

DICKINSON COUNTY BOARD OF ADJUSTMENT
Monday, June 25, 2012
7:00 P.M.

The Dickinson County Board of Adjustment met Monday, June 25, 2012 at 7:00 p.m. in the community room of the Dickinson County Courthouse.

Members present were Donald Oleson, Dennis Jackson, Robert Duncan, Jeff Ashland, and Mary Dannatt.

First on the agenda was roll call.

Second on the agenda was new business.

- 1st item of new business was Matt and Jodi Mongan, a continuation of a variance for Village Park, Lots 23 and 24. Oleson read the description of the variance.

All members had reviewed the application.

Ken Eckerman with Green Acres Homes, Estherville, was representing the Mongan's. He introduced Jodi Mongan. He said the application is for a 28' x 56' modular home in Village Park. This plat was established prior to the current ordinance being adopted. The adoption caused all structures in the plat to be nonconforming. Any construction in that area requires a variance.

The Board of Adjustment was created to allow variances when the ordinance doesn't allow any changes because it doesn't meet the setbacks. The current home is an older mobile home. If this home was moved out, it couldn't be reset anywhere in Dickinson County. In 1976 the Housing and Urban Development (HUD) established a code for manufactured homes. The codes have changed since the home was built. Codes now in place require larger ingress and egress. Modular homes are not built to the HUD code, but to a state building code. They are inspected through all phases of home construction and placement.

Eckerman said this plan addresses safety concerns. It does not encroach on side yard setbacks. There will be two parking spaces. The rear yard setback will not change. The rear yards of all properties in the neighborhood are much the same up and down the street. The front yard appears to have more front yard than any home in that subdivision. Building a modular home protects the safety of the neighborhood, reducing the construction time to less than a month.

The proposed home is very conservative. They are not asking for anything not enjoyed by other property owners in this district.

Oleson said he realizes these pre-existing nonconforming lots were platted before zoning. He said different sized lots were platted for different types of homes. There are two fairly sizeable variances on this lot. The fact this is a modular home seems like an economic consideration.

Eckerman said the same size home the Mongan's now have can be reconstructed on that property. They can't build with the same rooms and amenities that the proposed home has in it. It can be stick built, but the construction will not be to code.

Jodi Mongan said they have more grass than any other lot in the neighborhood. This is the option that works best for their family, while keeping things as modest and small as they can. They could have asked for a two story home.

Kohlhaase said building homes in a factory, they have to adhere to codes - wider doors, larger windows. Also the front yard of this lot bows out, so instead of a 25' front yard requirement like most of the neighbors, the Mongan's front yard requirement is 40'. Their ground cover would be less than 25%.

Oleson suggested a second story on the house. The homes across the road are not afforded a view of the lake.

Kohlhaase said adding a second story would also require a variance. They can't expand a non-conforming structure.

Jackson asked if the Mongans looked at what the zoning would allow them to do when they purchased the property, or if they have looked at selling the lot and buying a different lot.

Oleson asked if they could remodel the existing trailer.

Mongan said no, it would have to be stripped down. She said the existing deck is coming off, the new patio will be ground level and doesn't count as a structure. The storage shed will be removed, so they actually are creating more room on the lot.

Oleson suggested the board continue the Mongan's application and see if they want to come before them with a second story plan.

Saunders and Kohlhaase said that would require a new application. The board could not continue this application.

Eckerman and Mongan said they have exhausted every possibility to make this the most reasonable size home possible for this lot.

Kohlhaase agreed the applicants have worked really hard on this plan.

The board discussed ways to shorten the length or width of the home, putting the utility room on the outside of the house, putting in electric heat to eliminate the furnace.

Dannatt asked if the Mongan's ordered the house two months ago, was it constructed yet?

Eckerman said no. Green Acres produce the blueprints and plans, but until the customer signs off, they can get their down payment back.

Duncan commented this was their second home, a cottage, not their primary residence.

Discussion followed of whether they could remodel the existing mobile home. Mongan said they have had problems with mold around the windows, flooring needing replaced, leaking sink. This is a 39 year old structure.

Oleson read correspondence from Ed and Linda Thelen who were opposed. They cited the safety issue with parking too close to the road.

Mongan said the new structure wouldn't block any view. There would be no change in the way cars enter and leave the road.

Oleson suggested a safety trade-off by requiring the Mongans to park in a designated area off the county right of way on a pervious surface.

Assistant County Attorney Saunders said the board could make that condition, but there is no way to enforce it.

Oleson commented that the neighbors are concerned with safety.

Jackson said the two buzz words are convenience and hardship.

Ashland asked if the Mongans could make the home 28 x 52 and make the rooms smaller.

Ashland asked Kohlhaase if the lakeshore weren't bumped out on this lot - what is the odd shape of the lot costing them,

Kohlhaase said if the lakeshore followed the rest of the lots along there, the minimum setback would be 25 feet instead of 40 feet. They do have the 40 feet front yard setback on $\frac{3}{4}$ of the house. Just one corner is at 25 feet. They would have a 6 foot variance request instead of a 19 feet variance.

Oleson suggested the board add a stipulation to require two off street parking areas of permeable, all weather surface to the west of the home as shown on the plan. All were in favor. The applicant agreed to the stipulation.

Jackson moved to vote on the application as presented with the stipulation. Ashland seconded. All were in favor.

The vote was recorded as Oleson, Ashland, Jackson, Dannatt – deny, Duncan – approve.

Third on the agenda was approval of the minutes of May 29, 2012. Oleson said for clarification, the minutes should reflect that the colored spherical balls are required for aircraft safety. Ashland moved to accept the minutes with the change. Jackson seconded. All were in favor.

Fourth on the agenda was communications. Kohlhaase read a letter from Ted Weismann of Nextera Energy regarding the High Point Wind Farm. They will withdraw their project for now until it is more advisable to proceed.

Dannatt asked if the met towers are allowed to stay up. Kohlhaase will investigate.

Kohlhaase said that Troy Weary of ITC Midwest called regarding the dead trees at the substation on Hwy. 9 west of Vick's corner. He has been in contact with Ferguson's. Gary Fisk is ordering the trees and will replant. It may not be until fall. They will incorporate into the plan that the trees be watered by Ferguson's.

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

Sixth on the agenda was old or unknown business. Jackson asked about Vandemeer in Twin Hills. He has scaffolding on his house. It has been two years and no landscaping has been done. Kohlhaase said landscaping is not required.

Kohlhaase said in East Okoboji Beach, Lisa Roslanksy added on for her mother. The addition still is not sided. He is trying to work with her. She wants to reside the whole house, not just the addition. A dumpster will be out there.

He said in Triboji Beach, the Hartman's had two sheds that had to be removed. They are removed, but he has moved in a utility trailer instead.

Seventh on the agenda was other. Kohlhaase said that he checked with Lonnie Saunders on stipulations or conditions that are added by the Board of Adjustment. It doesn't have to be unanimous, just a majority of the board.

Eighth on the agenda was adjournment. Duncan moved to adjourn. Ashland seconded. All were in favor. The meeting adjourned at 8:35 p.m.