

**BOARD OF ADJUSTMENT**  
**September 20, 2022**

**CALL TO ORDER**

Chairperson Bode called the meeting of the Davison County Board of Adjustment to order at 9:15 A.M. All members of the board were present. Also present were Planning and Zoning Administrator Bathke, Assistant Administrator Wegleitner, and Deputy Auditor Matthews.

**APPROVE AMENDED AGENDA**

Motion by Claggett, second by Blaalid, to approve the amended agenda, for the September 20, 2022, meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Blaalid, second by Kiner, to approve the minutes of the August 9, 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.

**VARIANCE**

The Planning Commission recommended granting 7-0.

Motion by Reider, second by Blaalid, after consideration of Section 1206(B), to grant a variance for minimum lot size of +/- 22 acres, creating a lot size of +/- 3 acres, where the minimum lot size is 25 acres for a residence in the Ag District, and rear yard setback of +/- 15', creating a setback of +/- 35' from the house on the east property line, where the minimum rear yard setback is 50' in the Ag District, as requested by Larry Neugebauer. This request is pursuant to Section 307(5), 308(1)(B), 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 parcel 1: NW ¼ of Section 25, T 102 N, R 61 W of the 5th P.M., Davison County, South Dakota & parcel 2: SW ¼ of Section 25, T 102 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received: July 15, 2022  
Daily Republic Published: September 3, 2022  
Posted Signs: August 25, 2022  
Notified Applicant: August 23, 2022  
Notified Abutting Property Owners: August 23, 2022  
Consideration of 1206(B) Variance

Roll call vote:

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

### **VARIANCE**

The Planning Commission recommended granting 7-0.

Motion by Reider, second by Kiner, after consideration of Section 1206(B), to grant a variance for minimum lot sizes of +/- 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 Ag District; +/- 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 Ag District; +/- 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 Ag District; and side yard setback of +/- 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 Ag District, requested by Daniel & Chauna McCloud. This request is pursuant to Section 307(4), 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 parcel 1: N ½ of the NW ¼ of Section 14, T 102 N, R 60 W, lying E of RR ROW, ex. the E.1593' & ex. Lot A of McCloud's Addition, a subdivision of the N ½ of the NW ¼ of Section 14, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota. Parcel 2: Lot A of McCloud's Addition, a subdivision of the N ½ of the NW ¼ of Section 14, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota. Parcel 3: E.1593', ex. the E.1347' thereof the N ½ of the NW ¼ lying North of Enemy Creek in Section 14, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received: August 9, 2022

Daily Republic Published: September 3, 2022

Posted Signs: August 25, 2022

Notified Applicant: August 23, 2022

Notified Abutting Property Owners: August 23, 2022

Consideration of 1206(B) Variance

Roll call vote:

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

### **VARIANCE**

The Planning Commission recommended granting 7-0 with the condition to amend the Amendment to Declaration of Reservations and Restrictions recorded in Book 74, Page 279 on July 29, 2014, in the Davison County Register of Deeds office.

Motion by Blaalid, second by Claggett, after consideration of Section 1206(B), to grant a variance for a front yard setback of +/- 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 Ag District, with the condition recommended by the Planning Commission, as requested by James Wagner.

This request is pursuant to Section 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 Lot 20 of Enemy Creek Estates, a subdivision in the NE ¼ of Section 14, T 102 N, R 60, W of the 5th P.M., Davison County, South Dakota.

Application received: August 10, 2022  
Daily Republic Published: September 3, 2022  
Posted Signs: August 25, 2022  
Notified Applicant: August 23, 2022  
Notified Abutting Property Owners: August 23, 2022  
Consideration of 1206(B) Variance

Roll call vote:  
Kiner-aye, Claggett-aye, Reider-aye, Blaalid-aye, Bode-aye. Motion carried.

### **CONDITIONAL USE PERMIT**

The Planning Commission recommended granting 7-0 with the condition the driveway be approved by Prosper Township.

Motion by Kiner, second by Blaalid, after consideration of Section 1206(A), to grant a conditional use permit 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> Street, with the condition recommended by Planning & Zoning, at the request of James Wagner. This request is pursuant to Section 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 Lot 20 of Enemy Creek Estates, a subdivision in the NE ¼ of Section 14, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received: August 18, 2022  
Daily Republic Published: September 3, 2022  
Posted Signs: August 25, 2022  
Notified Applicant: August 23, 2022  
Notified Abutting Property Owners: August 23, 2022  
Consideration of 1206(A) Variance

Roll call vote:  
Claggett-aye, Reider-aye, Blaalid-aye, Kiner-aye, Bode-aye. Motion carried.

### **VARIANCE**

The Planning Commission recommended granting 7-0.

Motion by Claggett, second by Kiner, after consideration of Section 1206(B), to grant a variance in minimum lot size +/- 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 Ag District, front yard setback of +/- 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 Ag District, +/- 20', creating a setback of +/- 55' from the shed on the north property line, where the minimum front yard setback is 75' in the Ag District; side yard setback of +/- 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 Ag District, as requested by Dawn Mutchelknaus. This request is pursuant to Section 307(4), 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 parcel 1: W.1134' of the S.185' of the SE ¼ of Section 26, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota & Parcel 2: W.1230' of the N.489' of the NE ¼ of Section 35, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota.

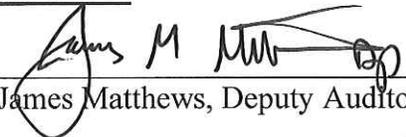
Application received: August 16, 2022  
Daily Republic Published: September 3, 2022  
Posted Signs: August 25, 2022  
Notified Applicant: August 23, 2022  
Notified Abutting Property Owners: August 23, 2022  
Consideration of 1206(B) Variance

Roll call vote:  
Reider-aye, Blaalid-aye, Kiner-aye, Claggett-aye, Bode-aye. Motion carried.

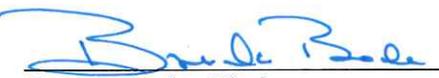
**ADJOURN**

At 9:36 a.m. a motion by Kiner, second by Reider, to adjourn Board of Adjustment. All members voted aye. Motion carried.

**ATTEST:**

  
James Matthews, Deputy Auditor



  
Brenda Bode, Chairperson