



Zoning Board of Adjustment Meeting Agenda

Wednesday, February 1, 2023 - 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. January 4, 2023 Minutes
- III. Public Hearing
 - 1. CU23-1: Conditional Use Permit for an addition to an accessory structure with a footprint exceeding 1,000 sq. ft. at 907 W. 8th St. N. (located in R-2: One- and Two-Family Residential and A-1: Agricultural zoning districts). Stephen Ezell, applicant.
- IV. Old Business
- V. New Business
- VI. 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 City Planner 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:** Gregg Hanson, Lynette Birkenholz, John Billingsley

Minutes of Meeting Zoning Board of Adjustment Regular Meeting

January 4, 2023

ROLL CALL: Board members present: Billingsley, Birkenholz, Hanson, Otto, Rossow

Board members absent:

STAFF PRESENT: Brian Dunkelberger, City Planner
Craig Armstrong, Development Specialist

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 December 14, 2022. **Motion** by Birkenholz, **seconded** by Otto to approve the minutes as written. **Voice vote:** approved, 5-0.

Public Hearing

- A. V23-1: Variance to allow enlargement of non-conformity (630 sq. ft. accessory building; lot coverage exceeding 30%) at 1101 W. 4th St. S. in a C-N: Neighborhood Commercial zoning district. Jerry Nelson, applicant.

Dunkelberger reviewed the prepared staff report and shared maps and images of the proposed structure.

Jerry Nelson, applicant, described efforts to enhance the property including a new parking lot, a new roof, interior updates, etc. He stated that these projects were pursued to create a more appealing and inviting space for the community to enjoy. Nelson shared how about \$75,000 was fundraised out of about \$80,000 that was spent. The accessory metal building will serve as extra storage and overhead cover for outdoor events including, but not limited to, grilling, funeral service practice/preparations, etc.

Hearing no additional questions or comments, Chair Rossow called for a motion to close the public hearing.

Motion by Otto, **seconded** by Birkenholz. **Voice vote:** Approved 5-0.

Otto stated that the substantial improvements were both appealing and functional and appreciated the work. All members agreed that many members of the community have visited or enjoyed an event at the property at some point in time. Birkenholz agreed with the answers provided by the applicant in response to the six variance questions. Billingsley discussed whether or not the Board needed to dissect the answers to determine the appropriateness of the variance. He reviewed the answers and offered his support for the rationale provided. Rossow inquired about staff's suggested note regarding screening from adjacent residential properties. Dunkelberger answered that this could have been an appropriate condition of approval if said neighbors had concerns, but no feedback was received before or at the meeting.

Motion by Birkenholz to approve V23-1, a variance authorizing an enlargement to the total allowable lot coverage at a non-conforming property – 1101 W. 4th St. S. (American Legion Post 111). **Seconded** by Hanson. **Roll call vote:** Approved 5-0.

Motion by Billingsley to amend the previously approved motion adding that the Board accepts the applicant's provided answers to the six variance questions as the rationale for approving the variance. **Seconded** by Otto. **Roll call vote:** Approved 5-0.

Old Business

None.

New Business

A. Election of Officers.

Dunkelberger shared that an election of officers is offered at the first meeting of each year. Members could consider retaining the current officers or rotating the positions if deemed necessary or desirable. **Motion** by Birkenholz, **seconded** by Billingsley to retain Bev Rossow as Chair and Noreen Otto as Vice Chair for 2023.

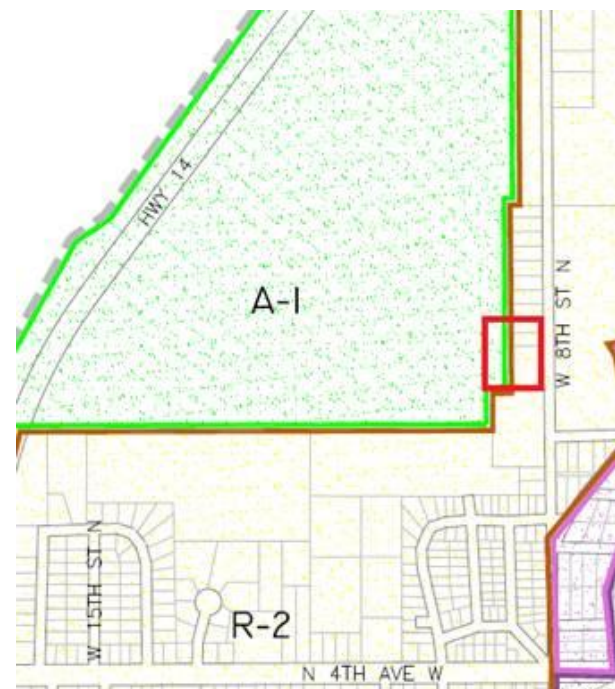
Roll call vote: approved, 5-0.

Motion by Otto to adjourn the meeting, **seconded** by Billingsley. **Voice Vote:** approved, 5-0. The meeting was adjourned at 4:54 PM.

Zoning Board of Adjustment – CU23-1 Staff Report

Applicant: Stephen Ezell
Proposal: Construct a 2,560 sq. ft. pole barn addition to accessory building
Location: 907 W. 8th St. N. (Parcel #0828401029)
Current Use: Single-family residence, home occupation
Current Zoning: R-2: One- and Two- Family Residential and A-1: Agricultural

- This property is located within both an R-2: One- and Two-Family Residential zoning district and an A-1: Agricultural zoning district. Below is an aerial and zoning map for reference. The highlighted parcel is the subject property.
- Accessory buildings are a permitted use within both districts, except if the building footprint exceeds 1,000 sq. ft. in the R-2 district, which requires approval of a conditional use permit by the Newton Zoning Board of Adjustment, as per code language adopted in 2014. With the addition connecting to the existing structure and partially being located within the R-2 district, this is the reason for the requirement. The applicant had already paid for engineered drawings for the building permit, so he chose to apply for this conditional use permit rather than propose a new location and/or a smaller building – both requiring him to pay for a new set of drawings.
- When reviewing an accessory building proposal as a conditional use, the ZBA should consider:
 - Proposed location & screening, drainage impacts, visual interest/compatibility with the neighborhood.
- **Screening.** The Zoning Board of Adjustment may choose to explore a requirement for screening from adjoining properties. Screening may consist of, but is not limited to plantings and landscaping or solid style fencing. Staff finds that the subject property already has natural screening (trees, shrubbery, etc.) and that



sightlines to the proposed building addition would be minimal considering the drop in elevation grade and the fact that the addition would be on the rear side of the existing pole barn. If concerns are not raised by abutting property owners about visual impacts, staff would determine that an extra expense for more screening is not necessary.

- **Drainage or Direction of Downspouts.** Storm water run-off from the new building footprint may not be directed onto abutting properties. Given the size of this property (1.03 acres) and the fact that the proposed building's location is not directly adjacent to any abutting properties, Staff does not foresee the new structure causing drainage issues for abutting neighbors. Albeit, the Board may still choose to explore requiring gutters and downspouts to be constructed so that rainwater is discharged away from the building and directed towards a specific area of the property.
- **Visual Interest and Visual Compatibility with Surrounding Neighborhood.** This element is the primary reason why citizens sought the code amendment requiring a conditional use permit for large accessory buildings. The accessory building in design and style should complement the property and surrounding neighborhood. Buildings that look/feel misplaced in nature should be amended with design elements that align with the surroundings. The proposed building addition for this application would match the appearance (yellow metal siding) and height (~20 feet tall) of the existing structure.

Criteria for Granting Conditional Use Permits:

- *Criteria for Granting:* No conditional use shall be granted by the Zoning Board of Adjustment unless such use:
 1. Is so designed, located, and proposed to be operated that the public health, safety and welfare will be protected;
 2. Is so designed, located, and proposed to be operated that it is compatible with its surroundings;
 3. Will not cause substantial injury to the value of the other property in the neighborhood in which it is to be located; and
 4. 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 a large pole barn addition (2,560 sq. ft.) to the existing 1,440 sq. ft. accessory building at 907 W. 8th St. N. 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 public meeting was sent to all property owners within 400 feet of the subject property upon which the proposed conditional use is to be located on Wednesday, January 18, 2023. Notice of the meeting was also published in the *Newton Daily News* twice, once on Tuesday, January 17, 2023, and again on Tuesday, January 24, 2023. If comments are received before the meeting, staff will share them as part of this report.

Neighbor who wishes to remain anonymous called on 1/31/2023 to voice strong opposition to the proposed building addition due to a history of noise issues and disruptions within the

neighborhood. Some past noise issues mentioned include engine revving and burnouts/tires squealing up and down W. 8th St. N., maintenance work being done at all hours of the night, and music being played at high levels. The yard is also reverting back to being a junk yard and was only cleaned up a bit because the Community Service Officers tagged the property. Said neighbor is concerned that this building addition would exacerbate those issues.

Neighbor who wishes to remain anonymous called on 2/1/2023 to voice strong opposition to the requested conditional use permit. Said neighbor is concerned that the large additional structure would worsen the issues that have been occurring at the subject property. Such issues involve excessive noise, unsightly exterior storage, too much traffic in and out, burnouts, vehicles blocking the road, etc.

Staff visited the property on 1/31/2023 to capture photos of the property to share at the meeting, as is normal procedure before a conditional use permit public hearing. As seen in said photos, the subject property has an inordinate amount of vehicles. According to an informal count during the site visit, there are a total of 2 boats on trailers, 2 5th-wheel campers, 3 other trailers, and 17 vehicles (mostly raised pickup trucks) on the property. Some of which are parked on an all-weather surface, but many of which are parked in the yard. Burnt rubber marks are apparent on the pavement in the Google Street images.

Recommendation:

In light of the concerns and feedback received from neighbors before the meeting, the history of nuisance and home occupation violations at the property, and as a result of staff observations from the 1/31/2023 site visit, staff is amending the recommendation to suggest denial of this conditional use permit application.

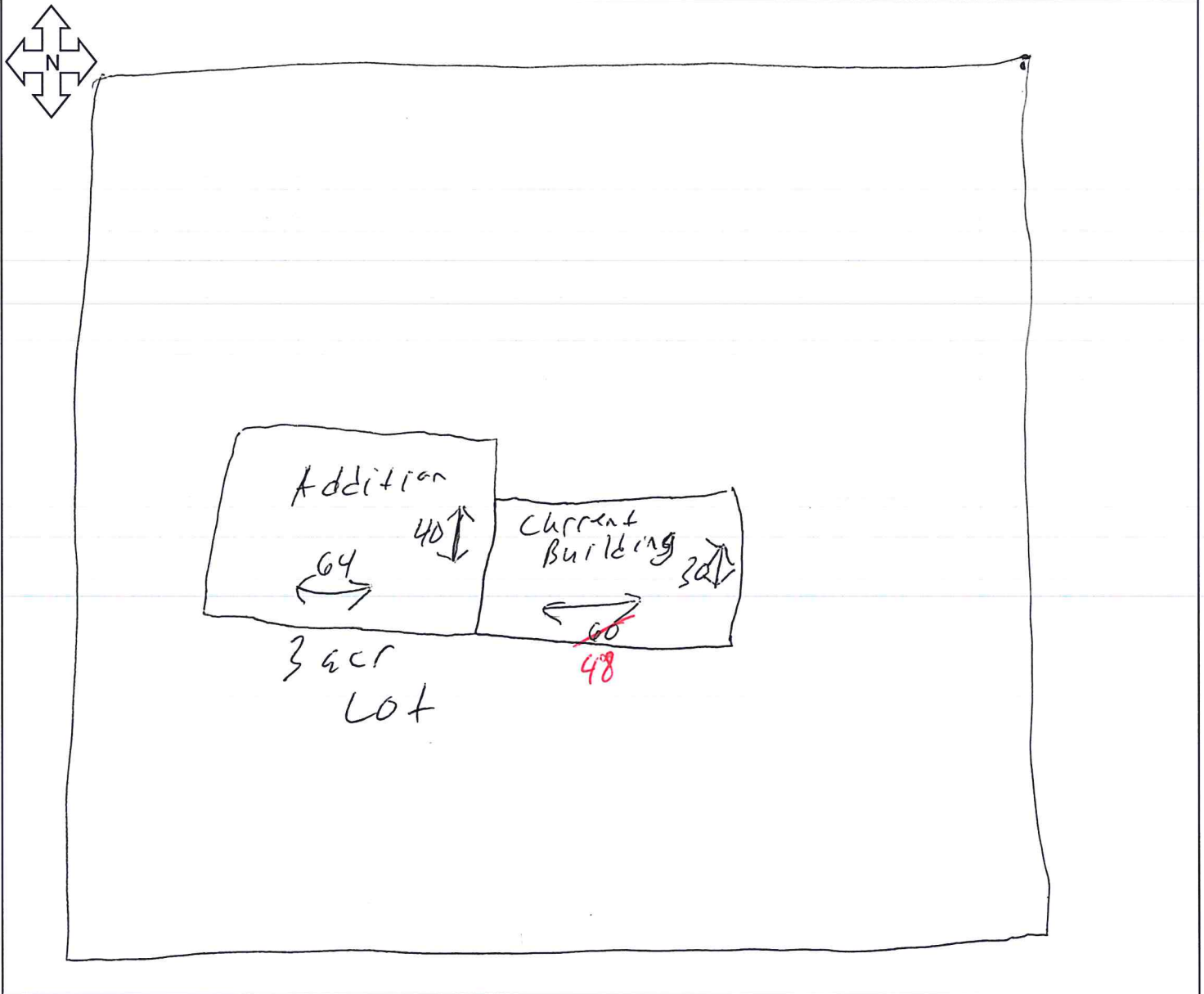


PLOT PLAN FORM

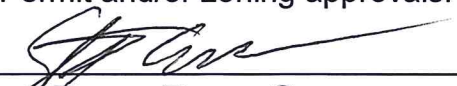
Date Submitted: 10-18-22

PROPERTY ADDRESS: 907 West 8th St N

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



I certify that the above Plot Plan is a true representation of this lot and accurately shows all dimensions, easements and proposed & existing structures on said lot. Any deviation from this approved Plot Plan may void the related Building Permit and/or zoning approvals.

SIGNATURE OF OWNER OR CONTRACTOR: 

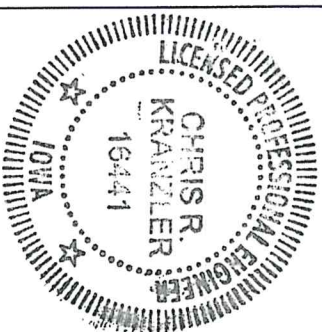
SEE REVERSE SIDE FOR PLOT PLAN SAMPLE

COVER PAGE

40' X 64' X 14' POST FRAME BUILDING

OCCUPANCY CATEGORY: AG, OR MINOR STORAGE
DESIGN LOADS: 25 PSF GROUND SNOW LOAD, 115 MPH WIND, EXPOSURE "C"
FOOTINGS ARE DESIGNED FOR 2000PSF ASSUMED BEARING CAPACITY.
FOOTING SHALL BEAR ON CLEAN UNDISTURBED SOIL OR PROPERLY COMPACTED FILL MATERIAL
ANY ENCOUNTERED WATER SHALL BE PROPERLY REMOVED PRIOR TO PLACING FOOTINGS
TRUSS BRACING SHALL BE IN ACCORDANCE WITH THE TRUSS MANUFACTURER'S
DRAWINGS AND REQUIREMENTS.
TEMPORARY BRACING DURING CONSTRUCTION IS THE RESPONSIBILITY OF THE CONTRACTOR
THE CERTIFICATION OF THESE PLANS BY CHRIS KRANZLER
IS FOR THE BUILDING STRUCTURE ONLY AND DOES NOT APPLY TO OTHER DEVELOPMENT
FEATURES SUCH AS LAND DRAINAGE, SLOPE STABILITY, PAVING AND UTILITIES.

907 m 8 5 1 7



I hereby certify that this engineering document was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of Iowa.

Name: Chris R. Kranzler

Signature: 

Date: 12/16/22

Renewal: 12/31/22

Pages Covered by this seal: Sheets 1 - 5

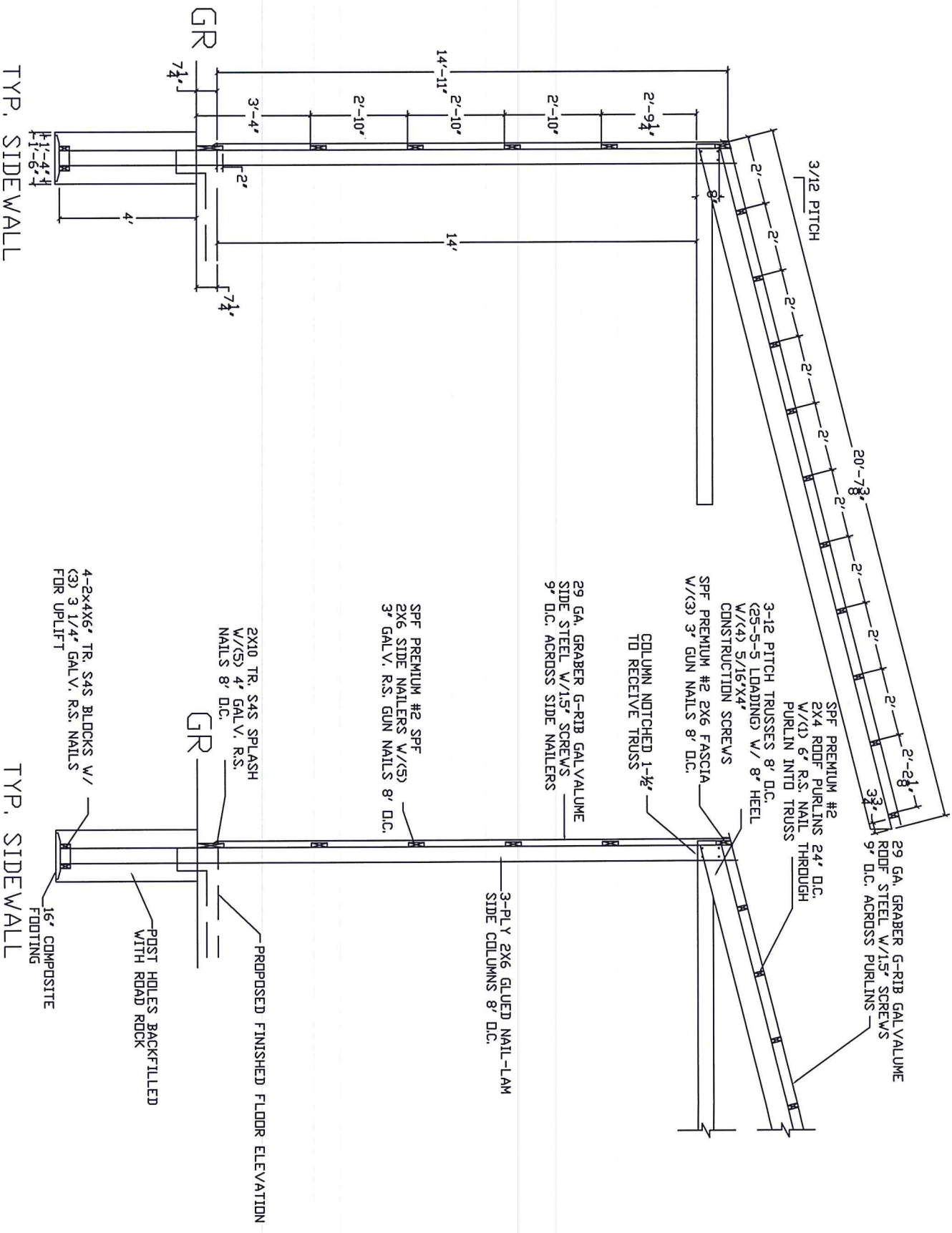
GREINER BUILDINGS INC.

120 E MAIN ST. WASHINGTON, IA

JOB NAME: WAGLER-DOWNING NEWTON **SHEET: 1 OF 5**

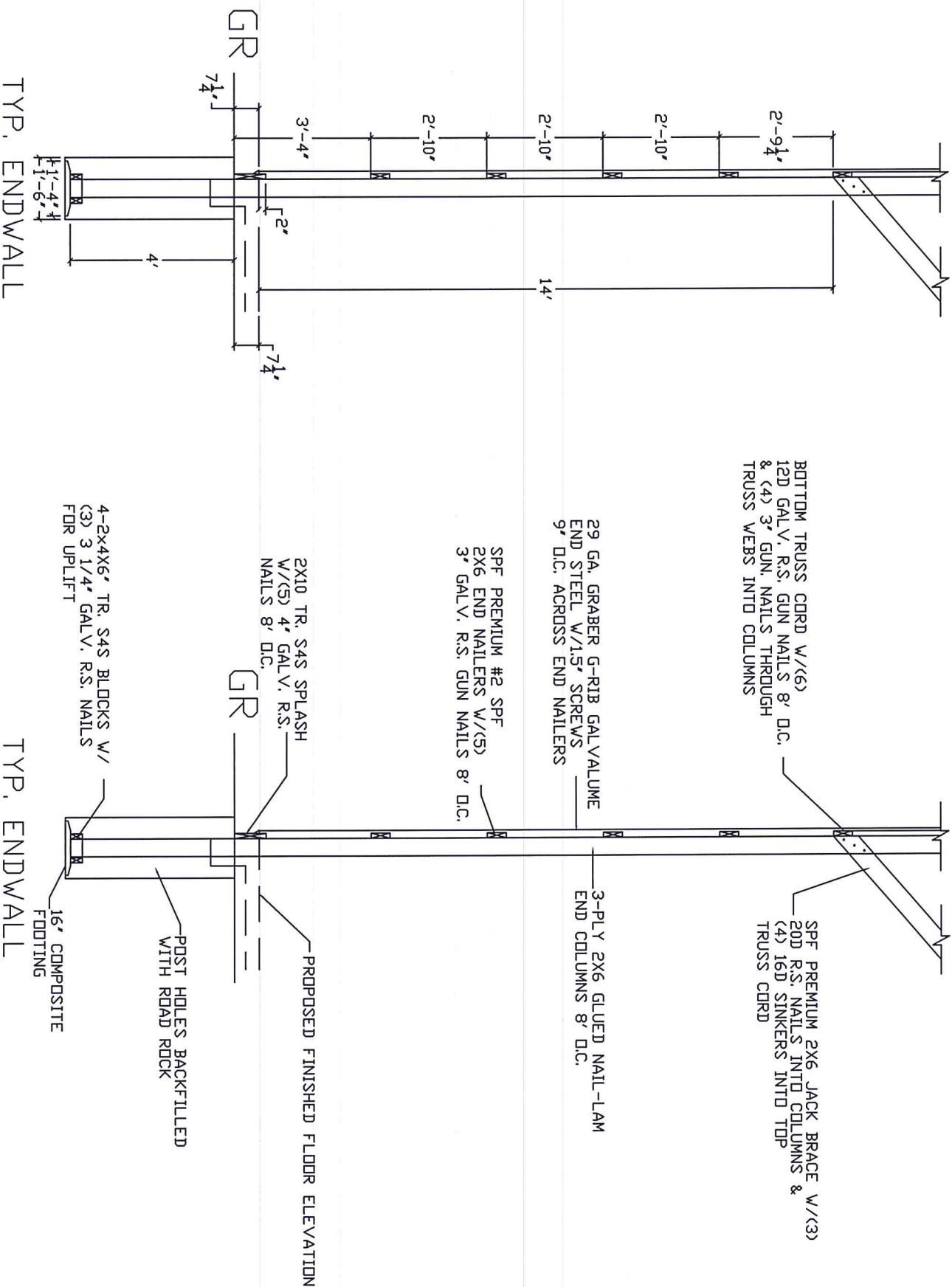
DRAWN BY: GRANT MAREK

DATE: 12-13-22



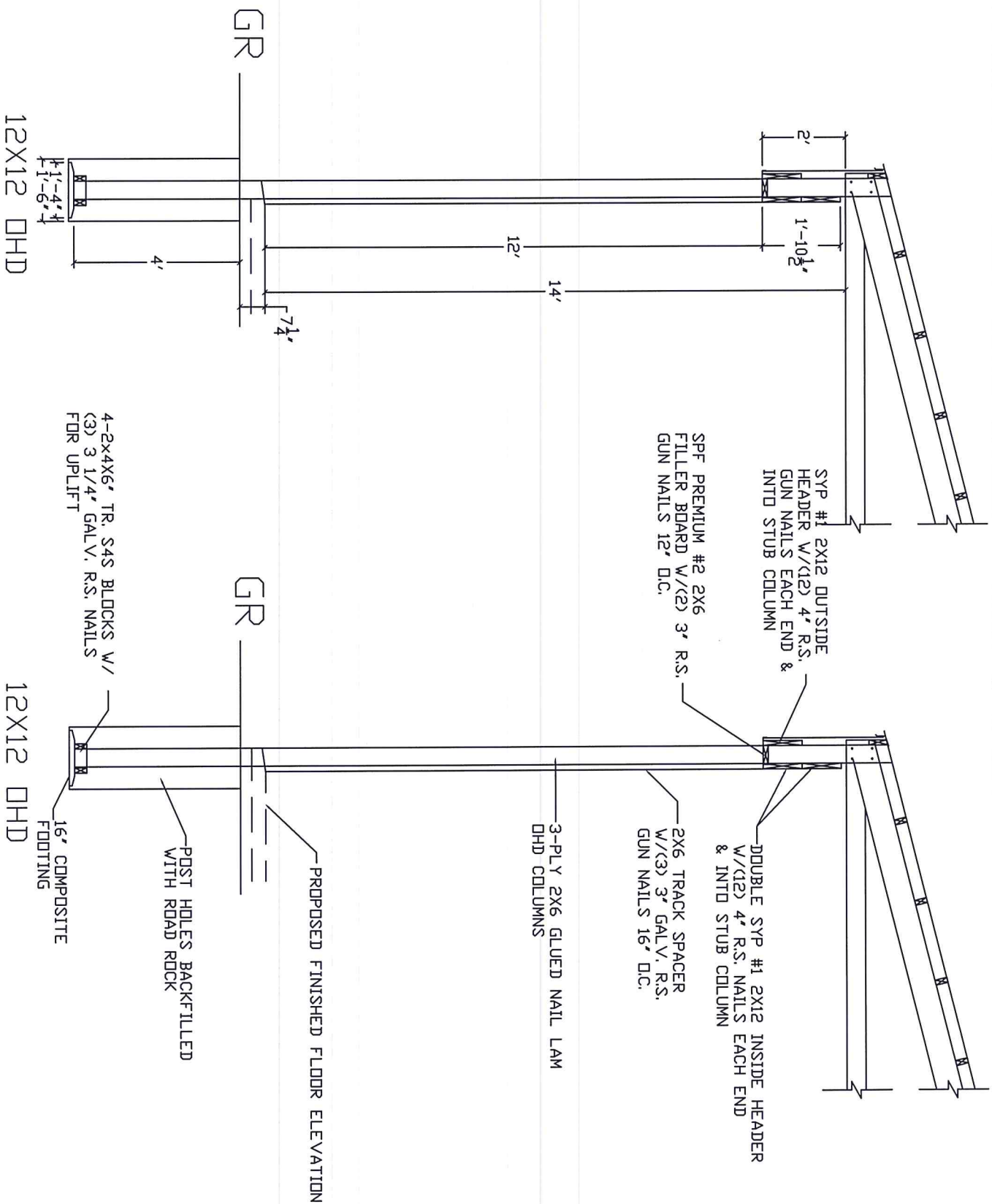
TYP. SIDEWALL

TYP. SIDEWALL



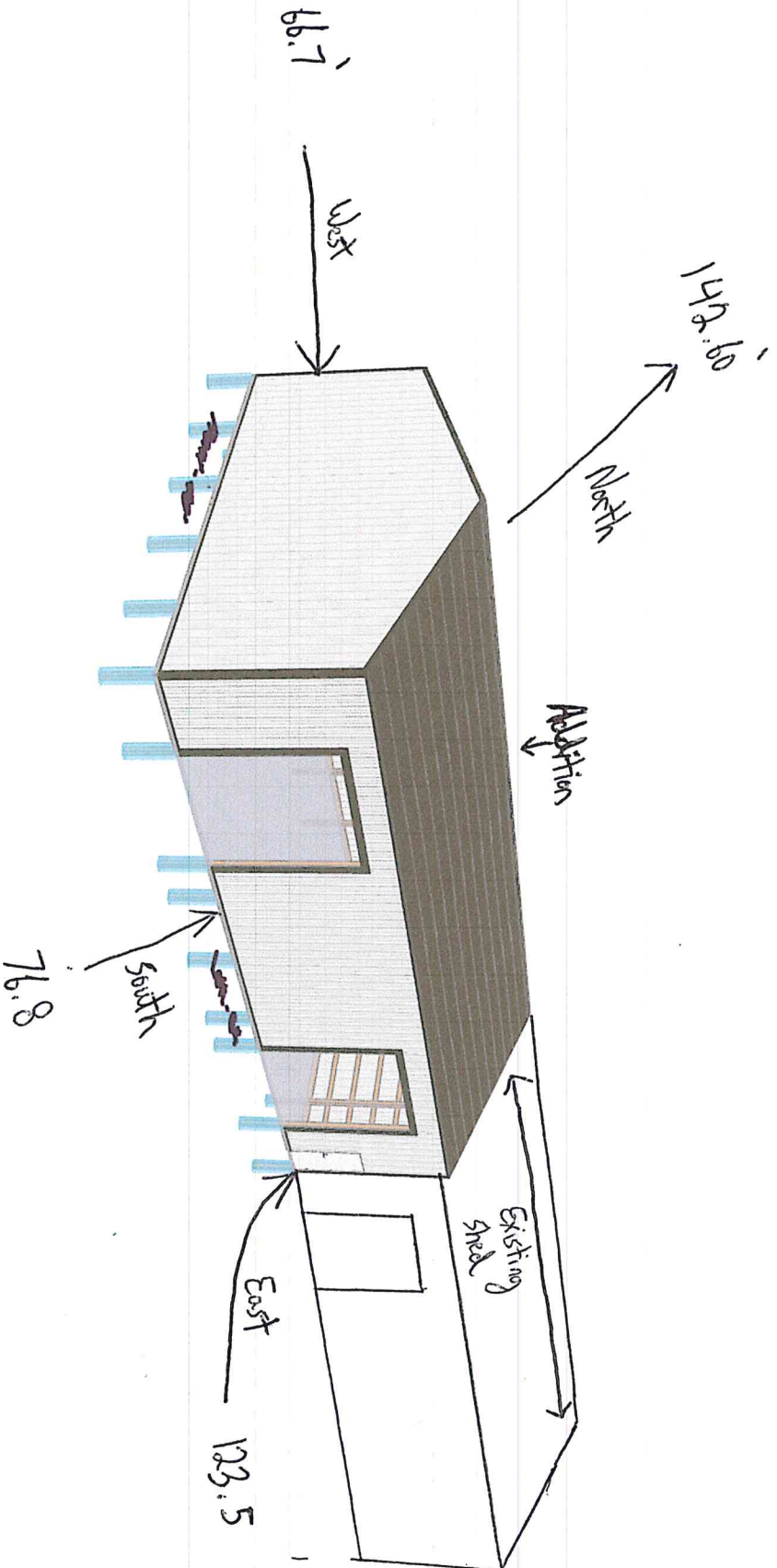
GREINER BUILDINGS INC.
120 E MAIN ST. WASHINGTON, IA

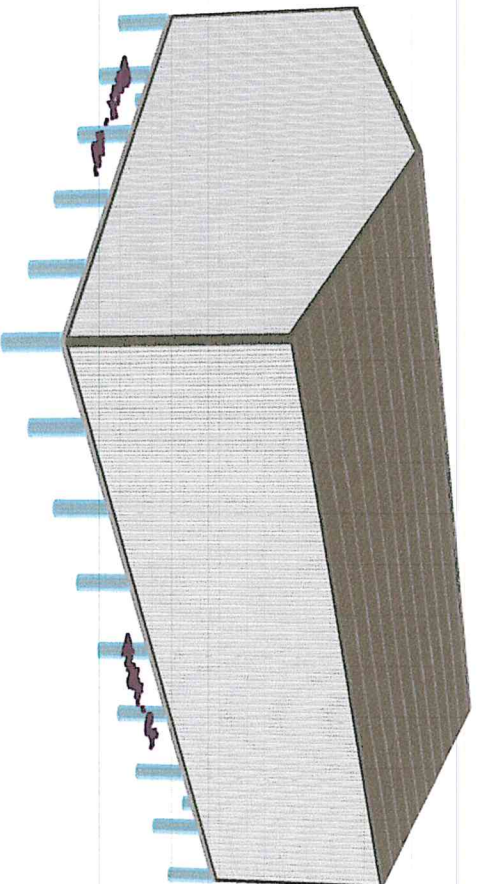
JOB NAME: WAGLER-DOWNING NEWTON **SHEET: 4 OF 5**
DRAWN BY: GRANT MAREK **DATE:** 12-13-22



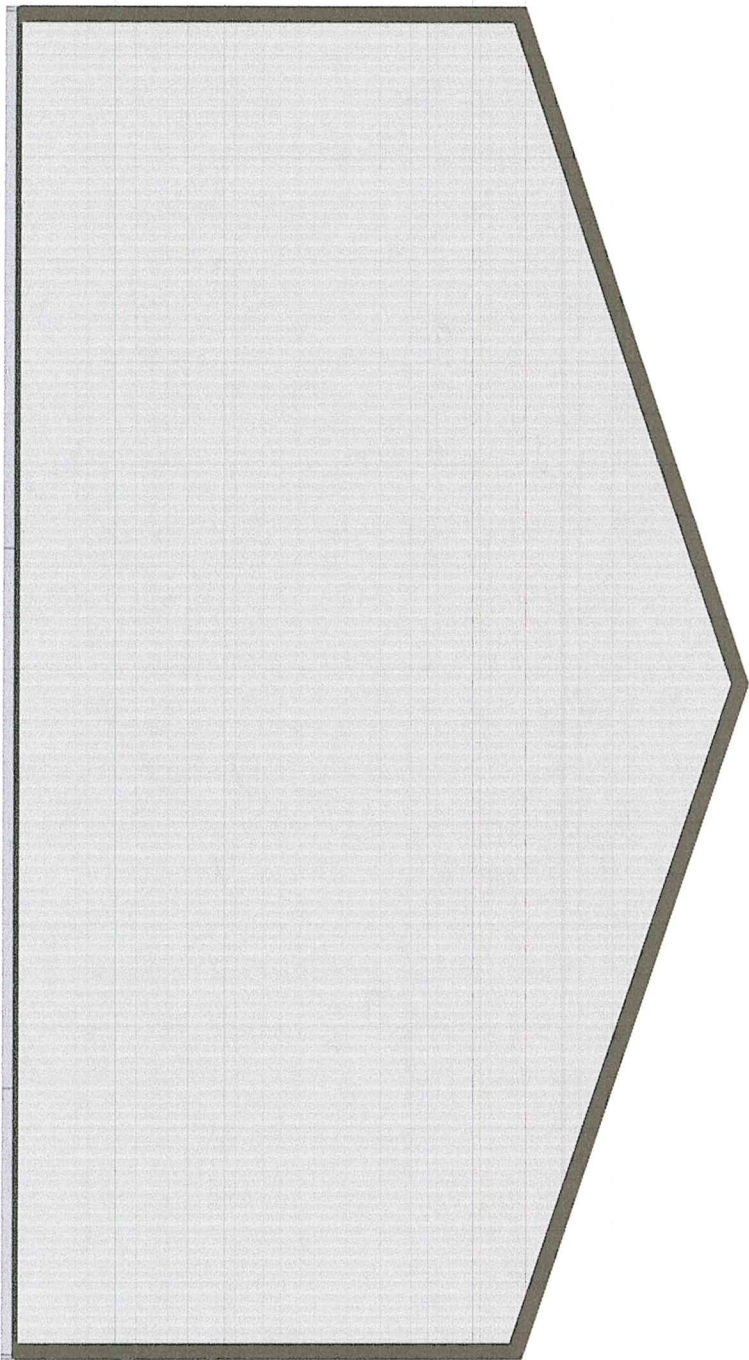
GREINER BUILDINGS INC.
120 E MAIN ST. WASHINGTON, IA

JOB NAME: WAGLER-DOWNING NEWTON
SHEET: 5 OF 5
DRAWN BY: GRANT MAREK
DATE: 12-13-22

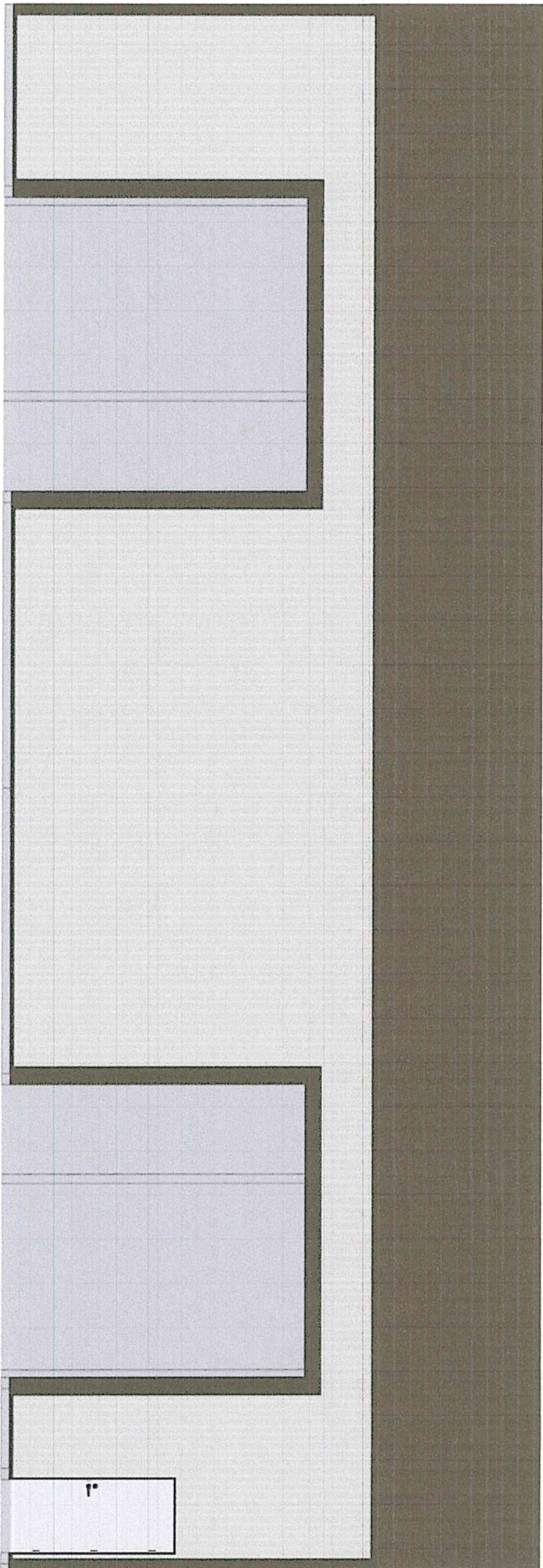




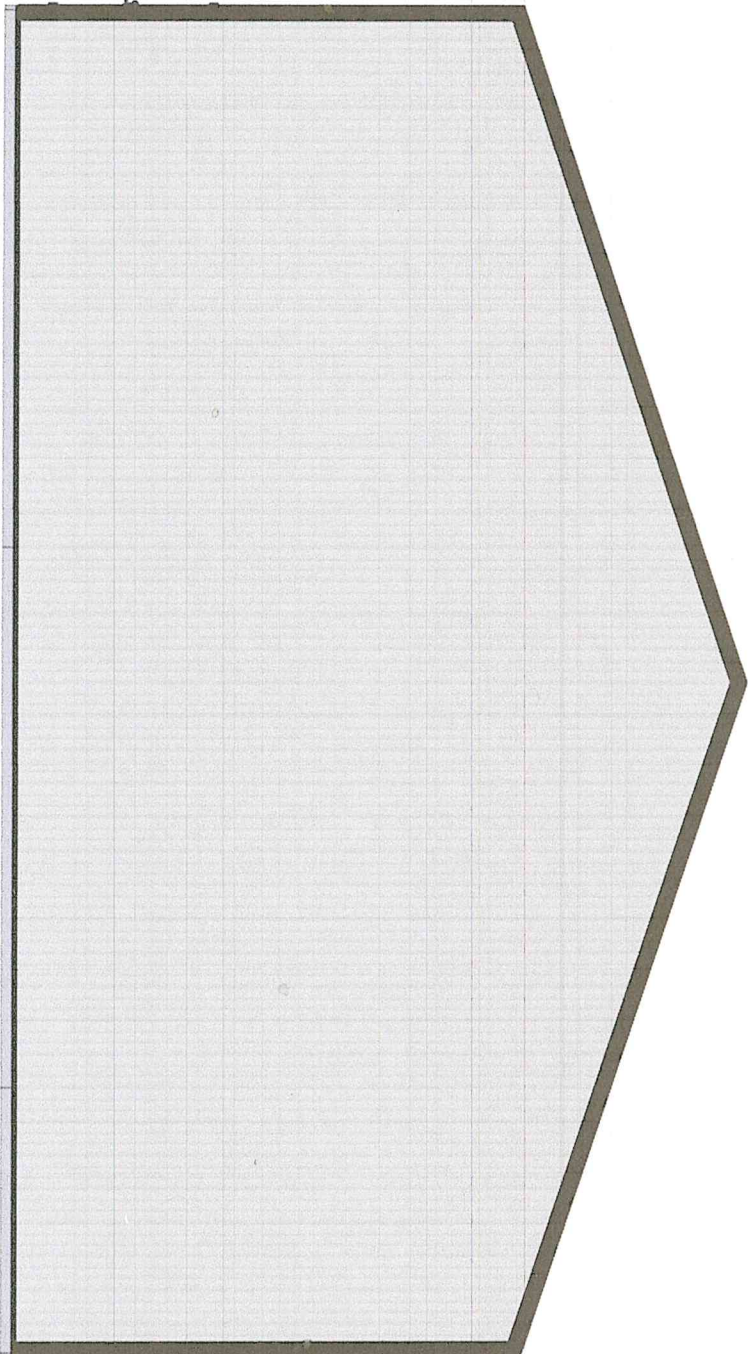
Front Elevation



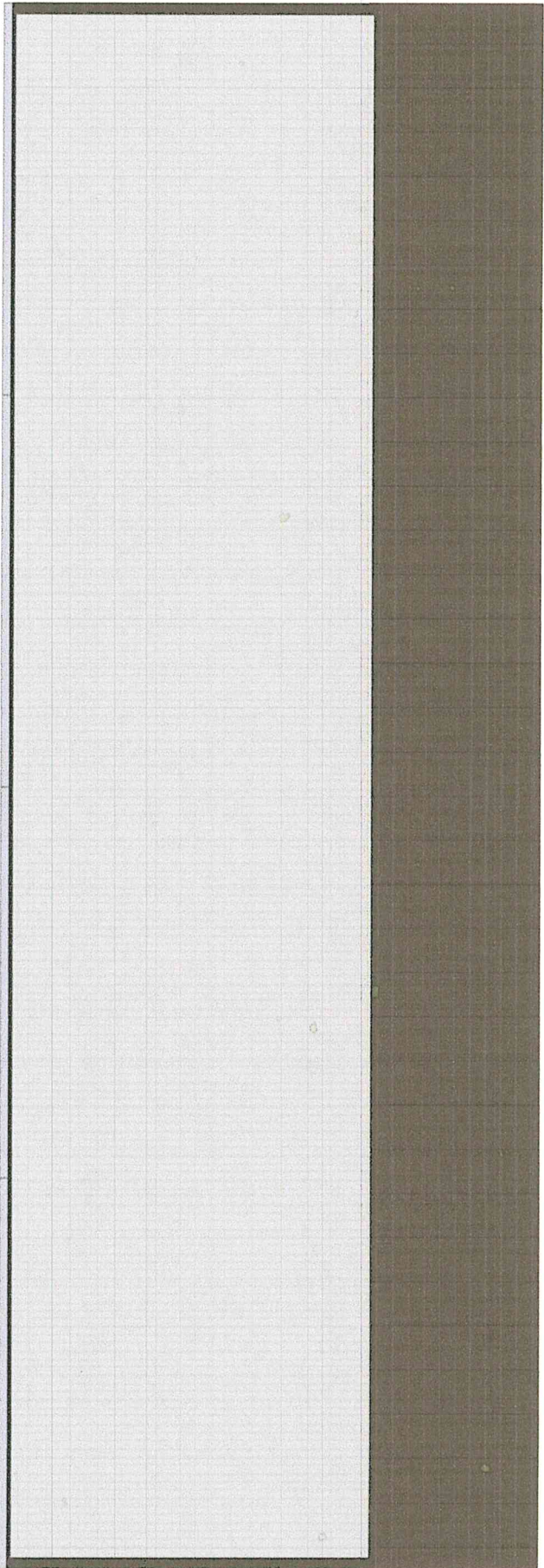
Left Elevation



Back Elevation

