

DICKINSON COUNTY PLANNING AND ZONING COMMISSION

Monday, December 18, 2006

1:00 P.M.

The Dickinson County Planning and Zoning Commission met Monday, December 18, 2006 at 1:00 p.m. in the conference room of the Zoning/Engineer's building.

Members present were Sally Nielsen, Tim Fairchild, Tony Weber and Jon Gunderson. Absent were Robins Jackson, Duane Moser and Bob Chaffin.

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

First on the agenda was approval of the minutes of November 20, 2006. Weber moved to approve the minutes as written. Fairchild seconded. All were in favor.

Second on the agenda was an amendment to Dickinson County Zoning Ordinance 102, new Article #33, Overlay District for P.M.C. Inc., recommendation to the Board of Supervisors.

Mr. Bill Sackett was representing the P.M.C. residents. He said Bob Bendixen of Jacobson Westergard had shown where the lot lines are and where the buildings are placed on the lots. Everything there now can stay where it is and be maintained. By agreement an existing structure can be squared off and go to a second story. Any building torn down has to comply with the new setback rules.

Weber asked about what appears to be a duplication: Section 6 F. and Section 6 H. both address height of structure.

Kohlhaase said the reason it is in there twice, is that Section 6 F. is for any new structures, and Section 6 H. is for existing structures.

Allan Vander Zwaag had questions. He asked if a structure were torn down, they have the right to take the same footprint and put a new structure on the same footprint. Is that correct?

Kohlhaase said yes, that is correct.

Weber asked if an existing structure is now 2 feet from the lot line, can they rebuild and stay at 2 feet?

Kohlhaase said yes.

Discussion clarified that a 5 feet perimeter on all sides must be maintained.

Kohlhaase said the Planning and Zoning Commission is required to have a public hearing on amendments and make a recommendation to the Board of Supervisors.

Nielsen asked if there were any other questions? There were none.

Gunderson moved to recommend approval of Article #33, Overlay District for P.M.C. Inc. to the Board of Supervisors. Fairchild seconded. All were in favor.

Third on the agenda was Laura Merry and Jeff Reinders, rezoning from A-1 Agricultural District to R-1 Suburban Residential District, SE ¼ 3-98-37.

Kohlhaase said this property is approximately 25 acres, currently zoned A-1 agricultural. There are two existing homes on the property and they want to

achieve two more homes. They have the right to split their lots once without having to go through subdivision. The future land use map shows this as residential. There is currently no farming activity except for a few horses.

Dennis Merry said they had owned this property for twenty years and use it primarily for stabling horses. As a family, they intend to move out to the land that they own. Immediately, they would like to have one and possibly two more home sites. They are asking to rezone because the R-1 more accurately describes the present use and intended use. This is non-tillable and has never been used for agriculture. The land consists of ravines, trees, grass, and river. Their intention is not to impact the environment in any way other than home sites.

Merry showed the existing property in the north forty and that in the south forty. He pointed out the location on an aerial photo map and another map showed what adding two more homes would look like.

Weber asked how many horses they will have?

Merry said two for now.

Weber said there is a restriction of two horses per three acres.

Mr. and Mrs. Porter, adjoining property owners, asked about the water supply.

Merry said Osceola Rural Water would be willing to run a line out to their property. They won't hook onto Milford city water.

Porter asked about stakes he had noticed east of the driveway. Would that be part of the property?

Merry said they purchased 33 feet from Buchanan's for driveway to the property.

Porter asked who will grade and maintain?

Kohlhaase said this remains a private drive and the Merry's will maintain it.

There being no further questions, Weber moved to vote on the rezoning application for Merry/Reinders. Gunderson seconded. All were in favor. The vote was recorded as all recommend approval to the Board of Supervisors.

Fourth on the agenda was an amendment to Zoning Ordinance 102, definitions, to change the wording of Building, height of.

Nielsen read the proposed wording.

Weber felt the wording was still confusing. It must be specified where the finished grade is. He suggested it should be worded "In all cases roof height is measured from the highest finished grade at the building line to the highest portion of the roof." (underlined is additional wording.)

Kohlhaase said questions might come up. The average person might say this allows a lot higher house, but some of today's newer designs require a steeper pitch.

Gunderson said he doesn't think it would raise the height that much.

Fairchild asked how many cheat feet could be built into a house design?

Weber said he felt maybe an extra four feet. It is not like in the mountains where homes are built into a steep side hill. Some places in the county you could maybe bury a house on an uphill side.

There being no further discussion, Weber moved to recommend to the Board of Supervisors the change of definition to Building, height of with the additional wording "at the building line". Gunderson seconded. All were in favor.

Fifth on the agenda was old, new, or unknown business. Kohlhaase gave some clarification on tonight's meeting for a proposed airport, and the reasons the proposal complies with the comprehensive land use plan.

The annual meeting with the Board of Supervisors will be planned for January or February.

There being no further business, Fairchild moved to adjourn. All were in favor. The meeting adjourned at 1:50 p.m.

Filed By: Barbara K. Woodley

Date: December 20, 2006