

BOARD OF ADJUSTMENT
August 1, 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 and the quorum requirement of Section 12:06 of the Davison County Zoning Ordinance [4 out of 5 members] was declared. Also present were Planning & Zoning Administrator Bathke, Assistant Administrator Wegleitner, Deputy States Attorney Taylor and Auditor Kiepke.

PUBLIC INPUT

As the public hearing on the matter of the Conditional Use permit for Outlaw Repair & Recovery, Inc., dba Petrik Sanitation, Inc., was held on July 18, 2023, and the hearing was declared closed, Chairperson Reider announced there would be no public input. As action was tabled on the aforementioned item, this meeting is solely to listen to commissioner's comments and take action on the matter presented.

DECLARATION OF CONFLICTS OF INTEREST

Chairperson Reider asked if any commissioner had a conflict of interest with the matter before them. Commissioner Blaaid declared that he has a conflict of interest, and he took no further part in the proceedings.

CONDITIONAL USE CONTINUED

Motion by Nebelsick, second by Claggett, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to operate a commercial trucking terminal to include towing and a repair shop in the Ag Residential District, as requested by Outlaw Repair & Recovery, Inc., dba Petrik Sanitation, Inc., with the following conditions – no stacking of vehicles; must erect a 10` (ft) fence around the area designated for repairs; maximum of fifteen (15) vehicles for repair at a time. This request is pursuant to Section 404(9), 404(31), 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 K of W. & L. Addition of the NW ¼, Section 25, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received June 7, 2023

Daily Republic July 1, 2023

Posted June 30, 2023

Notified Applicant June 27, 2023

Notified Abutting Property Owners June 27, 2023

Consideration of 1206 A. Conditional Uses

Davison County Zoning Ordinance Section 12:01 and SDCL 11-2-60 require the Board of Adjustment to act by a super majority consisting of 2/3rds of the full membership of the Board, that is 4 out of 5 members must concur in any action.

Roll call vote:

Nebelsick - aye, Claggett - aye, Kiner - nay, Blaaid - abstained, Reider - nay. Not having obtained the necessary super majority of 4 votes in favor, the motion failed.

ADJOURN

At 9:45 a.m., motion by Claggett, second by Nebelsick to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST



Susan Kiepke, Auditor





Randy Reider, Chairperson