



Approved

MINUTES
CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT
REGULAR SESSION

5:00 p.m.

Thursday, October 23, 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.

Board Members Excused: None.

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 September 25, 2014 Zoning Board of Adjustment meeting were approved unanimously as submitted.

DOCKET 46-14: Application of Gene Giltner / DAL Building Corp, for a variance for property located at 1306 Delhi to permit 5 wall-mounted signs on the building, one legally non-conforming sign permitted, in an R-2 Two-Family Residential zoning district.

Gene Giltner, Finance Officer for the American Legion, 1556 Donovan Drive, said that he would like to bring the American Legion property into compliance with the signage regulations. He said that signs had inadvertently been installed that did not receive prior approval. He said that the American Legion would like to add a sign on the University Avenue side of the building to increase their visibility.

No one spoke in opposition to the request.

Staff Member Hemenway explained the sign regulations, noting that the private club is located in a residential district and suffers from being a legally non-conforming business that is bound by residential sign regulations. He explained the previous sign variance that approved a 64 square foot sign on the west side of the building. He noted that the American legion had added two additional medallion signs and wanted to add a 32 square-foot wall-mounted sign on the University Avenue side of the building.

Board Member McCoy expressed concerns with the number of signs on the building and the visual clutter in the neighborhood. He questioned what would happen if the business changed hands. Staff Member Hemenway explained that any business would

be bound by the same number, amount and location of signage, if the variance were approved by the Zoning Board of Adjustment.

Board Member Pope asked if the representatives of the American Legion had spoken to the neighbors across the street. Mr. Giltner said that they had not.

Staff Member Hemenway noted that neighbors within 200 feet had received written notification and that he had not received any input from said neighbors.

The Board discussed the request and expressed concerns with potential illumination of the signs. Staff Member Hemenway noted that the proposed signs were not illuminated and the Board could require that the signs remain non-illuminated.

Board Members discussed the request and felt that the signs should remain non-illuminated.

Motion by McCoy, seconded by Cremer, to approve the request to permit 5 wall-mounted signs on the American Legion building with the condition that the signs remain non-illuminated. Motion carried by the following vote: Aye – McCoy, Cremer, Pope, Gibbs and Bird; Nay – None.

Docket 47-14: Application of Brett Schueller, for a special exception for property located at 590 – 592 University Avenue, to construct a deck 2 feet from the west side property line, 4 feet minimum required, and 12 feet from the rear property line, 20 feet minimum required, in an R-3 Moderate Density Multi-Family Residential zoning district.

Brett Schueller, 331 Winona Street, said that he had built a deck and subsequently had a disagreement with the neighbor as to the exact location of the property line. He said he would like to keep the deck at this current location, which he said was 2 feet from the west side property line and 12 feet the rear property line.

Chairperson Bird noted the receipt of two letters from adjacent property owners. Staff Member Wernimont identified the location of the neighbors that had submitted the letters. He said that the neighbors stated that they did not have a problem with the deck project as long as there was no encroachment onto their property.

Staff Member Wernimont reiterated the request referencing drawings and photographs of the project. He said that the applicant had not applied for a building permit.

Board Member Gibbs asked about the concerns expressed by the neighbors regarding further encroachment. Staff Member Wernimont said that stairs could encroach into the required setback.

Board Members discussed the request and felt it was appropriate.

Motion by McCoy, seconded by Pope, to approve the request to construct the deck 2 feet from the west side property line, 4 feet minimum required, and 12 feet from the rear property line, 20 feet minimum required in an R-3 Moderate Density Multi-Family Residential zoning district. Motion carried by the following vote: Aye – McCoy, Cremer, Pope, Gibbs and Bird; Nay – None.

Docket 48-14: Application of Richard & Cheryl Bertling for a special exception for property located at 295 South Hill Street, to construct an attached deck 3 feet from the rear property line, 20 feet minimum required, in an R-1 Single-Family Residential zoning district.

Richard Bertling, 295 South Hill Street, noted that he had received previous approval for a special exception to build an addition onto his house. He said there is an existing door on the side of the house that will serve as access to the deck. He said that the deck will be tastefully done and that he had spoken with the neighbors regarding his proposed project.

Staff Member Wernimont outlined the request, noting the property history and the unusual lot configuration.

Board Members discussed the request and felt it was appropriate.

Motion by McCoy, seconded by Gibbs, to approve the special exception request to construct an attached deck 3 feet from the rear property line, 20 feet minimum required, in an R-1 Single-Family Residential zoning district. Motion carried by the following vote: Aye – McCoy, Cremer, Pope, Gibbs and Bird; Nay – None.

Docket 49-14: Application of Dylan Kreiss for a special exception for property located at 604 Fenelon to build an attached deck, 12 feet from the rear property line, 20 feet minimum required, resulting in 49% of the lot covered with structure, 40% maximum lot coverage allowed, in an R-3 Moderate Density Multi-Family residential zoning district.

Dylan Kreiss, 604 Fenelon Street, outlined his request, noting that the previous building had been damaged by fire and was removed.

Board Members discussed the building design and required parking.

