



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

5:00 p.m.

Thursday, April 23, 2015

City Council Chamber, Historic Federal Building

Board Members Present: Chairperson Eugene Bird, Jr.; Board Members Jeff Cremer, Bethany Golombeski, and Joyce Pope; Staff Members: Guy Hemenway, Wally Wernimont, and Kyle Kritz.

Board Members Excused: Board Member Jonathan McCoy.

CALL TO ORDER: The meeting was called to order by Chairperson Bird 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 March 26, 2015 meeting were approved unanimously as submitted.

Docket 9-15/Special Exception: Application of Charles Petsch, 2935 Jackson Street, to construct an attached garage 2 feet from the front property line (White Street), 20 feet minimum required, and 6 inches from the north side property line, 3 feet minimum required, in an R-2A Alternate Two-Family Residential zoning district.

Charles Petsch, 2935 Jackson Street, said that he would like to erect a 20' by 20' two-car carport. He said that although he is asking to build a carport, he included an enclosed garage in the request in case it was necessary to fully enclose the carport at some time in the future.

Board Members clarified that the structure would be detached.

Staff Member Wernimont outlined the staff report, explaining that if approved for a garage, the carport can be enclosed in the future without requiring Mr. Petsch to reapply for another special exception. He distributed photographs of the site and noted that the applicant has a through lot with two frontages. He recommended that, if approved, a gutter be installed along the roof line of the proposed carport so as to prevent stormwater from flowing directly onto the adjacent properties.

Board Member Golombeski expressed concerns with the minimal six-inch setback and asked if the carport could be moved 1-foot from the property line. Mr. Petsch said that

they could increase the setback to 1-foot. He noted that the concrete slab that the carport will be placed was poured last year.

Motion by Golombeski, seconded by Cremer, to approve the special exception with the condition that the reduced setback be for a carport only. Motion carried by the following vote: Aye – Cremer, Golombeski, Pope, and Bird; Nay – None.

Docket 10-15/Special Exception: Application of Karen Hudek, 1295 Cerro Drive, to construct an attached garage 3 feet from the west side property line, 6 feet minimum required, in an R-1 Single-Family Residential zoning district.

Karen Hudek, 1295 Cerro Drive, said that she would like to remove two trees from her property and add to the side of her garage to help resolve a storm water runoff problem and to create a two-car garage.

Staff Member Wernimont distributed a video of the stormwater running through the applicant's property after a storm event. He said the applicant proposes to install a drain tile to help alleviate some of the storm water damage.

Rocky Giannakouros, 1640 Lawndale, said he was speaking on behalf of George and Joyce Giannakouros, who are the adjacent neighbors at 1335 Cerro Drive. He said that expanding the garage 3 feet from the side property line will make the houses very close. He said that his father is ill and is awakened by Ms. Hudek's car running in the mornings. He said that his parents' property value may be affected, and that problems with storm water runoff may be exacerbated possibly causing additional damage to his parent's property. He said it may impact their ability to refinance.

Ms. Hudek said that she felt that the installation of drain tile would help alleviate the water runoff problem for both properties. Mr. Giannakouros said that his parents' main concern is the encroachment, not the storm water conveyance. He said that locating the addition closer to the property line could, however, deflect water back onto his parents' lot.

Ty Kleiner, Ms. Hudek's contractor, said that the neighbor's yard sits higher than the subject property. He noted that the distance between the kitchen bump-out and the garage wall is 14-feet 3-inches.

Board Member Golombeski said that she felt that building the garage addition 3 feet from the neighbor's property placed it too close and that the garage interior does not need to be as wide as proposed to accommodate two vehicles.

Board Member Pope agreed, stating that the garage addition could be designed to meet the required setback eliminating the need for a special exception.

Board Member Cremer discussed the request, expressing concerns with the additions' potential effect on storm water conveyance, stating that it may channel water back onto the adjacent property.

Ty Kleiner said that the addition and piping is intended to resolve the storm water issue by safely channeling the runoff from the rear of the lot to the front yard onto the street.

