

# *City of West Branch*

~ A Heritage for Success ~

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110 N. Poplar St. • P.O. Box 218 • West Branch, Iowa 52358  
Ph. 319-643-5888 • Fax 319-643-2305 • [www.westbranchiowa.org](http://www.westbranchiowa.org) • [wbcity@lcom.net](mailto:wbcity@lcom.net)

**ZONING BOARD OF ADJUSTMENT MEETING**  
**Monday, March 25, 2013 • 6:30 p.m.**  
**West Branch City Council Chambers, 110 N. Poplar St.**  
*Council Quorum May Be Present*

1. Call to Order
2. Roll Call
3. Approve minutes from the September 27, 2012 Zoning Board of Adjustment Meeting/Move to action.
4. Public Hearing on Variances on the south 0.5 acres of Auditor's Parcel "H," located within a portion of Block 22 – Oliphants Division, located in a portion of the SW 1/4, SW 1/4 of Section 5 Township 79 North, Range 4 West, of the 5th P.M. City of West Branch.
5. Approve Variances on the south 0.5 acres of Auditor's Parcel "H," located within a portion of Block 22 – Oliphants Division, located in a portion of the SW 1/4, SW 1/4 of Section 5 Township 79 North, Range 4 West, of the 5th P.M. City of West Branch./Move to action.
6. Adjourn

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**Board of Adjustment Members:** Jim Huber, Chair, Wilburn Bass, Craig Cochran, Wayne Frauenholtz and Craig Walker  
**Mayor:** vacant • **Council Members:** Jordan M. Ellyson, Colton Miller, Jim Oaks, Dan O'Neil, Mark Worrell  
**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

*These minutes are not approved until the next Board meeting.*

**Zoning Board of Adjustments Meeting**  
**September 27, 2012**  
***West Branch City Council Chambers, 110 North Poplar Street***

Chairman Jim Huber opened the regular meeting of the Zoning Board of Adjustments at 7:00 p.m. by welcoming the audience, including Craig Walker, and the following City Staff: City Administrator Matt Muckler.

Board members Jim Huber (Chair), Wayne Frauenholtz, Wilburn Bass and Craig Cochran were present.

Three variances to setback requirements were requested by Barnhart's Custom Services located at 412 E. Main Street, West Branch, IA 52358. The setbacks were requested on the south 75 feet of lots 34 and 35 and the vacated alley and the northern 76 feet of lots 72 and 73 and vacated alley in Block 8 of Cameron (Original Town) A.K.A. West Branch. Owner Bruce Barnhart was present to answer questions concerning these requests. Variance #1 – Reduce side yard setback from 30 feet to 12 feet for a 61-foot long new addition to be constructed south of the existing building.

Variance #2 – Reduce side yard setback from 8 feet to 0 feet for the east 22 feet of the north side of the existing building adjacent to the Monserud Dental Office for the placement of a standby generator.

Variance #3 – Reduce side yard setback from 30 feet to 6 feet for construction of a 20-foot bay to be constructed on the east side of the existing building.

Chair Huber asked that the Board allow for two separate votes: the first for variances 1 and 2, and a second for variance 3. Board members discussed how they contacted neighbors and noted the absence of any opposition to the requested variances. As long as the building line for the new addition followed the existing building, there was no opposition to variance #1. Barnhart expressed his intent to someday purchase the Monserud property and that would make the second variance less of an issue. Board members commented that this request was adjacent to another business and the adjoining business owner was in agreement. The chair raised a concern with variance #3, as it was adjacent to a residential property. The chair also questioned whether the six-foot setback was appropriate. He asked whether an accommodation might be made on the west side of the building for this bay. Barnhart stated that his preference would be to construct the extension of the bay on the east side but that he understood the Chair's concerns. Frauenholtz and Bass spoke in favor of variance #3.

Approve variances 1 and 2./Move to action. Motion by Cochran and second by Bass to approve variances 1 and 2. Roll call vote – Ayes: Cochran, Bass, Frauenholtz and Huber. Nays: None. Absent: None. Motion carried.

Approve variance 3./Move to action. Motion by Frauenholtz and second by Bass to approve variance 3. Roll call vote – Ayes: Frauenholtz, Bass, Cochran and Huber. Nays: None. Absent: None. Motion carried.

Motion by Frauenholtz and second by Bass to adjourn. Motion carried on a voice vote. Meeting adjourned at 7:50 p.m.

## NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING OF THE WEST BRANCH ZONING BOARD OF ADJUSTMENT TO ALLOW A VARIANCE TO THE SETBACK REQUIREMENTS OF THE WEST BRANCH ZONING CODE.

YOU ARE HEREBY NOTIFIED that a public hearing will be held by the West Branch Zoning Board of Adjustment in the Council Chambers at City Hall at 110 N. Poplar Street at 6:30 o'clock P.M. on, Monday, March 25<sup>th</sup>, 2013. The public hearing will discuss the proposed variance requests of Terry Suchomel at 323 and 325 E. Main Street:

Auditor's Parcel J	Reduce front yard setback from 25 feet to 14.33 feet
Auditor's Parcel H	Reduce front yard setback from 25 feet to 5.5 feet
Auditor's Parcel K	Reduce rear yard setback from 20 feet to 9.3 feet
Auditor's Parcel K	Reduce side yard setback on east side of lot from 8 feet to 4.7 feet
Auditor's Parcel K	Reduce side yard setback on west side of lot from 8 feet to 0.7 feet

All interested persons are invited to attend the meeting and be heard on the aforementioned proposed adoption of the requested variances. Further information regarding same may be obtained by contacting the West Branch City Clerk.

/s/   
Matt Muckler, City Administrator/Clerk

APPLICATION FOR VARIANCE TO BOARD OF ADJUSTMENT

Date 2/12/13  
Name MMS Consultants on behalf of Terry Suchomec  
Address 1917 S Gilbert, Iowa City 52240

THE PROPERTY OWNER OR APPLICANT IS TO FILL OUT THE FOLLOWING FORM, EXPLAINING FULLY ALL REASONS FOR SAID REQUEST. PLEASE READ THE EXPLANATORY INFORMATION PRIOR TO FILLING OUT THE LINE ITEM.

CITY CODE OF WEST BRANCH, IOWA. CHAPTER 165. ZONING REGULATIONS.

165.22 POWERS OF THE BOARD. The Board of Adjustment shall have the following powers:

1. Administrative Review. To hear and decide appeals where it is alleged by the appellants that there is error in any order, requirement, permit, decision, determination or refusal made by the zoning officer or other administrative official in the carrying out or enforcement of any provision of this chapter, and for interpretation of the Zoning Map.
2. Vote Required. The concurring vote of three (3) members of the Board shall be necessary to reverse or modify any order or decision of an administrative official.
3. Special Exceptions. To hear and decide applications for special exceptions as specified in this chapter and for decisions on any special questions upon which the Board of Adjustment is specifically authorized to pass.
4. Variance. To hear and decide applications for variance from the terms of this chapter because of unnecessary hardship. Before any variance is granted, all of the following conditions must be shown to be present.
  - A. Conditions and circumstances are peculiar to the land, structure or building and do not apply to neighboring lands, structures or buildings in the same district.

(EXPLAIN HOW THIS APPLIES TO YOU) Please see attached letter

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- B. Strict application of the provisions of this chapter would deprive the applicant of reasonable use of the land, structure or building equivalent to the

use made of neighboring lands, structures or buildings in the same district and permitted under the terms of this chapter.

(EXPLAIN HOW THIS APPLIES TO YOU) Please see Attached letter

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C. The peculiar conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of this chapter.

(EXPLAIN HOW THIS APPLIES TO YOU) Please See Attached letter

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5. Financial disadvantage to the property owner shall not constitute conclusive proof of unnecessary hardship within the purposes of zoning.

6. The Board does not possess the power to permit a use not generally or by special exception, permitted in the district involved.

7. In granting a variance, 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.

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SIGNATURE OF BOARD MEMBERS

DATE

APPROVED

DENIED

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(Name) \_\_\_\_\_ VARIANCE REQUEST  
\_\_\_\_ approved / \_\_\_\_ denied on the \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_. Building Permit No. \_\_\_\_\_.



# MMS CONSULTANTS, INC.

IOWA CITY IOWA  
OFFICE: 319-351-8282

*Your Vision + Our Innovation = Inspired Results*

February 12, 2013

Project # 5275-004

City of West Branch  
Matt Muckler  
PO Box 218 110 N Poplar St.  
West Branch, IA 52358

Re: Variance Request - 325 & 323 E Main Street, West Branch

Dear Matt:

MMS Consultants, on behalf of Terry Suchomel, would like to request a series of variances on the sites located at 325 & 323 E Main. We are in the process of cleaning up the lot lines for these properties – Parcel numbers 05001305360007, 008 and 010. Right now, several of the lot lines are cutting through various buildings. However, the three existing buildings have been there for some time, in some cases 30 years or more, much longer than the zoning ordinance has been in place. The buildings were not constructed with any thought of future lot line setbacks and constraints. It would be cost prohibitive to tear down or move the buildings. We have attempted to position the lot lines the best we could with the constraints we are faced with. We are requesting the following variances in regards to the building setbacks.

	<u>Required</u>	<u>Requesting</u>
<u>Auditor's Parcel "J" -</u>	Front Yard – 25'	14.33'
<u>Auditor's Parcel "H" -</u>	Front Yard – 25'	5.5'
<u>Auditor's Parcel "K"-</u>	Front Yard – 25'	25'
Auditor's Parcel "K"-	Rear Yard – 20'	9.3'
Auditor's Parcel "K"-	Side Yard – 8'	East Side 4.7' West Side 0.7'

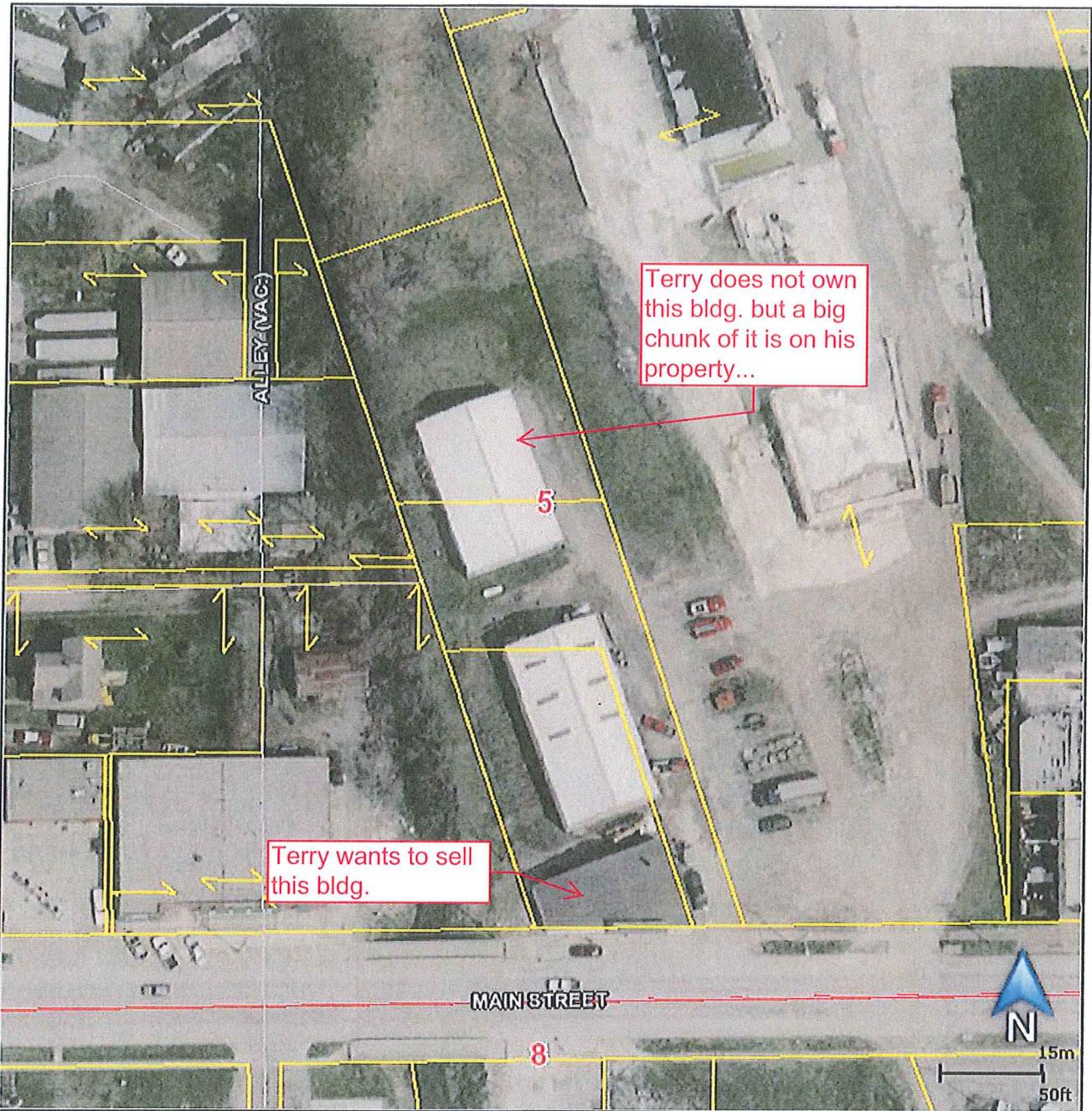
We are also requesting a variance on the Street Frontage Requirement (City of West Branch Zoning Regulation 165.10) for Auditors Parcel "K". This particular structure has been in existence for 30 or more years and was built directly on the current right-of-way line for Main Street. If you have any questions or concerns, please feel free to contact me.

