

BOARD OF ADJUSTMENT
January 22, 2013

CALL TO ORDER

Chairman Claggett called the meeting of the Davison County Board of Adjustment to order at 11:00 a.m. All members of the Board were present. Also present were Planning & Zoning Administrator Sudrla and Deputy Auditor Wermers.

APPROVE MINUTES

Motion by Kiner, second by Weitala, to approve the minutes of the December 11, 2012 meeting. All members voted aye. Motion carried.

VARIANCE

The Planning Commission recommended granting 6-0-1.

Motion by Weiss, second by Reider, after consideration of Section 1507 C Variances, to grant a variance in lot size to separate the residence from the agricultural land with a new 10.00 acre lot, as requested by Mary K Puetz, with the condition of an ag covenant. This request is pursuant to Section 616.1 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lots 4 & 5 N of RR & NW ¼ of the NE ¼ Ex that portion of Lot A of Georgella Place 1st Addition lying within Section 24, T 103 N, R 60 W, Mitchell Township, Davison County, South Dakota.

Application received December 19, 2012
Daily Republic January 11, 2013
Posted December 28, 2012
Notified Applicant December 28, 2012
Consideration of 1507 C. Variances

Roll call vote:

Reider - aye, Weiss - aye, Kiner - aye, Weitala - aye, Claggett - aye. Motion carried.

ADJOURN

At 11:11 a.m., motion by Weiss, second by Weitala to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST

Susan Kiepkke, Auditor

John Claggett, Chairman

BOARD OF ADJUSTMENT
March 19, 2013

CALL TO ORDER

Chairman Claggett called the meeting of the Davison County Board of Adjustment to order at 11:00 a.m. All members of the Board were present. Also present were Planning & Zoning Administrator Sudrla and Auditor Kiepke.

APPROVE MINUTES

Motion by Kiner, second by Weitala, to approve the minutes of the January 22, 2013 meeting. All members voted aye. Motion carried.

CONDITIONAL USE

The Planning Commission recommended granting the temporary conditional Use without any specified conditions.

Motion by Weiss, second by Kiner, after consideration of Section 1507 B Conditional Uses, to grant a temporary conditional use for a salvage yard-recycling center to recycle concrete for the reconstruction of I-90, as requested by Loiseau Construction. This request is pursuant to Sections 507.30 and 507.31 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as a portion of SW ¼ of Section 25, T 103 N, R 62 W, Mt. Vernon Township, Davison County, South Dakota.

Application received February 14, 2013
Letter of Service to Owners February 21, 2013
Daily Republic March 8, 2013
Posted February 22, 2013
Notified Applicant February 21, 2013
Notified Abutting Property Owners February 21, 2013
Consideration of 1507 B. Conditional Uses

Roll call vote:

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

ADJOURN

At 11:12 a.m., motion by Weitala, second by Weiss to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST

Susan Kiepke, Auditor

John Claggett, Chairman

BOARD OF ADJUSTMENT
April 16, 2013

CALL TO ORDER

Chairman Claggett called the meeting of the Davison County Board of Adjustment to order at 11:00 a.m. All members of the Board were present. Also present were Planning & Zoning Administrators Sudrla and Bathke, Administrative Assistant Punt and Auditor Kiepke.

APPROVE MINUTES

Motion by Weitala, second by Reider, to approve the minutes of the March 19, 2013 meeting. All members voted aye. Motion carried.

CONDITIONAL USE

The Planning Commission recommended granting 7-0.

Motion by Reider, second by Weiss, after consideration of Section 1507 B Conditional Uses, to grant a conditional use for firearm sales, as requested by Pred LLC DBA Rooster Roost Ranch. This request is pursuant to Section 509 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. This will be at the Rooster Roost Ranch site to enable shipping and receiving firearms. The property is legally described as the SE ½ of SE ¼ of Section 6, T 102 N, R 60 W, Prosper Township, Davison County, South Dakota.

Application received February 25, 2013
Daily Republic April 5, 2013
Posted April 4, 2013
Notified Applicant March 22, 2013
Notified Abutting Property Owners March 22, 2013
Consideration of 1507 B. Conditional Uses

Roll call vote:

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

CONDITIONAL USE

The Planning Commission recommended granting 7-0.

Motion by Weiss, second by Weitala, after consideration of Section 1507 B Conditional Uses, to grant a conditional use to expand an animal feeding operation from 460 animal units to 940 animal units, as requested by Jason Moke, with the condition of compliance with Section 518 of the Davison County Zoning Ordinance. This request is pursuant to Sections 507.3 and 518 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The expansion will surpass the 500 animal units that require a conditional use. The property is legally described as the E ½ of the NE ¼ of Section 14, T 101 N, R 61 W, Tobin Township, Davison County, South Dakota.

Application received February 28, 2013
Daily Republic April 5, 2013
Posted April 8, 2013
Notified Applicant March 22, 2013
Notified Abutting Property Owners March 22, 2013
Consideration of 1507 B. Conditional Uses

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting 7-0.

Motion by Kiner, second by Weiss, after consideration of Section 1507 C Variances, to grant a variance of 195' (ft) to the east ROW line, as requested by Jason Moke. This request is pursuant to Section 518.3 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The required 300' (ft) will not be provided. The property is legally described as the E ½ of the NE ¼ of Section 14, T101 N, R 61 W, Tobin Township, Davison County, South Dakota.

Application received February 28, 2013
Daily Republic April 5, 2013
Posted April 8, 2013
Notified Applicant March 22, 2013
Consideration of 1507 C. Variances

Roll call vote:

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

CONDITIONAL USE

The Planning Commission recommended granting 6-0-1 abstained.

Motion by Weiss, second by Reider, after consideration of Section 1507 B Conditional Uses, to grant a conditional use to expand their swine finishing operation from 960 animal units to 1920 animal units, as requested by Brad and Peg Greenway, with the condition of compliance with Section 517 of the Davison County Zoning Ordinance. This request is pursuant to Section 507.3 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the N 813' (ft) of the W 806' (ft) of the NW ¼ of the NW ¼ of Section 8, T 103 N, R 61 W, Beulah Township, Davison County, South Dakota.

Application received March 14, 2013
Daily Republic April 5, 2013
Posted April 8, 2013
Notified Applicant March 22, 2013
Notified Abutting Property Owners March 22, 2013

Consideration of 1507 B. Conditional Uses

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting 6-0-1 abstained.

Motion by Weiss, second by Kiner, after consideration of Section 1507 C Variances, to grant a variance of 175' (ft) to the east property line to expand their feeding operation by constructing a second finishing barn, as requested by Brad and Peg Greenway. This request is pursuant to Section 517.3h of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The required set back of 300' (ft) from a property delineating change of ownership will not be provided. The property is legally described as the N813' (ft) of the W 806' (ft) of the NW ¼ of the NW ¼ of Section 8, T103 N, R 61 W, Beulah Township, Davison County, South Dakota.

Application received March 14, 2013

Daily Republic April 5, 2013

Posted April 8, 2013

Notified Applicant March 22, 2013

Consideration of 1507 C. Variances

Roll call vote:

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

ADJOURN

At 11:31 a.m., motion by Weitala, second by Weiss to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST

Susan Kiepke, Auditor

John Claggett, Chairman

BOARD OF ADJUSTMENT
June 18, 2013

CALL TO ORDER

Chairman Claggett called the meeting of the Davison County Board of Adjustment to order at 9:30 a.m. Members of the Board present were Claggett, Weitala, Weiss, Kiner and Reider. Also present were Planning & Zoning Administrator Sudria and Bathke and Deputy Auditor Wermers.

APPROVE MINUTES

Motion by Kiner, second by Weiss, to approve the minutes of the May 21, 2013 meeting. All members voted aye. Motion carried.

VARIANCE

The Planning Commission recommended granting 7-0 subject to platting and condition of an ag covenant.

Motion by Weiss, second by Weitala, after consideration of Section 1507 C, to grant a variance of 22.2 acres to create a lot size of +/-2.8 acres, as requested by Paul Wilson, Personal Representative for the deceased Everett Wilson. This request is pursuant to Section 616 (1) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The minimum lot requirement of 25 acres will not be met. The property is legally described as NE ¼ of SEC 25, T 103 N, R 61 W, Ex Lot 1-8 Ex 4-1 & Ex H-1 & Ex the S 60' (ft) of N 393' (ft) of E 468.6' (ft), Beulah Township, Davison County, South Dakota.

Application received May 10, 2013
Daily Republic June 7, 2013
Posted June 6, 2013
Notified Applicant May 24, 2013
Consideration of 1507 C. Variances

Roll call vote:

Weitala - aye, Weiss - aye, Kiner - aye, Claggett - aye, Reider - aye. Motion carried.

CONDITIONAL USE

The Planning Commission recommended granting 7-0.

Motion by Kiner, second by Weitala, after consideration of Section 1507 B, to grant a conditional use permit for a manufactured home, as requested by Jon Pietz. This request is pursuant to Section 607 (24) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. A manufactured home is not a permitted principal use or structure in the Agricultural-Residential District (AR). The property is legally described as Tract

A of Spruce Acres if the SE ¼ of Sec 35, T 103 N, R 60 W, Mitchell Township, Davison County, South Dakota.

Application received May 15, 2013
Daily Republic June 7, 2013
Posted June 6, 2013
Notified Applicant May 24, 2013
Consideration of 1507 B. Conditional Uses

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting 7-0

Motion by Weiss, second by Weitala, after consideration of Section 1507 C, to grant a variance of 40' (ft) from the East property line and 40' (ft) from the South property line to construct a garage, as requested by James and Karen Higgs. This request is pursuant to Section 515 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The minimum setback for both is not less than 50' (ft). The property is legally described as Tract A in irregular tract NO. 16 of the NE ¼ of the SW ¼ of Section 22, T 103 N, R 62 W of the 5th P.M., Mt. Vernon Township, Davison County, South Dakota.

Application received May 9, 2013
Daily Republic June 7, 2013
Posted May 24, 2013
Notified Applicant May 24, 2013
Consideration of 1507 C. Variances

ADJOURN

At 9:51 a.m., motion by Weiss, second by Reider to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST

Sue Wermers, Deputy Auditor

John Claggett, Chairman

BOARD OF ADJUSTMENT
August 13, 2013

CALL TO ORDER

Chairman Claggett called the meeting of the Davison County Board of Adjustment to order at 9:30 a.m. Members of the Board present were Claggett, Kiner and Weitala. Absent Weiss and Reider. Also present were Planning & Zoning Administrator Bathke and Auditor Kiepke.

APPROVE MINUTES

Motion by Kiner, second by Weitala, to approve the minutes of the June 18, 2013 meeting. All members present voted aye. Motion carried.

CONDITIONAL USE

The Planning Commission recommended granting 6-0-1.

Motion by Kiner, second by Weitala, after consideration of Section 1507 B Conditional Uses, to grant a conditional use permit for an equipment storage building, as requested by Dan Mohr. This request is pursuant to Section 609 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. An equipment storage building is not a permitted conditional use, principal use or an accessory use in the Agricultural-Residential District (AR). The property is legally described as Tract 2 of Witzel Tract of the SW ¼ of Section 10, T 104 N, R 60 W, Perry Township, Davison County, South Dakota.

Application received July 1, 2013
Daily Republic August 2, 2013
Posted July 26, 2013
Notified Applicant July 26, 2013
Letter of Service April 26, 2013
Notified Abutting Property Owners July 26, 2013
Consideration of 1507 B. Conditional Uses

Roll call vote:

Weitala – aye, Kiner - aye, Reider – absent, Weiss – absent, Claggett - aye. Motion carried.

VARIANCE

The Planning Commission recommended granting 5-1-1.

Motion by Kiner, second by Weitala, after consideration of Section 1507 C Variances, to grant a variance of 9 acres to create a lot size of +/- 16 acres, as requested by Jeffrey D. and Sherri L. Hanson. This request is pursuant to Section 513 (1) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The minimum lot requirement is 25 acres. The property is legally described as Dean's Tract 1 in the NW ¼ of Section 28, T104 N, R 62 W, Blendon Township, Davison County, South Dakota.

Application received July 17, 2013
Daily Republic August 2, 2013

Posted July 26, 2013
Notified Applicant July 26, 2013
Notified Abutting Property Owners July 26, 2013
Consideration of 1507 C. Variances

Roll call vote:

Kiner – aye, Weitala – aye, Reider – absent, Weiss – absent, Claggett - aye. Motion carried.

NUISANCE COMPLAINT

Planning & Zoning Administrator Bathke presented a nuisance complaint to the Board explaining that it needed to be dealt with the Board of Adjustment rather than the Board of Commissioners.

Bathke reported that he had inspected several properties in the area of the complaint which was in the 1600 and 1700 blocks of West 3rd, 4th, 5th and 6th.

The findings he felt were in violation of the Davison County Zoning Ordinance are as follows.

In the 1600 block of West 3rd Ave., parcel #06450-03000-010-00 owned by Darwin & Dorothy Tiede and parcel #06450-03000-009-00 owned by Crystal Magstadt, are filled with junk and old machinery, which has the potential to have skunks, rats and other animals living it it.

In the North/South alley between 4th and 5th Aves., parcel #06450-02700-008-00 owned by Melvin & Karen Pooley there are several bee hives placed in the right of way.

Just to the North of the beehives, parcel #06450-02700-006-00 owned by Michael & Michelle Robertson, is a lot with several vehicles which appear to be unlicensed and inoperable.

In the 1700 block of West 4th Ave. on the South side of the street, parcel #06450-03100-001-00 owned by Nathan Hess, there is a residence with a very large wood pile in the front yard, which has the potential for skunks, rats and other animals.

Motion by Kiner, second by Weitala to authorize Planning & Zoning Administrator Bathke to send letters to the individuals in alleged violation of the ordinance and to continue with necessary procedures to resolve the matter. All members present voted aye. Motion carried.

ADJOURN

At 10:15 a.m., motion by Weitala, second by Kiner to adjourn Board of Adjustment. All members present voted aye. Motion carried.

ATTEST

Susan Kiepke, Auditor

John Claggett, Chairman

BOARD OF ADJUSTMENT
October 15, 2013

CALL TO ORDER

Chairman Claggett called the meeting of the Davison County Board of Adjustment to order at 9:34 a.m. All members of the Board were present. Also present was Planning & Zoning Administrator Bathke and Auditor Kiepke.

APPROVE MINUTES

Motion by Kiner, second by Reider, to approve the minutes of the August 13, 2013 meeting. All members voted aye. Motion carried.

CONDITIONAL USE

The Planning Commission recommended granting 4-0-3 a conditional use for saw sharpening services under Section 1403 A – Conditional Use, with the stipulations that the sign would be no larger than 4' x 8' and there would be work done to clean up the yard.

Motion by Weiss, second by Weitala, after consideration of Section 1507 B Conditional Uses, to grant a conditional use for a saw sharpening service, as requested by Jay Christensen with the above stipulations. A repair shop requires a conditional use in the Agricultural-Residential District (AR). This request is pursuant to Section 607 (31) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot 8 of the Mahoney Sub of the NE ¼ of Section 3, T 102 N, R 60 W, Prosper Township, Davison County, South Dakota.

Application received August 26, 2013
Daily Republic October 4, 2013
Posted September 16, 2013
Notified Applicant September 20, 2013
Notified Abutting Property Owners September 20, 2013
Consideration of 1507 B. Conditional Uses

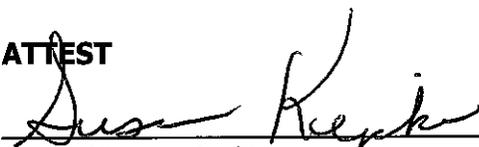
Roll call vote:

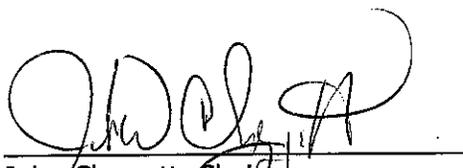
Reider – aye, Weitala - aye, Kiner – aye, Weiss – aye, Claggett - aye. Motion carried.

ADJOURN

At 9:40 a.m., motion by Weiss, second by Reider to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST


Susan Kiepke, Auditor


John Claggett, Chairman

BOARD OF ADJUSTMENT
November 12, 2013

CALL TO ORDER

Chairman Claggett called the meeting of the Davison County Board of Adjustment to order at 9:30 a.m. Members of the Board present were Claggett, Weiss, Kiner and Weitala. Absent Reider. Also present was Planning & Zoning Administrator Bathke and Auditor Kiepke.

APPROVE MINUTES

Motion by Weitala, second by Weiss, to approve the minutes of the October 15, 2013 meeting. All members present voted aye. Motion carried.

VARIANCE

The Planning Commission recommended granting a variance 7-0-0 to construct two grain bins 65 feet from the West property line under Section 1403 B - Variances.

Motion by Weiss, second by Weitala, after consideration of Section 1507 C Variances, to grant a variance to construct two grain bins 65 feet from the West property line, as requested by Todd Maeschen. This request is pursuant to Section 515 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The minimum setback from all public right-of-ways is not less than 75 feet in the Agriculture District. The property is legally described as the NW ¼ of Section 22, T101 N, R 61 W, Tobin Township, Davison County, South Dakota.

Application received September 18, 2013
Daily Republic November 1, 2013
Posted October 25, 2013
Notified Applicant October 25, 2013
Notified Abutting Property Owners October 25, 2013
Consideration of 1507 C. Variances

Roll call vote:

Weitala – aye, Kiner – aye, Weiss – aye, Claggett – aye, Reider - absent. Motion carried.

VARIANCE

The Planning Commission recommended denying a 60' variance 7-0-0 from the South property line. However the Planning Commission recommended granting a variance 7-0-0 to construct a garage 65 feet from the South property line under Section 1403 B – Variances, which would be even with the South side of the existing house.

Motion by Weiss, second by Kiner, after consideration of Section 1507 C Variances, to grant a variance to construct a garage 65 feet from the South property line, as per the recommendation of the Planning Commission for Shirley Bowman. This request is pursuant to Section 515 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The

minimum setback from all public right-of-ways is not less than 75 feet in the Agriculture District. The property is legally described as the Lot A Less H-1 in the SE ¼ of Section 17, T104 N, R 60 W, Perry Township, Davison County, South Dakota.

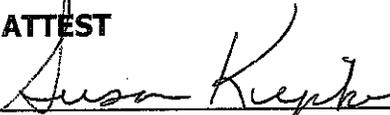
Application received October 21, 2013
Daily Republic November 1, 2013
Posted October 25, 2013
Notified Applicant October 25, 2013
Notified Abutting Property Owners October 25, 2013
Consideration of 1507 C. Variances

Roll call vote:
Kiner – aye, Weitala – aye, Weiss – aye, Claggett - aye, Reider - absent. Motion carried.

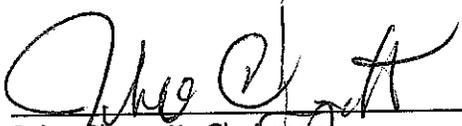
ADJOURN

At 9:40 a.m., motion by Weitala, second by Kiner to adjourn Board of Adjustment. All members present voted aye. Motion carried.

ATTEST



Susan Kiepke, Auditor



John Claggett, Chairman