



# Approved

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

5:00 p.m.  
Thursday, May 27, 2021  
Virtual Meeting

Due to the COVID-19 pandemic and mandates for social distancing, this meeting was conducted virtually.

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

**Board Members Excused:** None

**Board Members Unexcused:** None

**Staff Members Present:** Wally Wernimont, Guy Hemenway, Travis Schrobilgen, and Jason Duba

**CALL TO ORDER:** The meeting was called to order by Chairperson McCoy at 5:00 p.m.

**MINUTES:** Motion by Mauss, seconded by Ahlvin, to approve the minutes of the April 22, 2021 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Mauss and McCoy; Nay – None.

**DOCKET – 07-21:** Application of Michael Lott, 2272 Prince St. to construct an 8' x 10' shed 0' feet from the front property line along Regent Street and to cover 56% of the property with structures, where 10 feet minimum and 50% lot coverage maximum is required in an R-2A Alternate Two-Family Residential zoning district.

Allison and Michael Lott, 2272 Prince Street, spoke in favor of their request. They explained that they are looking to put a permanent shed on their property.

Staff Member Schrobilgen detailed the staff report noting that the request is to replace a temporary hoop structure with a permanent structure on the same footprint. He noted that the additional coverage would be negligible, increasing from 53% to 56%. He said the structure would encroach on the front yard setback along Regent Street but should have limited impact. He noted that the applicant received letters of support from neighbors at 2301 Queen Street, 2268 Prince Street, and 2300 Prince Street.

The Board sought clarification regarding the location of the shed and asked if it will be flush or behind the front line of the garage.

Motion by Mauss, seconded by Ahlvin, to approve the request to construct an 8' x 10' shed 0' feet from the front property line along Regent Street and to cover 56% of the property with structures, where 10 feet minimum and 50% lot coverage maximum is required in an R-2A Alternate Two-Family Residential zoning district. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Mauss and McCoy; Nay – None.

**DOCKET – 12-21:** Application of Jeremy & Shannon Engling, 2560 N. Grandview Ave. to build a 40' x 60' garage 17' in height for a total of 3,400 sq. ft. of detached accessory structures where 1,000 sq. ft. and 15' in height is the maximum permitted respectively in an R-1 Single-Family Residential zoning district.

NOTE: Board member Kosel joined the meeting at 5:10 p.m.

Jeremy Engling, 2560 N. Grandview, spoke in favor of the request. He explained that he is looking to build a 40' x 60' garage that is located at the end of a long driveway that accesses an older two-car garage. He said the proposed garage would be next to where there are dead trees.

Staff Member Duba detailed the staff report noting that the addition of the proposed garage would not exceed the lot coverage area or impervious surface area. He noted the lot is significantly larger than a standard residential lot. He said that the proposed garage would not block visibility or harm public safety. He recommended that the Board require that the driveway to the garage be paved and that the detached accessory buildings be accessory to the residential use and not be used for off-premise storage or commercial purposes.

The Board reviewed a letter of opposition from next door neighbors at 2600 N. Grandview. Staff noted that this neighbor is about 110' from where garage would be located.

The Board discussed the height of the structure, its purpose and how it would be clad. Mr. Engling stated that the garage would only be used for his cars and that the exterior treatment of the garage would match the vinyl siding of the house and the other structures. The Board expressed concern over the size of the structure and the impact on the neighbors' use and enjoyment. The Board received confirmation from Mr. Engling that he agreed to pave the driveway and limit the garage as accessory to the residential use only.

Motion by Golembeski, seconded by Ahlvin, to approve the request to build a 40' x 60' garage 17' in height for a total of 3,400 sq. ft. of detached accessory structures where 1,000 sq. ft. and 15' in height is the maximum permitted respectively in an R-1 Single-Family Residential zoning district with the condition that the driveway to the garage be paved and the garage be accessory to the residence. Motion failed by the following vote: Aye – Kosel; Nay – Ahlvin, Golombeski, Mauss, and McCoy, all citing criteria B.

