

BOARD OF ADJUSTMENT – Harlan, Iowa – 01/13/2020

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 13th day of January 2020. Chairperson Christensen called the meeting to order and the following members were:

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

Also Present: Zoning Administrator Gene Gettys, Board Secretary Renee Hansen, Mayor Mike Kolbe, Sharon Davidson, Tami Kloewer, Jocelyn and Michael Riley, & Dick and Christine Jones.

It was moved by Grimsley and seconded by Ickes 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 Ickes and seconded by Kelly that the 10/14/2019 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 BA2020-001** – an application by Jocelyn Riley, for a Home Business, Glo Airbrush Tanning, located at 1605 9th St.

Motion to open meeting by Grimsley and seconded by Grimsley.

No objections have been filed with City Hall.

Gettys Zoning Admin: reviewed R-2 zoning for home occupations. Signs can only be 12x12 and the petitioner's is a bit larger than what is allowable.

Petitioner: This is a spray tanning business that usually operates for special occasions. The owner does some of the work at the home, but a lot of the work is done off site at other locations.

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

It was moved by Ickes and was seconded by Kelly to approve the application for the home business with the stipulation that the sign be brought into compliance by being no larger than 12'x12'.

Roll Call Vote

Ayes: Christensen, Kelly, Ickes, Grimsley, Hammer

Nays: None

Whereupon the motion carried.

- b. **CASE BA2020-002** – an application by George Brooks, for a Home Business, Brooks Commodities, Inc., located at 1401 Cheyenne Ave.

Motion to open meeting by Hammer and seconded by Grimsley.

No objections have been filed with City Hall.

Gettys Zoning Admin: reviewed R-1 zoning for home occupations. Petitioner noted on his application that he was using more than the allowed 20sq ft for the business.

Petitioner: Not present – told Deputy Clerk that he would be doing his current business, Brooks Commodities, from his home. Mostly phone calls and emails.

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

It was moved by Grimsley and was seconded by Hammer to approve the home business with the stipulation that the owner only use 200sq ft of space in the home.

Roll Call Vote

Ayes: Christensen, Kelly, Ickes, Grimsley, Hammer

Nays: None

Whereupon the motion carried.

- c. CASE BA2020-003 – an application by Sharon Davidson, for a Home Business, Bakery 1218, located at 1218 900th St.

Motion to open meeting by Grimsley and seconded by Ickes.

No objections have been filed with City Hall.

Gettys Zoning Admin: review of R-1 zoning for home occupation. Petitioner stated she was using more than the allowable sq. ft for the business. Gettys reminder her that she can use up to 200 sq. ft.

Petitioner: Baking desserts for other local businesses.

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

It was moved by Ickes and was seconded by Kelly to approve the application for the home business with the stipulation that only 200 sq. ft. is used.

Roll Call Vote

Ayes: Christensen, Kelly, Ickes, Grimsley, Hammer

Nays: None

Whereupon the motion carried.

Meeting adjourned.

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 – 01/29/2020

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 29th day of January 2020. Chairperson Christensen called the meeting to order and the following members were:

Present: Mike Christensen, Jennifer Kelly, Doug Hammer

Absent: Al Ickes, Ruthanne Grimsley

Also Present: Zoning Administrator Gene Gettys, Board Secretary Renee Hansen, and Cory Meek

It was moved by Kelly and seconded by Hammer 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 Hammer and seconded by Kelly that the 01/13/2020 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 BA2020-004** – an application by Application by Cory Meek, for a Home Business, located at 1603 10th St.

Motion to open meeting by Hammer and seconded by Kelly.

No objections have been filed with City Hall.

Gettys Zoning Admin: R-2 zoning, home occupations are allowable and in this case, it is contingent upon the Federal license requirements are met.

Petitioner: Most sales will be online. Very little foot traffic.

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

It was moved by Hammer and was seconded by Kelly to allow the home occupation.

Roll Call Vote

Ayes: Christensen, Kelly, Hammer

Nays: None

Whereupon the motion carried.

Meeting adjourned.

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 – 05/19/2020

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 May 2020. Chairperson Christensen called the meeting to order and the following members were:

Present via teleconference: Mike Christensen, Jennifer Kelly, Doug Hammer, Al Ickes, Ruthanne Grimsley (arrived at 12:15pm)

Absent:

Also Present via teleconference: Zoning Administrator Gene Gettys, Board Secretary Renee Hansen, Roger Bissen, Mayor Mike Kolbe, Sharon Kroger, Troy Schaben, and Mike Martin

It was moved by Ickes and seconded by Kelly that the agenda be approved.

