

Dickinson County Board of Adjustment
Monday August 25, 2014
7:00 p.m.

The Dickinson County Board of Adjustment met Monday August 25, 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. The opening statement was read by Oleson.

Second on the agenda was new business. There was none.

Third on the agenda was old business.

- 1st item of old business was Rex & Susan Wangler, Variance, Triboji Beach, Block 35, Lot 7, Dickinson County, Iowa. Oleson read the variance requested. This variance was a continuation from July 28, 2014 Board of Adjustment meeting.

Jason Eygabroad with Beck Engineering began by passing out a revised packet of information to the Board of Adjustment. Eygabroad said the original request had large requests and many in number and the Wangler's took the advice and input from the Board from the last meeting and revised their site plan. They were able to devise a structure that they were happy with, as well as eliminating two out of the four original variances. The impervious area decrease is 11% and the foot print is now smaller and is completely "inside" the current structure, there is a proposed swale that could control the drainage on the lot.

Jackson asked where the swale would be located.

Eygabroad said the swale would be located in the middle of the lot. He then explained where it would be located using the site plan.

Eygabroad continued his presentation by highlighting the hardships which Rex and Susan Wangler have had to overcome by living on this lot. The lots in Triboji are fairly small, and with the addition of the DNR land, the buildable area is quite small and essentially "unbuildable" without the variances. Eygabroad explained the difficulties of building on this lot by using the updated site plan.

Oleson asked if Eygabroad could you give the variance footage needed for the updated house.

Eygabroad said that the east side would be 22', the south or front would be 20'.

Saunders asked if the 11% decrease of impermeable surface included the elimination of the guest house.

Eygabroad said it did not. The removal of the guest house would be roughly an additional 20% reduction in impervious surface.

Ashland said that according to the minutes from the July 28 meeting, the DNR had expressed their concerns about granting any variance on this land. Ashland asked Eygabroad if anyone from Beck Engineering presented the amended variance to the DNR.

Eygabroad said they did not contact the DNR, because they would have had the opportunity to express their concerns at tonight's meeting.

Oleson asked Eygabroad about whether or not a swale was going to be constructed to control the drainage.

Eygabroad said there will be some sort of drainage control, but they are not sure if it would be a retaining wall or a swale.

Rex Wangler, made a presentation to the Board of Adjustment, addressing and elaborating on the questions that are asked on variance request application. He then highlighted their intended use of the property, and expressed the flooding difficulties they have had to overcome since purchasing the property in 2003.

Wangler illustrated some of the difficulties of this lot by drawing on an illustration of his lot. He went on to site some specific variances in the past that were granted to others in the same situation.

Oleson explained to Mr. Wangler that the Board of Adjustment cannot take past decisions in to consideration, and that the Board of Adjustment is only allowed to consider the current variance application.

Mr. Wangler then passed out some information to the BOA. He called it the Rex & Susan Wangler variance decision points. Mr. Wangler pointed out that the zoning ordinance does not spell out what or how many variances are can be requested or approved

The Board of Adjustment and Eygabroad discussed the current site plan, and how it differed from the current structure.

Kohlhaase asked Oleson for clarification on the original variance request, citing that the amended variances must be equal to or less than the original request.

Oleson read the original variance request.

Dannatt referenced the July 28, 2014 meeting by stating that the DNR did not want any variances grated for this property.

Eygabroad said that the proposed foot print would be less imposing to the DNR land than the current structure.

Duncan asked why the proposed house is parallel to the east lot line instead of the west line.

Mr. Wangler said that there is a large tree that provides shade to the property and they really do not want to cut it down. Also the optimal view of the lake is when the house is parallel to the west lot line.

Jackson asked when the guest house is removed, is grass going to be planted in this area.

Mr. Wangler said yes, they will plant grass after the removal of the guest house.

Ashland asked Eygabroad if the swales are going to be constructed.

Eygabroad said yes there will be something constructed.

Oleson asked for public comments. There were none.

Oleson read the correspondence.

Jackson moved to vote on the application as amended.

Ashland seconded the motion.

Mary moved to vote on the application with the stipulation that the house is to be a 22' x 42' foot structure with the guest house removed, and a swale constructed.

Jackson seconded the motion

All in favor for the amendment is all aye and zero nay.

There are 5 votes in favor of the amended application with stipulations.

Fourth on the agenda was approval of the minutes, Jackson moved to approve the minutes. Ashland seconded.

Fifth on the agenda was communications. There was none.

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

Seventh on the agenda was unknown business. Kohlhaase said that at this time the zoning office does not have any paper work for variances or conditional uses for the September meeting, but the paperwork deadline is Wednesday August 27, 2014.

Oleson asked about David Pelzer's property, a variance which was granted in Francis Sites. Kohlhaase said he has noticed some work on the project, and the owners will be here in September to discuss whether they will receive an extension.

Lonnie Saunders said that a permit is valid until it is revoked.

Oleson said he is concerned about the amount of time it is taking to complete the project.

Ashland asked about a variance that was granted for a campground near Vicks corner, Kohlhaase said he was told something with sanitary sewer was holding up the project, but he would look into it and get back to the Board of Adjustment at the next meeting.

Dannatt asked if there was any new information surrounding the Administrative Review in Acorn Ridge, which took place at last month's meeting. Kohlhaase said we have been told that the Larry and Desi Suter are not moving forward with the appeal process, but regardless of what we have been told the 30 day appeal deadline is Wednesday August 27, 2014.

The Board of Adjustment asked about the case involving Al Mohling and Saunders said that their attorney is bogged down, and there is nothing to report at this time. Kohlhaase mentioned that Mohling's neighbors applied for and were granted a privacy fence permit.

Eighth on the agenda was adjournment. Duncan made the motion. Jackson seconded. All aye. The meeting adjourned at 8:00 p.m.

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