

BOARD OF ADJUSTMENT
February 13, 2018

CALL TO ORDER

Chairwoman 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 Administrator Bathke, Deputy Jenniges and Auditor Kiepke.

APPROVE MINUTES

Motion by Claggett, second by Weitala, to approve the minutes of the January 9, 2018 meeting. All members voted aye. Motion carried.

VARIANCE

The Planning Commission recommended granting 5-0-2.

Motion by Claggett, second by Weitala, after consideration of Section 1206 B Variances, to grant a variance for a side yard setback of +/- 40' (ft) resulting in a setback of +/- 10' (ft) from the property line, where the side yard setback requirement is 50' (ft) in the AG District, as requested by Derek Mueller. This request is pursuant to Section 308 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot A of Tilbergs 1st Addn. in the NE ¼ of Section 8, T 101 N, R 60 W, of the 5th P.M., Davison County, South Dakota.

Application received December 21, 2017
Daily Republic February 1, 2018
Posted January 26, 2018
Notified Applicant January 23, 2018
Notified Abutting Property Owners January 23, 2018
Consideration of 1206 B. Variances

Roll call vote:

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

CONDITIONAL USES

The Planning Commission recommended granting 3-1-1 and 2 abstaining, with the following conditions:

1. Comply with all state and federal regulations.
2. Comply with all sections of the Davison County Zoning Ordinance.
3. Have a nutrient management plan in place.
4. Have a written plan for the site to address cleanup and disposal of the structures when the economic life of the building has expired. The life of the building shall be considered expired if no animals occupy the building in a 12-month period.
5. All manure shall be injected.

William Neugebauer, an adjacent land owner stated that flooding is a concern for him. He stated that Nick Varuska has pictures of flooding the same field in the Spring of 2016.

Chad Neugebauer said he lives NE of the field and the NE corner floods.

Chris DeRocher stated the facility will be raised 4' (ft) and everything is sloped away. He said the contract with Sunterra is for 12 years. They will do chores, keep pigs healthy and insure cleanliness.

Austin Luebke owns the land the barn will be built on. He said the purpose of the project is to get better costs, better nutrient values and better economic values.

Paul Kostboth stated they provide services for producers and landowners. They do odor monitoring/modeling. This facility has been deemed 98% nuisance free, while the standard is 91%. He further stated the building is not going to add water to fields or ditches. He also said the nutrient management plan is being reviewed by DNER.

Chris DeRocher said anything he can do to help drainage he will as it is just as important to him so that he can get into his barn.

Motion by Claggett, second by Reider, after consideration of Section 1206 A Conditional Uses, to approve a Conditional Use Permit for a concentrated animal feeding operation in the Ag District with conditions stated by the Planning and Zoning Board, as requested by Chris DeRocher. This request is pursuant to Section 304 (10) and Section 309 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as a Survey Plat of DeRocher Tract 1 in the SE ¼ of the NE ¼ of Section 33, T 101 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received January 2, 2018
Daily Republic February 1, 2018
Posted January 26, 2018
Notified Applicant January 23, 2018
Notified Abutting Property Owners January 23, 2018
Consideration of 1206 A. Conditional Uses

Roll call vote:

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

The Planning Commission recommended granting 5-0-2.

Motion by Claggett, second by Kiner, after consideration of Section 1206 A Conditional Uses, to approve a Conditional Use Permit for an asphalt paving business in the Ag District, as requested by Dan Mohr (d.b.a. Proseal Inc.). This request is pursuant to Section 405 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Tract 2 of Witzel Tract in the SW ¼ of Section 10, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota and Witzel Tract 1 of prev platted Lot 3B in the SW ¼ of the SW ¼ of Section 10, T 104 N, R 60 W of the 5th P.M. Davison County, South Dakota.

Application received January 12, 2018

Daily Republic February 1, 2018
Posted January 26, 2018
Notified Applicant January 23, 2018
Notified Abutting Property Owners January 23, 2018
Consideration of 1206 A. Conditional Uses

Roll call vote:

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

The Planning Commission recommended granting 5-0-2.

Motion by Weitala, second by Claggett, after consideration of Section 1206 A Conditional Uses, to approve a Conditional Use Permit for a commercial trucking terminal in the Ag Residential District with the condition that only the following businesses can operate there: Petrik Sanitation, Frito Lay, and American Ice; as requested by Petrik Sanitation. This request is pursuant to Section 404 (9) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot K of @ & L Addn in the NW ¼ of Section 25, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received January 17, 2018
Daily Republic February 1, 2018
Posted January 26, 2018
Notified Applicant January 23, 2018
Notified Abutting Property Owners January 23, 2018
Consideration of 1206 A. Conditional Uses

Roll call vote:

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

ADJOURN

At 10:36 a.m., motion by Kiner, second by Claggett to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST

Susan Kiepke, Auditor

Brenda Bode, Chairwoman