

Codington County/City of Watertown  
Joint Planning Commission/Joint Board of Adjustment Minutes  
April 15, 2024

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met on April 15, 2024, at the Codington County Extension Complex. Members of the Joint Planning Commission/Board of Adjustment participating were: Brenda Hanten, Liam Culhane, Mark O'Neill, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer). Mark O'Neill was absent. Codington County Commissioner Randy Schweer resided in Johnson's absence.

Others present: Rodney Klatt, Mel Ries, Calvin Mack, Cody Saathoff, Linda Lindgren, Tim Lindgren, Connie Fannin, Adam Gracia, Jill S., A.J. Howey, Rich Schuelke, Wayne Borgheiinck, Roy Brownlee, Dustin Brownell, Doug Stengel, and Becky Goens.

Chair Hanten brought the meeting of the Joint Board of Adjustment to order at 7:37 pm.

Motion by O'Neill, second by Culhane, to approve the minutes of the February 20, 2024 meeting. Motion passed unanimously.

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

Motion by Culhane, second by Schweer, to approve the Conditional Use Permit request by Roland and Connie Fannin to construct a 3,495 square foot shed/garage with 16' sidewalls. Property is located in Lot I of plat entitled lots I, J, K of Porter White Outlot in Government Lots 5&6 in the SW1/2, Section 3-T116N-R53W. Muller reviewed Staff Report (attached). No one was present to speak on this application. Public hearing closed. Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Schweer, second by Culhane, to approve the Conditional Use Permit request by Dustin Brownell to construct a 3,456 square foot garage with 16' sidewalls. Property is located in Lot 4 of Brooklyn First Addition in SE1/4, Section 4-T116N-R53W. Muller reviewed Staff Report (attached). No one was present to speak on this application. Public hearing closed. Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion to adjourn made by Culhane, second by Schweer. Motion passed unanimously. Meeting adjourned at 8:00 pm.

Respectfully Submitted,

Becky Goens

**APRIL 2024  
CODINGTON COUNTY/CITY OF WATERTOWN  
JOINT BOARD OF ADJUSTMENT STAFF REPORT**

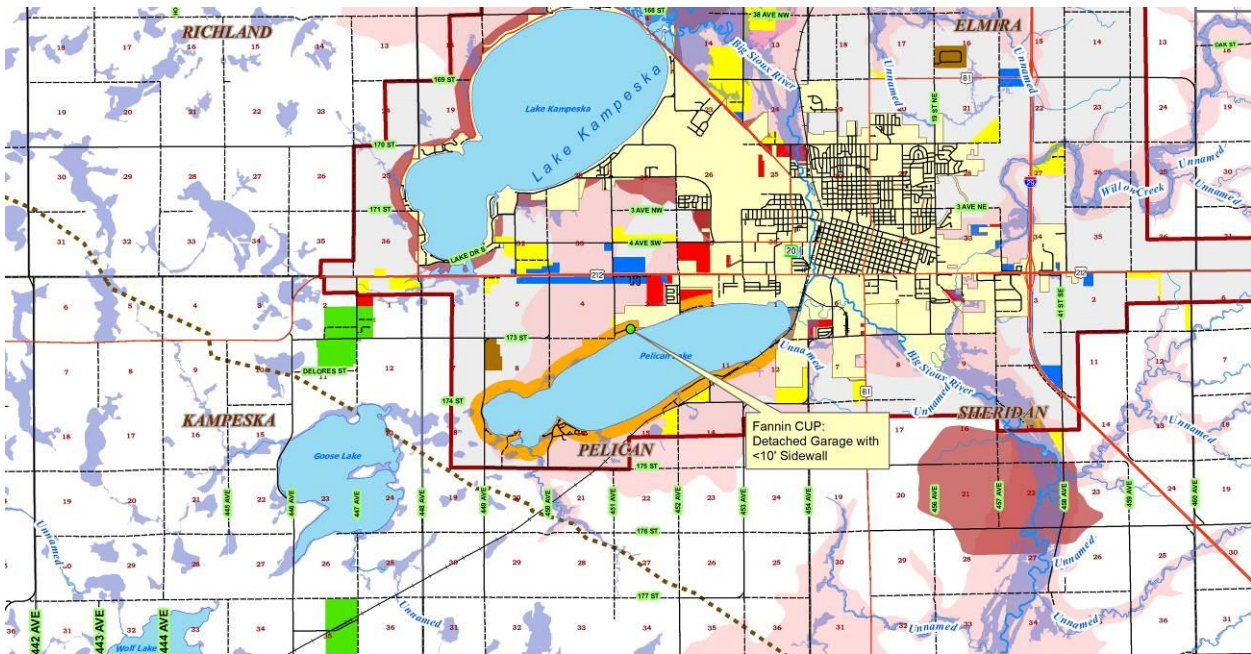
**ITEM #1 CONDITIONAL USE PERMIT**

**Applicant/Owner:** AC Properties by Roland and Connie Fannin

**Property Description:** Lot I of plat entitled lots I, J, K of Porter White Outlot in Government Lots 5&6 in the SW1/2, Section 3-T116N-R53W, Codington County, South Dakota. (Pelican Township).

**Lat/Long (Existing Approach):** 44.878334°; - 97.183057°

**Action Items – Conditional Use Permit – Detached Garage with sidewalls greater than 10' in height (3.07.03.5)**



**Zoning Designation:** LP – Lake Park

**Request:** The applicant seeks to build a detached garage with greater than 16' sidewalls.

Specifics of Property/Request:

1. The applicant (Fannin's) purchased this lot containing slightly more than two acres in 2023.
2. They are completing an unrelated attached garage at the same time as this request.
3. The applicant seeks to construct a 3,495 sq ft detached garage with 16' sidewalls in a location that meets setbacks.
4. Trees are located between the proposed shed and the road/neighbors.
5. Property slopes downward, to a point that the grade at the proposed structure is roughly 6' lower than the edge of the road.

Ordinance/Land Use Plan:

1. Both land use plans are silent with reference to garages/sheds with greater than 10' sidewalls.
2. There are no specific requirements listed in the ordinance for detached garages with greater than 10' sidewalls.
3. The applicant will not make any changes to parking, access, lighting, garbage, sanitary sewer/septic, nor provisions of utilities as a result of this application.
4. The Board has allowed similar sized structures on *non-lake front* lots in this subdivision.
5. The Board has granted variances to size of detached garages and this similar conditional use permit subject to certain conditions recommended below by staff.
6. A member of the Pelican Township Board contacted the zoning office to note that they have no objection to the proposal but asked that we request construction vehicles to enter the property from the west (20<sup>th</sup> Avenue SW rather than from HWY 212 on 42<sup>nd</sup> St SW.)
7. Certain restrictions are listed on sidewall height of detached structures for the LP and RR Districts. The Board of Adjustment has, in the past, recommended changes to those limitations, in large part due to the conflict with this section of the ordinance. It is recommended that amendment be made to the Joint Jurisdiction Zoning Ordinance ASAP to eliminate this conflict and risk of arbitrarily changing the interpretation from past issued permits.

Staff Summary and Recommendation:

- **Conditional Use – Accessory structure with greater than 10' sidewalls:** Should the Board approve the request, approval should be subject to the applicant signing a letter of assurance agreeing to the following conditions (the conditions in italics below are carried forward from the variance above.
  1. The proposed structure shall not be used for dwelling purposes.
  2. A conditional use permit shall be required prior to the operation of any business in the proposed structure.
  3. Maximum sidewall height shall be limited to sixteen (16) feet.



Fannin Conditional Use Permit:  
Detached Garage w/Greater than 10' Sidewalls



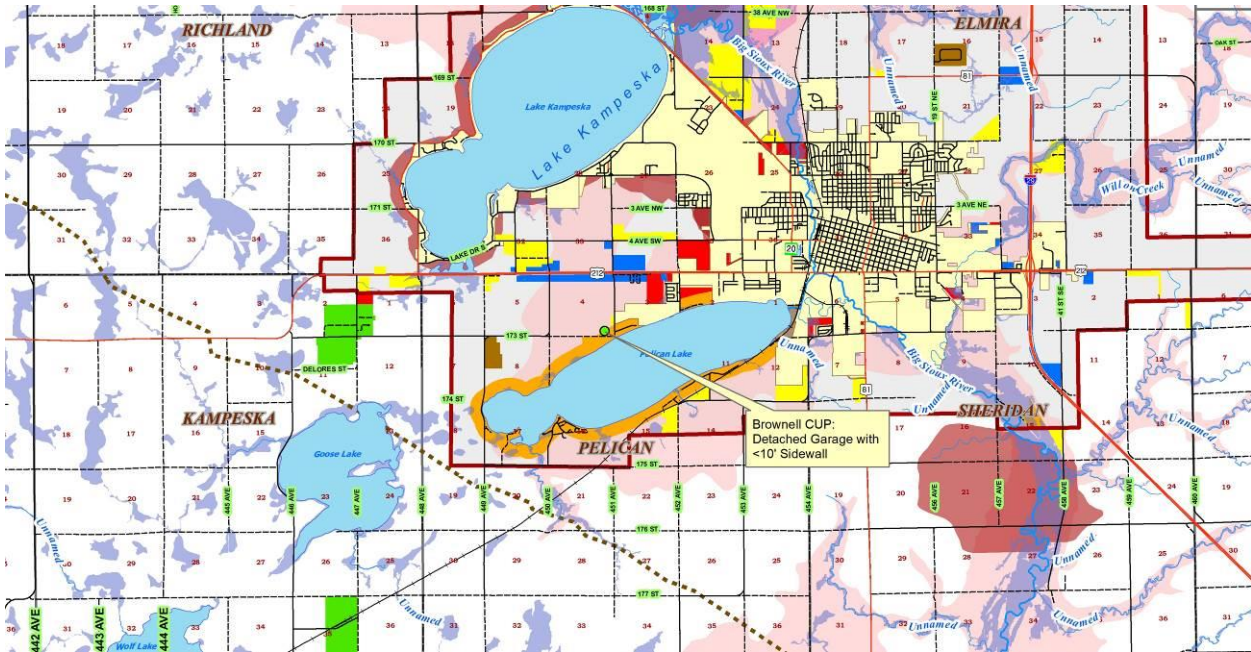
## ITEM #2 CONDITIONAL USE PERMIT

**Applicant/Owner: Dustin Brownell**

**Property Description:** Lot 4 of Brooklyn First Addition in SE1/4, Section 4-T116N-R53W, Codington County, South Dakota. (Pelican Township).

**Lat/Long (Existing Approach):** 44.876462°; - 97.190904°

**Action Items – Conditional Use Permit – Detached Garage with sidewalls greater than 10' in height (3.07.03.5)**



**Zoning Designation:** LP – Lake Park

**Request:** The applicant seeks to build a detached garage with greater than 16' sidewalls.

Specifics of Property/Request:

1. The applicant (Brownell) recently purchased this lot containing slightly more than two acres.
2. They are completing a building permit for a house and attached garage at the same time as this building permit.
3. The applicant seeks to construct a 3,495 sq ft detached garage with 16' sidewalls in a location that meets setbacks.

Ordinance/Land Use Plan:

1. Both land use plans are silent with reference to garages/sheds with greater than 10' sidewalls.
2. There are no specific requirements listed in the ordinance for detached garages with greater than 10' sidewalls.
3. The applicant will not make any changes to parking, access, lighting, garbage, sanitary sewer/septic, nor provisions of utilities as a result of this application.
4. The Board has allowed similar sized structures on non-lake front lots throughout the Lake Park District.
5. The Board has granted variances to size of detached garages and this similar conditional use permit subject to certain conditions recommended below by staff.
6. A member of the Pelican Township Board contacted the zoning office to note that they have no objection to the proposal but asked that we request construction vehicles to enter the property from the west (20<sup>th</sup> Avenue SW rather than from HWY 212 on 42<sup>nd</sup> St SW.)
7. Certain restrictions are listed on sidewall height of detached structures for the LP and RR Districts. The Board of Adjustment has, in the past, recommended changes to those limitations, in large part due to the conflict with this section of the ordinance. It is recommended that amendment be made to the Joint Jurisdiction Zoning Ordinance ASAP to eliminate this conflict and risk of arbitrarily changing the interpretation from past issued permits.

Staff Summary and Recommendation:

- **Conditional Use – Accessory structure with greater than 10' sidewalls:** Should the Board approve the request, approval should be subject to the applicant signing a letter of assurance agreeing to the following conditions (the conditions in italics below are carried forward from the variance above).
  1. The proposed structure shall not be used for dwelling purposes.
  2. A conditional use permit shall be required prior to the operation of any business in the proposed structure.
  3. Maximum sidewall height shall be limited to sixteen (16) feet.

