



Approved

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

4:00 p.m.

Thursday, April 22, 2010

City Council Chamber, Historic Federal Building

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

**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 March 25, 2010 meeting were approved unanimously as submitted.

**SPECIAL EXCEPTIONS**

**DOCKET 9-10:** Application of Frederick Miller for a special exception for property located at 2462 Central Avenue to build a 20 foot by 25 foot detached garage, 1 foot from the north side property line, 3 feet required, and 2 feet from the rear property line, 6 feet required; and cover 59% of the lot with structure, 50% maximum allowed, in an R-2A Alternate Two-Family Residential zoning district.

Frederick Miller, 2462 Central Avenue, said he wants to build a detached garage behind the house to store cars, a snow blower and a lawn mower. He said the garage would have a hip roof and that the alley is only 10 feet wide. He said the garage doors will be oriented toward the south.

Staff Member Wernimont reiterated the requirements noting that neighbors' garage doors have a similar, but opposite orientation. He said the 10 foot wide right-of-way makes access to the garage difficult. Staff Member Wernimont suggested that the storm water runoff be directed away from the neighboring properties.

Motion by Klauer, seconded by Cremer, to approve the special exception request, with the condition that storm water runoff be directed away from the adjacent properties and that the property owner clearly establish the lot line for the building official.

Motion carried by the following vote: Aye – Klauer, Cremer, Gibbs and Ruden; Nay – None.

**DOCKET 10-10:** Application of Daniel Herr for a special exception for property located at 2025 Simpson Street to build an attached garage 3 feet from the west side property line, 6 feet required, in and R-1 Single-Family Residential zoning district.

Dan & Jill Herr, 2025 Simpson Street noted that they have surveyed the property since the application was submitted. Mr. Herr explained the location of the existing garage. He explained that they would like to build the garage closer than originally requested.

Staff explained the notification requirements. At the applicant's request, the Board decided to table the request until the next regular meeting.

**NOTE:** Board Member Hutchinson arrived at the meeting at 4:23 p.m.

Motion by Klauer, seconded by Gibbs, to table the request to the May 27, 2010 meeting. Motion carried by the following vote: Aye – Klauer, Cremer, Gibbs and Ruden; Nay – None; Abstain – Hutchinson.

**DOCKET 11-10:** Application of Theresa Ward for a special exception for property located at 740 Goethe to build a detached garage 4 feet from the south side property line, 6 feet required; and 2 feet from the front property line (Argyle Street), and 9 feet from the front property line (Goethe Street), 20 feet required for both setbacks, in an R-1 Single-Family Residential zoning district.

Theresa Ward, 740 Goethe Street, said she wants to build a detached garage. A. J. Clemens, 1401 Lincoln Avenue, discussed the project. He said the garage will be entered from Goethe Street. He said the garage will have 8 foot side walls.

Staff Member Wernimont said the next door neighbor is the applicant's father.

Board Member Klauer expressed concerns with the possibility that a parked vehicle will block the sidewalk. Staff Member Wernimont said that it is approximately 9 feet from the garage doors to the sidewalk. He said any vehicle parking in front of the garage would hang out into the street. Mr. Clemens said that it is 12 feet from the garage door to the street.

Staff Member Wernimont said that the lot is odd-shaped and has 3 frontages. He discussed the street configuration and access to the garage. He said the garage would require a building permit and must meet all other setback requirements.

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

**DOCKET 12-10:** Application of Jane & Mark Schreiber for a special exception for property located at 505 Cooper Place to build an attached garage/addition, 7 feet from the front property line (Raymond Place) and 12 feet from the front property line (Cooper Place), 20 feet required for both setbacks, in an R-3 Moderate Density Multi-Family residential zoning district.

Mark Schreiber, 505 Cooper Place, said he wants to build an attached 2 ½ car garage but that the lot has 3 frontages which makes it difficult to do. He discussed the garage design stating that there would be a deck on top. He said he may put an enclosed screen porch on top of the deck at a future date.

Staff Member Wernimont noted that the Board must be specific if they want to approve an enclosed porch above. He outlined the request noting that the lot has three street frontages. He said the garage will be built into the hillside. He also discussed neighborhood history reviewing previous special exceptions granted for setbacks. He discussed the street width, traffic volume and traffic circulation. He said the cantilevered deck would be removed. He said he has not received any feedback from neighbors.

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

#### **CONDITIONAL USE PERMITS:**

**DOCKET 13-10:** Application of Chuck Morrow & Wanda Ryan for a conditional use permit for property located at 1322 Rockdale Road to allow 4 hens in an R-1 Single-Family Residential zoning district.

Wanda Ryan, 1850 Links Glen, stated she is rebuilding a home at 1322 Rockdale Road. She noted the property is an 8 acre estate that is heavily wooded. She said that she is building a new home that was damaged by a fire and noted she would like to build a coop for 4 chickens.

No one spoke in opposition to the request.

The Board reviewed aerial photos and photos of the site. Staff Member Hemenway presented the staff report outlining the conditional use permit request. He discussed the location of the chicken coop and referred to the newly adopted Unified

Development Code which he said allows the keeping of hens as a conditional use in R-1 and R-2 districts. He noted a letter of opposition received from 1283 Blackhawk Drive.

He noted the size of the lot and discussed the wooded area.

The Board asked about the location of 1283 Blackhawk in relation to the subject property. The Board discussed the letter of opposition. Staff Member Kritz explained that the Unified Development Code language regarding the keeping of chickens was modeled on the 1935 Zoning Ordinance.

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

### **VARIANCES:**

**DOCKET 8-10:** Application of Lange Sign Co. / Hartig Drug for a variance (tabled from March 25, 2010) 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.

