

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

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met on December 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). Absent: Blake Dahle.

Others present were Myron Johnson, Rodney Klatt, Mel Ries, Domenik Mahlen, Lee Gabel, Steven Jurrens, and Becky Goens.

Chairman Fox brought the meeting of the Joint Board of Adjustment to order at 9:00 am.

Motion by O'Neill, second by Hanten, to approve the minutes of the September 19, 2022 meeting. Motion passed unanimously.

Motion by Hanten, second by O'Neill, to approve the agenda as stated by Staff. Motion passed unanimously.

Motion by Hanten, second by Culhane, to approve the variance request by Domenik and Brittney Mahlen to construct a new residence while temporarily residing in the existing residence. Property is located in Lot 2 less S8.75' Krull's OL in Section 12-T116N-R53W. Muller reviewed Staff Report (attached). If approved, applicant will be required to remove existing house within one year of occupying the new residence. No one was present to speak during the public hearing. Public Hearing closed. Motion passed unanimously.

Muller presented By-Laws for adoption by the Joint Jurisdiction Board of Adjustment. A copy of those By-Laws was emailed to all board members for review. Motion by Hanten, second by Culhane, to adopt the By-Laws are presented by Staff. Motion passed unanimously.

Muller also provided the Planning Board's year-end report.

Motion to adjourn made by Hanten, second by Culhane. Motion passed unanimously. Meeting adjourned at 9:50 am.

Respectfully Submitted,

Becky Goens

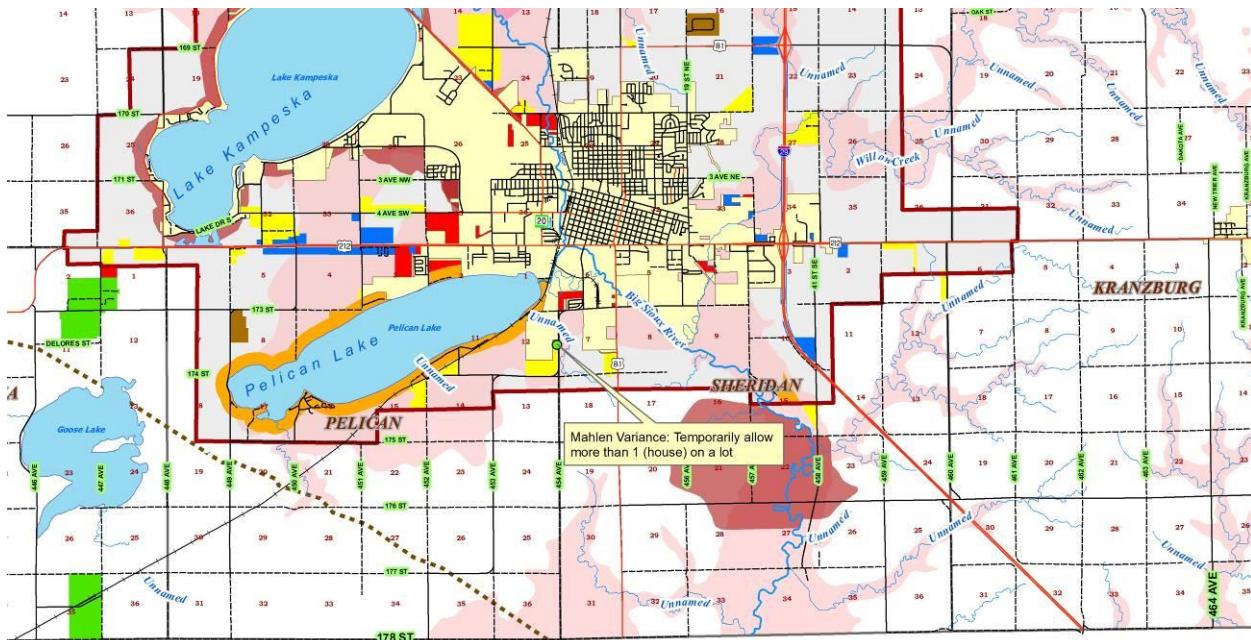
**DECEMBER 2022  
CODINGTON COUNTY/CITY OF WATERTOWN  
JOINT BOARD OF ADJUSTMENT STAFF REPORT**

**ITEM #1 VARIANCES**

**Applicant/Owner: Domenik Mahlen**

**Property Description:** Lot 2 less S8.75' Krull's OL in Section 12-T116N-R53W, Codington County, SD (Pelican Township)

**Latitude/Longitude: 44.867954° / -97.127035°**



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

**Zoning Designation:** Rural Residential

**Request:** The Mahlen's seek to construct a new home while keeping their existing home on site until construction is complete.

**History/Issue(s):**

1. The Mahlen's live at the above location.
2. They propose to remove the existing house and build a new house.
3. Regarding the second home, the zoning ordinance specifies that only one principal structure (in this case, a house) can be located on a single lot.
4. In the past (Theissen 2019), this Board has granted variance to temporarily allow more than one residence on a site provided the applicant agree to remove the existing house. Historically, one of the two houses has been required to be removed within one year of occupying the new residence.



5. Staff recommendation – ***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 #2 Adoption of By-Laws**