

**SEPTEMBER 2025  
CODINGTON COUNTY/CITY OF WATERTOWN  
JOINT BOARD OF ADJUSTMENT  
&  
CODINGTON COUNTY  
PLANNING COMMISSION/BOARD OF ADJUSTMENT  
STAFF REPORT**

**MONDAY – SEPTEMBER 15, 2025 – 7:30 p.m.**

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

**ITEM #1 VARIANCE**

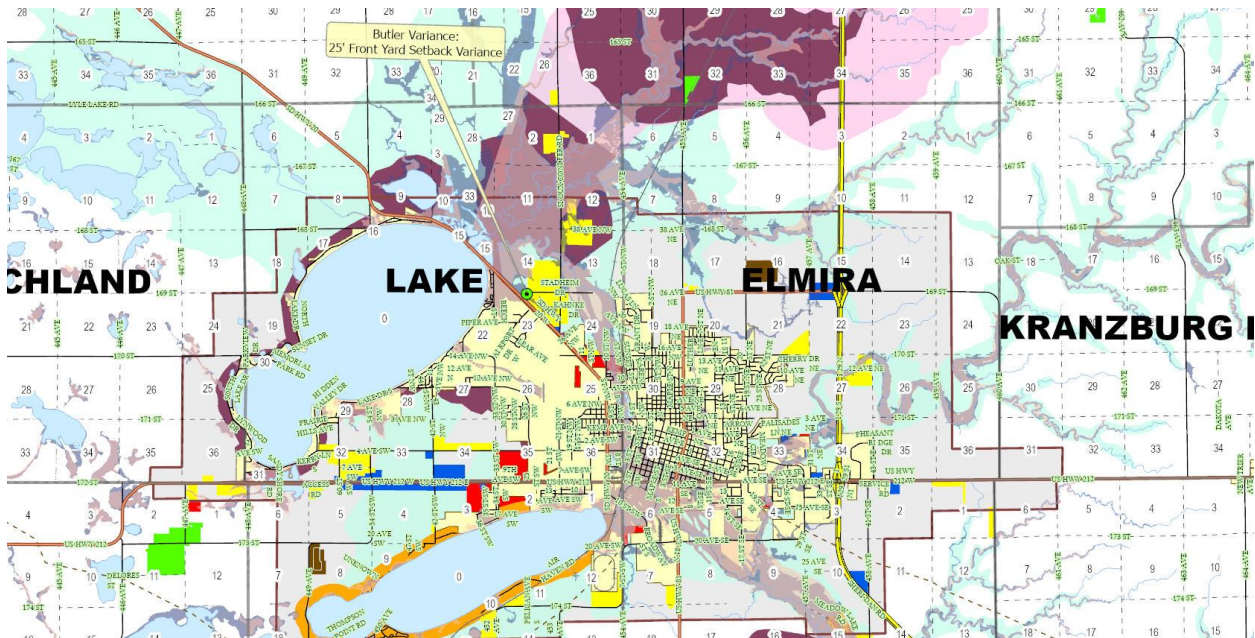
**Applicant/Owner: Valerie and James Butler**

**Property Description:** Lots 12 & 13 of Green Acres Addition in the Northwest Quarter of Section 23, Township 117 North, Range 53 West of the 5<sup>th</sup> Prime Meridian, Codington County, South Dakota. (Lake Township).

