



Approved

MINUTES  
CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT  
REGULAR SESSION

5:00 p.m.

Thursday, September 22, 2016  
City Council Chamber, Historic Federal Building

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

**Board Members Excused:** Board Member Bethany Golombeski.

**Board Members Unexcused:** None.

**CALL TO ORDER:** The meeting was called to order by Chairperson McCoy at 5:08 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 August 25, 2016 Zoning Board of Adjustment meeting were approved unanimously as submitted.

**Docket 47-16/Special Exception:** Application of John & Heather Jimo, 2525 Asbury Road, to construct a deck ten (10) feet from the front property line (Mullin Road), twenty (20) feet minimum required in an R-3 Moderate Density Multi-Family Residential district.

John Jimo, 2525 Asbury, said that he would like to build a 10' by 16' deck along the Mullin Street side of his property. He said that they have installed new windows and a sliding glass door in their house and they would like to be able to access the deck through the new doorway.

Staff Member Wernimont reiterated the request, noting the deck location on an aerial photo. He said that the proposed deck will be 6 to 8 feet above grade, will not be located in the visibility triangle and will not block the view to the street from adjacent residences or driveways.

Board Members discussed the request and felt it was appropriate.

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

**Docket 48-16/Special Exception:** Application of Michael & Theresa Hesselman, 1818 Asbury Road, to construct a detached garage zero (0) feet from the east side property line and three (3) feet from the north side property line, six (6) feet minimum required for both setbacks in an R-2 Two-Family Residential district.

Michael Hesselman, 1818 Asbury Road, said that he has a special needs son and he would like to get their handicapped equipped van in a garage and out of the weather.

Staff Member Hemenway provided photos of the property. He discussed the setback requirements, noting that separation is required for fire safety, light, ventilation and access. He said that, as the request is to build the garage 0 feet from the property line, the applicant should be able to adequately demonstrate the lot line location to the satisfaction of the building official. He said that the garage, as proposed, will not block the view to the street from the front of the adjacent residences or from any adjacent driveways. He recommended that the applicant redirect storm water from the garage back onto his lot.

Board Members discussed the request, noting the size of the garage, its height, location on the lot and building code requirements for 0 lot line setbacks. After discussion, the Board decided that storm water management was necessary.

Motion by McCoy, seconded by Pope, to approve the Special Exception request with the condition that storm water be directed back onto the subject property, and that the property owner adequately demonstrate the property line location to the building official's satisfaction or obtain a site survey. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope and McCoy; Nay - None.

**Docket 49-16/Special Exception:** Application of Pamela Helmer, 1130 South Grandview Avenue, to enlarge an existing garage zero (0) feet from the north side property line, six (6) feet minimum required, in an R-1 Single-Family Residential district.

Pamela Helmer said that she is a real estate agent, 2115 John F. Kennedy Road, representing the property owner, Bob McClellan. Ms. Helmer noted that potential buyers expressed concerns that there is only a single car garage on the house. She said that a two-car garage would make the property more marketable. She said it is not feasible to place a detached garage in the back yard because of site constraints. She discussed the request to build a tandem garage, extending an addition off the existing garage 20 feet forward toward the street.

James Weaver, 1126 South Grandview Avenue, spoke in opposition to the request, noting that as the adjacent property owner, he is concerned with storm water runoff onto his property. He said that storm water already flows onto his lot and the proposed garage will increase the volume. He said that he has a shared driveway with the applicant and that the garage extension will restrict his access. He submitted several photographs of the property.

Bob McClellan, 1130 South Grandview Avenue said that garage addition should help to improve the storm water situation because the runoff from the new garage roof will be redirected. He said that the project will enable him to better manage the storm water.

Board Member Ahlvin asked about the lot line location. Ms. Helmer said that there's a pin in the driveway and that they believe the lot line runs directly along the foundation wall.

Staff Member Hemenway presented the staff report, noting the request is to expand a legally non-conforming garage that, when coupled with the new addition, will constitute a 40-foot long unbroken wall located directly along the north side property line. He discussed storm water runoff. He said that the garage will extend 10 feet out in front of not only the subject house, but the adjacent houses along Grandview Avenue. He said that the proposed garage addition will not block the view to the street from the adjacent properties; however, he said he felt it would be out of character with the adjacent houses' setbacks.

