



Davison County Planning & Zoning  
200 E. 4<sup>th</sup> Ave.  
Mitchell, SD 57301-2631  
Phone (605) 995-8615



PLANNING COMMISSION AGENDA  
September 6, 2022

1. Call to order at 7:00 P.M. by P&Z Chairman Haines.
2. Roll Call.
3. Approve the agenda.
4. Declare conflicts of interest.
5. Approve the August 2, 2022, Minutes.
6. Public input for items not on the agenda, no action will be taken.
7. Consider a variance application requested by Larry Neugebauer of:
  1. +/- 22 acres, creating a lot size of +/- 3 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.
  2. +/- 15', creating a setback of +/- 35' from the house on the east property line, where the minimum rear yard setback is 50' in the Agricultural District.
8. Consider a plat of Tract 1 of Helma's Addition in the SW1/4 of the NW1/4 and in the NW1/4 of the SW1/4 of Section 25, T 102 N, R 61, West of the 5th P.M., Davison County, South Dakota, at the request of Larry Neugebauer.
9. Consider a variance application requested by Matt Doerr of:
  1. +/- 59', creating a setback of +/- 16' from the proposed shelterbelt on the west property line, where the minimum setback is 75' in the Agricultural District.
10. Consider a variance application requested by Daniel & Chauna McCloud of:
  1. +/- 15.161 acres, creating a lot size of +/- 9.839 acres within lot 1, where the minimum lot size is 25 acres for a residence in the Agricultural District.
  2. +/- 14.812 acres, creating a lot size of +/- 10.188 acres, within lot 2, where the minimum lot size is 25 acres for a residence in the Agricultural District.
  3. +/- 14.785 acres, creating a lot size of +/- 10.215 acres within lot 3, where the minimum lot size is 25 acres for a residence in the Agricultural District.
  4. +/- 25', creating a setback of +/- 25' from the west garage on the west property line, where the minimum side yard setback is 50' in the Agricultural District.
11. Consider a plat of Lots 1, 2 & 3 of McCloud's Addition in the N1/2 of the NW1/4 of Section 14, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of Daniel & Chauna McCloud.
12. Consider a variance application requested by James Wagner of:
  1. +/- 25', creating a setback of +/- 50' from the two proposed sheds on the north property line, where the minimum front yard setback is 75' in the Agricultural District.
13. Consider a conditional use application to amend a condition set forth on the permit granted on July 29, 2003, and amended on July 20, 2004, to add a fourth driveway to 258<sup>th</sup> Steet, at the request of James Wagner.
14. Consider a variance application requested by Dawn Mutchelknaus of:
  1. +/- 11.19 acres, creating a lot size of +/- 13.81 acres within Tract 2, where the minimum lot size is 25 acres for a residence in the Agricultural District.
  2. +/- 70', creating a setback of +/- 5' from the hay shelter on the north property line, where the minimum front yard setback is 75' in the Agricultural District.
  3. +/- 20', creating a setback of +/- 55' from the shed on the north property line, where the minimum front yard setback is 75' in the Agricultural District.
  4. +/- 4', creating a setback of +/- 46' from the proposed house on the east property line, where the minimum side yard setback is 50' in the Agricultural District.

15. Consider a plat of Tract 1 of Mutchelknaus Addition in the SW1/4 of the SE1/4 of Section 26, and Tract 2 of Mutchelknaus Addition in the NW1/4 of the NE1/4 of Section 35, T 103 N, R 61, West of the 5th P.M., Davison County, South Dakota, at the request of Dawn Mutchelknaus.
16. Consider a plat of Tract 1 of DeVonne's Addition in the NW1/4 of Section 19, T 104 N, R 60, West of the 5<sup>th</sup> P.M., Davison County, South Dakota, except Lot H1, at the request of Glen Sommer.
17. Consider a plat of Tract 1 of Geidel's Addition in the SE1/4 of Section 20, T 102 N, R 60, West of the 5<sup>th</sup> P.M., Davison County, South Dakota, at the request of John & Mary Geidel.
18. Additional comments from the group.
19. Set date and time for next meeting – October 4, 2022 @ 7:00 P.M.
20. Adjournment.

*Karen Wegleitner*

Karen Wegleitner  
Deputy Director of Planning & Zoning



PLANNING COMMISSION MINUTES  
August 2, 2022

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, Ray Gosmire, Brenda Bode, Lewis Bainbridge, Mike Blaaid, Jeff Bathke & Karen Wegleitner
  - Absent: None.
  - Guests: Chuck Mauszycki, Sr., Ashley Green & Jordan Connor.
2. Chairman Haines welcomed Michael Blaaid to his first Planning Commission meeting.
3. Consider the amended agenda. Item number 8, Jason & Christi Walz's variance application, was pulled from the agenda due to meeting the conditions of the 2003 conditional use permit.
  - Motion by Brenda Bode, seconded by Steve Thiesse, to approve the amended agenda. All members voted aye, motion carried.
4. Declare conflicts of interest. None.
5. Consider the previous minutes. Motion by Dave Anderson, seconded by Ray Gosmire, to approve the July 5, 2022 proposed minutes. All members voted aye, motion carried.
6. Public input for items not on the agenda. Hearing none, the meeting continued.
7. Consider a plat of Lots 3, 4 and 5 of CJM Third Addition, a subdivision of the NW1/4 and of Irregular Tract No. 3 in the SW1/4 of Section 32, T 104 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of CJM Consulting, Inc.  
This request is located in NW1/4 & Irregular Tract No. 3 in the SW1/4 of Section 32, T 104 N, R 60, W of the 5<sup>th</sup> P.M., Davison County, South Dakota.  
Deputy Administrator Wegleitner gave an explanation of the Plat Proposal. The applicant was present to answer questions.  
**Discussion:** Chuck explained he is selling the 3 lots and his house as he is building a new one. The board asked if the property was in the City or County jurisdiction and it's in the ETJ Zoning District.
  - Motion by Dave Anderson, seconded by Lewis Bainbridge, to recommend approval of the Plat to the County Commissioners. Roll call vote:  
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Bode – aye, Blaaid – aye, Anderson – aye, motion carried.
8. Consider a plat of Lot A of Connor First Addition in the NW1/4 of Section 25, T 101 N, R 60, West of the 5th P.M., Davison County, South Dakota, at the request of Jordan Connor. This request is located in NW1/4 of Section 25, T 101N, R 60, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Plat Proposal. The applicant was present to answer questions.  
**Discussion:** Jordan explained the property is described by measurements and in order to get a building permit, it has to be platted. He plans on buying the property from his aunt. The board asked why there is no variance application as the property is less than 25 acres. The land is an existing property and he isn't changing the acres of the land, only platting and no variance is needed.
  - Motion by Steve Thiesse, seconded by Lewis Bainbridge, to recommend approval of the Plat to the County Commissioners. Roll call vote:  
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Bode – aye,

Blaalid – aye, Anderson – aye, motion carried.

9. Consider a variance application requested by Chris & Aimee Nebelsick of:

- +/- 20 acres, creating a lot size of +/- 5 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.

This request is located in the SE1/4, ex. the N.852', of Section 20, T 102N, R 60, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Variance Application. The applicant was not present to answer questions.

**Discussion:** Ashley Green, the buyer of the 5 acres, was present to answer questions. Chris is selling 5 acres to Ashley for her to build a residence. The Greens and Nebelsicks are longtime friends. The Nebelsicks new Ashley wanted to build a residence and approached Daryl, Ashley's father, if they wanted to buy land to build. The plan is to use rural water and in the future purchase her parent's property, which will be abutting her property. The board likes how the proposed 5 acres will be right up to the Green's existing land and how easy farming the remaining ag ground will be.

- Motion by Lewis Bainbridge, seconded by Mike Blaalid, to recommend approval of the Variance to the Board of Adjustment. Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Bode – aye,

Blaalid – aye, Anderson – aye, motion carried.

10. Consider a plat of Lot 1 of Daryl's Addition in the SE1/4, ex. for the N.852', of Section 20, T 102 N, R 60, West of the 5<sup>th</sup> P.M., Davison County, South Dakota, at the request of Chris & Aimee Nebelsick.

This request is located in SE1/4, ex N.852', of Section 20, T 102N, R 60, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Plat Proposal. The applicant was not present to answer questions.

**Discussion:** No discussion or concerns on the plat.

- Motion by Dave Anderson, seconded by Ray Gosmire, to recommend approval of the Plat to the County Commissioners. Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Bode – aye,

Blaalid – aye, Anderson – aye, motion carried.

11. Additional Comments from the Group

- None

12. Set date and time for next meeting – September 6, 2022 @ 7:00 P.M.

13. At 7:38 P.M., a motion was made by Dave Anderson, seconded by Lewis Bainbridge, to adjourn the meeting. All members voted aye, motion carried.

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Bruce Haines  
Planning Commission Chairperson

*Karen Wegleitner*

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Karen Wegleitner  
Deputy Director of Planning & Zoning



# DAVISON COUNTY VARIANCE APPLICATION

**Applicant Name:** Larry Neugebauer

**Application date:** 7/15/22

**Applicant Address:** 26277 405th Ave., Ethan, SD 57334

**Application deadline:** 8/22/22

**Applicant Email:** larryneg@santel.net

**Contact Phone:** 770-5360 (Larry) 630-5751 (Tyler)

**Owner Name:** Same

**Owner Address:** Same

**Owner Contact Phone:** Same

**Parcel Number of parent parcel:** 05000-10261-252-00 & 05000-101261-253-00

**Legal Description of current parcel(s):** Parcel 1: NW1/4 of Section 25, T 102 N, R 61, West of the 5th P.M., Davison County, South Dakota & parcel 2: SW1/4 of Section 25, T 102 N, R 61, West of the 5th P.M., Davison County, South Dakota

**Proposed Legal Description of parcels:** Tract 1 of Helma's Addition in the SW1/4 of the NW1/4 and in the NW1/4 of the SW1/4 of Section 25, T 102 N, R 61, West of the 5th P.M., Davison County, South Dakota.

**Reason for Variance:** Recommend granting a variance of:

1. +/- 22 acres, creating a lot size of +/- 3 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.

2. +/- 15', creating a setback of +/- 35' from the house on the east property line, where the minimum rear yard setback is 50' in the Agricultural District.

This request is pursuant to Section 3:07(5) and 3:08(1)(b) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended.

**Reason for Request to include hardships:** Applicant only wants to sell 3 acres to conserve Ag producing land.

**Section of Code Allowing Variance:** 3:07(5), 3:08(1)(b), 11:06 B, and 12:06 B

**Fee Collected for Variance (\$100):** 7/15/22

**Check #:** Cash

**Receipt #:** 12207

**Planning Commission Hearing Date:** 9/6/22

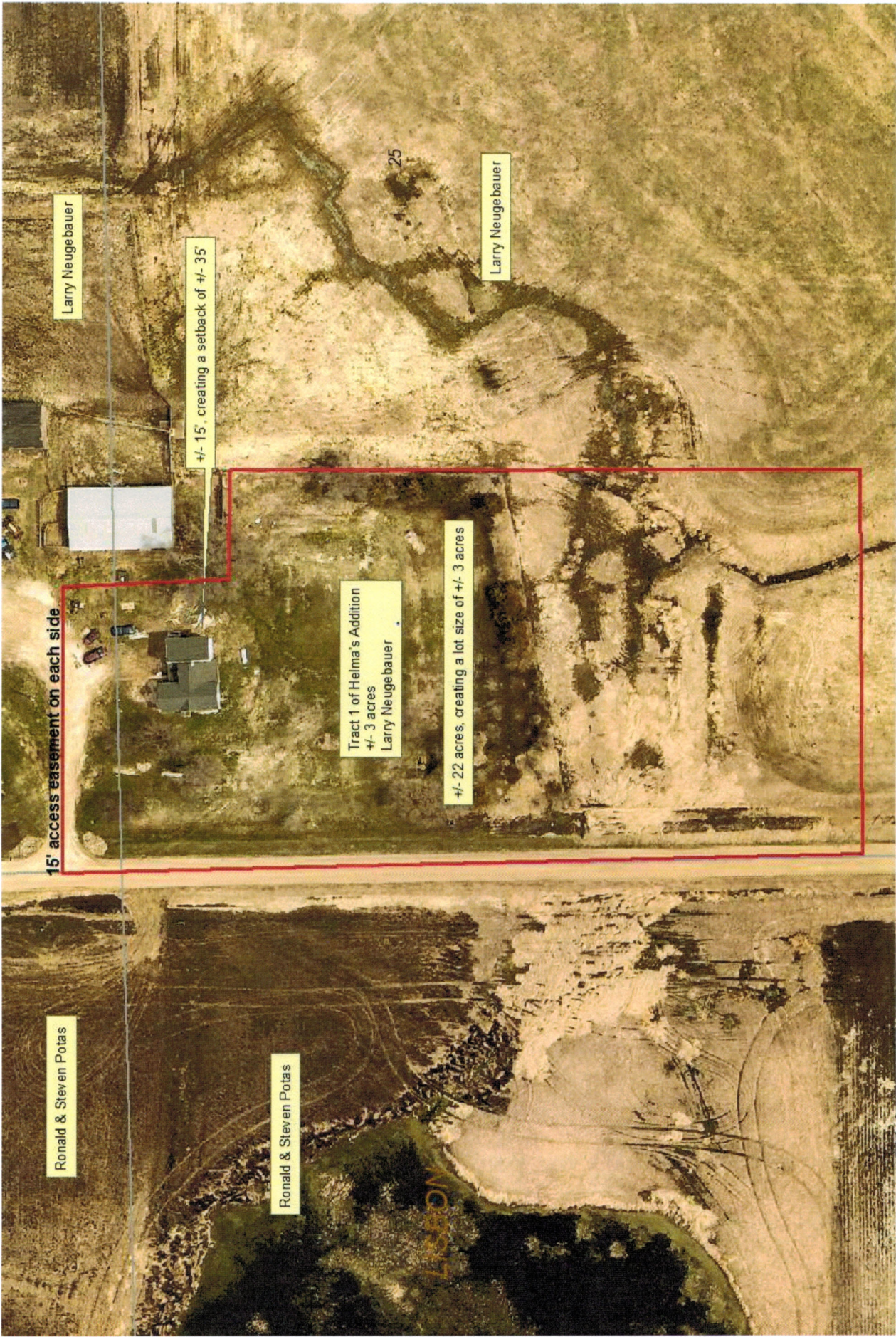
**Board of Adjustment Hearing Date:** 9/20/22

## Required Items:

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

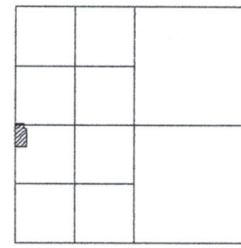
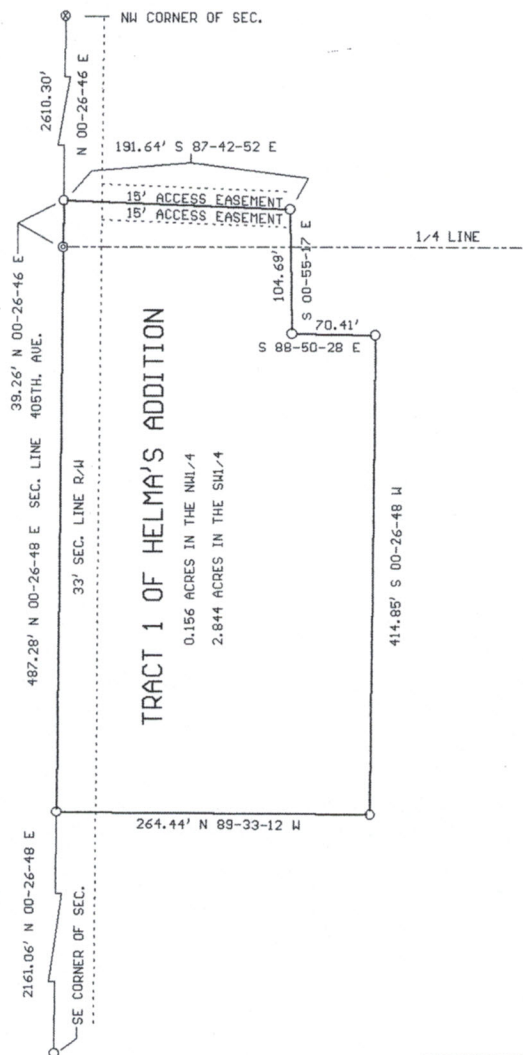
**Signatures of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_







PLAT OF TRACT 1 OF HELMA'S ADDITION, IN THE SW1/4 OF THE NW1/4 AND IN THE NW1/4 OF THE SW1/4 OF SECTION 25, T02N, R61W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.



SECTION 25, T102N, R61W

- SET 5/8" REBAR WITH CAP  
STAMPED TOM WEEK LS 2912
- ⊗ FOUND LARGE SPIKE
- ⊗ FOUND NAIL

SCALE : 



#### SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY OF TRACT 1 OF HELMA'S ADDITION, IN THE SW1/4 OF THE NW1/4 AND IN THE NW1/4 OF THE SW1/4, SECTION 25, T102N, R61W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA. SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 11TH. DAY OF AUGUST, 2022.

THOMAS LYNN WEEK  
REGISTERED LAND SURVEYOR  
REG. NO. 2912

#### CERTIFICATE OF STREET AUTHORITY

THERE EXISTS AN APPROACH TO TRACT 1 WHICH IS SHARED WITH THE FUTURE OWNER OF TRACT 1 AND THE OWNER OF THE REMAINING FARM GROUND. ANY FURTHER ACCESS WILL REQUIRE ADDITIONAL APPROVAL.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

TOWNSHIP / COUNTY AUTHORITY

#### DIRECTOR OF EQUALIZATION CERTIFICATE

THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION/DEPUTY DIRECTOR OF EQUALIZATION OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT HE/SHE HAS RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

PLAT OF TRACT 1 OF HELMA'S ADDITION, IN THE SW1/4 OF THE NW1/4 AND IN THE NW1/4 OF THE SW1/4, SECTION 25, T102N, R61W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

OWNER'S CERTIFICATE AND AGREEMENT OF PROTECTION OF WATER

I, LARRY NEUGEBAUER, DO HEREBY CERTIFY, THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF THE ABOVE DESCRIBED REAL PROPERTY: TRACT 1 OF HELMA'S ADDITION, IN THE SW1/4 OF THE NW1/4 AND IN THE NW1/4 OF THE SW1/4, SECTION 25, T102N, R61W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND INCLUDED IN THE BOUNDARIES OF TRACT 1, SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. THERE DOES EXIST HIGHWAY RIGHT OF WAY ALONG THE WEST SIDE OF TRACT 1. PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2 THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE FROM SUCH ADDITION, AND SHALL IN PROSECUTION OF SUCH PROTECTION CONFORM TO AND FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME. ADDITIONALLY THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE LIABLE FOR ANY POLLUTION THAT OCCURS FROM FAILURE TO EXECUTE SUCH PROTECTIONS OR FOLLOW SUCH REGULATIONS, EXCEPTION BEING THOSE LOTS IN SUBDIVISIONS THAT SHOW DOCUMENTATIONS THAT WASTE WATER DRAINAGE SHALL BE CONNECTED TO A MUNICIPAL SYSTEM. A 15 FOOT ACCESS EASEMENT IS DEDICATED ON EACH SIDE OF THE NORTH BOUNDARY OF TRACT 1 FOR ACCESS TO TRACT 1 AND THE REMAINING FARM GROUND.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_  
LARRY NEUGEBAUER

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, BEFORE ME THE UNDERSIGNED OFFICER, PERSONALLY APPEARED LARRY NEUGEBAUER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE DAVISON COUNTY, SOUTH DAKOTA, PLANNING COMMISSION THAT THE ABOVE PLAT REPRESENTING TRACT 1 OF HELMA'S ADDITION, IN THE SW1/4 OF THE NW1/4 AND IN THE NW1/4 OF THE SW1/4, SECTION 25, T102N, R61W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, AND FINDS AS A FACT THAT SAID PLAT IS IN CONFORMITY AND DOES NOT CONFLICT WITH THE MASTER PLAN FOR DAVISON COUNTY, AND THE SAME IS HEREBY APPROVED AND ITS ADOPTION BY THE BOARD OF COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA IS RECOMMENDED.

THE FOREGOING RESOLUTION WAS PASSED BY THE COUNTY PLANNING COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA, AT A MEETING THEREOF HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CHAIRMAN, PLANNING COMMISSION

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNER THEREOF HAS CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: TRACT 1 OF HELMA'S ADDITION, IN THE SW1/4 OF THE NW1/4 AND IN THE NW1/4 OF THE SW1/4, SECTION 25, T102N, R61W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, AND HAS SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR/DEPUTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, \_\_\_\_\_, COUNTY AUDITOR/DEPUTY AUDITOR OF DAVISON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
COUNTY AUDITOR/DEPUTY AUDITOR

\_\_\_\_\_  
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS



PLAT OF TRACT 1 OF HELMA'S ADDITION, IN THE SW1/4 OF THE NW1/4 AND IN THE NW1/4 OF THE SW1/4, SECTION 25, T102N, R61W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

TREASURER CERTIFICATE

THE UNDERSIGNED, COUNTY TREASURER/DEPUTY TREASURER OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
TREASURER/DEPUTY TREASURER, DAVISON COUNTY, S.D.

REGISTER OF DEEDS CERTIFICATE

THE UNDERSIGNED, REGISTER OF DEEDS/DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT THE ORIGINAL PLAT WAS FILED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ O'CLOCK \_\_\_\_ M., AND DULY RECORDED IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_.

\_\_\_\_\_  
REGISTER OF DEEDS/DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, S.D.

PREPARED BY: TOM WEEK  
407 REGAL DRIVE  
YANKTON, SOUTH DAKOTA 57078  
1-605-665-8333



Larry Neugebauer

Larry Neugebauer

15' access easement on each side

Tract 1 of Helma's Addition  
+/- 3 acres  
Larry Neugebauer

Ronald & Steven Potas

Ronald & Steven Potas

25



# DAVISON COUNTY VARIANCE APPLICATION

**Applicant Name:** Matt Doerr

**Application date:** 8/8/22

**Applicant Address:** 25085 406<sup>th</sup> Ave., Mitchell, SD 57301

**Application deadline:** 8/22/22

**Applicant Email:** \_\_\_\_\_

**Contact Phone:** 605-760-0627

**Owner Name:** Same

**Owner Address:** Same

**Owner Contact Phone:** Same

**Parcel Number of parent parcel:** 03000-10361-014-05

**Legal Description of current parcel(s):** W1/2 of the SE1/4 of the SE1/4 of Section 1, T 103 N, R 61, West of the 5th P.M., Davison County, South Dakota.

**Proposed Legal Description of parcels:** NA

**Reason for Variance:** Recommend granting a variance of:

1. +/- 59', creating a setback of +/- 16' from the proposed shelterbelt on the west property line, where the minimum setback is 75' in the Agricultural District.

This request is pursuant to Section 2:15 and 4:02(16) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended.

**Reason for Request to include hardships:** Applicant would like to plant a shelterbelt along the west side of his property. See attached Natural Resources Conservation Service Tree Planting Specification Sheet for the full plan.

**Section of Code Allowing Variance:** 2:15, 4:02(16), 11:06 B, and 12:06 B

**Fee Collected for Variance (\$100):** 8/8/2022

**Check #:** 194

**Receipt #:** 12359

**Planning Commission Hearing Date:** 9/6/22

**Board of Adjustment Hearing Date:** 9/13/22

## 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:** \_\_\_\_\_



### TREE PLANTING SPECIFICATION SHEET

Producer: Matt Doerr Year to be Planted: 2023

County Davison Farm        Tract        Field        Windbreak Type        Field Windbreak       

Program GRANT CIN or referral #        Practice Windbreak/Shelterbelt Establishment Practice # 380

55C Soil Map Unit: 3 Legal Desc. Sec 1 TWP 103 RGE 61

Resource Concern (CPPE Impact) Soil Erosion Wind Erosion (5) Purpose: 612 - long-term erosion control and improvement of water quality

#### Present Ground Cover:

List the herbicides applied  
List the herbicides applied  
List the herbicides applied

2022	
2021	
2020	

Fallow Needed?

☒ Yes ☐ No

Are Utilities Present?

(Overhead or Underground)

(Call Before You Dig 1-800-781-7474)

☐ Yes ☒ No

Are Cultural Resource Concerns Addressed?

☐ Yes ☐ No

#### Site Preparation Needed Prior To Planting:

☐ None ☐ Herbicide ☐ Chisel Plow ☒ Disk ☒ Roto Tiller ☐ Windbreak Renovation ☐ Other

Describe Other:

#### Planting Method:

☒ Machine ☐ Scalp ☐ Hand Plant

#### Planned Weed Control:

##### Within Row

☐ Mechanical ☐ Herbicide ☒ Tree Fabric

7.700 Feet of Fabric

##### In Between Row

☐ Mechanical ☐ Herbicide ☒ Grass Seeding

276.0 Tree Tubes

Estimated Fencing Needed to Exclude Livestock (feet):

       Feet of Fence

Planning Assistance By:

Matt Hayes

7/20/2022

(Name)

(Date)

### PRACTICE CERTIFICATION

Date Planted:

Planted By:

Practice Meets SD Standards and Specifications:

Yes ☐

No ☐

(If "No" is checked, state reasons in the  
comments on performance section)

Certified By:

(Name)

(Title)

(Date)

How Measured?

☐ Wheel ☐ Photo ☐ GPS ☐ Other

Describe other

3.23 Acres Planned

       Acres Applied

       Feet of Windbreak Applied

       Feet Fabric Applied

       Tree Tubes Applied

Comments on Performance:

Establishment

SD-CPA-6e

MLRA		55C	PLANTING INFORMATION --										PLANNED				APPLIED				Check if installed	Check if installed	Calculate
Site No.	CTSG	Spacing (feet)	Row No.	Species from North or West	Alternate With	(Feet) Spacing in Row	Approx. Length of rows		Approx. No. of Plants	Fabric (Feet)	Tree Tubes	Seeding Source	Width (feet)	Spacing (ft)	Approximate Length in the Row	Length (Feet) (Rods)	Fabric (Feet)	Tree Tubes	No. of Plants				
							Feet	Rods															
1	J	16	1	Juneberry (Saskatoon service)	<input checked="" type="checkbox"/>	8	1100	66.7	138	Yes	No												
	J	16	2	Honeylocust	<input checked="" type="checkbox"/>	12	1100	66.7	92	Yes	Yes												
	J	16	3	HackberryPM	<input checked="" type="checkbox"/>	12	1100	66.7	92	Yes	Yes												
	J	16	4	Siberian larch	<input checked="" type="checkbox"/>	20	1100	66.7	55	Yes	No												
	J	16	5	Bur oak	<input checked="" type="checkbox"/>	12	1100	66.7	92	Yes	Yes												
	J	16	6	Meyer Spruce	<input checked="" type="checkbox"/>	12	1100	66.7	92	Yes	No												
	J	16	7	Common lilac	<input checked="" type="checkbox"/>	8	1100	66.7	138	Yes	No												
						Totals	7,700	466.9	699	7,700.0	276												

Section 1  
Township 103  
Range 61

3.23 acres planned

acres applied

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Producer Name

Matt Doerr

Address

25085 408th Ave.

Site Address

Mitchell, SD 57301

Phone Home

Work

Cell

(605) 760-0627

Type of Planting

Field Windbreak

Program

GRANT

Site Prep

Disk, Roto Tiller

Practice #

380

Applied

Date Completed:

Completed by:

Windbreak

Fabric

\_\_\_\_\_

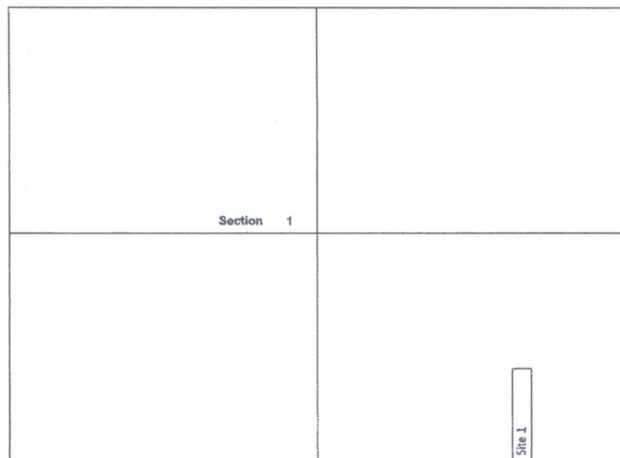
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N

LOCATION MAP





**Matt Doerr**  
7 Row Shelterbelt

Legend

406th Ave

Google Earth

251st St

251st St

700 ft









# DAVISON COUNTY VARIANCE APPLICATION

**Applicant Name:** Daniel & Chauna McCloud

**Applicant Address:** 41023 258th St., Mitchell, SD 57301

**Applicant Email:** dannak@davisoncounty.org

**Application date:** 8/9/22

**Application deadline:** 8/22/22

**Contact Phone:** 770-9063

**Owner Name:** Same

**Owner Address:** Same

**Owner Contact Phone:** Same

**Parcel Number of parent parcel:** Parcel 1: 09000-10260-142-10

Parcel 2: 09142-10260-001-10

Parcel 3: 09000-10260-142-15

**Legal Description of current parcel(s):** Parcel 1: N1/2 of the NW1/4 of Sec. 14, T 102 N, R 60 W, lying East of RR ROW, ex. the E.1593' & ex. Lot A of McCloud's Add., a subdivision of the N1/2 of the NW1/4 of Sec. 14, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota.

Parcel 2: Lot A of McCloud's Addition, a subdivision of the N1/2 of the NW1/4 of Sec. 14, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota.

Parcel 3: E.1593', ex. the E.1347' thereof the N1/2 of the NW1/4 lying North of Enemy Creek in Sec. 14, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota.

**Proposed Legal Description of parcels:** Lots 1, 2 & 3 of McCloud's Addition in the N1/2 of the NW1/4 of Section 14, T 102 N, R 60, West of the 5th P.M., Davison County, SD.

**Reason for Variance:** Recommend granting a variance of:

1. +/- 15.161 acres, creating a lot size of +/- 9.839 acres within lot 1, where the minimum lot size is 25 acres for a residence in the Agricultural District.

2. +/- 14.812 acres, creating a lot size of +/- 10.188 acres, within lot 2, where the minimum lot size is 25 acres for a residence in the Agricultural District.

3. +/- 14.785 acres, creating a lot size of +/- 10.215 acres within lot 3, where the minimum lot size is 25 acres for a residence in the Agricultural District.

4. +/- 25', creating a setback of +/- 25' from the west garage on the west property line, where the minimum side yard setback is 50' in the Agricultural District.

This request is pursuant to Section 3:07(4) and 3:08(1)(c) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended.

**Reason for Request to include hardships:** Platting out land to divide between family, to build residences in the future.

**Section of Code Allowing Variance:** 3:07(4), 3:08(1)(c), 11:06 B, and 12:06 B

**Fee Collected for Variance (\$100):** 8/9/22

**Check #:** 2176

**Receipt #:** 12371

**Planning Commission Hearing Date:** 9/6/22

**Board of Adjustment Hearing Date:** 9/20/22



**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:** \_\_\_\_\_



Lot 1  
McCloud Addition  
+/- 9.839 acres

Lot 2  
McCloud Addition  
+/- 10.188 acres

Lot 3  
McCloud Addition  
+/- 10.215 acres

Daniel & Chauna McCloud

+/- 25' creating a setback of +/- 25'  
from the west garage on  
the west property line.

20' access  
easement

+/- 15.161 acres,  
creating a lot size of  
+/- 9.839 acres

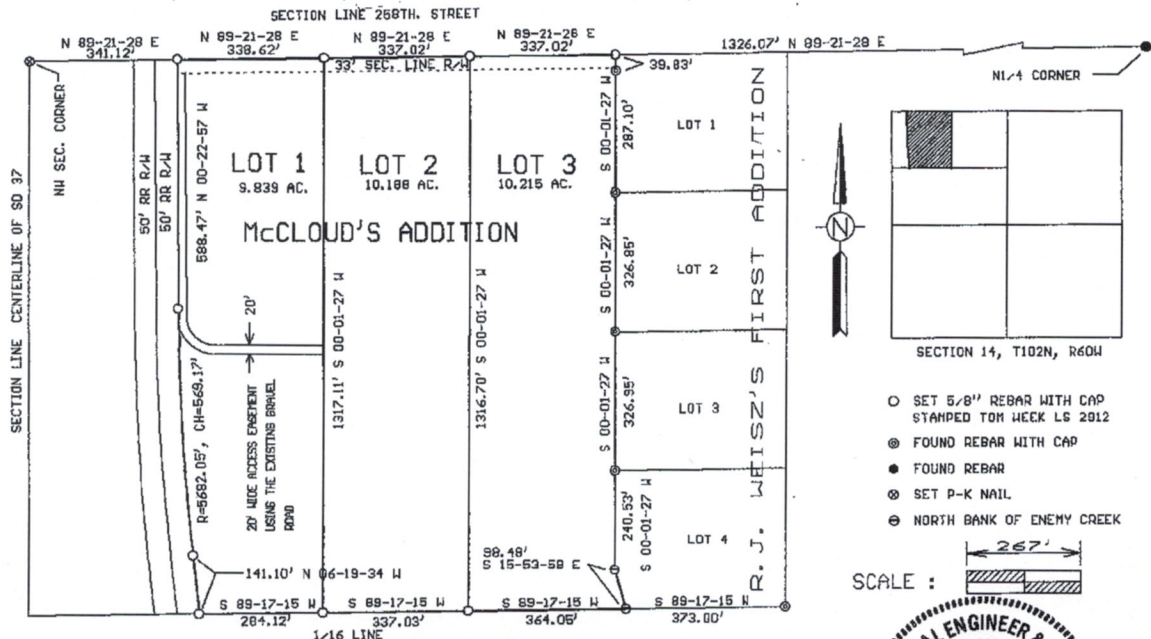
+/- 14.812 acres,  
creating a lot size of  
+/- 10.188 acres

+/- 14.785 acres,  
creating a lot size of  
+/- 10.215 acres



PLAT OF LOTS 1, 2 AND 3 OF McCLOUD'S ADDITION, IN THE N1/2 OF THE NW1/4 OF SECTION 14, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

THIS PLAT VACATES PREVIOUSLY PLATTED LOT A OF McCLOUD'S ADDITION, IN THE N1/2 OF THE NW1/4 SECTION 14, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.  
FILED ON MAY 3RD, 1994 AT 4:00 PM, AND RECORDED IN BOOK OF PLATS 15, PAGE 5.



SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY OF LOTS 1, 2 AND 3 OF McCLOUD'S ADDITION, IN THE N1/2 OF THE NW1/4 OF SECTION 14, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA. SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THIS PROPERTY WAS PREVIOUSLY DESCRIBED AS:

LOT A OF McCLOUD'S ADDITION;  
N1/2 OF THE NW1/4 LYING EAST OF THE RAILROAD R/W, EXCEPT FOR THE EAST 1593 FEET AND FURTHER EXCEPTING LOT A OF McCLOUD'S ADDITION;  
THE EAST 1593 FEET EXCEPT FOR THE EAST 1347 FEET LYING NORTH OF ENEMY CREEK;  
THE EAST 21.25 FEET OF THE EAST 1347 FEET LYING NORTH AND EAST OF ENEMY CREEK;  
ALL BEING IN THE N1/2 OF THE NW1/4 OF SEC. 14, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

DATED THIS 19TH. DAY OF JULY, 2022.

THOMAS LYNN WEEK  
REGISTERED LAND SURVEYOR  
REG. NO. 2912

CERTIFICATE OF STREET AUTHORITY

THERE IS AN EXISTING ACCESS TO LOT 1. ANY CHANGE IN THE EXISTING ACCESS SHALL REQUIRE ADDITIONAL APPROVAL. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

TOWNSHIP / COUNTY HIGHWAY REPRESENTATIVE

DIRECTOR OF EQUALIZATION CERTIFICATE

THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION/DEPUTY DIRECTOR OF EQUALIZATION OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT HE/SHE HAS RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

DIRECTOR OF EQUALIZATION/DEPUTY DIRECTOR OF  
EQUALIZATION, DAVISON COUNTY, S.D.

PLAT OF LOTS 1, 2 AND 3 OF McCLOUD'S ADDITION, IN THE N1/2 OF THE NW1/4 OF SECTION 14, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

OWNER'S CERTIFICATE AND AGREEMENT OF PROTECTION OF WATER

WE, DANIEL G. McCLOUD AND CHAUNA R. McCLOUD, DO HEREBY CERTIFY, THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF THE ABOVE DESCRIBED REAL PROPERTY: LOTS 1, 2 AND 3 OF McCLOUD'S ADDITION, IN THE N1/2 OF THE NW1/4 OF SECTION 14, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WERE MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND INCLUDED IN THE BOUNDARIES OF LOTS 1, 2 AND 3, SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2 THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE FROM SUCH ADDITION, AND SHALL IN PROSECUTION OF SUCH PROTECTION CONFORM TO AND FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME. ADDITIONALLY THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE LIABLE FOR ANY POLLUTION THAT OCCURS FROM FAILURE TO EXECUTE SUCH PROTECTIONS OR FOLLOW SUCH REGULATIONS, EXCEPTION BEING THOSE LOTS IN SUBDIVISIONS THAT SHOW DOCUMENTATIONS THAT WASTE WATER DRAINAGE SHALL BE CONNECTED TO A MUNICIPAL SYSTEM. A 20 FOOT WIDE ACCESS EASEMENT EXISTS AS SHOWN ON THE PLAT, GOING ACROSS LOT 1 FOR ACCESS TO LOT 2.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

DANIEL G. McCLOUD

CHAUNA R. McCLOUD

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, BEFORE ME THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DANIEL G. McCLOUD AND CHAUNA R. McCLOUD, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE DAVISON COUNTY, SOUTH DAKOTA, PLANNING COMMISSION THAT THE ABOVE PLAT REPRESENTING LOTS 1, 2 AND 3 OF McCLOUD'S ADDITION, IN THE N1/2 OF THE NW1/4 OF SECTION 14, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, AND FINDS AS A FACT THAT SAID PLAT IS IN CONFORMITY AND DOES NOT CONFLICT WITH THE MASTER PLAN FOR DAVISON COUNTY, AND THE SAME IS HEREBY APPROVED AND ITS ADOPTION BY THE BOARD OF COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA IS RECOMMENDED.

THE FOREGOING RESOLUTION WAS PASSED BY THE COUNTY PLANNING COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA, AT A MEETING THEREOF HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

CHAIRMAN/VICE CHAIRMAN, PLANNING COMMISSION

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNERS THEREOF HAVE CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: LOTS 1, 2 AND 3 OF McCLOUD'S ADDITION, IN THE N1/2 OF THE NW1/4 OF SECTION 14, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA AND HAVE SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, \_\_\_\_\_, COUNTY AUDITOR/DEPUTY AUDITOR OF DAVISON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

COUNTY AUDITOR/DEPUTY AUDITOR

CHAIRMAN/VICE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS



PLAT OF LOTS 1, 2 AND 3 OF McCLOUD'S ADDITION, IN THE N1/2 OF THE NW1/4 OF SECTION 14, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

**RESOLUTION OF CITY PLANNING COMMISSION**

WHEREAS, THE PLAT OF LOTS 1, 2 AND 3 OF McCLOUD'S ADDITION, IN THE N1/2 OF THE NW1/4 OF SECTION 14, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, PREPARED BY THOMAS LYNN WEEK, DULY LICENSED LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA, HERETOFORE FILED IN THE OFFICE OF CITY FINANCE OFFICER OF MITCHELL, SOUTH DAKOTA, HAS BEEN SUBMITTED TO THE CITY PLANNING COMMISSION OF THE SAID CITY OF MITCHELL, SOUTH DAKOTA; AND WHEREAS, THE CITY PLANNING COMMISSION, IN REGULAR MEETING ASSEMBLED, HAD DULY CONSIDERED SAID PLAT AND FINDS AS A FACT THAT SAID PLAT IS IN CONFORMITY AND DOES NOT CONFLICT WITH THE MASTER PLAN FOR THE CITY OF MITCHELL, SOUTH DAKOTA, HERETOFORE ADOPTED BY THIS COMMISSION;

NOW THEREFORE, BE IT RESOLVED BY THE CITY PLANNING COMMISSION OF MITCHELL, SOUTH DAKOTA, THAT THE PLAT OF LOTS 1, 2 AND 3 OF McCLOUD'S ADDITION, IN THE N1/2 OF THE NW1/4 OF SECTION 14, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, PREPARED BY THOMAS LYNN WEEK, A LAND SURVEYOR, BE AND THE SAME IS HEREBY APPROVED AND ITS ADOPTION BY THE CITY COUNCIL OF THE CITY OF MITCHELL, SOUTH DAKOTA, IS HEREBY RECOMMENDED.

I, \_\_\_\_\_, CHAIRMAN OF THE CITY PLANNING COMMISSION FOR THE CITY OF MITCHELL, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE CITY PLANNING COMMISSION OF MITCHELL, SOUTH DAKOTA, AT A MEETING THEREOF HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_.

CITY PLANNING COMMISSION BY: \_\_\_\_\_

**RESOLUTION OF CITY COUNCIL**

WHEREAS, IT APPEARS THAT THE CITY PLANNING COMMISSION OF THE CITY OF MITCHELL, SOUTH DAKOTA, DID DULY CONSIDER AND DID RECOMMEND THE APPROVAL AND ADOPTION OF THE HEREINAFTER DESCRIBED PLAT, AT ITS MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_; AND WHEREAS, IT APPEARS FROM AN EXAMINATION OF THE PLAT OF LOTS 1, 2 AND 3 OF McCLOUD'S ADDITION, IN THE N1/2 OF THE NW1/4 OF SECTION 14, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, AS PREPARED BY THOMAS LYNN WEEK, A DULY LICENSED LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA, THAT SAID PLAT IS IN ACCORDANCE WITH THE SYSTEM OF STREETS AND ALLEYS SET FORTH IN THE MASTER PLAN ADOPTED BY THE CITY PLANNING COMMISSION OF THE CITY OF MITCHELL, SOUTH DAKOTA, AND THAT SUCH PLAT HAS BEEN PREPARED ACCORDING TO LAW;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MITCHELL, SOUTH DAKOTA, THAT THE PLAT OF LOTS 1, 2 AND 3 OF McCLOUD'S ADDITION, IN THE N1/2 OF THE NW1/4 OF SECTION 14, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, PREPARED BY THOMAS LYNN WEEK, A LAND SURVEYOR, BE AND THE SAME IS HEREBY APPROVED AND THE DESCRIPTION SET FORTH HEREIN AND THE ACCOMPANYING SURVEYOR'S CERTIFICATE SHALL PREVAIL.

I, \_\_\_\_\_, FINANCE OFFICER OF THE CITY OF MITCHELL, SOUTH DAKOTA, HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE CITY OF MITCHELL, SOUTH DAKOTA, AT A MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_.

FINANCE OFFICER BY: \_\_\_\_\_

**TREASURER CERTIFICATE**

THE UNDERSIGNED, COUNTY TREASURER\DEPUTY TREASURER OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_.

TREASURER/DEPUTY TREASURER DAVISON COUNTY, S.D.

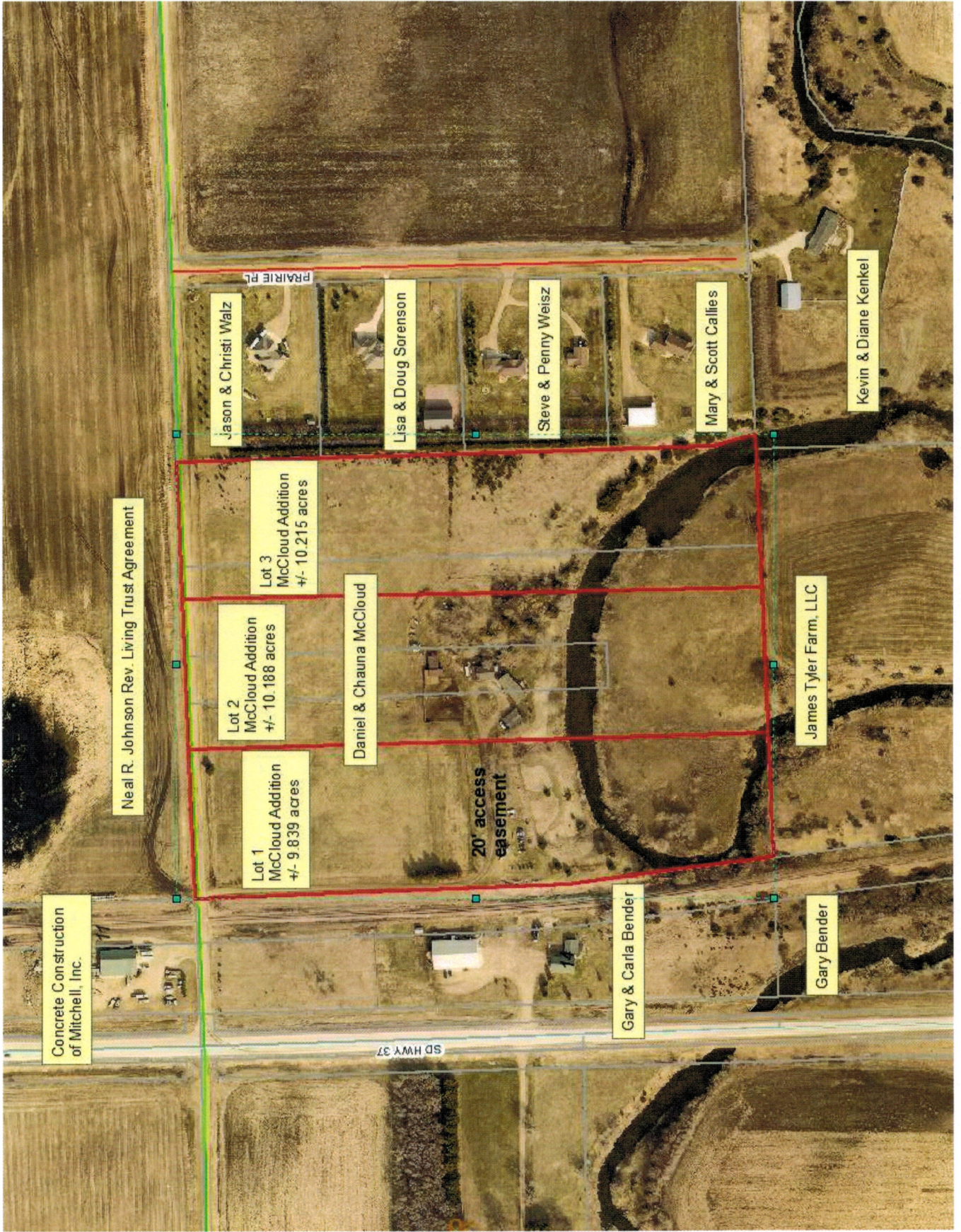
**REGISTER OF DEEDS CERTIFICATE**

THE UNDERSIGNED, REGISTER OF DEEDS\DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT THE ORIGINAL PLAT WAS FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_ O'CLOCK \_\_\_\_ M., AND DULY RECORDED IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_.

REGISTER OF DEEDS/DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, S.D.

PREPARED BY TOM WEEK  
407 REGAL DRIVE  
YANKTON, SOUTH DAKOTA 57078  
605-665-8333





Concrete Construction  
of Mitchell, Inc.

Neal R. Johnson Rev. Living Trust Agreement

Lot 1  
McCloud Addition  
+/- 9.839 acres

Lot 2  
McCloud Addition  
+/- 10.188 acres

Lot 3  
McCloud Addition  
+/- 10.215 acres

Daniel & Chauna McCloud

20' access  
easement

Gary & Carla Bender

Gary Bender

James Tyler Farm, LLC

Kevin & Diane Kenkel

Mary & Scott Callies

Steve & Penny Weisz

Lisa & Doug Sorenson

Jason & Christi Walz

SD HWY 37

PRAIRIE PL



# DAVISON COUNTY VARIANCE APPLICATION

**Applicant Name:** James Wagner

**Applicant Address:** 41083 258<sup>th</sup> St., Mitchell, SD 57301

**Applicant Email:** \_\_\_\_\_

**Application date:** 8/10/22

**Application deadline:** 8/22/22

**Contact Phone:** 605-660-1451

**Owner Name:** Same

**Owner Address:** Same

**Owner Contact Phone:** Same

**Parcel Number of parent parcel:** 09141-10260-020-00

**Legal Description of proposed parcel:** No plat, only variance.

**Reason for Variance:** Recommend granting a variance of:

1. +/- 25', creating a setback of +/- 50' from the **two** proposed sheds on the north property line, where the minimum front yard setback is 75' in the Agricultural District.

This request is pursuant to Section 3:08(1)(a) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended and the Conditional Use Permit granted on July 29, 2003 (amended on July 20, 2004).

**Reason for Request to include hardships:** The location of the sheds are for easy access to and from the road. Applicant will use existing driveway for the shed on the east side and would like to add another driveway for the shed on the west side.

**Section of Code Allowing Variance:** 3:08(1)(a), 11:06 B, and 12:06 B

**Fee Collected for Variance (\$100):** 8/10/22

**Check #:** Cash

**Receipt #:** 12376

**Planning Commission Hearing Date:** 9/6/22

**Board of Adjustment Hearing Date:** 9/20/22

## 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:** \_\_\_\_\_

On July 29, 2014, an amendment to Declaration of Reservations and Restrictions was signed and filed with the Register of Deeds. This document allows only one accessory building on the lot with a maximum size of 50' x 80'. The applicant would like to add two more 40' x 64' buildings to his property. This document is included in your packet for you to consider when reviewing this application.



This Document Prepared By:  
James D. Taylor  
James D. Taylor, P.C.  
P.O. Box 6  
520 North Lawler Street  
Mitchell, SD 57301  
(605) 996-3882



Filed for Record - Davison County SD  
Filed On 7/29/2014 9:35 AM 9 pg  
Document# R 141741  
Book MR74 Page 279 Fee\$ 30.00  
RESTRICT

By Debra A. Young, Deputy  
Debra A. Young, Register of Deeds 143956

### AMENDMENT TO DECLARATION OF RESERVATIONS AND RESTRICTIONS

WHEREAS LLG Enterprises, a South Dakota general partnership, subjected certain real property held by it for development to certain covenants, easements, restrictions and conditions as particularly set forth in that certain *Declaration of Reservations and Restrictions* dated November 4, 2004, and recorded in Book 65 at Page 473 thereof on December 13, 2004, in the office of the Davison County, South Dakota, Register of Deeds; and

WHEREAS LLG Enterprises, a South Dakota general partnership, and Thomas J. Kelly and Heidi J. Kelly, husband and wife; Wade Greenwood; Randall J. Kogel and Robbie A. Kogel, husband and wife; Ed P. Thompson and Patricia P. Thompson, husband and wife; and Jim Hoffman and Tammy Hoffman, husband and wife; being the owners of the lands and lots subject to the aforesaid *Declaration of Reservations and Restrictions* and *Corrective Declaration of Reservations and Restrictions* entered into a certain *First Amendment to Declaration of Reservations and Restrictions* dated March 20, 2005, and recorded in Book 66 at page 91 thereof in the office of the Davison County, South Dakota, Register of Deeds; and

WHEREAS LLG Enterprises, a South Dakota general partnership, modified the aforesaid *Declaration of Reservations and Restrictions* by virtue of a separate *Corrective Declaration of Reservations and Restrictions* dated September 30, 2005, so as to remove property not owned by LLG Enterprises and not contained in any of its development from the purported operation of the reservations and restrictions, such *Corrective Declaration of Reservations and Restrictions* recorded in Book 66 at Page 347 thereof on September 30, 2005, in the office of the Davison County, South Dakota, Register of Deeds; and

WHEREAS the aforesaid *Declaration of Reservations and Restrictions* and *Corrective Declaration of Reservations and Restrictions* both, at paragraph 13 thereof, respectively, provide that the same may be amended or modified by the written consent of at least seventy-five percent (75%) of the lots effected by such reservations and restrictions, each owner being entitled to one vote for each lot owned; and

WHEREAS the aforesaid *First Amendment to Declaration of Reservations and Restrictions* makes no change to the requirement that the *Declaration of Reservations and Restrictions* and *Corrective Declaration of Reservations and Restrictions* may only be amended



or modified by the written consent of at least seventy-five percent (75%) of the lots effected by such reservations and restrictions, each owner being entitled to one vote for each lot owned; and

WHEREAS the real property subject to the aforesaid *Declaration of Reservations and Restrictions, First Amendment to Declaration of Reservations and Restrictions, and Corrective Declaration of Reservations and Restrictions* is legally described as follows:

Lots 2, 3, 3A, 4, 4A, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 16A, 17, 17A, 18, 18A, 19, 19A, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29 of Enemy Creek Estates and Enemy Creek Loop, a Subdivision in the NE¼ and in the SE¼ of Section 14, Township 102 North, Range 60, West of the 5<sup>th</sup> P.M., Davison County, South Dakota; and

The NE¼, except the NE¼NE¼NE¼, and except Lots 2, 3, 3A, 4, 4A, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 16A, 17, 17A, 18, 18A, 19, 19A, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29 of Enemy Creek Estates and Enemy Creek Loop located in the NE¼ and the SE¼ of Section 14, Township 102 North, Range 60, West of the 5<sup>th</sup> P.M., Davison County, South Dakota.

NOW, THEREFORE, the undersigned owners of at least seventy-five percent (75%) of the lots effected by such reservations and restrictions, as particularly noted by the legal description appended to their signatures and based upon the quantum of one (1) vote for each one (1) lot owned, hereby declare that the foregoing declarations of reservations and restrictions as particularly described above are amended in the following manner:

1. Paragraph 1 is amended to state the following:

LAND USE. No lot developed and sold within this development shall be used for a purpose other than a single-family residential dwelling, except as set forth in paragraph 3(g) herein and no lot shall be subdivided, reduced in size or replatted to a tract smaller than the whole of the lot as initially platted without the consent of the Developer. No commercial business or other business shall be conducted on or from any lot with the exception of the business of the developer and home occupations as defined in the Davison County Zoning Ordinance as Home Occupation - *A business activity customarily carried on in the home by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation or outside storage of any machinery, equipment or material other than that customary to normal household operations, without the employment of more than the equivalent of two (2) full time employees not residing in the home, which does not cause the generation of traffic in excess of that experienced on an average right-of-way of similar design, noise, electrical interference, fumes, odors, etc.*

2. Paragraph 3(g) is amended to state the following:



Accessory Buildings. One (1) accessory building shall be allowed on each lot with a maximum size of fifty feet (50') by eighty feet (80') with the color of said building to conform to the residence. Such accessory building shall meet all required setbacks, whether under this declaration or under the Davison County Zoning Ordinance, both as from time to time amended, from rights-of-way and boundary lines.

In testimony whereof the parties set forth below, comprising at least seventy-five percent (75%) of the lots effected by the reservations and restrictions hereby amended, have set their signatures along with the legal description of the lots owned by them and the date of their signature.

Lot 2

Michelle Sheesley Ryan Sheesley 5-21-14  
Ryan Sheesley & Michelle Sheesley  
Dated 5/21/14, 2014

Lot 3

Matthew Bennett Lacey Bennett  
Matthew Bennett & Lacey Bennett  
Dated 5/21, 2014

Lot 3A

Curtis Weber Brenda Weber  
Curtis & Brenda Weber  
Dated 5-21, 2014

Lot 4

Corey Larson 5-20-14 Jaclyn Larson  
Corey & Jaclyn Larson  
Dated 5/21/14, 2014

Lot 4A

Laurie Rosendahl 5-21-14  
William Rosendahl & Laurie Rosendahl  
Dated 5-20, 2014

Lot 5

~~Kevin Kenkel & Diane Kenkel~~  
~~Dated \_\_\_\_\_, 2014~~

Lot 6

Chris Konrad & Christine Konrad  
Chris Konrad & Christine Konrad  
Dated 5-26, 2014

Lot 7

Nicholas Hohn & Courtney Hohn  
Nicholas Hohn & Courtney Hohn  
Dated 5-20, 2014

Lot 8

Wade Greenwood  
Wade Greenwood  
Dated 5-21, 2014

Lot 10 & Lot 17A

Douglas Eidahl  
Douglas Eidahl  
Dated 6/1/14, 2014

Lot 11

David Wranek & Marcia Wranek  
David Wranek & Marcia Wranek  
Dated \_\_\_\_\_, 2014

Lot 12

Ed Thompson & Patricia Thompson  
Ed Thompson & Patricia Thompson  
Dated \_\_\_\_\_, 2014

Lot 13

Sue Luikens & Dale Luikens  
Sue Luikens & Dale Luikens  
Dated May 21, 2014



Lot 14

Jeff Wright & Krista Wright  
Dated 5-21, 2014

Lot 15

Robert Hanselman & Amy Hanselman  
Dated \_\_\_\_\_, 2014

Lot 16

Kyle Herges & Ashley Herges  
Dated 5-21, 2014

Lot 17

Jenna Auch & Brandon Auch 5-26-14  
Dated 5-21, 2014

Lot 18

Brian Schuldt & Dana Sniecka  
Dated 5-20, 2014

Lot 18A

Jeff & Dina Vander Wilt  
Dated May 20, 2014

Lot 19

Benjamin Payne & Maria Payne  
Dated 5/20/14, 2014

Lot 19A

Dustin Brummett & Brooke Brummett  
Dated 5-21-14, 2014

Lot 20

David Thornton

Dated \_\_\_\_\_, 2014

~~Lot 21~~

~~Todd Snedeker & Kiara Snedeker~~

~~Dated \_\_\_\_\_, 2014~~

Lot 22

Jason Thomas & Fredel Thomas  
Dated 5/21, 2014

Lot 23

Matthew Hofer & Abby Hofer  
Dated 5-22, 2014 5-22-14

Lot 24

George Douglas & Karen Douglas  
Dated 5/21, 2014 Doug George & <sup>Karen</sup> George b7c



Lot 25

Ronald Rose Jolene Rose  
Ronald Rose & Jolene Rose  
Dated 5-24, 2014

Lot 26

Stephen Guthrie Carolyn Champaco-Guthrie  
Stephen Guthrie & Carolyn Champaco-Guthrie  
Dated 5/27, 2014

Lot 27

Billy Schneider Kristi Schneider  
Billy Schneider & Kristi Schneider  
Dated 5-21-14, 2014

Lot 28 & Lot 29 Signing for 1 lot only

Timothy Christensen Linda Christensen  
Timothy Christensen & Linda Christensen  
Dated 5/30/14, 2014

The NE $\frac{1}{4}$ , except the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , and except Lots 2, 3, 3A, 4, 4A, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 16A, 17, 17A, 18, 18A, 19, 19A, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29 of Enemy Creek Estates and Enemy Creek Loop located in the NE $\frac{1}{4}$  and the SE $\frac{1}{4}$  of Section 14, Township 102 North, Range 60, West of the 5<sup>th</sup> P.M., Davison County, South Dakota

LLG Enterprises, a South Dakota general partnership

By: \_\_\_\_\_  
General Partner  
Dated \_\_\_\_\_, 2014

STATE OF SOUTH DAKOTA     )  
  :   SS  
COUNTY OF DAVISON         )

On the dates set forth below their foregoing signatures personally appeared, before me, the undersigned officer, each of the following named individuals:

Ryan Sheesley & Michelle Sheesley,  
Matthew Bennett & Lacey Bennett,  
Curtis & Brenda Weber,

**BOOK 74 PAGE 279**



Corey & Jaclyn Larson,  
Willem Rosendahl & Laurie Rosendahl,  
~~Kevin Kenkel & Diane Kenkel,~~  
Chris Konrad & Christine Konrad,  
Nicholas Hohn & Courtney Hohn,  
Wade Greenwood,  
Douglas Eidahl,  
~~David Wranek & Marcia Wranek,~~  
~~Ed Thompson & Patricia Thompson,~~  
Sue Luikens & Dale Luikens,  
Jeff Wright & Krista Wright,  
~~Robert Hanselman & Amy Hanselman,~~  
Kyle Herges & Ashley Herges,  
Jenna Auch & Brandon Auch,  
Brian Schuldt & Dana Slunecka,  
Jeff & Dina Vander Wilt,  
Benjamin Payne & Maria Payne,  
Dustin Brummett & Brooke Brummett,  
~~David Thornton,~~  
~~Todd Snedeker & Kiara Snedeker,~~  
Jason Thomas & Fredel Thomas,  
Matthew Hofer & Abby Hofer,  
George Douglas & Karen Douglas,  
Ronald Rose & Jolene Rose,  
Stephen Guthrie & Carolyn Champaco-Guthrie,  
Billy Schneider & Kristi Schneider,  
Timothy Christensen & Linda Christensen, and

~~\_\_\_\_\_~~, as general partner of LLG Enterprises, being  
authorized to do so on behalf of the general partnership,

all known to me or satisfactorily proven to be the persons whose names are subscribed to the  
within instrument and acknowledged that they executed the same for the purposes therein  
contained.

In Witness Whereof, I hereunto set my hand and official seal.



*Becky Rose*  
Notary Public, South Dakota  
My Commission Expires: May 5, 2020



Lot 16A

*Michael Rose* *Becky Rose*

Michael Rose & Becky Rose

Dated 5-30, 2014

STATE OF SOUTH DAKOTA )

: SS

COUNTY OF DAVISON )

On the date set forth below their foregoing signatures personally appeared, before me, the undersigned officer, each of the following named individuals, Michael Rose & Becky Rose, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

<sup>5-30-14</sup>  
In Witness Whereof, I hereunto set my hand and official seal,

*Michelle M. Shaw*  
Notary Public, South Dakota  
My Commission Expires: 7-31-2015







Doug & Janice Johnson

25' ST

Hosler Farms, LLC

+/- 25' creating a setback of +/- 50'  
40' x 64' building

+/- 25' creating a setback of +/- 50'  
40' x 64' building

James & Stacey Wagner

Scott & Michelle Studer

Robert & Amy Hanselman

Todd & Kiara Sredelker

PROSPER

14



# DAVISON COUNTY

## CONDITIONAL USE APPLICATION

**Applicant Name:** James Wagner

**Applicant Mailing Address:** 41083 258th St., Mitchell, SD 57301 **Application Date:** 8/18/22

**Applicant Email:** \_\_\_\_\_

**Contact Phone:** 605-660-1451

**Owner Name:** Same

**Owner Address:** Same

**Owner Contact Phone:** Same

**Parcel Number of Parent Parcel:** 09141-10260-020-00

**Legal Description of parcel:** Lot 20 of Enemy Creek Estates, a Subdivision in the NE1/4 of Section 14, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota.

**Zoning District:** Ag

**Reason for Conditional Use Request:** To amend a condition set forth on the permit granted on July 29, 2003 and amended on July 20, 2004. This would add a fourth driveway to 258<sup>th</sup> Street. Conditional use permits from 2003 & 2004 included in packet.

**Section of Code Allowing Conditional Use:** 1106(A) and 1206(A)

**Fee Collected for Condition Use (\$100):** 8/18/22

**Check #:** cash

**Receipt #:** 12433

**Planning Commission Hearing Date:** 9/6/22

**Board of Adjustment Hearing Date:** 9/20/22

### 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:** \_\_\_\_\_

# DAVISON COUNTY CONDITIONAL USE PERMIT

DATE GRANTED: JULY 29, 2003

TO: JEFF & SCOTT LARSON  
DBA QUALITY HOME AND FINANCE

FOR: RESIDENTIAL DEVELOPMENT

LEGAL DESCRIPTION: NE $\frac{1}{4}$  EX the NE $\frac{1}{4}$  OF NE $\frac{1}{4}$  OF NE $\frac{1}{4}$  AND  
THE SE  $\frac{1}{4}$  OF NW  $\frac{1}{4}$ , SECTION 14, T 102 N, R 60 W,  
PROSPER TWP.

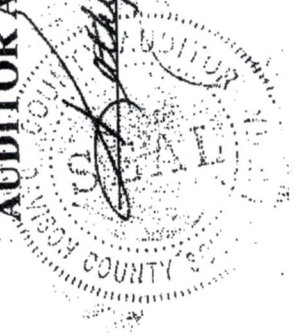
BOARD OF ADJUSTMENT CHAIRMAN:

Richard J. Zager

AUDITOR ATTEST:

Kathy Mott

(CONDITIONS ON THE BACK)





## CONDITIONS FOR APPROVAL

1. All platted lots shall be part of a planned development or subdivision
2. All planned developments or subdivisions shall be platted with a minimum of four (4) platted lots per plat. This particular development has been given the authority to plat four (4) lots the first time and two (2) each time thereafter
3. The minimum lot area shall be three (3) acres per single family dwelling unit, modular, or manufactured home
4. All yards must meet the following criteria, which shall apply to all buildings and structures, including decks, patios, and car ports;
  - a. there shall be a front yard of not less than a depth of seventy-five (75) feet
  - b. there shall be a rear yard of not less than a depth of fifty (50) feet
  - c. each side yard shall not be less than a width of twenty-five (25) feet
5. The proposed development must have controlled public road access
6. Planned developments or subdivisions shall not be located within the 100-year floodplain
7. All lots within a planned development or subdivision shall be served by a Department of Environmental and Natural Resources approved water system
8. A site plan and topographic map shall be submitted with the building permit application. Said plan and maps shall include, at a minimum;
  - a. proposed site layout
  - b. storm water drainage
  - c. roads and street, including ingress and egress, and
  - d. water and sewer service
9. Water and sewer or sanitary drainage systems shall be installed by a certified plumber and shall comply with all applicable South Dakota Department of Environment and Natural Resources regulations
10. The developer, contractor, or owner of all property platted or developed shall execute a perpetual agricultural farm use covenant running with the land prior to recording a plat or securing a building permit
11. No structure will be built under the elevation of thirteen hundred (1300) feet. (100 year floodplain)
12. All septic system installations include percolation test with the results filed with the Davison County Zoning Office (Section 74:53:01:29)
13. Written permission from township for ingress and egress prior to filing plat
14. Driveways be limited to two (2) locations on 258<sup>th</sup> Street and two (2) locations on 411<sup>th</sup> Avenue
15. All easements for installing water line to development are executed and written verification from Davison Rural Water of availability of water, copy of said easements to be on file with the Planning and Zoning Office.
16. Permanent easement executed to allow fire and weed control equipment free access to the un-platted area in the SE of the NW ¼

Davison County accepts the master plan as is, for this particular development.

# DAVISON COUNTY CONDITIONAL USE PERMIT

DATE GRANTED: JULY 20, 2004

TO: LLG ENTERPRISES (QUALITY HOME & FINANCE)

FOR: AMEND A CONDITION SET FORTH ON THE PERMIT GRANTED ON JULY 29, 2003. THIS WOULD ADD A THIRD DRIVEWAY TO 258<sup>TH</sup> STREET.

LEGAL DESCRIPTION: NE  $\frac{1}{4}$  EX THE NE OF THE NE OF THE NE, AND INCLUDING THE SE OF THE NW  $\frac{1}{4}$  SECTION 14, T 102 N. R 60 W, PROSPER TOWNSHIP, DAVISON COUNTY, SOUTH DAKOTA.

BOARD OF ADJUSTMENT CHAIRMAN:



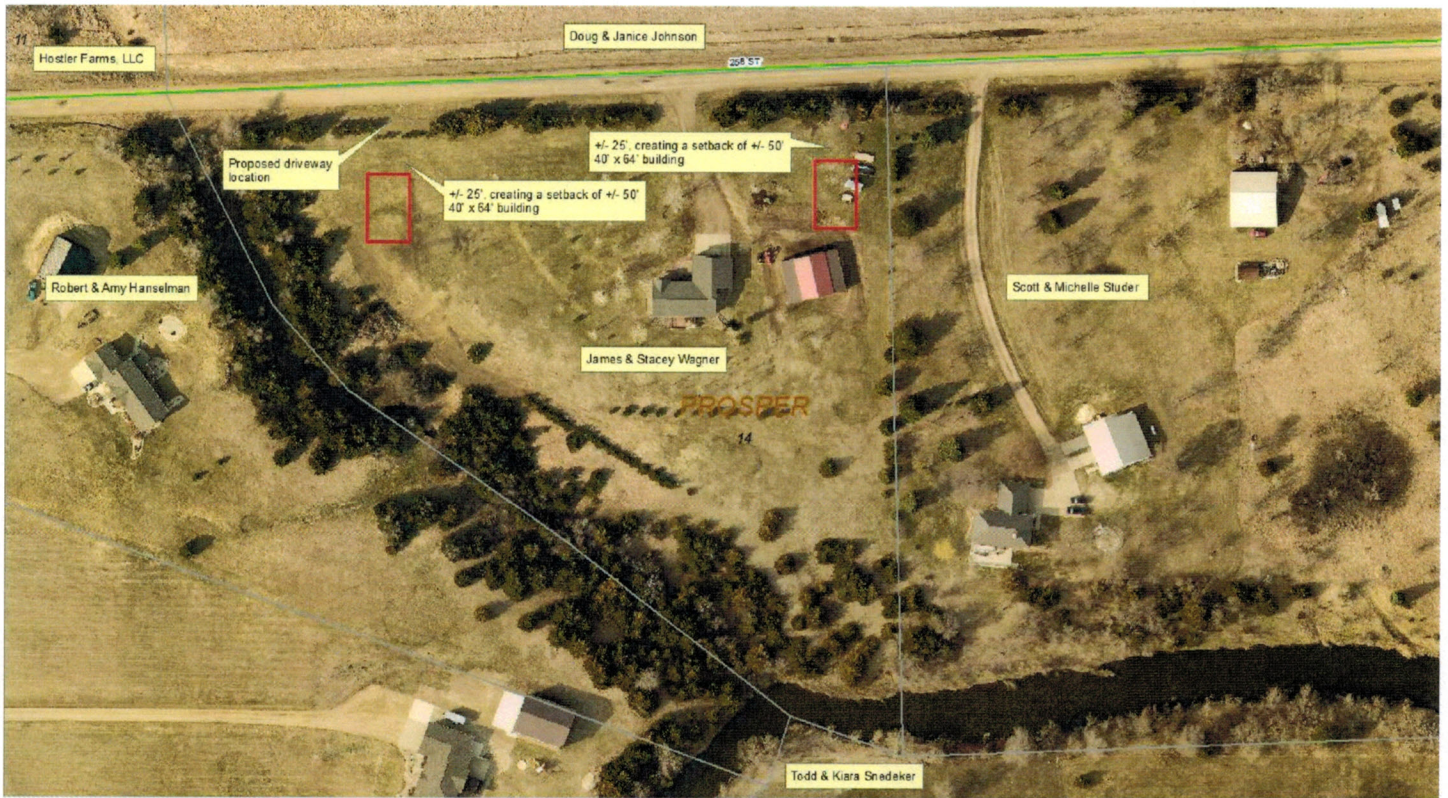
AUDITOR ATTEST:




## CONDITIONS FOR APPROVAL

1. All platted lots shall be part of a planned development or subdivision
  2. All planned developments or subdivisions shall be platted with a minimum of four (4) platted lots per plat. This particular development has been given the authority to plat four (4) lots the first time and two (2) each time thereafter
  3. The minimum lot area shall be three (3) acres per single family dwelling unit, modular, or manufactured home
  4. All yards must meet the following criteria, which shall apply to all buildings and structures, including decks, patios, and car ports;
    - a. there shall be a front yard of not less than a depth of seventy-five (75) feet
    - b. there shall be a rear yard of not less than a depth of fifty (50) feet
    - c. each side yard shall not be less than a width of twenty-five (25) feet
  5. The proposed development must have controlled public road access
  6. Planned developments or subdivisions shall not be located within the 100-year floodplain
  7. All lots within a planned development or subdivision shall be served by a Department of Environmental and Natural Resources approved water system
  8. A site plan and topographic map shall be submitted with the building permit application. Said plan and maps shall include, at a minimum;
    - a. proposed site layout
    - b. storm water drainage
    - c. roads and street, including ingress and egress, and
    - d. water and sewer service
  9. Water and sewer or sanitary drainage systems shall be installed by a certified plumber and shall comply with all applicable South Dakota Department of Environment and Natural Resources regulations
  10. The developer, contractor, or owner of all property platted or developed shall execute a perpetual agricultural farm use covenant running with the land prior to recording a plat or securing a building permit
  11. No structure will be built under the elevation of thirteen hundred (1300) feet. (100 year floodplain)
  12. All septic system installations include percolation test with the results filed with the Davison County Zoning Office (Section 74:53:01:29)
  13. Written permission from township for ingress and egress prior to filing plat
  14. Driveways be limited to (*amended July 20, 2004*) three (3) locations on 258<sup>th</sup> Street and 2 two on 411<sup>th</sup> Ave
  15. All easements for installing water line to development are executed and written verification from Davison Rural Water of availability of water, copy of said easements to be on file with the Planning and Zoning Office.
- Davison County accepts the master plan as is, for this particular development.





# DAVISON COUNTY VARIANCE APPLICATION

**Applicant Name:** Dawn Mutchelknaus

**Applicant Address:** 38622 202nd St., Wolsey, SD 57384

**Applicant Email:** \_\_\_\_\_

**Application date:** 8/16/22

**Application deadline:** 8/22/22

**Contact Phone:** 605-461-1611

**Owner Name:** Leonard Larson

**Owner Address:** 40469 255<sup>th</sup> St., Mitchell, SD 57301

**Owner Contact Phone:** 605-461-1611 (Dawn)

**Parcel Number of parent parcel:** Parcel 1: 03000-10361-264-30 & Parcel 2: 03000-10361-351-10

**Legal Description of current parcel(s):** Parcel 1: W.1134' of the S.185' of the SE1/4 of Section 26, T 103 N, R 61, West of the 5th P.M., Davison County, South Dakota & Parcel 2: W.1230' of the N.489' of the NE1/4 of Section 35, T 103 N, R 61, West of the 5th P.M., Davison County, South Dakota.

**Proposed Legal Description of parcels:** Tract 1 of Mutchelknaus Addition, in the SW1/4 of the SE1/4 of Section 26, and Tract 2 of Mutchelknaus Addition, in the NW1/4 of the NE1/4 of Section 35, T 103 N, R 61, West of the 5th P.M., Davison County, South Dakota.

**Reason for Variance:** Recommend granting a variance of:

1. +/- 11.19 acres, creating a lot size of +/- 13.81 acres within Tract 2, where the minimum lot size is 25 acres for a residence in the Agricultural District.

2. +/- 70', creating a setback of +/- 5' from the hay shelter on the north property line, where the minimum front yard setback is 75' in the Agricultural District.

3. +/- 20', creating a setback of +/- 55' from the shed on the north property line, where the minimum front yard setback is 75' in the Agricultural District.

4. +/- 4', creating a setback of +/- 46' from the proposed house on the east property line, where the minimum side yard setback is 50' in the Agricultural District.

This request is pursuant to Section 3:07(4), 3:08(1)(a) & 3:08(1)(c) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended.

**Reason for Request to include hardships:** Applicant plans to build a residence. Property is described by measurements and has to be platted to obtain a building permit.

**Section of Code Allowing Variance:** 3:07(4), 3:08(1)(a), 3:08(1)(c), 11:06 B, and 12:06 B

**Fee Collected for Variance (\$100):** 8/16/22

**Check #:** 10430

**Receipt #:** 12408

**Planning Commission Hearing Date:** 9/6/22

**Board of Adjustment Hearing Date:** 9/20/22

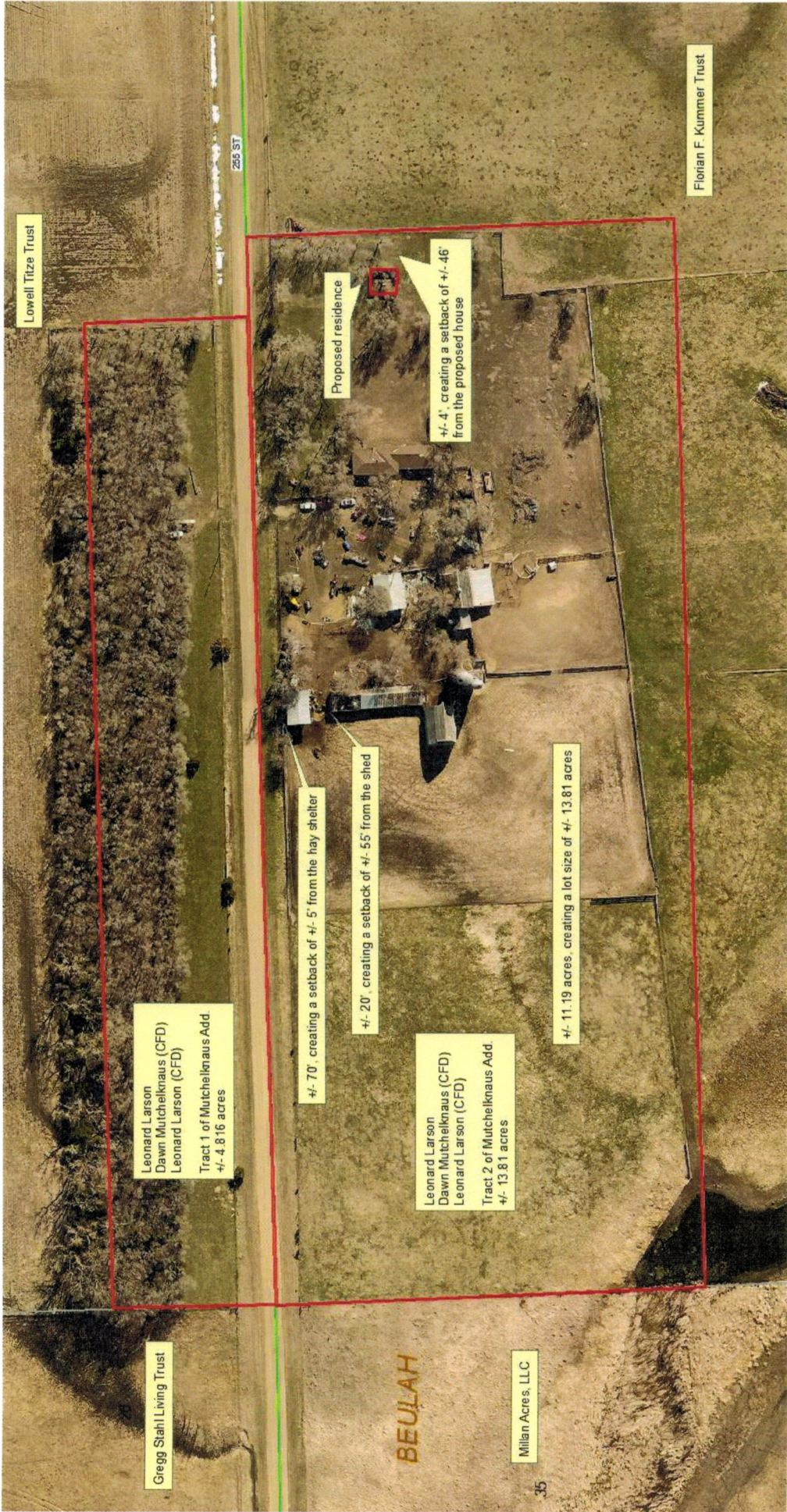
## Required Items:

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

☒ Application Fee

**Signatures of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_





Lowell Tilze Trust

Leonard Larson  
Dawn Mutchelknaus (CFD)  
Leonard Larson (CFD)  
Tract 1 of Mutchelknaus Add.  
+/- 4.816 acres

Gregg Stahl Living Trust

Leonard Larson  
Dawn Mutchelknaus (CFD)  
Leonard Larson (CFD)  
Tract 2 of Mutchelknaus Add.  
+/- 13.81 acres

Milan Acres, LLC

Proposed residence

+/- 4' creating a setback of +/- 46'  
from the proposed house

+/- 70' creating a setback of +/- 5' from the hay shelter

+/- 20' creating a setback of +/- 55' from the shed

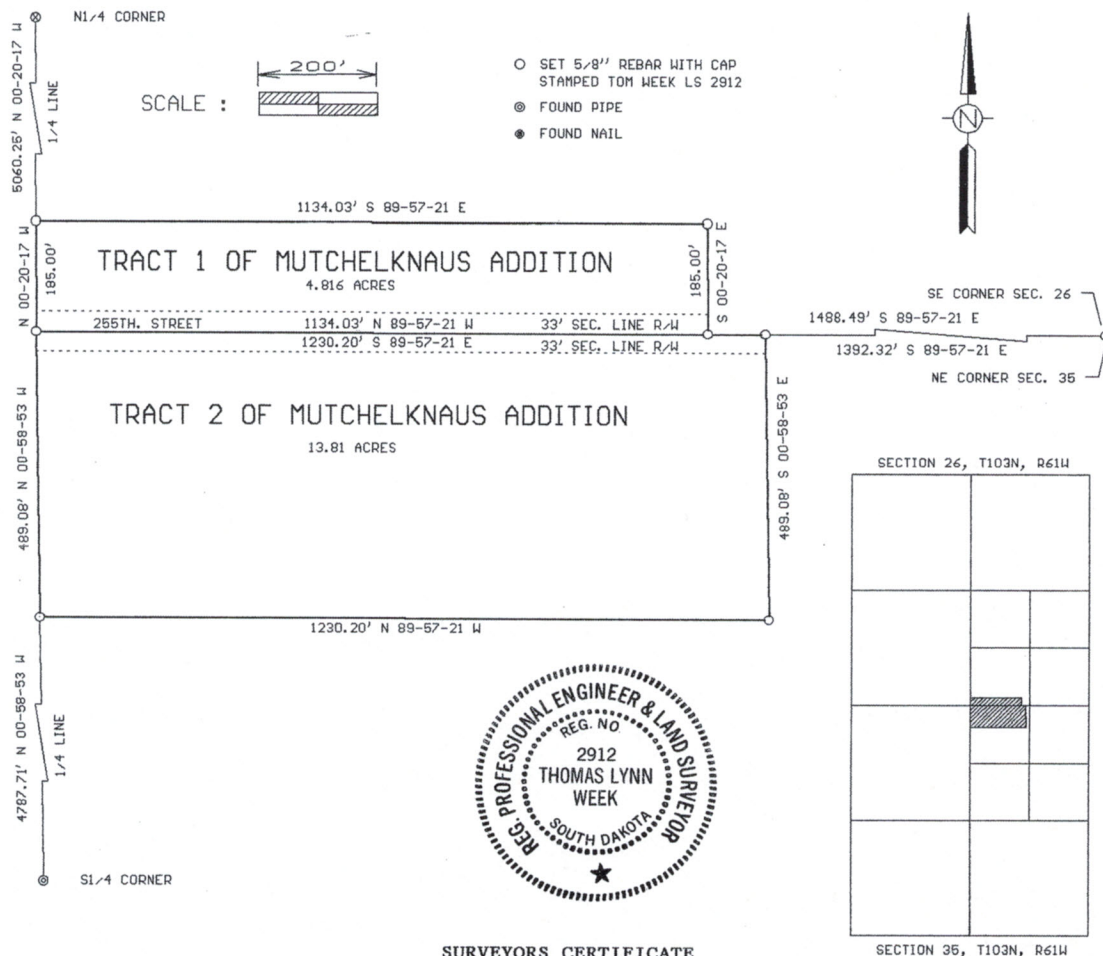
+/- 11.19 acres, creating a lot size of +/- 13.81 acres

Florian F. Kummer Trust

BEULAH



PLAT OF TRACT 1 OF MUTCHELKNAUS ADDITION, IN THE SW1/4 OF THE SE1/4 OF SECTION 26, AND TRACT 2 OF MUTCHELKNAUS ADDITION, IN THE NW1/4 OF THE NE1/4 OF SECTION 35, T103N, R61W OF THE 5TH. P.M., DAVISON COUNTY, SD.



#### SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY OF TRACT 1 OF MUTCHELKNAUS ADDITION, IN THE SW1/4 OF THE SE1/4 OF SECTION 26, AND TRACT 2 OF MUTCHELKNAUS ADDITION, IN THE NW1/4 OF THE NE1/4 OF SECTION 35, T103N, R61W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA. SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THIS PROPERTY WAS PREVIOUSLY DESCRIBED AS:

THE WEST 1134 FEET OF THE SOUTH 185 FEET OF THE SE1/4 OF SECTION 26, T103N, R61W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.  
THE WEST 1230 FEET OF THE NORTH 489 FEET OF THE NE1/4 OF SECTION 35, T103N, R61W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

DATED THIS 6TH. DAY OF AUGUST, 2022.

THOMAS LYNN WEEK  
REGISTERED LAND SURVEYOR  
REG. NO. 2912

#### CERTIFICATE OF STREET AUTHORITY

THERE EXISTS AN APPROACH TO TRACT 1 AND TRACT 2 FROM 255TH. STREET. ANY FURTHER ACCESS WILL REQUIRE ADDITIONAL APPROVAL.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

TOWNSHIP / COUNTY AUTHORITY

#### DIRECTOR OF EQUALIZATION CERTIFICATE

THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION/DEPUTY DIRECTOR OF EQUALIZATION OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT HE/SHE HAS RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

DIRECTOR OF EQUALIZATION/DEPUTY DIRECTOR OF  
EQUALIZATION, DAVISON COUNTY, S.D.



PLAT OF TRACT 1 OF MUTCHELKNAUS ADDITION, IN THE SW1/4 OF THE SE1/4 OF SECTION 26, AND TRACT 2 OF MUTCHELKNAUS ADDITION, IN THE NW1/4 OF THE NE1/4 OF SECTION 35, T103N, R61W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

OWNER'S CERTIFICATE AND AGREEMENT OF PROTECTION OF WATER

I, LEONARD M. LARSON, DO HEREBY CERTIFY, THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF THE ABOVE DESCRIBED REAL PROPERTY: TRACT 1 OF MUTCHELKNAUS ADDITION, IN THE SW1/4 OF THE SE1/4 OF SECTION 26, AND TRACT 2 OF MUTCHELKNAUS ADDITION, IN THE NW1/4 OF THE NE1/4 OF SECTION 35, T103N, R61W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA. WE, DAWN MUTCHELKNAUS AND SHERIDAN LARSON HOLD A CONTRACT FOR DEED ON TRACT 1 OF MUTCHELKNAUS ADDITION, IN THE SW1/4 OF THE SE1/4 OF SECTION 26, AND TRACT 2 OF MUTCHELKNAUS ADDITION, IN THE NW1/4 OF THE NE1/4 OF SECTION 35, T103N, R61W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

THAT THE ABOVE SURVEY AND PLAT WAS MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND INCLUDED IN THE BOUNDARIES OF TRACT 1 AND TRACT 2, SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. THERE DOES EXIST HIGHWAY RIGHT OF WAY ALONG THE NORTH SIDE OF TRACT 2, AND ON THE SOUTH SIDE OF TRACT 1. PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2 THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE

STATE LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE FROM SUCH ADDITION, AND SHALL IN PROSECUTION OF SUCH PROTECTION CONFORM TO AND FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME. ADDITIONALLY THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE LIABLE FOR ANY POLLUTION THAT OCCURS FROM FAILURE TO EXECUTE SUCH PROTECTIONS OR FOLLOW SUCH REGULATIONS, EXCEPTION BEING THOSE LOTS IN SUBDIVISIONS THAT SHOW DOCUMENTATIONS THAT WASTE WATER DRAINAGE SHALL BE CONNECTED TO A MUNICIPAL SYSTEM.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_  
LEONARD M. LARSON

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, BEFORE ME THE UNDERSIGNED OFFICER, PERSONALLY APPEARED LEONARD M. LARSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_  
DAWN MUTCHELKNAUS,  
HOLDING CONTRACT FOR DEED

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, BEFORE ME THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DAWN MUTCHELKNAUS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN THE CAPACITY THEREIN STATED AND FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_  
SHERIDAN LARSON  
HOLDING CONTRACT FOR DEED

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, BEFORE ME THE UNDERSIGNED OFFICER, PERSONALLY APPEARED SHERIDAN LARSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE CAPACITY THEREIN STATED AND FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_

PLAT OF TRACT 1 OF MUTCHELKNAUS ADDITION, IN THE SW1/4 OF THE SE1/4 OF SECTION 26, AND TRACT 2 OF MUTCHELKNAUS ADDITION, IN THE NW1/4 OF THE NE1/4 OF SECTION 35, T103N, R61W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE DAVISON COUNTY, SOUTH DAKOTA, PLANNING COMMISSION THAT THE ABOVE PLAT REPRESENTING TRACT 1 OF MUTCHELKNAUS ADDITION, IN THE SW1/4 OF THE SE1/4 OF SECTION 26, AND TRACT 2 OF MUTCHELKNAUS ADDITION, IN THE NW1/4 OF THE NE1/4 OF SECTION 35, T103N, R61W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, AND FINDS AS A FACT THAT SAID PLAT IS IN CONFORMITY AND DOES NOT CONFLICT WITH THE MASTER PLAN FOR DAVISON COUNTY, AND THE SAME IS HEREBY APPROVED AND ITS ADOPTION BY THE BOARD OF COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA IS RECOMMENDED.

THE FOREGOING RESOLUTION WAS PASSED BY THE COUNTY PLANNING COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA, AT A MEETING THEREOF HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CHAIRMAN, PLANNING COMMISSION

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNERS THEREOF HAVE CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: TRACT 1 OF MUTCHELKNAUS ADDITION, IN THE SW1/4 OF THE SE1/4 OF SECTION 26, AND TRACT 2 OF MUTCHELKNAUS ADDITION, IN THE NW1/4 OF THE NE1/4 OF SECTION 35, T103N, R61W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA AND HAVE SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR/DEPUTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, \_\_\_\_\_, COUNTY AUDITOR/DEPUTY AUDITOR OF DAVISON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
COUNTY AUDITOR/DEPUTY AUDITOR

\_\_\_\_\_  
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

TREASURER CERTIFICATE

THE UNDERSIGNED, COUNTY TREASURER/DEPUTY TREASURER OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
TREASURER/DEPUTY TREASURER, DAVISON COUNTY, S.D.

REGISTER OF DEEDS CERTIFICATE

THE UNDERSIGNED, REGISTER OF DEEDS/DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT THE ORIGINAL PLAT WAS FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ O'CLOCK \_\_\_\_ M., AND DULY RECORDED IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_.

\_\_\_\_\_  
REGISTER OF DEEDS/DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, S.D.

PREPARED BY: TOM WEEK  
407 REGAL DRIVE  
YANKTON, SOUTH DAKOTA 57078  
1-605-665-8333





Lowell Titze Trust

Leonard Larson  
Dawn Mutchelknaus (CFD)  
Leonard Larson (CFD)  
Tract 1 of Mutchelknaus Add.  
+/- 4.816 acres

Proposed residence

Leonard Larson  
Dawn Mutchelknaus (CFD)  
Leonard Larson (CFD)  
Tract 2 of Mutchelknaus Add.  
+/- 13.81 acres

Florian F. Kummer Trust

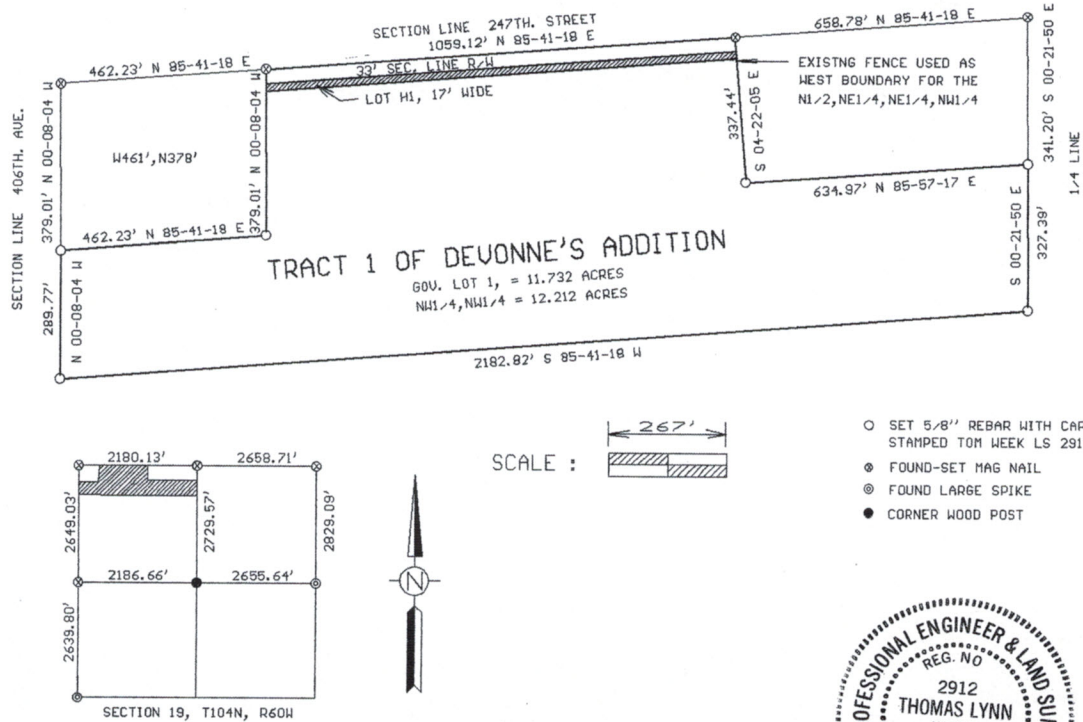
Giegg Stahl Living Trust

BEULAH

Millan Acres, LLC



PLAT OF TRACT 1 OF DEVONNE'S ADDITION, IN THE NW1/4 OF SECTION 19, T104N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, EXCEPT LOT H1, THEREOF.



#### SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY OF TRACT 1 OF DEVONNE'S ADDITION, IN THE NW1/4 OF SECTION 19, T104N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, EXCEPT LOT H1 THEREOF. SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THIS PROPERTY WAS PREVIOUSLY DESCRIBED AS:

THE NORTH 667 FEET OF GOVERNMENT LOT 1, IN THE NW1/4 OF SECTION 19, T104N, R60W OF THE 5TH. P.M., LESS THE WEST 461 FEET OF THE NORTH 378 FEET, AND EXCEPT LOT H1 THEREOF; AND

THE NORTH 667 FEET OF THE NW1/4 OF SECTION 19, T104N, R60W OF THE 5TH. P.M., EXCEPT GOVERNMENT LOT 1 AND EXCEPT THE N1/2 OF THE NE1/4 OF THE NE1/4 OF THE NW1/4 AND EXCEPT LOT H1 THEREOF.

DATED THIS 18TH. DAY OF AUGUST, 2022.

THOMAS LYNN WEEK  
REGISTERED LAND SURVEYOR  
REG. NO. 2912

#### CERTIFICATE OF STREET AUTHORITY

THERE EXISTS AN APPROACH TO TRACT 1 FROM 247TH. STREET. ANY FURTHER ACCESS WILL REQUIRE ADDITIONAL APPROVAL.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

COUNTY AUTHORITY

#### DIRECTOR OF EQUALIZATION CERTIFICATE

THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION/DEPUTY DIRECTOR OF EQUALIZATION OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT HE/SHE HAS RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

DIRECTOR OF EQUALIZATION/DEPUTY DIRECTOR OF  
EQUALIZATION, DAVISON COUNTY, S.D.



PLAT OF TRACT 1 OF DEVONNE'S ADDITION, IN THE NW1/4 OF SECTION 19, T104N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, EXCEPT LOT H1, THEREOF.

OWNER'S CERTIFICATE AND AGREEMENT OF PROTECTION OF WATER

WE, GLEN J. SOMMER AND DEVONNE R. SOMMER, DO HEREBY CERTIFY, THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF THE ABOVE DESCRIBED REAL PROPERTY: TRACT 1 OF DEVONNE'S ADDITION, IN THE NW1/4 OF SECTION 19, T104N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, EXCEPT LOT H1, THEREOF. THAT THE ABOVE SURVEY AND PLAT WAS MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND INCLUDED IN THE BOUNDARIES OF TRACT 1, SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. THERE DOES EXIST HIGHWAY RIGHT OF WAY ALONG THE NORTH AND WEST SIDES OF TRACT 1. PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2 THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE FROM SUCH ADDITION, AND SHALL IN PROSECUTION OF SUCH PROTECTION CONFORM TO AND FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME. ADDITIONALLY THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE LIABLE FOR ANY POLLUTION THAT OCCURS FROM FAILURE TO EXECUTE SUCH PROTECTIONS OR FOLLOW SUCH REGULATIONS, EXCEPTION BEING THOSE LOTS IN SUBDIVISIONS THAT SHOW DOCUMENTATIONS THAT WASTE WATER DRAINAGE SHALL BE CONNECTED TO A MUNICIPAL SYSTEM.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, GLEN J. SOMMER DEVONNE R. SOMMER  
STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, BEFORE ME THE UNDERSIGNED OFFICER, PERSONALLY APPEARED GLEN J. SOMMER AND DEVONNE R. SOMMER, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE DAVISON COUNTY, SOUTH DAKOTA, PLANNING COMMISSION THAT THE ABOVE PLAT REPRESENTING TRACT 1 OF DEVONNE'S ADDITION, IN THE NW1/4 OF SECTION 19, T104N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, EXCEPT LOT H1, THEREOF, AND FINDS AS A FACT THAT SAID PLAT IS IN CONFORMITY AND DOES NOT CONFLICT WITH THE MASTER PLAN FOR DAVISON COUNTY, AND THE SAME IS HEREBY APPROVED AND ITS ADOPTION BY THE BOARD OF COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA IS RECOMMENDED.

THE FOREGOING RESOLUTION WAS PASSED BY THE COUNTY PLANNING COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA, AT A MEETING THEREOF HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_.

\_\_\_\_\_  
CHAIRMAN, PLANNING COMMISSION

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNERS THEREOF HAVE CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: TRACT 1 OF DEVONNE'S ADDITION, IN THE NW1/4 OF SECTION 19, T104N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, EXCEPT LOT H1, THEREOF AND HAVE SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR/DEPUTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, \_\_\_\_\_, COUNTY AUDITOR/DEPUTY AUDITOR OF DAVISON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_.

\_\_\_\_\_  
COUNTY AUDITOR/DEPUTY AUDITOR

\_\_\_\_\_  
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

PLAT OF TRACT 1 OF DEVONNE'S ADDITION, IN THE NW1/4 OF SECTION 19, T104N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, EXCEPT LOT H1, THEREOF.

RESOLUTION OF CITY PLANNING COMMISSION

WHEREAS, THE PLAT OF TRACT 1 OF DEVONNE'S ADDITION, IN THE NW1/4 OF SECTION 19, T104N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, EXCEPT LOT H1, THEREOF, PREPARED BY THOMAS LYNN WEEK, DULY LICENSED LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA, HERETOFORE FILED IN THE OFFICE OF CITY FINANCE OFFICER OF MITCHELL, SOUTH DAKOTA, HAS BEEN SUBMITTED TO THE CITY PLANNING COMMISSION OF THE SAID CITY OF MITCHELL, SOUTH DAKOTA; AND WHEREAS, THE CITY PLANNING COMMISSION, IN REGULAR MEETING ASSEMBLED, HAD DULY CONSIDERED SAID PLAT AND FINDS AS A FACT THAT SAID PLAT IS IN CONFORMITY AND DOES NOT CONFLICT WITH THE MASTER PLAN FOR THE CITY OF MITCHELL, SOUTH DAKOTA, HERETOFORE ADOPTED BY THIS COMMISSION;

NOW THEREFORE, BE IT RESOLVED BY THE CITY PLANNING COMMISSION OF MITCHELL, SOUTH DAKOTA, THAT THE PLAT OF TRACT 1 OF DEVONNE'S ADDITION, IN THE NW1/4 OF SECTION 19, T104N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, EXCEPT LOT H1, THEREOF, PREPARED BY THOMAS LYNN WEEK, A LAND SURVEYOR, BE AND THE SAME IS HEREBY APPROVED AND ITS ADOPTION BY THE CITY COUNCIL OF THE CITY OF MITCHELL, SOUTH DAKOTA, IS HEREBY RECOMMENDED.

I, \_\_\_\_\_, CHAIRMAN OF THE CITY PLANNING COMMISSION FOR THE CITY OF MITCHELL, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE CITY PLANNING COMMISSION OF MITCHELL, SOUTH DAKOTA, AT A MEETING THEREOF HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

CITY PLANNING COMMISSION BY: \_\_\_\_\_

RESOLUTION OF CITY COUNCIL

WHEREAS, IT APPEARS THAT THE CITY PLANNING COMMISSION OF THE CITY OF MITCHELL, SOUTH DAKOTA, DID DULY CONSIDER AND DID RECOMMEND THE APPROVAL AND ADOPTION OF THE HEREINAFTER DESCRIBED PLAT, AT ITS MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_; AND WHEREAS, IT APPEARS FROM AN EXAMINATION OF THE PLAT OF TRACT 1 OF DEVONNE'S ADDITION, IN THE NW1/4 OF SECTION 19, T104N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, EXCEPT LOT H1, THEREOF, PREPARED BY THOMAS LYNN WEEK, A DULY LICENSED LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA, THAT SAID PLAT IS IN ACCORDANCE WITH THE SYSTEM OF STREETS AND ALLEYS SET FORTH IN THE MASTER PLAN ADOPTED BY THE CITY PLANNING COMMISSION OF THE CITY OF MITCHELL, SOUTH DAKOTA, AND THAT SUCH PLAT HAS BEEN PREPARED ACCORDING TO LAW;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MITCHELL, SOUTH DAKOTA, THAT THE PLAT OF TRACT 1 OF DEVONNE'S ADDITION, IN THE NW1/4 OF SECTION 19, T104N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, EXCEPT LOT H1, THEREOF, PREPARED BY THOMAS LYNN WEEK, A LAND SURVEYOR, BE AND THE SAME IS HEREBY APPROVED AND THE DESCRIPTION SET FORTH HEREIN AND THE ACCOMPANYING SURVEYOR'S CERTIFICATE SHALL PREVAIL.

I, \_\_\_\_\_, FINANCE OFFICER OF THE CITY OF MITCHELL, SOUTH DAKOTA, HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE CITY OF MITCHELL, SOUTH DAKOTA, AT A MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

FINANCE OFFICER BY: \_\_\_\_\_

TREASURER CERTIFICATE

THE UNDERSIGNED, COUNTY TREASURER/DEPUTY TREASURER OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
TREASURER/DEPUTY TREASURER, DAVISON COUNTY, S.D.

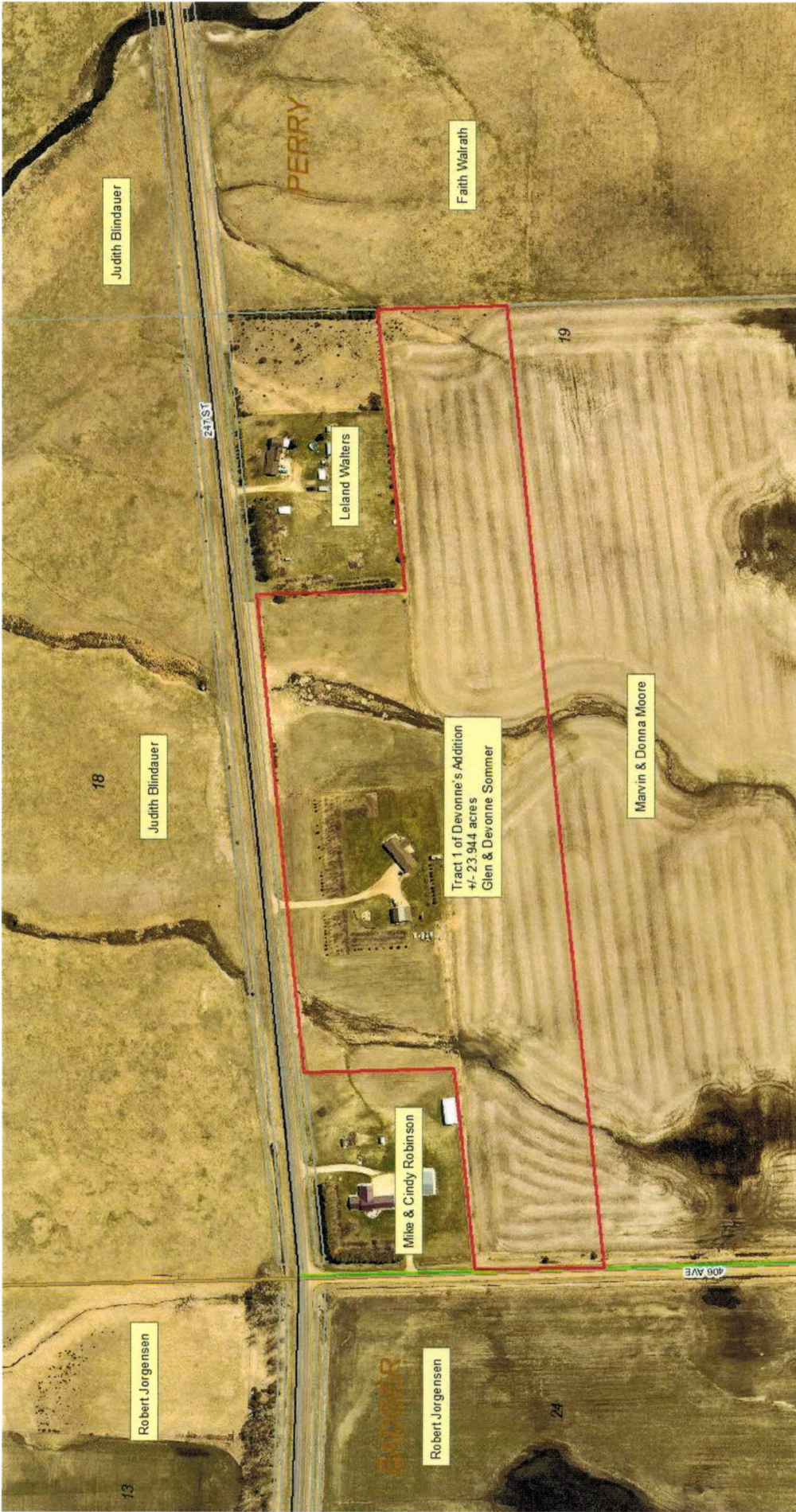
REGISTER OF DEEDS CERTIFICATE

THE UNDERSIGNED, REGISTER OF DEEDS/DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT THE ORIGINAL PLAT WAS FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ O'CLOCK \_\_\_\_ M., AND DULY RECORDED IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_.

\_\_\_\_\_  
REGISTER OF DEEDS/DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, S.D.

PREPARED BY: TOM WEEK  
407 REGAL DRIVE  
YANKTON, SOUTH DAKOTA 57078  
1-605-665-8333





Judith Blindauer

Faith Walrath

Leland Walters

Judith Blindauer

Tract 1 of Devonne's Addition  
+/- 23.944 acres  
Glen & Devonne Sommer

Marvin & Donna Moore

Mike & Cindy Robinson

Robert Jorgensen

Robert Jorgensen

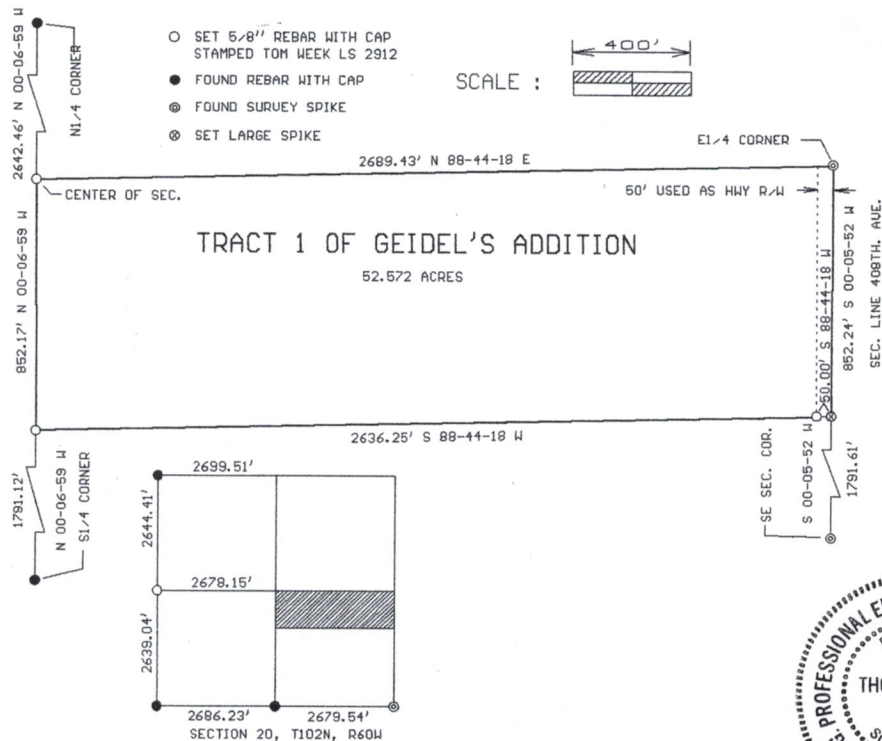
247 ST

406 AVE



PLAT OF TRACT 1 OF GEIDEL'S ADDITION IN THE SE1/4 OF SECTION 20,  
T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

PREVIOUSLY DESCRIBED AS THE NORTH 852 FEET OF THE SE1/4 OF SECTION 20,  
T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.



**SURVEYORS CERTIFICATE**

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY OF TRACT 1 OF GEIDEL'S ADDITION IN THE SE1/4 OF SECTION 20, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA. SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 14TH. DAY OF AUGUST, 2022.

THOMAS LYNN WEEK  
REGISTERED LAND SURVEYOR  
REG. NO. 2912

**CERTIFICATE OF STREET AUTHORITY**

THERE ARE EXISTING APPROACHES TO TRACT 1 OF GEIDEL'S ADDITION FROM 408TH. AVE., ADDITIONAL ACCESS WILL REQUIRE ADDITIONAL APPROVAL.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

TOWNSHIP / COUNTY AUTHORITY

**DIRECTOR OF EQUALIZATION CERTIFICATE**

THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION/DEPUTY DIRECTOR OF EQUALIZATION OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT HE/SHE HAS RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

DIRECTOR OF EQUALIZATION/DEPUTY DIRECTOR OF  
EQUALIZATION, DAVISON COUNTY, S.D.

**TREASURER CERTIFICATE**

THE UNDERSIGNED, COUNTY TREASURER/DEPUTY TREASURER OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

TREASURER/DEPUTY TREASURER, DAVISON COUNTY, S.D.

PREPARED BY: TOM WEEK, 407 REGAL DRIVE, YANKTON, SD. 57078, 1-605-665-8333

SHEET 1 OF 2



PLAT OF TRACT 1 OF GEIDEL'S ADDITION IN THE SE1/4 OF SECTION 20, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

OWNER'S CERTIFICATE AND AGREEMENT OF PROTECTION OF WATER

WE, JOHN A. GEIDEL AND MARY B. GEIDEL, AS TRUSTEES OF THE "JA-MB GEIDEL TRUST", DO HEREBY CERTIFY THAT THE "JA-MB GEIDEL TRUST" IS THE ABSOLUTE AND UNQUALIFIED OWNER OF THE ABOVE DESCRIBED REAL PROPERTY: TRACT 1 OF GEIDEL'S ADDITION IN THE SE1/4 OF SECTION 20, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WAS MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND INCLUDED IN THE BOUNDARIES OF TRACT 1 OF GEIDEL'S ADDITION, SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. THERE DOES EXIST HIGHWAY RIGHT OF WAY ALONG THE EAST SIDE OF TRACT 1 OF GEIDEL'S ADDITION. PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2 THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE FROM SUCH ADDITION, AND SHALL IN PROSECUTION OF SUCH PROTECTION CONFORM TO AND FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME. ADDITIONALLY THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE LIABLE FOR ANY POLLUTION THAT OCCURS FROM FAILURE TO EXECUTE SUCH PROTECTIONS OR FOLLOW SUCH REGULATIONS, EXCEPTION BEING THOSE LOTS IN SUBDIVISIONS THAT SHOW DOCUMENTATIONS THAT WASTE WATER DRAINAGE SHALL BE CONNECTED TO A MUNICIPAL SYSTEM.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_,

JOHN A. GEIDEL, TRUSTEE MARY B. GEIDEL, TRUSTEE

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, BEFORE ME THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JOHN A. GEIDEL AND MARY B. GEIDEL, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE CAPACITY THEREIN STATED AND FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE DAVISON COUNTY, SOUTH DAKOTA, PLANNING COMMISSION THAT THE ABOVE PLAT REPRESENTING TRACT 1 OF GEIDEL'S ADDITION IN THE SE1/4 OF SECTION 20, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, AND FINDS AS A FACT THAT SAID PLAT IS IN CONFORMITY AND DOES NOT CONFLICT WITH THE MASTER PLAN FOR DAVISON COUNTY, AND THE SAME IS HEREBY APPROVED AND ITS ADOPTION BY THE BOARD OF COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA IS RECOMMENDED.

THE FOREGOING RESOLUTION WAS PASSED BY THE COUNTY PLANNING COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA, AT A MEETING THEREOF HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

CHAIRMAN, PLANNING COMMISSION

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNER THEREOF HAS CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: TRACT 1 OF GEIDEL'S ADDITION IN THE SE1/4 OF SECTION 20, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA AND HAS SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR/DEPUTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, \_\_\_\_\_, COUNTY AUDITOR/DEPUTY AUDITOR OF DAVISON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

COUNTY AUDITOR/DEPUTY AUDITOR

CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

REGISTER OF DEEDS CERTIFICATE

THE UNDERSIGNED, REGISTER OF DEEDS/DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT THE ORIGINAL PLAT WAS FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ O'CLOCK \_\_\_\_ M., AND DULY RECORDED IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_.

REGISTER OF DEEDS/DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, S.D.



