

# City of West Branch

~A Heritage for Success~

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110 N. Poplar Street • PO Box 218 • West Branch, Iowa 52358  
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**ZONING BOARD OF ADJUSTMENT MEETING**  
**Tuesday, January 6, 2015 • 6:30 p.m.**  
**West Branch City Council Chambers, 110 N. Poplar St.**  
*Council Quorum May Be Present*

1. Call to Order
2. Introduction of new member – Kami Poppen
3. Introduction of new member – Frank Frostestad
4. Roll Call
5. Approve minutes from December 2, 2014 Zoning Board of Adjustment meeting./Move to action.
6. Approve special exception request from Mr. Matthew Olson./Move to action.
7. Review revised Ordinance 725.
8. Review Draft Application of Special Exception.
9. Discussion – Potential creation of ZBOA Chapter within City Code.
10. Review upcoming calendar.
11. Adjourn

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**Board of Adjustment Members:** Chair Craig Walker, Jennie Embree, Wayne Frauenholtz, Frank Frostestad, Kami Poppen  
**Mayor:** Mark Worrell • **Council Members:** Jordan Ellyson, Colton Miller, Brian Pierce, Tim Shields & Mary Beth Stevenson  
**City Administrator/Clerk:** Matt Muckler • **Fire Chief:** Kevin Stoolman • **Library Director:** Nick Shimmin • **Parks & Rec Director:** Melissa Russell • **Police Chief:** Mike Horihan • **Public Works Director:** Matt Goodale

# Attachment A

*(These minutes are not approved until the next Commission meeting.)*

## **City of West Branch Board of Adjustment Meeting**

***December 2, 2014***

***West Branch City Council Chambers, 110 North Poplar Street***

Chairman, Craig Walker opened the regular meeting of the Zoning Board of Adjustments at 6:30 p.m. by welcoming the audience which included Joel Seiberling and the following City Staff: City Administrator Matt Muckler, Deputy City Clerk Leslie Brick and Zoning Administrator Paul Stagg.

Board members Craig Walker (Chair), Wayne Frauenholtz, Wilburn Bass and Jennie Embree were present. Absent: Kami Poppen

Announcement of new Board member Kami Poppen was announced however, Kami was unable to attend this meeting. Chairman, Craig Walker also welcomed new Deputy City Clerk Leslie Brick.

Two Special Exceptions were requested for home occupations from Joel Seiberling and Kathryn Cox. As of the start of the meeting, Matt Muckler advised that Kathryn (Kate) Cox had withdrawn her request. No further action was required for this request. Joel Seiberling then addressed the commission by introducing himself to the Board and provided the Commission with information regarding his request for a home occupation. Mr. Seiberling's requested to operate a digital textile printing operation for garment decoration. The business will be housed in the rear portion of his garage that is a separate building detached from his home. He will be the only employee and will have no signage or advertising of any kind on the premises. He will also not operate any retail sales from this location. All sales and/or deliveries will be done via UPS or Federal Express. In closing, Mr. Seiberling confirmed there would be no environmental impact on the property.

Commission member Embree questioned if noise the printer would be too loud. Mr. Seiberling replied that the digital printer makes a similar sound that a typical office printer makes and felt it would not be a disruption. Board member Bass questioned if the exception were to be granted, was there an expiration date. Chairman Walker responded that the Board needed to address the question of whether or not the Board has the right to attach conditions and that item would be discussed later on the agenda. Board member Frauenholtz spoke in favor of Mr. Seiberling's request and wished him much success. Move to action. Motion by Bass, second by Frauenholtz to approve this Special Exception. Roll call vote –AYES: Walker, Frauenholtz, Bass and Embree. NAYS: None. Absent: Poppen. Motion carried.

# Attachment A

Discussion of the draft Special Exception Form. Paul Stagg opened the conversation regarding Attachment C of the December 2<sup>nd</sup>, 2014 packet. Commission members discussed additions to the Special Exceptions Form. Chairman Walker said that he would make updates to the form and email the proposed changes to the BOA members prior to the next meeting. The group also decided they would need to all vote on the forms and scheduled another meeting for January 6, 2015 to do so. The BOA will then provide their proposed Special Request Form to the Planning & Zoning Commission for their input. The next Planning & Zoning Meeting is scheduled for January 27, 2015.

Discussion regarding specific conditions that the Board of Adjustment may include for special exception requests (Ordinance 725). The Board discussed conditions on which the Board could impose without Council approval. The Board agreed to have further discussions at a later date.

Motion by Frauenholtz and second by Bass to adjourn. Motion carried on a voice vote. Meeting adjourned at 7:30 p.m.

# Attachment B

## Request for Special Exception

Name: Matthew Olson  
Address: 503 East Main Street, West Branch, IA 52358  
E-mail: [guru@gurutogo.com](mailto:guru@gurutogo.com)  
Phone: (319) 541-2621  
Zoning District: R-1

Special Exception Requested: Home Occupation for Computer Repair

On Fri, Dec 12, 2014 at 11:50 AM, Matthew Olson <[gurutogo@gmail.com](mailto:gurutogo@gmail.com)> wrote:

Thanks for the fast response Paul, I see no reason why I would not qualify under these guidelines, as it is just myself operating the business, only a very small area of the total home square footage will be used to conduct the business (12 x 15 interior room), and I shall have only very little traffic and nothing unusual or visible related to the business on the property except a small sign if that is possible. I believe my services will benefit the community as there are no similar services immediately in West Branch and I work on-site with local businesses and with home users as well. I would really like to have some visible signage because it is an inexpensive and very effective way to let people in the community know about my services. Being in West Branch creates unique challenges in gaining local clientele due to the fact that most advertising services are overpriced and ineffective for a small town and the internet oversaturated with ads more localized to Iowa City so it's a difficult to get local exposure. I would look forward to the opportunity to discuss this exception with the ZBA and yes please add me to the agenda for January 6th. Have a great weekend and thanks again!

**Matthew**

Matthew Olson  
Guru To Go Technology Solutions

# Attachment C

## ORDINANCE NO. 725 - DRAFT

### AN ORDINANCE AMENDING CHAPTER 165 “ZONING REGULATIONS”

WHEREAS, the City Council of the City of West Branch, Iowa, has heretofore deemed it necessary and desirable to provide a process whereby the Zoning Board of Adjustment could allow uses by special exception under certain conditions, and

WHEREAS, it is desirable for the City Code to be consistent with the State Code.

NOW, THEREFORE, BE IT ORDAINED:

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 165 “ZONING REGULATIONS” of the Code of West Branch, Iowa is hereby amended by revising the following subsection to Chapter 165:

#### **165.22 (7) Powers of the Board of Adjustment**

165.22 (7) — Insert the following: In granting a variance, or Special Exception, the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this chapter. Violation of any of these conditions or safeguards shall be deemed violation of this chapter.

2. This amendment to the ordinance shall be in full effect from and after its publication as by law provided.
3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
4. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any part, section, or provision thereof not adjudged invalid or unconstitutional.

Passed and approved this xnd day of xxxx, 2015.

First Reading:

Second Reading:

Third Reading:

\_\_\_\_\_  
Mark Worrell, Mayor

Attest:

\_\_\_\_\_  
Matt Muckler, City Administrator/Clerk

xx/xx/2015

# Attachment D

## City of West Branch - draft Application for Special Exception to City Zoning Regulations

### Instructions:

Individuals requesting a Special Exception must complete this application and submit it to the City Zoning Administrator at the West Branch City Office - 110 N. Poplar Street, West Branch, IA 52358.

