



Approved

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

5:30 p.m.

Thursday, December 16, 2021
City Council Chambers, Historic Federal Building

Board Members Present: Chairperson Jonathan McCoy, Board Members Keith Ahlvin, Bethany Golombeski, Gwen Kosel and Matt Mauss.

Board Members Excused: none

Board Members Unexcused: none

Staff Members Present: Shena Moon and Travis Schrobilgen

CALL TO ORDER: The meeting was called to order by Chairperson McCoy at 5:30 p.m.

MINUTES: Motion by Ahlvin, seconded by Mauss, to approve the minutes of the November 18, 2021 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

DOCKET – 39-21: Application of Scott Billmeyer, 527 E. 22nd Street to construct a garage addition (lean-to) 6" from the side and 3' from the rear property lines, and to cover 61% of the lot with structures, where 3' minimum side and 6' minimum rear setbacks are required, and 50% maximum lot coverage is permitted in an R-2A Alternate Two-Family Residential zoning district.

Scott Billmeyer, 527 E. 22nd Street, spoke in favor of the request. He explained that he is requesting to add a lean-to structure with roll-up door along the west side of his existing garage structure.

Staff Member Moon detailed the staff report noting the location of the proposed lean-to structure, the size of the structure, and the total proposed lot coverage for the property. She explained a Special Exception was approved by the Zoning Board of Adjustment in 2006 which allowed the existing garage to be constructed.

Board Member Ahlvin commented the proposed lot coverage of approximately 61% was high for the property relative to the allowed 50% lot coverage permitted per code.

Board Member Kosel agreed the lot coverage was high.

Board Member Golombeski questioned the stormwater management plan for the lean-to

and expressed concern about runoff onto the neighbor's property.

Applicant Scott Billmeyer clarified the stormwater runoff will tie into an existing drainage tube and will drain onto the subject property.

Motion by Ahlvin, seconded by Mauss, to approve the request to construct a garage addition (lean-to) 6" from the side and 3' from the rear property lines, and to cover 61% of the lot with structures, where 3' minimum side and 6' minimum rear setbacks are required, and 50% maximum lot coverage is permitted in an R-2A Alternate Two-Family Residential zoning district with the following conditions:

1. The applicant demonstrates the location of the property line to the satisfaction of the building official by obtaining a survey or locating the property pins.
2. Stormwater runoff from the lean-to be managed on the subject property.

Motion denied by the following vote: Aye – Kosel and Mauss; Nay – Golombeski, Ahlvin, and McCoy, citing the following criteria:

B. That the specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.

E. That, except for the specific exception being proposed, any structure shall in all other respects conform to the applicable regulations or standards of the zone in which it is to be located.

DOCKET – 40-21: Application of Russell J. Lau, 1475 Southern Avenue to construct a single-family residence 0' from the front and side property lines where 20' and 6' minimum setbacks are required, respectively, in an R-1 Single-Family Residential zoning district.

Russell Lau, 1475 Southern Avenue, the applicant, spoke in favor of the request. He explained site limitations regarding the shape of the lot, flood plain, access, and slope. He noted the neighboring properties direct to the east and south are located within the Iowa National Heritage Foundation and will not be improved. He further clarified the proposed residence would be more than 30 feet from the Davenport Street side and separated by a non-buildable lot on the Southern Street side.

Staff Member Moon detailed the staff report noting the layout of the proposed site as well as limitations on the property including topography and flood plain, as well as the surrounding development.

Chair McCoy requested staff to confirm whether the adjacent property east was buildable. Staff Member Moon confirmed the property to the west is located within the Iowa National Heritage Foundation and development was not anticipated to occur on the property.

Board Member Golombeski requested staff confirm the distance between the property line and the center of the roadway along Davenport Street. Staff Member Moon stated

the distance was approximately 27' at the closest point within the identified buildable area.

The Board discussed the proposal noting the limitations of the surrounding property, finding the proposal appropriate.

