

Codington County/City of Watertown
Joint Planning Commission/Joint Board of Adjustment Minutes
August 18, 2025

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met on August 18, 2025, at the Codington County Extension Complex. Members of the Joint Planning Commission/Board of Adjustment participating were: Brenda Hanten, Mark O'Neill, Myron Johnson, Liam Culhane, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer). Absent: Blake Dahle

Others present: Val Jaspers, Kevin Bach, John Hopper, Cindy Hopper, Adam Hartley, Brodie Robinson, Libby Bokelman, Jason Thuringer, Pat Nogelmeier, Randy Schweer, Rodney Klatt, Calvin Mack, Mel Ries, and Becky Goens.

Chair Hanten brought the meeting of the Joint Board of Adjustment to order at 7:30 pm.

Motion by Johnson, second by O'Neill, to approve the minutes of the June 23, 2025 meeting. Motion passed unanimously.

Motion by Johnson, second by Culhane, to approve the agenda as stated by Staff. Motion passed unanimously.

Motion by Johnson, second by Culhane, to approve the Conditional Use Permit request by John and Cindy Hopper allowing to retain building rights at the site of a pre-existing residence in the Industrial District. Property is described as all that portion of the NE1/4 lying W of county road Lot A and Northeasterly of Lot 1-Lot B, formerly a portion of the abandoned railroad right-of-way less the S1700' and less W486.75' of Section 25-T117N-R53W, Codington County, SD. Muller read the Staff Report (attached). If approved, the applicant will be required to sign a Letter of Assurance agreeing to the following conditions:

1. The above described 17 acre parcel shall be subdivided in accordance with the Codington County and City of Watertown Subdivision Ordinances.
2. Applicants agree to waive the right to protest annexation in accordance with the requirements of the City of Watertown if and when any further subdivision of the above described 17-acre parcel occurs.
3. Applicant may confine up to five (5) horses or any other form of livestock not to exceed 9.9 animal units.

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

Motion to adjourn made by Culhane, second by O'Neill. Motion passed unanimously. Meeting adjourned at 7:45 pm.

Respectfully Submitted,

Becky Goens

AUGUST 2025
CODINGTON COUNTY/CITY OF WATERTOWN
JOINT BOARD OF ADJUSTMENT STAFF REPORT

ITEM #1 CONDITIONAL USE PERMIT

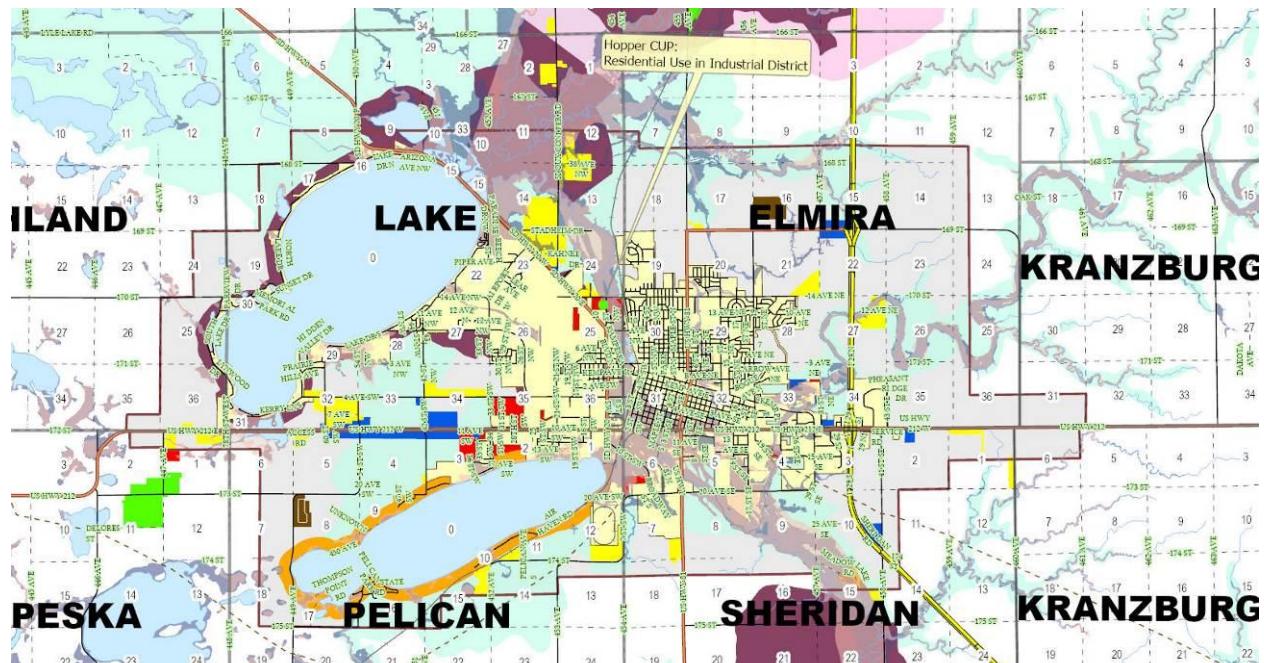
Applicant/Owner: John and Cindy Hopper

Property Description: All that portion of the NE1/4 lying W of county road Lot A and Northeasterly of Lot 1-Lot B, formerly a portion of the abandoned railroad right-of-way less the S1700' and less W486.75' of Section 25-T117-R53W, Codington County, South Dakota. (Lake Township).

Lat/Long (Existing Approach): 44.916838°; -97.132016°

Action Items –

Conditional Use Permit – Permitted Residential Use in Industrial District (3.06.02.7)



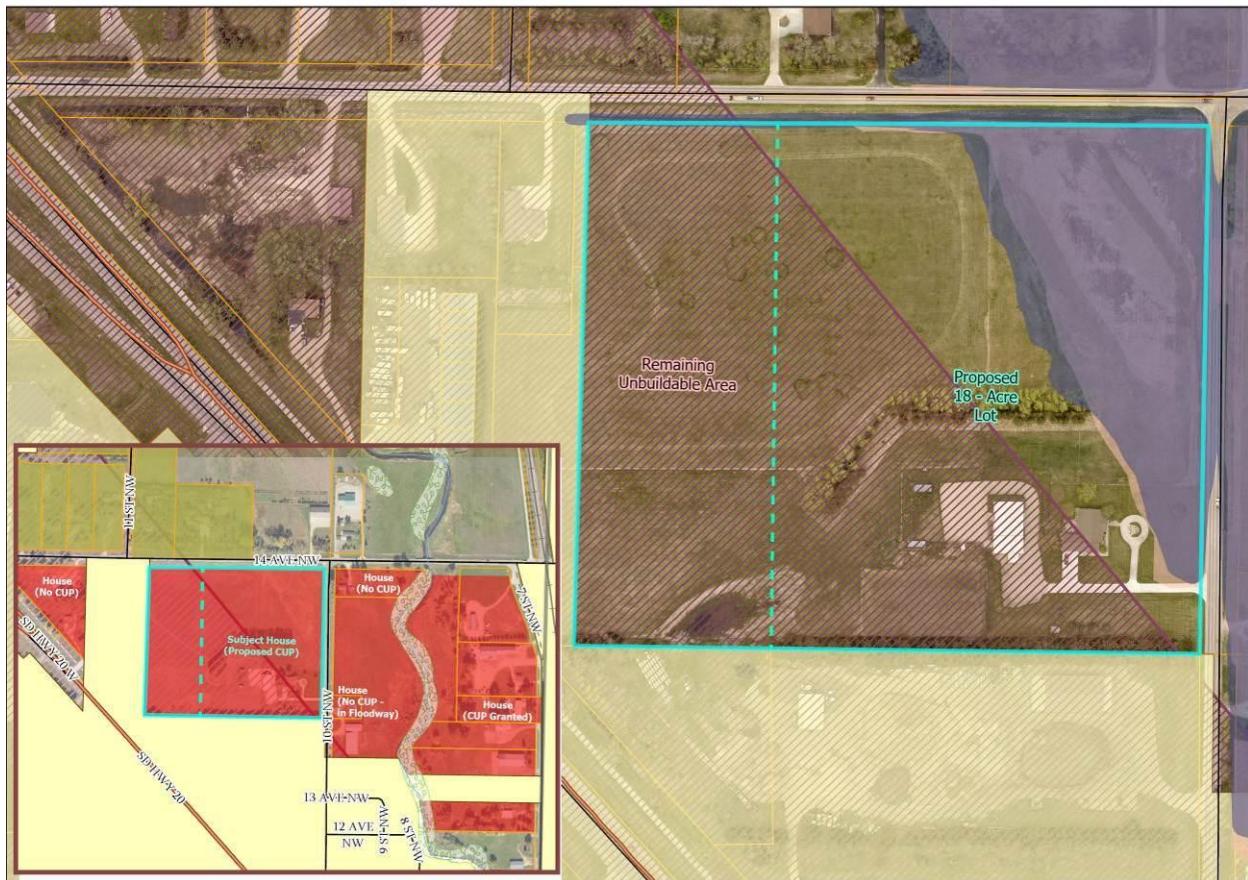
Zoning Designation: I - Industrial

Request: The applicant seeks to retain residential building rights on an Industrially zoned property

Specifics of Property/Request:

1. The Hoppers own and live at the above property.
2. Zoning records indicate that Howard Hopper was issued building permits for 3 houses on property he owned in the northeast quarter of this section prior to adoption of the 35-acre rule in 1976. BP #243 – July 25, 1974; BP #417 – December 6, 1976; and
3. Further, building permit was issued to John Hopper (presumably to replace one of the above permitted house) on July 1, 1996 (BP 1372)
4. The applicants seek to sell the residence on a 17 acre portion of the existing legal description.

Hopper Conditional Use Permit
Residential Use in Industrial District



Ordinance/Land Use Plan: Conditional Use

1. The City of Watertown's Comprehensive Land Use Plan – Future Land Use by Development Map (Map 60 on Page 169) identifies this lot as: "Residential Development Site."
2. The City of Watertown's Comprehensive Land Use Plan – Future Land Use by Staging Area (Map 62 on Page 183) identifies this lot as: "Development before 2025."
 - a. City and County Staff reviewed the request and determined the proposal to be consistent with the Future Land Use Plans provided certain conditions are met.
3. The entire Northeast Quarter of Section 25 was originally zoned "Light Industrial" in 1974. That zoning district was eventually replaced by "I – Industrial" in 2001 with this property retaining its designation.
4. Further the remainder of the Northeast Quarter of Section 25 remained zoned "I – Industrial" in the adoption of the Joint Jurisdiction Zoning Ordinance in 2015.

5. In order to account for the residences which were located/permited in the Industrial District Prior to 2004; the following use was allowed in the "Industrial District" as a Conditional Use:
 - Any permitted residential use in the "A" Agricultural District, where such use existed prior to June 18, 1974, and where such conditional use, if granted, will be limited to rebuilding, remodeling, of such pre-existing residence or construction of a new residence on the site of the pre-existing residence.
6. The County Board of Adjustment has utilized this conditional use permit to allow the continuation of previously permitted residential uses subject to certain conditions since these residences are within short-term growth areas. [Schliesman (2006); VandeStroet (2014)]
7. Though not allowed by the zoning ordinance at the time of permitting in 1996, the County Board of Adjustment has a history of honoring building rights established by the zoning administrator where it is presumed the Board, at the time would have done the same. The Joint Board has done so in the only similar request to be heard (Steiger 2018).

Staff Summary and Recommendation:

In 1996, the administrative official issued a building permit to the son of the owner of the remainder of the legal description. It is presumed that this home "A" replaced a previously permitted home on the legal description; and/or "B" was issued on the basis that it was to be occupied by a relative of the farm owner (since there were horses on the site). Mr. Hopper attests that he was not aware the property was zoned "I-1 Light Industrial" when he built his house.

In this unique case, neither a "farmstead exemption," variance, nor special exception were granted prior to issuance of Building Permit # 1372. This request is required today due to the previous administrative decision for exception (commonly referred to as, "Bud-ism.") This is the first "Bud-ism" requested in the Industrial District, but very similar to other requests in the Ag District.

Staff Summary and Recommendation:

- ***Conditional Use – Previously Permitted Residential Use in the Industrial District:*** 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).
 4. The above described 17 acre parcel shall be subdivided in accordance with the Codington County and City of Watertown Subdivision Ordinances.
 5. Applicant agrees to waive the right to protest annexation in accordance with the requirements of the City of Watertown if and when any further subdivision of the above described 17-acre parcel occurs.
 6. Applicant may confine up to five (5) horses or any other form of livestock not to exceed 9.9 animal units.