

Yankton County Planning Commission
August 14, 2018

The monthly meeting of the Yankton County Planning Commission was called to order by Chairperson Michael Welsh at 7:00 p.m. on August 14, 2018.

Members present at call to order: Kettering, Kretsinger, Bodenstedt, Gudahl, Guthmiller, Williams and Welch.

Members absent: Koenigs and Becker.

This was the time and place to review and approve the minutes from July 10, 2018.

Action 81418A: Moved by Kettering, second by Gudahl to approve the July 10, 2018 as written.

By voice vote, all members present voted aye.

Motion carried.

Planning Commission chairman, Mike Welch, explained the public comment period implemented on July 1, 2018. The session will be provided at the meeting. Please sign the speaker sheet in the back of the room prior to speaking.

This was the time and place for discussion regarding application from Jason Jatton. Applicant is requesting a variance of Minimum Lot Requirement from twenty (20) acres to one +/- (1.42) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as Tract 1A & N1/2, NE1/4, exc Arneson Tract 1 & exc W539', E1371' & exc W209', E1580', N296', N1/2, NE1/4, exc Irene city parcels, S1-T95N-R54W, hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 46, Irene, SD.

Applicant is requesting a Conditional Use Permit to operate a commercial business in an Agriculture District (AG). Said property is legally described as Jatton Tract 1, NW1/4, NE1/4, S1-T95N-R54W, hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 46, Irene, SD.

Jason Jatton stated the proposed lot will have access from SD Hwy 46 and the intent is a commercial business located in the next few months. The lot is highway frontage outside Irene city limits. The hardship is existing driveway, commercial lots are typically one acre and underground utilities / above ground utilities are present on the property.

Mr. Welch requested any proponents of the variance to present their statements. No proponents were present.

Mr. Welch requested any opponents of the variance to present their statements. No opponents were present.

Mr. Welch ended public comment and requested commission discussion.

The Planning Commission discussed the application and confirmed sufficient hardship is present and other requirements are compliant.

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: Jason Jatton

Parcel Number: 03.001.100.050

Legal description: Tract 1A & N1/2, NE1/4, exc Arneson Tract 1 & exc W539', E1371' & exc W209', E1580', N296', N1/2, NE1/4, exc Irene city parcels, S1-T95N-R54W

Physical Address: TBA 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 applicant is requesting the variance to locate a commercial business along SD Hwy 46 frontage property. The site also has an existing driveway and utilities.
 - 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 in the district, but it is limited to specific commercial uses outside incorporated communities.
 - 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 is not recurring sufficiently to provide remedy with a zoning amendment.
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 SD Hwy 46 frontage and suitable for commercial business. The property has existing access and utilities.

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- 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 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 approved 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 August 3, 2018 (supported by affidavit), a legal notice was published on August 4, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on August 3, 2018.
 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 August 14, 2018. Jason Jatton stated the proposed lot will have access from SD Hwy 46 and the intent is a commercial business located in the next few months. The lot is highway frontage outside Irene city limits. The hardship is existing driveway, commercial lots are typically one acre and underground utilities / above ground utilities are present on the property.
Mr. Welch requested any proponents of the variance to present their statements. No proponents were present.
Mr. Welch requested any opponents of the variance to present their statements. No opponents were present.
Mr. Welch ended public comment and requested commission discussion.
The Planning Commission discussed the application and confirmed sufficient hardship is present and other requirements are compliant.
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

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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 81418B: Moved by Bodenstedt, 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 August 14, 2018, of Variance of Minimum Lot Requirement from twenty (20) acres to one +/- (1.42) acres in an Agriculture District (AG) in Yankton County. Said property is legally described as Tract 1A & N1/2, NE1/4, exc Arneson Tract 1 & exc W539', E1371' & exc W209', E1580', N296', N1/2, NE1/4, exc Irene city parcels, S1-T95N-R54W, hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 46, Irene, SD.

By roll call vote, all members present voted aye.

