



Approved

MINUTES

CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT REGULAR SESSION

4:00 p.m.

Thursday, January 24, 2013

City Council Chamber, Historic Federal Building

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

Board Members Excused: Board Member Bill Gibbs.

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: Motion by Cremer, seconded by Klauer, to approve the minutes of the December 20, 2012 meeting. Motion carried by the following vote: Aye – Ruden, Klauer, Cremer and Hutchinson; Nay – None.

SPECIAL EXCEPTIONS

DOCKET 01-13: Application of Trinity Townhouses/Portzen Construction, Inc. for a special exception for property located at southeast corner of Whittier Street and Rhomberg Avenue to build a duplex 10 feet from the front property line, 20 feet required, in an R-4 Multi-Family Residential zoning district.

James Kluesner, employee for Portzen Construction, Inc. discussed the request. He said that as part of a comprehensive building project on Whittier and Hamilton Streets, Portzen Construction would like to build two duplexes, the site of which would be located 10 feet from the frontage along both Whittier and Rhomberg.

Chairperson Ruden said that the board would hear both Dockets 01-13 and 02-13 simultaneously but vote on each separately. He asked Mr. Kluesner to clarify if IIW had any direct involvement in platting the subject lots. Mr. Kluesner said he did not believe that IIW was currently platting the lots. Staff Member Hemenway said that if IIW is not working directly on the project, that there would not be a conflict. He said it was ultimately up to Board Members to determine whether they perceive a conflict. Mr. Ruden said he felt it could vote on the request without a conflict.

He said ultimately, Portzen Construction would like to create 11 lots on the entire block in an effort to sell each unit of the duplexes separately.

No one spoke in opposition to the request.

Staff Member Hemenway distributed photos of the site. He noted that the duplexes would be built on corner lots and would both front on either Rhomberg or Garfield Avenues with the sides of the buildings fronting on the side streets of Whittier and Hamilton. He discussed the rationale for the 20-foot setback noting that the garages for all of the duplexes on this block will be accessed directly from an alley directly behind each, and therefore, no off-street parking will occur on the side of the buildings facing the side streets. He said this would eliminate the potential for a car to be parked over the property line onto the public right-of-way or sidewalk. He noted that there would be no additional houses behind the duplexes, whose view from the driveway or from the front porch would be affected. He said that the setbacks for the duplexes are in character with much of the surrounding residential development.

Board Members discussed the request for both properties and felt they were appropriate.

Motion by Klauer, seconded by Cremer, to approve Docket 01-13 to build a duplex 10 feet from the front property line (Whittier Street), 20 feet minimum required. Motion carried by the following vote: Aye – Ruden, Klauer, Cremer and Hutchinson; Nay – None.

DOCKET 02-13: Application of Trinity Townhouses / Portzen Construction, Inc. for a special exception for property located at the northwest corner of Hamilton Street and Garfield Avenue to build a duplex 10 feet from the front property line (Hamilton Street), 20 feet minimum required, in an R-4 Multi-Family Residential zoning district.

The Board discussed this request as part of Docket 01-13 and felt it was appropriate.

Motion by Klauer, seconded by Cremer, to approve Docket 02-13 to build a duplex 10 feet from the front property line (Hamilton Street), 20 feet minimum required. Motion carried by the following vote: Aye – Ruden, Klauer, Cremer and Hutchinson; Nay – None.

DOCKET 03-13: Application of James and Michele Rang for a special exception for property located at 1505 Brian to construct an attached garage two feet from the front property line (Jaeger Drive), when 20 feet is required, in an R-1 Single-Family Residential zoning district.

Eric Hilben said that he was speaking on behalf of James and Michele Rang, 1505 Brian Drive. He said that his father-in-law would like to add on to the garage toward the Jaeger Street frontage. He said he will slightly expand the driveway so as to easily access the garage addition.

Sandy Conrad, 2247 Jaeger Drive, spoke in opposition to the request, expressing concerns with traffic safety as it regarded the sight visibility, traffic volume, on-street parking, and pedestrian access. Ms. Conrad and another neighbor, Marge Steffen, 2250 Jaeger Drive, and the applicant approached the table and discussed the traffic flow at the intersection of Brian and Jaeger Drives with Board Members.

Staff Member Wernimont outlined the staff report, noting that the lot has two frontages and is prominently located on a street with a steep grade. He noted the garage size relative to the house. He stated that the garage would not be built into the visibility triangle, but that it may still slightly impact traffic visibility. He said the Board would have the option to reduce the size of the garage if they felt that was necessary. He discussed the current street configuration and noted that neighbors could request that the Engineering Department study the intersection with the intent to prohibit parking and to add a stop sign in an effort to improve visibility and traffic safety.

Board Members discussed the request, and felt that there would still be adequate sight visibility at the intersection, and that traffic safety concerns should be addressed through the Engineering Department regarding on-street parking and signage at the intersection.

