



Approved

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

4:00 p.m.

Thursday, May 22, 2014
City Council Chamber, Historic Federal Building

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

Board Members Excused: Board Member Heath Hutchinson.

CALL TO ORDER: The meeting was called to order by Chairperson Bird 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 April 24, 2014 Zoning Board of Adjustment meeting were approved unanimously as submitted.

DOCKET 13-14: Application of David Rupp and Gina Schroeder for a special exception for property located at 2014 Dock Street to construct an addition 2 feet from the rear property line, 10 feet required, in an R-2A Alternate Two-Family Residential zoning district.

David Rupp explained his request to the Board. He noted that he would like to convert a garage into living space and to add a deck.

No one spoke in opposition to the request.

Staff Member Wernimont reviewed the location of the existing buildings on the property. He explained that the applicant is proposing to convert an existing attached garage into living space. He noted the close proximity to a detached garage located on the adjacent property. He recommended that because of the close proximity to the property line, a gutter be installed along the edge of the addition to prevent storm water runoff onto the adjacent property.

Motion by McCoy, seconded by Gibbs, to approve the special exception with the condition that the applicant install a gutter to direct storm water runoff from the addition away from the adjacent property. Motion carried by the following vote: Aye – McCoy, Cremer, Gibbs and Bird; Nay – None.

DOCKET 14-14: Application of David Rupp and Gina Schroeder for a parking variance for property located at 2014 Dock Street to allow an expansion of a single-family home that will result in a deficit of 2 off-street parking spaces in an R-2A Alternate Two-Family Residential zoning district.

David Rupp explained his request to the Board. He noted that the attached garage is being converted to livable space for his mother-in-law.

No one spoke in opposition to the request.

Staff Member Wernimont explained that by converting the garage into livable space, off-street parking would be removed from the property. He explained that because no off-street parking will be provided on the property, that the applicant needs to obtain a parking variance. He indicated that parking is allowed on both sides of Dock Street and there does not appear to be an on-street parking problem in the neighborhood. He indicated that the applicant would like to maintain as much green space on the site as possible due to the lot not being very large.

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

Docket 15-14: Application of Marty McNamer for a special exception for property located at Creek Wood Drive, Lot 38 (currently parking of Parcel 15-03-200-005) to construct a single-family detached home 610 feet from the front property line, 50 foot maximum setback permitted, in an R-3 Moderate Density Multi-Family Residential zoning district.

Marty McNamer explained the proposed lot is 12.5 acres in size. He noted that the initial proposal was to convert that lot into three individual lots. However, due to topography and site constraints, the lot will remain as one large lot. He explained that he is aware of the Fire Department's regulations in order to provide a fire access road to the property, and the provisions for installation of a fire hydrant. He discussed the location of the lot relative to streets and the location in the subdivision.

No one present at the meeting spoke in opposition.

Staff Member Kritz presented the staff report. He noted that there are several other lots located in Timber-Hyrst #1 and #2 that were approved to build further than the required maximum setback from the front property line. He indicated that the adjoining property owner, Jeff Arensdorf, sent a letter of opposition. He indicated that there is approximately 1,000 square feet between Mr. Arensdorf's home and the location of the proposed single-family home. He said Mr. Arensdorf had concerns with storm water

runoff. He indicated that as part of the subdivision requirements, storm water calculations are included and reviewed by the Engineering Department.

Chairperson Bird asked Mr. McNamer how storm water will be handled through the site. Mr. McNamer explained that Jeff Arensdorf has concerns regarding storm water runoff from the entire subdivision. He explained that the proposed subdivision will have multiple basins and a culvert over an existing drainageway will help control water flow through his site. Mr. McNamer noted that the storm water management for the site was developed by the engineering firm he hired for designing the subdivision, and was reviewed by City Engineering staff.

Motion by McCoy, seconded by Gibbs, to approve the special exception contingent upon the final plat being approved, and the Fire Department's approval of the access road and provisions for a water hydrant. Motion carried by the following vote: Aye – McCoy, Cremer, Gibbs and Bird; Nay – None.

DOCKET 16-14: Application of Richard & Sandra Butler, 122 Cherokee Drive, for a special exception to construct a 24 foot by 30 foot detached garage 1.5 feet from the north side property line and 5 feet from the rear property line, 6 foot minimum required for both setbacks, in an R-1 Single-Family Residential zoning district.

Richard Butler 122 Cherokee Drive, reviewed his request. He explained he is proposing to demolish an existing one-car detached garage and build a new two-car detached garage in its place. He explained the proposed detached garage would not encroach any closer to the rear and side property lines than the existing garage.

No one spoke in opposition to the request.

Staff Member Wernimont reviewed the request, noting the presence of a six-foot wide sanitary sewer easement along the rear property line. He indicated that the proposed detached garage will not be allowed to encroach into this easement area.

The Board discussed the request, noting that they should place a condition requiring that the proposed detached garage not be allowed to encroach into the six-foot sanitary sewer easement which extends along the rear property line.

