

December 08, 2025

7:00 P.M.

The Dickinson County Board of Adjustment met Monday December 8, 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, Westerman 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. Arnold G. Leng and Susan Leng Family Trust c/o Steve Leng., Variance, Replat of Chalstrom's Beach Township:99 Center Grove Township Lot 89, Dickinson County, Iowa. Parcel Number 0717476015. The address is 23826 178th Street, Spirit Lake Iowa 51360

Mark Westergard, Arnold Leng's son-in-law, came to the podium with Steve Leng, Arnold Leng's son, in the audience. Westergard explained they would like to put an addition on the house and that the east side of the unit is the closest to the property line. Westergard remarked that the hardship is that it was originally built as a storage unit and they would like to be able to get some living space on the bottom level with the addition. Westergard explained they are not putting the deck back on and that the west side is in compliance for setbacks. Westergard stated they also sent letters out to surrounding neighbors, for support as well.

Ashland asked if the board had any questions.

Westerman asked about the parking and clarification for the 21 feet to the road. Westergard said there is 25- 30 feet across the front of the area.

Clark asked about the ac unit. Westergard stated no, as it was on the other side of the house, not where the addition would take place.

Correspondence – Kardell read letters from Donald M and Sharon Faye Cerwick, Ronald & Marilyn Bandza, Jon & LaRae Clausen, and Sharon Van Beek.

Public Comments – None

Oponski motioned to vote to have a front yard of 21 feet when 25 feet is required, a variance of 4 feet, to have a West Side yard of 3 feet when 8 feet is required a variance of 5 feet, and to have an East side yard of 7 feet when 8 feet is required, a variance of 1 foot. Clark seconded the motion.

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

2. James Haselhoff, Variance, CTR TRTLOT 42 BLK A TWIN HILLS BEACH & COMM GRD & PT LOT 1 KELLEYS BCH & PRIV DRIVE, Dickinson County, Iowa, Parcel Number 0721152001. The address is 24146 Kelley's Beach Drive, Spirit Lake Iowa 51360

James Haselhoff approached the podium to state they wanted to add the addition to the house as their family is getting bigger since their daughters got married and it is hard for his wife who is in a wheelchair as in the future they would like to make it their permanent residence.

Ashland asked if the board had any questions.

Westerman asked if there would be any ingress or egress windows towards the lake. Hasselhoff stated yes, there will be two sliding patio doors to be able to have a safe exit to get out of the house.

Correspondence – Kardell read a letter from Todd & Arliss Hilbrands.

Public Comments – None

Ashland asked the board if they had any questions. None

Berhow motioned to have a 34 front yard when 36 feet is required, a variance of 2 feet. Oponski seconded.

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

3. Schuyler Johnson, Variance, : Off Plate E ½ NE 8 & W ½ NW 9-99-36 Township: 99 Center Grove Township TRT Approx 348x373 in Lot A, Dickinson County, Iowa. Parcel Number 0708200072. The address is 28th Street, Spirit Lake Iowa.

Schuyler Johnson stepped up to the podium to state that his in-laws own some adjacent property to his and they have no plans to build so it will remain native grass. Johnson stated he subdivided the lots that were in the city, but when he bought the property, he assumed he would be able to build a house. Johnson stated that he is so far away from the city's water, so he wanted to stay in the county. Johnson stated he and his wife had triplets 2.5 years ago and they are outgrowing their present house and would like to build so everyone has room to grow.

Ashland asked if the board had any questions.

Westerman asked about the drainage ditch. Johnson stated the city did water calculations, they made him dig it and give up 70 feet for drainage and it is tied into the storm sewer.

Clark asked how Johnson got access to the property. Johnson said he gave up 66 feet of his 5 acres for access for his driveway. Clark also asked about a well. Kardell stated it is permitted through our office as well as the septic, explaining the topography.

Ashland asked where the house will be located. Johnson remarked that back on the hill area and with a full walkout basement.

Clark asked about keyholing. Kardell stated it is not spot zoning, it is still within the county's jurisdiction.

Correspondence – None

Public Comments – None

Oponski motioned to vote to have a 2.98 parcel in the A-1 Agricultural District, when 10 Acres is required a variance of 7.02 acres. Clark seconded the motion.

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

4. Old or Unknown Business. Woodlyn Hills Estates LLC. Conditional Use application.

Goodlow read a statement that the conditional use application for Woodlyn Hills remains pending for Dickinson County, and that all 5 board members will vote. Goodlow declared that the email from Van Orsdell and Megan and Seth Skalicky will be read.

Ashland read the opening statement.

Kardell read Bill Van Orsdel, Megan Skalicky and Seth Skalicky email letters.

Ashland stated he opened it up for the board members discussion.

