

Codington County/City of Watertown  
Joint Planning Commission/Joint Board of Adjustment Minutes  
February 21, 2023

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met on February 21, 2023 at the Codington County Extension Complex. Members of the Joint Planning Commission/Board of Adjustment participating were: Mark O'Neill, Brenda Hanten, Liam Culhane, Blake Dahle, Myron Johnson, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer).

Others present were Rodney Klatt, Mel Ries, Alex Kahnke, Maurie Steinley, Gary Hamann, Dawn Hamann, Nikki Petersen, Aron Petersen, Christopher Cordell, Randy Schweer, Mark Fox, Keith Fox, Dan Kahnke, Robb Peterson, Jodi Peterson, Brian Olson, Kevin Halverson, Brian Stoltenburg, and Becky Goens.

Vice Chair Culhane brought the meeting of the Joint Board of Adjustment to order at 12:30 pm.

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

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

Motion by O'Neill, second by Dahle, to nominate Brenda Hanten as Chair and Liam Culhane as Vice Chair. Motion by Dahle, second by Johnson, to cast a unanimous ballot. Motion passed unanimously.

Motion by Dahle, second by O'Neill, to approve the variance request by Maurie Steinley for a 17' variance to the front yard setback (road) and 31' variance to the lake front setback for purposes of placing a manufactured home and garage on site. Property is located in Lots 9 and 10 of Kittelson's First subdivision in Government Lot 5, Section 2-T116N-R53W. Muller reviewed Staff Report (attached). No one spoke on this issue. Public hearing closed. Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion to adjourn made by Johnson, second by Dahle. Motion passed unanimously. Meeting adjourned at 12:45 pm.

Respectfully Submitted,

Becky Goens

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

**ITEM #1 VARIANCES**

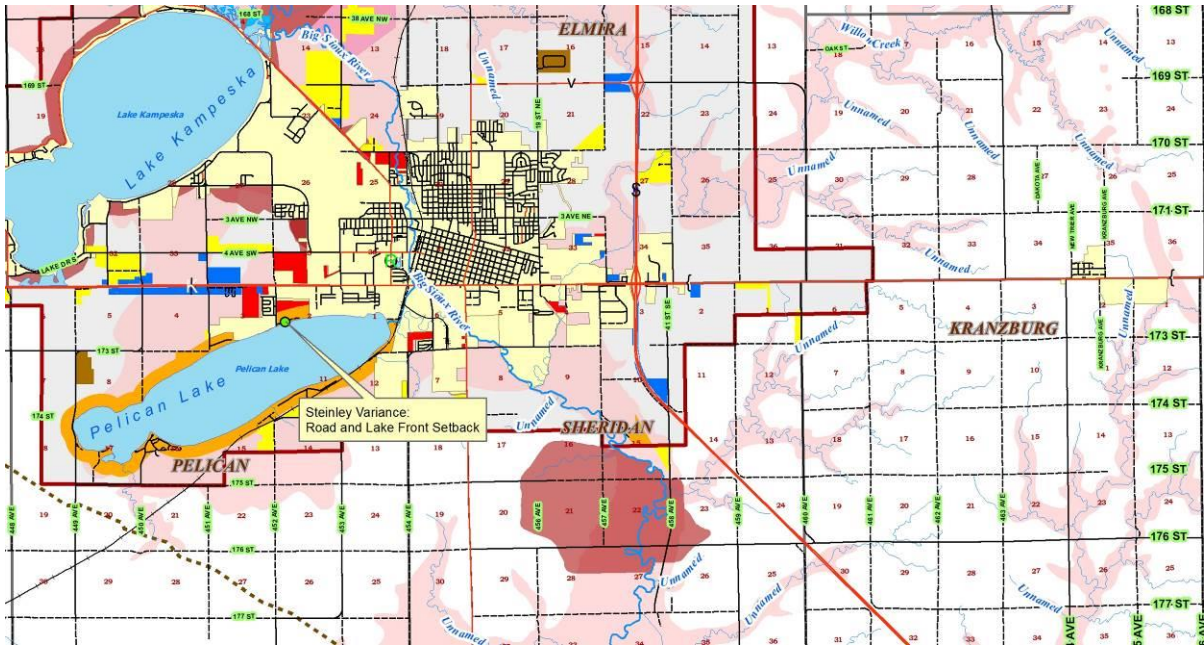
**Applicant/Owner: Maurie Steinley**

**Property Description** Property is located in Lots 9 and 10 of Kittelson's First Subdivision in Government Lot 5, Section 2-T116N-R53W, Codington County, South Dakota. (Pelican Township)

**Lat/Long (Existing Approach):** 44.882219°; - 97.165510°

**Action Items – Variance – 17' Variance to front (road side) and 31' Variance to rear (Lake front) setback on a lake front lot**

**Zoning Designation: Lake Park**



**Request:** The applicant requests to construct a double-wide on a foundation with attached garage and 16 x 16 deck.

Specifics of Property/Request:

1. The Steinley's recently purchased these two lots, which are required to be kept together (nonconforming lots of record – had been combined under contiguous ownership).
  - a. He removed an old single-wide
  - b. Requests to construct/place a new double-wide on a foundation with attached garage and up to 16' x 16' deck on the lake side.
2. The proposal will meet all side yard setbacks.
3. The applicant will replace the existing septic tank with a sealed holding tank.
4. The house and garage are proposed to be parallel to the road (Pelican Lane). This garage will be in-line or farther from the right-of-way in reference to most other garages/houses on the lake front side of Pelican Lane in this area.
5. Most of this property is covered by setback area (see below).
6. This property is currently in the effective floodplain. Portions of it will remain in the floodplain after the new flood maps are adopted (no timetable anymore on that adoption.) 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' and a lake side setback of 65' (from the ordinary high water mark)
2. The required setbacks on this lot leave 1,546 buildable square feet. In other words, the required setbacks cover 90.5% 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.
4. Regardless of the action taken on the variance, the applicant will be required to comply with the floodplain requirements of the county.
5. The Board has a history of granting numerous variance requests in this subdivision of similar or greater relaxation of rules (Quale, Clausen, Schlenner, etc.)

Staff Recommendation:

- **17' (Road) Front Yard Setback Variance and 31' (Lake) Front Yard Setback Variance 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 90.5% of the lot unbuildable due to 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.