

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

The Dickinson County Board of Adjustment met Tuesday May 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 Lonnie Saunders, Assistant County Attorney.

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. MJK, LLC, Conditional Use, Dickinson County, Iowa. The request was read.

Jason Eygabroad he introduced himself and Stacy Tegtmeier with Beck Engineering, and Jim Leupkes. This is an application for an expansion of Oar's campground by 6 sites. Currently it is zoned A-1 Agricultural and to Eygabroad's knowledge, there was never a special use permit for the existing campground due its age, it is grandfathered in under the ordinance. They contacted all of the utilities that service the campground. There is a letter from the City of Arnolds Park, and they indicated they have adequate water capacity for the additional sites. Iowa Great Lakes Sanitary Sewer also submitted a letter, they did not say yes or no, only that at the current time there is enough capacity, but they do not reserve capacity for anyone. The rough calculation for sewer for the additional sites is .001 cubic feet per second, which is less than a 10th of percent of increase in sewer. There are letters addressing fire protection from the City of Milford. This is a clean cut campground, which does not cause any trouble in the area, endorsed by the letter from Dickinson County Sheriff's Office. They are looking at a 14' foot wide gravel road to reach the sites. The impervious surface would be minimal, the intention is to keep the area as natural as possible.

Jim Leupkes introduced himself and his brother Kenny. It was those two along with their other brother Stan whom purchased the campground. Leupkes has lived in the campground since 2009. The campground dates back to the 1960's, there is a lot of oak trees and a lot of families with kids and grandkids whom visit the campground each year. They just want to keep it a campground, and to have an affordable place for people to come and enjoy the lakes as natural as possible. In the future they intend to upgrade the amenities in the campground, but in order to do that, they need to increase their revenue. They intend to keep it in existence for many years to come.

Hemphill asked if the area just west of that of the campground has been declared wetland.

Eygabroad said to his knowledge it has not.

Ashland asked about the shelters for the people in the campground.

Luepkes said that they have an average of 95 sites, the house on site has a basement, which is always open to the campers, there is a shower building on the property that is block.

Eygabroad said that FEMA said that based on their calculations they have enough capacity.

Ashland asked what the bath house was made out of.

Luepkes said it is cement block with a wood roof. He said as time goes on, they would have no issues constructing something new.

Eygabroad said that it might be possible to retro fit the roof with anchors.

Oponski asked the distance between the new sites and the bath house.

Eygabroad said 400-600 feet, about a block/block in a half.

Kohlhaase asked if there an internal emergency plan, and has this been reviewed with the residents of the campground.

Luepkes said that they have a general meeting at the beginning of every year to explain the rules of the part and to go over the general safety functions of the campground.

Ashland asked if they had maps posted for those who are unable to make it to the yearly meeting or if they are new occupants?

Luepkes said yes and it is posted.

Oponski asked when the last time the water is over the road.

Luepkes said he has never seen the water over the road since he's lived there.

Hemphill asked if they would have cement pads.

Leupkes said that they will be gravel.

Kohlhaase read the staff report. The request for conditional use for MJK, LLC c/o Jim Lupkes, Conditional Use, expansion for existing campground, being a part of Lot D, Auditor's Plat of Government Lots 7 & 8, Section 29, Center Grove Township, Dickinson County, Iowa, in my opinion based on the facts is not in conflict with the County Comprehensive Land Use Plan. The present zoning is A-1 Agricultural and the Future Land Use identifies the property as A-2 Environmentally Sensitive. Both zoning districts allow Campground (For Profit) as a conditional principal commercial use. It is my recommendation that the Board of Adjustment in their review make sure that the plans for expansion are sensitive to the land and the environment.

The Correspondence was read.

Ashland opened the meeting to the public.

Megan Sloma 2365 190th St. said they own the property directly to the north of the campground. They are not opposed to the expansion of the campground, they feel that the campground would not affect their property in a negative way.

Kevin Floyd from Rock Rapids felt he should say something about the shelters, he doesn't feel as a camper that they are that far away, he said has always Leupkes stressed where to go if needed. He does not see it as a concern, he feels safe. When the weather was coming in on a Sunday morning, they were in contact with the campers via Facebook, emails, and phone calls.

Ashland closed the public meeting.

Oponski asked for a point of clarification, he asked if they can put conditions on the application.

Kohlhaase said that if you choose to put a condition on the application, you can, as long as it is discussed and approved by the applicant.

Ashland said the shelters are a safety concern.

Hemphill said that if the roof blows away, does it matter, as long as you are protected by the block wall from the roof down to the ground.

Ashland asked if the forms are going to have enough strength to keep the block wall with cement standing. Safety is one of the things this board is charged with addressing. Ashland asked Leupkes if he has any thoughts on that.

Leupkes said that they would be happy to have Beck's look as the bathhouse to see what can be done to strengthen the structure.

Saunders said that the condition could be to have BEI look at the bathhouse and report back on what can be done and what the plan is for the bathhouse.

Ashland asked the applicant if that was reasonable.

Leupkes said it was reasonable.

Kohlhaase said that you can approve the conditional use for the six sites, and the condition would be for Beck's to do a study on what can be done to improve the structure.

Oponski said the only thing he wants is a safety assessment report. We are not necessarily requiring you to do something, only that you take the assessment into consideration.

Leupkes said that he doesn't have a written statement but the house across the street have opened their house as a storm shelter to people who are residing in the campground if needed as well.

Oponski said that this is across the road and even further from the proposed sites.

Kohlhaase said the problem is that homes sell, and that is terrific and great, but what the Board is looking at is the safety factor at the campground, not off site.

Saunders that they should report back to the Board at the next meeting after three months have passed with a safety assessment report.

Oponski motioned to approve the application with an assessment and report on the bath house as a storm shelter at the first meeting after three months have passed. Hemphill seconded the motion.

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

Third on the agenda was Old Business. There was none.

Fourth item on the agenda is approval of the minutes from March 25, 2019. Hemphill motioned to approve the minutes, Reekers seconded the motion. All were in favor.

Fifth item on the agenda is Communications. Kardell brought up scheduling a training as required by the ordinance.

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 was Adjournment. Oponski motioned to adjourn. Hemphill seconded the motion. All were in favor.

(For more information see BOA 05 28 19)