

MINUTES
CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT
REGULAR SESSION

5:00 p.m.

Thursday, December 17, 2015

City Council Chamber, Historic Federal Building

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

CALL TO ORDER: The meeting was called to order at 4:15 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 November 19, 2015 meeting were approved unanimously as submitted.

Docket 57-15: Application of Brandon Merrick for a Special Exception to allow a duplex on a 5,550 square foot lot where 6,000 square feet is required in an R-2 Two-Family residential zoning district on W. 11th Street (Parcel # 10-24-385-005).

Chairperson Bird advised Mr. Merrick that because only three Board Members are present, and his request would require three affirmative votes to be approved, he could ask to table his application. Mr. Merrick said he would rather move forward with his request.

Brandon Merrick noted that he owned a vacant lot on W. 11th Street and said that he would like to build a duplex.

Board Member Golombeski asked about the lot dimensions and whether or not the property would be rented to college students.

Board Member Pope asked how many bedrooms each unit would have, and Mr. Merrick said that each unit would have four bedrooms.

Doug Spyrisson, 1295 Grove Terrace, stated that the request does not meet the intent of the Zoning Ordinance. He said that several duplexes have recently been built in the neighborhood and they serve as mini dormitories for college students. He expressed concerns with parking in the area and the consequent problems with snow removal and emergency vehicle access.

Jeff Mozena, 1207 Grove Terrace, stated that he is a long-term resident of the neighborhood and is opposed to the request because it does not meet the intent of the Zoning Ordinance. He said that the alley behind the subject lot is in bad condition and that he feels that the City has done a poor job of enforcing City Codes regarding property maintenance in the neighborhood. He said that if the request was approved it would result in increased density in the neighborhood.

Joan Bodnar-Noon, 1245 Grove Terrace, noted the problems that she has experienced with the large student population in the neighborhood. She said that many of the neighbors' properties are well kept, but that the rental housing is poorly maintained.

Trish McDonald, 480 Arlington Place, noted that she is president of the Historic Bluffs Neighborhood Association. She said that the proposed duplex would increase density in the neighborhood. She said that although she supports property rights, she feels that the proposal does not meet the intent of the Zoning Ordinance. She discussed parking and traffic issues in the neighborhood and stated that she felt the project would not be compatible with the residential neighborhood.

Bob Wild, 1025 Grove Terrace, spoke in opposition to the request, stating that it does not comply with the Zoning Ordinance.

Steve Drahozal, 683 W. 11th Street, spoke in opposition to the request, noting concerns with traffic, demand on parking and emergency access. He said that he felt that this project would increase population density in the neighborhood.

Brandon Merrick said that he understands the neighbors' concerns regarding density and student population in the neighborhood. He said that his proposal is to simply take a vacant lot that is not well cared for and build a duplex, cleaning up the lot and providing the required amount of parking.

Chairperson Bird asked if Mr. Merrick could build a smaller duplex or acquire additional lot area to meet the minimum standards. Mr. Merrick said he has reviewed those options and that it is not possible to purchase additional property.

Staff Member Hemenway reviewed the staff report noting the surrounding zoning and land use. He explained the purpose of the minimum exterior lot area requirements which he said included provision of adequate outdoor recreation and storage space. He reviewed the previous Historic Bluffs Neighborhood rezoning that he said had changed the subject lot's designation from R-3 Moderate Density Multi-Family district to R-2 Two-Family Residential district. He discussed on- and off-street parking conditions in the neighborhood, noting that Mr. Merrick would provide the four paved off-street parking spaces for the duplex as required. He said that the existing lot had a legally non-conforming steel shed and had accumulated some junk and salvage materials. He

said the request, simply put, is to reduce the amount of exterior lot area by 225 square feet per unit.

Board Member Pope asked what size lot was required for a single-family home. Staff Member Hemenway said a minimum of 5,000 square feet of lot area is required for a single-family home and that 6,000 square feet of lot area is required for a duplex.

Board Member Golombeski asked staff to clarify the front yard setback. Staff Member Hemenway discussed the average of front yard setbacks provision in the Unified Development Code, noting that the building could be built 13 feet from the front property line. He said that the building design and exterior materials would have to be reviewed by the Historic Preservation Commission.

Chairperson Bird asked Mr. Merrick if the existing steel shed would be removed. Mr. Merrick answered in the affirmative.

Board Member Pope said that she was very familiar with the neighborhood and that she feels that there is significant demand for on-street parking. She said that she feels that the proposed duplex would exacerbate these problems.

Board Member Golombeski said that the North End Neighborhood Association had in the past rezoned this property in an effort to reduce density and that she respected their concerns. She said that she feels that the duplex would increase density.

Chairperson Bird said that he felt that a new building on a vacant lot would be a positive change for the neighborhood. He asked Ms. McDonald if she would be willing to meet with Mr. Merrick and try to hammer out a compromise regarding the building and parking. Ms. McDonald said that she would be willing to meet with Mr. Merrick. Mr. Merrick stated that he would be willing to meet with representatives of the neighborhood association.

Chairperson Bird asked Mr. Merrick if he would consider tabling his request so as to enable him to meet with the neighborhood association, hammer out a compromise, and have his request re-heard at the next regular Zoning Board of Adjustment meeting. Mr. Merrick said he would.

The motion to table the request failed for lack of a motion.

Motion by Pope, seconded by Golombeski, to approve the Special Exception to allow a duplex on a 5,500 square foot lot, 6,000 square feet required in an R-2 Two-Family Residential Zoning District. The motion failed by the following vote: Aye - None; Nay – Golombeski, Pope, and Bird.

ITEMS FROM STAFF: None.

ITEMS FROM BOARD: None.

ITEMS FROM PUBLIC: None.

ADJOURNMENT: The meeting adjourned at 6:45 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted