

# AGENDA

**WATERLOO BOARD OF ADJUSTMENT**  
**Regular Meeting - 4:00 P.M.**  
**Tuesday, March 28, 2023**  
**Harold E. Getty Council Chambers – City Hall**

**General Rules for Public Participation**

1. The presentation order for all new or old business agenda items shall be as follows: a) Staff report, b) Board questions, c) Applicant's presentation, d) Opinions of interested citizens, e) Applicant's rebuttal, f) Board discussion.
2. Interested citizens may address any item on the agenda by stepping to the podium. After recognition by the chair, the individuals state their name, address and group affiliation (if applicable) and speak clearly into the microphone.
3. Interested citizens may speak one (1) time per item. Please limit your comments to approximately five (5) minutes. Although generally discouraged, at the discretion of the Chair, interested citizens may be allowed to speak more than once per item.
4. Keep comments germane and refrain from personal, impertinent or slanderous remarks and repetitious information.
5. All comments and requests for information shall be directed towards the chair, and not towards individuals in the audience. All comments shall be in keeping with proper and courteous conduct.
6. If handouts are to be provided, you are encouraged to deliver them to the Planning and Zoning Department at least 24 hours prior to the meeting to be distributed to Board members. If not possible to be pre-delivered, you are encouraged to bring six (6) sets of all handouts for Board members and staff. A minimum of **one (1)** copy of **any** handout (including original pictures) must be retained by staff for the official record of the request.

I. Approval of March 28, 2023 Agenda

II. Approval of February 28, 2023 Minutes.

III. Decision Items:

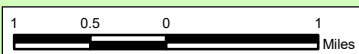
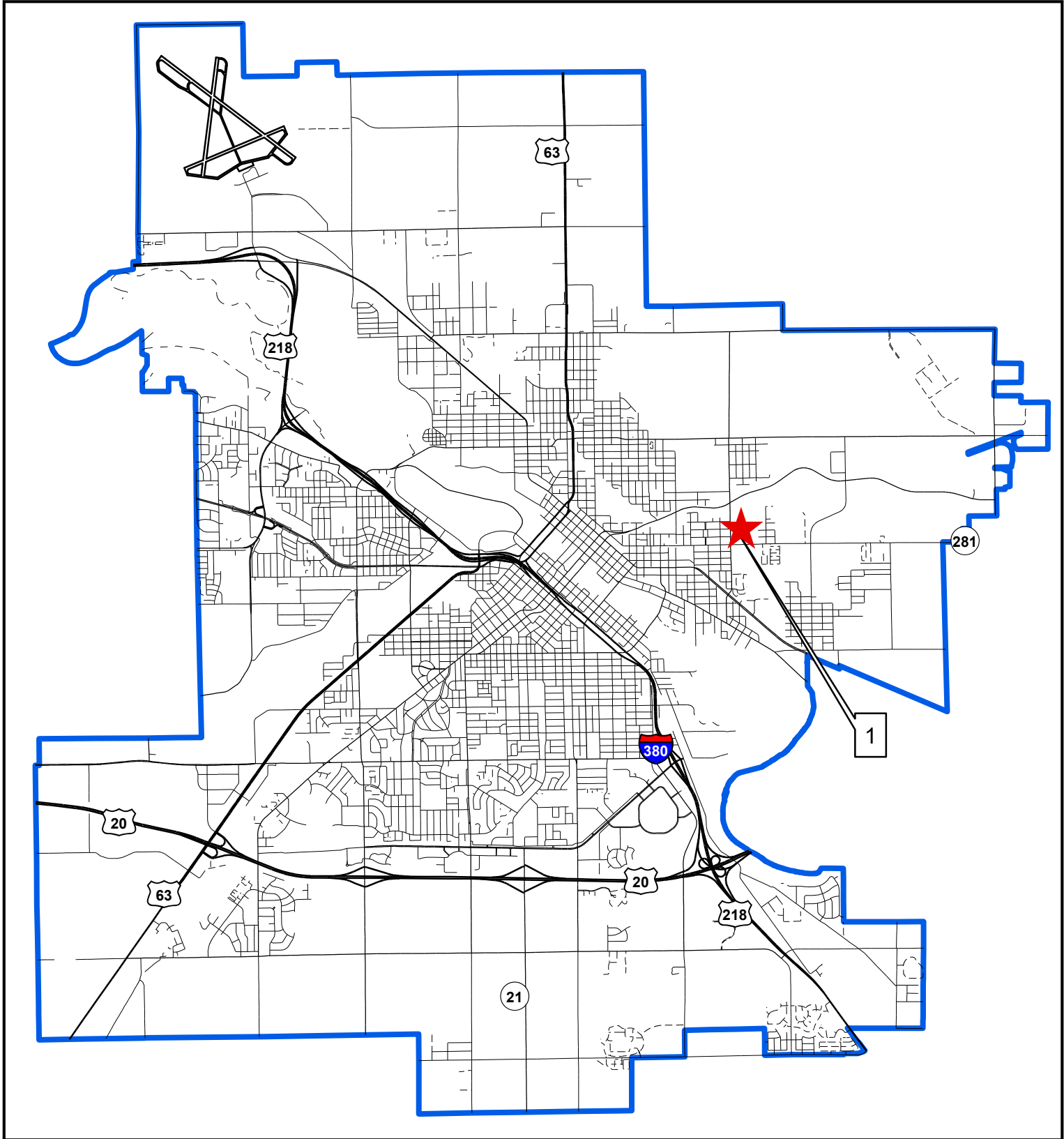
1. Request by Nagle Signs on behalf of the Black Hawk County Health Department for a variance to the sign regulations to allow for a 67.6 square foot monument sign, 3.6 square feet more than the 64 square feet permitted, and variance to allow for a flashing digital message center in the "R-3" Multiple Residence District located at 1407 Independence Avenue.

