

**BOARD OF ADJUSTMENT – Harlan, Iowa – 04/19/2017**

The Board of Adjustment of the City of Harlan met pursuant to law and the rules of said Board in special session in the Council Chambers in City Hall at Noon on the 19th day of April 2018. Vice-Chairperson Tim Miller called the meeting to order and the following members were:

Present: Tim Miller, Mike Christensen, Ruthanne Grimsley  
Absent: Jerry Wigness, Jennifer Kelly  
Also Present: City Administrator Gene Gettys, Board Secretary Renee H Hansen, Mayor Mike Kolbe, Scott Leinen, & Randy Nollen.

It was moved by Miller and seconded by Grimsley that the agenda be approved. The motion carried unanimously.

The Chairperson asked that any conflicts of interest be stated. None were stated.

It was moved by Grimsley and seconded by Miller that the 12/05/2017 minutes be approved. The motion carried unanimously.

Chairperson Christensen announced that this was the date, time, and place for the public hearings regarding:

- a) Case BA2018-01 – an application by Four L Properties asking for permission to keep a South facing entrance. In 2013 the Planning & Zoning Commission granted a request for re-zoning and one of the stipulations was no entrance or exit doors were to be on the South side of the structure.

Randy Nollen, neighbor, was present to express his concerns regarding the South entrance.

Scott Leinen was present with discussion around the fact he forgot about the stipulation for the South facing entrance.

Leinen suggested that if he was permitted to keep the south entrance he would install a privacy fence. Nollen was in agreement with this.

It was moved by Grimsley and seconded by Miller to close the public hearing. The motion carried unanimously.

Ayes: Miller, Christensen, Kelly, Grimsley

Nays: None

Whereupon the motion carried, and the Enforcing Officer's decision will be overturned. A building permit for the solar panels will be issued.

There being no further business, the meeting on motion adjourned.

---

Renee Hansen, Secretary

---

Mike Christensen, Chairperson

*These minutes are as recorded by the Secretary and are subject to Board approval at the next called meeting.*

**BOARD OF ADJUSTMENT – Harlan, Iowa – 05/17/2018**

The Board of Adjustment of the City of Harlan met pursuant to law and the rules of said Board in special session in the Council Chambers in City Hall at Noon on the 17th day of May 2018. Chairperson Christiansen called the meeting to order and the following members were:

Present: Tim Miller, Mike Christensen, Ruthanne Grimsley, Jennifer Kelly

Absent: Jerry Wigness

Also Present: City Administrator Gene Gettys, Board Secretary Renee H Hansen, Council Members Sharon Kroger & Jeanna Rudolph and Cal Nielsen.

It was moved by Grimsley and seconded by Kelly that the agenda be approved. The motion carried unanimously.

The Chairperson asked that any conflicts of interest be stated. None were stated.

It was moved by Miller and seconded by Grimsley that the 04/19/2018 minutes be approved. The motion carried unanimously.

Chairperson Christensen announced that this was the date, time, and place for the public hearings regarding:

- a) Case BA2018-02 – an application by Cal Nielsen, for a front yard variance for the property located at 1611 5<sup>th</sup> St.  
Motion to open meeting by Miller and seconded by Grimsley  
Nielsen expressed that he would like to build a 40x24 building attached to his current garage. This would house his RV and boat. His request is to be allowed to build up to the South lot line

Discussion:

Whether or not there would be visibility issues. Gettys commented there would be no visibility issues since the ROW is 66’.

Gaul’s property to the west (1612 7<sup>th</sup> St) and keeping ‘in line’ with neighboring properties. Gaul’s property isn’t set back 25’.

This area is a low traffic area. It abuts an industrial area on the East.

It was moved by Grimsley and seconded by Miller to close the public hearing. The motion carried unanimously.

It was moved by Kelly to accept the requested variance and allow the new structure to build to the South lot line and seconded by Grimsley.

The commission wanted noted that the factors for this approval were that this is a low traffic area, near and industrial zoned district, the bank on the East side that isn’t developable as well as no visibility issues.

Ayes: Miller, Christensen, Kelly, Grimsley

Nays: None

Whereupon the motion carried, and the Enforcing Officer’s decision will be overturned. A building permit for the building will be issued.

There being no further business, the meeting on motion adjourned.

\_\_\_\_\_  
Renee Hansen, Secretary

\_\_\_\_\_  
Mike Christensen, Chairperson

*These minutes are as recorded by the Secretary and are subject to Board approval at the next called meeting.*

**BOARD OF ADJUSTMENT – Harlan, Iowa – 07/26/2018**

The Board of Adjustment of the City of Harlan met pursuant to law and the rules of said Board in special session in the Council Chambers in City Hall at Noon on the 26th day of July 2018. Chairperson Christensen called the meeting to order and the following members were:

Present: Tim Miller, Mike Christensen, Jennifer Kelly

Via Phone: Ruthanne Grimsley

Absent: Jerry Wigness

Also Present: City Administrator Gene Gettys, Board Secretary Renee Hansen, Sara Miller & Amber Ferguson.

It was moved by Miller and seconded by Kelly that the agenda be approved. The motion carried unanimously.

The Chairperson asked that any conflicts of interest be stated. None were stated.

It was moved by Grimsley and seconded by Miller that the 05/17/2018 minutes be approved. The motion carried unanimously.

Chairperson Christensen announced that this was the date, time, and place for the public hearings regarding:

- a) **Case BA2018-003** – an application by Amber Ferguson for a home business for Cyclone Cakes.

Motion to open meeting by Miller and seconded by Kelly.

Discussion: Bakery to cater to those with allergies. Kitchen Only.

It was moved by Miller and seconded by Kelly to close the public hearing. The motion carried unanimously.

It was moved by Miller to accept the home business application and was seconded by Grimsley.

Ayes: **Miller, Christensen, Kelly, Grimsley**

Nays: None

Whereupon the motion carried.

- b) **Case BA2018-004** – an application by Sara Miller for the reapplication of a home business for Living Well Home Care.

Motion to open meeting by Grimsley and seconded by Kelly.

Discussion: Moving location only. Still employees 6 people, work is done offsite. No parking on street.

It was moved by Kelly and seconded by Miller to close the public hearing. The motion carried unanimously.

It was moved by Grimsley to accept the renewal of the home business application and was seconded by Miller.

Ayes: **Miller, Christensen, Kelly, Grimsley**

Nays: None

Whereupon the motion carried.

There being no further business, the meeting on motion adjourned.

---

Renee Hansen, Secretary

---

Mike Christensen, Chairperson

*These minutes are as recorded by the Secretary and are subject to Board approval at the next called meeting.*

**BOARD OF ADJUSTMENT – Harlan, Iowa – 09/06/2018**

The Board of Adjustment of the City of Harlan met pursuant to law and the rules of said Board in special session in the Council Chambers in City Hall at Noon on the 6th day of September 2018. Chairperson Christiansen called the meeting to order and the following members were:

Present: Tim Miller, Mike Christensen, Jennifer Kelly, Ruthanne Grimsley, Jerry Wigness

Also Present: City Administrator Gene Gettys, Board Secretary Renee Hansen, Council member Sharon Kroger, Marion Maiwald & Scott Andersen

It was moved by Grimsley and seconded by Kelly that the agenda be approved. The motion carried unanimously.

The Chairperson asked that any conflicts of interest be stated. None were stated.

It was moved by Miller and seconded by Kelly that the 07/26/2018 minutes be approved. The motion carried unanimously.

Chairperson Christensen announced that this was the date, time, and place for the public hearings regarding:

**Case BA2018-005** – an application by Marion Maiwald for a setback variance for 1807 5<sup>th</sup> St.

Motion to open meeting by Miller and seconded by Grimsley.

Discussion: Recently rezoned to I-2 via Planning & Zoning. Requesting a setback variance because of bank on the west side of the property. This would be similar set back to other I-2 buildings in the area.

It was moved by Wigness and seconded by Kelly to close the public hearing. The motion carried unanimously.

It was moved by Grimsley to grant the variance and was seconded by Miller.

Ayes: **Miller, Christensen, Kelly, Grimsley, Wigness**

Nays: None

Whereupon the motion carried.

**Case BA2018-006** – an application by Scott Andersen for a home business for SA's BAR-BE-Q at 1202 Durant St.

Motion to open meeting by Grimsley and seconded by Kelly

Discussion: Bulk made to order smoked meats. Andersen has passed all health related inspections and state requirements. Commission brought to his attention that no signs are permitted for home businesses in an R-1 district.

It was moved by Miller and seconded by Grimsley to close the public hearing. The motion carried unanimously.

It was moved by Grimsley to accept the application for the home business application and was seconded by Miller.

Ayes: **Miller, Christensen, Kelly, Grimsley, Wigness**

Nays: None

Whereupon the motion carried.

There being no further business, the meeting on motion adjourned.

---

Renee Hansen, Secretary

---

Mike Christensen, Chairperson

*These minutes are as recorded by the Secretary and are subject to Board approval at the next called meeting.*

**BOARD OF ADJUSTMENT – Harlan, Iowa – 10/17/2018**

The Board of Adjustment of the City of Harlan met pursuant to law and the rules of said Board in special session in the Council Chambers in City Hall at Noon on the 17th day of October 2018. Vice-Chairperson Miller called the meeting to order and the following members were:

Present: Tim Miller, Jennifer Kelly,

Via phone: Ruthanne Grimsley

Also Present: City Administrator Gene Gettys, Board Secretary Renee Hansen, Dwayne Hemminger

It was moved by Grimsley and seconded by Kelly that the agenda be approved. The motion carried unanimously.

The Vice Chairperson asked that any conflicts of interest be stated. None were stated.

It was moved by Kelly and seconded by Grimsley that the 09/06/2018 minutes be approved. The motion carried unanimously.

Vice-Chairperson Miller announced that this was the date, time, and place for the public hearings regarding:

**Case BA2018-007** – an application by Dwayne Hemminger for a 15’ rear yard variance for 1712 12<sup>th</sup> St.

Motion to open meeting by Grimsley and seconded by Kelly.

No objections have been filed with City Hall.

Discussion: Request to add on to the east of his current garage. R-2 zoning has a 30ft rear yard setback. Current garage is approx. 25ft from the east property line. If he would stay 10ft away from the east property line that would put approx. 14feet between Hemmingers building and Burmeisters.

It was moved by Grimsley and seconded by Kelly to close the public hearing. The motion carried unanimously.

It was moved by Kelly and was seconded by Grimsley to allow the owner to stay 10 feet from the east property line .

Ayes: **Miller, Kelly, Grimsley**

Nays: None

Whereupon the motion carried.

There being no further business, the meeting on motion adjourned.

\_\_\_\_\_  
Renee Hansen, Secretary

\_\_\_\_\_  
Tim Miller, Vice-Chairperson

*These minutes are as recorded by the Secretary and are subject to Board approval at the next called meeting.*