Chairperson McCoy said he agreed that the proposed garage would be out of character with the surrounding properties and that he had concerns with the 40-foot long unbroken garage wall.

Board Member Pope said that an open carport may be more appropriate. Board Member Ahlvin said that the garage would likely impact the value of the adjacent properties. Board Member Cremer noted that the current property owner will be selling the house and that he will leave the garage structure for the adjacent property owner to deal with.

Board Members discussed the request and all four stated they felt that the request did not meet criteria B, noting that the proposed garage addition may be injurious to the use, enjoyment and value of the adjacent property.

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

**Docket 50-16/Special Exception:** Application of Lori & Dennis Weig, 601 Southern Avenue, to build a detached carport one (1) foot from the front property line (Sullivan Street) and one (1) foot from the north side property line, twenty (20) and three (3) required respectively, in an R-2A Single-Family Residential district.

Lori Weig, 601 Southern Avenue, said that they would like to build a carport at the corner of their lot. She noted that their yard is steep, and that to place the carport elsewhere would be difficult.

There were no public comments.

Staff Member Hemenway presented the staff report. He explained the setback request, stating that if the carport were to be placed 20 feet back from the front property line the hillside would have to be excavated, a retaining wall built and the access steps relocated. He said that the site suffers a topographic hardship. He said that the carport will be of an open design and should not block the view to the street from the alley or from adjacent residences.

Chairperson McCoy asked about the alley location. Staff Member Hemenway noted that the carport would be located directly adjacent to the alley which he said is steep and rarely used.

Board Member Pope said that she wanted to ensure that the carport remained of an open design.

Motion by Pope, seconded by Ahlvin, to approve the Special Exception request with the condition that carport remain of an open design. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope and McCoy; Nay – None.

**Docket 51-16/Special Exception:** Application of Ricky & Kathy Hurst, 3975 Inwood Avenue, to build a 24' x 24' detached garage, for a total of 1,296 sq. ft. of detached accessory structures, 752 maximum allowed in an R-1 Single-family Residential district.

Ricky and Kathy Hurst, 3975 Inwood, outlined their request. Mr. Hurst said they would like to build a 24' by 24' detached garage in back of their existing garage noting that it would be located well away from the property lines. He said that the additional garage space is needed for storage.

Chairperson McCoy asked if the garage would be used as a machine shop. The applicant said no, just for storage.

Staff Member Wernimont outlined the staff report, noting that the request is to build a second garage that would result in a total of 1,296 square feet of accessory structures on the lot. He said that the footprint of the existing house is 752 square feet which limits the total amount of square footage of accessory structures to the same square footage. He said that when the house was originally built it was located in the county and subsequently annexed. He said that the current garage is built on a floating slab, and the applicants were not able to expand the garage because of building code requirements. He discussed photos of the materials stored in the yard noting that they could be moved indoors if the garage were to be approved. He said that the lot is 10,000 square feet in area and that, if approved, the building coverage on the lot would only be 20%. He said that he has received no input from the neighbors.

There were no public comments.

Board Member Pope asked if staff had a picture of the house. Staff Member Wernimont provided photographs of the house and property.

Board Member Cremer questioned access to the garage. The applicants said that access would be taken from Inwood Street.

Staff Member Wernimont noted that the materials on the site would be stored indoors bringing the site into compliance, and that if the garage were used frequently, a paved driveway would be required.

Board Member Pope asked which way the garage doors would face, and the applicant said toward Inwood Street.

Board Members discussed the request and felt it was appropriate.

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

**Docket 52-16/Special Exception:** Application of Barb Sergio / Gronen Development, 1501 Jackson Street, to create twelve (12) residential units on a 12,500 sq. ft. lot, 14,400 sq. ft. minimum required in an OR Office Residential district.

Nancy Kann, representing Gronen Restoration, and Jeff Morton, representing Morton and Associates Architects, referred to a concept plan of St. Mary's Apartments and of the Steeple Square campus. They noted the location of the building and explained the campus-wide development that would include green space and outdoor recreation area. They stated there are adequate parking spaces on the campus. They noted that the building would be repurposed by developing 12 residential units.

