

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

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met on September 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, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer).

Others present were Bill Ortmeier, Preston Fleming, Kaley Fleming, Fred Borns, Rodney Klatt, Myron Johnson, Mel Ries, Alex Kahnke, and Becky Goens.

Chairman Fox brought the meeting of the Joint Board of Adjustment to order at 7:35 pm. Chairman Fox appointed Vice Chair Liam Culhane as the acting Chairman of this meeting.

Motion by Fox, second by Hanten, to approve the minutes of the June 27, 2022 meeting. Motion passed unanimously.

Motion by Hanten, second by Fox, to approve the agenda as stated by Staff. Motion passed unanimously.

Motion by O'Neill, second by Fox, to approve the variance application by Vince Tekrony and Karen Boor to construct an accessory building without a primary structure. Property is located Lot 5 less the West 127.5 Feet of the South 235.8 Feet & the West 127.5 Feet of Lot 5 less North 262.2 Feet & Lot 6 less North 262.2 feet in Kahnke Subdivision, Section 23, Township 117 North, Range 53 West of the 5th P.M., Codington County, South Dakota. Muller reviewed Staff Report (attached). No one was present to speak. Public hearing closed. Motion passed unanimously.

Motion by O'Neill, second by Fox, to approve the variance application by William and Brenda Ortmeier for a 25' variance to the front yard setback for purposes of constructing a garage addition. Property is owned by Matt Kranz and located in SW1/4 of Section 4-T116N-R52W, lying South & West of the Easterly right-of-way line of the former DM&E Railroad; all less the following parcels: Lots 1 & 2 of Watertown Mobile Estates Second Addition to the City of Watertown; Nick Kranz Addition to the Municipality of Watertown; N450' of S1050' of SW1/4, less the E420' & less Nick Kranz Addition, all located in SW1/4 of 4-T116N-R52W; Endres Investment Third Addition to the Municipality of Watertown; Watertown Mobile Estates Addition, also described as N244' lying W of the former RR right-of-way of SW1/4, 4-T116N-R52W; Lots H1 and H2; all in Codington County, South Dakota. No one was present to speak. Public hearing closed. Motion passed unanimously.

Muller updated the Board regarding some neighbor complaints and correspondence on a specific piece of property North of Watertown.

Motion to adjourn made by Hanten, second by O'Neill. Motion passed unanimously. Meeting adjourned at 8:02 pm.

Respectfully Submitted,

Becky Goens

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

ITEM #1 VARIANCES

Applicant/Owner: Vince Tekrony and Karen Boor

Property Description: Lot 5 less the West 127.5 Feet of the South 235.8 Feet & the West 127.5 Feet of Lot 5 less North 262.2 Feet & Lot 6 less North 262.2 feet in Kahnke Subdivision, Section 23, Township 117 North, Range 53 West of the 5th P.M., Codington County, South Dakota (Lake Township)

Latitude/Longitude: 44.928460° / -97.150454°

Action Items – Variances – Accessory Structure without a primary structure (temporary) (5.14.1).

Zoning Designation: Rural Residential

Request: The applicant seeks variance to construct and complete an accessory structure before a primary structure can be completed.

History/Issue(s):

1. The Tekrony's seek to construct a shed and home on the above property.
2. The intent is to construct a shed to store materials associated with building the house, then construct the house.
 - a. A redi-built home is intended to be moved onto the site late this fall or early next Spring.
 - b. The intent is to start construction of the shed/shop before construction occurs (on site) of the new home.
 - c. The Joint Ordinance allows building permits to be effective for 6 months and automatically renewable for an additional 6 months. After a year, a new permit would be required for the house (if not completed.)
3. The Joint Zoning Ordinance requires that all accessory structures (sheds) be on a lot with a primary structure (house.)
4. The Zoning Officer cannot issue a building permit to knowingly permit the applicant to violate the zoning ordinance (even if temporarily).
5. Zoning Officer interpretation: The Zoning Officer is authorized to issue the building permits for both the shed and house at the same time if both can be completed within 6 months. If additional time is needed for the house, but the shed will be up in the six months; a variance/special permission from the Joint Board is required to authorize the issuance of the building permit(s) knowing at least one extension will be needed for the house.
6. The applicant is aware of the prohibition on dwelling units in accessory buildings, and has no intention of creating such a unit.
7. The County Board of Adjustment has a history of granting similar variances where the structure will not be used as a dwelling unit and the residence will be completed within one (1) year of completion of the accessory building.
8. Staff recommendation:

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 condition the applicant applies for a building permit for a house at the same time as the accessory structure, but expects to need one 6-month extension.

ITEM #2 VARIANCE

Applicant: William and Brenda Ortmeier

Owner: Matt Kranz

Property Description SW1/4 of Section 4-T116N-R52W, lying South & West of the Easterly right-of-way line of the former DM&E Railroad; all less the following parcels: Lots 1 & 2 of Watertown Mobile Estates Second Addition to the City of Watertown; Nick Kranz Addition to the Municipality of Watertown; N450' of S1050' of SW1/4, less the E420' & less Nick Kranz Addition, all located in SW1/4 of 4-T116N-R52W; Endres Investment Third Addition to the Municipality of Watertown; Watertown Mobile Estates Addition, also described as N244' lying W of the former RR right-of-way of SW1/4, 4-T116N-R52W; Lots H1 and H2; all in Codington County, South Dakota (Sheridan Township).

Action Item – Variance – 25' Front Yard Setback (3.04.03.3)

Zoning Designation: Agricultural District

Request: The Ortmeier's propose to construct an addition to and in-line with the existing house, 40' from the 20th Avenue SE right-of-way.

History/Issue(s):

Specifics of Property/Request:

1. The Ortmeier's live at the above address on the Kranz property.
2. The house was constructed in 1998 by a Mr. Ortmeier (Permit #1532.
3. The house is located approximately 40' from the center of 20th Avenue SE right-of-way.
4. Additional right-of-way for 20th Avenue SE has been purchased for 20th Avenue since the home was constructed.
5. The proposed addition would be located adjacent to and in-line with the existing house/ garage. No portion of the addition would be located closer to the right-of-way than the existing house.

Ordinance/Variance History regarding this request:

1. The zoning ordinance requires a 65' setback from the right of way.
2. The proposed 40' setback would meet setback requirements for all zoning districts (except Ag) in the City of Watertown.
3. The Board has granted variance to allow in-line additions to existing structures when the road authority does not object to the request.
4. Staff has heard no correspondence from any adjacent landowners regarding this request.

Staff Summary:

It is unlikely that the proposed addition will cause additional cost in maintenance of 20th Ave SE. Information available today indicates that both the home was permitted less than 65' from the right-of-way and the right-of-way has expanded to bring the road closer to the home.

Staff Summary and Recommendation:

Staff Recommendation – 33 foot Variance: Minimum required front yard setback (Section 3.04.03.3): The Board may approve, deny, or postpone the request.

- The request could be approved based upon the following findings
 - a. The addition will be in-line with the existing house which was constructed in 1998 40' from the current right-of-way.
 - b. The approval of the permit implies consent to the landowner to be able to make in-line additions with the existing structure, despite the lack of formal approval by the Board of Adjustment at the time.
 - c. Expansion of 20th Avenue SE has exacerbated the need for variance in this case.
- The request could be denied on the basis that there is no hardship unique to this property that is not a result of actions of this or previous property owners.
 - a. Denial of the variance would not deny the applicant of the ability to use the property for a residence and agricultural use; nor prohibit the applicant from obtaining building permits to construct a conforming addition.
 - b. Therefore the literal interpretation of this rule does not deprive the applicant of rights commonly enjoyed by other properties in this district.