



Approved

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

5:00 p.m.

Thursday, April 26, 2018

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 Wally Wernimont.

Board Members Excused: None.

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

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

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, for property located on Autumn Ridge Lane (Lot 15 South Pointe) in an R-1 Single-Family Residential zoning district.

Staff Member Wernimont noted that the applicant's request is no longer necessary as the bulk standards for the PUD have been changed to eliminate the need. He recommended that the Board deny the request and close the case.

Motion by McCoy, seconded by Cremer, to approve Docket 06-18 Special Exception as submitted. Motion was denied by the following vote: Aye – None; Nay -Cremer, Ahlvin, Pope and McCoy and Golombeski.

Docket 09-18/Variance (tabled): Application of IIW / Dubuque Community Schools, for property 1090 Alta Vista, to expand a school with a deficit of 58 off-street parking spaces in an R-2 Two-Family Residential zoning district.

Mark Fassbinder, IIW Engineering, said he represents the Dubuque Community School District. He explained the parking variance request. He said the building addition will have 16 classrooms with two teachers and approximately eight students in each room. He said that the classrooms are smaller than usual due to the teaching methods used. He said that since the last meeting, the School District and IIW were able to reconfigure the parking layout adding 25 additional spaces. He noted the location of the bus drop-off/pick-up area and the half gym. He said that the parking deficit will be reduced from 83 to 58 spaces. He said that the School District is negotiating with Nativity Church for leased parking and with Loras College regarding purchase of the adjacent lot to add parking. He said this process will take some time. He noted a letter of intent issued between the School District and Nativity Church regarding use of some of their over 200 spaces during school hours.

Tim Schultz, 835 Rose Street, said that the addition of the bus drop-off area will remove several on-street parking spaces. He expressed concerns with the lack of available on-street parking and the potential use of the school for after-hours programs. He noted that the school addition would increase bus traffic along Rose Street. He expressed concerns with storm water management. He said that during the day, there are approximately 20 spaces available on Alta Vista. He expressed concerns with snow removal and its impact on traffic movement through the neighborhood during the winter months.

Victoria Collins, 1290 Belmont Street, noted that the request is for a Parking Variance and not a Special Exception. She reviewed the criteria for granting a variance, stating she felt the request did not meet said criteria. She said she feels the School District could be a good neighbor to the adjacent property owners. She expressed concerns with snow removal and its impact on traffic circulation on the streets. She expressed concerns with the additional demand on parking that she said will overflow onto Alta Vista and the side streets. She said she had concerns with beeping and car alarms that generate noise when people are entering and exiting their vehicles. She said that the neighborhood has been in a state of decline since Nativity School closed. She said that adding congestion to the neighborhood will contribute to the decline. She said that visitors to the school would have nowhere to park other than on the street. She referred to Chapter 14-6 of the Unified Development Code regarding parking regulations. She said that the cost for development should not be considered when reviewing the variance criteria. She asked that the Board deny the request.

David Sutton, 1186 Center Place, expressed concerns with snow removal along Center Place and Rose Street. He said that he has lived in the neighborhood for years and that Loras College students consume a lot of the available on-street parking in the neighborhood.

Cindy Smith, 935 Center Place, agreed that there are problems with snow removal on Center Place. She expressed concerns with potential storm water runoff from the site into the street and alley. She said that water from the school will go to the alley and might impact her garage.

Board Member Pope asked Ms. Smith to point to where she lived on the map.

Mark Fassbinder rebutted, addressing several of the concerns raised by the neighbors, including storm water management, on-street parking and bus traffic.

Chairperson McCoy discussed snow removal and parking for special events.

Mr. Fassbinder said the gym will not be used after hours. He said that there are no bleachers and it is not sized appropriately for competitive athletic competition. He said that IIW had been working with the City Engineering Department to address storm water requirements, which he said will be required as part of the site plan process. He noted there is an existing French drain system on the site. He said that storm water overflow will be directed to Alta Vista Street.

Chairperson McCoy asked about the green space requirement. Mr. Fassbinder indicated on the site plan the location of the green space. He explained the topography of the site, which he said causes a hardship and limits the ability to increase parking area.

Mike Ruden, IIW, representing the Dubuque Community School District, said that they are working closely with City Engineering to manage storm water from this site, and that the storm water leaving the site will be no greater than what it is currently.

Mr. Fassbinder said that the numbers that IIW and the School District have generated for staff and students are the worst-case scenario. He said this is not a traditional school and that enrollment and staff will fluctuate. He said that he cannot speak to the concern for snow plowing and its impact on adjacent streets during the winter. He noted that the School District has provided adequate parking for all staff.

