



# Approved

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

5:00 p.m.

Thursday, June 28, 2018  
City Council Chamber, Historic Federal Building

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

**Board Members Excused:** Joyce Pope.

**Board Members Unexcused:** None.

**CALL TO ORDER:** The meeting was called to order by Chairperson McCoy 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:** Motion by Cremer, seconded by Golombeski, to approve the minutes of the May 24, 2018 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – None.

**Docket 21-18/Special Exception:** Application of Brian Yeo, 793 Clarke Drive, to build a 1,200 sq. ft. detached garage, 1000 sq. ft. maximum allowed, and 16'6" high, 15' maximum height allowed, 3' from the west side and rear property lines, 6' minimum required in an R-2 Two-Family Residential Zoning District.

Staff provided Mr. Yeo two emails submitted by neighboring property owners regarding his request. Chairperson McCoy allowed Mr. Yeo time to read the emails.

Staff Member Hemenway outlined the staff report, noting receipt of two emails – one from Judy McAndrews, 2270 Woodworth Street, and one from Anthony Dana, 795 Clarke Drive. He reviewed the request noting the required setbacks in an R-2 District. He said that the garage will not impact public safety as it sits in the rear yard and will not block the view from adjacent residential properties. He recommended that, because of the garage's proximity to adjacent properties, drainage be directed away from the neighboring properties.

The Board reviewed the contents of the two emails noting the concerns raised by the neighbors.

Mr. Yeo reviewed the existing drainage pattern, stating that he will direct storm water away from the property to the north.

Chairperson McCoy asked if the secondary structure would be removed. Mr. Yeo said that the existing detached garage would be removed as part of the project.

The Board discussed the location of the proposed garage and its elevation relative to the adjacent properties. Mr. Yeo stated that the three-foot setback will improve his ability to negotiate the driveway and turn around enabling him to enter the street facing forward. He said that the large garage size is needed to store personal items such as his boat, mowers and vehicles. He said that the added building height will allow him to creative overhead storage.

Board Members discussed the orientation of the garage noting that the slope of the roof will minimize the bulk facing the property at 799 Clarke Drive. The Board discussed drainage issues. Mr. Yeo indicated that the project would address drainage, indicating that water from the gutters would be directed east beyond the garage.

The Board discussed the request, noting that the volume of traffic that the garage will generate will not negatively impact the right-of-way or adjacent property. Board Members felt that the request was appropriate.

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

- 1) The roof ridge of the building has a north-south orientation;
- 2) the property lines be clearly established; and,
- 3) drainage from the gutters be directed to the east side of the building through a drain tile placed along the west side of the building

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

**Docket 22-18/Special Exception:** Application of David Weydert, 4877 Embassy Court, to store a vehicle 2' from the front property line (Embassy West Drive), 20' minimum required and 2' from side property line, 6' minimum required in an R-1 Single-Family Residential Zoning District.

David Weydert, 4877 Embassy Court, reviewed his request, asking that the Board allow him to pave a pad and maintain storage of a small trailer on the northwest corner of his property.

Staff Member Hemenway reviewed the request. He noted he had received two emails from adjacent property owners regarding the applicant's request. He reviewed the

vehicle storage regulations, and stated that the proposed location would not block the view from adjacent properties, but that drivers traveling along the street Embassy West Drive would be able to see the stored vehicle.

Mr. Weydert said that arborvitae that would screen the trailer died but that he could either place a privacy fence or additional landscaping to screen the vehicle from the adjacent property.

Board Members discussed the site topography, noting that any manner of vehicle could be stored on the pad that would be closer to the neighbor's house than the applicant's. Board Member Ahlin said that the stored vehicle would have more impact on the neighboring property than on the applicant's property. The Board asked the applicant if he could move the pad closer to his house and further away from the street. Mr. Weydert indicated he was restricted by having two front yards.

Staff Member Hemenway reviewed the storage regulations, and noted that the vehicle could be stored in the applicant's yard in such a manner as to meet both the front and side yard required setbacks. The Board asked if the applicant would consider tabling his request and work with staff to relocate the storage pad. The Board said that if Mr. Weydert meets the setback requirements he can move forward and, if not, he could return with another proposal. Mr. Weydert asked the Board to table his request, enabling him to work on a compromise solution.

Motion by McCoy, seconded by Cremer, to table Docket 22-18 Special Exception request to the July 26, 2018 meeting. Motion carried by the following vote: Aye – Cremer, Ahlin, Golombeski and McCoy; Nay – None.

