

October 27, 2025

7:00 P.M.

The Dickinson County Board of Adjustment met Monday October 27, 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, Clark seconded. All in favor, Ashland, Clark, Oponski, Westerman and Berhow.

Roll Call

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

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

Second on the agenda New Business

1. Richard & Glenys Hull, Variance, West Okoboji Harbor Township:99 Lakeville Township lot 27, Dickinson County, Iowa. Parcel Number 0602377006. The address is 15824 Tradewind Drive, Spirit Lake, IA 51360.

Shelley Gustin from 3 D Builders came to the podium, to represent the applicants who are out of state. Gustin explained that there is a small window in a basement bedroom and they want to replace it with a bigger window and a window well for safety reasons.

Ashland asked if the board had any questions. None

Correspondence – None

Public Comments

Sandra Sykes came up to speak explaining the 2-foot side yard, it is too tight for a lawnmower to go through, and she feels that a 5-foot side yard is still appropriate.

Damon Pederson came to the podium to oppose this as it is very tight area and has limited access with the houses being so close together.

Ashland asked if the board had any questions.

Douglas Westerman asked if the retaining wall is still in compliance. Kardell stated it was built in 1975, and she couldn't see a permit for it. Kardell explained that it looked like a window well

was there before just filled in with pea rocks. Westerman stated he had thoughts on it already encroaching. Oponski asked Gustin about the reason for the window well. Gustafson stated for safety to have that bedroom conformed. Discussion with the board on the window well, size and area of location.

Westerman motioned to vote to have a 2-foot side yard when 5 feet is required a variance of 3 feet and with a stipulation of having a window well cover placed on the window well. Oponski seconded the motion.

Votes were 4-1 approved. Berhow, Clark, Ashland and Westerman approved. Oponski denied.

2. Charles & Susan Haugen, Variance, Methodist Camp Township 99: Lakeville Township lot 2 Blk S , Dickinson County, Iowa. Parcel Number 0601190013.
The address is 21374 Burr Oak Street, Spirit Lake, IA 51360

Nick Haugen and Stacey Tegtmeier from Beck's Engineering came to the podium to represent the applicants. Haugen stated the cabin is owned by his parents. It is not useable as it doesn't have any heating or cooling, tight spaces and a tiny shower but due to being in their 70's with some health issues, he would want everything on a one-floor ranch. Haugen stated he found out it is a corner lot and non-buildable lot.

Ashland asked if the board had any questions.

Berhow didn't think it was marked out well. Ashland asked about the proposed concrete. Haugen stated yes that it would be for parking off Burr Oak Street. Clark asked about the air conditioning unit being in a 5 feet rear yard. Kardell stated yes an air conditioner can project into the front and rear setback, not the side yards. The front door faces towards 214th Street to the East and the rear to the west, side yards north and south.

Correspondence - Letter from Thomas and Londa Wickman Rev Trust was read.

Public Comments – Amanda Beller came to the podium to state she had concerns with the build and size that would face her new home and sunroom. Beller wanted to state the air conditioner would face her sunroom, the 5 feet isn't enough of a buffer, and it would take away from the character of the neighborhood. Westerman asked Beller about her sunroom and it juts out to the east. Beller stated yes there is a sidewalk.

Clark stated she had a picture of black tile on the lot line. Kardell stated it is a downspout that is extended. Robert Beller came to the podium to explain the downspout is out to the street. Ashland stated the proposed house is 5 feet further away. Beller stated he wanted more than 5 feet, and he would love to see them build, but you need to fit everything in accordingly.

Ashland asked the board if they had any questions.

Oponski asked if they considered anything to do with the garage. Haugen said he was trying to keep it for the golf cart and storage as it is a decent garage. Ashland asked if they could put the air conditioner unit on the north side. Haugen stated he could do it on the south side. Westerman

asked about a side yard to put the air conditioner unit on. Kardell stated they would be looking at a 17-foot south side yard and would have to come back to the board. Haugen stated he would work to find a different location.

Ashland asked the Bellers if the air conditioner was not on the side and that would be a better solution. Beller stated yes, but he was still worried about drainage. Haugen stated he could move the downspout to the south. Discussion on drainage of gutters, downspouts and eaves with board members and applicants.

Ashland asked for a tabled motion till later in the meeting. Oponski motioned to table it to later in the meeting. Clark seconded. All in favor. Ashland, Clark, Oponski, Westerman and Berhow.

3. Todd Pearson & Julie Utterback, Variance, the Methodist Camp Lot 7 BLK 1 EXCS S 30' Dickinson County, Iowa. Parcel Number 0601185001. The address is 21301 Park Drive S, Spirit Lake, IA

Julie Utterback came to the podium representing herself and her brother Todd Pearson. Utterback stated they wanted to renovate the cottage as it was built in 1930, and they want it to be a more comfortable living space for their family. Utterback explained it is called the Farr cottage as her grama bought it and her grama's last name was Farr.

Ashland asked if the board had any questions.

