

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

5:30 p.m.

Thursday, September 22, 2022

City Council Chambers, Historic Federal Building

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

Board Members Excused: Bethany Golombeski

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: Motion by Mauss, seconded by Ahlvin, to approve the minutes of the August 25, 2022 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Mauss and McCoy; Nay – None; Abstain – Kosel.

DOCKET – 33-22 (tabled from August): 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 would like to have a permit to lease U-Hauls. He stated that the office is open from 9:00 AM to 5:00 PM, and they have a 24-hour drop box for picking up and returning the rental vehicles. He stated that he sells used cars at the site, too.

Staff Member Moon detailed the staff report, noting responses to the Board's concerns from the August meeting:

- The carwash use is not active.
- The previously approved CUP for the carwash use has expired as no building permit was obtained within two years of the CUP approval.
- There are no active zoning enforcement investigations other than the violation for vehicle rental that this CUP is seeking to remedy.
- The applicant stated their regular business hours are from 9am to 5pm and that pick-up and drop-off of rental vehicles may occur 24 hours a day.
- The applicant has not installed code compliant lighting, but the lights have remained off.

Staff Member Moon outlined the three recommended three conditions of approval provided in the staff report.

Board Member Kosel asked the applicant whether U-Haul trucks are ever parked on the street, how many spaces they have on the lot, and expressed concern that sales vehicles may be parking on the street. Mr. Lightcap explained that they have room for six to seven U-Haul trucks on-site, that they have an overflow site at another location, and U-Haul can direct customers to drop-off at the overflow location when they run out of space at the subject property.

Chairperson McCoy asked about existing and proposed lighting on the property. Mr. Lightcap noted they are working with Alliant to install a light in the public right-of-way that would illuminate the lot. Staff Member Moon stated that any new lights on the subject property would need to comply with code requirements for lighting.

There was no public input.

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

1. Exterior lighting shall be installed to provide adequate lighting for customers to safely pick-up and drop-off rental vehicles. All exterior lighting shall be designed and installed to shield light from the luminaire at angles above 72 degrees from vertical.
2. All uses on the site shall be situated in a manner that provides adequate access to and from the subject site.
3. All permitted business activity and vehicles shall be contained on the subject property.

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

DOCKET – 35-22: Application of Amanda Lassance, 61 Alpine Street to allow vehicle storage 0' from the rear property line and 4' from the side property line where a 6' rear and side yard setback is required in an R-2 Two-Family Residential zoning district.

Amanda Lassance, 61 Alpine Street, spoke in favor of the request. She explained that there is a pre-existing parking pad, and she would like to continue to store her camper there.

Staff Member Schrobilgen detailed the staff report, noting that the applicant would like to store a camper on an existing concrete pad. He explained that storage is permitted as an accessory use in residential districts, provided that:

1. Not more than one vehicle is stored outside;
2. Not in the front yard;
3. Not within a required side yard;
4. Current State Registration required;
5. On a hard surface driveway or pad built to at least the outside dimensions of the vehicle being stored.
6. Additionally, storage of Inoperable Vehicles and/or parts is Prohibited.

He also noted that access was via the driveway next to the parking pad and the storage

pad was outside of the visibility triangle of the driveway. He said staff had no concerns regarding public safety or use and enjoyment of the neighbors.

The Board had no questions or concerns.

There was no public input.

Motion by McCoy, seconded by Kosel, to approve the request with the following condition:

1. The vehicle storage location be a hard surface and be built to the outside dimensions of the vehicle being stored.

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

DOCKET – 36-22: Application of Mitch Winders, 2055 Jeffrey Drive to construct an attached deck 5' from the front property line where 20' is required in an R-1 Single-Family Residential zoning district.

Mitch Winders, 2055 Jeffrey Drive, spoke in favor of the request. He explained that he plans to remove the old stoop and, in its place, build a front porch out of composite material. He stated that the deck portion won't come out any further than current stoop and walkway, but it would extend 6' further in length along the front of the house.

Staff Member Moon detailed the staff report, noting the proposed deck's approximate area and dimensions, and that stairs and a landing would be part of it and is shown within the proposed L-shaped footprint. She explained it would be outside the visibility triangle. She said she received a phone call from a neighbor who was not in opposition to the deck but stated they would like to see the deck set back a little further than 5' from the front property line.

The Board discussed the dimensions of the porch and received clarification from Mr. Winders that the deck would measure approximately 6.5' deep by 12' in length and the stairs and landing would be approximately 3' wide, which would result in the deck extending a total of approximately 9' from the front of the residence. Staff Member Moon utilized GIS to confirm the existing front yard setback is approximately 17' and with the proposed deck being 9' in depth as noted by the property owner, it would be located approximately 8' from the front property line, not the 5' that was originally proposed.

There was no public input.

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

1. The porch remain of an open design.

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

DOCKET – 37-22: Application of Jennifer McFadden, 3234 Arrowwood Lane to construct a 6' high fence where 4' high maximum is allowed in an R-3 Moderate Density Multiple-Family Residential zoning district.

Jennifer McFadden, 3234 Arrowwood Lane, spoke in favor of the request. She explained that they are hoping to build a 6' fence in the rear of the house, which fronts 32nd Street, because she has a son with special needs.

Staff Member Duba detailed the staff report, noting that the proposed fence is in the rear of the existing single-family residence, but the property has frontage along 32nd Street, so that property line is considered a front lot line. He explained that the Board is reviewing the portion of the fence on the subject property located within the front yard area, and that the Engineering Department has reviewed and approved the applicant's request to build the portions of the fence within the right-of-way along 32nd Street. He noted that the proposed fence should not obstruct visibility and recommended the condition that the fence not be constructed within the visibility triangle.

The Board asked if other properties in the area had fences. Mr. Duba confirmed that fences are present at other properties in the area. The Board had no other questions or concerns.

There was no public input.

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

1. The fence be constructed outside the visibility triangle.

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

DOCKET – 38-22: Application of John and Judy Pfohl, 2640 John F. Kennedy Road to allow vehicle storage 0' from the side property line where 6' is required in an R-1 Single-Family Residential zoning district.

John Pfohl, 2640 John F. Kennedy Road, spoke in favor of the request. He explained that he is hoping to pour a cement pad on the south side of his existing garage up to the neighboring property line. He stated that the neighbor to the south approves of the proposal and provided a signed letter of support from Leroy Timmerman, the neighbor at 2636 John F Kennedy, to the Board for their consideration.

Chairperson McCoy asked about the number of vehicles present in the aerial image, and Mr. Pfohl stated that he doesn't have that many now.

Staff Member Schrobilgen detailed the staff report, noting the storage location and the rules for storage. He explained that this would be for storage of one vehicle. He noted there is a fence to the south and trees to the east which should provide partial screening. He said a neighbor to the northeast expressed opposition stating that stormwater runoff is a concern.

The Board discussed stormwater drainage, the likely directions that it would flow, and whether it could be directed effectively. Staff Member Schrobilgen noted that code would allow up to 80% of the subject property to be impermeable area.

There was no public input.

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

1. Any access, parking space or storage pad must be hard surfaced and built to at least the outside dimensions of the vehicle being parked or stored.

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

DOCKET – 39-22: Application of James and Cynthia Riedl, 2508 Pennsylvania Avenue to construct a garage 3' from the side property line where 6' is required in an R-1 Single-Family Residential zoning district.

Jim Riedl, 2508 Pennsylvania Avenue, spoke in favor of the request. He explained that he's hoping to build a shed to be utilized as a man cave. He noted that he's recently retired and plans to build a wood shop and store canoes and kayaks and lawn equipment in the shed.

Staff Member Duba detailed the staff report noting characteristics of the property and the surrounding neighborhood, including numerous detached sheds and garages. He described the proposed shed and noted the smaller existing shed that would remain on the property. He explained that there would be little impact to surrounding properties, and visibility would not be blocked.

Board Member Ahlvin asked about the maximum roof height, and Mr. Duba stated that it's 15' as measured from average grade to the mid-point between the soffit and peak of the roof.

Board Member Mauss asked if the property had a shared driveway and whether the proposed shed would have an overhead door.

Mr. Riedl explained yes, it is a shared driveway, and that the shed would have swing-open doors like a barn.

Board Members and Staff discussed the code requirement for a hard-surfaced driveway if the shed were to be regularly used for vehicle storage. Chairperson McCoy asked Mr. Riedl if he would be accepting of a condition of approval required a hard-surfaced driveway if there is regular vehicle storage and Mr. Riedl agreed this would be acceptable.

There was no public input.

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

1. If the shed structure is regularly accessed for vehicle storage, a hard-surfaced driveway would be required.

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

Mr. Riedl expressed appreciation to Staff Members Moon and Duba for their assistance through this process.

ITEMS FROM PUBLIC: None.

ITEMS FROM BOARD: None.

ITEMS FROM STAFF: None.

ADJOURNMENT: Motion by McCoy, seconded by Ahlvin, to adjourn the September 22, 2022 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Kosel, Mauss and McCoy; Nay – None

The meeting adjourned at 6:19 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

10/27/22
Adopted