

MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD ON FEBRUARY 17, 2022

The meeting was called to order by Chairman Ken Hartman at 7:30 PM.

Roll call was taken: **Present: Goessling, Boothman, Spielman, Gibbs and Hartman.**
Absent: Poettker and Loerch.

Chairman Hartman asked if there were any additions or corrections to the minutes of the January 20, 2022 meeting. The following change was recommended:

Page 2, under the listing of corrections to the proposed sign ordinance, change the word “*dust*” to “*dusk*”. Misspelled twice.

A motion was made by Goessling and seconded by Spielman to approve the minutes of January 20, 2022 as amended. Motion carried.

The Chairman asked if there were any citizens to address the Zoning Board of Appeals. There were none.

The Chairman also asked if there were any corrections or deletions to the agenda. There were none.

OLD BUSINESS:

The Chairman asked if there was any old business. There was none.

PETITIONS:

Z-22-02-01 Review and Comment on a Petition for A Special Sign Permit to exceed the maximum total signage surface area of the proposed Scooter’s Coffee Restaurant by 10.4 square feet in a B-3 zoned district located on 808 North Illinois Route 3 more specifically known as Lot 11 North Pointe Phase 3 Second Phase as requested by the petitioner Schwartz Grounds, LLC (Parcel No. 07-24-167-011-000).

Postal notification receipts have been received from eight (8) of the ten (10) adjacent property owners. A response was not received from one of the 10 and verbal contact was made with the other outstanding recipient. The Zoning Administrator commented that the public notice for this petition was published in the February 02, 2022 edition of the Waterloo Republic Times.

Mr. Kevin Schwartz, owner of Schwartz Grounds, LLC, was present to speak on behalf of this petition. The allowable signage, per ordinance, is 55 square feet (based on one square foot of sign area for each linear foot of width of business building that faces a right-of-way), and Scooter’s is requesting 65.4 square feet of signage. The small size of the building (664 square feet) means the allowable signage is minimized. Due to this hardship, Scooter’s is requesting a special sign permit to exceed the allowable signage by 10.4 square feet to promote their business.

Sign Type	Overall Dimensions
Sign Panels (3 at 6.9 sq. ft. each)	20.7 sq. ft.
Channel Letters (2 at 15.7 sq. ft. each)	31.4 sq. ft.
Logo (1 at 13.3 sq. ft. each)	13.3 sq. ft.
Total Square Footage	65.4 sq. ft.

The Zoning Board pointed out this was a considerable improvement from the prior Special Sign Permit request. Mr. Gibbs requested validation that the three (3) sign panels would be located on the Plaza Drive side of the building versus the ordering side of the building. Mr. Schwartz verified this was correct, and at the direction of Scooter's Coffee, LLC. Concern was again expressed that the signage still exceeded what is allowed by code and the potential ramifications of granting this special sign request from other businesses who would want the same concession. Although 10 square feet is not a lot, it is 20% over what is allowed by ordinance. Mr. Schwartz responded that they have reduced the sign overage per their last special sign request and reiterated the size of the building limits the signage allowed.

Motion was made by Gibbs and seconded by Goessling to recommend approval for a Special Sign Permit to exceed the maximum total signage surface area of the proposed Scooter's Coffee Restaurant by 10.4 square feet in a B-3 zoned district located on 808 North Illinois Route 3 more specifically known as Lot 11 North Pointe Phase 3 Second Phase as requested by the petitioner Schwartz Grounds, LLC (Parcel No. 07-24-167-011-000).

Members voted as follows: YES – Gibbs, Goessling, Boothman, Spielman and Hartman. Motion carried.

It was mentioned that the recommended changes to the proposed sign ordinance from last month were still outstanding. They were:

- Remove the word “between” in item (G)(3) so the sentence would read “...90% dusk to dawn” instead of “...90% between dusk to dawn.
- Change item (L)(6) to read “Monument signs shall be a maximum of six feet high”.

