



Approved

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

5:30 p.m.

Thursday, August 25, 2022
City Council Chambers, Historic Federal Building

Board Members Present: Chairperson Jonathan McCoy, Board Members Keith Ahlvin and Matt Mauss.

Board Members Excused: Bethany Golombeski, 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 Chairperson McCoy at 5:30 p.m.

MINUTES (June 23, 2022): Motion by Mauss, seconded by Ahlvin, to approve the minutes of the June 23, 2022 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin and Mauss; Nay – None; Abstain - McCoy.

MINUTES (July 28, 2022): Motion by Mauss, seconded by Ahlvin, to approve the minutes of the July 28, 2022 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Mauss and McCoy; Nay – None; Abstain - Ahlvin.

DOCKET - 25-22: Application of Martha Leon, 2050 White Street to construct an attached garage increasing lot coverage to 56% where 50% maximum is permitted, to allow 14% permeable area where 20% is required, and to be 0' from the side property line where 3' minimum is required in an R-2A Alternate Two-Family Residential zoning district.

Martha Leon, property owner, spoke in favor of the request. She explained that the property is small and that they would like to have the garage extending to the side property line. She also stated that an electric meter was in the way if they had to meet the 3' setback.

Staff Member Schrobilgen detailed the staff report noting the applicant is intending to construct a carport initially and later a garage, but they're getting the garage approval now. He noted the dimensions of the garage, the distance it would be from the alley, and that there's an existing shed. He said that a 23' driveway off the alley would remain, which is long enough to park a vehicle in without encroaching on the alley. He noted that the alley is a green alley, and the neighboring house partially blocks the view of the proposed garage from the street. He pointed out that the garage will have to be fire rated if it's 0' from the property line. He highlighted the recommended conditions provided in the staff report.

The Board had no questions or concerns.

There was no public input.

Motion by Mauss, seconded by Ahlvin, to approve the request with the following conditions:

1. The property owner demonstrates the location of the south side property line to the satisfaction of the Building Official.
2. Stormwater be managed on the subject property.
3. A code compliant, hard-surfaced driveway be installed.

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

DOCKET – 30-22: Application of Eric and Erin Coates, 165 Princeton Place to construct a deck addition increasing lot coverage to 46% where 40% maximum is permitted and to allow 1,518 sq. ft. of detached accessory structures where 1,000 sq. ft. maximum is permitted in an R-1 Single-Family Residential zoning district.

Eric and Erin Coates, 165 Princeton Place, spoke in favor of the request. They explained that they want to build a platform on the north side of the deck that's accessible from the deck and has stairs down to the yard. They also stated that they wish to relocate their existing shed from the south side of the deck to the new addition area.

Staff Member Moon detailed the staff report noting the property is currently improved with a single-family residence with attached deck and a detached accessory structure consisting of a deck and above ground pool. She detailed the request to construct an addition to the detached accessory structure increasing the total detached accessory structure to 1,581 square feet and increasing the total area of all structures on the site to 46% of the lot coverage.

Board Member Ahlvin asked if there would be a height limit was for the shed and deck together. Staff Member Moon explained that the height would be limited is 15'. The applicants responded that the shed is about 7.5' tall, and the deck is about 5' high. They also note that the shed is currently on the south side of the deck and that they would be moving it to the proposed location. Chairperson McCoy asked the applicants if they would be okay with a condition set on height, and they responded they were.

There was no public input.

Motion by Ahlvin, seconded by Mauss, to approve the request with the following condition:

1. The height of the deck and shed together shall not exceed a height of 15' from average grade.

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

DOCKET – 31-22: Application of Lisa Barrett-Roark, 1554 Locust Street to construct a rear deck 0' from the south side property line where 3' minimum is required and to

increase lot coverage to 65% where 50% maximum is permitted in an OR Office Residential zoning district.

