

Codington County/City of Watertown
Joint Planning Commission/Joint Board of Adjustment Minutes
March 15, 2021

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met on March 15, 2021 via teleconference. Members of the Joint Planning Commission/Board of Adjustment participating were: Liam Culhane, Mark O'Neill, Bob Fox, Brenda Hanten, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer).

Others present were Gwen Anderson, Alex Kahnke, Bert Magstadt, Kent Anderson, Matt Roby, Mike Lawrence, Myron Johnson, Mel Ries, Derek Kannas, Christa Kannas, and Becky Goens.

Bob Fox brought the meeting of the Joint Board of Adjustment to order at 12:42 pm.

Motion by Hanten, second by Culhane to approve the minutes of the October 19, 2020 meeting. Motion passed unanimously.

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

Hanten nominated Bob Fox for Chairman, second by Culhane. Motion by Hanten, second by Culhane to cease nominations and cast a unanimous ballot. Motion passed unanimously.

Hanten nominated Liam Culhane for Vice Chairman. Motion by Hanten, second by O'Neill to cease nominations and cast a unanimous ballot. Culhane abstained from voting. Motion passed unanimously.

Motion by Hanten, second by Culhane, to approve the Existing Farmstead Exemption and Minimum Lot Width variances for Matthew and Judy Kranz on property located in SW1/4 of Section 4-T116N-R52W, lying S and W of the Easterly right of way line of the former DM&E Railroad; all less the following parcels: Lots 1 and 2 of Watertown Mobile Estates Second Addition to the City of Watertown, Nick Kranz Addition to the Municipality of Watertown, Endres Investment Third Addition to the Municipality of Watertown, Watertown Mobile Estates Addition also described as the N244' lying W of the former railroad right of way of the SW1/4 of Section 4-T116N-R52 West of the 5th P.M., Codington County, Lots H1 and H2. Muller reviewed Staff Report (attached). Motion passed unanimously.

Motion by Hanten, second by Culhane, to approve the variance request by Matthew and Judy Kranz to allow More Than One Principal Structure On a Lot. Property is located in SW1/4 of Section 4-T116N-R52W, lying S and W of the Easterly right of way line of the former DM&E Railroad; all less the following parcels: Lots 1 and 2 of Watertown Mobile Estates Second Addition to the City of Watertown, Nick Kranz Addition to the Municipality of Watertown, Endres Investment Third Addition to the Municipality of Watertown, Watertown Mobile Estates Addition also described as the N244' lying W of the former railroad right of way of the SW1/4 of Section 4-T116N-R52 West of the 5th P.M., Codington County, Lots H1 and H2. Muller reviewed Staff Report (attached). Motion passed unanimously.

Motion by Hanten, second by O'Neill, to approve a Conditional Use Permit for Derek Kannas to operate a custom cabinet business. Property is owned by Richard Hoff and located in Lot 6 of Stadheim Subdivision, Section 14-T117N-R53W. Muller reviewed Staff Report (attached). If approved, the applicant would be required to sign a Letter of Assurance agreeing to the following conditions:

- 1) Individuals engaged in such occupation shall consist of family members residing on the premises and up to three (3) non-family employees.
- 2) 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".
- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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.

Muller displayed an aerial photo showing the surrounding lots. Mr. Kannas spoke as to his intentions with constructing a new building for the business while moving an existing shed to a different location on the site. There will be limited traffic on site from customers. He has a Facebook page and visits customer's homes. Kent Anderson, adjoining landowner, does not object to the request but would like clarification about potential sewer/septic concerns with regard to solvents or stains and number of employees. Per Kannas, solvents/stains are gathered in buckets and disposed

of at a local business that handles said product. Muller advised Anderson that the interpretation for non-related employee numbers is capped at three. If Kannas wishes for additional employees then he will have to find a different location. Public hearing closed. Chairman Fox read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Culhane, second by Hanten, to adjourn. Motion passed unanimously. Meeting was adjourned at 1:25 pm.

Respectfully Submitted,

Becky Goens

**MARCH 2021
CODINGTON COUNTY/CITY OF WATERTOWN
JOINT BOARD OF ADJUSTMENT
PLANNING COMMISSION/BOARD OF ADJUSTMENT STAFF REPORT**

ITEM #1 (3) VARIANCES

Applicant/Owner: Nick and Matt Kranz Inc. & Matthew and Judy Kranz by (Matt Kranz)

Property Description: SW1/4 of Section 4-T116N-R52W, lying S and W of the Easterly right of way line of the former DM&E Railroad; all less the following parcels: Lots 1 and 2 of Watertown Mobile Estates Second Addition to the City of Watertown, Nick Kranz Addition to the Municipality of Watertown, Endres Investment Third Addition to the Municipality of Watertown, Watertown Mobile Estates Addition also described as the N244' lying W of the former railroad right of way of the SW1/4 of Section 4-T116N-R52 West of the 5th P.M., Codington County, Lots H1 and H2 (Sheridan Township)

Latitude/Longitude: 44.876645° / - 97.080486°

Action Items – Variances – Existing farmstead exemption/minimum lot area (3.04.03.7.b), Minimum lot width (3.04.03.2), More than 1 residence per lot (5.20).

Zoning Designation: Agricultural

Request: The applicant seeks variances from the minimum lot width, minimum lot area (by virtue of existing farmstead exemption) to transfer existing farmstead building rights to a specified site; and to temporarily allow a second house on the same lot while constructing a new house.

History/Issue(s):

1. Mr. Kranz owns the above parcels.
2. The property was used as a base for farming operations and has remained lived in since prior to October 1976.
3. Currently two houses sit on the property. The second was (presumably) permitted as accessory to an ag residence.
4. The first house has been through multiple additions since its initial construction.
5. Mr. Kranz intends to construct a new house to replace the north house (upon completion.)
6. The Board has history of (temporarily) allowing two residences on one lot provided the applicant agrees to remove the old house within one year of taking occupancy of the new house.
7. 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.
8. The parcel contains an existing farmstead as defined by the Codington County Zoning Ordinance.
9. Replat of the above property shall split the two properties to have one house on the new (minimum) five acre lot and one house on the new (minimum) 35 acre lot.
10. 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 shall plat a lot of at least five (5) acres in accordance with the Codington County

Subdivision Ordinance; and that a letter of assurance agreeing to transfer the farmstead development right to this lot is recorded with the plat.

Variance to temporarily allow two principal structures on the same lot- Staff recommends approval of the variance for 2 principal structures subject to the applicant signing a letter of assurance agreeing to remove the existing residential structure from the above-described parcel within one year of taking occupancy of the new home.

ITEM #1 CONDITIONAL USE AND VARIANCE

Applicant: Derek Kannas

Owner: Alice Hoff, Christine Barse, and Richard Hoff

Property Description: Lot 6 of Stadheim Subdivision in Section 14-T117N-R53W, Codington County, South Dakota. (Lake Township)

Latitude/Longitude: 44.919373° / - 97.131641°

Action Items –

- **Conditional Use – Extended Home Occupation (Cabinet manufacturing) (3.13.03.09 & 3.12.04.02.1)**

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

Request: The applicant seeks Extended Home Occupation permit to operate a cabinet making business.

History/Issue(s):

History of site/Specifics of Request:

1. Mr. Kannas seeks to purchase the above property.
2. Mr. Kannas intends to move into the house in the future and construct a new shed to open his cabinet making business at this site.
 - a. No retail sales occur on site.
 - b. Customer traffic on the site is rare.
 - c. All product (raw and finished) will be stored inside.
3. The only access to this site is Stadheim Drive.
 - a. Stadheim Drive is maintained by Lake Township.
4. An extended home occupation for a “Tack Shop” is located east of this property (4 lots) at the intersection Sioux Conifer Road and Stadheim Drive; an electrical contractor has also been permitted seven lots to the east of this lot.

Ordinance and Comprehensive Land Use Plan regarding this request:

1. Extended Home Occupations are a listed use in the 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. Kannas will have less than 3 unrelated employees at this site.

5. No on or off-premise signs are planned at this time and no additional structures.
6. Mr. Kannas only sells the cabinets that he makes unless some integral component of the cabinet is necessary for sale.
7. No outdoor storage is proposed
8. The cabinets constructed by Mr. Kannas are used for residential, agricultural, and commercial users.
9. Parking will be similar to any other residential uses in the neighborhood
10. Traffic utilizing this site will be limited to delivery trucks and the vehicle of the on-site workers/employees. Customers may come, but only for planning/design purposes (rare)
11. It is not anticipated that any processes associated with the business will be noticeable by noise heat, glare, vibration, etc. on neighboring properties.
12. 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.
13. This property is located over Zone B of the Aquifer Protection District. There is no need for large storage of chemicals or petroleum based products which would need to be limited at this site.

Staff Recommendation

Conditional Use Permit – **Extended Home Occupation (cabinet making)** may postpone the request, deny the request based upon the inability of the applicant to commit to maintaining an employee of the business living on site throughout the lifetime of the permit; or approve the request subject to special conditions. If approved staff recommends the following conditions be agreed to in a letter of assurance signed by the applicant(s):

- 8) Individuals engaged in such occupation shall consist of family members residing on the premises and up to three (3) non-family employees.
- 9) 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”.
- 10) 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:
 - c) A maximum of 16 square feet of sign area will be allowed.
 - d) Sign will be non-illuminated.
- 11) 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.
- 12) 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.
- 13) 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.
- 14) 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.