

BOARD OF ADJUSTMENT – Harlan, Iowa – SEPTEMBER 2, 2026

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 at City Hall at 12:00 P.M. on the 2nd day of September 2026. Chairperson Grimsley called the meeting to order, and the following members were:

Present: Mike Burroughs, Ruthanne Grimsley, Doug Hammer

Absent: Julie Olson

Present Electronically: None

Also Present: Board Secretary, Maya Kenkel; City Administrator, Gervas Mgonja; Code Enforcement Officer, Chris Bylund; City Clerk/Finance Director, Ashley Schleis

The Chairperson presented the agenda. It was moved by Hammer and seconded by Burroughs that the agenda be approved with change to item 5a from 608 Baldwin St. to 608 Dye St. Roll call vote: AYES: Burroughs, Hammer, Grimsley. NAYS: None. Motion carried.

Chairperson Grimsley asked that any conflicts of interest be stated. None stated.

It was moved by Hammer and seconded by Burroughs to nominate Grimsley as chairperson. Roll call vote: AYES: Burroughs, Hammer, Grimsley. NAYS: None. Motion carried.

It was moved by Burroughs and seconded by Hammer to nominate Burroughs as vice-chairperson. Roll call vote: AYES: Burroughs, Hammer, Grimsley. NAYS: None. Motion carried.

It was moved by Hammer and seconded by Burroughs to approve the minutes from the 04/08/2026 meeting. Roll call vote: AYES: Burroughs, Hammer, Grimsley. NAYS: None. Motion carried.

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

- a. **CASE BA2026-003** –Application by Dara Svendsen DBA Market on Dye at 608 Dye St. for a home business in an R-2 Zoning District.

Motion to open public hearing by Burroughs and seconded by Hammer. Roll call vote: AYES: Burroughs, Hammer, Grimsley. NAYS: None. Motion carried.

Applicant – It is a movable, self-serve farm stand selling produce and baked goods. Items are bought in bulk, and unsold produce gets donated to the food bank in Walnut. The funds generated go back into obtaining more produce to keep supplying the stand and the food bank. The business evolved from her parents' involvement in Walnut's food bank. It also supports local businesses—a Harlan resident with farm-fresh eggs and a baker out of Walnut sell their goods from the stand.

Neighbors –

- Colleen Oliver is a neighboring property owner that had no complaints about the venture but questioned whether a home business needs to come before the Board prior to operation. Chairperson Grimsley answered that home businesses should have Board approval prior to operation and explained that people are often unaware of the requirements and are not acting out of malicious intent.
- Darla Anliker, next-door neighbor, was present to support the venture. She noted that the stand has slowed down speeding traffic. Regarding parking, she mentioned off street parking or parking in the applicant's driveway.

Zoning Administrator – Code Enforcement and the City Administrator offered no comments.

Applicant's rebuttal – Svendsen clarified that operating the business prior to Board approval was not done out of malicious intent and explained that finding the proper requirements and resources was a challenge. The stand may be seasonal from May to October, yet it will be open so long as the supplier, the Amish, is selling produce. Market on Dye is not an official 503(c) nonprofit organization, but it is a not-for-profit business. In the event that there is profit, it would fall under Cottage Law meaning it would be tax exempt from Dara Svendsen's personal taxes.

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

It was moved by Burroughs and seconded by Hammer to approve the application. Roll call vote: AYES: Burroughs, Hammer, Grimsley. NAYS: None. Motion carried.

Other Business:

- The City has knowledge of two similar home businesses operating without Board of Adjustment approval—one on 8th St and one on Willow St. The Board recommended contacting the owners. Code Enforcement Officer, Chris Bylund, clarified that he was unaware of these home businesses and agreed to follow up.
- The quality of the current home business application was discussed. The applicant highlighted confusing sections on the form found at cityofharlan.com. The Board Members inquired about an updated version that was used in recent applications. Secretary, Maya Kenkel, will look for the form and update the website accordingly.

There being no further business, the meeting was adjourned.

Maya Kenkel

Maya Kenkel, Secretary

Ruthanne Grimsley, Chairperson

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