

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

5:00 p.m.  
Thursday, July 23, 2020  
Virtual Meeting

The Zoning Board of Adjustment met at 5:00 p.m. on Thursday, July 23, 2020. Due to the COVID-19 pandemic and mandates for social distancing, this meeting was conducted virtually.

**Board Members Present:** Chairperson Jonathan McCoy, Board Members Keith Ahlvin, Bethany Golombeski, Gwen Kosel and Matt Mauss.

**Board Members Excused:** None

**Board Members Unexcused:** None

**Staff Members Present:** Wally Wernimont, Guy Hemenway, Jason Duba and Travis Schrobilgen

**CALL TO ORDER:** The meeting was called to order by Chairperson McCoy at 5:04 p.m.

**MINUTES:** Motion by Kosel, seconded by Golombeski, to approve the minutes of the June 25, 2020 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

**DOCKET – 28-20:** Application of Thomas and Rachael Hillebrand, 1301 Miller Rd., to construct an 8' x 16' deck 6' from the front property line, where 20' is required, in an R-1 Single-Family Residential zoning district.

Thomas and Rachael Hillebrand, 1301 Miller Road, spoke in favor of their request. They noted that there would be a railing along the deck and existing porch.

Staff Member Schrobilgen detailed the staff report noting the proposed deck would be built approximately 10' above and 15' away from the edge of pavement of Miller Road and should not impact the view for vehicles backing out of their driveways. He also noted that Miller Road is a dead-end, substandard city street that lacks curb and gutter and sidewalks and that there were approximately 15 homes along Miller Road beyond the subject property.

The Board discussed the proposal finding it appropriate.

Motion by Ahlvin, seconded by Kosel, to approve the request to construct an 8' x 16' deck 6' from the front property line. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

**DOCKET – 29-20:** Application of Shane Hoeper, 2520 N. Grandview Ave. to construct an 8' x 30' addition 10' from the front property line, where 20' minimum is required, in an R-1 Single-Family Residential zoning district.

Shane Hoeper, 2520 N Grandview Avenue, detailed request noting topography as a limit to constructing at another location.

Staff Member Schrobilgen detailed the staff report noting the proposed addition would be built on the southwest side of the existing structure and approximately 10' above and 25' away from the edge of pavement of N. Grandview Avenue. He also noted the property was a triangular shaped steep lot with exposed limestone outcroppings and screening on the northwest and northeast sides.

Board Members discussed the request and felt that it was appropriate.

Motion by Kosel, seconded by Golombeski, to approve the request to construct an 8' x 30' addition 10' from the front property line. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

**DOCKET – 30-20:** Application of the Sisters of St. Francis, 3390 Windsor Ave. to remove the condition that the south end of the solar array be screened.

Paul Hayes and Sister Cathy Katoski, 3390 Windsor, spoke on behalf of applicant. Mr. Hayes noted the screening required as a condition from docket 57-19. Sister Katoski noted that existing deciduous trees screen a portion of the site, topography limits the view from Davis Street, and that the neighbor with the clearest view of the solar panels requested that the screening not be installed. She also noted that there is a prairie grass field and a detention basin limiting the location of the trees.

Staff Member Hemenway detailed the staff report noting the original condition from docket 57-19. He noted that this request was not an appeal nor a reconsideration of the earlier request. He stated that the applicant paid a separate fee, had a specific request and provided new information including, the array being constructed and in position and also the requests from neighbors who noted they did not want the screening or did not think it was necessary.

Chairperson McCoy asked whether the Shalom Spirituality Center commented on the case. Sister Katoski noted the Shalom Spirituality Center was managed by the Sisters of St. Francis and part of the same property.

Board Member Kosel asked if a future expansion would require Board review. Mr.

Hemenway noted that the array is limited to the dimensions and location from the original request and any change would require a new Conditional Use Permit and Board review.

Board Member Ahlvin noted that he was a proponent of the original condition because he was thinking of the neighbors. He said that if the neighbors he was hoping to assist say they do not want or are ok without the screening, that he had no problem with the request.

