

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

5:00 p.m.

Thursday, September 24, 2020

Virtual Meeting

The Zoning Board of Adjustment met at 5:00 p.m. on Thursday, September 24, 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: Guy Hemenway, Travis Schrobilgen and Jason Duba.

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 August 27, 2020 regular session and September 4, 2020 Special Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

DOCKET – 38-20: Application of Joshua Martyn and Natalie Romeo-Martyn, 2620 Knob Hill Dr. to place a 7' high fence along the front property line (Knob Hill Dr) where 4' high maximum is permitted and to place a deck and pool 5' from the front property line and 0' from the south side property line where 20' and 6' minimum are required, respectively, in an R-1 Single-Family Residential zoning district.

Staff notified the Board Chair that the applicants withdrew their request.

Motion by McCoy, seconded by Ahlvin, to accept the request to withdraw the application. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

DOCKET – 43-20: Application of David Northway/Loras Freihoefer, 1860 Heeb St., to build a house 16' from the front property line (Heeb St right-of-way) and 3' from the north and south property lines, where 20' and 6' minimum required respectively, in an R-2 Two-Family Residential zoning district.

Board Member Kosel recused herself.

David Northway, 1860 Heeb St, spoke in favor of the request. Mr. Northway explained that they planned to renovate the house, but the foundation repairs were too difficult. He said that now they are working with an architect to design a new house.

Staff Member Hemenway said that the applicants propose to demolish a dilapidated house and replace it with a new residence built 16' from the front property line (Heeb Street right-of-way) and 3' from the north and south side property lines where 20' and 6' are required respectively in an R-2 Two-Family Residential Zoning District. He noted that the existing house is not located in a historic or conservation district and has suffered structural problems since the collapse of the Heeb Street retaining wall several years ago. He said that the new house will be accessed from an existing paved driveway located along the Heeb Street right-of-way.

Staff member Hemenway said that the subject property slopes steeply with approximately 50 feet of grade change between the front property line along the Heeb Street right-of-way and the bluff edge above Central Avenue. He said that there should be adequate room for a parking area and he noted that the proposed house will not block the view to the street or the view from adjacent properties. He said that the proposed house will be located well-away from the adjacent residence and should improve the value of the subject property and of the adjacent property.

The Board discussed the difference in elevation between the proposed house and the neighboring house at 35 Clarke Drive. The architectural drawings were displayed, and Mr. Northway said that the roof peak was about 25' high.

Staff Member Hemenway explained that there was about 6' of grade change between the properties. Board Chair McCoy asked that lot lines be established before beginning the project and Staff Member Schrobilgen explained that is a standard part of the building inspection process.

Motion by McCoy, seconded by Ahlvin, to approve the request to build a house 16' from the front property line (Heeb St right-of-way) and 3' from the north and south property lines. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Mauss and McCoy; Abstain - Kosel; Nay – None.

DOCKET – 44-20: Application of Shaun and Chantel Manning, 2140 Roosevelt St. to place a 6' high fence along the front property line(s) (Roosevelt & Prescott St. frontages) where 4' maximum is allowed in an R-1 Single-Family Residential zoning district.

Chantel Manning, 2140 Roosevelt Street, spoke in favor of the request. She explained that they propose to build a 6' fence on top of the hill, cut in at the corner, and extend the fence a ways down Prescott Street.

Staff Member Schrobilgen detailed the staff report noting that the subject lot includes a single terrace that is approximately 3.5' above the parkway along both frontages. He said that the applicants intend to place the fence on top of the terrace which he said is approximately 4' from the front property line along Roosevelt Street and 0' from the property line along Prescott Street.

Staff Member Schrobilgen noted that the proposed 6' high fence would be built outside of the visibility triangle and be approximately 11- 13' from the curb along both frontages. He said that the nearest driveway is approximately 50' from the proposed fence and should not impact vehicles backing out of the driveway. He further stated that the proposed 6' high fence is 2' taller than allowed for most of its length and may not fit with the character of the neighborhood. He said, however, that the proposed 6' high fence should have little impact on the use and value of the adjacent properties or the neighborhood.

Board Members discussed the request and concurred that the height of the fence on top of the hill may seem out of character with the surroundings. Ms. Manning explained that the high fence was necessary to confine their Great Dane.

Motion by McCoy, seconded by Ahlvin, to approve the request to place a 6' high fence along the front property line(s) (Roosevelt & Prescott St. frontages). Motion denied by the following vote: Aye – None; Nay –Ahlvin, Golombeski, Kosel, Mauss and McCoy, all citing criteria B and/or E.

DOCKET – 45-20: Application of Scott and Jessie Meyer, 4503 Camelot Dr., to store a boat 12' from front property line (Hummingbird Drive), where 20' minimum is required, in an R-1 Single-Family Residential zoning district.

Scott Meyer, 4503 Camelot Drive, spoke in favor of the request. Mr. Meyer explained that they are constrained because they are located on a corner with two front yards. He said they intend to store their boat on the existing slab that was originally installed for their daycare business. He said that the boat does not impede views, noting that their neighbors signed a petition of support.

Staff Member Duba said that the boat would be stored on an existing 11' wide concrete slab that is adjacent to the garage. He said that visibility from the driveway or for passing drivers or pedestrians on either Hummingbird Drive or Camelot Drive should not be obstructed. He noted that the existing home and fence partially obscure view of the boat from the south and east. He informed Board Members that residents at six neighboring properties signed a petition in support of the proposal.

The Board discussed conditions that could help soften the appearance of the boat from neighboring properties and also ensure that any approval would apply only to a boat. Board Members also noted that the boat should be no larger than the existing pontoon and should be stored behind the front wall of the house.

Motion by McCoy, seconded by Mauss, to approve the request to store a boat 12' from the front property line (Hummingbird Drive) with the conditions that any stored boat be no larger than the existing boat, that the boat not be stored beyond the front wall of the residence and that a landscape buffer as per City standards be planted along the full length of the boat along Hummingbird Drive. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

DOCKET – 46-20: Application of Toni and Gary Nauman, 2436 Lincoln Ave., to build a 1,600-sq. ft. detached garage for a total of 1,700 sq. ft. of detached accessory structures, where 1,000 sq. ft. maximum is permitted, in an R-2A Alternate Two-Family Residential zoning district.

Contractor Steve Duschen, 21869 216th Avenue, LaMotte, spoke in favor of the request. Mr. Duschen explained that they propose to build the proposed garage on the alley side, and they can remove the existing shed.

Staff Member Hemenway noted that the applicants have removed an approximately 400-square foot garage and would like to replace it with a 1,600-square foot detached garage. He said that, when coupled with an existing 100-square foot storage shed, the total area of the two detached accessory structures is 1,700 square feet when the R-2A district caps accessory structure area at 1,000 square feet. He said that, at 10,000 square feet in area, the subject lot is about twice the size of a typical Point area neighborhood lot. He noted that the garage will meet the required setbacks, will not block adjacent vehicular sight visibility to the alley and not be out of scale with the lot.

He stated that garages in residentially zoned districts can only be used for on-premise residential purposes and any unlawful commercial activity is prohibited

The Board discussed the height of the proposed garage, which Mr. Duschen explained would be 17' to the peak, and would not be above the roofline of the house. He also clarified that this would be a single-story building with no rooms above. Mr. Duschen explained that the homeowners' vehicles and motor home would be stored in the garage. He also said that the garage would have vinyl siding and shingles to match the house.

Motion by Ahlvin, seconded by Mauss, to approve the request to build a 1,600-sq. ft. detached garage for a total of 1,700 sq. ft. of detached accessory structures with the conditions that the existing 100 square foot shed be removed, that the exterior treatments of the garage match the house and that the gutter system direct water runoff

on to the subject property. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

DOCKET – 47-20: Application of Sherri Busch, 1335 Cox St., to construct an attached deck 14' from front property line, where 20' minimum is required, in an R-2 Two-Family Residential zoning district.

Contractor Randy Burger, 1340 Delhi Street, spoke in favor of the request. Mr. Burger explained that they proposed to build a deck on the front of the house because they have a small back yard. He said that the deck does not obstruct views from street. He admitted that the deck had already been built.

