



Zoning Board of Adjustment Meeting Agenda

Thursday, July 17, 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
- III. Public Hearing
 1. V25-6: Variance to allow front yard encroachment at 1016 S 6th AVE W.
- IV. Other Business
- V. Adjourn

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

Minutes of Meeting
Zoning Board of Adjustment
Regular Meeting
June 4, 2025

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

STAFF PRESENT: Erin Chambers, Community Development Director

Applicants: Abraham Sanchez, Abe Property Solutions (applicant)
Ron Cunningham, 1014 North 8th Avenue E

A quorum being present, Chair Rossow called the meeting to order at 4:32 PM

Minutes

The Board reviewed the minutes of the previous meeting from May 7, 2025. **Motion** by Trotter, **seconded** by Birkenholz to approve the minutes with corrections. **Voice vote**: approved by VV 3-0.

Public Hearing

V25-5: Variance to allow reduced lot size and width in lieu of the required minimums at 917 North 8th Avenue East/717 East 10th Street North, Abe Property Solutions, Applicant.

Chambers reviewed the prepared staff report and location map with the Board. Staff recommended approval of the variance as it is an action that reduces the degree of non-compliance for the subject property.

Abraham Sanchez, Abe Property Solutions, Applicant, stated that the main reason for the request is for marketability. Abe Property Solutions is purchasing the property at will be using them as rentals.

Chair Rossow stated she reviewed the property owners other properties and felt they were nice quality.

Chambers noted that the proposed line is set to align so that the existing fence goes with one of the houses to the east.

Ron Cunningham, 1014 North 8th Avenue East, neighbor, stated he had no concerns about the proposal, but wondered how it ever got that way. Chambers reviewed the assessor information stating that the age of the homes- 1900, 1930, and 1940 all well predate Newton zoning rules.

Motion by Birkenholz to approve the proposed division of property, with 917 North 8th Avenue East having a width of approximately 48 feet pending actual deminsion with regard to the survey findings and fence location; **seconded** by Trotter. Roll Call Vote: approved 3-0.

Other Business- none.

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

Zoning Board of Adjustment – V25-6 Staff Report

Applicant: Catherine Deutsch
Proposal: Variance to allow encroachment into front yard
Location: 1016 South 6th Ave West.
Current Use: Residence
Current Zoning: R-2: One- and Two-Family Residential

The applicant is requesting authorization for an encroachment in the front yard setback at 1016 South 6th Ave West. The subject property is located within the R-2: One- and Two-Family Residential zoning district.

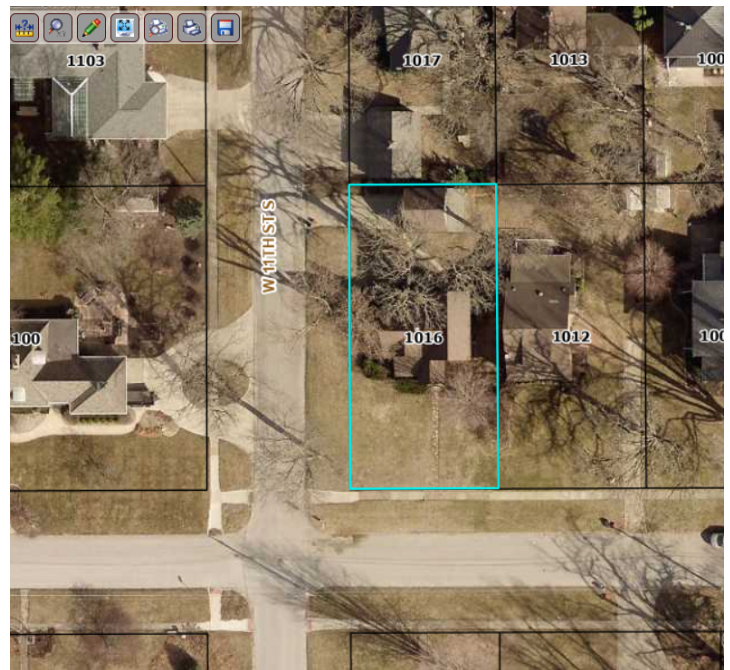
Analysis:

The Zoning Ordinance stipulates that R-2 properties meet the following building setback minimum requirements:

- Front yard: 25 feet
- Side yard: 8 feet
- Rear yard: 25 feet

The applicant would like to replace the pergola type structure that was previously there and damaged by a recent storm, with a pergola that encroaches westward further, with enhanced flag stone entrance steps for a width of approximately 3 feet.

The findings of the Zoning Board of Adjustment shall be a determination to either approve, conditionally approve, or deny this front yard setback variance.



Variance Questions:

The Zoning Ordinance includes specific criteria for granting variances. These are listed below, phrased as questions. Answers to the 6 variance questions were provided by staff. 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 provided answers are sufficient.

According to the ordinance and 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?
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?

See attached handwritten responses.

Notice of Proposal:

Notice of the public meeting was sent to all neighbors within 300 feet of the subject property upon which the proposed variance is to be located on July 3, 2025. Notice of the meeting was also published in the *Newton Daily News*. If comments are received ahead of the meeting, staff will share them at this point in the report.

Recommendation:

Typically, Staff recommends that the Board only grant variances such as this 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 this variance is not detrimental to the public health or welfare or to the neighborhood considering the circumstances. The variance would place the edge of the pergola bump-out at 8 ft. from the property line.