Mr. Fassbinder said that students that have outside appointments, such as doctor appointments, will be escorted to the vehicles for transport. He said that there is a loading dock planned that will be available along the back side of the site for deliveries that will not remove any existing parking. He said that the students will not be driving but will be bused to the site. He said that the bus traffic will increase by one to two buses in the morning and afternoon.

Staff Member Hemenway presented the staff report. He said that the proposed addition will increase the number of staff and students on the site. He referred to the parking requirements for students and staff, noting that they are simply averages

gleaned from typical middle and high schools. He said that based on input from the Board at the last meeting, the school district redesigned the site adding 25 spaces.

Chairperson McCoy asked about the ratio of student and staff parking. Staff Member Hemenway noted that at the last meeting the Board had concerns regarding the deficit of staff parking. He said that the School District added 25 spaces which will increase the amount of spaces to 75 exceeding the proposed staff population by 5 spaces. He noted that Rose Street is 38 feet wide and that snow removal can be problematic on all of Dubuque's streets. He said that Center Place is a very narrow street even when there are no snow removal issues. He referred to available on-street parking in the neighborhood, noting that approximately 50 spaces are potentially available on the frontages of Alta Vista and Rose Street. He said that the school district has noted they intend to lease additional parking from Nativity Church; however, it is difficult to regulate leased parking should the lease expire and not be renewed. He discussed an aerial view that showed available on-street parking noting that the photo is merely a snapshot, and when Loras College is in full session there may be less parking available. He said that the school district indicated that their primary hours of operation are from 8 a.m. to 3 p.m. with very little additional activity before or after this period.

Board Member Pope asked what would happen if the school decided to change the use by accommodating a standard school population, which she said may include student drivers. She said if the change were to be made would the School District be required to re-apply for a variance. She said that the applicant has noted that the school does not operate as a "normal" high school. Staff Member Hemenway noted the Board could add a condition on approval requiring the School District to reapply should the student population or school use change.

Mr. Ruden said that the proposed classrooms are not sized like traditional classrooms. He said they are approximately 500 square feet in area and will only accommodate eight students and two staff.

Chairperson McCoy said that they need to look at the request as a Parking Variance, and follow the criteria appropriately.

Board Member Ahlvin said that his concerns with staff parking have been satisfied as the school district had provided enough parking for all proposed staff.

Board Member Golombeski said that the primary access to parking would be from Alta Vista, which would not funnel traffic into the neighborhood. She said that the School District should consider leasing or purchasing parking in the neighborhood, at Nativity Church or on the adjacent Loras College property.

Board Member Cremer said that this type of school is needed in the community. He said he had concerns with Criteria #5 because he felt the addition was not in harmony with the neighborhood. He said that there is a surplus of underutilized parking in the

neighborhood and that paving additional parking would increase storm water runoff and not look good. He said he felt the School District should meet with the neighborhood and work out a solution. He said that he would prefer that they purchase or lease existing parking on adjacent lots rather than construct new impermeable area by constructing another parking lot.

Board Member Pope said that she felt that the School District's building addition and additional parking lot would be harmony with the neighborhood. She said that Rose Street is generally not plowed; however, she said it will likely be plowed more frequently once the school is expanded. She said that she lives in the neighborhood and uses the adjacent streets.

Motion by McCoy, seconded by Pope, to approve the Variance request as submitted. Motion carried by the following vote: Aye – Ahlvin, Pope, McCoy and Golombeski; Nay – Cremer.

Board Member Cremer noted he felt the criteria #5, Harmony in the Neighborhood, was not met.

Docket 10-18/Variance: Application of Buesing and Associates, Inc. to subdivide a lot at 2345-2347 Sunnyslope Drive creating a townhouse with a deficit of two paved off-street parking spaces in an R-3 Moderate Density Multi-Family Residential zoning district.

Lisa McGovern, 2345 Sunnyslope Drive, said she owns both sides of a townhouse. She said should would like to divide the lot down the common wall enabling her to sell-off the other half of the duplex.

Staff Member Wernimont said that the applicant's intent is to subdivide the lot, which he said will leave the garage and paved parking on one lot and create a deficit of two off-street parking spaces on the remaining lot. He said that there is a two-car garage with two additional paved parking spaces on the north half of the lot. He said this action requires a variance as the newly created lot and unit will have no dedicated off-street parking. He said that the applicant has shown they are going to include easements enabling the unit on the south half of the property to utilize one of the garage spaces and one of the paved off-street parking spaces. He said that the property currently has three frontages but very limited access, making it very difficult to provide any additional parking on site. He recommended that the appropriate easements be made a condition of approval.