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes

Nays: None

The motion carried unanimously.

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

It was moved by Kelly and seconded by Hammer that the 01/29/2020 minutes be approved. The motion carried unanimously.

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes

Nays: None

The motion carried unanimously.

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

- a. **CASE BA2020-005** – an application by Application by Eric Labenz, for a corner lot fence variance at 1201 12th St., which is zoned R-1.

Motion to open meeting by Hammer and seconded by Kelly.

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes

Nays: None

The motion carried unanimously

No objections have been filed with City Hall.

Gettys Zoning Admin: explained that this property is located on a corner lot which has two front yards. Ordinance doesn't allow for a 6-foot fence to be placed in the front yard. He stated that in the past this property did have a 6-foot fence in the same location the applicate is asking to place the new one.

Petitioner: Not present

Hammer brought up the utility box on the east side of the property and was concerned about the placement of the fence in relation to that. From the submitted drawing it show the fence will be on the west side of that box. He wanted it to be noted that the applicant would need to avoid all utilities.

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

It was moved by Hammer and was seconded by Grimsley to approve the application for the 6-foot fence contingent upon the property owner obeying all set-backs of the utilities.

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley

Nays: None

The motion carried unanimously.

- b. **CASE BA2020-006** – an application by Application by Fresh Encounter, for a sign location variance for the property at 1003 Tarkington St., which is zoned R-2.

Motion to open meeting by Kelly and seconded by Ickes.

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley

Nays: None

The motion carried unanimously

No objections have been filed with City Hall.

Gettys Zoning Admin: explained that in an R-2 zoning district announcement signs must be 20 feet from the property line. The proposed sign location is where the existing sign sits. Since they must set new sign poles it is considered a new sign, so it is up to the Board to grant a variance for this. He did state that Public Works has no issues with the location of the current sign.

Petitioner: Mike Martin was present to explain that back a few years ago Fresh Encounter did use the old poles for the current sign. Now with age those posts need replaced.

Discussion was had about other possible locations.

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

It was moved by Grimsley and was seconded by Kelly to approve the application request to place the new sign in the same location as the existing sign.

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley

Nays: None

The motion carried unanimously.

Meeting adjourned.

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 – 06/18/2020

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 June 2020.

Chairperson Christensen called the meeting to order and the following members were:

Present via teleconference: Mike Christensen, Jennifer Kelly, Doug Hammer, Al Ickes,

Absent: Ruthanne Grimsley

Also Present via teleconference: Zoning Administrator Gene Gettys, Board Secretary Renee Hansen, Roger Bissen, Mayor Mike Kolbe, Sharon Kroger, Troy Schaben, Richard Petersen, Mindi Baxter

It was moved by Ickes and seconded by Kelly that the agenda be approved.

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes

Nays: None

The motion carried unanimously.

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

It was moved by Hammer and seconded by Kelly that the 05/19/2020 minutes be approved. The motion carried unanimously.

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes

Nays: None

The motion carried unanimously.

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

- a. **CASE BA2020-007** – an application by Application by Carol Thraen, for a front yard variance, for the property located at 1316 16th St., which is zoned R-1.

Motion to open meeting by Hammer and seconded by Kelly.

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes

Nays: None

The motion carried unanimously

No objections have been filed with City Hall.

Gettys Zoning Admin: Explained that in an R-1 zoning district a 35' front set back is required. The current layout for this property is 3x3 with a step.

Petitioner: Mindi Baxter stated the hardship for this request was that the resident is needing to add a wheelchair accessible ramp into their home. Of the two proposals submitted the primary one is what they would prefer to build.

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

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes

Nays: None

The motion carried unanimously.

It was moved by Ickes and was seconded by Kelly to approve the construction of the ramp as described in the primary request.

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes

Nays: None

The motion carried unanimously.

- b. **CASE BA2020-008** – an application by Application by Jerry Chamberlain, contractor, for a front yard variance for the property at 1816 21st St., which is zoned R-1.

Motion to open meeting by Hammer and seconded by Ickes.

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes

Nays: None

The motion carried unanimously

No objections have been filed with City Hall.

Gettys Zoning Admin: Property is located in an R-1 zoning district which requires a 35' front yard setback. The current patio is 6x6 the proposal is for an 8' x 12' deck. Gettys remarked that a property in the same block does extend out as far as this deck would.

Petitioner: Not present

It was moved by Ickes and seconded by Kelly to close the public hearing.

Roll Call vote was had which was as follows:
Ayes: Christensen, Kelly, Hammer, Ickes
Nays: None
The motion carried unanimously.

It was moved by Hammer and was seconded by Kelly to approve the application as presented.

Roll Call vote was had which was as follows:
Ayes: Christensen, Kelly, Hammer, Ickes
Nays: None
The motion carried unanimously.

- c. **CASE BA2020-009** – an application by Application by Richard Petersen, for a side yard variance for the property at 1106 Willow St., which is zoned R-2.

Motion to open meeting by Ickes and seconded by Kelly.

Roll Call vote was had which was as follows:
Ayes: Christensen, Kelly, Hammer, Ickes
Nays: None
The motion carried unanimously

No objections have been filed with City Hall.

Gettys Zoning Admin: Explained that the request is for 1.5' from the side yard. A property in an R-2 zoning district is required to have a 6' side yard variance.

Petitioner: His project will remain inside the existing fence. The current deck needs repair. Has talked to neighbors and no one has a problem with his proposed project.

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

It was moved by Ickes and was seconded by Kelly to approve the application as presented.

Roll Call vote was had which was as follows:
Ayes: Christensen, Kelly, Hammer, Ickes
Nays: None
The motion carried unanimously.

It was moved by Hammer and seconded by Ickes to adjourn the meeting.

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 – 08/04/2020

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 4th day of August 2020. Zoning Administrator Gettys called the meeting to order and the following members were:

Present: Mike Christensen, Jennifer Kelly, Doug Hammer, Al Ickes, Ruthanne Grimsley
Absent: None

Also Present: Zoning Administrator Gene Gettys, Board Secretary Renee Hansen, Roger Bissen, Robert Barlow, Fred & LaVonne Fox, Eva & Jim Laver, Barb Jorgensen

Also Present via teleconference: Mayor Mike Kolbe, City Council Members Troy Schaben & Jeanna Rudolph, Andrea Pohlsander

It was moved by Christensen and seconded by Kelly that the agenda be approved.

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes

Nays: None

The motion carried unanimously.

Gettys asked that any conflicts of interest be stated. None were stated.

Appoint Chairman and Vice Chairman.

It was moved by Kelly and seconded by Hammer to nominate Christensen as chairman and Kelly as vice-chairman.

It was moved by Ickes and seconded by Hammer to appoint Christensen as chairman and Kelly as vice-chairman.

Chairman Christensen presided over the remainder of the meeting.

Grimsley arrived.

It was moved by Kelly and seconded by Ickes that the 06/18/2020 minutes be approved. The motion carried unanimously.

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley

Nays: None

The motion carried unanimously.

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

- a. **CASE BA2020-010** – an application by Application by NRG Ventures, LLC., 902 Tarkington St., front yard variance which is zoned R-2.

Motion to open meeting by Kelly and seconded by Ickes. Motion carried.

A neighbor letter signed by 18 neighbors objecting to this variance been filed with City Hall.

Petitioner: Harlow explained that he is an investor who buys dilapidated homes to fix up for re-sale or rentals. He also purchasing vacant lots to construct new buildings on. He feels it is good for the community. He would like to construct a duplex on the above property. He is asking for a 15' variance on the east property line which, by Ordinance, is a front yard requiring a 25' set back.

Gettys Zoning Admin: Explaining this property is in an R-2 and that a duplex is allowable but the lot size and the fact that it is a corner lot presents hardship for the property owner. He also pointed out that most homes in the area do not meet current setbacks because this is an area that was platted with small lot sizes.

Neighboring property owners: Submitted a letter that is on file at City Hall. Concerns about parking, about structure being too close to sidewalk, problems with sight at the

corner intersection. These items were addressed by Zoning Administrator and Building Inspector Bissen.

It was moved by Hammer and seconded by Ickes to close the public hearing. The motion carried.

*******Addition to minutes from the 09/04/2020 meeting**

It was moved by Grimsley and seconded by Hammer that the 08/04/2020 minutes approve with amendment to include the discussion by residents in attendance, the committee believe their concerns had little to do with the issues cited in the letter they all signed (which related to the issue before the board) and way more to do with multi-family vs single family (which we have no jurisdiction or authority to control and which had nothing to do with the variance requested).

