

Planning Conditions of Approval
Commission Meeting Date: March 15, 2022

ITEMS FROM PLANNING & ZONING

- A. **VARIANCE / VA 22-02: Paul and Cathleen Cox.** To reduce the minimum required side yard setback from 25 feet to 10.5 feet in a Rural Residential District in accordance with Sections 207 and 509 of the Pennington County Zoning Ordinance.

MOVED by Hadcock and seconded by Lasseter to approve VA 22-02 with one (1) condition because granting the variance doesn't run counter to the public interest; and (2) special conditions exist, to wit: it does not harm the public, that excuse literal enforcement of the ordinance in that (a) enforcement causes "unnecessary hardship," 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 carport will be 10.5 feet from the property line.

CONSENT CALENDAR:

MOVED by LaCroix and seconded by Lasseter to approve the Planning and Zoning consent agenda as presented. Vote: Unanimous.

- C. **LAYOUT PLAN / LPL 22-02: Martha Washington Place, LLC; Rodney Johnson.** To create Lot A of Lot 1 of Martha Washington Place Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.
1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
 2. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
 3. That at the time of Minor Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
 4. That at the time of Minor Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
 5. That at the time of Minor Plat submittal, Old Hill City Road be identified on the plat;

6. That a 40-foot-wide access easement be created to ensure a landlocked parcel is not created between Lot A and the remaining balance of Lot 1 of Martha Washington Place Subdivision;
7. That prior to the mylar being filed at Register of Deeds, the applicant provides percolation tests and soil profile hole information for all proposed lots or an approved Subdivision Regulations Variance be obtained, waiving these requirements;
8. That prior to the mylar being filed at Register of Deeds, the entire 66 feet of Section Line rights-of-way be dedicated and improved by the developer or a Subdivision Regulations Variance be obtained, waiving this requirement;
9. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
10. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

D. **LAYOUT PLAN / LPL 22-03: Little Guys, LLC / Ben Brink; KTM Design Solutions - Agent.**

To reconfigure lot lines to create Lots 1 and 2 of Powder House Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
2. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
3. That at the time of Minor Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
4. That at the time of Minor Plat submittal, 8-foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That prior to the mylar being filed at Register of Deeds, the entire 66 feet of Section Line rights-of-way be dedicated and improved by the developer or a Subdivision Regulations Variance be obtained, waiving this requirement;
6. That prior to the mylar being filed at Register of Deeds, the property owner enters into an encroachment agreement with Pennington County to address the 2 cabins located within the Section Line right-of-way;
7. That prior to the mylar being filed at Register of Deeds, a Major Planned Unit Development Amendment is applied for;
8. That the applicant ensures all natural drainage ways are maintained and not blocked; and,

9. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

E. **LAYOUT PLAN / LPL 22-01: Charles and Kimberly Klafka; All Aspects Land Surveying -**

Agent. To combine two lots to create Lot 45A of Burns Placer MS 697 in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

1. That at the time of Minor Plat submittal, the plat be prepared by a South Dakota Registered Land Surveyor;
2. That prior to Minor Plat submittal, a Building Permit be applied for the work being done on the detached garage on the existing Lot 45, with all applicable penalty fees to be paid;
3. That prior to Minor Plat submittal, a new survey site plan be submitted showing the structure located on the existing Lot 46;
4. That at the time of Minor Plat submittal, the Certifications on the Minor Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations;
5. That at the time of Minor Plat submittal, the 100-year Floodplain limits be identified on the plat, in accordance with FEMA maps;
6. That at the time of Minor Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
7. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
8. That the applicant ensures all natural drainage ways are maintained and not blocked; and,
9. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

F. **LAYOUT PLAN / LPL 22-04: Larry and Nancy Van Overschelde.** To reconfigure lot lines to create Lot 10R and Lot 11R of Bears Den Subdivision in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

1. That at the time of submittal of the Minor Plat, the applicant must provide percolation test results and soil profile information to the Environmental Planner for review and approval as required in Section 400.2.2.f of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;
2. That at the time of submittal of the Minor Plat, the applicant shall provide topographic information with a contour interval of five (5) feet as required in

Section 400.2.2.n of the Subdivision Regulations or obtain a Subdivision Regulations Variance waiving this requirement;

3. That at the time of submittal of the Minor Plat, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
4. That at the time of submittal for the Minor Plat, the plat meets all the requirements of the Pennington County Subdivision Regulations, or the applicant obtains an approved Subdivision Regulations Variance waiving any of these requirements that are not met;
5. That the Certifications on the plat be in accordance with Section 400.2 of the Pennington County Subdivision Regulations;
6. That at the time of submittal of the Minor Plat, the proposed Plat be prepared by a Registered Land Surveyor;
7. That the applicant ensures all natural drainage ways are maintained and are not blocked and all necessary drainage ways are noted on the plat;
8. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
9. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.