



Approved

MINUTES
CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT
REGULAR SESSION

5:30 p.m.

Thursday, July 27

City Council Chambers, Historic Federal Building

Board Members Present: Chairperson Jonathan McCoy, Board Members Keith Ahlvin, Gwen Kosel, Rena Stierman, 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 Kosel, seconded by Ahlvin, to approve the minutes of the June 22, 2023 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Kosel, Mauss, Stierman and McCoy; Nay – None.

DOCKET – 18-23: Application of Ricky Pottebaum, 3087 Central Avenue, to allow 3,130 square feet of accessory structures and 41.4% of lot coverage where 1,000 square feet and 40% is permitted in an R-3 Moderate Density Multi-Family Residential zoning district.

Ricky Pottebaum, 3087 Central, spoke in favor of the request. He explained that he would like to construct a carport providing four new covered parking spaces and a small lean-to structure to provide a picnic style area for his tenants. He described his plan to change the driveway to one-way which would allow for entry from Central Avenue and exit on the alley. He explained the new parking would help alleviate parking issues on Central, make it safer for his tenants, and reduce snow shoveling.

There was no public input at the meeting, but two letters of support from adjacent neighbors Richard and Marlene Jones at 3084 Central Avenue and Jennifer Lewin at 3065 Central Avenue were shared with the Board.

Staff Member Duba detailed the staff report noting the specific need for a Special Exception was due to the proposed structure covering more than 40% of the lot with structures and all detached accessory structures totaling more than 1,000 sq. ft. He noted the characteristics of the property, which is a double lot, that the property is zoned as R-3, and that six units were associated with the property.

The Board expressed appreciation that a letter of support was from the next-door

neighbor who was most likely to be impacted by the proposed carport location. They discussed the finish and appearance of the carport, and Mr. Pottebaum indicated he would like it to appear similar to the house.

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

DOCKET – 21-23: Application of Kelly Donovan, 374 Bluff Street to construct a duplex with 2,734 square feet of lot area where 5,000 square feet of lot area is required in an OC Office Commercial zoning district.

Kelly Donovan, 374 Bluff and her realtor, Beth Gilbreath, 1171 Iowa St, spoke in favor of the request. Ms. Donovan explained that she has an office that she's planning to convert to living quarters. She noted she has a residential tenant upstairs and there is a full apartment on the other side of the townhouse.

The Board asked what modifications were being made to the structure. Donovan explained no modifications were being made, and Gilbreath noted it is an adaptive reuse of existing space.

There was no public input at the meeting, but a letter of support from the neighboring property owner Flint Drake at 392 Bluff Street which is located north of the subject property was shared with the Board.

Staff Member Duba detailed the staff report noting the reason for the request and the characteristics of the property and neighborhood. He explained that the property complied with other UDC regulations, including off-street parking. He indicated that the OC zoning district was applied to this area after it was well-established, so the requirement of 5,000 square feet of lot area may not be realistic, and there are a number of nearby properties that are legally nonconforming for lot area.

The Board noted that since the property complies with parking regulations, they did not have any comments or questions.

Motion by Ahlvin, seconded by Mauss, to approve the request as submitted. Motion carried by the following vote: Aye – Ahlvin, Kosel, Mauss, and Stierman; Nay – McCoy, citing criteria C, "That the establishment of the specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zone in which such property is located."

DOCKET – 22-23: Application of John Greenwood, 7900 Pennsylvania Avenue to construct a 196 square foot ground mounted solar array 13' in height and totaling 1,618 square feet of detached accessory structures where 100 square feet, 10' in height, and 1,422 square feet maximum is permitted respectively.

John Greenwood, 7900 Pennsylvania Avenue, spoke in favor of the request. He explained that they would like to set up a solar array on their property.

The Board noted that it would be positioned toward the front of the property, between the existing single-family residence and Pennsylvania Avenue.

There was no public input.

Staff Member Schrobilgen detailed the staff report noting the characteristics of the property and setbacks. He explained the Special Exception is for size of the solar array and total area of detached accessory structures. He noted a previous approval allowed the property a total of 1,422 sq. ft. of detached structures. He stated that because of the size of the lot and the proposed location, staff had no concerns regarding public safety, use and enjoyment, aesthetics, or distance from neighbors.

The Board had no concerns given the property location and that the property to the east appeared to be undevelopable land with a creek running through it.

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

DOCKET – 23-23: Application of DuTrac Community Credit Union, 3465 Asbury Road, to allow two 77.7-square foot wall-mounted signs in a Planned Unit Development with PC Planned Commercial designation.

Kim Adams, representative for DuTrac, 3465 Asbury Road, and Rick Droleske with Lange Sign, 1780 IL Route 35 N, spoke in favor of the request. Adams stated that DuTrac is in the midst of a \$2 million renovation to the property, and they are hoping to have larger signage to be more visible to passing traffic. She described where the signs would be moved and that they would be internally illuminated. She expressed that they wouldn't be visible from Kimberly Drive, as the neighbor across the street indicated in his letter of opposition.

The Board sought clarification of where the new sign would be located on the north side of the building, as the rendering showed it in-line with the windows, which would be visible in the submitted image. Ms. Adams stated it would not be that high. Mr. Droleske indicated that rendering was drawn by the architect as a place holder and not by the sign contractor. He said it could be installed in a different location. The Board also discussed the brightness of the sign and whether they could be put on a timer to turn off at a certain time. They also stated it would be better to place a condition on this approval now, rather than try to do so later after the sign is installed and operating. They did not think the sign on the east side of the building would be very visible from Dana Street to the south and so they did not require the east facing sign to be subject to the conditions discussed for

sign on the north building elevation.

