

**BOARD OF ADJUSTMENT – Harlan, Iowa – 08/04/2020**

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 4<sup>th</sup> day of August 2020. Zoning Administrator Gettys called the meeting to order and the following members were:

**Present:** Mike Christensen, Jennifer Kelly, Doug Hammer, Al Ickes, Ruthanne Grimsley

**Absent:** None

**Also Present:** Zoning Administrator Gene Gettys, Board Secretary Renee Hansen, Roger Bissen, Robert Barlow, Fred & LaVonne Fox, Eva & Jim Laver, Barb Jorgensen

**Also Present via teleconference:** Mayor Mike Kolbe, City Council Members Troy Schaben & Jeanna Rudolph, Andrea Pohlsander

It was moved by Christensen 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.

Gettys asked that any conflicts of interest be stated. None were stated.

Appoint Chairman and Vice Chairman.

It was moved by Kelly and seconded by Hammer to nominate Christensen as chairman and Kelly as vice-chairman.

It was moved by Ickes and seconded by Hammer to appoint Christensen as chairman and Kelly as vice-chairman.

Chairman Christensen presided over the remainder of the meeting.

Grimsley arrived.

It was moved by Kelly and seconded by Ickes that the 06/18/2020 minutes be approved. The motion carried unanimously.

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley

Nays: None

The motion carried unanimously.

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

- a. **CASE BA2020-010** – an application by Application by Application by NRG Ventures, LLC., 902 Tarkington St., front yard variance which is zoned R-2.

Motion to open meeting by Kelly and seconded by Ickes. Motion carried.

A neighbor letter signed by 18 neighbors objecting to this variance been filed with City Hall.

Petitioner: Harlow explained that he is an investor who buys dilapidated homes to fix up for re-sale or rentals. He also purchasing vacant lots to construct new buildings on. He feels it is good for the community. He would like to construct a duplex on the above property. He is asking for a 15' variance on the east property line which, by Ordinance, is a front yard requiring a 25' set back.

Gettys Zoning Admin: Explaining this property is in an R-2 and that a duplex is allowable but the lot size and the fact that it is a corner lot presents hardship for the property owner. He also pointed out that most homes in the area do not meet current setbacks because this is an area that was platted with small lot sizes.

Neighboring property owners: Submitted a letter that is on file at City Hall. Concerns about parking, about structure being too close to sidewalk, problems with sight at the

corner intersection. These items were addressed by Zoning Administrator and Building Inspector Bissen.

It was moved by Hammer and seconded by Ickes to close the public hearing. The motion carried.

It was moved by Grimsley and was seconded by Christensen to approve the east front yard variance of 10' to construct a duplex as presented.

Roll Call vote was had which was as follows:  
Ayes: Christensen, Kelly, Hammer, Grimsley  
Nays: Ickes  
The motion carried.

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

- b. **CASE BA2020-011** – an application by Application by Application by Terry Pohlsander DBA Bluebird Homestead, LLC., St., 1409 7<sup>th</sup> St., Home Business.

Motion to open meeting by Grimsley and seconded by Kelly.

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

No objections have been filed with City Hall.

Petitioner: Andrea Pohlsander was present to explain the nature of the business. This will be an online blogging business that will have the potential to generate income via e-commerce. There will be no walk-in traffic to the home.

Gettys Zoning Admin: explained that any type of business that is ran out of a home and can generate an income falls under the home business ordinance.

It was moved by Grimsley and seconded by Kelly to close the public hearing.

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

It was moved by Ickes and was seconded by Hammer to approve the home business permit.

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

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

- c. **CASE BA2020-012** – an application by Application by Randy Spangenberg, 1310 Onyx Dr., for a side yard variance of 4', which is zoned R-1.

Motion to open meeting by Hammer 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.

Petitioner: Bruce Burger, contractor, explained that a variance is needed to add an addition to the current structure.

Gettys Zoning Admin: explained R-1 requires a 10' side yard setback.

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

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley

Nays: None

The motion carried unanimously.

It was moved by Grimsley and was seconded by Kelly to approve the 4' side yard variance.

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.

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Renee Hansen, Secretary

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Mike Christensen, Chairperson

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