

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

5:00 p.m.

Wednesday, April 22, 2020

Virtual Meeting

The Zoning Board of Adjustment met at 5:00 p.m. on Wednesday, April 22, 2020. Due to the COVID-19 pandemic and mandates for social distancing, this meeting was conducted virtually.

Board Members Present: All Board members were present virtually via webviewer in GoToMeeting. Chairperson Jonathan McCoy, Board Members Keith Ahlvin, Jeff Cremer, Gwen Kosel and Bethany Golombeski

Board Members Excused: None.

Board Members Unexcused: None.

Staff Members Present: All Staff members were present virtually via webviewer in GoToMeeting. Wally Wernimont, Guy Hemenway and Travis Schrobilgen.

CALL TO ORDER: The meeting was called to order by Chairperson McCoy at 5:00 p.m.

MINUTES: Motion by Ahlvin, seconded by Kosel, to approve the minutes of the February 27, 2020 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Kosel, Cremer, Golombeski and McCoy; Nay – None.

Chairperson McCoy briefed the audience on the order of the cases, order of public input and voting of the meeting as well as general etiquette regarding virtual meetings.

DOCKET 04-20 Conditional Use Permit – Tabled from February: 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., detailed the steps taken since last meeting. He noted general cleaning of the site, noting that a fence was constructed, a light was removed and that the compressor was placed behind fencing.

Chairperson McCoy asked the applicant for clarification on the number and location of compressors.

Staff Member Hemenway discussed the proposal. He began by noting two letters of opposition submitted by Jane Schmitt, 1377 Wood Street and Larry Hoelscher, 1330

Nowata Street which referred particularly to lighting and viewshed. He noted that viewsheds are not protected in the City of Dubuque. He read into the record each of the original conditions that were approved by the board and how the applicant has met each of them despite not being the owner at the time and without initially being made aware of them upon purchase of the property.

Staff member Hemenway also noted that the applicant, in good faith, applied for and was approved a building permit prior to construction and that there was confusion regarding the prior approved conditional use permit.

Board member Golembeski asked whether lighting was the only outstanding issue with the property. Staff member Hemenway noted that one light was removed and that there may be another.

Board member Cremer and McCoy initially had concerns about the second compressors location but were satisfied with it after staff member Hemenway noted staff approved of the change as it appeared to meet the intent if the original condition.

Board member Ahlvin expressed concerns with the size and scope of the request.

The Board discussed the request finding it appropriate.

Motion by McCoy, seconded by Kosel, to approve the request to expand existing gas station/convenience store in a C-1 Neighborhood Commercial zoning district with the condition that all lighting be code compliant cut-off fixtures. Motion carried by the following vote: Aye – Cremer, Kosel, and Golombeski ; Nay – Ahlvin, citing criteria f, g, and h, McCoy, citing criteria f and g.

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.

Prior to the meeting, the applicant requested to table the request.

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

DOCKET 06-20 Special Exception: Application of Sarah and Thomas Welbes, 3035 Hillcrest Rd. to allow a 6' high fence along the Deborah St. frontage, where 4' high maximum is permitted, and to allow a storage shed 0' from the Deborah St. frontage, where 20' minimum is required, in an R-1 Single-Family Residential zoning district.

The applicant had audio issues and was moved to the end of the meeting.

Thomas Welbes, 3035 Hillcrest Rd., detailed his proposal noting that he was not aware of the code regarding his fence height or shed location.

Dan Hanson, 3025 Hillcrest, described his negative history with the applicant but noted his support for the request.

Staff member Schrobilgen detailed the staff report noting the fence and shed were well outside of the visibility triangle and that no concerns to public safety were present at the corner of Hillcrest and Deborah. He noted, however, that the 6' fence may obstruct the view of those backing out to pedestrian traffic along Deborah Street.

Board member Ahlvin noted it was on a corner lot and that the fence was acceptable, but the shed was not. Board member Kosel noted potential sight visibility issues due to fence height along Deborah Street.

The Board discussed the request, finding it appropriate.

Motion by McCoy, seconded by Ahlvin, to approve the request to allow a 6' high fence along the Deborah St. frontage, where 4' high maximum is permitted, and to allow a storage shed 0' from the Deborah St. frontage, where 20' minimum is required, in an R-1 Single-Family Residential zoning district, as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Kosel, and Golombeski; Nay – McCoy, citing criteria b and e.

DOCKET 07-20 Special Exception Application of Don and Lois Friedman, 2645 Windsor Ave. to build a 32' x 32' (1,024 sq. ft.) detached garage 1' from the south side property line, 1,000 sq. ft. maximum and 6' minimum required respectively, and to cover 45% of the lot with structure, where 40% maximum lot coverage is permitted, in an R-2 Two-Family Residential zoning district.

Don Friedman, 2645 Windsor Avenue, detailed his proposal noting he was replacing the existing one car garage with a larger two car garage.

William McDermott, 2643 Windsor Avenue, expresses concerns about having to repair his property because of garage construction. He noted he was not opposed to the proposal but did not want to incur any costs from the neighbors' development.

The applicant said that he would be careful and that he would repair or pay to repair anything that may be damaged due to construction on the neighbors' property.

Chairperson McCoy noted that along with the applicant being amenable to repair any damage, directing and managing stormwater on the subject property would alleviate any concerns the Board would have. The Board discussed the proposal finding it appropriate.

