

**BOARD OF ADJUSTMENT**  
**September 24, 2019**

**CALL TO ORDER**

Chairperson Bode called the meeting of the Davison County Board of Adjustment to order at 9:23 a.m. All members of the Board were present. Also present was Planning & Zoning Administrator Bathke, Deputy Jenniges and Auditor Kiepke.

**APPROVE AGENDA**

Motion by Reider, second by Kiner to approve the agenda for the September 24, 2019 meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Weitala, second by Claggett, to approve the minutes of the June 25, 2019 meeting. All members voted aye. Motion carried.

**PUBLIC INPUT**

Chairperson Bode called for public input. She reminded the public that this was for items not on the agenda. Hearing none, the meeting continued.

**VARIANCES**

The Planning Commission recommended granting 6-1.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance for minimum lot size of +/- 16.78 acres to create a lot size of +/- 8.22 acres where the minimum lot size requirement is 25 acres in the Ag District, as requested by the City of Mitchell. This request is pursuant to Section 307 (5) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as a Plat of Kelley Tract 1, a Subdivision of the SW ¼ of the SE ¼ of Section 36, T 104 N, R 61 W, of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received July 24, 2019  
Daily Republic August 30, 2019  
Posted August 23, 2019  
Notified Applicant August 21, 2019  
Notified Abutting Property Owners August 21, 2019  
Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 7-0.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance for minimum lot size of +/- 22 acres to create a lot size of +/- 3 acres where the minimum lot size requirement is 25 acres in the Ag Residential District, as requested by Paul and Jennifer Mayer. This request is pursuant to Section 407 (3) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as a Plat of Lot 1 of Mayer's Addition in the NW ¼ of Section 26, T 103 N, R 61 W, of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received August 1, 2019  
Daily Republic August 30, 2019  
Posted August 23, 2019  
Notified Applicant August 21, 2019  
Notified Abutting Property Owners August 21, 2019  
Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 7-0.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance for minimum lot size of +/- 21.986 acres to create a lot size of +/- 3.014 acres where the minimum lot size requirement is 25 acres in the Ag District and side yard setback on the south side of +/- 15' resulting in a setback of +/- 35' from the existing sheds on the parent parcel where the minimum setback is 50' in the Ag District, as requested by Paul Mutziger. This request is pursuant to Section 307 (4) and Section 308 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as a Plat of Tract A of Mutziger's Addition in the SE ¼ of the NE ¼ of Section 35, T 102 N, R 60 W, of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received August 5, 2019  
Daily Republic August 30, 2019  
Posted August 23, 2019  
Notified Applicant August 21, 2019  
Notified Abutting Property Owners August 21, 2019  
Consideration of 1206 B. Variances

Roll call vote:

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

### **ILLEGAL GRAVEL PIT**

Planning & Zoning Administrator Bathke reported that Dave Schladweiler is illegally operating a gravel mine without a conditional use permit on land owned by Brian Nesheim legally described as the E ½ of the NW ¼ in Section 11, T 101 N, R 60 of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Mr. Schladweiler stated that he had verbal permission from DENR to mine the property.

Mr. Bathke told Mr. Schladweiler that once he has official permission from DENR to mine, he will need to come to the County for a conditional use permit.

**ADJOURN**

At 9:42 a.m., motion by Kiner, second by Weitala to adjourn Board of Adjustment. All members voted aye. Motion carried.

**ATTEST**

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Susan Kiepke, Auditor

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Brenda Bode, Chairperson