Keith Bebilhausen, President of Hartig Drug, explained that he is requesting a variance to add more wall-mounted signage than what is allowed. He noted the building set back from Kennedy Road. He distributed photos of the site. He discussed visibility from vehicles traveling along Kennedy Road and Asbury Road from different directions.

Mr. Bebilhausen discussed the signage proposed for the store. He explained that there is a hardship because of competitive advertising. He noted chain stores have the ability to use nationwide marketing to identify their products. He said the most cost effective way for Hartig Drug to market their products is through their store signage. He said they are asking for 218 square feet of signage and that the multiple store fronts occupied by former tenants of the strip center would be allowed 650 square feet of signage.

Mr. Bebilhausen distributed photos of properties adjacent and across the street that he said had been granted sign variances. He referred to photos of Asbury Square as it looked last year. He said that the center was built in 1970 and had a hodge podge of signage. He said that Marty Johnson and Dan Lange are present and available to answer questions. He said that the strip center will have a uniform appearance that will match the new building.

Marty Johnson, Straka Johnson Architects, said that more is less. He said he is asking for more signage than what is allowed; however, it would be less clutter than if the building was signed for multiple storefronts. He said the signage that is on the Hartig store at Grandview and University Avenues is similar to what is being requested.

Mr. Bebilhausen noted the property is zoned C-2. He explained that the front of the building is not visible from adjacent residential properties.

Board Member Gibbs said he is familiar with the store on University Avenue. He said he feels the signage is very subtle.

Chairperson Ruden asked if they would have a message center sign. Mr. Bebilhausen said they will be proposing a message center sign with a different permit. Chairperson Ruden noted that he voted against the Walgreens request for their sign variance because it was highly visible. He said that the intent of the sign ordinance is not to enable a business owner to advertise every product. Mr. Bebilhausen said that the message center sign advertises products while the signs on the building represent categories.

Board Member Klauer asked if Hartig is only requesting approval for the number of signs. Staff Member Hemenway explained that they are requesting a variance in the number of signs and the total square footage of signage.

Mr. Johnson said that there is 213 lineal feet of storefront and that multiple signs would be added across the front.

Board Member Klauer said that he feels that the proposed request meets the variance criteria. He explained that multiple storefronts would be allowed more signage than what the applicants are requesting.

Chairperson Ruden said that he feels that the intent of the sign ordinance is to provide visibility for a business and not to allow advertisement of all of the products a business offers. He said he does not disagree with the hardship created because of setbacks and topography.

Board Member Gibbs asked if there is going to be a complete renovation of the store. The Board discussed location of the proposed store. Board Member Gibbs asked about signage for the store at Grandview and University. Staff Member Hemenway said he can address that subject in his staff report.

Staff Member Hemenway presented the staff report outlining the request. He referred to an aerial photo indicating where proposed signage is located. He discussed the size, type and location of signs on the building. He discussed the difference between the zoning for the subject property and store on University and Grandview Avenues, noting that the store at Grandview Avenue is part of an ID Institutional zoning district. He distributed photos of the site noting the freestanding signage that is grandfathered

along Kennedy Road. He explained that the message center sign could advertise categories or products. Staff Member Hemenway explained that as the building sits back approximately 200 feet from Kenned Road, the 6 foot to 13 foot wall-mounted signs would be difficult to read. He referred to the variance requests for both Walgreens locations. He explained what was approved and what was denied for the Walgreens requests. He referred to photos of the Walgreens signs and the signage of Hartig Drug at Kaufmann and Central Avenue.

Board Member Gibbs discussed product categories as they related to the proposed Hallmark sign. Mr. Bebilhausen said Hallmark is a premium card line and that when people see Hallmark, they think greeting cards.

Board Member Cremer asked about the covered walkway on the building. Mr. Bebilhausen said there will be a canopy on the east side and canopies on the north side for the drive through pharmacy.

Board Member Hutchinson said he feels that the signage is tasteful and that the applicant has demonstrated a hardship.

Board Member Cremer said he feels that this remodel will be a great improvement to the property.

Motion by Klauer, seconded by Gibbs, to approve the variance request, as submitted. Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson and Gibbs; Nay – Ruden.

**DOCKET 14-10:** Application of The Finley Hospital for a variance for property located at 350 N. Grandview Avenue to display one 420 square foot temporary banner and one 260 square foot temporary banner, each for 10 months; when banners are limited to a maximum of 32 square feet each, for a duration not to exceed four months.

Neil Erdman, Director of Facilities at the Finley Hospital, reviewed the request for two banner signs of 240 square feet each. He said that the banners would be located underneath the existing hospital identification signs for 10 months and that the signs would not be lighted.

Staff Member Hemenway reviewed the request noting that the original request was to permit a 420 square foot and a 260 square foot temporary sign. He said the request has been modified so that both signs will not exceed 260 square feet each. He noted that the Board must stipulate the signs square footage in the motion.

Staff Member Hemenway reviewed the existing regulations for temporary signs noting that the regulations are tailored to retail events of a short duration, generally on smaller scale buildings. He said that the current request is to enable Finley Hospital to celebrate an award.

Motion by Klauer, seconded by Cremer, to approve the variance request with the following conditions: 1) that each sign not exceed 260 square feet, and 2) that the signs be placed on the building wall as shown on the submitted rendering. Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson, Gibbs and Ruden; Nay – None.

**ADJOURNMENT:** The meeting adjourned at 5:38 p.m.

Respectfully submitted,



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Kyle L. Kritz, Associate Planner

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Adopted—May 24, 2010