

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

5:00 p.m.

Thursday, March 25, 2021

Virtual Meeting

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, 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 Kosel, seconded by Golombeski, to approve the minutes of the December 17, 2020 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

DOCKET – 01-21: Application of Doug Stillings, 709 Fenelon Place to store a vehicle 10' from the front property line along Summit Street where 20' minimum is required in an R-3 Moderate-Density Multi-Family Residential zoning district.

Doug Stillings, 1255 Locust St, spoke in favor of the request. Stillings explained that he was speaking for Rebecca Nolan, 709 Fenelon Place. He said, she is a vendor at the Farmers' Market and uses her VW bus to sell baked goods and stores it in the off-season. He noted that she does not have room on an approved concrete pad to store the bus and meet the minimum 20' setback. He noted that she does have enough space to be 10' from the front property line. He said the bus is screened by vegetation on the Summit Street side.

Staff Member Schrobilgen detailed the staff report noting the property is a corner lot with two front yards. He described the current location of the bus and the existing vegetative screening along the right of way. He noted that the property is currently a single-family residence with four total parking spaces and that if approved and an additional unit were proposed, a parking variance would be required at that time

(provided vehicle storage is still taking place).

Staff displayed letters of support from Anai K. Williams (695 Fenelon Place, Apt 2), Allen Sutton (710 Fenelon Place #3), Herbert F. Honey (727 Fenelon Place), John Martin (732 Fenelon Place), Tom and Jannan Knepper (419 Summit Street), Terry Stewart (460 Summit Street) and Judith M. Schmidt (460 Summit Street). Staff also noted receipt of a letter of opposition from John Thompson & Jennifer Garza-Thompson (421-427 Summit Street) detailing concerns about possible negative impacts on aesthetics and property values and asking why the bus cannot be parked in the garage. Mr. Stillings explained that the bus is too tall to fit in the garage.

Board member Ahlvin asked staff if the vehicle being used as a commercial vehicle would be a concern. Staff Member Hemenway explained that parking a commercial vehicle on a residential lot is permitted, but that commercial activity on premise would not be permitted. Board members indicated they felt that the screening was adequate and noted no concerns with the proposal. Board members expressed concerns regarding a future vehicle being larger than current stored vehicle and recommended limiting the size of any vehicle stored on the lot. The applicant accepted this condition.

Motion by McCoy, seconded by Ahlvin, to approve the request to store a vehicle 10' from the front property line along Summit Street where 20' minimum is required in an R-3 Moderate-Density Multi-Family Residential zoning district with the condition that any vehicle stored be of similar dimensions as the 1978 VW Bus (6' W x 15' L). Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

DOCKET – 02-21: Application of George & Abby Nauman, 870 Robin St. to build a detached garage 16' in height and for a total of 1,375 sq. ft. of detached accessory structures where 15' in height maximum and 1,000 sq. ft. detached accessory structures maximum is permitted respectively, in an R-1 Single-Family Residential zoning district.

George Nauman, 870 Robin Street, spoke in favor of the request. He explained that they are seeking to construct a detached accessory building to enclose an indoor pool.

Staff Member Schrobilgen noted that the request was for an enclosed pool and not a garage. He detailed the staff report reiterating that the request is for a detached accessory structure and that the review is for the size and height of the structure. He noted characteristics of the lot including size, slope, and existing detached accessory structures. He noted that the lot is relatively large and that the proposed building meets required setbacks.

The Board asked for clarity regarding the setbacks. Staff noted the structure will be 8' from the side property line. Staff member Schrobilgen noted that if this structure were converted to a garage and vehicles accessed it regularly, a driveway would be required.

Motion by Mauss, seconded by Ahlvin, to approve the request to build a detached accessory structure 16' in height and for a total of 1,375 sq. ft. of detached accessory structures where 15' in height maximum and 1,000 sq. ft. detached accessory structures maximum is permitted respectively, in an R-1 Single-Family Residential zoning district. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

DOCKET – 03-21: Application of Elisa Schmidt, 2459 Roosevelt St. to build a detached garage 3' from the side property line where 6' minimum is required in an R-1 Single-Family Residential zoning district.

Elisa Schmidt, 2459 Roosevelt, spoke in favor of the request. She explained that they are proposing a 24' x 24' garage 3' from the side property line so they could have access between the house and garage.

Staff Member Schrobilgen detailed the staff report noting the proposed garage will encroach on the side yard setback and may have a limited impact on the use and enjoyment of the adjacent property. He noted the proposed garage will meet the front-yard setback which provides a clear view to vehicles and pedestrians along the right of way and that public safety should not be an issue.

The Board discussed recommending the condition that the runoff from the structure be managed on the subject property. The applicant agreed with the proposed condition.

Motion by Ahlvin, seconded by Golombeski, to approve the request to build a detached garage 3' from the side property line where 6' minimum is required in an R-1 Single-Family Residential zoning district with the condition that the runoff from the structure be managed on the subject property. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

DOCKET – 04-21: Application of Buesing & Associates, Inc., 2940 Spring Oaks Ct. to build a detached garage 2' from the front property line (Castle Woods Ln) where 20' is the minimum required in an R-1 Single-Family Residential zoning district.

