

DICKINSON COUNTY PLANNING AND ZONING COMMISSION  
Monday, February 25, 2008  
1:00 P.M.

The Dickinson County Planning and Zoning Commission met Monday, February 25, 2008 at 1:00 p.m. in the Community Room, Dickinson County Courthouse.

Members present were Sally Nielsen, Jon Gunderson, Mike Roach, Duane Moser, Tim Fairchild, and Tony Weber. Absent was Bob Chaffin.

Sally Nielsen called the meeting to order at 1:00 p.m.

First on the agenda was approval of the minutes of January 21, 2008. Moser moved to accept the minutes as written. Weber seconded. All aye.

Second on the agenda were Craig Moffitt and Mary Ann Yarnes, rezoning from LI Light Industrial to R-2 One and Two Family Residential, part of the NW ¼, NE ¼, Section 5, Center Grove Township.

Paul Savage was representing Mary Ann Yarnes. They were going to split the property and found out if the house was lost by 50% or more of its assessed value, it cannot be rebuilt. It has been there since 1974 and the Moffitt's house since 1900. The use has been residential for many years. They are concerned about property values and being able to rebuild. They are looking at protecting the value of their property and continuing the use that it has been for many years.

Craig Moffitt said in 2003 he wanted to retire from the military and live in this area. Family is nearby. They liked this property; it has one acre, with room for the kids to play. They bought the property, and the realtor didn't advise them they can't rebuild if something happened to the house. They probably wouldn't have bought if they had known. They asked for the board's consideration. This is just two little plots of land. Everyone around them is in the city limits.

Kohlhaase said the Moffitt's home was built way before zoning. The Yarnes property was built on in 1974 for a construction business with an office in the house. They recently discovered the regulations had changed. Chances are that our forefathers were looking at the surrounding use of land and thought that industrial was the best fit. The land use plan shows existing and future land use as Light Industrial. You can look at it as sticking with the land use maps, or look at the long term and existing use of residential.

Discussion followed on industrial uses, the status of the rail line behind the properties, and the property to the west that will remain light industrial.

Moser asked if when they bought the property, they got an attorney's opinion.

Lonnie Saunders said that an attorney's opinion will tell you there is city or county zoning, but it doesn't specifically tell you what the zoning is.

Mrs. Moffitt said this is the first time they bought a home and maybe relied too much on the realtor. The property has an orchard, garden area, and there is nothing industrial about the use.

Weber asked why this property was not annexed into the city. Why was a triangular piece left?

Savage felt it was the expense of taking sewer to the property. The railroad wouldn't allow them to go north toward the fairgrounds. Yarnes was always under the assumption that the house could be rebuilt because it was grandfathered.

Roach asked if anything had changed with insurance.

Fairchild said the downside is this would be spot zoning. Would it have any negative impact for the properties across the road?

Kohlhaase said it has been residential use for years with no problem, so no.

Savage said it is possible someone could buy the agricultural land to the north and make a residential subdivision next to them.

The only letter received was from adjoining property owner Mike Eddy, who had no objection.

Fairchild said we have a land use document, but it is a living document. It seems practical to approve this as it is not changing the use.

Weber said his concern is that these properties will be next to Light Industrial. The applicants need to be aware this offers lots of things that may not be good next to residential, for instance salvage use.

The applicants said they have been living next to the industrial uses for years.

Gunderson moved to vote on the rezoning application. Fairchild seconded. All were in favor. The vote was recorded as all approve.

Third on the agenda was discussion of change of date for the meeting on the West Okoboji Harbor Overlay District. Brad Howe had written requesting the meeting be held in June. This would allow any property owners away for the winter to have returned and be able to attend the meeting. The planning and zoning members were in agreement.

Fourth on the agenda was election of officers. Gunderson moved to accept the current slate of officers. Fairchild seconded. All were in favor. The officers will be Chairperson – Sally Nielsen, Vice-Chairperson – Tony Weber, and Secretary – Duane Moser.

Fifth on the agenda was any old or unknown business. Kohlhaase said the Low Impact Development committee is still working. They have concluded the subdivision ordinance changes and will now be working on the zoning ordinance.

There was discussion of City of Spirit Lake dropping their building code requirements. This may open the possibility of a county wide inspection code.

Fairchild moved to adjourn. The meeting adjourned at 1:52 p.m.

Filed By: Barbara Woodley Date: February 27, 2008