

MINUTES

CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT SPECIAL SESSION

4:00 p.m.

Wednesday, December 1, 2010

City Council Chamber, Historic Federal Building

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

Board Members Excused: None.

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 4:00 p.m.

MINUTES: Motion by Gibbs, seconded by Cremer to approve the minutes of the October 28, 2010 meeting. Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson and Gibbs; Nay – None; Abstain - Ruden.

SPECIAL EXCEPTIONS

DOCKET 55-10: Application of Harry & Margaret Blewett for a special exception for property located at 1670 Fox Drive to build an attached garage 3 ½ feet from the west side property line, 6 feet required, in an R-1 Single-Family Residential zoning district.

Harry Blewett, 1670 Fox Drive, explained his request to the Board. He said that the house has a one-car garage with a shop attached to it. He said that he is proposing to expand the garage in order to accommodate two cars. He said that he has had the property surveyed. He said that he has submitted a letter from the next door neighbor that will be encroached upon stating that they are in favor of the request.

Board Member Klauer asked if the existing garage will be extended to the front in order to square off the house and to create a two-car garage. Mr. Blewett said that is the intent.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He said that the property has been surveyed and that the adjacent property owner has submitted a letter in favor of the request. He said that because of the setback of the proposed garage there are no public safety concerns with visibility.

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

DOCKET 56-10: Application of Marty & Nancy McNamer for a special exception for property located at 1705 Auburn Street to build an addition 3 feet from the front property line (Delaware Street), 20 feet required, in an R-1 Single-Family Residential zoning district.

Marty McNamer, 1749 Creek Wood Drive, noted that he received approval for an addition on the same property at the previous Board meeting. He said that he would like to widen the addition to make it more proportionate with the house. He explained that the addition will not encroach any closer to the street than the previously approved addition.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He noted the addition size and explained the proposed expansion of the previously approved addition. He said that, based on the site diagram, the addition will not encroach any closer to the street than the previously approved addition.

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

CONDITIONAL USE PERMITS:

DOCKET 57-10: Application of Heidi Koltes / John Dolter for a conditional use permit for property located at 2678 Central Avenue to allow a bakery/coffee shop in a C-1 Neighborhood Commercial zoning district.

Chairperson Ruden decided to hear Docket 57-10 Conditional Use Permit and Docket 58-10 Variance concurrently and vote on each docket separately since both pertain to the same property at 2678 Central Avenue.

Heidi Koltes, 24561 Waupeton Road, Sherrill, Iowa said that she wants to open a coffee shop/bakery. She described the status of on- and off-street parking in the neighborhood. She noted that most residents will be at work during the hours of operation. She said that a petition provided to the Board has been signed by a majority of the neighbors in favor of the request.

Board Member Klauer asked about the existing parking on the subject lot. Board Member Gibbs questioned the location of the existing off-street parking on the site. The Board and Staff discussed the existing parking configuration.

Staff Member Wernimont discussed the parking requirements noting that they are based on the number of seats and employees for the business. He explained that the approval of a conditional use permit will facilitate the adaptive reuse of a vacant building. He said that there appears to be adequate on- and off-street parking in the neighborhood. He discussed the history of C-1 development. He said that he has received no calls or letters in opposition to the request.

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

VARIANCES:

DOCKET 58-10: Application of Heidi Koltes / John Dolter for a variance for property located at 2678 Central Avenue to allow a bakery/coffee shop, with 3 off-street parking spaces, where 6 spaces are required, in a C-1 Neighborhood Commercial zoning district.

The Board heard the discussion and staff report simultaneously with Docket 57-10.

Board Member Gibbs asked if the parking variance goes with the building or with the business. Staff Member Wernimont clarified that the variance goes with the property, not with the business.

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

DOCKET 59-10: Application of Mark Gudenkauf Construction Inc. for a variance for property located at 760 Cedar Cross Road to install two-roof mounted signs, where none are allowed, in a CS Commercial Service & Wholesale District.

Mark Gudenkauf, 2493 Hilton Springs Drive, outlined his request to the Board. He explained that the building has a flat roof with a full mansard canopy on the front. He said that the property originally had a projecting sign and once removed it could not be replaced without approval of a variance.

Board Member Gibbs asked if the sign would be an electronic message center sign. Mr. Gudenkauf explained that the sign would be an internally illuminated wall-mounted cabinet and not a message center sign.

No one spoke in opposition to the request.

Staff Member Wernimont discussed the number and size of signs permitted in a Commercial Service District.

The Board discussed the building and the mansard roof design.

Staff Member Wernimont explained the definition of a mansard roof and the regulations governing roof mounted signs. The Board said that they feel that the sign meets the requirements required for granting a variance.

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

DOCKET 60-10: Application of Big River Sign Co. / Key City Investment for a variance for property located at 190 Kennedy Road – Staples Plaza to install two-roof mounted signs, where none are allowed, in a CS Commercial Service & Wholesale District.

Jill Barden, Big River Sign Company noted that her company was hired by the property owner to re-install the signage that was removed during remodeling of the Factory Card Outlet. She explained that they only removed the sign and reinstalled the letters.

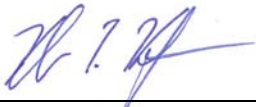
No one spoke in opposition to the request.

Staff Member Hemenway noted that the signage was removed to facilitate the façade improvements. He said that a permit is required in order to re-install the sign on the building. He noted that the property received approval for a sign variance in the past. He said that when a sign variance is approved any reconfiguration must follow the provisions of the original variance. He explained that the sign design has changed and, therefore, a new sign variance is required.

Motion by Klauer, seconded by Hutchinson, to approve the variance, as submitted.
Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson, Gibbs and
Ruden; Nay – None.

ADJOURNMENT: The meeting adjourned at 4:27 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

Adopted—December 16, 2010