



Approved

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

5:00 p.m.

Thursday, June 26, 2025

City Council Chambers, Historic Federal Building

Board Members Present: Vice Chairperson Keith Ahlvin, Board Members Gwen Kosel, Matt Mauss, Jonathan McCoy (attending virtually), and Rena Stierman.

Board Members Excused: None.

Board Members Unexcused: None.

Staff Members Present: Shena Moon, Matt O'Brien, and Jason Duba

CALL TO ORDER: The meeting was called to order by Vice Chairperson Ahlvin at 5:00 p.m.

MINUTES: Motion by Mauss, seconded by Kosel, to approve the minutes of the May 22, 2025 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Kosel, Mauss, McCoy, Stierman, and Ahlvin; Nay – None.

DOCKET – 18-25: Application of Justin Rainey, 55 Locust Street, to allow three signs where two signs are permitted in a C-3 General Commercial zoning district in a locally designated historic district.

Justin Rainey, 2415 Queen Street, owner of the Southend Tap, spoke in favor of the request. He explained that he's looking to have another sign to advertise how to get to the bar and specials they may offer.

There was no public input.

Staff Member Duba detailed the staff report noting the request is to add a third sign where only two are allowed due to being in a historic district. He explained the sign's location in the transom, that it will have three rows of changeable letters, and that it will not be illuminated. He described the characteristics of the building and the neighborhood. He pointed out that this neighborhood was disconnected from the street network when the Locust Street Connector was put through. Consequently, Rainey had indicated that it is difficult for customers to find the bar, and he said that the sign would be used to provide directions to the bar. He noted that the City's wayfinding signage points to businesses that have closed in this area, an acknowledgement of the challenge of finding them. He noted that the Historic Preservation Commission approved the design of the sign based on architectural guidelines.

Board Member Kosel was okay with the request since the sign would be used for directional purposes.

Board Member Stierman stated the hardship of this location led her to support the sign.

Board Member Mauss said he was curious about the lighting, but since it won't be lit, he's okay with it.

Board Member McCoy asked if one of the existing signs was going to be removed, and Duba replied no, those signs would remain and this sign would be an addition. McCoy referred to the City wayfinding sign and said he thought this sign did not seem to meet the variance criteria

Vice Chairperson Ahlvin acknowledged that this location is disconnected from the street grid.

Motion by Kosel, seconded by Mauss, to approve the request as submitted. Motion carried by the following vote: Aye – Kosel, Mauss, Stierman, and Ahlvin; Nay – McCoy, citing criteria 3: This disadvantage does not exist because of conditions created by the owner or previous owners of the property.

DOCKET – 19-25: Application of Tom Ford, 590 Bradley Street, to construct an addition to a single-family residence 12' from the front property line (along Rider Street) and 0' from the side property line where a minimum of 20' and 6', respectively, are required in an R-1 Single-Family Residential zoning district

Tom Ford, 590 Bradley Street, spoke in favor of the request. He explained that he's planning to construct a 12' x 52' addition on the back of the house. He explained that this will maintain the existing setbacks, which is 17.5' from the Rider Street property line, not 12. He noted that he also owns the parcel of land adjacent to the west, so the house is actually 30' from his neighbor's property line.

There was no public input.

Staff Member O'Brien detailed the staff report noting the setbacks would be 17.5' and 0'. He explained that there are four lots on this property, three of which are joined in one parcel. He stated the property is legally nonconforming for setbacks.

Board Member Kosel asked about the lots and if they were going to be combined. Staff Member Moon stated that if they built over the property line, then the lots would be encumbered. Ford explained that he had no plans to sell the lot or consolidate it due to the financial expense.

Board Member Mauss stated that he has no problem since the addition would not protrude further than currently.

Board Member Stierman asked about building materials, and Ford stated this addition will be part of a \$300,000 overhauling of the house, so everything will be consistent. Kosel noted the width of other parcel would be insufficient to build.

