



Approved

MINUTES
CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT
REGULAR SESSION

5:00 p.m.

Thursday, March 23, 2017
City Council Chamber, Historic Federal Building

Board Members Present: Board Members Keith Ahlvin, Bethany Golombeski, and Joyce Pope; Staff Members Guy Hemenway and Wally Wernimont.

Board Members Excused: Jonathan McCoy and Jeff Cremer.

Board Members Unexcused: None.

CALL TO ORDER: The meeting was called to order by Acting Chairperson Pope at 5:04 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 Golombeski, seconded by Ahlvin, to approve the minutes of the February 23, 2017 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Pope and Golombeski; Nay – None; Abstain – Ahlvin.

Docket 12-17/Conditional Use: Motion by Ahlvin, seconded by Golombeski, to table Docket 12-17, Conditional Use Permit for First American Site Acquisition, Inc., 800 Wacker Drive to construct a monopole cell tower at the applicant's request. Motion carried by the following vote: Aye – Ahlvin, Pope and Golombeski; Nay – None.

Docket 13-17/Variance: Motion by Ahlvin, seconded by Golombeski, to table Docket 13-17, Variance for First American Site Acquisition, Inc., 800 Wacker Drive to construct a monopole cell tower 24 feet from the property line, 95 feet minimum required, at the applicant's request. Motion carried by the following vote: Aye – Ahlvin, Pope and Golombeski; Nay – None.

Docket 11-17/Special Exception: Application of Trevor Hingtgen, 1359 Belmont Street, to build an attached carport two (2) feet from the south side property line and four (4) feet from the rear property line, six feet required for both setbacks in an R-2 Two-Family residential district.

The applicant was not in attendance. Board Member Pope recommended that the request be tabled.

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Motion by Golombeski, seconded by Pope, to table Docket 11-17 in the absence of the applicant. Motion carried by the following vote: Aye – Ahlvin, Pope and Golombeski; Nay – None.

Docket 14-17/Variance: Application of Kevin Oberbroeckling to build a 40' x 120' commercial building two (2) feet from the east side property line, and to build a 60' x 120' commercial building two (2) feet from the west side property line, 20 feet required for both setbacks, in a CS Commercial Service District for property located at 7869 Commerce Park (Parcel # 10-30-156-003).

Kevin Oberbroeckling, 7869 Commerce Park, reviewed his request, noting the variance would allow him to construct two buildings and provide additional parking and paved storage area. He said his intent is to place contractor's units 2 feet from the east side property line and to shift the contractor's shop and office building 10 feet from the west side property line. He said he decided to move the building on the west side 10 feet from the property line in response from a concern raised by his neighbor, Joel Callahan.

Staff Member Hemenway reviewed the proposed site plan, noting that the request was to reduce the 20-foot required setback on the east side of the property to 2 feet and based on the applicant's revision, to reduce the required setback on the west side from 20 feet to 10 feet. He noted that when the property was initially developed, the adjacent properties were zoned CS Commercial Service and the setback was 0 feet. He said that subsequent zoning changes on either side of the subject property resulted in a 20-foot minimum setback. He said that Mr. Oberbroeckling had an approved site plan prior to the adjacent rezonings that placed the buildings 10 feet from either side property line. He said that the adjacent property owner, Mr. Joel Callahan, had spoken with Mr. Oberbroeckling and requested that he move the building on the west side to 10 feet to increase the separation between the contractor shop and his apartment building.

Staff Member Hemenway discussed the adjacent land use and zoning. He noted that, if approved, Mr. Oberbroeckling would pave the vehicle use area and could place much of the equipment currently being stored outside within buildings. He said this will serve to clean up the area and to partially screen the view to the storage yard from the adjacent properties. He noted that the back of the building on the east side of the lot will face the rear of a row of residential garages.

Board Member Golombeski asked about the status of the vacant lot on the northwest corner of the property. Staff Member Hemenway stated that this property was dedicated as a drainage basin and would not be developed.

Board Member Pope asked about the reduced setback on the rear of the property. Staff Member Hemenway noted that a former property owner had received approval from the Zoning Board of Adjustment for a reduced setback for the existing building at the rear of the property.

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Board Member Golombeski asked about the building height. Mr. Oberbroeckling noted that the building on the east side would be 14 feet high with 4:12 pitch, and that the building on the west would be 20 feet high.

Board Member Ahlvin asked if the Board was still required to waive the east side property line as the initial site plan showed a similar setback. Staff Member Hemenway said that both buildings are than slightly larger those shown on the approved site plan, and therefore, a variance is necessary.

Board Member Pope referenced the criteria necessary for granting a variance and asked what negative impacts denial of the approval may have. Staff Member Hemenway discussed the impact of the prior rezonings on the subject property, noting that if denied, the interior vehicle use and storage area would be greatly reduced.

Board Member Ahlvin said that the approval would allow more efficient development of the site and prevent storage on the property's fringes.

Board Members discussed the distance between the existing apartment building to the west and the proposed contractor shop. Staff Member Hemenway noted that the existing apartment building is approximately 18-20 feet from the property line and adding a 10-foot setback would place the proposed contractor's shop approximately 28-30 feet away from the apartment building.

Board Members discussed the criteria established for granting a variance and felt the request met said criteria.

Motion by Golombeski, seconded by Ahlvin, to approve the variance request with the condition that the contractor's shop and office building on the west side of the property be a minimum of 10 feet from the west side property line, and that storm water from both structures be directed back onto the subject property. Motion carried by the following vote: Aye –Ahlvin, Pope and Golombeski; Nay – None.

ITEMS FROM PUBLIC: None.

ITEMS FROM BOARD: None.

ITEMS FROM STAFF:

Revised Bylaws for the Zoning Board of Adjustment: Board Member Ahlvin pointed out that there is a discrepancy in the Bylaws regarding the ability of citizens to serve on more than one board simultaneously. Staff Member Kritz said that he would research and change the Bylaws accordingly.

Motion by Golombeski, seconded by Ahlvin, to adjourn. Motion carried by the following vote: Aye – Ahlvin, Golombeski, and Pope; Nay – None.

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ADJOURNMENT: The meeting adjourned at 5:45 p.m.

Respectfully submitted,



04/26/2017

Kyle L. Kritz, Associate Planner

Adopted