

DICKINSON COUNTY BOARD OF ADJUSTMENT

Monday, June 22, 2009

7:00 P.M.

The Dickinson County Board of Adjustment met Monday, June 22, 2009 at 7:00 p.m. in the community room, Dickinson County Courthouse.

Members present were Don Oleson, Dennis Jackson, Bob Duncan, Jeff Ashland, and Wendell Williams.

First on the agenda was roll call.

Second on the agenda was new business.

- 1st item of new business was Carol J. Pierce and Debra L. Pierce, c/o Julie Barto, a variance on Lot 16 and common ground of the 2nd Subdivision of Weather End. Oleson read the description of the variance.

All members had viewed the site.

Jim Krueger of Gene Krueger Construction was representing the Pierce's, three sisters who own the home. Krueger showed 3-D drawings of what the proposed project would look like. They plan to remove windows, replace siding, and expand the deck. This is a summer residence; they have a lot of family and like to spend time on the deck.

Krueger said on the west side will be a covered deck to shade from the hot afternoon sun and create more space. On the south side of the house they plan an open rafter system to create some shade. The deck will have a 36" tall railing and the roof will blend in with the house. The actual area of the variance is about 25 square feet; the green triangle shown on the map. Krueger explained his lot markings. The Pierce's were forced into a 35 feet setback because this is a corner lot. They will still have lots of green space. Only 23% of the ground will be covered with impervious surface. He explained the drainage. Only part of the triangle shown has a roof over it, so the deck may be only 15 square feet out of compliance. The width of the walkway on the south and west is 6 feet.

Oleson asked for any questions from the board.

Ashland said it was well marked.

Jackson said there is plenty of room. They are not bothering anyone.

No correspondence was received.

There were no comments from the public.

Williams moved to vote on the application as presented. Ashland seconded. All were in favor to vote. The vote was recorded as all approve. Oleson read from the vote result form.

Third on the agenda was approval of the minutes of May 26, 2009. Ashland moved to approve the minutes as written. Duncan seconded. All aye.

Fourth on the agenda was communications. There were none.

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

Sixth on the agenda was old or unknown business. Kohlhaase said we have received no applications yet from North Star Wind.

Seventh on the agenda was other. Kohlhaase said Mark Wagner had called this morning and asked to come to the meeting to inform the board members of the status of his project.

Oleson said the board cannot take any action.

Lonnie Saunders said it would have to be an agenda item before the board could take any action.

Wagner gave an update of his project. Last fall the Board of Adjustment approved his variance with an extension to July 31, 2009. The deadline is approaching and they have had events that keep unexpectedly drawing them away. He wondered if he could seal and backfill the foundation. Their decisions have been made with the best intentions. He wondered if he could leave the foundation open without inconveniencing the neighbors.

Saunders asked Wagner if he was saying it is not possible to finish by July 31st.

Wagner said he could have the slab poured and the walls up by July 31st. What are the implications if not completely done by that time?

Saunders said without the board withdrawing their stipulations, charges are filed and will begin August 1st to have daily charges filed.

Kohlhaase asked the Wagner's if they are interested in getting it done and still live there.

Wagner said yes.

Kohlhaase said the office has on occasion received calls from the neighborhood on the status of the project. He received two calls on flying debris from the site. He received questions from the owner of the land where the house is sitting about the situation. He said in summary, the three choices are: Wagner can complete the house as planned, fill the lot and get it back to original condition, or get on the agenda and come back to the board to ask for an extension.

Mrs. Wagner asked if whatever was built on that lot would always require a variance.

Kohlhaase said yes, because of the shallow depth of the lot they would always need a variance.

Eighth on the agenda was adjournment. Ashland moved to adjourn. Duncan seconded. All aye. The meeting adjourned at 7:25 p.m.