



Zoning Board of Adjustment Meeting Agenda

Wednesday, February 4, 2026 - 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
 1. Review of Minutes of ZBA mtg. 12.3.2025
- III. Public Hearing
 1. V26-1: Confirmation of pre-existing non-conforming rearyard setbacks in R-4 zoning district at 411 N. 3rd Ave. E. Chaison Loupee, 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, John Billingsley, Donald Fitzgerald

Minutes of Meeting
Zoning Board of Adjustment
Regular Meeting
December 3, 2025

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

Board members absent: Billingsley

STAFF PRESENT: Erin Chambers, Community Development Director
Craig Armstrong, Economic Development Specialist
Nicholas Alexander, City Planner

Applicants: Amy Ray, Applicant, 2026 1st Ave E
Chad Ray, Applicant, 2026 1st Ave E

A quorum being present, Chair Rossow called the meeting to order at 4:31 PM

Minutes

The Board reviewed the minutes of the previous meeting from November 5, 2025. **Motion** by Otto, **seconded** by Birkenholz to approve the minutes. **Voice vote:** approved 4-0.

Action:

1. CU25-5: Conditional use permit to allow outdoor storage as a secondary use at 2026 1st Ave. E Amy Ray, applicant.

City Planner Nicholas Alexander presented the staff report, detailing the analysis of the situation and the proposal that the applicant is looking to get approved by the Zoning Board of Adjustment. The Board has a couple of follow up questions in regards to the proposal and some of the conditions for approval.

Amy Ray, applicant then gave an overview of what she plans to do with the space. She noted that people have been interested in having their storage here as it feels more secure and safe. She was joined by Chad Ray as well. They both described the type of fence they were planning to place and how they went off of the fence that Jasper Construction has.

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

The board discussed further how this use will be less intense than the current use as there won't be as much traffic. The board believes that the fencing proposed lessens their concerns for the aesthetics.

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

Other Business- Chair Rossow asked if the board should expect a meeting in January. Alexander noted that there is a possibility of a variance application being submitted, but was not totally sure if it would be for a January meeting. The board and staff members thanked Board Member Birkenholz for her years of service on the Zoning Board of Adjustment and wished her the best moving forward.

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

Zoning Board of Adjustment - Staff Report: V26-1

Applicant:	Young Buck Construction
Proposal:	Confirmation of pre-existing non-conforming rear yard setback in R-4 zoning
Location:	411 N. 3rd Ave. E.
Current Use:	Vacant Lot/Single-Family Home
Current Zoning:	R-4: Multiple Family Dwelling

Proposal: The applicant, Young Buck Construction, has submitted a variance application requesting authorization of a new-single family home encroaching into the required rear yard setback area. Said single-family home is on an infill lot and is approximately 18.08' from the rear property line, thus failing to meet the minimum 30' rear yard building setback required by the R-4 zoning district. This property was formerly a D&D lot that was owned by the City of Newton which had sat vacant since 2019. The Newton City Council approved the sale of this lot along with other lots in the area at their City Council meeting on November 17th, 2025 to be developed into single-family homes.

Analysis:

411 N. 3rd Ave. E is located within the R-4: Multiple Family zoning district, an aerial map and zoning map are included for reference. The required minimum rear yard setback of the R-4 zoning district is 30 feet. The single-family home will have approximately a 18.08' rear yard setback. The lot is 3,762 square feet (0.09 acres) and is relatively flat. This lot is only 66' x 56'. The length of the lot (66') is narrow and creates a hardship to conform to the existing rear yard setback requirements. The applicant does not need a variance for the front yard setback difference as this area was developed before the applicable zoning code requirements, meaning the average of the front yard setback for the other homes is what the minimum front yard setback is for this property.

The Zoning Ordinance stipulates that R-4 properties meet the following building setback minimum requirements:

- Front yard: 25 feet
- Side yard: 8 feet
- Rear yard: 30 feet



Figure 1 Map showing neighboring lots

Neighboring Properties:

The neighboring property at 222 E. 4th St. N is in a similar situation to 411 N. 3rd Ave. E. The neighboring property is also on a similar sized lot at 66' x 70'. The current structure located on this property has a front yard setback of



Figure 2: Neighboring property to the west (222 E. 4th St. N.) looking east off of N. 3rd Ave. E.



Figure 3: Neighboring property to the west (222 E. 4th St. N) looking east near the rear property line off of E. 4th St. N.

approximately 9' on both E. 4th St. N and N. 3rd Ave. E. and a rear yard setback of approximately 22'. Therefore, the structure at 411 N. 3rd Ave. will be fairly close to being inline with the neighboring property's rear yard setback.

The property at 214 E. 4th St. N located behind 411 N. 3rd Ave. E. is also currently under construction by Young Buck Construction for a single family home as part of the city sale of lots in this area. This property will also have a single family home that will comply with all applicable zoning codes. The site plan pictured to the right depicts the location of where the house will

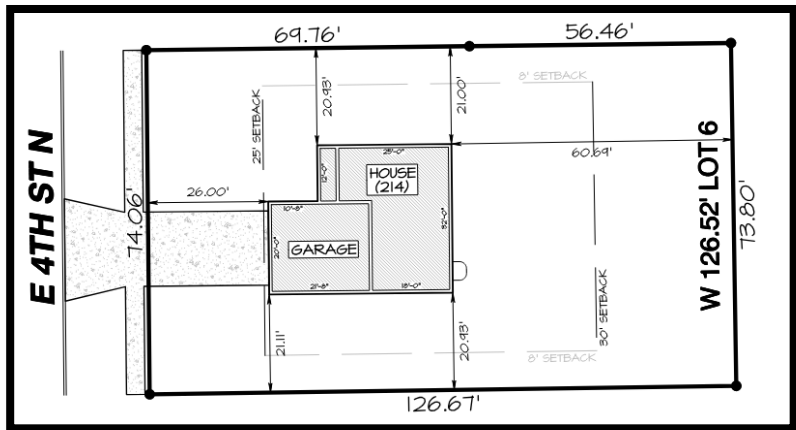


Figure 3: Site Plan for the lot **behind** 411 N. 3rd Ave. E. (214 E. 4th St. N.)

be. As can be seen the new structure located at 214 E. 4th St. N will not extend to the area that is behind the property at 411 N. 3rd Ave. E. therefore the area behind the home located at 411 N. 3rd Ave. E. will be open space.

If the variance is granted, the single-family structure shall be less than the required 30ft rear yard setback. Due to this lot being small and constraining, the rear yard setback variance is necessary for the single-family structure. Materials provided by the applicant are attached.

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 applicants answers are one of the attachments)

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?

Notice of Proposal: The Notice of the meeting and proposal was published in the Newton Daily News once on Tuesday, January 27th, 2026. A notice of the meeting was mailed on Monday, January 26th, 2026 to surrounding properties within 200ft 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.

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, due to the shallow depth of lot, a single-family home will not fit.

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

Yes, this request is only based on the size of this lot.

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

Yes, we are attempting to follow the zoning ordinance as much as practical.

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

No, size of lot created hardship.

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

No, it will not impact the public welfare or be injurious to the neighborhood.

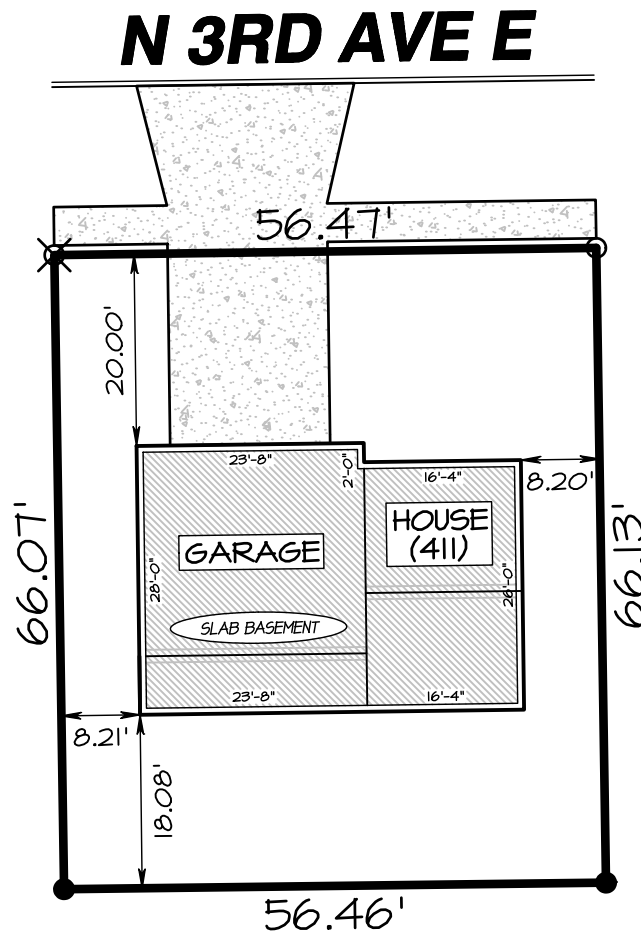
6. Will granting the variance impair an adequate supply of light and air to adjacent property, increase the congestion, increase the danger of fire, endanger the public safety, or substantially diminish property values within the neighborhood?

NO, it will not cause the house to be closer to adjacent properties, it will not increase congestion (single-family dwelling), all building codes will be adhered to and this home will raise property values within the neighborhood.

YOUNG BUCK CONSTRUCTION

411 N 3RD AVE E NEWTON

LOT 4 - OUTLOT 25 ORIGINAL TOWN NEWTON



NOTE: THIS PROPERTY RECEIVED A VARIANCE FOR THE SETBACKS



**ASSOCIATED ENGINEERING
COMPANY OF IOWA**

1520 NW Irvinedale Dr. Ste 102 Ankeny, IA 50023
Phone: (515) 255-3156 Fax: (515) 255-3157

BUILDER TO VERIFY ALL DIMENSIONS & SETBACKS

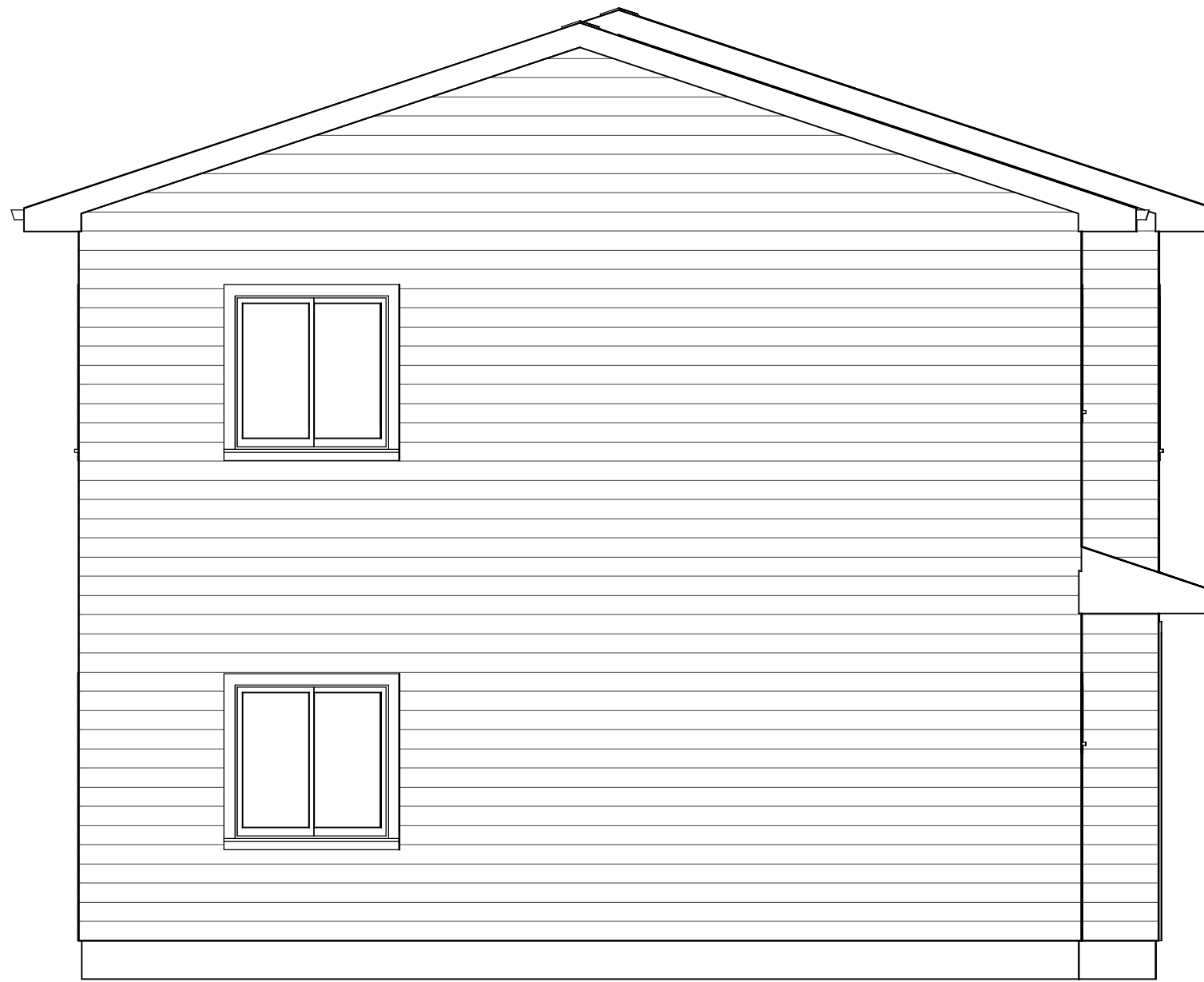
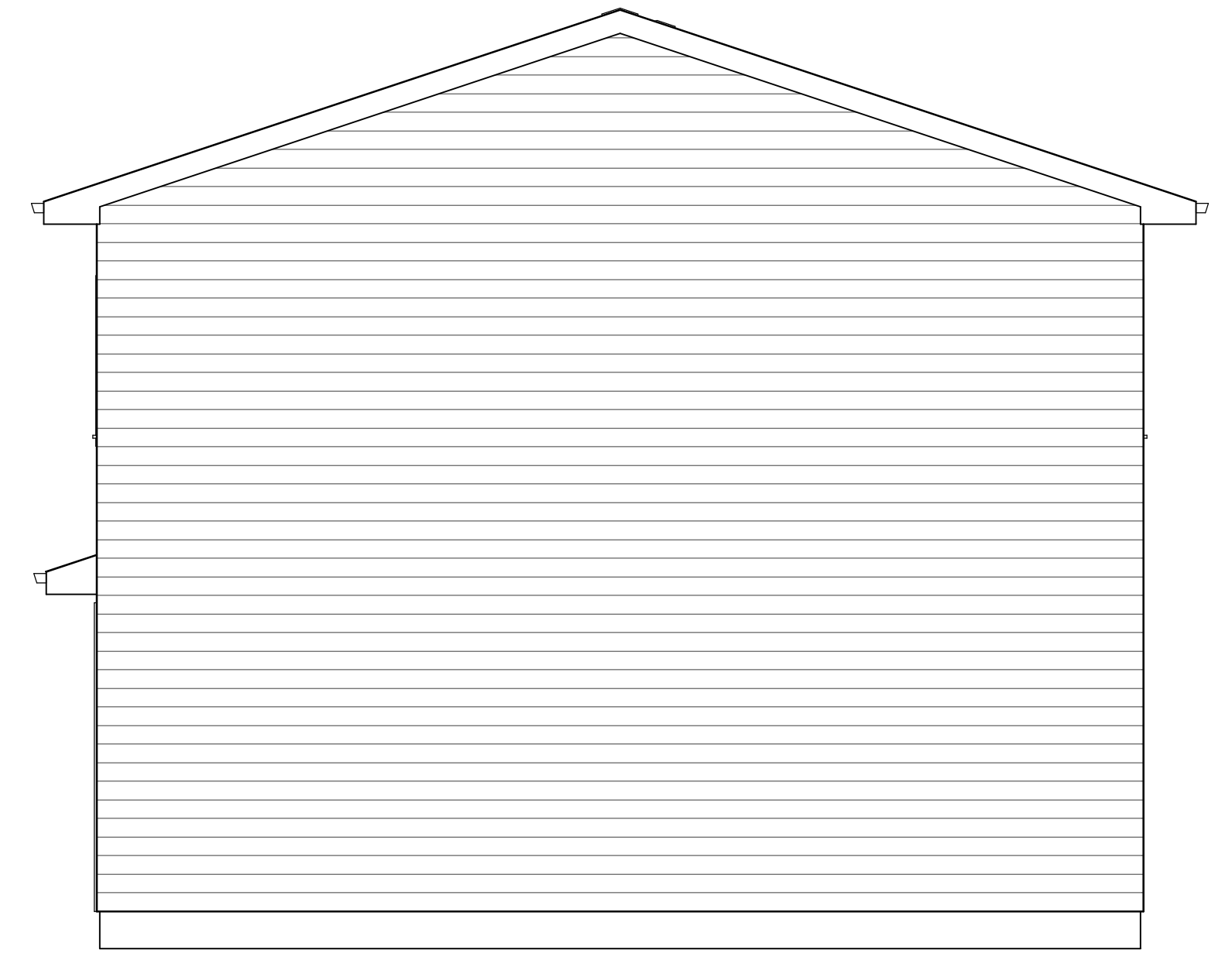
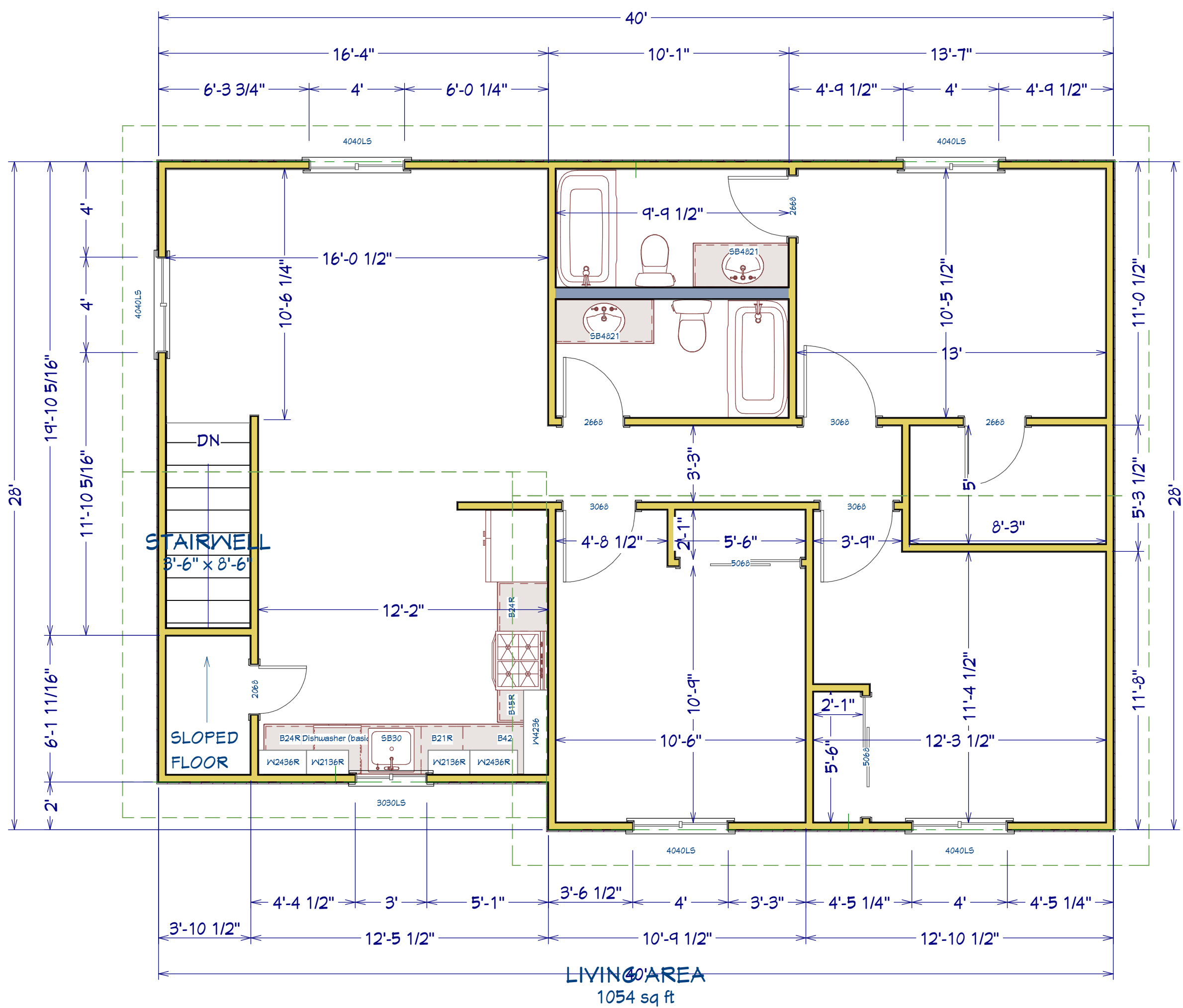
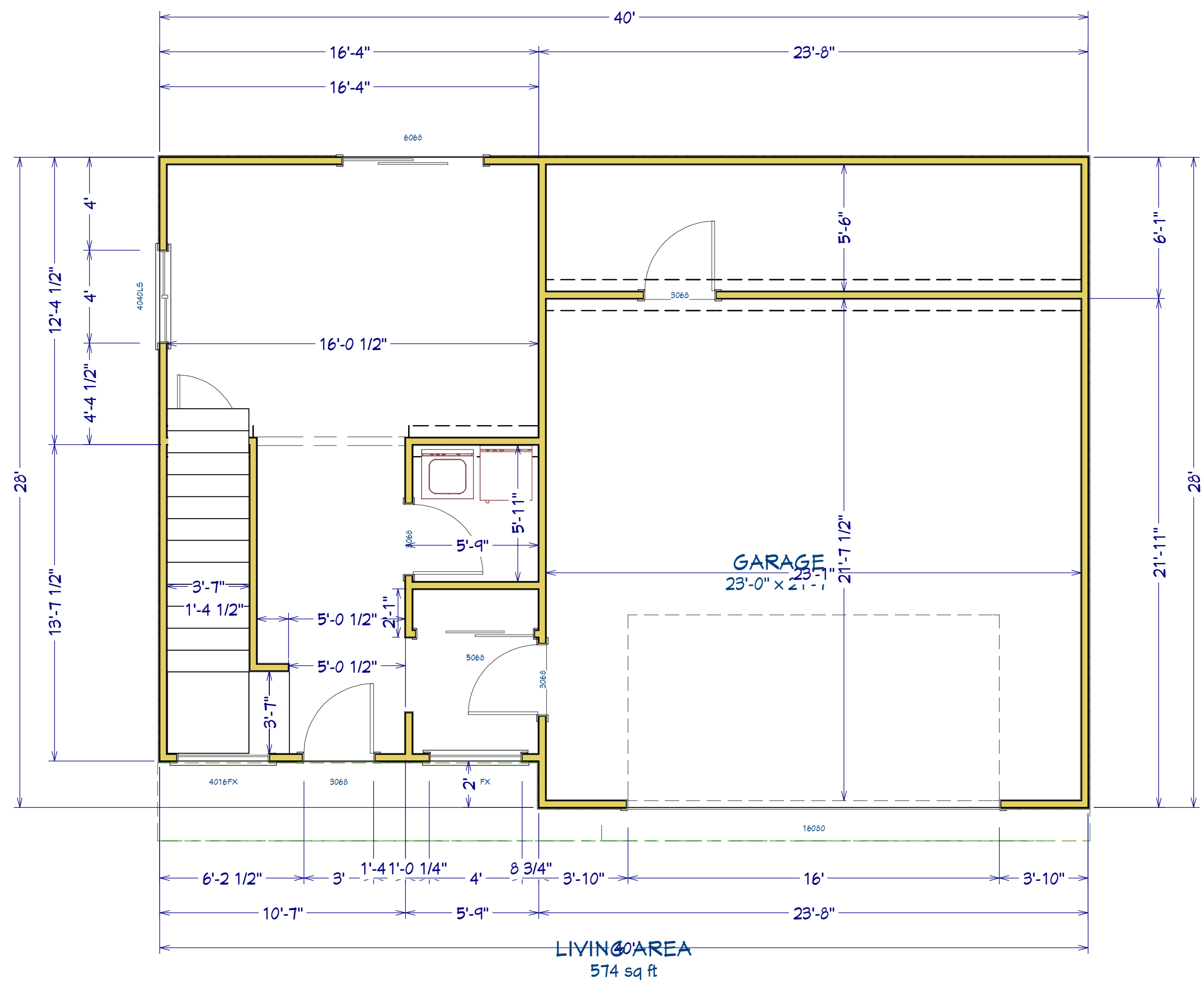
NOTE: ANY CONCRETE IS SHOWN FOR ILLUSTRATION PURPOSES ONLY. VERIFY ALL WIDTHS & LOCATIONS WITH THE APPROVED CONSTRUCTION DRAWINGS.

SETBACKS (R-4)
FRONT: 25'
REAR: 30'
SIDE: 8'



PROJECT #
214910

DATE: 12/15/25



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