

Sony ICD MS515

DICKINSON COUNTY BOARD OF ADJUSTMENT
Tuesday, May 29, 2012
7:00 P.M.

The Dickinson County Board of Adjustment met Tuesday, May 29, 2012 at 7:00 p.m. in the community room of the Dickinson County Courthouse.

Members present were done Oleson, Dennis Jackson, Jeff Ashland, Bob Duncan and 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.

- 1st item of new business was Mike and Julie Sexton, a variance for East Okoboji Beach, Unit 2, Block 2, Lot 2. Oleson announced that the application has been withdrawn.
- 2nd item of new business was Great Lakes Communication Corp. and Vince Elser, a conditional use application in the N. 550' of the W. 450' of Parcel E in the NE ¼, Section 2, Excelsior Twp. for construction of a communications tower. Oleson read the description of the conditional use.

All members had viewed the site.

Josh Nelson was representing Great Lakes Communication. He explained their company is public certified in the Lake Park and Milford exchanges to furnish telephone service. They would like to build a 300 feet tower to cover this area.

Oleson said the property is 550 feet deep. The tower is 300 feet tall. It is unclear on the site plan if the tower is 300 feet from the Highway 9 right of way.

Nelson said it is not located dead center but is within safe fall down distance.

Pat Helmich with Great Lakes Communication said the tip of the tower would reach the edge of the right of way line on Highway 9 if it were to fall down.

Ashland said the drawing furnished measures 300 feet from the north property line of Highway 9.

Oleson commented that there was not enough area to protect surrounding properties from the tower should it fall down.

Ashland said as a safety issue, he is more concerned with the distance to the highway.

Oleson said there is no ordinance that would require a minimum lot size.

Saunders agreed that the main concern is to stay 300 feet away from the highway. Great Lakes Communication would have some risk and liability if the tower falls some other direction, but that is theirs.

Duncan asked if Great Lakes had any conversations with surrounding land owners.

Nelson said that Vince Elser is on two sides, south and east.

Oleson asked if Great Lakes Communication is the owner of the parcel where the tower is to be placed.

Kohlhaase said they are the contract purchaser. They have a purchase agreement with Elser, contingent on them receiving a conditional use permit to build.

Nelson said they have been FAA approved. They will have lighting on the tower every 100 feet.

Tim Sylvester with Great Lakes Communication said they have new low intensity strobe lighting. In the daylight hours it is white, and at night time it is red.

Jackson said the county has a new ordinance that requires red balls on the guy wires. Did this application come in before the change?

Nelson said they could comply with that, but they have 5 guy wires on each of three sides. Where should the balls be placed?

Ashland said not on every guy wire, but on the top wire.

Kohlhaase said those regulations are for WECS, so are not required unless the board needs it.

Sylvester said the industry has been going away from installing those balls. They also become a load problem if they get covered with ice.

Oleson asked for public comments. There were none.

No correspondence was received. Kohlhaase said he received a question on an existing tower in the close vicinity and would there be any interference with signals.

Nelson said this is a cell phone tower. The two towers will be on different wavelengths, so no interference.

Jackson said they are showing on their site plan one building for now, but future buildings planned. Will they have to come back to the board with future buildings.

Kohlhaase said if they approve the conditional use, an accessory structure can come later to get a building permit without going through the board.

There being no further discussion, the board considered stipulations to be attached to any vote of approval.

The stipulations were stated as follows:

- 1) The conditional use is in effect until it ceases to be used as a functioning communications tower for a period of one year, then it must be dismantled and the property returned to its original state.
- 2) Colored spherical markers are to be placed on the top wire of each of the three guy wires on the tower as high as engineering determines they should be located.
- 3) If the accessory buildings cease to be used as a functioning communications site for a period of one year, they also must be removed.

The applicants, Great Lakes Communication Corp. were in agreement with the stipulations as stated.

Duncan moved to vote on the stipulations as presented. Jackson seconded. The vote was Oleson, Duncan, Jackson, and Dannatt – aye. Ashland – naye. He did not agree with stipulation no. 3.

Ashland moved to vote on the tower project with the stipulations as approved. Dannatt seconded. All were in favor. The vote was recorded as all 5 in favor.

Oleson read from the vote result form and the statement of completion deadline.

- 3rd item of new business was Matthew Mongan, a variance for Village Park, Lots 23 and 24. Oleson read the description of the variance.

All members had viewed the site.

Matt Mongan said they would like to remove their existing double wide mobile home and put in a new modular home with a foundation. It would be an extra 5 feet long. They need a variance for the rear yard and front yard. They purchased the property in 2007. They haven't done a lot of updating of the 1972 trailer. The life expectancy is about 40 years and it is at 39 years now.

Oleson asked Kohlhaase if the existing double wide was put in before zoning.

Kohlhaase said he thought so. Today's rules require a mobile home to be 1976 or newer and HUD approved.

Oleson addressed Mongan and said some lots are meant for cabins, cottages, or homes depending on their size. He asked if Mongan had considered stick building a home the same size as he had before without a variance. Also there is nowhere to park on the property.

Jackson agreed.

Mongan said he tried this week-end and can get two cars on the lawn.

Dannatt asked Kohlhaase if Mongan can stick build a home in the exact same place without coming for a variance?

Kohlhaase said if the home is non-conforming but damaged less than 50% of its assessed value, it can be replaced to the same footprint and the same volume. Figuring the damage may require a statement from a qualified contractor.

Oleson said the modular home is an economic consideration. Also, a modular can be specially built to the exact same size as his current home.

Mongan said the smallest Green Acres could go is 28' x 56'.

Jackson said American Homes can custom build to any size.

Oleson asked Mongan if he had explored all his options for stick built or modular homes.

Kohlhaase discussed options. One would be to table the application until Mongan could do more research into what is available.

Mongan said he would like to table the application until the June meeting.

Susan Doorenbos asked to see a map where this lot was in relation to her property. She commented this would be good for the neighborhood.

Third on the agenda was the minutes of April 23, 2012. Ashland moved to approve the minutes as written. Duncan seconded. All were in favor.

Fourth on the agenda was communications. There were none.

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

Sixth on the agenda was old or unknown business. Jackson said he noticed the little cottage that was upgraded in Triboji Beach hasn't moved their shed yet. Kohlhaase said he thinks their year is not up yet.

Seventh on the agenda was other. Oleson said the substation that replaced the evergreen bushes, several were dead and brown.

Eighth on the agenda was adjournment. Ashland moved to adjourn. Duncan seconded. All were in favor. The meeting adjourned at 8:05 p.m.