

DICKINSON COUNTY BOARD OF ADJUSTMENT
Monday, September 23, 2013
7:00 P.M.

The Dickinson County Board of Adjustment met Monday, September 23, 2013 at 7:00 p.m. in the community room of the Dickinson County Courthouse.

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

Donald 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 Great Lakes Communication Corp./Roger Wittrock, a conditional use application in the SE NE Section 22, Lakeville Township. Oleson read the description of the conditional use request.

All members had viewed the site.

Kellie Beneke of Great Lakes Communications introduced Josh Nelson, Adam Nelson and landowner Roger Wittrock.

She pointed out the tower location on a map. It will be a 190 feet tower on Roger Wittrock's acreage, 670 feet west of the east fence line. It is an unguyed tower. ILEC will provide electricity to the tower. There will be a 6 feet tall gated chain link fence at the base of the tower. There will be no accessory structures. All equipment will be located at the base of the tower and they will have access in to work on equipment.

Oleson asked if other communications towers that have been approved had gates on the fence.

Kohlhaase said we have never gotten specific on gated or ungated.

Ashland asked if the tower would be lighted.

Beneke said it is not required if the tower is under 200' tall.

Duncan asked if there would be crop dusting in that area.

Wittrock said it is surrounded by pasture.

Oleson asked if the tower is centered for enough fall down distance. Beneke said it is 300+ feet from the west line and 670 feet from the east.

Duncan asked if there was any danger for the tower not to be lit.

Assistant County Attorney Saunders said it may be an issue if lighted. A pilot may think it is higher than it is.

Kohlhaase said the FAA regulates towers.

Bruce Smith representing the Airport Authority said the tower is 190 feet tall, but what if it sits on a hill.

Beneke said the site elevation is 1,505 feet and the tower is 190 feet, a total of 1,695 feet above sea level.

There was discussion of this location in relation to possible future airports. Kohlhaase read from the height restriction in the agricultural district that no structure be permitted within the approach zones, clear zones, or other restricted air space of an existing airport. He said we cannot speculate on what may happen in the future.

Oleson said in the past, the board has added stipulations that if the tower ceases to become a functional structure for more than one year, it must be removed and the property put back in original condition.

Bruce Smith representing the Spirit Lake Airport said the tower wouldn't affect the airport because it is out beyond the fly zone, but he thinks it should be lit.

No correspondence had been received for this application.

Oleson asked if orange marker balls could be placed on the legs of the tower.

Josh Nelson said he doesn't know that balls could be attached.

There was discussion of painting the tower alternating colors.

Oleson said he would like to see colored spherical markers put on the tower and find out if the FAA would object to having a light placed on the tower.

Duncan asked Bruce Smith how he feels about the height of the tower.

Smith said he feels it should be lit because some pilots might run underneath the clouds.

Beneke said that's why they have to report the sea level height and it is on the map.

Josh Nelson said if the board wants them to light it, he would request they use a white light in the day and a red light at night, but no orange balls.

Duncan moved to set stipulations to be attached to the conditional use approval. Dannatt seconded. All were in favor.

The members agreed on the following stipulations:

- 1) The conditional use is in effect until it ceases to be used as a functioning communications tower for a period of one year, then it must be dismantled and the property returned to its original state.
- 2) The tower is to be lit with a white strobe light during the day and a red light at night, including it being lit as long as it stands, assuming FAA does not prohibit the tower from being lighted.

Jackson moved to approve the stipulations as stated. Duncan seconded. All were in favor.

Duncan moved to vote on the conditional use application with the stipulations as stated. Ashland seconded. All were in favor.

The vote was recorded as all approve.

Oleson read from the vote result form and the construction completion deadline.

- 2nd item of new business was Allan and Carol Sieck, a variance application for Lot 1 and Lot 3 exc. NW'ly triangular tract, Block S and the SE'ly triangular tract AKA Parcel B of Lot 5, Methodist Camp. Oleson read the description of the variance.

All members had viewed the site.

Allan Sieck said they are requesting to build a 24' square straight up second story. The lot is irregular shaped and was part of the original Methodist Camp. The house was built in 1914. The alley was platted, but is not visible. When they purchased the property, had they known the roofline extended into the alley, they could have asked Methodist Camp to sell them part of the alley. The roof encroaches about 8" into the alley.

Oleson said the alleys in Methodist Camp do have utility lines in them. There are sheds and encroachments, but fire trucks may have to get through these alleys.

Duncan asked Sieck in his previous application when he put on a screened porch, what was his definition of screened porch.

Sieck said a room separated by doors and not heated.

Duncan asked about the structural integrity of the existing house and if it could support a second story.

Sieck said he is in the construction business and plans to make a lot of changes to the existing structure using today's construction standards. They have to get the house in a structurally sound condition even if they don't put on the second story.

Oleson discussed the history of improvements in Methodist Camp and the board's struggle with trying to keep to code and with safety and fire concerns, but allowing the residents to improve their structures. He told Sieck he has an unusual lot, but the Board of Adjustment bent over backwards a few years ago when he requested a variance. The proposed screened porch has turned into living quarters. He doesn't feel he has the authority to allow a variance on an addition that goes over the lot line. He asked Sieck if he could come up with a Plan B to cut 8" back on the house.

Kohlhaase said we must accept what is already existing, but the board could require changes only to the proposed addition.

Saunders said this is not a legal issue as the Methodist Camp board has co-signed the application.

Duncan again stated his concern with the walls and structural soundness.

Sieck said he will add stud walls at 16" centers. The whole structure will be re-sided with cement siding.

There were no comments or questions from the public in attendance.

Oleson read correspondence from the Monarch Cove board which has no objection to the variance.

Duncan asked Sieck how this variance request is a hardship.

Sieck said from his point of view, the lot is a hardship. It maybe is the single most difficult lot in Methodist Camp. He can't buy any part of the platted alleys.

Duncan asked if when they made application for the screened porch, had they thought then of adding a second story.

Sieck said they just made the decision they want to make this their permanent home.

There being no further discussion, Ashland moved to vote on the application as published. Jackson seconded. All were in favor.

The vote was recorded as Ashland, Jackson, Dannatt – approve. Duncan and Oleson – deny. The application was approved. Oleson read from the vote result form and construction completion deadline.

Third on the agenda was approval of the minutes of July 22, 2013. Ashland moved to accept the minutes as written. Jackson seconded. All were in favor.

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. There was none.

Seventh on the agenda was other. There was none.

Eighth on the agenda was adjournment. Jackson moved to adjourn. Duncan seconded. All were in favor. The meeting adjourned at 8:20 p.m.