

BOARD OF ADJUSTMENT
August 29, 2023

CALL TO ORDER

Chairperson Reider called the meeting of the Davison County Board of Adjustment to order at 9:15 a.m. All members of the Board were present and the quorum requirement of Section 12:06 of the Davison County Zoning Ordinance [4 out of 5 members] was declared. Also present were Planning & Zoning Administrator Bathke, Assistant Administrator Wegleitner, Deputy States Attorney Taylor and Auditor Kiepke.

PUBLIC INPUT

Chairperson Reider called for public input. He reminded the public that this was for items not on the agenda. Hearing none, the meeting continued.

DECLARATION OF CONFLICTS OF INTEREST

Chairperson Reider asked if any commissioner had a conflict of interest with the matter before them. Commissioner Blaalid declared that he has a conflict of interest, and he took no further part in the proceedings.

CONDITIONAL USE COMPLAINTS/ALLEGED VIOLATIONS

On February 13, 2018, Petrik Sanitation was granted a Conditional Use permit for a commercial trucking facility for itself and its then tenants, Frito Lay and American Ice, on the property, described as Lot K of W. & L. Addition in the NW ¼ of Section 25, T 103 N, R 61, W of the 5th P.M.

On August 1, 2023, Outlaw Repair & Recovery, Inc., dba Petrik Sanitation was denied a Conditional Use Permit for expansion of a towing and repair facility on the aforementioned property.

On August 4, 2023, the Davison County Planning & Zoning office received complaints of junk on the property, over-use of compression braking devices and engines being revved in excess. The complaint also alleged unlicensed vehicles parked along the west side, and lastly there was a complaint of a tow truck parked on the property.

On August 14, 2023, a letter was sent to Petrik Sanitation and Greg Patton, giving them seven (7) days to remove the unlicensed vehicles and junk from the property.

As of today, August 28, 2023, the items have not been removed.

Lowell Langstraat, current owner of the property, stated that he is leasing the trailers from Greg Patton for storage. He also stated the trailers are all now licensed. Then he said that Greg Patton is a dealer and has 45 days by law to license the trailers.

He also feels he should be able to have a tow truck on the property so if he has to leave in the middle of the night, he has it right there.

Robert Ball stated he has had a dealer's license for 25 years and follows the law; suggested that he (Mr. Langstraat) is not following the law; and asked why he (Mr. Langstraat) doesn't have to?

Kathryn Frank asked Deputy States Attorney Taylor if he (Mr. Langstraat) was supposed to be hauling "stuff" in?

Mr. Taylor responded that the definitions in the Zoning Ordinance relating to commercial trucking facilities aren't particularly specific.

Greg Tilberg said he lives right across the street. He told the Board they can't keep minimizing what this guy is doing. He said he's not against business, he's against treading on the neighbors. He continued by saying the property isn't cleaned up and that devalues surrounding properties.

Michelle Hellman wondered what the conditions are as she was told by Larry Petrik that he (Mr. Langstraat) can do whatever he wants.

Administrator Bathke stated that is not true. The conditional use in place is for a commercial trucking facility. The conditional use for the towing business was previously denied.

Leland James stated he lives in the area, and somebody drove by using a compression braking device the entire time.

Deputy States Attorney Taylor recommends Circuit Court action to review the matter.

ADJOURN

At 9:49 a.m., motion by Kiner, second by Nebelsick to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST


Susan Kiepke, Auditor





Randy Reider, Chairperson