

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

4:00 p.m.

Thursday, January 27, 2011

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 4:00 p.m.

**MINUTES:** The minutes of the December 16, 2010, meeting were approved unanimously. Motion carried by the following vote: Aye – Cremer, Hutchinson and Ruden; Nay - None.

**SPECIAL EXCEPTIONS**

**DOCKET 01-11:** Application of Joseph Robertson / Jeffrey Manternach for a special exception for property located at 995 Grove Terrace to build an addition/garage 0 feet from the front property line (Alice Street), 20 feet required; and 3 feet from the north side property line, 6 feet required, in an R-2 Two-Family Residential zoning district.

Joe Robertson, 995 Grove Terrace, explained his request. He noted the location of the retaining wall and explained that the position of the garage will improve its functionality. He said the existing house was built 3 feet from the side property line and he would like the addition to be consistent with the setback of the house.

Robert Wild, 1025 Grove Terrace spoke in favor of the request. He noted that other properties in the vicinity have a 0 foot setback.

Staff Member Wernimont reiterated the request noting that the property is a through lot and Alice Street functions as an alley at this location. He said that the property is located in the West 11<sup>th</sup> Street Historic District. He said that the addition/garage design has been reviewed and modified by the Historic Preservation Commission. He noted that the footprint of the revised addition/garage will be setback the same as the original. He said that the scale of the addition/garage will be smaller than what was proposed. He discussed the topography of the street as it relates to other properties that border Grove Terrace and Alice Street.

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

**DOCKET 02-11:** Application of Mark Schreiber for a special exception for property located at 505 Cooper Place to build an attached garage/addition 3 feet from the front property line, (Raymond Place) and 12 feet from the front property line (Cooper Place), 20 feet required, in an R-3 Moderate Density Multi-Family Residential zoning district.

Mark Schreiber, 505 Cooper Place, outlined his request. He referred to a letter he submitted indicating he had received prior approval to build the garage closer to the property line than permitted but, he had miscalculated the lot line location.

Staff Member Wernimont reviewed the request and discussed photos of the site. He noted the property history and discussed current development in the neighborhood.

No one spoke in opposition to the request.

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

#### **VARIANCES:**

**DOCKET 03-11:** Application of Joe McKillip for a variance for property located at 5200 Old Highway Road to allow an auto sales dealership with 19,358 square feet of lot area, when a minimum of 20,000 square feet is required, in a C-3 General Commercial zoning district.

Joe McKillip, 5200 Old Highway Road, said that the site was originally designed to accommodate an auto repair shop and auto sales. He said that he would like to display 3 vehicles for sale. He said that when he built his building and parking lot, he was compliant in lot size to sell vehicles.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report noting the adoption of the Unified Development Code which he said requires a minimum lot size for auto sales dealerships. He said that the site has 3 surplus parking spaces available for vehicle display. He also noted that he has spoken with the neighbor to the west and he requested that the vehicle display area be moved to the north side of the property.

The Board discussed the location of the vehicle display area. They said that they felt that the vehicle display area should be located in the northern most portion of the parking lot.

Motion by Cremer, seconded by Hutchinson, to approve the variance request, with the condition that the auto sales dealership be permitted a maximum of 3 vehicle display spaces to be confined to the northern most portion of the parking lot. Motion carried by the following vote: Aye – Cremer, Hutchinson and Ruden; Nay – None.

**DOCKET 04-11:** Application of Steve Smith, Asbury Square LLC ; Mike Van Hollen, Prudential Partners for a variance for property located at 2255 Kennedy Road to install a 70

square foot wall-mounted sign on a multi-tenant commercial building, when 50 square feet maximum is permitted, in a C-2 Neighborhood Shopping Center zoning district.

Dave Frommelt, Prudential Partners Realty, said that the property is located on the south end of a multi-tenant building. He noted that the building is 200 feet from Kennedy Road and that there is a change in elevation from Kennedy Road to the building. He discussed previous variances the Board had approved for signs located in Asbury Square. He said that the corporate headquarters for Prudential Realty had detailed sign requirements and that the intent is to differentiate themselves from Prudential Financial.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He noted signage would be located on the entry tower. He discussed the elevation change and site distance between the building and Kennedy Road. He said the sign is in scale with the size of the building.

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

**DOCKET 05-11:** Application of Timothy Puetsch for a variance for property located at 2900 Central Avenue to open an indoor restaurant with a deficit of 6 off-street parking spaces, in a C-1 Neighborhood Commercial zoning district.

The Board decided to hear both Docket 05-11 and Docket 06-11 simultaneously and vote on each separately.

Tim Puetsch, 2900 Central Avenue, discussed his request. He said that he wants to move his restaurant from W. 32<sup>nd</sup> Street to 2900 Central Avenue. He said the business will be a small 20 seat sandwich and pizza restaurant that will not sell alcohol. He said that there are 4 off-street parking spaces located at the rear of the building.

Patrick and Mary Ann Lansing, 2915 White Street, asked about the parking scheme for the building. Mr. Puetsch, the neighbors and the Board discussed parking lot access and configuration. The Lansings expressed concerns with traffic safety and also with potential damage to their fence.

Staff Member Wernimont discussed possible parking scenarios noting that it would be difficult to create a functional parking lot with the space available.

The Board discussed parking requirements and possible parking lot designs.

The Lansings noted that they are opposed to creating a new parking lot but are not opposed to the restaurant.

Mr. Puetsch said he prefers not to have to construct a parking lot.

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

**CONDITIONAL USE PERMITS:**

**DOCKET 06-11:** Application of Timothy Puetsch for a conditional use permit for property located at 2900 Central Avenue to open an indoor restaurant in a C-1 Neighborhood Commercial zoning district.

The request was heard simultaneously with Docket 05-11.

Motion by Cremer, seconded by Hutchinson, to approve the conditional use permit with the condition that no additional paved parking be allowed. Motion carried by the following vote: Aye – Cremer, Hutchinson and Ruden; Nay – None.

**DOCKET 07-11:** Application of Matt & Kathleen Haas for a conditional use permit for property located at 3365 Ashley Lane to produce wine as a home-based business in an R-1 Single-Family Residential zoning district.

Matt & Kathleen Haas outlined their request. They said that they have been making wine in their basement for 2 years. They noted that there will be no trailer stored outside and that they will use their personal vehicle for transportation. They said that there will be no wine tastings or people coming to the residence and that they will sell the wine at the Farmer's Market. They indicated they are starting small because of the cost.

Mr. Haas said that he needs to receive a State and Federal permit and that he has spoken with City Health Department staff. He said that they will not have any signs on their property regarding the sale of wine.

No one spoke in opposition to the request.

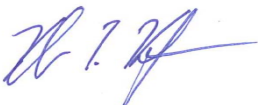
Staff Member Hemenway presented the staff report noting that a conditional use permit is required for some home occupations. He said that this provides the neighbors and the Board the opportunity to discuss the proposed business. He noted the intent is to sell the wine at Farmers Markets, fairs, etc.—all off-site.

Staff Member Hemenway noted that Tom & Peggy Selle, 3362 Ashley Lane, and Kathleen & Tamara Ben, 3370 Ashley Lane, submitted letters opposed to the request. The Board discussed the letters. Staff member Hemenway read the requirements for a home-based business.

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.

**ADJOURNMENT:** The meeting adjourned at 5:00 p.m.

Respectfully submitted,



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Kyle L. Kritz, Associate Planner

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Adopted—February 24, 2011