



Approved

## MINUTES

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

4:00 p.m.

Thursday, April 28, 2011

City Council Chamber, Historic Federal Building

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

**Board Members Excused:** Board Member Heath Hutchinson.

**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 Cremer, seconded by Klauer to approve the minutes of the March 24, 2011 meeting. Motion carried by the following vote: Aye – Klauer, Cremer, Gibbs and Ruden; Nay - None.

## 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.

Staff Member Hemenway noted that the applicant has withdrawn the application.

## SPECIAL EXCEPTIONS

**DOCKET 18-11:** Application of Bill Jr. & Dawn Stahl for a special exception for property located at 3953 Excelsior Street to build a 26 foot by 32 foot attached garage 3 feet from the north side property line, 6 feet minimum required, and 13 feet 6 inches from the front property line (Excelsior Street), 20 feet minimum required, in an R-1 Single-Family Residential zoning district.

Bill Stahl Jr., 3953 Excelsior Street said that he would like to build a 26 foot by 32 foot attached garage 3 feet from the north side property line and 13 feet 6 inches from the front property line.

Staff Member Guy Hemenway distributed photos of the site.

Board Member Klauer asked if the proposed garage would be closer to the street than the house. Mr. Stahl said that the attached garage will be built close to the front property line than the house. He explained that Excelsior Street is unimproved and functions like a dead end street.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He said that the garage will extend about 6 feet in front of the house. He explained that Excelsior Street is an unimproved street with no curb and gutter and it is highly unlikely that the street will be reconstructed as a through-street.

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

**DOCKET 19-11:** Application of Richard & Sharon Young for a special exception for property located at 1745 Eden Lane to build a 32 foot by 24 foot attached garage addition 3 feet from the north side property line, 6 feet required, in an R-1 Single-Family Residential zoning district.

Richard Young, 1745 Eden Lane, noted he has a single-car garage and that he would like to expand the garage to 24 feet to accommodate a two-car garage.

Staff Member Wally Wernimont distributed photos of the site to the Board.

Chairperson Ruden asked if the neighbors have been notified of the request. Staff Member Wernimont noted that all the adjacent property owners had been notified of the request by mail.

The Board discussed the garage location and design.

No one spoke in opposition to the request.

Staff Member Wernimont outlined the request. He clarified that the existing garage will be expanded. He discussed the topography of the site, building design and site visibility to the street and noted that there should be little impact on the adjacent properties.

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

**DOCKET 20-11:** Application of Matthew McElmeel for a special exception for property located at 255 Quince Street to build an attached garage 0 feet from the north side property line, 6 feet required; and 4 feet from the rear property line, 20 feet required, in an R-2 Two-Family Residential zoning district.

Matt McElmeel, 255 Quince Street, outlined his request to the Board. He discussed the garage location noting that the foundation wall will be one foot from the property line with an overhang to the lot line.

Board Member Klauer noted that they had received a letter of support from the adjacent property owner in favor of the request. He questioned the lot line location.

Mr. McElmeel said that he has located the property pins and they agree with the lot dimensions.

Staff Member Wernimont distributed photographs of the site to the Board. He noted that this is the second request for a special exception and that the applicant has decided to increase the size of the garage from the previous approval. He said that none of the neighbors have contacted him regarding the request.

Motion by Klauer, seconded by Gibbs, to approve the special exception with the condition that the applicant clearly demonstrate the location of the lot line to the Building official. Motion carried by the following vote: Aye – Klauer, Cremer, Gibbs and Ruden; Nay – None.

**DOCKET 21-11:** Application of William & Lisa Woodward for a special exception for property located at 384 Wartburg Place to build a 3,840 square foot detached garage/gym, for a total of 4,780 square feet of detached accessory structures, 1,000 square foot maximum permitted; and 21 feet in height, 15 feet maximum permitted, in an R-1 Single-Family Residential zoning district.

Lisa Woodward, 384 Wartburg Place, said that she would like to build a garage/gym on her 7-acre lot. She explained the location of the garage and the topography of the site. She said that the architectural design of the garage will match their home.

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

Ms. Woodward said that they can only park one car in the existing attached garage. She said that the garage will be used to store two classic cars and a motorcycle. She also said that they have children that will soon become of driving age and will likely park their vehicles in the garage.

No one spoke in opposition to the request.

Staff Member Hemenway reiterated the request. He noted the size of the garage and the other accessory structure on the site. He explained that the building exceeds the height requirement. He said that the garage will be located 10 feet from the property line. He described the topography of the site and noted that the garage will be built into the hillside, which will reduce the overall height of the structure, as viewed from the adjacent properties. He said that he has fielded some calls from adjacent property owners.

He said that they suggested planting arborvitae along the property line to screen the garage from the adjacent condos.

The Board discussed the screening and felt that, because of the topography of the site, that is not necessary.

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

**DOCKET 22-11:** Application of Randy Davis for a special exception for property located at 825 Salem Street to an addition, 2 feet from the front property line (Salem Street), 20 feet minimum required, in an R-1 Single-Family Residential zoning district.

Randy Davis, 825 Salem Street, explained his request to the Board. Mr. Davis said that he has had the property surveyed and knows the location of the property line.

No one spoke in opposition to the request

Staff Member Hemenway presented the staff report. He explained the request and referred to previous Zoning Board of Adjustment approval for setbacks for the single-family home on the subject property. He noted that the addition will not block the view to the street, and; therefore, should have limited impact on the adjacent properties. He explained that the property is required to have two paved off-street parking spaces.

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

**VARIANCES:**

Note: Board Member Randy Klauer excused himself from the table.

**DOCKET 23-11:** Application of Paula Teig / Rob McCoy for a variance for property located at 269 Main Street to place 4 signs on the building, when 1 sign maximum is permitted, in a C-4 Downtown Commercial zoning district.

Paula Teig, 269 Main Street, noted that she is opening a business at this location. Randy Klauer, Klauer Development Corporation, explained that Ms. Teig is opening a retail space where Café Manna Java was located previously. He noted the total amount of signage currently allowed. He explained that he is requesting two separate canopies because the building has two storefronts. He explained the design of the canopies and the signage. He distributed a rendering indicating that the canopy will not block the site visibility to an adjacent business sign.

Board Member Gibbs asked if the property has two separate entrances. Mr. Klauer said that the property has two separate storefronts. He explained that the storefronts will accommodate two different businesses.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He reiterated the request explaining that the business is allowed one sign. He said that the Historic Preservation Commission staff person has approved the design. He explained that calculating signage is somewhat difficult and because there are two canopies, they read as two separate signs. He said that the signs will total 23 square feet. He said that, at this location, a business would be allotted 200 square feet.

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

**CONDITIONAL USE PERMITS:**

**DOCKET 24-11:** Application of Rev. Richard Mihm/Dubuque Rescue Mission for a conditional use permit for property located at 2505 Elm Street to open a 12-room group home in an OR Office Residential zoning district.

The conditional use permit request was tabled at the request of the applicant.

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

**ADJOURNMENT:** The meeting adjourned at 4:37 p.m.

Respectfully submitted,



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Kyle L. Kritz, Associate Planner

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Adopted—May 26, 2011