



Zoning Board of Adjustment Meeting Agenda

Wednesday, December 3, 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

[IGNORE_INDENT]

- I. Call to Order and Roll Call
- II. Review of Minutes of Previous Meeting
 1. Review of Minutes of Previous Meeting: 11-05-25
- III. Public Hearing
 1. CU25-5: Conditional use permit to allow outdoor storage as a secondary use at 2026 1st Ave. E Amy Ray, applicant.
- IV. Other Business
- V. Adjourn

[IGNORE_INDENT]

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

**Minutes of Meeting
Zoning Board of Adjustment
Regular Meeting
November 5, 2025**

ROLL CALL: Board members present: Trotter, Birkenholz, Otto, Billingsley (Joined at 4:33)

Board members absent: Rossow

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

Applicants: Gary Stier, Applicant, 600 E 23rd St. S
Richard Stier, Contractor, 421 S 11th Ave W
Drew Hill, Contractor – Buresh Home Solutions, 9379 Swanson Blvd, Clive, Iowa
Doug Chodur, Applicant, 1511 W 9th St S
Diana Chodur, Applicant, 1511 W 9th St S
Jason Smothers, Contractor – Buresh Home Solutions, 9379 Swanson Blvd, Clive, Iowa

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

Minutes

The Board reviewed the minutes of the previous meeting from October 8, 2025. **Motion** by Trotter, **seconded** by Birkenholz to approve the minutes. **Roll call vote:** approved 3-0.

Action:

1. V25-9: Variance to allow encroachment into the side yard at 600 E 23rd St. S. Gary Stier, applicant.

Borde reviewed the prepared staff report and shared maps of the subject property. Borde shared that one neighbor had provided input that they were okay with this being approved.

Richard Stier, Contractor, gave more specific detail about the appearance of the structure and lining it up with the existing garage, and gave more specific design details about the carport itself.

Vice-Chair Otto noted how there was a lot of thought behind the design of the carport as they made sure it would be an improvement to the property. The board asked about drainage for this structure and the contractor noted that there would be downspouts that extend past the neighboring structure. The board had no other concerns.

Motion by Birkenholz, **seconded** by Billingsley to close the public hearing. **Voice Vote:** 4-0

Motion by Birkenholz to approve the Variance, **seconded** by Billingsley. **Roll Call Vote:** approved, 4-0

2. V25-10: Variance to allow encroachment into the rear yard at 1511 W 9th St. S. Doug Chodur, applicant.

Borde reviewed the prepared staff report and shared maps of the subject property. Borde noted that the staff report says there was a neighbor who called, but that was in regard to V25-9 and not this variance.

Drew Hill, Contractor described in greater detail what the plan was for the three-season type of porch that the applicant is looking at adding. He noted that these types of problems happen quite often.

Vice-Chair Otto asked about how far it would extend past the existing concrete patio. The contractor noted that it would be just about in line with the existing patio, but might extend just a little past the existing patio. Otto also noted how odd of a property line this property had with it not being a straight line

Birkenholz noted that this was a thoughtful value adding addition to the house, that it wouldn't deviate from the existing house, and that it would be a positive space.

Motion by Birkenholz, **seconded** by Billingsley to close the public hearing. **Voice Vote:** 4-0

Motion by Birkenholz to approve the Variance, **seconded** by Billingsley. **Roll Call Vote:** approved, 4-0

Other **Business-** Borde noted that Lynette will be resigning from the board at the end of the year. Members of the board thanked her for her work and expertise on the board. Borde also noted that the board members should plan to have a meeting in December.

Motion by Trotter to adjourn the meeting, **seconded** by Billingsley. **Voice Vote:** approved, 4-0. The meeting was adjourned at 4:56 PM.

Zoning Board of Adjustment - Staff Report: CU25-5

Applicant: Amy Ray
Current Owner: Gary F. Smith Rev. Trust
Proposal: Accessory outdoor storage yard area
Location: 2026 1st Ave. East Newton, IA 50208
Current Use: Equipment Rental
Current Zoning: Commercial (C-A)

Proposal:

Smith's Quality Rental will be closing its doors effective December 31, 2025. Gary Smith, the applicant's father, has owned the property at 2026 1st Ave E that has made up this business for more than 50 years. Due to changing economic conditions, along with personal and business considerations, the applicant and their family made the very difficult decision to close the business at the end of the year.

The applicant contacted staff in regard to proposing an outdoor storage area to the east of the current building, staff conducted a zoning review and reached the conclusion that outdoor storage yards are not expressly permitted within the C-A zone, but rather, they could be reviewed as a conditional use. Thus, the requirement for this conditional use permit application.



Figure 1: Street view of the property from the SW corner of the property along 1st Ave. W.

The intent behind requiring a conditional use permit for this accessory outdoor storage yard is to ensure compatibility with the neighborhood and to provide an opportunity for neighbors to offer direct feedback. The applicant, Amy Ray, plans to purchase the property from her family members, and has shared that she would like to include an outdoor storage yard for the area on the east side of the property. The primary use of the existing building and property will be office space and a small engine repair shop, while the secondary use would be an outdoor storage yard.

While there are no proposed changes to the property or layout at this time, to the extent that citizens and surrounding property owners are interested in the proposed use and how it would

function in the neighborhood, design matters can be part of the Board's discussion (e.g., screening requirements, storage location restrictions, etc.).

Surrounding Properties:

North (R-2): SFHs

East (C-A): Fast-food restaurant, E 23rd St, Garden Nursery

South (C-A): 1st Avenue East, Greenspace, Aurora Park

West (C-A): Restaurant, Pet Hospital

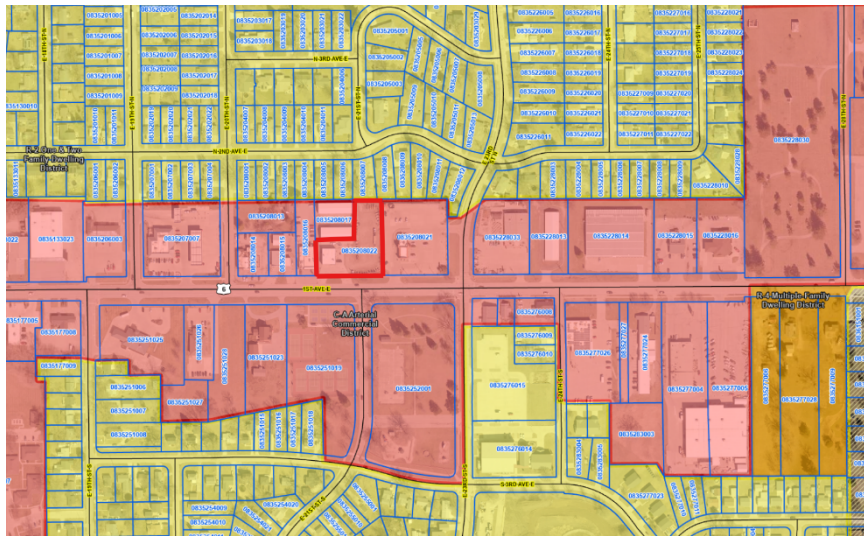


Figure 2: Aerial zoning map for nearby properties. (Property is outlined in red)

Analysis:

The subject property is located within the C-A: Arterial Commercial District. Offices and small engine repair are permitted as an allowed use. The only portion of this that is subject to the conditional use permit is the exterior storage yard proposed to be placed on the east side of the property at 2026 1st Ave. E.

Currently, the eastern side of the property is being used as the storage area for construction equipment, trucks, and trailers for rent. Neighboring property

owners currently might hear noise and experience dust blowing from the moving of equipment on the property. With what is being proposed, there should be less traffic, and less noise coming from this property as there wouldn't be bigger trucks and trailers moving in and out of the lot several times a day. There also wouldn't be the sounds from the large equipment running under what is proposed.

In September 2017, the Newton Zoning Board of Adjustment approved CU17-5 to authorize an accessory outdoor storage yard at 500 Iowa Speedway Drive (Van Maanen headquarters). While certain elements of that property are not similar to 2026 1st Ave. E. (such as topography),



Figure 3: View of property from the SE corner of the property along 1st Ave. E.

the nature of the request was virtually the same. The only conditions for that approval included a site plan review (not applicable to CU25-5), and that the permit would expire when the applicant is no longer the owner of the property.

Also in December 2022, the Newton Zoning Board of Adjustment approved CU22-6 to authorize an accessory outdoor storage yard at 1217 1st Ave. E. While certain elements of that property are not similar to 2026 1st Ave. E. (such as location of the building in front of the storage area), the nature of the conditional use permit application request is similar. The conditions for that approval are all included in the conditions for the approval of CU25-5.

Considering the location of the property, its proximity to all types of other uses (residential, and commercial), and the fact that rezoning is not an option, a conditional use permit is the most appropriate method for allowing such an accessory use in the C-A district.

Consideration of Criteria for Conditional Use Permits:

- *Conditional Uses. (Nature & Purpose).* The formulation and enactment of comprehensive zoning regulations is based on the division of the entire city into districts, in each of which are permitted specified uses that are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are other uses, which it may be necessary or desirable to allow in a given district, but which, because of their potential influence upon neighboring uses or public facilities, need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified in this chapter as conditional uses... [158.178(B)(2)(a)]
- *Criteria for Granting.* Conditional uses should only be granted by the Zoning Board of Adjustment if the following criteria can be met:
 - Is so designed, located and proposed to be operated that the public health, safety, and welfare will be protected;
 - Is so designed located, and proposed to be operated that it is compatible with its surroundings;
 - Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located;
 - Shall conform to the applicable regulations of, and be compatible with the essential character of the district in which it is located.

Therefore, the role of the Zoning Board of Adjustment is to determine the appropriateness of an accessory outdoor storage yard at this site 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 proposal was published in the Newton Daily News on November 18, 2025 and November 25, 2025. Notice was also mailed to all property owners within 400 feet on November 18, 2025.
- At the time of publishing, staff had not received comments or questions from the public on this.

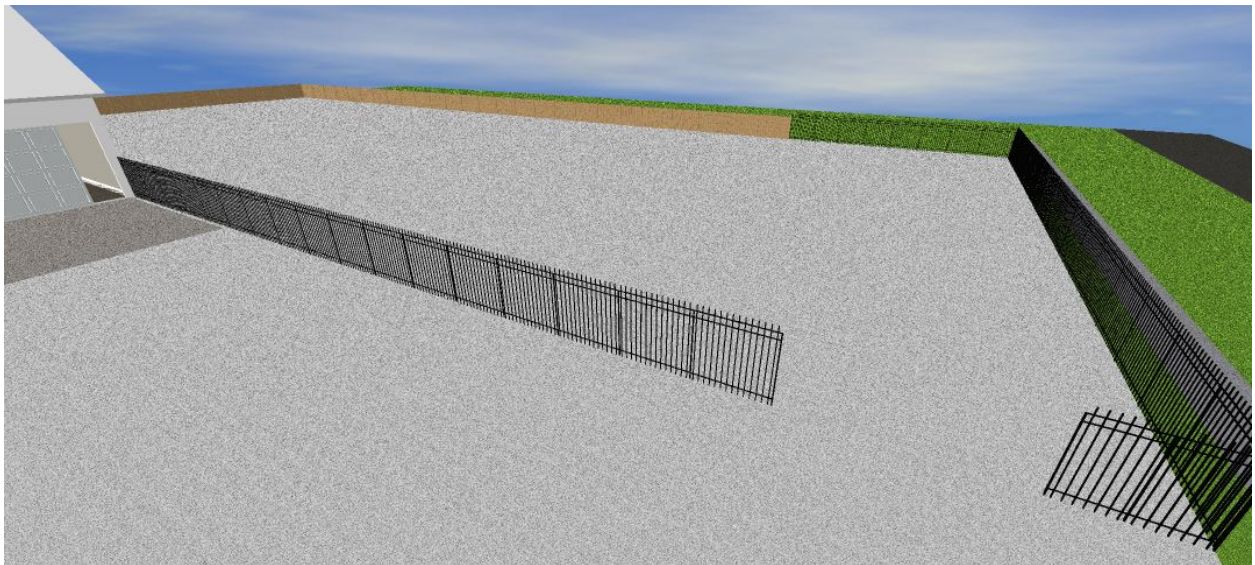
Recommendation.

Staff finds that this request is similar in nature to the other approved conditional use permit from 2017 (CU17-5) and 2022 (CU22-6). Staff recommends approval of this permit noting the following conditions are satisfied:

- neighborhood comments and questions are addressed;
- all material shall be stored interior to the proposed fenced area and only brought outside said area if it is arriving to or leaving from the property;
- the accessory outdoor storage yard shall be maintained in an organized and visually appealing manner;
- the main building shall be occupied;
- as stated by city code there shall be a transitional yard at the rear lot line as it coincides with a residential district, there shall be a 25 feet setback with no storage area encroaching the transitional yard.

Attachments: Renderings of a proposed fence for the property.







RE: Conditional Use Permit Application

Dear Planning Commission / Board Members,

My name is Amy Ray, daughter of the late Gary Smith, longtime owner of the property located at 2026 1st Ave E. As many of you may already know, Smith's Quality Rental will be closing its doors effective December 31, 2025. While this marks the end of a meaningful chapter for our family and community, my hope is that a new one will soon begin.

My husband, Chad, and I have decided to purchase the property at 2026 1st Ave E from my siblings. Our intention is to continue operating the small engine repair shop in the back half of the main building, while exploring new opportunities for the front portion in the near future.

Behind the main building are two storage unit structures that were part of my father's rental business, previously associated with the units at 1715 1st Ave W. We plan to separate these from that location and operate them as part of our new business structure. In addition, we would like to offer outdoor storage spaces on the adjacent eastern lot, which will become vacant once the existing equipment is sold.

Indoor and outdoor storage have long complemented one another and have been a successful part of the Smith family's business model for more than 50 years. It is our goal to continue that legacy while enhancing the overall appearance and security of the property. Planned improvements include the installation of black iron fencing and additional lighting to create a more attractive and secure environment.

Thank you for your time and consideration of our Conditional Use Permit application. We look forward to continuing to serve the community and to carrying on the tradition of hard work and integrity that my father established at this location.

Sincerely,
Amy Ray