

DICKINSON COUNTY BOARD OF ADJUSTMENT

Monday, September 28, 2009

7:00 P.M.

The Dickinson County Board of Adjustment met Monday, September 28, 2009 at 7:00 p.m. in the community room of the Dickinson County Courthouse.

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

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 Jerry and Mary Freeman, variance for Lot 18, Blk. 35, Triboji Beach, continued from July 27, 2009. Oleson read the description of the variance.

All members had looked at the site again.

Abby Walleck, Maahs and Owens, was representing the Freemans. She said the Freemans purchased this property in 2002 and moved there April 2008. They are requesting a variance from the 75% maximum ground cover rule. This was tabled from the July meeting to give time for the Freemans and the Wards to come to some resolution of the drainage problem. Specifically, Brad Beck did a study and recommended four possible solutions.

Walleck said the Freemans were not required to get a building permit for pouring concrete, but they didn't realize the 75% rule. Theirs is a small lot with state ground between them and the lake. The house sits close to the road. Beck was involved with the Wards regarding the drainage issues. She read a letter from Brad Beck dated August 26th. Beck states the four options of curing the drainage problems between the houses. In all of these options, the ground cover has to be impermeable or there will be water in the Ward's basement.

Walleck said if the Freemans are not granted a variance, they will have to tear out their driveway and part of the sidewalk. The surface before was plastic covered with packed rock, so it has always been impermeable. The concrete patio now is much safer for family members and friends.

Walleck said the key issue is the drainage. If the impervious surface remains:

- 1) The county is working with the neighborhood on drainage issues with the road.
- 2) Freemans are going to have rain barrels (Walleck showed photos).
- 3) They are working with Lakeside Lab and Prairie Flower regarding installing rain gardens.

Walleck read a letter from Dennis Heimdal of Lakeside Lab. Bev Rutter of Prairie Flower explained her design plan.

Walleck said if the Freemans choose a permeable option it would cost them \$15,000 minimum and would not provide any better drainage than what is already there. Regardless of what improvements are made, drainage is going to be an issue. The rain gardens and rain barrels will lessen the impact.

Oleson asked if the rain gardens are all on the Freeman's property.

Walleck said it will all be just off their patio and alongside the driveway. Mary Freeman presented pictures of the area of the proposed rain gardens. They will be approximately 37 square feet.

Duncan asked what the timeline was when all this concrete work was done.

Walleck explained. She said the Freemans have been working with Dave Kohlhaase since the time they first learned they were out of compliance.

Oleson asked if the footprint of the home has changed since the Freemans purchased it.

Jerry Freeman said they didn't change the footprint of the home.

Williams commented that Beck's letter didn't have any bearing on the board's decision.

Walleck said they wanted the Board of Adjustment to see the letter, because all of Beck's drainage solutions said the patio area has to be impervious.

Leah Ward, 15240 Lakeview Drive, who owns the property to the south of the Freemans, said her main concern is that the concrete was installed so far above the grade of their home and the swales were not placed right. How can you re-adjust concrete after it is installed? Beck has said no foundation can withstand both the water on their lot and additional from the neighbors.

Walleck said due to pending litigation, one of the four suggested resolutions will have to be implemented. This is a non-issue for the Board of Adjustment.

Williams asked what happens if the board would not grant the variance.

Walleck said the driveway and part of the sidewalk will be removed and the patio will remain. She showed the board members on a drawing what part of the sidewalk would be removed in order for the Freemans to conform to zoning.

There being no further questions, Duncan moved to vote on the application as presented. Jackson seconded. All were in favor. The vote was recorded as Duncan – approve, Jackson, Ashland, Oleson and Williams – deny. Oleson read from the vote result form.

- 2nd item of new business was Allan and Carol Sieck, a variance for Lot 1 and 3 except a NW triang. tract, Blk. S and the SE triang. tract of Lot 5, Block S, Methodist Camp. Oleson read the description of the variance.

Allan Sieck said this is an odd shaped lot with very limited space to make improvements of any kind. They seek to add a screened porch to the southwest corner of the structure and an open 8' x 14' deck. The plan includes a 4' x 10' addition to allow easy passage to the porch. On the front side they propose to change the stairway, but won't push it out to the street.

Oleson asked about the nearby garage.

Sieck said that belongs to his neighbor.

