

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

5:00 p.m.

Thursday, May 28, 2020

Virtual Meeting

The Zoning Board of Adjustment met at 5:00 p.m. on Thursday, May 28, 2020. Due to the COVID-19 pandemic and mandates for social distancing, this meeting was conducted virtually.

**Board Members Present:** Chairperson Jonathan McCoy, Board Members Keith Ahlvin, Gwen Kosel and Bethany Golombeski.

**Board Members Excused:** Jeff Cremer

**Board Members Unexcused:** None

**Staff Members Present:** Wally Wernimont, Guy Hemenway and Travis Schrobilgen

**CALL TO ORDER:** The meeting was called to order by Chairperson McCoy at 5:05 p.m.

**MINUTES:** Motion by Kosel, seconded by Ahlvin, to approve the minutes of the April 22, 2020 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Kosel, Golombeski and McCoy; Nay – None.

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

John Weber 1536 190th Street Manchester IA, representing Collision Director of McGrath Chevrolet, briefly discussed the proposal noting that they were seeking additional signage so customers can locate the business.

Chairperson McCoy noted the previous meetings' discussion regarding whether McGrath Collision Center was a separate business. John Weber discussed the documents he submitted that he said show they are a separate entity noting that they have their own software and management system. He discussed several documents and noted that the Collision Center receives jobs from the other McGrath companies.

Staff Member Hemenway confirmed receipt of the documents but noted they were sent less than an hour prior to the meeting. He said that they had been emailed to Board members. Board Chair McCoy asked for staff's opinion regarding whether the documents demonstrate that McGrath Collision is a separate business entity. Staff

member Hemenway said that he was not qualified to determine the business relationship between the two entities.

Board Chair McCoy asked if the request could be tabled so that the City's Legal staff could review the documents.

The applicant asked to table the variance request to allow staff to review the documents.

Motion by McCoy, seconded by Ahlvin, to table the request until the June 25, 2020 Board meeting. Motion carried by the following vote: Aye –Ahlvin, Kosel, Golombeski and McCoy; Nay – None.

**DOCKET: 11-20 Variance:** Application of Gary Stepflug/Adam Johnson, 346-348 W. Locust Street, to convert a residence to a five-plex with a deficit of four off-street parking spaces on a 7,725 square foot lot, where eight spaces and 10,000 square feet minimum is required, in an R-4 Multi-Family Residential zoning district.

Adam Johnson, 211 4<sup>th</sup> Street, Galena, Illinois, said that he is not converting the building into a multi-family residence, because the building is already a multi-family residence. He said his request is to reconfigure the building to add units. He said that his client has owned the building for 5 years with the intent of rehabbing the structure using historic tax credits. He said that the lot will not accommodate additional off-street parking.

No one spoke in opposition.

Staff member Travis Schrobilgen said that the current building is a duplex and the applicant would like to create 3 additional residential units. He said that the lot area is deficient and that the proposed change will result in a deficit of four off-street parking spaces. He said that the building could continue as a duplex, but would be more economically viable as a multi-tenant residence. He said that the additional units may increase the demand for on-street parking.

Board Chair McCoy read in to the record a letter submitted by Mr. John Lehman, property owner at 363 and 365 W. Locust Street, expressing concerns with the potential impact on parking and traffic safety that the additional units may create.

Mr. Johnson noted that he had received the letter of opposition from Mr. Lehman via email. He said that the house had formerly been configured as an apartment building. He said that he is going to have to do extensive work to rehabilitate the building. He said that the additional units are needed to generate enough income to make the project economically feasible. He said that the project should create little additional demand on parking.

Board member Golombeski said that she had been in the building previously and that it was configured as a multi-family residence. She said that the building needs extensive renovation and that the additional units will help offset construction costs.

Board member Ahlvin asked about the former status of the building. Mr. Johnson said that the building has been vacant for at least nine years.

Board member Kosel said that the building appeared to be grandfathered as a multi-tenant residence. Board member Ahlvin asked if the Board had the ability to limit the number of tenants in a building. Staff member Wernimont said that state law does not allow limiting family size.

Board members discussed the request and felt that rehabilitation of the building would have a positive impact on the neighborhood.

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

**DOCKET: 12-20 Special Exception:** Application of Donald & Angela Heim; Buesing and Associates, Inc, 590 University Avenue, to replat a lot, reducing the lot size to 2,681 square feet, where 5,000 square feet is the minimum required for a duplex, in an R-3 Moderate Density Multi-Family Residential zoning district.

Don and Angie Heim, 596 University Avenue, discussed the proposal noting that the replat of the property will help to make the lots easier to sell.

Sandra Lee Scott, 599 W 8<sup>th</sup> Street, and Mia Scotia, 607 W. 8<sup>th</sup> Street, noted that they are nearby homeowners. They said that they had no objections provided their property is not encroached on.

Staff Member Hemenway noted that both lots are under common ownership and that both residences would remain unchanged. He said that the common lot line between the two lots would be shifted approximately eight feet to the east. He said that the driveway would be situated entirely on a single property instead of being split by the property line.

The Board discussed the proposal and felt that it was appropriate.