Z-22-02-02 Review and Comment on a Petition for an Area and Bulk Variance from the requirements of 40-2-3(A) of the Zoning Code regarding minimum distances for rear setback requirements and maximum site coverage for a new commercial building to be located at 203 West Mill Street (Parcel No. 07-25-203-034-000) as requested by owner, George Obernagel and James Fitzgibbons.

Postal notification receipts have been received from one (1) of the three (3) adjacent property owners. Verbal contact was made with the outstanding recipients, and both had no issue with the variance request. The Zoning Administrator commented that the public notice for this petition was published in the February 02, 2022 edition of the Waterloo Republic Times.

Mr. George Obernagel, petitioner and owner, was present to speak on behalf of this petition. Mr. Obernagel read the letter of intent. The building at 203 West Mill was beyond repair and was razed. The intent is to replace the building, but the lot size is a limiting factor. Approval of this petition will allow a 3-foot rear yard setback and a 1,500 square foot main floor.

Motion was made by Gibbs and seconded by Spielman to recommend approval for an Area and Bulk Variance from the requirements of 40-2-3(A) of the Zoning Code regarding minimum distances for rear setback requirements and maximum site coverage for a new commercial building to be located at 203 West Mill Street (Parcel No. 07-25-203-034-000) as requested by owner, George Obernagel and James Fitzgibbons.

Members voted as follows: YES – Gibbs, Goessling, Boothman, Spielman and Hartman.

Z-22-02-03 Review and Comment on a Petition for a Special Use Permit to allow a Multi-Family Residence to be located above a new commercial building in a B-3 Zoning District, as

permitted by 40-2-3(B), more specifically known as 203 West Mill Street (Parcel No. 07-25-203-034-000) as requested by owner, George Obernagel and James Fitzgibbons.

Postal notification receipts have been received from one (1) of the three (3) adjacent property owners. Verbal contact was made with the outstanding recipients, and both had no issue with the special use permit request. The Zoning Administrator commented that the public notice for this petition was published in the February 02, 2022 edition of the Waterloo Republic Times.

Mr. George Obernagel, petitioner and owner, was present to speak on behalf of this petition. Mr. Obernagel read the letter of intent. The building at 203 West Mill was beyond repair and was razed. The petition for a special use permit is to construct two 750 square feet residential units above the main floor commercial space. Mr. Obernagel stated although the request mentions two 750 square feet residential units, they may change the residential unit to one 1500 square foot dwelling with two bedrooms. The Zoning Code calls for a minimum of 750 square feet for an apartment. The Zoning Administrator stated the Planning Commission gave this petition a positive recommendation. Their major concern pertained to parking availability.

Motion was made by Gibbs and seconded by Boothman to recommend approval of a Petition for a Special Use Permit to allow a Multi-Family Residence to be located above a new commercial building in a B-3 Zoning District, as permitted by 40-2-3(B), more specifically known as 203 West Mill Street (Parcel No. 07-25-203-034-000) as requested by owner, George Obernagel and James Fitzgibbons.

Members voted as follows: YES – Gibbs, Goessling, Boothman, Spielman and Hartman

Motion carried

COMMENTS:

The Chairman asked if there were any comments.

The Zoning Administrator has the following comments:

- There will be a meeting in March for a home occupation permit.
- This is the last meeting for Mr. Goessling as he will be leaving his position on the Board of Appeals. Everyone thanked him for his service.
- Interest has been expressed in purchasing the former Rosedale House with the intent of using it as a 55+independent living community under the 1999 Special Use Permit. The Martinez's no longer have an interest in the building. It has been determined that the Martinez's did not have a contract on the building so their special use permit is invalid and the 1999 permit is still in force. The City Attorney has verified that the property can still use the SUP from 1999. The City Council has also stated they support a 55+independent living community under the 1999 Special Use Permit for the building.

**Motion to adjourn the meeting at 8:23 PM was made by Spielman and seconded by Goessling.
Motion carried.**

Minutes respectfully submitted by Mechelle Childers.