



Davison County Planning & Zoning
200 E. 4th Ave.
Mitchell, SD 57301-2631
Phone (605) 995-8615



PLANNING COMMISSION AGENDA
September 5, 2023

1. Call to order at 7:00 P.M. by Chairman Haines.
2. Roll Call.
3. Approve the agenda.
4. Declare conflicts of interest.
5. Approve the August 1, 2023, Minutes.
6. Public input for items not on the agenda, no action will be taken.
7. Consider a variance application requested by Neal Johnson of:
 1. +/- 21.90 acres, creating a lot size of +/- 3.10 acres on Lot C, where the minimum lot size is 25 acres for a residence in the Agricultural District.
 2. +/- 49', creating a setback of +/- 26' from the existing shelterbelt to the east property line on Lot B, where the minimum setback is 75' for a shelterbelt.
 3. +/- 69', creating a setback of +/- 6' from the existing shelterbelt to the north property line on Lot B, where the minimum setback is 75' for a shelterbelt.
8. Consider a plat of Lots B and C of Johnson's Subdivision in the NE1/4 of Section 11, T 102 N, R 60, W of the 5th P.M., Davison County, South Dakota; at the request of Neal Johnson.
9. Consider a variance application requested by Daniel & Kara Mueller of:
 1. +/- 24.193 acres, creating a lot size of +/- 0.807 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.
 2. +/- 31', creating a setback of +/- 44' from the proposed house to the east property line, where the minimum front yard setback is 75' in the Agricultural District.
 3. +/- 31', creating a setback of +/- 19' from the shed to the west property line, where the minimum rear yard setback is 50' in the Agricultural District.
 4. +/- 40', creating a setback of +/- 10' from the shed to the south property line, where the minimum side yard setback is 50' in the Agricultural District.
10. Consider a plat of Tract 1 of Danny's Addition in Lot B of the SE1/4 of Section 4, T 101 N, R 62, W of the 5th P.M., Davison County, South Dakota; at the request of Daniel & Kara Mueller.
11. Consider a variance application requested by Brian & Janel Mueller of:
 1. +/- 49', creating a setback of +/- 1' from the grain bin to the east property line, where the minimum rear yard setback is 50' in the Agricultural District.
 2. +/- 40', creating a setback of +/- 10' from the grain bins to the south property line, where the minimum side yard setback is 50' in the Agricultural District.
12. Consider a plat of Tract 1 of Dallas and Chelsie's Addition in the NE1/4 of Section 26, T 102 N, R 60, W of the 5th P.M., Davison County, South Dakota; at the request of Dallas & Chelsie Cunningham.
13. Consider a conditional use application to construct and operate a shooting range in the Agricultural District; requested by City of Mitchell.
14. Additional comments from the group.
15. Set date and time for next meeting – October 3, 2023 @ 7:00 P.M.
16. Adjournment.

Karen Wegleitner

Karen Wegleitner
Deputy Director of Planning & Zoning

PLANNING COMMISSION MINUTES

August 1, 2023

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll Call-quorum is met, simple majority vote required for all items.
 - Present: Bruce Haines, Steve Thiesse, Lewis Bainbridge, Dave Anderson, Ray Gosmire, Chris Nebelsick, Jeff Bathke, & Karen Wegleitner.
 - Absent: Mike Blaaid.
 - Guests: Robert Ball, Steve Gerlach, Eric & Mariah Knight, & Mark Klumb.
3. Consider the proposed agenda.
 - Motion by Dave Anderson, seconded by Steve Thiesse, to approve the proposed agenda. All members voted aye, motion carried.
4. Declare conflicts of interest. None.
5. Consider the previous minutes. Motion by Steve Thiesse, seconded by Dave Anderson, to approve the July 11, 2023 proposed minutes. All members voted aye, motion carried.
6. Public input for items not on the agenda. Hearing none, the meeting continued.
7. Consider a conditional use application to allow construction of an in-ground swimming pool in the Agricultural District, at the request of Robert & Jane Ball.

This request is located in Lots A & B in Kotrba Subdivision in the SE1/4 of Section 15, T 103N, R 61, W of the 5th P.M., Davison County, South Dakota.

Deputy Administrator Wegleitner gave an explanation of the Conditional Use Application. The applicant was present to answer questions.

Discussion: Robert Ball explained the pool was there when he bought the house. The deck is rotting and would like to install an inground pool for the grandkids so he can watch them better. The contractor hired has experience installing inground pools.

Motion by Ray Gosmire, seconded by Steve Thiesse, to recommend approval of the Conditional Use to the Board of Adjustment.

Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaaid – absent, Anderson – aye, motion carried.
8. Consider a variance application requested by Jennifer Booth of:
 - +/- 29', creating a setback of +/- 21' from the garage on the south property line, where the minimum side yard setback is 50' in the Agricultural District.

This request is located in Lot 2 of Kroupa's 1st Addition in the SW1/4 of Section 22, T 103N, R 62, W of the 5th P.M., Davison County, South Dakota.

Deputy Administrator Wegleitner gave an explanation of the Variance Application. The applicant was present to answer questions.

Discussion: Steve Gerlach was present to answer questions. Steve & Jennifer started building without a building permit. Steve stopped in for a building permit and found out the garage was too close to the south property line. The penalty for building without a permit is double the fee.
 - Motion by Dave Anderson, seconded by Lewis Bainbridge, to recommend approval of the Variance Permit to the Board of Adjustment.

Roll call vote:

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaaid – absent, Anderson – aye, motion carried.

9. Consider a variance application requested by Mark Klumb of:
- +/- 15 acres, creating a lot size of +/- 10 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.
- This request is located in SE1/4 of Section 5, T 101N, R 61, W of the 5th P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Variance Application. The applicant was present to answer questions.
- Discussion:** Mark Klumb is platting out 10 acres for his daughter and son-in-law to build a residence. The building site is out of the floodplain. They will start with well water and eventually switch to rural water. A new septic tank will be put in.
- Motion by Steve Thiesse, seconded by Lewis Bainbridge, to recommend approval of the Variance Permit to the Board of Adjustment.
- Roll call vote:
- Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaallid – absent, Anderson – aye, motion carried.
10. Consider a plat of Tract 1 of Knights on the Prairie Addition in the SE1/4 of Section 5, T 101 N, R 61, West of the 5th P.M., Davison County, South Dakota, at the request of Mark Klumb.
- This request is located in SE1/4 of Section 5, T 101N, R 61, W of the 5th P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Plat Proposal. The applicant was present to answer questions.
- Discussion:** No concerns or comments with plat.
- Motion by Chris Nebelsick, seconded by Dave Anderson, to recommend approval of the Plat to the County Commissioners.
- Roll call vote:
- Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaallid – absent, Anderson – aye, motion carried.
11. Additional Comments from the Group
- None
12. Set date and time for next meeting – September 5, 2023 @ 7:00 P.M.
13. At 7:40 PM, a motion was made by Dave Anderson, seconded by Lewis Bainbridge, to adjourn the meeting. All members voted aye, motion carried.

Bruce Haines
Planning Commission Chairperson

Karen Wegleitner

Karen Wegleitner
Deputy Director of Planning & Zoning

DAVISON COUNTY VARIANCE APPLICATION

Applicant Name: Neal Johnson

Application date: 7/20/23

Applicant Address: 41053 257th St., Mitchell, SD 57301

Application deadline: 8/21/23

Applicant Email: hoopbuilders@santel.net

Contact Phone: 770-2028

Owner Name: Same

Owner Address: Same

Owner Contact Phone: Same

Parcel Number of parent parcel: 09000-10260-111-20

Legal Description of current parcel(s): NE1/4, except Lot 1 & Lot A of Johnson's Subdivision, of Section 11, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota.

Proposed Legal Description of parcels: Lots B and C of Johnson's Subdivision in the NE1/4 of Section 11, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota.

Reason for Variance: Recommend granting a variance of:

1. +/- 21.90 acres, creating a lot size of +/- 3.10 acres on Lot C, where the minimum lot size is 25 acres for a residence in the Agricultural District.
2. +/- 49', creating a setback of +/- 26' from the existing shelterbelt to the east property line on Lot B, where the minimum setback is 75' for a shelterbelt.
3. +/- 69', creating a setback of +/- 6' from the existing shelterbelt to the north property line on Lot B, where the minimum setback is 75' for a shelterbelt.

This request is pursuant to Sections 2:15 & 3:07(4) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended.

Reason for Request to include hardships:

Section of Code Allowing Variance: 2:15, 3:07(4), 11:06(B) and 12:06(B)

Fee Collected for Variance (\$150): 7/20/23

Check #: 5314

Receipt #: 14839

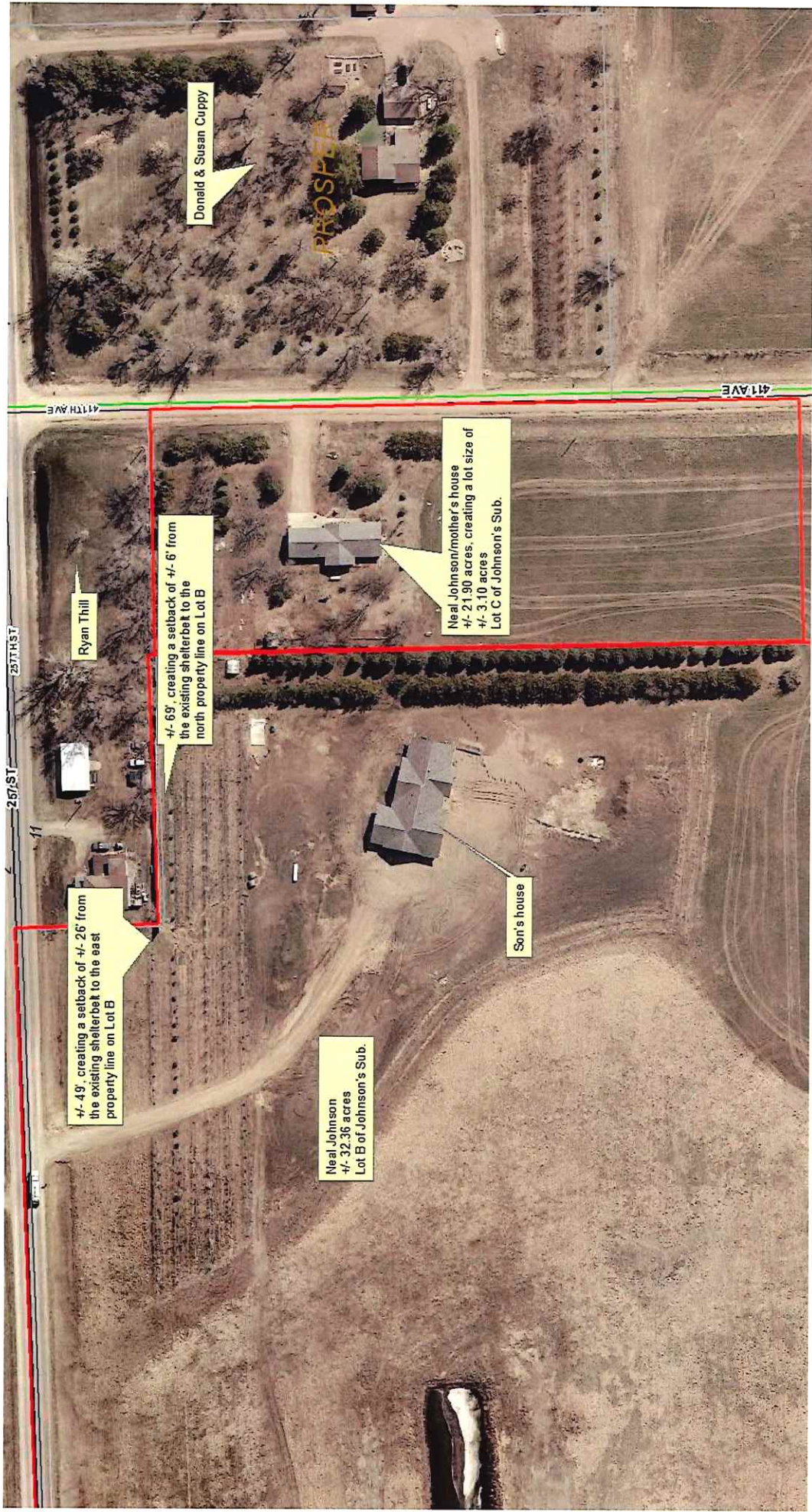
Planning Commission Hearing Date: 9/5/23

Board of Adjustment Hearing Date: 9/19/23

Required Items:

- ☒ Detailed site plan (GIS Photo of the property)
- ☒ Location and use of adjacent structures/land Agricultural, Residential
- ☒ Application Fee

Signatures of Applicant: _____ **Date:** _____



Donald & Susan Cuppy

PROSPER

411th Ave

257th St

Ryan Thill

+/- 69' creating a setback of +/- 6' from the existing shelterbelt to the north property line on Lot B

+/- 49' creating a setback of +/- 26' from the existing shelterbelt to the east property line on Lot B

Neal Johnson/mother's house
+/- 21.90 acres, creating a lot size of +/- 3.10 acres
Lot C of Johnson's Sub.

