



Approved

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

5:30 p.m.

Thursday, October 24, 2024
City Council Chambers, Historic Federal Building

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

Board Members Excused: Gwen Kosei

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 Ahlvin, seconded by Stierman, to approve the minutes of the September 26, 2024 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Mauss, Stierman and McCoy; Nay – None.

DOCKET – 28-24: Application of Eelen McDonald Ebling, 1204 Mt. Loretta Avenue, to store two vehicles within front yard setbacks where one vehicle is allowed to be stored and 20' setback is required in an R-1 Single-Family Residential zoning district.

Rodney Baumhover, 1204 Mt. Loretta Avenue, spoke in favor of the request. He explained that he's the caretaker of house and resides there. He stated that he is working on the home, and he'd like to store his cargo trailer on the English Lane parking pad. He said his motorcycle is currently in storage, but he would like to store it on the property during riding season which is from April to October. He stated his truck is normally parked on the street.

There was no public input.

Staff Member Schrobilgen detailed the staff report noting that this case was first heard in August. He reviewed the Board's discussion from that meeting, including their preference for one pad and potential for allowing two vehicles on the pad along English Lane. He then discussed parking, which is allowed, and vehicle storage, which is permitted but with restrictions. He said the proposed storage areas are both within the front yard and only one vehicle is permitted.

The Board expressed concern with allowing vehicle storage on both paved pads but expressed a willingness to allow two vehicles to be stored on the English Lane paved

pad.

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

1. Two vehicles may be stored on the paved pad located along English Lane.
2. Vehicle storage is limited to the paved area located along English Lane as noted in the application materials (approximately 17' wide by 22' deep).
3. No commercial activity may be conducted at the property.

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

DOCKET-35-24: Application of David Krieg, 1896 Marion Street/195 Fremont Avenue to construct a detached garage 20' in height for a total of 2,060 sq. ft. of detached accessory structures where 1,000 sq. ft. and 15' height maximum are permitted in an R-1 Single-Family Residential zoning district.

David Krieg, 195 Fremont Avenue, spoke in favor of the request. He explained that he's seeking to tear down the existing old building and construct a new garage. He stated plans to consolidate the properties as required.

Chairperson McCoy asked the applicant if he was amenable to the conditions of approval suggested in the staff report, namely:

1. That a hard surface driveway be installed from the street to the garage doors.
2. That the subject parcel is consolidated with the 195 Fremont property.
3. That approved materials are utilized for siding and roofing to promote a residential aesthetic.

Krieg confirmed that he was accepting of these suggested conditions.

There was no public input

Staff Member Schrobilgen detailed the staff report noting the proposal is for a 1,760 sq. ft. garage in the location of existing warehouse/office that would be demolished. He noted the garage would meet or exceed the front and side yard setbacks. He reviewed the recommended conditions for approval. He explained that if a single-family home were built on this lot, it could be larger than the proposed garage. He noted that the combined lot would be approximately 57,000 square feet and the request was for 2,060 sq. ft.

Staff noted that a letter of support and a letter of opposition were submitted. The Board then took a minute to review those emails.

Board Member Mauss expressed that the garage would have adequate setbacks and that it appeared to be about the same height as the neighboring barn.

Chairperson McCoy suggested a condition that no commercial activity be allowed.

Board Member Ahlvin noted that the property is large, but the proposed garage appears

out of character for the neighborhood. He also noted that the existing building was out of character as well.

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

1. That a hard surface driveway be installed from the street to the garage doors.
2. That the subject parcel is consolidated with the 195 Fremont Avenue property.
3. The accessory structure shall be finished in residential materials to ensure a residential aesthetic.
4. That no commercial activity shall be allowed in the garage.

Motion carried by the following vote: Aye - Mauss, Stierman, and McCoy; Nay – Ahlvin
Citing Criteria B.

DOCKET-36-24: Application of Alex and Alicia Ellerbeck, 2613 University Avenue to construct a second story addition 0' from the front property line (along Van Buren Avenue) where 10' is required in a C-1 Neighborhood Commercial zoning district.

Alex Ellerbeck, 5670 Clay Ridge Drive, spoke in favor of the request. He explained that after they purchased the building, they found that it needs more renovation than they expected. They've had to demolish the eastern side of building, and in order to recoup their investment, they desire to build a second story above the existing footprint which will contain a residential unit available for rent.

Mary Cass, 2617 Van Buren Street, requested that a traffic study be conducted as she is concerned about traffic.

Staff Member Moon detailed the staff report noting the portion of the second story addition that requires a variance. She said the first floor is legally nonconforming with respect to a front yard setback and can be rebuilt in the same location by-right. However, the second story would be an addition that would increase a nonconformity which requires review and approval. She displayed the proposed building plans. She explained that the site plan has been reviewed by the city's Development Review Team and noted that the traffic engineer did not find a traffic study to be warranted for this project. She explained that the property is still in compliance with previously the approved parking variance and conditional use permit. She stated that this is a unique site and its triangular shape limits development possibilities, which could be considered a unique hardship.

Chairperson McCoy asked for clarification regarding the parking variance and the required proposed addition. Staff Member Moon explained that parking requirements are based on use, and with some reduction of other uses in the building such as the salon, the property is still compliant with the approved parking variance and off-street parking requirements.