Staff Member Hemenway presented the staff report. He explained that repurposing the school building to a 12-unit apartment building would help to reinvigorate the neighborhood and eliminate a potentially blighted structure. He noted the requirement for lot coverage saying that it is needed for exterior recreation space and for storage of such things as barbecue grills, clothes poles and garbage cans. He said that the building is part of a campus-wide redevelopment that will include interior green area. He referred to aerials of the site and noted that Jackson Park and the Prescott School playground were approximately 800 feet away. He said that this request represents a positive adaptive re-use of a vacant building.

There were no public comments.

Chairperson McCoy asked if the applicants would be bound by the submitted concept plan. Staff Member Hemenway said that the Board could condition the approval based on the submitted concept plan.

Board Member Pope asked how far the building was from the Prescott School playground. She asked why the applicants decided to create 12 units, not 10 units, which she said would make them compliant. Mr. Morton said that they are trying to maximize the interior space as there is a demonstrable need for transitional housing. Ms. Kann said that some of the units would be market rate and others would be subsidized.

Board Member Pope asked if the property could be re-platted to create additional lot area for green space. Board members said that it should be easy to re-plat the property incorporating additional area into the subject lot. Ms. Kann noted that the entire property will be redeveloped into a campus, and that most of the current asphalt will be removed and replaced with green space, including a park-like area with play equipment.

Chairperson McCoy asked about off-street parking requirements. Staff Member Hemenway noted the location of off-street parking on the subject property at a remote parking lot diagonally from the Steeple Square Campus. He said that ultimately the reconfiguration of the entire campus will require that the applicant provide the requisite amount of parking or seek a parking variance.

Board Member Pope discussed the location of the potential green space adjacent to the subject property. Ms. Kann noted Steeple Square is in the process of fundraising and when the adequate funds are received, they will immediately begin to create the interior landscaping and greenspace.

Chairperson McCoy said that the implementation of the interior landscaping and green space area will help meet the needs of the residents of the apartment building.

Board Members discussed the ability to require that green space be provided prior to occupation of the residential units. Ms. Kann and Mr. Morton said that they were not opposed to such a requirement.

Motion by McCoy, seconded by Pope, to approve the Special Exception request with the condition that the green space on the subject lot be installed as per the submitted concept plan prior to occupation of the residential units at 1501 Jackson Street. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope and McCoy; Nay - None.

**Docket 53-16/Special Exception:** Application of Dale & Christina Rader, 1745 Plymouth Court, to construct an attached garage addition zero (0) feet from the west side property line, six feet minimum required in an R-1 Single-Family Residential district.

Dale Rader, 1745 Plymouth Court, said that he would like to tear down an existing detached garage and build an attached garage addition to his house. He said that he discovered that the existing detached garage was built onto the public right-of-way. He

said it is his intent to replat the property purchasing a portion of the right-of-way from the City of Dubuque, and to build his garage addition 0 feet from the newly established property line.

Staff Member Wernimont noted the history of the adjacent platted street, stating that it is a 50-foot wide right-of-way, that it dead-ends and only serves two houses. He said that the City is not interested in maintaining the right-of-way. He said that the detached garage was built in 1985 and that records did not indicate that approval had been granted to build on the public right-of-way. He said that the applicant applied for a revocable license from Engineering; however, the City decided that it would be more appropriate to vacate a portion of the right-of-way. He said that the applicant would be purchasing 7 feet of right-of-way and the garage addition will be built up to the newly established lot line. He said that the property will have to be surveyed for the proposed re-plat. He said that the neighbors have been contacted and have not expressed any concerns. He clarified the location of the proposed garage relative to the paved portion of the right-of-way.

There were no public comments.

Board Members discussed the request and felt it was appropriate.

Motion by Pope, seconded by Ahlvin, to approve the Special Exception request with the condition that the property be re-platted as per the submitted plat. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope and McCoy; Nay - None.

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

Respectfully submitted,

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Kyle L. Kritz, Associate Planner

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Adopted