

Minutes of Meeting Zoning Board of Adjustment Special Meeting

March 23, 2022

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

Board members absent:

STAFF PRESENT: Brian Dunkelberger, City Planner

A quorum being present, Interim Chair Rossow called the meeting to order at 4:32 p.m.

In accordance with the Americans with Disabilities Act, Interim Chair Rossow asked if there was anyone present that may require special assistance in being able to participate in this public meeting: No response.

Minutes

The Board reviewed the minutes of the previous meeting from November 3, 2021. **Motion** by Birkenholz, **seconded** by Hanson to approve the minutes from November 3, 2021, as written. **Voice vote:** approved, 5-0.

Public Hearing

- A. V22-1: Side yard setback variance to allow construction of attached garage at 307 N. 7th Ave. E. Chad Nichol, applicant.

Dunkelberger reviewed the prepared staff report and shared aerial and street view images of the property, building plans, and an elevation view of the proposed structure submitted by the applicant. He pointed out that no comments or feedback was received in advance of the meeting. Chad Nichol, 307 N. 7th Ave. E. (applicant), introduced himself to the Board and described his intentions with the property. He provided additional detail regarding the proposed garage and the layout of the lot.

Otto asked for clarification about the existing detached garage already located on the east property line. Nichol responded and confirmed. Hanson inquired about maintenance and snow removal from the alley. Nichol shared details about past maintenance efforts from abutting neighbors. Dunkelberger described how other properties used the alley for access and why the variance was needed rather than an alley vacation petition. Birkenholz questioned the location of the proposed attached garage. Dunkelberger described how the current detached garage was considered a non-conforming structure, but that a new attached garage would need to meet minimum setback requirements unless the variance was approved. Discussion followed regarding ongoing maintenance of the alley and impact of proposed garage.

Hearing no additional questions or comments, Rossow called for a motion to close the public hearing. **Motion** by Birkenholz, **seconded** by Billingsley. **Voice vote:** Approved 5-0.

Discussion about the six variance questions and the answers provided by the applicant. Billingsley stated that it was the Board's job to determine whether or not they agreed with the provided answers or not. Otto

replied and shared that she felt satisfied with the provided answers and that the proposed attached garage was not detrimental to the neighborhood. Board members agreed. Rossow called for a motion.

Motion by Otto to approve V22-1, authorizing a zero-foot side yard setback at 307 North 7th Avenue East to allow for the construction of an attached garage, subject to an approved building permit, **seconded** by Billingsley. **Roll call vote:** Approved 5-0.

New Business

B. Election of Officers.

Dunkelberger informed Board members about the available options for nominating a Chair and Vice Chair. With Chair Hollander stepping away from the Board at the end of 2021, both seats were open. Dunkelberger described how Rossow was the Interim Chair for this meeting, but that anyone could be nominated. **Motion** by Otto nominating Rossow to serve as the Chair of the Newton Zoning Board of Adjustment. Rossow accepted. **Seconded** by Birkenholz. **Roll call vote:** approved 5-0.

Motion by Hanson nominating Billingsley to serve as the Vice Chair. Billingsley declined; motion failed. Billingsley voiced support for Otto and she accepted. **Motion** by Billingsley nominating Otto to serve as the Vice Chair. **Seconded** by Birkenholz. **Roll call vote:** approved 5-0.

Motion by Otto to adjourn the meeting, **seconded** by Birkenholz. **Voice Vote:** approved, 5-0. The meeting was adjourned at 4:52 pm.