



Approved

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

4:00 p.m.

Thursday, March 27, 2014

City Council Chamber, Historic Federal Building

Board Members Present: Chairperson Eugene Bird, Jr.; Board Members Jeff Cremer, Heath Hutchinson and Jonathan McCoy; Staff Members Guy Hemenway and Wally Wernimont.

Board Members Excused: Board Member Bill Gibbs.

CALL TO ORDER: The meeting was called to order by Chairperson Bird at 4:00 p.m.

AFFIDAVIT OF COMPLIANCE: Staff presented an Affidavit of Compliance verifying the meeting was being held in compliance with the Iowa Open Meetings Law.

MINUTES: The minutes of the February 27, 2014 were approved unanimously as submitted.

DOCKET 06-14 (tabled): Application of Bird Sign Co. / Kwik Stop/Rainbo Oil for a variance for property located at 1210 & 1260 Kerper Boulevard, to install a 450 square foot free standing sign, 200 square feet maximum permitted, and to install nine wall-mounted signs on the Dairy Queen Restaurant, four signs maximum permitted, in a C-3 General Commercial zoning district.

Chairperson Bird excused himself from the table.

Eugene Bird, Bird Sign Company, 17595 Peru Road, distributed a packet of sign renderings. He explained that the Board heard the request at a previous meeting and asked that he provide renderings of the multiple freestanding signs that would be permitted by ordinance. He referred to a rendering showing four freestanding signs that meet the ordinance requirements. He noted that four separate freestanding signs contribute more to visual clutter than one large freestanding sign. He referred to elevations of the gas station/convenience store and the Dairy Queen noting the permitted and proposed amount of wall-mounted signage.

Vice Chairperson McCoy asked if all the freestanding signs are permitted to line up a row. Mr. Bird indicated that current sign regulations permit four 200 square foot freestanding signs spaced a minimum of 100 feet apart.

No one spoke in opposition to the requested.

Staff Member Hemenway distributed an aerial photo of the area and reiterated the sign variance request noting the permitted and proposed signage for the site. He discussed the proposed sign locations. He said that the number of wall-mounted signs permitted is predicated on the number of frontages a lot has noting that a corner lot is allowed four wall-mounted signs, where an interior lot is allowed two wall-mounted signs.

The Board discussed the request and noted that a single freestanding sign would be preferred versus four freestanding signs. The Board indicated that they felt one freestanding sign would pose less visual clutter along the street.

Mr. Bird explained the permitted and proposed number of wall-mounted signs for the two subject buildings. The Board noted that the Dairy Queen will have four internally illuminated wall-mounted cabinet signs in addition to five poster signs attached to the side of the building.

The Board asked Mr. Bird about the poster signs. Mr. Bird said that the poster signs function similar to a menu board advertising products and prices.

The Board noted that the proposed freestanding sign incorporates an electronic message board that could adequately advertise specials and pricing for the Dairy Queen. The Board noted that the applicant proposes an additional monument-style freestanding sign at the corner of 16th and Kerper Boulevard. Mr. Bird explained that the sign will advertise the names of the businesses and will be a smaller monument-style sign.

The Board expressed concerns with the number of wall-mounted signs proposed for the Dairy Queen. Mr. Bird said that he has spoken with the applicant, Jill Reimers, and indicated that she is willing to remove the poster signs.

The Board discussed limiting the number of freestanding signs permitted on-site. The Board felt that they could place conditions that would reduce/restrict the amount of freestanding signs located on the premises and wall-mounted signage for the Dairy Queen

Motion by Cremer, seconded by Hutchinson, to approve the sign variance with the following conditions:

- 1) Approved to install one 450 square foot freestanding sign.
- 2) Approved to install one monument-style freestanding sign at the corner of 16th Street & Kerper Boulevard, and,

- 3) Approved to install four wall-mounted signs on the Dairy Queen Restaurant building.

Motion carried by the following vote: Aye – McCoy, Cremer and Hutchinson; Nay - None.

DOCKET 07-14: Application of Jim & Danielle Friedman, 476 Primrose Street, for a special exception to build a 30 by 36-foot detached garage, 6 feet from the north side property line and 3 feet from the rear property line, 6 feet required for both setbacks, and 1080 square feet in area, 1000 square feet maximum allowed for accessory structures in an R-1 Single-Family Residential zoning district.

Jim Friedman, 476 Primrose Street, outlined his request for the Board. He noted that he would like to construct a 30 by 36-foot detached garage at the rear of his property.

Staff Member Wernimont distributed photos of the site. He discussed the request noting that the proposed garage would be accessed by an existing paved driveway and would encroach upon the property line located along Gay Park. He indicated that the garage will not impede visibility to the sidewalk or street from the adjacent properties. He said that all adjoining property owners were notified of the request and that he has received no public input.

Motion by McCoy, seconded by Hutchinson, to approve the special exception as submitted. Motion carried by the following vote: Aye – McCoy, Cremer, Hutchinson, and Bird; Nay – None.

DOCKET 08-14: Application of Jeffrey Morton, Architect (Blue House LLC), for a parking variance for property at 1865 University Avenue to open an indoor restaurant with a deficit of six off-street parking spaces in a C-2, Neighborhood Shopping Center zoning district.

Jeff Morton, 206 Bluff Street, stated he represented Blue House LLC. He noted that the applicant's request is to convert an existing commercial building into a pizza restaurant. He said that the proposed restaurant will have 34 seats and four employees. He said that there is an existing six-space parking lot located at the rear of the property that will be reconfigured adding two spaces. He said that there is space for an additional parking space in the front of the building.

Chairperson Bird asked if the rear parking lot would be repaved. Mr. Morton explained that the parking lot will be redesigned so as to meet site plan standards. He noted there is on-street parking available in the area.

Mark Dalsing, 1060 Auburn Street, spoke in support of the business. He distributed a map of the on-street parking that is available in the neighborhood. He explained that he

is in favor of the proposed restaurant; however, he wanted to highlight sight visibility issues at the intersection of Auburn and University Avenue. He said that there are signs posted stating “no student parking”, referring to University of Dubuque students. He indicated that University staff and visitors are not prohibited from parking in the neighborhood.

Mr. Morton said that the restaurant will primarily operate during lunch and dinner hours. He explained that the applicant is proposing to be open during weekdays and on weekends.

The Board discussed parking space requirements for the business.

Staff Member Hemenway presented the staff report explaining off-street parking requirements for a restaurant in a C-2 Neighborhood Shopping Center zoning district. He discussed that the sight visibility triangle at the corner of Auburn Street and University Avenue noting that it is located in front of a different business than the proposed restaurant.

The Board asked Mr. Morton if the property owner, Blue House LLC, owns both lots. Mr. Morton indicated that Blue House LLC owns both lots; however, the businesses have different owners.

The Board considered prohibiting vehicles from parking in the visibility triangle at Auburn Street and University Avenue. The Board also felt that deliveries to the restaurant should be directed to the rear parking lot so as to not impede visibility at the corner. The Board discussed the possibility of installation of bollards or other fixed structures to prevent parking in the visibility triangle.

Motion by McCoy, seconded by Hutchinson, to approve the parking variance with the condition that:

1. A substantial barrier be placed in the visibility triangle at the intersection of Auburn Street and University Avenue.
2. Deliveries for the restaurant only be permitted in the rear parking lot.
3. The parking lot be expanded to eight parking spaces.

Motion carried by the following vote: Aye – McCoy, Cremer, Hutchinson, and Bird; Nay – None.

DOCKET 09-14: Application of James & Mary Schumacher, 1510 Justin Lane, for a special exception to build a detached boathouse (accessory structure) 23 feet in height, 15 feet maximum allowed in a PR Planned Residential zoning district.

Jim Schumacher, 1510 Justin Lane, explained his request to the Board. He noted that he owns two half-acre lots and is proposing to construct a boat house that will straddle the property line between the two lots. He explained that the boat house will resemble a carriage-house and will compliment the architecture of his existing house. He said that the boat house will exceed the height requirement because he is proposing to construct a second floor loft.

No one spoke in opposition to the request.

Staff Member Wernimont distributed photos of the site. He noted that the proposed boat house will straddle the lot line between two lots owned by Mr. Schumacher and will meet the required setbacks. He said that all the adjacent property owners have been notified and that he has not received any input.

Motion by McCoy, seconded by Hutchinson, to approve the special exception as submitted. Motion carried by the following vote: Aye – McCoy, Cremer, Hutchinson, and Bird; Nay – None.

ADJOURNMENT: The meeting adjourned at 4:58 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted