

**CITY OF OKOBOJI BOARD OF ADJUSTMENT MEETING
TUESDAY, AUGUST 25, 2020 – 6:00PM
VIA ZOOM TELECONFERENCE / CONFERENCE CALL**

The Board of Adjustment met on the above date at 6:00 pm via Zoom Teleconference / Conference call. Board Members present were Ann Mugge, Dan Sanders, Steve Dulin, Joyce Waddell, and Owen Primavera. Others present were City Administrator Michael Meyers, Terry Smith, Michelle Smith, Barbara Hein, and Doug Hein.

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

Chairperson Primavera opened a public hearing to consider a variance request from Terrance L. and Michelle R. Smith, 2112 Holliday Way legally defined as Okoboji City Lot 37 and N. 46' of Lot 38, Blk 23, Parcel ID #07-19-12-8001, Okoboji, Dickinson County, Iowa, to build a detached 14x30 accessory building to be located within the northern side yard of the property. The proposed construction is in violation of the City of Okoboji Zoning Ordinance section 11.12.5 which states that any accessory building within the side yard must meet the minimum side yard requirements.

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 Administration, Section 17.6.5 of the City of Okoboji Zoning Ordinance, and other details pertaining to the request. There were no letters in support or opposition of this variance request.

Terrance Smith spoke in favor of the proposed request and further detailed his request. Smith noted to the larger than usual right-of-way adjacent to Lakeshore Drive. Smith reiterated that he felt this was the rear yard of the property and that the proposed structure meets all the requirements of a rear yard accessory building.

Board Member Sanders inquired about the property being considered a double corner lot. Smith commented that the parcel was being treated as such considered that each side of the parcel is at a corner of intersecting streets. City Administrator Meyers further detailed rationale to treat this property as a corner lot or a double corner lot and not a through lot.

Chairperson Primavera admitted there were no easy definitions, but the Board needed to determine if the Lakeshore Drive portion of the property was considered to be the rear yard or not.

City Administrator Meyers reaffirmed that it is his interpretation that there is no defined rear yard on this lot. Meyers advised that all other yards were considered side yards. Meyers commented that if the Lakeshore Drive were the rear yard this would have been a permitted project without the need for a Board of Adjustment consideration. Meyers acknowledged that the definitions outlined in the zoning text create issues in this instance.

Chairperson Primavera advocated for considering the Lakeshore Drive portion of this property to be considered the rear yard. Primavera felt the character of the area leads to considering this the rear yard of the property.

Board Member Mugge asked if considered the rear yard would the structure have to adhere to the 35' yard setback. Meyers explained that this was an accessory structure therefore falls under different guidelines pertaining to the setbacks. Meyers explained it would need to be 10' from all other structures and 3' from the lot line.

Meyers reminded the Board that the pressing issue was that this was considered a side yard and accessory buildings must be within the buildable area within a side yard.

Board Member Mugge inquired about the rear yard being opposite of the front yard. T. Smith contended that the Zoning Ordinance does not definitively give direction on this type of lot. Mugge stated she felt this to be a highly unique situation.

Board Member Dulin stated his opinion was that the property's rear yard should be the Lakeshore Drive adjacent lot line. Chairperson Primavera agreed with this.

Board Member Sanders felt that the western portion of the proposed garage was too far to the west to where it is encroaching on the side yard to the west. Sanders felt that this was outside the proper building envelope even if you considered the northern lot line to be the rear yard.

T. Smith commented that he wanted to do everything possible to ask for as little of a variance as possible and that they felt this was the best they could come up with. Smith commented that alternative options did not allow for enough dimension to get what they needed from the garage.

Board Member Mugge advised she felt this was a well thought out project.

Board Member Dulin agreed and in his estimation determined the Lakeshore Drive lot frontage to be the rear yard.

Chair Person Primavera closed the public hearing.

Board Member Sanders inquired about the amount of open space on the lot. City Administrator Meyers the open space on the lot was 30% impervious coverage which more than meets the regulation.

Board Member Mugge inquired about the low impact development principles, Meyers indicated it to be less than 500 sq.ft. so not required as part of the project.

Motion made by Board Member Mugge and a second by Board Member DULine to approve the proposed variance as proposed and note that the Board of Adjustment considered the rear yard of this property to be the north yard adjacent to Lakeshore Drive. The following Board Members voted YEA: Dulin, Mugge, Waddell, Primavera. NAY: Samders. Motion passed 4-1.

The meeting was adjourned at 7:07 PM.

ADJOURNMENT

Michael Meyers

City Administrator