



Approved

MINUTES  
CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT  
REGULAR SESSION

5:00 p.m.

Thursday, May 24, 2018  
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, Kyle Kritz and Wally Wernimont.

**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 Pope, to approve the minutes of the April 26, 2018 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski and McCoy; Nay – None.

**Docket 14-18/Special Exception:** Application of Monica Cole, 2050 Lombard Street, to build an attached carport 0' from the west side property line, where 6' minimum is required, in an R-1 Single-Family Residential Zoning District.

Monica Cole, 2050 Lombard Street, said that she wanted to build an attached carport.

Staff Member Wernimont outlined the staff report, noting the carport's size and location on the lot. He said that the lot configuration was unusual, making locating the carport somewhat difficult. He said that an existing retaining wall is located along the property line. He said that the adjacent residential property sits above the subject lot. He said that the carport will not block sight visibility for vehicles or from the adjacent residential property.

Board Members discussed the request and felt it was appropriate.

Motion by Pope, seconded by Cremer, to approve the Special Exception request with the conditions that:

- 1) The applicant demonstrate the lot line location to the building official's



satisfaction or obtain a survey, and

- 2) The applicant direct storm water away from the adjacent residential property onto the subject lot.

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

**Docket: 15-18/Special Exception:** Application of John Wagner, 75 S. Algona Street, to build a deck 6' from the rear property line, 20' minimum required, and to cover 43% of the lot with structure, 40% maximum lot coverage allowed, in an R-1 Single-Family Residential Zoning District.

John Wagner, 75 S. Algona, said that he would like to replace a 10' by 12' deck with one that is somewhat larger.

No one spoke in opposition.

Staff Member Wernimont outlined the staff report, discussing aerial photos showing the deck's location relative to the adjacent properties. He said that the adjacent property had received a Special Exception. He said the proposed deck will not impede visibility from the adjacent properties. He said that the 3% additional impermeable area is minimal and that it should not cause any storm water management problems.

Chairperson McCoy and Board Member Golombeski said they felt the deck design should remain open so as to not block views.

Board Members discussed the request and felt it was appropriate.

Motion by Golombeski, seconded by Ahlvin, to approve the Special Exception request with the condition the deck remain of an open design. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski and McCoy; Nay – None.

**DOCKET: 16-18/Special Exception:** Application of Nathan & Amanda Salzmann, 3535 Lunar Drive, to build a 6' high fence along the front property line (Crescent Ridge Road), 4' maximum allowed, in an R-1 Single-Family Residential Zoning District.

Nathan and Amanda Salzmann explained their request to the Board. Mr. Salzmann said that the fence was needed for privacy and security and for the ability to sequester their dog.

No one spoke in opposition.

Staff Member Hemenway explained the request to the Board. He said the property is a through lot, and the rear yard of the house is oriented toward Crescent Ridge. He said



that none of the adjacent houses have access directly onto Crescent Ridge and as a result the fence would not block the view from vehicles. He said that the applicants stated they would like the fence to improve privacy and security in their rear yard. He said that there is a sidewalk and approximately 10,000 vehicle trips per day along Crescent Ridge that the fence would help buffer.

Board Members noted that the adjacent properties all had four-foot high fences. Staff Member Hemenway said that some of the adjacent properties had a vegetative screen that exceeded four-feet in height.

Board Members discussed the height of the fence, noting that it was not uniform with the adjacent properties. Board Members said the fence was needed for security, privacy, and to buffer the back yard from the activity along the street and sidewalk,

Motion by Pope, seconded by Golombeski, to approve the Special Exception request as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski and McCoy; Nay – None.

**Docket: 17-18/Special Exception:** Application of John and Jane Dolter, Lot 12 Blk 3 Orchard Hills (Parcel # 11-06-351-002) to build a single-family home 70' from the front property line, 50' maximum front yard setback allowed, and 10' from the rear property line, 20' minimum required, in an R-1 Single-Family Residential Zoning District.

