



Approved

MINUTES

CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT REGULAR SESSION

4:00 p.m.

Thursday, January 26, 2012

City Council Chamber, Historic Federal Building

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

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

MINUTES: The minutes of the November 17, 2011, meeting were approved unanimously, as submitted.

SPECIAL EXCEPTIONS

DOCKET 60-11: Application of Greta Wallace / American Trust & Savings Bank (tabled from November 17, 2011) 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 was not in attendance.

Roger Coffin, 2210 Clarke Crest Drive, spoke in opposition to the request. He said that he is opposed to the height of the fence.

Keith Shaw, 2240 Clarke Crest Drive, spoke in opposition to the request. He raised concerns with the height and appearance of the fence.

Staff Member Hemenway presented the staff report. He noted that American Trust and Savings Bank submitted a letter saying that they are no longer owners of the property and that Greta Wallace has assumed ownership. He said that the original request is for a 9 foot high fence located around the perimeter of the lot. He said that Ms. Wallace is still unclear as to the design of the fence or its location.

Motion by Klauer, seconded by Cremer, to approve the special exception request. Motion denied by the following vote: Aye – None; Nay – Klauer, Cremer, Hutchinson and Ruden.

DOCKET 73-11: Application of Greg & Nancy Adams / Rick Ehrlich (tabled from December 22, 2011) for a special exception for property located at 243 Valley Street to build a single-family home 145 feet from the front property line and to build a single family home 267 feet from the front property line, 50 feet maximum setback for both buildings, in an R-1 Single-Family Residential zoning district.

Greg Adams, 6411 Sandwedge Court, explained his request to the Board. He said that he is requesting a special exception for setbacks because of the topography of the site. He said that his intention is to sell the individual lots and not to develop them. He said that his initial request was to plat four lots; however, he has revised the plat and reduced the number of lots to three.

Staff Member Hemenway distributed photos, aerials and a plat of the site to the Board. The Board reviewed the documents. The Board discussed the location of the site in relation to Valley Street and asked if the lots meet current minimum lot standards. Staff Member Hemenway noted that the lots meet zoning requirements and that the request is to increase the maximum setback for two of the three residences.

Mr. Adams commented on the letter of opposition submitted by the neighbors. He explained that homes in the neighborhood range from \$150,000 to \$175,000. He said that the homes that will be constructed on the site will be approximately \$150,000 - \$175,000. Mr. Adams said that he may build a spec house on one of the lots. He said that, if he does, he will construct a spec home on the most interior lot because of the need to pave an access driveway to the homes.

Peter Langlois, 263 Valley Street, said that he has submitted a petition in opposition signed by 26 property owners in the neighborhood. He said that the Unified Development Code was designed to prevent subdivisions like this. He said that the total area of the site is relatively small with extremely steep embankments on both sides of the property. He said that the layout of the land and the homes set further from the street are not in keeping with the neighborhood. He said that, in the past, the City has experienced problems with common drives due to snow removal and obstruction of access.

Mike McCarron, 210 Valley Street, said that the original plan showed 4 houses. He explained that when Valley Street was reconstructed, some of the fill was dumped onto the site and has blocked the storm sewer causing drainage problems. He expressed

concerns with storm water management, driveway width and the location of garages for the homes. He said he felt that they are trying to do too much in a small area.

Rebecca Fabricius, 333 Valley Street, spoke in opposition to the request. She referred to a previous rezoning request that would allow two duplexes on the site noting that it was denied.

Mr. Adams rebutted the comments. He explained that the driveway will be 20 feet wide and that all of the houses will have two-car garages.

Staff Member Hemenway presented the staff report. He noted that a petition with 26 signatures has been submitted to the Zoning Board of Adjustment. He referred to a topographic map of the site. He said that the applicant's intention is to reconfigure the two lots into three lots. He said that the replat will place two of the houses in excess of 50 feet from the Valley Street frontage and consequently they would need to receive approval for the increased setbacks. He explained that the reason there is a 50 foot maximum rear yard setback is to prevent houses from being built behind one another, and to ensure adequate emergency access to the property from the street. He explained that all of the lots meet the required bulk standards. He said that each lot is required to provide two off-street parking spaces. He explained that the Fire Department requires a 20-foot wide paved driveway access to the site and that storm water management will be reviewed.

The Board discussed the request.

Chairperson Ruden said he feels that the special exception request meets the requirements.

Board Member Klauer said that the lot could be subdivided into four lots with 50 feet of street frontage and homes could be built on each of those lots; however, because of the topography of the site, that would be difficult. He said that the lots are going to be similar in size to the existing lots in the neighborhood.

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

DOCKET 74-11: Application of Rick Walters of Dubuque Sign for a variance (tabled from December 22, 2011) for property located at 4170 Pennsylvania Avenue to install a 168 square foot temporary banner, 32 square foot maximum permitted, for one year, four months maximum permitted, in a C-2 Neighborhood Shopping Center zoning district.

Keith Wolff, Dubuque Sign 210 Cedar Cross Road, explained the sign variance request.

Staff Member Hemenway distributed photos of the site to the Board. Board Member Ruden asked if temporary banners are allowed for one year. Staff Member Hemenway explained the timeframe for banners.

The Board discussed the location and the banners on the building.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He explained the requirements for banners noting the intent is to provide businesses an opportunity to advertise special events.

Board Member Ruden asked if the banner material will be durable enough to last for a year. Mr. Wolff said that the banners will be constructed out of the same material as those located on Finley Hospital and American Trust & Savings Bank. He said it is very durable and will last one year.

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

VARIANCE REQUESTS:

DOCKET 75-11: Application of Keith Wolff, Dubuque Sign / Mike Finnin for a variance (tabled from December 22, 2011) for property located at 3600 Dodge Street to place 5 wall-mounted signs on the building façade, 2 signs maximum permitted, in a C-3 General Commercial zoning district.

Keith Wolff, Dubuque Sign, 210 Cedar Cross Road, explained the sign variance request. He said that Mike Finnin would like to place 5 signs on the building, where two signs maximum are permitted. Mr. Wolff detailed the sign design, size and location on the building.

Staff Member Wernimont distributed photos of the site to the Board. He explained the request and explained the difference between wall-mounted and directional signs. He noted that the property is currently allowed 400 square feet of wall-mounted signage and they are proposing to install a total 187 square feet. He said that the painted body shop sign must be removed prior to installation of the approved signs as it exceeds the variance request.

Motion by Klauer, seconded by Cremer, to approve the variance request, with the condition that the body shop sign be removed prior to installation of the new signs. Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson and Ruden; Nay – None.

DOCKET 76-11: Application of Terry Maiers, HKFS Building Co., LLC for a variance (tabled from December 22, 2011) for property located at Honkamp Krueger Campus – 2345 Kennedy Road, 3370 & 3390 Asbury Road to allow a 10 sq ft directional sign, where 6 sq ft is allowed; allow 3 wall-mounted signs totaling 142 sq ft, where 1 wall-mounted sign at 16 sq ft is allowed on the building at 3390 Asbury Road; allow 2 wall-mounted signs totaling 39 sq ft, where 1 wall-mounted sign at 16 sq ft is allowed, on the building at 2345 Kennedy Road, all located in an OS Office Services zoning district.

Nicole Gantz, Honkamp Krueger Financial Services, speaking on behalf of Terry Maiers, outlined the variance request. She noted that Honkamp Krueger has acquired property in the immediate area of their main building. She said that they designed the signs to serve multiple buildings located on the campus. She said that they will remove some existing signs and construct high quality signs for the Honkamp Krueger development.

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

Mike White, 3350 Asbury Road, noted he is an adjacent property owner. He said is opposed to the request until he understands what is being requested.

Terry Maiers, Honkamp Krueger Financial Services, said they want to clearly identify each business and delineate access to the parking lot.

Staff Member Wernimont outlined the staff report noting the campus layout, access from adjacent streets, parking lot locations and the proposed signage.

Mr. White approached the table and reviewed the signs with Staff and the Board.

