

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

5:00 p.m.

Thursday, January 23, 2020

City Council Chamber, Historic Federal Building

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

Board Members Excused: Bethany Golombeski.

Board Members Unexcused: None.

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 Kosel, to approve the minutes of the December 19, 2019 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Kosel and McCoy; Nay – None; Abstain: Cremer.

DOCKET: 56-19 Conditional Use Permit (Tabled) Application of Steve's Properties LLC, parcel identification number 10-27-35-2025 (Corner of Cedar Cross Rd. & Starlite Dr.) to pave a parking lot to serve an adjacent commercial building, in an R-1 Single-Family Residential zoning district.

Dave Schneider, 906 1st Street North, Farley, Iowa outlined his request noting that the applicant owns an adjacent multi-tenant commercial building and would like to expand his parking lot into the residentially zoned property to the west. He said that the business owner has indicated that it is difficult to rent some of his tenant spaces because of lack of adequate parking.

Staff Member Hemenway noted that the request is to expand an existing parking lot onto an adjacent residential lot creating 26 additional spaces. He said that a Conditional Use Permit must be approved to allow development of a parking lot on a residentially zoned lot. He noted that the area is mixed use and that the property suffers a singular disadvantage in that it is a corner lot and there is no access to Starlite Drive or Cedar Cross Road. He said that the applicant would use an existing curb cut on his commercial property and expand onto the adjacent lot. He said that, if approved, the applicant would have to submit an engineered site plan for review that would include storm water

management measures and a landscaping plan. He said that the adjacent residence is approximately 90 feet away from the proposed parking lot. Staff member Hemenway recommended that, if approved, the Board consider requiring robust landscaping along the western property line.

Board Chair McCoy asked if an earthen berm would suffice. Staff Member Hemenway said that a low berm with mixed vegetation would be best. Board Chair McCoy asked the applicant if he would be willing to provide landscaping on the western boundary. Mr. Schneider said yes, he had no problem with that request.

Board Members discussed the request and found that as the lot is land locked, a parking lot may be the most appropriate use for it.

Motion by McCoy, seconded by Cremer, to approve the Conditional Use Permit request to pave a parking lot to serve an adjacent commercial building with the condition that western boundary of the parking lot be buffered with a berm and mixed vegetation. Motion carried by the following vote: Aye – Cremer, Ahlvin, Kosel and McCoy; Nay – None.

DOCKET: 01-20 Special Exception Application of Michael Rausch, 15957 Middle Road to build a 40' x 50' detached garage 19' in height, where 15' in height maximum is permitted and for a total of 3,950 sq. ft. detached accessory structures, where 1,000 sq. ft. maximum is permitted, in an AG Agricultural (default R-2A) zoning district.

Michael Rausch, 15957 Middle Road said that he would like to build a 40' x 50' detached garage to be able to store his tractor collection and trailers.

Staff Member Hemenway detailed the staff report noting the square footage of the existing structure and the proposed structure. He said that the property was recently annexed and the default rezoning for an annexation is AG Agricultural unless otherwise requested by the property owner. He said this property is zoned agricultural, but there is no agricultural activity on it, just a single-family home. He noted that the default designation is the R-2A Alternate Two-Family Residential District. He discussed the topography and landscaping on the lot and noted the distance of the proposed structure away from the adjacent residence and farm. He said that the applicant would not be allowed to undertake any commercial activity on the property.

Board Chair McCoy asked if the property had previously been zoned residential when it was in the county. Staff Member Hemenway said that he believed it was zoned agricultural. Staff Member Hemenway offered examples of other residential non-conformities within the community.

The Board discussed the proposal and felt that if the applicant stored tractors in the building the use was appropriate.

Motion by McCoy, seconded by Ahlvin, to approve the Special Exception request to build a 40' x 50' detached garage 19' from in height with the condition that no commercial activity be allowed within any of the buildings on the property. Motion carried by the following vote: Aye – Cremer, Ahlvin, Kosel and McCoy; Nay – None.

DOCKET: 02-20 Special Exception Chris Happ Olson, 1090 Grove Terrace, to construct a two-story addition 0' from the south side property line, where 6' minimum is required, in an R-2 Two-Family Residential zoning district.

Chris Happ Olson, 1090 Grove Terrace, said that she would like to remove an existing addition and build a new addition approximately 12 inches back from its current location. She said that the new addition would be set back 18" from the property line but that the overhang would be built up to the property line. She noted that any new construction in her district would require review and approval by the Historic Preservation Commission.

Board Chair McCoy asked for a clarification regarding the addition location. Staff Schrobilgen noted the current building configuration and retaining wall layout. He said that although the addition will be a bit larger lengthwise than the existing structure, it will be moved back approximately 12 inches from the footprint of the current addition. He said expanding the existing footprint requires approval of a Special Exception. He noted that the Historic Preservation Commission will review the buildings design to ensure its compatibility with the adjacent historic residences. He recommended that, if approved, the Board require the storm water from the addition's gutter be directed away from the adjacent property.

Board Members discussed the request and felt it was appropriate.

Motion by Ahlvin, seconded by McCoy, to approve the Special Exception request to construct a two-story addition zero feet from the south side property line with the condition that storm water from the addition be directed away from the adjacent residential property. Motion carried by the following vote: Aye – Cremer, Ahlvin, Kosel and McCoy; Nay – None.

ELECTION OF OFFICERS: Commissioners discussed openings.

Motion by Kosel, seconded by Ahlvin, to appoint Jonathan McCoy as Board Chair and Jeff Cremer as Vice Chair. Motion carried by the following vote: Aye – Cremer, Ahlvin, Kosel and McCoy; Nay – None.

ITEMS FROM STAFF:

ITEMS FROM BOARD:

ITEMS FROM PUBLIC:


ADJOURNMENT: Motion by McCoy, seconded by Cremer, to adjourn the January 23, 2020 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Cremer, Ahlvin, Kosel and McCoy; Nay – None

The meeting adjourned at 5:45 p.m.

Respectfully submitted,



Guy Hemenway, Assistant Planner



Adopted