

**MINUTES OF THE
MINNEHAHA COUNTY ZONING BOARD OF ADJUSTMENT**

November 23, 2015

A meeting of the Zoning Board of Adjustment was held on November 23, at 7:05 p.m. in the Commission Room of the Minnehaha County Administration Building.

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

STAFF PRESENT:

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

The meeting was chaired by Wayne Steinhauer.

ZONING BOARD OF ADJUSTMENT

ITEM 1. Approval of Minutes – March 23, 2015

A motion was made by Commissioner Barth and seconded by Commissioner Randall to **approve** the March 23, 2015 minutes. The motion passed unanimously.

ITEM 2. VARIANCE #15-04 to reduce the front yard setback from 50 feet to 9 feet on the property legally described as Tract 1 & 2, Co. Aud. Sub., NW1/4, Section 10-T101N-R48W.

Petitioner: Lanny Auringer

Property Owner: Badlands Motor Speedway, LLC

Location: 2012 S. Splitrock Blvd. Approximately 0.5 mile south of Brandon

Staff Report: Scott Anderson

This would reduce the front yard setback from 50 feet to 9 feet.

General Information:

Legal Description – Tracts 1 & 2 of County Auditors Subdivision, Section 10, T101N, R48W

Present Zoning – A1 Agriculture

Existing Land Use – racetrack

Parcel Size – 45.53 acres

Staff Report: Scott Anderson

Staff Analysis:

The applicant is requesting a variance to reduce the minimum setback from the west property line (front) from 50 feet to 9 feet. The subject property is located south of Brandon along SD Highway 11. The applicant is requesting the variance in order to demolish one functional obsolete building and construct a new building. The new building will not encroach within the minimum setback any further than the existing building which will be demolished and will be in the approximate same location. The building will consist of handicap accessible restrooms, storage, concessions and eighteen (18) guest suites.

On November 9, 2015, staff conducted a site visit. The subject property is located in a commercial area along SD Highway 11 south of Brandon. The subject property is the location of the Badlands Motor Speedway, formerly Husets Speedway. The racetrack has been operating for more than 40 years and is a legal non-conforming use within the A1 Agriculture District.

The applicant has indicated that they have contacted the S.D. Department of Transportation to discuss the building project and the proposal for the reduced setback.

1. That specific circumstances or conditions, such as exceptional narrowness, topography, or siting exists.

The subject property has a very unique geographic setting. It is sandwiched between SD Highway 11 and Split Rock Creek. Much of the property is located within a FEMA designated floodplain and the steep embankment along the highway. The site lends itself for viewing the racing that takes place on the flat lower level. SD Highway 11 also follows an angle into Brandon. It would be very difficult if possible at all to construct this new building, meet the setbacks and continue to remain out of the floodplain.

2. 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.

The proposed use is a legal non-conforming use within the A1 Agriculture District. The existing business operation has been in existence for more than 40 years and it has not deterred growth from occurring in the general vicinity.

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

Strict adherence to the setback requirements would be a hardship. Allowing the reduced setback will allow modifications to occur which will make this unique parcel more useful.

4. 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.

The proposed building and subsequent need for a reduced setback does not harm the public. Actually the proposed new building will provide bathrooms that meet all ADA requirements and safer for the public to use. Furthermore, staff finds that a reduced setback would be in harmony with the general purpose and intent of the Zoning Ordinance.

5. 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.

Due to the steepness of the lot, the location of the S.D. Highway 11 with past expansions of the right-of-way and the location of the 100 year floodplain, the subject property faces significant building restrictions. Strict conformity to the setback requirements would remove all of the buildings along the upper level and some of the bleachers currently used by the business. The reduced setback has been established for more than 20 years and has not hindered the traveling public along S.D. Highway 11. A reduced setback variance is needed to allow the public access to functioning rest room facilities that meet all of today's building and safety codes.

Recommendation: Staff recommends **approval** of Variance #15-04 to reduce the front yard setback along the west property line from 50 feet to 9 feet.

PUBLIC TESTIMONY

Scott Anderson, Planning Director, presented a brief overview of the staff report and analysis.

Commissioner Randall asked if the building will be located any closer than the existing structure and staff clarified that it would be close to the same spot but the applicant can further explain this information.

Lanny Auringer, 2700 W. 3rd St., Ste. 3, explained that the proposed building will be built closer to the race track and indicated that one of the main reasons for the building upgrade is to bring adequate sanitation facilities because of potential life safety and health issues presented with the existing bathroom area.

Commissioner Steinhauer called for public testimony and no one else spoke at the public

hearing.

Commissioner Steinhauer closed the floor to further public testimony.

DISCUSSION

Commissioner Barth indicated that he supports this proposal and foresees a definite benefit to the immediate area with the improvements.

ACTION

Commissioner Even made a motion to **approve** Variance #15-02 and the motion was seconded by Commissioner Duffy. The motion passed unanimously.

Variance #15-02 – Approved

Adjourn

A motion was made to **adjourn** by Commissioner Barth and seconded by Commissioner Ode. The motion passed unanimously.