

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

5:00 p.m.

Thursday, November 16, 2017

City Council Chamber, Historic Federal Building

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

Board Members Excused: None.

Board Members Unexcused: Joyce Pope.

CALL TO ORDER: The meeting was called to order by Chairperson McCoy at 5:05 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 October 27, 2017 Zoning Board of Adjustment meeting minutes as submitted. Motion carried by the following vote: Aye – Ahlvin, McCoy and Golombeski; Nay – None; Abstain – Cremer.

Docket 41-17/Special Exception (Tabled): Application of Jessica M. Mai, 2185 Marion Street, to construct an attached garage/addition five (5) feet from the front property line, twenty (20) feet minimum required, in an R-1 Single Family Residential Zoning district.

Rick and Jessica Mai, 2185 Marion Street, introduced themselves to the Board. Mr. Mai noted they intent to build a 24' by 22' garage with two bedrooms and a laundry room above. He said that there will still be 20 feet in front of the structure which will enable him to park a vehicle without blocking the sidewalk.

No one spoke in opposition.

Staff Member Wernimont noted three letters of opposition received from Courtney Vance, Sr., 2200 Marion Street, Terry Brown, 2215 Marion Street, and Bob and Chris Wiezorek, of 2135 Marion Street. Staff Member Wernimont discussed photos that were included in the agenda packet and photos that were submitted by the applicant. He said the right-of-way at this location is unusually wide at 74 feet with a 22-foot parkway. He discussed the property location relative to adjacent streets. He said the applicants

intend to build a two-story attached garage addition with two interior parking spaces and with two bedrooms and a laundry area above. He said that the wide parkway affords adequate visibility when backing from the garage. He noted that some of the concerns expressed were that the addition would project out in front of the adjacent residences and be out of character with the neighborhood. He discussed a rendering detailing the building's design. He said that there would be 19 feet of space between the structure and the sidewalk, and would be over 25 feet from the paved portion of the street. He said that the proposed addition may be somewhat out of character with the uniform setbacks in the neighborhood.

Board Member Ahlvin asked the applicant to explain the photos he submitted. Mr. Mai stepped forward and explained each of the three photos that he distributed.

Board Member Cremer said that he felt the applicant should have reached out to the adjacent neighbors regarding their project prior to the meeting. The Mai's both stated they had spoken with some of the adjacent neighbors.

Board Member Golombeski said that if the Mai's would have staked the footprint of the building, it would have helped the neighbors to visualize the location of the addition. She stated she had concerns with the mass of the two-story structure.

Board Member Ahlvin said that he felt the structure would protrude beyond the front of the adjacent residences and that it was out of character with the neighborhood. He said it was a relatively large addition.

Board Member Cremer said he felt that the request did not satisfy criteria B. Board Member Golombeski said she had concerns with criteria B, C, and E.

Chairperson McCoy asked the applicants if they would like to move forward with their request or if they would like to table the request and contact the adjacent property owners in an effort to reach an accommodation. He said that if the applicants tabled their request, they could be re-heard at the next Board meeting without having to submit another application.

The Mai's requested that the Board table the request to enable them time to speak with their neighbors.

Motion by McCoy, seconded by Golombeski, to table Docket 41-17 Special Exception at 2185 Marion Street. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski, and McCoy; Nay – None.

Docket 45-17/Special Exception (Tabled): Application of Herb Klinkhammer to allow a 2.5-foot side yard setback, six (6) feet required for property located at 2363 Trygg Drive in an R-1 Single-Family Residential Zoning district.

Herb Klinkhammer, 2379 Trygg Drive, said that he would like to possibly expand an existing garage in the future, and he would like to have additional space for storage.

Staff Member Wernimont explained that Mr. Klinkhammer's request is to replat two lots that he owns that will move the property line 2.5 feet from the side yard of one of Mr. Klinkhammer's existing structures. He said that the shift will be between two lots and that it will not change the status quo regarding the buildings' proximity to each other.

Board Member Golombeski asked if the utility pole location would be problematic. Staff Member Wernimont said the status of the utility pole would not be affected if the lot line were moved.

Board Members discussed the request and felt it was appropriate.

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

Docket 46-17/Special Exception: Application of Joey Burds to cover 63 percent (%) of the lot with structures, 50 percent (%) maximum permitted and to cover 88 percent (%) of the lot with impervious area, 80 percent (%) maximum permitted, for property located at 190 Bluff Street, in an OR Office Residential Zoning district.

Joey Burds, 1311 North Grandview Avenue, noted that the proposed addition will be a 21' by 26' attached garage with a roof deck above that will cover more of the lot than is permitted. He said he will install permeable pavement in the rear parking lot area.

Staff Member Wernimont outlined the staff report, noting the project location and alley access. He said that the only issue the Board is reviewing is lot coverage. He noted that pervious pavers would be installed for the rear parking lot, which he said would create additional infiltration area that would replace some of the green space that is being covered. He said he spoke with one of the neighbors who said he was not opposed to the request.

