

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

5:30 p.m.

Thursday, May 23, 2024

City Council Chambers, Historic Federal Building

Board Members Present: Chairperson Jonathan McCoy, Board Members Keith Ahlvin, Gwen Kosel, and Rena Stierman.

Board Members Excused: Matt Mauss

Board Members Unexcused: None

Staff Members Present: Shena Moon and Jason Duba

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

MINUTES: Chairperson McCoy explained that the minutes would be reviewed and discussed after the public hearing cases.

DOCKET – 12-24: Application of Trent and Heidi Marting, 390 Mississippi View Drive to store a vehicle 0' from the front property line where 20' minimum is required in an R-1 Single-Family- and R-2 Two-Family Residential zoning district.

Trent Marting, 390 Mississippi View Drive, spoke in favor of the request. He explained that they're seeking a Special Exception to store a vehicle in the front setback. He noted that the house is a corner lot on a dead-end street, and the vehicle would be stored on the side of their house fronts along Mt. Loretta Avenue.

There was no public input.

Staff Member Moon detailed the staff report noting that the property consists of two large, irregularly-shaped lots, and it's a corner lot with frontage along Mt. Loretta Avenue and Mississippi View Drive. She explained that the request is to allow vehicle storage along the front property line along Mt. Loretta on the south side of the property. She noted the storage would be located on an existing hard surface and that the storage area is 14' x 35'. She noted that no public input was received.

Motion by Kosel, seconded by Stierman, to approve the request as submitted. Motion carried by the following vote: Aye – Ahlvin, Kosel, Stierman, and McCoy; Nay – None.

DOCKET – 13-24: Application of Mark Reittinger, 715 O'Neill Street to construct an addition to a detached garage 2' from the side property line where 6' is required in an R-1 Single-Family Residential zoning district.

Mark Reittinger, 715 O'Neill Street, spoke in favor of the request. He explained that he's seeking to add a 10' x 20' addition to the existing garage and that the addition would extend toward the house, but the property line is 3' from the existing side wall of the garage.

There was no public input.

Staff Member Moon detailed the staff report noting that the existing garage is legally non-conforming with respect to the side yard setback. She explained that the request is to add a 10' x 20' addition in line with existing side setback, and that the existing garage plus this 200-square foot addition is less than the maximum of 1,000 square feet allowed for detached accessory structures.

Board Member Ahlvin stated that being this close to the neighbor, the applicant needs to keep runoff on the subject property.

Board Member Kosel asked about the roof, and Mr. Reittinger replied that the addition would extend the existing gable roof.

Kosel asked whether or not the materials for the addition would be in keeping with the existing garage materials, and Mr. Reittinger replied yes, that they would match the existing garage with vinyl siding and he would be adding a new roofing for the whole garage.

Chairperson McCoy asked whether Mr. Reittinger was amenable to a condition that stormwater runoff be contained on the subject property, and Mr. Reittinger replied yes, and that he was planning to enlarge the gutters and extend them along the addition.

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

1. That stormwater be managed on the subject property.

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

DOCKET – 14-24: Application of Olivia Heiken, 1524 Rhomberg Avenue to install a 7' high fence in the front yard (along Decatur Street) where 4' high maximum is permitted in an R-2A Alternate Two-Family Residential zoning district.

Olivia Heiken, 1524 Rhomberg Avenue, spoke in favor of the request. She explained that she's requesting a privacy fence, and that she lives on a corner lot with frontage on Rhomberg Avenue and Decatur Street. She noted that the fenced in area of the property acts as her backyard, and she's just hoping to have privacy there.

There was no public input.

Staff Member Duba detailed the staff report noting the characteristics of the subject property and the surrounding neighborhood. He explained that while the proposed fence is along the frontage with Decatur Street, this area of the property serves more like the side or rear yard. He noted that the fence would be 15' from the edge of Decatur and the City Engineering Department reviewed the proposal and stated it would be acceptable for the fence to be in the visibility triangle at the property corner. He noted that, as it pertains to the context of the neighborhood, a number of other corner properties in the area that have received Special Exceptions for a higher fence such as this.

The Board stated that they were comfortable with the request, having the approval of the Engineering Department.

Motion by Kosel, seconded by Ahlvin, to approve the request as submitted. Motion carried by the following vote: Aye – Ahlvin, Kosel, Stierman and McCoy; Nay – None.

DOCKET – 15-24: Application of Allen and Taylor Kennicker, 2065 Broadlawn Road to store a vehicle 1' from side property line where 6' minimum is required in an R-1 Single-Family Residential zoning district.

Allen and Taylor Kennicker, 2065 Broadlawn Road, spoke in favor of the request. They explained that they would like to store a camper on the driveway in front of the garage.

There was no public input.

Staff Member Moon detailed the staff report noting the applicants are seeking to store a camper on the existing paved driveway, and the area is 9' x 35'. She noted the letter of support received from the next door neighbor, John Sieverding, 2075 Broadlawn Road.

