

LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF FEBRUARY 1, 2018

REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman, Rick Tysdal on Thursday, February 1, 2018, at 1:30 p.m. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD.

Present: Kelly Fuller, Rick Tysdal, Richard Sleep, Scott Gullickson, Julie Stone and Travis Schenk.
Absent: Tom Brady

All motions passed by unanimous vote of all members present unless otherwise noted.

Moved-Seconded (Stone-Schenk) to approve minutes of the January 4, 2018, meeting. Motion Carried.

Moved-Seconded (Stone-Schenk) to approve the Agenda. Motion Carried.

Declaration of Conflicts of Interest: None

FINAL PLAT for Aventure Estates LLC

Lot 3 of Aventure Estates, located in Section 11 & 12, T4N, R2E, off of Terry Peak Summit Road. Property is currently zoned PF-Park Forest District and the surrounding property is also zoned PF. This property is a pre-existing subdivision and has already met the requirements of the subdivision ordinance. Currently, there are no structures on the property. Final plat matches the preliminary plat.

Moved-Seconded (Schenk-Stone) motion to approve Final Plat. Motion Carried.

PRELIMINARY & FINAL PLAT for Rochford Ridge Estates Bowar/Percevich/McGrath

Lot 12A & 13A of Rochford Ridge Estates, all located in Section 31, T4N, R3E, off of Rochford Road. Property is currently zoned PF-Park Forest District and the surrounding property is also zoned PF. This property is a pre-existing subdivision and has already met the requirements of the subdivision ordinance. They would like to change the lot lines between Lot 12 & 13 to increasing the size of Lot 13 from 6.27 acres to 10.851 acres and decreasing the size of Lot 12 from 7.53 acres to 3.037 acres. Overall this change does not increase or decrease the density of the subdivision. The smaller lot size of Lot 12 still meets the density requirement of at least 2 acres. Currently, there are no structures on the property.

Moved-Seconded (Fuller-Stone) motion to approve Preliminary Plat. Motion Carried.

Moved-Seconded (Stone-Fuller) motion to approve Final Plat. Motion Carried.

INFORMATIONAL MEETING-CUP # 444 for Kenny Gardner

Request to apply for a Storage Units Conditional Use Permit on property described as Lot D of Sawpit Tract, being a portion of the Bingham Lode MS 1379 et al all located in Section 29, T5N, R3E. located off of Hwy 85 on Cutting Mine Road. Gardner proposes a change to the current easement with Barrick Gold Corp. The site plan currently shows buildings running across easement. Amber Vogt, Planning and Zoning Director informed Gardner that this will have to be changed before the public hearing meeting and that no building permits will be issued if

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structures are shown in the easement. Jeff Birch, representative of Barrick was present to ensure access for Barrick traffic and has some concern with proposed location of new access.

Set Public Hearing with Planning and Zoning: March 1, 2018

RECOMMENDATION MEETING-VAR #163 Mark and Kristi Hensly/Legacy Custom Homes & Design

Variance request 8.8' Variance to the 25' front setback, which will leave a 16.2' front setback for a new residence still under construction. Property is described as Lot 1, Blk 1 of Wilderness Estates 2nd Addition in Powder House pass, located in Section 17, T6N, R3E, located off of Hwy 85. The property is zoned PUD and is 1.35 acres. Vogt informed the board that a bank ordered a survey of the new construction home and it was found that the structure did not meet the front setback. A Stop Work Order was issued and Jesse Horstman the owner of Legacy Custom Homes and Design immediately started the Variance procedure after making the determination that they were too far along on construction to move the residence. The applicant has provided a site plan from Ponderosa Land Surveys with a letter of explanation. Jesse was present to answer any questions and has made adjustments to add the use of Ponderosa Land Surveys to all projects. Tysdal expressed concern about the Boards lack of flexibility with variances. Sleep acknowledged the Boards predicament. Stone mentioned that the variance consideration of topography and its impact on drainage could be used to approve this variance.

Moved-Seconded (Schenk-Fuller) motion to deny the variance request because it does not meet the considerations of Chapter 16-Variences and the Board would like to have consistency with variance requests. Roll Call Vote: Aye: 3- Fuller, Tysdal, Schenk; Nay: 3- Sleep, Gullickson, Stone. Motion is lost. Variance goes forward with no recommendation.

Moved-Seconded (Gullickson-Stone) motion to approve variance because it will not be detrimental to the public welfare or injurious to other property of improvements in the area in which the property is located and also due to the topographical areas on the lot under Chapter 16- Variance, Section 1.5 Considerations. Roll Call Vote: Aye: 3-Sleep, Gullickson, Stone; Nay: 3-Fuller, Tysdal, Schenk. Motion is lost. Variance goes forward to the Board of Adjustment with no recommendation.

Set Public Hearing: February 13, 2018, 9:15 AM

RECOMMENDATION MEETING-VAR #164 lpropertiesSD LLC/Legacy Custom Homes & Design

Variance request 3.8' Variance to the 25' front setback, which will leave a 21.2' front setback on the SE Corner and a .20' Variance to the 25' front setback, which will leave a 24.8' front setback on the NE corner for a new residence still under construction. Property is described as

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Lot 2, Blk 4 of Wilderness Estates 2nd Addition in Powder House Pass, located in Section 17, T4N, R3E, off of Hwy 85. This variance request was initiated by Legacy Homes & Design - Jesse Horstman after being contacted them about VAR #163, they became concerned about this property as well and when they ordered a survey it was found that it did not meet setback either. Planning and Zoning issued a Stop Work Order. The applicant has provided a site plan from Ponderosa Land Surveys with a letter of explanation.

Moved-Seconded (Stone-Gullickson) motion to approve variance because it will not be detrimental to the public welfare or injurious to other property of improvements in the area in which the property is located under Chapter 16- Variance, Section 1.5 Considerations. Roll Call Vote: Aye: 3-Sleep, Gullickson, Stone; Nay: 3-Fuller, Tysdal, Schenk. Motion is lost. Variance goes forward to the Board of Adjustment with no recommendation.

Set Public Hearing: February 13, 2018, 9:30 AM

DISCUSSION ITEM - Weeds & Administrative Zoning Changes

Vogt updated the Board with information from the meeting between herself, Bruce Outka, Attorney for Lawrence County and Dave Heck, Supervisor of Invasive Species Management. They discussed SDCL 38.22.16. Planning and Zoning has added a statement regarding weeds to building permit applications and Dave Heck will be providing educational materials to the P&Z office for a handout. Sleep mentioned the cost and time it takes for enforcement when residents do not make effort to control weeds on their property. Vogt said that Heck could use the P&Z meeting agenda to address landowners during platting process.

Items from Planning & Zoning Board Members

Vogt made a request to the Board to recommend to the County Commission to take a look at the Variance Ordinance in general and that P&Z maybe request the setbacks be staked on site for lots smaller than 2 acres.

Moved-Seconded (Fuller-Stone) motion to approve Recommendation for review of Ordinance Chapter 16 to County Commission. Motion Carried.

Tysdal requested that due to growth and development there be a move toward updating the Comprehensive Plan for Lawrence County. Vogt informed the Board that the last plan was done in 1998 and an inhouse update in 2005. She stated that the growth in the cities has been different than expected and Spearfish and Deadwood have updated Comprehensive Plans recently or are in the process. Vogt would like to address this now so that she may budget for it in years 2019-2020.

Moved-Seconded (Stone-Fuller) motion to approve Recommendation for review of Lawrence County Comprehensive Plan to County Commission. Roll Call Vote: Aye: 5-Fuller, Tysdal, Gullickson, Stone, Schenk; Nay: 3-Sleep. Motion Carried.

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Opportunity for Public Comment

None.

The meeting adjourned at 2:47 PM.

APPROVED: _____ Date: _____
Rick Tysdal, CHAIR

ATTEST: _____ Date: _____
Kelly Fuller, SECRETARY