

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

5:30 p.m.

Thursday, June 23, 2022

City Council Chambers, Historic Federal Building

**Board Members Present:** Vice Chairperson Keith Ahlvin, Board Members Bethany Golombeski (virtually) and Matt Mauss.

**Board Members Excused:** Gwen Kosel and Jonathan McCoy

**Board Members Unexcused:** none

**Staff Members Present:** Shena Moon, Travis Schrobilgen and Jason Duba

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

**MINUTES:** Motion by Mauss, seconded by Golombeski, to approve the minutes of the May 26, 2022 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Golombeski, Mauss and Ahlvin; Nay – None.

**DOCKET – 03-22:** Special Exception application of Bailey Campbell, Skyline Solar, 118 Julien Dubuque Drive to construct a 590-square foot freestanding solar array where 100 square feet maximum is permitted in an R-1 Single-Family Residential zoning district.

The applicant was not present when the docket was called, so the item was moved to the end of the agenda, and the applicant was still not present at the end of the meeting.

Motion by Ahlvin, seconded by Mauss, to table the item to the next meeting. Motion carried by the following vote: Aye – Golombeski, Mauss and Ahlvin; Nay – None.

**DOCKET – 18-22:** Special Exception application of Timothy J. Connelly & Teri L. Lawson Trust, 1087 Mount Loretta Avenue to construct a detached garage 0' from the side property line where 6' is required in an R-1 Single-Family Residential zoning district.

Tim Connelly and Teri Lawson, 1087 Mount Loretta Avenue, spoke in favor of the request. They explained that the previous garage 15' x 24' was in bad shape and was taken down. They're requesting to build a new garage in the same location that's a little further back and somewhat expanded.

Staff Member Schrobilgen detailed the staff report noting the previous garage was legally non-conforming with a 0' setback. The proposed 24' x 30' garage covers part of the

footprint of the previous garage, so most of the proposed garage could be built by right. He noted the Board was reviewing the portion that encroaches on the required setback but falls outside of the grandfathered footprint of the previous garage. He noted the distance to other neighbors concluding that the proposed garage expansion should have little impact on public safety or on the use and enjoyment of adjacent properties. He recommended, if approved, that the Board place the following conditions on the project:

1. The property owner demonstrates the location of the east property line to the satisfaction of the Building Official.
2. Stormwater be managed on the subject property.

The Board members had no concerns. Vice Chair Ahlvin asked if the applicants were amenable to the conditions, and Mr. Connelly stated that they were.

There was no public input.

Motion by Mauss, seconded by Golombeski, to approve the request with the following conditions:

1. The property owner demonstrates the location of the east property line to the satisfaction of the Building Official.
2. Stormwater be managed on the subject property.

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

**DOCKET – 19-22:** Special Exception application of Janet Smith, 1419 W. 3<sup>rd</sup> Street to construct a 10' x 12' detached deck 3' from the side property line and 9' from the front property line where 6' and 20' is required, respectively, and to allow 57% lot coverage where 40% maximum is permitted in an R-2 Two-Family Residential zoning district.

Janet Smith, 1419 W. 3<sup>rd</sup> Street, spoke in favor of the request. She explained that she would like to build a detached 10' x 12' deck over the existing steps of the house.

Vice Chair Ahlvin asked if it would be of an open design and flat, and Ms. Smith replied yes, with railings and steps.

Staff Member Schrobilgen detailed the staff report noting that the proposal is for a 10' x 12' detached deck that would be 3' from side property and 9' from the front property line. He explained that this is a small lot, so the deck would increase the total coverage by structures up to 57% lot coverage for the site. He noted that the deck was in line with the house along the west side and set back approximately 20' from the street. He concluded that the impact to the public and adjacent neighbors would be minimal. He recommended a condition of approval that the deck remain of an open design.

The Board agreed that the open design condition was necessary, and Vice Chair Ahlvin added that it should remain uncovered as well.

