

May 19,2026

Moody County

Board of Adjustment/ Moody County Commissioners

Staff Report

Tuesday – May 19, 2026 – 9:05

Board of Adjustment

Shelterbelt Variance# 2026-6

Applicant/Owner: Scott Holzemer

Property Description: Lot 2 Hunter’s Tract NE1/4 Section 17, Township 106 North, Range 47 West of the 5th P.M., Moody County, South Dakota. (Lone Rock Township)

Action Items – Variances – Shelterbelt Setback Requirements (Ch.4.18).

Zoning Designation: Agriculture

Request: The applicant seeks a 28’ & 13’ variance to plant 2 rows of Blue Spruce trees on the east side of his property.

History:

1. Mr. Holzemer purchased the above property in November of 2025.
2. The intent is to plant the trees 55’ & 70’ from the center of the road.
3. There are power lines 40’ from the center of the road. The Conservation District suggested placing the trees 15’ on the other side of the power lines.
4. The Moody County Board of Adjustment has a history of granting similar variances where trees have been planted closer than 50’ of the road right-of-way.
5. Staff Recommendation:

Variance to all 2 rows of Blue Spruce trees to be planted closer than 50’ from the road right-of-way. Staff recommends approval of 28’ & 13’ variance.

Conditional Use Permit #2026-7

Applicant/Owner: Jim Jensen

Property Description: Lot 2 & SE-1/4NW-1/4 & N-8 Rods NW-1/4NW-1/4SW-1/4 Section 31, Township 105 North, Range 48 West of the 5th P.M., Moody County, South Dakota.
(Blinsmon)

Action Items – Conditional Use Permit – Extended Home Occupation (Ch. 2.04.05.19).

Zoning Designation: Agriculture; Zone B – Aquifer Protection District

Request: The applicant seeks an Extended Home Occupation permit to operate a firearms sales business.

History:

1. Mr. Jensen lives at the above property.
2. Mr. Jensen intends to sell firearms and components.
 - a. Obtain Federal Firearms License.
 - b. Obtain SOT status.
 - c. Not intended to be a “store-front”
3. There is another extended home occupation being operated on this property for a small mechanics shop.

Ordinances regarding this request:

1. Extended Home Occupations are listed as a conditional use in the Agriculture district.
2. The Moody County Zoning Ordinance lists numerous considerations for Extended Home Occupation (Ch. 4.19).
3. Mr. Jensen will have less than 3 unrelated employees at this site.
4. No on or off-premise signs are planned at this time and no additional structures.
5. The entire purpose of this business is to sell firearms and components for retail
 - a. The zoning ordinance only allows retail sales of commodities/ products prepared on the premises in connection with such occupation or activity exc. Automobile, Recreational Vehicle, and Seed Sales.
 - b. SDCL 9-19-20 and 7-18A-36 specify that counties and municipalities cannot create ordinances prohibiting sale of firearms and components.
 - c. Based on those state laws, the prohibition on retail sales (associated with firearms) is not applicable to this request.

6. No outdoor storage is proposed.
7. Firearms are used by farm and non-farm residents.
8. Parking will be located on the property, to the west of the shop.
9. Traffic will be minimal, as it will be by appointment only.
10. It is not anticipated that any processes associated with the business will be noticeable by noise, heat, glare, vibration, etc. on neighboring properties.
11. Compatibility of Adjacent Uses:
 - a. Moody County Zoning Ordinance explains General compatibility with adjacent properties not as a justification for denial of a conditional use permit, but as a justification for attaching conditions regulating the operation of a proposed use. Further ALL uses if listed as a conditional use are deemed compatible.
12. This property is located over Zone B of the Aquifer Protection District. There is no need for large storage of chemicals or petroleum-based products which would need to be limited at this site.
13. A few other individuals in the county hold similar licenses for firearms sales.

Staff Recommendation:

Conditional Use Permit – Extended Home Occupation (Firearms Sales) – Staff recommends approval of the CUP 2026-7 for an Extended Home Occupation (Firearms Sales).

Travel/Education Request Form

Name(s): Whitney Sams & Alica DeSchepper

Department: Equalization

Travel/Education

Date(s)	Destination
June 2-5	Sioux Falls

Reason for Travel:

2020 SOAAO Conference

Passengers:

Estimated Expenses:

- Method of Travel: County Vehicle Private Auto Airfare

400 Miles @ \$.58 /per mile = \$ 240

- Meals: 2 Breakfast @ 6 = \$ 12
5 Lunch @ 14 = \$ 70
 Dinner @ 20 = \$

***Employees will not be reimbursed for meals that are included in the registration fee.

- Additional Expenses (taxi, parking, etc):
Please list _____ = \$ _____

- Lodging: 2 Estimated number of days/nights = \$ 260
Thursday

- Registration 2 Estimated cost = \$ 600

Total Cost Estimate = \$ 1,200

Whitney Sams
Department Head Signature

5/15/20
Date

Addendum No. 8

This document is a fourth addendum to the lease between Moody County, South Dakota and Inter-Lakes Community Action Partnership, Inc., dated April 4, 2018, and which serves to extend the lease between these two entities for an additional one-year period, commencing on August 1, 2027. Excepting the extension of the term of the Lease outlined herein, all other provisions of the original agreement remain in full force and effect.

Moody County

Commission Chair

Inter-Lakes Community Action Partnership Inc.
Mike Anderson
ICAP Chief Operating Officer

ATTEST:

Moody County Auditor