

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

June 18, 2018

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met for a special meeting on June 18, 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, Bob Fox, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer).

Others present were Randall Chilson, Jeff DeVille, Myron Johnson, Rodney Klatt, Mel Ries, and Becky Goens.

Bob Fox 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 May 21, 2018 meeting. Motion passed unanimously.

Motion by O'Neill, second by Dahle, to approve the agenda as published.

Motion by Stein, second by O'Neill, to nominate Blake Dahle as Vice Chairman of the Joint Planning Commission/Joint Board of Adjustment. Motion by Hanten, second by O'Neill, to cease nominations. Motion passed unanimously.

Motion by Stein, second by Dahle, to approve 35' variance to the front yard setback for Greg and Kathleen Wellhouse. Property is located in Lot 15A, Air Haven Subdivision in Lots 3 and 4 of Section 11-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 Hanten, to adjourn. Motion passed unanimously. Meeting was adjourned at 7:50 pm.

Respectfully Submitted,

Becky Goens

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

MONDAY – JUNE 18, 2018 – 7:30 p.m.

CODINGTON COUNTY/CITY OF WATERTOWN JOINT BOARD OF ADJUSTMENT

ITEM #1 VARIANCE

Owner/Applicant: Greg and Kathleen Wellhouse

Property Description Lot 15A, Air Haven Subdivision in Lots 3 and 4 of Section 11-T116N-R53W, Codington County, South Dakota. (Pelican Township)

Action Item – Variance – Front Yard Setback Variance (35’ variance to the north) (3.13.04.2)

Zoning Designation: Lake Park District

Request: The Wellhouse’s request to build a detached garage 30’ from the right-of-way.

History/Issue(s):

Specifics of Property/Request:

1. The Wellhouse’s reside in a house across the road and are applying to build a 30 x 42 garage on their “back lot”.
2. Accessory structures are allowed on these lots since they are required to be transferred with the lot upon which the house is situated.
3. The lot is otherwise vacant.
4. Numerous neighboring properties have similarly sized garages located 25 – 30’ 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 65’ 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. 93.2% 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.
5. The County Board of Adjustment has granted variances to allow garages to be 30’ from the right-of-way.

Staff Recommendation:

1. Staff recommendation – **35' Variance to (North) 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 93.2% 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 is similar to past requests which have been granted by the County Board of Adjustment.
 - 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.