



Approved

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

5:00 p.m.

Thursday, October 27, 2016
Room 250, Historic Federal Building

Board Members Present: Chairperson Jonathan McCoy; Board Members Jeff Cremer, Keith Ahlvin, Bethany Golombeski, and Joyce Pope; 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 5:05 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 September 22, 2016 Zoning Board of Adjustment were approved by the following vote: Aye – Cremer, Ahlvin, Pope and McCoy; Abstain - Golombeski.

Chairperson McCoy moved Dockets 59, 60 and 61 to the beginning of the agenda. Chairperson McCoy said that both Full Circles Communities dockets for the special exception and variance would be heard simultaneously and voted on separately.

Docket 59-16/Special Exception: Application of Full Circles Communities for property located at 180 West 15th Street to develop 36 residential units on a 17,000 square foot lot, 43,200 square feet minimum required in an OR Office Residential district.

Jordan Bartle and Lindsey Heinz, 310 S. Pierce St., Suite 500, Chicago IL, representing Full Circles Communities, spoke in favor of their request. They noted they are a non-profit organization established in 1999, whose intent is to provide housing for veterans and the disabled. They stated that their intention is to convert the former St. Patrick's School and Four Oaks building to 36 housing units for the disabled and veterans. They said there will be 20 one-bedroom units and 16 two-bedroom units. Mr. Bartle cited statistics regarding persons with disabilities and veteran status within the community. He explained the configuration of the building and noted that office space and on-site management would be included. He said that the Historic Preservation Commission

had reviewed and approved the minor exterior changes proposed for the building. He said that the building will be made fully accessible by remodeling the units to include roll-in showers, accessible kitchens and that elevators will be installed. He said that Full Circles is partnering with local service providers to help provide a valuable service to the community.

Mr. Bartles said that Full Circles Communities had applied for funding grants from the Iowa Finance Authority in November. He said that the facility, if approved, would be open in the fall of 2017. He discussed the location of the site, and noted that the tenant population would consist of seniors, veterans and low income individuals. He said that the characteristics of the resident population were more appropriate for the parking requirements for the elderly, which is .5 spaces per unit. He said that Four Oaks currently has 54 staff and up to 70 daily visitors. He said that the parking demand generated by Four Oaks would be greater than that of the proposed resident population. He said that those with disabilities, veterans and low income individuals tend to have fewer vehicles and take fewer vehicle trips. He said that the building is also in close proximity to pedestrian-friendly amenities and to public transportation routes. He said that providing housing to special needs populations meets the intention of the City of Dubuque's Comprehensive Plan and the Consolidated Plan for housing for the city of Dubuque.

Kevin Conlon, representing Behr Funeral Home, spoke in favor of the request. He said that he had contacted the cities where Full Circles Communities projects had been implemented, and he said they were given glowing reviews. He said he had even contacted police precincts in those areas and that there had been no reported problems with Full Circles developments. He said that Behrs had leased parking to Four Oaks and that this arrangement could be a future option for Full Circles if they felt more parking was needed.

Ann Schroeder, Business Manager for St. Patrick's Church, said that the church had discussed the request and that they were in support.

Staff Member Hemenway presented the staff report. He discussed the special exception for lot area, noting that there is sufficient handicapped accessible active/passive recreation and handicapped paths in the adjacent two-acre park. He said that the Board has reviewed similar requests in the area, including Steeple Square. He said that developers of housing for elderly and disabled individuals are required to provide .5 parking spaces per unit. He noted that since the resident population proposed for the development would not be exclusively elderly or handicapped, they are required to provide 1.5 parking spaces per unit. He said based on this standard there would be a 54-space requirement, and as there are 15 spaces on site, there would be a 39 parking space deficit. He discussed parking issues in the neighborhood, noting there are 24 parallel spaces on the street directly adjacent to the subject property, and approximately 100 spaces in lots where the adjacent funeral home and

churches are. He said that Four Oaks would have generated more activity and demand on parking than the proposed Full Circles development.

Chairperson McCoy expressed concerns that the available housing could change to market rate units and not be rented solely to veterans and the disabled. Staff Member Hemenway said that this was a correct assessment. Mr. Bartle noted that they were restricted in some fashion based on the source of income through the Iowa Finance Authority. Ms. Heinz said that there is a 30-year land use agreement that is tied to the IFA Financing. She said that they are required to certify that the residents income-qualify to be eligible to access funding sources.

