

Planning and Zoning Commission  
Minutes – August 2<sup>nd</sup>, 2022

The Canton Planning and Zoning Commission met at the Depot Viking Room on Tuesday, August 2<sup>nd</sup>, 2022, at 7:00pm with the following members present: Chairman Jerry Chaon, Commissioners Dave Gillespie, Ben Oien, Mike Pederson, and Tyler Larson.

Also present: Office Assistant Karen Leffler and Assistant Finance Officer Tiffany VanDeKieft

Visitors: Shawn & Russ Doty, Todd Trumm, Chad Skiles, Nick Thompson, Jeff Tanner, and the potential buyer of the Carnegie Library property.

#### CONSENT CALENDAR

Commissioner Oien moved and Commissioner Gillespie seconded to approve the consent calendar consisting of 1) agenda. All Ayes. Motion Carried.

#### VISITORS TO BE HEARD

None

#### PUBLIC HEARING – REZONE – CANTON ECONOMIC DEVELOPMENT CORPORATION – 221 EAST FOURTH STREET

This being the time and place for the hearing for the rezone request from Canton Economic Development Corporation (CEDC) for a rezone at 221 East Fourth Street from Central Business to Residential, Chairman Chaon re-opened the hearing as the Planning & Zoning Board.

Regarding conflicts of interest, Chairman Chaon explained that following the July 26<sup>th</sup> meeting that City Attorney Larry Nelson's opinion is that indirect conflicts of interest exist however the applicant can waive them. CEDC has submitted a written waiver.

Nick Thompson and Jeff Tanner were present to answer any questions. The potential buyer of the property was also present. Nick mentioned that he believes the buyer's lender, Grow South Dakota, needs the property zoned as residential for loan processing. He indicated that closing is currently set as August 19<sup>th</sup> and that the potential buyers need to be out of their current place in Sioux Falls by the end of August. AFO VanDeKieft advised of the timeline going forward being City Commission rezone hearing and first reading of the rezone ordinance on August 15<sup>th</sup>, second reading and adoption September 6<sup>th</sup>, publication on September 15<sup>th</sup>, and effective date October 5<sup>th</sup> barring any referendum or protest. Commissioner Oien expressed his concern over off-street parking. AFO VanDeKieft advised that two off-street parking spots are required for residential. Discussion ensued regarding the status of figuring out the parking situation. It was indicated that there is enough room for two spots on the property and that it would be for the new property owner to figure out exactly where they will place the vehicles. Jeff mentioned that about rezoning this property being an opportunity for the building to be preserved while also adding it to the tax roll. The potential new owner also spoke a bit on his background of living in different places in the US and abroad and wanting to settle here in our community with his girlfriend.

No proponents nor opponents spoke. Hearing nothing further, Chairman Chaon closed the hearing.

Commissioner Gillespie moved and Commissioner Pederson seconded to recommend approval of the rezone with non-conforming setbacks and forward it to the City Commission for passage. All ayes. Motion carried.

#### PUBLIC HEARING – VARIANCE (SETBACK) – RUSS & SHAWN DOTY – 46 PARK LANE

This being the time and place for the hearing for the setback variance request from Russ and Shawn Doty at 46 Park Lane, Chairman Chaon opened the hearing as the Board of Adjustments. No one abstained.

Todd Trumm with Trumm Exteriors and Shawn Doty approached the podium. Todd explained that he was hired to build a custom-built shed, that money has been invested into building it already, and that he believes it will add value not only to the owners' property but also to the neighborhood. He mentioned the neighbor's shed is also close to the property line and that he wasn't aware of the setback as he thought that free-standing sheds didn't have those restrictions as they could be moved. Doty mentioned that the neighbor has moved her shed a couple times already since she got it. AFO VanDeKieft and Office Assistant Leffler discussed the permit situation. AFO VanDeKieft explained that the permit that Trumm originally took out for this address was a roofing permit. Trumm mentioned that he included the value of the shed in the cost listed on that permit. Office Assistant Leffler explained that when the shed building permit application was submitted after the stop work order was issued that they worked out the permit fee calculation accordingly. Commissioner Gillespie asked if any neighbors had raised concern with them about it and they indicated that they hadn't heard anything negative from the neighbors about it. Commissioner Oien asked who owns the fence between the properties and they indicated that it is owned by the neighbor.

No proponents nor opponents spoke. Hearing nothing further, Chairman Chaon closed the hearing.

Commissioner Pederson moved and Commissioner Gillespie seconded to approve the setback variance of 18" from the property line with no conditions. All ayes. Motion carried.

#### DIALOGUE:

AFO VanDeKieft mentioned updating the definition of public service facility per the suggestion of City Attorney Nelson with the possibility of a future justice center. Chad Skiles gave the Commissioners an update on the status of the process relating to the possible justice center plans as well as some background regarding it.

#### ADJOURNMENT

Commissioner Oien moved and Commissioner Gillespie seconded to adjourn. All Ayes. Motion carried.

Meeting Adjourned.

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Tiffany VanDeKieft  
Assistant Finance Officer