

Codington County/City of Watertown
Joint Planning Commission/Joint Board of Adjustment Minutes
March 27, 2023

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met on March 27, 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, Pat Burns, Roy Brownlee, Gary Hamann, Dawn Hamann, Nikki Petersen, Jacquie Stoltenburg, John Cordell, Randy Schweer, Mark Fox, Keith Fox, Jeff Gamber, Kim Hlavacek, Ben Fleming, Calvin Mack, Eugene Schleusner, and Becky Goens.

Chair Hanten brought the meeting of the Joint Board of Adjustment to order at 12:32 pm.

Motion by Johnson, second by O'Neill, to approve the minutes of the February 21, 2023 meeting. Motion passed unanimously.

Motion by Dahle, second by Johnson, to approve the agenda as stated by Staff. Motion passed unanimously.

Muller advised the Board there will be an individual addressing the Joint City/County Board of Adjustment during the Open portion of the April meeting regarding marijuana cultivation.

Motion by Johnson, second by Dahle, to approve the variance application by Jeff Gamber to construct an accessory building prior to construction of a principal structure. Property is located in Nick and Matt Kranz Pasture Addition in NW1/4, Section 15-T116N-R52W. Muller reviewed Staff Report (attached). No one was present to speak on this application. Public hearing closed. Questions from the Board members included location of the approach and timeline for constructing the principal residence. Muller read the Findings of Fact. There were no questions or objections.

Motion to adjourn made by Johnson, second by Culhane. Motion passed unanimously. Meeting adjourned at 12:50 pm.

Respectfully Submitted,

Becky Goens

**MARCH 2023
CODINGTON COUNTY/CITY OF WATERTOWN
JOINT BOARD OF ADJUSTMENT STAFF REPORT**

ITEM #1 VARIANCE

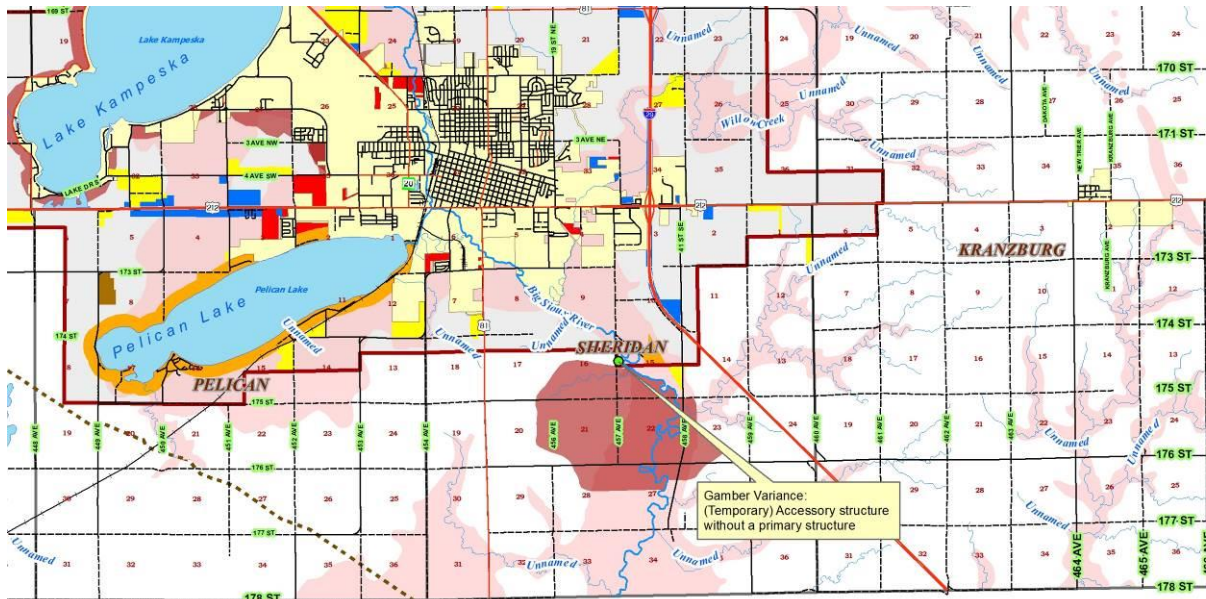
Applicant/Owner: Jeff Gamber

Property Description Nick and Matt Kranz Pasture Addition in the Northwest Quarter (1/4) of Section 15, Township 116 North, Range 52 West of the 5th Prime Meridian, Codington County, South Dakota. (Sheridan Township)

Lat/Long (Existing Approach): 44.855964°; - 97.067585°

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

Zoning Designation: Agricultural

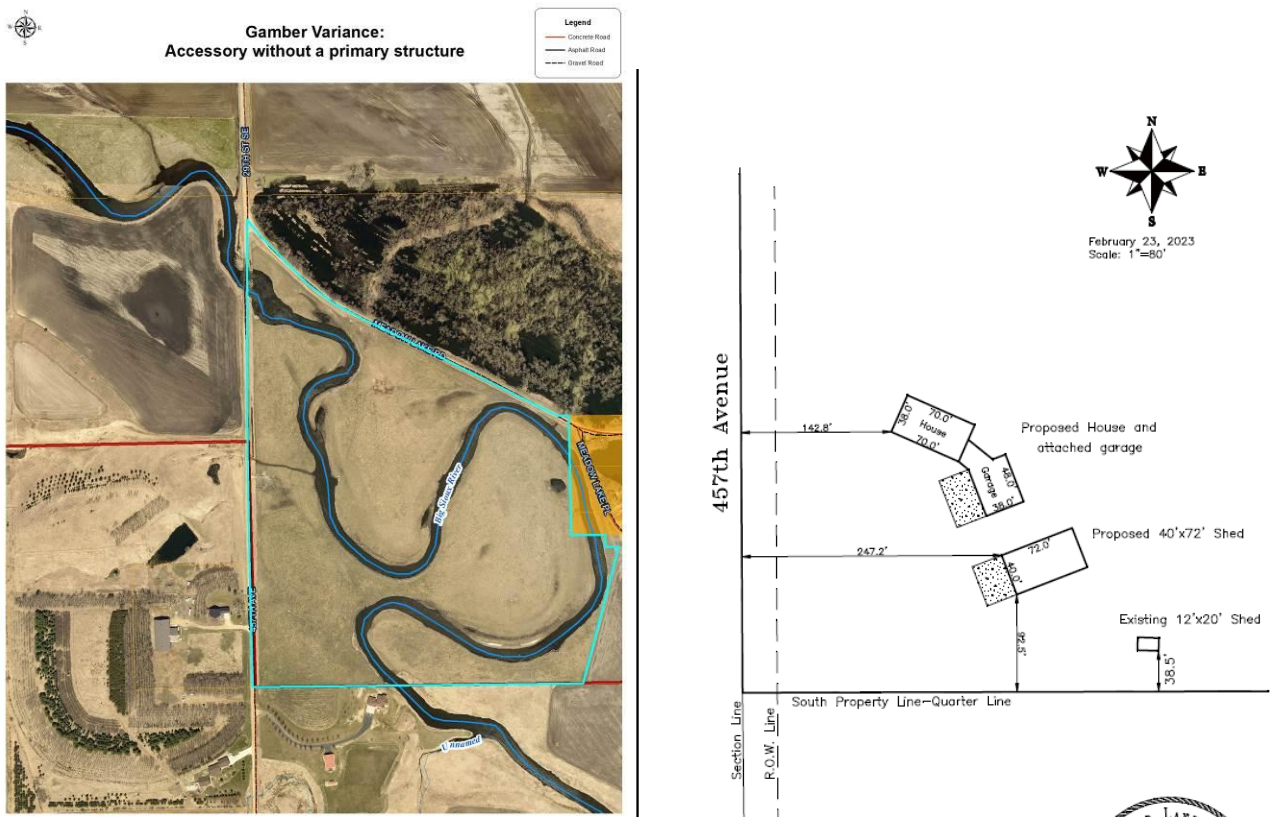


Request: The applicant seeks variance to construct and complete an accessory structure before a primary structure can be completed.

History/Issue(s):

1. The Gamber'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 new home is intended to be constructed later this year with completion in early 2024.
 - b. The intent is to start construction of the shed/shop before construction occurs 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.