

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

5:00 p.m.

Thursday, July 26, 2018

City Council Chamber, Historic Federal Building

Board Members Present: Vice Chairperson Jeff Cremer, Board Members Keith Ahlvin and Joyce Pope; Staff Members Guy Hemenway, Wally Wernimont and Travis Schrobilgen.

Board Members Excused: Chairperson Jonathan McCoy and Bethany Golombeski.

Board Members Unexcused: None.

CALL TO ORDER: The meeting was called to order by Vice Chair Cremer at 5:15 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 June 28, 2018 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin and Cremer; Nay – None; Abstain – Pope.

Docket 22-18/Special Exception (Tabled). Application of David Weydert, 4877 Embassy Court, to store a vehicle 2' from the front property line, 20' minimum required, and 2' from the side property line, 6' minimum required, in an R-1 Single-Family Residential zoning district.

Staff Member Hemenway noted that Mr. Weydert submitted a letter requesting his case be withdrawn.

Motion by Pope, seconded by Ahlvin, to withdraw Docket 22-18 as requested by the applicant. Motion carried by the following vote: Aye – Ahlvin, Pope and Cremer; Nay – None.

Docket 26-18/Special Exception: Application of Lewis Family Values LLC / Russel & Jenny Lewis, 1604/1608 Lincoln Avenue, to construct a garage 0' from the common line between 1604/1608 Lincoln Avenue, 3' minimum required, and 0' from the rear property line, 6' minimum required, and to construct a deck 2' from the south side property line, 3' minimum required, and 0 feet from the rear property line, 10' minimum required, and to construct an addition 7' from the front property line, 10' minimum required, and to

cover 65% of the lot (1604 Lincoln) and 52% of the lot (1608 Lincoln) with structure, 50% maximum permitted, in an R-2A Alternate Two-Family Residential zoning district.

Russel Lewis, 1604/1608 Lincoln Avenue, said he would like to build an addition on one of his houses and build a garage addition along with a deck attached to the new addition at 1604/1608 Lincoln.

Staff Member Wernimont outlined the staff report. He noted that Mr. Lewis's intention is to construct a garage 0 feet from the common line between 1604/1608 Lincoln Avenue, where 3 feet is required, and 0 feet from the rear property line, where 6 feet is required and to construct a deck 2 feet from the south side property line where 3 feet is required, and 0 feet from the rear property line; where 10 feet is required, and to construct an addition 7' from the front property line, where 10' is required and to cover 65% of the lot (1604 Lincoln) and 52% of the lot (1608 Lincoln) with structure, 50% maximum permitted on either lot in an R-2A Alternate Two-Family Residential zoning district. He discussed a site diagram, noting the location and dimension of the garage, deck and additions. He said that the deck would be two stories. He discussed the setbacks and dimensions for each one of the building projects.

Board Member Ahlvin asked about encroachment across the property line. Staff Member Wernimont noted that structures built across a lot line are required to have a wall of separation along the common lot line. Board Member Ahlvin asked the Building Department approval of the structure should be made a condition of Board approval. Staff Member Wernimont noted that the Building Department would require code compliance regardless of the Board's decision. He noted that the applicants are undertaking a property survey that will clearly mark the property line location for both lots.

Board Member Pope asked if the lot could be consolidated so that the buildings would all be on one parcel with no need for the setback waiver. Staff Member Hemenway noted that in a residential district, two houses cannot be located on one lot so a lot consolidation would not be permitted.

Vice Chair Cremer said that he is sympathetic to the effort to take down a one-car garage and replace with a newer two-car garage making it more functional. He said that the lot configuration and space constraints in this older neighborhood make it difficult to redevelop the property.

Board Members discussed the request and felt it was appropriate.

Motion by Ahlvin, seconded by Pope, to approve the Special Exception with the condition that the applicant adequately demonstrate the lot line location to the satisfaction of the Building Official, or obtain a survey. Motion carried by the following vote: Aye – Ahlvin, Pope and Cremer; Nay – None.

Docket 27-18/Special Exception: Application of Ryan Davis, 4910 Northrange Court, to build a covered porch hood 8' from the front property line (Northrange Court), 20' minimum required, in an R-1 Single-Family Residential zoning district.