Motion carried

Plat Considerations:

Jaton Tract 1, NW1/4, NE1/4, S1-T95N-R54W, hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 46, Irene, SD.

Action 81418C: Moved by Kettering, second by Gudahl to recommend approval of the plat. Plat is legally described as: Jatton Tract 1, NW1/4, NE1/4, S1-T95N-R54W, hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 46, Irene, SD.

By roll call vote, all members present voted aye.

Motion carried.

This was the time and place for discussion regarding application from Jason Jatton. Applicant is requesting a Conditional Use Permit to operate a commercial business in an Agriculture District (AG). Said property is legally described as Jatton Tract 1, NW1/4, NE1/4, S1-T95N-R54W, hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 46, Irene, SD.

Mr. Jatton discussed the proposed business to be located west of Irene, SD. The business will be an auto glass shop, no heavy repair or salvage yard activity. The property has sufficient access off SD Hwy 46, utilities are available and highway frontage for visibility. The building will require a septic system with the proposed restrooms.

Mr. Welch requested any proponents of the variance to present their statements. No proponents were present.

Mr. Welch requested any opponents of the variance to present their statements. No opponents were present.

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Mr. Welch ended public comment and requested commission discussion. The Planning Commission discussed the application and confirmed requirements are compliant. No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

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CONDITIONAL USE
Article 18, Section 1805

FINDINGS OF FACT

Applicant: Jason Jatton

Parcel Number: 03.001.100.050

Legal description: Jatton Tract 1, NW1/4, NE1/4, S1-T95N-R54W

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

1. The applicant specifically cited the section of the zoning ordinance under which the conditional use is sought and has stated the grounds on which it is requested; Applicant is requesting a Conditional Use Permit for a Commercial Business in an Agriculture District (AG) in Yankton County. Said property is legally described as Jatton Tract 1, NW1/4, NE1/4, S1-T95N-R54W, hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 46, Irene, SD.
2. Notice of public hearing was 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 CUP on August 3, 2018 (supported by affidavit), a legal notice was published on August 4, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on August 3, 2018.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public meeting was held at 7:05 pm on August 14, 2018 in the Yankton County Government Center County Commission chambers. Mr. Jatton discussed the proposed business to be located west of Irene, SD. The business will be an auto glass shop, no heavy repair or salvage yard activity. The property has sufficient access off SD Hwy 46, utilities are available and highway frontage for visibility. The building will require a septic system with the proposed restrooms. Mr. Welch requested any proponents of the variance to present their statements. No proponents were present.
Mr. Welch requested any opponents of the variance to present their statements. No opponents were present.
Mr. Welch ended public comment and requested commission discussion.
The Planning Commission discussed the application and confirmed requirements are compliant.

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

4. The Planning Commission shall make a finding and recommendation that it is empowered under the section of this Ordinance described in the application, to include:
 - A. Recommend granting of the conditional use;
 - B. Recommend granting with conditions; or

The commission recommends granting approval of the conditional use permit with listed conditions.

- C. Recommend denial of the conditional use.
5. Before any conditional use is decided, the Planning Commission shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:
 - A. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe; The applicant has shown sufficient access to property with established roadway (SD Hwy 46) and site plan turn around for emergency vehicles.
 - B. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; All off right-of-way areas are designated in the detailed site plan.
 - C. Refuse and service areas, with particular reference to the items in (A) and (B) above; Refuse and service areas is in compliance with Article 7 as shown in applicant site plan.
 - D. Utilities, with reference to locations, availability, and compatibility; Utilities will be available and will be in operational condition, the security lights will be monitored for proper downcast illumination to provide sufficient security.
 - E. Screening and buffering with reference to type, dimensions, and character; Screening and buffering are not required.
 - F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; All signage will conform to Article 14, Yankton County Zoning Ordinance
 - G. Required yards and other open spaces; Yards and open spaces requirements are compliant with current regulations for proposed activity.
 - H. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest. The use is compatible with adjacent properties in the district and the granting of a Conditional Use Permit will not adversely affect the public interest.

Action 81418D: Moved by Gudahl, second by Kretsinger to recommend to approve a Conditional Use Permit based on Finding of Facts dated August 14, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, to operate a commercial business in an Agriculture District (AG). Said property is legally described as Jaton Tract 1, NW1/4, NE1/4, S1-T95N-R54W,

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hereinafter referred to as Marindahl Township, County of Yankton, State of South Dakota. The E911 address is TBA SD Hwy 46, Irene, SD.

By roll call vote, all members voted aye.

Motion carried.

This was the time and place for discussion regarding application from Doug Stevens. Applicant is requesting a variance of Minimum Yard Requirement in front yard from one hundred (100) feet to ninety-three (93) feet and rear yard from fifty (50) feet to fifteen (15) feet and one side yard from twenty-five (25) feet to fifteen (15) feet in a Commercial District (C) in Yankton County. Said property is legally described as E135', W335', exc S942.85', exc Lot H-3, S1/2, W1/2, W1/2, NW1/4, S15-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 3706 West 7th Street, Yankton, SD.

Doug Stevens stated the proposed structure will match the existing structures in the front yard, the side yard and rear yard will be near the property boundaries. The rear yard boundaries are owned by Mr. Stevens. The west property line is adjacent to Stringer's and will result in approximately twenty-five (25) feet to thirty (30) feet between buildings. The Stringer's structure received a variance of minimum yard requirement November 6, 2014. The proposed building is located on a narrow pre-zoning ordinance lot and difficult to meet yard requirements for a Commercial District (C).

Mr. Welch requested any proponents of the variance to present their statements. No proponents were present.

Mr. Welch requested any opponents of the variance to present their statements. No opponents were present.

Mr. Welch ended public comment and requested commission discussion.

The Planning Commission discussed the application with concern regarding snow loads and potential damage from severe storms. The buildings do align in the front yard and no activity is occurring the side yard areas. The Planning Commission determined the other zoning requirements were compliant.

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: Doug Stevens

Parcel Number: 09.015.400.521

Legal description: E135', W335', exc S942.85', exc Lot H-3, S1/2, W1/2, W1/2, NW1/4, S15-T93N-R56W

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Physical Address: 3706 West 7th 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 applicant is building a business storage structure on a pre-zoning lot which is very narrow and long which limits proper yard setback requirements.
 - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; The hardship is shared by other properties in the district and yard requirements are difficult to comply.
 - 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 may be recurring but this type of hardship is beyond the applicant's control.
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 is not applicable to other lands, structures, or buildings in the same district.
 - 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 previously approved 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-quarter mile radius of the proposed variance on August 2, 2018 (supported by affidavit), a legal notice was published on August 4, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on August 3, 2018.
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 August 14, 2018. Doug Stevens stated the proposed structure will match the existing structures in the front yard, the side yard and rear yard will be near the property boundaries. The rear yard boundaries are owned by Mr. Stevens. The west property line is adjacent to Stringer's and will result in approximately twenty-five (25) feet to thirty (30) feet between buildings. The Stringer's structure received a variance of minimum yard requirement November 6, 2014. The proposed building is located on a narrow pre-zoning ordinance lot and difficult to meet yard requirements for a Commercial District (C).
Mr. Welch requested any proponents of the variance to present their statements. No proponents were present.
Mr. Welch requested any opponents of the variance to present their statements. No opponents were present.
Mr. Welch ended public comment and requested commission discussion.
The Planning Commission discussed the application with concern regarding snow loads and potential damage from severe storms. The buildings do align in the front yard and no activity is occurring the side yard areas. The Planning Commission determined the other zoning requirements were compliant.
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 81418E: 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 August 14, 2018, a Minimum Yard Requirement in front yard from one hundred (100) feet to ninety-three (93) feet and rear yard from fifty (50) feet to fifteen (15) feet

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and one side yard from twenty-five (25) feet to fifteen (15) feet in a Commercial District (C) in Yankton County. Said property is legally described as E135', W335', exc S942.85', exc Lot H-3, S1/2, W1/2, W1/2, NW1/4, S15-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 3706 West 7th Street, Yankton, SD.

By roll call vote, five members present voted aye, one member present voted nay.

Motion carried

This was the time and place for discussion regarding application from Robert Ausdemore. Applicant is requesting a variance of Minimum Lot Requirement from twenty (20) acres to twelve +/- (12.15) acres in an Agriculture District in Yankton County. Said property is legally described as Lot F-2 and Lot F-3, NE1/4, S3-T93N-R57W, hereinafter referred at as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is 43175 SD Hwy 50, Yankton, SD.

Plat Consideration:

Lot F-23, N1/2, NE1/4, S3-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is 43175 SD Hwy 50, Yankton, SD.

Robert Ausdemore stated the family recently purchased the farmstead property and will build a single family house in 2018. The lot was subdivided in the past and the property lines interfere with the minimum yard requirement in an Agriculture District (AG). Mr. Ausdemore is combining the lots to eliminate the property line and increase the lot size from 9.29 acres ad 2.87 acres to 12.15 acres.

Planning Commission chairman, Mike Welch, requested proponents for the variance request. No proponents were present.

Mr. Welch requested opponents for the variance request. Bonnie Knoll, a neighbor within the one-half mile buffer area, stated her concern is understanding the variance request. She stated no objection after the facts were discussed.

Mr. Welch concluded the public comment period and the Planning Commission discussed the application and determined all the requirements are compliant for a recommendation of approval. 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: Robert Ausdemore

Parcel Number: 13.003.100.630 & 13.003.100.600

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Legal description: Lot F-2 and Lot F-3, NE1/4, S3-T93N-R57W

Physical Address: 43175 SD Hwy 50, 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 applicant is requesting the variance to combine two lots increasing the size to 12.15 acres. This action will remove a property boundary which impacts the minimum yard requirement to build a new single family house.
 - 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 in the district, but it is limited to specific lots which can be combined to increase compliance.
 - 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 is not recurring sufficiently to provide remedy with a zoning amendment.
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 SD Hwy 50 frontage and property has existing access and utilities.
 - 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 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 approved 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

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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 August 2, 2018 (supported by affidavit), a legal notice was published on August 4, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on August 3, 2018.
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 7:25 pm on August 14, 2018. Robert Ausdemore stated the family recently purchased the farmstead property and will build a single family house in 2018. The lot was subdivided in the past and the property lines interfere with the minimum yard requirement in an Agriculture District (AG). Mr. Ausdemore is combining the lots to eliminate the property line and increase the lot size from 9.29 acres ad 2.87 acres to 12.15 acres. Planning Commission chairman, Mike Welch, requested proponents for the variance request. No proponents were present. Mr. Welch requested opponents for the variance request. Bonnie Knoll, a neighbor within the one-half mile buffer area, stated her concern is understanding the variance request. She stated no objection after the facts were discussed. Mr. Welch concluded the public comment period and the Planning Commission discussed the application and determined all the requirements are compliant for a recommendation of approval. 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 81418F: Moved by Bodenstedt, 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 August 14, 2018, of Variance of Minimum Lot Requirement from twenty (20) acres to twelve +/- (12.15) acres in an Agriculture District in Yankton County. Said property is legally described as Lot F-2 and Lot F-3, NE1/4, S3-T93N-R57W, hereinafter referred at as

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Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is 43175 SD Hwy 50, Yankton, SD.

By roll call vote, all members present voted aye.

Motion carried

Plat Considerations:

Lot F-23, N1/2, NE1/4, S3-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is 43175 SD Hwy 50, Yankton, SD.

Action 81418G: Moved by Kretsinger, second by Williams to recommend approval of the plat. Plat is legally described as: Lot F-23, N1/2, NE1/4, S3-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is 43175 SD Hwy 50, Yankton, SD.

By roll call vote, all members present voted aye.

Motion carried.

This was the time and place for discussion with Crown Castle, USA. Applicant is requesting a Conditional Use Permit to change antennas on an existing tower. Said property is legally described as NW1/4, S32-T94N-R57W, hereinafter referred at as Ziskov North Township, County of Yankton, State of South Dakota. The E911 address is 42943 308th Street, Tabor, SD.

Richard Krueger, representing Crown Castle, USA, discussed the application and a power point presentation outlining the zoning requirements for wireless communications. The Federal Government is restricting some local authority to expedite the approval process for antenna modifications and other upgrade work on existing towers.

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

Yankton County Planning Commission

Meeting date: August 14, 2018

CONDITIONAL USE
Article 18, Section 1805

FINDINGS OF FACT

Applicant: Crown Castle, USA / Verizon

Parcel Number: 14.032.400.100

Legal description: NW1/4, S32-T94N-R57W

Physical Address: 42943 308th Street, Tabor, SD

Yankton County Planning Commission
August 14, 2018

1. The applicant specifically cited the section of the zoning ordinance under which the conditional use is sought and has stated the grounds on which it is requested; Applicant requested CUP under Article 25, Section 2506 to modify an existing tower in an Agriculture District.
2. Notice of public hearing was given, as in Section 1803 (3-5); The applicant is not required to notify property owners with this application as stated in Article 25.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public meeting was held at 7:35 pm on August 14, 2018 in the Yankton County Government Center County Commission chambers. Richard Krueger, representing Crown Castle, USA, discussed the application and a power point presentation outlining the zoning requirements for wireless communications. The Federal Government is restricting some local authority to expedite the approval process for antenna modifications and other upgrade work on existing towers.
The Planning Commission discussed the application and conclude the applicant has met the requirements for the Conditional Use Permit.
No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.
4. The Planning Commission shall make a finding and recommendation that it is empowered under the section of this Ordinance described in the application, to include:
 - A. Recommend granting of the conditional use;
 - B. Recommend granting with conditions; orThe commission recommends granting of the conditional use permit with conditions stated in the following findings
 - C. Recommend denial of the conditional use.
5. Before any conditional use is decided, the Planning Commission shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:
 - A. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe; The applicant has shown sufficient access to property with established roadway (308th Street).
 - B. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; All off right-of-way parking is in compliance with wireless tower sites as required by Article 25.
 - C. Refuse and service areas, with particular reference to the items in (A) and (B) above; Refuse and service areas are in compliance with Article 25.
 - D. Utilities, with reference to locations, availability, and compatibility; Utilities are currently available and will be in operational condition as stated in Article 25.
 - E. Screening and buffering with reference to type, dimensions, and character; Screening and buffering are provided permanent relief as stated in Article 25.

Yankton County Planning Commission
August 14, 2018

- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; All signage will conform to Article 25, Yankton County Zoning Ordinance
- G. Required yards and other open spaces; Yards and open spaces have been met or exceeded
- H. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest. The use is compatible with adjacent properties and the granting of a Conditional Use Permit will not adversely affect the public interest. The recommendation is approval of Conditional Use Permit with the following conditions:
- Granting permanent relief for provision of additional landscaping and screening requirement.
- Each of the items will be completed and documentation sent to Yankton County for review and approval prior to final inspection.

Action 81418H: Moved by Kettering, second by Williams to recommend approval of a Conditional Use Permit based on Finding of Facts dated August 14, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, to provide modification of an existing Wireless Telecommunication Tower. Said property is legally described as NW1/4, S32-T94N-R57W, hereinafter referred at as Ziskov North Township, County of Yankton, State of South Dakota. The E911 address is 42943 308th Street, Tabor, SD.

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

This was the time and place for discussion with Crown Castle, USA. Applicant is requesting a Conditional Use Permit to change antennas on an existing tower. Said property is legally described as Lots 2, 3 & 4, & SW1/4, NW1/4, S13-T95N-R56W hereinafter referred at as Central Township, County of Yankton, State of South Dakota. The E911 address is 29950 439th Avenue, Utica, SD.

Richard Krueger, representing Crown Castle, USA, discussed the application and a power point presentation outlining the zoning requirements for wireless communications. The Federal Government is restricting some local authority to expedite the approval process for antenna modifications and other upgrade work on existing towers.

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

Yankton County Planning Commission

Meeting date: August 14, 2018

CONDITIONAL USE
Article 18, Section 1805

FINDINGS OF FACT

Yankton County Planning Commission
August 14, 2018

Applicant: Crown Castle, USA / Verizon

Parcel Number: 11.013.400.300

Legal description: Lots 2, 3 & 4, & SW1/4, NW1/4, S13-T95N-R56W

Physical Address: 29950 439th Avenue, Utica, SD

1. The applicant specifically cited the section of the zoning ordinance under which the conditional use is sought and has stated the grounds on which it is requested; Applicant requested CUP under Article 25, Section 2506 to modify an existing tower in an Agriculture District.
2. Notice of public hearing was given, as in Section 1803 (3-5); The applicant is not required to notify property owners with this application as stated in Article 25.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public meeting was held at 7:45 pm on August 14, 2018 in the Yankton County Government Center County Commission chambers. Richard Krueger, representing Crown Castle, USA, discussed the application and a power point presentation outlining the zoning requirements for wireless communications. The Federal Government is restricting some local authority to expedite the approval process for antenna modifications and other upgrade work on existing towers.
The Planning Commission discussed the application and conclude the applicant has met the requirements for the Conditional Use Permit.
No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.
4. The Planning Commission shall make a finding and recommendation that it is empowered under the section of this Ordinance described in the application, to include:
 - A. Recommend granting of the conditional use;
 - B. Recommend granting with conditions; orThe commission recommends granting of the conditional use permit with conditions stated in the following findings
 - C. Recommend denial of the conditional use.
5. Before any conditional use is decided, the Planning Commission shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:
 - A. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe; The applicant has shown sufficient access to property with established roadway (439 Avenue).
 - B. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; All off right-of-way parking is in compliance with wireless tower sites as required by Article 25.

Yankton County Planning Commission
August 14, 2018

- C. Refuse and service areas, with particular reference to the items in (A) and (B) above; Refuse and service areas are in compliance with Article 25.
- D. Utilities, with reference to locations, availability, and compatibility; Utilities are currently available and will be in operational condition as stated in Article 25.
- E. Screening and buffering with reference to type, dimensions, and character; Screening and buffering are provided permanent relief as stated in Article 25.
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; All signage will conform to Article 25, Yankton County Zoning Ordinance
- G. Required yards and other open spaces; Yards and open spaces have been met or exceeded
- H. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest. The use is compatible with adjacent properties and the granting of a Conditional Use Permit will not adversely affect the public interest. The recommendation is approval of Conditional Use Permit with the following conditions:
 - Granting permanent relief for provision of additional landscaping and screening requirement.Each of the items will be completed and documentation sent to Yankton County for review and approval prior to final inspection.

Action 81418I: Moved by Kettering, second by Bodenstedt to recommend approval of a Conditional Use Permit based on Finding of Facts dated August 14, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, to provide modification of an existing Wireless Telecommunication Tower. Said property is legally described as Lots 2, 3 & 4, & SW1/4, NW1/4, S13-T95N-R56W hereinafter referred at as Central Township, County of Yankton, State of South Dakota. The E911 address is 29950 439th Avenue, Utica, SD.
By roll call vote, all members present voted aye.
Motion carried.

Public comment period. No public comment.

Action 81418J: Moved by Gudahl, seconded by Kretsinger for adjournment.
By voice vote, all members present voted aye.
Motion carried.

The next meeting of the Yankton County Planning Commission will be held at 7:00 P.M. Tuesday, September 11, 2018.

Respectfully submitted:
Patrick Garrity AICP
Zoning Administrator