

**CITY OF OKOBOJI BOARD OF ADJUSTMENT MINUTES  
FOR THE MEETING HELD ON TUESDAY, MAY 1<sup>st</sup>, 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. Dennis Colton was absent. Others present were Michael Meyers, City Administrator, and Stephanie Parks.

Board Member 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.

Motion made by Board Member Mugge and a second by Board Member Waddell to approved the minutes of the previous Board of Adjustment meeting. The following Board Members voted "YEA": Primavera, Waddell, Mugge, and Sanders. The following Board Members voted "NAY": None. Motion passed 4-0.

Board Chair Primavera read aloud Article XVII, Section 17.6.5. Board Chair Primavera then read aloud a memorandum issued to the Board by the City Administrator explaining the request for a variance. The request was made by Mr. Leo Parks Jr, owner of 1203 Lakeshore Drive. Mr. Parks is requested a variance to allow for the expansion of an existing non-conforming structure, as stated in Section 14.3 of the City of Okoboji Zoning Ordinance. Mr. Parks wishes to enlarge the attached deck by 1 foot in width and 3 feet in length on the southwest side side and 4 feet in width and 2 feet in length on the southeast side. The current construction constitutes a non-conformity. Non-conformities are not allowed as defined in Article XIV General Regulations. This precludes the applicant from obtaining a zoning permit.

Board Chair Primavera opened the public hearing for questions. Ms. Stephanie Parks advised the board on the preexisting condition of the deck and explained how the deck was altered compared to the previous deck. Primavera advised that Mr. Parks started and completed construction prior to the issuance of a zoning permit. Primavera advised that there are proper steps to the process that need to be followed. Parks stated that the renters did the construction and that they were unaware of the permitting process. Primavera advised that the foundation had not changed and the alterations are slight. Board Member Sanders clarified and advised of the proper process to obtain a zoning permit. Primavera advised Ms. Parks that building without a permit is not acceptable. Primavera advised the Board that Mr. Parks owns both adjacent properties to the subject property. Board Member Mugge asked if this were new construction, would the deck be conforming. Meyers advised that it would not be, it would be within both the lakeshore and side yard setback. Primavera again brought up the need to follow procedure and that the Board had the authority to have this structure taken down. Primavera advised of a previous Board of Adjustment meeting with a similar situation in which the Board had denied and the court overturned that approval. Ms. Parks advised that she understands the problem regarding the need to follow the proper procedure. Board Chair Primavera closed the public hearing.

Board Chair Primavera advised he is not happy about how this process happened. Board Member Sanders expressed disappointment and advised that the fact they did not follow procedure like the rest of the City was upsetting. Sanders again mentioned his disappointment that Mr. Parks put the Board in a peculiar position. Sanders asked what happens in the future when a property owner comes before the Board with the same situation. Primavera acknowledged Sanders point and reiterated the circumstances of the case and the need to treat each case individually. Waddell asked if the steps on the side of the deck were existing and in the same location. Parks confirmed that they were.

Primavera asked City Administrator Meyers if the Board could fine the property owner for building without a permit. Meyers advised that he did not believe that the Board of Adjustment had the authority to approve with such a condition. Meyers advised the Board that he believes that is the role of the City Administrator and the City Attorney. Meyers advised against making a fine a condition upon approval.

Primavera mentioned that the Board could consider this to be Mr. Parks' first offense and that if this were to again occur in the future that fines could be levied. Primavera advised Ms. Parks how much simpler this could have been had the proper procedure been followed.

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

City Administrator Meyers discussed with the Board about setting up recurring Board of Adjustment meetings. The Board and Meyers agreed that future Board of Adjustment meetings would be held on the last Tuesday of every month. Primavera brought up that some properties are special circumstances and might require and off-meeting. Meyers agreed and advised that could be accommodated if necessary.

Board Chair Primavera spoke briefly on the City's Lakeshore Landscaping Ordinance and how he feels that the Board of Adjustment should be excluded from the approval process. Meyers advised that he wants to review the Ordinance after the summer season to see where improvements can be made.

Board Chair Primavera requested that the City explore language in the zoning regulations to allow for non-conforming structures to be built upon so long as the new construction is otherwise conforming.

Board Chair Primavera requested that the City explore language in the zoning regulations to set time limitations on the zoning permits.

ADJOURNMENT 7:05 PM

---

Michael Meyers / City Administrator / City Clerk / Zoning Administrator