

Dickinson County Board of Adjustment
October 25, 2021
7:00 P.M.

The Dickinson County Board of Adjustment met Monday October 25, 2021 at 7:00 P.M. in the community room of the Dickinson County Courthouse and via zoom.

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

Also in attendance was Steve Goodlow- Dickinson County Assistant Attorney, David Kohlhaase- Dickinson County Zoning Administrator 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 New Business. Eastfield Management Inc, Conditional Use, Basic Industry, SW1/4, of the NW ¼, Section 13, Okoboji Township, Dickinson County, Iowa. The request was read.

David Kohlhaase gave the staff report and give some of the back ground and history of this property. Hansen concrete is requesting a temporary basic industry use permit for the 2021 construction season, April through December on property owned by Derner's of Milford Inc., The portable ready mix plant would allow them to test the Dickinson County market and insure that this is a good fit for the County and their company prior to the investments of a permanent plant. If the test proves positive Hansen Concrete Company and Derner's of Milford Inc would proceed with making an application for a zoning change and a conditional use permit for a permanent ready mix plant. They are aware that these applications are a legal process and public hearings with no guarantees of approval. Hanson Concrete Company is a reputable, independently and locally owned and operated business since 2008. The site location on Derner's parcel is well suited for a ready mix plant, they spoke with Dan Eckert, Dickinson County Engineer who endorses this plan and feels it will be a good fit for the County.

The following is the County's response dated March 15, 2021 to Hansen Concrete Company and Derner's of Milford, Inc. request to have a temporary basic industry use permit (portable ready mix plant) during the 2021 construction season on Dickinson County Parcel 1013100003. The reason for this is to test the Dickinson County market and to ensure this is a good fit for the County and their company prior to the investment of a permanent plant.

The use of resource extraction and more specifically gravel extraction in this general area also known as the Derner Pit has been in operation for the past several years and would be considered grandfathered in. Also there has been temporary asphalt and concrete plants in this area in the past.

It is my opinion based on existing and past practices that occur and have occurred in this general area that this request seems consistent and fair. I am issuing a Dickinson County Temporary Use Permit for a portable ready mix plant as described for the 2021 construction season.

It is understood that after the 2021 construction test period is over that Hansen Concrete Company/Derner's of Milford temporary use permit (temporary ready mix plant) will expire and the land to be returned to its original state. If at any time during or after the 2021 construction season Hansen Concrete Company/Derner's of Milford wants to construct /operate a permanent ready mix plant at this site then they would need to make application for a zoning change from A-1 Agricultural to HI Heavy Industrial and if successful would make an application for a conditional principal industrial use (basic industry). If both applications/requests are approved then the permanent ready mix plant could be constructed and operated.

Kohlhaase said there is a letter in the file from the Derner family with their approval for the ready mix plant at this site. When it became proven for the Hansen's to move forward, they then purchased the property, they went through applications of rezoning, amending the comprehensive

plan, and now basic industry as the conditional use in the heavy industrial district. On their rezoning application they reasoned that this property was recently purchased from Derner's of Milford, whom used this property to run agricultural operations. Eastfield Management Inc. is not in the business of agriculture. Eastfield Management Inc. is a cooperation that acquires land solely for the purpose of providing an area for businesses to come in and rent for business use. Currently they are renting the land to Hansen Concrete Company to run a ready mix plant on a temporary conditional use permit. Hansen Concrete Company would like to pursue a full time conditional use permit if the land is rezoned to industrial-basic. If the land is not adjusted to industrial basic, they will lose their renters and any further potential renters from being able to bring their industrial business to this property.

Kohlhaase said just for understanding, the application lists Eastfield Management Inc. as the applicant but they are all the same people. Basically Hansen Concrete is Eastfield Management. Eastfield Management holds their real estate and Hansen Concrete is their concrete business. They have gone to the Planning and Zoning Commission for a recommendation to the Board of Supervisors on two things. First to change the Comprehensive Land Use Plan, Future Land Use Map from Agricultural to Industrial. Second item was a zoning change from A-1 Agricultural to HI Heavy Industrial and both those items were approved as a recommendations by the Board of Supervisors. They are now zoned Heavy Industrial, the Basic Industry definition fits their operation, and is a conditional use which is why they are in front of the Board.

Tara and Paul Hansen Introduced themselves to the Board.

Tara Hansen said Kohlhaase gave the history about what they have been going through for the past couple months, they would appreciate if they would be allowed to continue the ready mix plant as a permanent plant in Dickinson County.

Paul Hansen said they set up this summer, they've been operating and it has been a good fit for them. They feel moving forward it would be a good fit for their company and the County. They're excited to be testing out the market and would like to move forward.

Kohlhaase said everything that was presented was done so with the Planning and Zoning Commission and the Board of Supervisors knowing what Hansen's future goals were going to be.

Oponski asked if they were in the area prior to the summer.

Tara Hansen said they were not.

Paul Hansen said they erected a portable plant, which they are operating out of now. They are looking to permanently erect a plant and work out of that location. Eventually the permanent plant would be enclosed so they can operate year round, which is where the expense comes from. They've done a lot of land improvements on the site. They also pulled a lot of sand and rock out of Derner's pit. This area fits what they were looking for and they do not have to truck in that material. They can just run down the hill and grab it.

Tara Hansen said they do have other locations, such as Lakefield and south of Jackson. So they have been coming down to the area from Lakefield. Some of the contractors expressed interest about having the company closer. So when this opportunity came up, they thought this might be a good fit for them.

Ashland stated that conditional uses are usually are only good for a limited amount of time, so if we move forward with this, there should be a condition that this be in effect for as long as it is used as a ready mix plant.

