

## MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD ON JANUARY 12, 2017

The meeting was called to order by Chairman Ken Hartman at 7:35 PM.

Roll call was taken: **Present: Hagenow, Boothman, Loerch, Gibbs and Hartman.**  
**Absent: Mueller and Kaempfe**

Chairman Hartman asked if there were any additions or corrections to the minutes of the November 17, 2016 meeting. A motion was made by Gibbs and seconded by Hagenow to approve the minutes of the November 17, 2016 meeting as presented. 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-17-01-01 Review and Comment on Possible Zoning Text Amendment to Section 40-3-2(B) regarding Commercial Accessory Building Roofing Materials.**

The Zoning Administrator commented that the public notice for this petition was published in the Waterloo Republic Times on November 28, 2016. Mr. Jack Strellis, representative for Mystic Oak Golf Course, was present to speak on behalf of this petition. Mystic Oak Golf Course is building a pavilion to replace the log cabin that was destroyed by a fire. Under the current ordinance, the accessory building is required to match the building materials of the primary building. In this case, their accessory building (pavilion) would need to have an asphalt shingled roof. Due to the layout of the land, Mystic Oak believes that an asphalt roof would not be aesthetically pleasing, and they would like to install a green standing metal seam roof. In order to use a standing metal seam roof, a zoning text change would need to be made. The City Council met with Mystic Oak Golf Course and agreed to approve a change in the Zoning Text to allow standing metal seam roofs within golf courses and within the parks district due to the natural and open environment of these areas. The Zoning Administrator commented that the zoning text concerning commercial accessory building roofing materials will probably be looked at in more detail as the City is receiving requests from downtown businesses regarding the requirement that accessory buildings match the building materials of the primary building. **Motion was made by Gibbs and seconded by Loerch to recommend approval for the Proposed Zoning Text Amendment to Section 40-3-2(B) regarding Commercial Accessory Building Roofing Materials with the addition that the final non-matching roofing material complement the existing structures.**

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

**Z-17-01-02 Review and Comment on Possible Zoning Text Amendment to Section 40-2-3(B) regarding the addition of Gym/Training/Fitness Center to B-2 General Business District, Special Use Permits Required.**

The Zoning Administrator commented that the public notice for this petition was published in the Waterloo Republic Times on November 28, 2016. Mr. Tony Smallmon, representative for both landlord and tenant for the building at 1301 Jamie Lane, was present to speak on behalf of this petition. During the process of applying for a sign permit, it was discovered that gym, training and/or fitness centers were not allowed in a B-2 Business District. The site of the proposed Fast Fitness Boot Camp is located within a B-2 zoned area. The fitness center is a group training environment where people exercise without tread mills, machines or heavy weights. The exercise program is body weight driven with some kick boxing. The program will aid in keeping people motivated and offers assistance in nutrition and weight loss. The Zoning Administrator mentioned that the Planning Commission gave this petition a favorable recommendation, and also added to their motion that Gym/Training/Fitness Center be listed as a permitted use in a B-3, Central Business District.

**Motion was made by Gibbs and seconded by Boothman to recommend approval for the Zoning Text Amendment to Section 40-2-3(B) regarding the addition of “Gym/Training/Fitness Center” to B-2 General Business District, Special Use Permits Required. In addition, the Board of Appeals recommends that the term Gym/Training/Fitness Center be listed as a permitted use in a B-3, Central Business District.**

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

**Z-17-01-03 Review and Comment on Possible Special Use Permit to allow for a Fitness Center to be located in a B-2 Zoning District at 1301 Jamie Lane as permitted by Section 40-2-3(B).**

The Zoning Administrator commented that the public notice for this petition was published in the Waterloo Republic Times on November 28, 2016. Mr. Tony Smallmon, representative for both landlord and tenant for the building at 1301 Jamie Lane, was present to speak on behalf of this petition. Mr. Smallmon presented the postal notification receipts to the Zoning Administrator. Mr. Smallmon didn't have anything more to mention than what he already presented to the Board under Petition Z-17-01-02.

**Motion was made by Gibbs and seconded by Hagenow to recommend approval for the Special Use Permit to allow for a Fitness Center to be located in a B-2 Zoning District at 1301 Jamie Lane as permitted by Section 40-2-3(B).**

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

**NEW BUSINESS:**

The Zoning Administrator distributed a map of “The Ridge” subdivision with specific attention to Lot 007. Mr. Allen Brand is thinking about purchasing Lot 007 with the intent of building a duplex style condominium on the lot. The area is already zoned R-6, Condominium. The lot is slightly unusual in shape, and a duplex style condominium does not sit well on the property.

Mr. Brand is having problems fitting the building on the property and still meeting the set back requirements. He exceeds the setback requirements either front to back and side to side. Mr. Brand is inquiring into what the Board of Appeals may or may not approve for a variance in order to erect a condominium on the property. The Board thought the front set back should be met with the understanding that the rear set back would then need a variance. They also thought the west side set back should be met with the understanding that the east side setback would then need a variance.

**COMMENTS:**

The Chairman asked if there were any new additional comments. There was none.

**Motion to adjourn the meeting at 8:00 PM was made by Loerch and seconded by Boothman.**

**Motion carried.**

Minutes respectively submitted by Mechelle Childers