



Approved

MINUTES

CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT REGULAR SESSION

4:00 p.m.

Thursday, November 17, 2011

City Council Chamber, Historic Federal Building

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

Board Members Excused: Board Members Randy Klauer and 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: The minutes of the October 27, 2011 meeting were approved, unanimously, as submitted.

SPECIAL EXCEPTIONS

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 explained her request. She said that at the last meeting she was directed by the Zoning Board of Adjustment to talk with her neighbors. She said she did not make an attempt to contact them because they are in opposition to her request. She explained that the fence is needed to protect her property. She said that there are 13 deer that winter on her 4-acre property. She said that she is a landscape artist and the fence will help to protect the landscaping from the deer. She said that, currently, she would be allowed to put in a 7 foot high fence. She said that it will cost approximately \$57,000 to put in a 9 foot high fence around the property. She said that she does not know what type of fence she will install on the property line.

Chairperson Ruden asked about the type of fence that will go along Clarke Drive. She said that she is not going to put a fence along Clarke Drive. She said that she wants to

put a prairie in front of her property and that the fence will be placed on the top of the hill or behind the house. She said that the existing fence located on the east property line is scalloped and costs about \$2,000 per panel. She said that she might put deer fencing along the side property lines. She explained that if she is denied she will put up a 7 foot high fence.

The Board discussed with the applicant and the neighbors, the topography of the site and the location of the 9 foot high fence.

The Board asked if she is the owner of the property. Ms. Wallace said that she will own the property in one week.

Dennis Cosley, 2230 Clarke Crest Drive, said that Ms. Wallace was directed by the Board at the last meeting to meet with the neighbors and that she did not. He said that she is asking for approval of a 9 foot high fence, but does not provide any details on the type of fence or where it will be located. He had concerns that arborvitae that separates his property from the applicant's property is going to be removed. He explained that the arborvitae is place on the property line and if a fence were to be placed on the property line, the arborvitae will need to be removed.

Ms. Wallace said that the arborvitae will remain.

The Board discussed tabling the request and to have Ms. Wallace talk with her neighbors. The Board said that they would like to see the fence type, height of the fence and where the fence will be located.

Roger Coffin, 2210 Clarke Crest Drive, spoke in opposition to the request. He explained that Ms. Wallace should be able to provide the details of the fence materials, design and location.

Ms. Wallace said that she is also looking at using a temporary deer fence. Ms. Wallace discussed tabling the request.

Mr. Cosley said that he would like to have some details on the type of fence and where it will be located.

The Board discussed having Ms. Wallace meet with the neighbors to come up with a solution. Mr. Cosley asked how many times a docket can be tabled. Staff Member Hemenway said an applicant can ask to table a request as many times as they want subject to Board approval.

Motion by Gibbs, seconded by Cremer, to table the agenda item at the applicant's request. Motion carried by the following vote: Aye – Cremer, Gibbs, Ruden; Nay – None.

DOCKET 68-11: Application of John & Tammy Feldmann for a special exception for property located at 1705 Vizaleea to build a deck/walkway 0 feet from the north side property line, 6 feet required, in an R-1 Single-Family Residential zoning district.

John and Tammy Feldmann, 1705 Vizaleea, explained the request to the Board. Mr. Feldmann said that they have a cement block patio located at the rear of the property. He said that the patio is deteriorating and instead of repairing it, they would like to construct a deck. He explained that most of the deck will be located at grade.

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

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He said that there are two fences located along the north side property line. He explained that the deck will be located at grade on the north side property line. He discussed the topography of the site and noted that there should be little impact to the adjacent properties.

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

DOCKET 69-11: Application of Don & Linda Duschen for a special exception for property located at 1479 Hickson Street to build a shed 0 feet from the south side property line, 6 feet required, in an R-1 Single-Family Residential zoning district.

Don Duschen, 1479 Hickson Street, said that he wants to build a storage shed along the side of his garage up to the lot line. He said that he has spoken with the adjacent neighbors and no one has expressed concerns.

Chairperson Ruden asked if Mr. Duschen was able to locate survey pins. Mr. Duschen said that he had the lot surveyed as part of the lot split and consolidation. He said that he knows the location of the pins.

No one spoke in opposition to the request.

Staff Member Wernimont distributed photos of the site to the Board. He outlined the request, noting the shed size and location. He said a recent survey has established the lot line location. He recommended that, due to the close proximity of the property line and the topography of the site, storm water from the proposed shed be directed towards the street and away from the adjacent property.

Motion by Gibbs, seconded by Cremer, to approve the special exception request, with the condition that storm water from the shed be directed towards the street. Motion carried by the following vote: Aye – Cremer, Gibbs and Ruden.

DOCKET 70-11: Application of Lance Knabel for a special exception for property located at 1971 University Avenue to build an 8 foot by 12 foot deck, zero feet from the east side property line, 4 feet required, in an R-3 Moderate Density Multi-Family zoning district.

Lance Knabel, 1971 University Avenue, said he wants to build an 8 foot by 12 foot deck next to the side property line. He said that he has spoken with the neighbors and they have no objection to the request.

Chairperson Ruden asked if the deck will be an open design with no roof. Mr. Knabel said that he would like the Board to consider the possibility of covering the deck. Staff noted that any proposed deck cover will require that another special exception be submitted and reviewed by the Board.

No one spoke in opposition to the request.

Staff Member Wernimont distributed photos of the site to the Board. He reiterated the request. He discussed the fence and the lot line location. He recommended that, because of the close proximity to the property line, the applicant be required to demonstrate to the building official the location of the lot line by locating the property pins or obtaining a survey.

Motion by Gibbs, seconded by Cremer, to approve the special exception request, with the condition that the property owner establish the lot line by locating the property pins or by obtaining a survey. Motion carried by the following vote: Aye – Cremer, Gibbs and Ruden; Nay – None.

CONDITIONAL USE PERMITS:

DOCKET 72-11: Application of Rick Ehrlich / Stackis LLC for a conditional use permit for property located at the southwest corner of 12th & Elm Streets to allow the

expansion of S & K Packaging in the Historic Millwork PC Planned Commercial zoning district.

Rick Ehrlich, 961 Liberty Street, spoke on behalf of Stakis LLC, discussed the building site, location and site plan. Chairperson Ruden asked Staff why a conditional use permit is required for the addition. Staff clarified the reasons why a conditional use permit is required for the Historic Millwork District.

The Board asked what S & K Packaging does. Mr. Ehrlich said that they recycle bags and packaging.

Staff Member Kyle Kritz presented the staff report. He referred to the site layout and said the applicants are not increasing the impervious area of the site with the addition. He noted that the Historic Millwork District PUD eliminated the requirement for off-street parking.

Motion by Gibbs, seconded by Cremer, to approve the conditional use permit, as submitted. Aye – Cremer, Gibbs and Ruden; Nay – None.

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

Respectfully submitted,



Kyle L. Kritz, Associate Planner

Adopted—January 26, 2012