

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

5:30 p.m.

Thursday, February 27, 2025

City Council Chambers, Historic Federal Building

Board Members Present: Chairperson Jonathan McCoy, Board Members Gwen Kosel, Rena Stierman, and Matt Mauss.

Board Members Excused: Keith Ahlvin

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 Mauss, to approve the minutes of the January 23, 2025 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Kosel, Mauss, Stierman and McCoy; Nay – None.

Chairperson McCoy stated that Docket 09-25 would be heard out of order.

Board Member Kosel recused herself from the meeting for Docket 09-25

DOCKET – 09-25: Application of John Anderson, 1860 Heeb Street, to construct a primary structure 10' from the front property line and 3' from the side property where 20' and 6' minimum is required, respectively, in an R-2 Two-Family Residential zoning district.

Gwen Kosel, spoke in favor of the request on behalf of the applicant, stating the request is tied to development of the subject property. John Anderson joined the meeting via FaceTime and stated he is looking to purchase the property and desires to build a home.

There was no public input.

Staff Member Moon detailed the staff report noting the property is vacant, but there had been a home there previously, but it was demolished. She described the characteristics of the property, noting its limited developable area due to challenging topography. She stated this is what led to the Special Exception request for reduced setbacks.

The Board had no questions or concerns.

Motion by Mauss, seconded by Stierman, to approve the request as submitted. Motion

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

Board Member Kosel rejoined the meeting.

DOCKET – 05-25: Application of Carl Busch, 221 E. 8th Street, to allow a wholesale sale/distributor as a conditional use in the Historic Millwork Planned Unit Development zoning district.

Carl Busch, 1672 White St, spoke in favor of the request. He explained that he's planning to operate a liquor wholesaling/distributing business in the garage area of this property. He stated that he would deliver to restaurants and bars, and there would be no sales on site.

There was no public input.

Staff Member Schrobilgen detailed the staff report noting the proposed use is wholesale, and it would be conducted out of the garage. He explained they would use the adjacent property for loading and navigation. He noted that the Engineering Department staff did not identify any problems with this arrangement. He said the code does not have specific conditions for wholesale use and that the Board may establish any conditions it deems appropriate.

The Board had no questions or concerns.

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

DOCKET – 06-25: Application of John Thompson, 427 Summit Street, to construct a detached garage 0' from the side property lines where 6' minimum is required and to allow 42% of lot coverage where 40% is permitted in an R-2 Two-Family Residential zoning district.

John Thompson, 427 Summit Street, spoke in favor of the request. He explained that he's seeking to build a garage to provide off-street parking due to limited on-street parking in the area.

There was no public input.

Staff Member Moon detailed the staff report noting the applicant is seeking to construct a detached garage. She noted the dimensions, location in the rear yard, and the fact that the lot is narrow. She stated that the requested 0' setback would provide the applicant with flexibility when constructing the garage. She explained that a recalculation of the lot area came out less than 40%, so a Special Exception is actually not needed for lot coverage. She noted the applicant will need to pave the area leading to the garage and recommended that as a condition. She also recommended the condition that stormwater be managed on the subject property.

Chairperson McCoy asked Thompson if he was amenable to the conditions of managing stormwater on the subject property and paving the driveway to the garage. Mr. Thompson replied yes.

Board Member Mauss pointed out that other properties in the area also have garages like this. He asked if the location was above or below the alley elevation. Thompson replied that it's above, so the site will drain to the alley. He said he wants the garage to be at grade. He said that he thinks this will be an improvement for himself and the neighborhood, described its construction, and noted that it will be similar in size to the neighbor's garage.

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

1. The stormwater shall be managed on the subject property.
2. The driveway to the garage must be hard surfaced.

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

DOCKET – 07-25: Application of Joy Bode, 579 S. Grandview Ave, to construct an attached front porch 10' from the front property line where 20' minimum is required in an R-1 Single-Family Residential zoning district.

Joy Bode, 579 South Grandview Avenue, spoke in favor of the request. She explained that they are seeking to replace the front porch to be as wide as the house and deeper than currently. She said it will be similar to the neighbor's porch.

There was no public input.

Staff Member Duba detailed the staff report noting the characteristics of the property and the neighborhood. He described the existing porch as legally nonconforming at 17' from the front property line. He noted the proposed porch would be 10' from the front property line, 13' from the sidewalk, and 26' from the street. He noted that there are other porches in the neighborhood, some of which are legally nonconforming.

Chairperson McCoy asked the applicant if she was amenable to the condition that the porch remain of an open design, and Mrs. Bode replied yes.

Board Member Mauss asked if the materials of the porch would match the house, and Mrs. Bode replied yes, describing the materials. Mauss proposed the condition that the porch be finished with like materials.

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

1. The porch remain of an open design.
2. The porch be finished with like materials to the house.

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

DOCKET – 08-25: Application of Ries Bohr, 1255 Washington 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.

Ries Bohr, 16363 Herod Lane, spoke in favor of the request. He explained that he bought this property, building, and business from Max Smith. He stated that he rents a place in Epworth but wants to live in Dubuque and be next to his business. He said he's proposing a 19' by 44' residential unit, which would meet setbacks and would be attached to the existing structure on the property. He said it would be a residence with one bedroom. He described the surrounding properties, which include residences, contractor shops, and commercial spaces, noting that it's a mix of uses. He said he keeps the property clean and plans to keep it that way.

There was no public input

Staff Member Schrobilgen detailed the staff report noting the proposal to construct a residence on the first floor, which is not permitted in the C-4 district. He noted that there are several blocks of legally nonconforming residences in this area. He stated that fire codes would have to be met for construction. He stated there is ample parking onsite.

Chairperson McCoy stated that since variances stay with the property in perpetuity, he's concerned that this residence could become an Airbnb. He said he does not think that this request meets the variance criteria.

Board Member Mauss explained that he was not as concerned, noting that it's a large property.

Board Member Kosel asked if this would be new construction. Mr. Bohr replied yes, and that he's met with the Inspection and Construction Services Division to learn about all the construction codes he would need to meet. He acknowledged Mr. McCoy's concern and said he plans to live there for a long time, though he couldn't guarantee it would never be a rental.

Board Member Kosel asked if the Board could place the condition that the property remain owner occupied, and Staff Member Moon replied that a condition of that sort would be hard to enforce.

Board Member Mauss asked if a second floor residence could be constructed, and Staff Member Schrobilgen replied yes, that residential on the second floor is permitted in the zoning district.

Board Member Stierman stated that since building codes would be followed, she had no

questions or concerns.

Chairperson McCoy said that it appeared there were two no votes and two yes votes from the Board, which would not approve the request. He stated that Mr. Bohr could request to table the request and perhaps get approved when there's a full board in attendance.

Mr. Bohr said that he could build a second-floor residence, but it would look worse and be less cost effective. He asked what the main opposition to the request was.

Chairperson McCoy explained that there are five criteria for granting a variance, all of which need to be met. He said he did not believe the project met four of them.

Mr. Bohr asked to table his request.

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

Chairperson McCoy left the meeting.

Board Member Kosel assumed the role of Chairperson.

DOCKET – 10-25: Application of Dawn Heer, 2565 Chaney Road, to construct a deck 8' from the front property line where 20' minimum is required in an R-1 Single-Family Residential zoning district.

Dan Heer spoke on behalf of Dawn Heer, 2565 Chaney Road. He explained that they are seeking to construct a 5' by 10' deck, and the end of the stairs would be 12' from the house.

There was no public input.

Staff Member Duba detailed the staff report noting the characteristics of the property and the neighborhood. He explained that a 5' by 5' landing could be built by right. He said the deck should not impede visibility or be detrimental to the area.

Board Member Mauss noted the steps aren't a factor, so it's just about the square footage of the deck.

Board Member Stierman said the visibility was okay.

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

DOCKET – 11-25: Application of John and Theresa Shappell, 2590 Central Avenue, to construct a detached garage 5' from the front property line and 0' from the side property

line where 10' and 3' minimum is required, respectively, and to allow 53% lot coverage where 50% is allowed in an R-2A Alternate Two-Family Residential zoning district.

John Shappell, 2590 Central Avenue, spoke in favor of the request. He explained that they're seeking to build a garage in the rear yard to replace a vinyl carport.

There was no public input.

Staff Member Schrobilgen detailed the staff report noting the proposed garage is 22' by 22', requiring reduced setbacks. He explained the lot coverage would be 53%, exceeding the 50% maximum. He noted there is an existing curb cut. He recommended conditions of managing stormwater on the property and paving the driveway.

Board Member Mauss asked about the single car curb cut for a double wide garage. Shappell explained that there would be a single car garage door, and then the other side would have room for equipment.

Board Member Stierman asked about the finish of the garage. Shappell stated it would be metal or wood frame, not cement block like the house. Board Member Mauss proposed the condition that the garage use residential building materials.

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

1. Stormwater be managed on the subject property.
2. The driveway to the garage be hard surfaced.
3. The garage be constructed with residential building materials.

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

ITEMS FROM PUBLIC: None.

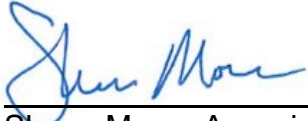
ITEMS FROM BOARD: Board Member Mauss reminded staff that he will not be present at the March meeting, potentially affecting Docket 08-25.

ITEMS FROM STAFF: Staff Member Schrobilgen stated as a point of clarification for discussion earlier in the meeting that when it comes to residential uses, state law does not allow distinguishing between long term and short-term rentals, and the City does not have the right to regulate short-term rentals such as Airbnb's.

ADJOURNMENT: Motion by Kosel, seconded by Mauss, to adjourn the February 27, 2025 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Mauss, Stierman, and Kosel; Nay – None

The meeting adjourned at 6:15 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

April 24, 2025

Adopted