



**MINUTES OF THE
MINNEHAHA COUNTY ZONING BOARD OF ADJUSTMENT**
August 26, 2019

A meeting of the Zoning Board of Adjustment was held on August 26, at 7:07 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

STAFF PRESENT:

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

The meeting was chaired by Bonnie Duffy. The meeting was called to order by Chair Bonnie Duffy at 7:07 pm.

PUBLIC COMMENT.

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

A motion was made to **approve** the January 28, 2019 meeting minutes by Commissioner Randall and seconded by Commissioner Ralston. The motion passed unanimously.



ITEM 2. VARIANCE #19-05 to reduce the minimum lot size from one acre to 0.421 acre on the property legally described as Lot 1, MCWC Valve Station Addition, SW1/4, Section 1-T103N-R49W.

Petitioner: Minnehaha Community Water Corporation

Property Owner: same

Location: Northeast corner of 477th Ave. and 251st St.

Staff Report:

General Information:

Legal Description – Lot 1, MCWC Valve Station Addition, SW1/4, Section 1-T103N-R49W

Present Zoning – A1- Agriculture

Existing Land Use – vacant

Parcel Size – .421 acres

Staff Report: Scott Anderson

Staff Analysis: The applicant is requesting a variance to reduce the minimum lot size to approximately 0.421 acre. The applicant is acquiring land in order to construct a valve building. The applicant has indicated that the valve station is needed to enhance the water system and to control the direction of water flowing into the EROS elevated storage tank. The applicant has submitted a narrative, which is included for the Planning Commission's review. The future valve station will meet all of the minimum setback requirements.

On July 31, 2019, staff conducted a site inspection. The site is located at the intersection of 251st Street and 477th Avenue. The area consists primarily of agricultural land in crop production. There is a residential home located across the intersection to the southwest 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 community water system's infrastructure. The proposed small lot is needed to allow for a valve building to be constructed. The infrastructure is needed for the betterment of the 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 #19-05 to reduce the minimum lot size in the A-1 Agriculture District from one (1) acre to approximately .421 acre in size.

Public Testimony

Scott Anderson, County Planning Director, presented a brief summary of the report and recommendation for Variance #19-05.

Commissioner Ode asked about the size of the building and if it will meet setbacks for blindspots at the street intersection.

Mr. Anderson explained that the site building will meet setbacks with the proposed lot dimensions of 133 feet by 138 feet.

Mr. Anderson clarified to the planning commission that staff recommends **approval** of Variance #19-05 to reduce the minimum lot size in the A-1 Agriculture District from one (1) acre to approximately .421 acre in size.

Action

A motion was made to **approve** Variance #19-05 by Commissioner Ralston and seconded by Commissioner Ode. The motion passed unanimously.

Variance #19-05 - Approved



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MEETING MINUTES

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Adjourn

A motion was made to **adjourn** by Commissioner Mohrhauser and seconded by Commissioner Ode. The motion passed unanimously. The meeting was adjourned at 7:16 p.m.