



Zoning Board of Adjustment Meeting Agenda

Wednesday, November 5, 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. V25-9: Variance to allow encroachment into the sideyard at 600 E 23rd St. S. Gary Stier, applicant
 2. V25-10: Variance to allow encroachment into the rearyard at 1511 W 9th St. S. Doug Chodur, 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
October 8, 2025**

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

Board members absent: Birkenholz

STAFF PRESENT: Varsha Borde, Sr. City Planner
Craig Armstrong, Economic Development Specialist

Applicants:

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

Minutes

The Board reviewed the minutes of the previous meeting from September 10, 2025. **Motion** by Otto, **seconded** by Trotter to approve the minutes. **Roll call vote:** approved 3-0.

Action:

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.

Borde reviewed the prepared staff report and shared maps of the subject property. Borde shared that one neighbor had emailed questions regarding the meeting and was provided answers by staff.

Rossow asked if there were any questions for staff, and then invited the applicant, Jaxon Keeton to the podium. Keeton introduced himself as a DMACC graduate and a technician. To Rossow's question whether asked there would be any renovations to the building, Keeton answered that they would be adding some appliances and that the rooms and spaces were great to live out of. Billingsley asked if there was any downside to approving the conditional use.

Rossow then asked if anyone has any questions. Homeowner William Meddo, 1122 enquired if the applicant would be working on cars and if there would be cars parked on the street, as it would be hard to plow the streets during winter. Keeton said that the business would be a small sized and not a dealership and the cars will remain inside the shop or driveway, and not on the street.

Motion by Otto, **seconded** by Trotter to close the public hearing.

Board members then discussed the application. Rossow noted that the Conditional Use criteria had been met. Otto appreciated the note by Rossow that the CU was for the residential use of the commercially zoned property, and that they will not be discussing the business part. Otto also mentioned that they like buildings in Newton to be occupied.

Motion by Otto to approve the Conditional Use Permit, **seconded** by Trotter. **Roll Call Vote:** approved, 4-0

2. V25-8: Variance for a building and structure setback encroachment for detached garage at 121 W 10th St. N. Caleb Millsap, applicant.

Borde reviewed the prepared staff report and shared maps of the subject property. Borde shared that there were no enquiries from neighbors or citizens.

The public hearing was opened. As there were no citizens present, the hearing was closed.

Motion by Billingsley, **seconded** by Trotter to close the public hearing

Otto mentioned that the answers to the variance questions support the variance. construction projects pop up in older homes such as this one and the scope of housing has changed from before.

Motion by Otto to approve the variance, **seconded** by Trotter. **Roll Call Vote:** approved, 4-0

Other **Business-** none.

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

Zoning Board of Adjustment - Staff Report: V25-9

Applicant: Gary Stier
Proposal: Reduced sideyard setback for the principal building
Location: 600 East 23rd Street South Newton, Iowa 50208
Current Use: Residential Home
Current Zoning: R-2 One-and-Two-Family Residential

Proposal: The applicant has requested authorization of a 4 ft. encroachment to the sideyard setback from the house at 600 E 23rd St. S. If granted, this will allow the applicant to attach a car port to the existing house which would be 4 ft. away from the property line to the south.

Analysis:

600 E 23rd St. S. is zoned R-2 (One-and-Two-Family Residential Zoning District), an aerial map and zoning map are included for reference. The existing structure has approximately a 18-ft side yard setback.

The Zoning Ordinance stipulates that the principal structure in an R-2 zoning district must meet the following minimum setback requirements:

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

If the variance is granted, the principal structure shall be less than the required 8ft building from the property line.

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.

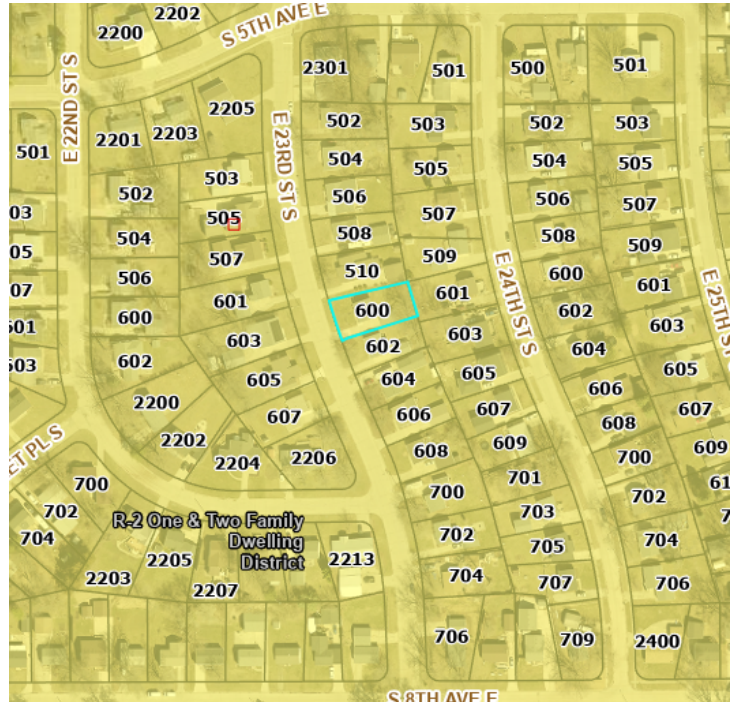


Figure 2: Aerial Zoning Vicinity Map

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?
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: The Notice of the meeting and proposal was published in the Newton Daily News once on October 31, 2025. A notice of the meeting was mailed on October 27, 2025 to surrounding properties within 200 ft. 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.

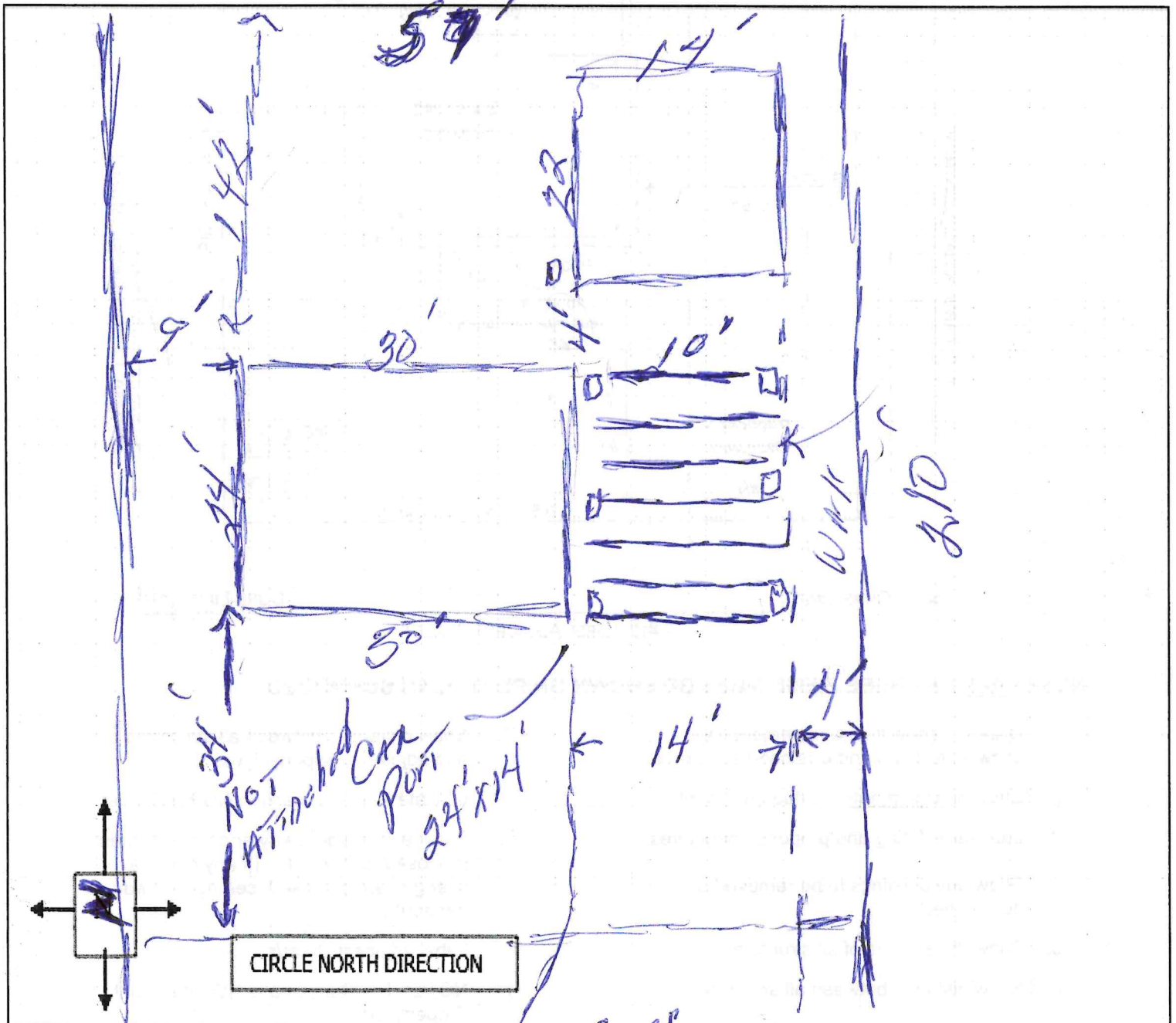
PLOT PLAN FORM

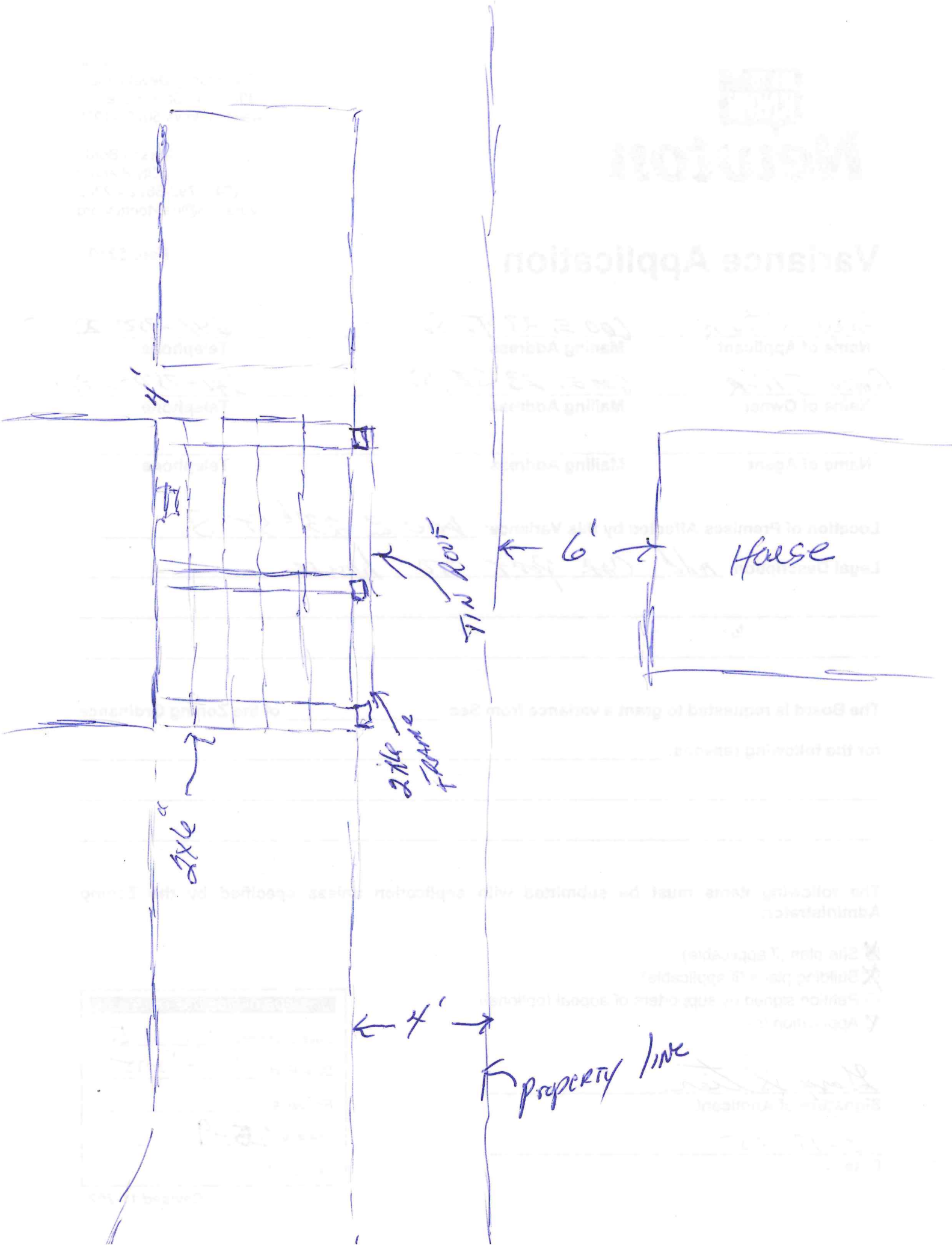
Property Address: _____

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: _____

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





4'

