

Planning Conditions of Approval

Commission Meeting Date: February 15, 2022

ITEMS FROM PLANNING & ZONING

- A. **VARIANCE / VA 21-37: Michael and Angela Holmberg; Renner Associates - Agent.** To reduce the front yard setback from 25 feet to a zero (0) foot setback for an existing barn on the subject property in an Agriculture District in accordance with Sections 205 and 509 of the Pennington County Zoning Ordinance.

MOVED by Rossknecht and seconded by Lasseter to approve VA 21-37 with two (2) conditions.
Vote: Unanimous.

1. That this Variance applies only for a 0-foot setback to the existing 40' x 100' barn. All other structures must meet the minimum setback requirements or obtain separate Variance(s).
2. That the applicant sign an Encroachment Agreement for the barn with Pennington County.

- B. **VARIANCE / VA 22-01: Michael and Kathryn Cruse.** To reduce the rear yard setback from 58 feet to 40 feet to add an addition to the single-family residence in a Suburban Residential District in accordance with Sections 209 and 509 of the Pennington County Zoning Ordinance.

MOVED by Hadcock and seconded by Rossknecht to approve VA 22-01 with one (1) condition because (1) granting the variance doesn't run counter to the public interest; and (2) special conditions exist to wit: because of the section line, that excuse literal enforcement of the ordinance in that (a) enforcement causes "unnecessary hardship," to wit: because of the section line, and (b) granting the variance not only observes the ordinance's spirit but also ensures substantial justice is done. Vote: Unanimous.

1. That the applicant submits a survey stamped by a registered surveyor which shows that the proposed residential addition will be 40 feet from the center of the Section Line.

UNCONTESTED HEARINGS:

- D. **ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 22-01: Jeff and Leah Lick.** To construct a road within the Section Line Right-of-Way between Sections 13 and 14, T2N, R9E to provide access to property located in Section 13, T2N, R9E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve CS 22-01, which includes constructing the Section Line Right-of-Way to County Ordinance 14 Standards, with eight (8) conditions. Vote: Unanimous.

1. That the roadway located within the Section Line Right-of-Way be improved to meet all requirements of Pennington County Ordinance #14 (which includes submittal of engineered road construction plans) or a request to waive these requirements be approved by the Board of Commissioners;
2. That if the amount of disturbed area exceeds one (1) acre, a Department of Agriculture and Natural Resource's Storm Water Construction Permit be obtained;
3. That the requirements, guidelines, and criteria for storm water and erosion control in the Pennington County Storm Water Manual, or equivalent, shall be followed during construction;
4. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
5. That if culverts are installed, the design is submitted to the County Drainage Engineer for review prior to installation;
6. That any disturbed areas shall be stabilized and re-vegetated as required in § 507(A) of the Pennington County Zoning Ordinance;
7. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road; and,
8. That this Construction in a Section Line be reviewed in six (6) months to verify that the site has been stabilized.

CONTESTED HEARINGS:

E. REQUEST TO NOT BUILD TO ORDINANCE 14 ROAD STANDARDS: Jeff and Leah Lick.

MOVED by LaCroix and seconded by Hadcock to approve the request to waive the requirements to not submit engineered road construction plan and to waive the requirements to construct a turnaround, 2-foot-deep ditches, less than 6 inches of gravel and a road width of 24 feet. It is further moved to approve the road to be built 20' feet wide with a 4-5-inch gravel base, with three (3) conditions. Vote: Unanimous.

1. That any future development or access off of this portion of Section Line road or future development or access off of the extended portion of this Section Line Road must obtain separate waivers.
2. That the applicant install a 15 inch culvert.
3. That the applicant obtain a survey to show that the Road is constructed within the Section Line.

- F. **VACATION OF SECTION LINE RIGHT-OF-WAY / VS 21-02: City of Rapid City.** To vacate 1,251.51 feet of Section Line Right-of-Way lying across Sections 24 and 25, T1N, R8E, BHM, Pennington County, South Dakota.

MOVED by LaCroix and seconded by Rossknecht to approve VS 21-02 with one (1) condition.
Vote: Unanimous.

1. That all necessary resolutions and exhibits vacating the Section Line Right-of-Way be recorded by the applicant at the Register of Deeds Office.