Staff Member Wernimont explained that structural members located in the gable ends of the tower which forms the letters H & K are deemed logo signs. He said that these signs are also required to receive approval of the Zoning Board of Adjustment. He noted that the proposed campus signage is less than what would be allowed if each building was treated as an individual business.

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

SPECIAL EXCEPTIONS

DOCKET 01-12: Application of Donna Augustin for a special exception for property located at 2949 Van Buren Street to build a garage addition 3 feet 6 inches from the west side property line, 6 feet minimum required, in an R-1 Single-Family Residential zoning district.

Donna Augustin, 2949 Van Buren Street, explained that she would like to remove an existing carport to build an attached garage addition.

Board Member Hemenway distributed photos of the site to the Board. The Board discussed the proximity of the garage to the property line relative to the existing carport.

No one spoke in opposition to the request.

Staff Member Hemenway noted that the request is to remove the carport and installation of a new wrap-around garage addition. He discussed the topography of the site and the proposed location of the garage.

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

DOCKET 02-12: Application of Kenneth Palm for a special exception for property located at 1000 S. Grandview Avenue to build an 18 foot by 17 foot detached carport, for a total of 1,306 square feet of accessory structures, 1000 maximum permitted, 0 feet from the south side property line, 6 feet minimum required, in an R-1 Single-Family Residential zoning district.

Kenneth Palm, 1000 S. Grandview Avenue, said that he wants to store trailers under an 18 foot by 17 foot professionally designed carport. He explained that the carport will be brown in color and will match the existing color of his home and garage. He said he spoke with the next-door neighbor, Mr. Hartig, and offered to install arbor vitae on his neighbor's property to help screen the carport. He also said that he will move the carport between 0 – 3 feet from the side property line.

Staff Member Wernimont distributed photos of the site. He outlined the staff report noting the square footage and setback requirements. He explained that if the carport is to be located 2 feet from the property line, Planning Staff would not recommend a survey.

The Board asked if the carport would be anchored to the ground. Mr. Palm said that the structure will be anchored to a concrete pad that will be poured underneath. The Board

said that the carport design is temporary in nature and can be moved in the future, so they are not requiring a survey.

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

DOCKET 03-12: Application of Stephen & Kris Rodham for a special exception for property located at 850 Camilla Court to build an 18 foot by 26 foot addition 8 feet from the rear property line, 20 feet required, and cover 43% of the lot with structure, 40% maximum allowed, in an R-1 Single-Family Residential zoning district.

Steve Rodham, 850 Camilla Court, explained his special exception request noting the size and location for the structure.

Board Member Klauer asked about the building materials and the roof design. Mr. Rodham said that the structure will have either a gable or a hip roof that will be tied in to the existing roof.

No one spoke in opposition to the request.

Staff Member Wernimont distributed photos of the site to the Board. Staff Member Wernimont reiterated the special exception request. He explained that there is an existing utility easement located along the rear of the property. He said that all adjacent property owners were notified and he has not received any contact from them regarding the request.

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

DOCKET 04-12: Application of Robert & Beth Hartig for a special exception for property located at 1804 Creek Wood Drive to build a single-family home, 0 feet from the rear property line, 20 feet required, in an R-3 Moderate Density Multi-Family Residential zoning district.

Bob Hartig, 3130 Westmore Drive, discussed the special exception request. He explained that the surrounding property owners have signed a limited setback waiver approving of his request. He said that the lot is very wide but not very deep. He said that the property he will be encroaching on is owned by John Knepper. He said that Mr. Knepper signed the waiver request for a 0 foot setback.

Staff Member Wernimont distributed an aerial photo of the site with contours explained the request. He explained that the home will have an enclosed porch and deck that will be located 0 feet from the rear property line. He said that the main part of the residence will be located several feet from the rear property line. He noted that the structure is being moved back to the rear of the property because of a utility easement located at the front of the property.

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

VARIANCES:

DOCKET 05-12: Application of Kevin Eipperle for a variance for property located at 1133 Arrowhead Drive to operate an architectural design services office, with 5 employees on the maximum shift, where 2 employees are allowed, with approval of a conditional use permit in an R-1 Single-Family Residential zoning district.

NOTE: Board Member Ruden suggested that the Board hear both Dockets 5-12 and 6-12 concurrently and vote on each separately.

Kevin Eipperle, 1133 Arrowhead Drive, explained that his request is to start an architectural office in his home. He said that he will have no signage and little customer contact at the residence. He said that deliveries to the home will be via UPS or Fed Ex. He said that the main concern expressed by the neighbors regards parking. Mr. Eipperle provided photos of the site showing four cars parked under his carport and two cars parked on a parking pad adjacent to his driveway. He said that he has provided the required amount of parking and there should be no impact on parking in the neighborhood.

Board Member Ruden asked about contact with clients and contractors. Mr. Eipperle said that there will be no contact with clients or contractors on site.

Mary Kathryn O'Neill, 965 Indian Ridge, spoke in opposition to the request. She said that she has lived in the neighborhood for 31 years. She said that she would like to keep the area residential and not allow commercial or office uses in the neighborhood.

Dan Walsh, 1219 Arrowhead Drive, spoke in opposition to the request. He said that there are kids in the neighborhood and that he has concerns with increased traffic from the proposed business.

J. Allen Wallis, Jr., 1175 Arrowhead Drive, spoke in opposition to the request. He said that there used to be covenants in the neighborhood that prevented businesses; however, the covenants have since lapsed.

Fred Kunnert, 955 Indian Ridge, spoke in opposition to the request. He noted that the neighborhood is zoned R-1 Single-Family Residential, has little traffic and is very quiet. He explained that the proposed architectural firm is part of a larger firm with multiple offices. He said the area should remain residential and not to allow a home-based business at this site. He read the preamble of Article 5-2 R-1 Single-Family Residential Zoning District. He referred to the standards for granting a conditional use permit, and read Criteria F & H. He stated that the proposed home-based business does not meet these requirements.

Mr. Eipperle rebutted the comments. He said that his intent is to incubate his business at his home. He said that he would be open to accepting a time limitation on the conditional use permit.

Staff Member Hemenway presented the staff report. He referred to a petition that was submitted to the Board in opposition to the request. He explained that the Unified Development Code allows home-based businesses as an accessory use but they can only employ people who reside in the home. He said that the Unified Development Code was revised to allow two additional employees with approval of a conditional use permit. He noted the approximate number of vehicles trips that would be generated by the proposed business and discussed required parking. He noted that the residence is located below the grade of the street and screened on three sides by vegetation. He said the majority of the parked vehicles would be screened from the adjacent properties. He requested that the Board review the criteria for granting a conditional use permit.

Board Member Cremer said that he agrees with Dan Walsh, that the conditional use permit does not meet the criteria F and H. Board members agreed.

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

CONDITIONAL USE PERMITS:

DOCKET 06-12: Application of Kevin Eipperle for a conditional use permit for property located at 1133 Arrowhead Drive to allow an architectural design services office, as a permitted home-based business, in an R-1 Single-Family Residential zoning district.

This request was heard simultaneously with Docket 05-12.

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

DOCKET 07-12: Application of Jeff Vogler & Michelle Driscoll for a conditional use permit for property located at 345 Main Street to open a delivery/carry-out food service business in a C-4 Downtown Commercial zoning district.

Jeff Vogler, 1849 Carter Road, said that he would like to start a delivery/carry-out food service business. He noted the business hours and explained that he is proposing to lease parking spaces from the adjacent lot. He said that he anticipates employing 7 to 9 people, with no more than 4 employees on the maximum shift.

Staff Member Wernimont outlined the request noting that a conditional use permit is required for a drive-in carry-out restaurant in the C-4 district.

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

ITEMS FROM BOARD: The Board discussed attendance at Zoning Board of Adjustment meetings. They directed staff to check with Legal staff to see if there is a possibility of having additional members for the Board, or to secure alternative members to fill in when a Board member cannot attend. They also asked about the possibility of having Board members on conference calls at the meeting.

ADJOURNMENT: The meeting adjourned at 6:37 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

Adopted—March 23, 2012