

Dickinson County Board of Adjustment
Monday September 22, 2014
7:00 P.M.

The Dickinson County Board of Adjustment met Monday September 22, 2014 at 7:00 P.M. in the community room of the Dickinson County Courthouse.

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

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 Michael & Linda Vrieze, variance, Lot 10 exc. 20', Village Park, Dickinson County, Iowa. Oleson read the variance request. All members viewed the site.

Jay Chapman is the builder representing Michael and Linda Vrieze. The Vrieze's had a death in the family and they were unable to attend the meeting. Chapman explained that the garage is for additional storage and parking. The platted lots in this area are very narrow. Granting the variance would allow an extra stall for off street parking, since it is a very busy road.

Oleson asked Chapman to explain the drainage plan for this lot.

Chapman said it would be natural drainage.

Oleson asked if the natural drainage would flow towards the lake.

Chapman said it does slope slightly toward the neighbors, but it always has.

Duncan said that the garage does have a foot drop off from the foundation to the ground, and feels this will increase the amount of drainage toward the neighbor's property.

Chapman said the Vrieze's would not object to a rain garden or some other means of controlling the water flow.

Jackson said as long as there are gutters from the garage to the south end of the yard, the drainage would not be a problem. Jackson also suggested the Vrieze's talk with the neighbor and they could jointly put in a drainage tile.

Duncan asked Chapman if the Vrieze's have declared a hardship.

Kohlhaase said that since they are not here, he and the Vrieze's have had several conversations and a hardship would be the configuration of the lot.

Oleson said that according to the application the house was built in 1970. He asked Kohlhaase if a variance was issued at that time for the property.

Kohlhaase said that Bob VanGelder was the person who did the improvements, and he does not know if there was a variance granted in the 1970's.

Duncan asked Chapman if the roof line is going to be the same as the original house.

Chapman said yes the house and the garage will flow naturally together.

Oleson asked if there was anyone from the public who would like to speak to the Vrieze's variance.

No comments from the public.

Correspondence was read. There was a letter from Michael & Linda Vrieze, since they were unable to attend the meeting, and they indicated their hardship is neighborhood cars that are being burglarized, therefore the additional garage would provide protection from the thieves.

Oleson said that he does not have any concerns regarding the variances. It would appear that the depth of the lot is the hardship for this application. Oleson does feel there should be a stipulation regarding the drainage, as to not flood the neighbor.

Duncan made a motion to vote on the application with the stipulation to add downspouts to the garage, to be run underground to the south toward the lake. Ashland seconded the motion. All were in favor.

The vote on the motion was Oleson, Ashland, Duncan, and Dannatt approve, and Jackson deny. The variance passed with stipulations.

- 2nd item of new business was Ryan & April Hoffman, variance, Lot 2, Block O, Methodist Camp, Dickinson County, Iowa. Oleson read the variance request. All members had a chance to view the site.

Debbie Earleywine is the parent of April & Ryan Hoffman. They bought the property and put it in the Hoffman's name. Earleywine introduced the president of Monarch Cove, Jim Benz, the contractor Dennis Armstrong, a neighbor Yvonne Tixier y Vigil, and the surveyor Jim Blum.

Earleywine began by informing the board that they bought the cabin in 2010, and it is in need of some repair. The repairs would be costly and the cabin is not in good enough shape to justify repairing it. They found it would be more economical to build a new house. A hardship would be costly repairs to the existing home, as well as the lot size. Earleywine explained that her family would like to be able to use the cabin year round, and the steep stairs prove to be a challenge for her granddaughter who was just diagnosed with scoliosis. Earleywine also mentioned that they have another home in close proximity to this cabin. Their home was bought in 2005, then the cabin was purchased in 2010.

Oleson asked Earleywine if they intend to sell the other home.

Earleywine said they do not intend to sell the other home.

Duncan asked if the Earleywines intend to fill the ditch.

Jim Blum introduced himself and explained that this house has three streets, it drains to the south, and there is eight feet of fall.