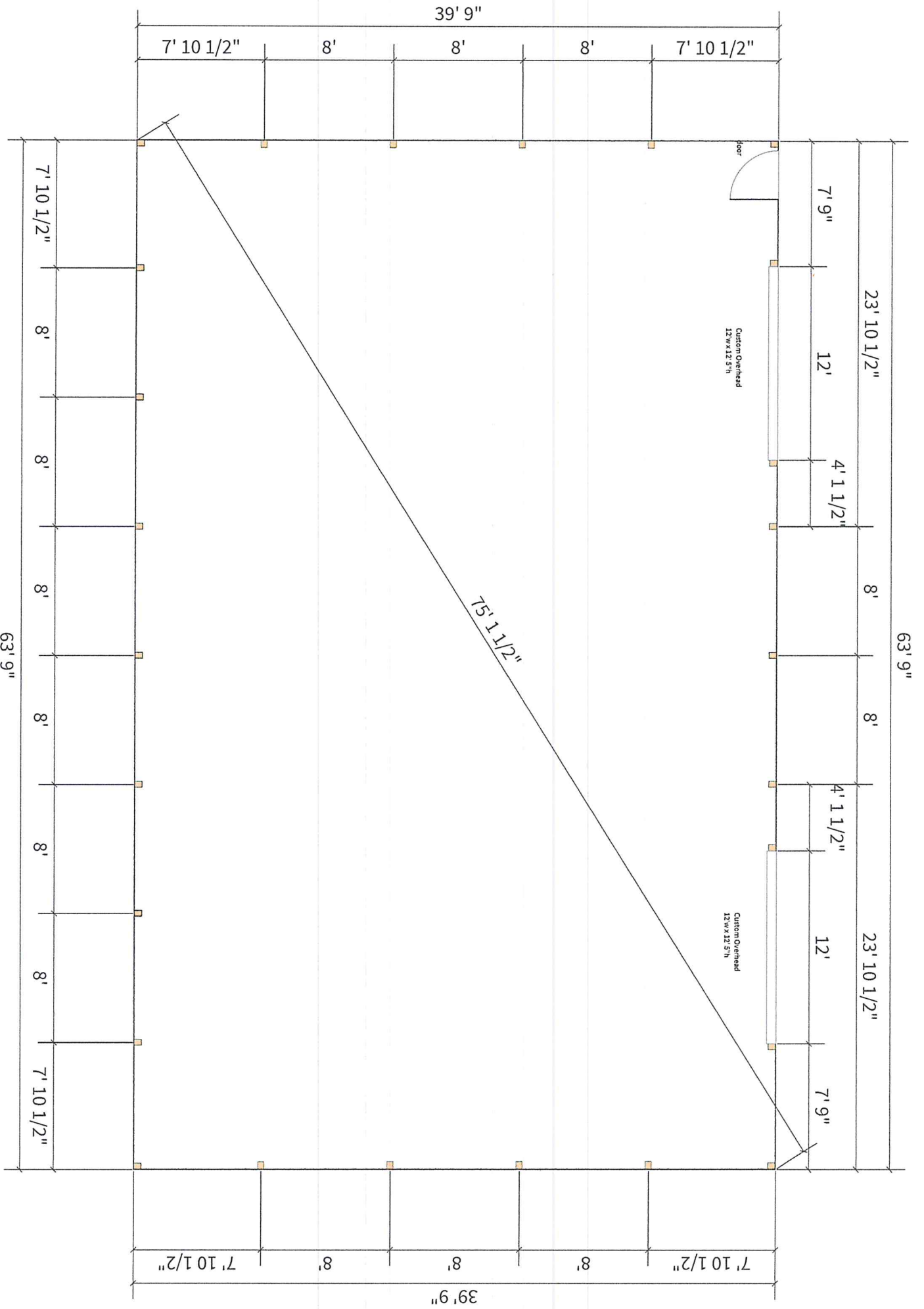


Right Elevation

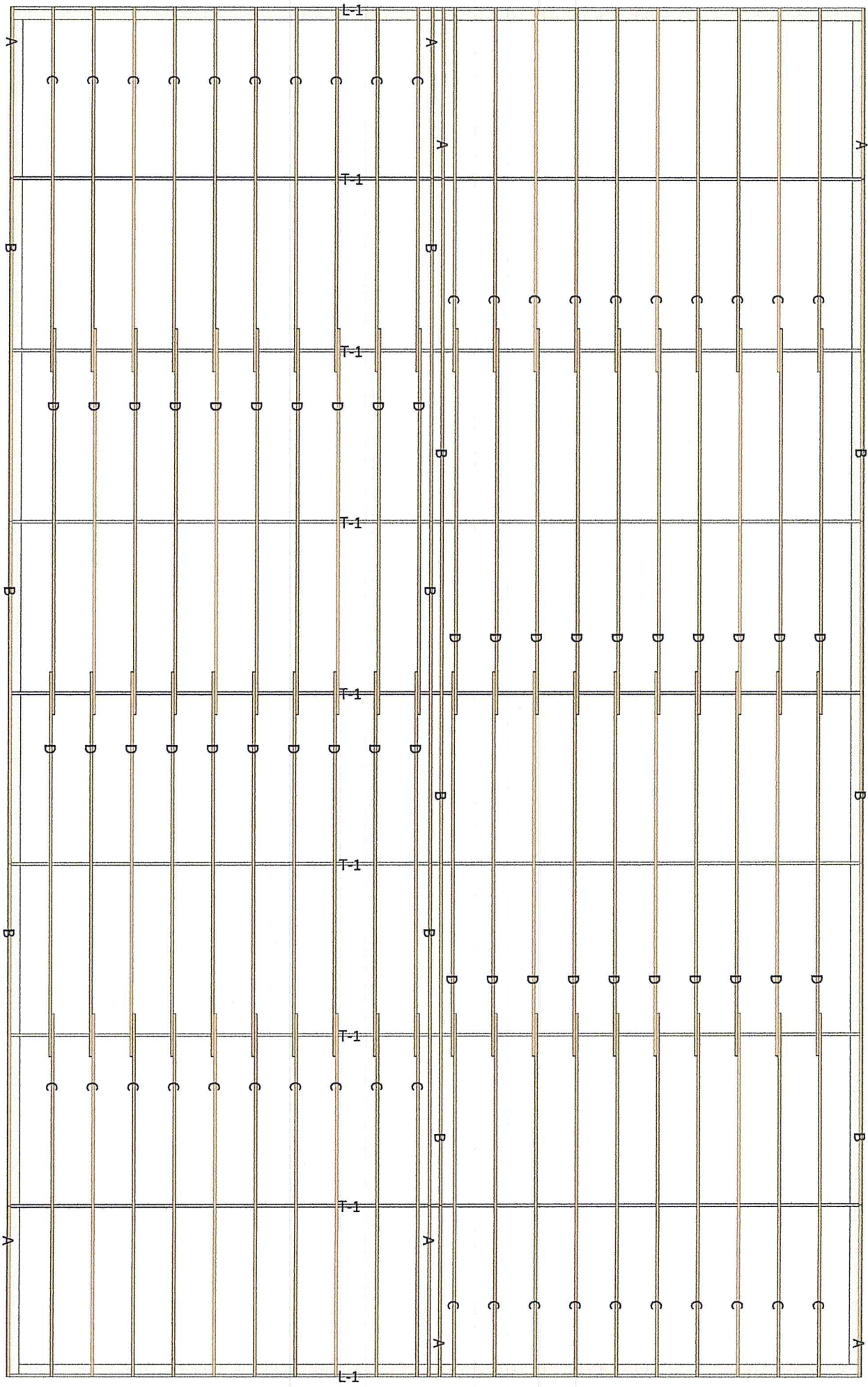


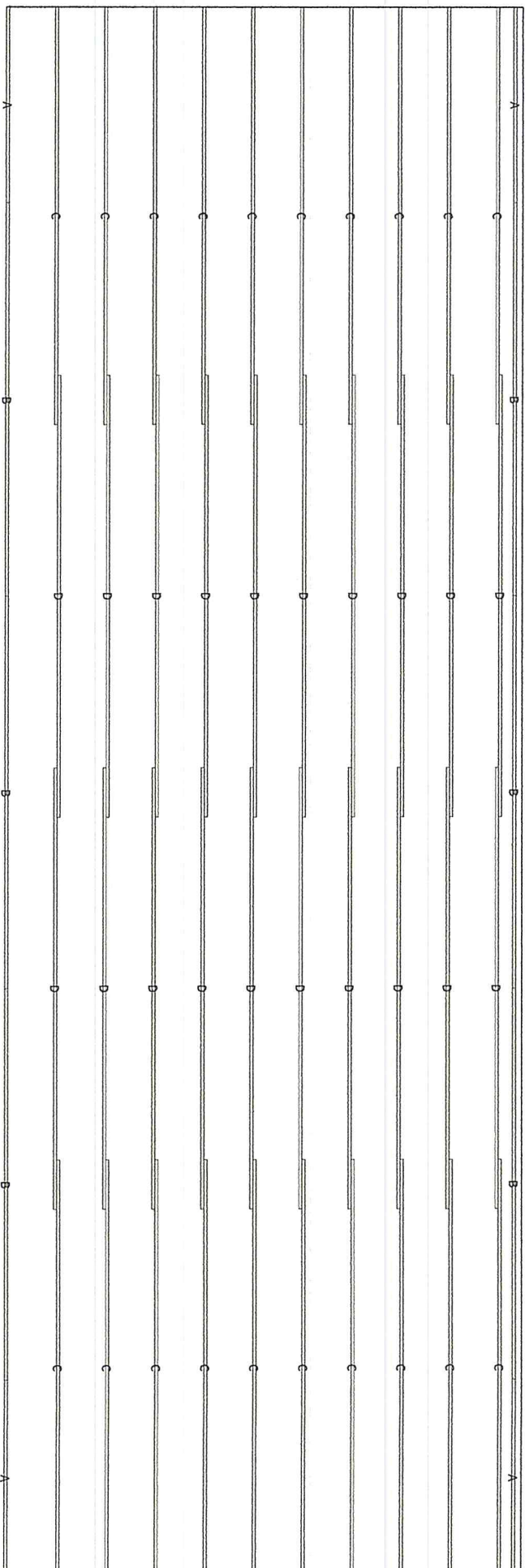
POST HOLE: 4' X 1' 4" DIAMETER
FASTENER: 60lb Concrete Mix
BASE: 16" Composite Footing Pads
UPLIFT: 1/2" Rebar 12" Long

