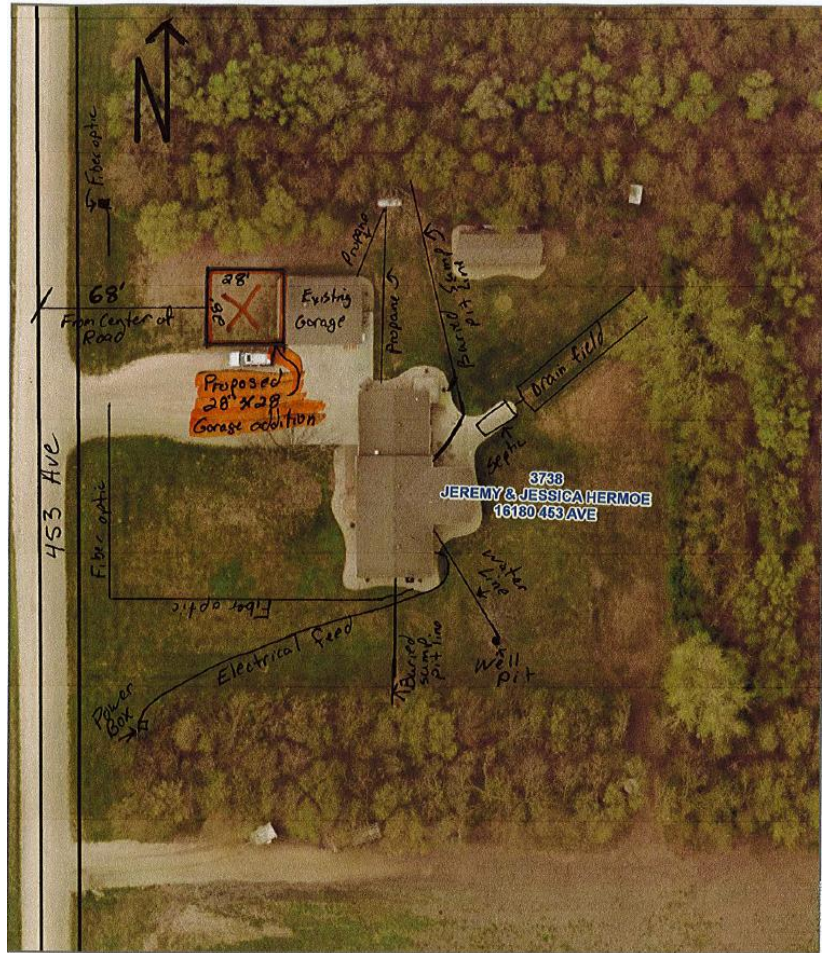


Specifics of Property/Request:

1. The applicants (Hermoe's) own live at the above described 5 acre property.
2. They intend to construct a 28' x 28' garage addition onto an existing garage.
 - a. The existing garage (though no permit is on file) appears to meet the minimum required setback.
 - b. Doors would face south.
 - c. The proposed addition would be located entirely within the setback area (35' from the 453rd Avenue right-of-way).
3. The existing building site is surrounded by trees, with utilities and septic limiting buildable area to the north.
4. Additional buildable area is located south of the southern shelterbelt.
5. None of the property is in the 100 year floodplain according to the effective and proposed floodplain maps.
6. Approximately 47.1% of the Hermoe's lot is covered by setbacks, leaving approximately 139,000 square feet (3.2 acres) of the lot buildable.
7. As of the date of this report, the zoning office has not received support nor objection to the issuance of the variance from Rauville Township.



Ordinance/Land Use Plan: 30' Variance

1. The Codington County Zoning Ordinance requires a minimum setback of 65 feet from the right-of-way. (On a township road that typically is measured 98' from the center of the road.)
2. The Board of Adjustment has issued variance to the front yard setback (to extend closer to a township road) in the Ag District for addition of an uncovered deck in the past.
3. The Board denied a 4' variance to allow a garage addition to be located 61' from the right-of-way in 2019, on Sioux Conifer Rd/453rd Avenue. (5 miles south of this location.)
4. The 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. (Does not apply here).
5. The Board may consider a recommendation by the Township in support or opposition. At the time of the report no such recommendation has been provided.

Staff Recommendation:

Staff Recommendation – 30' Variance: Minimum required front yard setback ((to allow) 35' Front Yard Setback (453rd Avenue); The Board may approve, deny, or postpone the request.

- The request could be denied on the basis that there is no hardship unique to this property that is not a result of actions of this or previous property owners.
 - a. The size of the lot is not unique.
 - b. Adequate space for a new shed exists on this 5 acre parcel.
 - c. The presence of a nonconforming or noncompliant building should not be used as justification for granting variances.
 - d. Therefore the literal interpretation of this rule does not deprive the applicant of rights commonly enjoyed by other properties in this district.
- Staff is unable to provide unique consideration that would constitute findings to support this request.

**Hermoe Variance:
30' Front Yard Setback Variance**

