

MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD ON JUNE 19, 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 April 17, 2014 meeting. A motion was made by Rippelmeyer and seconded by Loerch to approve the minutes of the April 17, 2014 meeting as presented. Motion carried.

Chairman Hartman asked if there were any additions or corrections to the minutes of the May 15, 2014 meeting. Mr. Gibbs mentioned that under the Comment section of the minutes, the date is wrong. The date should be April 17, 2014 not April 14, 2014. A motion was made by Kaempfe and seconded by Mueller to approve the minutes of the May 15, 2014 meeting 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. The Zoning Administrator stated that he was withdrawing Petition Z-14-06-03 to rezone 28.36 acres to property located at the north east corner of Hamacher and Rogers Streets from R-3, Single Family Residential to B-3, Central Business District. The Planning Commission tabled this petition until more specific plans for the site were presented.

OLD BUSINESS:

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

PETITIONS:

Z-14-06-01 Review and Comment on Proposed Special Use Permit for a Residential Use as Permitted in a B-3 Zoning District at 118 West Mill from David Kovac/Jerome J and Elizabeth Properties, LLC.

The Zoning Administrator stated that the public notice for this petition was published in the Waterloo Republic Times on June 4, 2014. Mr. David Kovac, petitioner, was present to speak on behalf of this petition, and presented his postal notification receipts to the Zoning Administrator. Mr. Kovac stated that he was requesting a special use permit to convert the vacant property into his primary residence. There is an apartment on the second floor of the building which is currently unoccupied. Mr. Kovac thought the store front portion of the property had been vacant since at least 2006. He intends to use the entire building for his residence and plans to keep the store front look on the lower level; maintaining the same façade and appearance as a commercial building. Concern was expressed of changing commercial buildings to residential use in the downtown area. Mr. Kovac stated that there was not a lot of remodeling that needed to be done.

He would be installing an internal staircase to the second floor. There also was some plumbing work that would need to be done. The basement is filled with rock to accommodate the concrete floor that was poured on the first floor. The Zoning Administrator mentioned that the building could convert back to a commercial building immediately or after one year of not being used as a residence. Ms. Leigh McNicholas, representing the Waterloo Chamber of Commerce, stated that the Waterloo Chamber of Commerce supports residential on the second floor, but would like to see the first floor remain commercial. Mr. Mike Schneider, 318 West 3rd Street, questioned if city ordinance allowed a residence on the first floor. Mr. Schneider was informed that special use was for a single residence for the entire building.

Motion was made by Rippelmeyer and seconded by Kaempfe to approval the Special Use Permit for a Residential Use as Permitted in a B-3 Zoning District at 118 West Mill from David Kovac/Jerome J and Elizabeth Properties, LLC., with the stipulation that the façade maintain a commercial appearance.

Members voted as follows: YES – Mueller, Rippelmeyer, Boothman, Kaempfe, Gibbs and Hartman.

NO - Loerch

Motion carried.

Z-14-06-02 Review and Comment on Proposed Area Bulk Variance from the Front Yard Setback Requirements of Section 40-2-3 (A) for 601 South Market Street as Requested by Tim Scheibe, Reliable Sanitation.

Mr. Rhonda May, Officer Manager for Reliable Sanitation, was present to speak on behalf of this petition and presented the postal notification receipts to the Zoning Administrator. The Zoning Administrator stated that the public notice for this petition was published in the Waterloo Republic Times on June 4, 2014. Ms. May explained that they would like to expand their building for additional office space, however, due to the required front setback of 125 feet, they are unable to do so without an area bulk variance. The Chairman questioned the storage of the dumpsters and roll offs that are typically parked in front of the office and wanted to know if this storage practice would be limited with the expansion. Mr. Mike Schneider commented that the front yard set back and the rear yard set back of this property almost touch and, due to the geometric dimensions of the property, expansion of the building does meet the hardship requirement for an area bulk variance.

Motion was made by Rippelmeyer and seconded by Kaempfe to recommend approval on a Proposed Area Bulk Variance from the Front Yard Setback Requirements of Section 40-2-3 (A) for 601 South Market Street as Requested by Tim Scheibe, Reliable Sanitation with the stipulation that dumpster storage be eliminated in the front of the building.

Members voted as follows: YES – Mueller, Rippelmeyer, Boothman, Loerch, Kaempfe, Gibbs and Hartman.

Motion carried.

Z-14-06-03 Review and Comment on Proposed Zoning Text Amendment to rezone 28.36 acres to property located at the north east corner of Hamacher and Rogers Streets from R-3, Single Family Residential to B-3, Central Business District.

Withdrawn - The Planning Commission tabled this petition until more specific plans for the site were presented.

NEW BUSINESS:

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

COMMENTS:

The Chairman asked if there were any comments. Mr. Mike Kolmer, 135 Marine Lane, St. Louis, MO, requested to speak on withdrawn Petition Z-14-06-03 to rezone 28.36 acres to property located at the north east corner of Hamacher and Rogers Streets from R-3, Single Family Residential to B-3, Central Business District. Mr. Kolmer stated is was an adjoining property owner to this land parcel and wanted to stated his opinion on the rezoning of the property in case is came up again. He commented that he supported the decision made by the Planning Commission, and that a blanket approval for commercial development should not be given until it is determine what may be constructed on the property.

The Zoning Administrator informed the Board of Appeal that State Bank of Waterloo has requested the installation of a twenty foot pylon electronic message board at their wedge location, 501 North Market. The location has always been a business as far as anyone can remember, however, the area is zoned R-3, Single Family Residential. General consensus was that a public hearing was needed because the area was zoned R-3, Single Family Residential.

Motion to adjourn the meeting at 8:35PM was made by Kaempfe and seconded by Boothman.

Motion carried.

Minutes respectively submitted by Mechelle Childers