

**JULY 2024
CODINGTON COUNTY/CITY OF WATERTOWN
JOINT BOARD OF ADJUSTMENT
CODINGTON COUNTY
PLANNING COMMISSION/BOARD OF ADJUSTMENT
STAFF REPORT**

MONDAY – JULY 15, 2024 – 7:30 p.m.

CODINGTON COUNTY BOARD OF ADJUSTMENT

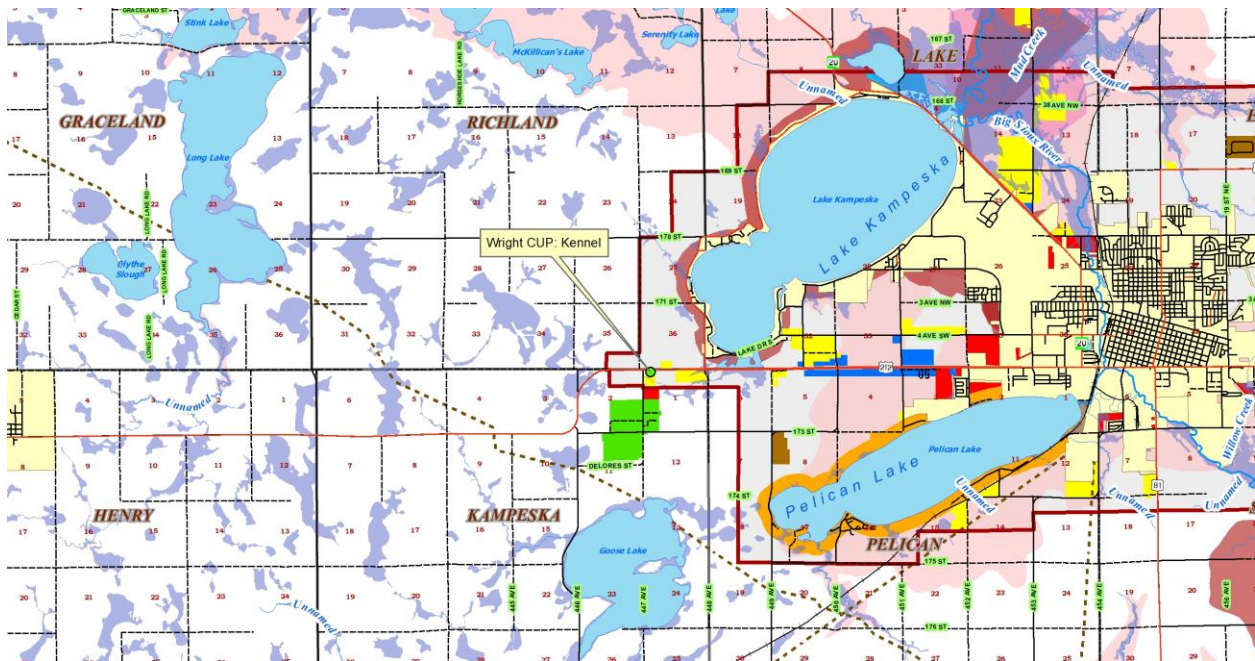
ITEM #1 CONDITIONAL USE PERMIT

Applicant/Owner: Tiffany and Kevin Wright

Property Description: The East 165 Feet of the West 695 Feet of the North 1,483.57 Feet of the Northwest Quarter of Section 1, Township 116 North, Range 54 West of the 5th Prime Meridian, Codington County, South Dakota. (Pelican Township).

Lat/Long (Existing Approach): 44.890059°; - 97.265933°

Action Items – Conditional Use Permit – Kennel (3.13.03.2)



Zoning Designation: RR – Rural Residential

Request: The applicant seeks to operate a kennel for boarding dogs.

Specifics of Property/Request:

1. The applicants recently purchased and live at the above described property.
2. They intend to remodel and use an existing building for boarding of dogs with an outside run to be located south of the structure.

- a. Building is 60' South of Existing House and 7' from nearest (side) property line (nonconforming)
 - b. The Building is currently insulated.
 - i. Applicant is installing sound panels, rubber mats and noise reducing window coverings as part of renovation.
 - c. Fenced in area is south (farther from neighboring houses) than the building/shelter.
3. Animals will primarily be harbored inside with opportunity to be outside in the fenced area under supervision.
 4. Applicant intends to harbor up to 15 dogs at a time requests permit for 25 to ensure there will be no chance of exceeding the maximum.
 5. Dogs may stay on site overnight.
 6. Applicant has adequate area for parking in front of the house.
 7. No non-family employees will be used.
 8. Applicant will not use a sign of greater than 16 square feet.
 9. The nearest-off site residence is 100' from the building (Mandel).
 10. Animals outside of the fenced area or enclosed kennel structure will be on a leash.



Ordinance/Land Use Plan:

1. The County's land use plan has some considerations for Fur Farms and Kennel's found on page 60.
2. Adequate area is available to ensure cars dropping dogs off/picking up do not need to enter the service road, nor HWY 212 by "backing-out."
3. Applicant agrees to operate kennel in accordance with requirements of extended home occupations (as applicable.)
4. The applicant will not make any changes to parking, access, lighting, garbage, sanitary sewer/septic, nor provisions of utilities as a result of this application.
5. The Board has granted variances to size of detached garages and this similar conditional use permit subject to certain conditions recommended below by staff.

Staff Summary and Recommendation:

- **Conditional Use – Kennel:** Staff recommends conditions be applied in a manner similar to an extended home occupation, and with conditions agreed upon by other residences receiving Kennel Permits (most recently – Brad VanMeter) Should the Board approve the request, approval should be subject to the applicant signing a letter of assurance agreeing to the following conditions:

1. The on-premise signage for the kennel shall be restricted to sixteen (16) square feet.

2. Only dogs are to be harbored at this Kennel.
3. Maximum Number of Dogs:
 - a. The maximum number of dogs to be boarded or harbored upon the above described property is ten (10) adult dogs.
 - b. The Zoning Officer is authorized to conduct site inspection to determine compliance with this and other portions of the conditional use permit as necessary.
4. No dogs may be picked up or dropped off between the hours of 10:00 pm and 7:00 am.
5. Unless leashed and under the control of the operator of the Kennel or owner of the dog, no dogs shall be outside the fenced area. (Operator's personal dogs excluded.)
6. No dogs shall use the outside run between the hours of 9:00pm and 8:00am.
7. The entire structure used for housing the animals (kennel) shall include insulation for the purpose of limiting sound leaving the kennel.
8. There will be no non-related employees working on-site.
9. The applicant will not allow dogs to run or train on property not owned by the applicant or without an agreement between the applicant and pertinent landowner.
10. This Conditional Use Permit for the kennel is not transferable. Subsequent owners/operators will be required to obtain a Conditional Use Permit.
11. Applicant is put on notice that failure to abide by the requirements of this letter of assurance will result in a hearing of the Board of Adjustment to consider revocation of the conditional use permit associated herewith.

CODINGTON COUNTY BOARD OF ADJUSTMENT

ITEM #1 CONDITIONAL USE – REQUESTED TO BE POSTPONED

Applicant/Owner: Modak Dairy Inc.

Property Description:

- Southeast Quarter (excluding Greg Moes Addition) of Section 26, Township 117 North, Range 51 West of the 5th Prime Meridian, Codington County, South Dakota; &
- MoDak Addition in the Southwest Quarter of Section 25, Township 117 North, Range 51 West of the 5th Prime Meridian, Codington County, South Dakota.

Action Item – Conditional Use Permit – Expansion of Class 1 CAFO (3.04.02.08)

Zoning Designation: Agricultural District

Request: POSTPONE REQUEST TO Expand the original Concentrated Animal Feeding Operation Permit, issued on August 20, 2007, from 3,000 animal units to 6,999 animal units.