

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

5:00 p.m.

Thursday, February 22, 2018
Carnegie Stout Public Library Auditorium

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 5:01 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 Pope, seconded by Cremer, to approve the minutes of the January 25, 2018 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski, Pope and McCoy; Nay – None.

Docket 51-17/Special Exception (tabled): Application of Jeremy Biedermann, 830 Fremont Avenue, 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 present, and Chairperson McCoy moved Docket 51-17 to the end of the agenda.

Docket 04-18/Sign Variance: Application of Phil Garland, Nesper Sign Company, to install 14 freestanding signs for a total of 15 freestanding signs, 3 freestanding signs maximum permitted, in a HI Heavy Industrial Zoning District.

Phil Garland, representing Alliant Energy, said that the request is to install a series of educational signs that highlight the unique nature of the new solar park located along 12th Street. He said that the freestanding signs will be placed on a perimeter fence that encloses the park and will be oriented to the pedestrian path surrounding the site. He discussed the information portrayed on the signs.

Staff Member Hemenway reviewed the request, noting that the signs are educational in nature, and that they will be placed on the outside of a fence surrounding the solar park that will face outward toward a walking trail. He said that the signs will provide facts and information to school groups and others that are walking along the perimeter of the solar park. He said that the signs will measure 3' by 5' and will be placed on a 7-foot high fence that is located about 10 feet below the grade of the adjacent freeway. He said staff recommends approval of the request.

Chairperson McCoy asked staff to clarify the rules and regulations governing signage in industrial zoning districts. Staff Member Hemenway discussed how freestanding signage allotments are calculated and stated that the sign regulations in heavy industrial zoning are identical to those in a general commercial district.

Board Member Ahlvin asked why the signs could not be deemed directional. Staff Member Hemenway noted that directional signs are limited to 10 square feet in area, and the proposed signs would be 15 square feet.

Chairperson McCoy asked if the applicant would be bound by the renderings submitted. Mr. Garland said that the renderings represent the signs final design. He said that if approved, the signs would be installed as rendered.

Board Member Cremer asked about the location and extent of the pedestrian path. Rick Zimmerman, representing Alliant Energy, reviewed the existing and proposed pedestrian pathway around the solar park, noting that two legs of the path would be built by the City and two would be built by Alliant Energy.

Staff Member Hemenway noted that two of the proposed signs are sponsored by the City and refer to our commitment to sustainability.

Board Members discussed the request and felt that as the signs are educational the variance request is appropriate.

Motion by McCoy, seconded by Pope, to approve the variance with the condition that the sign design mirror the submitted renderings. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski, Pope and McCoy; Nay – None

DOCKET 05-18/Special Exception: Application of John Michalson, 328 Chappel Court, to permit a 12' by 7' attached deck 3' from the south side property line, 6' minimum required, in an R-1 Single-Family Residential zoning district.

John Michalson, 328 Chappel Court, reviewed the project including the sketch diagram and photographs of the deck. He said that the previous deck was removed because the staircase posed a safety hazard. He said that he talked with his neighbors and that they did not express any concerns regarding the deck.

Staff Member Hemenway reviewed the request, noting that the deck is already in place. He said the new deck would not block the view to the street from the adjacent property or from the public right-of-way, and the adjacent property owners were notified and he had not received any input.

Board Members reviewed the renderings and the photographs, and felt the deck's location met all the criteria established for a Special Exception.

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

Docket 51-17/Special Exception (tabled): Application of Jeremy Biedermann, 830 Fremont Avenue, 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.

Anthony Wright, representing Jeremy Biedermann, 830 Fremont Avenue, reviewed the request, noting that the building has been reduced in size to a 45' by 60' detached garage with 16-foot high walls. He said that it will be used for residential purposes.

Board Member Pope asked for a recap of the former request. Staff Member Hemenway noted that the former request was for a 50' by 100 or 5,000 square foot building, and the new building at 45' by 60' is 2,700 square feet. She asked about the size of an average motor home. Mr. Wright said the motorhome was approximately 45' x 10'. He reviewed renderings of the proposed garage, noting the location of the structure, the hip roof design and the exterior wall and roofing treatments.