Oponski asked to clarify the footage of the cottage. Utterback stated yes it would stay the same with exception of the low deck, so it doesn't block the neighbor's view. Oponski asked about the screened in area. Utterback said that area will be a living space with windows.

John Wahl, builder, came to the podium stating it will remain in the same footprint and lift the east side of the cottage up out of the dirt. Wahl stated it would stay the same except for the new deck. Ashland asked about the elevation of the deck. Wahl stated it would be the landing of the deck.

Discussion with the board members on the parking, exposed utilities(sewer) and making it year-round home. Kardell explained the variance is due to lifting the foundation of the home which is adding volume.

Correspondence – None

Public Comments – Rod Earlywine came to the podium to state he was in support of the variance.

Oponski motioned to vote to have a variance of a north front yard (house) of 19 feet when 25 feet is required a variance of 6 feet, to have a north front yard (open deck) of 11' feet when 14' feet is required, a variance of 3', to have a west side yard of 17' feet when 25 feet is required, due to a corner lot, a variance of 8' feet and to have a rear yard of 18' feet when 20 feet is required, a variance of 2' feet. Berhow seconded the motion.

Votes were approved 5-0. All in favor Berhow, Clark, Ashland, Westerman, and Oponski.

Item # 2 Charles and Susan Haugen, variance continuation and Haugen came to the podium stating he would move the air conditioning to the north side where a variance is not needed as to move forward. Haugen stated he will have gutters on the house going to the reclaimed land.

Ashland asked if there was any public comments.

Robert Beller came back to the podium, he is thankful for moving the air conditioning to the north side, but he still feels he would want to see an 8-foot side yard setback.

Ashland asked the board if they had any comments.

Westerman asked if we could restrict the air conditioner on the west side, he is fine with the 5 feet setback. Kardell stated it is in setbacks, and the yard is 50 feet and that all lots in Dickinson County are buildable on and this property needs a variance. Berhow asked about being bult back the same. Kardell stated Haugen could build it exactly the same. Westerman stated in his opinion it is an unnecessary hardship, being an unbuildable lot.

Clark made the motion with the stipulation of the air conditioning be on the North side as well as Front (East): requesting a 10' foot front yard when 35' feet is required a variance of 25', Side front (South): requesting a 20' foot south side yard (due to a corner lot) when 35' feet is required, a variance of 15', Rear: to have a 5' foot rear yard when 20' feet is required (due to the lot depth less than 100' feet) a variance of 15' feet. Berhow seconded.

The votes are approved 5-0. Berhow, Westerman, Oponski, Clark and Ashland. All in favor.

4. Ann Bass, Variance, Lot 89, McClelland's Beach, Dickinson County, Iowa. Parcel number 0309204013. The address is 24611 McClelland Drive, Spirit Lake, IA 51360.

Pat Mohning, representing Mohning Land Surveying, came to the podium stating the applicant would like to rebuild a house that would be all on one level. Mohning stated it fits all the setbacks, but they would gain a couple feet of clearance with the variance.

Ann Bass came to the podium to state the cottage is old, it has been a family home for 36 years and she bought the land from her parents to build a new home. Bass stated she wanted a one level home to move her mom in and help take care of her. Bass stated they originally started with a different company as they went off the Beacon satellite pictures, and it was wrong the first and second time, then Mohning helped get her on the right path. Mohning stated the measurement is taken from Beacon from the plats and the original measurement from 1960's of McClelland's Beach. Mohning said now they are taken from the rear lot line to the plated beach and since then the beach has eroded in.

Ashland asked if the board had any questions.

Berhow stated the utilities were marked well but the electricity was disconnected. Bass stated she has had it disconnected, the reason is to clear the lot and so water doesn't get in as she has no heat.

Correspondence – Letter from Ron and Jan Mummert was read.

Public Comments – None

Berhow motioned to vote on having to construct a new home with a rear yard of 15' feet, when 25' feet is required, a variance of 10' feet. Westerman seconded the motion.

Votes were approved 5-0 . Berhow, Clark, Ashland, Westerman and Oponski. All in favor.

5. Closed Session Pursuant to Iowa Code Chapter 21.5.1(c)

Those present for the closed session were, Berhow, Clark, Ashland, Westerman, Oponski, Goodlow (via phone), McKim and Kardell.

Oponski motioned to go into closed session, Berhow seconded the motion. The meeting was closed.

Westerman motioned to go out of closed session, Oponski seconded the motion. The meeting was reopened.

Oponski motioned to vote on accepting the settlement agreement. Berhow seconded. 5-0 All in favor of approving the settlement agreement. Berhow, Clark, Ashland, Westerman and Oponski.

Fifth item on the agenda is Approval of October 13, 2025 minutes. Berhow motioned to approve the minutes, Clark seconded. All in favor, Ashland, Clark, Oponski, Westerman and Berhow.

Communications Kardell talked about the next board next meeting due to the Thanksgiving and Christmas holidays. The board decided to have the next meeting on December 8th at 7 p.m. All in favor. Ashland, Clark, Oponski, Westerman and Berhow.

Sixth item on the agenda was Adjournment.

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

(For more information, see BOA 10 27 25)