

**BOARD OF ADJUSTMENT**  
**July 18, 2017**

**CALL TO ORDER**

Chairman Bode called the meeting of the Davison County Board of Adjustment to order at 9:15 a.m. All members of the Board were present. Also present was Planning & Zoning Deputy Jenniges and Auditor Kiepke.

**APPROVE MINUTES**

Motion by Weitala, second by Reider, to approve the minutes of the May 23, 2017 meeting. All members voted aye. Motion carried.

**CONDITIONAL USES**

The Planning Commission recommended granting 4-0-3.

Motion by Claggett, second by Kiner, after consideration of Section 1507 B Conditional Uses, to approve a Conditional Use Permit to allow extraction of sand, gravel, or minerals provided such uses meet requirements for conducting surface mining activities of SDCL 45-6B in the Ag Res District, as requested by Schoenfelder Construction/Bollock Family. This request is pursuant to Section 607 (15) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the SW ¼, North of the Right of Way of Section 24, T 103 N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received June 21, 2017  
Daily Republic July 7, 2017  
Posted June 29, 2017  
Notified Applicant June 27, 2017  
Notified Abutting Property Owners June 27, 2017  
Consideration of 1507 B. Conditional Uses

Roll call vote:

Reider - aye, Weitala – aye, Kiner – aye, Claggett – aye, Bode – aye. Motion carried.

The Planning Commission recommended granting 4-0-3.

Motion by Reider, second by Kiner, after consideration of Section 1507 B Conditional Uses, to approve a Conditional Use Permit to allow extraction of sand, gravel, or minerals provided such uses meet requirements for conducting surface mining activities of SDCL 45-6B in the Ag Res District, as requested by Commercial Asphalt with the condition of an acceptable road maintenance agreements between Commercial Asphalt and Badger Township for 404<sup>th</sup> Ave. and **Commercial** Asphalt and Davison County for 250<sup>th</sup> Street. This request is pursuant to Section 507 (14) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the NE ¼, EX Lot 1 of Bussmus Farms Addition of Section 34, T 104 N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received June 14, 2017

Daily Republic July 7, 2017  
Posted June 29, 2017  
Notified Applicant June 27, 2017  
Notified Abutting Property Owners June 27, 2017  
Consideration of 1507 B. Conditional Uses

Roll call vote:

Weitala - aye, Reider – aye, Kiner – aye, Claggett – aye, Bode – aye. Motion carried.

## **VARIANCES**

The Planning Commission recommended denying 4-0-3 a variance for side yard setback +/- 40' (ft), resulting in a setback of +/- 10' (ft) from the property line, where the side yard setback is 50' (ft) in the AG District.

Motion by Claggett, second by Kiner, after consideration of Section 1507 C Variances, to grant a variance for side yard setback of +/- 10' (ft), resulting in a setback of +/- 40' (ft) from the property line, where the side yard setback requirement is 50' (ft) in the AG District, as requested by Kevin Allum with the condition the shed is 50' (ft) from the south property line and the shed be no bigger than 22' (ft) x 60' (ft). This request is pursuant to Section 515 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the N300' (ft) x W435.6' (ft) EX H-1 & S-1 in the NW ¼ of Section 22, T104 N, R 62 W, of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received June 16, 2017  
Daily Republic July 7, 2017  
Posted June 29, 2017  
Notified Applicant June 27, 2017  
Notified Abutting Property Owners June 27, 2017  
Consideration of 1507 C. Variances

Roll call vote:

Claggett – aye, Weitala – aye, Kiner – aye, Reider – aye, Bode - aye. Motion carried.

The Planning Commission recommended granting 4-0-3.

Motion by Weitala, second by Claggett, after consideration of Section 1507 C Variances, to grant a variance for side yard setback of +/- 42' (ft), resulting in a setback of +/- 8' (ft) from the property line, where the side yard setback requirement is 50' (ft) in the AG District, as requested by Delmar Mueller. This request is pursuant to Section 515 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the NW ¼ of the NW ¼ EX area beginning at a point 965' (ft) south of the NW Corner thence 200' (ft) east then 200' (ft) south then 200' (ft) west then 200' north to beginning & EX E820' (ft) of 804' (ft) of Section 09, T101 N, R 60 W, of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received June 26, 2017  
Daily Republic July 7, 2017  
Posted June 29, 2017

Notified Applicant June 27, 2017  
Notified Abutting Property Owners June 27, 2017  
Consideration of 1507 C. Variances

Roll call vote:

Kiner – aye, Weitala – aye, Reider – aye, Claggett – aye, Bode - aye. Motion carried.

**ADJOURN**

At 9:52 a.m., motion by Reider, second by Claggett to adjourn Board of Adjustment. All members voted aye. Motion carried.

**ATTEST**

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Susan Kiepke, Auditor

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Brenda Bode, Chairman