

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS BOARD OF ADJUSTMENTS
September 28, 2015**

A joint meeting of the County and City Planning Commissions was held on September 28, 2015 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Mike Cypher, Doug Ode, Bonnie Duffy, Jeff Barth, and Bill Even.

CITY PLANNING COMMISSION MEMBERS PRESENT: Andi Anderson, Denny Pierson, Sharon Chontos, Nicholas Sershen, Kurt Johnson.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, and David Heinold - County Planning
Sara Show – Office of the State’s Attorney
Diane de Koeyer – City Planning

The County Planning Commission Vice-Chair Mike Cypher presided over the meeting. The City Planning Commission was chaired by Andi Anderson.

ITEM 1. Approval of Minutes – March 25, 2013

A motion was made for the City by Commissioner Sershen and seconded by Commissioner Chontos to **approve** the meeting minutes for March 25, 2013. The motion passed unanimously. Same motion was made for the County by Commissioner Barth and seconded by Commissioner Duffy to **approve** the meeting minutes for March 25, 2013. The motion passed unanimously.

ITEM 2. VARIANCE #15-03 to reduce the front yard setback from 30 feet to 7 feet on the property legally described as Lot 29 Cactus Heights Townsite, Section 12-T101N-R49W.

Petitioner: Scott A. Smit
Property Owner: same
Location: 29 N. Ranch Oak Pl.
Staff Report: Kevin Hoekman

This would reduce the front yard setback from 30 feet to 7 feet.

General Information:

Legal Description – Lot 29 Cactus Heights Townsite, Section 12-T101N-R49W
Present Zoning – A1 Agricultural
Existing Land Use – Single Family Residence
Parcel Size – 0.39 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The petitioner is requesting a variance from the front yard setback requirement on the subject property. The request is to allow the construction of a detached accessory garage. The petitioner has submitted a detailed narrative regarding the need for the garage and the site conditions that warrant a variance in the setback. The requested variance would reduce the front yard setback to 7 feet to make room for a 26' x 39' accessory garage. The proposed accessory building is less than the 1,200 square foot maximum without a conditional use permit, and it would serve as the property's only garage.

The petitioner narrative explains several reasons to justify the request including that the parcel is located on top of a steep ridge. Planning staff visited the site and found that much of the area is steeply sloped with some flat ground adjacent to the driveway. Staff also found that many of the neighboring houses are located within close proximity to the North Ranch Oaks Place right-of-way.

Staff visited the site on September 9, 2015, and found that the site was located at the top of a ridge like the petitioner notes in the application. It also appeared as if the nearby dwellings and accessory buildings were located close to the private road already; however, staff did not find any record of variances being applied to the neighboring properties.

The Zoning Board of Adjustment shall not vary the regulations unless it shall make findings based upon the evidence presented to it in each specific case that all of the following conditions are present:

(A). That specific circumstances or conditions, such as exceptional narrowness, topography, or siting exists.

The parcel is platted at a site that once was a golf course with rolling hills and valleys. The ridge lines were developed into wooded residential lots connected by private drives with dead ends. The location of the driveway and the steep slopes on the side yards leave little space available for the construction of a garage. The location of utilities and a narrowness of the ridge prevents the garage from being sited further from the front yard property line.

(B). That the variance does not grant a use which is otherwise excluded from that particular district, or diminish or impair property values within the area.

The reduced front yard setback will not permit a use not permitted in this zoning district or diminish property values in the area. Accessory buildings are a common type of construction in residential parcels in the A1 Agricultural District. This type of accessory building should not have an impact on surrounding property values because it is located at the end of a private road and the relative low density of residential dwellings so close to Sioux Falls.

(C). That due to the specific circumstance or existing conditions strict application of the Zoning Ordinance would be an unwarranted hardship.

The residential property does not currently have a garage either attached or detached. A large amount of fill and retaining walls would be required to build the structure anywhere other than the proposed location. The large amount of dirt work would be a hardship for the construction of such a common type of structure.

(D). That the granting of a variance is not contrary to the public interest and is in harmony with the general purposes and intent of the Zoning Ordinance.

The construction of the proposed accessory building would not be contrary to the public interest. The private road that provides access to this subject parcel dead ends at the property line. There is very little traffic concerns at the dead end, and there is little chance that the road will expand.

(E). That because of circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

A residential garage is common and a reasonable use for nearly every dwelling. There is no reasonable location to place a garage on the property other than the one proposed.

Recommendation:

Staff finds that the requested variance meets the provisions in Article 21.00 of the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls and recommends **approval** of Variance #15-03.

PUBLIC TESTIMONY

Kevin Hoekman of the County Planning Department presented the staff report as written above.

Linsey Schlimbaum, represented the petitioner. She noted that she was there to answer any questions, and no questions were asked.

Merton Peterson, 48 N Knoll Drive, noted that he owns the land more or less surrounding the petitioner's property. He stated that he is in favor of the variance. Part of his support is based the road being used for access to the petitioner's property only.

DISCUSSION

Commissioner Barth asked if the survey that showed the driveway encroaching on his property was ok. Merton responded that it is just fine.

ACTION

A motion was made to **approve** Conditional Use Permit #15-46 for the City by Commissioner Pierson and seconded by Commissioner Sershen. The motion passed unanimously. Same motion was made to **approve** Variance #15-03 for the County by Commissioner Barth and seconded by Commissioner Ode. The motion passed unanimously.

Variance #15-03 – Approved

Old Business

None.

New Business

None.

Adjourn

A motion was made for the City by Commissioner Johnson and seconded by Commissioner Chontos to **adjourn**. The motion passed unanimously. Same motion was made for the County by Commissioner Barth and seconded by Commissioner Even to **adjourn**. The motion passed unanimously.