

County Planning Board of Adjustment Minutes

December 16, 2024

The Codington County Board of Adjustment met for their monthly meeting on December 16, 2024, at the Codington County Extension Complex. Members of the Board of Adjustment present were Brenda Hanten, Myron Johnson, Mark O'Neill, Calvin Mack, Rodney Klatt, and Luke Muller (Planner at First District Association of Local Governments/Codington County Zoning Officer). Absent: Alex Kahnke and Mel Ries.

Others present: Beth Reilly, Eva Regnier, Jim Chilson, Val Jaspers, Eugene Schleusner, and Becky Goens

Chair Hanten brought the meeting to order at 9:02 am.

Motion by Johnson, second by Klatt, to approve the November 18, 2024 meeting minutes. Motion passed unanimously.

Motion by Klatt, second by O'Neill, to approve the agenda as published. Motion passed unanimously.

Motion by Johnson, second by Mack, to recess the Planning Commission and convene only as the Board of Adjustment. Motion passed unanimously.

Motion by Johnson, Second by O'Neill, to approve the Conditional Use Permit application, as read by Staff, by Beth Reilly to retain building rights at the site of an existing farmstead. Property owned by Andrew Resen, Diane Byer, Julie Personius, Jane Derby, John Resen, Deb Fox, and Beth Reilly and is located in SE1/4, Section 19-T119N-R54W, to be known upon platting as Resen Addition in the SE1/4, Section 19-T119N-R54W, Codington County, SD. Muller read Staff Report (attached). No one was present to speak on this issue. Public hearing closed. Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Johnson, second by Mack, to approve a minimum Lot Width variance request by Eva Regnier. Property is described as the SE1/4 of the NE1/4, and the NE1/4 of the SE1/4, and Lots 2 and 3 ; and Lot 4 and the SE1/4 of the SE1/4 of Section 35-T118N-R53W, less Townsends First Addition, Codington County, SD. Muller read Staff Report (attached). No one was present to speak on this issue. Public hearing closed. Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Johnson, second by Mack, to approve the Conditional Use Permit request, as read by Staff, for James Chilson and Joel Chilson for an existing farmstead exemption. Property is described as: NE1/4 of Section 11-T119N-R55W; and E1/2 of NW1/4, Section 11-T119N-R55W; and W1/2 of NW1/4 of section 11-T119N-R55W, Codington County, SD. Muller read Staff Report (attached). No one was present to speak on this issue. Public hearing closed.

Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Klatt, second by O'Neill, to approve a variance application, as read by staff, for Eugene Schleusner. Schleusner is requesting a variance to the minimum lot width on property owned by Forrest and Carol Bertrang located in a portion of Bertrang Addition in SW1/4, Section 5-T117N-R51W to be known upon platting as Lot 1 Bertrang Second Addition in SW1/4, Section 5-T117N-R51W, Codington County, SD. Muller read Staff Report (attached). No one was present to speak on this issue. Public hearing closed. Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Johnson, second by Mack, to recess the Board of Adjustment and convene only as the Planning Commission. Motion passed unanimously.

Motion by O'Neill, second by Klatt, to recommend approval to the Board of County Commissioners the Plat of Regnier Addition in SE1/4 of Section 35-T118N-R53W, Codington County, SD. Motion passed unanimously.

Motion by O'Neill, second by Mack, to recommend approval to the Board of County Commissioners the Plat of Resen Addition in SE1/4 of Section 19-T119N-R54W, Codington County, SD. Motion passed unanimously.

Motion by Klatt, second by O'Neill, to recommend approval to the Board of County Commissioners the Plat of Bertrang Second Addition in SW1/4, of Section 5-T117N-R51W, Codington County, SD. Motion passed unanimously.

Motion to adjourn made by Johnson, second by Ries. Motion passed unanimously. Meeting adjourned at 9:53 am.

Respectfully Submitted,

Becky Goens

**DECEMBER 2024
CODINGTON COUNTY
PLANNING COMMISSION/BOARD OF ADJUSTMENT STAFF REPORT**

CODINGTON COUNTY BOARD OF ADJUSTMENT

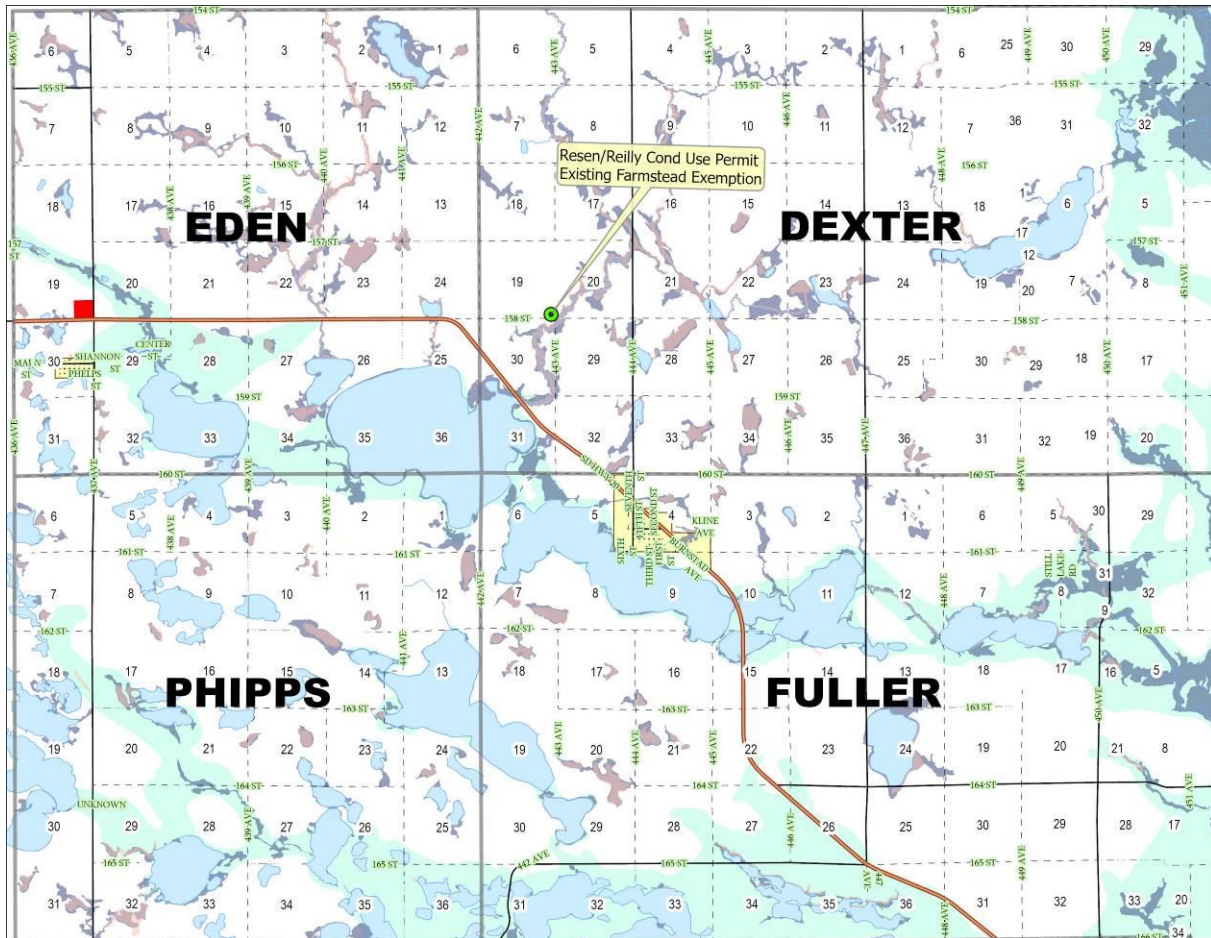
ITEM #1 CONDITIONAL USE PERMIT

Applicant: Beth Reilly

Owner: Beth Reilly, Andrew Resen, Diane Byer, Julie Personius, Jane Derby, John Resen, and Deb Fox

Property Description: a minimum five (5) acre portion of the Southeast Quarter of 19, Township 119 North, Range 54 West of the 5th Prime Meridian, Codington County, South Dakota to be known upon platting as Resen Addition in the Southeast Quarter of 19, Township 119 North, Range 54 West of the 5th Prime Meridian, Codington County, South Dakota (Dexter Township).

Lat/Long (Existing Approach): 44.50940209°; - 97.3521499°

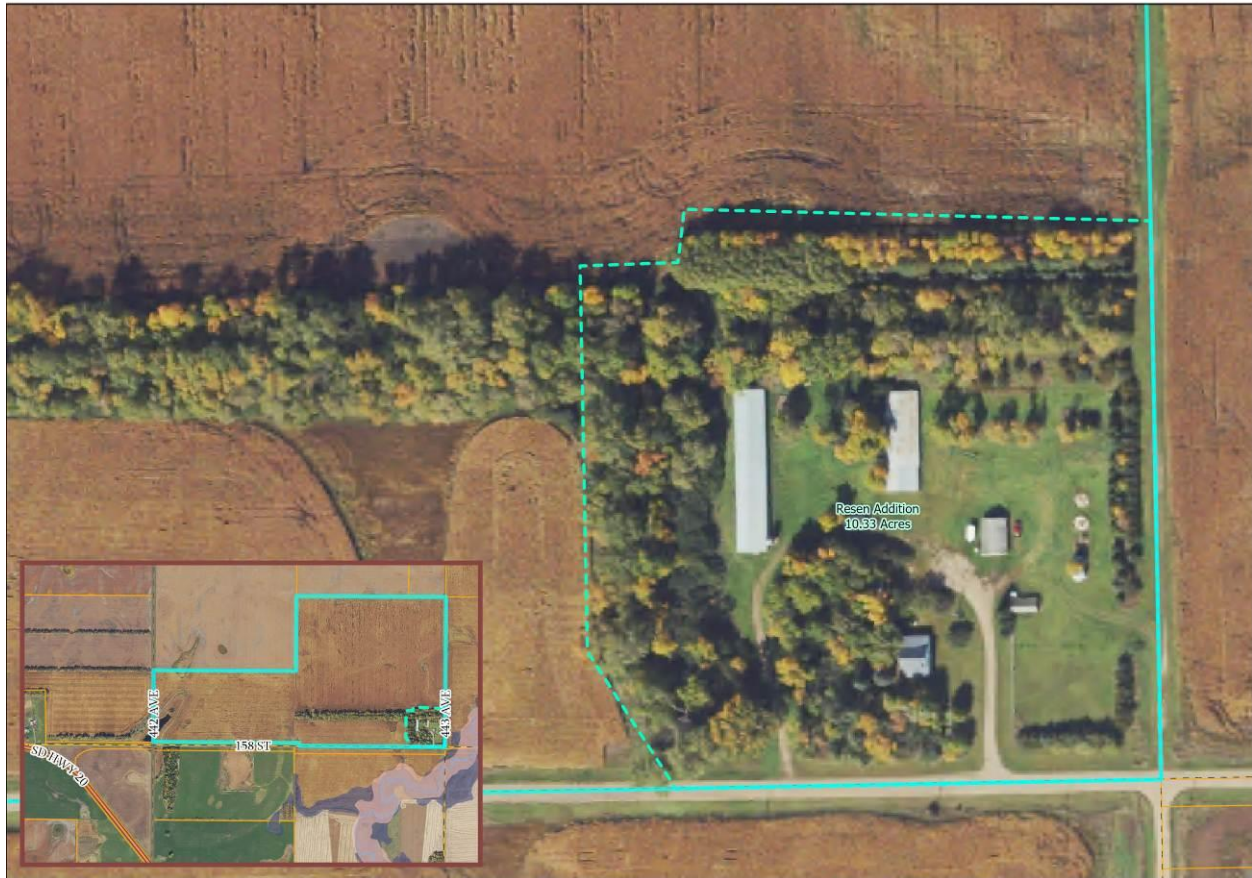


Action Items – Conditional Use Permit – Existing farmstead exemption “B” (3.04.02.44)

Zoning Designation: Agricultural

Request: The applicant seeks to retain building rights at the site of an Existing Farmstead.

Resen Conditional Use Permit Existing Farmstead Exemption



History/Issue(s):

1. The property was a base for farming operations since prior to 1976 and has remained lived in.
2. The property is owned jointly by all owners above. The owners each submitted electronic statements or calls to the office authorizing Beth Reilly to make application on their behalf.
3. Codington County's Zoning Ordinance does allow for variance from the 35 acre-minimum lot requirement if the lot is determined to be an existing farmstead which contains at least five acres and thereby affording building rights.
4. The parcel contains an existing farmstead as defined by the Codington County Zoning Ordinance.
5. Staff recommendation **(Conditional Use Permit) –Existing Farmstead Exemption** - Approve request because 1) The lot does contain at least five acres which meets the terms of the Ordinance. 2) The Zoning Officer after review of anecdotal information, records and site-visit has determined that this parcel is under contiguous ownership of an existing farmstead/residential site prior to October 26, 1976. If approved it should be done so on the following conditions:

- a. that the applicant shall plat a lot of at least five (5) acres in accordance with the Codington County Subdivision Ordinance.

ITEM #2 VARIANCE

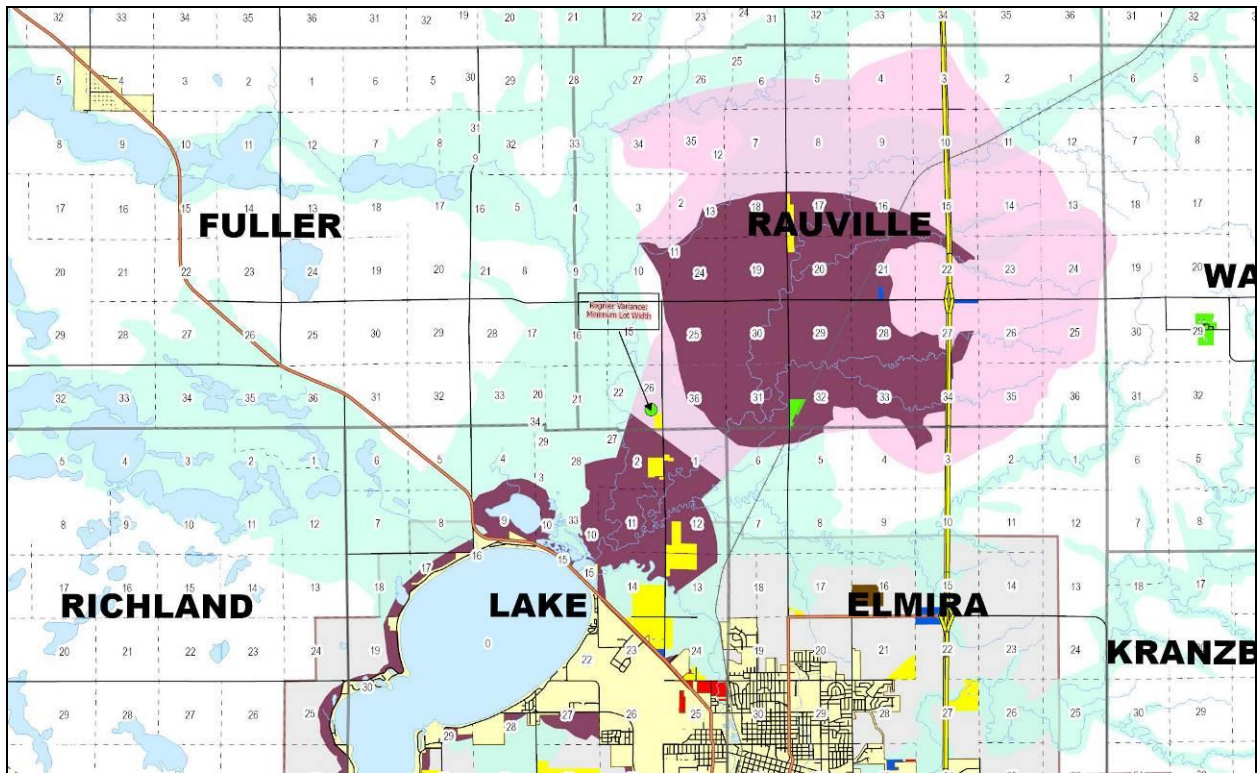
Owner/Applicant: Eva Regnier

Property Descriptions:

- a 41-acre portion of the Southeast Quarter of Section 35, Township 118 North, Range 53 West of the 5th Prime Meridian, Codington County, South Dakota, to be known upon platting as Regnier Addition in the Southeast Quarter of Section 35, Township 118 North, Range 53 West of the 5th Prime Meridian, Codington County, South Dakota (Rauville Township).

Lat/Long (Existing Approach): 44.9769246°; - 97.1501952°

**Action Items –
Variances – Minimum Lot width (3.04.03.2)**



Zoning Designation: Agricultural

Request: The applicant seeks to create a 42-acre lot, less than 1,300 feet in width.