Kohlhaase said during the time this temporary plant has been operating, he asked Dan Eckert, Dickinson County Engineer, if he's had any concerns or questions from anyone in the neighborhood and he said no. Eckert was again supportive of this being there.

No correspondence.

Ashland opened the meeting to the public.

Stacy Tegtmeier said that sounds good.

Oponski motioned to vote with the stipulation that if the use ceases for a period of a year or more then the conditional use for the ready mix plant will go away. Lee seconded the motion.

Vote recorded as 4-0 Approve. Lee, Ashland, Oponski, Berhow, approval

Second item of New Business was Scott Hoffman, Variance, Lot 19, Martha Yarns Memorial Beach, Dickinson County, Iowa. The request was read.

Scott Hoffman introduced himself to the Board. A year and a half ago he purchased Lot 19 in Martha Yarns Memorial Beach Subdivision. As they were putting things together and planning a home on this property, he went through all of the setback requirements and where they thought they could build. He had things designed and came up here to get a building permit, only to find out the front yard setback needed to be 40' feet and not 30' feet as originally thought, due to the houses on either side of this property. So they made a few changes. They took off 5' feet of the home they had designed in the front yard, and are requesting to have a 6' foot variance in the rear yard. They would still be 40' feet back from the lake and will not obstruct any of their neighboring property owner's views. They had everything drawn up by Beck Engineering, whom did a really good job putting things together as far as the site and drainage plans. As far as drainage goes the plan is drawn to maintain proper drainage in not only the sides of the property but in the back of the property along the road. The house itself is 1500 sq. ft., it is not a huge house, it is as big as they can build on that lot. They just didn't realize when they purchased the lot, that there would be an additional 10' foot setback. Most of the homes along there were built more cottage style and do not have an attached garage. This house was originally planned to be a three stall garage with area enough for the boat, but if successful tonight, they can get a storage unit for that, and just have the two stall garage.

Oponski asked if the sunroom was a part of the setback.

Hoffman said the sunroom is behind the setback line. The 40' feet setback comes at an angle, but it is behind that setback line. The sunroom is set at about 41' or 42' feet back on the south side of the property.

Kohlhaase asked if the patio was being confused on the site plan.

Hoffman said the big square in the middle is a ground level patio and that does project into the front yard as allowed. The sunroom is the little bump out on the south side of the house.

Oponski said he understands now.

Lee said the patio is just flat stone, correct?

Hoffman said that is correct, stone or concrete.

Lee asked if the patio fits within the ordinance.

Kardell said yes, due to it being less than 12" inches.

Lee said one could not enclose that area.

Hoffman agreed.

Lee said when he did his site visit, it appeared to him the house should be back about a foot farther, but that was just his own view.

Berhow said he questioned the high water mark and the placement as well.

Lee said it was just a visual thing to him.

Kohlhaase said the high water mark is an elevation, where it is a piece of mind for our office is knowing an engineering firm set that and is measuring from that calculation. Respectfully if you and I were to go out there, we'll do the best we can, but will not be right on.

Hoffman said he was impressed with how well Beck's sited everything on the lot and the calculations.

Kohlhaase said the three things he would comment on would be the surprise about Article #17 the additional stuff stating when 30 percent or more of the block is improved, they need to use the alignment of the two homes on either side of this lot, the 40' feet versus the 30' feet like he was

thinking. Also adjusting the home in size, but still keeping in mind what will still work for them. Then going one step further by contacting the neighboring property owner to see if he could purchase additional property from them and would have a more rectangular shape of a home, but that did not happen.

Ashland asked if they looked at shortening the house 6' feet so they didn't need a variance.

Hoffman said they did shorten the house by 5' feet from the original design, but without getting rid of the garage completely, they would still need a variance. They're trying to shorten the house as much as they can, but still maintaining a decent size kitchen, bedroom that is not that big, but very efficient, and a living room that was a size to still fit a couch and stuff in there. They contacted the neighbor to the south, and talked with her for over 20 minutes, that is over a year ago now, and tried to purchase some land from her. The lot to the south is a wedge shaped lot, it is almost 65' feet in the front and approximately 96' feet in the back. This little bitty house sits way back on the lot, they were open to selling some land when he talked with them. They could sell about 8' feet and it wouldn't affect any of the sheds for the required 5' feet setbacks. She seemed open to the proposal, he said he would call her back in a few weeks after she talked with her attorney. He tried a dozen times and never received a call back. They live out in Washington State. So they looked at a few different options to stay in compliance with the ordinance. They would be using the cabin all four seasons, they tried to look at turning the house another direction to see if that would work, but to no avail.

No correspondence.

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

Ashland closed the meeting to the public.

Berhow motioned to vote. Lee seconded the motion.

Vote recorded as 4-0 approve. Berhow, Lee, Oponski, Ashland approve.

Third item on the agenda was Old or Unknown Business. Kardell said it appears that you all will have a meeting next month. Kardell said the meeting in November is the week of Thanksgiving. Oponski will be out of town but offered to call in.

Fourth item on the agenda was Approval of the minutes from September 27, 2021. Oponski motioned to approve the minutes. Berhow seconded the motion. All were in favor.

Fifth item on the agenda was Communications. Ashland welcomed Steve Goodlow to the County administration. Kohlhaase said Goodlow replaced Lonnie Saunders and noted that Goodlow is a fulltime County employee, which we have witnessed to be huge for us in just the month on board, he's a terrific and great ally down the hallway.

Sixth item on the agenda was Adjournment. Berhow motioned to adjourn. Lee seconded the motion. All were in favor.

(For more information see recording BOA 10 25 21)