

Dickinson County Board of Adjustment  
July 23, 2018  
7:00 P.M.

The Dickinson County Board of Adjustment met Monday July 23, 2018 at 7:00 P.M. in the Community room of the Dickinson County Courthouse.

Members present were Neil Guess, Tim Hemphill, Roxie Reekers, Jeff Ashland, and Delmer Lee.

Also in attendance was David Kohlhaase, Zoning Administrator and Assistant County Attorney Lonnie Saunders.

Jeff Ashland-Chairman, called the meeting to order at 7:00 p.m. The opening statement was read.

First on the agenda was Roll Call.

Second on the agenda was New Business. 1<sup>st</sup> item of New Business is the continuation from the June 25, 2018 meeting for Todd Roelofsen, East Okoboji Boat and RV LLC, Conditional Use, NW1/4, Section 11, Center Grove Township, Dickinson County, IA. The conditional use request was read.

Jason Eygabroad with Beck Engineering introduced himself and told the Board that the new site plan addresses the gravel area, drainage, and adds a soil quality restoration area to the subject area.

Guess said he appreciates the work being done, and he does feel that this plan addresses the drainage. Guess suggested that all documents done by an engineer need to be signed and sealed in the future

Guess motioned to approve the application. Hemphill seconded the motion.

No correspondence.

Ashland opened the meeting to the public. No public comment.

Vote is recorded as 5-0. Reekers, Hemphill, Guess, Ashland, and Lee approve.

2<sup>nd</sup> item of New Business is Robert Mehling, Variance, North ½ of Lot 2, Block 1, Methodist Camp, Lakeville Twp, Dickinson County Iowa.

Robert Mehling said that basically it is a 48' x 48' lot that makes it almost impossible to do anything. The watershed goes from the south east corner 58' feet across the lot into an intake that Mehling has on his principal lot. In the future, when the garage is built, the entire south side of the roof watershed will go into a gutter and go into a drain into the garden area. As it sits now with the cabin, the water is uncontrolled. The 25' foot setback off Harmon lane is not a traveled street unless people are lost or people are on golf carts. It is difficult in an out of there. The 20' foot request would allow him plenty of room on the lot to park a vehicle in front of the garage. The existing cabin is over the lot line. One of the reasons for keeping the garage 1' foot from the north lot line, is because he would like to keep an open area to the south. They have already had to take down two trees and would like to keep the other trees on the lot and build the building around it. They would also like to build a patio in the trees eventually.

Guess asked why Mehling cannot meet the 3' feet side yard to the north.

Mehling they are trying to keep the area to the south side as open as possible. With a 1' foot north side yard, there will be more space on the south side of the garage to allow 8 feet between structures instead of 6' feet.

Guess said that Mehling is currently the owner of lot 4.

Mehling said that is correct.

Guess said that basically they're looking at this as one parcel.

Kohlhaase said that because Mehling's live on lot 4, he was presented the opportunity to buy the lot in question and because he his principal structure is within 100' feet, Mehling has choose to construct a detached garage. By doing this he is connecting the property and it is considered one yard.

Mehling said that this will allow for more parking, two in the garage and two on the driveway.

Guess asked for the setback between the garage and the house.

Kohlhaase said 6' feet.

Guess said that there is 8.2 feet between the house and garage, so it would be feasible to shift the garage 2' feet south.

Kohlhaase said that is correct.

Guess said so they could meet the side yard setback to the north. Guess asked about the ally.

Kohlhaase said that it is a platted ally, but it is not used as such. Kohlhaase suggested Mehling tell the board why he does not want to shift the house.

Mehling said that they do not want someone to come in and ask for an additional variance when they are gone and build a second story on the lot. They also don't want to lose another tree, they've already lost a lot.

Guess said that the only hardship is the one tree that you do not want to take down.

Mehling said that is correct. They've had to already take down four.

Guess said on the hand drawn site plan it looks like a portion of the driveway is going to be concrete but you're going to leave stone out by the street.

Mehling said that it will be concrete all the way to the street. It's just all stone right now.

Guess said that the drawing implies that there will be stone and its only concrete part way.

Mehling said that is a mistake on his part, they will pave next year or the following all the way to the street.

