

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

5:30 p.m.

Thursday, January 26, 2023

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, Travis Schrobilgen and Jason Duba

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

**MINUTES:** Motion by Kosel, seconded by Golombeski, to approve the minutes of the December 15, 2022 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel and Mauss; Nay – None; Abstain – McCoy.

**DOCKET – 01-23:** Application of Scott Hemesath, 2235 Cherry Street to store a vehicle 2' from the east side property line where 6' is required in an R-1 Single Family Residential zoning district.

Scott Hemesath, 2235 Cherry Street, spoke in favor of the request. He explained that he has a concrete parking slab, and he recently learned it wasn't legal for him to park that close to the property line. His neighbors approve of him parking there, though.

Neil Schlader, 1717 Avoca Street, stated that he lives next door and has no problem with Scott parking there.

Staff Member Moon detailed the staff report noting that this case came from the Zoning Enforcement Officer. She explained that there is an existing concrete pad, but storage in this location is not permitted by right because it does not meet the 6' side setback requirement. Moon recommended conditions that the pad be at least the size of the vehicle, hard surfaced, and that if it's regularly accessed, a hard surfaced driveway would be required. She noted supporting letters from neighbors at 1740 Asbury Road and 1735 Avoca Street.

Chairperson McCoy explained the recommended conditions to Mr. Hemesath who stated that he accepted them.

Board Member Mauss asked about the driveway that is used to access the pad, and Mr. Hemesath explained that it is a gravel driveway shared with the neighbors at 1735 Avoca Street. Board member Mauss noted that since it is a shared driveway and conditions would not change, he saw no issues with the request.

Board Member Kosel asked if Mr. Hemesath inherited the pad with the house or installed it himself. Mr. Hemesath explained that he installed it years ago but didn't realize there was a specific setback requirement for storage of a vehicle.

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

1. The vehicle storage location be hard surfaced.
2. The vehicle storage area be built to the outside dimensions of the vehicle being stored.
3. If accessed regularly, a hard surface driveway is required.

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

**DOCKET – 02-23:** Application of Tim Mueller, 2901 Hillcrest Road to enclose a lean-to structure where an open design was conditioned as part of a previously approved Special Exception.

Tim Mueller, 2901 Hillcrest Road, spoke in favor of the request. He explained that he received a Special Exception for a lean-to, and it was approved with the condition that it would remain of an open design. Now, however, his wife wants to close it in, so he's requesting to allow it to be enclosed.

Staff Member Schrobilgen detailed the staff report noting the previous Special Exception in November approved the lean-to with the condition that it remain open. He explained that the applicant began to enclose it and then called to verify whether he could continue. Once staff noted the requirement to get another Special Exception the applicant submitted the necessary application and fees. Staff member Schrobilgen noted that the property is larger than most other lots in the area and enclosing the structure should have little impact on the neighbors or the general public.

Board Member Golombeski asked about the materials to be used and the appearance of the windows. Mueller explained that the siding would match the barn and the windows would be similar to the existing windows.

Chairperson McCoy asked about the Special Exception history of the property. Staff Member Schrobilgen explained the previous approval was to allow the 200-square foot lean-to, bringing the total area of detached accessory structures to 1,577 square feet. He noted the footprint of the lean-to is not under review and that a denial would only require the lean-to to remain of an open design.

Motion by McCoy, seconded by Ahlvin, to approve the request as submitted. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel and Mauss; Nay – McCoy, citing Standard 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.

**DOCKET – 03-23:** Application of Joshua Jansen, Masterpiece Properties, 1289 Walnut Street to construct a two-family dwelling on a property with a total site area of 5,400 square feet where 6,000 square feet minimum site area is required in an R-2 Two-Family Residential zoning district.

Joshua Jansen, 11368 Rock Grove Court, spoke in favor of the request. He explained that he wants to convert the property to a duplex so it will be easier to manage with college kids than a four-bedroom unit. Doing this will allow him to renovate the home further.

Staff Member Duba detailed the staff report noting the code-required lot area to be waived and the other bulk requirements that would remain compliant. He noted the plan to provide the four code-required off-street parking stalls. He explained other properties in the neighborhood contain a mix density of housing and so the proposed two-family dwelling is not anticipated to have negative impacts on the neighborhood or surrounding development. He noted that R-2A, R-3, and R-4 districts allow two-family dwellings on less than 6,000 square foot lots, which is reflective of a different density allowance in those zoning districts.

Board Member Kosel asked about parking and Mr. Jansen explained the parking layout shown on his site plan. Board Member Golombeski noted that it could be difficult for cars to turn into that space, and Jansen replied that he may angle the stalls.

Golombeski asked about the size of the smaller unit, and Mr. Jansen noted that it was more than 600 square feet.

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

1. The code-required four hard-surfaced off-street parking stalls be provided on the subject property.

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

**ITEMS FROM PUBLIC:** None

**ITEMS FROM BOARD:** McCoy asked about the nature of Special Exceptions. Staff Member Moon explained that Chapter 8 of the UDC allows residential property owners to apply for a Special Exception for relief from any bulk regulation requirement. Staff Member Schrobilgen added that Special Exceptions were created for residents and

residences as opposed to requiring a Variance that commercial properties require. He said the Special Exception has a reduced fee and that they have different criteria from Variances.

**ITEMS FROM STAFF:** Staff Member Moon expressed gratitude to Bethany Golombeski for serving the citizens of Dubuque on this Board since 2015. This was her last meeting as she is moving to Richmond, Virginia.

Staff Member Moon also noted the Boards and Commissions training coming up on April 24, and it was requested by the Board that an email about this be sent to Board Members.

**ADJOURNMENT:** Motion by McCoy, seconded by Ahlvin, to adjourn the January 26, 2023 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None

The meeting adjourned at 6:01 p.m.

Respectfully submitted,

  
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Shena Moon, Associate Planner

February 23, 2023  
Adopted