



# Approved

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

5:00 p.m.

Thursday, September 27, 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 and Wally Wernimont.

**Board Members Excused:** None.

**Board Members Unexcused:** None.

**CALL TO ORDER:** The meeting was called to order by Chairperson McCoy at 5:00 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 Pope, seconded by Ahlvin, to approve the minutes of the August 23, 2018 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski, Pope and McCoy; Nay – None.

**DOCKET: 34-18/Special Exception:** Application of Fred and Susan Davis, 2730 Beverly Avenue, to construct a 24' x 25' garage 2' from the rear property line, where 6' minimum required, and to allow 1,368 sq. ft. of accessory structures, where 1,000 sq. ft. maximum is permitted, in an R-1 Single-Family Residential Zoning District.

Fred Davis, 2730 Beverly Avenue, said that he would like to erect a small garage building so he can store personal equipment and vehicles. He said that he is trying to protect his classic cars by storing them in a building. He said the building would also be able to accommodate a snow blower and lawn mower. He said that he found the property pins on the east and west sides of the lot.

Susan Davis, 2730 Beverly Avenue, said that she had taken photos of the property markers. She noted that the storm water will not run onto to the adjacent property because of the grade.

Staff Member Hemenway presented the staff report. He noted the size and location of the existing structures on the lot. He said that two detached accessory garages, when totaled, will exceed the 1,000-square foot maximum allowed for accessory structures on

a residential lot. He said that a letter was submitted by Gretchen Potter, 2741 University Avenue, that raises questions regarding the lot line locations. He said that the applicants' intent is to store vehicles that are currently located on the driveway inside of a garage. He said that the square footage of all structures on the lot does not exceed the 40% lot coverage maximum allowed in R-1 Districts. He said that the driveway to the garage will be required to be paved. He recommended that, if approved, storm water from the garage be directed back onto the subject lot or toward Beverly Avenue.

Board Members reviewed photos that were submitted by the applicants.

Chairperson McCoy asked about the property line location. Staff Member Hemenway said there were options regarding the Board's response. He said that the first would be to do nothing, second would be to require the applicants to demonstrate the lot line location to the satisfaction of the Building Official in the field, or third, the Board could require a land survey that would determine the lot line locations in the field.

Board Members discussed property line locations. Board Member Ahlvin said that the garage is large and relatively close to the property line. He asked if the garage could be moved four feet back instead of two feet back from the property line. Mr. Davis said he was going to shift the garage a foot and make it three feet from the rear property line. He said that he plans on having the property surveyed.

Chairperson McCoy said that the Board could require that the garage be setback a minimum of three feet from the property line.

Board Member discussed the request and felt that if conditioned, it was appropriate.

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

- 1) Storm water from the garage be directed onto the subject lot or toward Beverly Street;
- 2) That a site survey be conducted by a licensed land survey; and
- 3) That the rear yard setback for the garage be a minimum of three feet.

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

**DOCKET: 35-18/Variance:** Application of John Weber / McGrath Chevrolet, for property located at 3255 University Avenue, to add additional wall mounted signage in a C-3 General Commercial Zoning District.

John Weber, 3255 University Avenue, said that he is the manager of the McGrath Collison Center. He said that the Collison Center is a separate department from other

departments for McGrath Motors. He said that they operate as a separate entity from the car dealership, and that they undertake auto repair for all their Dubuque dealerships. He said that the proposed signage will help direct customers to the Collision Center entrance. He provided photos and referred to them describing the existing wall-mounted and banner signage.

Board Member Pope asked which way the signs would face. Mr. Weber said the signs will face University Avenue.

Board Member Ahlvin asked how large the existing banner sign was. The applicant said that the collision center portion of the facility is located well back from the Dodge Street frontage.

Staff Member Hemenway presented the staff report. He said that the applicant is asking for a third wall-mounted sign, where a maximum of two wall-mounted signs are allowed. He discussed the existing signs on the building, noting the McGrath wall-mounted sign and the certified service sign comprise the two permitted wall-mounted signs. He said that the Chevrolet sign above the front door is actually a freestanding sign. He said that the proposed McGrath Collision sign will be 85 square feet in area. He said that the certified service sign, if removed, would allow the collision center sign to be placed on the building without the need for a variance. He noted that there is a freestanding Certified Service sign located along the University Avenue frontage.

Board Member Pope asked the size of the two signs on the building. Staff Member Hemenway said they are allowed to use 10% of one building wall area, and that they did not consume the allotted square footage.

Board Member Ahlvin said that the freestanding Chevrolet sign at the front of the building serves as a wall-mounted sign.

Board Member Cremer said that all the dealership departments are located under one roof. He said that he felt that it is not necessary for each department to have a sign and that the additional signage would appear cluttered. He noted that directional signage could be added without the need for a variance.

Board Member Golombeski said that the certified service sign above the garage doors could be removed and the collision center sign could be installed in its place and a variance would not be necessary.

Motion by McCoy, seconded by Ahlvin, to approve the Variance request as submitted. Motion was denied by the following vote: Aye – None; Nay – Cremer (citing Criteria #2 & #5); Ahlvin (citing Criteria #1, 2 & 3) Pope (citing Criteria #1, 2 and 3), Golombeski (citing Criteria #1), and McCoy (citing Criteria #2 and #3).

**DOCKET: 36-18/Special Exception:** Application of Gary Pfab, 625 Samuel Street, to

construct a 26' x 40' detached garage for a total of 2,068 sq. ft. of detached accessory structures, where 1,000 sq. ft. maximum is permitted, and 17 ½' high where 15' maximum height is permitted, in an R-2 Two-Family Residential Zoning District.

Gary Pfab, 625 Samuel Street, said that it is challenging to place a building on his lot because of its topography. He said that the garage will be placed well back from Samuel Street and will be screened by trees. He said that he wants the additional garage space to store his recreational vehicle and classic cars.

