



MINUTES OF THE
MINNEHAHA COUNTY ZONING BOARD OF ADJUSTMENT
January 22, 2018

A meeting of the Zoning Board of Adjustment was held on January 22, at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY ZONING BOARD OF ADJUSTMENT MEMBERS PRESENT: Adam Mohrhauser, Becky Randall, Doug Ode, Bonnie Duffy, Mike Ralston, Paul Kostboth, and Jeff Barth.

STAFF PRESENT:

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

The meeting was chaired by Bonnie Duffy.

The meeting was called to order at 7:02 p.m.

ZONING BOARD OF ADJUSTMENT

ITEM 1. Approval of Minutes – June 26, 2017

A motion was made by Commissioner Barth and seconded by Commissioner Kostboth to **approve** the June 26, 2017 meeting minutes. The motion passed unanimously.

ITEM 2. VARIANCE #18-01 to increase the height limit from 35 feet to 48 feet on the property legally described as W600' E1400' S790', NE1/4, Section 36-T101N-R51W.

Petitioner: Francis Phillips

Property Owner: same

Location: 26767 466th Ave. Approximately 3 miles west of Sioux Falls

Staff Report: Scott Anderson

This would increase the height limit from 35 feet to 48 feet.

General Information:

Legal Description – W600' E1400' S790', NE1/4, Section 36-T101N-R51W

Present Zoning – C Commercial

Existing Land Use – vacant

Parcel Size – 10.88

Staff Report: Scott Anderson

Staff Analysis: The applicant is requesting a variance to increase the maximum height of a structure in the C Commercial District from 35 feet to 48 feet. This request was made to allow for a Quonset stage to be constructed. The applicant has purchased a used stage, which he would



like to use on the subject property. The height to the top of the metal arches is 48 feet. The stage is assembled under the arched canopy at a 6 foot height. Equipment, lighting and performers are then above the 6 foot height.

The applicant has provided several photos and site plans depicting the stage and the location next to the Wild Water West amusement park. A similar stage was used on the site on a temporary basis during the Lifelight Festival held at this location for several years. The applicant indicated that there are already several grandfathered structures in the water park that exceed the 35 foot restriction. The water slides are 55 feet in height.

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

The siting of this type of venue typically requires a taller structure than 35 feet. In order to adequately house the proposed use, a taller structure is needed.

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 use as a recreational area has been established here for more than 30 years. The proposed venue would be an addition to the established use in the area. The proposed taller building should not diminish or impair property values in the area.

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

Strict application of the Zoning Ordinance would be a hardship for the proposed use. It would be difficult to conduct a musical venue within a structure maxing out at 35 feet in height.

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 intent of the Zoning Ordinance is to promote orderly growth in the County and make sure the intent of the Zoning Ordinance is met. The area is zoned commercial and for this particular commercial use, a 35 foot tall structure will not function well. The request will allow for orderly growth to occur.

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.

A variance is necessary to allow for reasonable use of the property. Strict conformity with the Zoning Ordinance would not allow for development of this venue.



The proposed new development and subsequent need for an increased height does not harm the public. Furthermore, staff finds that increasing the maximum height of this structure would be in harmony with the general purpose and intent of the Zoning Ordinance.

Recommendation: Staff recommends **approval** of Variance #18-01 to increase the maximum height of the proposed structure from 35 feet to 48 feet.

PUBLIC TESTIMONY

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

Francis Phillips, 1700 S. Carter Pl., identified himself as the petitioner and General Manager of Wild Water West. Mr. Phillips explained that the request is for a taller steel Quonset structure than the zoning ordinance currently allows to hold outdoor music events north of the waterpark.

Commissioner Barth asked if the request is for use of the site as an outdoor amphitheater and Mr. Anderson explained that the variance request is for height approval of the structure to exceed the maximum height in the A-1 Agricultural District. Mr. Anderson mentioned that the petitioner must obtain a conditional use permit to authorize the use.

ACTION

Commissioner Barth made a motion to **approve** Variance #18-01 and the motion was seconded by Commissioner Ode. The motion passed unanimously.

Variance #18-01 – Approved

Adjourn

A motion was made to **adjourn** by Commissioner Kostboth and seconded by Commissioner Ralston. The motion passed unanimously. The meeting was adjourned at 7:12 pm.