

**CITY OF OKOBOJI BOARD OF ADJUSTMENT MEETING MINUTES FOR THE
MEETING HELD ON TUESDAY, MAY 28, 2019 AT 6:00 PM
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 Joyce Wadell, Ann Mugge, Steve Dulin, Dan Sanders, and Owen Primavera. Others present were City Administrator Michael Meyers, Allen Smith, Bruce Smith, and Richard Schnepf.

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

Motion made by Board Member Sanders and a second by Board Member Dulin to approve the minutes of the previous Board of Adjustment meeting for March 26, 2019. The following Board Members voted YEA: Wadell, Mugge, Dulin, Sanders, and Primavera. Motion passed 5-0.

Chairperson Primavera opened a public hearing at 6:03 PM to consider a variance request submitted by Mr. Allen Smith of Smith's RV at 1000 Lakeshore Drive to allow for an accessory building that has an overall peak height of 23'7". Primavera explained that the permitted height in a R-1 Zoning District (Single Family Residential) is 15' and that this structure represented a height that was 8'7" larger than what was allowed by the Zoning Ordinance for this zoning district.

Chairperson Primavera read aloud the documentation presented to the Board by the City Administrator outlining the project including reading aloud Section 17.5A-D of the City of Okoboji Zoning Regulations. There were no formal letters received in favor or against the project. Bruce and Allen Smith discussed with the Board their need for the building to continue to allow their business to operate efficiently, maintain and store machinery and equipment. B. Smith also discussed what he felt like was inappropriate zoning for the Smith RV property when the zoning districts were originally created in the 1970s. A. Smith commented on the substantial change in commercial zoning from north of Depot Avenue to south of Depot Avenue. If the subject property were zoned commercially, it would not need a variance for height. A. Smith argues that there is not logical explanation as to why the property was not zoned as commercial as the property across Depot Avenue and north throughout the entire City of Okoboji was.

Board Member Sanders requested information as to whether or not an RV or mobile home park was a permitted use of the existing zoning district. Meyers explained that the use of the land pre-existed the modern zoning text.

Richard Schnepf, neighbor to the subject property, explained that he was okay with the proposed project he just requested for some minor landscaping changes and installation of a new fence from the Smiths. Schnepf also inquired about drainage from the structure. A. Smith advised that he would be collecting the storm water off of the roof and tiling it to the east towards a rain garden.

Board Member Sanders asked if it were possible to rezone the property from Single Family Residential to Commercial. Meyers explained that it was possible and described the process to do so. Meyers explained as to why he felt like the zoning was the way it was.

Chairperson Primavera acknowledge that this was a special condition. Primavera commented that the Smiths own a large parcel of property that is well screened by trees. Primavera commented on the fact that the business has been established and operating in this area for decades makes it unique to the area and to the property. Primavera commented it would be a hardship for Smiths RV to not be able to build a building that meets their need.

There were no further comments from the public in attendance regarding the matter and the public hearing was closed by Chairperson Primavera.

Meyers discussed with the Board that the applicant has not yet submitted a low impact development plan and that the LID needs to be submitted prior to any issuance. Meyers advised there should be a condition upon approval relating to this.

Board Member Sanders advised he would rather see the property re-zoned than allow for a variance. Sanders expressed concern over the perceived precedent on exceeding the height in a R-1 zoning district.

Board Member Dulin commented that this is a commercial operation and should be treated as such. Dulin questioned why the zoning was set this way in the first place and commented that the business should be able to build a structure that meets its needs. Dulin argued because of these reasons it made the property unique and did not set the precedent.

Board Member Mugge asked if the building could be built to 15' height restriction. A. Smith commented that to meet the needs of the business that it could not. Mugge inquired about the building the main business operates out of and Meyers advised that it too is zoned R-1. Mugge was too concerned about the potential for precedent.

Board Member Sanders asked what the wall height would be, A. Smith commented it would be 16'.

Board Member Waddell inquired if it would be favorable to deny the request and attempt rezoning to have a 25' height limitation. A. Smith advised that the additional footage would not make a difference to them.

Chairperson Primavera again commented on the uniqueness of this exact situation.

A. Smith advised that he would be willing to attempt the rezoning of his property but would prefer the variance not be denied.

Meyers explained to the Board the process for re-zoning a property. Meyers advised that in this case it would be a voluntary re-zoning as requested by the property owner. The Planning and Zoning Commission would then consider a recommendation to the City Council.

Board Member Dulin asked how long that process would take. Meyers explained that it could take upwards of two months if it were a best case scenario. Dulin followed up by commenting that these are two entirely different issues and that the Board of Adjustment has no authority to deal with the re-zoning of property.

Chairperson Primavera commented that the Board could either deny and recommend rezoning so that the building were administratively permissible or approve the variance and allow the applicant to move forward. Primavera again commented he felt as though this was a unique situation and that the simplest path forward was to approve as it is. Primavera noted that the LID still needs to be reviewed and approved by City Staff prior to the issuance of a building permit.

A motion was made by Board Member Dulin and a second by Board Member Mugge to approve the variance conditional upon the applicant submitting the low impact development plan and have it approved by City Staff and that the applicant have the structure at least 8' off the north property line. The following Board Members voted YEA: Mugge, Dulin, Waddell, Primavera. The following Board Members voted NAY: Sanders. Motion passed 4-1.

Meyers commented to the Board that there would likely be another Board of Adjustment meeting in June for at least one issue if not two. Meyers would keep the Board advised.

A motion was made by Board Member Mugge and a second by Board Member Waddell to adjourn the meeting. The following Board Members voted YEA: Mugge, Dulin, Waddell, Primavera, Sanders. Motion passed 5-0.

ADJOURNMENT

Owen Primavera
Chairperson

Michael Meyers
City Administrator / Clerk