Board Member Stierman noted that the Board does not have the authority to require a traffic study and that potential traffic impacts are evaluated as part of the site plan review.

Chairperson McCoy suggested a condition requiring the maintenance of stormwater on the property.

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

1. That stormwater be maintained on the subject property.

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

DOCKET –37-24: Application of Church of the Resurrection, to construct a 5,930 square foot ground mounted solar array totaling 7,440 square feet of detached accessory structures where 100 square feet and 1,000 square feet maximum is permitted in an R-1 Single-Family Residential zoning district.

Melissa Turner, Resurrection Catholic Church, spoke in favor of the request. She explained that they are seeking to construct solar panels to reduce the electricity expense of the church. She noted the location would be where the baseball field is, and there would be a water retention basin in the area noted by the other diagram. She explained that the area north of the baseball field is hilly prairie.

Chairperson McCoy asked if this was the furthest west location for the array. Ms. Turner responded that 27 trees were just planted in the westernmost area.

Chairperson McCoy referred to opposition letters objecting to the size and location of the proposed array. He asked where exactly the trees were planted and if it were possible to move the array closer to the west, away from houses. Ms. Turner noted that one the site diagrams submitted was not accurate and she clarified which site plan was accurate. Using GIS Staff Member Moon estimated the proposed solar array to be located approximately 140' from the eastern property line. Matt Pullen, Eagle Point Solar, stated the array should be located a good distance from the trees to ensure the solar array is not shaded by the trees.

Staff Member Duba detailed the staff report noting the characteristics of the subject property and the surrounding neighborhood. He said the property is zoned as R-1 Single Family Residential. He noted the area of the church property is over 900,000 square feet, yet it is held to the same 100-square foot array size that a residential property of 5,000 square feet is. He noted the proposed array faces south and neighboring homes are to the east. He pointed out this array would generate local electricity, enhancing the sustainability and resilience of the community.

The Board asked about screening along the eastern property line where there are homes. Ms. Turner noted that the church has a 5-year plan for greenspace, and vegetative screening could be included in that.

Board Member Ahlvin indicated that due to the large size of the array, he would like it to be as far west as possible, even if it meant relocating trees. Ms. Turner noted that the

part of the property in question is sloped and may make it more visible to the residences to the east.

Board Member Mauss said he drove along Millstone and referred to imagery showing that most of the houses already have tree screening at their rear property lines, except for a lack of trees at 2507 Millstone, which is where the neighbor in opposition to the project lives. He also agreed that the church property appears to slope as it moves west and agreed that it may actually be more visible in that location.

Staff Member Moon displayed a GIS aerial view with a rectangle the size and shape of the proposed array to show possible locations for the array.

Board Member Mauss asked about the height in the back of the array. Mr. Pullen noted that the array's proposed location on a slope would allow the rear panels to not appear as high.

Chairperson McCoy recommended tabling and requested updated plans that could show what the array would look like in the locations discussed.

The applicants requested to table the request.

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

DOCKET –38-24: Application of Jacob Tilp, 19 Milwaukee Street to conduct vehicle sales on a 9,210 square foot lot where 20,000 square feet of lot area is required.

Jacob Tilp, 2765 Pleasant View Drive, spoke in favor of the request. He explained that he's the owner of Galaxy Auto which is currently located off Cedar Cross Road. He said they're hoping to move here to sell mostly sports cars and motorcycles. He noted the cars for sale would mostly be parked inside the building.

There was no public input.

Staff Member Moon detailed the staff report noting the request to allow vehicle sales, which is an allowed use in a C-3 district, but must be on site totaling a minimum of 20,000 square feet. She noted the property has some area for outdoor display. She explained that the property had been a showroom for appliance sales, so this would be an adaptive reuse and could revitalize the existing structure.

The Board expressed support for the effort and also asked about restricting the number of cars that could be sold outside. There was discussion about the distance between the Central Avenue right-of-way and the building. Staff Member Moon clarified that all display vehicles would have to be on the subject property and not in the right-of-way.

Chairperson McCoy asked about parking requirements and wanted to avoid display

vehicles encroaching onto the Central Avenue right of way. Staff Member Moon stated that the business would need to maintain the required number of parking spaces stipulated by the code based on the number of employees and sales area. Staff roughly estimated at that 6 parking spaces would be required on the site.

Staff Member Schrobilgen explained that vehicle sales businesses also have to get approval from the Iowa Department of Transportation (IDOT). A site diagram showing staff parking, customer parking, and vehicle display area must be submitted to the IDOT and the City. He said that Planning Services issues a zoning letter which the IDOT requires as well. Mr. Tilp described some of the IDOT requirements they will be required to meet. He reiterated that most cars will be displayed inside, and while some cars would be displayed outside, they will be on the subject property and not be an eyesore or block visibility.

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

1. Display vehicles shall not encroach into the public right-of-way.
2. The use must comply with Unified Development Code off-street parking requirements.

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

ITEMS FROM PUBLIC: None

ITEMS FROM BOARD: None

ITEMS FROM STAFF: None

ADJOURNMENT: Motion by McCoy, seconded by Ahlvin, to adjourn the October 24, 2024 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Mauss, Stierman and McCoy; Nay – None

The meeting adjourned at 6:48 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

November 21, 2024

Adopted