Staff Member Wernimont outlined the request, noting that the historic home had been fire damaged and the Historic Preservation Commission had approved demolition of the structure. He referenced the five-plex that had been approved across the street. He said that written notification had been sent out to the adjacent property owners, and that he had received no input. He said that the proposed building will meet all the bulk standards, including the required parking, with the exception of the rear yard setback. He discussed the lot layout relative to the adjacent properties. He said that the

architectural design that he had seen was sensitive to the historical context of the neighborhood.

Mr. Kreiss noted that the deck would be one level with no steps.

Board Members discussed the request and felt it was appropriate.

Motion by McCoy, seconded by Pope, to approve the request to special exception to build an attached deck 12 feet from the rear property line, 20 feet, required, resulting in 49% of the lot covered with structure, 40% maximum lot coverage allowed, in an R-3 Moderate Density Multi-Family Residential District. Motion carried by the following vote: Aye – McCoy, Cremer, Pope, Gibbs and Bird; Nay – None.

Docket 50-14: Application of Nick Carnahan / Mike Muench & Leslie Shalabi for a special exception for property at 2805 Jackson Street to construct an attached garage/addition 7 feet from the rear property line, 10 feet minimum required, resulting in 54% of the lot covered with structure, 50% maximum lot coverage allowed, in an R-2A Alternate Two-Family Residential zoning district.

Nick Carnahan said that he was speaking on behalf of Mike Muench and Leslie Shalabi. He said that he had designed an attached garage and mudroom for the applicants. He said that current zoning regulations have made the project difficult as it will slightly exceed the maximum lot coverage.

Staff Member Wernimont discussed the property history. He outlined project details noting the removal of the old garage which he said would be replaced with a slightly larger garage and addition. He said he had received no neighborhood input. He said that the existing building and garage will serve as the manager's residence for the green house complex. He discussed the alley access to the site.

Board Member McCoy asked if the roof drainage from the downspouts could be infiltrated or sequestered on site. Mr. Carnahan said that he could not discuss storm water management measures because he is an architect and not a civil engineer.

Board Member discussed the request and felt it was important that storm water be confined to this site.

Motion by McCoy, seconded by Cremer, to approve construction of a garage and addition with the condition that storm water be confined to the property. Motion carried by the following vote: Aye – McCoy, Cremer, Pope, Gibbs and Bird; Nay – None.

Docket 51-14: Application of Carla Siegert for a special exception for property at 2530 Elm Street to build a 6 foot high fence in the front yard, 4 foot maximum height allowed, in an R-2A Alternate Two-Family Residential zoning district.

Carla Siegert, 2530 Elm Street, said that she has a 65-pound dog and that she would like to build a fence to contain the animal. She discussed the height of the fence and noted where it would be located. She said there are a lot of kids who walk their dogs along the street and this agitates her pet.

Board Member Gibbs noted that one of the neighbors is concerned that snow removal would be difficult with a six-foot high fence built up to the property line. Ms. Siegert said it is her responsibility to remove the snow according to City requirements. She said that she is already moving the fence back behind the sidewalk further into her yard than she had originally proposed.

Staff Member Hemenway discussed a letter and an e-mail that were distributed to the Board from Mrs. Wallace at 2534 Elm Street and from Mr. Grothe from 2544 Elm Street. Both letters expressed concerns with snow removal and potential danger of having a fence close to the sidewalk.

Staff Member Hemenway presented the staff report. He distributed a photo of the property, noting the location of the fence on the lot relative to the adjacent residences and driveway. He noted the height requirements for the fence for the front, side and rear yards. He said that if the Board were inclined to approve the request, he would ask that the visibility triangle at the southwest corner of the property be maintained as there is a parking pad directly adjacent from which the view to the street would be partially blocked. He said the fence will not impact the view to the street from the front of the adjacent residences as one is located 100 feet back from Elm Street and the other is oriented toward Pinard Street.

Jan Wallace, 2534 Elm Street, said that she would like to have the fence built back to the front façade of the house so as to provide area for snow removal.

Board Members and the applicant discussed the position of the fence along the front property line. Ms. Siegert said she would be amenable to shifting the fence 4 feet back from the front property line.

Board Member Pope asked about the distance from the property line to the front of the house. Staff Member Hemenway said it was approximately 15 feet.

Board Member McCoy recommended that the fence be a minimum of four feet back from the inside of the sidewalk.

Board Members discussed the request and felt it was appropriate.

Motion by McCoy, seconded by Cremer, to approve the request to build a six-foot high fence in the front yard with the condition that the fence be placed a minimum of four feet

from the inside of the sidewalk. Motion carried by the following vote: Aye – McCoy, Cremer, Pope, Gibbs and Bird; Nay – None.

Docket 52-14: Application of Glinda Manternach / Bethany Home for a conditional use permit for property located at 2151 Farley Street to allow an off-premise parking lot and off-premise garage as a conditional use in an R-2A Alternate Two-Family Residential zoning district.

Glinda Manternach, administrator for Bethany Home, 1005 Lincoln Avenue, said that she would like to provide additional surface parking and a garage for their 18-seat passenger bus on an adjacent vacant lot.

