

# PLANNING COMMISSION MINUTES

**MAY 26, 2009**

**PRESIDING:** Meyers

**PRESENT:** Meyers, Griffith, Schmucker, Everson, Larson, Fergen,

**ABSENT:** Molumby, Smith

**OTHERS:** McGannon, Putnam, Hegg, Johnson, Overweg, Nedved

**AGENDA:** Motion by Schmucker, seconded by Everson to approve the agenda. All members present voting aye, motion carried.

## **MINUTES:**

Motion by Fergen, seconded by Schmucker to approve the minutes of the regular meeting of May 11, 2009. All members present voting aye, motion carried.

## **NEXT MEETING:**

Motion by Griffith, seconded by Everson to schedule the next Planning Commission meeting for June 8, 2009 at 12:00 p.m. subject to chair for hearings on petitions for rezoning and applications for variances and conditional use permits for publication and Finance Officer be directed to give notice according to statute. All members present voting aye, motion carried.

## **Tabled from last meeting:**

**PLAT:** A Plat of Lot 14, Block 1 of Westwood 1st Add., A Subdivision of the SW $\frac{1}{4}$  of Section 16, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, SD. Putnam reviewed the reasons for tabling this from last meeting. With the lot 14 not going to the Bypass, questions on how to get access to the east of the Lot. Ryan Shawd stated there will be a 15' easement on his lot on the north side and a 30' driveway on the south side of Lot 14. Chuck Mauszycki said he owns the north side of Lot 14 and the other 15' would come from that lot when it was platted. Motion by Schmucker, seconded by Larson to recommend approving this plat subject to revision of plat showing the 15' future access and the 30' on south side. McGannon suggested it should be called a utility easement. All members present voting aye, motion carried.

## **New Business**

**PLAT:** A Plat of Lot 27 of the Island 1st Add, a Subdivision of the SE¼ of Section 31, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, SD.

Motion by Larson, seconded by Everson to recommend approving this plat. All members present voting aye, motion carried.

**VARIANCE:** Jose Rincones to construct a garage, located at 509 E. 13th Ave., legally described as Lot 7, Outlot D, Fullerton Terrace 3rd Addition to the City of Mitchell, Davison County, South Dakota. Zoned R-2. Applicant will provide approximately a 0' side yard setback instead of the 7' that is required.

Jose Rincones requested a variance to extend his garage. It would be 0' setback from the overhang. Ron Olson voiced a concern about the area with 100 single garages and what the future would bring if neighborhood went to 0' setback. Olson stated that Rincones has alley access and could build his garage off the alley. Everson said if we have 10% of lot code we should stick with it. Griffith questioned if we gave a variance 13 years ago why should we penalize the present owner. Nedved and Hegg reviewed the fire code. After discussion, motion by Larson, seconded by Griffith to recommend approving this variance subject to a 1 hour fire wall and no penetration on the west side of the garage addition. Roll call. Everson, Fergen, and Schmucker voting no. Griffith, Larson and Meyers voting aye. Motion Failed.

**OTHER BUSINESS:** Focus 20/20 Land Use & Development Report  
Putnam put this report in the packet for their review. No action taken.

### **DISCUSSION:**

Putnam questioned if the commission wanted to change the code, regarding side yard setback. Nedved wanted the applicant to show a hardship for a variance. It is a violation of code to deny or approve a variance on what was done in the past. Schmucker questioned if it could be a 0' if the neighboring lot could not be 0'. Putnam answered it may not be appropriate because we are not allowing equal opportunity for both neighbors. After discussion the commission agreed instead of a percentage of lot size it should be a 3' setback. No action taken discussion only.

### **ADJOURN:**

Chairman Meyers adjourned meeting at 1:00 P.M.

Minutes submitted by Sheila Loecker