



APPROVED

MINUTES
CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT
REGULAR SESSION

5:30 p.m.

Thursday, March 24, 2022

Jule Operations & Training Center, East View Conference Room
949 Kerper Blvd., Dubuque, Iowa

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

Board Members Excused: Gwen Kosel and 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 Vice Chairperson Ahlvin at 5:30 p.m.

MINUTES: Motion by Mauss, seconded by Golombeski, to approve the minutes of the January 27, 2022 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Golombeski, Mauss and Ahlvin; Nay – None.

DOCKET – 03-22 (Tabled from January): Application of Sabrina Boomer, 118 Julien Dubuque Dr. to construct a 590 sq. ft. freestanding solar array where 100 sq. ft. maximum is permitted in an R-1 Single-Family Residential zoning district.

No representative of this docket item was present, so it was moved to the end of the agenda. The Board returned to this item after Docket item 08-22 and still no representative was present, so a motion was made to table the item.

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

DOCKET – 04-22: Application of Tim Jones, 1966 Garfield Ave. to construct a detached garage 18' in height where 15' maximum is permitted in an R-2A Alternate Two-Family Residential zoning district.

Tim Jones, 1966 Garfield Avenue, spoke in favor of the request. He explained that he hopes to build an oversized garage for two cars, a pickup, and two motorcycles. He said that it will be his retirement project to tinker with his classic cars and custom motorcycles in this garage.

Staff Member Duba detailed the staff report noting the scope of the proposed project, the characteristics of the surrounding properties and neighborhood, that the garage would be in compliance with other regulations such as setbacks and area, and that staff included a condition for the Board's consideration restricting commercial use in the garage.

Board member Golombeski asked about the maximum lot coverage for this district and how the proposed garage would affect this property's coverage. Staff replied that the R-2A district allows 50% lot coverage, and this property would be at approximately 40% covered with the proposed garage.

Golombeski also asked about the construction materials for the garage and whether they would match the house, and Mr. Jones replied that he would be using half-log siding on the home and would use a matching wainscoting and colors that would complement the house.

Board member Mauss pointed out that the garage would not project above house, so he had no issues with it.

Motion by Golombeski, seconded by Mauss, to approve the application with the condition that there be no commercial use of the garage. Motion carried by the following vote: Aye – Golombeski, Mauss and Ahlvin; Nay – None.

DOCKET – 05-22: Application of Terry Koelker, Buesing & Associates, 1363 Iowa St. to request a parking variance for a deficit of 2 off-street parking spaces in association with a subdivision plat for the property at 1363 Iowa Street.

Bob Jaeger, previous owner of the subject property spoke on behalf of Patrick Fortin, the new property owner, in favor of the request. He explained that in the past there was no parking behind buildings, and they paved the parking pad, which can fit six cars. He noted that most residents of the Iowa Street units get parking permits for on-street spots or park north of Loras Boulevard where it is unmetered. He stated they made \$150,000 of improvements to the 140 Loras building.

Staff Member Moon detailed the staff report noting that this parking variance is part of a subdivision request that removes parking from 1363 Iowa and reallocates it to 140 Loras. She noted there is a parking deficit for these buildings, but this request essentially maintains the status quo for parking spaces between the two sites. She explained this subdivision will be going to the Zoning Advisory Commission and City Council to request a waiver of bulk regulations.

Board member Mauss asked whether there would be issues for pedestrian access. Moon replied that the property would still maintain front access.

Vice Chair Ahlvin asked whether they should condition their approval on the subdivision being approved. Moon replied that the Board may impose a condition if they so choose.

Motion by Mauss, seconded by Golombeski, to approve the application as submitted. Motion carried by the following vote: Aye – Golombeski, Mauss and Ahlvin; Nay – None.

DOCKET – 06-22: Application of Lisa McGovern, 2345-2347 Sunnyslope Dr. to operate a Homebased Childcare Business with two employees that do not reside at the premises.

Lisa McGovern, 2345-2347 Sunnyslope Drive, spoke in favor of the request. She explained that she currently operates as a Level B provider, which has capacity for up to 12 children, and she wants to hire two staff and become a Level C provider, with capacity for up to 16 children.

Staff Member Schrobilgen detailed the staff report noting Ms. McGovern lives here and operates a home-based business on the same zoning lot. He noted that the conditional use permit is specifically to allow two additional employees and that the childcare home-based use is permitting in the zoning district. He acknowledged there may be additional vehicle trips to the site and the increase from 12 children to 16 may impact adjacent property owners.

Board member Mauss asked about vehicle demand created by the business. Ms. McGovern stated that it's not high demand, in part because several of the children are siblings that get dropped off in the same trip. She did not feel that the daycare was in the way of other traffic on the street.