**DOCKET – 13-21:** Application of J & J Living Trust, 40 Meadow Lane to build a detached garage 5' from the Dodge Street frontage and 12' from the Meadow Lane frontage, where 20' minimum is required for both setbacks in an R-1 Single-Family Residential zoning district.

Jack Faust, 40 Meadow Lane, spoke in favor of the request. He explained that they want to build a 24'x30' detached two-car garage with vinyl siding.

Staff Member Hemenway detailed the staff report noting the applicants now own the adjacent lot after purchasing it from the DOT and consolidating with their parcel. He noted the driveway access will be taken from existing curb cut and that the garage will not block the views for traffic or neighbors.

The Board said that they had no questions or concerns.

Motion by Ahlvin, seconded by Golombeski, to approve the request to build a detached garage 5' from the Dodge Street frontage and 12' from the Meadow Lane frontage, where 20' minimum is required for both setbacks in an R-1 Single-Family Residential zoning district. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss, and McCoy; Nay – None.

**DOCKET – 14-21:** Application of Dubuque Sign Company, 3333 Asbury Rd. to place two wall-mounted tenant signs on a commercial building where one wall-mounted sign maximum is permitted, and to allow one wall-mounted sign to be 173.5 sq. ft. in area where 50 sq. ft. maximum is permitted in a C-2 Neighborhood Shopping Center zoning district.

Keith Wolff, Dubuque Sign Company, 210 Cedar Cross Road, spoke in favor of the request. He explained that Rusty Taco is asking for another sign to improve exposure and to ensure that their business would be successful.

Staff Member Hemenway detailed the staff report noting that based on a previous variance from 2016, all three tenants of this building are allowed two wall-mounted signs, so the number of signs is not in question. He said that each sign can be up to 50 sq. ft. in area. He noted that the applicant is intending to put a 50 sq. ft. sign above the entrance (east façade), which is allowed. He said that the variance request is for a 173.5 sq. ft. sign on the north side, where 50 sq. ft. is allowed.

The Board sought to clarify the location of the sign, what is allowed and what is being requested. They also asked if a future tenant in the third space would be entitled to the same signage. They discussed the sign construction, and asked how it would be illuminated. Staff member Hemenway addressed these questions.

After discussion with Mr. Wolff and franchise owner Luke Flatin, a compromise was reached allowing the sign to be a 100 sq. ft. painted sign located on the north wall and illuminated by a gooseneck lighting.

Motion by McCoy, seconded by Ahlvin, to approve the request to place two wall-mounted tenant signs on a commercial building where one wall-mounted sign maximum is permitted, and to allow one wall-mounted sign to be 173.5 sq. ft. in area where 50 sq. ft. maximum is permitted in a C-2 Neighborhood Shopping Center zoning district with the conditions that the sign be painted, no more than 100 sq. ft. in area, and only externally illuminated. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss, and McCoy; Nay – None.

**DOCKET – 15-21:** Application of Lange Sign Group, 4455 Dodge St. to allow three wall-mounted signs on a building where two signs is the maximum permitted in a C-3 General Commercial zoning district.

Mike Lange, Lange Sign Group, 1780 Route 35, East Dubuque, Illinois, spoke in favor of the request. He explained that the third sign would be the 10 sq. ft. “PARTS” sign to direct people to the parts department and that the other two signs are allowed by sq. ft. and number.

Staff Member Hemenway detailed the staff report noting the previous sign variance history and the subsequent loss of two vehicle brands. He noted that in the C-3 district the business is entitled to two wall-mounted signs but is requesting a third. He said that the third sign is the 10 sq. ft. “PARTS” sign, which is 4 sq. ft. over what is allowed for a directional sign.

The Board proposed some signage alternatives, and Mr. Riley ultimately decided to remain with the current request. Several Board members indicated they had no issue with the request as-is.

Motion by Ahlvin, seconded by Kosel, to approve the request to allow three wall-mounted signs on a building where two signs is the maximum permitted in a C-3 General Commercial zoning district. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, and Mauss; Nay – McCoy, citing criteria 2 and 3.

**DOCKET – 16-21:** Application of Robert Kimble/Dubuque Dream Center, 1600 White St. to permit a licensed child care center with 200 children and 30 employees as a conditional use in an R-2A Alternate Two-Family Residential zoning district.

Raquel McClellan, representing the Dream Center, 1600 White Street, spoke in favor of the request. She explained that the Dream Center seeks a permit to operate a licensed child care center. She said that the main change is to create an outdoor play area, and they have obtained property next door to do so. She said that this change would generate sustainable revenue for the organization enabling them to provide services for their students.

William Freiburger, 11444 Robin Hood Drive, spoke on behalf of his father, who he said owns 1660 White Street, to the north of the proposed play area. He expressed concerns

with the lack of parking in the area and worried it would get worse if the Dream Center expands. He asked about a parking lot or parking permit district as options.

The Board asked about parking solutions, and Ms. McClellan stated that they do not have designated parking, but they are only going to increase the number of employees from 25 to 30, so it should not have a significant impact on parking.

Staff Member Wernimont detailed the staff report noting the property history and its current usage. He noted the request is for the Dream Center to continue to operate as they are, but this will provide them the opportunity for funding as a licensed child care provider. He also discussed some of the parking considerations in the neighborhood.

The Board sought clarification regarding the number of employees and their scheduling. They also asked about the size of the play area, the transportation of students, the pick-up and drop-off patterns, the age of participants, and whether the Dream Center seeks to designate any other parking spots in addition to the dedicated bus parking. Ms. McClellan clarified those points and stated that the Dream Center has no intention of asking for further dedicated street parking. To ensure this, the Board asked if the Dream Center would approve a condition requiring public input for any further requested parking closures on White Street, and Ms. McClellan agreed.

Motion by McCoy, seconded by Kosel, to approve the request to permit a licensed child care center with 200 children and 30 employees as a conditional use in an R-2A Alternate Two-Family Residential zoning district with the condition that public input be involved in any future requests for parking closures on White Street. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

**DOCKET – 17-21:** Application of Wayne Vanden Berge, 2829 Bonson Road to build a 56'x 79' detached garage and pool cabana 26' in height for a total of 4,450 sq. ft. of detached accessory structures where 15' in height and 1,000 sq. ft. maximum is permitted in an AG Agricultural (default R-2A) zoning district.

Wayne Vanden Berge 2829 Bonson, spoke in favor of the request. He explained that they have a 3.5-acre lot at the dead-end of Bonson Rd. He said the want to remove an existing garage and replace with a three-car garage and pool house.

Staff Member Schrobilgen detailed the staff report noting design provides some flexibility based on the Board's approval. He stated that no other accessory structures are expected. He said that due to the property's isolated location, it should have little impact on neighbors.

The Board had no concerns given the size of the lot, the adjacent agricultural zoning, the screening and the distance from other properties. The Board agreed to include the standard conditions stating that the use must remain residential in nature as an accessory to the principal residence, that a dwelling unit within the structure would not be allowed and that a fully hard surfaced driveway would be required.

Motion by Ahlvin, seconded by Mauss, to approve the request to build a 56'x 79' detached garage and pool cabana 26' in height for a total of 4,450 sq. ft. of detached accessory structures where 15' in height and 1,000 sq. ft. maximum is permitted in an AG Agricultural (default R-2A) zoning district with the condition that the use must remain residential in nature as an accessory to the principal residence, that a dwelling unit within the structure is not allowed, and that a fully hard surfaced driveway is required. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None.

**ITEMS FROM PUBLIC:** None

**ITEMS FROM BOARD:** The Board request that criteria for granting requests be displayed during the voting process. They also asked when virtual meetings would cease, and Mr. Wernimont said not right away, though a transition to hybrid meetings is being planned.

**ITEMS FROM STAFF:** None

**ADJOURNMENT:** Motion by Ahlvin, seconded by Mauss, to adjourn the May 27, 2021 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Kosel, Mauss and McCoy; Nay – None

The meeting adjourned at 6:45 p.m.

Respectfully submitted,

  
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Guy Hemenway, Assistant Planner

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June 24, 2021  
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Adopted