

Dickinson County Board of Adjustment
December 9, 2024
7:00 P.M.

The Dickinson County Board of Adjustment met Monday December 9, 2024, at 7:11 P.M. in the community room of the Dickinson County Courthouse.

The members present were Jeff Ashland, Alex Oponski, Kirby Berhow and Susan Clark. Also in attendance were Megan Kardell, Planning & Zoning Administrator, Lee McKim, Dickinson County Zoning Assistant and Steven Goodlow, Dickinson County Attorney.

Jeff Ashland, Chairman called the meeting to order at 7:11 p.m. and read the opening statement.

First on the agenda was Roll Call.

Second on the agenda was New Business:

1. Sam Huff & Marcie Schuiteman, Variance, Triboji Beach Township 99: Lakeville Township Lot 6, BLK 35 Dickinson County, Iowa. The principal structure Parcel Number is 0602276018. The address is 20810 N Lagoon St, Spirit Lake, Iowa. The variance is to raise the structure to 32 inches, having the same footprint but it will require a 7-foot front yard when 25 feet is required a variance of 18 feet. To have an East side yard of 6 feet when 8 feet is required, a variance of 2 feet. To have a West side yard of 1 foot when 8 feet is required, a variance of 7 feet.

Cathy Huff came to the podium on behalf of her children, Sam Huff & Marcie Schuiteman. Huff gave some family history to their cabin. Huff explained due to the June flooding and the amount of water they got in the cabin; they would like to raise the cabin 40 inches to get out of the flood zone.

Ashland asked the board if they had any questions. Clark asked if the downspouts are raised up when not in use and if the downspouts flood the neighbors. Huff stated yes, the downspouts are up when not in use and they have put a trench in as well to help with drainage. Oponski asked about the building behind them. Huff stated that building in behind it had 2 inches of flooding. Huff stated that the building was also rebuilt. Ashland asked for clarification on the products to be used for raising the house. Huff stated there will be stem walls, filled with gravel and cement flooring.

Ashland asked for the correspondence. Kardell read a letter of support from Kelly Bomgaars and Larry Koopmans.

Ashland opened the public comment section. There was none.

Oponski moved to vote, Berhow seconded. The votes are Berhow, Oponski, Clark, and Ashland, the votes are 4-0 approved.

2. Lynn Fillenwarth, Conditional Use, Recreational Storage, Section:21 Twp 99, Range 36, Center Grove Twp 342' of W, 1320' of S, 330' of SWSE Dickinson County, Iowa. The Parcel Number is 0721400009. The address is 2466 190th St, Spirit Lake, Iowa. The conditional use is to have recreational storage allowed only as a conditional use in the A-1 Agricultural District.

Lynn Fillenwarth, owner of Fillenwarth Beach Real Estate LLC, came to the podium to share some family ownership history of the property. Fillenwarth explained they use the storage for the beach rentals as the business is growing.

Ashland asked Kardell if the property with all 3 buildings falls under Recreational Storage. Kardell stated it is for the property. Fillenwarth stated the 1st two buildings were previously grandfathered.

Ashland asked if the board had any questions. Berhow asked if it was for boat storage only, and there was not anything flammable being stored. Fillenwarth said yes boat storage only. Fillenwarth passed out some brochures to the board. Clark asked about the Morton building not having any eaves and questioned the drainage as well as who mows for upkeep to the property. Fillenwarth stated that there were no issues with drainage, and they do the lawn mowing. Ashland asked if the Morton building could drain to the East to prevent drainage in the driveway and to the road.

No correspondence.

Ashland asked if there was any public comment. There was none.

Ashland asked if the board had comments. None.

Oponski motioned to vote on the conditional use with conditions of the grading to drain to the East; Berhow Seconded. The votes are 4-0 approved with conditions of the Morton building grade to face the East for proper drainage. Ashland, Clark, Oponski, and Berhow approved. The votes are 4-0 approved.

Third item on the agenda is Old or unknown business. None.

Approval of October 28, 2024, minutes. Berhow motioned the minutes be approved, and Clark seconded. All in favor, Ashland, Berhow, Clark and Oponski.

Communications Kardell handed out the Wind Energy ordinance that was updated for the board member binders. Kardell stated we have no applications, but she wanted the board to have the updated ordinances for their review in case an application comes in. Discussion on the new ordinance with the board members, Kardell and Goodlow.

Fourth item on the agenda was Adjournment.

Oponski motioned to adjourn, Berhow seconded the motion. All were in favor, Ashland, Berhow, Clark and Oponski.

(For more information, see BOA 12 09 24)