Oleson asked about parking.

Sieck said there is parking to the east for one or two cars.

Oleson asked if the home was raised up at some time.

Sieck said this is one of the oldest homes in Methodist Camp, built in 1918. They purchased the property in 1993. Sometime prior to that, the structure was raised and a basement put underneath.

Oleson said on the plat, it shows the existing home protrudes into the alley.

Sieck said it protrudes 3' 9". At some time they would like this to be a four season home so they could spend more time here.

Oleson said that three variances was a lot to ask and wondered if Sieck could re-design his plan to cut back any of the variances.

Sieck said if they look at the lot with the setbacks required, they are laid over each other, so there is no way to reduce the variances.

Jackson said the plan is for a deck and a sunporch. He doesn't look at this as living space, so doesn't see this as a hardship.

Oleson asked if the unfinished basement could be finished to provide more living space.

Sieck said he supposed it could be.

Oleson asked again if there was any way to re-design to make the variance less.

Sieck said if they move it north it will lessen the variance on the back and increase the variance on the front. They wanted to not obstruct the neighbor's view. In 2001 they worked with the neighbor to exchange properties to square up the lot lines to be parallel with the structure.

Oleson asked Dave Kohlhaase about the corner of the existing house extending off the property line.

Kohlhaase said the variance is not being asked for the part that extends over the property line. That is non-conforming, but grandfathered.

Sieck read letters from adjacent property owners:

Judy Miller – in support.

Kenneth and Barbara Anderson and on behalf of Virginia Anderson – urge approval.

Richard and Karen Burton – in support.

Oleson asked Sieck if he planned any roofing or siding improvements.

Sieck said he wants to insulate, replace windows, side and re-roof. He wants to continue making improvements.

Muriel Nelson has lived in Methodist Camp since 1938. She said the Siecks have always taken care of their property and this addition will be very nice and help the look of all the neighborhood.

Duane Taylor, father of Karen Burton, said he is in favor of this project.

Duncan said this is a difficult thing. People want to improve but have limitations with the room they have. To make any improvements they run into all kinds of problems.

Oleson said this board is also mandated with fire protection, and the roads are very small out there. Every new building makes it tighter and taller. It is not an easy decision following the zoning ordinance.

There were no further questions. Williams moved to vote on the application as presented. Ashland seconded. All were in favor. The vote was recorded as Jackson – deny, Ashland, Oleson, Williams and Duncan – approve. Oleson read from the vote result form.

- 3rd item of new business was Randall Pritts, a variance for Lot 53, Block 3, Moore Lake Development.

Randy Pritts said he is from Cherokee. He has owned this property for 13 years. He wants to live in Dickinson County and eventually make this his home.

He contacted some neighbors. He presented a list signed by 11 property owners who have no objection to the variance.

Pritts said he wants to live here year around. He proposes a two car garage with a 15' x 8' storage above to eliminate any storage buildings. He is in the process of siding the home. The garage will be similar to one just down the road and he will side it to match the house. Because of the angle of the lot, only ½ of the garage needs a variance.

Oleson asked if the existing garage will be demolished.

Pritts said yes.

Oleson asked the size of the new garage. He had visited the site and positioned his truck as if he were backing out. He had good vision of the road both east and west.

Oleson asked if Pritts was taking the eaves drainage underground with downspouts.

Pritts said he is planning to put a hump in the driveway to catch the water and put in a channel drain. In the past he worked with the county on rocking a creek that went across the corner of his property.

Oleson said he wanted to caution Pritts that this is a steep slope with a lot of water runoff.

Jackson asked if the existing deck has to be detached from the garage.

Kohlhaase said the deck doesn't meet the definition of an attached structure because it has no roof over it.

Jackson reminded Pritts there could be no living quarters in the garage.

There was no correspondence received.

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

Third on the agenda was approval of the minutes of August 24, 2009. Williams moved to approve the minutes as written. Ashland seconded. All were in favor.

Fourth on the agenda was communications. There were none.

Fifth on the agenda was reports. There were none.

Sixth on the agenda was old or unknown business.

Seventh on the agenda was other. Kohlhaase mentioned that Florida Power was working to bring another wind farm to the county.

Eighth on the agenda was adjournment. Ashland moved to adjourn. Williams seconded. All were in favor. The meeting adjourned at 8:28 p.m.