



GRANT COUNTY SOUTH DAKOTA
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**Minutes from the special joint meeting of Grant County Board of Adjustments
November 8th, 2021**

Planning Commission members present: Mark Leddy, John Seffrood, Mike Mach, Tom Pillatzki, and Jim Berg.

Alternate(s) present: Don Weber, Jeff McCulloch

Planning Commission board members absent: Nancy Johnson, and Richard Hansen

Others present: Bridget Anderson, Jeff Anderson, Nicole Brehmer, Scott Robertson (Banner and Associates), Todd Kays (First District), and Steve Berkner (Grant County Planning Commission officer.)

Meeting Date: Monday, November 8th, 2021

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 4:03 with a quorum of 7 board members.
2. Leddy asks for a motion to accept the agenda as presented. With no changes or amendments made Mike Mach makes a first to accept the agenda with Tom Pillatzki making a second. Motion passes unanimously 7-0.
3. Leddy asks for a motion to except the Board of Adjustment minutes from September 20th. Motion made by Pillatzki with a second by Berg. Motion passes unanimously 7-0.
4. Leddy asks if there are any Conflicts / Ex Parte Communication with any seated board member. No one responds.
5. Leddy asks for a motion consider granting a variance for Anderson for a front-yard setback. Mach makes a first followed by a second by Pillatzki.

Kays gave a report on the requested 50' front-yard setback where the county ordinance requires a 100' setback from the nearest road Right-of-Way (R-o-W). Kays presented a map showing that the property seeking the variance actually had two side by side Right-of-Ways which was made an original 33' R-o-W and an adjacent 17' R-o-W, making for 50' total from

the center of the road. Kays said that if the front lot set back variance was granted as requested the building would be only 50' from the closest Right-of-Way, or 87' from the actual side of the road.

Berkner explained that the narrower 17' road Right-of-Way was for a planned shared frontage road for the 12 parcel sub-division which the original developer never built where eventually the county Highway Superintendent and County Sheriff OK'd combined driveways to be shared between multiple lots instead of one frontage road.

Kays stated that the Anderson's had recently purchased an adjacent 2½ acre lot bringing, their total lot area to 4½ acres, and that ideally the those two lots would be re-platted into one lot and at that time the abandoned 17' R-o-W could be eliminated making the effective setback 67' but that would have to be a condition met going forward if an additional building permit was to be granted.

Continuing his presentation Kays pointed out that the variance requested should consider that the lot had a significant drop off going to the rear of the platted lot where it dropped off over 20 feet from the front to the back.

Kays then asked the Anderson's for any additional information that may have been left out of the his report where Bridgett Anderson responded that to keep the planned garage at the same height as the existing driveway the location they had chosen to build on would still need over 2' of fill.

Pillatzki said he liked the idea of re-platting into one large lot as that also would fix the problem of the side-lot set back that the Anderson's were also requesting later where as of now they were also requesting a variance to build 35' from the lot lines between their two adjacent lots.

Anderson responded that if necessary to receive the variance they would replat the both lots into one and eliminate the 17' abated private frontage road that was no longer needed. She added that one of the reasons they bought the additional 2 1/2 acre lot was that due to the steep drop off between the front and back of their original lot they were limited on where they could build.

With no more comments Leddy closed that portion of the public hearing.

Kays said that if replating into one lot was to be a condition that Mach and Pillatzki would have to amend their motions to include a replat to be accomplished on or before March 1st which both Mach and Pillatzki did.

Kays then read the Finding in Fact with the new amended motion in the affirmative.

Leddy then questioned if removing the 17' R-o-W for all of the Sunrise Addition was necessary in this motion and Kays responded that that could be dealt with when accepting all future replats of any remaining parcel in the (12 lot) Sunrise Addition as per the past decision between the original developer, the County Highway Supervisor, and County Sheriff.

Leddy calls for the roll call vote which passes 7-0.

After the vote Kays explained that since the first part of the variance hearing for Andersons required replating the two parcels into one that the second variance for a side-lot variance to be allowed at 35' instead of the required 50' could be accomplished with out any further discussion and a vote could be officially taken following the findings of fact and conditions of the first Anderson variance motion.

6. Leddy asks for a motion as per Kays suggestion to consider a variance for Anderson for a side-yard variance with a first by Mach where a side lot variance would be approved if the 2 lots were re-platted as one by March 1st.

Without further discussion Leddy called for the vote which passes unanimously. 7-0.

7. Leddy asks for a motion to consider the 40' setback variance for Brehmer where Weber made a 1st followed by Berg who seconded the motion.

With the motion on the table Kays read the staff report saying the Brehmer's wanted to build within 10' of the side lot where their lot was located just a few lots down the road from the Anderson property that just received a variance.

Kays pointed out that the site plan submitted indicated that the proposed three stall garage accessory building would be built at an angle where just the northeast corner of the building would be 10' from the side-lot property line where most of the building would be further from the property line.

Kays noted that the property also had a substantial drop of toward the south side of the lot. He also stated that if a replat was required as part of the variance request it could be a condition, like the previous Anderson variances, that the 17' abandoned frontage road should be eliminated.

Leddy than opened the public hearing giving the applicant up to 10 minutes to make a statement where Nicole Brehmer pointed out that their planned accessory building would actually be no closer than 15' from their neighbor to the east who she said had stated they had no problem with the setback variance being sought.

Berkner then brought up for the record that the developer of the subdivision stated in a covenant covering all 12 lots of the subdivision that accessory buildings could be built as close as 10' from the side-lots. Kays responded that any covenant is secondary to the county's zoning ordinances which requires a 50' side lot setback and variance is still needed.

Leddy asked if an approved subdivision's covenant should ever be considered in making a variance decision. Kays responded that our ordinances are setup to establish wide-open lots.

Leddy agreed and thought that maybe it was time to at least consider while the county is reworking the possibility of high- and low-density developments, especially if they are near towns, that smaller lot sizes and setbacks could be considered but only in those cases which have well planned access roads.

A short discussion led by Kays followed supporting that idea in principle where he said the sizes of “lake lots” could also be included in smaller lot sizes with different setbacks than the rest of the county.

Seffrood asked if it should be necessary to have signed agreement between the neighbors to the affected by the variance and Berkner responded that along with the covenant allowing accessory building to be within 15’ of the side lot that along with the previous Anderson variance he had on file signatures acknowledging the variances being sought at that meeting where the owners of all 12 lots, including the developer, had signed.

Being no more comments needed from the public attending the meeting Leddy closed the public Hearing portion of the meeting.

Mach asked if the City of Milbank’s plans to lengthen the airport’s runways where Kays pointed out that those improvements would not be jeopardized by this variance.

Leddy stated that if the variance would be granted that since there was no opposition from the public presented at the meeting and that there was at least a 10’ side lot covenant between the neighbors that he thought the only real concern of the county’s should be the setback from the county road which was more that the 100’ from the Right-of-Way.

With no more discussion Kays stated that the findings of fact would be identical to the Anderson’s findings from earlier in the meeting.

Leddy called for the rollcall vote which passed 7-0.

9. With no more business to consider Leddy asks for a motion to adjourns the Grant County Planning Commission.

Board member McCulloch made the motion to adjourn, Berg made the second. Vote carries unanimously 7-0.

Meeting ends at 4:51

Steve Berkner
Planning and Zoning Administrator
Grant County