Kardell read the stipulations previously noted which are no longer in effect unless added back in:
List of conditions:

- Maintenance private sewer-annually- open and a close-up procedure, inspections to be done by a certified inspector in the state
- Hook to sanitary sewer when it becomes available
 - Available is defined as “within 200’ feet to the property” and hook to the servicing entity within a 1-year period if capacity is available and any other requirements from the servicing entity”

- Landscape for visual and sound barriers
- Second shelter on the Southwest
- Siren-medium size- installed before opening
- Small containers throughout-collected daily, large trash collection 2-3 times per week.
- Valid as long as it is used as a functioning campground, unless the use ceases for a period of 18 months or more, then campground use will cease
- On-site full-time manager, living on site during the operation of the season
- Seasonal RV Campground operated from April 15 to October 15, outside of those dates, the campground is closed for operation.
- Quiet Time 10pm to 8am
 - No generators during quiet time
 - No unaccompanied individuals under 18
 - No fireworks-outside of sparklers
- And all other items presented in the application and presentation.
- Sustainable water quality plan for the pond with the DNR, and to start within 18 months

Westerman asked about the fireworks restrictions other than sparklers. Goodlow stated that it could be a stipulation, if the board wanted it on.

Westerman had questions about sewer and what is available, as when it comes to being available it might not be financially free, and if it is potentially able to move forward, they might want to be more specific in what they are asking.

Oponski was asking for clarification if anything had changed for accessibility. Goodlow didn't believe it was in the Sanitary District's long-term plan.

Ashland asked Goodlow to comment on Westerman's sewer comments. Goodlow stated you can add stipulations in for the application. Westerman stated he didn't want to make light of it with the environmentally sensitive area.

Oponski asked if the inspection was annual. Kardell stated yes and read the statement. Oponski was concerned that an annual inspection might not be enough. Goodlow stated they could put it as a stipulation.

Clark clarified that they want 174 units and if they want more, they'd have to come back. Kardell stated that it is correct.

Oponski asked for clarification on the safety of egress. Kardell stated the only egress goes to A34, as residents would make their own path.

Clark asked about decks. Kardell stated they are portable on cement pedestals, not being anchored into the ground. Clark was concerned about the runoff. Clark asked about adequate parking for extra wave runners, boats, visitors. Kardell brought up the map of parking for discussion.

Clark asked if it was specifically for RVs. Kardell said yes, no tents would be allowed. Oponski said it wasn't for primitive camping, it had hookups.

Clark asked about speed signs within the park. Goodlow said if they wanted it to be it could be a condition.

Ashland mentioned it was 80 acres, for the Environmental District when it was a golf course then it couldn't go back to a golf course after it was inactive for a year. Ashland asked about the uses for that area. Kardell read the uses from Zoning Ordinance 102. Ashland clarified that there would be no housing units. Kardell agreed.

Clark asked about a water line. Kardell wasn't sure if the pipe width was 8 inches. Westerman wasn't sure of Iowa Lakes; they must have reached out to Iowa Lakes. Ashland stated there was a letter. Westerman found the item on the water being serviced by Iowa Lakes Regional Water.

Ashland asked the board if there were any other questions.

Westerman stated to add they discussed the June 6 conditions.

Clark asked about fire pits, if the park would have their own versus someone bringing one in. Kardell responded they were to be smokeless firepit.

Oponski asked to restate the conditions from June 6, 2022, and to add them. Kardell said her notes included sewer annually inspected and increasing the inspection. Westerman said it gets inspected when it's opened and closed. Westerman stated he feels it would be excessive if it was inspected mid-season, but maybe in peak times. Kardell stated inspected with a certified inspector. Westerman suggested having it done annually by an inspector of the state and having open/closing procedures.

Comprehensive drainage plan designed by an engineer, in conjunction with a sustainable water plan.

Kardell mentioned a sewer plan. Westerman had concerns about the system and whether it can handle it. Goodlow didn't want to speak for the sanitary district. Westerman said the cost will increase for everyone and some upfront money for the campground to hook up, he was worried if it was financially feasible.

Oponski motioned to vote on the Woodlyn Hills Estates LLC, with the stipulations listed below. Berhow seconded.

List of conditions:

- Maintenance private sewer-annual inspection to be done by a certified inspector in the state
- Private sewer open up and a close-up procedure
- Hook to sanitary sewer when it becomes available

- o Available is defined as “within 200’ feet to the property” and hook to the servicing entity within a 1-year period if capacity is available and any other requirements from the servicing entity”
- Landscape for visual and sound barriers
- Second shelter on the Southwest
- Siren-medium size- installed before opening
- Small containers throughout-collected daily, large trash collection 2-3 times per week.
- Valid as long as it is used as a functioning campground, unless the use ceases for a period of 18 months or more, then campground use will cease
- On-site full-time manager, living on site during the operation of the season
- Seasonal RV Campground operated from April 15 to October 15, outside of those dates, the campground is closed for operation.
- Quiet Time 10pm to 8am
 - o No generators during quiet time
 - o No unaccompanied individuals under 18
 - o No fireworks-outside of sparklers
- And all other items presented in the application and presentation.
- Sustainable water quality plan for the pond with the DNR, and to start within 18 months
- Comprehensive Drainage Plan to be designed by a licensed Engineer

The votes are 3-2 approved. Ashland, Berhow and Clark approved. Westerman and Oponski denied.

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

Communications. Kardell said Merry Christmas to the board and to see you in January as we probably will have a few applicants that have expressed to be on the agenda.

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 12 08 25)