**Docket 23-18/Sign Variance:** Application of Kelly Longden / Kinseth Hospitality Company, 1151 Washington Street, to install two free standing signs, one sign maximum permitted, in the HMD Historic Millwork District PC Planned Commercial Zoning District.

Tom Kelzer reviewed his request for a variance to allow a monument sign at each parking lot entrance.

There were no public comments.

Staff Member Hemenway reviewed the staff report, noting the regulations for the Historic Millwork District PUD. He said that signs, as designed, had been approved by the Historic Preservation Commission as part of the design review for the hotel. He reviewed the details of the proposed signs, noting their height, width, square footage and locations on the site. He said that the hotel needed to adequately advertise the two parking lot entrances on both the 11<sup>th</sup> and 12<sup>th</sup> Street frontages to the motoring public.

Board Member Golombeski asked staff to describe the permitted wall-mounted signage for the hotel. She said she felt the four wall-mounted signs would be sufficient to direct people to the hotel.

Board Members Ahlvin and Golombeski said they did not believe the second freestanding sign was necessary and that it didn't provide any additional directional information.

Mr. Kelzer indicated that the ground-mounted signs mark the entrances and are positioned along the site line of drivers traveling at street level.

Board Member Golombeski reiterated that she felt the sign was not communicating any additional information regarding access to the site.

Board Members discussed the potential sign alternatives that would minimize the total number of signs on the site.

Staff and Board members discussed the regulations regarding directional signage on the premises. The Board discussed the permitted signage versus the requested sign variance. Board Members discussed the intent of the PUD sign regulations for the Historic Millwork District. Board Member Cremer said that he was okay with the sign request providing no additional directional signage was placed on the site, and that the signs be limited to 25 square feet versus the 100 square foot that would be permitted.

Motion by McCoy, seconded by Cremer, to approve the variance to permit the two freestanding signs requested with the condition that no additional directional signage be allowed on the premises. Motion was denied by the following vote: Aye – Cremer and Golombeski; Nay – Ahlvin and McCoy.

Board Member Ahlvin and Chairperson McCoy cited Criteria 3 & 4 regarding their opposition to the request.

**Docket 24-18/Special Exception:** Application of Scott & Jessie Meyer, 4503 Camelot Drive, to install a 6' high fence in the front yard (Hummingbird Drive), 4' high max allowed, and to construct a deck 4' from the front property line (Hummingbird Drive), 20' minimum required in an R-1 Single Family Residential Zoning District.

Scott Meyer reviewed his request, noting the location of the swimming pool and fence, stating that they have a day care that they would like to keep safe and secure.

Staff Member Hemenway reviewed the request, noting the regulations pertaining to fences and decks, and the conflicting regulations regarding secure swimming pools. He said that the regulations regarding fences along frontages are intended to prevent visibility problems while backing from adjacent driveways. He noted that there are no

adjacent driveways close to the subject property, and that the proposed fence and deck would be located well outside the visibility triangle.

Board Members discussed current access to the pool. The applicant noted that the project would provide secure access to the pool and increase safety for the children.

Board Members discussed the request and felt it was appropriate.

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

**Docket 25-18/Variance:** Application of Callahan Construction Inc., Lot E Westbrook Subdivision, to construct a commercial building 6' from the rear property line, 20' minimum required in a CS Commercial Service Zoning District.

Katie Davidshofer, representing Callahan Construction 7629 Commerce Park, said that the request was build a commercial building on Lot 3 of Westbrook subdivision. She reviewed the request with the Board, noting that the new building would be used for storage.

There were no public comments.

Staff Member Wernimont reviewed the staff report, noting that Lot E was originally intended for a detention area. He said that it was no longer needed as a detention basin as detention had been located elsewhere in the subdivision. He reviewed the restrictions on the site that included setbacks, floodplain and utility easements. He said that a variance had been approved for all the lots to the west but that Lot E was not included because it was originally considered non-buildable. He said that the building would be buffered from the adjacent residential properties by both topography and an intervening City detention area.

Board Members reviewed the request, and noted that due to the topography of the site and proximity of the building and the other buildings, that the request was appropriate.

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

**ITEMS FROM STAFF:** None.

**ITEMS FROM BOARD:** None.

**ITEMS FROM PUBLIC:** None.

**ADJOURNMENT:** Motion by McCoy, seconded by Ahlvin, to adjourn the June 28, 2018 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy and; Nay – None

The meeting adjourned at 6:30 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

July 26, 2018

Adopted