Vice Chairperson Ahlvin said he saw no need to condition for like materials.

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

DOCKET –20-25: Application of Frank Ebersold, 1677 Iowa Street, to construct a carport 0' from the side property lines and 4' from the rear property line where a minimum of 6' is required and to allow 46.1% of lot coverage where 40% is permitted in an R-4 Multi-Family Residential zoning district.

Frank Ebersold, 1677 Iowa Street, spoke in favor of the request. He explained that he's planning to build an open air carport with a metal roof. He explained that the kit doesn't come with gutters. He noted it has a darker stain, and he would be willing to consult with the neighbors on color.

Vice Chairperson Ahlvin asked if he would be amenable to conditions to manage water on the property and maintain an open construction. Ebersold replied yes and asked if it was okay for water to drain toward the alley. Staff Member Moon replied yes.

There was no public input, but there was a letter from the neighbor supporting the request.

Staff Member Moon detailed the staff report noting that the subject property is a narrow lot near Jackson Park. She explained the request for the 12' x 16' carport, approximately 0' from the side property line, leading to 46.1% lot coverage. She displayed the design of the carport and photos of the property. She noted that this property is in a historic district, but a carport does not require a building permit, so no historic review was required.

Board Member Kosel said she was glad for the clarification about not needing historic review.

Board Member Stierman asked about adding a condition that the driveway access has to be hard surfaced. Moon replied that it already has a hard surface. Ebersold stated he was okay with that condition. He presented limited setback waiver forms signed by his neighbors. He said he had the property surveyed.

Board Member Mauss said he was okay with it because everything in that neighborhood is 0' setback.

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

1. The carport shall remain of an open design.
2. Stormwater shall be managed on the subject site.
3. Driveway access to the carport must be a hard surface per the Unified Development Code requirements.

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

DOCKET – 21-25: Application of Jeffrey Pitz, 1985 N. Grandview Avenue, to construct an addition 1' from the side property line where a minimum of 6' is required in an R-1 Single-Family Residential zoning district.

Jeffrey Pitz, 1985 N. Grandview Avenue, spoke in favor of the request. He explained that he's planning to build a lean-to shed that is 14' x 4', 94" high, detached from the garage, and anchored to the sidewalk.

Vice Chairperson Ahlvin asked if he would maintain water on the property. Pitz replied that there is 5' of sidewalk and then 6" of landscaping before the neighbor's property line.

Pitz asked about the 1-hour fire rating required on the outer wall, and McCoy replied that is not the board's purview. Staff Member Moon noted that the Inspection and Construction Services Division handles the building code requirements, and Jeff Zasada could answer that question.

Pitz asked if it was correct that he could not have any overhang, and Moon replied that there can be no overhang over the property line.

Ahlvin asked about what materials would be used, and Pitz described them.

There was no public input.

Staff Member O'Brien detailed the staff report noting the proposed shed is 4' x 14', not 18'. He stated the lot coverage would increase from 33.7% to 35.3%. He displayed a photo of the property and noted that the shed in the background is on the neighboring property.

Board Member Stierman suggested the condition to manage runoff on the subject property.

Motion by McCoy, seconded by Kosel, to approve the request with the condition that stormwater be managed on the subject property. Motion carried by the following vote: Aye – Kosel, Mauss, McCoy, Stierman, and Ahlvin; Nay – None.

DOCKET –22-25: Application of Ashton Holly, Eagle Point Solar, 2300 Carter Road, to

construct a 995 square foot ground mounted solar array totaling 3,930 square feet of detached accessory structures where 100 square feet and 1,000 square feet maximum is permitted in an R-1 Single-Family Residential zoning district.

Jean Lange, Executive Director for Sisters of the Presentation, spoke in favor of the request. She explained that they are seeking to install the array for environmental reasons.

There was no public input.

