

**MINUTES OF THE ZONING BOARD OF APPEALS  
MEETING HELD ON NOVEMBER 21, 2024**

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

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

Chairman Hartman asked if there were any additions or corrections to the minutes of the September 19, 2024 meeting. A motion was made by Gibbs and seconded by Spielman to approve the minutes of September 19, 2024 as presented. 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-24-11-01 Review and Comment on a Petition for a Special Use Permit for a home occupation (Counseling) to be located at 509 Grand Avenue, Parcel No. 07-24-384-013-000.**

The Zoning Administrator commented that the public notice for this petition was published in the November 06, 2024 edition of the Waterloo Republic-Times. All postal notification receipts were received.

Mrs. Patricia Mosbacher, petitioner and owner of the property, was present to speak on behalf of this petition. She has been a practicing counselor for the last eight years, focusing on individuals primarily suffering from depression and anxiety, and is now ready to retire. Maintaining an office is no longer feasible as she plans to see only about 10 clients. These are long-term clients who have not yet reached their goals. She does not intend to accept any new clientele. Mrs. Mosbacher estimates that her current clients' therapy will conclude within the next six to twelve months.

The board members received a letter expressing concerns from a neighbor and discussed several of these issues with Mrs. Mosbacher:

- Parking Issues – The plan is to have one vehicle in the driveway, thereby enabling clients to park in front of the house. Clients will be seen for 45 minutes to an hour. Approximately half of her clients are consulted through Telehealth.
- Client Crisis Situations – There will be no clients coming over in a crisis mode.
- Maintaining an Office Space at the Location on Bradford – The new business owners have already decided how they are going to use their office space. In addition, Mrs. Mosbacher stated she doesn't see as many people as she used to, so her profits aren't sufficient to justify renting an office/location.
- Provision of Clinical Care – The work is clinical, requiring the maintenance of treatment plans and progress notes. As a Licensed Clinical Social Worker (LCSW), she must sign off that the treatment is medically necessary. Her treatment plans incorporate Cognitive Behavioral Therapy (CBT), Dialectical Behavior Therapy (DBT), and some trauma therapy.

Board Member Gibbs informed Mrs. Mosbacher that the City Council has final authority over special use permits. In addition to recommending approval or rejection to the Council, the Zoning Board of Appeals can also recommend restrictions on the permit.

In response to Board Member Poettker's inquiry, Mrs. Mosbacher expressed no objections to restricting the special use permit to two days per week, specifically Wednesday and Thursday, for 18 months.

Board Member Spielman commented that some businesses belong in residential areas while others do not, and this is something he does not believe is appropriate for residential areas. He has some concerns about the clinical aspects of the business.

**Motion was made by Poettker and seconded by Loerch to approve a Special Use Permit for a home occupation (Counseling) to be located at 509 Grand Avenue, Parcel No. 07-24-384-013-000 with the stipulation that the business operates solely on Wednesdays and Thursdays for eighteen (18) months from the date of approval and services only existing clients.**

**Members voted as follows:**

**YES – Poettker, Loerch, and Hartman.**

**NO – Boothman, Powell, Spielman, and Gibbs.**

**Motion failed by a vote of 3/4.**

**COMMENTS:**

The Zoning Administrator commented on the following business items:

- **December ZBA Meeting** – A Zoning Board of Appeals meeting will be scheduled for December 19, 2024, to review and provide comments on a variance request for an accessory building exceeding 900 square feet. Please review and consider past variance requests exceeding 900 square feet, and the lot sizes associated with these requests. In addition, would the Board consider changing the accessory building size according to lot size?  
For example:
  - R3 Residential zone (10,500 square foot lot) would be limited to a 900 square foot accessory building.
  - R2 Residential zone (14,000 square foot lot) would be limited to a 1,000 or 1,100-square-foot accessory building.

Board members were not opposed to this idea; however, no decision or action was taken.

**Motion to adjourn the meeting at 7:55 PM was made by Loerch and seconded by Poettker. Motion carried.**

Minutes respectfully submitted by Mechelle Childers.