

MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD ON OCTOBER 16, 2014

The meeting was called to order by Chairman Ken Hartman at 7:32 PM.

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

Absent: Loerch

Chairman Hartman asked if there were any additions or corrections to the minutes of the August 21, 2014 meeting and there were none. A motion was made by Kaempfe and seconded by Rippelmeyer to approve the minutes of the August 21, 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. The Zoning Administrator stated that items 7A and 7B, both under New Business, are withdrawn from the agenda.

OLD BUSINESS:

Z-14-08-01 Review and Comment on Proposed Special Use Permit for a Single Family Residence in a B-3 Zoning District as permitted by Section 40-2-3 (B) for property located at 200 East First Street.

Mr. Russell Walster, the petitioner, was present to speak on behalf of this petition. The Zoning Administrator commented that the postal notification receipts had been received and public notice for this petition was published in the Waterloo Republic Times on October 1, 2014. Mr. Walster stated he would like to re-establish the property at 200 East First Street as a single family residence versus a commercial business. Mr. George Bieber, 207 Magnolia Avenue, stated he supported Mr. Walster and agreed that allowing the property to be used as a single family residence would be a "good thing".

Motion was made by Rippelmeyer and seconded by Mueller to recommend approval on Proposed Special Use Permit for a Single Family Residence in a B-3 Zoning District as permitted by Section 40-2-3 (B) for property located at 200 East First Street.

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

Motion carried.

Z-14-08-02 Advisory report on R-6 Condominium Zoned Districts.

This petition was brought forth by the City of Waterloo to correct to an omission of four pieces of property and to grandfather one additional property. The City of Waterloo has withdrawn this petition. Therefore, Petition Z-14-08-02 will not be coming back to the Planning Commission or the Board of Appeals.

PETITIONS:

Z-14-10-01 Review and Comment on Proposed Area Bulk Variances from Section 40-3-2(A)(1) regarding aggregate total of Accessory Buildings and the Side Yard Setback Requirements of Section 40-2-3(A) for Property Located 501 North Moore Street.

Mr. Dylan Smith was present to speak on behalf of this petition. The Zoning Administrator commented that the postal notification receipts had been received and public notice for this petition was published in the Waterloo Republic Times on October 1, 2014. Mr. Smith would like to add a 20' x 20' carport to his existing detached garage. Currently the detached garage is being use for other means and can not house a vehicle. The carport addition will allow him to keep his vehicle out of the elements and also serve as a patio area. The rock driveway was concreted today. Shingles and siding will match the current garage. Mr. Smith stated that the attached garage is not large enough to hold his vehicle. Mr. Terry Shelby, 500 Grand, stated he lives directly behind Mr. Smith and is not opposed to the petition. Mr. Bills Meyers, 505 N Moore, commented that every project Mr. Smith has done has improved his property value. He has reviewed Mr. Smith's plans and believes it will enhance the property. Mr. George Bieber, 207 Magnolia Avenue, also mentioned he supported Mr. Smith and endorsed anything that would improve the property. Mr. Gibbs inquired as to why the Planning Commission gave a neutral recommendation. The Zoning Administrator stated that two members opposed the petition, and two members voted in favor of the petition. Mr. Kaempfe inquired is there was anyone who spoke for or against the petition at the Planning Commission meeting. The Zoning Administrator informed the Board that no one spoke for or against the petition at the Planning Commission meeting. The Zoning Administrator explained that one of the Planning Commission members felt the amount of variance being asked for was a considerable quantity.

Motion was made by Rippelmeyer and seconded by Boothman to recommend approval on Proposed Area Bulk Variances from Section 40-3-2(A)(1) regarding aggregate total of Accessory Buildings and the Side Yard Setback Requirements of Section 40-2-3(A) for Property Located 501 North Moore Street.

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

Motion carried.

Z-14-10-02 Review and Comment on Proposed Zoning Text Amendment to Section 40-1-15 Definitions and Section 40-2-3(B) R-4 Two Family Residences – Special Use Permits Required, by the removal of *Nursing Home* and the addition of *Skilled Nursing Facility*.

