



Approved

## MINUTES

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

4:00 p.m.

Thursday, July 26, 2012

City Council Chamber, Historic Federal Building

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

**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 4:02 p.m.

**MINUTES:** The minutes of the June 28, 2012 meeting were approved, unanimously, as submitted.

## SPECIAL EXCEPTIONS

**DOCKET 35-12:** Application of Randy & Ann Williams for a special exception for property located at 862 Walker Street to build a 24 foot by 24 foot detached garage, 1 foot from the front property line, 20 feet required; and 1 foot from the south side property line, 6 feet required, in an R-1 Single-Family Residential zoning district.

Randy and Ann Williams, 862 Walker Street, explained the request to the Board. He said that they are proposing to build a 24 foot by 24 foot two-car detached garage.

Staff Member Hemenway distributed photos of the site to the Board. Chairperson Ruden asked about the access to the garage. Mr. Williams said that the detached garage can be accessed from the north or from the west. He explained that he would prefer to enter from the north.

The Board asked about the likelihood that Walker Street would be connected to Inwood Street. Staff Member Hemenway said it is unlikely that the two streets will be connected because of the grade change between them.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He reiterated the request. He explained that the property was developed while in the County development and then annexed to the City. He said that the streets are substandard in width and have no

curb and gutter. He said that storm water runoff from the proposed garage should be directed to the east to allow for infiltration and reduce the flow onto the adjoining property. He noted that the applicant is storing materials and a small shed in right-of-way. He indicated that the stored materials must be removed from the public right-of-way prior to construction of the garage.

Motion by Klauer, seconded by Gibbs, to approve the special exception, with the condition that storm water be directed from the garage to the north and that the encroachments located in the public right-of-way be removed. Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson, Gibbs and Ruden; Nay – None.

**DOCKET 36-12:** Application of Tim McCaffery for a special exception for property located at 691 N. Booth to build a 2<sup>nd</sup> floor addition 0 feet from the north side property line, 6 feet required, in an R-2 Two-Family Residential zoning district.

Tim McCaffery, 691 N. Booth, said that he wants to build a second story addition on the rear of his home. He explained that he will remove the existing roof and install a new roof with an overhang. He said that he spoke to the neighbors that will be encroached on and that they have no objection to the request.

Staff Member Wermimont distributed photos of the site to the Board. He discussed the request noting that the building does not have any eaves or gutters and the applicant is requesting to add a second floor addition to the rear and replace the roof with standard eaves and gutters. He also explained that the current driveway and parking area is gravel and will be required to be paved.

Motion by Klauer, seconded by Gibbs, to approve the special exception, with the condition that the gravel driveway and parking area be paved as per Unified Development Code regulations. Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson, Gibbs and Ruden; Nay – None.

**DOCKET 37-12:** Application of Charlie & Ruth Ellis for a special exception for property located at 373 S. Grandview Avenue to build an attached garage/addition 2 feet from east side property line, 6 feet required, and 5 feet from rear property line, 20 feet required; and to cover 50% of the lot with structure, 40% maximum allowed, in an R-1 Single-Family Residential zoning district.

Ruth Ellis, 373 S. Grandview Avenue, noted that she had previously been before the Board and was approved to construct an addition 2 feet from the east side property line and 6 feet from the rear property line. She said after she received approval from the Board she had her contractor design the addition. She said that the modified design requires that the building be located closer to the rear property line than was previously approved.

She noted that a letter of support was submitted by the adjacent property owners at 379 S. Grandview.

Staff Member Wernimont reiterated the request to the Board.

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

**DOCKET 38-12:** Application of Laura Lenz & Vance Delire for a special exception for property located at 1849 Madison Street/1921 Madison Street to construct an attached deck zero feet from the side property line, 4 feet required, in an R-4 Multiple-Family Residential zoning district.

Laura Lenz, 1921 Madison Street, said she wants to build an attached deck at the back of her home. She noted that she received a letter of support from Vance DeLire, the adjoining property owner.

Staff Member Wernimont distributed photos of the site to the Board. He outlined the request noting the change in topography and the triangular shape of the lot. He explained that a portion of the deck will cantilever over the adjacent property line.

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

**CONDITIONAL USE PERMITS:**

**DOCKET 39-12:** Application of Mark & Chrystal Schnee for a conditional use permit for property located at 1980 Amelia Drive to construct an accessory unit in an R-1 Single-Family Residential zoning district.

Mark and Chrystal Schnee, 1980 Amelia Drive, explained that they would like to place a small attached addition to their home with one car garage. They indicated that the addition would be a residence for their mother-in-law. Chrystal Schnee said that the attached addition would meet the requirements established for an accessory unit. She stated that the addition is less than 600 square feet.

Board members asked what regulations govern accessory units and Staff Member Hemenway explained the requirements outlined in the Unified Development Code.

No one spoke in opposition to the request.

Staff Member Hemenway noted that the adjacent property owners have inquired about the request. He explained that the subject lot is large and that the proposed unit will be located on the west side of the home. He said that there is a change in topography and several trees which will screen the addition from the adjacent property to the west.

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

**DOCKET 40-12:** Application of KEA Real Estate, LLC for a conditional use permit for property located at 2195 Central Avenue to allow construction of an addition to an existing structure in a Zone A Special Flood Hazard Area.

Jeff Streinz, 2894 Thornwood Court, explained the request. He said that FEMA has changed the flood plain and have included the property outside the footprint of the building at 2195 Central Avenue. He said he is proposing to construct an addition on the existing repair shop that would be located in Zone A.

No one spoke in opposition to the request.

Staff Member Wernimont noted the process for development and outlined the requirements necessary to construct a structure in Zone A. He noted that, if the Board approved the request, such approval should be contingent upon approval of the project by the Iowa Department of Natural Resources.

The Board discussed the request.

Motion by Klauer, seconded by Gibbs, to approve the conditional use permit subject to Iowa Department of Natural Resources approval. Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson, Gibbs and Ruden; Nay – None.

**ADJOURNMENT:** The meeting adjourned at 4:50 p.m.

Respectfully submitted,

  
Wally Wernimont, Associate Planner

8-23-2012  
Adopted