

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

5:00 p.m.

Thursday, June 23, 2016

City Council Chamber, Historic Federal Building

Board Members Present: Chairperson Jonathan McCoy; Board Members Keith Ahlvin, Jeff Cremer, Bethany Golombeski, and Joyce Pope; Staff Members Guy Hemenway, Kyle Kritz, and Wally Wernimont.

Board Members Excused: None.

Board Members Unexcused: None.

CALL TO ORDER: The meeting was called to order by Chairperson McCoy 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 May 26, 2016 Zoning Board of Adjustment meeting were approved unanimously as submitted.

Docket 26-16/Special Exception: Application of John Greenwood, 7900 Pennsylvania Avenue, to construct a 702 square foot detached storage shed for a total of 1,422 square feet of detached accessory structures, 1,000 square feet maximum permitted in an AG Agricultural District.

John Greenwood, 7900 Pennsylvania Avenue, said that he needs an additional garage for storage purposes.

Staff Member Wernimont reiterated the request, noting the surrounding land use. He said that the proposed building is a 20' by 27' shed with a 6' by 27' lean-to. He noted that the subject property is a large lot and that the structures will cover much less than the 40% permitted.

Board Members discussed the request and felt it was appropriate.

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

Docket 27-16/Special Exception: Application of Theothoros Giannakouros / Blue Sky Solar for property located at 2700 Arbor Hills Drive, to construct a 780 square foot free-standing solar array, 100 square feet maximum permitted, in an R-1 Single-Family District.

NOTE: Board Member Jeff Cremer arrived at 6:05 p.m.

Vicky Kluesner said that she was speaking on behalf of Blue Sky Solar. She noted that there had been prior approval for a 780 square foot freestanding solar array on the subject property, however, at a different location. She said the owner's intent was to move the solar array to accommodate a swimming pool.

Staff Member Wernimont noted that relocating the freestanding solar array required that the Board review the request because it is in a significantly different location than originally approved. He said that the owner stated they have building plans for the original area.

Chairperson McCoy expressed concerns that the new location will face residential development. Staff Member Wernimont noted there is significant vegetative screening between the proposed solar array location and the adjacent residential properties. He said; however, that the array may be visible from one house along 32nd Street. He said that he has not received any input from any of the adjacent property owners. After Staff Member Wernimont noted the solar panels orientation and height, Chairperson McCoy stated that this alleviated his concerns.

Board Members further discussed topography and visibility issues. Staff Member Wernimont noted that the Board could require additional screening around the solar array.

Board Members discussed the request and felt it was appropriate.

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

Docket 28-16/Special Exception: Application of Greg McEowen, Chaney Road, to construct a 24' x 24' garage addition, for a total of 1,152 square feet of detached accessory structures, 1,000 square feet maximum allowed in an R-1 Single-Family Residential District.

Greg McEowen, 1845 Chaney Road, said that he would like to remove part of a garage and replace it with a 24' by 24' garage addition that he needed to store his classic cars.

Staff Member Wernimont reiterated the request, discussing the addition's size and

noted that an existing storage shed would be removed. He discussed the Unified Development Code's vehicle storage regulations for residential properties. He said that the adjacent property owners were contacted and one was concerned that the storage building would be used as a contractor shop.

Board Member Pope clarified that the subject property's total structures would only cover 35% of the lot.

Staff Member Wernimont explained how building height is calculated. Mr. McEowen said that the structure would be a walk-out design with eight foot building walls and additional storage in the lower level.

Board Members discussed the request and felt it was important that the new building not be higher than the existing, and that storm water be managed.

Motion by Pope, seconded by Ahlvin, to approve the Special Exception request with the conditions that:

- 1) The new garage be no taller than the existing garage; and
- 2) That storm water be directed onto the subject property.

Motion carried by the following vote: Aye – Ahlvin, Cremer, Golombeski, Pope and McCoy; Nay – None.

Docket 29-16/Special Exception: Application of Lana Merritt , 2601 University Avenue, to construct a 12' x 18' attached deck three (3) feet from the west side property line, six feet minimum required in an R-1 Single-Family Residential District.

Lana Merritt, 2601 University Avenue, said she would like to build a 12' by 18' deck on the back side of their house.

No one spoke in opposition to the request.

Staff Member Hemenway noted the zoning and required setbacks for the subject property. He said that the deck as proposed will not block the view to the street from driveways, or from the front of adjacent residential properties. He noted there was some confusion as to the lot line location on this property. He said that the Board can require that the applicant clearly identify the lot line.

Board Members discussed the height and location of the deck. Ms. Merritt said that the deck would be 8-feet above an existing driveway.

Board Member Pope discussed potential screening. Board Members felt that it was important that the applicant clearly demonstrate the lot line location.

Motion by Cremer, seconded by Pope, to approve the Special Exception request with the condition that the property owner clearly establish the property line to the building official's satisfaction or obtain a site survey. Motion carried by the following vote: Aye – Ahlvin, Cremer, Golombeski, Pope and McCoy; Nay – None.

Docket 30-16/Variance: Application of Rick Schmitt, for property located at 350 South Locust Street, to construct an addition to an existing car wash fifteen (15) feet from the front property line (Harrison Street) twenty (20) feet minimum required in a C-3 General Commercial District.

Rick Schmitt stated he is the owner of Classic Car Wash, 350 S. Locust Street. He said that he is looking to add a fully automated car wash bay on the east side of the building.

Chairperson McCoy asked what the current space is being used for. Mr. Schmitt noted that he had originally placed an outside truck wash at the same location; but, due to the Engineering Department's requirements for storm water management, he had to seal it off. He said that if he fully encloses the bay he will be able to use the City sanitary sewer for effluent.

Staff Member Hemenway presented the staff report. He explained that the applicant had previously been granted a variance for a smaller enclosed manual wash bay addition. He said that the request before the Board represents a bay that will not encroach as close to the Harrison Street frontage but is longer than originally approved. He said that the proposed addition will not block vehicle views, access, and is being built over a fully impermeable area.

Board Member Ahlvin said that he is not concerned with covering an existing outdoor wash bay.

Board Member Golembeski said that it is apparent that the City imposed stricter storm water regulations on the car wash and created the need to cover the exterior bay.

Motion by McCoy, seconded by Ahlvin, to approve the variance request as submitted. Motion carried by the following vote: Aye – Ahlvin, Cremer, Golombeski, and McCoy; Nay – Pope.

Docket 31-16/Variance: Kevin Beck / Equity Ventures Commercial Development, LLC, for property located at 3333 Asbury Road, to allow two (2) signs per tenant space, 1 sign maximum permitted; to allow one 180 square foot to one 100 square foot tenant sign, 50 Square feet maximum permitted; and to allow a 300 square foot freestanding center sign, 200 square foot maximum permitted in a C-2 Neighborhood Shopping Center District.

Kevin Beck, Equity Ventures Commercial Development, noted the intent is to redevelop the property at 3333 Asbury Road. He said the building was large in scale and set back relatively far from the Kennedy Road frontage. He discussed the proposed signage, noting that they intend to limit the entire development to one 300 square foot freestanding center sign.

Staff Member Wernimont reiterated the request, discussing the renderings that were included in the packet. He discussed the proposed sign sizes and locations. He said that if the applicant were to split the lot, placing the proposed coffee kiosk on a separate lot, the coffee kiosk would be allowed to have one, 100 square foot freestanding sign and the multi-tenant building would be allowed a 200 square foot freestanding center sign.

Chairperson McCoy asked Mr. Beck if he would consider tabling the 30-foot height request and additional square footage for the freestanding sign as it was not properly advertised. Mr. Beck asked if the Board would proceed with reviewing the number and square footage of the wall-mounted signs so that his client would have a better understanding of what may be approved.

Board Members discussed the number, location and square footage of the proposed signs. Staff Member Wernimont clarified the signs' sizes and locations, and discussed the former sign variance granted for Tri-State Blind Society.

Board Members debated whether to approve 35 or 50 square feet for the secondary tenant signs. Board Member Pope said that she would be prone to approve the two signs at 35 square feet because of the building's set back from the road.

Board Member Cremer said that the scale, set back, and configuration of the existing store warrants the additional signage. Mr. Beck discussed the orientation of the store noting that the intent of the signs is to attract customers from John F. Kennedy Road. Board Member Pope said that she agrees that Tri-State Blind Society signage is difficult to see and that she felt the signs, as proposed, were consistent with the scale of the building.

Chairperson McCoy asked if the applicant would like to proceed in an all or nothing manner. Mr. Beck noted the rationale as to why all of the signs are necessary and he asked that the Board proceed.

Board Members discussed the request and felt that the proposed 300 square foot freestanding sign may be excessive.

Motion by Pope, seconded by Golombeski, to approve two wall-mounted signs per tenant space at 50 square feet each on the secondary tenant space and the stand-alone building, and one 180 square foot and one 100 square foot wall-mounted sign on

the primary tenant space. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski, and Pope; Nay – McCoy.

Chairperson McCoy noted the request did not meet Criteria 1, 2, 4 and 10 of the Unified Development Code.

Motion by Pope, seconded by Golombeski, to table the request to permit a 300 square foot freestanding sign. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski, Pope and McCoy; Nay – None.

Docket 32-16/Conditional Use Permit: Application of Melanie Ricke, for property located at 3080 Cedar Crest Court #1, to open a licensed child care facility with thirty-two (32) children & eight (8) employees in a CS Commercial Services & Wholesale District.

Melanie Ricke said she would like to lease the property at 3080 Cedar Crest Court to open a licensed child care facility. She said she currently operates an existing child care facility across Cedar Cross Road from the subject property.

Staff Member Hemenway outlined the staff report, noting that the proposed facility was a two-tenant commercial building of which the day care would consume one-half. He said that the site plan indicated adequate drop-off and pick-up area for parents and children, and the requisite amount of employee parking. He said that the building is located one lot removed from Cedar Cross Road on Cedar Crest Court. He said that Cedar Crest Court terminates in a cul-de-sac and; as a result, has low traffic volume.

Chairperson McCoy asked if the children would have to cross over Cedar Cross Road between the facilities. Ms. Ricke said no, that each facility would serve different aged populations of children.

Board Members discussed the proposed parking scheme. Board Member Pope noted that the parents would be escorting their children to the main entrance of the facility. Board Members discussed the request and felt it was appropriate.

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

Docket 33-16/Conditional Use Permit: Application of Keith Gutierrez, 7 Hills Brewing Company for property located at 1098 Jackson Street to open a microbrewery as a condition use in the Historic Millwork Planned Unit Development District.

Stuart Mabutsh reviewed his application with the Board. He noted that he had prepared responses to each one of the conditions for the general conditional use and for the two

conditions specific to microbreweries. He said that they have continued ongoing dialogue with the surrounding property owners and have attempted to address the concerns that were raised.

Tim McNamara, 801 Jackson Street, said that he is an adjacent property owner. He spoke in favor of the conditional use permit, noting that there have been productive, ongoing discussions with the applicants and that he and other property owners would like to see the proposed development occur in the Historic Millwork District.

Jeff Stiles, 3080 Central Avenue, spoke in favor of the request. He discussed the background and history of the Millwork District noting that the proposal aligns with the vision for the district. He said that a microbrewery would complement the adjacent businesses.

Staff Member Hemenway outlined the staff report, noting the differences between a brew pub and a microbrewery. He stated that the applicant had provided detailed information addressing each of the conditions established for a microbrewery. He discussed the zoning process that the applicants had gone through that resulted in the conditional use request before the Zoning Board of Adjustment.

Board Members discussed the request and felt that the conditions established for a microbrewery had been adequately addressed by the applicant.

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

NOTE: Board Member Ahlvin left the meeting at 6:40 p.m.

Docket 34-16/Special Exception: Application of Steven Digmann for property located at 193 Concord Street, to construct an 8' by 26' attached front porch seven (7) feet from the front property line, twenty (20) feet required, in an R-1 Single-Family District.

Loras Digmann stated he was speaking on behalf of his son, Steven Digmann, at 193 Concord Street. He said that his son would like to demolish an existing concrete stoop and replace it with a wooden deck.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report. He noted that the existing concrete stoop is deteriorated and does not have the required safety railing along its edge. He said the applicant's intent is to remove the crumbling concrete and replace it with a wooden deck that would be built 7 feet from the front property line, when 20 feet is required in an R-1 district. He said that the proposal would increase the depth of the existing porch by 2

feet and make it more functional. He also noted that it would not block the view to the street from the front of adjacent houses or driveways.

Board Members discussed the request and felt it was appropriate.

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

ADJOURNMENT: The meeting adjourned at 6:50 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted