

Dickinson County Board of Adjustment  
June 22, 2015  
7:00 P.M.

The Dickinson County Board of Adjustment met Monday June 22, 2015 at 7:00 P.M. in the Community room of the Dickinson County Courthouse.

Members present were Don Oleson, Jeff Ashland, Mary Dannatt, Delmer Lee and Robert Duncan

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 Jeanne Gross, Variance, S ½ Lot 12, Block S, Methodist Camp, Dickinson County, Iowa. Oleson read the variance request. All members viewed the site.

Jim Blum began by introducing Bernard Voss the contractor for the project. Blum went on to explain that the only buildable area on this property without a variance is 2.5' feet by 17' feet. The house is small, but the unique thing about the property is that it has a street to the south and to the west. The house was built in the 1930's on a half lot, the lot size is only 47' feet x 50' feet, the property owner, Mrs. Gross, would like to put an addition onto the bathroom. The current bathroom is only 4' feet x 9' feet. On a positive note, the neighbor's driveway provides a buffer to the East between the two houses. The neighbor's house sits quite a ways East on their lot and even with the addition on the Gross property there is 13.7 feet of separation. Blum explained the utilities and drainage.

Oleson said that the neighboring property owner also has a right to build, and they can come within 8 feet from their property line. It is not a guaranteed 13.7 feet of separation.

Blum said the neighbors could only build over another 4-5 feet and still be in compliance with the zoning ordinance but Mrs. Gross's lot is a unique situation because of the corner lot.

Oleson reiterated that this is a half lot, most lots in Methodist Camp are 50' feet x 90' feet and this lot is only half that size, it is a very small home. He said that by his math the lady has owned the house for 23 years and she has been able to use the bathroom or at least it has been acceptable for those 23 years. We understand that she is getting older and the need for larger, but Oleson wondered if there was any thought to using any of the interior space.

Voss said that the kitchen is very small. There really is no other interior space, other than messing up the rest of the floor plan.

Oleson said he realized that the floor plan would have to be changed, but has Gross given any thought to an alternative to breaking the rules, or changing the rules.

Kohlhaase asked Voss to explain to the Board what he told Kohlhaase.

Voss explained that you need to back into the bathroom, it is only 4' feet, and there is a shower on the south end, a vanity and a stool. It is very difficult to get around the stool to get to the shower. I don't know how we could really go inside the house. I guess we did not consider going into the house, Gross just asked about adding on, and I knew that was going to be a problem.

Oleson said that he has a suspicion, looking at the age of the house that the bathroom was added after indoor plumbing.

Voss said that the base of the shower is a slab of cement, and it may have been an old entry before it was enclosed and made into a bathroom.

Dannatt asked if Gross made any changes to the house after she inherited it from her parents.

Voss said the house has been the way it is for as long as he can remember.

Dannatt asked how the additional space is going to be used.

Voss brought a floor plan that he drew and explained it to the Board.

Discussion continued on the on the floor plan.

Oleson asked the Board to consider, a past variance when an elderly gentleman needed some additional space onto a bedroom and because of right of way on M56 it made the area very tight. On that application the BOA included a stipulation that if the house would ever be damaged or torn down, then the additional square footage granted by the variance, would not be considered for new construction.

Duncan said that if Gross built 3' feet inside the house for the bathroom, she really would not take that much out of the current space.

Additional discussion about the current house and floor plan.

Oleson said that for the record, the Board is directed to keep all variances to a minimum, as small and as few as possible.

Discussion continued about the layout of the bathroom.

Voss asked the Board if they would be agreeable to decreasing the variance to a 5' feet East side yard.

Oleson asked if the applicant has explored other options.

Blum said he believes Mrs. Gross has looked at the addition from a cost hardship. They could look at a 5' feet side yard, and then move south down along side of the house for additional space.

Oleson said he is concerned about a house that was built in the 1930's and then if something happens to that house, then we have a new house that is 3' from the property line.

Lee said that we could put on the stipulation that Oleson mentioned previously.

Oleson indicated that there is a concrete patio slab that is over the north property line, and he has a problem granting a variance on a property that has a patio over the property line already. That is something that does not fly with other cities in the area.

Blum asked Gross about the patio slab and she said that they replaced the slab 2 years ago, but it was already in existence.

Gross mentioned that she is shorted several feet off the corner of her lot because of the street and the neighbors use that.

Duncan said he would feel better about the project if it went into the house about 3' feet, instead of adding on to the house.

Oleson said that it is an option.

Blum said that it may be an option, but finically it is not an option. There would have to be major reconstruction to the kitchen, and a bedroom, wouldn't it be better to put a contingency on the application if you granted the application, the variance square footage would go away.

Dannatt said who would know that we did that.

Oleson said that his concern is that the stipulation would get lost in the files.

Saunders said that just because a variance has been granted, does not mean that they can come back and build the same footprint.

Kohlhaase said the only way Mrs. Gross could rebuild the house back to the exact same is if a tornado or something came through and the house is damaged less than 50% of the assessed value, but if it is damaged more than 50% than she would have to start all over, she would not be able to rebuild to the same footprint.

Lee asked if Gross sold the house with it damaged less than 50%, could the new buyers rebuild the house to the exact same.

Kohlhaase said that a new buyer would have a 12 month window to obtain a building permit, but if it was past the 12 months, then they would be stuck with what they have.

Oleson said that the board looks at each application on its own merit. He understand that everyone is getting older, and he understand that it's a small bathroom, but Gross has had the property for 23 years, and it's been all right.

Gross said we put up with it.

No correspondence.

Gross said that adding onto a little bathroom by a couple feet, will not cause anyone any harm.

Oleson said that we are to abide by the rules. Oleson detailed hardships.

Duncan asked about the west side of the house and about the 17' feet to the lot line.

Oleson said that it is a corner lot and Gross has a double setback because of a corner lot, she would typically need 25' feet to build by today's zoning ordinance.

Blum said if Gross were to abide by the current zoning ordinance, and build a new home without a variance, she would only be able to build on 2.5' feet x 17' feet.

Dannatt asked Gross if she would consider bringing the bathroom addition south along the house.

Discussion about the site plan and other building options.

Saunders cautioned Gross that if the Board were to vote today, and turn down the application then she would have to start the process over next month. But if she wanted to table the application and have Voss and Blum reconfigure things, then she could resume where they left off at the next meeting.

Additional discussion on tabling the application and what can be done on the lot.

The board granted a 5 minute recess to the applicant to draw a new site plan.

Third on the agenda was old business. This item was skipped by the Board until later in the meeting.

Fourth on the agenda was approval of the minutes. Oleson said that the conversation about the possible draft of a concrete plan/stipulation, was not included in the minutes from May. Saunders said that Kohlhaase and he worked on it a little bit, and they have some questions that need to be addressed, as well as some definitional things. Ashland motioned approve the minutes, Duncan seconded. All aye.

Fifth on the agenda was communications. There was none

Sixth on the agenda was Report of Officers and Committees. There was none.

The Applicant came back to the board.

Blum said that the new option would be to have a 5' side yard setback, and would probably go 16' feet south, and possibly relocate a window. The Board could also put a stipulation on the application that should something ever happen to the house, the square footage from the variance would not be allowed to be included in the rebuilding process unless the applicant came back to the BOA.

Oleson asked how the board felt about the new plan, with the side yard variance going from 3' feet to 5' feet and by 16' feet long, as well as along the stipulation that if the house was damaged then the variance would go away and Gross would have to go back to square one.

Voss asked for clarification on a stipulation.

Oleson said that if the house was damaged then the variance would be voided, and Gross would have to appear in front of the Board.

Kohlhaase said that the ordinance already covers this, it says that if the structure is damaged more than 50% than the current foot print goes away.

Discussion on the application, the stipulation and future expansion.

Lee made a motion to vote on the amended application to allow the new plan that is less than the original plan, and that if anything happened to the home the house could not be rebuilt as it stands today.

Duncan seconded.

Oleson asked the applicant if she agrees, Gross said yes.

The Board agreed with the stipulation. All in favor to vote.

Vote approved 5-0, Duncan, Lee, Ashland, Dannatt, Oleson, Lee, All were in favor.

Third on the agenda was Old Business. Oleson said we have hatched over some of it. Saunders and Oleson will meet to discuss a blanket stipulation.

Seventh on the agenda was Unknown Business. There was none.

Eighth on the agenda was Adjournment. Lee made a motion, Duncan seconded. All Aye.

Meeting adjourned 8:10 p.m.

(For more information: See recording BOA 06 22 15)