

Yankton County Planning Commission  
January 13, 2016

The monthly meeting of the Yankton County Planning Commission was called to order by Chairperson Butch Becker at 7:00 p.m. on January 13, 2016.

Members present at call to order: Kettering, Franklin-Guenther, Pietila, Gudahl, Bodenstedt, Becker, Svatos, Kretsinger, Klimisch and Schultz.

Members absent: Sylliaasen, Welch and Kotalik.

Action 11316A: Moved by Kettering, second by Gudahl to approve the Planning Commission, December 8, 2015, minutes as written.

By voice vote, all members present voted aye.

Motion carried.

This was the time and place for discussion with Jacob and Stephanie Siebrandt. Applicant is requesting a variance of Minimum Lot Requirement from twenty (20) acres to five +/- (5.51) acres and Minimum Lot Width from five hundred (500) feet to four hundred eleven (411) feet in an Agriculture District (AG) in Yankton County. Said property is legally described E1/2, NW1/4, S1-T94N-R56W, hereinafter referred at as Utica North Township, County of Yankton, State of South Dakota. The E911 address is 43937 303 Street, Yankton, SD.

Plat consideration:

Said property is legally described as: Tract 1, Siebrandt Addition, E1/2, NW1/4, S1-T94N-R56W, hereinafter referred at as Utica North Township, County of Yankton, State of South Dakota. The E911 address is 43937 303 Street, Yankton, SD.

Mrs. Siebrandt stated the variance is to separate the farmstead from the production property. The Siebrandts' are requesting the variance to create a farmstead plat. The property is currently an established farmstead and all buildings and farmstead trees are in the proposed plat. The lot is large enough to meet Yankton County yard requirements.

The Planning Commission discussed the application and determined the hardship for the applicant was financial mortgage requirement from the lending institution. The Planning Commission recognizes the need for valid hardships and caution required when granting minimum lot requirement variances.

No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

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VARIANCE

Article 18, Section 1807

FINDINGS OF FACT

Applicant: Jacob & Stephanie Siebrandt

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Parcel Number: 10.001.400.100

Legal description: E1/2, NW1/4, S1-T94N-R56W

Physical Address: 43937 303 Street, Yankton, SD

1. No such variance shall be recommended for approval by the Planning Commission unless it finds:
  - A. The strict application of the ordinance would produce undue hardship; The farmstead lot will separate farmstead property from production property.
  - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; The hardship can be shared by other properties but is limited to properties separating farmstead from production property to meet mortgage requirement.
  - C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; The granting of a variance will not be of substantial detriment to adjacent property nor the character of the district.
  - D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposed of convenience, profit, and caprice. No convenience, profit or caprice was shown.
2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance. The requested variance can be recurring with special circumstances discussed in the findings.
3. A recommendation of approval concerning a variance from the terms of this ordinance shall not be founded by the Planning Commission unless and until:
  - A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district; The property is demonstrating special conditions or circumstances with size and location and could be applicable to others structures or buildings when a rezone occurs.
  - B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; Previous variances of minimum lot requirement have been granted in Yankton County.
  - C. The special conditions and circumstances do not result from the actions of the applicant; The special conditions and circumstances are not a result of the applicant.
  - D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in

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the same district. Variance requests of this type (minimum lot requirement) have been recommended previously by the Planning Commission.

4. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. No nonconforming uses of neighboring lands, structures, or buildings in this district, and no permitted or nonconforming use of lands, structures, or buildings in other districts were considered.
5. Notice of public hearing shall be given, as in Section 1803 (3-5). The applicant mailed letters of notification to property owners within a one-half mile radius of the proposed variance on January 2, 2016 (supported by affidavit), a legal notice was published on January 2, 2016 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on January 4, 2016.
6. The public hearing shall be held. Any party may appear in person or by agent or by attorney. A public hearing was held at 7:05 pm on January 13, 2016. Mrs. Siebrandt stated the variance is to separate the farmstead from the production property. The Siebrandts' are requesting the variance to create a farmstead plat. The property is currently an established farmstead and all buildings and farmstead trees are in the proposed plat. The lot is large enough to meet Yankton County yard requirements. The Planning Commission discussed the application and determined the hardship for the applicant was financial mortgage requirement from the lending institution. The Planning Commission recognizes the need for valid hardships and caution required when granting minimum lot requirement variances. A letter from the mortgage company is required. No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.
7. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendations of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. The Planning Commission further finds that the reasons set forth in the application and hearing satisfy all requirements for this variance request.
8. In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. The Planning Commission approves this request.
9. Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. The variance request of Minimum Lot Requirement is approved.

Action 11316B: Moved by Kretsinger, second by Kettering to recommend approval of the Variance, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, based on Finding of Facts dated January 13, 2016, of Minimum Lot Requirement from twenty (20) acres to five +/- (5.51) acres and Minimum Lot Width from five hundred (500) feet to four

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hundred eleven (411) feet in an Agriculture District (AG) in Yankton County. Said property is legally described E1/2, NW1/4, S1-T94N-R56W, hereinafter referred at as Utica North Township, County of Yankton, State of South Dakota. The E911 address is 43937 303 Street, Yankton, SD.

By roll call vote, all members present voted aye.

Motion carried.

Action 11316C: Moved by Gudahl, second by Bodenstedt to recommend approval of a plat. Said property is legally described as: Tract 1, Siebrandt Addition, E1/2, NW1/4, S1-T94N-R56W, hereinafter referred at as Utica North Township, County of Yankton, State of South Dakota. The E911 address is 43937 303 Street, Yankton, SD.

By roll call vote, all members present voted aye.

Motion carried.

This is the time and place to for discussion with Brian Gustad. Applicant is requesting a variance of Minimum Yard Requirement on side yard from seventy-five (75) feet to fifteen (15) feet in an Agriculture District (AG) in Yankton County. Said property is legally described N480', S555', W240', E1/2, SW1/4, S32-T96N-R54W, hereinafter referred at as Turkey Valley Township, County of Yankton, State of South Dakota. The E911 address is 44726 SD Hwy 46, Irene, SD.

Brian Gustad stated the family owns the surrounding property. The house addition is an attached garage, utility room and bedroom. The septic system is sufficient to meet the requirements. The intent is to expand the property boundaries but not at present time.

The planning commission discussed the application and recognized the family ownership of the surrounding property. This reduces the impact of the project and meets the intent of the regulation.

No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

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VARIANCE

Article 18, Section 1807

FINDINGS OF FACT

Applicant: Brian Gustad

Parcel Number: 04.032.30.025

Legal description: N480', S555', W240', E1/2, SW1/4, S32-T96N-R54W

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Physical Address: 44726 SD Hwy 46, Irene, SD.

1. No such variance shall be recommended for approval by the Planning Commission unless it finds:
  - A. The strict application of the ordinance would produce undue hardship; The adjacent property is owned by the family.
  - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; The hardship is not shared generally by other properties in the same zoning district and the same vicinity.
  - C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; The granting of a variance will not be of substantial detriment to adjacent property nor the character of the district.
  - D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, and caprice. No convenience, profit or caprice was shown.
2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance. The requested variance can be recurring with special circumstances discussed in the findings.
3. A recommendation of approval concerning a variance from the terms of this ordinance shall not be founded by the Planning Commission unless and until:
  - A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district; The property is demonstrating special conditions or circumstances with size and location.
  - B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; Previous variances of minimum yard requirement have been granted in Yankton County.
  - C. The special conditions and circumstances do not result from the actions of the applicant; The special conditions and circumstances are not a result of the applicant.
  - D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district. Variance requests of this type (Minimum Yard Requirement) have been recommended previously by the Planning Commission.
4. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. No nonconforming uses of neighboring lands, structures, or buildings in this district, and no permitted or nonconforming use of lands, structures, or buildings in other districts were considered.

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5. Notice of public hearing shall be given, as in Section 1803 (3-5). The applicant mailed letters of notification to property owners within a one-half mile radius of the proposed variance on December 30, 2015 (supported by affidavit), a legal notice was published on January 2, 2016 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on January 4, 2016.
6. The public hearing shall be held. Any party may appear in person or by agent or by attorney. A public hearing was held at 7:15 pm on January 13, 2016. Brian Gustad stated the family owns the surrounding property. The house addition is an attached garage, utility room and bedroom. The septic system is sufficient to meet the requirements. The intent is to expand the property boundaries but not at present time. The planning commission discussed the application and recognized the family ownership of the surrounding property. This reduces the impact of the project and meets the intent of the regulation. No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.
7. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendations of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. The Planning Commission further finds that the reasons set forth in the application and hearing satisfy all requirements for this variance request.
8. In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. The Planning Commission approves this request.
9. Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. The variance request of Minimum Yard Requirement is approved.

Action 11316D: Moved by Kettering, second by Gudahl to recommend approval of the Variance, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, based on Finding of Facts dated January 13, 2016, of Minimum Yard Requirement on side yard from seventy-five (75) feet to fifteen (15) feet in an Agriculture District (AG) in Yankton County. Said property is legally described N480', S555', W240', E1/2, SW1/4, S32-T96N-R54W, hereinafter referred to as Turkey Valley Township, County of Yankton, State of South Dakota. The E911 address is 44726 SD Hwy 46, Irene, SD.

By roll call vote, all members present voted aye.

Motion carried.

This was the time and place for discussion with Steve Hauger. Applicant is requesting a variance of Minimum Lot Requirement from twenty (20) acres to three +/- (3.19) acres and Minimum Lot Width from five hundred (500) feet to three hundred-six +/- (306.19) feet in an Agriculture

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District (AG) in Yankton County. Said property is legally described S1/2, NE1/4, S27-T96N-R55W, hereinafter referred at as Mayfield Township, County of Yankton, State of South Dakota. The E911 address is 29543 444 Avenue, Irene, SD.

