

**BOARD OF ADJUSTMENT MEETING MINUTES FOR THE MEETING
HELD ON TUESDAY, SEPTEMBER 24, 2019 AT 6:00 PM
OKOBOJI CITY HALL**

The Board of Adjustment for the City of Okoboji met on the above date at 6:00pm in the Okoboji City Hall. Board Members present were Ann Mugge, Dan Sanders, Owen Primavera, and Steve Dulin. Board Member Joyce Waddell was excused from the meeting. Others present were City Administrator Michael Meyers, Janelle Holter, Jeff Richter, Steven Joyce, Kathryn Joyce, and Anne Bonestroo.

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

Motion made by Board member Mugge and a second by Board Member Sanders to approve the minutes of the previous Board of Adjustment meeting on August 27, 2019. The following Board Members voted YEA: Mugge, Sanders, Primavera, Dulin. Motion passed 4-0.

Chairperson Primavera opened a public hearing to consider a variance request from Central Bank, 1003 Highway 71 S., City of Okoboji, Dickinson County, Iowa. The requested variance was for the allowance of a "Roof Sign" which is not explicitly allowable under Article XII, Section 13.7 of the City of Okoboji Zoning Ordinance.

Chairperson Primavera read aloud the relevant documentation submitted to the Board of Adjustment including, but not limited to, application, appeal letter, memorandum from the City Administrator, and other details pertaining to the proposed signage. Chairperson Primavera also read aloud a letter from Debbie and Leo Parks written in favor of the requested variance. There were no other letters written in favor or opposition of the project. Janelle Holter and Jeff Richter were present at the meeting representing Central Bank.

Primavera advised that in the past, this building specifically has not been clear in regards to the signage.

Board Member Sanders inquired about the anchoring of the lettering. Jeff Richter advised that it would be anchored into the roof shingles and a raceway. Sanders asked why the fascia was not considered. Richter advised that the space simply did not allow for it. Primavera asked if it could have been projected out below the gutter itself. Board Member Sanders asked the same citing the neighboring business. Richter advised he was looking for something that would be a bit cleaner across the building.

Board Member Dulin commented on the aesthetic appropriateness considering the way the building is constructed.

Board Member Mugge asked City Administrator Meyers on the zoning regulations relating to this project. Meyers explained that there are several permitted types of signs and a roof sign is not listed as a permitted type. Meyers detailed that the allowable signs and advised that a roof sign is not explicitly called out as non-allowable but it is not explicitly called out as allowable either.

Meyers advised that the sign type is defined in the zoning ordinance just not technically administratively allowable in any zoning district.

Chairperson Primavera closed the public hearing at 6:25 PM.

A motion was made by Board Member Mugge and a second by Board Member Dulin to approve variance to allow for a ROOF SIGN at this location. The following Board Members voted YEA: Mugge, Sanders, Dulin, Primavera. Motion passed 4-0.

Chairperson Primavera opened a public hearing to consider a variance request from K&S Properties of Siouxland, 3701 Fairfield Street, Okoboji, Dickinson County, Iowa. The requested variance was for the allowance of a side yard encroachment of a new attached addition to their home which is not allowable under Section 5.5 of the City of Okoboji Zoning Ordinance.

Chairperson Primavera read aloud the relevant documentation submitted to the Board of Adjustment including, but not limited to, application, appeal letter, memorandum from the City Administrator, and other details pertaining to the proposed addition. Chairperson Primavera also read aloud a letter from Mark and Cheri Olderbak. There were no other letters written in favor or opposition of the project. Steve and Kathryn Joyce, property owners, were present to discuss the project with the Board.

Board Member Sanders inquired about the elevation change between the street and the floor of the garage. Steve Joyce commented that the neighbor to the south has a similar elevation change and that their property would closely match the property to the south. The Board Member Primavera discussed the difficulty of the driveway and the grade.

Board Member Sanders inquired about the intentions of the existing garage. Kathryn Joyce commented that they planned to leave it as is. Steven Joyce commented that this was in an effort for storage as well as off-street parking to help alleviate some of the parking on such a narrow street. Sanders was concerned about the potential for vehicles pulling out of the driveway onto Fairfield Street.

Board Member Mugge was concerned about the encroachment into the side yard and felt that it was a pretty large infringement. Board Member Sanders added that the overhang could be lessened from 2' to 1'. Chairperson Primavera commented that the 15' wide public access directly adjacent to the lot makes this circumstance differently and alluded that it was primarily the eaves that were encroaching and felt that was quite a bit different than the foundation.

Board Member Mugge advised the Board that they were considering the side yard encroachment. Mugge advised that this is new construction and the Board has traditionally been opposed to new construction. Steven Joyce advised that they looked at multiple different options to meet the City's ordinance and have changed their plans multiple times in an effort to meet the standards. Joyce commented on all of the hardships which they felt they had and hoped the City could make an exception.

Board Member Dulin asked how far back they could cut the overhang. Steve Joyce explained that they could consult with his builder to ensure that drainage needs were met.

Anne Bonestroo was in attendance and spoke in favor of the proposed project. Bonestroo commented that she was excited that the Joyce's are considering making this property their full time residence.

Board Member Sanders discussed the low impact development portion of the project with Steve and Kathryn Joyce. Sanders was concerned about the property owner's ability to appropriately meet the needs. City Administrator Meyers reminded the Board that the property owners have not yet submitted a LID noting that LID plans are expensive and that property owners still need to submit one to be approved by the City Engineer but LID plans could be contingent upon approval of the variance.

Chairman Primavera spoke in favor of allowing the variance if the overhang was 1' instead of 2'.

Primavera closed the public hearing at 7:01 PM.

Board Member Sanders again discussed his concern about the grade and the blind spots from the existing garage. Chairman Primavera again reminded the Board that the variance was for the side yard encroachment and that these issues would have to be figured out by the property owner separate of this process.

A motion was made by Board Member Mugge and a second by Board Member Sanders to approve variance to allow for the side yard encroachment conditioned upon a 1' overhang to the south and the approval of the low impact development plan by City Staff. The following Board Members voted YEA: Mugge, Sanders, Primavera, Dulin. Motion passed 4-0.

The meeting was adjourned at 7:10 PM.

ADJOURNMENT

Michael Meyers

City Administrator