



Approved

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

4:00 p.m.

Thursday, February 24, 2011  
City Council Chamber, Historic Federal Building

**Board Members Present:** Chairperson Mike Ruden; Board Members Jeff Cremer and Randy Klauer; Staff Members Guy Hemenway and Wally Wernimont.

**Board Members Excused:** Board Members Heath Hutchinson 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 January 27, 2011 meeting were approved by the following vote: Aye – Cremer and Ruden; Nay – None; Abstain - Klauer.

**SPECIAL EXCEPTIONS**

**DOCKET 08-11:** Application of Gerald & Judy Delaney for a special exception for property located at 1293 Curtis Street to construct a 30 foot by 36 foot detached garage 2 feet from the east side property line, 6 feet required, and 1,080 square feet, where 882 square feet is allowed, in an R-1 Single-Family Residential zoning district.

Gerald Delaney explained his request to the Board. He said he would like to replace an existing deteriorated garage/carport. Board Member Klauer asked if the proposed garage will encroach closer to the side property line than the existing structure. Mr. Delaney said that the garage will not be any closer to the property line than the existing structure.

Staff Member Wernimont distributed photographs of the site to the Board.

No one spoke in opposition to the request.

Staff Member Wernimont outlined the staff report. He discussed the location of the existing garage/carport, the size of the garage and the amount of lot area covered. He noted that there is adequate lot area on which to direct storm water runoff. He explained that storm water runs off the back of the property towards the IDOT Highway 20 right-of-way.

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

**DOCKET 09-11:** Application of Robert Leigh for a special exception for property located at 77 Hill Street to build a garage addition 6 inches from the north side property line, 6 feet required, in an R-2 Two-Family Residential zoning district.

Robert Leigh outlined his request for the Board. The Board asked if he is replacing an existing garage. Mr. Leigh said that there is no structure located where he wants to build the proposed garage.

Staff Member Hemenway distributed photos of the site to the Board.

Board Member Cremer asked about the distance from the house to the property line. Mr. Leigh said that it is approximately 4 feet to the property line.

Chairperson Ruden noted that the applicant came before the Zoning Board of Adjustment previously requesting a 6 inch side yard setback. Mr. Leigh said that he is requesting to build 6 inches from the property line and that he has located a rear property pin.

The Board discussed the proximity of the proposed structure to a garage located on the adjacent lot. The Board also discussed setbacks from the structures to property lines.

Mr. Leigh said that the side wall is going to be constructed of concrete. The Board noted that it will be difficult to maintain the sides of both garages with so little space between them for access.

The Board discussed the previous special exception approval. They discussed how storm water runoff will be handled. Mr. Leigh said that storm water will be directed into downspouts and away from the adjacent property.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He reiterated the request to build a garage 6 inches from the side property line. He recommended that, if approved, the Board place a condition on approval requiring that the property owner clearly demonstrate to the Building Official the location of the property line.

Motion by Klauer, seconded by Cremer, to approve the special exception request, based on Exhibit A, noting the change in setback for a portion of the garage from 6 inches to 2 feet; that storm water is directed away from the adjacent property; and that the property owner must clearly demonstrate to the Building Official, the location of the

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

**DOCKET 10-11:** Application of Adam Johnson / Pegasus Properties LLC for a special exception for property located at 2905 Central Avenue to allow an 18-plex on an 18,256 square foot lot, where 21,600 square feet of lot area is required, in an OR Office Residential zoning district.

Chairperson Ruden noted that Docket 10-11 and Docket 11-11 be heard simultaneously and voted on separately.

Adam Johnson explained the project to the Board. He said that initially there were only 15 units in the building. However, he said they decided that they could provide 3 more units. He said that they are going to change two apartments to four efficiency apartments and create another two-bedroom apartment in the back addition. He noted that a curb cut located along Central Avenue will be removed and this will create additional on-street parking. He said that the on-premise parking will remain at 23 parking spaces.

Staff Member Wernimont outlined the staff report. He said that the applicant is requesting a parking variance and a special exception for lot area. He said that the applicant is proposing to convert the old Holy Ghost School into an 18-plex. He said that the original design was for a 15-plex, and the initial design provided the required amount of off-street parking and lot area. He said that the applicant revised the plans and indicated that they are proposing to add three additional units. He said school buildings that are no longer in use are difficult to adaptively reuse due to a limited amount of off-street parking. He said he received a phone call from an adjacent property owner in opposition to the request due to off-street parking.

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.

**VARIANCES:**

**DOCKET 11-11:** Application of Adam Johnson / Pegasus Properties for a variance for property located at 2905 Central Avenue to allow an 18-plex, with a deficit of 4 off-street parking spaces, in an OR Office Residential zoning district.

Discussion was heard simultaneously with Docket 10-11.

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

**DOCKET 12-11:** Application of American Trust & Savings for a variance for property located at 895 Main Street to install a 6,000 square foot banner and a 5,000 square foot banner, 32 square foot each maximum permitted, for 210 days each, 30 days maximum permitted, in a C-5 Central Business zoning district.

Peg Hudson, representing American Trust & Savings Bank, said they would like to install banners on the building. She said that the banners will be made of a mesh material that has been used in the City previously. She said that they would like to put them on the front of the building and on the back of the building.

No one spoke in opposition to the request.

Staff Member Hemenway said that American Trust & Savings would like to install a 6,000 and 5,000 square foot banner on the building. He explained that the Unified Development Code does not accommodate these types of signs, and; therefore, the bank is required to apply for a sign variance. Staff Member Hemenway said that the banners are very similar to the banners installed on the parking ramp at the Port of Dubuque. He noted the banners are made of a mesh material and that the banners are proposed to be up for approximately 210 days. He noted the permitted duration for temporary signs.

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

**ITEMS FROM STAFF:**

**Airport Zoning Board of Adjustment Liaisons**

Staff Member Hemenway noted that two Zoning Board of Adjustment members must be appointed to the Airport Zoning Board of Adjustment.

Motion by Cremer, seconded by Klauer, to appoint Chairperson Mike Ruden and Board Member Randy Klauer as liaisons to the Airport Zoning Board of Adjustment. Motion carried by the following vote: Aye – Klauer, Cremer and Ruden; Nay – None.

**ADJOURNMENT:** The meeting adjourned at 4:40 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

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Adopted—March 24, 2011