Motion by Ahlvin, seconded by Golombeski, to approve the request as submitted with the condition that stormwater be directed and managed on the subject property. The request being, to build a 32' x 32' (1,024 sq. ft.) detached garage 1' from the south side property line, 1,000 sq. ft. maximum and 6' minimum required respectively, and to cover 45% of the lot with structure, where 40% maximum lot coverage is permitted, in an R-2 Two-Family Residential zoning district, as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Kosel, Golombeski and McCoy; Nay – None.

DOCKET 08-20 Conditional Use Permit Application of Mark Lightcap, 1987 Washington St., to open a carwash in a C-4 Downtown Commercial zoning district.

Mark Lightcap, 1987 Washington Street, detailed his request noting that the car wash will not be open 24hrs, but from 6am to 10pm. He noted that initially, he would have a manual operation stall that he may convert to automatic in the future. He also stated that he is attempting to keep business in the area.

Chairperson McCoy asked for clarification that the carwash would operate manually. The applicant noted that it would be manual operation initially.

Ricky Carner, 2003 Washington, spoke in opposition of the request noting an accumulation of trash, poor site maintenance and the presence of junk cars and drug deals. He also expressed concern with current and future site lighting.

Mr. Lightcap rebutted pointing out that the garbage comes from patrons of the neighboring gas station and that he cleans it up whenever he sees it. He also pointed out that he always plows his snow and that limited hours of operation should help with any other potential issues.

Chairperson McCoy asked if there is existing site lighting. The applicant said there was and contested that it bothered Mr. Carner since he is across the road and his lights are not that bright.

Staff member Hemenway detailed the proposal noting that it was to convert two bays of a drive through garage to carwashes. He noted that conditional use permits are required for auto uses as they are generally louder with longer hours of operation than other uses. He pointed out that the Board has the ability to limit hours of operation, lighting fixtures or anything else that would mitigate the impacts of a use.

Board member Ahlvin asked for clarification on conditions. Mr. Hemenway noted that any conditions can be placed that mitigate the impacts between manual and automatic carwash operation.

Board member Cremer asked which two of the three bays would be converted and Board member Kosel asked about the location of the vacuums and noted trash concerns.

The applicant said he would like to convert the south and north bay and leave the center as is. He noted a vacuum would be placed along Rhomberg Avenue (20th Street) and another at the southeast corner of the property near Washington Street. He also noted that he will have multiple trash cans and a large BFI type dumpster available on the site. He said that he would be amenable to checking up on the property throughout the day and offered Mr. Carner the ability to call him any time he has a concern.

Motion by McCoy, seconded by Ahlvin, to approve the request to open a carwash in a C-4 Downtown Commercial zoning district with the conditions that:

1. One manually operated carwash bay only, and
2. Hours of operation between 7am and 9pm, and
3. All lighting on the site be code compliant cut-off fixtures.

Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – Kosel, citing criteria h.

DOCKET 09-20 Variance Application of Big River Sign Co., Inc., 3500 Dodge St. to install 86 square feet of wall-mounted signage on the building, where a maximum of 45 square feet is permitted, in a PC Planned Commercial district.

Jill Barden, 3067 Cedar Crest Court, represented the applicant and noted that the REA with Target does not allow the sign on the side of the building. She noted that the request has changed and that they were not asking for the second sign, just the larger front sign. The new request was to install one 68.2 square feet of wall-mounted signage on the building, where a maximum of 45 square feet is permitted, in a PC Planned Commercial district.

Staff member Hemenway reiterated the request. He then noted that Warren Plaza wrote their own sign regulations. He said they allow 1 foot of sign area for every two feet of tenant space frontage. He said the sign would not be out of scale with the façade.

Board member Ahlvin pointed out that there needs to be certain criteria met and that the request does not meet any of those criteria. Board member Kosel concurred with Board member Ahlvin.

Board member Cremer asked whether staff had seen other requests like this within the complex. Mr. Hemenway noted that this is quite unique to the complex. Cremer stated that he was OK with the request.

Motion by McCoy, seconded by Cremer, to approve the request to install one 68.2 square feet of wall-mounted signage on the building, where a maximum of 45 square feet is permitted, in a PC Planned Commercial district. Motion denied by the following vote: Aye – Cremer ; Nay – Ahlvin, citing criteria 1,2,3, and 4, Kosel, citing 1 and 3, Golombeski, citing 1,2, and 4, and McCoy, citing 1, 2, and 4.

DOCKET 10-20 Special Exception Application of Ronald Fuerst, 405 Clarke Drive to build a 16' x 24' detached garage 3' from the east side property line, where 6' minimum required, in an R-2 Two-Family Residential zoning district.

Ronald Fuerst detailed his request noting the existing garage is dangerous and a new structure will improve property value.

Staff member Hemenway detailed the staff report noting that there is an existing garage 3' from the property and that the increased size is to accommodate a newer vehicle. He also noted that the garage is in imminent danger of collapse and the proposed garage would not affect public safety. He also noted that there was no opposition from the neighbor.

Motion by McCoy, seconded by Kosel, to approve the request to build a 16' x 24' detached garage 3' from the east side property line, where 6' minimum required, in an R-2 Two-Family Residential zoning district with the condition that stormwater be managed on the subject property. Motion carried by the following vote: Aye – Cremer, Ahlvin, Kosel, Golombeski and McCoy; Nay – None.

ITEMS FROM STAFF: None

ITEMS FROM BOARD:

Board member Ahlvin was surprised the electronic format worked so well. Chairperson McCoy and Staff member Hemenway agreed.

ITEMS FROM PUBLIC: None

ADJOURNMENT: Motion by McCoy, seconded by Golombeski, to adjourn the April 22, 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

May 28, 2020
Adopted