

**CITY OF OKOBOJI – BOARD OF ADJUSTMENT
MINUTES FROM THE MAY 31, 2022 MEETING HELD AT 6:00PM
OKOBOJI CITY HALL, 1322 HIGHWAY 71 N., OKOBOJI, IOWA 51355**

The Board of Adjustment for the City of Okoboji met on the above date at 6:00PM at the Okoboji City Hall (1322 Highway 71 N., Okoboji, Iowa 51355). Board Members present were Owen Primavera, Steve Dulin, Kae Hoppe, and Erin Reed. Barbara Liesveld was present via telephone. Others present were City Administrator Michael Meyers, Craig Camozzi, Julie Andres, Susan Mau, Max Bergquist, Tom Bjornstad, Jody O'Brien, and Nancy Everist.

Board Member Primavera chaired the meeting.

Motion made by Board Member Dulin and a second by Board Member Hoppe to approve the meeting minutes from March 29, 2022. The following Board Members voted "AYE": Dulin, Reed, Liesveld, and Hoppe. Primavera abstained and commented he did so because he was not at the meeting. Motion passed 4-0.

Chairperson Primavera read aloud relevant documentation pertaining to a variance request from Thomas E. and Laura K. Bjornstad of 2304 Tarzan Street and the construction of a new deck. Primavera outlined that the request was denied due to rear yard encroachment. There were no letters submitted to the City in favor or opposition of the variance request.

Primavera opened a public hearing to consider the variance request.

Tom Bjornstad commented that the home is peculiar and that it was going to be very difficult to build a deck there period. Bjornstad commented that it was tough to do anything in the backyard and that they want to be able to enjoy the property. Bjornstad felt that by not allowing the variance that it negatively impacted his ability to use the property.

Dulin commented on the decks of the neighboring properties and how they are likely within the rear yard setback. Chairperson Primavera did not recall any hearings pertaining to these properties.

Board Member Hoppe commented that the zoning within the City has changed dramatically over the years creating some hardships.

Primavera commented that when taking neighboring properties into account he did not feel as though the request was a problem.

Board Member Liesveld inquired what the property owner felt was the peculiar issues on his property that did not exist on others. Bjornstad felt that the drainage issues on the lot and the retaining wall restricting access were reasons. Liesveld commented that it was exactly like this when they purchased the property originally.

Board Member Dulin felt that the retaining wall and the lay of the land creates an issue for the property owner and automatically loses four feet of their land to be used.

Primavera closed the public hearing.

Motion made by Board Member Hoppe and a second by Board Member Dulin to approve the application and variance request as presented by Thomas E. and Laura K. Bjornstad. The following Board Members voted "AYE": Primavera, Dulin, Hoppe, Reed. The following Board Member voted "NAY": Liesveld. Motion passed 4-1.

Liesveld commented that she did not believe there were affirmative findings that there are special conditions or circumstances on the property and that a literal interpretation of the ordinance deprives the property owner of their ability to enjoy the property.

Chairperson Primavera read aloud relevant documentation pertaining to a variance request from Craig M. and Antonia B. Camozzi of an unaddressed parcel of land on Lake Shore Drive (PID 07-18-35-2007) and the construction of a storage shed. Primavera outlined the request and detailed the reasons for denial.

There was a letter submitted in opposition to the project from Rick & Frances Holum.

Primavera opened a public hearing to consider the variance request.

Craig Camozzi commented that the issue was less to do with building setbacks and more so on the type of structure he wished to build. Camozzi commented that the lot was so small that you really could not build any structure on the lot. Camozzi commented they are just trying to create some additional space for storage for their lake adjacent home across the street. Camozzi advised he purchased the lot from the property owner just to the south. Camozzi commented that the other adjacent property owner is not willing to sell their lots. Camozzi commented that they positioned the shed as to not block lake views of any neighbors.

Board Member Hoppe expressed concern that with these requirements it is forcing people to purchase entire homes to meet their overflow needs.

Chairperson Primavera detailed some history of similar requests on small lots and expressed the desire for consistency in decision making.

Board Member Dulin commented on the surrounding uses of the other properties which primarily are small garages. Camozzi commented that in their design they intentionally stayed in line with the other garages adjacent.

Jody O'Brien advised they have the property behind the Camozzi property and was in support of the request. O'Brien felt that the lot would be better maintained than its current condition.

Board Member Dulin agreed that this was an appropriate use of the property and that the proposed shed is more favorable than nothing.

Chairperson Primavera closed the public hearing.

Board Member Reed agreed with Board Member Dulin that this would be an improvement for the property.

Board Member Liesveld felt bad for the property owners, but felt that this was a slippery slope and the Board needed to think about that impact going forward.

City Administrator Meyers commented that there were very, very few undeveloped lots across the street from a lake adjacent home like this one was. Meyers reminded the Board of the section in the Zoning Ordinance pertaining to accessory structures across the lake homes. Meyers also commented that should the lake home sell it would be encouraged and preferred to sell both lots as to not have a stand alone shed. Board Member Liesveld commented that since the lots are platted separately she did not believe that the City could require that.

Motion made by Board Member Dulin and a second by Board Member Reed to approve the application and variance request as presented by Craig M. and Antonia B. Camozzi. The following Board Members voted "AYE": Dulin, Hoppe, Reed. The following Board Member voted "NAY": Liesveld, Primavera. Motion passed 3-2.

Chairperson Primavera read aloud relevant documentation pertaining to a variance request from Mau Family Limited Partnership of 1400 Gordon Drive. Primavera outlined the request and detailed the reasons for denial. There were no letters in favor or opposition of the request.

Primavera opened a public hearing to consider the variance request.

Julie Andres commented that the importance of this was to address requests from the State's Health Inspector to ensure that all of the future changes to the health code are met. Andres felt that the proposed construction was the easiest way to comply with both the City's Zoning Code and the state's health code.

Chairperson Primavera asked about seating inside. Andres advised that it is a grab and go and there would not be tables or convenient eating places. Andres advised that people cannot be driving down there. Primavera commented on existing tables and chairs. Andres advised that those have been there for sometime and those are not dining areas they are waiting areas.

Board Member Hoppe commented that it is a public safety issue and that the applicant needs to be able to control the structure from that vantage point.

The Board discussed with the City Administrator and property owner other potential options for reconfiguration.

Chairperson Primavera felt that this was a simple improvement and was in favor.

Primavera closed the public hearing.

Motion made by Board Member Liesveld and a second by Board Member Reed to approve the application and variance request from Mau Family Limited Partnership. The following Board Members voted "AYE": Dulin, Hoppe, Reed, Liesveld, and Primavera.

ADJOURNMENT.

Michael Meyers, City Administrator