

## **BOARD OF ADJUSTMENT – Harlan, Iowa – 03/30/2021**

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 30<sup>th</sup> day of March 2021. 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 & Roger Bissen

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

Christensen asked that any conflicts of interest be stated.

It was moved by Grimsley and seconded by Kelly to approve the minutes from the 11/05/2021 meeting. The motion carried unanimously.

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

- a. **CASE BA2021-001** – an application by Application by Laverne & Karin Will, 1105 Park St. for a 4' building variance.

**Motion to open** meeting by Hammer and seconded by Ickes. Motion carried.

No objections were filed with City Hall.

**Petitioner:** Not present

**Gettys Zoning Admin:** explain per R-2 zoning the side yard set back is 6'. The building permit was denied because the applicant wants to place the garage addition to within 2' of the side yard property line.

**Neighboring property owners: None**

It was moved by Grimsley 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, Kelly

Nays: None

The motion carried.

Board of Adjustment fees. Gettys shared that Council will be voting on a change of the Board of Adjustment fees due to cost the City must spend to organize the hearings that come before this commission. The commission shared their thoughts, agreeing that this fees should be increased.

Gettys shared information about a conference he attended regarding Board of Adjustment and granting variances.

Meeting adjourned.

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

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Renee Hansen, Secretary

Mike Christensen, Chairperson

## **BOARD OF ADJUSTMENT – Harlan, Iowa – 04/21/2021**

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 21<sup>st</sup> day of April 2021. Vice-Chairman Kelly called the meeting to order, and the following members were:

**Present:** Doug Hammer, Al Ickes, Ruthanne Grimsley

**Present Electronically:** Jennifer Kelly

**Absent:** Mike Christensen

**Also Present:** Zoning Administrator Gene Gettys, Board Secretary Renee Hansen, Building Inspector Roger Bissen, Amanda Retzlaff & Derek Sherlund.

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

Kelly asked that any conflicts of interest be stated.

It was moved by Grimsley and seconded by Ickes to approve the minutes from the 03/30/2021 meeting. The motion carried unanimously.

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

- a. **CASE BA2021-002** – an application by Application by Amanda Retzlaff, 605 Baldwin St. for a 0' building variance for the west side yard.

**Motion to open** meeting by Grimsley and seconded by Hammer. Motion carried.

No objections were filed with City Hall.

**Petitioner:** Retzlaff answered questions from the Committee regarding size of the structure. The structure will be 16x36 and 12' tall. The structure will stay 4' from the south (rear) property line.

**Gettys Zoning Admin:** Explained R-3 zoning requires a 4' setback for an accessory structure. The lot does not conform with current City Code which creates a hardship for the owner.

**Neighboring property owners: None present.**

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

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: Hammer, Grimsley, Ickes, Kelly

Nays: None

The motion carried.

Discussion regarding current application to appeal to the Board of Adjustment. The Committee has directed the secretary to draw up a new application using a model presented by Gettys. This will be reviewed at the next meeting and action taken at that time.

Meeting adjourned.

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

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Renee Hansen, Secretary

Mike Christensen, Chairperson

**BOARD OF ADJUSTMENT – Harlan, Iowa – 06/08/2021**

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 8<sup>th</sup> day of June 2021. Chairman Christensen called the meeting to order, and the following members were:

**Present:** Mike Christensen, Doug Hammer, Al Ickes, Ruthanne Grimsley

**Absent:** Jennifer Kelly

**Also Present:** Zoning Administrator Gene Gettys, Board Secretary Renee Hansen, Building Inspector Roger Bissen, Chad Kroger, Skylar Kolbe

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

Christensen asked that any conflicts of interest be stated.

It was moved by Hammer and seconded by Ickes to approve the minutes from the 04/21/2021 meeting. The motion carried unanimously.

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

- a. **CASE BA2021-003** – am application by Skylar Kolbe at 1324 Onyx Dr. for a Home Business.

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

No objections were filed with City Hall.

**Petitioner:** Her business is a spray tan operation that services one customer at a time. Her hours are 5pm-8pm three days a week. Parking is available in the driveway.

**Gettys Zoning Admin:** No issues from a zoning perspective.

**Neighboring property owners: None**

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

It was moved by Hammer 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  
Nays: None  
The motion carried.

It was moved by Grimsley and seconded by Ickes to approve the new Board of Adjustment application.

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

Meeting adjourned.

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

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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 – 07/13/2021**

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 13<sup>th</sup> day of July 2021. Chairman Christensen called the meeting to order, and the following members were:

**Present:** Mike Christensen, Doug Hammer, Ruthanne Grimsley, Jennifer Kelly

**Absent:** Al Ickes

**Also Present:** Zoning Administrator Gene Gettys, Board Secretary Julie Erickson, Building Inspector Roger Bissen, Ryan Brodersen and Renee Hansen

It was moved by Grimsley and seconded by Hammer that the agenda be approved. Motion carried unanimously.

Christensen asked that any conflicts of interest be stated.

Appointment of Chairman and Vice Chairman.

It was moved by Grimsley and seconded by Hammer to nominate Mike Christensen as chairman and Jennifer Kelly as vice-chairman for 2021-2022.

It was moved by Hammer and seconded by Grimsley to appoint Mike Christensen as chairman and Jennifer Kelly as vice-chairman for 2021-2022.

Roll Call vote was had which was as follows:

Ayes: Christensen, Hammer, Grimsley, Kelly

Nays: None

The motion carried.

Chairman Christensen presided over the remainder of the meeting.

It was moved by Grimsley and seconded by Kelly to approve the minutes from the 06/08/2021 meeting. The motion carried unanimously.

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

- a. **CASE BA2021-004** – an application by Ryan Brodersen, for property located at 1203 13<sup>th</sup> St., front yard fence height variance. R-1 zoning requires 4' fence height in a front yard. Applicant is requesting a 6' fence variance.

**Motion to open** meeting by Hammer and seconded by Grimsley.  
Motion carried.

No objections were filed with City Hall.

**Petitioner:** Brodersen explained he intends to construct a black chain length fence. He requested the fence to be either 5 foot or 6 foot and it will be constructed inside the row of hedges that are currently on the property.

**Gettys Zoning Admin:** explained that this property is located on a corner lot which has two front yards. Ordinance doesn't allow for more than a 4' fence to be placed in the front yard.

Hammer inquired about the hedges on the property and their height and location with regards to setbacks. The applicant explained that the hedges are placed well inside of the requirement and noted that the fence would be constructed inside the hedges.

**Neighboring property owners:** None present

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

It was moved by Kelly and was seconded by Grimsley to approve the application to construct up to a 6' fence as requested by the applicant.

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

The secretary presented an updated Application for Variance with some additional information to be answered by applicants and to further clarify the application.

Meeting adjourned.

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

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Julie Erickson, 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 – 08/18/2021**

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 August 2021. Vice-Chair Kelly called the meeting to order, and the following members were:

**Present:** Doug Hammer, Ruthanne Grimsley, Jennifer Kelly, Al Ickes

**Absent:** Mike Christensen

**Also Present:** Zoning Administrator Gene Gettys, Board Secretary Julie Erickson, Building Inspector Roger Bissen, Perry Gross, Sarah Poepsel, Lynn Bissen, Roxanne Linde, Phyllis Stephany, Mary Freml, Richard Freml, Mike Poggensee, Mike Kolbe, Sandra Wingert, Bill Wingert, Kenneth Olson, Shirley Olson

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

Vice-Chair Kelly asked that any conflicts of interest be stated. None.

It was moved by Grimsley and seconded by Hammer to approve the minutes from the 07/13/2021 meeting. The motion carried unanimously.

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

- a. **CASE BA2021-005** – an application by Richard Freml, for property located at 1607 Victoria Street, front yard setback variance. Chapter 165.13 requirement for front yard depth is 35 feet. Applicant is requesting a front yard depth of approximately 16 feet thus a variance of approximately 19 feet.

**Motion to open** meeting by Grimsley and seconded by Hammer. Motion carried unanimously.

No objections were filed with City Hall.

**Petitioner:** Freml explained he intends to construct an additional two-car garage on his property which will be in line with the neighboring structure and allow his family to keep parking off the street.

**Gettys Zoning Admin:** noted that the Zoning Code requires a 35-foot front yard setback and that Freml would be requesting a 19-foot variance. Code does allow Zoning Administrator to permit structures in-line yet it was recommended this case be reviewed by the Board of Adjustment.

**Neighboring property owners:** None present

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

It was moved by Hammer and was seconded by Grimsley to approve the application.

Roll Call vote was had which was as follows:

Ayes: Hammer, Ickes, Grimsley, Kelly

Nays: None

The motion carried.

- b. **CASE BA2021-006** – an application by PG Customs LLC, Perry Gross, for property located at 308 Court Street, Harlan, for a rear yard setback variance.

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

No objections were filed with City Hall.

**Petitioner:** Perry Gross with PG Customs, explained his plans to tear down the existing dilapidated garage and construct a new garage using the existing concrete pad. The structure would be in the same location as the old building.

Currently the setback is only two feet from property line, thereby the request is for a 2-foot setback.

**Gettys Zoning Admin:** noted per Zoning Code 165.09 that an accessory building cannot be placed less than 4 feet from the property line.

**Neighboring property owners:** None present

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

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

Roll Call vote was had which was as follows:

Ayes: Hammer, Ickes, Grimsley, Kelly

Nays: None

The motion carried.

- c. **CASE BA2021-007** – an application by Mike Poggensee at 1303 15<sup>th</sup> Street, for a home business permit.

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

Motion carried.

Two neighboring property owners submitted emails regarding this application which were distributed to the Board prior to the meeting.

**Petitioner:** Poggensee addressed the Board and noted his desire to have a home business permit to do bookkeeping and computer work from his home. He explained he owns a cemetery lettering business and does the majority of his work out of his vehicle. He also owns another property in town that he does his engraving work from and stores equipment/supplies there.

**Gettys Zoning Admin:** noted this request, conducting bookkeeping and computer work, is allowable in this residential district.

**Neighboring property owners:** Several neighbors voiced their concerns regarding this request and stated that they believe sandblasting/engraving work is being done at the home for business purposes. Poggensee explained that he has been doing home remodeling and other personal work with his equipment which has been noisy at times. Discussion was held.

Chairperson Kelly then reminded the audience that the request today pertains to doing bookkeeping and computer work as a home business and that is what the Board is tasked with approving or denying. Any other concerns from those present would need to be addressed outside of the purview of the Board.

After further discussion, it was moved by Grimsley to approve the Home Business application to include bookkeeping and computer work only, not to include any other business activities on the property. The motion was seconded by Hammer.

Roll Call vote was had which was as follows:

Ayes: Hammer, Ickes, Grimsley, Kelly

Nays: None

The motion carried.

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

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Julie Erickson, 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 – 12/08/2021**

The Board of Adjustment of the City of Harlan met pursuant to law and the rules of said Board in special session in the former Council Chambers (lower level) in City Hall at Noon on the 29th day of September 2021. Chairman Mike Christensen called the meeting to order, and the following members were:

**Present:** Doug Hammer, Ruthanne Grimsley, Mike Christensen, Jenny Kelley

**Absent:** All Ickes

**Also Present:** Zoning Administrator Gene Gettys, Board Secretary Julie Erickson, Building Inspector Roger Bissen, Randy Ouren

It was moved by Hammer and seconded by Kelley that the agenda be approved. Motion carried unanimously.

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

It was moved by Grimsley and seconded by Kelley to approve the minutes from the 09/29/2021 meeting. The motion carried unanimously.

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

- a. **CASE BA2021-010** – an application by Marian Gene Johnson Estate c/o Randy Ouren, Ouren Real Estate, for property located at 1106 Walnut Street for a side yard setback variance to replace a carport with a garage addition. Side yard setback in an R-2 district is 6 feet. This is a 3 foot setback variance request.

**Motion to open** meeting by Grimsley and seconded by Hammer. Motion carried unanimously.

No objections were filed with City Hall.

**Petitioner:** Randy Ouren was present and explained the intent to construct two more walls on lean-to to make a garage.

**Gettys Zoning Admin:** explained there is a 6-foot side yard setback requirement but there is currently a non-conforming structure that set back 3 feet and to construct a permanent structure now, the Board would have to consider this variance.

**Neighboring property owners:** None present

It was moved by Grimsley and seconded by Kelley to close the public hearing. Motion carried.

It was moved by Grimsley and seconded by Kelley to approve the application. Roll Call vote. Ayes: Hammer, Grimsley, Christensen, Kelley Nays: None. The motion carried.

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

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Julie Erickson, Secretary

Mike Christensen, Chairperson

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