

Dickinson County Board of Adjustment  
June 25, 2018  
7:00 P.M.

The Dickinson County Board of Adjustment met Monday June 25, 2018 at 7:00 P.M. in the Community room of the Dickinson County Courthouse.

Members present were Neil Guess, Tim Hemphill, Roxie Reekers, and Jeff Ashland. Absent was Delmer Lee

Also in attendance was David Kohlhaase, Zoning Administrator.

Jeff Ashland-Chairman, called the meeting to order at 7:00 p.m. The opening statement was read.

First on the agenda was Roll Call.

Second on the agenda was New Business. 1<sup>st</sup> item of New Business is Todd Roelofsen, East Okoboji Boat and RV LLC, Conditional Use, NW1/4, Section 11, Center Grove Township, Dickinson County, IA. The conditional use request was read.

Todd Roelofsen introduced himself to the Board. They purchased the property to the East of the existing parcel from the Albertson's. They would like to grade the first third of the lot and have some outside storage in the summer months for boat trailers and RV's.

Ashland asked about the other storage buildings.

Roelofsen said that he bought the first building from the Albertson's, and he built the second one. The first one is bulk winter storage units, the second building has 10 individual units rented monthly/yearly.

Guess asked if both buildings have conditional use permits.

Kohlhaase said they both have permits. The second building's conditional use was approved with a stipulation to not have any outside storage. The additional land was purchased with the intent of having outside storage.

Hemphill asked if they have plans for the additional two-thirds of the land.

Albertson said not currently, maybe someday they will build another building.

Guess commented that's it's a pretty steep hill going East to the new parcel.

Roelofsen said that they will build an access road to the rear lot.

Guess asked if the road and the whole one-third will be gravel.

Roelofsen said that is correct.

Guess commented that there is quite a bit of runoff coming off of there now.

Roelofsen said they've built 3 rain gardens, two on the south side and one on the west side and they are capturing the water very well.

Hemphill asked if the rain gardens capture all of the water that comes off the land.

Roelofsen said they do.

Guess asked what they will do with the current outside storage area, and if they will put it back to grass.

Roelofsen said they will move everything to the rear, but they will leave it gravel, it allows people with their motorhomes to pull straight up and pull straight in.

Guess asked if there will be any outside storage there.

Roelofsen said no. They want to move that back to the new property, but they currently do not have any outside storage, right now you will see a few of them out there because they're putting on a new roof.

Guess asked what Roelofsen is going to do to address the additional runoff.

Roelofsen said that he believes the rain gardens will handle the runoff without any problems. They had intentions of putting another building on the property and did not, so the rain gardens were designed to address the additional drainage.

Guess said that he would like a professional to calculate the runoff.

Roelofsen introduced Dwight Jacobs, who manages the storage units, and Jacobs said it is kind of a mess due to the new roof being constructed.

Kohlhaase asked who assisted with the drainage calculations on the previous application.

Roelofsen said Jim Blum provided the site plan.

Guess asked how many acres are in the new parcel.

Roelofsen said 2.07 acres.

Ashland asked where the parking will be on the new lot.

Roelofsen said the western one-third.

No Correspondence.

Ashland opened the meeting to the public. No public comment.

Kohlhaase said that the office has not received any complaints about the operation.

Guess moved to table the item until a detailed drainage plan is received. Hemphill seconded the motion. Verbal vote Guess- aye, Ashland-aye, Hemphill-aye, Reekers-aye. Vote recorded as 4-0 to table the application.

Roelofsen asked if a land surveyor was okay to provide the requested information

Guess said the drainage plan needs to be done by a landscape architect or an engineer. A land surveyor is not qualified to do drainage work.

2<sup>nd</sup> item of New Business was Rachelle & Mark Kallsen, Variance, Lots 19 and 20, Block 5, Unit 2, East Okoboji Beach, Center Grove Township, Dickinson County, Iowa. The variance request was read.

Kohlhaase gave a correction to the variance. It should read to construct a covered and open deck with a west side yard of 2' feet when 8' feet is required a variance of 6' feet. The correction is to have a front yard of 28' feet when 33' feet is required, a variance of 5' feet. We reviewed this with Lonnie Saunders, Assistant County Attorney, and he agreed that this application could go forward because it does not affect the amount of variance.

Mark and Rachelle Kallsen introduced themselves to the board. They purchased the property in 2014, they have several safety concerns about the deck, and had some issues with boards giving away. They would like to replace the west part of the deck with a new deck so that they can have an additional exit for the home. The home only has 2 exits currently, it would greatly improve the home with the view to the lake. The existing deck was removed, and they did not know how far out of compliance they were due to the line of site setback, so reconstructing was a bit of a challenge.

Guess asked if the footprint of the old deck is the same as the new deck.

Kallsen said it would be extending to the south 16' feet.

Guess couldn't understand where the old deck was at on the property.

Kohlhaase explained where the old deck used to be on the house.

Ashland asked if the deck would be open or covered.

The Kallsen's provided some picture of the house to illustrate to the board.

Mark Kallsen said have no plans to put the front deck back on the house due to appearance reasons. They would like to run the stairs to the south.

Guess asked about screens or windows.

Kallsen said they would not have any screens or windows.

Ashland commented that they would just have an open air roof.

Kallsen said that is correct.

Guess asked if the new deck will be wider than the old deck.

Kallsen said yes, the old deck was about 10 feet wide and they are requesting 14' feet, so they can put a table on the deck.

Guess said that per the Kallsen's variance documents, the owners to the west are not looking to build on the vacant lot.

Kallsen said that is correct. Brad and Kim Knaack, the neighbors to the south, only use the lot for parking, since they own a lot on the water. Kallsen does have verbal approval from them.

Guess asked for an explanation about the different rules for open versus covered decks.

Kohlhaase clarified the deck setbacks, the side yards are required to have 8' feet if they are more than 12" inches off the ground regardless if it is roofed or not.

Kallsen said that he did want the Board to note that the new design on the front will not project out as far as the old deck.

Guess asked about a doorway on the south wall on the west end.

Kallsen explained they removed that due to heat and sun, there is a window on the south side that they will turn into a door.

No correspondence.

Ashland opened the meeting up to the public. No public comment.

Hemphill motioned to approve the application, Guess seconded the application.

Vote recorded as Reekers, Guess, Hemphill, Ashland approve. Vote approved 4-0.

3<sup>rd</sup> item of New Business is Rod Earleywine, Variance, Lots 1 and 3, Block C, Methodist Camp, Lakeville Township, Dickinson County, Iowa. The variance request was read.

Rod Earleywine introduced himself to the board. They bought their house in 2011. Their house is unique, they have one of the largest lots in the community. They have 6 parking spots. They are also unique because they have a road on three sides. They also have a 100 plus year old maple tree that they built their deck around. The tree presents a challenge to expand their house to the west, and they do not want to remove it. What they would like to do would be to have a basement under the half of their house that has a crawl space, add a master suite on the second floor, and minimally expand the kitchen to the west as well as the deck. Many houses in the area have been lifted and improved for safety. The view for the neighbors would not be affected. Earleywine explained they had had a wedding last year and they had extra people. They have not had any complaints from any neighbors, residents of Monarch Cove have to work together. They have a lot of great people, and deck parties in the area. They bought their home for their enjoyment and it's their place to get away. This will be where they retire and where they will live.

Guess explained the application to make sure he was clear with the variance requests.

Earleywine concurred with Guess's explanation.

Guess asked if the deck is going to be uncovered.

Earleywine said that is correct, just as it is now.

Hemphill asked if the addition will block anyone's views to the lake.

Earleywine said no. He showed some pictures to the Board.

Hemphill asked if they have to move the house out to complete the basement.

Earleywine said no they will have to lift up the home, and they do not plan to start any work until after Labor Day.

Correspondence was read.

Ashland opened up the meeting to the public.

Yvonne Tixier Vigil, 21317 Hickory St., said she comes from New Mexico, when they moved into Monarch Cove, it looks like some of the old New England villages, and the people of Monarch Cove have tried to maintain that look. If they do build, they build a house that fits the area, and she feels that Rod Earleywine's will do just that. They haven't made it into a huge house, it fits the neighborhood. There is a relationship among the people who live there and it is wonderful, this would be a welcome addition.

