



Approved

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

5:00 p.m.

Thursday, August 25, 2016

City Council Chamber, Historic Federal Building

Board Members Present: Board Chair Jonathan McCoy; Board Members Jeff Cremer, Bethany Golombeski, Joyce Pope and Keith Ahlvin; Staff Members Guy Hemenway 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: Motion by Ahlvin, seconded by Pope, to approve the minutes of the July, 28, 2016 Zoning Board of Adjustment meeting. The Motion was approved by the following vote: Aye – Cremer, Ahlvin, Golombeski, Pope; Nay – None; Abstain - McCoy.

Docket 41-16 Special Exception (Tabled from 07/28/2016): Application of James E. & Carol J. Oberfoell, 430 South Grandview Avenue, to build a 20' x 28' detached garage one (1) foot from the north side property line, six (6) feet minimum required, in an R-1 Single-Family Residential District.

Carol Oberfoell, 430 South Grandview Avenue, said that the request is to build a 20 x 26' garage in their rear yard. She said that they have decided to shift the garage 3 feet from the side property line instead of the 1-foot originally requested. She said positioning the garage 3 feet closer to the property line would facilitate access into the garage without having to jockey.

Margaret Buse, 408 South Grandview, said that things have not changed from the last meeting. She said she has followed the established rules for 50 years and she feels that the neighbors should abide by the rules. She asked that the Board deny the request.

Staff Member Hemenway presented the staff report. He explained the request, and noted that the rules do allow for a citizen to seek a waiver from the strict application of the regulations established in the Unified Development Code. He said that the Board's charge is to determine whether or not the request meets the criteria established for granting a special exception. He discussed the topography of the site, noting that there was a grade change from the front to the back yard. He discussed the location of the garage, its distance from the house, and noted that shifting the garage 6 feet from the property line would make entry difficult.

Board Member Golombeski asked if a limited setback waiver would be possible. Staff Member Hemenway explained the limited setback waiver process, noting that it required the signatures of all adjacent property owners and that staff could waive up to 33% of the required setback. He said that in this case a waiver would allow the garage to be built 4 feet from the side property line.

Board Member Pope said that she felt the request met the criteria for granting a special exception.

Chairperson McCoy said that there are several garages in the area that are closer than the required setback.

Board Members discussed the request and felt it was appropriate.

Motion by Pope, seconded by Ahlvin, to approve a 20' by 26' detached garage a minimum of 3 feet from the north side property line with the condition that storm water from the garage roof be directed away from the adjacent property. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski, Pope and McCoy; Nay – None.

Docket 42-16 Special Exception (Tabled from 07/28/2016): Application of Scott Lovett, 464 Hill Street, to construct an attached garage addition two (2) feet from the rear property line, twenty (20) feet minimum required, and to cover fifty-seven (57) percent of lot area, forty (40) percent maximum allowed in an R-3 Moderate Density Multi-Family Residential District.

Scott Lovett, 464 Hill Street, noted that his house was damaged by fire, and that he was awaiting an insurance settlement. He said he would like to build a garage with living space above. He said his original request was for a 20' by 32' addition. He said he's reviewed his original design and realized that it will not function properly. He said he would like to slightly reduce the garage area. He said he would like to try using the existing foundation to test vehicle maneuverability from the alley. He said that the garage is needed for secure parking for his half of the duplex.

No one spoke in opposition.

Staff Member Wernimont discussed a brief history of the property and he said that Mr. Lovett's intent is to build an attached garage with living space above. He noted the difficulty of access to the garage based on the alley configuration and the original design.

Board Member Golombeski said that the original design was dangerous because of the blind access to the alley. She said that if the garage were reduced in size, the angle would be removed, and Mr. Lovett would have space to park behind the garage.

Mr. Lovett agreed that a 32-foot deep garage would not work, but he said that he would like as much room as possible. Mr. Lovett approached the Board and they discussed design options for the garage. Board Members agreed a 28-foot deep garage would allow safe access to the alley.

Motion by McCoy, seconded by Cremer, to approve the request with the condition that the garage not exceed 28' by 20' feet and is located a minimum of 2 feet from the side property line and 6 feet from the rear property line. Motion by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – Pope.

Docket 44-16 Special Exception: Application of Robert J. Heiar, 1303 Atlantic Street, to install a 200 square foot detached carport for a total of 1,175 square feet of accessory structures, 1,000 square feet max permitted in an R-1 Single-Family Residential District.

Robert Heiar, 1303 Atlantic Street, noted that his garage area and driveway is covered by trees and bordered by a retaining wall, and that the birds and squirrels mess up their cars. He said he would like to be able to safely cover the cars to protect them from inclement weather and the animals.

Staff Member Wernimont reiterated the request. He noted that the Heiars had a large residential lot. He said that the carport would be located in front of the garage next to a retaining wall, and would be set well back from the right-of-way and screened from the adjacent property. He said the carport will be built over an impermeable surface and will have little effect on stormwater runoff or overall lot coverage.

Board Member Cremer said that the Heiars have a very large lot and he noted that there had been no opposition from the neighbors.

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

Docket 45-16 Special Exception: Application of Richard & Mary Jo Jaeger, 1990 Whittier Street, to build a 10' x 24' attached deck two (2) feet from the front property line

(Whittier Street) ten (10) feet minimum required in an R-2A Two-Family Residential District.

Richard Jaeger, 1990 Whittier Street, said he would like to build a 10' by 24' attached deck on the front of his home along the Whittier Street frontage.

Staff Member Wernimont reiterated the request. He said that the Jaegers property is a corner lot and as a result they have two front yards. He said the deck would be built less than 2 feet above grade and well outside of the visibility triangle. He said that Whittier Street has an unusually wide right-of-way and that the deck would be set back relatively far from the edge of the street pavement.

Board Members discussed the request and felt it was appropriate.

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

Docket 46-16 Conditional Use Permit: Application of Joel Callahan/Callahan Construction, for property located in Commerce Park (PIN 10-30-157-003), to construct a 24-unit apartment building in an R-4 Multi-Family Residential District.

Joel Callahan, Callahan Construction, 7629 Commerce Park Road, explained his request to the Board. He said that he owns the surrounding property and has built several apartment buildings in the vicinity. He said the apartment building will be 1 & 2 bedroom units and will be appropriate for the neighborhood.

Staff Member Hemenway presented the staff report. He discussed the surrounding land use and the residential density of the neighborhood. He referred to a former conditional use permit that was approved for an 18-plex across the street from the subject property. He noted that the proposed apartment building will have adequate lot area, will meet the required setbacks and that there would be a surplus of off-street parking based on the Unified Development Code requirements. He noted that this is a mixed use area. He said that traffic would flow onto Commerce Park Drive and then onto Seippel Road. He said that the additional traffic generated by the proposed apartment building should have little impact on overall traffic in the neighborhood.

Board Members discussed the request and felt it was appropriate.

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

ADJOURNMENT: The meeting adjourned at 6:00 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted