

Minutes of Meeting Zoning Board of Adjustment Regular Meeting

December 4, 2024

ROLL CALL: Board members present: Billingsley, Birkenholz, Rossow, Trotter
Board members absent: Otto

STAFF PRESENT: Brian Dunkelberger, Sr. City Planner
Varsha Borde, City Planner
Craig Armstrong, Development Specialist
Joe Grife, Public Works Director

A quorum being present, Chair Rossow called the meeting to order at 4:34 PM

Minutes

The Board reviewed the minutes of the previous meeting from October 30, 2024. **Motion** by Birkenholz, **seconded** by Billingsley to approve the minutes as written. **Voice vote:** approved, 4-0.

Public Hearing

- A. CU24-5: A Conditional Use Permit to authorize the construction of a new wash bay accessory building at 1700 N. 4th Ave. W. City of Newton, applicant.

Dunkelberger reviewed the prepared staff report and shared maps of the subject property along with the submitted draft building plans and site plan. Dunkelberger shared that no concerns were submitted by neighbors or residents in advance of the meeting. Rossow asked about where vehicles and equipment are currently washed. Joe Grife, Public Works Director, shared that there is a small wash bay in an existing building but it is rusting out and in desperate need of a remodel.

Billingsley inquired about excess flow or runoff from the washing and asked where does it end up. Grife shared that it flows into the sanitary sewer then to the waste water treatment plant just like all other waste water in the city. Grife described how this new building and site improvements will actually also improve that flow by installing new service lines along with a below grade sand interceptor to capture non-fluid runoff.

Rossow asked if there were any concerns with on site detention and if the existing basin near the south end of the property ever pushes its capacity limits. Dunkelberger and Grife shared that there were no concerns and said basin was initially constructed to accommodate more than what was necessary when it was designed. Birkenholz inquired about how long this project had been on the priority list for the Public Works Department. Grife answered that it was identified as a potential project 2-3 years prior, and their plan is to go out to bid in the immediate future with the hope it will be constructed in the spring of 2025.

Hearing no additional questions or comments, Chair Rossow called for a motion to close the public hearing. **Motion** by Birkenholz, **seconded** by Trotter. **Voice vote:** Approved 3-0.

Board members discussed the proposal and shared how the request met the criteria for granting conditional use permits.

Motion by Birkenholz to approve CU24-5: A Conditional Use Permit to authorize the construction of a new wash bay accessory building at 1700 N. 4th Ave. W., **seconded** by Billingsley. **Roll call vote:** Approved 4-0.

B. V24-3: Front yard setback variance for 1111 W. 22nd St. S. City of Newton, applicant.

Dunkelberger reviewed the prepared staff report and shared maps and a street view of the subject property. Members requested clarification on some information shared by staff including the background of development in this neighborhood, a description of flag lots, and if a 10-foot front yard setback would be adequate for a builder to develop this lot. Dunkelberger answered and provided additional information in response to each inquiry.

Nick Steinbach, neighbor at 1151 W. 22nd St. S., expressed several concerns with some being specific to this lot and others more generally relating to activity in or near their neighborhood. He shared that he and another neighbor regularly mow and maintain the subject property. He asked about what a future house might look like and if it would be consistent with the other homes in the neighborhood. Steinbach also commented that he and his wife were interested in purchasing the lot. Dunkelberger further defined the deed of restrictions and city code requirements for development of this lot, then he described the process for a city selling property. Steinbach also expressed frustrations with dust from a nearby gravel road and stormwater runoff and erosion. Dunkelberger described how building permits now require builders to provide and follow an erosion control plan for any new construction.

Randy Renaud, neighbor at 1091 W. 22nd St. S., echoed the concerns shared by Steinbach. He went on to express concerns with dirt removed from other lots in the neighborhood and the appearance in the neighborhood. He described how it was a close neighborhood and they look out for one another. Renaud emphasized the concerns relating to erosion and stormwater flow in the creek behind their homes. He also asked for clarification on the proposed minimum front yard setback. Dunkelberger illustrated the proposed variance on a map to provide a better understanding of where a future home might be positioned if the variance was approved.

Billingsley asked if Renaud objected to the Board changing the setback requirement. Renaud confirmed they'd prefer the established setback to remain and for the lot to remain as open space, but he recognized the motivation behind seeing the lot developed. Trotter asked if there were objections to seeing the lot developed even with a new house that met the requirements established by city code and the deed of restrictions and if it fit the style of the neighborhood. Steinbach interjected and shared that, selfishly speaking, he did object because it has been open space for the entire duration they have lived in their home. Discussion ensued about concerns with erosion control and clearing debris along the creek behind the homes.

Rossow clarified that the scope of the Board's review is strictly limited to the proposed reduction of the minimum front yard building setback. While all other concerns may be valid, they should be taken up with other appropriate city staff or city processes. Discussion followed to review other concerns with the potential development of this lot including erosion control, stormwater management, and establishing a precedent. Trotter commented on the difficult nature of this review, but expressed support for the setback variance request. Members further discussed the request and other city processes.

Hearing no additional questions or comments, Chair Rossow called for a motion to close the public hearing.

Motion by Birkenholz, **seconded** by Trotter. **Voice vote:** Approved 4-0.

Rossow pondered if a 10-foot front yard setback would be enough but emphasized the need due to the dramatic falloff toward the rear of the lot. Members concurred. Rossow introduced the answers to the variance questions that were provided by staff. Members voiced their agreement with the six answers. Billingsley suggested that the City should entertain offers from the neighbors. Steinbach made a comment from the audience and Rossow offered Billingsley a chance to make a motion to re-open the public hearing. All parties agreed it was not necessary to re-open. Billingsley went on to share that the application was technically approvable, but the concerns presented by the neighbors are valid and should be addressed separately.

Motion by Trotter to approve V24-3: A variance to reduce the minimum required front yard building setback from 25 feet to 10 feet for the residential lot at 1111 W. 22nd St. S., **seconded** by Billingsley. **Roll call vote:** Approved 4-0.

Old/Other Business

Dunkelberger shared that he accepted a new job and will be leaving the City of Newton at the beginning of the next calendar year. He introduced Varsha Borde, City Planner, who will be taking over staff responsibilities for the Zoning Board of Adjustment. Dunkelberger expressed his appreciation for each Board member and described how much he valued his experiences in Newton.

Motion by Birkenholz to adjourn the meeting, **seconded** by Trotter. **Voice Vote:** approved, 4-0. The meeting was adjourned at 5:40 PM.