

BOARD OF ADJUSTMENT
November 13, 2018

CALL TO ORDER

Chairperson Bode called the meeting of the Davison County Board of Adjustment to order at 9:22 a.m. All members of the Board were present. Also present was Deputy Planning & Zoning Administrator Jenniges, and Deputy Auditor Matthews.

APPROVE AGENDA

Motion by Claggett, second by Weitala, to approve the agenda for the November 13, 2018 meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Claggett, second by Kiner, to approve the minutes of the September 25, 2018 meeting. All members voted aye. Motion carried.

CONFLICTS OF INTEREST

Chairwoman Bode asked for any conflicts of interest to be declared, none stated.

PUBLIC INPUT

Chairperson Bode called for any public input not already on the agenda, hearing none the public input section of the meeting was closed.

VARIANCES

The Planning Commission recommended granting 7-0.

Motion by Weitala, second by Claggett, after consideration of Section 1206 B., to approve a variance for minimum lot size of +/- 21 acres to create a lot size of +/- 4 acres where the minimum lot size requirement is 25 acres in the Agricultural Residential District; as requested by Jason Nedved. This request is pursuant to Section 407 (4) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as South 1/2 of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 and the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 8, T 102 N, R 60 W of the 5th P.M. Davison County, South Dakota.

Application received October 15, 2018

Daily Republic November 2, 2018

Posted October 26, 2018

Notified Applicant October 23, 2018

Notified Abutting Property Owners October 23, 2018

Consideration of 1206 B. Variances

Roll call vote:

Reider-Aye, Weitala-Aye, Kiner-Aye, Claggett-Aye, Bode-Aye. Motion Carried.

CONDITIONAL USE

Prior to the denial of the conditional use permit. The board heard input from the applicant and neighbors of the applicant. The following is a brief summary of the dialog that took place.

Larice Hamilton explained his position on the project, stating he was unaware of the Mobile Home Construction and Safety Standards Act of 1974, or the Davison County zoning ordinance that restricts the importation of trailer homes that are from 1965 and older. Mr. Hamilton also spoke about the infrastructure improvement that he has made to his property.

Jeff Leuning, a neighbor of Larice Hamilton, stated that he nor any of the other neighbors that he has spoken have an issue with the trailer in question.

Mahlon Byler, a neighbor of Larice Hamilton, spoke in support of Mr. Hamilton's request. Mr. Byler stated that it was his understanding that a trailer of this age could possibly be in the city limits of Ethan or Mitchell, with approval of the governing bodies, and could not understand why Davison County has the restriction in place. He also spoke about a nuisance property in the area.

The commission discussed the differences in a Modular Home vs. Trailer House. Commissioner Reider stating that if there is a serial number, like the home in question, it is a trailer. Commission Claggett added that another factor that indicates that this a trailer is that it is not built on a foundation.

Commissioner Bode stated her decision that she had made at the Planning Commission was correct and that they could not set aside the law to make a contradicting decision. She also clarified Mr. Byler's question that in Ethan a trailer of that age may only be brought in to replace an existing trailer, not be placed in a new location. She was unclear as to what Mitchell's ordinances are but stated that it would certainly need prior approval.

The Planning Commission recommended denial of an unpermitted trailer house, and it must be removed by May 1, 2019, 6-1.

Motion by Weitala, second by Reider, after consideration of Section 1206 A., to deny as recommended from the Planning Commission with the stipulation the trailer referenced must be removed by May 1, 2019, a conditional use permit for a rental property of three or more units including a trailer house built in 1965, as requested by Larice Hamilton. This request is pursuant to Section 302 and Section 304 (27) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as E 5/8 of the S 1/2 of the SE 1/4 EX Lot 15, H-1, & H-2 in Section 15, T 101 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received October 5, 2018

Daily Republic November 2, 2018

Posted October 26, 2018

Notified Applicant October 23, 2018

Notified Abutting Property Owners October 23, 2018

Consideration of 1206 A. Conditional Uses

Roll call vote:

Kiner-Aye, Claggett-Aye, Bode-Aye, Reider-Aye, Weitala-Aye. Motion Carried.

CONDITIONAL USE

The Planning Commission recommended denial 7-0.

Prior to the approval of a conditional use permit, the applicant, Samantha Beeson answered questions from the commissioners. Ms. Beeson explained that this will not be a storefront for their towing business rather an operational location to park and maintain their trucks, as well as store towed vehicles inside on occasion before they are taken to another location.

Commissioner Bode stated the reason the Planning Commission recommended denial was because they had little information on the project at the time without the Ms. Beeson there to explain the purpose of the building.

Motion by Claggett, second by Kiner, after consideration of Section 1206 A., to approve a conditional use permit for a towing business, as requested by Samantha Beeson. This request is pursuant to Section 305 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lots A and B of Puetz's Subdivision in the West 1/2 of the Northwest 1/4 of Section 11, T 101 North, Range 60 West of the 5th P.M., Davison County, South Dakota.

Application received October 19, 2018

Daily Republic November 2, 2018

Posted October 26, 2018

Notified Applicant October 23, 2018

Notified Abutting Property Owners October 23, 2018

Consideration of 1206 A. Conditional Uses

Roll call vote:

Claggett-Aye, Bode-Aye, Reider-Aye, Weitala-Aye, Kiner-Aye. Motion Carried.

ADJOURN

Motion by Claggett, second by Reider, to adjourn the Board of Adjustment at 10:15 a.m. All members voted aye. Motion carried.

ATTEST

James Matthews, Deputy Auditor

Brenda Bode, Chairperson