

## **MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD ON FEBRUARY 20, 2014**

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

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

Chairman Hartman asked if there were any additions or corrections to the minutes of the January 16, 2014 meeting and there were none. A motion was made by Kaempfe and seconded by Loerch to approve the minutes of the January 16, 2014 meeting as presented. Motion carried.

The Chairman asked if there were any citizens to address the Zoning Board of Appeals. Mr. Justin Osterhage and Mr. Ryan Osterhage asked to address the Board. Mr. Ryan Osterhage stated they own Lot 1 East Ridge 7. He is requesting that the zoning for this lot be change from R-6 (Condominium Residential) back to R-5 (Multi-Family Residential). The property was zoned R-6 in November 2012. Mr. Osterhage explained that he wants to build a single family residence on Lot 1, however, single family homes are not allowed in an R-6 zoned district. Mr. Osterhage further explained that several of the homes in that R-6 zoned district are not condominiums. The Zoning Administrator mentioned that the City Council was reviewing the ordinance and may request that single family homes be allowed in an R-6 zoned district.

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

### **PETITIONS:**

#### **Z-14-02-01 Review and Comment on Proposed Zoning Text Amendment to add “Condominiums” to the list of Permitted Uses in the R-5, Multi-Family Residential District.**

The Zoning Administrator stated that the public notice for this petition was published in the Waterloo Republic Times on February 5, 2014. Mr. James Fitzgibbons, petitioner, was present to speak on behalf of this petition, and presented his postal notification receipts to the Zoning Administrator. Mr. James Fitzgibbons is requesting Zoning Text Amendment to add Condominiums to the R-5, Multi-Family Residential District as a Permitted Use. Mr. Fitzgibbons’ property is located at the corner of Hannah Drive and Rogers Street (Lot #58). The property is zoned R-5, and he would like to build two attached condominiums. The first two condominiums would be on the lot closest to Hannah Drive. Then later he would add two more condominiums on the southern portion of the property. Mr. Fitzgibbons would like to build condominiums versus duplexes because condominiums are easier to sell, and have a greater appraisal value.

**Motion was made by Rippelmeyer and seconded by Kaempfe to recommend approval on a Proposed Zoning Text Amendment to add “Condominiums” to the list of Permitted Uses in the R-5, Multi-Family Residential District.**

**Members voted as follows: YES – Mueller, Rippelmeyer, Loerch, Kaempfe and Hartman.**  
**Motion carried.**

#### **Z-14-02-02 Review and Comment on Proposed Area Bulk Variance from the Read Yard Setback Requirements of Section 40-2-3(A) fo the Zoning Code of the City of Waterloo, IL for Lot #100 in the North Wind, Phase I, Subdivision.**

The Zoning Administrator stated that the public notice for this petition was published in the Waterloo Republic Times on February 5, 2014. Mr. William Peick, petitioner, was present to speak on behalf of

this petition, and presented his postal notification receipts to the Zoning Administrator. Mr. William Peick is requesting a variance for a rear yard setback on Lot #100 in the North Wind Subdivision. They would like to construct an identical home/condo as was built on Yukon Court, however, Lot #100 depth is less than the Yukon Court lot. As a result, the rear patio will extend over the rear setback by roughly seven (7) feet. The rear of the lot is adjacent to the commercial development and an earthen berm separates this lot from the commercial development. The encroachment on the rear setback will, therefore, have no effect on the adjacent property owner. The rear patio is divided by a free standing wall down the center to separate the two living units/ condominiums. The Zoning Administrator did mention that per the City of Waterloo Zoning Code, Section 42-3-12 (D), patios extending into rear yard setbacks may be covered by a roof, but shall not be enclosed by walls. Since there is a free standing wall down the center of the patio, a variance for this wall will also be required to conform to the set back requirements.

**Motion was made by Rippelmeyer and seconded by Mueller to recommend approval on a Proposed Area Bulk Variance from the Rear Yard Setback Requirements of Section 40-2-3(A) of the Zoning Code of the City of Waterloo, IL for Lot #100 in the North Wind, Phase I, Subdivision.**

**Members voted as follows: YES – Mueller, Rippelmeyer, Loerch, Kaempfe and Hartman.  
Motion carried.**

**OLD/NEW BUSINESS:**

The Chairman asked if there was any additional old or new business. There was none.

**COMMENTS:**

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

**Motion to adjourn the meeting at 7:56 p.m. was made by Kaempfe and seconded by Rippelmeyer.**

**Motion carried.**

Minutes respectively submitted by Mechelle Childers