Staff Member Duba detailed the staff report noting that the proposed deck should not block the view of vehicular or pedestrian traffic along Cox Street or from the nearest driveway. He noted that the deck would be approximately 50 feet from the nearest house. He recommended that, if approved, the deck remain of an open design.

Board Members agreed that an open design would be preferred.

Motion by Ahlvin, seconded by Golombeski, to approve the request to construct an attached deck 14' from front property line with the condition that the deck remain of an open design. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

DOCKET – 48-20: Application of Blue Sky Solar, LLC., 800 Stone Ridge Pl., to install a 220-sq. ft. solar array, where 100 sq. ft. is permitted in a PR Planned Residential zoning district.

Raki Giannakouros, Contractor with Blue Sky Solar, 3135 Cedar Crest Ridge, spoke in favor of the request. Mr. Giannakouros explained that they propose to construct a 9' high free-standing solar array that will be placed on a hill.

Randy Mesh, 840 Stone Ridge Place, president of Stone Hill Community, noted that the solar array will supply power to the development's parking lot lights, which he said costs \$3500 per year. He said that the facility would pay for itself in a few years. He noted that there are trees between the subject property and the Alverno Apartments to the south.

Staff Member Travis Schrobilgen detailed the staff report noting that the property is located in an established mixed-use area. He said that the neighborhood consists of single-family homes, townhouses, and large campuses including the Padre Pio Health Care Center and the Alverno Apartments to the south and the Sisters of Saint Francis' campus to the east.

Staff Member Schrobilgen said that the proposed solar array would be located on private property over 200' from the nearest right of way. He said that the proposed array would be a freestanding structure limited to 10' in height and would be located on private property but in an easily accessible shared space. He noted that the array may benefit from the presence of a physical barrier such as a chain-link or wooden fence. He said that the proposed solar array will be located on the 4.8-acre space shared by the townhouse community. He said that there is also existing screening at the south and west exterior boundary lines of the development.

The Board discussed screening to the south and said that they felt that it was sufficient.

Motion by Ahlvin, seconded by Golombeski, to approve the request to install a 220-sq. ft. solar array. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

DOCKET – 49-20: Application of Kenneth and Joann Franck, 825 Laurel St., to build an attached garage/addition 3' from the south side property line, where 6' minimum is required, in an R-1 Single-Family Residential zoning district.

Kenneth Franck, 825 Laurel Street, spoke in favor of the request. Mr. Franck explained that they plan to replace a single room addition with a full-width addition and replace the detached garage with an attached garage. He said that the proposed garage would not be closer to the south property line than the current garage. He noted that the neighbor to the south provided a letter of support acknowledging the 3' setback.

Staff Member Duba said that the proposal is to replace the existing garage, part of the rear of the house, and a wood deck with an addition and attached garage. He said that visibility from the driveway and for passing pedestrians and drivers will remain unchanged. He noted that the addition would be built in line with and behind the existing structures. He said that the addition's design would maintain the home's current aesthetic so as to fit with the neighborhood.

The Board's said that their only concern was that water runoff be directed on to the applicants' property.

Motion by McCoy, seconded by Ahlvin, to approve the request to build an attached garage/addition 3' from the south side property line with the condition that water runoff be directed on to the applicants' property. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

DOCKET – 50-20: Application of Angela Brandel, 537 Greenwood Ct., to operate a tourist home in an R-1 Single-Family Residential zoning district.

Angela Brandel, 537 Greenwood Ct, spoke in favor of the request. She said that she proposes to operate an AirBnB in her house.

Marie Fitzgibbons, 529 Greenwood, said that she was not in favor of the proposal, referring to the letter of opposition she had submitted. She said her concerns included guests spreading COVID-19, the safety of children living in the area, crime, and random people staying at the house.

The Board noted a second opposition letter submitted by Noel and Pearl Stecher, which expressed concerns with parking and the potential for neighborhood deterioration.

Ms. Brandel responded to the letters, stating that there is plenty of parking, especially since she is single and does not have children. She also stated that she will entertain only one or two guests per week.

