

DICKINSON COUNTY BOARD OF ADJUSTMENT
Monday, August 22, 2011
7:00 P.M.

The Dickinson County Board of Adjustment met Monday, August 22, 2011 at 7:00 p.m. in the community room of the Dickinson County Courthouse.

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

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 of new business was Peter and Verlene Flick, a variance for Lot 33 and Parcel "D" within Lot 34, Village Park. Oleson read the description of the variance.

All members had view the site.

Jim Blum was representing the Flicks.

He said that Village Park was platted with whatever land was left between the lake and the road. The total square footage of the lot is very small. The width is only 44'. The house is 960 square feet. The Flick's are asking for a modest addition to assist Mr. Flick. He had a stroke a few years ago and the need for the extra room is more space to get to and from the bathroom. The unique thing about this lot is there is 50 feet of right of way, so there is 38.4' from the edge of the asphalt to the right of way line. The house is still 43 feet from the pavement. Parking space is one in the garage and two in their driveway. Since there is such excess right of way, the cars would stick out into the right of way a little, but all residents along there park on the right of way. He feels there is plenty of parking there. There would be 29 feet from the back bumper to the road edge.

Oleson asked about the survey pins on the lakeside.

Blum said the Flicks are riparian property owners which is measured to the ordinary high water mark. The survey pins are placed on a survey random line on top of the bank where it is easier to mark. The Flicks have another 40 feet to the water.

Blum said they have all the utilities they need. The drainage is the same. Water comes from the center of the road straight down toward the lake. The 8 foot addition is still behind the neighbor's house by 1' 4" which is actually a few feet deeper. He checked the vision factor when driving on the road and there is will be no obstruction of visibility from the road.

Jackson said the house must have been out of compliance originally.

Blum said the Flicks are restricted on budget, so chose the addition. Building new would still require two variances.

Oleson said Dan Eckert, County Engineer, has some concern with cars extending into the right of way.

Oleson said the Board of Adjustment tries to keep to the zoning regulations. One of the options would be to sell this home and buy a bigger home. He asked the Flicks if they have looked at other options.

Verlene Flick said they love this place. They spend about 5 months there during the year.

Oleson asked if they have looked at remodeling inside to make more room

Verlene Flick said there really isn't any way to make it work.

Correspondence was read from:
Alfred and Sheilah Klein – in opposition.
Ed Thelen – okay with the proposal.

Sue Doorenbos was present. They live right next door. They think it is fine. It doesn't block any view and it will increase the value of the property.

Ashland asked Blum to speak to the County Engineer's concern with parking.

Blum said it is not just this property. It is all up and down the road. The parking will still be 29' to 30' from the road edge. There can't be a visibility problem coming down from the west and there is no problem backing out.

Oleson asked if the house was built pre 1970.

Blum said yes.

Oleson asked if there was a way to make an amendment to the vote that if another house is rebuilt, it would have to go back to the original footprint.

Kohlhaase said if the structure is damaged more than 50% of its assessed value, it can't be built back to the existing footprint. If damaged less than 50%, then it can.

Discussion followed. Lonnie Saunders suggested wording the stipulation "move to grant the variance with the understanding that the addition will not be allowed to continue if damaged more than 50% or by less than 50% by subsequent owners, for new construction, or any additional variance requested.

Duncan moved to vote on the stipulation. Ashland seconded. All were in favor.

(The stipulation was simplified as follows: The addition requiring a variance approved by the Dickinson County Board of Adjustment on August 22, 2011 has the following condition attached to the approval:

If this addition would cease to exist under subsequent ownership, the addition would not be allowed to be reconstructed. The addition would only be allowed again if the appropriate approvals were granted by the county.)

Blum asked if the Flicks could put on an addition that stayed within the setbacks.

Kohlhaase said if it conformed, yes. This stipulation would not affect the Flick's building.

Ashland moved to vote with the stipulation attached. Duncan seconded. All were in favor. The vote was recorded as all ayes.

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

- 2nd item of new business was Goodenow Bros. LLC, Lot 5 and adjacent 10' alley and Lot 3 excluding S. 8', Block F, Methodist Camp. Oleson read the description of the variance.

Jim Krueger of Krueger Construction was representing the Goodenows. He said they have an existing deck with a 45 degree angle cut. First they wanted to square it off and enclose. They changed their mind and will keep the 45 degree angle. He showed a new 3D drawing. They want to leave the tree that is there now. They are getting older and want to stay there all year long, with a place to get out of the elements. They plan retractable screens. There is access to a crawl space under the deck. They will put cement board sheeting across the front to keep the wind and snow out of the crawl space. Krueger said they are not taking any trees down, just trimming.

Oleson said the records show the house was built in 1915.

Jackson asked if they would completely tear out the deck and re-do it.

Krueger said yes. It would not be heated.

Dannatt said she noticed the house right next door is just 2 feet between houses.

Oleson said the concern in Methodist Camp has always been fire safety.

Duncan asked if the fire department could get fire hoses through there.

Oleson said they can't get to the deck from the outside – only the inside.

Jackson said they have some yard out front. They are not changing that.

Discussion followed regarding adding the same stipulation as the Flicks. The board was not in favor.

There was no correspondence.

Duncan moved to vote on the application as presented. Ashland seconded. All were in favor. The vote was recorded as all ayes.

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

- 3rd item of new business was Alfred V. Steiner, continuation of appeal of the Zoning Administrator's decision. All members had viewed the site.

Mr. Steiner said he didn't understand why he had to spend \$500 to address a grievance before this board.

Saunders said Article 28 Hearings and Appeals in the zoning ordinance states that an aggrieved party has to put up \$500 to file an appeal of a zoning administrator's decision.

Oleson said he had viewed the site twice. He asked Steiner if he was doing salvage reclamation.

Steiner said no, that is all his.

Oleson asked about the junk and wood.

Steiner said it is his storage area. Everything there is licensed. He has had the lot for 25 years.

After further discussion, Steiner said his attorney will not represent him, so he would withdraw his appeal.

Oleson said as a representative of the Board of Adjustment, he would like the board to direct county zoning to look at the property to get it cleaned up. If he was a neighbor, he wouldn't want to look at it.

Saunders said Steiner has withdrawn the appeal, so the board can take no action.

Third on the agenda was approval of the minutes of July 20, 2011. The board had not received a copy, so approval will have to be postponed to next month.

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 business. There was none.

Seventh on the agenda was other. There was none.

Eighth on the agenda was adjournment. Ashland moved to adjourn. Duncan seconded. The meeting was adjourned at 7:55 p.m.

Donald Oleson, Chairman

Jeff Ashland, Secretary

