



Approved

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

4:00 p.m.

Thursday, April 25, 2013

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 and Guy Hemenway.

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 March 28, 2013 meeting were approved by the following vote: Aye – Klauer, Cremer and Ruden; Nay – None; Abstain - Gibbs.

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

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

Mark Neyens, 985 Hawkeye Drive, asked how many times the applicant can request to table a request. Staff Member Hemenway noted that the applicant can request their application be tabled as many times as necessary. He indicated the applicant has requested his application be tabled because there are only four Board members present. He noted that it is up to the Board to grant the request to table.

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

DOCKET 09-13 (tabled): Application of Richard Hartig/Hartig Drug for a sign variance for property located at 157 Locust Street to place three wall-mounted signs on the building, two signs maximum permitted, in a C-4 Downtown Commercial District.

Dan Lange, Lange Sign, and John Meyer of Hartig Drug explained their request to the Board. Mr. Meyer noted that Hartig Drug is proposing to open a drive-thru pharmacy with alley access. He indicated that they are proposing to install a sign a little bit larger than what is allowed for a directional sign to help direct customers to the drive-thru. Dan Lange noted that directional signs are limited to a maximum of six square feet and this sign will be approximately 10 square feet and therefore requires a variance.

No one spoke in opposition to the request.

Staff Member Wernimont outlined the staff report. He noted the permitted signage for a property located in a C-4 Downtown Commercial District. He noted the existing signage on the property and discussed two variances that were previously approved for the property. He explained that the proposed wall-mounted sign will be approximately 11 square feet in area.

The Board asked if signs that are placed inside the windows of the building count as wall-mounted signage. Staff Member Wernimont explained that signage located inside a window is not regulated by the sign ordinance, and are therefore exempt. The Board discussed the request and noted the sign will be only 11 square feet and will help direct traffic to the drive-thru along the alley.

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

SPECIAL EXCEPTIONS

DOCKET: 13-13: Application of Peter and Cynthia Alt, 632 Chestnut, for a special exception to build a 1,250 square foot detached garage, for a total of 2,135 square feet of accessory structures, 1,000 square foot maximum allowed, and 0 feet from the west side property line, 6 feet required, in an R-2 Two-Family Residential zoning district.

Peter and Cynthia Alt's contractor, Joe Mulgrew, outlined the request. He explained the property layout and the location of the proposed detached garage. He said that the detached garage will not be visible from Chestnut Street, and will only partially be visible from Prairie Street.

Staff Member Wernimont distributed photos of the site to the Board. Mr. Mulgrew discussed the photos, noting the location of the existing out buildings. He said that a small storage shed would be removed and the proposed detached garage will be located close to an existing detached garage on an adjoining property.

No one spoke in opposition to the request.

Staff Member Wernimont reiterated the request, noting that the property is located in the West 11th Street Historic District, and that the Historic Preservation Commission has approved the design and location of the garage. He said that the applicant is in the process of replatting the property, and that the proposed detached garage will encroach upon an abutting property that the applicant owns.

The Board discussed the request and felt it met the requirements for granting a special exception.

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

DOCKET14-13: Application of Dennis and Julie Schilling, 1270 Kelly Lane, for a special exception to build a 26' by 30' detached garage for a total of 1,620 square feet of accessory structures, 1,000 square foot maximum allowed in an R-1 Single-Family Residential zoning district.

Dennis Schilling said that he is proposing to build a detached garage to store his boat and other equipment. He indicated his property was over an acre in size. He submitted a letter from an adjoining property owner, stating they are not opposed to the special exception request.

Staff Member Wernimont distributed photos of the site. He discussed the photos, noting the elevation of the lot, the vegetative screening and the existing detached garage on the site.

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 – Cremer, Klauer, Ruden, and Gibbs; Nay – None.

VARIANCES

DOCKET 15-13: Application of Richard Schmitt for a variance for property located at 350 South Locust Street to build a bay on the east side of the building 13 feet from the front property line (Harrison Street), 20 feet minimum required, in a C-3 General Commercial Zoning District.

Richard Schmit, 1240 Heather Glen, stated that he wants to build an addition to his existing car wash that will extend toward Harrison Street. He explained that the original design had an open bay. However, because the drain allowed storm water to infiltrate into the sanitary sewer, the DNR said he would have to remove the drain or enclose the

bay. He said that he would like to enclose the open car wash area with a building, which requires a variance permitting him to build closer to the property lines.

Staff Member Hemenway presented the staff report. He reiterated the variance request. He said that when the City reviewed the initial site plan, the Engineering Department failed to notice storm water from the outdoor car wash would drain directly to the sanitary sewer. He said the enclosure will prevent storm water in-flow. He said that the proposed design of the addition will match the existing car wash.

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

DOCKET 16-13: Application of Joe Berger / Paradise Distilling Company, LLC, for a variance for property at 245 Railroad Avenue to open a distillery and accessory tasting room with a deficit of 10 off-street parking spaces in an LI Light Industrial zoning district.

Joe Berger, 2964 Brandywine Drive, said he is converting the old Anderson Auto Showroom into a distillery. He said that accessory to the distillery will be a tasting room.

The Board asked staff why he is applying for a parking variance, as the property has a large parking lot. Staff Member Hemenway noted that the parking lot is shared by multiple tenants in the building, and there are only about two existing parking spaces associated with this tenant space. Mr. Berger stated he spoke with the adjacent businesses and they have expressed no opposition to the distillery. He said that the hours when visitors would be stopping by are usually opposite the hours that the other businesses are open.

The Board discussed on-street parking on Salina, Railroad and Camp Streets. Board Member Klauer asked Mr. Berger about the hours of operation. Mr. Berger said that tentatively they are scheduled for Friday from 4:00 – 8:00 p.m., and on Saturday and Sunday from 1:00 – 7:00 p.m. Board Member Gibbs asked Mr. Berger if he has talked to the neighbors. Mr. Berger said he spoke with the tenants in the building, and that they all share parking.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He explained that presently, all the adjacent businesses currently have adequate off-street parking, and that there is little parking demand on the street during business hours.

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

DOCKET 17-13: Application of Tobin Murdock / Robert Sheckler for a sign variance for property at 4840 Asbury Road to allow a 117 square foot freestanding sign, 100 square foot maximum allowed, in the Asbury PUD / PC Planned Unit Development / Planned Commercial zoning district.

Robert Scheckler stated that he owns the Subway franchise in Dubuque. He said that because of the design of the building, patrons of his business are having difficulty locating the Subway. He explained that his rental space faces to the south and has poor visibility. He indicated that when he placed a temporary sign in front, business sales increased, and when the sign was removed, business dropped off. He indicated that he would like to place additional signage on the freestanding sign.

No one spoke in opposition to the request.

Staff Member Wernimont clarified that Mr. Murdock is proposing to add a 17 square foot sign to an existing 100 square foot freestanding sign. He explained that the business has two wall-mounted signs – one located on the south façade, and another on the north façade.

The Board discussed the request and felt it met the criteria established for granting a variance.

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

ITEMS FROM BOARD: Chairperson Ruden noted that this was his last meeting. He indicated that it appears that Eugene Bird will be appointed to fill his position on the Board. The Board and staff thanked Mr. Ruden for his many years of service devoted to the public by serving on the Board.

Board Member Klauer asked about the Chairperson status. He indicated that Mr. Ruden is the current chairperson, and if they would need to re-elect a new chairperson. Staff noted that they will confer with Legal staff in order to make the determination for the next meeting.

ADJOURNMENT: The meeting adjourned at 4:40 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted