

BOARD OF ADJUSTMENT
November 9, 2021

CALL TO ORDER

Chairperson Bode called the meeting of the Davison County Board of Adjustment to order at 9:15 a.m. Members of the Board present were Claggett, Kiner, Weitala, Bode. Absent Reider. Also present were Planning & Zoning Administrator Bathke, Assistant Administrator Wegleitner and Auditor Kiepke.

APPROVE AGENDA

Motion by Kiner, second by Claggett to approve the agenda for the November 9, 2021, meeting. All members present voted aye. Motion carried.

APPROVE MINUTES

Motion by Kiner, second by Claggett, to approve the minutes of the September 21, 2021, meeting. All members present 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 6-0-1.

Motion by Claggett, second by Kiner, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to operate a portable toilet rental and septic service business in the Ag District, as requested by Austin Schoengelder dba Schoenfelder Portables. This request is pursuant to Section 3:05, 1106(A) & 1206(A) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Tract 3 of Roeder's Addition previously platted Tract 1 & 2 (now vacated), all in the NE ¼ of the NW ¼ of Section 28, T 102 N, R 61 W of the 5th P.M., Davison County, south Dakota.

Application received October 1, 2021

Daily Republic October 16 & 20, 2021

Posted October 12, 2021

Notified Applicant October 12, 2021

Notified Abutting Property Owners October 12, 2021

Consideration of 1206 A. Conditional Uses

Roll call vote:

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

CONDITIONAL USE

The Planning Commission recommended granting 6-0-1.

Motion by Claggett, second by Kiner, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to construct a 150' (ft) monopole tower to provide high-speed internet to the area in the Ag District, as requested by Midco (Rick Kroll). This request is pursuant to Section 3:04(40), 1106(A) & 1206(A) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Tract 2 in the NE ¼ of Section 24, T 104 N, R 61 W of the 5th P.M., Davison County, south Dakota.

Application received September 24, 2021
Daily Republic October 16 & 20, 2021
Posted October 12, 2021
Notified Applicant October 12, 2021
Notified Abutting Property Owners October 12, 2021
Consideration of 1206 A. Conditional Uses

Roll call vote:

Kiner - aye, Weitalla – aye, Claggett – aye, Bode – aye, Reider – absent. Motion carried.

VARIANCE

The Planning Commission recommended granting 6-0-1.

Motion by Weitalla, second by Claggett, after consideration of Section 1206 B Variances, to grant a variance in minimum side yard setback of +/- 100' (ft) to create a setback from the west property line of +/- 50' (ft), where the minimum side yard setback is the height of the 150' (ft) tower in the Ag District, as requested by Midco (Rick Kroll). This request is pursuant to Section 308(1), 1106(B) & 1206(B) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property IS legally described as Tract 2 of NE ¼ of Section 24, T 104 N, R 61 W, of the 5th P.M., Davison County, South Dakota.

Application received October 7, 2021
Daily Republic October 16 & 20, 2021
Posted October 12, 2021
Notified Applicant October 12, 2021
Notified Abutting Property Owners October 12, 2021
Consideration of 1206 B. Variances

Roll call vote:

Claggett – aye, Weitalla – aye, Kiner – aye, Bode – aye, Reider – absent. Motion carried.

CONDITIONAL USE

The Planning Commission recommended granting 6-0-1.

Motion by Claggett, second by Kiner, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to operate a Rent-All-Shop and provide inside storage in the Ag Residential District, as requested by Melvin Fisher. This request is pursuant to Section 4:05, 4:04(35) 1106(A) & 1206(A) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Tract A, Spruce Acres in the SE ¼ of Section 35, T 103 N, R 60 W of the 5th P.M., Davison County, south Dakota.

Application received September 30, 2021
Daily Republic October 16 & 20, 2021
Posted October 12, 2021
Notified Applicant October 12, 2021
Notified Abutting Property Owners October 12, 2021
Consideration of 1206 A. Conditional Uses

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting 6-0-1.

Motion by Claggett, second by Weitala, after consideration of Section 1206 B Variances, to grant a variance in minimum front yard setback of +/- 20' (ft) to create a setback of +/- 55' (ft), where the minimum front yard setback is 75' (ft) in the Ag District, as requested by Victor Wieczorek. This request is pursuant to Section 308(1), 1106(B) & 1206(B) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the W ½ of the NW ¼ of Section 29, T 101 N, R 62 W, of the 5th P.M., Davison County, South Dakota.

Application received October 1, 2021
Daily Republic October 16 & 20, 2021
Posted October 12, 2021
Notified Applicant October 12, 2021
Notified Abutting Property Owners October 12, 2021
Consideration of 1206 B. Variances

Roll call vote:

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

ADJOURN

At 9:31 a.m., motion by Kiner, second by Claggett to adjourn Board of Adjustment. All members present voted aye. Motion carried.

ATTEST





Susan Kiepke, Auditor

Brenda Bode, Chairperson