

Codington County/City of Watertown  
City of Watertown/Codington County Joint Board of Adjustment Special Meeting Minutes  
November 5, 2021

The Codington County/City of Watertown Joint Board of Adjustment met on November 5, 2021 via teleconference and at the Codington County Extension Complex. Members of the Joint Planning Commission/Board of Adjustment participating were: Mark O'Neill, Bob Fox, Brenda Hanten, Blake Dahle, Liam Culhane, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer).

Others present: Gary Gabur and Myron Johnson.

Bob Fox brought the meeting of the Joint Board of Adjustment to order at 8:05 am.

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

Motion by Hanten, second by Dahle, to approve 5' front yard setback variance request by Gary Gabur for a property in Lot 7 less S98.43' of plat entitled Lots 5, 6, 6A, 7, 7A, 8 and 8A of replat of Lot E of plat entitled Replat of Lot 1 and Lot 4 of plat entitled Lots 1, 2, 3 and 4 in Bruns Subdivision, Section 15-T116N-R52W, Codington County, SD. Muller reviewed Staff Report (attached). Motion passed unanimously based upon findings recommended by Staff in the report.

Discussion was held regarding storage of flatbed trailers on illegal lots. It was decided that a flatbed trailer sitting on a lot is not a violation.

Since the adoption of Joint Jurisdiction zoning, the County has updated ordinances since that time and Muller states there should be updates to the Joint Jurisdiction ordinance as well.

Motion to adjourn made by Hanten, second by Dahle. Motion passed unanimously. Meeting adjourned at 8:31 am.

Respectfully Submitted,

Becky Goens

(SPECIAL MEETING) NOVEMBER 2021

CODINGTON COUNTY/CITY OF WATERTOWN  
JOINT BOARD OF ADJUSTMENT  
STAFF REPORT

**ISSUE #1: VARIANCE**

**Applicant/Owner: Gary Gabur**

**Property Description** Lot 7 Brun's Subdivision, Less the South 98.43' Section 15-T116N-R52W, Codington County, South Dakota. (Sheridan Township)

**Lat/Long (Existing Approach):** 44.858116°; - 97.056627°

**Action Items – Variance – 5' Variance to front (road side) setback on a lake front lot**

**Zoning Designation:** Lake Park

**Request:** The applicant requests to replace an existing shed with a larger one 8 feet from the west (side) property line.

**Specifics of Property/Request:**

1. Mr. Gabur recently purchased this nonconforming lot of record own a 0.9 acre lot on the east end of Air Haven Subdivision.
2. He requests to construct a residence with attached garage on the lot.
3. The proposal will meet all setbacks except for up to a 5' encroachment on the road-side of the lot.
4. The garage will be angled so it will not enter directly perpendicular (at a diagonal) to the road. There should be enough room for a car or pick-up to be parked in front of the garage without hanging into the right-of-way.
5. Much of this property is covered by water and/or setback area (see below).
6. This property has been mapped as being in the floodplain in the past. Steps have been taken to remove it from the floodplain. Any building permit would need to comply with floodplain requirements or submit documentation that the property has been removed from the floodplain.

**Ordinance/Variance History regarding this request:**

**Section 3.07.04.1**

1. The Zoning Ordinance requires that lots adjacent to the lake have (road) front yard setbacks of 30'.
2. The required setbacks on this lot leave 3,944 buildable square feet (narrow strip following and west of the driveway). In other words, the required setbacks and standing water cover 92.1% of this lot.



3. This Board has a history of granting variances for lots in the Lake Park District where greater than 80% of the lot is covered by required setbacks, and has used avoiding construction in the floodplain as hardship for granting variances.
4. Regardless of the action taken on the variance, the applicant will be required to comply with the floodplain requirements of the county.

Staff Recommendation:

**5' (Road) Front Yard Setback Variance to allow a 25' (road) front yard on a lot adjacent to the lake:** The Board has the option to approve, deny, or postpone the request to replace an existing shed with a larger shed, one foot closer to the side property line. Approval would be based upon:

1. The unique size and shape of the lot.
2. The ordinance and topography creates a unique hardship on this property in that it renders 92% of the lot unbuildable due to setbacks and/or being under water or in the floodplain, without the variance(s).
3. The applicant is requesting the minimum amount of adjustment to retain the ability to have a similarly sized shed as currently is located on the lot.
4. The Board has a history of granting variances to lots with a similar percentage of the lot covered by required setbacks and/or floodplain.
5. The Board would only consider approving other similar requests meeting the unique circumstances.

**ISSUE #2 OPEN/ADMINISTRATIVE REPORT**

Staff has 2 items to briefly discuss: 1) Use of flatbed trailer on illegal lot, 2) Adoption of County Ordinances in Joint Jurisdiction Area.