



Approved

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

5:00 p.m.

Thursday, September 25, 2014

City Council Chamber, Historic Federal Building

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

**CALL TO ORDER:** The meeting was called to order at 5:00 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 August 28, 2014 Zoning Board of Adjustment meeting were approved unanimously as submitted.

Chairperson Bird administered the Oath of Office to new Board Member Joyce Pope.

Chairperson Bird announced that Dockets 33-14, 34-14, and 45-14 have been withdrawn by the applicants.

**DOCKET 41-14:** Application of Kevin and Kristin Nolen, 1327 Rhomberg Avenue, for a Special Exception to place a six-foot high fence along the front property line (Dock Street and Rhomberg Avenue), four-foot high maximum permitted in an R-2A Alternate Two-family Residential zoning district.

Kevin and Kristin Nolen, 1327 Rhomberg Avenue, said that they would like to add a privacy fence on the front, side and rear of their lot.

Staff Member Wernimont corrected a typo on the Notice stating that the Notice was still compliant. He described the proposed fence project, noting the fence height and location. He said that the fence would not block visibility from adjacent properties.

In response to a question from the Board, Mr. Nolen stated that the fence is needed for public safety and to help secure his dogs.

Board Members discussed the request and felt it was appropriate.

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

**DOCKET 42-14:** Application of Delbert Mastin, 199 Valley Street, for a Special Exception to construct a 12-foot by 20-foot carport, two feet from the front and rear property lines, 20 feet minimum required for both setbacks, in an R-1 Single-Family Residential zoning district.

Delbert Mastin, 199 Valley Street, described his request to the Board. He said he would like to place a carport adjacent to his house, noting that the carport would be built up to the bluff behind his property.

Staff Member Hemenway presented the staff report, noting the location of the carport, its distance from the adjacent unimproved streets, and the property topography. He said that the proposed carport will not block the view to the street or from the adjacent residential property.

Board Members discussed the request and felt it was appropriate.

Motion by Cremer, seconded by Gibbs, to approve the Special Exception request to allow a 12-foot by 20-foot carport two feet from the front and rear property lines. Motion carried by the following vote: Aye – McCoy, Cremer, Pope, Gibbs and Bird; Nay – None.

**DOCKET 43-14:** Application of Richard Hernandez, 4999 Twilight Drive, for a Special Exception to allow a six-foot high fence in the front yard (Red Violet and Twilight Drives), four-foot maximum height permitted, in an R-1 Single-Family Residential zoning district.

Richard Hernandez, 4999 Twilight Drive, said that the fence had already been built and that he had previously checked with the Building Department and was told that a building permit for the fence was not necessary. He said that the fence is six-feet high along the Twilight Drive frontage and that it is needed to create a safe and secure area for his children. He said the fence does not block the visibility from adjacent properties or from the street. He said that there was already a six-foot high fence along the rear yards of the residences that abut Radford Road, and that the additional height had been approved by the Board.

Staff Member Wernimont explained that the Board had previously approved a six-foot high fence along Radford Road, and that Mr. Hernandez had continued the six-foot high fence along the Twilight Drive frontage. He said that the new fence does not block the visibility from the public right-of-way or from adjacent residential properties.

Board Members discussed the request and felt it was appropriate.

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

**ADJOURNMENT:** The meeting adjourned at 5:30 p.m.

Respectfully submitted,

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Kyle L. Kritz, Associate Planner

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Adopted