



Davison County Planning & Zoning and Emergency Management
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PLANNING COMMISSION MINUTES

April 7, 2020

1. Chairperson Haines called the meeting to order at 7:00 P.M.
2. Roll Call
 - Present: Bruce Haines, Steve Thiesse (telephonically), Charles Storm (telephonically), Dave Anderson (telephonically), Brenda Bode (telephonically), Kim Weitala (telephonically), Lewis Bainbridge (telephonically), Jeff Bathke (telephonically), Mark Jenniges.
 - Absent:
 - Guests: Dennis Leland, Matt Storm, Reggie Siegel (telephonically), Jake Hohn (telephonically), Ryan Thill (telephonically), Don Cuppy (telephonically), Tony & Penny Tilton (telephonically), Union Township Chair Chipp Gerlach (telephonically).
3. Consider the proposed agenda.
 - Motion by Dave Anderson, seconded by Lewis Bainbridge, to approve the proposed agenda. Roll call vote:
 - Haines – aye, Thiesse – aye, Storm –aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson– aye, motion carried.
4. Declare conflicts of interest-none.
5. Consider the March 3, 2020 Minutes.

Motion by Steve Thiesse, seconded by Dave Anderson, to approve the March 3, 2020 proposed minutes. Roll call vote:

Haines – aye, Thiesse – aye, Storm –aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson– aye, motion carried.
6. Public input for items not on the agenda-none.
7. That Reggie Siegel & Colette Stadlman have appealed to the Davison County Planning Commission to recommend granting a variance for front yard setback +/- 60 feet, resulting in a setback of +/- 15 feet from the right of way where the minimum is 75' in the AG Residential District.
 - This request is in pursuant to Section 408 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot 5 of River Bluffs Addition in the NW 1/4 of Section 12, T 103N, R 60 W of the 5th P.M., Davison County, South Dakota.
 - Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. Notices were sent out to the neighbors and published in the paper with no responses for or against.
 - The applicant was present telephonically to answer questions. Discussion included that the applicant recently purchased the house and would like to convert the garage into a master bathroom and add a 3 stall garage onto the existing structure to be able to store all vehicles.
 - Dennis Leland wanted to know why when he built his shed that he had to meet the setbacks, why the 75' is the setback and what criteria allows for a variance?

Administrator Bathke read section 11:06B7 of the Davison County Zoning Ordinance which deals with the board allowing variances. Also, a hardship must be evident, and, in this case, they are building onto their existing residence. Mr. Leland build his sheds years ago and was not told of the process. Mr. Leland stated he had no issues with the variance request.

- Commissioner Storm wondered if there was another location for the garage, he felt the setback was to close. Mr. Siegel stated he has to many vehicles for the current garage and doesn't want them sitting outside. He will be removing the shrubs that are closer than the 15' and didn't understand why trees were allowed closer. Administrator Bathke stated trees are not considered permanent structures.
 - Commissioner Haines wondered if it were possible to angle the proposed garage more to get more setback or if he went smaller with the garage if there would create more setback. Mr. Siegel stated he could get a 3-car garage at 45' and this would probably push it back to a 20' setback. Deputy Administrator state he would meet out at the site to look at options before Board of Adjustment.
 - After consideration of the 1106 B-Variances, a motion by Brenda Bode, seconded by Kim Weitala, to recommend approval of the Variance Permit with a setback of +/- 55' resulting in a setback of +/-20' from the right of way to the Board of Adjustment. Roll call vote:
Haines – aye, Thiesse – aye, Storm –aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson– nay, motion carried.
8. Considered a plat of Three H Tract A, A subdivision of the West 1/2 of the SW 1/4 of Section 16, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Jake Hohn.
- Deputy administrator Jenniges gave an explanation of the plat.
 - The applicant was present telephonically to answer questions. Jake is purchasing the land from Tim Neugebauer. He has been renting it from him for many for pasture and is now purchasing the pasture.
 - Commissioner Anderson wanted to know why it was being platted and if the county required that. Deputy Jenniges stated the county does not and cannot require land to be platted for selling purposes, but the county would recommend it so there are established boundaries. Also, this parcel is irregular shaped and would be difficult to describe by measurements. This is the cleanest way for the transaction, but the plat must be approved by the boards then.
 - Motion by Lewis Bainbridge, seconded by Dave Anderson, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson – aye, motion carried.
9. That Ryan Thill has appealed to the Davison County Planning Commission to recommend granting the following variances:
1. Front yard setback +/- 54 feet, resulting in a setback of +/- 21 feet from the right of way where the minimum is 75' in the AG District.
 2. Rear yard setback +/- 30 feet, resulting in a setback of +/- 20 feet from the rear property line where the minimum is 50' in the AG District.
 3. Side yard setback +/- 31 feet, resulting in a setback of +/- 19 feet from the west property line where the minimum is 50' in the AG District.

- This request is in 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 1 in the NE 1/4 of Section 11, T 102N, R 62 W of the 5th P.M., Davison County, South Dakota.
 - Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. Notices were sent out to the neighbors and published in the paper with three responses against. The three letters were emailed to the board ahead of the meeting.
 - The applicant was present telephonically to answer questions. Discussion included the applicant had a major fire in August of 2019 and would like to rebuild his house on the existing foundation. The existing house was built before the ordinance was in affect and this makes it a non-conforming structure. Due to the major damage incurred from the fire he would have to come into compliance with the zoning ordinance in order to rebuild, thus a variance is being requested. There is only 106' from the right of way to the rear property line and setbacks added together is 125'
 - Commissioner Haines asked when the house was purchased and if he had done any alterations to the exterior. Mr. Thill stated he bought the property about 5 years ago and has done nothing to the exterior. He has worked on cleaning up the property. Haines stated he drove by 3 other old schools that have been turned into houses and they were all on small lots to take less out of the farm ground and all have small setbacks because of it.
 - Commissioner Bode questioned the type of construction to be done to which Mr. Thill stated he will knock down everything to the foundation and then stick build on the same footprint.
 - Commissioner Weitala was unsure how the board could deny the variance request if the builds to the exact same size it was before.
 - Commissioner Storm questioned if the foundation was suitable to rebuild on and Mr. Thill stated it was actually poured thicker than most basements at the time and will be structurally sound.
 - Don Cuppy stated his opposition telephonically. He believes it should have to have the required setbacks. He had heard it was going to be a governor's house. Mr. Thill stated he had originally planned on bringing in a governor's house but decided to stick build instead. By stick building he is not changing what the footprint and setbacks were pre fire.
 - After consideration of the 1106 B-Variations, a motion by Dave Anderson, seconded by Charles Storm, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:
Haines – aye, Thiesse – aye, Storm –aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson– aye, motion carried.
10. That Matt Storm has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit to construct and operate 960 animal unit concentrated animal feeding operation in the Ag District.
- This request is in pursuant to Section 304(10) & 309 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The

property is legally described as the NW 1/4 of Section 33, T 102N, R 62 W of the 5th P.M., Davison County, South Dakota.

- Administrator Jenniges explained the application, required notifications, and the GIS view. Notices were sent to the neighbors and it was published in the paper. There were two letters from neighbors for the project, they were emailed to the board prior to the meeting. The Union Township chair called with some questions regarding the excise tax that would come back to the county and other general road questions for the application.
- The applicant was present to answer questions. Discussion included the CAFO will be located on Matt's homestead. He currently operates a 500 head cattle operation but will stop with cattle and just have hogs. The cattle feed lots had 4' of water in them this past fall and he is ready to quit fighting the mud because of it. The truck traffic will be about the same when he switches from cattle to hogs.
- Commissioner Anderson questioned the location of the barn and the setbacks to the right of way and waterways. Deputy Administrator Jenniges stated this location splits the two waterways equally. The waterway to the south is an unnamed intermittent stream and the waterway to the north is an unnamed permanent stream. Both eventually flow into Enemy Creek once it gets into Prosper Township. At some point down the creek/river it is considered a drinking source. Mr. Storm stated that the barn is between two sets of groves and allows air to flow into the curtain barn because of the location. He will be the closed at 810' and Tony and Penny Tilton are the next closest at 3,850'
- Commissioner Haines asked about water supply to which Mr. Storm replied he will drill a well but have rural water as his backup.
- Commissioner Bainbridge appreciated that as a young farmer he is continuing to grow.
- Union Township Chair Chipp Gerlach asked telephonically if they will receive funds from this project to help with their roads? Commissioner Bode stated that as sitting on County Commission it has been their discussion and plan to give a portion of the funds back to the townships to help with roads. She was not able to give an exact amount or percent, but that is the plan. She applauded Mr. Storm for doing all the extra work to get funds back to the county from this project. Mr. Storm reported that the estimated return to Davison County from The South Dakota Department of Economic Development would be \$24,833.
- Tony & Penny Tilton voiced their support of the barn telephonically.
- After consideration of the 1106 A-Conditional Uses, a motion by Lewis Bainbridge, seconded by Steve Thiesse, to recommend approval of the Conditional Use Permit. Roll call vote:
Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – aye, Bode – aye,
Weitalla – aye, Anderson – aye, motion carried.

11. That Matt Storm has appealed to the Davison County Planning Commission to recommend granting a variance in minimum setback from right of way +/- 230', resulting in a setback of +/- 70' where the minimum is 300' and setback from lakes, rivers, streams classified as drinking water of +/-660' resulting in a setback of +/- 660' where the minimum is 1,320' in the AG District.

- This request is in pursuant to Section 309(3d)(3f) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as NW 1/4 of Section 33, T 102N, R 62 W of the 5th P.M., Davison County, South Dakota.
 - Deputy Administrator Jenniges explained the application, required notifications, and the GIS view. Notices were sent out to the neighbors and published in the paper. There were two letters received in support of the variance and they were emailed to the board prior to the meeting.
 - The applicant was present to answer questions. Discussion included was held during the conditional use requests.
 - Mr. Storm stated that by building the new barn and eliminating the current feed lots by getting rid of fences and planting grass it will help with flooding issues of the unnamed intermittent stream.
 - After consideration of the 1106 B-Variences, a motion by Dave Anderson, seconded by Charles Storm, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:
Haines – aye, Thiesse – aye, Storm –aye, Bainbridge – aye, Bode – aye,
Weitala – aye, Anderson– aye, motion carried.
12. Additional Comments from the Group.
13. Set date and time for next meeting – May 5, 2020 @ 7:00 P.M.
14. At 8:10 P.M., a motion by Kim Weitala seconded by Brenda Bode to adjourn the meeting. All members voted aye, motion carried.



Bruce Haines
Planning Commission Chairperson



Mark Jenniges
Deputy Director of Planning & Zoning