

**OFFICIAL MINUTES
SUMMERSET PLANNING AND ZONING COMMISSION
REGULAR MEETING
7055 LEISURE LANE
FEBRUARY 22, 2022 @ 6:00 P.M.**

The meeting was called to order by Commissioner Oldfield at 6:02 p.m.

ROLL CALL: Brody Oldfield, Dustin Hirsch (via telephone), Mike Martin, and John Hough present. Absent: Casey Kenrick. Also present was the City Administrator of Summerset.

CALL FOR CHANGES: Motion by Martin, second by Hirsch to approve the agenda of the meeting for February 22nd, 2022. Motion carried.

CONSENT CALENDAR: Motion by Martin, second by Hough to approve the minutes of the regular meeting of January 25th, 2022. Motion carried.

REVIEW OF 2018 INTERNATIONAL CODES

Lisa Schieffer, City Administrator, provided to the Board the following ordinances:

Title XV Chapter 153 – Subsection 153.025 Adoption of Building Code.

Title XV Chapter 152 – Subsection 152.01 Adoption of 2018 International Building Code by Reference.

Title XV Chapter 152 – Subsection 152.02 Adoption of 2018 International Property Maintenance Code by Reference.

Title XV Chapter 152 – Subsection 152.03 Adoption of 2018 International Residential Code by Reference.

Schieffer stated that the City was currently following the 2015 IBC, 2012 IPMC, and 2012 IRC codes which needed to be updated.

REVIEW 2018 INTERNATIONAL BUILDING CODES

Motion by Martin, second by Hough to open discussion on the amendments to the International Building Code. Motion carried.

Schieffer presented the amendments to the Board. Chairman Oldfield asked to amend 101.4.1 Gas – to include Propane and LP Gas Service providers to meet the code and amend 101.4.8 Electrical – to include service territory providers. The other members of the Planning & Zoning Board agreed.

Motion by Martin, second by Hough to close discussion on the amendments to the International Building Code. Motion carried.

Motion by Martin, second by Hough to recommend approval of the International Building Code with amendments to the Board of Commissioners. Motion carried.

REVIEW 2018 INTERNATIONAL PROPERTY MAINTENANCE CODES

Motion by Hough, second by Martin to open discussion on the amendments to the International Property Maintenance Code. Motion carried.

Schieffer presented the amendments to the Board. Discussion was had on keeping the gas and electrical amendment consistent throughout the codes.

Motion by Hough, second by Martin to close discussion on the amendments to the International Property Maintenance Code. Motion carried.

Motion by Martin, second by Hough to recommend approval of the International Property Maintenance Code with amendments to the Board of Commissioners. Motion carried.

REVIEW 2018 INTERNATIONAL RESIDENTIAL CODES

Motion by Hough, second by Martin to open discussion on the amendments to the International Residential Code. Motion carried.

Schieffer presented the amendments to the Board. Chairman Oldfield stated he would like to take out a portion of the frost protection – taking out the wording “unless the frozen condition is permanent.” The other members of the Planning & Zoning Board agreed.

Motion by Martin, second by Hough to close discussion on the amendments to the International Residential Code. Motion carried.

Motion by Martin, second by Hough to recommend approval of the International Residential Code with amendments to the Board of Commissioners. Motion carried.

2018 BUILDING VALUATION DATA FEES

Motion by Martin, second by Hough to open discussion on the building valuation data fees. Motion carried.

Schieffer presented the 2017 through 2021 Building Valuation Fees for comparison. Discussion was had on consistency throughout if we were going to be adopting the 2018 codes.

Motion by Martin, second by Hough to close discussion on the building valuation data fees. Motion carried.

Motion by Martin, second by Hough to recommend approval of adopting the August 2018 Building Valuation Data fees. Motion carried.

ADJOURNMENT

Motion by Hough, second by Martin, to adjourn the meeting at 6:49 p.m. Motion carried.

Candace Sealey, Finance Officer

Brody Oldfield, Chairman

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Prepared by:
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DECLARATION OF PERMANENT UTILITY EASEMENT

Declaration of Easement. FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, New Leaf, L.L.C., 7875 Black Hawk Road, Black Hawk, SD 57718 (hereinafter "Declarant") owner of Tract 1A of Pine Hills Subdivision, Meade County, South Dakota hereby grants and conveys a twenty foot (20') permanent easement for Utilities to the current and future owner of Tract 1B of Pine Hills Subdivision, Meade County, South Dakota, the "Grantee", as is shown on the attached Exhibit A which is incorporated herein by reference subject to the conditions hereinafter set forth, as hereinafter described.

Such easement shall include the right to enter upon the easement property to construct, install, operate, inspect, maintain, and repair utilities and related appurtenant facilities upon said property.

The area, which is the subject of this easement, shall be kept free of all obstacles, including fences, shrubs, walls, or other items which obstruct the visibility or usefulness of the easement except for the currently existing chain-link fence that crosses the easement area in two places which will remain in place and when the area is being used for utility purposes it may be taken down and put back up.

This easement shall include the right to enter upon the afore-described real property and otherwise to do those things reasonably necessary to effectuate its purpose.

No Obstruction. No owner now or in the future shall construct any fence, barrier, gate or other obstruction, whether temporary or permanent, across the easement area to prevent the free access, use and enjoyment of the utility easement created hereby except for the currently existing chain-link fence that crosses the easement area in two places which will remain in place and when the area is being used for utility purposes it may be taken down and put back up.

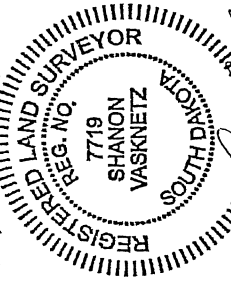
Binding Effect. This easement shall be deemed appurtenant to and run with the real property herein described for the benefit of the other property, and is a perpetual and continuing easement until replaced, released or modified by a written instrument signed by the owners of Tract 1A and Tract 1B of Pine Hills Subdivision, Meade County, South Dakota or their respective successors and assigns. This easement shall be binding upon and inure to the benefit of all futures owners or their successors and/or assigns.

KARI A. STRONG
SEAL NOTARY PUBLIC SEAL
SOUTH DAKOTA

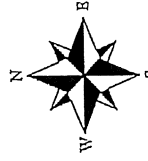
'EXHIBIT A'

For the Purpose of Showing the Proposed 20' Utility Easement for the benefit of Tract 1A and 1B of Pine Hill Subdivision.

All Located in the NE 1/4 of the SE 1/4 of Section 36, Township 3 North, Range 6 East, Black Hills Meridian, City of Summerset, Meade County, South Dakota.



Shanon Vasknetz
Shanon Vasknetz SDELS 7719



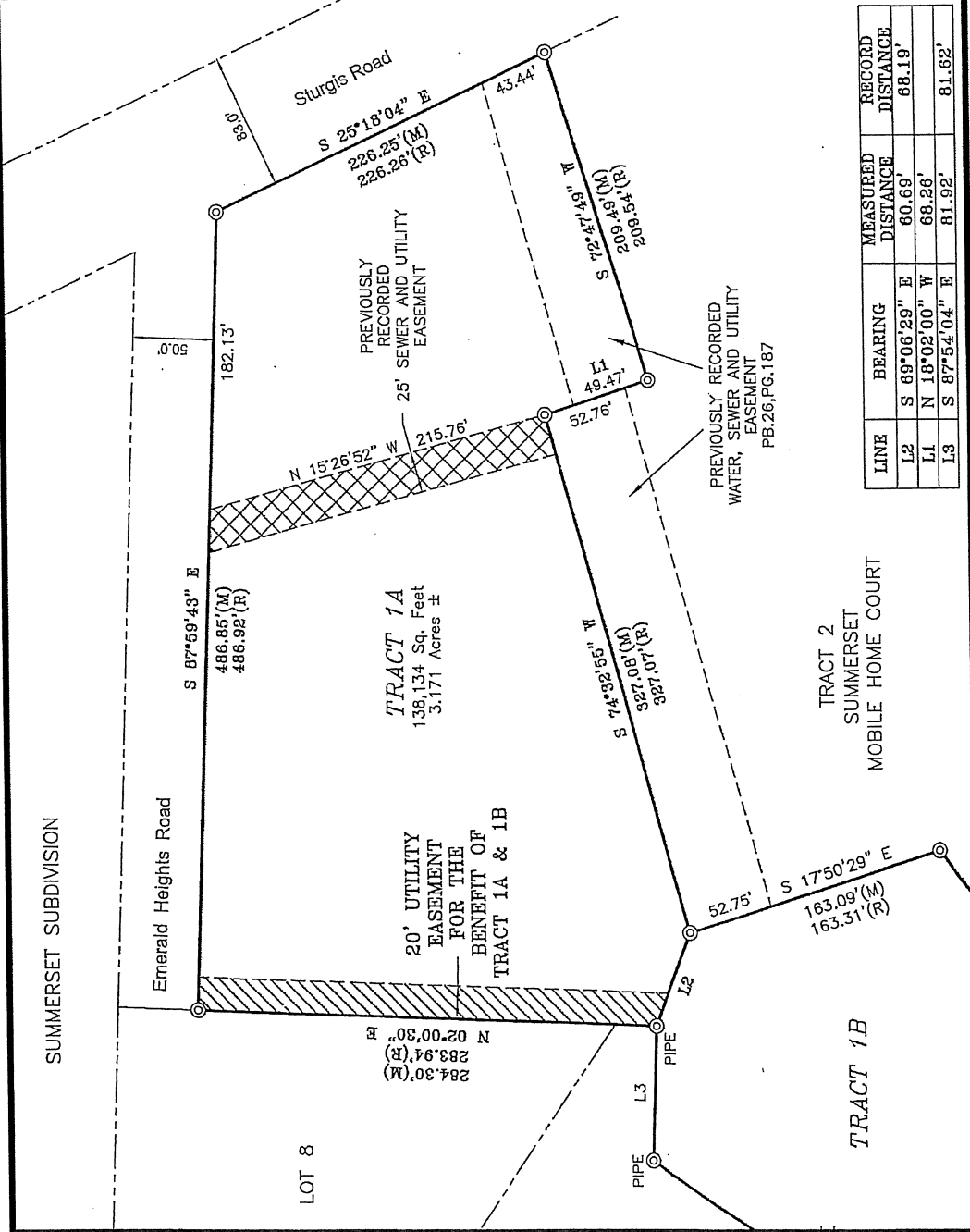
1" = 80 Feet
JANUARY 2022

LEGEND

© Found Rebar & Cap Marked "THINGELSTAD RLS 4371".

Reference Plats:
Plat Book 26 at Page 187.

PREPARED BY: Baseline Surveying Inc.,
2305 Junction Avenue, Sturgis, SD 57785
Phone (605) 490-1401
EMAIL: baseline7719@gmail.com JOB NO. 20-133





COMMUNITY PLANNING & DEVELOPMENT SERVICES

City of Summerset

12150 Siouxland Dr., Summerset, SD 57718

Phone: (605) 718-9858

Fax: (605) 718-9883

Web: www.summerset.us

APPLICATION FOR DEVELOPMENT REVIEW

REQUEST (please check all that apply)

- ☐ Annexation
- ☐ Comprehensive Plan Amendment
- ☐ Fence Height Exception
- ☐ Planned Development (Overlay)
 - ☐ Designation
 - ☐ Initial Plan ☐ Final Plan
 - ☐ Major Amendment
 - ☐ Minimal Amendment

- ☐ Subdivision
 - ☐ Layout Plan
 - ☐ Preliminary Plat
 - ☐ Final Plat
 - ☐ Minor Plat
- ☒ Variance
- ☐ Rezoning
- ☐ Road Name Change

- ☐ Conditional Use Permit
 - ☐ Major Amendment
 - ☐ Minimal Amendment
- ☐ Vacation
 - ☐ Utility / Drainage Easement
 - ☐ R.O.W. / Section Line Highway
 - ☐ Access / Non-Access
 - ☐ Planting Screen Easement
- ☐ OTHER (specify) _____

LEGAL DESCRIPTION (Attach additional sheets as necessary)

EXISTING LOTS AR, BR, C and D of Lot 1, Blk 9, Section 36, T3N, Range 6E B4M, City of Summerset, Meade Co SD

PROPOSED

LOCATION

Size of Site—Acres	Square Footage	Proposed Zoning
DESCRIPTION OF REQUEST: <u>8' fence around campus of City Offices</u>		Utilities: Private / Public
HARDSHIP:		Water
		Sewer

APPLICANT

Name City of Summerset Phone 605 718 9858
 Address 7055 Leisure Ln E-mail cityinfo@summerset.us
 City, State, Zip Summerset SD 57718

PROJECT PLANNER - AGENT

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____

OWNER OF RECORD (If different from applicant)

Name City of Summerset Phone 605 718 9858
 Address 7055 Leisure Ln E-mail cityinfo@summerset.us
 City, State, Zip Summerset SD 57718

Melzer 2-24-22
 Property Owner Signature Date

Signature Date
 Print Name: _____
 Title*: _____

*required for Corporations, Partnerships, etc.

