



## Zoning Board of Adjustment Meeting Agenda

***Wednesday, June 4, 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. V25-5: Variance to allow reduced lot size and width in lieu of the required minimums at 917 N 8th Ave E/ 717 E 10th St. N, Abe Property Solutions, applicant.
- 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**  
**May 7, 2025**

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

STAFF PRESENT: Varsha Borde, City Planner

Applicants: Michelle Yoakum-Huffaker  
Lonnie Huffaker  
Gary and Eloise Froah (neighbor)

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 April 2, 2025. **Motion** by Birkenholz, **seconded** by Billingsley to approve the minutes with corrections. **Voice vote**: approved by VV 5-0.

**Public Hearing**

V25-4: Variance to allow a 6' privacy fence in the front (east) yard in R-3 zoning district at 500 S. 3rd Ave. W. Michelle and Lonnie D Huffaker, Applicant.

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. Chair Rossow asked the Board if they had any questions for Borde. Billingsley enquired about the height of the existing fence. Borde replied that the existing fence is 6ft. tall. Rossow then invited the applicant to speak.

Applicant Lonnie Huffaker introduced himself and noted that he does not think that the parcel has two front yards. Huffaker continued that the existing picket fence was in place for 32 years and that they were replacing it with a vinyl fence. The fence does not block any views and that they had to apply for the variance due to code requirements. They were trying to make the property look better.

Rossow asked if there were any questions for Huffaker. Otto appreciated the detailed answers. Rossow asked if anyone else would like to talk.

Gary Froah, who lives at 431 S 2<sup>nd</sup> Ave W Said that he had known the applicant for 35 years and was there to support him. He felt there was a need to improve the property.

Chair Rossow called for a motion to close the public hearing. **Motion** by Billingsley to close the public hearing: **Seconded** by Birkenholz. Approved by VV 5-0.

Board members then discussed the variance application and the answers to the questionnaire. Birkenholz appreciated the thoroughness of the application and the questionnaire. Otto noted that she understands the difficulty of a double frontyard and that she has no concerns. Billingsley noted that the neighbor's testimony is helpful.

**Motion** by Otto to allow a 6' privacy fence in the front (east) yard in R-3 zoning district at 500 S. 3rd Ave. W. **Seconded** by Birkenholz. **Approved** by roll call 5-0.

**New Business -**

**Election of Officers for 2025**

Motion by Trotter, seconded by Billingsley to stay with the same set of officers for 2025. Chair Rossow and vice-chair Otto accepted. Roll call vote: Approved 4-0.

**Motion** by Otto to adjourn the meeting, **seconded** by Birkenholz. **Voice Vote:** approved, 5-0. The meeting was adjourned at 4:49 PM.

## Zoning Board of Adjustment Staff Report: V25-5

Applicant: Abraham Sanchez (Abe Property Solutions)  
Proposal: Reduced lot size and width in lieu of the required minimum for R-3 Zoning district  
Location: 717 E 10<sup>th</sup> St. N/917 N 8<sup>th</sup> Ave E, (Parcel ID: 0827476020)  
Current Use: Single Family dwelling  
Current Zoning: R-3: One through Twelve Family Dwelling District

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### **Proposal:**

The applicant has requested the board to authorize a variance to allow reduced lot size and lot width in lieu of the required minimums for the R-3 (One-through twelve-Family Residential) zoning district.

### **Applicable Code Subsections:**

#### **§ 158.030 RESIDENTIAL ZONING DISTRICTS' SIZE AND DENSITY REGULATIONS TABLE**

Minimum Lot size (R-3) for single family dwelling – 7,000 sq.ft.

Minimum lot width (R-3) for single family dwelling – 60 ft.

### **Basis of Appeal:**

The subject parcel has three detached dwellings. The applicant plans to split the parcel into two lots. The new lots will have two dwellings on one lot and a single dwelling on the second lot. The applicant indicates that they are requesting the variance because the existing parcel size is not large enough to be split into two lots that would both satisfy the minimum lot size and lot width requirements for the R-3 zoning district. The variance is to approve creation of one lot (lot 1) having area and width less than the required minimums for the R-3 zoning district. Lot 2 will satisfy the requirements for R-3 zoning district.



**Surrounding Properties:**

- North (R-2):** Single Family Dwellings
- East (R-3):** One through Twelve Family Dwellings
- South (R-3):** One through Twelve Family Dwellings
- West (R-3):** One through Twelve Family Dwellings