Karen Hudek said that the 3-foot setback is the minimum needed to make the garage interior functional.

Board Member Pope recommended that Ms. Hudek work with the neighbor to limit disruption during construction.

Board Members discussed the dimensions and configuration of the proposed addition.

Staff Member Wernimont outlined the staff report, stating that the building would be expanded 16 feet to the north, and that there was a 5-foot bump-out toward the side property line. He said the expansion would allow two cars to be parked in the garage. He discussed storm water management issues.

Board Members discussed various options for storm water conveyance.

Chairperson Bird recommended that the applicant and her contractor table the request and return with more detailed plans, including dimensions and the measures needed to adequately convey the storm water.

Ms. Hudek agreed to table the request and return with the required information.

Motion by Cremer, seconded by Pope, to table the request to the next regular meeting. Motion carried by the following vote: Aye – Cremer, Golombeski, Pope, and Bird; Nay – None.

Docket 11-15/Special Exception: Application of Anastasia Sweeney, 981 Edison Street, to build a 22-foot by 28-foot detached garage 2 feet from the west side property line and 4 feet from the rear property line, 6 feet minimum required for both setbacks, in an R-2 Two-Family Residential zoning district.

Anastasia Sweeney, 981 Edison Street, said that she would like to build a detached garage in her rear yard.

Dustin Wiscler said that they would like to construct a two-car garage behind the house. He noted that the carport and tree had been removed to accommodate the proposed garage. He said that they would like to build closer to the side property line because it

would make more space available to them. He said the carport that was removed was also 2 feet from the property line.

Board Members discussed the location of the detached garage.

Staff Member Hemenway explained the request, noting existing setback requirements, proposed setbacks and the former carport location. He noted there are other garages in the neighborhood that are built very close to the side and rear property lines. He discussed vehicular circulation through the alley, which he said tapers from 20 feet behind the subject lot down to 10 feet after a 90-degree bend. He said that this limits the amount and speed of traffic along the alley.

Board Members discussed the proposed detached garage setbacks, noting the location of the former carport.

Board Member Pope made the point that the garage could be built so as to meet the required setbacks.

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

Docket 12-15/Special Exception: Application of Frank and Sarah Vlach, 2551 Elm Street, to allow a six-foot high fence in the front yard, four foot maximum height permitted in an R-2A Alternate Two-Family Residential zoning district.

Frank and Sarah Vlach, 2551 Elm Street, said they would like to install a six-foot high safety fence to protect their children and to prevent kids and dogs from cutting through their yard. They said that the fence would be black coated chain link and will not block views. They said that they have removed a 9-foot hedge from the site to accommodate the fence. They noted that there is a 12-inch grade change between the sidewalk and their yard. They said that the fence will enable them to also enclose their garage and the graveled parking area. Mr. Vlach discussed the fence location, noting there will be two entry gates. He said he will remove the neighbor's dilapidated fence in the process. He said the fence will be setback 18 inches onto his property.

Staff Member Wernimont outlined the request, detailing the R-2A fence regulations. He noted that the fence would only be higher than permitted by code along a small portion of the lot. He said that the hedge that was removed limited the view from adjacent properties. He said the fence will pose no sight visibility issues from adjacent properties or driveways.

Chairperson Bird said he is not concerned with the additional height provided that the fence is chain link.

Motion by Cremer, seconded by Pope, to approve the special exception with the condition that the fence material be black coated chain link. Motion carried by the following vote: Aye – Cremer, Golombeski, Pope, and Bird; Nay – None.

Docket 13-15/Conditional Use Permit: Application of Karla Weber, 1989 W. 3rd Street, to allow swim coaching as a home-based business in an R-1 Single-Family Residential District.