Respectfully submitted,

Sandra Steil  
MMS Consultants Inc.

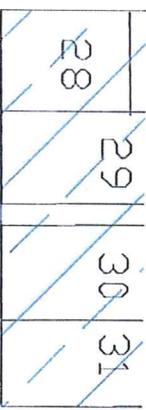
CIVIL ENGINEERS  
LAND SURVEYORS  
LAND PLANNERS  
LANDSCAPE ARCHITECTS  
ENVIRONMENTAL SPECIALISTS

# Cedar County, IA



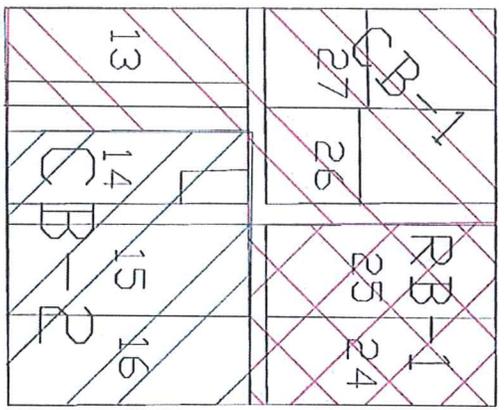
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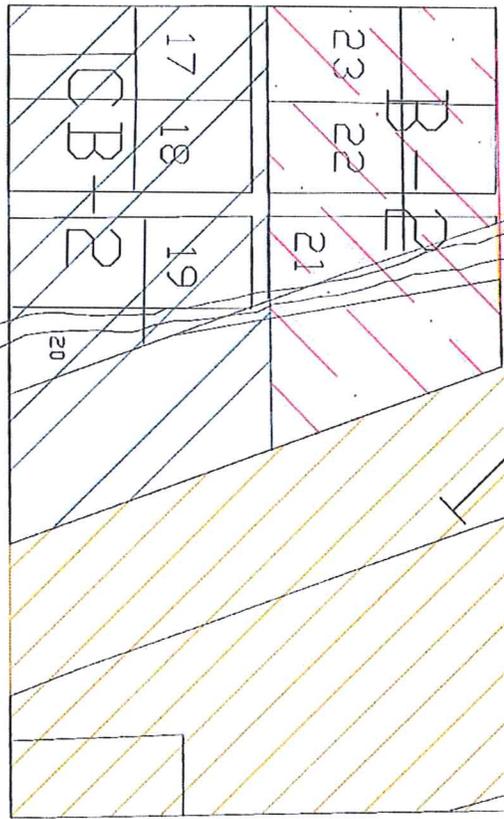


GREEN ST

FIRST

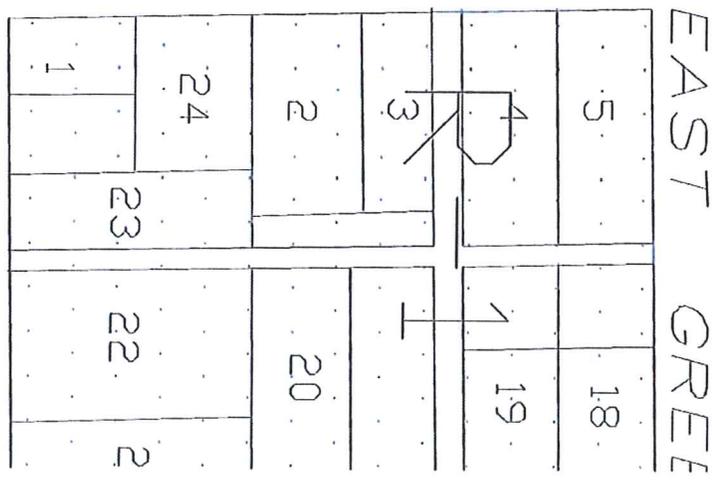


NORTH SECOND

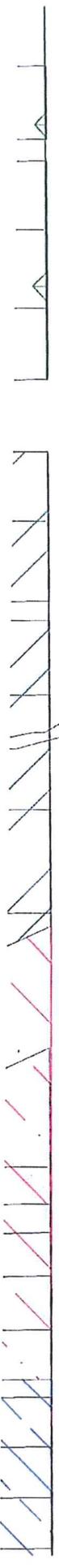


EAST MAIN STREET

NORTH



EAST GREEN



# Cedar County, IA



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