

DICKINSON COUNTY BOARD OF ADJUSTMENT

Monday, September 27, 2010

7:00 P.M.

The Dickinson County Board of Adjustment met Monday, September 27, 2010 at 7:00 p.m. in the community room of the Dickinson County courthouse.

Members present were Don Oleson, Bob Duncan, and Dennis Jackson. Absent were Bill Sackett and Jeff Ashland.

Don Oleson called the meeting to order at 7:00 p.m.

First on the agenda was roll call.

Second on the agenda was new business.

- 1st item of new business was Patrick D. and Joan E. Kuehl and Robert C. Rizk, a variance for Lot 4 and adjacent drive, Blue Water Beach Addition, Dickinson County, Iowa. Oleson read the description of the variance.

All members had viewed the site.

Patrick Kuehl pointed out the existing home and deck on the site plan drawing. They want to enclose part of the front deck as a porch. They are not enlarging the deck. They kicked it in from the east side two feet to avoid a side yard variance, but have a front variance. There is additional space on the front that is public and DNR controlled. From an aesthetic standpoint, they don't encroach on anything any farther.

He said he has talked to the neighbors, two on the east and four on the west, and they have no objection to what they are planning to do.

Oleson asked Kuehl to explain what the road is at the rear of the house.

Kuehl said that is a private street owned with the neighbors. It is ingress and egress easements for access to their property.

He said his neighbor, Dennis Ladwig, put on an addition and asked permission to move the road further north. After that time, Kuehl paved out to that road, so he has three spots to allow parking, along with the cul-de-sac that the neighbors own together.

Oleson asked the width of the easement.

Kuehl estimated 1 ½ cars wide. On those occasions where two vehicles meet, one may have to wait or go over on the grass property.

Oleson asked if the property exchange was recorded.

Ladwig said the land was swapped, but never recorded.

Oleson asked if this was a problem.

Saunders said it is an easement of necessity, so law would impose an easement if it there wasn't one.

Kuehl showed the board members photos of the parking and the lot line.

Oleson asked if there was a 10' parking area at the backside of the property.

Kuehl said part of the east side is grass and they intend to keep it. No additional concrete is to be poured. They will build the rear addition over part of the existing concrete.

Duncan asked if the patio shown in front is included in the 30'.

Kuehl said they are planning a 3 feet ground level patio.

Oleson said he is having a problem with the amount of parking for a house this size.

Kuehl said they have an existing spot for three spaces, the cul-de-sac shared commonly, and a state area within 50 yards of the house for overflow. The existing concrete goes out to the road.

Kohlhaase said that a single family dwelling is required to have two off street parking spaces. Kuehl does have two off street parking spots. For clarification, green space can be used, but the board has to feel comfortable that he has two off street parking spaces.

Oleson asked if the 10' x 29' area on the drawing is off street parking.

Kuehl said he has room for 1 ½ vehicles to park now. If he would add a sidewalk or pavers he could park parallel and get two spaces.

Oleson said the other question is these are both sizeable variances. He asked Kuehl if he had considered other options to make these variances less.

Kuehl said at the front, no. One side is 13' and the other is 30' so the average is not a huge variance. They discussed moving the addition further south and cantilever over, but the architect felt by moving it 5' or 6', they were missing where the foundation is. They did explore turning the addition the other way, but it would be a lot closer to their neighbor, the Ladwig's, and encroaching on their green space and view.

Oleson asked for questions from the public.

Dennis Ladwig said they live east of Mr. Kuehl. They reluctantly oppose his proposal because of the concern for parking. They don't think it is fair to overbuild and assume they can park on other people's property. Kuehl had alluded to building a carport, but that is not the case, so they ask the board to stand on the rules.

Kuehl said he would request to table the variance request until a full board can be present.

Duncan moved to table to a time when a full board can be present. Jackson seconded. All were in favor.

Third on the agenda was approval of the minutes of August 23, 2010. Duncan moved to approve the minutes as written. Jackson seconded. All were in favor.

Fourth on the agenda was communications. Kohlhaase said the office had received a survey of the Lost Lakes Wind Farm substation showing the proposed plantings that the board had requested. Members reviewed the submitted drawings and approved the plan as drawn. The office will file in the Lost Lakes Wind Farm substation file.

Fifth on the agenda was report of officers and committees. There was none.

Sixth on the agenda was old or unknown business. The office had received a letter from Bill Sackett who was unable to attend the meeting, expressing his thoughts specific to the Kuehl variance. Kohlhaase had previously discussed this letter with Lonnie Saunders and it was determined the letter could not be presented.

Seventh on the agenda was other. There was nothing.

Eighth on the agenda was adjournment. Jackson moved to adjourn. Duncan seconded. All were in favor. The meeting adjourned at 7:35 p.m.