



Zoning Board of Adjustment

Meeting Agenda

Wednesday, September 2, 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:6.10.2026
- III. Public Hearing
 - 1. V26-9:Variance for reduced lot frontage for proposed lots at 900 W 3rd St. S in R-2 zoning district. Shane Torres, Fundamental GC Services, 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 10, 2026**

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

Board members absent: Rossow

STAFF PRESENT: Nicholas Alexander, City Planner

Applicants Present: Chaison Loupee

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 June 3, 2026. **Motion** by Trotter, **seconded** by Billingsley to approve the minutes. **Voice vote**: Approved 4-0.

Action:

1. Public Hearing

V26-8: Variance for a reduced rear yard setback at 427 N. 3rd Ave. E. and a reduced lot size at 215 E. 5th St. N. in R-4 zoning district. Young Buck Construction, applicant.

City Planner Nicholas Alexander presented the staff report.

Chaison Loupee, Young Buck Construction, 1585 Hwy T-38 S, applicant spoke about the plans of what to build on each lot.

Deann Lee, 313 E 5th St N, spoke at the podium and was wondering what was occurring and how it might affect her property. Staff showed the property and what this public hearing was about. After that she noted that she has no problems.

Bob Cupples 1311 S 4th Ave W representing the builder and developer noted the builder is trying to build affordable housing. He noted the change in the look of the neighborhood. He also noted the previous three this builder has built are all sold. Believes these are good for the community.

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

Vice-Chair Otto started the discussion with the board and asked about the original platting and how many lots previously were there with staff answering the question. She noted that the builder would still be adhering to all the other coverage and setback requirements. Billingsley had concerns that too much house is being put on too little of land. He believed that one of the criteria wasn't being met from the six legal test questions. Vice-chair Otto noted that this area was platted long before the current standards and requirements were put in place and noted that it would meet all other setback and coverage requirements. She also noted that this will still be meeting the setback requirements and will still meet the spirit and intent of the restrictions of the zoning ordinance. Trotter noted the need for new housing, and new housing starts. He noted the lots are smaller than most. Noted how the lot lines were very odd

and that the square footage and coverage requirements puts to rest any other concerns and that it will be following the setback rules. Fitzgerald noted he agrees with a lot of what was said and noted his concerns are put to rest with the coverage and setback requirements, and felt that it still meets the spirit and intent of the zoning ordinance.

Motion by Trotter to approve and pass the variance of V26-8. **Seconded** by Fitzgerald. **Roll Call Vote:** Approved 3-1 (**Ayes:** Otto, Trotter, Fitzgerald **Nays:** Billingsley)

Other Business- City Planner Nicholas Alexander noted that there was no other business from the staff's perspective.

Motion by Fitzgerald to adjourn the meeting, **seconded** by Billingsley. **Voice Vote:** Approved, 4-0. The meeting was adjourned at 5:02 PM.

Zoning Board of Adjustment – V26-8 Staff Report

Applicant: Shane Torres
Proposal: Variance to allow reduced lot frontage.
Location: 900 W 3rd St. S.
Current Use: Vacant lot
Current Zoning: R-2: On-and-two Family Residential

Proposal: The applicant is requesting authorization for the following:

- Reduced lot width for the two future lots at 900 W 3rd St. S.

Subject lot is located within the R-2: On-and-two Family Residential District, the applicant wishes to split the parcel into 2 lots and if the variance is approved, will apply for a plat of survey.

Analysis:

900 W 3rd St. S. is zoned R-2: On-and-two Family Residential. An aerial zoning map is included for reference.

The Zoning Ordinance stipulates that R-2 properties meet the following building setback minimum, minimum lot area and lot depth requirements:

- Front yard: 25 feet
- Side yard: 8 feet
- Rear yard: 25 feet
- Lot area -
Single family dwelling: 8,000 sq. ft.
- Lot depth: 120 ft.
- Lot width: 65 ft.



The existing lot (lot 3) is approximately 125 ft by 127 ft.

The proposed lots would approximately be the following sizes.

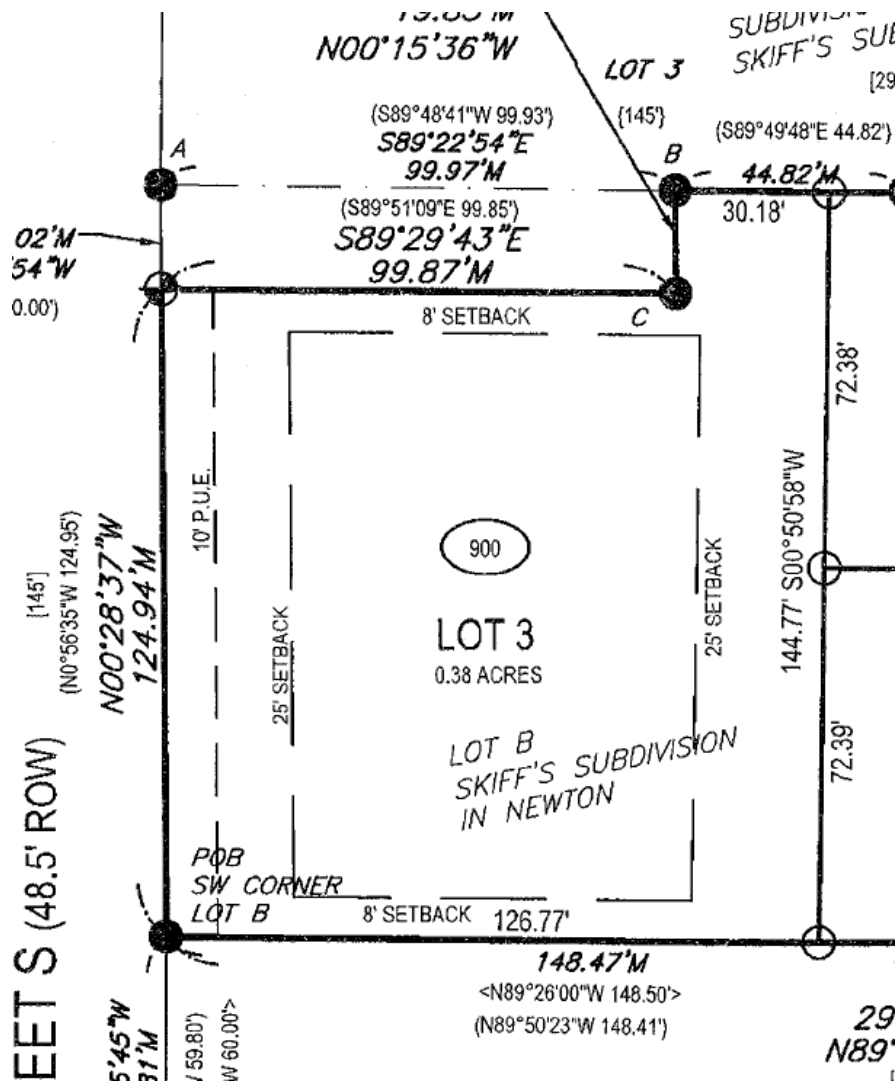
Lot 3 north – 61.43 ft by 128.22 ft. lot size 8,524 sq. ft.

Lot 3 south – 63.50 ft by 126.77 ft. lot size 8,095 sq. ft.

The proposed replatting is shown in the maps above.

Lot 3 north, the developer is requesting a reduced lot width of 61.43 ft. in lieu of the required 65 ft.

Lot 3 south, the developer is requesting a reduced lot width of 63.50 ft. in lieu of the required 65 ft.



The survey map illustrates the layout of Lot 3 North, a rectangular parcel with an irregular shape on the left side. The lot is bounded by the following dimensions:

- North Boundary:** N89°29'43"W 99.87'
- East Boundary:** N0°50'58"E 81.28'
- South Boundary:** S89°25'34"E 128.24'
- West Boundary:** S0°28'43"E 61.43'

Key features and setbacks include:

- Setbacks:** 25' SETBACK on the north and east sides, and 8' SETBACK on the south side.
- Internal Dimensions:**
 - Overall width: 47.83'
 - Overall depth: 34.50'
 - Internal horizontal segments: 26.00', 21.00', 32.50', 49.04'
 - Internal vertical segments: 13.96', 13.95', 19.17', 19.83', 11.15', 4.00', 4.19', 11.33', 3.52', 5.67', 16.00', 10.00'
- Structural Features:**
 - DRIVE:** Located on the west side, measuring 16.00' and 10.00'.
 - Q.S. (Quarter Section):** 10' Q.S. on the north and east sides.
 - PATIO:** 7' X 10' PATIO located on the east side.
 - WINDOW WELL:** Located on the east side, adjacent to the patio.

The lot is labeled **LOT 3** in the center. The north arrow points towards the top of the page.

The survey map for Lot 3 South shows a rectangular lot with the following dimensions and features:

- North Boundary:** S89°25'34"E 128.24'
- South Boundary:** N89°25'34"W 126.77'
- West Boundary:** N0°28'43"W 63.50'
- East Boundary:** S0°50'58"W 63.49'
- Setbacks:**
 - 25' SETBACK (from West and North boundaries)
 - 8' SETBACK (from East boundary)
 - 8' BACK (from South boundary)
- Internal Dimensions and Features:**
 - 16.33' DRIVE (from West boundary)
 - 26.00' (from Drive to South boundary)
 - 14.02' (from South boundary to internal line)
 - 19.83' (from internal line to East boundary)
 - 11.15' (from North boundary to internal line)
 - 47.83' (from internal line to East boundary)
 - 14.73' (from North boundary to internal line)
 - 14.26' (from South boundary to internal line)
 - 34.50' (from internal line to East boundary)
 - 47.59' (from South boundary to East boundary)
 - 32.50' (from internal line to East boundary)
 - 21.00' (from internal line to East boundary)
 - 5.67' (from internal line to East boundary)
 - 11.33' (from internal line to East boundary)
 - 4.00' (from internal line to East boundary)
 - 4.19' (from internal line to East boundary)
 - 3.52' (from internal line to East boundary)
 - 19.17' (from internal line to East boundary)
 - 10' O.S. (On-Site) (from North boundary to internal line)
 - 10' O.S. (On-Site) (from North boundary to internal line)
 - 7' X 10' PATIO (adjacent to East boundary)
 - WINDOW WELL (adjacent to East boundary)

Lot 3

Lot 3 South

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.



Street View

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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 August 21th, 2026. Notice of the meeting was also published in the *Newton Daily News* on August 25th, 2026.

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

Recommendation:

The existing lot, lot 3 is larger compared to other lots in the neighborhood, approximately double the size of the neighboring lots. Splitting lot 3 would comfortably allow for creation of two single family dwellings.

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.

APPLICATION FOR VARIANCE — WRITTEN FINDINGS

City of Newton, Iowa — Board of Adjustment

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. Lot 3 is an irregularly shaped parcel. Its northwest boundary is not a straight line but steps inward the platted west line runs approximately 19.83 feet, then jogs east and back (roughly 30.18 feet and 44.82 feet) cutting a notch out of the corner of the lot. That notch removes usable width from the very portion of the lot where a dwelling would naturally be sited. When the ordinance's 8-foot side yard setbacks are applied to this already-irregular outline, together with the 25-foot front and rear yard setbacks, the remaining buildable width is too narrow to accommodate a single-family home of a size and configuration consistent with the surrounding neighborhood without a reduction of the side yard setback. This is a hardship imposed by the physical shape of the land itself not a mere inconvenience, and not a matter of maximizing revenue.

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

YES. The irregular, notched configuration of Lot 3 is specific to this parcel. The condition follows the historic boundary line inherited from the original Skiff's Subdivision (recorded in Plat Book B, Page 295), and it is not shared generally by other lots in the same zoning classification. Neighboring lots in this same plat for example, Lots 1 and 2, each a regular rectangular parcel of approximately 0.28 acres — have straight, parallel boundaries and can accommodate a conforming building envelope with no variance. The relief sought here is driven by a condition unique to Lot 3, not by a circumstance common to the district as a whole.

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

YES. Yes. The purpose of the setback regulations to preserve adequate light, air, spacing between structures, and residential character is fully served here. The requested reduction is modest and affects only one side yard; conforming setbacks are maintained on the front, rear, and opposite side. The proposed use is a single-family dwelling, which is precisely the use the district is intended to promote; the variance does not increase density and does not change the character of the block. Granting it simply allows a reasonable, intended residential use of a lawfully platted lot that its irregular shape would otherwise frustrate.

Questions requiring a "NO" answer

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

NO. The hardship arises from the physical shape and recorded dimensions of the lot, which pre-date the present ownership. The irregular northwest boundary follows the pre-existing parcel line carried forward from the original Skiff's Subdivision (Plat Book B, Page 295); it was not cut or created by the present owner. The owner has not altered the boundaries, regraded the land, or taken any action that produced the constrained building envelope. The condition is inherent in the land as the owner acquired it.

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

NO. No. Granting the variance allows a single new single-family home the predominant and intended use of the neighborhood to be built on a currently vacant lot. The home will be consistent in scale and use with surrounding residences. Replacing a vacant, irregularly shaped parcel with a well-built home is a benefit to the neighborhood and the public welfare, not a detriment, and no material injury to any neighboring property results from the requested reduction.

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. No. An adequate supply of light and air to adjacent property is preserved, because the reduction affects only one side yard while full setbacks are maintained on the front, rear, and opposite side, and open yard area remains around the dwelling. A single-family residence generates no meaningful increase in congestion. Fire and life-safety separations are independently governed by, and will comply with, the building and fire codes, so no increased fire danger or threat to public safety results. Finally, constructing a new home consistent with the neighborhood supports — and does not diminish — surrounding property values.