

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

5:00 p.m.

Thursday, July 25, 2019

City Council Chamber, Historic Federal Building

Board Members Present: Chairperson Jonathan McCoy, Board Members Keith Ahlvin, Jeff Cremer, Bethany Golombeski, and Gwen Kosel; Staff Members Travis Schrobilgen, Guy Hemenway and John Maddock.

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 Cremer, seconded by Ahlvin, to approve the minutes of the June 27, 2019 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – None; Abstain – Kosel.

DOCKET: 33-19/Special Exception: Application of Brandon Merrick, 3916 Inwood Avenue (Parcel # 10-12-181-004), to build an 84' x 40' duplex 10' from front property line (Oneida Street), where a 20' minimum setback is required, in an R-2 Two-Family Residential zoning district.

Brandon Merrick, 8910 Southern Hills Ct., said that he would like to position his duplex on a lot 10' from the front property line along Oneida Street.

Cecil Pfeiffer, 1310 Forest Lane, said he is the current property owner. He asked for the Board's approval for the request, noting that there is no reason to deny the request.

Staff Member Hemenway discussed the rationale for the 20' front yard setback noting safety for vehicles backing from a garage and the ability to park safely off of the right-of-way solely onto private property. He said that the subject property is adjacent to platted but unimproved Oneida Street and that the 10' setback should not affect public safety or visibility to the street from any adjacent driveways or properties.

Board Chairperson McCoy asked if Oneida Street were to be improved if there would be future concerns. Staff member Hemenway noted that it is very unlikely that Oneida Street would be improved and, if so, the request would still have limited impact on the adjacent properties. He said that the responsibility would fall upon the developer to fully inform anyone that was to purchase an interior lot of the reduced setback.

Board Members discussed the request and felt it was appropriate.

Motion by Cremer, seconded by Kosel, to approve the Special Exception request to build an 84' x 40' duplex 10' from the front property line (Oneida Street), where a 20' minimum setback is required, in an R-2 Two-Family Residential Zoning district. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski, Kosel and McCoy; Nay – None.

DOCKET: 34-19/Special Exception: Application of Jeremy & Sabrina Vondal, 1990 Amelia Drive to construct a 24' x 30' attached garage 4' from the south side property line, where 6' minimum is required, and 10' from the front property line (Roosevelt Street), where 20' minimum is required, in an R-1 Single-Family Residential zoning district.

Staff Member Hemenway noted that the Vondal's had withdrawn their request and that no Board action was necessary.

DOCKET: 35-19/Special Exception: Application of Neal & Tara Sweeney, 1955 Rosemont Street, to place a 12' x 16' storage shed 1' from the south side property line, where 6' minimum is required, in an R-1 Single-Family Residential zoning district.

Neal Sweeney outlined his request for the board stating that he simply wanted to place a storage shed one foot from the side property line on a paved surface.

Barbara Hunt, 1935 Rosemont Street, spoke in opposition to the request. She said that she felt positioning the storage shed that close to her property would affect her property's value. She discussed a letter she submitted outlining her concerns that included access, storm water management, sunlight and ventilations issues.

Staff Member Maddock outlined the staff report noting the letter of opposition received from Mrs. Hunt. He discussed the shed's size and proximity to the side property line. He recommended that, if approved, the Board require that storm water from the shed roof be directed on to the subject property so that it did not affect the adjacent residential property.

Board Member Cremer asked what the shed would be used for. Mr. Sweeney said that the shed would be used for storage of personal items. Mr. Sweeney said that although he asked for a 12' x 16' storage shed, the final size may be somewhat smaller.

Board Member Ahlvin asked the applicant why it is necessary to place the storage shed at this location when there is space in the yard where the required setback could be

maintained. Mr. Sweeney said that at the proposed location is much easier to access the shed from the paved driveway.

Board Member Golombeski asked why the shed could not be moved three feet from the property line. Mr. Sweeney said although the space is limited it may be possible to set the shed back three feet. He said that the shed would be tastefully designed to match the exterior of the residence.

