

**CITY OF OKOBOJI BOARD OF ADJUSTMENT MINUTES
FOR THE MEETING HELD ON TUESDAY, JULY 31ST, 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 PM in the Okoboji City Hall. Board members present were Owen Primavera, Joyce Waddell, Ann Mugge, Dan Sanders, and Steve Dulin. Others present were Michael Meyers, City Administrator, David Stein, City Attorney, Jeff Rose, Allen Smith, Valerie Sampson, Rick Sampson, Scott Buell, Morris Caudle, Marilyn Caudle, Allen Smith and Alex Schoonhoven.

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

Motion made by Board Member Sanders and a second by Board Member Waddell to approve the minutes of the previous Board of Adjustment meeting for June 26th, 2018. The following Board Members voted YEA: Primavera, Waddell, Mugge, Sanders and Dulin. The following Board Members voted "NAY: None. Motion passed 5-0.

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 opened a public hearing to consider the conditional use permit application for lakeshore landscaping for Mary P. and Gerald P. Sweetman, 5311 Lakeshore Drive, Okoboji, Iowa 51355. There were no individuals present or by writing who disapproved of the project. Mr. Jeff Rose and Mr. Mike Hoen spoke in favor of the project.

Primavera expressed concern that there was no erosion happening on the lakeshore and did not think this project was necessary and was curious to the Planning and Zoning Commissions interpretation of the lakeshore landscaping ordinance. Mr. Hoen and Mr. Rose, representing the property owners, spoke to the need of the project and identified points of erosion. Board Member Dulin commented that the applicant is better to be proactive than reactive when it comes to erosion and they are better reconstructing now than once it is too late.

Primavera closed the public hearing at 6:24 PM.

Motion made by Board Member Dulin and a second by Board Member Waddell to approve the conditional use permit for lakeshore landscaping for Mary P. and Gerald P. Sweetman, 5311 Lakeshore Drive, Okoboji, Iowa with the following conditions: Perforated tile within the deainage swale to catch runoff water, adequate mulching of soil after seeding to ensure stability, good silt fence application, and keeping an eye on high waters to advise if a modified schedule is necessary.. The following Board Members voted YEA: Primavera, Waddell, Mugge, Sanders and Dulin. The following Board Members voted "NAY: None. Motion passed 5-0.

Primavera opened a public hearing to consider the conditional use permit application for a communications tower for Allen Smith, on behalf of himself, Craig Smith, and Bruce Smith, owners of Lots 1 and 2, Block A, Subdivision of Blocks I, L, J, and K, Beck's Replat in the City of Okoboji, Iowa. This parcel of property is adjacent to "Smith's Mobile Homes and RV" and has a parcel ID of 07-20-15-4020. There were no individuals present or by writing who disapproved of the project. Mr. Allen Smith, Mr. Alex Schoonhoven, and Mr. Scott Buell spoke in favor of the conditional use.

Mr. Scott Buell, representing Verizon Wireless, addressed the Board of Adjustment and explain the project in detail. Mr. Buell and Mr. Smith discussed the difficulty in finding a location that best fit the project and determined this to be the best location. Primavera commented that he went out and observed the site and had some concerns relating to the neighboring mobile homes and the fall radius of the tower. Mr. Buell advised that the tower is engineered to have a 50 foot fall radius. Primavera commented that measurement from the boundary of the proposed tower and the nearest mobile home is right around 50 feet.

Mr. Dave Stein advised the Board of Adjustment that they need to only consider the conditions laid out in the City's Zoning Ordinance. Mr. Stein also advised that the height requirement is a requirement of the conditional use permit itself and advised against granting a variance on a requirement of the conditional use.

Mr. Allen Smith commented that 50% fall radius fall zones have been approved in far denser cities than the City of Okoboji. Primavera explained that may be true, but the Board needs to react based upon what the City of Okoboji's ordinance currently reads.

Primavera again commented that he was still bothered by the fact that the mobile homes were located so closely to the towers base.

Sanders inquired about rezoning property directly to the south of the Smith's RV property commenting that it's high ground and that there was nothing around it. Mr. Stein commented that that proposed location was presented in front of the Planning and Zoning Commission for consideration and was not approved.

Mr. Stein again commented that he is uncomfortable with the Board of Adjustment moving forward approving something that does not meet all of the requirements of a conditional use permit. Stein advised that this is different than granting a variance on the setbacks.

The Board discussed the possibility of revising the text within the Zoning Regulations. There were suggestions made that could be included in an amendment of the ordinance. City Administrator Meyers discussed that he would work with the City Attorney and other stakeholders to see if revisions could or needed to be made from a legal standpoint.

Motion made by Board Member Mugge and a second by Board Member Waddell to disapprove the conditional use permit for a communications tower for Allen Smith, on behalf of

himself, Craig Smith, and Bruce Smith, owners of Lots 1 and 2, Block A, Subdivision of Blocks I, L, J, and K, Beck's Replat in the City of Okoboji, Iowa. This parcel of property is adjacent to "Smith's Mobile Homes and RV" and has a parcel ID of 07-20-15-4020. The following Board Members voted YEA: Primavera, Waddell, Mugge, Sanders and Dulin. The following Board Members voted "NAY: None. Motion passed 5-0. The conditional use permit was denied.

Motion made by Board Member Mugge and a second by Board Member Waddell to adjourn the meeting. The following Board Members voted "NAY: None. Motion passed 5-0. The meeting was adjourned at 7:24 PM.

ADJOURNMENT

Michael Meyers
City Administrator