

Codington County/City of Watertown
Joint Planning Commission/Joint Board of Adjustment Minutes
April 19, 2022

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met on April 19, 2022 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, Liam Culhane, Blake Dahle, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer).

Others present were Myron Johnson, Alex Kahnke, Mel Ries, Rodney Klatt, Lee Gabel, Charlie Waterman, Ed Dorneman, Chris Dorneman, Dick Boerma, and Becky Goens.

Chairman Fox brought the meeting of the Joint Board of Adjustment to order at 7:51 pm.

Motion by Hanten, second by Dahle, to approve the minutes of the February 22, 2022 meeting. Motion passed unanimously.

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

Motion by Hanten, second by Culhane, to approve the Conditional Use Permit request by Edmund Dorneman on property in N706' W555' of NW1/4 and S1441' N2147' W213' in NW1/4, Section 24-T117N-R52W, Codington County, SD. The applicant seeks to add the ability for his son to operate auto body/auto repair in addition to the previously issued permit. 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 or off the premises and up to one (1) 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, up to three automobiles associated with the auto repair may be stored outside provided they are screened from view 169th Street or 459th Avenue right-of-way.
- 4) 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.
- 5) 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.
- 6) 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.

- 7) 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.
- 8) 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.

Adjoining landowner Richard Boerma spoke in opposition of this Conditional Use Permit request. Ed Dorneman indicates he sells and repairs farm equipment. Chairman Fox reminded Ed the Use he was granted does require he continue to sell and repair farm equipment at this site. Per Ed, his son Chris does help with the farm equipment repairs. The request today is for auto restoration and customization as there isn't enough business solely with farm equipment repairs. If and when Ed retires and his son takes over the businesses, the son must reside on site. Motion passed unanimously.

The Board was advised the application deadline for meetings has been moved back four days due to the deadline set by the paper.

Motion to adjourn made by O'Neill, second by Culhane. Motion passed unanimously. Meeting adjourned at 8:29 pm.

Respectfully Submitted,

Becky Goens

**APRIL 2022
CODINGTON COUNTY/CITY OF WATERTOWN
JOINT BOARD OF ADJUSTMENT STAFF REPORT**

ITEM #1 CONDITIONAL USE PERMIT

Applicant/Owner: Edmund Dorneman

Property Description: N706' W555' of NW1/4 and S1441' N2147' W213' in NW1/4, Section 24-T117N-R52 West of the 5th P.M., Codington County, South Dakota. (Elmira Township)

Latitude/Longitude: 44.933475° / -97.023426°

Action Items – Conditional Use – Extended Home Occupation (Implement Sales and Repair AND AUTO BODY/ENGINE REPAIR) (3.04.02.16)

Zoning Designation: A – Agricultural District

Request: The applicant seeks to add the ability for his son to operate auto body/auto repair in addition to the previously issued permit.

History/Issue(s):

Specifics of Request:

1. In 2001, Tritz Equipment was transferred to Mr. Dorneman upon the above legal description.
2. Building Permit was issued for a house in 2003.
3. A Conditional Use Permit to operate an extended home occupation for Ridgeview Equipment was granted by the Board on September 29, 2003 with the following conditions:
 - a. The business remains an agricultural related business;
 - b. The number of employees, accumulatively, does not work more than forty (40) hours per week on the premises.
 - c. If and when the property to which the special exception permit has been granted transfers, the existing extend home occupation (business) and the home itself are to be transferred together.
4. Implements and equipment is still being sold, however often through custom order.
5. Ed's son (Chris) works at Ridgeview Equipment along with one extra employee.
6. Chris works to restore automobiles in a newly constructed building, in addition to the work with implements.
7. Staff received notification from the township that the auto restoration should be considered a primary business as well as the implement repairs and sales.
8. Following detail presented to the zoning officer, Mr. Dorneman was requested to update his permit to allow for the auto repair in addition to the implement repair and sales.
9. Mr. (Ed) Dorneman remains the owner of the property and is involved in the Implements Sales.
10. Chris and an additional employee are primarily involved in the repair of implements and automobiles (in addition to the restoration.)

Ordinance and Comprehensive Land Use Plan regarding this request:

1. Extended Home Occupations are a listed use in the A – Agricultural 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. Dorneman's son and one other non-resident employee is currently affiliated with the business.
5. No additional signs are planned at this time.
6. On site sales will be limited to implements and parts necessary to complete the work necessary on a per project basis.
7. Any automobiles waiting to be worked on or completed would be stored outside (south of) the existing implement and repair buildings.
 - a. It is not anticipated that more than three automobiles would be stored outside at any given time.
 - b. Though implements to be worked on vary throughout the season, it is expected that not more than three will be outside except during peak times of the season.
8. Implements for sale would be stored north of the implement building (between building and road.)
9. This business is intended to continue to serve neighboring agricultural and non agricultural residents.
10. No substantial need for additional parking is expected.
11. Access for the business(es) is provided from 169th Street. A separate access is used for Mr. Dorneman's house.
12. Traffic on 169th Street is not expected to substantially increase due to the automobile repair/restoration. Vehicles will only arrive to be fixed, and leave when completed. Volume of business is not expected to affect those roads.
13. It is not anticipated that any processes associated with the business will be noticeable by heat, glare, vibration, etc. on neighboring properties.
14. In 2021, the County Board of Adjustment authorized the son of the operator of an extended home occupation (Brad/Jack Kays) to operate an auto body repair business at a site where a separate extended home occupation for small engine repair was permitted.
15. In 2015, the Joint Board of Adjustment amended the conditional use permit to Justin Pietz for recreational vehicle storage to include the ability to repair recreational vehicles and equipment by an unrelated employee.

Staff Summary:

The action before the Board is to allow an additional service (auto body repair) as a component to the extended home occupation granted in September of 2003. A "no" vote does not affect the current permit to operate implement sales and service. A "yes" vote allows the additional service to be performed on site. Because the zoning ordinance has changed substantially since the first permit was issued, it is beneficial to bring the previous permit into compliance with current performance standards in the Joint Jurisdiction Area. The Board has the authority to limit the operation of all components of the business to be owned/[primarily] operated by the owner or relatives of the property owner.

Staff Recommendation

Conditional Use Permit – **Extended Home Occupation (Implement Sales and Service; and Auto Body/Engine Repair)** 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):

- 9) Individuals engaged in such occupation shall consist of family members residing on or off the premises and up to one (1) non-family employees.

- 10) 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".
- 11) There shall be no change in the outside appearance of the buildings or premises, up to three automobiles associated with the auto repair may be stored outside provided they are screened from view 169th Street or 459th Avenue right-of-way.
- 12) 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.
- 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.