



Zoning Board of Adjustment Meeting Agenda

Wednesday, May 7, 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

- I. Call to Order and Roll Call
- II. Review of Minutes of Previous Meeting
 1. Review of Minutes of meeting 4.2.2025
- III. Public Hearing
 1. V25-4 Variance to allow a 6 ft fence in the front yard at 500 S. 3rd Ave. W.
- 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
April 2, 2025

ROLL CALL: Board members present: Trotter, Rossow, Otto (via phone), Billingsley (joined at 4.33pm)
Board members absent: Birkenholz

STAFF PRESENT: Varsha Borde, City Planner

Applicants: Tim Malone
Nick Carter - Carter Surveying
Dan Hunt - Connect Architecture
Eric Cannon- Snyder and Associates
Tracy Cross- The Way Church
Kelsey Scallon – Shive Hattery
Keith Kluesner – ITC
Brent Downing, Dick Boggess
Tammy Stock - 1420 E 19th St N (neighbor)

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

Minutes

The Board reviewed the minutes of the previous meeting from March 5, 2025. **Motion** by Trotter, **seconded** by Otto to approve the minutes. **Voice vote:** approved, 3-0.

Public Hearing

CU25-2: Conditional Use Permit to allow Single Family Residential Development in Multi-Family Residential Zoning District

Borde reviewed the prepared staff report and shared maps and images of the subject property. Borde shared that no concerns were submitted by neighbors or residents in advance of the meeting. Rossow asked the Board if they had any questions for Borde. then invited the applicant to speak.

Nick Carter from Carter Surveying explained the project and mentioned that if the conditional use permit was approved, homeowners would have more options such as be able to install fences. Nick also mentioned that there was interest in the vacant lots.

Rossow asked if there were any questions for Carter. Rossow then said that she thinks the proposal was a good idea.

Chair Rossow called for a motion to close the public hearing. **Motion** by Trotter to close the public hearing: **Seconded** by Billingsley. Approved 4-0.

There was discussion among board members that the criteria to grant the CU permit were satisfied.

Motion by Trotter to approve/grant to allow Single Family Residential Development in Multi-Family Residential Zoning District; **Seconded** by Otto. **Approved** by roll call 4-0.

Public Hearing

V25-2: Variance to allow granular surfacing in lieu of hard surface in I-L zoning district.

Borde reviewed the prepared staff report and shared maps and images of the subject property. Borde shared that no concerns were submitted by neighbors or residents in advance of the meeting. Rossow asked the Board if they had any questions for Borde. Billingsley asked the reason for using granular surfacing when it was not allowed per the zoning code. Borde replied that according to the applicant, granular surfacing worked better in such situations and was more economical. Trotter enquired about the location of the site. Rossow then invited the applicant to speak.

Kelsey Scallon from Shive Hattery explained that the parking lot and interior roads would be paved in hard surface. All high traffic areas would be concrete to prevent dust. The equipment in the yard would be stored on granular material as it has a slight benefit over concrete for such use. Site design includes a detention basin to current standards and there would be no negative runoff. The applicant would be mindful of the runoff. Keith explained the business purpose of the company, that it's a transmission powerline company and involves warehouse and outdoor storage of steel poles and other things that go into the substation. Granular storage works well for such outdoor storage. Trotter asked about the use of granular surfacing at other locations. Keith Kluesner said that they have used granular at other sites in Iowa and Minnesota. Billingsley enquired about perviousness of granular and if this would be the best solution to the surfacing. Scallon answered that it's not very pervious but they are currently working on the design for detention at the site. Heavy equipment is easier to move than on concrete which involves more repairs.

Rossow then asked if there were any more questions for the applicants. There were none so then asked if anyone else wanted to address the applicants. Tammy Stock who lives at 1420 E 19th St N asked the applicant if any other facilities have residential neighbors. Kluesner answered that other facilities had businesses and warehouses at neighboring properties but not residential neighbors. Stock went on to say that she was there first as their family owned the farmland and she was concerned about dust from gravel and how were they going to keep the dust down. Kluesner answered that the granular would be placed in a way to prevent any dust from flying and that they will take care of any issues that might arise and not cause any problems to the neighbors. They had to take the slope of the lot into consideration in the site plan to place the detention basin at the proposed location. Kluesner also mentioned that all water would be restricted to the current levels.

Rossow then asked if any on else would like to address the meeting. Brent Downing the current owner in Newton, mentioned that he had asked the city what the City's vision was for this property and it has always been industrial, the properties to the South were envisioned to be multi-family dwellings. Downing also mentioned that compacted gravel works better for similar businesses as laydown yards.

The Board then had a discussion on the proposal and the six questions from the application. Rossow asked if there were any comments regarding the questions. Otto said that she did not have many concerns and it was an exciting development for Newton. The only note she wanted to make was that the paved areas are paved and not have the granular material.

Motion by Billingsley to approve the variance for granular surfacing in lieu of hard surface in I-L zoning district, seconded by Trotter. Roll call vote: Approved 4-0.

Public Hearing

V25-3: Variance to allow lot coverage exceeding 60% in the R-2 Zoning District.

Borde reviewed the prepared staff report and shared maps and images of the subject property. Borde shared that no concerns were submitted by neighbors or residents in advance of the meeting. Rossow asked the Board if they had any questions for Borde. Rossow then invited the applicant to speak.

Dan Hunt explained the phases of future development. Dan added that they would not add traffic as this was a youth program. They will be moving play equipment from the sanctuary to the new building and that the sanctuary will have its own space.

Rossow asked if there were any questions for the applicants. Billingsley asked if they would lose 3 parking spaces to which Hunt answered in the affirmative. Hunt went on to say that they had agreements with the Jasper County and the Newton School district for shared parking.

Motion by Trotter to close the public hearing. Seconded by Billingsley. The Board then had a discussion on the proposal and the six questions from the application. Board members were happy with the answers provided by the applicant.

Motion by Billingsley to approve the variance to allow lot coverage exceeding 60% in the R-2 Zoning District., seconded by Trotter. Roll call vote: Approved 4-0.

Motion by Trotter to adjourn the meeting, **seconded** by Billingsley. **Voice Vote:** approved, 4-0. The meeting was adjourned at approximately 5:25 PM.

Zoning Board of Adjustment - Staff Report: V25-4

Applicant: Huffaker, Michelle and Lonnie D
Proposal: Variance to allow a 6' privacy fence in the front (east) yard
Location: 500 S. 3rd Ave. W. (Parcel #0833280018)
Current Use: Single-family residence
Current Zoning: R-3: One-through twelve-Family Residential

Variance Request: The applicant has requested the board to authorize a variance to allow a 6' privacy fence in the front (east) yard at 500 S. 3rd Ave. W. The subject property is on a corner lot located within an R-3: One-through twelve-Family Residential zoning district.

Applicable Code Subsections:
§ 158.115 FENCES. (B) Fences in the front yard area must be at least 50% open and no taller than four feet tall.

Basis of Appeal:
The applicant indicates that they are requesting a 6 ft. privacy fence for safety of their dogs as the dogs can easily jump over a 4 foot fence. The applicant has also stated that a similar fence has existed at the proposed location for the past 25+ years.



Staff findings:

Although the fence ordinance has been in effect since 2006, the City of Newton did not require fence permits until recently. According to historic imagery, a fence has been at this location since as early as 2007. However, Staff cannot administratively approve the replacement of any of the non-conforming structures without this variance.

If approved, this variance application will authorize the replacement, and any future replacements, of a 6' privacy fence near the same location (approximately 6.7 feet from the property line) that it has been for more than a decade.



Variance Questions:

The Zoning Ordinance includes specific criteria for granting variances. 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).

Notice of Proposal:

Notice of the public meeting was sent to surrounding neighbors on, Wednesday April 30, 2025. Notice of the meeting was also published in the *Newton Daily News* on Friday, May 2, 2025. *If comments are received before the meeting, staff will share them at this point in the report.*

Recommendation:

Staff recommends that the Zoning Board of Adjustment only grant the variance if the answers provided to the six legal test questions are determined to be sufficient and/or if the Board determines that the request aligns with the spirit and intent of the Zoning Code. Staff finds that the requested variance is not detrimental to public health or welfare or to the neighborhood considering the circumstances and history of the property.

This recommendation applies with the understanding that neighborhood concerns are addressed to avoid anything that is contrary to the public interest. The findings of the ZBA shall be a determination to approve, conditionally approve, or deny this variance. If granted and the privacy fence can be replaced, then a fence permit can be issued immediately.

Reason for a variance request to be granted:

Safety of our pets. I am a responsible pet owner. They would be able to jump a 4 ft fence with no problem. This then creates a multitude of issues. Another loose dog running around. There are already enough animals that run loose. What if it jumps the fence and doesn't like a dog it comes in contact with or a person spooks them. Worst case scenario is it gets hit by a car speeding by. I live close to the police station and the sirens are always going off which spooks them on occasion. I can give them medication to help with anxiety during fireworks on July 4th but I can't predict when sirens go off. I shouldn't have to put my dogs on tie outs in their own yard. Who then is responsible for any of these issues?

We already have a problem with neighborhood children sticking sticks through the fence and pulling on the wood slats. Walking by the fence and making loud noises and taunting the dogs. With a 4 ft fence they are able to stick their hands over and really tease the dogs. Yes, we have addressed the issue with the children and now have an angry parent because we spoke up and asked them to stay off the property and move along.

I simply want to REPLACE an old 6 ft fence that has been up for the past 25+ years with no issues. The fence doesn't obstruct any views. I want a safe place for my animals to play and take care of their needs. I think everyone should be allowed a backyard to enjoy. I might live on a corner but the fence is more towards the back of the house and not interfering with "two front yards".

My address is 500 S 3rd Ave W. It doesn't have AND W 5th St S. I'm pretty sure I am taxed at a higher rate because of it being a corner lot and then to have added restrictions because it is a corner lot.