



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

September 23, 2019

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS BOARD OF ADJUSTMENTS
September 23, 2019**

A joint meeting of the County and City Planning Commissions was held on September 23, 2019 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, Sharon Chontos, Kati Johnson, Andi Anderson, Sean Ervin, and Erik Nyberg.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, and David Heinold - County Planning
Donna Kelly – Office of the State’s Attorney
Albert Schmidt – 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.

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

Regular Agenda

ITEM 1. Approval of Minutes – April 22, 2019

A motion was made for the County by Commissioner Randall and seconded by Commissioner Barth to **approve** the meeting minutes for April 22, 2019. The motion passed unanimously. The same motion was made for the City by Commissioner Anderson and seconded by Commissioner Nyberg to **approve** the meeting minutes for April 22, 2019. The motion passed unanimously.



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ITEM 2. VARIANCE #19-06 to reduce the required lot width from 125 feet to 99 feet on the property legally described as Lot 24, Block 2, Split Rock Heights 2nd Addition, Section 19-T-T101N-R48W.

Petitioner: Caroline C. Thelen

Property Owner: Caroline C. Thelen & Matthew W. Thelen

Location: 6309 East Fawn Circle - Located approximately 0.5 mile east of Sioux Falls

Staff Report: Scott Anderson

General Information:

Legal Description – Lot 24, Block 2, Split Rock Heights 2nd Addition, Section 19-T-T101N-R48W.

Present Zoning – RR Rural Residential

Existing Land Use – Residential

Parcel Size – Approximately 1.10 acres

Staff Report: Scott Anderson

Staff Analysis: The applicant is requesting a variance to reduce the minimum required lot width on Lot 24 from 125 feet to 99 feet. The applicant and the neighboring property owner, Eric Yunag of Lot 23, are proposing to replat their lots altering the width of the lots at the street. The replatting consists of approximately 420 square feet being transferred from Lot 24 to Lot 23. The replatting will result in Lot 24 having only 99 feet of frontage on E. Fawn Circle.

Eric Yunag has indicated that, due to the existing septic system, the grade of the property and substantial landscaping improvements, the replatting will aid in better drainage. His explanation of the situation is included for the Planning Commission's review. The City of Sioux Falls has reviewed the request and is recommending approval. The City's comments are included for review.

On September 4, 2019, staff conducted a site inspection. The lots are part of the Split Rock Heights Second Addition. Both lots are surrounded by residential development. Both lots currently have residences constructed on them.

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 request seeks to address an issues arising from the platting of the parcels within the subdivision. Most of the lots are extremely narrow and some don't meet the minimum requirements for lot width.



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.

Single family residences are allowed in the RR Rural Residential District. The proposed alteration should not harm the property values in the area. The proposed lot sizes exceed the minimum requirements.

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

Strict application of the minimum lot widths would mean that these lots could never change, as they were both approximately 125 wide. The narrowness of the lots could be considered a physical hardship, not brought on by the applicant.

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 intended use for this area is as a residential area. Granting the variance would allow for the continued usefulness of the residences and would meet the general purposes of the Zoning Ordinance.

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.

The request is a reasonable use of the property and allows for the best development of the site. It allows for infrastructure (sprinkler systems) to be located on the correct parcels.

Recommendation: Staff recommends **approval** of Variance #19-06 to reduce the minimum lot width in the RR Residential District from 125 feet to approximately 99 feet.

Public Testimony

Scott Anderson, County Planning Department, presented a brief overview of the staff report and recommendation for Variance #19-06.

James Yunag, 6301 E. Fawn Circle, is the property owner of the expanding lot. He was present for the hearing and no questions were asked by the planning commission.



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Action:

A motion was made for the County by Commissioner Barth and seconded by Commissioner Ralston to **approve** Variance #19-06. The motion passed unanimously. The same motion was made for the City by Commissioner Chontos and seconded by Commissioner Johnson to **approve** Variance #19-06. The motion passed unanimously.

Variance #19-06 - Approved

Old Business

None.

New Business

None.

Adjourn

A motion was made for the County by Commissioner Randall and seconded by Commissioner Barth to **adjourn**. The motion passed unanimously. A motion was made for the City by Commissioner Chontos and seconded by Commissioner Nyberg to **adjourn**. The motion passed unanimously. The meeting was **adjourned** at 7:09 pm.