There was no public input.

Motion by Golombeski, seconded by Mauss, to approve the request with the following condition:

1. The deck shall remain of an open and uncovered design.

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

**DOCKET – 20-22:** Variance application of Luke Runde, Parcel 1505126004 to install a 128-square foot temporary real estate sign where 32 square feet is allowed in a C-3 General Commercial zoning district.

Luke Runde, 15545 Red Maple Drive, spoke in favor of the request. He explained that they were seeking the variance because the proposed sign location is too far from and below the grade of the Southwest Arterial, and due to this it will not be visible at just 32 square feet in size.

Staff Member Duba detailed the staff report noting that this type of sign is in the “Exempt” category of the sign code, but some restrictions, such as size, still apply. He noted that the property is currently agricultural and the property owner is hoping to sell it for commercial use and is planning to use the proposed sign to advertise the site. He explained the distance the sign would be from both the highway and the residential development to the south, and that the sign would not impede visibility or affect safety on the highway. He recommended conditioning approval on the removal of the sign 30 days after the property is sold.

The Board expressed understanding with the conditions for needing a larger sign. Vice Chair Ahlvin asked if it would be lighted, and Mr. Runde replied no.

There was no public input.

Motion by Ahlvin, seconded by Mauss, to approve the request with the following conditions:

1. The sign remains unlit.
2. That the sign shall be removed within 30 days after the sale of land is complete.

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

**DOCKET - 21-22:** Special Exception application of Shane Hoeper, 2520 North Grandview Avenue to construct a 5’ x 16’ detached shed 11’ from the front property line where 20’ is required in an R-1 Single-Family Residential zoning district.

Shane Hoeper, 2520 North Grandview Avenue, spoke in favor of the request. He noted one small revision from the application, that width would be 5’4”, rather than 5’.

Staff Member Duba detailed the staff report noting the dimensions of the proposed shed, the characteristics of the neighborhood, and the topographic challenges on the site that

necessitate locating the shed in the proposed location. He noted that the property received a special exception in 2020 to build an addition 10' from the front property line. He noted that the proposed shed would not impede visibility or safety of passing motorists.

Board Member Golombeski asked how far it would be from the street, and Mr. Hoeper responded that it would be approximately 25' from the street.

Board Member Mauss asked if the shed would be in line with the addition, and Mr. Hoeper responded yes and that the hill would conceal most of the shed.

Vice Chair Ahlvin noted that it is a unique property with no other buildable area for a shed.

There was no public input.

Motion by Mauss, seconded by Golombeski, to approve the request as submitted. Motion carried by the following vote: Aye – Golombeski, Mauss and Ahlvin; Nay – None.

Vice Chair Ahlvin stated that docket items 22-22 and 23-33 related to 1245 Missouri Avenue would be heard and voted on together.

**DOCKET – 22-22:** Conditional Use Permit application of Michael Mastin, 1245 Missouri Avenue, to allow for an accessory dwelling unit in an R-1 Single-Family Residential zoning district.

Michael Mastin, 1245 Missouri Avenue, spoke in favor of the request. He explained that he rents the principal dwelling to his stepson, and he works on his cars in the garage. He stated that he wants to build a simple, two-story house that he can live in.

Vice Chair Ahlvin asked if he had read the letter of opposition that was submitted, and asked if he would like to respond to it. Mr. Mastin responded by explaining his family history with the property and how he would like to keep living there but he needs the rental income from the principal dwelling.

Staff Member Moon detailed the staff report noting that the applicant was seeking two approvals, one for the Conditional Use Permit for the Accessory Dwelling Unit (ADU), and one for the Special Exception to allow it to be 680 square feet. She described the characteristics of the neighborhood and surrounding land. She listed the criteria required for an ADU and noted the structure would also need to comply with bulk regulations such as setbacks and height. She explained the proposed structure would be attached to the existing garage and accessed through it. She noted the letter of opposition that had been received. She recommended conditions: that no commercial activity be allowed, that the structure be finished in a residential style complementary to the existing structures, and that either the principal or the accessory dwelling be owner-occupied.

The Board discussed the potential condition of a timeline to have construction completed. They asked Mr. Mastin what his proposed timeline was to which he stated that he would hope to have the building constructed by the end of 2023. Ultimately, the Board and Mr. Mastin agreed that an 18-month window from the date of issuance of a building permit to the time of completing the exterior would be reasonable.

The Board also discussed with Mr. Mastin the condition of the appearance of the accessory dwelling unit. Because the structure would be attached to the garage, the board specified that the finishes and roofing match the garage, not just complement it. Mr. Mastin accepted this condition.

No public input was provided.

Motion by Mauss, seconded by Ahlvin, to approve Docket 22-22, the Conditional Use Permit request with the following conditions:

1. That either the principal dwelling or the accessory dwelling be owner-occupied.
2. That the finishes and roofing match the garage materials.
3. That no commercial activity be allowed.
4. That the applicant must complete the exterior of the structure within 18 months from the date of issuance of a building permit.
5. That runoff be managed on the property.

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

**DOCKET – 23-22:** Special Exception application of Michael Mastin, 1245 Missouri Avenue to allow an accessory dwelling unit totaling 680 square feet in area where 580 square feet is allowed, and to allow 1,120 square feet of detached accessory structures where 1,000 square feet is allowed in an R-1 Single-Family Residential zoning district.

Motion by Ahlvin, seconded by Mauss, to approve Docket 23-22, the Special Exception request with the following conditions:

1. That either the principal dwelling or the accessory dwelling be owner-occupied.
2. That the finishes and roofing match the garage materials.
3. That no commercial activity be allowed.
4. That the applicant must complete the exterior of the structure within 18 months from the date of issuance of a building permit.
5. That runoff be managed on the property.

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

**DOCKET – 24-22:** Special Exception application of Mike Weidemann, 3080 Shiras Avenue to construct a 2,560-square foot detached garage 18' in height, where 1,000 square feet and 15' in height are allowed in an R-1 Single-Family Residential zoning district.

Mike Weidemann, 3080 Shiras Avenue, spoke in favor of the request. He explained that he received a Special Exception previously, but he's since acquired some vehicles that are larger and need a bigger garage. He stated that the 40' width is the most important, and that the 64' length was recommended by his builder. He pointed out that this request is for 10' wider and 14' longer than was previously approved.

Staff Member Duba detailed the staff report noting the dimensions of the proposed garage, its location on the lot and relative to the street and neighbors, and that it would be compliant with other bulk regulations. He pointed out that this is a large lot, and the garage would be far set back and partially screened. He recommended conditioning approval on requiring no commercial activity and finishing the structure in a complementary manner to the residence.

The Board had no issues with the proposal, noting that the increased dimensions would not increase its visibility, being behind the house.

There was no public input.

Motion by Golombeski, seconded by Ahlvin, to approve the request with the conditions that

1. No commercial activity be allowed.
2. The garage shall be finished in residential-style materials that are complementary to the finishes of the single-family residence.

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

**ITEMS FROM PUBLIC:** None

**ITEMS FROM BOARD:** Board Member Golombeski stated that she would be able to attend next month's meeting virtually, but would not be available for August's meeting.

**ITEMS FROM STAFF:** Staff Member Moon noted that the Public Information Office is working on recruiting materials for boards and commissions and looking for volunteers to interview about their experience serving.

**ADJOURNMENT:** Motion by Ahlvin, seconded by Mauss, to adjourn the June 23, 2022 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Golombeski, Mauss and Ahlvin; Nay – None.

The meeting adjourned at 6:23 p.m.

Respectfully submitted,



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Shena Moon, Associate Planner

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August 25, 2022

Adopted