Lisa Barrett-Roark, 1554 Locust Street, spoke in favor of the request. She explained that the building is a duplex within a duplex, and that they have no ingress/egress at the rear of the building. She noted that there used to be an enclosed porch at the back of the building and that she currently parks in the back and walks around to the front to access her home.

Staff Member Duba detailed the staff report noting characteristics of the neighborhood and the property, particularly that the residence is a townhouse with a zero-lot-line on the south and that the lot is confined, as many others are in the area. He noted that there had been an enclosed frame porch on the rear of the house historically. He stated that the project had received design review and approval from the Historic Preservation Commission for the property deck.

Board Member Mauss asked if there would be anything to impede the neighbor's development such as steps, and he asked for clarification on where the steps would be located. Ms. Barrett-Roark explained that the steps fall within the requested 10' x 17' area of the deck.

Chairperson McCoy asked the applicant if she was amenable to the conditions that the deck remain of an open design and that the property line be established to the satisfaction of Building Official, and she responded yes.

There was no public input.

Motion by Ahlvin, seconded by Mauss, to approve the request with the following conditions:

1. The deck remain of an open design.
2. The property line be established to the satisfaction of Building Official.

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

DOCKET – 32-22: Application of Kayla Hopson, COO Grand River Medical Group, 245 Railroad Avenue to allow signage to be mounted to a mansard roof where no roof-mounted signs are permitted in a C-3 General Commercial zoning district.

Mike Lange, Lange Signs, and Kayla Hopson, Grand River Medical Group, spoke in favor of the request. They explained that the mansard roof is their best location for the proposed signs and the lower part of the wall has numerous windows leaving little to no room for signage that would be visible to patients or people trying to find the office.

Staff Member Duba detailed the staff report noting characteristics of the area and the subject property. He explained that the mansard roof does not project above the parapet wall of the building, so the subject signs would not be higher than wall-mounted signs on other locations of the same property. He stated that these signs would follow the bulk

regulations for wall-mounted signs. He noted that the urgent care clinic may have ill or injured patrons trying to find the business, so good signage is important.

Chairperson McCoy asked to clarify which signs would be lit and when. Ms. Hopson stated that only the Grand River sign would be lit, and it would be lit during hours of operation.

Board Member Ahlvin asked if it was an internally-lit sign, and Mr. Lange responded yes, with channel lit letters.

Chairperson McCoy asked if there were any other signs planned specifically asking if signs would be provided along Railroad Avenue. Mr. Lange responded perhaps a pole sign, but not additional signage is proposed along south side of the site along Railroad Avenue. Chairperson McCoy proposed the condition of no additional signage on the south side of this tenant space along Railroad Avenue.

There was no public input.

Motion by McCoy, seconded by Mauss, to approve the request with the following conditions:

1. That the illuminated sign for Grand River Medical Group only be lit during operating hours.
2. No additional signs be allowed on the south side of this tenant space.

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

DOCKET – 33-22: Application of Mark Lightcap, 1987 Washington Street to operate a vehicle rental business as a Conditional Use in a C-4 Downtown Commercial zoning district.

Mark Lightcap, 1987 Washington Street, spoke in favor of the request. He explained that he'd like to add a U-Haul business to his property.

Chairperson McCoy asked if there were plans for a car wash here. Mr. Lightcap responded yes, he was working on it, and he has the equipment but didn't hook it up and has decided he won't pursue the car wash. Staff Member Moon briefly mentioned that the Board has the ability to consider the Car Wash use when reviewing the proposed request.

Staff Member Moon detailed the staff report noting the property previously received Conditional Use Permits to allow for auto sales and a car wash. The applicant is now requesting a vehicle rental business to the site to allow for U-Haul rentals. She noted staff received a phone call from a citizen expressing concerns regarding sale vehicles being parked on the street, that there was potentially 24-hour activity with the U-Hauls, and inadequate lighting on the site for 24-hour drop-off/pick-up. Staff Member Moon noted the conditions mentioned in the staff report stating that the U-Haul business is a 24-hr business for pick-up/drop-up so limiting the hours per the recommended condition may be a concern. She also noted that a condition requiring all activities be conducted on the

subject property.