Pat Norton, Buesing & Associates, 1212 Locust, spoke in favor of the request. Mr. Norton explained that the Ottavis would like to build a detached garage taking access off the existing driveway and that the corner of the foundation would be 2' from the property line. He noted the nearest right of way was a stub street, and the undeveloped land at the end of the stub street was owned by the Ottavis who have no plans to develop it.

Staff referred to letters of support from Dave & Lori Meyer (2933 Spring Oaks Court), Charles & Donnelle Rommel Fuerste (2932 Springs Oak Court) and Brenda & Greg Norby (2826 Castle Woods Lane). Norton explained that the Ottavis have spoken to other neighbors, and they have been supportive.

Staff Member Duba detailed the staff report noting the proposed garage would not block visibility for drivers because it is beyond the end of Castle Woods Lane. He said that it should not affect development, use, or enjoyment of neighboring properties as there are no plans for development of the lot to the east, there is no risk for future visibility issues.

Board members recommended that runoff be directed to the subject property and that the applicant demonstrate the location of the relevant property line to the satisfaction of the Building official. The applicant noted they have already surveyed the property and accepted these conditions.

Motion by McCoy, seconded by Mauss, to approve the request to build a detached garage 2' from the front property line (Castle Woods Lane) where 20' is the minimum required in an R-1 Single-Family Residential zoning district with the following condition(s):

- 1) that runoff be maintained on the subject property, and
- 2) that the applicant demonstrates the location of the relevant property line to the satisfaction of the Building official.

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

DOCKET – 05-21: Application of Chandler Signs, 4025 McDonald Dr./145 N Crescent Ridge to erect a 75' high off-premise freestanding sign, where 50' maximum is permitted, in a C-3 General Commercial zoning district.

Staff noted that this application was withdrawn.

DOCKET – 06-21: Application of Larry Wolff, 485 Central Ave. to permit a drive-in/carry-out restaurant in a C-4 Downtown Commercial zoning district.

Pat Norton, Buesing & Associates, 1212 Locust, spoke in favor of the request. Mr. Norton explained that Mr. Wolff is purchasing the property and has a potential tenant for a drive-through fast-food restaurant. He explained the drive-through will have two menu boards, and more than ample queuing space to meet the City's Engineering Department requirements.

Staff Member Hemenway detailed the staff report noting the plan is to convert the lot and structure to a drive-in/carry-out restaurant from a former auto sales lot. He explained that a conditional use permit is required in order to give consideration to potential upper floor residents and concerns with noise and fumes. He noted there are no upper story residential units present on the property and the neighborhood is mixed use with upper floor apartments across Central Avenue. He noted that a preliminary site plan has been approved by the Engineering Department. He said that the plan indicates 13 spaces for queuing, and spaces for customer and employee parking and delivery vehicles. He said that the property's business success has been marginal and

that a restaurant could help revitalize and prevent continued blight. He recommended the Board condition their approval on an approved site plan.

The Board discussed requiring lighting that is respectful to surrounding properties. Staff member Hemenway explained that, as part of the site plan review process, code compliant lighting will be required.

The Board discussed setting hours of operation and asked Mr. Norton if they had discussed hours of operation. He stated they did not have any set hours of operation at this time. Board members observed that the hours for the McDonald's nearby were 5:00 AM – 12:00 midnight, so they proposed the same, and that was acceptable to Mr. Norton. The Board noted that future tenants or the owner would have the ability to request extended hours by going through the conditional use permit process.

The Board observed that it is likely that headlights from cars facing east while in the drive-through aisle could shine in the windows of apartments across the street. A suggestion was made that an existing wall adjacent to the building could be raised to 6' to block the headlights. Staff member Hemenway noted that a six-foot-high screen could block visibility for drivers pulling out of the site onto Central Avenue. He recommended that the applicant work with the Engineering Department to mitigate lights shining from car headlights.

Motion by McCoy, seconded by Mauss, to approve the request to permit a drive-in/carryout restaurant in a C-4 Downtown Commercial zoning district with the following conditions:

1. Approval be contingent on an approved site plan, and
2. Code compliant lighting be required, and
3. Car headlights from the southeastern exit along Central Avenue be screened, and
4. The hours of operation be limited from 5:00 AM to 12:00 midnight.

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

ITEMS FROM PUBLIC: Mr. Stillings expressed his gratitude to the Board and staff.

ITEMS FROM BOARD: Mr. Ahlvin noted that maps showing the address of any submitting letters of support and opposition are helpful in review and asked if they could be provided in the future. Staff member Duba agreed to make them available moving forward.

Mr. McCoy asked Mr. Hemenway if it were true that he was retiring, and Hemenway said the plan is to retire on August 12.

ITEMS FROM STAFF: None

ADJOURNMENT: Motion by McCoy, seconded by Kosel to adjourn the March 25, 2021 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None

The meeting adjourned at 6:02 p.m.

Respectfully submitted,



Wally Wernimont, Planning Services Manager

April 22, 2021
Adopted