

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

*May 13, 2020*

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

Board members absent:

STAFF PRESENT:

Brian Dunkelberger, City Planner  
Erin Chambers, Director of Community Development  
Matt Muckler, City Administrator  
Craig Armstrong, Economic 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 March 4, 2020.

Rossow pointed out a correction in the minutes regarding an address for the third agenda item. Staff notified the Board that the mistake would be corrected. **Motion** by Birkenholz, **seconded** by Rossow to approve the minutes, as corrected, of March 4, 2020. Approved, 5-0.

## Public Hearing

- A. CU20-4: Conditional Use permitting single-family residence at 1306 North 11<sup>th</sup> Avenue East. David V. Sundby, Applicant

Staff reviewed the prepared staff report and shared a screen showing an aerial view of the subject property along with photos of the street view. Staff recommended approval with the following conditions: a building permit will be required to ensure compliance with city code and the Certificate of Occupancy shall be updated accordingly. Billingsley asked about the current use, to which David Sundby, applicant, addressed the Board and described the current use of the property (self-storage and auto services). Sundby described the reasoning behind the application and how he felt that if the residence was approved, then the property would benefit from additional security with someone onsite at all hours of the day.

Hollander asked about the conditional use and if it would run with the owner or the property itself. Dunkelberger responded that typically they run with the owner, but Chambers interjected and indicated that this conditional use would be appropriate if it ran with the property. That is, if the property were to be sold, it would be an unnecessary requirement to have a new owner re-apply for a conditional use for an already-existing converted space. No comments were received before the meeting.

Hearing no more comments, Hollander called for a motion to close the public hearing. **Motion** by Rossow, **seconded** by Billingsley to close the public hearing. Roll call vote: Approved, 5-0.

Members discussed the conditional use and several commented that they saw no problem with the application. Billingsley again brought up the question regarding the conditional use running with the property or the owner. Billingsley stated that he thought it should be tied to the property. Hollander mentioned that the area for the conversion was small. He voiced concern about continual expansion within the 6,000 square foot building, which would change the intent.

**Motion** by Billingsley to approve the conditional use which will run with the property with the following conditions: the owner shall submit a building permit, obtain an updated Certificate of Occupancy, and any future expansions of the residential space shall require an additional conditional use review by the Zoning Board of Adjustment, **Seconded** by Birkenholz. Approved 5-0.

- B. V20-2: Variance for commercial use requirement at 115 North 2<sup>nd</sup> Avenue East (County Annex Building). Paramount Development Inc., Applicant.

Staff reviewed the prepared staff report and shared images and floor plans provided by the applicant. The Newton Historic Preservation Commission met on May 4, 2020, and unanimously voted to approve a letter of support for the adaptive reuse project that will be forwarded onto City Council for review. Staff found that the proposal aligns with the spirit and intent of the zoning code. Rossow asked if there was any response to public notices. Dunkelberger said that no comments were received prior to the meeting. The adaptive reuse project involves the conversion of the building from professional offices to a residential use. The variance would allow 100% of the building to be used for that residential use. Billingsley asserted that he believed the project was a neat idea.

Jeff Davidson, Executive Director of Jasper County Economic Development Organization, shared details about how the project emerged. The Newton Historic Preservation Commission placed the building on a State of Iowa endangered buildings list, which brought the needed exposure and eventual inquiry from the applicants. Davidson did highlight that the Jasper County Supervisors were still in the process of determining final plans for vacating the building at the time of the meeting.

Glenn Lyons, applicant/representative, considers the former County Annex to be a wonderful building that deserves to be preserved. He claimed that Newton does not have much of a custom office market and he opined that the first floor was not conducive to retail, which leaves residential as the next best option. The project team proposed 15 units in total, and the applicant reviewed the potential changes to the building – both interior and exterior. He reviewed ADA accessibility, the exterior stairwell, and the treatment of the windows which will reflect the historic design. Davidson shared an image from a similar project of the Iowa City Press Citizen Building adaptive reuse.

Discussion occurred regarding the existing cell tower on the property. Lyons indicated it will stay at least through the lease and that those funds will be directed to a designated capital repairs fund. Additional discussion occurred about the rear loading dock area and the intended conversion of the property.

Rossow asked about the variance running with the applicant or property, and the process for the applicant to purchase the property. Lyons described the required process by the County to sell property. Discussion concluded with determining the variance runs with the property. Hollander asked if office use were proposed by another developer, would a variance be required? Chambers stated that it would not require a variance and reviewed the history of the ordinance.

**Motion** by Billingsley to close the public hearing, **seconded** by Birkenholz. Voice Vote: Approved, 5-0.

Members discussed the variance and Billingsley asserted that the answers to the legal questions submitted in the agenda materials were appropriate and satisfactory. All other members voiced their agreeance and support for the project.

**Motion** by Billingsley to approve the variance as is thus permitting residential development on all floors of the building at 115 North 2<sup>nd</sup> Avenue East (County Annex Building), **seconded** by Birkenholz. Approved 5-0.

**New Business**

None.

**Adjournment:**

**Motion** by Billingsley to adjourn the meeting, **seconded** by Rossow. Approved, 5-0. The meeting was adjourned at 5:15 pm.