



Approved

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

5:00 p.m.

Thursday, December 22, 2016

City Council Chamber, Historic Federal Building

Board Members Present: Chairperson Jonathan McCoy; Board Members Keith Ahlvin, and Bethany Golombeski.

Staff Members Guy Hemenway and Kyle Kritz

Board Members Excused: Joyce Pope and Jeff Cremer.

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 November 17, 2016 Zoning Board of Adjustment meeting were approved unanimously as amended.

Docket 68-16/Special Exception: Application of Timothy J. Mueller, 2901 Hillcrest, to allow a 497square foot free-standing solar array, 100 square feet maximum allowed; 12 feet in height, 10 feet maximum allowed; and to allow a total of 1,377 square feet of detached accessory structures, 1,019 square feet maximum allowed at this location in an R-1 Single-Family Residential district.

Timothy Mueller, 2901 Hillcrest, reviewed his request noting that he intends to expand his solar array from 6 to 24 panels that will total 497 square feet in area. He said that the additional area is needed to completely offset his domestic energy consumption.

Staff Member Hemenway reiterated the request noting the recent Unified Development Code changes regarding freestanding solar arrays. He discussed the administrative waiver process stating the Mr. Mueller's request exceeded the total square footage allowed for accessory structures in a residential district. He reviewed the lot size and the array's location relative to surrounding properties.

Board Members discussed the array's size and location asking for clarification regarding the total square footage. Mr. Mueller stated that the array will be 497 square feet in area.

Board members discussed the request noting that the array will be located on a large lot and well away from the adjacent residences.

Motion by Ahlvin, seconded by Golombeski, to approve the special exception request to allow a 497square foot free-standing solar array, 100 square feet maximum permitted; 12 feet in height, 10 feet maximum permitted; and to allow a total of 1,377 square feet of detached accessory structures, 1,019 square feet maximum permitted in an R-1 Single-Family Residential district. Motion carried by the following vote: Aye – Ahlvin, Golombeski and McCoy; Nay – None.

Docket 69-16/Conditional Use Permit: Application of Melanie Ricke, 3074 Cedar Crest Court, to open a licensed child care facility with 15 employees and 160 children in a LI Light Industrial district.

Melanie Ricke, 7509 North Main Street, East Dubuque, Illinois, said that her business has outgrown the current facility and that she intends to locate in a new building on an adjacent lot. She said that the new facility will accommodate 160 children and 15 employees.

Staff Member Hemenway reviewed the request noting the requirement for a Conditional Use Permit for all licensed child care facilities. He stated that the State of Iowa and the City's Building and Fire Departments inspect these facilities to insure relevant code compliance. He said that the new facility will have the required off-street employee parking and will have an adequate, semi-circular drop-off and pick-up area for parents. He said that Planning staff have not received complaints regarding the previous two facilities that Ms. Ricke has managed.

Board Members discussed the request and said that they felt it met the conditions required for granting a Conditional Use Permit.

Motion by McCoy, seconded by Ahlvin, to approve the conditional use to open a licensed child care facility with 15 employees and 160 children in a LI Light Industrial district. Motion carried by the following vote: Aye – Ahlvin, Golombeski and McCoy; Nay – None.

Docket 70-16/Special Exception: Application of Curtis and Stephonie Schmitz, 1101 Jackson Street, to open a wholesale sales distributorship as a conditional use in the Historic Millwork PC Planned Commercial district.

Curtis Schmitz, 2740 Pleasant View, described the proposed business that he said included online sales of automotive manuals and parts. He said that the location of the business is ideal and that there will be little truck traffic and no outdoor storage. He said that the gravel lot will eventually be paved and screened. He said that he felt the use will be compatible with the Historic Millwork District.

Don Rusk, 1475 Hidden Meadows Drive, said that he is the co-owner of Charlotte's Coffee Shop adjacent to the subject property. He said that he was initially concerned that there may be outdoor storage and increased truck traffic associated with the proposed business.

Tom Kelzer, 137 Main Street, said that he owns properties adjacent to the proposed business. He said that as there will be no outdoor storage, he is in favor of the proposal as it will bring employees to the district.

Staff Member Hemenway reviewed the Historic Millwork District PUD regulations noting the permitted and conditional uses. He said that vehicle related uses such as auto repair, rebuilding and sales are not permitted but that wholesale sales is provided a conditional use permit is reviewed and approved by the Board. He said that if the graveled area was to be paved, City Council approval is required and that design, including landscaping, would have to follow the Architectural Guidelines established for the district.

Motion Ahlvin, seconded by McCoy, to approve a Conditional Use Permit to open a wholesale sales distributorship at 1101 Jackson Street in the Historic Millwork PC Planned Commercial district with the conditions that: 1) No outdoor storage be permitted on the premises and, 2) All exterior site lighting use code compliant cut-off fixtures.

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

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

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted