

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

5:30 p.m.

Thursday, May 25, 2023

City Council Chambers, Historic Federal Building

**Board Members Present:** Chairperson Jonathan McCoy, Board Members Keith Ahlvin, Gwen Kosel, Rena Stierman, 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 Mauss, seconded by Kosel, to approve the minutes of the April 27, 2023, Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Kosel, Mauss, and Stierman; Nay – None; Abstain – Ahlvin and McCoy.

**DOCKET – 14-23:** Application of Yindra Dixon, 1398 White Street to allow residential use on the first floor where it is only allowed above the first floor in a C-4 Downtown Commercial zoning district.

Yindra Dixon, 251 Hidden Oaks Court, spoke in favor of the request. She explained that 1398 White is a mixed-use property, with commercial use on the first floor and two residential units on the second floor. They have applied for a grant to remodel the entire building. She stated they plan to maintain the existing barber shop at the front of the first floor and hope to add one residential unit to the rear of the first floor. She noted the rear residential unit would have access to a garage. She expressed that the housing would have one-year lease or longer and would be near many downtown destinations and amenities. She noted the barber shop space can accommodate two more barbers.

There was no public input.

Staff Member Duba detailed the staff report noting characteristics of the property and the neighborhood. He explained the request to remodel the ground floor of the property to retain the commercial space at the front and add a new first floor residential unit at the rear of the building. He expressed that the intent of the C-4 zoning is to have ground floor commercial space to keep an active commercial frontage would continue to be met with the existing barber shop. He expressed that the addition of one residential unit should not have a significant impact on the surrounding area, especially with the ability to use the

attached garage. He noted this would provide another housing unit when the city is experiencing a shortage.

The Board asked if the unit would be ADA accessible, which was neither confirmed or denied. Staff member Duba noted that if it were, it would be reviewed by the Inspection and Construction Services Department to ensure it complies with all ADA requirements in the building code.

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

Chairperson McCoy noted that Docket 15-23 and 16-23 were similar requests with the same applicant, and the details of both dockets would be heard together, and each docket would then be voted on separately.

**DOCKET – 15-23:** Application of Steve Ehrlich, 2044 Sky Blue Drive, to construct an attached deck 13' from the rear property line where 20' minimum is required in an R-1 Single-Family Residential zoning district.

Kris Kennedy, 246 State Road 35 Hazel Green WI, spoke in favor of the request. He explained that the decks would likely be 15' from the rear property line for both properties, but he wanted to stick with 13' for the request.

Derek Kunkle, 2055 Cobalt Court, expressed opposition to both applications and lives adjacent to both properties. He said he didn't know why the house was not built closer to the street, that neighborhood covenants prevent building fences, and his property sits at a lower elevation than the subject property, so these decks would be at the level of his bedroom windows, and he wants to keep his privacy.

Chairperson McCoy asked if the covenants cover bushes, shrubs, and trees, and Kunkle stated he was not sure.

Kyle Milbert, 2045 Cobalt Court, agreed with Kunkle and expressed opposition, citing similar privacy concerns.

Mark Faust, 2035 Cobalt Court, agreed with the others and expressed opposition. He also expressed frustration that his neighbor built a deck approximately 15' from his property.

Staff Member Schrobilgen detailed the staff report noting the lots are shallower than most throughout the city, and that the houses are set back the required 20' from front property line. He noted that other houses in the area received limited setback waivers for similar requests and they were able to get the required neighbor's signature, so they didn't require approval of a special exception. He expressed that there are no safety concerns, but said there is a potential concern with respect to the use and enjoyment of neighboring

properties. He also noted that a detached structure, using a floating 18" high deck as an example, could be placed 6' from the rear property line and that an at-grade patio could be placed up-to or 0' from the property line.

Chairperson McCoy asked for a review of the limited setback waiver, and Schrobilgen stated that if all adjacent property owners sign off, the setback can be reduced by 1/3 of the yard requirement, so the limited setback in this case would permit building 13'4" from the rear property line.

Board Member Mauss asked if the houses had already been constructed, if the deck could be built smaller, and if a patio would be an acceptable alternative. While the houses have been built and the existing opening and decks can't be smaller, a patio with a stairway seemed possible, and this option was preferred to a deck by the neighbors.

Motion by McCoy, seconded by Mauss, to approve the request as submitted. Motion failed by the following vote: Aye – Mauss; Nay – Ahlvin, Kosel, and McCoy, all citing 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; Abstain – Stierman.

**DOCKET – 16-23:** Application of Steve Ehrlich, 2054 Sky Blue Drive, to construct an attached deck 13' from the rear property line where 20' minimum is required in an R-1 Single-Family Residential zoning district.

Motion by McCoy, seconded by Mauss, to approve the request as submitted. Motion failed by the following vote: Aye – Mauss; Nay – Ahlvin, Kosel, and McCoy, all citing 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; Abstain – Stierman.

**DOCKET – 17-23:** Application of Jim and Nancy Brokus, 702 Lincoln Avenue to construct an addition to a detached garage totaling 1,200 square feet and 18' in height, where 1,000 square feet and 15' maximum is permitted in an R-2A Alternate Two-Family Residential zoning district.

Shawn Tollus, representative on behalf of the applicant, spoke in favor of the request. He explained that he is the builder and was speaking for the owner. He said they are asking for extra height and area for garage construction. He noted that Mr. Brokus is retiring and wants to put a car hoist in to work on cars. He stated they are asking for 18' but could get away with 16' and could go with a flat roof for less height.

Shayne Noble, 704 Lincoln Avenue, stated that he is the next-door neighbor, and he supports the request.

Staff Member Moon detailed the staff report noting the special exception is for garage roof height and area. She explained that the extra space and height is for a hoist. She noted they plan to demolish the back of the garage and create an addition with a net increase of 200 square feet. She noted that staff recommended asking for a little more height since they were not sure of the exact measurement. She explained how roof height is defined based on roof type, and for a gable roof like this, the height is measured from average grade at the doors to midway between the peak and soffit.

The Board asked a clarifying question about the height. They also asked about the siding and if it would match the rest of the garage. Mr. Tollus explained that the siding would match the existing garage.

The Board suggested a condition of no commercial activity, citing vehicle repair in particular, as a concern. They asked staff if it would be a necessary condition and Staff member Moon noted that commercial use would not be allowed by the zoning code already, but the Board could make it a condition of approval if they chose to. Chairperson McCoy asked Mr. Brokus if he would be amenable to that condition, and he stated yes.

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

1. No commercial use is allowed in the garage.

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

**ITEMS FROM PUBLIC:** None.

**ITEMS FROM BOARD:** The Board discussed meeting times and days and concluded that 5:30 pm works well and that they would like to see if Tuesday of the 1<sup>st</sup> or 2<sup>nd</sup> week of the month would work. Staff member Moon noted that the times will be reviewed for City Council Chambers availability.

**ITEMS FROM STAFF:**

- Election of Officers

Motion by Ahlvin, seconded by Stierman, to elect McCoy as Zoning Board of Adjustment Chairperson. Motion carried by the following vote: Aye – Ahlvin, Kosel, Mauss, and Stierman; Nay – None

Motion by McCoy, seconded by Mauss, to elect Ahlvin as Zoning Board of Adjustment Vice Chairperson. Motion carried by the following vote: Aye –Kosel, Mauss, Stierman and McCoy; Nay – None

- Appointment to the Airport Zoning Board of Adjustment: Stierman and McCoy

**ADJOURNMENT:** Motion by McCoy, seconded by Mauss, to adjourn the May 25, 2023 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Kosel, Mauss, Stierman and McCoy; Nay – None

The meeting adjourned at 6:10 p.m.

Respectfully submitted,

  
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Shena Moon, Associate Planner

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June 22, 2023

Adopted