



Approved

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

4:00 p.m.

Thursday, June 27, 2013

City Council Chamber, Historic Federal Building

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

Board Members Excused: Board Member Heath Hutchinson.

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 May 23, 2013 Zoning Board of Adjustment meeting were approved unanimously as submitted.

SPECIAL EXCEPTIONS

DOCKET 22-13: Application of David Harris/Community Housing Initiatives, Inc. for a special exception for property located at 1623, 1629 & 1635 Washington Street to cover 64%, 76%, and 59% of the subject lot respectively and to build a three-stall garage 1 foot from the rear property line, 6 feet minimum required, and 0 feet from the side property line, 3 feet required, in an R-2A Alternate Two-Family Residential zoning district.

David Harris, representing Community Housing Initiatives, Inc., 1600 West 32nd Street, said that they are proposing to build a three-stall, detached garage at 1623, 1629, and 1635 Washington Street. He said the intent is to rehabilitate the three-plex. He said marketing studies have shown that a detached garage would help with the sale of the property. He said that the proposed detached garage will be aligned with the garage located on the adjacent property.

No one spoke in opposition to the request.

Staff Member Wernimont distributed photos of the site and reiterated the request. He said that the property is legally non-conforming because the structure is a three-plex located on three separate lots with zero lot line setbacks. He said that in an R-2A district only duplexes or single family houses are allowed. He said that the proposed

detached garage will have shared firewalls along the common property lines similar to the existing three-plex. He discussed the garage architecture and noted that storm water from the roof will be directed to the newly constructed permeable paver alley. The Board discussed the request and felt that it was appropriate.

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

DOCKET 23-13: Application of Christopher and Molly Baumhover for a special exception for property located at 1325 Belmont Street to build a two-unit townhouse on a 5,650 square foot lot, 6,000 square feet minimum required, in an R-2 Two-Family Residential zoning district.

Christopher Baumhover, 10846 Mockingbird Lane, Peosta, IA, said he is asking to build a two-unit townhouse that will meet the required setbacks. He said that the lot is presently 350 square feet short of the required lot area. He said that his brother will occupy one of the units and the other unit will be a rental. He said that, ultimately, both units in the building will be rentals.

The Board discussed lot area, lot coverage and off-street parking requirements.

Staff Member Wernimont distributed photos and an aerial map of the site.

Victoria Collins, 1290 Belmont Street, noted the history of Mr. Baumhover's properties located elsewhere in the neighborhood. She discussed the history of the neighborhood noting the gradual change from single-family owner occupied homes to rental properties. She said that there is an existing duplex that has no off-street parking that was once owned by Mr. Baumhover. She expressed concerns with demand for on-street parking in the neighborhood.

Dan Jansen, 2637 Nebraska Street, said that he owns the duplex located at 1295-97 Belmont Street. He said that he currently rents to three students per unit and that they have a total of six cars. He said that he has tried to regulate his tenants' parking habits, but it is difficult. He expressed concerns with lack of green space and permeable area. He noted that he is in the process of providing off-street parking at the rear of his property. He said the project has been hampered by the weather.

Damian Baumhover, 89 Alpine Street, said he wants to own and occupy half of the proposed duplex. He said the design will be sensitive to the architecture of the neighborhood. He said that the structure will meet the required off-street parking regulations and required setbacks and will provide plenty of permeable area. He noted that each unit will have four bedrooms.

Christopher Baumhover thanked the Board for listening to his request, and said he has a good rapport with the neighbors. He indicated that the duplex that he sold had off-street parking associated with it but the new owner sold the garage separately. He said that he did not own the properties at the time this happened.

Staff Member Wernimont presented the staff report. He referred to letters of opposition from property owners at 1298 Belmont Street, 1330 Belmont Street, 1340 Belmont Street, and 1358 Belmont Street expressing concerns with demand for on-street parking in the neighborhood. He noted the lot area, lot coverage, required green space and setback requirements for properties and structures located in an R-2 Two-Family Residential zoning district. He defined a single-family, and indicated that up to four unrelated individuals can live together as one housekeeping unit. He discussed the off-street parking requirements noting that the applicants are proposing to provide a four space paved parking lot off the alley at the rear of the subject property. He said that the neighbors could apply for a residential parking permit district. He discussed on and off-street parking status in the neighborhood.

Board Member Bird asked about the existing duplex with no off-street parking. Staff Member Wernimont discussed the grandfather status of older homes as it regarded off-street parking.

Chairperson Klauer read the criteria for granting a special exception. He expressed concerns with on-street parking and density in the neighborhood.

The Board expressed concerns with density, the potential that the tenants could have up to eight vehicles and the potential impact to property values in the neighborhood.

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

DOCKET 24-13: Application of Cheryl Vahl for a special exception for property located at 370 North Booth Street to build a house addition three from the north side property line, 6 feet required, and a detached garage 0 feet from the rear property line and 1-foot from the south side property line, 6 feet required for both, and 21 feet in height, 15 feet maximum allowed, in an R-1 Single-Family Residential zoning district.

Cheryl Vahl, 370 North Booth Street, said that she has lived in the house since she was very young and wanted to rehabilitate the house so as to prepare it for her retirement. She said she wants to remove the deteriorated cinder block garage and replace it with a new detached garage. She said that she wants to remodel and reconfigure the interior of the home and build an addition off the rear of the house.

Board Member Klauer clarified the addition and garage locations, noting that the garage and addition will not encroach closer to the property lines what currently exists.

Staff Member Wernimont distributed photos and aerial maps of the site. He outlined the request. He said that the existing garage is deteriorated and that the applicant is proposing to replace it with a new two-story garage that will be located on the same footprint, but, extended farther west and north on the lot. He recommended that storm water from the roof of the garage be directed away from the adjacent property.

Cheryl Vahl discussed storm water management techniques for the structures.

Motion by Gibbs, seconded by Cremer, to approve the special exception with the condition that a gutter be installed along the edge of the garage to help divert storm water away from the adjacent property. Motion carried by the following vote: Aye – Klauer, Cremer, Gibbs, and Bird; Nay – None.

CONDITIONAL USE PERMITS:

DOCKET 25-13: Application Steven Driscoll, Jr. for a conditional use permit for property located at 6655 Kingsley Lane to allow a vehicle detailing business as a home-based business in an R-1 Single-Family Residential zoning district.

Steven Driscoll, Jr. said he wants to conduct a detailing business for supplemental income. He said a large percentage of the vehicle detailing business involves washing motor homes and boats at remote locations. He said that he drives some of the vehicles to his house, but, that the vehicles are not held overnight. He said he spoke with the neighbors and none were aware that he was currently running a detailing business at his home.

Board Member Gibbs asked if he would be detailing recreational vehicles on his property. Mr. Driscoll indicated he would not detail recreational vehicles at this home. Board Member Gibbs asked if he would be using the cul-de-sac for on-street parking. Mr. Driscoll indicated he would not use the cul-de-sac for parking.

Staff Member Wernimont discussed possible negative impacts of the vehicle detailing business. He indicated that all property owners within 200 feet were notified and have expressed no concerns with the proposed home-based business. He said that the Board can limit the number and type of vehicles detailed at the home. He also recommended that no on-street parking of the vehicles be allowed.

Board Member Bird expressed concerns with the detailing of recreational vehicles at the site. The Board discussed the request, noting that they can limit the number and type of vehicles that be detailed on the subject property, in addition to prohibiting on-street parking.

Motion by Gibbs, seconded by Bird, to approve the conditional use permit with the conditions:

- 1) Only one vehicle at a time can be detailed on the subject property;
- 2) Only cars and trucks (no RVs) are allowed at this location; and
- 3) No on-street parking or storage of client vehicles is permitted.

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

DOCKET 26-13: Application of Patricia Smith for a conditional use permit for property located at 607 E. 22nd Street to open an indoor restaurant in a C-1 Neighborhood Commercial zoning district.

Patricia Smith, 1001 Fulton Street, Galena, Illinois, explained her request to the Board. She said that she has purchased the building at 607 E. 22nd Street. She said that the building has two storefronts with two one-bedroom apartments located on the second floor. She said that the two storefronts will be combined into one. She explained that she and her sister will be living in the upstairs units. She said that she grew up in the neighborhood and that she would like to open an indoor restaurant at this location.

Frank Miller, 602 E. 22nd Street, spoke in favor of the request. He discussed previous rezonings for the property and said that the business will have a positive impact on the neighborhood. He indicated the building has been vacant for many years, and it would be nice to see the building revitalized.

Staff Member Hemenway explained why a conditional use permit is required for the property. He indicated that a conditional use permit was granted for a previous indoor restaurant; however, that use was superseded by other uses and is no longer valid.

Mary Lou Bahl, Executive Director of Sacred Heart Church, said they have no objection to the request.

Mrs. Smith stated that in addition to making improvements to the indoor restaurant, they will rehabilitate the exterior of the building.

Staff Member Hemenway presented the staff report. He noted the previous conditional use permit approved for the property. He explained off-street parking requirements for the indoor restaurant and how they are calculated by granting credit for previous uses.

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

DOCKET 27-13: Application of Miner Properties for a conditional use permit for property located at 1048 & 1060 White Street to permit an auto repair business as a conditional use in a C-4 Downtown Commercial zoning district.

Dave Miner, owner of the property at 1040 White Street, said that he is in the process of moving to a larger building. He said that he is interested in selling the property to Dan Steffens, owner of Toys Done Right.

Dan Steffens, 13806 Sherrill Road, discussed improvements he has made to the building that he currently occupies across the street from the subject property. He said that he would like to rehabilitate the building so as to fit in with the Historic Millwork District. He said that he will pave the existing gravel lot. He said that he will run a top notch repair business and it will not look like a "red neck backyard body shop." He said that he will blacktop the parking lot and will put up a screening fence. He said that he assumes that the City has concerns with wrecked vehicles being stored outside. He said that all vehicles will be placed inside of the building with no outside storage.

Board Member Gibbs noted that Mr. Steffens operates a clean business at his existing location. He asked if Mr. Steffens' rebuilds vehicles. Mr. Steffens stated that he is not in the business of rebuilding vehicles. He said he uses new parts to repair vehicles. He said that the majority of his business is garnered through insurance claims. He said that the new building will contain the frame repair portion of his business.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He said that in addition to the conditional use permit request, Mr. Steffen will need to receive approval from the Zoning Advisory Commission and City Council to rezone the property from Historic Millwork District PUD to C-4 Downtown Commercial zoning. He explained that the Board is reviewing the conditional use permit request prior to the rezoning. He explained the conditional use permit requirements. He noted the parking lot will be required to be paved and a screening fence will need to be installed.

Board Member Klauer said that he agrees that the lot should be paved. He expressed concerns with requiring a six-foot high screening fence.

Dan Steffens said that he is not opposed to installing a fence.

Motion by Gibbs, seconded by Bird, to approve the conditional use permit with the conditions that:

- 1) The parking lot must be paved; and
- 2) The parking lot must be screened with a six-foot high screening fence.

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

VARIANCES:

DOCKET 28-13: Application of Keith Wolff, Dubuque Sign, for a sign variance for property located at 1095 Cedar Cross Road to permit one 55 square-foot wall-mounted sign and one 190 square foot wall-mounted sign, 50 square foot maximum permitted, in a C-3(c) General Commercial zoning district with conditions.

Keith Wolff, 210 Cedar Cross Road, said that he is applying for a sign variance in order to recognize donors who have helped purchase the property. He indicated the sign will not be internally illuminated, and will be proportionate with the scale of the building.

Staff Member Hemenway explained the sign variance request. He noted the location and size of the signs relative to the area of the building walls. He said that the building is located well back from the front property line. He said the property is zoned C-3 (c) which he said is basically a C-2 zoning district that allows indoor recreation.

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

ITEMS FROM BOARD:

The Board elected Eugene Bird as Chairperson and Randy Klauer as Vice Chair.

ITEMS FROM PUBLIC:

DOCKET 19-13: Application of Charles and Linda Giese for a special exception for property located at 400 Villa Street to build a new single-family home 5 feet from the front property line (Villa Street) 20 foot minimum required, in an R-1 Single-Family Residential zoning district.

Staff Member Hemenway noted that Mr. Giese's request was tabled at the last meeting. He indicated that the docket was not published in the paper; however, the Giese's and their architect would like to address the Board to receive input about the proposed plan.

Marty Johnson, Straka Johnson Architects, distributed elevations and site layout plans of the proposed home. He indicated that they revised the plans based on comments that the Board made at the last meeting. He indicated that Charles Giese has met with both the neighbors that attended the last meeting. He referred to the renderings and site layout. He indicated that the proposed footprint of the home will only encroach slightly into the front yard setback.

James O'Brien, 450 Villa Street, said that Charles Giese has met with him. He indicated that they are in support of the proposed special exception, subject to the submitted building footprint.

Staff Member Hemenway outlined the staff report. He said that the Board reviewed the request at the last meeting, and that they felt there was not enough information to adequately review the request, so it was tabled. He noted that the Board cannot vote on the request at tonight's meeting; however, they may address issues or concerns with the proposed building footprint to Mr. Johnson.

The Board noted they had no concerns.

ADJOURNMENT: The meeting adjourned at 6:15 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted