

**BOARD OF ADJUSTMENT  
November 14, 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 Assistant Administrator Wegleitner and Auditor Kiepke.

**APPROVE AGENDA**

Motion by Nebelsick, second by Blaalid to approve the agenda for the November 14, 2023, meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Claggett, second by Kiner, to approve the minutes of the October 10, 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 5-0-2 with the following modifications to the Conditional Use permit granted September 27, 2005. Lot 9 of Colwells Corner will be added to the new permit. Originally there were a maximum of 2 employees other than family, there will no longer be a maximum employee count. Originally there could only be a maximum of five unlicensed vehicles outside and a limit of ten cars for sale at a time. The number of unlicensed cars will remain the same, while the number of cars permitted to be for sale will increase to twenty, with no consignment. The vehicles for sale originally were not to be parked along Highway 37, that will no longer be the case. The permit was originally non-transferable and rodent control was mandated. The non-transferable and rodent control language has been removed from the new permit. A buffer of trees is to be added to the south property line of Lot 9 of Colwells Corner.

Motion by Nebelsick, second by Claggett, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to modify an existing Conditional use Permit for vehicle sales and repair shop in the Ag Residential District, with the modifications listed above, as requested by Dustin Brummett. This request is pursuant to Section 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 Lots 9 & 10 of Colwells Corner in the SW ¼ of Section 14, T 102 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received October 11, 2023  
Daily Republic November 4, 2023

Posted October 27, 2023  
Notified Applicant October 24, 2023  
Notified Abutting Property Owners October 24, 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 5-0-2.

Motion by Blaalid, second by Nebelsick, after consideration of Section 1206 B Variances, to grant a variance in setback of +/- 12', creating a setback of 38' from the shed on the north property line and a variance in setback of 29' creating a setback of +/- 21' from the shed on the west property line, where the rear/side yard setback is 50' in the Ag District, as requested by Daniel and Kara 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 the SE ¼ of the SW ¼ and S ½ of the SE ¼ & Lot B in the SE ¼ of Section 4, T 101 N, R 62 W of the 5<sup>th</sup> P.M., Davison County, South Dakota, less Lot H-1 & Tract 1 of Danny's Addition.

Application received October 18, 2023  
Daily Republic November 4, 2023  
Posted October 27, 2023  
Notified Applicant October 24, 2023  
Notified Abutting Property Owners October 24, 2023  
Consideration of 1206 B. Variances

Roll call vote:

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

### ADJOURN

At 9:40 a.m., motion by Nebelsick, second by Blaalid to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST

  
Susan Kiepke, Auditor





Randy Reider, Chairperson