



Approved

**MINUTES  
ZONING BOARD OF ADJUSTMENT  
REGULAR SESSION**

4:00 p.m., Thursday, April 23, 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, Kyle Kritz 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 4:00 p.m.

**MINUTES:** Motion by Klauer, seconded by Cremer to approve the minutes of the March 26, 2009 meeting. Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson and Gibbs; Nay – None; Abstain - Ruden.

**SPECIAL EXCEPTIONS**

**DOCKET 14-09:** Application of Daniel Hoyt for a special exception for property located at 3838 Aurora Street to install a 6 foot high fence in the front yard (Rosemont Street), 4 feet maximum height allowed, in an R-1 Single-Family Residential zoning district.

Daniel Hoyt, 3838 Aurora Street, explained that his property is located on the corner of Aurora and Rosemont Streets. He explained that he would like to fence in the back yard with a six-foot high fence for privacy and to help contain his dogs. He said that the fence would be constructed out of solid wood. Staff Member Wernimont distributed aerial photos of the site.

No one spoke in opposition.

Staff Member Wernimont outlined the staff report. He noted that the subject property is a corner lot and reiterated fence regulations for a front yard. He explained that the proposed fence would not block the views to the sidewalk and street from the adjacent properties. He explained that presently, the applicant has a 4-foot high chain link fence and some vegetation where the proposed 6-foot high fence will be located.

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 12-09:** Application of Radio Dubuque / Nativity Parish for a conditional use permit (tabled from March 26, 2009) for property located at 1225 Alta Vista to erect a 75 foot high radio communication tower in an OS Office Services zoning district.

Staff Member Kritz explained that Radio Dubuque has requested that the conditional use permit request be tabled to the May 28, 2009 meeting.

Motion by Klauer, seconded by Gibbs, to table the conditional use permit request to the May 28, 2009 meeting. Motion carried by the following vote: Aye – Klauer, Cremer, Hutchinson, Gibbs and Ruden; Nay – None.

**DOCKET 15-09:** Application of Dick Hartig, Hartig Realty IV for a conditional use permit for property located at 51/53 Kaufmann Avenue to allow a parking lot as a conditional use in an R-2 Two-Family Residential zoning district.

Keith Bibelhausen, CEO of Hartig Drug, explained his request to the Board.

Staff Member Wernimont distributed aerial photos, photographs and a letter of opposition from the Old House Enthusiasts Club to the Board that expressed concerns with potential loss of a historic building in the neighborhood.

Mr. Bibelhausen outlined his request noting that the house at 51/53 Kaufmann Avenue will be removed and a parking lot will be installed. He explained the design of the parking lot. He described landscaping and screening for the parking lot. He said that the parking lot will provide additional customer parking and help screen the dumpster. He explained that the house is irreparable and will be demolished to accommodate the parking lot. Chairperson Ruden inquired as to the screen fence design.

Staff Member Wernimont reiterated the conditional use permit request. He discussed the parking lot diagram submitted by the applicant. He discussed parking lot standards, impervious area, access and traffic safety and the locations of the dumpster and screening fence. He said that the proposed parking lot will be required to have a site plan that shows details on lighting, storm water and screening.

The Board felt that the application met the criteria for a conditional use permit.

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

**VARIANCES:**

**DOCKET 16-09:** Application of Dan Arensdorf / Premier Bank for a variance for property located at 140 W. 9<sup>th</sup> Street to pave two off-street parking spaces reducing the green space to 17.7%, 20% minimum required, in a C-5 Central Business zoning district.

Dan Arensdorf explained the variance request to the Board. He said that Premier Bank would like to remove some existing landscaping and put in two additional off-street parking spaces. He said that they are in need of off-street parking. He explained that clients of the bank have been getting parking tickets when parking on the street.

Staff Member Hemenway presented the staff report. He explained the 20% permeable area requirement for storm water infiltration. He discussed the location of the off-street parking spaces on the site and storm water runoff.

The Board felt the application met the criteria for granting a variance.

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

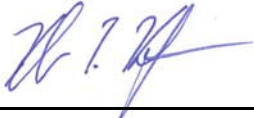
**WORK SESSION:**

**Unified Development Code: Article 11 Land Subdivision, Article 12 Site Development and Proposed TND Traditional Neighborhood District Overlay and Design Guidelines**  
Chairperson Ruden asked who is on the Technical and Citizen Advisory Committees for the Unified Development Code. Staff Member Kritz noted the Committee membership. Staff Member Kritz explained that Article 11 relates to land subdivision and Article 12 regulates site plans. He noted that the present code is being updated to include sustainability measures and to make it easier for contractors, owners and developers to use. He explained maximum parking requirements as they relate to the C-4 Downtown Commercial District area.

Chairperson Ruden said that he would like some additional time to review the articles. Staff Member Kritz said that the Board members could review the document and e-mail the comments to staff.

**ADJOURNMENT:** The meeting adjourned at 4:40 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "K. L. Kritz", is positioned above a horizontal line.

Kyle L. Kritz, Associate Planner

Adopted—May 28, 2009