

KINGSBURY COUNTY BOARD OF ADJUSTMENT

The Kingsbury County Commission convened acting as the Board of Adjustment on Tuesday, August 6, 2019 at 9:15 A.M. in the Commissioners meeting room of the Courthouse in De Smet, South Dakota, for the purpose of considering a Conditional Use Permit for Darin Janes. If granted, the permit would allow Janes to open a used car dealership in Tract 1 of the NE 1/4 of the NW1/4 in Section 3, T110N, R53W, Denver Township, Kingsbury County, South Dakota. Board members present were Joe Jensen as Zoning Officer, Shelley Nelson, Delmer Wolkow, Roger Walls, Steve Spilde, and Merle Walter. State's Attorney Gregg Gass was also present. Chairman Nelson presided.

The Board entered its findings as follows:

No one is in attendance in opposition to the Conditional Use.

Gregg Gass, State's Attorney, read the Findings of Facts and Conclusions of Law.

The Kingsbury County Commission convened acting as the Board of Adjustment on Tuesday, July 23, 2019 at 9:30 a.m. in the Commissioners room of the Courthouse in De Smet, South Dakota, for the purpose of considering the application of Darin Janes of 44802 207th St., Hetland, South Dakota, 57212, for a conditional use permit to open a used car dealership to be located at Tract 1 of the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼) in Section Three (3), Township One Hundred Ten (110) North, Range Fifty Three (53) West, Denver Township, Kingsbury County, South Dakota. Board members present were Shelley Nelson, Delmer Wolkow, Roger Walls, Merle Walter and Steven Spilde. Chairman Nelson presided. Also, in attendance were Darin Janes, Joe Jensen, Zoning Officer and State's Attorney Gregg A. Gass. Darin Janes presented information in favor of the application. No one appeared opposing the application. After hearing from the interested parties and receiving written documentation in support of the permit, and hearing no opposition to the permit, Steven Spilde moved and Merle Walter seconded to approve the Conditional Use contingent on a letter of approval from the adjoining landowner and the entry of Findings of Fact and Conclusions of Law. State's Attorney Gregg A. Gass recommended continuing the Conditional Use hearing. The hearing was continued to Tuesday, August 6, 2019, at 9:15 a.m. for the reading of the Findings of Fact and Conclusions of Law.

The Kingsbury County Commission reconvened acting as the Board of Adjustment on Tuesday, August 6, 2019 at 9:15 a.m. in the Commissioners room of the Courthouse in De Smet, South Dakota, for the purpose of the approval of the Findings and Fact and Conclusions of Law for the conditional use permit from Darin James to operate a used car dealership. Board members present were Shelley Nelson, Delmer Wolkow, Roger Walls, Merle Walter and Steven Spilde. Chairman Nelson presided. Also in attendance were Joe Jensen, Zoning Officer and State's Attorney Gregg A. Gass. The following Findings of Fact and Conclusions of Law were approved subject to the contingencies stated therein.

1. That the submitted written application of Darin Janes, dated June 26, 2019 is for the operation of a used car dealership, pursuant to Section 4.02.02(28), and 6.05.01 of the Kingsbury County Zoning Regulations.
2. That written consent for the conditional use permit has been obtained from the adjoining landowner and filed with the Auditor.
3. That notice of hearing was published once on July 10, 2019, ten days or more prior to the Board of Adjustment public hearing, in a paper of general circulation in the area affected.

4. That the public hearing was held on July 23, 2019 at 9:30 a.m., at the in the Commissioners room of the Kingsbury County Courthouse, De Smet, South Dakota and continued to August 6, 2019 at 9:15 A.M.

5. That the property is zoned commercial.

6. That the Kingsbury County Board of Adjustment has jurisdiction and is empowered under Section 4.02.02(28), and 6.05.01 of the Kingsbury County Zoning Ordinance cited in the application or referred to at the hearing to grant the conditional use, and that the granting of the conditional use will not adversely affect the public interest.

7. That the Board of Adjustment finds compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangements have been made concerning the following, where applicable:

- a. That a building permit has been issued for a 40 X 50-foot building on the back of the lot, with the approach previously established.
- b. That an entrance and exit to the property and the proposed structure thereon, including automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe is sufficient.
- c. That off-street parking and loading areas are where required accessible to the roadways leading to the car dealership, which will not adversely affect adjoining properties and properties generally in the district, particularly related to the economic, noise, glare or other effects of the Conditional use.
- d. That utilities, refuse, and service areas with reference to location, availability and compatibility are adequate, except otherwise conditioned.
- e. That signs if any and any proposed exterior lighting with reference to glare, traffic, safety, economic effect and compatibility and harmony with properties in the district are adequate and will be required to meet State requirements.
- f. That the general compatibility with adjacent properties and other property in the district is acceptable.
- g. That roads providing access to the property are adequate to meet the transportation demands of the proposed conditional use.
- h. That the consent of the adjoining landowner has been obtained and filed.
- i. That the application of Darin Janes for a Conditional Use Permit has met all of the requirements of the Kingsbury County Zoning Ordinances subject to the following contingencies:
 1. That the applicant comply with all other county zoning ordinances in relation to the project.
 2. That the State requirements for signage be followed.
 3. That the applicant obtain a Motor Vehicle Dealer's License from the State.
 4. That a 30-foot-wide easement be established for access to adjoining farmland.

Based on the above Findings and Conclusions Spilde moved to grant the issuance of a Conditional Use Permit to Darin Janes and that the above Findings of Fact and Conclusions of Law be entered subject to the contingencies stated therein. The Motion was seconded by Walter. There being no further discussion a Roll Call vote was taken.

Nelson - Aye
Spilde - Aye
Walls - Aye
Wolkow - Aye
Walter - Aye

Conditional Use Permit granted.

MINUTES

Walls moved and Walters seconded to approve the minutes of July 23, 2019. All present voting aye, motion carried.

Spilde moved and Walter seconded to adjourn from Board of Adjustment and return to regular session. All present voting aye, motion carried.

Meeting Adjourned.

Shelley Nelson, Chairman

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