

April 13, 2021

# AGENDA

## YANKTON COUNTY PLANNING COMMISSION

☐ Cherie Hoffman  
☐ Cathy Weiss  
☐ Don Kettering

☐ Dennis Michael  
☐ Chris Barkl  
☐ Doug Hevle

☐ Kristi Schultz

### **7:00 P.M.**

Call Meeting to Order

Roll Call

Approve Minutes from previous meetings

Items to be added to Agenda

Approval of Agenda

Conflict of Interest Declarations

Reorganization of Planning Commission Officers

### **7:05 P.M.**

#### **Tim Ganschow - Variance**

Applicant is requesting a Variance to decrease the minimum side yard requirement in an Agriculture District from 75 feet for a side yard to 15 feet, a variance of 60 feet. Said property is legally described as the North Two Hundred Ninety and Four tenths feet (N 290.4') of the South Three Hundred Forty and Four tenths feet (S340.4') of the West Two Hundred Twenty-five feet (W225') of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), less Highway Lot R-2 thereof, Section Twenty-two (22), Township Ninety-five (95) North, Range Fifty-four (54) West of the 5<sup>th</sup> P.M., Yankton County, South Dakota, as per survey recorded in Book S18, page 124-125, less highways and roads.

### **7:10 P.M.**

#### **Christi Kopp – Variance**

Applicant is requesting a Variance to decrease the minimum side yard requirement in an Agriculture District from 75 feet for a side yard to 60 feet, a variance of 15 feet. Said property is legally described as; The North Four Hundred Seventy-two feet (N472') of the South Half of the Southwest Quarter (S1/2SW1/4) except Lot Eight (8) as platted in Book SS, page 25, and excepting Tract B as platted in Book S18, page 331, and further excepting Beaver Lake Shore Addition as platted in Book S17, page 112, all in Section Twenty-seven (27), Township Ninety-five (95) North, Range Fifty-six (56) West of The 5<sup>th</sup> PM, Yankton County, South Dakota, less highways and roads.

### **7:15 P.M.**

#### **Tom Souvignier – Rezone**

Applicants are requesting to Rezone the following properties from Agriculture District (AG) to Moderate Density Residential (R2). Said properties are legally described as:

The North 191 Feet of the South 382 feet of Lot Three (3), Tract 1, Mielenz Addition in the Northwest Quarter of the Northwest Quarter (NW1/4-NW1/4), Section Thirty-five (35) Township Ninety-four (94) North, of range Fifty-five (55), west of the 5<sup>th</sup> P.M., Yankton County, South Dakota. **AND** The South 191 Feet of Lot 3 in Tract 1 of Mielenz Addition in the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4), Section 35, Township 94 North, Range 55 West of the 5<sup>th</sup> P.M., Yankton County, South Dakota, according to the recorded plat thereof.

**Plats**

Plat of lot 32 in Baycliffe Estates, Located in the W1/2 of the South 12.91 Acres of the S1/2 of the SW1/4 of Section 7; and in the W1/2 of the W1/2 of Section 18, Lying North of Highway 52, Except Platted areas known as Tramp's 7<sup>th</sup> Addition, and except Lots 1 and 2 of Parcel A, and further excepting Parcels B and C, McVay Addition, all being in T93N, R56W, of the 5<sup>th</sup> P.M., Yankton County, South Dakota

**Lots 1, 2, 3, 4, and 5 Law Overlook**

Plat of lots 1, 2, 3, 4, and 5 of Tract B, Law Overlook Subdivision, in the NE1/4 of Section 18, T93N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota

**Public Comment****Article 5 Discussion and Definitions****Adjourn**

MEETING (ENTITY): PLANNING COMMISSION REGULAR OR SPECIAL MEETING: Regular  
DATE: 3/9/2021 TIME: 7PM LOCATION: COMMISSION CHAMBERS

STAFF ATTENDANCE: Vetter/Conkling

ROLL ☒ BARKL ☒ HEVLE ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HOFFMAN

CALL:

APPROVAL OF MINUTES: MOTION BY: Kettering SECOND BY: Hoffman

PLANNING: ☒ BARKL ☒ HEVLE ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☐ WILLIAMS ☒ HOFFMAN

APPROVAL OF AGENDA: MOTION BY: Michael SECOND BY: Hevle

PLANNING: ☒ BARKL ☒ HEVLE ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☐ WILLIAMS ☒ HOFFMAN

AGENDA ITEM: **Swihart - CUP**

ADDRESS/LEGAL: Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:05 P.M. on the 9th day of March, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Applicant is requesting a Conditional Use Permit to use his house as an Air/BNB in Moderate Density Residential (R2) zoning. Said property is legally described as Lot B, except the West Three Feet (W3') of said Lot B, and all of Lot C. Erskine's Plat, Yankton County, South Dakota, as per plat recorded on Book S3, page 61. E911 Address is 304 Gavins Point Road.

COMMENTS:

PUBLIC COMMENT: None

MOTION: Approve Application as presented

APPROVAL: MOTION BY: Kettering SECOND BY: Hoffman

PLANNING: ☒ BARKL ☒ HEVLE ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HOFFMAN

AGENDA ITEM: **Kuchta - Rezone**

ADDRESS/LEGAL: Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:10 P.M. on the 9th day of March, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.  
Applicants are requesting to Rezone the following properties from Rural Transitional District (RT) to Moderate Density Residential (R2). Said properties are described as:  
Tract 3, DJ's Addition, County of Yankton, South Dakota as per plat as recorded in Book S19, page 350  
Tract 5, DJ's Addition, in Lot A. Section Sixteen (16), Township Ninety-three (93) North, Range Fifty-five (55), West of the 5<sup>th</sup> P.M., Yankton County, South Dakota

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Tract 4, DJ's Addition, Yankton County, South Dakota, as per plat recorded in Book S20, page 85  
Tract 1, DJ's Addition, Yankton County, South Dakota  
Lots A Excluding Tracts 1-6, DJ's Addition, and E558' of Lot B, Yankton County, South Dakota  
Tract 6, DJ's Addition, in Lot B, Section Sixteen (16), Township Ninety-three (93) North, Range Fifty-five (55), West of the 5<sup>th</sup> P.M., Yankton County, South Dakota

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COMMENTS: None

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MOTION: Approve application as presented

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APPROVAL: MOTION BY: Kettering SECOND BY: Hevle  
PLANNING: ☒ BARKL ☒ HEVLE ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HOFFMAN

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AGENDA ITEM: **Plat Lots 21-25 Crestview Homes**  
ADDRESS/LEGAL: Plat of Lots 21, 22, 23, 24, and 25, Crestview Homes Subdivision, In the NE1/4 of Section 21, T93N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota  
COMMENTS: None

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MOTION: Approve plat as presented

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APPROVAL: MOTION BY: Michael SECOND BY: Kettering  
PLANNING: ☒ BARKL ☒ HEVLE ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HOFFMAN

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AGENDA ITEM: **Plat Lots 1 & 2 Kaiser Canyon**  
ADDRESS/LEGAL: A Replat of a Portion of Lot 4 of Kabeisman Tract 8, Located in the S1/2 of the S1/2 of Section 11 and in the N1/2 of Section 14, T93N, R57W of the 5th P.M., Yankton County, South Dakota; And a Portion of Kabeisman Tract 8, Located in the S1/2 of the S1/2 of Section 11 and in the N1/2 of Section 14, T93N, R57W of the 5th P.M. Yankton County, South Dakota; Hereafter to be known as; Lots 1 and 2, Kaiser Canyon Addition, in the S1/2 of the S1/2 of Section 11 and in the N1/2 of Section 14, T93N, R57W of the 5th P.M., Yankton County, South Dakota.

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COMMENTS: None

MOTION: Approve plat as presented

APPROVAL: MOTION BY: Barkl SECOND BY: Michael  
PLANNING: ☒ BARKL ☒ HEVLE ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HOFFMAN

AGENDA ITEM: Article 5 Discussion and definitions  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: No action taken

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ BARKL ☐ HEVLE ☐ KETTERING ☐ MICHAEL ☐ SCHULTZ ☐ WILLIAMS ☐ HOFFMAN

AGENDA ITEM: Adjourn  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: Motion to adjourn

APPROVAL: MOTION BY: Michael SECOND BY: Williams  
PLANNING: ☒ BARKL ☒ HEVLE ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ WILLIAMS ☒ HOFFMAN

AGENDA ITEM: \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ BARKL ☐ HEVLE ☐ KETTERING ☐ MICHAEL ☐ SCHULTZ ☐ WILLIAMS ☐ HOFFMAN

AGENDA ITEM: \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ BARKL ☐ HEVLE ☐ KETTERING ☐ MICHAEL ☐ SCHULTZ ☐ WILLIAMS ☐ HOFFMAN

AGENDA ITEM: \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ BARKL ☐ HEVLE ☐ KETTERING ☐ MICHAEL ☐ SCHULTZ ☐ WILLIAMS ☐ HOFFMAN

AGENDA ITEM: \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ BARKL ☐ HEVLE ☐ KETTERING ☐ MICHAEL ☐ SCHULTZ ☐ WILLIAMS ☐ HOFFMAN

AGENDA ITEM: \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

\_\_\_\_\_

MOTION: \_\_\_\_\_

\_\_\_\_\_

APPROVAL:        MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING:        ☐ BARKL ☐ HEVLE ☐ KETTERING ☐ MICHAEL ☐ SCHULTZ ☐ WILLIAMS ☐ HOFFMAN

AGENDA ITEM: \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

\_\_\_\_\_

MOTION: \_\_\_\_\_

\_\_\_\_\_

APPROVAL:        MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING:        ☐ BARKL ☐ HEVLE ☐ KETTERING ☐ MICHAEL ☐ SCHULTZ ☐ WILLIAMS ☐ HOFFMAN

Yankton County Planning Commission  
Yankton County Board of Adjustment

Date filed: 2/23/2021

Applicant

Tim Ganschow - APPLICANT

District type: ☒ AG ☐ R1-Low ☐ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 ☐ Section 515 ☐ Section 705 ☐ Section 715 ☐ Section 805

☒ Section 1907

North Side/ Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

East Side / Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

South Side / Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

West Side / Yard lot line \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

**NOTE:**

**Variance**

Applicant is requesting a Variance to decrease the minimum side yard requirement in an Agriculture District from 75 feet for a side yard to 15 feet, a variance of 60 feet. Said property is legally described as the North Two Hundred Ninety and Four tenths feet (N 290.4') of the South Three Hundred Forty and Four tenths feet (S 340.4') of the West Two Hundred Twenty-five feet (W225') of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), less Highway Lot R-2 thereof, Section Twenty-two (22), Township Ninety-five (95) North, Range Fifty-four (54) West of the 5<sup>th</sup> P.M., Yankton County, South Dakota, as per survey recorded in Book S18, page 124-125, less highways and roads. E911 address is 44928 301<sup>st</sup>, Volin, SD

PC: Article 18 Section 1807

BOA: Article 19 Section 1907

Planning Commission date:

4/13/2021

Board of Adjustment

date:5/4/2021

Time:

7:05P.M.

Time:

6:30P.M.

Permit Number: VAR-2021-38

## Yankton County

     X Variance           Conditional Use           Rezoning

Owner: Tim Ganschow

Owners Address: 44928 301 st

Owners Phone: 6056603156

Applicants Name,  
if different from

Owner: Tim Ganschow

## Applicants

Address: 44928 301st volin

Job Address: 44928 301 ST

Legal: N290.4' S340.4' W225' SE4 SE4 LESS LT R-2

Section,  
Township, Range: 22-95-54

Zoning  
Classification: AG

Affected Zoning Ordinance: Section 18071907

Reason for Request: To build a storage shed

List Specific Hardships: Land locked on all sides of property. None of the surrounding neighbors are willing to sell any more land, To place the building behind the house we would need to move the septic tank and drain field, Clay-Union

SCHEDULED FOR PLANNING COMMISSION ACTION (DATE):

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (DATE):

Application Fee: \$450.00      Check #: 739      Receipt #:

Date:

Signature: \_\_\_\_\_

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Tim Ganschow

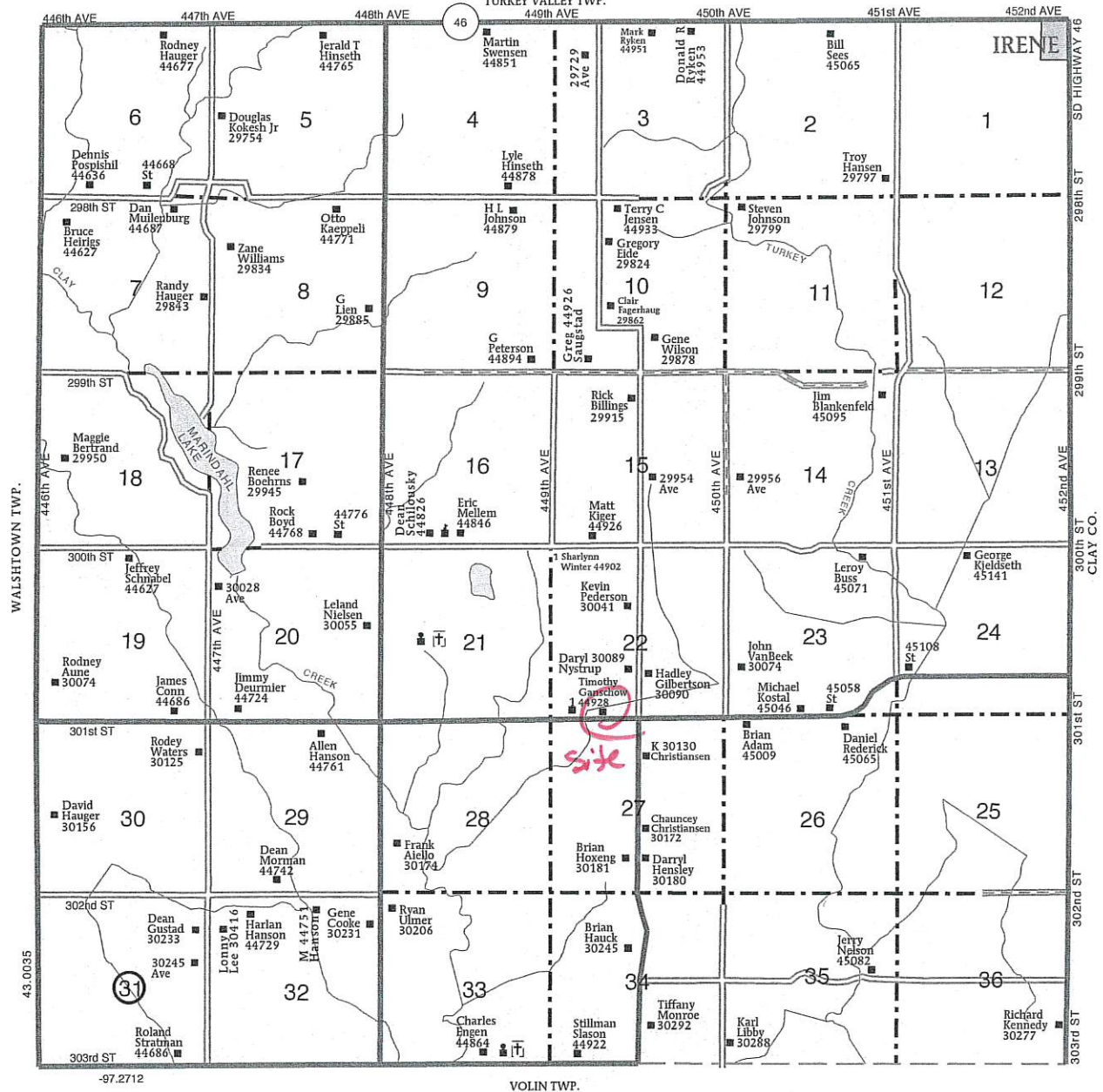
02/24/2021

# FINDINGS OF FACT – VARIANCE

Ganschow-Var-20-2138

Are the requirements of Section 1723 met? (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1807:	
1. A. The strict application of the ordinance would produce undue hardship;	Applicant is requesting a Variance to setbacks in an Ag District, adding an accessory structure that would be 15' from the side property line.
B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;	
C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; and	
D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, and caprice.	
2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance.	
3. A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district;	
B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;	
C. The special conditions and circumstances do not result from the actions of the applicant; and	
D. The granting of the variance requested will not confer on	

	the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district.	
E.	No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.	
F.	Notice of public hearing shall be given, as in Section 1803 (3-5).	Mailed – Published –
G.	The public hearing shall be held. Any party may appear in person for by agent or by attorney.	Public hearing –
H.	The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendation of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.	
I.	In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance.	
J.	Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.	





## Variance, Conditional Use and Rezoning Application

VAR-2021-38 [View Summary](#)

- 1 Parcel search
- 2 Request Information
- 3 Site Plan
- 4 Draft Building Permit
- 5 Draft Building Permit Form
- 6 Generate Draft Building Permit
- 7 Submit
- 8 Application Submitted Successfully
- 9 [Planning Review](#)
- 10 [Director Review](#)
- 11 Payment
- 12 [PC Prep](#)
- 13 [Email Preview](#)
- 14 PC App Form
- 15 [Planning Commission Meeting](#)
- 16 [BOA Prep](#)
- 17 BOA Application Form
- 18 Next Steps...

## Site Plan

A detailed site plan, including the location and use of adjacent structures, is required.

Map - Mark the location of structures and other necessary information.



### Describe the location and use of adjacent structures

Location would be East of my house, shed will be used for storage for our lawn care business.

### Upload Site Plan and/or additional plans and documents

SELECT FILES

[ganschow.pdf](#)

DELETE DOCUMENT

Valid Document Types: pdf,jpg,jpeg,doc,docx

Variance, Conditional  
Use and Rezoning  
Application  
2764

Applicant  
Tim Ganschow

Fees Paid  
\$450.00

Created  
February 22, 2021

Number  
2764

03.022.200.110 | Tim  
Ganschow | 44928 301 ST,  
VOLIN, SD, 57072  
Submitted by tgcvilfire on  
2/22/2021



## Applicant

Tim Ganschow

6056603156

tgcvilfire@hotmail.com

Parcel search Completed On 2/22/2021 6:18 PM EST by Anonymous



Maxar, Microsoft

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
03.022.200.110	44928 301 ST	VOLIN	GANSCHOW, TIMOTHY (D)    GANSCHOW, STEPHANIE (D)	0.000

Request Information Completed On 2/23/2021 7:56 AM EST by tgcvilfire

### Type of Request

Variance

### Fee

\$450.00

### Reason for Request

To build a storage shed

### List Specific Hardships

Land locked on all sides of property. None of the surrounding neighbors are willing to sell any more land,

## Applicant Information

**Are you the owner of the property?**

Yes

**Applicant Name**

Tim Ganschow

**Applicant Address**

44928 301st volin

**Applicant Phone**

6956603156

## Owner Information

**Owner Name**

Tim Ganschow

**Owner Address**

44928 301 st

**Owner Phone Number**

6056603156

## Property Information

**Parcel ID Number**

03.022.200.110

**Legal Description**

N290.4' S340.4' W225' SE4 SE4 LESS LT R-2

**Site Address**

44928 301 ST

**City**

VOLIN

**Zip**

57072

**Section-Township-Range**

22-95-54

**Zoning District**

AG

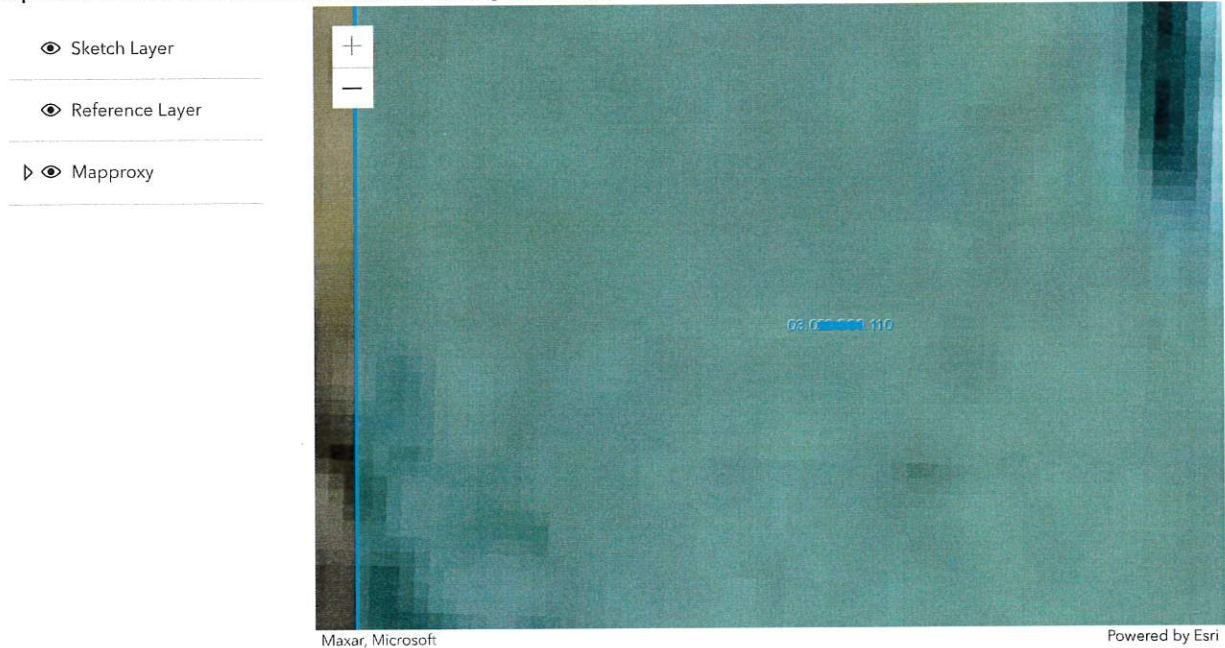
**Zoning Description**

AG

**Existing Use of Property**

**Site Plan** Completed On 2/23/2021 7:08 PM EST by tgcvillefire

**Map - Mark the location of structures and other necessary information.**



**Describe the location and use of adjacent structures**

Location would be East of my house, shed will be used for storage for our lawn care business.

**Upload Site Plan and/or additional plans and documents**

**Draft Building Permit** Completed On 2/23/2021 7:09 PM EST by tgcvillefire

**Upload Draft Building Permit** ⓘ

**Draft Building Permit Form** Completed On 2/23/2021 7:14 PM EST by tgcvillefire

**Job Address**

44928 301 ST

**Legal Description of Construction Site**

N290.4' S340.4' W225' SE4 SE4 LESS LT R-2

**Owner Name**

GANSCHOW, TIMOTHY (D) || GANSCHOW, STEPHANIE (D)

**Owner Address**

44928 301st Volin SD 57072

**Owner Phone**

605-660-3156

**Contractor**

Ethan Coop Lumber (Adam TerMeer

**Contractor Mailing Address**

PO Box 167

**Contractor Phone**

605-227-4224

**Architect or Designer**

**Architect or Designer Mailing Address**

**Architect or Designer Phone**

**Type and Use of Building**

Pole Shed, storage

**Class of Work**

New

**Describe Work**

48x40x10 3 over head doors, 5 windows, 1 walk door.

**Valuation of Work**

\$55000

Generate Draft Building Permit Completed On 2/23/2021 7:14 PM EST by tgcvillefire

[Generate Draft Building Permit](#)

Submit Completed On 2/23/2021 7:15 PM EST by tgcvillefire

A notification sign shall be posted on the property upon which action is pending at least seven (7) days prior to the hearing date. Such signs shall be placed along all the property's road frontage so as to be visible from the road. If a property does not have a road frontage, then such signs shall be placed upon the closest available right-of-way and upon the property. Said signs shall not be less than one hundred and eighty seven (187) square inches in size. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearings.

Please pick the sign up from the zoning office on or before eight (8) days prior to the meeting.

#### Applicant Agreement

Please check the box to confirm you have read and agree to the notices above.

Signature



Date

2/24/2021

Application Submitted Successfully Completed On 2/23/2021 7:15 PM EST by tgcvillefire

Your application has been submitted for review. Thank you.

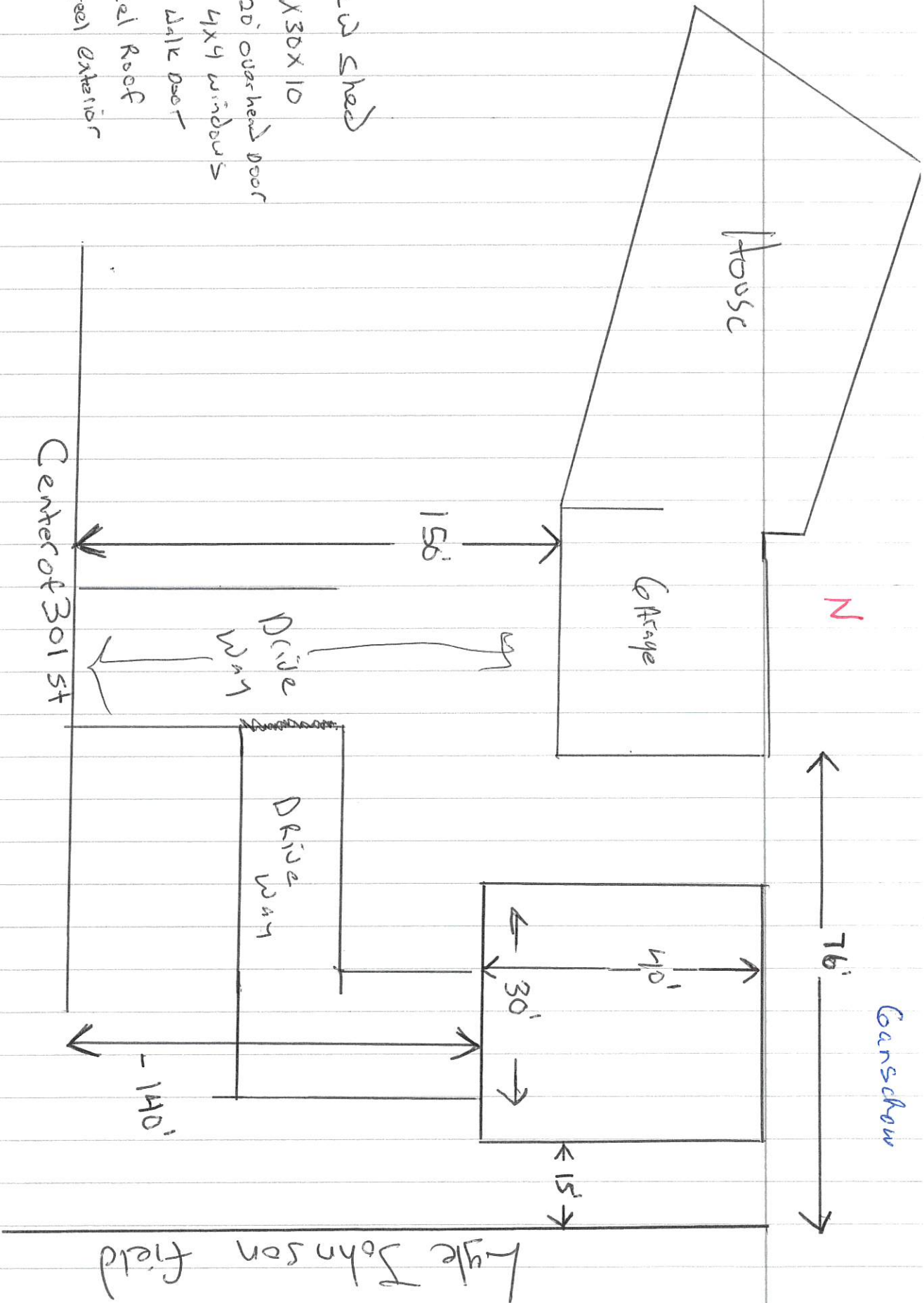
Please click next at the bottom to continue. Thank you

External Notes

Documents

Internal Notes

Documents



- New shed
- 40 X 30 X 10
  - 1. 20' overhead door
  - 5 - 4x4 windows
  - 1. walk door
  - Steel Roof
  - Steel exterior

AFFIDAVIT OF MAILING

I, Tim Garchow, hereby certify that on the 11<sup>th</sup> day of March, 2021, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 2640 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

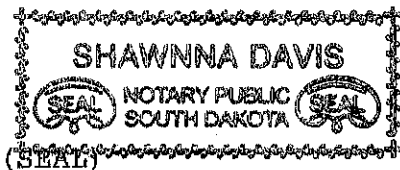
Dated the 11<sup>th</sup> day of March, 2021.

