

**SPECIAL MEETING    DE SMET COMMON COUNCIL**  
**MAY 29, 2018**

The De Smet Common Council met in special session on May 29, 2018, at 5:00 p.m., with the following present: Don Bohn, Lowell Hansen, George Cavanaugh, Norman Whitaker, Jay Slater, Mayor Gary Wolkow, and Finance Officer Tracey Larson. Absent: Alex Botkin.

Mayor Wolkow called the meeting to order at 5:00 PM.

**NOLTE VARIANCE HEARING:** This being the date and time public noticed for the hearing on Variance Application #62 submitted by Jeff & Lindsay Nolte, motion was made by Cavanaugh, seconded by Slater 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.

Jeff and Lindsay Nolte have requested that they be allowed to construct a 28 foot x 22 foot garage addition to an existing garage two and a half (2 1/2) feet from the north property line (side yard) and 23 feet from the east property line (front yard) on the following legally described property: S 107' of Lots 1 & 2, Block 9, Carroll's Addition, and addressed as 704 2<sup>nd</sup> Street SW, De Smet, South Dakota.

The location of the proposed construction was reviewed by Alderman Slater. Jeff Nolte via speaker phone, spoke to the board in support of the proposed variance request. Adjacent landowner Robert Johnson appeared to comment in opposition to the variance as submitted. Loren Nolte, Roger Knock, and contractor Preston Collier were also present to assist in answering questions in regard to the application. The Board was informed that the garage on the adjacent property to the north is approximately one (1) foot away from the property line. Consideration by all parties was also discussed if the garage length was reduced from the 28 feet to 24 feet.

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 S 107' of Lots 1 & 2, Block 9, Carroll's 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 all adjacent properties are zoned "R-2 General Residential".
4. That the lot is located at the intersection of two street right-of-ways (Second Street & Andrews Avenue) and is therefore considered to be a corner lot.

5. That the Area Regulations of the "R-2" zoning require a front yard set-back of thirty (30) feet and the "Additional Yard Requirements" in Chapter 4.07 Yards, states that a corner lot must have a front yard along both streets.
6. That the "Minimum Yard Requirements" of the R-2 Zoning state that a residential structure shall have a minimum front yard of thirty feet, provided that a greater or lesser setback distance has been established in any block, then no building shall approach nearer any street lot line than a general average of this setback distance.
7. That the "Minimum Yard Requirements" of the R-2 Zoning state that a residential structure shall have a minimum side yard of six (6) feet.
8. That the existing garage is located two and a half (2 ½) feet from the north property line.
9. That the proposed garage addition would be constructed the with same side set-back from the north lot line (side yard) as the existing garage.
10. That the proposed garage addition would be constructed 23 feet from the east lot line (front yard).
11. That one of the adjoining property owners objected to the proposed variance.
12. That the special conditions and circumstance do not result from the action of the applicant, however, the proposed variance would increase the safety exposure to the adjacent property owner.
13. That the Board of Adjustment take into consideration each application on its own accord.
14. That ordinances have been approved and adopted to protect the De Smet residents and properties within the city limits.
15. That the current structure locations do not result from the applicants' action, rather the garage location and that of the adjoining property to the north were both constructed prior to the adoption of the current zoning provisions.
16. That the proposed structure could present a fire safety issue if allowed to be placed in such close proximity to the north property line.
17. That the reasons set forth in the application justify denying a variance.

Motion was made by Bohn, seconded by Slater, to deny the variance application as submitted for the 28'x 22' garage addition for the safety issues and that ordinances are made to protect people and their properties. Upon roll call vote, voting aye: Bohn, Hansen, and Slater. Voting nay was: Cavanaugh and Whitaker. Motion failed to pass due to not having four aye votes as required by the zoning ordinance. Mayor Wolkow asked if there were any other motions to come before the Board of Adjustment. There being no other motions to consider, Mayor Wolkow declared the council back in session.

**SPECIAL LIQUOR LICENSES:** The Oxbow and the Dugout has requested special licenses for the street dance to be held in an area on Calumet

Avenue S. between 2<sup>nd</sup> Street and 3<sup>rd</sup> Street on Saturday, June 9, 2018 from 8:00 PM to 1:00 AM. Motion was made by Cavanaugh, seconded by Slater, to approve the special liquor licenses to the Oxbow and the Dugout for the street dance to be held in an area on Calumet Avenue S. between 2<sup>nd</sup> Street and 3<sup>rd</sup> Street on Saturday, June 9, 2018 from 8:00 PM to 1:00 AM, all voting aye, motion carried.

**STREETS:** Motion was made by Slater, seconded by Cavanaugh, to approve the De Smet Volunteer Fire Department blocking Calumet Ave. South from 2<sup>nd</sup> Street to 3<sup>rd</sup> Street for the street dance to be held on Saturday, June 9, 2018, all voting aye, motion carried.

**BASKETBALL FUNDRAISER:** Motion was made by Slater, seconded by Bohn, to approve the De Smet girls' basketball team holding a car wash fund raiser and to approve blocking the street west of the De Smet Fire Hall on Poinsett Ave. between 1<sup>st</sup> Street and 2<sup>nd</sup> Street, all voting aye, motion carried.

**AIRPORT:** An Engineering Services Agreement from Helms Engineering for the proposed Concrete Hardstand and Hangar Taxilane Expansion Project in the amount of \$124,947.43 was presented to the council. Motion was made by Cavanaugh, seconded by Slater, to authorize the Mayor to sign the Engineering Services Agreement with Helms & Associates Inc. in the amount of \$124,947.43 for the proposed Concrete Hardstand and Hangar Taxilane Expansion Project, all voting aye, motion carried.

**VARIANCE PERMIT:** Motion was made by Bohn, seconded by Slater, to deny the variance application of Jeff & Lindsay Nolte as presented, all voting aye, motion carried.

**ADJOURN:** There being no further business the meeting was adjourned on motion by Whitaker.

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Gary Wolkow, Mayor

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Tracey Larson, Finance Officer

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