

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

4:00 p.m.

Thursday, October 22, 2009

City Council Chamber, Historic Federal Building

**Board Members Present:** Chairperson Mike Ruden; Board Members Randy Klauer, Jeff Cremer, Heath Hutchinson and Bill Gibbs.

**Staff Members Present:** Guy Hemenway and Wally Wernimont.

**AFFIDAVIT OF COMPLIANCE:** Staff presented an Affidavit of Compliance verifying the meeting was being held in compliance with the Iowa Open Meetings Law.

**CALL TO ORDER:** The meeting was called to order by Chairperson Ruden at 4:05 p.m.

**MINUTES:** Motion by Klauer, seconded by Gibbs to approve the minutes of the September 24, 2009 meeting: Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson, Gibbs and Ruden; Nay - None.

**SPECIAL EXCEPTIONS**

**DOCKET 48-09:** Application of Lloyd Gudenkauf for a special exception for property located at 1675 Bianca Drive to build a single-family home 100 feet from the front property line, 50 feet maximum allowed, and 20 feet from the rear property line, 37 feet minimum required, in an R-1 Single-Family Residential zoning district.

Lloyd Gudenkauf, 10816 N. Cascade Road, outlined the special exception request. He discussed the topography of the lot. He said that the front of the lot has been filled. He said that he is proposing to build the house further back from the front property line because of the fill and the topography of the site.

Board Member Klauer asked about storm water runoff. Mr. Gudenkauf said that the adjacent properties along Emily Street drain across the subject lot.

Norman Homb, 2073 Emily Drive, spoke in opposition to the request noting concerns with storm water flow, erosion and loss of privacy. He said that a realtor felt that the value of his property would be impacted by the placement of the proposed single-family home. The Board, applicant and neighbors discussed the lot layout and house location relative to lot lines.

Staff Member Wernimont outlined the staff report noting the lot depth and required setbacks. He said that the Board has received two letters in opposition to the request from property owners on Emily Street adjacent to the subject lot. He said that the Fire Department has reviewed the request and recommends that, if approved, the address of the residence be visible from the street or is addressed at the street.

Motion by Klauer, seconded by Gibbs, to approve the special exception request, with the condition that the address of the residence be visible from the street or that the property is addressed at the street. Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson, Gibbs and Ruden; Nay – None.

**DOCKET 49-09:** Application of Betty Dryer Trust / Rick Dryer for a special exception for property located at 1617 Prescott Street to enclose an existing carport 6 inches from the side property line, 3 feet required; and 1 foot from the front property line, 20 feet required, in an R-2A Alternate Two-Family Residential zoning district.

Mark Duve, spoke on behalf of Rick Dryer. He explained that Mr. Dryer wants to enclose the carport for security reasons.

Don Graff, 1621 Prescott Street, said that he is the next door neighbor and that he is in favor of the proposed project.

Staff Member Wernimont outlined the property history including former approval of a special exception for the existing carport.

Motion by Klauer, seconded by Gibbs, to approve the special exception request, as submitted. Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson, Gibbs and Ruden; Nay – None.

### **CONDITIONAL USE PERMITS:**

**DOCKET 47-09:** Application of Durrant Group Inc. for a conditional use permit for property located at 400 Ice Harbor Drive to erect a 40 foot high wind turbine, as a conditional use, in a PC Planned Commercial zoning district.

Staff noted that the applicant requested that their application be tabled.

Motion by Gibbs, seconded by Klauer, to table Docket 47-09. Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson, Gibbs and Ruden; Nay – None.

**DOCKET 50-09:** Application of Gary Carner & Renee Krier for a conditional use permit for property located at 2307 Central Avenue to open a licensed child care center with 50 children and 7 employees in a C-3 General Commercial zoning district.

Renee Krier, 2900 Brunswick, explained that she would like to open a licensed child care center at 2307 Central Avenue.

Staff Member Hemenway distributed photos of the site to the Board. Staff Member Hemenway presented the staff report noting the request is to convert an existing commercial building to a licensed child care center that will serve 50 children and have 7 employees on the maximum shift. He said that the site is located in a mixed-use neighborhood and that the property has adequate off-street parking and fenced outdoor play area.

Staff Member Hemenway recommended that bollards be installed to block an existing curb cut to stop traffic from entering the outdoor play area and that the parking lots located in the front and rear of the building be striped as per City standards.

The Board discussed possible locations for the bollard.

Motion by Klauer, seconded by Cremer, to approve the conditional use permit with the conditions that: 1) a substantial barrier of bollards be placed along the south side of the outdoor play area; and 2) the front and rear parking lots be striped as per City standards. Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson, Gibbs and Ruden; Nay – None.

**DOCKET 51-09:** Application of Hotel Julien/Fischer Companies/Lange Sign Group for a variance for property located at 200 Main Street to erect a 144 square foot freestanding sign, 100 square feet maximum permitted, and to install a wall-mounted sign with a 10 foot projection, 5 feet maximum permitted, in a C-4 Downtown Commercial zoning district.

Ton Pfohl, 290 Main Street, and Rick Droeske, Lange Sign Group, explained the variance request. Mr. Droeske said that they would like to install a 10 foot projecting sign and to increase the area of an existing free-standing sign for the Hotel Julien.

Staff Member Hemenway distributed photos of the site to the Board. Board Member Klauer asked if the proposed free-standing sign will be taller than the existing sign. Mr. Droeske indicated that the proposed sign will be approximately 5 feet taller and 5 inches wider than the existing freestanding sign. Mr. Pfohl explained that the new projecting sign will be smaller than an existing projecting sign currently located atop the parking canopy.

Staff Member Hemenway presented the staff report. He reiterated the variance request. He discussed the freestanding sign location relative to the highway. He noted that the scale of the Hotel Julien is larger than the typical commercial structures located in the C-4 district. He said that the proposed Caroline's sign will replace an existing

Alte Glocke/Julien Inn sign located on the roof of the canopy. He said that if the existing projecting sign is removed from the canopy it will lose its grandfather status.

Motion by Klauer, seconded by Cremer, to approve the variance request, as submitted.

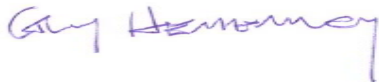
Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson, Gibbs and Ruden; Nay – None.

**ITEMS FROM BOARD:**

The Board discussed signage for Elite Outdoor located on Dodge Street. Staff Member Hemenway noted that he has received a written complaint concerning the signage on the building and that he is investigating the site for compliance with the sign ordinance.

**ADJOURNMENT:** The meeting adjourned at 4:45 p.m.

Respectfully submitted,



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Guy Hemenway, Assistant Planner

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Adopted—October 19, 2009