

**BOARD OF ADJUSTMENT – Harlan, Iowa – May 18, 2015**

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 4:30 P.M. on the 18th day of May, 2015. Chairperson Kayla Jacobs called the meeting to order and the following members were:

Present: Kayla Jacobs, Tim Miller, Jennifer Kelly  
Absent: Jerry Wigness and Jim Zimmerman  
Also Present: Applicant Kris E. Sterler and Board Secretary Pam Meurer

Chairperson Kayla Jacobs called the meeting to order. It was moved by Miller and seconded by Kelly 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 Kelly and seconded by Miller that the 9/25/14 minutes be approved. The motion carried unanimously.

Chairperson Jacobs announced that this was the date, time, and place for the public hearing regarding: Case BA2015-01 - an application for a home business permit filed by Kris E. Sterler for her accounting firm at her home at 509 12<sup>th</sup> Street. Per R-1 zoning, Ch. 165.13.B., home occupations must be authorized by the Board of Adjustment.

It was moved by Miller and seconded by Kelly to open the hearing. The motion carried unanimously.

No oral or written objections were filed.

Ms. Sterler stated that she owns a public accounting firm and works with insurance companies that she travels to. She has no signs and no clients coming to the house at this time. When she expands her firm, she will be looking for a site in a business zone.

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

It was moved by Kelly and seconded by Jacobs that the home business permit be approved as per the application. A roll call vote was had which was as follows:

Ayes: Jacobs, Miller, Kelly

Nays: None

Whereupon the motion carried. The home business permit will be issued.

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

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Pamela Meurer, Secretary

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Kayla Jacobs, 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 – June 29, 2015**

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 4:30 P.M. on the 29th day of June, 2015. Chairperson Kayla Jacobs called the meeting to order and the following members were:

Present: Kayla Jacobs, Tim Miller, Jennifer Kelly, and Jim Zimmerman

Absent: Jerry Wigness

Also Present: Applicant Andy Sondag, Roger and Paula Pick, neighboring property owners, Enforcing Officer Terry L. Cox, Building Inspector/Fire Chief Roger Bissen and Board Secretary Pam Meurer

Chairperson Kayla Jacobs called the meeting to order. It was moved by Zimmerman and seconded by Kelly 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 Miller and seconded by Kelly that the 5/18/15 minutes be approved. The motion carried unanimously.

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

- a. Case BA2015-02 - an application by Andy Sondag for a 10' north front yard variance and a 15' east front yard variance to allow construction of a house with attached garage on the corner lot located at 3021 Country Club Parkway (Lot 17, Harlan Country Club Estates). Per Ch.165.13.7.B., R-1 zoning requires a minimum thirty-five (35') foot front yard depth.

It was moved by Zimmerman and seconded by Kelly to open the hearing. The motion carried unanimously.

Mr. Pick had filed a written objection. Mr. and Mrs. Pick feel the requested 15' east front yard variance is excessive and would create a vision problem. They would prefer Sondag's proposed house be kept in-line with theirs on the east side. Mr. Pick stated he had looked at purchasing that property before they purchased the lot south of this one, with his thought was that a house should be set square with the front to the east, and decided against the purchase. Mr. Sondag stated he had moved the house away from the joint property lines on the south and west, with the intention to try to allow more space between him and his neighbors. His hardship was determined to be that this lot must be treated as a corner lot, because two sides are bordered by Country Club Parkway. Therefore, three (3) sides of the lot (Front yards north and east, and a rear yard to south) require minimum 35' setbacks. The west side of the lot requires a minimum ten (10') foot side yard. The Deputy Clerk reported that she had found that the only front yard variances that have been permitted in the Harlan Country Club Estates subdivision were for three (3) properties bordering cul-de-sacs. Several rear yard variances and some side yard variances have been granted. After much discussion, the Board presented an altered drawing, moving the house to the south 10' more feet to meet the minimum 35' north front yard setback and moving 10' more to the west to create a 30' setback for the east front yard (which would then necessitate a 5' east front yard variance). That would create a 10' minimum required west side yard and leave the south rear yard (bordering Mr. and Mrs. Pick) at 27', which would necessitate an 8' variance, which was not anticipated at the time this variance request was published. The Pick's affirmed that they would be agreeable to this reduction to a 5' variance to the east front yard setback along with the reduced rear yard adjacent to them. Mr. Sondag said he would like to give it more consideration. If he chooses to pursue this new concept, the Deputy Clerk advised he would have to apply again to include the new rear yard variance, which would be published for public hearing.

It was moved by Zimmerman and seconded by Miller to close the hearing. The motion carried unanimously.

It was moved by Miller and seconded by Jacobs that the variances as per the application be denied. A roll call vote was had which was as follows:

Ayes: Zimmerman, Jacobs, Kelly, Miller

Nays: None

Whereupon the motion carried and the Enforcing Officer's decision was not overturned. The building permit will not be issued.

The Chairperson called for nominations for officers for FY15/16. It was moved by Zimmerman and seconded by Jacobs to continue with Kayla Jacobs as Chairperson and Jim Zimmerman as Vice-Chairperson. The motion carried unanimously.

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

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Pamela Meurer, Secretary

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Kayla Jacobs, 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 7, 2015**

The Board of Adjustment of the City of Harlan met pursuant to law and the rules of said Board in special session in the downstairs meeting room in City Hall at 4:30 P.M. on the 7th day of July, 2015. Chairperson Kayla Jacobs called the meeting to order and the following members were:

Present: Kayla Jacobs, Tim Miller, Jennifer Kelly, Jim Zimmerman\*, Jerry Wigness

Absent: None

Also Present: Applicant Andy Sondag, Building Inspector/Fire Chief Roger Bissen and Board Secretary Pam Meurer

Chairperson Kayla Jacobs called the meeting to order. It was moved by Wigness and seconded by Miller 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 Miller and seconded by Kelly that the 6/29/15 minutes be approved. The motion carried unanimously.

Chairperson Jacobs announced that this was the date, time, and place for the public hearings regarding: (\*Zimmerman arrived at this time.)

- a. Case BA2015-03 - an application submitted by Andy Sondag for Board approval to create an apartment in his one-story B-2 building at 707 Hill Street, with a variance to the requirement of “no more than 50% residential space use occupation” and, since it is on a corner and the business portion faces to the west, a variance to the business being in the front of the apartment to the north. Per B-2 General Business Ch. 165.21.8.D., residential uses are allowed with Board of Adjustment approval if the residential use is located on the first (ground) floor of a permitted non-residential use and does not occupy more than 50% of the space for residential use. Also, the business use shall occupy the street side (front portion) of the first (ground) floor.

It was moved by Zimmerman and seconded by Wigness to open the hearing. The motion carried unanimously.

No oral or written objections were received.

Mr. Sondag noted that he would like to remodel the former showroom/office of the building he owns at 707 Hill St. into an apartment. He plans to build a home in Harlan and needs a temporary residence while it is being constructed. In the future, he may rent the apartment out. The Fire Chief has reviewed the building and had no objections. Both Wigness and Miller had spoken with Andy Sondag prior to the meeting. The Board consensus was that this is a good use of that portion of Mr. Sondag’s business building. The variances granted are only for as long as Mr. Sondag owns the building; a new owner would have to re-apply to the Board.

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

It was moved by Wigness and seconded by Miller that the variances as requested be approved for Mr. Sondag as long as he is the building owner. A roll call vote was had which was as follows:

Ayes: Zimmerman, Wigness, Jacobs, Kelly, Miller

Nays: None

Whereupon the motion carried and a building permit for the apartment will be approved.

- b. Case BA2015-02 (continued) - an amended application was re-submitted by Andy Sondag for a 5’ east front yard variance and an 8’ south rear yard variance to allow construction of a house with attached garage on the corner lot located at 3021 Country Club Parkway (Lot 17, Harlan Country Club Estates). Per Ch.165.13.7.B., R-1 zoning requires a minimum thirty-five (35’) foot front yard depth and a minimum thirty-five (35’) rear yard depth.

It was moved by Miller and seconded by Zimmerman to open the hearing. The motion carried unanimously.

Mr. and Mrs. Roger Pick, neighboring property owners to the south, had previously filed an objection to Mr. Sondag's original request for 10' north and 15' east front yard variances. After discussion at the 6/29/15 hearing, the Board denied Mr. Sondag's original request for those variances and proposed moving the house 10' south and 10' west, necessitating the reduced 5' east front yard and 8' south rear yard variances, which Mr. and Mrs. Pick said they would be agreeable to. Mr. Sondag had requested time to consider that option. He then re-applied for the amended setback variances, which were published for a new hearing. Mr. Pick phoned City Hall 7/06/15 to state he would not be able to attend the hearing, but that he is still in favor of the amended variance request.

It was moved by Zimmerman and seconded by Wigness to close the hearing. The motion carried unanimously.

It was moved by Zimmerman and seconded by Wigness that the amended variances, as per the new application, be approved. A roll call vote was had which was as follows:

Ayes: Zimmerman, Wigness, Jacobs, Kelly, Miller

Nays: None

Whereupon the motion carried and the Enforcing Officer's decision was overturned. The building permit will be issued.

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

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Pamela Meurer, Secretary

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Kayla Jacobs, 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 – October 1, 2015**

The Board of Adjustment of the City of Harlan met pursuant to law and the rules of said Board in special session in the downstairs meeting room in City Hall at 4:30 P.M. on the 1st day of October, 2015. Chairperson Kayla Jacobs called the meeting to order and the following members were:

Present: Kayla Jacobs, Jennifer Kelly, Jerry Wigness

Absent: Tim Miller and Jim Zimmerman

Also Present: Neighboring Property Owner Aaron Anliker and Board Secretary Pam Meurer

Chairperson Kayla Jacobs called the meeting to order. It was moved by Wigness and seconded by Kelly 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 Wigness and seconded by Kelly that the 7/07/15 minutes be approved. The motion carried unanimously.

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

- a. Case BA2015-04 - an application submitted by Bill McCarty, owner of Hansen House of Harlan, 209 7<sup>th</sup> Street, for a 2' height variance to allow a 6' high front yard fence and a 2' height variance to allow an 8' high rear yard fence. Per City code Ch.165.02.67, Definition, Yard, Front, maximum fence height permitted in front yards is 48" and per Ch.165.10.4.B., Rear Yard Exceptions and Modifications, maximum fence height permitted in rear yards is 6'.

It was moved by Wigness and seconded by Kelly to open the hearing. The motion carried unanimously.

No oral or written objections were received. Mr. Anliker said he was in favor of the facility and the fences.

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

It was moved by Kelly and seconded by Wigness that the fence height variances as requested be approved. A roll call vote was had which was as follows:

Ayes: Jacobs, Wigness, Kelly

Nays: None

Whereupon the motion carried and the Enforcing Officer's decision will be overturned. A building permit for the fences will be issued.

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

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Pamela Meurer, Secretary

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Kayla Jacobs, Chairperson

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