Chairperson McCoy noted that Special Exceptions live on in perpetuity with the property, and he asked the applicants about their timeframe for storage. Allen Kennicker replied that it would be stored there all year long.

Board Member Stierman asked about when parking becomes storage, and Staff Member Moon explained that if a vehicle is parked longer than 48 hours it becomes storage. She also explained the enforcement process for stored vehicles.

Board Member Stierman asked if the camper would block the garage. Allen Kennicker replied that the garage would still be accessible for equipment and belongings, but a vehicle could not access it. Staff Member Moon noted that there is sufficient additional area on the driveway for parking other vehicles.

Kosel asked if the applicants would have to move their camper every 48 hours if the Special Exception were approved, and Moon stated no.

Board Member Kosel asked if the Special Exception could be limited to the applicants and not extended to future property owners, and Staff Member Moon replied that would be difficult to keep track of and enforce.

Chairperson McCoy recommended the condition of limiting the approval to one vehicle of the size submitted.

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

1. That only one vehicle no larger than 9' x 35' be allowed.

Motion carried by the following vote: Aye – Ahlvin, Stierman and McCoy; Nay – Kosel, citing the following criteria:

- B. That the specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
- C. That establishment of the specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zone in which such property is located.

DOCKET – 16-24: Application of Michael Jasper, 2276 Trygg Drive to enclose an existing carport located 3' from the front property line (along Theda Drive) where 20' is required in an R-1 Single-Family Residential zoning district.

Michael Jasper, 2276 Trygg Drive, spoke in favor of the request. He explained that his parents put in the carport in 2003, and he just wants to put walls up for a garage.

There was no public input.

Staff Member Moon detailed the staff report noting the property received a Special Exception in 2003 to construct a carport 3' from the front property line with Theda Drive. She explained that the applicant seeks to enclose the carport to make a garage, and since a garage is defined differently than a carport in the city code, a new Special Exception is required. She noted the garage would be located in the same footprint as the existing carport. She stated that no public input was received.

Chairperson McCoy asked if there were visibility concerns, and Staff Member Moon replied that Engineering reviewed the proposal and had no concerns with vehicle or pedestrian visibility.

Chairperson McCoy asked how wide the garage would be, and Jasper replied 14'.

Chairperson McCoy asked if like materials would be used, and Jasper replied yes, vinyl siding would be used.

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

1. That the finishes be similar to the house finishes.

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

DOCKET – 17-24: Application of Matthew and Pauline Flood, 2790 Shiras Avenue, to allow a 1,920 sq. ft. detached garage 20' in height where 1,000 sq. ft. and 15' in height maximum is permitted in an R-1 Single-Family Residential zoning district.

Matthew Flood, 2790 Shiras Avenue, spoke in favor of the request. He explained that he's planning to build a detached garage larger than 1,000 square feet and higher than 20'.

There was no public input.

Staff Member Duba detailed the staff report noting the large size of the property and the significant separation from Shiras Avenue and the nearest residences. He described the subject property, which is wooded, and he explained the proposed location of the garage. He noted there was one inquiry phone call.

Board Member Stierman asked about the height of 20', and Mr. Flood explained he's planning a 16' sidewall for a camper.

Board Member Kosel asked if like materials would be used, and Mr. Flood said it would be aesthetically the same as the house.

Board Member Ahlvin said they would condition approval on no commercial activity being allowed. Mr. Flood was agreeable to the condition.

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

1. That the garage be finished in similar materials as the residence.
2. That no commercial activity be allowed.

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

DOCKET – 18-24: Application of Wayne Vanden Berge, 2829 Bonson Road to allow a 312 sq. ft. shade structure for a total of 4,762 sq. ft. of detached accessory structures where 4,450 sq. ft. maximum is permitted on the subject lot, located in an AG Agriculture zoning district.

Wayne Vanden Berge, 2829 Bonson Road, spoke in favor of the request. He explained that he plans to build an open-air shade structure with an area of 312 square feet, and he displayed a map of its proposed location. He explained it would function as a pavilion for outdoor cooking.

There was no public input.

Staff Member Duba detailed the staff report noting the property received a Special Exception in 2021 to construct 4,450 square feet of detached accessory structures for a pool and another structure. He noted that the property was a large 3.4-acre lot and the additional 312 square feet for the proposed structure should have little impact on neighboring properties.

Board Member Ahlvin asked if the structure would be of an open design, and Vanden Berge replied yes, and there's a retaining wall on the back.

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

1. That the structure remain of an open design, with the exception of the retaining wall.

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

DOCKET – 19-24: Application of James and Marilyn Ploessl, 825 Harlan Street, to install an 8' high fence along the east side property line where 7' high maximum is permitted in an R-1 Single-Family Residential zoning district.

James and Marilyn Ploessl, 825 Harlan Street, spoke in favor of the request. They explained that they seek to install an 8' fence to maintain their privacy.

Michelle Freisiner, 815 Harlan Street, expressed support for her neighbors' fence request.

