

OFFICIAL MINUTES

Chairperson Shawn Storhaug called the Board of Adjustment meeting to order on Thursday, January 21, 2016, at 5:00 PM in the Chambers Room at the City & County Government Center. Voting members present were Jere Hieb, Jason Hoffelt, Lynn Mennis, Mary O'Neill, and Storhaug. Alternate Eric Youmans was also present. Absent was alternate George Houtman. Others present were Dick Peterson, Randy Roiger, Steve Jorenby, Barb Schneider, Sarah Woodard, Dean Madson, Jana Hanson, Planning and Zoning Administrator Dan Hanson, and others.

Item #2 – (Mennis/O'Neill) Motion to approve the agenda. All present voted aye. **MOTION CARRIED.**

Item #3 – (Mennis/O'Neill) Motion to approve the December 17, 2015 minutes. All present voted aye. **MOTION CARRIED.**

Item #4a – Sioux Empire Development Corp has made a request for three variances on Lots 4-6, Block 2, Oyloes Addition, and the W21' of Lot 16 and all of Lot 17, Block 3, Henry's Addition, also known as 219 6th Street / 202 7th Street. The first request is to build zero feet from the north front lot line. The required setback is 25 feet. The second request is to install an additional access drive onto 7th Street. The maximum permitted is two. The third request is to install a parking lot up to the front lot line abutting a portion of 7th Street and 2nd Avenue. An 8 foot wide landscape area is required between a parking lot and any right-of-way line.

(Mennis/Hoffelt) Motion to approve the variances.

(Hieb/O'Neill) Amendment to the motion to require a 4' wide landscape area instead of no landscape area for the third variance request. O'Neill, Mennis, Hieb, and Hoffelt voted aye. Storhaug voted no. **AMENDMENT CARRIED.**

The motion, as amended, was voted on. Hoffelt and Hieb voted aye. O'Neill, Mennis, and Storhaug voted no. **MOTION FAILED.**

(Mennis/Hoffelt) Motion to approve the first request. All present voted aye. **MOTION CARRIED.**

(Mennis/Hoffelt) Motion to approve the second request. All present voted aye. **MOTION CARRIED.**

(Mennis/Hieb) Motion to approve the third request.

(Hieb/Mennis) Amendment to the motion to require a 4' wide landscape area instead of no landscape area for the third variance request. O'Neill, Mennis, Hieb, and Hoffelt voted aye. Storhaug voted no. **AMENDMENT CARRIED.**

The motion, as amended, was voted on. O'Neill, Mennis, Hieb, and Hoffelt voted aye. Storhaug voted no. **MOTION CARRIED.**

Item #4b – Steven Jorenby has made a request for two variances on Block 2, excluding the N214' thereof, Thelen's Addition, also known as 1539 32nd Avenue. The first request is to install a freestanding sign with a height of 60 feet. The maximum height allowed is 30 feet. The second request is to erect a sign with 240 square feet of area. The maximum size allowed is 160 square feet.

(Mennis/O'Neill) Motion to approve the first request. O'Neill, Mennis, Hoffelt, and Storhaug voted aye. Hieb voted no. **MOTION CARRIED.**

(Mennis/Hoffelt) Motion to approve the second request. O'Neill, Hoffelt, and Hieb voted aye. Mennis and Storhaug voted no. **MOTION FAILED.**

Item #4c – Den-Wil Investments, Inc. has made a request for two variances on the W158' of the N261' of the S534' of Block 3, Telkamp Addition, also known as 926 25th Avenue. The first request is to build 19' from the west front property line. The required setback is 50 feet. The second request is to build 24.34' from the east side lot line. The required setback is 25 feet.

(Mennis/O'Neill) Motion to approve the first request.

(Mennis/Storhaug) Amendment to the motion to strike out "19 feet" and insert "22 feet". All present voted aye. **AMENDMENT CARRIED.**

The motion, as amended, was voted on. All present voted aye. **MOTION CARRIED.**

(Mennis/O'Neill) Motion to approve the second request. All present voted aye. **MOTION CARRIED.**

Item #4d – Jana Hanson and Kevin McComb have made a request for a variance on Lot 8, Block 1, Bluegill Addition, also known as 2126 17th Ave South. The request is to erect a 6 foot high fence up to the south front lot line. The maximum height allowed in the front yard of a residential lot is 30 inches.

(Mennis/O'Neill) Motion to approve the request. All present vote no. **MOTION FAILED.**

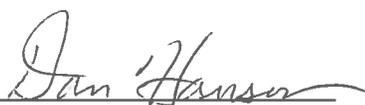
Item #5 - The 2015 Annual Report was submitted to the Board.

(Storhaug/Mennis) Motion to accept the report with the addition of the following goal for 2016:

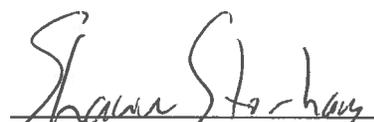
1. Take a field trip to observe the impact of approved variances on adjoining properties.

