

Planning Conditions of Approval
Commission Meeting Date: June 20, 2023

ITEMS FROM PLANNING & ZONING

Board of Adjustment

- A. VARIANCE / VA 23-08: Josh and Kerrie Chamberlain. To reduce the setback to the south lot line to bring existing structures into compliance in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot 13, Holy Cow Ranch Subdivision, Section 19, T1N, R9E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Rossknecht to approve VA 23-08 with three (3) conditions because the house has already been built. Vote: Unanimous.

1. That this Variance only applies for the portion of the south property line setback requirements that is encroached upon by the single-family residence;
2. That the applicant submits a survey stamped by a registered surveyor which shows how far the single-family residence is from the property line; and
3. That the applicant obtains an approved Building Permit, prior to construction of any addition to the house, and adheres to any building inspection requirements.

- b. VARIANCE / VA 23-09: Pennington County Fire Department and Pennington County Highway Department. To reduce the setbacks from the property lines, 1.1 times tower height, to allow for the construction of a telecommunications radio tower and equipment shelter in an Agriculture District in accordance with the Pennington County Zoning Ordinance.

Lot WR-1, West River Rural Water Subdivision, Section 28, T3N, R16E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to approve VA 23-09 with three (3) conditions because of siting constraints on the subject property and enforcing the 110' setback would prohibit the construction of the tower and would sit too close to the landowners existing water storage tower. Vote: Unanimous.

1. That this Variance applies only to the telecommunications support structure. All other structures must maintain the proper setbacks or obtain separate Variances.
2. That the applicant obtains an approved Building Permit, prior to construction; and,

3. That the applicant submits a survey stamped by a registered surveyor which shows that the proposed tower setbacks from the property line.

c. VARIANCE / VA 23-10: Hubert and Shelley Ebel. To reduce the front yard setback in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot L of Lot 1 Less Lot H1, Boland Placer Subdivision, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve VA 23-10 with three (3) conditions because of topographical and siting constraints on the subject property. Vote: Unanimous.

1. That this Variance only applies to the proposed detached garage and for the portion of the front property line that will be encroached upon by construction of the proposed detached garage;
2. That the applicant submits a survey stamped by a registered surveyor which shows that the proposed garage will be 10 feet from the property line; and,
3. That the applicant obtains an approved Building Permit, prior to construction, and adheres to any building inspection requirements.

d. VARIANCE / VA 23-11: Hubert and Shelley Ebel. To reduce the setback to the west property line in a Rural Residential District in accordance with the Pennington County Zoning Ordinance.

Lot L of Lot 1 Less Lot H1, Boland Placer Subdivision, Section 2, T1S, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to approve VA 23-11 with three (3) conditions because of topographical and siting constraints on the subject property. Vote: Unanimous

1. That this Variance only applies to the proposed detached garage and for the portion of the west property line that will be encroached upon by construction of the proposed detached garage;
2. That the applicant submits a survey stamped by a registered surveyor which shows that the proposed garage will be 10 feet from the property line; and,
3. That the applicant obtains an approved Building Permit, prior to construction, and adheres to any building inspection requirements.

Contested Hearings

- i. ROAD CONSTRUCTION WITHIN A SECTION LINE RIGHT-OF-WAY / CS 23-03: Yellowstone L & R Ranch, LLC; Less Lindskor - Agent. To construct a road within the Section Line Right-of-Way between Sections 7 and 18, T2N, R8E to provide access to property located in Section 7, T2N, R8E, BHM, Pennington County, South Dakota.

Section 7, T2N, R8E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Drewes to approve CS 23-03 with nine (9) 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 the applicant follows the conditions of approval of the Approach Permit;
3. 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;
4. 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;
5. That dust control measures be implemented to prevent dust from leaving the site and impacting the adjacent properties;
6. That if culverts are installed, the design is submitted to the County Drainage Engineer for review prior to installation;
7. That any disturbed areas shall be stabilized and re-vegetated as required in §507(A) of the Pennington County Zoning Ordinance;
8. That any monuments establishing property boundaries be replaced as necessary, if disturbed by construction of the road; and,
9. That the applicants obtain an approved Approach Permit from County Highway.

- J. VACATION OF SECTION LINE RIGHT-OF-WAY / VS 23-01: Little Guys, LLC (Ben Brink) and Holy Smoke, Inc. (Danielle Banks). To vacate 1,640 feet of Section Line Right-of-Way between Sections 5 and 6, T2S, R6E, BHM, Pennington County, South Dakota.

Maine Lode MS 1715 (also in Sections 5 and 6); Less Lot H1, H2, and H3 of West State Lode MS 1533 in Section 5, and Tract 1 of Holy Smoke Addition (also in Sections 5 and 6), all located in T2S, R6E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to approve VS 23-01 with one (1) condition. Vote: Unanimous.

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