



**MINNEHAHA COUNTY
ZONING BOARD OF ADJUSTMENT
MEETING MINUTES**

MAY 20, 2024

**MINUTES OF THE
MINNEHAHA COUNTY ZONING BOARD OF ADJUSTMENT
May 20, 2024**

A meeting of the Zoning Board of Adjustment was held on May 20, 2024 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY ZONING BOARD OF ADJUSTMENT MEMBERS PRESENT: Bonnie Duffy, Adam Mohrhauser, Doug Ode, Mike Ralston, Ryan VanDerVliet, and Joe Kippley.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, and Mason Steffen – County Planning
Maggie Gillespie – States Attorney

The meeting was chaired by Bonnie Duffy. The meeting was called to order by Chair Bonnie Duffy at 8:29 pm.

PUBLIC COMMENT.

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

ITEM 1. Approval of Minutes – July 24, 2023

A motion was made by Commissioner Mohrhauser and seconded by Commissioner VanDerVliet to **approve** the meeting minutes from July 24, 2023. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.



ITEM 2. VARIANCE #24-01 to reduce the required front yard setback from 30 feet to 10 feet to allow a new attached garage addition to the existing single-family dwelling on the property legally described as the W½ Lot 30 & All 31, 32, & Lot 33 Summer Rest Subdivision Section 21 T101N-R51W Wall Lake Township.

Petitioner: Top Construction

Property Owner: Matthew Sather

Location: 26548 North Shore Place

Staff Report: Kevin Hoekman

General Information:

Legal Description – W½ Lot 30 & All 31, 32, & Lot 33 Summer Rest Subdivision
Section 21 T101N-R51W Wall Lake Township

Present Zoning – RR Rural Residential

Existing Land Use – Residential Acreage

Parcel Size – .64 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant would like to construct an attached garage addition to the single family dwelling on the described property. The garage addition is planned to encroach in the required front yard setback to be 10 feet from the road right of way. The reduction in setback requires approval of a Variance prior to issuing a building permit.

The petitioner submitted a site plan and a narrative with the application. The proposed addition will require an existing garage to be removed. The existing garage is shown to be located five feet from the front property line and three feet from the side property line. The proposed addition will be located 10 feet from the front property line and seven feet from the side yard setback. The required side yard setback will be met, and no variance is needed for that portion of the plan.

Staff confirmed with the contactor that the proposed garage addition will not have garage doors on the far north wall of the garage addition. Garage doors on the far north side would have been problematic if vehicles park in front of the door and extend into the road. This problem should not have happened with the proposed design.

(a) The particular physical surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

The parcels located along North Shore Place are significantly smaller than typical lots in other subdivisions. The narrow and short lots are confined by the lake in the rear yard and the narrow North Shore Place in the front. Nearly every property has a reduction of front yard setback with a variance or due to grandfathered construction.

The property currently has only a detached garage. Modern standards of construction have



attached garages. The request will allow a standard building style in a manner similar to other property of the subdivision. The detached garage is closer to the road than the proposed addition. There is no permit on record for the detached garage, however it is clearly visible in county aerial imagery from 1981.

(b) The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification or other property substantially similar in use.

The property is zoned RR-Rural Residential. The required front yard setback is 30 feet. Many of the neighboring properties already have narrow front yard setbacks due to common small lots within the subdivision. Small lots in rural Residential are not common generally through the county. The final front yard setback will in fact be further back than the existing detached garage on the property.

(c) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.

North Shore Place is a private road that is narrow and has slow moving traffic. The proposed addition will be further back from the road than the current detached garage, and it will be an overall improvement for setbacks. Therefore, the proposed building will be an improvement from existing conditions.

(d) The proposed variance will not unreasonably impair: an adequate supply of light and air to adjacent property; increase the congestion in the public streets; increase the danger of fire; endanger the public safety; or diminish or impair property values within the area.

The proposed attached garage will replace a detached garage that is closer to properties lines. It will not impair light, and it will not increase traffic on the road. The proposed addition should be safer from traveling public as it will be further from the road than the current garage.

(e) 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 property currently has only a detached garage. It would be quite difficult to construct a standard attached garage within the small footprint of the property.

(f) That the variance, if authorized, will represent the minimum variance that will afford reasonable relief and will represent the least modification desirable of the zoning regulations.

The variance is the minimum necessary to allow the configuration of the proposed garage. The proposed garage will be set back further than the current detached garage.

Recommendation: Staff recommends **approval** of Variance #24-01 to reduce the front yard setback from thirty (30) feet to ten (10) feet.

- 1). No garage door access is allowed on the northernmost wall side of the addition.



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- 2). No parking is allowed on the street at any time.
- 3). A professional survey must be made to ensure the building will meet the 10 feet setback requirements.

Public Testimony & Discussion

Kevin Hoekman, of county planning staff, presented the staff report and recommendation to the commission.

Commissioner Mohrhauser asked staff if there were pictures of the property available, so that the commission could see the existing garage, as well as the neighboring properties. Kevin then presented several pictures of the property that showed the existing building and setback, and also showed that several of the neighboring properties have buildings within the front yard setback.

The petitioner, Douglas Top of 9300 W Kingfisher Drive Sioux Falls, SD, was present and available for questions from the commission. None of the commissioners had questions for the petitioner.

No other members of the audience spoke on the item.

Commissioner Ralston stated that he believes this is a straightforward request, and that the proposed setback will be a better situation than the current building on the property.

Action

A motion was made by Commissioner Ralston and seconded by Commissioner Ode to **approve** Variance #24-01 with the staff recommended conditions. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Variance #24-01 – Approved



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Old Business

None.

New Business

None.

Adjourn

A motion was made to **adjourn** by Commissioner VanDerVliet and seconded by Commissioner Kippley. The motion passed unanimously. The meeting was adjourned at 8:38 p.m.