



## Zoning Board of Adjustment Meeting Agenda

**Wednesday, April 2, 2025 - 4:30 PM**

Newton City Hall - Council Chambers  
101 W 4th St S  
Newton, IA 50208

**View this Meeting:** Mediacom Channel 12/85/121.12 or [www.newtongov.org/cablecast](http://www.newtongov.org/cablecast)

- I. Call to Order and Roll Call
- II. Review of Minutes of Previous Meeting
- III. Public Hearing
  1. CU25-2: Conditional Use Permit to allow Single Family Residential Development in Multi-Family Residential Zoning District
  2. V25-2: Variance to allow Granular surfacing in lieu of hard surface in I-L zoning district
  3. V25-3: Variance to allow lot coverage exceeding 60% in the R-2 Zoning District.
- IV. Other Business
- V. Adjourn

**ADA Compliance:** *The City of Newton is pleased to provide reasonable accommodations, in compliance with the Americans with Disabilities Act, for those individuals or groups who require assistance in being able to participate in the meeting. Please contact the Community Development Department at least 24 hours in advance of the meeting by calling 641-792-6622 to arrange for accommodations to be provided.*

**Chair:** Bev Rossow; **Vice Chair:** Noreen Otto; **Members:** Craig Trotter, Lynette Birkenholz, John Billingsley

**Minutes of Meeting**  
**Zoning Board of Adjustment**  
**Regular Meeting**  
**March 5, 2025**

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

STAFF PRESENT: Varsha Borde, City Planner

Applicant: Via phone – Chad Levi, Ryan DeSotel, Madison Kato, Scott Arnold

A quorum being present, Chair Rossow called the meeting to order at 4:31 PM

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**Minutes**

The Board reviewed the minutes of the previous meeting from December 4, 2024. **Motion** by Otto, **seconded** by Billingsley to approve the minutes with corrections. **Voice vote:** approved, 3-0.

**Public Hearing**

V25-1: Variance for Reduced Frontyard Setback at 328 West 8<sup>th</sup> Street North. ITC, Applicant.

Borde reviewed the prepared staff report and shared maps and images of the subject property. Borde invited the applicant to explain the project. Ryan DeSotel explained that ITC had purchased assets from Alliant and explained how the control enclosure works. DeSotel said that they are retiring the old structure due to age and in order to limit outages, they are proposing the new location. The structure is 16ft. by 48ft. and the construction would start in the Spring of 2026 and would take 2-3 months to complete.

The commissioners then discussed the 6 questions from the variance questionnaire. Billingsley enquired why they are starting in 2026 and not sooner. Kato replied that the control building would take 8 months to 1 year to be shipped. Rossow asked about the existing building size which is 20ft. by 30 ft. and noted that the new building would be more a square than a rectangle. Rossow enquired if the new location would be a too close to the property line that a passersby can touch the enclosure, to which Kato replied that enclosure would be at least 10 ft. from the property line and there would be no energized equipment in the control enclosure and hence no electricity danger to the public. Otto appreciated the advance planning and minimizing construction disruption by ITC.

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

**Motion** by Billingsley, **seconded** by Otto. **Voice vote:** Approved 3-0.

The board then had a discussion on the proposal and agreed that this was a unique property, the enclosure already exists, there were no concerns in the ROW, the enclosure would be the same size as the existing one and the proposed location seemed to be the best location for the enclosure and precautions would be taken. Billingsley made a proposal to accept the answers to the variance questions and adopt the findings.

**Motion** by Billingsley to approve the variance for reduced frontyard setback to be no closer than 10ft. from the west property line, **seconded** by Otto. **Roll call vote:** Approved 3-0.

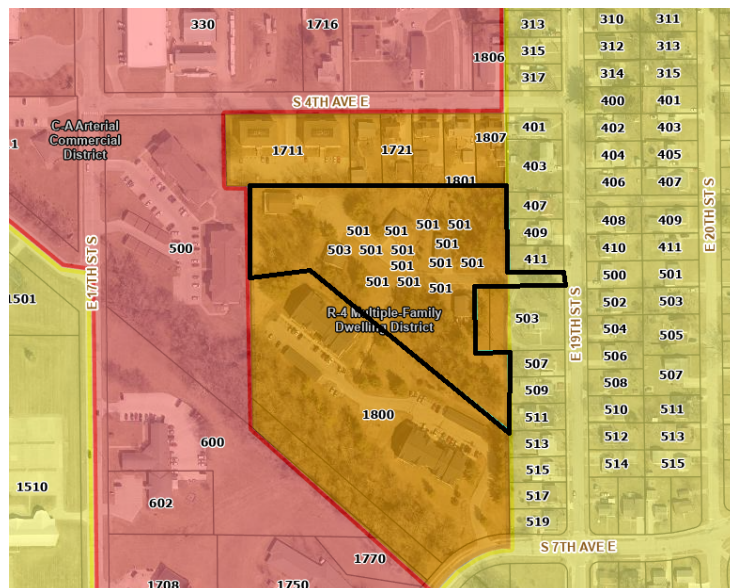
**Motion** by Otto to adjourn the meeting, **seconded** by Billingsley. **Voice Vote:** approved, 3-0. The meeting was adjourned at approximately 4:50 PM.

## Zoning Board of Adjustment Staff Report: CU25-2

Applicant: Chuck Griffith (Property owner)  
 Proposal: Conditional Use Permit to allow Single Family Residential Development in Multi-Family Residential Zoning District  
 Location: 501 East 19<sup>th</sup> Street South  
 Current Use: Townhomes (Residential); Vacant land  
 Current Zoning: R-4: Multi-Family Residential

**History:**

The subject property is zoned R-4 (Multi Family Residential District). In 2003, Whispering Pines was approved through the provisions of the Site Plan Ordinance at 501 East 19<sup>th</sup> Street South, as the property was zoned as Multi-Family Residential (R-4) and since the land was not being divided. The project proposed up to 14 detached townhome units. The homes were to be 1,300 to 1,600 square feet in area, with two-car attached garages. Residents would own their individual structures, but jointly own the land. At that time, Whispering Pines was proposed to help address a shortage of townhome units in Newton for people who want to live in a full-sized home but do not want to deal with land maintenance. Since then, only 5 homes have been built on the property. The last house was built in 2007 and there has not been much interest to build on this property since then. The city has made efforts in the past to encourage more development on the property. Tim Malone (who has a purchase agreement with the current Property owner Chuck Griffith) and Nick Carter of Carter Survey company had a pre-application meeting with city departments to discuss the proposal and get an understanding of the existing utilities and street. A Minor plat was approved by the Planning and Zoning Commission on March 4<sup>th</sup> 2025.



**Analysis:**

This proposed project will have 8 lots, 5 with existing houses and 3 vacant lots. The newly created lots will satisfy zoning requirements for single family dwellings in an R-4 zoning district. The street would remain private and a homeowners association will be created.

R-4: Multi-Family zoning district, includes “single-family residences” as a listed conditional use. The subject property is surrounded by residences as well as various commercial uses. The review process ensures compliance with all applicable City code requirements as they pertain to the residential development.

**Elements of the Project:**

The newly created lots would satisfy zoning requirements, including minimum size requirements such as minimum lot size, lot dimensions, and frontage for single family dwellings in an R-4 zoning district. The existing street will remain private and an HOA (Housing ownership association) will be formed. The existing utilities and stormwater requirements have been reviewed by the concerned departments and approved. New address numbers will be proposed for the lots. The subject property gradually slopes southwesterly and drains from the west and east sides towards a creek running north-south in the middle of the property.

**Neighborhood Compatibility:** The subject parcel is surrounded by single and multi-family residential and commercial development.

Surrounding Properties:

South: Multi Family homes

East: Single-Family homes

West: Multi Family homes (Walnut Creek apartments); dentist’s office

North: Multi Family apartments and Single-Family homes

**Consideration of Criteria for Conditional Use Permits:**

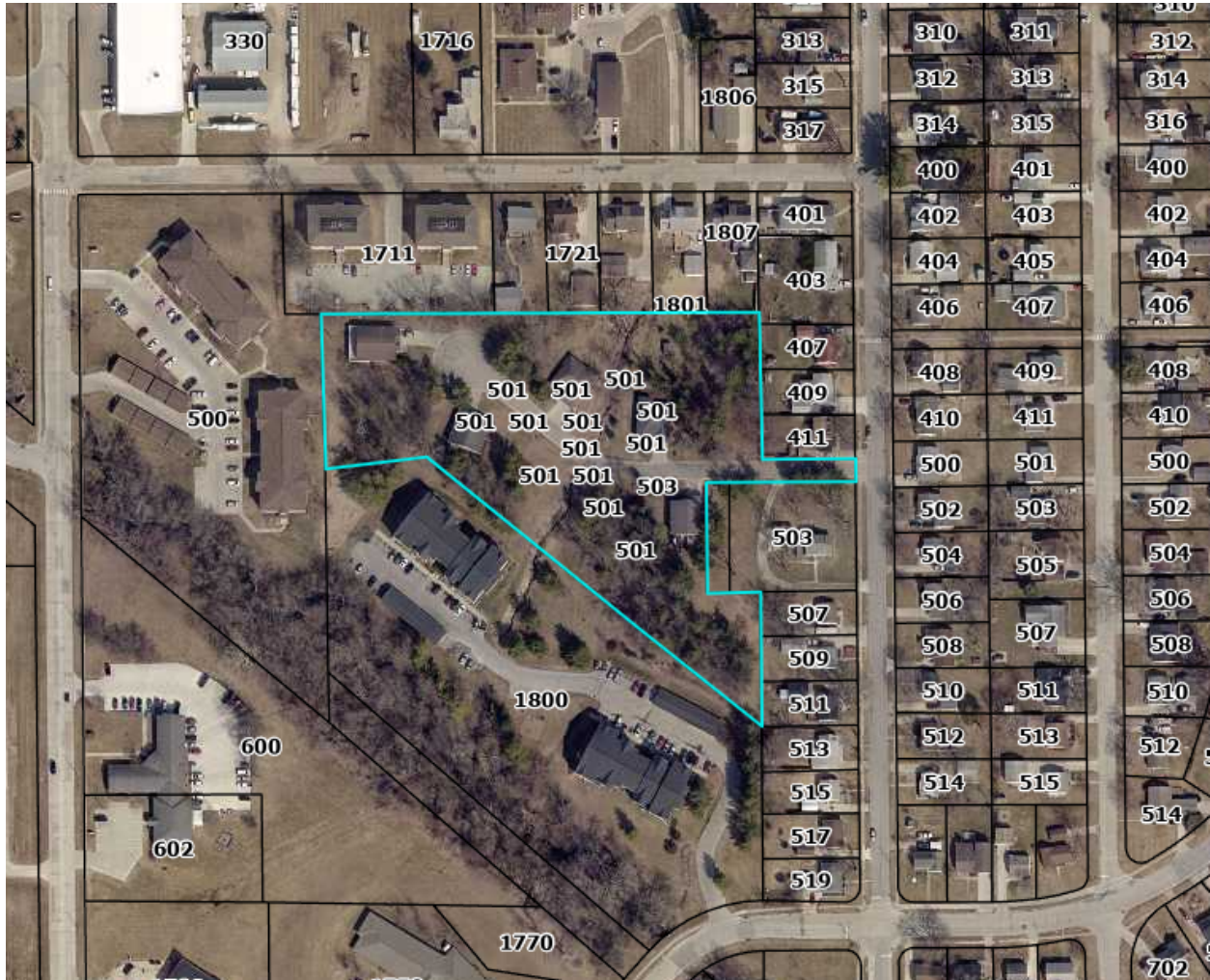
- *Criteria for Granting:* No conditional use shall be granted by the Zoning Board of Adjustment unless such use:
  1. Is so designed, located, and proposed to be operated that the public health, safety and welfare will be protected;
  2. Is so designed, located, and proposed to be operated that it is compatible with its surroundings;
  3. Will not cause substantial injury to the value of the other property in the neighborhood in which it is to be located; and
  4. Shall conform to the applicable regulations of, and be compatible with the essential character of the district in which it is located.

Thus, the role of the Zoning Board of Adjustment is to determine the appropriateness of a single-family residential development on this site and how it interacts with surrounding uses.

**Public Notice:**

Notice of the public meeting was sent to all property owners within 400 feet of the property upon which the proposed conditional use is to be located. Notice of the meeting was published twice in the *Newton Daily News* on Tuesday, March 18, 2025, and Tuesday, March 25, 2025. If

comments are received before the meeting, staff will share them as part of this report.



**Recommendation:**

Staff recommends approval of the conditional use permit to allow single family residential development at the subject property located in an R-4 zoning district, noting the following items are satisfied:

- neighborhood comments and questions are addressed;
- the property is subdivided accordingly;
- a site plan is reviewed and approved by the city;
- and building plans and permits are reviewed and approved by the city in accordance with the adopted codes.





## Zoning Board of Adjustment Staff Report: V25-2

Applicant: Aaron Consulting for ITC  
Proposal: Granular surfacing in lieu of hard surface in I-L zoning district  
Location: SE corner of N 19<sup>th</sup> Ave E and E 19<sup>th</sup> St. N (Parcel IDs: 0826200015, 0826200015 and 0826200003)  
Current Use: Vacant  
Current Zoning: I-L: Light Industrial

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### **Proposal:**

ITC Midwest is proposing a new Storage Facility at the SE corner of N 19<sup>th</sup> Ave E and E 19<sup>th</sup> St. N (Parcels #0826200015, #0826200016 and #0826200003).

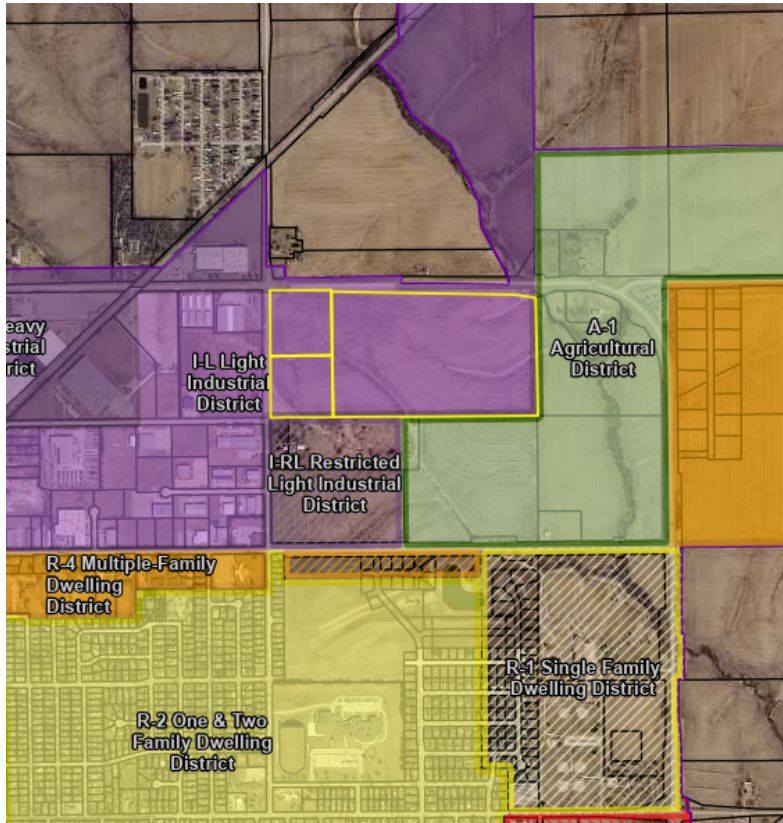
The applicants had a pre-application meeting with city staff where they shared the preliminary siteplan proposal to discuss city requirements such as zoning, utilities, site entrance and stormwater. The proposal involves approximately 90,000 sq. ft. building and outdoor storage.

