

DICKINSON COUNTY BOARD OF ADJUSTMENT
Monday, November 25, 2013
7:00 P.M.

The Dickinson County Board of Adjustment met Monday, November 25, 2013 at 7:00 p.m. in the community room, Dickinson County Courthouse.

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

Don Oleson, Chairman, called the meeting to order at 7:00 p.m. He read the opening statement.

First on the agenda was roll call.

Second on the agenda was new business.

- 1st item of new business was Bradley J. and Jean Marie Moore, variance for the N'ly part of Lot 1, Blue Water Beach Addition. Oleson read the description of the variance.

All members had viewed the site.

Dave Stein Jr. was representing the Moores. He introduced Bradley and Jean Moore, Jim Carney, contractor, Brad Beck, Beck Engineering, and Anita Sorenson, his office assistant.

Mr Stein said this was a very unique property and safety is the primary reason for the variance.

Mr. Moore explained the construction of his 3 level duplex and that it has been poorly maintained by previous owners. Their main concern is correcting safety issues and making it more livable. He explained their plans for tree removal, erosion control and additional living space.

He explained in detail a concrete foundation and creating a concrete safe room for storms.

They plan a new rectangular deck and replacing the spiral stairs with a regular stairway.

The board members asked questions about converting the garage to living space and the planned retaining wall.

Oleson said the retaining wall appears to encroach on the county right of way.

Brad Beck said they could make sure it stays on the Moore property or see if they can get an encroachment agreement. A landscaper will be hired to help with the planning.

Oleson asked about the drainage plan.

Beck explained their plan for a swale and surface flow to the north. There is an existing swale between the Comstock and Moore property.

The board members asked for construction details under the existing bridge, moving the electric box, footings, and holding the wall in place after dirt is dug away from it which Brad Beck answered.

Oleson read correspondence received:
John and Rita Comstock – consent and support.
Joanie Rizk – consent and support.

Tom Kunzman – in support.

William Rizk – no objection.

Chandler and Deb Thomas – not opposed to rear yard variance. Opposed to front yard variance.

Mr. Stein said the Moores are withdrawing one of the front yard variances for the 4 x 4 addition on the front. The Thomas's are 300+ feet away and not immediately impacted.

Oleson was concerned with voting without a stipulation on the retaining wall.

Question on parking – the Moores have adequate space.

Submitted drawings of the first and second floor plan were not detailed because the applicant hadn't planned that yet.

Discussion of a stipulation to the Bradley Moore approval as follows:

Any approval of the application by the Board of Adjustment concerning the retaining wall ends at the applicant's property line.

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

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

The vote was recorded as all five aye.

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

- 2nd item of new business was the Kuehl Family Trust/Joe Martin Howell, a conditional use for part of the NW ¼, Section 2, Lakeville Township, a proposed RV campground. Oleson read the description of the conditional use.

All members had viewed the site.

Brad Beck, Beck Engineering was representing Joe Martin-Howell who is a developer and real estate agent in New Mexico. He said the applicant had been thinking about this concept for awhile and has the option to purchase this property if the conditional use is approved.

Beck explained the plan:

117 camping stalls.

Looped driveway on the south end of the property with a clubhouse on the north side of the loop.

Entrance off Highway 9. Have talked to the DOT about the entrance, either use existing drive or build a new entrance.

Close to amenities.

Utilities – Alliant Energy can serve the electrical, Osceola Rural Water available.

Sanitary sewer not immediately available. Two options: Onsite private sewer or IGLSS District would allow hook-up at Highway 86.

The general concept the developer likes is similar to Fieldstone RV Park located between Arnolds Park and Milford.

Beck explained the detention basin is sized for the existing watershed and any additional run off from the property.

Oleson and Duncan concerned with traffic congestion with only a single drive, citing holiday traffic and a possible storm event.

Beck said if the park would expand, they would look at another driveway.

Discussion followed on a storm shelter at this site.

Dennis Lippon, realtor for the property, questioned this being necessary.

Oleson asked for questions from the public in attendance.

Larry Berg, 1529 Hwy. 86, trustee of his mother's land. His concern was that the drainage plan would not mess up their drainage flow.

Beck explained existing drainage patterns will be left alone. The proposed pond has a capacity for a 100 year storm. They are required by law not to impede neighbor's drainage.

Rollie Peschon, 1983 Hwy. 9 West, has concern for his 10 acres. No problem with the RV Park but wants his drainage protected.

Discussion of private sewer system versus sanitary sewer.

Dave Kohlhaase said the developer should exhaust all options to get sanitary sewer before installing a private sewer system.

Larry Dixon, 16640 Bayside Drive has a Morton building at this site. He is concerned with traffic congestion on holiday week-ends with the flea market nearby.

Beck explained they will be improving 15th Street and traffic is well below the volume required for traffic study.

Kohlhaase said he had received a phone call from a resident concerned with water service available to this project, which has been answered.

Oleson read correspondence received as follows:

K. G. Graff – in objection.
Betty Graff – in objection
Bruce LaCrosse – in objection
Sarah Graff LaCross – in objection
Jill and Corey Anderson – in objection.

Discussion of stipulations attached to any approval of the RV Campground as follows:

1. Project to be serviced by Iowa Great Lakes Sanitary Sewer District.
2. Project will not impede neighboring drainage systems.
3. Project will have a storm shelter adequate in size to accommodate RV Park guests.
4. Project to be hooked to Osceola Rural Water.
5. Any approval for conditional use is for only the plan as presented.
6. This conditional use is good for as long as it is being used for a functioning RV Park.
7. This conditional use is good for a period of one year and within that one year a building permit is to be issued.

The board called a recess at 9:05 p.m. so Beck Engineering could phone the applicant to see if he agreed with the stipulations

The meeting resumed at 9:10 p.m. Brad Beck said the applicant does agree with the stipulations discussed.

Duncan moved to vote on the stipulations. Jackson seconded. All were in favor.

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

The vote was recorded as: Oleson – deny, Jackson – deny, Dannatt – approve, Duncan – approve, Ashland – approve. Conditional use approved by a 3 – 2 vote.

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

Third on the agenda was approval of the minutes of September 23, 2013. Duncan 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 report of officers and committees. There was none.

Sixth on the agenda was old or unknown business. There was none.

Seventh on the agenda was other. Duncan asked that more detail be provided on projects. Also projects with second stories should have some plan showing they are structurally sound.

Kohlhaase reminded the board they are looking at yard variances. The county doesn't have a building code, so we can't require construction standards.

Eighth on the agenda was adjournment. Duncan moved to adjourn. Ashland seconded. All were in favor. The meeting adjourned at 9:25 p.m.

(For more detail, refer to the audio recording of the meeting.)