

BOARD OF ADJUSTMENT – Harlan, Iowa – 10/06/16

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 6th day of October, 2016. Vice-Chairperson Tim Miller called the meeting to order and the following members were:

Present: Tim Miller, Mike Christensen, Jennifer Kelly, Jerry Wigness

Absent: Kayla Jacobs

Also Present: Board Secretary Pam Meurer, Fire Chief/Building Inspector/Enforcing Officer Roger Bissen, and Shelby County Chamber of Commerce and Industry Director Todd Valline

It was moved by Wigness and seconded by Christensen that the agenda be approved. The motion carried unanimously.

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

It was moved by Kelly and seconded by Christensen that the 9/01 and 9/06/16 minutes be approved. The motion carried unanimously.

No new business.

The matter for discussion was to clarify the definition of a Home Occupation as regards employees and parking.

Todd Valline had proposed a revised definition which had been distributed to the members prior to the meeting. He explained his reasoning for the modifications. Tim Miller had made modifications, also, which were reviewed. It was noted that precedent has been set for one (1) part-time, non-family member employee allowed in a home business.

It was moved by Christensen and seconded by Wigness that the Home Occupation definition in the City Zoning Chapter 165.02.39 be amended as follows:

“Home Occupation” means a business, occupation, trade, or activity conducted for gain or support carried on within a residential structure, or when permitted, a structure accessory to a residential structure and **having no more than one (1) additional employee on-site at a time, (this does not include an employee who is a member of the immediate family residing in the dwelling unit);** provided that, such occupation or activity is incidental and secondary to the residential use; that there shall be no display of goods visible from the street; and that such use does not change the residential character of the principal or accessory structures either structurally or so as to produce emissions of odor, gas, smoke, dust, noise, electrical disturbance or other output not usually associated with permitted residential uses. Such uses as clinics, hospitals, tea rooms, tourist homes, bed and breakfast, animal hospitals, kennels, welding, vehicle repair, mechanical repair, rebuilding or dismantling of vehicles or motors and other uses of a similar nature shall not be considered a home occupation.

A vote was had which was unanimous in favor of the motion. This amended definition will be presented to the Planning and Zoning Commission for consideration.

It was moved by Kelly and seconded by Christensen that the Home Business Application/Permit be amended (upon P&Z approval and subsequent adoption of an ordinance to amend the amended Home Occupation definition) to match the wording of the amended definition and to state that a maximum of two (2) off-street parking spaces be available. *Note: Amended application would then read: Number of off-street parking spaces provided for home business (a maximum of two (2) may be designated for the home occupation) _____.*

Motion carried unanimously.

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

Pamela Meurer, Secretary

Tim Miller, Vice-Chairperson

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