

County Planning Board of Adjustment Minutes

October 20, 2025

The Codington County Board of Adjustment met for their monthly meeting on October 20, 2025, at the Codington County Extension Complex. Members of the Board of Adjustment present were Brenda Hanten, Myron Johnson, Calvin Mack, Mel Ries, Rodney Klatt, Liam Culhane, Mark O'Neill, and Luke Muller (Planner at First District Association of Local Governments/Codington County Zoning Officer).

Others present: Amanda Pike, Patricia Pike, Tyler Kjenstad, and Becky Goens.

Chair Hanten brought the meeting to order at 7:31 pm.

Motion by Johnson, second by Culhane, to approve the August 18, 2025 meeting minutes. Motion passed unanimously.

Motion by Johnson, second by Culhane, to approve September 15, 2025 meeting minutes. Motion passed unanimously.

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

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

Motion by Johnson, second by Culhane, to recommend approval to the Board of County Commissioners the request for Vacation of Right-of-Way made by Tyler Kjenstad on behalf of Suzanne Brook, David Carlson, and Benedictine Sisters of Mother of God Monastery. Property description is Right-of-way located between Lots 3 and 4, and Lot 13 of the Plat of Lots 1-13 of Polze Subdivision in Government Lot 4, Section 7-T116N-R53W, Codington County, SD. Muller read Staff Report (attached). Kjenstad spoke on behalf of the request. Motion passed unanimously.

Motion by O'Neill, second by Ries, to recommend approval to the Board of County Commissioners the plat of Kjenstad Addition located in Government Lot 4, Section 17-T116N-R53W, Codington County, SD. Per Mr. Kjenstad, "Kjenstad Addition" was already taken so therefore a different name will be used on this replat. Mr. Kjenstad brought the new plat with the new name, Lot 15 of Polze Subdivision. It was distributed among the board members for review. Substitution motion made by Klatt, second by Culhane, to replace the Kjenstad Addition with Polze Addition. Motion passed unanimously.

Discussion was held regarding second dwellings for aging family members/caregiver residences. Landowners have three options: 1) Current ordinance does allow permits for additions onto existing homes; 2) Existing Farmstead Exemptions may allow an acreage as small as 5 acres; 3) temporary housing for farm employees.

Motion to adjourn made by Johnson, second by Mack. Motion passed unanimously.
Meeting adjourned at 8:18 pm.

Respectfully Submitted,

Becky Goens

4. The right-of-way primarily serves as access for Brook and Carlson. It could be used as access for the property to the north owned by *the Sisters*.
5. The property owners maintain the above right-of-way.
6. A garage on Brook's property extends into the platted right-of-way
7. Much of the "road" presently crosses Lot 13 rather than being within the actual right-of-way.
8. Tyler Kjenstad intends to buy Lots 4 and 13 (and a portion of Lot 3) owned by Suzanne Brook.

- a. Kjenstad was granted variances for the reconstruction of existing structures, on the condition that petition to vacate this right-of-way were submitted to the appropriate authority. spurred the vacation of this right of way to clearly define the matter of maintaining the property within this right-of-way and to allow a different setback from her southern property line.

9. The planning commission makes a recommendation on this matter since the planning commission is also involved in the recommending whether a road is created and how wide it should be.
10. State law requires that the County Commission only vacate right of way when it determines the public interest will be better served by such proposed vacating, changing, or locating of the highway in question, and upon resolution in the affirmative, shall make its order that such highway be vacated, changed, or located.
11. Petitioners request the vacation on the grounds that the access/road is not in use [for anyone other than the petitioners].
12. Staff Summary and Recommendation – Based on the comments by the township supervisors and the fact that access to the three subject properties may be accommodated by an easement (in the present location of the ACTUAL road) rather than right-of-way; there is evidence that the vacation of the right-of-way will not injure the public interest. Since the road dead-ends into private property, at best it presently attracts the potential trespassing of travelers beyond providing access for the petitioners.

Kjenstad/Brook Vacation of Right of Way



If the Planning Commission would recommend approval, the following findings may be used to justify the decision:

The Planning Commission agrees that the public interest will be better served by such proposed vacating, changing, or locating of the highway in question, and upon resolution in the affirmative, shall make its order that such highway be vacated, changed, or located because:

- The right of way serves only as access to the lots owned by the petitioners, resulting in a dead-end into Lot 2 of Polze Addition.
- Pelican Township does not maintain the right-of-way, therefore it is privately maintained

and access may be accommodated for each of the above described properties by dedicating an access easement.

- Pelican Township does not object to the request but, since they do not maintain the right-of-way, the County Commission be the body to approve the vacation subject to an access easement being retained in favor of Lots 2 and 3 of Polze Addition.
 - Therefore, if approved, Approval is recommended on the condition that a minimum 30' easement be dedicated to include the present location of the road from the southern Boundary of Lot 4 of Polze Addition to the southern boundary of Lot 2 of Polze Addition

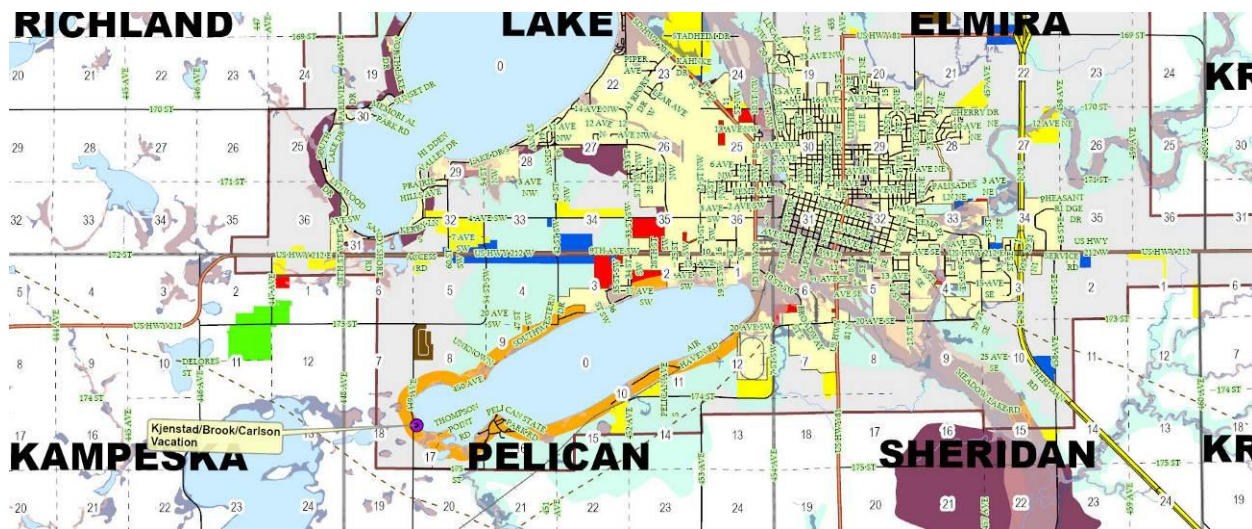
If the Planning Commission would recommend denial, the following findings may be used to justify their decision:

The Planning Commission **does not agree** that the public interest will be better served by such proposed vacating, changing, or locating of the highway in question, and upon resolution in the affirmative, shall make its order that such highway be vacated, changed, or located because:

- The public benefit to vacating this right-of-way is insufficient to warrant vacation of the platted right-of-way; or
- The action should be taken up directly by Pelican Township, if they choose not to act, then the vacation should not be acted upon.

ITEM #2 PLAT

Applicant/Owner: Tyler Kjenstad



Property Description: Kjenstad Addition located in Government Lot 4 of Section 17, Township 116 North, Range 53 West of the 5th P.M., Codington County, South Dakota (Pelican Township)

Action Items – Plat approval.

Zoning Designation: Lake Park District

Request: Plat a 30,000 square foot lot, split by an access easement as a condition of approval of variance and vacation of right-of way. This plat will allow the application to replace a septic tank at the location of the present house.

Plat of Kjenstad Addition