**Lat/Long (Existing Approach):** 44.933911°; - 97.157121°

**Action Items –**

**Variance – 25' Front Yard Setback Variance (3.14.04.2)**



**Zoning Designation:** RR – Rural Residential

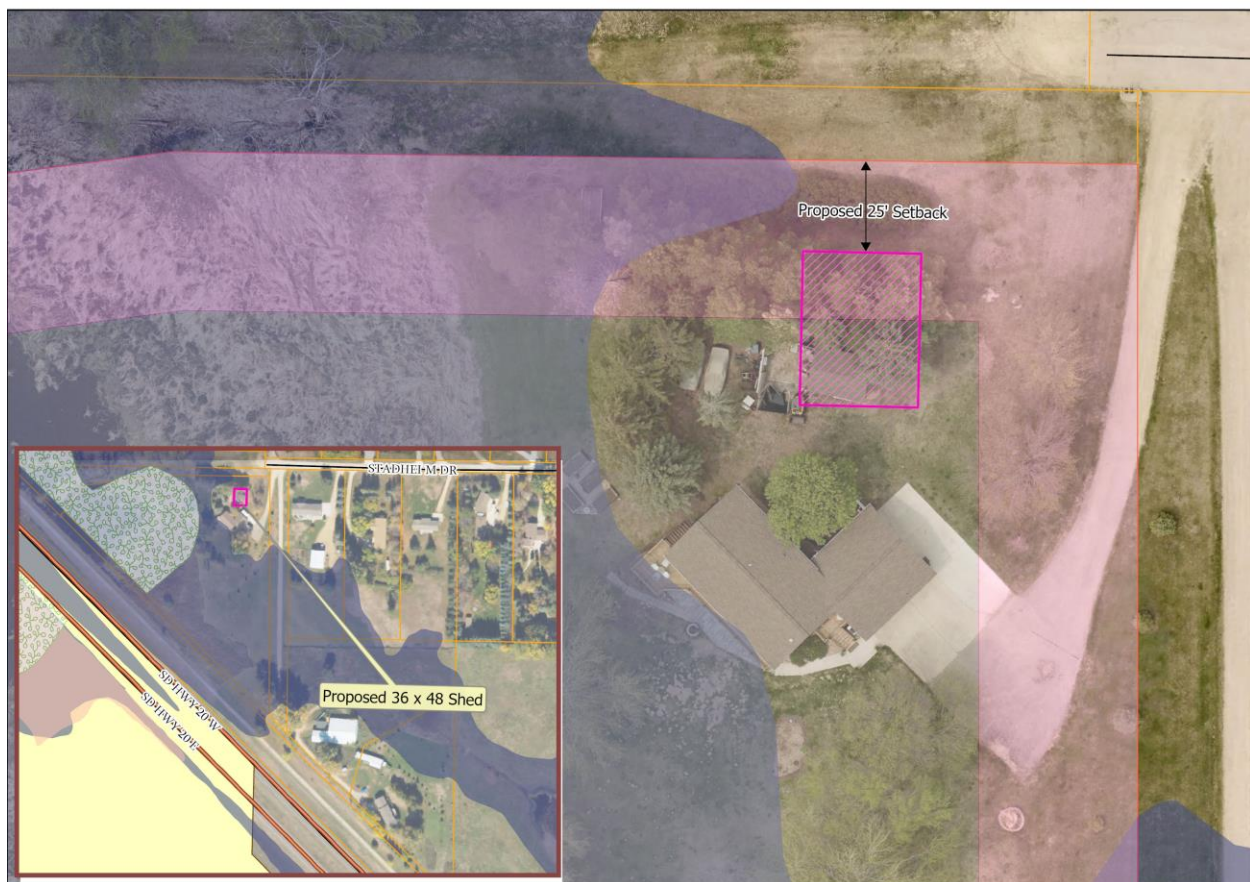
**Request:** The applicant requests to construct a shed 25' from an unmaintained, platted right-of-way.

Specifics of Property/Request:

1. The applicants (Butler's) own live at the above described ~5.4 acre property.
2. They intend to construct a 48' x 36' shed south of a row of lilacs on the property; which would replace a smaller shed previously on the property in that location.
3. The north boundary of the lot includes a platted (unmaintained) right-of-way:
  - a. The right-of-way continues from Stadheim Drive which overlaps the section line right-of-way up to this point.
  - b. The right-of-way curves on the west/southwest end of this lot to allow for a "square" intersection with the railroad (no longer there) and Highway 20.
  - c. [Practical standpoint] This right-of-way dead ends into a perennial wetland.
4. Butler's propose to utilize the same access location for the shed. Doors would face the east, instead of the unimproved right-of-way.
5. None of the property is considered to be in the 100 year floodplain according to the effective floodplain maps; however, according to preliminary maps provided by FEMA (recommended to be used as "best available data" for decision making purposes where more restrictive) much of the property (in navy below) is within the 100-year floodplain.
6. Approximately 93.1% of the Butlers' lot is covered by setbacks, wetlands, or preliminary floodplain, leaving approximately 16,200 square feet of the lot buildable.