Son's house

Neal Johnson
+/- 32.36 acres
Lot B of Johnson's Sub.



1 Inch = 300 Feet

LEGEND

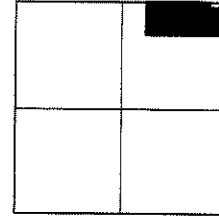
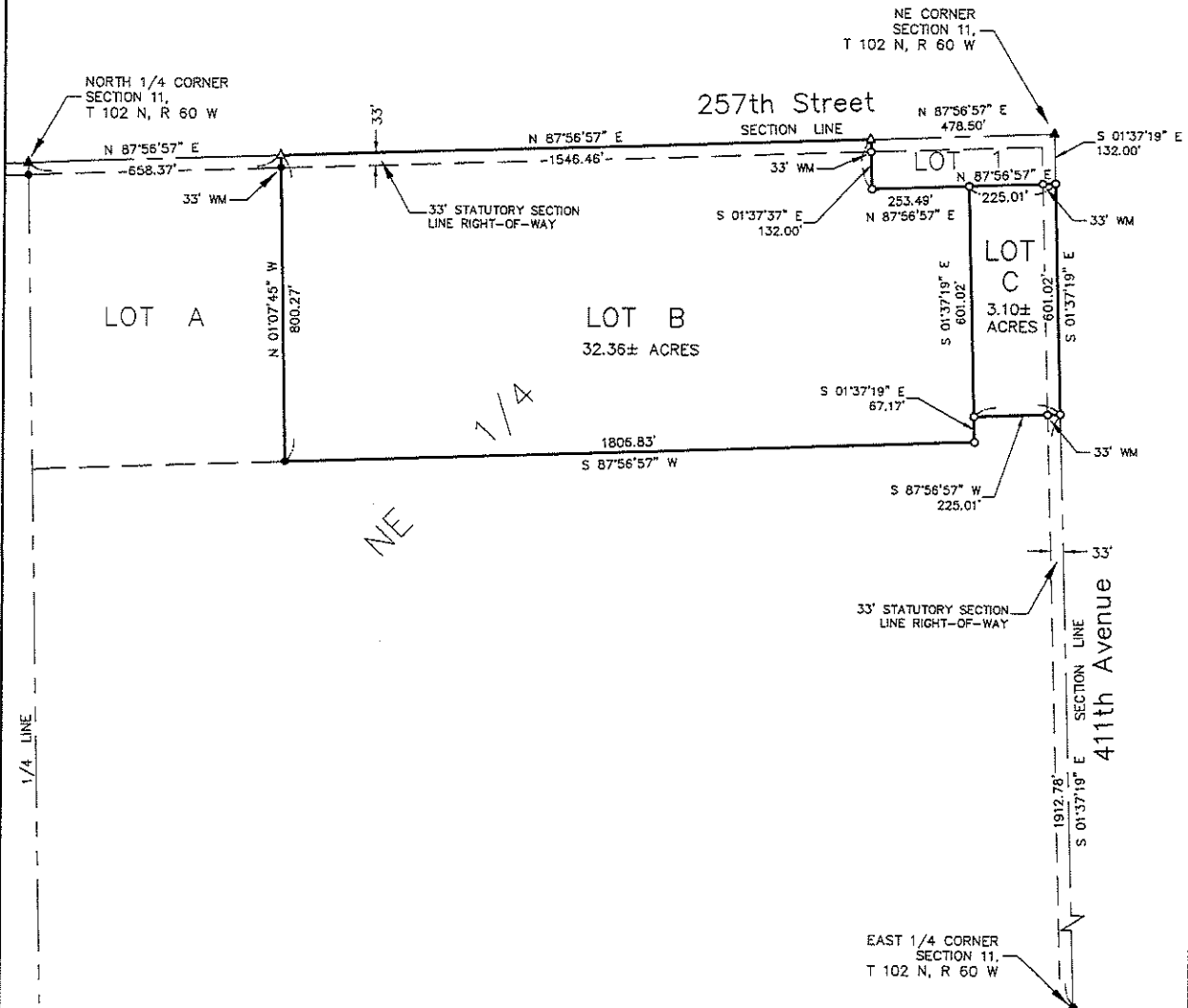
- = FOUND IRON MONUMENT
- = SET 5/8" X 18" REBAR WITH PLASTIC CAP NO. 13714
- 100' (P) = PLATTED BEARING OR DISTANCE
- 100' = MEASURED BEARING OR DISTANCE
- = SET NAIL
- △ = SET SURVEY SPIKE
- ▲ = FOUND SURVEY SPIKE
- 4.00 CH (P) = PLATTED DISTANCE IN CHAINS
- = FOUND NAIL
- ◇ = SET 3/8" X 12" SPIKE W/WASHER JAW-13714
- WM = WITNESS MONUMENT

PREPARED BY: JEREMY A. WOLBRINK, R.L.S.
2100 NORTH SANBORN BLVD. - P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

COORDINATE SYSTEM IS SOUTH DAKOTA SOUTH ZONE,
STATE PLANE - NORTH AMERICAN
DATUM 1983 - GEOID 18.
GRID BEARINGS AND GROUND DISTANCES ARE SHOWN.

NOTE:
THIS SURVEY WAS PERFORMED WITHOUT
THE BENEFIT OF A TITLE REPORT OR TITLE
COMMITMENT. EASMENTS OF RECORD WERE
NOT RESEARCHED AND ARE NOT SHOWN
UNLESS OTHERWISE NOTED.

SEC. 11, T 102 N, R 60 W

LOCATION MAP
SCALE: 1" = 3000'

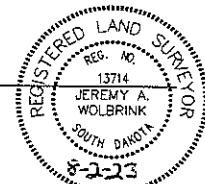
A PLAT OF LOTS B AND C OF JOHNSON'S SUBDIVISION IN THE NE 1/4 OF SECTION 11, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, Jeremy A. Wolbrink, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of Neal R. Johnson, Trustee of the Neal R. Johnson Revocable Living Trust Agreement dated the 1st day of February, 2013, and under his direction for purposes indicated therein, I did on or prior to July 26, 2023, survey those parcels of land described as follows: LOTS B AND C OF JOHNSON'S SUBDIVISION IN THE NE 1/4 OF SECTION 11, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA. In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.

Dated this 2ND day of AUGUST, 2023.

Jeremy A. Wolbrink
Registered Land Surveyor #SD13714



SPN

& Associates

Engineers, Planners and Surveyors

2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015

A PLAT OF LOTS B AND C OF JOHNSON'S SUBDIVISION IN THE NE 1/4 OF SECTION 11, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE, DEDICATION AND AGREEMENT OF PROTECTION OF WATER

KNOW ALL MEN BY THESE PRESENTS that I, the undersigned, hereby certify that I am the Trustee of the Neal R. Johnson Revocable Living Trust Agreement dated the 1st day of February, 2013, and that said Trust is the absolute and unqualified owner of all of the land included in the within and foregoing plat; the plat is of a parcel of ground located in THE NE 1/4 OF SECTION 11, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; that the plat has been made at my request and under my direction for the purposes indicated therein; which said property as so surveyed and platted shall hereafter be known as LOTS B AND C OF JOHNSON'S SUBDIVISION IN THE NE 1/4 OF SECTION 11, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as shown by this plat; and I hereby dedicate to the public, for public use forever as such, the streets, alleys and easements, if any, as shown and marked on said plat; and that development of the land included within the boundaries of said Lots B and C shall conform to all existing applicable zoning, subdivision, erosion, sediment control and drainage regulations and ordinances; further that there now exists 257th Street and 411th Avenue. Pursuant to SDCL 11-3-8.1 and 11-3-8.2 the developer of the property described within this plat shall be responsible for protecting any waters of the state located adjacent to or within such platted area from pollution from sewage from such subdivision and shall, in prosecution of such protections conform to and follow all regulations of the South Dakota Department of Agriculture and Natural Resources relating to the same. Additionally, the developer of the property described within this plat shall be liable for any pollution that occurs from failure to execute such protections or follow such regulations, exception being those lots in subdivisions that show documentation that wastewater drainage shall be connected to a municipal system.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2023.

Neal R. Johnson, Trustee of the Neal R. Johnson Revocable
Living Trust Agreement dated the 1st day of February, 2013

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

On this, the _____ day of _____, 2023, before me, _____, the undersigned officer, personally appeared Neal R. Johnson, Trustee of the Neal R. Johnson Revocable Living Trust Agreement dated the 1st day of February, 2013, known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged to me that he executed the same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public, South Dakota
My Commission Expires: _____

RESOLUTION OF CITY PLANNING COMMISSION

WHEREAS, the plat of LOTS B AND C OF JOHNSON'S SUBDIVISION IN THE NE 1/4 OF SECTION 11, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, duly licensed Land Surveyor in and for the State of South Dakota, heretofore filed in the office of the City Finance Officer of Mitchell, South Dakota, has been submitted to the City Planning Commission of the said City of Mitchell, South Dakota; and

WHEREAS, the City Planning Commission, in regular meeting assembled, had duly considered said plat and finds as a fact that said plat is in conformity and does not conflict with the Master Plan for the City of Mitchell, South Dakota, heretofore adopted by this Commission;

NOW THEREFORE, be it resolved by the City Planning Commission of Mitchell, South Dakota, that the plat of LOTS B AND C OF JOHNSON'S SUBDIVISION IN THE NE 1/4 OF SECTION 11, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, a Land Surveyor, be and the same is hereby approved and its adoption by the City Council of the City of Mitchell, South Dakota, is hereby recommended.

The undersigned hereby certifies that the foregoing resolution was passed by the City Planning Commission of Mitchell, South Dakota, at a meeting thereof held on the _____ day of _____, 2023.

Chairperson/Vice-Chairperson of Mitchell City Planning Commission

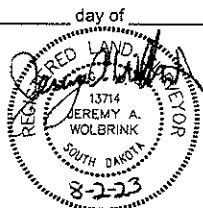
RESOLUTION OF CITY COUNCIL

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the _____ day of _____, 2023; and

WHEREAS, it appears from an examination of the plat of LOTS B AND C OF JOHNSON'S SUBDIVISION IN THE NE 1/4 OF SECTION 11, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Jeremy A. Wolbrink, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOTS B AND C OF JOHNSON'S SUBDIVISION IN THE NE 1/4 OF SECTION 11, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

The undersigned hereby certifies that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting held on the _____ day of _____, 2023.



