

PLANNING AND ZONING AGENDA
TUESDAY, AUGUST 27, 2019
CITY HALL - 7:00 P.M.

- 1) ROLL CALL
Mark Anderson, Eric Bartmann, Matt Cain, Tim Graham, Brad Miles, Stephanie Olson-Voth, Tony Randall

- 2) APPROVAL OF THE AGENDA

- 3) APPROVAL OF MINUTES for:
 - July 30, 2019 meeting

- 4) Presentation of Certificate of Appointment – Tim Graham

- 5) PUBLIC COMMENTS
Action can not be taken on items discussed unless specifically listed elsewhere on the agenda

6) HEARINGS/PETITIONS/APPLICATIONS

*****Adjourn as Planning and Zoning Board & reconvene as Board of Adjustment**

7:05 Variance Hearing - Request is to allow smaller rear yard setbacks within
the Northside Mobile Home Park

*****Adjourn as Board of Adjustment & reconvene as Planning and Zoning Board**

- 7) OLD BUSINESS

- 8) NEW BUSINESS

- 9) UPDATES
 - Building Inspector Updates – Paul Clarke
 - City Administrator Updates – Teresa Sidel

- 10) ADJOURNMENT

Next Planning & Zoning Meeting: Tuesday, September 10, 2019

Planning and Zoning Meeting – Regular Meeting July 30, 2019

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: Eric Bartmann, Mark Anderson, Matt Cain and Brad Miles. Stephanie Olson-Voth was absent with notice. City Administrator Teresa Sidel and Building Inspector Paul Clarke were also present.

Approve Agenda: Randall noted that the Minnehaha County Planning Department has requested input on conditional use permit 19-34. A motion was made by Bartmann, second by Anderson to add review of county conditional use permit 19-34 under new business to the agenda and approve the approve – all voted yes, motion carried.

Approve Minutes of July 9, 2019 Regular Meeting: The July 9, 2019 meeting minutes were reviewed. A motion was made by Anderson, second by Bartmann to approve the July 9, 2019 regular meeting minutes – all voted yes, motion carried.

Public Comments: None

Hearings/Petitions/Applications

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

- **7:05 Variance Hearing:** Don and Stacey Sieverding, developers for Knapp's Landing, have submitted a variance application to request smaller lot sizes for twin homes. Currently our regulations state that two-family dwellings need to have a minimum lot area of 14,000 sq. ft with a zero lot line split of 7,000 sq. ft. Knapp's Landing has 18 lots that they have identified as twin home lots that fall below this square footage requirement – this was an oversight by their engineer. Although they fall below the city's current square footage requirement, they are large lots and a twin home with a double garage could easily fit on the lot and still leave green space for a yard. Don Sieverding was present to talk with the Board and address their questions. Sieverding provided information to the Board which shows their current lot layout, the lots that do not meet the current lot size regulation and a comparison of required lot sizes with other surrounding communities. Board discussion focused on lot size, lot width, green space and twin home sizes. It was the consensus of the Board to favor a smaller lot size requirement for twin homes but believed that the request did not meet the requirement for a variance. A motion was made by Bartmann, second by Anderson, to deny the variance – all voted yes, motion carried.

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

New Business:

- **Review Zoning Regulation/Lot Sizes in Residential Districts:** The Planning and Zoning Board reviewed the city's current regulations regarding the lot size for twin homes. Currently Hartford does have one of the highest requirements on square footage for twin home lots and discussion was focused around reducing that requirement. The Board discussed average twin home sizes, garage sizes, driveway widths, lot widths, setbacks and boulevard areas. It was determined that if the city requires 1.5 times the current single lot square footage, it still provides a large enough lot to accommodate the average twin home and garage and still provides adequate green space. The Board proposed changing the lot size for two-family dwellings from 14,000 sf to 11,250 sq. ft with a zero lot line split of 5,625 sq. ft. The lot width and setbacks would remain the same to maintain required green space. The Board feels that this would provide developers and buyers with added options. A motion was made by Bartmann, second by Cain, to present the recommended change on two-family dwelling from 14,000 sq. ft, with a zero lot line split of 7,000 per unit to 11,250 sq. ft, with a zero lot line split of 5,625 per unit to the city council – all voted yes, motion carried.
- **Review Minnehaha County CUP 19-34:** Darwin Sletten submitted a conditional use application to Minnehaha County requesting the transfer of building eligibilities upon his property. The county has requested the city's input before their Board reviews on August 26th. Mr. Sletten owns 4 housing eligibilities on his quarter, which lays on the SE corner of the intersection of 256th Street and Highway 149. He would like to transfer all the eligibilities to the NW ¼ of the NW ¼ since this is the highest ground and best suited for housing. The Hartford P&Z Board saw no issues with this request, and it was the consensus of the Board to recommend approval to the county.

Updates:

- **Building Inspector Update:** Building Inspector Paul Clarke was present to provide a report to the Board. Currently there are 10 open single-family homes and 2 twin homes in various stages of construction. An update was also given on current commercial permits. Clarke will be attending the National Building Inspector Convention in October.
- **City Administrator Update:** City Administrator Sidel asked the Board to give notice as soon as possible if they cannot make a meeting to ensure a quorum. The Board was updated on upcoming appointments for city council and planning and zoning. The Board was also updated on the Mickelson Road Project, Vandemark Project and Sports Complex seeding project.

Adjournment: A motion was made by Bartmann, second by Miles to adjourn at 8:10 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

APPLICATION FOR ZONING VARIANCE
HARTFORD, SOUTH DAKOTA

APPLICATION NUMBER: 2019-8-8 FEE \$20.00: # _____ check# or cash
APPLICANT: Rosey Quinn APPLICANT ADDRESS: 100 E. 9th, Lot H
PHONE NUMBER: 906-3957 EMAIL ADDRESS: quinnrosey@yahoo.com
LEGAL DESCRIPTION: S 504.7 TR 1 (Ex Lot B) County Auditors
Subdivision SW 1/4 15-102-51 Hartford Unplatted
VARIANCE ADDRESS: Same (Parcel # 23842)
ZONING DISTRICT: M-H
DESCRIPTION OF VARIANCE REQUEST: requesting a small rear
set back.

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 variance is subject to easements, restrictions and covenants of record.

[Signature] _____ Date 8-8-19
Signature of Applicant
[Signature] _____ Date 8-8-19
Authorized Zoning Official

* Roger Haugo
called on
8-7-19 and
gave permission
to Apply on
his behalf.
↘

FOR OFFICE USE ONLY:

The Board of Adjustment (consisting of all members of the Planning and Zoning Board) shall hear and decide all appeals. A variance shall not be allowed to vary the use regulations.

Date of Public Hearing held by the Board of Adjustment: Aug 27 Time: 7:05 pm
Granted _____ Denied _____ (2/3 members necessary to approve any appeal)

(signature of Chairman, Board of Adjustment)

If not granted, state reasons: _____

Notice published in Official Newspaper for P&Z Hearing (Not less than 10 days Prior to Hearing): 8-15-19
Notice posted on Property for P&Z Hearing (10 days prior to Hearing): 8-16-19
Public Hearing by Board of Adjustment: 8-27-19

PUBLIC NOTICE

The Hartford Planning and Zoning Board, acting as the Board of Adjustment, will conduct a public hearing at 7:05 p.m. on Tuesday, August 27, 2019 at Hartford City Hall to review a variance application submitted by Rosey Quinn, representative for Roger Haugo, for the S 504.7' of TR 1 (Ex Lot B) of County Auditor's Subdivision, SW ¼ 15-102-51 of City of Hartford Unplatted (Parcel #23842). The request is to allow a smaller rear yard setback. All interested parties may appear and be heard.

Dated this 15th day of August, 2019.

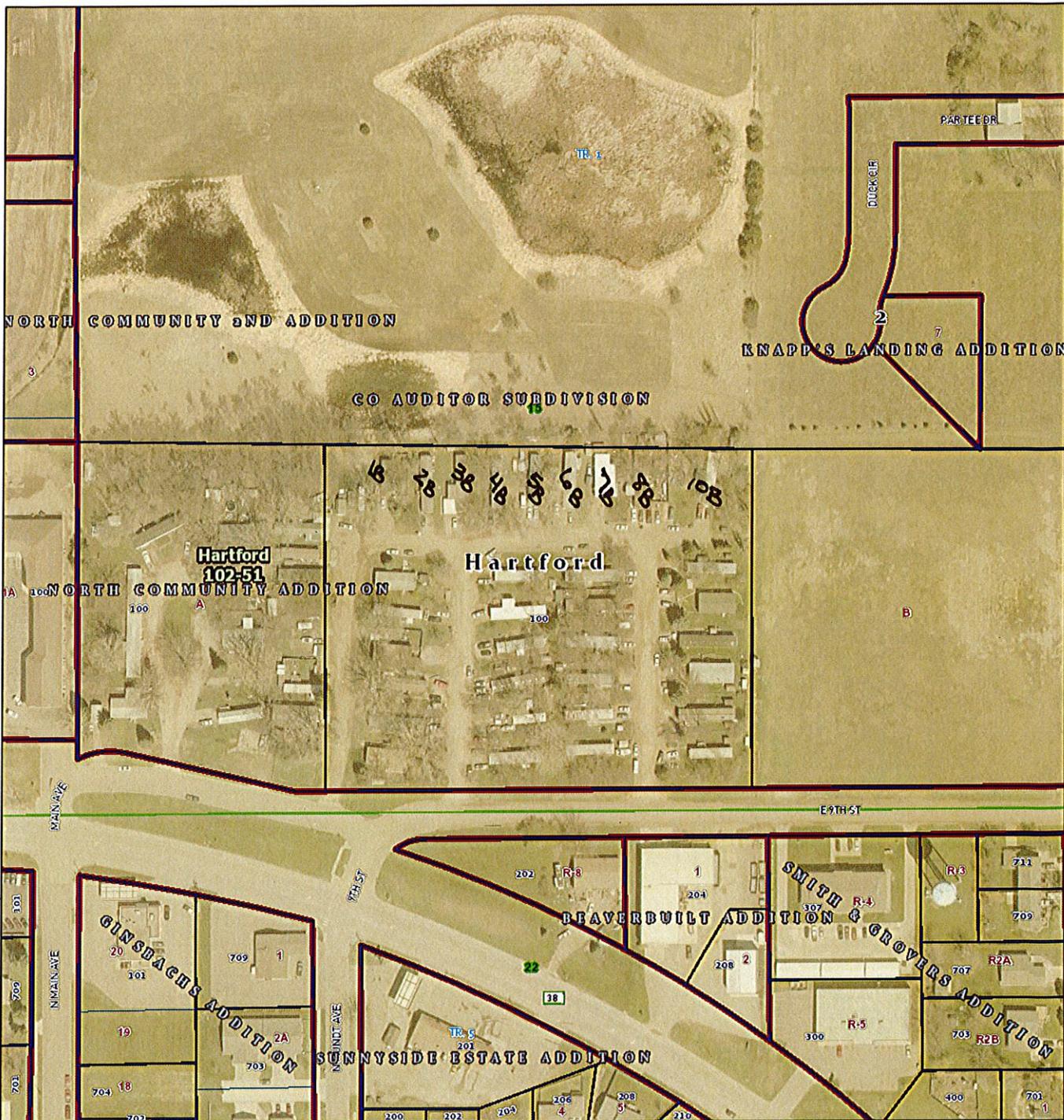
Teresa Sidel
City Administrator

Variations:

The Board of Adjustment shall have the jurisdiction to hear and decide upon petitions for variations to vary the strict application of the height, area, setback, yard, parking or density requirements as will not be contrary to the public interest. For purposes of these regulations, public interest shall include the interests of the public at large within the City, not just neighboring property owners. At all times, the burden shall be on the applicant to prove the need for a variance. The following issues are to be considered, each and all of them, as determining factors in whether or not the issuance of a variance is justified:

- A. An unnecessary hardship must be established by the applicant who applies for the variance. For purposes of this Chapter, an unnecessary hardship is a situation where, in the absence of a variance, an owner can make no feasible or reasonable use of the property. Convenience, loss of profit, financial limitations, or self-imposed hardship shall not be considered as grounds for approving a variance by the Board of Adjustment.
- B. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
- C. The variance requested is the minimum variance that will alleviate the hardship.
- D. Granting of the variance will comply with the general purpose and intent of this ordinance, and will not be offensive to adjacent areas or to the public welfare.
- E. No nonconforming use or structure in the same district and no permitted or nonconforming use or structure in other districts shall be considered grounds for the issuance of a variance.
- F. Exceptional and extraordinary circumstances apply to the property that do not apply to other properties in the same zone or vicinity and that result from lot size or shape, topography or other circumstances which are not of the applicant's making.
- G. In order to preserve the intent of these Zoning Regulations and to protect the public interest, the Board of Adjustment may attach conditions to a Variance. A Variance shall remain valid only as long as the property owner complies with any terms and conditions of the Variance, as attached by the Board of Adjustment.
- H. An Application for a Variance, available from the Authorized Official of the City of Hartford, shall be completed by the landowner requesting the Variance. Completed applications shall be returned to the Authorized Official for review. To be considered completed, the application shall contain the following information:
 1. Legal description of the land on which such variance is requested, together with local street address;
 2. Name and address of each owner of the property;
 3. Name, address, phone number and signature of the applicant;
 4. Zoning district classification under which the property is regulated at the time of such application;
 5. Description of the variance sought from the Zoning Regulations;
 6. Be accompanied with a site plan, unless waived by the Authorized Official.
- I. The Authorized Official shall review the application, and shall make a recommendation to the Board of Adjustment to either approve or not approve said application. The Authorized Official's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application.
- J. The Authorized Official shall set the date, time and place for a public hearing to be held by the Board of Adjustment. The Authorized Official shall notify the landowner by mail, and shall post notices of the public hearing at the City Office and on the property affected by the proposed Variance no less than ten (10) days prior to the scheduled public hearing. No less than ten (10) days before the public hearing, the Authorized Official shall publish notice of the public hearing in a legal newspaper of the city.
- K. The public hearing shall be held. The applicant may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Board of Adjustment. Written findings certifying compliance with the specific rules governing the action considered at the public hearing shall be completed by the Board. The concurring vote of two-thirds (2/3) of the members of the Board of Adjustment shall be necessary to approve any variance or arrive at any determination.

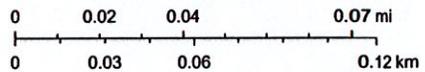
Map



8/8/2019, 9:49:54 AM

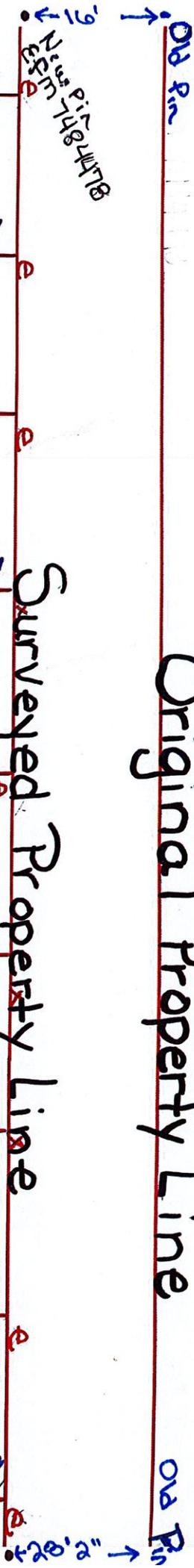
- | | |
|------------------|---------------------|
| County Tract | County Parcels |
| County Lot | Standard Tax Parcel |
| County Block | Condo or Suite |
| County Additions | Municipalities |
| County Tax Lines | Section |
| — PLAT | Townships |
| - - TAXLOT | |

1:2,257

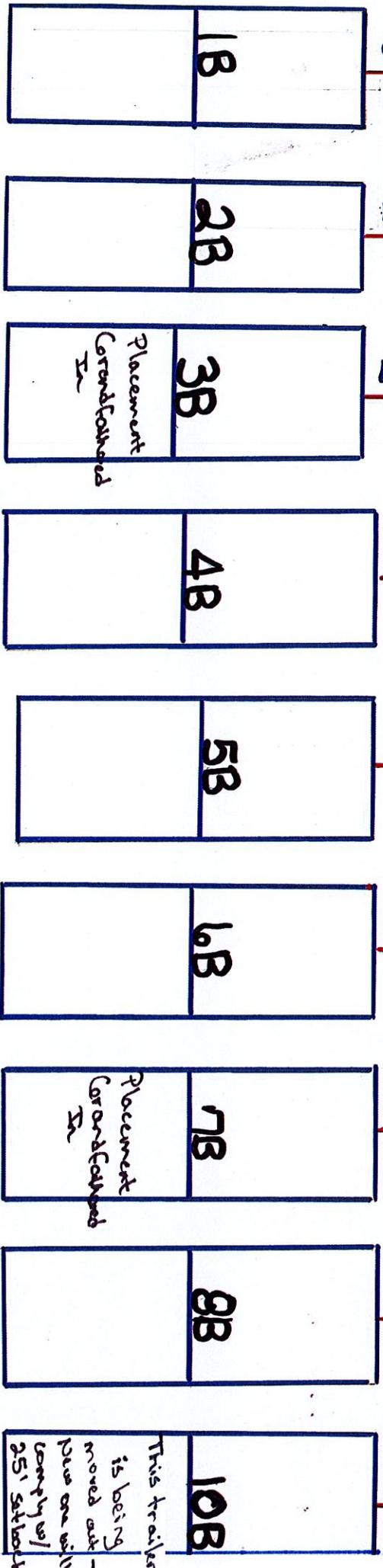


Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, City of

Original Property Line



Surveyed Property Line



Road in Trailer Court

Northside Mobile Home Park –

- Established 1952
- Manager – Rosie Quinn 906-3957
- Zoning Ordinances with rear setbacks (25') established in 8/1999 (Ord 380)

Lot Number	Registered Owner	Placement Year	Permits Issued	Placement before or after 1999 Zoning Ordinance
1B	Noel Neuroth	2004	No	After
2B	Northeast Investments	2016	No	After
3B	Carol Anderson	1990	Permits only go back to 2000	Before
4B	Camaron Degen	2007	No	After
5B	Brad Dvorak	2007	Yes	After
6B	Jim Binkertt	2004	No	After
7B	Kelli Norton	1962	Permits only go back to 2000	Before
8B	James Nelson	2004	No	After
9B	No longer Exists	-	-	-
10B	Pat McDonald	Placed in 1998 but is being Removed – New Trailer would require a permit and setback of 25'	Permits only go back to 2000	Before

August 27, 2019 – City Administrator Notes

Variance Hearing

- **7:05 Variance Hearing:** Rosie Quinn, representative for Roger Haugo and the Northside Mobil Home Park, has submitted a petition to request a rear yard variance for 8 trailers along the north side of the park. Don Sieverding is developing the land just to the north and when he got his land surveyed, it turns out that the trailer park's north property line is about 16-28 feet further to the south than previous thought. This puts the trailers in lots 1B-8B to close to the property (they were not 25 feet off the property line to begin with but now they are even closer). Lot 9B has been combined with lot 10B and this trailer is being moved out and the new trailer is going to be set going east and west and will comply with the 25-foot rear setback. Of lots 1B through 8B, it was determined that a couple of out buildings are over the property line so these buildings will have to be moved but the trailers themselves are all within the trailer park – they just don't meet the 25-foot rear yard setback. I asked Rosie to let me know when the trailers were placed so I could figure out if they were placed before our zoning regulations were in effect or after. Our zoning regulations that require rear setbacks were adopted in 1999 – two of the trailers were placed before this date (3B & 7B). The remaining trailers were placed out of compliance after this date and the majority without a building permit. Rosie is asking for a variance for the trailers that are not grandfathered in (Lots 1B, 2B, 4B, 5B, 6B, & 8B). Since building permits were not secured by most of these homes, the city was not aware of this issue and it only came to light once Mr. Sieverding had the property surveyed and determined that some of the outer buildings are on his land.

If the city were to not allow a variance for the 6 trailers out of compliance with city ordinance, the residents would have to relocate since moving the trailers further to the south to meet the setback would not be an option – the trailers would end up in the road that affronts them. Tony and I have discussed this situation, and we agree that the outbuildings over the property lines need to be moved from Mr. Sieverding's property. We also agree that the two trailers that were placed before the city regulations were enacted in 1999 are grandfathered in. We think a variance can be granted under item F of our variance criteria since the two trailers that are grandfathered in can stay in place. Item F states that exceptional and extraordinary circumstances apply to the property that do not apply to other properties in the same zone or vicinity and that result from lot size or shape, topography or other circumstances which are not of the applicant's making.

I have enclosed a map and some information for your review – please let me know if you have any further questions before the meeting.

Updates:

Code Enforcer/Building Inspector Updates:

- Paul Clarke should be present to provide a report for the Board.

City Administrator Updates:

- 2020 Budget: The City's 2020 budget meeting is set for Monday, August 26th at 6:30pm.
- Project Updates:
 - Mickelson Road: Mickelson Road is Open!! The project is substantially completed. Our engineer will be performing walk-through inspections and noting any items that need to be addressed by the contractor before closing out the project.
 - Sports Complex Grading: As you know, the new seed at the newly graded sports complex was not coming up. There were also numerous weeds and the seed is not germinating properly. Since this work is still under warranty, the contractor has sprayed and killed the growth that is out there and has since re-seeded. Hopefully this batch of seed will come up better.
 - Vandemark Avenue: The weather has been cooperating and they are starting to get some more work done on this project. Most of the utility work is completed at the Vandemark and 9th Street intersection and curb and gutter work has begun.
 - Sewer along Western Avenue: Our engineers are still working on plans to run sewer from Oaks and Main up along Western Avenue to Central States. This will allow sewer for the sports complex and the industrial land to the north. If we receive state funding, this project will be scheduled for next spring.

- Nuisance Property Updates:
 - 103 N Mundt Avenue: On August 5, the city went in and abated the nuisances at 103 N Mundt Avenue (Earley Property). The cleanup went well but unfortunately, he started parking cars on the grass that same night again. He indicated to the city that he was moving so we gave him until August 12th to move the vehicles in the grass. That did not happen, so we once again called out the tow company to remove his vehicles. He did get them moved and we have had no issues since. I am told that a new renter is moving in but cannot confirm this yet.
 - 801 N Western Avenue: The courts are allowing the city to abate and clean up this property as well. The city is working with a company out of Nebraska to clean this up since it is such a large project and the city does not have the manpower or equipment for this. Mr. Matthies did come before the city council on August 20th talk about this situation and asked to be allowed to place a fence to encompass his property and shield items from view of the public. Although the city will allow the owner to place a fence, the property still has several items on it that are out of compliance with city regulations. The Council ruled to move forward with the abatement. A time and date for cleanup will be coordinated as soon as possible.
- Joint Jurisdiction: The City Council will meet jointly with the County Commission to hopefully approve the city's comprehensive plan. This meeting is set for August 27th at 9am. Hopefully I will be able to report to you at our meeting that this was approved and we can begin working on the regulations for the joint jurisdiction area.
- Upcoming Meeting: Bryon Shumaker with the Hartford Fire Department is going to attend our September 10th meeting to discuss lock boxes. He would like to implement an ordinance or program to require uniform lock boxes on commercial and multi-family buildings. This would allow emergency responders to gain access during emergency situations.
- Contract List: I have enclosed an updated copy of the P&Z board contact list for your reference.

Call if you have any Question: 528-6187

Planning and Zoning Members - August 2019

					Cell Number	Email Address	Original Appointment	Term Expire
Stephanie Olson-Voth	208 N Kingsbury Ave	Hartford	SD	57033	759-2117	stephanieov57@gmail.com	1/1/2017	12/31/2020
Brad Miles	104 W Opal Lane	Hartford	SD	57033	595-4483	hookemiles@gmail.com	4/15/2019	12/31/2019
Eric Bartmann	708 Shamrock Drive	Hartford	SD	57033	310-7727	ebart00@yahoo.com	1/1/2017	12/31/2020
Matt Cain	508 Cloverleaf Ave	Hartford	SD	57033	366-8930	mcain@llochoices.org	5/1/2015	12/31/2019
Tony Randall	500 Shamrock Drive	Hartford	SD	57033	366-7498	trandall17@msn.com	1/1/2017	12/31/2020
Mark Anderson	500 Mulligan Circle	Hartford	SD	57033	351-9851	mark@siouxfalls-electric.com	2/18/2018	12/31/2019
Tim Graham	301 Sagehorn Drive	Hartford	SD	57033	323-7693	pamtimgraham@gmail.com	8/6/2019	12/31/2020
Teresa Sidel	302 Emma Drive	Hartford	SD	57033	261-3995	cityhall@hartfordsd.us	-	-