

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

5:00 p.m.

Thursday, February 27, 2020  
Historic Federal Building, Room 250

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

**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 Golombeski, seconded by Ahlvin, to approve the minutes of the January 23, 2020 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Kosel, Cremer and McCoy; Nay – None; Abstain – Golombeski.

**DOCKET 03-20 Special Exception:** Application of Adam Rathje, 1840 S. Grandview Ave., to construct a 28' x 44' detached garage 22' in height for a total of 1,550 sq. ft., where 1,000 sq. ft. of detached structures is allowed, and where 15' in height maximum is allowed, in an R-1 Single-Family Residential zoning district.

Adam Rathje, 1840 S. Grandview Avenue, said that he owns two lots and that he will build the proposed garage so as to transcend the common lot line. He said that the detached garage will only be used for storage of his antique cars and for an upstairs area for entertaining and to accommodate family members.

Staff Member Wernimont outlined the request noting that the applicant had submitted elevations and building designs. He noted the lot area and discussed the surrounding neighborhood conditions. He said that the garage design has a residential feel and that it would be partially screened by surrounding vegetation. He said that the garage will have to straddle the lot line to join the two lots.

Board Member Ahlvin said that he was concerned with the height and scale of the structure as it is located in a residential neighborhood. Board Member Cremer pointed

out that the applicant has a large double lot and that a residence of similar size could be placed on the second lot. He said that he was pleased with the design shown on the elevations provided by the applicant.

Mr. Rathje said that the overall height of the structure is a bit lower when the dormer height is excluded. He said that the peak of the garage will be below the highest part of the dormer. Staff Member Wernimont noted how height for detached structures is calculated.

Board Members discussed the request and said that they were pleased that the garage entry would be facing the interior of the lot so that there would not be three unbroken doors facing Grandview Avenue. Board Members discussed the request and felt that it was appropriate.

Motion by McCoy, seconded by Cremer, to approve the request to build the garage with the condition that the structure be in substantial compliance with the submitted elevations and building design. Motion carried by the following vote: Aye – Cremer, Kosel, Golombeski and McCoy; Nay – Ahlvin.

Board Member Ahlvin cited criteria E regarding the requirements for granting a Special Exception as his rationale for denial of the request.

**DOCKET 04-20 Conditional Use Permit:** Application of Iqbal Singh, 1450 Loras Blvd. to expand existing gas station/convenience store in a C-1 Neighborhood Commercial zoning district.

Iqbal Singh, 1450 Loras Blvd., presented his request. He said that the existing convenience store restrooms were small and that he wanted to rebuild them to meet accessibility requirements.

Larry Holscher, 1330 Nowata Street, submitted a letter to the Board. He said that a fence was required on the west side of the building that would block headlights from the parking area. He said that the fence has not been installed. He discussed conditions placed on previous approvals that he said had not been met. He said that the compressor had been placed atop the building not on the west side cooler as was required. He said that the compressor had not been screened and is loud. He said that the security lighting on the building shines into the windows of the adjacent property owners. He said that storm water runs from the subject property across the sidewalk and into the street.

Jane Schmitt, 1377 Wood Street, said she agreed with Mr. Holscher's assessment. She said that she has concerns with noise and an accumulation of junk and debris from the construction process that she says is directly adjacent to her property.

Brian Arnold, 589 50<sup>th</sup> Avenue, Baldwin, Iowa, said that he installed vertical steel siding

on the structure. He said the downspouts will be installed and tied into a tile that will drain into the street. He said that relocating the compressor on the west side of the building was a problem because the cooler roof was not structurally adequate to hold the weight. He said that when construction is finished the site will be cleaned and debris removed and the screening fence will be completed.

Mr. Singh said that his intent is to finish the project and clean the property.

Staff Member Hemenway presented the staff report. He outlined the property history noting previous ZBA approvals and their attendant conditions. He said that Mr. Singh is a new owner and that he applied for and was granted a building permit for the new addition.

Board Chair McCoy asked if the conditions required from the last approval had been fulfilled. Staff Member Hemenway said that the compressor was not located properly and that a small section of privacy fence had not been installed. He said that the neighbors complained about light emanating from the security lighting on the south side of the building. He said that the Board could require the applicant to install code compliant cut-off fixtures to reduce the glare spilling over the property line.

Board Chair McCoy asked about enforcement of the previous CUP conditions. He said that he was hesitant to approve another request prior to those conditions being met.

