

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

5:00 p.m.

Thursday, May 23, 2019

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 Travis Schrobilgen and Wally Wernimont.

Board Members Excused: None.

Board Members Unexcused: None.

CALL TO ORDER: The meeting was called to order by Chairperson McCoy at 5:00 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 Ahlvin, seconded by Cremer, to approve the minutes of the May 2, 2019 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Cremer and McCoy; Nay – None.

Board member Joyce Pope arrived at 5:08 p.m.

Docket: 20-19/Conditional Use: Application of BNZ Properties c/o Jason Kubitz, 3060 Cedar Crest Court, to construct a residence as a conditional use in a LI Light Industrial zoning district.

Jason Kubitz, 3060 Cedar Crest Court, discussed the proposal noting that he would live upstairs and work below.

Staff Member Wernimont presented the staff report. He noted that the business the applicant discussed currently occupies the property. He discussed why a conditional use permit is required for a residence in an industrial zoning district. He mentioned that the building location and design have already gone through the development review process.

Chairperson McCoy asked if a residence would affect adjacent property development. Staff Member Wernimont stated that it would not.

Board Members discussed the request.

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

Docket 21-19/Special Exception: Application of Jerry Gardner, 1504 Jackson Street, to build a 6' high fence along the Jackson & 15th Street frontages, where 4' high maximum is permitted, in an R-2A Alternate Two-Family Residential zoning district.

Jerry Gardner, 1504 Jackson Street, said that he wants to build a fence one foot from the property line along 15th Street and Jackson Street excluding the area known as the visibility triangle.

Staff Member Wernimont outlined the staff report noting that there had been a letter submitted by Heidi Zull, 1530 Jackson Street, opposed to the request. He said that Ms. Zull's letter stated concerns with safety and obstruction of the view to the right of way. Staff Member Wernimont noted that the board can modify, approve or deny the request. He said that a compromise may be to allow the fence along the 15th Street frontage and not to approve the fence along the Jackson Street frontage.

Board Member Ahlvin noted that the Jackson Street side had limitations. Boards members agreed.

The applicant said that there is currently a large lilac bush that already blocks the view.

The Board discussed the proposal.

Motion by McCoy, seconded by Ahlvin, to approve the Special Exception with the condition that the fence along the Jackson Street frontage meet the required setback. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski, Pope and McCoy; Nay – None.

Docket 22-19/Special Exception: Application of Brad Kueter, 2850 Shiras Avenue, to store a recreational vehicle 6' from the front property line, where, 20' minimum is required, in an R-1 Single-Family Residential zoning district.

Brad Kueter, 2850 Shiras Avenue, said that he poured a concrete pad for his camper and did not know of the distinction between parking and storing as stated in the ordinance.

No one spoke in opposition.

Staff Member Schrobilgen presented the staff report. He explained storage requirements and the location of the storage pad. He said that a petition was submitted by a majority of the neighbors stating they had no objections to vehicle storage at the proposed location.

The Board discussed the topography of the property which they felt prohibits storage behind the house.

Mr. Kueter noted that he generally uses the recreational vehicle off-site in the summer.

Board Members discussed the request adding a condition that storage is only permitted from November 1 to March 1.

Motion by McCoy, seconded by Cremer, to approve the Special Exception request for 2850 Shiras Avenue with the condition that storage is only permitted from November 1st to March 1st. Motion carried by the following vote: Aye – Cremer, Ahlvin, and Golombeski; Nay – Pope and McCoy.

Chairperson McCoy referenced criteria B while Board Member Pope referenced criteria A and B, established in the Unified Development Code regarding the structure's potential impact on neighboring properties and conformance with existing district standards as reasons for denial.

Docket 23-19/Special Exception: Application of Max Smith, 1144 South Grandview Avenue, to construct a 1,440 sq. ft. detached garage, where, 1,000 sq. ft. maximum of accessory structures is permitted, in an R-1 Single-Family Residential zoning district.

Max Smith, 1144 Grandview Ave., said that he would like to build a 42' by 35' detached garage. He noted that he was originally approved for a special exception for the garage at a different location but then decided to move it due to topography issues. He said he spoke with neighbors and they do not have concerns.

Staff Member Schrobilgen outlined the staff report, discussing the setbacks, height and topography concluding that the garage should have a limited impact on adjacent properties. He also noted the previous approved special exception and reiterated that the garage could not be used for commercial purposes.

Board Members discussed the request and felt it would be appropriate.

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

Docket 24-19/Special Exception: Application of Calvin Harridge, 2798 Balboa Drive, to construct a 6' high fence along the front property line, North Grandview Avenue, where 4' high maximum is permitted, in an R-1 Single-Family Residential zoning district.

Calvin Harridge, 2798 Balboa Drive, said that they would like to confine a large dog and limit noise emanating from North Grandview Ave.

Staff Member Wernimont detailed the proposal. He said the property is a corner lot and the proposed fence will be located outside of the visibility triangle and not impact views to the street or from neighboring properties. He described the topography of the neighboring properties and the curvature of North Grandview Ave. along the subject lot. He said surrounding neighbors were notified and he has not received any comments from them.

The Board discussed the proposal noting the busy traffic along North Grandview concluding that the proposal was appropriate.

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 25-19/Special Exception: Application of Doug Wolff, 2020 Rockdale Road, to build a 40' x 60' detached garage 20' in height, for a total of 2,900 sq. ft., where, 15' maximum height and 1,000 sq. ft. maximum permitted, in an R-1 Single-Family Residential zoning district.

Doug Wolff, 2020 Rockdale Road, discussed his project noting that the proposed garage has been reduced in size. He said that he is requesting a 32' x 46' detached garage with 10' high side walls. He said he has a large 3-acre lot and that the garage will be 8' off the property line.

The Board asked why it would be built in the proposed location. The applicant explained that it was the flattest part of the lot.

Staff Member Schrobilgen detailed the staff report. He noted that the new request was for a 32' x 46', 1,472 sq. ft. detached garage for a total of 1,972 sq. ft. of detached accessory structures, where 1,000 sq. ft. is permitted, in an R-1 Single-Family Residential zoning district. He noted that an existing 500 sq. ft. shed brought the requested total accessory structures to 1,972 sq. ft. He explained that the proposed structure would be screened by existing vegetation. He said that the driveway will be required to be paved and that the garage cannot be used for commercial purposes.

Board Members discussed the location of the garage and the size of the lot and asked the applicant if any vegetation would be removed. Mr. Wolff said that one tree would have to be removed.

Motion by McCoy, seconded by Cremer, to approve the Special Exception request with the conditions that:

1. The building is limited to 32' x 46' in size
2. The building be set back a minimum of 8' from the side yard property line
3. The building side walls do not exceed 10' in height.

Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – Pope.

Board Member Pope referenced criteria A established in the Unified Development Code regarding the structure's potential impact on neighboring properties and conformance with existing district standards as reasons for his denial.

ITEMS FROM STAFF: Staff provided a draft of the Board's input for City Council Goal Setting requesting additional input from the Boards and approval of the draft.

The Board discussed the draft noting that updating the UDC is a priority

ITEMS FROM BOARD: None.

ITEMS FROM PUBLIC: None.

ADJOURNMENT: Motion by McCoy, seconded by Pope, to adjourn the May 23, 2019 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski; and McCoy; Nay – None.

The meeting adjourned at 6:00 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner



Adopted