



# Approved

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

5:00 p.m.

Thursday, October 22, 2015  
City Council Chamber, Historic Federal Building

**Board Members Present:** Chairperson Eugene Bird, Jr; Board Members Jonathan McCoy, Jeff Cremer, Joyce Pope, and Bethany Golombeski; Staff Members Guy Hemenway, Wally Wernimont, and Kyle Kritz.

**Board Members Excused:** None.

**Board Members Unexcused:** None.

**CALL TO ORDER:** The meeting was called to order by 5:00 at 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 September 24, 2015 meeting were approved unanimously as submitted.

**Docket 43-15:** Application of Phillip Neal, 1786 Jackson Street, for a Special Exception to allow an 8-foot by 12-foot storage shed, 0 feet from the north side property line, 3 feet minimum required, in an R-2A Alternate Two-Family Residential zoning district.

Phillip Neal, 1786 Jackson Street, said he placed a shed used for storage on his property; however, he set it too close to the property line. He said that due to the size of the yard it is difficult for him to meet the required setback.

Staff Member Wernimont noted that the storage building is 8' by 12' and that it is set 0 feet from the north side property line, when 3 feet minimum is required. He distributed and discussed photos of the site. He said that the Zoning Enforcement Officer received a complaint regarding the storage shed. He noted a letter submitted by Mary M. Crippes, 1796 Jackson Street, the neighbor being encroached upon, in support of the request. Staff Member Wernimont said that if the shed were to be repositioned so as to meet the required setback, it would consume an additional off-street parking space on the subject property. He said the shed at this location did not compromise visibility from the adjacent properties.

Board Member McCoy asked if Mr. Neal would finish siding the structure and put a gutter on it. Mr. Neal said that he would.

Board Members felt the request had very limited impact on the adjacent property.

Motion by McCoy, seconded by Cremer, to approve the Special Exception request to allow an 8' by 12' storage shed 0 feet from the north side property line, 3 feet minimum required, in an R-2A Alternate Two-Family Residential zoning district. Motion carried by the following vote: Aye – Golombeski, Cremer, McCoy, Pope and Bird, Nay –None.

**Docket 47-15:** Edward and Mary Lenz, 708 Kane Street for a Special Exception to allow the construction of an attached carport 0 feet from the west side property line, 6 feet required, in an R-1 Single-Family Residential zoning district.

Richard Neuses, 505 Primrose Street, said he would like to build a 10' by 16' carport attached to the north side of the Lenz property. He said the posts would be set back 14" from the side property line and that the structure will have a rubber roof. He noted other similar structures in the neighborhood.

Raven Mueller, 710 Kane Street, said that she is the next door neighbor. She spoke in opposition to the request, expressing concerns with water runoff and storage of snow. She said that she felt that the proposed carport would block future access to their back yard and would limit access around the structures for the fire department. She noted the elevation change between the two lots.

Mr. Neuses said that water runoff would not be a problem as the Lenz's property sat lower than the neighboring property. He said there is adequate room for the neighbor to access their rear yard. He said he could raise the height of the carport altering the pitch and add a gutter so as to direct water to the rear yard. He said that they have found the property pins and know where the property line is located. He discussed the history of the subdivision and said that there is a fence on the property line. He said the gutter will remain 5" from the plane of the property line.

In response to a question from Chairperson Bird, Mr. Neuses said that it is approximately 14 feet between the property line and the neighbor's house. Mr. Neuses said that positioning the carport at the front of the building will complement the architecture of the existing structure. He said that the carport will not block the neighbor's view.

Board Member Golombeski said that the carport could be setback 6 feet which would reduce the encroachment.

