

Dickinson County Board of Adjustment
May 26, 2020
7:00 P.M.

The Dickinson County Board of Adjustment met Tuesday May 26, 2020 at 7:00 P.M. via zoom.

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

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

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. Hemphill motioned Ashland as Chairman, Lee seconded the motion. All in favor. Hemphill motioned Oponski as Vice Chairman, Lee seconded the motion. All in favor. Hemphill motioned Lee as Secretary, Oponski seconded the motion. All were in favor. Oponski motioned to have Kardell Assistant Secretary, Lee seconded the motion. All were in favor. Officers are Jeff Ashland-Chairman, Alex Oponski-Vice Chairman, Delmer Lee- Secretary, Megan Kardell-Assistant Secretary.

Third on the agenda was New Business. David Vanotterloo, Variance, Lots 41-43, Block 26, Triboji Beach, Dickinson County, Iowa. The request was read.

David Vanotterloo introduced himself to the board. They have an ice jam due to melting and freezing and since the roof has such a low pitch to it, water backed up under the shingles. This has happened many times without their knowledge, until the roof started leaking. They decided to take some of the ceiling down and found the 2 x 6's are rotting and need to be replaced. We called the insurance company and they sent an adjuster. His suggestion was if they wanted to be reinsured, they needed to put a steep pitch on the roof because the flat roof was not engineered correctly. The insurance company did not want to insure it again and they didn't want to settle the claim until the Vanotterloos fixed the roof properly. They have also had water in the west room when it rains really hard due to an 8" inch drop in the roof line, and due to the moisture had to fight to keep the mold out of that room. They would like to raise that area up to have a consistent roofline to prevent these issues. They talked with Mr. Kohlhaase about variances in the past, and were told they needed to exhaust all of their options before coming in front on the board. They have done this. They had many different builders evaluate the project, and all of them said that the Vanotterloos need to put a steep pitch on the roof. What they are asking is to keep the same foot print, but to go up to achieve a peak. They have come to understand that according to the rules in Dickinson County, even though the living space is not expanding, the air space is within the cottage. During this process they found out the cottage already encroaches on the setbacks of the district, which is why they are here in front of the Board of Adjustment. They would like to add the dormers on the new roof due to others in the neighborhood and it would be aesthetically pleasing and better fit the neighborhood.

Ashland said he could imagine the snow load with the flatter roof is a problem as well.

Vanotterloo agreed. They are still sitting with an open insurance claim, they want us to get it fixed as do we.

Ashland said just so we understand the application, the footprint of the cottage is not changing, just the roof.

Kohlhaase said that is correct. It is basically going straight up from the existing footprint. When you add volume to a home, that volume needs to meet the setbacks and that is the issue that we have with this application. The existing structure is older, built before zoning, and non-conforming. By changing the roofline and going straight up, it adds volume, which is why the Vanotterloo's needed to ask for a variance for the proposed change.

Vanotterloo said did talk with Kohlhaase when they bought the property and were aware that a variance was granted for this cottage on the west side, but he did not understand that they were too close to the neighbor's to the north and a foot too close to the road.

Kohlhaase said this lot is more restrictive because there are roads on three sides of it, the only normal yard is the north side yard needing 8' feet, but the additional yards would be 25' feet.

Hemphill asked if this project is going to affect any neighbor's with the additional runoff for the proposed changes.

Vanotterloo said no sir. Mr. Lee was out to see the area on Saturday and there is tremendous slope and an open ditch. All of the neighbor's water comes on to their property already, so no they will not be affecting the neighbors with the additional drainage.

Vanotterloo pointed out on the drawing, that the contractor straightened out the screened in porch on the west side, which is currently 8" inches into the west. He did not notice that until they were looking over the drawing, but he knows that is not what they've applied for. The road side's screened in porch is setting in 8" inches inside the rest of the house.

Kohlhaase asked Vanotterloo in reference to what you just said, is there anything that is changing in reference to the measurements of your variance request

Kardell pointed out the published variance request was to the building wall not to the screened in porch.

Vanotterloo said when they built the cottage, for some reason they built it in 8" inches then the rest of the cottage.

Kohlhaase said when the Vanotterloos did the measuring, they measured it to the house and not to the screened in porch, for a measurement of 24' feet and that is what the zoning office used in the variance request. So if the contractor wanted to square that off, he could, as long as the variance is approved by the Board.

Kardell read correspondence.

Ashland opened the meeting up to the public.

Paul Daily 15427 War Eagle Blvd., after reviewing the renderings and he agrees with the written statements and what Mr. Vanotterloo mentioned before and he believes it would be an aesthetic improvement, and will fit into the neighborhood nicely. Most importantly the improvements are going to alleviate the issue he has with the leaking roof. Daily is 100 percent supportive of the variance.

Ashland closed the public meeting.

Hemphill motioned to vote. Lee seconded the motion.

Roll call vote: Hemphill-Approve, Lee-Approve, Johnson-Approve, Oponski-Approve, Ashland Approve.

Vote recorded as 5-0 approve.

Fourth on the agenda was Old Business. Ashland asked how long the BOA meetings will be held in this format.

Kohlhaase said it is undetermined. The courthouse is still closed, the employees are at half-staff, but the zoning office has been business as usual since this all started. On June 3rd the Supervisors instructed all employees will be back in the courthouse. After that, it is day by day. At this time the public is not allowed to come into the courthouse. The Supervisors are following the hospitals guidelines.

Kardell said that a wind project may make application in June for the July meeting.

Fifth on the agenda was Approval of the minutes from February 24, 2020. Hemphill motioned to approve. Lee seconded the minutes. All in favor.

Sixth item on the agenda is Communications. There is none.

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. Lee motioned to Adjourn. Johnson seconded the motion. All in favor.

(For more information see BOA 05 26 20)