IV. Discussion

V. Adjournment

*\*\* Next regular meeting of the Waterloo Board of Adjustment to be held on April 25, 2023 \*\**

**Board of Adjustment  
March 28, 2023**



**Agenda Map**

**CITY OF WATERLOO, IOWA  
BOARD OF ADJUSTMENT MINUTES  
REGULAR MEETING - 4:00 P.M. FEBRUARY 28, 2023**

The regular meeting of the City of Waterloo Board of Adjustment was called to order by Chairperson Condon at 4:00 p.m. via zoom and in-person in the Harold E. Getty Council Chambers at Waterloo City Hall.

Members present were: Craig Holdiman, Jerri Thornsberry, Carol Gustafson, John Beckman, and Brad Condon.

Members present electronically were: none.

Members absent were: none.

Others present were: Lexi Blank, Aric Schroeder, John Dornoff & Seth Hyberger – Planning Department, and 4 citizens.

Others present electronically were: Dave Boesen – City Council Liaison.

**I. Approval of the Agenda**

***It was moved by Thornsberry and seconded by Holdiman to approve the agenda. Motion carried unanimously.***

**II. Approval of the Minutes from the regular meetings on January 24, 2023.**

***It was moved by Beckman, seconded by Gustafson, to approve the minutes of the January 24, 2023, meeting. Motion carried unanimously.***

**III. Decision Items**

1. Request by Nagle Signs on behalf of JSA Development, LLC for a variance to the sign regulations to allow for a projecting sign to project over street right-of-way 7.5 feet, 2.5 feet more than the 5 feet permitted in the “C-3” Central Business District located at 716 Commercial Street.

Blank read the staff report recommending approval of the request.

Mason Fromm, Nagle Signs noted that Experience Waterloo is moving from its current location to the historic fire station on Commercial Street and bringing life to the block. Also, they are looking to have the sign far enough out so the cornice does not obscure the edge, but it is still not out as far as the existing sign that it is replacing.

***It was moved by Holdiman, seconded by Beckman, to approve the request by Nagle Signs on behalf of JSA Development, LLC for a variance to the sign regulations to allow for a projecting sign to project over street right-of-way 7.5 feet, 2.5 feet more than the 5 feet permitted in the “C-3” Central Business District located at 716 Commercial Street. Motion carried unanimously.***

2. Request by South Hills Living, LLC for a variance to the US Highway 20 Corridor Overlay District requirements to allow for a setback from US Highway 20 of 30 feet, 20 less than the 50 feet required to allow for the construction of a 9,307 square feet parking garage in the “R-4,R-P” Planned Multiple Residence District at 1117 Maxhelen Drive.

