

BOARD OF ADJUSTMENTS MINUTES

May 6, 2019 – 5:15 p.m.

City Hall Commission Room

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

Guests in attendance: Joe Wolf, Maria Vazquez, Buell Maberry

Staff Present: Jeff Runyan

Chairperson Kevin 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

Tveidt then asked for a motion to approve the April minutes. Kelley made the motion to approve the minutes with the stipulation that the name Keller would be changed to Gabriel. Johnson seconded the motion, all in favor, minutes approved as changed.

First item on the agenda was *Joseph & Tauna Wolf, 220 East Seneca Street*, requesting a variance for an over-height and over-sized detached accessory structure (private garage). Pursuant to City of Pierre ordinance 12-1-101 a private garage shall not be more than 1200 square feet in size. The Wolf's are requesting an 80 sf variance for a total size of 1280 sf. Pursuant to section 12-2-11 no accessory structure shall be greater than 16 feet in height except a height of 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 Wolf's are requesting a height of 20'-2". Joe Wolf addressed the board and informed them that he owned the property at 220 East Seneca and the adjacent property at 503 North Highland which is his primary residence. Wolf indicated that he is remodeling his house and would like to build the new garage to match the house because it will be very visible from the street. He needs the extra room and height in order to install car lifts so that he can store more vehicles. Wolf also submitted a letter in writing, signed by 5 neighbors, showing support for the project. Gabriel questioned staff on the architectural portion of the ordinance. Runyan indicated that the intent was to allow detached structures to match tall historical homes. Tveidt questioned if staff had received any public comment and Runyan indicated none had been received. Gabriel inquired if the driveway for the garage would be off Seneca and Wolf said that it would. Johnson questioned if Wolf had any intention to use the structure for commercial purposes and Wolf answered that it would be for his private use only. Tveidt asked to clarify if there would be living space in the garage and Wolf said there would not be. The dormers and the extra height were needed in order to install vaulted trusses so that car lifts could be installed.

Gabriel made the motion to approve the 80 sf variance and the 20'-2" height as requested. Kelley seconded the motion, all voted in favor. Motion approved.

Second item on the agenda was *Antelmo Vazquez, 116 Norbeck Drive*, requesting a variance to construct a detached accessory structure without a primary residence. Pursuant to City of Pierre Ordinance definition, a private garage is defined as an accessory structure that requires a primary residence on the same zoning parcel. Mariah Vazquez was present to inform the board that she has been looking for a mobile home to place on the lot but has not found one in good enough shape. She would like to start on the garage now because she purchased the roof trusses last year and they have been lying on the ground since that time. Tveidt asked if there was room for the house, and Vasquez replied that there was. Johnson asked if the city has received any public comment and Runyan replied there was none. Johnson asked if this was the same property that needed a variance for the garage slab setbacks and Vasquez replied it was. Vazquez asked if she could be given a timeframe to place the home. Gabriel asked if one year would be sufficient – Johnson questioned what would happen if the garage was built and the home wasn't placed in time. Maberry stated that he thought if Maria said she would find a home, than she will find a home.

Gabriel made the motion to deny the variance, Kelley seconded the motion. During discussion Kelley stated that the board has set the precedent in the past to not allow this situation and there are no new circumstances associated with this request. All voted in favor to deny the variance.

Final item in front of the board was ***Buell Maberry*** requesting that the board reconsider his request from the April meeting. Maberry stated that he didn't know about the meeting and he didn't know he needed to attend. Maberry explained that he received the notice but didn't read it. Maberry also explained that Gerrick arrived for the meeting thinking it was the Planning Commission to discuss the re-plat, not knowing the business at hand was the variance request, and left even though he could have represented the variance request. Kelley made the motion to reconsider the request at the June meeting and Johnson seconded the request. All voted in favor, motion passed.

With no further business Gabriel motioned to adjourn and Williams seconded. Meeting adjourned at 5:34

Minutes submitted by Jeff Runyan