

Codington County Planning Commission/Board of Adjustment Minutes

September 17, 2018

The Codington County Planning Commission/Board of Adjustment met for their monthly meeting on September 17, 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, Ed Raml, Anita Raml, Julie Moes, and Becky Goens.

Bob Fox brought the Board of Adjustment and Planning Commission meeting to order at 7:50 pm.

Motion by Hanten, second by Ries, to approve the August 20, 2018 meeting minutes. Motion passed unanimously.

Motion by Klatt, second by Johnson, to amend the order of the agenda. Motion passed unanimously.

Motion by Johnson, second by Hanten, to recess as the Board of Adjustment and convene as Planning Commission. Motion passed unanimously.

Motion by Hanten, second by Johnson, to recommend approval to the Board of County Commissioners the Plat of Schmig 2nd Addition in the NE1/4 of Section 9-T119N-R52-W, Sisseton Wahpeton Indian Reservation. This plat contains two lots. Lot 1 is farmland consisting of approximately 26 acres and no intended building rights; Lot 2 includes approximately 38 acres and would include a building right, but currently consists of pasture land. Staff recommends approval subject to the applicant signing a Letter of Assurance being recorded that states Lot 1 does not maintain a residential building right unless it is combined with additional property totaling 35 acres. Motion passed unanimously.

Motion by Klatt, second by Ries, to recommend approval to the Board of County Commissioners the Greg Moes Addition located in the SE1/4 of Section 26-T117N-R51W. This approval is subject to the applicant's two variance requests being approved by the Board of Adjustment later in this meeting. Due to the location of the current house on this 5-acre parcel, absolutely no construction can be made to the north side of the structure. Motion passed unanimously.

Muller asked for guidance from the board on a consideration of a local landowner operating a butchering business in the county. This operation may qualify as a Home Occupation, depending on his business plan; however, the board would like to see this operation located with a Town District.

Motion by Johnson, second by Ries, to recess Planning Commission and reconvene as

Board of Adjustment. Motion passed unanimously.

Motion by Hanten, second by Ries, to approve two variance requests by Greg and Julie Moes. They are requesting Existing Farmstead Exemption and Minimum Lot Width variances on property located on a 5-acre parcel in SE1/4, Section 26-T117N-R51W, to be known as Greg Moes Addition upon platting, subject to the approval of these variances. Muller reviewed Staff Report (attached). With two houses already in the quarter-quarter, no additional residential structures would be allowed on this property or within the surrounding quarter-quarter section. No side yard variances will be granted on the north side of the property. This home is being separated as part of settling Mr. Moes' mother's estate. Public hearing closed. Motion passed unanimously.

Charles Rossow arrived at 8:15 pm.

Motion by Johnson to enter into Executive Session at 8:22 pm to discuss pending litigation. Second by Klatt. Motion passed unanimously. Others present for Executive Session are Charles Rossow, Charlie Waterman, and Becky Goens. Motion by Hanten, second by Ries, to adjourn Executive Session. Motion passed unanimously.

Motion to adjourn by Hanten, second by Johnson. Motion passed unanimously. Meeting adjourned at 8:40 p.m.

Respectfully Submitted,

Becky Goens, Secretary

**SEPTEMBER 2018
CODINGTON COUNTY
PLANNING COMMISSION/BOARD OF ADJUSTMENT STAFF REPORT**

MONDAY – SEPTEMBER 17, 2018 – 7:30 p.m.

CODINGTON COUNTY BOARD OF ADJUSTMENT

ITEM #1 (2) VARIANCES

Applicant/Owner: Greg and Julie Moes

Property Description: 5-acre parcel in SE1/4 of Section 26-T117N-R51W, to be known as Greg Moes Addition, Codington County, South Dakota (Kranzburg N 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. The Moes are managing the estate of the farm, and will purchase the home site of the dairy.
2. The property was used as a base for farming operations prior to 1976 and has remained lived in.
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. Based upon site visit and review of department of equalization records it appears this site meets the definition of an existing farmstead.
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: Lavern Schmig, Rose Schmig, and Rick Schmig

Property Description: The Plat of Schmig 2nd Addition in the Northeast Quarter of Section 9-T119N-R52W of the 5th P.M., Sisseton Wahpeton Indian Reservation, Codington County, South Dakota. (Germantown Township)

Zoning Designation: A-Agricultural District

Request: Plat 2 lots: Lot 1 is farmland consisting of ~26 acres and no intended building rights; Lot 2 includes ~38 acres and would include a building right, but currently consists of pasture land.

ISSUE #2 PLAT

Applicant/Property Owners: Greg and Julie Moes

Property Description: SE1/4 of Section 26-T117N-R51W, to be known as Greg Moes Addition, Codington County, South Dakota (Kranzburg N Township)
(Germantown Township)

Zoning Designation: A-Agricultural District

Request: Plat a five (5) acre parcel in accordance with decision of Board of Adjustment.

ISSUE #3 OPEN/ADMINISTRATIVE REPORT

- Butcher shop as extended home occupation

ISSUE #4 EXECUTIVE SESSION