

BOARD OF ADJUSTMENT
October 13, 2020

CALL TO ORDER

Chairperson Bode 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 AGENDA

Motion by Reider, second by Weitala to approve the agenda for the October 13, 2020 meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Kiner, second by Claggett, to approve the minutes of the September 22, 2020 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 7-0.

Motion by Reider, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance for minimum side yard setback of +/- 22' (ft) from an existing shed, resulting in a setback of +/- 28' (ft) from a property line, where the minimum is 50' (ft) in the Ag District, as requested by Robinson Housemoving, Inc. 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 a Plat of Lot 3 of L. Robinson's First Addition, a subdivision of the southerly 936' of the easterly 932.2' of the SE ¼ of Section 24, T 104 N, R 61 W, of the 5th P.M., Davison County, South Dakota.

Application received September 8, 2020
Daily Republic October 3, 2020
Posted September 24, 2020
Notified Applicant September 25, 2020
Notified Abutting Property Owners September 25, 2020
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 7-0.

Motion by Kiner, second by Claggett, after consideration of Section 1206 B Variances, to grant a variance for minimum front yard setback of +/- 55' (ft), resulting in a setback of +/- 20' (ft) from right of way, where the minimum is 75' (ft) in the Ag District, as requested by Chipp Gerlach. 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 a Plat of Lot A of W G Wiczorek's 1st Addition, a subdivision of the of the W 1/2 of Section 9, T 102 N, R 62 W, of the 5th P.M., Davison County, South Dakota.

Application received September 10, 2020
Daily Republic October 3, 2020
Posted September 24, 2020
Notified Applicant September 25, 2020
Notified Abutting Property Owners September 25, 2020
Consideration of 1206 B. Variances

Roll call vote:

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

CONDITIONAL USE

The Planning Commission recommended granting 7-0 with the conditions that dust is mitigated to the satisfaction of the Davison County Highway Superintendent and that if fees are paid to the state every year and the state is inspecting the site it is considered an active site and the 24 month rule per the zoning ordinance is not in effect.

Motion by Claggett, second by Reider, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to allow extraction of sand, gravel, or minerals provided such uses meet requirements for conducting surface mining activities pursuant to SDCL 45-6B in the Ag District, as requested by Tom Freidel. The conditional use was granted with the conditions that dust is mitigated to the satisfaction of the Davison County Highway Superintendent and that if fees are paid to the state every year and the state is inspecting the site it is considered an active site and the 24 month rule per the zoning ordinance is not in effect. This request is pursuant to Section 3:04(14) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the NE 1/4 of the NE 1/4 and the NW 1/4 of NE 1/4 and the S 1/2 of the NE 1/4, all in Section 16, T 101 N, R 60 W, of the 5th P.M., Davison County, South Dakota.

Application received September 11, 2020
Daily Republic October 3, 2020
Posted September 24, 2020
Notified Applicant September 25, 2020
Notified Abutting Property Owners September 25, 2020
Consideration of 1206 A. Conditional Uses

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting 7-0.

Motion by Reider, second by Claggett, after consideration of Section 1206 B Variances, to grant a variance for minimum front yard setback of +/- 25' (ft) for an existing residence, resulting in a setback of +/- 50' (ft) from the right of way, where the minimum is 75' (ft) and minimum lot size is +/- 19.62 acres for an existing farmstead resulting in +/- 5.38 acres where the minimum is 25 acres, all in the Ag District, as requested by Mark & Barb Meier. These requests are pursuant to Section 307(1) and Section 308 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 a Plat of Lot 1 of BAM Addition in the SW ¼ of Section 21, T 104 N, R 62 W, of the 5th P.M., Davison County, South Dakota.

Application received September 21, 2020

Daily Republic October 3, 2020

Posted September 24, 2020

Notified Applicant September 25, 2020

Notified Abutting Property Owners September 25, 2020

Consideration of 1206 B. Variances

Roll call vote:

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

ADJOURN

At 9:35 a.m., motion by Reider, second by Weitala to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST

Susan Kiepke, Auditor

Brenda Bode, Chairperson