PLANNING COMMISSION/ BOARD OF ADJUSTMENT MEETING CITY COMMISSION ROOM

Tuesday, October 11, 2022 7:00am

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES: Planning Commission Minutes – September 13, 2022

APPROVAL OF MINUTES: Board of Adjustment Minutes – September 13, 2022

APPROVAL OF AGENDA:

APPEARANCES, ACKNOWLEDGEMENTS, CORRESPONDENCE:

OLD BUSINESS (Planning Commission and Board of Adjustment): None

NEW BUSINESS (Board of Adjustment):

1. Hearing on Appeal No. 682 – by Stein Sign for a conditional use permit that, if granted, will permit the applicant to place a digital billboard for off-site advertising at 747 South Washington Ave.

NEW BUSINESS (Planning Commission):

- 1. Hearing on Appeal No. 673, Mark & Susan Nelson, requesting a change of Zoning that, if granted, will change the Zoning District from Heavy Manufacturing (MH) to Duplex Residential (R-60).
- 2. Decision on Appeal No. 673, Mark & Susan Nelson

PUBLIC INPUT:

ADJOURNMENT:

Any person with a disability wishing to attend any board meeting who may require special arrangements may contact the Finance Office at 256-7500 and all attempts shall be made to accommodate those requests

PLANNING COMMISSION PROCEEDINGS CITY OF MADISON

September 13, 2022 7:00 am

Chairman John Groce called the meeting to order at 7:03 am.

The following members were present for roll call: Chairman John Groce, Jim Iverson, Bob Maxwell, Roger Olson, Donna Fawbush, Jennifer Wolff, and Michael Johnson. Also present were Administrative Officials Ryan Hegg, Dan Whitlock and Mayor Roy Lindsay. Gary Zay, Jennifer Hasleton, Gerald Robson, Brenton Bender, Scott Devaney, Tony Devaney, Tom & Connie Knapp, Austin Kesteloot, Steven Walker, Chris Thompson and Robert Ernster were also in attendance. Rudy Curtler from Sawgrass Capitol via Zoom.

Motion by Commissioner Maxwell to approve the July 12, 2022, Planning Commission minutes, second by Commissioner Olson. Motion carried unanimously.

Motion by Commissioner Wolff to approve the July 12, 2022, Board of Adjustment minutes, second by Commissioner Fawbush. Motion carried unanimously.

Changes made to the agenda to remove Appeal #673. Motion by Commissioner Iverson, second by Commissioner Olson to approve the September 13, 2022, agenda as modified. Motion carried unanimously.

Old Business: None

Motion by Commissioner Johnson, second by Commissioner Wolff to move into Board of Adjustment at 7:06 am. Motion carried unanimously.

Motion by Commissioner Iverson. Second by Commissioner Fawbush to move out of Board of Adjustment and into Planning Commission at 8:50 am. Motion carried unanimously.

New Business:

Final Plat Approval – Lots 6 thru 12 Inclusive, Block 1; Lots 1 thru 5 Inclusive Block 2, Cyber Estates Addition to the City of Madison, Lake County, South Dakota. Plat matches master plan and allows the developer to continue building homes.

Motion by Commissioner Iverson to approve Lots 6 thru 12 Inclusive, Block 1; Lots 1 thru 5 Inclusive Block 2, Cyber Estates Addition to the City of Madison, Lake County, South Dakota, second by Commissioner Olson. Motion carried unanimously.

Public Input:

Steven Walker on behalf of the 900 NW block. Concerns regarding R-90 zoning and single family residence definition. Mr. Walker states homes on his block are not up to code due to several unrelated residents inside of one dwelling unit.

Motion by Commissioner Iverson, second by Commissioner Olson to adjourn. Motion carried unanimously.

The meeting adjourned at 9:07 am.

<u>Dan Whitlock</u> Planning Commission

BOARD OF ADJUSTMENT PROCEEDINGS CITY OF MADISON

Tuesday, September 13, 2022

The Planning Commission motioned to move into Board of adjustment at 7:06 am.

The following members were present for roll call: Chairman John Groce, Board Members Jim Iverson, Roger Olson, Donna Fawbush, Bob Maxwell, Jennifer Wolff, Michael Johnson. Also present were Administrative Officials Ryan Hegg, Dan Whitlock and Mayor Roy Lindsay.

NEW BUSINESS (Board of Adjustment):

This being the time and place set for the hearing on Variance Appeal Request No. 674, Gerald Robson & Lynette Grabowska. The following people were in attendance in addition to the Board and the aforementioned individuals: Gary Zay, Jennifer Hasleton, Gerald Robson, Brenton Bender, Scott Devaney, Tony Devaney, Tom & Connie Knapp, Austin Kesteloot, Steve Walker, Chris Thompson and Robert Ernster were also in attendance. Rudy Curtler from Sawgrass Capitol via Zoom.

Mr. Hegg went through the contents of the packet for Appeal No. 674 Gerald Robson & Lynette Grabowska for a variance application that, if granted, will permit the applicant to construct an 8-foot addition to the east side of the existing garage at 104 NW 5th Street using a 22'-6" front setback in lieu of the required 25' setback.

The proposed structure would meet the requirements for the clear view triangle and the entrance for the structure would be off Egan Avenue and access off 5th Street would remain as is.

There were no additional opponents or proponents. Chairman Groce closed the public hearing and proceeded to the decision agenda item for appeal.

Motion by Mr. Maxwell, second by Mr. Olson to approve Appeal No. 674.

A verbal roll call vote was taken with 4 responding nay and 3 responding aye. Motion failed.

This being the time and place set for the hearing on Variance Appeal Request No. 675, Norma Goth. The following people were in attendance in addition to the Board and the aforementioned individuals: Gary Zay, Jennifer Hasleton, Gerald Robson, Brenton Bender, Scott Devaney, Tony Devaney, Tom & Connie Knapp, Austin Kesteloot, Steve Walker, Chris Thompson and Robert Ernster were also in attendance. Rudy Curtler from Sawgrass Capitol via Zoom.

Mr. Hegg went through the contents of the packet for Appeal No.675 by Norma Goth for a variance application that, if granted, will permit the applicant rebuild five metal storage buildings at 900 SW 10th Street that were destroyed in the May 12, 2022, storm using sheet siding, and allow a 35' setback instead of the required 50' setback so the buildings can be reconstructed in the same location they were previously. Chris Thompson spoke on behalf of Mrs. Goth stating that the 35' setback was approved in 1994 and they want to start this winter with construction.

There were no additional opponents or proponents. Chairman Groce closed the public hearing and proceeded to the decision agenda item for appeal.

Motion by Mrs. Fawbush, second by Mr. Iverson to approve Appeal No. 675.

Motion carried unanimously.

This being the time and place set for the hearing on Conditional Use Appeal Request No. 676, Scott Devaney. The following people were in attendance in addition to the Board and the aforementioned individuals: Gary Zay, Jennifer Hasleton, Gerald Robson, Brenton Bender, Scott Devaney, Tony Devaney, Tom & Connie Knapp, Austin Kesteloot, Steve Walker, Chris Thompson and Robert Ernster were also in attendance. Rudy Curtler from Sawgrass Capitol via Zoom.

Mr. Hegg went through the contents of the packet for Appeal No. 676 by Scott Devaney for a conditional use permit that, if granted, will permit the applicant to move a 1965 26' x 36' remodeled home to 113 Ramm Heights Drive. The home will be placed on a new foundation and the existing garage on the lot will be moved to the south side of the home. Scott states there are new windows, he will reside the home and install new electrical. They plan on selling the property when completed with the remodel work.

There were no additional opponents or proponents. Chairman Groce closed the public hearing and proceeded to the decision agenda item for appeal.

Motion by Mrs. Wolff, second by Mr. Olson to approve Appeal No. 676.

Motion carried unanimously.

This being the time and place set for the hearing on Variance Appeal Request No. 677, Tom & Connie Knapp. The following people were in attendance in addition to the Board and the aforementioned individuals: Gary Zay, Jennifer Hasleton, Gerald Robson, Brenton Bender, Scott Devaney, Tony Devaney, Tom & Connie Knapp, Austin Kesteloot, Steve Walker, Chris Thompson and Robert Ernster were also in attendance. Rudy Curtler from Sawgrass Capitol via Zoom.

Mr. Hegg went through the contents of the packet for Appeal No. 677 - by Tom & Connie Knapp, for a variance application that, if granted, will permit the applicant to rebuild their 12' x 22' attached garage at 920 SW 1st Street that was damaged in the May 12, 2022, storm in the same location it was previously. This will result in a 1'-10" setback in lieu of the required 15' setback. Questions asked regarding future sidewalk being close to the garage. The issue would have been there already if not for the storm damage.

There were no additional opponents or proponents. Chairman Groce closed the public hearing and proceeded to the decision agenda item for appeal.

Motion by Mr. Johnson, second by Mr. Iverson to approve Appeal No. 677.

Motion carried unanimously.

This being the time and place set for the hearing on Variance Appeal Request No. 678, Austin Kesteloot. The following people were in attendance in addition to the Board and the aforementioned individuals: Gary Zay, Jennifer Hasleton, Gerald Robson, Brenton Bender, Scott Devaney, Tony Devaney, Tom & Connie Knapp, Austin Kesteloot, Steve Walker, Chris Thompson and Robert Ernster were also in attendance. Rudy Curtler from Sawgrass Capitol via Zoom.

Mr. Hegg went through the contents of the packet for Appeal No. 678 by Austin Kesteloot, for a variance application that, if granted, will permit the applicant to construct 16' tall sidewalls in lieu of the required 10' sidewall height on a proposed 30' x 40' detached storage garage at 914 N Liberty Avenue. Mr. Kesteloot states their RV is currently parked in their grass and they have had issues with theft. They would like 16' sidewalls to accommodate a 14' garage door. A concrete driveway will be added to access the garage.

There were no additional opponents or proponents. Chairman Groce closed the public hearing and proceeded to the decision agenda item for appeal.

Motion by Mr. Iverson, second by Mr. Maxwell to approve Appeal No. 678.

Motion carried 6-1.

This being the time and place set for the hearing on Conditional Use Appeal Request No. 679, Brenton Bender. The following people were in attendance in addition to the Board and the aforementioned individuals: Gary Zay, Jennifer Hasleton, Gerald Robson, Brenton Bender, Scott Devaney, Tony Devaney, Tom & Connie Knapp, Austin Kesteloot, Steve Walker, Chris Thompson and Robert Ernster were also in attendance. Rudy Curtler from Sawgrass Capitol via Zoom.

Mr. Hegg went through the contents of the packet for Appeal No. 679 - by Brenton Bender for a conditional use permit that, if granted, will permit the applicant to move a 2000 Supreme 16'x76' mobile home to Lot 118 in Woodbury Estates Mobile Home Park at 602 NW 9th Street. Mr. Curtler stated he was walked through this home and it is in good shape. It will have a new 20'x20' deck and walkway added after placement. Mr. Johnson has concerns with upkeep in the park. Lot numbers listed on homes. Mr. Curtler states he will have numbers on each lot within 30 days.

There were no additional opponents or proponents. Chairman Groce closed the public hearing and proceeded to the decision agenda item for appeal.

Motion by Mr. Maxwell, second by Mrs. Wolff to approve Appeal No. 679.

A verbal roll call vote was taken with 4 responding aye and 3 responding nay. Motion carried 4-3.

This being the time and place set for the hearing on Conditional Use Appeal Request No. 680, Brenton Bender. The following people were in attendance in addition to the Board and the aforementioned individuals: Gary Zay, Jennifer Hasleton, Gerald Robson, Brenton Bender, Scott Devaney, Tony Devaney, Tom & Connie Knapp, Austin Kesteloot, Steve Walker, Chris Thompson and Robert Ernster were also in attendance. Rudy Curtler from Sawgrass Capitol via Zoom.

Mr. Hegg went through the contents of the packet for Appeal No. 680 - by Brenton Bender for a conditional use permit that, if granted, will permit the applicant to move in a 1998 Champion 14' x 80' mobile home and place it between Lots 206-211 in Woodbury Estates Mobile Home Park at 602 NW 9th Street. Mr. Bender states as he inspects the water valves, exact Lot will be determined. New walkway, deck and driveway will be installed.

Public comments and questions include Mr. Ernster asking if this appeal included rezoning. Because it does not, he does not have concerns regarding this appeal.

Chairman Groce closed the public hearing and proceeded to the decision agenda item for appeal.

Motion by Mrs. Wolff, second by Mr. Olson to approve Appeal No. 680.

A verbal roll call vote was taken with 4 responding aye and 3 responding nay. Motion carried 4-3.

This being the time and place set for the hearing on Conditional Use Appeal Request No. 681, William Hyland. The following people were in attendance in addition to the Board and the aforementioned individuals: Gary Zay, Jennifer Hasleton, Gerald Robson, Brenton Bender, Scott Devaney, Tony Devaney, Tom & Connie Knapp, Austin Kesteloot, Steve Walker, Chris Thompson and Robert Ernster were also in attendance. Rudy Curtler from Sawgrass Capitol via Zoom.

Mr. Hegg went through the contents of the packet for Appeal No. 681 - by William Hyland, for a variance application that, if granted, will permit the applicant to use sheet siding for an addition onto an existing structure at 505 S. Highland Avenue. Mayor Lindsay states Mr. Highland's home was recently destroyed in a fire. He would like to add on to his existing shop rather than rebuild his home. The structure is located 150' from the road. Mr. Highland would like to utilize matching materials currently on structure.

There were no additional opponents or proponents. Chairman Groce closed the public hearing and proceeded to the decision agenda item for appeal.

Motion by Mr. Iverson, second by Mr. Olson to approve Appeal No. 681.

Motion carried unanimously.

Motion by Mr. Iverson, second by Mrs. Fawbush to move out of the Board of Adjustment at 8:50am

Motion carried unanimously.

<u>Dan Whitlock</u> Board of Adjustment

CITY OF MADISON NOTICE OF PUBLIC HEARING PROPOSED CONDITIONAL USE PERMIT

Notice is hereby given pursuant to SDCL 11-4-21 that a public hearing will be held before the Board of Adjustment on Tuesday, October 11, 2022 at 7:00am, or as soon thereafter as the matter may be heard, in City Hall, Madison, South Dakota, in the Commission Room, to consider in full or in part the following proposed conditional use permit.

Appeal No. 682 by Stein Sign Display for a conditional use permit that, if granted, will permit the applicant to place a digital billboard for off-site advertising at 747 South Washington Ave. The property is legally described as Lot 1 Sinclair Add Exc Lot H1 & Exc Lots H2&H3 & Exc Tract A Of Lots 1 & 2.

Any person wishing to present testimony may appear at said hearing or may file written comments with the Finance Officer at 116 W Center Street, Madison, South Dakota, prior to said hearing. All written comments desired to be included in the agenda packet must be filed no later than end of business on Wednesday, October 5th, 2022. Disabled individuals may contact the Finance Officer for information and/or special assistance. The request should be made 24 hours in advance of the hearing.

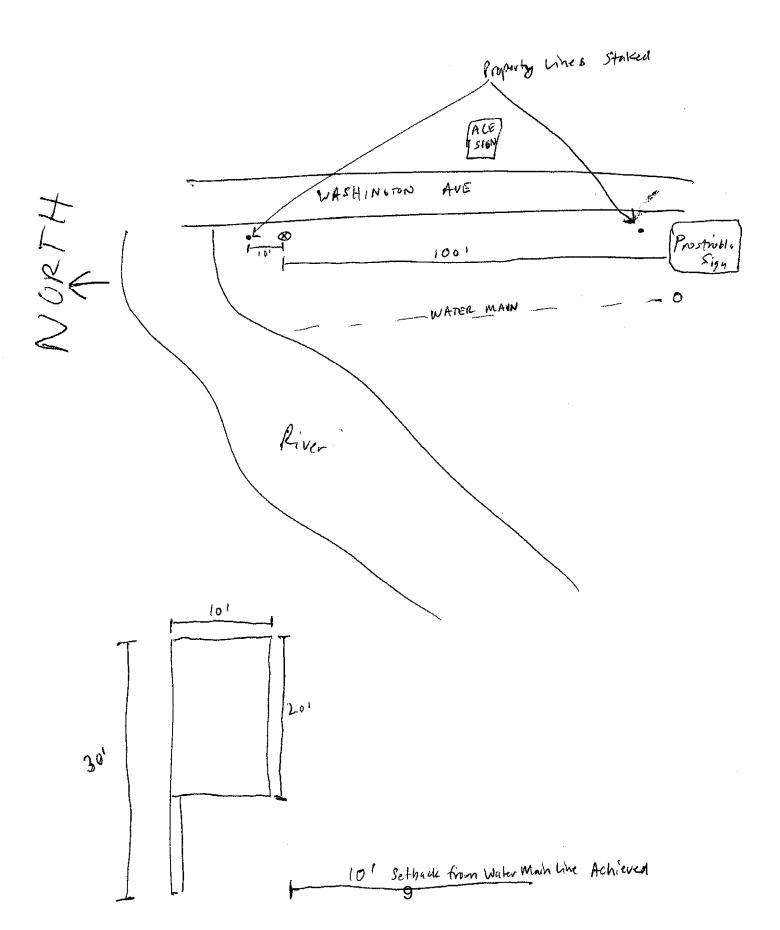
	/s/Sonya Wilt
	Finance Officer
Published once at the approximate cost of \$	

10/29/2009

CITY OF MADISON CONDITIONAL USE APPLICATION

APPEAL NUMBER 682

APPLICANT (PRINT): Stuart Stein / Stein Sign Display PHONE: 605 753 8211 / 605 881 3361
ADDRESS: 2020 4th Ave SW Watertown, SD 57201
OWNER (PRINT): Eric Sinclair PHONE: 605-323-7991 IF DIFFERENT THAN APPLICANT
ADDRESS: 747 Washington Ave North Madison, SD
I/WE, THE UNDERSIGNED, DO HEREBY PETITION THE BOARD OF ADJUSTMENT OF THE CITY OF MADISON SOUTH DAKOTA, TO ISSUE A CONDITIONAL USE PERMIT FOR THE PROPERTY DESCRIBED AS:
LEGAL DESCRIPTION (Please print or type)
Just south of the H-1 Lot in Sinclair's Addition
GENERAL AREA OR STREET ADDRESS: Just south of the H-1 Lot (the river) and west of Washington Ave. Between Montgomery's and Prostrollo's
EXISTING LAND USE: EXISTING ZONING:
SIZE OF PARCEL: ACRES / SQFTLOT DIMENSIONS: WIDTHLENGTHDEPTH
SURROUNDING LAND USE NORTH: Montgamery's SOUTH: Prostroilo's
EAST: Washington Ave WEST: River
Stein Sign Display is requesting 0' setback from the properly line in order to erect a 20'x10' wide vertical billboard for off premise advertising. The previously granted location will not work due to safety issues, but primarily due to the easement required by the Water Main that is running north and south on the property. The previously granted location would require the digital board to overhang the easement, which is not allowed. It would also create a safety issue. I (we) further state that if this request is granted, I (we) will proceed with the actual construction in accordance with the plans herewith submitted within one year or additional time as extended from the effective date of the appeal. SIGNATURE OF APPLICANT **Mathematical Proceedings** SIGNATURE OF APPLICANT
SIGNATURE OF OWNER (IF DIFFERENT THAN APPLICANT)
NOTE: A SKETCH OF PROPOSED PROPERTY SHALL ACCOMPANY THIS APPLICATION, SHOWING THE FOLLOWING:
 NORTH DIRECTION DIMENSIONS OF PROPOSED STRUCTURE STREET NAMES OTHER INFORMATION AS MAY BE REQUESTED LOCATION OF PROPOSED STRUCTURE ON LOT DIMENSIONS OF FRONT AND SIDE SET BACKS LOCATION OF ADJACENT EXISTING BUILDINGS
THE BOARD OF ADJUSTMENT MAY REQUIRE THAT SUCH PLANS BE PREPARED BY A REGISTERED ENGINEER OR LAND SURVEYOR.
**PLEASE USE THE ATTACHED SKETCH INSTRUCTION SHEET FOR AN EXAMPLE.
FOR OFFICIALUSE ONLY
DATE FILED WITH ADMINISTRATIVE OFFICIAL: FEE PAID (NON-REFUNDABLE): VES NO DATE OF HEARING: ACTION BY BOARD OF ADJUSTMENT:



CITY OF MADISON NOTICE OF PUBLIC HEARING PROPOSED CHANGE OF ZONING ORDINANCE

Notice is hereby given pursuant to SDCL 11-4-4 that a public hearing will be held on Tuesday, October 11, 2022 at 7:00am, or as soon thereafter as the matter may be heard, in City Hall, Madison, South Dakota, in the Commission Room, to consider proposed changes to the zoning ordinance of the City of Madison.

PROPOSED ORDINANCE NO. 1651

AN ORDINANCE TO AMEND APPENDIX B – ZONING – SECTION 17.02 ADOPTED BY ORDINANCE NO. 1481 ON 8-24-2009 OF THE ZONING ORDINANCE OF THE CITY OF MADISON

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MADISON, SOUTH DAKOTA:

That the revised ordinances of the City of Madison, also known as the Code of Ordinances, be amended to change the zoning of the following real property located within the City of Madison by changing the zoning district from Heavy Manufacturing District (MH) to Duplex Residence, 6000 Square Foot District (R-60):

Lot 18 & 19 Block 8 Henkins 2nd Addition.

Published once at the approximate cost of \$ ____.

Any person wishing to present testimony may appear at said hearing or may file written comments with the Finance Officer at 116 W Center Street, Madison, South Dakota, prior to said hearing. All written comments desired to be included in the agenda packet must be filed no later than end of business on Wednesday, October 5, 2022. Disabled individuals may contact the Finance Officer for information and/or special assistance. The request should be made 24 hours in advance of the hearing.

/s/Sonya Wilt Finance Officer

CITY OF MADISON PETITION FOR A CHANGE IN ZONING CLASSIFICATION

3/26/2013

APPEAL NUMBER 673

APPLICANT (PRINT): Mark &	Susan Nelson	_ PHONE: 605,270,2893	
ADDRESS: 1006 SW 1st Stre			
OWNER (PRINT):	RENT THAN APPLICANT	PHONE:	
ADDRESS: 1006 SW 1st Str	eet		
I/WE, THE UNDERSIGNED, DO I DAKOTA, TO ISSUE A CHANGE IN	HEREBY PETITION THE CITY N ZONING CLASSIFICATION F	COMMISSION OF THE CITY OF MOTOR THE PROPERTY DESCRIBED AS	MADISON, SOUTH 3:
LEGAL DESCRIPTION (Please prin	nt or type)		
Lot 18 & 19 BLK 8 Henkin's	2nd Addition		
GENERAL AREA OR STREET AD	ngess. Same as above		
EXISTING LAND USE: Resider		NING: MH Heavy Manufactur	ing
SIZE OF PARCEL: ACRES / SQFT	LOT DIMENSIONS: W	/IDTH <u>100</u> LENGTHD	ЕРТН <u>143</u>
SURROUNDING LAND USE/ZONI	NORTH: Residential SOUTH: Manufacturin EAST: Business/Sto	ng orage ard	
CLASSIFICATION INCLUDING PASSAGE OF THIS AMENDMENT	DISCUSSION ON WHAT CI FNECESSARY (attach a separa		NGE IN ZONING ONS MAKE THE
Desire to continue using prope	erty as residential and build	l an addition to my house. or these lots be changed to Duple	ov Posidential
(R-60)	est that the zoning district in	or triese lots be changed to Duple	zx residential.
			· -
SIGNATURE OF APPLICANT	Susan M	nelos	<u></u> :
SIGNATURE OF OWNER (IF DIFF	ERENT THAN APPLICANT)		
NOTE: A SKETCH OF PROF FOLLOWING:	OSED PROPERTY SHALL	ACCOMPANY THIS APPLICATION	, SHOWING THE
 NORTH DIRECTION DIMENSIONS OF PROPOSEI STREET NAMES OTHER INFORMATION AS M. 	D STRUCTURE 6. 7.	LOCATION OF PROPOSED STRUCT DIMENSIONS OF FRONT AND SIDE LOCATION OF ADJACENT EXISTING	SET BACKS
	FOR OFFICIALUS	BE ONLY	
DATE FILED WITH ADMINISTRATIV FEE PAID (NON-REFUNDABLE): DATE OF HEARING: ACTION BY ROARD OF ADJUSTME	YES NO		

To Our Neighbors,

Mark and Susan Nelson, residing at 1006 SW 1st Street, are applying to have the property our home sets on rezoned to a residential status. This would allow us to build an addition including a garage facing SW 1st Street onto our home.

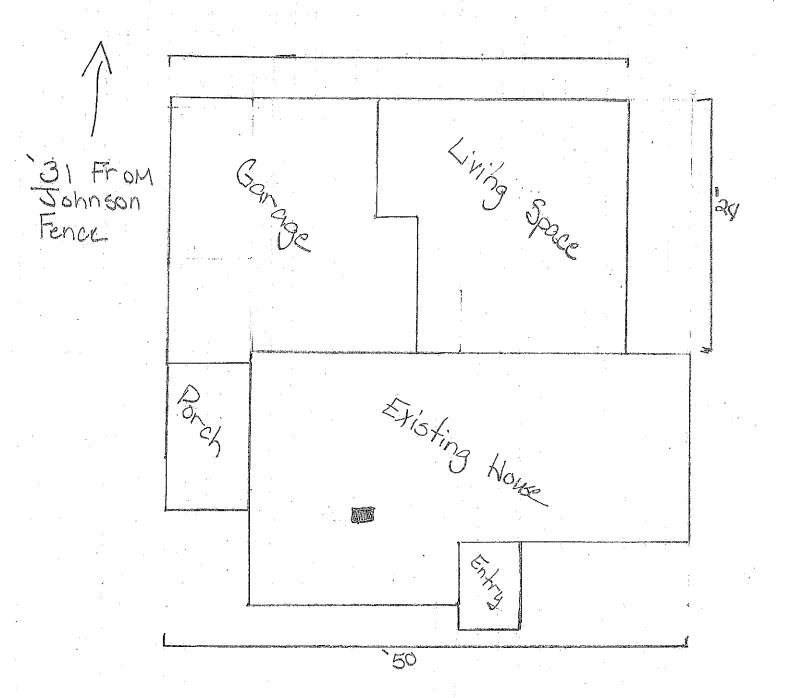
Public meetings will be held for any questions or concerns on:

Tuesday, September 13

Monday, September 19

We the undersigned adjacent property owners have spoken to the applicants and approve.

Print Signature	Address	Date
Dawn D. Bergan	1009 West CENTER St.	Aug. 25, 2025
Dustu William Persona	1001 SW 15 STret	8-25-2022
		8-29-2022
	·	- Article State
We the undersigned adjacent pro acknowledging that we have bee	operty owners have spoken with the a n made aware .	ipplicants and are
Print Signature	Address	Date



To the Madison City Commission Zoning Committee,

Regarding Mark and Susan Nelson's request for rezoning at their address: 1006 SW 1st.

Amy and I encourage you to seriously consider and perform rezoning their property to residential status to allow for a building permit(s) for an addition to their home as well as future permits as desired.

I know for a fact that Mark's and Susan's home has been an occupied residence for as far back as the '60s so there should be no reason they should be denied the opportunity to continue occupying and improving upon the house for as long as they live there.

Their plans will not impinge upon any portion of or any future plans for our property at 1005 W. Center St.

Your expeditious decision in their favor will help improve and maintain the look and value of that corner of the block as well as foster confidence in our city's commission to act in the interest of Madison's residents.

Respectfully

Chris and Amy Yickm

605 270 3590