

**MINUTES OF THE ZONING BOARD OF APPEALS  
MEETING HELD ON APRIL 20, 2023**

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

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

Chairman Hartman asked if there were any additions or corrections to the minutes of the March 16, 2023 meeting. A motion was made by Boothman and seconded by Spielman to approve the minutes of March 16, 2023, as presented. Motion carried.

The Chairman asked if there were any petitions by citizens on non-agenda items. There were none.

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

**PETITIONS:**

**Z-23-04-01 Review and Comment on a petition for an Area and Bulk Variance from the requirements of 40-2-3(A) regarding the "minimum front yard setbacks required from the centerline" for a proposed open air porch addition to an existing commercial building located in a B-2 zoned district at 624 North Market Street (Parcel No. 07-24-404-035-000) as requested by petitioner, Deborah Dunevant-Poor.**

The Zoning Administrator commented that the public notice for this petition was published in the April 05, 2023 edition of the Waterloo Republic Times, and postal notification receipts were received from three of the four recipients. The Zoning Administrator called the remaining recipient, whose postal notification was not received, and they had no issue with the requested variance.

Mrs. Deborah Dunevant-Poor, owner of the property at 624 North Market Street, was present to speak on behalf of this petition. Mrs. Dunevant-Poor stated she wants to add a “lean-to” on the north side of the building to cover the existing outdoor seating area. The covering will add value to her customer base by providing a shaded area to sit during the hot weather or rain.

The Zoning Administrator mentioned that Mrs. Dunevant-Poor’s ‘Beautification Program’ application was recently accepted by the Waterloo Beautification Committee. She plans to enhance her building with new windows, doors, awnings, tuck-pointing, and painting.

**Motion was made by Gibbs and seconded by Poettker to recommend approval for an Area and Bulk Variance from the requirements of 40-2-3(A) regarding the "minimum front yard setbacks required from the centerline" for a proposed open air porch addition to an existing commercial building located in a B-2 zoned district at 624 North Market Street (Parcel No. 07-24-404-035-000) as requested by petitioner, Deborah Dunevant-Poor.**

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

**Motion carried.**

**COMMENTS:**

The Zoning Administrator stated he wanted to know the Zoning Board's perspective on KB Construction's (Mike Thomas) proposed use of the building at 201 West Mill Street (Ahne's Bakery) as a combination of B-1 and B-3 zoning in a B-3 zoned district.

The Board thought the plan was to have a showroom/office space where discussions with clients would occur. It appears that this is no longer the case. The Zoning Administrator stated the storefront needs to be redone. The roof rafters are broken, floor joists are rotten off at the wall line, and there are additional structural issues. Based on Mr. Thomas' corporate objectives, his business is better suited to an industrial (I-1) zoned district.

The Board expressed concern about the potential business blocking street access while loading and unloading construction materials.

The Zoning Board felt B-3 zoning should be retained and enforced since the building is in a B-3 zoned district. In addition, the area is not conducive to B-1 businesses. The Board also felt the City of Waterloo is proactive in communicating the building's permitted uses. The space could be very well utilized and be a valuable business asset to someone wanting to use it as intended (a B-3 zoned area).

The Zoning Administrator mentioned additional building matters the City was working through with KB Construction.

- The old City Hotel - The last two residential apartments are being completed by KB Construction. The Building Inspector inspected the apartments, and they failed the inspection. However, Mr. Thomas still allowed people to move into the apartments despite the inspection failure. The City is currently sending Mr. Thomas violation fines.
- Silver Creek Crossing – KB Construction was the general contractor for the last phase of this development. KB Construction hired an outside contractor for the underground improvements. The City has had numerous issues with the underground development.

The Zoning Administrator stated he also wanted to hear the Zoning Board's perspective on a request for an indoor family entertainment establishment with a full bar and video arcade (amusement area). The location would be behind Dieterich Bank in a B-2 zoned area. Per the Zoning Code, this type of business is not allowed in a B-2 zoned area. Changing the zoning is not an option as this would create spot zoning, and there are residential homes across the street from this property. However, if more than 50% of the business was bar usage, the establishment would qualify for a B-2 zoned area.

The Zoning Board felt a B-3 zoned area would be better suited for this type of business.

There was a short discussion about the responsibility of maintenance of common ground. The Zoning Administrator commented that not all common ground is deeded to an HOA.

**Motion to adjourn the meeting at 8:22 PM was made by Loerch and seconded by Poettker.  
Motion carried.**

Minutes respectfully submitted by Mechelle Childers.