

CITY OF WEST OKOBOJI
BOARD OF ADJUSTMENT MEETING
CITY HALL
December 18, 2025 – 4:30PM

Presiding	Kris Kneen
Member Present	Jeanne Sieh, Dennis Armstrong, Jill Freed, Judy Haviland
Others Present	Carol Chicoine, Steven Hallgren, Jerry Martin, Paxton Williams, Tim Tirrington, Jo Martin

After the Pledge of Allegiance, Chair Kris Kneen called the meeting to order at 4:30 P.M. All members were present. Motion Haviland, second Sieh to adopt the agenda. All ayes. Motion carried. Motion Haviland, second Sieh to approve minutes from November 15, 2025. All ayes. Motion carried. Kneen opens public hearing at 4:32 Mr. Darin Roggenburg is seeking a variance to construct an addition onto the existing nonconforming detached garage at 2714 Okoboji Blvd, Milford IA. Such addition will encroach into the rear yard and front yard setback areas, but no more than the existing garage does. The proposed project also includes a second story over the existing garage. Written objections to the variance were read into records from Jerald and Jo Sloan Martin, Pat Halbur, Mary Ann Montgomery, Randy and Betty Van Der Schaaf, Judy Hemphill Family Trust/Jared Hemphill and Kristie Spotts, also letter from Mr. Roggenburg for the reasons why he is asking for the Variance. Mr. Paxton Williams and Mr. and Mrs. Martin spoke against. Discussion was had about conditions for the variance, Public Hearing closed at 4:50pm., Motion Haviland to deny the variance second Sieh due to the following conditions:

This request fails the required findings under Section 20.3(5) because it creates a special privilege and is not needed to prevent deprivation of a right enjoyed by others; it's an elective expansion into the Section 7.5 yards, and the end result is essentially a stand-alone dwelling on a separate lot, which staff notes is not how accessory residential use is allowed. This request is also contrary to public interest as expressed by many residents of the neighborhood.

Supporting sections:

1) 20.3(5)(b): no “deprivation of rights” here

- The request is not just to keep an existing minor condition; it's an **expansion** of a nonconforming garage and a **full second story with residential living quarters**, which staff describes as effectively a **stand-alone single-family dwelling**.
- A “right enjoyed by other properties” in the district is not “build a second dwelling-like structure on a separate lot”; staff notes **accessory residential use must be on the same lot as the principal dwelling**—which this is not.

2) 20.3(5)(d): it confers a special privilege (as noted by the gentleman from Des Moines)

- Granting setbacks down to **2.7 ft rear** and **8.2 ft front** is a major exception from **Section 7.5's 25 ft / 25 ft rule** and effectively enables a dwelling-scale building where the code otherwise prevents it.
- Staff explicitly frames the BOA's job as deciding whether the project is **in harmony with the zoning ordinance** and **not detrimental**—and this type/scale of encroachment is exactly the kind of “special privilege” argument opponents can press.

3) 20.3(5)(c): the hardship is self-created (or at least self-amplified)

- The applicant's own explanation is essentially: the lot is shallow so they “**kept the setbacks the same**” (i.e., chose not to redesign around setbacks).
- The request includes **growing the footprint** from **24'×24' to 24'×47'** plus adding living space above; that expansion is a **voluntary intensification** of the nonconformity, not an unavoidable condition imposed by the ordinance.

, all ayes. Motion carried.

Sieh/Armstrong moved to adjourn, all ayes, at 5:00 P.M.