Chairperson McCoy asked about the time window to start a project, pointing out that the approval for the car wash came 28 months ago. Ms. Moon explained that once operational, the approval for a Conditional Use Permit doesn't expire. Mr. Lightcap stated he is no longer planning to operate the car wash. Staff noted that we will review the applicants existing approvals and whether they are valid.

Chairperson McCoy asked about lighting on site, and Mr. Lightcap stated that the lights have not been on. Ms. Moon explained that 72-degree cut-off luminaires are required.

Chairperson McCoy asked if there were any zoning enforcement cases against the property, and staff stated that the U-Haul operation request was brought to staff's attention through a zoning enforcement review but did not believe there were any ongoing enforcement cases outside of the U-Haul use.

Chairperson McCoy expressed concerned about the applicant's intent regarding completing the carwash, the 24-hour nature of the U-Haul business, and the existing non-compliant lighting, and stated he would have trouble voting to approve the request as it stands. Chairperson McCoy informed the applicant that he could table till next month when there would hopefully be more members of the Board and some of these concerns and questions could be addressed.

She noted there was no public input aside from the previously noted comments regarding sale vehicles being parked on the street, that there was potentially 24-hour activity with the U-Hauls, and inadequate lighting on the site for 24-hour drop-off/pick-up.

Mr. Lightcap requested to table the request to the next meeting.

Motion by McCoy, seconded by Mauss, to table the request to the next meeting. Motion carried by the following vote: Aye – Ahlvin, Mauss and McCoy; Nay – None.

DOCKET – 34-22: Application of Mark Loney, 804 Harlan Street to construct a carport 6' from the front property line (Sheridan Road) where 20' minimum is required in an R-1 Single-Family Residential zoning district.

Mark Loney, 804 Harlan Street, spoke in favor of the request. He explained that he would like to build a carport because it would help his wife, who is physically handicapped, get in and out of the vehicle.

Staff Member Schrobilgen detailed the staff report noting the property is a corner lot with frontage along Harlan Street and Sheridan Drive and a 20' setback is required along Sheridan. He noted that the carport would be outside the visibility triangle at the intersection of the alley and street and that it meets the required rear yard setback. He noted there should be no safety concerns for traffic driving or pedestrians walking in the

area.

Board Member Ahlvin asked if the carport would be of an open design and if the applicant would be amenable to that condition. Mr. Loney responded yes to both.

Chairperson McCoy asked if the applicant would be amenable to a condition requiring stormwater be managed on-site, and Mr. Loney responded yes.

Staff noted that two neighbors called requesting additional information but neither noted support or opposition. There was no public input.

Motion by McCoy, seconded by Mauss, to approve the request with the following conditions:

1. That the carport remain of an open design.
2. That stormwater be managed on the subject property.

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

ITEMS FROM PUBLIC: None.

ITEMS FROM BOARD: The Board asked for clarification on Conditional Use Permits, specifically regarding whether or when Conditional Use Permits expire and how to keep track of them. Staff noted that they would review the language in the code and report our findings.

The Board expressed an interest in receiving training about conflicts of interest and when it was appropriate to abstain. Staff stated that general Board/Commission training is being planned but that Board members are encouraged to call the Planning Department if they have questions regarding conflicts of interest and staff, along with the City Attorney's office, if need be, who can help provide direction regarding how to proceed.

ITEMS FROM STAFF: Staff Member Moon encouraged the Board to attend the Boards and Commissions Picnic on September 14th at Eagle Point Park from 6-8 p.m.

ADJOURNMENT: Motion by McCoy, seconded by Ahlvin, to adjourn the August 25, 2022 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Mauss and McCoy; Nay – None

The meeting adjourned at 6:23 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

September 22, 2022
Adopted