History/Issue(s):

Specifics of Request:

1. The applicant owns three legal descriptions in this area, totaling 305 acres and including an existing farmstead.

2. The applicant seeks to plat a 42 acre lot around her existing house, surrounded by her existing tree claim.
3. The lot has access to 166th Street (Rauville Township). The request does not change that intent.
4. Townsend Addition was platted prior to 1976 and is zoned “Rural Residential” in the same quarter-quarter section (otherwise the width would meet required minimums.)

Ordinance and Land Use Plan in reference to the variance:

1. The Zoning ordinance requires each lot to have a minimum width of 1,300 ft.
 - a. An exception in the zoning ordinance allows for the decrease of lot width for a lot that still contains at least 35 acres and consent of the road authority.
 - b. Rauville Township has signed the Plat, thereby implying consent of the lot width.
2. The property is situated over the well-head protection district (Zone B – Aquifer Protection District.)
3. Septic tanks are allowed in Zone B provided they are installed in accordance with state requirements/by a certified installer.



Staff recommendation

(Variance) –Lot width- If approved the Board may do so based upon:

- The Board has a history of granting similar variances with similar circumstances; and
- The proposal will not exceed the maximum number of residences allowed on the property owned by the applicant.
- The proposal will meet the intent of the comprehensive land use plan if the following conditions are met:
 - Applicant agrees to plat a lot with at least 35-acres at the site.

ITEM #3 CONDITIONAL USE PERMIT

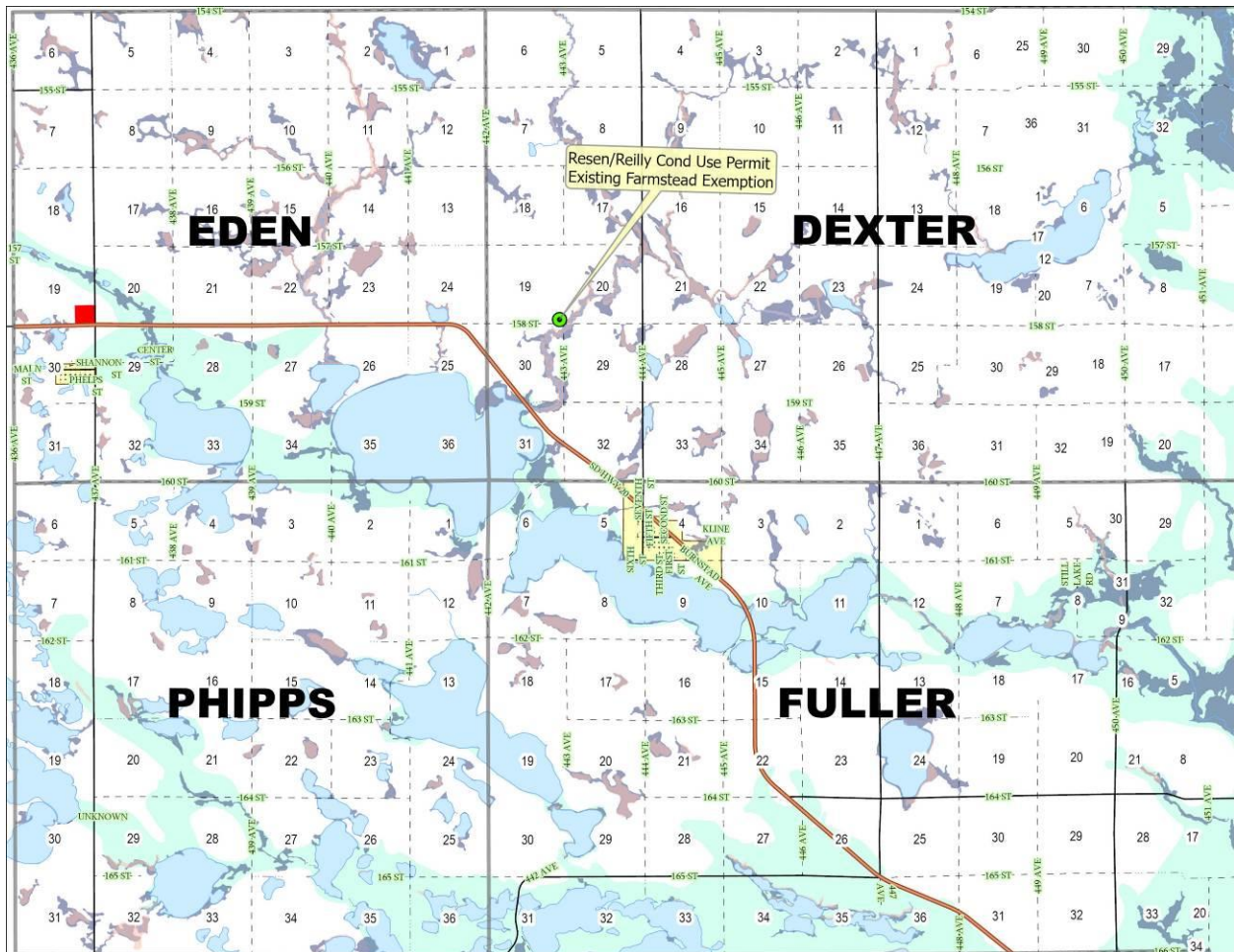
Applicant: James Chilson

Owners: James Chilson and Joel Chilson

Property Descriptions:

- a minimum five (5) acre portion of the West Half of the Northwest Quarter of Section 11, Township 119 North, Range 54 West of the 5th Prime Meridian, Codington County, South Dakota (Eden Township). (James Chilson – Owner)
- The East Half of the Northwest Quarter of Section 11, Township 119 North, Range 54 West of the 5th Prime Meridian, Codington County, South Dakota (Eden Township). (James and Joel Chilson – Owners)
- The Northeast Quarter of Section 11, Township 119 North, Range 54 West of the 5th Prime Meridian, Codington County, Existing South Dakota (Eden Township). (Joel Chilson – Owner)

Lat/Long (Existing Approach): 45.1302696°; -97.4122548°

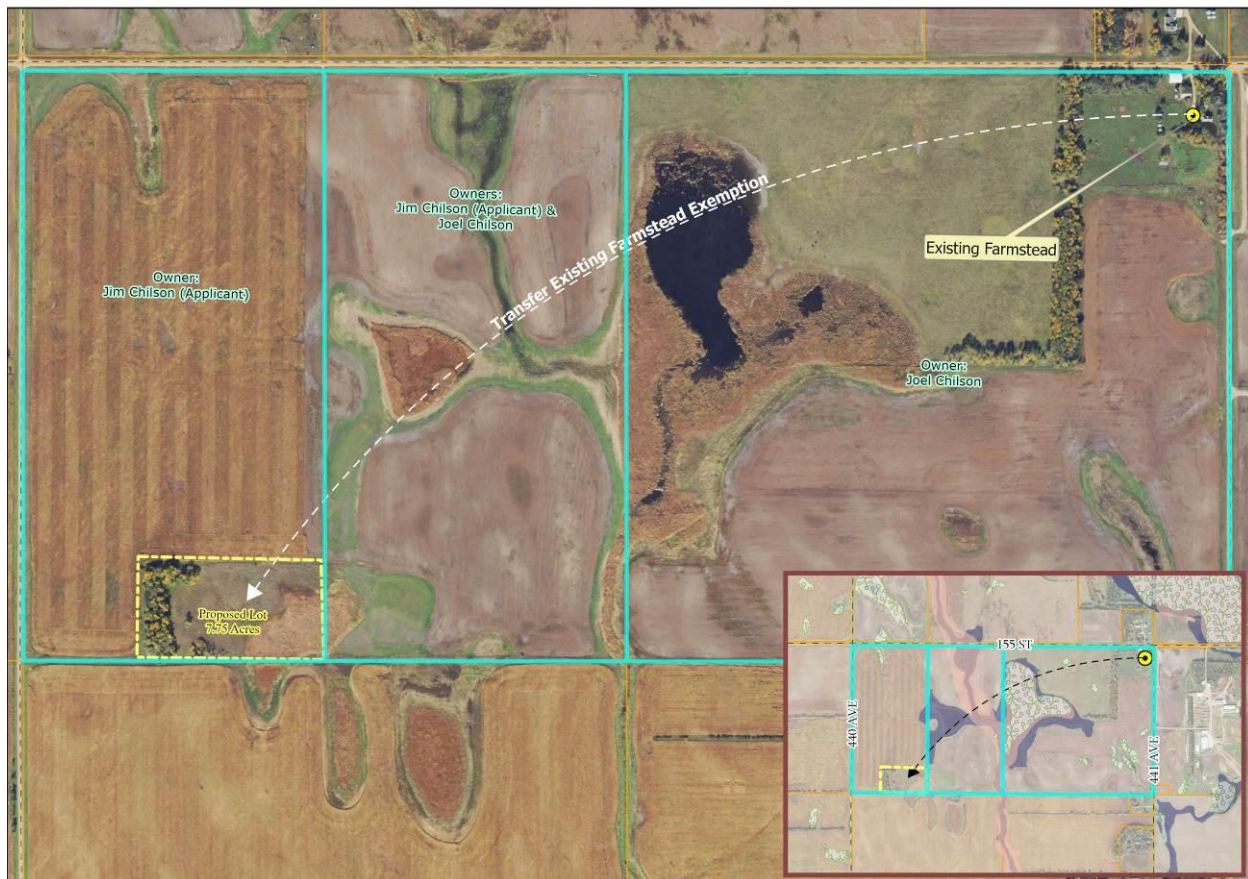


Action Items – Conditional Use Permit – Existing farmstead exemption “B” (3.04.02.44)

Zoning Designation: Agricultural

Request: The applicant seeks to retain building rights at the site of an Existing Farmstead.

Chilson Conditional Use Permit Existing Farmstead Exemption



History/Issue(s):

1. Joel Chilson lives in the house occupying the existing farmstead in the northeast quarter of this section.
2. The parcel contains an existing farmstead as defined by the Codington County Zoning Ordinance.
3. Codington County's Zoning Ordinance does allow for variance from the 35 acre-minimum lot requirement if the lot is determined to be an existing farmstead which contains at least five acres and thereby affording building rights.
4. The Codington County Comprehensive Land Use Plan allows for the transfer of an Existing Farmstead Exemption – (minimum 5-acre) Building Right across properties under the same, contiguous ownership as long as it does not cross a right-of-way.
5. The Codington County Board of Adjustment has a history of determining that a farmstead exemption can be transferred across two or more different owners provided ALL PARTIES agree to the transfer. (Boydston/Van Well)
6. James Chilson intends to sell a minimum five (5) acre parcel to a young farmer/resident of the area if the exemption is transferred.
7. Joel Chilson has indicated to the zoning officer verbally that he will voluntarily record a letter of assurance specifying that future building permits may only be issued to his property if a minimum 35-acre legal description is retained thereby forfeiting his ability to obtain an additional farmstead exemption in the future.
8. Staff recommendation **(Conditional Use Permit) –Existing Farmstead Exemption -** Approve request because 1) The lot does contain at least five acres which meets the terms

of the Ordinance. 2) The Zoning Officer after review of anecdotal information, records and site-visit has determined that this parcel is under contiguous ownership of an existing farmstead/residential site prior to October 26, 1976. If approved it should be done so on the following conditions:

- a. that the applicant shall plat a lot of at least five (5) acres in accordance with the Codington County Subdivision Ordinance.
- b. The Owner of the Northeast Quarter of the Northeast Quarter of Section 11-T119N-R54W shall record a letter of assurance specifying that future building permits may only be issued to his property if a minimum 35-acre legal description is retained thereby forfeiting his ability to obtain an additional farmstead exemption in the future.
- c. The Owner of the West Half of the Northwest Quarter of Section 11-T119N-R54W shall record a letter of assurance following the recording of the above reference five (5) or more acre plat specifying that the farmstead exemption has been transferred from the site on the Northeast Quarter of Section 11.

ITEM #4 VARIANCE

Applicant: Eugene Schleusner

Owner: Forrest and Carol Bertrang

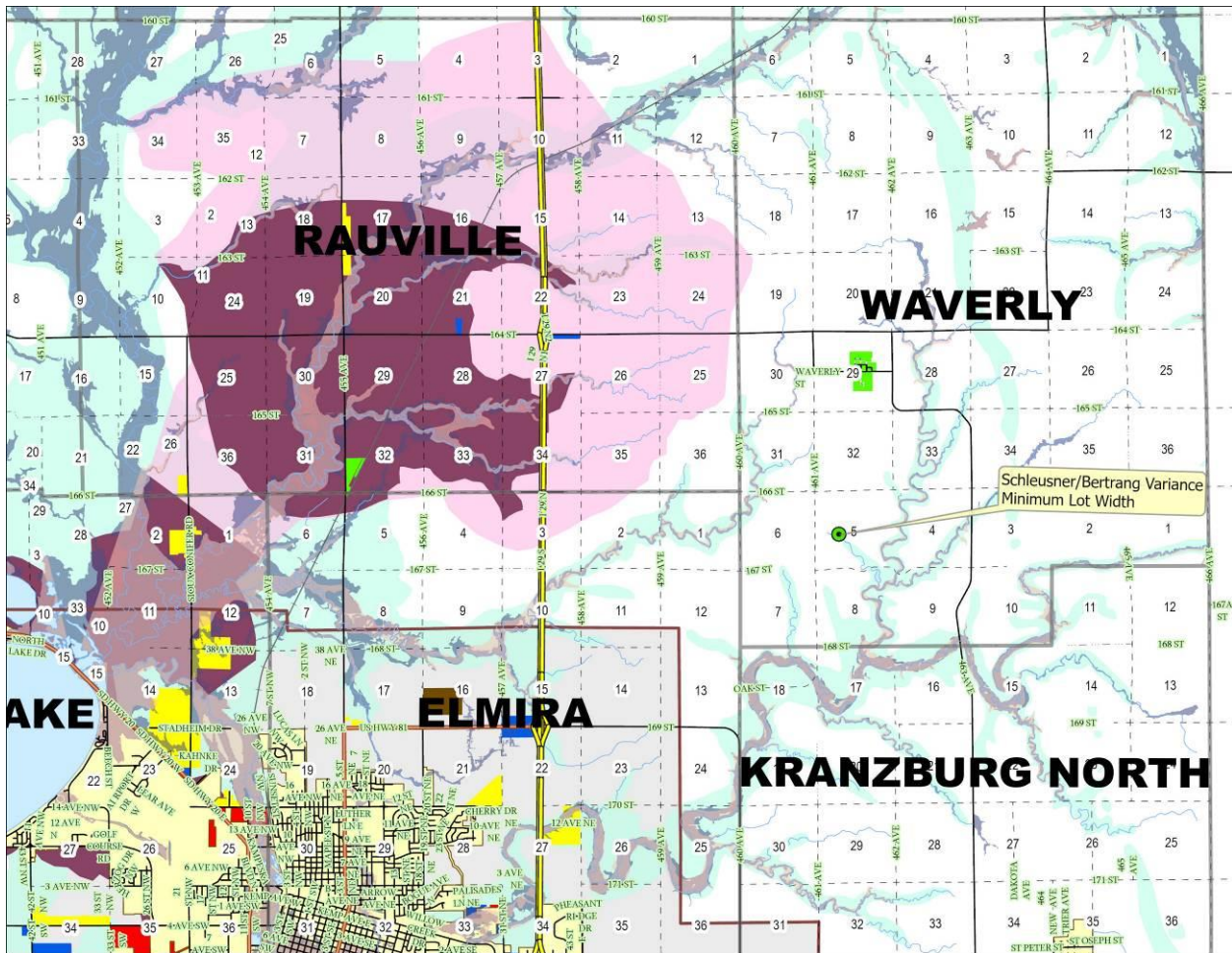
Property Descriptions:

- A portion of Bertrang Addition in the Southwest Quarter of Section 5, Township 117 North, Range 51 West of the 5th Prime Meridian, Codington County, South Dakota to be known upon platting as Lot 1, Bertrang Second Addition in the Southwest Quarter of Section 5, Township 117 North, Range 51 West of the 5th Prime Meridian, Codington County, South Dakota (Waverly Township).

Lat/Long (Existing Approach): 44.9690212°; -96.9842767°

Action Items –

Variations – Minimum Lot width (3.04.03.2)



Zoning Designation: Agricultural

Request: The applicant seeks to create a 51.89-acre lot, less than 1,300 feet in width.

History/Issue(s):

Specifics of Request:

1. The applicant is purchasing an 18 acre portion of the current Bertrang Addition from its owner.
2. The purchase will leave/create irregularly shaped lots, necessitating the re-plat.
3. The current 70-acre Bertrang Addition accesses 461st Avenue at the same location (with the same width) as proposed Lot 1, Bertrang Second Addition.
4. The existing 70 acre lot does not have 1,300 ft of width; however the request decreases the amount of frontage/width, thereby necessitating the variance

Ordinance and Land Use Plan in reference to the variance:

1. The Zoning ordinance requires each lot to have a minimum width of 1,300 ft.
 - a. An exception in the zoning ordinance allows for the decrease of lot width for a lot that still contains at least 35 acres and consent of the road authority.
 - b. Waverly Township has signed the Plat, thereby implying consent of the lot width.
2. No changes are requested with reference to use or orientation of the lot or access locations for the residence in the northeast quarter of this quarter section.

Schleusner/Bertrang Variance:
Minimum Lot Width



Staff recommendation

(Variance) –Lot width- If approved the Board may do so based upon:

- The Board has a history of granting similar variances with similar circumstances; and
- The proposal will not exceed the maximum number of residences allowed on the property owned by the applicant.
- The proposal will meet the intent of the comprehensive land use plan if the following conditions are met:
 - Applicant agrees to plat a lot with at least 35-acres at the site.

CODINGTON COUNTY PLANNING COMMISSION

ITEM #1 PLAT

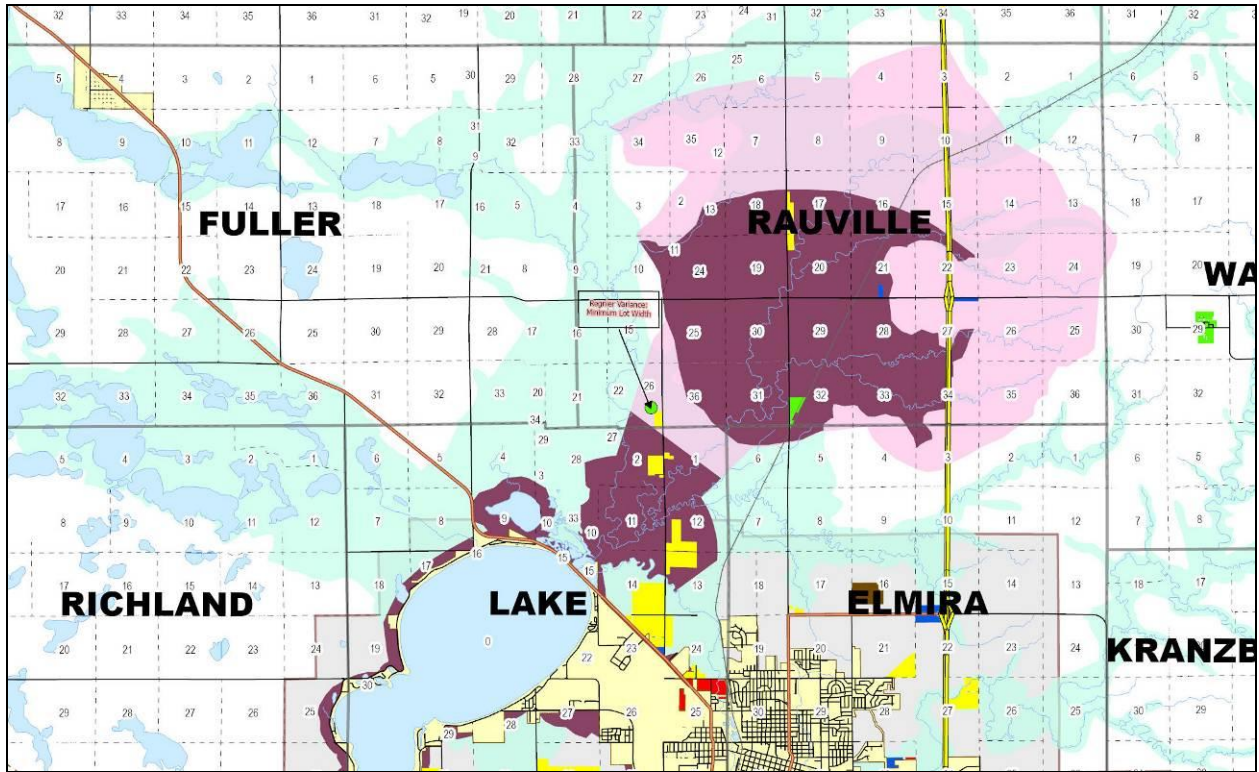
Applicant/Owner: Eva Regnier

Property Description: Regnier Addition in the Southeast Quarter of Section 35, Township 118 North, Range 53 West of the 5th Prime Meridian, Codington County, South Dakota (Rauville Township).

Action Items – Plat approval.

Zoning Designation: Ag District

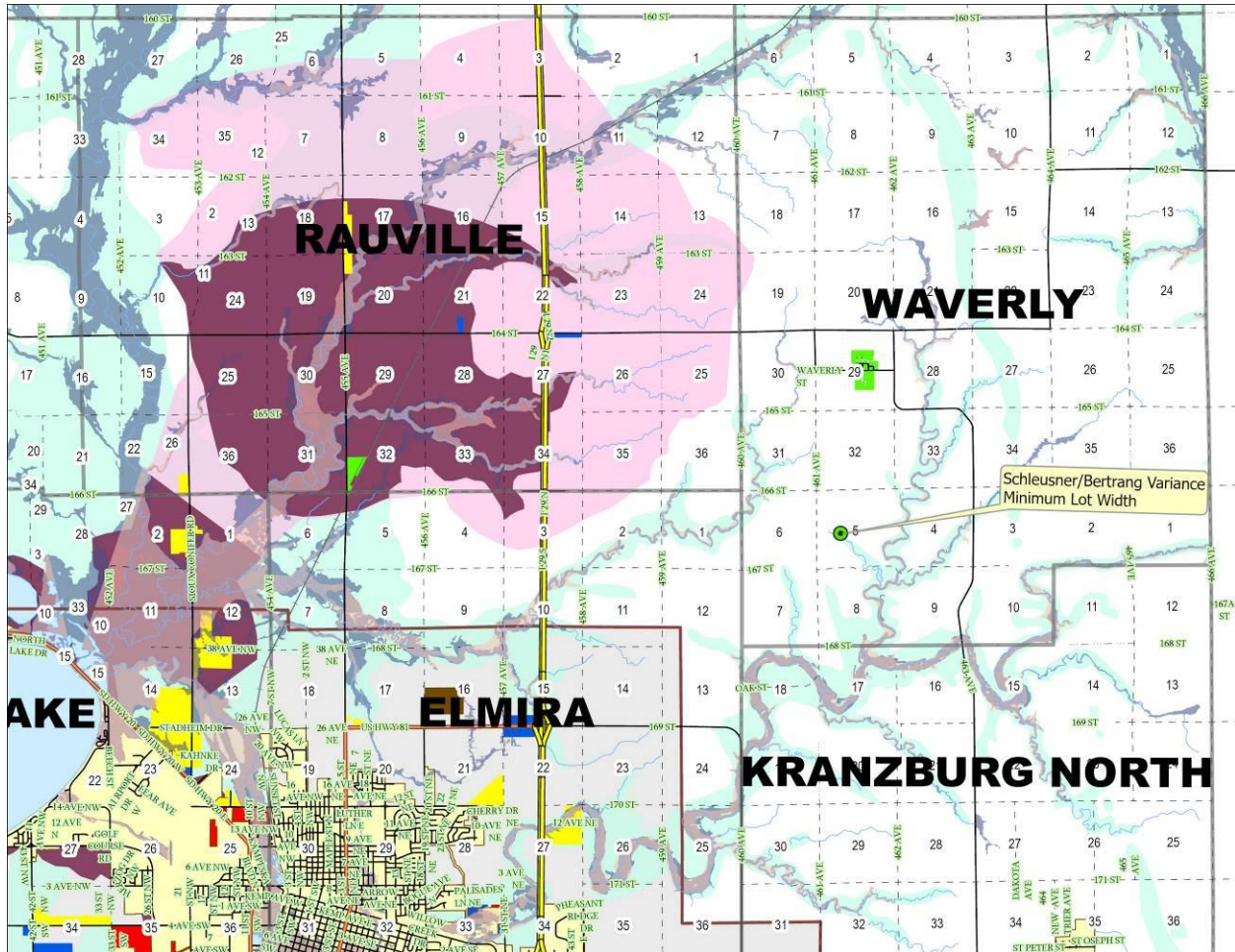
Request: Plat a 41.68 acre lot at site of existing farmstead with a lot width of less than 1,300 ft.



ITEM #2 PLAT

Applicants/Owners: Forrest and Carol Bertrang; and Eugene Schlesner

Property Description: Bertrang Second Addition in the Southwest Quarter of Section 5, Township 117 North, Range 51 West of the 5th Prime Meridian, Codington County, South Dakota (Waverly Township).



Action Items – Plat approval.

Zoning Designation: Ag District

Request: Plat 2 lots:

- Lot 1 will be 51.89 acres and currently has a house located on it in the northeast quarter of the southwest quarter;
- Lot 2 will be 105.7 acres and contain all lot frontage except in the northwest corner and southeast corner of the quarter section.
- Easements are retained along the south end of two tree belts running perpendicular to 167th Street.

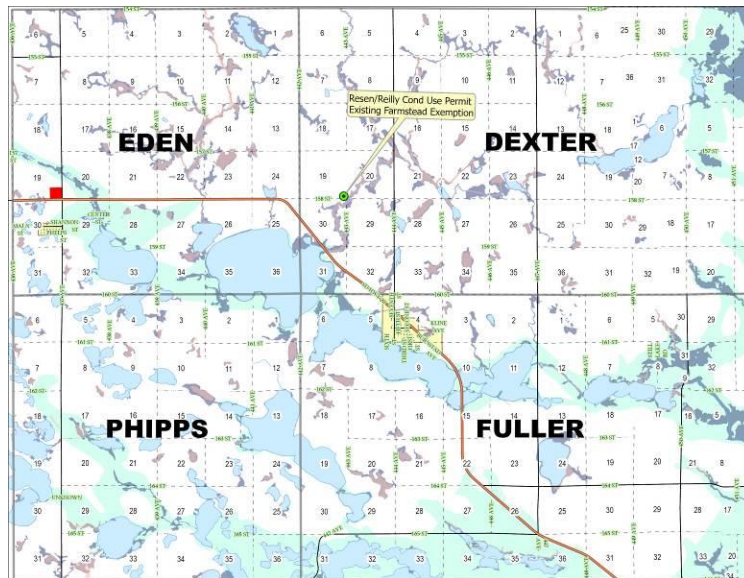
Schleusner/Bertrang Variance:
Minimum Lot Width



ITEM #3 PLAT

Applicants/Owners: Beth Reilly, Andrew Resen, Diane Byer, Julie Personius, Jane Derby, John Resen, and Deb Fox

Property Description: Resen Addition in the Southeast Quarter of 19, Township 119 North, Range 54 West of the 5th Prime Meridian, Codington County, South Dakota (Dexter Township).



Action Items – Plat approval.

Zoning Designation: Ag District

Request: Plat Lot as required of condition for existing farmstead exemption

Resen Conditional Use Permit
Existing Farmstead Exemption

