

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

5:30 p.m.

Thursday, November 2, 2023

City Council Chambers, Historic Federal Building

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

Board Members Excused: Rena Stierman

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 Mauss, to approve the minutes of the September 28, 2023 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Kosel, Mauss and McCoy; Nay – None.

DOCKET – 36-23: Application of Austin and Ellen Hasken, 510 Heritage Drive, to construct a deck located 5' from the front property line where 20' minimum is required in an R-1 Single-Family Residential zoning district.

Austin Hasken, 510 Heritage Drive, spoke in favor of the request. He explained that the current deck is not functional, as it's only 5' deep, so they plan to extend it to 12'. He stated the deck isn't safe, and they have three sliding doors on the side of house that open to the deck. He noted they plan to keep the existing part closest to the road. Mr. Hasken presented a letter of support from his neighbor to the south at 1160 Pamela Court.

There was an additional letter of support submitted prior to the meeting but no other public input was received or heard.

Staff Member Schrobilgen detailed the staff report noting the property is legally nonconforming with the house and deck encroaching in the setback along Pamela Drive. He noted that the deck would be more than 100' from nearest driveway so there is not a visibility concern, especially since both streets are cul-de-sacs with low traffic.

The Board had no questions or concerns.

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

DOCKET – 37-23: Application of Ken Davis, 1080 North Booth Street, to store a vehicle 12' from the front property line where a 20' minimum is required in an R-1 Single-Family Residential zoning district.

Ken Davis, 1080 North Booth Street, spoke in favor of the request. He explained that they have a 34' travel trailer and it came 3' short of being outside of the front yard setback, so he's seeking an exception to keep it there.

Chairperson McCoy asked about the time period during which the vehicle would be stored, and Mr. Davis replied from April to October. Chairperson McCoy asked the length of the trailer and Mr. Davis confirmed it is 34' in length.

There was no public input.

Staff Member Schrobilgen detailed the staff report noting the applicant is seeking to store an RV. He explained that the property line is 12' from the curb, and there is room for a vehicle to park in front of the RV. He noted that the RV doesn't come past the front of the neighbor's house. He pointed out that a number of houses are legally nonconforming for front setbacks in this area.

Chairperson McCoy asked the applicant if he was amenable to the conditions that the RV only be stored there from April 1st through October 31st, that it be no closer than 12' from the front property line, and that the trailer not exceed 34' in length. Mr. Davis agreed to the conditions.

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

1. The RV may only be stored onsite from April 1st through October 31st.
2. The RV must be no closer than 12' from the front property line.
3. The RV may not exceed 34' in length.

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

DOCKET – 38-23: Application of Mike Breitbach, 2250 Pearl Street, to construct a 36' x 36' detached garage for a total of 1,296 sq. ft. of detached accessory structures where 1,000 sq. ft. maximum is permitted in an R-1 Single-Family Residential zoning district.

John Selchert, 2250 Pearl Street, spoke in favor of the request. He explained that he's had a 2-car garage for 20 years, but it is dilapidated, and he'd like a bigger one for the extra space. He stated existing garage and temporary hoop-style storage structure would be removed from the site in order to construct the new garage.

Chairperson McCoy asked the applicant if he was okay with a condition requiring that no commercial business be conducted in the garage, and Mr. Selchert stated he was and that the garage was just for his hobby during retirement.

There was no public input.

Staff Member Moon detailed the staff report noting that the applicant is looking to demolish the garage and structure and build a 36' x 36' structure, thus exceeding the 1,000 square foot maximum. She noted it would be compliant with setback and height requirements and would be located on the subject property.

The Board asked about the finish that was planned for the garage and Mr. Selchert stated that it would be a rock face finish and siding that is residential in nature.

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

1. No commercial activity shall be conducted in the garage.
2. The exterior finishes of the garage shall be residential in nature and shall complement the finishes of the single-family residence.

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

DOCKET – 39-23: Application of John Pechous, 414 Raymond Street, to replat a lot leaving a deficit of one off-street parking space.

The applicant was unable to attend the meeting and submitted an email requesting to table the review to a future meeting.

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

DOCKET – 40-23: Application of Joseph Hearn, Dupaco Community Credit Union, 1000 Jackson Street, to install roof signs where roof signs are not permitted in the Historic Millwork District Planned Unit Development zoning district.

Chairperson McCoy stated that they would hear the requests for Docket 40-23 and Docket 41-23, which are both for sign variances, together.

Peter Arling, O'Connor and Thomas Law Firm, and Todd Link, Dupaco Chief Risk Officer, spoke in favor of the request, and noted that Joe Hearn was unable to attend the meeting due to the date change. Mr. Arling described the previous construction project to renovate the Voices building for the Dupaco headquarters and their efforts to respect its history while making it functional for a modern office. He explained that one application is from Dupaco Community Credit Union, who occupies the top three floors of the building, and the other is from Dupaco Voices LLC, who is the building owner.

