

PLANNING COMMISSION MINUTES
September 6, 2022

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll Call-quorum is met, simple majority vote required for all items.
 - Present: Dave Anderson, Ray Gosmire, Steve Thiesse, Bruce Haines, Mike Blaalid, Brenda Bode, Lewis Bainbridge, Jeff Bathke, & Karen Wegleitner
 - Absent: None.
 - Guests: Tyler Helma, Larry Neugebauer, Scott & Dawn Mutchelknaus, Danna Kolbeck, Kayla McCloud, Daniel & Chauna McCloud, John Millan, James Wagner, Chris Nebelsick, Matt Doerr, & John & Mary Geidel.
3. Consider the proposed agenda.
 - Motion by Dave Anderson, seconded by Brenda Bode, to approve the proposed agenda. All members voted aye, motion carried.
4. Declare conflicts of interest. None.
5. Consider the previous minutes. Motion by Mike Blaalid, seconded by Ray Gosmire, to approve the August 2, 2022 proposed minutes. All members voted aye, motion carried.
6. Public input for items not on the agenda. Hearing none, the meeting continued.
7. Consider a variance application requested by Larry Neugebauer of:
 - +/- 22 acres, creating a lot size of +/- 3 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.
 - +/- 15', creating a setback of +/- 35' from the house on the east property line, where the minimum rear yard setback is 50' in the Agricultural District.

This request is located in the NW1/4 & SW1/4 of Section 25, T 102N, R 61, W of the 5th P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Variance Application. The applicant was present to answer questions.

Discussion: Larry is platting out 3 acres to sell to his tenant. The tenant would like to purchase the house to do some updates on a property of his own. Larry is only selling the house to his tenant and plans to keep the surrounding buildings and well in his name. His tenant will have water access from his well. He plans to give his tenant 25 acres, including the buildings and well, if anything happens to him. The board questioned why the driveway was split in half with a 15' easement on both sides. Instead of one person owning the driveway, it was decided Larry will own half and his tenant will own the other half. The easement will be indexed under both properties in the Register of Deeds.

- Motion by Lewis Bainbridge, seconded by Steve Thiesse, to recommend approval of the Variance to the Board of Adjustment. Roll call vote:
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Bode – aye,
Blaalid – aye, Anderson – aye, motion carried.
8. Consider a plat of Tract 1 of Helma's Addition in the SW1/4 of the NW1/4 and in the NW1/4 of the SW1/4 of Section 25, T 102 N, R 61, West of the 5th P.M., Davison County, South Dakota, at the request of Larry Neugebauer.
This request is located in the NW1/4 & SW1/4 of Section 25, T 102N, R 61, W of the 5th P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Plat Proposal. The applicant was present to answer questions.
Discussion: No comments or concerns on plat.

- Motion by Steve Thiesse, seconded by Mike Blaalid, to recommend approval of the Plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Bode – aye,
Blaalid – aye, Anderson – aye, motion carried.

9. Consider a variance application requested by Matt Doerr of:

- +/- 59', creating a setback of +/- 16' from the proposed shelterbelt on the west property line, where the minimum setback is 75' in the Agricultural District.

This request is located in the W1/2 of the SE1/4 of the SE1/4 of Section 1, T 103N, R 61, W of the 5th P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Variance Application. The applicant was present to answer questions.

Discussion: Matt Doerr would like to plant a shelterbelt 16' from the property line for a windbreak. The abutting neighbor to the west called about concerns with the trees being close and affecting his crops and spraying. The board asked why he wants his shelterbelt 16' away. Matt explained he doesn't want to take up land on his property, as he plans to plant other vegetation in the future.

The board explained trees suck up a lot of water from crops and prevent crops from growing and producing. The older the trees become the more water they will suck up and could affect crops 100 feet into the abutting neighbor's field. There is a fence dividing the neighbors and the Doerr's property. In time the fence will be full of trees making the lack of moisture worse for the crops. There are concerns if the fence will be able to be properly maintained. The board understands you should be able to do what you want on your own property, but we must respect our neighbors. Matt explained he respects his neighbors and is willing to compromise with whatever the decision the board decides.

- Motion by Dave Anderson, to recommend approval of the Variance to the Board of Adjustment, which died for lack of second.

10. Consider a variance application requested by Daniel & Chauna McCloud of:

- +/- 15.161 acres, creating a lot size of +/- 9.839 acres within lot 1, where the minimum lot size is 25 acres for a residence in the Agricultural District.
- +/- 14.812 acres, creating a lot size of +/- 10.188 acres within lot 2, where the minimum lot size is 25 acres for a residence in the Agricultural District.
- +/- 14.785 acres, creating a lot size of +/- 10.215 acres within lot 3, where the minimum lot size is 25 acres for a residence in the Agricultural District.
- +/- 25', creating a setback of +/- 25' from the west garage on the west property line, where the minimum side yard setback is 50' in the Agricultural District.

This request is located in the N1/2 of the NW1/4 & Lot A of McCloud's Addition of Section 14, T 102N, R 60, W of the 5th P.M., Davison County, South Dakota.

Deputy Administrator Wegleitner gave an explanation of the Variance Application. The applicant was present to answer questions.

Discussion: The McCloud's land is being platted to clean up the legals and gift the land to their two daughters in the future. Their land has been deeded into multiple different legals over the past years and some legal are described by measurements. Their daughters plan on building residences in the distant future.

- Motion by Steve Thiesse, seconded by Ray Gosmire, to recommend approval of the Variance to the Board of Adjustment. Roll call vote:
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Bode – aye,
Blaalid – aye, Anderson – aye, motion carried.

11. Consider a plat of Lots 1, 2 & 3 of McCloud's Addition in the N1/2 of the NW1/4 of Section 14, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of Daniel & Chauna McCloud.

This request is located in the N1/2 of the NW1/4 & Lot A of McCloud's Addition of Section 14, T 102N, R 60, W of the 5th P.M., Davison County, South Dakota.

Deputy Administrator Wegleitner gave an explanation of the Plat Proposal. The applicant was present to answer questions.

Discussion: No comments or concerns on plat.

- Motion by Dave Anderson, seconded by Mike Blaaid, to recommend approval of the Plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Bode – aye,
Blaaid – aye, Anderson – aye, motion carried.

12. Consider a variance application requested by James Wagner of:

- +/- 25', creating a setback of +/- 50' from the two proposed sheds on the north property line, where the minimum front yard setback is 75' in the Agricultural District.

This request is located in Lot 20 of Enemy Creek Estates, a Subdivision in the NE1/4 of Section 14, T 102N, R 60, W of the 5th P.M., Davison County, South Dakota.

Deputy Administrator Wegleitner gave an explanation of the Variance Application. The applicant was present to answer questions.

Discussion: James would like to build two more accessory buildings for storage. Where he lives, there are restrictions of only allowing one accessory building per lot. The board can approve the variance application and allow the buildings to be built, but the covenant & restrictions placed on the land can make him remove them.

The board asked if he could turn the east building a different direction to allow more space between the building and property lines. James explained the doors will be facing west and feels how it's placed is best.

The board discussed moving the west building to avoid another driveway, but James explained he doesn't want to drive through his front yard. There is an opening in the trees, on the west side of his property, perfect for another driveway to be added. The Township is the approving authority for the driveway.

The board made a motion to approve the two variances with the condition to amend the Amendment to Declaration of Reservations and Restrictions recorded in Book 74, Page 279 on July 29, 2014 at the Register of Deeds.

- Motion by Dave Anderson, seconded by Lewis Bainbridge, to recommend approval of the Variance to the Board of Adjustment. Roll call vote:
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Bode – aye,
Blaaid – aye, Anderson – aye, motion carried.

13. Consider a conditional use application to amend a condition set forth on the permit granted on July 29, 2003, and amended on July 20, 2004, to add a fourth driveway to 258th Street, at the request of James Wagner.

This request is located in Lot 20 of Enemy Creek Estates, a Subdivision in the NE1/4 of Section 14, T 102N, R 60, W of the 5th P.M., Davison County, South Dakota.

Deputy Administrator Wegleitner gave an explanation of the Plat Proposal. The applicant was present to answer questions.

Discussion: The contents of item 13 were discussed in item 12. The board made a motion to approve the request with the condition the driveway be approved by Prosper Township.

- Motion by Dave Anderson, seconded by Mike Blaalid, to recommend approval of the Conditional Use to the Board of Adjustment. Roll call vote:
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Bode – aye,
Blaalid – aye, Anderson – aye, motion carried.

14. Consider a variance application requested by Dawn Mutchelknaus of:

- +/- 11.19 acres, creating a lot size of +/- 13.81 acres within Tract 2, where the minimum lot size is 25 acres for a residence in the Agricultural District.
- +/- 70', creating a setback of +/- 5' from the hay shelter on the north property line, where the minimum front yard setback is 75' in the Agricultural District.
- +/- 20', creating a setback of +/- 55' from the shed on the north property line, where the minimum front yard setback is 75' in the Agricultural District.
- +/- 4', creating a setback of +/- 46' from the proposed house on the east property line, where the minimum side yard setback is 50' in the Agricultural District.

This request is located in the W.1134' of the S.185' of the SE1/4 of Section 26 & W.1230' of the N.489' of the NE1/4 of Section 35 both in T 103N, R 61, W of the 5th P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Variance Application. The applicant was present to answer questions.

Discussion: Dawn platted out her father's land due to being described by measurements. She would like to build a residence on an existing foundation on the property. She plans to build as soon as she can and will start cleaning up the property. There is a second driveway to the east, near where she plans to build her residence. She will be using rural water and has been in contact with Davison Rural Water System.

- Motion by Lewis Bainbridge, seconded by Ray Gosmire, to recommend approval of the Variance to the Board of Adjustment. Roll call vote:
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Bode – aye,
Blaalid – aye, Anderson – aye, motion carried.

15. Consider a plat of Tract 1 of Mutchelknaus Addition in the SW1/4 of the SE1/4 of Section 26, and Tract 2 of Mutchelknaus Addition in the NW1/4 of the NE1/4 of Section 35, T 103 N, R 61, West of the 5th P.M., Davison County, South Dakota, at the request of Dawn Mutchelknaus.

This request is located in the W.1134' of the S.185' of the SE1/4 of Section 26 & W.1230' of the N.489' of the NE1/4 of Section 35 both in T 103N, R 61, W of the 5th P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Plat Proposal. The applicant was present to answer questions.

Discussion: No comments or concerns on plat.

- Motion by Dave Anderson, seconded by Mike Blaalid, to recommend approval of the Plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Bode – aye,
Blaalid – aye, Anderson – aye, motion carried.

16. Consider a plat of Tract 1 of DeVonne's Addition in the NW1/4 of Section 19, T 104 N, R 60, West of the 5th P.M., Davison County, South Dakota, except Lot H1, at the request of Glen Sommer.

This request is located in NW1/4 of Section 19, T 104N, R 60, W of the 5th P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Plat Proposal. The applicant was not present to answer questions.

Discussion: The property is being platted out due to the land being described by measurements and applicant would like a building permit.

- Motion by Steve Thiesse, seconded by Dave Anderson, to recommend approval of the Plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Bode – aye,
Blaalid – aye, Anderson – aye, motion carried.

17. Consider a plat of Tract 1 of Geidel’s Addition in the SE1/4 of Section 20, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of John & Mary Geidel. This request is located in the SE1/4 of Section 20, T 102N, R 60, W of the 5th P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Plat Proposal. The applicant was present to answer questions.

Discussion: The property is being platted out due to the land being described by measurements and applicant would like a building permit.

- Motion by Dave Anderson, seconded by Mike Blaalid, to recommend approval of the Plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Bode – aye,
Blaalid – aye, Anderson – aye, motion carried.

18. Additional Comments from the Group

- None

19. Set date and time for next meeting – October 4, 2022 @ 7:00 P.M.

20. At 8:40 P.M., a motion was made by Steve Thiesse, seconded by Dave Anderson, to adjourn the meeting. All members voted aye, motion carried.

Bruce Haines
Planning Commission Chairperson

Karen Wegleitner

Karen Wegleitner
Deputy Director of Planning & Zoning