Motion by Mauss, seconded by Kosel, to approve the request to construct a single-family residence 0' from the front and side property lines where 20' and 6' minimum setbacks are required, respectively, in an R-1 Single-Family Residential zoning district as submitted. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

DOCKET – 41-21: Application of Emily Payne, 1589-1591 Bluff St. to convert two zero-lot-line single family residences into two duplexes with 1730 sq. ft. and 2,081 sq. ft. of lot area, respectively, where 5,000 sq. ft. of lot area each is required in an R-4 Multiple-Family Residential zoning district.

Board member Kosel recused herself citing potential conflict of interest.

Chair McCoy stated that Docket 41-21 and Docket 42-21 would be reviewed simultaneously, and a separate motion would be made for each.

Emily Payne, the applicant, spoke in favor of the request for a Special Exception and Parking Variance. She explained that the property is in disrepair, and they hoped to convert it to 4 total units to make the project feasible. The applicant noted the property was vacant for a number of years.

Terry Maiers, 3090 Castle Woods Lane, spoke in favor of the request noting he owned the neighboring properties at 1571 and 1551 Bluff Street. He stated the subject property needs repair and there is a great need for housing in the neighborhood.

Al Kopczky, 1320 Locust Street, spoke in favor of the request noting the dilapidated state of the property. He said he was currently partial owner and that he was looking to sell the property to fulfill a city contract regarding the property.

Ben Pothoff, City of Dubuque Building Inspector, 50 W 13th Street, spoke in favor of the request noting it has been an enforcement issue for at least a decade.

Staff Member Schrobilgen detailed the staff report noting the dilapidated state of the structure and that the proposed units were efficiency units and may represent a best-case scenario for the neighborhood as efficiency units would likely have less demand on parking than standard sized units and the property would be stabilized and repaired. He also noted that an email was submitted by a neighbor who spoke in favor of the request and noted that the structure being repaired and used would be more beneficial than any parking issues that may arise. He also noted that parking was available on nearby 16th Street.

The Board discussed the proposal finding it appropriate.

Motion by McCoy, seconded by Golombeski, to approve the request to convert two zero-lot-line single family residences into two duplexes with 1730 sq. ft. and 2,081 sq. ft. of lot area, respectively, where 5,000 sq. ft. of lot area each is required in an R-4 Multiple-Family Residential zoning district as submitted. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Mauss, and McCoy; Nay – None; Abstain – Kosel.

DOCKET – 42-21: Application of Emily Payne, 1589-1591 Bluff Street to convert two zero-lot-line single family residences into two duplexes with a deficit of 4 off-street parking spaces.

This case was heard in conjunction with the related Docket 41-21. A separate motion was made and approved.

The Board discussed the proposal, finding it appropriate.

Motion by McCoy, seconded by Golombeski, to approve the request to convert two zero-lot-line single family residences into two duplexes with a deficit of 4 off-street parking spaces as submitted. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Mauss, and McCoy; Nay – None; Abstain – Kosel.

Board member Kosel returned to the meeting.

DOCKET – 43-21: Application of Pat Ready, Origin Design, 2345 John F. Kennedy Road and 3390 Asbury Road to allow office uses with deficits of 35 parking spaces at 2345 John F. Kennedy Road and 11 parking spaces at 3390 Asbury Road in an OR – Office Residential zoning district.

The applicant spoke in favor of the request. He noted that there was no physical change to the properties but is hoping to redistribute the existing parking spaces throughout the Honkamp Krueger multi-building campus in order to head off any future issues related to parking.

Staff Member Moon detailed the staff report noting the reallocation of parking spaces would leave the two subject properties at a deficit. She further clarified that the overall campus operates with a deficit of parking spaces and there is no proposed expansion of the existing buildings and no physical site changes are proposed that would increase the parking demand.

The Board discussed the proposal, noting their support that the property is not physically changing and that reallocating the parking would help reduce potential issues down the line.

Motion by Ahlvin, seconded by Mauss, to approve the request to allow office uses with

deficits of 35 parking spaces at 2345 John F. Kennedy Road and 11 parking spaces at 3390 Asbury Road in an OR – Office Residential zoning district as submitted. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss, and McCoy; Nay – None.

DOCKET – 44-21: Application of Josh and Jace Manders, 2459 Kerper Blvd. to allow a retail sales and service business as a conditional use in a HI Heavy Industrial zoning district.

Chair McCoy stated that Docket 44-21 and Docket 45-21 would be reviewed simultaneously, and a separate motion would be made for each.

Josh Manders, 2459 Kerper Blvd, spoke in favor of the request. He explained that the proposed retail and sale of construction materials and property related material and items will have fewer customers and will not be as busy as a big box store or even a standard retailer. He noted that they intend to use stacked spaces on the north side of the building for employee parking and that additional parking is available indoors.

Nancy Kann, representative of the property at 2460 Kerper Boulevard, submitted a letter of opposition citing potential parking demand issues which was reviewed by the Board.

Staff Member Schrobilgen detailed the staff report noting the total deficit to be 22 spaces which is less than was originally identified. He said the property provides 22 spaces and the business would require 44 spaces. He noted the applicants had additional parking spaces for employees that were not part of the request because they were stacked or located on the interior of the building. He noted the listed conditions of the Retail Sales and Service Conditional Use and said the operation would not likely be similar to a standard retailer.

The Board discussed the proposal finding it appropriate

Motion by Mauss, seconded by Golombeski, to approve the request to allow a retail sales and service business as a conditional use in a HI Heavy Industrial zoning district as submitted. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss, and McCoy; Nay – None.

DOCKET – 45-21: Application of Josh and Jace Manders, 2459 Kerper Blvd. to operate a retail sales and service business with a deficit of 30 parking spaces in a HI Heavy Industrial zoning district.

This case was heard in conjunction with the related Docket 44-21. A separate motion was made and approved.

Staff Member Schrobilgen recommended the following conditions:

1. Any new lighting be code compliant
2. Any new dumpster shall meet current city code

3. That the parking lot be striped.

The Board discussed placing conditions on the parking variance request and asked the applicant if they would be amenable to those conditions. The applicant noted they would accept the conditions.

Motion by McCoy, seconded by Mauss, to approve the request to operate a retail sales and service business with a deficit of 30 parking spaces in a HI Heavy Industrial zoning district with the following conditions:

1. Any new lighting must be code compliant.
2. Any new dumpster must be code compliant.
3. The parking spaces must be striped and maintained

Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss, and McCoy; Nay – None.

DOCKET – 46-21: Application of Robert Kimble, Dream Center, 1600 White St. to install a 7' high fence in the front yard and 10' high fence in the side and rear yards where 4' maximum height and 7' in maximum, respectively, is permitted in an R-2A Alternate Two-Family Residential zoning district.

Robert Kimble, 2519 Washington Street, spoke in favor of the request. He noted the fence would be 7' ornamental black metal in the front yard, would then be 7' painted black chain-link fence where it would shift to the 10' height, and be painted black chain-link fence around the north and east sides of the basketball court/play area.

Staff Member Schrobilgen detailed the staff report noting the request for the 7' fence in the front yard and the 10' fence in the rear and side yard. He noted that the property operates similarly to a school and that school yards are exempt from the fence height limitations in residential districts in an effort to reduce conflict between neighboring properties due to errant sports equipment and to limit ingress and egress of people.

Board Member Kosel asked for clarity on the fence construction and style specifically along the front property line/street. Tim Conlon, 480 Wartburg Place, representative for the applicant, noted the fence would be opaque along the bottom with an open black metal along top.

The board discussed the proposal, finding it appropriate.

Motion by Ahlvin, seconded by Kosel, to approve the request to install a 7' high fence in the front yard and 10' high fence in the side and rear yards where 4' maximum height and 7' in maximum, respectively, is permitted in an R-2A Alternate Two-Family Residential zoning district. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss, and McCoy; Nay – None.

ITEMS FROM PUBLIC: None

ITEMS FROM BOARD:

- Discussion of reconsideration request procedure.

Staff Member Moon noted that the City Attorney was not available to attend the December ZBA meeting.

ITEMS FROM STAFF: None

ADJOURNMENT: Motion by McCoy, seconded by Ahlvin, to adjourn the December 16, 2021 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None

The meeting adjourned at 7:00 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

1-27-2022

Adopted