

Approved

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

5:00 p.m.

Thursday, March 22, 2018

City Council Chamber, Historic Federal Building

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

**Board Members Excused:** Board Members Jeff Cremer and Joyce Pope.

**Board Members Unexcused:** None.

**CALL TO ORDER:** The meeting was called to order by Chairperson McCoy at 5:03 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 February 22, 2018 Zoning Board of Adjustment meeting were not included in the agenda packet. Chairperson McCoy asked that the minutes be distributed to Board Members and they could review them.

**DOCKET 06-18/SPECIAL EXCEPTION:** Application of Jeffrey Morton, Jeffrey Morton Architects, to build a 3,092-square foot accessory enclosure, 1,000 square feet maximum permitted, and 20' 8" in height, 15' maximum allowed, in an R-1 Single-Family Residential Zoning District for property located at 1081 Shady Oaks Drive.

Jeffrey Morton, Morton Architects, 206 Bluff Street, said that he represents T. J. King resident at 1081 Shady Oaks Drive. He reviewed the request, referring to an aerial photo depicting the location of the proposed accessory structure and the size and height of the residence and accessory structure. He noted that the subject property is a large parcel that slopes steeply from street level to the back yard. He said that the proposed accessory structure will be built 12 feet below the grade of the basement of the residence. He noted that the site topography and wooded hillside will reduce the visual impact of the structure.

Mr. Morton discussed a cross section of the house and the proposed structure. He said that it illustrates that the base level of the proposed structure will be lower than the existing residence. He indicated that the materials used to fabricate the structure will be similar in nature to those of the existing house, and he said that very few trees will have to be removed in the building process.

T. J. King said that placement of the structure was dictated by the site topography and the location of existing trees.

Board Members questioned the spacing between the structure and the neighbor's house. Board Members also discussed the height of the structure relative to the adjacent residence. Mr. King stated that he would install landscaping along the common lot line between his property and his neighbor's lot to help buffer and screen the proposed structure.

There was no public input.

Staff Member Hemenway reviewed a letter of opposition submitted by John Tallent of 1078 Shady Oaks Drive. He noted that the proposed structure will be approximately 90 feet from the nearest adjacent residence and approximately 150 feet from the residence across Shady Oaks Drive. He said that the current residential bulk standards are not well suited for large estate properties and large houses. He said that the size of the proposed accessory structure would not be out of character or scale with both the property and the existing house. He said that the structure would be screened by the residence and by a wooded hillside.

Board Member Ahlvin said that the proposed structure is located very close to the adjacent property line and he said that he felt the modest 6-foot setback would not be adequate to support a vegetative screen.

Chairperson McCoy stated that he felt that a basketball court tends to generate considerable noise and he asked if it would be possible to shift the structure to the north, increasing the setback between the structure and the adjacent residential property. Mr. King noted it would be difficult to move it directly behind the house, but it would be possible to shift the structure a bit further to the north. Chairperson McCoy asked if it could be shifted four feet more to the north. Mr. King agreed to the request.

Motion by McCoy, seconded by Ahlvin, to approve the Special Exception request to build a 3,092-square foot accessory structure, 1,000 square feet maximum, and 20'8" in height, 15 feet maximum allowed, with the condition that the south side yard setback be increased to 10 feet and that an effective vegetative screen be placed along the entire length of the accessory structure. Motion carried by the following vote: Aye – Ahlvin, Golombeski and McCoy; Nay – None.

**DOCKET: 07-18/SPECIAL EXCEPTION:** Application of Conlon Construction Company, to construct single-family home 460 feet from the front property line, 50' maximum permitted, in R-3 Moderate Density Multi-Family Residential district for property located on Creek Wood Drive Lot 38.

Rod Schumacher, Conlon Construction Company, said that he represents the property owners. He said that the property is approximately 15 acres in size. He noted the former approval for a Special Exception. He said that the property owners want to shift the building closer to the street than was originally requested.

Staff Member Hemenway reviewed the request stating that the property was heavily wooded and split by deep drainage. He said that written notification was sent to all adjacent property owners. He said that staff spoke to the property owner to the east regarding the request. He said that because the proposed location of the house differs significantly from the request approved in 2016 a new Special Exception was needed. He said that shifting the house closer to the street will reduce the amount of paved driveway and reduce the amount of vegetation that will have to be removed. He recommended that, if the Board were prone to approve the request, that it be subject to Fire Department review for emergency access.

Board Members discussed the request and noted that staff had mentioned a hydrant. Staff said it would be up to the Fire Department whether a main and hydrant had to be extended to the building site.

Motion by McCoy, seconded by Ahlvin, to approve the Special Exception request with the condition that the Fire Department approve the driveway access. Motion carried by the following vote: Aye – Ahlvin, Golombeski and McCoy; Nay – None.

**DOCKET: 08-18/SPECIAL EXCEPTION:** Application of Joe Schmitt to cover 43% of the lot with structure(s), 40% maximum permitted, and to place the building 14 feet from the front property line (South Pointe Drive), 20 feet minimum required, in an R-1 Single Family Residential Zoning District for property located at Autumn Ridge Lane (Lot 15 South Pointe).

The applicant was not in attendance.

Chairperson McCoy said that the request would be moved to the end of the meeting.

**DOCKET: 09-18/SPECIAL EXCEPTION:** Application of IIW / Dubuque Community Schools to expand a school with a deficit of 83 off-street parking spaces in an R-2 Two-Family Residential District for property located at 1090 Alta Vista.

