



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
September 20th, 2022**

Planning Commission members present: Mark Leddy, Nancy Johnson, Mike Mach, Tom Pillatzki, Richard Hansen, and Jim Berg.

Alternate(s) present: Don Weber, Jeff McCulloch

Planning Commission board members absent: John Seffrood

Others present: Brian Anderson, Jessica Anderson, Tim Waldner, Todd Kays (First District by teleconference), and Steve Berkner (Grant County Planning Commission Administrator.)

Meeting Date: Tuesday, September 20th, 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.
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 from the public responding.
4. Leddy asks for a motion to approve the agenda with Mach making a first and Pillatzki making the second. Motion passes unanimously, 6-0.
5. Leddy asks for a motion to approve the minutes from the August 8th, 2022, meeting which was made by Mach with Hansen making the second. Motion passes unanimously 6-0.
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 calls for a motion to re-open the motion postponed during the August 8th, 2022, Board of Adjustment meeting for VAR0701202, a variance request from the Blue Sky Colony for a “front-yard” setback variance of 84’ for a back-up standby generator building with Mach making the first and Johnson 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 158th Street for a 35’ by 40’ building to house a back-up electrical generator which would be alongside an existing buried utility 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 158th Street, a township road.

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.

Kays said that Zoning Officer Berkner had also had conversation with Grant County Highway Superintendent Schultz if he thought the close distance to a public road 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 Waldner said he was available for questions if needed.

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.

After a short discussion concerning the need for the generator building setback variance to be any closer than the already existing shelterbelt variance of 60’ from the side of the road, and if the variance should be unique only for the proposed generator building only, Waldner agreed both would be acceptable to the colony. An alternate motion to make those two changes to the original motion was made by Hansen with a second by Pillatzki.

After a short discussion that motion passed unanimously 6-0 when Leddy called for the roll call vote.

8. Leddy asks for a motion for the board to consider Conditional Use Permit application CUP07252022 for a Kennel on an Agricultural lot by Brian Anderson. Johnson makes a first with Berg making a second.

Leddy asks Kays to present the staff report on CUP07252022 application.

Kays reports that Anderson is seeking a CUP to operate Kennel on 16.7-acres located 1 mile west of SD Highway 15 on 151st Street in Grant Center Township.

Kays said that the CUP application Anderson filled out did not indicate the number of animals the kennel would hold, and also didn't identify the number of employees the kennel would have, and that both those could be limited by the conditions to the CUP.

Kays also recommended that: 1) the kennel be held to any State or Federal guidelines required for the kennel size that Anderson operates; 2) county officials be allowed to inspect the operation at anytime if necessary; 3) that the permit could be revocable if any violations are found; 4) and that the permit is non-transferable.

Kays concluded his report saying that the site had adequate parking using a new building that was constructed in recent years and that staff had not received any objections to the kennel being permitted.

At the conclusion of Kays' staff report Leddy asks Anderson if he had anything to add where Brian Anderson said they would be modifying their existing building to meet the needs of the kennel. He said that the kennel would have its own unique septic system.

Anderson went on to say that they didn't intend to do any training or breeding at first but would have some of their own dogs kenneled onsite as well. Their business plan is to start with around 30 individual kennels and a "high-fence" common exercise area.

Anderson finished his comments saying they would have minimal signage and he would continue to use part of the original building for storage.

Leddy then opened the public hearing for the Anderson CUP and asked three times for anyone in attendance if they either supported or were opposed to the kennel CUP request by Anderson with no one responding. Leddy then closed the public comments portion of the meeting.

Kays recommended that in their consideration for granting a Conditional Use Permit for a kennel the board should consider at least three things: 1) the number of maximum non-family employees; 2) the maximum number of animals allowed; and 3) if Anderson wants to sell the kennel business should its CUP be allowed to transfer if the new owner was required to follow the original conditions.

Anderson was asked about the first two possible conditions where he said that up to 60 individual kennels should allow for growth where the plan on starting with 28 kennels to see how it goes. Anderson also agreed to a maximum of three full-time equivalent employees. A short discussion followed that also thought that the CUP should be transferable if the current owner was following all of the conditions.

Leddy asked for any more conditions to the permit from the board, other than those already recommended by Kays in his report. With no more being added Leddy asked Johnson and Berg if they wanted to amend their motions to reflect the conditions discussed by the board and suggested by Kays which they both did.

With no more discussion Kays read the Findings of Fact.

Leddy called for the roll call which passed unanimously 6-0.

With no more agenda items the next meeting was announced to be at 4 o'clock, on Monday, October 17th, 2020, one week later than normal due to a State Holiday.

Leddy called for a motion adjourn. Motion made by Pillatzki and seconded by Johnson. Motion passes unanimously 6-0.

Board of Adjustment meeting ends at 4:49.

Steve Berkner
Planning and Zoning Administrator
Grant County