Finance Officer/Deputy Finance Officer of City of Mitchell

SPN

& Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015

A PLAT OF LOTS B AND C OF JOHNSON'S SUBDIVISION IN THE NE 1/4 OF SECTION 11, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA

RESOLUTION OF COUNTY PLANNING COMMISSION

WHEREAS, the plat of LOTS B AND C OF JOHNSON'S SUBDIVISION IN THE NE 1/4 OF SECTION 11, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, duly licensed Land Surveyor in and for the State of South Dakota, heretofore filed in the office of the County Auditor of Davison County, South Dakota, has been submitted to the County Planning Commission of the said County of Davison, South Dakota; and

WHEREAS, the County Planning Commission, in regular meeting assembled, had duly considered said plat and finds as a fact that said plat is in conformity and does not conflict with the Master Plan for the County of Davison, South Dakota, heretofore adopted by this Commission;

NOW THEREFORE, be it resolved by the County Planning Commission of Davison County, South Dakota, that the plat of LOTS B AND C OF JOHNSON'S SUBDIVISION IN THE NE 1/4 OF SECTION 11, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, a Land Surveyor, be and the same is hereby approved and its adoption by the Board of Commissioners of the County of Davison, South Dakota, is hereby recommended.

The undersigned hereby certifies that the foregoing resolution was passed by the County Planning Commission of Davison County, South Dakota, at a meeting thereof held on the _____ day of _____, 2023.

Chairperson/Vice-Chairperson of Davison County
Planning Commission

RESOLUTION BY BOARD OF COUNTY COMMISSIONERS

Be it resolved by the Board of County Commissioners of Davison County, South Dakota, that the plat of LOTS B AND C OF JOHNSON'S SUBDIVISION IN THE NE 1/4 OF SECTION 11, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, which has been submitted for examination pursuant to law, is hereby approved and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same.

Chairperson/Vice-Chairperson, Board of County Commissioners
of Davison County

AUDITOR'S CERTIFICATE

I do hereby certify that the above resolution was adopted by the Board of County Commissioners of Davison County, South Dakota, at a regular meeting held on _____, 2023, approving the above-named plat.

Auditor/Deputy Auditor, Davison County

CERTIFICATE OF HIGHWAY AUTHORITY

The location(s) of the existing approach(es) is/are hereby approved. Any change in the location(s) of the existing approach(es) shall require additional approval.

By: _____
Highway Authority

Title: _____

Date: _____

CERTIFICATE OF COUNTY TREASURER

I hereby certify that all taxes which would, if not paid, be liens upon any of the land included in the within and foregoing plat, as shown by the records of my office, have been fully paid.

Treasurer/Deputy Treasurer, Davison County

Date

DIRECTOR OF EQUALIZATION

I hereby certify that a copy of the plat of LOTS B AND C OF JOHNSON'S SUBDIVISION IN THE NE 1/4 OF SECTION 11, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, has been received by me and is filed in my office.

Director of Equalization/Deputy Director
of Equalization, Davison County

Date

REGISTER OF DEEDS

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

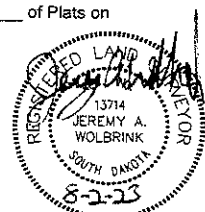
FILED for record this _____ day of _____, 2023, at _____, and recorded in Book _____ of Plats on
Page(s) _____ therein and recorded on Microfilm Number _____.

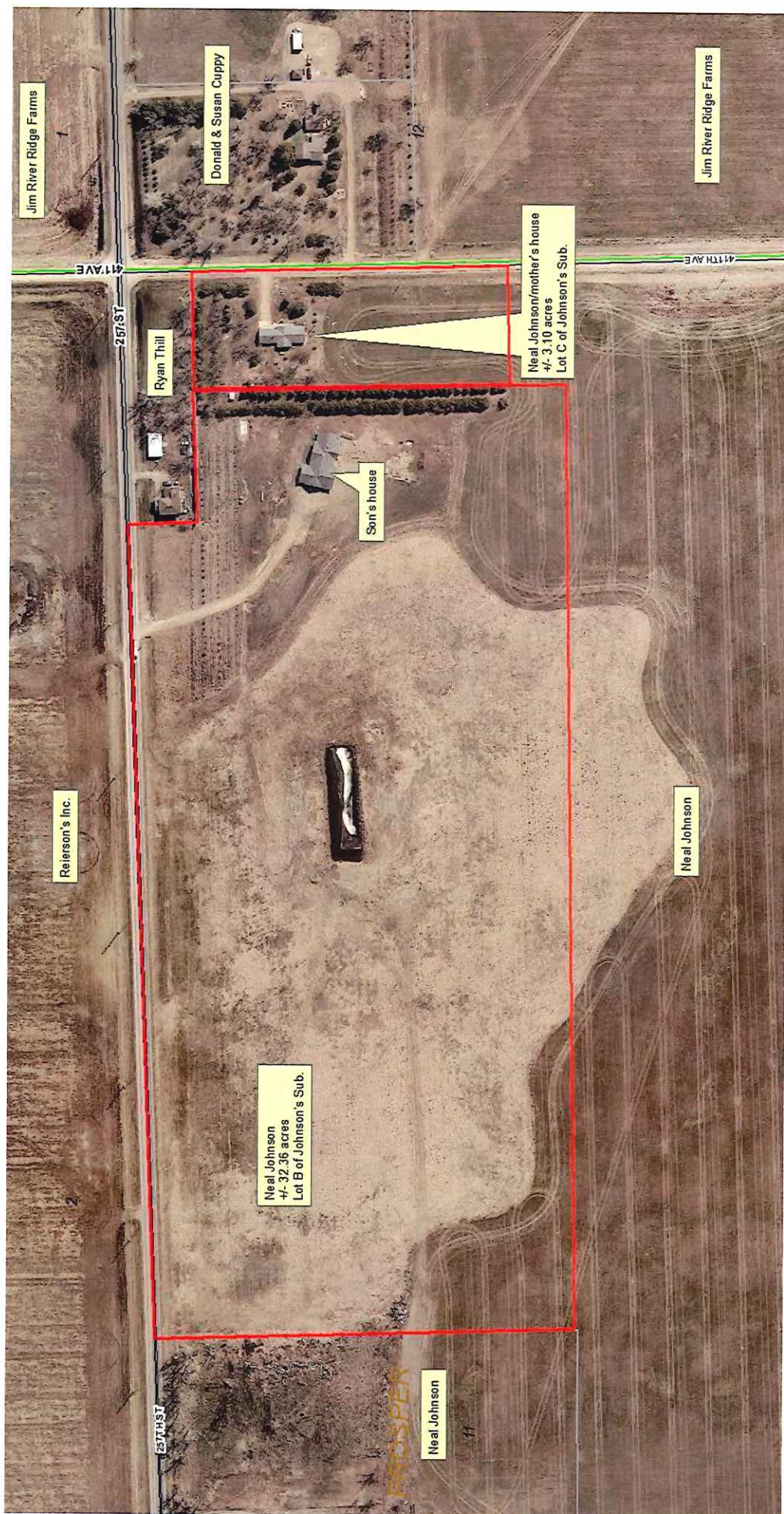
Register of Deeds, Davison County

By _____ Deputy

SPN

& Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015





DAVISON COUNTY VARIANCE APPLICATION

Applicant Name: Daniel & Kara Mueller

Application date: 8/2/23

Applicant Address: 26433 401st Ave., Mt. Vernon, SD 57363

Application deadline: 8/21/23

Applicant Email: dantwiggy@gmail.com

Contact Phone: 770-0062

Owner Name: Darrell & Marilyn Mueller

Owner Address: 26263 397th Ave., Mt. Vernon, SD 57363

Owner Contact Phone: 770-0062

Parcel Number of parent parcel: 02000-10162-044-10

Legal Description of current parcel(s): SE1/4 of the SW1/4 & S1/2 of the SE1/4 & Lot B in the SE1/4 of Section 4, T 101 N, R 62, West of the 5th P.M., Davison County, South Dakota, less Lot H-1.

Proposed Legal Description of parcels: Tract 1 of Danny's Addition in Lot B of the SE1/4 of Section 4, T 101 N, R 62, West of the 5th P.M., Davison County, South Dakota.

Reason for Variance: Recommend granting a variance of:

1. +/- 24.193 acres, creating a lot size of +/- 0.807 acres, where the minimum lot size is 25 acres for a residence in the Agricultural District.

2. +/- 31', creating a setback of +/- 44' from the proposed house to the east property line, where the minimum front yard setback is 75' in the Agricultural District.

3. +/- 31', creating a setback of +/- 19' from the shed to the west property line, where the minimum rear yard setback is 50' in the Agricultural District.

4. +/- 40', creating a setback of +/- 10' from the shed to the south property line, where the minimum side yard setback is 50' in the Agricultural District.

This request is pursuant to Section 3:07(3), 3:07(4), 3:08(1)(a), 3:08(1)(b), & 3:08(1)(c) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended.

Reason for Request to include hardships: Applicant is building a new house and bank is requiring 1 acre or less for financing.

Section of Code Allowing Variance: 3:07(3), 3:07(4), 3:08(1)(a), 3:08(1)(b), 3:08(1)(c), 11:06(b), & 12:06(b)

Fee Collected for Variance (\$150): 8/2/23

Check #: 5178

Receipt #: 14925

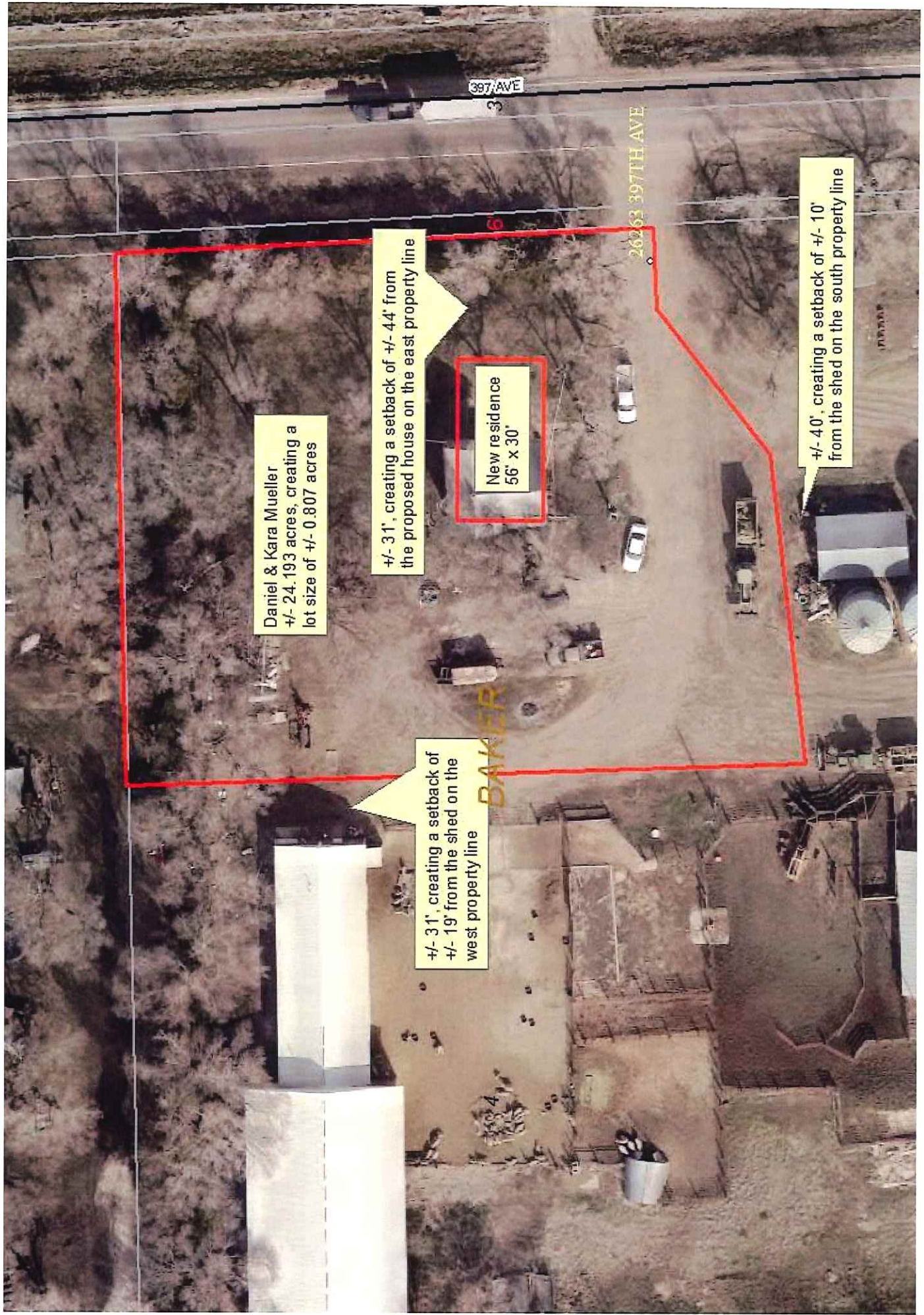
Planning Commission Hearing Date: 9/5/23

