

PLANNING COMMISSION MINUTES
November 1, 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: Bruce Haines, Lewis Bainbridge, Brenda Bode, Dave Anderson, Ray Gosmire, Jeff Bathke, & Karen Wegleitner.
 - Absent: Steve Thiesse & Mike Blaalid.
 - Guests: Mark Johnson & Jeff Clark.
3. Consider the amended agenda. To add a fourth variance to item # 8.
 - Motion by Dave Anderson, seconded by Brenda Bode, to approve the amended agenda. All members voted aye, motion carried.
4. Declare conflicts of interest. None.
5. Consider the previous minutes. Motion by Dave Anderson, seconded by Ray Gosmire, to approve the October 4, 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 Jeff Clark of:
 - +/- 55', creating a setback of +/- 20' from the proposed shelterbelt on the west property line, where the minimum setback is 75' in the Agricultural District.
 - +/- 62', creating a setback of +/- 13' from the proposed shelterbelt on the west property line, where the minimum setback is 75' in the Agricultural District.
 - +/- 35', creating a setback of +/- 40' from the proposed shelterbelt on the south property line, where the minimum setback is 75' in the Agricultural District.
 - +/- 35', creating a setback of +/- 40' from the proposed shelterbelt on the east property line, where the minimum setback is 75' in the Agricultural District.
 - +/- 15', creating a setback of +/- 60' from the proposed shelterbelt on the east property line, where the minimum setback is 75' in the Agricultural District.

This request is located in Lot C of Earls Subdivision of the NW1/4 of Section 27, T 103N, R 62, 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: Jeff Clark explained he can't speak of any hardships for why the shelterbelts can't be 75' from the property lines. He spoke with Dale Kroupa, the abutting neighbor, who has no issues with the shelterbelts. Jeff would be okay with any changes but would prefer what he has drawn out.

The Board struggles with the East & South sides due to the rules stated in the Davison County Ordinance and the abutting land being crop ground. There are no issues with the project, but the Ordinance states there needs to be a hardship to grant a variance. The shelterbelt to the West is less of an issue due to the driveway being in between the crop ground and shelterbelt.

Board made a motion to change the variances:

1. +/- 55', creating a setback of +/- 20' from the proposed shelterbelt on the West property line was recommended to stay the same.
2. +/- 62', creating a setback of +/- 13' from the proposed shelterbelt on the West property line was recommended to stay the same.

3. +/- 35', creating a setback of +/- 40' from the proposed shelterbelt on the South property line was recommended to maintain the 6 rows but move North to comply with the 75' setback eliminating the variance.
4. +/- 35', creating a setback of +/- 40' from the proposed shelterbelt on the East property line was recommended to go to 4 rows and comply with the 75' setback eliminating the variance.
5. +/- 15', creating a setback of +/- 60' from the proposed shelterbelt on the East property line was changed to +/- 25', creating a setback of +/- 50' from the proposed shelterbelt on the East property line due to moving the shelterbelt back 10'.

Jeff will speak with Matt Hayes on how to redo the plan.

- Motion by Ray Gosmire, seconded by Dave Anderson, to recommend approval of the Variance Permit to the Board of Adjustment.

Roll call vote:

Haines – aye, Thiesse – absent, Gosmire – aye, Bainbridge – aye, Bode – aye, Blaaid – absent, Anderson – aye, motion carried.

8. Consider a variance application requested by Mark & Mikayla Johnson of:
 - +/- 40', creating a setback of +/- 35' from the proposed shelterbelt on the west property line, where the minimum setback is 75' in the Agricultural District.
 - +/- 55', creating a setback of +/- 20' from the proposed shelterbelt on the north property line, where the minimum setback is 75' in the Agricultural District.
 - +/- 31', creating a setback of +/- 44' from the proposed shelterbelt on the north property line, where the minimum setback is 75' in the Agricultural District.

This request is located in Lot 3 of Mirkys Addition in the SE1/4 of Section 11, 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: Lewis recused himself due to a conflict of interest.

The Board approved to add a fourth variance by the applicant of +/- 40', creating a setback of +/- 35' from the proposed shelterbelt on the South property line.

Mark explained the shelterbelt is for habitat, wind, & block the view of the soybean plant. His hardship is protection from the wind and the soybean plant. They built their dream home prior to the soybean plant and don't want to see it. They plan on creating a space for their kids and potential grandkids to enjoy and one day pass down to.

The Board and Mark sees the property has waterways. The board explained the water can rip out fabric and young trees, making a mess of his property and wastes money. Mark doesn't plan on planting in the waterways.

Board made a motion to change the variances:

1. +/- 40', creating a setback of +/- 35' from the proposed shelterbelt on the west property line was recommended to reduce to 6 rows to comply with the 75' setback eliminating the variance.
2. The 8-row shelterbelt on the North side was recommended to reduce to 6 rows to comply with the 75' setback eliminating the variance.

3. The 3-row shelterbelt on the North side was recommended to reduce to 2 rows and eliminating the variances of +/- 55', creating a setback of +/- 20' and +/- 31', creating a setback of +/- 44'. Shelterbelts are defined as 3 or more rows per the Ordinance.
4. +/- 40', creating a setback of +/- 35' from the proposed shelterbelt on the South property line was recommended to stay the same.

Mark will speak with Matt Hayes on how to redo the plan.

- Motion by Dave Anderson, seconded by Ray Gosmire, to recommend approval of the Variance Permit to the Board of Adjustment.

Roll call vote:

Haines – aye, Thiesse – absent, Gosmire – aye, Bainbridge – recused, Bode – aye,
Blaalid – absent, Anderson – aye, motion carried.

9. Additional Comments from the Group

- None

10. Set date and time for next meeting – December 6, 2022 @ 1:15 P.M.

11. At 8:15 P.M., a motion was made by Dave Anderson, seconded by Ray Gosmire, to adjourn the meeting. All members voted aye, motion carried.

Bruce Haines
Planning Commission Chairperson

Karen Wegleitner

Karen Wegleitner
Deputy Director of Planning & Zoning