

DICKINSON COUNTY BOARD OF ADJUSTMENT

Monday, February 28, 2011

7:00 P.M.

The Dickinson County Board of Adjustment met Monday, February 28, 2011 at 7:00 p.m. in the community room, Dickinson County Courthouse.

Members present were Don Oleson, Mary Dannatt, Jeff Ashland, Dennis Jackson, and Bob Duncan.

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

First on the agenda was roll call.

Don Oleson introduced and welcomed Mary Dannatt as new board member.

Second on the agenda was new business.

- 1<sup>st</sup> item of new business was John and Rita Comstock, a variance for Lot 2 of Blue Water Beach Addition. Oleson read the description of the variance.

All members had viewed the site.

John Comstock said they bought this property from the Dunns several years ago. The cabin is 700 square feet, and they have four children and five grandchildren. They would like to expand. Currently they have a variance to the east. They will move further to the west to give up that 2 feet variance and are asking to have a variance in the rear. The lot is pie shaped and they have a bank to the west. They want to expand to add room for children and grandchildren but in a way to protect the bank and keep two parking spots. This project is the most reasonable plan they came up with. They have letters of support from neighbors and they talked to other surrounding neighbors who are in support.

Oleson said they are asking to extend their home for a larger family, but with only two parking spots, will they have enough parking?

Comstock said they aren't all there at once, and they can park at the lagoon if they need to, or park at the neighbors.

Oleson asked if this home would be year around.

Comstock said it would have a furnace and air conditioner, but they would shut it down in winter.

Oleson asked if they have future plans for a garage.

Comstock said no. They opted for a ranch style with no stairs.

Duncan asked about the bank so close to the house. Would they have to dig into the bank?

Comstock said very little if at all. They are only going out four feet. They landscaped the bank, so don't want to disturb that. They want it kept natural.

Jackson said they purchased the house in 2004. Why didn't they look at something bigger at that time?

Comstock said it was what they could afford and they knew the neighbors.

Jackson mentioned one of the board's concerns is fire safety.

Oleson said Triboji Beach was originally platted for tents and cabins. It puts the board in a difficult situation when property owners want to expand.

Comstock said if they had a crystal ball they could plan accordingly. From the deck, they have one of the best views of the lake. They feel their plan will fit and they are comfortable with it.

Duncan asked Comstock if he was aware there is a right of way in the back.

Comstock said yes.

Pat Mohning who works for Jim Blum, surveyor for the project, said they tried to keep the front the same. They just slid the house over a bit. The original plat had 15 feet setbacks front and rear. Today's zoning requirements make it tougher to improve the lots.

Oleson asked if they were going to keep the construction process on their own property.

Comstock said he has an agreement with neighbors Rizk and Carlton to repair any damage that happens. He is very sensitive to the neighbor's needs. He will be the general contractor for the project. He is very hands on and particular. He will be keeping a close eye on the project.

Oleson asked if he understands there is a time limit to get the project done.

Comstock said yes.

Jackson asked if this will be a Wisconsin home as shown in the elevation plan.

Comstock said no, it will be stick built. The home will be similar to the one in the picture.

Duncan asked if there will be any drainage off the hill.

Comstock said Jim Blum mentioned they will have to put in a rain garden. The water coming off the hill won't be any more than it is today.

There were no comments from the public.

Oleson read correspondence from Jerry and Mary Freeman in support of the variance, and a phone call from Chuck Dunn in support.

There were no further questions from the board. Oleson reiterated to Comstock that he stay on the physical property and complete the project in a timely manner.

Ashland moved to vote on the application as presented. Duncan seconded. All were in favor. The vote was recorded as all ayes. Oleson read the vote result form.

Kohlhaase told Comstock a silt screen permit would also be issued.

- 2<sup>nd</sup> item of new business was ITC Midwest – request for an extension to the zoning compliance permit for a substation.

Troy Weary, area manager for ITC, was present. He said he was at the meeting in August when the board granted their landscaping request. This extension is not their preference. There were issues with having the properties transferred and there were questions as to who was going to own the equipment. That communication took longer than they thought. Also when you are dealing with a substation, there are long lead times on equipment. There were delays in ordering the equipment. They have now ordered the equipment. This extension will better accommodate the landscape schedule to allow plantings in the fall which would be more feasible. He said they don't

like to ask for three extensions; that is not the way they do business. He never would have imagined this happening. The substation is an integral part of the overall plan and they have been working with the engineer. He would offer to give a status report to the zoning office. He is 99% sure there should be no other issues to cause delay.

Ashland asked if the completion date requested was October 1, 2011.

Weary confirmed.

Ashland moved to extend the expiration of Permit #116-09 to October 1, 2011. Jackson added with the stipulation of a status report. Duncan seconded. All were in favor.

Third on the agenda were the minutes of January 25, 2011. Duncan moved to approve the minutes as written. Jackson seconded. All were in favor.

Fourth on the agenda was communications. Oleson reported he had been called several times by Mary Freeman. One was regarding dirt piles on DNR property next to the Kuehl property construction. One was a concern that she is being treated differently from others on her driveway. Saunders said he also had several phone calls from Mary Freeman. He told her she would have to make a new application before the Board of Adjustment.

Fifth was report of officers and committees. Saunders said he would work on language for completing a building project by a deadline.

Sixth on the agenda was old or unknown business. Kohlhaase said last month the board approved a variance for David Ruzicka in Methodist Camp for a new deck. The applicants were unable to attend the meeting and later discovered that the plan presented to the board was different than what they had intended. Joe Vander Laan, the builder, said they want an extra 36 square feet on the east end, extending to the end of the existing deck. They would not be coming out any further.

Oleson said the board can't go back and approve something that wasn't presented at the variance hearing.

Kohlhaase said the board can't look at anything that is additional without another variance application.

Seventh on the agenda was other. There was none.

Eighth on the agenda was adjournment. Ashland moved to adjourn. Duncan seconded. All were in favor. The meeting adjourned at 7:40 p.m.