

MINUTES
CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT
REGULAR SESSION

5:30 p.m.

Thursday, July 25, 2024

City Council Chambers, Historic Federal Building

Board Members Present: Vice Chairperson Keith Ahlvin, Board Members Gwen Kosel, Rena Stierman, and Matt Mauss.

Board Members Excused: Jonathan McCoy

Board Members Unexcused: None.

Staff Members Present: Shena Moon, Travis Schrobilgen, and Jason Duba

CALL TO ORDER: The meeting was called to order by Vice Chairperson Ahlvin at 5:30 p.m.

MINUTES: Motion by Mauss, seconded by Stierman, to approve the minutes of the June 27, 2024 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Mauss, Stierman, and Ahlvin; Nay – None; Abstain – Kosel.

DOCKET – 23-24: Application of Bob Edwards, 777 Edwards Road, to construct an addition 0' from the front property line where 20' is required in a Planned Unit Development with PI - Planned Industrial designation.

Bob Edwards, 1564 Geraldine Drive and Doug Edwards, 10641 Eagle Ridge Court, spoke in favor of the request. They explained that the addition to the sand room is for the wet cast production facility. They said this will help them meet the increased demand for their product and hold more types of material.

There was no public input.

Staff Member Schrobilgen detailed the staff report noting the proposed addition would be 45'-8" x 27'-6" and 0' from the front property line. He explained that the PUD requires a minimum 20' setback from the proposed Edwards Road. He explained that what was once a 25' roadway easement located over the road and it is now a 50' wide right-of-way which ate into the 20' setback area. He said the addition would still be about 20' from the curb. He noted that the project would be reviewed by the DRT and that the nearest driveway is approximately 75' north and the addition should not impact the neighbors. He noted that Edwards Road dead ends at the subject property and there is no through traffic. He stated that the two nearest neighboring property owners signed a petition of support and that there was an inquiry regarding the project that was neither in support nor opposition.

Board members noted that the addition is essentially right in the applicant's own parking lot, so it shouldn't cause problems. They also noted that the nearest neighbor at 778 Edwards Road, who would be most impacted, supports it .

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

DOCKET – 24-24: Application of Ben Steuer, 3409 Kimberly Drive, to allow a 1,130 sq. ft. pool and deck 0' from the rear property line where 1,000 sq. ft. is permitted and 6' is required in an R-1 Single-Family Residential zoning district.

Ben Steuer, 3409 Kimberly Drive, spoke in favor of the request. He explained that he's requesting a Special Exception for his pool and deck, which were built seven years ago, and the exception is for size and setback.

There was no public input.

Staff Member Duba detailed the staff report noting the characteristics of the subject property and surrounding area, including the topography. He expressed that the Board may wish to consider how the pool may affect surrounding property owners' use of their property and potential drainage issues.

The Board asked about the neighbor to the rear, and Mr. Steuer said the neighbor moved in last year.

The Board discussed the property line and the deck's location in relation to it. They observed photos submitted by the neighbor to the rear with stakes indicating the property line. Mr. Steuer said the deck's footings are on his own property but acknowledged a portion of the railing may be over the property line. Staff Member Moon reiterated that the Board can approve a structure to go up to the property line but not over it, so any portions of the deck that may be over would have to be identified between the neighbors and moved back.

The Board asked how this case came before them, and Staff Member Schrobilgen explained that it came by way of an anonymous complaint. He noted that through researching the deck, a special exception was not previously requested but a building permit had been pulled at the time of construction. That permit though, did not appear to include the entire deck structure.

Board Members asked how the property line can accurately be determined and whether there is a City Surveyor who checks this. Staff Member Moon explained that there is not a City Surveyor that locates property for citizens. She said that property owners are required to establish property lines to the satisfaction of the Building Official which can be either by finding property pins and lines themselves or by hiring a licensed land surveyor. Mr. Steuer was asked if he was satisfied with his neighbor's survey, and he replied that he is and that he would try to find the fourth pin establishing the property line since he

had found the other three. Mr. Steuer also stated that he has no issue moving the railing on to his property so the neighbor can build a privacy fence.

