

MAY 2022  
CODINGTON COUNTY  
JOINT PLANNING COMMISSION/BOARD OF ADJUSTMENT &  
CODINGTON COUNTY/CITY OF WATERTOWN  
JOINT BOARD OF ADJUSTMENT

STAFF REPORT

MONDAY – MAY 16, 2022 – 7:30 p.m.

CITY OF WATERTOWN/CODINGTON COUNTY  
JOINT BOARD OF ADJUSTMENT

**ITEM #1**

**Applicant/Owner:** Christian Lucas

**Property Description:** Hindman OL 1 in SW1/4, Section 11-T116N-R53W, Codington County, South Dakota. (Pelican Township)

**Latitude/Longitude:** 44.861810° / -97.163100°

**Action Items – Variance – Temporarily construct an accessory structure without a primary structure (5.14.1)**  
**Variance – Construct accessory building with 16 foot sidewalls (5.14.1.2.c)**

**Zoning Designation:** Rural Residential

**Request:** The applicant requests to construct a 60 x 100 shed with 16' sidewalls, up to one-year prior to completion of a house on the lot.

Specifics of Property/Request:

1. Mr. Lucas owns the above described 2.25 acre lot.
2. He seeks to construct a 60 x 100 shed with 16' sidewalls. The shop will not have living quarters within it, and is not proposed to be used in conjunction with any business.
  - a. The overall area of the shop is not in question.
3. Some properties in the neighborhood have sheds with sidewalls greater than 10.5'.
4. Mr. Lucas intends to have his house completed within 1 year of completion of the shed.

Ordinance/Variance History regarding this request:

1. The Board of Adjustment has a history of granting variances to temporarily allow the construction of a shed prior to issuance of a building permit for a house, provided the house is completed within one year of completing the shed (and other conditions).
2. Table 5.14.1.2 includes detail on accessory uses for residences, including sidewall height on detached garages (sheds).
3. The JJA-RR District is the only district in which there is not already a built in mechanism to allow sidewall heights to exceed the requirements of 10.5'.
4. In May 2020 the Joint Board of Adjustment instructed the zoning officer to prepare an ordinance amendment to be considered when the two jurisdictions could sit jointly and approve an amendment after having granted the only variance request to this section since

joint jurisdiction zoning was adopted. At that meeting the Board approved the variance and suggested the change due to:

- a. Outside the Joint Jurisdiction Area, houses in the RR – District are not bound by the requirements of 5.14.1.2.c
- b. The Zoning Officer was not aware the Joint Jurisdiction Ordinance carried this requirement to the RR – District
- c. As the Board is aware, if this were in the Lake Park District, it would be a conditional use.

Staff Recommendation:

The Codington County Comprehensive Land Use Plan lays out the basis for the Rural Residential District. Given that property in the same zoning district outside the JJA throughout the county is allowed to have sheds without restriction on sidewall height, that numerous lots within the JJA-RR District already have structures with sidewall height exceeding 10.5'. The County has also adopted the previously adopted City Comp Plan as guidance for development in the JJA. The only justification for denial would be that, although not planned for future urban development within the next 20 years, eventually this property would be absorbed by the City of Watertown which doesn't allow for sidewalls of the proposed size. Otherwise this requirement could seem arbitrarily contrived. If approved, staff recommends instructing staff to draft an ordinance amendment to allow for sidewalls on accessory structures in the RR-District to exceed 10.5'.

Staff Recommendation:

- **Variance – Accessory structure with greater than 10' sidewalls:** The Board could approve the request, deny the request, or postpone the request.

The Board could approve the request based on the following:

- The restriction on sidewall height is not fully supported in neither the Codington County, nor City of Watertown Comprehensive Land Use Plans for this area nor the Joint Jurisdiction Area.
- The JJA-RR District is the only district in which there is not already a built in mechanism to allow sidewall heights to exceed the requirements of 10.5'.
- Denial of this variance would prohibit the applicant from using the property in a manner consistent with other properties in the district on a basis which the Board finds arbitrary.
- Therefore, the rest of the hardships necessary to grant a variance are also met.

**Variance to temporarily allow an accessory structure without a primary structure on the same lot-** Staff recommends approval of the variance to temporarily allow an accessory structure without a primary structure on the lot on the grounds the applicant agrees to construct a residence on the lot within one year of completion of the accessory structure.

**ITEM #2 CONDITIONAL USE**

**Applicant: Lakeshore Mobile Estates (by Peter Gillin)**

**Owner: Pelican Plaza LLC**

**Property Description:** A 17-acre portion of the West 1,012 Feet of the East 4,126.5 Feet of the North 759 Feet of the North One-Half of Section 3-T116N-R53 West of the 5th P.M., Codington County, South Dakota. (Pelican Township)

Latitude/Longitude: 44.890218° / -97.180447°

**Action Items – Conditional Use – (Amend Legal Description) Manufactured Home Park existing prior to June 18, 1974 (3.05.02.23)**

**Zoning Designation:** C – Commercial District

**Request:** The applicant seeks to purchase Pelican Plaza Manufactured Home Park which was permitted on 5/20/13.

**History/Issue(s):**

Specifics of Request:

1. Pelican Plaza is a Manufactured home court which was established prior to the adoption of the zoning ordinance.
2. In November of 2007, Ordinance Number 39 was adopted, which would allow Pelican Plaza to apply for a Conditional Use Permit. It also established application requirements and minimum standards for manufactured home parks. That use was retained in the Joint Jurisdiction Ordinance to eliminate confusion over whether the use was to remain permitted.
3. Pelican Plaza was granted a Conditional Use Permit on May 20, 2013 allowing the zoning officer to issue building permits (to the Court Manager) for any construction occurring in the manufactured home park which met the conditions set by the Board.
4. Pelican Plaza **is not** requesting to expand, merely to be confined to the area (17 acres) upon which the manufactured home park is currently operated.
5. The applicant seeks no changes to the overall density, road widths, “setbacks” between trailers, utility provision, nor any other factors/conditions of approval in 2013.
6. The applicant specifically noted an intention to improve the quality of manufactured homes in the court and the standards of lot maintenance/upkeep if allowed to transfer the court on the 17-acre legal description.

Ordinance and Comprehensive Land Use Plan regarding this request:

1. Manufactured Home Courts Existing Prior to 1974 are a listed use in the C – Commercial District.
2. The Codington County Comprehensive Land Use Plan (adopted by the City of Watertown for the Joint Jurisdiction Area) is largely silent in reference to this use, in part due to this use having been long in existence at the time of the land use plan and not encouraging NEW manufactured home parks, but encouraging the clustering of residences in previously developed areas.
3. The City of Watertown’s Comprehensive Land Use Plan acknowledges the existence of this uses and makes no attempt to restrict or regulate future operation of the court.
4. In 2013, the (County) Board of Adjustment found that Pelican Plaza met the requirements (the same requirements as are in the Joint Jurisdiction Ordinance) with its application and by agreeing to the specified conditions.
5. The applicant has made it known that there is no intent to increase density, decrease spacing, or make any other land development changes to the previously approved manufactured home court.
6. Since no changes are proposed to the manufactured home court’s application from the application which was found to have met Chapter 5.10 and approved by the Board in 2013, except for the overall size of the LEGAL DESCRIPTION; staff has not included an exhaustive review of that application in this report. Mr. Dorneman’s son and one other non-resident employee is currently affiliated with the business.

7. The minimum lot area in the Commercial District is 10 acres. Retaining 17 acres would meet that requirement.

Staff Summary:

The action before the Board is to allow Pelican Plaza to be confined to its current 17-acre footprint to facilitate the sale of the manufactured home court; while agreeing to the previously agreed upon conditions. (Those conditions are included here for the sake of reference.)

Staff Recommendation

Conditional Use Permit – **Manufactured Home Park existing prior to June 18, 1974:** The Board may postpone the request, deny the request or approve the request. If approved staff recommends requiring the applicant to agree upon the following previously approved conditions for the manufactured home park:

- a. Pelican Plaza, its heirs and successors in interest agree that a building permit is required whenever a manufactured home is moved into or removed from the manufactured home park, or if when an accessory structure is to be constructed.
- b. Pelican Plaza, its heirs and successors in interest agree that all required building permits shall be applied for by Pelican Plaza LLC management.
- c. Pelican Plaza, its heirs and successors in interest agree to maintain all streets as identified in the application to the Board of Adjustment for Conditional Use Permit in a manner passable for automobile traffic.
- d. The total number of manufactured homes shall not exceed 72.
- e. Pelican Plaza, its heirs and successors in interest agree that all structures which do not conform to minimum front, rear or side yard requirements as of May 20, 2013 shall only be replaced or moved if done so in accordance with the minimum required setbacks for each manufactured home lot.
- f. Pelican Plaza, its heirs and successors in interest agree to provide two (2) off-street automobile parking spaces shall be for each manufactured home. Such off-street parking spaces shall be set-aside in a location convenient to the occupants.
- g. Pelican Plaza, its heirs and successors in interest agree to provide a minimum of one (1) two-yard dumpster situated on a concrete pad, for each twelve (12) families or fractions thereof, conveniently located to serve tenants, not less than one hundred (100) feet from any manufactured home unit served, and to be conveniently located for collection.
- h. Pelican Plaza, its heirs and successors in interest agree to provide management by the owner or his representative at all times to supervise the management, repairs, maintenance and janitorial work connected therewith and to see that all provisions of this Chapter are complied with.
- i. Pelican Plaza, its heirs and successors in interest agree that all manufactured homes placed after the adoption of this ordinance, regardless of location, unless such manufactured homes are securely anchored to a permanent foundation approved by the Zoning Officer, shall be anchored to the ground, in accordance with the manufacturer's specifications or as prescribed by the TR-75, issued June 1972 by the U.S. Department of Defense.
- j. Pelican Plaza, its heirs and successors in interest agree that no manufactured home placed within a manufactured home park may exceed fifteen (15) years from the date of manufacture unless granted variance from the maximum age requirement in accordance with Section 5.10.01.2.i of the Codington County Zoning Ordinance as amended.

- k. Pelican Plaza, its heirs and successors in interest agree that All manufactured homes, regardless of location, unless such manufactured homes are securely anchored to a permanent foundation, approved by the Zoning Officer, shall be skirted within thirty (30) days of placement.
- l. Pelican Plaza, its heirs and successors in interest agree to require each manufactured home to have an address number affixed to the manufactured home. Required signage shall consist of a green reflective sign with four (4) inch silver or white reflective numbers.
- m. Pelican Plaza, its heirs and successors in interest agree to meet the requirements of South Dakota Codified Law and associated administrative rules regarding on-site septic tanks and drainage systems. Further, Pelican Plaza agrees to provide documentation, as requested, from the South Dakota Department of Environment and Natural Resources that the septic system identified in the approved site plan meets minimum standards. If said system fails to meet minimum State standards, said system will be abandoned and replaced with connection to a public sanitary sewerage system or redesigned to meet State standards.
- n. Pelican Plaza, its heirs and successors in interest agree that in the event a public central sanitary sewerage system is within two hundred fifty (250) feet of the perimeter of the manufactured home park, said manufactured home park shall request connection to said public central sanitary sewerage system.
- o. The applicant further agrees that if any terms of this agreement are not complied with, the applicant shall forfeit his/her claim to a Conditional Use permit.

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## CODINGTON COUNTY BOARD OF ADJUSTMENT

### ITEM #1 CONDITIONAL USE PERMIT

**Owner/Applicant: Roland and Connie Fannin**

**Property Description:** a 14.7 acre parcel S250' of the E350' of SE1/4, Section 7-T117N-R51W of the 5<sup>th</sup> P.M, Codington County, South Dakota, and NE1/4 less portion lying South and East of centerline of 461<sup>st</sup> Avenue of the NE1/4, Section18-T117N-R51W of the 5<sup>th</sup> P.M., Codington County, South Dakota to be known upon Platting as Willow Run Addition (Waverly and Kranzburg (N) Townships).

**Action Items – Conditional Use Permit – Existing farmstead exemption “B” (3.04.02.44)**

**Zoning Designation:** Agricultural

**Request:** The applicant seeks Existing Farmstead Exemption to create a lot with less than 35-acres on the same legal description as an existing farmstead.

**History/Issue(s):**

1. The Applicant seeks to establish building rights at the site of an existing farmstead.
2. The property has remained a base for farming operations since prior to 1976 was lived in until recently.
3. 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.
4. The parcel contains an existing farmstead as defined by the Codington County Zoning Ordinance.
5. Staff recommendation **(Conditional Use Permit) –Existing Farmstead Exemption-** 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 following conditions:
  - a. that the applicant shall plat a lot of at least five (5) acres in accordance with the Codington County Subdivision Ordinance.

### ITEM #2 CONDITIONAL USE PERMIT

**Owner/Applicant: Ada Hemstock by Elka Lamberson (Power of Attorney)**

**Property Description:** West 72 Rods of the South 40 Rods of the Southeast Quarter, Section 11-T116N-R55W of the 5<sup>th</sup> P.M, Codington County, South Dakota (Henry Township).

**Action Items – Conditional Use Permit – Existing farmstead exemption “B” (3.04.02.44)**

**Zoning Designation:** Agricultural

**Request:** The applicant seeks Existing Farmstead Exemption to create a lot with less than 35-acres on the same legal description as an existing farmstead.

**History/Issue(s):**

1. The Applicant seeks to establish building rights on the previously created (prior to 2004) 18-acre lot.
2. The property has remained a base for farming operations since prior to 1976 was lived in until recently.
3. 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.
4. The parcel contains an existing farmstead as defined by the Codington County Zoning Ordinance.
5. Staff recommendation (**Conditional Use Permit**) –*Existing Farmstead Exemption*  
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 following conditions:
  - a. that the applicant shall plat a lot of at least five (5) acres in accordance with the Codington County Subdivision Ordinance.

**CODINGTON COUNTY PLANNING COMMISSION**

**ITEM #1 PLAT**

**Applicant/Owner: Roland and Connie Fannin**

**Property Description:** Plat of Willow Run Addition in the SE1/4 of Section 7-T117N-R51W, and in the NE1/4 of Section 18-T117N-51W of the 5th P.M, Codington County, South Dakota (Waverly and Kranzburg (N) Townships).

**Action Items – Plat approval.**

**Zoning Designation:** Agricultural

**Request:** Plat a minimum 5 acre-lot in accordance with the order of the Board of Adjustment. Existing Farmstead Exemption was granted to the is property earlier in this meeting which allowed the creation of a minimum 5-acre lot.

**Special Note:** This lot straddles a section line. At the time of this report, staff is conducting a review of the property to determine whether that section line right-of-way has been vacated. If not, changes to the plat may be required.

**ISSUE #2 OPEN/ADMINISTRATIVE REPORT**

**ISSUE #3 EXECUTIVE SESSION (if Necessary)**