

**Wagner Planning and Zoning Commission Meeting
Monday, January 27th, 2014
Wagner City Hall
5:30PM**

Meeting called to order at 5:30 pm.

Members Present: John Greger, Chad Peters, Mystic Archambeau, Vern Twitero, and Brian McGinnis from Planning & Development District III. Absent: Justine Bouza.

Members of the zoning board were present to discuss the proposed extraterritorial zoning regulations (ETJ) or more known as one-mile zoning, along with the Wagner City Council.

Brian McGinnis was present to guide the city council and zoning board through the proposed document and answer any questions or concerns that either board may have had. General discussion followed. It was decided that volunteers that live in the proposed one-mile zoning area would be asked to come to a meeting and give their input on the proposed ETJ. A meeting was tentatively been set for Wednesday, February 5th, 2014 at 5:30 pm at City Hall for the zoning board, volunteers and Mr. McGinnis to meet about the ETJ.

The meeting was adjourned at 6:37 pm.

Respectfully submitted,

Rebecca Brunsing
Finance Officer

**Wagner Planning and Zoning Commission Meeting
Wednesday, February 5th, 2014
Wagner City Hall
5:30PM**

Meeting called to order at 5:30 pm.

Members Present: Chad Peters, Justine Bouza, Vern Twitero, and Brian McGinnis from Planning & Development District III. Others present: Ken Cotton, City Attorney, Becky Brunsing, Finance Officer, Ken Uecker, Joel Uecker, and Jim Bastemeyer, Absent: John Greger and Mystic Archambeau.

Members of the zoning board were present to discuss the proposed extraterritorial zoning regulations (ETJ) or more known as one-mile zoning. Other individuals that live in the proposed one-mile zoning area were invited to the meeting for input.

Brian McGinnis was present to guide the zoning board through the proposed document and answer any questions or concerns that either board may have had. General discussion followed. Mr. McGinnis will check into a few items that were brought up at the meeting. A meeting was tentatively been set for Wednesday, February 19th, 2014 at 5:30 pm at City Hall for the zoning board, additional volunteers and Mr. McGinnis to meet about the ETJ.

The meeting was adjourned at 7:45 pm.

Respectfully submitted,

Rebecca Brunsing
Finance Officer

**Wagner Planning and Zoning Commission Meeting
Wednesday, February 19th, 2014
Wagner City Hall
5:30PM**

Meeting called to order at 5:30 pm.

Members Present: Chad Peters, Justine Bouza, Vern Twitero, Mystic Archambeau, John Greger; and Brian McGinnis from Planning & Development District III. Others present: Becky Brunsing, Finance Officer, Ken Uecker, Joel Uecker, Jim Bastemeyer, and Mona Wright. Absent: None.

Members of the zoning board were present to have continued discussion on the proposed extraterritorial zoning regulations (ETJ) or more known as one-mile zoning. Other individuals that live in the proposed one-mile zoning area were invited to the meeting for input.

Brian McGinnis was present to guide the zoning board through the proposed document and answer any questions or concerns that either board may have had. Continued and general discussion followed. Items that were to be added were discussed and items were set to finalize the draft. Mr. McGinnis will make the changes and get a final draft copy to the zoning board members within a week. The next meeting to adopt the draft will be published as there will be other zoning business to be discussed that requires public notice and at that time the draft will be available for approval.

The meeting was adjourned at 7:50pm.

Respectfully submitted,

Rebecca Brunsing
Finance Officer

Wagner Planning and Zoning Commission Meeting
Monday, March 31st, 2014
Wagner City Hall
5:30PM

Meeting called to order at 5:30 pm.

Member stood and recited the Pledge of Allegiance.

Members Present: Chad Peters, Vern Twitero, Mystic Archambeau, and John Greger.
Others present: Becky Brunsing, Finance Officer, City Attorney, Ken Cotton. Absent:
Justin Bouza.

The first application was for a variance application of Rich & Gina Dufur for property located at 200 5th Street SW described as Lots 10 and 11, Block 25, Milwaukee 4th Addition, City of Wagner, Charles Mix County, South Dakota. The board reviewed the zoning variance request made Rich and Gina Dufur. The request explained that there needed to be a setback adjustment per the application for a new addition that the Dufur's want to add to the south side of their house. The variance request is for two feet. So instead of the 33 foot setback, the setback would be 31 feet. There being no parties present at the said advertised public hearing to speak either for or against the project, upon motion made by Mystic Archambeau; seconded by John Greger; roll call vote: John Greger-yes; Chad Peters-yes; Vern Twitero-yes; and Mystic Archambeau-yes. Therefore, the variance request was unanimously granted.

The second application was for a variance application for the City of Wagner for property located at 408 Main Avenue SE described as S ½ of Lot 17, Lot 16, Block 27, Milwaukee 4th Addition, City of Wagner, Charles Mix County, South Dakota. The city has sold this portion of property to Bill Hartley. Part of the sale agreement was for the city to install a fence that would run across the property approximately from the Yankton Sioux Housing Authority to the City of Wagner's tan shed the south. The city is requesting setback variance of five feet from the commercial zoning requirements. The setback is required so it would proportionally line up with the two existing buildings in an esthetic manner. Mr. Ken Cotton informed the zoning board that the fence would be steel and that one would not be able to see/view what was behind the fence. General discussion followed. A motion was made by Verne Twitero, second by John Greger to allow the five foot variance for the set back of 20 feet from the required 25 feet. Roll call vote: John Greger-yes; Chad Peters-yes; Vern Twitero-yes; and Mystic Archambeau-yes. Therefore, the variance request was unanimously granted.

Additionally the City is requesting a variance for the height of the fence of ten feet instead of eight feet. The City feels that this height is required to shield the view of vehicle salvage and also deter individuals that might be exposed to car fluids and salvaged vehicles that may pose to be harmful. Discussion followed. A motion was made by John Greger, second by Mystic Archambeau to allow the ten foot variance on the fence verses the required eight feet. Roll call vote: John Greger-yes; Chad Peters-

yes; Vern Twitero-yes; and Mystic Archambeau-yes. Therefore, the variance request was unanimously granted.

The third application was for a conditional use application of Colby and Halie Kirwan for property that consists of a 12' X 18' shed, located at 11 Grant Avenue SE described as Lots 1 and 2, ex Lot H-1 of Lot 1, Block 15, Milwaukee 2nd Addition, City of Wagner, Charles Mix County, South Dakota. Mr. Kirwan would like take the shed and make it into an office where he would have landscaping samples and designs set up and customers could come and view them. Virginia Petrik was present and expressed a concern about customers parking. Mr. Kirwan explained where customers would park and it will not be a problem. After general discussion, a motion was made by Verne Twitero, second by John Greger to approve the conditional use application for Colby and Halie Kirwan. Roll call vote: John Greger-yes; Chad Peters-yes; Vern Twitero-yes; and Mystic Archambeau-yes. Therefore, the conditional use request was unanimously granted.

A motion was made by Twitero, second by Greger to adjourn the meeting at 6:28 pm.

Respectfully submitted,

Rebecca Brunsing
Finance Officer

Wagner Planning and Zoning Commission Meeting
Monday, April 28th, 2014
Wagner City Hall
5:30PM

Meeting called to order at 5:30 pm.

Members stood and recited the Pledge of Allegiance.

Members Present: Chad Peters, Vern Twitero, and John Greger. Others present: Becky Brunsing, Finance Officer, City Attorney, Ken Cotton. Absent: Justin Bouza and Mystic Archambeau.

A motion was made by Twitero, second by Greger to approve the agenda. All voted aye, motion carried.

The first application was for rezoning a property for Anjelic Properties, LLC for property located at 518 W SD Hwy 46 described as Lot 2, Anjelic Addition, City of Wagner, Charles Mix County, South Dakota. The board reviewed the rezoning request made by Anjelic Properties. The property is currently zoned commercial for the Sleepy Pine Motel and the owner is requesting that it be rezoned to R-3, Multi-Family Residential District. The property owner's intent is to sell the property and the new owners would like to take the 12 unit motel and turn it into a 6 units of apartments to include one, two and three bedroom apartments. Dave Woods and Jim Daum were present and described in detail what they would be doing to the motel, once purchased. The apartment complex will also include a small laundry facility for its residents. The current owner of the property, Jesse Pravecek was present and stated he was in favor of the project. Discussion followed. There being no parties present at the said advertised public hearing to speak against the project, a motion was made by Greger, seconded by Twitero, to approve the rezoning request. All voted aye, motion carried. The property will be rezoned from Commercial to R-3 Multi-Family Residential District.

The second application was for a conditional use application for Michael Harford, located at 210 High Avenue NW described as Lot 12, Block 10, LaShier's Addition, City of Wagner, Charles Mix County, South Dakota. Mr. Harford would like a conditional use permit to sell custom made firearms. Mr. Harford has applied for a federal firearm permit, gone through the application process and has been approved. Mr. Harford explained to the zoning commission that he is not a retail business; his business is custom building of firearms on a customer by customer basis. There will not be individuals coming and going and parking in the residential area will not be a problem. Discussion followed. There being no parties present at the said advertised public hearing to speak against the project, a motion was made by Twitero, second by Greger to allow the conditional use permit for Michael Harford to sell custom made firearms. All voted aye, motion carried.

The agenda also included Brian McGinnis for discussion and/or possible adoption of the ETJ language and zoning amendments. Mr. McGinnis was not able to be present for the discussion. The zoning commission tabled this item to a later date.

A motion was made by Twitero, second by Greger to adjourn the meeting at 6:20 pm.

Respectfully submitted,

Rebecca Brunsing
Finance Officer

Wagner Planning and Zoning Commission Meeting
Monday, May 19th, 2014
Wagner City Hall
5:30PM

Meeting called to order at 5:30 pm.

Members stood and recited the Pledge of Allegiance.

Members Present: Chad Peters, Vern Twitero, and John Greger. Others present: Becky Brunsing, Finance Officer, City Attorney, Ken Cotton and Brian McGinnis, Planning and Development District III. Absent: Justin Bouza and Mystic Archambeau.

A motion was made by Twitero, second by Greger to approve the agenda. All voted aye, motion carried.

The first application was for a zoning variance for Nicole Weber, located at 201 Front Avenue NE described as S ½ of Lot 11 & 12, Block 4, Grimes & Absner Addition, City of Wagner, Charles Mix County, South Dakota. Ms. Weber would like to put in a chain link fence for her daycare children. If placed according to zoning requirement for a corner lot, she would not have adequate room for the children to play. She is requesting a six foot variance on the east side of her house or 17 feet from the curb, which faces Front Avenue NE and an eight foot variance on the south side or 15 feet from the curb which faces South Park Street NE. Discussion followed. A citizen did come into the office and ask to see the drawings and was satisfied with where the fence would be placed. Brian McGinnis commented that he didn't think it would create a vision problem for driver. There being no parties present at the said advertised public hearing to speak against the project, a motion was made by Twitero, second by Greger to allow the zoning variance for Nicole Weber. All voted aye, motion carried.

The second application was for rezoning a property for Foster Construction located at 302 2nd Street SE described as Lot 7 & 8, Block 13, Milwaukee Second Addition, City of Wagner, Charles Mix County, South Dakota. The board reviewed the rezoning request made by Foster Construction. The property is currently zoned commercial for Foster Construction and the owner is requesting that it be rezoned to R-1, Single-Family Residential District. The property owner's intent is to sell the property to his brother, and he will be remodeling the inside of the building to make a home for his wife and children. The current owner of the property, Paul Foster was present and stated he was in favor of the rezoning. Mr. Foster wanted to make clear that this would be a single family home and there are no intentions to rent the building to other occupants once the remodeling is completed. Surrounding residents were present to voice their concern that the property would not be taken care of or that the construction would take longer than the building permit time allowed. Discussion followed. There being no other comments from parties present, a motion was made by Greger, second by Twitero to rezone the property from Commercial to R-1 Single Family Residential District subject to the following conditions:

1. Building will be inspected by appropriate fire, electrical and plumbing officials.
2. Remodeling will begin within six months and be completed in 2 years from the date of the building permit.
3. Property will be cleaned up of all construction materials once the Board of Adjustments final decision is made.
4. Lawn be kept up; free of noxious weeds, volunteer trees, debris, etc.
5. Sidewalk on the south side of building is repaired.

All voted aye, motion carried.

The agenda also included Brian McGinnis for discussion and/or possible adoption of the ETJ language and zoning amendments. Discussion followed. A motion was made by Twitero, second by Greger to recommend to the city council the approval of the proposed ETJ Zoning, also known as one-mile zoning. All vote aye, motion carried.

A motion was made by Twitero, second by Greger to adjourn the meeting at 6:47 pm.

Respectfully submitted,

Rebecca Brunsing
Finance Officer

**Wagner Planning and Zoning Commission Meeting
Tuesday, June 3rd, 2014
Wagner City Hall
5:30PM**

Meeting called to order at 5:38 pm.

Members stood and recited the Pledge of Allegiance.

Members Present: Chad Peters, Vern Twitero, and John Greger. Others present: Becky Brunsing, Finance Officer. Absent: Justin Bouza and Mystic Archambeau.

A motion was made by Twitero, second by Greger to approve the agenda. All voted aye, motion carried.

The only item on the agenda was the review and approval of a replat of Lots 1 & 2 of Anjelic Addition. The plat map was reviewed. A motion was made by Greger, second by Twitero to approve the replat of Lots 1 & 2 of Anjelic Addition, City of Wagner, Charles Mix County, South Dakota. All voted aye, motion carried.

A motion was made by Twitero, second by Greger to adjourn the meeting at 5:45 pm.

Respectfully submitted,

Rebecca Brunsing
Finance Officer

Wagner Planning and Zoning Commission Meeting
Tuesday, September 2nd, 2014
Wagner City Hall
5:30PM

Meeting called to order at 5:30 pm.

Members stood and recited the Pledge of Allegiance.

Members Present: Dale Petrik, Vern Twitero, Jean Pirner and John Greger. Others present: Becky Brunsing, Finance Officer, City Attorney, Ken Cotton and Brian McGinnis, Planning and Development District III. Absent: Chad Peters.

A motion was made by Greger, second by Pirner to approve the agenda. All voted aye, motion carried.

Rachel and Dave Woods were present to give some information to the zoning board. Mrs. Woods is going to be starting her own embroidery business in her home. The proposed use is defined as a Home Occupation therefore allowed under as an accessory use in the Residential (R-1) District. She stated that she has no employees, there will be no excessive traffic coming and going to her house and deliveries will be what a normal household would expect. The zoning commission thanked Mrs. Woods for the information and wished her well in her new endeavor.

The second application was for rezoning a property for Fousek Grain, LLC located at the corner of Hickory Avenue SW and 2nd Street SW described as Lots 1 & 2, Block 23, Fourth Addition, City of Wagner, Charles Mix County, South Dakota. Sam Fousek had submitted a building permit for replacing 2 bins and grain leg. The property is currently zoned Residential (R-1) District. The building permit was denied, due to the current activity being a nonconforming use of land and structures within an R-1 zoned district. Mr. Fousek then submitted an application requesting a rezoning of the property from R-1 Residential to High Commercial (HC) District. The board reviewed the rezoning application made by Fousek Grain, LLC.

Acting Chairman, Twitero, asked Mr. Fousek to explain why he wanted the property rezoned to Highway Commercial (HC). Mr. Fousek said he would like to move the older damaged bin over to the northwest and put up a new 100,000 bushel bin. He further stated the new bin grain leg will be better and bins are tighter and there will be some improvement in grain dust.

Twitero asked if there citizens present that wanted to voice their concerns or opposition:

Dave Woods stated that the kids walking past the bin site to and from the school with no sidewalk is a concern.

Jim Reinbold asked if there was an adapter for elevators where the dust can be kept in the truck rather than the atmosphere. He stated that everyone in the community is affected by the grain dust.

Nancy Reinbold made reference to the 1996 conditional use agreement. She stated nothing in the agreement had been followed to her knowledge no penalties or fines had been opposed upon Mr. Fousek.

Mr. Fousek stated that he would have never thought that he would need more grain storage. He said that 20 years ago, the six bins and the size that they are would have been adequate, but with farming technology, and seed advancement, the yields are triple would they would have been years ago.

Darol Hall stated that where the Mr. Fousek wants to move the bin is very close to the curb and may impede visibility of traffic from the south. Mr. Fousek responded that he will not build that one there and just replace the damaged one with a new one.

Dianna Schroeder asked what the difference is if it is zoned R-1 or Highway Commercial. Brian McGinnis was present and explained that since it is zoned R-1 Residential, replacing, repairing or rebuilding a grain bin is a nonconforming use of R-1. He did explain that he has seen other properties in other communities be rezoned with exceptions or conditions put on the property.

An individual that lives in one of the new homes in Wagner Heights was concerned about increased dust and the noise level.

Dianna Schroeder stated that the bins were already there before most of the opposing members had their home bought. One member spoke up and said that the bins were not there when they purchased their house.

General discussion followed including the fence that is in disrepair. Mr. McGinnis answered questions that citizens had about the proposed rezoning. He did state that a rezoning of property was a legislative act, and would have to be put in ordinance format, have a first and second reading, publication, and 20 day wait period after publication to become effective.

There being no other comments from parties present, a motion was made by Greger, second by Petrik, to rezone the property from Residential (R-1) District to Highway Commercial (HC) subject to the following conditions:

1. No on-ground storage of grain on the property.
2. No chemicals, fertilizers or equipment shall be stored or allowed on the property.
3. That six grain bins are the maximum amount to ever be put on property.
4. No abandoned or unusable equipment allowed on property – no rubble of any kind on the premise.
5. No spilled or rotting grain on premises.
6. No parking of grain or truck equipment on neighboring properties without permission.
7. Must meet all setbacks required.
8. City of Wagner shall have all enforcement powers given to it by this ordinance, the Wagner Municipal Code and South Dakota.

9. That Fousek Grain be allowed to construct the grain leg up to the replacement bin that has been constructed for use in 2014 harvest and; subject to Fousek Grain LLC and Sam and Angie Fousek granting to the City indemnification and hold harmless agreement releasing city from any liability for cost of grain leg construction, in the event, for whatever reason the rezoning does not occur.
10. Bin footing in the northwest corner will be removed and no bin will be constructed on that site.
11. Property is for grain storage only.

Upon roll call vote being taken, the following voted AYE: Petrik, Pirner, Greger and Twitero. The following voted NAY: None. The following were absent: Peters. The following abstained: None. Motion carried.

The meeting was adjourned at 8:10 pm.

Respectfully submitted,

Ken Cotton
City Attorney

Rebecca Brunsing
Finance Officer

Wagner Planning and Zoning Commission Meeting
Monday, September 8th, 2014
Wagner City Hall
5:30PM

Meeting called to order at 5:30 pm.

Members stood and recited the Pledge of Allegiance.

Members Present: Dale Petrik, Jean Pirner and Chad Peters. Others present: Becky Brunsing, Finance Officer, City Attorney, Ken Cotton and Brian McGinnis, Planning and Development District III. Absent: John Greger and Vern Twitero.

A motion was made by Pirner, second by Petrik to approve the agenda. All voted aye, motion carried.

The first application was for rezoning a property for Randy Beeson. Mr. Beeson submitted a building permit for a 56' X 40' X 12' garage/steel pole shed to be built directly south of his residence on Lot 43-A, which is zoned Residential (R-1). The building permit was denied because under the R-1 district, it did not meet the measurement requirements as per definition of a garage which shall not be larger than seventy-five (75) percent of the area of the largest floor of the principal building. Additionally, a garage/shed cannot be placed on an empty lot as there needs to be a principal use, such as a home present to have an accessory use, such as a garage/shed. Therefore, Mr. Beeson submitted a rezoning application requesting lots 43-A and 44-A be rezoned from Residential (R-1) to Agricultural District. The zoning board reviewed the rezoning application made by Randy Beeson.

Randy Beeson spoke on the rezoning issue. Mr. Beeson said that rezoning lot 43-A and 44-A would match with lot 31 behind him, as that is zoned agriculture also. Mr. Beeson stated that he does not plan on farming any of the property. He just would like a shed for machinery and more storage. The shed would be a pole barn structure – generally what is seen on agriculture property.

Brian McGinnis from Planning District III stated that lots 43-A and 44-A would need to be combined so that both lots have to be sold together as one unit – neither lot can be sold unless both lots are sold.

No one was present to speak in opposition of the rezoning.

A motion was made by Petrik, second by Pirner to rezone lots 43-A and 44-A from Residential (R-1) to Agricultural District subject to legally tying lots 43-A and 44-A together either by restrictive deed or replat the two lots into one. All voted aye, motion carried.

The above motion is a legislative act; therefore, it will be brought forward to the city council at a special meeting in ordinance form to change the zoning district on those two lots to Agriculture from Residential (R-1). This meeting is scheduled for Monday, September 29th, 2014 at 5:30 pm.

The zoning board next considered an application for a variance from Paul Foster for lots 2 & 3, block 9, Cihlars Addition. Mr. Foster submitted a building permit for a 90' X 48' X 14' steel shed to be placed on Lots 2 & 3. The building permit was denied because under the R-1 district, it did not meet the measurement requirements as per definition of a garage which shall not be larger than seventy-five (75) percent of the area of the largest floor of the principal building. Also, the garage/shed size exceeds the size allowed for one lot. Additionally, a garage/shed cannot be placed on an empty lot as there needs to be a principal use, such as a home present to have an accessory use, such as a garage/shed.

Mr. Foster explained his need for a large shed. He wants the front part (that would face Front Avenue) to be a garage and the back part to be a workshop for his hobby woodworking. The building will be a pole building with 2' X 6' studs, concrete floor, 2 colored metals and wainscoting.

No one appeared to speak in opposition of the shed.

Discussion followed on the size of the building, and also the two other sheds on the property. Currently, there is a trailer on lot 4 and Mr. Foster's residence is on lots 5 & 6. One shed is behind his house. The other one, the smiley face shed, is on the empty two lots. Mr. Foster stated that the white shed behind his house will be removed. The smiley face shed will be relocated to a concrete pad that has already been poured behind the trailer house on lot 4.

There being no other comments from parties present, a motion was made by Petrik, second by Pirner, to recommend the variance be granted to build the shed on lots 2 & 3 subject to the following conditions:

1. Everything be stored inside the large shed;
2. White building to be removed from the property;
3. Smiley face shed to be relocated to concrete pad behind trailer house, but must be at least 20' off alley right-of-way line;
4. All five lots to be tied together by restrictive deed or replatted into one tract;
5. Once trailer is moved off of property it will not be allowed to be replaced with another one.
6. Trim trees in the alley.

All voted aye, motion carried.

The meeting was adjourned at 6:40 pm.

Respectfully submitted,

Ken Cotton
City Attorney

Rebecca Brunsing
Finance Officer

Wagner Planning and Zoning Commission Meeting
Monday, September 15th, 2014
Wagner City Hall
12:00PM

Meeting called to order at 12:00 pm.

Members stood and recited the Pledge of Allegiance.

Members Present: Dale Petrik, Jean Pirner John Greger and Chad Peters. Others present: Becky Brunsing, Finance Officer, and City Attorney, Ken Cotton. Absent: Vern Twitero.

A motion was made by Greger, second by Pirner to approve the agenda. All voted aye, motion carried.

The Commission considered the application of Fousek Grain LLC for a setback variance of an existing grain bin and a height variance for the existing bin and a grain leg to serve only the existing bin, located on lots 1 & 2, Block 23, 4th Addition, City of Wagner, South Dakota.

Mr. Fousek would like a variance of 8 feet from the 20 foot setback for an existing bin. He also is requesting a 65' height variance for the grain bin and a 100 foot height variance for the grain leg. Discussion followed.

There being no further discussion, a motion was made by Greger, second by Petrik, to recommend the variance be granted for a 8 feet from the 20 foot setback for an existing bin. He also is requesting a 65' height variance for the grain bin and a 100 foot height variance for the grain leg subject to the following conditions as the proposed rezoning ordinance changing the use of the property from Residential (R-1) to Highway Commercial HC. The conditions are as follows:

1. No on ground storage of grain shall be allowed on the property.
2. No chemicals, fertilizers or equipment shall be stored or allowed on the property. Grain handling equipment may only be on the property during those times of the year that grain is being harvested and those times of year when grain is being marketed.
3. That six (6) grain bins are the maximum number of bins that shall ever occupy the above described real property.
4. No abandoned or unusable grain handling, or any other equipment of any kind or type, shall be allowed upon the property.
5. No rubble or refuse of any kind or type shall be allowed upon the property at any time.
6. No spilled or rotting grain shall be allowed on the property. All grain stored on the property must be inside one of the six (6) bins allowed on the property.

7. No parking of grain or truck equipment shall be parked on any neighboring properties without permission from the owner of said adjoining property or properties.
8. All setbacks required by Highway Commercial category must be meant at all times.
9. The bin footing and floor frame in the northwest corner of the property will be removed and no bin will be constructed where that bin footing and floor frame was originally laid out.
10. The property is to only be used now and in the future exclusively and only for grain in-bin storage.
11. Sam Fousek and Angie Fousek, d/b/a Fousek grain are hereby allowed to construct the grain leg up to the replacement bin that has been constructed prior to this zoning change for use in the 2014 harvest season, subject to Sam Fousek and Angie Fousek, d/b/a Fousek Grain granting onto the City of Wagner an Indemnification and Hold Harmless Agreement acceptable to the City of Wagner releasing the City of Wagner from any and all liability for the cost of said grain leg and its installation in the event Fousek's would put up the grain leg and for any reason the rezoning of the property does not occur.
12. The City of Wagner shall have all enforcement powers over this rezoned real property, and the conditions set forth herein, given to the City of Wagner by this ordinance, the Wagner Municipal Code, and any and all other state and federal laws.
13. Must meet all Federal Aviation Administration (FAA) or SD Aeronautical (DOT) requirements in regards to the height of the grain bin and the height of the grain leg.

All voted aye, motion carried. The Board of Adjustments meeting is scheduled for Monday, September 29th, 2014 at 5:30 pm at City Hall.

The Planning Commission was briefed on the status of the Jeff Miller variance from November, 2013. Discussion followed. Mr. Cotton will be sending a letter dated today, September 16, 2014 to Mr. Miller, re-enforcing the requirements set forth in regards to his variance of bringing a mobile home to an empty lot that he owns.

A motion was made by Greger, second by Petrik to as adjourned at 12:30 pm.

Respectfully submitted,

Ken Cotton
City Attorney

Rebecca Brunsing
Finance Officer

Wagner Planning and Zoning Commission Meeting
Monday, September 18th, 2014
Wagner City Hall
12:00PM

Meeting called to order at 12:08 pm.

Members stood and recited the Pledge of Allegiance.

Members Present: Dale Petrik, Jean Pirner John Greger Vern Twitero and Chad Peters.
Others present: Becky Brunsing, Finance Officer, City Attorney, Ken Cotton, Angie Fousek and Jim Reinbold. Absent: None.

A motion was made by Petrik, second by Pirner to approve the agenda. All voted aye, motion carried.

The Commission considered the application of Fousek Grain LLC for a setback variance of a proposed grain bin and a height variance for the proposed grain bin, located on lots 1 & 2, Block 23, 4th Addition, City of Wagner, South Dakota.

Mr. Fousek would like a variance of 0 feet from the 20 foot setback for a proposed bin. He also is requesting a 65' height variance for the grain bin.

Discussion followed. Mr. Reinbold is concerned about the fence issue. He stated that the fence catches trash and keeps it from blowing east. There is also the question of whether Francis Doom owns the property that the fence is on. Mr. Cotton is currently checking into this with the County GIS Department and the County Registrar of Deeds.

It was also discussed that there was not a permit filed for the replacement of the bin that was replaced. Mr. Cotton told him that by mistake that one was not obtained. Mr. Cotton also stated that the rezoning action is meant to bring total site into compliance with Wagner Zoning Ordinances.

Mr. Reinbold wanted to hear the conditions. Peters read out loud the conditions. Mr. Reinbold wanted to make sure that the fence was discussed at the public meeting and first reading of the rezoning ordinance on September 29th, 2014.

Twitero stated that he was concerned that a precedent was being set and a 0 foot setback for a structure of that size would not be adequate.

There being no further discussion, a motion was made by Petrik, second by Pirner, to recommend the variance be granted for a 0 foot from the 20 foot setback for the proposed bin and a 65' height variance for the proposed grain bin subject to the same conditions as the

proposed rezoning ordinance changing the use of the property from Residential (R-1) to Highway Commercial HC. The conditions are as follows:

1. No on ground storage of grain shall be allowed on the property.
2. No chemicals, fertilizers or equipment shall be stored or allowed on the property. Grain handling equipment may only be on the property during those times of the year that grain is being harvested and those times of year when grain is being marketed.
3. That six (6) grain bins are the maximum number of bins that shall ever occupy the above described real property.
4. No abandoned or unusable grain handling, or any other equipment of any kind or type, shall be allowed upon the property.
5. No rubble or refuse of any kind or type shall be allowed upon the property at any time.
6. No spilled or rotting grain shall be allowed on the property. All grain stored on the property must be inside one of the six (6) bins allowed on the property.
7. No parking of grain or truck equipment shall be parked on any neighboring properties without permission from the owner of said adjoining property or properties.
8. All setbacks required by Highway Commercial category must be meant at all times.
9. The bin footing and floor frame in the northwest corner of the property will be removed and no bin will be constructed where that bin footing and floor frame was originally laid out.
10. The property is to only be used now and in the future exclusively and only for grain in-bin storage.
11. Sam Fousek and Angie Fousek, d/b/a Fousek grain are hereby allowed to construct the grain leg up to the replacement bin that has been constructed prior to this zoning change for use in the 2014 harvest season, subject to Sam Fousek and Angie Fousek, d/b/a Fousek Grain granting onto the City of Wagner an Indemnification and Hold Harmless Agreement acceptable to the City of Wagner releasing the City of Wagner from any and all liability for the cost of said grain leg and its installation in the event Fousek's would put up the grain leg and for any reason the rezoning of the property does not occur.

12. The City of Wagner shall have all enforcement powers over this rezoned real property, and the conditions set forth herein, given to the City of Wagner by this ordinance, the Wagner Municipal Code, and any and all other state and federal laws.

13. Must meet all Federal Aviation Administration (FAA) or SD Aeronautical (DOT) requirements in regards to the height of the grain bin and the height of the grain leg.

Petrik, Pirner, Greger and Peters voted aye, Twitero voted nay, motion carried. The Board of Adjustments meeting is scheduled for Monday, October 6th, 2014 at 7:00 pm at City Hall.

A motion was made by Greger, second by Pirner to as adjourned at 12:43 pm.

Respectfully submitted,

Ken Cotton
City Attorney

Rebecca Brunsing
Finance Officer

Wagner Planning and Zoning Commission Meeting
Friday, October 3rd, 2014
Wagner City Hall
9:00AM

Meeting called to order at 9:00 a.m.

Members stood and recited the Pledge of Allegiance.

Members Present: Jean Pirner, Vern Twitero and Chad Peters. Others present: Becky Brunsing, Finance Officer, Absent: John Greger and Dale Petrik.

A motion was made by Pirner, second by Twitero to approve the agenda. All voted aye, motion carried.

The planning and zoning commission reviewed a plat that needed approval.

A motion was made by Pirner, second by Twitero for the following approval:

Whereas, the City Planning Commission of the City of Wagner, SD has considered the within plat; Plat of Lot f, Doom Subdivision in government Lot 1 of Section 5, T95N, R63W of the 5th P.M., Charles Mix County and finds that it conforms to the ordinances of the city and that the streets conform to the system of streets set forth by the city. Be it resolved that said plat be approved and recommended for adoption by the City Council of Wagner, SD. All voted aye, motion carried.

The meeting was adjourned at 9:07 a.m.

Respectfully submitted,

Rebecca Brunsing
Finance Officer

Wagner Planning and Zoning Commission Meeting
Monday, April 27th, 2015
Wagner City Hall
7:00 PM

Meeting called to order at 7:00 p.m.

Members stood and recited the Pledge of Allegiance.

Members Present: Jean Pirner, Vern Twitero John Greger and Dale Petrik and Chad Peters.
Others present: Becky Brunsing, Finance Officer and Steve Cotton, City Attorney. Absent:
None.

Chairman Peters stated the purpose of the public meeting is to receive input from the persons present from the public on the proposed Extraterritorial Jurisdiction Zoning.

Brian McGinnis from Planning District III gave an overview of the proposed zoning ordinance for the ETJ area which includes lands abutting and within one mile of the city limits. Mr. McGinnis noted that the City's ordinance powers are limited to zoning and do not include other city regulations. The proposed zoning map noting the jurisdictional area was reviewed with the public and explained how the boundary lines were generated. He further explained that whatever operations are occurring inside of the boundaries are allowed to continue operations at their current level, density, or size if the ETJ ordinance were approved.

Chairman Peters then opened the public hearing for comments.

Tim Johannsen commented that the animal units allowed at 100 head are low. He suggested 200 or 250 would be more appropriate for operators in the boundary area.

Sam Fousek asked who would be on the board for zoning actions outside the city limits. Mr. McGinnis explained that the planning commission would be made up of the current members which is limited to city residents but residents or property owners of the also ETJ area will be asked to sit on the commission as well. He further stated the necessity to have ETJ representation on the commission as their input would be needed.

Tim Johannsen asked what the likelihood that the ETJ would expand to three miles. Mr. McGinnis explained that three miles would be unlikely, as the probability of the city growing three miles in every direction in the near future would not be realistic.

Nathan Kafka questioned the boundary line on the map; it appeared that it went right through his house. It was explained that it is a mistake and that final boundaries will follow either quarter, half or full section lines.

Lynn Fischer stated that he didn't understand what the city was trying to protect a mile out from the furthest boundary of the airport. He didn't see where the development was going to be that the area needed.

Angie Fousek asked if the lagoon water from the truck wash could continue to be used for irrigation/fertilizer purposed. Mr. McGinnis reiterated that current practices may continue provided they are in compliance with State and Federal regulations

Lynn Fischer asked is a building permit would have to be obtained if they already were obtained at the county level at which time Mr. McGinnis said the permitting process had not been finalized and is still being discussed and is dependent upon public input.

Chairman Peters closed the public hearing at 8:16 pm and thanked the public for their input.

Twitero made a motion to take out section 15 & 16, south boundaries of the ETJ map. The motion failed for lack of a second.

Petrik made a motion to raise the number of animal units from 100 to 250 under the Animal Feeding Operation section of the proposed ETJ, second by Greger. Upon roll call voted being taken, the following voted AYE: Peters, Petrik, Pirner, and Greger. The following voted NAY: Twitero. The following abstained: None. The following were absent: None. Motion carried.

A motion was made by Petrik, second by Pirner that the fee schedule for building permits will be the same as the current zoning code and will comply with all areas of the of the ordinance to include building permits. Upon roll call voted being taken, the following voted AYE: Peters, Petrik, Pirner, Twitero, and Greger. The following voted NAY: None. The following abstained: None. The following were absent: None. Motion carried.

A motion was made by Petrik, second by Greger to recommend the adoption of proposed regulations with amendments noted herein to the City Council for approval. Upon roll call voted being taken, the following voted AYE: Peters, Petrik, Pirner, Twitero, and Greger. The following voted NAY: None. The following abstained: None. The following were absent: None. Motion carried.

A motion was made by Greger, second by Pirner to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

Rebecca Brunsing
Finance Officer

Published once at the approximate cost of _____.

Wagner Planning and Zoning Commission Meeting
Thursday, April 30th, 2015
Wagner City Hall
5:30PM

Meeting called to order at 5:30 pm.

Members stood and recited the Pledge of Allegiance.

Members Present: Dale Petrik, Jean Pirner, John Greger, Vern Twitero and Chad Peters.
Others present: Becky Brunsing, Finance Officer. Absent: None.

A motion was made by Petrik, second by Pirner to approve the agenda. All voted aye, motion carried.

The Commission considered the application of Shining Star Academy, for a setback variance of four foot for a 16' X 24' addition to the daycare located on lots 10, 11 & 12, Block 8, Grimes and Abshers Addition, City of Wagner, South Dakota.

Dorothy Spease and CJ McNinch are requesting a four foot variance for the addition will match with the existing house. Constructing the addition to the correct setbacks would cause all the windows to be covered. Constructing the addition with the four foot setback will also match to the existing roofline.

Discussion followed. A motion was made Twitero, second by Greger to approve the variance as requested, allowing a four foot variance for the addition. All voted aye, motion carried.

The Board of Adjustments meeting is scheduled for Monday, May 18th, 2015 at 7:00 pm at City Hall.

A motion was made by Greger, second by Pirner to as adjourned at 5:47 pm.

Respectfully submitted,

Rebecca Brunsing
Finance Officer

Published once at the approximate cost of _____

Wagner Planning and Zoning Commission Meeting
Monday, June 15th, 2015
Wagner City Hall
6:00PM

Meeting called to order at 6:00 pm.

Members stood and recited the Pledge of Allegiance.

Members Present: Dale Petrik, Jean Pirner, John Greger, Vern Twitero and Chad Peters.
Others present: Becky Brunsing, Finance Officer. Absent: None.

A motion was made by Greger, second by Petrik to approve the agenda. All voted aye, motion carried.

The Commission considered the application of for a setback variance of a small rectangular portion of a proposed 21' X 8'6" X 8'8" cooler/freezer addition to the rear of the Casey's building located on that portion of the South 350' of the West 258' of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, lying northeasterly of the abandoned railroad right of way, except Lot H1 thereof and including a portion of Lot AB thereof, all in Section 33, Township 96 North, Range 63 West of the 5th Principal Meridian, Charles Mix County, South Dakota.

Discussion followed. It is noted that the property owner's 1 inch water service line will be directly under this addition. Any issues with the water line are the property owner's sole responsibility. A motion was made Petrik, second by Pirner to approve the variance as requested, allowing the variance for the addition. All voted aye, motion carried.

The Board of Adjustments meeting is scheduled for Monday, July 6th, 2015 at 7:00 pm at City Hall.

A motion was made by Greger, second by Twitero to adjourn the meeting at 6:10 pm.

Respectfully submitted,

Rebecca Brunsing
Finance Officer

Published once at the approximate cost of _____

Wagner Planning and Zoning Commission Meeting
Tuesday, July 28th, 2015
Wagner City Hall
6:00PM

Meeting called to order at 6:00 pm.

Members stood and recited the Pledge of Allegiance.

Members Present: Dale Petrik, Jean Pirner, John Greger, Vern Twitero and Chad Peters.
Others present: Becky Brunsing, Finance Officer. Absent: None.

A motion was made by Pirner, second by Twitero to approve the agenda. All voted aye, motion carried.

The purpose of the meeting was to approve a plat of Lots 1, 2 and 3, Kafka First Addition to the City of Wagner, Charles Mix County, South Dakota.

At the request of Von Eschen Enterprises, LLC and Richard and Clara Kafka, the property previously platted as Outlot 3 was replatted.

Discussion followed. A motion was made Petrik, second by Pirner to approve Plat of Lot 1, 2, and 3, Kafka First Addition to the City of Wagner, Charles Mix County, South Dakota. All voted aye, motion carried.

A motion was made by Greger, second by Twitero to adjourn the meeting at 6:10 pm.

Respectfully submitted,

Rebecca Brunsing
Finance Officer

Published once at the approximate cost of _____

**Wagner Planning and Zoning Commission Meeting
Monday, August 17th, 2015
Wagner City Hall
6:00PM**

Meeting called to order at 6:00 pm.

Members stood and recited the Pledge of Allegiance.

Members Present: Dale Petrik, Jean Pirner, and Vern Twitero. Others present: Becky Brunsing, Finance Officer. Absent: John Greger and Chad Peters.

Vern Twitero, presided as acting chairman. A motion was made by Petrik, second by Pirner to approve the agenda. All voted aye, motion carried.

The purpose of the meeting was to approve Plat of Lot G, Doom Subdivision in Government Lot 1 of Section 5, T95N, R3W of the 5th P.M. Charles Mix County, South Dakota.

Discussion followed. A motion was made Pirner, second by Petrik to approve Plat of Lot G, Doom Subdivision in Government Lot 1 of Section 5, T95N, R3W of the 5th P.M. Charles Mix County, South Dakota. All voted aye, motion carried.

A motion was made by Pirner, second by Petrik to adjourn the meeting at 6:10 pm.

Respectfully submitted,

Rebecca Brunsing
Finance Officer

Published once at the approximate cost of _____

**Wagner Planning and Zoning Commission Meeting
Wednesday, March 2nd, 2016
Wagner City Hall
6:00PM**

Meeting called to order at 6:00 pm.

Members stood and recited the Pledge of Allegiance.

Members Present: Dale Petrik, Jean Pirner, John Greger, Chad Peters and Vern Twitero.
Others present: Ken Cotton, City Attorney, Brian McGinnis, Planning & Development District III
and Rebecca Brunsing, Finance Officer. Absent: None.

Chad Peters, Chairman explained that the purpose of the meeting was to discuss the construction of garages on empty lots.

Citizens present: Marcia and Dave Honomichl, Tom and Linda Soukup and Dan Cimpl.

Currently, the zoning ordinance doesn't allow for garages to be constructed or placed on a lot without a principal use, such as a house.

The citizens present were inquiring how and if this zoning regulation could be changed. Discussion went on for some time. No action was taken. The issue was tabled for a later date.

A motion was made by Greger, second by Petrik to adjourn the meeting at 7:20 pm.

Respectfully submitted,

Rebecca Brunsing
Finance Officer

Published once at the approximate cost of _____

Wagner Planning and Zoning Commission Meeting
Monday, April 25th, 2016
Wagner City Hall
6:00PM

Meeting called to order at 6:00 pm.

Members stood and recited the Pledge of Allegiance.

Members Present: Dale Petrik, Jean Pirner, John Greger, and Vern Twitero. Others present: Ken Cotton, City Attorney, Brian McGinnis, Planning & Development District III and Rebecca Brunasing, Finance Officer. Absent: Chad Peters. Citizens present: Tom and Linda Soukup.

A motion was made by Petrik, second by Greger to approve the agenda. All voted aye, motion carried. Vern Twitero, acting Chairman explained that the purpose of the meeting was to discuss the construction of garages on empty lots.

Currently, the zoning ordinance doesn't allow for garages to be constructed or placed on a lot without a principal use, such as a house. Previously, on March 2nd, the Planning and Zoning Commission met to discuss this issue. Discussion followed. Planning and Zoning members favor changing the ordinance, citing that it would be better to have some time of structure on a lot than an empty lot that doesn't generate much for property taxes. Garages on empty lots would be a conditional use, meaning they would have to come before the Planning and Zoning Commission and have specific standards that would have to be made in order to be built. More discussion followed. A list of standards will be drafted and presented at the city council meeting for review on Monday, May 2nd, 2016.

A motion was made by Petrik, second by Pirner to adjourn the meeting at 6:45 pm.

Respectfully submitted,

Rebecca Brunasing
Finance Officer

Published once at the approximate cost of _____

Wagner Planning and Zoning Commission Meeting
Monday, June 20th, 2016
Wagner City Hall
6:00PM

Meeting called to order at 6:00 pm.

Members stood and recited the Pledge of Allegiance.

Members Present: Dale Petrik, Jean Pirner, John Greger, Chad Peters and Vern Twitero.
Others present: Rebecca Brunsing, Finance Officer. Absent: None. Citizens present: Halie Kirwan.

Chad Peters, Chairman explained that the purpose of the meeting was the consideration of a variance application of Colby & Halie Kirwan located at 11 SE Grant Avenue described as Lot 1 & 2, Ex Lot H-1 of Lot 1, Block 15, Milwaukee, 2nd Addition, City of Wagner, Charles Mix County, South Dakota.

Mrs. Kirwan has recently started her home day care business, Little Clovers Daycare. Since there is no fence, they would like to install one, so the children have a safe play environment. Since the fence will be chain link, and easier to climb, they are requesting an additional foot variance for the fence, so it could be five feet instead of the required four foot height. Since the fence would start approximately 16 inches above the prevailing grade of the side walk because of a retaining wall, the total variance would be an additional 28 inches from the level of the sidewalk. Because it will be chain link, visibility should not be an issue for drivers on the highway. They are also requesting a variance of 0 (zero) feet from the 10 foot required setback. If they were to place it at the required 10 foot requirement, the fenced in yard would be very small.

Discussion followed. A motion was made by Petrik, second by Greger to approve the application for a variance application of 28 inches on the height of the fence for the backyard and a variance of 0 (zero) feet from the 10 foot required setback for the placement of the fence for Colby & Halie Kirwan located at 11 SE Grant Avenue described as Lot 1 & 2, Ex Lot H-1 of Lot 1, Block 15, Milwaukee, 2nd Addition, City of Wagner, Charles Mix County, South Dakota and recommend the same to the Board of Adjustments. All voted aye, motion carried.

A motion was made by Greger, second by Pirner to adjourn the meeting at 6:15 pm.

Respectfully submitted,

Rebecca Brunsing
Finance Officer

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Wagner Planning and Zoning Commission Meeting
Monday, May 2nd, 2016
Wagner City Hall
5:30PM

Meeting called to order at 5:30 pm.

Members stood and recited the Pledge of Allegiance.

Members Present: Dale Petrik, Jean Pirner, John Greger, Chad Peters and Vern Twitero.
Others present: Ken Cotton, City Attorney, and Rebecca Brunsing, Finance Officer. Absent:
None. Citizens present: Harris and Sharon Haar, Steven Rezac and Jerome Fischer.

A motion was made by Petrik, second by Twitero to approve the agenda. All voted aye, motion carried. Chad Peters, Chairman explained that the purpose of the public hearing was to consider the application of Sharon J. Haar for a conditional use for property located at 619 SE 1st Street and 621 SE 1st Street described as West 200' of Lot F, Hicks Addition, City of Wagner, Charles Mix County, South Dakota.

Peters called on the applicant to explain why she was requesting the conditional use. Sharon J. Haar explained that she purchased a governors house and wants to place it on property that is currently zoned Highway Commercial. Single family homes are listed as a conditional use for highway commercial district. Mrs. Haar owns the home also, located at 619 SE 1st Street. The house was there prior to zoning being put in place. Mrs. Haar would like to have a conditional for 619 and 621 SE 1st Street.

Jerome Fischer and Steven Rezac also addressed the Planning and Zoning Commission.

The public hearing was closed at 6:07 pm.

Discussion followed. A motion was made by Petrik, second by Pirner to approve the application for a conditional use for the property located at 619 SE 1st Street and 621 SE 1st Street described as West 200' of Lot F, Hicks Addition, City of Wagner, Charles Mix County, South Dakota and recommend the same to the Board of Adjustments. All voted aye, motion carried.

A motion was made by Greger, second by Pirner to adjourn the meeting at 6:14 pm.

Respectfully submitted,

Rebecca Brunsing
Finance Officer

Published once at the approximate cost of _____

Wagner Planning and Zoning Commission Meeting
Monday, July 5th, 2016
Wagner City Hall
5:30PM

Meeting called to order at 5:30 pm.

Members stood and recited the Pledge of Allegiance.

Members Present: Dale Petrik, Jean Pirner, John Greger, Chad Peters and Vern Twitero.

Others present: Rebecca Brunsing, Finance Officer. Absent: None. Citizens present: None.

Chad Peters, Chairman explained that the purpose of the meeting was to discuss and approve zoning amendments with regard to residential garages.

Garages are proposed to be identified as Conditional Uses pursuant to identified Performance Standards

Garage Performance Standards:

Primary Access - Fronting street

Minimum and Maximum Size - 500 to 1,200 square feet

Minimum Wall Height - 8 feet

Maximum Wall Height - 12 feet

Maximum Building Height -17 feet

Frost Footings - Optional, but highly recommended

Garage Floor –Concrete within common depth and finish

Framing –Site built with wood or metal materials

Roofing – Commonly utilized asphalt or fiberglass shingles or colored steel

Minimum Roof Pitch - 4/12

Maximum Roof Pitch – 6/12

Driveway/Access - Hard surfaced (asphalt or concrete)

Access – Curb cut required

Siding – Commonly utilized materials and design (lap, steel)

Garage Access – Minimum of one pedestrian and one overhead door with panels and track

Windows - Optional

Use – Domestic personal storage – non rental

Discussion followed. A motion was made by Pirner, second by Twitero to approve the proposed zoning amendments with regards to residential garages; to be identified as Conditional Uses pursuant to the above identified performance standards and recommend that the City Council

approve and put into place the above garage performance standards. All voted aye, motion carried.

A motion was made by Greger, second by Petrik to adjourn the meeting at 5:54 pm.

Respectfully submitted,

Rebecca Brunsing
Finance Officer

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Wagner Planning and Zoning Commission Meeting
Monday, September 26th, 2016
Wagner City Hall
5:30PM

Meeting called to order at 5:30 pm.

Members stood and recited the Pledge of Allegiance.

Members Present: Dale Petrik, Jean Pirner, John Greger, Chad Peters and Vern Twitero.
Others present: Rebecca Brunsing, Finance Officer. Absent: None. Citizens present: Linda Soukup, and Dave and Marcia Honomichl.

Chad Peters, Chairman explained the purpose of the meeting is for a public hearing to consider the application of Tom and Linda Soukup for a conditional use on property located at the east ½ of Lot 5, of Wagner Country Estates Addition, City of Wagner, Charles Mix County, South Dakota.

Mr. and Mrs. Soukup would like to build a garage on an empty lot. Discussion followed. This use is listed as a conditional use in the Wagner Zoning Code. Peters commented that all the proper paperwork was in place and the property owner indicated that the contractor confirmed that the garage will meet all the requirements of the conditional use section for the garage on an empty lot. There being no further comments, Peters closed the public meeting. A motion was made by Greger, second by Pirner to approve the conditional use for the garage. All voted aye, motion carried.

The Chairman moved to the next order of business, a public hearing for a variance application of Antonia Humphrey located at Lot One (1) and the West 60 feet of the North Half of the West Half of the East Half (W60' of N1/2 of W1/2 of E1/2), of Block One (1), in the town of East Wagner, (being within the corporate limits of the City of Wagner), in Charles Mix County, South Dakota, according to the recorded plat thereof; and, East 58 feet of Lot Two (2), of Block One (1), in the town of East Wagner (being within the corporate limits of the City of Wagner), Charles Mix County, South Dakota.

Mrs. Humphrey would like a variance for the height of the fence from the required four feet to five feet. This is mainly to keep their dog in the yard. The fence will be chain link, so there is no issue with safety. Discussion followed. There being no further comments, Peters closed the public meeting. A motion was made by Petrik, second Twitero to approve the variance for the fence from four feet to five feet. All voted aye, motion carried.

The Board of Adjustments will meet on Thursday, October 13th, 2016 for a public hearing to consider the recommendations of the Wagner Planning and Zoning Commission on the two above applications.

A motion was made by Pirner, second by Greger to adjourn the meeting at 5:50 pm.

Respectfully submitted,

Rebecca Brunsing
Finance Officer

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