



Approved

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

4:00 p.m.

Thursday, March 25, 2010

City Council Chamber, Historic Federal Building

Board Members Present: Chairperson Mike Ruden; Board Members Jeff Cremer and Randy Klauer; Staff Members Guy Hemenway, Kyle Kritz and Kay Munson.

Board Members Excused: Board Members Bill Gibbs and Heath Hutchinson.

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 4:05 p.m.

MINUTES: The minutes of the February 25 and March 10, 2010, meetings were approved unanimously as submitted.

NOTE: Chairperson Ruden stated that the Board would hear Dockets 3-10 and 5-10 simultaneously and vote on each separately.

SPECIAL EXCEPTION

DOCKET 3-10 (tabled from February 25, 2010): Application of Andrea Beacham / Larry Loeppke for a special exception for property located at 1749 Churchill Drive to convert a workshop addition to a 1,100 square foot accessory unit, 600 square foot maximum permitted, in an R-1 Single-Family Residential zoning district.

CONDITIONAL USE PERMIT:

DOCKET 5-10 (tabled from February 25, 2010): Application of Andrea Beacham / Larry Loeppke for a conditional use permit for property located at 1749 Churchill Drive to convert a workshop addition into an accessory unit in an R-1 Single-Family Residential zoning district.

Andrea Beacham and Larry Loeppke, 1749 Churchill Street, discussed the configuration of their residence and noted that they own the lot adjacent to the lot that their house is located on. They said that they would like to convert the attached workshop to a two-bedroom apartment. They said there would be a garage on the lower level and that parking is available in the driveway and on a paved pad on the adjacent lot.

Ms. Beacham noted that the renovation of the property would be compliant with all applicable City codes and regulations and would not change the footprint of the home. She said that the rent for the unit would be in excess of \$1,000 per month. She said that they're asking to increase the permitted floor area from 600 square feet to 1,100 square feet in an effort to make the project more economically viable. She said that she feels the request would not be detrimental to the neighborhood. She said that they would hire someone to remove the snow from the driveways during the winter. She said that her realtor is available to speak regarding property values in the neighborhood.

Mr. Loeppke spoke regarding the petition in opposition to the request submitted by neighbors. He said that he feels property values in the neighborhood would improve if the accessory unit were to be permitted. He said that parking has been provided in excess of what the City requires. He said that the rent they will charge will be comparable to the mortgage payment for a single-family home. He said that the neighborhood has been involved in the process. He said there is a demonstrable need for rental properties in the community.

Chairperson Ruden questioned the location of the adjacent off-street parking and asked if the existing footprint of the attached workshop is 1,100 square feet.

Peggy Nesler, 501 Laurel Street, said she is a realtor who sold the Loepkke's their house. She spoke in favor of the request saying that she feels that since the house will remain owner-occupied, good renters will be insured.

Chairperson Ruden asked Ms. Nesler what she felt the average neighborhood home value is. She said that the average value of most homes in the neighborhood is approximately \$210,000 and that the Loepkke's home is worth approximately \$340,000.

Board Member Klauer asked if the adjacent vacant lot that the Loepkke's own is buildable. Ms. Nesler said that a home could be built on this property.

Scott Motto, 1765 Eden Lane, spoke in opposition to the request. He referred to a petition with 61 signatures of residents in opposition to the request and displayed a map showing these property owners locations. He displayed photos that showed snow on the subject driveway and on the streets in the winter time noting that parking is difficult during such periods. He expressed concerns regarding on-street parking and neighborhood accessibility. He displayed photos of simulated parking scenarios. He said that the vacant lot adjacent to the subject residence could be sold separately. He said he feels that the value of the properties in the neighborhood would suffer if the request is approved.

Julie Fuller, 1780 Eden Lane, said that she feels the conversion of the attached workshop to an apartment would adversely affect the properties in the area and despoil the single-family character of the neighborhood. She said the original covenants

requiring this neighborhood to remain a single-family development have lapsed. She said that snow accumulates along Eden Lane as it does not get plowed regularly. She said she agrees with Mr. Motto that the addition of an accessory unit here may set a precedent in the neighborhood. She said that more than 60 neighbors, some as far away as Pennsylvania Avenue, have objected to the proposal. She said that the letters that Mr. Loeppke mailed went to only two neighbors, not to everyone. She said that she feels the addition of an accessory unit at this location will not make or break the rental housing market in the City. She asked that the Board ensure that the neighborhood remain single-family. She distributed a list of people who attended the previous meeting stating that they are opposed to the request. She asked all those in attendance who are opposed to the request to stand.

Joe Fuller, 1780 Eden Lane, read a letter submitted by Steve and Suzanne Juergens in opposition to the request.

Kathy Claussen, 2979 Pennsylvania Avenue, spoke in opposition to the request. She said that she feels it will have a negative impact on the value of her property.

John Riley, 1733 Eden Lane, spoke in opposition to the request, asking that the Board deny the request. He said that Eden Lane is not constructed in such a fashion as to accommodate rental units. He expressed concerns with the lack of playground area for children, the potential for an increase in traffic and the possible negative impact to the value of property in the neighborhood that the additional unit would make. He said that the 600 square foot limit on accessory units should be adhered to.

Ann Riley, 1733 Eden Lane, spoke in opposition to the request, noting that she agrees with all of the concerns raised by the neighbors.

