

**PLANNING COMMISSION/
BOARD OF ADJUSTMENT MEETING
CITY COMMISSION ROOM
Tuesday, September 12, 2023
7:00am**

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES: August 8, 2023, Planning Commission

APPROVAL OF AGENDA:

APPEARANCES, ACKNOWLEDGEMENTS, CORRESPONDENCE:

OLD BUSINESS (Planning Commission and Board of Adjustment): None.

NEW BUSINESS (Board of Adjustment):

1. Hearing on Appeal No. 695 – Heather Pulis, for a variance application that, if granted, will permit the applicant to place a camper on her property at 328 N Harth Avenue for temporary living. The property is legally described as Lot Twelve (12) in Block Eleven (11) of Kennedy’s Subdivision of Blocks Eleven (11) and Twelve (12) of Kennedy’s Extension of Madison, Lake County, South Dakota.
2. Decision on Appeal No. 695 – Heather Pulis.

NEW BUSINESS (Planning Commission):

1. Plat Approval – Lot 8 in Block 8 of Lakeview Industrial Park Addition to the City of Madison, Lake County South Dakota
2. Plat Approval – Lot 9 in Block 8 of Lakeview Industrial Park Addition to the City of Madison, Lake County South Dakota

PUBLIC INPUT:

ADJOURNMENT:

Any person with a disability wishing to attend any board meeting who may require special arrangements may contact the Finance Office at 256-7500 and all attempts shall be made to accommodate those requests.

PLANNING COMMISSION PROCEEDINGS
CITY OF MADISON
August 8, 2023
7:00 am

Chairman John Groce called the meeting to order at 7:00am. The following members were present for roll call: Jim Iverson, Bob Maxwell, Michael Johnson, Jennifer Wolff, Roger Olson, John Groce and Alternate Jacob Deboer. Absent was Donna Fawbush. Also present were Administrative Officials Ryan Hegg and Dan Whitlock. Gary Zay, Jennifer Hasleton, Randy Schaefer, Randy Wiese, Ray Pierson and Roy Lindsay were also in attendance.

Motion by Commissioner Maxwell to approve the July 11, 2023, Planning Commission minutes, seconded by Commissioner Wolff. Motion carried unanimously.

Motion by Commissioner Iverson to approve the July 11, 2023, Board of Adjustment minutes, seconded by Commissioner Olson. Motion carried unanimously.

Motion by Commissioner Wolff to approve the August 8, 2023, agenda. Seconded by Commissioner Deboer. Motion carried unanimously.

Discussion regarding Preliminary Plat of Trojan Village Addition Blocks 1-3. Contents explained by Ryan Hegg and Ray Peirson from Sayre. Concerns regarding water drainage discussed by Randy Wiese.

Motion made by Commissioner Maxwell to approve Preliminary Plat. Seconded by Commissioner Wolff. Roll call vote taken. Motion carried unanimously.

No public input. Commissioner Wolff motioned to adjourn the meeting. Seconded by Commissioner Olson. Meeting adjourned at 8:16 am.

200036991

10/29/2009

CITY OF MADISON
VARIANCE APPLICATION

APPEAL NUMBER

695

APPLICANT (PRINT): Heather Polis PHONE: 605-270-4124

ADDRESS: 328 N Harth Ave

OWNER (PRINT): _____ PHONE: _____
IF DIFFERENT THAN APPLICANT

ADDRESS: _____

I/WE, THE UNDERSIGNED, DO HEREBY PETITION THE BOARD OF ADJUSTMENT OF THE CITY OF MADISON SOUTH DAKOTA, TO ISSUE A VARIANCE FOR THE PROPERTY DESCRIBED AS:

LEGAL DESCRIPTION (Please print or type)

LOT 12 BLOCK 11 KENNEDY'S SUBDIVISION BLK 11-12

GENERAL AREA OR STREET ADDRESS: _____

EXISTING LAND USE: RESIDENTIAL EXISTING ZONING: R-60

SIZE OF PARCEL: ACRES 6.800 LOT DIMENSIONS: WIDTH 50 LENGTH 136 DEPTH _____

SURROUNDING LAND USE

NORTH: RESIDENTIAL
SOUTH: RESIDENTIAL
EAST: RESIDENTIAL
WEST: RESIDENTIAL - CREEK

PLEASE PROVIDE A BRIEF STATEMENT OF THE VARIANCE DESIRED AND PLEASE STATE THE HARDSHIP REQUIRING RELIEF. (Proof of hardship is on the applicant - Hardship examples are odd size or shape of the lot, unusual topography, etc. attach a letter of explanation to document requirements necessary to approve if necessary)

Due to hardship of a home fire we are living in a hotel we can't afford. Our insurance company has offered us a camper for temporary use on our residence but due to ordinance we can not so we are asking for variance to construct a new house so we can try to rebuild our lives. It is hard living in a hotel with a family & when you can't afford to.

I (we) further state that if this request is granted, I (we) will proceed with the actual construction in accordance with the plans herewith submitted within one year or additional time as extended from the effective date of the appeal.

SIGNATURE OF APPLICANT Heather Polis

SIGNATURE OF OWNER (IF DIFFERENT THAN APPLICANT) _____

NOTE: A SKETCH OF PROPOSED PROPERTY SHALL ACCOMPANY THIS APPLICATION, SHOWING THE FOLLOWING:

2. NORTH DIRECTION
2. DIMENSIONS OF PROPOSED STRUCTURE
3. STREET NAMES
4. OTHER INFORMATION AS MAY BE REQUESTED
5. LOCATION OF PROPOSED STRUCTURE ON LOT
6. DIMENSIONS OF FRONT AND SIDE SET BACKS
7. LOCATION OF ADJACENT EXISTING BUILDINGS

THE BOARD OF ADJUSTMENT MAY REQUIRE THAT SUCH PLANS BE PREPARED BY A REGISTERED ENGINEER OR LAND SURVEYOR.

**PLEASE USE THE ATTACHED SKETCH INSTRUCTION SHEET FOR AN EXAMPLE.

FOR OFFICIAL USE ONLY

DATE FILED WITH ADMINISTRATIVE OFFICIAL: _____
FEE PAID (NON-REFUNDABLE): _____ YES _____ NO
DATE OF HEARING: _____
ACTION BY BOARD OF ADJUSTMENT: _____

To Our Neighbors,

Heather Pulis, residing at 328 N Harth Ave, is applying for a variance to
Put a camper on Property for temporary use - while remodeling
our home

Public meetings will be held for any questions or concerns on:

Tuesday September 12, 2023

We the undersigned adjacent owners have spoken to the applicants and approve.

Signature	Address	Date
<u>Morris Rigg</u>	<u>405 AD N Harth Madison SD 57042</u>	<u>8/24/23</u>
<u>Theresa Theresa Rigg</u>	<u>404 N Harth Madison</u>	<u>8/24/23</u>
<u>Mya Byrd</u>	<u>322 N Harth, Madison</u>	<u>8-24-23</u>
_____	_____	_____
_____	_____	_____

We the undersigned adjacent owners have spoken to the applicants and acknowledge that we have been made aware.

Signature	Address	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

09/01/23

Board of Adjustment
116 West Center St.
Madison, SD 57042

RE: Variance Hearing

Dear Board of Adjustment:

This letter may serve as written comments for the variance application hearing regarding 328 N Harth Ave which is adjacent to our property, 403 N Lee Ave.

We submit to the board our request that the variance application be denied for the applicant. Over the course of the past year that the applicant and family has lived there, they have repeatedly failed to maintain their property in a clean, clear, and safe manner. Their garbage and belongings are continually strewn about the lawn and frequently enter the alleyway and/or our yard. The applicant has continued to "spread" out past their lot line by parking trailers, vehicles, etc. in the city lot next door. This practice was observed even prior to the fire which displaced the family. We have numerous concerns about permission being granted for them to move in a camper/trailer to the property. Their application notes "temporary housing" and I have questions about their specific timeline. Furthermore, we feel that the property simply lacks the space and the opportunity for electric, water, and sewer hookups that would be required. They have failed to show the ability to maintain a property; therefore, we are reluctant to support any permission to bring more vehicles/items to the lot that have the potential to not only block access to the alleyway, but also to continue to erode our and neighbors' property values given the unsightliness of their property.

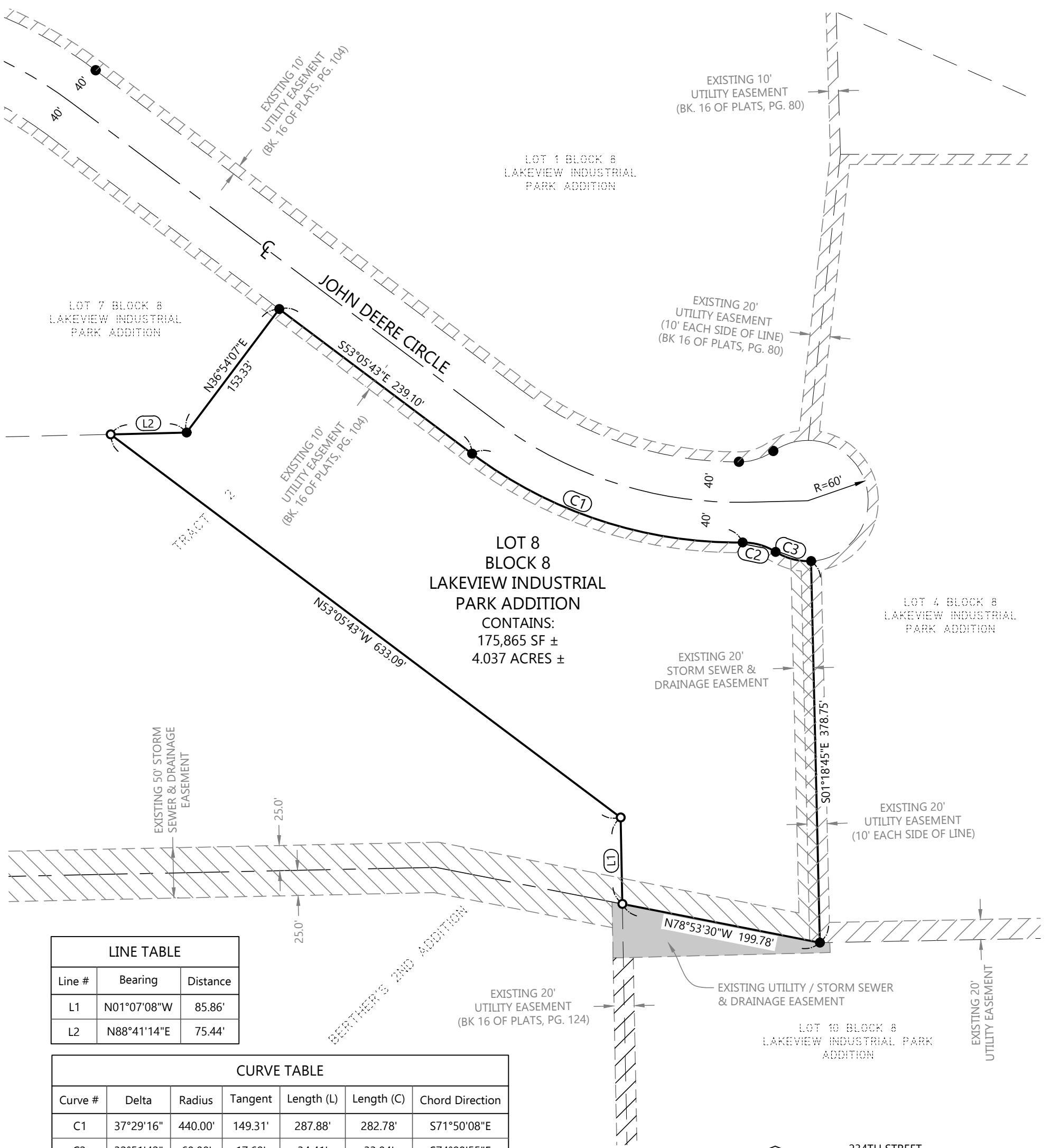
Sincerely,

Handwritten signatures of David and Penny Petrik in black ink. The signature for David is on the left and Penny is on the right, both written in a cursive style.

David & Penny Petrik

403 N Lee Ave
Madison, SD 57042

PLAT OF
LOT 8 IN BLOCK 8 OF LAKEVIEW INDUSTRIAL PARK ADDITION
TO THE CITY OF MADISON, LAKE COUNTY, SOUTH DAKOTA



LINE TABLE		
Line #	Bearing	Distance
L1	N01°07'08"W	85.86'
L2	N88°41'14"E	75.44'

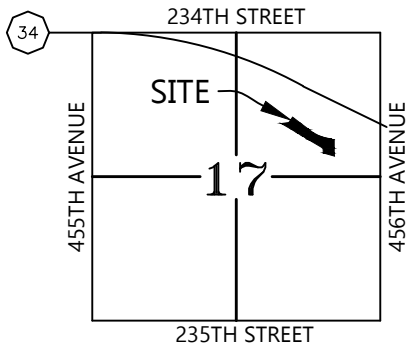
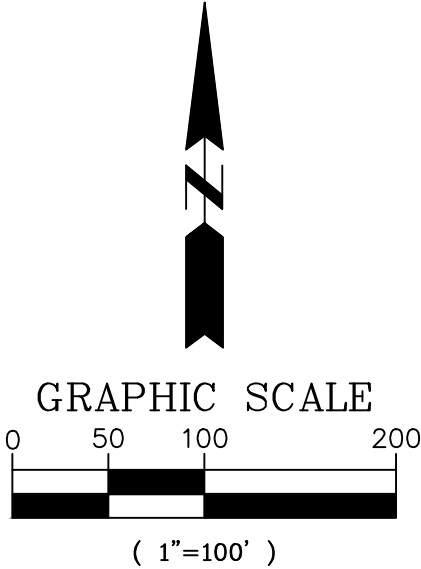
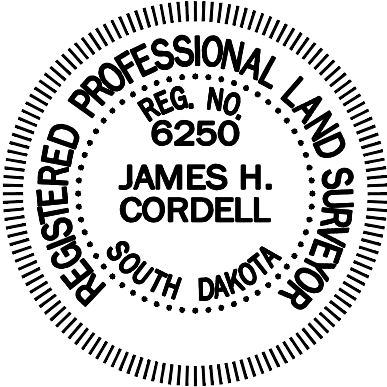
CURVE TABLE						
Curve #	Delta	Radius	Tangent	Length (L)	Length (C)	Chord Direction
C1	37°29'16"	440.00'	149.31'	287.88'	282.78'	S71°50'08"E
C2	32°51'42"	60.00'	17.69'	34.41'	33.94'	S74°08'55"E
C3	35°21'08"	60.00'	19.12'	37.02'	36.44'	S75°23'38"E

Notes:
The bearing system for this plat is based on the UTM Zone 14 North.

This plat was prepared without the benefit of a title commitment.

Legend

- - Denotes 5/8 inch by 18 inch rebar set and marked by License No. 6250
- - Denotes found monument



VICINITY MAP
SECTION 17-106-52

Total Area Surveyed:
4.037 Acres±



216 S. Duluth Avenue • Sioux Falls, SD 57104
Phone: (605) 332-7211

Engineers • Surveyors

PLAT OF
LOT 8 IN BLOCK 8 OF LAKEVIEW INDUSTRIAL PARK ADDITION
TO THE CITY OF MADISON, LAKE COUNTY, SOUTH DAKOTA

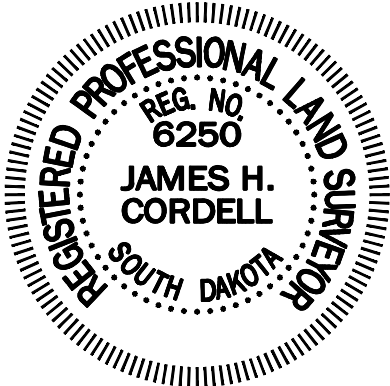
SURVEYOR'S CERTIFICATE

I, James H. Cordell, a Registered Land Surveyor of the State of South Dakota, do hereby certify that I did on or before August 3, 2023, survey and replat a part of Tract 2, Berther's Second Addition in the Northeast Quarter of Section 17, Township 106 North, Range 52 West of the 5th P.M., Lake County, South Dakota, into a lot and block as shown. The same shall hereafter be known and described as **Lot 8 in Block 8 of Lakeview Industrial Park Addition to the City of Madison, Lake County, South Dakota.**

I further certify that to the best of my knowledge the plat correctly represents the same, is true and correct and that it was made under my direct supervision.

Dated this ____ day of _____, 20____.

SD Registered Land Surveyor No. 6250



OWNER'S CERTIFICATE OF COMPLIANCE

We, Lake Area Improvement Corporation, a SD non-profit corporation, do hereby certify that we are the sole, absolute, and unqualified owner of all land included in the above plat and that said plat has been made at our request and in accordance with our instructions for the purpose of transfer, and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations as well as all water pollution prevention control rules, codes and laws. This parcel of land is free from any encumbrances.

We hereby dedicate to the public for public use forever the streets, roads and alleys, parks and public grounds, if any, as shown on said plat, including all sewers, culverts, bridges, water distribution lines, sidewalks and other improvements on or under the streets, alleys, parks and public grounds whether such improvements are shown or not. We also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone or other public utility lines or services under, on or over those strips of land designated hereon as easements.

On our behalf as the owners and also binding on behalf of future successors and assigns, we hereby waive any rights of protest to any special assessment program which may be initiated by the City for the purpose of installation of improvements required by the Subdivision Ordinance of the City of Madison.

We do hereby certify that this replat will not place any existing lot or building in violation of any applicable ordinance, code, regulation, or law including but not limited to zoning, building, subdivision, and flood prevention.

We further certify that this platting of said described Lot 8 in Block 8 of Lakeview Industrial Park Addition to the City of Madison, Lake County, South Dakota, does hereby vacate the following platting: a part of Tract 2, Berther's Second Addition in the Northeast Quarter of Section 17, Township 106 North, Range 52 West of the 5th P.M., Lake County, South Dakota, said plat on file at the Register of Deeds office in Book 13 of Plats, page 5. Said plat, hereby vacated, is situated within Lot 8 in Block 8 of Lakeview Industrial Park Addition to the City of Madison, Lake County, South Dakota, as surveyed.

Dated this ____ day of _____, 20____.

Owner: Lake Area Improvement Corporation, a SD non-profit corporation

By: _____

Title: _____

STATE OF SOUTH DAKOTA)
§
COUNTY OF _____)

On this ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____, who acknowledged ____self to be the _____ of Lake Area Improvement Corporation, a SD non-profit corporation, and that __he as such _____ being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the non-profit corporation by ____self as _____.

In witness thereof, I have hereunto set my hand and official seal.

My commission expires: _____

Notary Public, State of South Dakota

CITY ENGINEER'S CERTIFICATE

I, _____, City Engineer of the City of Madison, do hereby certify that this plat has been reviewed by me or my authorized agent and that this plat is recommended for approval by the City Commission.

Signed on this ____ day of _____, 20____.

City Engineer, Madison, South Dakota

PLANNING COMMISSION CERTIFICATE

Approval of the plat of Lot 8 in Block 8 of Lakeview Industrial Park Addition to the City of Madison, Lake County, South Dakota, is hereby granted by the City Planning Commission on this ____ day of _____, 20____.

Chair, City Planning Commission

CITY COMMISSION APPROVAL

Resolution Number _____

Be it resolved by the City Commission of the City of Madison, that the plat of Lot 8 in Block 8 of Lakeview Industrial Park Addition to the City of Madison, Lake County, South Dakota, is hereby approved and that the City Finance Officer of the City of Madison is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Adopted this ____ day of _____, 20____.

Mayor, City of Madison

Attest: _____
City Finance Officer

CITY FINANCE OFFICER'S CERTIFICATE

I, _____, the duly appointed, qualified and acting City Finance Officer of the City of Madison, South Dakota hereby certify that I have compared the copy of the foregoing Resolution No. _____ with the original as contained in the minutes of the said board of City Commissioners for the meeting of said board held on the ____ day of _____, 20____, and that the foregoing is a true and correct copy of said resolution and that the same has not been altered, modified, or amended, on this ____ day of _____, 20____.

City Finance Officer, Madison, South Dakota

COUNTY TREASURER'S CERTIFICATE

I, Treasurer of Lake County, South Dakota, do hereby certify that all taxes which are liens upon any land included in the above (and the foregoing) plats, as shown by the record of my office, have been fully paid.

