

Dickinson County Board of Adjustment
February 24, 2020
7:00 P.M.

The Dickinson County Board of Adjustment met Monday February 24, 2020 at 7:00 P.M. in the Community room of the Dickinson County Courthouse.

Members present were Jeff Ashland, Alex Oponski, Jen Johnson, and Delmer Lee. Absent was Tim Hemphill.

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

Jeff Ashland, chairman called the meeting to order at 7:00 p.m.

First on the agenda was Roll Call.

Second on the agenda was election of officers. Ashland recommended to continue the election of officers until there was a full board, Oponski motioned to continue, Lee seconded the motion. All were in favor.

Third on the agenda was New Business. Kevin Brennan (contract purchaser) and David H, Dennis J, Linda M and Dale J Perrott (deed holders), Variance, Lots 23-26, Block 30, Triboji Beach, Dickinson County, Iowa.

Kevin Brennan is here to speak on behalf of the application. Brennan said there are a couple things about the lot, it is technically a corner lot, but really if you look at it, it is a curved lot. There is no intersection to the north. The people who are coming from the south, going north are going to curve around the bend, they shouldn't be intersecting each other, the risk of accidents shouldn't be there. Brennan has a home across the street from the proposed house, he's talked to a lot of people in the area about what the proposed home should look like. They told him to do whatever he wants to do, but do not build to the maximum height of 35' feet. It would be the only three story building in Triboji. The house to the west and east are both one story, and the house to the southeast is two stories. It wouldn't match the area. On this property there is a trailer and it is in bad shape. He would remove the trailer and by doing so it would increase the value of the property. If he cannot build, the trailer will stay and devalue the property. The proposed home will be very similar to the neighbor's house already out there in terms of style and height, and it will match the area. Brennan understands the zoning rules, but he feels the rules are really hard to abide by in the Triboji Beach area, people in the area really don't mind the variance. In order to have a 40' foot setback on the corner lot, one would have to build a very small home, and it would devalue the property. His goal is to construct a modern home that matches the area on this piece of property.

Ashland said as a board we are challenged with trying to have as few of variances as possible. With this application there are three variances, and he understands the west and the north, but the one on the east, you are asking for a variance of three feet. Is there some way to make the house or garage smaller and move the house more to the south? What is your hardship for the three foot variance?

Brennan said 22' feet is the standard for a two car garage, so we're not adding additional footage to that, they're not adding any extra room in that area. Then the house is 30 foot wide by 40 feet in length, for a home that is 1200 square feet.

Ashland said that could you have a 28' foot house and eliminate the east variance by making the home longer and narrower to achieve the 1200 square feet.

Brennan said he purchased a plan for the exact dimensions, I could but in a smaller home, but he thought what he proposed was small. He doesn't think for three feet he could do that, also the property that this variance abuts is empty.

Oponski asked since you live across the street what is the purpose for this home.

Brennan said the house across the street is owned between him and 6 of his family members and that this home will be, eventually, his primary residence.

Lee asked if it was the blue/green one across the road.

Brennan said yes.

Lee said the toughest question he has is on the corner, it looks like the lot goes out into the road.

Brennan said it used to.

Dale Perrott current deed owner, his family has owned this property for many decades. The road has continued to encroach on the property, there used to be a big tree on that corner. People continue to cut the corner, especially because of it being a vacant lot, and caused it to look how it does now. Their mother passed away in January, they all live remotely from here, when he looks at the property as current owner and the setbacks that are required, they cannot develop the property for its best use. The intent here is to develop a residence that is a one or two story which fits in with the surrounding neighborhood. Not a narrow three story house that stands out. The board pointed out the variance to the east, we are selling the additional two lots to Brennan as well. In essence it's an open lot there on the one side, all of the property is being sold together. Lots 23-28, but for today's hearing is about the lots 23-26.

Brennan said the proposed house is 12' to the porch, 20' feet to the house on the north, it is very open. This house is a lot further back from the lot line than many of the other houses in the area.

