

## **BOARD OF ADJUSTMENT – Harlan, Iowa – May 18, 2023**

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 18th day of May 2023. Chairman Christensen called the meeting to order, and the following members were:

Present: Mike Christensen, Ruthanne Grimsley, Doug Hammer, Al Ickes, Jennifer Kelly

Absent: None

Also Present: Board Secretary Jennifer Malone, Building Inspector Roger Bissen, Zoning Administrator Gene Gettys, City Clerk Jane Smith, Shane Schechinger, Rod & Mindi Baxter, Kirk Petersen, Catherine Oliver.

The Chairman presented the agenda. It was moved by Ickes and seconded by Grimsley to approve the agenda. Roll call vote: AYES: Christensen, Grimsley, Hammer, Ickes, Kelly. NAYS: None. Motion carried.

Chairman Christensen asked that any conflicts of interest be stated. None were stated.

It was moved by Hammer and seconded by Grimsley to approve the minutes from the 12/06/2022 meeting, noting one correction - Vice Chair, Kelly called the meeting to order as Chair Christensen was not present as noted in attendance record. Roll call vote: AYES: Christensen, Grimsley, Hammer, Ickes, Kelly. NAYS: None. Motion carried.

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

- a. **CASE BA2023-001** – an application from Shane Schechinger, 401 Market Street, for a 6ft fence variance in B-2

Motion to open meeting by Grimsley and seconded by Hammer. Roll call vote: AYES: Christensen, Grimsley, Hammer, Ickes, Kelly. NAYS: None. Motion carried.

No written or oral objections were received at the City Hall.

Petitioner: Shane Schechinger was present and advised he would like to install the 6' wooden fence along the west side between the houses from the sidewalk to the garage in the SW corner of the back yard. Then start at the SE corner of the garage and continue to the E sidewalk, then north along the sidewalk and turning west to the SE corner of the back of the house.

Getty Zoning Admin: reviewed B-2 zoning for front yard fences to be at a maximum height of 4 feet. Market Street is a one-way street, so there are no traffic issues with a 6' fence as the line of sight is going the opposite direction.

Neighboring property owners: 1 person present.

It was moved by Kelly and seconded by Ickes to close the public hearing. Roll call vote: AYES: Christensen, Grimsley, Hammer, Ickes, Kelly. NAYS: None. Motion carried.

It was moved by Grimsley and seconded by Kelly to approve the application for the 6' wooden fencing request as presented. Roll call vote: AYES: Christensen, Grimsley, Hammer, Ickes, Kelly. NAYS: None. Motion carried.

- b. **CASE BA2023-002** – an application from Baxter Construction LLC, 3105 12<sup>th</sup> Street for a 30' setback variance in I-2.

Motion to open meeting by Hammer and seconded by Grimsley. Roll call vote: AYES: Christensen, Grimsley, Hammer, Ickes, Kelly. NAYS: None. Motion carried.

One neighbor expressed written concern of possible oncoming traffic restrictions & suggested the speed could be reduced. No oral objections were received at City Hall.

Petitioner: Baxter Construction LLC was present, and Rod advised that the 10' variance is needed due to the natural water drainage that exists between the old building and the location of the new building. Rod also mentioned they are already working with HMU for electricity and other necessities needed for the project.

Getty Zoning Admin: reviewed I-2 zoning for setbacks to be a minimum of 40 feet. There are no line-of-sight issues with the main drive nor closest intersection that will be affected by this building.

Neighboring property owners: None present.

It was moved by Grimsley and seconded by Kelly to close the public hearing. Roll call vote: AYES: Christensen, Grimsley, Hammer, Ickes, Kelly. NAYS: None. Motion carried.

It was moved by Ickes and seconded by Kelly to approve the application for the 30' setback as presented. Roll call vote: AYES: Christensen, Grimsley, Hammer, Ickes, Kelly. NAYS: None. Motion carried.

- c. **CASE BA2023-003** – an application from Mitchel Petersen, 1106 14<sup>th</sup> Street for a 6' fencing variance in R-1.

Motion to open meeting by Kelly and seconded by Grimsley. Roll call vote: AYES: Christensen, Grimsley, Hammer, Ickes, Kelly. NAYS: None. Motion carried.

No written or oral objections were received at the City Hall.

Petitioner: Kirk Petersen, Mitchel Petersen's dad was present and advised that on the corner of 14<sup>th</sup> & Durant, the yard slopes toward Durant. The kid's balls always roll towards Durant. Because of this they are trying to keep the kids from running into the street and they want a privacy fence for the new patio area they installed. A white vinyl fence will be installed to keep the kids contained.

Getty Zoning Admin: reviewed R-1 zoning for front yard fences to be at a maximum height of 4 feet. If the fence does not go past the existing row of hedges on the East boundary of the property, no line-of-sight issues noted.

Neighboring property owners: None present.

It was moved by Hammer and seconded by Grimsley to close the public hearing. Roll call vote: AYES: Christensen, Grimsley, Hammer, Ickes, Kelly. NAYS: None. Motion carried.

It was moved by Grimsley and seconded by Kelly to approve the application for the 6' fence with the stipulation that the fence cannot extend any farther south than the existing row of hedges along the east property line. Roll call vote: AYES: Christensen, Grimsley, Hammer, Ickes, Kelly. NAYS: None. Motion carried.

- d. **CASE BA2023-004** – an application from Catherine Oliver, 1012 3<sup>rd</sup> Street, for a fencing variance in R-2

Motion to open meeting by Kelly and seconded by Ickes. Roll call vote: AYES: Christensen, Grimsley, Hammer, Ickes, Kelly. NAYS: None. Motion carried.

No written or oral objections were received at the City Hall.

Petitioner: Catherine Oliver was present and advised she would like to put in a 6' vinyl fence to promote privacy and keep noise down.

Getty Zoning Admin: reviewed R-2 zoning for front yard fences to be at a maximum height of 4 feet. No line-of-sight issues with fence ending at the rear corner of the house.

Neighboring property owners: None present.

It was moved by Ickes and seconded by Kelly to close the public hearing. Roll call vote: AYES: Christensen, Grimsley, Hammer, Ickes, Kelly. NAYS: None. Motion carried.

It was moved by Kelly and seconded by Grimsley to approve the application for the 6' fence as presented. Roll call vote: AYES: Christensen, Grimsley, Hammer, Ickes, Kelly. NAYS: None. Motion carried.

There being no further business, the meeting adjourned.

*Jennifer M. Malone*

Jennifer Malone, 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 - June 16, 2023**

The Board of Adjustment of the City of Harlan met pursuant to the law and the rules of said Board in special session in the Council Chambers in City Hall at Noon on the 16th day of June 2023. Chairman Al Ickes called the meeting to order, and the following members were:

Present: Doug Hammer, Al Ickes, Jennifer Kelly(present via phone)

Absent: Mike Christensen, Ruthanne Grimsley

Also Present: Board Secretary Jennifer Malone, Building Inspector Roger Bissen, Doug & Michelle Goecke.

Chairman Al Ickes presented the agenda. It was moved by Hammer and seconded by Kelly to approve the agenda. Roll call vote: AYES: Hammer, Ickes, Kelly. NAYS: None. Motion carried.

Chairman Ickes asked that any conflicts of interest be stated. None were stated.

It was moved by Hammer and seconded by Kelly to approve the minutes from the 05/18/2023 meeting. Roll call vote: AYES: Hammer, Ickes, Kelly. NAYS: None. Motion carried.

Ickes announced that this was the date, time, and place for the public hearing regarding:

- a. **CASE BA2023-005** – an application from Douglas Goecke, 3001 Country Club View, for a 6ft fence variance in zone R-1

Motion to open meeting by Hammer and seconded by Kelly. Roll call vote: AYES: Hammer, Ickes, Kelly. NAYS: None. Motion carried.

No written or oral objections were received @ the City Hall.

Petitioner: Douglas Goecke was present and advised that their dog Tuffy would be able to jump over the 4' fence. They have many pedestrians who walk by and would hate to have their dog jumping over the fence. With additional plans of a gazebo and hot tub in the back yard, they would prefer a 6' privacy fence to surround the back yard. Originally, they wanted the fence to go to the sidewalk, but after speaking with HMU, they will keep the fence away from the sidewalk.

Bissen Building Inspector: reviewed R-1 corner lot zoning for front yard fences to be at a maximum height of 4 feet. While sitting at the stop sign in front of the property, line of sight would be restricted if the 6' fence were to go all the way to the sidewalk on the south side of the property.

Neighboring property owners: None present.

It was moved by Ickes and seconded by Kelly to close the public hearing. Roll call vote: AYES: Hammer, Ickes, Kelly. NAYS: None. Motion carried.

It was moved by Kelly and seconded by Hammer to approve the application for the 6' privacy fence with the following requirements: The 6' fence must remain minimum of 4' north of the sidewalk on the south. Roll call vote: AYES: Hammer, Ickes, Kelly. NAYS: None. Motion carried.

There being no further business, the meeting adjourned.

*Jennifer M. Malone*

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Jennifer Malone, Secretary

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Al Ickes, Chairperson

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