Staff Member Hemenway said that the Board could require that the original conditions be fulfilled prior to commencement of any additional work. Board Member Ahlvin expressed concern that the previous conditions had not been fulfilled. Board Member Golombeski discussed the location of the screening fence and compressor unit. She suggested that the previous items be addressed before the Conditional Use Permit process moves forward.

Board Member Cremer discussed the former approvals noting the lack of progress over an extended period of time.

Board Chair McCoy said that it appears the applicant does not have the required number of votes for approval. He asked if the Board should require the previous conditions be met before the approval of the addition. He suggested that the applicant table the request and fulfill the conditions of the previous approval before moving forward with the Conditional Use Permit. He noted that drainage issues, the screening fence, the relocated compressor and reduced lighting should be addressed.

Mr. Singh requested that his application be tabled until the next meeting. He said that he would use the time to address the conditions that had not been completed. He said that he can remove the lighting immediately. He said that he did send letters to the neighborhood asking for their input and asking that they contact him with any concerns.

Board Chair McCoy asked about tabling the request. Mr. Singh said that he would like to table the request. Board Member Cremer asked if Mr. Singh was clear that he needed to relocate the compressor and screen the parking space on the west side of the building. Mr. Singh said he understood.

Motion by McCoy, seconded by Golombeski, to table the Conditional Use Permit request for 1450 Loras Blvd. Motion carried by the following vote: Aye – Cremer, Kosel, Golombeski and McCoy; Nay – Ahlvin.

**DOCKET 05-20 Variance:** Application of John Weber, McGrath Collision Center, 3255 University Ave. to add a third wall mounted sign to a business, where two signs maximum permitted, in a C-3 General Commercial zoning district.

Board Member Golombeski recused herself.

John Weber, Director of McGrath Collision Center, 3255 University Avenue, outlined his request. He said that McGrath Collision is an entirely separate entity from the McGrath Auto Dealership. He said that he just rents the space adjacent to the dealership. He said that the two businesses are not connected in any way. He referred to photos of the site. He said that the collision center serves the entire tri-state area. He said that business is referred to the collision center from various entities. He said that he does not have any signs on the building and that his business relies on clear and concise signage to advertise its location.

Dan McDonald, Greater Dubuque Development Corporation, 900 Jackson St. said that he supports Mr. Weber's request. He said that he understands that the Zoning Board of Adjustment follows a certain set of guidelines. He referred to the previous request. He said that currently McGrath Collision has no sign on the building. He said that as it is a stand-alone business that specific business signage is necessary.

Staff Member Hemenway presented the staff report. He noted that the request is for a third wall mounted sign. He said that the building is somewhat of a hybrid between an auto dealership and a multi-tenant building. He said that dealerships are permitted different signage than regular multi-tenant buildings or stand-alone businesses. He discussed regulations for multi-tenant versus stand-alone buildings. He discussed the multi-tenant issue, noting that Fareway and Big Lots constitute a multiple tenant building, but their large scale warranted a variance. He said that the dealership is a large-scale structure not typical of a multi-tenant building.

Board Member Ahlvin said that at the last meeting he felt that the collision center was not a fully separate business. He said after Mr. Weber's explanation it appears that it is. He asked how the City can guarantee that, if approved, McGrath could not utilize the tenant space and take advantage of the additional signage. Staff Member Hemenway said that it is difficult to regulate business changes as it regards signage.

Board Chair McCoy discussed signage requirements for a multi-tenant building. He said that the building owner was allocated all the permitted signage and that it could be redistributed. Mr. Weber says that he has no signage on the front of the building whatsoever.

The Board discussed the potential for directional signage. Board Chair McCoy questioned whether the business was a separate entity.

Board members asked the applicant to provide information such as payroll and tax records that would demonstrate that McGrath Collision Center and McGrath Auto are two fully separate businesses.

Board Members discussed the request and asked if the applicant would be willing to table and provide the additional information necessary to demonstrate the business relationship.

Mr. Weber said that he would like to table the request.

Motion by McCoy, seconded by Cremer, to table the request for McGrath Collision Center signage. Motion carried by the following vote: Aye – Cremer, Ahlvin, Kosel and McCoy; Nay – None; Abstain – Golombeski.

**ITEMS FROM STAFF:** none

**ITEMS FROM BOARD:** none

**ITEMS FROM PUBLIC:** none

**ADJOURNMENT:** Motion by McCoy, seconded by Cremer, to adjourn the February 27, 2020 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Cremer, Ahlvin, Kosel, Golombeski and McCoy; Nay – None

The meeting adjourned at 6:30 p.m.

Respectfully submitted,



Guy Hemenway, Assistant Planner

April 23, 2020  
Adopted