Allan Siek, member of the board of Monarch Cove, however not speaking on behalf of the board, he just wanted the Board to know that. There are a dozen or so who serve as board members who try to accommodate and mediate differences between members, its part of what they do. For the most part the members of Monarch Cove are very willing to go to their neighbors and express their grievance, and it is what makes Monarch Cove different. They are not a municipality, they do function similar to a municipality, but are able to do it with a whole lot less of red tape. Recently they undertook also a million dollar water line improvement, over 75% of the homeowners approved this, and its how we get along. Right now they are preparing to resurface all of the streets. It's not an easy project and they are getting it accomplished the same way. They work out the issues. They do all of this to create a better community for everyone to enjoy, he believes Rod's desire is no different than his neighbors on all sides. Expansion continues to happen, and he understands that it affects this group, but they are stuck with what they have, they have to get along with each other. It is not advantages to the community to deny an application. Most of the letters were from the very immediate neighbors to the Earleywine house, they do not see this as an interference, or creating a hardship for anyone else. He supports this application, it is an improvement not just for Rod, but for the whole community.

David Pearson, representing the Pearson Family 15350 213<sup>th</sup> Ave., said their letter really speaks for itself, but one additional thing he asked the Board to think about is fire. Methodist Camp is a very unique individual place, he asked the Board to think about fire trucks getting in there and fire safety for the area. With as narrow as the streets are and trying to get a fire truck in the area, it is a challenge. He thinks this application is out of convenience and not a hardship.

Eric Turner 15349 212<sup>th</sup> Ave., the Earleywine's have been great neighbors, they do not see this application causing hardships for anyone, they are great people, they do not have any noise complaints, and it makes since to approve it.

Earleywine said the parking spaces that are there, were already in existence when they brought the house, they did not add any additional parking spaces. Earleywine showed the Board pictures.

Guess asked if the painting on the concrete are the lot lines.

Earleywine said yes it is. They do not block any streets. Fire safety is a concern in Monarch Cove, what they are doing is not going to change that.

Ashland recognized the fire safety issues.

Hemphill asked if anyone new when the area was platted out.

Kohlhaase guessed 1800's

Guess asked how many additional square feet is being added.

Earleywine said 900 sq. feet on the second story, and the bump out for the kitchen is 68' feet.

Guess asked about living space in the basement.

Earleywine said they are looking at having a family room in the basement.

Guess said the setback to the west does not require a variance. Guess motioned to approve the application, Reekers seconded the motion.

Vote is recorded as 4-0 approval. Hemphill, Reekers, Guess, and Ashland approve.

4<sup>th</sup> Item of New Business was Martin & Kristin Hermann, Variance, Lot 19, Block 4, Unit 2, East Okoboji Beach, Center Grove Township, Dickinson County Iowa.

Jim Kruger, Gene Kruger Construction said that they are looking to add an additional 2 feet to the existing deck and putting a roof over the top of it. Basically the same thing that is there now, just extending the deck, putting a little roof on the top and changing the railing. Right now when you walk out the door there is about a 6" inch drop, so they are going to raise that up to remove a tripping hazard, this will add two additional steps to the stairs. Kruger explained the site plan, due to the corner lot there is not enough buildable area even for the home. They are not changing parking or drainage there will be an eve with a downspout that will go underground and go to the road. Kruger said they've done a lot of improvements, they're committed to making it look nice.

Correspondence was read.

No public comment.

Hemphill motioned to approve the application, Reekers seconded the motion.

Vote recorded 4-0. Hemphill, Ashland, Guess, Reekers approve.

Third on the agenda is Old Business. Kohlhaase said that the conditional use permit for Nature's Escape Daycare in Triboji has been revoked. In regards to the Okoboji RV campground on the Albertson's property, we had a visit from both Don Drennen and Mr. Albertson, the conditional use permit has expired, if someone would like to have an RV Campground on the property, they will need to come back to the Board. Kohlhaase gave an update on the lawsuit from the Concerned Citizens of Dickinson County.

Fourth on the agenda was the approval of minutes from May 29, 2018. Hemphill motioned to approve, Guess seconded the motion, all in favor.

Fifth on the agenda was communications. There was none.

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

Seventh on the agenda was unknown business. Two applications for next month. Guess said that he would be in favor of an overlay district with guidelines for Methodist Camp. Zoning office will consult with Steve Hallgren to see if he has any suggestions.

Eighth on the agenda was Adjournment. Guess motioned adjourn. Hemphill seconded. All were in favor.

(For more information see BOA (06 25 18))