures that the applicant stated would be removed. Staff Member Moon responded yes, they could.

Board Member Kosel asked about access to the garage, and Staff Member Moon responded that it would be from Gandolfo and that the applicant would need to work with Engineering to get a curb cut.

Board Member Golombeski asked about the cladding of the proposed structure, the slope to the alley, and the rear elevation of the garage. Mr. Winger responded that it

would be a wood frame garage with siding like the house and a shingled roof. He also stated that the front of the garage would be at the same level as the sidewalk, so the rear elevation would be about 4' above the ground due to the slope, which is a similar reveal as the house. He noted that the curb cut had already been approved by Engineering, the garage door would be a single bay, and most of the arborvitae in front would remain except for the two blocking the driveway.

Board Member Golombeski asked if there was any leeway to make the garage smaller. Mr. Winger responded that they had not discussed that, and he noted three vehicles the owner was planning to store. He also noted that access in the winter months was limited due to ice and snow and that street parking was limited due to the nearby college.

Vice Chair Ahlvin asked if the comments from the neighbor had been shared with the applicant, and Staff Member Moon responded yes. Ahlvin stated he was fine with the proposal given the removal of the two older structures. She also noted that no other comments were received.

Chair McCoy asked if the applicant was okay with the condition of maintaining stormwater runoff on the property. Mr. Winger replied yes, and that the gutters would be pitched to the rear of the property.

Board Member Kosel asked about the height of the proposed structure and whether it would have an oversized garage door. Mr. Winger replied that it would be approximately 12' high with a wall height of 8 feet and would not have an oversize door.

Motion by Mauss, seconded by Ahlvin, to approve the request to construct a detached garage for a total of 1,800 square feet of detached accord structures where 1,000 square feet is permitted in an R-1 Single-Family Residential zoning district with the following conditions:

1. The two smaller existing detached structures, the 240 sq. ft. single stall garage and 80 sq. ft utility shed, be removed,
2. The structure shall have a maximum height of 15',
3. Stormwater runoff be managed on the subject property, and
4. The garages be for personal use only.

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

DOCKET – 37-21: Application of Scott Ohnesorge, 2508 Roosevelt to construct a 30' x 24' detached garage 12' from the front property line (stub street) where 20' is required in an R-1 Single-Family Residential zoning district.

Scott Ohnesorge, 2508 Roosevelt, spoke in favor of the request. He explained that he was looking to build a 30' x24' garage behind his house at 12' from the front property line instead of 20'.

Staff Member Schrobilgen detailed the staff report noting that it was a corner lot and

requires a 20' setback along both frontages. He provided background regarding a previous approved application and noted the new proposal was a better layout regarding any potential future development. He stated there was no public input received for this current request. He noted the requirements that the driveway be paved from the stub street to the garage and that a sidewalk is required along Roosevelt.

The Board agreed that the case seemed straightforward and noted it was less impact than what was previously approved.

Motion by Ahlvin, seconded by Golombeski, to approve the request to construct a 30' x 24' detached garage 12' from the front property line (stub street) where 20' is required in an R-1 Single-Family Residential zoning district with the following conditions:

1. The driveway from the garage to the stub street be paved, and
2. The applicant contact the Engineering Department about the sidewalk requirement.

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

DOCKET – 38-21: Application of Mike Riniker, 1692 Fairfax Ave. to construct an addition 12' from the front property line (Fairfax Ave.) and 1' from the south side property line where 20' and 6' are required respectively in an R-1 Single-Family Residential zoning district.

Mike Riniker, 1692 Fairfax, spoke in favor of the request. He explained that he was looking to add a garage and kitchen addition on the first floor with bedroom/bath addition on the second floor. He said he may build smaller than what is being requested and was not sure about the final dimensions. He noted a previous carport was removed and encroached to within 2' of the side property line.

Staff Member Schrobilgen detailed the staff report noting that the proposal was for a 49' x 15' addition, and that the applicant would be permitted to build anywhere within the requested 49' x 15' dimensions. He stated the proposed structure would have two stories. He noted the front of the garage would be 16.5' from where a potential sidewalk would be located, and therefore, would leave insufficient room to park a vehicle between the garage and the sidewalk pathway without blocking pedestrians along the sidewalk. He noted the property does not currently have a sidewalk along the street. He stated the neighboring structure to the south is 15' from the proposed addition. He pointed out that gutters could be installed to manage storm water along the south property line. He concluded that the applicant would have to work with the Engineering Department regarding work in the right-of-way and recommended the conditions of a hard surface driveway and demonstrating the property line to the satisfaction of the building official.

Chair McCoy asked about eaves and roof pitch of the proposed structure, and Mr. Riniker responded that to match the house, there would not be eaves and the pitch of the roof would be oriented the same as the existing house. He described how the

gutters on the proposed addition would direct water toward the existing gutters on the other parts of the property and how water would then floor out toward either the front or back yard of the property.

Board Member Mauss asked if the finish was going to match the house. Mr. Riniker responded yes that his plan was to replace the siding on the existing house too, so it would all match.

