

Dickinson County Board of Adjustment
January 28, 2019
7:00 P.M.

The Dickinson County Board of Adjustment met Monday January 28, 2019 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 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 election of officers. Hemphill nominated Ashland as Chairman, it was seconded by Oponski, All in favor. Reekers nominated Oponski as Vice-Chairman seconded by Lee, All were in favor. Reekers nominated Lee as Secretary, seconded by Oponski, All were in favor. The officers are Jeff Ashland as Chariman, Alex Oponski as Vice-Chair, Delmer Lee as Secretary.

Third on the agenda was New Business. 1st item of New Business is for Brandon & Katherine Hedges, Variance, Lots 57 & 58, Block A, Triboji Beach, Dickinson County, Iowa. The request was read.

Brandon Hedges stated that he and his wife Katie purchased this property in 2000, over time they've come to discover that the structure itself was built in the 1930's. The structure is not safe and it needs some substantial rehabilitation. After talking with Kohlhaase, they were given advice to ask for the least amount of variance as possible and they have really tried to do that while working with Pat Mohning on the site plan. It will be a new construction on the site and wanting to have the least amount of impact on the neighborhood, they are planning on putting the house on the existing pad a 24 x 34 home structure. The part that is furthest to the south would require a 3' foot variance due to a fire place that is cantilevered out a couple of feet. Essentially the primary request is for the garage, which is very consistent with the rest of Percival drive as you are moving north on the east side. One sees garages in the same placement along the road where theirs would be. The garage and house are actually further away from the road than where the current house sits. The proposed will be an improvement for the neighborhood. Also, they have the full support of the neighbors on both sides, the Rockman's submitted a letter of support.

Oponski asked about the placement of the stakes and how they were marked.

Pat Mohning said that the garage will face Percival, it was a little difficult to stake due to the snow. A couple of the corners would have been in the current house, when they staked the site. There were only two corners that said garage on them, the Northwest/westerly corner and the far southerly corner, which was tucked inside the house.

Kohlhaase said that even though it is the garage, it is still a part of the principal structure since the garage is attached, one could consider it all to be the house.

Oponski asked about the impervious surface of the lot, and if the driveway would be concrete.

Hedges said that they're indifferent to a pervious or an impervious driveway, they would like a paver driveway and a concrete sidewalk.

Hemphill asked if the sidewalk would be on the south side of the garage.

Hedges said it would be on the northwest side.

Kohlhaase said that everyone along that block faces the lake and this property is like an island because it is the only principal structure where the front yard is Percival Street. Usually in

Triboji alignment is used, in this case there is nothing to align to which is why the bulk regulations from the R-3 district of a 35' feet front yard is required. In reference to drainage, the speckled marks on the site plan are the soil quality restoration areas where everything is supposed to be directed. There is a lot of drainage to the north, and the Hedges are trying to eliminate as much drainage as possible from going that direction.

Hedges said that by moving the structure it will allow them more space between them and their neighbors to mitigate some of that water.

Hemphill asked if they will move the house or tear it down.

Hedges said the structure is not safe, they wish they could move it, but they have been advised that it probably will not survive a move. They will need to rebuild.

Hemphill asked about if the trees will need to be removed.

Hedges said they do not know yet, they hope to be able to keep at least one of them.

Kohlhaase said that when Triboji was platted they planted trees on the lot corners. So when you look up and down the streets, if the trees are still surviving you can see them spaced every 25' feet.

Lee asked about the other garages on Percival, and if they were there before zoning.

Kohlhaase said the difference is between principal structures and accessory structures. All of the other houses about the state property and the ordinance reads specific to Triboji that the lake and state property is the front yard and Percival is the rear yard. Most of those garages are more recent, and detached garages (accessory structures) only need to have a minimum of 10' feet setback from the rear lot line.

Ashland asked for further questions. There was none.

Correspondence was read.

Ashland opened the meeting to the public.

Kristina Rice 15456 Lakeview Dr., they are a west neighbor across Percival, their concern is the natural flow of the water to the lake, the DNR has been pretty specific to them that nothing should impede the flow of the water. She feels that any fill or bigger foundation footprint will impede that water and where they are is a very low spot. The water backs up into their yard and the drainage would just get worse.

Oponski asked for an aerial to see where Rice's property was located in relation to Hedges.

Kohlhaase reminded the board about the Mohning property that lies north of the Rockman's, just north of the subject property, and the drainage problems in that area.

Lee asked about the impervious surface and if the project would improve the drainage from what is there even with a new house.

Mohning said it would improve the drainage because there is nothing in place right now. There are not any low impact development practices on the property. By implementing soil quality restoration areas, it will take care of the roof and the driveway up to 1.25 inch rainfall, which would cover 95 % of all rainfalls. That is the standard in the county.

Lee clarified that what is being proposed is better than what is there now, in terms of drainage.

Mohning concurred.

Ashland asked Mohning about the broader question of drainage in Triboji.

Mohning said that he would have to do additional research in Triboji to comment.

Hemphill asked Rice if in a normal rainfall year, unlike last year, if they had any water issues.

Rice said that it was wetter, and they know they're in a very low lying area, there are always problems.

Lee asked about drainage in the whole area.

Kohlhaase said that there was a whole engineering plan for this area, there have been talks about a drainage district and different things. It is just not that immediate area, one would need to go west of Cutty's and down and even further. There is a watershed up above, Kohlhaase thinks the concern from the neighborhood is that they do not want any additional water sent to that area to make it more concentrated, which more water would back up. This property is at 48.66% impervious surface, the ordinance requires a drainage plan to address the impervious surface runoff and to incorporate low impact development techniques to address the drainage onsite instead of just shipping it off. There are probably 100 different things they could do, but they choose soil quality restoration areas to help infiltrate the water into the ground.

No further discussion. Ashland closed the public meeting.

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

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

Fourth item on the agenda is old business. Kohlhaase informed the board about the appointments to the local Airport Boards. The Board of Supervisors are responsible for appointing to the airport boards from the Board of Adjustment. Kohlhaase asked if anyone would be interested in volunteering for the airport boards. The Milford Airport requires two people, Lee and Hemphill volunteered. The Spirit Lake airport requires one person, Ashland volunteered.

Fifth item on the agenda is the approval of the minutes from November 26, 2018. Hemphill motioned to approve the minutes. Lee seconded the motion. All were in favor.

Sixth item on the agenda is Communications. Kohlhaase said that we will be planning an annual training session with the Planning and Zoning Commission, Board of Supervisors, and Board of Adjustment, more information to follow at a later date.

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

Eighth item on the agenda is Unknown Business. Board members questioned whether they could receive correspondence ahead of the meeting. Saunders said that we would do our best to get those to them.

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

(For more information see BOA 01 26 19)