Dennis Weber, 1989 W. 3rd Street, discussed the installation of a hydro swimming pool and spa. He said his wife would like to coach athletes and conduct sports rehabilitation with the pool. He noted that they work with the Hempstead High School swim coach to tutor athletes.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report, stating that a CUP is required because home-based business activity is required to be indoors. He said that the hydro pool will be located outdoors but will be fully surrounded by a privacy fence. He said that it is likely the applicant would coach one swimmer at a time and he said that the request meets all other criteria established for home-based businesses.

In response to a question by Board Member Golombeski, Staff Member Hemenway noted that the Building Code requires that a pool be fully enclosed with a minimum 5-foot high fence with a locking gate.

Board Members discussed the request and felt it was appropriate.

Motion by Cremer, seconded by Pope, to approve the Conditional Use Permit as submitted. Motion carried by the following vote: Aye – Cremer, Golombeski, Pope, and Bird; Nay – None.

Docket 14-15/ Variance: Application of Unity Point Health-Finley Hospital/Lange Sign Group, 350 North Grandview Avenue, to install a 100 square foot temporary sign for 8 months, where 32 square feet maximum and 30 days maximum are allowed in an ID Institutional District.

Mike Lange, 591 Clinton Drive, East Dubuque, IL, said the variance will permit Finley Hospital to display a 100-square foot banner celebrating the hospital's anniversary. He said that they are asking for a larger banner because the building face on which it will be displayed is setback a long distance from the street.

Staff Member Hemenway presented the staff report, noting that the banner will be displayed for eight months. He discussed the scale of the buildings, the distance of the buildings from the street, and the commercial nature of the neighborhood. He said that

the current temporary sign section of the UDC does not accommodate large facilities in that it only allows a 32 square foot banner to be displayed for up to 4 months per calendar year.

Board Member Golombeski asked about approving the additional duration for display of this sign. Staff Member Hemenway noted that if a sign were to be placed on the building for the last four months of one calendar year, it could be displayed the first four months of the next calendar year. Therefore, a perpetual 8 month display would be permitted. He said that Board Members have approved requests like this in the past.

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

Docket 15-15/Variance: Application of Unity Point Health-Finley Hospital/Lange Sign Group, 1355 Delhi Street, to permit a 30 square foot wall-mounted tenant sign, 16 square feet per tenant maximum permitted, in an OS Office Service zoning district.

Mike Lange, representing Lange Sign and Finley Hospital, said that the request is to place one additional 30 square foot sign on the fifth entry canopy in an effort to match the other signs on the building.

Staff Member Hemenway presented the staff report outlining the request. He noted that in 1992 the Zoning Board of Adjustment approved 4 internally illuminated 30 square foot canopy signs to be placed on four of the five entrance canopies on the building. He said that the applicants request now is to put a single 30 square foot sign to match the others on the fifth unsigned canopy. He said that in this district, a 16 square foot sign is the maximum permitted, but that due to the architecture of the entry canopies, a 30 square foot sign is not out of scale with the building, which he said is quite a distance from the street. He said that when originally approved in 1992, the Board limited the hours that the signs could be lit from 7 a.m. to 9 p.m. He recommended that for consistency the Board consider applying this same limitation to the proposed sign.

Board Members discussed the request and felt it was appropriate to limit internal illumination of the sign to the same as the other signs.

Motion by Cremer, seconded by Pope, to approve the variance request with the condition that the sign be lit only between the hours of 7 a.m. and 9 p.m. Motion carried by the following vote: Aye – Cremer, Golombeski, Pope, and Bird; Nay – None.

ITEMS FROM PUBLIC: None.

ITEMS FROM STAFF: Staff Member Kritz discussed the staff proposal to develop additional regulations for freestanding solar arrays. He noted that a number of communities, including Chicago, prohibit freestanding solar arrays in residential areas all together. He said, however, there are other options for regulating said arrays, and he recommended utilizing the conditional use permit process. Chairperson Bird asked that staff develop some bulk standards for solar arrays.

Board Members Golombeski and Pope stated that they are in favor of requiring a conditional use permit for freestanding solar array installations.

ITEMS FROM BOARD: None.

ITEMS FROM PUBLIC: None.

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

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted