



Approved

MINUTES
CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT
REGULAR SESSION

5:30 p.m.

Thursday, July 28, 2022

City Council Chambers, Historic Federal Building

Board Members Present: Chairperson Jonathan McCoy, Board Members Gwen Kosel and Matt Mauss.

Board Members Excused: Bethany Golombeski, Keith Ahlvin

Board Members Unexcused: None

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

CALL TO ORDER: The meeting was called to order by Chairperson McCoy at 5:32 p.m.

MINUTES: The minutes of the June 23, 2022 Zoning Board of Adjustment meeting were unable to be approved, as only one member who was present at that meeting was present at this meeting. The June meeting minutes will be tabled to the August 25, 2022 meeting.

DOCKET – 25-22: Application of Martha Leon, 2050 White Street to construct an attached garage increasing lot coverage to 56% where 50% is permitted, and to allow 14% permeable area where 20% is required in an R-2A Alternate Two-Family Residential zoning district.

Martha Leon, 2050 White Street, spoke in favor of the request. She asked the Board if it would be possible for the garage to be closer to the property line than the 3' required setback.

Chairperson McCoy explained that since a reduced setback was not part of the application, review would only be for the items on the agenda and would be limited to the lot area requests. He reiterated that the Board would not be able to make a determination about the side yard setbacks at this meeting. However, he suggested the applicant request to table the application and add the setbacks to the request for the next meeting.

Ms. Leon accepted this and requested to table her application.

There was no public input.

Motion by McCoy, seconded by Kosel, to table the request to a future date. Motion carried by the following vote: Aye – Kosel, Mauss, and McCoy; Nay – None.

DOCKET – 26-22: Application of Zachery Gries, 530 Loras Blvd. to construct four landings 4' from the front property line, where 20' is required in an R-2 Two-Family Residential zoning district.

Zachary Gries, 1298 Locust Street, spoke in favor of the request. He explained that he was looking for post-construction approval for four landings that were built larger than allowed. He explained that the initial design was too large, so it was reduced, but the contractor worked from the initial design, not the revised one. He stated he's hoping to keep the landings as they are and not reconstruct them.

Staff Member Moon detailed the staff report noting that there are four landings on the property, and code allows a 5' x 5' landing and stairs to encroach into the setback. She noted the landings are larger than 5' x 5', triggering the need for a Special Exception. Specifically, the double door landing is 5' x 12', and the three single door landings are each 5' x 6'-2". She explained that this property is in a historic district, so it went through Historic Preservation Commission review, which approved the 5' x 5' size, and if the Board approves the Special Exception, the case would go back to HPC for approval of the larger landings.

The Board had no questions or concerns.

There was no public input.

Motion by Mauss, seconded by Kosel, to approve the request contingent upon approval from the Historic Preservation Commission for the landings to exceed 5' by 5' in area. Motion carried by the following vote: Aye – Kosel, Mauss and McCoy; Nay – None.

DOCKET – 27-22: Application of Church of the Nativity, 1075 University Ave. to construct an attached deck 0' from the side property line where a 3' side yard setback is required in an OR Office Residential zoning district.

Keith Krapfl, 2675 Mineral Street, spoke in favor of the request. He explained that Father Andy Upah, who resides at the subject property, is planning to build an 800 to 900 square foot composite deck as close to the property line as possible.

Staff Member Duba detailed the staff report noting the characteristics of the property and the neighborhood. He explained that the neighboring property owner submitted a statement stating they have no concerns with the proposed deck. He noted that the deck would not impede visibility and that it met all other requirements. He also noted that the neighboring radio station offices were in support of the request.

The Board had no questions or concerns.

There was no public input.

Motion by Mauss, seconded by Kosel, to approve the request with the condition that the property owner demonstrate the location of the east side property line to the satisfaction

of the Building Official. Motion carried by the following vote: Aye – Kosel, Mauss and McCoy; Nay – None.

DOCKET – 28-22: Application of Edward Huseman, 1725 Keyway Drive to construct a storage shed 0' from the side property line where 3' is required in an R-1 Single-Family Residential zoning district.

Paula Barton, 1725 Keyway Drive, spoke in favor of the request. She explained that they installed the shed about a year ago, and the City told them they did not need a permit. She said they would like to keep it in its current location.

Staff Member Schrobilgen detailed the staff report noting that there is a 96-square foot detached storage shed 0' from the side property line where 3' is required. He noted that generally a 6' side setback is required, but the UDC permits detached storage sheds of 120 square feet or less to a 3' side yard setback. He described the neighborhood and expressed that the shed should not impact property values if properly maintained. He noted there were two letters of opposition submitted, expressing there is space for the shed in the rear yard and the area around the shed is poorly maintained. He listed the conditions provided in the written staff report for the Board's consideration.

Chair McCoy asked if there was space in the backyard and if it was possible to move the shed.

Ms. Barton stated it would be hard to move the shed because of the existing fence and garden area behind the shed.

Board Member Kosel clarified whether the proposal was a post-installation request seeking to approve a shed that is in place. Chair McCoy confirmed that yes, the shed had already been constructed.

Board Member Mauss stated he had no issue with the location of the shed, but he asked about the picture submitted with one of the opposition letters showing a makeshift storage area built onto the back of the shed and covered with a tarp.

Ms. Barton stated that they could take down the tarp structure. Staff Member Schrobilgen pointed out that they have to remove the tarp lean-to, as it is a building code violation, and that the lean-to would not be a part of the requests approval.

There was no public input.

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

1. The property owner demonstrates the location of the south side property line to the satisfaction of the Building Official.
2. The property owner demonstrates to the satisfaction of the Building Official that the distance between the storage shed and the dwelling meets the required 5' or both structures be properly fire rated.

3. Stormwater be managed on the subject property.
4. No future additions be made to the shed.

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

DOCKET – 29-22: Application of Jeff and Kelli Pitz, 1985 N. Grandview Ave. to construct a front porch 7' from the front property line where 20' is required in an R-1 Single-Family Residential zoning district.

Jeff Pitz, 1985 North Grandview Avenue, spoke in favor of the request. He explained that they removed the old front stoop and shrubs, and they would like to replace it with an 8' x 32' porch with shed roof and gable that has nice curb appeal. He stated it would be of an open design, and he displayed the proposed design.

Staff Member Duba detailed the staff report noting the characteristics of the property and that the house is legally non-conforming with a 15' front yard setback. He explained that the porch is proposed to be of an open design and should not impede visibility.

Board Member Kosel asked whether the porch would stick out further than the residence at 2020 Avoca Street. Staff and the Board looked at the GIS maps and aerial images and estimated that it would not.

Motion by Mauss, seconded by Kosel, to approve the request with the condition that the porch remain of an open design. Motion carried by the following vote: Aye – Kosel, Mauss and McCoy; Nay – None.

ITEMS FROM PUBLIC: None.

ITEMS FROM BOARD: None.

ITEMS FROM STAFF: Staff member Moon noted that the application from 118 Julien Dubuque Drive was withdrawn by the applicant which is why it was not included with this meeting.

ADJOURNMENT: Motion by McCoy, seconded by Kosel, to adjourn the July 28, 2022 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Kosel, Mauss and McCoy; Nay – None.

The meeting adjourned at 6:08 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

August 25, 2022

Adopted