

MINUTES OF THE WAHPETON BOARD OF ADJUSTMENT MEETING HELD ON JULY 19, 2022

Board Chairman Dick Gauck called the meeting to order at 5:00 P.M. on July 19, 2022. Board members present Roger Mouw, Robert Koerselman, Doug Westerman, and Larry Den Herder. Others present were City Clerk/Administrator Carrie Funk, Zoning/Public Works Logan Davids, Lance Selzer, Shirley Selzer, Willie Delfs, Carol Willey, Tim Richey, Susan Fairweather, Joe Zenkovich, Denise Zenkovich, Tim Schomburg, Lonney Sangl, and Brian Wymer.

Motion made by Den Herder and a second by Westerman to approve the agenda. All voting, aye. Motion carried.

Motion made by Koerselman and a second by Den Herder to approve June 21st, 2022 minutes. All voting, aye. Motion carried.

ACTION & DISCUSSION ITEMS

The board considered the variance request for Tim Schomburg owner of 2410 Burr Oak Circle, Milford, IA 51351, Lot 19 Block B, Lakewood Park Association Dickinson County, Iowa. Tim Schomburg is requesting a variance to build on a deck. With a side yard setback of 3.7 feet from the west. The property is a non-conforming property due to not meeting the Residential District setbacks, 165.04.5. Chairman Gauck read the comments received at City Hall. City Clerk/Administrator Funk stated she received a verbal comment from Joe John of 2414 Burr Oak Circle and that John has no issues with Schomburg's variance request. Chairman Gauck asked Schomburg to comment and Schomburg explained it has been a challenge to try and fit his structure on Burr Oak Circle. Gauck stated his concern about the gutter as it changes the side yard setback from 3.7 to 3.3 feet as it complicates this decision more. Den Herder stated it may be best to have a gutter there to control water. Gauck explained during his time on the BOA the side yard setbacks have been pretty religious. The board provided Schomburg with site plan recommendations to conform. After further discussion a motion by Westerman and a second Koerselman to table the item to allow Schomburg and Contractor to briefly discuss and move on to the next variance request. All voting Aye. Motion carried.

The board considered the variance request for Willie Delfs owner 1209 Joy Loy Lane/1401 Bobwhite St., Milford, IA 51351, Lot 8 of the sixth addition in Enderson's subdivision of Meneyata Park in the City of Wahpeton, Dickinson County, Iowa. Willie Delf is asking the Wahpeton Board of Adjustment to approve a variance to build on the empty lot where the square footage is only 5,300. The zoning ordinance requires 9,000 square feet to permit the construction of a new home. Chairman Gauck read the comments received at City Hall. There was a comment from the public that 9000/5,300 is not 60% of what the Zoning Regulation is, if the BOA wants to allow people to build on lots of that size then the Zoning Regulation should reflect what is going to be allowed. Zoning Administrator Davids communicated that in the Zoning Ordinance there is a definition "Lot of Record" which is a lot in a legal subdivision of Wahpeton, the plat of which was recorded in the office of the County Recorder; or a lot or parcel of land, the deed or valid contract of sale of which was recorded in the office of the County Recorder of Dickinson County, Iowa prior to the effective date of the Zoning Chapter. Davids stated that based on the "Lot of Record" finding and that the Delfs meet all required setbacks, the Delfs are now conforming. A motion by Den Herder and a second by Mouw to approve the plans as submitted by Willie Delfs owner of 1209 Joy Loy Lane/1401 Bobwhite in accordance with Zoning Ordinance to 165.04.5. Roll call vote. Voting Aye: Den Herder, Westerman, Mouw, Gauck, and Koerselman. Nay: None. Motion Carried.

Board member Larry Den Herder departed from the meeting at 6:06 PM.

Variance request applicant Tim Schomburg and Contractor returned to the meeting. Chairman Gauck asked what was decided and Schomburg stated he would like to table and work with Zoning Administrator Davids to conform.

Zoning Administrator Davids communicated to the board there is a variance request for the August meeting for Breezy Heights. City Clerk/Administrator Funk communicated the P & Z/BOA Workshop will be Wednesday, August 31st at 4:00 at the City Hall.

ATTEST:

Dick Gauck, Board Chairman

Carrie Funk, City Clerk/Administrator