

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

5:00 p.m.

Thursday, June 25, 2020

Virtual Meeting

The Zoning Board of Adjustment met at 5:00 p.m. on Thursday, June 25, 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, Bethany Golombeski, Gwen Kosel and Matt Mauss.

Board Members Excused: None

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 5:01 p.m.

MINUTES: Motion by Ahlvin, seconded by Kosel, to approve the minutes of the May 28, 2020 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Maus 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.

Chairperson McCoy noted that the request was tabled multiple times and asked the applicant if he had anything that showed they were a separate individual business.

John Weber, representing McGrath Collision Center, stated that it is tough to run a business if people cannot find them. He said they are a separate business although they occupy the same building. He said he was asking for signage so they can successfully operate the business.

Dan McDonald, Greater Dubuque Development Corp, 900 Jackson Street, spoke in support of the proposal. He noted McGrath Collision Center is a separate business. He also pointed out that other locations were allowed up to 13 signs and stated that precedence had been set.

Staff Member Hemenway noted that if the two entities were separate businesses, each would be allowed one wall-mounted sign and if a single business, still only two signs would be allowed. He clarified that the request is for a third wall mounted sign. He discussed a number of alternatives and options for the existing signs that would allow them to have a sign within the regulations.

The Board discussed the proposal noting it did not meet the criteria needed to grant a variance.

Motion by McCoy, seconded by Ahlvin, to approve the request to add a third wall mounted sign to a business, where two signs maximum are permitted, in a C-3 General Commercial zoning district. Motion denied by the following vote: Aye – None; Nay – Ahlvin citing criteria 1,2,3,4, Kosel citing criteria 1,4, McCoy citing criteria 1,2,3,4; Abstain – Golombeski citing potential conflict of interest, Mauss citing unfamiliarity of the case as this was his first meeting and this was a multi-meeting case.

DOCKET – 13-20 Conditional Use Permit – Tabled from May: 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.

Sarah and Tellus Truesdale, 1640 Fairfax Avenue, discussed their proposal noting that they have a space with a secondary entrance and would like to rent it out intermittently. They noted that they have plenty of on-street parking and the owner-occupied space is on a separate level.

Staff Member Hemenway detailed the staff report noting the request is to convert a basement unit to a tourist home. He discussed the size of the structure, that the structure was walkout, and that parking and access would come from Marmora Ave. He noted that it may have sporadic use and may increase noise and activity in the immediate area. He recommended that rental be limited to 1 bedroom and 2 guests to limit those impacts.

The Board asked if the applicants would be amenable to the recommendation from staff. The applicants stated that would be acceptable provide that non-adult children would also be allowed. Board Members recommended that the guests at the tourist home be limited to two adults with no limit on children under 18 years of age.

The Board discussed the proposal and staff's recommendation finding them appropriate.

Motion by Ahlvin, seconded by Golombeski, to approve the request to open a tourist home as a conditional use in an R-1 Single-Family Residential zoning district with the condition that adult guests be limited to two with no limit on children under 18 years of age. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Mauss and McCoy; Nay – Kosel (citing criteria #2)

DOCKET – 19-20 Special Exception: Application of Eric Stierman, 499 Kaufmann Ave. to build a 20' x 30' carport 2' from the side property line and 2' from the rear property line (Valeria Street) in an R-1 Single-Family Residential zoning district.

Eric Stierman, 1608 Rhomberg Avenue, stated that the property was a rental with a cement parking pad and he would like to provide covered parking.

Staff Member Hemenway noted that front yard setbacks are generally intended for houses oriented along the street and that it was not the case in this situation. He said that the applicant is proposing an open design and that it should not block the view for vehicles.

Chairperson McCoy asked about the roof design and if there would be a gutter. The applicant noted that he had not yet determined the roof style, but that he planned to have gutters.

Board member Ahlvin noted that the open design allays his concerns.

Motion by Ahlvin, seconded by Kosel, to approve the request to build a 20' x 30' carport 2' from the side property line and 2' from the rear property line (Valeria Street) in an R-1 Single-Family Residential zoning district with the condition that the structure remain of an open design and that stormwater is directed on to the subject property. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

DOCKET – 20-20 Special Exception: Application of Jamie Becker and Justin Muehlenkamp, 2160 Golden Eagle Drive to place a storage shed 6' from the front property line (Golden Eagle Drive), 20 feet minimum required, in an R-1 Single-Family Residential zoning district.

Kevin Muehlenkamp, 2160 Golden Eagle Drive, on behalf of applicants, briefly discussed the proposal.

Staff Member Hemenway detailed the staff report. He noted that no accessory structures are permitted on an otherwise empty lot. He said the applicants have combined three lots into one. He noted that the topography of the lot is extreme and that the parkway is large at this location. He said there were no visibility concerns and that no input was received from neighbors.

Chairperson McCoy asked if the subject parcel is all one lot. Mr. Hemenway stated that it was.

Board Member Kosel asked if there is an existing fence around the pool. The applicant stated that a fence is nearby but incomplete. Staff Member Hemenway noted that a gated 5' fence is required around the entire perimeter of all pools and that the fence

could be configured in many ways and located anywhere on the lot. Chairperson McCoy asked if a Building official would be on site for the shed. Mr. Hemenway noted they may not be for the shed but may inspect the pool.

Motion by Golombeski, seconded by Mauss, to approve the request to place a storage shed 6' from the front property line (Golden Eagle Drive), 20 feet minimum required, in an R-1 Single-Family Residential zoning district. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Mauss and McCoy; Nay – Kosel, citing criteria 2
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DOCKET – 21-20 Special Exception: Application of Clayton Erschen, 1217 Isborn Avenue to construct front porch overhang 0' from the front property line (Isborn Avenue), where 20' minimum is required, in an R-1 Single-Family Residential zoning district.

Clayton Erschen, 1217 Isborn Avenue, noted that the house is legally nonconforming and that it is located at the end of a dead-end street abutting a farm.

Staff Member Hemenway detailed the staff report noting that Isborn Avenue is a substandard dead end street. He also noted that the home is legally nonconforming and there was no input received from the neighbors.

Board member Kosel asked for clarification on whether the existing sidewalk was in the parkway. Staff Member Hemenway noted that the sidewalk was a private walk to the nearby driveway and not located in the parkway.

The Board discussed the proposal finding it appropriate.

Motion by McCoy, seconded by Kosel, to approve the request to construct front porch overhang 0' from the front property line (Isborn Avenue), where 20' minimum is required, in an R-1 Single-Family Residential zoning district with the condition that stormwater is directed on to the applicant's property. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

DOCKET – 22-20 Special Exception: Application of Kevin and Janice Esser, 1072 Locust Street to construct a deck 0' from the south side property line, where 3' minimum is required, in an OC Office Commercial zoning district.

Janice and Kevin Esser, 1072 Locust Street, spoke in favor of their request. They noted that the rooftop deck would extend over to an existing deck. They noted their neighbors are a coffee shop, a church, and some apartments.

Staff Member Hemenway discussed the staff report noting that new construction is required to be a minimum of 3 feet from the property line. He said that no comments were received from the neighbors.

Board Members discussed the request and felt that it met the required criteria.

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

DOCKET – 23-20 Special Exception: Application of David and Amanda Mata, 15302 Middle Road to construct a fence 8' in height along the west and south side property lines, where 7' maximum is allowed, in an AG Agricultural (default R-2A) zoning district.

Amanda Mata, 15302 Middle Road, spoke in favor of her request. She said that she and her husband had purchased a single-family home next to an RV park that generates a lot of noise activity. She said that the park's swimming pool is located at the corner of her lot and that an 8-foot-high fence is necessary to screen the pool and associated noise and to provide privacy to her back yard. No one spoke in opposition to the request.

Staff Member Schrobilgen outlined the staff report noting the fence height and location on the lot. He said that the fence will be well back from the Middle Road frontage and not block the view from the adjacent driveway or property.

Board Members discussed the request and said that they felt it was appropriate.

Motion by Ahlvin, seconded by Kosel, to approve the request to construct an 8' high fence along the west and south property lines. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

DOCKET – 24-20 Special Exception: Application of Kristina Hochrein-Petsche, 695 O'Neill Street, to construct a garage addition 6' from the rear property line, where 20' minimum is required, in an R-1 Single-Family Residential zoning district.

Kristina Hochrein-Petsche, 695 O'Neill Street, spoke in favor of her request stating that she would like to build an attached garage over an existing concrete pad. She said that she has spoken with her neighbors and they have submitted letters of support. She said that the garage design will be compatible with the existing house design including matching siding and windows. No one spoke in opposition to the request.

Staff Member Schrobilgen noted that if the garage were to be detached it could be built within 6 feet of the property line, but as it will be attached, the minimum setback is 20 feet. He said that the garage as proposed will not compromise visibility. He noted that the neighbors to the east and west submitted letters of support.

Board Members discussed the request and felt that is met the criteria required for granting a Special Exception.

Motion by Golombeski, seconded by Kosel, to approve the request to construct a garage addition 6' from the rear property line. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

DOCKET – 25-20 Special Exception: Application of Sherry L. Cheney, 995 Mt. Loretta Avenue to build a 10' wide addition 9' from the front property line, where 20' minimum is required, in an R-1 Single-Family Residential zoning district.

Sherry L. Cheney, 995 Mt. Loretta Avenue, stated that she has an extended family living in her house and she would like to construct an addition to provide more living space. She said that the yard is terraced and the house sits above the street. She said that there is a flat area in front that extends approximately ten feet from the house where the addition could be placed. She said the staff report noted the addition may be out of character with the neighborhood. She contended that there was no consistent architectural style in the neighborhood because all of the houses were different.

Jaroslav Sebek, 994 Mt. Loretta Avenue, said that he supported the project provided that construction vehicles did not consume the available on street parking during the building process.

Staff Member Schrobilgen outlined the staff report noting that while the proposed addition will not inhibit views from the adjacent properties, it may be somewhat out of character with the neighborhood.

Board Member Ahlvin asked the applicant how far the addition will project beyond the existing porch. Ms. Cheney said that it would project approximately 2 to 3 feet beyond the porch. She said that she would encourage contractors to park in her driveway. The Board discussed the addition's design.

Board Member Golombeski asked if the addition could be limited to a single story. Board Member Kosel expressed concern with the design being out of character with the neighborhood.

Ms. Cheney said that there were a number residential structures with similar setbacks in the neighborhood and that the proposed design will be attractive. Board Member Maus asked if the exterior treatment would be brick or vinyl siding. Ms. Cheney said that the addition would be sided with vinyl and that a new large front door, sidelights, matching windows and a pitched roof would complete the structure.

Board Chair McCoy expressed concerns with the design.

Motion by McCoy, seconded by Ahlvin, to approve the request to build an addition 10' from the front property line with the condition that the addition be limited to a single story. Motion failed by the following vote: Aye – Ahlvin and Golombeski; Nay - Kosel, Mauss and McCoy. All three Board Members who voted in opposition cited criteria 2

regarding granting a Special Exception

DOCKET – 26-20 Variance: Application of Vault Ventures LLC, 1745 Madison Street to convert a residence to a duplex with a deficit of two off-street parking spaces, and with 2,950 sq. ft. of lot area, where 5,000 sq. ft. of lot area minimum is required.

Luke Kahl, 1745 Madison Street, said that he would like to convert a single-family home to a duplex. He said that the building lot is located on a steep hill and that creating a curb-cut and off-street parking would be difficult. He noted that the City's Engineering Department was concerned with the impact on traffic safety and storm water flow should a curb-cut be approved.

Staff Member Schrobilgen said that the additional unit proposed should generate little additional demand on parking. He explained the Historic Preservation Commission's review of the project.

Board Member Golombeski said that as there were no residences across Madison Street and indicated the extra unit would have little effect on parking in the neighborhood. Board Member Maus asked about the impact of a curb cut on traffic safety and on the direction of storm water flow.

Mr. Kahl said that adding a curb cut and surface parking was a last resort noting that he opted out of providing off-street parking.

Board Members discussed the request and felt that it met the criteria needed to approve a variance.

Motion by Kosel, seconded by Ahlvin, to approve the request to convert a residence to a duplex with a deficit of 2 off-street parking spaces. The motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

DOCKET – 27-20 Conditional Use Permit: Application of Thielen Family Enterprises, DBA Hoffman, Schneider, & Kitchen Funeral Home, 3860 Asbury Road to expand an existing mortuary to include an event space and crematorium.

David TeBrake, St. Cloud MN, said that he represented the owners of Hoffmann, Schneider and Kitchen funeral home. He said that they would like to expand the facility by adding a 3,500 square foot room to the east side of the building in conjunction with a general interior and exterior remodel. He said that the room would accommodate a luncheon area and crematory. He said that some parking would be eliminated but that there will still be adequate parking based on the City's standards.

Staff Member Schrobilgen noted that the facility will consist of a mortuary, crematory and funeral home. He said that the applicant is working with City staff on site design. He said the addition would generate very little additional traffic and not have significant

impact on the neighborhood.

Board Members discussed the request and felt it was appropriate.

Motion by Ahlvin, seconded by Mauss, to approve the request to expand a mortuary.
Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

ITEMS FROM PUBLIC: None

ITEMS FROM BOARD: Board Members unanimously elected Keith Ahlvin as Board Vice-Chair.

ITEMS FROM STAFF: Welcome Matt Mauss. Thank you to Jeff Cremer for serving the citizens of Dubuque on this Board since 2008.

ADJOURNMENT: Motion by McCoy, seconded by Kosel, to adjourn the June 25, 2020 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None

The meeting adjourned at 6:38 p.m.

Respectfully submitted,



Guy Hemenway, Assistant Planner

July 23, 2020

Adopted