



GRANT COUNTY SOUTH DAKOTA
PLANNING AND ZONING OFFICE
210 East 5th Avenue
Milbank, SD 57252-2499
Phone: 605-432-7580
Fax: 605-432-7515

Minutes from the meeting of Grant County Board of Adjustments May 2nd, 2022

Planning Commission members present: Mark Leddy, Nancy Johnson, John Seffrood (arrived at 4:03), Bill Tostenson (Grant County Commissioner sitting in for Commissioner Mike Mach), Tom Pillatzki, Richard Hansen, and Jim Berg.

Alternate(s) present: Don Weber

Planning Commission board members absent: Mike Mach, Jeff McCulloch (alternate).

Others present: Darin Mertens, Doug Fraasch, Arvid Liebe, Todd Kays (First District), and Steve Berkner (Grant County Planning Commission officer.)

Meeting Date: Monday, May 2nd, 2022

Meeting Time: 4 P.M. In-person in basement of the Courthouse.

1. Chairman Mark Leddy calls the Board of Adjustment meeting to order at 4:01 with a quorum of 5 board members and one alternate present. Leddy recognizes Commissioner Tostenson will be sitting in for Commissioner Mach who is absent. To sit seven board of members alternate Weber was seated in place of Seffrood. Seffrood arrived at 4:03 replacing Weber.
2. Leddy asks if the board or any staff member had anything to add to the agenda with none being added.
3. Leddy makes an invitation for anyone present wanting to address the Board of Adjustments with an item not on the agenda with no one responding.
4. Leddy asks for a motion to accept the agenda as presented. Johnson makes a first to accept the agenda with Pillatzki making the second. Motion passes unanimously 7-0.
5. Leddy asks for a motion to except the Board of Adjustment minutes from April 11th, 2022. Motion made by Berg with a second made by Hansen. Motion passes unanimously 7-0.

6. Leddy asks if there are any Conflicts / Ex Parte Communication with any seated board member. No one responds.
7. Leddy asks for a motion for the board to consider Mertens Variance VAR02222022, which was postponed April 11th, Leddy recognized a first by Johnson and a second by Tostenson.

Kays explained that Mertens' Variance VAR02222022, that was postponed after a public hearing and discussion the month prior waiting for a second Public Notice to be printed in the paper, was now seeking three separate setback variances;

- 1) to build 65' from the front-yard Right-of Way (R.O.W.) setback from 150th Street instead of the ordinance required 100',
- 2) to build 30' from the side-yard setback to the west, instead of the ordinance required 50',
- 3) and to build 30' from the side-yard setback to the north, instead of the ordinance required 50'.

Kays added that after his staff report was given it would be best to have three separate motions, one for each setback variance request.

Leddy asks Kays to make a staff report presentation on the "Mertens'" variance application.

Kays begins his report by stating that the Merten's setback variance was exactly the same as the one discussed on April 11th, where a public hearing and general discussion was already held for the front and west side variance request before being postponed to be heard again with the addition of the third setback request.

Kays stated that it should be recognized that the lot seeking setback variances was 230' deep (north to south) and 665' wide (west to east) and was big enough if the building was turned to run "west to east" where in that orientation variances wouldn't be needed. Kays added that the permittee had provided pictures and elevations maps showing that the central areas of the lot was acceptable to its low-lying areas flooding.

Kays reminded the board members considering the motions to remember that there was public comment from the prior meeting and its public hearing from both the neighbor to the west (Fraasch) and Grant Center Township Supervisor Cleo Braake that there was a concern of the closeness of the proposed building seeking a variance to the township road and that they both thought it might cause additional drifting of that roadway.

At the conclusion of Kays report Mertens was asked to make any additional statements where Mertens explained why he had chosen positioning the building “north and south” stating the following reasons for that placement;

- 1) that due to prevailing winds he didn’t want the existing overhead doorway facing either north or west where he would prefer to have all overhead doors face south which would also aid in melting snow and ice from the driveway slab in front of the doors,
- 2) that he was trying to avoid building in the low lying areas that often flooded as that water came from the north and west and flowed toward the southeast corner of his property, and
- 3) that he wanted to accommodate a possible future smaller building that could be built on the east side of the lot, again outside the areas where water tends to stand in the middle of the lot.

Mertens also said that even though at the last meeting there was some discussion that he consider building much closer to the north property line that after reviewing the lot that he thought that would cause water to back up on Fraasch’s property to the west that if he built there this would act like a dam causing unintended flooding consequences for Fraasch.

Leddy then opened the public hearing for the Merten’s Variance request where Fraasch repeated his concerns with the building being too close to the township road to the south possibly causing snow to drift across the road more than it already does.

Leddy asked for any additional public comments and with no one speaking up Leddy closed the public hearing.

Leddy asks for a motion to consider a variance to build 65’ from the front side-yard R.O.W with Pillatzki making a first and Johnson making a second.

Discussion with staff and board members centered around the following topics;

- a. That if the building seeking a setback variance was going to be used for AG related activities which Mertens answered yes. Mertens also said that the building would be used to store other personal items as well but that he understood that the use had to include AG related equipment or activity.
- b. Setback distances for other similar nearby properties from the road R.O.W were discussed where it was agreed that there were numerous buildings being permitted as close, and often closer, mostly due to the narrowness of those lots.

- c. The closeness of a well-established ½ mile long shelterbelt located to the north of the proposed building location seeking a setback variance seemed to be adequate to reduce any additional snow accumulation on the road.
- d. Other areas discussed was that most of the lots along that section of the road were all very low lying where standing water due to slow runoff was a common problem creating challenges for most development.
- e. There was a consensus that the wide width of the lot of over 650' "west to east" should allow enough room to not need a west side-lot setback variance which should aid in any water backing up into that neighbor's lot.

With no more discussion Leddy called for the vote on the variance to build 65' from the road R.O.W. Motion passed unanimously with a roll-call vote 7-0.

Leddy asks for a motion to consider a variance to build 30' from the west side-yard property line with Johnson making a first and Tostenson making a second.

With no additional discussion Leddy calls for the roll-call vote which failed 0-7.

Leddy asks for a motion to consider a variance to build 30' from the north side-yard property line with Hansen making a first and Johnson making a second.

With no additional discussion Leddy calls for the roll-call vote. Motion passes 7-0.

8. With no more business to consider Leddy asks for a motion to adjourn the Grant County Board of Adjustments.

Board member Pillatzki made the motion to adjourn, Seffrood made the second.

Before calling for the vote the next regular Board of Adjustment meeting was set for Monday June 13th. Leddy then called for the vote to adjourn which carries unanimously 7-0.

Board of Adjustment meeting ends at 4:41.

Steve Berkner
Planning and Zoning Administrator
Grant County