



## Zoning Board of Adjustment Meeting Agenda

**Wednesday, October 8, 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. CU25-4: Conditional Use Permit for Single Family Residence in C-A Arterial Commercial Zoning District at 219 W 11th St. N. Jaxon Keeton, applicant.
  2. V25-8: Variance for a building and structure setback encroachment for detached garage at 121 W 10<sup>th</sup> St. N. Caleb Millsap, 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  
September 10, 2025**

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

Board members absent: Billingsley

STAFF PRESENT: Erin Chambers, Community Development Director  
Craig Armstrong, Economic Development Specialist  
Luke Zelinski, City Attorney Office

Applicants: Capstone Behavioral Healthcare, 200 East 20<sup>th</sup> Street North

A quorum being present, Chair Rossow called the meeting to order at 4:30 PM

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**Minutes**

The Board reviewed the minutes of the previous meeting from August 7, 2025. **Motion** by Otto, **seconded** by Birkenholz to approve the minutes. **Roll call vote:** approved 4-0.

**Action:**

CU25-3: Conditional Use Permit to allow for a group living facility at 200 East 20<sup>th</sup> Street North, Capstone Behavioral Healthcare, Applicant.

As the public hearing for this item was closed at the August 7, 2025 meeting, Chair Rossow noted that this would be a discussion between the board, unless the board would vote to reopen it.

Otto discussed the memo provided by the city attorney. She noted that she wished there would've been more initial communication. She felt that the issue was clear from the ruling of the city attorney. She also noted that this is an Iowa Code, and that there are guardrails that are put in place.

Trotter noted that many of the neighborhood concerns that were brought up are addressed through the sections of the Iowa Code.

**Motion** by Otto that the Zoning Board of Adjustment agrees that the property in question is not required to apply for the conditional use permit as they are exempt by Iowa Code, **seconded** by Birkenholz. Roll Call Vote: approved 4-0.

**Other Business-** none.

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



Existing setbacks for the building are approximately - front yard – 5 ft., side yard – 9 ft., rear yard – 16 ft.) and are considered legal non-confirming. The CA - Arterial commercial district requires setbacks to be - front yard – 40 ft., side yard – none, rear yard – 10 ft. The proposed use would satisfy zoning requirements, including minimum required width of 22 ft. for the structure for a residential use. The lower level is a shop made of concrete. According to the applicant, at least 2 cars can be parked in the ~1500 sft. space that can be accessed through an exterior garage door.

**Neighborhood Compatibility:** The subject parcel is surrounded by residential and commercial development.

Surrounding Properties:

- South: C-A Arterial Commercial
- East: R-2 One- and Two-Family homes
- West: C-A Arterial Commercial;
- North: R-2 One- and Two-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 the 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, September 23, 2025, and Tuesday, September 30, 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 C-A Arterial commercial zoning district, noting the following items are satisfied:

- neighborhood comments and questions are addressed;
- building plans and permits are reviewed and approved by the city in accordance with the adopted codes.

## Zoning Board of Adjustment - Staff Report: V25-8

Applicant: Caleb Millsap  
Proposal: Building/structure setback encroachment variance for a detached garage.  
Location: 121 West 10<sup>th</sup> Street North Newton, Iowa 50208  
Current Use: Residential Home  
Current Zoning: C-N: Neighborhood Commercial

**Proposal:** The applicant has requested authorization of a 1' encroachment to the setback from the house at 121. W 10<sup>th</sup> St. N. If granted, this will allow the applicant to build a detached garage 3' away from the existing residential structure which was originally built in the 1920's, instead of the 4' that is required by the Newton Zoning Code. The reason for this encroachment to the building and structure setback, is to allow for the construction of a detached garage.

**Analysis:**

121. W 10<sup>th</sup> St. N. is zoned C-N: Neighborhood Commercial, an aerial map and zoning map are included for reference. The required minimum setback from the existing residential structure for an accessory building is 4'. The existing structure has approximately a 22-foot side yard setback. The lot is 7,920 sq. ft. in area.

