

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

5:00 p.m.

Thursday, August 24, 2017

City Council Chamber, Historic Federal Building

**Board Members Present:** Chairperson Jonathan McCoy; Board Members Keith Ahlvin, Jeff Cremer, Bethany Golombeski, and Joyce Pope; Staff Members Guy Hemenway and Kyle Kritz.

**Board Members Excused:** None.

**Board Members Unexcused:** None.

**CALL TO ORDER:** The meeting was called to order by Chairperson McCoy 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:** The minutes of the July 27, 2017 Zoning Board of Adjustment meeting were approved unanimously as submitted.

**Docket 32-17:** Application of Andrea James, 7661 North Westbrook Drive, to build an attached deck four (4) feet from the rear property line, 20 feet minimum required in an R-2 Two-Family Residential Zoning district.

The applicant was not in attendance. Chairperson McCoy moved Docket 32-17 to the end of the meeting.

**Docket 33-17:** Application of Adam Uptegraph, 1405 South Grandview Avenue, to erect a second-story on an existing detached garage four (4) feet from the east side property line, six (6) feet minimum required, and 18 feet in height, 15 feet maximum permitted, in an R-1 Single-Family Residential zoning district.

Adam Uptegraph, 1405 South Grandview Avenue, reviewed his project, noting that the additional garage height will allow for a workshop area. He said he has spoken with his neighbors and they did not express any concerns.

Staff Member Hemenway reviewed the request, noting the garage location on an aerial photo. He discussed the property history, which he said included limited setback waivers on both the subject lot and the adjacent property leaving 8 feet of separation between the two structures. He said that notification was sent to all adjacent property owners, and that he has received no input.

Chairperson McCoy asked for clarification regarding the difference between a Limited Setback Waiver and a Special Exception. Staff Member Hemenway noted that a Limited Setback Waiver is an administrative process that does not require Board review.

Board Member Pope asked Mr. Uptegraph if his house was a two-story. He noted that the house was two-stories and significantly higher than the proposed garage addition.

Board Members discussed the request and felt it was appropriate.

Motion by Pope, 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.

**Docket 34-17:** Application of Steve & Kristin Vaassen, 2319 Manson Road, to construct a 2,800 square-foot barn for a total of 3,345 Sq. Ft. of accessory structures, 1,000 square-feet maximum permitted and 32 feet in height, 15 feet maximum permitted, in an R-1 Single-Family Residential Zoning district.

Steven and Kristin Vaassen, 2319 Manson Road, reviewed their project with the Board, noting that the barn has been disassembled and will be reassembled on their property.

Staff Member Hemenway reviewed the request, noting that the subject parcel is 12 acres in size and that it is well separated from adjacent residential and agricultural uses. He said that on an estate this size, the City's zoning regulations regarding accessory structure height and square footage do not work well. He said that the surrounding wooded hillside and flood plain create a substantial buffer between the proposed garage and all adjacent properties. He said that the keeping of horses on this property would require that the Vaassen's apply to the Zoning Board of Adjustment for a Conditional Use Permit that would allow them to stable up to two horses.

Board Member Pope asked what the barn would be used for. Mr. Vaassen said that it would be used for storage and possibly horses in the future.

Chairperson McCoy asked if the barn had already been built. Mr. Vaassen said the barn had been disassembled and the component parts were lying on their property.

Board Members discussed the request and felt it was appropriate.

Motion by Cremer, 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.

**Docket 35-17:** Application of Tony and Robin Burgmeier, 206 Dillon Street, to construct a garage addition six (6) feet from the front property line (York Street), 20 feet minimum required, in an R-1 Single Family Residential Zoning district.

Tony and Robin Burgmeier, 206 Dillon Street, reviewed their project, noting the location of the proposed addition relative to the setback of the existing house.

Dan Martens, 210 Dillon Street, said that he owns the adjacent property. He said that he objects to the proposal because of safety concerns regarding traffic entering and exiting York Street from the alley. He said that the view from the alley to the street was limited and that he felt the proposed addition would further decrease visibility. He said that traffic safety at the intersection will impact not just the adjacent property owners, but anyone traveling along York Street. He presented two packets of information that included photographs and a petition in opposition to the request signed by eight adjacent property owners.