**Analysis:**

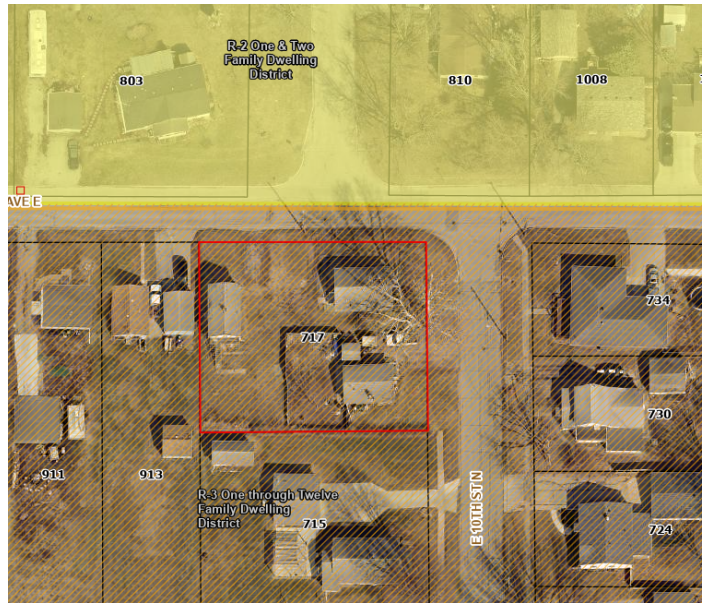
Lot sizes after split –

- Lot 1 – 5,238 sq.ft. (approx); required minimum – 7,000 sq.ft.
- Lot 2 – 9,007 sq.ft. (approx); required minimum – 7,000 sq.ft.

Lot width -

- Lot 1 – 48.6 ft. approx; required minimum – 60 ft.
- Lot 2 – 83.4 ft. approx; required minimum – 60 ft.

Lot coverage for both lots is less than the maximum coverage allowed.



The subject property is a legal non-conformity due to the existence of three dwellings on one parcel. The applicant is planning to submit a plat of survey application to split the parcel into two lots. The existing structures on this parcel are in poor or very poor condition. The split will not increase the non-conformity. A variance would allow the parcels to be split and the lots can potentially be sold separately and developed. Lot 2 would remain non-conforming with two dwellings on the same lot. Although R-3 allows for a single accessory dwelling unit on a single-family property, the area of the accessory apartment unit cannot be over 60% of the main primary home. Both homes being almost similar in area, the above requirement will not be satisfied. Regardless, lot 2 will not need a variance as the split will not increase the non-conformity.

The plat of survey application to split the lots 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 is to ensure compatibility with the neighborhood and to provide an opportunity for neighbors to offer direct feedback.

**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?
2. Is the variance request based on conditions that are not applicable in general to other properties in the same zoning classification?
3. Does the proposed variance comply with the spirit and intent of the restrictions imposed by the zoning ordinance?
4. Did the present owner create the alleged difficulty or hardship?
5. Will granting the variance be materially detrimental to the public welfare or injurious to the neighborhood?
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?

Therefore, the role of the Zoning Board of Adjustment is to determine the appropriateness of a lot split at this site which would create a parcel that would not satisfy the minimum requirements for a single family house in the R-3 zoning district 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 Friday, May 29, 2025. Notices were also mailed to all property owners within 200 feet of the proposed variance on Tuesday, May 27, 2025. Three enquiries from neighbors were received as of the date this report was prepared but if any other feedback is received before the meeting, then staff will share at this point.

**Recommendation:**

Staff recommends that the variance be approved as it would be a step towards compliance and the split will allow for future development of these lots.

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.



**According to the ordinance, in order to grant the variance, the answer must be “yes” to the first three questions, and “no” to the last three:**

- 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 physical characteristics of the property present a particular hardship beyond mere inconvenience or loss of revenue. I am purchasing a parcel that includes three separate properties, but I’m seeking to subdivide one of them. Due to the current configuration and lot lines, the inability to formally subdivide limits the practical use and development potential of that individual property. Without the subdivision, I’m unable to proceed with necessary improvements, financing, which places an undue burden on the use of the land—particularly since each structure already functions as a standalone property

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

**Yes,** the variance request is based on conditions that are unique to this specific parcel and not generally applicable to other properties in the same zoning classification. This property includes multiple existing structures on a single parcel, which is not a common condition in this zoning district. The configuration and current use of the structures require a subdivision to allow each to function independently and in compliance with modern zoning and development standards. These circumstances are specific to this property and do not reflect the typical layout or use of other parcels within the same zone.

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

**Yes,** the proposed variance complies with the spirit and intent of the zoning ordinance. The goal of the zoning regulations is to promote orderly development, protect property values, and ensure the safety and welfare of the community. Subdividing this parcel will

bring the property into greater compliance by aligning the legal lot lines with the existing, independently functioning structures. This will not increase density beyond what already exists, nor will it negatively impact neighboring properties. Instead, it will enhance clarity in ownership, streamline maintenance and use, and support future improvements consistent with zoning goals.

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

**No**, the current owner did not create the hardship. The difficulty arises from the existing conditions of the parcel, which includes multiple structures built prior to the current ownership and under a different configuration. The need for subdivision stems from the way the property was originally developed—not from any actions taken by the current owner. The variance request is simply an effort to bring the property into compliance with zoning standards and to allow for its practical and lawful use moving forward.

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

**No**, granting the variance will not be materially detrimental to the public welfare or injurious to the neighborhood. The variance will have no negative impact on traffic, infrastructure, or neighboring properties, and it aligns with the community's long-term planning

**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, granting the variance will not impair the supply of light and air to adjacent properties, increase congestion, pose a fire hazard, endanger public safety, or diminish surrounding property values. The variance is solely for the purpose of subdividing an already developed parcel with existing structures. It does not involve new construction, increased occupancy, or any physical changes that would negatively impact the environment or neighborhood. On the contrary, formalizing the subdivision will promote proper maintenance, potential reinvestment, and compliance with local regulations—ultimately benefiting the surrounding area