Post Layout



Truss Layout



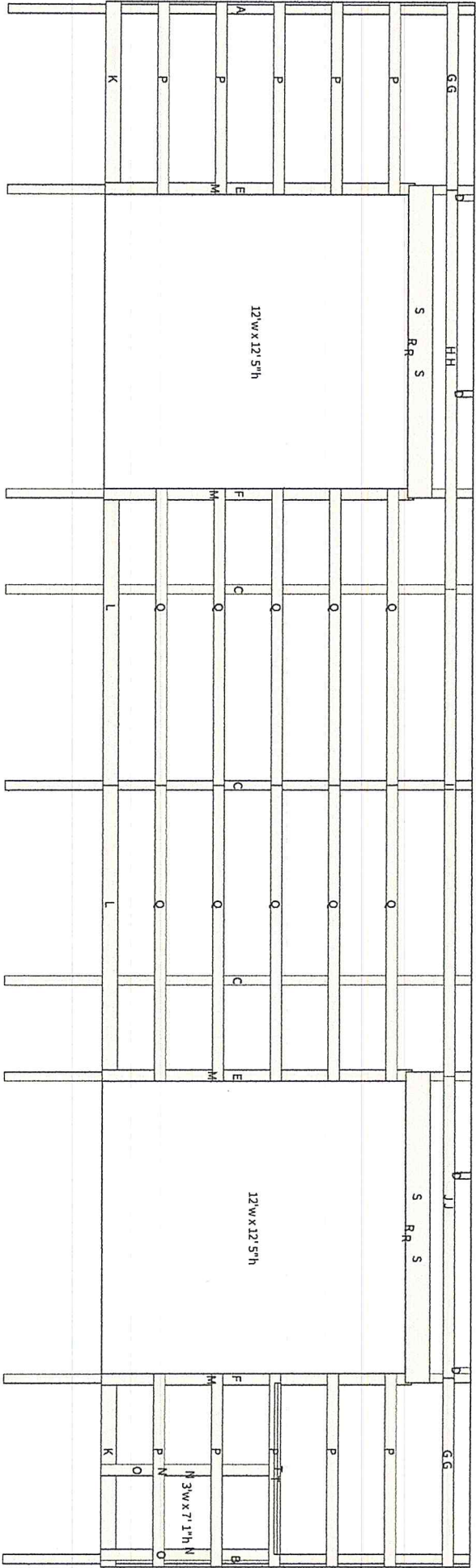


Assembly Drawing - ROOF-2

Material List

Label	Usage	SKU	Material	Qty	Cut. Len.	Part Len.
A	Purlin	2410	2x4	4	8'	10'
B	Purlin	2416	2x4	6	16'	16'
C	Purlin	2418	2x4	20	17'	18'
D	Purlin	2418	2x4	20	18'	18'

Assembly Drawing - EXT-1

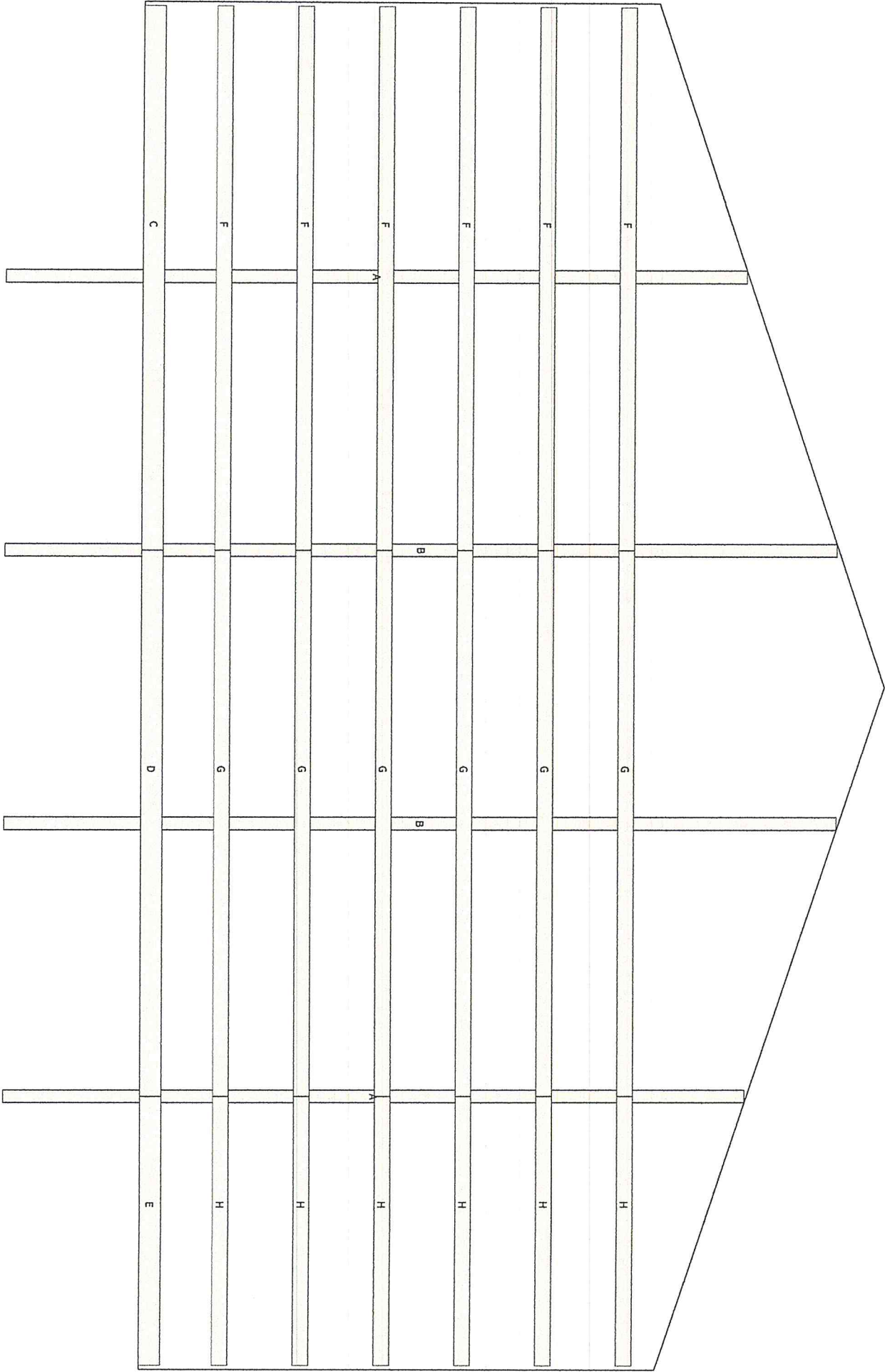


Assembly Drawing - EXT-1

Material List

Label	Usage	SKU	Material	Qty	Cut. Len.	Part Len.
A	Post	POST20-3PLY	3-Ply Laminated Post 2x6	1	19' 1"	20'
B	Post	POST20-3PLY	3-Ply Laminated Post 2x6	1	19' 1"	20'
C	Post	POST20-3PLY	3-Ply Laminated Post 2x6	3	19' 1"	20'
D	Truss Block	Scabs262	2-Ply 2x6 Scab for Truss Attachment	4	1' 1 1/2"	1' 6"
E	Jamb Post	POST20-3PLY	3-Ply Laminated Post 2x6	2	19' 1"	20'
F	Jamb Post	POST20-3PLY	3-Ply Laminated Post 2x6	2	19' 1"	20'
G	Truss Bearer	2610	2x6	4	7' 8 1/4"	10'
H	Truss Bearer	2618	2x6	2	16' 3 3/4"	18'
I	Truss Bearer	2620	2x6	2	19' 1 1/4"	20'
J	Truss Bearer	2614	2x6	2	12' 4 1/2"	14'
K	Skirt Board	2816T	2x8 Treated	2	7' 10 1/2"	16'
L	Skirt Board	2816T	2x8 Treated	2	12' 1 1/2"	16'
M	Backing	2616	2x6	4	12' 8"	16'
N	Trimmer	2616	2x6	3	7' 4"	16'
O	Backing	2616	2x6	2	7' 1"	16'
P	Girt	2616	2x6	10	7' 10 1/2"	16'
Q	Girt	2616	2x6	10	12' 1 1/2"	16'
R	Header	2612	2x6	4	12'	12'
S	Header	LVL11-7/814	11-7/8" Microllam Header	4	12' 9"	14'
T	Header	2616	2x6	2	7'	16'

Assembly Drawing - EXT-2



Assembly Drawing - EXT-2

Material List

Label	Usage	SKU	Material	Qty	Cut. Len.	Part Len.
A	Post	POST22-3PLY	3-Ply Laminated Post 2x6	2	21' 8 1/4"	22'
B	Post	POST26-3PLY	3-Ply Laminated Post 2x6	2	24' 4 1/4"	26'
C	Skirt Board	2816T	2x8 Treated	1	15' 10 1/2"	16'
D	Skirt Board	2816T	2x8 Treated	1	16'	16'
E	Skirt Board	2816T	2x8 Treated	1	7' 10 1/2"	16'
F	Girt	2616	2x6	6	15' 10 1/2"	16'
G	Girt	2616	2x6	6	16'	16'
H	Girt	2616	2x6	6	7' 10 1/2"	16'

Assembly Drawing - EXT-3

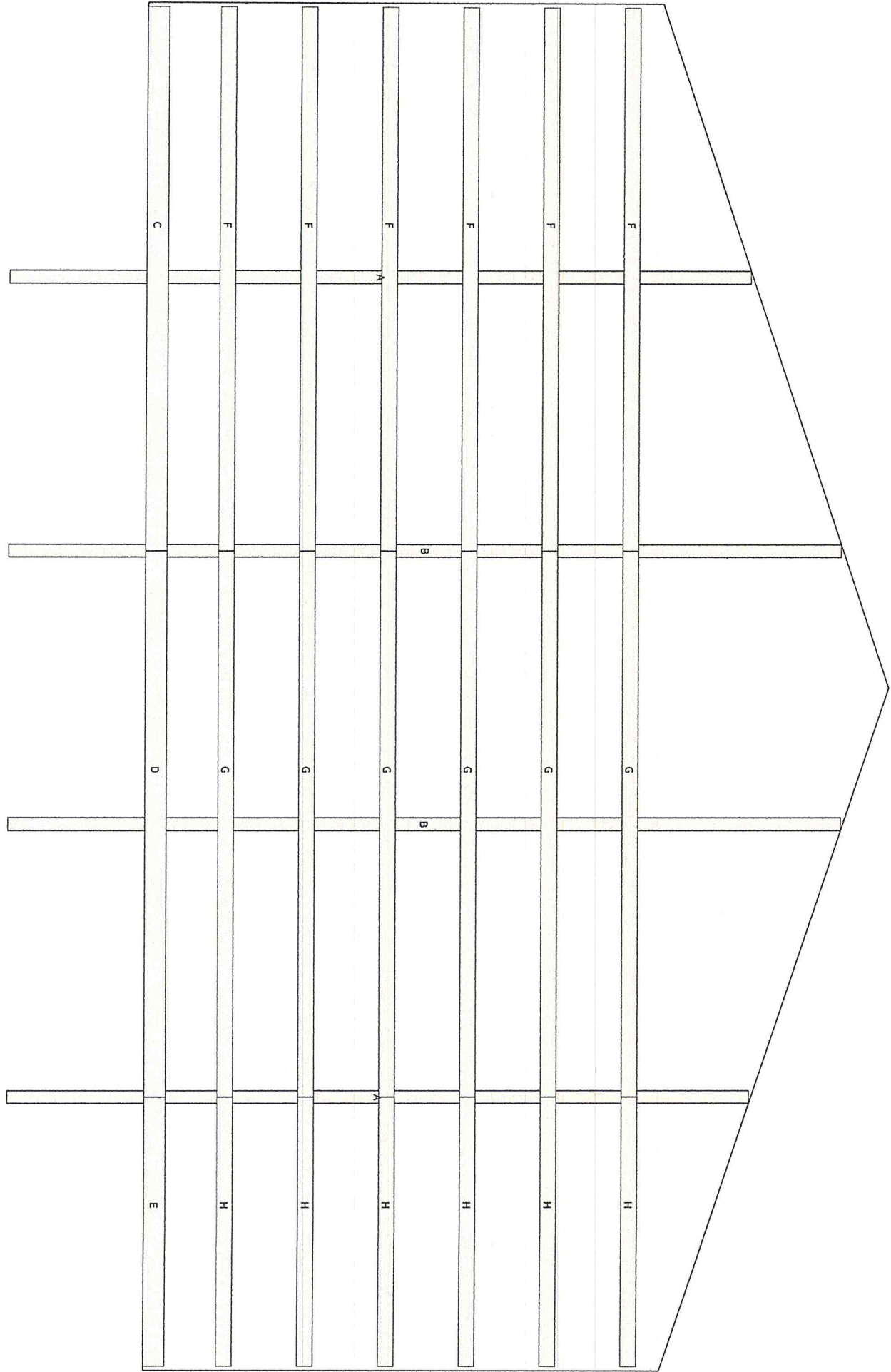
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Assembly Drawing - EXT-3

Material List

Label	Usage	SKU	Material	Qty	Cut. Len.	Part Len.
A	Post	POST20-3PLY	3-Ply Laminated Post 2x6	1	19' 1"	20'
B	Post	POST20-3PLY	3-Ply Laminated Post 2x6	1	19' 1"	20'
C	Post	POST20-3PLY	3-Ply Laminated Post 2x6	7	19' 1"	20'
D	Truss Bearer	2610	2x6	4	8'	10'
E	Truss Bearer	2616	2x6	6	16'	16'
F	Skirt Board	2816T	2x8 Treated	4	16'	16'
G	Girt	2616	2x6	20	16'	16'

Assembly Drawing - EXT-4



Assembly Drawing - EXT-4

Material List

Label	Usage	SKU	Material	Qty	Cut. Len.	Part Len.
A	Post	POST22-3PLY	3-Ply Laminated Post 2x6	2	21' 8 1/4"	22'
B	Post	POST26-3PLY	3-Ply Laminated Post 2x6	2	24' 4 1/4"	26'
C	Skirt Board	2816T	2x8 Treated	1	15' 10 1/2"	16'
D	Skirt Board	2816T	2x8 Treated	1	16'	16'
E	Skirt Board	2816T	2x8 Treated	1	7' 10 1/2"	16'
F	Girt	2616	2x6	6	15' 10 1/2"	16'
G	Girt	2616	2x6	6	16'	16'
H	Girt	2616	2x6	6	7' 10 1/2"	16'

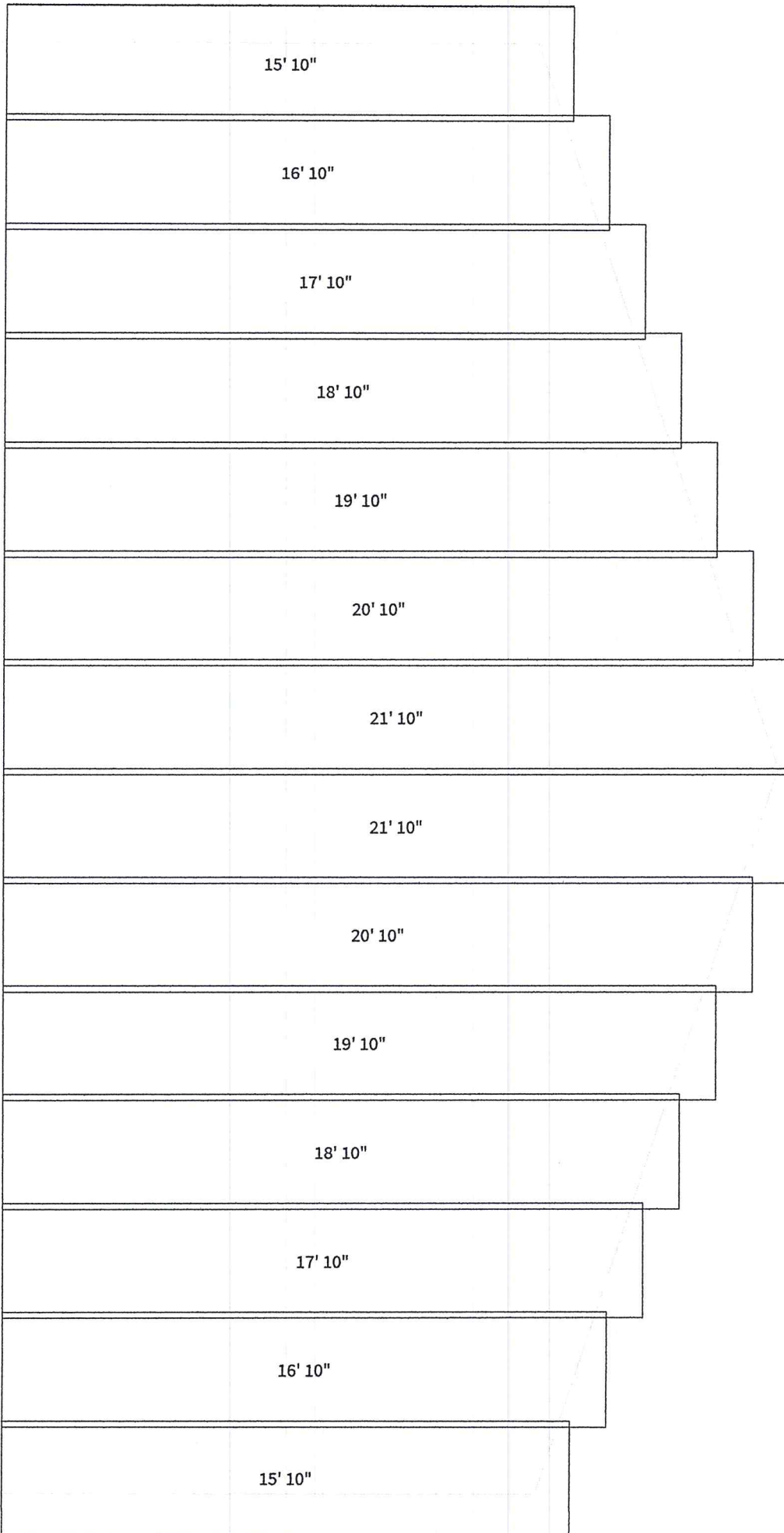
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Sheathing Drawing - EXT-1

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Sheathing Drawing - EXT-2



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Sheathing Drawing - EXT-4