Butler Variance

25' Front Yard Setback Variance



### Ordinance/Land Use Plan: 25' Variance

1. The City of Watertown Comprehensive Land Use Plan shows Stadheim Drive as a "Major Collector" in its Major Street Plan, connecting with Highway 20 in the location of the perennial pothole on the west end of the property.
  - a. Access would be limited/prohibited on a Major Collector for a single residential lot.
2. Though connection of Stadheim Drive to SD HWY 20 is unlikely in the near future, it is not recommended to vacate that right-of-way should future conditions warrant connection.
3. The widest setback in any Residential District in the City of Watertown (presently) is 25' from a right-of-way.
4. The Zoning Ordinance requires a minimum front yard setback of 50' feet on lots such as this (right-of-way not maintained by the township).
5. The Joint Board has never had front yard setback variance request on an unmaintained right-of-way in the Rural Residential District.
6. The Joint Board recently granted a setback variance to allow reconstruction of a structure located less than the required setback from an unmaintained, platted right-of-way in the Lake Park District (Kjenstad) due to configuration of the lot, current structures, unlikelihood of vacation of right-of-way, and coverage of lot by setbacks and floodplain.
7. The Joint Board has a history of granting variance where greater than 65% of the lot is covered by setbacks and or natural features such as wetlands or floodplain. No such requests have been made in the Rural Residential District.
8. The County Board has a history of granting variance to setbacks on unimproved section lines where it is unlikely that such roads would be vacated, but maintenance is not expected to change on said right-of-way.

### Staff Summary:

The platted right-of-way on the north edge of the property is indicated as over 66' wide in this location (not all on the Butler's side) and replaces the section line right-of-way established by statute with no defined entity to maintain it in this stretch. This is a truly unique request under the circumstances. Given the land use plan (for the city) anticipates connection to HWY 20 via this road, it should be assumed the road will eventually be constructed so the city's residential setbacks should be reserved from the existing right-of-way. Since the location of the right-of-way is assumed at this point, staff will be recommending a survey be completed prior to building permit issuance to ensure that the structure is greater than 25' south of the platted right-of-way.

### Staff Recommendation:

**Variance – 25' Front Yard Setback Variance to Stadheim Drive (Platted) right-of-way:** 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 over 93% of the lot unbuildable without the variance(s).
3. The Board has a history of granting variances to lots with a similar percentage of the lot covered by required setbacks and/or floodplain in other districts.
4. The Board would only consider approving other similar requests meeting the unique circumstances.
5. It is impractical to vacate Stadheim Drive in this location due to the planned connection with SD HWY 20 in the City of Watertown Major Street Plan, however no plans are in place for said connection in the foreseeable future.

6. In order to comply with the intent of the Rural Residential District and the Comprehensive Land Use Plan the following conditions shall be agreed to by the property owner:
- The applicant shall provide a survey indicating that the proposed structure will be located twenty-five (25) or more feet south of the platted right-of-way on the north boundary of the property.

## **CODINGTON COUNTY BOARD OF ADJUSTMENT**

### **ITEM #1 CONDITIONAL USE PERMIT & VARIANCE**

**Applicant/Owner: Scott and Sheila Voelsch**

**Property Description:** The Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 27, Township 116 North, Range 53 West of the 5th P.M., Codington County, South Dakota. (Pelican Township).

