

BOARD OF ADJUSTMENT
March 13, 2018

CALL TO ORDER

Vice-Chairperson Weitala 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 Kiner, second by Claggett, to approve the minutes of the February 13, 2018 meeting. All members voted aye. Motion carried.

VARIANCES

The Planning Commission recommended granting 6-0-1 with the following conditions:

1. Leave cattails or other vegetation in the flood plain in the Northeast corner.
2. Only non-resident structures may be built in the buffer zone (east 150') of Lot 11, Block 1 and Lot 11, Block 2

Motion by Reider, second by Bode, after consideration of Section 1206 B Variances, to grant a variance in minimum lot size, to create a development of lots of various sizes ranging from 1 to 1.51 acres, where the minimum lot size requirement is 25 acres in the AG Residential District, with conditions recommended by Planning Commission as well as mandating a Homeowners Association, as requested by Lonnie Bollock. This request is pursuant to Section 407 and 409 (5) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as Lots 1 through 11, Block 1 and Lots 1 through 11, Block 2 of Powderhorn Subdivision in the SW ¼ of Section 24, T 103 N, R 61 W, of the 5th P.M., Davison County, South Dakota.

Application received February 16, 2018
Daily Republic March 3, 2018
Posted February 23, 2018
Notified Applicant February 22, 2018
Notified Abutting Property Owners February 22, 2018
Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 6-0-1 with the following conditions:

Motion by Kiner, second by Claggett, after consideration of Section 1206 B Variances, to grant a variance for front yard setback of +/- 25` (ft), resulting in a setback of +/- 50' (ft) from the right of way, where the front yard setback requirement is 75' (ft) in the AG District, as requested by Thomas & Tina Suhr. 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 the SE ¼ of Section 33, T 101 N, R 60 W, of the 5th P.M., Davison County, South Dakota.

Application received February 15, 2018
Daily Republic March 3, 2018
Posted February 23, 2018
Notified Applicant February 22, 2018
Notified Abutting Property Owners February 22, 2018
Consideration of 1206 B. Variances

Roll call vote:

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

CONDITIONAL USE

The Planning Commission recommended granting 6-0-1 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.
6. Road maintenance agreement with the township.

Motion by Bode, second by Kiner, after consideration of Section 1206 A Conditional Uses, to grant 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 Tim Neugebauer. 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 the NW ¼ of Section 36, T 101 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received February 9, 2018
Daily Republic March 3, 2018
Posted February 23, 2018
Notified Applicant February 22, 2018
Notified Abutting Property Owners February 22, 2018
Consideration of 1206 A. Conditional Uses

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting 6-0-1.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance for front yard setback of +/- 150' (ft) for a concentrated animal feeding operation resulting in a front yard setback of +/- 150' (ft) from the right of way for a concentrated animal feeding operation where the required setback is 300' (ft) in the AG District, as requested by Tim Neugebauer. This request is pursuant to Section 309 (3f) 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 Section 36, T 101 N, R 61 W, of the 5th P.M., Davison County, South Dakota.

Application received February 9, 2018
Daily Republic March 3, 2018
Posted February 23, 2018
Notified Applicant February 22, 2018
Notified Abutting Property Owners February 22, 2018
Consideration of 1206 B. Variances

Roll call vote:

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

CONDITIONAL USE

The Planning Commission recommended granting 5-0-1 with 1 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.
6. Road maintenance agreement with the township.

Motion by Bode, second by Claggett, after consideration of Section 1206 A Conditional Uses, to grant 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 Tim Neugebauer and 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 is legally described as the E ½ of the NE ¼ and the NW ¼ of the NE ¼ all in Section 36, T 102 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received February 15, 2018
Daily Republic March 3, 2018
Posted February 23, 2018
Notified Applicant February 22, 2018
Notified Abutting Property Owners February 22, 2018
Consideration of 1206 A. Conditional Uses

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting 5-0-1 with 1 abstaining.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance for front yard setback of +/- 150' (ft) for a concentrated animal feeding operation resulting in a front yard setback of +/- 150' (ft) from the right of way for a concentrated animal feeding operation where the required setback is 300' (ft) in the AG District, as requested by Tim Neugebauer and Chris DeRocher. This request is pursuant to Section 309 (3f) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the, E 1/2 of the NE 1/4 and the NW 1/4 of the NE 1/4 all in Section 36, T 102 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received February 15, 2018
Daily Republic March 3, 2018
Posted February 23, 2018
Notified Applicant February 22, 2018
Notified Abutting Property Owners February 22, 2018
Consideration of 1206 B. Variances

Roll call vote:

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

ADJOURN

At 9:47 a.m., motion by Reider, second by Bode to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST

Susan Kiepke, Auditor

Kim Weitala, Vice-Chairperson