Motion by McCoy, seconded by Gibbs, to approve the special exception with the condition that the detached garage not encroach into the six-foot sanitary sewer easement. Motion carried by the following vote: Aye – McCoy, Cremer, Gibbs and Bird; Nay – None.

DOCKET 17-14: Application of the University of Dubuque / James Steiner, for a sign variance for property located at 90 McCormick Street, to install a 300 square foot wall-

mounted building sign, 100 square foot maximum permitted, in an ID Institutional zoning district.

Keith Wipperfurth, representing the University of Dubuque, reviewed the location and size of the indoor practice facility located at 90 McCormick Street. He discussed the location and size of the proposed signage on the building. He indicated that the sign will not be very visible from the adjacent neighboring properties, and is meant to be seen as one comes around the Chalapyt Wellness Center off the McCormick Street Extension.

The Board reviewed the distance the sign would be visible from the adjacent public right-of-way and asked if the sign would be lighted. Mr. Wipperfurth indicated the sign would not be lit.

No one spoke in opposition to the request.

Staff Member Wernimont reviewed the permitted amount of signage versus the amount of signage being proposed. He explained that it appears that the signage will be proportionate to the large scale of the building, and won't be very visible to the residences along Princeton Place or from the adjoining streets.

Motion by McCoy, seconded by Gibbs, to approve the sign variance as presented. Motion carried by the following vote: Aye – McCoy, Cremer, Gibbs, and Bird; Nay – None.

DOCKET 18-14: Application of Mike Muench & Leslie Shalabi for a parking variance for property located at 2811 Jackson Street to open a community garden and event center with a deficit of 22 off-street parking spaces in a C-1 Neighborhood Commercial zoning district.

Mike Muench and Leslie Shalabi, 323 Jones Street, explained that they have purchased the old Hopper's Greenhouse at 2811 Jackson Street. They explained they are proposing to convert the greenhouses into an event space that will hold weddings, anniversary and other special events. Ms. Shalabi indicated that the operation will be a non-profit, and the intent is to have an event center to help fund the other activities that will take place on the site. She explained that the site will also have a green house, a learning center, and a commercial kitchen. She explained that they are going to install a six-space parking lot on site.

The Board asked about the size and number of people who will attend these events. Ms. Shalabi indicated that they are proposing to hold events for up to 80 people. She explained that some of the patrons will have to park on the street. She indicated that for the events they are discussing the possibility of providing valet parking.

No one spoke in opposition to the request.

Staff Member Kritz explained the parking variance requirements. He noted that they are providing a six-space off-street parking lot. He referred to on-street parking in the neighborhood, and indicated there may be some demand on parking during peak events that would be held on the weekends. He explained that the majority of the activities that will take place at this location will have very limited demand on parking.

The Board discussed on-street parking in the neighborhood. They discussed the Copper Kettle and the demand for on-street parking. They noted that the Copper Kettle does not provide any off-street parking, and that parking is being satisfied by on-street parking, and how this has been a great investment in the neighborhood. The Board discussed peak times where parking will be at a premium, and noted this would be primarily on the weekends.

The Board discussed limiting the number of people attending large events to 80 people.

Motion by McCoy, seconded by Cremer, to approve the parking variance with the condition than no more than 80 persons be allowed at any of the events. Motion carried by the following vote: Aye – McCoy, Cremer, Gibbs and Bird; Nay - None.

DOCKET 19-14: Application of Mike Muench & Leslie Shalabi for a conditional use permit for property located at 2811 Jackson Street to open an indoor restaurant (event space) as a conditional use in a C-1 Neighborhood Commercial zoning district.

Leslie Shalabi explained that all the proposed uses for the site are permitted in a C-1 Zoning District with the exception of the indoor restaurant, which is listed as a conditional use. She explained that the indoor restaurant is primarily a kitchen that will be used for catering of events. She indicated the intention is to not actually run a restaurant at this site.

Steve Ough, 2814 Jackson, inquired if the greenhouses and the 60-foot smokestack would remain. Ms. Shalabi said that their intention is to rehabilitate the existing greenhouses and to retain the smokestack. Mr. Muench explained the history of the smokestack and the use of the greenhouses.

Chairperson Bird explained that this request is similar to Fountain Park, where the Zoning Advisory Commission placed a condition that required that the mansion be maintained for historical purposes. He asked staff if they could place a condition that we require the greenhouses and the smokestack be retained for historical purposes. Staff indicated this could be a possibility, if the Board chooses to do so.

Board Member McCoy asked about the event space and the ability to contain noise from bands and DJ's. Ms. Shalabi explained that they are working with an architect on

the design of the building, noting that they too have concerns about noise, as they will be living next door.

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

ITEMS FROM BOARD: The Board discussed the possibility of moving the time of the meeting from 4:00 p.m. to 5:00 p.m. Staff Member Kritz indicated that he would review the by-laws and noted they would need to amend them at a future meeting.

The Board also discussed the attendance of Board Member Heath Hutchinson and directed staff to contact Mr. Hutchinson by providing a letter indicating his intent on attendance at the Zoning Board of Adjustment meetings.

ADJOURNMENT: The meeting adjourned at 5:05 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted