

b) The Zoning/Floodplain Regulations State:

The proposed new public bathroom would constitute the placement of a structure in the floodway where structures are prohibited. All variances granted relating to the flood plain shall have the concurrence or approval of the Iowa Department of Natural Resources. See Code of Ordinances Section 102.5 and Section 102.9.03.

c) Interested Property Owners:

Mr. Tom Hicks submitted a written response in opposition to the variance. There were no other written or verbal comments.

d) Discussion:

Parks and Recreation Director Tab Ray began the discussion and reviewed the project. He reviewed the entire Kohlmann Park construction plans and stated the reasons why the proposed bathroom location was selected by his staff and the Parks and Recreation Commission. Mr. Ray stated that the structure would be constructed with flood resistive materials and that the location would block the view of the dam structure. Mr. Ray stated that there is not a real hardship, but that they are looking at this variance as a public need request.

Member Foy asked about the other structures in the project. Mr. Ray responded that the other structures will allow for the open flow of water through them and will not obstruct the floodway like the bathroom. Secretary Passmore explained that the solid bathroom structure would make flood waters go around the structure and possibly cause a greater affect then an open air structure. Chairperson Lampe asked if the City has had an engineer review the effect on the floodplain with the addition of this structure. Mr. Passmore stated the City had not done this and that it was unlikely an engineer would sign such a review. Member Gidley confirmed that the bathroom would be constructed with concrete or brick so that it is easily cleaned after a flood event. Member Brown mentioned that the park needs a bathroom if not two of them. Mr. Lampe mentioned the possibility to locate the bathroom on the north end near the gazebo and the parking lot to stay out of the floodway. The board agreed a bathroom was needed, but differed on where it needed to be located. Mr. Lampe and Mr. Foy stated their concerns with the location in the floodway.

e) Motion by the Board:

Motion By: Chris Foy

Seconded By: Pat Brown

Move that a variance to allow the proposed new public bathroom located at option "A" by the floodgates in Kohlmann Park along 1st Street NW and within the floodway district be approved.

Yes: 1

No: 3

Absent: 1

Member Brown cast the "Yes" vote.

2. Election of Officers.

Per Chapter 45 of the Waverly Municipal Code, the first organizational meeting of the Board of Adjustment held in January of each even numbered year is the time and place to elect a chairperson and vice-chairperson. The elected officers shall serve concurrent terms of two (2) years.

Motion By: Chris Foy

Seconded By: Vern Gidley

Move that Pete Lampe be elected as Chairperson of the Board of Adjustment for the 2004 – 2005 term.

Yes: 4

No: 0

Absent: 1

Motion By: Chris Foy

Seconded By: Vern Gidley

Move that Pat Brown be elected as Vice-Chairperson of the Board of Adjustment for the 2004 – 2005 term.

Yes: 4

No: 0

Absent: 1

E. Old Business: None

F. New Business: None

G. Adjournment:

Motion By: Vern Gidley

Seconded By: Pat Brown

That the Board of Adjustment meeting be adjourned.

Yes: 4

No: 0

Absent: 1

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