The Zoning Administrator stated that this petition is by the City of Waterloo. The City would like to replace any reference to the term *Nursing Home* in the Zoning Code with the term *Skilled Nursing Facility*. The term *Nursing Home* would be removed from 'definitions', the general zoning district regulations as a Special Use under R-4, and from Section 40-6-14, Scheduled Parking Requirements, and the term *Skilled Nursing Facility* will be added. A Skilled Nursing Facility will be defined as an inpatient health care facility with the staff and equipment to provide skilled care, rehabilitation and other related health services to patients who need nursing care but do not require hospitalization. The term *Skilled Nursing Facility* will also added as a Special Use under R-4 and Parking requirements. The Parking Requirements, for a *Skilled Nursing Facility*, will be one parking space for every two beds, plus one parking space per

employee on maximum shift, plus one parking space for every twenty beds for visitors.

Motion was made by Kaempfe and seconded by Gibbs recommend approval on the Proposed Zoning Text Amendment to Section 40-1-15 Definitions and Section 40-2-3(B) R-4 Two Family Residences – Special Use Permits Required, by the removal of *Nursing Home* and the addition of *Skilled Nursing Facility*.

YES – Mueller, Rippelmeyer, Boothman, Kaempfe, Gibbs and Hartman.

Motion carried.

Z-14-10-03 Review and Comment on Proposed Special Use Permit for a Skilled Nursing Facility in a R-5 Multi-Family Residential District as permitted by Section 40-2-3(B) for property located at Lot 6A on Legacy Drive.

Mr. Dave Kunkel, one of the owners of Legacy Assisted Living Center, was present to speak on behalf of this petition. The Zoning Administrator commented that the postal notification receipts had been received and public notice for this petition was published in the Waterloo Republic Times on October 1, 2014. They would like to build a thirty (30) bed memory care facility on the property adjacent to the Legacy Assisted Living Center. The building would be approximately 22,250 square feet and the architecture would have the same look as the Legacy Assisted Living Center. Gregg Sutterfield, from Hurford Architects, was also present to speak on this petition.

Mr. Sutterfield stated that parking would meet all the new requirements as mention in tonight's Petition Z-14-10-02, and reiterated that the style of the facilities and the materials use would be similar to the Legacy Assisted Living Center. The two facilities should be seamless although they would not be attached. Mr. Sutterfield stated that a memory care is for people who are at risk to themselves or others and who will wander off; mainly people with dementia and early stages of Alzheimer. The staff to resident ratio will be greater than at an assisted living center and it would be a locked facility.

Motion was made by Rippelmeyer and seconded by Kaempfe recommend approval on the Proposed Special Use Permit for a Skilled Nursing Facility in a R-5 Multi-Family Residential District as permitted by Section 40-2-3(B) for property located at Lot 6A on Legacy Drive.

YES – Mueller, Rippelmeyer, Boothman, Kaempfe, Gibbs and Hartman.

Motion carried.

Z-14-10-04 Review and Comment on Proposed Area Bulk Variance from the Rear Yard Setback Requirements of Section 40-2-3(A) for property located at 716 Mahala Drive.

Mr. David Shanks, owner of the duplex at 716 Mahala Drive, was present to speak on behalf of this petition. The Zoning Administrator commented that the postal notification receipts had been received and public notice for this petition was published in the Waterloo Republic Times on October 1, 2014. Mr. Shanks would like to construct an 18'x18' family room addition to the rear wall of the duplex at 716 Mahala. The proposed building will have a fireplace on the end, and have an approximate six feet encroachment on the thirty foot rear yard set back requirement.

There are no utility easements concerns. Mr. Shanks mentioned that his neighbor, Mrs. Louise Gremmels stated she was not opposed to the addition. Mr. George Bieber, 207 Magnolia Avenue, stated he supported Mr. Shank and thought Mr. Shanks should be allowed to improve his property when the only issue appears to be a minor setback requirement.

(October 16, 2014 Zoning Mins. – Cont.)

Motion was made by Rippelmeyer and Mueller by Darter recommend approval on the Proposed Area Bulk Variance from the Rear Yard Setback Requirements of Section 40-2-3(A) for property located at 716 Mahala Drive.

YES – Mueller, Rippelmeyer, Boothman, Kaempfe, Gibbs and Hartman.

Motion carried.

NEW BUSINESS:

The Chairman asked if there was any additional new business. The Zoning Administrator mentioned that there would be a November Board of Appeals meeting.

COMMENTS:

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

Motion to adjourn the meeting at 8:05 PM was made by Kaempfe and seconded by Boothman.

Motion carried.

Minutes respectively submitted by Mechelle Childers.