

## **BOARD OF ADJUSTMENT**

**May 9, 2023**

### **CALL TO ORDER**

Chairperson Reider 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 and Deputy Auditor Matthews.

### **APPROVE PROPOSED AGENDA**

Motion by Claggett, second by Kiner, to approve the proposed agenda for the May 9, 2023, meeting. All members voted aye. Motion carried.

### **APPROVE MINUTES**

Motion by Claggett, second by Blaalid, to approve the minutes of the April 18, 2023, meeting. All members voted aye. Motion carried.

### **PUBLIC INPUT**

Chairperson Reider called for public input. He 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 Nebelsick, second by Blaalid, after consideration of Section 1206 B, to grant a variance in minimum front yard setback of +/- 37', to create a front yard setback of +/- 38' from the office on the north property line, where the minimum front yard setback is 75' in the Ag District, as requested by Custom Genetic Solutions. 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 A in the NE ¼ of Section 9, T 102 N, R 61, W of the 5th P.M., Davison County, South Dakota.

Application received: April 5, 2023

Daily Republic Published: April 29, 2023

Posted Signs: April 20, 2023

Notified Applicant: April 20, 2023

Notified Abutting Property Owners: April 20, 2023

Consideration of 1206(B) Variance

Roll call vote:

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

## **CONDITIONAL USE**

The Planning Commission recommended granting 5-1-1.

Motion by Nebelsick, second by Claggett, after consideration of Section 1206 A, to grant a Conditional Use to allow alcohol sales in the Ag Residential District, as requested by Lee Ranch Trucking, LLC dba Lee's Red Barn. This request is pursuant to Section 405, 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 A, less Lots A-1, A-2, & A-3 in the SE ¼ of Section 15, T 102 N, R 60, W of the 5th P.M., Davison County, South Dakota.

Application received: April 7, 2023

Daily Republic Published: April 29, 2023

Posted Signs: April 20, 2023

Notified Applicant: April 20, 2023

Notified Abutting Property Owners: April 20, 2032

Consideration of 1206(A) Conditional Use

Roll call vote:

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

## **VARIANCES**

The Planning Commission recommended granting 6-0-1.

Motion by Nebelsick, second by Claggett, after consideration of Section 1206 B, to grant a variance in the minimum front yard setback of +/- 35', to create a setback of +/- 40' from the shed on the south property line, where the minimum front yard setback is 75' in the Ag District, as requested by Brad Nesheim. 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 S ½ of the SE ¼ & N ½ of the SE ¼, less the N. 950' thereof, but expressly including the S. 252' of the W. 675' of the N. 950', all lying west of the RR ROW in Section 35, T 101 N, R 60, W of the 5th P.M., Davison County, South Dakota.

Application received: April 10, 2023

Daily Republic Published: April 29, 2023

Posted Signs: April 20, 2023

Notified Applicant: April 20, 2023

Notified Abutting Property Owners: April 20, 2023

Consideration of 1206(B) Variance

Roll call vote:

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

The Planning Commission recommended granting 5-1-1.

Motion by Nebelsick, second by Claggett, after consideration of Section 1206 B, to grant a variance in minimum lot size of +/- 20.686 acres, to create a lot size of +/- 4.314 acres, where the minimum lot size is 25 acres for a residence in the Ag District, to grant a variance in front yard setback of +/- 21', to create a setback of +/- 54' from the house on the east property line, where the minimum front yard setback is 75' in the Ag District, to grant a variance in rear yard setback of +/- 5', to create a rear yard setback of +/- 45' from the shed on the west property line, to grant a variance in side yard setback of +/- 30', to create a setback of +/- 20' from the shed on the south property line, where the minimum rear & side yard setback is 50' in the Ag District, as requested by Pam McKillip. This request is pursuant to Section 307(5), 308(1)(a), 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 Lot A in the SE ¼ of Section 18, T 103 N, R 62, W of the 5th P.M., Davison County, South Dakota.

Application received: April 13, 2023  
Daily Republic Published: April 29, 2023  
Posted Signs: April 20, 2023  
Notified Applicant: April 20, 2023  
Notified Abutting Property Owners: April 20, 2023  
Consideration of 1206(B) Variance

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

**ADJOURN**

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

**ATTEST:**

  
James Matthews, Deputy Auditor

  
Randy Reider, Chairperson

