

**MINUTES OF THE
MINNEHAHA COUNTY ZONING BOARD OF ADJUSTMENT**
January 26, 2015

A meeting of the Zoning Board of Adjustment was held on January 26, at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY ZONING BOARD OF ADJUSTMENT MEMBERS PRESENT: Wayne Steinhauer, Jeff Barth, Becky Randall, Bill Even, and Bonnie Duffy.

STAFF PRESENT:

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning

The meeting was chaired by Wayne Steinhauer.

ITEM 1. Approval of Minutes – April 28, 2014

Action

A motion was made by Commissioner Barth to **approve** the minutes, and the motion was seconded by Commissioner Randall. The motion passed unanimously.

ITEM 2. VARIANCE #15-01 to exceed sign area and height on the property legally described as Lot 4B, Block 4, Haug’s Second Addition, SE1/4, Section 12-T102N-R50W.

Petitioner: Timpte, Inc.

Property Owner: same

Location: 25768 Cottonwood Ave. Approximately 2 miles
north of Sioux Falls

Staff Report: Kevin Hoekman

To exceed sign area and height.

General Information:

Legal Description – Lot 4B, Block 4, Haug’s Second Addition, SE1/4, Section 12-T102N-R50W, Benton Township

Present Zoning – I-1 Industrial

Existing Land Use – Trailer and Equipment Sales and Service

Parcel Size – 5 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant is requesting to increase the size and height of an on premise sign located along Interstate 29 in the rear of the property. Article 16.02(C) of the Minnehaha County Zoning Ordinance limits the size of on premise signs to a maximum 200 square feet, and the maximum

height to 30 feet. The applicant is requesting to increase the size to 299 square feet and a height of 40 feet.

The applicant provided a list of 5 reasons that they felt should be considered for allowing the request. The applicant's stated reasons are numbered directly below this paragraph. The applicant's reasons do not necessarily reflect the analysis of the staff.

1. Timpte is different from our neighbors due to the fact that it is a retail location that depends on drive in traffic for parts and service work. The proposed sign would increase customer traffic and the result is hiring more employees.
2. Due to the proximity of the Timpte location to the exit, there is a lack of visibility from a distance, both from the north and south. A larger and taller sign enables our customers to see the location from a much greater distance and exit safely.
3. A large tree on state property to the northeast of the Timpte lot impedes visibility to our sign based on visibility testing completed in November 2014.
4. A number of trees planted on state property along the road ditch will continue growing and in the future will most likely block visibility to the retail Timpte facility and signage.
5. Timpte's investment in the people and greater Minnehaha County and Sioux Falls agriculture community depends on visibility and customer awareness. The larger/taller sign would certainly help Timpte achieve that goal now and into the future.

On January 13, 2015, staff conducted a site visit for evaluation and photos. At the site itself, staff confirmed that trees have been planted within the interstate Right of Way. The trees do not seem to block the view of the site because of the trees short size and lack of leaves. There may be a potential for the sign view to become obstructed, especially from the north, because the trees were green ash trees that can get quite tall. The sign does have the advantage of being located near the top of a small hill that the site sits on. Photos were taken from the north bound exit ramp, the interstate crossing bridge one mile to the north, and on the site itself

It is important to note that a similar request based on similar conditions of topography and site distances was made before the Board of Adjustment last year. The petitioner of last year's item requested a taller and larger sign that is located at the Baltic exit. The Board of Adjustment found no hardship denied the request. If the board allows this sign to pass, there may be potential to be found arbitrary for allowing one and not the other.

The Zoning Board of Adjustment shall not vary the regulations unless it shall make findings based upon the evidence presented to it in each specific case that all of the following conditions are present:

(A). That specific circumstances or conditions, such as exceptional narrowness, topography, or siting exists.

The site is located within a well-established industrial park with varied sized lots. This particular parcel is located approximately ¼ mile to the north of the Crooks/Renner Exit off Interstate 29. This distance from the interchange makes the property ineligible for an increase in allowable height that is available to properties located directly adjacent to the interchange. Although the topography of the park and surrounding area does vary slightly, the parcel is at no visibility disadvantage over its neighbors. The parcel is even located on a slight hill that is large enough for the interstate Right of Way (ROW) to be elongated for a road cut.

(B). That the variance does not grant a use which is otherwise excluded from that particular district, or diminish or impair property values within the area.

An on premise sign is a permitted use along the Interstate as long as the State DOT approves of the sign. A larger and taller sign would not likely change any property values in the area.

(C). That due to the specific circumstance or existing conditions strict application of the Zoning Ordinance would be an unwarranted hardship.

There is a row of trees located within the Interstate ROW that may someday impede the visibility of the site and sign. This row of trees exist because of a road cut that extends the width of the ROW into the hillside. In this development only this parcel and the parcel to the north are affected by the trees in this road cut.

The 200 square foot maximum sign allowance was designed to allow efficiency in communications and to preserve the quality of the landscape from nuisances such as excessive size. The applicant's request for 299 square feet would even exceed the 288 square foot maximum allowed for an off premise billboard.

(D). That the granting of a variance is not contrary to the public interest and is in harmony with the general purposes and intent of the Zoning Ordinance.

Granting of this variance is not in the public's interest. It potentially will set a precedent for every business located along an interstate highway to desire a taller and larger sign just to increase visibility. The State of South Dakota provides options for business owners to advertise their services. The applicant can utilize this service and meet the requirements of the Zoning Ordinance.

(E). That because of circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

As staff has noted, there are some circumstances which do not lend the site to good visibility while traveling north and south on the Interstate. These conditions however are not so extreme that they would preclude the reasonable use of the property. The site can be developed and other measures can be implemented to help inform the traveling public of the location of this trailer sales and service facility. The applicant will have reasonable use of the property without a variance for a taller and larger sign.

The Zoning Board of Adjustment is to review each request and determine that all of the above identified issues and criteria have been met in order to approve a variance. While the sight distance and trees are an inconvenience, they does not rise to the level of a hardship.

Recommendation:

Staff recommends **denial** of Variance #15-01 to increase the height of an on-premise sign from thirty (30) feet to forty (40) feet and to increase the maximum size from 200 square feet to 299 square feet.

PUBLIC TESTIMONY

Staff presented to the board that the petitioner requested to defer the hearing for one month until the February 23rd meeting. No proponents or opponents were present at the meeting.

Action

A motion was made by Commissioner Barth to **Defer** Variance #15-01 until the February 23, 2015. The motion was seconded by Commissioner Even. The motion passed unanimously.

Variance #15-01 – Deferred until February 23, 2015.

Adjourn

A motion was made by Commissioner Duffy and seconded by Commissioner Randall to adjourn as the Zoning Board of Adjustment and convene as the Planning Commission.