

MINUTES OF THE LINCOLN COUNTY BOARD OF ADJUSTMENT

September 21, 2020

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Ron Albers, Monty Derausseau, Colin Enstad, Tiffani Landeen, Erik Scott, and Gary Pashby.

STAFF PRESENT: Toby Brown & Joan Doss - County Planning

PUBLIC PRESENT: Brad Schardin, John Ostraat, Johnathan Wildeboer, Steve Holmberg.

1. CALL TO ORDER AND ROLL CALL

The regular meeting was called to order on September 21, 2020 at 7:35pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Pashby.

2. APPROVAL OF FEBRUARY 19, 2019 MINUTES

Derausseau motioned to approve the minutes and was seconded by Landeen. Motion passed unanimously (6-0).

3. APPROVAL OF AGENDA

Landeen motioned to approve the agenda and seconded by Albers. The motion passed unanimously (6-0).

4. OPPORTUNITY FOR PUBLIC COMMENT – none heard

5. PUBLIC HEARINGS –

- a. **Application:** VAR-0071-2020: Variance application to reduce the front yard setback from 50 feet to 36.7 feet and the parking setback from 15 feet to 0 feet. The property is legally described as Goeman Tract A in the Northeast quarter (NE1/4) of Section 19, Township 99 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Applicant/Owner: Southeastern Electric Co-Op

Address: 47077 276th Street – Lennox

Staff Presentation:

Toby gave an overview of the application and summarized the staff analysis. Staff finds no particular physical surroundings, shape, or topographical conditions of this particular property that would result in a particular hardship. The property is approximately 20 acres in size, with approximately 10.1 acres of undeveloped land that would meet required setbacks. The setbacks in the I-1 Light Industrial zoning district shall be 50 feet when abutting an arterial road and the parking lot shall maintain a minimum setback of 15 feet from the front property line. These are applicable to all properties within Lincoln County and specifically those in the I-1 Light Industrial zoning district. “Alternate B” represents the least modifications of the zoning regulations. He then noted if the Board of Adjustment determines that a hardship has been identified, per Section 21.04, and that approving the variance would serve in the interest of justice, the following conditions should be attached to the approved variance:

1. The permittee shall obtain the appropriate building permit(s). All work shall be done in accordance with the submitted site plan.
2. Due to the practical difficulties of building on other areas of the property, no additional structures shall be permitted on the property.

Public Comment:

Brad Schardin, general manager of Southeastern Electric, noted they continue to see growth in the area, and want to maximize their use of the property. He noted the SD DOT was okay with the proposal since it would not overhang into the right-of-way. He feels that it is an economic hardship because of underground utilities, and that he doesn't agree with the recommended conditions to restrict further development.

Derausseau asked if the building would be one story, and if adding a second was ever discussed. Brad noted a second story would require an elevator, so they wanted to keep it a single story.

Albers asked why the building was built where it is, and Brad noted they had planned for growth but want to expand further than their original plan.

Pashby asked for public comment.

John Ostraat noted they try to do everything in the best interest of their members.

John Wildeboer noted it is an economic hardship that will be passed onto the customers.

Steve Holmber noted thought was given to the original building location, but they need to compensate for growth in the area.

Hearing no further comments, Pashby closed the floor.

Discussion & Action: Several members noted they didn't feel that a hardship was presented since they need to show explicitly there is no possibility of conformance with the zoning regulations. Derausseau motioned to deny the variance request and was seconded by Landeen. Albers, Scott, and Landeen commented it might be best table the application so the applicant can present some alternatives to better illustrate a hardship. Derausseau then amended the motion to table the application for a second public hearing in October, and was seconded by Landeen. The motion passed unanimously (6-0).

6. OLD BUSINESS - None

7. NEW BUSINESS - None

8. ADJOURNMENT

Derausseau motioned to adjourn at 9:00pm and was seconded by Enstad. Motion passed unanimously (6-0).

Respectfully submitted, Joan Doss - Planner