

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

5:00 p.m.

Thursday, October 24, 2019

City Council Chamber, Historic Federal Building

**Board Members Present:** Chairperson Jonathan McCoy, Board Members Keith Ahlvin, Jeff Cremer and Bethany Golombeski; Staff Members Guy Hemenway and Travis Schrobilgen.

**Board Members Excused:** Gwen Kosel.

**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 Ahlvin, to approve the minutes of the September 26, 2019 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – None.

**DOCKET: 44-19**

**Applicant:**

**Address:**

**Proposal:**

**Special Exception (Tabled)**

Michael Gansemer

1790 Garfield Avenue

To store a vehicle 0' from front and side property lines, where 10' and 3' minimum required respectively, in an R-2A Alternate Two-Family Residential zoning district.

Michael Gansemer, 1790 Garfield Avenue said he would like to park a vehicle in front of his house and maintain access to his garage. He said he has no access to his rear yard.

Board Members discussed the proposed pad location noting that it differed from the original request. They asked the applicant if he would like to table his request until the next meeting to clarify the exact location of the storage space. The applicant agreed.

Motion by McCoy, seconded by Golembeski, to table the Special Exception at the applicant's request. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – None.

**DOCKET: 47-19**

**Special Exception (Tabled)**

**Applicant:** Craig & Nancy Pape  
**Address:** 2653 Broadway  
**Proposal:** To place an 8' x 16' shed 0' from the front property line, where 20' minimum is required, in an R-1 Single-Family Residential zoning district.

Craig Pape, 2653 Broadway Street, said that he initially wanted to leave the storage shed at its current position, but he said he had reconsidered and decided to move the shed back 5' and add some screening vegetation on the street side of the building. He said that this will leave him an adequate side yard and not affect the stormwater drainage through his property. He said he would add faux windows on the side of the building and paint it to match his house. No one spoke in opposition of his request.

Staff Member Schrobilgen discussed the memo noting the changes from the original proposal. He said that after the shed is relocated it will be 2' from the front property line along Greeley Street. He said the shed at this location would have limited impact on public safety, however, it may be somewhat out of character with the neighborhood. He noted the diagram that was submitted with the application showing the repositioned shed.

Board Chair McCoy and Board Member Ahlvin said that they felt the shed at its current location stood out and was somewhat out of character with the neighborhood. Board Member Cremer said he appreciated that the applicant had moved the shed off the right-of-way and that he spoke with his neighbors and had proposed screening. Board Member Ahlvin said that the applicant had the option to table his request and wait for a full board to increase his chances of three positive votes. Board Chair McCoy offered the applicant several options, but Mr. Pape said that he would like to go ahead with the vote.

Motion by McCoy, seconded by Ahlvin, to approve the Special Exception request as submitted. Motion failed by the following vote: Aye – Cremer and Golombeski; Nay – Ahlvin and McCoy. Motion failed for the lack of three affirmative votes. Board Member Ahlvin and McCoy cited criteria B and E regarding their decision.

**DOCKET: 49-19**

**Conditional Use Permit (Tabled)**

**Applicant:** Travis & Keisha Bruns  
**Address:** 705 Caledonia Place  
**Proposal:** To open a tourist home as a conditional use in an R-2A Alternate Two-Family Residential zoning district.

Keisha Bruns, 703 and 705 Caledonia Street, said that her building has two units and an attic on the third level. She said that her intention is to create a tourist home in an effort to fully utilize the building. She said that under current housing regulations ten people could reside in the upper unit and if a partition wall was added twelve people

could use the space.

Staff Member Hemenway noted that the Board had heard this case last month and asked to table the request in an effort to clarify the amount of people that would occupy the tourist home. He said that the property is zoned R-2A which allows a maximum of two units. He said that there is one unit on the first floor and that the second unit includes a third floor attic space. He said the applicant's intent is to combine the second and third floors into a single unit to accommodate the tourist home. He said that City Housing has indicated that the second unit could accommodate up to 10 people.

Staff Member Hemenway said that, although a tourist home may generate some additional demand on parking and generate more traffic and noise, it will generally be occupied seasonally and on weekends, which may lessen the impact on the neighborhood. He said that a disadvantage may be the presence of unfamiliar people in the neighborhood and increased potential for demand on parking and noise and activity sometimes late into the evening. He said that the Board has the option to limit the number of guests if they feel that would reduce the potential impacts.

Board Members and the applicant discussed the request. The applicant said she would like to market the unit for 12 people. Board Members discussed the request and felt it was appropriate if the occupancy was limited to 12 persons.

Motion by McCoy, seconded by Golombeski, to approve the request to open a tourist home as a Conditional Use with the condition there be a maximum of 12 guests at any one time. Motion carried by the following vote: Aye – Cremer, Ahlvin, McCoy and Golombeski; Nay – None.

**DOCKET: 50-19**

**Applicant:**

**Address:**

**Proposal:**

**Special Exception**

Mark Gudenkauf Construction, Inc.

2140 South Bend Circle

To build a single-family residence 100' from the front property line, where 50' maximum is permitted and 34' in height, where 30' maximum permitted, in an R-3 Moderate Density Multi-Family zoning district.

Mark Gudenkauf, 17417 Castle Woods Lane, said that he represents the applicant. He said their intent is to build a single-family home on two abutting lots. He said that the sanitary sewer that bisected the property has been relocated and that placing the house 100' back would enable the applicant to take advantage of more level topography in the center of the lot. He said there is a fire hydrant located at the corner of the lot. He said that the house would be 34' in height.

Staff Member Hemenway detailed the staff report. He said that the intention of the 50' maximum setback is to protect the privacy from the back yards of adjacent properties

and to also allow for fire access. He said that the fire department generally reviews these requests to make sure there is a hydrant close by and that driveway access would be adequate to accommodate their trucks. He said that the subject property is a relatively large triangular shaped lot and that the proposed residence would be located very far from the rear of houses on the adjacent properties. He said that a fire hydrant abuts the property and that the fire department would have to approve the driveway access.

Board Member Golombeski asked if the house elevation was above or below the street grade. Mr. Gudenkauf said the base of the house would be approximately 4' above street grade.

Board Members discussed the request and felt that as house would be built well away from adjacent properties it should have very limited impact.

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

**DOCKET: 51-19**

**Applicant:**

**Address:**

**Proposal:**

**Special Exception**

Lisa Cox & Sid Turner

2110 Coates Street

To build a 20' x 50' detached garage and 20' in height, where 15' maximum is permitted, and for a total of 1920 sq. ft. of detached accessory structures, where 1,000 sq. ft. maximum is permitted, in an R-1 Single-Family Residential zoning district.

Sid Turner, 2110 Coates Street, said that he represents Lisa Cox and himself. He said they would like to build a 20' x 50' detached garage with 15' eaves so they can store a camper. He said that the back of the property drops off which he said should somewhat diminish the view of the increased building height.

Staff Member Schrobilgen outlined the staff report. He noted that there were three detached accessory structures on the site that totaled 1,920 square feet of area. He said that the height of the garage will be less prominent because of the site topography. He said that the proposed garage will not impact the view from adjacent properties, impact public safety or affect the value of the property.

Board Chair McCoy asked about the building height and the lot coverage area. Board Member Golombeski asked about the height of the existing garage structure. Board Members said that they felt that the lot is large enough that the garage would not be out of scale with the adjacent properties. Board Member Ahlvin noted that there is a large detached building on the adjacent property.

Board Members discussed the request and felt it was appropriate.

Motion by McCoy, seconded by Cremer, to approve the Special Exception request with the condition that stormwater be directed away from the adjacent residential property. Motion carried by the following vote: Aye – Cremer, Ahlvin and Golombeski; Nay – McCoy citing criteria B.

**DOCKET: 52-19**

**Special Exception**

**Applicant:**

Aaron & Cori Burbach

**Address:**

1795 Loras Boulevard

**Proposal:**

To remove an existing garage and replace it with a 22' x 38' detached garage 1' from the north side property line, where 6' minimum required, in an R-1 Single-Family Residential zoning district.

Cori Burbach, 1795 Loras Boulevard, said that the garage that will be replaced is not structurally sound. She said the new garage will be 8' deeper than the existing garage, but the same width. She said that she spoke with the neighbors and they supported her request. She said that the property line is well established and that she will manage stormwater from the roof of the structure.

Staff Member Hemenway detailed the staff report. He said that the garage will be set approximately on the same foot print, but 8' deeper, than the original structure. He said that the garage expansion area will extend into a required setback and; therefore, require the approval of a Special Exception. He said that the driveway will remain 20' deep and the garage structure will not block the view for pedestrians, traffic or the adjacent residential structure. He recommended that, if approved, a gutter be placed on the north side of the garage and that the stormwater be directed away from the adjacent property. He also recommended that the applicant clearly demonstrate the property line location to the building official's satisfaction.

Motion by McCoy, seconded by Golombeski, to approve the Special Exception request with the condition that 1) a gutter be placed on the north side of the garage, 2) stormwater be directed away from the adjacent residential property, and 3) the applicant establish the lot line to the building official's satisfaction or obtain a survey. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – None.

**DOCKET: 53-19**

**Special Exception**

**Applicant:**

Rodger Weekley

**Address:**

380 E. 21<sup>st</sup> Street

**Proposal:**

To build a deck 2' from the rear property line, where 10' is required, and to cover 52% of the lot with structure, 50%



maximum lot coverage is permitted, in an OR Office Residential zoning district.

Rodger Weekley, 380 E. 21<sup>st</sup> Street, said that he would like to remove a small deck from the front of his house and build a new one 2' from the rear property line at the back of the lot.

Staff Member Schrobilgen outlined the request. He noted that the lot is relatively small and that the house does not meet the required setbacks. He said that both the setbacks and the lot coverage must be waived for the project to be approved. He said that the proposed deck should have very little impact on public safety or the use and value of the surrounding residential property. He recommended that the deck remain of an open design.

Board Member Ahlvin asked at what level the deck would be placed. The applicant said that the deck would be level with the first floor.

Board Members discussed the request and felt it was appropriate.

Motion by Cremer, seconded by Golembesk, to approve the Special Exception request with the condition that the deck remain an open design. 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 October 24, 2019 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – None

The meeting adjourned at 6:00 p.m.

Respectfully submitted,

  
Guy Hemenway, Assistant Planner

  
Adopted