



**MINUTES OF THE  
MINNEHAHA COUNTY PLANNING COMMISSION  
APRIL 26, 2021**

A meeting of the Planning Commission was held on April 26, 2021 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building and in the Zoom Personal Meeting Room ID 728 439 8039.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Commissioner Duffy called roll of members present to determine a quorum. Commissioners Bonnie Duffy, Becky Randall, Adam Mohrhauser, Doug Ode, Ryan VanDerVliet, and Jeff Barth responded present at the meeting.

**STAFF PRESENT:**

Scott Anderson, David Heinold, and Kevin Hoekman - County Planning  
Eric Bogue – States Attorney’s Office

Bonnie Duffy chaired the meeting and called the Minnehaha County Planning Commission meeting to order at 8:07 p.m.

**PUBLIC COMMENT.**

Commissioner Duffy opened the floor for public comment and nobody moved to speak and no hands were raised in the Zoom Personal Meeting Room.

**ITEM 1. Approval of Minutes – March 22, 2021**

Chair Duffy called for any comments or amendments to the minutes. Nobody raised any comments or amendments.

A motion was made by Commissioner Barth and seconded by Commissioner Mohrhauser to approve the meeting minutes from March 22, 2021. A roll call vote was taken, and the motion passed unanimously with 5 votes in favor of the motion and 0 votes against the motion.



**ITEM 2. CONDITIONAL USE PERMIT #21-26 to exceed 3,600 square feet of total accessory building area – requesting 4,484 sq. ft. on the property legally described as Munce Tract, Lot 1, NE1/4 NE1/4, Section 9-T101N-R51W.**

Petitioner: Eric Bartmann

Property Owner: same

Location: 46281 263<sup>rd</sup> St. Located Approximately 2.5 miles south of Hartford

Staff Report: Kevin Hoekman

**General Information:**

Legal Description – Munce Tract, Lot 1, NE1/4 NE1/4, Section 9-T101N-R51W

Present Zoning – A1 Agriculture

Existing Land Use – Residential Acreage

Parcel Size – 4 acres (plus 7.44 acres surrounding the parcel)

**Staff Report:** Kevin Hoekman

**Staff Analysis:**

The petitioner is requesting to construct a new accessory building on an acreage which contains many existing structures of a former farmstead. The property is located within a subdivision of more than 4 lots.

The petitioner has submitted a sketch site plan. The new building will be 36 feet by 56 feet, and it is shown on the site plan as replacing a smaller existing shed. At least one other accessory building will also be removed from the property as part of the project.

**Conditional Use Permit Criteria:**

**1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.**

Even though the property is located within a subdivision, the character of the area is very rural with large lots, cropland, pasture land, and conservation land nearby. The property was formerly a farmstead with many outbuildings. The large size of the parcel will also aid in reducing the visual aspect of large buildings on the property. Replacing one building will not alter the character of the former farmstead, and it will not impact the use of neighboring properties.

**2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**

The area is composed of a mix of agricultural, residential acreages, and conservation land uses. There are remaining building eligibilities in the area where new residential acreages are permissible. It is possible that allowing a larger building will lead to other requests for large buildings on residential acreages in the area.

**3) That utilities, access roads, drainage, and/or other necessary facilities are provided.**

The acreage is located along a gravel township road. The building will be setback on the property near other existing farmstead buildings. The property owner will be responsible for



extending any needed utilities to the new shed.

**4) That the off-street parking and loading requirements are met.**

The property is large enough to accommodate off street parking. No on-street loading will take place as the property used for residential purposes.

**5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**

The property appears to be well maintained already. The proposed accessory building will not add any nuisances to the property. The property will have to continue to comply with the public nuisance ordinance.

**6) Health, safety, general welfare of the public and the Comprehensive Plan.**

The proposed use will have no negative effect on the health, safety, or general welfare of the public. It should be noted that other existing buildings may be replaced in the future as long as the total accessory building area is not exceeded.

**Recommendation:**

Staff recommends **approval** of CUP #21-26 with the following conditions:

- 1.) The building location shall adhere to the submitted site plan.
- 2.) The total area of all accessory buildings may not exceed 4,484 square feet.
- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot. It shall not be used for commercial purposes.
- 4.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 5.) That a building permit is required prior to construction of the accessory building.
- 7.) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.

**Public Testimony**

Kevin Hoekman, County Planning Department, presented a brief summary of the staff report and recommendation for the conditional use permit request to allow 4,484 square feet.

Eric Bartmann, 46281 263<sup>rd</sup> St., identified himself as the petitioner and is available for questions via the Zoom Meeting Room.

Commissioner Duffy called for public testimony but there was no answer.

No hands were raised in the Zoom Meeting Room.



**Action**

A motion was made by Commissioner Barth to **approved** Conditional Use Permit #21-26 with the staff recommended conditions. The motion was seconded by Commissioner Ode. The motion passed with 5 votes in favor of the motion and 0 votes against the motion.

**Conditional Use Permit #21-26 – Approved with conditions**

- 1.) The building location shall adhere to the submitted site plan.
- 2.) The total area of all accessory buildings may not exceed 4,484 square feet.
- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot. It shall not be used for commercial purposes.
- 4.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 5.) That a building permit is required prior to construction of the accessory building.
- 7.) That the Planning & Zoning Department reserves the right to enter and inspect the accessory building at any time, after proper notice to the owner, to ensure that the property is in full compliance with the conditional use permit conditions of approval and the Minnehaha County Zoning Ordinance.



ITEM 3. CONDITIONAL USE PERMIT #21-30 to transfer three (3) building eligibilities from the NW1/4 SE1/4 to the NE1/4 SE1/4 and from the NW1/4 SE1/4 to the NE1/4 SE1/4 and from the NE1/4 SE1/4 to the SE1/4 SE1/4 SE1/4; all in Section 33-T103N-R51W.

Petitioner: Duane & Laura May

Property Owner: same

Location: Located Approximately 3 miles north of Hartford

Staff Report: David Heinold

**General Information:**

Legal Description - SE1/4, Section 33-T103N-R51W

Present Zoning - A-1 Agricultural District

Existing Land Use - Agriculture/Pasture/Farmstead

Parcel Size - 160 Acres

**Staff Report:** David Heinold

**Staff Analysis:**

The petitioner is requesting conditional use permit approval to transfer three (3) building eligibilities within the SE1/4 of Section 33, Grand Meadow Township. Two of the building eligibilities will be located in the NE1/4 and the SE1/4 of the SE1/4. The other building eligibility will be located directly south of the existing farmstead residence along 256<sup>th</sup> Street.

On April 5, 2021, staff visited the sites of the proposed transfer of building eligibilities and determined that the single family dwelling locations are appropriate for the surrounding area. There are two hog buildings about three-quarters of a mile to the north of the northernmost building eligibility location. Due to the relatively small size of each hog building, staff does not foresee any issues with locating the proposed single family dwellings as listed in the conditional use permit request.

**Conditional Use Permit Criteria:**

**1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.**

The addition of the single family dwellings should not negatively affect the use and enjoyment of other residential properties in the immediate vicinity. There should be no significant negative impact to property values in the immediate vicinity with the proposed single family dwellings.

**2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**

The surrounding area consists primarily of farmland. The future development of vacant land is entirely determinant upon the availability of building eligibilities and/or municipal annexation.



**3) That utilities, access roads, drainage, and/or other necessary facilities are provided.**

All necessary utilities will be provided as a result of constructing each of the three single family dwellings. The applicant will have to obtain permission from Grand Meadow Township about driveway access to 463<sup>rd</sup> Avenue and 256<sup>th</sup> Street.

**4) That the off-street parking and loading requirements are met.**

The off-street parking requirements will be provided for once the single-family residences are constructed on the properties.

**5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**

The residential use of the properties should not result in offensive odor, fumes, dust, noise, vibration, and lighting issues. Any nuisances that may arise will be investigated upon receiving a complaint in the County Planning & Zoning Department.

**6) Health, safety, general welfare of the public and the Comprehensive Plan.**

The transfer of three building eligibilities should not negatively affect the health, safety, and general welfare of the public. The Envision 2035 Comprehensive Plan states that Density Zoning must be followed for preserving residential density in each section. Density Zoning will be upheld with the proposed transfer of building eligibilities.

**Recommendation:**

Staff finds this conditional use permit request to be consistent with density zoning and recommends **approval** of Conditional Use Permit #21-30 with the following conditions:

1. A right-to-farm notice covenant shall be placed on each deed prior to the issuance of building permit for the single family dwellings.
2. That a driveway or culvert permit be obtained from Grand Meadow Township prior to the issuance of a building permit.

**Public Testimony**

David Heinold, County Planning Department, presented a brief summary of the staff report and recommendation for the conditional use permit request to transfer three building eligibilities.

The proposed building eligibility transfers will be one from the NW1/4 SE1/4 to the NE1/4 SE1/4 and one from the NE1/4 SE1/4 to the SE1/4 SE1/4 and one from the SW1/4 SE1/4 to the SE1/4 SE1/4; all in Section 33-T103N-R51W.

Mr. Heinold explained the three proposed building eligibility transfer locations. Two building eligibilities will be available along 463<sup>rd</sup> Avenue and one building eligibility available along 256<sup>th</sup> Street where the existing driveway is for the current farmstead property. He showed the locations for each of the building eligibilities on the projector screen. Two of the building eligibilities will be located in the NE1/4 and the SE1/4 of the SE1/4. The other building eligibility will be located directly south of the existing farmstead residence along 256<sup>th</sup> Street in the SE1/4 of the SE1/4.



Duane May, 46280 256<sup>th</sup> St., identified himself as the petitioner for the conditional use permit request and asked the Planning Commission for questions.

Commissioner Duffy called for public testimony but there was no answer.

No other hands were raised in the Zoom Meeting Room.

**Action**

A motion was made by Commissioner Barth to **approve** Conditional Use Permit #21-30 with the staff recommended conditions. The motion was seconded by Commissioner Ode. The motion passed with 5 votes in favor of the motion and 0 vote against the motion.

**Conditional Use Permit #21-30 – Approved with conditions**

1. A right-to-farm notice covenant shall be placed on each deed prior to the issuance of building permit for the single family dwellings.
2. That a driveway or culvert permit be obtained from Grand Meadow Township prior to the issuance of a building permit.



**ITEM 4. CONDITIONAL USE PERMIT #21-31 to exceed 3,600 square feet of total accessory building area – requesting 6,800 sq. ft. on the property legally described as Tract 1, Matthies’ 4<sup>th</sup> Addn., SW1/4 SW1/4, Section 28-T102N-R51W.**

Petitioner: Kelsey Mousel, Morton Buildings

Property Owner: Beth Stallman

Location: 46204 261<sup>st</sup> St. Located Approximately 0.5 mile southwest of Hartford

Staff Report: David Heinold

**General Information:**

Legal Description – Tract 1, Matthies’ 4<sup>th</sup> Addition, SW1/4 SW1/4,  
Section 28-T101NR51W

Present Zoning – A-1 Agricultural District

Existing Land Use – Residential

Parcel Size – 5 Acres

**Staff Report:** David Heinold

**Staff Analysis:**

The petitioner is requesting conditional use permit approval to allow 6,800 square feet of total accessory building area. The Planning Commission previously approved a conditional use permit request to allow 6,560 square feet. The property owner would like to construct an additional 240 square feet on the proposed 30’x48’ and 40’x48’ accessory building for personal use and a pool house. The subject property has an existing 40’x80’ accessory building located east of the house. The proposed building would be located to the north of the existing house.

The proposed total accessory building area exceeds the amount on properties in the surrounding area. The size of existing accessory buildings ranges from 1,100 square feet to 2,560 square feet on similarly sized properties. The largest existing accessory building size is 2,560 square feet that is located kitty corner to the southwest of the subject property on a 10-acre parcel. There are no properties less than 40 acres in the surrounding area with total accessory building sizes exceeding 3,600 square feet. The farm property, 46241 261st St., has approximately 6,048 square feet on 41.06 acres. The Planning Commission previously approved a conditional use permit request in 2018 to allow 7,746 square feet on an approximately 9-acre parcel located a little over one mile to the south of the subject property.

On March 8, 2021, staff visited the subject property and determined that the proposed accessory building size is appropriate for the surrounding area. It appeared that there is a building already under construction on the subject property in the location of the proposed accessory structure. The petitioner will be required to pay double for starting construction on the accessory building prior to obtaining conditional use permit approval and a building permit.

On March 11, 2021, staff received no concerns regarding the conditional use permit request from the City of Hartford Planning Commission and no issues with the additional size request. Staff followed up with the City of Hartford and received no issues about the additional square footage.





Conditional Use Permit Criteria:

**1) The effect upon the use and enjoyment of other property in the surrounding area for the uses already permitted, and upon property values within the surrounding area.**

The size of the requested accessory building addition area exceeds the sizes of existing buildings on properties in the surrounding area. The personal use of the proposed building for storage will likely not significantly affect the use and enjoyment of properties in the immediate vicinity.

**2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.**

The area primarily consists of agricultural farmland with several residential acreages and existing farmsteads. The requested accessory building area would set a precedent for future undeveloped properties in the surrounding area and would further increase the size of personal accessory buildings in the rural area; however, accessory building sizes over 5,000 sq. ft. have been approved in other parts of the county on similar lot arrangements. The future development of agricultural land is entirely dependent on the availability of building eligibilities for residential homes in the area.

**3) That utilities, access roads, drainage, and/or other necessary facilities are provided.**

The petitioner has not indicated a need to increase utilities. The site plan shows that the accessory building will be accessible via an extension of the existing driveway.

**4) That the off-street parking and loading requirements are met.**

No off-street parking will be needed with the supplemental area for parking as a result of residential activities. No commercial or business parking will be allowed at any time.

**5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.**

No offensive nuisances shall be permitted at any time during use of the proposed accessory structure. The use of lighting should be directed downward on to the property in order to prevent light pollution off site.

**6) Health, safety, general welfare of the public and the Comprehensive Plan.**

The health, safety, general welfare of the public will not be negatively affected by the construction of the proposed accessory building addition for personal use and storage. The intent of the Envision 2035 Comprehensive Plan to support orderly growth of non-agricultural land uses will be met. The proposed use of the accessory building is compatible with the existing accessory buildings in the surrounding area.



**Recommendation:**

Staff finds that the requested total accessory building area is relatively comparable to the existing accessory building sizes on similar properties in the surrounding area. Staff recommends **approval** of Conditional Use Permit #21-31 with the following conditions:

- 1.) That the total accessory building square footage shall not exceed 6,800 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4.) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6.) That a building permit is required prior to construction of the accessory building.

**Public Testimony**

Commissioner Duffy read the item description for the conditional use permit request to allow 6,800 square feet of total accessory building area.

Commissioner Duffy called for public testimony but there was no answer.

No hands were raised in the Zoom Meeting Room.

**Action**

A motion was made by Commissioner Barth to **approve** Conditional Use Permit #21-31 with the staff recommended conditions. The motion was seconded by Commissioner VanDerVliet. The motion passed with 5 votes in favor of the motion and 0 vote against the motion.

**Conditional Use Permit #21-31 – Approved with conditions**

- 1.) That the total accessory building square footage shall not exceed 6,800 square feet.
- 2.) That the accessory building shall not exceed 35 feet in height.
- 3.) That the building shall be an accessory use to the continued use of the property as a residential lot.
- 4.) That only personal residential storage shall be allowed in the building and no commercial uses or commercial storage will be allowed at any time.
- 5.) That all outdoor lighting shall be of a full cutoff and fully-shielded design to prevent direct spillage of light beyond the property boundaries.
- 6.) That a building permit is required prior to construction of the accessory building.



**MINNEHAHA COUNTY  
PLANNING COMMISSION  
MEETING MINUTES**

**April 26, 2021**

**Old Business**

None.

**New Business**

David Heinold announced to the Planning Commission that he has accepted an Assistant Planner job for La Porte, Indiana. He thanked the Planning Commissioners for the opportunity getting to know and work with each of them over the years. David's last day with the County is April 29<sup>th</sup>.

**Adjourn**

A motion was made to **adjourn** by Commissioner Barth and seconded by Commissioner Mohrhauser. The motion was approved unanimously. The meeting was **adjourned** at 8:20 p.m.