

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

5:30 p.m.

Thursday, June 22, 2023

City Council Chambers, Historic Federal Building

Board Members Present: Chairperson Jonathan McCoy, Board Members Keith Ahlvin, and Rena Stierman.

Board Members Excused: Matt Mauss and Gwen Kosel

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 Stierman, to approve the minutes of the May 25, 2023, Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – McCoy, Ahlvin, and Stierman; Nay – None

DOCKET – 18-23: Application of Ricky Pottebaum, 3087 Central Avenue, to allow 3,130 square feet of accessory structures and 41.4% of lot coverage where 1,000 square feet and 40% is permitted in an R-3 Moderate Density Multi-Family Residential zoning district.

Ricky Pottebaum, 709 Garfield Avenue, spoke in favor of the request. He explained the proposal noting the intent to add four additional covered parking stalls with a small lean-to structure to provide a picnic style area for his tenants. He said the lot and yard is very large, that the structure would not block neighbor's views along the right-of-way, and that he would add a 4 foot fence around the yard. He also noted the additional parking on site would help neighbors by getting parked vehicles off the street.

There was no public input.

Staff Member Moon detailed the staff report noting the specific need for a Special Exception was due to the proposed structure covering more than 40% of the lot with structures and all detached accessory structures totaling more than 1,000 sq. ft. She noted the characteristics of the property, that the property is zoned as R-3, and that 6-units were associated with the property. She concluded discussion stating that no public input was received regarding the request.

The Board asked for clarification on access and asked staff what size structure would be permitted to meet the requirement of 40% lot coverage. Mr. Pottebaum noted the existing

driveway and said access would be from Central and would be one-way to the alley. Staff noted that the structure would need to be reduced by approximately 150 sq. ft. to meet the 40% lot coverage requirement. The Board stated the concern that the request, at more than 3,000 sq. ft. of detached structures, would triple the amount allowed in the district.

Given the discussion, the applicant requested to table the request to a future meeting when a full quorum is present.

Motion by McCoy, seconded by Ahlvin, to table the request to a future meeting. Motion carried by the following vote: Aye – Ahlvin, Stierman, and McCoy; Nay – None.

DOCKET – 19-23: Application of Cody Austin, 8025 Chavenelle Road, to construct a building 25' from the front property line where 50' minimum is required in the Dubuque Industrial Center West Planned Unit Development with PI Planned Industrial designation.

Cody Austin, 137 Main Street, spoke in favor of the request. He described the proposal and the need to locate the building on the site as proposed in order to accommodate vehicular circulation. He then went through the criteria for approval noting that the property has three front property lines and a 21' grade change which limits the developable area. He indicated that limited developable area on the site would limit the ability for growth of the business, that the original placement of the building and site access was dictated by the 21' grade change, and that the Variance would not grant them special privilege because the proposed structure would have similar setbacks as other properties which have single frontages and side property lines.

There was no public input.

Staff Member Moon detailed the staff report describing the existing conditions and noting the 50' front yard setbacks in the Dubuque Industrial Center West zoning district. She noted that the property technically has three frontages and therefore three front yard setbacks. She noted the proposed structure would be approximately 25' from the front property line and is otherwise consistent with other development in the area.

The Board asked if all the properties in the area are industrial uses and if a 50' front-yard setback is standard for an industrial district and what the proposed setback was. Staff Member Moon noted that the adjacent properties are industrial uses, that 50' is the standard front yard setback in the Dubuque Industrial Center West Planned Unit Development, and that the proposed setback as stated on the plan, was approximately 26'.

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

DOCKET – 20-23: Application of Nako Construction, 1699 Kathy Drive, to construct dwelling 255' from the front property line where 50' maximum is permitted in an R-1 Single-Family Residential zoning district.

Yaroslav Nakonechnyy (Nako Construction), 17248 Castlemaine Lane, discussed the proposal to build a single-family residence. He noted that the topography pushes the structure to the proposed location and that a bridge would be required to take access from Bianca Drive. He noted the frontage is on Bianca and that the access and address is Kathy Drive.

Steve and Janice Tuegel, 1695 Kathy Drive, spoke in opposition to the proposal. They noted that the address is incorrect, that a mailbox cannot be on their property, and that they should not have to pay for the access driveway.

Steve Helminiak, 1675 Bianca Drive, spoke in opposition. He asked for clarification regarding the notice and proposed dwelling location. He stated concerns of reduced privacy.

Staff Member Schrobilgen detailed the staff report. He noted the property has frontage along Bianca Drive, but that access and development is restricted on that portion of property. He said that the property was platted with this in mind, and the property was given a Kathy Drive address due to those conditions. He said emergency services would need to go to the correct street for access to the property, which is from Kathy Drive. He also pointed out that an access easement was provided when it was platted and that it grants access to the property and to the detention basin to the north from Kathy Drive. He noted the proposed location of the dwelling, and that topography pushes the house toward the southwest. He stated the approximate distance to the nearest adjacent dwelling was 80' and that the Board can make any reasonable condition to approval to mitigate perceived impacts on the neighbors and the neighborhood. He also noted that staff recommended a condition that the applicant work with the Fire Marshall on an approved site access.

Chairperson McCoy clarified that the mailbox location and property addressing were not within purview of the Board. He further requested clarification regarding the easement locations and Staff Member Schrobilgen outlined the easement locations on the original plat for the subdivision.

Board Member Ahlvin requested clarification regarding the spacing between the proposed residence and the adjacent residences. Staff Member Schrobilgen stated that the proposed residence would be approximately 80' from the closest adjacent residence to the south, which is consistent with the spacing between other residences along Kathy Drive.

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

ITEMS FROM PUBLIC: None.

ITEMS FROM BOARD: None.

ITEMS FROM STAFF:

- Zoning Board of Adjustment meeting schedule discussion.

Staff Member Moon summarized the memo provided that identified the challenges pertaining to meeting space, potential conflicts with City Council meetings, and application submittal timelines. She concluded with staff's recommendation to maintain the Zoning Board of Adjustment meetings on the fourth Thursday of each month.

Chairperson McCoy stated that he appreciated the good consideration of an alternative date and appreciated staff's well-rounded response.

Board Member Ahlvin stated that if the change would have been a matter of just moving the date on the calendar he would support it, but in light of the information shared by staff he felt it made sense to keep the meetings as scheduled.

Staff Member Moon stated that staff would place the discussion on the next Board meeting agenda so that the information would be shared and discussed with all members of the board.

ADJOURNMENT: Motion by McCoy, seconded by Ahlvin, to adjourn the June 22, 2023 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Stierman and McCoy; Nay – None

The meeting adjourned at 6:21 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

July 27, 2023

Adopted