

BOARD OF ADJUSTMENT
January 17, 2023

CALL TO ORDER

Chairperson Reider called the meeting of the Davison County Board of Adjustment to order at 9:15 a.m. Members of the Board present were Claggett, Nebelsick, Blaalid, Reider. Absent Kiner. Also present was Planning & Zoning Assistant Administrator Wegleitner and Auditor Kiepke.

APPROVE AGENDA

Motion by Nebelsick, second by Claggett to approve the agenda for the January 17, 2023, meeting. All members present voted aye. Motion carried.

APPROVE MINUTES

Motion by Nebelsick, second by Blaalid, to approve the minutes of the December 13, 2022, meeting. All members present 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.

VARIANCES

The Planning Commission recommended granting 7-0.

Motion by Claggett, second by Blaalid, after consideration of Section 1206 (b) to grant a variance in minimum lot size of +/- 15 acres creating a lot size of +/- 10 acres, where the minimum lot size is 25 acres for a residence in the Ag District, as requested by Shannon Klumb. This request is pursuant to Sections 307(3), 307(5), 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 N ½ of the NW ¼ of Section 27, T 101 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received November 23, 2022
Daily Republic December 31, 2022
Posted December 21, 2022
Notified Applicant December 22, 2022
Notified Abutting Property Owners December 22, 2022
Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 7-0.

Motion by Nebelsick, second by Claggett, after consideration of Section 1206 (b) to grant a variance in minimum front yard setback of +/- 57' creating a setback of +/- 18' from the grain bins on the east property line, a variance in front yard setback of +/- 15', creating a setback of +/- 60' from the SE corner of the house on the east property line and a front yard setback of +/- 45' creating a setback of +/- 30' from the shed on the east property line, where the minimum front yard setback is 75' in the Ag District, as requested by Kelly Family, Inc. This request is pursuant to Sections 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 NE ¼ of Section 15, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota, except Lot H1-N.

Application received November 29, 2022
Daily Republic December 31, 2022
Posted December 21, 2022
Notified Applicant December 22, 2022
Notified Abutting Property Owners December 22, 2022
Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 7-0.

Motion by Blaalid, second by Nebelsick, after consideration of Section 1206 (b) to grant a variance in minimum lot size of +/- 22 acres creating a lot size of +/- 3 acres, where the minimum lot size is 25 acres for a residence in the Ag District, as requested by Nick Herrick. This request is pursuant to Sections 307(5), 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 2, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received December 13, 2022
Daily Republic December 31, 2022
Posted December 21, 2022
Notified Applicant December 22, 2022
Notified Abutting Property Owners December 22, 2022
Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 6-1-0.

Motion by Claggett, second by Nebelsick, after consideration of Section 1206 (b) to grant a variance in minimum rear yard setback of +/- 60' creating a setback of +/- 15' from the proposed shelterbelt on the north property line, a variance in side yard setback of +/- 55',

creating a setback of +/- 20' from the proposed shelterbelt on the west property line, where the minimum rear/side yard setback is 75' in the Ag District, as requested by Jackrabbit Family Farms, LLC. This request is pursuant to Sections 215, 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 Lot 1A of Jackrabbit Addition, a subdivision of an unplatted portion of the SE ¼ of Section 8 & all of previously platted Lot 1 of Jackrabbit Addition in the SE ¼ of Section 8, all T 101 N, R 62 W of the 5th P.M., Davison County, South Dakota.

Application received December 19, 2022
Daily Republic December 31, 2022
Posted December 21, 2022
Notified Applicant December 22, 2022
Notified Abutting Property Owners December 22, 2022
Consideration of 1206 B. Variances

Roll call vote:

Nebelsick – aye, Claggett – aye, Balaalid – aye, Reider – aye, Kiner – absent. Motion carried.

ADJOURN

At 9:25 a.m., motion by Balaalid, second by Nebelsick to adjourn Board of Adjustment. All members present voted aye. Motion carried.

ATTEST



Susan Kiepke, Auditor





Randy Reider, Chairperson

BOARD OF ADJUSTMENT
March 21, 2023

CALL TO ORDER

Chairperson Reider called the meeting of the Davison County Board of Adjustment to order at 9:15 a.m. Members of the Board present were Claggett, Kiner, Nebelsick, Reider. Absent Blaaid. Also present were Planning & Zoning Administrator Bathke, Assistant Administrator Wegleitner and Auditor Kiepke.

APPROVE AGENDA

Motion by Nebelsick, second by Kiner to approve the amended agenda for the March 21, 2023, meeting. All members present voted aye. Motion carried.

APPROVE MINUTES

Motion by Claggett, second by Kiner, to approve the minutes of the January 17, 2023, meeting. All members present 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 7-0.

Motion by Claggett, second by Nebelsick, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to allow a rental property of nine (9) units in the Ag District, as requested by Hardel and Rebecca Thuringer. This request is pursuant to Section 304(27), 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 E 5/8 of the S 1/2 of the SE 1/4 except Lot 15, Section 15, T 101 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received January 11, 2023
Daily Republic March 11, 2023
Posted March 3, 2023
Notified Applicant February 28, 2023
Notified Abutting Property Owners February 28, 2023
Consideration of 1206 A. Conditional Uses

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting 6-0-1.

Motion by Claggett, second by Nebelsick, after consideration of Section 1206 B Variances, to grant a variance in minimum lot size of +/- 20 acres to create a lot size of +/- 5 acres, where the minimum lot size is 25 acres for a residence in the Ag Residential District, as requested by Bruce Albrecht. This request is pursuant to Section 407(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 S 1/2 of the NE 1/4 & the S 1/2 of the NE 1/4 of the NE 1/4 of Section 18, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received February 17, 2023
Daily Republic March 11, 2023
Posted March 3, 2023
Notified Applicant February 28, 2023
Notified Abutting Property Owners February 28, 2023
Consideration of 1206 B. Variances

Roll call vote:

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

ADJOURN

At 9:21 a.m., motion by Nebelsick, second by Claggett to adjourn Board of Adjustment. All members present voted aye. Motion carried.

ATTEST



Susan Kiepke, Auditor





Randy Reider, Chairperson

BOARD OF ADJUSTMENT
April 18, 2023

CALL TO ORDER

Chairperson Reider called the meeting of the Davison County Board of Adjustment to order at 9:15 a.m. Members of the Board present were Claggett, Nebelsick, Blaalid, Reider. Absent Kiner. Also present were Planning & Zoning Administrator Bathke, Assistant Administrator Wegleitner and Auditor Kiepke.

APPROVE AGENDA

Motion by Nebelsick, second by Claggett to approve the amended agenda for the April 18, 2023, meeting. All members present voted aye. Motion carried.

APPROVE MINUTES

Motion by Claggett, second by Nebelsick, to approve the minutes of the March 21, 2023, meeting. All members present 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.

VARIANCE

The Planning Commission recommended granting 7-0.

Motion by Nebelsick, second by Blaalid, after consideration of Section 1206 B Variances, to grant a variance in minimum lot size of +/- 21.992 acres to create a lot size of +/- 3.008 acres, where the minimum lot size is 25 acres for a residence in the Ag District, to grant a variance in front yard setback of +/- 48', creating a front yard setback of +/- 27' from the garage on the north property line and a variance for front yard setback of +/- 20', creating a front yard setback of 55' from the residence on the west property line, where the minimum front yard setback is 75' in the Ag District, as requested by Stephanie Tyler. This request is pursuant to Section 307(4), 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 NW ¼ of Section 25, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota, except Lot A of J.D. Tyler First Addition in the NE ¼ of the NW ¼.

Application received March 13, 2023

Daily Republic April 8, 2023

Posted March 24, 2023

Notified Applicant March 23, 2023

Notified Abutting Property Owners March 23, 2023

Consideration of 1206 B. Variances


Roll call vote:

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

ADJOURN

At 9:17 a.m., motion by Nebelsick, second by Claggett to adjourn Board of Adjustment. All members present voted aye. Motion carried.

ATTEST



Susan Kiepke, Auditor.



Randy Reider, Chairperson

BOARD OF ADJUSTMENT

May 9, 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 and Zoning Administrator Bathke and Deputy Auditor Matthews.

APPROVE PROPOSED AGENDA

Motion by Claggett, second by Kiner, to approve the proposed agenda for the May 9, 2023, meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Claggett, second by Blaalid, to approve the minutes of the April 18, 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.

VARIANCE

The Planning Commission recommended granting 6-0-1.

Motion by Nebelsick, second by Blaalid, after consideration of Section 1206 B, to grant a variance in minimum front yard setback of +/- 37', to create a front yard setback of +/- 38' from the office on the north property line, where the minimum front yard setback is 75' in the Ag District, as requested by Custom Genetic Solutions. 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 Lot A in the NE ¼ of Section 9, T 102 N, R 61, W of the 5th P.M., Davison County, South Dakota.

Application received: April 5, 2023

Daily Republic Published: April 29, 2023

Posted Signs: April 20, 2023

Notified Applicant: April 20, 2023

Notified Abutting Property Owners: April 20, 2023

Consideration of 1206(B) Variance

Roll call vote:

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

CONDITIONAL USE

The Planning Commission recommended granting 5-1-1.

Motion by Nebelsick, second by Claggett, after consideration of Section 1206 A, to grant a Conditional Use to allow alcohol sales in the Ag Residential District, as requested by Lee Ranch Trucking, LLC dba Lee's Red Barn. This request is pursuant to Section 405, 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 A, less Lots A-1, A-2, & A-3 in the SE ¼ of Section 15, T 102 N, R 60, W of the 5th P.M., Davison County, South Dakota.

Application received: April 7, 2023

Daily Republic Published: April 29, 2023

Posted Signs: April 20, 2023

Notified Applicant: April 20, 2023

Notified Abutting Property Owners: April 20, 2032

Consideration of 1206(A) Conditional Use

Roll call vote:

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

VARIANCES

The Planning Commission recommended granting 6-0-1.

Motion by Nebelsick, second by Claggett, after consideration of Section 1206 B, to grant a variance in the minimum front yard setback of +/- 35', to create a setback of +/- 40' from the shed on the south property line, where the minimum front yard setback is 75' in the Ag District, as requested by Brad Nesheim. 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 S ½ of the SE ¼ & N ½ of the SE ¼, less the N. 950' thereof, but expressly including the S. 252' of the W. 675' of the N. 950', all lying west of the RR ROW in Section 35, T 101 N, R 60, W of the 5th P.M., Davison County, South Dakota.

Application received: April 10, 2023

Daily Republic Published: April 29, 2023

Posted Signs: April 20, 2023

Notified Applicant: April 20, 2023

Notified Abutting Property Owners: April 20, 2023

Consideration of 1206(B) Variance

Roll call vote:

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

The Planning Commission recommended granting 5-1-1.

Motion by Nebelsick, second by Claggett, after consideration of Section 1206 B, to grant a variance in minimum lot size of +/- 20.686 acres, to create a lot size of +/- 4.314 acres, where the minimum lot size is 25 acres for a residence in the Ag District, to grant a variance in front yard setback of +/- 21', to create a setback of +/- 54' from the house on the east property line, where the minimum front yard setback is 75' in the Ag District, to grant a variance in rear yard setback of +/- 5', to create a rear yard setback of +/- 45' from the shed on the west property line, to grant a variance in side yard setback of +/- 30', to create a setback of +/- 20' from the shed on the south property line, where the minimum rear & side yard setback is 50' in the Ag District, as requested by Pam McKillip. This request is pursuant to Section 307(5), 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 Lot A in the SE ¼ of Section 18, T 103 N, R 62, W of the 5th P.M., Davison County, South Dakota.

Application received: April 13, 2023
Daily Republic Published: April 29, 2023
Posted Signs: April 20, 2023
Notified Applicant: April 20, 2023
Notified Abutting Property Owners: April 20, 2023
Consideration of 1206(B) Variance

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

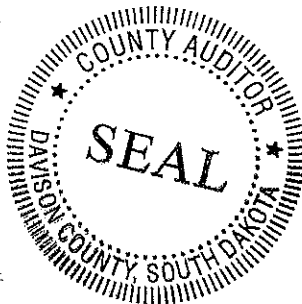
ADJOURN

At 9:42 a.m. motion by Claggett, second by Blaalid, to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST:


James Matthews, Deputy Auditor


Randy Reider, Chairperson



BOARD OF ADJUSTMENT
June 13, 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

Motion by Nebelsick, second by Bhaalid to approve the proposed agenda for the June 13, 2023, meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Claggett, second by Kiner, to approve the minutes of the May 9, 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.

VARIANCES

The Planning Commission recommended granting 6-0-1.

Motion by Claggett, second by Nebelsick, after consideration of Section 1206 B Variances, to grant a variance in minimum side yard setback of +/- 17', creating a setback of +/- 33' from the house on the west property line and +/- 15', creating a setback of +/- 35' from the shed on the west property line, where the minimum side yard setback is 50' in the Ag District, as requested by Brad McNary. This request is pursuant to Section 308(1)(b), 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 N.621' of the W.350' of the N 1/2 of the NE 1/4 of Section 21, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received May 8, 2023

Daily Republic June 3, 2023

Posted May 25, 2023

Notified Applicant May 23, 2023

Notified Abutting Property Owners May 23, 2023

Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 6-0-1.

Motion by Nebelsick, second by Blaalid, after consideration of Section 1206 B Variances, to grant a variance of +/- 20', creating a setback of +/- 55' from the proposed shelterbelt on the west property line, where the minimum setback is 75' for a shelterbelt in the Ag District, as requested by Judy Miiller. This request is pursuant to Section 215, 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 of Section 28, T 102 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received May 10, 2023

Daily Republic June 3, 2023

Posted May 25, 2023

Notified Applicant May 23, 2023

Notified Abutting Property Owners May 23, 2023

Consideration of 1206 B. Variances

Roll call vote:

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

CONDITIONAL USES

The Planning Commission recommended granting 6-0-1.

Motion by Claggett, second by Kiner, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to allow extraction of sand, gravel, or minerals provided such uses meet requirements for conducting surface mining activities of SDCL 45-6B with the removal of the active requirement referenced in Section 1206(a)(3) in the Ag District, as requested by Lewis Bainbridge. This request is pursuant to Section 304(14), 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 the NE ¼ and the NE ¼ of the SE ¼, Section 3, T 101 N, R 60 W of the 5th P.M., Davison County, South Dakota and the SW ¼ of the NE ¼ and the NW ¼ of the SE ¼, Section 3, T 101 N, R 60, W of the 5th P.M., Davison County, South Dakota.

Application received May 10, 2023

Daily Republic June 3, 2023

Posted May 25, 2023

Notified Applicant May 23, 2023

Notified Abutting Property Owners May 23, 2023

Consideration of 1206 A. Conditional Uses

Roll call vote:

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

The Planning Commission recommended granting 6-0-1.

Motion by Nebelsick, second by Claggett, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to allow extraction of sand, gravel, or minerals provided

such uses meet requirements for conducting surface mining activities of SDCL 45-6B with the removal of the active requirement referenced in Section 1206(a)(3) in the Ag District, as requested by Lewis Bainbridge. This request is pursuant to Section 304(14), 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 W ½, Section 19, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota, except Lots A & B of L. Sullivan's First Addition, and Lot H-1 in the NW ¼.

Application received May 10, 2023

Daily Republic June 3, 2023

Posted May 25, 2023

Notified Applicant May 23, 2023

Notified Abutting Property Owners May 23, 2023

Consideration of 1206 A. Conditional Uses

Roll call vote:

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

ADJOURN

At 9:22 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

BOARD OF ADJUSTMENT
July 18, 2023

CALL TO ORDER

Chairperson Reider called the meeting of the Davison County Board of Adjustment to order at 9:29 A.M. All members of the board were present. Also present were Planning and Zoning Deputy Administrator Wegleitner and Deputy Auditor Matthews.

APPROVE AGENDA

Motion by Kiner, second by Nebelsick, to approve the proposed agenda for the July 18, 2023, meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Claggett, second by Blaalid, to approve the minutes of the June 13, 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.

DECLARE CONFLICTS OF INTEREST

Chairperson Reider asked for any conflicts of interest. Commissioner Blaalid declared a conflict on agenda item #5 regarding the conditional use request by Outlaw Repair & Recovery, Inc. dba Petrik Sanitation, Inc. and recused himself from voting on the matter.

VARIANCE

The Planning Commission recommended granting 6-0-1.

Motion by Nebelsick, second by Kiner, after consideration of Section 1206(B), to grant a variance of +/- 10', creating a setback of +/- 15' from the north property line, where the minimum side yard setback is 25' in the Enemy Creek Development, according to the Conditional Use Permit approved on July 29, 2003, as requested by Matt Bennett. This request is pursuant to Section 308, July 29, 2003 Conditional Use Permit, 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 Lot 3 of Enemy Creek Estates and Enemy Creek Loop, a Subdivision in the NE ¼ and in the SE ¼ of the NW ¼ of Section 14, T 102 N, R 60, W of the 5th P.M., Davison County, South Dakota.

Application received: June 6, 2023
Daily Republic Published: July 1, 2023
Posted Signs: June 30, 2023
Notified Applicant: June 27, 2032
Notified Abutting Property Owners: June 27, 2023
Consideration of 1206(B) Variance

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

CONDITIONAL USES

The Planning Commission recommended granting 6-0-1.

Motion by Claggett, second by Nebelsick, after consideration of Section 1206(A), to grant a conditional use to allow the construction of an inground pool in the Ag Residential District, as requested by Aaron Baas. This request is pursuant to Section 404(40), 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 1 of AJB Subdivision in the NE ¼ of Section 12, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received: June 13, 2023
Daily Republic Published: July 1, 2023
Posted Signs: June 30, 2023
Notified Applicant: June 27, 2032
Notified Abutting Property Owners: June 27, 2023
Consideration of 1206(A) Conditional Use

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

The Planning Commission recommended granting 6-0-1.

Motion by Kiner, second by Blaaid, after consideration of Section 1206(A), to grant a conditional use to allow a shooting range for the Ethan High School Clay Target Team in the Ag District, as requested by Ethan High School Clay Target Team. 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 SW ¼ EX NW ¼ of SW ¼ of Section 12, T 101 N, R 60, W of the 5th P.M., Davison County, South Dakota.

Application received: June 14, 2023
Daily Republic Published: July 1, 2023
Posted Signs: June 30, 2023
Notified Applicant: June 27, 2032

Notified Abutting Property Owners: June 27, 2023
Consideration of 1206(A) Conditional Use

Roll call vote:

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

VARIANCE

The Planning Commission recommended granting 6-0-1.

Motion by Kiner, second by Blaalid, after consideration of Section 1206(B), to grant a variance of +/- 16 acres, creating a lot size of +/- 9 acres, where the minimum lot size is 25 acres for a residence in the Ag District, as requested by Allen Jenks. This request is pursuant to Section 307, 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 NE ¼ of Section 30, T 102 N, R 61, W of the 5th P.M., Davison County, South Dakota.

Application received: June 26, 2023

Daily Republic Published: July 1, 2023

Posted Signs: June 30, 2023

Notified Applicant: June 27, 2023

Notified Abutting Property Owners: June 27, 2023

Consideration of 1206(B) Variance

Roll call vote:

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

CONDITIONAL USE

The Planning Commission recommended granting 0-5-1, 1 Recused.

Commissioner Blaalid recused himself.

Motion by Nebelsick, second by Claggett to open the public hearing. All members voted aye. Motion carried.

Lowell Langstratt of Outlaw Repair & Recovery, Inc. dba Petrik Sanitation, a Hanson County resident, presented the conditional use request to the board. Mr. Langstratt explained he intends to operate a towing and repair service from the property. He addressed the issues that were discussed at the Planning & Zoning meeting. The concerns included headlights shining into houses, similar businesses in area, jake brakes being used on highway, garbage and roll off dumpsters on property, drivers CDL standards, property values, vehicles on property, and their drug and alcohol policy. Mr. Langstratt asked to give him a chance to be an asset to the community.

Robert Ball of H&R Salvage, a Davison County resident, spoke in opposition to the conditional use. Mr. Ball cited issues he has had with Mr. Langstratt and other staff of Petrik Sanitation. Mr. Ball referenced a video he obtained as evidence of unprofessional behavior. He also referenced that nearby businesses are closing in the area and that it is becoming more residential.

Travis Peterson, a Hanson County resident, spoke in support of the conditional use. Mr. Peterson stated issues on roadways are the responsibility of law enforcement and should not be considered. Mr. Peterson referenced the video Mr. Ball discussed and asked as it was not shown that it not be considered. He also discussed the need in Mitchell for more competition in the towing business, and that it would be beneficial to the community.

Greg Tilberg, a Davison County resident, spoke in opposition. Mr. Tilberg stated he lives directly across from the property. He stated it is not zoned commercial. He also discussed trucks that are parked on the property that are idling and running their refrigeration units overnight, the highway that is narrow and does not have adequate shoulders, and the property itself that he claimed was not designed for this type of operation.

Mark Spencer of KOA Campground, spoke in support of the conditional use. Mr. Spencer cited the positive service he has received from Mr. Langstratt and from Outlaw Towing & Repair for his customers.

Mary Alexander, a Davison County resident, spoke in opposition. Mrs. Alexander stated she lives across the highway to the west. She stated the view into the property is obstructed in the summer through trees but in winter can see directly through. She is experiencing garbage including large boxes that blow onto her property.

Linda James, a Davison County resident, spoke in opposition. Mrs. James lives across the highway to the east. She discussed complaints against Outlaw Towing & Repair's property in Hanson County and the condition of the property she thought was in disarray.

Lowell Titze, a Davison County resident, discussed the access road that is on the property that leads to his farm directly south. Mr. Titze stated it is the only way in and out and that would need to remain open, he stated it has been blocked by piled snow in the past. He asked that something should be put in place to block the view into the property and contain trash.

Steve Frank, a Davison County resident, spoke in opposition. Mr. Frank stated he lives across the highway, and that the opinion of the existing residents should be taken into consideration.

Karen Lunn, a Davison County resident, spoke in opposition. Ms. Lunn asked what recourse the neighbors would have if passed if they do not meet the conditions.

Brandon Wingert, Hanson County Sheriff stated he would be available for questions from the board.

Dan Alexander, a Davison County Resident, appeared telephonically, and spoke in opposition. Mr. Alexander stated he has no business or personal concerns with the applicant. He stated he

lives directly across from the property and that his concerns would be increased traffic, lights shining into his house, and trucks idling overnight. Mr. Alexander mentioned that it is currently zoned ag-residential and not commercial.

Michelle Hellman, a Davison County resident, spoke in opposition. Mrs. Hellman asked who would police the vehicles on how long they would be on the property.

Dave Bruns, an employee of American Ice, spoke in support of the conditional use. Mr. Bruns stated the ice trucks come and go during normal business hours leaving around 7 a.m. and returning around 5 p.m. Mr. Bruns also discussed the need for additional wrecker service in Davison County.

Kathy Frank, a Davison County resident, spoke in opposition. Mrs. Frank stated although additional wrecker services may be needed it does not need to be based in a residential area.

Jill Luque, a local businessperson, spoke in support of conditional use. Ms. Luque stated that she believes in Mr. Langstratt and that he will comply with the conditions and make the property better.

Shelby Patton, a Davison County resident, spoke in support of the conditional use. Ms. Patton stated a lot of people misunderstand a conditional use permit, as conditions can be set and if Mr. Langstratt does not comply, then it can be revoked.

Skyler Peterson, former owner of the property and Petrik Sanitation, spoke in support of the conditional use. Mr. Peterson stated that most of the complaints heard are from when he owned the property.

Deanna Wempe, former owner of American Ice, spoke in favor of the conditional use. Mrs. Wempe stated due to changes in the business truck operations during odd hours should not occur anymore. Mrs. Wempe also stated Petrik Sanitation was a good landlord.

Allison Phillips, a Davison County resident, spoke in opposition. Mrs. Phillips stated she lives across the highway from the property. Mrs. Phillips stated she has heard numerous complaints regarding the business in Hanson County. She also stated that she has two kids and does not want a towing company across the road.

Paul Koerner, a Davison County resident, spoke in support of the conditional use. Mr. Koerner stated he has seen improvements from Mr. Langstratt over the years.

Dan Kirkegaard, a Davison County resident, spoke in support of the conditional use. Mr. Kirkegaard stated Mr. Langstratt should be given a chance to operate. He also stated that if conditions are placed to make sure they are met.

Scott Phillips, a Davison County resident, inquired what the definition of Ag Residential is.

Motion by Nebelsick, second by Kiner to close the public hearing. All members voted aye.
Motion carried.

Commissioner Nebelsick asked Hanson County Sheriff Wingert as to validity of the complaints in Hanson County, and whether he found the property there to be a nuisance. Sheriff Wingert stated it has been two to three years since complaints and that he has seen the property cleaned up since and does not find it to be a nuisance.

Commissioner Kiner inquired as to the other business in area as to how they are zoned. Deputy States Attorney Taylor stated they would be under prior nonconforming as they were there prior to the Davison County Zoning Ordinance. Kiner also inquired about the existing conditional use. Mr. Taylor explained that the 2018 conditional use is for the trucking terminal that was granted to Petrik Sanitation, Frito Lay, and American Ice and that it remains.

Chairman Reider inquired with Davison County Sheriff Harr as to what conditions he would like to see placed. Harr stated that a tall privacy fence be placed surrounding where the towed vehicles are going to be parked.

The Board discussed what conditions they would like in place. Including fencing, security cameras.

Motion by Claggett, second by Kiner, after consideration of Section 1206(A), to table the conditional use 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. until August 1, 2023. 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 in the NW1/4 of Section 25, T 103 N, R 61, West of the 5th P.M., Davison County, South Dakota.

Application received: June 7, 2023

Daily Republic Published: July 1, 2023

Posted Signs: June 30, 2023

Notified Applicant: June 27, 2032

Notified Abutting Property Owners: June 27, 2023

Consideration of 1206(A) Conditional Use

Roll call vote:

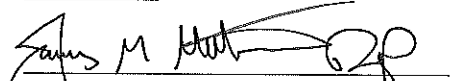
Kiner-aye, Claggett-aye, Blaalid-recused, Nebelsick-Aye, Reider-No. Motion carried.

Chairperson Reider explained the public hearing has been held and closed.

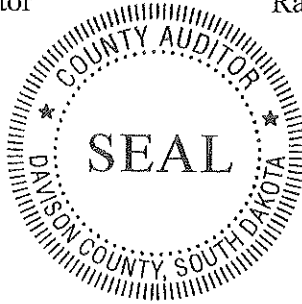
ADJOURN

At 11:20 motion by Nebelsick, second by Claggett, to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST:


James Matthews, Deputy Auditor


Randy Reider, Chairperson



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

BOARD OF ADJUSTMENT
August 8, 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

Motion by Nebelsick, second by Claggett to approve the agenda for the August 8, 2023, meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Claggett, second by Blaalid, to approve the minutes of the July 18, 2023, meeting. All members voted aye. Motion carried.

Motion by Blaalid, second by Nebelsick, to approve the minutes of the August 1, 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.

Administrator Bathke reported that he had received complaints that Greg Patton was moving unlicensed trailers to Petrik Sanitation, which would be in violation of the Planning & Zoning Ordinance Section 2:14(9) concerning the conditional use permit for Petrik Sanitation.

Commissioner Nebelsick cautioned that he believed the trailers in question were licensed.

Robert Ball began to speak about unlicensed trailers, but Chair Reider said the matter would be investigated.

CONDITIONAL USE

The Planning Commission recommended granting 6-0-1.

Motion by Claggett, second by Kiner, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to allow construction of an inground pool in the Ag District, as requested by Robert and Jane Ball. This request is pursuant to Section 304(39), 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 A & B in Kotrba Subdivision in the SE ¼ of Section 15, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received July 13, 2023
Daily Republic July 29, 2023
Posted July 21, 2023
Notified Applicant July 21, 2023
Notified Abutting Property Owners July 21, 2023
Consideration of 1206 A. Conditional Uses

Roll call vote:

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

VARIANCES

The Planning Commission recommended granting 6-0-1.

Motion by Kiner, second by Nebelsick, after consideration of Section 1206 B Variances, to grant a variance in minimum side yard setback 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 Ag District, as requested by Jennifer Booth. This request is pursuant to Section 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 Lot 2 of Kroupa's 1st Addition in the SW ¼ of Section 22, T 103 N, R 62 W of the 5th P.M., Davison County, South Dakota.

Application received July 13, 2023
Daily Republic July 29, 2023
Posted July 21, 2023
Notified Applicant July 21, 2023
Notified Abutting Property Owners July 21, 2023
Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 6-0-1.

Motion by Kiner, second by Nebelsick, after consideration of Section 1206 B Variances, to grant a variance in minimum lot size of +/- 15 acres to create a lot size of +/- 10 acres, where the minimum lot size is 25 acres for a residence in the Ag District, as requested by Mark Klumb. This request is pursuant to Section 307, 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 5, T 101 N, R 61 W of the 5th P.M., Davison County, South Dakota.

Application received July 17, 2023
Daily Republic July 29, 2023
Posted July 21, 2023
Notified Applicant July 21, 2023
Notified Abutting Property Owners July 21, 2023
Consideration of 1206 B. Variances

Roll call vote:

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

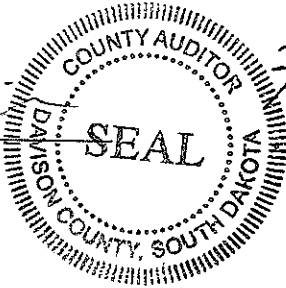
ADJOURN

At 9:27 a.m., motion by Claggett, second by Kiner to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST



Susan Kiepke, Auditor





Randy Reider, Chairperson

BOARD OF ADJUSTMENT
August 29, 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

Chairperson Reider called for public input. He reminded the public that this was for items not on the agenda. Hearing none, the meeting continued.

DECLARATION OF CONFLICTS OF INTEREST

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

CONDITIONAL USE COMPLAINTS/ALLEGED VIOLATIONS

On February 13, 2018, Petrik Sanitation was granted a Conditional Use permit for a commercial trucking facility for itself and its then tenants, Frito Lay and American Ice, on the property, described as Lot K of W. & L. Addition in the NW ¼ of Section 25, T 103 N, R 61, W of the 5th P.M.

On August 1, 2023, Outlaw Repair & Recovery, Inc., dba Petrik Sanitation was denied a Conditional Use Permit for expansion of a towing and repair facility on the aforementioned property.

On August 4, 2023, the Davison County Planning & Zoning office received complaints of junk on the property, over-use of compression braking devices and engines being revved in excess. The complaint also alleged unlicensed vehicles parked along the west side, and lastly there was a complaint of a tow truck parked on the property.

On August 14, 2023, a letter was sent to Petrik Sanitation and Greg Patton, giving them seven (7) days to remove the unlicensed vehicles and junk from the property.

As of today, August 28, 2023, the items have not been removed.

Lowell Langstraat, current owner of the property, stated that he is leasing the trailers from Greg Patton for storage. He also stated the trailers are all now licensed. Then he said that Greg Patton is a dealer and has 45 days by law to license the trailers.

He also feels he should be able to have a tow truck on the property so if he has to leave in the middle of the night, he has it right there.

Robert Ball stated he has had a dealer's license for 25 years and follows the law; suggested that he (Mr. Langstraat) is not following the law; and asked why he (Mr. Langstraat) doesn't have to?

Kathryn Frank asked Deputy States Attorney Taylor if he (Mr. Langstraat) was supposed to be hauling "stuff" in?

Mr. Taylor responded that the definitions in the Zoning Ordinance relating to commercial trucking facilities aren't particularly specific.

Greg Tilberg said he lives right across the street. He told the Board they can't keep minimizing what this guy is doing. He said he's not against business, he's against treading on the neighbors. He continued by saying the property isn't cleaned up and that devalues surrounding properties.

Michelle Hellman wondered what the conditions are as she was told by Larry Petrik that he (Mr. Langstraat) can do whatever he wants.

Administrator Bathke stated that is not true. The conditional use in place is for a commercial trucking facility. The conditional use for the towing business was previously denied.

Leland James stated he lives in the area, and somebody drove by using a compression braking device the entire time.

Deputy States Attorney Taylor recommends Circuit Court action to review the matter.

ADJOURN

At 9:49 a.m., motion by Kiner, second by Nebelsick to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST


Susan Kiepke, Auditor





Randy Reider, Chairperson

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

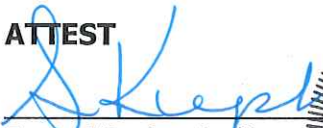
Roll call vote:

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

**BOARD OF ADJUSTMENT
October 10, 2023**

CALL TO ORDER

Chairperson Reider called the meeting of the Davison County Board of Adjustment to order at 9:15 a.m. Members of the Board present were Claggett, Kiner, Blaaid, Reider. Absent Nebelsick. Also present were Planning & Zoning Administrator Bathke and Auditor Kiepke.

APPROVE AGENDA

Motion by Claggett, second by Kiner to approve the agenda for the October 10, 2023, meeting. All members present voted aye. Motion carried.

APPROVE MINUTES

Motion by Claggett, second by Kiner, to approve the minutes of the September 19, 2023, meeting. All members present 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.

VARIANCE

The Planning Commission recommended granting 6-0-1

Motion by Claggett, second by Blaaid, after consideration of Section 1206 B Variances, to grant a variance in minimum lot size of +/- 14.97 acres to create a lot size of +/- 10.03 acres, where the minimum lot size is 25 acres for a residence in the Ag District; to create a front yard setback of +/- 45', creating a setback of +/- 30' from the existing shed to the east property line, where the minimum front yard setback is 75' in the Ag District, as requested by Kristen Velez and DeWayne Woodraska. This request is pursuant to Section 307(1)(a), 307(5), 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 of the NE ¼ of the NE ¼ of Section 22, T 102 N, R 62 W of the 5th P.M., Davison County, South Dakota.

Application received September 15, 2023
Daily Republic September 30, 2023
Posted September 22, 2023
Notified Applicant September 20, 2023
Notified Abutting Property Owners September 20, 2023
Consideration of 1206 B. Variances

Roll call vote:

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

ADJOURN

At 9:17 a.m., motion by Kiner, second by Claggett to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST



Susan Kiepke, Auditor



Randy Reider, Chairperson

**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 5th 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 5th 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

**BOARD OF ADJUSTMENT
December 12, 2023**

CALL TO ORDER

Chairperson Reider called the meeting of the Davison County Board of Adjustment to order at 9:21 a.m. All members of the Board were present. Also present were Planning & Zoning Assistant Administrator Wegleitner and Auditor Kiepke.

APPROVE AGENDA

Motion by Claggett, second by Blaalid to approve the agenda for the December 12, 2023, meeting. All members voted aye. Motion carried.

APPROVE MINUTES

Motion by Claggett, second by Blaalid, to approve the minutes of the November 14, 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.

VARIANCE

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 +/- 55', creating a front yard setback of +/- 20' from the proposed shed on the east property line, where the minimum front yard setback is 75' in the Ag Residential District, as requested by David and Brenda Rauscher. This request is pursuant to Section 408(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 Lot 1 of River Bluff's Addition in the NW ¼ of Section 12, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received November 13, 2023
Daily Republic December 2, 2023
Posted November 22, 2023
Notified Applicant November 20, 2023
Notified Abutting Property Owners November 20, 2023
Consideration of 1206 B. Variances

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

ADJOURN

At 9:24 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