February 28, 2023

Hyberger read the staff report recommending approval of the request.

Condon asked if they were currently short on parking spots and if there was a review board for Highway 20 Overlay District, to which Hyberger answered they might be short one or two but will exceed the minimum with the additional stalls in the proposed parking garage and no, there is no review board for US Highway 20 like there is for US Highway 218 Overlay District, therefore, any variance requests come directly to the Board of Adjustment.

Holdiman asked for clarification that the setback requirement is a city code and not a requirement by the Iowa Department of Transportation, to which Hyberger answered correct.

Dornoff noted that because this is in a planned zoning district, the proposal went before the Planning, Programming, and Zoning Commission, and notice was sent out to property owners within 250 feet and there was no opposition at the meeting and staff had received a few calls on the request with no being in opposition.

Gustafson stated she is concerned by the lack of handicapped spaces, to which Schroeder responded that the number of handicapped spaces, while mentioned in the Zoning Ordinance, the actual number required, is determined by the building code.

Dave Larson, the owner of South Hills Senior Living, noted that one of the reasons that the company wants indoor parking is to ensure that the senior residents have a safe place to park out of the snow.

Beckman asked if the garage structure will be attached to the existing structure, to which Larson said no, there would be a short walking path to the building.

***It was moved by Beckman, seconded by Thornsberry, to approve the request by South Hills Living, LLC for a variance to the US Highway 20 Corridor Overlay District requirements to allow for a setback from US Highway 20 of 30 feet, 20 less than the 50 feet required to allow for the construction of a 9,307 square feet parking garage in the "R-4,R-P" Planned Multiple Residence District at 1117 Maxhelen Drive. Motion carried unanimously.***

3. Request by Chi Town Candy Store for variance to the parking requirements to allow for no off-street parking to expand a legal non-conforming use in the "C-2" Commercial District located at 410 Mobile Street.

Blank read the staff report recommending approval of the request, although it was noted they did receive a call in opposition.

Dornoff noted the call was a complaint about parking, to which Beckman stated there was a concern with Gustafson noting if there is no parking now, to which Dornoff responded correct.

Allan Tramaun, 316 Randolph applicant for the request, stated that they have approval from the Black Hawk County Health Department and that they do not allow customers to pull into the back, and if a customer wants something from the concession stand it is brought to the main building. He further stated that most of the customers are children, so it is not high traffic.

Gustafson asked if the building was open all year long to which Tramaun answered yes.

Holdiman asked if the concessions would be seasonal, to which Tramaun stated he was planning for it to be seasonal.

Beckman asked if the candy store, which has the Mobile Street address, is open all year long, but there is a padlock on the door today; however, the concession stand is seasonal to which Tramaun stated that it is open from 3 pm to 9 pm right now, and the concession stand will be seasonal.

Beckman asked about the motorhome that is parked in the back, to which Tramaun stated it is only there in the wintertime.

Beckman also asked if the applicant owned the business along Independence in front of the applicant's property, to which he stated he did not, but a relative did and it will open tomorrow.

***It was moved by Gustafson, seconded by Thornsberry, to approve the request of Chi Town Candy Store for variance to the parking requirements to allow for no off-street parking to expand a legal non-conforming use with an 8' X 12' (96 square foot) concessions building in the "C-2" Commercial District located at 410 Mobile Street for the following reason: It would appear that the request would not have any negative impact on traffic in the area as the business is used as a mobile concession stand in a permanent location in addition to a candy store (convenience store). Motion carried unanimously.***

4. Request by Douglas King for a variance to the accessory structure size limit to construct a new 624 square foot addition to a recently approved 1,520 square foot accessory structure for a total of 2,784 square feet of detached accessory structures, 624 square feet more than the 2,160 square feet of total detached accessory structure previously approved by variance in the "R-2" One and Two Family Residence District located at 1121 Ann Street.

Dornoff read the staff report recommending denial of the request for the following reasons: 1) there would not appear to be a lack of reasonable return as the applicant has already been approved for an accessory structure that exceeds the accessory structure limit; 2) there would not appear to be a uniqueness to the request as the applicant already has more detached accessory structures than any property in the neighborhood, and the request would put the property over the 6% of detached accessory structures and 3) out of character with the neighborhood and would set a precedent for similar requests.

Holdiman asked if an attached garage is considered an accessory structure, to which Schroeder responded that per the accessory structure provisions of the Zoning Ordinance, an attached garage is an accessory structure but is regulated separately from detached accessory structures. The attached accessory structures are regulated by the footprint of the main residence with a minimum of 576 square feet, which detached accessory structures can be 6% of the lot area with a minimum of 850 square feet up to a maximum of 1800 square feet.

Thornsberry asked for clarification that his lot area is 37,660 square feet, to which Dornoff stated that was correct.

Douglas King, 1121 Ann Street, stated he has many things that he wants to store inside and not outside where people can view them.

Condon told the applicant he understood why he wanted it, but he needed to give the Board a reason to approve it, to which King stated that unless you like driving through a neighborhood and seeing boats and trailers sitting in a yard.

**City of Waterloo Board of Adjustment**

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Holdiman asked if that was not the reason he had come before the Board before, to which King responded yes, but when he got it built, he realized he had more stuff than the new garage would hold.

Beckman stated that the applicant might not like the comment, but last month there was an applicant on Northey who had a lot of stuff and wanted a big garage, but the Board scaled down what they would allow being built there and, in essence, said maybe he should get rid of some of his stuff or put in an off-site storage and told the same thing to an applicant on Burton and Beckman stated that is where he is at right now to which King responded that he has a bunch of old cars that he was not going to part with.

Gustafson noted that there would be a new storage place opening in the old K-Mart building on University, so there are places where things can be stored.

***It was moved by Beckman, seconded by Holdiman, to deny the request by Douglas King for a variance to the accessory structure size limit to construct a new 624 square foot addition to a recently approved 1,520 square foot accessory structure for a total of 2,784 square feet of detached accessory structures, 624 square feet more than the 2,160 square feet of total detached accessory structure previously approved by variance in the "R-2" One and Two Family Residence District located at 1121 Ann Street for the following reasons: 1) there would not appear to be a lack of reasonable return as the applicant has already been approved for an accessory structure that exceeds the accessory structure limit; 2) there would not appear to be uniqueness to the request as the applicant already has more detached accessory structures than any property in the neighborhood, and the request would put the property over the 6% of detached accessory structures and 3) out of character with the neighborhood and would set a precedent for similar requests. Motion carried unanimously.***

**IV. Discussion**

The next meeting of the Board of Adjustment will be on March 28, 2023.

**V. Adjournment**

***It was moved by Beckman, seconded by Holdiman, to adjourn the meeting at 4:42 p.m. Motion carried unanimously.***

Respectfully submitted,



John Dornoff,  
Planner II

REQUEST:	<p><b>Nagle Signs on behalf of Black Hawk County Health Department– 1407 Independence Avenue.</b></p> <p>Request by Nagle Signs on behalf of the Black Hawk County Health Department for a variance to the sign regulations to allow for a 67.6 square foot monument sign, 3.6 square feet more than the 64 square feet permitted, and variance to allow for the sign to include a flashing digital message center in the “R-3” Multiple Residence District located at 1407 Independence Avenue.</p>
GENERAL DESCRIPTION:	<p>The applicant is requesting a variance to allow the installation of a 67.6 square foot sign, which will include a flashing LED digital message center.</p>
LOCATION, CURRENT ZONING, AND ZONING HISTORY:	<p>The property is located on a corner lot at the intersection of Independence Avenue and Idaho Street. The site in question is zoned “R-3” Multiple Residence District and has been zoned as such since the adoption of the Zoning Ordinance.</p>
IMPACT ON NEIGHBORHOOD & SURROUNDING	<p>The request would not appear to have a negative impact on the neighborhood or surrounding area.</p>
LAND USES:	<p>The request would not appear to have a negative impact on traffic conditions in the area. There are sidewalks located along Idaho Street and Independence Avenue.</p>
RELATIONSHIP TO COMPREHENSIVE PLAN:	<p>The proposed request would be in conformance with the classification of this area as Mixed Commercial: Medium to High Density Residential; Professional Offices; Compatible Commercial on the Future Land Use Map within the City of Waterloo Comprehensive Plan adopted on February 3, 2003.</p>
STAFF COMMENTS:	<p>Sections of the Zoning Ordinance that pertain to the request:  <u>Chapter 26, Outdoor Advertising Signs and Billboards 10-26-1 (C) 7-b</u>  Maximum of sixty-four (64) square feet on any one side thereof of the total monument signs. Signs shall not contain moving or flashing parts.</p> <p>The applicant is requesting to install a new monument sign that will be 67.6 square feet not including the base and includes a LED digital message board.</p> <p>Highland Elementary School has a digital sign along Idaho Street. The Expo Learning Center is located across the street from the sign and the nearest residence is located over 300 feet to the west of the sign. There are trees between the sign and the home, so the residence should not be affected by the sign. The property to the east of the site is zoned “C-2” Commercial District.</p> <p>Staff would note that there are many other similar signs that are located in residentially zoned areas such as West High School, Lowell Elementary, and the Waterloo Schools Administration Building all zoned “R-3 Multiple Family Residence District. Also Central Christian Church zoned “R-2” One and Two Family Residence District and Hoover Middle School zoned “R-1” One and Two Family Residence District. All signs have existed for many years without any negative impact or complaints from surrounding property owners.</p>



Picture 1: Existing Sign



Picture 2: Looking at existing sign and the main building.



Picture 3: Looking east along Independence Avenue toward the sign.



Picture 4: Looking west along Independence Avenue past the current sign.

## Criteria

1. Lack of reasonable return- There would not appear to be a lack of reasonable return to the request as the applicant could have a sign that meets the size requirements without the LED message board.
2. Uniqueness- There would appear to be a uniqueness to the request, as Highland Elementary School which is located within a few blocks has a digital message board. Also the nearest home to the sign is located 300 feet away on Idaho Street.
3. Public Considerations- There have been no objections to the request.

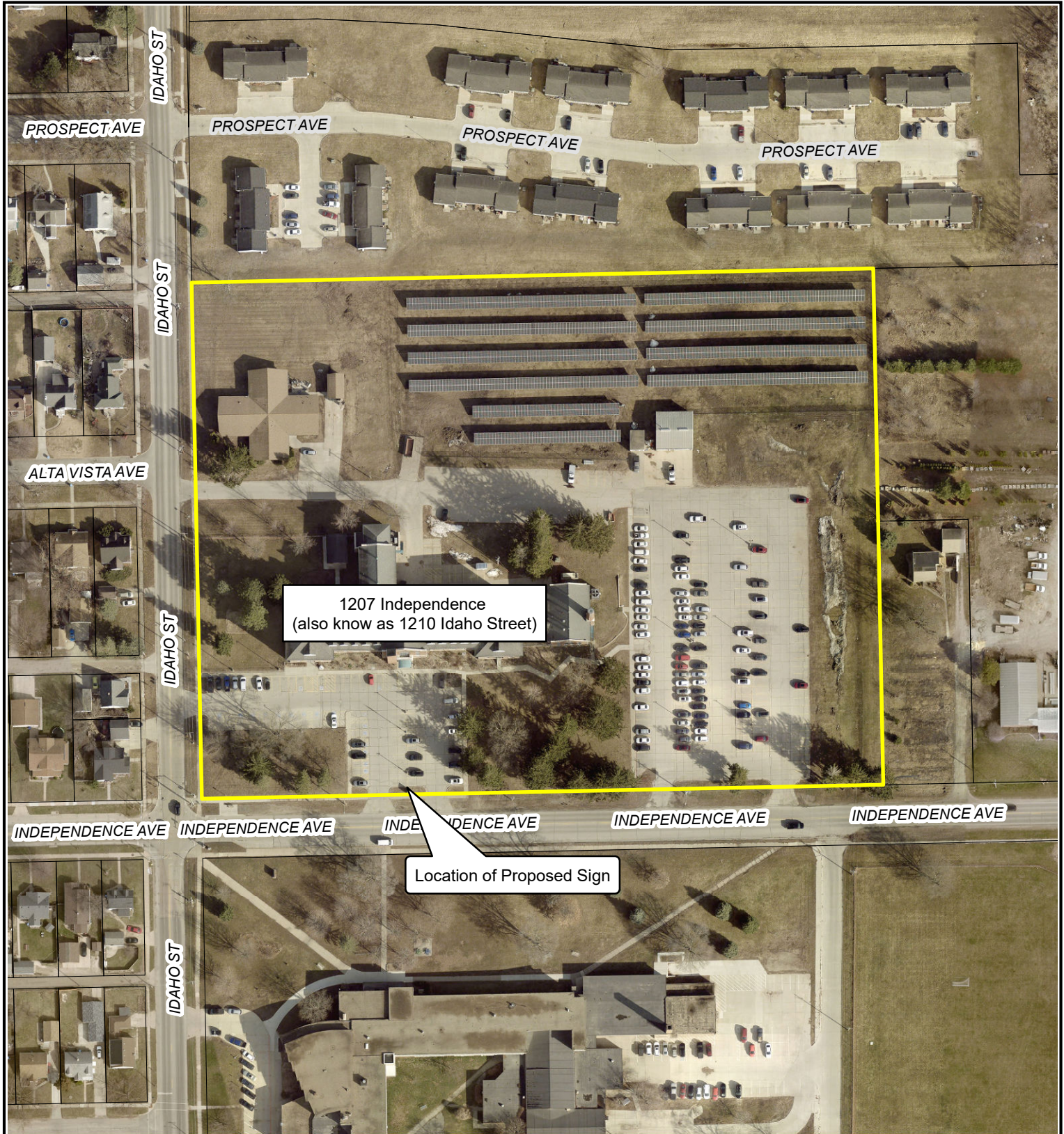
## STAFF

### RECOMMENDATIONS:

Therefore staff recommends that request by Nagle Signs on behalf of the Black Hawk County Health Department for a variance to the sign regulations to allow for a 67.6 square foot monument sign, 3.6 square feet more than the 64 square feet permitted, and variance to allow for a flashing digital message board in the “R-3” Multiple Residence District located at 1407 Independence Avenue, be approved for the following reason(s):

1. The request would not appear to have a negative impact upon the area.
2. There would appear to be a uniqueness to the request, as Highland Elementary School which is located within a few blocks has a digital message boards. Also the nearest home to the sign is located 300 feet away on Idaho Street.
3. There have been no objections to the request.

**City of Waterloo Board of Adjustment  
March 28, 2023**



**Nagle Signs on behalf  
of Black County Health Department  
1407 Independence  
Sign Variance**





WATERLOO  
1020 Wilbur Ave. PO BOX 2098  
Waterloo, IA 50704  
319-233-4604 • 800-728-4604  
Fax: 319-233-7514

MARSHALLTOWN  
605 Iowa Ave. West  
Marshalltown, IA 50158  
641-752-4608 • 888-456-7446  
Fax: 641-752-6986

PROJECT

PINECREST

LOCATION

WATERLOO, IA

REPRESENTATIVE

DESIGNER

HMF

SKETCH #

2-23-23

SCALE

3/8" = 1'0"

FILE NAME

PINECREST/2-23-23.FS

PRINT FILE(S)

1

REVISION(S)

- 1
- 2
- 3
- 4
- 5

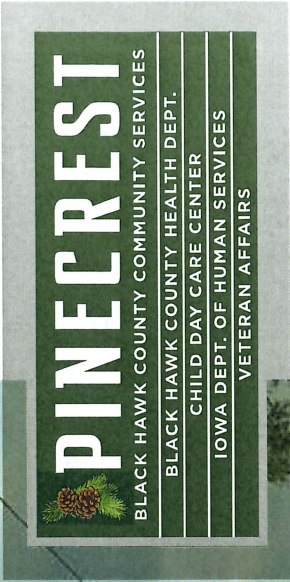
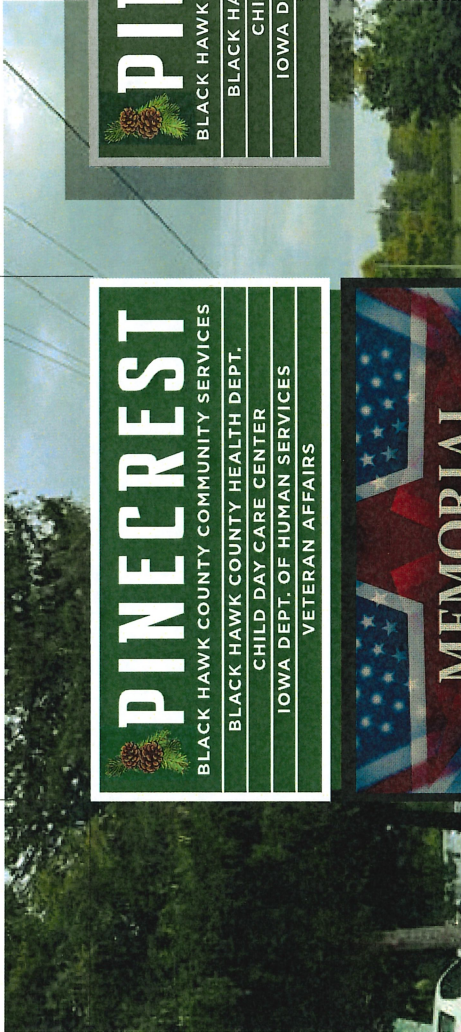
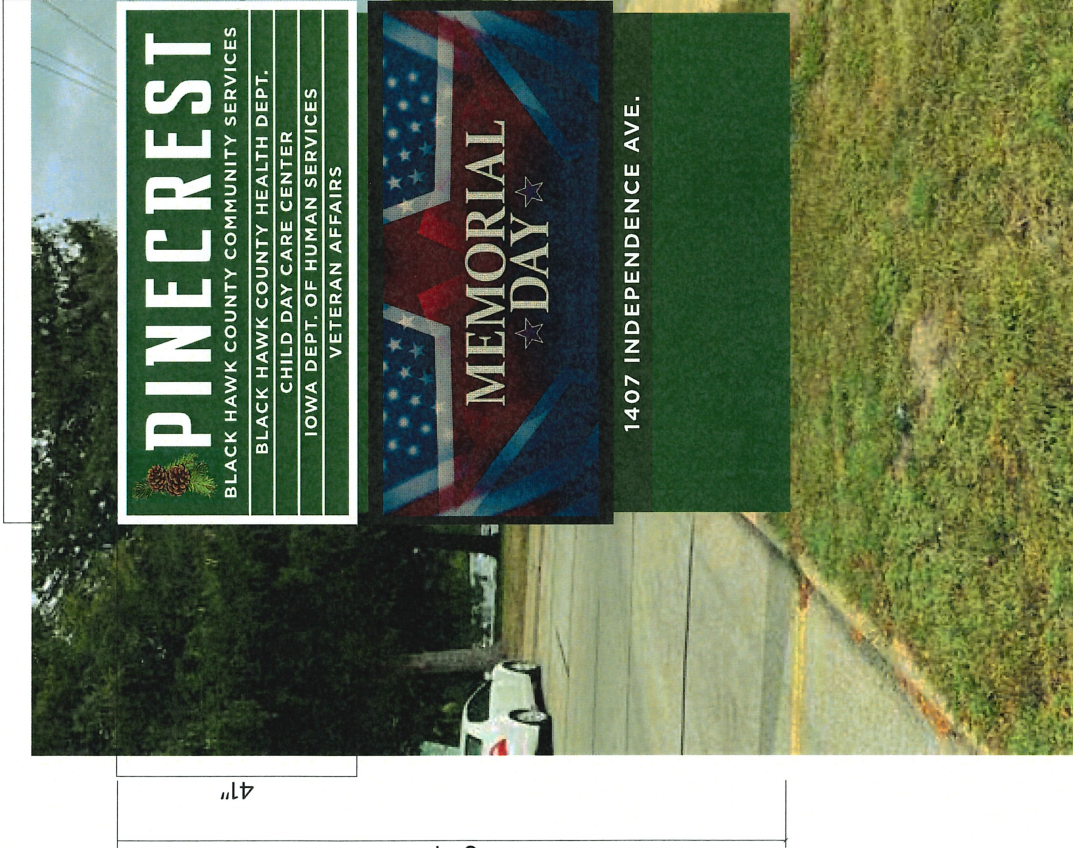
WORK ORDER #



CLIENT APPROVAL

SIGNATURE/DATE

7' 3"



