

BOARD OF ADJUSTMENT
January 12, 2021

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 Acting Planning & Zoning Administrator Jenniges and Auditor Kiepke.

APPROVE AGENDA

Motion by Kiner, second by Weitala to approve the agenda for the January 12, 2021 meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Reider, second by Weitala, to approve the minutes of the December 8, 2020 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.

CONDITIONAL USE

The Planning Commission recommended granting 7-0.

Motion by Reider, second by Claggett, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to install an in-ground swimming pool in the Ag Res District, as requested by Ray Trudeau. This request is pursuant to Section 4:04(40) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the NE ¼ of the SW ¼ of the NE ¼ of the SE ¼ of Section 3, T 102 N, R 60 W, of the 5th P.M., Davison County, South Dakota.

Application received December 4, 2020
Daily Republic January 2, 2021
Posted December 22, 2020
Notified Applicant December 23, 2020
Notified Abutting Property Owners December 23, 2020
Consideration of 1206 A. Conditional Uses

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

VARIANCE

The Planning Commission recommended granting 7-0.

Motion by Claggett, second by Reider, after consideration of Section 1206 B Variances, to grant a variance in minimum in minimum lot size of +/- 14.97 acres to crate a lot size of +/- 10.03 acres, where the minimum is 25 acres in the Ag District, as requested by James Miiller. 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 Twelve Mile Creek First Addition in the W ½ of the SE ¼ of Section 16, T 101 N, R 61 W, of the 5th P.M., Davison County, South Dakota. The property is currently described as the W ½ of the SE ¼ of Section 16, T 101 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received December 10, 2020

Daily Republic January 2, 2021

Posted December 22, 2020

Notified Applicant December 23, 2020

Notified Abutting Property Owners December 23, 2020

Consideration of 1206 B. Variances

Roll call vote:

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


ADJOURN

At 9:23 a.m., motion by Weitala, second by Kiner to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST


Susan Kiepke, Auditor




Brenda Bode, Chairperson

BOARD OF ADJUSTMENT
February 9, 2021

CALL TO ORDER

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

APPROVE AGENDA

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

APPROVE MINUTES

Motion by Claggett, second by Kiner, to approve the minutes of the January 12, 2021 meeting. All members present voted aye. Motion carried.

PUBLIC INPUT

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

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 in minimum front yard setback to an existing residence of +/- 25' (ft), creating a setback of +/- 50' (ft), where the minimum is 75' (ft) in the Ag District, as requested by Margaret & John Kotrba Trust. 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 will be legally described as a Plat of Lot G, Kotrba's Subdivision, in the SW ¼ of Section 15, T 103 N, R 61 W, of the 5th P.M., Davison County, South Dakota. The property is currently described as the SW ¼ of Section 15, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received January 15, 2021

Daily Republic January 30, 2021

Posted January 22, 2021

Notified Applicant January 22, 2021

Notified Abutting Property Owners January 22, 2021

Consideration of 1206 B. Variances


Roll call vote:

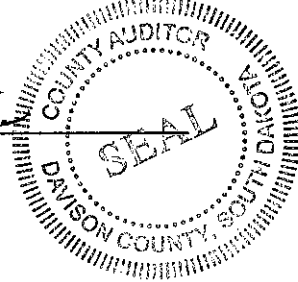
Kiner – aye, Claggett – aye, Reider – aye, Bode – aye, Weitla - absent. Motion carried.

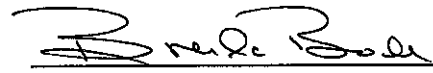
ADJOURN

At 9:25 a.m., motion by Kiner, second by Reider to adjourn Board of Adjustment. All members present voted aye. Motion carried.

ATTEST


Susan Kiepke, Auditor




Brenda Bode, Chairperson

BOARD OF ADJUSTMENT
April 13, 2021

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 Acting Planning & Zoning Administrator Jenniges and Auditor Kiepke.

APPROVE AGENDA

Motion by Claggett, second by Kiner to approve the agenda for the April 13, 2021 meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Weitala, second by Claggett, to approve the minutes of the February 9, 2021 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.

CONDITIONAL USE

The Planning Commission recommended granting 7-0 with a condition an on-site sign be allowed.

Motion by Reider, second by Claggett, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to operate an Open Sales Area & Federal Firearms Sales in the Platted Town Site Residential District, as requested by James Winter d/b/a/ Common Cents Consignment, with the condition a Sign, On-Site Exterior be allowed. This request is pursuant to Section 705 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lots 1 through 12, Blk 8, Watkins Addition to the Town of Loomis, Davison County, South Dakota, including all of the vacated alleyway therein and including that part of vacated Lewis Street adjoining and abutting Lots 1 and 12 thereof; and Lots 5 through 8, Blk 9, Watkins Addition to the Town of Loomis, Davison County, South Dakota, including that portion of the alleyway adjoining and abutting said lots and including that part of vacated Lewis Street adjoining and abutting Lots 6 and 7 thereof.

Application received March 4, 2021
Daily Republic March 31, 2021
Posted March 26, 2021
Notified Applicant March 23, 2021
Notified Abutting Property Owners March 23, 2021
Consideration of 1206 A. Conditional Uses

Roll call vote:

Weitala - aye, Kiner - aye, Claggett - aye, Reider - 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 Variances, to grant a variance in minimum lot size for an existing residence of +/- 5.324 acres to create a lot size of +/- 19.676 acres, where the minimum is 25 acres in the Ag District, as requested by Dustin & Amanda Knutson. 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 Tract A of Knutson's Addition in the NE ¼ of Section 5, T 103 N, R 61 W, of the 5th P.M., Davison County, South Dakota. The property is currently described as the S999.5' of N1574.5' of E930' Ex W167' of S434' of NE ¼ of Section 5, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received March 15, 2021

Daily Republic March 31, 2021

Posted March 26, 2021

Notified Applicant March 23, 2021

Notified Abutting Property Owners March 23, 2021

Consideration of 1206 B. Variances

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting, but the motion failed 3-4.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance in minimum Front yard setback of +/- 37' resulting in a setback of +/- 38' from the right of way, where the minimum is 75' in the Ag District, as requested by Mahlon Byler. 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 a Jatton Tract 1 in the NW ¼ of the NW ¼ of Section 21, T 101 N, R 60 W, of the 5th P.M., Davison County, South Dakota.

Application received March 8, 2021

Daily Republic March 31, 2021

Posted March 26, 2021

Notified Applicant March 23, 2021

Notified Abutting Property Owners March 23, 2021

Consideration of 1206 B. Variances

Roll call vote:

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

CONDITIONAL USE

The Planning Commission recommended granting 7-0.

Motion by Claggett, second by Reider, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to construct a 333' communication tower facility in the Ag District, as requested by Tillman Infrastructure LLC. This request is pursuant to Section 3:04(40) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the E 5/8 of the S 1/2 of the SE 1/4 Ex Lot 15 and H-1 & H-2 in Section 15, T 101 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received March 11, 2021

Daily Republic March 31, 2021

Posted March 26, 2021

Notified Applicant March 23, 2021

Notified Abutting Property Owners March 23, 2021

Consideration of 1206 A. Conditional Uses

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting 7-0 of a west side yard setback of +/- 45' resulting in a setback of +/- 30' from the property line, variance in rear yard setback of +/- 55' resulting in a setback of +/- 20' from the property line and east side yard setback of +/- 37' resulting in a setback of +/- 38'.

Motion by Claggett, second by Weitala, after consideration of Section 1206 B Variances, to grant a variance in west side yard setback of +/- 50' resulting in a setback of +/- 25' from the property line, variance in rear yard setback of +/- 59' resulting in a setback of +/- 16' from the property line and east side yard setback of +/- 37' resulting in a setback of +/- 38' from the property line where the minimum for a shelterbelt setback is 75' in the Ag District, as requested by Lee Healy, with same recommendations as the Planning Commission. 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 W362' of S395' in the SE 1/4 of Section 21, T 103 N, R 61 W, of the 5th P.M., Davison County, South Dakota.

Application received March 22, 2021

Daily Republic March 31, 2021

Posted March 26, 2021

Notified Applicant March 23, 2021

Notified Abutting Property Owners March 23, 2021

Consideration of 1206 B. Variances

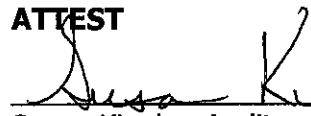
Roll call vote:

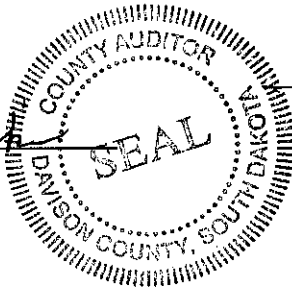
Kiner - aye, Claggett - aye, Weitala - aye, Reider - aye, Bode - aye. Motion carried.

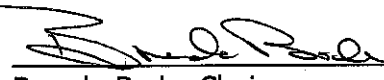
ADJOURN

At 10:00 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
May 11, 2021

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 Acting Administrator Jenniges, and Deputy Auditor Matthews.

APPROVE AGENDA

Motion by Weitala, second by Kiner, to approve the agenda for the May 11, 2021 meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Weitala, second by Reider, to approve the amended minutes of the April 13, 2021 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 Claggett, second by Kiner, after consideration of Section 1206 B., to approve a variance in minimum front yard setback of +/- 30' resulting in a setback of +/- 45' from the right of way for an existing residence where the minimum is 75' and minimum side yard setback of +/- 8' resulting in a setback of +/- 2' where the minimum is 10' in the Ag Residential District; as requested by Bob Weber. This request is pursuant to Section 408 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot 1 in the NE 1/4 of Section 25, T 103 N, R 61 West of the 5th P.M., Davison County, South Dakota.

Application received March 29, 2021
Daily Republic May 1, 2021
Posted April 23, 2021
Notified Applicant April 23, 2021
Notified Abutting Property Owners April 23, 2021
Consideration of 1206 B. Variances

Roll call vote:

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

VARIANCE

Commissioner Reider declared a conflict of interest and recused himself from voting.

The Planning Commission recommended granting 7-0.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B., to approve a variance in minimum side yard setback of +/- 6' resulting in a setback of +/- 4' from the property line where the minimum is 10' in the Ag Residential District; as requested by Dan & Mary Alexander. This request is pursuant to Section 408 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the E 28.67' of Lot 0-1 of Titze Addition in the SW 1/4 of Section 24, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received April 5, 2021

Daily Republic May 1, 2021

Posted April 23, 2021

Notified Applicant April 23, 2021

Notified Abutting Property Owners April 23, 2021

Consideration of 1206 B. Variances

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting 6-1 with a minimum north side/rear yard setback of +/- 59' resulting in a setback of +/- 16' from the property line, a variance in east yard setback of +/- 59' resulting in a setback of +/- 16' from the property line and a variance in west side yard setback south of the existing east/west shelterbelt of +/-59' resulting in a setback of +/- 16'.

Motion by Kiner, second by Claggett, after consideration of Section 1206 B., to approve a variance in minimum north side/rear yard setback of +/- 59' resulting in a setback of +/- 16' from the property line, a variance in east yard setback of +/- 75' resulting in a setback of +/- 0' from the property line and a variance in west side yard setback south of the existing east/west shelterbelt of +/-59' resulting in a setback of +/- 16', where the minimum for a shelterbelt setback is 75' in the Ag District; as requested by Bryce Havlik, with same recommendations as the Planning Commission. This request is pursuant to Section 2:15 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The properties are legally

described as B Havlik Tract 1 in the SW 1/4 of Section 1, T 103 N, R 61 West of the 5th P.M., Davison County, South Dakota, Tract A of Stratton's Addition in the S940.5' of the SW 1/4 of Section 1, T 103 N, R 61 West of the 5th P.M., Davison County, South Dakota and S940.5' of the SW 1/4 Ex S537.5' of W433.1' & Ex B Havlik Tract 1 & Ex Tract A of Stratton's Addition in the S 940.5' in the SW 1/4 of Section 1, T 103 N, R 61 West of the 5th P.M., Davison County, South Dakota.

Application received April 12, 2021
Daily Republic May 1, 2021
Posted April 23, 2021
Notified Applicant April 23, 2021
Notified Abutting Property Owners April 23, 2021
Consideration of 1206 B. Variances

Roll call vote:

Weitala-aye, Kiner-aye, Claggett-aye, Reider-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 approve a variance in minimum lot size of +/- 17.399 acres resulting in a lot size of +/- 7.601 acres, lot size of +/- 17.399 acres resulting in a lot size of +/- 7.601 acres and lot size of +/- 15 acres resulting in a lot size of +/- 10 acres, where the minimum lot size is 25 acres in the Ag District; as requested by Jason & Arin Riggs. This request is pursuant to Section 307(4,5) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is currently legally described as the W 831' of the N 1,321' in the NW ¼ of the NW ¼ of Section 15, T 101 N, R 60 West of the 5th P.M., Davison County, South Dakota. The property will be legally described as a Plat of Tracts 1, 2, and 3 in the Jason & Arin Addition, in the NW 1/4 of the NW 1/4 of Section 15, T 101 N, R 60 West of the 5th P.M., Davison County, South Dakota.

Application received April 19, 2021
Daily Republic May 1, 2021
Posted April 23, 2021
Notified Applicant April 23, 2021
Notified Abutting Property Owners April 23, 2021
Consideration of 1206 B. Variances

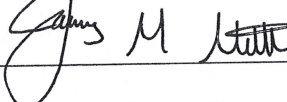
Roll call vote:

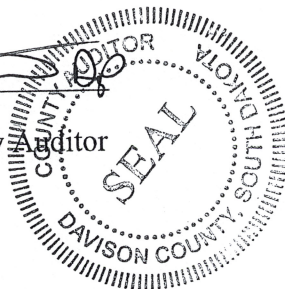
Reider-aye, Weitala-aye, Kiner-aye, Claggett-aye, Bode-aye. Motion carried.

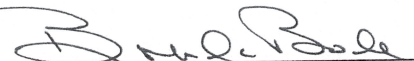
ADJOURN

At 9:50 a.m. a motion by Reider, second by Weitala, to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST:


James Matthews, Deputy Auditor





Brenda Bode, Chairperson

BOARD OF ADJUSTMENT
June 8, 2021

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 Acting Administrator Jenniges, and Auditor Kiepke.

APPROVE AGENDA

Motion by Reider, second by Weitala, to approve the agenda for the June 8, 2021 meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Weitala, second by Kiner, to approve the minutes of the May 11, 2021 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 5-0-2.

Motion by Claggett, second by Reider, after consideration of Section 1206 B., to approve a variance for the following all in the Agricultural District; as requested by Mark Meier:

Lot 1-

Minimum lot size of +/- 19.74 acres resulting in a lot size of +/- 5.26 acres where the minimum is 25 acres.

Minimum setback from ROW for an existing residence of +/-38' resulting in setback of +/- 37' where the minimum is 75'.

Minimum north side yard setback for an existing "L" shaped building of +/-45' resulting in a setback of +/- 5' where the minimum is 50'.

Minimum east rear yard setback for an existing building of +/- 35' resulting in setback of +/- 15' where the minimum is 50'.

Lot 2-

Minimum south side yard setback from an existing dwelling unit of +/- 20' resulting in a setback of +/- 30' where the minimum is 50'.

Minimum west and south side yard setback from an existing pole shed of +/- 45' resulting in a setback of +/- 5' where the minimum is 50'.

Minimum north side yard setback from for an existing grain bin of +/- 35' resulting in a setback of +/-15' where the minimum is 50'.

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 Lot 1 and Lot 2 of Rosewood Barn Lodge Addition in the SW 1/4 of Section 27, T 104 N, R 62 West of the 5th P.M., Davison County, South Dakota.

Application received April 22, 2021
Daily Republic May 29, 2021
Posted May 20, 2021
Notified Applicant May 21, 2021
Notified Abutting Property Owners May 21, 2021
Consideration of 1206 B. Variances

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting 5-0-2.

Motion by Claggett, second by Reider, after consideration of Section 1206 B., to approve a variance in minimum lot size of +/- 20 acres resulting in a lot size of +/- 5 acres, where the minimum lot size is 25 acres in the Ag District; as requested by Perry Luna. 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 of Lot 1 of Luna's Addition in the S 1/2 of the SE 1/4 of Section 9, T 102 N, R 62 West of the 5th P.M., Davison County, South Dakota.

Application received May 3, 2021
Daily Republic May 29, 2021
Posted May 20, 2021
Notified Applicant May 21, 2021
Notified Abutting Property Owners May 21, 2021
Consideration of 1206 B. Variances

Roll call vote:

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

CONDITIONAL USE

The Planning Commission recommended granting 5-0-2.

Wendy and Rodney Mathers, adjacent landowners, appeared before the board to voice a concern regarding the moving of the home onto the property in regards to the space necessary to maneuver around physical obstructions.

Chairperson Bode reminded Mr. and Mrs. Mathers that the easement is a civil issue, and the county has no authority with it.

Motion by Claggett, second by Reider, after consideration of Section 1206 A., to approve a conditional use permit to recommend granting a Conditional Use Permit to construct a manufactured home in the Rural Estates District, as requested by Jason Brown. This request is pursuant to Section 504(13) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described Lot 2 of W & J Edinger's 1st Addition in the SW 1/4 of Section 15, T 103 N, R 62 West of the 5th P.M., South Dakota.

Application received May 17, 2021
Daily Republic May 29, 2021
Posted May 20, 2021
Notified Applicant May 21, 2021
Notified Abutting Property Owners May 21, 2021
Consideration of 1206 B. Variances

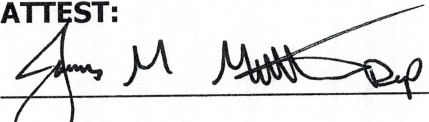
Roll call vote:

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

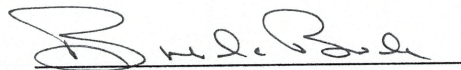
ADJOURN

At 9:39 A.M. motion by Reider, second by Claggett, to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST:


James Matthews, Deputy Auditor




Brenda Bode, Chairperson

BOARD OF ADJUSTMENT
July 13, 2021

CALL TO ORDER

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

APPROVE AGENDA

Motion by Claggett, second by Weitala, to approve the agenda for the July 13, 2021 meeting. All members present voted aye. Motion carried.

APPROVE MINUTES

Motion by Claggett, second by Weitala, to approve the minutes of the June 8, 2021 meeting. All members present voted aye. Motion carried.

PUBLIC INPUT

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

RECESS BOARD OF ADJUSTMENT

At 9:17 a.m. motion by Weitala, second by Claggett to recess Board of Adjustment. All Members present voted aye. Motion carried.

RECONVENE BOARD OF ADJUSTMENT

At 9:20 a.m. motion by Claggett, second by Weitala to reconvene Board of Adjustment. A roll call vote was taken as follows. Claggett-aye, Reider-aye, Weitala-aye, Bode-aye. Motion carried.

COMMISSIONER REIDER JOINS MEETING

At 9:20 a.m. Commissioner Reider joined the meeting telephonically.

VARIANCE

The Planning Commission recommended granting 5-0, with two absent.

Motion by Claggett, second by Weitala, after consideration of Section 1206 B., to approve a variance in minimum lot size of +/- 16 acres resulting in a lot size of +/- 9 acres, where the minimum lot size is 25 acres in the Ag District; as requested by Austin & Lyndsie Schoenfelder. 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 of Plat of

Tract 3 of Roeder's Addition, previously platted tract 1 & 2 (now vacated), all in the NE 1/4 of the NW 1/4 of Section 28, T 102 N, R 61 West of the 5th P.M., Davison County, South Dakota.

Application received June 21, 2021
Daily Republic June 30, 2021
Posted June 25, 2021
Notified Applicant June 23, 2021
Notified Abutting Property Owners June 23, 2021
Consideration of 1206 B. Variances

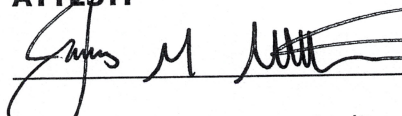
Roll call vote:

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

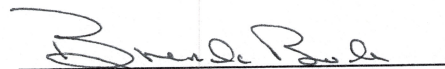
ADJOURN

At 9:22 a.m. a motion by Claggett, second by Weitala, to adjourn Board of Adjustment. A roll call vote was taken as follows. Weitala-aye, Claggett-aye, Reider-aye, Bode-aye. Motion carried.

ATTEST:


Jim Matthews, Deputy Auditor





Brenda Bode, Chairperson

BOARD OF ADJUSTMENT
September 21, 2021

CALL TO ORDER

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

APPROVE AGENDA

Motion by Reider, second by Kiner to approve the agenda for the September 21, 2021, meeting. All members present voted aye. Motion carried.

APPROVE MINUTES

Motion by Claggett, second by Kiner, to approve the minutes of the August 17, 2021, meeting. All members present voted aye. Motion carried.

PUBLIC INPUT

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

VARIANCES

The Planning Commission recommended granting 7-0.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance in minimum lot size of +/- 17.149 acres, creating a lot size of +/- 7.851 acres, and a lot size of +/- 10 acres, creating a lot size of +/- 15 acres, where the minimum lot size is 25 acres in the Ag District, as requested by Mahlon Byler. 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 Lot A of Jatón Tract 1 and Lot B of Jatón Tract 1 in the NW ¼ of the NW ¼ of Section 21, T 101 N, R 60 W, of the 5th P.M., Davison County, South Dakota.

Application received July 23, 2021

Daily Republic August 25, 2021

Posted August 23, 2021

Notified Applicant August 23, 2021

Notified Abutting Property Owners August 23, 2021

Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 7-0.

Motion by Claggett, second by Reider, after consideration of Section 1206 B Variances, to grant a variance in minimum front yard setback to an existing residence of +/- 45' (ft), creating a setback of +/- 30' (ft), where the minimum is 75' (ft) in the Ag District, as requested by Ryan

Schoenenberger. This request is pursuant to Section 408(1) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot 18 of River Bluffs in the NW ¼ of Section 12, T 103 N, R 60 W, of the 5th P.M., Davison County, South Dakota.

Application received August 6, 2021

Daily Republic August 25, 2021

Posted August 23, 2021

Notified Applicant August 23, 2021

Notified Abutting Property Owners August 23, 2021

Consideration of 1206 B. Variances

Roll call vote:

Kiner – aye, Reider – aye, Claggett – aye, Bode – aye, Weitala - absent. 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:

1. in minimum lot size of +/- 21.317 acres, creating a lot size of +/- 3.683 acres, where the minimum lot size is 25 acres for a residence in the Ag District.
2. in minimum side yard setback of +/- 15', creating a setback of +/- 35' from the residence on the south side, where the minimum side yard setback is 50' in the Ag District.
3. in minimum side yard setback of +/- 35', creating a setback of +/- 15' from the shed on the south side, where the minimum side yard setback is 50' in the Ag District.
4. in minimum side yard setback of +/- 25', creating a setback of +/- 25' from the shed on the east side, where the minimum side yard setback is 50' in the Ag District.
5. In minimum side yard setback of +/- 35', creating a setback of +/- 15' from the grain bins on the east side, where the minimum side yard setback is 50' in the Ag District.

as requested by Tyson Bialas. This request is pursuant to Section 307(1) and 3:08 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as Lot A in Tract 1 of Ivan Bialas Addition in the NW ¼ of Section 35, T 102 N, R 62 W, of the 5th P.M., Davison County, South Dakota.

Application received August 18, 2021

Daily Republic August 25, 2021

Posted August 23, 2021

Notified Applicant August 23, 2021

Notified Abutting Property Owners August 23, 2021

Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 7-0.

Motion by Reider, second by Claggett, after consideration of Section 1206 B Variances, to grant a variance in minimum front yard setback of +/- 42' (ft), creating a setback of +/- 33' (ft), where the minimum is 75' (ft) in the Ag District, as requested by Dean Baker. This request is

pursuant to Section 408(1) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the NE ¼ EX RY of Section 19, T 103 N, R 62 W, of the 5th P.M., Davison County, South Dakota.

Application received August 18, 2021

Daily Republic August 25, 2021

Posted August 23, 2021

Notified Applicant August 23, 2021

Notified Abutting Property Owners August 23, 2021

Consideration of 1206 B. Variances

Roll call vote:

Kiner – aye, Claggett – aye, Reider – aye, Bode – aye, Weitala - absent. 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 in minimum lot size of +/- 15.269 acres, resulting in a lot size of +/- 9.731 acres where the minimum lot size is 25 acres for a residence in the Ag District, as requested by Dalen Frank. 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 Lot 2A of Franks Addition in the East 974.4 Feet of the West 1772.4 Feet of the South 718.2 Feet in the S ½ of Section 14, T 103 N, R 62 W, of the 5th P.M., Davison County, South Dakota.

Application received August 13, 2021

Daily Republic August 25, 2021

Posted August 23, 2021

Notified Applicant August 23, 2021

Notified Abutting Property Owners August 23, 2021

Consideration of 1206 B. Variances

Roll call vote:

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


ADJOURN

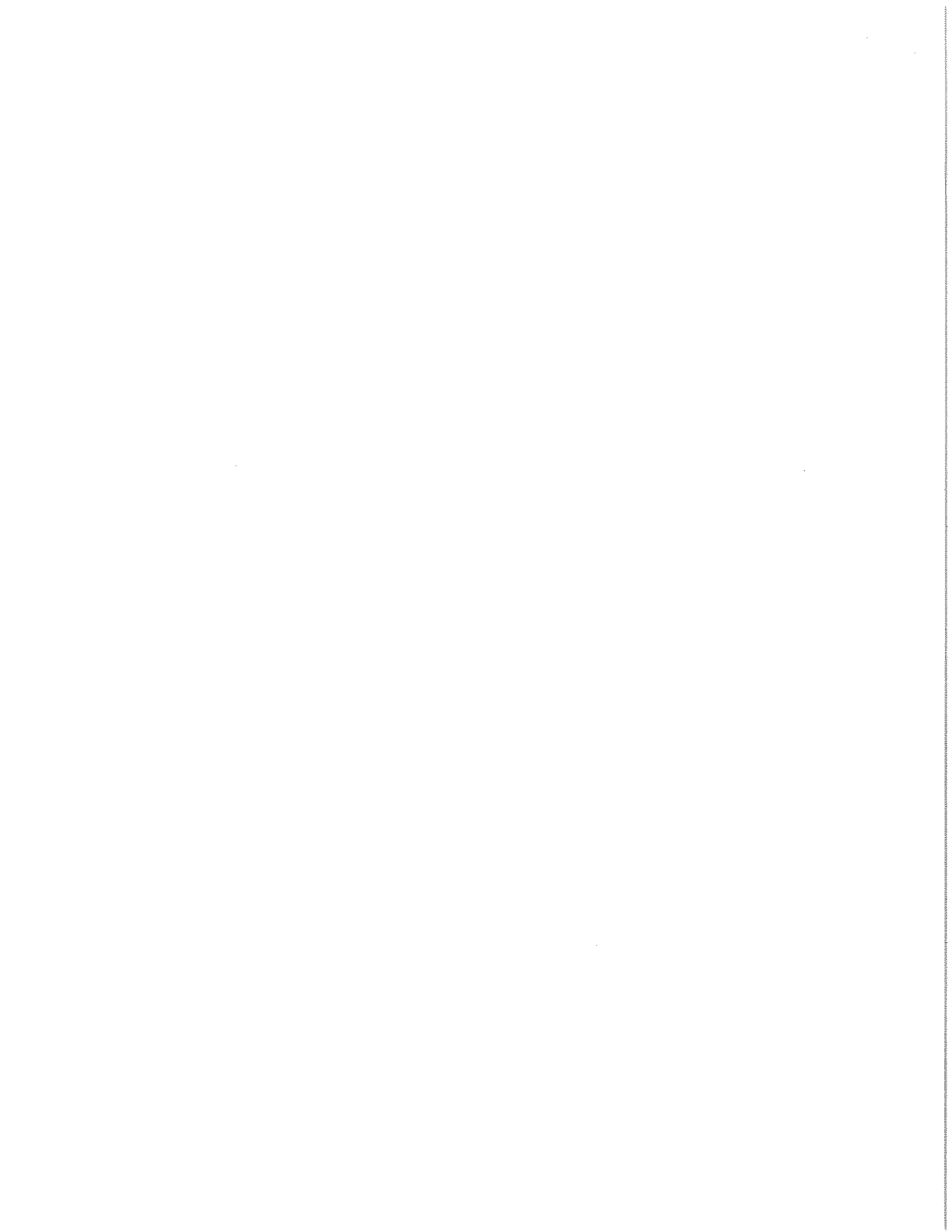
At 9:30 a.m., motion by Kiner, second by Claggett to adjourn Board of Adjustment. All members present voted aye. Motion carried.

ATTEST


Susan Kiepke, Auditor




Brenda Bode, Chairperson



BOARD OF ADJUSTMENT
November 9, 2021

CALL TO ORDER

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

APPROVE AGENDA

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

APPROVE MINUTES

Motion by Kiner, second by Claggett, to approve the minutes of the September 21, 2021, meeting. All members present voted aye. Motion carried.

PUBLIC INPUT

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

CONDITIONAL USE

The Planning Commission recommended granting 6-0-1.

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

Application received October 1, 2021

Daily Republic October 16 & 20, 2021

Posted October 12, 2021

Notified Applicant October 12, 2021

Notified Abutting Property Owners October 12, 2021

Consideration of 1206 A. Conditional Uses

Roll call vote:

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

CONDITIONAL USE

The Planning Commission recommended granting 6-0-1.

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

Application received September 24, 2021

Daily Republic October 16 & 20, 2021

Posted October 12, 2021

Notified Applicant October 12, 2021

Notified Abutting Property Owners October 12, 2021

Consideration of 1206 A. Conditional Uses

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting 6-0-1.

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

Application received October 7, 2021

Daily Republic October 16 & 20, 2021

Posted October 12, 2021

Notified Applicant October 12, 2021

Notified Abutting Property Owners October 12, 2021

Consideration of 1206 B. Variances

Roll call vote:

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

CONDITIONAL USE

The Planning Commission recommended granting 6-0-1.

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

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

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting 6-0-1.

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

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

Roll call vote:

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

ADJOURN

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

ATTEST





Susan Kiepke, Auditor

Brenda Bode, Chairperson

**BOARD OF ADJUSTMENT
December 14, 2021**

CALL TO ORDER

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

APPROVE AGENDA

Motion by Claggett, second by Weitala to approve the agenda for the December 14, 2021, meeting. All members present voted aye. Motion carried.

APPROVE MINUTES

Motion by Claggett, second by Weitala, to approve the minutes of the November 9, 2021, meeting. All members present voted aye. Motion carried.

PUBLIC INPUT

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

VARIANCE

The Planning Commission recommended granting 4-2-1.

Motion by Reider, second by Claggett, after consideration of Section 1206 B Variances, to grant a variance in minimum rear yard setback of +/- 5' (ft) to create a setback from the west property line of +/- 5' (ft), where the minimum rear yard setback is 10' (ft) in the Ag Residential District and to grant a variance in minimum side yard setback of +/- 8' (ft) to create a setback from the north property line of +/- 2' (ft) where the minimum side yard setback is 10' (ft) in the Ag Residential District, as requested by Charles Sr. and Wanda Kobes. With the following conditions: No tree removal on the neighbor's property with the exception of the one on the lot line; a professional survey must be completed showing an easement for the driveway and clearly identifies the west and north property lines. This request is pursuant to Section 4:08(1)(B&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 Lot A-2 of the SE ¼ of Section 15, T 102 N, R 60 W, of the 5th P.M., Davison County, South Dakota.

Application received November 15, 2021
Daily Republic November 27 & December 4, 2021
Posted November 23, 2021
Notified Applicant November 22, 2021
Notified Abutting Property Owners November 22, 2021
Consideration of 1206 B. Variances

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting 6-0-1.

Motion by Reider, second by Weitalla, after consideration of Section 1206 B Variances, to grant a variance in minimum lot size of +/- 23 acres to create a lot size of +/- 2 acres, where the minimum lot size is 25 acres in the Ag District, as requested by Steve Gerlach on land being platted by Dale Kroupa. This request is pursuant to Section 3:07(5), 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 18-2 in the W ½ of the SW ¼ ex Lot 1 of that portion of H2 lying within Section 22, T 103 N, R 62 W, of the 5th P.M., Davison County, South Dakota, less NWPS Mt. Vernon Sub. No. 2 to the Town of Mount Vernon.

Application received November 18, 2021

Daily Republic November 27 & December 4, 2021

Posted November 23, 2021

Notified Applicant November 22, 2021

Notified Abutting Property Owners November 22, 2021

Consideration of 1206 B. Variances

Roll call vote:

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

CONDITIONAL USE

The Planning Commission recommended granting 6-0-1.

Motion by Reider, second by Claggett, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to operate a federal firearms sales business in the Ag Residential District, as requested by Jason Nedved. This request is pursuant to Section 4:05, 1106(A) & 1206(A) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the S ½ of the N ½ of the NE ¼ of the SE ¼ ex Tract 1 Nedved Addition and the S ½ of the NE ¼ of the SE ¼ of Section 8, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received November 19, 2021

Daily Republic November 27 & December 4, 2021

Posted November 23, 2021

Notified Applicant November 22, 2021

Notified Abutting Property Owners November 22, 2021

Consideration of 1206 A. Conditional Uses

Roll call vote:

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

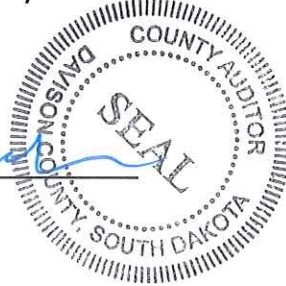
ADJOURN

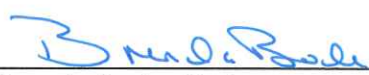
At 10:09 a.m., motion by Reider, second by Weitala to adjourn Board of Adjustment. All members present voted aye. Motion carried.

ATTEST



Susan Kiepke, Auditor





Brenda Bode, Chairperson