



Approved

## MINUTES

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

4:00 p.m.

Thursday, March 22, 2012

City Council Chamber, Historic Federal Building

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

**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 by Chairperson Ruden at 4:00 p.m.

**MINUTES:** The minutes of the January 26, 2012 meeting were approved, unanimously, as submitted.

## **SPECIAL EXCEPTIONS**

**DOCKET 08-12:** Application of Rudy & Shawn Vera for a special exception for property located at 560 Wilbur Street to build a deck and a porch roof 0 feet from the front property line, 20 feet required, in an R-2 Two-Family zoning district.

The applicant was not in attendance.

Motion by Klauer, seconded by Cremer, to table the request to the April 26, 2012 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson and Ruden; Nay – None.

**DOCKET 09-12:** Application of Curtis & Connie Thienes for a special exception for property located at 1195 W. 32<sup>nd</sup> Street to build an attached garage 0 feet from the east side property line, 6 feet required, in an R-1 Single-Family Residential zoning district.

Curtis Thienes, 1195 W. 32<sup>nd</sup> Street, outlined his request. He said he wants to convert a lean-to on the east side of his house to a two-car garage. He said the overhang will be 0 feet from the property line. He also said that run-off will flow into a swale on the neighbor's property.

The Board and the applicant discussed storm water discharge from the site. The Board clarified Mr. Theines' request for a 0 foot setback, noting that the overhang would be built up to the property line.

Staff Member Wernimont discussed a letter submitted by the adjacent property owner in support of the request. He noted that storm water follows an existing swale. He said his recommendation is to orient downspouts toward the front yard to prevent erosion to the adjacent lot.

The Board discussed the setback of the building wall noting it would be 1 to 2 feet from the property line. Chairperson Ruden said that water must be discharged toward the street and not directly toward the adjacent property.

Motion by Klauer, seconded by Cremer, to approve the request, with the condition that storm water be directed so as to not cause damage to the adjacent property. Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson and Ruden; Nay – None.

**VARIANCES:**

**DOCKET 10-12:** Application of Trista Baker, Party City / Key City Investment Co. for a variance for property located at 190 Kennedy Road to install one 99.7 square foot wall-mounted sign and one 25.4 square foot wall mounted sign for a total of two signs and 125.1 square feet of aggregate sign area, when one, 100 square foot wall-mounted sign is the maximum permitted in a C-3 General Commercial zoning district.

Gerald Robinson spoke in favor of the request noting he wants to install a 99.7 square foot wall-mounted sign and a 25.4 square foot sign on the building.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He noted sign regulations in the C-3 General Commercial zoning district. He also discussed previous sign variance approvals for the property. Staff Member Hemenway noted the request represents a reduction in signage from previous variance requests.

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

**CONDITIONAL USE PERMITS:**

**DOCKET 11-12:** Application of Dustin & Jessica Allen for a conditional use permit for property located at 611 Peru Road to allow a home-based firearms mail order and repair business in an R-1 Single-Family Residential District.

Dustin & Jessica Allen, 611 Peru Road, spoke in favor of their request. Mr. Allen said he is trying to get a Federal Firearms License (FFL). He said he will sell firearms at guns shows and process online orders. He said some orders will be shipped to his house and repairs will be done by appointment only. He said the business represents a second job to generate additional income. He said that there will be no retail sales at the home and that client contact would be by appointment only.

The Board reviewed a letter of opposition submitted by Craig S. Stocket – 641 Peru Road.

Board Member Jeff Cremer asked about repairs. Mr. Allen said that he will repair firearms and test fire them at the Central Range.

Staff Member Hemenway presented the staff report. He noted that a conditional use permit is required for a home based business to sell firearms. He explained that the Zoning Board of Adjustment has reviewed conditional use permits for other home based firearms businesses. He said that, based on the application and information presented at the meeting, the firearms business meets the requirements established for a home based business.

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.

**ADJOURNMENT:** The meeting adjourned at 4:30 p.m.

Respectfully submitted,



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Kyle L. Kritz, Associate Planner

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Adopted—April 26, 2012