Board Member Pope asked if children and families would be allowed in the development. Ms. Heinz said that the two-bedroom facilities would allow for families; however, that the single bedroom units would not accommodate families. She said it is rare that there are families and if so, it was generally a single woman with one or two children.

Board Member Pope asked why it was necessary to have 36 units. Ms. Heinz said that because it was a matter of scale, and that the number of units were necessary to make the project financially feasible. She said there is a demonstrable need for this kind of housing in the community.

Board Member Cremer asked how many units would be dedicated to those residents with veteran's status. Ms. Heinz said that they cannot limit residency strictly to veteran status because of Fair Housing regulations. She said; however, that they had applied for a grant from Home Depot that would guarantee eight of the units would be used solely for veterans.

Board Member Ahlvin expressed concerns regarding available parking. Board Member Golombeski said that she had studied parking issues and discovered that the current millennial generation tends to be more pedestrian-oriented, own fewer vehicles and more fully utilize public transportation. She said that the Board could also ask that the applicants lease additional parking.

Ms. Heinz discussed the amount of parking spaces that they have and the amount that they anticipate being consumed based on their experience with other developments.

Chairperson McCoy said that he agreed that it is a great re-use of the existing building.

Board Member Ahlvin discussed the potential for the Board to mandate leased parking.

In response to a question from Board Member Cremer, the applicant said that there would be a maximum of three employees on-site.

Board Members discussed the request. Board Member Ahlvin expressed concerns with potential for demand on parking.

Motion by McCoy, seconded by Pope, to approve Docket No. 59-16 Special Exception to develop 36 residential units on a 17,000 square foot lot, 43,200 square feet minimum required, in an OR Office Residential District. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski and McCoy; Nay – None.

Docket 60-16/Variance: Application of Full Circles Communities for property located at 180 West 15th Street, to develop 36 residential units with a deficit of 39 off-street parking spaces in an OR Office Residential district.

Board Member Ahlvin said that he was not in favor of the request for a parking variance because that granting the variance may be contrary to the public interest and may adversely affect other properties in the vicinity.

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

Docket 61-16/Conditional Use Permit: Application of Operation: New View Community Action Agency, 4135 Pennsylvania Avenue, to open a licensed childcare facility with 18 children and four (4) employees, in a C-3 General Commercial district.

Brenda Sullivan, Operator of the New View Community Action Agency, stated that they are asking to create a Head Start classroom and to use approximately 1,000 square feet of space in an existing commercial building. She said that there will be three staff members on-site during the day.

No one spoke in opposition.

Staff Member Hemenway presented the staff report. He explained that this is a licensed child care facility and he noted the location of the proposed employee parking and drop-off/pick-up area. He said the Engineering Department had reviewed and approved the current access to Pennsylvania Avenue. He said that the property is zoned C-3 and entire range of relatively intense commercial activities are permitted.

Board Members discussed the request and asked if the applicant would mind if the hours of operation be limited. Ms. Sullivan said that she would not mind, and she said that their hours are generally from 7:30 a.m. to 4:30 p.m.

Board Members discussed the request and felt that it was not necessary to limit the hours as other commercial activities in the district were not so limited.

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

Docket 54-16/Special Exception: Application of Robert Clauer, 2484 Pinard Street, to construct a 24' x 24' detached garage six (6) feet from the front property line (Pinard Street), twenty (20) feet minimum required, in an R-2A Alternative Two-Family Residential district.

Robert Clauer, 2484 Pinard Street, said that he would like to build a 24' by 24' detached garage six feet from the front property line on Pinard Street. He said that there had been a couple of houses torn down on the adjacent lots, and that he wanted to build the garage up to the existing retaining wall.

Staff Member Wernimont referenced an aerial photo and site plan for the development. He said that the applicant suffers a topographic issue in that he is hard up against a very steep bluff and retaining wall. He said that the garage will be a minimum of 15 feet back from the paved portion of the street, and that Pinard Street at this location has very little traffic. He said that the garage, if approved, must straddle the lot line to join two lots together.

Board Member Ahlvin said that he was not concerned with the request, because the garage would be sitting back far enough that it will not create a visibility issue.

Board Members discussed the request and felt it was appropriate.

Motion by McCoy, seconded by Pope, to approve the special exception request with the condition that the garage be built so as to straddle the lot line. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski and McCoy; Nay – None.

Docket 55-16/Special Exception: Application of John & Nancy Helling, 1861 Avalon Road, to construct a 10' x 24' attached carport zero (0) feet from the south side property line, six (6) feet minimum required, in an R-1 Single Family Residential district.

