

PLANNING COMMISSION MINUTES

June 6, 2023

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: Ray Gosmire, Mike Bhaalid, Steve Thiesse, Chris Nebelsick, Bruce Haines, Dave Anderson, Jeff Bathke, & Karen Wegleitner.
 - Absent: Lewis Bainbridge.
 - Guests: Brad McNary, Jeff Heppler, Tyler & Judy Miiller, Darwin Miiller, Tonya Klingaman, Darren Reasy, Ann Schmidt, & Charles & Diana Goldammer.
3. Consider the proposed agenda.
 - Motion by Chris Nebelsick, seconded by Steve Thiesse, to approve the proposed agenda. All members voted aye, motion carried.
4. Declare conflicts of interest. Chris Nebelsick recused himself from item # 13.
5. Consider the previous minutes. Motion by Dave Anderson, seconded by Ray Gosmire, to approve the May 2, 2023 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 Bradley McNary of:
 - +/- 17', creating a setback of +/- 33' from the house on the west property line, where the minimum side yard setback is 50' in the Agricultural District.
 - +/- 15', creating a setback of +/- 35' from the shed on the west property line, where the minimum side yard setback is 50' in the Agricultural District.

This request is located in N.621' of the W.350' of the N1/2 of the NE1/4 of Section 21, 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: Property is described by measurements and requires platting before building permit will be issued per Section 10:05. The applicant proceeded to build an addition to house without platting, obtaining a variance or building permit. A letter was sent May 5, 2023, informing the applicant of Ordinance violations.

Brad explained he bought the property in April of 2022. He wasn't aware the property needed platted or a building permit to remodel. He moved the unattached garage to the south of his property and added an attached one to the existing house. He has no plans to use the old garage. The board recommended the approval of the variance permit on the condition he pays double the original fee of the building permit per Section 10:02 of the Davison County Zoning Ordinance.

- Motion by Chris Nebelsick, seconded by Mike Bhaalid, to recommend approval of the Variance Permit to the Board of Adjustment.

Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – absent, Nebelsick – aye, Bhaalid – aye, Anderson – aye, motion carried.

8. Consider a plat of Tract 1 of McNary's Addition in the N1/2 of the NE1/4 of Section 21, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of Bradley McNary.

This request is located in N1/2 of the NE1/4 of Section 21, 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: Property is described by measurements and would need to be platted before obtaining a building permit. No concerns or comments.

- Motion by Mike Blaalid, seconded by Steve Thiesse, to recommend approval of the Plat to the County Commissioners. Roll call vote:

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

9. Consider a plat of Lots 2-B, 2-C and 2-D, a Subdivision of Lot 2 in the NE1/4 of Section 33, T 103 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of JVN Properties, LLC.

This request is located in Lot 2 of the NE1/4 of Section 33, T 103N, 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: Jeff Heppler was present and explained Lot 2-B was platted for his shed. He has no plans to sell the lot and only platted Lot 2-B due to the city making him. Lot 2-C was platted due to the city making him and has no plans for the lot. Lot 2-D will be sold to the new owners of JVN Properties.

- Motion by Dave Anderson, seconded by Ray Gosmire, to recommend approval of the Plat to the County Commissioners. Roll call vote:

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

10. Consider a variance application requested by Judy Miiller of:

- +/- 20', creating a setback of +/- 55' from the proposed shelterbelt on the west property line, where the minimum setback is 75' for a shelterbelt.

This request is located in NE1/4 of Section 28, 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: The shelterbelt is for a windbreak and would like to but up against the existing shelterbelt to the north. There is CRP ground and they are in the process of renewing the contract.

- Motion by Chris Nebelsick, seconded by Mike Blaalid, to recommend approval of the Variance Permit to the Board of Adjustment.

Roll call vote:

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

11. Consider a conditional use application to allow extraction of sand, gravel, or minerals provided such uses meet requirements for conducting surface mining activities of SDCL 45-6B in the Agricultural District, at the request of Lewis Bainbridge.

This request is located in SE1/4 of the NE1/4 & the NE1/4 of the SE1/4 of Section 3, T 101 N, R 60, W of the 5th P.M., Davison County, South Dakota.

Deputy Administrator Wegleitner gave an explanation of the Conditional Use Application. The applicant was not present to answer questions.

Discussion: Lewis obtained a state permit. There were no calls or concerns regarding the application. The board questioned where the gravel pit will be located, and we were unaware of the location.

The board recommended approval of the conditional use application with the removal of the active requirement referenced in Section 12:06(A)(3) in the Davison County Zoning Ordinance.

Motion by _____, seconded by _____, to recommend approval of the Conditional Use to the Board of Adjustment.

Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – absent, Nebelsick – aye, Błaalid – aye, Anderson – aye, motion carried.

12. Consider a conditional use application to allow extraction of sand, gravel, or minerals provided such uses meet requirements for conducting surface mining activities of SDCL 45-6B in the Agricultural District, at the request of Lewis Bainbridge.

This request is located in W1/2 of Section 19, T 102N, R 60, W of the 5th P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Conditional Use Application. The applicant was not present to answer questions.

Discussion: Lewis obtained a state permit. There was one phone call from an abutting neighbor who was concerned of noise and the entry point to the gravel pit. They moved to the country to get away from the noise of traffic. The entry point will be off of 260th Street and the location of the gravel pit will be north off of the entry point.

The board recommended approval of the conditional use application with the removal of the active requirement referenced in Section 12:06(A)(3) in the Davison County Zoning Ordinance.

Motion by Dave Anderson, seconded by Ray Gosmire, to recommend approval of the Conditional Use to the Board of Adjustment.

Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – absent, Nebelsick – aye, Błaalid – aye, Anderson – aye, motion carried.

13. Consider a plat of Lot B of M. and S. Miiller's First Addition, a Subdivision of the NE1/4 of the NW1/4 of Secton 24, T 103 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of Darwin Miiller.

This request is located in NE1/4 of the NW1/4 of Section 24, T 103N, 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: Chris Nebelsick has recused himself from this agenda item. The city has approved of the plat. Darwin plans on selling Lot B and the rest of the agricultural ground.

- 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 – absent, Nebelsick – recused, Błaalid – aye, Anderson – aye, motion carried.

14. Consider a plat of Tract 1 of Charles & Diana, Land & Cattle Addition in the SE1/4 and the SE1/4 of the SW1/4 of Section 6, T 103 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of 4K Land Group LLC.

This request is located in SE1/4 & SE1/4 of the SW1/4 of Section 6, T 103N, 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: Tonya Klingaman explained they are platting the land to sell to Charles & Diana Goldammer. There is a dedicated 33' access easement off 407th Ave. shown on the plat. The city has approved of the plat.

- Motion by Ray Gosmire, seconded by Chris Nebelsick, to recommend approval of the Plat to the County Commissioners.

Roll call vote:

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

15. Consider a plat of Lot 2-AB of Circle K Ranch Third Addition, a Subdivision of Government Lots 3, 4 and 5, the SE1/4 of the NW1/4, and the W1/2 of the NE1/4, all in Section 6, T 103 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of 4K Land Group LLC.

This request is located in Gov. Lots 3-5 in the SE1/4 of the NW1/4 & W1/2 of the NE1/4 of Section 6, T 103N, 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: Tonya Klingaman is platting and selling the 5.10 acres to Darren Reasy. Darren is combining the 5.10 acres with his existing 8.69 acres to create the new +/- 13.79 acres, which will be called Lot 2-AB. The city has approved of the plat.

- Motion by Dave Anderson, seconded by Steve Thiesse, to recommend approval of the Plat to the County Commissioners.

Roll call vote:

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

16. Consider a plat of Lot 1, Block 5 of Circle K Ranch Second Addition, a Subdivision of the S1/2 of the NE1/4 of Section 6, T 103 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of 4K Land Group LLC.

This request is located in S1/2 of the NE1/4 of Section 6, T 103N, 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: Tonya Klingaman is platting 16.93 acres to sell to Ann & Jeff Schmidt. There is an access easement off Alex Court shown on the plat. Ann Schmidt explained their house will be built near Alex Court and will use for access to property.

- Motion by Dave Anderson, seconded by Steve Thiesse, to recommend approval of the Plat to the County Commissioners.

Roll call vote:

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

17. Additional Comments from the Group

- None

18. Set date and time for next meeting – July 11, 2023 @ 7:00 P.M.

19. At 8:15 P.M., a motion was made by Mike Blaalid, seconded by Chris Nebelsick, to adjourn the meeting. All members voted aye, motion carried.



Bruce Haines
Planning Commission Chairperson

Karen Wegleitner

Karen Wegleitner
Deputy Director of Planning & Zoning