



# Approved

MINUTES  
CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT  
REGULAR SESSION

5:00 p.m.

Thursday, October 25, 2018  
City Council Chamber, Historic Federal Building

**Board Members Present:** Chairperson Jonathan McCoy, Board Members Keith Ahlvin, Bethany Golombeski, and Jeff Cremer; Staff Members Guy Hemenway and Wally Wernimont.

**Board Members Excused:** Joyce Pope.

**Board Members Unexcused:** None.

**CALL TO ORDER:** The meeting was called to order by Chairperson McCoy at 5:00 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 September 27, 2018 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – None.

**Docket 40-18/Special Exception:** Application of Don Duschen, 1470 Hickson Avenue, for a Special Exception to build an addition 0' from the north side property line, where 6' minimum is required, in an R-1 Single-Family Residential Zoning District.

Don Duschen, 1470 Hickson Avenue, said that he would like to construct an addition to the rear of his residence to square off the back end of the house. He noted that he had been approved for an addition in the past.

Staff Member Wernimont noted that the addition would be 7' by 12' (84 square feet) located on the northwest side of the building, 0 feet from the side property line. He said that the addition would be flush with the existing house.

Board Members discussed the request and felt that storm water and property line proximity were issues.

Motion by Cremer, seconded by Ahlvin, to approve the Special Exception request with the condition that storm water be directed away from the adjacent property and onto the subject lot, and that the applicant adequately demonstrate the property line location to

the satisfaction of the Building Official. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – None.

**Docket: 41-18/Special Exception:** Application of Bill Jr and Dawn Stahl, 3953 Excelsior Street, to allow a 6' fence in the front yard, where 4' maximum is permitted, and to allow an 8' fence in the side yard, where 7' maximum is permitted, in an R-1 Single-Family Residential Zoning District.

Bill Stahl, 3953 Excelsior Street, said he would like to build a fence between his and his neighbor's house placing the four-foot high fence 10 feet back from the front property line then jogging up to six-feet, and in the rear of the property to eight feet. He said the additional height is necessary because of topography. He noted that the fence in the front would not block the view to the street from adjacent properties.

Staff Member Wernimont discussed the request, referring to the aerial photo provided to the Board. He said that a letter had been received from Steve and Lynda Dreibelbis, 844 Salem Street, expressing concerns with the fence height in the front yard and with the fence design. He said that the neighbor has asked that the fence not exceed four feet in height back to the front of the subject garage, and that the fence be neighbor-friendly.

Chairperson McCoy noted that the adjacent garage was located between the fence and the adjacent residence. Board Members discussed the request and felt that the fence should be designed in a manner sensitive to the neighbor's property. They agreed that the good side of the fence should face the neighbor's property. Board Members discussed the fence design.

Motion by McCoy, seconded by Cremer, to approve the Special Exception request with the condition that the fence be neighbor-friendly (the good side face the adjacent residential property). Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – None.

**Docket: 42-18/Special Exception:** Application of Ron Fishnick, 2554 Pinard Street, to construct a 1,118 sq. ft. attached garage, where 880 sq. ft. maximum is allowed, and 15' from the front property line, where 20' minimum is required, in an R-2 Two-Family Residential Zoning District.

Betty Johnson, 2920 Balke, said that she represented Ron Fishnick. She said that she would try to answer any questions the Board may have.

Christopher Hankens, 2570 Elm Street, asked for more information regarding the location of the garage relative to the lot lines. Staff provided Mr. Hankens with an aerial photo showing the proposed garage location. He said that he had concerns with access to his lot just north of the subject property.

Staff Member Hemenway noted that Pinard is neither a platted street or alley, but may be some form of easement. He said that parking privileges along what appears to be Pinard Street are not clearly defined. He said that the garage will be in line with the existing house, and that it will not block access to any adjacent properties. He said that the proposed location will not require excavation of the hillside behind.

Staff Member Hemenway said that the garage is technically 15' from what staff considers to be the front property line, which he said is also coincidental with the lot line. He discussed the square footage of the attached garage, noting that it exceeds the footprint of the house. He said that a garage larger than the house is not accessory to the principal residential use. He said that the garage will not impede access to the adjacent lots.

Board Member Golombeski asked about the size of the garage. Staff Member Hemenway clarified the size of the garage, noting that the applicant had submitted an amendment to his original request.

Board Member Ahlvin asked about access to the property. Staff Member Hemenway noted that as the access is neither a platted alley or street, and that staff was not able to find any formal easements, the status of the street is not known.

Board Member Golombeski asked if the doors are going to face the front property line or will the garage be accessed from the side. Staff Member Hemenway said that he is not sure where the garage doors will be located.

Board Members expressed concerns with garage doors on the west side of the building, stating they felt there was not adequate room for someone to safely back from the garage before they crossed the property line. Board Members discussed the request and felt that it was advisable to have Mr. Fishnick answer questions regarding the garage design and location on the lot.

Motion by McCoy, seconded by Ahlvin, to table the Special Exception request until the next regular meeting. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – None.

**Docket 43-18/Special Exception:** Application of Phillip and Crystal Neal, 1786 Jackson Street, to build a 10' x 12' attached front porch 0' from the front property line where 10' minimum is required, in an R-2A Alternate Two-Family Residential Zoning District.

Phillip Neal, 1786 Jackson Street, said he would like to keep the deck on the front of the house. He said that the intent is to allow adequate space for his disabled granddaughter.

No one spoke in opposition to the request.

Staff Member Hemenway said the deck had been built on the front of the house. He said that the deck was built to allow the applicant's granddaughter to have adequate space as she had an ambulatory physical disability. He said that the deck is approximately 18" above grade and that the wire railing was of an open design, He said the back of the built-in bench somewhat inhibits visibility to the street. He said that the Board could require that the bench back be removed in an effort to lessen the impact on visibility from the adjacent properties. He said that no one contacted him regarding the request.

Board Members discussed the request and felt the bench back did not significantly inhibit the view from the adjacent properties.

Motion by Golombeski, seconded by Ahlvin, to approve the Special Exception request with the condition that the railing remain of an open design and that the deck not be enclosed. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – None.

**ITEMS FROM STAFF:**

**ITEMS FROM BOARD:** The Board discussed the need for additional information regarding the use and design of the garage at 2554 Pinard Street.

**ITEMS FROM PUBLIC:**

**ADJOURNMENT:** Motion by McCoy, seconded by Cremer, to adjourn the October 25, 2018 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – None.

The meeting adjourned at 5:40 p.m.

Respectfully submitted,

  
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Kyle L. Kritz, Associate Planner

  
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11/15/18  
Adopted