

Codington County/City of Watertown
Joint Planning Commission/Joint Board of Adjustment Minutes
March 2, 2026

The Codington County/City of Watertown Joint Planning Commission/Board of Adjustment met on March 2, 2026, 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).

Others present: Shawn Boyum, Vince Foley, Patricia Foley, Anne Ries, Ray Ries, Calvin Mack, Rodney Klatt, and Becky Goens.

Chair Hanten brought the meeting of the Joint Board of Adjustment to order at 12:34 pm.

Motion by Johnson, second by Culhane, to approve the minutes of the January 20, 2026 meeting. Motion passed unanimously.

Motion by O'Neill, second by Culhane, to approve the agenda as stated by Staff. Motion passed unanimously.

Motion by O'Neill, second by Culhane, to approve the Conditional Use Permit request by Lonestar Properties, LLC to operate a Contractor Shop and Yard at property located in Outlot 6 in SE1/4 of Section 6-T116N-R52W, Codington County. Muller reviewed Staff Report (attached). Although the applicant was not present, Muller indicated that Charlie Mack did not oppose future annexation. No one was present to speak on this request. Public hearing closed. Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Board member Culhane requested to recuse himself from participating and voting on the two variance applications made by Vince and Patricia Foley. Vince Foley requested a Waiver of Recusal for Culhane. Motion by O'Neill, second by Johnson, to recess the meeting. Chair Hanten called the meeting back to order from recess. Culhane will sit for this request. No request for removal made.

Motion by Johnson, second by O'Neill, to approve the minimum Lot Area variance request by Vince and Patricia Foley on property located in 1) N562' of E512' of W1/2 of NE1/4, less OL 1 and less E243.5' of N1/2 of NE1/4 lying North and West of RR ROW, in NE1/4 of Section 23-T117N-R52W; and 2) E243.5' of N1/2 of NE1/4 lying North and West of RR ROW, in NE1/4 of Section 23-T117N-R52W, Codington County. SD. Foley's are also requesting a variance to the minimum Lot Width; however, that application will receive a separate motion and vote. The public hearing and board discussion will include both variance requests. Muller read the Staff Report (attached). No one was present to speak on either request. Public hearing closed. Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion to adjourn made by Johnson, second by O'Neill. Motion passed unanimously.
Meeting adjourned at 1:16 pm.

Respectfully Submitted,

Becky Goens

**MARCH 2026
CODINGTON COUNTY/CITY OF WATERTOWN
JOINT BOARD OF ADJUSTMENT**

ITEM #1 (2) VARIANCES:

Applicant/Owner: Vincent and Patricia Foley

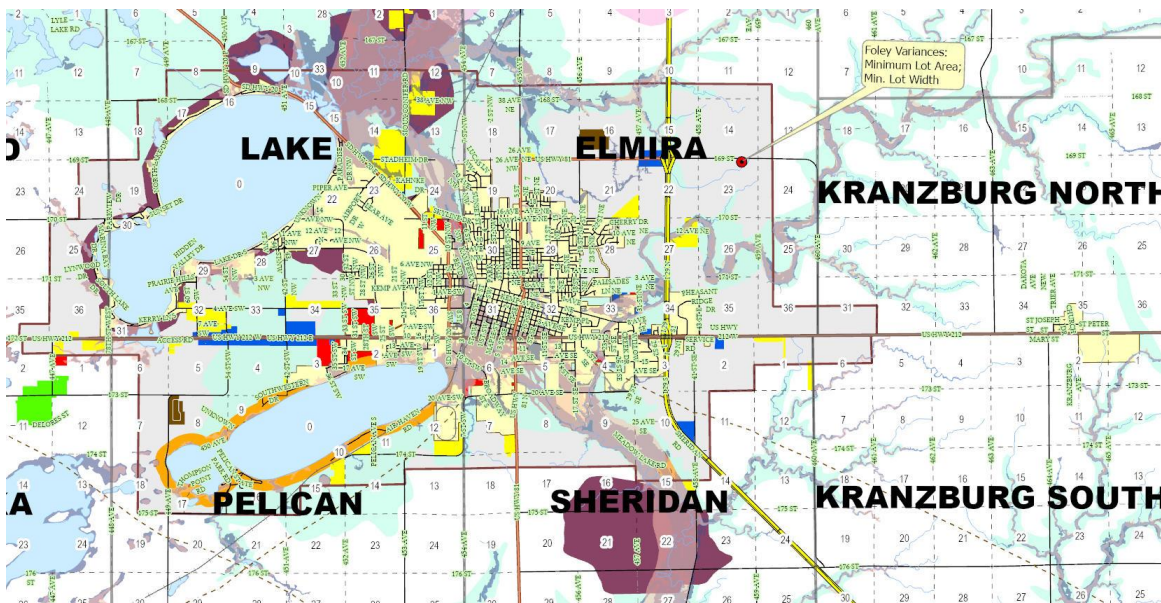
Property Description:

1. The North 562' of the East 512' of the West Half of the Northeast Quarter, less Outlot 1 and less the East 243.5' of the North Half of the Northeast Quarter lying North and West of Railroad Right of Way, in the Northeast Quarter of Section 23, Township 117 North, Range 52 West of the 5th P.M. Codington County, South Dakota; and
2. The East 243.5' of the North Half of the Northeast Quarter lying North and West of Railroad Right of Way, in the Northeast Quarter of Section 23, Township 117 North, Range 52 West of the 5th P.M. Codington County, South Dakota.

Latitude/Longitude: 44.933462° / - 97.030384°

**Action Items –
Variances –**

- **Minimum lot area (3.04.03.1),**
- **Minimum lot width (3.04.03.2)**



Zoning Designation: Agricultural

Request: The applicant seeks variances from the minimum lot width, minimum lot area (by virtue of existing farmstead exemption) to increase the total size of a nonconforming lot of record while retaining building rights.

History/Issue(s):

1. Parcel #2 is a nonconforming lot of record, therefore it contains residential building rights.

- a. It was originally created as part of the unincorporated municipality of Chandler well before zoning was established in Codington County and has not been held in common with contiguous property which, combined, would exceed 35 acres.
2. The Foley's purchased parcel #2 in 2002 which contains a total of 0.53 acres.
 - a. Approximately 840 square feet of which is buildable, rendering the lot 97% unbuildable.
3. The Foley's purchased parcel #1 in 2022 which contains a total of 5.58 acres.
4. The Foley's seek to combine parcels #1 and #2 (by Plat) while retaining building rights. Currently the building right is limited to Parcel #2.
 - a. It should be noted that the Foley's also request to transfer the portion of Parcel #2 located in the NE1/4 of this Section as a part of this action. (See orange portion in map at right below.)



5. The interpretation of the zoning officer is that the two parcels in the application constitute an expanded (under Section 3.02.12.2) non-conforming lot of record. However, since the additional property was purchased after the adoption of the Subdivision Ordinance, any construction occurring on Parcel #1 could only be done so after being Platted.
6. The variance is necessary to allow the platting of the new (combined) lot with the ability to build throughout the lot.
7. It should be noted that an additional nonconforming lot of record is surrounded by this property. As long as a building could be constructed without variances on that lot, the parcel could be used for dwelling purposes as well.
 - a. If a house is proposed on that remaining lot, a variance to the number of residences per quarter – quarter would be required (if a house is built on this proposed lot), however conditions would warrant issuing the variance if the lot is not decreased in size.

Staff Summary:

Staff recommends motions on the lot area and lot width individually, despite the requests being inter-related. The real question is whether a residence, if constructed should be confined to the ~840 square feet currently eligible without variance; or if building eligibility should be extended to the rest of the surrounding property owned by the Foley’s. The Board does have the authority to modify the request to require the small portion in the NE1/4 of Section 23 to be retained instead of transferring it to the owner of the neighboring farmland.

Staff recommendation: (Variances)–

Variance - Minimum Lot Area- The Board could approve, deny or postpone the request. The Board could approve the variance on the grounds:

1. Parcel #2 as listed in the application is a 0.53 acre lot of record with 3% of the area buildable. This application seeks to make the nonconforming lot of record larger in effort to limit conflict with other Zoning Ordinances.
2. Approval of this Variance satisfies conflict between Section 3.02.12.2 (*automatically* extends nonconforming lot to property that comes under contiguous ownership) and the definition of a Subdivision (when a lot must be platted) in the Subdivision Ordinance.
3. If approved the intent of the Comprehensive Land Use Plan and Agricultural District of the Joint Zoning Ordinance may be upheld provided the following conditions are met:
 - a. That the applicant shall plat all of the property under contiguous ownership in the Northwest Quarter of Section 23 into a single lot in accordance with the Codington County Subdivision Ordinance.
 - b. Applicant record a Letter of Assurance guaranteeing that the building right currently held by Parcel #2 in the application goes to the new platted lot; and does not carry to the portion of Parcel #2 which would be transferred to the owner in the Northeast Quarter of Section 23.

Variance - Minimum Lot Width- The Board could approve, deny or postpone the request. The Board could approve the variance on the same grounds as the lot area.

ITEM #2 CONDITIONAL USE PERMIT

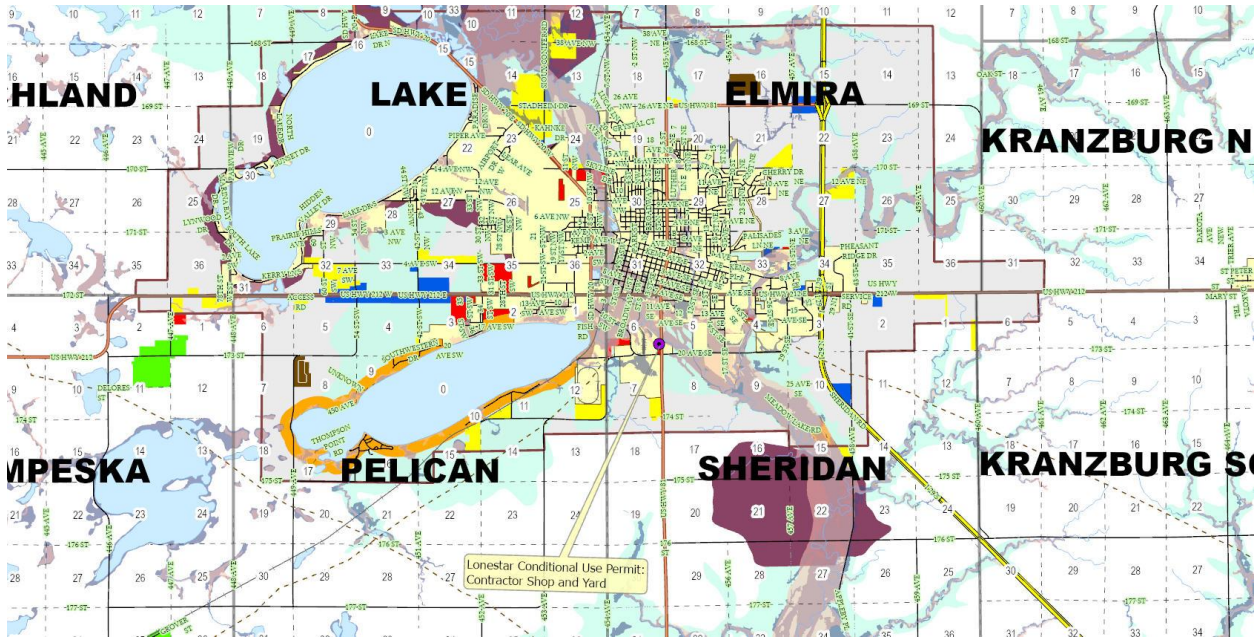
Applicant/Owner: Lonestar Properties, LLC

Property Description: Outlot 6 in the Southeast Quarter of Section 6, Township 116 North, Range 52 West of the 5th P.M., Codington County, South Dakota. (Lake Township).

Lat/Long (Existing Approach): 44.878987°; -97.109145°

Action Items –

Conditional Use Permit – Contractor Shop and Yard (3.06.02.12)



Zoning Designation: I - Industrial

Request: Operate a construction contracting shop, office, and yard.

Specifics of Property/Request:

1. Lonestar property owns this property and all that property surrounding it.
 - a. This is the only portion outside City Limits
2. The property has been used for excess storage associated with Macksteel since previously being used as auto sales.
3. Lonestar will lease the property to Flatland Contracting primarily for use as a contracting office with some short term storage of equipment based on location of projects.
 - a. Existing building is being renovated for use as office space and meeting room with shop.
 - b. The area leased will be limited to that portion of the lot between the road and the back of the building.
 - c. Parking can be accommodated in front (east) of the building with room for traffic within the lot.
 - d. Long(er) term parking and storage will be located north and south of the building.
4. There is no intent to pave any parking or storage areas at this time.
5. Flatland was issued conditional use permit for a contractor shop and yard in Grover on October 16, 2023. Staff has received no complaints on the operation of that business since being permitted.

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: "Industrial 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: "Existing Developed."

**Lonestar Cond. Use:
Contractor Shop and Yard**



3. The lot is considered a nonconforming (Industrial) lot of record, which may be used in accordance with the rest of the requirements of the Industrial District.
4. Though annexation of this property is encouraged by the Comprehensive Land Use Plan, it is not required prior to issuance of the permit. Annexation within a specified period of time may be required as a condition of approval.
5. The only residences within 500' of the business are within City Limits. Therefore no screening is required by ordinance.
 - a. Joint Jurisdiction Zoning rules do not apply to property in City Limits.
6. The site presently has two access locations on US HWY 81.
7. The parking lot is not paved. The Board has a history of deferring the paving of parking until some specified time or action occurs on site.
8. Other than vehicular traffic, no activities are anticipated to occur that would result in noise above that of general traffic.
9. No activities are anticipated to generate air contaminants, smoke, odor, glare, heat, radiation, vibration, or fire to the detriment of neighboring properties
10. Existing septic tank will be used for on-site private wastewater.
11. No construction activities would be performed outdoors on site.
12. Though not planned at this time, applicant may be allowed up to 80 square feet of signage. Any sign would require a building permit.
13. Staff recommends sufficient area for a minimum of three (3) off-street parking spaces be maintained and easily accessible to incoming traffic.
14. Some construction equipment (trailers, trucks, other equipment) will be stored on site from time to time.
15. The board has the authority to specify where certain activities may occur, however surrounding property (west of US HWY 81) is all similarly zoned and used in the City of Watertown

16. No additional lighting is anticipated.

Staff Summary:

This use meets the definition of a contractor office, shop, and yard which is a listed conditional use in the Industrial District. The only discernable difference from the outside will be the difference of (albeit less) equipment stored outside. Since this property is surrounded by City Limits staff recommends this permit carry the condition that the property be applied for annexation within three (3) years of permit issuance. Annexation has been required based on certain trigger mechanisms in the past, but not by a date specific. However, this is the first request for a use on a property completely surrounded by City Limits since Joint Jurisdiction was adopted; and the use is allowable in the industrial districts of the City of Watertown.

Staff Recommendation

Conditional Use Permit – **Contractor office shop and yard** may postpone the request, deny the request or approve the request. If approved staff recommends the following conditions be agreed to in a letter of assurance signed by the applicant(s):

1. Effective date, transferability, and future permits required:
 - a. The permit shall become active upon signing of this letter of assurance by the owner.
 - b. The Conditional Use permit for a contractor shop, office, and yard is transferable. Subsequent owners/operators shall agree to the same conditions described herein.
2. General Requirements
 - a. Grantor shall provide at least three (3) parking spaces or equivalent to the maximum number of employees at the largest shift (on site) (whichever is greater).
 - b. Noxious weeds shall be controlled.
 - c. Outdoor piling or storage of scrap materials, junk, etc. is prohibited.
 - d. On-site wastewater shall be managed by septic tank in accordance with any applicable regulations of the South Dakota Department of Agriculture and Natural Resources.
 - e. All new structures shall be constructed in accordance with the most recently adopted (by South Dakota Codified Law) International Building Code.
 - f. Sign area is limited to the maximum amount allowed by ordinance.
 - g. Discharge of industrial processed water on site is prohibited without Board of Adjustment approval.
 - h. On or before March 2, 2028 the property owner of the above described property shall submit a petition to the City of Watertown for annexation.
3. Violations and Penalties.
 - (1) Violation of the terms of this conditional use permit will be determined by the Codington County Zoning Officer.
 - a. Any violation will result in the prescription of actions to correct the violation and may result in a review of the validity of the conditional use permit and potential revocation of said permit.
 - b. The applicant may make appeal from the decision of the Zoning Officer or other agent of the Board to the Board. The applicant shall file with the Zoning Officer a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. Such appeal shall be taken within thirty (30) days. Appeals from the Board shall be taken to Circuit Court.
4. Expiration of Permit and/or Conditions.
 - a. This conditional use permit shall expire with no further action by the Board of Adjustment on March 2, 2029. Any subsequent operation of this or another use would require conformance with the applicable zoning regulations at the time.
 - b. The conditions contained herein shall expire with no further action immediately upon annexation of this property into the City of Watertown.