John and Nancy Helling, 1861 Avalon Road, said that they have a one car garage and would like to create a covered space for an additional vehicle. Mr. Helling said that he has located his property pins and is confident as to where the lot line is located.

In response from a question from Chairperson McCoy, the Helling's noted they had installed a drain tile and will add gutters to the proposed carport.

Board Member Golombeski noted that the Helling's will be covering an impermeable area which should not generate additional storm water.

Staff Member Wernimont reiterated the request, noting that staff recommended two conditions. He said that the first was that water be directed onto the subject property and the second was that the applicant be able to demonstrate the property line location to the satisfaction of the Building official or obtain a survey.

The Helling's discussed their proposed carport, noting that the gutter would encroach across the lot line, but that their neighbors were not concerned with this.

Staff Member Wernimont noted that the encroachment could not be approved by the Board as it would encumber both properties.

Board Members discussed the request expressing concern that the gutter would encroach on the adjacent property.

Motion by McCoy, seconded by Cremer, to approve the Special Exception with the condition that storm water be directed onto the subject property and that the applicant demonstrate the property line location to the satisfaction of the Building Official or obtain a survey. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski and McCoy; Nay – None.

Docket 56-16/Special Exception: Application of Ryan Hedley, 2635 Washington Street, to place an 8' x 10' storage shed one (1) foot from the south side property line and one (1) foot from the rear property line, three (3) feet minimum required, in an R-2A Alternative Two-Family Residential district.

Ryan Hedley, 2635 Washington Street, said that he had placed an existing 8' by 10' plastic storage shed on a paved pad next to his fence. He said that he was not aware that there was a three-foot side yard setback.

Staff Member Wernimont reiterated the request, noting that the storage building would be screened by a six-foot high privacy fence, and that it would not block visibility from the adjacent property. He said that small storage sheds do not require a building permit and that citizens are often unaware of the required setbacks.

Board Members discussed the request and felt it met the requirements for granting a special exception.

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

NOTE: At 6:00 p.m. Chairperson McCoy and Board Member Pope left the meeting.

Docket 57-16/Special Exception: Application of Ellen & David Rath, 595 West Locust Street, to place a six (6) foot high fence along the West Locust and Foye Street frontages, four (4) feet high maximum permitted, in an R-3 Moderate Density Multi-Family Residential district.

Ellen and David Roth, 595 West Locust Street, explained their request. They noted they had bought the adjacent house, demolished it, and would like to build a fence around the yard. Mr. Rath said that fence will be placed back from the front property line along West Locust Street and will not affect vehicular visibility.

Board Member Golombeski asked if the fence could be aligned with the side of the house. Mr. Rath noted that moving the fence back would impact existing landscaping and a tree in their front yard.

Board Members discussed the fence location and visibility issues.

No one spoke in opposition.

Staff Member Hemenway presented the staff report. He discussed the location of the fence with respect to the house. He explained that since the house that used to screen the Rath's home was removed the Rath's property is now exposed to adjacent commercial development, that included lighting, parking, noise and activity. He said that the fence will be located outside the visibility triangle and will provide a degree of privacy to the Rath's along their west side property line.

Board Members and the Rath's discussed the request, noting that the fence would have to be placed along the property line. Staff Member Hemenway noted that if the Rath's would like to place the fence beyond the property into the right-of-way, they would have to have review and approval for a revocable license from the City's Engineering Department.

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

Docket 58-16/Special Exception: Application of Dan Streif, 1811 Cannon Street, to place a six (6) foot high privacy fence along the Laurel Street frontage, four (4) foot maximum permitted, in an R-1 Single Family Residential district.

Dan Streif, 1811 Cannon Street, said that he would like to remove some bushes and place a fence along his side property line. He said the fence will not obstruct the view to the street from the adjacent properties. He said he has garnered the approval of his neighbor regarding his request.

Staff Member Wernimont reiterated the request. He said that the proposed fence will butt up to an existing fence, and that it is located well outside of the visibility triangle. He said the fence should have little impact on the neighboring property. He recommended that, if approved, the City of Dubuque's Engineering Department review and approve the fence to guarantee site visibility prior to installation.

Board Members discussed the request and felt it was appropriate with the condition regarding City Engineering approval.

Motion by Golombeski, seconded by Ahlvin, to approve the special exception request with the condition that the City Engineering Department review and approval the fence location prior to installation. Motion carried by the following vote: Aye – Cremer, Ahlvin, and Golombeski; Nay – None.

ADJOURNMENT: The meeting adjourned at 6:30 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted