

**CITY OF OKOBOJI BOARD OF ADJUSTMENT MINUTES  
FOR THE MEETING HELD ON WEDNESDAY, MAY 24<sup>th</sup>, 2017 AT 6:00 P.M.  
OKOBOJI CITY HALL**

The Board of Adjustment for the City of Okoboji met on the above date at 6:00 P.M. in the Okoboji City Hall. Board members present were Dennis Colton, Joyce Waddell, Ann Fitzgibbons and Rebecca Peters. Absent: Owen Primavera. Others present were: Larry Remmers, Steve Dulin, Deanna Wermersen, Ron Hubert and Jason Peters.

Dennis Colton chaired the meeting and called the meeting to order at 6:00 p.m. Introductions were made at this time.

Colton explained the agenda for the meeting.

Colton entertained a motion to approve the minutes of previous meetings from 03/08/2017, 04/10/2017 and 05/11/2017. Rebecca Peters/Fitzgibbons moved to approve. All ayes. Motion carried.

Colton explained the agenda for the meeting. Request was made Ron and Tam Hubert, owner of 1201 Julia Street to construct a 28' by 16' deck onto the north side of the dwelling. A variance to allow approximately 10 feet of the deck to be built within the rear yard setback is being requested. The proposed construction constitutes a non-conformity. Non-conformities are not allowed as defined in Article XIV General Regulations. This precludes the Huberts from obtaining a construction permit.

Colton read into the record the Staff Report from Jason Peters and a correspondence from Mr. Hubert. Colton inquired as to whether Jason Peters had received any additional correspondence or telephone calls in favor or against the request. Jason Peters stated he had not received any written correspondence or telephone calls. Jason Peters stated that several neighbors had stopped by City Hall to inquire as to the plans for the deck.

Colton opened the public hearing. Mr. Hubert explained the history behind how the property was surveyed and how the house was laid out on the property. Mr. Hubert stated that it was their intent to have the house built as far south as would be allowed and only after the foundation was in did they realize that the house was not pushed back as far south as it could have been. Mr. Hubert stated that it was a mistake that was missed in the process. Mr. Remmers stated that he lived in West Okoboji Commons HOA and he objected to the variance. Mr. Remmers was afraid this would lead to other decks in violation of the ordinance. Ms. Wermersen stated she lived across the street and did not object to the variance. Discussion ensued between board members and Mr. Hubert ensued regarding the construction of the house and why the deck was not included in the original plans. Discussion ensued between Jason Peters, Mr. Hubert and board regarding the process that took place to grant the original building permit and how the setbacks were determined. Discussion ensued between the board members and Mr. Hubert on the possibility of making the deck 28' X 12' as opposed to 28' X 16'.

With no additional comments from the public, Colton closed the public hearing. Fitzgibbons went through the factors for a variance under Section 17.6 (5), of Article XVII. Rebecca Peters expressed concern over whether a mistake made on behalf of the builder or survey were special circumstances. A discussion between the board members took place regarding each factor. The board then held a discussion on whether a compromise could be reached on a smaller deck and whether the deck would remain open. Mr. Hubert stated that he would not enclose the deck.

Rebecca Peters/Waddell moved to approve the variance to allow the owner to construct a 28' X 12' open deck on the north side of the dwelling that is not to be enclosed. Roll call vote. All present voted in favor. Unanimously approved 4-0. Motion carried.

With nothing further to discuss Rebecca Peters/Waddell moved to adjourn. All ayes. Motion carried. Meeting was adjourned at 6:50 P.M.

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Jason Peters  
City Clerk/City Administrator  
Zoning Administrator.