



Approved

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

4:00 p.m.

Thursday, December 17, 2009

City Council Chamber, Historic Federal Building

Board Members Present: Chairperson Mike Ruden; Board Members Jeff Cremer, Heath Hutchinson and Bill Gibbs; Staff Members Guy Hemenway and Wally Wernimont.

Board Members Excused: Board Member Randy Klauer.

AFFIDAVIT OF COMPLIANCE: Staff presented an Affidavit of Compliance verifying the meeting was being held in compliance with the Iowa Open Meetings Law.

CALL TO ORDER: The meeting was called to order by Chairperson Ruden at 4:06 p.m.

MINUTES: Motion by Gibbs, seconded by Hutchinson to approve the minutes of the November 19, 2009, meeting. Motion carried by the following vote: Aye – Hutchinson, Gibbs and Ruden; Nay – None.

NOTE: Board Member Cremer entered the meeting at 4:08 p.m.

SPECIAL EXCEPTIONS

DOCKET 55-09: Application of Ronald Nelson for a special exception for property located at 1625 Rhomberg Avenue to expand an existing garage 4 inches from the south side property line, 3 feet minimum required, in an R-2A Alternate Two-Family Residential zoning district.

Staff noted that there was an error in the public notification process for the proposed special exception. They noted that the request will be tabled to the January 28, 2010 meeting, so proper notification can be made.

Motion by Cremer, seconded by Hutchinson, to table the special exception request to the January 28, 2010 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Cremer, Hutchinson, Gibbs and Ruden; Nay – None.

DOCKET 56-09: Application of Ken Nelson / Jessie McIntyre for a special exception for property located at 444 Angella Street to add two apartments to an existing 12-plex for a total of 14 units, 12 units maximum permitted; with 4,310 square feet of lot area, 28,000 square foot minimum required; and to add one apartment to an existing 13-plex for a total of 14 units, 12 units maximum permitted, with 4,020 square feet of lot area, 28,000 square feet minimum required, in an R-4 Multi-Family Residential zoning district.

Ken Nelson, property manager for 444 Angella Street noted that there are 45 units in the buildings. He explained that the property owner is proposing to excavate the basement and build three apartments. Staff Member Hemenway distributed a letter of opposition from an adjacent property owner.

No one was present to speak in opposition to the request.

Mr. Nelson read the letter from the adjacent property owner and noted that he has had problems with that neighbor in the past. He said that the 45 unit apartment building currently does not house many families and has few children.

Staff Member Hemenway reiterated the special exception request. He referred to an aerial photo and photos of the property and surrounding structures. He said that the subject structure is stair-stepped due to the topography of the site. He described the location and the surrounding land uses. He explained that the intent of the ordinance, for lot area, is to provide additional space for recreation and parking. He referred to a photograph of the rear yards noting the topography and size of the area. He read a letter from the adjacent property owner Bernice Pottebaum, 455 Clark Street, into the record. He explained that if the applicant receives approval for a special exception, they also will need to apply for a parking variance. He said that the Building Department had several requirements necessary for the apartments to be compliant with the Building Code.

Board Member Gibbs asked if a hardship needed to be established. Staff Member Hemenway explained that the criterion for granting a special exception does not require that the applicant demonstrate hardship.


Motion by Gibbs, seconded by Hutchinson, to approve the special exception request. Motion carried by the following vote: Aye – Cremer, Hutchinson, Gibbs and Ruden; Nay – None.

ITEMS FROM BOARD:

Commissioner Bill Gibbs announced that he will not be able to attend the January, February and March Zoning Board of Adjustment meetings.

ADJOURNMENT: The meeting adjourned at 4:30 p.m.

Respectfully submitted,



Guy Hemenway, Assistant Planner

Adopted—January 5, 2010