



Approved

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

5:00 p.m.

Thursday, July 28, 2016

City Council Chamber, Historic Federal Building

**Board Members Present:** Vice Chairperson Jeff Cremer; Board Members Keith Ahlvin, Bethany Golombeski and Joyce Pope; Staff Members Guy Hemenway and Kyle Kritz.

**Board Members Excused:** Chairperson Jonathan McCoy.

**Board Members Unexcused:** None.

**CALL TO ORDER:** The meeting was called to order at 5:00 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 June 23, 2016 Zoning Board of Adjustment meeting were approved unanimously as submitted.

**Docket 31-16/Variance (Tabled from 06/23/16):** Application of Kevin Beck / Equity Ventures Commercial Development, LLC., 3333 Asbury Road, to allow a 300 square foot, thirty (30) foot high freestanding center sign, 200 square feet, 30 feet high, maximum permitted in a C-2 Neighborhood Shopping Center District.

Kevin Beck, representing Equity Ventures Commercial Development, distributed renderings of the proposed signage noting that the code would allow two freestanding signs on the property if it were to be subdivided. He said that the developer would like to consolidate all of the signage on one, 30 foot high, 300 square foot freestanding center sign. He said that the additional square footage and height were needed to adequately advertise the businesses to the surrounding streets.

Board Member Pope asked if other surrounding properties had received variances for their signs. Mr. Beck said that he believed that the adjacent Asbury Square freestanding signs are grandfathered. In response to Board Member Golombeski, Mr. Beck noted that the existing freestanding sign is 25 feet high.

There was no public input.

Staff Member Hemenway reviewed the request noting the property history, scale of the building and the nature and intensity of the surrounding streets. He discussed signage in the immediate vicinity and stated what wall-mounted signage the Board had previously approved for the subject property

Board Member Pope said that she felt 30 feet is too high relative to the signage in the area and 25 feet of height was more appropriate.

Board Member Ahlvin agreed that 25 feet of height is more appropriate. He asked staff to clarify how sign area is calculated.

Board Member Golombeski said she supports the 25 foot height limitation as it is more consistent with signage in the area.

Board Vice Chairperson Cremer noted that the Board consensus was to restrict the sign to 25 feet of height and 250 square feet of area.

Motion by Ahlvin, seconded by Golombeski, to approve the request with the condition that the freestanding sign not exceed 25 feet in height and 250 square feet in area. The motion was approved by the following vote: Aye – Golombeski, Pope, Ahlvin and Cremer; Nay – none.

**Docket 35-16 Special Exception:** Application of Joe Lanser, 701 Peru Road, to construct a front porch zero (0) feet from the front property line (Louise Lane), twenty (20) feet minimum required in an R-1 Single-Family Residential District.

Joe Lanser, 701 Peru Road, reviewed the proposed 24' by 16' front porch project. He said that the porch will be built up to the street right-of-way.

Board Member Ahlvin asked about the distance between the proposed porch and the street pavement. Staff Member Hemenway noted the street pavement width and its proximity to the subject property.

In response to Board Member Golombeski's question, Staff Member Hemenway noted that the subject property, the building setbacks and the paved roadway were developed in the County and were not typical of what would be developed under current City regulations. Staff Member Hemenway noted that the proposed porch would be built up to the property line with a two-foot overhang that would encroach into the public right-of-way. He said that the applicant had been granted a revocable license from the City Engineering Department permitting said encroachment.

Board Members discussed the request noting that there were no objections to the porch and that they felt that the project will not have an adverse impact on the surrounding properties.

Motion by Ahlvin, seconded by Pope, to approve the request as submitted. The motion was approved by the following vote: Aye – Golombeski, Pope, Ahlvin and Cremer; Nay – none.

**Docket 36-16 Special Exception:** Application of Kevin Gladwin, 590 Clark Drive, to store a vehicle zero (0) feet from the front property line (Gold Street), ten (10) feet minimum required, in a C-1 Neighborhood Commercial (default R-2A Alternative Two-family Residential) District.

Kevin Gladwin, 590 Clark Drive, reviewed his request noting that the boat had been stored at its present location since 1987. He explained that his corner lot has two frontages and that there is no other place on the property that could accommodate the boat.

Board Members reviewed aerial photos of the site and asked for clarification regarding the lot line location. Mr. Gladwin said that the aerial photos did not accurately depict the property line relative to the street pavement.

Staff Member Hemenway reviewed the request noting current code requirements for vehicle storage. He discussed physical constraints on the property that included lack of space and steep topography. He said that if the request were to be denied the boat would have to be removed and stored elsewhere.

Board Member Pope asked for clarification regarding the zoning, lot and pavement lines indicated on the photos. Staff Member Hemenway noted that there is approximately 15 feet between the property line and the edge of pavement. He said that, if the request were to be approved, the boat would have to be stored solely on Mr. Gladwin's lot.

Board Members discussed the proposal and felt that, as the property is constrained and the stored boat should have little impact on the adjacent properties, the request was appropriate.

Motion by Golombeski, seconded by Pope, to approve the request as submitted. The motion was approved by the following vote: Aye – Golombeski, Pope, Ahlvin and Cremer; Nay – none.

**Docket 37-16 Special Exception:** Application of Doug Blong, 2501 Harriet Street, to build a second detached garage eight (8) feet from the front property line (Harriet Street), twenty (20) feet minimum required, for a total of 2,825 sq. ft. of detached accessory structures, 1,000 sq. ft. maximum permitted in an R-1 Single-Family Residential District.

Doug Blong, 2501 Harriet Street, reviewed his request noting the type of structure he proposed and its location on the property. Board Member Golombeski asked if the

proposed garage could be moved back on to the property to meet the required setback. Mr. Blong noted that the property drops off and that he would like to keep the proposed garage in line with the existing garage on the site.

Staff Member Hemenway reviewed the request noting the property history, the former Special Exception approved by the Board, driveway access to the site and surrounding land use. He said that the property is more like an estate with 16 acres and some dense vegetation. He said that it is unlikely that a vehicle would park in front of the garage and encroach on the public right-of-way as there was adequate surface parking in close proximity to the house.

Board Member Ahlvin asked about the subdivision layout.

Staff Members Hemenway and Kritz noted the prevalence of antiquated subdivisions. Staff Member Kritz said these subdivisions often had streets that were not dedicated to the City and were not likely to be developed due to site constraints that included topography, presence of bedrock and lack of City utilities in close proximity.

Board Members discussed the request and felt that it met the criteria established for granting a Special Exception.

Motion by Golombeski, seconded by Ahlvin, to approve the request as submitted. The motion was approved by the following vote: Aye – Golombeski, Pope, Ahlvin and Cremer; Nay – none.

**Docket 38-16 Special Exception:** Application of Rick & Nicole Stuckey, 2013 Key Largo, to erect a six (6) foot high fence in a portion of the front yard (Keymeer Street), four (4) feet maximum permitted, in an R-1 Single-Family Residential District.

Rick & Nicole Stuckey, 2013 Key Largo, said that they would like to build a 6 foot high fence along their side property line approximately 5 feet back from the sidewalk to improve privacy and to safely enclose an above-ground swimming pool that they intend to place in their back yard.

Staff Member Hemenway distributed aerial photos of the site and noted that the fence would not block the view from the adjacent properties. He said that the Building Code requires that all swimming pools be fenced to a minimum height of 5 feet.

Board Member Golombeski asked for clarification regarding the fence setback and its proximity to the sidewalk. Staff Member Hemenway noted that the fence would be setback approximately 3 feet from the sidewalk along Keymeer Drive.

Board Members discussed the request and felt that it was appropriate.

Motion by Pope, seconded by Ahlvin, to approve the request as submitted. The motion was approved by the following vote: Aye – Golombeski, Pope, Ahlvin and Cremer; Nay – none.

**Docket 39-16 Special Exception:** Application of Justin & Tiara Gooch, 2183 Sunnyview Drive, to construct a 30' x 40' detached garage for a total of 1,200 sq. ft. of accessory structure area, 1,000 sq. ft. maximum permitted in an R-1 Single-Family Residential District.

