

BOARD OF ADJUSTMENT
January 15, 2019

CALL TO ORDER

Chairperson Bode called the meeting of the Davison County Board of Adjustment to order at 10:30 a.m. Members of the Board present were Claggett, Kiner, Weitala, Bode. Absent Reider. Also present were Planning & Zoning Deputy Jenniges and Auditor Kiepke.

APPROVE AGENDA

Motion by Claggett, second by Weitala to approve the agenda for the January 15, 2019 meeting. All members present voted aye. Motion carried.

APPROVE MINUTES

Motion by Kiner, second by Weitala, to approve the minutes of the December 4, 2018 meeting. All members present voted aye. Motion carried.

CONFLICTS OF INTEREST

Chairperson Bode asked for any conflicts of interest to be declared. None were stated.

PUBLIC INPUT

Chairperson Bode asked for any public input. Hearing none, public input was closed.

VARIANCES

The Planning Commission recommended granting 5-0-1.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance for minimum lot size of +/- 21.99 acres to create a lot size of +/- 3.01 acres, where the minimum lot size requirement is 25 acres in the AG District, as requested by Sarah DeWald. This request is pursuant to Section 307(4) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as a Plat of Tract 1 of Boyd Addition, an addition in the NE ¼ of the SE ¼ of Section 2, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received December 3, 2018
Daily Republic January 3, 2019
Posted December 26, 2018
Notified Applicant December 21, 2018
Notified Abutting Property Owners December 21, 2018
Consideration of 1206 B. Variances

Roll call vote:
Weitala – aye, Kiner – aye, Claggett – aye, Bode – aye, Absent – Reider. Motion carried.

The Planning Commission recommended denial 5-0-1.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to deny a variance for minimum lot size to a prior non-conforming residential lot in order to allow an additional dwelling on such prior non-conforming residential lot where the minimum lot size requirement is 25 acres in the AG Residential District, as requested by Michael and Kathy Hanks. This request is pursuant to Section 407 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot H in the SE ¼ of Section 23, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received December 11, 2018
Daily Republic January 3, 2019
Posted December 26, 2018
Notified Applicant December 21, 2018
Notified Abutting Property Owners December 21, 2018
Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 5-0-1.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance for minimum lot size of +/- 21.5 acres to create a lot size of +/- 3.5 acres, where the minimum lot size requirement is 25 acres in the AG District, as requested by Matt Hohn. This request is pursuant to Section 307(1)(3)(5) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as S630' of W1728.59 of the SW ¼ of Section 1, T 101 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received December 19, 2018
Daily Republic January 3, 2019
Posted December 26, 2018
Notified Applicant December 21, 2018
Notified Abutting Property Owners December 21, 2018
Consideration of 1206 B. Variances


Roll call vote:

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

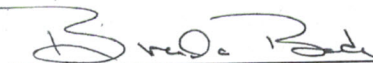
ADJOURN

At 10:43 a.m., motion by Weitala, second by Claggett to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST


Susan Kiepe, Auditor




Brenda Bode, Chairperson

BOARD OF ADJUSTMENT
February 12, 2019

CALL TO ORDER

Chairperson Bode called the meeting of the Davison County Board of Adjustment to order at 9:18 a.m. Members of the Board present were Bode, Weitala, Kiner, Claggett. Absent Reider. Also present was Planning & Zoning Deputy Jenniges and Auditor Kiepke.

APPROVE AGENDA

Motion by Claggett, second by Kiner to approve the agenda for the February 12, 2019 meeting. All members present voted aye. Motion carried.

APPROVE MINUTES

Motion by Kiner, second by Claggett to approve the minutes of the January 15, 2019 meeting. All members present voted aye. Motion carried.

DECLARE CONFLICT OF INTEREST

Chairperson Bode asked if there was any conflict of interest. Hearing none, the meeting continued.


PUBLIC INPUT

Chairperson Bode asked for public input. Hearing none, the meeting continued.

ADJOURN


At 9:20 a.m., motion by Kiner, second by Weitala to adjourn Board of Adjustment. All members present voted aye. Motion carried.

ATTEST



Susan Kiepke, Auditor





Brenda Bode, Chairperson

BOARD OF ADJUSTMENT
March 12, 2019

CALL TO ORDER

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

APPROVE AGENDA

Motion by Kiner, second by Claggett to approve the agenda for the March 12, 2019 meeting. All members present voted aye. Motion carried.

APPROVE MINUTES

Motion by Kiner, second by Claggett, to approve the minutes of the February 12, 2019 meeting. All members present voted aye. Motion carried.

It was noted that Tim Neugebauer was given the opportunity to ask for a continuance as all four board members will have to vote aye for the conditional use permit and variance permit requested, to pass. Mr. Neugebauer declined so the meeting continued.

PUBLIC INPUT

Chairperson Bode called for public input. She reminded the public that this was for items not on the agenda. Hearing none, the meeting continued.

CONDITIONAL USE

The Planning Commission recommended granting 4-0-2 with the following conditions:

1. Comply with all state and federal regulations.
2. Comply with all sections of the Davison County Zoning Ordinance.
3. Have a nutrient management plan in place.
4. Have a written plan for the site to address cleanup and disposal of the structures when the economic life of the building has expired. The life of the building shall be considered expired if no animals occupy the building in a 12-month period.
5. All manure shall be injected.
6. Road maintenance agreement with Rome Township on 267th St. between 406th and 407th Avenues.

The following discussion was held regarding the application of Tim Neugebauer for a conditional use permit to build a concentrated animal feeding operation.

Mr. Neugebauer stated that he, his wife, kids, brothers and nephews all work the barns. He said they won't have to get on the roads to spread manure.

Chairperson Bode invited opponents to speak.

Delmar Mueller, Chairman of Rome Township, stated that the road agreement should encompass more than 267th St. between 406th and 407th Avenues. He said there were plenty of roads that could be used for haul roads such as Highway 41.

Delmar Mueller, now speaking on his own behalf said that three bridges near the project have severe weight limit restrictions. He also said the Township spent \$12,000 on 405th Ave in front of Tim's other barn. He stated that out of state and Canadian Corporations don't belong in Davison County. He reminded the commissioners they didn't have to approve this application.

Erin Hennley said she agrees with Delmar. She said hauling and construction roads need to be in writing. Torn up roads aren't good for any of us. She said they own forty acres with a slough they are probably going to turn into CRP and build a home. She further stated they have a large pheasant population and Topeka Shiners, which are endangered. She said right now they have a clean, natural environment. If this is allowed, all that will change. She said that both she and Darrell (Hohn) have migraines which the smell will affect. She said the proposed confinement is right up against their property. She said they should have a right not to be sick. She said they don't have a problem with the confinement, just the placement.

Larry Olsen stated that he doesn't live near the site, he was speaking on behalf of family members Dixie Nolz and Jim Lyle. He said that acreages are an integral part of Davison County and most people understand dust, noise, etc..., but he said this is different. He feels people like to be outside enjoying fresh air and that will be diminished. He feels all these confinements are rubber stamped once they meet the requirements of the Zoning Ordinance. He thinks public input needs to be considered. He wondered if the number of CAFO's already in existence had been taken into account. He feels Sunterra has found a honey hole in Davison County with its zoning laws.

Darrell Hohn stated that he is the closest place, other than Tim's moms, to the proposed confinement. He said he has tried to raise hogs a couple of times and has had to quit, due to debilitating migraines caused by the hogs. He said if this project proceeds, he will have to move off the land that has been in his family for 100 plus years. He said that his granddaughter spends between 30-40 hours a week at the farm, feeding ducks, cows and enjoying being outside.

Mr. Hohn believes if the confinements continue to be built, acreages will be a thing of the past. He said you can already see it. He graduated from Parkston with a class of 94, his son's class had 34.

Mr. Hohn said his biggest concern is the Ethan Aquifer. The aquifer is 20' to 60' deep. There are no test wells for this site. He said when Tim built his other CAFO, he did voluntary testing. This is on gravel, not clay. If this goes into the aquifer, it will go straight into the Mitchell and Niobrara aquifer. He feels neighbors air and water quality should be considered. He further stated that these buildings aren't engineered or monitored.

Matt Trabing stated that he is against the confinement for the same reasons stated. He specifically mentioned damage to the roads. He said there are other places he could build.

William Neugebauer who lives south of the area, in Hutchinson County said that he has three barns built around him already. He wondered how many more he could take. He said his brother lived in NW Iowa where CAFO's abound. He had to stop going there. He said the additive they put in the pits is an issue for his wife.

Hearing no other opponents, Chairperson Bode asked for proponents.

Dan Boehmer, Ethan Lumber, said that he lives three miles from the site. He said that people are still paying big bucks to hunt 1 ½ miles from a CAFO. He said Walmart, Menards and Cabela's are all out of state companies, yet people shop there all the time. Sunterra is a management group. They're just like a Holiday Inn where you rent a room. You rent space to Sentera for pigs.

Mr. Boehmer stated as the contractor that Rebar is used, 18" on center in the floor and 12" on center in the walls. Concrete is poured to engineering specs. Can no leakage be guaranteed? No, it can't.

Mr. Boehmer stated he had lived at his current location 53 years and has hogs most of the time. His well is over 50 years old. His water quality is good and he knows this because he has had it tested. He believes the quality of water being made worse is a theory, not fact.

Mr. Boehmer believes young people will continue to put in confinements so they can continue to farm as they bring in steady income. He believes that rules and regulations were written by the people, for the people. He said that tax dollars on five acres of property with a confinement will be about \$3,000, without the confinement about \$100. He said that hog barns are aiding in funding school districts. He believes there needs to be a study conducted to look at the pros and cons of confinements.

Chairperson Bode asked for any additional comments.

Erin Hennley stated that her job is collection specialist for Boyd Reimnitz. She said she has workers from Tripp and other areas that work at Sunterra operations. She said after they leave her office, nobody can come in for about three hours because of the smell. She further stated that 80% of the money from the checks cashed leaves the country.

Chairperson Bode brought the discussion back to the table and asked commissioners if they had any questions or comments.

Commissioner Claggett asked Mr. Neugebauer about the \$12,000 road issue that was brought up earlier. Mr. Neugebauer responded by saying that prior to him building, Tobin Township doesn't plow snow so there was a plugged culvert. The road in question had been graveled twice in 40 years. Mr. Neugebauer said that he had not requested anything of the township. They took it upon themselves to gravel. He said that Lisbon Township gravels their roads on a rotation.

Commissioner Claggett asked about leakage into aquifer and if DENR looks into this. Mr. Neugebauer stated that DENR has five test wells that provide info on water quality. He plans to build in April or May, weather dependent.

Commissioner Claggett asked about placement of the facility. Mr. Neugebauer stated that he had looked at other places. But he said, if it is placed where he is proposing he can drive right along the tree line and not have to haul manure on the roads.

Commissioner Kiner asked if there would be a site more conducive to neighbors. Mr. Neugebauer responded by saying that there are always going to be neighbors.

Commissioner Bode stated there had been some modification since the Planning & Zoning Board met.

Commissioner Reider wondered what the distance was from non-participating neighbors. Mr. Neugebauer responded that his mother was the closest at 1,730', with others 2,015', 2,070', 2,850' and so on.

Commissioner Reider asked about the ownership structure. Mr. Neugebauer responded that it will be put into an LLC just like his other one. He said that he will do the day to day work while his wife, kids and nephews will help with loading.

Chairperson Bode stated that you are investing in a building and labor. She asked, is this a long-term commitment? Mr. Neugebauer said that he has a twelve-year contract with Sunterra. Once twelve years are up, he can either renew or find another provider.

Chairperson Bode asked if there are standards that have to be met. Mr. Neugebauer said that there are people that oversee the operation and inspect the barn.

Chairperson Bode asked about security. Mr. Neugebauer stated there are cameras and alert systems in place. The alert systems monitor water, air and temperature. If something goes awry, he receives an alert.

Commissioner Kiner stated that he doesn't think the setbacks in the Zoning Ordinance are near enough. However, if the County doesn't follow them, they are sure to end up in court.

Chairperson Bode stated that it's hard to decipher between opinions and facts. She said that the Board needs to base their decision on facts. She feels it may be time to change setbacks, but the decision today must be based on current regulations. She said she appreciated Larry mentioning the number of CAFOs in existence as she feels that's something that will need to be reviewed. She said she also has a concern for fertilizer application management. She also feels test wells are important, as Darrell mentioned. She said she also doesn't want the bridge project and the CAFO project ongoing at the same time. Lastly, she stated that 407th isn't in good shape today. She would like to see documentation before and after the project.

Chairperson Bode stated that she will choose to support this project considering the facts and findings brought forward today with the condition that the building is moved as far west as possible with the back of the barn fairly even to the back of the tree line.

Motion by Claggett, second by Kiner, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit for a concentrated animal feeding operation in the Ag District with conditions stated by the Planning and Zoning Board with the exception of #6 which was amended to read, a Road maintenance agreement with Rome Township, as requested by Tim Neugebauer. This request is pursuant to Section 304 (10) and Section 309 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as the SE ¼ Ex the SE ¼ of the SE ¼ of Section 30, T 101 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received February 15, 2019
Daily Republic March 1, 2019
Posted February 21, 2019
Notified Applicant February 22, 2019
Notified Abutting Property Owners February 21, 2019
Consideration of 1206 A. Conditional Uses

Roll call vote:
Kiner - aye, Claggett – aye, Reider – aye, Bode – aye, Weitala – absent. Motion carried.

VARIANCE

The Planning Commission recommended granting a west side yard setback +/- 250' (ft) resulting in a west side yard setback of +/- 50' (ft) from a concentrated animal feeding operation and denying south front yard setback of +/- 100' (ft) resulting in a front yard setback of +/- 200' (ft) from a concentrated animal feeding operation; 4-0-2.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to deny a variance for south front yard setback +/- 100' (ft) resulting in a front yard setback of +/- 200' (ft) from a concentrated animal feeding operation and to grant a variance for west side yard setback +/- 250' (ft) resulting in a west side yard setback of +/- 50' (ft) from a concentrated animal feeding operation in the Ag District, with the condition that the building is at least 400' (ft) from the front right-of-way, as requested by Tim Neugebauer. This request is pursuant to Section 309 (3)f and 309 (3)h of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the SE ¼ Ex the SE ¼ of the SE ¼ of Section 30, T 101 N, R 60 W, of the 5th P.M., Davison County, South Dakota.

Application received February 15, 2019
Daily Republic March 1, 2019
Posted February 21, 2019
Notified Applicant February 22, 2019
Notified Abutting Property Owners February 21, 2019
Consideration of 1206 B. Variances

Roll call vote:
Claggett – aye, Reider – aye, Kiner – aye, Bode – aye, Weitala - absent. Motion carried.

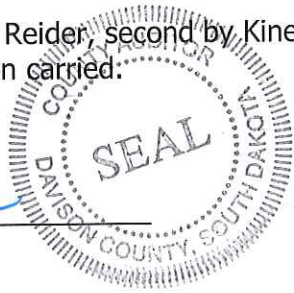
ADJOURN

At 11:35 a.m., motion by Reider, second by Kiner to adjourn Board of Adjustment. All members present voted aye. Motion carried.

ATTEST



Susan Kiepke, Auditor





Brenda Bode, Chairperson

BOARD OF ADJUSTMENT
April 9, 2019

CALL TO ORDER

Chairperson Bode called the meeting of the Davison County Board of Adjustment to order at 9:15 a.m. All member of the Board were present. Also present were Planning & Zoning Deputy Jenniges and Auditor Kiepke.

APPROVE AGENDA

Motion by Claggett, second by Weitala to approve the agenda for the April 9, 2019 meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Kiner, second by Weitala, to approve the minutes of the March 19, 2019 meeting. All members voted aye. Motion carried.

PUBLIC INPUT

Chairperson Bode asked for any public input regarding any items not on the agenda. Hearing none, public input was closed.

VARIANCE

The Planning Commission recommended granting 4-0-2.

Motion by Reider, second by Claggett, after consideration of Section 1206 B Variances, to grant a variance for minimum lot size of +/- 21.5 acres to create a lot size of +/- 3.5 acres, where the minimum lot size requirement is 25 acres in the AG District, as requested by Glenn Olsen. This request is pursuant to Section 307(4) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as a the NW ¼ of Section 17, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received March 12, 2019
Daily Republic March 29, 2019
Posted March 22, 2019
Notified Applicant March 21, 2019
Notified Abutting Property Owners March 21, 2019
Consideration of 1206 B. Variances

Roll call vote:

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

CONDITIONAL USE

The Planning Commission recommended granting 4-0-2 with the following conditions.

1. Comply with all state and federal regulations.
2. Comply with all sections of the Davison County Zoning Ordinance.
3. Have a nutrient management plan in place.
4. Have a written plan for the site to address cleanup and disposal of the structures when the economic life of the building has expired. The life of the building shall be considered expired if no animals occupy the building in a 12-month period.
5. All manure shall be injected.
6. Road maintenance agreement with Davison County.

Motion by Claggett, second by Kiner, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit for a concentrated animal feeding operation in the Ag District with conditions stated by the Planning and Zoning Board, as requested by Jarod Klock. This request is pursuant to Section 304 (10) and Section 309 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the SE ¼ of Section 31, T 102 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received March 14, 2019

Daily Republic March 29, 2019

Posted March 22, 2019

Notified Applicant March 21, 2019

Notified Abutting Property Owners March 21, 2019

Consideration of 1206 A. Conditional Uses

Roll call vote:

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

VARIANCES

The Planning Commission recommended granting 4-0-2.

Motion by Weitalla, second by Kiner, after consideration of Section 1206 B Variances, to grant the following variances:

- a. Setback from a non-participating residential dwelling of +/- 230' (ft) from a concentrated animal feeding operation resulting in a setback from a non-participating residential dwelling of +/- 1,090' (ft) from a concentrated animal feed operation where the required minimum setback is 1,320' (ft) in the Ag District.
- b. Setback from the east right-of-way of +/- 100' (ft) resulting in a setback of +/- 200' (ft) from a concentrated animal feeding operation where the required minimum setback is 300' (ft) in the Ag District.
- c. Setback from the south right-of-way of +/- 100' (ft) resulting in a setback of +/- 200' (ft) from a concentrated animal feeding operation where the required minimum setback is 300' (ft) in the Ag District.

As requested by Jarod Klock. This request is pursuant to Section 3:09(3f)(3h) and 3:09(6) of the Davison County zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legal described as the SE ¼ of Section 31, T 102 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received March 14, 2019
Daily Republic March 29, 2019
Posted March 22, 2019
Notified Applicant March 21, 2019
Notified Abutting Property Owners March 21, 2019
Consideration of 1206 B. Variances

Roll call vote:

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

RECOGNIZE CHANGE

That Sarah DeWald has submitted a letter asking to move her variance in lot size, which was approved January 15, 2019, to a new location due to a hardship of water from this year's flooding, resulting in changing the layout of the site. The size of the variance remains the same at 3.01 acres and is within the same boundary of the previously approved variance. The plat has not been recorded and will keep the same legal name but change the location.

There were no objections at any of the previous meetings about this variance or plat. Deputy States Attorney Taylor's opinion, "in this case a previously unknown, but now obvious, special characteristic/circumstance requiring a MINOR adjustment of the boundaries of the varied tract, keeping it all within the previous tract of which notice was previously given, and the modification requested is insignificant in size, scope, or change – maintaining the original size, scope, and use but only rescaling the length and width of the platted tract to avoid the previously unknown special characteristic."

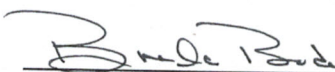
ADJOURN

At 9:32 a.m., motion by Reider, second by Kiner to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST


Susan Kiepke, Auditor




Brenda Bode, Chairperson

BOARD OF ADJUSTMENT
May 14, 2019

CALL TO ORDER

Chairperson Bode called meeting of the Davison County Board of Adjustment to order at 9:15 a.m. Members of the board present were Claggett, Kiner, Bode. Commissioner Weitala appeared telephonically. Also present were Planning and Zoning Administrator Bathke and Deputy Auditor Matthews.

APPROVE AGENDA

Motion by Kiner, second by Claggett, to approve the agenda for the May 14, 2019 meeting. A roll call vote was taken; Claggett-Aye, Weitala-Aye, Kiner-Aye, Bode-Aye, Reider-Absent. Motion carried.

APPROVE MINUTES

Motion by Claggett, second by Weitala, to approve the minutes of the April 16, 2019 meeting. A roll call vote was taken; Claggett-Aye, Weitala-Aye, Kiner-Aye, Bode-Aye, Reider-Absent. Motion carried.

PUBLIC INPUT

Chairperson Bode called asked for any public input for any items not on the Agenda. Hearing none, public input was closed.

VARIANCE

The Planning Commission recommended granting 4-0 with 2 absent and 1 abstain.

Motion by Kiner, second by Claggett, after consideration of Section 1206 B., to approve a variance for minimum north front yard setback of +/- 40' (ft) to create a north front yard setback of +/- 35' (ft) where the minimum front yard setback is 75' (ft) in the Agricultural District; as requested by Ryan Storm. This request is pursuant to Section 308 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as E1070' of the N1220' of the NE 1/4 of Section 30, Township 101 North, Range 61 West of the 5th P.M., Davison County, South Dakota

Application received April 16, 2019

Daily Republic May 3, 2019

Posted April 25, 2019

Notified Applicant April 24, 2019

Notified Abutting Property Owners April 24, 2019

Consideration of 1206 B. Variances

Roll call vote:

Claggett-Aye, Weitala-Aye, Kiner-Aye, Bode-Aye, Reider-Absent. Motion Carried.

VARIANCE

The Planning Commission recommended granting 5-0 with 2 absent.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B., to approve a variance for minimum lot size of +/- 21.9 acres to create a lot size of +/- 3.1 acres where the minimum lot size requirement is 25 acres in the Agricultural District; as requested by Glenn Olsen. This request is pursuant to Section 307 (4) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as NW 1/4 of Section 17, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota

Application received April 18, 2019

Daily Republic May 3, 2019

Posted April 25, 2019

Notified Applicant April 24, 2019

Notified Abutting Property Owners April 24, 2019

Consideration of 1206 B. Variances

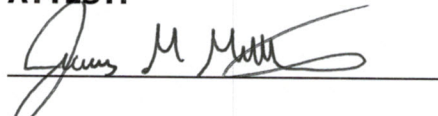
Roll call vote:

Claggett-Aye, Weitalla-Aye, Kiner-Aye, Bode-Aye, Reider-Absent. Motion Carried.

ADJOURN

At 9:20 a.m. a motion by Claggett, second by Kiner, to adjourn Board of Adjustment. A roll call vote was taken; Claggett-Aye, Weitalla-Aye, Kiner-Aye, Bode-Aye, Reider-Absent. Motion carried.

ATTEST:



James Matthews, Deputy Auditor



Brenda Bode, Chairperson

BOARD OF ADJUSTMENT
June 11, 2019

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 was Planning & Zoning Administrator Bathke, Deputy Jenniges and Auditor Kiepke.

APPROVE AGENDA

Motion by Claggett, second by Weitala to approve the agenda for the June 11, 2019 meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Kiner, second by Claggett, to approve the minutes of the May 14, 2019 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 6-0-1.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance for minimum lot size of +/- 18.14 acres to create a lot size of +/- 6.86 acres where the minimum lot size requirement is 25 acres in the Ag District and front yard setback of +/- 25' (ft) resulting in a setback of +/- 50' (ft) from the right-of-way where the minimum setback is 75' (ft) in the AG District, as requested by Kathy Haider. This request is pursuant to Section 307 (4) and 308 (1) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as a Plat of Lot 1 of DeWitt First Addition in the N ½ of the SW ¼ of Section 15, T 101 N, R 60 W, of the 5th P.M., Davison County, South Dakota.

Application received May 16, 2019
Daily Republic May 31, 2019
Posted May 24, 2019
Notified Applicant May 23, 2019
Notified Abutting Property Owners May 23, 2019
Consideration of 1206 B. Variances

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

CONDITIONAL USE

The Planning Commission recommended granting 6-0-1.

Motion by Weitala, second by Claggett, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to expand to a 5,370 animal unit concentrated animal feeding operation in the Ag District, as requested by Klumb Family Limited Partnership, Shannon G. Klumb Revocable Living Trust Agreement, Jennifer M. Klumb Revocable Living Trust Agreement, and Michelle L. Klumb Revocable Living Trust Agreement. This request is pursuant to Section 304 (10) and Section 310 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The properties are legally described as the SW ¼ Ex Lot A & Ex E530' of the SW ¼ of the SW ¼ & Ex W792.94' of the S750' of the SW ¼ of the SW ¼ of Section 10, T 101 N, R 61 W of the 5th P.M., Davison County, South Dakota; W792.94' of the S750' of the SW ¼ of the SW ¼ of Section 10, T 101 N, R 61 W of the 5th P.M., Davison County, South Dakota; the E530' of the SW ¼ of the SW ¼ of Section 10, T 101 N R 61 W of the 5th P.M., Davison County, South Dakota; and the NE ¼ of Section 15, T 101 N R 61 W of the 5th P.M., Davison County, South Dakota.

Application received May 9, 2019

Daily Republic May 31, 2019

Posted May 24, 2019

Notified Applicant May 23, 2019

Notified Abutting Property Owners May 23, 2019

Consideration of 1206 A. Conditional Uses

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting 6-0-1.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance for front yard setback +/- 205' (ft) resulting in a front yard setback of +/- 95' (ft) from right-of-way where the required setback is 300' (ft) in the Ag District, as requested by Klumb Family Limited Partnership. This request is pursuant to Section 3:10 (3) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the SW ¼ Ex Lot A & Ex E530' of the SW ¼ of the SW ¼ & Ex W792.94' of the S750' of the SW ¼ of the SW ¼ of Section 10, T 101 N, R 61 W, of the 5th P.M., Davison County, South Dakota.

Application received May 9, 2019

Daily Republic May 31, 2019

Posted May 24, 2019

Notified Applicant May 23, 2019

Notified Abutting Property Owners May 23, 2019

Consideration of 1206 B. Variances

Roll call vote:

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

ADJOURN

At 9:35 a.m., motion by Reider, second by Weitalla to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST



Susan Kiepke, Auditor





Brenda Bode, Chairperson

BOARD OF ADJUSTMENT
September 24, 2019

CALL TO ORDER

Chairperson Bode called the meeting of the Davison County Board of Adjustment to order at 9:23 a.m. All members of the Board were present. Also present was Planning & Zoning Administrator Bathke, Deputy Jenniges and Auditor Kiepke.

APPROVE AGENDA

Motion by Reider, second by Kiner to approve the agenda for the September 24, 2019 meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Weitala, second by Claggett, to approve the minutes of the June 25, 2019 meeting. All members voted aye. Motion carried.

PUBLIC INPUT

Chairperson Bode called for public input. She reminded the public that this was for items not on the agenda. Hearing none, the meeting continued.

VARIANCES

The Planning Commission recommended granting 6-1.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance for minimum lot size of +/- 16.78 acres to create a lot size of +/- 8.22 acres where the minimum lot size requirement is 25 acres in the Ag District, as requested by the City of Mitchell. This request is pursuant to Section 307 (5) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as a Plat of Kelley Tract 1, a Subdivision of the SW ¼ of the SE ¼ of Section 36, T 104 N, R 61 W, of the 5th P.M., Davison County, South Dakota.

Application received July 24, 2019

Daily Republic August 30, 2019

Posted August 23, 2019

Notified Applicant August 21, 2019

Notified Abutting Property Owners August 21, 2019

Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 7-0.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance for minimum lot size of +/- 22 acres to create a lot size of +/- 3 acres where the minimum lot size requirement is 25 acres in the Ag Residential District, as requested by Paul and Jennifer Mayer. This request is pursuant to Section 407 (3) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as a Plat of Lot 1 of Mayer's Addition in the NW ¼ of Section 26, T 103 N, R 61 W, of the 5th P.M., Davison County, South Dakota.

Application received August 1, 2019
Daily Republic August 30, 2019
Posted August 23, 2019
Notified Applicant August 21, 2019
Notified Abutting Property Owners August 21, 2019
Consideration of 1206 B. Variances

Roll call vote:

Kiner – aye, Claggett – aye, Weitla – aye, Reider – aye, Bode - aye. Motion carried.

The Planning Commission recommended granting 7-0.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance for minimum lot size of +/- 21.986 acres to create a lot size of +/- 3.014 acres where the minimum lot size requirement is 25 acres in the Ag District and side yard setback on the south side of +/- 15' resulting in a setback of +/- 35' from the existing sheds on the parent parcel where the minimum setback is 50' in the Ag District, as requested by Paul Mutziger. This request is pursuant to Section 307 (4) and Section 308 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as a Plat of Tract A of Mutziger's Addition in the SE ¼ of the NE ¼ of Section 35, T 102 N, R 60 W, of the 5th P.M., Davison County, South Dakota.

Application received August 5, 2019
Daily Republic August 30, 2019
Posted August 23, 2019
Notified Applicant August 21, 2019
Notified Abutting Property Owners August 21, 2019
Consideration of 1206 B. Variances

Roll call vote:

Claggett – aye, Kiner – aye, Reider – aye, Weitla – aye, Bode - aye. Motion carried.

ILLEGAL GRAVEL PIT

Planning & Zoning Administrator Bathke reported that Dave Schladweiler is illegally operating a gravel mine without a conditional use permit on land owned by Brian Nesheim legally described as the E ½ of the NW ¼ in Section 11, T 101 N, R 60 of the 5th P.M., Davison County, South Dakota.

Mr. Schladweiler stated that he had verbal permission from DENR to mine the property.

Mr. Bathke told Mr. Schladweiler that once he has official permission from DENR to mine, he will need to come to the County for a conditional use permit.


ADJOURN

At 9:42 a.m., motion by Kiner, second by Weitala to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST


Susan Kiepke, Auditor




Brenda Bode, Chairperson

BOARD OF ADJUSTMENT
October 15, 2019

CALL TO ORDER

Chairperson Bode called the meeting of the Davison County Board of Adjustment to order at 9:23 a.m. All members of the Board were present. Also present was Planning & Zoning Deputy Jenniges and Auditor Kiepke.

APPROVE AGENDA

Motion by Reider, second by Kiner to approve the agenda for the October 15, 2019 meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Claggett, second by Weitala, to approve the minutes of the September 24, 2019 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 6-0-1.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance for minimum lot size of +/- 21 acres to create a lot size of +/- 4 acres where the minimum lot size requirement is 25 acres in the Ag District, as requested by Willard (Scott) Meyer. This request is pursuant to Section 307 (5) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as a Plat of Lot B in the SE ¼ Ex Tract 1 of Rices Addition of Section 09, T 102 N, R 60 W, of the 5th P.M., Davison County, South Dakota.

Application received September 16, 2019
Daily Republic October 4, 2019
Posted September 20, 2019
Notified Applicant September 19, 2019
Notified Abutting Property Owners September 19, 2019
Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 6-0-1.

Motion by Claggett, second by Weitla, after consideration of Section 1206 B Variances, to grant a variance for minimum lot size of +/- 14.5 acres to create a lot size of +/- 10.5 acres where the minimum lot size requirement is 25 acres in the Ag District, as requested by Mark Meier. This request is pursuant to Section 307 (1) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as Lot 1 of MAB Addition in the NW ¼ and SW ¼ of Section 15, T 103 N, R 62 W, of the 5th P.M., Davison County, South Dakota.

Application received September 16, 2019
Daily Republic October 4, 2019
Posted September 20, 2019
Notified Applicant September 19, 2019
Notified Abutting Property Owners September 19, 2019
Consideration of 1206 B. Variances


Roll call vote:

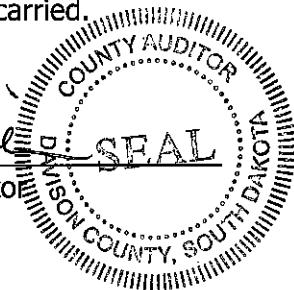
Kiner – aye, Claggett – aye, Weitla – aye, Reider – aye, Bode - aye. Motion carried.

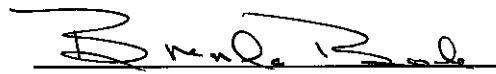
ADJOURN

At 9:32 a.m., motion by Reider, second by Kiner to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST


Susan Kiepke, Auditor




Brenda Bode, Chairperson

**BOARD OF ADJUSTMENT
November 12, 2019**

CALL TO ORDER

Chairperson Bode called the meeting of the Davison County Board of Adjustment to order at 9:17 a.m. All members of the Board were present. Also present was Planning & Zoning Administrator Bathke, Deputy Jenniges and Auditor Kiepke.

APPROVE AGENDA

Motion by Weitala, second by Kiner to approve the agenda, as amended, for the November 12, 2019 meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Kiner, second by Claggett, to approve the minutes of the October 15, 2019 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 6-0-1.

Motion by Kiner, second by Claggett, after consideration of Section 1206 B Variances, to grant a variance for minimum lot size of +/- 20.35 acres to create a lot size of +/- 4.65 acres where the minimum lot size requirement is 25 acres in the Ag District, as requested by Jesse Hanson. This request is pursuant to Section 307 (1)(5) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as a plat of Tract 1 of Jesse's Addition in the SE ¼ of Section 14, T 104 N, R 61 W, of the 5th P.M., Davison County, South Dakota.

Application received October 18, 2019
Daily Republic November 1, 2019
Posted October 25, 2019
Notified Applicant October 24, 2019
Notified Abutting Property Owners October 24, 2019
Consideration of 1206 B. Variances

Roll call vote:

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

CONDITIONAL USE

The Planning Commission recommended granting 6-0-1 with the condition that the fees are paid to the state every year and the state is inspecting the site as it is considered an active site and the 24-month rule per the zoning ordinance is not in affect.

Motion by Claggett, second by Kiner, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to allow extraction of sand, gravel, or minerals provided such uses meet requirements for conducting surface mining activities pursuant to SDCL 45-6B, in the Ag District with the condition that if the fees are paid to the state every year and the state is inspecting the site as it is considered an active site and the 24-month rule per the zoning ordinance is not in affect, as requested by Schladweiler Construction. This request is pursuant to Section 304 (14) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as the W ½ of the NW ¼ Ex H1 & H2 & Ex Lots A & B of Puetz's Subdivision of Section 11, T 101 N, R 60 W of the 5th P.M., Davison County, South Dakota and the E ½ of the NW ¼ of Section 11, T 101 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received October 18, 2019
Daily Republic November 1, 2019
Posted October 25, 2019
Notified Applicant October 24, 2019
Notified Abutting Property Owners October 24, 2019
Consideration of 1206 A. Conditional Uses

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting 6-0-1.

Motion by Kiner, second by Claggett, after consideration of Section 1206 B Variances, to grant a variance for minimum lot size of +/- 18.673 acres to create a lot size of +/- 6.327 acres where the minimum lot size requirement is 25 acres in the Ag District, as requested by Britt Bruner. This request is pursuant to Section 307 (4) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as a Plat of Lot 1 of Mirky's Addition in the S ½ of the SE ¼ of Section 11, T 102 N, R 60 W, of the 5th P.M., Davison County, South Dakota.

Application received October 21, 2019
Daily Republic November 1, 2019
Posted October 25, 2019
Notified Applicant October 24, 2019
Notified Abutting Property Owners October 24, 2019
Consideration of 1206 B. Variances

Roll call vote:

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

ADJOURN

At 9:32 a.m., motion by Reider, second by Weitala to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST



Susan Kiepke, Auditor



Brenda Bode, Chairperson

**BOARD OF ADJUSTMENT
December 10, 2019**

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 was Planning & Zoning Administrator Bathke, Deputy Jenniges and Auditor Kiepke.

APPROVE AGENDA

Motion by Kiner, second by Claggett to approve the agenda for the December 10, 2019 meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Weitala, second by Kiner, to approve the minutes of the November 12, 2019 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 3-1-3.

Motion by Reider, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance for minimum lot size of +/- 21.987 acres to create a lot size of +/- 3.013 acres where the minimum lot size requirement is 25 acres in the Ag District, as requested by Dan Roeder. This request is pursuant to Section 307 (1) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as a Plat of Tract 1 of Roeder's Addition in the NE ¼ of the NW ¼ of Section 28, T 102 N, R 61 W, of the 5th P.M., Davison County, South Dakota.

Application received November 13, 2019
Daily Republic November 29, 2019
Posted November 22, 2019
Notified Applicant November 21, 2019
Notified Abutting Property Owners November 21, 2019
Consideration of 1206 B. Variances

Roll call vote:

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

CONDITIONAL USE

The Planning Commission recommended granting 4-0-3.

Motion by Claggett, second by Reider, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to expand an existing salvage yard-recycling center business on the existing property to expand tire inventory to a maximum of 5,000 on site and the dismantling of wind turbine blades, as requested by Bob Ball. This request is pursuant to Section 404 (33) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lots C & D in the SE ¼ of Section 23, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received November 5, 2019

Daily Republic November 29, 2019

Posted November 22, 2019

Notified Applicant November 21, 2019

Notified Abutting Property Owners November 21, 2019

Consideration of 1206 A. Conditional Uses

Roll call vote:

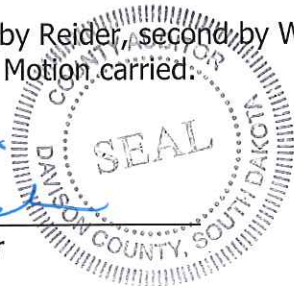
Reider - aye, Weitla - aye, Kiner - aye, Claggett - aye, Bode - aye. Motion carried.

ADJOURN

At 9:55 a.m., motion by Reider, second by Weitla to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST


Susan Kiepke, Auditor




Brenda Bode, Chairperson