Mr. Arling discussed the variance request from Dupaco for the roof signs on the tanks, stating that the new tanks are on the historic tank saddles which were restored on the building. He explained that Dupaco felt that signs on the tanks would be preferable to signs on the walls, which are mostly taken up by windows and leave little room for

signage. He said they intend to use external illumination to light the tank signs. He stated that Dupaco would be willing to forego the three 50-square foot wall signs they are allowed per code in order to have this roof signage. He noted Dupaco did get approval from SHPO and the National Registry for these signs.

Mr. Arling next discussed the variance request from Dupaco Voices LLC to allow a center sign and a directional sign to be projecting signs. He described the historic character of this area, including the close buildings and narrow streets. He explained that they are seeking to reinvent this building for modern use and do not feel that wall signs are effective, so they're seeking a projecting three-sided corner sign to be visible from all directions to notify visitors that this is the Dupaco Voices building. He stated that Dupaco is willing to forego its three wall center signs for this one projecting center sign. He explained that Dupaco worked with a local designer to develop the sign, which they feel complements the area and the architecture of the building. He noted that the sign will be backlit, not casting light around, so it shouldn't impact apartments in the area. Mr. Arling described the projecting directional sign they are seeking to install over the archway leading to the main entrance to help alleviate confusion about how to enter the building. He noted Dupaco did get approval from SHPO and the National Park Service for these signs.

Mr. Arling noted that Dupaco and Voices talked to neighbors and did not receive any negative comments and they did receive several letters of support. He expressed that the proposed signs are in the spirit of the Millwork district and are more functional than what the code allows.

Dan McDonald, Greater Dubuque Development Corporation, echoed the comments made by the applicant. He noted that he works, owns property, and lives in the Millwork District and frequently sees people lost and looking for their destination in the Millwork District. He expressed that these signs would celebrate the history and present of the Millwork District.

Staff Member Duba detailed the staff report noting characteristics of the subject property and the surrounding area. He described the Millwork District sign regulations and their development during the creation of the PUD in 2010. He noted the applicant's requests and related them to the PUD's sign allowances. He expressed that the proposed signs would not interfere with activity in the area and may reduce light intrusion when compared with the wall signage the applicant would be allowed. He explained that the applicant was willing to forego their allowance of wall signs in order to receive approval of their variance requests. He listed recommended conditions of approval for each variance request.

Chairperson McCoy asked about the existing signage on the building, and Duba displayed photos of window signs and directory signs. Chairperson McCoy asked about the bike racks with the Dupaco logo, and Duba acknowledged that those are considered signs, but the applicant did not obtain a sign permit for them.

Chairperson McCoy asked about the nature of operations of Dupaco Voices, LLC, and

MR. Arling stated that the entity is the property owner. Chairperson McCoy asked if the entity had an office in the building, and MR. Arling stated that Dupaco Voices conducts business in the buildings and collects rent.

Todd Link expressed that Dupaco wanted to pay homage to the Voices building, and their primary focus is to respect, appreciate, and enhance its historic character. He noted Dupaco's roots are nearby at the old Pack site.

Chairperson McCoy asked if Dupaco obtained a permit for the bike rack signs, and MR. Arling stated that they are not on city property. Staff Member Schrobilgen noted that the Millwork District master plan shows bike racks in the district. Mr. Link communicated that they are not trying to circumvent any permit requirements.

Chairperson McCoy noted that proposed conditions of approval are trying to make the proposed signage harmonious with the neighborhood. He noted that some people supporting this variance request helped to write the sign regulations for the Millwork District. He expressed that this would help with wayfinding, but the variance lives in perpetuity, so is the applicant amenable to foregoing some signs in exchange for the ones they're requesting. Mr. Link replied yes.

Chairperson McCoy asked if the applicants were willing to limit the signage allowed for other business tenants that may occupy the Voices building. Mr. Arling stated that he can't speak to that tonight, but there are not many tenants, and the current tenants are taking up large areas in the building. He noted that Steele Capital wants a sign, and it would be subject to City requirements. He expressed that this variance request is actually keeping Dupaco and Voices to a smaller amount of signage than they would be allowed.

Chairperson McCoy asked for an explanation of what the center sign means, and Planning Services Director Wally Wernimont explained that they're for identifying a building, not a particular tenant. He provided examples including the Roshek Building and Fountain Park and acknowledged that this center sign is unique in that it includes the name of the building which in this case is Dupaco Voices.

Chairperson McCoy asked Mr. Wernimont about whether the bike racks are signs, and Mr. Wernimont expressed that some things are not clearcut, such as the mural on the Capri College building. He noted that the Millwork District is unique in having large buildings with multiple tenants. He stated that they would follow up on the bike rack question.

