

DRAFT

Dickinson County Board of Adjustment

July 28, 2025

7:00 P.M.

The Dickinson County Board of Adjustment met Tuesday July 28, 2025, at 7:00 P.M. in the community room of the Dickinson County Courthouse.

Jeff Ashland Chairman called the meeting to order at 7:00 p.m. and read the opening statement.

First on the agenda Approval of agenda. Berhow motioned for approval of the agenda, Oponski seconded. All in favor, Ashland, Clark, Oponski, Westerman and Berhow.

Roll Call

The members that are present: Kirby Berhow, Susan Clark, Alex Oponski, Douglas Westerman and Jeff Ashland.

Also in attendance were Megan Kardell, Planning & Zoning Administrator, Lee McKim, Dickinson County Zoning Assistant and Steven Goodlow, Dickinson County Attorney.

Second on the agenda was New Business:

1. Timothy Wittrock, Variance, Sec 3 Twp 99R 38, Lakeville Twp 2.00 AC TRT AKA PAR "A" NWSW Dickinson County, Iowa. Parcel Number 603300005

Timothy Wittrock came to the podium stating he would like to put a garage on his house. Wittrock would like to build a three-stall garage with a roof attached to the house as well as heated flooring, insulation and gutters. Wittrock stated it can't go to the south, due to driveway or north due to his septic and the grade would go into the septic.

Kardell stated the building connection in the middle is due to accessory structures are not allowed in the front yard.

Berhow asked about the transformer and not being able to have the attachment to the house. Wittrock stated he measured incorrectly and was off by 3 feet, that he would have the attachment to the house. Ashland asked about the drainage. Wittrock stated that there will be downspouts.

No correspondence.

No public comments.

Clark motioned to vote. Berhow seconded. The vote is approved 5-0, for a 20-foot north side yard when 50 feet is required a variance of 30 feet for a garage, All in favor Ashland, Oponski, Clark,

Westerman, Berhow.

2.Four Winds LLC, c/o Scott & Paula Wicks, Variance, E. 1/2 Lot 16 and Lot 17, Unit 2, East Okoboji Beach, Dickinson County, Iowa. Parcel Numbers 0711327038,0711327039

Kardell explained that the structure is already constructed, and a neighbor alerted the zoning office and then the applicants came to the Board of Adjustment instead of altering the structure.

No one was present to represent the Four Winds LLC, Scott & Paula Wicks. Kardell went to explain that the board can proceed with the variance, Kardell explained the issue is that it is attached to the house and it can be removed to the east. Kardell said that it does meet the 30% rule as Beck Engineering did the drawing calculation.

Oponski asked for clarification if it was built without a permit. Kardell stated yes.

Berhow asked for reclarified on what owner has built it. Kardell stated the applicant built it with their contractors.

Westerman went over the size of the deck, and if the use for the carport is being used for it, as the car he saw was not parked in the carport. Westerman also noted it the house was also for sale. Kardell stated she had visited with the realtor so a buyer would know ahead of time this was done with no permit.

Oponski asked if the variance is denied what the procedure is. Kardell stated it would have to come down or move the steps to the east then to have the 3 feet rear yard setback and she would work with the applicants to have it in compliance.

Correspondence - Kardell read letters from Nancy Ellis, Ryan & Kate Van Maasdam and Paula Krogman Tietz.

Public Comments:

Paula Krogman Tietz came to the podium, stating she was surprised that they built the deck before a permit was obtained. Tietz was concerned that they overextended the deck and other variances.

Discussion among the board members.

Oponski motioned to vote. Westerman seconded. All in favor, Ashland, Oponski, Clark, Westerman, Berhow.

The votes are denied 5-0, to have a 1-foot rear yard when 25 feet is required a variance of 24 feet. Ashland, Oponski, Clark, Berhow and Westerman denied.

Third on the agenda Old or Unknown Business .

1. Woodlyn Hills Estate LLC – Conditional Use, E 25 rods of the SW1/4 Sec 5, Township 98, Range 36, W 65 acres of the SE1/4 Sec 5, Township 98, Range 36 except Parcel P, Parcel N in Sec 5, Township 98, Range 36 as shown by Plat of Beck dated Oct 16, 2020, Irreg shaped land SE1/4, Sec 5, Township 98 0.861 Acres along old fence line, Parcels 1105300008, 1105400019, 1105300004, 1105400010, 1105400021

Ashland reread the opening statement. Ashland stated the original meetings were on April 25, 2022, and June 6, 2022. Ashland stated that on June 6, 2022, board of adjustment meeting the board granted a conditional use permit to the applicant Woodlyn Hills Estates LLC. Following that decision the Iowa court of appeals and the Iowa District court remanded the conditional use back to the Board of Adjustment, with instructions. Ashland stated the public comments will remain closed due to the court's statement.

Kardell stated that the April 25, 2022, and June 6, 2022, meetings were approved with stipulations. The stipulations were read.

Kardell read the email from William Van Orsdel dated April 21, 2022.

Kardell read the Megan Salicky letter and the Seth Salicky letter.

Kardell stated that in the directive 4170 to read letters from Greg Hanson, Cher Vollink, Daniel Davis & Deborah Davis.

Jamie Hunter made an objection for the record.

Susan Clark stated she will step back as she is abstaining from the vote. Douglas Westerman per recommendation by County Attorney Goodlow, as he was not here for the hearings, he will abstain from the vote as well.

Ashland asked for clarification for the vote from Goodlow.

Oponski motioned to vote and Berhow seconded.

The votes are approved 2-1. Ashland and Berhow approved. Oponski Denied.

Fourth item on the agenda is Approval of May 27, 2025, minutes. Clark motioned to approve the minutes and Berhow seconded. All in favor, Ashland, Clark, Oponski, Westerman and Berhow.

Communications Kardell stated we will have our next meeting on August 25, 2025.

Fifth item on the agenda was Adjournment.

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

(For more information, see BOA 07 28 25)