

MINUTES

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

4:00 p.m.

Thursday, October 25, 2012

City Council Chamber, Historic Federal Building

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

Board Members Excused: Board Member 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 4:00 p.m.

MINUTES: The minutes of the September 27, 2012 Zoning Board of Adjustment meeting were approved unanimously as submitted.

SPECIAL EXCEPTIONS:

DOCKET 53-12: Application of Chris and Joanne McDonough for a special exception for property located at 850 S. Grandview Avenue to build an 8-foot by 20-foot front porch six feet from the front property line, 20 feet minimum required, in an R-1 Single-Family Residential zoning district.

Chris and Joanne McDonough, 850 S. Grandview, said that they would like to remove a deteriorated front porch and construct a larger porch. Staff Member Hemenway distributed photos of the site to the Board. Board Member Klauer asked if the porch would be of an open design. Chris McDonough said that the porch will have three columns and no railing, and will be of an open design. He said it will be located approximately 10-12 feet from the sidewalk. Commissioner Gibbs asked about the existing stoop and the distance from the property line. Mr. McDonough said that the stoop is approximately four feet from the front of the house and the new porch will extend another four feet further to the street, making it a total width of eight feet.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He noted that the applicants will be doubling the size of the existing porch. He said that the proposed porch will be approximately six feet from the front property line and 10 feet from the sidewalk. He explained that there is adequate sight visibility to the sidewalk and street from the adjacent driveway.

Motion by Klauer, seconded by Gibbs, to approve the special exception with the condition that the porch be of an open design. Motion was approved by the following vote: Aye – Klauer, Cremer, Gibbs and Ruden; Nay – None.

DOCKET 54-12: Application of Jeremy and Regina Pint for a special exception for property located at Lot 1 of 2 of 2 of Cedars Ridge Acres (off of Nightengale Lane) to build a single family home 800 feet from a public street frontage, 50 feet maximum permitted, in an R-2 Two-Family Residential zoning district.

Jeremy and Regina Pint, 3870 Cora Drive, said that they would like to build a single-family home on the lot located off of Nightengale Lane. They said that their home would be located approximately 800 feet from Nightengale Lane.

Staff Member Hemenway distributed photos of the site to the Board. The Board asked if the applicant owned all the vacant lots that extended from a cul-de-sac to the subject lot. Regina Pint said that they only own the one lot. The Board asked about the setback requirements. Staff Member Hemenway noted that there will be a private driveway that will intersect with Nightengale Lane and be approximately 800 feet long.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He explained the requirements of a 50-foot setback from the front property line. He said that the reason for the 50-foot setback is so that homes are not located behind adjacent homes for privacy, and so that emergency access to the site is closer to the street. He noted that the applicants have met with several City departments to discuss the location of the house. He said that the applicants are allowed to install a septic system and a water well. He explained that the Fire Department has placed several conditions on the emergency access to the property. He noted the distances from the adjacent residences. He referred to a photo of the site.

The Board discussed the conditions outlined in the memo dated October 25, 2012 prepared by Planning Staff regarding the measures necessary to comply with all City Departmental Code requirements.

Motion by Klauer, seconded by Gibbs, to approve the special exception with the conditions outlined in the October 25th memo. Motion was approved by the following vote: Aye – Klauer, Cremer, Gibbs and Ruden; Nay – None.

DOCKET 55-12: Application of David and Bambi Roth for a special exception for property located at 2782 Van Buren Avenue to build a garage addition 0 feet from the east property line, 6 feet required, in an R-1 Single-Family Residential zoning district.

David and Bambi Roth, 2782 Van Buren, said that they would like to add a 10-foot addition to an existing detached garage. They discussed the location of the garage and its proximity to a drainage ditch

Staff Member Wernimont distributed photos of the site to the Board. Board Member Klauer asked if the addition would be extended to the chain link fence. Mr. Roth said that the garage addition would be extended from the existing garage and would not go any closer to the fence than the existing garage. He noted that the lot has been surveyed and that pins and flags are in place. Board Member Gibbs asked if the two vacant adjacent lots, 102 and 103, could be sold as residential lots. Staff Member Wernimont indicated that there are two legally platted lots and single-family homes may be built on them. He said they are both owned by the applicant.

No one spoke in opposition to the request.

Staff Member Wernimont reiterated the request, noting that the property owners have obtained a survey. He indicated that there are no sight visibility issues from the street and sidewalk from the adjacent properties. He explained that there is a creek and a hillside that separates the garage from the nearest adjacent residence.

Motion by Klauer, seconded by Gibbs, to approve the special exception. Motion was approved by the following vote: Aye – Klauer, Cremer, Gibbs and Ruden; Nay – None.

VARIANCES:

DOCKET 56-12: Application of Steven Nance for a variance for property located at 1855 Elm Street to allow a duplex with two off-street parking spaces, where four off-street parking spaces are required, in an R-2A Alternate Two-Family Residential zoning district.

