



## Zoning Board of Adjustment Meeting Agenda

*Wednesday, June 10, 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](http://www.newtongov.org/cablecast)

- I. Call to Order and Roll Call
- II. Review of Minutes of Previous Meeting: 6.3.2026
- III. Public Hearing
  1. V26-8: Variance for a reduced rear yard setback at 427 N. 3<sup>rd</sup> Ave. E. and a reduced lot size at 215 E. 5<sup>th</sup> St. N. in R-4 zoning district. Young Buck Construction, applicant.
- 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 3, 2026**

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

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

Applicants Present: Damon Reynolds, 414 W 16<sup>th</sup> St. N  
Jody Gideon, 705 E 21<sup>st</sup> St. Pl. S  
Lee Miller, 109 E 3<sup>rd</sup> St. S

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 April 1, 2026. **Motion** by Trotter, **seconded** by Billingsley to approve the minutes. **Voice vote:** Approved 4-0.

**Action:**

**1. Public Hearing**

V26-5: Variance for a reduced side yard setback for a deck in R-2 zoning district at 414 W. 16<sup>th</sup> St. N. Damon Reynolds, Applicant.

City Planner Nicholas Alexander presented the staff report, detailing the analysis of the situation and the variance request to allow a deck to be built up to the property line. The board asked if there are other cases in which there are zero feet setbacks. Staff noted that previous zoning codes allowed a combined setback between the two sides, in which some properties had zero feet setbacks.

Chair Rossow invited the applicant to explain the project.

Damon Reynolds, applicant, noted the current conditions of the patio and that the reason for it being on this side is because of the location of the entrance and exit for the rear of the house. The commission asked about the fence and if there will be spacing. The applicant noted that he has a written agreement from the neighboring property owner to replace the fence, and that there would be some space between the deck and fence to allow a railing. No neighbors were present at the meeting.

**Motion** by Billingsley, **Seconded** by Trotter to close the Public Hearing. **Voice Vote:** Approved 4-0

Rossow invited the board to start the discussion. Rossow noted that the applicant has answered the questions fully. The board had no further discussion.

**Motion** by Billingsley to accept the answers to the questions as presented. **Seconded** by Trotter. **Voice Vote:** Approved 4-0

**Motion** by Billingsley to approve the variance and that the strength of the answers as evidence to grant the variance for placement of a deck within the required side yard setback. **Seconded** by Fitzgerald. **Roll Call Vote:** Approved 4-0

## 2. Public Hearing

V26-6: Variance for home occupation signage exceeding the permitted size in R-2 zoning district at 1109 W. 4<sup>th</sup> St. N. Barry DeVoll, applicant.

City Planner Nicholas Alexander presented the staff report, detailing the analysis of the situation and the variance request to allow an illuminated sign no greater than 6' x 6'.

Chair Rossow invited the applicant to explain the project.

The applicant was not present.

Dawn Dee, 1107 W. 4<sup>th</sup> St. N., neighbor was present at the meeting and wasn't sure what was being proposed but wanted to see the proposal. She was shown the proposed sign rendering. She noted that she has no problems with the proposed sign.

**Motion** by Trotter, **Seconded** by Billingsley to close the Public Hearing. **Voice Vote:** Approved 4-0

After the public hearing was closed, board members discussed the variance application. The board had questions regarding the location of the sign, what is currently there, and more about the home occupation rules. Staff reminded the board that Home Occupations are allowed in residential but they need to be second in nature, and the occupation shouldn't create a lot of variation in the residential character of the neighborhood. Trotter noted that allowing the illumination would vary too much from the residential character. The board discussed the illumination of the sign and the board thanked the neighbor for attending the meeting.

**Motion** by Billingsley to accept the answers to the questions as presented, **Seconded** by Fitzgerald. **Voice Vote:** Approved 4-0

**Motion** by Trotter to approve to grant the variance for the sign size, with the condition that there be no illumination for the sign greater than the home occupation permissible size. For the sign that meets the requirements of the home occupation, illumination is okay. **Seconded** by Billingsley. **Roll Call Vote:** Approved 4-0

## 3. Public Hearing

V26-7: Variance for reduced separation between the principal and accessory structures in R-2 zoning district at 705 E. 21<sup>st</sup> St. Pl. S. Jody Gideon, applicant.

City Planner Nick Alexander presented the staff report, detailing the analysis of the situation on the variance request to allow for reduced separation between the principal structure and the accessory carport structure. Nick noted that a neighboring property owner had called, and just wanted to know what was happening.

Chair Rossow invited the applicant to explain the project.

The applicant Jody Gideon spoke and noted this carport is being constructed to provide protection for a toy hauler that his wife's wheelchair is in. It isn't intended to be permanent. No neighbors were present at the meeting.

**Motion** by Trotter, **Seconded** by Billingsley to close the Public Hearing. **Voice Vote:** Approved 4-0

After the public hearing was closed, the board discussed the variance application. The board had discussion to understand if there is a difference between temporary and permanent. Staff noted that that temporary can turn into permanent, but it might not in this case, and staff is not able to approve something like this only because it is temporary.

**Motion** by Billingsley to accept the answers to the questions as presented, **seconded** by Trotter. **Voice Vote:** Approved 4-0.

**Motion** by Trotter to approve to grant a variance to allow an accessory garage structure to be built within the required principal structure setback. **Seconded** by Billingsley. **Roll Call Vote:** Approved 4-0.

#### **4. Public Hearing**

Appeal to ZBA: 109 E. 3<sup>rd</sup> St. S. Miller Property Solutions.

Community Development Director Erin Chambers presented the staff report detailing the analysis on this appeal and what the decision before the board needs to be.

Chair Rossow invited the applicant to explain this appeal.

Lee Miller 109 E 3<sup>rd</sup> St. S., applicant introduced his attorney to speak on the matter. Hillary Montalvo, 112 N 2<sup>nd</sup> Ave E, attorney begun speaking and asked questions to both staff and the board. Staff and the board responded and answered the questions. She explained how this property has been in use as a continuous warehouse for many years, including before the applicant purchased the property. Noting the affidavit from the previous owner shows that it has been continuously used as warehousing. She wanted to note schedules and other factors are what led to this meeting being in June. Lee Miller spoke about how this building is used for the storage of the raw materials he uses for his work of rehabbing and renovating.

**Motion** by Trotter to close the Public Hearing, **Seconded** by Billingsley. **Voice Vote:** Approved 4-0.

The board discussed the appeal and the facts and findings that were brought forth to determine if this building has been historically used as warehousing, and that the use was never discontinued for six months.

**Motion** by Trotter that this building has been continuously used as a warehouse and is grandfathered in therefore approving it, **seconded** by Billingsley. **Roll Call Vote:** Approved 4-0.

**Other Business-** City Planner Nicholas Alexander noted that there will be a special ZBA meeting on June 10<sup>th</sup>.

**Motion** by Trotter to adjourn the meeting, **seconded** by Billingsley. **Voice Vote:** Approved, 4-0. The meeting was adjourned at 5:34 PM.

## Zoning Board of Adjustment – V26-8 Staff Report

Applicant: Chaison Loupee  
 Proposal: Variance to allow encroachment into rear yard and reduced lot size.  
 Location: 427 N. 3<sup>rd</sup> Ave. E. and 215 E. 5<sup>th</sup> St. N.  
 Current Use: Vacant lots  
 Current Zoning: R-4: Multi-Family Residential

Proposal: The applicant is requesting authorization for the following:

- An encroachment to the rear yard setback at 427 N. 3rd Ave. E.
- A reduced lot size and lot depth at 215 E. 5th St. N.

Both lots are located within the R-4: Multi-Family Residential.

**Analysis:**

427 N. 3rd Ave. E. and 215 E. 5th St. N. are zoned R-4: (Multi-Family Residential). An aerial zoning map are included for reference.

The Zoning Ordinance stipulates that R-4 properties meet the following building setback minimum, minimum lot area and lot depth requirements:

- Front yard: 25 feet
- Side yard: 8 feet
- Rear yard: 30 feet
- Lot area -  
 Single family dwelling: 6,000 sq. ft.  
 Duplex: 7,200 sq. ft.
- Lot depth: 120 ft.

Lots 421 N. 3rd Ave. E, 427 N. 3rd Ave. E. and 215 E. 5th St. N were bought by the city under the D&D program ----and the developer Chaison Loupee bought them.

A house was recently built on 421 N. 3rd Ave. E. The applicant is now proposing replatting the three lots to be able to better fit homes on the remaining two lots.



The proposed lots would be the following sizes.

Lot 2 - 421 N. 3rd Ave. E. - 52.34' by 140.35' (7,345.92 sq. ft.)

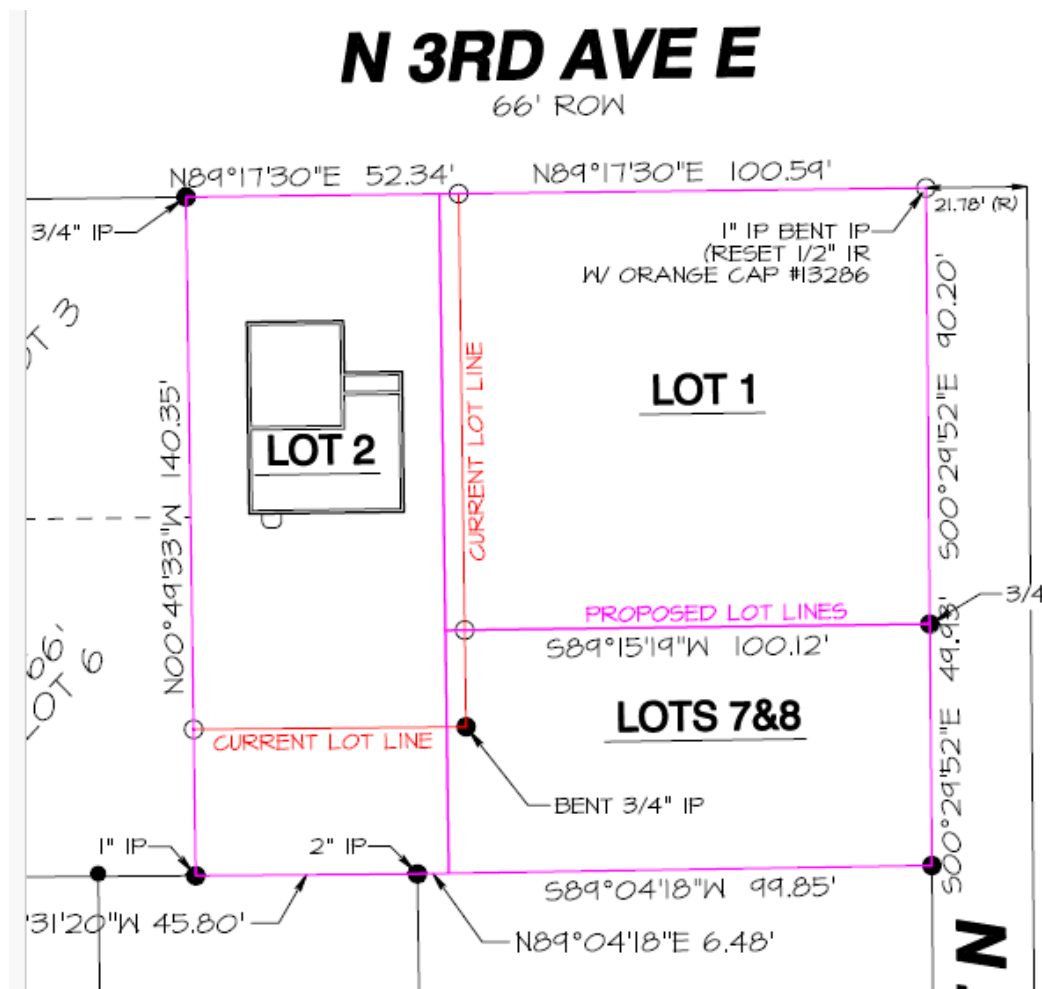
Lot 1 - 427 N. 3rd Ave. E. – 100.59' by 90.20' (9,073.22 sq. ft.)

Lots 7&8 - 215 E. 5th St. N. – 100.12' by 49.93' (4,998.99 sq. ft.)

The proposed replatting is shown in the map below. The replatting would move the lot line between lots 1 and 2 to the west by ~3.66 ft.; and move the lot line to the south for lot 2.

For lot 1, the developer is requesting a reduced rearyard setback of 25 ft. in lieu of the required 30 ft.

For lot 7&8 the developer is requesting reduced lot area of 4998.99 sq. ft. in lieu of the required 6,000 sq. ft. and reduced lot depth of 100.12 ft. in lieu of the required 120 ft.



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 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 May 26th, 2026. Notice of the meeting was also published in the *Newton Daily News* on May 26th, 2026.

If any comments are received ahead of the meeting, staff will share them at this point in the report.

**Recommendation:**

Lot 1 is a corner lot. The legal non-conforming lot depth creates a unique circumstance. Subject lot 7&8 is a uniquely shaped lot which makes the narrow part of rear yard unusable for building. Regularly shaped lots are more desirable since they can be used more efficiently than irregular/jagged lots.

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 existing physical surroundings, shape, and topographical conditions of *lots #1, 2, 7, & 8* are resulting in hardship, other than inconvenience and loss of revenue. The current geography of the city orientated lot lines are unsuitable for a single-family and or a multi-family dwelling. The shallow depth of *lot #1* constricts the suitable dimensions desired for a single-family and or a multi-family dwelling. We are proposing 39% lot coverage with this revised variance.

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

Yes - The suggested variance revision is based upon the shallow depth of *lot #1*. Our proposal suggests a 18' driveway which allows occupants to utilize the driveway without interfering with the public walk ways. The 18' setback not only aids in the lack of congestion amongst the neighborhood but rather accommodates the general safety of the public. Being that *lot #1* is established on the corner of *E. 5th St. N and N. 3rd Ave*. The proposed decreased setback will prioritize driver safety by decreasing potential blind spots for those commuting from the South to the North of *E. 5th St N*.

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

Yes - Our proposed variance request is stationed upon our obligation to abide by the city's zoning ordinance. As stated in section *158.119* the standard front yard setback must comply with the 25' standard. We are proposing a 18' front yard setback from *N. 3rd Ave E*. with a side yard depth of 18' side yard from *E. 5th St N*. and a side yard setback of 8'. In addition to the revised parameters we are anticipating a 25' rear yard setback. The condominium on the opposing side of *E. 5th St. N* currently has a 15' side yard set back, our request will aid in decreasing congestion amongst the neighborhood.

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

No - The present owner did not create difficulty nor hardship. Our proposed variance revision is solely based upon the shallow depth of *lot #1* and topographical conditions of *lot #2, 7, & 8*.

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

No - Granting the variance will be beneficial to the public welfare and surrounding neighborhood. Multi-family dwellings most frequently appeal to young families. Granting this variance will benefit the neighborhood by offering additional residence opportunities likewise raising the property value. The public welfare will be enticed by offering more affordable housing opportunities for newcomers whom are relocating for employment within the area. However, this dwelling is most effectively beneficial to the elderly and retirees. The proposed zero entry orientation not only appeals to this target audience but also decreases the likelihood of injuries within the residence.

**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 - Granting the variance will not impair the accessibility of light or air to any future adjacent properties. Granting the variance will not increase congestion within the development, but rather offer more parking for tenants, rather than creating congestion with on-street parking. There is no threat to impose the increased probability of a fire. The reformed variance poses no harm to the general safety of the public. Granting this variance will not diminish property values within the neighborhood. A multi-family dwelling will offer an increase in property value amongst the neighborhood.