**Lat/Long (Existing Approach):** 44.832700°; - 97.179468°

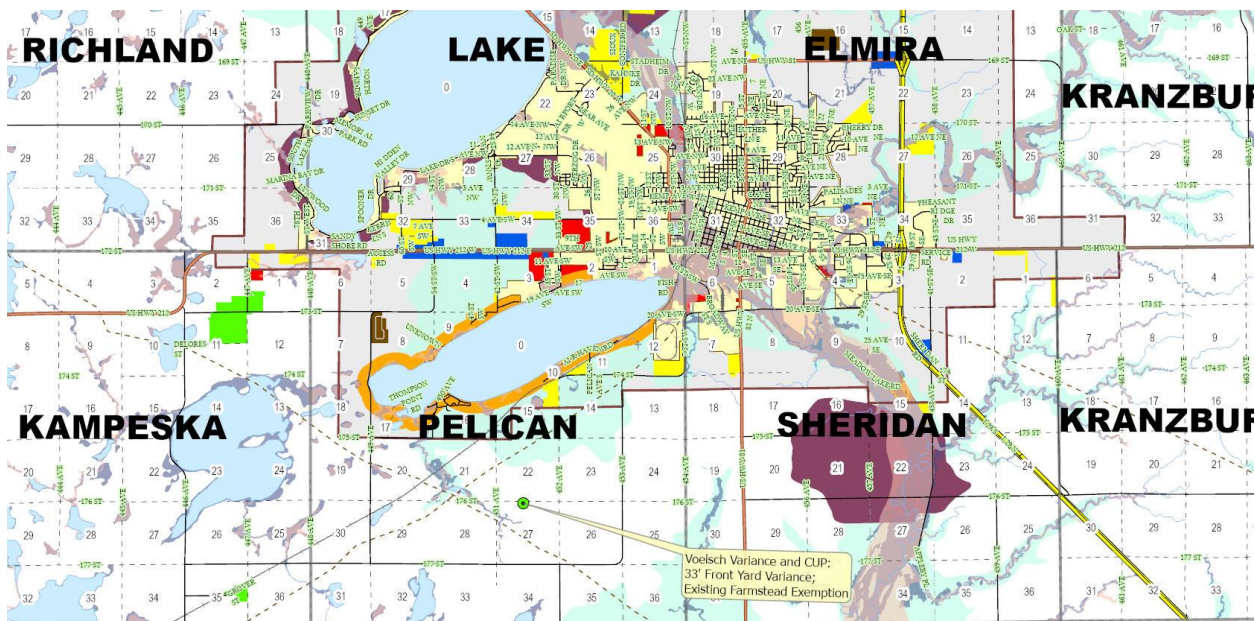
#### **Action Items –**

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

**Variance – 33’ Front Yard Setback (3.04.03)**

**Zoning Designation:** Agricultural

**Request:** The applicant seeks Existing Farmstead Exemption to retain building rights on a lot with less than 35-acres on the same legal description as an existing farmstead and to replace a shed destroyed by severe weather .



### **History/Issue(s):**

1. The Voelsch's have lived on the above described property for over 18 years.
2. No construction on the property has warranted the need for building permit since they moved in. (Changes have been non-structural.)
3. The property was a base for farming operations since prior to 1976.
4. The property was a base for farming operations since prior to 1976 and is currently lived in.
5. Codington County's Zoning Ordinance does allow for exception to the 35 acre-minimum lot requirement if the lot is determined to be an existing farmstead.
6. The parcel contains an existing farmstead as defined by the Codington County Zoning Ordinance.
7. The property was sold separately from the farmland prior to 2004.
8. Policy has been to waive the requirement to replat existing farmsteads which were initially transferred prior to 2004.
9. The Voelsch's seek to replace a barn/shed which was destroyed by high winds that was located 32' from the 176<sup>th</sup> Street Right-of-way (Maintained by Pelican Township), with a similarly sized structure.
10. The Voelsch's provided a letter from Pelican Township noting no objection to the proposed replacement of the structure in the same location.

### **Voelsch Cond. Use & Variance: Existing Farmstead Exemption "B" & 33' Front Yard Setback Variance**



### **Ordinance/Land Use Plan: 33' Variance**

1. The minimum required front yard setback is 65' from the right-of-way.
2. The Board has a history of approving variances for the replacement of structures less than 65' feet from the right-of-way where the road authority does not object to the location/replacement of the structure.
3. The variance will run the length of the property.

### **Staff Summary and Recommendation:**

**(Conditional Use Permit) –Existing Farmstead Exemption** - Approve request because the Zoning Officer after review of anecdotal information, records and site-visit has determined was used as an existing farmstead/residential site prior to October 26, 1976.

**Variance – 33' Front Yard Variance (build 32' South of 176<sup>th</sup> Street Right-of-way):** The Board has the option to approve, deny, or postpone the request to replace an existing shed with a larger shed, in the same location as an existing shed. *Approval would be based upon:*

- The request is to replace an existing ag structure destroyed by natural causes.
- Pelican Township (Road Authority) does not object to the request.

- The unique size of the lot and configuration of structures on the lot which pre-date the ordinance.
- The Board would only consider approving other similar requests meeting the unique circumstances.