

Hartford Planning and Zoning Minutes - Regular Meeting November 29, 2016

Chairman Munce called the meeting to order at 7:00 p.m. with the following members present: Bender, Cain, Freemark, McMahon, Wegleitner and Finch. City Administrator Teresa Sidel and City Code Enforcer/Building Inspector Paul Clarke were also present.

Approval of the Agenda: A motion was made by Freemark, second by Cain to approve the November 29, 2016 agenda as set – all voted yes, motion carried.

Approval of the Minutes: The minutes from the October 25, 2016 meeting were presented as corrected. A motion was made by Cain, seconded by McMahon to approve the October 25, 2016 meeting minutes – Wegleitner and Finch abstained with all others voting yes, motion carried.

A motion was made by Freemark, second by Wegleitner, to adjourn as the Planning and Zoning Board and reconvene as the Board of Adjustments – all voted yes, motion carried.

- **7:05 Appeal Hearing for 503 Tessa Avenue:** Rachael Jacobson of 503 Tessa Avenue filed an appeal application to the Board of Adjustments. Ms. Jacobson is appealing a determination made by the zoning administrator regarding the placement of her fence at 503 Tessa Avenue (Lot 7, Block 3 of South Main Addition). She received a placement permit to erect a fence in her back yard. The placement permit clearly stated that there is a 5' drainage easement along the west property line and fences cannot be placed in the easement area. When she received the permit, it was noted by the zoning administrator that the neighbors fence should also be 5' from the west property line. Ms. Jacobsen could not find her west property pins but felt that the neighbor's fences were out of the drainage easement since they should have had to follow the same rule, so she placed her fence in line with the neighboring fences. After the fence was placed, it was determined that the this fence, along with the neighboring property owners, was placed in the drainage easement. The city determined that the neighboring fences were placed before the 2009 regulation that fences cannot be erected in a drainage easement, hence they are grandfathered in. Ms. Jacobsen was asked to move her fence out of the drainage easement. Ms. Jacobsen believes that she did her due diligence in trying to find the property pins and was under the belief that the neighbors fences were under the same regulation. She is asking the Board to appeal the determination from the zoning administrator to move the fence and allow the fence to stay as placed. After input from the zoning administrator, code enforcer and Ms. Jacobson, the Board held discussion regarding this issue. It was determined that the fence was placed in good faith and under the assumption by both the city and property owner that the neighboring fences were out of the drainage easement. Since there is still a 5' drainage channel west of the property that will allow the flow of water and since this would comply with Section 17.04D of our zoning regulation, it was the consensus of the Board to allow the fence to stay as placed. A motion was made by Freemark, second by Cain, to allow the fence at 503 Tessa Avenue to stay as placed, which is 5 feet into the drainage easement – all voted yes, motion carried.

A motion was made by Bender, second by Finch, to adjourn as the Board of Adjustments and reconvene as the Planning and Zoning Board – all voted yes, motion carried.

Old Business: Discussion was held by the Board on how to determine correct placement of fences before they are erected verses inspecting them after the fact. A motion was made by Munce, second by Finch, to have the city administrator draft wording to be added to fence placement permits that will state property owners are responsible for correct placement of fences but the city will aid in location of property pins -- all voted yes, motion carried.

New Business:

- **Update on Sioux Falls Comprehensive Plan and Joint Jurisdictional Boundary Lines:** Sam Trebilcock, Sioux Falls Transportation Planner, addressed the Board regarding a planned updated to their comprehensive plan. Mr. Trebilcock gave the Board a brief overview of the updated plan, which entails the joint jurisdiction area between Sioux Falls and Hartford. Sioux Falls would like to expand their joint jurisdictional area a little to the west in order to use strait lines that are easy to legally describe rather than an angled jurisdictional line, which are currently being used. South Dakota state law says that if one jurisdiction plans on going over the equidistant line, then an agreement is needed from both cities to approve the location. Sioux Falls is asking the City of Hartford to allow them to cross into Hartford's area slightly (approximately 1/8th of a mile). A motion was made by Bender, second by Cain,

to recommend approval by the Hartford City Council of the joint jurisdictional boundary change as proposed by the City of Sioux Falls – all voted yes, motion carried.

- **Review 2015 International Building Code Ordinances:** The Board was given copies of draft ordinances that would update the city's current 2012 International building codes to the 2015 International building codes. The Board was asked to review and give feedback. A motion was made by Bender, second by Finch to table this agenda item until the next Planning and Zoning Board meeting on December 13, 2016 – all voted yes, motion carried.

Updates:

- **Code Enforcement/Building Inspector Update:** Paul Clarke gave the Board an update on building permits – the city currently has 9 single family home permits in various stages of construction, along with several multi-family dwellings and 4 commercial properties. Clarke's October Report was also presented to the Board for review.
- **City Administrator Update:** The was informed that the updated ICodes will be presented to the city council in January. Discussion was also held on joint jurisdictional areas. City Administrator Sidel gave the Board a brief summary about joint jurisdictional areas and the benefits to the city – she will gather additional information for the Board for future discussions.

Adjournment: A motion was made by Finch, second by Freemark to adjourn at 8:25pm - all voted yes, motion carried.

Minutes recorded by City Administrator Teresa Sidel