

BOARD OF ADJUSTMENT
July 12, 2022

CALL TO ORDER

Chairperson Bode called the meeting of the Davison County Board of Adjustment to order at 10:00 a.m. A roll call was taken of those board members in attendance. All members of the Board were present. 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 July 12, 2022, meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Claggett, second by Reider, to approve the minutes of the June 21, 2022, 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 5-1-1.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance in minimum lot size of +/- 22 acres to create a lot size of +/- 3 acres within Lot B, where the minimum lot size is 25 acres in the Ag District; to grant a variance in minimum front yard setback of +/- 42' (ft) to create a front yard setback of +/- 33' (ft) from the grain bin on the west property line, where the minimum front yard setback is 75' (ft) in the Ag District; to grant a variance in minimum side yard setback of +/- 16' (ft) to create a side yard setback of +/- 34' (ft) from the shed on the south property line, where the minimum side yard setback is 50' (ft) in the Ag District; to grant a minimum side yard setback of +/- 50' (ft) to create a side yard setback of +/- 0' (ft) from the hoop shed on the south property line, where the minimum side yard setback is 50' (ft) in the Ag District; to grant a variance in minimum side yard setback of +/- 27' (ft) to create a setback of +/- 23' (ft) from the grain bin on the south property line where the minimum side yard setback is 50' (ft) in the Ag District; to grant a variance for front yard setback of +/- 75' to create a setback of +/- 0' (ft) from the silo bin on the west property line where the minimum front yard setback is 75' (ft) in the Ag District, as requested by Robert & Linda Henglefeld. This request is pursuant to Section 307(1), 308(1)(a), 308(1)(c), 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 SW ¼, Ex Lot 1 of Section 25, T 101 N, R 60 W of the 5th P.M., Davison County, South Dakota and the SE ¼ of Section 25, T 101 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received June 17, 2022
Daily Republic July 2, 2022
Posted June 24, 2022
Notified Applicant June 21, 2022
Notified Abutting Property Owners June 21, 2022
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 6-0-1.

Motion by Reider, second by Claggett, after consideration of Section 1206 B Variances, to grant a variance in minimum lot size of +/- 22 acres to create a lot size of +/- 3 acres, where the minimum lot size is 25 acres in the Ag District, as requested by Jacob and Danialle Hohn. This request is pursuant to Section 307(4), 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 SE ¼ of the SE ¼ of Section 12, T 101 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received June 17, 2022
Daily Republic July 2, 2022
Posted June 24, 2022
Notified Applicant June 21, 2022
Notified Abutting Property Owners June 21, 2022
Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 6-0-1.

Motion by Reider, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance in minimum lot size of +/- 20.502 acres to create a lot size of +/- 4.498 acres, where the minimum lot size is 25 acres in the Ag District; and to grant a variance in front yard setback of +/- 35'(ft) to create a front yard setback of +/- 40' (ft) from the shed on the east property line, where the minimum front yard setback is 75' (ft) in the Ag District, as requested by Tony Martin. This request is pursuant to Section 307(1), 308(1)(a), 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 NE ¼ of Section 24, T 103 N, R 62 W of the 5th P.M., Davison County, South Dakota.

Application received June 17, 2022
Daily Republic July 2, 2022
Posted June 24, 2022
Notified Applicant June 21, 2022
Notified Abutting Property Owners June 21, 2022

Consideration of 1206 B. Variances

Roll call vote:

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

CONDITIONAL USE

The Planning Commission recommended granting 4-0-1 with 2 abstentions.

Motion by Kiner, second by Claggett, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to operate an Agriculture Product Processing Facility in the Ag District with stipulations listed below, as requested by South Dakota Soybean Processors, LLC. This request is pursuant to Section 304(1), 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 Parcel 1: The NW ¼, Ex Lot A of Johnson's subdivision and Ex Lots H1 and H2 of Section 11, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota. Parcel 2: SW ¼ Ex the railroad and H2 and except the SW ¼ of the SW ¼ of Section 11, lying west of the railroad right-of-way and lying east of H2 and in Section 11, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Conditional Use Permit Stipulations

1. Comply with the Memorandum of Understanding (MOU) recommendations of the Traffic Impact Study and the Department of Transportation, at no cost to Davison County. The final determination will include input from the Highway Superintendent, one County Commissioner, and one Prosper Township Board Member.
2. Driveway approach access will be approved by the Highway Superintendent.
3. Present a landscape plan to the Planning & Zoning office, to include installation and maintenance of a fast-growing shelterbelt designed by the Davison County NRCS, including, but not limited to the south and east sides of the property wherever it is reasonably feasible to do so. The east side will not extend north past the south property line of Lot A of Johnson's Subdivision in the N ½ of Section 11-102-60.
4. A modification of ownership structure or legal entity name shall not require a new Conditional Use Permit.
5. Due to the length of construction, the 24-month non-use criteria set forth in Section 12:06 (A) 3 (Board of Adjustment Powers and Duties of Conditional Use Permits) of the Davison County Zoning Ordinance shall be waived.
6. Have a written plan for the site to address cleanup and disposal of the structures when the economic life of the building has expired. The life of the building shall be considered expired if not occupied for a 24-month period.
7. Comply with all regulations mandated by the Department of Agriculture and Natural Resources (DANR).

Application received June 14, 2022

Daily Republic July 2, 2022

Posted June 24, 2022

Notified Applicant June 21, 2022

Notified Abutting Property Owners June 21, 2022

Consideration of 1206 A. Conditional Uses

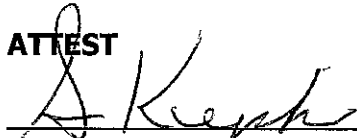
Roll call vote:

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

ADJOURN

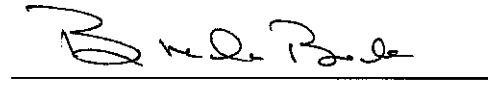
At 1:20 p.m., motion by Kiner, second by Reider to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST



Susan Kiepke, Auditor





Brenda Bode, Chairperson