

CITY OF MITCHELL  
CITY PLANNING COMMISSION MINUTES  
October 12, 2021

NOT APPROVED

1. Chairperson Larson called the October 12, 2021 City Planning Commission Meeting to order at 12:00 P.M. noon in the Council Chambers, City Hall, 612 N Main Street.
2. Roll Call-quorum is met, simple majority vote required for all items.  
Present: Larson, Molumby, Osterloo, Sonne, Jirsa.  
Absent: Doescher, Genzlinger, Penney.  
Staff Present: Jenniges, Schroeder, J. Johnson, London.
3. Declare conflicts of interest-None.
4. Approval of amended agenda: Motion by Osterloo, seconded by Jirsa, to approve the amended agenda removing original item #8; Abbott House application. All present members voting aye, motion carried.
5. Approval of proposed Minutes: Motion by Molumby, seconded by Sonne, to approve the minutes of the September 27, 2021 Planning Commission meeting. All present members voting aye, motion carried.
6. Schedule next meeting: Motion by Osterloo, seconded by Sonne, to schedule the next meeting for October 25, 2021. All present members voting aye, motion carried.
7. Variance: Ryan and April Kirkpatrick have applied for a side-yard on a corner variance of 0 feet vs 20 feet as required to construct an attached pergola located at 823 E 5<sup>th</sup> Ave, legally described as Lot 1, Block 11, R.M. Greene Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single-Family Residential District. The applicant was not present to answer questions, however his carpenter was. Notices were sent out to the neighbors and it was published in the official newspaper with the zero responses.

Jenniges gave a history of the variance that was awarded in April of 2021 for 11' vs 20' to construct the house that was destroyed by a fire. Code Enforcement London noticed the structure being built and Building Inspector Hegg met with them to stop work on it for it being closer the 11' allowed and no building permit for that structure as it was not on the original plans/permit.

Molumby reiterated his comments from last week that this board is not a board to ask forgiveness from but to ask for permission.

Chris Hepper, contractor on the job, stated the posts were put in place to continue a fence along the side walk. They poured a concrete patio and put anchors in the concrete for the

fence posts. They decided to build the pergola roof to help with the rigidity of the fence by attaching it to the house. He was informed as long as there was 8' clearance in height it would be fine and this is over 9'. He stated he can cut the anchors and sidewalk out and put the post in the ground like normally done for fence posts.

Hegg gave a history of different fence ordinances that had been proposed but never adopted, one of which would pertain to building right up next to sidewalks.

Osterloo said the anchors could be removed and the post installed correctly and the pergola moved to the south side.

Motion by Osterloo, seconded by Molumby, to recommend denial to the Board of Adjustment. Roll call vote: Larson – aye, Molumby – aye, Jirsa – aye, Osterloo – aye, Genzlinger – absent, Sonne – aye, Penney – absent. 5 aye, 0 nay, 2 absent, motion carried

8. Plat: Plat of Lot 13, Block 5 of the Woods First Addition, a Subdivision of the East ½ of the SW ¼ of Section 23, To 103 N, R 60 W of the 5<sup>th</sup> P.M., City of Mitchell, Davison County, South Dakota; as requested by CJM Consulting Inc. The applicant was present to answer questions. An elevation certificate has now been provided of the plat.

Motion by Jirsa, seconded by Sonne, to approve Plat . All present members voting aye, motion carried.

9. Other Business-None.

10. Public Comment-None.

11. Chairman Larson adjourned the meeting at 12:12 P.M.

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Jay Larson  
Planning Commission Chairperson