

# Minutes of Meeting Zoning Board of Adjustment Electronic/Virtual Meeting

*April 7, 2021*

ROLL CALL: Board members present: Hanson, Rossow, Hollander, Birkenholz, and Billingsley

Board members absent:

STAFF PRESENT: Brian Dunkelberger, City Planner  
Erin Chambers, Community Development Director  
Craig Armstrong, Development Specialist

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

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

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## Minutes

The Board reviewed the minutes of the previous meeting from February 3, 2021.

**Motion** by Birkenholz, **seconded** by Billingsley to approve the minutes from February 3, 2021. Approved, 5-0.

## Public Hearing

- A. V21-2: Signage variance for Alta House Event Center at 1600 East 36<sup>th</sup> Street South, Timberline RV Camp, Applicant.

Staff reviewed the prepared staff report and shared documents provided by the applicant. Staff also shared an aerial view showing the sign location and an image of the sign from a week before the meeting. Birkenholz asked about neighborhood feedback. Dunkelberger confirmed that no comments were received before the meeting. Billingsley asked if the sign was already on the property and why the applicant was submitting the variance after construction. Dunkelberger clarified that Staff recognized the sign after its construction and sent notice that it was not in compliance with the Newton Sign Code. Billingsley asked about options to resolve the violation. Dunkelberger answered that the applicant was informed they could reduce the size of the sign or apply for the variance.

Rossow asked about the timeline and when the sign was installed. Dana VanGilder, applicant, answered that a fence was constructed after the Derecho storm in August 2020 destroyed much of their tree cover along Interstate 80. Campers and visitors to the Alta House complained about noise caused by I-80, so the original purpose for the six-foot-tall fence was to block that noise pollution. After a few weeks, though, they decided to increase its height to ten feet, and then paint the sign onto its south side.

Billingsley asked, if the Board decided to deny the variance request, how would the applicant bring the sign into compliance? He followed-up by asking if painting would resolve the violation. Dunkelberger

confirmed that painting over the sign to reduce its square footage to the maximum allowable size would bring it into compliance. Dunkelberger also clarified that the Board would need to determine the next steps for the applicant within the motion during this meeting. Dana VanGilder answered that she felt that if the Board denied the variance request and the size of the sign had to be reduced, then it would minimize their marketing capacity for the Alta House Event Center.

Hearing no additional comments or questions, Hollander called for a motion to close the public hearing. Billingsley interjected by asking Staff to first clarify the next steps and requested the Board to carefully consider the answers to the required questions. Dunkelberger explained the possible options moving forward and explained that the motion to close the public hearing would offer the Board members the opportunity to discuss the request amongst themselves without any additional public comment.

Hollander called for a motion to close the public hearing. **Motion** by Birkenholz, **seconded** by Rossow. Approved 5-0.

Hollander recognized the answers to the six questions provided by the applicant and initiated discussion amongst the Board members regarding the proposed variance. Rossow shared that she had driven by the sign and also visited the property herself. She described her position and stated that she felt comfortable answering the six questions appropriately to grant the variance. Birkenholz concurred with Rossow's sentiment and agreed that this was a unique situation and that the variance request was reasonable. Billingsley stated that he had not seen the sign in person, but felt comfortable agreeing that the questions were answered appropriately. However, he clarified that the applicant should have known to apply before constructing the sign because they reached out to the Iowa DOT but not the City. He emphasized that any future signage will need to be reviewed by City Staff.

Hollander compared the Alta House Event Center sign to the signage seen across Interstate 80 at the Iowa Speedway. He described how the sizes seemed to be similar and that the applicant's property was in a unique position with the interstate abutting its south side. Dunkelberger clarified that the Iowa Speedway is subject to different regulations than the applicant's property because they are in different zoning districts and that the Iowa Speedway is recognized as a "Special Arena" which has different sign regulations. Dunkelberger informed the Board that this is a distinct difference, so the two properties are not necessarily directly comparable. Hanson commented that he agreed with previous statements and approved of the sign recognizing that it might help produce a more fruitful business.

**Motion** by Billingsley to approve the sign variance for the Alta House Event Center sign on the basis of information reviewed during the meeting with the understanding that the applicant satisfactorily answered the required questions. **Seconded** by Birkenholz. Approved 5-0.

#### **New Business**

None.

#### **Adjournment:**

**Motion** by Rossow to adjourn the meeting, **Seconded** by Birkenholz. Approved, 5-0. The meeting was adjourned at 5:02 pm.