

**CITY OF OKOBOJI BOARD OF ADJUSTMENT MINUTES
FOR THE MEETING HELD ON THURSDAY, AUGUST 31st, 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, Rebecca Peters, and Ann Mugge. Absent: Joyce Waddell. Others present were: Shelly Gustin, Mark Moorman, Bill Murphy, Dalton Kidd, Nancy Lass, Benjamin Lass 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.

Rebecca Peters/Mugge moved to approve the minutes of the previous meeting of 08/10/2107. All ayes. Motion carried.

Primavera explained the agenda for the meeting. Request was made by John and Nancy Lass, owners of 2003 Lakeshore Drive to finish construction of a new roof on an accessory building. The new roof currently constitutes a height of 17 feet. Article XI, Section 11.12 (7) of the Okoboji Zoning Code states that "Accessory buildings (including garages) shall not exceed fifteen feet (15') in height in residential districts and twenty-five feet (25') in height in commercial districts. The new roof represents a violation of the Article XI. A variance request has been made to allow for the height of accessory building to remain at 17' feet, as opposed to the 15' allowed by code. The current construction constitutes a non-conformity. Non-conformities are not allowed as defined in Article XIV General Regulations. This precludes applicants from obtaining a construction permit.

Primavera read into the record the following: Public Hearing Notice, Staff Report from Jason Peters; and Correspondence from Dalton Kidd attorney for Bill and Cynthia Murphy. Primavera described the additional items that were in their packet.

Primavera opened the public hearing for questions. Primavera gave copies of pictures that had been provided by Attorney Kidd to Mrs. Lass. Primavera stated that from past experience the view from behind the property would not be taken into consideration, if the project complied with the ordinance. Nancy Lass stated that one of the pictures provided was taken from the side view of the garage and is a little misleading. Mrs. Lass stated that she does not feel that the new garage roof would interfere with anyone's view of the lake. Mrs. Lass stated that they wanted to keep the look and the feel of the original cottage and the area. Shelly Gustin stated that she did not feel that the gable detail would be able to be recreated with a shallower roof pitch. Bill Murphy stated that he felt that the zoning code is the only protection homeowners have and would like it to be uniformly enforced. Mr. Murphy stated that he has no problem with a 15 foot roof. Primavera stated that he was worried about the precedent that would be set by allowing the higher roof to stay. Administrator Peters stated that two neighbors had called in support of this variance request. Administrator Peters also stated that he had received called from other builders inquiring as to whether the height limitation had changed based on the look of this roof. Mugge inquired as to whether the builders were aware of this section of the building code. Shelly Gustin stated they had worked in the area and built the

house that is currently on the lot, but they were not aware of this section. Attorney Kidd stated that he was concerned about contractors building a home and then coming back later to ask for a variance for the garage to match the home. Primavera closed the public hearing.

Rebecca Peters stated that she felt that if they allowed this variance the Board would see more accidental oversights in the future. Mugge stated she felt this was new construction and they have to follow the ordinance. Colton stated that he understood the aesthetics of making the garage look like the house, but questioned whether how different it would actually look if the roof was at 15 feet.

Rebecca Peters/Mugge moved to deny the variance as presented. Roll call vote. All present voted in favor of denial. Denied 4-0. Motion to deny carried.

With nothing further to discuss Rebecca Peters/Mugge moved to adjourn. All ayes. Motion carried. Meeting was adjourned at 6:37 P.M.

Jason Peters
City Clerk/City Administrator
Zoning Administrator.