Motion by Ahlvin, seconded by Kosel, to approve the request to remove the condition that the south end of the solar array be screened. Motion carried by the following vote: Aye – Ahlvin, Golombeski, and Mauss; Nay – McCoy citing criteria B, Kosel citing criteria B.

**DOCKET – 31-20:** Application of Jesse and Jessica Kemp, 3400 Nightengale Lane to construct a residence 70' from the front property line, where 50' maximum is permitted, in an R-1 Single-Family Residential zoning district.

Jessica Kemp, 3400 Nightengale Lane, detailed the request noting topography and stormwater issues as limiting the location of the home.

Staff Member Duba detailed the staff report. He noted that the neighborhood was an atypical mixed-use area with an unusual lot layout. He noted topography and stormwater constraints on the north side of the property.

The Board discussed the proposal finding it appropriate.

Motion by Ahlvin, seconded by Golombeski, to approve the request to construct a residence 70' from the front property line. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

**DOCKET – 32-20:** Application of Ben and Janelle Haun, 2421 University Ave. to open a photography studio as a conditional use in an OR Office Residential zoning district.

Ben Haun, 11026 Lakeview Drive, discussed the request. He noted hours of operation would be 8am – 5pm, that parking is available on site, and that customer contact will be by appointment only.

Staff Member Hemenway detailed the staff report noting the Office Residential district is primarily for adaptive reuse, general office, medical office, schools of private instruction, and other similar uses. He said a photography studio is listed as conditional use to provide the Board the ability to place conditions if they are deemed necessary. He said the applicant submitted a business model that stated there would be a single employee, that hours of operation would be from 8am to 5pm and that customer visits would be by appointment only. He noted that 7 off-street parking spaces are available and that there

are two additional spaces in the garage. He said the proposed use was low-intensity, had access off the side street and that, if approved, the Board could consider conditions relating to hours of operation and customer visits.

Chairperson McCoy asked if the applicant would be amenable to a restriction regarding signage being lit only during hours of operation. Mr. Haun stated that would not be an issue.

Board Members discussed the proposal, finding it appropriate.

Motion by McCoy, seconded by Kosel, to approve the request to open a photography studio as a conditional use in an OR Office Residential zoning district with the conditions that hours of operation be from 8am to 5pm, that customer visits be by appointment only, and that any internally lit site signage only be illuminated during the hours of operation. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

**DOCKET – 33-20:** Application of Aaron Butcher, 1975 Lincoln Ave., to build a 24' x 14' detached garage addition 0' from the front property line (Prescott Street) and for a total of 1,488 sq. ft. of detached accessory structures, where 20' is required and 1,000 sq. ft. of detached accessory structures maximum is permitted, in an R-1 Single-Family Residential zoning district.

Aaron Butcher, 1975 Lincoln, discussed the request. He noted it would add an additional 14 feet to garage with internal access only.

Staff Member Schrobilgen detailed the staff report noting the site history, lot layout with three frontages and the size and location of the accessory structures on the lot. He said that the addition would be in line with the existing garage and that garage doors would not be added to the addition, but that access to the addition would be taken from existing doors.

Board Member Ahlvin asked if the carport was enclosed and if the addition would incorporate and follow the existing garages roofline. Mr. Butcher said the garage was always enclosed and that he would extend the existing garage with a uniform roof style.

The Board discussed the request finding it appropriate.

Motion by Ahlvin, seconded by Golombeski, to approve the request to build a 24' x 14' detached garage addition 0' from the front property line (Prescott Street) and for a total of 1,488 sq. ft. of detached accessory structures, with the conditions that the addition maintain the look and roofline of the existing structure and that stormwater be directed on to the applicant's property. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

**ITEMS FROM STAFF:** None

**ITEMS FROM BOARD:** Staff Member Hemenway discussed the processes and requirements for Appeals and Reconsiderations.

**ITEMS FROM PUBLIC:** None

**ADJOURNMENT:** Motion by McCoy, seconded by Kosel, to adjourn the July 23, 2020 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None

The meeting adjourned at 6:20 p.m.

Respectfully submitted,



Guy Hemenway, Assistant Planner

August 27, 2020

Adopted