

DICKINSON COUNTY BOARD OF ADJUSTMENT
Monday, September 24, 2012
7:00 P.M.

The Dickinson county Board of Adjustment met Monday, September 24, 2012 at 7:00 p.m. in the community room, Dickinson County Courthouse.

Members present were Don Oleson, Dennis Jackson, Bob Duncan, and Mary Dannatt. Absent was Jeff Ashland.

Don Oleson, 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.

- 1st item of new business was Gary and Cindy Axdahl, a variance, approximately the W. 25' Lot 1 and all Lot 2, aka Parcel "F", Kelley's Beach and private drive. Oleson read the description of the variance.

All members had viewed the site.

Monte Burrell of Green Acres Homes was representing the Axdahls. Steve Pritts and Monte Burrell did the staking of the site. Jim Blum did the survey. They are proposing to remove the existing house and build a new one. Where the garage is now is 11 feet closer to the road than the new structure. The neighbors to the east received a variance to remodel. The Axdahls are asking to be within 10 feet of the pins.

Oleson asked if the road is private and how wide is it?

Kohlhaase said it is a private road.

Jim Blum said there is 22 feet on the west and 23 feet on the east. 22 feet is paved. The possibility of it ever being a county road is very unlikely.

Jackson asked Blum to explain the drainage.

Blum said the lot is 8,000 square feet. Presently 2,410 square feet of impervious surface. The new plan has an impervious surface of 3,560 square feet, 44.5% of the lot. There are two large soil quality restoration areas planned. The parking lot is coarse aggregate of an angular rock that doesn't roll.

Duncan said the plan shows an existing deck to be reconnected. Will it be left where it is or butted up against the house?

Axdahl said there will be a gap between the deck and the house they will fill with steps.

Blum said the deck is being left where it is so it is grandfathered in.

Oleson said there is a well on the property.

Axdahl said they will have it properly plugged and hook onto rural water.

Oleson asked for questions from the public in attendance. There were none.

Correspondence was read:

Larry Crisman was in the office to view the Axdahl's plan. After review, he was not in objection to the plan.

Letter from Merlin and Phyllis Landsness in favor of the Axdahl's variance.

Jackson asked if this would be their permanent residence.

Axdahl said it would be some time in the future.

Oleson said there should be some notation in the file that the parking area should not be paved with impervious surface in the future.

After some discussion of the parking area, it was agreed by Mr. Axdahl to park in the garage and on the grass. Blum will make the proposed parking area into another water storage feature.

Duncan moved to vote on the application as revised. Jackson seconded. All were in favor. The vote was recorded as all approve.

Oleson read from the vote result form and the completion deadline for construction.

- 2nd item of new business was Brent & Kristin Thorn, Lot 13 & E. ½ Lot 14, Moore Lake Development. Oleson read the description of the variance.

All members had viewed the site.

Thorn said his lot currently has a single stall garage approximately 3 feet off the lot line. It doesn't meet off street parking requirements, and it creates view issues. They would like to build an attached garage the same width as the house with a second story above the home and garage. This would give them additional room and allows them to have off street parking. It improves the view from the south side and gives them additional space.

Oleson asked who is the builder. Is he using the existing walls?

Thorn said the builder is Marv Solko from Sutherland. He stripped the basement and checked the soundness of the foundation. This home was built in 1971 before zoning.

Oleson said the board tries to keep variances to a minimum. He can understand the garage, but could Thorn get along without the deck?

Thorn said the deck is along the same sight lines as the other decks on either side.

Oleson asked the proposed deck size.

Thorn said 28 feet by 9 feet additional deck space.

Some members felt a 60 feet long deck was too much.

Blum said the extra 5 feet is still behind the neighbor's line of sight.

Dannatt asked how many bedrooms.

Thorn said five.

Dannatt asked if there were enough parking spaces.

Blum said two in the garage and 14 feet to park on.

Oleson asked if this was being built for year around use.

Thorn said yes, but for now would be a vacation home.

Jackson, Duncan and Dannatt had no concerns on the deck.

Oleson asked if there were any drainage concerns.

Blum said part of the parking will be pervious pavers, there is water storage and an intake in the drive. There is soil quality restoration on the east and south side.

There were no public comments.

Oleson read correspondence from:
Tom Lundell – had no problems or concerns.
Frank Welte – in favor of the variance.
LaDon McClintick – in favor of the variance.
Jeannette Gerth – in favor of the variance.
Ray Wilson – in favor of the variance.

Duncan moved to vote on the application as presented. Dannatt seconded. All were in favor.

The vote was recorded as all approve. Oleson read from the vote result form and the completion deadline statement.

