

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

February 27, 2018

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met for meeting on February 27, 2018 at the Codington County Extension Complex. Members of the Joint Planning Commission/Board of Adjustment present were: Bob Fox, Mark Stein, Mark O'Neill, 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, Keith Schick, Lon Maag, Jeff Grabow, Kenneth Bunde, Rodney Zemlicka, Brent Zemlicka, DuWayne Mack, Rita Mack, Jody Cryan, Larin Bunde, Merlin Bunde, Darlis Bunde, Jackie Schaefer, Darcy Thonvold, Jenny Kuhnert, Brock Kuhnert, Randy Schmeling, Troy Deberg, Greg Moes, Julie Moes, Ryan Althoff, Brian Friedrichsen, Jim Beskow, Lee Gabel, Ted Boomsma, Troy VanDusen, Sharmell Bunde, and Becky Goens.

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

Motion by Hanten, second by Stein, to approve the December 18, 2017 meeting minutes. Motion passed unanimously.

Muller asked for nominations for Chairperson. Motion by Hanten, second by Stonebarger, to nominate Bob Fox. No other nominations. Motion cast for unanimous ballot by Stonebarger, second by Hanten. Motion passed unanimously.

Muller asked for nominations for Vice Chair. Motion by Fox, second by Hanten, to nominate John Stonebarger. No other nominations. Motion case for unanimous ballot by Hanten, second by O'Neill. Motion passed unanimously.

Motion by Hanten, second by Stonebarger, to recommend approval of the front yard setback variance request by Jody Cryan. Property is located in Lot 4 of Kahnke Subdivision in NE1/4, Section 23-T117N-R53W. Ms. Cryan would like to construct a 30x48 garage at an angle with the closest point 25' from the Kahnke Drive right-of-way. Muller reviewed Staff Report (attached). No one spoke regarding this issue. Motion failed 1-4 based upon findings presented at meeting.

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

Respectfully Submitted,

Becky Goens, Secretary

**FEBRUARY 2018
CODINGTON COUNTY/CITY OF WATERTOWN
JOINT PLANNING COMMISSION/ JOINT BOARD OF ADJUSTMENT
STAFF REPORT**

TUESDAY – FEBRUARY 27, 2018 – 12:30 p.m.

CODINGTON COUNTY/CITY OF WATERTOWN JOINT BOARD OF ADJUSTMENT

ITEM #1 ELECTION OF OFFICERS

ITEM #2 VARIANCE

Owner/Applicant: Jody Cryan

Property Description Lot 4 of the Kahnke Subdivision in NE1/4 of Section 23-T117N-R53W, Codington County, South Dakota. (Lake Township)

Action Item – Variance – 25’ Front Yard Setback Variance (3.13.04.2)

Zoning Designation: Rural Residential District

Request: Ms. Cryan seeks to place a garage 20’ from the Kahnke Drive Right-of-way.

History/Issue(s):

Specifics of Property/Request:

1. Ms. Cryan recently purchased the above described 230’ x 495’ lot.
2. She wishes to construct a 30 x 48 garage at an angle with the closest point 25’ from the Kahnke Drive right-of-way.
3. A neighboring horse shelter is built on or near the right of way line.
4. The house is constructed approximately 55’ from the right-of-way line.
5. Kahnke Drive is privately maintained.
6. A well is located even with and to the west of the house requiring the garage to be moved toward the road if not farther west.
7. A row of trees is located between the road and the proposed garage.

Ordinance/Variance History regarding this request:

1. Structures are required by ordinance (regardless of the presence of nonconforming structures) to be located at least 50’ from the right-of-way.
2. The Board has a history of granting variances for some setback relief where >72% or more of the lot is unbuildable due to setbacks in residentially zoned parcels.
3. 26.2% of this lot is unbuildable due to areas reserved for setbacks.
4. The joint board has not heard a request for variance to front yard setbacks. The Board denied variance to Jeff and Mary Argo for side and rear yard variances where a similar percentage of lot area was unbuildable due to setbacks.
5. On June 21, 2004, the Codington County Board denied a variance (25’ side yard setback variance) to Mark Fiechtner on an agriculturally zoned lot. On May 21, 2012, the Board denied

variance to James Patrick to construct less than 25' from the rear setback on his conforming agriculturally zoned property.

Staff Summary and Recommendation:

Staff Summary –The Board does not have a history granting front yard setback variances on similarly sized lots, especially where the lot is conforming and has less than 75% of the area covered by setbacks.

Staff recommendation – **30' Variance to front yard setback-** The Board could table, deny or approve the request. Staff recommends that if approved the Board could use the following findings:

- a. The location of trees in between the proposed structure and the right-of-way will act a snow fence and therefore it is not expected the structure will significantly impact the maintenance of the road.
- b. There is no objection from the entity maintaining the road.

If denied the Board could use the following findings:

- a. The lot is not so unique to necessitate the relaxation of the setback requirement in that:
 - 1) The lot size still allows up to 74% of the lot to be built upon.
 - 2) A buildable area of approximately 90' in width is still available in this area (more if trees are removed).
- b. The Board has not granted variances in the Rural Residential District for setbacks since the adoption of the Joint Jurisdiction Ordinance was adopted. All previous variances referenced were granted prior to the JJO adoption.
- c. The granting of this variance would confer upon the applicant special privilege denied to others in the Rural Residential District.