FOR STAFF USE ONLY

ZONING	
Current	<u>C1</u>
North	
South	
East	
West	
Planner	
File No.	
Comp Plan	
Received By:	

- ☐ Sewer Utility
- ☐ Fire Department
- ☐ Public Works
- ☐ Planning
- ☐ Building Inspector
- ☐ Engineering
- ☐ City Code Enforcement
- ☐ Police
- ☐ City Attorney
- ☐ BHP&L
- ☐ Finance Officer
- ☐ Register of Deeds
- ☐ County - Planning
- ☐ SD DOT
- ☐ SD DENR
- ☐ Auditor - Annexation
- ☐ Drainage
- ☐ Parks & Recreation

- ☐ Diamond D Water
- ☐ Black Hills Water
- ☐ Other: _____
- ☐ Other: _____
- ☐ Other: _____
- ☐ Other: _____

Board of Adjustments Meeting Date: _____

Date Paid: _____

Sign Deposit Received: _____ Amount: _____ Sign returned: _____

Payment Type: Cash ☐ Credit ☐ Check ☐

06/2015

NOTICE OF PUBLIC HEARING

NOTICE OF HEARING APPLICATION FOR VARIANCE BEFORE THE CITY OF SUMMERSET BOARD OF ADJUSTMENTS

Notice is hereby given that the following petitioner has applied to the City of Summerset Board of Adjustments under the provisions of the City of Summerset Zoning Ordinance #2 as follows:

City of Summerset – Summerset Subdivision, Lots AR, BR, C, and D of Lot 1, Blk 9, Section 36, Township 3 North, Range 6 East, Black Hills Meridian, City of Summerset, Meade County SD

155.180 Fences:

“(d) In all commercial and industrial zoning districts, fences not more than eight feet in height may be located on any part of a lot other than the required front yard setback, except when such lot is adjacent to a residential use.”

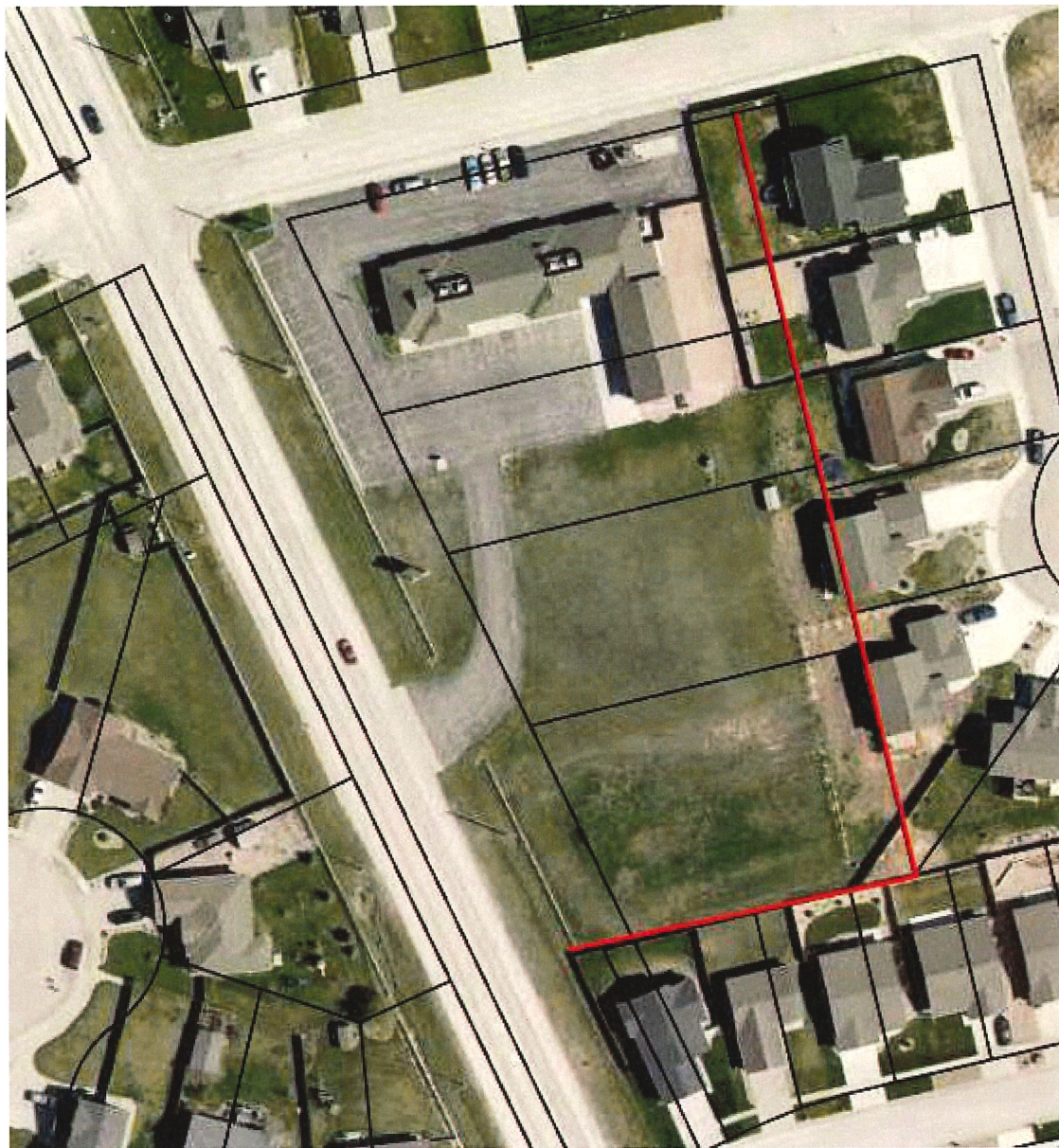
Applicant has requested a variance to erect an eight foot (8”) in height fence around the campus of the City of Summerset which is adjacent to a residential area.

Notice is further given that said application will be heard and considered by the City of Summerset Board of Adjustments at Summerset City Hall, 7055 Leisure Lane, Summerset, SD 57718 at 6:00 p.m. on the 8th day of March 2022. At that time, any person, persons, or their attorney who are interested in the approval or rejection of said application may appear and be heard at said scheduled public hearing.

Dated this 17th day of February 2022.

City of Summerset

Published once _____, at an approximate cost of \$ _____.



§ 155.180 FENCES.

Regulations regarding fences shall be as follows.

(A) The regulation of fences is intended to protect the public safety and welfare while maintaining the integrity of the community; providing privacy; buffering noise; and allowing adequate air, light, and vision.

* (B) A building permit is required for all fences except for fences located in the Agricultural District.

(C) Fences not more than four feet in height may be located on any part of the lot except that such a fence may not be more than 30% solid where it is located within 30 feet of a street intersection, measuring along the property lines and connecting these two points by a straight line.

(D) (1) Fences not more than six feet in height may be erected on any part of a lot other than in the required front yard except for fences located in the Agricultural District which are exempt from the fence height requirements.

(2) The following are exceptions.

(a) On double frontage and corner lots used residentially, fences not more than six feet in height may be placed in one of the front yards, provided that the fence is placed from the rear building line to rear property line or portion thereof.

(b) The maximum fence height for golf courses, public swimming pools, school track and field areas, parks, and ballparks shall be eight feet on any portion of the lot. Fences associated with these uses shall not be more than 30% solid.

(c) The maximum fence height for public tennis courts or basketball courts shall be 12 feet and shall not be more than 30% solid on any portion of the lot.

* (d) In all commercial and industrial zoning districts, fences not more than eight feet in height may be located on any part of a lot other than the required front yard setback, except when such lot is adjacent to a residential use.

(E) All boundary line fences shall be located entirely upon the private property of the person, firm, or corporation constructing or causing the construction of such fence unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. The Building Inspector or City Planner may require any applicant for a fence permit to cause to establish the boundary lines of her or his property by a survey thereof to be made by a registered land surveyor.

(F) (1) Every fence shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suitable for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private.

(2) Any such fence which is, or has become dangerous to the public safety, health, or welfare, is a public nuisance, the Building Inspector is authorized to commence prior proceedings in the municipal court for the abatement thereof.

(3) Link fences, wherever permitted, shall be constructed in such a manner that the barbed end is at the bottom of the fence and the knuckle end is at the top thereof.

(Ord. passed 2-3-2011, § 2.26.060; Ord. passed 2-16-2017)

§ 155.181 YARD AND BUILDING SETBACK EXCEPTIONS.