Beth Whisler, 640 Lorimer Street, said that she borders the subject lot and that she owns the surrounding wooded lots. She that excavation into the bluff may destabilize it. She expressed concerns with the potential impact that the addition of a garage may have on her property value. She said the site would be too densely developed, and that it will change the residential character of the neighborhood. She said she was concerned that a business would be operating out of the garage space. She said was concerned with the building setback from the property lines.

Linda Slattery, 630 Lorimer Street, said that her property lies directly behind Mr. Pfab's and next to where the proposed garage will be placed. She said that there is a platted 30-foot alley between the properties that accommodates a sewer line. She said she is concerned that excavation of the bluff may undermine the sewer line. She said that the excavation would also leave a large vertical drop that may be potentially dangerous for children.

Chairperson McCoy discussed the potential impact of the garage on property values noting that there is a 30-foot wooded alley between that would buffer the garage from the adjacent lots.

Staff Member Wernimont outlined the staff report, referring to aerial views and a contour map provided in the agenda packet. He said that there is a significant grade change and a 30-foot alley buffer between the subject property and the adjacent lots. He said that the driveway to the garage would be required to be paved, and that commercial activity is not permitted in a residentially zoned district. He discussed the R-1 standards for lot coverage, noting that all the structures on the lot will not come close to the 40% maximum coverage. He said that the storm water from the garage will flow away from the adjacent properties to the street. He noted the location of the Whisler property relative to the subject lot.

Board Member Ahlvin queried Mr. Pfab about the excavation and construction process asking if the concrete wall for the garage would help stabilize the embankment. Mr. Pfab said that the garage would have concrete sidewalls up against the excavated bluff.

Board Member Pope said that the Building Code would address most of the issues that were raised.

Both Board Members Pope and Cremer noted that all the buildings on the property will cover much less than 40% of the lot. Board Member Cremer said that the wooded area would also help partially screen the garage from the view from adjacent properties. Motion by McCoy seconded by Pope, to approve the Special Exception request with the condition that no off-premise storage or commercial activity be permitted on the lot. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski, and McCoy; Nay – None.

**DOCKET: 37-18/Special Exception:** Gerald & Joyce Schissel, 235 Devon Drive, to store a vehicle 2' from the south side property line, where 6' minimum is permitted, in an R-1 Single-Family Residential Zoning District.

Gerald and Joyce Schissel, 235 Devon Drive, said that they have been parking their boat next to their house for 14 years. Mr. Schissel said it is generally parked there from April 1<sup>st</sup> to November 1<sup>st</sup>. He provided a letter to the Board from John Sweeney, 295 Devon Drive, stating he is not opposed to the boat storage.

Staff Member Hemenway explained the zoning inspection procedure and he reviewed the stored vehicle regulations. He said that a vehicle stored two feet from the side property line will not block the view to the street from the adjacent property. He said that the boat, as sited, would sit behind the front of the neighbor's house and have very little impact on the adjacent property.

Motion by Pope, seconded by Golombeski, to approve the Special Exception request as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski, and McCoy; Nay – Pope (citing Criteria #1).

**DOCKET: 38-18/Special Exception:** Application of Larry Miller for property located on the south side of Eastgate Ct. (Lot 1 Wingate Place No. 8), to construct a 4-plex townhouse 6.5' from the rear property line, where 20 feet is required, in an R-4 Multi-Family Residential Zoning District.

Larry Miller, 2089 Regency Drive, Durango, IA said he would like to build a second four-plex residence on their vacant property that will be flipped opposite of the existing four-plex.

Tom Larson, Buesing & Associates, clarified the required setbacks. Mr. Miller noted a letter of support for his request submitted by Mr. Jim Gantz.

Staff Member Wernimont discussed the staff report, referring to photos of the site. He reiterated the submission of Gantz letter in support of the request. He discussed the difference between setbacks for corner and interior lots, noting that the setback for the proposed four-plex will be similar to that of the existing four-plex. He said that there will be approximately 27 feet of yard area between the side property line and the side-load garage to accommodate a driveway.

Board Members discussed the request and felt it was appropriate.

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

**DOCKET: 39-18/Conditional Use Permit:** Application of Amy Boynton, 199 Loras Boulevard, to operate a bed and breakfast Inn with 8 rooms and manager's/owner's quarters, in an OR Office Residential Zoning District.

Amy Boynton, 199 Loras Boulevard, said that she has owned the Mandolin Inn for over 20 years and that it has been a bed and breakfast for over 30 years. She said that a conditional use permit had been granted in 1987 for a five-room bed and breakfast with three additional apartments. She explained the internal reconfiguration of the building, noting that there were currently eight rooms, and an owner's apartment.

Staff Member Hemenway presented the staff report. He said the request is for an eight-room bed and breakfast, with a manager's/owner's quarters. He noted that in 1987, a CUP was approved for a five-room bed and breakfast with three apartments. He explained why bed and breakfasts located in residential neighborhoods are required to get a conditional use permit. He said that converting three of the apartments to three rooms for a total of eight rooms may actually reduce the demand for on-street parking, noting that generally people staying bed and breakfast rooms only have one vehicle and that the use of the bed and breakfast is seasonal, whereas apartments would generally be used year-round. He said that he has not received any complaints regarding the operation of the bed and breakfast or problems with on-street parking in the neighborhood. Board Members discussed the request and felt it was appropriate.

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

**ADJOURNMENT:** Motion by McCoy, seconded by Pope, to adjourn the meeting. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski and McCoy; Nay – None.

The meeting adjourned at 6:15 p.m.

Respectfully submitted,

  
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Kyle L. Kritz, Associate Planner

  
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Adopted