

Codington County Planning Commission/Board of Adjustment Minutes

August 20, 2018

The Codington County Planning Commission/Board of Adjustment met for their monthly meeting on August 20, 2018 at the Codington County Extension Complex. Members of the Planning Commission/Board of Adjustment present were: Myron Johnson, Mel Ries, Brenda Hanten, Mark O'Neill, Rodney Klatt, Bob Fox, and Luke Muller (Planner at First District Association of Local Governments/Codington County Zoning Officer).

Others present were Jeff DeVille and Becky Goens.

Bob Fox brought the Board of Adjustment meeting to order at 7:30 pm.

Motion by Johnson, second by Klatt, to approve the July 16, 2018 meeting minutes with a few minor typographical corrections. Motion passed unanimously.

Motion by Hanten, second by Ries, to approve the Board of Adjustment agenda. Motion passed unanimously.

Larry Borkhuis' two variance requests were postponed from the July 16, 2018 meeting and will be discussed. Muller reviewed the Staff Report (attached). Chairman Fox read Findings of Fact. There were no objections. Motion passed unanimously.

Motion by Hanten, second by Ries, to recess the Board of Adjustment meeting. Motion passed unanimously.

Chair Fox brought the Planning Commission meeting to order.

Muller has added an item to the agenda which will include board discussion on occupying RV's/campers on some Lake Pelican lots. Motion by O'Neill, second by Ries, to approve the Planning Commission agenda. Motion passed unanimously.

Motion by O'Neill, second by Klatt, to recommend approval of the Plat of L. Borkhuis Addition to the Board of County Commissioners. Motion passed unanimously.

At the July meeting the Planning Commission instructed staff to draft language to allow the occupation of recreational vehicles on lots in the Lake Park District at Lake Pelican in response to a discussion on the open portion of said meeting. The board may suggest changes, and/or formally initiate the amendment of the Joint Jurisdiction Ordinance. The Board also may instruct staff that it is not interested in changing the ordinance. Muller reviewed potential new chapter (see attached Staff Report). In the area of the lake discussed, the number of lots in question would be approximately eleven. The city does not allow for occupation of recreational vehicles on any lake lots. Following board discussion, it was decided to not pursue an ordinance change allowing for occupation of recreational vehicles on lots in the Lake Park District.

The Plat of Rieffenberger Second Addition has been completed per discussion at a prior meeting.

Motion by O'Neill, second by Ries, to adjourn the Planning Commission meeting. Motion passed unanimously.

Motion by Hanten, second by Klatt, to take Board of Adjustment out of recess. Motion passed unanimously.

Staff has sent a letter to an area welder with regard to equipment placed off site and being used as advertisement. This letter indicates the equipment must be removed.

Motion by O'Neill to enter into Executive Session to discuss pending litigation. Second by Johnson. Motion passed unanimously. Motion by Klatt, second by Hanten, to adjourn Executive Session. Motion passed unanimously.

Muller advised the board about the upcoming Planners Convention on October 17 and 18 in Huron, SD.

Motion to adjourn by Hanten, second by Johnson. Motion passed unanimously. Meeting adjourned at 8:55 p.m.

Respectfully Submitted,

Becky Goens, Secretary

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

CODINGTON COUNTY BOARD OF ADJUSTMENT

ITEM #1 (2) VARIANCES (POSTPONED ITEM)

Applicant/Owner: Larry Borkhuis

Property Description: an 8 acre parcel in Government Lot 4, Section 7-T117N-R54W, Codington County, South Dakota, to be known upon platting as The Plat of L. Borkhuis Addition in Government Lot 4, Section 7-T117N-R54W of the 5th P.M., Codington County, South Dakota. (Richland Township)

Action Items – Variances – Minimum lot size/Existing farmstead exemption (3.04.03.7.b), minimum lot width (3.04.03.2).

Zoning Designation: Agricultural

Request: The applicant seeks variances from the minimum lot width, minimum lot area (by virtue of existing farmstead exemption), to retain building rights on property with an existing farmstead.

History/Issue(s):

1. Mr. Borkhuis seeks to sell the proposed parcel to his son for a house to be constructed and moved on.
2. The property was used as a base for farming operations prior to 1976 and but the residence was destroyed by tornado approximately 50 years ago.
3. Codington County's Zoning Ordinance does allow for variance from the 35 acre-minimum lot requirement if the lot is determined to be an existing farmstead which contains at least five acres and thereby affording building rights.
4. The adjoining property under ownership by Mr. Borkhuis contains an existing farmstead as defined by the Codington County Zoning Ordinance, which may be transferred in addition to the former farmstead in this location.
5. Staff recommendation **(Variance) –Existing Farmstead Exemption and variance to Minimum Lot Width-** Approve request because 1) The lot does contain at least five acres which meets the terms of the Ordinance. 2) The Zoning Officer after review of anecdotal information, records and site-visit has determined that this parcel is under contiguous ownership of an existing farmstead/residential site prior to October 26, 1976. If approved it should be done so on the condition that the applicant plat a lot of at least five (5) acres in accordance with the Codington County Subdivision Ordinance.

CODINGTON COUNTY PLANNING COMMISSION

ISSUE #1 PLAT

Applicant/Property Owners: Larry Borkhuis

Property Description: The Plat of L. Borkhuis Addition in Government Lot 4, Section 7-T117N-R54W of the 5th P.M., Codington County, South Dakota. (Richland Township)

Zoning Designation: A-Agricultural District

Request: Plat an 8 acre parcel at the site of an existing farmstead as required as a condition of variance.

ISSUE #2 BOARD DISCUSSION: OCCUPYING RV'S ON VACANT LOTS IN LP DISTRICT

At the July Meeting the Planning Commission instructed staff to draft language to allow the occupation of recreational vehicles on lots in the LP District at Lake Pelican in response to a discussion on the open. The board may suggest changes, and/or formally initiate the amendment of the Joint Jurisdiction Ordinance. The Board also may instruct staff that it is not interested in changing the ordinance.

(Potential New Chapter below)

CHAPTER 5.39 OCCUPIED RECREATIONAL VEHICLES PLACED ON NONCONFORMING LOTS OF RECORD.

Unless located within a campground or some other location authorized by this ordinance, Recreational vehicles may only be occupied in accordance with the following:

1. **The recreational vehicle is placed on a lot established prior to October 26, 1976.**
2. **The recreational vehicle is removed from the lot when not occupied.**
3. **The recreational vehicle is occupied for not more than one hundred eighty (180) days in any calendar year. The owner may be required to submit an affidavit attesting to compliance with this requirement upon request of the zoning officer.**
4. **Connection of the recreational vehicle to a septic tank shall be prohibited. Sanitary sewer may only be allowed on site by means of a sealed holding tank; otherwise wastewater shall be disposed of at an off-site location designated for such disposal.**
5. **Written consent of all owners of property within one hundred fifty (150) of the property shall be obtained.**
6. **The Board of Adjustment may impose other conditions to ensure that the use of property is conducted in a manner to be compatible with the surrounding neighborhood.**

ISSUE #3 OPEN/DIRECTOR REPORT

- Plat of Rieffenberger Second Addition (Update)

ISSUE #4 EXECUTIVE SESSION