



Approved

MINUTES
CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT
REGULAR SESSION

5:30 p.m.

Thursday, August 24, 2023
City Council Chambers, Historic Federal Building

Board Members Present: Chairperson Jonathan McCoy, Board Members Keith Ahlvin, Gwen Kosel, and Rena Stierman.

Board Members Excused: Matt Mauss

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 July 27, 2023, Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Kosel, 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 noted that the property owner Warren Bell and neighbor Laurie Birch were also present. He explained that they had modified their proposal based on feedback during the last meeting. He outlined the modifications made which include planting Juniper trees along the western side of the array which are expected to reach a total height of about 12 feet. At that height, they would both screen the array from view and not be so tall as to blocking the sun from the array. Additionally they modified the height of the array so that it would run perpendicular to the existing hillside and would have a total height of approximately 2' above the ground. The applicant clarified that the Arborvitae proposed in the plan along the northern property line were a separate project.

Laurie Birch, 3389 Peach Tree Lane stated that as long as the array is only 2' above the ground as proposed, she would be content.

Staff Member Moon detailed the staff report noting there were some concerns at previous meeting, that the applicant has been in touch with staff and the neighbor, and that they have provided a revised elevation image and site plan which included planting trees along

the west side of the array.

The Board had discussions with the applicant, staff, and neighbor to come to a full understanding of the proposal, how to phrase conditions for approval, and to confirm that neighbor Ms. Burch was satisfied with the proposal.

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

1. The maximum height from the ground to the top face of the panel shall be no more than 30",
2. A minimum of three (3) Juniper or similar type of deer resistant coniferous trees shall be planted on the west side of the solar array in a manner consistent with the site plan. The trees shall be a minimum of 6' in height at the time of planting.

Motion carried by the following vote: Aye – Ahlvin, Stierman and McCoy; Nay – Kosel, citing Criteria 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.

DOCKET – 26-23: Application of Bill and Roxanne Brenner, 573 Springreen 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.

William Brenner, 573 Springreen Court, spoke in favor of the request. He explained that they would like to build a deck alongside the house where there's already a walk-in door. They'd like a place to relax and watch deer.

There was no public input.

Staff Member Moon detailed the staff report noting the characteristics of the property including its unique shallow shape which limits development the property. She explained the deck would be built on the side of the house, 10' from the rear (north) property line.

The Board asked about the rear neighbor, and Staff Member Moon explained that it was a single-family property with the residence closer to Kane Street.

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

Board Member Kosel recused herself from the next item: Docket 27-23.

DOCKET – 27-23: Application of Adam Cory, 583 Fenelon Place to allow a 20' x 20' deck located on top of an existing garage located 4' from the rear property line where a 20' rear yard setback is required in an R-3 Moderate Density Multi-Family Residential zoning district.

Adam Cory, 583 Fenelon Place, spoke in favor of the request. He explained that he would like to build a deck on top of the existing garage located at the rear of the residence.

There was no public input, but it was noted that a neighbor had submitted a letter stating that she had no issue with the proposal.

Staff Member Duba detailed the staff report noting the characteristics of the project, property, and surrounding area. He noted that this would be a new use in the required rear yard, but it would not be closer to the property line than the existing garage. He pointed out that there is a park across the alley behind the property.

The Board had no concerns.

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

Board Member Kosel returned to the meeting.

DOCKET – 28-23: Application of Kevin Muehlenkamp, 2160 Golden Eagle Drive to allow a pool shed and pool located 6' and 11' from the front property line, respectively, where 20' minimum is required in an R-1 Single Family Residential zoning district.

Kevin Muehlenkamp, 2160 Golden Eagle Drive, spoke in favor of the request. He stated that he was planning to plant more shrubs around the shed to make it look better.

Wendy Jaeger, 2924 Shiras Avenue, objected to the proposal, citing previous actions taken by the applicant along their shared property line that were not appreciated.

Mr. Muehlenkamp acknowledged he did some work to clean up a barbed wire fence along the shared property line, which is located along the south side of the property and not in the vicinity of the proposed project.

Staff Member Schrobilgen detailed the staff report noting that the applicant received approval to build a shed and pool in 2022, but that he built the shed larger than was approved by approximately 300 square feet, 100 of which was the unenclosed porch area. He also noted that the prior approval did not officially approve of the pool encroachment and that it was an oversight at the time. He said the shed remains 6' from the property line, as was approved, and the pool is in the location indicated in the original approval as well. He noted the pool was 11' from the property line.

The Board asked Muehlenkamp why he built the shed larger, and he stated that the approved size seemed too small and out of scale with the pool. They also confirmed the distance of the structures to the property line.

When asked about the purpose of the shed, Muehlenkamp stated that it was storage for

the pool items.

The Board indicated that they would like to see a screening/landscaping plan and offered Muehlenkamp the option to proceed as proposed or to request a table and come back to the Board with a screening plan. Muehlenkamp requested to table the proposal.

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

ITEMS FROM PUBLIC: None.

ITEMS FROM BOARD: None.

ITEMS FROM STAFF: None.

ADJOURNMENT: Motion by McCoy, seconded by Ahlvin, to adjourn the August 24, 2023 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Kosel, Stierman and McCoy; Nay – None

The meeting adjourned at 6:05 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

September 28, 2023

Adopted