There was no additional public input at the meeting but a letter of opposition from Mark and Cynthia Shaw at 3440 Kimberly Drive was presented to the Board for consideration.

Staff Member Duba detailed the staff report noting the characteristics of the subject property and the surrounding area, including that this property is part of a commercial corridor and is surrounded by residential areas to the west, south, and north across Asbury Road. He described the request and the signs proposed. He noted that the north-facing sign may impact adjacent property owners to the north with the sign's illumination.

There was no public input.

The Board discussed two methods for mitigating the potential impact on neighboring residences to the north which included requiring the north elevation sign to be placed on a timer for the illumination and placing the sign at a lower height on the building facade. The requirement for a timer would allow the north facing sign only to be illuminated between the hours of 6:30 a.m. and 10:00 p.m. The location modification would place the north facing sign below the bottom line of the top row of windows. Ms. Adams was amenable to the proposed conditions.

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

1. The sign located on the north building façade shall only be illuminated between the hours of 6:30 a.m. and 10:00 p.m. daily.
2. The sign located on the north building façade shall be lowered so that the top of the sign is set below the bottom line of the top row of building windows.

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

DOCKET – 24-23: Application of Chad Streff, 1076 University Avenue to operate existing offices and a salon with a deficit of 7 off-street parking spaces in a C-2 Neighborhood Shopping Center zoning district.

Chad Streff, 1076 University Avenue, spoke in favor of the request. He explained that the variance is related to the adjacent property that he owns at 1070 University Ave. He described the previous parking arrangement. He noted there are two other salons on this block of University, and there isn't an existing parking problem. He explained this variance will allow him to separate the two properties, so they don't rely on each other for parking.

Staff Member Schrobilgen detailed the staff report noting the previous parking variance that was put in place when an addition was made to this property. He noted this would clean up the parking situation which was created when conditions were placed on the variance. He described the approximately 21 on-street parking spaces available along University across the street and noted that no parking complaints had been received from

neighboring residents and that the request is ultimately maintain the parking status quo for the neighborhood since we don't know if both the required lease agreements were ever put in place.

The Board asked about what kinds of business would be allowed to use the property following the variance, and Staff Member Schrobilgen stated that any of the C-2 uses but the scale of a use would be limited to current levels. Staff Member Moon noted that an intensification in use that would require additional parking would require a parking variance. Staff Member Schrobilgen also noted that a salon use is one of the most intensive regarding parking demand so any future use would likely require fewer spaces than they currently need. The Board asked if any parking spots could go at the back of the property. The applicant noted there is not enough room and that he has the driveway posted as no parking.

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

DOCKET – 25-23: Application of True Solar LLC, 3385 Peach Tree Lane to construct a 625 square foot ground mounted solar array 15' in height where 100 square feet and 10 feet in height is the maximum permitted in an R-1 Single-Family Residential zoning district.

Travis Eichelberger, True Solar, spoke in favor of the request. He explained that they are planning to build two identical structures that would be about 10'-11' from the ground to the top because they would nestle the panels against and into the slope.

Laurie Birch, 3389 Peach Tree Lane, expressed opposition to the proposal. She said she lives next door and expressed concern from the height and size of the array. She expressed that it would be visible from her windows and porch and that it would not be aesthetically pleasing. She said she was told it would be smaller and that there would be screening. She expressed that she was frightened by the prospect of it negatively impacting the value of her house.

The Board asked Mr. Eichelberger if his company could install screening, and he stated that it could be done, either by his company or a subcontractor.

Staff Member Moon detailed the staff report noting the characteristics of the property and the surrounding area. She described the proposed array and the Special Exception being requested. She noted the sloping topography on the property. She stated that solar arrays are generally considered an improvement to a property and recommended the condition that the property owner would have to demonstrate the property line to the satisfaction of the building official.

The Board discussed several issues related to the visibility of the array from the

neighboring property, including the slope of the hill, screening options with either fencing or vegetation, the location of the array on the subject lot, including placing it on the roof, and the height. Runoff from the array was discussed. Board Member Ahlvin expressed his apprehension that the proposed array was too large, too high, and too close to the neighbor. Chairperson McCoy explained the option to table the request, and Mr. Eichelberger requested to table in order for him to discuss these issues with the property owner.

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

DOCKET – 26-23: Application of Bill and Roxanne Brenner, 573 Springgreen Court to allow a 14' x 20' attached deck to be located 10' from the rear property line where a 20' rear yard setback is required in an R-1 Single-Family Residential zoning district.

The applicant was not present, so the Board moved to table the request.

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

ITEMS FROM PUBLIC: None.

ITEMS FROM BOARD: None.

ITEMS FROM STAFF: Staff Member Moon discussed the Board meeting time and date and summarized the memo which noted the reasons that the day and time of the meeting needed to remain as is. Board Member Mauss expressed understanding with that.

ADJOURNMENT: Motion by McCoy, seconded by Mauss, to adjourn the July 27, 2023 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Kosel, Mauss, Stierman and McCoy; Nay – None

The meeting adjourned at 7:00 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

August 24, 2023
Adopted