

**CITY OF OKOBOJI BOARD OF ADJUSTMENT MINUTES
FOR THE MEETING HELD ON MONDAY, SEPTEMBER 25th, 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, Ann Mugge, and Joyce Waddell. Others present were: Rebecca Thoreson, Judy Thoreson, Christine Thoreson, Mike Thoreson, Denny Anspach, Diane Wenthe, Nancy Everist, and Jason Peters.

Owen Primavera chaired the meeting. Introductions were made at this time. Primavera explained the process that would be followed. Primavera called the meeting to order at 6:00 p.m. Primavera stated that Mr. Cramer was not able to attend the meeting.

Mugge/Colton moved to approve the minutes of the previous meeting of 08/31/2107. All ayes. Motion carried.

Primavera then completed the following: read into the record a letter to Robert Cramer dated August 29th, 2017; described the Application for Zoning Permit from Robert Cramer and materials attached; read into the record letter from Robert Cramer dated August 21st, 2017; read into the record the Staff Report from Jason Peters; read into the record part of original permit number 13-16; and stated that those listed on the registered property addresses had been notified by mail. Primavera asked if any correspondence had been received. Administrator Peters stated that no correspondence had been received but he had visited with Judy Thoreson about the plans and she is in attendance.

Primavera opened the public hearing for questions. Christine Thoreson asked why the City would grant a variance on a variance when Mr. Cramer did not comply with the previous building permit. Judy Thoreson stated that there is a partial roof that exists and did not understand how these roofs would tie together. Rebecca Thoreson showed the Board some pictures of the area as it exists now. Rebecca Thoreson stated that she feels that a variance should not be granted on a project that has not been completed. A discussion took place between the Board and those in the audience regarding the history of the property and the roof that was installed and removed. Mike Thoreson asked whether a variance has ever been granted on a nonconforming structure. Mugge explained that variances for nonconforming structures have been issued. Denny Anspach stated that what has been proposed is just an extension of the roof that the Cramers had to previously removed, without a top on it. Denny Anspach explained some of frustration with the zoning ordinance that people have had in the area. Administrator Peters stated the reason that Mr. Cramer has to ask for a variance is because the current house is a nonconforming structure and if it was conforming he would not need a variance. Rebecca Thoreson stated that what was originally asked for was a deck and it is not completed. A discussion took place between the Board and those in the audience on time limits for building permits. Mike Thoreson stated that from the drawing it looks like the deck would be enclosed. Mike Thoreson stated he felt that after last year's meeting he thought they were close to an agreement on what the open deck would look like. Primavera stated that Mr. Cramer has made it a point to say that the deck would stay open and that keeping the deck open could be a part of the building permit. Primavera stated he wondered if the Board could put a time limit on a building

permit. Mugge stated that lots of cities have time limits on building permits, but the City of Okoboji does not currently have a limit. A discussion took place between the Board and those in the audience regarding the fact that time limits have been added to the lakeshore landscaping permit. Primavera stated that he went out to view the property. Primavera stated that the view from the side is not an issue that can be considered. Denny Anspach stated that if you add screening and awnings you are creeping into whether the deck is still open. Rebecca Thoreson stated that a deck is flat surface. A discussion took place between the Board and those in the audience regarding drainage on the deck. Primavera stated again that the Board could add the restriction that the deck stays open and hopes they can come to some sort of agreement. Judy Thoreson asked if a variance has ever been granted on an area that already has a variance. Primavera stated that the answer was yes. A discussion took place between the Board and those in the audience regarding the timeline of the project. Denny Anspach stated he felt this design was just another roof. A discussion took place between the Board and those in the audience regarding whether past minutes reference whether the deck had to be open. Primavera stated that the roof was removed after the request to keep the roof was denied. Primavera stated that he was leaning to approve the variance with the condition that the deck stay open and not be screened. A discussion took place between the Board members regarding the portion of the roof that is in place to help with drainage. Mike Thoreson stated that if the deck remains open, drainage into the house would still be an issue. Judy Thoreson stated the deck should be rebuilt so that drainage is not an issue. Mugge stated that she was concerned over the fact the applicant has not followed his past approved plans. Administrator Peters stated that the decision on the current variance has to be made on the standards that are in place. Primavera stated that the public hearing was still open and asked whether the Board was ready to close the public hearing. A discussion took place between the Board regarding the plans that were submitted. Waddell stated she thought that the Board was clear that they thought there should not be a roof over the deck. Colton stated that he was leaning to deny the request. Primavera asked if there were any additional comments from the public. Mike Thoreson stated he thought this issue had already been decided. Denny Anspach stated they had been neighbors for a long time and have had to deal with construction for five years. Primavera closed the public hearing.

Administrator Peters stated that the Board needs to go through the standards on whether to approve or deny the variance. Mugge read through the factors. Mugge stated that this probably would have been o.k. if the property was a conforming property. Mugge stated that she felt it was detrimental to surrounding properties. Waddell stated that the Board does not really know what type of pergola is going to be constructed. Primavera stated that not having plans to show exactly what the pergola is going to be might be a reason to deny. Mugge stated she did not feel they really knew what was going to happen based on the plans. Waddell stated that by allowing just the word pergola this would give the applicant a "wide exercise" of what the applicant could do. Colton stated he felt there were too many loose ends, history, and unknowns. Waddell stated that giving permission for the unknown pergola could end up in almost anything. Colton stated there is no plan for drainage. Primavera stated that covenants could be put in the permit to address all the concerns. Administrator Peters stated that a low impact development would be needed if 500 square feet of impervious surface was being added. Primavera called for the question. Mugge stated she would move to deny based on the fact the project as submitted is detrimental to the surrounding properties and there is not a hardship unique to the property.

Mugge/Colton moved to deny the variance as presented. Roll call vote. Mugge, Aye. Waddell, Aye. Colton, Aye. Primavera, Nay. Variance denied, 3-1. Motion to deny carried.

Judy Thoreson stated if a new plan was submitted it might change the way the neighbors felt and hates to have this animosity between the neighbors. Administrator Peters stated the public hearing portion was closed. Primavera asked if there was anything else that needed to be discussed. Administrator Peters informed the Board that there might be two more variances coming before the Board.

With nothing further to discuss Mugge/Waddell moved to adjourn. All ayes. Motion carried. Meeting was adjourned at 7:15 P.M.

Jason Peters
City Clerk/City Administrator
Zoning Administrator.