John Dolter, 2117 Orchard Drive, said that the new house he is proposing to build would be located at 2111 Orchard Drive. He said that the lot grade dictates that the house be shifted back. He said this is necessary to reduce the pitch of the driveway to make it more functional.

Staff Member Wernimont discussed the lot configuration, and said that some of the adjacent houses have similar setbacks. He said that the rear of the house will be adjacent to City property. He said that the house at this location will not create any visibility issues from the adjacent residences. He said that the lot is sloped and that moving the house back will help improve the grade of the driveway.

Board Members discussed the request and felt it was appropriate.

Motion by Pope, seconded by Golombeski, to approve the Special Exception request as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski and McCoy; Nay – None.

**DOCKET: 18-18/Special Exception:** Application of Kevin and Jacqueline Ansel, 101 Cherokee Drive, to store a trailer 0' from the front property line (Dodge Street) and 8' from the front property line (Cherokee Drive), 20' minimum required, in an R-1 Single-Family Residential Zoning District.



Jacqueline Ansel, 101 Cherokee Drive, said that she would like to get her vehicle off the street and store it in the driveway.

Staff Member Hemenway distributed photos of the site.

No one spoke in opposition to the request.

Staff Member Hemenway noted that a letter had been submitted by David and Sue Hinz, 106 Cherokee Drive, noting their opposition to the request. They expressed concerns with sight visibility, traffic, noise and activity emanating from the subject lot.

Board Members discussed the letter of opposition, and noted that sight visibility should not be impacted by the proposed storage.

Staff Member Hemenway said that the request is to store a vehicle closer to both front property lines than is currently permitted. He noted the required setbacks, the proposed location of the stored vehicle and the ownership of adjoining property. He said that the storage requirements are intended to keep vehicles from blocking the view from adjacent properties. He said that the applicant's stored vehicle would encroach on DOT right-of-way and not block the view from vehicular traffic or from any adjacent residential properties. He said that the vehicle will be located well outside of the visibility triangle. He said that the impetus for the applicant to submit was a complaint regarding on-street storage. He said if approved, the trailer could be safely stored off the street and follow all other rules and regulations regarding vehicle storage. He said the vehicle must be stored on a paved pad.

Chairperson McCoy asked if there is enough space to move the vehicle onto the paved pad. Staff Member Hemenway said that it appears as there would be adequate room to pave the pad and move the vehicle into position.

Ms. Ansel rebutted comments outlined in the letter. She discussed the neighbors' concerns with noise and said that she had lived there for 10 years, during which time the stock car had been there the entire time.

Board Member Ahlvin asked Ms. Ansel if the racing was a business. She said it was only a hobby.

Board Members discussed the request and felt it was appropriate, provided the applicants follow the submitted site plan.

Motion by McCoy, seconded by Pope, to approve the Special Exception request with the condition that the approval be subject to the submitted site plan. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski and McCoy; Nay – None.



**DOCKET: 19-18/Special Exception:** Application of Mark Mitchley, 1430 Curtis Street, to allow storage of a vehicle 15' from the front property line and 0' from the side property line, 20' and 6' minimum required respectively, in an R-1 Single-Family Residential Zoning District.

Mark Mitchley, 1430 Curtis Street, explained his request to the Board, stating he would like to store his vehicle directly next to his neighbor's property. He said his neighbor is not opposed to the proposed storage.

Staff Member Hemenway presented the staff report. He noted that the rear yard of the property is not accessible; therefore, a side yard would be acceptable for storage provided the camper met the required setbacks. He said that the yard is constrained and the setbacks would be difficult to meet. He noted receipt of a letter from the adjacent property stating he was in favor of the request.

Chairperson McCoy asked about campers on property in general. He asked if people are allowed to reside in campers. Staff Member Hemenway said that short-term use of campers is not prohibited; however, a camper is not allowed as a permanent residence and that the use is prohibited City Housing, Health, Building and Zoning codes.