Staff Member Wernimont discussed the aerial photos noting the site layout. He discussed the letter and photographs submitted by Craig Mueller, the adjacent property owner. He said that the lot line tapers so that sliding the carport back would actually

increase the encroachment. He said the carport could not encroach over the lot line and will not inhibit access to the rear of the neighbor's property. Using a contour map, he discussed the site topography. He recommended that, if approved, a gutter be placed along the edge of the carport to direct storm water to the rear yard of the subject property and that either a survey be obtained or that the property owner be clearly able to demonstrate the property line location to the Building Department official. He said recommended the carport remain of an open design.

In response to a question from the Board, Staff Member Wernimont said that a detached garage could be built in the back yard of the subject property so as to meet the required setbacks.

Board Member Golombeski said that this was a very tight site, and any development here would be close to the property line.

Board Member Pope said that it would be possible to build a detached structure in the rear yard; however, it would be much more expensive.

Board Member McCoy said that the proposed carport would not be out of character with the neighborhood, but that he felt strongly that storm water should be managed.

Board Member Cremer said that the proposed carport would not be out of character with the neighborhood and would still remain 14 feet from the adjacent residence. He also said that storm water should be managed so as to not affect the adjacent property.

Motion by McCoy, seconded by Cremer, to approve the Special Exception request to allow construction of an attached carport 0 feet from the west side property line, 6 feet required, in an R-1 Single-Family Residential zoning district with the conditions that:

- 1) Storm water be directed to the rear of the subject property; and
- 2) The property owner either obtain a survey or clearly demonstrate the lot line location to the satisfaction of the building official.

Motion carried by the following vote: Aye – Cremer, McCoy, and Pope, Nay – Golombeski and Bird.

**Docket 48-15:** Application of To-NE of Iowa, Inc. / Anthony Lehman, 250 S. Locust Street for a Variance to install a sign with an 18" projection, 0" projection allowed, in a C-3 General Commercial zoning district.

Anthony Lehman, 250 S. Locust, said that he was the manager of Burger King. He said that as part of the remodel of the Burger King exterior, there will be a new image package that would include updated signage. He said that the corporate template requires that the Burger King sign be extended away from the building on the canopy edge.

Chairperson Bird asked if the sign could be placed against the building wall.

Jerry Anderson, Anderson Design, 1233 Rhomberg, said that he is the architect for the project. He said that the metal supports for the canopy would limit the ability for the sign to be mounted back against the wall

Board Member McCoy asked if the sign would be lit. Mr. Lehman said that the sign would be internally illuminated.

Staff Member Hemenway presented the staff report, noting that the signs will be internally lit. He described the site and number of signs proposed for the new Burger King remodel. He said that the request is to move the letters away from the wall 18" when wall-mounted signs are required to be flush with the building. He said that Burger King is allowed a maximum of four wall-mounted signs not to exceed 100 square feet and that their proposal is for three wall-mounted signs approximately 60 square feet in area.

Board Member McCoy asked how high above grade the canopy would be. Mr. Anderson said that it would be 10 feet above the sidewalk. Board Members discussed the request and felt it was appropriate.

Motion by McCoy, seconded by Cremer, to approve the request to install a sign with an 18" projection 0" projection allowed, in a C-3 General Commercial Zoning District. Motion carried by the following vote: Aye – Golombeski, Cremer, Pope and Bird, Nay – McCoy.

**Docket 49-15:** Application of Rainbo Oil / Kwik-Stop, 3550 John F. Kennedy Road for a Variance to install a freestanding sign 44.1 feet in height and 480 square feet in area, 40 feet in height and 300 square feet maximum allowed, in a C-3 General Commercial District.

The sign variance request was withdrawn by the applicant via email prior to the meeting.

**ITEMS FROM STAFF:** Staff Member Hemenway distributed a memo regarding regulation of temporary, flag and window signs. He said that the Planning Services staff would be conducting a meeting with the Planning Services Manager regarding regulation of these signs.

**ADJOURNMENT:** The meeting adjourned at 6:00 p.m.

Respectfully submitted,

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Kyle L. Kritz, Associate Planner

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Adopted