

Dickinson County Board of Adjustment
November 26, 2018
7:00 P.M.

The Dickinson County Board of Adjustment met Monday November 26, 2018 at 7:00 P.M. in the Community room of the Dickinson County Courthouse.

Members present were Alex Oponski, Tim Hemphill, Roxie Reekers, Jeff Ashland, and Delmer Lee.

Also in attendance was David Kohlhaase, Zoning Administrator and County Attorney Jon Martin.

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. Welcome & introductions were made to the new member Alex Oponski, who replaced Neil Guess.

Second on the agenda was New Business. 1st item of New Business is for Patrick and Mary Parrott, Variance, Lot 3, Percival's 1st Addition to Triboji Beach, Lakeville Township, Dickinson County Iowa. The request was read.

Bryan Swain and Mary Parrott were here to represent the application.

Swain said it came to their attention after they started construction on enclosing the carport that they needed a variance to do the project, they did stop the project. It was the intention of Mary's parents who owned the property previously to enclose the garage, but they used the house for a summer home and the garage was never completed. Pat and Mary live in the house year round, and due to snow in the winter, they would like to enclose it. Swain passed out pictures to the board. Swain said that he took some pictures, they have the 10' feet required in the rear yard to back out which will allow them to not interfere with the traffic along the road.

Ashland asked how they will enclose the carport.

Swain said they will put up walls on the side and a garage door. He also showed the board pictures of the carport when it snows in the winter.

Oponski asked if there will be a door on the side closest to the house.

Swain said that there is already a door going to the house. The front part is enclosed. There will be a 16' feet garage door on the rear side.

Ashland stated that it will not be connected to the house.

Swain said no it will not be.

Ashland asked for clarification from Kohlhaase on structures that are grandfathered in under the ordinance.

Kohlhaase said by looking at the assessor's site, the house appeared to be built in the 1960's and the carport was probably built about the same time. Dickinson County Zoning came into effect in 1972, but wasn't really enforced until 1982. Setbacks have changed because the zoning ordinance has changed over time. Today for an accessory building they need a minimum of 6' feet separation between house and the garage, and in the R-4 district where this property is located they need a 5' feet side yards, and a 10' feet rear yard. In the past it has been as little as a 3' feet side and rear yard requirement, but those have been increased. Since this house was built in the 1960's, our office has no records of the house or the carport being built. It is a smaller lot, a part of Triboji, the lot is 25' feet and it appears that everything was centered in the lot.

Hemphill asked if they were using the same kind of siding that is on the top of the existing carport.

Swain said yes.

Correspondence was read.

Ashland opened the meeting up to the public. There was none. Public comment was closed.

Lee motion to vote on the application. Hemphill seconded the motion. All in favor of voting.

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

2nd item of New Business was for Next Phase Development c/o Reid Tamisiea, Variance, Lot 6, Block B, Methodist Camp, Lakeville Township, Dickinson County, Iowa. The request was read.

Jason Eygabroad with Beck Engineering is the representative for the project. He said the property is located in Methodist Camp which was platted in 1915, many of the structures in that area are non-conforming or out of compliance with the current zoning regulations. The front yard alignment setback line of site is conservatively calculated. Due to this, the line of site that was used was from the two closest structures to the south. The south lots will not have a site hindrance to the lake with the proposed project due to the shape of the lakeside bank. The rear yard variance of 20' feet is because they would like to construct an attached garage. If you noticed on the site plan, all but a small corner of the garage and a covered porch is what is located in that rear yard variance. The house itself is for the most part situated within the required setbacks. The road adjacent to the project is a platted right of way, however it is 10' feet wide and for all intents and purposes it is used as a private drive, not a main public thoroughfare. The applicant would like to construct an attached garage for added protection from the elements, a detached garage would also not conform to the setbacks, and would require a variance as well. There are quite a few other structures in the area that are built close to the road. They showed the board some pictures of other non-conforming structures in the area. The applicant does plan to address drainage, as well as lakeshore bank stabilization to help prevent more erosion of the lakeside bank, and to implement low impact development practices throughout the lot.

Hemphill asked if they plan on redoing or replacing the stone retaining wall.

