

## **MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD ON MARCH 17, 2022**

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

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

Chairman Hartman asked if there were any additions or corrections to the minutes of the February 17, 2022 meeting. The following change was recommended:

Under Petition Z-22-02-02 change the word in the last sentence from “*year*” to “*yard*”.

A motion was made by Spielman and seconded by Boothman to approve the minutes of February 17, 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-22-03-01 Review and Comment on a Petition for a Special Use Permit for a Home Occupation (hair and lash salon) to be located at 1211 Lou Del Street, Waterloo, IL Parcel No. 07-13-152-015-000 as requested by the owner, Erika Patel.**

Postal notification receipts have been received from all receipts except one. This receipt came back with “return to sender”. The Zoning Administrator commented that the public notice for this petition was published in the March 02, 2022 edition of the Waterloo Republic Times.

Ms. Erika Patel, the petitioner, was present to speak on behalf of this petition and read her letter of intent. Ms. Patel would like to open a professional hair and lash salon in her home. She is a licensed cosmetologist and certified lash artist. Her business plan is outlined below:

- Clients will enter the home through the front door.
- Clients will park in her driveway.
- There will be minimal traffic with only one person receiving service at a time. Services time range from 30 minutes to 4 hours.
- The business will be operated by appointment only.
- Hours of operation will be from 9AM to 8PM, 2-3 days a week.
- There will be a door separating the business from the home.

Hours/days may expand as the business grows, and there will be no overlapping of clients. It was pointed out that any business signage was limited to one square foot by ordinance.

The Zoning Administrator stated that two emails were received, from neighbors, supporting this Special Use Permit. In addition, the Waterloo Planning Commission also approved a Special Use Permit for this Petition.

**Motion was made by Gibbs and seconded by Poettker to recommend approval for a Special Use Permit for a Home Occupation (hair and lash salon) to be located at 1211 Lou Del Street, Waterloo, IL Parcel No. 07-13-152-015-000 as requested by the owner, Erika Patel. Members voted as follows: YES – Gibbs, Poettker, Boothman, Loerch, Spielman and Hartman. Motion carried.**

**Z-22-03-02 Review and Comment to City Council adding the definition of “Convenience Stores” to Zoning Section 40-1-15.**

The Zoning Administrator stated that there is a person who is interested in purchasing property along Illinois Route 3 to build a convenience store, however, there is no official definition of convenience stores within the Zoning Code. The Zoning Administrator supplied convenience store definitions from other cities for review, and thought convenience stores should be allowed in a B-2 zoned districts, and potentially by a special use permit in a B-3 zoned districts. The board reviewed the material provided in the packet and discussed the various definitions supplied and what they would like to include and exclude.

Topics of discussion were:

- Include in the definition the potential sale of motor vehicle fuels.
- Using a variation of the Belleville, Illinois convenience store definition.
- Cannot sell anything contrary to federal, state or local law.
- Designate specific amount of space for alcohol by either square footage or by a percentage of floor space.
- Designate a specific amount of space for beer, a specific amount of space for hard liquor or designating a space by alcohol and non-alcohol products.
- The allowance of liquor in the gaming area.
- Limiting the size of individual containers of alcohol that could be sold.
- Maximum square footage of a convenience store.

After thoroughly discussing all these issues, the members of the Zoning Board drafted the following definition of Convenience Stores:

***Convenience Store/ Convenience Shop/or Corner Shop.***

*A small retail, quick service, establishment that stocks a range of everyday items such as coffee, groceries, snack foods, confectionery, soft drinks, tobacco products, over-the-counter drugs, toiletries, newspapers, magazines, and other sundries primarily for home consumption. The store can be licensed to sell alcohol and/or the retail sale of motor vehicle fuels. Convenience stores must be less than 3,000 square feet in floor area, with a maximum of 25% of the floor area dedicated to the sale of alcohol products. A convenience store cannot sell anything contrary to federal, state or local law.*

**Motion was made by Gibbs and seconded by Boothman to recommend the following draft of Convenience Store to the Waterloo City Ordinance Committee for review and approval.**



***Convenience Stores/ Convenience Shop/or Corner Shop.***

A small retail, quick service, establishment that stocks a range of everyday items such as coffee, groceries, snack foods, confectionery, soft drinks, tobacco products, over-the-counter drugs, toiletries, newspapers, magazines, and other sundries primarily for home consumption. The store can be licensed to sell alcohol and/or the retail sale of motor vehicle fuels.

Convenience stores must be less than 3,000 square feet in floor area, with a maximum of 25% of the floor area dedicated to the sale of alcohol products. A convenience store cannot sell anything contrary to federal, state or local law.

**Members voted as follows: YES – Gibbs, Poettker, Boothman, Loerch, Spielman and Hartman.**

**P-22-03-01 Review and Comment to City Council on Ground or Pole-mounted solar energy systems in residential districts and recommend regulations per 40-3-2 to the zoning code.**

Recently the City approved a new net metering policy. The new residential net metering policy now stops at 25 kilowatts (kW). Currently, all 10 solar systems within the city are roof-mounted, however, concern was expressed as to the possibility of pole or ground-mounted solar energy systems in residential districts. Ground-mounted systems would be classified as accessory structures and would therefore have to follow the accessory structures regulations such as setback requirements. However, also per ordinance, these systems could take up 900 square feet of space and have a maximum height of 20 feet. There is also concern that in the smaller lots the reflecting light could cause a glare for the neighbors. After discussing these scenarios with the Planning Committee, it was decided to not allow Ground or Pole-mounted solar energy systems in residential districts. The Planning Commission reviewed and discussed the issue and agreed with the Planning Committee to not allow Ground or Pole-mounted solar energy systems in residential districts.

**Motion was made by Gibbs and seconded by Loerch to recommend to the City Council not to allow Ground or Pole-mounted solar energy systems in residential districts as accessory structures.**

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

**COMMENTS:**

The Chairman asked if there were any comments. There were none.

**Motion to adjourn the meeting at 8:40 PM was made by Poettker and seconded by Loerch.  
Motion carried.**

Minutes respectfully submitted by Mechelle Childers.