As always, 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 Board shall be a determination to either approve, conditionally approve (or a modified motion), or deny this variance.

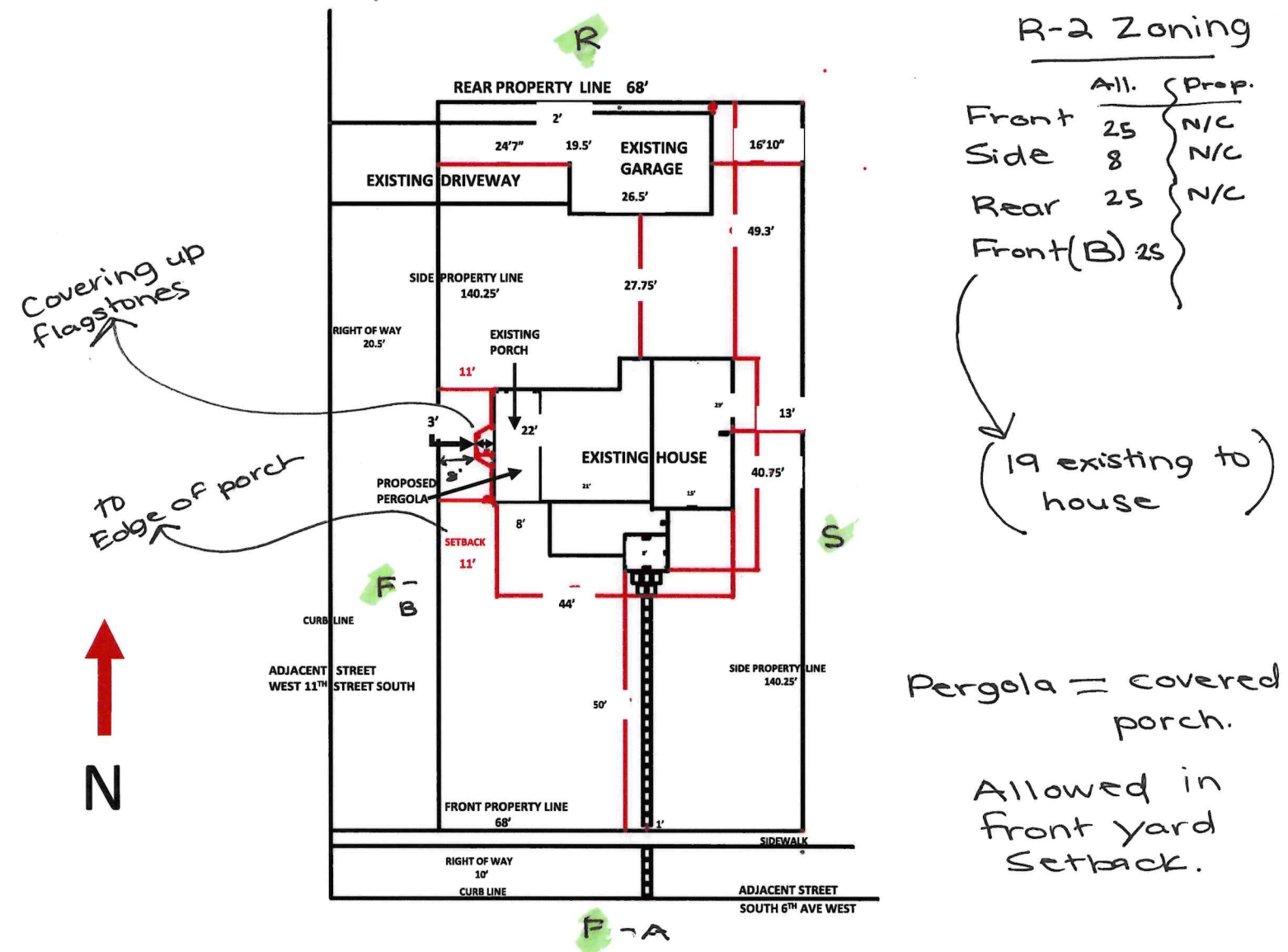
PLOT PLAN FORM

Property Address: 1016 S 6TH Ave W
Newton, IA 50208

I certify that the Plot Plan below is a true representation of this lot and accurately shows all dimensions, easements, proposed and existing structures on said lot. Any deviation from this approved Plot Plan may void the related permit and/or zoning approvals.

Signature of Owner or Contractor: _____ Date: _____
Catherine E. Deutsch, Owner

**ALL ITEMS REFERENCED ON REVERSE SIDE MUST BE SHOWN ON SUBMITTED PLOT PLAN
(SEE SAMPLE ON REVERSE SIDE)**



~~XXXXXXXXXX~~

158.119 Yards - Roofed, unenclosed
7'

Average Setback - Historical Neigh. is 18.25 → 7' encroachment allowed means 11.25

Encroachment

Variance Test Questions - C. Deutsch

- 1.) Physical surroundings - topographical nature - hardship -

The house was built 1929 - before zoning, before owning it
The right of way on street side is extra wide

- 2.) Uniqueness -

The home already has a porch on that side, and the right of way is extra wide - which is unique
Design of home makes other sides impractical

- 3.) Spirit & Intent of Zoning -

if right of way were smaller, this wouldn't be needed.

- 4.) Owner create hardship -

Old home, built under different rules

- 5.) Injurious to neighborhood - No - it will be a benefit. Does ~~to~~ not usually block.

c.) Reduce air & light - No - open
style pergola won't impact.