**Roll Call vote was had which was as follows:
Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley
Nays: None
The motion carried unanimously.**

It was moved by Grimsley and was seconded by Christensen to approve the east front yard variance of 10' to construct a duplex as presented.

Roll Call vote was had which was as follows:
Ayes: Christensen, Kelly, Hammer, Grimsley
Nays: Ickes
The motion carried.

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

- b. **CASE BA2020-011** – an application by Terry Pohlsander DBA Bluebird Homestead, LLC., St., 1409 7th St., Home Business.

Motion to open meeting by Grimsley and seconded by Kelly.

Roll Call vote was had which was as follows:
Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley
Nays: None
The motion carried.

No objections have been filed with City Hall.

Petitioner: Andrea Pohlsander was present to explain the nature of the business. This will be an online blogging business that will have the potential to generate income via e-commerce. There will be no walk-in traffic to the home.

Gettys Zoning Admin: explained that any type of business that is ran out of a home and can generate an income falls under the home business ordinance.

It was moved by Grimsley and seconded by Kelly to close the public hearing.

Roll Call vote was had which was as follows:
Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley
Nays: None
The motion carried unanimously.

It was moved by Ickes and was seconded by Hammer to approve the home business permit.

Roll Call vote was had which was as follows:
Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley
Nays: None
The motion carried unanimously.

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

- c. **CASE BA2020-012** – an application by Randy Spangenberg, 1310 Onyx Dr., for a side yard variance of 4’, which is zoned R-1.

Motion to open meeting by Hammer and seconded by Ickes.

Roll Call vote was had which was as follows:
Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley
Nays: None
The motion carried unanimously

No objections have been filed with City Hall.

Petitioner: Bruce Burger, contractor, explained that a variance is needed to add an addition to the current structure.

Gettys Zoning Admin: explained R-1 requires a 10’ side yard setback.

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

Roll Call vote was had which was as follows:
Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley
Nays: None
The motion carried unanimously.

It was moved by Grimsley and was seconded by Kelly to approve the 4’ side yard variance.

Roll Call vote was had which was as follows:
Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley
Nays: None
The motion carried unanimously.

Meeting adjourned.

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 – 09/04/2020

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 4th day of September 2020. Chairman Christensen called the meeting to order and the following members were:

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

Absent: None

Also Present via teleconference: Zoning Administrator Gene Gettys, Board Secretary Renee Hansen, Building Inspector, Roger Bissen, Mayor Mike Kolbe, Kevin Borkowski,

It was moved by Ickes and seconded by Grimsley that the agenda be approved.

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley

Nays: None

The motion carried unanimously.

Christensen asked that any conflicts of interest be stated. Jennifer Kelly stated that she would abstain from case BA2020-013 as she has a professional relationship with a resident of that home.

It was moved by Grimsley and seconded by Hammer that the 08/04/2020 minutes approve with amendment to include the discussion by residents in attendance, the committee believe their concerns had little to do with the issues cited in the letter they all signed (which related to the issue before the board) and way more to do with multi-family vs single family (which we have no jurisdiction or authority to control and which had nothing to do with the variance requested).

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley

Nays: None

The motion carried unanimously.

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

- a. **CASE BA2020-013** – an application by Application by Kevin Borkowski at 1312 College Blvd. for a side yard variance and a height variance which is in an R-1 zoning district.

Motion to open meeting by Grimsley and seconded by Ickes. Motion carried.

A neighbor emailed City Hall with questions and objections.

Petitioner: Kevin Borkowski talked about the structure he is proposing to construct. Explained the current layout of his property and how this new structure would be laid out. The current garage is 2' from the property line and he would like to construct the new structure on this same line. He is also requesting a height variance to allow for more storage.

Gettys Zoning Admin: R-1 zoning requires a 4' setback and a 20' height for an accessory structure. The permit was denied because the submitted permit didn't meet these requirements. The current structure does have a 2' setback. This structure would be considered non-conforming and Ordinance states if the non-conforming structure is altered or enlarged it does need to be brought back into compliance. Also stated there are no size maximums for an accessory structure in this area.

Neighboring property owners: Received a letter from Pope's at 1318 College Blvd., with concerns regarding the use of the structure, the reason for the height variance, concerns about noise from the structure, materials the structure will be built from. These concerns and questions were reviewed by the committee and questions asked of the applicant. Borkowski stated this would be for

personal use and not commercial. He remarked the building would be asphalt singled, steel siding, with some brick work on the front to tie into the current residential structure.

It was moved by Ickes and seconded by Hammer to close the public hearing. Motion carried.

It was moved by Ickes and was seconded by Grimsley to approve the application as presented.

Roll Call vote was had which was as follows:
Ayes: Christensen, Hammer, Grimsley, Ickes
Abstain: Kelly
Nays: None
The motion carried.

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

- b. **CASE BA2020-014** – an application by Application by Dave Murphy, of Murphy Signs, contractor for 1012 6th St. for a sign size variance which is in a B-1 zoning

Motion to open meeting by Grimsley and seconded by Hammer. Motion Carried.

No objections have been filed with City Hall.

Petitioner: Not present

Gettys Zoning Admin: Falls under sign regulations. B-1 zoning and former Fourth Generation and the sign for that business was of the same size but has been removed. According to ordinance any sign over 30 sq. ft. must come up to the Board of Adjustment for a variance. The variance request is to put up a 64' sign requiring a 34' variance.

Neighboring Property Owners: None present

It was moved by Ickes and seconded by Kelly to close the public hearing.

It was moved by Hammer and was seconded by Kelly to approve the application as presented.

Roll Call vote was had which was as follows:
Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley
Nays: None
The motion carried unanimously.

Meeting adjourned.

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 – 11/05/2020

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 5th day of November 2020. Chairman Christensen called the meeting to order and the following members were:

Present: Mike Christensen, Jennifer Kelly, Doug Hammer, Al Ickes, Ruthanne Grimsley
Absent: None

Also Present: Zoning Administrator Gene Gettys, Board Secretary Renee Hansen, Taylor Klein, Ray Book, Seth Johannsen, and Marleen Brensel.

It was moved by Kelly and seconded by Ickes that the agenda be approved.

Roll Call vote was had which was as follows:
Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley
Nays: None
The motion carried unanimously.

Christensen asked that any conflicts of interest be stated.

It was moved by Hammer and seconded by Grimsley to approve the minutes from the 09/04/2020 meeting. The motion carried unanimously.

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

- a. **CASE BA2020-015** – an application by Application by Bill McDaniel, 1412 Meadow Townhomes Ln., Home Business location change.

Motion to open meeting by Grimsley and seconded by Ickes. Motion carried.

No objections were filed with City Hall.

Petitioner: Not present

Gettys Zoning Admin: Explained conditions of Home-Based business requires that an address change must be approved by the Board of Adjustment.

Neighboring property owners: None

It was moved by Ickes and seconded by Hammer to close the public hearing. Motion carried.

It was moved by Grimsley and was seconded by Kelly to approve the application as presented.

Roll Call vote was had which was as follows:
Ayes: Christensen, Hammer, Grimsley, Ickes, Kelly
Nays: None
The motion carried.

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

- a. **CASE BA2020-016** – an application by Application by Taylor Klein, 1407 Garfield Ave., non-conforming use variance.

Motion to open meeting by Hammer and seconded by Ickes. Motion Carried.

No objections have been filed with City Hall.

Petitioner: Explained she would like to open a salon that, at first would only be one hairstylist with the addition of one more later. She is looking for more space

than she currently has, and the single level of this building would suit well. She would offer hair, nail and facial services. Business hours would end by 8pm.

Gettys Zoning Admin: Explained the zoning is R-2 which is designated for single and double occupancy dwellings only. This property operated as a dentist office for many years. According to City Ordinance since the property hasn't and won't be changed structurally it is up to the Board of Adjustment to decide if this can continue to operate as a business. This is classified as a Non-conforming use and the BOA has the authority to decide if this non-conforming use can continue.

Neighboring Property Owners: Brensel asked if Klein closed her shop and another business would like to open would they have to follow the same procedure in coming to the BOA for approval. The answer to this is yes. If the BOA approved this non-conforming use, it would only exist while Klein operated her business and anyone following her would have to seek approval. Johannsen ask the applicant questions regarding parking stating he will work with the applicant as his business is next to hers.

It was moved by Hammer and seconded by Grimsley to close the public hearing.

It was moved by Grimsley and was seconded by Ickes to approve the application as presented.

Roll Call vote was had which was as follows:
Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley
Nays: None
The motion carried unanimously.

Meeting adjourned.

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.