

MINUTES

CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT REGULAR SESSION

4:00 p.m.

Thursday, January 28, 2010

City Council Chamber, Historic Federal Building

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

Board Members Excused: Board Members Randy Klauer and Bill Gibbs.

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 4:30 p.m.

MINUTES: Motion by Hutchinson, seconded by Cremer to approve the minutes of the December 17, 2009, meeting. Motion carried by the following vote: Aye – Hutchinson, Cremer and Ruden; Nay - None.

SPECIAL EXCEPTIONS

DOCKET 55-09 (tabled from December 17, 2009): Application of Ronald Nelson for a special exception for property located at 1624 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.

Ron Nelson, 1624 Rhomberg Avenue explained his request to the Board. He said that the existing garage has been extended by 11 feet. He said that the dimension of the garage is 21 feet by 40 feet. He said that he has not had a survey of his property, but his neighbors have agreed on the location of the lot line.

Staff Member Wally Wernimont outlined the staff report. He explained that the proposed detached garage extension will not encroach any closer to the property line than the existing garage. He explained that there is an existing fence located along the property line. He said that he has not received any phone calls or communications from the adjacent property owners in opposition to the request. He recommended that, because of the close proximity to the side property line, that storm water be directed away from the adjacent property and a survey be obtained or demonstrate to the building department the location of the property pins.

Chairperson Ruden felt that a survey was not necessary since they are not encroaching any closer to the property line than the existing garage.

Motion by Cremer, seconded by Hutchinson, to approve the special exception with the condition that storm water be directed away from the adjacent property. Motion carried by the following vote: Aye – Cremer, Hutchinson and Ruden; Nay – None.

CONDITIONAL USE PERMITS:

DOCKET 01-10: Application of Melissa Donovan, Abc Learning ECC / Dennis Powers for a conditional use permit for property located at 3100 Cedar Crest Ridge to expand an existing licensed child care center, with 150 children and 15 employees on the maximum shift, in a C-3 General Commercial zoning district.

Melissa Donovan, Abc Learning, explained the request to the Board. She said that they would like to expand an existing daycare. The Board asked about the proposed drop off areas for the daycare. Ms. Donovan noted that the commercial structure is a walk out and that there will be two drop off areas—one located at the top parking lot and one located at the lower parking lot behind the structure. She explained that their hours of operation are from 5:00 a.m. to 6:30 p.m.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He explained that the applicant is proposing to expand the existing daycare from 50 children and 10 employees to 150 children and 15 employees. He discussed the building configuration. He noted that the proposed daycare would be using both the upper and lower level of the walk-out commercial lot. He explained the location of the two drop off areas and recommended that the parking spaces for the employees be signed. The Board discussed the signing of the employee parking spaces for the daycare. The Board felt that the parking spaces do not need to be signed.

Motion by Cremer, seconded by Hutchinson, to approve the conditional use permit, as submitted. Motion carried by the following vote: Aye – Cremer, Hutchinson and Ruden; Nay – None.

VARIANCES:

DOCKET 02-10: Application of Ken Nelson / Jessie McIntyre for a variance for property located at 444/488 Angella Street to add three units for a total of 48 units with 45 parking spaces, when 72 space minimum is required, in an R-4 Multi-Family Residential zoning district.

Ken Nelson, representing Jessie McIntyre Realty, asked the Board to table the request because of a letter they received from the City regarding off-street parking.

Staff Member Hemenway presented an aerial photo of the site to the Board.

Mr. Nelson noted that he received a letter from the City about the off-street parking being located in public right-of-way. He explained that he needs to speak to his lawyer about the letter.

Staff Member Hemenway explained that a portion of the parking lies outside of the property line into the City right-of-way. He said that the property owner will need to receive a revocable license or vacation of the right-of-way in order to continue to use public right-of-way.

The applicant asked that his application be tabled. Motion by Cremer, seconded by Hutchinson, to table the agenda item at the applicant's request. Motion carried by the following vote: Aye – Cremer, Hutchinson and Ruden; Nay – None.

ITEMS FROM PUBLIC:

Ray Berzle, 449 W. Locust Street, addressed the Board regarding 444/448 Angela Street. He explained that he has concerns with the amount of parking that is being provided for the current number of units. He felt that the overflow parking would spread out onto W. Locust Street. He explained that the current properties are already short 30 parking spaces.

Chairperson Ruden said that he would like to hear the issues regarding 444/448 Angela Street during the public hearing process. He explained that the information needs to be provided as part of the hearing and not as an item from the public.

ADJOURNMENT: The meeting adjourned at 5:10 p.m.

Respectfully submitted,



Guy Hemenway, Assistant Planner

Adopted—February 25, 2010