Oleson asked Blum about the ditch on the north side of the property.

Blum said they drive through it and do not intend to fill in the ditch.

Jackson asked Blum if the Earleywines intend to widen the driveway because according to the site plan the driveway and the garage does not match up.

Blum said that if the Earleywines need a culvert, they will add a culvert. He does not feel they need it, but if the board feels they do, they can put one in. The county engineer might be doing some LID in this area in the future, but this is a private gravel road.

The Board of Adjustment then agreed since this is a private road they do not have any authority over the area.

Jackson asked Blum what is going to be done about drainage on the property.

Blum said they can only control what is on their property, and the water naturally flows toward the west. Blum then brought to the board's attention the site plan detailing the drainage plan. Blum explained that the Earleywines are going to be incorporating LID by doing soil quality restoration. He explained that a tiller could be used to loosen the soil, and add mulch and air into the soil which allows water to permeate into the soil instead of running onto other properties.

Kohlhaase informed the board that the Earleywines have a minimal size lot. The minimum width of the house needs to be twenty-two feet as required by the zoning ordinance.

Oleson asked Kohlhaase if he checks up on applications to make sure they follow through with their drainage plan.

Kohlhaase said they do spot check, and a drainage plan is required for every application, but he does not check every application that is approved.

Oleson said so if a neighbor had a problem with drainage, we would be covered.

Blum explained that Debbie Earleywine is very familiar with LID and an advocate for LID.

Oleson asked Earleywine what this house will be used for.

Earleywine said it is for her extended family.

Duncan said he has a problem with two story houses in this area because of the fire hazard. Discussion followed.

Jim Benz, president of Monarch Cove, said they have no problems with replacing the cabin. It is a good thing for the neighborhood.

Yvonne Tixier y Vigil, neighbor across the street to the south, said everyone is in support of this plan.

Dennis Armstrong said they will probably not change the driveway at all since the garage is not large enough for a car.

Jackson said to make sure they have two off street parking spots.

Blum said there is twenty-five feet to the lot line for parking.

Correspondence was read.

Ashland moved to vote on the application as presented. Duncan seconded. All were in favor.

The vote was recorded as 5-0 granting the application.

Third on the agenda was old business.

Campground west of Vick's Corner - The conditional use was granted November 25, 2013.

Brad Moore - The variance was granted November 25, 2013. He has one year to complete the project.

Fourth on the agenda was approval of the minutes of August 25, 2014. Jackson moved to approve the minutes as written. Duncan seconded. All were in favor.

Fifth on the agenda was communications. Lonnie Saunders said the Mohling appeal will be heard the first week of October. They will hear a limited issue due to an injunction.

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

Seventh on the agenda was unknown business. Oleson reported an incident when he was in Monarch Cove and was approached by contractor John Wahl making accusations.

Kohlhaase said he followed up with Mr. Wahl and visited with Lonnie Saunders on the issue.

Oleson also asked about boat storage that is approved. On the old Albertsen farm, he thought the board had put a stipulation that there is to be no outdoor storage. He requested that this area be watched to see if it will be an ongoing thing.

Duncan said on Lakeview Drive, Triboji Beach, he saw a large two story garage being built with living quarters above it. It looked to be only two feet from the lot line.

Kohlhaase said all of Triboji is R-3 and they only need to be three feet from the side lot lines, and ten feet from the rear lot line.

Oleson said regarding the Wangler variance last month, the plan was presented, then modified, there was not a full board, and then it was continued. He said he had expected the same plan, but they came up with a whole new plan,

Kohlhaase said that the board has the power to table and continue and ask for restaking.

Oleson suggested in the future if the applicant comes with a whole new plan, it be sent to the board for study.

Discussion followed on continued variance applications.

Dannatt said a board member can say during discussion if they are not comfortable and they do not have to vote.

Eighth on the agenda was adjournment. Ashland moved to adjourn. Duncan seconded. All were in favor.