

DICKINSON COUNTY BOARD OF ADJUSTMENT  
Tuesday, January 25, 2011  
7:00 P.M.

The Dickinson County Board of Adjustment met Tuesday, January 25, 2011 at 7:00 p.m. in the community room of the Dickinson County Courthouse.

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

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

First on the agenda was roll call.

Second on the agenda was new business.

- 1<sup>st</sup> item of new business was Jill Jordahl, variance for Ficken-Brown Subdivision, Lot 1. Oleson read the description of the variance.

All members had viewed the site.

Tony Peterson said they are not asking to exceed the original variance of a 25 foot front yard. They are actually 285 feet from the street. Due to Jill's divorce, they were not able to proceed with the original house plan. The garage became the dwelling.

Barb Woodley gave some background for the board on this property. A variance was granted to Greg Ficken in September 2003 to build a house and attached garage with a front yard of 50 feet. The garage was built first, then there was a divorce and the house was not built. She passed around a site plan of the 2003 variance request.

The board members asked why they couldn't place the garage on some other side of the house.

Peterson explained the original house and garage plan. They can't place it on the south side because there has been extensive work done there – a concrete patio, decorative landscaping, three street lights, and power under the concrete.

Jackson asked why the garage can't be detached?

Peterson said they want to have it attached for easier heating. Also they have been discussing using part of it as his "man cave." Also easier for snow removal and drainage. They have a road easement on the east with John Brown, so have to stay away from that area.

Jill Jordahl said they placed the patio for the best view. If they put it on the other side, they would have to pour another driveway.

Peterson said they also have a septic system on the south side.

Oleson said this appears to be just a convenience.

Peterson said he works for Cycle Country. He does maintenance work on ATV's. He needs a spot where he can park the vehicles close by the house and a heated space to work inside.

Oleson asked if the board had any questions or concerns. There were none.

He asked the public for any questions or concerns. There were none.

Oleson read correspondence received:

Steve Reighard with the DNR had no concern with the application.

Carol Ayres Steuven, adjoining property owner, was not opposed.

Wallace Jorgenson, adjoining property owner, was not opposed.

There being no further questions, Oleson asked for a motion to vote.

Duncan moved to vote on the application as presented. Ashland seconded. All were in favor. The vote was recorded as Ashland and Duncan – aye. Jackson, Oleson, and Sackett – deny. Oleson read from the vote result form.

- 2<sup>nd</sup> item of new business was David and Megan Ruzicka, variance Methodist Camp, Block I, Lot 3. Oleson read the description of the variance.

All members had viewed the site.

Tony Weber with JVL Corp. was represented the Ruzickas. He said most of the homes in Methodist Camp are nonconforming. This lot is 4,750 square feet. The house was built in 1972. They were going to do repair work to the deck, but it was only a 6' walkway, so they wanted to add on to make it more useable. The slats in the deck are open, so there is no increase in impervious surface. The deck is increasing from 170 square feet to 326 square feet. The steps will remain the same. It will be composite decking material.

Oleson asked about the proposed cost of \$12,000. Weber said this includes tearing off the old deck, replacing joists and putting on the new decking.

Sackett said he appreciates that there are homes in Methodist Camp that are non conforming. This argument doesn't hold much weight. There are many places too close already and now they want to build to make it even closer.

Weber said any kind of an addition in Methodist Camp requires a variance.

Oleson said over the years the board has had this dilemma. Do we do nothing? Do we help people improve Monarch Cove? This area has changed dramatically from being run down to, for the most part, improved.

Woodley gave some history on former owner Lloyd Fark. He received a variance in 2002 for an addition to the garage with a one foot rear yard and a 3 feet side yard.

Oleson said the board members have always had concerns about fire safety in Methodist Camp. He had asked Dave Kohlhaase to contact local Fire Chief David Kollasch for his comments.

Per a phone call with Kollasch, his comments were:

- 1) The roads in Methodist Camp are already established. There is no way to widen them. The fire department does the best they can.
- 2) As houses are updated, they are often brought up to code.
- 3) As houses are being made larger, they will be closer together, creating a fire safety hazard. This is a safety issue.

Jackson said, however, this is a deck, not an addition.

Oleson asked if there is a patio in the back yard.

Weber said there is a patio in the back yard, but the view of the lake is from the deck.

Oleson asked Woodley if Kohlhaase had figured the green space on the Ruzicka lot.

Weber said there is a total lot coverage of 42%. This is a drip through deck so it doesn't increase the impervious surface.

Duncan commented that when he looked at the site plan, the deck looks pretty good sized. But when physically out there, he could see it was only a 6 feet increase. It was not in the way of anything as far as fire safety.

Ashland said he would agree with those comments, but also shares Oleson's concerns.

Oleson asked Weber if he would have a problem if the board stipulates the type of fabric underneath the deck.

Weber said they want something for weed control, maybe a filter fabric. They would have no problem with a stipulation.

The members suggested the following attached stipulation: If the underneath of the existing and new deck is to be covered, it shall be of pervious material. Duncan moved to accept this stipulation. Jackson seconded. All were in favor.

Oleson read correspondence:

Steve Reighard with the DNR – has no issue with the application.

Richard and Karen Taylor Burton – no objection.

Steve Olesen – in support.

Karen Hammer – in support.

Jean and Don Goodenow – in support.

Barb and Bob Speer – in support.

Oleson said as a reminder, the only people afforded a view are on lakeshore lots.

Gladys Shultz said she is in support of the Ruzickas and would like to see this deck approved.

Ashland moved to vote on the application with the stipulation attached. Duncan seconded. All were in favor. The vote was recorded as all aye. Oleson read the vote result form.

- 3<sup>rd</sup> item of new business was election of officers. Prior to this, Bill Sackett said that he had written a letter to the Board of Supervisors and because of retirement and some health problems, he is announcing his resignation from the Board of Adjustment.

Duncan moved to nominate the present slate of officers which is Don Oleson, Chair, Dennis Jackson, Vice-Chair and Jeff Ashland, Secretary. Jackson seconded the nomination. All were in favor.

Third on the agenda was approval of the minutes of December 27, 2010. Ashland moved to accept the minutes as written. Duncan seconded. All were in favor.

Fourth on the agenda was communications. Lonnie Saunders said that in 2009, Mary Freeman made application for variance and was denied. Their driveway was paved, exceeding the maximum ground cover requirement. It had to be removed. There has been litigation. Saunders read aloud the letter dated January 16, 2011 then passed it to the board members to review and to see the attachments. Saunders said the appeal time for the Freemans has passed. The Board of Adjustment cannot act on this without the Freemans applying for another variance.

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

Sixth on the agenda was old or unknown business. Oleson commented that he always reads the vote result but wondered if a statement should also be read to the applicants that they have 12 months to act with good faith. Subject to penalty and fines if they do not complete the project. The members agreed this would be a good thing. Saunders said he could come up with some wording and have it ready by next month.

There being no further business, Jackson moved to adjourn. Sackett seconded. All were in favor. The meeting adjourned at 8:00 p.m.