



Approved

MINUTES

CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT REGULAR SESSION

4:00 p.m.

Thursday, September 22, 2011

City Council Chamber, Historic Federal Building

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

Board Members Excused: Board Members 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 4:05 p.m.

MINUTES: Motion by Klauer, seconded by Gibbs to approve the minutes of the August 25, 2011 meeting. Motion carried by the following vote: Aye – Klauer, Cremer, Gibbs and Ruden; Nay - None.

SPECIAL EXCEPTIONS

DOCKET 57-11: Application of Richard & Monica Barker for a special exception for property located at 1409 Lincoln Avenue to build an open front porch 2 feet from the front property line, 10 feet required and 2 feet from the north side property line, 3 feet required, in an R-2A Alternate Two-Family zoning district.

Richard Barker reviewed his request to build a porch on the front of the house.

Commissioner Klauer reviewed the design noting it will be open design similar to neighborhood residences on either side.

Mr. Barker noted his porch would not extend out as far as the neighbor's porch.

Staff Member Wernimont reviewed the request noting the location of the porch relative to the neighboring residence. He noted that the porch would not block the view to the sidewalk and street from the adjacent properties. He also said that the open porch would not block the view of drivers backing their vehicles into the 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 58-11: Application of Hannah & Chris Lange for a special exception for property located at 2932 Elm Street to build a detached garage 2 feet from the rear property line and 3 feet from the south side property line, 6 feet required for both setbacks, in an R-2 Two-Family Residential zoning district.

Chris Lange, 10867 Golden Oak Drive, reviewed his request noting the location and size of the proposed garage. Mr. Lange reviewed the approximate location of the property pins. He also reviewed the location of the driveway.

The Commission discussed the need for a property survey.

Mr. Lange reviewed how he determined the lot line locations.

Mr. Lange asked for clarification on an existing fence and how close a new fence could be to the property line. Staff Member Wernimont responded that a fence can be located on the property line.

Staff Member Wernimont reviewed the request, reviewed photos provided to the Board, and the location of the proposed garage. He noted that the lack of window and door openings on the adjacent home that would be closest to the proposed garage site.

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 59-11: Application of Kevin & Jill McDonnell for a special exception for property located at 1540 Parkway Street to build a front porch 13 feet 6 inches from the front property line, 20 feet required, in an R-1 Single-Family Residential zoning district.

Kevin McDonnell reviewed his request noting it is a redesign with pillars and an open design. The design will not encroach any further into the street than the existing porch.

Staff Member Wernimont reviewed the request noting visibility along the street or the driveway will not be compromised.

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.

CONDITIONAL USE PERMITS:

DOCKET 60-11: Application of Greta Wallace / American Trust & Savings Bank for a special exception for property located at 995 Clarke Drive to place a 9 foot high fence along the property line, 4 foot high maximum allowed in the front yard and 7 foot high maximum allowed in the side and rear yard, in an R-1 Single-Family Residential zoning district.

Greta Wallace reviewed her request noting that she has problems with deer and neighbors who shoot them, and neighbors who dump garbage in her woods. She indicated that the proposed fence will be in good taste and is necessary to bring her problems under control. The privacy fence would be beneficial for an artist's retreat she hopes to establish in the future. Ms. Wallace showed a fence design to the Board. Board Members and people in attendance viewed the design. She reviewed the types of fences that she considered.

Board Member Klauer asked why a 9 foot fence is needed. Ms. Wallace explained that she plans to spend quite a bit of money on the landscaping, but the deer have been eating plants on the property. The fence is necessary to keep up to 13 deer off the property. Ms. Wallace reviewed the problems she has encountered with putting in prairie landscaping on the property. She also reviewed that a neighbor shot a deer and the wounded deer came onto her property. She reviewed the history of the property. She said that she is in a battle over property ownership. She said the property is in a Trust and that she is allowed to be a tenant of the property.

Chairperson Ruden asked about the location of the fence in the front yard. Ms. Wallace showed him that the fence would be located on the top of the hill and tied into the pillars.

Neighbors reviewed the plan for fencing and expressed concerns regarding aesthetics and impact to neighboring properties.

Chairperson Ruden indicated he would like to table this agenda item to allow the applicant to create a more detailed plan showing the location and type of the fence. He also suggested she have a meeting with neighbors to address their concerns. The Board discussed the request noting that their major concern with the fence is along

Clarke Drive. They felt that tabling the special exception would be appropriate to allow the applicant an opportunity to address concerns of the Board and neighbors.

Staff Member Wernimont reviewed the staff report. He explained the requirements for fencing in a residential zoning district. He explained that only the property owner could apply for a special exception. He said the he will need to receive an opinion from the City's Legal Department if Ms. Wallace could apply for a special exception without owning the property.

Motion by Klauer, seconded by Gibbs, to table this agenda item to a future date.
Motion carried by the following vote: Aye – Klauer, Cremer, Gibbs and Ruden; Nay – None.

DOCKET 61-11: Application of David Rafoth for a conditional use permit for property located at 1736 Central Avenue to open a carryout/delivery restaurant in a C-4 Downtown Commercial zoning district.

David Rafoth reviewed his request noting a conditional use permit is needed in order to open a carryout/delivery restaurant.

Staff Member Wernimont reviewed the staff report noting that under Article 8 conditions for a carryout/delivery business. He said that screen in not necessary because it is not adjacent to a residential use.

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

VARIANCES:

DOCKET 62-11: Application of Lisa Pitz-Rokusek for a variance for property located at 3165 University Avenue to open a salon with a deficit of 15 off-street parking spaces in a C-3 General Commercial zoning district.

Lisa Pitz-Rokusek reviewed her request for a variance and asked Steve Hunn to review how the required parking is determined. Mr. Hunn reviewed that the space on site is only adequate for 3 spaces with one being accessible. He reviewed that a more practical estimate would be 2 per chair. Mr. Hunn reviewed that he contacted the University of Dubuque regarding the leasing of the adjacent parking lot. The applicant reviewed the availability of on-street parking and previous use of the site.

Ron Vaughn, 3155 University Avenue, noted that he has been at this location for 16 years. He does not object to the request, but is concerned about north side parking for visibility for vehicles pulling out of driveways. He felt that on-street parking should be limited to the south side of University Avenue.

Mr. Hunn discussed the visibility along University Avenue noting on average there will be 5 or 6 customers at any one time. Ms. Rokusek noted that because of different shifts of the employees it would be unusual for all of them to be there at the same time.

The Board reviewed the likelihood of all the employees being there at one time.

Mr. Hunn discussed the potential for customers to park in the vacant restaurant adjacent to the subject property.

Ms. Rokusek indicated that she will require employees to park off-site.

Staff Member Wernimont reviewed the staff report. He noted that history of the property being used as a model home. He explained the site is limited because of the off-street parking. He noted that the most convenient place to park on the street would be on the north side of University. He said that is very liking the clients would park on the north side. He said that this may cause visibility issue for driver's exiting driveways onto University Avenue.

The Board discussed the request, looking at the option of approaching the City to place no parking signs on the north side of University Avenue.

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

ADJOURNMENT: The meeting adjourned at 6:05 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

Adopted—October 27, 2011