

Planning and Zoning Meeting – Regular Meeting May 25, 2021

Chairman Tony Randall called the meeting to order at 7:00 p.m. at Hartford City Hall with the following planning and zoning members present: Mark Anderson, Tim Graham, Stacey Kutil, Michelle Kilbourn, Steve Nolte, and Brad Miles. City Administrator Teresa Sidel and Building Inspector Paul Clarke were also present. There were 2 from the public present.

Approve Agenda: A motion was made by Nolte, second by Miles to approve the agenda as set – all voted yes, motion carried.

Approval of the Minutes: The May 11, 2021 meeting minutes were reviewed. A motion was made by Anderson, second by Kutil to approve the May 11, 2021 regular meeting minutes – all voted yes, motion carried.

Hearings/Petitions/Applications:

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

7:05 Variance Hearing: Jayson Snyder submitted a variance application for 513 Cloverleaf Avenue. The request is to allow placement of a fence within a drainage easement. Lana Snyder applied for a fence permit on September 30, 2020. Staff reviewed the permit and noted a 5’ utility easement on the west side of their property but failed to note the 10’ drainage easement. The Snyders, who were unaware of the drainage easement on their property, placed the fence within this easement area. The placement was verified by the city code enforcer, Bryan Voth, who also was unaware of the drainage easement. The incorrect placement came to the attention of the city in April of 2021 and the Snyders were sent a letter asking that the fence be removed. Not wanting to remove the fence, the property owner submitted a variance application. The city administrator gained input from the city engineer on the matter. The engineer noted that the property is located at the crest of the hill and the fence should not cause any drainage issues but with that being said, they do not recommend a variance or removal of the easement in order to follow city regulations. Arden Jones spoke and noted that he too talked with the city engineer and was conveyed the same information and did not want to set a precedence for allowing fences within drainage easements. Jason Snyder then addressed the Board. He noted that he was not aware of the drainage easement and it was not noted on his permit, so he thought he was in compliance with city regulations. He would like to keep the fence in place and also stated that his property is the highest elevation on the block so the fence would not cause any drainage issues for his neighbors. Discussion was held regarding city procedure for the issuance of fences and how they are verified. Although the Board agrees that the fence, as placed, would not cause drainage issues, they also do not want to set a precedence and want to uphold the city’s regulations. A motion was made by Graham, second by Nolte to deny the variance request but would like the city council to consider reimbursing the property owner the cost of relocating the fence since the drainage easement was not identified on his fence application – all voted yes, motion carried.

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

Old Business:

- **Review draft ordinance to amend Zoning Regulations:** Southeastern Council of Government (SECOG) codified the city’s zoning regulations into one document. The Board has reviewed this document and discussion was held on accessory buildings, parking, signage, and home occupation. Suggested changes were agreed upon by the Board and a draft ordinance was presented for review. A motion was made by Kutil, second Graham to approve the draft of Ordinance #709 – all voted yes, motion carried. Since this is a zoning change, a hearing will be scheduled for public input before final approval.

New Business:

- **Discuss possible rescheduling of June 8th meeting:** The next planning and zoning meeting is scheduled for June 8th. City Administrator Sidel will be out of town attending a municipal league conference, so discussion was held regarding rescheduling this meeting. It was the consensus of the Board to keep the meeting scheduled for June 8th and have another staff member attend to keep the minutes for the meeting.

Updates:

- **Building Inspector Update:** Building Inspector Paul Clarke updated the Board on open building permits. There are currently 15 open single-family homes in various stages of construction, along with one twin home. Clarke also gave a brief update on commercial properties under construction.
- **City Administrator Update:**
 - **Code Enforcement:** The Board was given an update on 2 non-compliant properties within the city – both are being addressed through the city attorney.
 - **Design Standards:** The city engineer, ISG, has fully reviewed the city’s design standards. They plan to discuss suggested revision with city staff and then they will review with the Board at a future meeting.
 - **Project Updates:** The Board was given an update on the Mickelson Road Project.
 - **Grant Updates:** The city has submitted grants for a storm shelter/concession stand at the Swenson Sports Complex, for phase 6 of our bike/recreation trail and for a new dog park – all are in the review process.
 - **Council Updates:** City Council approved 1st reading of the ordinance to establish a Park & Rec Board. 2nd Reading will be on June 1st. The council is also reviewing a petition for 12th Street improvement.

Adjournment: A motion was made by Anderson, second by Kilbourn to adjourn at 8:13 p.m. – all voted yes, motion carried.

Minutes recorded by City Administrator, Teresa Sidel.

I, the undersigned, Teresa Sidel, City Administrator, in and for the City of Hartford, South Dakota, do hereby certify that the above and foregoing is a true and correct copy of the minutes which is on file at Hartford City Hall.

Teresa Sidel, City Administrator