



Davison County Planning & Zoning  
200 E. 4<sup>th</sup> Ave.  
Mitchell, SD 57301-2631  
Phone (605) 995-8615



PLANNING COMMISSION AGENDA  
October 1, 2024

1. Call to order at 7:00 P.M. by Chairman Haines.
2. Roll Call.
3. Approve the agenda.
4. Declare conflicts of interest.
5. Approve the September 3, 2024, Minutes.
6. Public input for items not on the agenda, no action will be taken.
7. Consider a variance application requested by Ken Johnson of:
  1. +/- 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.
  2. +/- 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.
8. Additional comments from the group.
9. Set date and time for next meeting – November 12, 2024 @ 7:00 P.M.
10. Adjournment.

*Karen Wegleitner*

Karen Wegleitner  
Deputy Director of Planning & Zoning

## PLANNING COMMISSION MINUTES

September 3, 2024

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll call-quorum is met, simple majority vote required for all items.
  - Present: Bruce Haines, Steve Thiesse, Lewis Bainbridge, Dave Anderson, Ray Gosmire (call in), Mike Blaalid, Chris Nebelsick, Jeff Bathke & Karen Wegleitner.
  - Absent: None.
  - Guests: Richard Bailey, Tracy Bailey, Scot & Bev Vander Pol, Brian Eliason, Bryan Vander Pol, & Steve Thuringer.
3. Consider the amended agenda. Item #'s 11 (Plat), 12 (Wind Energy setbacks), 13 (CAFO setbacks), & 14 (Pipeline) were added.
  - Motion by Dave Anderson, seconded by Mike Blaalid, to approve the amended agenda. All members voted aye, motion carried.
4. Declare conflicts of interest. None.
5. Consider the previous minutes. Motion by Steve Thiesse, seconded by Chris Nebelsick, to approve the July 2, 2024 proposed minutes. All members voted aye, motion carried.
6. Public input for items not on the agenda. Hearing none, the meeting continued.
7. Consider a variance application requested by James & Glenda Hohn of:
  1. +/- 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 located in S1/2 of the NE1/4 of Section 16, T 102 N, R 60, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the variance application. The applicant was not present, but their relator, Brian Eliason, was to answer questions.

**Discussion:** James & Glenda Hohn are selling their property. They have a buyer for the agricultural land and need to Plat out the residence to sell the agricultural land. The residence will sit on less than 25 acres, which requires a variance permit.

  - Motion by Lewis Bainbridge, seconded by Chris Nebelsick, to recommend approval of the Variance Permit to the Board of Adjustment.

**Roll call vote:**  
Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaalid – aye, Anderson – aye, motion carried.
8. Consider a Plat of Tract A of Glenda's Addition, in the S1/2 of the NE1/4 of Section 16, T 102 N, R 60, West of the 5th P.M., Davison County, South Dakota; at the request of James & Glenda Hohn.

This request is located in S1/2 of the NE1/4 of Section 16, T 102 N, R 60, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Plat proposal. The applicant was not present, but their relator, Brian Eliason, was to answer questions.

**Discussion:** The residence & agricultural land will have their own existing driveways. There were no questions or concerns with Plat.

  - Motion by Mike Blaalid, seconded by Dave Anderson, to recommend approval of the Plat to the County Commissioners.

**Roll call vote:**

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaalid – aye, Anderson – aye, motion carried.

9. Consider a conditional use application to allow the construction & operation of 20 self-storage units in the Agricultural Residential District; at the request of Tracy Bailey. This request is located in 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, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Conditional Use application. The applicant was present to answer questions.

**Discussion:** Tracy Bailey would like to build self-storage units. Her plan is to start with 10 units with the possibility of adding 10 more. The Planning and Zoning office received letters, emails and phone calls from abutting property owners asking for the board to deny her CUP due to increased traffic, safety for kids, increased crime risks, diminish property values, units being an eye sore and potential use for other purposes besides storage.

Tracy explained she started this process due to needing storage for her RV as there is no availability in Mitchell. Prior to purchasing the lot, she spoke with the abutting neighbors on their thoughts about her ideas for the property. Tracy explained that everyone she talked to had no issues, but left her phone number just in case questions or concerns arise. When she applied for the CUP and bought the property is when the neighbors started expressing their dislike for her ideas. Tracy addressed the concerns in the letters and would have worked with them if they called. She said she has no problem installing cameras and gates. She can limit access hours and put in her lease what is allowed to be stored. When the board asked about what the distance would be between the two buildings, Tracy wasn't sure due to the second building being a future expansion. It was explained to her the board doesn't operate like that and would need to know specifics.

Scot Vander Pol spoke about him and Tracy's conversation. He doesn't remember hearing about self-storage units or about a CUP, just storage. He said the area is meant for residential purposes and there is no guarantee the units will only be used for RV/sport vehicle storage. He has concerns about increased traffic, safety of the kids, property values decreased, who will maintain the road as Rumley Court is a private road and the units could be used for other activities like garage sales and vehicle maintenance. He asked the board to deny CUP. The board asked Scot if there are HOA fees and if the land to the west will be developed. Scot said there are no HOA fees and the buyer of the lot to the west as plans to build.

The board discussed how they need to make decisions based on the rules and the best use of the property. Most of the buildings in the area are residential. They would be more in favor if more commercial buildings were around. Since, that is not the case, they would like to keep it residential.

- Motion by Dave Anderson, seconded by Chris Nebelsick, to recommend approval of the Conditional Use Permit to the Board of Adjustment.

**Roll call vote:**

Haines – nay, Thiesse – nay, Gosmire – nay, Bainbridge – nay, Nebelsick – nay, Blaalid – nay, Anderson – aye, motion denied.

10. Consider a variance application requested by Tracy Bailey of:

1. +/- 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 located in 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, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the variance application. The applicant was present to answer questions.

**Discussion:** Tracy Bailey is asking for a variance to cut down on maintenance and snow removal of driveway. The board asked who does the snow removal on Rumley Court. One year Scot has and Zach, resident of Rumley Court, has another year.

- Motion by Chris Nebelsick, seconded by Mike Blaalid, to recommend approval of the Variance Permit to the Board of Adjustment.

**Roll call vote:**

Haines – nay, Thiesse – nay, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaalid – aye, Anderson – aye, motion carried.

11. Consider a Plat of Tract A of Windy Acres Addition, in the NW1/4 of the NE1/4 of Section 23, T 102 N, R 60, West of the 5<sup>th</sup> P.M., Davison County, South Dakota; at the request of Gerald & Joyce Tilberg.

This request is located in NW1/4 of the NE1/4 of Section 23, T 102 N, R 60, W of the 5<sup>th</sup> P.M., Davison County, South Dakota. Deputy Administrator Wegleitner gave an explanation of the Plat proposal. The applicant was not present to answer questions.

**Discussion:** Property is described by measurements and in order to get a building permit, it has to be platted. There were no questions or concerns with Plat.

- Motion by Chris Nebelsick, seconded by Lewis Bainbridge, to recommend approval of the Plat to the County Commissioners.

**Roll call vote:**

Haines – aye, Thiesse – aye, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaalid – aye, Anderson – aye, motion carried.

12. Wind Energy System setbacks discussion.

**Discussion:** In 2017 they proposed adding WES to the Ordinance but was withdrawn due to the lack of knowledge of WES. The board reviewed the proposed WES Ordinance and possible setbacks. The board was advised to review and make corrections before we go into the process of adopting this into the Ordinance.

13. CAFO setbacks discussion.

**Discussion:** The board discussed changing setbacks in the Agricultural Residential District.

14. Pipeline discussion.

**Discussion:** The main topic of discussion is if we should regulate the pipeline.

15. Additional Comments from the Group

- None.

16. Set date and time for next meeting – October 1, 2024 @ 7:00 P.M.

17. At 9:17 P.M., a motion was made by Lewis Bainbridge, seconded by Dave Anderson, to adjourn the meeting. All members voted aye, motion carried.

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Bruce Haines  
Planning Commission Chairperson

*Karen Wegleitner*

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Karen Wegleitner  
Deputy Director of Planning & Zoning

# DAVISON COUNTY VARIANCE APPLICATION

**Applicant Name:** Ken Johnson

**Applicant Address:** 3251 River Bluff Rd, Mitchell, SD 57301

**Applicant Email:** \_\_\_\_\_

**Application date:** 9/13/24

**Application deadline:** 9/16/24

**Contact Phone:** 999-0799

**Owner Name:** Ken Johnson

**Owner Address:** 40446 254<sup>th</sup> St., Mitchell, SD (mailing address)

**Owner Contact Phone:** Same

**Parcel Number of parent parcel:** 06121-10360-018-00

**Legal Description of current parcel(s):** 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.

**Proposed Legal Description of parcels:** No Plat, variance only.

**Reason for Variance:** Recommend granting a variance of:

1. +/- 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.

2. +/- 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 Section 4:08(1)(a) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended.

**Reason for Request to include hardships:** Applicant bought property and came in for a building permit to discover the previous owner built residence to close to property line.

**Section of Code Allowing Variance:** 4:08(1)(a), 11:06(b), & 12:06(b)

**Fee Collected for Variance (\$150):** 9/13/24

**Check #:** 1462

**Receipt #:** 17662

**Planning Commission Hearing Date:** 10/1/24

**Board of Adjustment Hearing Date:** 10/8/24

## Required Items:

- Detailed site plan (GIS Photo of the property)
- Location and use of adjacent structures/land Agricultural, Residential
- Application Fee

**Signatures of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DAVISON COUNTY VARIANCE PERMIT**

**DATE GRANTED:** September 21, 2021

**TO:** Ryan Schoenenberger, at the request of Alex Schoenenberger

**FOR:** Variance in front yard setback of +/- 45', creating a setback of +/- 30', where the minimum setback is 75' in the Agricultural Residential District.

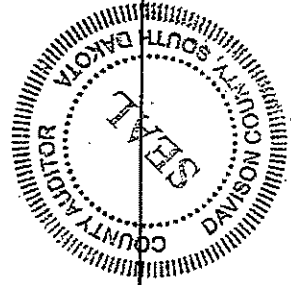
**LEGAL DESCRIPTION:** The property is legally described as Lot 18 of River Bluffs in the NW 1/4 of Section 12, T 103 North, Range 60 West of the 5th P.M., Davison County, South Dakota.

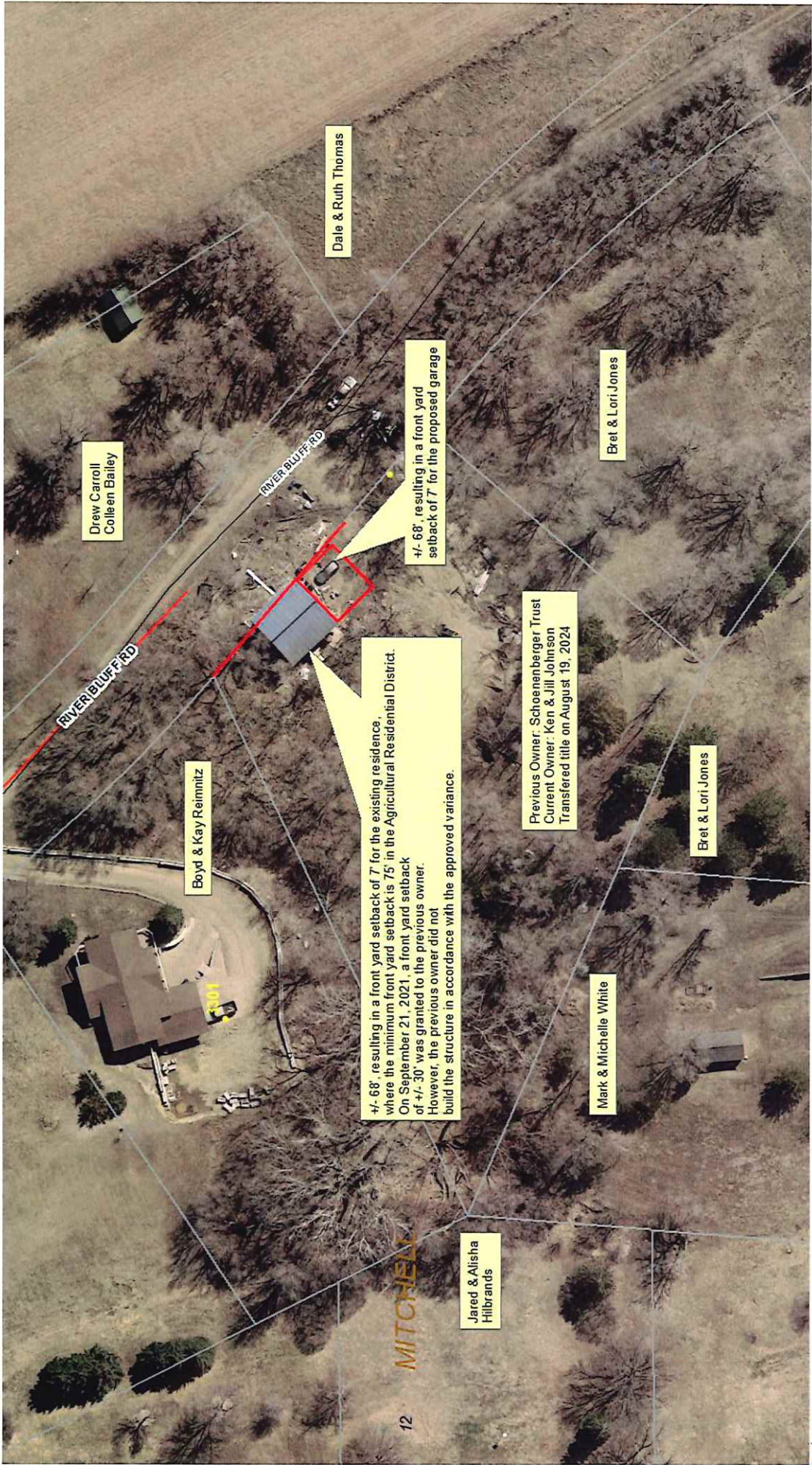
**BOARD OF ADJUSTMENT CHAIRPERSON:**

*Ryan Schoenenberger*

**AUDITOR ATTEST:**

*Luc Krapke*





Drew Carroll  
Colleen Bailey

Dale & Ruth Thomas

Bret & Lori Jones

+/- 68' resulting in a front yard setback of 7' for the proposed garage

RIVER BLUFF RD

Boyd & Kay Reimnitz

+/- 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.

Previous Owner: Schoenenberger Trust  
Current Owner: Ken & Jill Johnson  
Transferred title on August 19, 2024

Eret & Lori Jones

Mark & Michelle White

Jared & Alisha Hilbrands

MITCHELL