Steve Nance, 1855 Elm Street, said that he wants to have unpaved parking permitted behind his residence. He said that he is going to keep the house as a single-family home and will not convert it to a duplex. He said based on current Fire Code requirements, the property would not be allowed as a duplex without expensive modifications.

Staff Member Wernimont distributed photos the site. He clarified the variance was not needed if the house remains a single-family home. He said that a parking variance would be needed if the house was converted to a duplex. He recommended that the applicant and Board proceed with the parking variance request for a duplex. Mr. Nance

indicated that he would like to rent the upstairs. Staff Member Wernimont noted that if the upstairs unit has a separate kitchen, bathroom and entrance and operates separately from the unit downstairs, then the applicant will need to obtain a parking variance for a duplex.

The Board recommended that the applicant table the request and resolve outstanding Code and financing issues, and return to the Board at a later date. Mr. Nance agreed to table his request.

Motion by Klauer, seconded by Gibbs, to table the variance at the applicant's request. Motion was approved by the following vote: Aye – Klauer, Cremer, Gibbs and Ruden; Nay – None.

DOCKET 57-12: Application of Dubuque Community School District for a Variance for property located at 2135 Woodland Drive (Kennedy Elementary School) to construct an addition with a deficit of 34 off-street parking spaces in an R-1 Single-Family Residential zoning district.

Chairperson Ruden abstained from the request.

Mark Fassbinder, IIW Engineers and Surveyors, noted that IIW has been contracted by the school district to prepare documents for a new addition to Kennedy School. He explained the parking requirements for an elementary school. He distributed a floor plan of the proposed addition. He said that no employees would be added; that the status quo and parking will remain unchanged. He said the addition is for a gymnasium and classroom space. He said the staff numbers will remain the same.

Board Member Klauer questioned the deficit of off-street parking spaces for the facility. Staff Member Hemenway explained that the site needs to be brought up to current zoning requirements when an addition exceeds 25% of the existing building footprint. He said because of the expansion, the off-street parking requirements need to meet current regulations.

Sue Gavin, 2194 Key Way Drive, spoke in opposition to the request. She said that she has concerns with storm water runoff from the existing parking lot. She said that storm water from the parking lot causes damage to homes located on Key Way Drive. She said that in addition to her home, the properties at 2190, 2192, and 2196 Key Way Drive have been affected by storm water runoff from the existing parking lot. She said that the addition will only exacerbate the problem.

Board Member Cremer asked if the neighbors had storm water problems prior to construction of the parking lot. Ms. Gavin said that there were no storm water runoff issues prior to installation of the parking lot.

Dorothy and Edwin Reeg, 2180 Key Way Drive, spoke in opposition to the request. They noted that they have issues with storm water runoff from the site. They noted that snow from the parking lot is pushed over to the hillside and when it melts, it drains into their yard and home.

Mike Ruden, 3256 Arrowwood Lane, said that the school district is asking for a request to waive off-street parking. He explained that if they were to install the parking, there would be additional impervious area that may increase storm water runoff.

Mr. Reeg asked about the location of the addition. Staff Member Hemenway provided a site plan showing the location of the school addition.

Elmer Krohn, 3378 Foothill Drive, spoke in opposition to the request. He explained that he has a four-plex and he does not have enough off-street parking for his four units. He explained that granting the parking variance would create additional demand for on-street parking.

Kelly Hingtgen, 3416 Foothill Drive, noted that she sent an email outlining her concerns with the proposed school addition. She said she has issues with on-street parking and storm water runoff from the site.

Bill Burkhart, Buildings and Grounds Manager for the Dubuque Community School District, said that he has only been in his position for a little over a year, and that he was not aware of the issues with storm water runoff. He said that he would like to schedule a meeting with the neighbors to address their storm water concerns.

Mark Fassbinder said that the parking variance request would not impact the drop-off / pick-up issues raised by the neighbors. He indicated that any addition off-street parking would increase the impermeable area of the site and could increase storm water runoff problems.

Staff Member Hemenway reviewed the staff report, noting existing parking provided, required off-street parking and reconfiguration of the interior of the school. He explained that the demand for parking would remain the same because no employees would be added. He reviewed drop-off/pick-up issues with schools. He noted that storm water management is reviewed as part of the site plan review process. He explained that the Zoning Board of Adjustment's charge is to review the variance request for off-street parking.

The Board discussed the request, noting that they sympathized with the neighborhood's concerns regarding storm water runoff.

Motion by Klauer, seconded by Gibbs, to approve the parking variance, subject to the Buildings and Grounds Manager meeting with the neighbors to discuss storm water

issues. Motion was approved by the following vote: Aye – Klauer, Cremer and Gibbs;
Nay – None; Abstain - Ruden.

ADJOURNMENT: The meeting adjourned at 5:30 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner



Adopted