

BOARD OF ADJUSTMENT
September 19, 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 & Zoning Administrator Bathke, Assistant Administrator Wegleitner and Auditor Kiepke.

APPROVE AGENDA AS AMENDED

Motion by Blaalid, second by Claggett to approve the agenda, as amended, for the September 19, 2023, meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Nebelsick, second by Blaalid, to approve the minutes of the August 8, 2023, meeting. All members voted aye. Motion carried.

Motion by Kiner, second by Claggett, to approve the minutes of the August 29, 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.

CONDITIONAL USE

The Planning Commission recommended granting 0-7.

Motion by Claggett, second by Nebelsick, after consideration of Section 1206 A Conditional Uses, to postpone a Conditional Use Permit to construct and operate a shooting range in the Ag District, as requested by the City of Mitchell. This request is pursuant to Section 304(35), 1106(a) & 1206(a) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the NE ¼, including Irregular Tract 1, Section 36, T 104 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received August 18, 2023
Daily Republic September 6, 2023
Posted August 25, 2023
Notified Applicant August 25, 2023
Notified Abutting Property Owners August 25, 2023
Consideration of 1206 A. Conditional Uses

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting 7-0, with the condition Neal Johnson obtain a signed agreement from Ryan Thill with his approval of the placement of the shelterbelts.

Motion by Claggett, second by Nebelsick, after consideration of Section 1206 B Variances, to grant a variance in minimum lot size of +/- 21.90 acres to create a lot size of +/- 3.10 acres on Lot C, where the minimum lot size is 25 acres for a residence in the Ag District; to create a setback of +/- 49', creating a setback of +/- 26' from the existing shelterbelt to the east property line and to create a setback of +/- 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, as requested by Neal Johnson, with the condition that the fence be removed from the Thill property by December 1, 2023. This request is pursuant to Section 215, 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 NE ¼, except Lot 1 & Lot A of Johnson's Subdivision of Section 11, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received July 20, 2023
Daily Republic September 6, 2023
Posted August 25, 2023
Notified Applicant August 22, 2023
Notified Abutting Property Owners August 22, 2023
Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 7-0.

Motion by Nebelsick, second by Claggett, after consideration of Section 1206 B Variances, to grant a variance in minimum lot size of +/- 24.193 acres to create a lot size of +/- 0.807 acres, where the minimum lot size is 25 acres for a residence in the Ag District; to create front yard setback of +/- 31', creating a setback of +/- 44' from the proposed house on the east property line, where the minimum front yard setback is 75' in the Ag District; to create a setback of +/- 31' creating a setback of +/- 19' from the shed on the west property line and a setback of +/- 40', creating a setback of +/- 10' from the shed on the south property line, where the minimum rear/side yard setback is 50' in the Ag District, as requested by Daniel and Kara Mueller. This request is pursuant to Section 307(3), 370(4), 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 the SE ¼ of the SW ¼ & the S ½ of the SE ¼ & Lot B in the SE ¼ of Section 4, T 101 N, R 62 W of the 5th P.M., Davison County, South Dakota, less Lot H-1.

Application received August 2, 2023
Daily Republic September 6, 2023
Posted August 25, 2023
Notified Applicant August 22, 2023

Notified Abutting Property Owners August 22, 2023
Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 7-0, with the following revisions; to grant a variance in minimum setback of +/- 49', creating a setback of +/- 1' from the grain bin on the east property line and a setback of +/- 30', creating a setback of +/- 20' from the grain bins on the south property line where the minimum rear/side yard setback is 50' in the Ag District with the condition Brian and Janel Mueller obtain a signed agreement from Ardis Merino with her approval of the placement of the grain bins.

The original request was for a variance in minimum setback of +/- 49', creating a setback of +/- 1' from the grain bin on the east property line and a setback of +/- 40', creating a setback of +/- 10' from the grain bins on the south property line, where the minimum rear/side yard setback is 50' in the Ag District.

Motion by Nebelsick, second by Blaalid, after consideration of Section 1206 B Variances, to grant a variance in minimum setback of +/- 49' to create a setback of +/- 1' from the grain bin on the east property line and a setback of +/- 30' creating a setback of +/- 20' from the grain bins on the south property line, where the minimum rear/side yard setback is 50' in the Ag District, as requested by Brian and Janel Mueller. This request is pursuant to Section 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 Tract A of Brian's Addition in the SW ¼ of the NW ¼ of Section 3, T 101 N, R 62 W of the 5th P.M., Davison County, South Dakota.

Application received August 9, 2023
Daily Republic September 6, 2023
Posted August 25, 2023
Notified Applicant August 22, 2023
Notified Abutting Property Owners August 22, 2023
Consideration of 1206 B. Variances

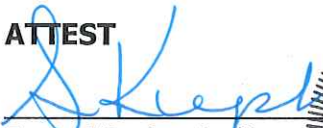
Roll call vote:

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

ADJOURN

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

ATTEST


Susan Kiepke, Auditor





Randy Reider, Chairperson