

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

5:00 p.m.

Thursday, July 27, 2017

City Council Chamber, Historic Federal Building

**Board Members Present:** Board Chair Jonathan McCoy; Board Members Keith Ahlvin, Jeff Cremer and Bethany Golombeski; Staff Members Guy Hemenway and Wally Wernimont.

**Board Members Excused:** Joyce Pope.

**Board Members Unexcused:** None.

**CALL TO ORDER:** The meeting was called to order 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 McCoy, seconded by Golombeski, to approve the minutes of the June 22, 2017 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – McCoy, Cremer, Ahlvin, and Golombeski; Nay – None.

**Docket 28-17 Special Exception:** Application of Steven Lange, 1927 Lagen Street, to build a 24' x 24' detached garage six (6) feet from the front property line (Lagen St.), 20' minimum required, in an R-1 Single-Family Residential zoning district.

Steven Lange, 1927 Lagen Street, explained his request noting that he would like to place the garage close to the Lagen Street frontage.

Staff Member Hemenway outlined the staff report noting that Lagen Street is curved making the subject property a corner lot with two frontages. He said that the subject lot has an existing attached two-car garage with driveway at the front of the residence permitting vehicle parking by the front door. He said that the proposed detached garage will not block the view to the street from the front of adjacent residences or their driveways.

Board Members discussed the request and felt that it met the criteria for granting a Special Exception.

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

**Docket 29-17/Special Exception:** Application of Patrick T. Hickson, 1575 Douglas Street, to build a 16' x 7' open front porch five (5) feet from the front property line (Douglas St.), 20' minimum required and one (1) foot from the westside property line, 6' minimum required, in an R-1 Single-Family Residential zoning district.

Patrick Hickson, 1575 Douglas Street, said that he would like to build a front porch attached to an existing concrete stoop. Board member Golombeski asked if the porch would align with the side of the house. Mr. Hickson said that it would.

Board Chair McCoy asked if the porch would be of an open design. Mr. Hickson said that the porch would be an open deck.

Staff Member Wernimont outlined the staff report referring to aerial photos of the site. He noted the location of the existing concrete porch. He stated that the proposed porch will be an open deck and will not block the view from adjacent residences. He discussed the location of existing landscaping on the site.

Staff Member Wernimont said that the average of front yard setbacks provision in the Unified Development Code would not be beneficial to Mr. Hickson in this circumstance. He said that he did not perceive any negative impacts to the adjacent property provided the porch remain of an open design. He said that Mr. Hickson would be bound by the language of the request regarding the deck design.

Board Member Golombeski said that as the porch will align with the house and garage that the request is appropriate.

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

**Docket 30-17/Special Exception:** Application of Penny Storo, 1515 Elm Street, to install a six (6) foot high fence in the front yard (Elm & E. 15<sup>th</sup>), four (4) foot maximum permitted; and to install a swimming pool ten (10) feet from the front property lines (Elm & E. 15<sup>th</sup>), 20 feet minimum required, in an R-3 Moderate Density Multi-Family Residential Zoning district.

Penny Storo, 1515 Elm Street, said that her property is a corner lot with a 4-foot-high picket fence that she would like to replace with a 6-foot-high privacy fence. She said that her intent is to screen her property from adjacent unkempt commercial properties and to secure her swimming pool and contain her dogs.

Staff Member Wernimont detailed the request discussing the location of both the existing picket fence and the proposed fence in relationship to the visibility triangle at the intersection of Elm and 15<sup>th</sup> Streets. He stated that the Engineering Department had reviewed the request for compliance with SUDAS standards for sight visibility. He said that the fence had been angled to protect the view to the street from the driveway of the adjacent residence.

Staff Member Wernimont noted that swimming pools and all other residential accessory structures must meet the required setbacks. He said that, although the subject property is zoned R-3, the neighborhood is similar to the adjacent R-2A properties that have less stringent setback requirements. He discussed the building code requirements for pool enclosures.

Board Chair McCoy asked if the applicant approved of the angled corner for the fence.

Staff Member Wernimont said that the applicant will be bound by the site diagram indicating the fence location and configuration.

Board Members discussed the request and felt that it met the criteria for granting a Special Exception.

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

**Docket 31-17/Special Exception:** Application of Jon and Lisa McGovern, 2347 Sunnyslope Drive, to erect a six (6) foot high fence along the Red Violet & Radford Road frontages, four (4) feet maximum permitted, in an R-3 Moderate Density Multi-Family Residential Zoning district.

Lisa McGovern, 2347 Sunnyslope Drive, said that she would like to fence her yard to secure the outdoor play area for her daycare business.

No one spoke in opposition to the request.

Staff Member Hemenway presented the staff report noting that the subject lot had three frontages. He said that the adjacent residential properties were oriented toward Sunnyslope Drive with their back yards facing Radford Road. He said that several of the adjacent properties were granted special exceptions for privacy fences along their rear property lines.

Staff Member Hemenway said that the proposed fence would help screen the subject lot from the traffic noise along Radford Road, improve privacy for the property owner, provide a secure play area for the children, not encroach on the visibility triangle and not block the view from adjacent residences.

Board Members discussed the request and felt that it met the criteria 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, Golombeski and McCoy; Nay – None.

**ADJOURNMENT:** Motion by McCoy, seconded by Golombeski, to adjourn the July 27, 2017 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – None.

The meeting adjourned at 6:00 p.m.

Respectfully submitted,

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Kyle L. Kritz, Associate Planner

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Adopted