

**MINUTES OF THE
MINNEHAHA COUNTY ZONING BOARD OF ADJUSTMENT
April 28, 2014**

A meeting of the Zoning Board of Adjustment was held on April 28, 2014 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY ZONING BOARD OF ADJUSTMENT MEMBERS PRESENT: Wayne Steinhauer, Mark Rogen, Jeff Barth, Becky Randall, and Bonnie Duffy.

STAFF PRESENT:

David Heinold, Deb Johnson, and Heidi Jerke - County Planning

The meeting was chaired by Wayne Steinhauer.

ITEM 1. VARIANCE #14-01 to reduce the side yard setback from 7 feet to 1 foot on the property legally described as Tract 3 Mapleton Addition, Section 16-T102N-R49W.

Petitioner: Ann Evangelisto

Property Owner: same

Location: 47409 258th St. approximately 4 miles north of Sioux Falls

Staff Report: David Heinold

General Information

Legal Description – Tract 3 Mapleton Addition, Section 16-T102N-R49W

Present Zoning – RC Recreation/Conservation District

Existing Land Use – Commercial

Parcel Size – 0.27 Acres

Staff Report: David Heinold

Staff Analysis:

The petitioner is requesting a variance from the side yard setback requirement to allow a larger deck in a large open area north of the Renner Monarch baseball field and west of the Monarch Steak House building. The entry level of the deck would be 12 feet wide and 2 feet off the ground. The second level of the deck would be 12 feet wide and 4 feet off the ground. The requested variance allows the maximum use of the 25 foot lot and provides a two level deck, which is necessary to view the entire baseball field over top of the east dugout.

The Zoning Board of Adjustment shall not vary the regulations unless it shall make findings based upon the evidence presented to it in each specific case that all of the following conditions are present:

(A). That specific circumstances or conditions, such as exceptional narrowness, topography, or siting exists.

Not all situations or events can be covered by a zoning ordinance and thus a mechanism is put into place in which the public can seek a variation to the regulations. In this situation, the specific circumstance of the requested variance is unique to the property directly adjacent to the Renner Monarch baseball field and would support the granting of a variance.

(B). That the variance does not grant a use which is otherwise excluded from that particular district, or diminish or impair property values within the area.

The requested variance will not have a negative impact on property values in the immediate area, only a positive benefit for surrounding land uses.

(C). That due to the specific circumstance or existing conditions strict application of the Zoning Ordinance would be an unwarranted hardship.

The requested variance should provide a huge improvement for the entire area; therefore, no detrimental impact on neighboring property owners will be caused by the variance.

(D). That the granting of a variance is not contrary to the public interest and is in harmony with the general purposes and intent of the Zoning Ordinance.

The granting of a variance does not harm the public interest and would be in harmony with the general purpose of the Zoning Ordinance.

(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 subject property has been developed in a way that would not allow reasonable use of the property without the granting a variance. The adjacent property to the east, Mapleton Township's Renner Monarch baseball field, will receive many benefits from approval of the requested variance.

Recommendation:

Staff recommended **approval** of Variance #14-01 to reduce the side yard setback from 7 feet to 1 foot on the property legally described as Tract 3 Mapleton Addition in Section 16-T102N-R49W.

PUBLIC TESTIMONY

Staff presented a brief summary of the staff report. Ann Evangelisto, owner of the Monarch Steakhouse at 47409 258th St., is requesting the variance to construct a nice two-level deck in a large open area west of the Monarch Steakhouse. Ms. Evangelisto pointed out that this area has been somewhat neglected for awhile. The petitioner has been working with Mapleton Township in order to make the area much more attractive with landscaping and a new deck off of the Monarch Steakhouse building.

Commissioner Barth asked if the deck will have seating to watch the baseball games and Ms. Evangelisto mentioned that there will be a few spots for seating, but not bleacher-style seating. She explained that the reason for a two-level deck will be to provide a better view over the east dugout of the infield.

Commissioner Randall asked how many games require admission and the petitioner noted that all of the games would require admission at the main gate. The petitioner explained that there are over 100 games played at the ball diamond through the spring, summer, and fall season. Commissioner Randall also asked if there was limit to the number of people allowed on the deck. Ms. Evangelisto assumed that the information regarding the number people allowed on the deck would be discussed with planning and building staff during the building permit process.

DISCUSSION

Commissioner Randall asked staff for clarification on the number of people allowed on the deck for safety purposes and if the issue would be handled with the building permit process or by the Board. Staff clarified that the number of people allowed on the deck would be viewed from the building code regulations in regards to the total capacity of patrons measured by what the deck is designed to support for safety reasons.

ACTION

A motion was made to **approve** Variance #14-01 by Commissioner Rogen and seconded by Commissioner Barth. The motion passed unanimously (4-0).

Variance #14-01 - Approved

Adjourn

A motion was made by Commissioner Barth and seconded by Commissioner Duffy to adjourn as the Zoning Board of Adjustment and convene as the Planning Commission.