

Dickinson County Board of Adjustment  
April 27, 2015  
7:00 P.M.

The Dickinson County Board of Adjustment met Monday April 27, 2015 at 7:00 P.M. in the Community room of the Dickinson County Courthouse.

Members present were Don Oleson, Jeff Ashland, Robert Duncan, Delmer Lee. Mary Dannatt was absent.

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 election of officers.

Oleson tabled the agenda item until they have a full board.

2<sup>st</sup> item of new business was Gregg Williams, conditional use, Parcel A, lot 22, West Sioux Estates, Dickinson County, Iowa. Oleson read the conditional use request. All members viewed the site.

Gregg Williams is the owner of this property and is requesting to expand his recreational storage building 60' by 60', he out grew his current recreational storage building, and would like more space to accommodate his needs.

Oleson asked Williams about the conditional use permit he was issued in 2013, and why the trees that the BOA stipulated, were not planted before last weekend.

Williams explained the difficulties he encountered with the NRCS office. After much delay from them, Williams decided to talk with the neighbors to see what their feedback would be on the type of trees and shrubs he should plant. David Kohlhaase, the Zoning Administrator reminded Williams that he needed to abide by the stipulations put forth by the Board of Adjustment. Williams did get his plants ordered through the NRCS, planted them, readjusted and done according to the stipulations of the Board, but unfortunately he was unable to complete the project before the Saturday before the meeting.

Oleson said the BOA specified that they wanted 6 to 8 foot shade trees when the trees were planted.

Williams apologized about the delay in planting, he indicated that the NRCS did not have 6 to 8 foot shade trees available.

Oleson asked Williams why he did not contact a local nursery, and Williams said he has only worked with the NRCS and it did not occur to him to contact a nursery. Williams said he did accomplish the other stipulations that were attached to the 2013 permit.

Kohlhaase interjected and summarized the hurdles which Williams had to go through over the last two years to get the trees ordered and planted.

Duncan asked if the Austrees and the Common Lilac shrubs were planted.

Williams said yes they were planted, and watered twice, but he had to readjust them late Saturday to the BOA stipulations, but yes they have been planted.

Duncan said that he was out there on Saturday and the planting was not done at that point.

Oleson told the board that he asked Lonnie Saunders, the Assistant County Attorney, if the 2015 conditional use application and the application from 2013 could be linked and Saunders said he did not legally think that was possible.

Kohlhaase stated that as far as the County is concerned the planting is done, and with the conditions met, the application is complete.

Ashland asked Williams who was going to do the construction on the proposed expansion.

Williams said Cornerstone Construction will be doing the work.

Oleson asked if there was anyone from the public who would like to speak to the Williams conditional use.

Cheryl Kruger, Williams's neighbor, said that she was at Williams's property before the meeting and the Austrees, were not planted.

Ashland asked how tall are the Austrees.

Williams said 2 to 3 feet in height.

Oleson asked for any other questions from the board

There was some additional discussion from the board.

Ashland motioned to vote on the application as presented. Duncan seconded the motion. All were in favor.

The vote was recorded as Duncan, Ashland, Lee, and Oleson approve. The conditional use passed with no stipulations.

3<sup>rd</sup> item of new business was William Knox, variance, Lot 6 and Common Ground Hafers Point, Dickinson County, Iowa. Oleson read the variance request. All members viewed the site.

Oleson informed the board that in 2008 Knox obtained a variance for this property which was approved, but this is a new application, and must be considered separately.

William Knox began by stating that in 2008 he was granted a variance on this lot, but because of the failing economy, the project did not go beyond the excavation phase of construction. As a result the soil was exposed and Kohlhaase asked Knox to do something to protect the lot against the elements, so he put down hard surface gravel for parking. Knox went on to explain the hardships associated with the lot size as well as the zoning setback requirements in the R-3 district.

Oleson told Knox that one of the BOA responsibilities is to take into account the fewest/smallest variances possible.

Ashland asked if Knox was going to live in this house or if it was being built as a speck house.

Knox replied that he will not live in it year round, but it will be a vacation home for himself and his family.

Kohlhaase did say that because the block is improved more than 30% the zoning office has to look at alignment for Knox's front yard setback, which is 40' feet.

