

BOARD OF ADJUSTMENT – Harlan, Iowa – 05/19/2020

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 19th day of May 2020. Chairperson Christensen called the meeting to order and the following members were:

Present via teleconference: Mike Christensen, Jennifer Kelly, Doug Hammer, Al Ickes, Ruthanne Grimsley (arrived at 12:15pm)

Absent:

Also Present via teleconference: Zoning Administrator Gene Gettys, Board Secretary Renee Hansen, Roger Bissen, Mayor Mike Kolbe, Sharon Kroger, Troy Schaben, and Mike Martin

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

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes

Nays: None

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 Hammer that the 01/29/2020 minutes be approved. The motion carried unanimously.

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes

Nays: None

The motion carried unanimously.

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

- a. **CASE BA2020-005** – an application by Application by Eric Labenz, for a corner lot fence variance at 1201 12th St., which is zoned R-1.

Motion to open meeting by Hammer and seconded by Kelly.

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes

Nays: None

The motion carried unanimously

No objections have been filed with City Hall.

Gettys Zoning Admin: explained that this property is located on a corner lot which has two front yards. Ordinance doesn't allow for a 6-foot fence to be placed in the front yard. He stated that in the past this property did have a 6-foot fence in the same location the applicate is asking to place the new one.

Petitioner: Not present

Hammer brought up the utility box on the east side of the property and was concerned about the placement of the fence in relation to that. From the submitted drawing it show the fence will be on the west side of that box. He wanted it to be noted that the applicant would need to avoid all utilities.

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

It was moved by Hammer and was seconded by Grimsley to approve the application for the 6-foot fence contingent upon the property owner obeying all set-backs of the utilities.

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley

Nays: None

The motion carried unanimously.

- b. **CASE BA2020-006** – an application by Application by Fresh Encounter, for a sign location variance for the property at 1003 Tarkington St., which is zoned R-2.

Motion to open meeting by Kelly and seconded by Ickes.

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

No objections have been filed with City Hall.

Gettys Zoning Admin: explained that in an R-2 zoning district announcement signs must be 20 feet from the property line. The proposed sign location is where the existing sign sits. Since they must set new sign poles it is considered a new sign, so it is up to the Board to grant a variance for this. He did state that Public Works has no issues with the location of the current sign.

Petitioner: Mike Martin was present to explain that back a few years ago Fresh Encounter did use the old poles for the current sign. Now with age those posts need replaced.

Discussion was had about other possible locations.

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

It was moved by Grimsley and was seconded by Kelly to approve the application request to place the new sign in the same location as the existing sign.

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

Meeting adjourned.

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

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.