

## PLANNING COMMISSION MINUTES

October 1, 2024

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, Ray Gosmire, Lewis Bainbridge, Dave Anderson, Jeff Bathke, & Karen Wegleitner.
  - Absent: Chris Nebelsick, Steve Thiesse & Mike Blaalid.
  - Guests: Craig Tischler.
3. Consider the proposed agenda.
  - Motion by Lewis Bainbridge, seconded by Dave Anderson, to approve the proposed agenda. All members voted aye, motion carried.
4. Declare conflicts of interest. None.
5. Consider the previous minutes. Motion by Lewis Bainbridge, seconded by Ray Gosmire, to approve the September 3, 2024 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 Ken Johnson of:
  1. +/- 68', resulting in a front yard setback of 7' for the existing residence, where the minimum front yard setback is 75' in the Agricultural Residential District. On September 21, 2021, a front yard setback of +/- 30' was granted to the previous owner. However, the previous owner did not build the structure in accordance with the approved variance.
  2. +/- 68', resulting in a front yard setback of 7' for the proposed garage, where the minimum front yard setback is 75' in the Agricultural Residential District.

This request is located in Lot 18 of River Bluff's Addition in the NW1/4 of Section 12, T 103 N, R 60, W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Deputy Administrator Wegleitner gave an explanation of the variance application. The applicant called in to answer questions.

**Discussion:** Ken Johnson bought the property in August of 2024 from the Schoenenberger family. Mr. Johnson came in our office to get a building permit to add a garage. We informed him the residence was not built where instructed or approved by the Board of Adjustment, and that he would need to apply for a new variance. The Schoenenberger's asked for a +/- 30' front yard setback back in September of 2021, but ended up building the residence +/- 7' from the property line. We explained to the board the right-of-way will have to stay and be maintained and the septic tank & utilities in the right-of-way is out of the boards control. Our office heard from one abutting neighbor with no concerns. The board asked Mr. Johnson if the previous owners shared property lines or pins when purchased. Mr. Johnson stated they did not, and he assumed the property lines were near the utilities. The board asked if he has any remedies with the previous owners. Mr. Johnson stated no. Craig Tischler, the seller's real estate agent, stated the sellers are aware of the issues. The board discussed possible remedies to fix the issues as their biggest concern is the location of the septic drain field. They discussed moving the structure, demolishing the structure or Mr. Johnson walking away from the property and getting his money back. Mr. Johnson stated he has stopped all construction on the house until a decision has been made.

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

**Roll call vote:**

Haines – nay, Thiesse – absent, Gosmire – aye, Bainbridge – nay, Nebelsick – absent, Blaaid – absent, Anderson – aye, motion denied.

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

**Roll call vote:**

Haines – nay, Thiesse – absent, Gosmire – aye, Bainbridge – nay, Nebelsick – absent, Blaaid – absent, Anderson – aye, motion denied.

8. Additional Comments from the Group
  - None.
9. Set date and time for next meeting – November 12, 2024 @ 7:00 P.M.
10. At 8:00 PM, a motion was made by Lewis Bainbridge, 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