Tim Skemp, 1103-05 Lincoln Avenue, said that although he supported the request, he was concerned with water drainage from the site onto his property.

Steve Ulstad, 2320 Buckskin Circle, noted that he is the architect on the project. He said that it is Bethany Home's intent to install curbing around the perimeter of the parking lot so as to direct storm water from the lot onto the public right-of-way.

Staff Member Hemenway presented the staff report, noting that a conditional use permit is required for all off-premise garages and parking lots in an R-2A district. He said he has spoken with two adjacent property owners who said they are not concerned with the project, but that they asked that storm water be directed away from their property.

Staff Member Hemenway noted that a site plan for the parking lot and garage will be required and that the City Engineering Department will review storm water management measures for the site. He noted that Bethany Home's request is also to waive the maximum height for the detached garage. He said that they are asking for a 16-foot high garage, 15-foot maximum is permitted. He said the additional height should have very limited impact on adjacent properties. He discussed parking lot design standards noting that there is generally a setback required between the property line and the edge of paving for a parking lot. He said that the Old Town Design guidelines allow for a reduced setback from the edge of the parking lot pavement to the property line. He said that the request to use a vinyl fence along the entire north property line would inhibit the visibility at the intersection of Farley and High Bluff Streets. He recommended that, if approved, the Board require a parking lot setback and landscape buffer along the Farley and High Bluff Street frontages.

Board Member McCoy expressed concerns with extension of the Bethany Home campus across Farley Street creating an encroachment into an existing residential neighborhood. He said he felt that this may change the character of the neighborhood. He said that it would be advantageous for Bethany Home to formulate a long-range plan for campus expansion that would prevent piecemeal development and limit encroachment into the surrounding neighborhoods.

Staff Member Hemenway said that the conditional use process affords the Board and neighbors the opportunity to review the request for campus expansion and to either deny, approve, or require conditions that may help mitigate some of the impacts of the encroachment.

Chairperson Bird expressed concern with the placement of the garage and parking lot across Farley Street into the residential neighborhood. He asked if the bus garage could be built on the existing parking lot. Ms. Manternach stated that because of site topography, placing a garage on the existing parking lot would be very costly. She said Bethany Home decided to purchase the subject house because it was not well maintained. She said that the neighbors are in favor of a screening fence along the property lines.

Chairperson Bird asked staff to clarify the proposed landscape buffer as it affects the parking lot configuration. Staff Member Hemenway noted that the surface parking lot would lose two spaces of the six-space parking lot, if the seven-foot landscape buffer were to be required.

Board Member McCoy reiterated his concern with the piecemeal approach for campus expansion with parking lots and other structures being placed into the neighborhood.

Chairperson Bird said he was open to expanding the buffer area along both frontages. Board Members discussed the potential impacts of expanding the parking lot across Farley Street into the residential area.

Mr. Skemp said that the garage and parking lot would be an improvement to the existing vacant lot, and that he was in favor of requiring that the parking lot be buffered by a landscaped area.

Board Member Cremer stated he was in favor of building the garage and parking lot with the condition that a landscape buffer be created.

Board Member Pope agreed with Board Member Cremer.

Ms. Manternach said that the buffer yard with landscape area would be difficult to maintain as the salt used for snow removal would kill the vegetation. She said that the vinyl fence would be more resilient and tolerant to snow and salt.

Board Member McCoy said that he still felt it may be more appropriate to send this request to the Zoning Advisory Commission.

Chairperson Bird said that he is in support of the garage and parking lot, but that he would recommend that the parking lot be moved back seven feet to accommodate the landscape buffer.

Board Members discussed the request and recommended that a landscape buffer be created.

Motion by McCoy, seconded by Gibbs, to approve construction of the off-premise garage and parking lot at 2151 Farley Street with the conditions that the storm water be confined to the site or otherwise managed, and that a seven-foot setback landscaped buffer between the property line and the edge of the parking lot on both street frontages be required. Motion carried by the following vote: Aye – McCoy, Cremer, Pope, Gibbs and Bird; Nay – None.

Docket 53-14: Application of Glinda Manternach / Bethany Home for a special exception for property located at 2151 Farley Street to construct a 16 foot high off-premise residential garage four feet from the rear property line, 15 feet maximum height allowed and 6 foot minimum setback required, in an R-2A Alternate Two-Family Residential zoning district.

The Board had discussed the garage height as part of the original conditional use request and felt it had very little impact on the neighborhood.

Docket 54-14: Motion by McCoy, seconded by Gibbs, to approve the construction of a 16-foot high off-premise garage, 15-foot maximum permitted, in an R-2A District. Motion carried by the following vote: Aye – McCoy, Cremer, Pope, Gibbs and Bird; Nay – None.

ITEMS FROM BOARD: Both Board Members Pope and McCoy asked that in the future they receive their agenda packets by email and not in hard copy to save paper. Staff Member Hemenway said he would forward this information to Planning Services staff.

ADJOURNMENT: The meeting adjourned at 6:30 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted