

BOARD OF ADJUSTMENTS MINUTES

Monday, October 3rd, 2016 – 5:15 p.m.

City Hall Commission Room

Members Present: Kevin Tveidt, Kristin Keller, Andy Johnson, Slade Weller, Tom Dravland

Guests in attendance: Kari Williams, Jason Ehlers, Bob Tinker, Michael Lehr

Staff Present: Jeff Runyan, Sharon Pruess

Chairperson Tveidt called the meeting to order at 5:17 p.m. Tveidt asked if there were any changes to the August 1, 2016, minutes. Hearing none, he asked for a motion. Johnson made a motion to approve the August 1, 2016, minutes and Weller seconded the motion. All voted in favor, motion passed.

Tveidt asked if there were any changes to the September 12, 2016, minutes. Hearing none he asked for a motion. Johnson made a motion to approve the minutes and Keller seconded the motion. All voted in favor, motion passed.

Tveidt then proceeded to discuss the rules for the BOA. He discussed the need to show a hardship, the need to limit the impact to the neighborhood, and the need to only grant the minimum variance needed.

First order of business is ***Richard & Kari Williams 1120 Westwood Dr.***, are seeking a rear yard variance of 9.25'. Kari Williams explained that this is the same variance that was approved last year but since they did not request a building permit in the allotted time, the variance had expired. Tveidt asked if the neighbors were notified again, and Staff indicated they were and nobody expressed any concerns. Keller asked if the attached signed statement were from the previous hearing and staff indicated it was. Tveidt asked if there were any further comments or discussion and hearing none he asked for a motion. Dravland made a motion to approve the rear yard variance of 9.25', and Johnson seconded the motion. All voted in favor, variance approved.

Next item on the agenda is ***Robert & Kayla Tinker, 3031 Sussex Rd.***, seeking a Special use permit for Horsefeathers Lodge at 3005 Karen Ct. Tveidt stated that Special Use Permits (SUP) are granted by the Board of Adjustments per City of Pierre Ordinance Section 13-1-111, 13-2-115 & 13-2-116. He stated that the Tinkers' are requesting a SUP to operate a Bed & Breakfast for their hunting operation, to hold Special Events such as weddings, and to operate a restaurant. Tinker next spoke of the SUP request stating that they have received 8 renewals for their Bed & Breakfast SUP in the past. Tinker spoke of the uses for the current SUP request stating that they usually hold 6 Special Events per month, and that the restaurant is open Thursday, Friday & Saturday from 11:00-1:30. Tinker said they have added a liquor license, a food service license and catering to their business. Tveidt asked if their B & B was licensed through the State and Tinker indicated it was. When City staff was researching the SUP, the State had indicated that Horsefeathers Lodge was not currently registered as a Bed & Breakfast or licensed as a specialty resort. The State did indicate that they were licensed as a food service establishment in 2008. Kari Williams spoke that the license could have simply expired and Tinker said he would look into the issue. The restaurant had recently undergone an inspection and received a license to serve food.

Tveidt discussed the allowed uses in Ag C zoning, and Keller asked if the current SUP was expired. Staff stated that the last SUP was issued in 2010 which means the current permit expired in 2012. Tinker stated that he had not received notification that the permit was expired.

Tveidt then read written public comments from neighbors that were submitted to the City Staff. First statement was from a neighbor expressing concern about traffic patterns and the use of a sign to promote the business. Next statement was from Glenda Osberg expressing concerns that the restaurant would increase the vehicle traffic through the residential area. She is O.K. with renewing the bed and breakfast special use permit but is opposed of the special events and restaurant. The last written statement was from Robert & Joanna Gilkerson expressing concerns that a restaurant would increase the traffic in the residential neighborhood. They are opposed to the restaurant.

Public comment was taken next and Jason Ehlers spoke about his concerns. He stated that he moved to the area because it was a country residential area with less traffic. He is concerned that a restaurant may increase the traffic in the

neighborhood. Jason said that he has no problem with the bed and breakfast or hunting services but does have concerns with a restaurant.

Tinker addressed the Board and stated that he purchased the 20 acres in 1988 and has received a SUP every time he has requested one, and he has operated in the past with no issues. Tinker stated that they have no plans to increase the size of the restaurant or increase the hours of operation for the restaurant. He said they have been operating the restaurant for approximately 8 weeks. He added that their special events rent out a room and those events then qualify as a bed and breakfast event.

Weller asked about the ownership and maintenance of the roads in the area. Staff indicated that Buhl Ave. is maintained by a local Road District and Sussex Rd. is maintained by Hughes County. Dravland questioned who provided emergency services to the area and Staff indicated that Hughes County served this area. Tveidt asked if the property is contiguous and staff indicated that it was. Johnson questioned if the BOA could place restrictions on the hours of operation and staff indicated that the BOA could place those restrictions on the SUP. Tveidt questioned the permanent structures for a SUP and Staff indicated that they were allowed with a SUP. Staff spoke about the difficulty with the B&B ordinance and the reason for the 2 year permit was to get neighbor feedback on the SUP and to ensure the B&B fit in the local neighborhood. Tinker indicated that he has had a malt beverage license since 2007 and has not had any complaints or issues from local law enforcement agencies.

The Board opened discussion and Johnson made a motion to approve the SUP limiting the time period to one year and limiting the hours of operation to 11:00-1:30 on Thursday, Friday & Saturday. Keller asked to clarify the uses and Johnson indicated the motion included the B&B and the restaurant. The motion was not seconded.

Dravland made a motion to split the permit request into two separate issues – the bed and breakfast and the restaurant. Weller seconded the motion. All voted in favor.

Weller made the motion to approve a two year SUP for the Bed & Breakfast and conditioned the motion upon registration with the State Department of Health. Dravland seconded the motion, all voted in favor. The Bed & Breakfast received a two year SUP.

Johnson made a motion to approve a SUP for the restaurant with the same hours of operation as the previous motion. The motion did not receive a second. Motion not approved

Jason Ehlers asked whether a potential zoning change to the bed and breakfast would affect the property taxes on his residence. Staff referred him to the Director of Equalization.

Bob Tinker stated that he didn't see any difference in renting out a room for a special event or operating a restaurant. Chairman Tveidt pointed out ordinance section 13-1-111 which specifies that "A special use permit shall not be granted unless the Board finds that the use for which the permit is sought will not be injurious to the neighborhood or detrimental to the public welfare."

Last item on the agenda was ***First National Bank, 2900 Airport Rd.***, seeking a variance for maximum size of a sign. The Bank would like to install a 174sf sign and current ordinance 12-14-106 only allows 100sf.

Tveidt asked if there were any comments from the adjoining property owners and staff indicated that Steve Martin did approve of the sign as long as it was placed as depicted on the attached site plan.

Weller made a motion to approve the variance for the 174 square foot sign contingent that it is placed as depicted on the site plan. Johnson seconded the motion. Keller abstained from the vote. All members, with the exception of Keller, voted in favor of the motion, variance approved.

Keller made a motion to adjourn the meeting. Dravland seconded the motion, all in favor. Meeting adjourned at 6:10

Minutes submitted by Jeff Runyan