

## BOARD OF ADJUSTMENT – Harlan, Iowa – FEBRUARY 11, 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 12:00P.M. on the 11<sup>th</sup> day of February 2026. Chairman Grimsley called the meeting to order, and the following members were:

Present: Mike Burroughs, Mike Christensen, Ruthanne Grimsley, Doug Hammer

Absent: Julie Olson

Present Electronically:

Also Present: Board Secretary, Maya Kenkel; Building Inspector, Roger Bissen; City Administrator, Gervas Mgonja; Deputy City Clerk, Susan Brammann; Code Enforcement Officer, Chris Bylund

The Chairman presented the agenda. It was moved by Hammer and seconded by Christensen that the agenda be approved. Roll call vote: AYES: Christensen, Hammer, Grimsley, Burroughs. NAYS: None. Motion carried.

Chairman Grimsley asked that any conflicts of interest be stated. Mike Burroughs had a personal relationship and business conflict of interest and recused himself.

It was moved by Christensen and seconded by Hammer to approve the minutes from the 09/02/2025 meeting. Roll call vote: AYES: Christensen, Hammer, Grimsley, Burroughs. NAYS: None. Motion carried.

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

- a. CASE BA2026-001 –Application by Dave & Debbie Davis—Davis Properties LLC—at 1804 17<sup>th</sup> St. for a non-conforming use of property: remodeling the home to permit a multi-family residential use within an existing single-family structure in an R-1 Zoning District.

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

Petitioner, Debbie Davis, was present to state that the house was purchased for their disabled daughter. The house was already handicapped accessible, and she would need roommates due to the housing costs. The home will be intended to house up to (5) five people. Since the residents would not drive and have no need for the garage, they intended to turn the garage into a living space complete with a bedroom, bathroom, and laundry room. The home would be turned into a (5) five-bedroom, (3) three-bathroom house, which is a common number of living spaces regarding these agencies. The agency would also be manning the house 24/7. The petitioner also stated that the residents would be out in the community throughout the day just as any resident of the city would be. She also noted that there are already many similar multi-family homes in the community and specifically cited a recent purchase down the street intended to house (5) five people.

Building Inspector, Roger Bissen, was present to state that he had no safety concerns. He cited City Code 165.13 as reason for denial of the building permit as it states that BOA approval is required for multi-family residential use in an R-1 Zoning District.

Neighbors –

- Vic Schmidt was present to state that he does not want the area to be rezoned. He questioned whether unrelated people could rent houses together without it being considered multi-family use. The Board clarified that this would not be a rezoning. Grimsley noted that waiver homes require a new variance each time the home is sold.
- Traci Irlmeier was present to state that she did not have concerns about the property purchase until the conversations about the property began contradicting each other and the seeming intent of the property was changing. She also alleged ill intent on the basis that a building permit was not acquired before construction of the project began. She also admitted she was under the impression that this would be a rezoning.
- A third neighbor was present but chose not to speak after she discovered it would not be a rezoning.

It was discussed by the Board Members that this case would not be considered multi-family use. Christensen questioned the necessity of the meeting, and the same sentiment was echoed by the other members. Christensen also noted the Fair Housing Act and cited Iowa Code Ch. 414 to solidify the Board's position. Deputy City Clerk, Susan Brammann, was present to note that similar properties may not come before the Board of Adjustment when there is no construction requiring approval.

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

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

Other Business: None

There being no further business, the meeting was adjourned.

An email was sent by Christensen following the meeting. The email reads as follows:

Good afternoon,

I want to clarify that the decision today wasn't to approve the house in question to be converted to multi-family housing. It was merely to approve her request to move forward with her project for a waiver home.

The property is a single-family home. Multi-family housing is 2 or more units within a structure with each unit having separate living quarters, kitchen, bathroom, etc (apartment complexes, duplexes, townhouses and examples of multi-family housing). The fact that the tenants will not be related, doesn't designate multi-family. I think the minutes need to reflect that we didn't approve multi-family housing in an R-1 district. This is a rental house where tenants share kitchen, bathrooms, and living quarters.

I just don't want anyone to think we approved converting a single family home into apartments in an R-1 district.

Thanks.

Mike

Maya Kenkel

Maya Kenkel, Secretary

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Ruthanne Grimsley, Chairperson

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