Motion by McCoy, seconded by Pope, to approve the Variance request with the condition that formal easements dedicating parking to the southernmost lot be included on the plat. Motion carried by the following vote: Aye – Cremer, Ahlvin, and McCoy and Golombeski; Nay – None; Abstain - Pope.

Docket 11-18/Special Exception: Application of Seth and Katie Gilbert, 2085 Cobalt Court, to build attached deck 10 feet from the front property line (Zephyr Drive), 20 feet minimum required, in an R-1 Single-Family Residential zoning district.

Seth Gilbert, 2085 Cobalt Court, explained his request. He said he would like to add a deck on the east side of the house. He discussed how the request met the criteria for granting a Special Exception. He said that after reviewing the staff report, he agreed with staff's conclusions.

No one spoke in opposition to the request.

Staff Member Hemenway explained that the request was to build deck 10 feet from the front property line along Zephyr Street. He noted that the applicant had done a good job of providing answers to all the questions regarding the criteria for granting a Special Exception. He discussed the rationale for setbacks on a corner lot, stating that this deck would not inhibit sight visibility for those backing from the subject or any adjacent driveways, and that it would not block the view to the street from any adjacent residential property.

Board Member Golombeski asked if Zephyr Street had been finished. She asked if the lot behind sits above the grade of the subject lot. Mr. Gilbert said that the lot behind sat approximately four feet higher.

Board Member Ahlvin asked if conditions should be placed on approval that the deck remain of an open design. Mr. Gilbert said it would remain of an open design.

Board Members discussed the request and felt that this was appropriate.

Motion by Pope, seconded by Cremer, to approve the Special Exception request with the condition that the deck remain of an open design. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, McCoy and Golombeski; Nay – None.

DOCKET 12-18/Special Exception: Application of Richard Michael and Jennifer Fox, 2965 Ridgeway Avenue, to build a deck 0 foot from the side property line, 6 feet minimum required, in an R-1 Single-Family Residential zoning district.

Michael Fox, 2965 Ridgeway Avenue, noted that his is an irregularly shaped lot with limited space. He said that the deck will be 24' by 24' with a connecting pathway. He said it will only be built approximately 8 inches above grade. He said he knows where his property line is located because the pins are still intact.

Chairperson McCoy asked the applicant to clarify the lot line locations.

Staff Member Wernimont noted the unusual lot configuration with a somewhat triangular shape. He noted where the existing at-grade patio is located. He said that as

the deck will be approximately 8 inches above grade it qualifies as a structure and must be granted a special exception enabling it to be built into the required setbacks. He noted the location of a solid wooden privacy fence along the property line. He said he has not received any objections from the adjacent property owners. He said that a deck at this location would not compromise public safety or have a negative effect on the adjacent residential properties.

Board Members discussed the request and felt it was appropriate provided conditions were imposed.

Motion by Ahlvin, seconded by Golombeski, to approve the Special Exception request with the conditions that: 1. the applicant adequately demonstrate the lot line location to the building official's satisfaction or obtain a site survey and, 2. the deck design remain open. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, McCoy and Golombeski; Nay – None.

DOCKET 13-18/Special Exception: Application of Pablo Ramirez, 1598 Washington Street, to build a 12' by 24' detached garage five feet from the front property line, (16th Street), 10 feet minimum required, in an R-2A Alternate Two-Family Residential zoning district.

Pablo Ramirez, 1598 Washington Street, explained his request. He said the house behind him had been severely damaged in a fire. He said that he purchased it with the intention of demolishing it and providing a small garage for off-street parking. He said that neither of the houses at this location had off-street parking. He said that parking is a valuable commodity in this neighborhood and he would like to provide himself at least one off-street space.

Dave Carner, 1586 Washington Street, spoke in favor of the request. He said that removing the existing building will be positive because it is an eyesore and that a new garage would be positive for the neighborhood.

Staff Member Hemenway explained the request. He reiterated the history of the neighborhood, noting that Mr. Ramirez had received approval to demolish the fire damaged structure. He said the garage, as proposed would be built outside of the visibility triangle and transcend the lot line to join the two lots. He said that it would also reduce the non-conformity in that it would remove parking demand for one house and provide an additional parking space for the remaining house.

Board Members discussed the request and felt it was appropriate.

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

ITEMS FROM STAFF: None.

ITEMS FROM BOARD: Board Member Pope stated that she felt City staff was very professional and did a good job.

ITEMS FROM PUBLIC: None.

ADJOURNMENT: Motion by Pope, seconded by Cremer, to adjourn the April 26, 2018 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, McCoy and Golombeski; Nay – None.

The meeting adjourned at 6:25 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted