

County Planning Board of Adjustment Minutes

August 18, 2025

The Codington County Board of Adjustment met for their monthly meeting on August 18, 2025, at the Codington County Extension Complex. Members of the Board of Adjustment present were Brenda Hanten, Myron Johnson, Calvin Mack, Mark O'Neill, Mel Ries, Rodney Klatt, Liam Culhane, and Luke Muller (Planner at First District Association of Local Governments/Codington County Zoning Officer).

Others present: Val Jaspers, Kevin Bach, Adam Hartley, Brodie Robinson, Libby Bokelman, Jason Thuringer, Pat Nogelmeier, Randy Schweer, and Becky Goens.

Chair Hanten brought the meeting to order at 7:45 pm.

Motion by Johnson, second by Ries, to approve June 23, 2025 meeting minutes. Motion passed unanimously.

Motion by Klatt, second by Ries, to approve the agenda as published. Motion passed unanimously.

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

Motion by Johnson, second by Culhane, to approve the Conditional Use Permit request by Kevin Bach to create a 5-acre parcel at the site of an existing farmstead. Property is owned by Marilyn Bach and located in Lot 4 in NW1/4 of NW1/4 less road and strip W side, Section 21-T118N-R53W, Codington County, SD. Muller read 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 by Johnson, second by Ries, to approve the Conditional Use Permit request by Brodie Robinson to create an 8.55-acre parcel at the site of an existing farmstead. Property is owned by RLB Acres, LLC and located in S1/2 of NE1/4, Section 3-T117N-R55W, Codington County, SD. Muller read the 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 by Johnson, second by O'Neill, to approve the Conditional Use Permit request by Eden and Thomas Bokelman to place a double wide mobile home (Type B) on property owned by Patrick and Dee Nogelmeier located in NW1/4 of NW1/4, Section 24-T119N-R55W, Codington County, SD. Muller read the 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 by Johnson, second by Culhane, to recess the Board of Adjustment and convene only as Planning Commission. Motion passed unanimously.

Motion by Ries, second by Culhane, to recommend approval to the Board of County Commissioners the Plat of JC Hopper Second Addition located in the NE1/4 of Section 25-T117N-R53W, Codington County, SD. Motion passed unanimously.

Motion by O'Neill, second by Ries, to recommend approval to the Board of County Commissioners the Plat of Marilyn Bach Addition in NW1/4 of Section 21-T118N-R53W, Codington County, SD. Motion passed unanimously.

Motion by O'Neill, second by Culhane, to recommend approval to the Board of County Commissioners the Plat of Brodie Robinson Addition in S1/2 of NE1/4, Section 3-T117N-R55w, Codington County, SD. Motion passed unanimously.

Motion by Ries, second by Culhane, to recommend approval to the Board of County Commissioners the Plat of Wittnebel Addition in SW1/4 of Section 30-T116N-R51W, Codington County, SD. This property does not contain any building permit rights and is only being acted upon for transfer purposes. This is an old gravel pit site in which Wittnebel will be reclaiming. Motion passed unanimously.

Muller advised the Board of an enforcement letter sent to a gravel pit whereas the Permit has expired and things had been done outside the scope of the Permit. They had to cease and desist mining operations. They will have to reclaim and our office along with the Sheriff will be watching activity from the pit.

Motion to adjourn made by Johnson, second by O'Neill. Motion passed unanimously. Meeting adjourned at 8:12 pm.

Respectfully Submitted,

Becky Goens

**AUGUST 2025
CODINGTON COUNTY
PLANNING COMMISSION/BOARD OF ADJUSTMENT STAFF REPORT**

CODINGTON COUNTY BOARD OF ADJUSTMENT

ITEM #1 CONDITIONAL USE PERMIT

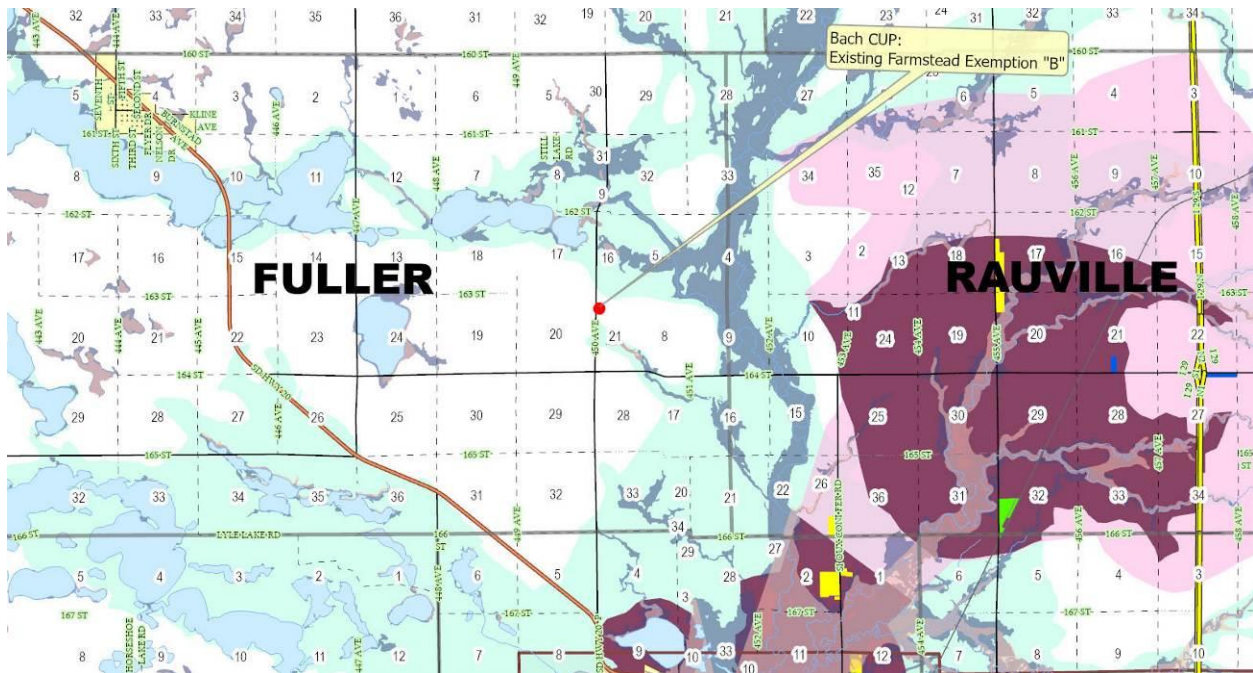
Applicant: Kevin Bach

Owner: Marilyn Bach

Property Description: a minimum 5-acre portion of Lot 4 in NW1/4 of NW1/4 less road and strip W side, Section 21-T118N-R53W, Codington County, South Dakota. (Fuller Township).

Lat/Long (Proposed home): 45.018728°; - 97.208308°

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.

History/Issue(s):

1. Ms. Bach lives at the above site.
2. The original farmhouse was across the road but has been replaced.
3. This home was constructed prior to October 26, 1976 and was occupied by one of the farm owner/operators at that time.
4. Codington County's Zoning Ordinance does allow for exemption 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.

5. The parcel contains an existing farmstead as defined by the Codington County Zoning Ordinance.
6. The Bach's propose to split a five acre portion of the above legal description off along the west side of the property.
7. 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.

**Bach Cond. Use:
Existing Farmstead Exemption "B"**



ITEM #2 CONDITIONAL USE PERMIT

Applicant: Brodie Robinson

Owner: RLB Acres, LLC

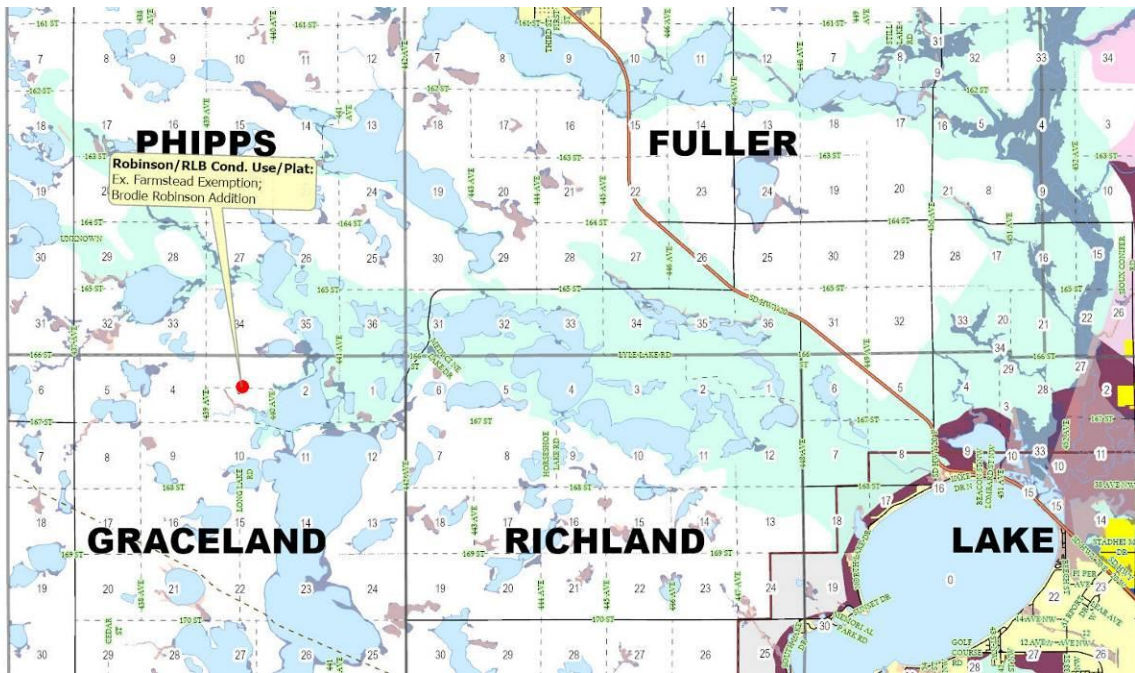
Property Description: a minimum 5-acre portion of the South Half of the Northeast Quarter of Section 3, Township 117, Range 55 West of the 5th Prime Meridian, Codington County, South Dakota. (Graceland Township).

Lat/Long (Proposed home): 44.970793°; - 97.421537°

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.



History/Issue(s):

1. Mr. Robinson proposes to purchase the proposed ~8 acre parcel to build a house
2. A home on this lot was utilized as a base of farming activities by the owner/operators prior to October 26, 1976.
3. The home on site (now removed) was last occupied approximately 20 years ago.
4. Codington County's Zoning Ordinance does allow for exemption 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.
5. The parcel contains an existing farmstead as defined by the Codington County Zoning Ordinance.
6. 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:

Robinson/RLB Cond. Use: Existing Farmstead Exemption "B"



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

ITEM #3 CONDITIONAL USE PERMIT

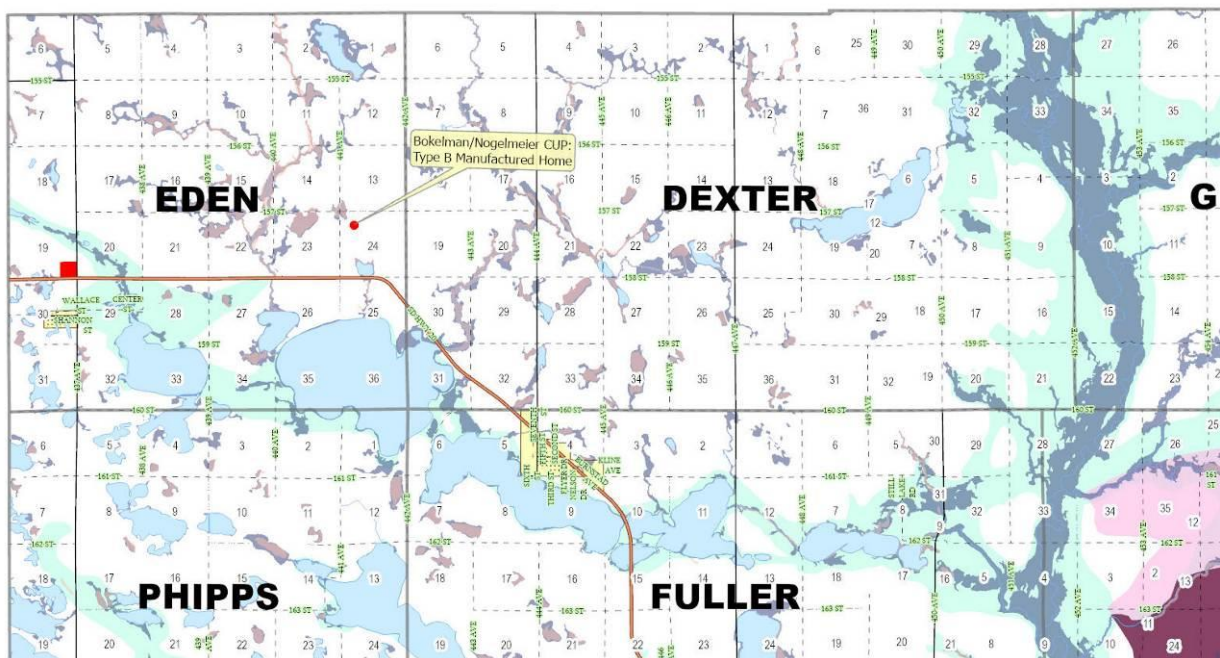
Applicant: Eden and Thomas Bokelman

Owner: Dee and Pat Nogelmeier

Property Description: NW1/4 of NW1/4, Section 24-T119N-R55W, Codington County, South Dakota. (Eden Township).

Lat/Long (Proposed home): 45.105376°; - 97.387242°

Action Items – Conditional Use Permit – Type B Manufactured Home



Zoning Designation: Agricultural

Request: The applicant seeks to allow a Type B Manufactured Home on the above lot.

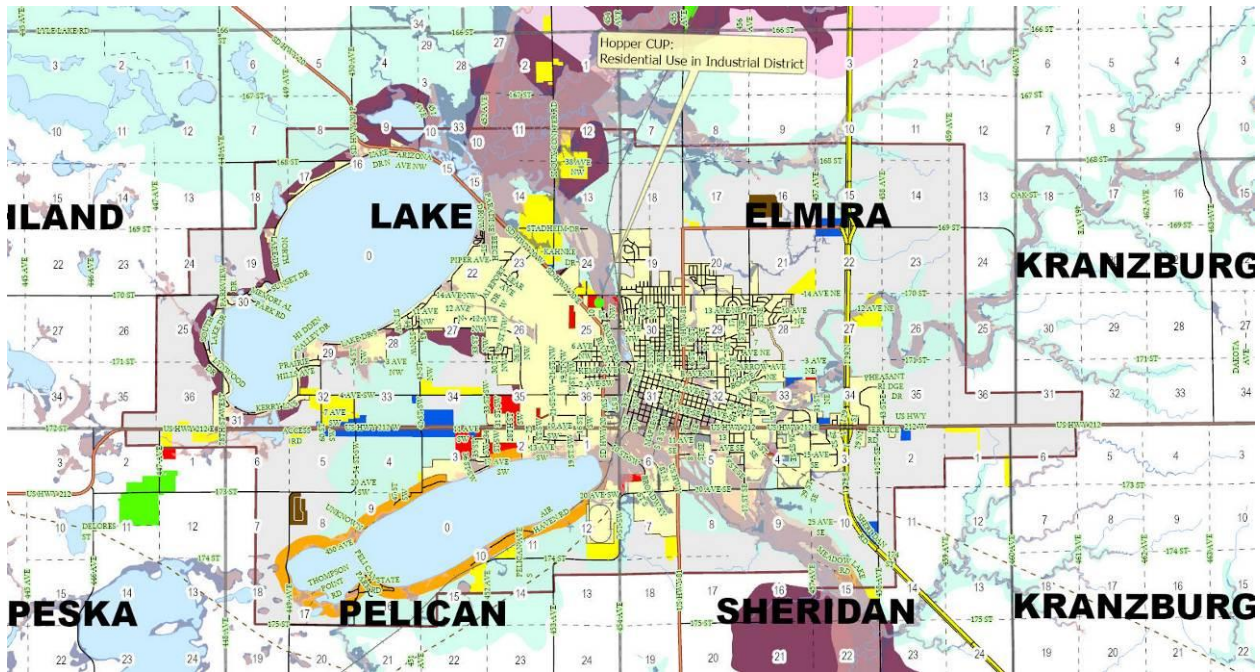
History/Issue(s):

1. The applicant intends to place a skirted double-wide (Type B) manufactured home on site to live in. (Double-wide manufactured homes are a "Permitted Use" if placed on a permanent foundation.)
2. Type B Manufactured Homes require a conditional use permit in the Ag District.
3. The applicant intends to comply with all requirements of the ordinance in reference to manufactured homes.
4. The manufactured home is "new" so it will not need consent from adjoining property owners.
5. The home will be placed on property currently owned by Ms. Bokelman's parents, that live on the adjoining quarter-quarter.

Conditional Use Permit – Type B Manufactured Home: The application may be approved, postponed, or denied. Staff recommends approval of the application on the grounds that the

CODINGTON COUNTY PLANNING COMMISSION

ITEM #1 PLAT



Applicant/Owner: John and Cindy Hopper

Hopper Conditional Use Permit
Residential Use in Industrial District

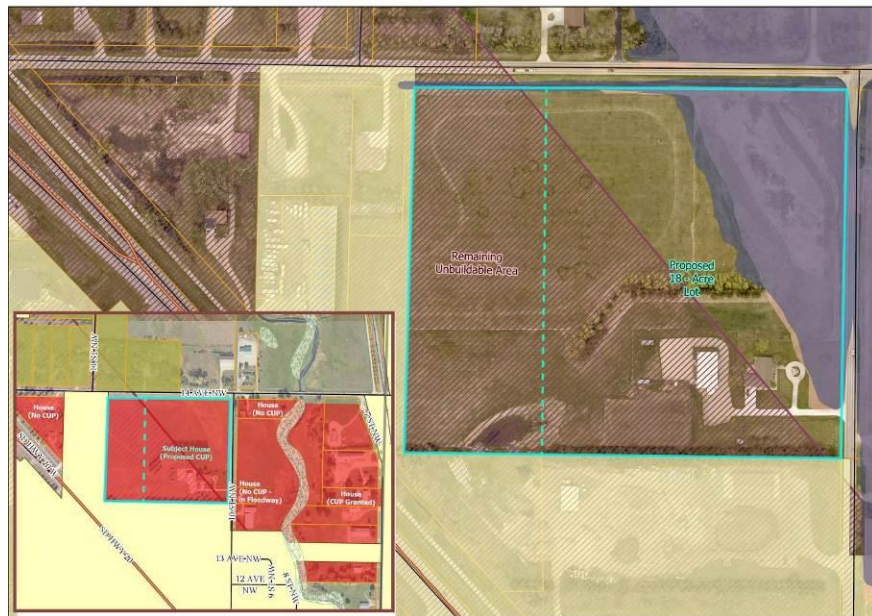


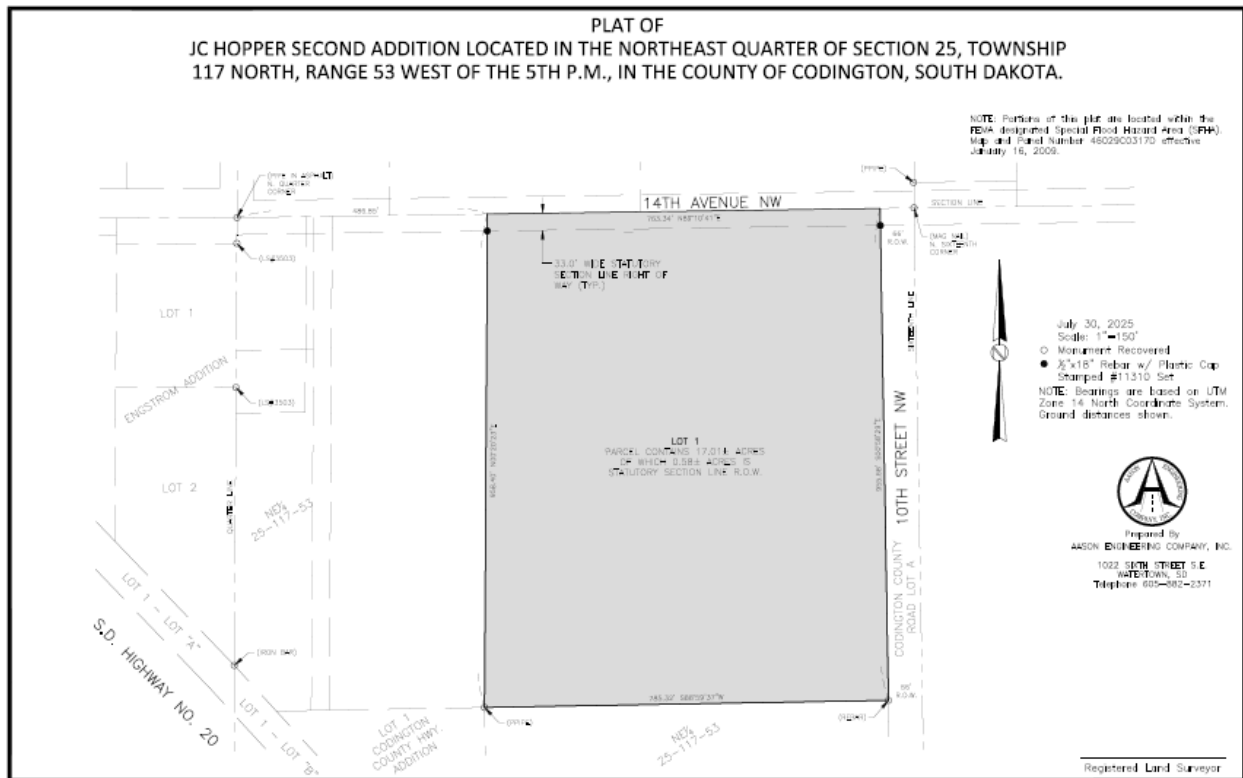
Property Description: JC Hopper Second Addition Located in the Northeast Quarter of Cordell Brothers Addition in the Northeast Quarter of Section 25, Township 117 North, Range 53 West of the 5th P.M., Codington County, South Dakota (Lake Township)

Action Items – Plat approval.

Zoning Designation: Industrial District

Request: Plat a 17 acre lot at nonconforming residence in the Industrial District in accordance with Conditional Use requirements. (Letter of Assurance to be signed by Board of Adjustment in reference to the ability to retain building permits for residential use.)





ITEM #2 PLAT

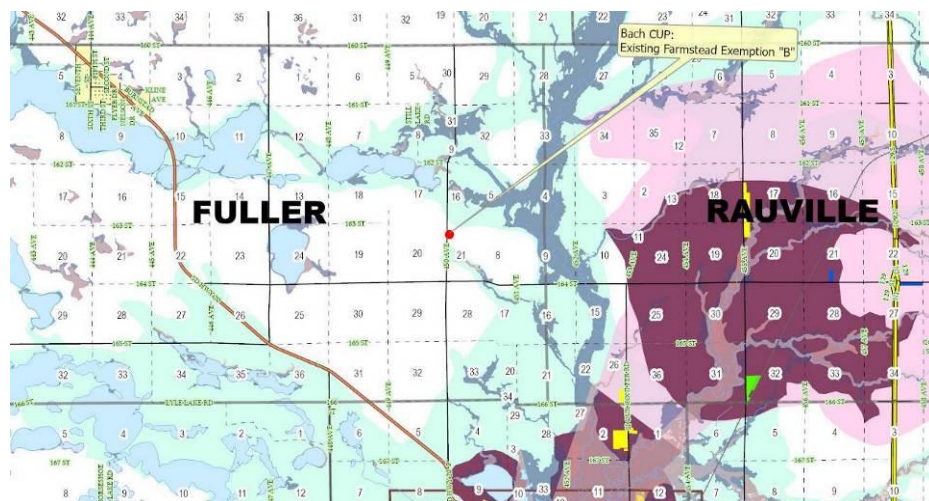
Applicant/Owner: Marilyn Bach

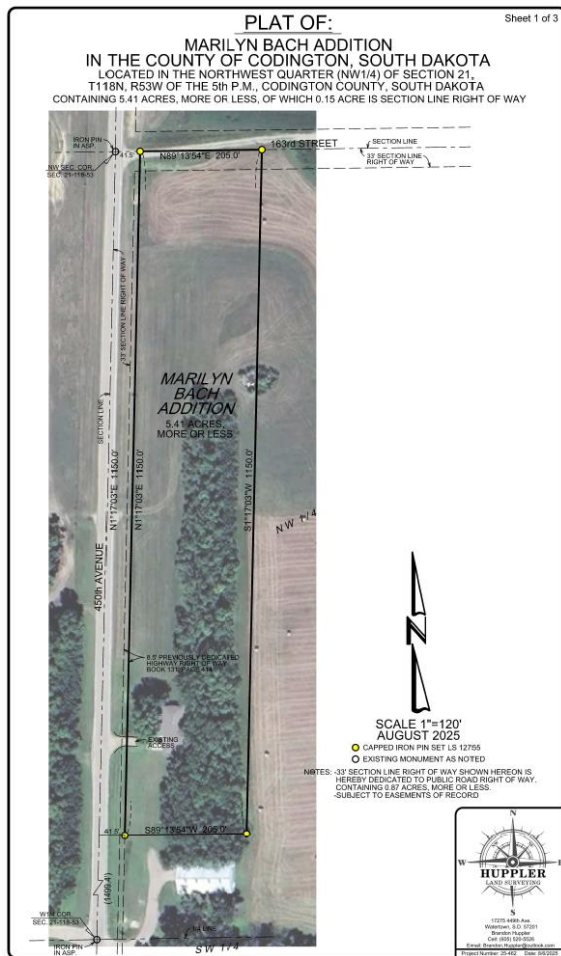
Property Description: Plat of Marilyn Bach Addition in the Northwest Quarter of Section 21, Township 118, Range 53 West of the 5th Prime Meridian, Codington County, South Dakota (Fuller Township)

Action Items – Plat approval.

Zoning Designation: Ag District

Request: Plat a 5 acre lot at site of existing farmstead.





Bach Cond. Use:
Existing Farmstead Exemption "B"



ITEM #3 PLAT

Applicant/Owner: RLB Acres, LLC by Barb Hartley

Property Description: Plat of Brodie Anderson Addition in the South Half of the Northeast Quarter of Section 3, Township 117, Range 55 West of the 5th Prime Meridian, Codington County, South Dakota. (Graceland Township)

Action Items – Plat approval.

Zoning Designation: Ag District

Request: Plat an 8.55 acre lot at site of existing farmstead.

ITEM #4 PLAT

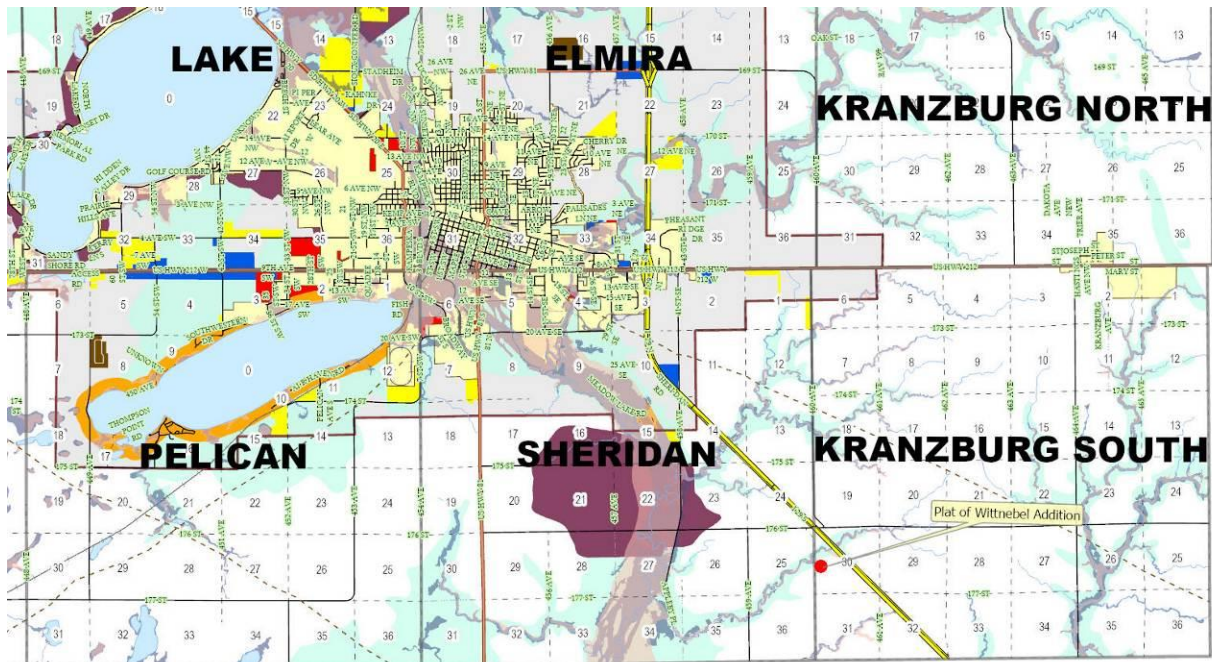
Applicant/Owner: Emil Mack/Stacey Wittnebel

Property Description: Plat of Wittnebel Addition in the Southwest Quarter of Section 30, Township 116, Range 51 West of the 5th Prime Meridian, Codington County, South Dakota. (Kranzburg (s) Township)

Action Items – Plat approval.

Zoning Designation: Ag District

Request: Plat an 12.6 acre lot for transfer purposes only.



Specifics/Recommendation:

Applicant requests to purchase the 12.6 acre lot at the site of an unpermitted gravel pit. He will reclaim the pit and use the property for storage of agricultural equipment (not for sale.)

Applicant is aware that the site does not retain building rights for any structures, including residences or Ag Structures.

Recommendation:

Staff Recommends approval subject to the applicant signing a letter of assurance to be recorded with the plat (signed by the Chair of the County Commissioners) that agrees that approval of the plat does not confer building rights to the lot for any structures. (Effectively a Deed Restriction that no building permits may be issued, unless variance, conditional use, or amendment of the ordinance occurs.)

