

**CITY OF FORT PIERRE
BOARD OF ADJUSTMENTS AND APPEALS
APRIL 26, 2023**

The Board of Adjustments and Appeals was called to order at 5:30 PM by Rick Hahn, substitute chair. Board members present were Doug Day, Barb Bonhorst, David LaRoche, Mark Louder and Jaci Keller (alternate). City Staff present were Rick Hahn, Public Works Director. Members of the public present in person were Callie Iversen & Gerrick McComsey. No participants on Zoom.

Election of Officers:

LaRoche moved and Bonhorst seconded the motion to nominate Doug Day as Chair. Bonhorst moved and LaRoche seconded to end nominations for Chair. Unanimous voice vote for Doug Day as the 2023 Chair of the Board of Adjustments. Keller motioned and Louder seconded to nominate Bonhorst as Vice Chair. LaRoche motioned and Louder seconded to cease nominations for Vice Chair. Unanimous voice vote for Barb Bonhorst as the 2023 Vice Chair of the Board of Adjustments.

Doug Day newly elected Chair, continued the meeting.

Approval of Agenda:

No additions or changes to the agenda. LaRoche moved and Louder seconded to approve the April 26 agenda as presented. Motion passed on a unanimous voice vote.

Approval of Minutes (May 19, 2021):

Minutes were not available for the meeting. Tabled to the next meeting.

VARIANCES FOR REDUCTION OF SIDE AND REAR SETBACKS FOR CONSTRUCTION OF AN ATTACHED GARAGE WITH A SECOND LEVEL AND A COVERED PATIO.

For consideration of a Variance for a reduction of the side setback for construction of an attached garage, a variance for placement of an egress landing and stairway from the second level in the side setback, a variance for a reduced rear setback for an elevated deck attached to the second level of the new attached garage and a variance of a reduced rear setback for the construction of a roof over an existing patio. The Variances are on the property described as Lot 8 & W 40 ft of Lot 9, H&Z Subdivision, Fort Pierre, Stanley County South Dakota. Address 305 Cottonwood Lane, Fort Pierre, South Dakota. Callie Iversen, Petitioner. Read into the minutes by Day.

Hahn continued with a brief explanation of the variances requested and the associated construction of the proposed new attached garage. McComsey, Sharpe Enterprises, who is the contractor for the petitioner Iversen, further explained the construction project. It was explained that the home is located on a cul-de-sac in which the bulb of the street forming the cul-de-sac extends into the petitioner's property, therefore, the existing home is built at an angle to the property lines.

Hahne explained that each variance is a separate action.

The first variance to consider is the egress stairs and landing along the east side of the proposed new attached garage. Due to the angle the house was placed on the lot, the 42" wide stairway and landing would terminate at a point where the last stair would extend into the side setback 30". The tapering nature of the encroachment into the side setback would be reduced to zero at the Southeast corner of the top landing. Iversen stated the stairs are for emergency egress from the master bedroom located on the second level of the proposed new attached garage in lieu of using a window. Further discussion followed between Board members and petitioner.

LaRoche made a motion to allow the 30" Variance for the stairs with the hardship as the angle of the home as constructed on the lot. Louder Seconded the variance. Variance and hardship were approved by unanimous voice vote.

The second variance considered is the proposed 8x24 new three season room replacing the covered patio on the original concept. The three-season room as explained by McComsey would be a new addition to the existing structure, where the existing patio would be removed and new foundation walls and footings placed, new walls framed with large windows and a sloped roof constructed. McComsey stated that the room would be unusable if smaller than 8x24. This room serves as the entrance from the garage and the room over the garage to the house. Direct access from the garage is not possible since the garage would then enter directly into the living room created by converting existing bedroom space (original attached garage). This entry location would interrupt the use of the room. In addition, the electrical panel located near the SE corner of the space and is not cost effective to relocate. Further discussion occurred between the Board Members, the petitioner and contractor.

Bonhorst moved to approve the variance for the Southeast corner of the proposed new three-season room to encroach 2'-4" into the rear setback with the stated hardship as the angle of the home as constructed on the lot and the electrical panel not being cost effective to move. The motion was seconded by LaRoche. The variance and hardship were approved by unanimous voice vote.

The third variance considered was the construction of an elevated deck connected to the upper level of the new garage encroaching into the rear setback 4'-6" at the SE corner of the deck and 3'-8" at the SW corner of the new deck. McComsey explained that this deck will be supported by the new garage and posts extending to the ground and will tie into the landing for the side stairs previously approved. Further discussion occurred between the petitioner, contractor, and board members.

Bonhorst moved to approve the variance for the upper-level deck of the new garage to encroach 4'-6" into the rear setback with the stated hardship as the angle of the home as constructed on the lot. The motion was seconded by LaRoche. The variance and hardship were not approved as 2 members were in favor and two were opposed and one member abstained. By ordinance Variances must pass by three-fourths of the members. There are five members of the board and a minimum of four members voting in favor are required to pass any action.

No further business before the Board

ADJOURN – 6:15 PM

Louder made a motion to adjourn. Bonhorst seconded the motion. Motioned passed on a unanimous voice vote.

Doug Day, Chair

Rick Hahn, Respectfully Submitted