

DICKINSON COUNTY BOARD OF ADJUSTMENT  
Monday, April 22, 2013  
7:00 P.M.

The Dickinson County Board of Adjustment met Monday, April 22, 2013 at 7:00 p.m. in the community room, Dickinson County Courthouse.

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

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 was Dan and Patti Steward, a variance on Lot 195 and common ground, Francis Sites. Oleson read the description of the variance.

All members had viewed the site.

Jim Krueger with Gene Krueger Construction and Jim Blum, surveyor, were representing the Stewards.

Krueger said they want to construct a two car garage and attach it to the house. The Stewards want to make it a more year around home. The existing garage will be removed completely and replaced with a garage 25' deep and 26' across. They want to improve the whole structure with new siding, a treated foundation and a concrete footing. Gutters will be put on the garage that empty into a drainage tile. They want to improve the drainage. The existing garage can't be insured because it is too close to the neighbors. He explained where the concrete wall will be placed to provide for additional parking and foundation for the garage.

Krueger addressed drainage issues. He said there is a lot of water that comes off the street in heavy rains. They propose a metal, slotted drain across the front of the garage and a 12" drain tile on the north side of the property down to the lake. The gutters and downspouts will dump into this drain tile too. There is approximately a 40' fall from the road to the lake. There is a 6 1/2' fall from the garage to the floor level of the house. The new plan will eliminate a bunch of steps. Krueger showed the elevation plan and where the water comes around the house at the deck.

Jim Blum, surveyor for the project, said regarding utilities, the electric goes into the old garage and will have to be relocated. Sewer and water are already there. A private sewer service line will go under the new garage.

Blum said regarding drainage he had asked Dan Eckert, County Engineer to address the concerns of the Steward property. He presented Eckert's letter to the board members.

Blum suggests using a "traffic safe" heavy duty metal grate at least 8" wide so once a month it can be popped off and cleaned out with a scoop. Eckert has supported that there is plenty of capacity there with the grate and the 12" tile. The drainage system in Francis Sites has been there since the 1930's. Eckert agrees that it needs to be upgraded.

Ron Williams of Lot 199, Francis Sites said the lot south of him gets sand coming off the street in his gutter all the time.

Blum said low impact development is not required. He suggested the extra parking pad be put in pervious pavers and some rock. Nothing should be done on the front bank because it is too steep and would have too much erosion.

Blum said the retaining wall is going to be 2' higher than the existing wall.

Krueger said there will be new skirting and new fill around the house. The retaining wall will be a 4' frost free footing, then a poured concrete wall along the side with 8" rebar in it. They will put a curb around it to keep moisture from getting into the crack. The garage will have 12" to 18" eaves. They will also install an eave trough on all four sides of the Steward house.

Krueger said currently the house is sitting on concrete block piers and tied down. They will pour a 48" concrete footing.

Oleson said that the existing railroad tie retaining walls and chain link fence are not on the property lines. He is concerned that the property lines will not be marked well during construction and the building could get off.

Krueger and Blum said they will re-locate the pins before starting.

Jackson asked about no access into the house from the garage.

Krueger said the wall where the garage will be attached is along two bedrooms, so there is no access there. If they detached the garage, they would have to be 6' from the house and they wouldn't have enough room to the street. This would create space for water to get under the house.

Ashland said he likes the drainage plan.

Duncan felt the depth of the garage should be 24', that this is not a hardship.

Oleson said with the potential of water coming down off 165<sup>th</sup> Street, he isn't sure if the drainage plan is adequate.

Krueger said the water flows predominately to the north. They are trying to plan for a 2" rain.

Blum said if the sand is kept cleaned out of the ditches and culverts, it's not a problem.

Duncan asked if there would be a sand trap in the grate system.

Blum said they will have to create a sunken area. The drainage tile will be buried along the house and underground to the lake.

Ron Williams, neighbor, said he is in support of the project. Yes, he is concerned about drainage, but part of the hardship is the existing garage is unusable.

Oleson said the existing and planned retaining wall has a considerable drop off to the east. He asked if they had considered putting a traffic stop bumper to keep a car from going over the edge.

Krueger said no, they will have a railing on it.

Oleson asked about the improvements to the existing home.

Krueger said the first priority is to do the garage and a roof over the deck, then the siding, steps to the lake, etc. in a later phase.

Duncan said he feels the drainage is addressed. Blum and Eckert both feel the 12" tile design is more than enough. He asked how far from the road to the edge of the garage.

Blum said it will be 6' to 8' farther than it is now.

Oleson said they are trying to keep it to the least variance possible and trying to show a hardship. In the past, the board has required making a smaller garage.

Ashland said it improves traffic safety getting the garage farther from the road.

Jackson said a 25' x 26' garage is a pretty standard size.

There being no further discussion, Ashland moved to vote on the application as presented. Duncan seconded. All were in favor.

Oleson reminded the applicants that there were only 4 of the 5 board members present tonight. They have the right to ask for a postponement until a full board could be present.

Krueger wanted to proceed.

The vote was recorded as all four approve. Oleson read from the vote result form and the completion deadline for a zoning compliance permit.

Third on the agenda was approval of the minutes of March 25, 2013. Duncan moved to approve the minutes as written. Jackson seconded. All were in favor.

Fourth on the agenda was communications. There were none.

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

Sixth on the agenda was old or unknown business. Kohlhaase asked the board members to review the proposed new wording for the variance application on flagging the sites. After review and some other suggested changes, it was approved.

Oleson said he felt the elevation drawings furnished to the board should have the height shown on them. In the case of the retaining walls on the Steward application, he was unable to determine how high they were above grade and if there was a potential safety factor.

Ashland said the board does not deal with building codes. It is not up to the Board of Adjustment to decide that. The board's job is the variance request that came before them.

Seventh on the agenda was other. There was nothing.

Eighth on the agenda was adjournment. Ashland moved to adjourn. Duncan seconded. All were in favor. The meeting adjourned at 8:25 p.m.