



Approved

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

5:30 p.m.

Thursday, January 23, 2025
City Council Chambers, Historic Federal Building

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

Board Members Excused: Jonathan McCoy and Rena Stierman

Board Members Unexcused: None.

Staff Members Present: Wally Wernimont and Travis Schrobilgen.

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

MINUTES: Motion by Mauss, seconded by Kosel, to approve the minutes of the December 19, 2024 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Kosel and Mauss; Nay – None.

DOCKET – 01-25: Application of Michael Mastin, 1245 Missouri Avenue, to allow an accessory dwelling unit as a conditional use in R-1 Single-Family Residential zoning district.

Docket 01-25 and 02-25 were heard in conjunction and voted on separately.

Michael Mastin, 1245 Missouri Avenue, spoke in favor of the request. He explained that the time had lapsed to request a building permit and was told he needed to request a new Conditional Use Permit by City Staff. He said he changed the layout to a one-story unit since he is getting older and plans to stay at the property. He noted some confusion on the deadlines and thought that the time didn't start until after he requested a permit.

Staff Member Wernimont presented the staff report, highlighting the prior approval for an accessory dwelling unit. He explained that this new addition is a single-story, whereas the original addition was two stories, and confirmed that the overall square footage of the unit remains unchanged. He reviewed the conditional use permit requirements, pointing out that the permit is valid for two years from the approval date. He also mentioned that a deadline for constructing the addition was included as a condition in the previous approval, which may have caused some confusion. He highlighted that the property consists of a double lot, with setbacks exceeded on all sides. He also noted that the total lot coverage with structures is 26.5%, which is below the maximum allowed of 40%. He said that one letter of opposition was submitted.

The Board discussed the letter of opposition noting that the opposing neighbors appeared to have a disagreement on where the property line was. The Board and staff noted that property line disputes are a private issue. The Board stated that the proposed ADU and structure exceeded the minimum setbacks and were in favor of the request provided the same conditions were applied. The Board asked if the applicant was amenable to the proposed conditions, and he stated that he was.

Motion by Mauss, seconded by Kosel, to approve the request to allow an accessory dwelling unit with the following conditions:

1. That either the principal dwelling or the accessory dwelling be owner-occupied.
2. The accessory dwelling unit shall be finished in residential-style materials that are complementary to the finishes of the existing garage and single-family residence.
3. That no commercial activity be allowed.
4. That the applicant must complete the exterior of the structure within 18 months from the date of issuance of a building permit.
5. That runoff be managed on the property.

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

DOCKET – 02-25: Application of Michael Mastin, 1245 Missouri Avenue, to construct a 680 sq. ft. accessory dwelling unit where 580.5 sq. ft. maximum is permitted and allow a total of 1,460 sq. ft. of detached accessory structures where 1,000 sq. ft. maximum is permitted in an R-1 Single-Family Residential zoning district.

Docket 01-25 and 02-25 were heard in conjunction and voted on separately. Discussion of Special Exceptions were included above.

Motion by Mauss, seconded by Kosel, to approve a special exception to allow a 680 sq. ft. accessory dwelling unit and 1,460 sq. ft of detached accessory structures with the following conditions:

1. That either the principal dwelling or the accessory dwelling be owner-occupied.
2. The accessory dwelling unit shall be finished in residential-style materials that are complementary to the finishes of the existing garage and single-family residence.
3. That no commercial activity be allowed.
4. That the applicant must complete the exterior of the structure within 18 months from the date of issuance of a building permit.
5. That runoff be managed on the property.

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

DOCKET – 03-25: Application of Jill Barden, Big River Sign Co., 2600 Dodge Street, to allow a sign to extend above the parapet wall where such placement is not permitted in

a PC Planned Commercial zoning district.

Mike Barden, 1540 Douglas Street, spoke in favor of the request. He explained that the signs were permitted but were installed incorrectly – above the parapet. He noted they are hoping to get the signs approved.

Staff Member Schrobilgen detailed the staff report noting that the signs are subject to the Planned Unit Development regulations and that the sign was permitted but the sign permit stated that “sign must not project above the parapet wall.” He said that the sign was not installed per the sign permit. He noted that in Plaza 20 there are three other businesses with signs that extend above the parapet wall:

- A Frame of Mind – This sign is legally nonconforming, as it was installed before the regulation prohibiting signs above the parapet wall.
- Milroy’s Formal Wear – This sign was installed in violation of the code and subsequently was granted a variance in 2014 to remain.
- Gateway Appliance – This sign was installed in 2024 in violation of the code and without a sign permit. The same applicant was granted a variance to maintain the sign above the parapet wall.

The Board noted that they reviewed a similar case only a month or two ago and found no issue in either case.

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

DOCKET – 04-25: Application of Emily Lindecker, 2717 Balboa Street, to store a vehicle 0' from the side property line where 6' minimum is required in an R-1 Single-Family Residential zoning district.

Emily Lindecker and Andrew Kelly, 2717 Balboa Drive spoke in favor of the request. They explained that they would like to continue storing their camper in its current location. They said they purchased the home because it had a great place to store it and that they didn’t know there were any restrictions regarding storage.

Staff Member Schrobilgen detailed the staff report noting that this case was brought to the attention of staff via a complaint. He said complaints are anonymous and can come to staff either by direct complaint about the vehicle or can be identified through a similar complaint in the neighborhood. He stated that vehicle storage is permitted provided the vehicle is licensed, registered, is operable, is on a hard surface pad, and meets the front and side yard setbacks. He noted that the vehicle is operable and on a hard surface pad but it is encroaching into the 6' side yard setback. Staff said that storage in the rear yard would be difficult given the topography of the site.

The Board noted two letters of support which were in the packet, one of which was from the neighbor to the north. They mentioned that there were no concerns, particularly since

the most impacted neighbor, the neighbor to the north supported the request, they are ok with the proposal.

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

ITEMS FROM PUBLIC: None.

ITEMS FROM BOARD: None.

ITEMS FROM STAFF: Planning Services Director Wernimont updated the Board on the Unified Development Code update. He said that the Board is the most involved in regulating or waiving regulations in the UDC and that progress and opportunities to be involved in the update will be sent to the Board as the process moves forward.

ADJOURNMENT: Motion by Mauss, seconded by Kosel, to adjourn the January 23, 2025, Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Kosel, and Mauss; Nay – None

The meeting adjourned at 5:55 p.m.

Respectfully submitted,



Travis Schrobilgen, Assistant Planner

February 27, 2025

Adopted