

**CITY OF OKOBOJI BOARD OF ADJUSTMENT MINUTES
FOR THE MEETING HELD ON TUESDAY, JUNE 26TH, 2018 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, Joyce Waddell, Ann Mugge, and Dan Sanders. Steve Dulin had excused himself from the meeting. Others present were Michael Meyers, City Administrator, Marlene Schmidt, Hazel Road, Bev Thilges, Madonna Chapman, Marjorie Roelofsen, Christine Richards, Greg Richards, Dennis Giles, and Tereasa Giles.

Board Member Owen Primavera chaired the meeting. Primavera called the meeting to order at 6:00 P.M.

Motion made by Board Member Mugge and a second by Board Member Waddell to approve the minutes of the previous Board of Adjustment meetings for 05/22/2018 and 05/29/2018. The following Board Members voted YEA: Primavera, Waddell, Mugge, and Sanders. The following Board Members voted "NAY": None. Motion passed 4-0.

Primavera asked that all those in attendance introduce themselves. Introductions were made and the process that would be followed for this meeting was explained.

Primavera explained the basis of the request for the variance and read out loud several relevant documents provided to the Board. Primavera explained that the variance was necessary based on the fact that the proposed building was in violation of three separate zoning ordinances. One of which was that the accessory building was proposed to be built in front of the principal structure, another was that the accessory was too tall, and the final was that the building was being proposed to be built within the side yard setback. Primavera read aloud Mr. Dennis Giles', the applicant, appeal letter.

Primavera asked Michael Meyers if any letters have been received in favor or against the proposed project. Meyers affirmed that no letters have been received either in favor or against the proposed structure.

Primavera read aloud Article XVII, Section 17.6.5 of the City of Okoboji Zoning Ordinance.

Dennis Giles thanked the Board for allowing him to speak and gave an oral history of his experiences within the City of Okoboji. Giles also explained that he is in the construction business and that early in his career he was told that when you do a special construction project that you are telling a story. It was his goal with this project to tell a story and keep it consistent with traditional Okoboji cottages. Giles showed the Board his plans and explained his vision for the structure. Giles advised that this is not a typical parcel of property and this is not a request that anyone else in the City of Okoboji could request.

Primavera advised that the structure does not include any living quarters, Giles confirmed that.

Primavera asked Meyers how the City interpreted the front yard and rear yard within R-2 zoning. Meyers advised that while lakeshore properties had specific definitions relating to front yard that was not specified for golf courses and as such should be considered the same as all other properties within the City.

Primavera inquired about the original permit. Meyers advised that after a year of non-construction the building permit was to be expired and that regardless the building would still be denied.

Primavera stated that on new construction, the Board has generally insisted that all zoning regulations be met. Primavera advised that this is new construction.

Primavera invited those in attendance to give their input.

Marlene Schmidt advised that she is concerned about the potential of this building blocking the view of individuals pulling out of her condo association. Giles commented that the building is proposed to be 50' away from the road and Giles felt that was plenty of room to see.

Greg Richards commented that the Zoning Regulations should be hard rules that are followed. Primavera commented that the Board of Adjustment has the ability to give variances in certain circumstances.

Marjorie Roelofsen asked what the hardship was for this particular structure and what the applicant's argument was relating to that. Primavera mentioned that was a fair point and that hardships can be looked at from multiple angles.

Christine Richards mentioned that he should be able to do whatever he wants with his property.

Greg Richards expressed concern with the ambiguity of the lot lines and did not want Giles to cross over the property line due to snow removal. Giles commented that from his property line there at least 50 feet plus the 13 additional feet from the structure and that the snow removal part did not make sense to him. Richards commented that this past winter they were getting pretty close.

Roelofsen and Schmidt commented that this is the first time they've seen Mr. Giles in the several years they have lived there and asked how often he was in town.

Board Member Dan Sanders commented that the separate garage is likely to already be a non-conforming structure due to its location on the lot.

Giles advised that there is no way anyone would even really be able to see or notice the structure as it is tucked behind trees. Giles advised of the utility lines throughout his property which is why he felt as though this was a really good location for the structure.

Primavera asked if the building were attached to the primary structure's attached garage. Meyers advised that the permit would likely be permitted.

Ann Mugge asked about the opposite side of the property in the other corner. Meyers advised that the setbacks of such would be quite a bit less considering that it's being categorized as an accessory building. Accessory buildings have different setbacks within the rear yard. Meyers explained those regulations. Primavera commented that this could be a good alternative.

Joyce Waddell questions about the trees on the property and if this structure would remove trees. Giles explained that no trees would be removed and then commented that he has planted several trees both on his property and throughout the block on his own dime.

Giles again commented that he felt as though his property was unique to the entire City and that everything he has done has been of a benefit to the City and the neighborhood. Giles made an argument that the improvements on his property will have no affect on any property owner.

Teresa Giles commented on some of the homes being built on Lake Shore Drive and how those were permitted to be constructed. Primavera commented that so long as you build within the restrictions you are fine to do so and that the specific home mentioned did not come before the Board of Adjustment.

Sanders further commented that so long as you are within the foot print of your property you can build mostly whatever you please. Sanders again mentioned the three violations of the Zoning Ordinance for which the Giles are before them for. Sanders agreed the home was great and beautiful but that the Board had to think about what was best for the City and the precedent that may be set.

Giles said that he understands rules are rules but the value he is creating to the neighborhood is significant and that the garages in front of the condos are far less attractive. Sanders commented that the other neighborhood condos could not exist today as they are if they were torn down and tried to be rebuilt. Sanders commented the Board is limited in what it can do due to the ordinances on the books. Giles commented that is the Board of Adjustment's role to make variances and Sanders replied saying that this is brand new construction and generally the Board does not approve such.

Giles asked the Board to explain what the negatives were in this project. Mugge explained the Board has never budged on the height requirement. Mugge commented that the City has had individuals tear down structures before due to height violations. Mugge said that is what is fair and the rules need to be followed. Mugge commented that while they look at each individually that they are bound by the rules and have to look at how they have handled such circumstances in the past.

Waddell commented on all of the alternatives that Mr. Giles had to try something differently. Sanders agreed. Primavera commented that the Board of Adjustment does not make the Zoning Ordinance they are just asked to enforce it and sometimes that is a difficult thing to do.

Giles again asked what the negative associated with this is. Christine Richards commented that she believes Mr. Giles is a nice person but that you have to comply to the rules just as everyone else does.

Primavera commented that sometimes Ordinances are not as fair.

Giles commented that he would like to withdraw his application and that the structure will not be built.

Sanders commented that it would have been easier to just comply with the rules and that is an important issue when building a new structure within a municipality.

Terese Giles commented that she agrees but there should be exceptions for small things. Mugge responded that was just an opinion and what looks okay to some may not be for others.

Meyers responded to Giles earlier comment that the property should be looked at as R-2. Meyers agreed.

Sanders asked if the application still needed to be voted on. Giles commented there was nothing to vote on and exited the meeting room.

Primavera closed the public hearing. No action was taken on the Giles application as it had been withdrawn.

Motion made by Board Member Mugge and a second by Board Member Sanders to adjourn. The following Board Members voted YEA: Primavera, Waddell, Mugge, and Sanders. The following Board Members voted "NAY": None. Motion passed 4-0.

ADJOURNMENT 7:30 PM