



Approved

## MINUTES

### CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT REGULAR SESSION

4:00 p.m.

Thursday, March 24, 2011

City Council Chamber, Historic Federal Building

**Board Members Present:** Chairperson Mike Ruden; Board Members Randy Klauer and Jeff Cremer; Staff Members Guy Hemenway, Kyle Kritz 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 February 24, 2011 meeting were approved, unanimously, as submitted.

### **APPEAL:**

**DOCKET 17-11:** Application of Nathan Runde, CWCM Law Firm / Allen & Donna Weber to appeal staff's interpretation that a detached garage encroaches on the required 6 foot side yard setback in an R-1 Single-Family zoning district for property located at 340 Olympic Heights Road.

Nathan Runde, CWCM Law Firm noted that he is representing Allen and Donna Weber of 340 Olympic Heights Road. He said that the Webers are negotiating with the adjacent property owner in an effort to settle the property line dispute. He asked the Board to table the appeal request until the April 28, 2011 Board meeting.

Me. Ralf Schreyer, 1005 W. 32<sup>nd</sup> Street, asked that the Board hear the request as scheduled. He said that he has had difficulty getting the Webers to address issue of the encroachment of their garage on his lot.

The Board discussed the issue and decided to table the appeal with the understanding that the request would be heard at the April 28, 2011 Board meeting and that no further delays would be granted.

Motion by Klauer, seconded by Cremer, to table this agenda item to the April 28, 2011 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Klauer, Cremer and Ruden; Nay - None.

**SPECIAL EXCEPTIONS**

**DOCKET 13-11:** Application of Jeff Duve for a special exception for property located at 2828 Brunswick to build a detached garage 5 feet from the front property line (Brunswick Street), 20 feet required, in an R-1 Single-Family Residential zoning district.

Jeff Duve, 2828 Brunswick, said that he wants to build a detached garage closer to the street because the street is narrow and is much like an alley. He said many garages along Brunswick are built close to the property line.

No one spoke in opposition to the request.

Staff Member Wernimont reiterated the request. He discussed an aerial photo of the property noting the uniqueness of the neighborhood. He stated that Brunswick is a substandard street being only 20 feet wide at this location. He said that Lawther Street was not improved at this location and that Brunswick Street was improved to serve as access to the residential properties. Discussion followed regarding the adjoining garages and the site layout.

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.

**DOCKET 14-11:** Application of Steve Schmidt, MSA/Westside Arterial Development LLC for a special exception for property located at the North End of Millstone Drive to build 12 townhouse dwellings with 47% lot coverage, 40% maximum allowed, in an R-3 Moderate Density Multi-Family Residential zoning district.

Steve Schmidt, MSA, 9567 US 20 West, Galena, IL, discussed the site diagram and noted that his client would like to build townhouses at this location. He discussed the lot configuration, right-of-way access and building footprints. He said that the staff report noted that the balance of the site is compliant with all other standards.

Board Member Klauer questioned access to the site. The Board studied an aerial of the site indicating access to the development.

No one spoke in opposition to the request.

Staff Member Kritz noted that the overall lot coverage was 32%. He outlined the request and discussed the property history, lot configuration and building footprints. He indicated that there is a secondary access for emergency vehicles.

Board Member Klauer questioned the building configuration and the number of units detailed on the site plan. Staff Member Kritz noted that the property will be developed in phases. He explained the difference between a condo and a townhouse.

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:**

**DOCKET 15-11:** Application of Ken's Auto Body LLC / Kenneth & Andrea Jaeger for a variance for property located at 598 Central Avenue to open an auto sales dealership with 5,100 square feet of lot area, 20,000 square feet minimum required, in a C-4 Downtown Commercial zoning district.

The Board decided to hear Docket 15-11 and Docket 16-11 simultaneously and vote on each separately.

Kenneth Jaeger explained his request to the Board. He referred to State regulations regarding auto sales noting that his development satisfies them.

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

Board Member Klauer commended the building remodel. He expressed concern with the potential for vehicles to be parked in the streets and over the sidewalks at this location. Mr. Jaeger said he has a lease agreement for 4 parking spaces on a property in the immediate area.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report reiterating the request noting that auto repair/sales is a conditional use in a C-4 District. He referred to the increase in the minimum size required for an auto sales lot implemented in the Unified Development Code.

Staff Member Hemenway recommended that, if approved, the vehicle display area be limited to two spaces. He said that the Board can also require the applicant to obtain a lease for additional parking.

Motion by Klauer, seconded by Cremer, to approve the variance request, with the condition that the property be limited to two vehicle display spaces located along the Central Avenue frontage. Motion carried by the following vote: Aye – Klauer, Cremer and Ruden; Nay – None.

**CONDITIONAL USE PERMIT:**

**DOCKET 16-11:** Application of Ken's Auto Body LLC / Kenneth & Andrea Jaeger for a conditional use permit for property located at 598 Central Avenue to open an auto sales dealership in a C-4 Downtown Commercial zoning district.

The Board heard Docket 16-11 simultaneously with Docket 15-11.

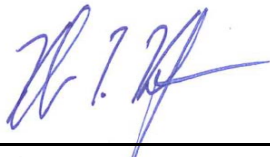
Motion by Klauer, seconded by Cremer, to approve the conditional use permit, with the condition that the property be limited to two vehicle display spaces located along the Central Avenue frontage. Motion carried by the following vote: Aye – Klauer, Cremer and Ruden; Nay – None.

**ITEMS FROM STAFF:**

Randy Klauer was sworn in as he was re-appointed to the Board on March 21, 2011.

**ADJOURNMENT:** The meeting adjourned at 4:35 p.m.

Respectfully submitted,



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Kyle L. Kritz, Associate Planner

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Adopted—March 24, 2011