



**MINUTES OF THE
MINNEHAHA COUNTY ZONING BOARD OF ADJUSTMENT**
August 27, 2018

A meeting of the Zoning Board of Adjustment was held on August 27, at 7:05 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY ZONING BOARD OF ADJUSTMENT MEMBERS PRESENT: Becky Randall, Adam Mohrhauser, Ryan VanDerVliet, Mike Ralston, Doug Ode, and Bonnie Duffy.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, and David Heinold - County Planning
Donna Kelly – States Attorney

The meeting was chaired by Bonnie Duffy.

PUBLIC COMMENT.

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

A motion was made to **approve** the July 23, 2018 meeting minutes by Commissioner Mohrhauser and seconded by Commissioner Randall. The motion passed unanimously.



ITEM 2. VARIANCE #18-06 to reduce the minimum lot area from 1 acre to 0.55 acre on the property legally described as S75' W120' N466.5', NW1/4 NW1/4, Section 22-T102N-R52W.

Petitioner: Wellington Township (Dennis Kapperman, Supervisor)

Property Owner: Wellington Township & Kevin Tobin

Location: 26512 457th Ave. -Approximately 12 miles west of Sioux Falls

Staff Report:

This would reduce the minimum lot area from 1 acre to 0.55 acre.

General Information:

Legal Description – portion of the NW ¼, NW ¼, Section 22, T102N – R52W

Present Zoning – A1 Agriculture

Existing Land Use – Township Maintenance Shop

Parcel Size – .55 acres

Staff Report: Scott Anderson

Staff Analysis: The applicant is requesting approval to allow enlarging a lot that is less than one (1) acre in size. The applicant is purchasing a twenty-five (25) foot strip of property on the north side of the existing lot and 100 foot strip on the east side of the existing lot. The applicant has indicated that the additional land will be used by Wellington Township for their maintenance building. Currently there is an existing maintenance building on the lot.

On July 31, 2018, staff conducted a site inspection. The site is located south of the intersection of SD Highway 42 and 457th Avenue. The area consists primarily of agricultural land in crop production. There are approximately 7 residential home sites to the north of the subject property.

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

Not all situations or events can be covered by a zoning ordinance and thus a mechanism is put into place in which the public can seek a variation to the regulations. In this situation, there is a compelling set of circumstances and conditions which are somewhat unique and support the granting of a variance. The proposed use does not require an acre to function. Furthermore, the applicant is attempting to limit the amount of land taken out of agricultural production.

The one (1) acre minimum lot size may reflect the state's minimum lot size for a well and septic to be located on a residential lot. In this case, however, the lot being created will not be used for residential purposes. Furthermore, it will not be the site of any permanent work force requiring an office. Therefore, a smaller lot would benefit the applicant and surrounding land owners by reducing the footprint of the lot.

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.

Private infrastructure facilities are allowed in the A-1 Agriculture District. The proposed use



should not harm the property values in the area.

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

Strict application would be a hardship on the property owner selling the land and would be unwarranted in the needs of the applicant. A smaller lot size is in the public's best interest.

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 use is a public use and will be part of the townships infrastructure. The maintenance shop is currently on the subject property. The shop is needed to store equipment for the township to use in maintaining the roads. The use is typical of any community.

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.

There is a public need for this use. The request is a reasonable use of the property and allows for the best development of the site.

Recommendation: Staff recommends **approval** of Variance #18-06 to reduce the minimum lot size in the A-1 Agriculture District from one (1) acre to approximately .55 acre in size.

Public Testimony

Scott Anderson, County Planning Director, presented a brief overview of the staff report and recommendation for Variance #18-06.

Dennis Kapperman identified himself as the Wellington Township representative and applicant for the variance request. Mr. Kapperman explained that the current structure is nearly 50 years. He continued to mention that the township would like to build a 2,400 square foot building for meetings and future storage facility.

Commissioner Duffy called for public testimony but there was no answer.

Commissioner Duffy closed the floor to public testimony.

Action

A motion was made to **approve** Variance #18-06 by Commissioner Ralston and seconded by Commissioner Randall. The motion passed unanimously.

Variance #18-06 - Approved



Adjourn

A motion was made to **adjourn** by Commissioner Randall and seconded by Commissioner Ode. The motion passed unanimously. The meeting was adjourned at 7:11 p.m.