Granular surfacing is being proposed for the outdoor storage. The I-L Light Industrial zoning district requires all-weather surface for parking and outdoor storage and granular surfacing is not allowed as a paving material. Therefore, the siteplan application is not administratively approvable without a neighborhood-inclusive variance review and approval from the Newton Zoning Board of Adjustment.

The intent behind requiring a variance for the buildings is to ensure compatibility with the neighborhood and to provide an opportunity for neighbors to offer direct feedback. The applicant, Dennis Wasko from Aaron Contracting, is representing ITC for this request.

### **Surrounding Properties:**

**North** (I-L, County): Agricultural land  
**East** (A-1): Agricultural land  
**South** (A-1, I-RL): Agricultural land, SFH  
**West** (I-L): Small businesses



**Analysis:**

The Newton zoning code including the I-L Zoning District requires all-weather surfacing for parking and storage areas. The applicant has proposed concrete paving for visitor and employee parking and the areas immediately surrounding the building and all access roads. Granular storage has been proposed for all storage areas as it is believed to work better for exterior storage yards for materials and heavy equipment due to the better performance, longevity and lower costs. The granular thickness would be 24 inches.

Site details as per the siteplan -

Property area (excluding roadway easements): 3,283,260 SF

Proposed building area: 104,924 SF (3.2%)

Proposed concept PCC paving: 250,355 SF (7.6%)

Proposed concept granular surfacing: 2,276,316 SF (69.3%)

Total Proposed concept impervious area: 2,631,595 SF (80.2%)

Total Proposed concept open space: 651,665 SF (19.8%)

Requested granular surfacing allowance: 2,435,492 SF (74.2%)

Resulting total impervious area: 2,790,771 SF (85.0%)

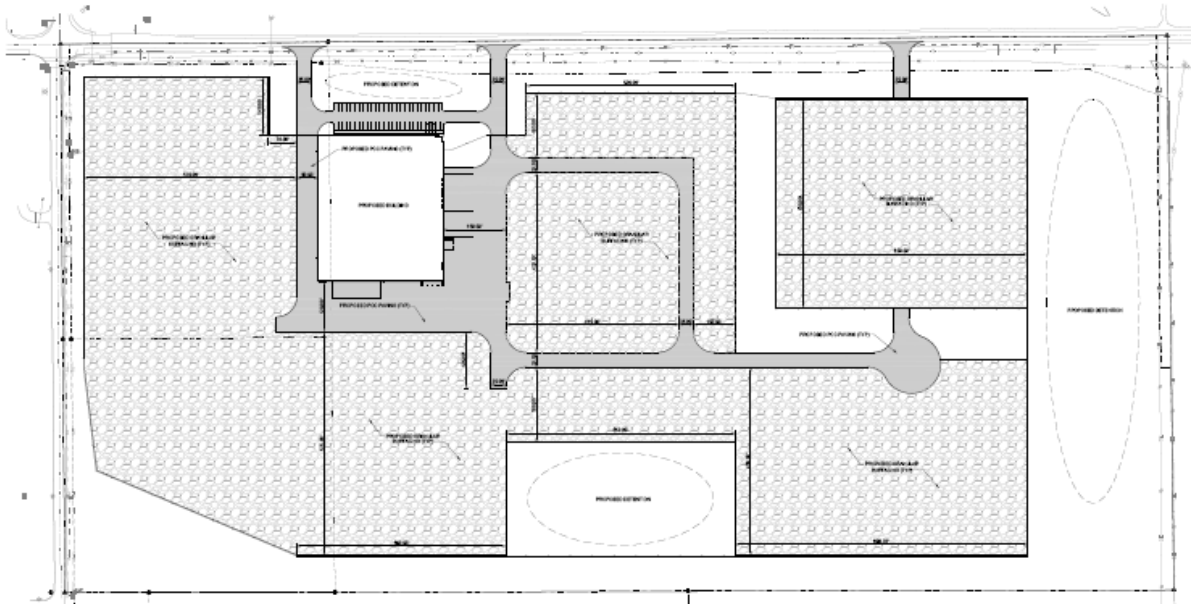
Resulting open space area: 492,489 SF (15.0%)

Staff confirmed with public works that the detention basin as shown would be sufficient for the site. A stormwater engineering plan will be needed at siteplan submittal time. Although granular surfacing is not considered an all-weather surface, considering the expanse of the paving and the practicality of the situation, granular paving is a good fit in this situation.