Staff Member Moon detailed the staff report noting the details of the request. She stated that this is a significantly sized property. She displayed the site plan, and pointed out that the array would be 202' from the east property line and 328' from the south property line. She said that no height exception would be needed since it's 9' high.

Board Member Kosek appreciated that the array would be open on the bottom.

Board Member Stierman had no questions or concerns.

Board Member Mauss stated that he was okay with the request due to the size of the property, and that the nearest neighboring structure would be detached garages.

Board Member McCoy disagreed and stated that he would like to see screening installed. Discussion followed about the specifics of where screening should be installed and what it should be like.

Dave McDermott, 919 Kirkwood Street, stated they did not have plans to install screening, and the property to the east is downhill.

The Board continued discussing screening. Moon displayed photo imagery and elevation lines showing the topography of the area. McCoy stated that he wants the array to be less obtrusive to existing neighbors and to protect potential future development. The potential for southern screening to shade the array was brought up. It was noted that the Sisters own all the open land to the east and south of the proposed array.

Vice Chairperson Ahlvin asked if the applicant could take time to come back with a screening plan. McDermott stated that this project is budgeted for this year, and they would like to move forward, especially with the possibility that solar tax credits could be eliminated. David Pluym, Eagle Point Solar, said that Congress will be voting on this on July 2.

Board Member Mauss suggested conditions that the applicant install screening to the south around the halfway point between the array and the southern property line, that it would be four trees, a minimum of 4' high, and deer resistant.

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

1. Screening would be installed to the south, halfway between the solar array and the southern property line
2. Four trees would be planted.
3. The trees would be a minimum of 4' high at planting.
4. The trees would be deer resistant.

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

DOCKET –23-25: Application of Corey Koppes, 3994 Oneida Avenue, to construct a detached garage 20' in height for a total of 3,900 square feet of accessory structures, where a maximum of 1,000 square feet and 15' in height is permitted in the R-1 Single-Family Residential zoning district.

Corey Koppes, 3994 Oneida Avenue, spoke in favor of the request. He shared his personal background and talked about his profession. He explained he leases space for his business and he plans to continue operating there. He described his home and property and that his southern lot is vacant, which is where he intends to build the garage. He stated that he currently has 1,900 square feet of detached accessory structures and is planning to build a garage that is 2,000 square feet in area and 20' in height to store vehicles and equipment. He stated there would be no commercial use of the structure. He referred to several properties in the area that also have large storage buildings. He responded to his neighbors' letters of opposition that brought up issues such as noise, traffic, and smells, stating that his garage would not create those, and he would continue to maintain his property in a tidy manner. He responded to the mistaken notion that the garage would be 3,900 square feet, stating that it would be 2,000 square feet.

Vice Chairperson Ahlvin asked about the 25% use for a low impact business. Koppes replied that it's a no impact business. Board Member Mauss asked what is the business, and Koppes replied that it's buying and selling storage lockers.

Sam David, 3953 Oneida Avenue, said Koppes asked him to sign a support letter. He said Koppes stated the garage is for his business. David said the garage is as close to the property line as city code allows, whereas other large storage buildings in the area are set back further. He said that Koppes' kids ride vehicles and make noise, so this garage would add to it. He didn't see why a garage was needed for the camper, which is on a paved driveway. He expressed concern that the garage would be built larger than stated.

Larry Hurst, 3960 Oneida Avenue, said that Koppes told him the garage was for his business. He said he doesn't want to hear vehicles because he wakes up early. He said the kids threatened to pour gas on his yard. He said the Koppes' business landlord passed away, so Koppes is worried about where to take his business.

Luke Meadows, 3916 Inwood Avenue, said he understands that the garage is not for Koppes' business. He said that he has three kids, and he wants to maintain this neighborhood as safe, quiet, and low traffic.

John Gartmann, 3976 Inwood Avenue, expressed concern that Koppes would run his business out of his shop, creating traffic.

Marissa David, 3953 Oneida Avenue, said she was told the garage was for Koppes' business. She said Koppes told her it was a done deal, and there were three options: 1) Let him build the garage, 2) He will put storage units there, or 3) he would sell the lot.

Vice Chairperson Ahlvin summarized the concerns as being related to the location of the garage, traffic, and safety. Koppes responded that the garage would not be 3,900 square feet but 2,000 square feet. He referred to other zoning violations in the neighborhood. Board Member McCoy stated that the board doesn't care about hearsay. Koppes disputed the concerns about increased foot traffic and noise, stating his lease at Tamarack is established and secure.

Staff Member Moon detailed the staff report, addressing some of the neighbors' comments. She noted this area was annexed from the county, so there are some platted unimproved rights of way. She responded to the point about other large storage buildings in the area, noting they all received the proper approvals. She explained that the 3,900 square of detached accessory structures is for the proposed 2,000 square foot detached garage and 1,900 square feet of other existing structures such as a pool, deck, and shed, which also need approval since they are over the allowed 1,000 square feet. She explained that a requirement of approval would be for Koppes to consolidate the two lots because it's not allowed to have a detached accessory structure on its own lot. Moon discussed the difference between commercial use and no impact home based business, which Iowa state code allows and the city can't prohibit. She listed the criteria for a no impact home based business, which would be enforceable, and if they are not met, then UDC requirements come into play, which are more stringent. The no impact home based business law prevents the ZBA from denying that use.

Chairperson Ahlvin stated that the board received all the letters from neighbors.

Board Member McCoy said the application doesn't meet criteria A or B.

Board Member Mauss said that he believes people should be able to store their belongings. He said there is a cloud over this application with the state law change. He sees how this request infringes on neighbors.

Board Member Stierman asked about the no impact home based business requirement related to the number of onsite employees. Moon said that the Inspection and Construction Services Division determines building occupancy, which is specific to a property, and the board can't condition against Iowa code. Stierman referred to a letter that said the garage would have three floors. Koppes said

no, it would be a single level, maybe with a loft. He said he's putting it in the proposed location because it's the flattest spot on the property. He stated that he would meet Iowa code for a no impact home based business with one employee at most.

Stierman asked whether activities in the garage would be visible from adjacent property or the street. Moon stated they would need to obscure or block any activity. Koppes said his goal is to have his stuff inside.

Board Member Kosel asked if the garage would be taller than the residence, and Koppes replied no since the property goes uphill from the proposed garage.

Kosel asked if Koppes could put the garage behind the house. Koppes replied that would be next to Fred Salwolke's driveway, whereas his south lot is unused, and he can put it plenty far away from Mr. David's property line. Kosel suggested mandating that the garage go further back. Koppes was amenable to that, but not so far that it slopes down or is close to trees.

Ahlvin said that business aside, this is a very large structure close to the property line.

Motion by McCoy, seconded by Kosel, to approve the request as submitted. Motion denied by the following vote: Aye – None; Nay –Kosel, Mauss, McCoy, Stierman, all citing Criteria A and B, and Ahlvin citing Criteria B.

- A. That the specific proposed exception will not be detrimental to or endanger public health, safety, comfort or general welfare.
- 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.

ITEMS FROM PUBLIC: None.

ITEMS FROM BOARD: None.

McCoy departed the meeting.

ITEMS FROM STAFF: Moon shared a memo discussing new variance standards based on Iowa legislation.

Stierman departed the meeting.

Planning Services Director Wernimont discussed the new variance standards and shared examples.

Ahlvin asked for a reminder about how to phrase the commercial use condition. Moon reminded the board that they can't prohibit a use if it's a no impact home based business.

Moon reminded the board that the next meeting on July 24 will be at 5:00. Kosel stated that she will be gone.

ADJOURNMENT: Motion by Ahlvin, seconded by Mauss, to adjourn the June 26, 2025 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Kosel, Mauss, and Ahlvin; Nay – None.

The meeting adjourned at 6:45 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

July 24, 2025

Adopted