2x6'

2x6'
FRAME

TIN ROOF

6'

House

4'

Property line

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 garage is not big enough
For my pick up with out a CAR
PORT

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

yes

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

yes

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



AllPaid
7820 Innovation Boulevard Suite 250
Indianapolis, IN 46278
24hr. Customer Service #: 888-604-7888

Public Works Onsite Payments Payment Confirmation (Ref #: 48620116)

PLC: Newton Public Works
A002P8 403 West 4th Street North, Suite 501
Newton, Iowa 50208
For: Public Works Onsite Payments

Date: 10/13/2025 13:08 EDT

TRANSACTION INFORMATION

Name:	Gary R Stier	Transaction Reference #:	48620116
Permit Type 1:	Zba Fees - 001.5040.1.41922	Transaction Date/Time:	10/13/2025 13:08 EDT
Notes:	V25-9 600 E 23rd St S		

BILLING INFORMATION

Name: Gary R Stier
Address: 600 E 23rd St S
City, State Zip: Newton, Ia 50208
Phone #: (641)750-2975
Card #: xxxx-xxxx-xxxx-2490

PAYMENT INFORMATION

Approval #:	094394
Payment Amount:	\$250.00
Service Fee:	\$7.38
Total Amount:	\$257.38

The service fee is not refundable.

ATTENTION CARDHOLDER

If you have questions about the processing of your payment, please call AllPaid at 888-604-7888.

Thank you for using AllPaid

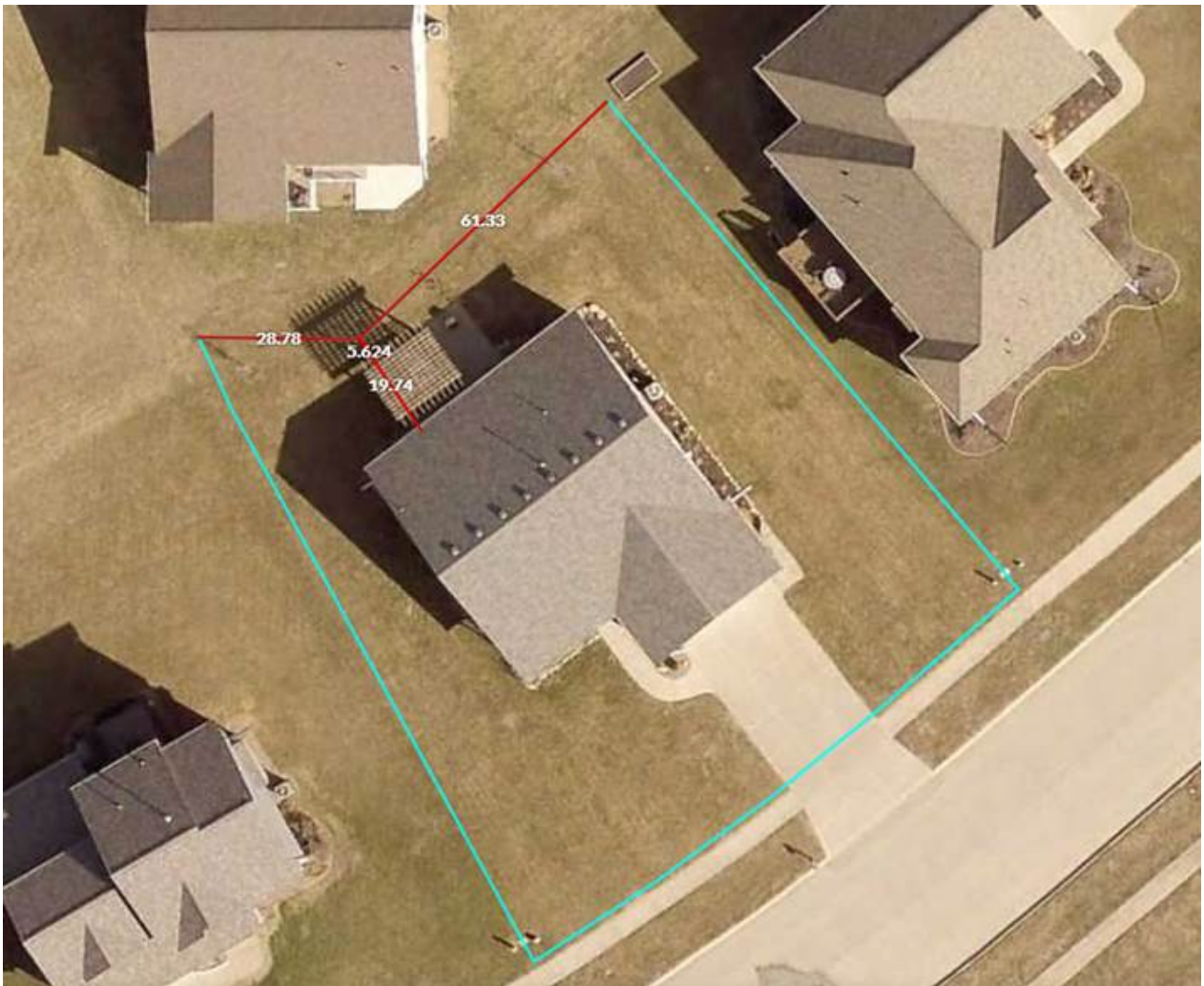
Zoning Board of Adjustment – V25-10 Staff Report

