



Approved

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

4:00 p.m.

Thursday, February 28, 2013

City Council Chamber, Historic Federal Building

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

**CALL TO ORDER:** The meeting was called to order 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 January 24, 2013 meeting were approved unanimously as submitted.

Board Vice Chairperson Klauer noted that as there are only three Board members present, and three affirmative votes are necessary to approve any request, that the applicants could request that their docket be tabled to the next regularly scheduled meeting.

**Docket 08-13:** Tait and Christie Lunceford, asked that their docket be tabled to the next regular Zoning Board of Adjustment meeting.

Motion by Cremer, seconded by Klauer, to table Docket 08-13. Motion carried by the following vote: Aye – Cremer, Klauer and Hutchison; Nay – None.

**Docket 09-13:** John Meyer, representing Hartig Drug, asked that Docket 09-13 Variance be tabled until the next regular meeting.

Motion by Cremer, seconded by Hutchinson, to table Docket 09-13 to the next regular Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Cremer, Klauer and Hutchison; Nay – None.

### **SPECIAL EXCEPTIONS**

**DOCKET 06-13:** Application of Bradley and Kimberly Strang, 2680 Greeley Street, to add a second story to an existing detached garage, for a total height of 18 ½ feet, where 15 feet maximum is allowed, and 2 feet from the north and south side property lines and 0 feet from the rear property line, where a 6-foot setback is required, in an R-1 Single-Family Residential zoning district.

Bradley Strang, 2680 Greeley Street, said that he would like to raise the roof of his garage and install a lift. He said this will enable him to store additional antique cars within the garage.

Vice Chairperson Klauer asked for clarification regarding the use of the lift. Mr. Strang noted that the lift will be a platform lift that will give him additional space as his existing garage is built almost up to either lot line, and his ability to expand his storage area is constrained. Vice Chairperson Klauer noted that the yard and adjacent streets have very steep grades, and that building elsewhere on the lot would be very difficult. Mr. Strang said that there is very little available off-street parking in the neighborhood.

Staff Member Wernimont reiterated the request, noting that there is a 24-foot grade change from the front to the rear of the lot. He said that he had not received any calls from neighboring property owners.

Board Members discussed the request and felt they were appropriate. Motion by Cremer, seconded by Hutchison, to approve Docket 06-13 as submitted. Motion carried by the following vote: Aye – Klauer, Cremer and Hutchinson; Nay – None.

**DOCKET 07-13:** Application of Mathias Lorenz for a conditional use permit for property located at the 1483 Langworthy to allow a home-based business (administrative and telemarketing) with two employees that do not reside on the premises in an R-1 Single-Family Residential zoning.

Mathias Lorenz, 1483 Langworthy, noted that he would like the ability to have employees work from his home office. He said that the employees are engaged in bookkeeping and telemarketing.

Staff Member Hemenway distributed photos of the site. He noted that there are three off-street parking spaces located on the subject lot, and that the addition of two employees would require that one additional parking space be paved. Mr. Lorenz asked the Board if he could wait until weather was favorable to pave the additional space. Board Members reviewed letters that were included in the packet from the applicant and an adjacent property owner.

Cindy Kohlmann, 1492 Langworthy, expressed concerns with the potential demand for on-street parking. She said that Mr. Lorenz's employees already park on the street, generally in front of the house. Mr. Lorenz said that adding a paved parking space on the lot should provide adequate off-street parking for all of his employees. Cindy Kohlmann expressed concerns with the businesses' hours of operation and the potential for customer contact at the house. She asked if Mr. Lorenz were to sell the house and business could it continue to operate at this location.

Staff Member Hemenway outlined the staff report. He noted that conditional use permits run with the property and they do not expire if the property is sold. He said that if another business were to locate there, they would have to operate similar to the existing business office. He said that the reason he contacted Mr. Lorenz initially regarding the employees at his home was that he had received a telephone call from a neighbor regarding on-street parking. He said that Mr. Lorenz was forthcoming, admitting that he had two employees working from his home. He said that subsequently, Mr. Lorenz submitted an application for a conditional use permit. He noted that the hours of operation for the business are clearly stated on the application.

Buschida Williams, 652 W. 11<sup>th</sup> Street, spoke in favor of the request. She said that she works for Mr. Lorenz and that she relies on employment to be able to provide for her family.

Jennifer Burkhart, 2900 Shiras Avenue, spoke in favor of the request. She said that she is employed with Mr. Lorenz, and that she will have no problem parking at the rear of the subject property on the paved parking area.

Mr. Lorenz said that he would guarantee that all his employees will park in the off-street parking spaces at the rear of his property. He said the paved parking area will accommodate all of his employee's cars. He said that his home will be passed on to his family and that it will not be sold to another business interest. He said that he believes the initial complaint was lodged by a former employee.

Staff Member Hemenway outlined the staff report, distributing photos of the site. He noted that home offices are permitted as a home-based business, but that having additional employees not living on the premises must be approved by the Board through the conditional use process. He said that Unified Development Code standards require that one parking space be added to the three existing spaces. He said that the Board can consider conditions, including hours of operation, but that is difficult for staff to regulate on-street parking.

The Board discussed conditions that could help mitigate any negative impacts that may potentially arise by adding two employees to the home-based business.

Motion by Cremer, seconded by Hutchinson, to approve Docket 07-13 for a conditional use permit to allow a home-based business with two additional employees at 1483 Langworthy with the condition that:

- 1) One additional paved off-street parking space be provided by June 1, 2013;
- 2) Employees of the home-based business park exclusively on the off-street parking lot; and
- 3) Hours of operation be limited from 7:30 a.m. to 5:00 p.m. Monday through Friday.

Motion carried by the following vote: Aye –Klauer, Cremer and Hutchinson; Nay – None.

**ITEMS FROM STAFF:** Staff Member Hemenway noted that Eugene Bird, Jr. had submitted an application requesting membership on the Zoning Board of Adjustment. Staff and Board Members discussed filling vacancies with members who can attend on a more regular basis. Vice Chairperson Klauer noted that he will be moving into the County within the next two years, and that he had submitted a letter of resignation that would enable him to serve until an adequate replacement is found. Board Members decided to revisit the discussion regarding new board members and board membership at an upcoming meeting when Chairperson Ruden is available.

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

Respectfully submitted,

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Kyle L. Kritz, Associate Planner

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Adopted