

## DICKINSON COUNTY BOARD OF ADJUSTMENT

Monday, March 28, 2011

7:00 P.M.

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

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

First on the agenda was roll call.

Second on the agenda was new business.

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

Joe Vander Laan, Ruzicka's general contractor, was present. He said he had made an error on Ruzicka's deck plan. Had the Ruzickas been able to attend the January meeting, the error would have been found and they wouldn't need this second variance.

All the same arguments apply as with the previous variance request. The setbacks, most lots in Methodist Camp are non-conforming, and the neighbors are not in objection.

Oleson told Vander Laan that there are only four board members present tonight, so the applicant has the option to table for a full board if they wish.

Vander Laan said they want to go ahead.

Oleson said one of the concerns mentioned in the application was that the original plat of Methodist Camp was small sized lots meant for summer cabins. Years later people want to build larger homes on these small lots. This piece of property has had two variances already.

Vander Laan said this is not a large deck; it is open so it's permeable. It's an extra 6 feet and it's not any larger variance.

Jackson asked if he was aware of the stipulation that the deck must be permeable underneath.

Vander Laan said yes.

There was no comment from the public.

Oleson asked what percentage increase is the proposed deck addition.

Vander Laan said not quite 10%.

Jackson moved to vote on the application with the stipulation of being permeable underneath. Duncan seconded. All were in favor. The vote was recorded as all approve. Oleson read from the vote result form and statement of construction deadline.

- 2<sup>nd</sup> item of new business was Kevin Bousema, an extension request for Zoning Compliance permit #13-10.

Kevin and Lauri Bousema were present and said they are requesting an extension because of a delay in their building plans. They got all the landscaping done to protect the shoreline before starting the house. They tweaked the inside plans and by the time they got bids back it was July and August. At that time there was an economy downturn. They were advised not to build until their existing house sold.

Oleson asked if this was their primary or secondary home.

Bousema said a secondary home.

Oleson asked if it was their intention of not building until the existing home sells.

Bousema said yes, financially they have to. Mrs. Bousema said the market has improved in the last few months.

Oleson voiced his concern with applicants coming to the board with speculative projects.

Jackson asked the Bousemas why they didn't have the house plans already done by the time they got their permit.

Kohlhaase informed the board the zoning office has worked with the Bousema's for years and he feels the intent has been positive and good. The variance approved is for the footprint of the house. We have no say over interior plans. The site has been seeded and protected, the lakeshore is done. They are not hurting any neighbors. It's not a construction site. The Bousemas are quality people to work with.

Bousema said they put in extra drainage which took more time. When they got the numbers back on the house plan, they were ridiculous and they had to revamp and reorganize.

Kohlhaase said technically the Bousemas have started construction with the landscaping, outlets and seeding. The office has received no complaints or concerns from neighbors. The permit is good for a year from April 25, 2010. They are requesting the permit to be extended for another year.

Jackson asked if the board has the option to give them two or three years.

Kohlhaase said yes.

Oleson said he would be in favor of extending the permit for one year.

Kohlhaase said the best scenario is the house sells. The worst scenario, it doesn't sell; they could be back in front of you.

The members discussed and agreed there was no negative side to waiting. There is no detriment to the neighbors.

Jackson moved to extend Permit #13-10 for a 12 month period to April 25, 2012. Duncan seconded. All were in favor.

Third on the agenda was approval of the minutes of February 28, 2011. Duncan moved to approve the minutes as written. Dannatt seconded. All were in favor.

Fourth on the agenda was communications. The board reviewed the new statement of construction deadline which Lonnie Saunders wrote. The statement will be read to applicants whose variances are approved to make them aware of the penalties for not completing the project as required by the zoning ordinance.

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

Sixth on the agenda was old or unknown business. There was none.

Seventh on the agenda was other. There was none.

Eighth on the agenda was adjournment. Duncan moved to adjourn. Dannatt seconded. All were in favor. The meeting adjourned at 7:32 p.m.