

BOARD OF ADJUSTMENT – Harlan, Iowa – 08/18/2021

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 18th day of August 2021. Vice-Chair Kelly called the meeting to order, and the following members were:

Present: Doug Hammer, Ruthanne Grimsley, Jennifer Kelly, Al Ickes

Absent: Mike Christensen

Also Present: Zoning Administrator Gene Gettys, Board Secretary Julie Erickson, Building Inspector Roger Bissen, Perry Gross, Sarah Poepsel, Lynn Bissen, Roxanne Linde, Phylis Stephany, Mary Freml, Richard Freml, Mike Poggensee, Mike Kolbe, Sandra Wingert, Bill Wingert, Kenneth Olson, Shirley Olson

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

Vice-Chair Kelly asked that any conflicts of interest be stated. None.

It was moved by Grimsley and seconded by Hammer to approve the minutes from the 07/13/2021 meeting. The motion carried unanimously.

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

- a. **CASE BA2021-005** – an application by Richard Freml, for property located at 1607 Victoria Street, front yard setback variance. Chapter 165.13 requirement for front yard depth is 35 feet. Applicant is requesting a front yard depth of approximately 16 feet thus a variance of approximately 19 feet.

Motion to open meeting by Grimsley and seconded by Hammer.
Motion carried unanimously.

No objections were filed with City Hall.

Petitioner: Freml explained he intends to construct an additional two-car garage on his property which will be in line with the neighboring structure and allow his family to keep parking off the street.

Gettys Zoning Admin: noted that the Zoning Code requires a 35-foot front yard setback and that Freml would be requesting a 19-foot variance. Code does allow Zoning Administrator to permit structures in-line yet it was recommended this case be reviewed by the Board of Adjustment.

Neighboring property owners: None present

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

It was moved by Hammer and was seconded by Grimsley to approve the application.

Roll Call vote was had which was as follows:

Ayes: Hammer, Ickes, Grimsley, Kelly

Nays: None

The motion carried.

- b. **CASE BA2021-006** – an application by PG Customs LLC, Perry Gross, for property located at 308 Court Street, Harlan, for a rear yard setback variance.

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

No objections were filed with City Hall.

Petitioner: Perry Gross with PG Customs, explained his plans to tear down the existing dilapidated garage and construct a new garage using the existing concrete pad. The structure would be in the same location as the old building.

Currently the setback is only two feet from property line, thereby the request is for a 2-foot setback.

Gettys Zoning Admin: noted per Zoning Code 165.09 that an accessory building cannot be placed less than 4 feet from the property line.

Neighboring property owners: None present

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

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

Roll Call vote was had which was as follows:

Ayes: Hammer, Ickes, Grimsley, Kelly

Nays: None

The motion carried.

- c. **CASE BA2021-007** – an application by Mike Poggensee at 1303 15th Street, for a home business permit.

Motion to open meeting by Grimsley and seconded by Hammer.

Motion carried.

Two neighboring property owners submitted emails regarding this application which were distributed to the Board prior to the meeting.

Petitioner: Poggensee addressed the Board and noted his desire to have a home business permit to do bookkeeping and computer work from his home. He explained he owns a cemetery lettering business and does the majority of his work out of his vehicle. He also owns another property in town that he does his engraving work from and stores equipment/supplies there.

Gettys Zoning Admin: noted this request, conducting bookkeeping and computer work, is allowable in this residential district.

Neighboring property owners: Several neighbors voiced their concerns regarding this request and stated that they believe sandblasting/engraving work is being done at the home for business purposes. Poggensee explained that he has been doing home remodeling and other personal work with his equipment which has been noisy at times. Discussion was held.

Chairperson Kelly then reminded the audience that the request today pertains to doing bookkeeping and computer work as a home business and that is what the Board is tasked with approving or denying. Any other concerns from those present would need to be addressed outside of the purview of the Board.

After further discussion, it was moved by Grimsley to approve the Home Business application to include bookkeeping and computer work only, not to include any other business activities on the property. The motion was seconded by Hammer.

Roll Call vote was had which was as follows:

Ayes: Hammer, Ickes, Grimsley, Kelly

Nays: None

The motion carried.

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

Julie Erickson, Secretary

Mike Christensen, Chairperson

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