All present voted aye. **MOTION CARRIED.**

The meeting was adjourned.



Dan Hanson, Secretary
Planning & Zoning Administrator



Shawn Storhaug, Chairperson

OFFICIAL SUMMARY

Chairperson Shawn Storhaug called the Board of Adjustment meeting to order on Thursday, January 21, 2016, at 5:00 PM in the Chambers Room at the City & County Government Center. Voting members present were Jere Hieb, Jason Hoffelt, Lynn Mennis, Mary O'Neill, and Storhaug. Alternate Eric Youmans was also present. Absent was alternate George Houtman. Others present were Dick Peterson, Randy Roiger, Steve Jorenby, Barb Schneider, Sarah Woodard, Dean Madson, Jana Hanson, Planning and Zoning Administrator Dan Hanson, and others.

Item #4a – Dick Peterson, President of Cinema 8 Theaters, stated that he received two similar variances in 2008 for an expansion project. However, due to changes in the movie theater industry regarding digital equipment, the project never happened. Variances become null and void after 3 years if projects are not completed. One new variance request was for eliminating the required landscape planting strip between the parking lot and right-of-way near 7th Street and 2nd Avenue.

Storhaug asked why the building had to be set so close to the 7th Street right-of-way line? Peterson responded that the theater seating area had to be longer to accommodate the stadium seating that would be installed. He added that the setback next to 7th St. would be similar to other previously allowed setbacks for the City Plaza building.

Storhaug asked for the minimum distance, required by zoning, from the corner to the proposed driveway? Hanson replied 28 feet. Mennis asked why parking was permitted on only one side of 7th Street? Hanson answered that residents can petition, or the city can decide, to have parking removed from one side of a street if it creates a safer situation or reduces congestion. Mennis asked if there would be any additional access planned onto 2nd Avenue? Peterson replied no.

O'Neill asked if there was enough room for two rows of parking and an 8' wide planting strip? Randy Roiger, representing Clark Drew Construction, replied no. Hieb supported some type of buffer between cars in the parking lot and the adjacent public sidewalks. Storhaug supported an 8' wide landscape strip due to safety reasons.

Item #4b – Jorenby stated that he wanted to install a taller sign on his property next to the interstate. There were existing trees planted in the ditch that would obstruct the view of a shorter sign and the SDDOT stated they would not be removing the trees. O'Neill asked if another location could work for the sign. Jorenby replied that there were trees all along the frontage.

Jorenby stated the setback distance from the roadway and the speed of interstate traffic were reasons why he wanted a larger sign. Hanson remarked that the Business B-3 District was prevalent throughout the city and lots within the zone varied in size. Therefore, smaller signs were allowed in this district. The size being requested was the largest allowed in the city.

Item #4c – Barbara Schneider, representing Border Foods, stated the request involved two variances. The plan was to position the restaurant east to west and install an open patio on the west end and a trash enclosure on the east end that was incorporated into the building. This was a new design concept for the Taco Bell restaurants. Schneider submitted a photo of a similar patio under construction in another community.

Mennis noted that the 19 foot building setback that was requested from 25th Avenue was several feet away from where the actual building setback was shown on the plan. Schneider indicated that the extra feet were requested in case the building needed to be shifted during construction, etc. Mennis noted that the distance to the patio columns was about 26 feet. Dean Madson, representing PlanForce Architects, stated the restaurant drawings were only preliminary so the exact location was not determined. Mennis favored requiring a larger setback that would still provide for minor adjustments to the location of the building.

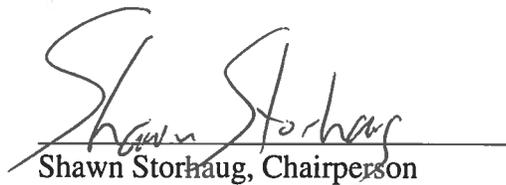
Item #4d – Jana Hanson stated she was unaware of the local fence regulations for a corner lot when they purchased the property. She understood that 30 inch fence heights in a front yard were set in order for a pedestrian to be seen by a motorist backing out of a driveway. She added that she had no intentions of installing a driveway onto 22nd Street South. The fence would be near the sidewalk but would not create a line-of-sight issue for vehicles at the intersection.

Mennis asked if a combination of 6 foot high sections and 30 inch high sections could be placed on the lot where they were permitted by right. Jana Hanson felt that would involve too much fencing. Hoffelt felt a fence too close to the sidewalk could interfere with children on bikes who may hit the fence with their bikes, etc. Storhaug felt the request was no different than other similar requests that had been denied by the Board in the past.

The meeting was adjourned.



Dan Hanson, Secretary
Planning and Zoning Administrator



Shawn Storhaug, Chairperson