

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

5:00 p.m.

Thursday, August 22, 2019

City Council Chamber, Historic Federal Building

Board Members Present: Vice Chairperson Jeff Cremer, Board Members Bethany Golombeski and Gwen Kosel; Staff Members Guy Hemenway and Travis Schrobilgen.

Board Members Excused: Chairperson Jonathan McCoy.

Board Members Unexcused: Board Member Keith Ahlvin.

CALL TO ORDER: The meeting was called to order by Vice Chairperson Cremer at 5:10 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 Kosel, seconded by Golombeski, to approve the minutes of the July 25, 2019 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Cremer, Golombeski and Kosel; Nay – None.

DOCKET: 38-19/Variance: Application of Thad Strub, 4304 Peru Road, to allow a residence on 3 acres, where 10 acres is required, in an AG Agricultural zoning district.

Thad Strub, 2225 Southway Drive, said that he had purchased three acres of property along Peru Road and had it rezoned for agricultural use. He said his intent is to create gardens, an orchard and out buildings. He said that he would like to locate a residence on the property so that he could more easily maintain the garden and orchards and provide security to the property.

Staff Member Schrobilgen discussed the regulations governing agricultural use. He stated that there is a minimum requirement of 10 acres for agricultural property where someone would like to locate a residence. He said that the intent is to prevent small hobby farms from locating in close proximity to residential districts as they can generate negative impacts such as noise and odors from livestock, fertilizer and farm machinery. He said that as a condition of the rezoning, the Zoning Advisory Commission prohibited livestock on the property. He said that the house will be located well away from any

adjacent residence and; therefore, it should have very limited use or value and enjoyment of the adjacent properties.

Board Member Kosel asked about adjacent uses. Staff member Hemenway noted that the property was bordered on two sides by agricultural zoning and that there is no such limitation regarding livestock on this property.

Board Members discussed the request and felt it was appropriate.

Motion by Golombeski, seconded by Kosel, to approve the Variance as submitted. Motion was approved by the following vote: Aye – Cremer, Golombeski and Kosel. Nay – None.

DOCKET: 39-19/Special Exception: Application of Jason Ramsey Trust, 820 Walker Street, to construct a carport zero feet from the front property line, where 20' minimum is required, in an R-1 Single-Family Residential zoning district.

Jason Ramsey, 820 Walker Street, said that the house sits at the end of the platted but unimproved Excelsior Street. He said that he would like to place a carport on the lot at the end of the street. He said that he and the City undertake maintenance of the paved roadway. He said that garbage trucks cannot turn around at that location and that they have to back up the street.

Staff member Schrobilgen outlined the staff report reiterating the setback requirements. He said that the property is located at the dead end of a substandard street and that there are no neighboring properties in the immediate vicinity. He said that the proposal would encroach on the city right-of-way and that the Engineering Department has reviewed and will have to grant a revocable license to enable said encroachment.

Board Member Kosel asked if the 31 foot structure was adequate for the applicant's purposes. Mr. Ramsey said that 31 feet is the proposed building size.

Board Members discussed the encroachment on the public right-of-way noting that a survey may be required. Staff member Hemenway said that Engineering will review the proposed encroachment and that, as the structure will transcend the lot line, a survey would not be necessary.

Board Member Golombeski noted that the structure will not encroach on the paved portion of the street. Board Vice Chair Cremer said that he was satisfied that the Engineering Department would review the encroachment to determine that it met their standards.

Mr. Ramsey reiterated that the carport would be 31' in size and noted that the purpose was to reduce maintenance of vehicles over the winter due to medical reasons.

Board Members discussed the project and felt that, as the Engineering Department will review the proposal and grant a revocable license, the request would meet the criteria for granting a special exception.

Motion by Golombeski, seconded by Cremer, to approve the Special Exception request with the condition that the carport remain an open structure. Motion was approved by the following vote: Aye – Cremer, Golombeski and Kosel. Nay – None.

DOCKET: 40-19/Special Exception: Application of Samuel A. Thoma, 1738 Atlantic Street, to install an 8' high fence along the Atlantic and Delaware Street frontages, where 4' high maximum is permitted, and to place a storage shed 2' from the front property line, where 20' is required and 2' from the side property line, where 6' minimum is required, in an R-1 Single-Family Residential zoning district.

Samuel Thoma, 1738 Atlantic Street, said that he would like to place an 8' high fence on his property line along the Atlantic and Delaware Street frontages. He discussed the topography of the property noting the elevation change from a sidewalk to the top of the embankment is higher than he is tall.

Board Member Golombeski asked if the applicant had considered building a retaining wall. He said he had not considered building a retaining wall. She also asked if he had considered placing landscaping on the exterior of the fence to soften its view from the street. Mr. Thoma said that he felt the raspberry bushes on the property would grow up around the fence to help buffer it from view.

Board Vice Chairperson Cremer said that he was concerned that an 8' high fence would look like a wall built up to the property line along the streets.

Board Member Golombeski discussed the tunnel effect noting that pedestrians would be walking along the side of what would appear to be a tunnel. She said that the view would be impacted by the unbroken fence line.

Board member Kosel asked why an 8' fence was necessary. Mr. Thoma said that he would like to sequester his dogs. She asked if a 6' fence would accomplish the same. He said that a 6' high fence would be acceptable. Board Member Kosel expressed concerns with the impact of unbroken privacy fence on the vistas along the streets and from the adjacent residential properties. Mr. Thoma noted that he does have an attached garage.

When asked why Mr. Thoma wanted to place the shed up to the property line he said that at its current location it inhibits access to the yard. He said that the shed is centered in the yard and makes negotiating the area difficult.

Staff member Schrobilgen outlined the staff report. He noted the fence height and location and the shed location stating that the property is a corner lot with two frontages. He discussed the location of the existing landscaping and the potential impact the fence and shed would have on both visibility triangles at the street intersection and the intersection with the alley. He said that an unbroken 8' high fence along the property line may have impact on the adjacent residences. He recommended that, if approved, nothing higher than 2' be allowed in the visibility triangle and that no encroachment onto the public right of way or the adjacent private property be allowed.

Board Members discussed both submitted site diagrams. Mr. Thoma said that the fence would be a wooden dogeared privacy fence. The Board and the applicant discussed options for repositioning the fence and limiting its height. Board Members initially discussed a 5' setback from the front property line.

Board Member Kosel said she would like to see an accurate diagram depicting the exact fence height and location. After further discussion, the applicant agreed to table the request and resubmit with a more detailed site diagram.

Motion by Cremer, seconded by Golombeski, to table docket 40-19 special exception Samuel Thoma, 1738 Atlantic Street, at the applicant's request. Motion was approved by the following vote: Aye – Cremer, Golombeski and Kosel. Nay – None.

ITEMS FROM STAFF: None.

ITEMS FROM BOARD: None.


ITEMS FROM PUBLIC: Staff noted that Mr. Charles Smith had withdrawn his request for a reconsideration.

ADJOURNMENT: Motion by Cremer, seconded by Golombeski, to adjourn the August 22, 2019 Zoning Board of Adjustment meeting. Motion was approved by the following vote: Aye – Cremer, Golombeski and Kosel; Nay – None

The meeting adjourned at 6:00 p.m.

Respectfully submitted,


Guy Hemenway, Assistant Planner


Adopted