

DICKINSON COUNTY BOARD OF ADJUSTMENT
Monday, May 23, 2011
7:00 P.M.

The Dickinson County Board of Adjustment met Monday, May 23, 2011 at 7:00 p.m. in the community room, first floor of the Dickinson County Courthouse.

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

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 was Jeffrey G. Hartman, variance in Triboji Beach, Block 24, Lot 1. Oleson read the description of the variance. All members had viewed the site.

Jim Blum, land surveyor was present, along with applicants Jeff and Lori Hartman. Blum said this property sits at the south end of Triboji Beach. It is a very unique lot. It is a triangular lot that doesn't have a dimension on the radius of the corner. The lot is 1318 square feet and the house is 416 square feet. The survey shows where the house sits. It has double frontage on two streets, each requiring a 35 feet setback. Using the existing setback requirements, there would be no buildable area. The house was built in the 1930's. The hardship is the setbacks, the triangular shape and the small house square footage. The Hartman's are asking to go vertically. There is no change in the footprint. In the process of the family getting bigger, they need more room. There is no real visibility problem. The second story is in compliance for height at 21 feet. Because of the triangular point on the south lot line, the house is actually 102 feet back from the intersection.

The site plan shows there is no horizontal change. The drainage is from the northwest corner to the northeast with about a 4 feet drop. The drainage will stay the same. There is no increase in impervious surface.

Oleson asked about the intersection point on the map.

Blum said that is the road right of way point. He said all utilities are here. Sewer and water are in Percival Drive. The total roof area is not changing. There is no increase in drainage. For parking, they have two stalls on the north side 8' x 18' and 9' x 18'. The parking spaces are small in width, but the Hartman's have mini vans.

Oleson said for the parking spaces as drawn to be accurate, the retaining wall would have to go. Blum said the Hartman's would be willing to take the retaining wall out if needed.

Jeff and Lori Hartman agreed that is easily removable. Hartman said he remarried and he gained three children.

Oleson said the portable shed in the survey is shown as being over the lot line. He asked if the property was surveyed when purchased.

Hartman said it was not surveyed. The realtor laid out the lot lines for him.

Oleson asked if there were sleeping rooms in the house.

Hartman said no.

Duncan commented that the deck on the rear of the property appears to be right up to the property line.

Blum said there are no easements on the property. Everything public is in the street.

Oleson said if he were to consider approval of the variance, he would desire that the tool shed be placed so it is on the Hartman's property or go away completely and get two cars parked off the right of way. He is also concerned about the wood deck that is on the lot line.

Hartman said the retaining wall can be removed. The tool shed they could remove or get a smaller one.

Kohlhaase said the shed doesn't have a permit. There was a deck there before when Mr. Horstman owned it, but it was off the subject property. They wanted to rebuild it, so they had to make it smaller. If the deck is removed, Hartman's could have steps down to a ground level deck, wood platform, or concrete slab.

Duncan said he is concerned with the structural soundness of the cabin, if it can support a second story.

Hartman said he has been in construction since 1987 and has taken construction training. He has looked at the foundation which is a block foundation with support beams. Everything is structurally sound. He can build a header within the wall system around the perimeter for support.

Oleson asked Hartman what they would do for parking for extra family members.

Hartman said they have permission from the neighbors and have a place at Cutty's they can use for parking.

Jackson asked if this is to be used as a summer place.

Hartman said yes – mostly week-ends.

Oleson asked if they would ever desire to have it be a year around home.

Hartman said no.

Duncan asked how many in the family.

Hartman said six. The bedroom will be an open loft 12' x 16' with two built in bunks. There will be a spiral staircase from the living room.

Duncan asked about the drawing of the bedroom addition. It appears that the side of the structure is sticking out a foot.

Hartman said that is the 12" eave.

Correspondence was read:

Barb Gearke, Tom Brodie, Ann Farling and Meg Ideker – oppose.

Ron and Kathy Klipfel – oppose.

Robert and Karla Brown – oppose.

Gerald and Jean Jensen – oppose.

Lee Riemersma – oppose.

Katy Hanigan – oppose.

Charles Condon – oppose.

Mary Lou Korwes – oppose.

Jerry Fulton – oppose.

Larry Andre – oppose.

Kohlhaase said that Jim Leinbaugh of Iowa Great Lakes Sanitary Sewer confirmed that the Hartman property was hooked to sanitary sewer.

Ashland said most of the concerns in the letters are with parking.

Hartman said the safety aspect is not going to increase or decrease. They will park there if the variance is not approved.

Oleson asked if the house is built on a slab.

Hartman said it is a crawl space with a block foundation around the edge with a support beam in the middle.

Oleson asked if remodeling was being done to change the outside appearance.

Hartman said they were putting new windows in the north and east corners. The siding will be cedar wood shingles, stained, and green shingles on the roof.

Oleson asked if they were doing the work themselves.

Hartman said they will use a family crew. They plan five to seven days to frame it and put the roof on. They can get permission from neighbor Mr. Horstman for the crew to park.

The board members discussed stipulations to be attached to the vote.

Dannatt said the main concern is the parking and the parking will not change if approved or not.

Oleson asked Lonnie Saunders if they put stipulations on and the house is rebuilt, how would we handle extra parking along the streets.

Saunders said the Sheriff would have to be called.

After discussion, the following stipulations were suggested to be added to the motion:

- 1) Small tool shed on the northwest side to be removed.
- 2) Wood composite deck on the north side to be removed completely and ingress/egress steps allowed.
- 3) Two feet timber retaining wall on the southeast side to be removed and leveled off to create two all weather parking areas as per the application.
- 4) While the work is being done, contractors will be provided parking off street.

Ashland moved that the stipulations be added. Duncan seconded. All were in favor.

Ashland moved to vote on the variance with the stipulations attached. Duncan seconded. All were in favor.

The vote was recorded as Oleson, Ashland, Jackson, Dannatt – approve. Duncan – deny. Oleson read from the vote result form. He advised the Hartman's they had 6 months to begin the project and 12 months to complete.

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

Fourth on the agenda was communications. Kohlhaase said he was asked to research the trees around the substation on the north side of Highway 9 by Lake Park. Instead of cedars, they planted junipers and the trees were in bad shape. Troy Weary and Dan Hagan of ITC Midwest were going to work with a local nursery on getting a plan and replanting the trees. Oleson also reported that most of the plantings are dead at the substation across from Linweld in Spirit Lake.

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

Sixth on the agenda was old or unknown business. Kohlhaase said the office has received an appeal of a decision which the zoning administrator has made. The hearing is not yet set. There will be a variance in East Okoboji Beach next month.

Dannatt had a question of whether the Bousema's who recently received an extension of their building permit had started the project within 6 months. Kohlhaase said yes, they did some landscaping and dirt work.

Seventh on the agenda was other. There was discussion of the recent Planning and Zoning workshop where Gary Taylor, zoning specialist with Iowa State University, said their county never grants a variance.

Kohlhaase said that is the extreme in a perfect world. The Board of Adjustment is trying to be reasonable and balanced. He said in the future he would like to bring Gary Taylor to our county to speak to our boards.

Eighth on the agenda was adjournment. Jackson moved to adjourn. Ashland seconded. All were in favor. The meeting adjourned at 8:32 p.m.