

Davison County Planning & Zoning and Emergency Management

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PLANNING COMMISSION MINUTES

September 6, 2016

- Chairman Haines called the meeting to order at 7:02 P.M.
- Roll Call
 - Present: Bruce Haines, Gary Stadlman, Steve Thiesse, Lewis Bainbridge, Brenda Bode, Jeff Bathke, Mark Jenniges.
 - Absent: None: Charles Storm, Kim Weitala.
 - Guests: Jerry Constant, Pat Kiner, Jeannette & Arden Lemke, Nick Lemke, Tom Case, Larry L. Olson, Orville Steveson, Marge Mathers, Brian Mueller, Paul Stevenson, Jerry Bucholz.
- Approve the agenda.
 - Motion by Lewis Bainbridge, seconded by Steve Thiesse, to approve the agenda. All members voted aye, motion carried.
- Approve the July 5, 2016 Minutes.
 - Motion by Gary Stadlman, seconded by Steve Thiesse, to approve the July 5, 2016 minutes. All members voted aye, motion carried.
- That Tom Case has appealed to the Davison County Planning Commission to recommend granting a variance in side yard setback of +/- 40 feet to create a side yard setback of +/- 10 feet on the north property line and a rear yard setback of +/- 40 feet to create a rear yard setback of +/- 10 feet on the east property line. The minimum setback is 50 feet in the Agriculture District.
 - 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 S 264' x W 247.5' of the SW 1/4 of Section 8, T 104N, R 60 W of the 5th P.M., Davison County, South Dakota.
 - Administrator Jenniges gave an explanation of the application, required notifications, and the GIS view. No phone calls or comments were received from neighbors.
 - The applicant was present to answer questions. Discussion included that he is requesting the variance in set-backs due to small lot size and also an underground water line going through his land and not allowing him to build in certain areas. It is unknown the size of the waterline or if there is an easement associated to it. Planning and Zoning will find out before BOA. Mr. Case is willing to turn his building 90 degrees if there is an easement there.
 - After consideration of 1403- B Variance, motion by Lewis Bainbridge, seconded by Brenda Bode, to recommend approval of the Variance to the Board of Adjustment with the understanding if there is an easement for the waterline he will have to change his footprint. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – absent,
Bainbridge – aye, Bode – aye, Weitala – absent, motion carried.

- That Brian Mueller has appealed to the Davison County Planning Commission to recommend granting a variance in minimum lot size of +/- 19.98 acres resulting in a lot size of +/- 5.02 acres. The minimum in the Ag District is 25 acres.
 - This request is pursuant to Section 513 (4) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. Upon platting, the property will be legally described as Plat of Tract A of Brian's Addition, in the SW 1/4 of the NW 1/4 of Section 3, T 101N, R 62 W of the 5th P.M., Davison County, South Dakota.
 - Deputy Administrator Jenniges gave an explanation of the application, required notifications, and the GIS view. There were no responses from those notified.
 - The applicant was present to answer questions. Discussion included he will be living just down the road from the family farm. Bode expressed concern about future plans with it only being a 5 acre lot for farming, just to have discussions early with family about long term plans. Happy to see young farmers staying in the area and working for/with family.
 - After consideration of 1403- B Variance, motion by Gary Stadlman, seconded by Steve Thiesse, to recommend approval of the Variance with an Ag Covent to the Board of Adjustment. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – absent,
Bainbridge – aye, Bode – aye, Weitala – absent, motion carried.
- Approve a Plat of Plat of Tract A of Brian's Addition, in the SW 1/4 of the NW 1/4 of Section 3, T 101N, R 62 W of the 5th P.M., Davison County, South Dakota; at the request of Brian Mueller.
 - Deputy Administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. Discussion for this was included with the variance.
 - Motion by Brenda Bode, seconded by Lewis Bainbridge, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – absent,
Bainbridge – aye, Bode – aye, Weitala – absent, motion carried.
- That Marge Mathers has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit to install an off-site sign in the Ag District.
 - This request is in pursuant to Section 507 (24) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as IT 1, EX HI in the SE 1/4 of Section 16, T 103 N, R 62 W of the 5th P.M. Davison County, South Dakota.
 - Deputy Administrator Jenniges gave an explanation of the application, required notifications, and the GIS view. There were no responses from those notified.
 - The applicant was present to answer questions. Discussion included it will be a two sided sign with no lights on it. It is a busy intersection especially with the school. Marge is willing to work with Planning and Zoning when it comes time to set the sign and willing to go a little further west on her property or even up higher than originally thought of to increase safety at the intersection to the south.

- After consideration of the 1403-A Conditional Uses, a motion by Steve Thiesse, seconded by Lewis Bainbridge, to recommend approval of the Conditional Use Permit to the Board of Adjustment. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – absent,
Bainbridge – aye, Bode – aye, Weitala – absent, motion carried.
- That Jeannette Lemke has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit for a dwelling unit in the Rural Commercial District.
 - This request is in pursuant to Section 1109 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as West 372' of the SW 1/4 EX Lot H-1 & the West 372' of Lot W & EX Lot 1 of Lemke Addn of Section 27, T 103 N, R 61 W of the 5th P.M. Davison County, South Dakota.
 - Deputy Administrator Jenniges gave an explanation of the application, required notifications, and the GIS view. Jerry Constant stopped by the office to discuss the Conditional Use Permit, he is against it. Said he would be at the meeting to voice his concerns.
 - The applicant was present to answer questions. Discussion included the history of past meetings and events for this property. Dean Dorn put a living quarters in it when he first built the shop. The commission is there to focus and the current Conditional Use Permit application and not the past. There is nothing they can do about the civil issues between neighbors.
 - Jeannette Lemke didn't know they needed a Conditional Use Permit to have someone living there. They like having someone living there for security purposes of their property and business and also to keep the rodents away. Their son Nick lived in it back in 2009 and believe if he wasn't living there when a fire started the whole building would have been lost. Larry Olsen spoke on behalf of his father and he has no problem with it, likes the fact someone is living there for security reasons as well. Paul Stevenson is for someone living there, stated he has helped the current taenite fix flats and other automobile issues from interstate traffic. Agrees it's a good security measure for the Lemke's.
 - Lawyer Pat Kiner spoke on behalf of Jerry Constant that he is against the Conditional Use Permit. It doesn't qualify under the counties zoning ordinance and is hurting his business. Jerry Constant spoke for himself also listing the issues that he has had with the renter, which is considered civil and the zoning board has no authority over.
 - Thiesse understands a business owner is trying to safe guard their business. Bainbridge sees both sides of it. Bode knows the past as she sat on the previous boards that heard this, but this is different and the conflict between the landowners/taenite is not what the board is for.
 - After consideration of the 1403-A Conditional Uses, a motion by Steve Thiesse, seconded by Lewis Bainbridge, to recommend approval of the Conditional Use Permit to the Board of Adjustment. Roll call vote:
Haines – aye, Stadlman – nay, Thiesse – aye, Storm – absent,
Bainbridge – aye, Bode – aye, Weitala – absent, motion carried.
- Questions and discussion on amending the Davison County Zoning Ordinance.

- Additional Comments and Discussion from the Group included:
- Set date and time for next meeting – October 4, 2016 @ 7:00 P.M.
- Adjournment @ 9:08 P.M.



Bruce Haines
Planning Commission Chairman



Mark Jenniges
Deputy Director of Planning & Zoning