- 3rd item of new business was Steven and Pamela Christoffer, a variance at 20809 S. Lagoon Street. Oleson read the description of the variance.

All members had viewed the site.

Kohlhaase said there were two variances for Christoffer, but represented as one.

Steve Christoffer said they bought the property in 2002 and have been enjoying it for 10 years now. There are two cabins on the lots, but they need to be replaced. On the existing site plan for 20809 they are within 4 ½ feet of the north property line and would like to have a 6 feet lot line. The existing rear yard is 25 feet, they are required to have 20 feet. The proposed plan would be an 18 feet rear yard at the closest point. They have 2 ½ lots, and lot lines run through the existing cabins. They would like to split from 3 to 2 lots. By doing that, they would have 6 feet to the side lot lines.

Kohlhaase said the board would want to stipulate that the permits be held until the property split is done.

Christoffer said he had Jacobson Westergard draw up a plan. It will clean up the lot lines and create two nice individual properties.

Jackson asked who uses the homes.

Christoffer said their family.

Oleson asked how old are the cabins.

Christoffer said they are from the old Wilson resort.

Dannatt asked about two small storage units at the rear of the lots.

Christoffer said they belong to the neighbor.

Duncan asked if they would consider a duplex in there.

Christoffer said they get much more use of the property with the big front yard and open area in between. They have two children.

Jackson said he has trouble with the fact this is not a hardship. They could build one house and maybe not need much of a variance.

Kohlhaase said they own two parcels already existing so they have a right to have two houses.

Christoffer said they have been working on this for two years and like the plan of two smaller houses. It fits into the neighborhood.

Oleson asked if they have two off street parking spaces on each lot.

Christoffer said they have 36 feet and 34 feet on each front yard. He wants this to be used for soaking up drainage water and parking cars. That's where they park now.

Duncan has a concern with the back area. There is a trailer against the lot and with only 13 feet rear yard, this is a safety issue. The house on the east is encroaching on the Christoffer lot.

Jackson asked if plans on the houses are adjustable.

Christoffer said they have looked at narrowing the cabins, but they are already small.

Duncan asked if they could slide the proposed cabins forward.

Christoffer said the lots are pie shaped, so they can't move forward.

Oleson asked if the cabins would be on a concrete slab.

Christoffer said yes, they will be heated and used year around.

Oleson asked for advice from Asst. County Attorney Lonnie Saunders.

Saunders said he can't see how they can make the variance less. This situation will improve the lots and homes.

Jackson said these lots are low and asked about flooding.

There was discussion of bringing in some fill and keeping drainage flowing to the front of the lots.

Duncan was concerned that any fill brought in would re-direct water coming from the back to the neighbor on the north.

Christoffer said he will keep water flowing between the cabins. He explained the existing drainage patterns. For the cabin at 20811 S. Lagoon St., he will bring in close to a foot of fill. There will be no fill in the side yard. He doesn't want to flood the neighbor.

Dannatt asked if they plan any decks.

Christoffer said they would build ground level.

Duncan asked if there would be an overhang over the front door.

Christoffer said yes.

Correspondence was read from:
Kelly Bauer – no issues with the plan.
Charles Brown – in favor of the two variances.

There being no further discussion, Duncan moved to vote on the application at 20809 S. Lagoon Street. Dannatt seconded. All were in favor.

The vote was recorded as all approve. Oleson read the vote result form and the completion deadline statement.

- 4th item of new business was Steve Christoffer, variance at 20811 S. Lagoon St.

Dannatt moved to vote. Jackson seconded. All were in favor.

The vote was recorded as all approve. Oleson read the vote result form and the completion deadline statement.

Third on the agenda was approval of the minutes of August 27, 2012. Duncan moved to approve the minutes as written. Jackson seconded. All were in favor.

Fourth on the agenda was communications. Kohlhaase said they received a letter from Troy Weary of ITC Midwest regarding the plantings at the Hwy. 9 substation. They will be replanted this fall and be on a watering schedule.

Fifth on the agenda was report of officers and committees. There were none.

Sixth on the agenda was old or unknown business. The zoning office had written a policy for the staking of communications towers. The board members were in agreement with the policy as worded.

There was discussion of the suggested 1.1 times the height of the tower for a fall down distance. Kohlhaase suggested we bring it to the Planning and Zoning Commission to see if they want to add it to the zoning ordinance supplemental standards in the conditional uses article, then report back to the Board of Adjustment.

Seventh on the agenda was other. There was nothing.

Eighth on the agenda was adjournment. Duncan moved to adjourn. Dannatt seconded. All were in favor. The meeting was adjourned at 8:40 p.m.