8 MM FULL COLOR MESSAGE CENTER  
3' 5" X 7' 3" CABINET  
3' X 7' VIEWING AREA - 108 X 252 MATRIX



March 14, 2023

City of Waterloo  
Board of Adjustment  
Waterloo, IA 50701

Re: Black Hawk County Health Department  
(Black Hawk County)  
1210 Idaho St., Waterloo, IA 50703

Nagle Signs Inc., in conjunction with the Black Hawk County, are asking the department approval for the following modifications to the above address:

Furnish and install 9'4" tall x 7'3" wide, double-sided monument. 41" tall x 7'3" wide Pinecrest cabinet will be internally lit with an opaque background and illuminated logo / tenant copy. 3' tall x 7' wide viewing area of 8MM color Watchfire LED message center which will dim to 10% of full brightness during night and early morning hours. The sign area measures 54.5 square feet with a grand total of the monument structure being 67.6 square feet.

We are seeking a variance Waterloo Code Chapter 26 Part C7, which does not permit signs with moving or flashing parts within R-3 residential zoning. The sign will have the ability to inform the community with up-to-date health news, press releases and additional services provided within the organization.

Existing monument structure will be removed and pole to be brought down below grade.

Sincerely,  
Nagle Signs Representative  
  
Brian Buss

Black Hawk County Health Department  
  
Lisa Sesterhenn

**WATERLOO**

 1020 Wilbur Ave. PO BOX 2098  
Waterloo, IA 50704  
 319-233-4604 • 800-728-4604  
Fax: 319-233-7514

**MARSHALLTOWN**

 605 Iowa Ave. West  
Marshalltown, IA 50158  
 641-752-6608 • 888-656-7446  
Fax: 641-752-6968

 [naglesigns.com](http://naglesigns.com)





City of Waterloo  
Planning & Zoning Department  
715 Mulberry Street Waterloo, Iowa 50703  
319-291-4366

BOARD OF ADJUSTMENT – APPLICATION TO APPEAL

The Request is a (CHECK ONE)

- ☐ It is an Appeal for an Interpretation of the Ordinance or Map.  
☒ It is a request for a variance relating to the use, area, frontage, setback or height

SITE ADDRESS: 1210 Idaho Street / 1407 Independence Ave

LEGAL DESCRIPTION: N 572 FT S 605 FT E 757 FT W 773.5 FT SE 1/4 SEC 19 T 89 R 12

APPLICANT: NAGLE SIGNS, INC.

Address: 1020 WILBUR AVE, WATERLOO, IA 50701

Telephone #: 319-233-4604

Email Address: brian@naglesigns.com

PROPERTY OWNER (if different than applicant): BLACK HAWK COUNTY

Address: 316 E 5TH ST B40, WATERLOO, IA 50703

Telephone #: 319-291-2413

Pursuant to the provision of Ordinance No. 2479, as amended – appeal is hereby made to vary or modify the order, requirement, decision or ruling of the Zoning Official of the City of Waterloo, Iowa.

ATTACHED HERETO AS PART OF THIS APPEAL, WE SUBMIT THE FOLLOWING: (Note: These papers and the filing fee **must be submitted** with the appeal in order for your request to be processed.)

1. A reference to the proper part and section of the Zoning Ordinance on which the variance is requested.  
WATERLOO CODE CHAPTER 26-1 PART C7 B "MOVING OR FLASHING PARTS"
2. A scale drawing and/ or other graphic documentation of all relevant details.
3. A brief narration setting forth the specific grounds for appeal.
4. A check in the amount of two hundred twenty five dollars (\$225), payable to the City of Waterloo.  
Note: This is a filing fee and is non-refundable, even if the request is denied.
5. A petition of approval by surrounding or affected adjacent property owners (recommended).

We the undersigned hereby depose and say that all of the above statements contained in the papers submitted herewith are true, and authorize City Zoning Officials to enter the property in question in regards to the request.

Brian Buss

3/9/2023

Applicant Signature

Date

Owner Signature

Date

DO NOT WRITE BELOW THIS LINE

Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Fee Paid: Y \_\_\_ N \_\_\_

Mailed to Chairman on: \_\_\_\_\_ Hearing Date: \_\_\_\_\_