

**PLANNING AND ZONING AGENDA**  
**TUESDAY, MAY 30, 2023**  
**CITY HALL - 7:00 P.M.**

- 1) ROLL CALL  
Mark Anderson, Tim Graham, Stacey Kutil, Michelle Kilbourn, Troy Jackson, Brad Miles, and Tony Randall
  
- 2) APPROVAL OF THE AGENDA
  
- 3) APPROVAL OF MINUTES
  - May 9, 2023 Meeting
  
- 4) PUBLIC COMMENTS  
\*Action cannot be taken on items discussed unless specifically listed elsewhere on the agenda\*
  
- 5) HEARINGS/PETITIONS/APPLICATIONS
  - 7:05 Conditional Use Hearing – Conditional Use Application Received by Greg Hollaar to erect a 14’x20’ Accessory Building with a 5’ north side setback at 306 Ramona St
  
- 6) UPDATES
  - Building Inspector Update – Paul Clarke
  - Building Inspector/Code Enforcer Update – Kyle Christensen
  - City Administrator Updates – Teresa Sidel
  
- 7) ADJOURNMENT

**Next Planning & Zoning Meeting: June 13, 2023**

## **Planning and Zoning Meeting – Regular Meeting May 9, 2023**

Chairman Tony Randall called the meeting to order at 7:00pm at Hartford City Hall with the following planning and zoning members present: Tim Graham, Stacey Kutil, Michelle Kilbourn, and Troy Jackson. Mark Anderson and Brad Miles were present via phone. City Administrator Teresa Sidel was also present, along with 3 people from the public.

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

**Approval of the Minutes:** The April 25, 2023, regular meeting minutes were reviewed. A motion was made by Kutil, second by Graham to approve the April 25, 2023, regular meeting minutes – all voted yes, motion carried.

**Public Comments:** None

### **Hearings/Petitions/Applications:**

- **7:05 Public Hearing – Conditional Use Application received by David & Rhonda Kuchta:** David & Rhonda Kuchta own the property at 205 E 6<sup>th</sup> Street. They would like to erect a 30’x50’ accessory building to be used as a garage/shop area. Since this building is over the 1,000 square feet that is allowed by our zoning regulations, they have submitted a conditional use application asking to allow a 1,500 square foot building. The applicants do have a double deep lot, which is 90’ wide by 182’ deep. The proposed accessory building will be placed in their rear yard and would sit 19’ from the house and 10’ from all property lines. The building will have 9’ sidewalls and a 15’ peak, which is within the city’s height regulations. Plans also meet all other city regulations. A motion was made by Graham, second by Kilbourn to approve conditional use application 2023-4-24 to allow a 1500 sf accessory building for 205 E 6<sup>th</sup> Street – all voted yes, motion carried.
- **7:10 Public Hearing – Annexation Petition submitted by Dale A Janes Living Trust for Parcel #16009:** The city has received an annexation petition from the Dale A Jans Living Trust. They are asking to annex approximately 149 acres of their land that sits just to the east of the Maple Pass Addition. The petitioner is asking for the land to be annexed as a Rural Service District since development of the property is not planned for 5+ years. A rural service district would allow the property to continue to be taxed under the county levy versus the city, but those taxes would be payable to the city. The property is contiguous to the city and provides a secure annexation line. The petition and it is in good manner and form. A motion was made by Kutil, second by Miles to recommend approval of the annexation petition to the city council as a rural service district – all voted yes, motion carried.

### **New Business:**

- **Discuss Vacation Homes/Short Term Rental Regulations:** The county has recently passed an ordinance to regulate vacation homes/short term rentals such as homes on VRBO or Airbnbs. The county’s ordinance requires a conditional use permit to be obtained for short-term rentals. Currently the city of Hartford does not regulate these short-term rentals. Discussion was held by the Board on whether the city should regulate short term rental, how we would regulate them, and who would be responsible for regulating. The Board noted that without property owners’ cooperation, regulation of these rentals would be difficult. The board also discussed possible issues such as parking, noise and junk and it was noted that these issues are the responsibility of the property owner regardless of if the property is rented or not and can be addressed with the city’s current ordinances. It was the consensus of the Board to not regulate vacation homes/short term rentals at this time.

### **Updates:**

- **Building Inspector Update:** Building Inspector Paul Clarke was not present but provided the Board with his April report for review. Clarke is attending the SDML Code Enforcement Conference.
- **Building Inspector/Code Enforcer Update:** Code Enforcer Kyle Christensen was not present but provided the Board with his April report for review. Christensen is attending the SDML Code Enforcement Conference
- **City Administrator Update:**
  - 6<sup>th</sup>/Mundt St project - Project is substantially complete. There are several minor items that need to be addressed and seeding will be placed in the spring. ISG and city staff completed a walk-through of the project and updated the punch list items. The contractor is addressing them.
  - Water Tower Painting – This project is substantially completed. Maguire Iron plans to paint the new city logo on the water tower, starting on Wednesday, May 10<sup>th</sup>.
  - Hwy 38 Water Loop Project – ISG has completed plans for a water loop project that will run along Railroad Street and S Colton Road. The city is pursuing an SRF loan for this project, so bidding is planned for the summer.
  - Bike Trail – ISG is working on finalizing plans for an 8 foot trail on the north side of Turtle Creek between Main Ave and Feyder Ave. Construction is anticipated for this year.
  - Western Ave Expansion – Due to a publishing error, the city needs to re-advertise our CMAR notice and review proposals again. This will take approximately 3 weeks, so all plans have been on hold until this is completed.

- WWTF – ISG is working on plans for the new WWTF, along with our new CMAR Rice Lake. An update on design and cost estimates is planned for the 5/2 council meeting.
- Western Ave Industrial Sewer Project – Contractor has until 5/15 to complete punch list items.
- The SD Planners Association will be holding a conference October 24-26, 2023, in Mitchell. If any Board members want to attend, they need to contact the city for registration.
- The Board was reminded that if they have any changes or comments on our Comprehensive Plan, they need to provide them to SECOG this month.

**Adjournment:** A motion was made by Kutil second by Jackson to adjourn at 7:32pm – 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.

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Teresa Sidel, City Administrator



## Agenda Item Staff Report

**DATE:** May 30, 2023

**AGENDA ITEM:** Conditional Use Request for 306 Ramona St on Accessory Building

**PREPARED BY:** Teresa Sidel, City Administrator

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**Staff Recommendation:** Approval

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### **Background/Summary:**

Greg Hollaar owns the property at 306 Ramona St. This property is at the corner of Western Avenue & Ramona St. The owner would like to erect a 14'x20' (280sf) accessory building in the NW corner of his rear yard. The building size is within the city regulations, but the owner is asking for a smaller setback from his north property line. Since this is for an accessory building, a conditional use is needed verses a variance per regulation 12.03(B)10. Current regulations require that any accessory building over 120sf needs to be 10 feet from any property line. The owner currently has an 8'x12' accessory building in his rear yard that he plans to remove and replace with the proposed accessory building. He would like to keep the same setbacks as existing. The proposed building would meet the 10' setback regulation on the west side but the owner would like to have just a 5' setback on the northside to match what the setbacks are for the current accessory building. A copy of his conditional use application, site plan, and a rendition of the garage has been submitted and is enclosed for reference. Since the proposed accessory building is only 280sf and would not go outside current setbacks, it is staff's recommendation to approve the 5' northside setback.

### **Prior Council/Board Action:**

None

### **Possible Action:**

- Approve Conditional Use permit to allow a 5' northside setback
- Deny Conditional Use permit to allow 5' northside setback

### **Fiscal Impact:**

None to the city.

### **Attachments:**

- Conditional Use Application
- Public Notice
- Accessory Structure Regulations
- Site Plan and Map of Area
- Picture of Planned Accessory Building

**APPLICATION FOR CONDITIONAL USE PERMIT**  
**HARTFORD, SOUTH DAKOTA**

APPLICATION NUMBER: 2023-5-5 FEE \$100.00:  Check  Cash  PayGov

APPLICANT (Owner of Property): Greg Hollaar Phone: 605-310-7467

APPLICANT ADDRESS: 306 W Ramona St, Hartford SD

Email: hollaar@unitelsd.com

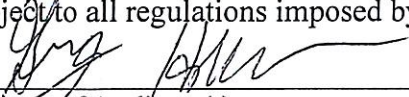
LEGAL DESCRIPTION: \_\_\_\_\_

CONDITIONAL USE ADDRESS: 306 W Ramona St Hartford SD

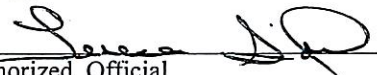
ZONING DISTRICT: \_\_\_\_\_

DESCRIPTION OF CONDITIONAL USE REQUEST: requesting 5' setbacks on the northside of property

I (we) hereby certify that the information given is correct and true and furthermore, I (we) agree to comply with any and all conditions concerning approval of this application and other zoning requirements of the City of Hartford. I (we) understand that if granted, the conditional use permit is subject to all regulations imposed by the City of Hartford.

  
Signature of Applicant (s)

5-5-23  
Date

  
Authorized Official

5-5-23  
Date

\*\*\*Site Plan required unless waived by Authorized Official

**For Office Use Only:**

The Planning and Zoning Board shall hear and decide all conditional use permits. A conditional use permit shall not be allowed to vary the use regulations.

Date of Public Hearing held by the Planning & Zoning Board: 5-30-23 Time: 7:05 pm

Granted \_\_\_\_\_ Denied \_\_\_\_\_

\_\_\_\_\_  
(signature of Chairman, Planning & Zoning Board or city official)

If not granted, state reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notice sent to Official Newspaper for P&Z Hearing (Not less than 10 days Prior to Hearing): \_\_\_\_\_  
Notice posted on Property for P&Z Hearing (10 days prior to Hearing): \_\_\_\_\_  
Public Hearing by Planning and Zoning: \_\_\_\_\_

## **PUBLIC NOTICE**

The Hartford Planning and Zoning Board will conduct a public hearing at the Hartford City Hall at 125 N Main Ave at 7:05 p.m. on May 30, 2023, to review and either approve or disapprove a conditional use application submitted by Greg Hollaar of 306 W Ramona St. The application is to allow a 5 foot north setback for an accessory building. All interested parties may appear and be heard.

Dated this 12th day of May 2023.

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Teresa Sidel  
Hartford City Administrator

## **Ordinance #713 Section 12.03**

### **12.03 Accessory Buildings and Uses**

#### **A. In General.**

1. No Accessory structure or use shall be constructed or developed on a lot prior to construction of the principal building.
2. Any structure placed within an easement that impedes the access or intended use of that easement may be removed by the City or the City's representative at the owner's expense.
3. No accessory building may be placed within drainageways and/or on drainage easements.
4. Accessory buildings may not be used for dwelling purposes.
5. A placement permit is required for accessory buildings under 120 square feet and a building permit is required for accessory buildings over 120 square feet. No permit is required for accessory buildings under 25 square feet and under 8 feet high.
6. Any accessory building issues that arise between neighbors become a civil issue between homeowners.
  - a) During a dispute, the City may only provide the original accessory building permit.

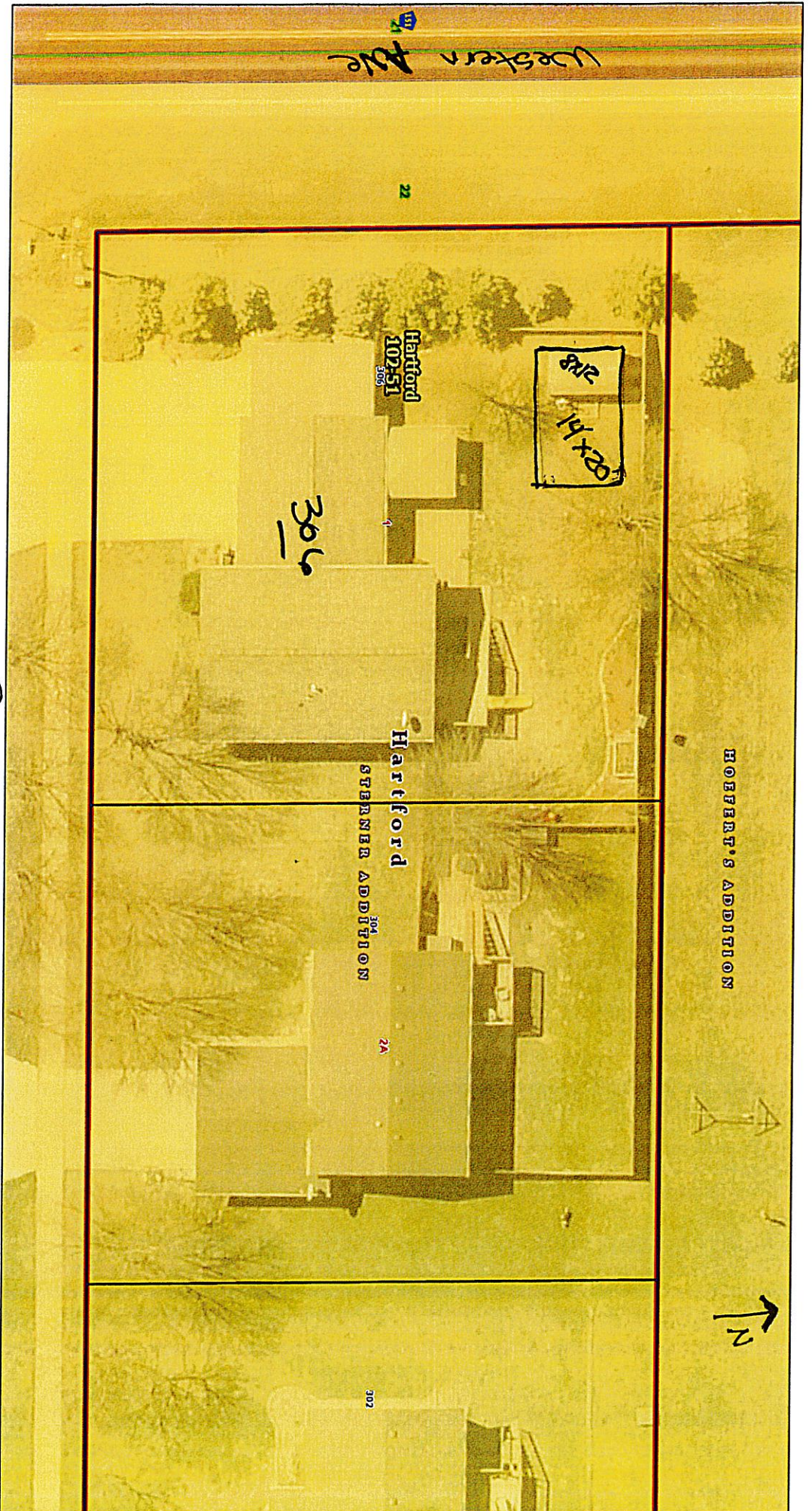
#### **B. Accessory Buildings.**

1. Except in NRC: Natural Resource Conservation District, no accessory building(s) shall be erected or located within any front yard. Accessory building(s) may be located in a side yard but not within the required setback area of the zoning district. Accessory building(s) may also be located within the rear yard but must meet the setbacks required per section 12.03B(3).
2. Accessory buildings, including, but not limited to, garages, shall not exceed fifteen (15) feet in height as measured from the mean ground level to the highest point of the roof.
3. Accessory buildings 120 square feet or under must be 5 feet or more from all property lines and accessory buildings over 120 square feet must be 10 feet or more from all property lines.
4. The distance between all buildings must be at least 5 feet.
5. Only two accessory buildings shall be permitted per lot.
6. No individual accessory building shall exceed a maximum of 1,000 square feet or 30% of the rear yard, whichever is less.
7. If two accessory buildings are constructed, one must be no larger than 150 square feet.
8. The roofing and siding materials of accessory buildings larger than 150 square feet, except greenhouses, must be of like kind to the principal structure.
9. Any accessory building which is entered directly from an alley shall not be closer than 15 feet to the property line abutting the alley.
- 10 Accessory buildings not meeting these requirements shall be allowed only as a conditional use.

#### **C. Exemptions**

1. Any Accessory Structure under 25 square feet and under 8 feet high shall be exempt from the above regulations except for Section A.

# Map



4/13/2022, 2:28:44 PM

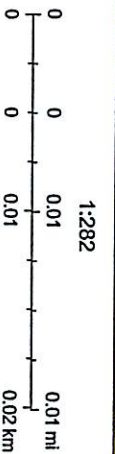
County Lot    County Tax Lines    Parcels

County Additions     PLAT     Standard Tax Parcel

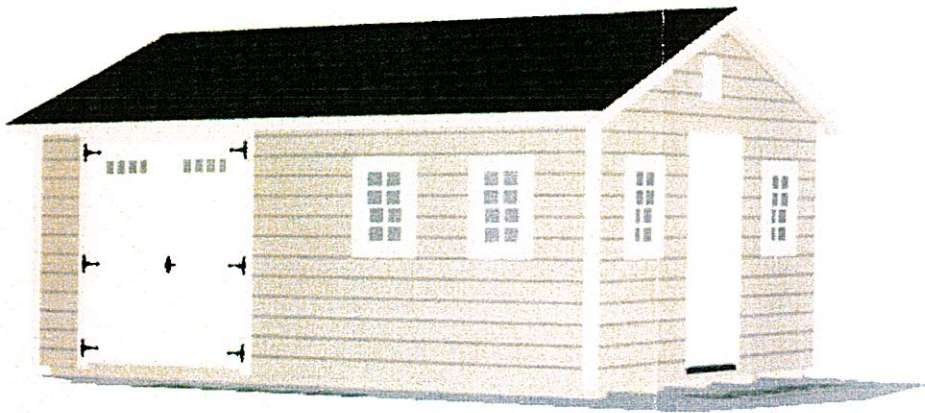
County Parcels     Condo or Suite

Municipalities     Section     Townships

*Panora*



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Minnesota County GIS



14 x 20

Dakota Storage Building or Build  
Est. \$12,483<sup>00</sup>

# City Administrator Update

May 30, 2023

## Updates (Changes in Red):

### • City Project Update

- Bike Trail –The initial layout for the new trail between Main Ave and Feyder Ave shows the area between the creek and the city’s property line is pretty narrow along the NE portion of the trail. Staff tried to secure an easement in this area, but the property owner has denied it. I contacted our grant sponsor, SD Game, Fish & Parks, to see what our options are for moving forward. They have indicated that if we alter the path to go on the south side of the creek, it will require another application. They did note that we can possibly reduce the width of the path to some degree but want us to keep it as wide as possible. ISG has presented a preliminary redesign for the 10 foot that narrows to 8 feet on the east side – this would require a couple of retaining walls but looks like it is possible if they can get confirm data from FEMA that there will be a no-rise in the floodplain. Because of the higher estimated cost, I have asked ISG for a cost estimate that would incorporate an 8-foot width the entire length of the trail verses just the east end. After review of the cost estimates and layout by both the Park & Rec Board and the City Council, it was decided to place an 8’ trail the entire length between Main Ave and Feyder Ave. This new layout was sent to the GFP, and it was approved. ISG will finalize plan designs and the city will move forward with bidding asap. **We have sent all required paperwork to FEMA for the no-rise certificate, and we had soil borings done last Friday for the retaining wall. We are hoping to bid the project in July.**
  - 6<sup>th</sup> & Mundt Street (no change)– Project is substantially complete, with a few punch list items and some seeding, restoration and painting to be done in the spring. ISG and city staff completed a walk-through of the project on Friday, 21 and an updated punch list was developed. The contractor will be completing the list – final payment will be withheld until all punch list items are done. **The contractor has just a few punch list items to complete.**
  - Water Tower Painting (no change) – Contractor has completed the project but will return in the spring (June) to paint the logo on the tower (cost approx. \$13,800). **The new logo is on the tower.**
  - Hwy 38 Water Main Extension – The city council previously approved plans to have ISG work on a design for a water extension that will run along Railroad Street & S Colton Road. The plans were reviewed by staff and city council approved the project on 1/3. Financing was discussed and approved on 2/21, with part of the project being funded with water fund reserves and part with an SRF loan. Since the city is applying for an SRF loan, we are currently working with SECOG to submit that application. Bidding is anticipated for this summer after loan approval in June.
  - Western Avenue Expansion - ISG continues to work on plans. Plans need to be submitted to the DOT by the end of this year so it can be vetted by the state next year for construction in 2025.
  - WRRF – Staff continues to meet with ISG and Rice Lake on the WRRF. ISG has submitted 90% plans to DANR. An error in the publishing of our CMAR was noticed by the state so in order to comply with all state regulations, the city needs to re-publish our CMAR notice, review proposals submitted, and re-issue the CMAR. This process will take approximately 3 weeks and we hope to be back on track by the end of May. **The city has readvertised for the CMAR, held interview on 5/23, and will be moving forward with Rice Lake again as our CMAR.**
- ### • Stockwell Projects (both projects to be closed out this spring):
- 9<sup>th</sup> Street – 2 items still need to be addressed by the contractor – Zacharias Construction. They have been notified and said they will be completed this spring. Then we can close out this project. **All items are completed. We will close out this project.**
  - Western Sewer Project: A walk through was conducted on 7/20 with staff, Stockwells, and the state. A second walk through was conducted about 3 weeks ago. A list of punch list items was sent to the contractor to be addressed. Final payment will not be granted until all punch list items are completed to the city’s

satisfaction. The contractor was given a deadline of May 15, 2023, to complete all punch list items. **All punch list items have been completed. Additional seeding was needed so we will wait to close out the project until we ensure the seed will take.**

- **Other:**

- Reminder – If you have any additional comments on our Comprehensive Plan or Maps, please get them to me asap so I can make sure SECOG incorporates them. They are scheduled to attend the Board's 6/13 meeting to review a final draft.
- The city's slurry seal project for our streets is planned for August.
- The West Central Elementary School project is going well so far. We are still in discussion about possibly revising some of the parking to allow for a few ADA parking spots on the south side of the school. Nothing has been finalized yet.
- As previously discussed, after our adoption of the updated Comp Plan, we will begin a review of the city's sub-division regulations.

**Please call if you have any Question: 528-6187 or 605-906-1750**