

MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD ON MARCH 20, 2014

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

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

Chairman Hartman asked if there were any additions or corrections to the minutes of the February 20, 2014 meeting and there were none. A motion was made by Loerch and seconded by Rippelmeyer to approve the minutes of the March 20, 2014 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.

PETITIONS:

Z-14-03-01 Review and Comment on Proposed Zoning Map Amendment to Rezone a Downtown Portion of B-3, Central Business District, to R-3, Single Family Residential and a Portion of B-3, Central Business District, to I-1, Light Industrial District.

The Zoning Administrator stated that the public notice for this petition was published in the Waterloo Republic Times on March 5, 2014, and that 106 of the 113 postal notifications were accepted. The Zoning Administrator explained that every year the City of Waterloo approves a Zoning Map, and prior to that approval the City performs a basic overview of the current zoning map to make sure areas are zoned correctly and the areas reflects the current use. During the review process it was determine that a portion of the downtown area that is currently zoned B-3, Central Business District is primarily residential with either single family or multi-family homes. To better protect the single family home owners, the City of Waterloo, proposed to rezone the area R-3, Single Family. The Zoning Administrator further explained that per the City Zoning Code, the minimum district size for an R-3 and an R-5 is five (5) acres each. Therefore, the downtown portion in question would need to be at least 10 acres in size to even consider dual zoning. If the rezoning is approved, an ordinance would be passed designating the existing use of each structure as a conforming use. The ordinance would also contain language that the business under the ordinance, would need to maintain the same intensity, i.e. average customer flow as the original business. It was also explained that the "conforming use" goes with the address, not with the owner of the property. The Zoning Administrator stated that every property owner, in the proposed rezone downtown portion, would receive a mailing requesting the address and current use of their property which would then be included in the ordinance as a conforming use. There are three properties located at 103,105 and 107 Lemen Street that are owned by the city and under consideration to be rezoned from B3 (Central Business District) to I1 (Light Industrial).

All three of these properties about the city Electrical Department and two of the three are used as rental property. A letter from Mr. Arthur Ahne was read expressing concerned that if his property was zoned R-3, he would lose the capability of renting out the upper floor or converting his home into a business. In addition, a letter from Mrs. Becky Madden was also read expressing similar concerns as Mr. Anhe, they would loss the capability of converting or selling the property for a business purpose. Mr. Mike Schneider commented that he counted the number of single family home, commercial businesses and multi-family homes on Moore Street, between Park and Mill and on Mill Street between Library and Moore and did not feel that the ratio between residential homes to commercial properties favored residential. He added that zoning the area R-3 would hurt any business who would like to expand. The questioned was asked if the conforming use could be based on the potential/future use of the property. The Zoning Administrator stated that the conformation use would need to be based on the current use.

Motion was made by Kaempfe and seconded by Mueller to table Petition Z-14-03-01 until more investigation/study of the area was performed and better direction was given for re-zoning the Downtown Portion mentioned in the Petition. Special awareness and zoning consideration should be given to Moore Street, between Park and Mill and on Mill Street between Library and Moore. In addition, the Madden property located at the corner of Library and Third should be removed from R-3 zoning consideration since the property is surrounded by business properties.

Members voted as follows: YES – Mueller, Rippelmeyer, Boothman, Loerch, Kaempfe, Gibbs 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 8:05PM was made by Kaempfe and seconded by Gibbs.
Motion carried.**

Minutes respectively submitted by Mechelle Childers