Staff Member Hemenway said that the applicant is proposing to use the basement area of their residence as a tourist home. He said that tourist homes, depending on their nature and intensity, have the potential to generate more noise, activity and demand on parking than is typical for a residential neighborhood. He said, consequently, the proposed tourist home may have some impact on the adjacent properties. He said that the applicant notes that she will limit occupancy to two persons that will use the rear entrance of the residence. He noted that this would locate patrons' access behind and below the adjacent residences. He said that the applicant states that there will be no outside activity such as a fire pit or lawn games allowed.

Staff Member Hemenway said that in an effort to limit the amount of activity and demand on parking, staff recommended that, if approved, the tourist home portion of the residence be limited to a maximum of one bedroom (2 guests) and that the tourist home entrance is taken from the rear walk-out.

The Board did not have any questions or express any concerns regarding the proposal.

Motion by McCoy, seconded by Kosel, to approve the request to operate a tourist home. Motion carried by the following vote: Aye –Golombeski, Mauss and McCoy; Nay – Ahlvin, citing criteria H, and Kosel, citing criteria C, F, and H.

DOCKET – 51-20: Application of Samantha Trentz, 490 River Ridge Street, to operate a tourist home in an R-1 Single-Family Residential zoning district.

Samantha Trentz, 490 River Ridge, spoke in favor of the request. Ms. Trentz explained that they operate an AirBnb in East Dubuque and live there part time. She said that they are hoping to rent out the home on River Ridge when they are not there.

Bob Hartig, 1804 Creek Wood Drive, owner of 480 River Ridge Street, reviewed his opposition letter, stating that R-1 zoning is the most restrictive. Mr. Hartig said that renting the entire house is an incompatible use, and that any Board approval is permanent. He said his lot is buildable, and that he intends to develop it. He said that he

is concerned with potential noise and activity that could result from renting out the entire home.

Linda Kelly, 848 Tressa Street, spoke in opposition, citing concerns with parking and transient people coming and going, noting that her's is a small, family oriented neighborhood.

Ms. Trentz spoke to the concerns, explaining that guests would be required to use the driveway parking area which she said can fit two to three cars. She noted that the house is located on a corner lot with plenty of available on-street parking. She said that most of the neighbors have driveway and garage parking. Ms. Trentz said that the house has two bedrooms, noting that a maximum of four people would visit. She said that there would be a no-party, no-noise policy.

Staff Member Schrobilgen noted that the applicant is proposing to use their entire residence as a tourist home when they are away. He said that tourist homes, depending on their nature and intensity, have the potential to generate more noise, activity and demand on parking than is typical for a residential neighborhood. He said that, as a result, the proposed tourist home may have some impact on the adjacent properties. He noted however, that the corner lot had ample on-street parking and that the primary access was from Tressa Street which he said is a dead end. He said that the subject property lends itself well to low impact, provided the number of patrons is limited. He noted that the primary access and on-site parking are away from most of the nearby residences.

Staff Member Schrobilgen said that in an effort to mitigate the amount of activity, staff recommends that the tourist home be limited to a maximum of two bedrooms (4 guests) and that the tourist home entrance is confined to the Tressa Street frontage.

Board Members expressed concern with renting the entire home while the homeowners are away and the resulting lack of oversight.

Motion by McCoy, seconded by Mauss, to approve the request to operate a tourist home. Motion denied by the following vote: Aye – Mauss; Nay – Ahlvin, Golombeski, Kosel, and McCoy, all citing criteria F and H and Kosel also citing C.

ITEMS FROM STAFF: None

ITEMS FROM BOARD: None

ITEMS FROM PUBLIC: Request for reconsideration: Docket 41-20. 3392 Hillcrest


Staff Member Hemenway explained the reconsideration process noting that someone in the prevailing vote (McCoy and Kosel) would have to ask for reconsideration, and then the case would be heard at October 22, 2020 meeting.

McCoy and Kosel declined to reconsider the case.

ADJOURNMENT: Motion by McCoy, seconded by Kosel, to adjourn the September 24, 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 6:30 p.m.

Respectfully submitted,



Guy Hemenway, Assistant Planner

10-22-2020

Adopted