



Approved

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

4:00 p.m.

Thursday, June 26, 2014

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, Kyle Kritz, and Wally Wernimont.

Board Members Excused: None.

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 May 22, 2014 meeting were approved unanimously as submitted.

Docket 20-14: Application of Ruedi Gingrass, 595 O'Neill Street, for a special exception to build a garage/house addition 3 inches from the west side property line, 6 foot minimum required, and 14 feet from the rear property line, 20 foot minimum required, in an R-1 Single Family Residential zoning district.

Ruedi Gingrass, 595 O'Neill Street, explained his request to the Board. He noted that they are proposing to construct an addition to the side and rear of the home in order to make it more ADA accessible. He indicated that his initial request was to build the house addition closer; however, after speaking with the neighbor, they have shifted the garage addition to meet the six-foot side yard setback. He noted he would like to reconstruct the existing garage and elevate it 2-3 feet. He said that stormwater runoff from the proposed addition would be directed onto their property noting that the proposed addition will be located over 40 feet from the nearest residence.

Paul Kaufman, 555 O'Neill Street, expressed concerns with the proposed addition. He said he had issues with the existing garage being rebuilt and elevated. He expressed concerns with stormwater runoff from the property and the potential impact to his property value. He said that the Gingrass's have plenty of space to build the addition on the east side of the home and meet the required setbacks.

Ruedi Gingrass addressed storm water runoff from the proposed site. He referred to a photo of the property and explained how the grade would be changed to redirect stormwater.

Chairperson Bird asked if Mr. Gingrass will have the ability to control the stormwater runoff from the site. Mr. Gingrass indicated the driveway can be pitched so that stormwater runoff can be directed away from the adjoining property.

Board Member Cremer asked Mr. Gingrass why they are not proposing to construct the addition on the east side of the where it can meet the required setbacks. Mr. Gingrass said they would like to keep a garden on that side. He said that the proposed improvements to the residence should have a positive impact on property values in the neighborhood. Board Member Cremer noted that the Board usually reviews reduced setback requests on lots with a restricted amount of space. He said that Mr. Gingrass has plenty of space to construct the addition elsewhere on the lot.

Staff Member Hemenway presented the staff report. He said that the site plan has been modified since he prepared his staff report. He noted that the proposed garage addition has been shifted in order to meet the six-foot required setback. He discussed the non-conforming status and reconstruction of the existing garage. He discussed storm water runoff from the site, and noted that the Board could condition approval on proper storm water management.

Board Member McCoy said that with the modifications to the location of the addition, he felt that the plan met the requirement for granting a special exception. He said that he would like to place a condition regarding storm water runoff from the site.

Board Member Gibbs said that he has concerns with the location of the proposed addition. He said there is adequate space on the east side of the home to construct the addition and meet required setbacks.

Chairperson Bird asked Mr. Gingrass if he would like to modify his request in order to address some of the concerns raised by the Board. Mr. Gingrass said that he did not want to build the addition on the east side of the home in order to keep the space open for a garden.

Motion by McCoy, seconded by Gibbs, to approve the special exception with the condition that storm water from the proposed addition be directed away from the adjoining property. Motion was denied for a lack of receiving three affirmative votes by the following vote: Aye – McCoy and Bird; Nay – Cremer and Gibbs.

Docket 21-14: Application of Beverly Miller for a special exception for property at 2740 Steger (adjacent to 2727 Doge Street – Sid's Beverage, to build a residence 150 feet from

the front property line (New Haven Street/Ethel Avenue), where 20 feet maximum is permitted in an R-1 Single Family Residential zoning district.

Bob Miller, 265 Doe Court, Dubuque, said that he is proposing to demolish an existing garage/building to construct a new single-family home.

No one spoke in opposition to the request.

Staff Member Wernimont presented the staff report. He noted the location of the proposed single-family home, indicating that it is going to be built 150 feet from the front property line. He said that the Millers are in the process of replatting the property so that the lot has frontage along New Haven Street/Ethel Avenue. He explained that the request has been reviewed by the Fire Marshal, and recommended that if approved, the following conditions be required:

1. The Fire Department approve the access lane to the property
2. The property be addressed at the street.
3. The proposed single-family home and garage is located outside of the sanitary and storm sewer easements.
4. Subject to approval of the final plat.

Board members discussed the request and said that they felt it had little impact on the adjacent properties.

Motion by McCoy, seconded by Cremer, to approve the special exception with the following conditions:

1. The Fire Department approve the access lane to the property
2. The property be addressed at the street.
3. The proposed single-family home and garage is located outside of the sanitary and storm sewer easements.
4. Subject to approval of the final plat.

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

Docket 22-14: Application of Louis Mihalakis, 1212 Miller Road, for a special exception to build an addition 14 feet from front property line and 10 feet from rear property line, 20 feet required for both setbacks, and to build a garage storage shed zero feet from the east side property line, 6 feet minimum required, in an R-1 Single Family Residential zoning district.

Susan Hess, 775 Sinsinawa, East Dubuque, IL, said that she is the attorney representing Louis Mihalakis. She explained that Mr. Mihalakis is proposing to build an addition onto his home located at 1212 Miller Road. She said that he is in the process of acquiring some additional land from an adjoining property owner.

Sheila Frank, 1220 Miller Road, spoke in opposition to the request. She explained that Mr. Mihalakis has failed to maintain his property. She indicated that there is trash, debris, and fill being placed on the property. She said that she is opposed to the special exception because of the potential for additional accumulation of debris on the site.

Ms. Hess said that Mr. Mihalakis has been working with the City to bring the property into compliance with various City codes.

Chairperson Bird asked Ms. Hess why the applicant was not in attendance. Ms. Hess indicated that Mr. Mihalakis has been called to Platteville to help with the disaster recovery from the tornadoes that recently hit the area.

Staff Member Wernimont outlined the special exception request. He indicated that Mr. Mihalakis does not need to receive approval for the storage shed, noting that a triangular shaped piece of property is actually associated with the property located at 1212 Miller Road as indicated on a boundary line agreement. He explained that a licensed land surveyor has contacted him, and that Mr. Mihalakis is in the process of acquiring some additional land from an adjoining property owner. He noted that replatting the property would not require a special exception for the rear yard setback. He said that as the platting process is not complete, Mr. Mihalakis must still apply for a special exception for the rear yard setback. He said that a special exception is also required for the front yard setback.

Chairperson Bird asked if Mr. Mihalakis is being enforced upon for operating a business from his home. Staff Member Wernimont indicated that at the present time, City staff was unaware of Mr. Mihalakis operating a business out of his home. He indicated that the property will be required to provide two paved off-street parking spaces.

The Board asked staff to discuss the current enforcement issues regarding this property. Staff Member Wernimont explained the current enforcement issues with the property. The Board discussed the request and noted they would like to table the application so Mr. Mihalakis can be in attendance to address comments. They also noted that this will allow Mr. Mihalakis time to replat the property.

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

Docket 23-14: Application of Spahn & Rose, 275 Harrison Street, for a variance to place 10 wall mounted signs on Main Building, six signs maximum permitted, and to place 700 square feet of wall mounted signage on the warehouse building, 400 square feet maximum permitted, in an LI Light Industrial zoning district.

John Hannan, CEO of Spahn & Rose, 2245 Wedgewood Road, and Dan Lange, Lange Sign Company, 1780 Illinois 35, East Dubuque, IL, presented their request to the Board. Mr. Hannon said they have acquired the former FedEx site located on Harrison Street and

are in the process of constructing a retail store and a warehouse building. He described the proposed site layout noting how the buildings are situated on the lot. He indicated they are requesting a variance to provide additional signage in order to advertise their products.

Dan Lange said that the two proposed buildings were designed by Straka Johnson Architects. He referred to renderings of the buildings and the location of the signs.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He noted that if all the signs located on the retail building were put together into one sign cabinet, that they would be compliant. However, he said that because the signs are spaced on the building façade, the number of signs would require a sign variance. He said that the signage located on the warehouse building exceeds the square footage requirement.

Chairperson Bird asked who owns the property located between the bridge and the proposed warehouse building. Staff Member Hemenway indicated that the Iowa Department of Transportation owns the property. He said that Sam Shea of the IDOT was notified of the applicant's request, and he indicated that the IDOT has no issue with approval of the proposed sign variance.

Board Member McCoy noted that he has concerns with visual clutter and the number of signs on the building.

Board Member Cremer indicated that he has no issues with the individual letter signs as opposed to the signs being located in a cabinet. He indicated that the proposed retail store has the total amount of allowable square footage; however, it is just the number of signs located on the building. He said that he felt that the individual letter signs fit well with the architecture of the building.

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

Docket 24-14: Application of Boys and Girls Club of Greater Dubuque, 1200 Block of Bluff Street, for a variance to sell a satellite parking lot creating an 8 space parking deficit.

