

MINUTES

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

4:00 p.m.

Thursday, December 20, 2012

City Council Chamber, Historic Federal Building

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

Board Members Excused: Board Member Heath Hutchinson.

CALL TO ORDER: The meeting was called to order by Chairperson Ruden at 4:00 p.m.

AFFIDAVIT OF COMPLIANCE: Staff presented an Affidavit of Compliance verifying the meeting was being held in compliance with the Iowa Open Meetings Law.

MINUTES: The minutes of the November 15, 2012 meeting were approved unanimously as submitted.

SPECIAL EXCEPTIONS

DOCKET 59-12: Application of Jacqueline Van Meter for a special exception for property located at 140 Loras Boulevard to allow a 7-plex on a 4,312 square foot lot, where 8,400 square foot of lot area is required, in an OR Office Residential zoning district.

Chairperson Ruden noted that the Zoning Board of Adjustment will hear Docket 59-12 for a special exception and Docket 60-12 parking variance simultaneously and will vote on each item separately.

Jacqueline Van Meter, 788 Main St., said she purchased the large brick building located at 140 Loras Boulevard. She said she would like to add a seventh unit to the building. She said because of the size of the building and lot, it is difficult to provide off-street parking. She said that she currently pays for one on-street metered parking stall for each of her units. She indicated these meters parking spaces are spread out throughout the neighborhood.

Staff Member Wernimont distributed photos of the site. He explained the off-street parking requirements for properties located in an OR Office Residential zoning district. He explained that Mrs. Van Meter would like to convert one of the two-bedroom units to two one-bedroom units. He noted that the total number of bedrooms in the building will

not change. He explained that in order for a seventh unit to be added, that Mrs. Van Meter needed to obtain a special exception for lot area and a parking variance for off-street parking. He discussed the lot configuration and building location.

Motion by Klauer, seconded by Gibbs, to approve Docket 59-12 as submitted. Motion carried by the following vote: Aye – Klauer, Gibbs and Ruden; Nay – None.

DOCKET 60-12: Application of Jacqueline Van Meter for a parking variance for property located at 140 Loras Boulevard to allow a seven-plex with a deficit of 11 off-street parking spaces in an OR Office Residential zoning district.

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

DOCKET 61-12: Application of Cynthia White / Burger Construction for a special exception for property located at 2834 Balke Street to build an attached garage 9 feet from the rear property line, 20 feet required, in an R-1 Single-Family Residential zoning district.

Randy Burger, Burger Construction, 1340 Delhi Street, noted that the rear yard will be excavated in order to construct an attached garage. He explained that the attached garage will be located 9 feet from the rear property line along the alley.

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

Mr. Burger noted the grade of the garage floor will be about two feet above the grade of the alley. He explained that the outside garage walls be set in one-foot from the outside walls of the house.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report, noting the requested setbacks. He explained that if the garage was detached, the required setbacks would be six feet from the rear property line. However, because the structure is attached to the home, that needs meet the required setback of 20 feet ???

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

DOCKET 62-12: Application of John Hennings for a special exception for property located at 704 Ries Street to build a front porch 0 feet from the front property line, 10 feet required, in an R-2A Alternate Two-Family Residential zoning district.

The applicant was not in attendance. The Zoning Board of Adjustment decided to hear the case.

Staff Member Hemenway presented the staff report. He noted that the porch has already been constructed without a permit. Staff Member Wernimont indicated that the Building Department contacted the Planning Services Department about the encroachment towards the front property line. He said that the Planning Department staff noted Mr. Hennings needed to obtain a special exception for the front yard setback. Staff Member Hemenway distributed photos of the site to the Board. The Board noted that the porch does not encroach any closer to the street than the porch located on the adjacent property.

NOTE: Commissioner Jeff Cremer entered the meeting at 4:15 p.m.

No one spoke in opposition to the request.

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

DOCKET 63-12: Application of Steve Graham for a special exception for property located at 2524 Elm Street to construct a detached garage 2 feet from the south side property line and 3 feet from the rear property line, 6 feet required for both setbacks, in an R-2 Two-Family Residential zoning district.

Steve Graham, 2524 Elm Street, explained his request to the Board. He said he wants to build a detached garage located off of an alley easement. He explained the garage will be accessed from the alley. He said that his yard is located well below the grade of the alley. He indicated that there is a concrete retaining wall along the alley. He said that he owns the adjacent property that is being encroached upon.

No one spoke in opposition to the request.

Staff Member Hemenway distributed photos of the site to the Board. He noted the setbacks from the proposed structure to the property lines. He explained that the lot at 2524 Elm Street has no frontage on a public street. He said that the house is accessed by an alley easement. He noted that the alley easement is an extension of Pinard Street, however, it is not publicly owned. He explained that Mr. Graham will be encroaching closer to the adjoining property that he owns.

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

DOCKET 64-12: Application of Rauhen Properties, LLC/Tom Rauhen for a special exception for property located at 425 W. 17th Street to allow an off-premise residential garage 0 feet from the front property line, 20 feet required, in an R-3 Moderate Density Multi-Family Residential zoning district.

Chairperson Ruden noted that they will hear Docket 64-12 for a special exception and Docket 65-12 for a conditional use simultaneously.

Tom Rauhen, 1495 Wood Street, explained his request to the Board. He said that he would like to re-build an off-premise residential garage that was destroyed by a fire. He said that the damaged garage has been demolished and he would like to rebuild the new garage on a larger footprint.

Board Member Klauer questioned the garage location relative to the front property line. Mr. Rauhen said that the proposed detached garage will not encroach any closer to the front property line than the old garage. He said that the garages will be rented for vehicle and material storage for adjacent residential units.

Staff Member Wernimont distributed photos of the site to the Board. He outlined the special exception and conditional use permit requests. He discussed the off-premise residential garage regulations. He discussed the garage size, location and setbacks. He noted that he has spoken with two neighbors and that none of them in opposition to the request. Board Member Gibbs asked about the second detached garage located on the building lot. Staff Member Wernimont explained that this is an off-premise residential garage and if it were to be removed and built on a larger footprint, it would require a special exception and conditional use permit.

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

CONDITIONAL USE PERMITS:

DOCKET 65-12: Application of Tom Rauhen/Rauhen Properties, LLC for a conditional use permit for property located at 425 W. 17th Street to allow an off-premise residential garage as a conditional use in an R-3 Moderate Density Multi-Family Residential zoning district.

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

DOCKET 66-12: Application of Max Smith for a special exception for property located 15 1144 S. Grandview Avenue to build a 1,440 square foot detached garage, 1,000

square foot maximum permitted, and 15 feet 6 inches in height, 15 feet maximum allowed, in an R-1 Single-Family Residential zoning district.

Max Smith discussed his special exception request. He noted that he had purchased the lot and demolished a termite-infested house. He explained that he is proposing to build a new single-family home and to build a detached garage. He said that the detached garage be faced with brick on the front and eastern facades. He said he is not sure if the western and northern facades will be concrete or steel. He noted that all the storm water from the garage will flow over his lot. He said he has spoken with the adjacent neighbors and none of them had concerns with the request.

Board Member Gibbs asked if Mr. Smith would be storing his construction equipment in the garage. Mr. Smith said that he would not store his construction equipment on-site. He said he will be driving home a work truck to and from the site, and it may be parked in the garage.

Staff Member Wernimont distributed photos of the site. He discussed the requirements for accessory detached structures, and he said that the adjacent property owner at 1134 S. Grandview Avenue contacted him and that he provided them with copies of the application. He indicated that the property owner had no objection to the request. He noted the grade change from the first floor elevation of the proposed house to the finished floor level of the garage, the setback requirements, and that storm water will flow along the 800 square foot lot.

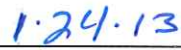
Motion by Klauer, seconded by Gibbs, to approve the special exception as submitted. Motion carried by the following vote: Aye – Klauer, Cremer, Gibbs and Ruden; Nay – None.

ADJOURNMENT: The meeting adjourned at 4:33 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner



Adopted