

BOARD OF ADJUSTMENT – Harlan, Iowa – 09/04/2020

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 4th day of September 2020. Chairman Christensen called the meeting to order and the following members were:

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

Absent: None

Also Present via teleconference: Zoning Administrator Gene Gettys, Board Secretary Renee Hansen, Building Inspector, Roger Bissen, Mayor Mike Kolbe, Kevin Borkowski,

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

Roll Call vote was had which was as follows:

Ayes: Christensen, Kelly, Hammer, Ickes, Grimsley

Nays: None

The motion carried unanimously.

Christensen asked that any conflicts of interest be stated. Jennifer Kelly stated that she would abstain from case BA2020-013 as she has a professional relationship with a resident of that home.

It was moved by Grimsley and seconded by Hammer that the 08/04/2020 minutes approve with amendment to include the discussion by residents in attendance, the committee believe their concerns had little to do with the issues cited in the letter they all signed (which related to the issue before the board) and way more to do with multi-family vs single family (which we have no jurisdiction or authority to control and which had nothing to do with the variance requested).

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 BA2020-013** – an application by Application by Kevin Borkowski at 1312 College Blvd. for a side yard variance and a height variance which is in an R-1 zoning district.

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

A neighbor emailed City Hall with questions and objections.

Petitioner: Kevin Borkowski talked about the structure he is proposing to construct. Explained the current layout of his property and how this new structure would be laid out. The current garage is 2’ from the property line and he would like to construct the new structure on this same line. He is also requesting a height variance to allow for more storage.

Gettys Zoning Admin: R-1 zoning requires a 4’ setback and a 20’ height for an accessory structure. The permit was denied because the submitted permit didn’t meet these requirements. The current structure does have a 2’ setback. This structure would be considered non-conforming and Ordinance states if the non-conforming structure is altered or enlarged it does need to be brought back into compliance. Also stated there are no size maximums for an accessory structure in this area.

Neighboring property owners: Received a letter from Pope’s at 1318 College Blvd., with concerns regarding the use of the structure, the reason for the height variance, concerns about noise from the structure, materials the structure will be built from. These concerns and questions were reviewed by the committee and questions asked of the applicant. Borkowski stated this would be for

personal use and not commercial. He remarked the building would be asphalt sided, steel siding, with some brick work on the front to tie into the current residential structure.

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

It was moved by Ickes and was seconded by Grimsley to approve the application as presented.

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

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

- b. **CASE BA2020-014** – an application by Application by Dave Murphy, of Murphy Signs, contractor for 1012 6th St. for a sign size variance which is in a B-1 zoning

Motion to open meeting by Grimsley and seconded by Hammer. Motion Carried.

No objections have been filed with City Hall.

Petitioner: Not present

Gettys Zoning Admin: Falls under sign regulations. B-1 zoning and former Fourth Generation and the sign for that business was of the same size but has been removed. According to ordinance any sign over 30 sq. ft. must come up to the Board of Adjustment for a variance. The variance request is to put up a 64' sign requiring a 34' variance.

Neighboring Property Owners: None present

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

It was moved by Hammer and was seconded by Kelly to approve the application as presented.

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.