



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

## Minutes from the meeting of Grant County Board of Adjustments August 8th, 2022

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

Alternate(s) present: Don Weber, Jeff McCulloch (seated for Johnson)

**Planning Commission board members absent:** Nancy Johnson

**Others present:** Dan Scoblic, Gary Longhenry, Carolyn Geissinger, Scott Schneider, Julie Schneider, Bill Tostenson (Grant County Commissioner) Todd Kays (First District by teleconference), and Steve Berkner (Grant County Planning Commission Administrator.)

**Meeting Date:** Monday August 8<sup>th</sup>, 2022

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

1. Chairman Mark Leddy calls the Board of Adjustment meeting to order at 4:00. Leddy announces that alternate Jeff McCulloch will be sitting in place of board member Nancy Johnson who is absent making a quorum of seven board members and one alternate present.
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 the public responding.
4. Leddy asks for a motion to approve the agenda with Mach making a first and McCulloch making the second. Motion passes unanimously.
5. Leddy asks for a motion to approve the minutes from the June 27<sup>th</sup>, 2022, meeting which was made by Pillatzki with a Hansen making a second. Motion passes unanimously 7-0.

6. Leddy ask 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. Leddy asks for a motion for the board to consider Conditional Use Permit application CUP06162022 for a Private Campground on a commercial lot by the Big Stone American Legion. Mach makes a first with Berg making a second.

Leddy asks Kays to present the staff report on CUP06162022 application.

Kays reports that the Big Stone American Legion is seeking a CUP to operate a private campground with 10 spaces on their 11.41-acre Commercial/Industrial lot site located just off US Highway 12 in Big Stone Township. Kays added that their application information met the minimum area and location requirements found in the county's zoning ordinance for a campground.

Kays said that the CUP application for the campground was received in June but due to scheduling conflicts it could not be heard until today's meeting. Kays said the Legion had also been given the list of the required 16 conditions for a campground found in the county's zoning ordinance and they have stated in a meeting with Planning and Zoning Administrator Berkner that that they can meet all of those conditions.

Kays presented an aerial site map showing the layout of the campground in relation to the electrical hook-ups, bathrooms, RV sewage disposal, recreation area, parking area and existing Legion building

At the conclusion of Kays' staff report Leddy asks Scoblic, who was representing the Big Stone American Legion, if he had anything to add where Scoblic said that the Legion felt they had a need for an official campground to be created so they could better host events like the yearly horse ride they sponsor in late August every year.

Scoblic said the Legion had been considering creating an official campground for some time and that circumstances had allowed them to start construction earlier this year where an oversight on their side errored in applying for the required permit in time where some of the work had already been completed but he assured the board that they used contractors that were familiar with the construction requirements for a campground of both the County and the State of South Dakota.

Scoblic said that the camping area would compliment a public restroom and sand volleyball area that was created over 20 years ago. Scoblic said that the official storm shelter area would be located in Big Stone City at the City's official storm shelter site and said he felt that they had met all of the conditions required of a private campground in the county's zoning ordinance.

With no more comments from Scoblic, Leddy opened the public hearing for CUP06122022 asking three times for any public comments where no one responded. Leddy then closed the public hearing opening discussion between the Board of Adjustment members present.

A question came up whether the CUP would be for either one year or multiple years, where Kays responded that the American Legion would have one year to finish construction where the CUP to actually operate as a campground would be perpetual as long as the American Legion owned the land and kept the campground open unless a public health or safety issue arose where the CUP could be suspended or terminated.

Another area of discussed was about the need for an “RV dump” for camper generated waste water and whether or not the existing septic tank and drain field would be adequate. Scoblic responded that the contractors they used had followed all the appropriate State SDDANR rules and guidelines and that part of that was installing a receptacle, or “RV dump,” for receiving sewage which had been completed.

Kays added that one of the conditions for the CUP would be that the permittee follow all State and County required electrical, sanitation needs as well as potable water needs. Scoblic added that Big Stone City contractor, Jim Hoxtell, did the work on the sanitary sewer.

Leddy asked for any board comments or questions where none were given and then asked Kays to read the “Finding of Facts” which Kays did.

With no further discussion Leddy called for the vote where the motion passed unanimously to grant CUP06162022, 7-0.

8. Leddy called for a motion to hear VAR07012022 for the Blue Sky Colony for a “front-yard” setback variance of 84’ for a back-up standby generator building with Berg making the first and Mach making the second.

Leddy asks Kays to make a staff report presentation on VAR07012022.

Kays reports that VAR07012022 for Blue Sky Hutterian Brethren was seeking a variance to be 16’ from the Right-of-Way of Vernon East Township Road 158<sup>th</sup> Street for a 35’ by 40’ building to house a back-up electrical generator which would be alongside an existing buried electrical line.

Kays said the planned building would also fall partially within a previously granted shelterbelt variance that allowed the colony to plant shelterbelt trees within 60 feet of the edge of 158<sup>th</sup> Street.

In his staff report Kays also stated that Zoning Officer Berkner had information that the township supervisors had no disagreement to grant the variance as they consider the road a minimum maintenance road that is not plowed in the winter.

Berkner added that he had also had conversation with Grant County Highway Superintendent Schultz if he thought the close distant being requested by the variance request would be detrimental to the minimum maintenance road where Schultz said it shouldn't be if they are not normally plowing that road of snow.

At Kays conclusion of his staff report Leddy asked for any comments from the permittee where Berkner said that Waldner was not available for the Variance hearing and that he had tried reaching him earlier in the day without success.

Leddy then opened the public hearing for the variance requests asking three times for any comments either in favor or opposition to the variance request where he heard none. Leddy then closed the public hearing inviting discussion among the board members present.

Berkner asked to be recognized where he stated that while doing an onsite drainage permit inspection that was in the area of the Blue Sky Colony, he and County Commissioners Mach and Tostenson stopped by and looked at the proposed generator building site and that in Waldner's absence they may be able to possible answer some basic questions tied to the general layout of the area.

During a brief discussion amongst the board, it was felt that due to the closeness of the variance request to the road along with the size of the building that the motion should be postponed until a representative from the colony would be available to answers specific questions.

Leddy asked Berg and Mach if they would revise their motions to postpone the motion to grant Variance VAR07012022 until the September meeting which they did. Leddy called for the vote which passed 7-0.

9. With no more business to consider Leddy asks for a motion to adjourn the Grant County Board of Adjustments. Board member Mach made the motion to adjourn, Seffrood made the second.

Board of Adjustment meeting ends at 4:41.

Steve Berkner  
Planning and Zoning Administrator  
Grant County