

SPECIAL MEETING
DE SMET COMMON COUNCIL
October 31, 2022

The De Smet Common Council met in special session on October 31, 2022 at 6:10 PM with the following present: Council members Cole Munger, Bret Jensen, George Cavanaugh, Shon Asleson, Mayor Gary Wolkow, FO Tracey Larson, and City Attorney Todd Wilkinson. Absent: Lowell Hansen.

Mayor Wolkow called the meeting to order at 5:30 PM.

PLEDGE OF ALLEGIANCE: The meeting was started with the council and those from the public reciting the Pledge of Allegiance.

ZONING: Motion was made by Cavanaugh, seconded by Munger to that the Council to be convened as the Board of Adjustment, all voting aye, motion carried. The Board of Adjustment was called to order by Mayor Wolkow.

This being the date and time public noticed for the hearing on Special Exception Application #100 submitted by the De Smet School District 38-2. Architect Jason Kann, Superintendent/Elementary Principal Abi Van Regenmorter, and Business Manager, Susan Purintun met with the board to discuss the special exception application. The De Smet School District 38-2 has requested a special exception to allow the operation of an elementary school facility in an area zoned "R-2" General Residential District on the following legally described property: Lots 1, 2, 3, & 4 including vacated portion of Ingalls Ave between Lot 7, Block 15 & Lot 1, Block 17, Browns Addition, and addressed as 405 3rd Street SW, De Smet, South Dakota.

Notice of the hearing was properly given by certified mail and by publication of the publication of the Notice of Hearing in conformity with Section 3.04.05 of the City Zoning Ordinance. Greg & Kaye Wolkow, and Kathy Hawkins from the public appeared.

Upon conclusion of the hearing and the Board having considered the application and evidence presented, enters its findings as follows:

1. That property legally described as Lots 1, 2, 3, & 4 including vacated portion of Ingalls Ave between Lot 7, Block 15 & Lot 1, Block 17, Browns Addition, De Smet, Kingsbury County, South Dakota, is located within the city limits of the City of De Smet and the Board of Adjustment has jurisdiction over the application.
2. That the property is currently zoned "R-2 General Residential".
3. That adjacent properties are zoned "R-2 General Residential" District.
4. That a public owned building or facility established and operated by any governmental agency is a use permitted by special exception within the General Residential District.
5. That the applicant has filed the required application for the special exception permit and the notice of hearing was properly given.

6. That of the adjoining property owners presenting any objection to the elementary school facility, conditions to ensure privacy could be agreed upon after having their questions addressed and conditions to ensure privacy by construction of a fence and access to garbage, resolved their objection by the property owners and applicant, to resolve objections.
7. That a solid wood seven (7) foot privacy fence must be constructed along the west side of the applicant's lot to create a barrier to ensure the privacy of the adjacent property owner.
8. That over 50% of the property owners within 150' returned their consent to allow an elementary school facility on property zoned as "R-2" General Residential.
9. That the elementary school facility is compatible with adjacent properties and other property in the district.
10. That granting the special exception is in keeping with the City of De Smet's comprehensive land use plan.
11. That all requirements of the City of De Smet Zoning Ordinance will be met.

Based upon these findings, a motion was made By Cavanaugh, seconded by Asleson, to recommend approval of the special exception permit with the condition that a 7' wood privacy fence be placed on the west side of the property to the De Smet School District 38-2, for an elementary school facility, all voting aye, motion carried.

This being the date and time public noticed for the hearing on Variance Application #101 submitted by De Smet School District 38-2 was reviewed by the board. De Smet School District 38-2 has requested a variance to allow them to build an elementary school facility to the current structure that would be built less than 30 feet from the front (North) property line, less than 25 feet from the rear (South) property line, and cover over the maximum 30% of the lot with structures on the following legally described property: Lots 1, 2, 3, & 4 including vacated portion of Ingalls Ave between Lot 7, Block 15 & Lot 1, Block 17, Browns Addition, De Smet, Kingsbury County, South Dakota and addressed as 405 3rd Street SW, De Smet, South Dakota.

Notice of the hearing was properly given by certified mail and by publication of the publication of the Notice of Hearing in conformity with Section 3.04.05 of the City Zoning Ordinance. Nobody from the public appeared in opposition of the proposed variance application.

Upon conclusion of the hearing and the Board having considered the application and evidence presented, enters its findings as follows:

1. That property legally described as: Lots 1, 2, 3, & 4 including vacated portion of Ingalls Ave between Lot 7, Block 15 & Lot 1, Block 17, Browns Addition, De Smet, Kingsbury County, South Dakota, is located within the city limits of the City of De Smet and the Board of Adjustment has jurisdiction over the application.
2. That the property is currently zoned "R-2 General Residential".

3. That adjacent properties are zoned "R-2 General Residential" District.
4. That the Area Regulations of the "R-2 General Residential" zoning require a front yard set-back of 30 feet from the property line.
5. That the proposed structure addition would be constructed 10 feet 2 inches from the front (North) property line.
6. That the Area Regulations of the "R-2 General Residential" zoning require a rear yard set-back of 25 feet from the property line.
7. That the proposed structure addition would be constructed 16 feet 2 inches from the rear (South) property line.
8. That the Area Regulations of the "R-2 General Residential" zoning require a maximum lot coverage not to exceed 30% of the total lot area.
9. That the proposed addition would be constructed an average of 6 feet 10 inches closer to the front (North) property line than the other existing structure.
10. That the proposed structure addition would cover 57% of the total lot area.
11. That the applicant has filed the required application for the variance permit and the notice of hearing was properly given.
12. That none of the adjoining property owners presented any objections to the variance.
13. That granting of the proposed variance would not increase any safety exposure to the adjacent property owners.
14. That the Board of Adjustment take into consideration each application on its own accord.
15. That ordinances have been approved and adopted to protect the De Smet residents and properties within the city limits.
16. That the reasons set forth in the application justify approving a variance.

Based upon these findings, a motion was made by Cavanaugh, seconded by Munger, to recommend approval of the variance application #101 as submitted to De Smet School District 38-2 for the construction of a new elementary school facility to the current structure, all voting aye, motion carried.

Motion was made by Asleson, seconded by Munger, to approve reconvening as the city council.

SPECIAL EXCEPTION APPLICATION: Motion was made by Munger, seconded by Cavanaugh, to approve the Special Exception Application #100, submitted by the De Smet School District 38-2, with the condition that a seven (7) foot wood privacy fence be constructed on the West property line, all voting aye, motion carried.

VARIANCE APPLICATION: Motion was made by Cavanaugh seconded by Spader, to approve Variance Application #101 submitted by the De Smet School District 38-2, all voting aye, motion carried.

BUILDING PERMIT: Motion was made by Asleson, seconded by Cavanaugh, to approve the building permit application submitted by the De Smet School District 38-2. Discussion in regard to the building permit application included questions about the snow removal, safety at the construction

project site, parking, and project meetings that the city street and utility departments may need to attend. Mayor Wolkow called for the vote, four voted aye, Jensen voted nay, motion carried.

ADJOURN: There being no further business the meeting was adjourned on motion by Munger, seconded by Asleson, to adjourn.

Gary Wolkow, Mayor

Tracey Larson, Finance Officer

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