

Dickinson County Board of Adjustment
August 26, 2024
7:00 P.M.

The Dickinson County Board of Adjustment met Monday August 26, 2024, at 7:00 P.M. in the community room of the Dickinson County Courthouse.

Members present were Jeff Ashland, Alex Oponski, Kirby Berhow, Cami Wills and Susan Clark.

Also in attendance was Megan Kardell, Planning & Zoning Administrator and Lee McKim, Dickinson County Zoning Assistant. Absent was Steven Goodlow, Dickinson County Attorney.

Jeff Ashland, Chairman called the meeting to order at 7:00 p.m. and read the opening statement.

First on the agenda was Roll Call.

Second on the agenda was New Business:

1. Michael Taylor, Variance, East Okoboji Beach Township:99 Center Grove Township ½ Lot 18, All Lot 19 & N'LY TRIA in Lots 20 & 21, BLK 3 Unit 2, Dickinson County, Iowa. Parcel Number 0711303049. The address of the principal structure is 25701 Martin Drive, Spirit Lake Iowa.

Michael Taylor took to the podium, to explain that they would like to take care of ailing parents, and they also have 10 grandkids so they would like to have room for everyone. Taylor explained they will have a safe room in the basement as well, for storms. Taylor brought his builders, Tuttle Construction and his family.

Ashland asked if the board had questions. Wills asked if they had a well on the property. Taylor said it was filled in and they are on rural water. Clark asked about keeping their trees, for shade. Taylor said the one in front will be saved, the one in the rear will go as it's hard to develop their plans and the tree roots have been an issue. Oponski asked about the safe room. Dan Tuttle builder took to the podium, explaining it wasn't on the print as Tuttle didn't ask for it from Consumers Lumber as he only asked for the house plans. Tuttle explained it is an odd, shaped lot and they need to maintain the setbacks on the south. Oponski asked about the water table and safe room flooding. Tuttle said no concerns with that, as the safe room itself is inside the basement. Taylor came to explain he asked his neighbors, and they have no issues with water flooding in their basements.

Correspondence was read, we had a letter from Beth Westphahl also a letter from Randall & Jaqueline Kramer.

Public comments from Stan Jacobs, neighbor, took to the podium, explained they would be in support of the variance except the north 5 feet on Martin Drive, as that would block their view.

Denny Taylor, Michael Taylor's brother came to the podium and explained the history of cabin and that he has two properties in the neighborhood. Taylor believes the line of sight is not in the line of houses and he has no issues with the variance as he knows of his brothers dream to retire full time in the house and be with family.

Bonnie Jacobs came to the podium, to explain she previously had back surgery, so their house has the lake view and means everything to her. Jacobs said she can see her family at the lake and at least still be a part of it.

Steven Goodlow said they are all his neighbors. They are excellent people, there is a lot of grandchildren in the neighborhood, and he likes it when they all get along.

Ashland asked the board for comments.

Berhow asked if they could change any part of the house and not changing lake view. Taylor came to the podium and stated if they maybe moved to the south if the board said they can, and he was flexible on location upon approval. Discussion with the board members and public.

Wills asked if it would be a year home to the Taylors. Taylor said yes.

Kardell asked Tuttle where the air conditioner would be located. Tuttle stated on the side.

Oponski moved to vote, Wills seconded. The votes are denied 5-0. Wills, Berhow, Oponski, Clark, Ashland.

2. Rod Sather, Variance, Lot 146, of Plat McClelland's Beach. Dickinson County, Iowa. Parcel number 0309201008. The address is 104th Street, Spirit Lake, IA.

Rod Sather took to the podium and explained the variance of the corner lot with a dead-end road. The Iowa heritage owns the end of the road. Sather explained the entrance to the garage being on the side of the property.

Ashland asked the board for questions. Berhow asked about soil quality restoration area and if it ends north and south. Drew Fowler from Beck Engineering took the podium to talk about soil quality restoration and drainage.

Oponski asked about not having any floor plans. Sather said he is not deep in plans yet as he was not sure how the variance would go. Oponski asked about the size. Kardell said it is required 40 feet in front yard to 104th due to the area improved more 30%. Showing the board members the line of sight. Oponski asked if this is a year-round residence? Sather responded it would be a year-round residence but not his year-round home.

Correspondence was read, one letter from Corey and Jennifer Streyle.

Public comment – Fowler took the podium stated to the east which is an empty lot, the street would be more of a private drive and it would be a dead end street so public safety wouldn't be an issue.

Sather, talked about drainage where the water should be going to clarify.

Ashland ask if the board had comments. Wills asked for the letter to be reread to clarify. Discussion within the board.

Clark motioned to vote; Wills Seconded. Votes are 5-0 approved. Ashland, Clark, Oponski, Wills, Berhow.

3. Kyle & Kristin Hartje, Variance, Lot 4-7 and 66, Block 24, Triboji Beach, Dickinson County, Iowa. Parcel Numbers 0602259052,0602259053,0602259054,0602259028,0602259029

Kyle Hartje took to the podium, explaining to the board that his family has a long history at this property as his great grandpa purchased two lots back in 1930. Hartje's parents bought the property in 1979, and his father passed away in March and they have transferred over the property in their name, as well as they are trustees of his father's property. Hartje went through the design and property, and storm shelter due to previous storms with damage to vehicles.

Ashland asked the board if they had questions. Clark asked about an existing well. Hartje said the intent is to get rural water but for now the well is their water source, and it feeds all properties, and it will continue to go to the guest cottage. Kardell mentioned to them to get their well water tested and use the grant. Ashland asked if it's a bored well. Hartje said yes. Berhow asked about drainage. Hartje said to the north is the low spot, more so to Washington Blvd. and the intent is to have a rain barrel and garden for drainage.

Ashland asked on public comment. There was none.

Ashland asked for correspondence, one letter was read from Lee & Kathie Crum.

Wills motioned to vote, Oponski seconded. Votes are approved 5-0 Ashland, Clark, Oponski, Wills, Berhow.

Third item on the agenda Old or unknown business. None.

Approval from the July 22, 2024, minutes, Oponski motioned the amended minutes be approved, Berhow seconded. All in favor.

Communications Kardell hasn't heard anything on the wind applications but would like to put out there some tentative months due to schedules/holidays and know if the board is available. Oponski asked if it is a 3-day meeting, Kardell and Goodlow said yes to 3 days.

Kardell talked about the high postage costs for the board members meeting packets and what the board would like emailed or a paper copy. The board agreed to go email packets unless specified to come in and pick up a copy in person.

Kardell stated that floor plans will be added to the application.

Kardell stated the Planning & Zoning is sending to the Board of Supervisors for recommendation that new houses require a foundational built plans by a licensed engineer or land surveyor.

Fourth item on the agenda was Adjournment.

Berhow motioned to adjourn, Clark seconded the motion. All were in favor.

(For more information, see BOA 08 26 24)