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

VARIANCES:

DOCKET04-13: Application of Randy Bowen / Jimmy Johns for a variance for property located at 356 Main Street to install two wall-mounted signs on the building, one sign maximum permitted, in a C-4 Downtown Commercial zoning district.

The applicant was not in attendance.

Staff Member Wernimont outlined the request, noting that the sign has already been installed. He said that the applicant's request is to place two signs on the building façade when only one sign is permitted in the C-4 District. He said that both signs total 43 square feet, where 100 square feet of wall-mounted signage is permitted in this district.

Board Members reviewed the photographs of the site and noted that the signs together would be half the square footage of the one sign permitted. They felt that the sign request was appropriate.

Motion by Klauer, seconded by Cremer, to approve the variance to install two wall-mounted signs on the building. Motion carried by the following vote: Aye – Ruden, Klauer, Cremer and Hutchinson; Nay – None

DOCKET 05-13: Application of IIW Engineering/Dubuque Community School District to appeal the determination of the Zoning Advisory Commission rendered at the November 7, 2012 Commission meeting denying the request to waive Article 13-5.5(d) of the Unified Development Code for the Kennedy School property located at 2135 Woodland Drive.

Chairperson Ruden explained the appeal process for the audience. He noted he would abstain from the appeal due to a conflict.

Mark Fassbinder, representing IIW Engineering, 4155 Pennsylvania Avenue, stated that the request was to waive the landscape island requirement for the school's parking lot. He said if the requirement is not waived the school would lose three parking spaces. He said that the Zoning Advisory Commission originally denied the request because of a lack of the four affirmative votes needed to approve the waiver. He referred to an aerial photo, noting the abundant amount of permeable area on Kennedy School's property. He said that in addition to the green space there is a considerable amount of landscaping that is over and above what would be required.

Board Member Klauer noted the previous parking variance request granted for the school. He detailed the request for those Board Members who were not in attendance at the previous meeting. He said that the Zoning Advisory Commission can waive site plan requirements if they feel that the applicant has demonstrated the necessity.

Mr. Fassbinder noted that the storm water runoff from the parking lot will be captured and directed into an engineered detention area. He said that creating three additional openings in the parking lot will increase the amount of water that infiltrates and will exacerbate a downhill groundwater problem.

Mike Ruden, 3256 Arrowwood Lane, explained the School District's efforts to meet with neighbors and address the concerns they expressed regarding storm water runoff.

Staff Member Hemenway presented the staff response. He said that the intent of the UDC since its adoption in 2009 was to incrementally bring existing parking lots and properties into compliance with current design and landscape standards. He said that when a building is expanded by 25 percent or more of its existing footprint, the UDC regulations are triggered. He said that the intention of the requirements is to better manage storm water, to add landscaping to help soften and beautify parking lots, and to add screening, especially in residential areas. He referred to the site plan submitted by IIW, noting the location of the three landscape islands. He said that it was his opinion, based on topography and area, that three additional parking spaces could be easily created directly adjacent to the existing parking spaces. He said that the Unified Development Code stipulates that the Zoning Advisory Commission has the power to waive requirements when they feel they may be impracticable or exact an undue hardship because of the peculiar conditions pertaining to the subject property. He said that the Zoning Advisory Commission determined that the request did not meet these

criteria. Staff Member Hemenway distributed aerial photos of the site, noting locations where additional parking could be added. Board Member discussed the request.

Mr. Fassbinder noted that adding three parking spaces will have a negative impact on the measures that will be taken to manage storm water. Mr. Ruden noted that the proposed storm water management measures are designed to direct the water to a detention area and not to create additional groundwater that he said is causing downhill flooding problems with the adjacent residential properties. Mr. Fassbinder noted that the school has a 50-foot wide front yard and he said that the school district has had extensive discussions with the adjacent neighbors in an effort to address their concerns.

Bill Burkhart, 27180 389th Street, LaMotte, Iowa, speaking for the Dubuque Community School District, said that he wanted to note that the School District has decided to truck the snow from the site in an effort to address concerns raised by neighbors at a previous meeting.

Staff Member Hemenway rebutted, re-stating the intent of the UDC, noting that there is adequate room to place three additional parking spaces on the site, and to fully comply with the landscape island requirement. He said that adding 600 square feet of additional permeable area in the parking lot should have very limited impact on the overall storm water management plan for this site. He said that the School District has the luxury to add the parking and landscaping as required, having very little impact on the overall project. Board Members discussed the request.

Motion by Klauer, seconded by Cremer, To uphold the determination of the Zoning Advisory Commission rendered at the November 7, 2012 Commission meeting denying the request to waive Article 13-5.5(d) of the Unified Development Code for the Kennedy School property located at 2135 Woodland Drive. Motion failed by the following vote: Aye – Cremer, Nay – Klauer and Hutchison. The applicant's request to appeal the Zoning Advisory Commission's denial of their waiver failed because the concurring vote of three members of the Board shall be necessary to reverse the administrative decision.

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

Respectfully submitted,



Kyle L. Kritz, Associate Planner

2.28.13

Adopted