Lee asked if Knox has to have a 40' foot front yard or could he have 35' feet because of the bulk regulations.

Kohlhaase clarified and said Knox has to have the 40' because of the alignment clause in Article #17.

Discussion continued between the Board and Knox on the possibly of eliminating/decreasing any of the variances.

Knox informed the board that he brought a new proposal and passed out a new site plan detailing his adjustments. Knox eliminated the rear variance by shortening the house and eliminating the porch and some storage area.

After discussing the new site plan, Knox and the Board were able to eliminate the south side yard variance as well. The Board then clarified that Knox was now only requesting one variance on the north side yard of 5' feet when 8' feet is required, a variance of 3' feet.

Lee suggested that Knox look into constructing a rain garden instead of crushed river rock to help with drainage.

Knox said that he was not opposed to a rain garden, if done properly it can have a positive effect.

Oleson asked if there was anyone from the public who would like to speak to the Knox variance.

Gerald Wiekamp, 16822 255th Ave. Spirit Lake summarized to the board the disrespect Knox has shown to the neighborhood, citing several incidents, when he was building the house on the lakeside. Wiekamp also expressed his disapproval of the multiple variances, and felt the revised plan was better suited for the neighborhood, but would prefer no variances because he feels granting any variance is setting a standard.

Duncan asked if Wiekamp lives next the current lot asking for the variance.

Wiekamp told the board that he lives across the street, and Knox infringed on his property when Knox built a previous house in the area.

Ed Benz who represented the Benz family farm, located West of Mr. Knox's lot, explained his family's history in the area and their interest in preserving the land. Benz went on to explain his, and his family's disapproval of the proposed variances, and would like Mr. Knox to build within the zoning requirements.

Oleson asked for any further comments from the public.

Oleson asked Knox to explain his hardship to the board again.

Knox said that it is a combination of the narrowing lot from the front to the back and the zoning setback requirements.

Oleson clarified that the BOA does not set those requirements.

Oleson asked if the board had any concerns they would like to discuss.

Oleson read the correspondence. The only letter was from the Benz Family Farms.

Discussion continued between the Board, Knox, Kohlhaase, and the public.

Duncan made a motion to vote on the application as amended to include the elimination of the rear and south side yard variances, to have a north side yard of 5' feet, when 8' feet is required, a variance of 3' feet, and to keep all construction activity on Knox's lot, unless permission was granted by a neighboring property owner.

Lee seconded the motion. All were in favor.

Oleson asked Knox if he agreed with the terms set by the Board.

Knox replied yes.

The vote on the motion was Lee, Ashland, and Duncan approve, Oleson deny. The variance passed with stipulations.

Third on the agenda was old business

Kohlhaase explained to the Board the obstacles Mr. Williams encountered over the last 2 years while he was trying to plant the required trees and shrubs stipulated by the Board in 2013. Kohlhaase read a letter from Mr. Mahoney from the NRCS office.

Discussion continued about the trees that were planted on Mr. William's property.

Fourth on the agenda was the approval of the minutes from September 22, 2014. Ashland moved to approve the minutes as written. Duncan seconded. All were in favor.

Fifth on the agenda was communications. Oleson read a letter he received from David and Cathy Huff with concerns about the Rex and Susan Wangler pending zoning compliance permit in Triboji. Kohlhaase outlined what the Wangler's are proposing and explained they were in compliance with all zoning requirements.

Oleson asked for clarification on what structures were currently on the Wangler lot.

Kohlhaase said the guest house was removed which was stipulated by the BOA in 2014, so currently just the primary structure, which the Wangler's received a variance for in 2014.

Oleson expressed his concerns about Paul Hanson's property in Monarch Cove and the access alley Hanson may be using to access his property. Kohlhaase said he would look into it.

Discussion followed about applications that are approved by the Board and the stipulations that are attached to those applications.

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

Seventh on the agenda was unknown business. Duncan asked about a project on the Hawn road. Kohlhaase asked Duncan to come to the zoning office so they could discuss it further. Duncan also asked about the condo project on Lakeview Dr. Kohlhaase told him an extension has been granted and that the applicant is working on completing it.

Eighth on the agenda was adjournment. Duncan moved to adjourn. Lee seconded. All were in favor.

(for more information see recording BOA 04 27 15)