

CITY OF WEST OKOBOJI
BOARD OF ADJUSTMENT MEETING
CITY HALL
October 23, 2018 – 5:00 p.m.

Presiding	Jim Rohlfen
Member Present	Judy Haviland, Linda Weir, Peggy Lueck, Chuck Krumme
Zoning Administrator	Lissa Ballis
Others Present	David Schmit, Dan Moore, Barb Lynch, Karen Potaczek, Steve Hallgren, David Stein

Rohlfen called the meeting to order at 5:00 P.M. Weir/Haviland moved to adopt the agenda and approve previous minutes from 05/23/2018. All ayes. Motion carried.

Board to conduct a public hearing to consider a variance request submitted by Dan A. Moore, Attorney, Moore Heffernan Moeller Johnson & Meis LLP on behalf of David Schmit, 2107 Browns Bay Avenue, Dickinson County and West Okoboji, Iowa.

Chairman Rohlfen opened the hearing to those in attendance. Zoning Administrator Ballis explained there is a request for proposed improvements to the existing nonconforming detached accessory building to include new siding, roofing, entry, windows and garage doors. She stated the proposed improvements amount to more than 50% of the assessed value of the accessory building which is in violation of provisions of Section 18.4 Repairs and Maintenance in Article XVIII Nonconformities. Because of this, a variance is needed from the Board of Adjustment in order for the owners to complete such proposed improvements. Ballis stated she had received two positive comments from adjacent property owners stating they had no objections to the project.

Mr. Moore, Mr. Schmit, Mr. Stein, Mr. Hallgren and Committee members had an in-depth discussion about Section 18.4 Repairs and Maintenance and Section 18.5 Replacing Damaged Buildings. Several questions were brought forth as to how to determine which Section this particular variance request would fall under. City Attorney, David Stein, stated that was part of the reason for the meeting, for the Board of Adjustment to define and interpret the Zoning Ordinance as it relates to this request.

Mr. Schmit assured the Committee the footprint and cubic content of the existing building would stay the same. He stated he would like to improve the existing building as stated in the variance application. After further discussion between Committee members and those in attendance, the Board of Adjustment determined this variance would fall under Section 18.5 Replacing Damaged Buildings. It was agreed upon the garage at 2107 Browns Bay Avenue could go forward with all repairs and replacement as long as it stays within the same footprint and cubic content or less as the existing building. Haviland/Weir made the motion to approve the requested variance with the aforementioned stipulation. Roll call vote. All ayes. Motion carried.

Board to conduct a public hearing to consider a variance request submitted by Dan A. Moore, Attorney, Moore Heffernan Moeller Johnson & Meis LLP on behalf of David Schmit, 2015 Browns Bay Avenue, Dickinson County and West Okoboji, Iowa.

Chairman Rohlfen opened the hearing to those in attendance. Zoning Administrator Ballis explained a request for proposed improvements to the existing nonconforming detached accessory building to include new siding, roofing, entry, windows and garage doors. Additionally, requested is increasing the sidewall height two feet and installing a new roof. She stated although the footprint or square footage of the building is not being increased, the cubic content or amount of area consumed by the entire building is being expanded by increasing the height of the building. Ballis stated the proposed improvements amount to more than 50% of the assessed value of the accessory building which is in violation of provisions of

Section 18.4 Repairs and Maintenance in Article XVIII Nonconformities. Because of this a variance is needed from the Board of Adjustment in order for the owners to complete such proposed improvements. Ballis stated she had received two positive comments from adjacent property owners stating they had no objections to the project.

The Committee and those in attendance discussed this variance request along with the first property as they are both a similar circumstance and property is of the same owner. In the discussion of this request Mr. Moore, attorney of Mr. Schmit stated this building was to be shortened on the house side of the structure to compensate for the additional 2-foot height request. Therefore, it would decrease the overall footprint but the cubic content would stay the same. The Board of Adjustment determined this variance would fall under Section 18.5 Replacing Damaged Buildings. It was agreed upon the garage at 2015 Browns Bay Avenue could go forward with all repairs and replacement as long as it stays within the same footprint and cubic content or less as the existing building. Building plans showing these adjustments will need to be submitted and approved by the Zoning Administrator before variance application is signed. Haviland/Weir made the motion to approve the requested variance with the aforementioned stipulation. Roll call vote. All ayes. Motion carried.

Rohlfesen/Lueck moved to adjourn at 6:13 P.M.