Reid Tamisiea said the retaining wall on the north property line due to erosion and settling has moved on to the some of the association's access lot. They will remove it and replace it on their property. Tamisiea spoke with Jim Benz the president of the association, and has verbally expressed that they would like the wall off of the association's property and to put it on their property where it should be. It would also take out the possibility of someone hurting themselves on the association's property. The wall is basically falling down.

Hemphill asked if it will be the same height.

Tamisiea said the wall will be shorter to improve safety, the highest elevation of the wall will be 5' feet, and currently there are some areas higher than 8' feet. He has spoken to the neighbors to the south, they are not for or against the project, but they would like to stay neutral because of the area being a very tight knit community.

Oponski asked if it was correct if the impervious surface would increase to 86%.

Eygabraod said the total impervious surface would be 56%. There is a boat house on the property that is included in that 56% figure.

Kohlhaase said that we consider it a vacant lot, even though there was a house there previously that was removed. With the removal of the house the lot is considered vacant. The applicants has to account for all impervious surface areas including but limited to concrete on the lot, house, patios, etc.

Oponski asked about the height of the structure.

Eygabroad said it was 28' feet.

Kohlhaase said that the maximum height in the R-4 Lakeshore residential district is 35' feet, which is measured from the highest finished grade elevation.

Ashland asked if there was a lot of water rush through that lot.

Tamisiea said the lot to the North is the main drainage area for the camp, it kinds of all drains to that lot, the front of this lot has seen quite a lot of erosion, especially when you look at the 2013

to 2017 aerials. They are going to try a number of things to mitigate the erosion. They will tile all of the downspouts, and have the low impact development areas to infiltrate the storm water into the ground.

Kohlhaase said that there was quite an effort from the association whom was working with the NRCS office in reference to achieving their goal to making sure that is where the water goes, but still protecting the area.

Tom Rein 15349 212th Ave. (recording and sign in sheet will show 15329 212th but that is incorrect) said he cannot give the exact number but in the ravine in the last 4 years there has been approximately 75,000 to 100,00 dollars spent developing traps to capture the water, as well as the planting of trees and plants to help stop the erosion. Lot #5 is actually a parking area that people can drive to and use that facility while loading their boats and such. That lot will never be developed because it is used by the association for the marina type activities. The road slopes down toward the ravine, not toward Tamisiea's property.

Correspondence was read.

Ashland opened the meeting up to the public.

Tom Rein 15349 212th Ave. said that there is no place to build a building within about 3 blocks of this property, no parking, no vacant lots, the only place that they could possibly build a building would be in the parking lot near the entrance to Monarch Cove. Rein read two letters, they were not entered in to record, and were not able to be verified by the office.

Tamisiea said would like to say that he purchased the lot from someone else, and had nothing to do with previous activities that took place on the lot.

Eygabroad said that Tamisiea just closed on the house a couple weeks ago, and he had nothing to do with the removal, or a broken sewer line, which will be fixed.

Tamisiea said the actual footprint of the house is 1,136 square feet, it is a two story home.

Eygabroad said the total impervious surface is 2,836, which includes driveways, sidewalks, and patios.

Ashland closed the public comment.

Lee asked if there were any other two story houses in the neighborhood.

Eygabroad said that most structures out there are single story, but there are a couple in the area.

Ashland are there other 2 stories houses in the neighborhood. He asked how many people will be living in the home.

Tamisiea said that he has a family of 4, himself, wife, and two kids.

Ashland asked where guests would park when they visit.

Tamisiea said they have 4 parking spaces, two in the garage, and 2 in the driveway. He said the curve has presented challenges for this lot. They are trying to improve the area.

Oponski asked if this will be their primary residence.

Tamisiea said no, basically a summer/weekend home.

Hemphill motioned to vote. Reekers seconded the motion. All were in favor.

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

Third item on the agenda is old business. There was none.

Fourth item on the agenda is the approval of the minutes from July 23, 2018. Hemphill motioned to approve the minutes. Lee seconded the motion. All in favor.

Fifth item on the agenda is Communications. Review of schedules for January – March meetings. Kohlhaase communicated the outcome of the lawsuits surrounding East Loch Estates.

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

Seventh item on the agenda is Unknown Business. There was none.

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

(For more information see BOA 11 26 18)