

**CITY OF OKOBOJI BOARD OF ADJUSTMENT MINUTES
FOR THE MEETING HELD ON THURSDAY, NOVEMBER 2nd, 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, Ann Mugge, Daniel Sanders, and Joyce Waddell. Absent: Dennis Colton. Others present were: Dennis Tierney, Brad Caughey, John Amsler and Jason Peters.

Owen Primavera chaired the meeting. Primavera called the meeting to order at 6:00 p.m.

Mugge/Waddell moved to approve the minutes of the previous meeting of 09/25/2107. All ayes. Motion carried.

Introductions were made at this time. Primavera explained the process that would be followed. Primavera stated that he would be reading the staff reports from the packet information that was provided to the Board of Adjustment.

First item on the agenda was a request made by Dennis and Judith Tierney, owner of 6103 Lake Shore Drive, to construct 4 feet of additional decking and new stairs to the deck on the lakeshore side of the property. The proposed construction represents an expansion of an existing nonconforming structure. Although the proposed new construction will meet all yard setbacks and the lakeshore line-of-sight setback, the proposed construction represents an expansion of an existing nonconforming structure as stated in Section 14.3 of the Okoboji Zoning Ordinance. Primavera read into the record the Staff Report for 6103 Lake Shore Drive from Administrator Peters. Primavera opened the public hearing.

Mr. Tierney stated that the deck is listed as second story deck, but in fact, the house is one story and the deck extends from the first story over a walk out basement. Mr. Tierney explained that the deck needs replacement and that the construction will meet the setback requirement. Mugge inquired whether the stairs would extend in front of the deck. Mr. Tierney stated that the stair would extend in front of the deck. Sanders inquired as to how far the current over hangs fall into the setback. Administrator Peters stated he believed they encroached about a foot into the setback. Administrator Peters stated that the drawing that is provided is misleading due to the fact that the stairs will only be three feet wide, as opposed to the four feet that is actually drawn. Administrator Peters stated that he had reviewed the plans with the builder and if the steps were built to three wide they would not encroach into the setback. Mugge inquired if the steps were within the front yard setback. Administrator Peters stated they were within the setback. Primavera stated that this property was non-conforming due to the change in the ordinance and he felt turning the request would be a hardship. Sanders stated that he was comfortable with the proposal due to the construction falling within the setbacks. A discussion took place between the Board regarding front yard setbacks. Primavera closed the public hearing.

Primavera requested a motion from the Board. Waddell/Sanders moved to approve the variance as presented to allow the construction of 4 feet of additional decking and new stairs to the deck on the lakeshore side of the property. Administrator Peters stated for the record that

Colton was absent from the meeting. Roll call vote. Mugge, Aye. Primavera, Aye. Sanders, Aye. Waddell, Aye. Motion carried. Variance granted, 4-0.

Second item on the agenda was a request made by Barbara Hanawalt/Four Sons Lake Property LLC, owner of 3111 Lake Shore Drive, to construct a new 40'X30' unattached garage on Lot 10 that is closer to the front lot line than the front line of the principal building. Article XI, Section 11.12 (6) of the Okoboji Zoning Code states that "Accessory buildings shall be no closer to the front lot line than the front line of the principal building." The request was also to construct the roof of the accessory building to a height of 23 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 proposed roof represents a violation of the Article XI. Primavera read into the record the Staff Report for 3111 Lake Shore Drive from Administrator Peters.

Primavera opened the public hearing. Mr. Caughey explained that they were asking for the increased height on the roof so that the pitch would better match the existing dwelling. Sanders inquired as to the elevation of where the garage would be built. Administrator Peters showed Sanders the LID with elevations that was provided with the application. Mr. Caughey explained that a storage area is planned for the area in the rear of the garage that is at the lower elevation. Mr. Caughey explained that this storage area is similar to a walkout basement. Mr. Amsler explained that the original application was for a height of 23 feet, but with the 6:12 pitch, the height would be 18 feet. A discussion took place between Mr. Caughey and the Board regarding the elevation between the garage and the principal dwelling. Administrator Peters stated that the proposed building is within all required setbacks. Administrator Peters stated that the variance was needed due to the proposed accessory building being placed closer to the front lot line than the front line of the principal building. Administrator Peters stated that if this property was zoned R-3, the front and back yards on the property would be switched and a variance would not be needed for the proposed placement. Sanders stated that he had a problem with adding height to the garage because it would be placed at a higher elevation than the accessory buildings on surrounding properties. Administrator Peters stated the drawing that was in the Board's packet of information has a 6:12 pitched roof at a height of 18 feet 4 inches. Caughey provided each Board member a drawing to show the differences in height of a 3:12 pitch, 6:12 pitch, and 10:12 pitch. A discussion took place between the Board and Mr. Caughey regarding the height of the proposed garage and the height of surrounding garages. Primavera stated that the Board has been pretty critical on keeping the height of accessory buildings to the code requirement of 15 feet. Primavera stated he was concerned whether a higher roof would be in harmony with the neighborhood. Mugge stated that the Board has recently required a property to remove a roof that exceeded the height requirement. Sanders showed the Board a picture that he had taken of the property and explained that he felt no matter what pitch is allowed on the roof, you would not be able to see the house due to the elevation of the proposed garage. Sanders showed the Board and those in the audience the pictures he had taken. A discussion took place between the Board and Mr. Caughey regarding the numbers of trees that would need to be taken down to build the garage. Primavera stated that he felt that no matter what pitch is allowed you would not be able to see the house from the road. Sanders stated that he felt that matching the pitch of the garage's roof and the house is not as important when you

will not be able to see the house from road after the garage is installed. Primavera stated he was leaning toward allowing the garage but the height of the roof would need to comply with the code. Mugge stated she had concerns over allowing a higher roof. Primavera closed the public hearing.

Waddell stated that even with a 15 foot roof you would not see the house when driving by. Sanders stated that he had a hard time allowing a higher roof. Mugge read through the factors of Section 17.6 (5) of Article XVII and applied them to the location of the garage. Mugge stated that she felt that special conditions and circumstances applied in this situation. Mugge stated a literal interpretation would deprive the applicant of rights enjoyed by other properties. Mugge stated that conditions and circumstances did not result from the actions of the applicant. Mugge stated that granting this variance would not confer special privileges to the applicant. Sanders/Mugge moved to approve the placement of the accessory building as presented, the LID site plan and that the accessory building has to conform to the 15 foot height requirement of the zoning ordinance. Roll call vote. Mugge, Aye. Primavera, Aye. Sanders, Aye. Waddell, Aye. Motion carried. Variance granted, 4-0.

With nothing further to discuss Mugge/Waddell moved to adjourn. All ayes. Motion carried. Meeting was adjourned at 7:01 P.M.

Jason Peters
City Clerk/City Administrator
Zoning Administrator.