



Approved

MINUTES
CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT
REGULAR SESSION

5:30 p.m.

Thursday, January 25, 2024
City Council Chambers, Historic Federal Building

Board Members Present: Board Members Keith Ahlvin, Gwen Kosel, Rena Stierman.

Board Members Excused: Jonathan McCoy, Matt Mauss

Board Members Unexcused: None

Staff Members Present: Shena Moon and Travis Schrobilgen

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

MINUTES: Motion by Kosel, seconded by Stierman, to approve the minutes of the December 14, 2023 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Kosel, Stierman, and Ahlvin; Nay – None.

DOCKET 48-23: Application of Greg Prehm, 25 Bissel Lane to construct a building 10' from the side and rear property lines where 20' is required for each in a C-3 General Commercial zoning district.

Staff presented the memo noting that the applicant's request to table to a future meeting was due to only three board members being present. Vice-Chairperson Ahlvin noted that the request seemed appropriate.

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

Docket 52-23 and Docket 53-23 for 2613 University Avenue were presented and discussed simultaneously.

DOCKET 52-23: Application of Alex Ellerbeck, 2613 University Avenue to operate businesses with a deficit of 10 off-street parking spaces in a C-1 Neighborhood Commercial zoning district.

DOCKET 53-23: Application of Alex Ellerbeck, 2613 University Avenue to allow an indoor restaurant as a conditional use in C-1 Neighborhood Commercial Zoning district.

The applicant, Alex Ellerbeck, spoke in favor of the request. He explained the changes that were made to the proposal, including reducing the number of tables for the proposed coffee shop and reducing the number of beauty salon chairs/users which reduced the parking variance request to four (4) spaces. He also noted that the indoor restaurant will be a 1,000 sq. ft. coffee shop with two (2) tables and eight (8) chairs total.

Brian Pregler, 2622 Van Buren Street, spoke and expressed concerns with the request citing potential parking, safety, and garbage issues.

Staff Member Moon detailed the revised proposal and the changes in the request since the previous Board review. She discussed how the applicant reduced the number of beauty salon chairs and how the applicant worked with city staff to identify potential options for providing additional parking on the subject property. She stated that the Conditional Use Permit (CUP) was tied specifically to the coffee shop and that if denied the parking variance would not be needed at this time; however, it was possible that a future use in the coffee shop space may still require a parking variance, but the number of spaces would need to be determined based on use. Staff Member Moon presented a parking exhibit to the Board showing available on-street public parking spaces along Van Buren Street and University Avenue. She stated that the request is for four (4) spaces and clarified that the Unified Development Code categorizes various types of restaurants as "indoor restaurants", including a coffee shop. She discussed the total number of spaces required for the site and stated that since the property benefits from a parking credit and existing parking that accounts for fourteen (14) spaces, and that the total parking demand has been reduced to eighteen (18) spaces, the applicant now requires a parking variance of four (4) spaces, rather than original request for ten (10) spaces.

The Board discussed the proposal and questioned whether a new CUP would be required if a different restaurant replaced the proposed coffee shop. Staff Member Moon stated that an indoor restaurant of similar use and size could potentially operate under an approved CUP; however, any expansion of the indoor restaurant use or intensification of the use would require a new CUP.

JJ Butcher, 2613 University Avenue, spoke in favor of the request. He stated that he intends to operate the proposed coffee shop on the subject property and clarified that they intent to have two (2) tables and eight (8) chairs within the restaurant space, not the three (3) tables and twelve (12) chairs that was mentioned in the staff report.

The Board questioned whether the reduction to two (2) tables and eight (8) chairs would decrease the number of parking variance spaces being requested. Staff Member Moon clarified that it would reduce the parking variance request down to three (3) spaces.

Vice-Chairperson Ahlvin stated that the subject property is an oddly-shaped corner lot making modifications to the lot challenging. He stated that with the reduction in the quantity of parking spaces being requested in the variance, he could support the

project. Board Member Stierman stated that with the variety of uses she would not expect the parking demand to be at a maximum at all times throughout the day. Board Member Kosel stated that she found the reduction in the parking variance request to three (3) spaces to be acceptable.

Docket 52-23: Motion by Ahlvin, seconded by Stierman, to approve the request with the following condition:

1. The parking variance is limited to three (3) spaces.

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

Docket 53-23: Motion by Stierman, seconded by Kosel, to approve the request with following condition:

1. The indoor restaurant be limited to eight (8) chairs.

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

ITEMS FROM PUBLIC: None.

ITEMS FROM BOARD: None.

ITEMS FROM STAFF: None.

ADJOURNMENT: Motion by Ahlvin, seconded by Kosel, to adjourn the January 25, 2024, Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Kosel, and Stierman; Nay – None

The meeting adjourned at 6:06 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

February 22, 2024
Adopted