

**MINUTES OF THE ZONING BOARD OF APPEALS
MEETING HELD ON JUNE 20, 2024**

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

Roll call was taken: **Present: Loerch, Spielman, Powell, Gibbs, and Hartman.**
Absent: Poettker and Boothman

Chairman Hartman asked if there were any additions or corrections to the minutes of the May 16, 2024 meeting. The following change was recommended:

Top of Page 2, First Sentence: Change the wording from “There is a lot of discussion....” to “There was a lot of discussion.....”.

A motion was made by Gibbs and seconded by Spielman to approve the minutes of May 16, 2024, as amended. Motion carried.

The Chairman asked if there were any petitions by citizens on non-agenda items. There were none.

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

PETITIONS:

Z-24-06-01 Review and Comment on a petition for a One-Year Extension on a Special Use Permit to allow a Multi-Family Residence to be located above a commercial business located in the B-3 Zoning District, as permitted by 40-2-3(B), for property more specifically known as 231 West Mill Street (Parcel No. 07-25-203-024-000) as requested by owner, Phillip Kelley.

The Zoning Administrator commented that the public notice for this petition was published in the Waterloo Republic-Times on June 05, 2024. All postal notification receipts except one have been received. The resident with the unreturned postal notification receipt was personally notified.

Mr. Phillip Kelley, petitioner and owner of the property, was present to speak on behalf of this petition. Mr. Kelley stated that he was requesting a one-year extension on his Special Use Permit to allow a Multi-Family Residence to be located above a commercial business at 231 West Mill Street. There have been no changes to the plans for the property since it was first presented to the Board of Appeals on August 18, 2022. Those plans are to build a two-story building with commercial business on the ground floor and residential apartments on the second floor.

Motion was made by Gibbs and seconded by Loerch to recommend approval for a One-Year Extension on a Special Use Permit to allow a Multi-Family Residence to be located above a commercial business located in the B-3 Zoning District, as permitted by 40-2-3(B), for property more specifically known as 231 West Mill Street (Parcel No. 07-25-203-024-000) as requested by owner, Phillip Kelley.

Members voted as follows:

YES – Gibbs, Loerch, Spielman and Hartman.

NO – None.

PRESENT – Powell.

Motion carried by a vote of 4/0/1.

Z-24-06-02 Review and Comment on a petition for a One-Year Extension on a Special Use Permit to allow a Residence Use in the B-3 Zoning District, as permitted by 40-2-3(B), for property more specifically known as 231 West Mill Street (behind the proposed commercial business) (Parcel No. 07-25-203-024-000) as requested by owner, Phillip Kelley.

The Zoning Administrator commented that the public notice for this petition was published in the Waterloo Republic-Times on June 05, 2024. All postal notification receipts except one have been received. The resident with the unreturned postal notification receipt was personally notified.

Mr. Phillip Kelley, petitioner and owner of the property, was present to speak on behalf of this petition. Mr. Kelley stated that he was requesting a one-year extension on his Special Use Permit to allow a Residence Use for property more specifically known as 231 West Mill Street (behind the proposed commercial business mentioned in Petition Z-24-06-01. There have been no changes in the plans for the property since it was first presented to the Board of Appeals on August 18, 2022.

The Zoning Administrator reminded everyone that at the August 18, 2022, Board of Appeals Meeting, the Board thought it was best to have the townhouses face Library Street to prevent additional parking on Flower Street.

Motion was made by Spielman and seconded by Loerch to recommend approval for a One-Year Extension on a Special Use Permit to allow a Residence Use in the B-3 Zoning District, as permitted by 40-2-3(B), for property more specifically known as 231 West Mill Street (behind the proposed commercial business) (Parcel No. 07-25-203-024-000) as requested by owner, Phillip Kelley.

Members voted as follows:

YES – Gibbs, Loerch, Spielman and Hartman.

NO – None.

PRESENT – Powell.

Motion carried by a vote of 4/0/1.

COMMENTS:

The Zoning Administrator commented on the following business items:

- **Communication Tower** – Approval of the Communication Tower will be on the City Council agenda for July 1, 2024.

- **Extension for Special Use Permits** – It has been suggested that a Special Use Permit could be issued for a period of three years without the possibility of an extension. The Special Use would simply expire, and the petitioner would have to reapply. The extension was put in place to allow the Zoning Board to review the area's demographics before considering a time extension. However, a neighborhood typically does not undergo significant changes within a two-year period. The Board Members could see no negative consequences in changing the duration of the Special Use Permit. The Zoning Administrator will bring the topic up to the next Planning Committee meeting. If the aldermen are in complete agreement, he will start the process to amend the ordinance for Special Use Permits. The Board mentioned that it would be necessary to review the number of Special Use Permits currently in process.

Motion to adjourn the meeting at 7:59 PM was made by Loerch and seconded by Spielman. Motion carried.

Minutes respectfully submitted by Mechelle Childers.