

Codington County/City of Watertown
Joint Planning Commission/Joint Board of Adjustment Minutes
May 21, 2018

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met for a special meeting on May 21, 2018 at the Codington County Extension Complex. Members of the Joint Planning Commission/Board of Adjustment present were: Mark Stein, Mark O'Neill, Blake Dahle, Brenda Hanten, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer).

Rodney Klatt resided on the board in place of absent board member, Bob Fox.

Others present were Chris Coplan, Brian Brandriet, Dale Miller, Linda Miller, Earl Cass, Myron Johnson, Jeff DeVille, and Becky Goens.

Mark O'Neill brought the meeting of the Joint Board of Adjustment to order at 7:30 pm.

Motion by Hanten, second by Dahle, to approve the minutes of the February 27, 2018 and April 23, 2018 meetings. Motion passed unanimously.

Motion by Hanten, second by Klatt, to approve a 10' front yard setback variance request by Dale and Linda Miller. Property is located in Lot 5 in Government Lot 4, Polze Subdivision, Section 17-T116N-R53W. Muller reviewed Staff Report (attached). No one was present to speak on this variance. Public hearing was closed. Motion passed unanimously.

Motion by Stein, second by Dahle, to adjourn. Motion passed unanimously. Meeting was adjourned at 7:45 pm.

Respectfully Submitted,

Becky Goens

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

MONDAY – MAY 21, 2018 – 7:30 p.m.

ITEM #1 VARIANCE

Owner/Applicant: Dale and Linda Miller

Property Description Property is located at Lot 5 in Government Lot 4, Polze Subdivision, Section 17-T116N-R53W, Codington County, South Dakota. (Lake Township)

Action Item – Variance – Front Yard Setback Variance (20’ variance to the north and 10’ variance to the west) (3.13.04.2)

Zoning Designation: Lake Park District

Request: The Miller’s seek to add a 20’ x 14’ addition on the west side in line with an existing nonconforming north edge of the home.

History/Issue(s):

Specifics of Property/Request:

1. The Miller’s reside in the above home which has two front yards according to ordinance.
2. The home was constructed after obtaining building permit in 1978. It is presumed the zoning officer at the time did not consider the north property line a “front yard.”
3. The north right-of-way is an unimproved lake access (no street)
4. West Pelican Drive is a privately maintained public street that provides access to this lot (west of the house.)
5. The lot includes an existing nonconforming house (10’ from north property line) and a detached garage/shed on the west property line.
6. In May of 2006 the Miller’s constructed a conforming addition to the nonconforming structure (non-standard addition) to allow a small addition 30’ from the west property line.
7. The proposed 20’ x 14’ addition will extend the north wall 20’ closer to the right-of-way to be approximately 22’ from the right-of-way.

Ordinance/Variance History regarding this request:

1. Structures are required by ordinance (regardless of the presence of nonconforming structures) to be located at least 30’ from the right-of-way.
2. The Board has a history of granting variances for some setback relief where >72% of the lot is unbuildable due to setbacks in residentially zoned parcels.
3. 77.6% of this lot is unbuildable due to areas reserved for setbacks.
4. As of the date of this report, no objection has been raised in reference to this request.

Staff Summary and Recommendation:

Staff Summary – Regarding the variance to the north setback: the applicant seeks to legitimize the building permit issued in 1978 for the house and allow for the house to be extended along the north property line. Regarding the variance to the west setback: given this lot is greater than 72% unbuildable, the Board is more in the position of determining whether the applicant is asking for “too much” relaxation of the rule and if this addition will negatively effect the maintenance or function of West Pelican Drive. The Board could also use a “division of the question” motion to split the request into two parts if inclined to approve portion of the variance, but deny another.

8. Staff recommendation – **20’ Variance to (North) Front Yard Setback and 10’ Variance to (West) Front Yard Setback**- The Board could table, deny or approve the request. If the Board chooses to approve the variance it could use the following findings, similar to those used in previous approvals of setback requirements in Town and Lake Park Districts:
- a. The unique size and shape of the lot.
 - b. The ordinance creates a unique hardship on this property in that it renders 77.6% of the lot unbuildable due to setbacks without the variance(s).
 - c. The Board heard no objections from the road authority regarding this request.
 - d. The variance allows the structure to extend no closer to the north property line than it is currently situated.
 - e. The Board would only consider approving other similar requests meeting the unique circumstances.

If the Board chooses to deny the variance it could use the following findings, similar to those used in previous denials of setback variances:

- a. The lot is not so unique to necessitate the relaxation of the setback requirement in that:
- b. The granting of this variance would confer upon the applicant special privilege denied to others in the Lake Park District.