**Criteria for granting variances:**

The Zoning Ordinance includes specific criteria for granting variances. According to the

ordinance, answers must be “yes” to the first three questions and “no” to the last three to grant a variance. These are listed below, phrased as questions. For each question, the Board should try to determine what, if anything, distinguishes this case from other projects in the same zoning classification and if the applicant provided sufficient answers (enclosed in the packet).



*Proposed Schematic Siteplan*

1. Do the physical surroundings, shape, or topographical conditions of the specific property involved result in a particular hardship upon the owner, other than a mere inconvenience or loss of revenue?

*Yes. The existing topography includes approximately 55 to 60 feet of elevation change across the site. The project will require a significant amount of grading in order to level out the site for development. The proposed granular section for the project includes over 2' of granular material overtop of a geogrid mat material. The proposed depth of the granular material allows for a reduction in the earthwork operations necessary to develop the property.*

*The equipment used on site also dictates that a granular section be utilized for better longevity of storage areas. Additional information regarding equipment use is included in Question 2.*

2. Is the variance request based on conditions that are not applicable in general to other properties in the same zoning classification?

*Yes. The operations at the proposed facility require the use of heavy equipment and movement of large objects within proposed storage yards that is atypical for most light industrial developments. For example, machinery used on site weighs 70,000 pounds with a 50,000-pound load capacity. To support this weight, concrete roads within the site need to be a minimum of 12" thick while granular areas are proposed at a minimum of 24" thick.*

*While the proposed concrete roadways within the site are designed to support frequent vehicle movement, the proposed granular areas will be used in large part for the storage of materials. The user has determined on other sites that granular surfacing holds up better over time for the storing of materials and periodic traffic in and out of these areas.*

3. Does the proposed variance comply with the spirit and intent of the restrictions imposed by the zoning ordinance?

*Yes. Concrete paving is proposed around the building, including for the primary employee and visitor parking lot north of the building. Concrete is also proposed for main drives around the site through the granular storage areas.*

4. Did the present owner create the alleged difficulty or hardship?

*No.*

5. Will granting the variance be materially detrimental to the public welfare or injurious to the neighborhood?

*No.*

6. Will granting the variance impair an adequate supply of light and air to adjacent property, increase the congestion, increase the danger of fire, endanger the public safety, or substantially diminish property values within the neighborhood?

*No.*

Therefore, the role of the Zoning Board of Adjustment is to approve an increase in the total lot coverage beyond the maximum allowed percentage (60%) and to ensure that it does not unreasonably or negatively interfere with the use and enjoyment of another's property.

**Public Notice:**

Notice of the meeting was published in the Newton Daily News once on Tuesday, March 25, 2025. Notices were also mailed to all property owners within 200 feet of the proposed variance on Friday, March 21, 2025. No comments were received as of the date this report was prepared but if any feedback is received before the meeting, then staff will share at this point.

**Recommendation:**

Staff recommends that the Zoning Board of Adjustment only grant the variance if the answers provided to the six legal test questions are to the Board's satisfaction. Staff finds that the requested variance is not detrimental to the public health or welfare or the neighborhood considering the current circumstances. This recommendation applies with the understanding that neighborhood concerns and questions are addressed so as to avoid anything that is contrary to the public interest. The findings of the Zoning Board of Adjustment shall be a determination to either approve, conditionally approve, or deny this variance.

