



# Approved

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

4:00 p.m.

Thursday, September 26, 2013  
City Council Chamber, Historic Federal Building

**Board Members Present:** Chairperson Eugene Bird., Jr; Board Members Jeff Cremer, Heath Hutchinson, Bill Gibbs, and Jonathan McCoy; Staff Members Guy Hemenway and Wally Wernimont.

**Board Members Excused:** None.

**CALL TO ORDER:** The meeting was called to order by Chairperson Bird at 4:02 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 August 22, 2013 meeting were approved by the following vote: Aye – Cremer, Gibbs and McCoy; Nay – None; Abstain – Hutchinson and Bird.

### **SPECIAL EXCEPTIONS**

**DOCKET 31-13:** Application of John Brachman, 1736 S. Grandview Avenue for a special exception to build a 2,000 square foot detached garage, 1,000 square foot maximum permitted, 0 feet from the west side property line, 6 foot minimum required, in an R-1 Single-Family Residential zoning district.

John Brachman, 1736 S. Grandview Avenue, noted that he has modified his request by reducing the size of the garage to 40' by 40' and maintaining a 6-foot side and rear yard setback.

Eva Stabenow said she has power of attorney over her mother's property at 1730 S. Grandview Avenue. She said she does not object to the request; however, she said she does not want heavy equipment driving on her driveway in order to access the rear of Mr. Brachman's property.

Jay Kopp, 1740 S. Grandview Avenue, said that Mr. Brachman has addressed his concerns and he is not opposed to the request.

Staff Member Wernimont explained the modified request, noting that the proposed revisions were mailed to the neighbors. He said he received a phone call from Tamara Maury, 905 Laurel Street, an adjacent property owner. He said that she did not express any concerns with the design or location of the structure.

Chairperson Bird thanked the applicant and neighbors for their cooperation, and noted that Mr. Brachman should speak with Ms. Stabenow regarding how the construction equipment will access the rear yard.

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

**DOCKET 33-13:** Application of Susan Casper for a special exception for property located at 40 Milwaukee Street to build a detached garage 1 foot from the west side property line, 3 feet required, and 0 feet from the rear property line, 6 feet required for a legal non-conforming house located in an LI Light Industrial zoning district.

Susan Casper, 40 Milwaukee Street, said she wants to build a 1 ½ or 2 car garage on the location of an old garage. She said that she would like to make the garage deeper and wider than the older garage.

Roger Gartner, 47 E. 32<sup>nd</sup> Street, said he was opposed to the request. He referred to an aerial photo that was submitted in the packet and discussed lot line locations and garage setbacks along the alley for the adjacent properties. Mr. Garner expressed concerns with his ability to back from his garage without hitting the garage across the alley.

Ms. Casper said that the alley is 20 feet wide and there should be adequate room for Mr. Gartner to pull out of his garage without hitting her garage. She said she wants to build on an existing footprint; however, wants to make the new structure wider and deeper than the previous garage.

Staff Member Wernimont outlined the special exception request, noting the proposed setback to that of other garages in the alley. He said that the Board has the ability to modify the request to require a minimum 3-foot setback for the garage. He explained the majority of the garages along the alley are non-conforming.

Chairperson Bird asked if Ms. Casper would be willing to move the garage 3 feet from the rear property line, or to align it with the garage located on the adjacent lot to the west. Ms. Casper said was willing to align the garage with the garage to the west.

The Board noted that the proposed garage was consistent with other garages along the alley. They discussed the location of the proposed garage, and felt that it should be kept in line with the garage located on adjacent lot to the west.

Motion by Gibbs, seconded by Hutchinson, to approve the special exception with the condition that the front of the garage be aligned with the garage located on the adjacent lot to the west. Motion carried by the following vote: Aye – McCoy, Cremer, Hutchinson, Gibbs and Bird; Nay – None.

**DOCKET34-13:** Application of Theresa Buelow for a special exception for property located at 569 S. Grandview Avenue to build a 20' by 24' detached garage 0 feet from the east side property line and 4 feet from the rear property line, 6 feet required for both setbacks, in an R-1 Single-Family Residential zoning district.

Theresa Buelow, 569 S. Grandview Avenue, explained her request. She said that she currently has a detached single-car garage and that she would like to replace it with a new two-car garage.

The Board discussed the location of the garage and how it will be accessed. Ms. Buelow said that the detached garage will have two doors – one that faces Grandview Avenue and one that will face the alley.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report, noting that the request is to replace an existing deteriorated one-car garage and replace it with a new detached two-car garage. He said that the proposed garage will extend further along the side property line and be closer to the rear property line than the existing garage. He discussed the setbacks of other detached garages located in the neighborhood.

Board Member Gibbs asked if the driveway to the garage will be paved. Ms. Buelow said that there is an existing driveway to the garage from Grandview Avenue, and that the area between the alley and the garage will be paved.

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

**DOCKET 35-13:** Application of Douglas Blong and Elaine Ries for a special exception for property located at 201 Harriett Street to build a 1,200 square foot detached garage, 1,000 square foot maximum allowed, and 10 feet from the front property line, 20 feet minimum required, and 18 feet in height, 15 feet maximum allowed, in an R-1 Single-Family Residential zoning district.

