

BOARD OF ADJUSTMENT – Harlan, Iowa – JANUARY 11, 2024

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 11TH day of January 2024. Chairman Christensen called the meeting to order, and the following members were:

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

Absent:

Also Present: Board Secretary Jennifer Malone, Building Inspector Roger Bissen, Zoning Administrator Gene Gettys, Code Enforcement Officer Jack Gubbels, Ron Hamilton for Hamilton Financial Services

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

Appointment of Chairman and Vice Chairman

It was moved by Grimsley and seconded by Ickes to nominate Mike Christensen as chairman. It was moved by Christensen and seconded by Grimsley to nominate Al Ickes as vice chairman for 2023/2024.

Chairman Christensen presided over the rest of the meeting.

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

It was moved by Hammer and seconded by Ickes to approve the minutes from the 06/16/2023 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 BA2023-006 – Application by Hamilton Financial Services at 1407 Garfield Avenue for a non-conforming use of property

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

No written or oral objections were received @ the City Hall.

Petitioner: Ron Hamilton was present to provide that the business will be used for Financial Services, meeting with clients between the hours of 8 to 4:30 pm and may have a few meetings in the evening by appointment only. There will continue to be one sign on the building and use of the 5 parking stalls will be shared with the other businesses around this one. Some interior remodeling is being done before their opening in February.

Getty Zoning Admin: reviewed that the property has been before the Board of Adjustment multiple times for this same purpose. Keeping similar businesses at this property is the goal due to it being a residential area.

Neighboring property owners: Neighbors were present only to make sure that the board was aware of their concerns about businesses with late hours and lots of traffic are not wanted in this residential area. They also wanted to make sure that should the business change from financial services, the new business would be required to come before the board for approval.

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

There being no further business, the meeting adjourned.

Jennifer M. Malone

Jennifer Malone, 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 – MARCH 7, 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 4:30 P.M. on the 7TH day of March 2024. Chairman Christensen called the meeting to order, and the following members were:

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

Absent: Building Inspector Roger Bissen

Also Present: Board Secretary Jennifer Malone, Susan Brammann, Zoning Administrator Gene Gettys, Code Enforcement Officer Jack Gubbels, Monica Serratos

The Chairman presented the agenda. It was moved by Hammer 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 Grimsley and seconded by Burroughs to approve the minutes from the 01/11/2024 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 BA2024-001 – Application by Monica Serratos at 1211 6th Street for a fencing variance in Zone B-2.

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

One neighbor called City Hall to confirm the type of fence being erected. It was explained that a 6' wooden fence would be used, and the neighbor was okay with that explanation.

Petitioner: Monica Serratos was present to provide that 6' fence in the south facing lawn will grant her privacy and contain her pet.

Gettys Zoning Admin: reviewed that properties on corner lots have 2 front yards. Due to line of site issues in the alley it is recommended the fence be moved 8' inside the property line. Should the fence remain on the property line it is subject to receive damage due to alley maintenance and snow removal and is the full responsibility of the property owner.

Neighboring property owners: None present

It was moved by Grimsley and seconded by Hammer 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 will have a 4' fence along the alley toward the sidewalk then an additional 8' of 4' fence east along the sidewalk. The remainder of fence running east along sidewalk and north toward SE corner of house will be 6' in height. Roll call vote: AYES: Ickes, Hammer, Christensen, Grimsley, Burroughs. NAYS: None. Motion carried.

There being no further business, the meeting adjourned.

Jennifer M. Malone

Jennifer Malone, 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 – APRIL 25, 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 25th day of April 2024. Chairman Christensen called the meeting to order, and the following members were:

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

Absent: Building Inspector Roger Bissen

Also Present: Board Secretary Susan Brammann, Jennifer Malone, Zoning Administrator Gene Gettys, Code Enforcement Officer Jack Gubbels, Dillan Hamilton

The Chairman presented the agenda. It was moved by Ickes and seconded by Burroughs 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 Grimsley to approve the minutes from the 03/07/2024 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 BA2024-002 – Application by Dillan Hamilton at 1407 Garfield for a sign variance in Zone R-2.

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

Petitioner: Dillan Hamilton was present to provide that sign placed in NE corner of property facing west to east would be more visible than current sign on building. Sign would be professional and would prevent residents from stopping vehicles to read current sign. Moving from the downtown area, petitioner feels this would affect business and give more advertisement. Petitioner inquired about previous signs at property and there were no known previous signs on the property other than attached to building.

Gettys Zoning Admin: reviewed variance request and guidelines we follow currently, anything else would be nonconforming and would want to protect the integrity and look of residential areas. Noted that funeral home to east that has a sign is also located in an R-2. Recommended from a safety standpoint that sign be placed 4 feet back from sidewalk.

Neighbor Marlene Brensel called City Hall, not opposed to sign, but inquired about size of sign and if it would be illuminated. I explained the size proposed and I would voice her concerns about an illuminated sign.

Neighboring property owners: Present were Angela Peters and James Zimmerman. Peters stated that she is not opposed to sign, wanted to know where sign would be placed on property. Zimmerman stated that he is not opposed to sign, wanted to know where sign was going to be placed as well and we should state that in letters mailed to neighbors. Zimmerman was also concerned about no stop sign at McKinley and Garfield. Gettys stated that should be brought up to Council members.

It was moved by Grimsley and seconded by Hammer 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 dimensions of sign should be no more than 70" wide, 60" high and should be set back at least 4' from both sidewalks. 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.

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 Ill 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 Ill 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.

BOARD OF ADJUSTMENT – Harlan, Iowa – July 29, 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 4:30 P.M. on the 29th day of July 2024. Chairman Christensen called the meeting to order, and the following members were:

Present: Mike Burroughs, Mike Christensen, Doug Hammer, Julie Olson

Present Electronically: Ruthanne Grimsley

Also Present: Board Secretary Susan Brammann, Zoning Administrator Gene Gettys, Building Inspector Roger Bissen

The Chairman presented the agenda. It was moved by Hammer and seconded by Burroughs that the agenda be approved. Roll call vote: AYES: Olson, 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 Grimsley and seconded by Burroughs to approve the minutes from the 05/16/2024 meeting. Roll call vote: AYES: Olson, Hammer, Christensen, Grimsley, Burroughs. NAYS: None. Motion carried.

Nominate Chair and Vice-Chairperson through 6/30/25: Mike Christensen was nominated as Chair. It was moved by Hammer and seconded by Burroughs. Motion carried unanimously. Ruthanne Grimsley was nominated as Vice-Chairperson. It was moved by Hammer and seconded by Burroughs. Motion carried unanimously.

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

- a. CASE BA2024-005 – Application by Cody Rodasky DBA Post Primal Archery LLC.

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

Petitioner was present to expound on the nature of his business Post Primal Archery. He stated that it includes bow tuning, arrow building and retail business that is by appointment only. Equipment to be used is an arrow saw that emits 68 decibels of sound. All business is conducted inside the home. He does use a steel plate to test targeting in house, no target testing is done outside the home. He stated that during deer season business will be picking up.

Gettys Zoning Admin stated that primary concern is to keep the integrity intact in the neighborhood. Per Code Chapter 165; 165.13, R-1 zoning regulations: “Signs: No sign denoting the business, its activities or products shall be allowed.” Recommendation is that no sign in yard.

Neighbors: None Present

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

It was moved by Burroughs and seconded by Hammer to approve the application with the stipulation that no sign will be allowed in yard. Roll call vote: AYES: Olson, Hammer, Christensen, Grimsley, Burroughs. NAYS: None. Motion carried.

Other Business: Todd Valline was present to offer help to promote business through Shelby County Chamber of Commerce.

It was moved by Hammer and seconded by Olson to close the public hearing. Roll call vote: AYES: Olson, 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.

BOARD OF ADJUSTMENT – Harlan, Iowa – August 15, 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 3:00 P.M. on the 15th day of August 2024. Chairman Christensen called the meeting to order, and the following members were:

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

Absent: Julie Olson

Also Present: Board Secretary Susan Brammann, Zoning Administrator Gene Gettys, Building Inspector Roger Bissen, Code Enforcement Officer Jack Gubbels

The Chairman presented the agenda. It was moved by Grimsley and seconded by Burroughs that the agenda be approved. Roll call vote: AYES: 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 Grimsley to approve the minutes from the 07/29/24 meeting. Roll call vote: AYES: 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 BA2024-006** – Application by Corey Sorensen for a front yard 6’ fence variance at property located at 1316 16th St., Harlan, IA.

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

Petitioner was present to request a 6’ vinyl fence variance on SE corner of house to 4’ N of sidewalk and 37’ along Southside of yard.

Gettys Zoning Admin stated that there is a precedence set for 6’ fences on corner lots and each case should be reviewed for safety and line of sight. There are no safety issues seen in this case per Gene Gettys and Roger Bissen.

Neighbors: None Present – there was one phone call from a neighbor that stated that they have no issue with fence being put up.

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

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

Other Business: No other business

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.

BOARD OF ADJUSTMENT – Harlan, Iowa – December 27, 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 27th day of December 2024. Chairman Christensen called the meeting to order, and the following members were:

Present: Mike Burroughs, Mike Christensen, Ruthanne Grimsley, Julie Olson

Absent: Doug Hammer

Also Present: Board Secretary Susan Brammann, Ashley Schleis, Building Inspector Roger Bissen

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

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

It was moved by Burroughs and seconded by Grimsley to approve the minutes from the 08/15/24 meeting. Roll call vote: AYES: Olson, Christensen, Grimsley, Burroughs. NAYS: None. Motion carried.

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

- a. CASE BA2024-007 – Application by TC Rentals for a Safety Ramp and Poured Sidewalk at property located at 524 Market St., Harlan, IA.

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

Petitioner was present to request an 18” variance for a 42” safety ramp and railing. Petitioner explained that the door where ramp is to be placed faces west and is a heavily used door. Thrive Occupational Therapy is a business located at 524 Market St. and has a lot of customers visiting and feels removing current step and railing and installing safety ramp and railing would avoid any incidents resulting in injury.

Zoning Admin was present to clarify that the minimum width required for a ramp is 36”. Petitioner is asking for variance of 18” to build a 42” wide ramp. This will meet the requirements of minimum width since there is a support pillar extending from the building 6”. The property line is at the edge of the building and the current railing next to the existing step extends 24” from building. This will still leave 48” between the ramp and the front bumper of a parked car.

Neighbors – None were present

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

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

Other Business: None

There being no further business, the meeting was 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.