

MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD ON MAY 19, 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 April 21, 2022 meeting. The following changes were recommended:

- Under Petition Z-22-04-01, second paragraph, change the word “**Barbershop**” to “**barbershop**”.
- Under Petition Z-22-04-02, second paragraph, change the word “**excise**” to “**exercise**”.

A motion was made by Poettker and seconded by Boothman to approve the minutes of April 21, 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.

PETITIONS:

Z-22-05-01 Review and Recommend to City Council a Petition for a Special Use Permit to allow a Residence Use in a B-3 Zoned District located at 4505 HH Road, Parcel No. 07-13-300-002-000, as requested by the owner, Human Support Services.

Postal notification receipts were received from one of the three recipients. One of the recipients stated they had no issues with the Special Use Permit and the last recipient did not respond. The Zoning Administrator commented that the public notice for this petition was published in the May 04, 2022 edition of the Waterloo Republic Times.

Mr. Stan Darter, Human Support Services Board President, was present to speak on behalf of this petition. The original intent for this building was to operate a Bed & Breakfast and have HSS Clients reside on-site to assist in the day-to-day operations of the facility. However, the building did not comply with State Fire Marshal guidelines, and constructing another structure to house the HSS Clients did not work out for various reasons. Therefore, Human Support Services decided to sell the building. There have been prospective buyers, some who are interested in utilizing the property as a residence and some who are interested in running a Bed and Breakfast. HSS decided to petition for the Special Use Permit to help move the sale of the property.

The Planning Commission recommended that if the Special Use Permit for a Residence was not used within two (2) years it would expire due to “no action”. The Planning Commission also recommended that the Special Use Permit go with the property and not with the owner.

Motion was made by Gibbs and seconded by Poettker to recommend to City Council that a Special Use Permit be allowed for a Residence Use in a B-3 Zoned District located at 4505 HH Road, Parcel No. 07-13-300-002-000, as requested by the owner, Human Support Services

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

Z-22-05-02 Review and Recommend to City Council a Petition for a Zoning Text Amendment to modify the current “Home Occupation” definition in zoning section 40-1-15.

The Zoning Administrator commented that the public notice for this petition was published in the May 04, 2022 edition of the Waterloo Republic Times.

The Zoning Administrator commented that there is a conflict in the Zoning Code when defining ‘Home Occupation’. In the definition of ‘Home Occupation’, the code states no signage is allowed, but in the business sign area of the code, it mentions signage is allowed.

The Planning Committee agreed to change the definition of ‘Home Occupation’ to allow one square foot of signage on the residence. The Planning Commission also agreed to allow one square foot of signage on the residence.

Motion was made by Gibbs and seconded by Spielman to recommend the City Council a Zoning Text Amendment to modify the current “Home Occupation” definition in zoning section 40-1-15.

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

COMMENTS:

The Zoning Administrator reviewed the potential agenda items for the next ZBA Meeting:

- A building permit was received for an addition to the rear of the home at 611 Illinois Avenue. The home is in an R-3 Zoned Area and the addition exceeds the setbacks requirements. The homeowner may request a Bulk Variance.
- Special Use Permit for a home occupation (Heating and Cooling) on Osterhage Drive.
- Expiration of Special Use Permits. Possible modification of the ordinance to clarify if the SUP goes with the petitioner or the property. The City Attorneys are reviewing.
- Special Sign Permit to exceed the maximum total surface area for Wal-Mart Business signage.
- Ordinance Books should be available in June.

Motion to adjourn the meeting at 8:03 PM was made by Boothman and seconded by Poettker. Motion carried.

Minutes respectfully submitted by Mechelle Childers.