Applicant: Doug Chodur
Proposal: Variance to allow encroachment into rear yard
Location: 1511 West 9th Street South
Current Use: Residence
Current Zoning: R-2: One- and Two-Family Residential

Proposal: The applicant is requesting authorization for an encroachment to the rear yard setback at 1511 W. 9th St. S. The subject property is located within the R-2: One- and Two-Family Residential zoning district.

Analysis:

1511 W. 9th St. S. is zoned R-2 (One-and-Two-Family Residential Zoning District), an aerial zoning map are included for reference.



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 existing structure has approximately 20-ft rear yard setback with the pergola at 5-1/2 ft. from the rear property line. The applicant would like to build a 12 ft. by 18 ft. 3-seasons room to replace the existing pergola at the rear of the house. The 3-seasons addition would encroach northwest towards the rear property line. Construction drawings have been attached to the packet.

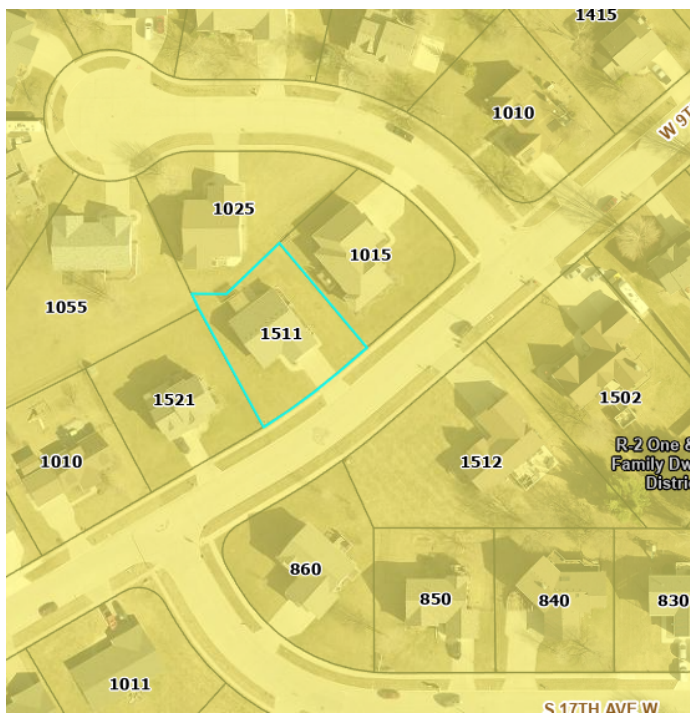
The findings of the Zoning Board of Adjustment shall be a determination to either approve, conditionally approve, or deny this rear yard setback variance.

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 200 feet of the subject property upon which the proposed variance is to be located on October 27th, 2025. Notice of the meeting was also published in the *Newton Daily News*.

Randy Woods, one of the neighbors called for details and said he has no concerns. If more comments are received ahead of the meeting, staff will share them at this point in the report.

Recommendation:

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.

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.

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 shape and layout of the property create a unique hardship that makes it difficult to meet the standard setback requirements. The yards dimensions and existing structure placement limit where a covered deck can reasonably be built. Because of physical constraints, strict application of the current setback rules would prevent*

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

Yes, because of the shape of the property the deck can only be put there because that is where there patio door is to the deck. And they need the deck to be bigger to be safer + more functional.

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

Yes, we are looking to make this comply with the zoning ordinance. But because of the shape of the property + location of the patio door that is currently on the home the covered deck has to be there. And needs to be size we are requesting to be safe + functional.

