

BOARD OF ADJUSTMENT
April 13, 2021

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 Acting Planning & Zoning Administrator Jenniges and Auditor Kiepke.

APPROVE AGENDA

Motion by Claggett, second by Kiner to approve the agenda for the April 13, 2021 meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Weitala, second by Claggett, to approve the minutes of the February 9, 2021 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.

CONDITIONAL USE

The Planning Commission recommended granting 7-0 with a condition an on-site sign be allowed.

Motion by Reider, second by Claggett, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to operate an Open Sales Area & Federal Firearms Sales in the Platted Town Site Residential District, as requested by James Winter d/b/a/ Common Cents Consignment, with the condition a Sign, On-Site Exterior be allowed. This request is pursuant to Section 705 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lots 1 through 12, Blk 8, Watkins Addition to the Town of Loomis, Davison County, South Dakota, including all of the vacated alleyway therein and including that part of vacated Lewis Street adjoining and abutting Lots 1 and 12 thereof; and Lots 5 through 8, Blk 9, Watkins Addition to the Town of Loomis, Davison County, South Dakota, including that portion of the alleyway adjoining and abutting said lots and including that part of vacated Lewis Street adjoining and abutting Lots 6 and 7 thereof.

Application received March 4, 2021
Daily Republic March 31, 2021
Posted March 26, 2021
Notified Applicant March 23, 2021
Notified Abutting Property Owners March 23, 2021
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 Kiner, after consideration of Section 1206 B Variances, to grant a variance in minimum lot size for an existing residence of +/- 5.324 acres to create a lot size of +/- 19.676 acres, where the minimum is 25 acres in the Ag District, as requested by Dustin & Amanda Knutson. 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 Tract A of Knutson's Addition in the NE ¼ of Section 5, T 103 N, R 61 W, of the 5th P.M., Davison County, South Dakota. The property is currently described as the S999.5' of N1574.5' of E930' Ex W167' of S434' of NE ¼ of Section 5, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received March 15, 2021

Daily Republic March 31, 2021

Posted March 26, 2021

Notified Applicant March 23, 2021

Notified Abutting Property Owners March 23, 2021

Consideration of 1206 B. Variances

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting, but the motion failed 3-4.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance in minimum Front yard setback of +/- 37' resulting in a setback of +/- 38' from the right of way, where the minimum is 75' in the Ag District, as requested by Mahlon Byler. 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 Jatou Tract 1 in the NW ¼ of the NW ¼ of Section 21, T 101 N, R 60 W, of the 5th P.M., Davison County, South Dakota.

Application received March 8, 2021

Daily Republic March 31, 2021

Posted March 26, 2021

Notified Applicant March 23, 2021

Notified Abutting Property Owners March 23, 2021

Consideration of 1206 B. Variances

Roll call vote:

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

CONDITIONAL USE

The Planning Commission recommended granting 7-0.

Motion by Claggett, second by Reider, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to construct a 333' communication tower facility in the Ag District, as requested by Tillman Infrastructure LLC. This request is pursuant to Section 3:04(40) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the E 5/8 of the S 1/2 of the SE 1/4 Ex Lot 15 and H-1 & H-2 in Section 15, T 101 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received March 11, 2021

Daily Republic March 31, 2021

Posted March 26, 2021

Notified Applicant March 23, 2021

Notified Abutting Property Owners March 23, 2021

Consideration of 1206 A. Conditional Uses

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting 7-0 of a west side yard setback of +/- 45' resulting in a setback of +/- 30' from the property line, variance in rear yard setback of +/- 55' resulting in a setback of +/- 20' from the property line and east side yard setback of +/- 37' resulting in a setback of +/- 38'.

Motion by Claggett, second by Weitala, after consideration of Section 1206 B Variances, to grant a variance in west side yard setback of +/- 50' resulting in a setback of +/- 25' from the property line, variance in rear yard setback of +/- 59' resulting in a setback of +/- 16' from the property line and east side yard setback of +/- 37' resulting in a setback of +/- 38' from the property line where the minimum for a shelterbelt setback is 75' in the Ag District, as requested by Lee Healy, with same recommendations as the Planning Commission. 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 W362' of S395' in the SE 1/4 of Section 21, T 103 N, R 61 W, of the 5th P.M., Davison County, South Dakota.

Application received March 22, 2021

Daily Republic March 31, 2021

Posted March 26, 2021

Notified Applicant March 23, 2021

Notified Abutting Property Owners March 23, 2021

Consideration of 1206 B. Variances

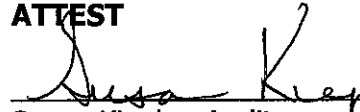
Roll call vote:

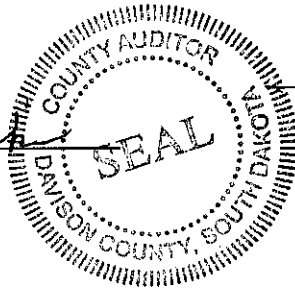
Kiner – aye, Claggett – aye, Weitala – aye, Reider – aye, Bode – aye. Motion carried.

ADJOURN

At 10:00 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