

DICKINSON COUNTY BOARD OF ADJUSTMENT
Monday, April 28, 2014
7:00 P.M.

The Dickinson County Board of Adjustment met Monday, April 28, 2014 at 7:00 p.m. in the community room of the Dickinson County Courthouse.

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

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

First on the agenda was roll call.

Second on the agenda was new business.

- 1st item of new business was Emmet Co. Energy LLC request for extension for one of four existing anemometer towers, and for Red Rock Wind, an extension of one anemometer tower.

Al Blum, owner of both wind farms, said two years ago they were given an extension on the Emmet Co. data gathering tower that was approved in 2006 and the Red Rock data gathering tower that was approved in 2008. They have 90 investors in these projects. They are still not ready to move forward with the wind farm construction, so still need data from these meteorological towers. The transmission problem is finally being addressed. They took down 3 met towers. They still have 2 in Dickinson County and 2 in Emmet County. These met towers are always going to be part of the wind farm.

Oleson asked if the hold up was the economy.

Blum said the transmission has been the biggest problem. Lines are being built now and other transmission projects are being engineered.

After discussion, the members agreed on a two year extension for each tower. Ashland moved to extend the conditional use for the Emmet Co. Energy/Hanby tower for 2 years from today and to extend the conditional use for the Red Rock Wind/Stacey Olson tower for two years from today. Both towers are to be marked with spherical balls. Mary Dannatt seconded. All were in favor.

- 2nd item of new business was Paul Hansen, a variance for Lot 5, Block R, Methodist Camp. Oleson read the description of the variance. All members had viewed the site.

Hansen explained his plan to remove the old garage and build new with footings, add on for extra space and build a second story over the garage and part of the cabin for storage and bedrooms. There is a 10' alley behind and camp property to the east.

Duncan asked about a basement.

Hansen said there is one under 1/3 of the cabin which was originally a storm shelter for the camp.

Oleson asked about the driveway that encroaches on the neighbor's property and if he visited with the camp association about it.

Hansen said they have no problem with it. He plans to leave his existing utility shed and possibly have a garage door on his garage.

Oleson asked why this was a hardship.

Hansen said he wants to move here permanently after he retires and needs to have a functioning garage and some storage space.

Oleson asked if he had looked at other options, possibly tearing down and building new.

Hansen said the cabin has unique characteristics which he wants to preserve such as a stone fireplace, beams in the ceiling and wood floors.

Duncan drew on a white board drawings of two different house plans which would cut down on the variances.

Duncan was concerned with the 1' rear and side yards and with the age of the cabin.

Oleson asked for comments from the public in attendance.

Muriel Nelson said Hansen has gone to a lot of work, he is very organized and remodeled another building in the area that was very well done.

Gladys Shultz, Secretary to the Monarch Cove Association Board, said the camp property to the east is set aside as a Memorial Garden, so the garage wouldn't intrude.

Correspondence was read from James Benz, Monarch Cove Association President, saying the Association does not object to the Hansen variance.

Duncan said his concern is that he sees no hardship.

After some discussion Oleson asked Hansen and his builder if they wanted to table the variance and come back with a new plan with less variances.

Hansen and his contractor, John Wahl asked that their application be tabled for a few minutes while they consulted.

- 3rd item of new business was David Brecher, variance Lot 101, McClelland's Beach. All members had viewed the site.

Brecher said he bought the property in 2010 and wants to make it their permanent residence. There is no garage on this lot. It is a corner lot requiring a 35 feet setback on both sides. In their planning, they tried to rotate it close to the house to keep it from the northwest corner and the neighbor's garage.

Duncan noted that the neighbor's garage is only 2 feet from the lot line.

Board members questioned the size of the garage.

Brecher said his primary concern is the width for room for a boat.

Jackson said he doesn't consider boat storage as a hardship. It would widen the distance to the road if he takes off one stall.

Jim Blum said the problem is the 2 streets on each side which requires greater setbacks.

Oleson asked for comments from the public in attendance. There was no one.

Correspondence was read.

McClelland's Howe Owners Assn. in support of the project.

Terry Nelson in support.

David Gehrke in support.

Brecher had talked to his next door neighbor Bob Wolfe who had no objection.

Duncan asked if Brecher had any plans to enlarge his house in the future.

Brecher said no plans.

Duncan moved to vote on a stipulation that the garage size be reduced to 28 feet long and 32 feet wide, taking 2 feet off the east side of the garage. Mr. Brecher agreed to the stipulation. Dannatt seconded. All were in favor.

Ashland moved to vote on the application with the stipulation. Duncan seconded. All were in favor. The vote was recorded as Jackson and Oleson – deny. Ashland, Dannatt, and Duncan – approve.

Oleson read from the vote result form and the zoning compliance completion deadline.

At 8:04 p.m. the Board returned to the Hansen application. Hansen proposed to move in the garage 6 feet all across the rear (north), giving a 7 feet rear yard. He also asked to then add 3 feet on the south side of the single stall garage so he could still park a vehicle inside.

Oleson told Hansen he would like to see the driveway cut back off the adjoining camp property.

Hansen said the driveway is grandfathered.

Duncan asked questions about construction details.

John Wahl, contractor, explained.

Jackson moved to add a stipulation to change the rear yard to a 7 feet setback and add 3 feet on the southeast side of the garage. Dannatt seconded. All were in favor.

Duncan moved to vote on the application with the stipulation. Ashland seconded. All were in favor. Vote was recorded as Jackson, Duncan, Oleson – deny. Ashland and Dannatt - approve.

Oleson read from the vote result form.

Third on the agenda were the minutes of March 24, 2014. Jackson moved to approve the minutes as written, Dannatt seconded. All were in favor.

Fourth on the agenda was communications. There will be possibly two applications for the May meeting.

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

Sixth on the agenda was old or unknown business. Oleson reported a cell tower along Highway 9 had numerous marking balls missing or slid low to the ground. Kohlhaase had been in contact with Great Lakes Communications. They checked and over the winter the weight of snow and ice took the balls down. They have to have a crane to put the balls back up. They are in the process of engineering a new way to mark.

Oleson said the board had wanted the Planning and Zoning Commission to consider amending the ordinance to require tornado shelters in mobile home parks. Kohlhaase said the Planning and Zoning haven't met yet this year, but will be meeting in May.

Oleson asked Saunders about the Mohling lawsuit. Saunders said all property owners have met and are seeking a resolution out of court.

Duncan asked if we should put a statement in the variance application that defines what a hardship is. Kohlhaase said the office very clearly explains to the applicants that they must show a hardship.

Seventh on the agenda was other. There was none.

Eighth on the agenda was adjournment. Duncan moved to adjourn. Ashland seconded. All were in favor. The meeting adjourned at 8:30 p.m.