

**BOARD OF ADJUSTMENT**  
**January 16, 2024**

**CALL TO ORDER**

Chairperson Reider called the meeting of the Davison County Board of Adjustment to order at 9:35 a.m. All members of the Board were present. Also present were Planning & Zoning Administrator Bathke, Assistant Administrator Wegleitner and Auditor Kiepke.

**APPROVE AGENDA**

Motion by Claggett, second by Nebelsick to approve the agenda for the January 16, 2024, meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Claggett, second by Blaalid, to approve the minutes of the December 12, 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 6-0-1 subject to the determination of the classification of the creek in question by DANR.

Motion by Nebelsick, second by Kiner, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit for the expansion of an existing concentrated animal feeding operation from 1,020 animal units to 1,920 animal units in the Ag District, as requested by Ryan Storm. This request is pursuant to Section 304(10), 310, 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 SE ¼ of Section 19, T 101 N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota, except the E 1070' of the S 423'.

Application received December 11, 2023  
Daily Republic December 23, 2023  
Posted December 22, 2023  
Notified Applicant December 21, 2023  
Notified Abutting Property Owners December 21, 2023  
Consideration of 1206 A. Conditional Uses

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

**VARIANCES**

The Planning Commission recommended granting 6-0-1.

Motion by Nebelsick, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance in setback of +/- 200', creating a side yard setback of +/- 100' from the proposed finishing barn on the north side and a variance in setback of +/- 200' creating a front yard setback of +/- 100' from the proposed finishing barn on the east side, where the required front/side yard setback is 300' in the Ag District, as requested by Ryan Storm. This request is pursuant to Section 310(3)(h), 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 Section 19, T 101 N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota, except the E 1070' of the S 423'.

Application received December 11, 2023  
Daily Republic December 23, 2023  
Posted December 22, 2023  
Notified Applicant December 21, 2023  
Notified Abutting Property Owners December 21, 2023  
Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 6-0-1.

Motion by Claggett, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance in setback of +/- 18 acres, creating a lot size of +/- 7 acres, where the minimum lot size is 25 acres for a residence in the Ag District, and to waive the 24-month requirement, as requested by Gene and Craig Stehly. This request is pursuant to Section 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 NW ¼ of Section 34, T 104 N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received December 12, 2023  
Daily Republic December 23, 2023  
Posted December 22, 2023  
Notified Applicant December 21, 2023  
Notified Abutting Property Owners December 21, 2023  
Consideration of 1206 B. Variances

Roll call vote:

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

### **CONDITIONAL USES**

The Planning Commission recommended granting 6-0-1.

Motion by Kiner, second by Nebelsick, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to construct and operate an indoor shooting range in the Ag District, and to waive the 24-month requirement, as requested by Firesteel Sportsman Club.

This request is pursuant to Section 404(36), 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 SW ¼ of Section 19, T 103 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota, lying south of the RR ROW & less Lot 1 of Davison County Subdivision in the SE ¼ of the SW ¼.

Application received December 15, 2023  
Daily Republic December 23, 2023  
Posted December 22, 2023  
Notified Applicant December 21, 2023  
Notified Abutting Property Owners December 21, 2023  
Consideration of 1206 A. Conditional Uses

Roll call vote:

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

The Planning Commission recommended granting 6-0-1.

Motion by Nebelsick, second by Kiner, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to allow an off-site sign in the Ag District, as requested by Mitchell Quarry. This request is pursuant to Section 304(36), 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 SW ¼ of Section 2, T 102 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota, less RR ROW, Lots H-1, H-2, H-3 & H-4, W 190' of the S 311.5' of the N 711.5' of the SW ¼ & the W 190' of the N 400' of the SW ¼.

Application received December 18, 2023  
Daily Republic December 23, 2023  
Posted December 22, 2023  
Notified Applicant December 21, 2023  
Notified Abutting Property Owners December 21, 2023  
Consideration of 1206 A. Conditional Uses

Roll call vote:

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

## **VARIANCE**

The Planning Commission recommended granting 0-6-1.

Motion by Blaalid, second by Nebelsick, after consideration of Section 1206 B Variances, to grant a variance in front yard setback of +/- 75', creating a setback of +/- 0' from the proposed sign to the south property line, where the minimum front yard setback is 75' in the Ag District, as requested by Mitchell Quarry. 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 the SW ¼ of Section 2, T 102 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota, less RR ROW, Lots H-1, H-2, H-3 & H-4, W 190' of the S 311.5' of the N 711.5' of the SW ¼ & the W 190' of the N 400' of the SW ¼.

Application received December 18, 2023  
Daily Republic December 23, 2023  
Posted December 22, 2023  
Notified Applicant December 21, 2023  
Notified Abutting Property Owners December 21, 2023  
Consideration of 1206 B. Variances

Roll call vote:

Nebelsick – nay, Claggett – nay, Blaalid – nay, Kiner – nay, Reider – nay. Motion failed.

**ADJOURN**

At 10:18 a.m., motion by Nebelsick, second by Blaalid to adjourn Board of Adjustment. All members voted aye. Motion carried.

**ATTEST**

  
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Susan Kiepke, Auditor



  
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Randy Reider, Chairperson