Motion by Kosel, seconded by Golombeski, to approve the special exception request to replat a lot, reducing the lot size to 2,681 square feet, where 5,000 square feet is the minimum required for a duplex, in an R-3 Moderate Density Multi-Family Residential zoning district as submitted. Motion carried by the following vote: Aye – Ahlvin, Kosel, Golombeski and McCoy; Nay – None.

**DOCKET: 13-20 Conditional Use Permit:** Application of Tellus and Sarah Truesdale, 1640 Fairfax Avenue, to open a tourist home as a conditional use in an R-1 Single-Family Residential zoning district.

The applicant was absent. The Board decided to table the request to allow the applicant the opportunity to present the case.

Motion by McCoy, seconded by Ahlvin, to table the request to the following meeting. Motion carried by the following vote: Aye – Ahlvin, Kosel, Golombeski and McCoy; Nay – None.

**DOCKET: 14-20 Special Exception:** Application of Mike and Maria Steinlage, 1976 Garfield Avenue, to allow an 8' high fence in front yard along the Garfield Avenue and Roosevelt Street frontages, where 4' high is the maximum permitted, in an R-2A Alternate Two-Family Residential zoning district.

Mike and Maria Steinlage, 1976 Garfield Avenue, said that a higher fence is needed for security and the safety of their children. They noted that their side property line is located on a dead-end street.

Randy Fuerst, 1895 Garfield Avenue, said he is opposed to the proposed fence. He expresses concerns with site visibility and traffic safety.

Board members read letters submitted by Randy and Shirley Fuerst of 1895 Garfield Avenue opposed to the fence and letters of support submitted by neighboring property owners Tom Duccini and Eric Stierman.

Robin Chaffee stated that she represented her mother, Shirley Fuerst, at 1895 Garfield Avenue. She noted that there had been frequent neighborhood disputes in the past. She expressed concerns with traffic safety. She said that she felt that an 8' fence is too high.

Mr. Fuerst reiterated his concern with traffic safety and alley access.

Mr. Steinlage said that the fence will not obstruct visibility. He said that there is very little traffic down the dead-end street. He said that speeding on this stretch of the street is not possible.

Mrs. Steinlage noted that there are several similar fences in the area. She said that the fence would improve their property value.

Staff member Schrobilgen said that the existing fence is 4' high and that the bulk of the fence is located on the public right-of-way along Roosevelt Street. He said that the City's Engineering Department has reviewed and tentatively approved the higher fence but would likely defer to the Board's decision. He said that a revocable license would

be required for the portion of the fence located on public property. He noted that the fence will not be located in the required visibility triangle. He recommended that, if approved, the Board note that said approval is contingent on issuance of a revocable license from the City's Engineering Department.

Staff member Wernimont clarified the responsibilities of the Planning and Engineering Departments as it regards the use of public and private property.

Board member Kosel noted that the property is a corner lot and that the house fronts Garfield Avenue.

Board member Ahlvin and Staff member Wernimont discussed the fence construction referencing "neighbor friendly design". Staff member Wernimont discussed the definition of front yards as it pertains to a corner lot.

Board member Kosel asked if a 6' high fence would be adequate. Board member Ahlvin asked if the Steinlages would consider shifting the fence farther back from the street frontage. Mr. Steinlage said that this would reduce his side yard area and he would like the fence to remain at its original location. Mrs. Steinlage said that there is adequate parking in the area and that the fence would not obstruct visibility.

Board Chair McCoy asked if a shorter fence would be adequate. Mr. Steinlage said that a higher fence is needed to limit visibility into his yard for the safety of his children. Board Chair McCoy said that the children's security and safety is a law enforcement matter.

Board member Golombeski asked if the Board could condition approval on fence design. Staff member Schrobilgen said that he believed that the Engineering Department would likely agree to the Board's determination.

Board Chair asked the Steinlages if they would agree to a neighbor friendly fence design. Mr. Steinlage said he would be comfortable with the design requirement. Board member Kosel said that, although beyond the Board's authority, an 8' high fence along the paved street edge would be problematic. Board Chair McCoy agreed that an 8' high fence may not be appropriate. He reiterated that security is a law enforcement function.

Board Chair Golombeski asked if a 7' high fence would be adequate. The Steinlages said that they would be comfortable with a 7' high fence.

Motion by Ahlvin, seconded by Kosel, to approve the special exception request with the condition that the fence be limited to 7 feet in height and that the fence design be neighbor friendly. Motion carried by the following vote: Aye – Ahlvin, Kosel, and Golombeski; Nay – McCoy citing criteria B.

**DOCKET: 15-20 Special Exception:** Application of Kristin K. Woodward Trust, 2319 Manson Road, to allow a total of 5,530 square feet of detached accessory structures, where 3,345 square feet of detached accessory structures is allowed on the subject lot in an R-1 Single-Family Residential zoning district.

Kristin and Steve Vaassen, 2319 Manson Road, said that they would like approval for a capped garage and deck that had been added to their existing barn. Mrs. Vaassen said they want to expand on their original request and be approved for the improvements to the original barn.

Staff member Schrobilgen noted the property history detailing the original approval granted for the larger accessory structure square footage. He said that the applicants are seeking approval for the addition of a patio with storage space below, a capped garage and a deck. He said that given the large size of the subject property and the barn's distance from the street and the nearest residence, it should have little impact on the adjacent properties. He said that the barn cannot be used as a residence or for commercial purposes.

Board members Golombeski and Ahlvin said that because the barn is located on a relatively large estate, they had no concerns.

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

**DOCKET: 16-20 Special Exception:** Application of Green Acres Properties LLC, 2495 Asbury Road, to build a 24' x 42' (1,008 square feet) detached garage, 14' from the front property line (Mullin Street), where 1,000 square feet is the maximum permitted and 20' is the minimum required respectively, in an R-3 Multi-Family Residential zoning district.

Brett Peirce, 16859 Thunder Hills Drive, discussed his request noting that the accompanying 4-plex was being rehabbed and that the garage is in disrepair. He noted he was asking for 20' from inside edge of sidewalk and that that distance would allow a vehicle to park between the sidewalk and garage.

Staff Member Hemenway detailed the staff report noting that the applicant would demolish an older smaller garage and construct a larger 1,008 sq. ft. area garage 14' from property line. He noted that the parkway is wider here than the standard 9.5' found elsewhere in the city. He said the garage reduces the nonconformity by allowing an additional vehicle to park on site. He said that the garage would be accessed from Mullin Street along the side of the lot. He also noted there was no input from adjacent property owners.

Chairperson McCoy asked staff if 20' in front of a garage was adequate for parking purposes. Staff member Hemenway noted that the standard parking space is 19' deep by 9' wide. He also said the garage will be situated back further on the lot than the existing garage.

The Board discussed the proposal and said that they felt that it is appropriate.

Motion by McCoy, seconded by Kosel, to approve the Special Exception request to build a 24' x 42' (1,008 square feet) detached garage, 14' from the front property line (Mullin Street), where 1,000 square feet is the maximum permitted and 20' is the minimum required respectively, in an R-3 Multi-Family Residential zoning district. Motion carried by the following vote: Aye – Ahlvin, Kosel, Golombeski and McCoy; Nay – None.

**DOCKET: 17-20 Special Exception:** Application of Marc Pass, 2640 Queen Street, to build a 26' x 30' detached garage zero feet from the south side property line, where six feet minimum is required, in an R-2 Two-Family Residential zoning district.

Marc Pass, 2640 Queen Street, said that he would like to demolish an existing deteriorated garage and replace it with a larger garage built up to the side property line. He said that the new garage would be roughly on the same footprint as the existing garage.

Staff member Schrobilgen noted the location of the existing and proposed garages. He said that the garage would be built up to the south side property line and would have little impact on site visibility or property value.

Board member Ahlvin said that the runoff from the roof should be directed away from the neighboring property. Board member Golombeski agreed. Board Chair McCoy asked about the property line location. Mr. Pass said that he will locate the line.

Motion by McCoy, seconded by Golombeski, to approve the Special Exception request with the conditions that storm water runoff from the garage be directed back onto the applicant's lot and that the applicant demonstrate the lot line location to the satisfaction of the building official or obtain a site survey. Motion carried by the following vote: Aye - Ahlvin, Kosel, Golombeski and McCoy; Nay – None.

**DOCKET: 18-20 Special Exception:** Application of Anthony Mallers, 869 South Grandview Avenue, to build a 1,008 square foot detached garage 16' in height, where 1,000 square feet and 15' in height is the maximum permitted respectively, in an R-1 Single-Family Residential zoning district.

Anthony Mallers, 869 South Grandview Avenue, discussed his proposal noting that his existing garage was damaged by a fallen tree. He noted he has a large family and a boat and that the garage will allow them to park off the street.

Susan Faber, 1755 Overview Court, noted she was not in favor or opposed to the request but stated her concern was with the plumbing that had been installed that appeared to be for residential purposes. Mr. Mallers noted that he works in construction and needs a restroom to wash up and launder his work clothes.

Staff member Hemenway detailed the staff report noting that the garage meets setbacks and is screened by the residence and vegetation. He noted that the garage cannot be used as a residence or for commercial purposes.

The Board discussed the proposal noting it is 1ft higher and 8 sq. ft larger than what is permitted. Board member Kosel noted that it should not be used as a residence or for commercial purposes.

Motion by McCoy, seconded by Ahlvin, to approve the request with the condition that the garage not be used as a residence or for commercial purposes. Motion carried by the following vote: Aye – Ahlvin, Kosel, Golombeski and McCoy; Nay – None.

**ITEMS FROM STAFF:** None

**ITEMS FROM BOARD:** The Board asked staff to follow up and clarify issues regarding Docket 5-20.

**ITEMS FROM PUBLIC:** None

**ADJOURNMENT:** Motion by McCoy, seconded by Ahlvin, to adjourn the May 28, 2020 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Kosel, Golombeski and McCoy; Nay – None

The meeting adjourned at 7:01 p.m.

Respectfully submitted,



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Guy Hemenway, Assistant Planner

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June 25, 2020  
Adopted