Individuals requesting a special exception should familiarize themselves with the requirements as outlined under the West Branch City Code 165.26 - 165.29 - District Requirements (as applicable) and 165.04 - Definitions (as applicable). The City Code is available on the West Branch website [www.westbranchiowa.org](http://www.westbranchiowa.org)

Name \_\_\_\_\_  
Address \_\_\_\_\_  
E-mail \_\_\_\_\_  
Phone \_\_\_\_\_  
Zoning District \_\_\_\_\_

Describe in detail the Special Exception you are requesting:

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

\*\*\*\*\*

Zoning Board of Adjustment Action (including specific conditions - if applicable):

Chair Zoning Board of Adjustment \_\_\_\_\_ Date \_\_\_\_\_

Applicant acknowledgement of specific conditions (if applicable)

Signature \_\_\_\_\_ Date \_\_\_\_\_

xx/xx/2015

## CHAPTER 23

### PLANNING AND ZONING COMMISSION

23.01 Planning and Zoning Commission  
23.02 Term of Office  
23.03 Vacancies

23.04 Compensation  
23.05 Powers and Duties

**23.01 PLANNING AND ZONING COMMISSION.** There shall be appointed by the Council a City Planning and Zoning Commission, hereinafter referred to as the Commission, consisting of seven (7) members, who shall be residents of the City and qualified by knowledge or experience to act in matters pertaining to the development of a City plan and who shall not hold any elective office in the City government.

*(Code of Iowa, Sec. 414.6 & 392.1)*

**23.02 TERM OF OFFICE.** The term of office of the members of the Commission shall be four (4) years. The terms of not more than one-third of the members will expire in any one year.

*(Code of Iowa, Sec. 392.1)*

**23.03 VACANCIES.** If any vacancy exists on the Commission caused by resignation, or otherwise, a successor for the residue of the term shall be appointed in the same manner as the original appointee.

*(Code of Iowa, Sec. 392.1)*

**23.04 COMPENSATION.** All members of the Commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the Council.

*(Code of Iowa, Sec. 392.1)*

**23.05 POWERS AND DUTIES.** The Commission shall have and exercise the following powers and duties:

1. Selection of Officers. The Commission shall choose annually at its first regular meeting one of its members to act as Chairperson and another as Vice Chairperson, who shall perform all the duties of the Chairperson during the Chairperson's absence or disability.

*(Code of Iowa, Sec. 392.1)*

2. Adopt Rules and Regulations. The Commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

*(Code of Iowa, Sec. 392.1)*

3. Zoning. The Commission shall have and exercise all the powers and duties and privileges in establishing the City zoning regulations and other related matters and may from time to time recommend to the Council amendments, supplements, changes or modifications, all as provided by Chapter 414 of the Code of Iowa.

*(Code of Iowa, Sec. 414.6)*

4. Recommendations of Improvements. No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any permit be issued by any department of the City for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the Commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the Commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.

*(Code of Iowa, Sec. 392.1)*

5. Review and Comment on Plats. All plans, plats, or re-plats of subdivision or re-subdivisions of land embraced in the City or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the City, shall first be submitted to the Commission and its recommendations obtained before approval by the Council.

*(Code of Iowa, Sec. 392.1)*

6. Review and Comment of Street and Park Improvements. No plan for any street, park, parkway, boulevard, traffic-way, river front, or other public improvement affecting the City plan shall be finally approved by the City or the character or location thereof determined, unless such proposal shall first have been submitted to the Commission and the Commission shall have had thirty (30) days within which to file its recommendations thereon.

*(Code of Iowa, Sec. 392.1)*

7. Fiscal Responsibilities. The Commission shall have full, complete and exclusive authority to expend for and on behalf of the City

all sums of money appropriated to it, and to use and expend all gifts, donations or payments whatsoever which are received by the City for City planning and zoning purposes.

*(Code of Iowa, Sec. 392.1)*

8. Limitation on Entering Contracts. The Commission shall have no power to contract debts beyond the amount of its original or amended appropriation as approved by the Council for the present year.

*(Code of Iowa, Sec. 392.1)*

9. Annual Report. The Commission shall submit a preliminary budget to the City Council the first meeting in January each year. In addition, the Commission shall each year make a report to the Mayor and Council of its proceedings, with a full statement of its receipts, disbursements and the progress of its work during the preceding fiscal year. The report shall be presented to the Council each year in July.

*(Ord. 565 – Feb. 04 Supp.)*

*(Code of Iowa, Sec. 392.1)*

10. Minutes of Meetings. Subsequent to any meeting, the Commission shall cause to have transmitted to the Clerk the minutes of any meeting, which submission shall be within a reasonable time, but in any event prior to the next Council meeting.