

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

## **VARIANCE**

The Planning Commission recommended granting 0-6-1.

Motion by Blaaid, 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

**BOARD OF ADJUSTMENT**  
**February 13, 2024**

**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, Deputy Administrator Wegleitner and Deputy Auditor Matthews.

**APPROVE AGENDA**

Motion by Claggett, second by Blaalid, to approve the agenda for the February 13, 2024, meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Claggett, second by Blaalid, to approve the minutes of the January 16, 2024, 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 of +/- 53', creating a setback of +/- 22' from the grain bin to the south property line and +/- 31', creating a setback of +/- 44' from the shed to the east property line, where the front yard setback is 75' in the Ag District. Variance of +/- 25', creating a setback of +/- 25' from the shed to the proposed south property line and +/- 19', creating a setback of +/- 31' from the proposed shed to the proposed south property line, where the side yard setback is 50' in the Ag District. Variance of +/- 15.7 acres, creating a lot size of +/- 9.3 acres, where the minimum lot size is 25 acres for a residence in the Ag District, as requested by Tonner Bowman. This request is pursuant to 307(4), 308(1)(a) & 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 17, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota, except H-1.

Application received: January 3, 2024

Daily Republic Published: February 3, 2024

Posted Signs: January 26, 2024

Notified Applicant: January 25, 2024

Notified Abutting Property Owners: January 25, 2024

Consideration of 1206(B) Variance

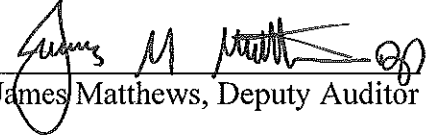
Roll call vote:

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

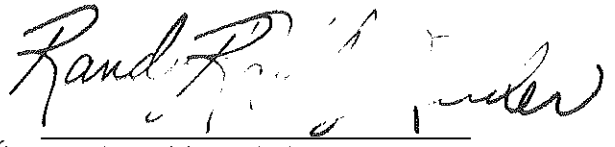
## ADJOURN

At 9:20 a.m. motion by Nebelsick, second by Kiner, to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST:

  
James Matthews, Deputy Auditor



  
Randy Reider, Chairperson

**BOARD OF ADJUSTMENT**  
**March 12, 2024**

**CALL TO ORDER**

Chairperson Reider called the meeting of the Davison County Board of Adjustment to order at 9:16 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 Nebelsick to approve the agenda for the March 12, 2024, meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Claggett, second by Nebelsick, to approve the minutes of the February 13, 2024, 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 6-1.

Motion by Nebelsick, second by Blaaid, after consideration of Section 1206 B Variances, to grant a variance in front yard setback of +/- 30', creating a setback of +/- 45' from the house to the north property line, where the minimum front yard setback is 75' in the Ag Residential District, and a variance in lot size of +/- 15.267 acres, creating a lot size of +/- 9.733 acres, where the minimum lot size is 25 acres for a residence in the Ag Residential District, as requested by Focus Land & Cattle LLC. This request is pursuant to Section 407(1), 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 the N ½ of the NE ¼, except Lot A and except Lot A of J.D. Hamar's 1<sup>st</sup> Addition, all in Section 8, T 102 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received January 30, 2024

Daily Republic March 2, 2024

Posted February 23, 2024

Notified Applicant February 20, 2024

Notified Abutting Property Owners February 20, 2024

Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 6-1.

Motion by Blaalid, second by Nebelsick, after consideration of Section 1206 B Variances, to grant a variance in lot size of +/- 16.97 acres, creating a lot size of +/- 8.03 acres, where the minimum lot size is 25 acres for a residence in the Ag District, as requested by Lance and Larry Olsen. This request is pursuant to Section 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, less the E.211.00' of the N.300' of the S.500' of the NE ¼, S ½ of the N ½ of the S ½ of the NE ¼, and S ½ of the S ½ of the NE ¼, of Section 4, T 102 N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received February 16, 2024  
Daily Republic March 2, 2024  
Posted February 23, 2024  
Notified Applicant February 20, 2024  
Notified Abutting Property Owners February 20, 2024  
Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 6-1 with the recommendation to eliminate the variance of +/- 25', creating a setback of +/- 50' from the proposed house to the east property line, where the front yard setback is 75' in the Ag District.

Motion by Nebelsick, second by Claggett, after consideration of Section 1206 B Variances, to grant a variance in side yard setback of +/- 20', creating a side yard a setback of +/- 30' from the proposed house to the north property line, where the side yard setback is 50' in the Ag District, a variance in lot size of +/- 24 acres, creating a lot size of +/- 1 acres and a variance in lot size of +/- 4.556 acres, creating a lot size of +/- 20.444 acres, where the minimum lot size is 25 acres for a residence in the Ag District, as requested by Henry & Lesley Bartscher. This request is pursuant to Section 307(2), 307(5), 308(1)(a), 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 S.56 Rods of the SE ¼ of the SE ¼ of Section 19, T 102 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota, except Lot A of Lamont's Subdivision.

Application received February 20, 2024  
Daily Republic March 2, 2024  
Posted February 23, 2024  
Notified Applicant February 20, 2024  
Notified Abutting Property Owners February 20, 2024  
Consideration of 1206 B. Variances

Roll call vote:

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



## ADJOURN

At 9:30 a.m., motion by Blaalid, second by Claggett to adjourn Board of Adjustment. All members voted aye. Motion carried.

ATTEST

  
Susan Kiepke, Auditor





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Randy Reider, Chairperson

**BOARD OF ADJUSTMENT**  
**April 16, 2024**

**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 Kiner, second by Claggett to approve the agenda for the April 16, 2024, meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Claggett, second by Kiner, to approve the minutes of the March 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 5-0-1, with one abstention.

Motion by Claggett, second by Nebelsick, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to construct a wind energy tower in the Ag District, as requested by L & C Bainbridge Land LLC. This request is pursuant to Section 304(43), 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 12, T 101 N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota, less Lot A of Bainbridge Sub.

Application received March 11, 2024  
Daily Republic March 30, 2024  
Posted March 22, 2024  
Notified Applicant March 20, 2024  
Notified Abutting Property Owners March 20, 2024  
Consideration of 1206 A. Conditional Uses

Roll call vote:

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

**VARIANCES**

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 in rear yard setback of +/- 45', creating a setback of +/- 5' from the proposed building to the south property line, where the required rear yard setback is 50' in the Ag District, as requested by Derek Mueller. 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 Tract 1 of DJM Addition in the NW ¼ of the NW ¼ of Section 9, T 101 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received March 11, 2024  
Daily Republic March 30, 2024  
Posted March 22, 2024  
Notified Applicant March 20, 2024  
Notified Abutting Property Owners March 20, 2024  
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 Blaalid, second by Kiner, after consideration of Section 1206 B Variances, to grant a variance in rear yard setback of +/- 25', creating a setback of +/- 25' from the proposed house to the proposed north property line, where the required rear yard setback is 50' in the Ag District; a variance in lot size of +/- 13.01 acres, creating a lot size of +/- 11.99 acres and a variance in lot size of +/- 23.54 acres, creating a lot size of +/- 1.46 acres, where the minimum lot size is 25 acres for a residence in the Ag District, as requested by Doug & Joy Schley. This request is pursuant to Section 307(2), 307(5), 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 Lot A-1, Subdivision of Lot A in the SW ¼ of Section 26, T 102 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota, except H-2.

Application received March 13, 2024  
Daily Republic March 30, 2024  
Posted March 22, 2024  
Notified Applicant March 20, 2024  
Notified Abutting Property Owners March 20, 2024  
Consideration of 1206 B. Variances

Roll call vote:

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


## **ADJOURN**

At 9:26 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

**BOARD OF ADJUSTMENT**  
**May 14, 2024**

**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 Director Bathke, Assistant Administrator Wegleitner and Auditor Kiepke.

**APPROVE AGENDA**

Motion by Nebelsick, second by Claggett to approve the agenda for the May 14, 2024, meeting. All members present voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Blaalid, second by Nebelsick, to approve the minutes of the April 16, 2024, 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 5-2.

Motion by Claggett, second by Nebelsick, after consideration of Section 1206 B Variances, to grant a variance to rebuild on an existing pad with an additional 2' for footings in the Ag District, as requested by Scott Blacksten. According to the current zoning Ordinance, the property does not meet the front yard (75') or rear yard (50') setbacks due to only being 108.29' wide. This request is pursuant to Section 308(1)(a), 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 W.190' of the S.311.5' of the N.711.5' of the SW ¼ of Section 2, T 102 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received March 22, 2024  
Daily Republic May 4, 2024  
Posted April 26, 2024  
Notified Applicant April 25, 2024  
Notified Abutting Property Owners April 25, 2024  
Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 7-0.

Motion by Claggett, second by Nebelsick, after consideration of Section 1206 B Variances, to grant a variance in front yard setback of +/- 40', creating a setback of +/- 35' from the house to the west property line, where the required front yard setback is 75', and a variance in rear yard setback of +/- 10' creating a rear yard setback of +/- 0' from the shed to the east property line, where the rear yard setback is 10', and a variance of +/- 21.909 acres, creating a lot size of +/- 5.096 acres, where the minimum lot size is 25 acres for a residence, all in the Ag Residential District as requested by Preston Skinner. This request is pursuant to Sections 4:07(4), 408(1)(a), 408(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 Lot A of 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 April 5, 2024

Daily Republic May 4, 2024

Posted April 26, 2024

Notified Applicant April 25, 2024

Notified Abutting Property Owners April 25, 2024

Consideration of 1206 B. Variances

Roll call vote:

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

### **CONDITIONAL USES**

The Planning Commission recommended granting 7-0.

Motion by Nebelsick, second by Blaaid, after consideration of Section 1206 A Conditional Uses, to grant a Conditional Use Permit to construct and operate a kennel of twelve or more domesticated animals in the Ag Residential District, as requested by Jordan Gerlach & Albert Juffer. This request is pursuant to Section 404(23), 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 4 of Strand's Subdivision in the NE ¼ of Section 16, T 102 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received April 15, 2024

Daily Republic May 4, 2024

Posted April 26, 2024

Notified Applicant April 25, 2024

Notified Abutting Property Owners April 25, 2024

Consideration of 1206 A. Conditional Uses

Roll call vote:

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

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 construct four (4) wind energy towers in the Ag District, as requested by Brad & Peggy Greenway. This request is pursuant to Section 304(43),

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 NW ¼ of Section 8, T 103 N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota, less BP Pork Addition in the NW ¼ of the NW ¼.

Application received April 19, 2024

Daily Republic May 4, 2024

Posted April 26, 2024

Notified Applicant April 25, 2024

Notified Abutting Property Owners April 25, 2024

Consideration of 1206 A. Conditional Uses

Roll call vote:

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

## **VARIANCES**

The Planning Commission recommended granting 7-0.

Motion by Blaalid, second by Nebelsick, after consideration of Section 1206 B Variances, to grant a variance in side yard setback of +/- 30', creating a setback of +/- 20' from the proposed wind towers to the west property line, where the required minimum side yard setback is 50' in the Ag District, as requested by Brad & Peggy Greenway. 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 the NW ¼ of Section 8, T 103 N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota, less BP Pork Addition in the NW ¼ of the NW ¼.

Application received April 19, 2024

Daily Republic May 4, 2024

Posted April 26, 2024

Notified Applicant April 25, 2024

Notified Abutting Property Owners April 25, 2024

Consideration of 1206 B. Variances

Roll call vote:

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

The Planning Commission recommended granting 7-0.

Motion by Blaalid, second by Claggett, after consideration of Section 1206 B Variances, to grant a variance in in lot size of +/- 22.48 acres, creating a lot size of +/- 2.52 acres, a variance in lot size of +/- 22.29 acres, creating a lot size of +/- 2.71 acres and a variance in lot size of +/- 22.88 acres, creating a lot size of +/- 2.12 acres where the minimum lot size is 25 acres for a residence in the Ag Residential District, as requested by Ray Trudeau. This request is pursuant to Section 4:07(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 E ½ of the SW ¼ of the SE ¼ of Section 3, T 102 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received April 23, 2024  
Daily Republic May 4, 2024  
Posted April 26, 2024  
Notified Applicant April 25, 2024  
Notified Abutting Property Owners April 25, 2024  
Consideration of 1206 B. Variances


Roll call vote:

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

### **ADJOURN**

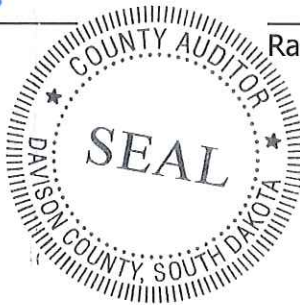
At 9:37 a.m., motion by Nebelsick, second by Blaalid to adjourn Board of Adjustment. All members voted aye. Motion carried.

**ATTEST**

  
\_\_\_\_\_  
Susan Kiepke, Auditor

  
\_\_\_\_\_

Randy Reider, Chairperson





## **BOARD OF ADJUSTMENT**

**June 11, 2024**

### **CALL TO ORDER**

Chairperson Reider called the meeting of the Davison County Board of Adjustment to order at 9:30 a.m. All members of the board were present. Also present were Planning and Zoning Administrator Bathke, Planning and Zoning Deputy Administrator Wegleitner and Deputy Auditor Matthews.

### **APPROVE AGENDA**

Motion by Claggett, second by Kiner, to approve the proposed agenda for the June 11, 2024, meeting. All members voted aye. Motion carried.

### **APPROVE MINUTES**

Motion by Blaalid, second by Claggett, to approve the minutes of the May 14, 2024, 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 USES**

The Planning Commission recommended granting 5-0, with 2 absent.

Motion by Claggett, second by Nebelsick, after consideration of Section 1206(A), to grant a Conditional Use Permit to operate a temporary asphalt batch plant in the Ag District for the resurfacing of Hwy 42, as requested by Duininck, Inc. This request is pursuant to Section 305, 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 Except Miller Tract 1 and Except Lot 1 of D&D 1st Addition of Section 4, T 101 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Application received: May 2, 2024

Daily Republic Published: June 1, 2024

Posted Signs: May 24, 2024

Notified Applicant: May 22, 2024

Notified Abutting Property Owners: May 22, 2024

Consideration of 1206(A) Conditional Use

Roll call vote:

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

The Planning Commission recommended granting 5-0, with 2 absent.

Motion by Nebelsick, second by Blaalid, after consideration of Section 1206(A), 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 in the Ag District, as requested by Josh Viet. 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 NE ¼ of Section 32, T 104 N, R 61, W of the 5th P.M., Davison County, South Dakota.

Application received: May 17, 2024

Daily Republic Published: June 1, 2024

Posted Signs: May 24, 2024

Notified Applicant: May 22, 2024

Notified Abutting Property Owners: May 22, 2024

Consideration of 1206(A) Conditional Use

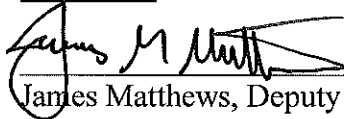
Roll call vote:

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

### **ADJOURN**

At 10:00 a.m., motion by Blaalid, second by Kiner, to adjourn Board of Adjustment. All members voted aye. Motion carried.

**ATTEST:**

  
James Matthews, Deputy Auditor





Randy Reider, Chairperson

**BOARD OF ADJUSTMENT**  
**July 9, 2024**

**CALL TO ORDER**

Chairperson Reider called the meeting of the Davison County Board of Adjustment to order at 9:14 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 July 9, 2024, meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Nebelsick, second by Blaalid, to approve the minutes of the June 11, 2024, 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 Blaalid, second by Nebelsick, after consideration of Section 1206 B Variances, to grant a variance in rear and side yard setback of +/- 40', creating a rear and side yard setback of +/- 35', where the minimum rear and side yard setback is 75' for a shelterbelt in the Ag Residential District, as requested by Jeffery Albrecht. 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 Lot 1 of Albrecht's Addition in the NE ¼ of Section 18, T 103 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Application received June 4, 2024

Daily Republic June 29, 2024

Posted June 21, 2024

Notified Applicant June 20, 2024

Notified Abutting Property Owners June 20, 2024

Consideration of 1206 B. Variances

Roll call vote:

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

## ADJOURN

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

## ATTEST

  
Kathy Wingert, interim Auditor  
for Susan Keipke

  
Randy Reider, Chairperson



BOARD OF ADJUSTMENT MINUTES  
August 13, 2024

1. No Meeting.

## **BOARD OF ADJUSTMENT**

**September 10, 2024**

### **CALL TO ORDER**

Chairperson Reider called the meeting of the Davison County Board of Adjustment to order at 10:15 A.M. All members of the board were present. Also present were Planning and Zoning Administrator Bathke, Planning and Zoning Deputy Administrator Wegleitner and Interim Auditor Wingert.

### **APPROVE AGENDA**

Motion by Claggett, second by Nebelsick to approve the proposed agenda, for the September 10, 2024, meeting. All members voted aye. Motion carried.

### **APPROVE MINUTES**

Motion by Nebelsick second by Blaallid to approve the minutes of the July 9, 2024, 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 7-0.

Motion by Nebelsick second by Blaallid after consideration of Section 1206(B), to grant a variance requested by James & Glenda Hohn of +/- 17.863 acres, creating a lot size of +/- 7.137 acres, where the minimum lot size is 25 acres for a residence in the Agricultural Residential District. This request is pursuant to 407(1), 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 S1/2 of the NE1/4 of Section 16, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota.

Application received: August 19, 2024

Daily Republic Published: August 31, 2024

Posted Signs: August 23, 2024

Notified Applicant: August 21, 2024

Notified Abutting Property Owners: August 21, 2024

Consideration of 1206(b) Variance

Roll call vote:

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

### **CONDITIONAL USE**

The Planning Commission recommended granting 1-6.

Motion by Blaalid second by Nebelsick after consideration of Section 1206(A), to grant a Conditional Use requested by Tracy Bailey to allow the construction & operation of 20 self-storage units in the Agricultural Residential District. This request is pursuant to Section 404(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 Lot 4, Block 1 of West Fifty 1st Addition, a Subdivision of Lot A-2, a Subdivision of Lot A in the SW1/4 of Section 23, T 103 N, R 61, West of the 5th P.M., Davison County, South Dakota.

Application received: August 19, 2024

Daily Republic Published: August 31, 2024

Posted Signs: August 23, 2024

Notified Applicant: August 21, 2024

Notified Abutting Property Owners: August 21, 2024

Consideration of 1206(b) Variance

Discussion: Tracy Bailey supplied pictures of what her vision would look like. Her idea came because she struggles finding a place to store her own RV. Initially the idea started as a “shouse” and then continued to expand to 10 storage units and then up to 20. She spoke with two of her neighbors which they seemed on board as there was a lot of positive feedback. One of them even talked about building a future campground in a nearby area. Two days after closing, she was faced with people saying they were not okay with her plan. Tracy shared her vision for safety and security such as installing cameras and a fence. She believes her request meets the guidelines of the permit she is asking for.

Scot Vander Pol stated he had no idea that Tracy was planning on building a storage unit facility. The day Tracy came to speak with him, he was in a hurry and didn’t realize that this was what she was talking about doing. At this time, he isn’t building a campground and if the idea has adverse effects on his neighbors, he wouldn’t go through with it.

Zach Horstman voiced that he echoes what Scot stated. He indicated that Tracy spoke with his wife who was busy with the kids and didn’t understand what Tracy was saying. Over 50% of the lot would be commercial and he doesn’t agree with the plan.

Tracy Bailey came forward to state that she is being honest and that if people had more questions, they should have called to talk to her instead of letting things get to this place. She

indicated that if she knew they were going to say no, then she wouldn't have continued with her plans.

Paula Scherrer stated she didn't know as a property owner, that this is what her plan was. She was never provided with a drawing to understand what she was trying to do, but rather assumed it would be something small.

Commissioner Nebelsick stated this is a great idea, however the location isn't prime. He stated that the closes business is over a mile away and this would eliminate further development in the area.

Roll call vote:

Claggett-No Reider-No Blaalid-No Kiner-No Nebelsick-No Motion failed.

### VARIANCE

The Planning Commission recommended granting 5-2.

Motion by Blaalid second by Kiner after consideration of Section 1206(B), to grant a variance requested by Tracy Bailey of +/- 25', creating a setback of +/- 50' from the proposed shouse to the east property line, where the front yard setback is 75' in the Agricultural Residential District. This request is pursuant to 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 4, Block 1 of West Fifty 1st Addition, a Subdivision of Lot A-2, a Subdivision of Lot A in the SW1/4 of Section 23, T 103 N, R 61, West of the 5th P.M., Davison County, South Dakota.

Application received: August 19, 2024

Daily Republic Published: August 31, 2024

Posted Signs: August 23, 2024

Notified Applicant: August 21, 2024

Notified Abutting Property Owners: August 21, 2024

Consideration of 1206(b) Variance

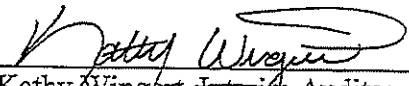
Roll call vote:


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

### ADJOURN

At 10:52AM a motion by Blaalid second by Nebelsick to adjourn Board of Adjustment. All members voted aye. Motion carried.

### ATTEST:

  
Kathy Wingert, Interim Auditor

  
Randy Reider, Chairperson



**BOARD OF ADJUSTMENT**  
**October 8, 2024**

**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, Planning and Zoning Deputy Administrator Wegleitner, and Auditor Wingert.

**APPROVE AGENDA**

Motion by Nebelsick second by Claggett to approve the proposed agenda, for the October 8, 2024, meeting. All members voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Nebelsick second by Kiner to approve the minutes of the September 10, 2024, 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 2-2, with 3 absent.

Motion by Claggett second by Nebelsick after consideration of Section 1206(B), to grant a variance requested by Ken Johnson of +/- 68', resulting in a front yard setback of 7' for the existing residence, where the minimum front yard setback is 75' in the Agricultural Residential District. On September 21, 2021, a front yard setback of +/- 30' was granted to the previous owner. However, the previous owner did not build the structure in accordance with the approved variance. +/- 68', resulting in a front yard setback of 7' for the proposed garage, where the minimum front yard setback is 75' in the Agricultural Residential District.

This request is pursuant to 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 18 of River Bluffs Addition in the NW1/4 of Section 12, T 103 N, R 60, West of the 5th P.M., Davison County, South Dakota.

Application received: September 13, 2024

Daily Republic Published: September 28, 2024

Posted Signs: September 20, 2024

Notified Applicant: September 19, 2024

Notified Abutting Property Owners: September 19, 2024  
Consideration of 1206(b) Variance

Roll call vote for existing residence:

Claggett Nay, Reider Nay, Blaalid Nay, Kiner Nay, Nebelsick aye; Motion failed.

Motion by Nebelsick and seconded by Blaalid to grant the variance for the proposed garage.

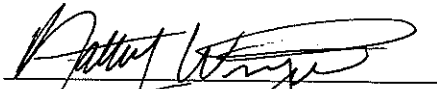
Roll call vote for proposed garage:

Claggett- Nay, Redier- Nay, Blaalid- Nay, Kiner- Nay, Nebelsick- aye; Motion failed.

**ADJOURN**

At 9:34 AM a motion by Blaalid second by Nebelsick to adjourn Board of Adjustment and reconvene the Board of Commissioners meeting. All members voted aye. Motion carried.

**ATTEST:**

  
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Kathy Wingert, Auditor  
\_\_\_\_\_

Randy Reider, Chairperson

## **BOARD OF ADJUSTMENT**

**November 19, 2024**

### **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, Planning and Zoning Deputy Administrator Wegleitner and Interim Auditor Wingert.

### **APPROVE AGENDA**

Motion by Claggett second by Nebelsick to approve the proposed agenda, for the November 19, 2024, meeting. All members voted aye. Motion carried.

### **APPROVE MINUTES**

Motion by Nebelsick second by Blaalid to approve the minutes of the October 8, 2024, 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 3-1, with 3 absent.

Motion by Claggett second by Kiner after consideration of Section 1206(B), to grant a variance requested by South Dakota Soybean Processors, LLC for an on-site exterior sign with a total surface area of 201.74'. The maximum area in the Agricultural District for an on-site exterior sign is 100 square feet.

This request is pursuant to the definition of "Sign, On-Site, Exterior", 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 NW1/4 of Section 11, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota, except Lot A of Johnson's Subdivision, H1, H2, & RY.

Application received: October 18, 2024

Daily Republic Published: November 2, 2024

Posted Signs: November 1, 2024

Notified Applicant: October 22, 2024

Notified Abutting Property Owners: October 22, 2024  
Consideration of 1206(b) Variance

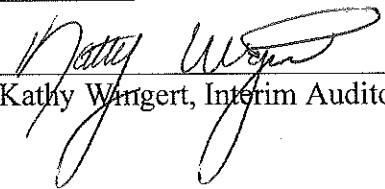
Roll call vote:


Claggett -aye Reider-aye Blaalid-aye Kiner-aye Nebelsick-abstain Motion carried 4-0 with one Abstain.

**ADJOURN**

At 9:28 am motion by Blaalid second by Nebelsick to adjourn Board of Adjustment. All members voted aye. Motion carried.

**ATTEST:**

  
Kathy Wingert, Interim Auditor

  
Randy Reider, Chairperson

## **BOARD OF ADJUSTMENT**

**December 10, 2024**

### **CALL TO ORDER**

Chairperson Reider called the meeting of the Davison County Board of Adjustment meeting to order at 9:15 A.M. All board members were present. Also present were Planning and Zoning Administrator Bathke, Planning and Zoning Deputy Administrator Wegleitner, and Auditor Wingert.

### **APPROVE AGENDA**

Motion by Kiner second by Claggett to approve the proposed agenda, for the December 10, 2024, meeting. All members voted aye. Motion carried.

### **APPROVE MINUTES**

Motion by Nebelsick second by Blaalid to approve the minutes of the November 19, 2024, 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, with 1 absence to operate auto sales or vehicles, including trailers with no conditions and recommended granting 6-0, with 1 absence to operate a salvage yard-recycling center to include non-commercial towing with the condition to limit inoperable vehicles to a number determined by the Board of Adjustment.

Motion by Nebelsick second by Claggett after consideration of Section 1206(B), to grant a conditional use requested by Ashton and Levi Connell to operate auto sales or vehicles, including trailers in the Agricultural District.

This request is pursuant to 3:04(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 Lot A in the SE ¼ of Section 5, T 104 N, R 61 W, Davison County, South Dakota.

Roll call vote:

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

Motion by Nebelsick second by Kiner after consideration of Section 1206(B), to grant a conditional use requested by Ashton and Levi Connell to operate a salvage yard-recycling center to include non-commercial towing in the Agricultural District with the conditions to limit unlicensed and inoperable vehicles to a maximum of 150, will need to be 50' from all rights-of-way and maintain the site triangle.

This request is pursuant to 3:04(30), 3:05, 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 5, T 104 N, R 61 W, Davison County, South Dakota.

Roll call vote:

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

Application received: November 8, 2024

Daily Republic Published: November 29, 2024

Posted Signs: November 21, 2024

Notified Applicant: November 21, 2024

Notified Abutting Property Owners: November 21, 2024

Consideration of 1206(a) Conditional Use

### **ADJOURN**

At 9:40 am a motion by Blaalid second by Claggett to adjourn the Board of Adjustment. All members voted aye. Motion carried.

### **ATTEST:**



Kathy Wingert, Auditor



Randy Reider, Chairperson