

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

5:30 p.m.

Thursday, August 22, 2024

City Council Chambers, Historic Federal Building

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

Board Members Excused: Gwen Kosel and 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 Ahlvin, seconded by Stierman, to approve the minutes of the July 25, 2024 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Stierman and McCoy; Nay – None.

DOCKET – 27-24: Application of Lange Sign Group, 350 North Grandview, to install a temporary banner-style sign 100 square feet in area during the nine months from August 2024 through April 2025, where 32 square feet area and four months duration are the maximum permitted in an ID Institutional zoning district.

Mike Lange, 1780 IL Route 35 N, East Dubuque, IL, spoke in favor of the request. He explained that they're requesting to install a 100-square foot banner where 32 square feet are allowed, as Unity Point would like to advertise that they're a 5-Star hospital.

Chairperson McCoy referred to the sign rendering submitted by the applicant and asked if the proposed sign would look like that. Mr. Lange replied yes and noted it's located to the right of the main entrance.

There was no public input.

Staff Member Duba detailed the staff report noting the details of the request. He stated that Unity Point hospital has had four similar sign variances approved in the past. He noted the sign should not be out of proportion on the large wall far back from Delhi Street. He said the sign would have little impact on the neighborhood.

Board Member Ahlvin stated he had no concerns, given the size of the building.

Board Member Stierman asked if the City or sign contractor had received any complaints about the previous temporary signs. Staff Member Duba stated the City had not received complaints, and Mr. Lange stated the contractor had not received complaints.

Chairperson McCoy stated he had concerns with the request, citing criteria 2 and 3. He asked the applicant if they would like to table, given that only three members were present.

Mr. Lange requested to table and asked when a full board would be present to hear the case. Chairperson McCoy replied that the Board is comprised of five volunteers and that it can be hard to know exactly when all five members will be present.

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

DOCKET – 28-24: Application of Eelen McDonald Ebling, 1204 Mt. Loretta Avenue, to store two vehicles within front yard setbacks where one vehicle is allowed to be stored and 20' setback is required in an R-1 Single-Family Residential zoning district.

Rodney Baumhover, 1204 Mt. Loretta Avenue, spoke in favor of the request. He explained that he's representing the property owner, and he lives at the property as caretaker. He explained that he has a utility trailer, a motorcycle during riding season, and a truck that he would like to park on the existing pads. He said he didn't know about the zoning regulations.

There was no public input.

Staff Member Schrobilgen detailed the staff report noting that this is a corner lot with two front yards. He explained that vehicles are being stored on existing parking pads in the front yard setback, and the case came by way of zoning enforcement. He noted that a motorcycle, trailer, and box truck have been stored. He explained that the vehicles would have to be moved every 48 hours without a Special Exception. He noted the visibility triangles are exempt for driveways at single-family homes.

The Board discussed the proposal and expressed concern about the request, noting that two storage areas did not fit well in the neighborhood and that allowing two vehicles to be stored is very rare.

Chairperson McCoy asked the applicant whether the parking pads could be extended further into the property in order to meet the 20' setback requirements. Mr. Baumhover replied no, it would take a lot of fill do that due to the sloping topography of the property. He expressed that his greatest need is to store the trailer regularly and to seasonally store the motorcycle.

Chairperson McCoy asked if the applicant would accept a Special Exception for just one parking pad. Mr. Baumhover stated he would need to consult with the property owner.

Chairperson McCoy suggested that he request to table.

Mr. Baumhover asked whether he could store the trailer on the pad while he awaits a decision from the Board about the request. Staff Member Schrobilgen recommended he contact Zoning Enforcement Officer Charlie Miller to see what would be allowed. Staff Member Schrobilgen clarified that the trailer could be placed on the pad and that if it is moved every 48 hours it would be considered a parked vehicle, not storage. He clarified that the issue is when vehicles are placed on the pad for extended periods of time, exceeding 48 hours, which is then considered to be vehicle storage.

Staff Member Schrobilgen further clarified that the code permits one stored vehicle on a residential property and that the applicant is requesting the storage of two vehicles. He stated that two storage locations and the storage of two vehicles are part of the request. He noted that the Board could be specific about the vehicle or vehicles being stored and could place any reasonable condition on a request.

Mr. Baumhover stated that he would need to ask the property owner for direction and requested to table.

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

DOCKET – 29-24: Application of Kenny J. Birch, Sr., 1412 Washington Street, to construct a detached garage 0' from side property line where 3' minimum is required, to cover 73.5% of lot with structures where 50% is allowed, and with 12% permeable area where 20% is required in an R-2A Alternate Two-Family Residential zoning district.

Kenny J. Birch, Sr., 1412 Washington Street, spoke in favor of the request. He explained that he would like to build a 22' x 36' garage in his back yard, and that he's seeking an exception from the north side setback, from lot coverage, and permeable area.