Ryan Davis, Davis Construction Company, said that he obtained a permit to construct a porch hood, but because he was expanding the area into the required setback, he was issued a stop order for the property at 4910 Northrange Court. He said that he would like to build a larger porch cover.

No one spoke in opposition to the request.

Staff Member Hemenway said that the applicant had removed an 8' by 10' porch roof and is intending to replace it with a 10' by 16' porch roof in its place. He said that the first structure was legally non-conforming. He said that the larger porch roof will project further into the required setback and; therefore, a Special Exception is required. He said that the porch cover will not encroach on the visibility triangle and will not block the view from any adjacent residential properties. He said the porch hood will cover an existing paved patio and shelter a large bay window.

Board Member Ahlvin said he was not concerned with the request because it has an open design and will not obstruct views from the street or adjacent properties.

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

Docket 28-18/Special Exception: Application of Beverly Miller, 2760 New Haven, to buy a lot with a 1,200 sq. ft. detached garage for a total of 1,920 sq. ft. of accessory structures, 1,000 sq. ft. maximum permitted, in an R-1 Single-Family Residential zoning district.

Beverly Miller, 2735 Dodge Street, discussed her request. She said that they had built a large garage and building on her property, and she would like to sell it to her neighbor.

No one spoke in opposition to the request.

Staff Member Hemenway explained that the Board previously approved a garage in excess of 1,000 square feet for the property at 2745 Dodge Street, and now the applicant would like to split the lot and include the garage with the property at 2760 New Haven Street. He said this will increase the amount of accessory structures at 2760 New Haven Street to 1,920 square feet, which he said would exceed the 1,000 square foot maximum and; therefore, requires a Special Exception. He said nothing would change on the property other than the ownership of the garage and the lot configuration. He said he had spoken with neighbors and they did not express any

concerns regarding the Special Exception. He said that if approved, the applicant will have to have the lot split and consolidated with the subject lot according to the preliminary sketch diagram submitted. He said that the garage must be used for residential purposes, and that commercial activity is not allowed on this property.

Board Member Ahlvin discussed the previous approval and said that it is more appropriate to locate the garage on the residential property.

Motion by Pope, seconded by Ahlvin, to approve the Special Exception request with the condition that the garage(s) be used for on-premise residential purposes only. Motion carried by the following vote: Aye – Ahlvin, Pope and Cremer; Nay – None.

Docket 29-18/Special Exception: Application of Virginia Kruser, 711 Ries Street, to build a 10' x 10' front deck 1' from the front property line (Ries Street), 10' minimum required, in an R-2A Alternate Two-Family Residential zoning district.

Virginia Kruser, 711 Ries Street, said that she would like to keep the 18" high, 10' by 10' deck in her front yard.

Staff Member Hemenway presented the staff report. He said the request is to allow the applicant to keep an existing 10' by 10' deck in front of her residence, 1' from the front property line, 10' required in an R-2A district. He said the applicant's son had placed the deck over an existing concrete patio that was used for an outdoor seating area. He said that the wooden deck is considered a structure and; therefore, requires that a Special Exception be granted if it is to remain.

Board Members reviewed photographs of the deck, and said that it was appropriate.

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

Docket 30-18/Special Exception: Application of Tony Steffen, 1745 Key Way Drive, to store a vehicle in the side yard 2' from south side property line, where 6' minimum required, in an R-1 Single-Family Residential zoning district.

Heather Lincoln, 1745 Keyway Drive, asked for permission to store an 18' open bow boat at its current location. She said the boat is only stored between April and October. She said the neighbor has given his permission to store the boat.

Staff Member Wernimont reiterated the request, discussing aerial photos of the site showing the boat's location in 2013. He said that the applicants would like to expand the driveway and pave an area to store the boat. He said the neighbor at 1735 Key Way Drive submitted a letter stating he was amenable to the request. Staff Member

Wernimont said the boat did not block visibility or should have little impact on the adjacent property.

Board Member Pope said that she is troubled by the storage of vehicles in the front yards of residences as she did not feel it was appropriate. She said that front yard storage of the boat in question did not meet Criteria A of the Special Exception.