Lee clarified about the 1' foot variance on the north side, that they will have 1' foot to the lot line but an additional 5' feet to the building for a total of 6' feet. Also the current cabin appears to be over the lot line.

Mehling said the cabin is over the lot line by 12" inches, and if granted there will be 6' feet between the buildings to the north.

Correspondence was read.

Ashland opened up the meeting to the public.

Karen Taylor-Burton 21341 S. Park Dr. introduced herself to the Board. They have concerns about major water issues throughout Monarch Cove. The Mehling property does have a lot of downspouts that deliver all of their water to the ally to the properties below. She feels the Mehlings could really help with the drainage and bring the plan that would treat that water.

Ashland asked if she felt the proposed project will add to the water issues

Taylor-Burton said yes. She also wanted to know where the north gutter was going to go, and also how he was going to get the water to the LID area due to the slope of the lot.

Mehling said that the total square foot of the garage will be about 200, less than the total square footage of the current cabin.

Guess asked if there is a requirement regarding total max ground coverage.

Kohlhaase said they can have up to 75% in the R-3 Multi Family Residential District

Guess said that if they are looking at just the subject lot or both properties together.

Kohlhaase said the Board is looking at Mehling's principal lot and the accessory lot all as one yard.

Guess asked if Mehling was correct when he mentioned in the future that this could be a stand alone lot.

Kohlhaase said that if Mehling were to sell off this lot separately, it would need to be to someone with a principal structure within 100' feet. Kohlhaase said that there was a discussion with Mehling whether he wanted just a garage or a separate house with living quarters, Mehling told Kohlhaase that the garage is what suites his needs.

Guess said that this structure would not even come close to meeting the rear yard setback as a stand alone structure.

Kohlhaase said that is correct. If someone were to try to purchase this lot with a contingency that they could convert it to a house, those people would have to come back to the Board with an additional request.

Mehling questioned his impervious surface coverage.

Kohlhaase said that impervious surface will be 200 square feet less than what is there not.

Ashland clarified that according to the site plan, the impervious surface calculation is a combination of both lots is 54.89% and they're allowed to go up to 75%.

Mehling said that they would build some retaining walls in the grass to step it down, it is so steep now that there is no stopping the water.

Lee motioned to approve. Reekers seconded the motion.

Vote is recorded as 4-1. Ashland, Lee, Hemphill, Reekers approve. Guess deny.

3<sup>rd</sup> Item of New Business was John & Julie Schreurs, Variance, Lot 4, Block A, Methodist Camp, Lakeville, Township, Dickinson County, Iowa.

Jason Eygabroad said they are asking for a rear yard setback of 18' feet, all of the other setbacks are met and they will not be exceeded. What they are planning to do is add a second addition. There will not be any additional impervious surface. They do have room to extend to the lake, but at this time, they've chose to leave that their green space/open area and just extend upward. The existing house is out of compliance, they do not plan to make it any worse.

Ashland asked how much higher the proposed structure is than the current house.

Eygabroad said that the total height will be about 27' feet.

Dave Leith with Leiss Builders said that they are adding about 10.5' feet.

Lee asked if any of the views from the rear yard will be impacted

Jason said that both properties north and south will have the same views that they do now. The property to the east is a garage that is used by the property to the south. There isn't a residential use directly to the east that would be effected immediately.

Guess said that he has no concerns with the application because they are not changing the foot print.

No correspondence. Ashland opened the meeting to the public. There was none.

Guess motioned to vote on the application. Hemphill seconded the motion.

Vote is recorded as 5-0. Ashland, Guess, Reekers, Lee, Hemphill approve.

Third item on the agenda is old business. Saunders gave an update on the Concerned Citizens of Dickinson County.

Fourth item on the agenda is the approval of the minutes. Hemphill motioned to approve the minutes. Reekers seconded the motion. All were in favor.

Fifth item on the agenda is Communications. There was none.

Sixth item on the agenda is Report of Officers and Committees. There was none.

Seventh item on the agenda is Unknown Business. Discussion about overlay districts in Methodist Camp and Triboji Beach.

Eighth item on the agenda is Adjournment. Reekers motioned to Adjourn. Hemphill seconded the motion. All were in favor.

(For more information see BOA 07 23 18)