Board Member Mauss asked about the sidewalk requirement, and Staff Member Schrobilgen clarified that it is a requirement when properties are improved, that it is for the length of the property and that Engineering has the ability to grant a waiver from that requirement.

Board Member Golombeski pointed out that the proposed addition would be protruding toward the front property line further than the neighbor's house. Mr. Riniker described the space constraints for building the addition that led to that circumstance. He stated that his neighbor gave permission to build within 1' of the property line. He also noted the house across the street protrudes further than neighboring houses. Board Member Mauss responded to an aerial view of the area noting that the houses along the block did not have consistent setbacks.

Vice Chair Ahlvin asked whether there would be two stories over both parts of the addition, and Mr. Riniker responded yes. Mr. Ahlvin expressed concern about the long wall of the house close to the side property line and the lack of detail about how that would appear. He stated that he would like to see a more definitive design. Board Members Golombeski and Kosel echoed these concerns. Chair McCoy asked Mr. Riniker if he could provide a simple plan showing a general 3D perspective of the proposed addition, such as with Google SketchUp, and suggested that he consider tabling his request. Mr. Riniker agreed and requested to table.

Motion by McCoy, seconded by Golombeski, to table the request to construct an addition 12' from the front property line (Fairfax Ave.) and 1' from the south side property line where 20' and 6' are required 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 – 26-21: Application of H.R. Cook/ASM Global, 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.

Jesse Gavin, Marketing Manager for Five Flags, spoke in favor of the request. He explained that he designs, uploads, and schedules the marquee. He described the limitations presented by the separation of uses of the two parts of the sign. He explained how they have been adjusting the sign's brightness automatically, setting it at 70% during the day and 40% at night, with a nighttime average of 1,025 lux.

Staff Member Moon detailed the staff report noting the previous approval to allow adjacent but independent signs, and that there had been no public comment.

Chair McCoy asked questions regarding the brightness, and Board Member Mauss asked about hours of operation. Mr. Gavin explained about the sign's operation being 24/7 and brightness adjusted by time of day.

Chair McCoy discussed possibilities for dimming the brightness late at night. Board Member Kosel expressed concerns about light saturation. Board Member Golombeski considered whether it made sense for the Board to create proposals for hours and brightness, though perhaps 35% brightness from midnight to dawn would be okay. Chair McCoy stated he lives three blocks away and can see the sign's lights shining off the bluff.

Board Member Ahlvin asked if there had been any complaints, and Staff Member Moon responded no. Mr. Ahlvin then stated he had no concerns, and this variance was an opportunity to correct a previously approved application which required the two signs function separately. He disagreed with efforts to impose conditions such as hours of operation or percentage of brightness.

Chair McCoy stated the board could try come up with brightness percentages in a stepped method and revisit the topic in six months to review. He noted that renters in the area may not have been aware of their opportunity to comment on the sign. He stated that signs are regulated by Iowa Department of Transportation.

Motion by McCoy, seconded by Ahlvin, 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 – Ahlvin, Golombeski, Kosel, and Mauss; Nay – McCoy, citing the following criteria:

3. This disadvantage does not exist because of conditions created by the owner or previous owners of the property; and
4. Granting the variance requested will not confer on the applicant any special privilege that is denied to other lands, structures, or buildings in the same district

Board member Kosel left the meeting. It was 6:53 p.m.

MINUTES: Board members discussed a paragraph from the October minutes related to a request for a special meeting with the City Attorney to review matters related to the Board's by-laws and governance. Amendments to the October minutes were made based on the discussion. It was also determined the discussion with the City Attorney could be scheduled for the next regular meeting of the Board as an item from the Board or Staff.

The following paragraph in the draft minutes was discussed by the Board.

Chair McCoy stated that they did not need a special meeting now that the

reconsideration would be on the November agenda, but that he would still like to discuss these issues with the City Attorney at that meeting.

Based on discussions, the Board amended the paragraph as follows:

Chair McCoy stated that they did not need a special meeting pertaining to the Five Flags docket now that the reconsideration would be on the November agenda, but that he would still like to discuss these issues with the City Attorney at a future meeting.

Motion by Ahlvin, seconded by Mauss, to amend the October 28, 2021 Zoning Board of Adjustment minutes as discussed. Motion carried by the following vote: Aye – Ahlvin, Mauss, and McCoy; Nay – None; Abstain – Golombeski who was absent for the October meeting.

Motion by Ahlvin, seconded by Mauss, to approve the minutes of the October 28, 2021 Zoning Board of Adjustment meeting as amended. Motion carried by the following vote: Aye – Ahlvin, Mauss, and McCoy; Nay – None; Abstain – Golombeski who was absent for the October meeting.

ITEMS FROM PUBLIC: None.

ITEMS FROM BOARD: None.

ITEMS FROM STAFF: None.

ADJOURNMENT: Motion by McCoy to adjourn the November 18, 2021 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Mauss, and McCoy; Nay – None

The meeting adjourned at 7:03 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

12-16-2021

Adopted