



Approved

**MINUTES  
CITY OF DUBUQUE ZONING ADVISORY COMMISSION  
REGULAR SESSION**

6:00 p.m.

Wednesday August 5, 2015

City Council Chamber, Historic Federal Building

**Commission Members Present:** Chairperson Patrick Norton; Commissioners Steve Baumhover, Kristin Dietzel, Martha Christ, Tom Henschel, Michael Belmont, and Laura Roussell; Staff Members Guy Hemenway and Kyle Kritz.

**Commission Members Excused:** None.

**CALL TO ORDER:** The meeting was called to order by Chairperson Norton at 6:00 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 July 1, 2015 Zoning Advisory Commission meeting were approved unanimously as submitted.

**ACTION ITEMS\FINAL PLAT:** Application of Gary and Kathy Schlosser, 1589 Cornell Street, for the Final Plat of Schlosser Place.

Chairperson Norton stepped away from the table due to a potential conflict of interest. Vice Chairperson Henschel conducted the meeting.

Gary Schlosser, 1589 Cornell Street, noted that he had purchased a house and thought that the adjoining lot was included in the purchase. He said that when he decided to place a porch on the back of his house he discovered that he did not own the adjacent lot. He said that he purchased the property in good faith and that the Realtor was not aware of the lot line location. He said his intent is to split the lot to enable him to build an addition to his house.

Staff Member Kritz reiterated the request noting the configuration and ownership of the subject property and adjacent lots and buildings. He said that the split will shift the lot line so as to permit the applicant to build an addition solely on his property. He said that the split will create a more logical lot configuration that better reflects proper ownership. He noted that Lot 3 will not have the required frontage and that Lots 1 and 3 will not have the required lot area. He recommended approval of the plat.

Commissioners discussed the request and felt that it was appropriate.

Motion by Baumhover, seconded by Christ, to approve the Final Plat of Schlosser Place, subject to waiving the lot frontage requirement for Lot 1 and the lot area requirement for Lots 1 and 3. Motion carried by the following vote: Aye –Baumhover, Christ, Dietzel, Henschel, Belmont, and Roussell; Nay – None; Abstain – Norton.

**PUBLIC HEARINGS\REZONING:** Application of JLD Investments, LLC, 900 Seippel Road, to modify the zoning condition applied to the property regarding fencing.

Joe Delaney, 900 Seippel Road, said that his request is to eliminate the condition that required his storage facility to be fenced and gated. He said that his business has been scaled back from nine storage buildings to three buildings. He said that he uses cameras to provide site security.

Staff member Hemenway detailed the property zoning history noting the conditions placed on the property at the original rezoning. He said that the north half of the property had been rezoned to AG Agricultural district and that the nearest residence is over 500 feet from the subject property. He said that during the original rezoning the adjacent residential property owners were concerned with the security of the facility and the affect it may have on their property. He stated the original conditions placed on the property noting that all have been, or will be, met when the third building is completed.

Chairperson Norton asked if the current zoning conditions are applicable to the entire property. Mr. Delaney noted that the lot had been replatted, splitting off the southern portion for the storage facility. He said that the conditions only apply to the commercially-zoned lot and not the agriculturally-zoned lot.

Commissioner Belmont asked if the agricultural district allowed storage. Staff member Hemenway said that the only storage permitted would have to be accessory to the agricultural activity and that a mini-storage facility is not permitted in the AG district.

Commissioners felt that as the facility had been reduced in size and moved well away from the adjacent residential property, the request to eliminate the fence requirement was appropriate.

Motion by Christ, seconded by Belmont, to approve the request to eliminate the condition that the entire site is to be fenced and secured with a gated entrance. Motion carried by the following vote: Aye –Baumhover, Christ, Dietzel, Henschel, Belmont, Roussell and Norton. Nay – None.

**PUBLIC HEARING\REZONING:** Application of Chris Konzen to rezone property located along Cedar Cross Road from LI Light Industrial district to C-3 General Commercial district.

Staff Member Kritz said that Mr. Konzen submitted an email asking to table his request to rezone to a future date.

Commissioners agreed to honor Mr. Konzen's request.

Motion by Belmont, seconded by Christ, to approve the applicant's request to table the rezoning to a future date. Motion carried by the following vote: Aye –Baumhover, Christ, Dietzel, Henschel, Belmont, Roussell and Norton. Nay – None.

**ADJOURNMENT:** The meeting adjourned at 6:19 p.m.

Respectfully Submitted

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Kyle L. Kritz, Associate Planner

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Adopted