Douglas Blong, 2501 Harriett Street, distributed renderings of the proposed garage. He said that the garage will be used as a workshop to work on vehicles and to store a lawn tractor.

Board Member McCoy asked what the shop will be used for. Mr. Blong said that the shop area will be used to maintain his personal vehicles and equipment.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report noting that the property is 20-acres in size. He explained the reasons for the 20-foot required front yard setback. He said that Harriett Street is platted but has not been improved to current street standards.

The Board asked if additional homes could be accessed from Harriett Street. Staff Member Hemenway said that additional houses may be accessed from Harriett Street; however, if additional subdividing would occur, the street would be required to be improved to City standards.

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

**DOCKET 36-13:** Application of Jordan Degree for a special exception for property at 119 Clarke Drive to add a third story 0 feet from the front property line (Clarke Drive and Shelby Street) 20 feet minimum required, and to construct an attached garage, 0 feet from the front property line (Shelby Street) and 1-foot from the north property line, 20 and 6 feet required respectively, and to cover 44% of the lot with structure, 40% maximum allowed, in an R-2 Two-Family Residential zoning district.

Jordan Degree, 119 Clarke Drive, explained that his request has two components. The first is to remove a deteriorated one-car garage and construct a new attached two-car garage. The second is to remove a roof and knee walls and construct a third story. He said that the remodel will allow him to increase the sidewall height to create more livable space. He noted that the roof of the third story will not exceed the existing roof height.

Board Member McCoy asked if the proposed third floor would impact sight lines to the river and the downtown from adjacent properties. The applicant noted that the new addition will not be built higher than the existing roof line.

No one spoke in opposition to the request.

Staff Member Wernimont reiterated the request. He discussed the building location and the topography of the site. He discussed the proposed design for the roof/third story addition and attached garage. He noted that he has not received any input from

adjacent property owners. He explained that Mr. Degree is proposing to remove the dilapidated one-car garage and construct a two-car garage with the walls serving as retaining walls. He indicated that there are several other garages built into the hillside in the immediate neighborhood. He noted that the structure will cover 44% of the lot and that storm water from the garage and home will be directed to Shelby Street and Clarke Drive.

Board Member McCoy discussed the height of the structure and wanted to be certain that it would not exceed the existing building height. Staff Member Wernimont explained how building heights for single-family homes are calculated. He noted that the building can be up to 30 feet in height. He said that if the submitted design is modified the applicant must reapply for another special exception.

Motion by Gibbs, seconded by Hutchinson, to approve the special exception as submitted. Motion carried by the following vote: Aye –Cremer, Hutchinson, Gibbs and Bird; Abstain -McCoy; Nay – None.

**CONDITIONAL USE PERMITS:**

**DOCKET:** Application of Deanne and David Hohmann for a conditional use permit for property located at 2612-2614-2616 University Avenue to permit a parking lot in an OR Office Residential District.

Deanne Hohmann distributed a petition signed by the adjacent property owners (Locators Limited, Chiropractic Plus and Jamica-Me-Tan) stating that they are in favor of the conditional use permit and rezoning requests. She also provided an e-mail from Bob Tucker, Director of Loras All-Sports Camp, stating they are also in favor of the parking lot because it will create a safe drop-off area for children who attend the camp and use the facility. Ms. Hohmann provided an estimate to install a screening fence and a preliminary site plan for the proposed parking lot.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He indicated that a conditional use permit is required for a parking lot abutting a residential district. He said that IIW Engineers prepared a site plan indicating the proposed parking lot design. He said that the parking lot will be screened from the adjacent residential properties with either a fence or a vegetative buffer. He explained that the applicant is requesting that the property be rezoned and will have to submit a site plan for departmental review. He said that the Board should make their approval contingent upon the applicant being granted a rezoning and site plan approval.

Board Member McCoy asked about the access from University Avenue to the proposed parking lot noting that the driveway is fairly close to the residences. Ms. Hohmann

noted that the Dubuque Dance Studio will own both properties and the house next to the studio is her residence.

Staff Member Hemenway noted that the access drive is 24-feet wide, which he said allows two-way traffic. He indicated that if the access drive was to be reduced, it would require traffic to stop on University while a vehicle is exiting the parking lot.

Motion by Gibbs, seconded by Cremer, to approve the conditional use permit contingent upon the property being rezoned to OR Office Residential, and approval of a site plan. Motion carried by the following vote: Aye – Cremer, Hutchinson, Gibbs and Bird; Nay – None; Abstain – McCoy.

**ITEMS FROM STAFF:**

Election of Airport/Zoning Board of Adjustment: Motion by McCoy, seconded by Gibbs, to appoint Heath Hutchinson to the Airport Zoning Board of Adjustment. Motion carried by the following vote: Aye – McCoy, Cremer, Hutchinson, Gibbs and Bird; Nay – None.

Election of Vice Chairperson to the Zoning Board of Adjustment: Motion by Gibbs, seconded by Cremer, to appoint Jonathan McCoy as Vice Chairperson to the Zoning Board of Adjustment. Motion carried by the following vote: Aye – McCoy, Cremer, Hutchinson, Gibbs and Bird; Nay – None.

**ADJOURNMENT:** The meeting adjourned at 5:10 p.m.

Respectfully submitted,

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Guy Hemenway, Assistant Planner

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Adopted