Dated this ____ day of _____, 20____.

Treasurer, Lake County, South Dakota

DIRECTOR OF EQUALIZATION

I, Director of Equalization of Lake County, South Dakota, do hereby certify that a copy of the above plat has been filed at my office.

Director of Equalization, Lake County, South Dakota

REGISTER OF DEEDS

Filed for record this ____ day of _____, 20____, at ____ o'clock, _____.m., and recorded in Book ____ of Plats on Page _____.

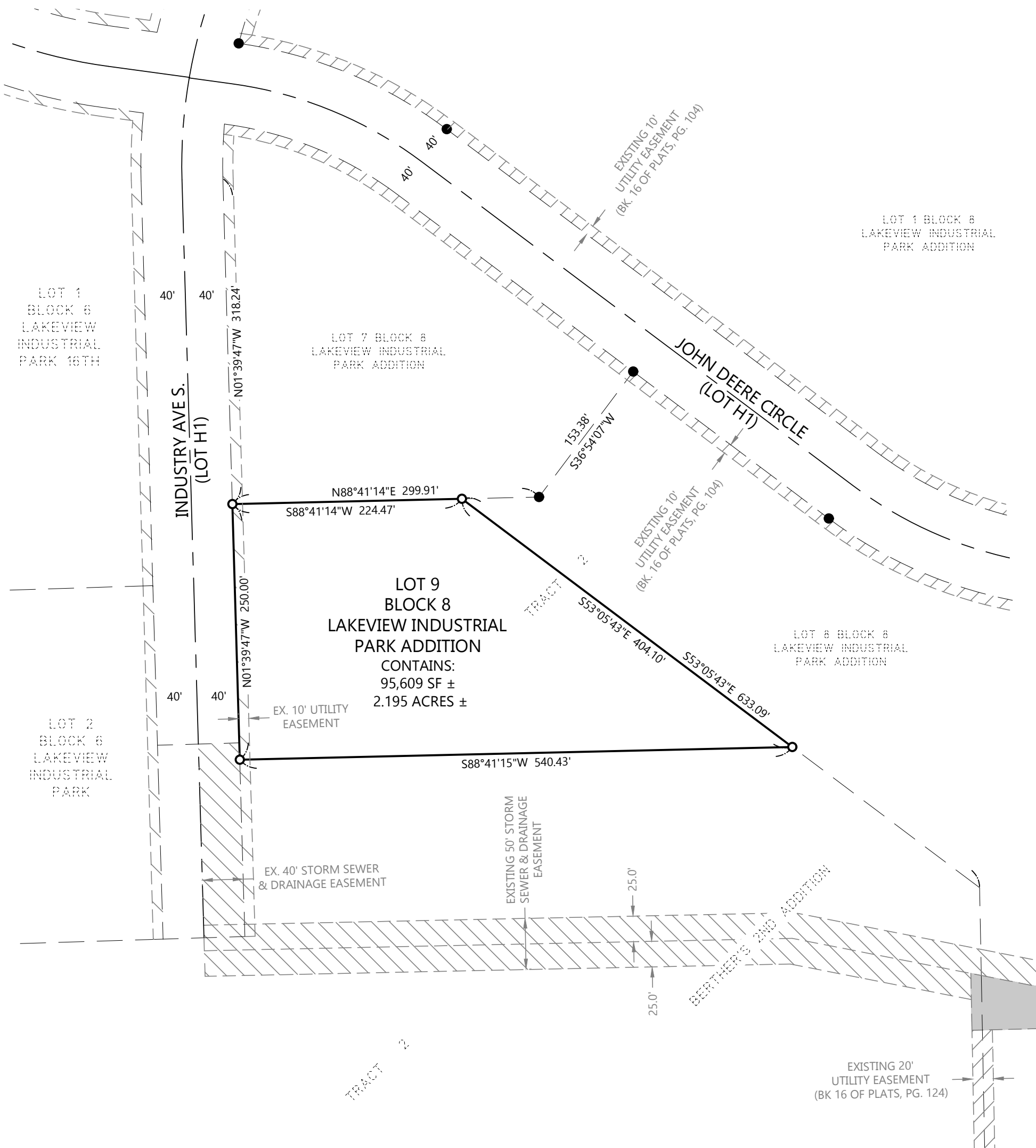
Register of Deeds, Lake County, South Dakota



216 S. Duluth Avenue • Sioux Falls, SD 57104
Phone: (605) 332-7211

Engineers • Surveyors

PLAT OF
LOT 9 IN BLOCK 8 OF LAKEVIEW INDUSTRIAL PARK ADDITION
TO THE CITY OF MADISON, LAKE COUNTY, SOUTH DAKOTA

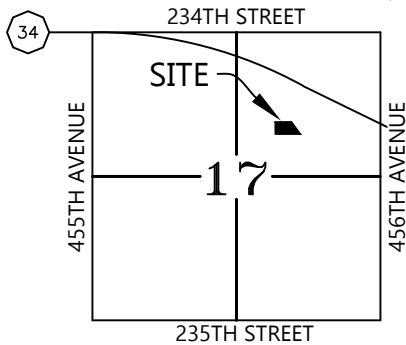
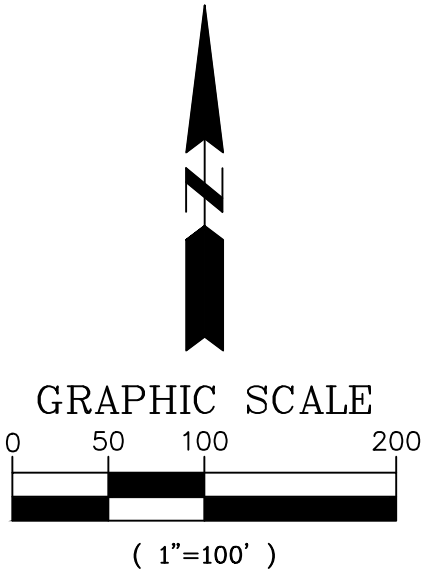
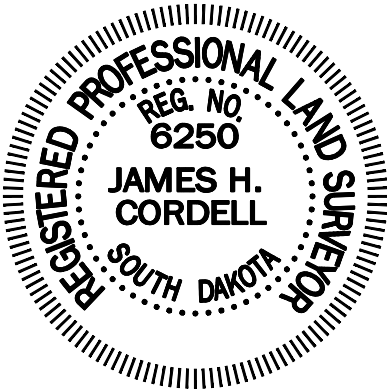


Notes:
The bearing system for this plat is based on the UTM Zone 14 North.

This plat was prepared without the benefit of a title commitment.

Legend

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- - Denotes found monument



VICINITY MAP
SECTION 17-106-52

Total Area Surveyed:
2.195 Acres±

Sayre
Associates

216 S. Duluth Avenue • Sioux Falls, SD 57104
Phone: (605) 332-7211

Engineers • Surveyors

PLAT OF
LOT 9 IN BLOCK 8 OF LAKEVIEW INDUSTRIAL PARK ADDITION
TO THE CITY OF MADISON, LAKE COUNTY, SOUTH DAKOTA

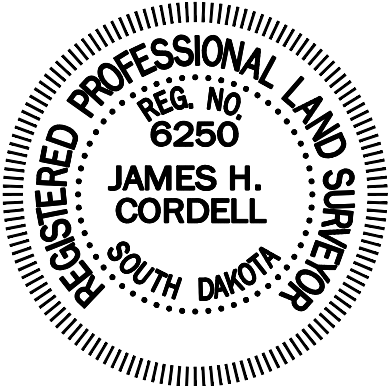
SURVEYOR'S CERTIFICATE

I, James H. Cordell, a Registered Land Surveyor of the State of South Dakota, do hereby certify that I did on or before August 30, 2023, survey and replat a part of Tract 2, Berther's Second Addition in the Northeast Quarter of Section 17, Township 106 North, Range 52 West of the 5th P.M., Lake County, South Dakota, into a lot and block as shown. The same shall hereafter be known and described as Lot 9 in Block 8 of Lakeview Industrial Park Addition to the City of Madison, Lake County, South Dakota.

I further certify that to the best of my knowledge the plat correctly represents the same, is true and correct and that it was made under my direct supervision.

Dated this day of , 20.

SD Registered Land Surveyor No. 6250



OWNER'S CERTIFICATE OF COMPLIANCE

We, Lake Area Improvement Corporation, a SD non-profit corporation, do hereby certify that we are the sole, absolute, and unqualified owner of all land included in the above plat and that said plat has been made at our request and in accordance with our instructions for the purpose of transfer, and that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations as well as all water pollution prevention control rules, codes and laws. This parcel of land is free from any encumbrances.

We hereby dedicate to the public for public use forever the streets, roads and alleys, parks and public grounds, if any, as shown on said plat, including all sewers, culverts, bridges, water distribution lines, sidewalks and other improvements on or under the streets, alleys, parks and public grounds whether such improvements are shown or not. We also hereby grant easements to run with the land for water, drainage, sewer, gas, electric, telephone or other public utility lines or services under, on or over those strips of land designated hereon as easements.

On our behalf as the owners and also binding on behalf of future successors and assigns, we hereby waive any rights of protest to any special assessment program which may be initiated by the City for the purpose of installation of improvements required by the Subdivision Ordinance of the City of Madison.

We do hereby certify that this replat will not place any existing lot or building in violation of any applicable ordinance, code, regulation, or law including but not limited to zoning, building, subdivision, and flood prevention.

We further certify that this platting of said described Lot 9 in Block 8 of Lakeview Industrial Park Addition to the City of Madison, Lake County, South Dakota, does hereby vacate the following platting: a part of Tract 2, Berther's Second Addition in the Northeast Quarter of Section 17, Township 106 North, Range 52 West of the 5th P.M., Lake County, South Dakota, said plat on file at the Register of Deeds office in Book 13 of Plats, page 5. Said plat, hereby vacated, is situated within Lot 9 in Block 8 of Lakeview Industrial Park Addition to the City of Madison, Lake County, South Dakota, as surveyed.

Dated this day of , 20.

Owner: Lake Area Improvement Corporation, a SD non-profit corporation

By:

Title:

STATE OF SOUTH DAKOTA)
COUNTY OF)

On this day of , 20, before me, the undersigned officer, personally appeared , who acknowledged self to be the of Lake Area Improvement Corporation, a SD non-profit corporation, and that he as such being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the non-profit corporation by self as .

In witness thereof, I have hereunto set my hand and official seal.

My commission expires:

Notary Public, State of South Dakota

CITY ENGINEER'S CERTIFICATE

I, , City Engineer of the City of Madison, do hereby certify that this plat has been reviewed by me or my authorized agent and that this plat is recommended for approval by the City Commission.

Signed on this day of , 20.

City Engineer, Madison, South Dakota

PLANNING COMMISSION CERTIFICATE

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Chair, City Planning Commission

CITY COMMISSION APPROVAL

Resolution Number

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Adopted this day of , 20.

Mayor, City of Madison

Attest:
City Finance Officer

CITY FINANCE OFFICER'S CERTIFICATE

I, , the duly appointed, qualified and acting City Finance Officer of the City of Madison, South Dakota hereby certify that I have compared the copy of the foregoing Resolution No. with the original as contained in the minutes of the said board of City Commissioners for the meeting of said board held on the day of , 20, and that the foregoing is a true and correct copy of said resolution and that the same has not been altered, modified, or amended, on this day of , 20.

City Finance Officer, Madison, South Dakota

COUNTY TREASURER'S CERTIFICATE

I, Treasurer of Lake County, South Dakota, do hereby certify that all taxes which are liens upon any land included in the above (and the foregoing) plats, as shown by the record of my office, have been fully paid.

Dated this day of , 20.

Treasurer, Lake County, South Dakota

DIRECTOR OF EQUALIZATION

I, Director of Equalization of Lake County, South Dakota, do hereby certify that a copy of the above plat has been filed at my office.

Director of Equalization, Lake County, South Dakota

REGISTER OF DEEDS

Filed for record this day of , 20, at o'clock, .m., and recorded in Book of Plats on Page .

Register of Deeds, Lake County, South Dakota



216 S. Duluth Avenue • Sioux Falls, SD 57104
Phone: (605) 332-7211

Engineers • Surveyors