Greg McKuen noted that he is the contractor representing Justin & Tiara Gooch, 2183 Sunnyview Drive. He reviewed the request to construct a 1,200 square foot garage in the rear yard of the residence.

Board Member Golombeski asked about the building design and the orientation of the gables.

Staff Member Hemenway reviewed code requirements governing detached accessory structures located on residential lots. He said that the proposed garage will meet the required setbacks and will not block the view from adjacent residential properties.

Board Member Pope discussed potential conditions on approval.

Board Member Golombeski said that the building will not be imposing as a portion of the wall will be in the hillside below grade which will reduce its profile.

Board Members discussed the request and felt that it was appropriate.

Motion by Golombeski, seconded by Pope, to approve the request as submitted. The motion was approved by the following vote: Aye – Golombeski, Pope, Ahlvin and Cremer; Nay – none.

**Docket 40-16 Special Exception:** Application of Shaun Schueler, 2537 Columbia Street, to construct a 30' x 32' garage zero (0) feet from the front property line (Pleasant Street), twenty (20) feet minimum required and to cover forty-four (44) percent of the lot area with structures, forty (40) percent maximum allowed in an R-1 Single-Family Residential District.

Shaun Schueler, 2537 Columbia Street, reviewed his request with the Board. Board Member Golombeski clarified the request using aerial photos of the site.

Vice Chairperson Cremer asked what the distance from the back of the garage to the rear property line was. Mr. Schueler said that the distance is 6 feet and that his neighbor was not concerned with the proximity of the garage to the lot line.

Staff Member Hemenway reviewed the request noting that garage access will be taken from an existing driveway off of Columbia Street. He said that the garage would not block the view to the street from adjacent residential properties.

He said that the City Engineering Department had reviewed the request and denied the applicant's request to encroach on to the public right-of-way. Board Member Ahlvin asked for clarification regarding the different building footprints indicated on the site diagram.

Board Members Pope and Golombeski discussed the increased lot coverage and felt that the garage area could be slightly reduced so as to meet the 40% maximum allotted.

Motion by Pope, seconded by Ahlvin, to approve the request with the conditions that the maximum lot coverage area be reduced to 40% of the lot area and that the applicant clearly demonstrate the property line location to the Building Official's satisfaction or obtain a land survey. The motion was approved by the following vote: Aye – Golombeski, Pope, Ahlvin and Cremer; Nay – none.

**Docket 41-16 Special Exception:** Application of James E. & Carol J. Oberfoell, 430 South Grandview Avenue, to build a 20' x 28' detached garage one (1) foot from the north side property line, six (6) feet minimum required, in an R-1 Single-Family Residential District.

James E. & Carol J. Oberfoell, 430 South Grandview Avenue, stated that the driveway alignment and the location of an electrical box limit where the garage can be located. Mr. Oberfoell noted that they would like to retain as much of the backyard greenspace as possible. He said that shifting the garage closer to the property line will improve the access. He said that a survey of their property had been scheduled.

Margaret Buse, 408 South Grandview Avenue, submitted a letter outlining her opposition to the one-foot setback for the proposed garage. She said that the proposed garage would have an impact on the value of her property and exacerbate drainage issues in the back yards. She said that she feels that the garage should be built six feet back from her property line.

Ms. Oberfoell said that the edge of the garage roof would be one foot back from the property line; but, the garage wall would be set back further.

Board Member Golombeski asked why the garage needed to be 28 versus 24 feet deep. Ms. Oberfoell said that the garage was narrow and that the extra depth was needed to provide additional storage.

Staff Member Hemenway noted receipt of a letter from Margaret Buse of 408 South Grandview Avenue stating her opposition to the proposed garage. He said that if a fence were to be built along the property line the side of the garage would be inaccessible. He discussed access to the proposed garage and drainage issues in the backyards. He said that the Board could approve a setback greater than one foot if they chose.