Staff Member Schrobilgen added that there have not been any complaints against this property related to traffic or use of the property as a homebased business. He also noted that staff received a letter of opposition to the request, but it was later withdrawn when the person who submitted the letter learned of the 16-child limit.

Motion by Golombeski, seconded by Mauss, to approve the application as submitted. Motion carried by the following vote: Aye – Golombeski, Mauss and Ahlvin; Nay – None.

DOCKET – 07-22: Application of Dori Manty, 1047-1049 Bluff St. to convert a residential three-plex to a four-plex with a deficit of 2 off-street parking spaces.

Josh Jansen, 11368 Rock Grove Court, spoke in favor of the request. He explained that they purchased this foreclosed property, and it was uninhabitable. He stated they are working to attain supplemental financing to rehab the property, including historic tax credits, but they need the additional rental funds from a fourth unit to make it pencil out. He noted the building would work better with two units on each side.

Staff Member Schrobilgen detailed the staff report noting the applicant is seeking to convert a three-plex to a four-plex. The property is legally non-conforming with respect to parking because there is no on-site parking and no ability to add parking due to its

location next to the bluff. The request is to add a deficit of two off-street spaces, and while an additional unit could increase parking demand in the area, it should have a limited impact on the adjacent properties. He noted that the property is in the Jackson Park historic district and exterior changes to the property would be subject to historic review. He also noted that all other local permitting would be required.

Board member Mauss asked if there were other issues at this property that needed to be addressed. Schrobilgen confirmed that parking was the only issue.

Motion by Mauss, seconded by Golombeski, to approve the application as submitted. Motion carried by the following vote: Aye – Golombeski, Mauss and Ahlvin; Nay – None.

DOCKET – 08-22: Application of Ethan Lenertz, Kerper Blvd. – Kerper Ct., PIN 1119101031, to install a 65' freestanding sign where 40' maximum is permitted in a Heavy Industrial zoning district.

Ethan Lenertz, 1813 Kramer St, La Crosse, Wisconsin, spoke in favor of the request. He explained that the allowed 40' maximum isn't visible for northbound traffic. Vice Chair Ahlvin asked about the photo with bucket truck. Mr. Lenertz explained the boom was put up to 60' high at its proposed location, so they feel that a sign of that height extends high enough to be visible above the highway.

Staff Member Duba detailed the staff report noting the details of the request and its stated purpose to allow northbound traffic on Highway 61/151 to see the sign and exit at Kerper Boulevard to access the business. He described the visibility challenges posed by the site and the elevated highway structure. He noted the limited impact that approval of the variance would likely have on adjacent properties. He also shared the guiding principles of aesthetics that apply to the city's Signage Overlay District, which regulates off-premise signage in this corridor of Highway 61/151, though this is an on-premise sign and not subject to the regulations.

Board member Golombeski asked about the area of the sign. Mr. Lenertz stated the reduced the area of the sign to meet the sign code requirements.

Board member Mauss stated that he saw the hardship present in this situation.

Vice chair Ahlvin noted that while the owner didn't cause the condition of the hardship, they did choose the location. He stated that he was on the "nay" side and offered the applicant the opportunity to request to table because, due to two absences, all three board members would have to vote in the affirmative for the motion to pass.

Golombeski asked if there were any other locations in Dubuque with a 65' sign?

Planning Services Manager Wally Wernimont replied that staff can track that information down.

Vice chair Ahlvin asked if state-sponsored directional signs for businesses could be used here.

Manager Wernimont noted Planning staff contacted the Iowa Department of Transportation about the regulations to allow an informational sign on the highway. He replied that due to the elevated highway structure, they would have to construct a trestle over the highway, which would be prohibitively expensive.

Mr. Lenertz requested to table.

Motion by Ahlvin, seconded by Mauss, to approve the applicant's request to table the application. Motion carried by the following vote: Aye – Golombeski, Mauss and Ahlvin; Nay – None.

ITEMS FROM PUBLIC: None

ITEMS FROM BOARD: None

ITEMS FROM STAFF:

- By-Law Amendments regarding Robert's Rules of Order and the Election of Officers

Vice chair Ahlvin moved to postpone by-laws and elections to next month when all members could be present.

Motion by Ahlvin, seconded by Golombeski, to table the votes on by-law amendments and election of officers to the April meeting. Motion carried by the following vote: Aye – Golombeski, Mauss and Ahlvin; Nay – None.

ADJOURNMENT: Motion by Golombeski, seconded by Mauss, to adjourn the March 24, 2022 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Golombeski, Mauss and Ahlvin; Nay – None.

The meeting adjourned at 6:03 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

4-28-2022

Adopted