

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

5:30 p.m.

Thursday, March 28, 2024

Jule Operations & Training Center

East View Conference Room 1, 949 Kerper Blvd

Dubuque, Iowa

Board Members Present: Board Members Keith Ahlvin, Rena Stierman, and Matt Mauss.

Board Members Excused: Chairperson Jonathan McCoy, Board Member Gwen Kosel

Board Members Unexcused: None.

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

CALL TO ORDER: The meeting was called to order by Vice Chairperson Ahlvin at 5:36 p.m.

MINUTES: Motion by Mauss, seconded by Stierman, to approve the minutes of the February 22, 2024, Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Mauss, Stierman, and Ahlvin; Nay – None.

DOCKET 39-23: Application of John Pechous, 414 Raymond Place, to replat a lot leaving a deficit of one off-street parking space.

John Pechous, 414 Raymond Place, spoke in favor of the request. He noted that the property is two doors up from the Fourth Street Elevator. He explained that there is one parking space between 414 Raymond and 410 Raymond and that 410 has historically used the parking stall. He said they found out that it belongs to 414 Raymond property currently, but he needs to be joined to 410 Raymond in order to sell that house.

There was no public input.

Staff Member Moon detailed the staff report noting that this property is going through a two-step process. She explained that the properties were historically under common ownership, but the parking space has been associated with 410 Raymond, including an archway that is part of the fence of 410 Raymond. The properties have undergone a simple subdivision, which was approved contingent upon the 414 Raymond Place obtaining a parking variance. Moon explained that this action is not anticipated to alter the status quo of parking in the area, just reallocate the stall to the property that has historically used it.

The Board discussed the request finding it appropriate and had no questions or concerns.

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

DOCKET 48-23: Application of Greg Prehm, 25 Bissel Lane, to construct a building 14' from the rear and front property lines where 20' is required for each in a C-3 General Commercial zoning district.

Greg Prehm, 8505 Southern Hills Court, spoke in favor of the request. He explained that his request in December was for 10' setbacks from the rear and north side in order to get enough area to build a shop for renting units, like on Cedar Cross Road. He expressed that after receiving opposition, he tried to respond to the concerns and proposed a smaller shop and this his current proposal is for either a 14' setback from the front or a 14' setback from the rear. He noted that the zoning allows the use he's proposing, and he can build a shop that would meet setbacks, but he would prefer to get a 6' setback reduction from the front. He expressed that there should be few traffic concerns there.

There was no public input from the audience, but Board Member Ahlvin referred to the opposition letter from Stephen Barry and the Board reviewed the letter.

Staff Member Duba detailed the staff report noting that the applicant has reduced the setback request since the initial submittal to respond to the neighbor's concerns. He explained that the property was rezoned, so the use as a contractor shop is allowed, and the applicant could build a shop here to meet the setbacks without a variance. He noted that the applicant has expressed an openness to work with the Board and receive conditions related to the appearance of the structure in order to obtain a variance.

The Board discussed the request noting that a number of conditions would be necessary for them to approve the request. They noted that the roof peak running north to south would lower the visual height of the building for the neighbors to the east and west and that they desired the project to have residential finishes. They discussed how steel roofs are now more commonplace in residential construction but that the corrugated siding is not residential in nature. They noted that, if properly screened, the siding material and scale of the building would be less impactful to the neighbors. The Board discussed the desire for a vegetative screening along the north and west sides of the property.

Board Member Ahlvin specifically expressed a preference for siding of a residential style rather than corrugated steel. Mr. Prehm expressed openness to vinyl or other materials.

The Board sought to clarify the screening requirements and staff confirmed that 6' high screening along residential and office residential districts to the north and west would be required. Staff clarified that the screening could be either fencing or vegetation. They also noted that at a minimum, 6 shrubs and a tree would be required on the property. Mr. Prehm stated that he was open to screening of any type.

Board Member Stierman asked whether a 14' setback in the front would be enough for vehicles to pull in and remain out of the right-of-way. Mr. Prehm expressed that there would be enough room for trucks. The Board expressed that they were amenable to a 14' front setback and leaving the rear at 20'.

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

1. The building is approved to be constructed with a 14' front yard setback and must be compliant with all other setbacks.
2. The building roof peak shall be constructed with a north-south orientation.
3. The building shall be finished with a residential-style siding. Corrugated steel siding shall not be permitted. The siding material shall be reviewed and approved by the City Planner prior to installation to ensure it is residential in nature.
4. The property owner shall install and shall maintain screening which shall consist of evergreen trees that grow to a minimum of eight feet (8') in height along the north and west property lines.

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

Docket 02-24 and 03-24 were heard concurrently but voted on through separate motions.

DOCKET 02-24: Application of Nicole Hall, 115 Fremont Avenue, to allow an accessory dwelling unit in a R-1 Single-Family Residential zoning district.

Nicole and Nathan Hall, 115 Fremont Avenue, spoke in favor of the request. They explained that they had a new design for the garage that puts the entrance and garage doors facing the rear of the property rather than the front. It also reduced the footprint to 900 square feet rather than 1,200, and reduced the height of the addition. They noted that they hope to use it as a residence for a family member in the future and that they hope to rent it out in the meantime to help defray some of the cost of construction. They noted that they are already landlords and understand the need for more housing units in Dubuque. They noted one neighbor's concern who worried that they could sell the property and it could become multiple rental units.

Rich Hoffman, 1896 St. Joseph Street, expressed that he originally had concerns about off-street parking, but the plan seemed to address parking. He then questioned whether the whole property could be turned into two rentals in the future.

Nathan Hall expressed agreement with Mr. Hoffman and stated that he wants the neighbors to be happy.

Board Member Ahlvin asked staff if the case can move forward, given that it's an altered design presented. Staff Member Schrobilgen replied yes, the request is similar in nature and less intense of a request than was noted in the public notices. He said the request is

reduced to 900 sq. ft. as opposed to the 1,200 sq. ft. originally requested.

Staff Member Schrobilgen detailed the staff report noting the eight conditions (A-H) required by the UDC in order to have an accessory dwelling unit (ADU). He outlined the requirements noted how the applicant meets each of them, except for E, as the gross area of the unit exceeds 600 sq. ft. He identified that the Special Exception was being requested concurrently. He noted that the accessory dwelling unit would be located above the garage and the increase from 600 to 900 sq. ft. would be minimally visible to the general public in this location. He also clarified that any legal dwelling could be rented out in its entirety or by room either as a long-term or short-term rental. He said the review is not over how the space is occupied, but whether a fully separate dwelling unit, which is accessory to the existing residence, could be added to the property. He noted that two inquiries were made, but the callers expressed neither support nor opposition.

Board Member Ahlvin asked if the conditions for an ADU remain in perpetuity, and Staff Member Schrobilgen confirmed that yes, all eight conditions would stay with the property and would need to be met in order to occupy the space as an ADU.

The applicant Nicole Hall asked staff to clarify whether the garage/addition could be constructed in a way that would not require approval as an ADU and that it could still be rented. Staff Member Schrobilgen explained that any legal dwelling unit, or part thereof, could be rented as a long-term rental or short-term rental. He noted that long term rentals need to comply with Housing Department requirements and rental licensing but stated that the State code preempts the City from regulating short term rentals. He reviewed the definition of a dwelling unit and how that pertains to this request.

Board Members discussed the requested finding it appropriate.

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

DOCKET 03-24: Application of Nicole Hall, 115 Freemont Avenue, to allow a 1,200 square foot accessory dwelling unit where 600 square feet maximum is permitted in a R-1 Single-Family Residential zoning district.

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

1. The accessory dwelling unit shall be limited to 900 square feet in area.

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

DOCKET 04-24: Application of Chick-fil-A, 3500 Dodge Street, to allow a 16' front yard setback where 20' is required in the PC Planned Commercial zoning district.

Gabriela Mosquera, 220 E. Central Parkway, Altamonte Springs, FL, spoke in favor of the request. She explained that this request is for the existing Chick-fil-A at the corner of Dodge and Wacker. She explained that they are seeking to modify the drive-thru to add

canopies to shield employees from the elements. She noted that the extended canopy would encroach 3.5' into the required front setback along Wacker Drive. She explained how the drive-thru currently operates and how it would operate following these changes. She displayed pictures of similar structures at other Chick-fil-A restaurants, discussed the setback requirements in the Warren Plaza PUD ordinance, and noted that the wider canopy will not impede vehicular visibility along Wacker Drive.

Justin Barnes, owner-operator of Chick-fil-A at 3500 Dodge Street, stated that they have been working on this new layout for a while, and that they're trying to care for the team of employees.

Staff Member Moon detailed the staff report noting that the drive-thru canopy is proposed to encroach 3.5'-4' into the 20' front setback, leaving a 16' setback along Wacker Drive. She stated that this is not anticipated to impede vehicular or pedestrian visibility.

Board Member Mauss asked if the variance is only required along Wacker, and Staff Member Moon stated yes, and that the Engineering department is working with the applicant to review the drive-thru layout for the other portions of the project.

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

ITEMS FROM PUBLIC: None.

ITEMS FROM BOARD: None.

ITEMS FROM STAFF:

- Staff response to Board inquiry related to parking at 469 Emmett Street. The Board requested the parking discussion be brought back to a future ZBA meeting when all Board Members are present.

ADJOURNMENT: Motion by Ahlvin, seconded by Stierman, to adjourn the March 28, 2024 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Mauss, Stierman, and Ahlvin; Nay – None

The meeting adjourned at 6:43 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

April 25, 2024

Adopted