Board Member Pope expressed concerns with the location and the long-term storage of the camper. Board Member Ahlvin said that the neighboring property owner is not opposed to the request and that has been documented. He said; however, he is concerned that a subsequent property owner may not be aware that campers can be stored in such close proximity.

Board Member Golombeski said that the camper is parked back far enough from the front property line so as to not inhibit views.

Board Member Cremer said that he did not have any issues with the request.

Board Members discussed the request and felt it was appropriate.

Motion by Ahlvin, seconded by Golombeski, to approve the Special Exception request as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, and Golombeski; Nay – Pope and McCoy.

Chairperson McCoy and Board Member Pope said that Criteria B & E had not been met.

**Docket: 20-18/Conditional Use Permit:** Application of SS Event Center LLC / Jeffrey Morton, 1584 White Street, to open a licensed childcare facility in an OC Office Commercial Zoning District.

Keith Ahlvin recused himself.



Jeffrey Morton, 206 Bluff Street, said that he represents Steeple Square. He said that they would like to open a day care for 60-70 children located on the first and second floors of a building on the Steeple Square campus. He said that facility will have 12-15 staff, and that staff parking will be located southwest of the campus in a satellite lot. He noted the campus layout and said that this part of the historic rehabilitation of the structure.

Carol Gerhard discussed various shelter options for her clients. She said there is a lack of child care, and this is a problem for women of modest means. She said that lack of transportation is also a problem. She said that a day care at Steeple Square would help the Opening Doors facility and indeed the entire Washington Neighborhood.

Staff Member Wernimont noted that the day care would have a maximum of 60 children and 15 staff. He discussed the location of the drop-off and pick-up area, employee parking location, and possible future campus reconfiguration. He noted that the required outdoor play area was indicated on the plan. He discussed the state licensure process. He said the Steeple Square people are working to secure a day care provider, and this is a speculative request. He said there is a parking credit for the former use. He said that he had received no opposition to the request.

Chairperson McCoy asked about the fencing at the visibility triangle. Staff Member Wernimont noted that the visibility triangle would be maintained. He also noted that the submitted site diagram indicates a parking lot on the southwest corner of 16<sup>th</sup> and Jackson Streets that will require Engineering approval and will not be approved as a part of this request.

Board Members discussed the request and felt it was appropriate.

Motion by McCoy, seconded by Cremer, to approve the Conditional Use request with the condition that the site plan be amended eliminating any encroachment into the visibility triangle. Motion carried by the following vote: Aye – Cremer, Pope, Golombeski and McCoy; Nay – None; Abstain - Ahlvin.

**ITEMS FROM STAFF:** Staff Member Kritz outlined the City Council's goal setting process, stating they would like to receive input from the boards and commissions regarding how to achieve the goals and what the boards and commissions duties and responsibilities were in that process. He said they would like to be able to track how well the goals are being addressed. He asked if Board Members had anything they would like to add to the goals.

Chairperson McCoy asked that notification distance be increased to 300 feet. He said he had concerns with former variances where people just beyond the 200 feet notification were still affected by the use. Board Member Cremer asked if it would be possible to send notification to not only property owners but also current residents.



Staff Member Kritz stated the notices currently do not go to the tenant. He said that notification for both distance and who is notified is based on State code.

Board Members discussed notification requirements. Chairperson McCoy discussed changing technology regarding electronic signs. He discussed the potential for electronic interior signage that may have an impact on commercial areas. He said that he felt the City should proactively consider regulations for these signs.

Board Member Pope discussed solar panel issues. Staff Member Hemenway said that GDDC and solar providers approached staff with a request to amend the ordinance.

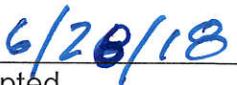
Board Members discussed the amendment process and vehicle storage issues.

**ADJOURNMENT:** Motion by McCoy, seconded by Pope, to adjourn the May 24, 2018 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski and McCoy; Nay – None

The meeting adjourned at 6:30 p.m.

Respectfully submitted,

  
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Kyle L. Kritz, Associate Planner

  
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Adopted