Vice Chairperson Cremer said that staff received no complaints from the affected neighbor and that he was prone to approve the request.

Staff Member Wernimont discussed the history of the storage regulations he said that were adopted by the City Council in the late 1980s.

Ms. Lincoln said that the boat had been stored in the same location for nine years. Vice Chair Cremer said that there had been no problems with the stored boat in the past, and that none of the neighbors previously had complained.

Board Members discussed the request noting that three affirmative votes were needed for approval of the Special Exception. Vice Chair Cremer asked if the applicant would like to table the request to the next meeting in an effort to be heard by a full board. Ms. Lincoln asked that the Board table the request.

Motion by Pope, seconded by Ahlvin, to table Docket 30-18 Special Exception at the applicant's request. Motion carried by the following vote: Aye – Ahlvin, Pope and Cremer; Nay – None.

Docket 31-18/Special Exception: Application of David Saeugling, 2545 Chaney Road, to store a vehicle 0' from the front property line, where 20' minimum is required, in an R-1 Single-Family Residential zoning district.

David Saeugling, 2545 Chaney Road, said that he would like to store a boat in the front of his house instead of the back yard. He said that the original violation was for storage of a trailer in the back yard.

Jamie Schaumburg said that she represents Care Initiatives, 2935 Kaufmann Avenue. She expressed concerns with access along a driveway easement to their property. She said that she would be opposed to the request if it inhibits truck and vehicle access to their facility.

Vice Chair Cremer asked if the boat, at its current location, currently hinders access. Ms. Schaumburg said no, that it did not.

Staff Member Wernimont showed Ms. Schaumburg an aerial photo of the driveway indicating the current location of the stored boat.

Staff Member Wernimont outlined the staff report. He referenced a google earth image and an aerial photo showing the boat's location on the lot. He discussed property topography and outlined the Unified Development Code storage regulations for vehicles. He said the boat would not be located in a visibility triangle, and due to the approximately 10-foot parkway, it would be located well away from the sidewalk and street. He said that Board Members could limit the height of a stored vehicle. He said the Board cannot approve a second vehicle on the lot as it was not requested.

Board Member Ahlvin said he was okay with the boat its current location as he felt it had very limited impact on the adjacent properties.

Vice Chair Cremer said he had no concerns with front yard storage at this location because of the site topography and because the boat did not inhibit visibility and was being used regularly.

Board Member Pope said that she still had concerns with storage in the front yard, as it affected the adjacent properties. She said that she felt that front yard storage was not in character with the neighborhood.

Vice Chair Cremer said that storage is already permitted on residential properties, and that this request was only to locate the vehicle in the front yard.

Board Members discussed the request and told the applicant that it did not appear that there would be three affirmative votes for his request. The applicant asked that the request be tabled.

Motion by Cremer, seconded by Ahlvin, to table Docket 31-18 Special Exception at the applicant's request. Motion carried by the following vote: Aye – Ahlvin, Pope and Cremer; Nay – None.

Docket 32-18/Special Exception: Application of Debra Krier, 709 E. 22nd Street, to construct a carport 0' from the north side property line, 6' minimum permitted, and 2' from the rear property line, 6' minimum permitted, and to cover 58% of the lot, 50% maximum lot coverage permitted, in an R-2A Alternate Two-Family Residential zoning district.

Debra Krier, 709 E. 22nd Street, said that there had been fire damage to her garage. She said she would like to repair the garage and add a carport along the side.

Staff Member Wernimont outlined the staff report. He discussed aerial photos of the site. He said that the garage could be rebuilt but that the carport would project into the required setback. He said there were no visibility issues and that he recommended a gutter be placed on the carport to adequately direct storm water back onto the applicant's property, and that a survey be obtained.

Board Members discussed the request and felt it was appropriate.

Motion by Pope, seconded by Ahlvin, to approve the Special Exception request with the condition that the applicant clearly establish the property line to the building official's satisfaction or obtain a survey. Motion carried by the following vote: Aye – Ahlvin, Pope and Cremer; Nay – None.

ITEMS FROM STAFF: None.

ITEMS FROM BOARD: None.

ITEMS FROM PUBLIC: None.


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

The meeting adjourned at 6:30 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner



Adopted