



GRANT COUNTY SOUTH DAKOTA
PLANNING AND ZONING OFFICE
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**Minutes from the meeting of Grant County Board of Adjustments
April 18th, 2023**

Board of Adjustment members present: Nancy Johnson, Mike Mach, Tom Pillatzki, Jim Berg, John Seffrood, Richard Hansen

Alternate(s) present: Don Weber, Jeff McCulloch

Planning Commission board members absent: Mark Leddy

Others present: Matt Loeschke, Todd Kays (First District), and Steve Berkner (Grant County Planning Commission Administrator)

Meeting Date: Tuesday, April 18th, 2023

Meeting Time: 4:00 o'clock, In-person in basement of the Courthouse.

1. Acting Chairwoman Johnson calls the Board of Adjustment meeting to order at 4:05.
2. Johnson asks if the board, or any staff member, had anything to add to the agenda with none being offered.
3. Johnson makes an invitation for anyone present wanting to address the Board of Adjustments with an item not on the agenda with no one from the public responding.
4. Johnson asks for a motion to approve the agenda with Mach making the first motion and Pillatzki making the second. Motion passes 6-0.
5. Johnson asks for a motion to approve the minutes from the November 14th, 2022, meeting which was made by Mach and Berg making the second. Motion passes 6-0.
6. Johnson asks for any seated board member if they think they need to recuse themselves from any discussion, or from voting on an agenda item on the approved agenda with no one responding.

7. Johnson calls for a motion to consider VAR03132023, a variance request from Matt Loeschke, to establish the closest row of a shelterbelt to be 70' from a parallel frontage road instead of the required 85'. Hansen makes a first followed by a second by Pillatzki.

Johnson asks Kays to give the staff report presentation on VAR03132023.

Kays reports that Loeschke was seeking to establish the closest row of a planned shelterbelt to be 15' closer than the required 85' on a platted lot located in the NW1/4 of Section 7 of Vernon East Township parallel to township road 484th Avenue.

Kays said that the setback variance was the first shelterbelt variance request since that ordinance was changed in November and met all of the new criteria of that ordinance change except the closest row was asking to be 70' from the center of the frontage road instead of the newly required 85'. Kays' report also included the signatures of two of the three township board members approving of granting the 15' setback variance request.

At Kays' conclusion of his staff report Johnson asked for any comments from the permittee where Loeschke said that he owned all of the NE1/4 of land that surrounded the 3.5 acre lot seeking the variance and would be available for any further questions if needed.

Leddy then opened the public hearing for VAR03132023 asking three times for any comments either in favor or opposition to the variance setback request where she heard none. Johnson then closed the public hearing.

Loeschke was asked what other future permitted structures he intended on building and he said that eventually he would have an accessory building built within the shelterbelt perimeter where no additional setback variances should be necessary.

Johnson then invited further discussion between the board members where the consenting opinion was to grant the variance request as it had township supervisor approval which started a discussion about if this shelterbelt setback variance passes so soon after amending the past shelterbelt setback ordinance just a few months earlier then maybe it was time to look at the whole shelterbelt minimum setback distances a different way with a different type of amendment.

Seffrood led a majority of the board discussion and agreed with the premise of re-amending the shelterbelt ordinance to "get it right" where to him it was reasonable to have two numbers within a range that a shelterbelt could be located "no closer than" if the permittee had signed permission from the local road authority which would eliminate the need for a shelterbelt setback variance.

Seffrood said, "Something similar to 70' from the center of a road but, make that a hard number where only a true hardship would allow a closer variance distance than that hard number even if it had signatures."

Kays said that type of variable setback permitting authority could be allowed by adopting a “Special Permitted Use Permit” ordinance for specific things like setbacks found within a setback distance range under special conditions; like requiring road authority signatures where anything further away than the larger number of the variable would be a permitted use just like now and not require any variance action.

With no more meaningful discussion concerning the Loeschke setback variance request Kays was asked to read the Findings of Fact. Johnson, hearing no more comments, called for a roll call vote which passed unanimously 6-0.

8. With no more agenda items the next meeting was announced to be at 4 o’clock, on Monday, May 8th, 2023.

Johnson called for a motion to adjourn. Motion made by Seffrood and seconded by Berg. Motion passes unanimously 6-0.

Board of Adjustment meeting ends at 4:35.

Steve Berkner
Planning and Zoning Administrator
Grant County