

BOARD OF ADJUSTMENT – Harlan, Iowa – MAY 16, 2024

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 12:00 P.M. on the 16th day of May 2024. Chairman Christensen called the meeting to order, and the following members were:

Present: Al Ickes, Doug Hammer, Mike Christensen, Ruthanne Grimsley, Mike Burroughs
Also Present: Board Secretary Susan Brammann, Jennifer Malone, Zoning Administrator Gene Gettys, Building Inspector Roger Bissen, Code Enforcement Officer Jack Gubbels

The Chairman presented the agenda. It was moved by Burroughs and seconded by Ickes that the agenda be approved. Roll call vote: AYES: Ickes, Hammer, Christensen, Grimsley, Burroughs. 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 Burroughs to approve the minutes from the 04/25/2024 meeting. Roll call vote: AYES: Ickes, Hammer, Christensen, Grimsley, Burroughs. NAYS: None. Motion carried.

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

- a. CASE BA2024-004 – Application by BAMK Properties at III Court St. for converting a single-family residential dwelling into two-family residential dwelling in I-2.

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

Petitioner: Was present to represent BAMK Properties in purchasing III Court St. for converting a single-family residential dwelling into two-family residential dwelling. Their plan is to keep the current footprint of home and merely renovate to include an upper/lower 2 bed, 1 bath apartments, including separate laundry facilities and an upstairs staircase for emergency exit.

Gettys Zoning Admin: Noted that reason for Board of Adjustment is per code it is non-conforming of residential use in general industrial zone. Property is located across the street from R-2 zones. Spot zoning would not be recommended. Recommendation is to consider application with condition of at least 2 off street, concrete parking stalls being provided on property (which has been discussed with the applicant).

Neighboring property owners: John and Kathy Kelly, were present with concerns about where occupants would park without parking and blocking sidewalks.

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

It was moved by Grimsley and seconded by Ickes to approve the application with the stipulation that petitioner would provide concrete stalls for 2 vehicles. Roll call vote: AYES: Ickes, Hammer, Christensen, Grimsley, Burroughs. NAYS: None. Motion carried.

- b. CASE BA2024-003 – Application by Cody Skidmore, DBA Rover Guy of Harlan at 1318 Durant St. for a home business in R-1. Dog Boarding, Dog Walking, Dog Fostering.

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

Petitioner: Was present to state that he feels the town needs this type of business and that he never has any more than 4 dogs at a time and works with his clients on a one-to-one basis. He feels that his business does not create any disturbances. He is 24/7 with the dogs he takes care of. Petitioner stated that fostering is only a side thing that he does with Harlan ARL.

Gettys Zoning Admin: As a home occupation in an R-1 this business is prohibited. There is a great need for this type of business, but zoning is in the wrong area. Recommended a zone such as an I-2.

Neighboring property owners:

- Jill & Michael Wadsley - Sent an email. They are opposed to application. They feel that a business of this nature belongs in the country and not within city limits in a private home.
- Sherry Helenski - Dropped off a letter at City Hall in support of Petitioner's application.
- Al Leinen was present at meeting stating that there have been up to 11 dogs in Petitioner's dog kennel and has witnessed dogs fighting. Dogs are digging holes to get out of the kennel. Grandchildren have been woken up by dogs barking at 5 a.m.
- Vicki Kuhn was present at meeting representing Harlan ARL and in support of Petitioner's business application.

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

It was moved by Hammer and seconded by Burroughs to deny business venture in a R-1 Zone. Dog Fostering was not restricted by the board as it was not considered a 'business'. Roll call vote: AYES: Ickes, Hammer, Christensen, Grimsley, Burroughs. NAYS: None. Motion carried.

There being no further business, the meeting adjourned.

Susan Brammann

Susan Brammann, Secretary

Mike Christensen, Chairperson

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