Marge Smothers, 1832 Churchill Street, spoke in opposition to the request. She said that she feared the entire neighborhood would be turned into apartments.

Paul Claussen, 2979 Pennsylvania Avenue, spoke in opposition to the request. He asked if the vacant lots and other properties in the neighborhood could be converted to apartments.

Staff Member Hemenway noted that either a conditional use permit or rezoning would be required and that written notification would be sent to property owners within 200 feet of the subject property prior to the public hearing.

Barbara Motto, 1765 Eden Lane, spoke in opposition to the request, expressing concerns with increased traffic and decreased property values.

Ellen Lau, 1859 Eden Lane, said that she had not been notified. She spoke in opposition to the request.

Mary Reuland, 1774 Churchill Street, said that she agrees with those who spoke in opposition.

Robert Reuland, 1774 Churchill Street, said that he is opposed to the request, expressing concerns with traffic and density.

Mr. Loepkke noted that he and Ms. Beacham are dismayed because they have generated so much controversy in the neighborhood. He noted that they will be providing 6 parking spaces with tandem parking allowed in the garage and driveway of the proposed accessory unit. He said that, in an effort to contact the neighbors, he utilized the Dubuque Dispute Resolution Center, which he said recommended sending letters to only two of the principle neighbors affected. He said that he does not believe that the request will have a negative impact on the unique character of the neighborhood.

Board members discussed configurations and square footage of both lots noting that, if subdivided, the property could accommodate 5 single-family homes.

Staff answered questions regarding the potential for renting properties in single-family residential districts. Staff Member Hemenway outlined the staff report noting, for the record, the submittal of letters from Steve Juergens, 1805 Eden Lane and Michael Berg, 1741 Eden Lane. He also noted the submission of a petition and additional letters in opposition to the request that were included in the Board's packets. He discussed the Unified Development Code process history, stating that a key component of the code is sustainability. He said that the intent of the code is to explore ways to increase density, limit sprawl, and to more efficiently provide public services while limiting potential adverse impacts on the neighborhood. He discussed the 5 conditional use criteria established for an accessory unit. He noted that the proposal met all the criteria except for the 600 square foot limitation on unit area. He noted that rentals units are permitted in all residential zoning districts within the City, but that two fully separate units are not permitted in R-1 Single-Family Residential zoning districts.

Chairperson Ruden asked if a portion of the Loepkke's house could be rented if it were not a fully separate unit. Staff Member Hemenway said that it could, provided the number of people living in the unit met the definition of a family and that the square footage per person met housing and building code requirements. He said that there is 330 feet of lot frontage along the applicant's property that could accommodate on-street parking. He said that the footprint of the principal structure is 2,700 square feet, including the garage, and that the footprint of the proposed accessory unit is 1,100 square feet.

The Board discussed the request. Board Member Klauer read the criteria for both the granting of a special exception and a conditional use permit. Board members discussed

the request noting that most of the criteria have been met except for the 600 square foot limitation for the floor area of an accessory unit. They noted that rentals are permitted in all residential districts, but that fully separate units are not permitted in an R-1 district.

After further Board discussion Chairperson Ruden felt that the request would have a negative impact on the value of the property in the neighborhood; and therefore, would not meet all of the criteria established for granting a conditional use or a special exception. Board Member Cremer agreed with Chairperson Ruden.

Motion by Klauer, seconded by Cremer, to approve **Docket 5-10, Conditional Use Permit**. Motion was denied by the following vote: Aye – None; Nay – Klauer, Cremer and Ruden.

Motion by Klauer, seconded by Cremer, to approve **Docket 3-10, Special Exception**. Motion was denied by the following vote: Aye – None; Nay – Klauer, Cremer, and Ruden.

SPECIAL EXCEPTION

DOCKET 7-10: Application of Brian Ludovissy for a special exception for property located at 2622 Van Buren Avenue to build an addition 2 feet from the side property line, 6 feet required, in an R-1 Single-Family Residential zoning district.

Brian Ludovissy, 2622 Van Buren Avenue, outlined his request for the Board. He noted his property's location and stressed the close proximity to commercial and multi-family zoning. He discussed access to the property.

Staff Member Hemenway reviewed the request noting that the lot is triangular-shaped, which he said makes it difficult to comply with building setback requirements. He noted the surrounding land use and stated that there has been no opposition from adjacent property owners.

Board members discussed the request and felt it was appropriate.

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

VARIANCE REQUEST:

DOCKET 8-10: Application of Lange Sign Co. / Hartig Drug for a variance for property located at 2255 Kennedy Road to install 10 wall-mounted signs, where 1 sign is permitted, in a C-2 Neighborhood Shopping Center zoning district.

Chairperson Ruden informed the applicants that as there are only three Board members in attendance and that it may difficult for their request to be approved because all three would have to vote in the affirmative.

After further discussion, Keith Biebelhausen, representing Hartig Drug, requested that the application be tabled to the April 22, 2010 Zoning Board of Adjustment meeting.

Motion by Klauer, seconded by Cremer, to table Docket 8-10, Variance, to the April 22, 2010 Zoning Board of Adjustment at the applicant's request. Motion carried by the following vote: Aye – Klauer, Cremer and Ruden; Nay – None.

ADJOURNMENT: The meeting adjourned at 5:50 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

Adopted—April 22, 2010