Brian Meyer, 321 Idlebrook Court, Executive Director of the Boys & Girls Club, said that they are seeking approval to sell a satellite parking lot. He indicated that no one parks or uses the lot.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He explained that in 2001, the Boys & Girls Club expanded their building, which required additional off-street parking. He said the

applicant applied for a parking variance at that time and a condition was placed that required them to provide an off-street parking lot. He indicated that, based on aerial photography taken over several years, it appears that the parking lot is not being used. He indicated that most people who use the Boys & Girls Club are either dropped off or walk to the Club which generates little demand for off-street parking.

Chairperson Bird noted that he has children who played in the basketball league at the Boys & Girls Club and was never aware there was an off-street parking lot associated with the building.

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

Docket 25-14: Application of Matthew McLaughlin, 2310 Coates Street for a Special Exception to build a 1,160 square foot detached garage for a total of 1,200 square feet of accessory structures, where 1,000 square foot maximum allowed, in an R-1 Single Family Residential zoning district.

Matthew McLaughlin outlined his special exception request. He said he wants to build a detached three-car garage. He explained that he has a one-car garage located in the basement of the home that will not accommodate a full-size vehicle.

No one spoke in opposition to the request.

Staff Member Wernimont outlined the request. He referred to aerial photos of the site included in the Board's packet. He said that Mr. McLaughlin owns a large residential lot and the proposed detached garage will meet the required setbacks. He indicated that all adjacent property owners were notified and he had not received input from them.

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

Docket 26-14: Application of Robert Mueller, 295 South Hill Street, for a Special Exception to build a two-story addition 6 feet from rear property line, where 20 feet is required, in an R-1 Single Family Residential zoning district.

NOTE: Board Member McCoy left the meeting at 5:05 p.m.

Robert Mueller, 21185 Old Highway Road, explained he is the contractor for the proposed addition. He indicated that the addition will be built over an area currently occupied by a storage shed. He said that because of the configuration of the lot, the proposed two-story addition will be no closer than six feet to the property line.

No one spoke in opposition to the request.

Staff Member Wernimont outlined the special exception request. He discussed the history of the lot configuration, noting that at one point in time, the lot had frontage on South Grandview Avenue, and that the rear property line at that time, would have been considered a side property line. However, he said that because the lot has been reconfigured, the lot line is now considered a rear property line

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

Docket 27-14: Application of Tony Theisen / Theisen's Home, Farm and Auto, 2900 Dodge Street, for a variance (sign) to install a second freestanding sign, one sign max permitted, as per ZBA Docket 113-03 Sign Variance approved December 18, 2003.

Tony Theisen, Theisen's Home, Farm & Auto, 2900 Dodge Street, said that he would like to install another freestanding sign to advertise the location of their storage yard. He said that the freestanding sign will help direct customers to the storage yard through the parking lot.

The Board discussed the location and design of the proposed freestanding sign. The applicant indicated that the proposed freestanding sign is only a single face sign, and not double-sided.

Rick Droeske, Lange Sign, provided photos of the site, which he said were taken from Highway 20. He said the intent is to provide directional signage to customers who are in the parking lot and not to traffic along Dodge Street.

No one spoke in opposition to the request.

Staff Member Hemenway reviewed the staff report, noting previous ZBA sign variance approval. He explained that the previous sign variance restricted the amount of freestanding signage on the site, and the approval of this sign variance would allow for a second freestanding sign.

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

ITEMS FROM THE BOARD:

Amended By-Laws to change the meeting start time: Staff Member Kyle Kritz noted that at the previous meeting the Board discussed modifying the start time of the meeting. He noted the amended Zoning Board of Adjustment By-Laws, stating that the start time of the meeting will be changed to 5:00 p.m. He noted that the Board must vote to approve the amended By-Laws for the proposed change to be implemented.

Motion by Cremer, seconded by Gibbs, to approve the amended By-Laws moving the meeting time from 4:00 p.m. to 5:00 p.m. Motion carried by the following vote: Aye – Cremer, Gibbs and Bird; Nay – None.

ITEMS FROM STAFF

HUD Voluntary Compliance Agreement: Crenna Brumwell, Assistant City Attorney, explained a Voluntary Compliance Agreement between the City of Dubuque and the U.S. Department of Housing and Urban Development.

ITEMS FROM PUBLIC: None.

ADJOURNMENT: The meeting adjourned at 5:33 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted