

Codington County/City of Watertown
Joint Planning Commission/Joint Board of Adjustment Minutes
December 17, 2018

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met on December 17, 2018 at the Codington County Extension Complex. Members of the Joint Planning Commission/Board of Adjustment present were: Mark Stein, Mark O'Neill, Brenda Hanten, Bob Fox, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer).

Others present were Chad Paulson, Douglas Allbee, Brian Boydston, Danica Boydston, Elaine Ries, Charles Rossow, Myron Johnson, Mel Ries, and Rodney Klatt.

Bob Fox brought the meeting of the Joint Board of Adjustment to order at 9:02 am.

Motion by O'Neill, second by Hanten, to approve the minutes of the November 19, 2018 meeting. Motion passed unanimously.

Board member Blake Dahle was absent.

Motion by Hanten, second by Stein, to approve the agenda. Motion passed unanimously.

Motion by Hanten, second by Stein, to approve the variance request by Chad Paulson to construct an accessory building prior to construction of a principal structure. Property is owned by Elaine L. Ries and is located in Outlot 1 of the plat of Hindman Outlots 1&2 in SW1/4, Section 17-T116N-R53W. Muller reviewed Staff Report (attached). If approved, the applicant will sign a Letter of Assurance agreeing to the following conditions:

- a. Building permit is required prior to the commencement of construction activities.
- b. Applicant shall obtain building permit for a single family residence at the same time as permit for the shop.
- c. If the house is not completed/constructed prior to the expiration of the building permit Board of Adjustment will forward the matter with no further action to the Codington County State's Attorney for prosecution based upon failure to comply with conditions set forth by the Board of Adjustment. This may result in the removal of the accessory structure authorized by this variance.

No one spoke on this variance request. Public hearing portion closed. Mr. Paulson is aware of and understands the conditions. Motion passed unanimously.

Motion by Hanten, second by Stein, to approve the consideration of a building permit application made by Douglas Allbee with a six-month expiration. Muller reviewed Staff Report History/Issue. Mr. Allbee did submit a building permit application upon receipt of Mr. Muller's enforcement letter. Staff recommends approval of the permit with a new expiration date determined by the Joint Board of Adjustment. Mr. Allbee estimates he can complete the house in four months.

During board discussion, this will be the final extension granted to Mr. Allbee with regard to this building permit. Motion passed unanimously.

Motion by Hanten, second by Stein, to adjourn. Motion passed unanimously. Meeting was adjourned at 9:22 am.

Respectfully Submitted,

Becky Goens

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

ITEM #1 VARIANCES

Applicant: Chad Paulson / Owner: Elaine Ries

Property Description: Outlot 1 of the plat of Hindman Outlots 1&2 in SW1/4 of Section 11-T116N-R53W, Codington County, South Dakota. (Pelican Township)

Action Items – Variance – Construct an accessory use prior to constructing a primary use on the lot (5.14.2)

Zoning Designation: RR – Rural Residential

Request: The applicant requests to construct a shed without living quarters prior to construction of a house.

History/Issue(s):

2. Mr. Paulson seeks to buy the lot for the purpose of building a house, but would like the ability to build a shed prior to building a house. He expects to complete construction of a house in less than three years.
3. The Zoning Ordinance requires all accessory structures to be located on the same lot as a primary structure – in this case – a single family residential structure.
4. In the past the Board has approved similar variances provided the applicant apply for a building permit for a house at the same time as the permit for the accessory structure; but the permit is valid for up to **3 years**.
5. Mr. Paulson is not requesting to stay in the shed prior to constructing the house. No living quarters are planned for the lot.
6. Staff Recommendation – ***Variance to allow accessory structure without a primary structure:*** Staff recommends approval of the request to allow the construction of an accessory structure before construction of a primary structure (house) on the above described property. Should the Board approve the request approval should be subject to the applicant signing a letter of assurance agreeing to the following conditions:
 - a. Building permit is required prior to the commencement of construction activities.
 - b. Applicant shall obtain building permit for a single family residence at the same time as permit for the shop.
 - c. If the house is not completed/constructed prior to the expiration of the building permit Board of Adjustment will forward the matter with no further action to the Codington County State’s Attorney for prosecution based upon failure to comply with conditions set forth by the Board of Adjustment. This may result in the removal of the accessory structure authorized by this variance

ISSUE #2 ADMINISTRATIVE REVIEW OF BUILDING PERMIT/POSSIBLE ENFORCEMENT

Applicant/Owner: Doug Allbee

Property Description: Lot 1, Block 1 of the plat of Northwoods 3rd Addition in Section 16-T117N-R52W, Codington County, South Dakota. (Elmira Township)

Action Items – A) Consideration of Building Permit (if application received); or

B) Forward the matter to State's Attorney for enforcement

Zoning Designation: PD – Planned Development

History/Issue(s):

1. Mr. Allbee received a building permit (#3826) on September 16, 2016.
2. On April 30, 2018, a letter was sent notifying Mr. Albee that:
 - a. His permit was expired
 - b. He needed a new building permit
 - c. If application was made, the zoning officer was only able to issue a permit for up to 6 months. Any further extensions may only be authorized by the Board of Adjustment.
3. Mr. Allbee promptly made building permit application. The permit (#4028) was issued on May 18, 2018.
 - a. Mr. Allbee did note in his application that he may not be complete prior to the expiration of the permit.
4. At the November 19, 2018 Joint City/County Board of Adjustment Meeting the Board agreed that a letter should be sent to Allbee noting that the Board would consider extension of the building permit or turning the matter over to the State's Attorney at the December Meeting.
5. On November 30, 2018, Mr. Allbee was notified that he needed to make application for building permit and his presence was requested at the December 17, 2018 Meeting.
6. As of the date of this report, Mr. Allbee has not made application.

Staff Summary and Recommendation:

1. This permit is being forwarded to the Board as an Administrative Review function of the board in that the Zoning Officer can forward any application to the Board.
2. It is merely the intent that this structure be completed. However, the options before the Board are:
 - a. Approve a building permit (if application is made). The Board may specify an expiration other than is listed in ordinance.
 - b. Forward the matter to the State's Attorney for prosecution. (A condition could be added that if at anytime during prosecution Mr. Allbee agrees to make application and complete the siding, windows, doors, and roof within __ months; the zoning officer may issue the permit.)