PLANNING & ZONING COMMISSION AGENDA

April 21, 2016
6:30 P.M.

PLANNING & ZONING AGENDA	1)	Call to Order
	2)	Roll Call/Determination of Quorum
	3)	Approval of Agenda
	4)	Approval of Minutes of April 7, 2016 regular meeting (pg 2)
OLD BUSINESS	5)	Home Occupation 124 E. Ponderosa Circle (pg 3-25)
DISCUSSION ITEM	6)	Zoning Ordinance 13.08 Other Permitted Signs (pg 26-27)
ADJOURNMENT OF PLANNING & ZONING		
BOARD OF ADJUSTMENT AGENDA	7)	Call to Order
	8)	Roll Call/Determination of Quorum
	9)	Approval of Agenda
NEW BUSINESS	10)	Variance Application 100 E. Leighton Street (pg 28-35)
	11)	Variance Application 104 E. Leighton Street (pg 36-43)

ADJOURNMENT

Board members unable to attend should please contact City Hall in advance for a quorum determination at 582-8987.

Individuals in need of assistance in attaining access to the meeting, please contact City Hall at 582-6515 within 24 hours of the meeting time for special arrangements.

MINUTES
PLANNING & ZONING COMMISSION

The Brandon Planning & Zoning Commission met in regular session at 6:30 p.m. on April 7, 2016 at the Brandon City Council Chambers.

Roll call was taken. Members present were Chairman Chuck Parsons, Commissioners Paul Bosch, Brian Heidbrink, Tim Jorgenson, Todd Stone and Linda Weber. Also present were Alderman Roger Brooks, City Building Official Paul Clarke, Mayor Larry Beesley and City Administrator Bryan Read.

Commissioner Heidbrink moved Commissioner Stone seconded to approve the agenda, with the removal of the consent calendar items for discussion. Motion carried.

Discussion was held on the plats that were submitted for review. Commissioner Heidbrink moved Commissioner Parsons seconded to approve the following plats: Country Club Heights 2nd Addition Lot 19A Block 1; Fauth's Addition Tracts 1 & 2; Original City of Brandon Lot 9A Block 7. The plat for Stone Ridge Estates Lots 4-9 Block 5, contingent upon verification of the 60' required lot width at the required front yard setback. Motion carried.

Commissioner Stone moved Commissioner Weber seconded to approve the minutes of the March 17, 2016 regular meeting. Motion carried.

A Home Occupation Application was presented for 124 E. Ponderosa Circle. This item was delayed from the March 17, 2016 regular meeting. Concerns with the chemicals being used for this proposed business. Applicant was not present for discussion. Commissioner Parsons moved Commissioner Heidbrink seconded to delay further action until the applicant provides further details on the quantities of chemicals being used. Motion carried.

Discussion was held on the Zoning Ordinance, Section 13.08 - Other Permitted Signs. Following were present for discussion: Aaron Hansen, 2800 E. Sunrise Court; Penny Paclik, 217 N. Fairway Circle. Kristen with SECOG will draft the ordinance, and a public hearing will be scheduled.

Building permits for March were presented: #20160025-#20160059. No action taken.

At 6:59 p.m. having no further business, Commissioner Stone moved Commissioner Weber seconded to adjourn the Planning & Zoning meeting. Motion carried.

Respectfully Submitted,

Melissa Labahn
Recording Clerk

Bryan Read
City Administrator

City of Brandon
HOME OCCUPATION PERMIT APPLICATION
(Filing Fee: $35.00)
(please print) pd check 5-12-10

Applicant: Cody Meyers

Address: 124 E. Ponderosa Cir Phone #: 605-595-2902

Project Address: 124 E Ponderosa Cir

Legal Description: Little Ponderosa Addition Lot 7 Block 1

Present Zoning: Residential R-1

REQUEST PERMISSION TO: _____

* Business will not be operating until after the public hearing & approval by Commission
_____ (please initial)

NOTE: All approved home occupation permits shall be granted with the following conditions:

(1) The Planning & Zoning Commission and City Council may attach restrictions or stipulations as they see fit.

(2) All home occupations, once approved, are good until the business ceases. If complaints are received, they will be presented to the Planning & Zoning Commission for their review.

1. Please describe your project: Hydrographics/ Water transfer printing.

2. What will be its effect on your neighborhood: no effect, noise and any odors would not be greater than normal use of a garage

3. Describe any special situations which the commission should consider: ~~N/A~~ the nearest neighbor to building has no issues with potential business

4. Is the backyard of your property fenced? NO

5. Hours of operation: part time nights/ weekends

Please review the following requirements and mark your ability to comply. If you cannot comply with one or more of the requirements, explain the situation and why you cannot meet the requirement(s).

		Can Comply	Cannot Comply
1.	The occupation will be conducted within the dwelling and not more than 25% of the main floor area of the dwelling. Home day cares may be conducted in more than 25% of the main floor area of the dwelling.		will operate out of accessory building using 200 sq/ft ✓
2.	Except for home day care centers, no other person other than members of the family residing on the premises shall be engaged in such occupation; as for home day care centers, members of the family residing on the premises shall primarily be engaged in such occupation, however, substitutes providers may provide care so long as: 1. Reasonable notice is given to parents of children in the day care; 2. The substitute provider meets the same qualification requirements imposed by the Planning & Zoning Commission and/or the City Council when the permit was granted; and 3. The substitute provider care is provided on a sporadic basis and does not exceed more than 12 hours per week.	✓	
3.	The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to it use for residential purposes by its occupants.	✓	
4.	There shall be no commodity sold in connection with such home occupation, except that which is prepared in the dwelling or except that which is furnished in connection with the service rendered.	✓	
5.	No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.	✓	
6.	No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal sense of the lot.	✓	

7. There will be compatibility with the zoning district. ✓ _____

	Can Comply	Cannot Comply
8. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building. Home day cares are allowed to include in the back or side yard additional play equipment for the children.	✓	
9. Does not adversely affect the public safety.	✓	

10. I will provide at least 2 off-street parking spaces for customers.

11. If business is a day care, number of children to be cared for: _____

Signature of Applicant: _____ Date: 2-12-16

****

Inspection Dept. Comments: _____

City of Brandon zoning regulation: 15-12-13: Home Occupations: A-2:
"Two hundred square feet of an accessory building can be devoted to the home occupation."
The applicant has indicated he will limit the use of his detached garage to the 200 sq. feet maximum for his occupation business.
The entire size of the detached garage is 676 square feet.

City Administrator Comments: _____

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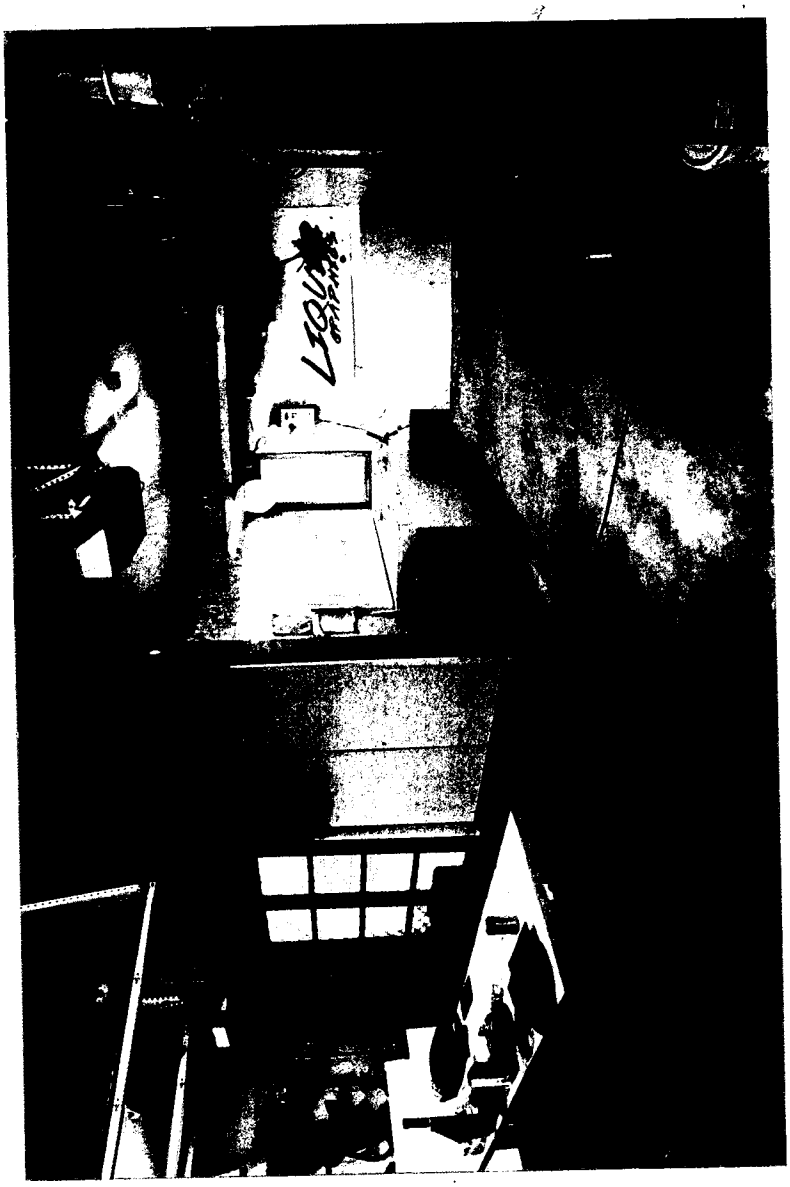
Planning & Zoning Meeting: March 17, 2016 Time: 6:30pm
Publish Date: March 2, 2016
Posting Date (on property & at City Hall): March 4, 2016
Landowner letter sent: March 4, 2016
Action Taken: deferred to April 7, 2016

April 7, 2016 - delayed till April 21, 2016



Michele Bone 909 Tracy
Dr. Brandon

is ~~[illegible]~~ not objected to
the business proposal for
Liquid Grafics -

Michele Bone

HYDRO-VATOR
Water Transfer Printing Activator

SAFETY DATA SHEET

Section 1: IDENTIFICATION

Product Name: Hydro-Vator
Product Code: B11761
MSDS Date: February 2, 2015

Hydro-Vator Division
2101 Clifton Ave
St. Louis, MO 63139

General Information: 314-644-1300
CHEMTREC: 800-424-9300

Section 2: HAZARDS IDENTIFICATION

EMERGENCY OVERVIEW:

Potential Health Effects: See Section 11 for more information

GHS Classification:
Flammable liquids (Category 3)
Acute toxicity, Inhalation (Category 4)
Acute toxicity, Dermal (Category 4)
Eye irritation (Category 2A)
Reproductive toxicity (Category 1B)
Carcinogenicity (Category 2)

GHS Labeling

Symbol:

Signal Word: Warning

Hazard Statements:
Flammable liquid and vapor
Harmful if inhaled.
Harmful in contact with skin.
Causes serious eye irritation
May damage fertility or the unborn child
Suspected of causing cancer

Precautionary Statements:
Prevention:
Avoid breathing mist/vapors/spray.
Do not handle until all safety precautions have been read and understood.
Ground/bond container and receiving equipment.

Keep away from heat/sparks/open flames/hot surfaces-no smoking.
Keep container tightly closed.
Obtain special instructions before use.
Take precautionary measure against static discharge.
Use only non-sparking tools.
Use only outdoors or in a well-ventilated area.
Wash thoroughly after handling.
Wear protective gloves/protective clothing/eye protection/face protection.

Response:

Call a poison center/doctor if you feel unwell.
If exposed or concerned: Get medical advice/attention.
If eye irritation persists: Get medical advice/attention.
If in eyes: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing.
If inhaled: Remove person to fresh air and keep comfortable for breathing.
If on skin (or hair): Take off immediately all contaminated clothing. Rinse skin with water shower.
In case of fire: Use water spray, alcohol-resistant foam, dry chemical or carbon dioxide to extinguish.
Take off contaminated clothing and wash it before reuse.

Storage:

Store in a well-ventilated place. Keep cool.
Store locked up.

Disposal:

Dispose of contents/container in accordance with local/regional/national/international regulations.

This product does contain carcinogens or potential carcinogens as listed.

This material contains components that are considered hazardous by the OSHA Hazard Communication Standard (29 CFR 1910.1200).

Potential Environmental Effects: See Section 12 for more information.

Section 3: COMPOSTION/INFORMATION ON INGREDIENTS

No.	Component CAS REG. NO.	Amount %	OSHA		ACGIH	
			TWA	STEL	TWA	STEL
1	**2-Butoxyethanol 111-76-2**	**1-35**	**50 ppm**	Not avail	**20 ppm**	Not avail
2	**Dimethyl Succinate 106-65-0**	**1-35**	Not avail	Not avail	Not avail	Not avail
3	**Dimethyl Adipate 627-93-0**	**1-35**	Not avail	Not avail	Not avail	Not avail
4	**Normal Butyl Acetate 123-86-4**	**1-35**	**150 ppm**	**200 ppm**	**150 ppm**	**200 ppm**
5	**2-Ethoxyethyl acetate 111-15-9**	**1-35**	**5 ppm**	Not avail	**5 ppm**	Not avail
6	**1,2-Dimethyl-4-ethylbenzene 934-80-5**	**1-35**	Not avail	Not avail	Not avail	Not avail
7	**1,2,3,5-tetramethylbenzene 527-53-7**	**1-35**	Not avail	Not avail	Not avail	Not avail
8	**1,2,4,5-tetramethylbenzene 95-93-2**	**1-35**	Not avail	Not avail	Not avail	Not avail
9	**1,3-Dimethyl-4-ethylbenzene**	**1-35**	Not	Not	Not	Not

	874-41-9		avail	avail	avail	avail
10	1,3-Dimethyl-5-ethylbenzene 934-74-7	1-35	Not avail	Not avail	Not avail	Not avail
11	1,4-Dimethyl-2-ethylbenzene 1758-88-9	1-35	Not avail	Not avail	Not avail	Not avail
12	1-methyl-3-propylbenzene 1074-43-7	1-35	Not avail	Not avail	Not avail	Not avail
13	Naphthalene 91-20-3	1-35	10 ppm	15 ppm	10 ppm	15 ppm
14	1,4-diethylbenzene 105-05-5	1-35	Not avail	Not avail	Not avail	Not avail
15	1,2,3-trimethylbenzene 526-73-8	1-35	Not avail	Not avail	Not avail	Not avail
16	1-methyl-4-propylbenzene 1074-55-1	1-35	Not avail	Not avail	Not avail	Not avail
17	Di-n-butyl Phthalate 84-74-2	1-35	5 mg/m3	Not avail	5 mg/m3	Not avail

Section 4: FIRST AID MEASURES

Emergency first aid procedures by route of exposure:

Inhalation: If inhaled, remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Get medical attention.

Ingestion: Do NOT induce vomiting. Contact local poison control center or physician immediately. Get medical attention immediately.

Skin: Wash off with soap and plenty of water for at least 15 minutes. Remove contaminated clothing and shoes. Get medical attention. Wash clothing before reuse. Thoroughly clean shoes before reuse.

Eyes: If contact with eyes, check for and remove any contact lenses. Immediately flush eyes with plenty of water for at least 15 minutes, lifting lower and upper eyelids occasionally. Get medical attention.

Section 5: FIRE FIGHTING MEASURES

Flash Point (2-Ethoxyethyl acetate): CLOSED CUP: 54C (129F)
Auto-ignition Temperature (2-Ethoxyethyl acetate): 379C (714F)
Lower Explosion Limit (2-Ethoxyethyl acetate): 1.7% (V)
Upper Explosion Limit (2-Ethoxyethyl acetate): 13.0% (V)

Suitable Extinguishing Media: Use water spray, alcohol-resistant foam, dry chemical, or carbon dioxide.

Products of Combustion: Upon decomposition this product may emit carbon dioxide, carbon monoxide, and/or low molecular weight hydrocarbons.

Fire Fighting Equipment/Instructions:
Wear protective clothing and equipment suitable for the surrounding fire, including helmet, facemask, and self contained breathing apparatus.

HAZARD	HMIS	NFPA
Toxicity	2	2

Fire	2	2
Reactivity	0	0

Section 6: ACCIDENTAL RELEASE MEASURES

Personal Protection:
For large spills wear gloves, Tyvek suits, safety glasses, and appropriate NIOSH approved respiratory protection. Keep unnecessary personnel away. Eliminate all sources of ignition or flammables that may come into contact with a spill of this material.

Environmental Precautions: Prevent discharge to open bodies of water, municipal sewers, and watercourses.

Method for Containment: Absorb spilled liquid in suitable non-flammable inert material such as clay, vermiculite or diatomaceous earth.

Methods for Clean-up: Ventilate area of leak or spill. Use spark-proof tools to sweep or scrape up and containerize in approved chemical waste container.

Section 7: HANDLING AND STORAGE

Handling:
Avoid inhalation of vapor or mist. Keep away from sources of ignition – No smoking. Take measures to prevent the build up of electrostatic charge.

Storage:
Keep container tightly closed in a dry and well-ventilated place. Containers which are opened must be carefully resealed and kept upright to prevent leakage.

Section 8: EXPOSURE CONTROLS/ PERSONAL PROTECTION

Engineering Controls: Use only with adequate ventilation. Use process enclosures, local exhaust ventilation or other engineering controls to keep worker exposure to airborne contaminants below any recommended or statutory limits. The engineering controls also need to keep gas, vapor or dust concentrations below any lower explosive limits. Use explosion-proof ventilation equipment. Ensure that eyewash station and safety shower is proximal to the work-station location.

Personal Protective Equipment (PPE)

Respiratory Protection: Where risk assessment shows air-purifying respirators are appropriate use a full-face respirator with multi-purpose combination (US) or type ABEK (EN 14387) respirator cartridges as a backup to engineering controls. If the respirator is the sole means of protection, use a full-face supplied air respirator. Use respirators and components tested and approved under appropriate government standards such as NIOSH (US) or CEN (EU).
Eye/Face Protection: Face shield and safety goggles.
Hand Protection: Chemical gloves
Body: Choose body protection according to the amount and concentration of the dangerous substance at the work place.

Other Protective Equipment:
Facilities storing or utilizing this material should be equipped with eyewash and safety shower facilities. Avoid contact with skin, eyes, and clothing. Wash hands before breaks and immediately after handling the product.

See section 3 for exposure limits.

Section 9: PHYSICAL AND CHEMICAL PROPERTIES

Appearance, State	Liquid
Color	Colorless
Odor	Aromatic
pH (1%soln/water)	Not Available
Vapor Density	Not Available
Boiling Point (2-Ethoxyethyl acetate)	156°C (313°F) - lit
Vapor Pressure (2-Ethoxyethyl acetate)	3 hPa (2 mmHg) at 20°C (68°F)
Melting Point/freezing point (2-Ethoxyethyl acetate)	-61°C (-78°F)
Flash Point (See Section 5)	
Flammability Properties (See section 5)	
Solubility (in water)	Not Available
Specific Gravity (2-Ethoxyethyl acetate)	0.975 g/mL at 25C (77°F)
Evaporation Rate	Not Available
Octanol/Water partition coefficient (Kow)	Not Available
Auto-ignition temperature: (See section 5)	
Decomposition temperature:	Not Available
Viscosity	Not Available
VOC:	75%
LVP:	25%

Section 10: STABILITY AND REACTIVITY

Stability: This material is considered stable at ambient temperatures 70°C (21°C).

Condition to Avoid: Flames, sparks, electrostatic discharge, heat and other ignition sources, moisture.

Incompatible Materials: Strong oxidizing materials, Nitrates, Strong acids, Strong bases

Hazardous Decomposition: Upon decomposition, this product evolves carbon monoxide, carbon dioxide, and/or low weight hydrocarbons.

Hazardous Reactions: This product will not undergo polymerization.

Section 11: TOXICOLOGICAL INFORMATION

ACUTE EFFECTS:
Analysis LD50

2-Butoxyethanol (CAS # 111-76-2)
LD50 Dermal Rabbit 4.0 g/kg
LC-50 Inhalation Sat Air (18 ppm) – no deaths (Rat) 7 hours
LD50 Oral Rat 5.1 g/kg

Dimethyl Succinate (106-65-0)
Oral LD50 Rat:>5g/kg
Dermal LD50 Rat: 1920 mg/kg

Dimethyl Adipate (627-93-0)
Oral LD50 Rat: 1920 mg/kg

Dimethyl Glutarate (1119-40-0)
Inhalation LC50 Rat: 6.1 mg/L/4H
Oral LD50 Rat: 8191 mg/kg

Normal Butyl Acetate (23-86-4)
Inhalation, mouse: LC50 = 6gm/m3/2H
Inhalation, rat: LC50 = 2000 ppm/4H
Oral, mouse: LD50 = 7060 mg/kg
Oral, rabbit LD50 = 3200 mg/kg
Oral rat LD50 = 10768 mg/kg
Skin rabbit LD50 = 17,600 mg/kg

(2-Ethoxyethyl acetate)
LD50 Oral – rat 2,700 mg/kg
LC50 Inhalation – rat – 8h – 12,100 mg/m^3

Di-n-butyl Phthalate 84-74-2
LD50 Oral Rat 8000 mg/kg
LC50 Inhalation Rat 4250 mg/m3
LD50 Skin Rabbit: >20 mL/kg

CHRONIC EFFECTS:

Solvent Naphtha (petroleum) (CAS # 64742-94-5)
Carcinogenic Effects: 2B – Possible for humans by IARC. 2 – Reasonable anticipated to be a human carcinogen) by NTP. Classified A4 (Not classifiable for humans or animals) by ACGIH
Mutagenic Effects: Not Available.
Teratogenic Effects: Not Available
Developmental Toxicity: Not Available
Target Organs: Lungs, central nervous system, Digestive System, Respiratory Tract, Skin, Eyes, Blood, Kidneys, Liver. May be irritating to eyes, skin, and respiratory system. Aspiration hazard if swallowed. Can enter lungs and cause damage.

2-Butoxyethanol (CAS # 111-76-2)
Carcinogenic Effects: A3 – Confimed animal carcinogen with unknown relevance to humans by ACGIH.
Mutagenic Effects: Not Available.
Teratogenic Effects: Has shown teratogenic effects in laboratory animals
Developmental Toxicity: Not Available
Target Organs: Blood, kidneys, liver, lymphatic system, central nervous system (CNS). **Inhalation:** Causes irritation to the respiratory tract. Symptoms may include sore throat, coughing, headache, nausea and shortness of breath. High concentrations have a narcotic effect. **Ingestion**: Causes irritation to the gastrointestinal tract. Symptoms may include nausea, vomiting and diarrhea. Toxic! May cause systemic poisoning with symptoms paralleling those of inhalation. **Skin Contact**: May cause irritation with redness and pain. May be absorbed through the skin with possible systemic effects. **Eye Contact**: Vapors are irritating and may produce immediate pain, redness and tearing. Splashing can cause severe pain, stinging, swelling. **Chronic Exposure**: Prolonged or repeated exposures can cause damage to the liver, kidneys, lymphoid system, blood and blood-forming organs. **Aggravation of Pre-Existing Conditions**: Persons with pre-existing skin disorders, eye problems, impaired liver, kidney, blood, respiratory or lymphoid system function may be more susceptible to the effects of the substance.

Dimethyl Adipate (627-93-0) Dimethyl Glutarate (1119-40-0) Diethylene Glycol Monobutyl Ether (112-34-5)
Carcinogenic Effects: Not Available
Mutagenic Effects: no genetic effects were observed in standard tests using bacterial cells and whole animals. Genetic effects were observed in standard tests with animal cells.
Teratogenic Effects: Not Available

Developmental Toxicity: Rat inhalation: no effects on offspring observed in laboratory animals in the presence of maternal toxicity.
Reproductive Effects: Minor changes in male fertility parameters, i.e. hormone measurements, sperm number or reproductive organ weights, observed in the absence of a change in reproductive performance. Rodents are more susceptible to reported effect than humans. Rat inhalation, 1 generation: signs of generalized toxicity (reduced body weight and/or reduced weight gain) were observed in parental animals and offspring with no effect on fertility or reproduction.
Target Organs: Causes eye irritation, May cause skin irritation, May cause respiratory tract irritation, may cause blurred vision. Based on similar material this product produced mild skin and moderate eye irritation during primary irritation studies in rabbits. No dermal sensitization was produced in guinea pigs (based on similar product). Repeat dose toxicity: rat, inhalation, 90 day: produced effects on body weight, serum enzymes and or organ weights in repeat dose studies. Repeated inhalation exposure produces nasal tissue damage. This material can produce temporary blurred vision following exposure to high vapor concentrations or direct contact with eyes.

Normal Butyl Acetate (123-86-4)
Carcinogenic Effects: not listed by ACGIH, IARC, NIOSH, NTP, or OSHA
Mutagenic Effects: Not Available.
Teratogenic Effects: Not Available
Developmental Toxicity: Specific Developmental Abnormalities: Musculoskeletal, inhalation rat TCL=1500ppm/7H.
Target Organs: **Inhalation:** May be harmful if inhaled. Causes respiratory tract irritation. Vapors may cause drowsiness and dizziness. **Skin:** May be harmful if absorbed through skin. Causes skin irritation. **Eyes:** Causes eye irritation. **Ingestion:** May be harmful if swallowed.

(2-Ethoxyethyl acetate)
Carcinogenic Effects: not listed by ACGIH, IARC, NIOSH, NTP, or OSHA
Mutagenic Effects: Not Available.
Teratogenic Effects: May cause congenital malformations in the fetus. Presumed human reproductive toxicant. May cause reproductive disorders.
Developmental Toxicity:
Target Organs: **Inhalation:** May be harmful if inhaled. May cause respiratory tract irritation. **Ingestion:** May be harmful if swallowed. **Skin:** May be harmful if absorbed through skin. May cause skin irritation. **Eyes:** May cause eye irritation.

Di-n-butyl Phthalate 84-74-2
Carcinogenic Effects: Not listed by OSHA, NTP, or IARC.
Mutagenic Effects: Not Available.
Teratogenic Effects: Women working where phthalates are used had higher incidence of miscarriages, menstrual disorders, and reduced gestation periods.
Developmental Toxicity: Not Available
Target Organs: **Inhalation**: Inhalation of vapors or mists is not expected unless this material is heated or misted. If inhaled, material may cause irritation to respiratory tract.
Ingestion: Causes irritation to the gastrointestinal tract. Symptoms may include nausea, vomiting and diarrhea. Accidental ingestion of 10 g (ca. 40 mglkg) in one person produced nausea and vomiting, dizziness, light sensitivity, swelling of the eyelids, watering of the eyes, and kidney effects (red and white blood cells and oxalate crystals in the urine).
Skin Contact: Irritation and contact burns are possible, but do not occur frequently. Allergic dermatitis has been reported after using antiperspirants and contact with plastics containing dibutyl phthalate (such as a watchband).
Eye Contact: Vapor or mist causes eye irritation. Splashes cause severe irritation with stinging pain and tears.
Chronic Exposure: Workers in the artificial leather industry were studied and it was found that exposure to 1.7 to 66 mglm3 over a period of 19 years showed central nervous system toxicity after 6 to 7 years.

Symptoms included pain, numbness, weakness and spasms in the extremities. Because there was concurrent exposure to other phthalates and a few adipates and sebacates, dibutyl phthalate cannot be singled out as the direct cause.
Aggravation of Pre-existing Conditions: No information found.

Section 12: ECOLOGICAL INFORMATION

Ecotoxicity: 2-Butoxyethanol (CAS # 111-76-2)
96 hour Lepomis macrochirus (LC50) 1490 mg/l

Ecotoxicity: Dimethyl Glutarate, Dimethyl Succinate, and Dimethyl Adipate
EC50/48-hour/Daphnia=17 mg/l
EC50/72-hour/Algae=46.9 mg/l
LC50/96-hour/bluegill sunfish = 7.5 mg/l

Ecotoxicity: Normal Butyl Acetate (123-86-4)
96 Hr Fish Fathead Minnow LC50 = 18.0 mg/L
96 Hr bluegill/Sunfish: LC50 = 100 mg/L
48 Hr Static Condition water flea EC50 = 44.0 mg/L

Ecotoxicity: (2-Ethoxyethyl acetate)
EC50 – Daphnia magna (Water flea) – 193.6 mg/l – 48 h

Section 13: DISPOSAL CONSIDERATIONS

Dispose of in accordance with local, state, and federal regulations.

Section 14: TRANSPORTATION INFORMATION

Not regulated in DOT Non-Bulk.

DOT Bulk
Proper Shipping Name: Combustible liquid, n.o.s.
Hazard Class: Comb Liq
Identification No.: NA1993
Packing Group: III
Label: Combustible

IATA
Proper Shipping Name: Paint related material
Hazard Class: 3
Identification No.: UN1263
Packing Group: III

Section 15: REGULATORY INFORMATION

TSCA Inventory This product and/or its components are listed on the Toxic Substances Control Act (TSCA) inventory.

SARA 302/304 The Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III requires facilities subject to Subparts 302 and 304 to submit emergency planning and notification information based on Threshold

Planning Quantities (TPQs) and Reportable Quantities (RQs) for "Extremely Hazardous Substances" listed in 40 CFR 302.4 and 40 CFR 355. No components were identified.

CERCLA The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) requires notification of the National Response Center concerning release of quantities of "hazardous substances" equal to or greater than the reportable quantities (RQ's) listed in 40 CFR 302.4. As defined by CERCLA, the term "hazardous substance" does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically designated in 40 CFR 302.4. Chemical substances present in this product or refinery stream that may be subject to this statute are: Butyl Acetate (123-86-4) 5,000 lbs, Dibutyl phthalate (84-74-2) 10 lbs, Naphthalene (91-20-3) 100 lbs

SARA 311/312 Hazard The Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III requires facilities subject to this subpart to submit aggregate information on chemicals by "Hazard Category" as defined in 40 CFR 370.2. This material would be classified under the following hazard categories: fire hazard, immediate (acute) health hazard, delayed (chronic) health hazard.

SARA 313 Supplier Notification
This product contains the following EPCRA section 313 chemicals subject to the reporting requirements of section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (40 CFR 372 -Table 372.65).
Naphthalene (91-20-3) <2.9%
1,2,4-trimethylbenzene (95-63-6) <1%
Ethylglycol acetate (111-15-9) 1-50%
Di-n-butyl Phthalates (84-74-2) <10%

CALIFORNIA PROP. 65 WARNING: This product contains a chemical or chemicals known to the state of California to cause cancer, birth defects or other reproductive harm

Section 16: OTHER SUPPLEMENTAL INFORMATION

Prepared by: Chemisphere Corp. on October 29, 2014

Disclaimer:
The information and recommendations contained in the Safety Data Sheet (SDS) are supplied pursuant to 29 CFR 1910.1200 of the Occupational Safety and Health Standards Hazard Communication Rule. The information and recommendations set forth herein are presented in good faith and believed to be correct as of this date hereof.

Chemisphere, however, makes no representation as to the completeness or accuracy thereof, and information is supplied upon the express condition that the persons receiving the information will be required to make their own determination as to its suitability for their purposes prior to use. In no event will Chemisphere be responsible for any damages of any nature whatsoever resulting from the use of, reliance upon, or the misuse of this information. User assumes all risk of use, storage and handling of the product in compliance with applicable federal, state and local laws and regulations.

NO REPRESENTATIONS OR WARRANTIES, EITHER EXPRESSED OR IMPLIED, OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR OF ANY OTHER NATURE, ARE MADE BY CHEMISPHERE HEREUNDER WITH RESPECT TO INFORMATION OR THE PRODUCT TO WHICH THE INFORMATION REFERS. The information as supplied herein is simply to be informative and intended solely to alert the user of the substance which is the subject matter of this SDS. The ultimate compliance with federal, state or local regulations concerning the use of this compound, or compliance with respect to product liability, rests solely upon the purchaser thereof.

This information relates to the material designated and may not be valid for such material used in combination with any other materials nor in any process.

MINUTES
PLANNING & ZONING COMMISSION

The Brandon Planning & Zoning Commission met in regular session at 6:30 p.m. on March 17, 2016 at the Brandon City Council Chambers.

Roll call was taken. Members present were Chairman Chuck Parsons, Commissioners Paul Bosch, Brian Heidbrink, Tim Jorgenson, Todd Stone and Linda Weber. Also present were Alderman Roger Brooks, City Building Official Paul Clarke, Mayor Larry Beesley and City Administrator Bryan Read.

Commissioner Bosch moved Commissioner Weber seconded to approve the agenda. Motion carried.

Commissioner Stone moved Commissioner Heidbrink seconded to approve the minutes of the March 3, 2016 regular meeting. Motion carried.

A Home Occupation Application was presented for 124 E. Ponderosa Circle. Applicant Cody Meyers was present for discussion. Cody wants to operate a business of hydrographics/water transfer printing in an accessory structure located on the property, with little to no chemicals going down the sewer. Cody will be using 200 square feet of the accessory structure for this business, to meet current City Ordinance. Tom Smith, Smith Development Company, was present for discussion. Tom spoke about objections & concerns he has received from area neighbors pertaining to fumes, potential for explosions, increased traffic. It was the consensus of the Commission to delay further action until the next regularly scheduled meeting on April 7, 2016, to allow time to review the MSDS sheets on the chemicals being used.

A plat was presented for Brandon Well Tract 1. Commissioner Bosch moved Commissioner Weber seconded to approve the plat as presented. Motion carried.

A continuation of the public hearing that was held on March 3, 3016 pertaining to revisions to the Zoning Ordinance and Zoning Map for the City of Brandon. Justin Oakland, 312 E. Holly Blvd. #2, was present for discussion. Justin had concerns with the maximum size being proposed for temporary signs. Further discussion was held on temporary off-premise sign regulations. Chairman Parsons moved Commissioner Stone seconded to make recommendation to City Council for approval of the proposed Zoning Ordinance and Zoning Map, with Section 13.08 being reserved for future approval. Motion carried.

At 8:03 p.m. having no further business, Chairman Parsons moved Commissioner Bosch seconded to adjourn the Planning & Zoning meeting. Motion carried.

Respectfully Submitted,

Melissa Labahn
Recording Clerk

Bryan Read
City Administrator

Planning & Zoning Findings-Conditional Use Permits

In the matter of Cody Meyers, 124 E. Ponderosa Circle, the Planning & Zoning Board of the City of Brandon, South Dakota (Board), hereby finds as follows:

1. A complete application was filed by Cody Meyers, on February 12, 2016.

2. A site plan was filed and was complete. n/a

3. The filing fees were paid.

4. The Board received a complete recommendation from the Authorized Official.

5. The use is an authorized use as set forth in Brandon City Ordinances 15-3 to 15-10.

6. Proper notice was given of the conditional use request, with notice being provided as follows:

    a. Notice of the public hearing was published in the City's legal newspaper at least 10 days before the hearing, with notice being published on March 2, 2016.
    b. The landowners were notified by mail sent on March 4, 2016.
    c. Notice of the hearing was posted on the affected property at least 10 days before hearing, with notice first being posted on March 4, 2016.

7. At approximately 6:30 p.m. on March 17, 2016, the Board's Chair called the meeting to order.

8. Present at the hearing and providing testimony were the following individuals for the applicant:
    Cody Meyers

9. Present at the hearing on behalf of the objecting parties and providing testimony were the following individuals:
    Tom Smith

10. The Board has considered the conditional use request, has considered information and documents received from the Authorized Official, and evidence presented at the hearing, and has considered the following factors:

    a. The stated criteria in the ordinance;
    b. The goals and objectives of the comprehensive plan;
    c. The purpose of the zoning ordinance and its relevant zoning districts;
    d. Whether the use is in harmony with the purpose and intent of the ordinance including general compatibility with adjacent properties and other property in the district in which the use is proposed;

e. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
f. Off-street parking and loading areas where required;
g. Refuse and service areas, with particular reference to (a) and (b) above;
h. Utilities, with reference to locations, availability, and compatibility;
i. Screening and buffering with reference to type, dimensions and character;
j. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with other properties in the district;
k. Required yards and other open space; and
l. Imposition of conditions that are reasonable, appropriate and necessary to insure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of such conditional use permit.

11. The Board hereby finds that it is empowered by the Brandon Zoning Regulations to grant the requested conditional use permit.

12. The Board hereby finds that such conditional use permit is consistent with the Brandon Zoning Regulations and the City's most recently adopted Comprehensive Plan.

13. The Board delayed further action until the next regularly scheduled meeting on April 7, 2016, to allow time to review the MSDS sheets on chemicals being used.

14. Minutes of the meeting were recorded.

Dated this 1st day of April, 2016.

Planning & Zoning Commission
Chairperson

MINUTES
PLANNING & ZONING COMMISSION

The Brandon Planning & Zoning Commission met in regular session at 6:30 p.m. on April 7, 2016 at the Brandon City Council Chambers.

Roll call was taken. Members present were Chairman Chuck Parsons, Commissioners Paul Bosch, Brian Heidbrink, Tim Jorgenson, Todd Stone and Linda Weber. Also present were Alderman Roger Brooks, City Building Official Paul Clarke, Mayor Larry Beesley and City Administrator Bryan Read.

Commissioner Heidbrink moved Commissioner Stone seconded to approve the agenda, with the removal of the consent calendar items for discussion. Motion carried.

Discussion was held on the plats that were submitted for review. Commissioner Heidbrink moved Commissioner Parsons seconded to approve the following plats: Country Club Heights 2nd Addition Lot 19A Block 1; Fauth's Addition Tracts 1 & 2; Original City of Brandon Lot 9A Block 7. The plat for Stone Ridge Estates Lots 4-9 Block 5, contingent upon verification of the 60' required lot width at the required front yard setback. Motion carried.

Commissioner Stone moved Commissioner Weber seconded to approve the minutes of the March 17, 2016 regular meeting. Motion carried.

A Home Occupation Application was presented for 124 E. Ponderosa Circle. This item was delayed from the March 17, 2016 regular meeting. Concerns with the chemicals being used for this proposed business. Applicant was not present for discussion. Commissioner Parsons moved Commissioner Heidbrink seconded to delay further action until the applicant provides further details on the quantities of chemicals being used. Motion carried.

Discussion was held on the Zoning Ordinance, Section 13.08 - Other Permitted Signs. Following were present for discussion: Aaron Hansen, 2800 E. Sunrise Court; Penny Paclik, 217 N. Fairway Circle. Kristen with SECOG will draft the ordinance, and a public hearing will be scheduled.

Building permits for March were presented: #20160025-#20160059. No action taken.

At 6:59 p.m. having no further business, Commissioner Stone moved Commissioner Weber seconded to adjourn the Planning & Zoning meeting. Motion carried.

Respectfully Submitted,

Melissa Labahn
Recording Clerk

Bryan Read
City Administrator

Planning & Zoning Findings-Conditional Use Permits

In the matter of Cody Meyers, 124 E. Ponderosa Circle, the Planning & Zoning Board of the City of Brandon, South Dakota (Board), hereby finds as follows:

1. A complete application was filed by Cody Meyers, on February 12, 2016.

2. A site plan was filed and was complete. n/a

3. The filing fees were paid.

4. The Board received a complete recommendation from the Authorized Official.

5. The use is an authorized use as set forth in Brandon City Ordinances 15-3 to 15-10.

6. Proper notice was given of the conditional use request, with notice being provided as follows:

    a. Notice of the public hearing was published in the City's legal newspaper at least 10 days before the hearing, with notice being published on March 2, 2016.
    b. The landowners were notified by mail sent on March 4, 2016.
    c. Notice of the hearing was posted on the affected property at least 10 days before hearing, with notice first being posted on March 4, 2016.

7. At approximately 6:30 p.m. on April 7, 2016, the Board's Chair called the meeting to order.

8. Present at the hearing and providing testimony were the following individuals for the applicant:
    None

9. Present at the hearing on behalf of the objecting parties and providing testimony were the following individuals:
    None

10. The Board has considered the conditional use request, has considered information and documents received from the Authorized Official, and evidence presented at the hearing, and has considered the following factors:

    a. The stated criteria in the ordinance;
    b. The goals and objectives of the comprehensive plan;
    c. The purpose of the zoning ordinance and its relevant zoning districts;
    d. Whether the use is in harmony with the purpose and intent of the ordinance including general compatibility with adjacent properties and other property in the district in which the use is proposed;

e. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
f. Off-street parking and loading areas where required;
g. Refuse and service areas, with particular reference to (a) and (b) above;
h. Utilities, with reference to locations, availability, and compatibility;
i. Screening and buffering with reference to type, dimensions and character;
j. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with other properties in the district;
k. Required yards and other open space; and
l. Imposition of conditions that are reasonable, appropriate and necessary to insure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of such conditional use permit.

11. The Board hereby finds that it is not empowered by the Brandon Zoning Regulations to grant the requested conditional use permit.

12. The Board hereby finds that such conditional use permit is not consistent with the Brandon Zoning Regulations and the City's most recently adopted Comprehensive Plan.

13. The Board delayed further action until the next regularly scheduled meeting on May 5, 2016, until the applicant provides further details on the quantities of chemicals being used.

14. Minutes of the meeting were recorded.

Dated this 11th day of April, 2016.

Planning & Zoning Commission
Chairperson

Planning & Zoning Findings-Conditional Use Permits

In the matter of Cody Meyers, 124 E. Ponderosa Circle, the Planning & Zoning Board of the City of Brandon, South Dakota (Board), hereby finds as follows:

1. A complete application was filed by Cody Meyers, on February 12, 2016.

2. A site plan was filed and was complete. n/a

3. The filing fees were paid.

4. The Board received a complete recommendation from the Authorized Official.

5. The use is an authorized use as set forth in Brandon City Ordinances 15-3 to 15-10.

6. Proper notice was given of the conditional use request, with notice being provided as follows:

    a. Notice of the public hearing was published in the City's legal newspaper at least 10 days before the hearing, with notice being published on March 2, 2016.
    b. The landowners were notified by mail sent on March 4, 2016.
    c. Notice of the hearing was posted on the affected property at least 10 days before hearing, with notice first being posted on March 4, 2016.

7. At approximately 6:30 p.m. on **May** ___, 2016, the Board's Chair called the meeting to order.

8. Present at the hearing and providing testimony were the following individuals for the applicant:

    _____

    _____

9. Present at the hearing on behalf of the objecting parties and providing testimony were the following individuals:

    _____

    _____

10. The Board has considered the conditional use request, has considered information and documents received from the Authorized Official, and evidence presented at the hearing, and has considered the following factors:

    a. The stated criteria in the ordinance;
    b. The goals and objectives of the comprehensive plan;

c. The purpose of the zoning ordinance and its relevant zoning districts;
d. Whether the use is in harmony with the purpose and intent of the ordinance including general compatibility with adjacent properties and other property in the district in which the use is proposed;
e. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
f. Off-street parking and loading areas where required;
g. Refuse and service areas, with particular reference to (a) and (b) above;
h. Utilities, with reference to locations, availability, and compatibility;
i. Screening and buffering with reference to type, dimensions and character;
j. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with other properties in the district;
k. Required yards and other open space; and
l. Imposition of conditions that are reasonable, appropriate and necessary to insure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of such conditional use permit.

11. The Board hereby finds that **it is/is not** empowered by the Brandon Zoning Regulations to grant the requested conditional use permit.

12. The Board hereby finds that such conditional use permit **is/is not** consistent with the Brandon Zoning Regulations and the City's most recently adopted Comprehensive Plan.

13. (if granting): The Board hereby grants the conditional use permit with the following conditions that the Board finds are reasonable, appropriate and necessary: _____ (list all if any are imposed). The conditional use shall remain valid only as long as the property owner complies with the aforementioned terms and conditions of the conditional use.

14. Minutes of the meeting were recorded.

Dated this _____ day of April, 2016.

_____
Planning & Zoning Commission
Chairperson

13.08 Other Permitted Signs

Temporary on-premise signs are allowed in the CB, GB, LI and HI districts unless otherwise prohibited. All temporary signs in these districts are subject to the following regulations:

A. No sign may encroach in any manner, including overhang, the public street or highway right-of-way.

B. Each property shall be allowed 180 permit days per year for the display of temporary on-premise signs.

C. Total area of on-premise temporary signs shall not exceed 1,000 square feet.

D. A permit is required prior to placement of mobile or temporary signs. Applicant may, after application for a permit and approval thereof, locate a mobile or temporary sign in the permitted location for a period not to exceed 30 consecutive days. If sign placement exceeds 30 consecutive days applicant will need to apply for a renewed permit. Separate permits shall be required for each sign displayed.

1. One temporary sign located on a property that is for sale or lease shall be exempt from the requirement of obtaining a permit so long as the sign adheres to the following:

    a. Sign shall not exceed thirty-two (32) square feet in area.

    b. Temporary sign shall not be located closer than ten (10) feet to a lot line.

    c. Such sign shall be removed after sale or lease of the property.

2. Temporary banner style signs made of a lightweight fabric, canvas, plastic, or similar material shall be exempt from the requirement of obtaining a permit if they do not exceed 60 square feet in area and are securely mounted to a building with cables, ropes, tie downs or other similar fasteners. Further banner signs shall be maintained to the following requirements:

    a. Banner signs shall be secured flat against a building at all times.

    b. Banner signs shall be removed if material is torn.

A property for sale or lease in a Residential district shall be allowed one temporary on-premise sign exempt from the requirement of obtaining a permit so long as the sign adheres to the following:

A. In R-1 and R-2 Districts sign shall not exceed sixteen (16) square feet in area.

B. In R-3 and R-4 Districts sign shall not exceed thirty-two (32) square feet in area.

C. Temporary sign shall not be located closer than ten (10) feet to a lot line.

D. Such sign shall be removed after sale or lease of the property.

Any sign installed or placed, except in conformance with the requirements of this chapter, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, any person who violates this section shall be subject to a fine of $500.00 as described in Section 1.05 of these Ordinances.

VARIANCE APPLICATION

PLANNING & ZONING COMMISSION AS BOARD OF ADJUSTMENT

Name of Applicant: Tim Kapperman Jean Moser

Address of property for variance: 100 E Leighton Street

Brandon SD Zip Code 57005

Phone: 605 310-5567 Date: 3-25-16 Fee: ($275.00) Paid: yes ✓ no ___

Present Zoning: PD Site Plan Included: yes ✓ no ___

I received a copy of the Planning & Zoning Variance Checklist: yes X no ___

Signature of Present Owner of Record: Jean Moser

Legal Description of Property: Lot 1 - Block 4 Hedgewood Estates Addition

Description of project: New Home Built w Covered Porch

Explain your unnecessary hardship/rights deprived of: See attached

City Engineer Comments: RECOMMEND APPROVAL

Inspection Dept. Comments:

This home is located in a Planned Development Zoning District {City Ordinance 15-11-7.} The set-backs are as follows: Front yard: 20', side yard: 5', rear yard: 20'. The original approved site plan reflected a rear yard setback of 23' from the back of the new house to the rear property line. The submitted construction plans show a 20' rear yard setback encompassing the proposed new covered porch. In reality, the contractor built the new covered porch to a setback of only 18' feet.

City Administrator Comments:

Board of Adjustment Meeting: April 21, 2016 Time: 6:30pm

Publish Date: April 6, 2016

Posting Date (on property & at City Hall): April 8, 2016

Landowner letter sent: April 8, 2016

Action Taken:

To Board of Adjustment

In looking at the rear setback of the existing Covered Porch. It appears that the Deck is 2' into the required setback We feel that this was a unintended mistake, as the surveyor, builder, and City Inspector missed this thru the entire building and final inspection the home has been occupied for nearly 1 year, with the encroachment being discovered with the building of 2 homes across the Street, which were discovered by the City Inspector - the cost to correct the encroachment would be quite sizeable and we are asking for a variance to be granted.

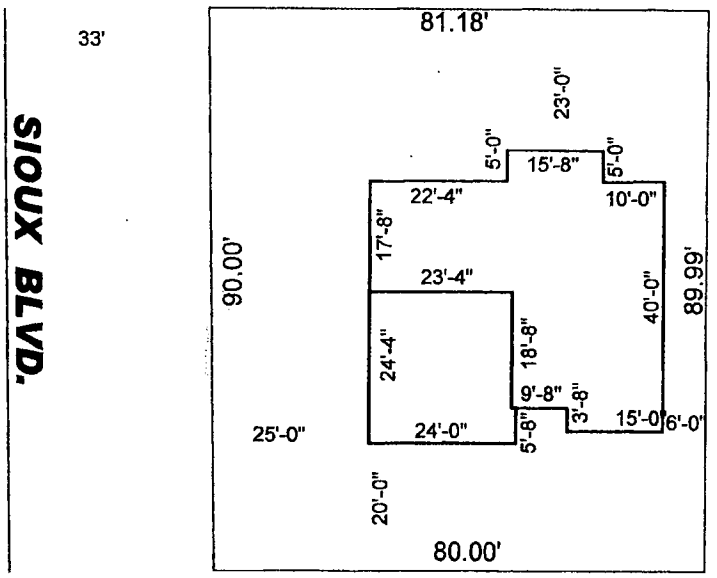
Thank you for your time and consideration

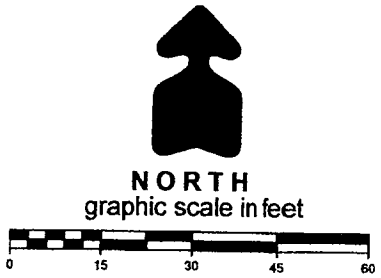
Jean Marie

PLOT PLAN

LEGAL DESCRIPTION: Lot 1, Block 1 HEDGEWOOD ESTATES ADDITION TO THE CITY OF BRANDON, SOUTH DAKOTA

Setbacks
Front - 20'
Rear - 20'
Sides 5'





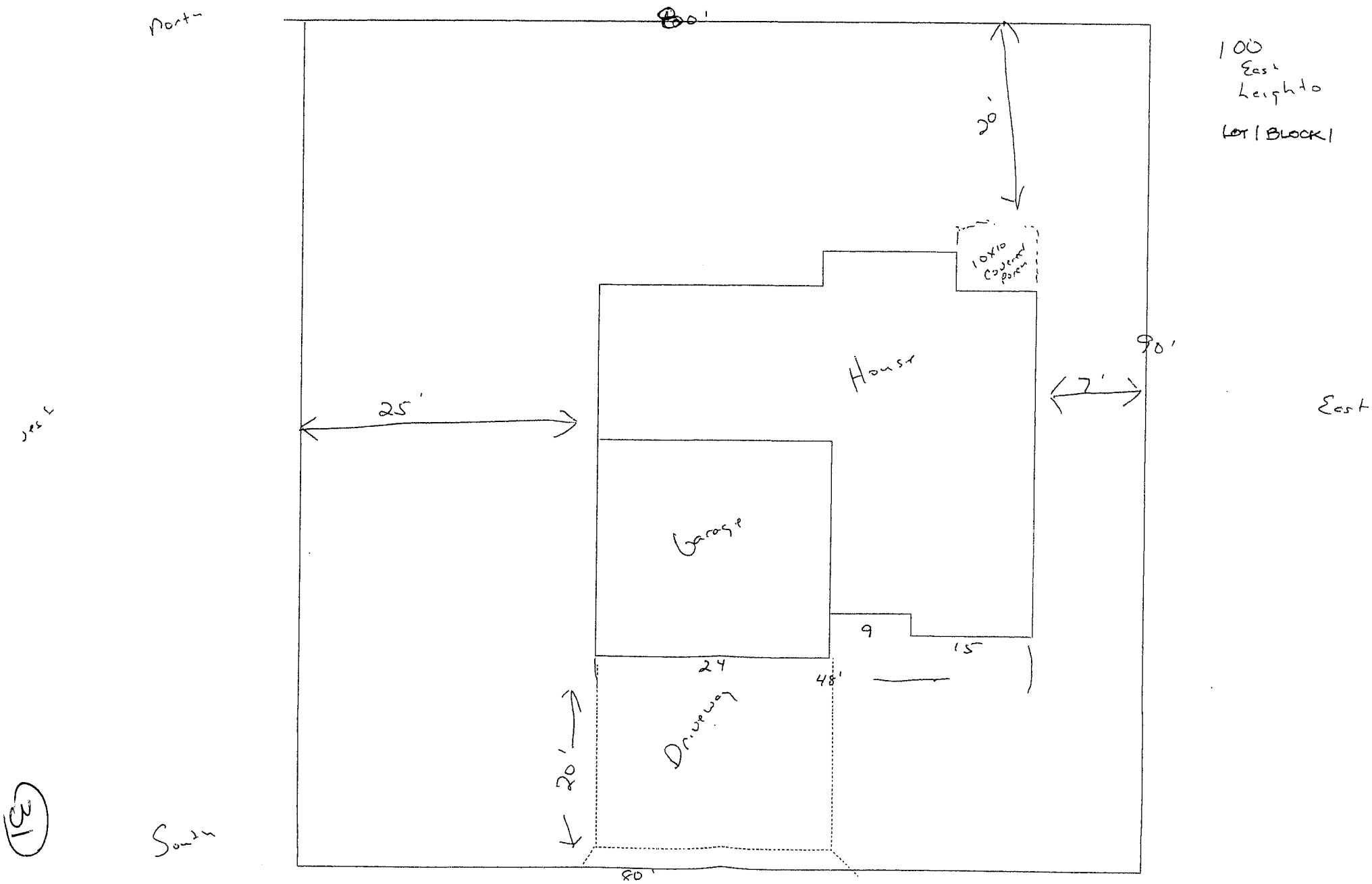
(30 feet per inch)

date of drawing: 05/02/2014

address: 100 E. Leighton Street, Brandon, SD

HANSON
LAND SURVEYING
SERVICES, LTD.
4308 SOUTH CHICAGO AVE.
SIOUX FALLS, SOUTH DAKOTA 57103
(605) 334-0035

30


North
80'
100
East
Leighto
LOT 1 BLOCK 1
20'
10x10
Covered
Porch
House
90'
7'
East
25'
Garage
9
15
24
48'
Driveway
20'
South
80'

31

15-11-6 PLANNED DEVELOPMENT DISTRICTS

Planned development districts shall be as enumerated below:

Legislative History:
Ordinance #445, 5/27/09

Authority:
SDCL § Ch. 9

15-11-7 PD HEDGEWOOD ESTATES

It is the intention of this district to establish a housing development of single family homes with smaller lots and smaller setbacks and through an association, provide lawn mowing, snow removal and exterior maintenance.

SPECIAL AREA REGULATIONS:

A. Minimum Lot Requirements:

For each permitted dwelling, there shall be a lot area of not less than fifty-four hundred (5,400) square feet. The minimum lot width shall be sixty (60) feet.

B. Minimum Yard Requirements:

Permitted uses and structures shall have a minimum front yard of twenty (20) feet, minimum side yards of five (5) feet, and a minimum rear yard of twenty (20) feet.

C. Maximum Lot Coverage:

The maximum lot coverage for all buildings and structures shall not exceed seventy (75) percent of the total lot area, less required yards.

D. Maximum Height of Structures:

The maximum height of all buildings and structures shall not exceed thirty-five (35) feet.

E. Street right-of-way to be sixty (60) feet and the width of the street back of curb to back of curb to be thirty-two (32) feet.

F. No out buildings permitted.

G. Units to be individual homes with a garage. The exterior will be lined with a hedge to lend to the name "Hedgewood Estates". There will be four basic house styles.

H. The covenants will state that there will be no campers, boats or trailers parked outside.

Legislative History:
Ordinance #445, 5/27/09

Authority:
SDCL § Ch. 9

CARDINAL DRIVE
DRIVE
SETH STREET
THAD STREET
LEIGHTON STREET
BOULEVARD
SIOUX
THAD TABOR
HEDGEWOOD ESTATES
BLOCK 6
BLOCK 5
W. 1/16 CORNER
34-102-48
Schwebach's shop
201 N. Sioux

Board of Adjustment Certification of Compliance-Variances

In the matter of Jean Moser & Tim Kapperman Construction, 100 E. Leighton Street, the Board of Adjustments (Board) for the City of Brandon, South Dakota, hereby certifies as follows:

1. A complete application was filed on March 25, 2016.

2. The application is not duplicative of an application filed in the last 6 months.

3. The Board received a complete recommendation from the Authorized Official.

4. Proper notice was given of the variance request, with notice being provided as follows:

    a. Notice of the public hearing was published in the City's legal newspaper at least 10 days before the hearing, with notice being published on April 6, 2016.

    b. The landowners were notified by mail sent on April 8, 2016.

    c. Notice of the hearing was posted on the affected property at least 10 days before hearing, with notice first being posted on April 8, 2016.

5. At approximately ____ p.m., on _____, 20___, the Board's Chair called the meeting to order.

6. Present at the hearing and providing testimony were the following individuals for the applicant:

    _____
    _____
    _____

7. Present at the hearing on behalf of the objecting parties and providing testimony were the following individuals:

    _____
    _____
    _____

8. (If applicable: The Board deferred the decision until its next regularly scheduled meeting, which occurred on _____(enter date). Prior to this hearing, notice in the City's legal newspaper was published 10 days before the hearing, with notice being published on _____. Additional evidence was received at this hearing with the following individuals providing testimony:_____).

9. The Board has considered the variance request, has considered information and documents received from the Authorized Official and evidence presented at the hearing, and has considered those factors set forth in the Brandon Municipal Code. The Board finds by a vote of at least 2/3 of its members that the applicant has established the following:

    a. The request relates to a deviation from the strict applications of the ____ (insert issue: height, area, setback, yard, parking or density) requirements.

    b. The request is not contrary to the public interest.

    c. An unnecessary hardship exists if the variance is not granted.

    d. Literal interpretation of the zoning provisions deprives the applicant of rights commonly enjoyed by other properties in the same district under the terms of the ordinance.

    e. The variance requested is the minimum variance that will alleviate the unnecessary hardship.

    f. The granting the variance complies with the general purpose and intent of the zoning ordinance, and will not be offensive to adjacent areas or to the public welfare.

    g. Exceptional and extraordinary circumstances apply to the property that do not apply to other properties in the same zone or vicinity and that result from lot size or shape, topography or other circumstances which are not of the applicant's making.

    h. The variance request is not seeking to vary the use regulations.

10. The Board hereby grants the variance request, specifically _____ _____, (with the following conditions imposed:_____.) The variance shall remain valid only as long as the property owner complies with the aforementioned terms and conditions of the variance.

11. Minutes of the meeting were recorded.

Dated this ____ day of _____, 20__.

_____
Board of Adjustment Chairperson

VARIANCE APPLICATION

PLANNING & ZONING COMMISSION AS BOARD OF ADJUSTMENT

Name of Applicant: Tim Kapperman - Glen Ramsey

Address of property for variance: 104 E Leighton Street

Brandon SD Zip Code 57005-

Phone: 605-310-5567 Date: 3-25-16 Fee: ($275.00) Paid: yes ✓ no ___

Present Zoning: PD Site Plan Included: yes X no ___

I received a copy of the Planning & Zoning Variance Checklist: yes ___ no ___

Signature of Present Owner of Record: Glen Ramsey

Legal Description of Property: Lot 2 Block 1 Hedgewood Estates Addition

Description of project: New Home Built w Covered Rear Porch

Explain your unnecessary hardship/rights deprived of: See Attached

City Engineer Comments: RECOMMEND APPROVAL

Inspection Dept. Comments:

This home is located in a Planned Development Zoning District {City Ordinance 15-11-7.} The set-backs are as follows: Front yard: 20', side yard: 5', rear yard: 20'. The original approved site plan reflected a rear yard setback of 23' from the back of the new house to the rear property line. The submitted construction plans show a 20' rear yard setback encompassing the proposed new covered porch. In reality, the contractor built the new covered porch to a setback of only 18' feet.

City Administrator Comments:

Board of Adjustment Meeting: April 21, 2016 Time: 6:30pm

Publish Date: April 6, 2016

Posting Date (on property & at City Hall): April 8, 2016

Landowner letter sent: April 8, 2016

Action Taken:

To Board of Adjustment

In looking at the rear setback of the existing Covered Porch. It appears that the Deck is 2' into the required setback We feel that this was a unintended mistake, as the surveyor, builder, and City Inspector missed this thru the entire building and final inspection the home has been occupied for nearly 1 year, with the encroachment being discovered with the building of 2 homes across the Street, which were discovered by the City Inspector - the cost to correct the encroachment would be quite sizeable and we are asking for a variance to be granted.

Thank you for your time and consideration

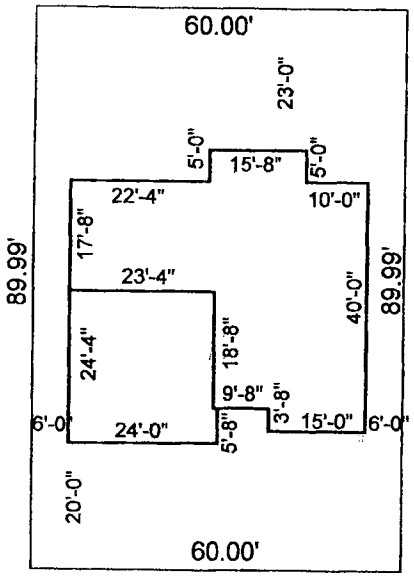
Glenn Ramon

Q Kerr

PLOT PLAN

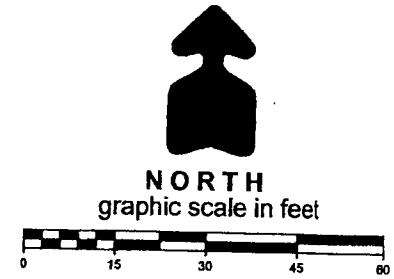
LEGAL DESCRIPTION: Lot 2, Block 1 HEDGEWOOD ESTATES ADDITION TO THE CITY OF BRANDON, SOUTH DAKOTA

Setbacks -
Front - 20'
Rear - 20'
Sides 5'



31'

LEIGHTON STREET



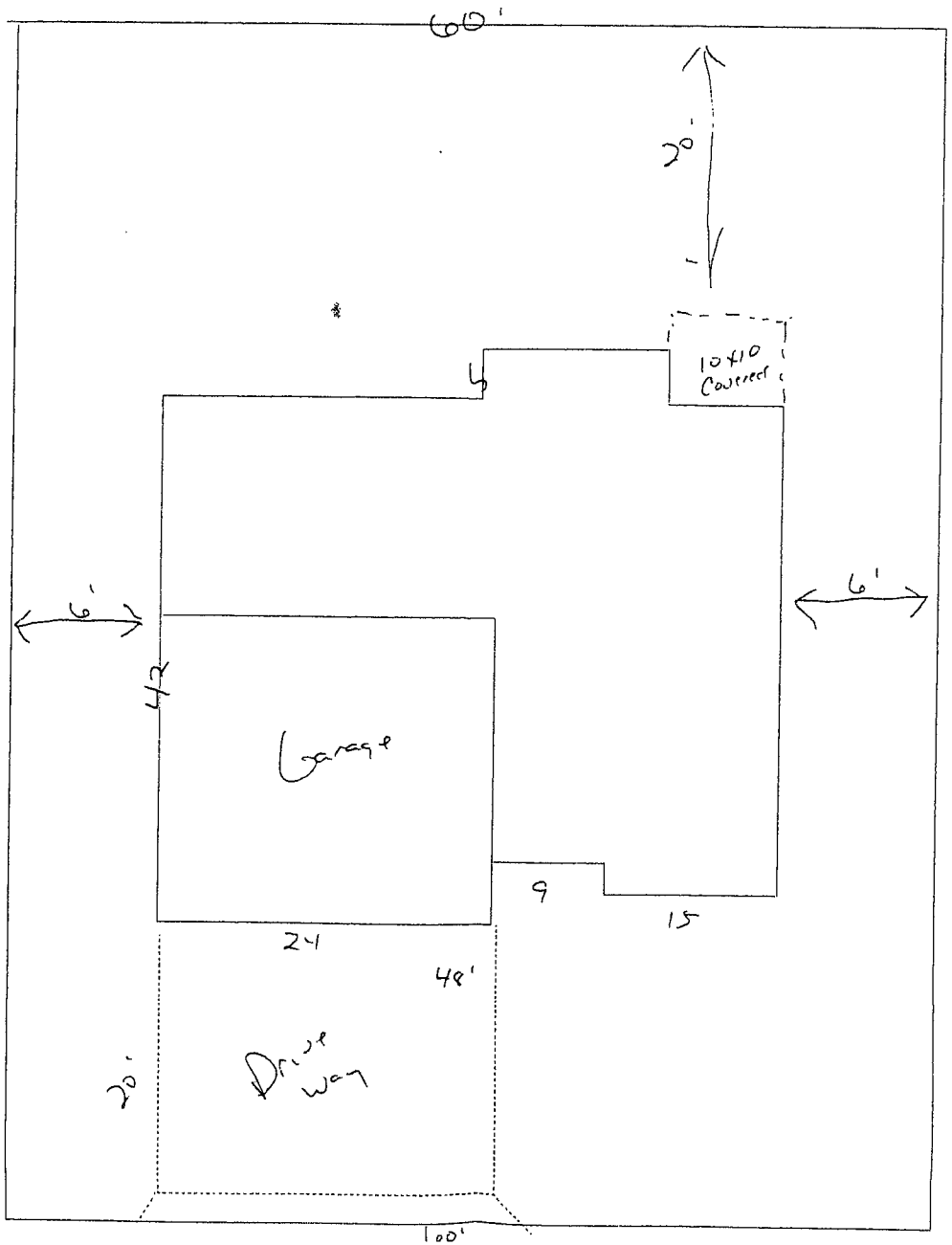
(30 feet per inch)

date of drawing: 05/02/2014

address: 100 E. Leighton Street, Brandon, SD

HANSON
LAND SURVEYING
SERVICES, LTD.
4308 SOUTH CHICAGO AVE.
SIOUX FALLS, SOUTH DAKOTA 57103
(605) 334-0035

North



104
East
Leighton
Lot 8 Block 1

East

90'

West

South

39

15-11-6 PLANNED DEVELOPMENT DISTRICTS

Planned development districts shall be as enumerated below:

Legislative History:
Ordinance #445, 5/27/09

Authority:
SDCL § Ch. 9

15-11-7 PD HEDGEWOOD ESTATES

It is the intention of this district to establish a housing development of single family homes with smaller lots and smaller setbacks and through an association, provide lawn mowing, snow removal and exterior maintenance.

SPECIAL AREA REGULATIONS:

A. Minimum Lot Requirements:

For each permitted dwelling, there shall be a lot area of not less than fifty-four hundred (5,400) square feet. The minimum lot width shall be sixty (60) feet.

B. Minimum Yard Requirements:

Permitted uses and structures shall have a minimum front yard of twenty (20) feet, minimum side yards of five (5) feet, and a minimum rear yard of twenty (20) feet.

C. Maximum Lot Coverage:

The maximum lot coverage for all buildings and structures shall not exceed seventy (75) percent of the total lot area, less required yards.

D. Maximum Height of Structures:

The maximum height of all buildings and structures shall not exceed thirty-five (35) feet.

E. Street right-of-way to be sixty (60) feet and the width of the street back of curb to back of curb to be thirty-two (32) feet.

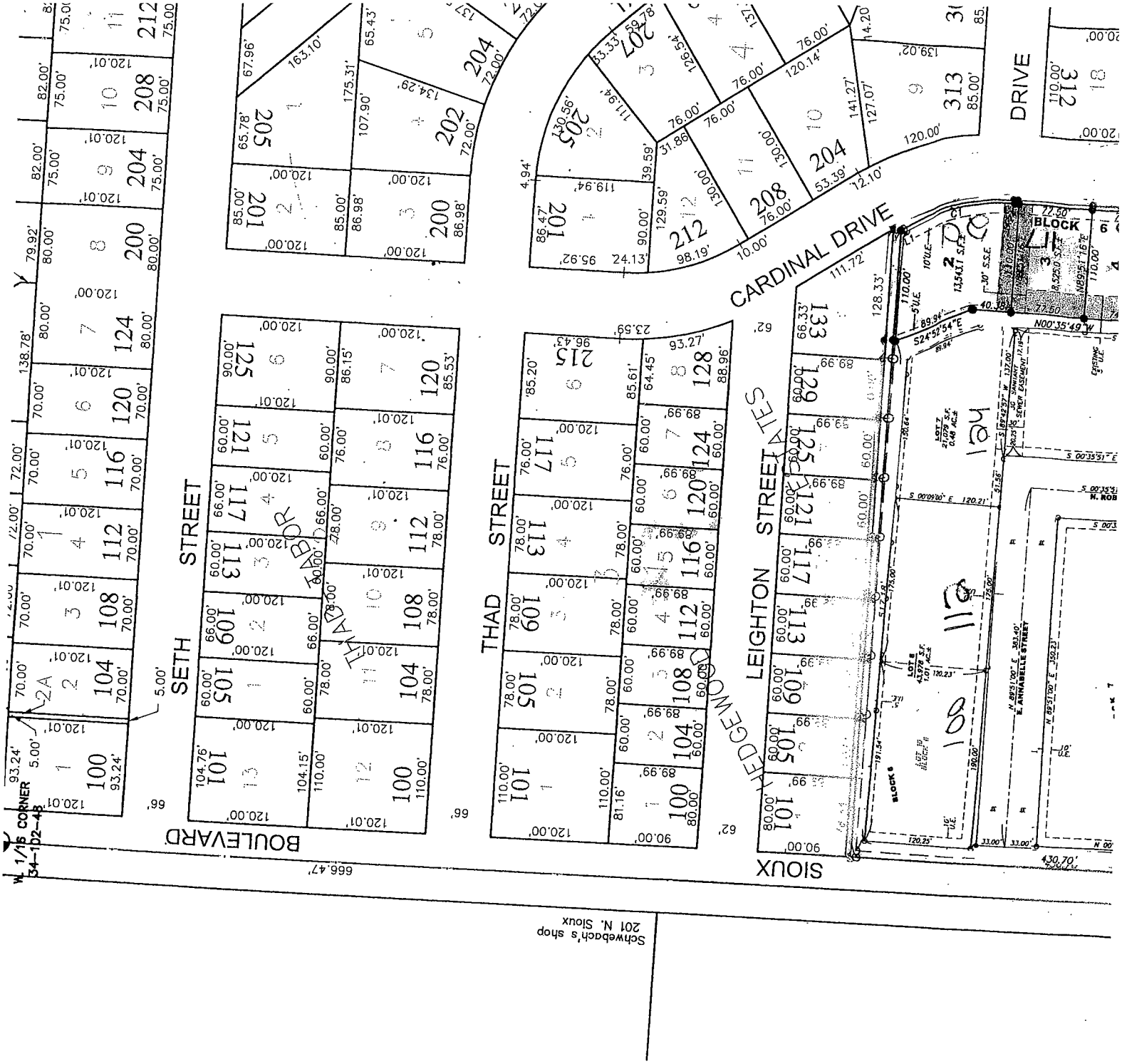
F. No out buildings permitted.

G. Units to be individual homes with a garage. The exterior will be lined with a hedge to lend to the name "Hedgewood Estates". There will be four basic house styles.

H. The covenants will state that there will be no campers, boats or trailers parked outside.

Legislative History:
Ordinance #445, 5/27/09

Authority:
SDCL § Ch. 9



SETH STREET
THAD STREET
LEIGHTON STREET
CARDINAL DRIVE
DRIVE
BOULEVARD
SIOUX
HEDGEWOOD ESTATES
BLOCK
Schwebach's shop
201 N. Sioux

Board of Adjustment Certification of Compliance-Variances

In the matter of Glen Ramsey & Tim Kapperman Construction, 104 E. Leighton Street, the Board of Adjustments (Board) for the City of Brandon, South Dakota, hereby certifies as follows:

1. A complete application was filed on March 25, 2016.

2. The application is not duplicative of an application filed in the last 6 months.

3. The Board received a complete recommendation from the Authorized Official.

4. Proper notice was given of the variance request, with notice being provided as follows:

    a. Notice of the public hearing was published in the City's legal newspaper at least 10 days before the hearing, with notice being published on April 6, 2016.

    b. The landowners were notified by mail sent on April 8, 2016.

    c. Notice of the hearing was posted on the affected property at least 10 days before hearing, with notice first being posted on April 8, 2016.

5. At approximately ____ p.m., on _____, 20___, the Board's Chair called the meeting to order.

6. Present at the hearing and providing testimony were the following individuals for the applicant:

    _____
    _____
    _____

7. Present at the hearing on behalf of the objecting parties and providing testimony were the following individuals:

    _____
    _____
    _____

8. (If applicable: The Board deferred the decision until its next regularly scheduled meeting, which occurred on _____(enter date). Prior to this hearing, notice in the City's legal newspaper was published 10 days before the hearing, with notice being published on _____. Additional evidence was received at this hearing with the following individuals providing testimony:_____).

9. The Board has considered the variance request, has considered information and documents received from the Authorized Official and evidence presented at the hearing, and has considered those factors set forth in the Brandon Municipal Code. The Board finds by a vote of at least 2/3 of its members that the applicant has established the following:

    a. **The request relates to a deviation from the strict applications of the ____ (insert issue: height, area, setback, yard, parking or density) requirements.**

    b. The request is not contrary to the public interest.

    c. An unnecessary hardship exists if the variance is not granted.

    d. Literal interpretation of the zoning provisions deprives the applicant of rights commonly enjoyed by other properties in the same district under the terms of the ordinance.

    e. The variance requested is the minimum variance that will alleviate the unnecessary hardship.

    f. The granting the variance complies with the general purpose and intent of the zoning ordinance, and will not be offensive to adjacent areas or to the public welfare.

    g. Exceptional and extraordinary circumstances apply to the property that do not apply to other properties in the same zone or vicinity and that result from lot size or shape, topography or other circumstances which are not of the applicant's making.

    h. The variance request is not seeking to vary the use regulations.

10. **The Board hereby grants the variance request, specifically _____ _____, (with the following conditions imposed:_____.) The variance shall remain valid only as long as the property owner complies with the aforementioned terms and conditions of the variance.**

11. Minutes of the meeting were recorded.

Dated this ____ day of _____, 20__.

_____
Board of Adjustment Chairperson