



Approved

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

5:00 p.m.

Thursday, June 22, 2017

City Council Chamber, Historic Federal Building

Board Members Present: Board Chair Jonathan McCoy; Board Members Keith Ahlvin, Jeff Cremer, 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 5:00 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 Golombeski, seconded by Ahlvin, to approve the minutes of the May 25, 2017 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – None; Abstain – Pope.

Docket 12-17/Conditional Use Permit (Tabled from 03/23/2017 & 04/27/2017):

Application of First American Site Acquisition, Inc. to construct a monopole cell tower in a PC Planned Commercial District on property located at 800 Wacker Drive

Staff Member Hemenway noted that the applicant had requested to withdraw their request for a conditional use permit via email.

Motion by McCoy, seconded by Golombeski, to accept the request to withdraw the application for a conditional use permit for First American Site Acquisition. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope Golombeski, and McCoy; Nay – None.

Docket 26-17/Special Exception: Application of Beverly R. Miller, 2745 Dodge Street, to build a 1,200-sq. ft. detached accessory structure for a total of 2,000 sq. ft. of detached accessory structures; 1,000 sq. ft. maximum permitted, in an R-1 Single-Family Residential Zoning district.

Bev Miller, 2735 Dodge Street, said that she would like to build a detached garage on the adjacent residential property to use for vehicle storage.

Staff Member Hemenway presented the staff report. He noted that the square footage of the existing detached garage coupled with the proposed garage would equal 2,000 square feet of detached accessory structure area, where only 1,000 square feet is allowed in an R-1 district. He referred to an aerial photo of the area, noting the location of the proposed building and its proximity to the neighboring residences. He said that the garage can only be used for residential purposes and that commercial use is not allowed. He said that the garage would be accessed from a private commercial driveway off of Dodge Street. He said that he has been contacted by some of the adjoining neighbors, but none expressed concerns. He noted that the garage location is relatively far away from the adjacent residential properties, and is partially screened by a vegetative barrier. He recommended that, if the Board were to approve the request, they stipulate that the garage cannot be used for commercial purposes.

Bob Miller, 2760 Ethel Street, said that he owns the adjacent property and that he is not concerned with access to his property, should the garage be approved.

Board Members discussed the request and felt it was appropriate.

Motion by Ahlvin, seconded by Golombeski, to approve the request with the condition that the detached accessory structure only be used for on-premise residential purposes. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski and McCoy; Nay – None.

Docket 27-17/Special Exception: Application of Abby & George Nauman for property on Robin Street (PIN# 1036179005, 1036179027, 1036179026) to allow a front yard setback of 180 feet, 50 feet maximum permitted, in an R-1 Single-Family Residential zoning district.

George Nauman, 1155 Tressa Street, referred to an aerial photo of the subject property, noting the location of a sanitary sewer easement that bisects the property. He said this easement limits the location where a house could be sited. He said that he has spoken with both the Fire and Water Departments and will provide a hydrant and water main and design his driveway access and to meet their requirements.

Mark Meloy, 585 Heritage Drive, asked for clarification regarding the proximity of the adjacent houses and his residence to the subject property. He asked why his house location was not noted in the staff report's site characteristics. He said that his house is approximately 185 feet from the subject property, and that it was not mentioned in the staff report. He said that he is neither for or against the request.

Staff Member Wernimont noted that it was an oversight regarding the proximity of the house, but that notification had been properly sent to all adjacent property owners.

Chairperson McCoy noted the receipt of additional documents from the City Fire and Water Departments noting their specifications for development of the site. He also noted a letter of support submitted by Mr. Richard Canganelli at 1100 South Grandview Avenue.

Staff Member Wernimont outlined the staff report, referring to a topographic map and aerial photos. He stated that the sanitary sewer easement limited where a building could be placed on the subject property. He said that the City's Engineering and Fire Departments have both reviewed the request and provided technical input regarding access for emergency vehicles and extension of water to the site. He said that an adjacent property owner, Mr. Richard Canganelli at 1100 South Grandview Avenue, has provide a letter of support for the project. He said that he had been contacted by Kane, Norby and Reddick Law Firm.

Staff Member Wernimont discussed the Fire Department's specifications for driveway width, thickness and grade. He said that due the location of the house and its access from the Robin Street right-of-way there was very negligible impact on either public safety or the use, value and enjoyment of the adjacent residential properties. He recommended that, if the Board were to approve the request, it be made contingent on approval of the fire access.

Board Members discussed the request and felt it was appropriate.

Motion by McCoy, seconded by Pope, to approve the request with the condition that the access to the property be approved by the City of Dubuque Fire Department. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski, and McCoy; Nay – None.

ITEMS FROM STAFF: None.

ITEMS FROM BOARD: None.

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

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

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted