

**BOARD OF ADJUSTMENT**  
**January 11, 2022**

**CALL TO ORDER**

Chairperson Bode called the meeting of the Davison County Board of Adjustment to order at 9:17 a.m. Members of the Board present were Claggett, Kiner, Reider, Bode. Absent Weitala. Also present were Planning & Zoning Assistant Administrator Wegleitner and Auditor Kiepke.

**APPROVE AGENDA**

Motion by Reider, second by Kiner to approve the agenda for the January 11, 2022, meeting. All members present voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Claggett, second by Kiner, to approve the minutes of the December 14, 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 7-0.

Motion by Claggett, second by Reider, after consideration of Section 1206 B Variances, to grant a variance in minimum lot size of +/- 15 acres to create a lot size of +/- 10 acres, where the minimum lot size is 25 acres in the Ag Residential District, as requested by Brian Hohn. This request is pursuant to Section 4:07(3&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 the N ½ of the NE ¼ lying West of the James River in Section 13, T 103 N, R 60 W, of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received December 15, 2021  
Daily Republic January 1, 2022  
Posted December 22, 2021  
Notified Applicant December 21, 2021  
Notified Abutting Property Owners December 21, 2021  
Consideration of 1206 B. Variances

Roll call vote:

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

**ADJOURN**

At 9:38 a.m., motion by Claggett, second by Reider to adjourn Board of Adjustment. All members present voted aye. Motion carried.

ATTEST

  
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Susan Kiepke, Auditor



  
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Brenda Bode, Chairperson

**BOARD OF ADJUSTMENT**  
**March 8, 2022**

**CALL TO ORDER**

Chairperson Bode called the meeting of the Davison County Board of Adjustment to order at 9:15 a.m. All members of the Board were present. Also present were Planning & Zoning Assistant Administrator Wegleitner and Auditor Kiepkke.

**APPROVE AGENDA**

Motion by Reider, second by Weitala to approve the agenda for the March 8, 2022, meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Claggett, second by Kiner, to approve the minutes of the January 11, 2022, meeting. All members voted aye. Motion carried.

**PUBLIC INPUT**

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

**CONDITIONAL USE**

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

Motion by Kiner, second by Claggett, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit for an expansion of an existing concentrated animal feeding operation (CAFO) from 3,080 animal units to 4,798 animal units in the Ag District, as requested by Jackrabbit Family Farms, LLC. This request is pursuant to Section 3:04(10), 3:10, 1106(A) & 1206(A) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Parcel 1: Lot 1 of Jackrabbit Addition in the SE ¼ of Section 8, T 101 N, R 62 W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Parcel 2: SE ¼ Ex Lot 1 of Jackrabbit Addition in the SE ¼ of Section 8, T 101 N, R 62 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received February 10, 2022

Daily Republic February 26, 2022

Posted February 23, 2022

Notified Applicant February 15, 2022

Notified Abutting Property Owners February 15, 2022

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 5-0 with 2 abstentions with the following changes.

1. A variance in minimum side yard setback of +/- 83' (ft) creating a side yard setback of +/- 217' (ft) from the proposed gestation barn on the west side, where the required setback is 300' (ft) in the Ag District for a CAFO where the request was a variance in minimum side yard setback of +/- 258' (ft), creating a side yard setback of +/- 42' (ft).
2. To eliminate variance in minimum side yard setback of +/- 124' (ft) creating a side yard setback of +/- 176' (ft) from the proposed GDU barn on the set side, where the required setback is 300' (ft) in the Ag District for a CAFO.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance in minimum side yard setback of +/- 83' (ft) to create a side yard setback of +/- 217' (ft) from the proposed gestation barn on the west side, where the required side yard setback is 300' (ft) in the Ag District for a CAFO and to grant a variance in minimum rear yard setback of +/- 140' (ft) to create a rear yard setback of +/- 160' (ft) from the proposed farrowing barn on the north side, where the minimum rear yard setback is 300' (ft) in the Ag District for a CAFO, as requested by Jackrabbit Family Farms, LLC. This request is pursuant to Section 3:04(10), 3:10(3)(h), 1106(B) & 1206(B) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Parcel 1: Lot 1 of Jackrabbit Addition in the SE ¼ of Section 8, T 101 N, R 62 W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Parcel 2: SE ¼ Ex Lot 1 of Jackrabbit Addition in the SE ¼ of Section 8, T 101 N, R 62 W of the 5<sup>th</sup> P.M., Davison County, South Dakota

Application received February 7, 2022  
Daily Republic February 26, 2022  
Posted February 23, 2022  
Notified Applicant February 15, 2022  
Notified Abutting Property Owners February 15, 2022  
Consideration of 1206 B. Variances

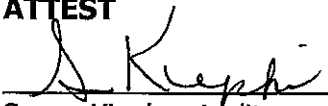
Roll call vote:

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

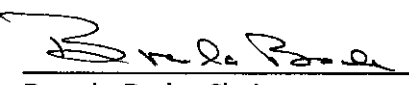
## ADJOURN

At 10:00 a.m., motion by Kiner, second by Reider to adjourn Board of Adjustment. All members voted aye. Motion carried.

## ATTEST

  
Susan Kiepke, Auditor



  
Brenda Bode, Chairperson

**BOARD OF ADJUSTMENT**  
**April 19, 2022**

**CALL TO ORDER**

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

**APPROVE AGENDA**

Motion by Reider, second by Kiner to approve the agenda for the April 19, 2022, meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Claggett, second by Kiner, to approve the minutes of the April 12, 2022, meeting. All members voted aye. Motion carried.

**PUBLIC INPUT**

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

**CONDITIONAL USE**

The Planning Commission recommended granting 5-0-2.

Motion by Claggett, second by Kiner, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit for an expansion of an existing concentrated animal feeding operation (CAFO) from 2,400 animal units to 4,672 animal units in the Ag District, as requested by Blue Stem Family Farms, LLC. This request is pursuant to Section 3:04(10), 3:10, 1106(A) & 1206(A) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Parcel 1: Tract A of Greenway Addition in Government Lot 1 in the NE ¼ of the NE ¼ of Section 6, T 103 N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Parcel 2: NE ¼ Ex Tract A of Greenway Addition in the NE ¼ of Section 6, T 103 N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received March 17, 2022

Daily Republic March 26, 2022

Posted March 24, 2022

Notified Applicant March 23, 2022

Notified Abutting Property Owners March 23, 2022

Consideration of 1206 A. Conditional Uses

Roll call vote:

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

## VARIANCE

The Planning Commission recommended granting 5-0-2.

Motion by Kiner, second by Weitala, after consideration of Section 1206 B Variances, to grant a variance in minimum rear yard setback of +/- 131' (ft) to create a rear yard setback of +/- 169' (ft) from the proposed GDU expansion on the west side, where the required rear yard setback is 300' (ft) in the Ag District for a CAFO; to grant a variance in minimum side yard setback of +/- 200' (ft) to create a side yard setback of +/- 100' (ft) from the gestation barn expansion on the south side, where the required side yard setback is 300' (ft) in the Ag District for a CAFO; to grant a variance in minimum side yard setback of +/- 122' (ft) to create a side yard setback of +/- 178' (ft) from the proposed farrowing barn expansion on the south side, where the required side yard setback is 300' (ft) in the Ag District for a CAFO; to grant a variance in minimum front yard setback of +/- 14' (ft) to create a front yard setback of +/- 286' (ft) from the proposed load out on the proposed farrowing barn expansion on the east side, where the required front yard setback is 300' (ft) in the Ag District for a CAFO; to grant a variance in minimum rear yard setback of +/- 45' (ft) to create a rear yard setback of +/- 255' (ft) from the proposed compost expansion on the west side, where the required side yard setback is 300' (ft) in the Ag District for a CAFO as requested by Blue Stem Family Farms, LLC. This request is pursuant to Section 3:10(3)(h), 1106(B) & 1206(B) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Parcel 1: Tract A of Greenway Addition in Government Lot 1 in the NE ¼ of the NE ¼ of Section 6, T 103 N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Parcel 2: NE ¼ Ex Tract A of Greenway Addition in the NE ¼ of Section 6, T 103 N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota

Application received March 17, 2022  
Daily Republic March 26, 2022  
Posted March 24, 2022  
Notified Applicant March 23, 2022  
Notified Abutting Property Owners March 23, 2022  
Consideration of 1206 B. Variances

Roll call vote:

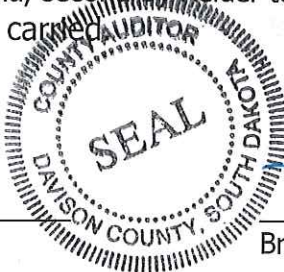
Weitala – aye, Reider – aye, Kiner – aye, Claggett – aye, Bode – aye. Motion carried.

## ADJOURN

At 10:18 a.m., motion by Weitala, second by Reider to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST

Susan Kiepeke, Auditor



Brenda Bode, Chairperson

**BOARD OF ADJUSTMENT**  
**May 10, 2022**

**CALL TO ORDER**

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

**APPROVE AGENDA**

Motion by Reider, second by Claggett to approve the agenda for the May 10, 2022, meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Claggett, second by Reider, to approve the minutes of the April 19, 2022, meeting. All members voted aye. Motion carried.

**PUBLIC INPUT**

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

**VARIANCES**

The Planning Commission recommended granting 5-0-2.

Motion by Claggett, second by Weitla, after consideration of Section 1206 B Variances, to grant a variance in minimum lot size of +/- 21.996 acres, creating a lot size of +/- 3.004 acres, where the minimum lot size is 25 acres in the Ag District, as requested by Louis & JoAnne Schoenfelder. This request is pursuant to Section 307(4), 307(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 the SW ¼ of the SE ¼ of Section 21, T 101 N, R 61 W, of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received March 28, 2022

Daily Republic April 30, 2022

Posted April 21, 2022

Notified Applicant April 19, 2022

Notified Abutting Property Owners April 19, 2022

Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 5-0-2.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance in minimum lot size of +/- 8.24 acres, creating a lot size of +/- 16.76 acres, where the minimum lot size is 25 acres in the Ag Residential District, as requested by Scot VanderPol. This request is pursuant to Section 407, 407(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 A-2, a subdivision of Lot A in the SW ¼ of Section 23, T 103 N, R 61 W, of the 5<sup>th</sup> P.M., Davison County, South Dakota, less Lots 1, 2, 3 & 4, Blk 1 of West Fifty 1<sup>st</sup> Addition and less Rumley Court.

Application received April 15, 2022

Daily Republic April 30, 2022

Posted April 21, 2022

Notified Applicant April 19, 2022

Notified Abutting Property Owners April 19, 2022

Consideration of 1206 B. Variances

Roll call vote:

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

#### **ADJOURN**

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

**ATTEST**

  
Susan Kiepke, Auditor



  
Brenda Bode, Chairperson



**BOARD OF ADJUSTMENT**  
**June 14, 2022**

**CALL TO ORDER**

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

**APPROVE AGENDA**

Motion by Claggett, second by Weitala to approve the agenda for the June 14, 2022, meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Claggett, second by Reider, to approve the minutes of the May 10, 2022, meeting. All members voted aye. Motion carried.

**PUBLIC INPUT**

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

**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 mechanic shop business in the Ag District, as requested by Collin Schulz, on land owned by Phillip & Marsha Schulz. This request is pursuant to Section 304(28), 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 SE ¼ of Section 16, T 103 N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received April 29, 2022

Daily Republic June 4, 2022

Posted May 27, 2022

Notified Applicant May 23, 2022

Notified Abutting Property Owners May 23, 2022

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 6-0-1.

Motion by Reider, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance in lot size of +/- 17.19 acres to create a lot size of +/- 7.81 acres within lots 1 & 2, where the minimum lot size is 25 acres in the Ag Residential District, as requested by Jim, Trista and Nick Lorang. This request is pursuant to Section 307(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 parcel 1 (lot 1): SE ¼ of Section 22, T 103 N, R 62, lying S of the right of way of the Chicago, Milwaukee & St. Paul Railway Company and except S486' of the E2260' & parcel 2 (lot 2): S486' of the E2260' of SE ¼ of Section 22, T 103 N, R 62 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received May 9, 2022

Daily Republic June 4, 2022

Posted May 27, 2022

Notified Applicant May 23, 2022

Notified Abutting Property Owners May 23, 2022

Consideration of 1206 B. Variances


Roll call vote:

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

#### ADJOURN

At 9:29 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**  
**June 21, 2022**

**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 Assistant Administrator Wegleitner and Auditor Kiepke.

**APPROVE AGENDA**

Motion by Claggett, second by Kiner to approve the agenda for the June 21, 2022, meeting. All members present voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Claggett, second by Kiner, to approve the minutes of the June 14, 2022, 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 4-0-3.

Motion by Claggett, second by Kiner, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to operate a temporary concrete batch plant for the construction of an animal feeding operation expansion in the Ag District, as requested by JD Concrete Products, on land owned by Blue Stem Family Farms, LLC. With the conditions of a road agreement, a site plan that includes traffic and a plan for the beginning and end dates of construction. 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 B of Greenway Addition in the NE ¼ of Section 6, T 103 N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received June 6, 2022

Daily Republic June 11, 2022

Posted June 10, 2022

Notified Applicant June 6, 2022

Notified Abutting Property Owners June 6, 2022

Consideration of 1206 A. Conditional Uses

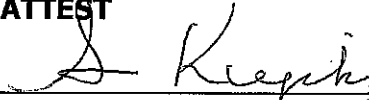
Roll call vote:

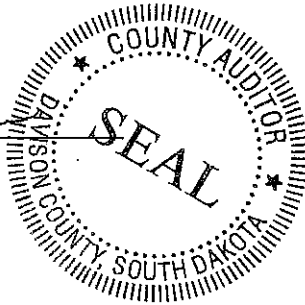
Claggett - aye, Kiner - aye, Weitala - aye, Bode - aye, Reider - absent. Motion carried.

## ADJOURN

At 9:29 a.m., motion by Claggett, second by Weitala to adjourn Board of Adjustment. All members present voted aye. Motion carried.

ATTEST

  
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Susan Kiepke, Auditor



  
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Brenda Bode, Chairperson

**BOARD OF ADJUSTMENT**  
**July 12, 2022**

**CALL TO ORDER**

Chairperson Bode called the meeting of the Davison County Board of Adjustment to order at 10:00 a.m. A roll call was taken of those board members in attendance. All members of the Board were present. Also present were Planning & Zoning Administrator Bathke, Assistant Administrator Wegleitner and Auditor Kiepke.

**APPROVE AGENDA**

Motion by Kiner, second by Claggett to approve the agenda for the July 12, 2022, meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Claggett, second by Reider, to approve the minutes of the June 21, 2022, meeting. All members voted aye. Motion carried.

**PUBLIC INPUT**

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

**VARIANCES**

The Planning Commission recommended granting 5-1-1.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance in minimum lot size of +/- 22 acres to create a lot size of +/- 3 acres within Lot B, where the minimum lot size is 25 acres in the Ag District; to grant a variance in minimum front yard setback of +/- 42' (ft) to create a front yard setback of +/- 33' (ft) from the grain bin on the west property line, where the minimum front yard setback is 75' (ft) in the Ag District; to grant a variance in minimum side yard setback of +/- 16' (ft) to create a side yard setback of +/- 34' (ft) from the shed on the south property line, where the minimum side yard setback is 50' (ft) in the Ag District; to grant a minimum side yard setback of +/- 50' (ft) to create a side yard setback of +/- 0' (ft) from the hoop shed on the south property line, where the minimum side yard setback is 50' (ft) in the Ag District; to grant a variance in minimum side yard setback of +/- 27' (ft) to create a setback of +/- 23' (ft) from the grain bin on the south property line where the minimum side yard setback is 50' (ft) in the Ag District; to grant a variance for front yard setback of +/- 75' to create a setback of +/- 0' (ft) from the silo bin on the west property line where the minimum front yard setback is 75' (ft) in the Ag District, as requested by Robert & Linda Henglefeld. This request is pursuant to Section 307(1), 308(1)(a), 308(1)(c), 1106(b) & 1206(b) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the SW ¼, Ex Lot 1 of Section 25, T 101 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota and the SE ¼ of Section 25, T 101 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

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

Roll call vote:

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

The Planning Commission recommended granting 6-0-1.

Motion by Reider, second by Claggett, after consideration of Section 1206 B Variances, to grant a variance in minimum lot size of +/- 22 acres to create a lot size of +/- 3 acres, where the minimum lot size is 25 acres in the Ag District, as requested by Jacob and Danialle Hohn. This request is pursuant to Section 307(4), 1106(b) & 1206(b) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the SE ¼ of the SE ¼ of Section 12, T 101 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

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

Roll call vote:

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

The Planning Commission recommended granting 6-0-1.

Motion by Reider, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance in minimum lot size of +/- 20.502 acres to create a lot size of +/- 4.498 acres, where the minimum lot size is 25 acres in the Ag District; and to grant a variance in front yard setback of +/- 35'(ft) to create a front yard setback of +/- 40' (ft) from the shed on the east property line, where the minimum front yard setback is 75' (ft) in the Ag District, as requested by Tony Martin. This request is pursuant to Section 307(1), 308(1)(a), 1106(b) & 1206(b) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the NE ¼ of Section 24, T 103 N, R 62 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

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

## Consideration of 1206 B. Variances

Roll call vote:

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

### **CONDITIONAL USE**

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

Motion by Kiner, second by Claggett, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to operate an Agriculture Product Processing Facility in the Ag District with stipulations listed below, as requested by South Dakota Soybean Processors, LLC. This request is pursuant to Section 304(1), 1106(A) & 1206(A) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Parcel 1: The NW ¼, Ex Lot A of Johnson's subdivision and Ex Lots H1 and H2 of Section 11, T 102 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Parcel 2: SW ¼ Ex the railroad and H2 and except the SW ¼ of the SW ¼ of Section 11, lying west of the railroad right-of-way and lying east of H2 and in Section 11, T 102 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

#### Conditional Use Permit Stipulations

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

Application received June 14, 2022

Daily Republic July 2, 2022

Posted June 24, 2022

Notified Applicant June 21, 2022

Notified Abutting Property Owners June 21, 2022

Consideration of 1206 A. Conditional Uses

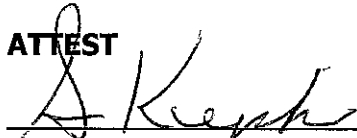
Roll call vote:

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

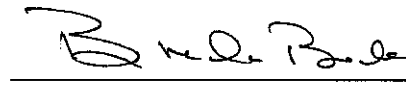
**ADJOURN**

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

**ATTEST**

  
\_\_\_\_\_  
Susan Kiepke, Auditor



  
\_\_\_\_\_  
Brenda Bode, Chairperson



**BOARD OF ADJUSTMENT**  
**August 9, 2022**

**CALL TO ORDER**

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

**APPROVE AGENDA**

Motion by Claggett, second by Blaalid, to approve the agenda for the August 9, 2022, meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Blaalid, second by Kiner, to approve the minutes of the July 12, 2022, meeting. All members voted aye. Motion carried.

**PUBLIC INPUT**

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

**VARIANCE**

The Planning Commission recommended granting 7-0.

Motion by Claggett, second by Reider, after consideration of Section 1206(B), to grant a variance in the minimum lot size of +/- 20 acres, creating a lot size of +/- 5 acres, where the minimum lot size is 25 acres for a residence in the Ag District, as requested by Chris & Aimee Nebelsick. This request is pursuant to Section 307(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 the SE 1/4, except the N. 852', of Section 20, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received: July 15, 2022

Daily Republic Published: July 30, 2022

Posted Signs: July 22, 2022

Notified Applicant: July 20, 2022

Notified Abutting Property Owners: July 20, 2022

Consideration of 1206(B) Variance

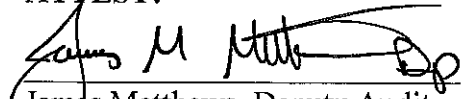
Roll call vote:

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

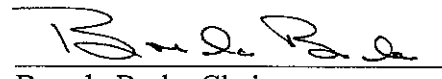
## ADJOURN

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

ATTEST:

  
James Matthews, Deputy Auditor



  
Brenda Bode, Chairperson

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

**CALL TO ORDER**

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

**APPROVE AMENDED AGENDA**

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

**APPROVE MINUTES**

Motion by Blaalid, second by Kiner, to approve the minutes of the August 9, 2022, meeting. All members voted aye. Motion carried.

**PUBLIC INPUT**

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

**VARIANCE**

The Planning Commission recommended granting 7-0.

Motion by Reider, second by Blaalid, after consideration of Section 1206(B), to grant a variance for minimum lot size of +/- 22 acres, creating a lot size of +/- 3 acres, where the minimum lot size is 25 acres for a residence in the Ag District, and rear yard setback of +/- 15', creating a setback of +/- 35' from the house on the east property line, where the minimum rear yard setback is 50' in the Ag District, as requested by Larry Neugebauer. This request is pursuant to Section 307(5), 308(1)(B), 1106(B) & 1206(B) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as parcel 1: NW ¼ of Section 25, T 102 N, R 61 W of the 5th P.M., Davison County, South Dakota & parcel 2: SW ¼ of Section 25, T 102 N, R 61 W of the 5th P.M., Davison County, South Dakota.

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

Roll call vote:

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

### **VARIANCE**

The Planning Commission recommended granting 7-0.

Motion by Reider, second by Kiner, after consideration of Section 1206(B), to grant a variance for minimum lot sizes of +/- 15.161 acres, creating a lot size of +/- 9.839 acres within lot 1, where the minimum lot size is 25 acres for a residence in the Ag District; +/- 14.812 acres, creating a lot size of +/- 10.188 acres, within lot 2, where the minimum lot size is 25 acres for a residence in the Ag District; +/- 14.785 acres, creating a lot size of +/- 10.215 acres within lot 3, where the minimum lot size is 25 acres for a residence in the Ag District; and side yard setback of +/- 25', creating a setback of +/- 25' from the west garage on the west property line, where the minimum side yard setback is 50' in the Ag District, requested by Daniel & Chauna McCloud. This request is pursuant to Section 307(4), 308(1)(C), 1106(B) & 1206(B) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as parcel 1: N ½ of the NW ¼ of Section 14, T 102 N, R 60 W, lying E of RR ROW, ex. the E.1593' & ex. Lot A of McCloud's Addition, a subdivision of the N ½ of the NW ¼ of Section 14, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota. Parcel 2: Lot A of McCloud's Addition, a subdivision of the N ½ of the NW ¼ of Section 14, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota. Parcel 3: E.1593', ex. the E.1347' thereof the N ½ of the NW ¼ lying North of Enemy Creek in Section 14, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received: August 9, 2022

Daily Republic Published: September 3, 2022

Posted Signs: August 25, 2022

Notified Applicant: August 23, 2022

Notified Abutting Property Owners: August 23, 2022

Consideration of 1206(B) Variance

Roll call vote:

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

### **VARIANCE**

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

Motion by Blaalid, second by Claggett, after consideration of Section 1206(B), to grant a variance for a front yard setback of +/- 25', creating a setback of +/- 50' from the two proposed sheds on the north property line, where the minimum front yard setback is 75' in the Ag District, with the condition recommended by the Planning Commission, as requested by James Wagner.

This request is pursuant to Section 308(1)(A), 1106(B) & 1206(B) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot 20 of Enemy Creek Estates, a subdivision in the NE ¼ of Section 14, T 102 N, R 60, W of the 5th P.M., Davison County, South Dakota.

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

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

### **CONDITIONAL USE PERMIT**

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

Motion by Kiner, second by Blaalid, after consideration of Section 1206(A), to grant a conditional use permit to amend a condition set forth on the permit granted on July 29, 2003, and amended on July 20, 2004, to add a fourth driveway to 258<sup>th</sup> Street, with the condition recommended by Planning & Zoning, at the request of James Wagner. This request is pursuant to Section 1106(A) & 1206(A) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lot 20 of Enemy Creek Estates, a subdivision in the NE ¼ of Section 14, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota.

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

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

### **VARIANCE**

The Planning Commission recommended granting 7-0.

Motion by Claggett, second by Kiner, after consideration of Section 1206(B), to grant a variance in minimum lot size +/- 11.19 acres, creating a lot size of +/- 13.81 acres within Tract 2, where the minimum lot size is 25 acres for a residence in the Ag District, front yard setback of +/- 70',

creating a setback of +/- 5' from the hay shelter on the north property line, where the minimum front yard setback is 75' in the Ag District, +/- 20', creating a setback of +/- 55' from the shed on the north property line, where the minimum front yard setback is 75' in the Ag District; side yard setback of +/- 4', creating a setback of +/- 46' from the proposed house on the east property line, where the minimum side yard setback is 50' in the Ag District, as requested by Dawn Mutchelknaus. This request is pursuant to Section 307(4), 308(1)(A), 308(1)(C), 1106(B) & 1206(B) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as parcel 1: W.1134' of the S.185' of the SE ¼ of Section 26, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota & Parcel 2: W.1230' of the N.489' of the NE ¼ of Section 35, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota.

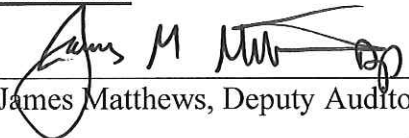
Application received: August 16, 2022  
Daily Republic Published: September 3, 2022  
Posted Signs: August 25, 2022  
Notified Applicant: August 23, 2022  
Notified Abutting Property Owners: August 23, 2022  
Consideration of 1206(B) Variance

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

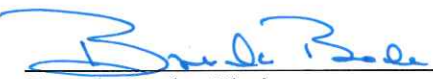
### ADJOURN

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

### ATTEST:

  
James Matthews, Deputy Auditor



  
Brenda Bode, Chairperson

**BOARD OF ADJUSTMENT**  
**October 11, 2022**

**CALL TO ORDER**

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

**APPROVE AGENDA**

Motion by Claggett, second by Reider to approve the amended agenda for the October 11, 2022, meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Claggett, second by Kiner, to approve the minutes of the September 20, 2022, meeting. All members voted aye. Motion carried.

**PUBLIC INPUT**

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

**CONDITIONAL USE**

The Planning Commission recommended granting 7-0.

Motion by Reider, second by Kiner, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to construct a 330' telecommunications guyed wire tower to provide T-Mobile service to the area in the Ag District, as requested by Performance Development Group, LTD. This request is pursuant to Section 304(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 the SW ¼ of Section 25, T 103 N, R 62 W of the 5<sup>th</sup> P.M., Davison County, South Dakota, Ex. Lot H-1

Application received September 12, 2022

Daily Republic October 1, 2022

Posted September 26, 2022

Notified Applicant September 22, 2022

Notified Abutting Property Owners September 22, 2022

Consideration of 1206 A. Conditional Uses

Roll call vote:

Claggett - aye, Reider - aye, Blaaid - aye, Kiner - 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 of +/- 21.56 acres to create a lot size of +/- 3.44 acres, where the minimum lot size is 25 acres for a residence in the Ag District, as requested by Scot VanderPol. This request is pursuant to Section 407(4), 1106(b) & 1206(b) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Tract 1 of the West Fifty 2<sup>nd</sup> Addition, A subdivision of Lot A-2, A subdivision of Lot A in the SW ¼ of Section 23, T 103 N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received September 19, 2022

Daily Republic October 1, 2022

Posted September 26, 2022

Notified Applicant September 22, 2022

Notified Abutting Property Owners September 22, 2022

Consideration of 1206 B. Variances

Roll call vote:

Reider – aye, Claggett – aye, Blaalid – aye, Kiner – aye, 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 for a manure application in Davison County from an Aurora County CAFO in the Ag District, as requested by Lorang Family Farms, LLC. This request is pursuant to Section 305, 310(11), 310(12), 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 multiple parcels in Davison County, South Dakota.

Application received August 25, 2022

Daily Republic October 1, 2022

Posted September 26, 2022

Notified Applicant September 22, 2022

Notified Abutting Property Owners September 22, 2022

Consideration of 1206 A. Conditional Uses

Roll call vote:

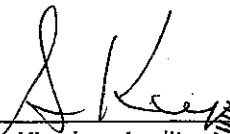
Blaalid - aye, Reider – aye, Claggett – aye, Kiner – aye, Bode – aye. Motion carried.

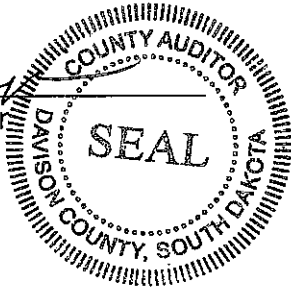
### **ADJOURN**

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

### **ATTEST**



  
Susan Kiepke, Auditor



  
Brenda Bode, Chairperson

**BOARD OF ADJUSTMENT**  
**November 10, 2022**

**CALL TO ORDER**

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

**APPROVE AGENDA**

Motion by Claggett, second by Reider to approve the amended agenda for the November 10, 2022, meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Claggett, second by Kiner, to approve the minutes of the October 11, 2022, meeting. All members voted aye. Motion carried.

**PUBLIC INPUT**

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

**VARIANCES**

The Planning Commission recommended granting 5-0-2 with the following revisions; a variance in minimum setback of +/- 55' creating a setback of +/- 20' from the proposed shelterbelt on the west property line, a variance in minimum setback of +/- 62' creating a setback of +/- 13' from the proposed shelterbelt on the west property line, a variance in minimum setback of +/- 25' creating a setback of +/- 50' from the proposed shelterbelt on the east property line, where the minimum setback is 75' in the Ag District.

The original request was as follows: a variance in minimum setback of +/- 55' creating a setback of +/- 20' from the proposed shelterbelt on the west property line, a variance in minimum setback of +/- 62' creating a setback of +/- 13' from the proposed shelterbelt on the west property line, a variance in minimum setback of +/- 35' creating a setback of +/- 40' from the proposed shelterbelt on the south property line, a variance in minimum setback of +/- 35' creating a setback of +/- 40' from the proposed shelterbelt on the east property line, a variance in minimum setback of +/- 15' creating a setback of +/- 60' from the proposed shelterbelt on the east property line, where the minimum setback is 75' in the Ag District.

Motion by Reider, second by Claggett, after consideration of Section 1206 (b) to grant the variances as proposed by the Planning Commission as follows: a variance in minimum setback of +/- 55' creating a setback of +/- 20' from the proposed shelterbelt on the west property line, a variance in minimum setback of +/- 62' creating a setback of +/- 13' from the proposed shelterbelt on the west property line, a variance in minimum setback of +/- 25' creating a

setback of +/- 50' from the proposed shelterbelt on the east property line, where the minimum setback is 75' in the Ag District, as requested by Jeff Clark. This request is pursuant to Section 215, 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 C of Earls Subdivision in the NW ¼ of Section 27, T 103 N, R 62 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received October 12, 2022

Daily Republic October 29, 2022

Posted October 21, 2022

Notified Applicant October 20, 2022

Notified Abutting Property Owners October 20, 2022

Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 4-0-2 with one abstention with the following revisions: reduce number of rows from 3 to 2 which would eliminate the variance of +/- 55', creating a setback of +/- 20' and +/- 31', creating a setback of +/- 44' both on north property line, a variance in minimum setback of +/- 40' creating a setback of +/- 35' from the proposed shelterbelt on the south property line.

Motion by Reider, second by Kiner, after consideration of Section 1206 B Variances, to grant the following as originally designed, a variance in minimum setback of +/- 40' creating a setback of +/- 35' from the proposed shelterbelt on the west property line, a variance in minimum setback of +/- 55' creating a setback of +/- 20' from the proposed shelterbelt on the north property line, a variance in minimum setback of +/- 31' creating a setback of +/- 44' from the proposed shelterbelt on the north property line, a variance in minimum setback of +/- 40' creating a setback of +/- 35' from the proposed shelterbelt on the south property line, where the minimum setback is 75' in the Ag District, as requested by Mark & Mikayla Johnson. This request is pursuant to Section 215, 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 3 of Mirkys Addition in the SE ¼ of Section 11, T 102 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received October 14, 2022

Daily Republic October 29, 2022

Posted October 21, 2022

Notified Applicant October 20, 2022

Notified Abutting Property Owners October 20, 2022

Consideration of 1206 B. Variances

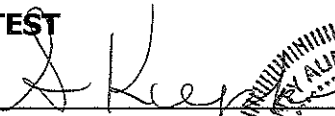
Roll call vote:

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

**ADJOURN**

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

**ATTEST**

  
\_\_\_\_\_  
Susan Kiepke, Auditor



  
\_\_\_\_\_  
Brenda Bode, Chairperson

**BOARD OF ADJUSTMENT**  
**December 13, 2022**

**CALL TO ORDER**

Chairperson Bode called the meeting of the Davison County Board of Adjustment to order at 9:14 a.m. All members of the Board were present. Also present were Planning & Zoning Administrator Bathke, Assistant Administrator Wegleitner and Auditor Kiepke.

**APPROVE AGENDA**

Motion by Reider, second by Blaaid to approve the amended agenda for the December 13, 2022, meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Claggett, second by Kiner, to approve the minutes of the November 10, 2022, meeting. All members voted aye. Motion carried.

**PUBLIC INPUT**

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

**VARIANCES**

The Planning Commission recommended granting 6-0-1.

Motion by Claggett, second by Kiner, after consideration of Section 1206 (b) to grant a variance in minimum lot size of +/- 23.91 acres creating a lot size of +/- 1.09 acres, where the minimum lot size is 25 acres for a residence in the Ag Residential District; also creating a variance in minimum rear and side yard setback of +/- 1.5' creating a setback of 8.5' from the garage on the East & South property lines, where the minimum rear and side yard setbacks are 10' in the Ag Residential District, as requested by Matt and Katie Strand. This request is pursuant to Section 407(4), 408(1)(b), 408(1)(c), 1106(b) & 1206(b) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the SW ¼ of Section 3, T 102 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota, ex E 150' x S 300'.

Application received October 20, 2022  
Daily Republic December 3, 2022  
Posted November 23, 2022  
Notified Applicant November 22, 2022  
Notified Abutting Property Owners November 22, 2022  
Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 6-0-1.

Motion by Claggett, second by Blaalid, after consideration of Section 1206 (b) to grant a variance in minimum lot size of +/- 23.631 acres creating a lot size of +/- 1.369 acres, where the minimum lot size is 25 acres for a residence in the Ag District; also creating a variance in minimum rear and side yard setback of +/- 42' creating a setback of +/- 8' from the pole building on the East property line; also creating a setback of +/- 30' from the pole building on the South property line and creating a setback of 20' creating a setback of +/- 30' from the pole building on the South property line; also creating a setback of +/- 17' creating a setback of +/- 33' from the grain bins on the North property line, where the minimum rear and side yard setbacks are 50' in the Ag District, as requested by Jeff and Theresa Miiller. This request is pursuant to Section 307(3), 307(5), 308(1)(b), 308(1)(c), 1106(b) & 1206(b) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the S 1/2 of the SW 1/4 of Section 1, T 101 N, R 62 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received November 17, 2022

Daily Republic December 3, 2022

Posted November 23, 2022

Notified Applicant November 22, 2022

Notified Abutting Property Owners November 22, 2022

Consideration of 1206 B. Variances


Roll call vote:

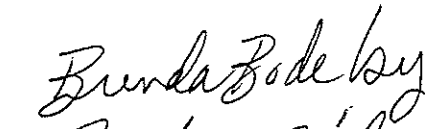
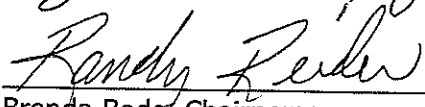
Reider – aye, Claggett – aye, Blaalid – aye, Kiner – aye, Bode – aye. Motion carried.

## **ADJOURN**

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

**ATTEST**

  
Susan Kiepke, Auditor

  
  
Brenda Bode, Chairperson