He said the Historic Preservation Commission has reviewed and approved the request. He noted there was an existing small green space area that would remain. He said that the proposed structure would be one story with a roof deck and steps in the back. He recommended that, if approved, that Board require Historic Preservation Commission approval.

Board Member Cremer said that he felt it was a well thought out project.

Board Member Ahlvin noted that there had been no objections from the neighbors.

Board Members discussed the request and felt it was appropriate.

Motion by Golombeski, seconded by Ahlvin, to approve the Docket 46-17 Special Exception request at 190 Bluff Street subject to Historic Preservation Commission approval. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – None.

Docket 48-17/Special Exception: Application of Lance and Lori Marting to construct a single-family home 85 feet from the front property line, 50 feet maximum permitted, for property located in the 800 block of Mt. Loretta in an R-1 Single-family Residential zoning district.

Lance Marting, 2734 Elizabeth Street, Janesville, Wisconsin, explained his request to the Board. He noted that the property is located at the end of Mt. Loretta and has been vacant for quite some time. He said that the house will be located behind and below the house at 390 Mississippi View. He said that his neighbors will be his brother and parents. He said the proposed residence will sit well below the grade of his brother's house, and will not impact anyone's view.

Staff Member Hemenway outlined the staff report and referred to an aerial photo of the site. He said that there is approximately 20 feet of grade change between the first-floor elevation of the proposed house and the adjacent house above. He said there is approximately 50 feet of grade change on the entire site. He said that the Fire Department had reviewed the request, and had made some recommendations regarding adequate access. He said that if the Board were inclined to approve the request, he recommended it be contingent on adequate driveway access.

The Board discussed the request and felt it was appropriate.

Motion by Cremer, seconded by Golombeski, to approve Docket 48-17 Special Exception request with the condition that the driveway access comply with the City Fire Department's requirements for driveway design. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – None.

Docket 49-17/Variance: Application of McDermott Enterprises, LLC/Kim McDermott, to allow vehicle sales/service on a 18,395-square foot lot, 20,000-square foot minimum required, for property located at 485 Central Avenue in a C-4 Downtown Commercial zoning district.

Chairperson McCoy said that the Board would hear Docket 49-17 Variance and 50-17 Conditional Use for the same property simultaneously but would vote on each separately.

Alex Wilson, 71 Ford Drive, East Dubuque IL, said that he would like to display 40-50 cars on the subject lot, and that there would be an office, service bay, and 1-2 employees.

Chairperson McCoy asked about the building location. Mr. Wilson stepped to the table and indicated the building location on an aerial photo.

Staff Member Wernimont noted there is a sewer easement that bisects the lot limiting where a building could be placed. He discussed the property history and noted the Iowa Department of Transportation now has regulations that require a shop building for each auto sales dealership. He noted that as this was a 25% expansion, it triggered the Unified Development Code standards for development. He discussed how staff had arrived at the 20,000-square foot minimum for auto sales lots. He said that a site plan waiver is needed for green space and landscaping that would have to be granted by the Zoning Advisory Commission.

Chairperson McCoy asked if conditions are warranted regarding hours of operation or closure of the garage doors during the work day. He asked the applicant if he would accept limits on the hours of operation or door openings. Mr. Wilson said that he would accept hours of operation but that he needs to be able to open and close the doors because the building would not be air conditioned.

Board Member Ahlvin said he was okay with the proposal as is, due to the location and the commercial nature of the adjacent properties.

Board Member Golombeski noted that there are upper story residences across the street and some residential use in the Canfield Hotel.

Staff Member Wernimont said that the noise ordinance would still apply to any activity that would occur on the subject property.

Board Member Cremer said that he was okay with approving the request without conditions but as the applicant was willing to limit the hours of operation, he would consider that.

Board Members discussed the request and felt that conditions were not warranted.

Motion by McCoy, seconded by Cremer, to approve Docket 49-17 for a Variance as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – None.

Docket 50-17/Conditional Use: Application of McDermott Enterprises, LLC/Kim McDermott to allow auto sales/service for property located at 485 Central Avenue in a C-4 Downtown Commercial zoning district.

Board members discussed the request as part of Docket 49-17 and felt that it was appropriate.

Motion by Cremer, seconded by McCoy, to approve Docket 50-17 for a Conditional Use permit as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – None.

ITEMS FROM STAFF: None.

ITEMS FROM BOARD: Board Members asked if the December meeting could be rescheduled to December 14th because of scheduling conflicts. Staff said they would see if it would be possible to reschedule the meeting.

ITEMS FROM PUBLIC: None.

ADJOURNMENT: Motion by Cremer, seconded by Golombeski, to adjourn the meeting. Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – None.

The meeting adjourned at 6:00 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted