



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

JULY 22, 2024

**MINUTES OF THE
MINNEHAHA COUNTY ZONING BOARD OF ADJUSTMENT
July 22, 2024**

A meeting of the Zoning Board of Adjustment was held on July 22, 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, Becky Randall, Adam Mohrhauser, Doug Ode, Mike Ralston, and Ryan VanDerVliet.

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 7:50 pm.

PUBLIC COMMENT.

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

ITEM 1. Approval of Minutes – May 20, 2024

A motion was made by Commissioner VanDerVliet and seconded by Commissioner Mohrhauser to **approve** the meeting minutes from May 20, 2024. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.



ITEM 2. VARIANCE #24-02 to reduce the required front yard setback from 30 feet to 15 feet to allow a new single-family dwelling on the property legally described as Tract 7 Lot 3 & Lot 4 Voigts Subdivision Section 21 T101N-R51W Wall Lake Township.

Petitioner: Briana Ries

Property Owner: Tracy Ries

Location: Located a ¼-mile east of 462nd Avenue on West Shore Place

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 7 Lot 3 & Lot 4 Voigts Subdivision Section 21 T101N-R51W Wall Lake Township

Present Zoning – RR Rural Residential

Existing Land Use – Residential Acreage

Parcel Size – .26 acres

Staff Report: Kevin Hoekman

Staff Analysis:

He proposed variance request is to reduce the front yard setback from 30 feet to 15 feet within the right-of-way. The request is related to CUP #24-35 to allow a manufactured home on the property. Both are on the same property, and it is likely that if either one is denied the other request will not happen as planned.

The property is located along West Shore Place on the west side of Wall Lake. The property is composed of two lots joined together into one parcel. The lot is on the south side of the street, which does not have lake access. Most of the buildings on the south side of the street are garages and storage buildings. Most buildings on either side of the street are closer to the road than the required 30 feet setback.

Two accessory buildings already exist on the property. A garden shed is located in the rear yard and 20 feet by 28 feet shed is constructed on the east side of the property. The zoning ordinance requires any detached structure to meet primary building setbacks if the structure is located within 10 feet of the primary structure. In addition the building code has requirements for fire rated walls between many structure types when located closer than 10 feet apart. The building setbacks combine with the small odd shaped lot together make the potential buildable area rather small. Staff used online GIS to approximate the buildable area to 20 feet to the front and back, and 68 feet to the side to side. The area is too small to fit the proposed manufactured home without a variance.

(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 property where the proposed dwelling is proposed is a small lot. In addition, the small lot has two existing sheds that make the buildable area smaller than a standard house. The



approximate buildable area is 20 feet deep and 68 feet wide. The petitioner is requesting through CUP #24-35 to construct a manufactured dwelling on the property. The ordinance requires any manufacture home to be a minimum of 22 feet wide, and the petitioner has provided plans for a home that is 27 feet wide. This does not fit within the allowable buildable area. The variance will allow room for placing the proposed manufactured home and a front landing deck for the front entrance.

(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 reduced front yard setbacks due to common small lots within the subdivision. Small lots in the Rural Residential District are not common generally through the county. The final front yard setback for the dwelling will in fact be further back than the existing detached shed 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.

West Shore Place is a private road with slow moving traffic and only one way in and out. This limits traffic on the road. In addition, the proposed manufactured home will be at least as far from the road as neighboring buildings.

(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 variance for reduction in front yard setback will result in a single story manufactured home being placed on the property. The dwelling will not impair light or air for the adjacent land. The reduction in front yard setback will not endanger public safety or diminish property values in the area either.

(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 is quite small and will not fit a standard house, nor will it fit a manufactured dwelling according to ordinance and building code. A variance is necessary to develop the property with a single family dwelling.

(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 applicant is requesting a reduction in front yard setback of 15 feet. The current buildable area is approximately 20 feet deep, but the proposed manufactured home is 27 feet wide. This makes a difference of at least seven feet that would need to be clear to allow the manufactured home. The house plans do not include any decks or landings to allow access to the manufactured



home. Any deck will project further into the front yard. A reduction of 15 feet in setback will accommodate the house and a front deck approximately eight feet wide. Staff recognizes that GIS is not a perfect tool for measurements between adjusted imagery and the drawn property lines. Therefore, this is only an approximate size allowance.

A setback reduction of 15 feet may be the minimum necessary to accommodate the manufactured home and access into the manufactured home. A front yard that is 15 feet wide however, poses a problem with parking, because 15 feet will not fully accommodate a car bumper to bumper outside of the right-of-way. Staff recommends that the setback can be reduced to 15 feet to accommodate the needs of the access deck, but a condition can be placed to require the manufactured home portion of the project must be setback 20 feet from the right-of way. The 20 feet of front yard for most of the length of the dwelling will better accommodate most vehicles without having a portion of the vehicle hang in the right-of-way. The 15 feet setback will allow extra space for a front landing deck and stairs.

Recommendation: Staff recommends **approval** of amended Variance #24-02 to reduce the front yard setback from thirty (30) feet to fifteen (15) feet with the following conditions:

- 1). Only unenclosed entrance decks and stairs are allowed to be located no closer than 15 feet to the right-of-way property line.
- 2). Any enclosed portions of the manufactured home or additions must be located no closer than 20 feet to the right-of-way property line.
- 3). A professional survey must be made to ensure that the construction project meets the required setbacks listed in condition #1 and #2.

Public Testimony & Discussion

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

Commissioner Mohrhauser asked staff to clarify the site plan that was submitted by the petitioner. Kevin Hoekman explained that the red areas on the site plan represents the required setbacks, the blue line represents the available building area, and the black line represents the general location for the proposed manufactured house.

Briana Ries, of 46234 West Shore Place, Hartford, SD, was present and available for questions from the commission.

Commissioner Duffy asked the petitioner if she was aware of the conditions that have been placed on the variance. Ms. Ries stated that she is aware of all of the conditions recommended by staff.

Commissioner Kippley commented that he appreciates staff's calculations in regards to the setback, and he believes this variance is consistent with setbacks that already exist along this road. Commissioner Kippley then commented that he understands the neighbor's concerns regarding snow removal, but that he does not want to hold that against this petitioner, especially



because he does not think denying this request would solve any snow removal issues.

Commissioner Ode commented that he has no issue with the request. Commissioner Ode also stated that the petitioner has lived in the area for thirty years, and is not a new comer to the area trying to change the neighborhood.

Action

A motion was made by Commissioner Kippley and seconded by Commissioner Ode to **approve** Variance #24-02 with the staff recommended conditions. The motion passed unanimously with 6 votes in favor and 0 votes against the motion.

Variance #24-02 – 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 Ode. The motion passed unanimously. The meeting was adjourned at 8:04 p.m.