



Davison County Planning & Zoning and Emergency Management
200 E. 4th Ave.
Mitchell, SD 57301-2631
Phone (605) 995-8615
Fax (605) 995-8642



BOARD OF ADJUSTMENT and COUNTY COMMISSION
PLANNING & ZONING ISSUES
January 12, 2021

Board of Adjustment

1. Consider the January 12, 2021 BOA Agenda.
2. Consider the December 8, 2020 BOA Minutes.
3. Public input for items not on the agenda, no action will be taken.
4. That Ray Trudeau has appealed to the Davison County Board of Adjustment to recommend granting a Conditional Use Permit to install an in-ground swimming pool in the NE 1/4 of the SW 1/4 of the NE 1/4 of the SE 1/4 of Section 3, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota.
5. That James Miiller has appealed to the Davison County Board of Adjustment to recommend granting a variance in minimum lot size of +/- 14.97 acres to create a lot size of +/- 10.03 acres, where the minimum is 25 acres in the Agricultural District.

Adjourn as Board of Adjustment and Reconvene as County Commissioners.

1. Consider a Plat of Lot 1 of Twelve Mile Creek First Addition in the W 1/2 of the SE 1/4 of Section 16, T 101 N, R 61 W of the 5th P.M., Davison County, South Dakota; as requested by James Miiller.

Mark Jenniges

Mark Jenniges
Deputy Director of Planning & Zoning
Davison County

**BOARD OF ADJUSTMENT
December 8, 2020**

CALL TO ORDER

Chairperson Bode called the meeting of the Davison County Board of Adjustment to order at 9:20 A.M. All members of the board were present. Also present were Acting Planning and Zoning Administrator Jenniges and Deputy Auditor Matthews.

APPROVE AGENDA

Motion by Weitala, second by Kiner, to approve the agenda for the December 8, 2020 meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Weitala, second by Kiner, to approve the minutes of the October 13, 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.

VARIANCE

The Planning Commission recommended granting 7-0.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B., to grant a variance in minimum front yard setback of +/- 25' for an addition onto an existing pole shed resulting in a setback of +/- 50' from the right of way where the minimum is 75', north side yard setback on an existing residence of +/-25' resulting in a setback of +/-25' where the minimum is 50', and north side yard setback for an existing shed of +/-40' resulting in a setback of +/- 10' where the minimum is 50' all in the Ag District; as requested by Ryan & Robert Henglefeld. 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 Lot 1 in the SW 1/4 of Section 25, T 101 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received November 4, 2020

Daily Republic November 28, 2020

Posted November 20, 2020

Notified Applicant November 18, 2020

Notified Abutting Property Owners November 18, 2020

Consideration of 1206 B. Variances

Roll call vote:

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

ADJOURN

At 9:25 a.m. a motion by Reider, second by Kiner, to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST:

James Matthews, Deputy Auditor

Brenda Bode, Chairperson



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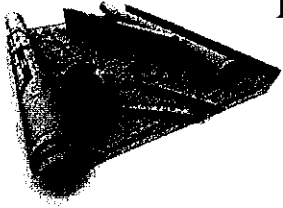


PLANNING COMMISSION AGENDA
January 5, 2020

1. Call to order at 1:15 P.M. by PZ Acting Administrator Jenniges.
2. Roll Call.
3. Election of 2020 Planning Commission Officers & turn the meeting over to the Chairperson.
4. Consider the agenda.
5. Declare conflicts of interest.
6. Consider the December 1, 2020 Minutes.
7. Public input for items not on the agenda, no action will be taken.
8. That Ray Trudeau has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit to install an in-ground swimming pool in the NE 1/4 of the SW 1/4 of the NE 1/4 of the SE 1/4 of Section 3, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota.
9. That James Miiller has appealed to the Davison County Planning Commission to recommend granting a variance in minimum lot size of +/- 14.97 acres to create a lot size of +/- 10.03 acres, where the minimum is 25 acres in the Agricultural District.
10. Consider a Plat of Lot 1 of Twelve Mile Creek First Addition in the W 1/2 of the SE 1/4 of Section 16, T 101 N, R 61 W of the 5th P.M., Davison County, South Dakota; as requested by James Miiller.
11. Additional Comments from the Group.
12. Set date and time for next meeting – February 2, 2021 @ 1:15 P.M.
13. Adjournment.

Mark Jenniges

Mark Jenniges
Acting Administrator of Planning & Zoning



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PLANNING COMMISSION MINUTES

December 1, 2020

1. Chairperson Haines called the meeting to order at 1:15 P.M.
2. Roll Call-quorum is met, simple majority vote required for all items.
 - Present: Bruce Haines, Steve Thiesse, Charles Storm (telephonically), Dave Anderson, Kim Weitala, Brenda Bode, Lewis Bainbridge (telephonically), Mark Jenniges.
 - Absent:.
 - Guests: Robert Henglefeldt (telephonically).
3. Consider the proposed agenda.
 - Motion by Brenda Bode, seconded by Dave Anderson, to approve the amended 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 proposed October 6, 2020 Minutes.

Motion by Dave Anderson, seconded by Steve Thiesse, to approve the October 6, 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 Ryan & Robert Henglefeldt have appealed to the Davison County Planning Commission to recommend a variance in minimum front yard setback of +/- 25' for an addition onto an existing pole shed resulting in a setback of +/- 50' from the right of way where the minimum is 75', north side yard setback on an existing residence of +/-25' resulting in a setback of +/-25' where the minimum is 50', and north side yard setback for an existing shed of +/-40' resulting in a setback of +/- 10' where the minimum is 50' all in the Agricultural 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 SW 1/4 of Section 25, T 101N, 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.
 - The applicant was present to answer questions. Discussion included the applicant would like to build onto an existing shed that is currently non-conforming. The shed addition does not encroach on the site triangle to the south so there is no safety concern there. The variances for the other two buildings are to bring them into conformance with the zoning ordinance, there is no work being done to those. Lot 1 was platted in the 1970's before zoning and the structures were also built before the zoning ordinance went into effect.

- After consideration of the 1106 B-Variations, a motion by Steve Thiesse, seconded by Kim Weitala, 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.
8. Additional Comments from the Group-none.
 9. Set date and time for next meeting – January 5, 2021 @ 1:15 P.M.
 10. At 1:23 P.M., a motion by Brenda Bode seconded by Kim Weitala to adjourn the meeting. All members voted aye, motion carried.

Bruce Haines
Planning Commission Chairperson



Mark Jenniges
Deputy Director of Planning & Zoning

DAVISON COUNTY CONDITIONAL USE APPLICATION

Applicant Name: Ray Trudeau

Application Date: 12-4-20

Application Deadline: 12-21-20

Applicant Mailing Address: 40987 Jefferson Place, Mitchell, SD 57301

Applicant Email: rtrudeau@juffer.com

Contact Phone: 770-5170

Owner Name: Same

Owner Address: _____

Owner Contact Phone: _____

Parcel Number of Parent Parcel: 09000-10260-034-25

Legal Description of parcel: NE 1/4 of the SW 1/4 of the NE 1/4 of the SE 1/4 of Section 3, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Zoning District: AR

Reason for Conditional Use Request: To allow the construction of an inground swimming pool.

Section of Code Allowing Conditional Use: Section 4:04 (40), 1106 (A), and 1206 (A)

Fee Collected for Condition Use (\$100): 12-8-20

Check #: 7746

Receipt #: 8137

Planning Commission Hearing Date: 1-5-21

Board of Adjustment Hearing Date: 1-12-21

FOR ANIMAL FEEDING OPERATIONS ONLY:

Current Animal Units in Operation: N/A

Proposed Expansion of Operation: N/A

Required Items:

- ☒ Detailed site plan (GIS Photo of the property)
- ☒ Location and use of adjacent structures
- ☒ Application Fee

Signatures of Applicant: _____ **Date:** _____



Ray & Rhonda Trudeau

Gerald Schulz

Ray & Rhonda Trudeau

Raymond & Sharon Stern

Ray Trudeau
CUP-4:04(40)
Swimming Pool

Ray & Rhonda Trudeau

Glenn & Lisa Meyer

PROSPER

DAVISON COUNTY VARIANCE APPLICATION

Applicant Name: Miiller, James

Applicant Address: 40235 263rd St, Ethan, SD 57334

Applicant Email: _____

Application date: 12-10-20

Application deadline: 12-21-20

Contact Phone: 770-6206

Owner Name: Same

Owner Address: Same

Owner Contact Phone: Same

Parcel Number of parent parcel: 11000-10161-164-00

Legal Description of proposed parcel: Plat of Lot 1 of Twelve Mile Creek First Addition in the W 1/2 of the SE 1/4 of Section 16, T 101 N, R 61 W of the 5th P.M., Davison County, South Dakota

Reason for Variance: Recommend granting a variance in lot size of +/- 14.97 acres to create a lot size of +/- 10.03 acres, where the minimum is 25 acres in the Agricultural District.

This request is pursuant to Section 307(4) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended.

Reason for Request to include hardships: Applicants is parceling off the farmsted to sell to his son.

Section of Code Allowing Variance: 307(4), 1106 B, and 1206 B

Fee Collected for Variance (\$100): 12-14-2020

Check #: 7788

Receipt #: 8178

Planning Commission Hearing Date: 1-5-21

Board of Adjustment Hearing Date: 1-12-21

Required Items:

- ☒ Detailed site plan (GIS Photo of the property)
- ☒ Location and use of adjacent structures/land Agricultural, Residential
- ☒ Application Fee

Signatures of Applicant: _____ **Date:** _____

Ruth Odenkirchen Trust

James Müller

James Müller

6
Loren & Beth Wegehaupt

James Müller
Variance in Lot Size & Plat
Section 307 (1)-Selling to son
+/- 14.97 acres to create
lot size +/- 10.03 acres

265 ST

21

Todd Maeschen

Delmar Maeschen

7.



1 Inch = 200 Feet

LEGEND

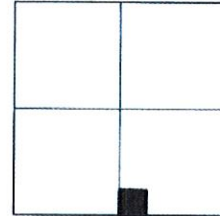
- = FOUND IRON MONUMENT
- = SET 5/8" X 18" REBAR WITH PLASTIC CAP NO. 8296
- 100' (P) = PLATTED BEARING OR DISTANCE
- 100' = MEASURED BEARING OR DISTANCE
- = SET NAIL
- ▲ = SET SURVEY SPIKE
- 4.00 CH (P) = PLATTED DISTANCE IN CHAINS
- = FOUND NAIL
- ◇ = SET 3/8" X 12" SPIKE W/WASHER PCK-8296
- WM = WITNESS MONUMENT

PREPARED BY: PAUL C. KIEPKE, R.L.S.
2100 NORTH SANBORN BLVD. - P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

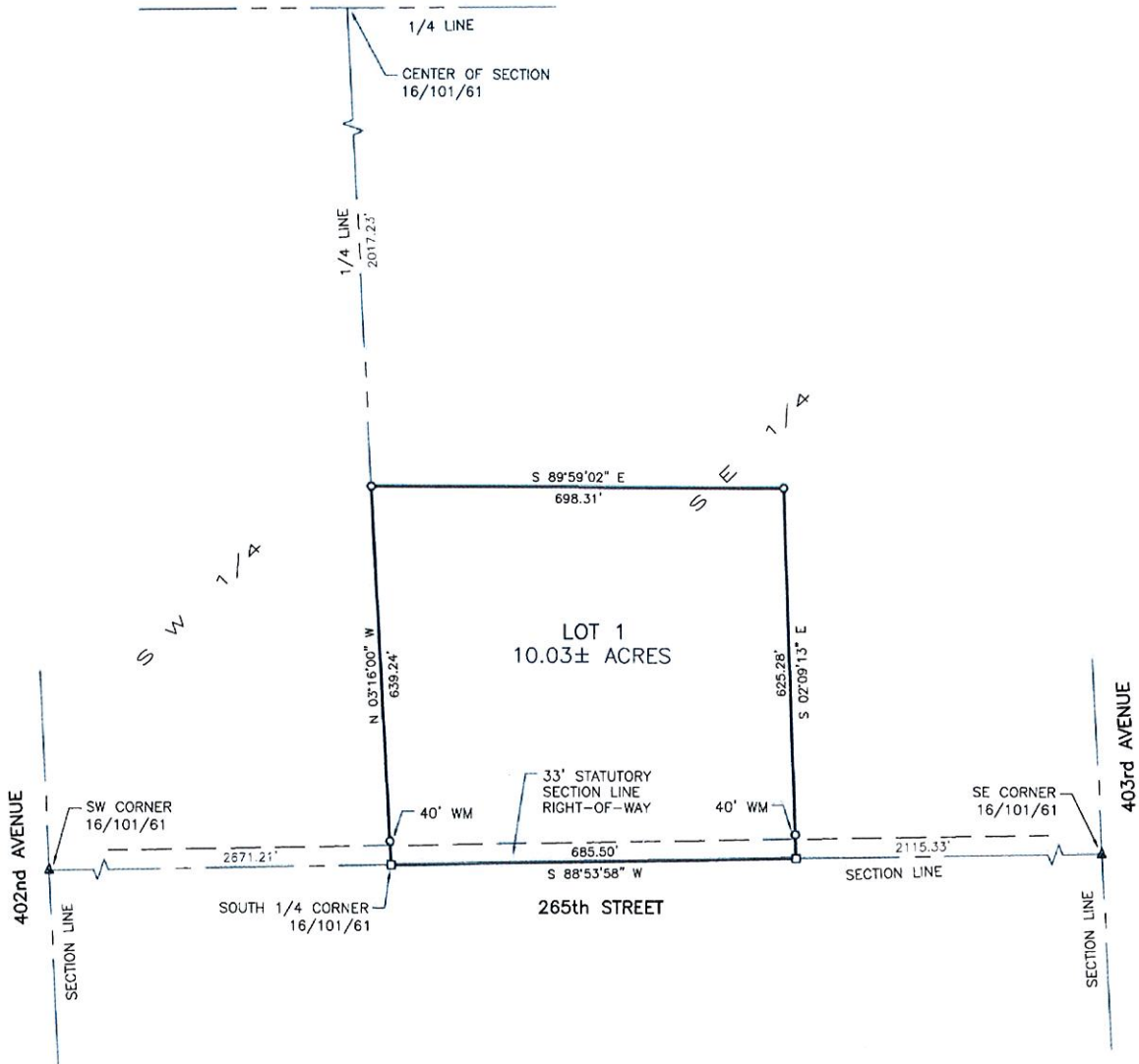
COORDINATE SYSTEM IS SOUTH DAKOTA SOUTH ZONE, STATE PLANE - NORTH AMERICAN DATUM 1983 - GEOID 128.

NOTE:
THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT OR TITLE COMMITMENT. EASEMENTS OF RECORD WERE NOT RESEARCHED AND ARE NOT SHOWN UNLESS OTHERWISE NOTED.

SEC. 16, T 101 N, R 61 W



LOCATION MAP
SCALE: 1" = 3000'



A PLAT OF LOT 1 OF TWELVE MILE CREEK FIRST ADDITION IN THE WEST 1/2 OF THE SE 1/4 OF SECTION 16, T 101 N, R 61 W OF THE 5th P.M., DAVISON COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, Paul C. Kiepke, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of James Millier, and under his direction for purposes indicated therein, I did on or prior to December 3, 2020, survey those parcels of land described as follows: LOT 1 OF TWELVE MILE CREEK FIRST ADDITION IN THE WEST 1/2 OF THE SE 1/4 OF SECTION 16, T 101 N, R 61 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.

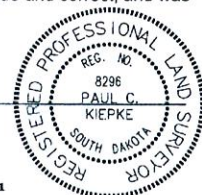
In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct, and was done on the ground in accordance with the most recent South Dakota laws relating to rural boundary surveys.

Dated this 10th day of December, 2020.

Registered Land Surveyor #SD8296

SPN

& Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015



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**A PLAT OF LOT 1 OF TWELVE MILE CREEK FIRST ADDITION IN THE WEST
1/2 OF THE SE 1/4 OF SECTION 16, T 101 N, R 61 W OF THE 5th P.M.,
DAVISON COUNTY, SOUTH DAKOTA**

AUDITOR'S CERTIFICATE

I, _____, do hereby certify that I am the duly elected, qualified, and acting County Auditor of Davison County, South Dakota, and that the above resolution was adopted by the Board of County Commissioners of Davison County, South Dakota, at a regular meeting held on _____, 202__, approving the above named plat.

Auditor/Deputy Auditor, Davison County

CERTIFICATE OF HIGHWAY AUTHORITY

The location of the existing approach is hereby approved. Any change in the location of the existing approach shall require additional approval.

By: _____ Title: _____ Date: _____
Highway Authority

CERTIFICATE OF COUNTY TREASURER

I, _____, hereby certify that I am the duly elected, qualified, and acting Treasurer of Davison County, South Dakota, and I hereby certify that all taxes which would, if not paid, be liens upon any of the land included in the within and foregoing plat, as shown by the records of my office, have been fully paid.

Treasurer/Deputy Treasurer, Davison County

DIRECTOR OF EQUALIZATION

I, _____, Director of Equalization of Davison County, South Dakota, hereby certify that a copy of the plat of LOT 1 OF TWELVE MILE CREEK FIRST ADDITION IN THE WEST 1/2 OF THE SE 1/4 OF SECTION 16, T 101 N, R 61 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, has been received by me and is filed in my office.

Director of Equalization/Deputy Director of Equalization

REGISTER OF DEEDS

STATE OF SOUTH DAKOTA)
COUNTY OF DAVISON)SS

FILED for record this _____ day of _____, 202__, at _____, and recorded in Book _____ of Plats on
Page _____ therein and recorded on Microfilm Number _____.

Register of Deeds, Davison County By _____ Deputy

SPN

& Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015

