



Davison County Planning & Zoning and Emergency Management
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PLANNING COMMISSION MINUTES

May 4, 2021

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll Call-quorum is met, simple majority vote required for all items.
 - Present: Bruce Haines, Steve Thiesse, Dave Anderson, Charles Storm, Brenda Bode, Kim Weitala, Lewis Bainbridge, Mark Jenniges.
 - Absent:
 - Guests: Bob & Barb Weber and Mary Weber.
3. Consider the proposed agenda.
 - Motion by Lewis Bainbridge, seconded by Steve Thiesse, to approve the proposed agenda. All members voted aye, motion carried.
4. Declare conflicts of interest-none.
5. Consider the amended April 6, 2021 Minutes.
 - Motion by Dave Anderson, seconded by Charles Storm, to approve the April 6, 2021 amended minutes. All members voted aye, motion carried.
6. Public input for items not on the agenda-none.
7. That Bob Weber has appealed to the Davison County Planning Commission to recommend granting a variance in minimum front yard setback of +/- 30' resulting in a setback of +/- 45' from the right of way for an existing residence where the minimum is 75' and minimum side yard setback of +/- 8' resulting in a setback of +/- 2' where the minimum is 10' in the Agricultural 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 1 in the NE 1/4 of Section 25, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota.
 - Acting director 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 cut back the existing garage and build a new attached garage. The new attached garage will not be any further south than the existing unattached garage. The front yard setback is for the existing residence, nothing will be added onto the front of the house. The house and existing garage were built prior to the zoning ordinance.
 - After consideration of the 1106 B-Variances, a motion by Lewis Bainbridge, seconded by Steve Thiesse, 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. That Dan & Mary Alexander have appealed to the Davison County Planning Commission to recommend granting a variance in minimum side yard setback of +/- 6' resulting in a

setback of +/- 4' from the property line where the minimum is 10' in the Agricultural 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 E 28.67' of Lot 0-1 of Titze Addition in the SW 1/4 of Section 24, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota.
 - Acting director 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 another shed. They need room between the two sheds for drainage and to be able to get vehicles in and out of the garage doors. This building would be build across property lines but it is the same owner on the two properties. Also, according to Deputy State's Attorney Taylor since this legal is out of a platted lot a building permit can be issued with the way the legal reads with footages because there is an exact starting point of the pins from the lot line. They will bring fill in to raise the structure floor to prevent any water issues.
 - Commissioner Bode question what was towards the northeast corner of the proposed shed to which the applicant answered it's a junk pile or burn pile that is no longer there.
 - After consideration of the 1106 B-Variances, a motion by Charles Storm, seconded by Steve Thiesse, 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.
9. That Bryce Havlik has appealed to the Davison County Planning Commission to recommend granting a variance in north side/rear yard setback of +/- 59' resulting in a setback of +/- 16' from the property line, a variance in east yard setback of +/- 75' resulting in a setback of +/- 0' from the property line and a variance in west side yard setback south of the existing east/west shelterbelt of +/-59' resulting in a setback of +/- 16', where the minimum for a shelterbelt setback is 75' in the Agricultural District.
- This request is in pursuant to Section 2:15 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The properties are legally described as B Havlik Tract 1 in the SW 1/4 of Section 1, T 103 N, R 61 West of the 5th P.M., Davison County, South Dakota, Tract A of Stratton's Addition in the S940.5' of the SW 1/4 of Section 1, T 103 N, R 61 West of the 5th P.M., Davison County, South Dakota and S940.5' of the SW 1/4 Ex S537.5' of W433.1' & Ex B Havlik Tract 1 & Ex Tract A of Stratton's Addition in the S 940.5' in the SW 1/4 of Section 1, T 103 N, R 61 West of the 5th P.M., Davison County, South Dakota.
 - Acting director Jenniges explained the application, required notifications, and the GIS view. Notices were sent out to the neighbors and published in the paper with a Brock Millan and Robert Young stopping in the office with concerns over the close setbacks. Brock has drain tile in the area and is concerned the roots will plug it.

- The applicant was present to answer questions. Discussion included the applicant was not requesting a 0' setback on the east side, that was mis communication, he was requesting the same as on the north side of +/- 59' resulting in a setback of +/- 16'. The applicant would like to restore a shelterbelt he tore out and create new ones along property lines.
 - Mr. Havlik stated this has been a two-year process and put the plan together with FSA and tore out the trees because he did not know the county had the 75' setback. He has installed the fence around his property and will take care of it. His neighbors don't have any cattle in the area, so fences are no concerns for them. Laurel Willows are the trees to be planted in the northeast corner of his property. He stepped it off to the bottom of the drainage draw and it was 30 yards, Laurel Willows roots grow about 50' and are not considered an invasive tree. He is planting all the shelterbelts for caving windbreaks close to his house and windbreaks in general for the rest of the property. He has all the dirt work done already and if the variances aren't approved, he wouldn't be able to move forward with the project.
 - Commissioner Bainbridge state it looks like a lot of thought and energy has gone into the plan and it is a nice improvement.
 - Commissioner Bode said it will be an awesome functioning shelterbelt and has a beautiful tree selection. She hoped Mr. Havlik has a long life to enjoy the oak trees.
 - Commissioner Storm said it was unfortunate FSA didn't tell him the proper setbacks but he can't agree to the small setbacks he is requesting. In Commissioner Storms opinion the best shelterbelt he has ever seen is 1 row of cedars.
 - After consideration of the 1106 B-Variances, a motion by Steve Thiesse, seconded by Lewis Bainbridge, to recommend approval of the Variance Permit to the Board of Adjustment with all the requested setbacks being +/- 59' resulting in a setback of +/-16'. Roll call vote:
Haines – aye, Thiesse – aye, Storm –nay, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson– aye, motion carried.
10. That Jason & Arin Riggs have appealed to the Davison County Planning Commission to recommend granting a variance in minimum lot size of +/- 17.399 acres resulting in a lot size of +/- 7.601 acres, lot size of +/- 17.399 acres resulting in a lot size of +/- 7.601 acres and lot size of +/- 15 acres resulting in a lot size of +/- 10 acres, where the minimum lot size is 25 acres in the Agricultural District.
- This request is in pursuant to Section 307(4,5) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is currently described as W 831' of the N 1,321' in the NW ¼ of the NW ¼ of Section 15, T 101 N, R 60 West of the 5th P.M., Davison County, South Dakota. The property will be legally described as a Plat of Tracts 1, 2, and 3 in the Jason & Arin Addition, in the NW 1/4 of the NW 1/4 of Section 15, T 101 N, R 60 West of the 5th P.M., Davison County, South Dakota
 - Acting director 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 could not obtain a building permit for a new home on the parent parcel due to their land being described by measurements. While platting their current land of 25 acres they decided to parcel off two lots for their children to build a house on. This variance would be for all 3 lots now.
 - Commissioner Bainbridge stated his grandfather used to live there. He questioned if the house was already there to which the applicant stated it is on site but sitting on blocks not on the foundation.
 - Commissioner Bode questioned the future driveways for the 2 north lots if they will be shared or not because family might get along now but don't always. The applicant replied that they do not intend to be shared and Tract 2 will be off of 264th St and Tract 1 could be off 264th or 409th Ave.
 - Planning & Zoning Jenniges noted the Commission had just lowered speed limits in this area and turned yield signs into stop signs due to the truck traffic created from the nearby gravel pits.
 - Commissioner Anderson questioned how this gets regulated that it stays within 3rd of Kin for the housing variance? PZ Jenniges answered that there is a check list within the office they follow to make sure the proper steps have been followed for these small parcels. If it does not get used by family and gets sold to someone else, they would have to apply for a variance in lot size and the commission could approve or deny it.
 - After consideration of the 1106 B-Variences, a motion by Lewis Bainbridge, seconded by Dave Anderson, 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.
11. Considered a Plat of Tracts 1, 2, and 3 in the Jason & Arin Addition, in the NW 1/4 of the NW 1/4 of Section 15, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of Jason & Arin Riggs.
- Acting administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. This plat goes along with item #10 on the agenda. An Ag Covenant will be filed at the same time of the plat.
 - Motion by Dave Anderson, seconded by Charles Storm, 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.
12. Considered a Plat of Tract 2 of Roeder's Addition, in the NE ¼ of the NW ¼ of Section 28, T 102N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Dan Roeder.
- Acting administrator Jenniges gave an explanation of the plat.
 - The applicant was not present to answer questions. The applicant platted Tract 1 out a few years ago and received a variance to go along with it. He has found a buyer for the 3 acres and they would like to purchase another 6 acres. There is an easement on Lot 1 for ingress/egress if they were not the same owners down the road. Also, Mr. Roeder has the right of first refusal if Tract 2 were to be ever sold.

- Motion by Dave Anderson, seconded by Steve Thiesse, 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.
13. Additional Comments from the Group-
 - IM26 and what the county needs to prepare for before the deadline of July 1, 2021.
 14. Set date and time for next meeting – June 1, 2021 @ 7:00 P.M.
 15. At 8:43 P.M., a motion by Lewis Bainbridge seconded by Kim Weitala to adjourn the meeting. All members voted aye, motion carried.



Bruce Haines
Planning Commission Chairperson



Mark Jenniges
Acting Director of Planning & Zoning