



Approved

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

5:00 p.m.

Thursday, December 21, 2017

City Council Chamber, Historic Federal Building

**Board Members Present:** Board Members Keith Ahlvin, Bethany Golombeski, and Joyce Pope. Staff Members Guy Hemenway and Kyle Kritz.

**Board Members Excused:** Jeff Cremer and Jonathan McCoy.

**Board Members Unexcused:** None.

**CALL TO ORDER:** The meeting was called to order by Acting Chairperson Ahlvin at 5:06 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 November 16, 2017 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin and Golombeski; Nay – None; Abstain - Pope.

**Docket 41-17/Special Exception (tabled):** Application of Jessica Mai, 2185 Marion Street, to construct an attached garage/addition five (5) feet from the front property line, twenty (20) feet required, in an R-1 Single Family Residential zoning district.

Staff informed the Board that the applicants formally withdrew their Special Exception application.

**Docket 51-17/Special Exception:** Application of Jeremy Biedermann, 830 Fremont, to build a 50' by 100' (5,000 square feet) detached garage for a total of 6,151 square feet of detached accessory structures, 1,000 square foot maximum permitted and 20' in height, 15' maximum allowed, in an R-1 Single-Family Residential zoning district.

The applicant was not in attendance.

Acting Chairperson Ahlvin moved the Docket 51-17 to the end of the meeting.

**Docket 52-17/Special Exception:** Application of Drew Cook to construct a 4,445 square-foot accessory structure, for a total of 6,000 square feet of accessory structures, 1,000 square-foot maximum permitted, for property located at 4300 Millennium Drive in an R-1 Single-Family Residential zoning district.

Drew Cook, 10782 Timber Ridge, Dubuque, stated that he would like to remove an existing barn and silo and build a modern storage building. He said the building will be used by residents of the property and also for storage of agricultural equipment needed for farming and maintaining the property. He said that the existing barn is in poor condition.

Chris Okopny, 535 Sapphire Circle, said that he was concerned that the use of the building has not been made clear. He said if it is used for a contractor shop or storage of heavy equipment, he was opposed.

Monty Bascom, 605 Sapphire Circle, spoke in opposition, noting that he felt the proposed building will not be in character with the existing residential neighborhood. He said that there has been recent and past activity on the property that leads him to believe the property will be used for commercial purposes.

Ben Schroeder, 1773 Cinnamon Road, said that his lot is located in close proximity to Mr. Cook's property. He said the building, as proposed, will be an improvement over the existing, somewhat deteriorated, barn and silo. He said that Mr. Cook has done a good job of cleaning and maintaining the property after purchasing it from the former owner.

Richard Johnston, 615 Sapphire Circle, expressed concerns regarding potential for noise generated from the coming and going of heavy equipment on the property. He also expressed concerns that any additional development or redevelopment of this property would further reduce the water pressure, which he said is problematic in the area.

Mr. Cook noted that he is the owner of Drew Cook Excavating, and that he has several other properties, including one on Wolff Road, on which he has storage buildings used for storing his equipment. He said that he has no need for further storage area for his business. He noted that the asphalt at the end of the street had been dug into the street by a snow plow.

In response to Board Member questions, Mr. Cook explained that he will not store anything in the subject building that will not be used on the site, which he said included equipment for maintaining the property and for farming. He said equipment such as tractors and mowers would be stored in the building. He discussed the other properties he has for his construction and other businesses.

Staff Member Hemenway reviewed the staff report, noting that the proposal is to demolish an existing deteriorated barn and silo and replace it with a 4,445-square foot brick barn. He noted the location of the existing barn, existing detached garage and the residence. He said that this residentially zoned property is unique in that it is 20 acres in size and is currently grandfathered for agricultural use. He read the Unified Development Code regulations regarding permitted uses and accessory structures on

residential lots. He reviewed photos of the site, noting the location of the proposed building relative to surrounding single-family houses. He said the building plans had been submitted by the applicant that indicated a square full brick structure.

The Board reviewed the case, noting that the proposed building replaces an existing, somewhat deteriorated structure, and that the property is large in scale. Board Members asked Mr. Cook how he determined the size of the building. Mr. Cook said that he has built a number of storage buildings in the past, and that he wanted to ensure that the building was adequate for his purposes. He said that under current zoning regulations, he could rebuild the barn on the very same footprint, and that if he was denied, he would probably consider rebuilding a smaller building.

Board Members discussed the request and felt it was appropriate.

Motion by Pope, seconded by Golombeski, to approve the Special Exception request, with the conditions that 1) the building be built as per the submitted elevations indicating an all-brick structure and, 2) the building not be used for commercial purposes. Motion carried by the following vote: Aye – Ahlvin, Pope and Golombeski; Nay – None.

**Docket 51-17/Special Exception:** Application of Jeremy Biedermann, 830 Fremont, to build a 50' by 100' (5,000 square feet) detached garage for a total of 6,151 square feet of detached accessory structures, 1,000 square foot maximum permitted and 20' in height, 15' maximum allowed, in an R-1 Single-Family Residential zoning district.

As the applicant was still not in attendance, the Board decided to table the request.

Motion by Pope, seconded by Ahlvin, to table Docket 51-17 Special Exception for 830 Fremont Avenue. Motion carried by the following vote: Aye – Ahlvin, Pope and Golombeski; Nay – None.

**ITEMS FROM STAFF:** Staff Member Kritz distributed a demographic profile survey to Commissioners. He asked Commissioners to complete the Membership Profile Survey and he'll return them to the City Clerk's Office.

**ITEMS FROM BOARD:** None.

**ITEMS FROM PUBLIC:** None.

**ADJOURNMENT:** The meeting adjourned at 5:35 p.m.

Respectfully submitted,

  
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Kyle L. Kritz, Associate Planner

1.25.18  
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Adopted