

BOARD OF ADJUSTMENTS MINUTES

February 3, 2020 – 5:15 p.m.

City Hall Commission Room

Members Present: Kevin Tveidt, Kristin Gabriel, Kari Williams, Dave Kelley, Andy Johnson

Guests in attendance: Richard Woolridge, Patricia Woolridge, Richard Dolezal, Susan Dolezal, Harry Briggs

Staff Present: Matt Elberson, John Childs

Chairperson Tveidt called the meeting to order at 5:15

Tveidt then reviewed the rules that govern the Board of Adjustments:

1. Must show a hardship
2. Grant the minimum variance needed
3. Variance must not change the character of the neighborhood
4. Super majority of the Board is needed to approve a variance

Item 1:

Richard and Patricia Woolridge, 1003 Fairway Drive, seeking an over-height variance for an accessory structure, and a variance for the rear yard setback. Pursuant to City of Pierre ordinance 12-2-11, height for accessory structures not to exceed 20 feet in average height or the height of the principal building, whichever is greater, may be approved by the Board of Adjustment to meet architectural features of the principal building. The Woolridge's are requesting a building height of 19'-9". And, pursuant to City of Pierre ordinance 12-5-106, on every corner lot in a residential district there shall be provided on the adjacent streets a minimum front yard of 25 feet and a minimum side yard of 20 feet with the remaining yards to be a minimum of 25 feet and 6 feet. The Woolridge's are requesting a variance to the rear yard of 10'-4", for a total rear yard setback of 14'-8".

Gabriel asked what the structure is to be used for, Woolridge responded that it is to store boats, mowers, 4-wheelers, etc.

Gabriel said that they have submitted letters from neighbors indicating that they are not opposed to the garage.

Woolridge said that they have an alternate plan but they do not want to use it, and they still want the over-height variance. Johnson asked if the alternate plans turned the garage to align with the house. Woolridge responded no, it is still angled, but that it was longer and narrower and it would be more costly. Johnson asked if the other side of the house was not an option, Woolridge responded that the garage would cover the front of the house and was not practical. Woolridge said that the house has a wood basement and adding an attached garage would be very difficult.

Johnson asked if an over-height variance was required for a garage. Childs responded yes, the max height allowed by ordinance is sixteen feet.

Susan Dolezal then spoke saying it was not their intention to show up four or five times. She has the information from the November Board meeting. She has not seen the (alternate) plans and wants to see what they look like. She said that the area has drainage problems and that the new garage would add to them. She said that a variance request needs to have a hardship involved. Dolezal stated that they need a visual, or the board should deny the variance.

Richard Dolezal stated that the proposed garage would obstruct their views of the golf course and would devalue their property.

Johnson said that the first time before the board, the drainage was not an issue. He stated that the townhouses had drainage issues and questioned if the drainage issues have been fixed. Dolezal (Susan) responded that ten feet into their property is consistently wet, snow has been dumped along the ROW, and that it is a mess, the parking lots drain there. Dolezal (Richard) said the area drains to the easement. Dolezal (Susan) said the area does not drain.

Kelley asked what would be the hardship of meeting the ordinance. Woolridge responded that the setback variance was required to use the existing driveway.

Dolezal said that the garage would obstruct their view.

Childs said that the utility drainage is flat for a quarter of a mile and that the Woolridge's existing driveways are way over what is allowed by ordinance. Tveidt asked if the City wants to keep the driveway for safety, Childs responded yes. Childs then stated that if a new driveway is allowed then the "U" drive on the other side would have to go away. Woolridge responded that is their access to the front door.

Tveidt asked if anyone wanted to make a motion, Kelley moved to deny – seconded by Gabriel. Tveidt asked if there was any additional discussion, there being none the board voted 4 – 1 to deny the application.

Item 2:

Harry Briggs, 908 E. Capitol Ave, seeking a lot coverage variance for an accessory structure, a variance for the rear yard setback, and a variance for distance to alley for a detached garage. Pursuant to City of Pierre ordinance 12-2-111 (3), A detached garage, when being entered at an angle more than 45 degrees from an alley, shall be located such that the total turning radius into the garage is a minimum of thirty-five (35) feet, including the width of the adjacent alley, but no less than fifteen (15) feet measured at a right angle from the alley property line adjacent to the garage. Mr. Briggs is requesting to reconstruct a new garage in the same location, and using the same dimensions as the previous garage, which is (was) less than 35' from the face of the garage to the opposite edge of the alley and is less than 6' to the side yard property line. And, pursuant to City of Pierre ordinance 12-5-306, all buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot. Mr. Briggs lot is 5287.5 square feet in area, which is smaller than the 6,000 square feet specified in the ordinance. The existing home, including the covered porch is 1,707 square feet giving a lot coverage of 32%. The proposed lot coverage with the new garage would then be 38%, which would be the same as prior to the previous garage burning down.

Briggs said he wanted to put the garage back where it was. He would fire rock the wall against the neighbor's lot. Briggs said that the garage is too small to park a car, but that he would use it for storage.

Tveidt asked when the old garage burned. Kelley asked if there was any effect on the neighbor properties. Briggs said no, only his garage.

Briggs has letters from his neighbors saying they have no objections. (letter handed to Board).

Kelley asked if the siding would match the house, Briggs said he would use T-111 on the sides, and stone on the front to match the house.

Tveidt asked if there were any other questions, no additional questions posed. Tveidt then asked if there was anything from the City.

Kelley moved to approve, motion seconded by Johnson. Gabriel asked that a fire wall be included in the variance. Elberson noted that based on distance to property line, this is required by Code. Gabriel then retracted the request.

Board voted 5-0 to approve variance request.

Additional items:

Tveidt asked to approve the minutes from the last meeting. Elberson said that he did not have those minutes available.

Tveidt asked about the status of 218 N Highland. He noted that the variance request was turned down, but construction continued. Johnson stated that it was in Kirby's (Welch) hands. Childs stated that Welch had made contact with the owner, but that they had refused to comply voluntarily. Childs stated that the City will turn the matter over to legal if the owner continues to refuse compliance.

Kelley mentioned that the owner thought no permit was required.

Tveidt mentioned to Elberson that Susan Zeigler is the property owner.

With no further business Kelley motioned to adjourn and Gabriel seconded. Meeting adjourned at 6:00

Minutes submitted by Matt Elberson