Board of Adjustment Hearing Date: 9/19/23

Required Items:

- ☒ Detailed site plan (GIS Photo of the property)
- ☒ Location and use of adjacent structures/land Agricultural, Residential
- ☒ Application Fee

Signatures of Applicant: _____ **Date:** _____



Daniel & Kara Mueller
+/- 24.193 acres, creating a
lot size of +/- 0.807 acres

+/- 31', creating a setback of +/- 44' from
the proposed house on the east property line

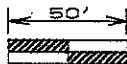
New residence
56' x 30'

+/- 31', creating a setback of
+/- 19' from the shed on the
west property line

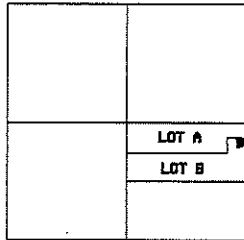
+/- 40', creating a setback of +/- 10'
from the shed on the south property line

PLAT OF TRACT 1 OF DANNY'S ADDITION IN LOT B OF THE SE1/4 OF SECTION 4,
T101N, R62W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

SCALE :

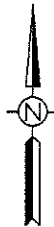


- FOUND 3" METAL POST
- ⊙ SET MAG NAIL
- ⊙ FOUND MAG NAIL
- SET 5/8" REBAR WITH CAP STAMPED
TOM WEEK LS 2912



SECTION 4, T101N, R62W

397TH. AVE.



LOT B

TRACT 1
DANNY'S ADDITION
0.807 ACRES

208.87' N 02-03-16 W

S 87-03-52 W
103.68'

29.88' S 88-48-43 W

10.03' S 89-42-05 E

183.95' S 89-42-05 E

E1/4 CORNER

345.18' S 02-03-16 E

33'

157.66' S 02-03-16 E

LOT B-1

33' SEC. LINE R/H

2286.41' S 02-03-16 E SEC. LINE 397TH. AVE.

SE CORNER OF SEC. 4

SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY OF TRACT 1 OF DANNY'S ADDITION IN LOT B OF THE SE1/4 OF SECTION 4, T101N, R62W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA. SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 12TH. DAY OF AUGUST, 2023

THOMAS LYNN WEEK
REGISTERED LAND SURVEYOR
REG. NO. 2912

CERTIFICATE OF STREET AUTHORITY

THERE EXISTS AN APPROACH TO TRACT 1 OF DANNY'S ADDITION, FROM 397TH. AVE. ANY FURTHER ACCESS WILL REQUIRE ADDITIONAL APPROVAL.

THIS _____ DAY OF _____, _____.

TOWNSHIP / COUNTY AUTHORITY

TREASURER CERTIFICATE

THE UNDERSIGNED, COUNTY TREASURER/DEPUTY TREASURER OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS _____ DAY OF _____, _____.

TREASURER/DEPUTY TREASURER, DAVISON COUNTY, S.D.

PLAT OF TRACT 1 OF DANNY'S ADDITION IN LOT B OF THE SE1/4 OF SECTION 4, T101N, R62W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

OWNER'S CERTIFICATE AND AGREEMENT OF PROTECTION OF WATER

WE, DARRELL H. MUELLER AND MARILYN MUELLER, DO HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF THE ABOVE DESCRIBED REAL PROPERTY: TRACT 1 OF DANNY'S ADDITION IN LOT B OF THE SE1/4 OF SECTION 4, T101N, R62W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA THAT THE ABOVE SURVEY AND PLAT WERE MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND INCLUDED IN THE BOUNDARIES OF DANNY'S ADDITION, SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. THERE DOES EXIST HIGHWAY RIGHT OF WAY ALONG THE EAST SIDE OF DANNY'S ADDITION. PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2 THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE FROM SUCH ADDITION, AND SHALL IN PROSECUTION OF SUCH PROTECTION CONFORM TO AND FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME. ADDITIONALLY THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE LIABLE FOR ANY POLLUTION THAT OCCURS FROM FAILURE TO EXECUTE SUCH PROTECTIONS OR FOLLOW SUCH REGULATIONS, EXCEPTION BEING THOSE LOTS IN SUBDIVISIONS THAT SHOW DOCUMENTATIONS THAT WASTE WATER DRAINAGE SHALL BE CONNECTED TO A MUNICIPAL SYSTEM.

DATED THIS _____ DAY OF _____, _____, DARRELL H. MUELLER MARILYN MUELLER

STATE OF _____
COUNTY OF _____
ON THIS _____ DAY OF _____, _____, BEFORE ME THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DARRELL H. MUELLER AND MARILYN MUELLER, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HERETO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES _____
NOTARY PUBLIC

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE DAVISON COUNTY, SOUTH DAKOTA, PLANNING COMMISSION THAT THE ABOVE PLAT REPRESENTING TRACT 1 OF DANNY'S ADDITION IN LOT B OF THE SE1/4 OF SECTION 4, T101N, R62W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, AND FINDS AS A FACT THAT SAID PLAT IS IN CONFORMITY AND DOES NOT CONFLICT WITH THE MASTER PLAN FOR DAVISON COUNTY, AND THE SAME IS HEREBY APPROVED AND ITS ADOPTION BY THE BOARD OF COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA IS RECOMMENDED.

THE FOREGOING RESOLUTION WAS PASSED BY THE COUNTY PLANNING COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA, AT A MEETING THEREOF HELD ON THE _____ DAY OF _____, _____.

CHAIRMAN, PLANNING COMMISSION

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNERS THEREOF HAVE CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: TRACT 1 OF DANNY'S ADDITION IN LOT B OF THE SE1/4 OF SECTION 4, T101N, R62W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA AND HAVE SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR/DEPUTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, _____, COUNTY AUDITOR/DEPUTY AUDITOR OF DAVISON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA, ON THIS _____ DAY OF _____, _____.

COUNTY AUDITOR/DEPUTY AUDITOR

CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

SHEET 3 OF 3

PLAT OF TRACT 1 OF DANNY'S ADDITION IN LOT B OF THE SE1/4 OF SECTION 4, T101N, R62W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

DIRECTOR OF EQUALIZATION CERTIFICATE

THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION/DEPUTY DIRECTOR OF EQUALIZATION OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT HE/SHE HAS RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS ____ DAY OF _____, _____.

DIRECTOR OF EQUALIZATION/DEPUTY DIRECTOR OF
EQUALIZATION, DAVISON COUNTY, S.D.

REGISTER OF DEEDS CERTIFICATE

THE UNDERSIGNED, REGISTER OF DEEDS/DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT THE ORIGINAL PLAT WAS FILED FOR RECORD THIS ____ DAY OF _____, _____, _____ O'CLOCK ____ M., AND DULY RECORDED IN BOOK _____, PAGE _____.

REGISTER OF DEEDS/DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, S.D.

PREPARED BY: TOM WEEK
407 REGAL DRIVE
YANKTON, SOUTH DAKOTA 57078
1-605-665-8333



Daniel & Kara Mueller
+/- 0.807 acres
Tract 1 of Danny's Addition

New residence
56' x 30'

397 AVE

26263 397TH AVE

BAKER

**DAVISON COUNTY
VARIANCE APPLICATION**

Applicant Name: Brian & Janel Mueller

Applicant Address: 26250 397th Ave., Mt. Vernon, SD 57363

Applicant Email: _____

Application date: 8/9/23

Application deadline: 8/21/23

Contact Phone: 933-0660

Owner Name: Same

Owner Address: Same

Owner Contact Phone: Same

Parcel Number of parent parcel: 02032-10162-001-10

Legal Description of current parcel(s): Tract A of Brian's Addition in the SW1/4 of the NW1/4 of Section 3, T 101 N, R 62, West of the 5th P.M., Davison County, South Dakota.

Proposed Legal Description of parcels: No plat, only variance.

Reason for Variance: Recommend granting a variance of:

1. +/- 49', creating a setback of +/- 1' from the grain bin to the east property line, where the minimum rear yard setback is 50' in the Agricultural District.

2. +/- 40', creating a setback of +/- 10' from the grain bins to the south property line, where the minimum side yard setback is 50' in the Agricultural District.

This request is pursuant to Section 3:08(1)(b) & 3:08(1)(c) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended.

Reason for Request to include hardships: Applicant is moving 3 grain bins onto his property. The placement of grain bins is due to lack of space on his property.

Section of Code Allowing Variance: 3:08(1)(b), 3:08(1)(c), 11:06(B), and 12:06(B)

Fee Collected for Variance (\$150): 8/9/23

Check #: 5463

Receipt #: 14972

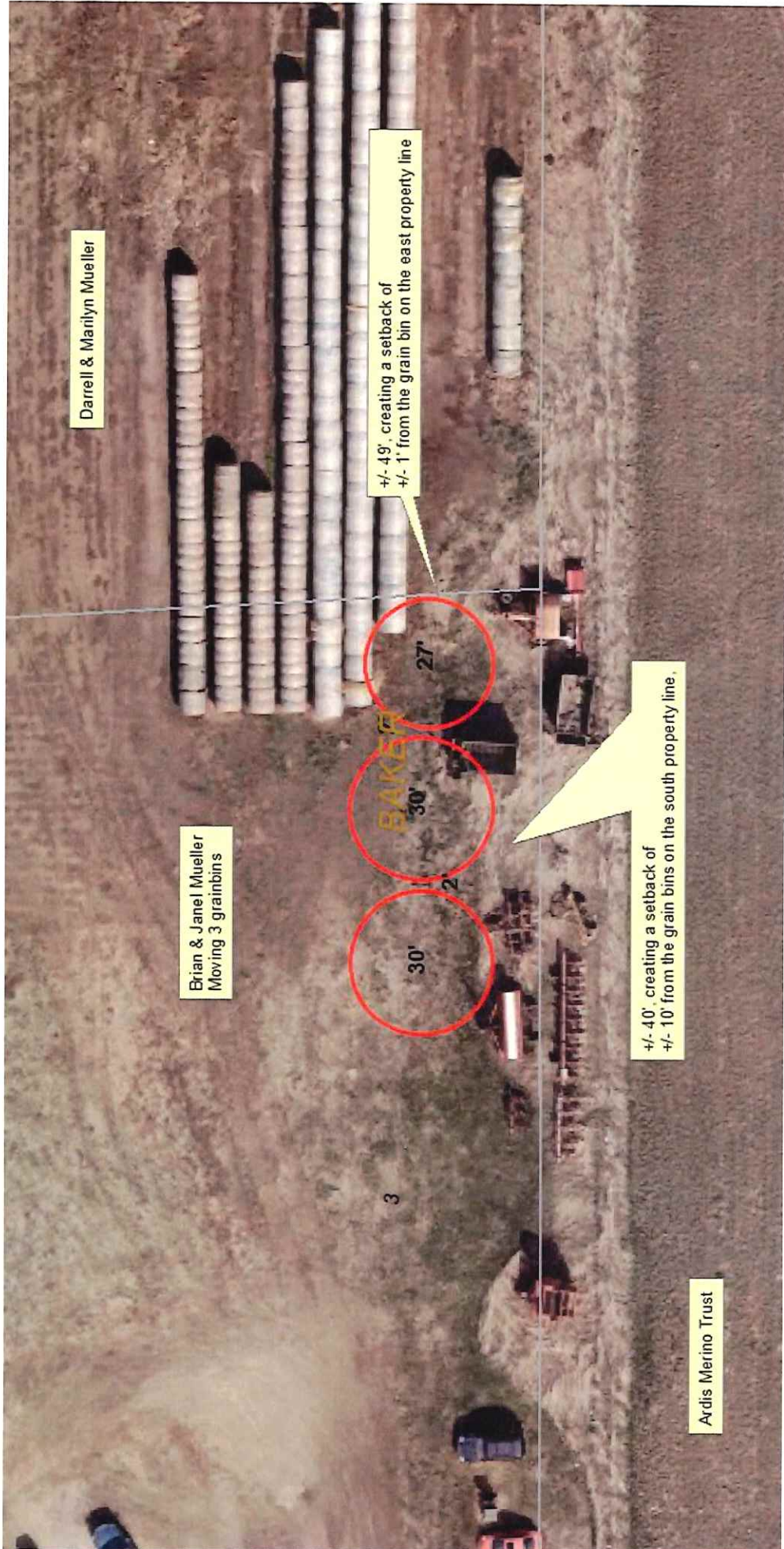
Planning Commission Hearing Date: 9/5/23

Board of Adjustment Hearing Date: 9/19/23

Required Items:

- ☒ Detailed site plan (GIS Photo of the property)
- ☒ Location and use of adjacent structures/land Agricultural/Residential
- ☒ Application Fee

Signatures of Applicant: _____ **Date:** _____



Darrell & Marilyn Mueller

Brian & Janel Mueller
Moving 3 grainbins

+/- 49' creating a setback of
+/- 1' from the grain bin on the east property line

+/- 40' creating a setback of
+/- 10' from the grain bins on the south property line

Ardis Merino Trust

3

BAKER

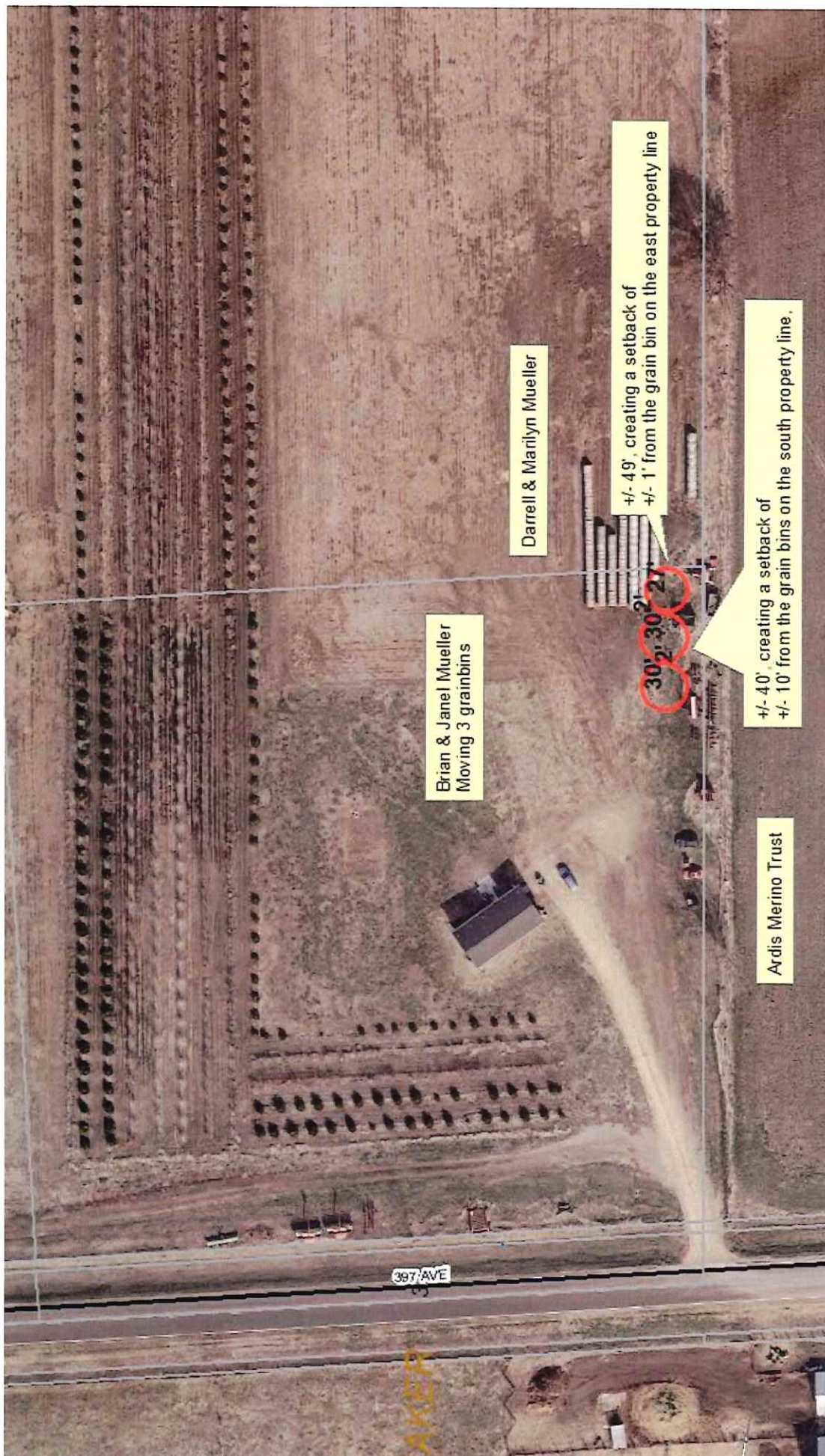
27'

30'

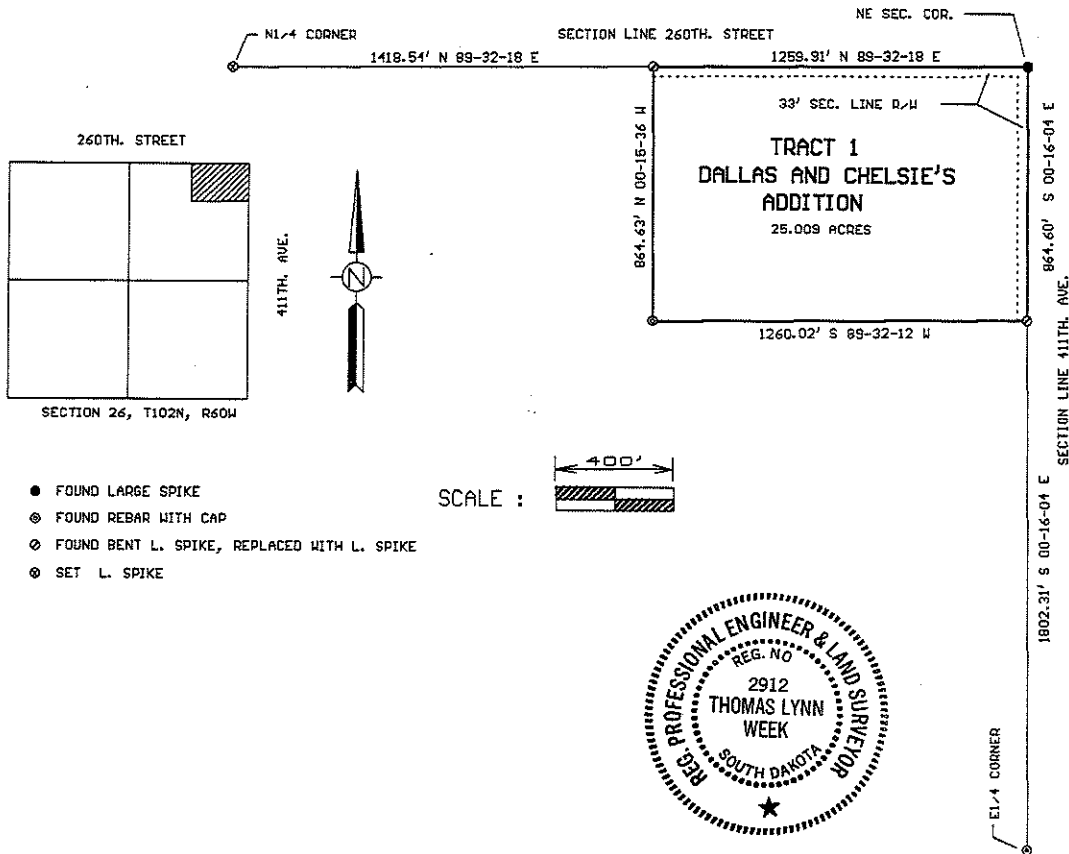
1'

2'

30'



PLAT OF TRACT 1 OF DALLAS AND CHELSIE'S ADDITION IN THE NE1/4 OF SECTION 26, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.



SCALE :



SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY OF TRACT 1 OF DALLAS AND CHELSIE'S ADDITION IN THE NE1/4 OF SECTION 26, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA. SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 5TH. DAY OF AUGUST, 2023

THOMAS LYNN WEEK
REGISTERED LAND SURVEYOR
REG. NO. 2912

CERTIFICATE OF STREET AUTHORITY

THERE EXISTS AN APPROACH TO TRACT 1 OF DALLAS AND CHELSIE'S ADDITION, FROM 260TH. ST. AND FROM 411TH. AVE. ANY FURTHER ACCESS WILL REQUIRE ADDITIONAL APPROVAL.

THIS _____ DAY OF _____, _____.

TOWNSHIP / COUNTY AUTHORITY

TREASURER CERTIFICATE

THE UNDERSIGNED, COUNTY TREASURER/DEPUTY TREASURER OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS _____ DAY OF _____, _____.

TREASURER/DEPUTY TREASURER, DAVISON COUNTY, S.D.

PLAT OF TRACT 1 OF DALLAS AND CHELSIE'S ADDITION IN THE NE1/4 OF SECTION 26, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

OWNER'S CERTIFICATE AND AGREEMENT OF PROTECTION OF WATER

WE, DALLAS CUNNINGHAM AND CHELSIE CUNNINGHAM, DO HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF THE ABOVE DESCRIBED REAL PROPERTY: TRACT 1 OF DALLAS AND CHELSIE'S ADDITION IN THE NE1/4 OF SECTION 26, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WERE MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND INCLUDED IN THE BOUNDARIES OF DALLAS AND CHELSIE'S ADDITION, SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. THERE DOES EXIST HIGHWAY RIGHT OF WAY ALONG THE EAST AND NORTH SIDE OF DALLAS AND CHELSIE'S ADDITION. PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2 THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE FROM SUCH ADDITION, AND SHALL IN PROSECUTION OF SUCH PROTECTION CONFORM TO AND FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME. ADDITIONALLY THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE LIABLE FOR ANY POLLUTION THAT OCCURS FROM FAILURE TO EXECUTE SUCH PROTECTIONS OR FOLLOW SUCH REGULATIONS, EXCEPTION BEING THOSE LOTS IN SUBDIVISIONS THAT SHOW DOCUMENTATIONS THAT WASTE WATER DRAINAGE SHALL BE CONNECTED TO A MUNICIPAL SYSTEM.

DATED THIS _____ DAY OF _____, _____, _____
DALLAS CUNNINGHAM CHELSIE CUNNINGHAM

STATE OF _____
COUNTY OF _____
ON THIS _____ DAY OF _____, _____, BEFORE ME THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DALLAS CUNNINGHAM AND CHELSIE CUNNINGHAM, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES _____
NOTARY PUBLIC

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE DAVISON COUNTY, SOUTH DAKOTA, PLANNING COMMISSION THAT THE ABOVE PLAT REPRESENTING TRACT 1 OF DALLAS AND CHELSIE'S ADDITION IN THE NE1/4 OF SECTION 26, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, AND FINDS AS A FACT THAT SAID PLAT IS IN CONFORMITY AND DOES NOT CONFLICT WITH THE MASTER PLAN FOR DAVISON COUNTY, AND THE SAME IS HEREBY APPROVED AND ITS ADOPTION BY THE BOARD OF COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA IS RECOMMENDED.

THE FOREGOING RESOLUTION WAS PASSED BY THE COUNTY PLANNING COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA, AT A MEETING THEREOF HELD ON THE _____ DAY OF _____, _____.

CHAIRMAN, PLANNING COMMISSION

DIRECTOR OF EQUALIZATION CERTIFICATE

THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION/DEPUTY DIRECTOR OF EQUALIZATION OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT HE/SHE HAS RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS _____ DAY OF _____, _____.

DIRECTOR OF EQUALIZATION/DEPUTY DIRECTOR OF
EQUALIZATION, DAVISON COUNTY, S.D.

PLAT OF TRACT 1 OF DALLAS AND CHELSIE'S ADDITION IN THE NE1/4 OF SECTION 26, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNERS THEREOF HAVE CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: TRACT 1 OF DALLAS AND CHELSIE'S ADDITION IN THE NE1/4 OF SECTION 26, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA AND HAVE SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR/DEPUTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, _____, COUNTY AUDITOR/DEPUTY AUDITOR OF DAVISON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA, ON THIS ____ DAY OF _____, _____.

COUNTY AUDITOR/DEPUTY AUDITOR

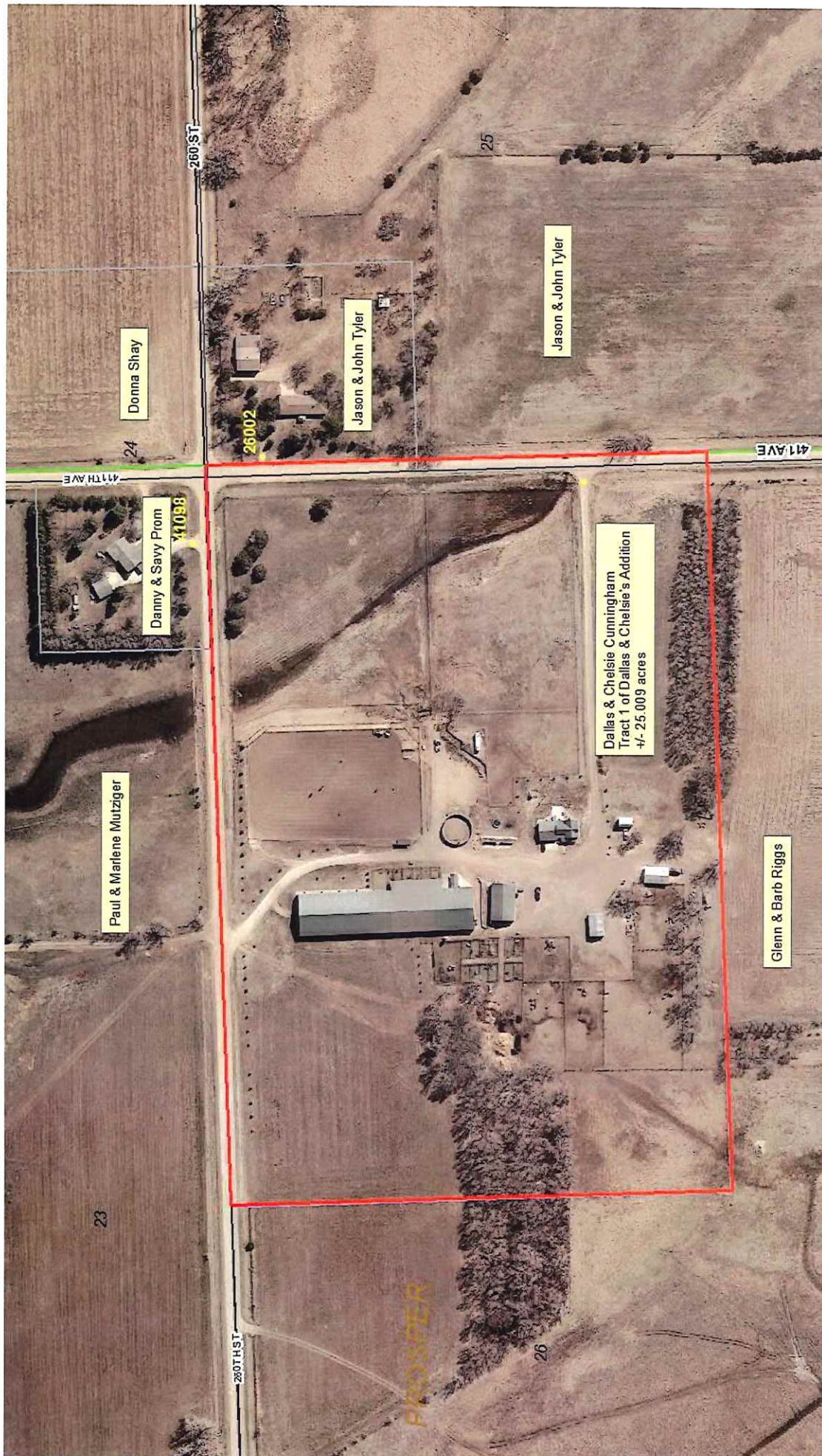
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

REGISTER OF DEEDS CERTIFICATE

THE UNDERSIGNED, REGISTER OF DEEDS/DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT THE ORIGINAL PLAT WAS FILED FOR RECORD THIS ____ DAY OF _____, _____ O'CLOCK ____ M., AND DULY RECORDED IN BOOK _____, PAGE _____.

REGISTER OF DEEDS/DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, S.D.

PREPARED BY: TOM WEEK
407 REGAL DRIVE
YANKTON, SOUTH DAKOTA 57078
1-605-665-8333



Donna Shay

Jason & John Tyler

Jason & John Tyler

Danny & Savy Prom

Paul & Marlene Mutziger

Dallas & Chelsie Cunningham
Tract 1 of Dallas & Chelsie's Addition
+/- 25.009 acres

Glenn & Barb Riggs

260th ST

41st AVE

41st AVE

260th ST

PROSPER

DAVISON COUNTY CONDITIONAL USE APPLICATION

Applicant Name: City of Mitchell

Application Date: 8/18/23

Application Deadline: 8/21/23

Applicant Mailing Address: 612 N Main St, Mitchell, SD 57301

Applicant Email: joe.schroeder@cityofmitchellsd.gov

Contact Phone: 995-8433

Owner Name: Same

Owner Address: Same

Owner Contact Phone: Same

Parcel Number of Parent Parcel: 01000-10461-361-00

Legal Description of parcel: NE1/4, including Irregular Tract 1, Section 36, T 104 N, R 61, West of the 5th P.M., Davison County, South Dakota.

Zoning District: Agricultural District

Reason for Conditional Use Request: To construct and operate a shooting range in the Agricultural District.

Section of Code Allowing Conditional Use: Section 3:04 (35), 1106 (A), and 1206 (A)

Fee Collected for Condition Use (\$150): _____

Check #: _____

Receipt #: _____

Planning Commission Hearing Date: 9-5-23

Board of Adjustment Hearing Date: 9-19-23

FOR ANIMAL FEEDING OPERATIONS ONLY:

Current Animal Units in Operation: N/A

Proposed Expansion of Operation: N/A

Required Items:

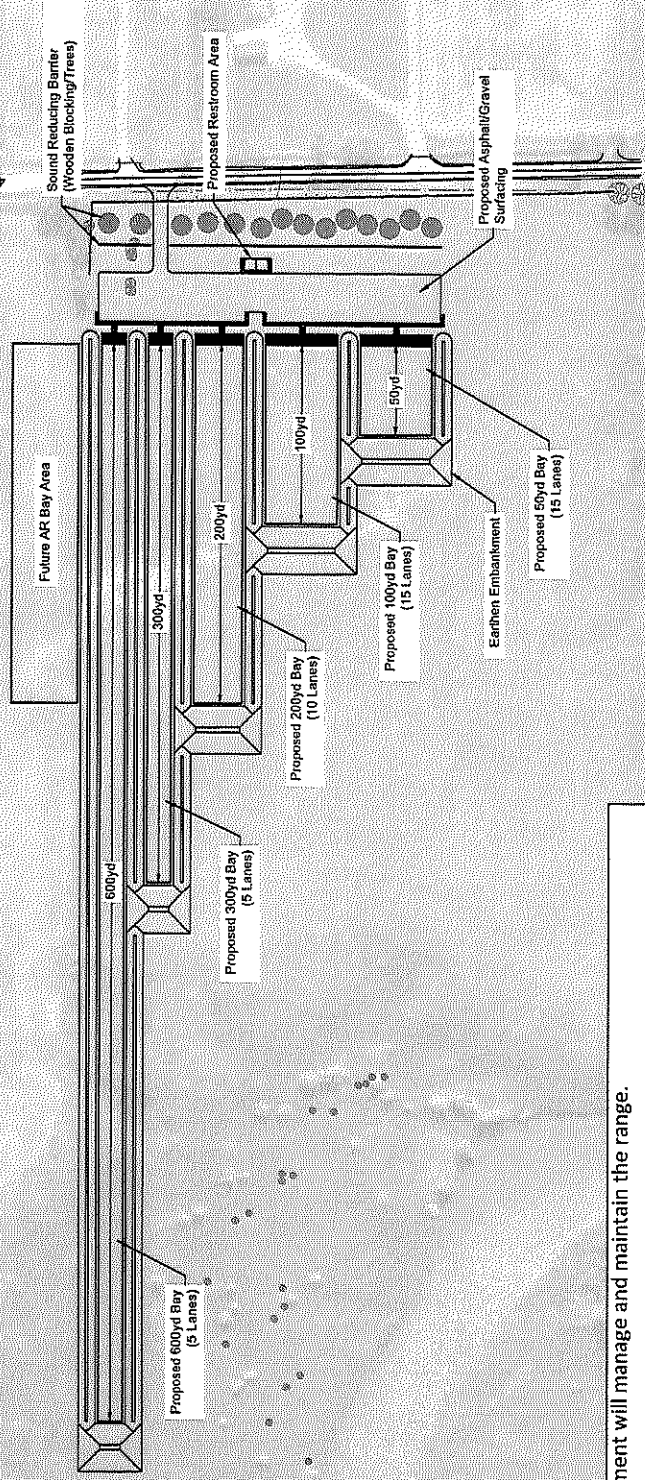
- ☒ Detailed site plan (GIS Photo of the property)
- ☒ Location and use of adjacent structures
- ☐ Application Fee

Signatures of Applicant: _____

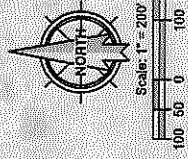
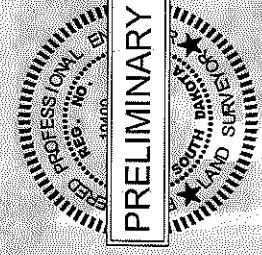

PUBLIC WORKS DIRECTOR -
CITY ENGINEER

Date: 8/18/23

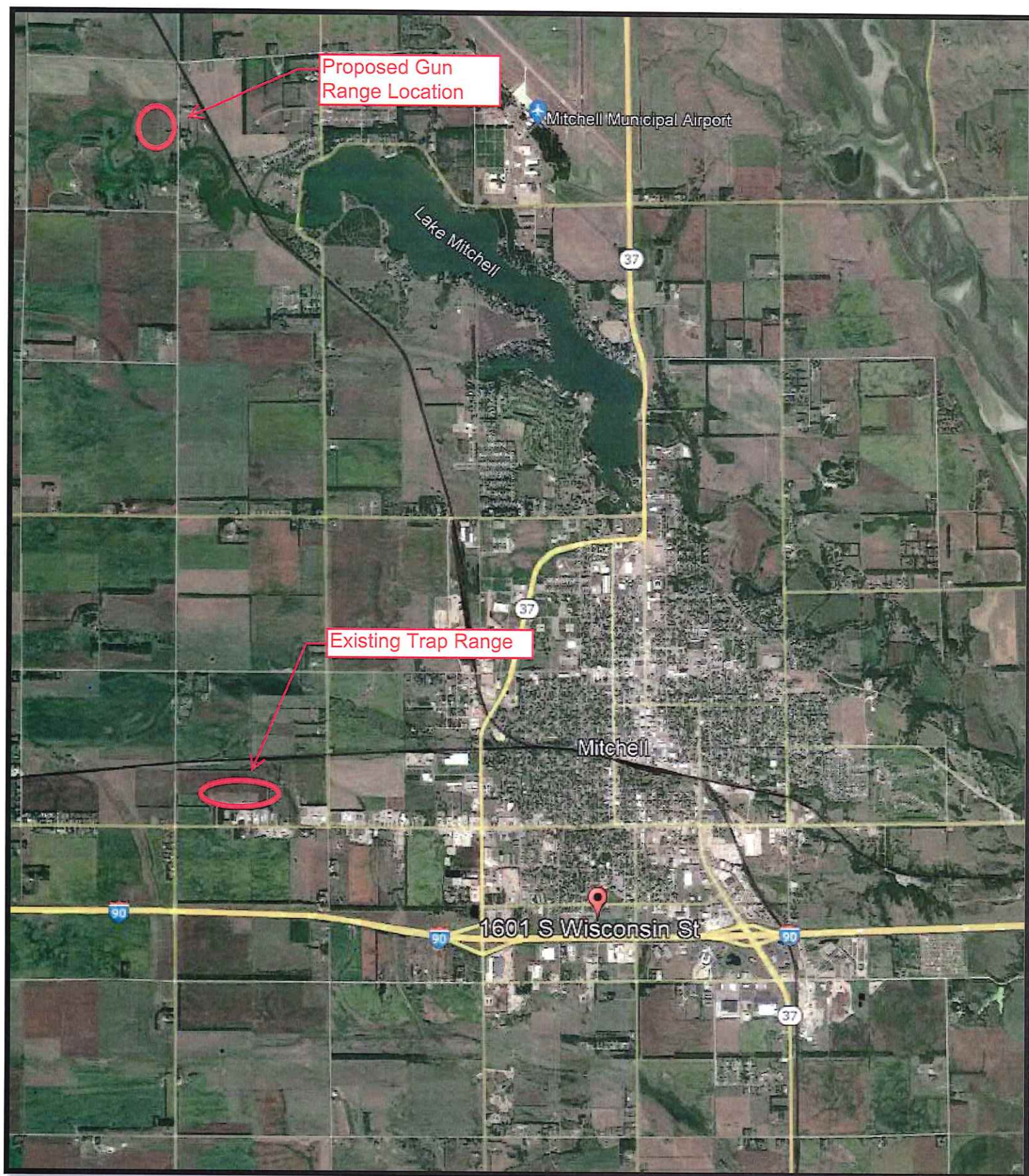
Proposed Site



- * The Parks and Recreation Department will manage and maintain the range.
- * The site will be a "fully baffled" range to ensure public safety.
- * All overhead baffles must tie into the earthen side berms to eliminate 100% of errant shots downrange.
- * The range would be gated and have 24-hour video surveillance for safety purposes.
- * Range flags will be utilized to notify people when the range is in use.
- * Additional information will be provided at the conditional use hearing.



City Of Mitchell - Gun Range		CAD Filename: Preliminary Design	CDI Project No. 2022-298	Drawn By: JDS	Checked By: AEK	Scale: 1" = 200'	Date: 6/29/2023	Sheet No: 609 Main Ave S Brookings, SD 605-686-3200	of No: 1
CIVIL DESIGN INC.									



Mitchell Area Shooting Complex

GENERAL RULES

- Hours of Operation: May—September, 8 AM to 8 PM
- Hours of Operation: October—April, Daylight to Dusk
- Types of firearms permitted at the outdoor shooting range; center-fire and rim-fire rifles, center-fire and rim-fire handguns, muzzle loaders, air rifles and air pistols.
- Shotguns are not allowed.
- Fully automatic weapons, and all armor piercing, explosive, tracer or incendiary rounds are prohibited.
- Range users under 18 years of age must be accompanied and individually supervised by a parent or guardian at all times. The parent or guardian is responsible for the actions of a young person under their supervision while at the shooting complex.
- Targets such as explosive or incendiary targets are prohibited.
- Ground level targets are not authorized, shoot only at paper targets or provided targets.
- Remove paper targets from backstops when done shooting.
- Metal “gong” style targets, except as provided in established berms, are prohibited on public use days.
- Clay target shooting is prohibited.
- Muzzles pointed down range at all times.
- Let others know when going “hot”.
- All firearms must remain unloaded with actions open except on firing line.
- Absolutely no night/dark shooting activity will occur from dusk to daylight unless a special event has been issued by the City.
- Alcoholic beverages or illegal drugs are not allowed on the shooting complex at any time.
- All wildlife and domestic animals are prohibited on the range facilities. The shooting or harassment of any animal is strictly prohibited.
- No camping or campfires allowed.
- No shooting in the parking lot or non-designated areas.
- All federal, state, and local firearms laws must be obeyed.
- All shooters are responsible for their guns and ammunition while on the property.
- Shooters will conduct themselves in an orderly manner at all times.
- Pick up any trash prior to leaving.
- Those acting in an unsafe manner, shooting irresponsible or violating any of the rules will be removed from the facility.
- No ATVs shall be permitted outside of the parking lot area unless a special event has been issued by the City.

100 YARD RANGE RULES

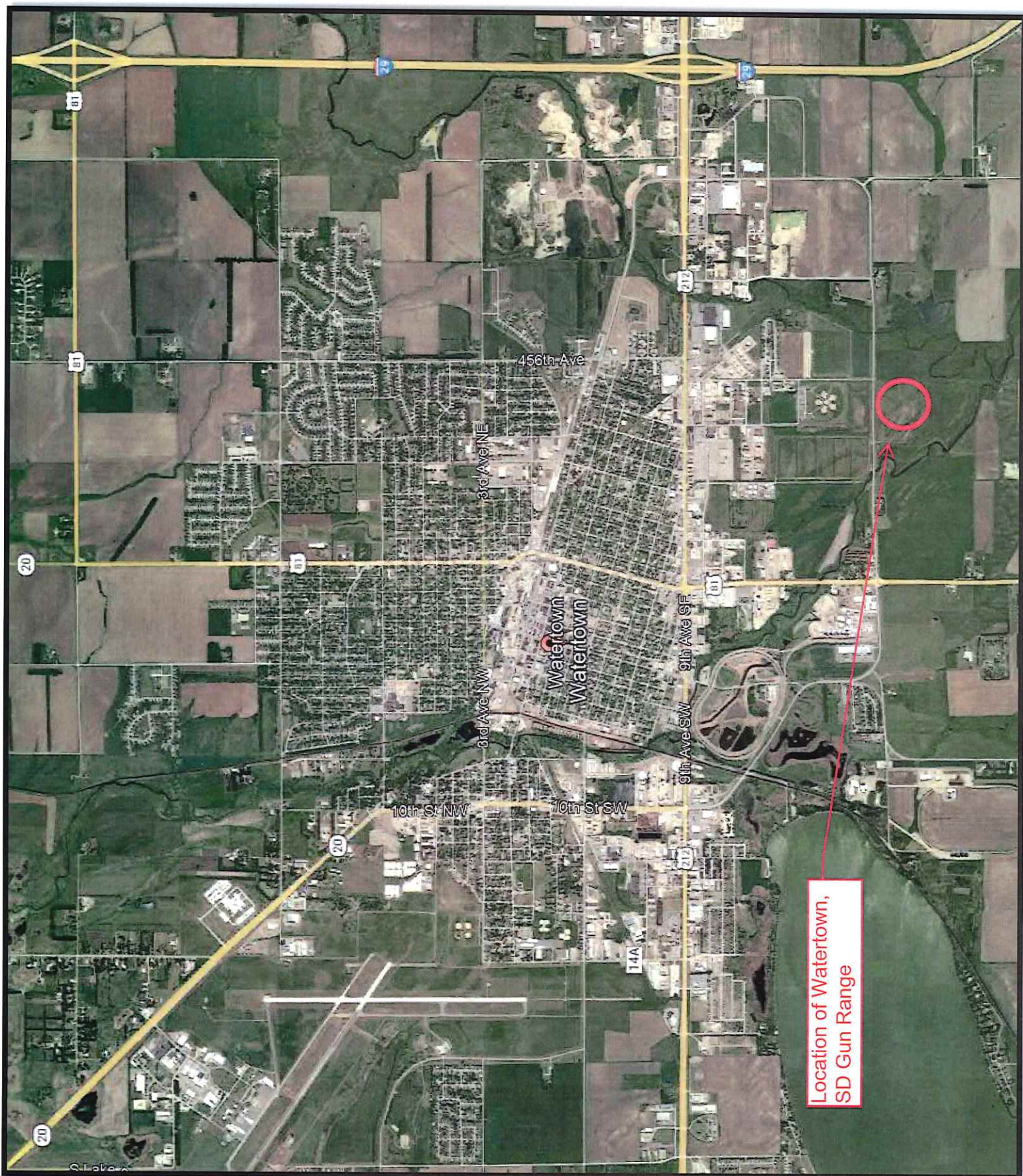
- Ground level targets are not authorized. Shoot only at paper targets on backstops provided.
- Shooting in non-designated area is strictly **PROHIBITED.**
- Shooting will be performed only in the designated shooting areas. Shooting benches are provided at the firing line. No shooting in front of or behind marked firing line.
- Shooting across target positions is **PROHIBITED.**
- No shooting of posts or structures!
- Do not shoot at backstop frames, baffles, side berms or bottles.

300 YARD RANGE RULES

- Targets are Audible Metal targets Only.
No Person is allowed to walk downrange to the 300 Backstop.
- Shooting in non-designated area is strictly **PROHIBITED.**
- Shooting will be performed only in the designated shooting areas. Shooting benches are provided at the firing line. No shooting in front of or behind marked firing line.
- Shooting across target positions is **PROHIBITED.**
- No shooting of posts or structures!
- Do not shoot at backstop frames, baffles, side berms or bottles.

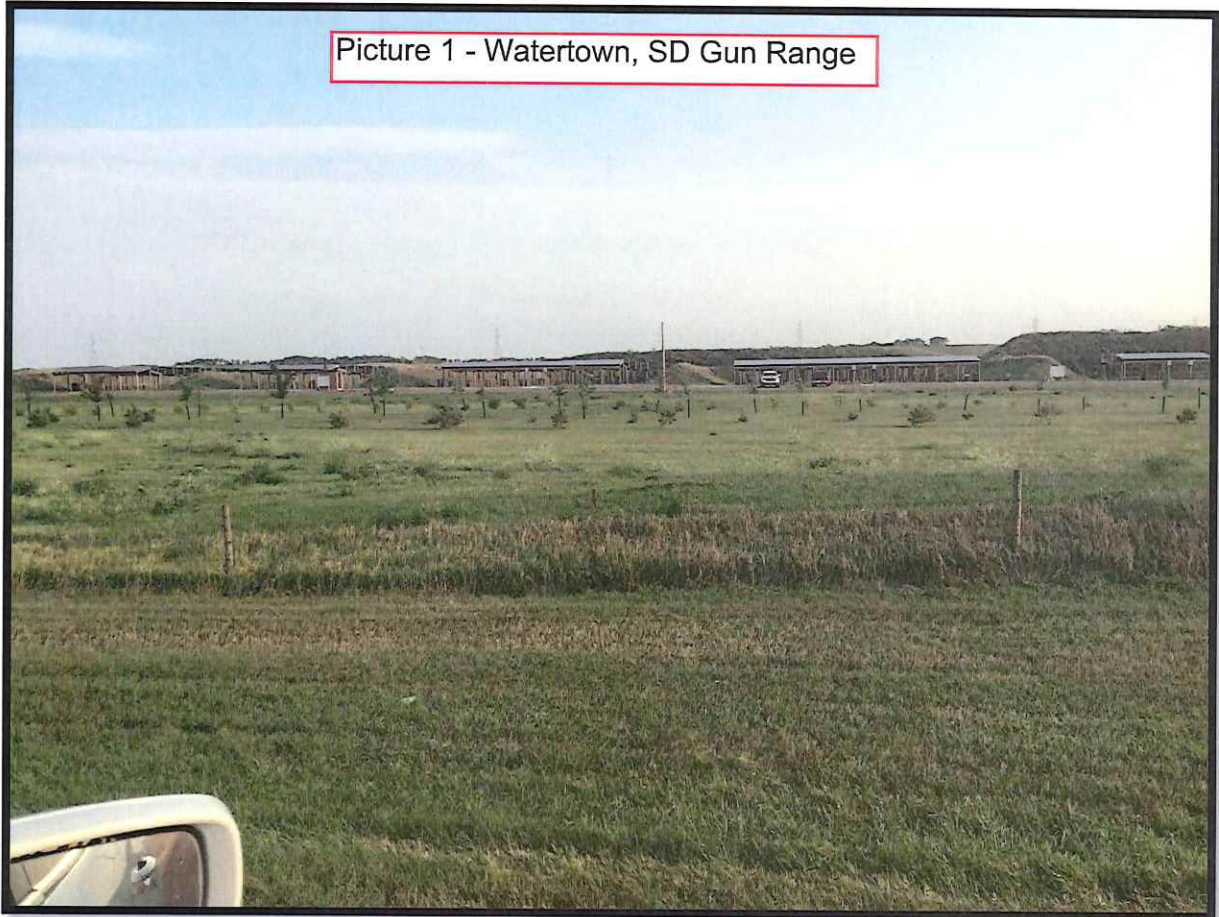
HANDGUN RANGE RULES

- Shooting shall be from a fixed firing line only.
- Targets must be set to a height such that when the round passes through the target, it impacts into the rear berm without a ricochet.
- All angle firing is prohibited at the hand gun range; shooting across target positions is **PROHIBITED**.
- No ground level targets allowed.
- Clay target shooting is **PROHIBITED**.
- Do not shoot at backstop frames, baffles, side berms, bottles or trash.
- No drawing from a holster.
- Possession of a handgun(s) by a person(s) under the age of 18 is **PROHIBITED** unless:
 - Minor is in the presence of the minor's parent or guardian.
 - Minor is in the presence of a licensed or accredited firearm safety instructor.



Location of Watertown,
SD Gun Range

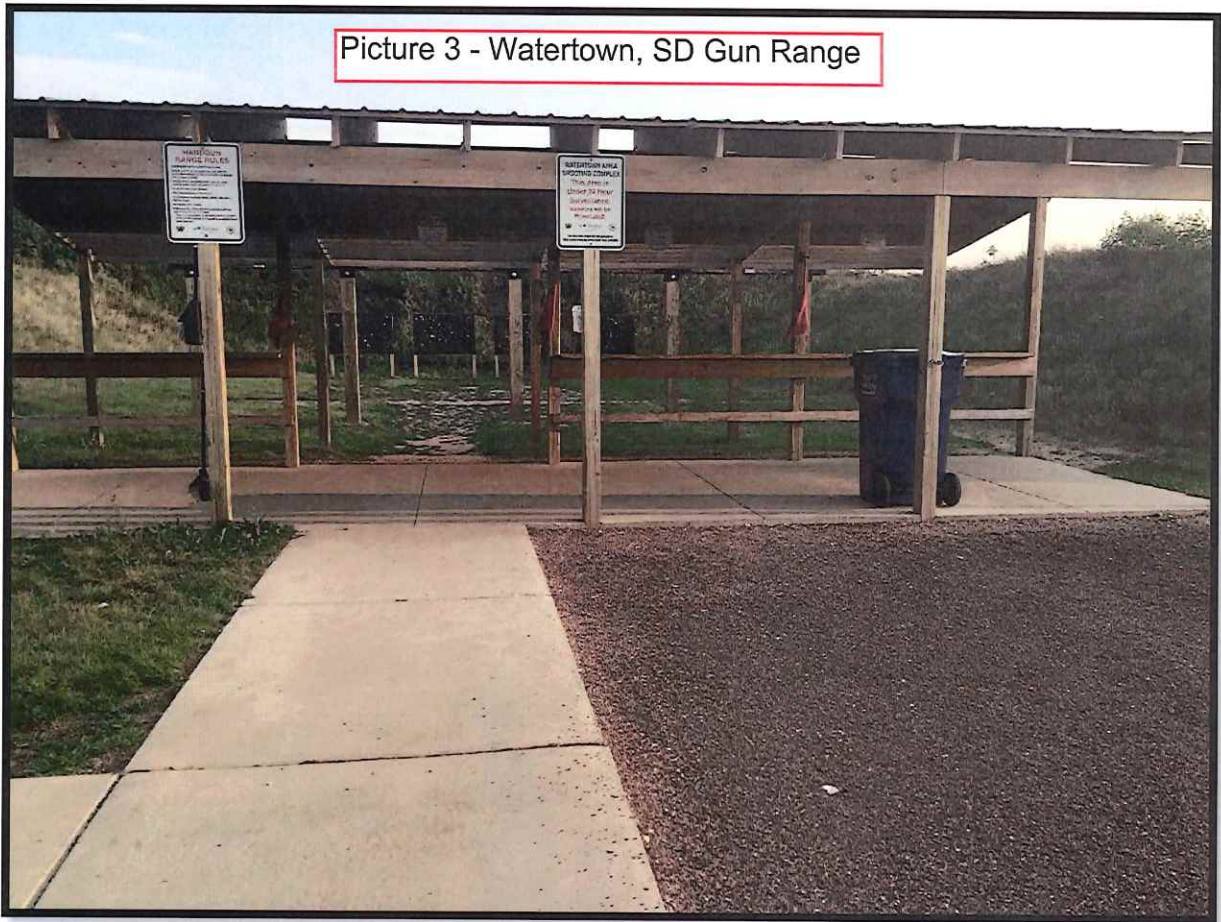
Picture 1 - Watertown, SD Gun Range



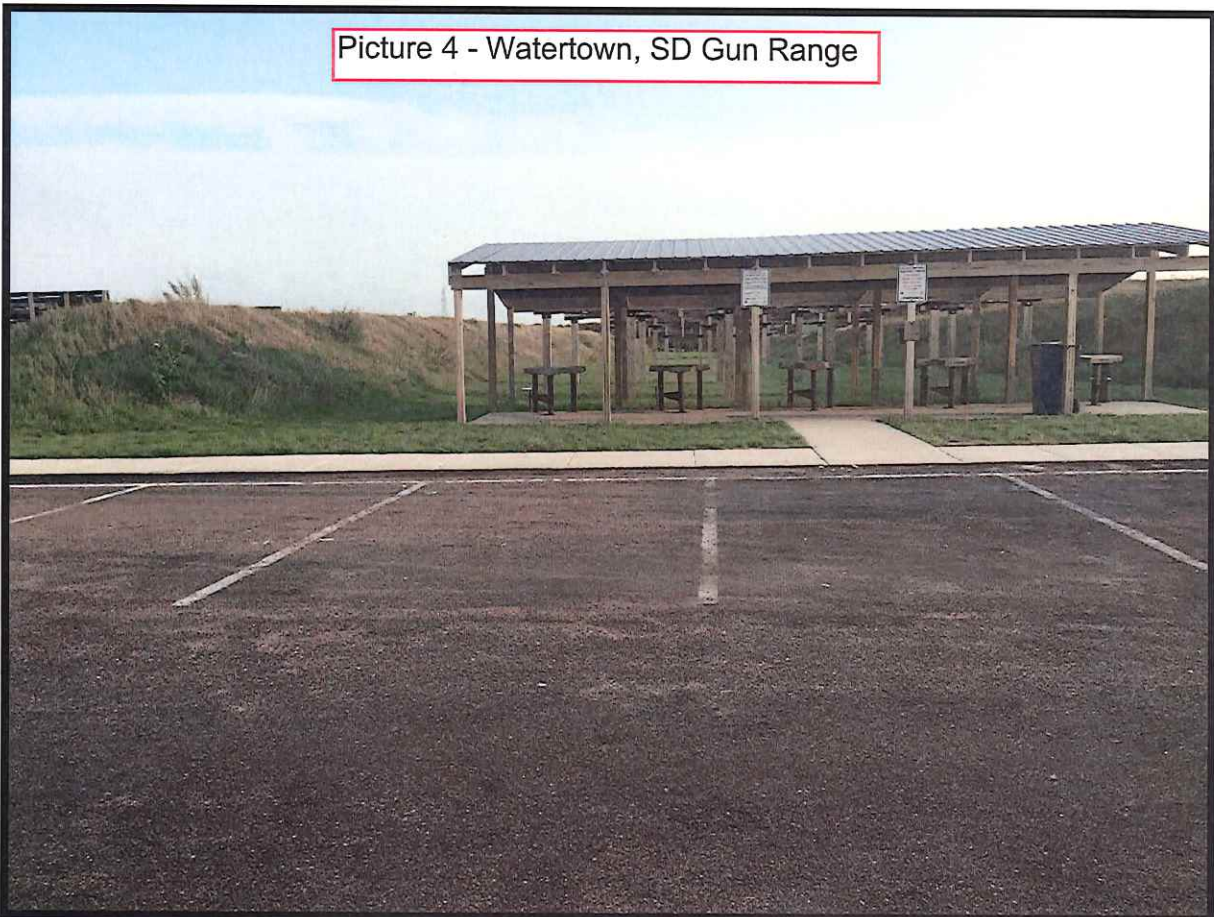
Picture 2 - Watertown, SD Gun Range



Picture 3 - Watertown, SD Gun Range



Picture 4 - Watertown, SD Gun Range



Picture 5 - Watertown, SD Gun Range



Picture 6 - Watertown, SD Gun Range