Mark Fassbinder, IIW Engineering, introduced Bill Burkhart, Facilities and Property Manager for the Dubuque Community School District. He reviewed the Unified Development Code (UDC) requirements regarding off-street parking for schools. He noted the number of teachers proposed for the combined schools. He discussed the unique nature of the school stating that the students would be bussed in and that there would be few after school activities and no public sporting events. He reviewed the options considered for addressing the parking needs noting the constraints created by the existing storm sewer system and the limited impermeable area on the site.



Mr. Burkhart discussed a map of the building and grounds. He noted that an open house was held with the neighbors and that four had attended. He said that the old boiler building would be removed.

Tim Schultz, 835 Rose Street, said he did not get written notification or an invitation from the Dubuque Community School District. He expressed concerns with the potential loss of on-street parking in front of neighboring houses. He said he is concerned with litter often generated by students. He asked if police would be available when school is dismissed to prevent any kind of problem behavior that may occur. He said that the school district did not make it clear whether they had leased the appropriate number of parking spaces from Nativity. He said that he felt it should be required that the school district purchase the Nativity property to guarantee they would have adequate parking in perpetuity. He discussed the ability for the neighbors to create a residential parking permit district. He said that he felt it is possible that there may be special events that occur after school hours.

Victoria Collins, 1290 Belmont Street, said that she has reviewed the criteria necessary for granting a variance. She said that she felt that the applicant's request did not satisfy the criteria. She noted that a Special Exception on Belmont Street had been denied in the past and that the Board had cited a lack of on-street parking as a reason. She said that on-street parking in her neighborhood is at a premium. She said that college students often consume most of the available on-street parking noting that it is not unusual for them to park on Belmont Street and walk to Loras College. She discussed neighborhood parking problems and indicated that because the Board denied a Special Exception request on Belmont Street in the past, they should deny the proposed variance request.

Cindy Smith, 935 Center Place, expressed concerns with storm water and its potential effect on the dilapidated alley behind her house.

Mr. Fassbinder stated that the students will be bused to the site and will not be walking through the neighborhoods. He said that the site drops 45 feet in elevation from Alta Vista to the alley. He said that the school district does not want to increase the amount of impermeable area in an effort to reduce the volume of runoff and limit downstream storm water issues. He said he has been discussing improvements to the site with the City's Engineering Department. He said that there is adequate surplus parking on the Nativity property, and the only time there may be a higher demand on parking would be during funerals or special events that would require overflow parking onto the adjacent city streets.

Mr. Burkhart noted that the School District has a tentative lease with Nativity which he said would satisfy faculty and staff's parking needs. He said they are considering the purchase of a portion of Loras College's adjacent property for future parking. He said that process would not happen immediately. He noted the school's limited hours of

operation and he said that the School District has no intention to conduct special activities in the gym. He said that the facility is a half-gym that would prevent it from being used for standard sporting events. He said that the school district is currently paying \$900,000 in rent to Hillcrest Services, and that the new school building will ultimately save the taxpayer's money.

Board Members discussed the request, noting that Nativity no longer has a school and that there appears to be some additional on- and off- street parking available.

Staff Member Hemenway reviewed the request, noting the receipt of a letter from Wayne McDermott of 1115 Center Place in favor of the request and a letter from James Waldbillig and family, 847 Rose Street, in opposition to the request. He discussed how school facilities' parking requirements are calculated. He said that the proposed school addition would be 8,000 square feet on each of three floors. He said access to the two parking lots would be taken from Rose Street and Alta Vista. He said that parking is a shared public resource and that there is no guarantee that adequate on-street parking will always be available in front of each residence. He reviewed aerial photos of the neighborhood, noting that many of the houses had either garage or surface parking. He asked the Board to exercise caution when reviewing the proposed Nativity 83-space parking lease, stating that if the lease were to be discontinued it would create a problem.

Chairperson McCoy discussed parking issues in the area, noting that this project did not include the Loras College property.

Board Members discussed the request, and asked for clarification regarding the previous Belmont Street Special Exception. Staff Member Hemenway said that the former request was for inadequate lot area, not a parking variance.

Board Members discussed the proposed increase in school staffing and available on-street parking. Staff Member Hemenway noted there is approximately 50 on-street spaces a certain percentage of which may be available depending on the timing of Loras College and Nativity Church activities.

Board Member Ahlvin said that he is concerned that the school is not able to fully provide parking for all staff.

After further discussion, Chairperson McCoy asked the applicant if he would be willing to table the request in an effort to resolve some of the outstanding issues. Mr. Burkhardt indicated he was willing to table the variance request.

Motion by Ahlvin, seconded by Golombeski, to table the Variance request until the next regular Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Golombeski and McCoy; Nay – None.

**DOCKET: 08-18/SPECIAL EXCEPTION:** Application of Joe Schmitt to cover 43% of the lot with structure(s), 40% maximum permitted, and to place the building 14 feet from the front property line (South Pointe Drive), 20 feet minimum required, in an R-1 Single Family Residential Zoning District for property located at Autumn Ridge Lane (Lot 15 South Pointe).

Chairperson McCoy recommended that, as the applicant is not attendance, the request be tabled.

Motion by McCoy, seconded by Golombeski, to table Docket 08-18 Special Exception request. Motion carried by the following vote: Aye – Ahlvin, Golombeski, and McCoy; Nay – None.

**ITEMS FROM STAFF:**

**ITEMS FROM BOARD:**

**ITEMS FROM PUBLIC:**

**ADJOURNMENT:** Motion by McCoy, seconded by Ahlvin, to adjourn the March 22, 2018 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, McCoy and Golombeski; Nay – None

The meeting adjourned at 6:45 p.m.

Respectfully submitted,

  
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Kyle L. Kritz, Associate Planner

  
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Adopted