

DICKINSON COUNTY BOARD OF ADJUSTMENT
Monday, November 28, 2011
7:00 P.M.

The Dickinson County Board of Adjustment met Monday, November 28, 2011 at 7:00 p.m. in the community room of the Dickinson County Courthouse.

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

First on the agenda was roll call.

Second on the agenda was new business.

- 1st item was continuation of the Rick and Shirley Dicus variance, Lot 107, McClelland's Beach. Oleson read the description of the variance.

All members had viewed the site. Last month there was not a full board, so Shirley Dicus requested to continue the variance request for one month.

Jim Blum was representing the Dicuses. He said they are proposing a 14' addition to the present house. The existing house is very modest, 637 square feet. They are proposing a modest addition 14' x 34' and on the front a covered deck with a screened in porch. Presently the deck there is 14" high. Anything over 12" in height is considered a structure. They are willing to go back to the 12" height. The overall lot has 7,800 square feet, but is a corner lot. In the R-3 district the normal setbacks are 35', but the Dicuses need a 40' setback because of the average of the alignment of the houses in the area. On the east side they need a variance of 16' and on the south side again they need a variance of 16'.

Oleson said the Dicuses have lived there for 30+ years and purchased the property a few years ago. Was the street on the east platted prior to their purchase?

Blum said there was a small street there, but when McClelland's Beach was platted, they added to the east to make the street bigger. The Dicuses want to retire and move here on a permanent basis. This is a nice, quiet area. The utilities are all there. Drainage goes to the back in the northwest corner. They put a French drain in there and replaced the tile this summer. There was some discussion last month regarding the garage. They needed a garage also and didn't need a variance to build.

Oleson stated the concerns the board has:

- Ample square footage, but hampered by being a corner lot.
- Had asked Shirley Dicus if they could buy a different lot or add to this lot.
- Last month the board suggested having the porch be an open area within 12" of the ground or a ground level patio and concentrate on the addition to the house..
- He asked if the Dicuses had given any more consideration to these suggestions.

Blum said the Dicuses strongly want to proceed with the application as is.. The neighboring house to the west sits out there and the deck is high.

Oleson said he realized the garage has been permitted. He asked Kohlhaase what the back lot line setback would be if the garage wasn't there.

Kohlhaase said 25' minimum.

Oleson said they could have nearly doubled the size of the house without the garage.

Kohlhaase said Dicuses ultimate goal was to have a garage and add to the house.

There was discussion of their options.

Oleson asked what percent of the houses at McClelland's Beach are used year around.

Dave Bartels said about 15%.

Oleson said as this becomes more of year around lots, there is going to be another Methodist Camp. They are going to have a lot more variances.

Duncan said when people decide to convert their summer cottage into a permanent house, they are going to have a lot of variances and have to be careful of setting precedents.

Kohlhaase said for approximately 16 years the county has encouraged the Bartels to go through subdivision, and that was accomplished. Now the residents are buying lots instead of leasing. One thing they have is knowing they can always build back what they have, but if they want to build new, they would need a variance. The county knew there were a lot of variances going into the subdivision and there were going to be more in the future.

Oleson said they don't want the Dicuses to think they are against improvements, but the board tries to keep the variances as few and small as possible. He asked if they would consider alleviating the porch on the south, making it a ground level patio, leaving it open. It would be much more palatable to the board.

Dicus said their primary goal is adding to the house so they have room for the family.

Blum asked if the board would consider putting a covered deck on the existing deck.

Kohlhaase said that in Methodist Camp most houses are a 25 feet front yard. In this case, the front yard is a 40 feet requirement. If the alignment would have been 25 feet, she wouldn't even need a variance.

Duncan asked what the speed limit is on that road.

Dave Bartels said 15 mph.

Oleson said he had a concern of speed and visibility. He has to agree the setback of 40 feet is a lot, but the board has rules to try and balance.

Blum said they could put up a stop or yield sign.

Duncan said when he went out there to look, on the east side of the house when there is parking there, cars going east and west are less visible.

Oleson asked about off street parking for guests or week-end parking.

Dicus said when the children come they park in front.

Blum said there is plenty of parking behind the garage – up to four cars.

Dave Bartels said he ran the place for 30 years and never had any trouble. People slow down there.

Terry Bartels said the roads are only 25 feet wide so they don't have a lot of speed problems.

Oleson asked if any utility building can be placed on the lot.

Kohlhaase said there is no room for a utility building.

There was discussion of adding stipulations of no hedges being planted to block view and a parking stipulation.

Jim Blum suggested keeping the view clear 50 feet back on each corner.

Kohlhaase read from the zoning ordinance on the placement of hedges and fences on corner lots.

Ashland moved to use the wording in Zoning Ordinance 102, Article 17, Section 2, G. but change the distance from 25 feet to 50 feet in both directions which would read as follows:

On a corner lot in any district no fence, wall, hedge, tree or other planting or structure that will obstruct vision between a height of two and one-half (2 1/2) feet and 10 feet above the ground shall be erected, placed, or maintained within the triangular area formed by connecting the right-of-way lines at points which are 50 feet distant from the intersection of the right-way-lines, and measured along the right-of-way lines.

Jackson seconded. All were in favor.

Duncan asked for clarification on the alignment of the houses. Kohlhaase explained.

Ashland moved to vote on the variance application as published with the stipulation as agreed upon. Duncan seconded. All were in favor.

The vote was recorded as all approve. Oleson read the vote result form and the statement of completion deadline.

Third on the agenda was approval of the October 24, 2011 minutes. Jackson moved to accept the minutes as written. Duncan seconded. All were in favor.

Fourth on the agenda was communications. Jackson had called the office regarding some construction in Twin Hills. The person is within his time limit for completing. Jackson said there is also some dumping of soil on a lot across the road in Twin Hills. Should silt fence be required? Kohlhaase said he checks if it will run into the lake.

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

Sixth on the agenda was old or unknown business. Kohlhaase said that Al Blum with North Star and Red Rock Wind Farms had called and they will be making application for three Met towers. These are two separate projects. One is south of Terril and one over by Superior.

Ashland commented that the guy wires on these towers are hard to see for aerial spray planes. He is going to ask for colored balls to be placed on the wires for visibility.

Oleson said there should be something written into the ordinance as a safety measure.

Kohlhaase said Planning and Zoning is going through the entire zoning ordinance. We can add this to their list to discuss.

Seventh on agenda was other. The next meeting will be Tuesday, December 27, 2011. Duncan may be gone.

Eighth on the agenda was adjournment. Ashland moved to adjourn. Jackson seconded. The meeting adjourned at 8:00 p.m.