Staff Member Duba detailed the staff report noting the characteristics of the subject property and the surrounding neighborhood. He noted that the fence would run along the east side property line, beginning 20' back from the front property line and ending 2' from the rear property line at the alley. He expressed that the additional 1' in height requested above the 7' limit should not be injurious to the use and enjoyment of surrounding properties.

Chairperson McCoy and Staff Member Moon discussed whether the City had other avenues for property owners to pursue in relation to their neighbors. Staff Member Moon stated law enforcement could be an option and stated that staff is available to help identify other city resources that may be available for the applicant.

Board Member Ahlvin said he thought the extra foot makes sense, and asked if they would be amenable to installing a neighbor-friendly fence. Jim Ploessl replied yes, that both sides would be decorative.

Chairperson McCoy stated that they would apply the condition that the lot line be established to the satisfaction of the Building Official, and Ploessl replied they had the property surveyed and would be fine with that condition.

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

1. That the fence be neighbor-friendly (meaning finished on the neighbor side).
2. That the lot line be demonstrated to the satisfaction of the Building Official.

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

MINUTES:

Chairperson McCoy expressed concerns with the minutes of the April 25, 2024 Zoning Board of Adjustment meeting related to Docket 11-24 for the variance request for signage at 395 W 9th St. McCoy stated that when Staff Member Duba noted that the library has vinyl signs, it was not a fair comparison because the library is in an OC district, and the church is in a C-4 district. Staff Member Duba explained that all the zoning districts have the same requirements for materials, and what is applicable is that both properties are in a historic district and have architectural guidelines about signs, which is what was being discussed during the meeting. Staff Member Duba noted that these guidelines do not recommend vinyl, but they also do not prohibit it. Chairperson McCoy stated that no other businesses were offered vinyl signs as an option, and he feels that allowing the church to have them confers a special privilege. Chairperson McCoy stated that he needed to speak with Planning Services Director Wally Wernimont about this issue. He expressed that he was not comfortable with the minutes and did not want to revise them at the moment, so the other members could vote to approve them over his objection. Board Member Ahlvin suggested that they table the minutes to the next meeting, and that Chairperson McCoy may prepare any edits or suggestions for that meeting.

Motion by McCoy, seconded by Ahlvin, to table the minutes of the April 25, 2024 Zoning Board of Adjustment to the next meeting of the Board. Motion carried by the following vote: Aye – Ahlvin, Kosel, Stierman and McCoy; Nay – None.

ITEMS FROM PUBLIC: None.

ITEMS FROM BOARD: None.

ITEMS FROM STAFF:

- Staff response to Board inquiry related to parking at 469 Emmett Street.

Staff Member Moon provided feedback to Chairperson McCoy's information request regarding the parking situation at 469 Emmett Street. She noted it's a separate property from where the parking was provided, and a 1984 shared parking agreement had been in effect, but it is not clear what happened to the agreement. She explained that the City has no purview in this private agreement between property owners. She noted that a recent text amendment no longer requires off-street parking in this historic district with the goal of historic preservation.

- Election of Officers

Motion by Kosel, seconded by Ahlvin, to elect Jonathan McCoy as Chairperson. Motion carried by the following vote: Aye – Ahlvin, Kosel, Stierman and McCoy; Nay – None.

Motion by McCoy, seconded by Kosel, to elect Keith Ahlvin as Vice Chairperson. Motion carried by the following vote: Aye – Ahlvin, Kosel, Stierman and McCoy; Nay – None.

- Appointment to the Airport Zoning Board of Adjustment

The appointment of members to the Airport Zoning Board of Adjustment was conducted. McCoy volunteered to remain on the Airport Zoning Board of Adjustment.

Motion by McCoy, seconded by Ahlvin, to elect Gwen Kosel and Jonathan McCoy to the Airport Zoning Board of Adjustment. Motion carried by the following vote: Aye – Ahlvin, Kosel, Stierman and McCoy; Nay – None.

- City of Dubuque Goal Setting for Fiscal Year 2025

Staff Member Moon led a discussion of City Council Goal Setting, including Successes and Initiatives of the Board. Additions were suggested, including:

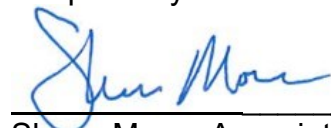
- Summary of the Board's reviews for the year
- Success in conducting hybrid meetings and the increased use of technology including GIS, site imagery, and PowerPoint to provide clarity for applicants and the public.
- Successful in conducting business in accordance with state and local laws, by-laws, and code requirements.
- Successful communications with citizens and applicants to foster practice of goodwill.

Staff Member Moon stated that the Board will be called upon to be involved in the Unified Development Code update which will begin in a few months and that this will be an important initiative of the Board in Fiscal Year 2025.

ADJOURNMENT: Motion by McCoy, seconded by Kosel, to adjourn the May 23, 2024 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Kosel, Stierman and McCoy; Nay – None

The meeting adjourned at 6:58 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

June 27, 2024

Adopted