Oponski asked if he is purchasing lots 27 and 28 as well, and why Brennan is not considering using that as a part of his yard.

Brennan said that since is only 65 feet wide, he would barely be able to build that garage, and he wouldn't want to ask for a variance in the future.

Oponski asked if he would be using that property.

Brennan said no, it is just going to be empty.

David Kohlhaase said that the ordinance says that when you have two or more lots contiguous in frontage you have to leave enough together so that they conform to the zoning ordinance. In this case the frontage is to the west, the four lots to the west is considered one yard for this project. Those two additional lots, were not discussed, and that's entirely up to you, but for tonight's hearing is for the four lots. What the applicant chooses to do with the other two lots is his business, but it is also your business if you want to discuss that as a part of this application. In doing so, if someone were to improve those two lots behind, the ordinance states he would have a legal right to build on them as long as it conforms to the ordinance, if not he'd be back for a variance. One option would be to combine the two and four lots into six lots into one yard.

Oponski asked if Brennan has considered making all six lots one yard.

Brennan said no, because it has everything to do with the house to the south. They would have a different meeting if he were talking about those two lots.

Johnson asked if the covered porch faces the other way, because of that house.

Brennan said yes.

Lee said it's the log cabin looking house, similar to what Brennan is proposing.

Brennan agreed, he said the owner of that house does not want anyone building on those lots. I am not out to cause trouble in the area, so he is staying away from those lots.

Johnson asked if there was a basement in the proposed house.

Brennan said yes.

Johnson asked if the proposed house was a ground level with a basement.

Brennan said yes, but it's not quite a full two story, there will be a loft.

Johnson said so it's basically like the neighbor's two story house.

Brennan didn't believe the neighbor's is a full two story, they have dormers similar to the proposed house.

Johnson said that Brennan has a blank slate so he could have designed within the foot print and he would not require three variances.

Brennan said he could have made it smaller.

Johnson said or made it two stories.

Ashland said Brennan could have the same square footage, but just added more square footage to the south, instead of the additional variance.

Brennan said that he could make the house skinner, if he butted it up to the 8' foot southern setback, but to him this is the best place for it.

Johnson said that the steps will project out further towards the west.

Brennan said that is correct.

Ashland confirmed that the trailer would be removed, the board is charged with trying to have as few variances as possible, and he fails to see the hardship for the third variance. You could have the same square footage of the proposed house, if the house was narrower and longer.

Brennan said if he changed the design, it would not look like the other house in the neighborhood, it would drastically change the design of the house.

Johnson asked with the orientation of the proposed house, would it be to face your family home across the street.

Brennan said that it actually faces off towards the pond, to the northwest.

Oponski asked if Brennan has given any thought to an alternative if the variances are not approved.

Brennan said that he would not purchase the property, and it would go back to the Perrott's to deal with, he would probably just pull the plug and not come back here. He said that someone else could come in and build to a different footprint but be three stories high and create issues in the neighborhood. It's a very tightknit community.

Perrott said that the neighbors just do not want a 35 ft. high house that doesn't fit the neighborhood.

Correspondence was read.

Ashland opened the meeting to the public. There was none.

Ashland closed the public meeting.

No further discussion.

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

Kohlhaase told the applicant that as you can see there is one board member missing, so once they vote, then the hearing is over, you do have the right to ask for a continuation until there is a full board. He just wanted to make that clear to Brennan.

Lonnie Saunders said that the application would need 3 votes to be approved.

Brennan understood, he's been working on this since October and would like to get it done.

The vote is recorded as 3-1 denial. Ashland, Oponski, Johnson, deny. Lee approve.

Fourth on the agenda was Old Business. There is none.

Fifth on the agenda was Approval of the minutes from October 28, 2019. Oponski motioned to approve. Lee seconded the motion. All in favor.

Sixth item on the agenda is Communications. Planning and Zoning meeting March 26th at Arrowwod held by Iowa State Extension Office, recommended for all to attend.

Seventh item on the agenda report of officers and committees. There is none.

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

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

(For more information see BOA 02 24 20)