Board Members discussed setback options for the shed. They asked if the applicant would be willing to accept a 10' x 14' shed three feet from the side property line. Mr. Sweeney said that he would accept the compromise.

Motion by McCoy, seconded by Golombeski, to approve the special exception request with the conditions that: 1) the shed dimensions be no larger than 10' x 14', 2) the shed be setback a minimum of three feet from the side property line, and 3) all drainage from the roof of the shed be directed back onto the applicants' property. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski, Kosel and McCoy; Nay – None.

DOCKET: 36-19/Special Exception: Application of Charles Smith, 2760 Jackson Street to construct a 6' high fence in the front yard, where 4' height maximum is permitted, in an R-2A Alternate Two-Family Residential zoning district.

Charles Smith, 2760 Jackson Street, said that he would like to build a tall privacy fence around his lot to help contain his dogs.

Staff Member Maddock outlined the staff report noting that adjacent properties that may be affected by the fence and that the fence may somewhat deter from the neighborhood character. He further stated that the fence cannot stray beyond the property line onto adjacent residential property or the public right-of-way.

Board Chairperson McCoy asked if there is a property line issue. Staff member Hemenway said that there was not a property line issue, but staff's intent is to inform the applicant that the fence may not stray beyond his property.

Board Member Golombeski asked if the existing fence along Jackson Street is in the right-of-way. Staff member Hemenway said it may be but that the aerial photos cannot be used to accurately determine the fence location.

Mr. Smith said that he has spoken with the neighbors and that they did not have issues with the proposed fence. He said that his dogs were agitated by passersby and that they bark. He said that the privacy fence would resolve that issue.

Board Members discussed the request and said that they felt that a solid six-foot-high privacy fence placed up to the front property line might detract from the neighborhood character and have an impact on the view from the adjacent residences.

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

Board Members cited criteria B and E regarding Special Exceptions stating that the proposal may be injurious to the use and enjoyment of other property in the immediate vicinity, may diminish property values and that the structure should not be exempt from the regulation as established.

DOCKET: 37-19/Special Exception: Application of Ryan Peppmeier, 525 Napier Street to erect an 8' high fence along the west side property line, where 7' high maximum is permitted, in an R-1 Single-Family Residential zoning district.

Ryan Peppmeier, 525 Napier Street, said that he would like to improve the privacy in his backyard. He said that the neighbor's property was higher in elevation than his and that an eight foot high fence would help screen his rear yard from the adjacent lot.

Staff Member Schrobilgen said that the proposed fence would have very limited impact on public safety and not affect the view from the adjacent residential property. He said that he has received a phone call from a neighboring property owner who said that they were in favor of the request. He recommended that, if approved, the applicant be bound by the submitted site plan regarding the fence location.

Board Chairperson McCoy asked for clarification regarding the site plan. Staff Member Hemenway noted that the site plan that was submitted was scalable and that the applicant would be bound by the fence location as indicated.

Board Members discussed the request and felt it was appropriate.

Motion by Cremer, seconded by Ahlvin, to approve the special exception request as submitted. Motion as approved by the following vote: Aye – Cremer, Ahlvin, Golombeski and Kosel; Nay – McCoy.

Chairperson McCoy cited criteria B regarding the potential impact of the fence on the value and enjoyment of the adjacent residential property.

ITEMS FROM STAFF: None.

ITEMS FROM BOARD: None.

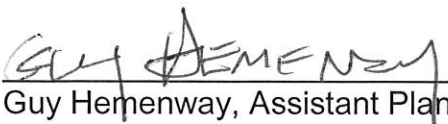
ITEMS FROM PUBLIC: None.

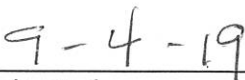
ADJOURNMENT:

Motion by Cremer, seconded by Golombeski, to adjourn the July 25, 2019 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski, Kosel and McCoy; Nay – None.

The meeting adjourned at 5:44 p.m.

Respectfully submitted,


Guy Hernenway, Assistant Planner


Adopted