Plat consideration:

Said property is legally described as: Robert Hauger Tract 1, S1/2, NE1/4, S27-T96N-R55W, hereinafter referred at as Mayfield Township, County of Yankton, State of South Dakota. The E911 address is 29543 444 Avenue, Irene, SD.

Steve Hauger stated the variance is to separate the farmstead from the production property. The Hauger's are requesting the variance to create a farmstead plat. The property is currently an established farmstead and all buildings and farmstead trees are in the proposed plat. The lot is large enough to meet Yankton County yard requirements.

The Planning Commission discussed the application and determined the hardship for the applicant was financial mortgage requirement from the lending institution. The Planning Commission recognizes the need for valid hardships and caution required when granting minimum lot requirement variances. The Planning Commission request a letter from the financial institution for documentation of hardship.

No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

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VARIANCE

Article 18, Section 1807

FINDINGS OF FACT

Applicant: Steve Hauger

Parcel Number: 08.027.100.030

Legal description: S1/2, NE1/4, S27-T96N-R55W

Physical Address: 29543 444 Avenue, Irene, SD

1. No such variance shall be recommended for approval by the Planning Commission unless it finds:
  - E. The strict application of the ordinance would produce undue hardship; *The farmstead lot will separate farmstead property from production property.*
  - F. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; *The hardship can be shared by other properties but is limited*

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to properties separating farmstead from production property to meet mortgage requirement.

- G. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; The granting of a variance will not be of substantial detriment to adjacent property nor the character of the district.
- H. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposed of convenience, profit, and caprice. No convenience, profit or caprice was shown.
2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance. The requested variance can be recurring with special circumstances discussed in the findings.
3. A recommendation of approval concerning a variance from the terms of this ordinance shall not be founded by the Planning Commission unless and until:
- A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district; The property is demonstrating special conditions or circumstances with size and location and could be applicable to others structures or buildings when a rezone occurs.
  - B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; Previous variances of minimum lot requirement have been granted in Yankton County.
  - C. The special conditions and circumstances do not result from the actions of the applicant; The special conditions and circumstances are not a result of the applicant.
  - D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district. Variance requests of this type (minimum lot requirement) have been recommended previously by the Planning Commission.
4. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. No nonconforming uses of neighboring lands, structures, or buildings in this district, and no permitted or nonconforming use of lands, structures, or buildings in other districts were considered.
5. Notice of public hearing shall be given, as in Section 1803 (3-5). The applicant mailed letters of notification to property owners within a one-half mile radius of the proposed variance on December 30, 2015 (supported by affidavit), a legal notice was published on January 2, 2016 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on January 4, 2016.
6. The public hearing shall be held. Any party may appear in person or by agent or by attorney. A public hearing was held at 7:30 pm on January 13, 2016. Steve Hauger

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stated the variance is to separate the farmstead from the production property. The Hauger's are requesting the variance to create a farmstead plat. The property is currently an established farmstead and all buildings and farmstead trees are in the proposed plat. The lot is large enough to meet Yankton County yard requirements. The Planning Commission discussed the application and determined the hardship for the applicant was financial mortgage requirement from the lending institution. The Planning Commission recognizes the need for valid hardships and caution required when granting minimum lot requirement variances. The Planning Commission requests a letter from the financial institution for documentation of hardship. No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

7. The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendations of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.  
The Planning Commission further finds that the reasons set forth in the application and hearing satisfy all requirements for this variance request.
8. In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. The Planning Commission approves this request.
9. Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. The variance request of Minimum Lot Requirement is approved.

Action 11316E: Moved by Schultz, second by Kretsinger to recommend approval of the Variance, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, based on Finding of Facts dated January 13, 2016, of Minimum Lot Requirement from twenty (20) acres to three +/- (3.19) acres and Minimum Lot Width from five hundred (500) feet to three hundred-six +/- (306.19) feet in an Agriculture District (AG) in Yankton County. Said property is legally described S1/2, NE1/4, S27-T96N-R55W, hereinafter referred at as Mayfield Township, County of Yankton, State of South Dakota. The E911 address is 29543 444 Avenue, Irene, SD.

By roll call vote, all members present voted aye.  
Motion carried.

Action 11316F: Moved by Gudahl, second by Bodenstedt to recommend approval of a plat. Said property is legally described as: Robert Hauger Tract 1, S1/2, NE1/4, S27-T96N-R55W, hereinafter referred at as Mayfield Township, County of Yankton, State of South Dakota. The E911 address is 29543 444 Avenue, Irene, SD.

By roll call vote, all members present voted aye.  
Motion carried.

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A brief discussion regarding animal units for dairy cows and/or beef cows less than 300 lbs. A request was made to research Article 5 and determine where this category is regulated.

Action 11316G: Moved by Kretsinger, seconded by Bodenstedt for adjournment.

By voice vote, all members present voted aye.

Motion carried.

The next meeting of the Yankton County Planning Commission will be held **Wednesday, 7:00 pm, February 10, 2016.**

Respectfully submitted:

Patrick Garrity  
Zoning Administrator