



Approved

MINUTES
CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT
REGULAR SESSION

5:30 p.m.

Thursday, October 23, 2025
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 and Travis Schrobilgen

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 September 25, 2025, Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Kosel, Stierman and McCoy; Nay – None.

DOCKET – 40-25: Application of Sarah Berna, 2060 Deborah Drive, to install a 14' high fence along the rear property line where 7' high maximum is permitted in an R-1 Single-Family Residential zoning district.

Sarah Berna, spoke in favor of the request. She explained the reason for the proposal was due to conflict with the neighbor directly behind her and that she desires to create more privacy for her yard. She noted that the structure was approximately 14' in height and attached to the existing fence. She said it was entirely removable and that she submitted a petition containing the signatures of neighbors that are not opposed to the structure. She said the structure seems to have helped so far.

Mary Lynn Sullivan, 2069 Avalon, spoke in opposition to the request. She stated that she provided written public input outlining her concerns and the concerns of her neighbor and added that her privacy is taken away by the neighbors' cameras and that the structure impacts her enjoyment of her yard. She read a portion of her submitted letter and concluded that there are many loud noises coming from the subject property.

John Sullivan, 2069 Avalon, spoke in opposition to the request. He read his submitted statement noting that as a professional contractor he believed the city would be assuming liability if they approved the structure. He noted that it would not be stable and is an eyesore.

The Board reviewed the most recent public input submitted by Mary Bowden which included letters from the neighbors at 2070 Avalon and 2045 Avalon Street. The Board took time to review these letters along with photos and statement letters submitted by Mr. Sullivan and Mrs. Bowden just prior to the meeting. The applicant was provided with a copy of these materials for review also.

Ms. Berna provided rebuttal comments noting that the purpose of the fence was to provide peace in the rear yard and to reduce contact with the neighbor. She said she would be open to suggestions on better solutions but was trying to keep it affordable.

Staff Member Schrobilgen detailed the staff report noting that the applicant is proposing to install a 14' screen structure connected to an existing 6' privacy fence and the added screen is approximately 30' wide. He noted that since it is part of the fence and it is treated as a fence per the Unified Development Code, the height of a fence is limited to 7'. He noted the public input that was sent with the packet and post-packet. He described the notification requirements, noted that establishing a hardship is a criterion of a Variance but not a Special Exception, and specifically noted that any decision by the Board would not create a precedence for future projects. He stated that the Board's role is to consider the five Special Exception criteria and weigh those against the proposed project.

Staff Member Schrobilgen noted that the request is considered the administrative relief for an enforcement case and clarified that enforcement is stayed while seeking administrative relief. He concluded that the structure must meet building code and that it was reviewed and determined to be structurally sound by a building inspector.

The Board asked if the structure was up seasonally or up all the time. The applicant noted that the intent is to have it up at all times. She clarified that it is constructed in a manner that allows the screen to be raised and lowered which is done when she is not home and when there is a storm or inclement weather.

The Board discussed the request and acknowledged the unfortunate dynamic between the applicant and neighbor but clarified that they cannot make a decision based on that situation. They noted that the approval would stay with the property and live in perpetuity, they expressed concern about the temporary nature of the structure, and noted concerns with the aesthetics and height of the structure. The Board allowed let the applicant know that they could choose to table the request should they wish to consider an alternative design that may be more likely to garner support from the Board. The applicant stated they wished to table the request.

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

DOCKET – 41-25: Application of Valerie and Brian Durr, 95 Gandolfo Street, to install a 6' high fence in the front yard where 4' high maximum is permitted in an R-1 Single Family Residential zoning district.

Valeria Durr, 95 Gandolfo Street, spoke in favor of the request. She explained they are seeking to keep the existing fence so it can keep basketballs and other items from entering the neighbor's property. She noted that the fence had been in place for at least six years and was installed before they bought the property, and that they didn't realize the height did not meet code.

Chris Raker, East Dubuque, legal counsel representing the property at 93 Gandolfo Street, spoke in opposition to the request. He noted that there was pending litigation regarding the property line and noted concerns regarding visibility and safety with vehicle egress.

The applicant stated that the fence has not caused any issues with visibility.

Staff Member Moon detailed the staff report noting that the existing 6' fence encroaches 5' into the required front yard where 4' maximum height is allowed. She defined the visibility triangle and noted that one- and two-family residential properties are exempt from the requirement, but safety is considered by the Board and staff as part of a request's review. She clarified that the fence is outside of the visibility triangle and 15' from the front property line. She shared an exhibit to identify the portion of fence that is non-conforming to code.

The Board sought clarification of the request asking if a new fence was proposed. The applicant noted that it was just the existing. The Board then discussed the visibility triangle and asked if the neighboring property had a 6' fence set back the same distance from the front property line. Staff noted that 93 Gandolfo Street had received a special exception to have a 6' fence located 15' from the front property line.

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.

DOCKET – 42-25: Application of Stephen Wilson, 1475 S. Grandview, to construct a 336 square foot shed 3' from the side property line for a total of 1,416 sq. ft. of accessory structures where a 6' minimum setback and a maximum of 1,000 square feet of detached accessory structures is permitted in an R-1 Single Family Residential zoning district.

Stephen Wilson, 1475 South Grandview Avenue, spoke in favor of the request. He said he wasn't aware that the building that didn't have a foundation required a permit. He said he spoke with neighbors, and they didn't have any concerns. He noted the shed was for a garden and flower business and they conduct the sale of their products at locations like the farmers market and for weddings.

Staff Member Moon detailed the staff report noting the applicant is proposing to construct a 336 square foot shed 3' from the side property line for a total of 1,416 sq. ft. of accessory structures where a 6' minimum setback and a maximum of 1,000 square feet of detached accessory structures is permitted in an R-1 Single Family Residential zoning district. Staff

stated the applicant has indicated the shed would store yard and garden equipment, and tools. Staff stated that a hard surface driveway to the shed would be required if vehicles were going to be accessing the shed regularly.

The Board sought clarification regarding the rules and regulations for home-based. Staff Member Moon described the state law noting that it supersedes city code and allows for no-impact homebased businesses. The Board pointed out that this business appears to be a no-impact business. They found no concerns with the building size or location.

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

1. If/Wehn the shed is utilized for vehicles and is accessed regularly, a hard surfaced driveway is required.
- 2.

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

ITEMS FROM PUBLIC: None.

ITEMS FROM BOARD: The Board questioned what types of structures are considered fences versus those that are structures. Staff noted that fences are technically structures but are regulated different than accessory structures in the UDC.

ITEMS FROM STAFF: None.

ADJOURNMENT: Motion by McCoy, seconded by Ahlvin, to adjourn the November 5, 2025, Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Kosel, Stierman and McCoy; Nay – None.

The meeting adjourned at 6:43 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

November 20, 2025

Adopted