The Zoning Ordinance stipulates that accessory buildings like detached garages must meet the following setback minimum requirements:

- Side yard: 3 feet
- Rear yard: 3 feet
- Buildings and Structures: 4 feet

If the variance is granted, the proposed detached garage structure shall be less than the required 4ft building and structure setback. Due to narrowness of the lot, and the position of the house on the lot, and the pre-existing concrete pad, the



Figure 1: Aerial Vicinity Map around 121 W. 10th Street N.

building and structure setback variance is necessary to allow the construction of the detached garage on the south side of the residential structure.

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

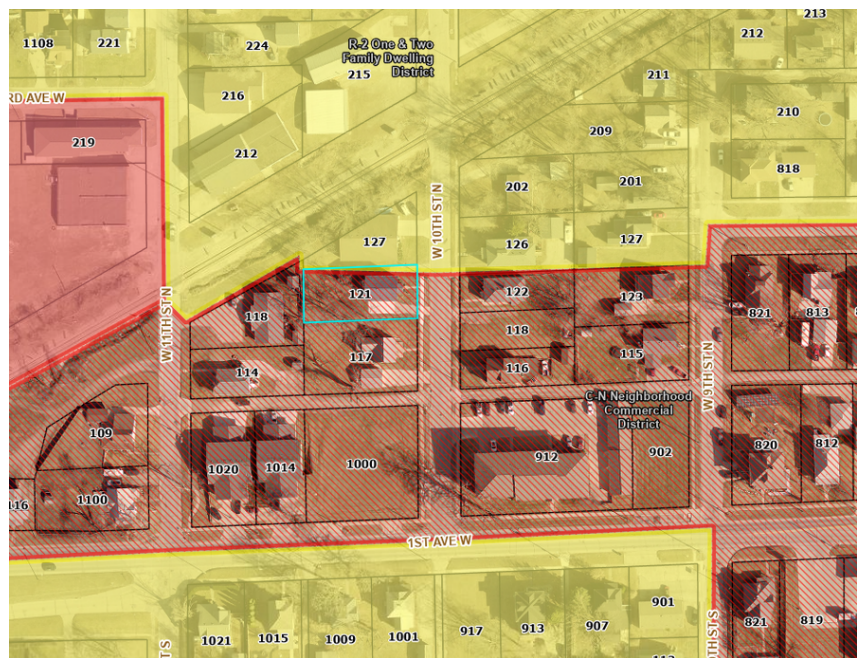


Figure 2: Aerial Zoning Vicinity Map

### **Variance Questions:**

The Zoning Ordinance includes specific criteria for granting variances. 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.

**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?
  - a. Yes. The narrowness of the lot will not allow our proposed structure on the north side of the house as the lot is too narrow. In addition, the topography changes/elevation changes on the south side do not allow the proposed structure to be closer to the property line as it would need backfill into the neighbor’s yard and could possibly increase water drainage issues.
2. Is the variance request based on conditions that are not applicable in general to other properties in the same zoning classification?
  - a. Yes. In the same sense as question 1, the narrowness of the lot does not allow to build on the other side of the existing property. A contractor had poured a concrete pad for the previous homeowner before our purchase of the property, and we can only assume with the shape, size and location, that it was intended

for a garage.

3. Does the proposed variance comply with the spirit and intent of the restrictions imposed by the zoning ordinance?
  - a. Yes. The proposed structure will fit in with the existing house on the lot including same color scheme, shape, and roof pitch. It won't increase the danger to any neighboring property owners and will not lower the public health and safety for anyone.
4. Did the present owner create the alleged difficulty or hardship?
  - a. No. The existing property was built in the early 1900's, with much less building codes and regulations in place. The placement of the structure hinders being able to place a detached garage anywhere else on the property whilst ensuring the neighbors will not be affected.
5. Will granting the variance be materially detrimental to the public welfare or injurious to the neighborhood?
  - a. No. It will more so be a benefit. Having the proposed structure closer to the existing home is technically better than where it would be as it isn't closer to the neighboring property owner, and it will not impact the safety of others.
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, it will not 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. The proposed structure is still in conformance with the setback from the side property line, which makes it so that it will not impair any of the neighboring properties.

**Notice of Proposal:** The Notice of the meeting and proposal was published in the Newton Daily News once on September 30, 2025. A notice of the meeting was mailed on September 29, 2025 to surrounding properties of the subject parcel for feedback.

**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 public 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.