

## **MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD ON JUNE 16, 2022**

The meeting was called to order by Vice-Chairman Ken Gibbs at 7:31 PM.

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

Vice-Chairman Gibbs asked if there were any additions or corrections to the minutes of the May 19, 2022 meeting. A motion was made by Spielman and seconded by Poettker to approve the minutes of May 19, 2022 as presented. Motion carried.

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

The Vice-Chairman also asked if there were any corrections or deletions to the agenda. The Zoning Administrator stated that the wording under Petition Z-22-06-01 needs to be changed from “**Review and Recommend to Zoning Board of Appeals.....**” to **Review and Recommend to City Council.....**”.

### **PETITIONS:**

**Z-22-06-01 Review and Recommend to the City Council to add a text amendment to the Special Use Permit Section 40-9-11 “Permit to Run with Land or Owner”.**

The Zoning Administrator commented that the public notice for this petition was published in the June 01, 2022 edition of the Waterloo Republic Times.

Historically, Special Use Permits have run with the property, but there have been an occasional question if a Special Use Permit should run with the property or with the owner of the property. This text amendment will help clarify how a Special Use Permit (SUP) should be handled. The SUP shall run with the land, except in cases where the Board places a condition on the permit stating otherwise.

**Motion was made by Spielman and seconded by Poettker to recommend to the City Council to add a text amendment to the Special Use Permit Section 40-9-11 “Permit to Run with Land or Owner”.**

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

**Motion carried.**

**Z-22-06-02 Review and Recommend to City Council a Petition for a Special Use Permit for a Home Occupation (Heating and Cooling) to be located at 104 Osterhage Drive – Apt. B, IL parcel No. 08-19-366-003-000 as requested by the tenant, Phillip Wamble.**

Postal notification receipts have been received from three of the five recipients. The Zoning Administrator commented that the public notice for this petition was published in the June 01, 2022 edition of the Waterloo Republic Times.

The Petitioner did not attend this evening’s meeting, and no one was present to speak on behalf of this petition.

The Zoning Administrator read two emails he received from the abutting property owners. The first email read was from Amy Devault and the second email was from the Robert Kettler Trust. Both adjoining property owners opposed the home occupation permit. Per City Ordinance (Section 40-4-5 (I)) “a home occupation shall not be located in any garage, storage building or accessory building”. This being said, the Planning Commission also recommended ‘AGAINST’ this petition. The Zoning Administrator stated that

he did reach out to the petitioner to represent his petition at the Planning Commission and the Board of Appeals meetings. The petitioner did not attend either meeting.

The Vice-Chairman opened the floor for a motion to approve or recommend approval to the City Council a Special Use Permit for a Home Occupation (Heating and Cooling) to be located at 104 Osterhage Drive – Apt. B, IL parcel No. 08-19-366-003-000 as requested by the tenant, Phillip Wamble.

The Vice-Chairman announced to let the record reflect that no motion was made, therefore, the petition is denied due to lack of a motion to approve.

**Z-22-06-03 Consideration and Action on a Petition for a Special Sign Permit to exceed the maximum total surface area of the Wal-Mart business signage at the property located at 961 North Market Street, Parcel No. 07-13-300-005-000.**

Postal notification receipts have been received from eight of the ten recipients. The Zoning Administrator commented that the public notice for this petition was published in the June 01, 2022 edition of the Waterloo Republic Times.

Ms. Amy Miles, a representative for Walmart and Pb2 Architecture + Engineering, was present to speak on behalf of this petition. Walmart is rebranding its exterior signs and is requesting a special sign permit to exceed the maximum total surface area allowed by Zoning Code. The signs will also help customers find their way to the correct location to meet their shopping needs. Currently, there are eleven (11) signs on the building for a total of 652.07 square feet. In addition, there is one pylon sign. Walmart intends to replace the 11 existing signs with 16 new signs. The proposed square footage for the new signs is 426.65. The pylon sign will receive a new flex face panel but will not change in size. Some of the signs are one-for-one replacements, while others have a change in the wording. There will also be new directional signage for the auto center and pick-up areas.

It was mentioned that the building signage was out of compliance before this request for a Special Sign Permit, and the property should be zoned for business instead of industrial. The Zoning Board felt this was a grandfathered case thereby exempting Walmart from the current zoning ordinances since the signage exceeded the zoning code prior to this petition.

**Motion was made by Spielman and seconded by Poettker to a Special Sign Permit to exceed the maximum total surface area of the Wal-Mart business signage at the property located at 961 North Market Street, Parcel No. 07-13-300-005-000.**

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

**Motion carried.**

**COMMENTS:**

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

**Motion to adjourn the meeting at 8:05 PM was made by Poettker and seconded by Spielman.**

**Motion carried.**

Minutes respectfully submitted by Mechelle Childers.