There was no public input.

Staff Member Moon detailed the staff report noting the details of the request. She explained that it's a smaller lot (2,600 square feet) with an existing two-story dwelling. She explained that the garage would be accessed from the alley and a driveway is proposed. She noted that the awning over the existing patio along the rear side of the residence would be removed as part of the project. She explained the setbacks would be 0' from the north side and 3' from the south side, that lot coverage would be 73.5% of the site area, and that the lot would have 12% permeable area.

The Board questioned staff about requiring that stormwater to be contained on the subject property and flow to the alley. Staff Member Moon responded that it is allowed to drain to the alley. Mr. Birch replied that the proposed garage would have gutters and downspouts directed across the driveway toward the alley.

The Board also proposed the condition of establishing the property line to the satisfaction of the building official. Mr. Birch replied that he was amenable to the condition and had already located his property pins.

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

1. Stormwater shall be managed on the subject site and not directed to the neighboring properties.
2. The property line location shall be demonstrated to the satisfaction of the building official.

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

DOCKET – 30-24: Application of Sevad Sabanagic, 1737 Richie Drive, to construct a front porch 17' from front property line where 20' minimum 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 he's seeking to construct an enclosed front porch/vestibule/entrance into the split foyer of his home, and it would be slightly encroaching into the front yard setback.

Chairperson McCoy stated that porches are typically of an open design and noted that he would need clarification on the wording of the request.

There was no public input.

Staff Member Moon detailed the staff report noting the characteristics of the property and that the Board approved a Special Exception for a detached garage on this property last month. She explained that it would be an 8' x 10' enclosed porch, and that other properties in the area have open porches. She stated it would be 17' from the front property line.

The Board expressed concern with the proposal as the porch would be fully enclosed which was not a consistent design with other properties in the neighborhood.

The Board requested additional information such as a rendering or drawing that they could better understand the design and project. Staff Member Moon displayed a drawing submitted by the applicant which showed an outline of the proposed addition and noted the Board could request a more detailed rendering or drawing if desired.

The Board asked a question about the home's existing roof overhang and Mr. Sabanagic replied that it's about a 3' overhang. Staff Member Moon noted that the addition would project about 5' beyond the existing eaves. Mr. Sabanagic said the enclosed porch would be in line with his neighbors' porches, though theirs are not enclosed.

The Board asked about windows and materials on the structure. Mr. Sabanagic replied that there would be two windows – one on each side. He explained that he's planning to reside the entire house, so it would all match.

Board Member Ahlvin stated that this information satisfied his concerns. Chairperson McCoy stated that calling this a porch was a stretch, so he couldn't currently support it, and that he would like to see additional information such as a rendering or drawing. Staff Member Schrobilgen clarified that the definition of deck limits a deck to be open but noted that porches vary in their construction and include fully enclosed, with and without windows and doors, or open but with a roof. Staff Member Moon clarified that the request was to allow a reduced front yard setback and that whether the request was for an open porch, enclosed porch, or addition to the home, the request is the same and that in this instance the nature of the construction does not change the request for a reduced front yard setback.

Mr. Sabanagic asked if he could build it 3' back without the Special Exception, and Chairperson McCoy replied yes. He suggested that Mr. Sabanagic request to table, which he did.

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

DOCKET – 31-24: Application of Samuel Weaver, 2134 Broadlawn Road, to store a vehicle 2' from the side property line where 6' minimum is required in an R-1 Single-Family Residential zoning district.

Samuel Weaver, 2134 Broadlawn Road, spoke in favor of the request. He explained that he would like to store a vehicle that doesn't meet the 6' setback, so he's requesting a 2' setback.

There was no public input.

Staff Member Schrobilgen detailed the staff report noting that the applicant is requesting to store a vehicle under their carport, which did receive a Special Exception to be constructed in the 60s. He noted that the storage location is away from the sidewalk, so there are no safety concerns.

Chairperson McCoy asked why they can't store a car in the carport. Staff Member Schrobilgen replied that storage would be allowed within the side yard area within a fully enclosed structure, such as a garage, but noted that a carport is by definition, not an enclosed structure, and that any storage under it must meet the requirements of exterior storage, including meeting the required side yard setback. He also noted that the property received an approval to have a garage in the same location and that the applicant could enclose the carport, converting it to the garage, and could then store a vehicle by-right. The Board noted clear and unanimous support of the request.

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

ITEMS FROM PUBLIC: None.

ITEMS FROM BOARD: The Board and staff discussed definitions related to Docket 30-24.

ITEMS FROM STAFF: None.

ADJOURNMENT: Motion by McCoy, seconded by Ahlvin, to adjourn the August 22, 2024 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Stierman and McCoy; Nay – None

The meeting adjourned at 6:27 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

September 26, 2024

Adopted