

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

4:00 p.m.

Thursday, December 19, 2013

City Council Chamber, Historic Federal Building

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

Board Members Excused: Board Member Heath Hutchinson.

CALL TO ORDER: The meeting was called to order by Chairperson Bird at 4:04 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 November 21, 2013 Zoning Board of Adjustment meeting were approved unanimously as submitted.

Docket 45-13: Application of Abby Leib, 2184 St. John Drive, for a Conditional Use Permit (tabled) to allow the keeping of 4 hens in an R-1 Single-Family Residential zoning district.

Abby Leib, 2184 St. John Drive, stepped to the podium and offered to answer any questions from the Board. Chairperson Bird asked Staff Member Hemenway to summarize the events of the last meeting regarding the Conditional Use Permit request. Staff Member Hemenway noted that at the previous Board meeting, Board members stated that they were not concerned with the keeping of hens on the subject lot. However, they had concerns regarding the somewhat ramshackled design of the chicken coop. He noted that the Board has asked Ms. Leib to submit a chicken coop design for their review.

Ms. Leib distributed a photo of the coop design she had chosen. Board Members reviewed the coop design and stated that it appeared to be substantial and keeping with what they intended.

Commissioner McCoy asked about the dimensions of the coop. Ms. Leib said it was approximately 3 feet wide by 10 feet long.

No one spoke in opposition to the request.

Board Members felt that Ms. Leib put forth a good faith effort to come up with a good design, and stated they were willing to approve the design as submitted.

Motion by McCoy, seconded by Gibbs, to approve the keeping of four hens in an R-1 Single-Family Residential district subject to the chicken coop design as submitted. Motion was approved by the following vote: Aye – McCoy, Cremer, Gibbs and Bird; Nay – None.

Docket 46-13: Application of Martin Bahl, 7405 Asbury Road, for a Special Exception to subdivide a lot placing a house on a one-acre parcel, ten-acre minimum required, in an AG Agricultural zoning district.

Terry Koelker, Buesing & Associates, said that he represented the Bahls. He said Martin Bahl's intent is to subdivide the property, separating the house and placing it on its own lot.

Commissioner McCoy asked why the agriculturally zoned property was being split. Martin Bahl explained that the property is owned by the family partnership, and he would like to separate the house from the partnership property, so that he can pass the estate along to his wife without any encumbrances.

Staff Member Hemenway presented the staff report, and explained the regulations regarding subdivision of agricultural property.

Board Members discussed the request and felt that it was appropriate.

Motion by McCoy, seconded by Cremer, to approve the subdivision of a lot placing the house on a one-acre parcel, 10-acre minimum required, in an AG Agricultural District. Motion was approved by the following vote: Aye – McCoy, Cremer, Gibbs and Bird; Nay – None.

Docket 47-13: Application of Terrence Bahl, 7615 Asbury Road, for a Special Exception to subdivide a lot placing a house on a one-acre parcel, ten-acre minimum required, in an AG Agricultural zoning district.

Terry Koelker, Buesing & Associates, said that Mr. Bahl had built a single-family home on a large agricultural property. He said Mr. Bahl's intent is to subdivide the property placing the house on its own one-acre lot for legal purposes to separate it from the partnership.

No one spoke in opposition to the request.

Terrence Bahl, 7615 Asbury Road, said that the current property is owned by a separate partnership, and that he would like to place the house on a separate lot for single-ownership purposes.

Board Members discussed the request and felt it was appropriate.

Motion by McCoy, seconded by Cremer, to approve the subdivision of the lot placing the house on a one-acre parcel, 10-acre parcel minimum required in an AG Agricultural District. Motion was approved by the following vote: Aye – McCoy, Cremer, Gibbs and Bird; Nay – None.

Docket 48-13: Application of Robert Klauer/IIW, P.C. for a Variance for property located at 422 & 430 Garfield Avenue to construct a loading dock roof 10 feet from the front property line, where 20 feet is required in a CS Commercial Service zoning district.

Mike Jansen, IIW Engineering, said that he represents Robert Klauer as Project Engineer. He said that as part of the Bee Branch project, the City is acquiring a portion of the Klauer property. He said that removal of the existing building will require reconfiguration of the buildings and a shift of the loading dock. He said that Mr. Klauer's intention is to cover a portion of the loading dock to protect it from the weather.

Staff Member Wernimont discussed the property acquisition and building reconfiguration necessary to accommodate the Bee Branch Project. He said that Mr. Klauer's intent is to shift the loading dock and build a cover for the entrance. He discussed the building configuration and the neighboring properties and land use.

Board Members discussed the request and felt it would have very limited impact on public safety or adjacent commercial properties.

Motion by McCoy, seconded by Gibbs, to approve the request as submitted. Motion was approved by the following vote: Aye – McCoy, Cremer, Gibbs and Bird; Nay – None.

Docket 49-13: Application of Robert Klauer/IIW, P.C. for a Variance for property located at 422 & 430 Garfield Avenue to allow a home furnishing sales/warehouse with a deficit of 10 off-street parking spaces in a CS Commercial Service zoning district.

Mike Jansen, IIW Engineering, said that Mr. Klauer's intention is to build an addition at the rear of the existing property to replace the floor area lost by acquisition and demolition of the existing building for the Bee Branch Project.

Staff Member Wernimont described how parking requirements are calculated, noted the credit given for the former use, demand of the existing use, and the resulting 10-space deficit. He noted that the removal of some of the existing parking area will be necessary to accommodate the building addition and property reconfiguration. He discussed the number of spaces on the subject property, and stated that there is an abundance of adjacent on-street parking.

Board Member McCoy expressed concerns with the potential impact on the adjacent on-street parking.

Staff Member Wernimont qualified the City-owned and leased parking area, noting that there was no guarantee that the proposed parking would be available in perpetuity for the Klauer property. Board Member McCoy asked staff to explain how parking requirements were calculated. Staff Members Hemenway and Wernimont discussed parking calculations, noting that it is not an exacting science. In response to concerns expressed by the Board, Mr. Klauer noted that he has been in the new building since 2002, and that there is relatively minor demand for on-street parking. He said that he may only have a few retail clients visit his building at one time.

Board Members discussed the request and felt that the hardship was not created by Mr. Klauer, and that the proposed parking variance should have very limited impact on the neighborhood.

Motion by McCoy, seconded by Gibbs, to approve the parking variance as submitted. Motion was approved by the following vote: Aye – McCoy, Cremer, Gibbs and Bird; Nay – None.

ITEMS FROM STAFF: None.

ITEMS FROM BOARD: None.

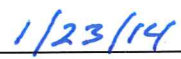
ITEMS FROM PUBLIC: None.

ADJOURNMENT: The meeting adjourned at 4:45 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner



Adopted