The Board also discussed potential drainage issues with the pool. Mr. Steuer said that with the large amount of rain this year there has been some overflow through the skimmer, and it's the first time he's observed this problem as normally rainwater just goes into the pool. He stated he plans to address this with rock, so it doesn't wash into the neighbor's yard in the future. He also stated there is an underground spring that makes the ground wet and that even without the pool, there is a dampness issue. Staff Member Moon noted that some runoff is normal in areas like this with topography, and development can exacerbate it or even help it in some cases.

The Board asked about the metal fence on the neighbor's property, and Mr. Steuer stated it was put up by the previous owner of the neighbor's property.

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

1. That the property line be established to the satisfaction of the building official.

Motion carried by the following vote: Aye – Kosel, Mauss, and Stierman; Nay – Ahlvin, 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 – 25-24: Application of Sevad Sabanagic, 1737 Richie Drive, to construct a detached garage 0' from the side property line where 6' is required in an R-1 Single-Family Residential zoning district

Sevad Sabanagic, 1737 Richie Drive, spoke in favor of the request. He explained that there is limited space in the existing driveway and one-car garage so he would like to build a new garage in the back yard. He said he would need a driveway to get to the back of the house and wanted to put the garage as close to the south property line as possible so he wouldn't have to turn sharp to get into it. He noted that Rob McDonald from Engineering confirmed that a curb cut can be made there, and he had surveyors from Buesing & Associates come out to verify the property line.

There was no public input.

Staff Member Moon detailed the staff report noting that the proposed garage would be 14' x 24', so it would be 340 square feet. She said that along with an existing shed, there would be 420 square feet of detached accessory structures. She said the garage would be 0' from the southern property line. She noted that Engineering approved a curb cut for the driveway and explained that the garage would be separated from the residence by about 6'. She noted two emails were received from neighbors with concerns about stormwater, snow removal, the curb cut, and their ability to install a potential fence.

The Board noted that the driveway could be built without a permit.

The Board discussed drainage and noted that the concerned neighbors are above the grade of this property so the runoff would not be going toward them. They discussed conditioning approval on maintaining stormwater on the subject property. They confirmed that the runoff from both the garage and the driveway should be part of the condition.

Motion by Kosel, seconded by Mauss, to approve the request with the following condition.

1. That stormwater from both the driveway and the garage be managed on the subject property.

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

DOCKET – 26-24: Application of Tammy Black, Stickley Morton Architects, 408 W. 5th Street, to construct two porches 4' from the front property line, to allow 3.4% permeable area, and to cover 54% of the lot with structures where 10' and 20% minimum permeable area are required, and 50% maximum lot area is permitted in an OC Office Commercial zoning district.

Mike Stickley, Stickley Morton Architects, 206 Bluff Street, spoke in favor of the request. He explained that he was speaking on behalf of Fischer Companies, the property owner. He explained that they are planning a rehabilitation of the property that will develop nine apartment units. He stated they have done historic research of the property and plan to return it to its historic configuration, and he showed a historic photo of the building with which showed porches in the same location as the proposed porches.

There was no public input.

Staff Member Moon detailed the staff report noting the 7' front yard setback and the permeable area of approximately 10.7% and lot coverage with structures of approximately 54%. She stated the proposed porches have areas of 56 square feet and 63 square feet. She stated that the project is subject to historic review.

The Board discussed the possibly requiring the porches to remain of an open design, but Moon explained that may hinder the historic (design) review.

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

ITEMS FROM PUBLIC: None.

ITEMS FROM BOARD: None.

ITEMS FROM STAFF: None.

ADJOURNMENT: Motion by Stierman, seconded by Mauss, to adjourn the July 25, 2024 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Kosel, Mauss, Stierman and Ahlvin; Nay – None

The meeting adjourned at 6:18 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

August 22, 2024

Adopted