Board Member Kosel expressed that Dupaco and this building are great, but worried about future variance requests for roof signs. Staff Member Duba noted that approving one variance does not set a precedent for future requests and explained that if this variance request is not approved, the applicant could pursue a text amendment of the Millwork District PUD. Staff Member Moon stated that every case is unique and approving one variance does not mean a subsequent case would need to be approved.

Chairperson McCoy asked for more details about the lighting. Mr. Arling stated that the tanks have light bars reflecting on their sides, so it is not internal illumination, and he noted that the tanks are already lit at night. He expressed that these tanks are a historical component, so there aren't other buildings with tanks for installing signs.

Board Member Mauss noted that he worked on this building for two years, and he thinks the signage is classy. He expressed that there are constraints on the building limiting signage. He asked if the corner sign would have a time limit. Mr. Arling described the lighting with the assistance of Mike Schmalz, Refinery Design, who expressed that it's like Back Pocket's sign but less bright. They referred to a nighttime illumination exhibit provided in the plans as an example.

Chairperson McCoy noted that the variance approval will reference the submitted plan, so it needs to be built as planned.

Board Member Ahlvin expressed that it is a unique building, and he's not concerned about tenant signage. He suggested the conditions that the roof signage be limited to the tanks and externally lit.

Docket 40-23. Motion by McCoy, seconded by Mauss, to approve the request with the following conditions:

1. Roof signage be limited to six signs totaling 125 square feet in area and that the signs are installed only on the existing tanks and are externally illuminated.
2. The applicant foregoes the 150 square feet (3 signs at 50 square feet each) of allowable wall-mounted business identification signage per the Millwork PUD Ordinance.
3. The applicant foregoes the 75 square feet (3 signs at 25 square feet each) of allowable projecting business identification signage per the Millwork PUD Ordinance.

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

Docket 41-23. Motion by McCoy, seconded by Mauss, to approve the request with the following conditions:

1. The signs be built according to the submitted plans.
2. No additional center signs would be allowed.
3. That total center signage for the property is limited to one 137.5-square foot projecting sign.

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

DOCKET – 42-23: Application of Tom Larsen, 2440-2418 Rolling Creek Lane, to construct a 6-plex with structures covering 55% of the lot(s) and with a 15' rear yard setback where 40% maximum is permitted and 20' minimum is required in the South Pointe Planned Unit Development zoning district.

Tom Larsen, Buesing & Associates, engineer for the developers, spoke in favor of the request. He explained that the developers are seeking to build a 6-unit townhome, and they could currently develop three 2-unit dwellings on the same lots with each having 10' front setback, 10' rear setback, and 50% lot coverage. They want to develop a 6-unit dwelling with a 20' front setback, 15' rear setback, and 55% lot coverage. He noted there is a problem with the center units making it hard to get down to 50% lot coverage, and this plan for the three lots as a whole would have lower lot coverage.

There was no public input.

Staff Member Schrobilgen detailed the staff report noting the applicant is seeking to construct a 6-unit townhome and would be required to follow the bulk regulations of 20' front setback, 20' rear setback, and 40% lot coverage. He noted that open decks are allowed to go to within 2' of the property line, but covered decks are not. He explained that the proposed 6-unit townhome would be similar to the 2-unit townhome development currently in the subdivision, so it is not out of character for the area.

The Board had no questions or concerns.

Motion by Ahlvin, seconded by Kosel, to approve the request as submitted. Motion carried by the following vote: Aye – Ahlvin, Kosel, and Mauss; Nay – McCoy, citing Standard 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: Mauss asked if it was possible for the Board to put timelines on their approvals. Discussion followed with staff and the Board considering the many challenges and potential benefits of doing so. It was noted that Conditional Use Permits do have a timeframe within which they must be initiated.

ITEMS FROM STAFF: Planning Services Director Wally Wernimont informed the Board that there is an active application requesting a text amendment to allow maternity homes in numerous districts in the city. Because the Board had previously reviewed a case related to this current request Mr. Wernimont shared this information to illustrate the point that a denial by the Board may not necessarily be the final word on an application or project.

Mr. Wernimont stated that several efforts are underway, such as the Developer's Roundtable and a forthcoming update to the UDC, which will utilize task forces for input and discussion on various topics. He invited the Board to consider being a part of those task forces. Mr. Wernimont explained how the UDC currently allows for some administrative options like the limited setback waiver and adjustment of front yard

setbacks and perhaps the UDC should consider additional circumstances in which an administrative review may be appropriate.

Chairperson McCoy questioned whether when the Board tables an item it should return to the next meeting. Mr. Wernimont stated it is preferable not to table to a specific meeting as it allows the applicant flexibility to return before the Board when they are ready.

ADJOURNMENT: Motion by McCoy, seconded by Ahlvin, to adjourn the November 2, 2023 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Kosel, Mauss, and McCoy; Nay – None

The meeting adjourned at 7:18 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

November 16, 2023

Adopted