## Zoning Board of Adjustment Staff Report: V25-3

Applicant:	Newton Church of the Way
Proposal:	Lot coverage exceeding 60% in the R-2 Zoning District.
Location:	2306 S 3rd Ave E (Parcel IDs: 0835276014 and 0835276015)
Current Use:	Newton Church of the Way
Current Zoning:	R-2: Residential

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### **Proposal:**

The proposal is to expand the existing Newton Church of the Way facility. The applicant's representatives had a pre-application meeting with city staff regarding the expansion. According to the applicant, the expansion would be in 2 phases.

- Phase 1 involves addition of a 73 ft. by 121 ft. pre-engineered metal building to serve as a multi-purpose/recreation space for large high school and middle school groups. The space will serve as a Children's ministry on Sundays. On Wednesdays, it will serve 200 youth in shifts of 120 and 75 students. The addition will accommodate up to 315 students.
- Phase 2 will replace the two existing buildings with a new structure (approx 100 ft. by 110 ft.).

Current building capacity is 860 persons. After conducting a zoning review for the application, staff identified that the current lot coverage already is at 60%, as required by the R-2: Residential zoning district. Therefore, the building permit application is not administratively approvable without a neighborhood-inclusive variance review and approval from the Newton Zoning Board of Adjustment.

The intent behind requiring a variance for the buildings is to ensure compatibility with the neighborhood and to provide an opportunity for neighbors to offer direct feedback. The applicant, Tracy Cross, is representing the Newton Church of the Way for this request and has shared details regarding the proposed development.



### **Criteria for granting variances:**

The Zoning Ordinance includes specific criteria for granting variances. According to the ordinance, answers must be “yes” to the first three questions and “no” to the last three to grant a variance. These are listed below, phrased as questions. For each question, the Board should try to determine what, if anything, distinguishes this case from other projects in the same zoning classification and if the applicant provided sufficient answers (enclosed in the packet).

1. Do the physical surroundings, shape, or topographical conditions of the specific property involved result in a particular hardship upon the owner, other than a mere inconvenience or loss of revenue?
  - a. Yes,
  - b. *Nearby storm-water routing through the property.*
  - c. *Parking availability*
  - d. *Limitations on available space for church program needs*
2. Is the variance request based on conditions that are not applicable in general to other properties in the same zoning classification?
  - a. Yes
  - b. *This parcel has unique requirements for R-1 zoning.*
3. Does the proposed variance comply with the spirit and intent of the restrictions imposed by the zoning ordinance?
  - a. *Yes. To the maximum extent feasible.*
4. Did the present owner create the alleged difficulty or hardship?
  - a. *No. Variance is a zoning regulation*
5. Will granting the variance be materially detrimental to the public welfare or injurious to the neighborhood?
  - a. *No. Variance will not be detrimental*
6. Will granting the variance impair an adequate supply of light and air to adjacent property, increase the congestion, increase the danger of fire, endanger the public safety, or substantially diminish property values within the neighborhood?
  - a. *No*
  - b. *No affect on neighboring properties*
  - c. *Property values will increase.*

Therefore, the role of the Zoning Board of Adjustment is to approve an increase in the total lot coverage beyond the maximum allowed percentage (60%) and to ensure that it does not unreasonably or negatively interfere with the use and enjoyment of another’s property.

### **Public Notice:**

Notice of the meeting was published in the Newton Daily News once on Tuesday, March 25, 2025. Notices were also mailed to all property owners within 200 feet of the proposed variance on Friday, March 21, 2025. No comments were received as of the date this report was prepared but if any feedback is received before the meeting, then staff will share at this point.

### **Recommendation:**

Staff recommends that the Zoning Board of Adjustment only grant the variance if the answers provided to the six legal test questions are to the Board’s satisfaction. Staff finds that the requested variance is not detrimental to the public health or welfare or the neighborhood

considering the current circumstances. This recommendation applies with the understanding that neighborhood concerns and questions are addressed so as to avoid anything that is contrary to the public interest. The findings of the Zoning Board of Adjustment shall be a determination to either approve, conditionally approve, or deny this variance.