

Codington County/City of Watertown
Joint Planning Commission/Joint Board of Adjustment Minutes

December 18, 2017

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met for meeting on December 18, 2017 at the Codington County Extension Complex. Members of the Joint Planning Commission/Board of Adjustment present were: Bob Fox, Mark Stein, Rodney Klatt, John Stonebarger, Brenda Hanten, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer).

Others present were Mel Ries, Charles Rossow, Myron Johnson, Todd Kays, Thomas Nealon, Roger Foote, Dan Kaaz, Teresa Kaaz, Nathan Meland, Lee Gabel, Charlie Waterman, Gerald VanWell, and Becky Goens.

Chairman Fox brought the meeting of the Joint Board of Adjustment to order.

Motion by Hanten, second by Stonebarger, to approve the October 16, 2017 meeting minutes. Motion passed unanimously.

Motion by Hanten, second by Stonebarger, to approve Roger Foote's Conditional Use Permit request subject to conditions as read by Staff. Mr. Foote is requesting to custom construct wood canoes and kayaks in an accessory building on his property located at Lot 14a less SE105' of said Lot 14a of the plat "Schwandt's Pelican View Subdivision" in Section 17-T116N-R53W. Muller read Staff Report (attached). The conditions include:

- 1) Individuals engaged in such occupation shall consist of family members residing on the premises and up to three (3) non-family employees.
- 2) Off-premise signage associated with the extended home occupation will be limited to South Dakota Department of Transportation (SDDOT) commercial, directional signs, also known as "Blue Signs".
- 3) There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one on-premise sign. On-premise signage may be permitted by the Zoning Officer subject to the following:
 - a) A maximum of 16 square feet of sign area will be allowed.
 - b) Sign will be non-illuminated.
- 4) No traffic shall be generated by such extended home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need of parking generated by the conduct of such extended home occupation shall be provided off the street and other than in a required front yard.
- 5) No equipment or process shall be used in such extended home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal

senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

- 6) The Conditional Use permit for the extended home occupation transferable. Subsequent owners/operators will be required agree to the same conditions contained herein within 30 days of transfer of the property/business to retain the conditional use permit.
- 7) Any failure to comply with the terms of this agreement will be deemed a violation of the terms of this Conditional Use permit. Violations will be determined by the Codington County Zoning Officer. If violations are substantiated the Board of Adjustment may hold a hearing to consider revocation of this Conditional Use Permit.

Chairman Fox read the Findings of Fact. There were no objections or questions. Motion passed unanimously.

Motion to adjourn by Hanten, second by Stein. Motion passed unanimously.

Respectfully Submitted,

Becky Goens, Secretary

**DECEMBER 2017
CODINGTON COUNTY
PLANNING COMMISSION/BOARD OF ADJUSTMENT STAFF REPORT**

MONDAY – DECEMBER 18, 2017 – 9:00 a.m.

CODINGTON COUNTY/CITY OF WATERTOWN JOINT BOARD OF ADJUSTMENT

ISSUE #1 CONDITIONAL USE

Applicant/Owner: Roger Foote

Property Description: Lot 14a less SE105' of said Lot 14a of the plat "Schwandt's Pelican View Subdivision" in Section 17-T116N-R53W, Codington County, South Dakota. (Pelican Township)

Action Item: Conditional Use – Extended Home Occupation (Canoe Assembly) (3.07.03.8)

Zoning Designation: LP - Lake Park

Request: The applicant seeks an extended home occupation permit to assemble canoes as a hobby/business.

History/Issue(s):

Specifics of Request:

1. Mr. Foote lives at the above described property.
2. Mr. Foote intends to construct canoes/kayaks/etc as requested by customers.
 - a. These are specialty watercraft. Materials are ordered from an outside source.
 - b. Mr. Foote assembles the watercraft.
3. Customers place orders over the phone or internet.
4. No outdoor storage is expected associated with this permit
5. Between 3 and 6 per year expected to be built at this site.
6. No new accessory buildings are proposed at this time.

Ordinance and Comprehensive Land Use Plan regarding this request:

1. Extended Home Occupations are a listed use in the LP – Lake Park District.
2. The Codington County Comprehensive Land Use Plan (adopted by the City of Watertown for the Joint Jurisdiction Area) lists numerous considerations for Extended Home Occupations on pages 51-52, most of which are addressed in the zoning ordinance, others relating to policies of the Board in granting similar permits.
3. According to the Codington County Comprehensive Land Use Plan (adopted by the City of Watertown for the Joint Jurisdiction Area), Conditional Uses may only be denied if specific criteria for denying the permit can be identified.
4. Mr. Foote will be the only employee.
5. No on or off-premise signs are planned at this time and no additional structures.
6. The sales occurring on the site are of canoes constructed using materials purchased by the customer from an outside vendor.
7. No outside storage is planned for this business.
8. Businesses should be agriculturally related.
 - a. Comprehensive land use plan (updated after the zoning ordinance) cites the Board's ability to consider businesses which are of a similar character to other uses allowed in the agricultural district.

- b. While no other assembly of this nature has been permitted in the LP District, similar services such as auto, watercraft and personal recreational vehicle repair/service has been permitted.
- 9. No substantial need for additional parking is expected.
- 10. Traffic utilizing this site will be limited to delivery vehicles and an occasional customer for pick-up of final product. (Most are delivered).
- 11. The property has access to both W. Pelican Drive (~30') (privately maintained) and 449th Avenue (Paved County Highway)
- 12. It is not anticipated that any processes associated with the business will be noticeable by heat, glare, vibration, etc. on neighboring properties.
- 13. Compatibility of Adjacent Uses:
 - a. Codington County Comprehensive Land Use Plan (adopted by the City of Watertown for the Joint Jurisdiction Area) explains General Compatibility with adjacent properties not as a justification for denial of a conditional use permit, but as justification for attaching conditions regulating the operation of a proposed use. Further ALL uses if listed as a conditional use are deemed compatible.
- 14. This property is located over Zone C of the Aquifer Protection District. No specific performance standards apply to this request.

Staff Recommendation

Conditional Use Permit – **Extended Home Occupation (canoe assembly)** may table the request, deny the request or approve the request. If approved staff recommends the following conditions be agreed to in a letter of assurance signed by the applicant(s):

- 8) Individuals engaged in such occupation shall consist of family members residing on the premises and up to three (3) non-family employees.
- 9) Off-premise signage associated with the extended home occupation will be limited to South Dakota Department of Transportation (SDDOT) commercial, directional signs, also known as “Blue Signs”.
- 10) There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one on-premise sign. On-premise signage may be permitted by the Zoning Officer subject to the following:
 - c) A maximum of 16 square feet of sign area will be allowed.
 - d) Sign will be non-illuminated.
- 11) No traffic shall be generated by such extended home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need of parking generated by the conduct of such extended home occupation shall be provided off the street and other than in a required front yard.
- 12) No equipment or process shall be used in such extended home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- 13) The Conditional Use permit for the extended home occupation transferable. Subsequent owners/operators will be required agree to the same conditions contained herein within 30 days of transfer of the property/business to retain the conditional use permit.
- 14) Any failure to comply with the terms of this agreement will be deemed a violation of the terms of this Conditional Use permit. Violations will be determined by the Codington County Zoning Officer. If violations are substantiated the Board of Adjustment may hold a hearing to consider revocation of this Conditional Use Permit.