Tim Garchow

(Name)

Affiant

Subscribed and sworn to before me this 11<sup>th</sup> day of March, 2021.



Shawanna Davis

Notary Public - South Dakota

My commission expires: 12.21.24

## NOTIFICATION

March 1, 2021

Tim Ganschow  
44928 301st  
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 2640 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

### NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:05 P.M. on the 13th day of April, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

*Applicant is requesting a Variance to decrease the minimum side yard requirement in an Agriculture District from 75 feet for a side yard to 15 feet, a variance of 60 feet. Said property is legally described as the North Two Hundred Ninety and Four tenths feet (N 290.4') of the South Three Hundred Forty and Four tenths feet (S 340.4') of the West Two Hundred Twenty-five feet (W225') of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), less Highway Lot R-2 thereof, Section Twenty-two (22), Township Ninety-five (95) North, Range Fifty-four (54) West of the 5<sup>th</sup> P.M., Yankton County, South Dakota, as per survey recorded in Book S18, page 124-125, less highways and roads. E911 address is 44928 301<sup>st</sup>, Volin, SD*

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,  
Tim Ganschow  
Petitioner

ADAM, BRIAN D LIVING TRUST (D)  
PO BOX 197  
YANKTON SD 57078

CHRISTIANSEN, CHAUNCEY (D)  
30172 449 AVE  
VOLIN SD 57072

CHRISTIANSEN, CHAUNCEY L (D)  
30172 449 AVE  
VOLIN SD 57072

GANSCHOW, TIMOTHY (D)  
44928 301 ST  
VOLIN SD 57072

GILBERTSON FMLY PROTECTN TRUST (I  
30090 449 AVE  
VOLIN SD 57072

JOHNSON, LYLE D (D)  
1302 OAK ST  
YANKTON SD 57078

KNUTSON, WAYNE E (D)  
30373 452 AVE  
VOLIN SD 57072

KRAUSE, RAYMOND (D)  
208 S NORA ST  
VIBORG SD 57070

NIELSON, KELLY J (D)  
27297 WETLAND RD  
HARRISBURG SD 57032

NYSTRUP, DARYL (D)  
30089 449 AVE  
VOLIN SD 57072

PEDERSON, KENNETH KEVIN (D)  
30041 449 AVE  
VOLIN SD 57072

PROEHL FARMS LLC (D)  
800 RIDGE RD  
SIOUX FALLS SD 57105

REDERICK, DANIEL (D)  
45065 301 ST  
VOLIN SD 57072

SCHMIDT, WILLARD G (D)  
43970 306 ST  
YANKTON SD 57078

STOCKLAND, CHARLES T (D)  
45327 299 ST  
IRENE SD 57037

VAN BEEK, JOHN (D)  
30074 450 AVE  
VOLIN SD 57072

WILLIAMS, DARLENE M (D)  
44584 308 ST  
MISSION HILL SD 57046



Yankton County Planning Commission  
Yankton County Board of Adjustment

Date filed: 3/19/2021

Applicant

Christy Kopp -APPLICANT

**District type:** ☒ AG ☐ R1-Low ☐ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 ☐ Section 515 ☐ Section 705 ☐ Section 715 ☐ Section 805

☒ Section 1907

North Side/ Yard lot line: \_\_\_\_ feet or no closer than \_\_\_\_ feet to the \_\_\_\_ lot line.

East Side / Yard lot line: \_\_\_\_ feet or no closer than \_\_\_\_ feet to the \_\_\_\_ lot line.

South Side / Yard lot line: \_\_\_\_ feet or no closer than \_\_\_\_ feet to the \_\_\_\_ lot line.

West Side / Yard lot line \_\_\_\_ feet or no closer than \_\_\_\_ feet to the \_\_\_\_ lot line.

**NOTE:**

**Variance**

Applicant is requesting a Variance to decrease the minimum side yard requirement in an Agriculture District from 75 feet for a side yard to 60 feet, a variance of 15 feet. Said property is legally described as;

The North Four Hundred Seventy-two feet (N472') of the South Half of the Southwest Quarter (S1/2SW1/4) except Lot Eight (8) as platted in Book SS, page 25, and excepting Tract B as platted in Book S18, page 331, and further excepting Beaver Lake Shore Addition as platted in Book S17, page 112, all in Section Twenty-seven (27), Township Ninety-five (95) North, Range Fifty-six (56) West of the 5<sup>th</sup> PM, Yankton County, South Dakota, less highways and roads.

PC: Article 18 Section 1807

BOA: Article 19 Section 1907

Planning Commission date:  
4/13/2021  
Board of Adjustment date:  
5/4/3032

Time:  
7:10P.M.  
Time:

## Yankton County

  X   Variance             Conditional Use             Rezoning

Owner: John or Christi Kopp

Owners Address: 30178 437th Ave, Utica, SD 57067

Owners Phone: 605-660-3908

Applicants Name,  
if different from

Owner: John or Christi Kopp

## Applicants

Address: 30178 437th Ave, Utica, SD 57067

Job Address: 30178 437 AVE

Legal: N472' OF S2 SW4 EXC LT 8 AND EXC TRACT B & FURTHER EXC

Section,  
Township, Range: 27-95-56

Zoning  
Classification: AG

### Affected Zoning

Ordinance: Section 1807Section 18071907

Reason for Request: Building a shed and would like to set back corner of shed approximately 60' off fence line and front corner would be approximately 70' off fence

List Specific Hardships: Our property is full of hills limiting where we can place a shed. There is also an existing light pole which makes it difficult to move the shed towards the house.

SCHEDULED FOR PLANNING COMMISSION ACTION (DATE): 04/13/2021 7:10 PM CDT

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (DATE):

Application Fee: \$450.00      Check #: 2031      Receipt #:

Signature:

---

John or Christi Kopp

Date:

03/10/2021

# FINDINGS OF FACT – VARIANCE

Kopp-Var-2021-39

Are the requirements of Section 1723 met? (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1807:	
1. A. The strict application of the ordinance would produce undue hardship;	Applicant is requesting a Variance to setbacks in an Agriculture District, adding a detached garage that would be 60' from the side (south) property line.
B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;	
C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; and	
D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, and caprice.	
2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance.	
3. A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district;	
B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;	
C. The special conditions and circumstances do not result from the actions of the applicant; and	
D. The granting of the variance requested will not confer on	

	the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district.	
E.	No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.	
F.	Notice of public hearing shall be given, as in Section 1803 (3-5).	Mailed – Published –
G.	The public hearing shall be held. Any party may appear in person for by agent or by attorney.	Public hearing –
H.	The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendation of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.	
I.	In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance.	
J.	Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.	

(Residents - Owners or Renters)



Site

# Site Map



Parcel Number: 11.027.300.205

Site Description: New shed will replace existing shed. Approximately 130ft off from center of road. Approximately 70ft from fence line on front corner of shed and 60ft off fence line in back corner of shed.



## Variance, Conditional Use and Rezoning Application

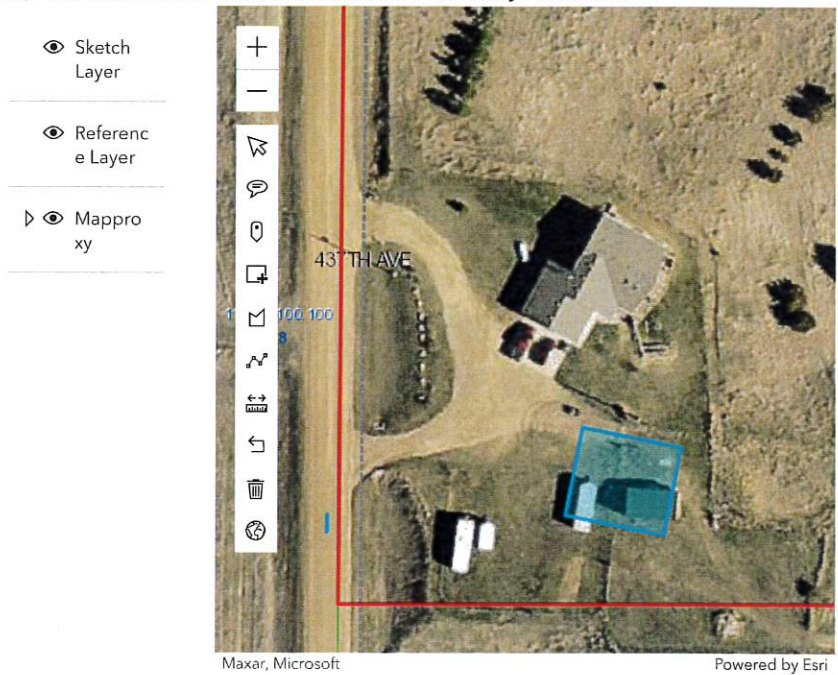
VAR-2021-39 [View Summary](#)

- 1 Parcel search
- 2 Request Information
- 3 Site Plan
- 4 Draft Building Permit
- 5 Submit
- 6 Application Submitted Successfully
- 7 [Planning Review](#)**
- 8 [Director Review](#)**
- 9 Payment
- 10 [PC Prep](#)**
- 11 [Email Preview](#)**
- 12 PC App Form
- 13 [Planning Commission Meeting](#)**
- 14 [BOA Prep](#)**
- 15 BOA Application Form
- 16 Next Steps...

## Site Plan

A detailed site plan, including the location and use of adjacent structures, is required.

**Map - Mark the location of structures and other necessary information.**



### Describe the location and use of adjacent structures

New shed will replace existing shed. Approximately 130ft off from center of road. Approximately 70ft from fence line on front corner of shed and 60ft off fence line in back corner of shed.

### Upload Site Plan and/or additional plans and documents

[SELECT FILES](#)

[Kopp Post Frame.pdf](#)

[DELETE DOCUMENT](#)

Valid Document Types: pdf,jpg,jpeg,doc,docx

Variance, Conditional  
Use and Rezoning

Fees Paid  
\$450.00

Application  
VAR-2021-39

Applicant  
Christi Kopp

Created  
March 9, 2021

Number  
VAR-2021-  
39

11.027.300.205 | John or  
Christi Kopp | 30178 437 AVE,  
UTICA, SD, 57067  
Submitted by jm18kopp on  
3/9/2021



## Applicant

Christi Kopp

605-660-3908

[jm18kopp@gmail.com](mailto:jm18kopp@gmail.com)

Parcel search Completed On 3/9/2021 8:26 PM EST by jm18kopp



USDA FSA, GeoEye, Maxar

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
11.027.300.205	30178 437 AVE	UTICA	KOPP, JOHN M (D)    KOPP, CHRISTI G (D)	0.000

Request Information Completed On 3/9/2021 8:32 PM EST by jm18kopp

### Type of Request

Variance

### Fee

\$450.00

### Reason for Request

Building a shed and would like to set back corner of shed approximately 60' off fence line and front corner would be approximately 70' o

### List Specific Hardships

Our property is full of hills limiting where we can place a shed. There is also an existing light pole which makes it difficult to move the shed towards the house.

## Applicant Information

**Are you the owner of the property?**

Yes

**Applicant Name**

John or Christi Kopp

**Applicant Address**

30178 437th Ave, Utica, SD 57067

**Applicant Phone**

605-660-3908

## Owner Information

**Owner Name**

John or Christi Kopp

**Owner Address**

30178 437th Ave, Utica, SD 57067

**Owner Phone Number**

605-660-3908

## Property Information

**Parcel ID Number**

11.027.300.205

**Legal Description**

N472' OF S2 SW4 EXC LT 8 AND EXC TRACT B & FURTHER EXC BEAVER LAKE SHORE ADDN

**Site Address**

30178 437 AVE

**City**

UTICA

Zip

57067

Section-Township-Range

27-95-56

Zoning District

AG

Zoning Description

AG

Existing Use of Property

Site Plan Completed On 3/9/2021 8:40 PM EST by jm18kopp

Map - Mark the location of structures and other necessary information.



Describe the location and use of adjacent structures

New shed will replace existing shed. Approximately 130ft off from center of road. Approximately 70ft from fence line on front corner of shed and 60ft off fence line in back corner of shed.

Upload Site Plan and/or additional plans and documents

[Kopp Post Frame.pdf](#)

Draft Building Permit Completed On 3/9/2021 8:43 PM EST by jm18kopp

Upload Draft Building Permit

[Yankton\\_County\\_Building\\_Permit\\_Draft\\_Kopp.pdf](#)

**Submit** Completed On 3/9/2021 8:46 PM EST by jm18kopp

A notification sign shall be posted on the property upon which action is pending at least seven (7) days prior to the hearing date. Such signs shall be placed along all the property's road frontage so as to be visible from the road. If a property does not have a road frontage, then such signs shall be placed upon the closest available right-of-way and upon the property. Said signs shall not be less than one hundred and eighty seven (187) square inches in size. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearings.

Please pick the sign up from the zoning office on or before eight (8) days prior to the meeting.

**Applicant Agreement**

Please check the box to confirm you have read and agree to the notices above.

**Signature**

Christi Kopp

---

**Date**

3/10/2021

**Application Submitted Successfully** Completed On 3/9/2021 8:46 PM EST by jm18kopp

Your application has been submitted for review. Thank you.

Please click next at the bottom to continue. Thank you

**Planning Review** Completed On 3/10/2021 11:23 AM EST by bconkling

**Continue with application**

Continue

**Describe what the applicant is requesting**

Applicant is requesting a variance of 15' from South lot line to build an accessory structure

**Planning Commission Code Reference**

Section 1807

**Other Planning Commission Code Reference** ⓘ

**Board of Adjustment Code Reference**

Section 1807

**Other Board of Adjustment Code Reference** ⓘ

1907

**Wave Fee**

Director Review Completed On 3/10/2021 11:42 AM EST by gvetter

**Zoning Director Review**

Approve

Payment Completed On 3/11/2021 4:46 PM EST by bconkling

**Fees Paid**

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Zoning Department	\$450.00

**Confirmation Data**

Payment Method	Check
Confirmation Number	2031
Amount Paid	\$450.00

PC Prep Completed On 3/23/2021 9:19 AM EST by bconkling

**Planning Commission Meeting**

**Planning Commission Meeting Date and Time**

April 13th 2021, 7:10 pm CDT

**Letters to be mailed 10 days prior to the public meeting:**

04/03/2021 7:10 PM

**Additional instructions for PC email**

**Return the affidavit 8 days prior to the public meeting:**

04/05/2021 7:10 PM

**Place your zoning action sign 7 days prior to the public meeting:**

04/06/2021 7:10 PM

**Upload PC Mailing Labels**

[labels.pdf](#)

**Upload PC Affidavit of Mailing**

[2 Mailing Affidavit 2640.pdf](#)

**Upload PC Notification Letter**

[KoppNotification Letter.pdf](#)

**Upload PC Newspaper Publication**

**Check box when ready to send notices**

Send Notice

**Permit Number**

VAR-2021-39

**Receipt Number**

**Email Preview** Completed On 3/23/2021 9:19 AM EST by bconkling

Please see the attached Notification Letter, address labels, and affidavit of mailing.

First Notification Letters are to be mailed pursuant to Section 1803(4). This is required to be completed 10 days prior to public hearing, which is 04/03/2021 7:10 PM.

Return the affidavit to me (email is fine) 7 days prior to the public meeting, by 04/05/2021 7:10 PM

Place your zoning action sign 7 days prior to the public meeting, by 04/06/2021 7:10 PM

If any information is incorrect, please let me know immediately.

**PC App Form** Completed On 3/23/2021 9:19 AM EST by bconkling

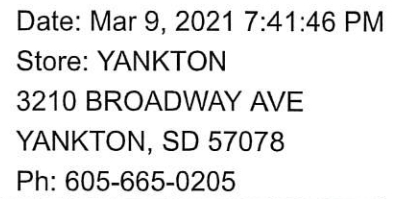
[PC App Form](#)

External Notes

Documents

Internal Notes

Documents



\*Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.

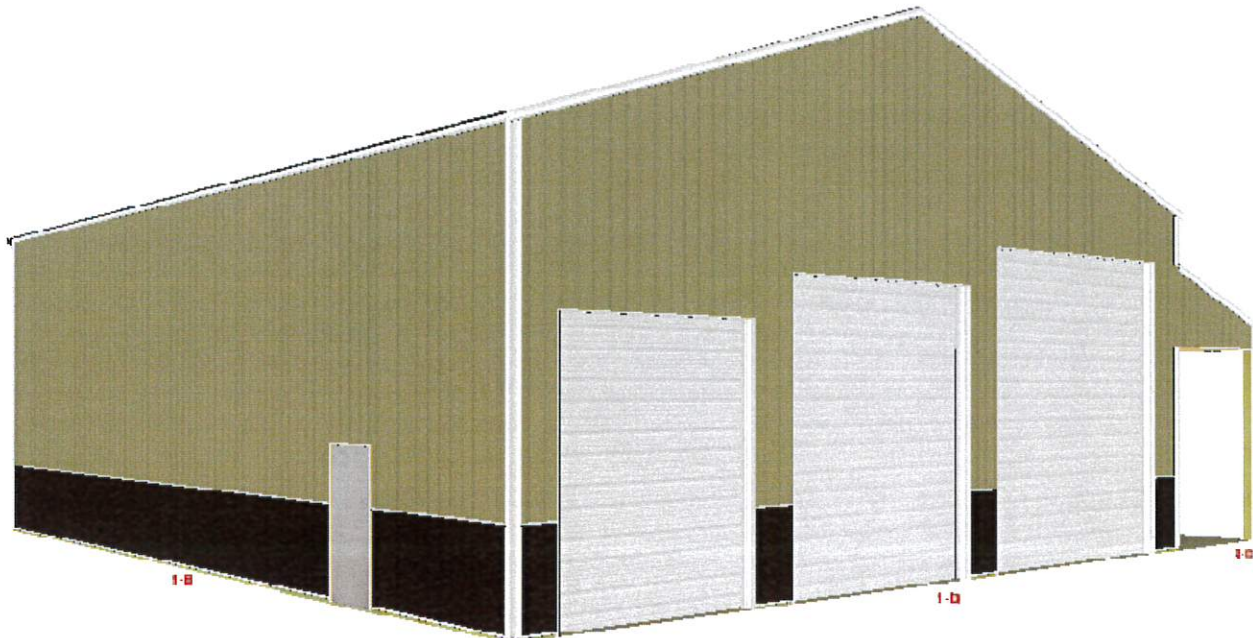
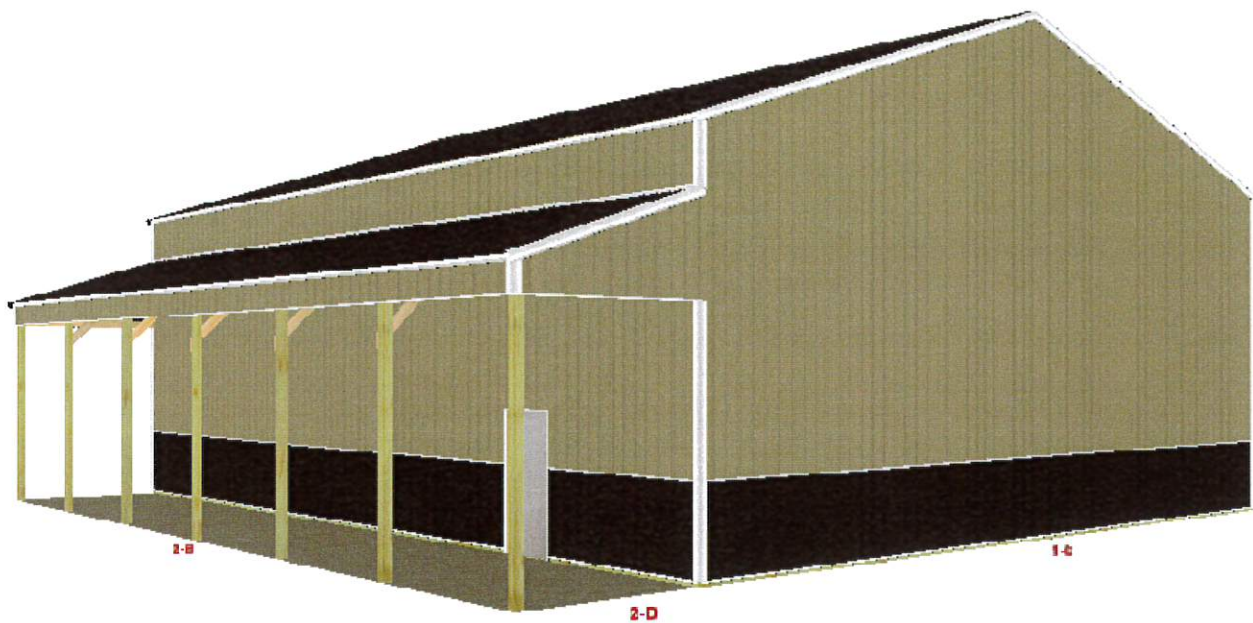
## How to recall and purchase a saved design at home

1. Take this packet to any Menards store.
2. Have a building materials team member enter the design number into The Post Frame Request Form on the Midwest Manufacturing website.
3. Apply the design to System V to create the SOCs.
4. Take the SOCs to the register and pay.

1. Go to Menards.com.
2. Log into your account.
3. Go to Saved Designs under the Welcome Login menu.
4. Select the saved design to load back into the estimator.
5. Add your building to the cart and purchase.

[illegible]

Elevation Views





## **Congratulations, you have taken the first step towards making your new post frame building a reality!**

- You have selected Menards to provide you with superior products produced by Midwest Manufacturing that will meet your needs. For a more detailed look at these premium products select one of the links below or visit us on the web at [www.midwestmanufacturing.com](http://www.midwestmanufacturing.com).

**Premium Steel Panels** - Pro-Rib and Premium Pro-Rib steel panels are your best options for steel panels in the market.

- Steel Panels are Grade 80 (full hard steel).
- Prepainted zinc phosphate coating for superior paint adhesion - available in multiple colors.
- Pro-Rib features a limited 40 year paint warranty.
- Premium Pro-Rib has a limited lifetime paint warranty.
- All painted panels are ENERGY STAR rated, using a Cool Chemistry paint system.
- Pro-Rib and Premium Pro-Rib panels are UL Certified for Wind Uplift UL 580, Fire Resistance UL 790, Impact Resistance of Roof UL 2218.
- Pro-Rib and Premium Pro-Rib panels are IRC and IBC compliant.

**Engineered Trusses** - Post frame trusses are specifically engineered to meet your application and geographic location.

- All Midwest Manufacturing trusses can be supplied with engineered sealed joints.
- TPI approved and third party inspected.

**Laminated Columns** - Designed to replace standard treated posts as vertical supports in Post Frame Construction.

- Columns 20' or less are treated full length.
- Lifetime Warranty against rot and decay.
- Columns over 20' in length are reinforced with 20 gauge stainless steel plates at each splice location.
- Lower portion of columns treated for in ground use.
- Rivet Clinch Nails provide superior holding power.
- Columns provide superior truss to pole connection.

**Pressure Treated Lumber** - All treated post and grade board used in your building will safely and effectively resist decay.

- Treated to AWPA compliance.
- Post and grade board offer a lifetime warranty against rotting and decay.

\*Delivery charge is not included in price. Items ordered to complete your building from vendors other than Midwest Manufacturing are not available for pickup from the plant.



## Building Information

1. Building Use:	Code Exempt
2. Width:	45 ft
3. Length:	54 ft
4. Inside Clear Height:	18 ft
5. Floor Finish:	Dirt / Gravel
6. Post Embedment Depth:	4 ft
7. Footing Pad Size:	14 in x 4 in

## Wall Information

1. Post Type:	Columns
2. Post Spacing:	9 ft
3. Girt Type:	Flat
4. Exterior Wall Panel:	Pro-Rib
5. Exterior Wall Color:	Beige
6. Wainscot Size:	48 in
7. Wainscot Color:	Burnished Slate
8. Sidewall B Wainscot:	Yes
9. Sidewall A Wainscot:	Yes
10. Trim Color:	Brite White
11. Endwall D Wainscot:	Yes
12. Endwall C Wainscot:	Yes
13. Sidewall A Eave Light:	None
14. Sidewall B eave light:	None
15. Wall Fastener Location:	In the Flat
16. Bottom Trim:	Yes
17. Eave Trim:	Yes
18. Gradeboard Type:	2x8 Treated Gradeboard

## Roof Information

1. Pitch:	4/12
2. Truss Spacing:	9 ft
3. Roof Type:	Pro-Rib
4. Roof Color:	Burnished Slate
5. Ridge Options:	Pro-Sky Ridge Cap
6. Roof Fastener Location:	In the Flat
7. Endwall Overhangs:	0 ft
8. Sidewall Overhangs:	0 ft
9. Skylight Size:	None
10. Ridge Vent Quantity:	None
11. Ceiling Liner Type:	None
12. Purlin Placement:	On Edge
13. Ceiling Insulation Type:	None

## Accessories

1. Outside Closure Strip:	Standard
2. Inside Closure Strip:	Standard
3. Gable Vent Type:	None
4. Cupola Size:	None
5. Gutters:	No
6. End Cap:	No
7. Snow Guard:	No
8. Mini Print:	Email Only

## Interior Finish

1. Wall Insulation Type:	None
2. Wall Liner Type:	None
3. Roof Condensation Control:	None



## Leans

Building 2	
Attaching wall:	A
Endwall overhang length:	0 ft
Sidewall overhang length:	0 ft
Add snow guards:	No
Remove every other post:	No
Length:	54 ft
Depth:	9 ft
Drop Distance From Roof:	3 ft
Position From Left:	0 ft
Approximate Clear Height:	11 ft
Open interior wall:	No
Open exterior walls:	Side And End Walls

## Doors & Windows

Name	Size	Wall
Service Door	36"x80"	1-A
Service Door	36"x80"	1-B
Overhead Door	14' x 16'	1-D
Overhead Door	12' x 14'	1-D
Overhead Door	10' x 12'	1-D

## Lean Open Walls

Wall	Every Other Post Removed
2-B	No
2-C	No
2-D	No

Design #: 329256246497  
Store: YANKTON



Post Frame Building Estimate  
Date: Mar 9, 2021 7:41:46 PM

Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION.

Page 1

ID:z0pVO0Xvv jPZ2acGYfxlJvVvsqo-ES79vEiBo\_F0XZg0FeMwFEuVIB86dbCIdZoriGvVse?

Weight: 264 lb FT = 15%

TOP CHORD	2-0-0 oc purlins (6-0-0 max )
BOT CHORD	10-0-0 oc bracing.
WEBS	1 Row at midpt

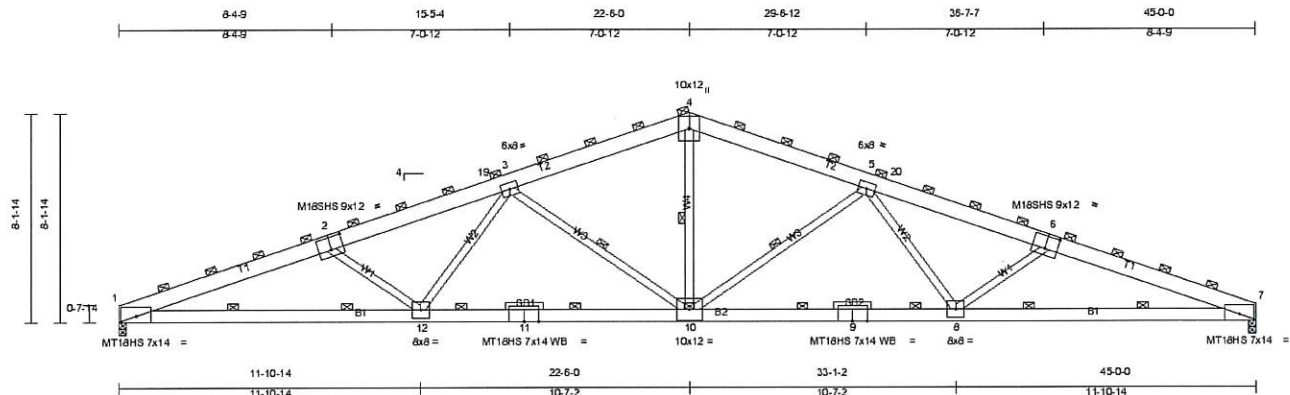
5-13=-1098/301, 4-15=-1522/716, 2-16=-907/563, 6-11=-1522/715, 8-10=-907/561

- 1) Unbalanced roof live loads have been considered for this design.
- 2) Wind: ASCE 7-10, Vult=105mph (3-second gust) Vasd=83mph, TCDL=2.4psf, BCDL=0.6psf, h=25ft, Cat. I, Exp C; enclosed, MWFRS (envelope) exterior zone, cantilever left and right exposed; and vertical left and right exposed; Lumber DOL=1.60 plate grip DOL=1.60 (Actual dead loads used per ANSI/TPI-1)
- 3) Truss designed for wind loads in the plane of the truss only. For studs exposed to wind (normal to the face), see Standard Industry Gable End Details as applicable, or consult qualified building designer as per ANSI/TPI 1.
- 4) TOLL: ASCE 7-10, Pr=20.0 psf (roof live load): Lumber DOL=1.15 Plate DOL=1.15; Pg=40.0 psf (ground snow), Ps=22.7 psf (roof snow: Lumber DOL=1.15 Plate DOL=1.15); Category I; Exp C; Fully Exp.; Ct=1.2; Unobstructed sloped surface
- 5) Roof design snow load has been reduced to account for slope.
- 6) Unbalanced snow loads have been considered for this design.
- 7) The bottom chord dead load shown is sufficient only to cover the truss weight itself and does not allow for any additional load to be added to the bottom chord.
- 8) Dead loads shown include weight of truss. Top chord dead load of 5.0 psf (or less) is not adequate for a shingle roof. Architect to verify adequacy of top chord dead load.
- 9) All plates are MT20 plates unless otherwise indicated.
- 10) Gable requires continuous bottom chord bearing.
- 11) Vertical gable studs spaced at 9'-0" oc and horizontal gable studs spaced at 2'-6" oc.
- 12) This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- 13) Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 100 lb uplift at joint(s) 1, 9 except (If=lb) 13=278, 15=690, 16=545, 11=690, 10=543.
- 14) This truss is designed in accordance with the 2015 International Building Code section 2306.1 and referenced standard ANSI/TPI 1.

LOAD CASE(S) Standard

Page: 1

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Scale = 1:77.5

Plate Offsets (X, Y): [2:0-6-0,0-6-0], [6:0-6-0,0-6-0]

[illegible]

**LUMBER**

TOP CHORD	2x8 SP 2400F 2.0E
BOT CHORD	2x6 SP 2400F 2.0E *Except* B2:2x6 SPF 2100F 1.8E
WEBS	2x4 SPF Stud *Except* W3:2x4 SPF 2100F 1.8E, W4:2x4 SPF No.2
OTHERS	2x4 SPF Stud

## BRACING

TOP CHORD	2-0-0 oc purlins (2-2-14 max.).	
BOT CHORD	5-0-0 oc bracing.	
WEBS	1 Row at midpt	3-10, 4-10, 5-10

**REACTIONS** (lb/size) 1=5606/0-3-8, (req. 0-4-10), 7=5606/0-3-8, (req. 0-4-10)

Max Horiz 1=294(LC 12)  
Max Uplift 1=-1620(LC 8), 7=-1620(LC 9)  
Max Grav 1=5612(LC 16), 7=5612(LC 17)

## FORCES

**FORCES** (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.  
**TOP CHORD** 1-2=-14254/4052, 2-19=-12734/3646, 3-19=-12234/3672, 3-4=-9126/2639, 4-5=-9126/2639, 5-20=-12234/3673, 6-20=-12734/3648, 6-7=-14254/4054  
**BOT CHORD** 1-12=-3861/3279, 11-12=-2959/11067, 10-11=-2959/11067, 8-9=-2757/11067, 7-8=-3660/13279  
**WEBS** 1-12=18866/788, 3-12=-521/1600, 3-10=-497/1231, 4-10=-160/3945, 5-10=-4197/1232, 5-8=-523/1600, 6-8=18866/790

### JOINT STRESS INDEX

1 = 0.85, 2 = 0.59, 3 = 0.80, 4 = 0.97, 5 = 0.80, 6 = 0.59, 7 = 0.85, 8 = 0.53, 9 = 0.94, 10 = 0.68, 11 = 0.94 and 12 = 0.53

## NOTES

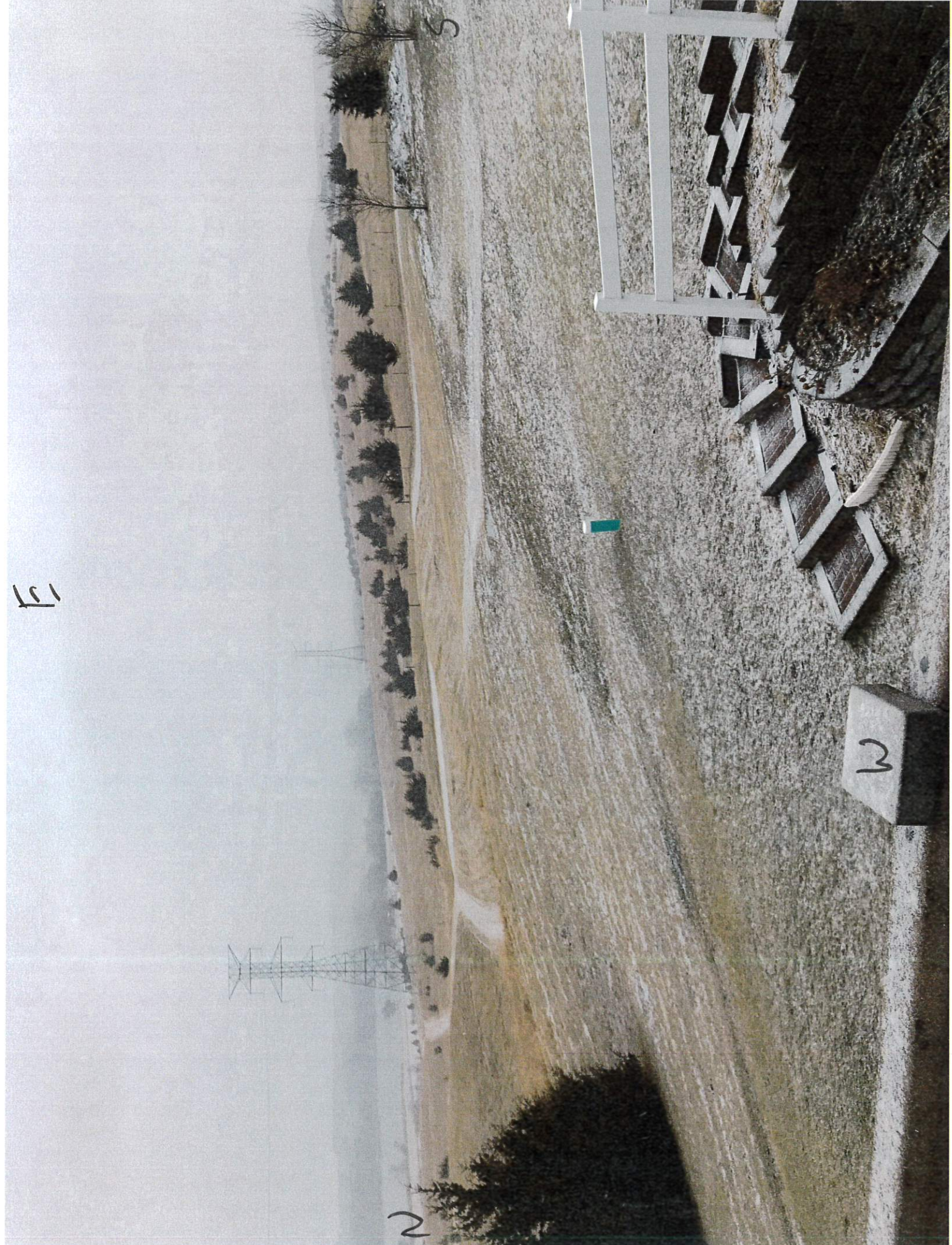
- 1) Unbalanced roof live loads have been considered for this design.
- 2) Wind: ASCE 7-10; Vult=105mph (3-second gust) Vasd=83mph; TCDF=2.4psf; BCDF=0.6psf; h=25ft; Cat. I; Exp C; enclosed; MWFRS (envelope); cantilever left and right exposed ; and vertical left and right exposed; Lumber DOL=1.60 plate grip DOL=1.60 (Actual dead loads used per ANSI/TP1-1)
- 3) TLL: ASCE 7-10; Pr=20.0 psf (roof live load; Lumber DOL=1.15 Plate DOL=1.15); Pg=40.0 psf (ground snow); Ps=22.7 psf (roof snow; Lumber DOL=1.15 Plate DOL=1.15); Category I; Exp C; Fully Exp.; Cf=1.2; Unobstructed slippery surface
- 4) Roof design snow load has been reduced to account for slope.
- 5) Unbalanced snow loads have been considered for this design.
- 6) The bottom chord dead load shown is sufficient only to cover the truss weight itself and does not allow for any additional load to be added to the bottom chord.
- 7) Dead loads shown include weight of truss. Top chord dead load of 5.0 psf (or less) is not adequate for a shingle roof. Architect to verify adequacy of top chord dead load.
- 8) All plates are MT20 plates unless otherwise indicated.
- 9) This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- 10) WARNING: Required bearing size at joint(s) 1, 7 greater than input bearing size.
- 11) Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 1620 lb uplift at joint 1 and 1620 lb uplift at joint 7.
- 12) This truss is designed in accordance with the 2015 International Building Code section 2306.1 and referenced standard ANSI/TP1 1.

LOAD CASE(S) Standard





E



151

NE





AFFIDAVIT OF MAILING

I, Christi Kopp, hereby certify that on the 25 day of March, 2021, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 2640 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

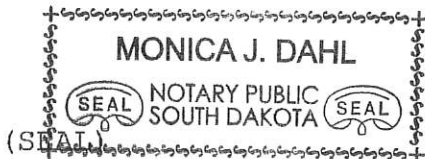
A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 26 day of March, 2021.

Christi Kopp  
(Name)

Affiant

Subscribed and sworn to before me this 26 day of March, 2021.



[Signature]  
Notary Public - South Dakota  
My commission expires: 10/31/2024

## NOTIFICATION

March 16, 2021

Christi Kopp  
30178 437 Ave  
Utica, SD 57067

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 2640 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

### NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:10 P.M. on the 13th day of April, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Said hearing is to consider the following:

Applicant is requesting a Variance to decrease the minimum side yard requirement in an Agriculture District from 75 feet for a side yard to 60 feet, a variance of 15 feet. Said property is legally described as;

*The North Four Hundred Seventy-two feet (N472') of the South Half of the Southwest Quarter (S1/2SW1/4) except Lot Eight (8) as platted in Book SS, page 25, and excepting Tract B as platted in Book S18, page 331, and further excepting Beaver Lake Shore Addition as platted in Book S17, page 112, all in Section Twenty-seven (27), Township Ninety-five (95) North, Range Fifty-six (56) West of the 5<sup>th</sup> PM, Yankton County, South Dakota, less highways and roads.*

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,  
Christi Kopp  
Petitioner

BARGER FAMILY PROTECTION TRUST (C  
30277 436 AVE  
UTICA SD 57067

BEAVER CREEK RANCH LLC (D)  
30193 437 AVE  
UTICA SD 57067

BOYLES FAMILY PROTECTION TRUST (L  
1000 PINE ST  
YANKTON SD 57078

BREWER, ROBERT R (D)  
180 BEAVER BEACH RD  
UTICA SD 57067

GEBEL, DENNIS A (D)  
30224 437 AVE  
UTICA SD 57067

GERAETS, MISTIE (D)  
304 WEST 8 ST  
DELL RAPIDS SD 57022

GROVER, W W (D)  
%BOYLES, ALVINA  
1000 PINE ST  
YANKTON SD 57078

GUENTHER, JASON (D)  
700 EAST 32 ST  
SIOUX FALLS SD 57105

HARVEY, CLIFFORD L (D)  
315 BEAVER BEACH RD  
UTICA SD 57067

HERMAN, MARLA L (D)  
687 BEAVER BEACH RD  
UTICA SD 57067

HICKS, NEWT REVOCABLE TRUST (D)  
30346 436 AVE  
UTICA SD 57067

HUNHOFF, HALEY M (D)  
825 N SAVANNAH DR  
SIOUX FALLS SD 57108

KOBLE, GARY L (D)  
2611 PETERSEN RD  
VERMILLION SD 57069

KONKEN, EUGENE REV TRUST (D)  
1807 WOODLAND LOOP  
YANKTON SD 57078

KOPP, JOHN M (D)  
30178 437 AVE  
UTICA SD 57067

KORTAN, DOUGLAS E (D)  
30229 437 AVE  
UTICA SD 57067

LANE, RICHARD (D)  
901 MAPLE ST  
YANKTON SD 57078

LIST, ROGER N (D)  
222 CAPITAL ST  
YANKTON SD 57078

LORANG, EUGENE (D)  
1311 S 1 ST  
NORFOLK NE 68701

MARQUARDT FAMILY LTD PRTRNSHIP (C  
PO BOX 1040  
YANKTON SD 57078

McFARLAND, MIKE (D)  
1009 LAPLANTE AVE  
SIOUX CITY IA 51109

MILLER, TIMOTHY F (D)  
217 WILDWOOD DR  
MISSION HILL SD 57046

NELSON, EDITH (D)  
426 EAST 1 ST  
CANTON SD 57013

NELSON, EDITH I (D)  
426 EAST 1 ST  
CANTON SD 57013

OLSON, LARRY L (D)  
1410 BRIDGEVIEW CIR  
YANKTON SD 57078

OLSON, SCOTT (D)  
44533 308 ST  
MISSION HILL SD 57046

PARR, RICHARD D (D)  
311 GAVINS' GULCH RD  
YANKTON SD 57078

SAMUELSON, HALEY (M)  
47307 ROGNESS PL  
RENNER SD 57055

SCHILMOELLER, CHAD A (D)  
8600 S QUIET OAK CIR  
SIOUX FALLS SD 57108

SD DEPT OF GAME FISH & PARKS (D)  
523 EAST CAPITOL AVE  
PIERRE SD 57501

SMITH FARMING ENTERPRISES INC (D)  
2507 VALLEY RD  
YANKTON SD 57078

SMITH, JOHN C (D)  
2507 VALLEY RD  
YANKTON SD 57078

SPENCE, DIANA (D)  
30272 437 AVE  
UTICA SD 57067

STEVENS, MICHAEL D (D)  
214 MARINA DELL AVE  
YANKTON SD 57078

SYROVATKA, JOANN KATHLEEN (D)  
30143 438 AVE  
UTICA SD 57067

TOBEN, CARL (D)  
130 N JANDA ST  
TABOR SD 57063

## 1645 Open Houses

**Open House**

**10:30AM-Noon Saturday, March 20**

**1105 W. 10th St. #3 - \$259,000**

Be a part of the Westside Townhomes housing development! Built in 2017, this upscale 2 bed/2 bath open-concept townhome features zero-step entry and wide hallways/doorways for easy accessibility. The master bath has a spacious walk-in closet and generously sized walk or roll-in shower. Concrete walls separate the units and allow for superior noise reduction. Enjoy abundant natural light courtesy of large windows, slider to patio, and the two sun tubes. This unit has new black matte stainless appliances and beautiful high-end window blinds. The double garage has a reinforced concrete safe room for ultimate peace of mind and the HOA handles all snow removal and lawn care. These stylish townhomes are in high demand, schedule your private showing today!

**Stacy Schramm**  
660-3332

**Vision**  
DREAM BIG  
416 Broadway Ave., Yankton, SD

## 1600 Other Real Estate

**EQUAL HOUSING OPPORTUNITY**

All real estate advertised in this newspaper is subject to the Federal Fair Housing Act, which makes it illegal to advertise any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, in the sale, rental or financing of housing or an intention to make any such preference, limitation or discrimination. Familial status includes children under the age of 18 living with parents or legal guardians, pregnant women and people securing custody of children under the age of 18.

In addition, South Dakota State Law also prohibits discrimination based on ancestry and creed.

This paper will not knowingly accept any advertising for real estate which is in violation of the law. All persons are hereby informed that all dwellings advertised are available on an equal opportunity basis. If you believe you have been discriminated against in connection with the sale, rental or financing of housing, call the South Dakota Fair Housing ombudsman at 877-832-0161.

## 1605 Apartment For Rent

**1 & 2 Bedroom Orchard Square, 418 W. 15th, Yankton.** Rent based on income and includes utilities. Equal Housing Opportunity. Skogen Company 605-665-1322 or 605-263-3941.

**1 BD Apts., Meadow Park and Memory Lane.** Ground level for elderly or persons with disabilities. No Smoking, close to The Center. Rent based on income. Equal Housing Opportunity. 605-760-7247 or Skogen Company 605-263-3941.

**1-bedroom apartment in Gayville.** Some utilities included. Laundry facilities, off-street parking. No pets/smoking, lease, deposit and references required. Larry's Rentals 605-664-9014 or 605-661-0987 after 5pm.

**1-Bdrm. \$450, Scotland, SD.** Free utilities. Pets Allowed. Remodeled. 605-464-0872 or 866-740-4550

**2 Bedroom Apartments, heated garage, controlled access.** Carriage House Apartments. Two months free with 14 month lease. 605-760-9870.

**2-Bedroom Orchard Square, 413 W. 15th.** Rent \$545, includes heat and electricity. Security Deposit and 6-month lease. Reference, credit and criminal background checks on all applications. Skogen Company 605-665-1322 or 605-263-3941.

## 1645 Open Houses

**Open House**

**10:30AM-Noon Saturday, March 20**

**1105 W. 10th St. #3 - \$259,000**

Be a part of the Westside Townhomes housing development! Built in 2017, this upscale 2 bed/2 bath open-concept townhome features zero-step entry and wide hallways/doorways for easy accessibility. The master bath has a spacious walk-in closet and generously sized walk or roll-in shower. Concrete walls separate the units and allow for superior noise reduction. Enjoy abundant natural light courtesy of large windows, slider to patio, and the two sun tubes. This unit has new black matte stainless appliances and beautiful high-end window blinds. The double garage has a reinforced concrete safe room for ultimate peace of mind and the HOA handles all snow removal and lawn care. These stylish townhomes are in high demand, schedule your private showing today!

**Stacy Schramm**  
660-3332

**Vision**  
DREAM BIG  
416 Broadway Ave., Yankton, SD

## 1605 Apartment For Rent

**New 2-bedroom apartment available in Yankton.** Off-street parking, coin operated laundry. Rent includes water, sewer, garbage. No pets/smoking, deposit and references, required. Call 605-664-9014 or after 5 pm 605-661-0987.

## 1615 Houses For Rent

**2 bedroom 1603 Willow, Tyndall, \$400.** 605-464-1451 or 605-464-1165.

**4-Bedroom, 1-Bath, stove/refrigerator, full basement.** Fenced in yard, nice neighborhood, available 4/1/21, references \$800. 605-665-8034.

## 1650 Houses For Sale



**1303 West 19th #4**  
\$189,000

**3-bedroom, 2-1/2 bathroom townhome with HOA.** Spacious with beautiful finishes and landscaping with back patio. Finished double garage. 605-661-4014. <http://yankton.net/app/html/1303w19th4/>

**4-Bedroom Ranch 3,840 sq.ft.** with 960 sq.ft. Attached garage. New furnace and AC. 605-660-0756.

**LOOKING TO SELL YOUR HOUSE FAST?** Also, I'm looking for a house needing work. Also called a fixer upper. Write now to P.O. Box 492, Yankton, SD 57078.

## 1705 Items \$100 or Less

**12 Beanie Babies \$4/each.** 4-pairs of women's size 18 capris \$4/each. 10-pairs size 18 slacks and jeans \$4/each. 605-664-5291.

**6-yards of 4" wide eyelet lace \$6.** 11-yards of 1" eyelet lace \$9. Six 2-yard packages of 1" tatted lace \$2/package. 605-665-2709.

**Beautiful dark wood computer desk, 3 drawer (one a file drawer), pull-out keyboard shelf, book-case top.** From Hatch Furniture. \$95. 605-260-0406.

**Stainless print free Frigidaire dishwasher \$50.** Call 605-260-3810.

## 1335 Other Employment



## 1770 Home Appliances

**For Sale: GE Front load washer and dryer, white, with pedestal drawers & stairs, 4-years. Old, 605-201-9937, Freeman.**

## 1850 Agriculture

**Looking for pasture to rent** within 60 miles of Yankton. Recommendations available. Looking for any amount up to 150 pair. 605-661-6450.

## 2010 Legal and Public Notices

**3-12-19**  
**ADVERTISEMENT FOR BIDS**  
**YANKTON SCHOOL DISTRICT 63-3**  
**YANKTON, SOUTH DAKOTA 57078**

Yankton School District 63-3 will accept sealed bids for furnishing all materials and equipment and doing all work required for exterior concrete replacement at the Yankton High School teacher entrance and at wing sidewalk until 1:30 p.m., Wednesday, April 7, 2021. Bids will be opened, read aloud by the Business Manager and witnessed by the Supervisor of Buildings & Grounds or designees, and tabulated in the meeting room in the Administration Building at 2410 West City Limits Road, Yankton, South Dakota at said time and presented to the school board for their consideration at the regular meeting on April 12, 2021.

Specifications and other documents may be obtained at the Yankton School District Administration Building. Inquiries may be directed to Jim Reinhardt, Supervisor of Buildings and Grounds at (605) 665-3980.

Bids must be accompanied by a cashier's check payable to Yankton School District in an amount equal to five percent (5%) of the total amount of the bid, or a bid bond for ten percent (10%) of the total amount of the bid. Bids shall be marked Bid for Teacher Entrance and Sidewalk Concrete Replacement YHS.

Yankton School District 63-3 reserves the right to reject any or all bids and to waive any irregularities or informalities therein.

**Jason Bietz**  
Business Manager  
Yankton School District 63-3  
Yankton, South Dakota 57078  
Published twice at the total approximate cost of \$31.26

**Please Recycle!**

**3-12-19**  
**ADVERTISEMENT FOR BIDS**  
**YANKTON SCHOOL DISTRICT 63-3**  
**YANKTON, SOUTH DAKOTA 57078**

Yankton School District 63-3 will accept sealed bids for furnishing all materials and equipment and doing all work required for concrete replacement at the Yankton School main entrance until 1:30 p.m. on Wednesday, April 7, 2021. Bids will be opened, read aloud by the Business Manager and witnessed by the Supervisor of Buildings & Grounds or designees, and tabulated in the meeting room in the Administration Building at 2410 West City Limits Road, Yankton, South Dakota at said time and presented to the school board for their consideration at the regular meeting on April 12, 2021.

Specifications and other documents may be obtained at the Yankton School District Administration Building. Inquiries may be directed to Jim Reinhardt, Supervisor of Buildings and Grounds at (605) 665-3980.

Bids must be accompanied by a cashier's check payable to Yankton School District in an amount equal to five percent (5%) of the total amount of the bid, or a bid bond for ten percent (10%) of the total amount of the bid. Bids shall be marked Bid for Main Entrance Concrete Replacement YHS.

Yankton School District 63-3 reserves the right to reject any or all

## 1335 Other Employment



## 2010 Legal and Public Notices

bids and to waive any irregularities or informalities therein.

**Jason Bietz**  
Business Manager  
Yankton School District 63-3  
Yankton, South Dakota 57078  
Published twice at the total approximate cost of \$30.21

**3-12-19**  
**YANKTON SCHOOL DISTRICT 63-3**  
**SALE OF SCHOOL PROPERTY**  
**THREE-BEDROOM HOUSE**

Pursuant to the provisions of SDCL 6-13-4, Notice is hereby given that the School Board of Yankton School District 63-3, has by resolution dated the 8th day of March, 2021, declared the student-constructed house located at Yankton School District Career Manufacturing Technical Education Academy, 1200 W. 21st St., Yankton, SD, no longer necessary, useful or suitable for the purpose it was acquired and has ordered the same sold by sealed bid.

Sealed bids for the three-bedroom house, 32 x 50 will be received at the Administration Building located at 2410 West City Limits Road, Yankton, South Dakota, by Jason Bietz, Business Manager of Yankton School District 63-3, up to the hour of 1:30 p.m., Tuesday, March 30, 2021, at which time the bids will be opened and read aloud by the Business Manager and witnessed by the Secretary to the Business Manager, or other designee, at the Yankton School District Administration Building. Specifications, pictures and the bid form are available on the school website at [www.yk12.sd.us/apps/pages/student-house](http://www.yk12.sd.us/apps/pages/student-house).

An Open House will be held on March 17th and one on March 24th from 3:30 p.m. until 5:00 p.m. at the construction site, located in the north building of the Career Manufacturing and Technical Education Academy, 1200 W. 21st St., Yankton, SD. The house is sold as is with no representations or warranties from the school district.

All bids must be made on and according to the forms provided. Bid forms may be obtained at the Yankton School District Business Office at the above address or on the school website. Each bid submitted must be accompanied by a certified check in the amount of \$1,000.00, payable without condition to Yankton School District 63-3, along with proof of financial ability to pay full bid price as per specifications. The successful bidder will not be permitted to remove the house from school property until final cash payment is made. Failure to remove the house by July 1, 2021 may, at the Districts election, result in a \$100.00 per day assessment for each additional day it remains on School District property, or the structure may, at the option of the School District, be moved and stored at the successful bidders expense.

Yankton School District 63-3 reserves the right to reject any and all bids or parts thereof and to waive any irregularities of any bid. The Yankton School District 63-3 also reserves the right to award the contract to the highest responsible bidder as may be determined by the School Board.

**Jason L. Bietz**  
Business Manager  
Published twice from the total approximate cost of \$48.30

## 3-19-26 NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:05 P.M. on the 13th day of April, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Said hearing is to consider the following: Applicant is requesting a Variance to decrease the minimum side yard requirement in an Agriculture District from 75 feet for a side yard to 15 feet, a variance of 60 feet. Said property is legally described as the North Two Hundred Ninety and Four tenths feet (N 290.4) of the South Three Hundred Forty and

## 2010 Legal and Public Notices

Four tenths feet (S 340.4) of the West Two Hundred Twenty-five feet (W225) of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), less Highway Lot R-2 thereof, Section Twenty-two (22), Township Ninety-five (95) North, Range Fifty-four (54) West of the 5th P.M., Yankton County, South Dakota, as per survey recorded in Book S18, page 124-125, less highways and roads. E911 address is 44928 301st, Volin, SD

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:10 P.M. on the 13th day of April, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Said hearing is to consider the following: Applicant is requesting a Variance to decrease the minimum side yard requirement in an Agriculture District from 75 feet for a side yard to 60 feet, a variance of 15 feet. Said property is legally described as: The North Four Hundred Seventy-two feet (N472) of the South Half of the Southwest Quarter (S1/2SW1/4) except Lot Eight (8) as platted in Book SS, page 25, and excepting Tract B as platted in Book S18, page 331, and further excepting Beaver Lake Shore Addition as platted in Book S17, page 112, all in Section Twenty-seven (27), Township Ninety-five (95) North, Range Fifty-six (56) West of the 5th PM, Yankton County, South Dakota, less highways and roads.

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Commission on Tuesday, April 13, 2021 beginning at 7:15 P.M., at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Said hearing is to consider the following: Applicant is requesting to Rezone the following properties from Agriculture District (AG) to Moderate Density Residential (R2). The North 191 Feet of the South 382 feet of Lot Three (3), Tract 1, Mielenz Addition in the Northwest Quarter of the Northwest Quarter (NW1/4-NW1/4), Section Thirty-five (35) Township Ninety-four (94) North, of range Fifty-five (55), west of the 5th P.M., Yankton County, South Dakota. The South 191 Feet of Lot 3 in Tract 1 of Mielenz Addition in the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4), Section 35, Township 94 North, Range 55 West of the 5th P.M., Yankton County, South Dakota, according to the recorded plat thereof.

Published twice at the total approximate cost of \$

## Revenue

From Page 1

flatter for revenues and that the city is just starting to compare its sales tax figures to the 2020 months impacted by COVID-19.

"A year ago in February we were starting to feel the beginning stresses of COVID," he said. "We always do see a bit of a decline in taxable sales after the Christmas season and on through the early spring. Then it starts picking up as we start feeling the effects of tourism."

Viereck said it was that tourism that was helpful last year — and could be even bigger in 2021 — but acknowledged that some businesses have a ways to go before healing.

"Last year, we were pretty lucky on tourism," he said. "Individual businesses still suffered, but we still had a lot of visitors. I think there's going to be even more this year. With the broad spread of vaccinations moving across our communities and across the United States, I think you're going to see even more travel and more opportunity for tourism to be real strong again."

He feels this could potentially help some of those businesses that are still having a rough time in the community.

"I've just got to believe as we become more and more comfortable, that we're starting to turn the corner on COVID. I've got to believe that's going to help some of these businesses, especially these small ones for instance — restaurants and bars," he said. "As people feel more open to frequenting their businesses again, that's going to be a benefit."

Many of the state's main population centers are also off to strong starts. Among the Top Ten First Class Cities Plus Vermillion, five are exceeding 8% growth on the year versus the same time in 2020 with no cities presently in negative territory.

Pierre is leading the way, up 14.81% on the year while Brookings finds itself just slightly above water at 0.19% on the year. Vermillion is up 7.74% over the same time last year.

New this year, remote sales tax totals have been broken out from the total income. Of the \$1,888,603 in revenues taken in by the city this year, 6.09% (\$115,009) has come from online sales.

Follow @RobNielsenPandD on Twitter.

## L&C Clark SRA To Offer Recycling Following Grant

LINCOLN, Neb. — Recycling will become available to Lewis and Clark State Recreation Area guests this summer and will be fully implemented by fall.

The SRA recently was awarded grants of \$1,643 from the Nebraska Department of Environmental and Energy and \$20,000 from the Nebraska Recycling Council to purchase recycling containers that will be distributed to collect single-stream recyclables.

The initiative will be a key component in keeping Lewis and Clark Lake clean of unwanted waste.

"As a park manager, I believe it is important to provide the public with positive examples of natural resource stewardship and sustainability," Park Superintendent Tyler Wulf said.

Lewis and Clark SRA and

Ponca State Park, both located in northeastern Nebraska, now offer recycling. Other state park areas will expand this effort when resources become available.

The Recycling Equipment Grant from the Nebraska Recycling Council is one of 118 grant projects in 2020 receiving \$20 million in awards from Nebraska Environmental Trust. The Nebraska Legislature created the Trust in 1992. Using revenue from the Nebraska Lottery, the Trust has provided over \$328 million in grants to more than 2,300 projects across the state.

The Nebraska Recycling Council is a nonprofit membership organization of public and private organizations, as well as individuals, and has been a recycling advocate for Nebraska since 1980.

**Business AD-vantage**

Where You Find Business & Professional EXPERTS!

A NEW BREED OF YELLOW PAGES

Yankton County Planning Commission  
Yankton County Board of Adjustment

Applicant

Tom Souvignier – Rezone

**District type:** ☒ AG   ☐ R1-Low   ☐ R2-Moderate   ☐ R3-High   ☐ C-Comm.

☐ LC – Lakeside Commercial   ☐ RT-Rural Transitional

Variance needed:

☐ Section 513   ☐ Section 607   ☐ Section 705   ☐ Section 1709   ☐ Section 1723

☒ Section 1809

**NOTE:**

Applicant is requesting to rezone an Agriculture District (AG) to a Moderate Density Rural Residential District (R2). Said properties are legally described as The North 191 Feet of the South 382 feet of Lot Three (3), Tract 1, Mielenz Addition in the Northwest Quarter of the Northwest Quarter (NW1/4-NW1/4), Section Thirty-five (35) Township Ninety-four (94) North, of range Fifty-five (55), west of the 5<sup>th</sup> P.M., Yankton County, South Dakota.

The South 191 Feet of Lot 3 in Tract 1 of Mielenz Addition in the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4), Section 35, Township 94 North, Range 55 West of the 5<sup>th</sup> P.M., Yankton County, South Dakota, according to the recorded plat thereof.

PC: Article 18 Section 1809

BOA: Article 18 Section 1809

Planning Commission date: 04-13-21

Time: 7:10 PM

Board of Adjustment date: 05-04-20 and 05-18-21

Time: PM and PM

## Yankton County

       Variance             Conditional Use        X   Rezoning

Owner: David A. Christenson (Deceased) Dorinda

Owners Address: formerly Vermillion SD

Owners Phone: \_\_\_\_\_

Applicants Name,  
if different from

Owner: David A. Christenson Estate, Dorinda Klappdropt and Steve Denison PR

Applicants

Address: 210 E 5th St Canton, SD 57013

Job Address: unknown, none

Legal: N191' S382' LT 3 TRACT 1 MIELENZ ADDN

Section,  
Township, Range: 35-94-55

Zoning  
Classification: AG

Affected Zoning

Ordinance: Section 1807Section 1807

Reason for  
Request: To change a 1.92 acre parcel zoned AG to Residential as there are rural acreages on either side

List Specific  
Hardships: This "Estate" property has been a scrap car lot for many years and the heirs would like to clean up site via an auction and then sell the unimproved land for rural housing, There is rural water easement across

SCHEDULED FOR PLANNING COMMISSION ACTION (DATE): 04/13/2021 7:15 PM CDT

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (DATE): \_\_\_\_\_

Application Fee: \$450.00      Check #: 6509      Receipt #: \_\_\_\_\_

*Tom Souvignier*

Date:

Signature: \_\_\_\_\_

David A. Christenson Estate,

03/17/2021

# FINDINGS OF FACT – REZONE

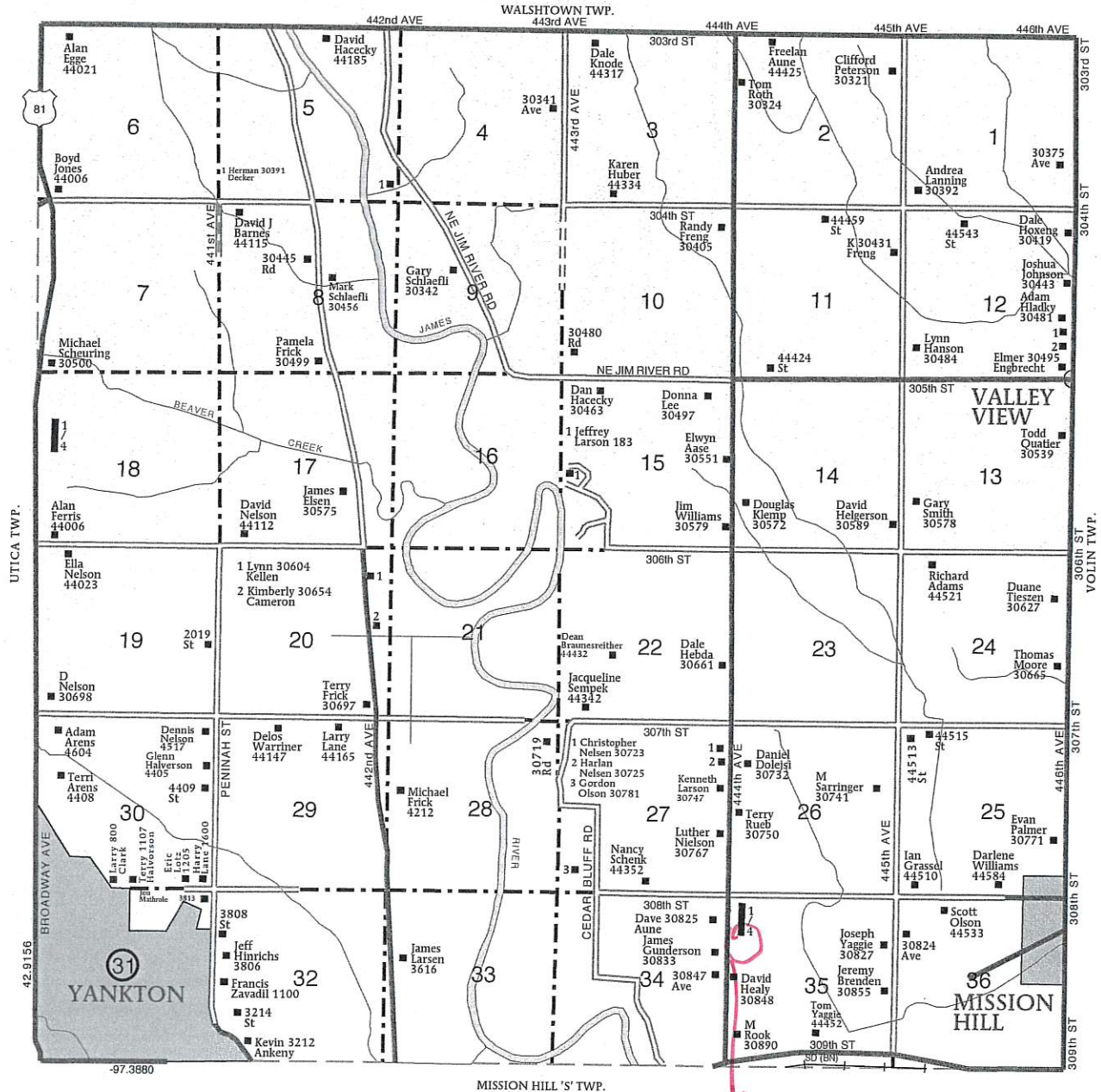
Souveignir– REZ-2020-040

Are the requirements of Section 1723 met?	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1805:	
1. All documents required for application for said request have been satisfactorily completed and all required fees have been paid in full.	Yes
2. The individual petitioner provides a completed amendment or change in zone request. Said request must clearly state: <ul style="list-style-type: none"> <li>a. Special conditions and circumstances exist which require the land to be rezoned;</li> <li>b. The special conditions and circumstances do not result from the actions of the applicant; and</li> <li>c. The granting of the amendment or change in zoning will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the area.</li> </ul>	Currently zoned Agriculture (AG). Current use is Residential and is bordered by residential. This would bring properties into compliance
3. Notice of public hearing shall be given, as in Section 1803 (3-5).	
4. The public hearing shall be held. Any party may appear in person or by agent or attorney.	
5. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for an amendment or change in zone, to include: <ul style="list-style-type: none"> <li>a. The reasons set forth in the application justify a recommendation to approve the amendment or change in zone;</li> </ul>	
<ul style="list-style-type: none"> <li>b. The amendment or change in zone will make possible the reasonable use of the land, building, or structure;</li> </ul>	
<ul style="list-style-type: none"> <li>c. A recommendation to grant the amendment or change in zone will be in harmony with the general purpose and intent of this ordinance; and</li> </ul>	

<p>d. A recommendation of approval will not be injurious to the neighborhood, or otherwise detrimental to the public welfare as presented and testified to by the applicant.</p>	
<p>6. No petition for amendment or change in zone shall be recommended for approval unless the Planning Commission finds that the condition, situation or the intended use of the property concerned is unique, required, or necessary as to make reasonably practicable the amendment or change in zone.</p>	
<p>7. Before any amendment or petition for rezoning is recommended for approval, the Planning Commission shall make written findings certifying compliance with:</p> <ul style="list-style-type: none"> <li>a. The Comprehensive Plan;</li> <li>b. Specific rules governing land uses;</li> <li>c. Zoning district regulations; and</li> <li>d. Satisfactory provision and arrangement has been made concerning the following, where applicable:</li> </ul>	
<ul style="list-style-type: none"> <li>1. Certification of compliance with all ordinances and regulations regarding licensing and zoning, health, plumbing, electrical, building, fire prevention, and all other applicable ordinances and regulations;</li> <li>2. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;</li> <li>3. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the amendment or rezone on adjoining properties and properties generally in the district;</li> <li>4. Refuse and service areas, with particular reference to the items in (A) and (B) above;</li> <li>5. Utilities, with reference to locations, availability,</li> </ul>	

<p>and compatibility;</p> <p>6. Screening and buffering with reference to type, dimensions, and character;</p> <p>7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;</p> <p>8. Required yards and other open spaces; and</p> <p>9. General compatibility with adjacent properties and other property in the district.</p>	
<p>8. In recommending approval of any petition for amendment or change in zone, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance.</p>	

(Residents - Owners or Renters)

**MISSION HILL 'N'****TOWNSHIP****SECTION 12**

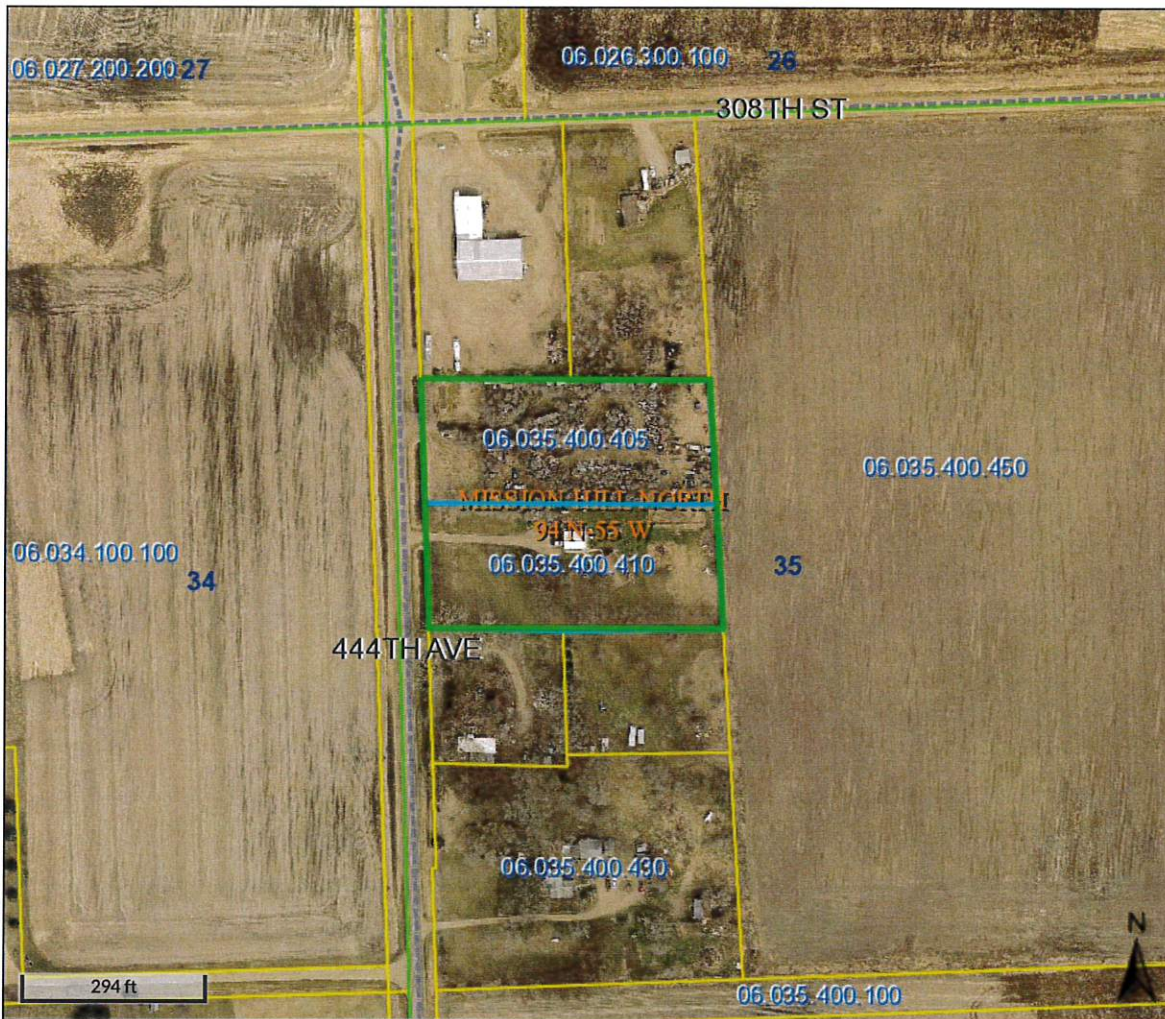
- 1 Morgan, Tyler 30487
- 2 Koomich, Joshua 30491

**SECTION 18**

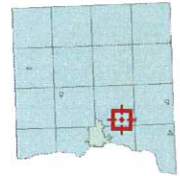
- 1 Mueller, Kenneth 30540
- 2 30544
- 3 Borchard, Evan 30546
- 4 Jones, Frank 30548

**SECTION 35**

- 1 Auch, J 44407
- 2 Clough, Nathan 30814
- 3 Novak, David 30818
- 4 Bovero, Mike 30822



#### Overview



#### Legend

-  Townships
-  Sections
-  Parcels
-  City Limits
-  Streets and Roads

Parcel ID - 06.035.400.410  
Address - 30814 444 AVE  
Owner - CLOUGH, FAYE ANN (D)

Disclaimer: Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

Date created: 3/9/2021  
Last Data Uploaded: 3/9/2021 9:57:29 AM

Developed by  **Schneider**  
GEOSPATIAL

# Site Map



Parcel Number: 06.035.400.405

Site Description:

Variance, Conditional  
Use and Rezoning

Fees Paid  
\$450.00

Application  
REZ-2020-40

Applicant  
Tom Souvignier

Created  
December 28,  
2020

Number  
REZ-2020-  
40

06.035.400.405 | David A.  
Christenson (Deceased)  
Dorinda | unknown, none,  
Mission Hill, SD, 57046  
Submitted by  
tcsouvignier@iw.net on  
12/28/2020



## Applicant

Tom Souvignier

16056600421

[tcsouvignier@iw.net](mailto:tcsouvignier@iw.net)

**Parcel search** Completed On 12/28/2020 2:29 PM EST by tcsouvignier@iw.net



Maxar, Microsoft

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
06.035.400.405			CHRISTENSEN, DAVID (D)	0.000

**Draft Building Permit** Completed On 12/28/2020 3:23 PM EST by tcsouvignier@iw.net

**Upload Draft Building Permit** 

**Request Information** Completed On 3/9/2021 1:48 PM EST by bconkling

### Type of Request

Rezoning

### Fee

\$450.00

### Reason for Request

To change a 1.92 acre parcel zoned AG to Residential as there are rural acreages on either side

**List Specific Hardships**

This "Estate" property has been a scrap car lot for many years and the heirs would like to clean up site via an auction and then sell the unimproved land for rural housing. There is rural water easement across property and a hard surface road with driveway access to land.

## Applicant Information

**Are you the owner of the property?**

No

**Applicant Name**

David A. Christenson Estate, Dorinda Klappdropt and Steve Denison PR

**Applicant Address**

210 E 5th St Canton, SD 57013

**Applicant Phone**

16056600421

## Owner Information

**Owner Name**

David A. Christenson (Deceased) Dorinda

**Owner Address**

formerly Vermillion SD

**Owner Phone Number**

## Property Information

**Parcel ID Number**

06.035.400.405

**Legal Description**

N191' S382' LT 3 TRACT 1 MIELENZ ADDN

**Site Address**

unknown, none

**City**

Mission Hill

Zip

57046

Section-Township-Range

35-94-55

Zoning District

AG

Zoning Description

AG

Existing Use of Property

Agricultural but used as car storage

Property Owner Verification of Approval Completed On 3/9/2021 1:50 PM EST by bconkling

Applicants who are not the property owner must provide consent by the owner for the proposed request. Please download/print the [Verification of Approval](#) document here. Fill out the form and attach below.

Upload signed document here

Site Plan Completed On 3/9/2021 1:50 PM EST by bconkling

Map - Mark the location of structures and other necessary information.

- ☒ Sketch Layer
- ☐ Reference Layer
- ☐ Mapproxy



Maxar, Microsoft

Powered by Esri

Describe the location and use of adjacent structures

Upload Site Plan and/or additional plans and documents

Application Submitted Successfully Completed On 3/17/2021 10:52 AM EST by tcsouvignier@iw.net

Your application has been submitted for review. Thank you.

Please click next at the bottom to continue. Thank you

Submit Completed On 3/17/2021 10:58 AM EST by bconkling

A notification sign shall be posted on the property upon which action is pending at least seven (7) days prior to the hearing date. Such signs shall be placed along all the property's road frontage so as to be visible from the road. If a property does not have a road frontage, then such signs shall be placed upon the closest available right-of-way and upon the property. Said signs shall not be less than one hundred and eighty seven (187) square inches in size. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearings.

Please pick the sign up from the zoning office on or before eight (8) days prior to the meeting.

#### Applicant Agreement

Please check the box to confirm you have read and agree to the notices above.

Signature

*Tom Souvignier*

Date

3/17/2021

Planning Review Completed On 3/22/2021 3:58 PM EST by bconkling

Continue with application

Continue

Describe what the applicant is requesting

Applicant is requesting to rezone two properties currently zoned Agriculture (AG) to Moderate Density Residential (R2).

Planning Commission Code Reference

Section 1807

Other Planning Commission Code Reference ⓘ

Board of Adjustment Code Reference

Section 1807

Other Board of Adjustment Code Reference ⓘ

Wave Fee

Notes 0

Director Review Completed On 3/22/2021 4:07 PM EST by gvetter

Zoning Director Review

Approve

Payment Completed On 3/22/2021 4:08 PM EST by bconkling

## Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Zoning Department	\$450.00

## Confirmation Data

Payment Method	Check
Confirmation Number	6509
Amount Paid	\$450.00

PC Prep Completed On 3/23/2021 9:20 AM EST by bconkling

## Planning Commission Meeting

Planning Commission Meeting Date and Time

April 13th 2021, 7:15 pm CDT

Letters to be mailed 10 days prior to the public meeting:

04/03/2021 7:15 PM

Additional Instructions for PC email

Return the affidavit 8 days prior to the public meeting:

04/05/2021 7:15 PM

Place your zoning action sign 7 days prior to the public meeting:

04/06/2021 7:15 PM

Upload PC Mailing Labels

[Labels.pdf](#)

**Upload PC Affidavit of Mailing**

[2 Mailing Affidavit 2640.pdf](#)

**Upload PC Notification Letter**

[RezoneNotification Letter.pdf](#)

**Upload PC Newspaper Publication**

**Check box when ready to send notices**

Send Notice

**Permit Number**

REZ-2020-40

**Receipt Number**

**Email Preview** Completed On 3/23/2021 9:20 AM EST by bconkling

Please see the attached Notification Letter, address labels, and affidavit of mailing.

First Notification Letters are to be mailed pursuant to Section 1803(4). This is required to be completed 10 days prior to public hearing, which is 04/03/2021 7:15 PM.

Return the affidavit to me (email is fine) 7 days prior to the public meeting, by 04/05/2021 7:15 PM

Place your zoning action sign 7 days prior to the public meeting, by 04/06/2021 7:15 PM

If any information is incorrect, please let me know immediately.

**PC App Form** Completed On 3/23/2021 9:20 AM EST by bconkling

[PC App Form](#)

External Notes

**Documents**

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 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2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 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VERIFICATION OF APPROVAL  
YANKTON COUNTY, SOUTH DAKOTA

David A. Christensen (D) by Steve Denison PR date this 7th day of January, 2021 am aware of the  
proposed Variance/CUP/Rezone being proposed by Tom Sauvignier, AE Auctioneer at the property legally  
described as North 191 ft of South 762 ft, Lot 3, Tract 1, Mielenz  
Add Section 35, Twp 94, R. 55, Yankton County  
SD

Steve A Denison  
Signature  
1316 Panorama Circle  
Address  
Rapid City, SD 57701  
City, State, Zip  
605-342-1029  
Phone  
cell 605-209-0871

VERIFICATION OF APPROVAL  
YANKTON COUNTY, SOUTH DAKOTA

I, Faye Ann Clough, dated this 2nd day of March, 2021;  
Am aware of the proposed Variance/CUP/Rezone being proposed by Tom Souvigner, dba Souvignier  
Real Estate at the real property owned by David A. Christenson Estate, legally described as:  
N 191 ft. of South 382 ft. Lot 3, Tract 1 of Mielenz Add., Section 35, T94, R55

I also would like my property to be rezoned from Ag to Residential, legally described as:  
South 191ft, Lot 3, Tract 1 of Mielenz Addition in NW1/4 of NW1/4, Section 35, T94, R55  
Parcel Id # 06.035.400.410

Faye Ann Clough  
Signature

3548 E. Hwy 44  
Address

Rapid City, SD 57703  
City, State, Zip

605-381-1613  
Phone:

1-25-2020

To Planning & Zoning

We Nathan and Hollie Clough are writing this letter to ask that our property be rezoned back to Residential. If you need to contact us, our address is 30814 444th Ave Mission Hill, SD 57046.

Nathan Clough

Hollie Clough  
605-660-0707

AFFIDAVIT OF MAILING

I, Tom Sauvignier, hereby certify that on the 25<sup>th</sup> day of March, 2021, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 2640 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 25<sup>th</sup> day of March, 2021.

Tom Sauvignier  
(Name)

Affiant

Subscribed and sworn to before me this 25<sup>th</sup> day of March, 2021.



(SEAL)

Sarah Carlson

Notary Public - South Dakota

My commission expires: OCT 23, 2021

## NOTIFICATION

March 15, 2021

Tom Souvignier  
210 East 5<sup>th</sup> St  
Canton, SD 57013

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 2640 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

### NOTICE OF PUBLIC HEARINGS

Notice is hereby given that a public hearing will be held before the Yankton County Commission on Tuesday, April 13, 2021 beginning at 7:15P.M., at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

*Applicants are requesting to Rezone the following properties from Agriculture District (AG) to Moderate Density Residential (R2).*

*The North 191 Feet of the South 382 feet of Lot Three (3), Tract 1, Mielenz Addition in the Northwest Quarter of the Northwest Quarter (NW1/4-NW1/4), Section Thirty-five (35) Township Ninety-four (94) North, of range Fifty-five (55), west of the 5<sup>th</sup> P.M., Yankton County, South Dakota.*

*The South 191 Feet of Lot 3 in Tract 1 of Mielenz Addition in the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4), Section 35, Township 94 North, Range 55 West of the 5<sup>th</sup> P.M., Yankton County, South Dakota, according to the recorded plat thereof.*

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,  
Tom Souvignier  
Petitioner

AUNE, DAVID L (D)  
30825 444 AVE  
MISSION HILL SD 57046

BOVERO, MIKE L (D)  
30822 444 AVE  
MISSION HILL SD 57046

CHRISTENSEN, DAVID (D)  
46170 312 AVE  
VERMILLION SD 57069

CLOUGH, FAYE ANN (D)  
3548 EAST HWY 44  
RAPID CITY SD 57703

CUTTS, JAY (D)  
44681 309 ST  
MISSION HILL SD 57046

EAST RIVER ELECTRIC POWER (D)  
PO BOX 227  
MADISON SD 57042

FREMAR LLC (D)  
PO BOX 357  
MARION SD 57043

GUNDERSON, JAMES REV TRUST (D)  
30833 444 AVE  
MISSION HILL SD 57046

HEALY, DAVID (D)  
30848 444 AVE  
MISSION HILL SD 57046

LYLES LIVING TRUST (D)  
514 FOUNTAIN AVE  
PACIFIC GROVE CA 93950

NEW HOPE FARM REVOCABLE TRUST (D)  
30723 444 AVE  
MISSION HILL SD 57046

NIELSON TRUST (THE) (D)  
30767 444 AVE  
MISSION HILL SD 57046

NOVAK, DAVID (D)  
30818 444 AVE  
MISSION HILL SD 57046

SAGA COMMUNICATIONS OF SD LLC (D)  
1609 SD HWY 50  
YANKTON SD 57078

SCHENK, KARL M (D)  
44352 308 ST  
MISSION HILL SD 57046

SCHENK, NANCY P (D)  
44352 308 ST  
MISSION HILL SD 57046

YAGGIE, TOM LIVING TRUST (D)  
44452 309 ST  
MISSION HILL SD 57046

## 1645 Open Houses

**Open House**  
Saturday, March 20  
10:30AM-Noon

**1105 W. 10th St. #3 - \$259,000**

Be a part of the Westside Townhomes housing development! Built in 2017, this upscale 2 bed/2 bath openconcept townhome features zero-step entry and wide hallways/doorways for easy accessibility. The master bath has a spacious walk-in closet and generously sized walk or roll-in shower. Concrete walls separate the units and allow for superior noise reduction. Enjoy abundant natural light courtesy of large windows, slider to patio, and the two sun tubes. This unit has new black matte stainless appliances and beautiful high-end window blinds. The double garage has a reinforced concrete safe room for ultimate peace of mind and the HOA handles all snow removal and landscaping. These stylish townhomes are in high demand, schedule your private showing today!

Stacy Schramm  
605-333-3332

**Vision**  
DREAM BIG

## 1600 Other Real Estate

**EQUAL HOUSING OPPORTUNITY**

All real estate advertised in this newspaper is subject to the Federal Fair Housing Act, which makes it illegal to advertise any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, in the sale, rental or financing of housing or in an intention to make any such preference, limitation, or discrimination. Family status includes children under the age of 18 living with parents or legal guardians, pregnant women and people securing custody of children under the age of 18.

In addition, South Dakota State Law also prohibits discrimination based on ancestry and creed.

This paper will not knowingly accept any advertisement for real estate which is in violation of the law. All persons are hereby informed that all dwellings advertised are available on equal-opportunity basis. If you believe you have been discriminated against in connection with the sale, rental or financing of housing, call the South Dakota Fair Housing ombudsman at 877-932-0101.

## 1605 Apartment For Rent

**1 & 2 Bedroom Orchard Square, 418 W. 15th, Yankton.** Rent based on income and includes utilities. Equal Housing Opportunity. Skogen Company 605-895-1322 or 605-263-3941.

**1 BD Apts., Meadow Park and Memory Lane.** Ground level for elderly or persons with disabilities. No Smoking, close to The Center. Rent based on income. Equal Housing Opportunity. 605-760-7247 or Skogen Company 605-263-3941.

**1-bedroom apartment in Gayville.** Some utilities included. Laundry facilities, off-street parking. No pets/smoking, lease, deposit and references required. Larry's Rentals 605-684-8014 or 605-681-0887 after 5pm.

**1-Bdrm. \$450. Scotland, SD.** Free utilities. Pets Allowed. Remodeled. 605-494-0872 or 866-740-3550

**2 Bedroom Apartments, heated garage, controlled access.** Care Home Apartments. Two months free with 14 month lease. 605-780-9970.

**2-Bedroom Orchard Square, 418 W. 15th.** Rent \$545, includes heat and electricity. Security Deposit and 3-month lease. Reference, credit and criminal background checks on all applications. Skogen Company 605-665-1322 or 605-263-3941.

## 1605 Apartment For Rent

**New 2-bedroom apartment available in Yankton.** Off-street parking, coin-operated laundry. Rent includes water, sewer, garbage. No pets/smoking, deposit and references, required. Call 605-664-8014 or after 5pm 605-661-0887.

## 1615 Houses For Rent

**2 bedroom 1503 Willow, Tyndal.** \$400. 605-464-1451 or 605-464-1185.

**4-Bedroom, 1-Bath, stove/fridge, refrigerator, full basement.** Fenced in yard, nice neighborhood, available 4/1/21, references \$800. 605-665-6034.

## 1650 Houses For Sale

**1303 West 19th, #4 \$189,000**

**3-bedroom, 2-1/2-bathroom townhome with HOA.** Spacious with beautiful finishes and landscaping with back patio. Finished double garage. 605-891-4014. <http://yankton.net/app/m/1303w19u4/>

**4-Bedroom Ranch 3,040 sq.ft.** with 960 sq.ft. Attached garage. New furnace and AC. 605-660-0759.

**LOOKING TO SELL YOUR HOUSE FAST?** Also, I'm looking for a house needing work. Also called a fixer upper. Write now to P.O. Box 492, Yankton, SD 57078.

## 1705 Items \$100 or Less

**12 Beanie Babies \$4/each.** 4 pairs of women's size 16 caps \$4/each. 10-pairs size 16 socks and jeans \$4/each. 605-664-5291.

**6-yards of 4" wide egypt lace \$5.** 11-yards of 1" egypt lace \$6. Six 2-yard packages of 1" tatted lace \$2/package. 605-665-2709.

**Beautiful dark wood computer desk, 3 drawer (one a file drawer), pull-out keyboard shelf, book-case top.** From Helen's Furniture. \$95. 605-260-0406.

**Stainless print free Frigidaire dishwasher \$50.** Call 605-260-3910.

## 1335 Other Employment



## 1770 Home Appliances

**For Sale: GE Front load washer and dryer, white, with pedestal drawers & cabinets, 4-years. Old.** 605-201-9837, Freshlin.

## 1850 Agriculture

**Looking for pasture to rent within 80 miles of Yankton.** Recommendations available. Looking for any amount up to 160 pair. 605-661-6450.

## 2010 Legal and Public Notices

**3-12-19**  
**ADVERTISEMENT FOR BIDS**  
**YANKTON SCHOOL DISTRICT 63-3**  
**YANKTON, SOUTH DAKOTA 57078**

Yankton School District 63-3 will accept sealed bids for furnishing all materials and equipment and doing all work required for exterior concrete replacement at the Yankton High School teacher entrance and art wing sidewalk until 1:30 p.m., Wednesday, April 7, 2021. Bids will be opened, read aloud by the Business Manager and witnessed by the Supervisor of Buildings & Grounds or designee, and tabulated in the meeting room in the Administration Building at 2410 West City Limits Road, Yankton, South Dakota at said time and presented to the school board for their consideration at the regular meeting on April 12, 2021.

Specifications and other documents may be obtained at the Yankton School District Administration Building. Inquiries may be directed to Jim Reinhardt, Supervisor of Buildings and Grounds at (605) 665-3930.

Bids must be accompanied by a cashier's check payable to Yankton School District in an amount equal to five percent (5%) of the total amount of the bid, or a bid bond for ten percent (10%) of the total amount of the bid. Bids shall be marked Bid for Teacher Entrance and Sidewalk Concrete Replacement YHS.

Yankton School District 63-3 reserves the right to reject any or all bids and to waive any irregularities or informalities therein.

Jason Blatz  
Business Manager  
Yankton School District 63-3  
Yankton, South Dakota 57078  
Published twice at the total approximate cost of \$31.26

## Please Recycle

**3-12-19**  
**ADVERTISEMENT FOR BIDS**  
**YANKTON SCHOOL DISTRICT 63-3**  
**YANKTON, SOUTH DAKOTA 57078**

Yankton School District 63-3 will accept sealed bids for furnishing all materials and equipment and doing all work required for concrete replacement at the Yankton High School main entrance until 1:30 p.m. on Wednesday, April 7, 2021. Bids will be opened, read aloud by the Business Manager and witnessed by the Supervisor of Buildings & Grounds or designee, and tabulated in the meeting room in the Administration Building at 2410 West City Limits Road, Yankton, South Dakota at said time and presented to the school board for their consideration at the regular meeting on April 12, 2021.

Specifications and other documents may be obtained at the Yankton School District Administration Building. Inquiries may be directed to Jim Reinhardt, Supervisor of Buildings and Grounds at (605) 665-3930.

Bids must be accompanied by a cashier's check payable to Yankton School District in an amount equal to five percent (5%) of the total amount of the bid, or a bid bond for ten percent (10%) of the total amount of the bid. Bids shall be marked Bid for Main Entrance Concrete Replacement YHS.

Yankton School District 63-3 reserves the right to reject any or all

## 1335 Other Employment



## 2010 Legal and Public Notices

bids and to waive any irregularities or informalities therein.

Jason Blatz  
Business Manager  
Yankton School District 63-3  
Yankton, South Dakota 57078  
Published twice at the total approximate cost of \$30.21

## YANKTON SCHOOL DISTRICT 63-3 SALE OF SCHOOL PROPERTY THREE-BEDROOM HOUSE

Pursuant to the provisions of SDCL 6-13-4, Notice is hereby given that the School Board of Yankton School District 63-3, has by resolution dated the 8th day of March, 2021, declared the student-constructed house located at Yankton School District Career Manufacturing Technical Education Academy, 1200 W. 21st St., Yankton, SD, no longer necessary, useful or suitable for the purpose it was acquired and has ordered the same sold by sealed bid.

Sealed bids for the three-bedroom house, 32 x 50 will be received at the Administration Building located at 2410 West City Limits Road, Yankton, South Dakota, by Jason Blatz, Business Manager of Yankton School District 63-3, up to the hour of 1:30 p.m., Tuesday, March 30, 2021, at which time the bids will be opened and read aloud by the Business Manager and witnessed by the Secretary to the Business Manager, or other designee, at the Yankton School District Administration Building. Specifications, pictures and the bid form are available on the school website at [www.yankton.net/apps/pages/student-house](http://www.yankton.net/apps/pages/student-house).

An Open House will be held on March 17th and one on March 24th from 3:30 p.m. until 5:00 p.m. at the construction site, located in the north building of the Career Manufacturing and Technical Education Academy, 1200 W. 21st St., Yankton, SD. The house is sold as is with no representations or warranties from the school district.

All bids must be made on and according to the forms provided. Bid forms may be obtained at the Yankton School District Business Office at the above address or on the school website. Each bid submitted must be accompanied by a certified check in the amount of \$1,000.00, payable without condition to Yankton School District 63-3, along with proof of financial ability to pay full bid price as per specifications. The successful bidder will not be permitted to remove the house from school property until full cash payment is made. Failure to remove the house by July 1, 2021 may, at the Districts election, result in a \$100.00 per day assessment for each additional day it remains on School District property, or the structure may, at the option of the School District, be moved and stored at the successful bidders expense.

Yankton School District 63-3 reserves the right to reject any and all bids or parts thereof, and to waive any irregularities of any bid. The Yankton School District 63-3 also reserves the right to award the contract to the highest responsible bidder as may be determined by the School Board.

Jason L. Blatz  
Business Manager  
Published twice from the total approximate cost of \$48.30

## 3-19-26 NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:05 P.M. on the 13th day of April, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Said hearing is to consider the following: Applicant is requesting a Variance to decrease the minimum side yard requirement in an Agriculture District from 75 feet for a side yard to 15 feet, a variance of 60 feet. Said property is legally described as the North Two Hundred Ninety and Four tenths feet (N 290.4) of the South Three Hundred Forty and

## 2010 Legal and Public Notices

Four tenths feet (S 340.4) of the West Two Hundred Twenty-five feet (W225) of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), less Highway Lot R-2 thereof, Section Twenty-two (22), Township Ninety-five (95) North, Range Fifty-four (54) West of the 5th P.M., Yankton County, South Dakota, as per survey recorded in Book S18, page 124-125, less highways and roads. B91 address is 44928 301st, Volin, SD

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:10 P.M. on the 13th day of April, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Said hearing is to consider the following: Applicant is requesting a Variance to decrease the minimum side yard requirement in an Agriculture District from 75 feet for a side yard to 60 feet, a variance of 15 feet. Said property is legally described as: The North Four Hundred Seventy-two feet (N472) of the South Half of the Southwest Quarter (SW1/4) except Lot Eight (8) as platted in Book SS, page 25, and excepting Tract B as platted in Book S18, page 331, and further excepting Beaver Lake Shore Addition as platted in Book S17, page 112, all in Section Twenty-seven (27), Township Ninety-five (95) North, Range Fifty-six (56) West of the 5th P.M., Yankton County, South Dakota, less highways and roads.

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Commission on Tuesday, April 13, 2021 beginning at 7:15 P.M., at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Said hearing is to consider the following: Applicants are requesting to Rezone the following properties from Agriculture District (A3) to Moderate Density Residential (R2). The North 191 Feet of the South 382 feet of Lot Three (3), Tract 1, Milex Addition in the Northwest Quarter of the Northwest Quarter (NW1/4-NW1/4), Section Thirty-five (35) Township Ninety-four (94) North, of range Fifty-five (55), west of the 5th P.M., Yankton County, South Dakota. The South 191 Feet of Lot 3 in Tract 1 of Milex Addition in the Northwest Quarter of the Northwest Quarter (NW1/4-NW1/4), Section 35, Township 94 North, Range 55 West of the 5th P.M., Yankton County, South Dakota, according to the recorded plat thereof. Published twice at the total approximate cost of \$

## Revenue

From Page 1.

batter for revenues and that the city is just starting to compare its sales tax figures to the 2020 months impacted by COVID-19.

"A year ago in February we were starting to feel the beginning stresses of COVID," he said. "We always do see a bit of a decline in taxable sales after the Christmas season and on through the early spring. Then it starts picking up as we start feeling the effects of tourism."

Viereck said it was that tourism that was helpful last year — and could be even bigger in 2021 — but acknowledged that some businesses have a ways to go before healing.

"Last year, we were pretty lucky on tourism," he said. "Individual businesses still suffered, but we still had a lot of visitors. I think there's going to be even more this year. With the broad spread of vaccinations moving across our communities and across the United States, I think you're going to see even more travel and more opportunity for tourism to be real strong again."

He feels this could potentially help some of those businesses that are still having a rough time in the community.

"I've just got to believe as we become more and more comfortable that we're starting to turn the corner on COVID, I've got to believe that's going to help some of these businesses, especially these small ones for instance — restaurants and bars," he said. "As people feel more open to frequenting their businesses again, that's going to be a benefit."

Many of the state's main population centers are also off to strong starts. Among the Top Ten First Class Cities Plus Vermillion, sales are exceeding 8% growth on the year versus the same time in 2020 with no cities presently in negative territory.

Pierre is leading the way, up 14.8% on the year while Brookings finds itself slightly above water at 0.19% on the year. Vermillion is up 7.17% over the same time last year.

New this year, remote sales tax totals have been broken out from the total income. Of the \$1,888,603 in revenues taken in by the city this year, 6.09% (\$115,009) has come from online sales.

Follow @RobNielsenPundD on Twitter.

## L&amp;C Clark SRA To Offer Recycling Following Grant

LINCOLN, Neb. — Recycling will become available to Lewis and Clark State Recreation Area guests this summer and will be fully implemented by fall.

"The SRA recently was awarded grants of \$1,643 from the Nebraska Department of Environmental and Energy and \$20,000 from the Nebraska Recycling Council to purchase recycling containers that will be distributed to collect single-stream recyclables.

The initiative will be a key component in keeping Lewis and Clark Lake clean of unwanted waste.

"As a park manager, I believe it is important to provide the public with positive examples of natural resource stewardship and sustainability," Park Superintendent Tyler Wolf said.

Lewis and Clark SRA and

Ponca State Park, both located in northeastern Nebraska, now offer recycling. Other state park areas will expand this effort when resources become available.

The Recycling Equipment Grant from the Nebraska Recycling Council is one of 118 grant projects in 2020 receiving \$20 million in awards from Nebraska Environmental Trust. The Nebraska Legislature created the Trust in 1992. Using revenue from the Nebraska Lottery, the Trust has provided over \$328 million in grants to more than 2,300 projects across the state.

The Nebraska Recycling Council is a nonprofit membership organization of public and private organizations, as well as individuals, and has been a recycling advocate for Nebraska since 1980.

**Business AD-vantage**

Where You Find Business & Professional EXPERTS!

A NEW BREED OF YELLOW PAGES

Yankton County Planning Commission  
Yankton County Board of Adjustment

Date filed: 3/2/2021

Applicant

Rick Daugherty - PLAT

District type: ☐ AG ☐ R1-Low ☒ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 ☐ Section 515 ☐ Section 705 ☐ Section 715 ☐ Section 805

☐ Other 605

North Side/ Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

East Side / Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

South Side / Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

West Side / Yard lot line \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

**NOTE:**

Plat of Lot 32 in Baycliffe Estates, Located in the W1/2 of the South 12.91 Acres of the S1/2 of the SW1/4 of Section 7; and in the W1/2 of the W1/2 of Section 18, Lying North of Highway 52, Except Platted Areas Known as Tramp's 7th Addition, and except Lots 1 and 2 of Parcel A, and further excepting Parcels B and C, McVay Addition, all being in T93N, R56W, of the 5th P.M., Yankton County, South Dakota

**Please Check Plat Type:**

☒ Final ☐ Amended ☐ Preliminary ☐ Revision

**Development Information**

Plat Name: Lot 32 in Baycliffe Estates, Located

Section No: 18 Township No: 93

Range: 56 Number of Lots/Tracts: 1

Number of Acres: 1.01

How is the property currently being used?

Moderate Density Residential (R2)

What is the proposed use of the property?

Moderate Density Residential (R2)

**Surveyor/Engineer Information**

Firm Name: Tom Weeks

Address:

City: Yankton State: South Zip: 57078

Contact Person: Tom Weeks

Phone: 6056658333

**Property Owner Information**

Name: Baycliffe Properties

Address:

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact person:

If the property owner is represented by an authorized agent, please provide the following:

Agent's name: \_\_\_\_\_

Agents Title: \_\_\_\_\_

**You must provide the following:**

The Yankton County Zoning Ordinance requires minimum lot sizes.

1. Does this lot/tract conform? ☒ Yes ☐ No

2. What is/are the lot size(s) 1.01

3. Is this (plat) an existing farmstead? ☐ Yes ☒ No

4. If a farmstead, how many acres are surrounding it? \_\_\_\_\_

5. The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary? ☒ Yes ☐ No

6. Is this property to have construction on it? ☒ Yes ☐ No

If yes: Single Family Dwellings

Name, address and phone number of contractor(s)

**Owner certification**

This is to certify that Baycliffe Properties, LLC  
the undersigned is/are the sole owner(s) of the property described  
above on the date of this application, and that I/we have read and  
understand Section 207 of the Yankton county Zoning Ordinance.

Rick Daugherty

Owner Signature

Owner Signature

This is to certify that Rick Daugherty  
acting by and through the undersigned, its duly authorized agent  
is/are the sole owner(s) of the property described above on the date  
of this application, and that I have read and understand Section 207  
of the Yankton County Zoning Ordinance.

Rick Daugherty

Agent Signature

Planning Office Use Only: Planning Commission Date: \_\_\_\_\_

County Commission Date: \_\_\_\_\_

Some plats of subdivisions and additions may require a Perpetual Road Maintenance Agreement prior to consideration.

## **YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST**

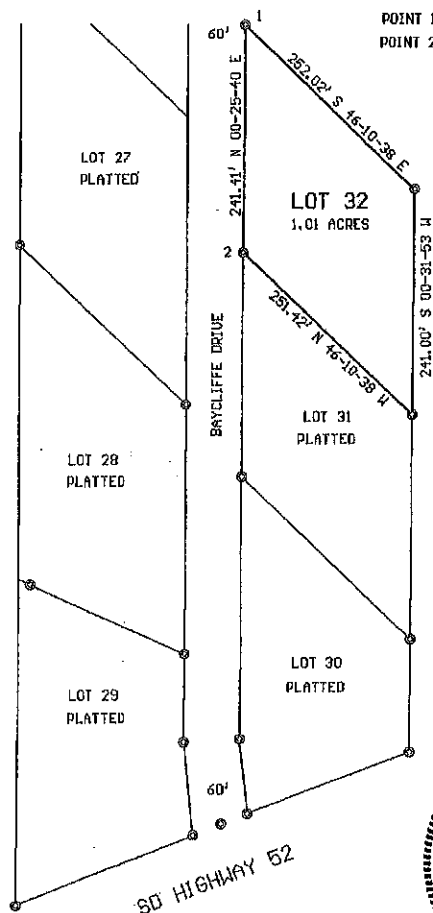
In order to insure prompt approval of your plat, please follow these steps:

<input checked="" type="checkbox"/> Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?
---

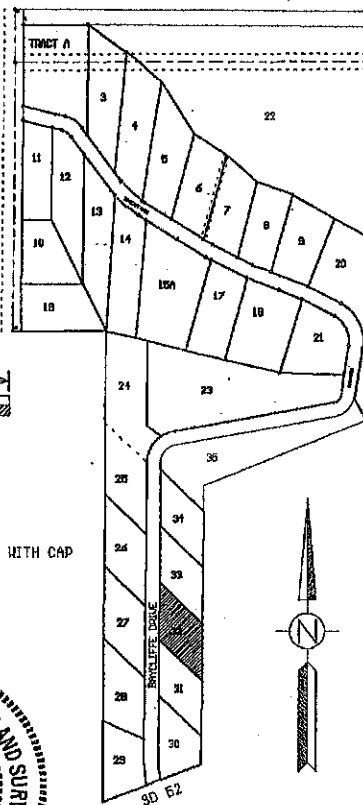
- ☒ 1. All required signatures notarized (owner(s), surveyor)?
- ☒ 2. Taxes paid at County Treasures?
- ☒ 3. County Treasurer's signature?
- ☒ 4. Ownership verified by Director of Equalization and signed?
- ☒ 5. Street authority signature (DOT, Highway, Township)?
- ☒ 6. \$100.00 Fee Paid at Zoning Office?
- ☒ 7. Plat has been scheduled/approved by the Yankton County Planning Commission?
- ☐ 8. County Planning Commission Chair signature?
- ☐ 9. Plat has been scheduled/approved by the Yankton County Board of County Commissioners?
- ☐ 10. County Commission Chairs signature?
- ☐ 11. County Auditor's signature?
- ☐ 12. Plat has been filed with the Register of Deeds?

Planning Commission date: 04/13/2021  
Board of Adjustment date: \_\_\_\_\_

PLAT OF LOT 32 IN BAYCLIFFE ESTATES, LOCATED IN THE W.1/2 OF THE SOUTH 12.91 ACRES OF THE S.1/2 OF THE S.W.1/4 OF SECTION 7; AND IN THE W.1/2 OF THE W.1/2 OF SECTION 18, LYING NORTH OF HIGHWAY 52, EXCEPT PLATTED AREAS KNOWN AS TRAMP'S 7TH. ADDITION, AND EXCEPT LOTS 1 AND 2 OF PARCEL A, AND FURTHER EXCEPTING PARCELS B AND C, MC VAY ADDITION, ALL BEING IN T93N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA

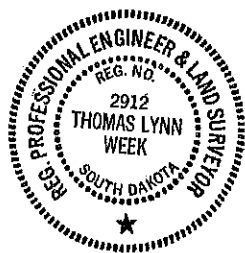


POINT 1, LAT. 42-52-25.20938, LONG. 97-30-50.74364  
POINT 2, LAT. 42-52-22.82512, LONG. 97-30-50.76412



SCALE : 75'

⊙ FOUND 5/8" REBAR WITH CAP



LOCATION MAP (NO SCALE)

#### SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY OF LOT 32 IN BAYCLIFFE ESTATES, LOCATED IN THE W.1/2 OF THE SOUTH 12.91 ACRES OF THE S.1/2 OF THE S.W.1/4, OF SECTION 7; AND IN THE W.1/2 OF THE W.1/2 OF SECTION 18, LYING NORTH OF HIGHWAY 52, EXCEPT PLATTED AREAS KNOWN AS TRAMP'S 7TH. ADDITION, AND EXCEPT LOTS 1 AND 2 OF PARCEL A, AND FURTHER EXCEPTING PARCELS B AND C, MC VAY ADDITION, ALL BEING IN T93N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON PINS AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 28TH. DAY OF FEBRUARY, 2021.

*Thomas Lynn Week*  
THOMAS LYNN WEEK  
REG. LAND SURVEYOR  
REG. NO. 2912

#### CERTIFICATE OF STREET AUTHORITY

THE LOCATION OF APPROACHES ENTERING EACH LOT FROM BAYCLIFFE DRIVE WILL BE APPROVED BY BAY PROPERTIES, L.L.C.  
DATED THIS 1<sup>st</sup> DAY OF MARCH, 2021.

*Scott G Green*  
MANAGER OF BAY PROPERTIES, L.L.C.  
SCOTT G GREEN

PLAT OF LOT 32 IN BAYCLIFFE ESTATES, LOCATED IN THE W.1/2 OF THE SOUTH 12.91 ACRES OF THE S.1/2 OF THE S.W.1/4, OF SECTION 7; AND IN THE W.1/2 OF THE W.1/2 OF SECTION 18, LYING NORTH OF HIGHWAY 52, EXCEPT PLATTED AREAS KNOWN AS TRAMP'S 7TH. ADDITION, AND EXCEPT LOTS 1 AND 2 OF PARCEL A, AND FURTHER EXCEPTING PARCELS B AND C, McVAY ADDITION, ALL BEING IN T93N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

**OWNERS CERTIFICATE**

I, SCOTT G. GREEN, AS MANAGER OF BAY PROPERTIES, L.L.C., A SOUTH DAKOTA L.L.C., DO HEREBY CERTIFY THAT BAY PROPERTIES, L.L.C., A SOUTH DAKOTA L.L.C., IS THE ABSOLUTE AND UNQUALIFIED OWNER OF THE ABOVE DESCRIBED PROPERTY: LOT 32 IN BAYCLIFFE ESTATES, LOCATED IN THE W.1/2 OF THE SOUTH 12.91 ACRES OF THE S.1/2 OF THE S.W.1/4, OF SECTION 7; AND IN THE W.1/2 OF THE W.1/2 OF SECTION 18, LYING NORTH OF HIGHWAY 52, EXCEPT PLATTED AREAS KNOWN AS TRAMP'S 7TH. ADDITION, AND EXCEPT LOTS 1 AND 2 OF PARCEL A, AND FURTHER EXCEPTING PARCELS B AND C, McVAY ADDITION, ALL BEING IN T93N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

DATED THIS 1<sup>st</sup> DAY OF MARCH, 2021.

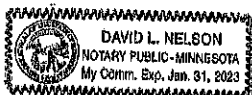
STATE OF Minnesota  
COUNTY OF Douglas

ON THIS 1 DAY OF March, 2021, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED SCOTT G. GREEN, MANAGER OF BAY PROPERTIES, L.L.C. A SOUTH DAKOTA L.L.C., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES 1/31/22

Scott G. Green  
SCOTT G. GREEN, MANAGER OF  
BAY PROPERTIES, L.L.C.

D. L. Nelson  
NOTARY PUBLIC

**RESOLUTION OF COUNTY PLANNING COMMISSION**

BE IT RESOLVED BY THE YANKTON COUNTY PLANNING COMMISSION, THAT THE ABOVE PLAT REPRESENTING LOT 32 IN BAYCLIFFE ESTATES, LOCATED IN THE W.1/2 OF THE SOUTH 12.91 ACRES OF THE S.1/2 OF THE S.W.1/4, OF SECTION 7; AND IN THE W.1/2 OF THE W.1/2 OF SECTION 18, LYING NORTH OF HIGHWAY 52, EXCEPT PLATTED AREAS KNOWN AS TRAMP'S 7TH. ADDITION, AND EXCEPT LOTS 1 AND 2 OF PARCEL A, AND FURTHER EXCEPTING PARCELS B AND C, McVAY ADDITION, ALL BEING IN T93N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, BE AND THE SAME IS HEREBY APPROVED.

\_\_\_\_\_  
CHAIRMAN, PLANNING COMMISSION

**RESOLUTION OF APPROVAL**

WHEREAS, IT APPEARS THAT THE OWNER THEREOF HAS CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: LOT 32 IN BAYCLIFFE ESTATES, LOCATED IN THE W.1/2 OF THE SOUTH 12.91 ACRES OF THE S.1/2 OF THE S.W.1/4, OF SECTION 7; AND IN THE W.1/2 OF THE W.1/2 OF SECTION 18, LYING NORTH OF HIGHWAY 52, EXCEPT PLATTED AREAS KNOWN AS TRAMP'S 7TH. ADDITION, AND EXCEPT LOTS 1 AND 2 OF PARCEL A, AND FURTHER EXCEPTING PARCELS B AND C, McVAY ADDITION, ALL BEING IN T93N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, AND HAS SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, \_\_\_\_\_, COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_.

\_\_\_\_\_  
COUNTY AUDITOR

\_\_\_\_\_  
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

**DIRECTOR OF EQUALIZATION CERTIFICATE**

I, \_\_\_\_\_, DIRECTOR OF EQUALIZATION, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_.

\_\_\_\_\_  
DIRECTOR OF EQUALIZATION, YANKTON COUNTY

**TREASURER CERTIFICATE**

I, Tammy Sertzing, TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT ALL TAXES WHICH ARE LIEN UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS 1 DAY OF March, 2021.

Tammy Sertzing Dep  
TREASURER, YANKTON COUNTY

**REGISTER OF DEEDS CERTIFICATE**

I, \_\_\_\_\_, REGISTER OF DEEDS, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED THE ORIGINAL PLAT, FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND DULY RECORDED IN BOOK NO. \_\_\_\_\_, PAGE \_\_\_\_\_.

PREPARED BY: TOM WEEK  
407 REGAL DRIVE  
YANKTON, SOUTH DAKOTA 57078  
605-665-8333

\_\_\_\_\_  
REGISTER OF DEEDS, YANKTON COUNTY, SD

Plat Approval  
Application  
3032

Fees Paid  
\$100.00

Applicant  
Bill Conkling

Created  
March 2, 2021

Number  
3032

Final | Lot 32 in Baycliffe  
Estates, Located in the W1/2  
of the South 12.91 Acres of  
the S1/2 of the SW1/4 of  
Section 7; and in the W1/2 of  
the W1/2 of Section 18, Lying  
North of Highway 52, Except  
Platted Areas Known as  
Tramp's 7th Addition, and  
except Lots 1 and 2 of Parcel  
A, and further excepting  
Parcels B and C, McVay  
Addition, all being in T93N,  
R56W, of the 5th P.M.,  
Yankton County, South  
Dakota | Baycliffe Properties |  
122 w 3rd St | 09.018.400.201  
Submitted by bconkling on  
3/2/2021



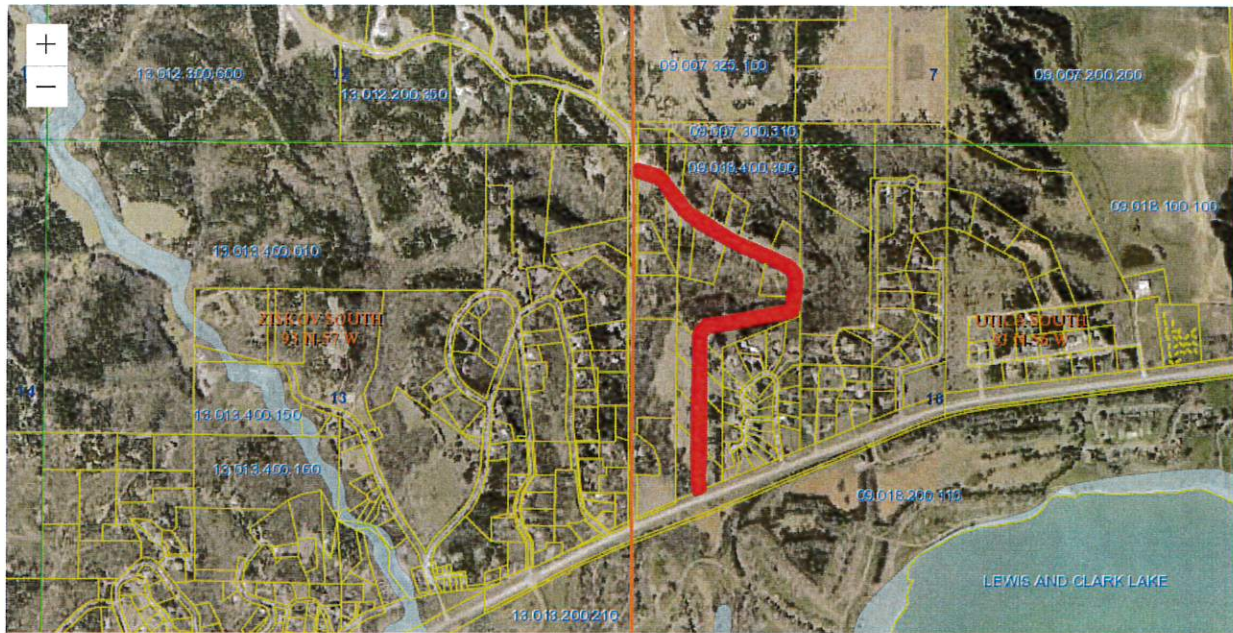
## Applicant

Bill Conkling

6052604447

Bill@co.yankton.sd.us

Parcel search Completed On 3/2/2021 10:15 AM EST by bconkling



USDA FSA, GeoEye, Maxar

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
09.018.400.201	BAYCLIFFE DRIVE	YANKTON	BAY PROPERTIES LLC (D)	0.000

Plat Approval Items Completed On 3/2/2021 10:22 AM EST by bconkling

In order to insure prompt approval of your plat, please complete the following steps before submitting your application

Upload Copy of Plat

lot32.pdf

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

All required signatures notarized (owner(s), surveyor)?

Taxes paid at County Treasures?

County Treasurer's signature?

Submit Application Completed On 3/2/2021 10:22 AM EST by bconkling

## Owner Certification

### Owner(s)

Baycliffe Properties, LLC

This is to certify that the aforementioned owner(s) undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section207 of the Yankton County Zoning Ordinance.

### Owner Signature



### Owner Signature

If represented by an Agent, please provide name and signature below

### Agent Name

Rick Daugherty

This is to certify that (Agent) acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understood Section207 of the Yankton County Zoning Ordinance.

### Agent Signature



Payment Completed On 3/2/2021 10:23 AM EST by bconkling

## Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Zoning	\$100.00

## Confirmation Data

Payment Method	Check
Confirmation Number	9292
Amount Paid	\$100.00

Planning Commission Review Completed On 3/2/2021 10:23 AM EST by bconkling

## Plat Approval Planning Commission Checklist

**Please follow these steps:**

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

All required signatures notarized (owner(s), surveyor)?

Taxes paid at County Treasures?

County Treasure's signature?

Ownership verified by Director of Equalization and signed?

Street authority signature (DOT, Highway, Township)?

\$100.00 Fee Paid at Zoning Office?

Plat has been scheduled/approved by the Yankton County Planning Commission?

**Planning Commission date:**

04/13/2021

**Requested Information** Completed On 3/3/2021 9:12 AM EST by bconkling

**Fee**

\$100.00

**Plat Type**

Final

## Development Information

**Plat Name**

Lot 32 in Baycliffe Estates, Located in the W1/2 of the South 12.91 Acres of the S1/2 of the SW1/4 of Section 7; and in the W1/2 of the W1/2 of Section 18, Lying North of Highway 52, Except Platted Areas Known as Tramp's 7th Addition, and except Lots 1 and 2 of Parcel A, and further excepting Parcels B and C, McVay Addition, all being in T93N, R56W, of the 5th P.M., Yankton County, South Dakota

**Section No:**

18

**Township No:**

93

**Range**

56

**Number of Lots/Tracts**

1

**Number of Acres**

1.01

**How is this property currently being used?**

Moderate Density Residential (R2)

**What is the proposed use of the property?**

Moderate Density Residential (R2)

## Surveyor/Engineer Information

**Firm Name**

Tom Weeks

**Address**

407 Regal Dr

**City**

Yankton

**State**

South Dakota

**Zip**

57078

**Contact Person**

Tom Weeks

**Phone**

6056658333

## Property Owner Information

**Owner Name**

Baycliffe Properties

**Address**

122 w 3rd St

**City**

Yankton

**State**

South Dakota

**Zip**

57078

**Owner Phone**

6056657407

**Contact Person**

Rick Daugherty

If the property owner is represented by an authorized agent, please provide the following:

**Agent's name**

**Agent's Title**

## Plat Information

**Does this lot/tract conform with Yankton County Zoning Ordinance required minimum lot sizes?**

Yes

**What is/are the lot size(s)**

1.01

**Is this plat an existing farmstead**

No

**If a farmstead, how many acres are surrounding it**

**The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary?**

Yes

**Is this property to have construction on it**

Yes

**If Yes:**

Single Family Dwellings

**Construction contractors Name, Address, and phone number (If applicable)**

External Notes

Documents

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Internal Notes

Documents

Yankton County Planning Commission  
Yankton County Board of Adjustment

Date filed:

Applicant

Bob Law - PLAT

District type: ☐ AG ☐ R1-Low ☒ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC - Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 ☐ Section 515 ☐ Section 705 ☐ Section 715 ☐ Section 805

☐ Other 605

North Side/ Yard lot line: \_\_\_\_ feet or no closer than \_\_\_\_ feet to the \_\_\_\_ lot line.

East Side / Yard lot line: \_\_\_\_ feet or no closer than \_\_\_\_ feet to the \_\_\_\_ lot line.

South Side / Yard lot line: \_\_\_\_ feet or no closer than \_\_\_\_ feet to the \_\_\_\_ lot line.

West Side / Yard lot line \_\_\_\_ feet or no closer than \_\_\_\_ feet to the \_\_\_\_ lot line.

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

**NOTE:**

Plat of Lots 1, 2, 3, 4, and 5 of Tract B, Law Overlook Subdivision, in the NE1/4 of Section 18, T93N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota

**Please Check Plat Type:**

☒ Final ☐ Amended ☐ Preliminary ☐ Revision

**Development Information**

Plat Name: Plat of Lots 1, 2, 3, 4, & 5 of Tract

Section No: 18 Township No: 93

Range: 56 Number of Lots/Tracts: 5

Number of Acres: 69.81

How is the property currently being used?  
Moderate Density Residential (R2)

What is the proposed use of the property?  
Moderate Density Residential (R2)

**Surveyor/Engineer Information**

Firm Name: Brandt Land Surveying

Address:

City: Yankton State: South Zip: 57078

Contact Person: John Brandt

Phone: 6056658455

**Property Owner Information**

Name: Bob Law, Inc

Address: 3812 SD HWY 314

City: Yankton State: South Zip: 57078

Contact person: Bob Law

If the property owner is represented by an authorized agent, please provide the following:

Agent's name: \_\_\_\_\_

Agent's Title: \_\_\_\_\_

**You must provide the following:**

The Yankton County Zoning Ordinance requires minimum lot sizes.

1. Does this lot/tract conform? ☒ Yes ☐ No

2. What is/are the lot size(s) 1.20 Acres

3. Is this (plat) an existing farmstead? ☐ Yes ☒ No

4. If a farmstead, how many acres are surrounding it? \_\_\_\_\_

5. The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary? ☒ Yes ☐ No

6. Is this property to have construction on it? ☒ Yes ☐ No

If yes: Single Family Dwellings

Name, address and phone number of contractor(s)

**Owner certification**

This is to certify that Bob Law

the undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton county Zoning Ordinance.

Bob Law

Owner Signature

Owner Signature

This is to certify that Todd Knodel

acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understand Section 207 of the Yankton County Zoning Ordinance.

Todd Knodel

Agent Signature

Planning Office Use Only: Planning Commission Date: \_\_\_\_\_

County Commission Date: \_\_\_\_\_

Some plats of subdivisions and additions may require a Perpetual Road Maintenance Agreement prior to consideration.

## **YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST**

In order to insure prompt approval of your plat, please follow these steps:

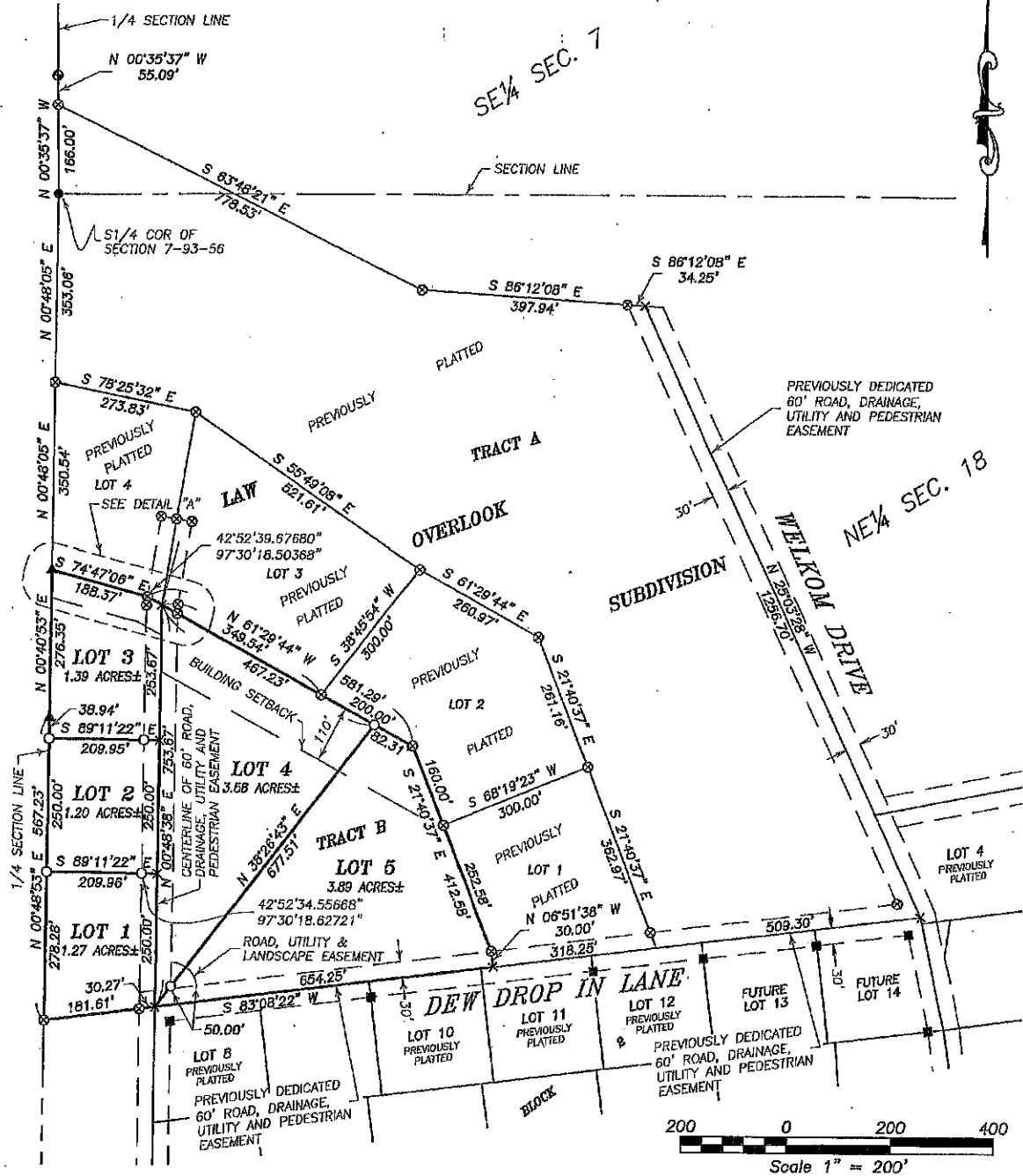
☒ Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

- ☒ 1. All required signatures notarized (owner(s), surveyor)?
- ☒ 2. Taxes paid at County Treasures?
- ☒ 3. County Treasurer's signature?
- ☒ 4. Ownership verified by Director of Equalization and signed?
- ☒ 5. Street authority signature (DOT, Highway, Township)?
- ☒ 6. \$100.00 Fee Paid at Zoning Office?
- ☒ 7. Plat has been scheduled/approved by the Yankton County Planning Commission?
- ☐ 8. County Planning Commission Chair signature?
- ☐ 9. Plat has been scheduled/approved by the Yankton County Board of County Commissioners?
- ☐ 10. County Commission Chairs signature?
- ☐ 11. County Auditor's signature?
- ☐ 12. Plat has been filed with the Register of Deeds?

Planning Commission date: 04/13/2021

Board of Adjustment date: \_\_\_\_\_

PLAT OF LOTS 1, 2, 3, 4 & 5 OF TRACT B, LAW OVERLOOK SUBDIVISION,  
IN THE NE1/4 OF SECTION 18, T93N, R56W OF THE 5TH P.M.,  
YANKTON COUNTY, SOUTH DAKOTA.

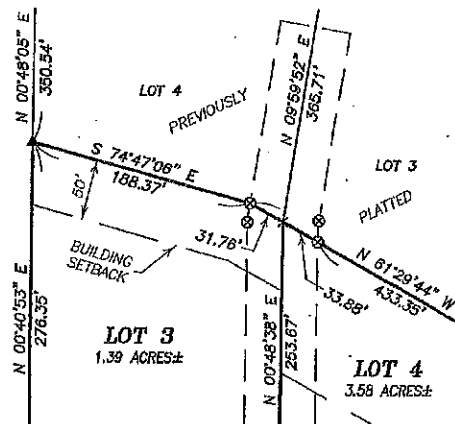


**LEGEND**

- SET 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT R.L.S. 5349"
- ⊗ FOUND 5/8" REBAR WITH L.S. CAP STAMPED "J. BRANDT R.L.S. 5349"
- FOUND IRON PIPE WITH CAP STAMPED "JUK RLS 6841"
- FOUND 5/8" REBAR
- ▲ FOUND 1/2" REBAR
- ⊙ FOUND WOOD POST
- × CALCULATED CORNER

NOTE:  
BASIS OF BEARING  
BY GPS OBSERVATION

PREPARED BY:  
BRANDT LAND SURVEYING  
1202 WILLOWDALE ROAD  
YANKTON, SD 57078  
(605) 665-8455



**DETAIL "A"**

SCALE: 1"=100'

PLAT OF LOTS 1, 2, 3, 4 & 5 OF TRACT B, LAW OVERLOOK SUBDIVISION,  
IN THE NE1/4 OF SECTION 18, T93N, R56W OF THE 5TH P.M.,  
YANKTON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY AND PLAT OF LOTS 1, 2, 3, 4 & 5 OF TRACT B, LAW OVERLOOK SUBDIVISION, IN THE NE1/4 OF SECTION 18, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON REBAR AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 3RD DAY OF MARCH, 2021.



JOHN L. BRANDT REG. NO. 5349

OWNER'S CERTIFICATE

I, ROBERT R. LAW, PRESIDENT OF BOB LAW INC., DO HEREBY CERTIFY THAT BOB LAW INC., IS THE ABSOLUTE AND UNQUALIFIED OWNER OF THE ABOVE DESCRIBED REAL PROPERTY: LOTS 1, 2, 3, 4 & 5 OF TRACT B, LAW OVERLOOK SUBDIVISION, IN THE NE1/4 OF SECTION 18, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. I ALSO HEREBY DEDICATE THE 60' ROAD, DRAINAGE, UTILITY AND PEDESTRIAN EASEMENT AND THE ROAD, UTILITY AND LANDSCAPE EASEMENT AS SHOWN ON THIS PLAT.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

ROBERT R. LAW, PRESIDENT BOB LAW INC.

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED ROBERT R. LAW, WHO ACKNOWLEDGED HIMSELF TO BE THE PRESIDENT OF BOB LAW INC., AND THAT HE, AS SUCH PRESIDENT, BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED BY SIGNING THE NAME OF THE CORPORATION BY HIMSELF AS PRESIDENT. IN WITNESS WHEREOF, I HERETO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC

APPROVAL OF HIGHWAY AUTHORITY

STATE OF SOUTH DAKOTA COUNTY OF YANKTON

ACCESS TO DEW DROP IN LANE IS APPROVED. THIS ACCESS APPROVAL DOES NOT REPLACE THE NEED FOR ANY PERMITS REQUIRED BY LAW TO ESTABLISH THE PRECISE ACCESS LOCATION, INCLUDING PERMIT REQUIREMENTS SET FORTH IN ADMINISTRATIVE RULE OF SOUTH DAKOTA 70:09:01:02.

HIGHWAY OR STREET AUTHORITY \_\_\_\_\_

COUNTY PLANNING COMMISSION RESOLUTION

BE IT RESOLVED BY THE YANKTON COUNTY, SOUTH DAKOTA, PLANNING COMMISSION THAT THE ABOVE SURVEY AND PLAT IS APPROVED AND THE SAME BE CERTIFIED TO THE YANKTON COUNTY BOARD OF COUNTY COMMISSIONERS WITH THE RECOMMENDATION THAT SAID SURVEY AND PLAT BE APPROVED.

PLANNING COMMISSION CHAIR \_\_\_\_\_

ZONING ADMINISTRATOR \_\_\_\_\_

COUNTY COMMISSIONER'S RESOLUTION

BE IT RESOLVED BY THE COUNTY BOARD OF COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, THAT THE ABOVE SURVEY AND PLAT BE APPROVED AND THE COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THE RESOLUTION AND CERTIFY THE SAME.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

CHAIRMAN, COUNTY COMMISSIONERS \_\_\_\_\_

I, THE UNDERSIGNED, COUNTY AUDITOR FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA AT THE REGULAR MEETING ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

COUNTY AUDITOR \_\_\_\_\_

COUNTY TREASURER'S CERTIFICATE

I, THE UNDERSIGNED, COUNTY TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE AND FOREGOING PLAT, AS SHOWN BY THE RECORDS OF MY OFFICE, HAVE BEEN PAID IN FULL.

COUNTY TREASURER \_\_\_\_\_

DIRECTOR OF EQUALIZATION

I, THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE PLAT HAS BEEN FILED AT MY OFFICE.

DIRECTOR OF EQUALIZATION \_\_\_\_\_

REGISTER OF DEEDS

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND RECORDED IN BOOK \_\_\_\_\_ OF PLATS ON PAGE \_\_\_\_\_.

REGISTER OF DEEDS \_\_\_\_\_

PLAT OF LOT 32 IN BAYCLIFFE ESTATES, LOCATED IN THE W. 1/2 OF THE SOUTH 12.91 ACRES OF THE S. 1/2 OF THE S. W. 1/4, OF SECTION 7; AND IN THE W. 1/2 OF THE S. 1/2 OF SECTION 18, LYING NORTH OF HIGHWAY 52, EXCEPT PLATED AREAS KNOWN AS TRAMP'S 7TH ADDITION, AND EXCEPT LOTS 1 AND 2 OF PARCEL A, AND FURTHER EXCEPTING PARCELS B AND C, McVAY ADDITION, ALL BEING IN 193N, R.56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

**GIVEN CERTIFICATE**

I, SCOTT G. GREEN, AS MANAGER OF BAY PROPERTIES, L.L.C., A SOUTH DAKOTA L.L.C., DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED REAL PROPERTY, LOCATED IN THE S. 1/2 OF THE SOUTH 12.91 ACRES OF THE S. 1/2 OF THE S. W. 1/4, OF SECTION 7; AND IN THE W. 1/2 OF THE S. 1/2 OF SECTION 18, LYING NORTH OF HIGHWAY 52, EXCEPT PLATED AREAS KNOWN AS TRAMP'S 7TH ADDITION, AND EXCEPT LOTS 1 AND 2 OF PARCEL A, AND FURTHER EXCEPTING PARCELS B AND C, McVAY ADDITION, ALL BEING IN 193N, R.56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_.

STATE OF \_\_\_\_\_

SCOTT G. GREEN, MANAGER OF  
BAY PROPERTIES, L.L.C.

COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED SCOTT G. GREEN, MANAGER OF BAY PROPERTIES, L.L.C., A SOUTH DAKOTA L.L.C., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

NOTARY PUBLIC

**RESOLUTION OF COUNTY PLANNING COMMISSION**

BE IT RESOLVED BY THE YANKTON COUNTY PLANNING COMMISSION, THAT THE ABOVE PLAT REPRESENTING LOT 32 IN BAYCLIFFE ESTATES, LOCATED IN THE W. 1/2 OF THE SOUTH 12.91 ACRES OF THE S. 1/2 OF THE S. W. 1/4, OF SECTION 7; AND IN THE W. 1/2 OF THE S. 1/2 OF SECTION 18, LYING NORTH OF HIGHWAY 52, EXCEPT PLATED AREAS KNOWN AS TRAMP'S 7TH ADDITION, AND EXCEPT LOTS 1 AND 2 OF PARCEL A, AND FURTHER EXCEPTING PARCELS B AND C, McVAY ADDITION, ALL BEING IN 193N, R.56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, BE AND THE SAME IS HEREBY APPROVED.

CHAIRMAN, PLANNING COMMISSION

**RESOLUTION OF APPROVAL**

WHEREAS, IT APPEARS THAT THE OWNER THEREOF HAS CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: LOT 32 IN BAYCLIFFE ESTATES, LOCATED IN THE W. 1/2 OF THE SOUTH 12.91 ACRES OF THE S. 1/2 OF THE S. W. 1/4, OF SECTION 7; AND IN THE W. 1/2 OF THE S. 1/2 OF SECTION 18, LYING NORTH OF HIGHWAY 52, EXCEPT PLATED AREAS KNOWN AS TRAMP'S 7TH ADDITION, AND EXCEPT LOTS 1 AND 2 OF PARCEL A, AND FURTHER EXCEPTING PARCELS B AND C, McVAY ADDITION, ALL BEING IN 193N, R.56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, AND HAS SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, \_\_\_\_\_, COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, ON THIS \_\_\_\_ DAY OF \_\_\_\_\_.

COUNTY AUDITOR

CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

**DIRECTOR OF POPULATION CERTIFICATE**

I, \_\_\_\_\_, DIRECTOR OF POPULATION, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_.

DIRECTOR OF EQUALIZATION, YANKTON COUNTY

**TREASURER CERTIFICATE**

I, \_\_\_\_\_, TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT ALL TAXES WHICH ARE LIEN UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_.

TREASURER, YANKTON COUNTY

**REGISTER OF DEEDS CERTIFICATE**

I, \_\_\_\_\_, REGISTER OF DEEDS, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED THE ORIGINAL PLAT, FILED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_\_, O'CLOCK \_\_\_\_ M., AND DULY RECORDED IN BOOK NO. \_\_\_\_, PAGE \_\_\_\_.

PREPARED BY: TOM WEEK

407 REGAL DRIVE  
YANKTON, SOUTH DAKOTA 57078  
605-663-8333

REGISTER OF DEEDS, YANKTON COUNTY, SD

Plat Approval  
Application  
3166  
Applicant  
Bill Conkling  
Fees Paid  
\$100.00  
Created  
March 5, 2021

Number  
3166

Final | Plat of Lots 1, 2, 3, 4, &  
5 of Tract B, Law Overlook  
subdivision, in the NE1/4 of  
Section 18, T93N, R56W of  
the 5th P.M., Yankton County,  
South Dakota | Bob Law, Inc |  
3812 SD HWY 314 |  
09.018.100.100  
Submitted by bconkling on  
3/5/2021



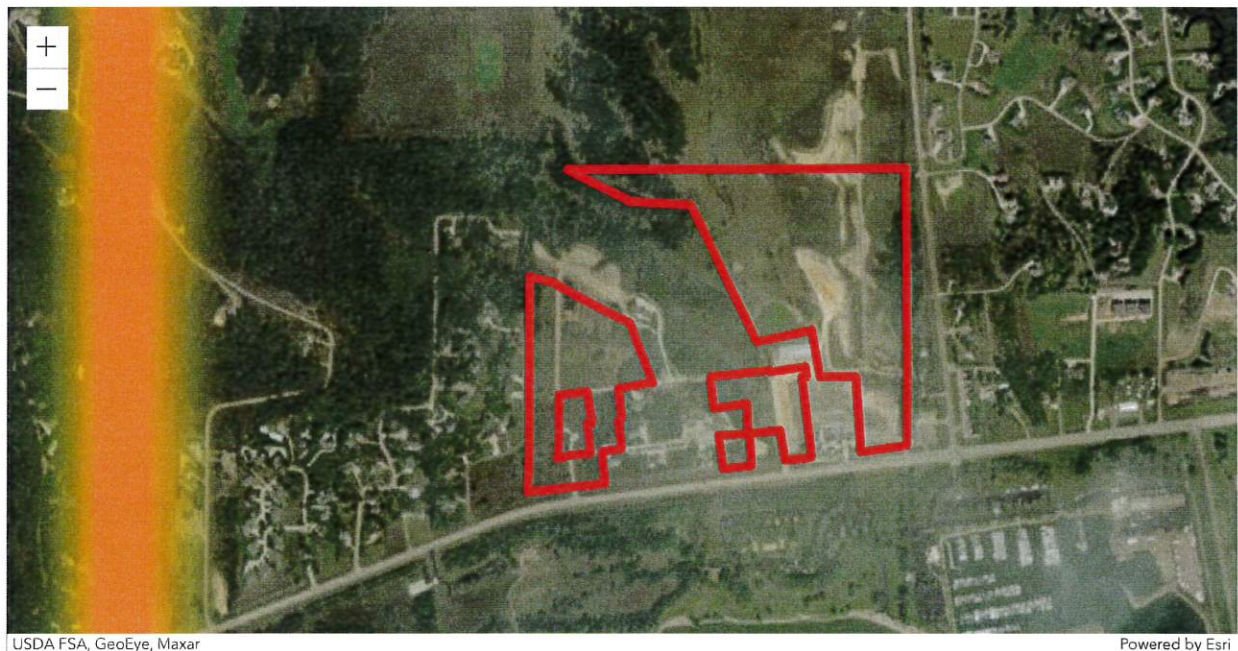
## Applicant

Bill Conkling

6052604447

[Bill@co.yankton.sd.us](mailto:Bill@co.yankton.sd.us)

Parcel search Completed On 3/5/2021 1:29 PM EST by bconkling



USDA FSA, GeoEye, Maxar Powered by Esri

ParcelID	Address	City	OwnerName	Acres
09.018.100.100			BOB LAW INC (D)	69.810

Requested Information Completed On 3/5/2021 1:37 PM EST by bconkling

### Fee

\$100.00

### Plat Type

Final

## Development Information

### Plat Name

Plat of Lots 1, 2, 3, 4, & 5 of Tract B, Law Overlook subdivision, in the NE1/4 of Section 18, T93N, R56W of the 5th P.M., Yankton County, South Dakota

**Section No:**

18

**Township No:**

93

**Range**

56

**Number of Lots/Tracts**

5

**Number of Acres**

69.81

**How is this property currently being used?**

Moderate Density Residential (R2)

**What is the proposed use of the property?**

Moderate Density Residential (R2)

## Surveyor/Engineer Information

**Firm Name**

Brandt Land Surveying

**Address**

1202 Willowdale Road

**City**

Yankton

**State**

South Dakota

**Zip**

57078

**Contact Person**

John Brandt

**Phone**

6056658455

**Property Owner Information**

**Owner Name**

Bob Law, Inc

**Address**

3812 SD HWY 314

**City**

Yankton

**State**

South Dakota

**Zip**

57078

**Owner Phone**

6056616193

**Contact Person**

Bob Law

If the property owner is represented by an authorized agent, please provide the following:

**Agent's name**

**Agent's Title**

**Plat Information**

Does this lot/tract conform with Yankton County Zoning Ordinance required minimum lot sizes?

Yes

What is/are the lot size(s)

1.20 Acres

Is this plat an existing farmstead

No

If a farmstead, how many acres are surrounding it

The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary?

Yes

Is this property to have construction on it

Yes

If Yes:

Single Family Dwellings

Construction contractors Name, Address, and phone number (If applicable)

Plat Approval Items Completed On 3/10/2021 10:21 AM EST by bconkling

In order to insure prompt approval of your plat, please complete the following steps before submitting your application

Upload Copy of Plat

[law.pdf](#)

#### Plat Approval Applicant Checklist ⓘ

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

All required signatures notarized (owner(s), surveyor)?

Taxes paid at County Treasures?

County Treasurer's signature?

Submit Application Completed On 3/10/2021 10:22 AM EST by bconkling

#### Owner Certification

Owner(s)

Bob Law

This is to certify that the aforementioned owner(s) undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton County Zoning Ordinance.

Owner Signature



Owner Signature

If represented by an Agent, please provide name and signature below

**Agent Name**

Tod Knodel

This is to certify that (Agent) acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understood Section 207 of the Yankton County Zoning Ordinance.

**Agent Signature**

Tod Knodel

Payment Completed On 3/10/2021 10:22 AM EST by bconkling

**Fees Paid**

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Zoning	\$100.00

**Confirmation Data**

Payment Method	Check
Confirmation Number	1026
Amount Paid	\$100.00

Planning Commission Review Completed On 3/10/2021 10:23 AM EST by bconkling

**Plat Approval Planning Commission Checklist**

**Please follow these steps:**

Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

All required signatures notarized (owner(s), surveyor)?

Taxes paid at County Treasures?

County Treasure's signature?

Ownership verified by Director of Equalization and signed?

Street authority signature (DOT, Highway, Township)?

\$100.00 Fee Paid at Zoning Office?

Plat has been scheduled/approved by the Yankton County Planning Commission?

**Planning Commission date:**

04/13/2021

Plat Approval Application (Planning Commission) Completed On 3/10/2021 10:30 AM EST by bconkling

Documents

Internal Notes

Documents

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## DEFINITIONS

### Planning Commission proposed changes in green (03-09-21)

Agriculture - The planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards along with the raising and feeding of livestock and/or poultry shall be considered an agricultural use. Grain elevators or Agricultural Product Processing Facilities shall not be considered an agricultural use if such use constitutes the main or principal use on a lot or parcel. (Un-struck)

~~Agribusiness—A business which directly supports the agricultural industry, such as suppliers of feed, seed, chemicals, fertilizer, farm equipment, and equipment parts, farm equipment repair services, veterinary services, drain tile installers, and commercial grain elevators. (Discuss possible concerns about business going away and someone wanting to build a home)~~

~~Another possible definition:~~

~~Agribusiness—The business sector encompassing farming and farming-related commercial activities. The business involves all the steps required to send an agricultural good to market: production, processing and distribution.~~

Agriculture Product Processing Facility - A business activity customarily designed to process raw agricultural products into value added products. Agricultural processing facilities include, but are not limited to; feed mills, ethanol plants, soy bean processing facilities, cheese plants, milk processors, packing plants and rendering facilities.

Animal Feeding Operation: An animal feeding operation is a lot or facility where **an established number (Un-struck)** of animal units are confined, stabled, fed, or maintained in either an open or housed lot for a total of 45 days or more in any 12-month period. The open lot does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. Two or more facilities under common ownership are a single animal operation if they adjoin each other (within one mile), or if they use a common area or system for the disposal of manure.

1. Discharges pollutants into waters of the state through man-made ditch, flushing system, or other similar man-made device
2. Discharges pollutants directly into waters of the state which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in operation

For the purposes of these regulations, Animal Feeding Operations are divided into the following classes:

Class	Animal Units
Class A	<del>5,000</del> 500 - 10,000 <del>1,000-10,000</del>
Class B	<del>3,000-4,999</del> 100 – 499 <del>300-1,000</del>
<del>Class C</del>	<del>2,000-2,999</del>
<del>Class D</del>	<del>1,000-1,999</del>
<del>Class E</del>	<del>300-999</del>
<del>Class F</del>	<del>1-299</del>

~~Animal Feeding Operation or CAFO, New – An animal feeding operation or CAFO, (see definitions), constructed after the effective date of this ordinance or any subsequent amendment of applicable Articles or Sections. Operations in existence upon adoption or prior to future amendments may be considered a new operation if the facility is expanded to facilitate an increase of more than three hundred (300) animal units. Any new construction relating to an expansion must comply with the applicable performance standards. The Planning Commission and Board of Adjustment shall have the authority to decrease or waive any standard deemed contradictory to the intent of the zoning ordinance upon review and in accordance with the conditional use and variance process described herein. (Amended May 19, 2020)~~

Animal Units - A unit of measure for livestock equated as follows; one head is equivalent to animal units:

Cow, feeder, or slaughter beef animal, <del>excluding calves under 300 pounds including cow/calf pairs</del>	1.0 A.U.
Horse	2.0 A.U.
Mature dairy cattle, excluding dairy calves under 300 pounds	1.4 A.U.
Farrow-to-finish sows	3.7 A.U.
Swine in a production unit	0.47 A.U.
Nursery swine less than 55 pounds	0.1 A.U.
Finisher swine over 55 pounds	0.4 A.U.
Sheep or lambs, <del>goats</del>	0.1 A.U.
Laying hens or broilers	0.033 A.U.
Ducks and/or geese	0.2 A.U.
Turkeys	0.018 A.U.

Animal Unit Conversion Table - A conversion table designed to integrate the definition of animal feeding operations with the animal unit definition. (Amended 06/08/06)

Species Animal	Class A	Class B	Class C	Class D	Class E
Cow, feeder or	<del>10,000—</del>	<del>4,999—</del>	<del>2,999—</del>	<del>1,999—</del>	<del>999—300</del>

<del>slaughter beef animal, excluding calves under 300-pounds-</del>	<del>5000—500</del>	<del>3,000—499—100</del>	<del>2,000</del>	<del>1,000</del>	
<del>Horses</del>	<del>5,000—2,500—250</del>	<del>2,499—1500—249—50</del>	<del>1,499—1,000</del>	<del>999—500</del>	<del>499—150</del>
<del>Mature dairy cattle, excluding calves under 300-pounds</del>	<del>7,143—3,571—357</del>	<del>3,570—2,143—357—72</del>	<del>2,142—1,429</del>	<del>1,428—714</del>	<del>713—214</del>
<del>Farrow to finish-sows-</del>	<del>2,703—1,351—135</del>	<del>1,350—811—134—27</del>	<del>810—541</del>	<del>540—270</del>	<del>269—81</del>
<del>Swine in a production unit</del>	<del>21,276—10,638—1,063</del>	<del>10,637—6,382—1,062—213</del>	<del>6,381—4,255</del>	<del>4,254—2,128</del>	<del>2,127—638</del>
<del>Nursery swine-less than 55-pounds-</del>	<del>100,000—50,000—5,000</del>	<del>49,999—30,000—4,999—1,000</del>	<del>29,999—20,000</del>	<del>19,999—10,000</del>	<del>9,999—3,000</del>
<del>Finisher swine-over 55-pounds-</del>	<del>25,000—12,500—1,250</del>	<del>12,499—7,500—1,249—250</del>	<del>7,499—5,000</del>	<del>4,999—2,500</del>	<del>2,499—750</del>
<del>Sheep or lambs, goats</del>	<del>100,000—50,000—5,000</del>	<del>49,999—30,000—4,999—1,000</del>	<del>29,999—20,000</del>	<del>19,999—10,000</del>	<del>9,999—3,000</del>
<del>Laying hens-</del>	<del>303,030—151,515—15,151</del>	<del>151,514—90,909—15,150—3,030</del>	<del>90,908—60,606</del>	<del>60,605—30,303</del>	<del>30,302—92090</del>
<del>Ducks and/or geese-</del>	<del>50,000—25,000—2,500</del>	<del>24,999—15,000—2,499—500</del>	<del>14,999—10,000</del>	<del>9,999—5,000</del>	<del>4,999—1,500</del>
<del>Turkeys—</del>	<del>555,555—277,777—27,777</del>	<del>277,776—166,666—27,776—5,566</del>	<del>166,665—111,111</del>	<del>111,110—55,555</del>	<del>55,554—16,666</del>

- ~~Note: Class B maximum Number changed to make sense with Class A minimum~~

Animal Waste Facility - A structure designed and constructed to store and/or process animal waste. Animal waste facilities include but are not limited to holding basins, lagoons, pits and slurry stores.

Building Permit - A type of authorization that must be granted by a government or other regulatory body before the **construction** of a new or **expansion** of existing building can legally occur.

Concentrated Animal Feeding Operation: ~~An animal feeding operation that holds more than 1,000 animal units and smaller operations that discharge pollutants that impair a stream or other surface water are Concentrated Animal Feeding Operations (CAFOs).~~

Concentrated Animal Feeding Operation (CAFO): An animal feeding operation that meets one or more of the following criteria:

1. Contains at least 500 animal units?
2. Utilizes a Liquid Manure System (see definitions)
  - a. Liquid Manure System – Vast majority (>90%) of excreted manure will be stored in a form that – with or without agitation/mixing – can be handled with a common centrifugal pump under normal operating conditions. Example systems include slatted floor facilities and facilities where manure can be transferred via gravity.
3. Utilizes environmentally controlled housing where the animals are contained in a thermostatically controlled environment
4. Discharges pollutants into waters of the state through man-made ditch, flushing system, or other similar man-made device
5. Discharges pollutants directly into waters of the state which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in operation

Concentrated Animal Feeding Operation (CAFO) Existing: Concentrated animal feeding operations in existence prior to the effective date of this ordinance or any subsequent amendment of applicable Articles or Sections

Domesticated Large Animals - Any animal that through long association with man, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation or other attributes of the species to an extent that makes it unique and different from wild individuals of its kind. For the purpose of this ordinance the definition shall include, but is not limited to, animals commonly raised on farms and ranches, such as cattle, horses, hogs, sheep, and mules.

Family - Any number of individuals living together as a single housekeeping unit, in which not more than five (5) individuals are unrelated by blood, marriage or adoption. This definition shall not include foster families as regulated by the State.

Farm Building - All buildings and structures needed in agricultural operation.~~,- including dwellings for owners, operators, farm laborers employed on the farm, and other family members.~~

Farm Drainage Systems - The term shall include all waterways, ditches, flood control, watershed, and erosion control structures and devices provided each individual system or structure comply with the applicable local, state, and federal regulations.

Farm Occupation - A business activity customarily carried out on a farm by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation or outside storage of any machinery, equipment or material other than that customary to normal farm operations, without the employment of more than two (2) persons not residing in the home, which does not cause the generation of additional traffic in the area. Farm occupations include, but are not limited to, seed sales and custom combining support facilities.

Farm Unit - All buildings and structures needed in an agricultural operation, including dwellings for owners, operators, and other family members.

Farm, Hobby - An activity carried out in rural residential areas, which includes the planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards. The raising and feeding of livestock and poultry shall be considered as part of a hobby farm if the area, in which the livestock or poultry is kept, is one (1) acre or more in area for every one (1) animal unit, and if such livestock does not exceed ten (10) animal units.

Farm, Ranch, Orchard - An area of not less than twenty (20) acres of unplatted land, or is a part of a contiguous ownership of not less than eighty (80) acres of unplatted land, which is used for growing usual farm products, vegetables, fruits, trees, and grain, and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, hogs and sheep, and including the necessary accessory uses for raising, treating, and storing products raised on the premises; but excluding an Animal Feeding Operation. The processing and storage of raw agricultural products, such as grain elevators and ethanol plants, shall not be considered a farm, ranch or orchard if such constitutes the main or principal use on the lot or parcel.

Farmstead - A place with empirical evidence of a previous farmstead including at a minimum foundations, structures, or a tree belt. For the purposes of this ordinance the Zoning Administrator or Planning Commission shall determine the eligibility of a farmstead as a building site as described within Section ~~513(3)~~ 516.

~~Feeding Operation — The processing and storage of raw agricultural products, such as grain elevators and ethanol plants, shall not be considered a farm, ranch or orchard if such constitutes the main or principal use on the lot or parcel.~~

Game Farm - An area of five (5) acres or more, which is used for producing hatchery, raised game and non-domestic animals for sale to private shooting preserves.

Game Lodge - A building or group of detached, or semi-detached, or attached buildings occupied or used as a temporary abiding place of sportsmen, hunters and fishermen, who are lodged, with or without meals, and in which there are more than two (2) sleeping rooms.

Grain Elevator - Grain storage facilities, which are the principal and primary use of the lot. Said facilities are generally equipped with devices for housing and discharging significant quantities of grain. This definition does not include normal farm product

storage and warehousing facilities such as grain bins and where such storage is an accessory use to the parcel.

Grandfather - For the purposes of this ordinance the term “grandfather” shall be defined as a lay term used to describe structures, land uses, facilities, operations or similar activities in existence prior to adoption of the zoning ordinance. The term is generally applied to uses not allowed or further regulated within the new ordinance. The act or condition of grandfathered is more fully addressed in the nonconforming Article herein.

Horticulture - The science or art of cultivating fruits, vegetables, flowers, and plants.

Horticulture Sales - The on-site retail sale of farm produce, floral, fauna, or similar items. The majority of the produce sold shall be seasonal in nature and grown on-site. An exception may be a cooperative venture between numerous producers.

Irrigation Systems - This term shall include all canals, ditches, piping, center pivot, and other methods utilized to irrigate cropland. This term does not include systems designed to land apply waste or water from animal feeding operations as defined herein. All irrigation systems shall comply with local, state, and federal regulations.

#### ~~Manure System Definitions~~

- ~~1. Solid Manure System—Vast majority (>90%) of excreted manure will be maintained in form that can be handled with a front-end loader and stacked without seepage under normal operating conditions. Example systems include floor-raised poultry, deep-bedded housing systems, and drylots~~
- ~~2. Semi-Solid or Combination System—Default category for systems that do not fit the description of a solid or liquid manure system. Example systems include dairies having multiple types of housing and/or significant separation of solids prior to long-term storage, modestly bedded facilities, and multi-species operations.~~
- ~~3. Liquid Manure System—Vast majority (>90%) of excreted manure will be stored in a form that—with or without agitation/mixing—can be handled with a common centrifugal pump under normal operating conditions. Example systems include slatted floor facilities and facilities where manure can be transferred via gravity.~~

Nuisance - Any condition existing that is or may become injurious or dangerous to health or that prevents or hinders or may prevent or hinder in any manner the suppression of a disease.

Nursery, Swine - A facility confining a specific number of small and/or young swine averaging ten (10) to fifty five (55) pounds in size.

Permitted Special Use - A use allowed in a zoning district subject to the applicable restrictions of that zoning district and additionally subject to certain restrictions for that specific use.

Private Recreation Area - Any open space or recreational area, other than a public park, owned and operated or maintained in whole or in part for profit by a private individual(s), club or fraternal organization for members only, and may include therein one or more of the following activities: swimming, boat facilities, picnic area, tennis courts, outdoor skating rinks, athletic fields, walking, riding and cross-country skiing, snowmobiling, but does not include the racing of animals, motor vehicles, motorcycles or snowmobiles.

Private Shooting Preserves - An acreage of at least one hundred and sixty (160) acres and not exceeding one thousand two hundred and eighty (1,280) acres either privately owned or leased on which hatchery raised game and/or larger game is released for the purpose of hunting, for a fee, over an extended season.

Ranch Building - See Farm Building.

Ranch Occupation - See Farm Occupation.

Ranch Unit - See Farm Unit.

Riding Stable - Any place that has more than fifteen (15) stalls or horse spaces to board, train, or provide recreational equine activities.

Screening - A continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting, which would effectively screen the property which it encloses, and is broken only by access drives and walks.

Shelterbelt - Five or more rows of trees and/or shrubs that reduce erosion and protects against the effects of wind and storms.

Shelterbelt Restoration - The removal and replacement of two or more rows of trees or of trees totaling one-half acre or more, whichever is greater, in an existing shelterbelt.

Swine Production Unit - An operation confining a specific number of female breeding age swine for the purpose of farrowing. The operation shall farrow no more than an average of one-third (1/3) of the total herd at any one time and the total herd shall not farrow more than an average of two and one-half (2 ½) times within a twelve month period. All farrowed swine shall be relocated to an off-site nursery facility, as defined by this ordinance, at approximately ten (10) pounds or said swine shall be calculated as part of the total animal units.

Utility Facilities - Any above-ground structures or facilities, other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities, owned by a governmental entity, a nonprofit organization, a corporation, a private citizen or any entity defined as a public utility for any purpose and used in

connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

Windbreak - Any non-opaque manmade structure constructed of any material and erected adjacent to an animal feeding, calving, or other such lot of which its principal use is that of protecting livestock from the effects of the wind.

## ARTICLE 5

### AGRICULTURAL DISTRICT (AG)

#### Section 501 Intent

The intent of Agricultural Districts (AG) is to protect agricultural lands and lands consisting of natural growth from incompatible land uses in order to preserve land best suited to agricultural uses and land in which the natural environment should be continued and to limit residential, commercial, and industrial development to those areas where they are best suited for reasons of practicality and service delivery.

#### Section 503 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in an Agricultural District (AG):

- ~~1. Agriculture; (Agriculture Un-struck) Any form of agriculture including the raising of crops, horticulture, animal husbandry yet excluding animal feeding operations (AFO) and commercial grain elevators.~~
2. Cemeteries;
3. Day cares, family;
- ~~4. Dwellings, single family;~~
5. (Move to 4) Farms, ranches or orchards as defined herein;
6. (Move to 5) Farm buildings;
7. (Move to 6) Historic sites;
8. (Move to 7) Horticulture;
- ~~9. Manufactured homes, pursuant to Section 1509;~~
- ~~10. Modular homes;~~
11. (Move to 8) Utility facilities; and

12. (Move to 9) Veterinary services.

#### Section 505 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in an Agricultural District (AG):

1. Accessory ~~agricultural~~ structures or uses;
2. Customary water irrigation systems, other than manure irrigation equipment;
3. Farm drainage systems;
4. Home and farm occupations;
5. Roadside stands;
6. Shelterbelts;
7. Signs, banner;
8. Signs, directional on-site;
9. Signs, directional off-site;
10. Signs, easement and utility;
11. Signs, exterior off-site, pursuant to Article 14;
12. Signs, flag;
13. Signs, name and address plate;
14. Signs, on-site;
15. Signs, real estate; ~~and~~
16. Stock dams; ~~and~~
17. Swimming Pools;

#### Section 506 Permitted Special Uses

1. Dwellings, single family including modular homes pursuant to Section 516
2. Dwellings, two-family pursuant to Section 516
3. Dwellings, additional farm (do we want to allow non-farm dwelling on 20 acres also?) dwelling, in excess of one (1) pursuant to Section 516 and 1509;
4. Manufactured Homes, pursuant to Section 516 and 1509;
5. Animal Feeding Operations (AFOs) pursuant to Section 519(2.3);

6. Concentrated Animal Feeding Operation, Existing are allowed to expand ~~to 125%~~ 25 % over ~~of~~ current operation size if the operation exists on an occupied farmstead of continuous property to the farmstead. . The species of animals pertaining to the expansion must be that of the existing operation. Performance standards of Section 519 are applicable to the expansion with exception to the setbacks found in the *Facility Setback Chart* in Section 519(2).
7. If any such nonconforming use of land ceases, for any reason, for a period of more than five (5) years, any subsequent use of such land shall conform to the regulations specified b this Ordinance for the district in which such land is located.

#### Section 507 Conditional Uses

After the provisions of this Ordinance relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in an Agricultural District (AG):

1. ~~Animal feeding operations;~~
2. (Move to 1) Agricultural, fertilizer, and chemical sales and applications;
3. (Move to 2) Agricultural product processing facilities;
4. (Move to 3) Aquaculture;
5. (Move to 4) Auction yards and barns;
6. (Move to 5) Bars;
7. (Move to 6) Bed and breakfast operations;
8. (Move to 7) Buying stations;
9. (Move to 8) Churches;
- ~~10.~~ (Move to 9) Concentrated Animal Feeding Operations; and Concentrated Animal Feeding Operation expansion over 25% of current operation size if the operation exists on an occupied farmstead of continuous property to the farmstead.
11. (Move to 10) Construction services;
12. (Move to 11) Day cares, group family home;
- ~~13. Dwellings, additional farm in excess of one (1), pursuant to Sections 513(5) and 1509;~~

14. (Move to 12) Exhibition areas;
15. (Move to 13) Fairgrounds;
16. (Move to 14) Fireworks sales;
17. (Move to 15) Game farms;
18. (Move to 16) Game lodges;
19. (Move to 17) Golf courses;
20. (Move to 18) Grain elevators;
- ~~21. Individual septic or sewage treatment facilities, pursuant to Section 1513;~~
22. (Move to 19) Indoor shooting/archery ranges;
23. (Move to 20) Kennels;
24. (Move to 21) Landing Strips;
25. (Move to 22) Manufacturing, light;
26. (Move to 23) Motor vehicle tracks or play areas;
27. (Move to 24) Manure irrigation;
28. (Move to 25) Municipal, commercial, or residential central containment, sewage disposal, treatment, or application sites;
29. (Move to 26) Open sales areas;
30. (Move to 27) Outdoor shooting/archery ranges;
31. (Move to 28) Parks;
32. (Move to 29) Portable processing plants;
33. (Move to 30) Private recreation areas;
34. (Move to 31) Private shooting preserves;
35. (Move to 32) Quarries, pursuant to Section 1515;
36. (Move to 33) Remote fuel depots;
37. (Move to 34) Repair shops, auto-body;
38. (Move to 35) Repair shops, motor vehicle and equipment;
39. (Move to 36) Riding stables;

40. (Move to 37) Rodeo arenas;
41. (Move to 38) Salvage yards;
42. (Move to 39) Sanitary landfills or restricted use sites, permitted by the Department of Environment and Natural Resources (DENR);
- ~~43. (Move to 40) Spreading, injection, or other application of manure or animal waste generated by an Animal Feeding Operation as described herein, or other livestock production means located outside of Yankton County pursuant to Section 519 (11) (12);~~ from a concentrated animal feeding operation not permitted by Yankton County, shall be required to submit a waste management plan for land application of said manure within the Agricultural (AG) District. The waste management plan shall be the same as for a permitted site, pursuant to Section 519 (C) (3);
- ~~44. Swimming pools;~~
45. (Move to 41) Temporary construction facilities; and
46. (Move to 42) Towers, pursuant to Article 25 & Article 26;
47. (Move to 43) Wildlife and game production areas; and
48. (Move to 44) Wind energy systems, pursuant to Article 26.

#### Section 509 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Planning Commission and Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Agricultural District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed. The review shall be heard at a regular meeting of the aforementioned bodies and may be required to adhere to the notification requirements as described in Section 1803(3-5).

#### Section 511 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 509 shall be prohibited.

#### Section 513 Minimum Lot Requirements

1. The minimum lot area shall be twenty (20) acres;
- ~~2. The minimum lot area shall be five (5) acres for any agribusiness as defined herein;~~
3. The minimum lot width shall be five hundred (500) feet;

4. The Zoning Administrator may allow a smaller minimum lot requirement where a permit for a single-family home is requested on an existing farmstead site, as defined herein;
5. Lots of record, as defined herein, existing prior to adoption of this ordinance may be developed pursuant to Article 16 and as approved by the Zoning Administrator;
- ~~6. An additional dwelling unit is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family farm unit, provided the property is not transacted or prepared, platted, or described for transaction; and~~
- ~~7. The Zoning Administrator may allow construction of single and multi family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code. Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.~~

#### Section 515 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks and patios:

1. There shall be a front yard of not less than a depth of seventy five (75) feet;
2. There shall be a rear yard of not less than a depth of seventy five (75) feet;
3. There shall be two (2) side yards, each of which shall not be less than seventy five (75) feet;
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways; and
- ~~5. The Zoning Administrator may allow construction of single and multi family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code. Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.~~ Water and sewer or sanitary drainage systems shall be installed by a licensed installer and shall comply with all applicable South Dakota Department of Natural

Resources regulations.

## Section 516 Residence and New Church Requirements

The requirements herein apply to all new residences including but not limited to single family dwellings, two family dwellings, and modular homes.

1. Any new residence must acknowledge that any AFO and/or CAFO operation located within 1.5 miles of the new residence and that is operating at the time of the issuance of the new residence's building permit may expand in the future without regard to setbacks from this new residence. Setbacks for already established residences still apply to expansion of these AFO and/or CAFO operations. This acknowledgement shall be attached to the building permit and include:
  1. A specific list of all operators of the AFO and/or CAFO operations which are allowed to expand without regard to this residence as noted above;
  2. A copy of South Dakota's policy to protect agricultural operations from nuisance suits as defined in SDCL 21-10-25.1 through 21-10-25.6;
  3. Be signed by the building permit applicant; and
  4. A copy is given to all AFO and/or CAFO operators listed.If the AFO and/or CAFO operator sells the operation to a non-family member, this setback exemption from the new residence is not transferrable. Family members noted here include: siblings, children, grandchildren, nieces, and nephews.
2. An additional dwelling unit is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family, provided the property is not transacted or prepared, platted, or described for transaction; and
3. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code. Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.

## Section 517 Traffic Visibility

1. There shall be no obstructions, such as buildings, structures, grain bins, trees, wind breaks, baled agricultural products, or other objects within fifty (50) feet from the right-of-way.
2. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar

situation as determined by the Zoning Administrator; and

3. ~~Structures, perennial, or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting.~~ No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

Section 519   **Concentrated** Animal Feeding Operation Performance Standards

1. **Conditional Use Permit Application Requirements.** The following shall be submitted for the consideration of a Concentrated Animal Feeding Operation Conditional Use Permit:

**a. Site description information:**

- i. The owners', managers', management company's or similar entities' name, address and telephone number.
- ii. A legal description of the site and proposed 911 address for the location.
- iii. The type and number of animals to be housed at the site.
- iv. Site diagram of all existing and proposed buildings and structures.
- v. Information on ability to meet designated setback requirements (Section 519(2)), including maps showing measured distances.
- vi. Information on the types of soils at the site, and whether there are any shallow aquifers and/or 100-year floodplain designations at or within one half mile of the proposed site.
- vii. Provide a Farm Service Agency wetland map.
- viii. Test boring location and test boring results *may* be required. The standards utilized by the South Dakota Department of Environment and Natural Resources for soil borings shall be followed.

**b. A facility management plan shall include:**

- i. The methods utilized to dispose of dead animals shall be identified and shall be in compliance with the South Dakota Animal Industry Board. Temporary dead animal storage or disposal sites shall be screened or located out of site from neighboring dwellings and the adjacent right-of-way.
- ii. The methods utilized to control pests and flies.
- iii. A screening and/or buffering section to include the planting of trees and shrubs of adequate size to control wind movement and dispersion of dust and odors generated by the facility. The applicant of any naturally ventilated or open style CAFO must plant a shelter belt of trees between the proposed CAFO and the affected residence, church, business or school. The shelterbelt shall run the length of the footprint within 250' of the facility, include a minimum of five rows of trees consisting of both evergreen and deciduous species, be planted in the first

year of obtaining a conditional use permit. For three consecutive years, all trees that die must be replaced within one growing season. The shelter belt must maintain 90% survivability while the conditional use permit is active.

- iv. A review of Industry Best Management practices including the use of bio-filters, pit additives, urine-feces separation systems, or other odor reduction technologies. Applicant shall identify which practices will be utilized.
  - v. A storm water management plan shall provide adequate slopes and drainage to divert storm water from confinement areas, while providing for drainage of water from said area, thereby assisting in maintaining dryer confinement areas to reduce odor production.
  - vi. Road haul routes and road maintenance agreements for both the construction and operation of the facility shall be signed by the applicant and the local road authority and included in the CUP
- c. **Waste Management Plan Requirements.** An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented. The plan shall include the following:
- i. All CUP applicants must submit and receive approval for a waste management plan to the Department of Environment and Natural Resources prior to obtaining a CUP. The waste management plan will list all fields and acres that are in the waste management plan and shall include expected manure application rates.
  - ii. A state general permit is required if any of the following situations are met.
    - 1. Any CAFO greater than or equal to 1000 animal units.
    - 2. A general permit is required by the South Dakota Department of Environment and Natural Resources.
    - 3. A general permit is required by Yankton County as a condition of approval.
    - 4. The proposed site is located over a mapped shallow aquifer area as depicted on the Department of Environment and Natural Resources *First Occurrence of Aquifer Materials in Yankton County, SD*
  - iii. Proposed maintenance of waste facilities.
  - iv. Number and size of containment areas.
  - v. Timeframe for removal of manure from storage containment.
  - vi. Land application process and/or methods (surface, injection, etc.).
  - vii. Legal description and map, including documented proof of area to be utilized for manure application.
  - viii. If the applicant does not own all of the land which will be used for the spreading of waste, the applicant shall provide an enforceable lease, easement, or other written agreement as part of the application. The length of the agreement shall be such that the CAFO has adequate time to make other alternative

arrangements in the event that the existing lease, easement, or other written agreement cannot be renewed.

- d. Prior to construction, such facilities shall obtain a Storm Water Permit for Construction Activities from the South Dakota Department of Environment and Natural Resources. This plan must be implemented upon the start of construction.
- e. The Yankton County Planning Commission, Board of Adjustment or the Planning Director may require additional information reasonably related to a concentrated animal feeding operation not contained in these regulations.

**2. Facility Setback Requirements.** New Animal Feeding Operations and waste facilities shall be located no closer than the following regulations prescribe.

The applicant(s) of an animal feeding operation may request the required setback to any residence other than the applicant, active church, business, or school be lessened. This request shall only be approved after the applicant obtains signed waivers from all property owners within the separation distance. Any authorized person, business or governmental entity that is within the separation distance may waive the separation distance. The written waiver(s) shall be permanently attached to the approved conditional use permit.

<i>Facility Setback Chart (Feet)</i>		
<i>Class</i>	<b>A</b>	<b>B</b>
<i>Animal Units</i>	<b>500 to 10,000</b>	<b>100 to 499</b>
<i>Solid Manure System</i>		
Residence other than owner, active church, business, schools	1.98 feet per A.U. (minimum 1,320)	1,320
Incorporated municipalities	TBD feet per A.U. (minimum TBD)	TBD?
<i>Semi-solid or Combination Manure System</i>		
Residence other than owner, active church, business, schools	2.31 feet per A.U. (minimum 1,320)	1,320
Incorporated municipalities	TBD feet per A.U. (minimum TBD)	TBD?
<i>Liquid Manure System</i>		
Residence other than owner, active church, business, schools	2.64 feet per A.U. (minimum 1,320)	1,320
Incorporated municipalities	TBD feet per A.U. (minimum TBD)	TBD?
<i>Any Style Manure System</i>		
Public wells	1,000	1,000
Private well	250	250
Private well (operator's)	150	150

Lakes, rivers and streams	660	660
Right-of-way line	330	330
Property line delineating a change in ownership	660	660
100 year flood plain	PROHIBITED	PROHIBITED

- 3. Manure application.** New Animal Feeding Operations and waste facilities shall comply to the following:
- a. A review of weather conditions shall be conducted prior to application to minimize the potential for runoff and to mitigate effects upon neighboring properties.
  - b. Animal waste shall be transported no further than five miles from the point of origination by equipment designed for direct application. Animal waste hauled within non-application or transportation equipment shall not be restricted as to distance. Both methods of transportation must comply with federal, state, and local load limits on roads, bridges, and other similar structures.
  - c. All liquid manure shall be injected to provide for better agronomic benefits, to reduce the potential for runoff, and to minimize odor. Liquid manure may be surface applied if approved by the Department of Natural Resources for emergency discharge only. Documentation of this approval shall be maintained by the operator and be available upon request by the Planning Department.
  - d. If irrigation is used for dewatering a lagoon (gray water) basin, these rules apply:
    - i. Must be used on systems that disperse the liquid no higher than 18” off the ground if no crop is actively growing on the field.
    - ii. If a crop is actively growing on the field, the liquid must then be Drops dispersed below the crop canopy.
    - iii. No runoff or diffused spray from the system onto neighboring property or public right-of-way will be allowed.
    - iv. No irrigation shall be applied when soils are water saturated, frozen, or covered with snow, or when other soil conditions would result in waste runoff.
    - v. No irrigation over FSA designated wetlands.
    - vi. No “big gun” type irrigation systems shall be used for liquid manure or dewatering lagoons or other manure containment systems.
  - e. Manure should not be applied over frozen or snow covered ground.
  - f. No pipes or drag lines may be permanently installed in the public right-of-way.
  - g. The producer, or agent acting on behalf of the producer, shall inspect the land application equipment, land application sites and irrigation equipment, if used, on a daily basis while land application of process wastewater or manure is occurring. This inspection is to ensure that the land application equipment is not leaking and runoff from the land application site is not occurring. If a discharge or leak is found where process wastewater or manure is reaching any surface waters of the

state, flowing onto property not owned by the producer, or not included in the nutrient management plan, the producer is responsible for taking immediate steps to stop the discharge or leak and report the leak to the county zoning office, state DENR and the affected landowner. The producer shall keep documentation of these inspections so the Zoning Administrator can review them upon request or during an inspection

<b>Manure Application Setback Chart</b>			
	<b>Injection or Incorporated within 24 hours</b>	<b>Surface Applied</b>	<b>Irrigated</b>
Public wells (feet)	1,320	1,320	1,320
Private wells (feet)	350	350	350
Private wells (operator's) (feet)	250	250	250
Lakes, rivers and streams (public drinking supply) (feet)	1,320	1,320	1,320
Lakes, rivers and streams (fisheries) (feet)	200	1320	1320
All public road right- of-ways (feet)	10	10	350
Municipalities (feet)	1,320	2,640	5,280
Residence other than operator's (feet)			
100 year flood plain	330	660	1,320
	<b>PROHIBITED</b>		

~~Animal Feeding Operations are considered conditional uses and shall comply with the Conditional Use Process, all applicable state and federal requirements, and the applicable requirements as defined in this section:-~~

~~Class A (5,000 – 10,000) — Section 519(1,2,3,4,5,6,7(a),8(a),9,10,11,12,13)~~

~~Class B (3,000 – 4,999) — Section 519(1,2,3,4,5,6,7(b),8(b),9,10,11,12,13)~~

~~Class C (2,000 – 2,999) — Section 519(1,2,3,4,5,7(c),8(c),9,10,11,12,13)~~

~~Class D (1,000 – 1,999) — Section 519(1,2,3,4,5,7(d),8(d),9,10,11,12,13)~~

~~Class E (300 – 999) — Section 519(2,3,4\*,5,7(e),8(e),9,10,11,12,13)~~

~~Class F (1 – 299) — NA~~

~~\*If required by state law~~

- ~~1. Animal Feeding Operations shall submit animal waste management system plans and specifications for review and approval prior to construction, and a Notice of Completion for a Certificate of Compliance, after construction, to the South Dakota Department of Environment and Natural Resources or as amended by the State of South Dakota or the South Dakota Department of Environment and Natural Resources.~~
- ~~2. Prior to construction, such facilities shall obtain a Storm Water Permit for Construction Activities from the South Dakota Department of Environment and Natural Resources. The Storm Water Pollution Prevention Plan required by the permit must be developed and implemented upon the start of construction.~~
- ~~3. Animal confinement and waste facilities shall comply with the following facility setback requirements:~~
  - ~~A. Public Wells 1,000 feet~~
  - ~~B. Private Wells 250 feet~~
  - ~~C. Private Wells (Operator's) 150 feet~~
  - ~~D. Lakes, Rivers, Streams Classified as a Public Drinking Water Supply 1,000 feet~~
  - ~~E. Lakes, Rivers, Streams Classified as Fisheries 1,000 feet~~
  - ~~F. Designated 100 Year Flood Plain PROHIBITED~~
- ~~4. Applicants must present a nutrient management plan to the Department of Environment and Natural Resources for approval and/or certification. Examples of such management shall include at least:~~
  - ~~A. Proposed maintenance of waste facilities;~~
  - ~~B. Land application process and/or methods;~~
  - ~~C. Legal description and map, including documented proof of area to be utilized for nutrient application; and~~
  - ~~D. All CAFO's are required to obtain a South Dakota State General Permit that outlines the manure management practices that an operator must follow to prevent water pollution and protect public health.~~
- ~~5. New animal feeding operations, new CAFO's and waste facilities shall be setback six hundred and sixty six (660) feet from a property line delineating a change in ownership and three hundred and thirty (330) feet from a right a-way line. Additionally, the applicant shall locate the operation ¼ of a mile or 1,320 feet from neighboring residential dwellings. The Planning Commission~~

~~and/or Board of Adjustment may mandate setbacks greater than those required herein to further the intent of the Zoning Ordinance while protecting the public health, safety, and welfare.~~

~~6. New Class A and B Animal Feeding Operations shall be prohibited from locating within the area bounded by the City of Yankton, 431<sup>st</sup> Avenue, the Missouri River, and South Dakota Highway 50.~~

~~7. New animal confinement and waste facilities shall be located no closer than the following regulations prescribe from any Class I incorporated municipality or residentially zoned area bounded by the City of Yankton, 431<sup>st</sup> Avenue, the Missouri River and South of South Dakota Highway 50:~~

~~A. Class A \_\_\_\_\_ 4 miles~~

~~B. Class B \_\_\_\_\_ 2 miles~~

~~C. Class C \_\_\_\_\_ 1 mile~~

~~D. Class D \_\_\_\_\_ 2,640 feet~~

~~E. Class E \_\_\_\_\_ 2,640 feet~~

~~8. New animal confinement and waste facilities shall be located no closer than ½ mile from any Class II or III incorporated municipality, active church, or established R2 or R3 residential area as shown on the Official Zoning Map. New animal confinement and waste facilities shall be located no closer than the following regulations prescribe from a residential dwelling; one dwelling unit is allowed on the facility site. The owner(s) of an animal feeding operation and/or residential dwelling may request the required setback be lessened or waived in accordance with the variance procedures as detailed herein. Residential waiver request forms are obtainable from the Zoning Administrator. This waiver would run with the land and be filed with the Yankton County Register of Deeds.~~

~~A. Class A \_\_\_\_\_ 2 miles~~

~~B. Class B \_\_\_\_\_ 1.25 miles~~

~~C. Class C \_\_\_\_\_ 2,640 feet~~

~~D. Class D \_\_\_\_\_ 1,320 feet~~

~~E. Class E \_\_\_\_\_ 1,320 feet~~

~~9. Animal waste shall be transported no further than five miles from the point of origination by equipment designed for direct application. Animal waste hauled within non-application or transportation equipment shall not be restricted as to distance. Both methods of transportation must comply with~~

~~federal, state, and local load limits on roads, bridges, and other similar structures.~~

- ~~10. Animal Feeding Operations shall prepare a facility management plan. The plan shall be designed to dispose of dead animals, manure, and wastewater in such a manner as to control odors or flies. The County Planning Commission and Board of Adjustment will review the need for control measures on a site-specific basis, taking into consideration prevailing wind direction and topography. The following procedures to control flies and odors shall be addressed in a management control plan:~~
  - ~~A. An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented;~~
  - ~~B. The methods utilized to dispose of dead animals shall be identified.~~
  - ~~C. A screening and/or buffering section to include the planting of trees and shrubs of adequate size to control wind movement and dispersion of odors generated by the facility;~~
  - ~~D. A storm water management section shall provide adequate slopes and drainage to divert storm water from confinement areas, while providing for drainage of water from said area, thereby assisting in maintaining dryer confinement areas to reduce odor production.~~
  - ~~E. A solid manure storage plan detailing the number and size of containment areas and methods of controlling drainage to minimize odor production;~~
  - ~~F. A description of the method and timeframe for removal of manure from open pens to minimize odor production;~~
  - ~~G. The applicability, economics, and effect of Industry Best Management Practices shall be covered;~~
  - ~~H. A notification section should be formulated by the applicant. It is to include the names, addresses, and phone numbers of all occupied residences and public gathering places, within one-half (1/2) mile of applicant's manure application fields. The preferred hauling and application process shall be detailed and include timetables of probable application periods. Application of manure on weekends, holidays, and evenings during the warmer seasons shall be avoided whenever possible. Complaints could lead to having to give 48 hour notice in advance of manure applications. Annual notification advising of an upcoming 30-day window should be given.~~
  - ~~I. A review of weather conditions shall be included reviewing the effect of climate upon manure application. This section shall also include the~~

~~preferred times and conditions for application to mitigate the potential effects upon neighboring properties while outlining the least advantageous climatic conditions.~~

~~11. Manure generated from Animal Feeding Operations shall comply with the following manure application setback requirements if it is injected or incorporated within twenty four (24) hours:-~~

- ~~A. Public Wells 1,000 feet~~
- ~~B. Private Wells 250 feet~~
- ~~C. Private Wells (Operator's) 150 feet~~
- ~~D. Lakes, Rivers, Streams Classified as a Public Drinking Water Supply 1,000 feet~~
- ~~E. Lakes, Rivers and Streams Classified as Fisheries 200 feet~~
- ~~F. All Public Road Right of ways 10 feet~~
- ~~G. Incorporated Communities 660 feet~~
- ~~H. A Residence other than the Operators 100 feet~~

~~12. Manure generated from Animal Feeding Operations shall comply with the following manure application setback requirements if it is irrigated or surface applied:-~~

- ~~A. Public Wells 1,000feet~~
- ~~B. Private Wells 250feet~~
- ~~C. Private Wells(Operator's) 150feet~~
- ~~D. Lakes, Rivers, Steams Classified as a Public Drinking Water Supply 1,000feet~~
- ~~E. Lakes, Rivers and Streams Classified as Fisheries 660 feet~~
- ~~F. All Public Road Right of ways (Surface Applied) 10 feet~~
- ~~G. All Public Road Right of ways (Irrigated Application) 100 feet~~
- ~~H. Incorporated Communities (Surface Applied) 1,000 feet~~
- ~~I. Incorporated Communities (Irrigated Application) 2,640 feet~~
- ~~J. A Residence other than the Operators (Surface Applied) 330 feet~~
- ~~K. A Residence other than the Operators (Irrigated Application) 750 feet~~

- ~~13. If irrigation is used for removal of liquid manure, dewatering a lagoon (gray water) basin, or any type of liquid manure holding pit, these rules apply:~~
- ~~A. Drops must be used on systems that disperse the liquid no higher than 18" off the ground if no crop is actively growing on the field.~~
  - ~~B. If a crop is actively growing on the field, the liquid must then be dispersed below the crop canopy.~~
  - ~~C. No runoff or diffused spray from the system onto neighboring property or public right-of-way will be allowed.~~
  - ~~D. No irrigation of liquid on frozen ground or over FSA designated wetlands.~~
  - ~~E. No "big gun" type irrigation systems shall be used for liquid manure or dewatering lagoons or other manure containment systems.~~

Section 520 Conditional Use Permit for an Animal Feeding Operation Not Permitted if Applicant Applies for the Permit for the Purpose of Selling, Transferring, or Brokering.

The Board of Adjustment shall not grant a Conditional Use Permit for an Animal Feeding Operation, [Concentrated Animal Feeding Operation](#), and/or waste facility if the Applicant is applying for the Permit for the purpose of selling, transferring, or brokering the Permit.

For the purposes of this Ordinance, any sale or transfer of the Permit from the Applicant to any other person or entity within ~~two (2)~~ [five \(5\)](#) years of the date that the Permit is issued shall be considered to be prima facie evidence that such Permit was obtained for the purpose of selling, transferring or brokering the Permit. [The Board of Adjustment may hear and grant exceptions to this rule in the case of unforeseen life events that may force the sale of an operation.](#)

Any evidence that is presented by any person that any [Building Permit](#) and/or Conditional Use Permit for an Animal Feeding Operation, [Concentrated Animal Feeding Operation](#), and/or waste facility was sought for the purpose of selling, transferring, or brokering the Permit ~~may~~ shall be considered by the [Zoning Administrator, Planning Commission, and/or](#) Board of Adjustment in considering a new application for Conditional Use Permit. ~~and~~ It may be the basis for a denial or revocation of the application, [building permit](#), and/or a conditional use permit by the Board of Adjustment.

