

Codington County/City of Watertown
Joint Planning Commission/Joint Board of Adjustment Minutes
March 16, 2020

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met on March 16, 2020 at the Codington County Extension Complex. Members of the Joint Planning Commission/Board of Adjustment present were: Mark Stein, Mark O'Neill, Bob Fox, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer).

Others present were Reed Storley, Lori Storley, Chuck Andrews, Loren Berg, Mel Ries, Rodney Klatt, Greg Moes, Julie Moes, Jim Moes, and Becky Goens.

Bob Fox brought the meeting of the Joint Board of Adjustment to order at 12:31 pm.

Alternate Myron Johnson resided on the board in place of absent members Blake Dahle and Brenda Hanten.

Motion by O'Neill, second by Johnson to approve the minutes of the January 21, 2020 meeting. Motion passed unanimously.

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

Motion by Johnson, second by O'Neill, to approve the minimum lot width variance request made by Loren Berg on property described as Government Lot 1 less Lots H-2 & H-3 and Government Lots 2-3 and SW1/4 of NE1/4, Section 6-T116N-R53W. The applicant is looking to create a 35-acre lot that is rectangular in shape but would not meet the 1300' minimum lot width requirement. Muller reviewed Staff Report (attached). If the 35-acre lot was created to meet the minimum lot width, it would restrict access to property on the west side. Creating a rectangular shape will still allow for access to said property. No one was present to speak on this issue. Pelican Township does not object to the reconfiguration of this lot as long as they maintain ability to determine final access location. Public hearing closed. Motion passed unanimously.

Motion by Stein, second by O'Neill, to adjourn. Motion passed unanimously. Meeting was adjourned at 12:40 pm.

Respectfully Submitted,

Becky Goens

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

ITEM #1 VARIANCE

Applicant/Owner: Loren Berg

Property Description Government Lot 1 less Lots H-2 & H-3 & Government Lots 2-3 & SW1/4 of NE1/4 of Section 6-T116N-R53W, Codington County, South Dakota. (Pelican Township)

Latitude/Longitude: 44.884585 / -97.228582

Action Item – Variance – Lot width (3.04.03.2)

Zoning Designation: A – Agricultural District

Request: Create a minimum 35 acre lot but less than 1,300' in width.

History/Issue(s):

Specifics of Property/Request:

1. Mr. Berg owned the entire Section at one point.
 - a. In January 2015, the Board granted this same variance to property fronting 173rd Street (SE1/4) with no objection from the County Highway Superintendent and upon agreement to transfer dwelling right from the interior quarter-quarter section.
 - b. This request is to split a portion in the NE1/4 in the same manner.
2. If the applicant were to sell 35 acres with 1,300' in width the water in the northern portion of the lot would make it difficult to access the lot from the east. It is already difficult from the north and west due to the former railroad grade.
3. Mr. Berg does not need to transfer a development right at this time since there are no houses located in this quarter section.
4. This property is on the north side of the crest of a hill and will require specific consideration for access location. (See below)

Ordinance/Variance History regarding this request:

1. The zoning ordinance anticipates a (mostly) square 1,300' x 1,300' lot.
2. The ordinance does allow an exception for lots that are 660' in lot width.
3. The County Board of Adjustment has approved variances to this section in similar instances adjacent to county roads and township roads if the road authority did not object to the request.
4. The County Board did require one individual to make both lots 660' wide due to objection by the [township] road authority. (Schmeling 2015)
5. On February 25, 2020 Pelican Township Board met and determined the lot width proposed was acceptable, so they do not object to the dimensions of the lot.
 - a. However, they did want to note the location of this on the in reference to the hill may be an issue for drainage and line of sight. They request the ability to review and determine the appropriate location for an access and culvert when the time comes for installation of access.
 - b. The township has full purview over access of it's streets. This request does not change that, but the county can put the applicant on notice of his obligation to install accesses in accordance with Township (State) rules and policies.

Staff Recommendation:

Staff recommendation – **Lot width less than 1,300 ft**- The Board could postpone, deny or approve the request. Staff recommends that if approved the Board could use the following findings:

- a. Following the required lot width would encourage the applicant to construct a trail through a waterbody to access the back side of the remainder of the lot.
- b. The highway authority does not object to the request.
- c. The variance can be granted but still allowing for each lot to contain at least 35 acres and not exceed the development density already allowed by ordinance provided the applicant acknowledges:
 - i. Only one (1) house may be placed in the SE1/4 of the NE1/4 without obtaining a variance to the number of residences allowed per quarter-quarter section.
 - ii. Access to 449th Avenue is allowed only in accordance with access and drainage standards of Pelican Township.