

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

5:30 p.m.

Thursday, November 17, 2022

City Council Chambers, Historic Federal Building

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: 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 Mauss, seconded by Golombeski, to approve the minutes of the October 27, 2022 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Mauss and McCoy; Nay – None; Abstain - Kosel.

DOCKET – 44-22: Application of Terry Moriston, 2024 Jackson Street to construct a 16' x 12' front deck 0' from the front property line where 10' minimum is required in an R-2A Alternate Two-Family Residential zoning district.

Terry Moriston, PO Box 644, spoke in favor of the request. He explained that they are hoping to build a 7"-high open-design deck to expand the existing front stoop. He said they would leave the columns, limestone, and porch roof. He added that the deck would extend out to the property line and to the closest edge of the windows.

There was no input from the public.

Staff Member Moon detailed the staff report noting characteristics of the property and the neighborhood, emphasizing that this is a contributing structure to the Washington Neighborhood Conservation District, so historic preservation guidelines apply. In this case, the columns, stone, and porch roof must be maintained. She noted the proposed deck would extend to the front property line. She outlined recommended conditions of approval that the stone bases, columns, and roof be preserved, and the deck remain of an open design.

Chairperson McCoy expressed that few decks go right to the sidewalk in the City. Moon acknowledged this and showed photos of neighboring properties that have fences and

vegetation up to the property line but still set back from the sidewalk.

Board Member Golombeski expressed that a deck here seems out of character and that pavers or slab on the ground would be more fitting. She also expressed that extending the deck beyond the columns seemed odd.

Board Member Mauss expressed that having a deck so close to the sidewalk seems like a tripping hazard, and he agreed that this seems like a location for at-grade concrete rather than a 7" tall deck.

Board Member Kosel agreed about the tripping hazard and felt that even if the deck were further back, she would still be concerned about it.

Staff Member Moon clarified that the property line is approximately one foot back from the sidewalk, so the deck would not be adjacent to the sidewalk.

Moriston offered that they could put corner posts on the deck to make it less of a tripping hazard. He also stated that they could move the edge of it further back from the property line, they just want to make it as big as possible. The Board discussed with Moriston the size of the existing stoop and the size of the proposed structure. The Board stated they would like to understand the distance between the existing residence and the sidewalk.

Board Members' concerns were not alleviated by these concessions, so McCoy proposed tabling the case as an option to allow Moriston time to address the issues and come back before the board. Moriston requested to table the review.

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

DOCKET – 45-22: Application of Magdalene Grace Deane, 1410 Main Street to allow two signs where one is permitted, to allow one sign to be 32 square feet where 8 square feet is permitted, and to allow one freestanding sign to be 8' high where 6' is permitted in an OR Office Residential zoning district in a local historic district.

Magdalene Grace Deane, Master Liturgical Artist, 333 Bluff Street, spoke in favor of the request. She explained that St. John's is asking for two signs in place of the current one. She displayed mock-up signs for the Board to review. She stated that one sign would be 32 square feet, and the other is within the 8-square foot allowance.

Chairperson McCoy asked if the signs would be externally lit or electronic, and Deane replied no.

Wendell Talley, 199 Loras Boulevard, asked how large the current sign is that's being replaced. Staff Member Duba estimated it to be about 20 square feet. Talley stated that he is not in opposition provided the sign was not electronic, lit, or gaudy. He said the proposal looks acceptable.

Staff Member Duba detailed the staff report noting the three exceptions to the code being requested and explaining how this property being in a historic district significantly limits its sign allowance. He noted that the sign designer has worked carefully with the church's architecture and historical identity, and that the City's historic preservation planner determined the proposal meets the historic guidelines. He noted that the church is a large property with two frontages and is seeking to make pedestrians and motorists aware of its identity and activities.

Board Member Kosel sought to clarify the location of the main sign, and Deane explained its proposed location being in front of the buttress with the eagle statue on it and further explained its significance.

Board Member Golombeski expressed her approval, given the large size and multiple frontages of the church.

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

1. The signs shall not be illuminated or electronic.

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

DOCKET – 46-22: Application of Timothy J. Mueller, 2901 Hillcrest Road to construct a lean-to for a total of 1,577 sq. ft. of detached accessory structures where 1,377 sq. ft. maximum is allowed on the subject lot, which is in an R-1 Single-Family Residential zoning district.

Tim Mueller, 2901 Hillcrest, spoke in favor of the request. He explained that he's seeking to update his barn and cover his deck with a lean-to. He stated that it would be 10' x 20', extend off the west side of the barn toward Avalon Road, and be more than 50' from the nearest neighbor.

Staff Member Schrobilgen detailed the staff report noting the size of the lean-to, that the view of it is shielded from the park, and there are no safety concerns regarding the project and pedestrians or traffic entering or exiting the driveway. He said the project would increase the total lot coverage from 10.1% to 10.8% of the lot. He stated that staff did receive one call from the resident of 1960 Avalon with an inquiry about the project and a general complaint about the property but did not specifically oppose the project.

Board Member Golombeski asked to clarify that the lean-to will look like the example photo supplied by the applicant, and Mueller replied yes.

Board Member Mauss asked to clarify whether the structure with a tarp in the packet pictures was temporary, and Mueller replied yes.

Motion by Mauss, seconded by Golombeski, to approve the request as submitted with the following conditions:

1. The lean-to remain of an open design.
Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

ITEMS FROM PUBLIC: None

ITEMS FROM BOARD: None

ITEMS FROM STAFF: None

ADJOURNMENT: Motion by Mauss, seconded by Kosel, to adjourn the November 17, 2022 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None

The meeting adjourned at 6:09 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

December 15, 2022
Adopted