

# City of Mobridge

114 1<sup>st</sup> Avenue East  
Mobridge, SD 57601  
605-845-3555

## MINUTES

### *Mobridge City Planning & Zoning Commission*

Wednesday, February 9<sup>th</sup>, 2023

5:30pm – Mobridge City Hall

Meeting of the Planning and Zoning Commission for the City of Mobridge S.D. was duly held in the City Hall on Wednesday, February 9<sup>th</sup>, 2023 at 5:30 pm.

Chairman Liz Ford called meeting to order at 5:30 pm. Board members present were: Lillian Wientjes, Denise Centeno, Tom O'Connell, Ken Rossow and Zoning Officer Jacquelyn Rawstern. Chad Hintz, Christopher Peltier was absent. Guest Jack Shillingstad and Jay Shillingstad was also present.

**Agenda:** Motion to adopt the agenda was made O'Connell and second was made by Centeno and motion carried.

**Minutes:** Motion to approve December 8<sup>th</sup>, 2022 minutes was made by Wientjes and second by Rossow and motion carried.

### **Conditional Use Public Hearing:**

**Kyle Jensen:** conditional use request for 1421 East Grand Crossing, Mobridge, SD. Legal Description: Lots 1 thru 12, Block 8, East Mobridge Addn. in NW4 29-124-79 Mobridge, Walworth County. The conditional use permit will be for two shipping containers placed in a Light Industrial District. They will be used for storage at this location.

Zoning Officer Rawstern said there was a one via call that was in favor, none by via email or letter from the public. Board members discussed about the placement of the two containers requested. The containers are being placed in an allowable area and is in compliance with the zoning ordinances. The board members said that there is plenty of room and that it shouldn't cause any problems with the flow of things on the property. Motion to approve the Conditional Use Permit for property owner Kyle Jensen was made by Wientjes, second by O'Connell and all in favor, motion carried.

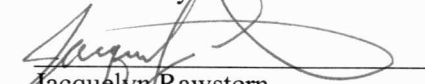
### **Additional Information:**

Zoning Officer Rawstern gave the board additional information about Lane Rau's 203 7<sup>th</sup> Ave East property. The legal description of the property is Lot 17, except the North 40 Feet thereof, and all of Lot 18, Elkos Third Addition to the City of Mobridge, South Dakota to help them understand what is able to happen on the property since the rezoning request from R-3 Residential District to I-1 Industrial District was denied. The building was built in 1963 with an approved building permit from the city. Since then, the building has been a shop of some kind. Rau is okay with what he is doing now and isn't in any violation. The property and structure are known as non-conforming structure and use. There are zoning ordinances (7.02 and 7.03) that he will have to follow. Zoning Officer Rawstern told the board that any building permits that Rau submits for that property has to be approved by them and that she can't follow normal procedures as other building permits.


Zoning Officer Rawstern informed that there are two other zoning meetings scheduled. Wednesday, February 22<sup>nd</sup> on a Conditional Use Application and Thursday, March 2<sup>nd</sup> on an Appeal both will be at 5:30.

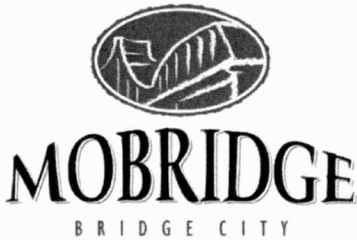
Having no further business, a motion to Adjourn was requested by the Chairman Ford. Wientjes made the motion to adjourn and Centeno second, meeting adjourned at 5:55 pm.

Submitted by:

  
Jacquelyn Rawstern  
Zoning Officer

Approved by:

  
Elizabeth Ford  
Chairman – Planning & Zoning Commission



# City of Mobridge

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605-845-3555

## MINUTES

*Mobridge City Planning & Zoning Commission*

Thursday, March 2, 2023

5:30pm – Mobridge City Hall

Meeting of the Planning and Zoning Commission for the City of Mobridge S.D. was duly held in the City Hall on Thursday March 2nd, 2023 at 5:30 pm.

Chairman Liz Ford Called meeting to order at 5:32 pm. Board members present were: Lillian Wientjes, Denise Centeno Tom O'Connell, Ken Rossow, Christopher Peltier and Zoning Officer Jacquelyn Rawstern. Chad Hintz was absent. Guest Jack Shillingstad, Jay Shillingstad, Dean Ulmer, Mitch Voller, Gene Cox, Julia Gerlach was also present.

**Agenda:** Motion to adopt the agenda was made by Peltier and second by Rossow, motion carried.

**Minutes:** Motion to approve February 9<sup>th</sup>, 2023 minutes was made by O'Connell and second by Wientjes, motion carried.

### **Conditional Use Public Hearing:**

**Dean Ulmer:** Conditional use request for 1402 Lake Front Road, Mobridge, SD. Legal Description: Tract 8 IN INDUSTRIAL PARK SUBD IN S2 & SW4SW4NW4 29-124-79 Mobridge, Walworth County. The purpose of the conditional use permit will be for placing 1 to 120 shipping containers in a Light Industrial District. They will be used for storage and to be sold from this location.

Ulmer explained to the board members his plans are to rent some out and to resale some of the containers from this location. The property is 2.67 acres 43,560 sq. ft. so he has enough space. On the property he has a building that is 40'x60' 2,400 sq. ft. Each container is 8'x20' with 120 containers the total square footage that he will be using will be only 19,200 sq. ft., so they will all fit on an acre of land. He explained his diagrams that he submitted to the board of the placement that he will be working with. The containers will be sitting along all four property lines. He said that he wouldn't bring them all in at once. It will be a little at a time. The road that goes by there is one of the main roads to the sale barn and he feels it would be a good place to advertise them for sale to farmers and ranchers.

The board members were able to ask questions. O'Connell asked if these were going to be all new or used, because he doesn't want to see junk ones down there. Ulmer's response was that there will be some new and some used. They will all have a new coat of paint on them so they won't look junky. Peltier's asked if he going to make changes to the property to make sure things were safe and that there weren't any hazards. Ulmer's response was he doesn't plan on making any changes until he needs to. With the tire business being there the inventory is always moving. The containers will be tight together and on leveled ground. Cox asked if he was going to have them for rent, sale and delivery retail business? Ulmer's response was, yes to all above. He explained that it takes a special truck to move these containers and that they will deliver them to the customers. The customers won't be able to move themselves.

Motion to approve the Conditional Use Permit for property owner Dean Ulmer was made by Peltier, second by Wientjes and in favor three to two, motion carried. O'Connell, Centeno were no votes and Ford abstained.

### **Appeal Public Hearing:**

**Jack Shillingstad:** A request to review an appeal that has been submitted by Jack Shillingstad for the decision made by the Mobridge Zoning Officer. A building permit application submitted by Jack Shillingstad was denied for placing a mobile home located at 1507 ½ 4<sup>th</sup> Avenue East formally described as Lot 6E in Schmitz Subd. of tract 6 in resurvey of NE4 19-124-79. The reason for the denial is the mobile home doesn't conform to the permitted city zoning ordinance Appendix A; Modular Manufactured & Mobile Home Provisions and Standards.

Shillingstad explained to the board that the zoning officer Rawstern denied his building permit because of the Ordinance Under the Modular Manufactured & Mobile Home Provisions. The age of the mobile home cannot exceed ten years from manufactured date. She also informed me that there was no building permit on record at the city hall in 2018 for the mobile home to be on the property. When he submitted his building permit, he included in writing that the mobile home was manufactured in 2009 and was moved onto the property in April of 2018. At that time, it was nine years old and

met all the standards then. He asked the board to overturn the decision of the zoning officer so he can keep the mobile home and use it as his art studio. He plans to add a porch to the front and some landscaping around the mobile home so it blends in with the rest of the neighborhood.

Shillingstad felt that he was stuck in the middle of this mess because the mobile home was already on the property when he moved back to town. He was looking forward to setting up his art studio and thought the mobile home would be a perfect size and there wasn't a lot of work to be done to it, because it's really good condition. It sat right next to the house going east and west, then they moved it 50 feet from the house, turned it 90 degrees sitting it north and south. Now the mobile home has water, sewer and electricity all hooked up and skirting has been done. He had no clue that there wasn't a building permit ever done for it. He wants to correct the records for an error that was made.

Shillingstad had his brother Jay Shillingstad explain more on the events that happened back in 2018. When he moved the mobile home onto the property in 2018, he wasn't planning on leaving it on the property. So, he never got a building or moving permit and feels bad that his brother has to go through all this because of an over site on his part. The mobile home has sat by the house for the last four year and hasn't been a problem until now. He feels partially responsible for the error and said that he would pay the \$200 in fines for not getting a building permit in 2018.

Peltier did a recap of the information that was given to the board members by the Shillingstads' to clear some of the confusion of the history of the mobile home and the content of what was laid out for them in the packets. Peltier declaring this mobile home is now a permanent structure on the property in 2022 and the manufacturing date of the mobile home being 2009 it does not meet the requirements that are laid out in the zoning ordinances. Peltier asked if this was his residents? Shillingstad's response was no it is his art studio. At first, he was planning on it to be his residents but decided to stay in the big house to the south of it.

Chairman Ford asked if there was any another comments or concerns. Zoning Officer Rawstern said that she received two calls from citizens that had no problem with the mobile home being on the property and that there were no other comments via letter or email.

Motion to uphold the decision of the Zoning Officer to deny the building permit for property owner Jack Shillingstad was made by O'Connell, second by Peltier and in favor three to two, motion carried. Rossow, Wientjes were no votes and Ford abstained.

Having no further business, a motion to adjourn was requested by the Chairman Ford. Peltier made the motion to adjourn and O'Connell second, motion carried. Meeting adjourned at 6:56 pm.

*(The vote of the Planning and Zoning Board was 3-2 for Ulmer, the motion failed due to a lack of majority of the committee. Everyone on the board has to vote even the chairperson.*

*21.04 The concurring vote of three-fourths (3/4) of the full membership of the Planning and Zoning Commission shall be necessary to reverse any order, requirement, decision, or determination of any such administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation in this Ordinance.*

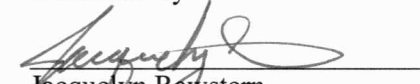
*Zoning Officer Rawstern made an error for not having the appeal notice for Shillingstad published in the newspaper, which made the motion made by the Planning and Zoning Board invalid.*

*With the errors that occurred at the meeting Mayor Cox and City Administrator Heather Beck have decided that they will give each of them the opportunity to go in front of the Planning and Zoning Board again at no cost to them.)*

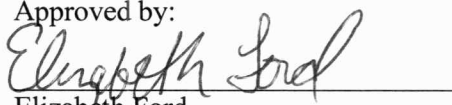
*Ulmer will have a re-hearing of his Conditional Use Request on Wednesday, April 5<sup>th</sup>, 2023 at 5:30pm at the City Hall.*

*Shillingstad had requested a meeting with Beck, Cox and Rawstern on March 6<sup>th</sup> to discuss options of his appeal. After the meeting was conducted and the discussion was made that he won't be going in front of the zoning board again and that he will be allowed to go in front of the city council on April 12<sup>th</sup>, 2023.*

Submitted by:

  
Jacquelyn Rawstern  
Zoning Officer

Approved by:

  
Elizabeth Ford  
Chairman – Planning & Zoning Commission