



**SIOUX FALLS AND MINNEHAHA COUNTY  
BOARD OF ADJUSTMENT  
MEETING MINUTES**

**July 23, 2018**

**MINUTES OF THE JOINT MEETING  
MINNEHAHA COUNTY & SIOUX FALLS BOARD OF ADJUSTMENTS  
July 23, 2018**

A joint meeting of the County and City Planning Commissions was held on July 23, 2018 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Bonnie Duffy, Becky Randall, Adam Mohrhauser, Ryan VanDerVliet, Doug Ode, Mike Ralston, and Jeff Barth.

CITY PLANNING COMMISSION MEMBERS PRESENT: Larry Luetke, Kurt Johnson, Andi Anderson, Sharon Chontos, and Steve Gaspar.

**STAFF PRESENT:**

Scott Anderson, Kevin Hoekman, and David Heinold - County Planning  
Maggie Gillepsie – Office of the State’s Attorney  
Diane deKoeper – City Planning

The County Planning Commission Chair Bonnie Duffy presided over the meeting. The City Planning Commission was chaired by Larry Luetke. Planning Commission Chair Bonnie Duffy called the joint City of Sioux Falls and Minnehaha County Board of Adjustments meeting to order at 7:00 p.m.

**PUBLIC COMMENT.**

Commissioner Duffy opened the floor for public comment and nobody moved to speak.

**ITEM 1. Approval of Minutes – May 21, 2018**

A motion was made for the County by Commissioner Barth and seconded by Commissioner Randall to **approve** the meeting minutes for May 21, 2018 with corrections as presented during the meeting. The motion passed unanimously. The same motion was made for the City by Commissioner Gaspar and seconded by Commissioner Anderson to **approve** the meeting minutes for May 21, 2018. The motion passed unanimously.



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**ITEM 2. VARIANCE #18-05 to reduce the required rear yard setback from 20 feet to 15 feet on the property legally described as Lot 4A in Tract 4 of Pleasant View Acres, S1/2 NE1/4, Section 19-T101N-R48W.**

Petitioner: Clayton Haug

Property Owner: Lynette Sayler

Location: 7405 E. Arrowhead Parkway                      Approximately 1 miles east of Sioux Falls

Staff Report: Kevin Hoekman

To reduce the required rear yard setback from 20 feet to 15 feet.

**General Information:**

Legal Description – Lot 4A in Tract 4 of Pleasant View Acres, S1/2 NE1/4, Section 19-T101N-R48W

Present Zoning – C-Commercial

Existing Land Use – Contractor’s Shop

Parcel Size – approximately 0.43 acres

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

The applicant is requesting a variance to the rear yard setback requirements for an addition to the existing building. The Joint Zoning Ordinance requires a 20 foot rear yard setback for the C-Commercial zoning district. The stated intent for the proposed addition is for storage and assembly related to the heating and plumbing business. In a brief narrative, the petitioner describes that there is no other location to place an addition to the building because of building configuration and customer parking. Also, the addition would not meet the company needs for space requirements if the setback must be met.

On July 6, 2018, staff conducted a site visit. The business is firmly in a commercial business district along SD highway 42. Other area businesses are similar uses for contractors, and customers do not appear to be common traffic for the area. Roger’s Heating and Plumbing has approximately six parking spaces for customers and workers with overflow parking for customers in the loading bay when it is not being used. It appears that the building meets the parking requirements for the industrial use of the building with approximately 12 employees. However, when staff visited the site, many company trucks were parked within undesignated areas and possibly within the adjacent access easement for the neighboring properties. The proposed addition does not appear that it would help with increasing parking areas for company vehicles, and it may even reduce available spaces for vehicle parking.



**Variance Considerations:**

**1. That specific circumstances or conditions, such as exceptional narrowness, topography, or siting exists.**

Other than its small size, this parcel does not exhibit any special circumstances that are different than other properties in the area. The C-Commercial zoning district does not have a minimum lot size, and the parcel to the southwest of the subject property is approximately the same size and depth as the subject property.

**2. 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 current use of the property will not change if this variance is granted. The variance is regarding the setback and not what is happening on the property.

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

The petitioner is proposing a 20 feet addition to the southwest side of the building. The addition would encroach on the required setback by 5 feet. The property owner would be able to construct a 15 feet addition and still meet the setback requirements.

**4. 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 proposed reduction of the rear yard setback may lead other nearby properties to request similar action. The additional building space may reduce the amount of parking and loading spaces on the property.

**5. 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.**

Strict conformance with the provisions of the Zoning Ordinance will not create a significant hardship on this property owner. The building can still have a 15 feet addition towards the rear yard. The 15 feet addition would still be large enough for a garage door access, but it would reduce the storage capacity of the site.

**Recommendation:** Staff finds that the proposed setback reduction is not in conformance with nearby properties or necessary for an addition to be built. Staff recommends **denial** of Variance #18-05 to reduce the rear yard setback from 20 feet to 15 feet.

**PUBLIC TESTIMONY**

Kevin Hoekman, County Planning Department, presented a brief overview of the staff report and recommendation for Variance #18-05.



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Roger Saylor, identified himself as the petitioner's representative and owner of Roger's Plumbing & Heating that operates out of the building. He shared several photos with Board in order to show how the additional square feet of building would look and be useful.

Commissioner Barth asked the petitioner whether the area in the rear lot is used for parking. Mr. Saylor explained that he does not use that area for parking, but he needs the extra space for storage. He further explained that a neighboring building has only 15 feet between building and property lines. There was also discussion about meeting the requirements of the City of Sioux Falls when the property is annexed.

Diane deKoeper, Sioux Falls Planning Department, explained that the setbacks would be determined by the zoning district and the Planning department currently agrees with the denial request.

Commissioner Mohrhauser asked the petitioner if there will be enough space between the propane tank and the proposed building addition. Mr. Saylor mentioned that there will be enough room, but he does plan to remove the propane tank from the current location.

Commissioner Duffy asked the petitioner about highway access to the subject property, and about the future of Highway 42. Mr. Saylor explained that there is a plan to develop a service road for the properties in this area to the proposed reconstruction of East Arrowhead Parkway.

Commissioner Duffy called for public testimony but there was no answer. Commissioner Duffy closed the floor to public testimony.

**DISCUSSION**

Commissioner Ralston stated that he did not see a hardship for the petitioner to warrant the variance. Approval of the request may set a precedence for the area.

Commissioner Johnson agreed with Commissioner Ralston's statement. He suggested that the business may consider a new location.

**ACTION**

A motion was made to **deny** Variance #18-05 for the County by Commissioner Ralston and seconded by Commissioner Randall. The motion passed with a vote of 5-1, Commissioner Barth Voted against the motion. A motion was made to **approve** Variance #18-05 for the City by Commissioner Johnson and seconded by Commissioner Chontos. The motion failed with a vote of 4-1, Commissioner Anderson voted to approve Variance #18-05.

**Variance #18-05 – Denied**



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**Old Business**

None.

**New Business**

None.

**Adjourn**

A motion was made for the County by Commissioner Barth and seconded by Commissioner Randall to **adjourn**. The motion passed unanimously. A motion was made for the City by Commissioner Chontos and seconded by Commissioner Gaspar to **adjourn**. The motion passed unanimously. The meeting was adjourned at 7:16 pm.



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**Old Business**

None.

**New Business**

None.

**Adjourn**

A motion was made for the County by Commissioner Ralston and seconded by Commissioner Ode to **adjourn**. The motion passed unanimously. A motion was made for the City by Commissioner Paulson and seconded by Commissioner Anderson to **adjourn**. The motion passed unanimously. The meeting was adjourned at 7:03 pm.