



Approved

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

5:00 p.m.

Thursday, September 28, 2017

City Council Chamber, Historic Federal Building

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

**Board Members Excused:** None.

**Board Members Unexcused:** None.

**CALL TO ORDER:** The meeting was called to order by Chairperson McCoy at 5:05 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:** Motion by Cremer, seconded by Ahlvin, to approve the minutes of the August 24, 2017 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski and McCoy; Nay – None.

**Docket 38-17/Conditional Use Permit:** Application of Top Notch Construction for a Conditional Use Permit to construct an accessory dwelling unit on an R-1 Single Family lot for property located at 815 Cottage Place.

Chairperson McCoy said that Dockets 38 & 39-17 would be heard together and voted on separately.

Jeff Schmitt, 270 Rhomberg Avenue, reviewed his request, noting that he would like to construct an accessory dwelling unit.

Constance Gibbs, 781 Cottage Place, asked how many bedrooms the accessory unit would have. Staff Member Hemenway noted that there would be two bedrooms. Ms. Gibbs reviewed a map, asking the location of the proposed accessory unit on the lot. She asked if off-street parking would be provided. Staff Member Hemenway noted that the off-street parking requirement would be satisfied within the two-car garage and on the driveway. Ms. Gibbs asked staff to define an accessory dwelling unit. Staff Member Hemenway noted accessory units must be incidental and subordinate to the

principal use noting that in an R-1 Residential District a single-family residence is the principal use. He said that the accessory unit option was included in the 2009 Unified Development Code update. He noted that this enables property owners to create an additional unit for elderly parents, adult children or others and that the residence must be owner occupied.

Staff Member Hemenway noted receipt of a letter of support from Lyle and Marlene Wickham, property owners at 795 Montcrest Street.

Staff Member Hemenway reviewed the request, noting that the proposed unit would be 697 square feet in area which he said is in excess of the 600 square feet maximum permitted. He said that the applicants were applying for both the Conditional Use Permit and a Special Exception for the additional square footage for the unit. He noted that the required parking would be provided.

Board Member Golombeski asked about the reduced setback for the addition on the Woodward Street frontage. Staff Member Hemenway referred to the adjustment of front yard setbacks provision in the Unified Development Code which he said allows the dwelling unit to be built closer to the front property line than the required 20 feet.

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

Motion by Cremer, seconded by Ahlvin, to approve the Conditional Use Permit to construct an accessory dwelling unit on an R-1 Single-Family Residential lot at 815 Cottage Place as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski and McCoy; Nay – None.

**Docket 39-17/Special Exception:** Application of Top Notch Construction for a Special Exception to construct a 679-sq. ft. accessory dwelling unit, 600 sq. ft. maximum allowed, in an R-1 Single Family Residential Zoning district for property located at 815 Cottage Place.

Board Members discussed Docket 39-17 in conjunction with Docket 38-17. Board Members said that they felt that the Special Exception for the additional square footage for the unit was appropriate.

Motion by Cremer, seconded by Ahlvin, to approve the Special Exception to construct a 679 square foot accessory dwelling unit, 600 square foot maximum allowed, in an R-1 Single-Family Residential Zoning District. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski and McCoy; Nay – None.

**Docket 40-17/Conditional Use Permit:** Application of Gurlen Kaurr, 1450 Loras Boulevard, for a Conditional Use Permit to expand an existing gas station/convenience store in an C-1 Neighborhood Commercial Zoning district.

Reggie Jones, 1415 Wilson Blvd., said that he was speaking on behalf of the business owner. He reviewed the request to construct a 15-foot addition to the west side of the building.

Larry Hoelscher, 1330 Nowata Street, asked about the status of the existing cooler unit located on the west side of the building. He asked if additional off-street parking would be extended to the west side property line and if a privacy fence would be installed along the south side of the parking lot to block vehicle headlights. He asked what the hours of operation would be for the convenience store.

Staff Member Hemenway reviewed the request, noting that Zoning regulations do not restrict hours of operation. He said; however, that the Zoning Board of Adjustment has the ability to place any conditions on the approval they felt were necessary to mitigate negative impacts that could be associated with a gas station/convenience store located directly adjacent to residential properties. He noted that the off-street parking will be shifted to the south and the business will comply with the current parking regulations.

Mr. Jones said that the owner would be happy to install a privacy fence. He said that he was not sure what the hours of operation would be.

Staff Member Hemenway reviewed the request to add a 15' by 24' addition on the west side of the existing gas station, noting that it would enable the property owner to increase the retail space area and incorporate an exterior cooler into the building. He reviewed the C-1 regulations, stating that gas stations and convenience stores require that a conditional use permit be reviewed and approved by the Board because of the potential impacts they may generate directly adjacent to residential properties. He reviewed the staff recommendations that no lighted signage be allowed on the east, south and west building walls and that the existing dumpster be screened to City standards to hide it from view and to sequester trash.

Board Member Pope asked why staff recommended that a lighted sign not be placed toward the park. Staff Member Hemenway said that the park is also part of the residential fabric and he felt that lighted signage can have impact the property.

Mr. Hoelscher asked if the dumpster pick-up times could be regulated. Chairperson McCoy said the City cannot regulate the times of dumpster pick-up.

Board Member Ahlvin asked if there were any restrictions on fencing. Staff Member Hemenway noted that the C-1 District does not have fence regulations provided that the structure complies with SUDAS requirements for vehicle visibility and traffic safety.

Board Members discussed the request. Staff Member Hemenway noted receipt of an email from Jane Schmitt, 1377 Wood Street, in opposition to the proposed expansion. He noted that the Board Members had each received a copy of the letter.

Board Members discussed sign restrictions and Board Member Pope said she did not have a problem with restricting the sign on the west side of the building. The Board noted that the existing site has a wall sign and a freestanding sign that faces Loras Boulevard.

Mr. Jones proposed reducing the grade of the parking lot to make it more functional. Board Members said that was something the property owner would have to do in conjunction with the City Engineering Department.

Board Members discussed potential conditions of approval on the proposal.

Motion by Ahlvin, seconded by Pope, to approve the request to expand the gas station/convenience store at 1450 Loras Boulevard with the following conditions:

1. The dumpster be fully enclosed and gated as per City of Dubuque Standards
2. That a privacy screening fence be installed on the south side of the parking lot sufficient to screen the car headlights from the adjacent residences on Nowata Street.
3. That no lighted signs be allowed on the east, south and west sides of the building.

Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski and McCoy; Nay – None.

**ITEMS FROM STAFF:** None.

**ITEMS FROM BOARD:** None.

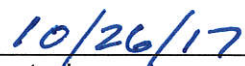
**ITEMS FROM PUBLIC:** None.

Motion by Cremer, seconded by Golombeski, to adjourn the September 28, 2017 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski and McCoy; Nay – None.

**ADJOURNMENT:** The meeting adjourned at 6:45 p.m.

Respectfully submitted,

  
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Kyle L. Kritz, Associate Planner

  
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Adopted