Board Member Pope asked if the property survey had been completed and who maintained the hedge between the properties. The Oberfoell's noted that Mrs. Buse maintained the hedge and that the survey would be conducted soon.

Board Member Ahlvin said that he was hesitant to approve a reduced setback over the objection of the neighbor. He asked Mrs. Buse if she was willing to consider a compromise and she said no.

Board Member Pope said that she was concerned about making a decision when the exact property line location is in question and without some agreement between the neighbors.

Board Member Golombeski asked if an open design may be beneficial. The Oberfoells said that they want to secure the contents of the garage.

Board Vice Chair Cremer said that although he did not feel the request was out of line, he could not support the request as submitted.

Ms. Oberfoell asked if the request were to be tabled would another application fee be required. Staff Member Hemenway said that, if tabled, another application fee would not be required.

Board Members recommended that the Oberfoells complete the survey, meet with their neighbor and work out a compromise, and then return to the Board.

Motion by Pope, seconded by Golombeski, to table the request. The motion was approved by the following vote: Aye – Golombeski, Pope, Ahlvin and Cremer; Nay – none.

**Docket 42-16 Special Exception:** Application of Scott Lovett, 464 Hill Street, to construct an attached garage addition two (2) feet from the rear property line, twenty (20) feet minimum required, and to cover fifty-seven (57) percent of lot area, forty (40) percent maximum allowed in an R-3 Moderate Density Multi-Family Residential District.

Scott Lovett, 464 Hill Street, reviewed his request noting the proposed addition's dimensions and location on the lot. He pointed to the location of an old foundation at

the rear of the property along the alley. He discussed proposed access to the garage portion of the addition.

Board Members discussed the building design and access from the alley to the rear of the garage addition.

Staff Member Hemenway reviewed the code requirements necessary if the applicant chose to create an additional residential unit on the subject property.

Staff Member Hemenway reiterated the request noting the unusual shape of the property, the proposed addition in relationship to visibility along the alley and the non-conforming status of the existing structure. He said that a portion of the building had recently burned and would have to be removed or reconstructed.

Board Members discussed the building design regarding the angled rear wall, garage door location and alley access. Board Members felt that the proposed design would not function well. Board Member Pope and Golombeski recommended a squared off redesign that would reduce the lot coverage and be more functional.

Board Members recommended tabling the request affording the applicant time to redesign the addition and resubmit an amended application. Mr. Lovett agreed have his request tabled.

Motion by Pope, seconded by Ahlvin, to table the request. The motion was approved by the following vote: Aye – Golombeski, Pope, Ahlvin and Cremer; Nay – none.

**Docket 43-16 Variance:** Application of IIW P.C., 645 Century Drive, to build a new commercial building four (4) feet from the front property line (Century Drive), twenty (20) feet minimum required in a C-3 General Commercial District.

Mike Ruden, IIW P.C., said he represented Kruse-Warthan Auto, 645 Century Drive. He outlined the request to construct a new auto sales building and display lot noting that the building would be 10 feet back from the property line along Century Drive and that the overhang would project another 6 feet from the building. He discussed the criteria necessary to granting a variance noting site constraints that included the lot shape and topography. He said that the proposed design afforded access to the rear of the building. He reviewed aerial photos of the site noting the setbacks of the adjacent buildings and sight visibility.

Staff Member Hemenway reiterated the request noting physical site constraints. He said that he had received a call from an adjacent property owner regarding the proposed development and that he said that he was not concerned with the proposal. He said that the proposed site redesign would serve to shift the display vehicles back approximately 10 feet back from the property line out of the public right-of-way. He



noted that a site plan for the development would have to be reviewed and approved prior to construction.

Board Members discussed the request and felt that it met the criteria established for granting a variance.

Motion by Pope, seconded by Golombeski, to approve the request as submitted. The motion was approved by the following vote: Aye – Golombeski, Pope, Ahlvin and Cremer; Nay – none.

**ADJOURNMENT:** The meeting adjourned at 7:00 p.m.

Respectfully submitted,

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Kyle L. Kritz, Associate Planner

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Adopted