Mr. Martens said that he felt that the proposed garage addition would encroach on the side yard setback between his property and the Burgmeier property. He said that he believes the foundation wall of the Burgmeier residence is 4'3" from side property line. He reviewed the documents and photographs he submitted indicating the lot line location. He said that the excavation work necessary to construct the addition could encroach on his property. He said that the proposed addition would block the view from the rear of his property and that storm water runoff may damage his lot.

Chairperson McCoy noted that the property line and safety concerns should be addressed by the applicant.

Mr. Burgmeier referred to photos of the property, noting that he intends to follow the existing building wall and that the existing landscape plantings will be removed. He said that this action will likely improve visibility at the intersection of the alley and York Street. He explained that the addition will not come out any further than the existing building wall does. He said that he is not aware of any accidents at the intersection of the alley and York Street. He noted that the new garage will provide two additional off-street parking spaces in the neighborhood. He said that the garage will be accessed from the alley. He said that the neighbor has a detached garage that partially blocks the view from the rear of his property.

Board Member Golombeski asked what materials will be used to build the sun porch. Mr. Burgmeier noted it would consist of windows and siding.

Chairperson McCoy discussed the changes that would occur to the yard area near the alley and York Street.

Staff Member Hemenway reviewed the application, noting the reasons for the required setbacks on corner lots. He said that sight visibility at the intersection of York Street and the alley should not be impacted because the proposed structure will not encroach on the visibility triangle. He also noted that there was a relatively small amount of traffic volume along both York Street and the alley. He submitted a diagram illustrating the proposed request, and the potential addition that could be built without Board review that would meet the current setback requirements. He said that it is the applicant's responsibility to demonstrate the property line to the satisfaction of the Building Official prior to building.

Board Member Golombeski asked about the height of the existing fence. Staff Member Hemenway noted if the six-foot high fence were removed, it could only be replaced with one that is compliant with current height regulations, which he said are generally four feet along any frontage.

Staff Member Hemenway reviewed several methods of establishing property lines, noting that it is contingent on the property owner to accurately locate the property line and that if an encroachment were to occur it would be the responsibility of the property owner to resolve the issue.

Board Member Cremer discussed sight visibility and said that he generally supported the request.

Board Member Pope said that she felt that the request was appropriate.

Board Member Ahlvin said that he supported the request, with the condition that any landscaping at the intersection stay below two feet.

Board Member Golombeski said her only concern was that a six-foot high fence may impact visibility; but, she said that overall, she supports the request.

Board Members discussed conditions that could be placed on the request which included protecting the visibility at the intersection and clearly establishing the property line location.

Motion by McCoy, seconded by Cremer, to approve the Special Exception request with the conditions that:

- 1) The existing retaining wall be removed and the building wall be located as per the submitted site plan.

- 2) That no landscaping above two (2) feet be allowed in the visibility triangle at the intersection of York Street and the alley.
- 3) That storm water be directed onto the subject property and away from the adjacent residential property; and
- 4) That the property line be adequately demonstrated to the satisfaction of the building official prior to construction.

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

**Docket 32-17:** Application of Andrea James, 7661 North Westbrook Drive, to build an attached deck four (4) feet from the rear property line, 20 feet required in an R-2 Two-Family Residential Zoning district.

The applicant was not in attendance. Staff Member Hemenway asked if the docket could be heard in the absence of the applicant. Chairperson McCoy agreed to the request.

Staff Member Hemenway reviewed the request, noting the location of the proposed deck, the surrounding land use and structures and the orientation of the adjacent lots. He said that the deck would be built directly adjacent to a City detention area, and would have very limited impact on public safety or the use, value and enjoyment of adjacent residential properties.

Board Members discussed the request and felt it was appropriate.

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

**ITEMS FROM STAFF:**

**Zoning Board of Adjustment By-Laws:** Board Members discussed the changes to the By-Laws and agreed that they adequately reflected their concerns. The consensus was that the By-Laws are good to go.

Motion by Pope, seconded by Ahlvin, to approve the By-Laws as amended. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski and McCoy; Nay – None.

**ITEMS FROM BOARD:** None.

**ITEMS FROM PUBLIC:** None.



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

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

Respectfully submitted,

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Kyle L. Kritz, Associate Planner

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Adopted