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

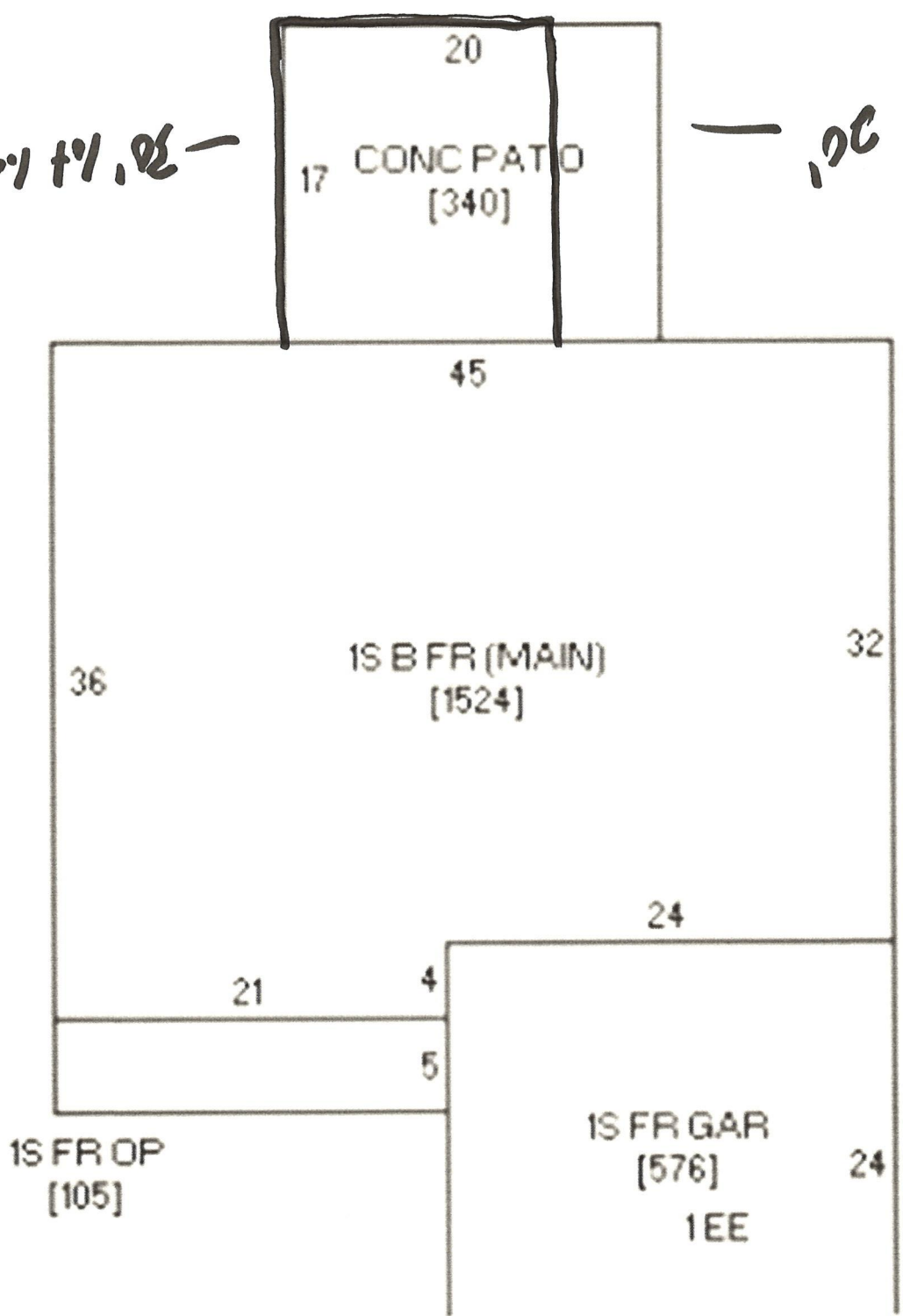
6. Will granting the variance impair an adequate supply of light and air to adjacent property, increase the congestion, increase the danger of fire, endanger the public safety, or substantially diminish property values within the neighborhood?

No

↑
↑
↑
↑
↑

← — 20' 10" —

— 20' —





Existing



Lempferms

Tie into existing Post.

6x6 Post

1x8 OS Sheetrock

2x8 Rafters

Vaulted ceiling.

1 2x4x11 3/8 LVL Ridge

2 1 3/4x11 3/8 LVL A113
Sides Per Beam

