

**CITY OF OKOBOJI BOARD OF ADJUSTMENT MINUTES
FOR THE MEETING HELD ON WEDNESDAY, JUNE 21, 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 Owen Primavera, Dennis Colton, Joyce Waddell, Ann Muge (formerly known as Ann Fitzgibbons) and Rebecca Peters. Others present were: Kae Hoppe and Jason Peters.

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

Primavera explained the agenda for the meeting. Request was made by Kae Hoppe, owner of 1728 Nichols Avenue to construct a new single family home. A variance to allow the dwelling and garage to encroach approximately 5 feet into the rear yard setback and the southern portion of the garage to encroach approximately 6 feet into the side 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 Ms. Hoppe from obtaining a construction permit. Administrator Peters stated that there was an error in the Public Hearing Notice. The Hearing Notice stated "A variance of 5' for the rear yard and 6' for the east side yard is being requested". In fact it, should have read, 6' for the south side yard, as opposed to "east side yard".

Primavera read into the record the Staff Report from Jason Peters and a correspondence from Ms. Hoppe. Primavera described the additional items that were in their packet.

Primavera opened the public hearing for questions. Colton inquired whether the footings that have been dug under the previous permit will be used for the new dwelling. Ms. Hoppe stated they would be used for the new dwelling. Ms. Hoppe explained the history behind the foundation of the existing dwelling and how her past contractors informed her that the foundation was not structurally sound. Ms. Hoppe explained under her previous building permit she was going to expand the existing dwelling. She also explained under her new plan she would need to tear down the existing dwelling.

A discussion between the Board and Ms. Hoppe took place regarding the ownership status of the lots included in her plans. Ms. Hoppe explained the topography of the lots. She also explained that a water main easement exists in the lot to the rear/east of her property and this easement would create a buffer between her property and future development.

Muge expressed concern that this was new construction and whether a variance needed to be granted. A discussion between the Board members took place regarding the distances the proposed construction would be from any future development to the south or east. A discussion took place between the Board, Administrator Peters and the applicant regarding the rationale behind the 10% requirement for side yard setbacks.

Primavera stated that he did not see any problems with the variance for the rear yard setback. A discussion took place amongst the Board and the applicant regarding the side yard setback variance that was being requested.

A discussion took place between Ms. Hoppe and the Board regarding her reasoning for placing the driveway as indicated on the survey. Ms. Hoppe indicated this was based on the existing curb cut for the existing driveway.

Primavera closed the public hearing. Mugge stated that she was worried about future developments asking for the same type of variance. Primavera stated that they should take each case individually. Primavera stated that he was comfortable with granting this variance because there would be ample space between properties. Mugge stated that because it was new construction she thought it could be built to conform to ordinance. Primavera stated the Board needed to decide if there was a hardship in this case. A discussion between the Board took place regarding how it came to be that overhangs needed to conform to the setback.

Colton/Waddell moved to approve a variance to allow the dwelling and garage to encroach approximately 5 feet into the rear yard setback and the southern portion of the garage to encroach approximately 6 feet into the side yard setback. Roll call vote. All present voted in favor. Unanimously approved 5-0. Motion carried.

With nothing further to discuss Rebecca Peters/Mugge moved to adjourn. All ayes. Motion carried. Meeting was adjourned at 6:44 P.M.

Jason Peters
City Clerk/City Administrator
Zoning Administrator.