Board Members, Mr. Wright, and staff reviewed and discussed the revised size and location of the proposed garage. Staff Member Hemenway noted that the building would be somewhat shorter, but wider, would be located farther east on the lot, and would be placed behind an existing row of evergreens.

Board Member Golombeski noted that the garage would be 10 feet shorter than the original proposal, and would be a little wider. She said the height would be very similar at 19.75 feet from the grade to the mid-point between the top of the wall and the peak.

Mr. Wright reviewed siding and shingle samples, noting that the trees along the west property line would not be removed. He said that any trees that died would be replaced.

Bob Isenhardt, 793 Valentine Drive, said that he lives behind the property. He noted that he had submitted photographs, indicating the continued presence of trucks on the site. He said he feels the motorhome would be used as a job site office. He asked that the

Board consider the more important issue regarding the use of the property for commercial purposes, not necessarily the size of the building.

Gary Flynn, 799 Valentine Drive, said he had concerns with the use of the property for commercial purposes. He said that if the property were to be sold in the future, with the presence of such a large garage, it would likely be used for commercial purposes.

Chairperson McCoy asked Mr. Wright to address the concerns regarding the commercial use of the property. Mr. Wright said that Mr. Biedermann was willing to have his attorney draw up a deed restriction prohibiting commercial use on the property that would follow the bind the property and any future owner. He stated that their contractor's equipment is not stored on site, and that they have a remote shop in Muscatine. He said that the trailers that will be stored in the building are used for hauling snowmobiles.

Board Member Cremer cautioned the homeowner to be aware that the neighbors will be closely monitoring the property. He said that if there is an attempt to create a contractor's shop that would be a violation of City Code and the City would follow-up.

Staff Member Hemenway reviewed the previous meeting's request, noting the changes in the square footage and location of the proposed detached accessory structure. He noted the submission by Mr. Isenhardt of a letter dated December 15, 2017 and of an email dated February 22, 2018 that included photographs. He reviewed the conditions that the applicant has included in his submittal. He said that these included a hip roof and 16' high walls, relocation of the building further to the east on the site, preservation of the existing tree line on the west side of the property, and an 8' high cedar fence that would be added along the Fremont Avenue frontage as per the submitted site diagram.

Staff Member Hemenway noted that the difficulty of enforcing illegal commercial uses on a residential property, stating that the City is somewhat constrained in its ability to monitor and regulate commercial activity.

The Board discussed potential conditions for approval of the request. Board Member Ahlvin said that the existing square footage of the accessory structures, when added with the existing ones, would increase what is allowed by 43%. He said this appears that the proposed garage is out of scale and character with the neighborhood.

Board Member Cremer said that this is a large lot and that removal of the existing deteriorated structure would be beneficial. He said the current request has been significantly reduced from the former request.

Board Member Golombeski said that she is pleased that the existing vegetative screening will remain and that the structure has been redesigned to look more residential in nature.

Board Member Pope said that she feels that the proposal is not subordinate to the principal use of the property, and that a motorhome could be accommodated in a much smaller structure.

Board Member Golombeski discussed the orientation of the structure. She said the building's front wall will face Fremont Avenue and will cause minimal impact to the adjacent residences. She noted that the percentage of lot coverage is also relatively low and is a factor in her determination.

Board Members discussed the request.

Motion by McCoy, seconded by Cremer, to approve the Special Exception request with the condition that the applicant be bound by the letter submitted with the application that outlined the following conditions:

- 1) The vegetative buffer on the west side of the proposed garage remain in place,
- 2) That the building be designed as submitted with the hip roof, 16' walls, and residential siding and roofing materials,
- 3) That a 7' fence be placed along the Fremont frontage as indicated on the submitted site diagram,
- 4) That all detached accessory buildings on the subject lot must be accessory to the residential use and cannot be used for off-premise storage or for commercial purposes.

Motion carried by the following vote: Aye – Cremer, Golombeski, and McCoy; Nay – Ahlvin and Pope. Both Board Members Ahlvin and Pope referenced conditions B & E in making their determination.

ITEMS FROM STAFF: None.

ITEMS FROM BOARD: None.

ITEMS FROM PUBLIC: None.


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

The meeting adjourned at 5:48 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner



Adopted