



GRANT COUNTY SOUTH DAKOTA
PLANNING AND ZONING OFFICE
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**Minutes from the meetings of Grant County Board of Adjustments
May 12th, 2025**

Board of Adjustment members present: Mark Leddy, Nancy Johnson, Mike Mach, Tom Pillatzki, James Berg and Steve Spors

Alternate(s) present: Don Weber

Board of Adjustment members absent: John Seffrood, Jeff McCulloch (alternate)

Others present: John Wellnitz, Ricky Bolin, Holli Seehafer, Scott Robinson, Bill Tostenson (Chairman Grant County Commission Todd Kays (First District), and Steve Berkner (Grant County Planning Commission Officer)

Meeting Date: Monday, May 12th, 2025

Meeting Time: 4:00 P.M. In-person in the Grant County Commissioner's Meeting Room.

1. Chairman Leddy called the Board of Adjustment meeting to order at 4:00 seating alternate Weber to fill in for Seffrood who was absent.
2. Leddy asked if any board member has anything to add to the agenda with none being offered.
3. Leddy made an invitation for anyone present wanting to speak prior about an item not on the agenda with no one responding.

Planning and Zoning Officer Berkner asked to be recognized where he said he was contacted by Daren Erickson about the status of his Conditional Use Permit for a Seasonal Fireworks Stand that he was awarded last year were at the time it was considered a one-year permit that could be reviewed by the Board of Adjustment after one year to make sure there were no complaints or law enforcement problems.

Kays said in recent years it has been standard for the county to condition seasonal fireworks stands for a first-year review to help reduce the chance of problems. No action was taken by the board to not renew the permit going forward.

Berkner said he had checked with the County Sheriff's Department, and they said there were no problems with Erickson's fireworks stand. With no opposition by a board member to not renew the seasonal fireworks stand CUP Berkner said he would renew it.

4. Leddy asked for a motion to approve the agenda with Spors making the first motion and Johnson making the second. Motion passes 7-0.
5. Leddy asked for a motion to approve the Board of Adjustment minutes as submitted from November 11th, 2024. Motion made by Mach, Berg made the second. Motion passes 7-0.
6. Leddy asks for a motion to approve the Board of Adjustment minutes as submitted from October 15th, 2024. Motion made by Mach, Johnson made the second. Motion passes 7-0.
7. Leddy asked if any seated board member if they think they need to recuse themselves from any discussion topics on the agenda, or from voting on an agenda item, where Spors responds that Jason Wellnitz, whose CUP for a Home Occupied Business was on the agenda, was a friend and neighbor of his.

Kays asked if Spors had any personal gain in voting for or against the Wellnitz CUP where Spors said he did not. Kays said if Spors thought he could vote without prejudice he should be able to vote on the Wellnitz CUP. Spors said he could.

8. Leddy called for a motion, made by Weber with a second by Pillatzki, to consider Conditional Use Permit, CUP03242025, Pursuant to Section 1101.03.18: Conditional Uses in the "A" Agricultural Zoning District #18 – Home Extended Business. The applicant, Ricky Bolin is requesting a conditional use permit to operate a Home Extended Business.

Kays staff report CUP03242025 was that Bolin wanted to run a Home Extended Business trailer repair business out of his 11.2-acre site where he resides in Melrose Township. Kays said, along with doing trailer repair Bolin was also seeking to do a limited amount of new trailer sales to compliment his repair business.

Kays said that the County's Zoning Ordinance required that any outdoor business activity, buildings or structures related to a permitted home occupied business be like those found on a typical homestead farm site.

Kays said that the county could limit the number of non-related family workers as well as regulate both signage size and signage location. Other limitations would be limited by the type and condition of roads as well as if needed limiting noise, vibration, glare, fumes, odors, or electrical interference.

In closing his staff report Kays said that Bolin had provided a signed statement from his neighbor where they were not opposed to the proposed Home Occupied Business activity sought by Bolin.

Leddy opened the Public Hearing for CUP03242025 where Bolin was asked to comment where Bolin said that the retail trailer sales would be very limited where he thought he would keep a few ag related trailers on hand, specifically a stock trailer, an enclosed trailer and an utility trailer, where they would be available for sale or rent if a customer needed a like trailer to use while their trailer was being repaired.

Leddy then asked three times for public comments in favor of, and then against, the CUP request where nobody responded. Leddy closed the Public Hearing inviting Board of Adjustment discussion.

With no meaningful board discussion Leddy asked Kays to read the Findings of Facts for CUP03242025. Kays read the following:

This matter having come before the Board of Adjustment and the Board having taken testimony and heard the evidence; the Board enters the following Findings of Fact in support of its motion to approve the Petitioner's (Ricky Bolin) application for Conditional Use Permit CUP03242025.

- A. On November 11, 2024, Ricky Bolin made application for a Conditional Use Permit for a Home Extended Business (Tractor Repair) on property described: LOT 1 R & J FARMS SUBDIV IN NE1/4 NW1/4 Section 15 Township 121 Range 48 of the 5th p.m. Grant County, South Dakota.*
- B. Home Extended Business is a conditional use per Section 1101.03.18*
- C. Grant County published a notice of Public Hearing in the Grant County Review on April 30, 2025.*
- D. The Grant County Board of Adjustment held a public hearing on May 12, 2025.*
- E. The Board determined that application, staff report and testimony at the meeting allowed the Board to adequately review and determine that satisfactory arrangements have been made that meet the Standard Findings of Fact for Conditional Uses and Variances adopted by the Board of Adjustment on February 12, 2018.*
- F. The Board determined that there were no other issues brought up with the application or during testimony which relate to the Zoning Ordinance or Land Use Plan that the Board felt needed to be addressed.*
- G. The Board determined that the conditions recommended by staff report and by the Board should be incorporated into the conditional use permit.*
- H. The Board determined that the issuance of this conditional use permit will not adversely affect the public interest if operated according to County's ordinance and the conditions prescribed.*

- I. *The Board determined that it is empowered to issue this permit.*
- J. *The Board determined that the applicant, along with information available to the Board through the zoning office, has provided sufficient information regarding this request. The Board has determined the information to be sufficient to warrant issuing the permit. Staff and the Board suggested the following conditions to ensure the requirements of the zoning ordinance are met.*
- 1. A home extended business may not be changed to another home extended business except by the issuance of a separate conditional use permit.*
 - 2. Individuals engaged in such occupation shall consist of family members residing on the premises.*
 - 3. Off-premise signage associated with the home extended business will be limited to South Dakota Department of Transportation (SDDOT) commercial, directional signs, also known as "Blue Signs".*
 - 4. There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one on-premise sign. On-premise signage may be permitted by the Zoning Officer subject to the following:*
 - a. A maximum of 16 square feet of sign area will be allowed. Sign may be located on right of way line*
 - 5. Outdoor storage of materials, vehicles, or inventory visible from a public right of way shall be prohibited.*
 - 6. The only retail sales allowed shall consist of the sale of commodities/products prepared on the premises in connection with such occupation or activity.*
 - 7. No traffic shall be generated by such home extended business in greater volumes than would normally be expected in an agricultural neighborhood, and any need of parking generated by the conduct of such home extended business shall be provided off the street and other than in a required front yard.*
 - 8. No equipment or process shall be used in such home extended business which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.*
 - 9. There will be no storage of junk on site.*
 - 10. The Conditional Use permit for the home extended business is not transferable.*
 - 11. This permit shall be valid as long as the operation of the welding business is in accordance with terms of the letter of assurance.*
 - 12. Any failure to comply with the terms of this agreement will be deemed a violation of the terms of this Conditional Use permit. The Grant County Zoning Officer will determine violations. If violations are substantiated the Board of Adjustment may hold a hearing to consider revocation of this Conditional Use Permit.*

With no further discussion Leddy called for a voice vote made by Berkner which passed 7-0.

9. Leddy called for a motion, made by Johnson with a second by Spors, to consider Conditional Use Permit, CUP04042025, Pursuant to Section 1101.03.18: Conditional Uses in the “A” Agricultural Zoning District #18 – Home Extended Business. The applicant, Jason Wellnitz, is requesting a conditional use permit to operate a Home Extended Business.

Kays began his staff report saying that Wellnitz was seeking a CUP for a Home Extended Business repair shop to be located on his 2.1 acres site in the Adler Addition in Grant County Township just south of Milbank, just off SD Highway 15.

Kays said like the previous Home Extended Business activity the County’s Zoning Ordinance required that any outdoor business activity, buildings or structures related to the permitted home occupied business be like those found on a typical rural home site.

In closing Kays said that the county could limit the number of non-related family workers as well as regulate both signage size and signage location. Other limitations would be limited by the type and condition of roads as well as if needed limiting noise, vibration, glare, fumes, odors, or electrical interference.

Leddy opened the Public Hearing for CUP04042025 where Wellnitz was asked to comment where Wellnitz said that vehicles would only be allowed to be dropped off by appointment only where he had a paved parking area for receiving vehicles. He said all vehicle work would be done inside where any vehicle parked outside will have their hoods down and all their wheels. Wellnitz added that his home and business location are connected to 151st Street by a private frontage road with two entrances.

With no more comments from Wellnitz Leddy then asked three times for public comments in favor of, and then against, the CUP request where nobody responded. Leddy closed the Public Hearing inviting Board of Adjustment discussion.

Comments included a short discussion on the need for frontage roads adjacent to a serving high density housing additions.

With no meaningful board discussion Leddy asked Kays to read the Findings of Facts for CUP04042025. Kays read the following:

This matter having come before the Board of Adjustment and the Board having taken testimony and heard the evidence; the Board enters the following Findings of Fact in support of its motion to approve the Petitioner’s (Jason Wellnitz) application for Conditional Use Permit CUP03242025.

- K. On April 4, 2025, Jason Wellnitz made application for a Conditional Use Permit for a Home Extended Business (Repair Business) on property described ADLERS SOUTHGATE ADDN SE1/4SW1/4 LOT 2 Section 13 Township 120 Range 49 of the 5th p.m. Grant County, South Dakota.

- L. *Home Extended Business is a conditional use per Section 1101.03.18*
- M. *Grant County published a notice of Public Hearing in the Grant County Review on April 30, 2025.*
- N. *The Grant County Board of Adjustment held a public hearing on May 12, 2025.*
- O. *The Board determined that application, staff report and testimony at the meeting allowed the Board to adequately review and determine that satisfactory arrangements have been made that meet the Standard Findings of Fact for Conditional Uses and Variances adopted by the Board of Adjustment on February 12, 2018.*
- P. *The Board determined that there were no other issues brought up with the application or during testimony which relate to the Zoning Ordinance or Land Use Plan that the Board felt needed to be addressed.*
- Q. *The Board determined that the conditions recommended by staff report and by the Board should be incorporated into the conditional use permit.*
- R. *The Board determined that the issuance of this conditional use permit will not adversely affect the public interest if operated according to County's ordinance and the conditions prescribed.*
- S. *The Board determined that it is empowered to issue this permit.*
- T. *The Board determined that the applicant, along with information available to the Board through the zoning office, has provided sufficient information regarding this request. The Board has determined the information to be sufficient to warrant issuing the permit. Staff and the Board suggested the following conditions to ensure the requirements of the zoning ordinance are met.*
1. *A home extended business may not be changed to another home extended business except by the issuance of a separate conditional use permit.*
 2. *Individuals engaged in such occupation shall consist of family members residing on the premises.*
 3. *Off-premise signage associated with the home extended business will be limited to South Dakota Department of Transportation (SDDOT) commercial, directional signs, also known as "Blue Signs".*
 4. *There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one on-premise sign. On-premise signage may be permitted by the Zoning Officer subject to the following:*
 - a. *A maximum of 16 square feet of sign area will be allowed. Sign may be located on right of way line*
 5. *Outdoor storage of materials, vehicles, or inventory visible from a public right of way shall be prohibited.*

6. *The only retail sales allowed shall consist of the sale of commodities/products prepared on the premises in connection with such occupation or activity.*
7. *No traffic shall be generated by such home extended business in greater volumes than would normally be expected in an agricultural neighborhood, and any need of parking generated by the conduct of such home extended business shall be provided off the street and other than in a required front yard.*
8. *No equipment or process shall be used in such home extended business which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.*
9. *There will be no storage of junk on site.*
10. *The Conditional Use permit for the home extended business is not transferable.*
11. *This permit shall be valid as long as the operation of the repair business is in accordance with terms of the letter of assurance.*
12. *Any failure to comply with the terms of this agreement will be deemed a violation of the terms of this Conditional Use permit. The Grant County Zoning Officer will determine violations. If violations are substantiated the Board of Adjustment may hold a hearing to consider revocation of this Conditional Use Permit.*

With no further discussion Leddy called for a voice vote made by Berkner which passed 7-0.

10. Leddy called for a motion, made by Mach with a second by Weber, to consider Conditional Use Permit, CUP04092025, Pursuant to Section 1101.03.4 Conditional Uses – “Sand, gravel or quarry operation; Mineral exploration and extraction; Rock crushers, concrete and asphalt mixing plants”. The applicant Seth Henrich is requesting a conditional use permit to operate a gravel pit.

Kays began his staff report saying that Henrich was seeking a CUP for a sand, gravel or quarry operation, to be located on a 156.61 acre site in Section 20 of East Alban township.

Kays said the mining activity, if permitted by the County with conditions in its “Finding of Facts,” would also be regulated by State and Federal rules and regulations where Henrich had already received State approval.

Kays continued saying that a township road haul agreement may also be required by Alban Township and that no more than 10 acres would be allowed to be mined at any given time without reclamation of past mined areas.

Another key area discussed by Kays was that unless allowed by a neighbor located directly to the west of the proposed gravel operation, that all mining activity would have to be at least 1000 feet from that neighbor’s residential home physical site.

Leddy opened the Public Hearing for CUP04092025 where Henrich was not present for comments where Berkner contacted him by phone where Henrich said he was available by phone if needed. Leddy then asked three times for public comments in favor of, and then against, the CUP request where nobody responded. Leddy closed the Public Hearing inviting Board of Adjustment discussion.

Board discussion included comments from both Pillatzki and Johnson, where they said the location was actually a gravel pit years prior and had been sitting dormant where that CUP under a previous operator had expired years earlier. Pillatzki, who lives near the proposed location, added that under the previous operator the gravel pit worked well where there was little disruption for the neighbors.

A short discussion followed on the importance that the 1000-foot setback to the residential home to the west be followed where Berkner said he would emphasize that condition to Henrich if the gravel mining operation is permitted.

With no meaningful board discussion Leddy asked Kays to read the Findings of Facts for CUP04092025. Kays read the following:

This matter having come before the Board of Adjustment and the Board having taken testimony and heard the evidence; the Board enters the following Findings of Fact in support of its motion to approve the Petitioner's (Seth Henrich) application for Conditional Use Permit CUP04092025.

U. On April 9, 2025, Seth Henrich made application for a Conditional Use Permit for a Sand, gravel or quarry operation on property described: SW ¼ less Lot 1 Melitz Subdivision Section 20 Township 120 Range 47 of the 5th p.m. Grant County, South Dakota.

V. Sand, gravel or quarry operation is a conditional use per Section 1101.03.4

W. Grant County published a notice of Public Hearing in the Grant County Review on April 30, 2025.

X. The Grant County Board of Adjustment held a public hearing on May 12, 2025.

Y. The Board determined that application, staff report and testimony at the meeting allowed the Board to adequately review and determine that satisfactory arrangements have been made that meet the Standard Findings of Fact for Conditional Uses and Variances adopted by the Board of Adjustment on February 12, 2018.

Z. The Board determined that there were no other issues brought up with the application or during testimony which relate to the Zoning Ordinance or Land Use Plan that the Board felt needed to be addressed.

AA. The Board determined that the conditions recommended by staff report and by the Board should be incorporated into the conditional use permit.

BB. The Board determined that the issuance of this conditional use permit will not adversely affect the public interest if operated according to County's ordinance and the conditions prescribed.

CC. The Board determined that it is empowered to issue this permit.

DD. The Board determined that the applicant, along with information available to the Board through the zoning office, has provided sufficient information regarding this request. The Board has determined the information to be sufficient to warrant issuing the permit. Staff and the Board suggested the following conditions to ensure the requirements of the zoning ordinance are met.

- 1. There will be no storage of junk on site.*
- 2. A mining permit or proof thereof from the South Dakota Department of Environment and Natural Resources shall be presented to the zoning officer prior to the excavation of material from this property.*
- 3. The applicant shall obey any Federal, State and Local law of and obtain any necessary permits from the State of South Dakota. These permits may include but are not limited to Storm water drainage permit, Flood Control Permit, Water Rights Permit, etc.*
- 4. The site is to be reclaimed according to standards established by the South Dakota Department of Environment and Natural Resources.*
- 5. Not more than 10 acres, or an area to be determined by the Board, shall be mined at any given time. All other property shall remain unmined or reclaimed.*
- 6. Applicant will control on-site dust.*
- 7. Storage of petroleum products in quantities exceeding one hundred (100) gallons at one locality in one tank or series of tanks must be in elevated tanks; such tanks larger than eleven hundred (1,100) gallons must have a secondary containment system where it is deemed necessary by the County Zoning Office.*
- 8. Applicant shall provide a haul road agreement for the use of impacted county and/or township roads – Specifically, 485th Avenue for hauling materials prior to excavation of materials.*
- 9. The use will be limited to One (1) on-premise sign attached on private property. Maximum dimensions to be to be 32' square feet or to be determined by the Board.*
- 10. The Conditional Use permit for this is transferable. Subsequent owners/operators will be required agree to the same conditions contained herein within 30 days of transfer of the property to retain the conditional use permit.*
- 11. No mining may occur within 1,000 feet of the residence to the east of the operation, approximately no closer than 200 feet from the western edge of 485th Avenue*
- 12. Any failure to comply with the terms of this agreement will be deemed a violation of the terms of this Conditional Use permit. The Grant County Zoning Officer will determine violations. If violations are substantiated the Board of Adjustment may hold a hearing to consider revocation of this Conditional Use Permit.*

With no further discussion Leddy called for a voice vote made by Berkner which passed 7-0.

11. Leddy called for a motion, made by Spors with a second by Berg, to consider Conditional Use Permit Pursuant to Section 1101.03.14: Conditional Uses in the "A" Agricultural Zoning District #14 Public Utility/Service Structure, the applicant Ottetail Power is requesting to construct an electrical switching station.

Kays began his staff report saying Ottetail was seeking a CUP for a sand, gravel or Quarry operation, a gravel pit, to be located on a proposed 2-acre site in Section 8 of East Alban Township.

Kays said the proposed substation was related to other electrical distribution improvements recently being made by Ottetail known as the Milbank Area Reliability Project (MARF) which was permitted last year.

Kays continued saying that the county's zoning ordinance did not specifically have regulations permitting electrical substations other than require that all electrical substations follow all State and Federal regulations and be located within a secure fenced in area, meet all minimum lot sizes and required setbacks, and that during construction that activity does not overly impede normal area traffic.

Upon Kays finishing his staff report Leddy opened the Public Hearing for CUP03172025 for Otter Tail Power Company (OTPC) where company representative Jenna Moak was not present for comments where Berkner said she was available by phone if needed.

Leddy then asked three times for public comments in favor of and then against the CUP requests where nobody responded. Leddy closed the Public Hearing inviting Board of Adjustment discussion.

With no meaningful board discussion Leddy asked Kays to read the Findings of Facts for CUP03172025. Kays read the following:

This matter having come before the Board of Adjustment and the Board having taken testimony and heard the evidence; the Board enters the following Findings of Fact in support of its motion to approve the Petitioner's (Otter Tail Power) application for Conditional Use Permit CUP03172025.

EE. On March 17, 2025, Otter Tail Power made application for a Conditional Use Permit for a Public Utility/Service Structure (substation) on property described SW ¼ Section 8 Township 120 Range 47 of the 5th p.m. Grant County, South Dakota.

FF. Public Utility/Service Structure is a conditional use per Section 1101.03.14

GG. Grant County published a notice of Public Hearing in the Grant County Review on April 30, 2025.

HH. The Grant County Board of Adjustment held a public hearing on May 12, 2025.

II. The Board determined that application, staff report and testimony at the meeting allowed the Board to adequately review and determine that satisfactory arrangements have been made that meet the Standard Findings of Fact for Conditional Uses and Variances adopted by the Board of Adjustment on February 12, 2018.

JJ. The Board determined that there were no other issues brought up with the application or during testimony which relate to the Zoning Ordinance or Land Use Plan that the Board felt needed to be addressed.

KK. The Board determined that the conditions recommended by staff report and by the Board should be incorporated into the conditional use permit.

LL. The Board determined that the issuance of this conditional use permit will not adversely affect the public interest if operated according to County's ordinance and the conditions prescribed.

MM. The Board determined that it is empowered to issue this permit.

NN. The Board determined that the applicant, along with information available to the Board through the zoning office, has provided sufficient information regarding this request. The Board has determined the information to be sufficient to warrant issuing the permit. Staff and the Board suggested the following conditions to ensure the requirements of the zoning ordinance are met.

- 1) This permit authorizes the above-described property to be used for the purpose of an electric substation. Any change from this prescribed use shall require a new conditional use permit.*
- 2) Haul road agreements with appropriate road authorities shall be provided for the use of 150th Street and 485th Avenue during construction. Unless otherwise agreed to between the road authority and the applicant, Grant County requires the Grantor to abide by the following terms to be included in the Agreements:*
 - a) Unless otherwise agreed upon between the grantor and road authority, the grantor shall be responsible for any costs associated with extraordinary maintenance and graveling on the portion of 150th Street and 485th Avenue used during the construction the proposed use.*
 - b) Unless otherwise agreed upon between the grantor and Alban Township, all road work whether customary or extraordinary shall be done under the authority and supervision of the Township and meet its specifications. The work shall be done through the applicable contractor unless the Grantor receives prior authorization from the applicable road authority to conduct its own repairs or maintenance.*

- c) *Alban Township shall be responsible for all ordinary snow removal on 150th Street and 459th Avenue on the same basis as provided to the remainder of the Township. Any additional snow removal deemed necessary for the Grantor to continue its operations is hereby authorized to be done at Grantor's expense.*
- 3) *In the event the haul road agreements hereinbefore described are not executed, the grantor, his heirs, assigns or successors in interest of the Grantor agree that all of the terms and conditions of Item "2" are to be deemed a covenant running with the above-described property. Furthermore, it is agreed that, in accepting title to the above-described property any grantee, heir, assign, or successor in interest to the undersigned expressly agrees to be bound by the terms of Item "2".*
- 4) *Lighting on the site shall be limited to downward directed lights or other lighting customarily used for similar operations.*
- 5) *The use will be limited to One (1) on-premise sign attached to the security fence. Maximum dimensions to be to be 80' square feet or to be determined by the Board.*
- 6) *The Conditional Use permit for this is transferable. Subsequent owners/operators will be required agree to the same conditions contained herein within 30 days of transfer of the property to retain the conditional use permit.*
- 7) *Any failure to comply with the terms of this agreement will be deemed a violation of the terms of this Conditional Use permit. The Grant County Zoning Officer will determine violations. If violations are substantiated the Board of Adjustment may hold a hearing to consider revocation of this Conditional Use Permit.*

With no further discussion Leddy called for a voice vote made by Berkner which passed 7-0.

12. Leddy asked for a motion to adjourn the Board of Adjustment meeting with Pillatzki making the first and Mach making the second. Motion passed 7-0.

Board of Adjustment meeting ends at 4:50.

Steve Berkner
Grant County Planning and Zoning Administrator