

Codington County/City of Watertown  
Joint Planning Commission/Joint Board of Adjustment Minutes  
January 21, 2020

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met on January 21, 2020 at the Codington County Extension Complex. Members of the Joint Planning Commission/Board of Adjustment present were: Brenda Hanten, Mark O'Neill, Bob Fox, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer).

Others present were Randy Schuchard, Susi Schuchard, Eugene Schleusner, Mel Ries, and Becky Goens.

Bob Fox brought the meeting of the Joint Board of Adjustment to order at 1:25 pm.

Alternate Liam Culhane resided on the board in place of absent members Blake Dahle and Mark Stein.

Motion by Hanten, second by O'Neill to approve the minutes of the December 16, 2019 meeting. Motion passed unanimously.

Motion by O'Neill, second by Culhane, to approve the agenda. Motion passed unanimously.

Motion by Hanten to nominate Bob Fox as Chairman and Blake Dahle as Vice Chairman and cast a unanimous ballot. Second by Culhane. Motion passed unanimously.

Motion by Hanten, second by O'Neill, to approve the Conditional Use Permit request made by Randy Schuchard to operate an Extended Home Occupation on his property located in Lot 1 less W43.4' Rieffenberger Addition in Section 27-T117N-R52W. Schuchard is looking to operate an implement sales business. Muller reviewed Staff Report (attached). If approved, the applicant would be required to sign a Letter of Assurance agreeing to the following conditions as read by Staff:

- 1) This permit expires on January 21, 2021 unless:
  - a. The Codington County/City of Watertown Joint Jurisdiction Ordinance is amended to specifically exempt "implement sales" from the prohibition on retail sales associated with an extended home occupation; or
  - b. Variance to Section 5.12.2.e of the Codington County/City of Watertown Joint Jurisdiction Ordinance is granted to specifically allow for retail sales at this location.
  - c. If either a or b above occur, this Conditional Use Permit shall automatically renew and shall only expire if the use is discontinued for one (1) year or as described herein.
- 2) The Joint Board of Adjustment may require additional screening or storage of inventory to occur in a different location on the lot if complaints regarding outdoor storage exceeding the scope described by the applicant at the time of permit issuance are substantiated. A

change to screening or outdoor storage requirements may only occur after a hearing to explicitly consider such changes, at which the applicant will be invited to appear.

- 3) Individuals engaged in such occupation shall consist of family members residing on the premises and up to three (3) non-family employees.
- 4) Off-premise signage associated with the extended home occupation will be limited to South Dakota Department of Transportation (SDDOT) commercial, directional signs, also known as "Blue Signs".
- 5) There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one on-premise sign. On-premise signage may be permitted by the Zoning Officer subject to the following:
  - a. A maximum of 16 square feet of sign area will be allowed.
  - b. Sign will be non-illuminated.
- 6) No traffic shall be generated by such extended home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need of parking generated by the conduct of such extended home occupation shall be provided off the street and other than in a required front yard.
- 7) No equipment or process shall be used in such extended home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- 8) The Conditional Use permit for the extended home occupation is not transferable. Subsequent owners/operators will be required obtain a separate conditional use permit in order to continue the use for which this permit is granted.
- 9) Any failure to comply with the terms of this agreement will be deemed a violation of the terms of this Conditional Use permit. Violations will be determined by the Codington County Zoning Officer. If violations are substantiated the Board of Adjustment may hold a hearing to consider revocation of this Conditional Use Permit.

Public hearing portion closed. Stock trailers and flat beds will be sold. Fox read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Hanten, second by O'Neill, to adjourn. Motion passed unanimously. Meeting was adjourned at 1:50 pm.

Respectfully Submitted,

Becky Goens

**JANUARY 2020  
CODINGTON COUNTY/CITY OF WATERTOWN  
JOINT BOARD OF ADJUSTMENT STAFF REPORT**

**ITEM #1 CONDITIONAL USE PERMIT**

**Applicant/Owner:** Randy Schuchard

**Property Description:** Lot 1, less the W43.4', Rieffenberger Addition in Section 27-T117N-R52W, Codington County, South Dakota. (Elmira Township)

**Latitude/Longitude:** 44.914095° / -97.045742°

**Action Items – Conditional Use – Extended Home Occupation (Implement [trailer] Sales) (3.13.03.9 & 3.12.04.02.1)**

**Zoning Designation:** Rural Residential; Zone B – Aquifer Protection District

**Request:** The applicant seeks Extended Home Occupation permit to sell stock trailers at his home.

**History/Issue(s):**

Specifics of Request:

1. Mr. Schuchard lives at the above described property.
2. Mr. Schuchard intends to move his stock trailer sales business from Watertown to his residence.
  - a. Mr. Schuchard does not assemble or construct these trailers on site.
3. Customers place orders over the phone, by internet, and some “drive-up” traffic.
4. Mr. Schuchard will store/display some trailers in a pasture but store most trailers in a present day outdoor “riding area” with an open fence around it or to the West of his current home.
5. Mr. Schuchard’s only access is 43<sup>rd</sup> Street NE
  - a. 43<sup>rd</sup> Street NE is a gravel/township maintained road.
6. No new accessory buildings are proposed at this time.

Ordinance and Comprehensive Land Use Plan regarding this request:

1. Extended Home Occupations are a listed use in the RR – Rural Residential District.
2. The Codington County Comprehensive Land Use Plan (adopted by the City of Watertown for the Joint Jurisdiction Area) lists numerous considerations for Extended Home Occupations on pages 51-52, most of which are addressed in the zoning ordinance, others relating to policies of the Board in granting similar permits.
3. According to the Codington County Comprehensive Land Use Plan (adopted by the City of Watertown for the Joint Jurisdiction Area), Conditional Uses may only be denied if specific criteria for denying the permit can be identified.
4. Mr. Schuchard will be the only employee.
5. No off-premise signs are planned at this time and no additional structures.
6. The sales occurring on the site are retail sales of stock trailers and flat beds assembled off site.
  - a. It should be noted that “Implement sales” are a listed example of “extended home occupations” in Chapter 5.12.
  - b. *The Board will need to determine that “[live]stock trailers” should be considered [farm] implements.*
7. Storage will primarily occur inside a fenced area, however certain stock trailers may be used for display outside the fenced area.
8. This business is intended for the sale of products used by and for Agricultural Producers.
9. No substantial need for additional parking is expected.
10. Traffic utilizing this site will be limited to delivery vehicles and an occasional customer for pick-up of final product. (Most are delivered).

11. The office was contacted by an Elmira Township Supervisor regarding this application:
  - a. Elmira Township does not expect the proposal to lead to a substantial increase in traffic.
  - b. Further, based upon their relationship with Mr. Schuchard in the past, they do not anticipate the need for a haul road agreement at this time.
  - c. The Board has concerns about the ability for this use to transfer without their (Township Board) ability to discuss haul road concerns with a future owner; therefore the Township Board requests the ability to review the need for a haul road agreement should the property (and intent for use) transfer to someone else.
12. It is not anticipated that any processes associated with the business will be noticeable by heat, glare, vibration, etc. on neighboring properties.
13. Compatibility of Adjacent Uses:
  - a. Codington County Comprehensive Land Use Plan (adopted by the City of Watertown for the Joint Jurisdiction Area) explains General Compatibility with adjacent properties not as a justification for denial of a conditional use permit, but as justification for attaching conditions regulating the operation of a proposed use. Further ALL uses if listed as a conditional use are deemed compatible.
14. This property is located over Zone C of the Aquifer Protection District. No specific performance standards apply to this request.

Staff Summary:

Staff chose to bring this request to you despite conflicting language in the ordinance. "Implement Sales" is listed as an example of an allowed extended home occupation; however is not listed as an item for which the prohibition on retail sales is exempted. Procedurally staff recommends holding the public hearing and reading questions for findings of fact. If it is the intent of the Board to deny this permit, that could be done at this meeting. However, due to the conflicting language in the ordinance, anyone intending to vote "yes" should Make a Motion to "Postpone" the application until notice can be filed for a variance to allow retail sales other than of products produced on site.

Staff Recommendation

Conditional Use Permit – **Extended Home Occupation (canoe assembly)** may postpone the request, deny the request or approve the request. If approved staff recommends the following conditions be agreed to in a letter of assurance signed by the applicant(s):

- 10) Individuals engaged in such occupation shall consist of family members residing on the premises and up to three (3) non-family employees.
- 11) Off-premise signage associated with the extended home occupation will be limited to South Dakota Department of Transportation (SDDOT) commercial, directional signs, also known as "Blue Signs".
- 12) There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one on-premise sign. On-premise signage may be permitted by the Zoning Officer subject to the following:
  - b) A maximum of 16 square feet of sign area will be allowed.
  - c) Sign will be non-illuminated.
- 13) No traffic shall be generated by such extended home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need of parking generated by the conduct of such extended home occupation shall be provided off the street and other than in a required front yard.
- 14) No equipment or process shall be used in such extended home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- 15) The Conditional Use permit for the extended home occupation is not-transferable. Subsequent owners/operators will be required obtain a separate conditional use permit in order to continue the use for which this permit is granted.

16) Any failure to comply with the terms of this agreement will be deemed a violation of the terms of this Conditional Use permit. Violations will be determined by the Codington County Zoning Officer. If violations are substantiated the Board of Adjustment may hold a hearing to consider revocation of this Conditional Use Permit.