

February 9, 2021

AGENDA

YANKTON COUNTY PLANNING COMMISSION

☐ Cherie Hoffman
☐ Zane Williams
☐ Don Kettering

☐ Dennis Michael
☐ Chris Barkl
☐ Doug Hevle

☐ Kristi Schultz

7:00 P.M.

Call Meeting to Order

Roll Call

Approve Minutes from previous meetings

Items to be added to Agenda

Approval of Agenda

Conflict of Interest Declarations

Reorganization of Planning Commissioner
Officers

7:05 P.M.

Matthew Carns

Applicant is requesting a Variance to setback for a garage addition in a (PUD) that is 15' from the east lot line in a Planned Unit Development. Said property is legally described as Lot One (1), Deerfield Ranch Estates, Yankton County, South Dakota as platted in Book S18, page 222. E911 address is 30923 433 AVE.

7:10 P.M.

Plats

Lot 17 Baycliffe Estates

W1/2 of the South 12.91 Acres of the S 1/2 of the SW1/4 of section 7; and in the W1/2 of the W1/2 of section 18, Lying north of Highway 52 Except platted areas known as Tramp's 7th Addition, and except lots 1 and 2 of Parcel A, and Further excepting Parcels B and C, McVay Addition, All being in T93N, R56W, of the 5th PM, Yankton County, South Dakota

Lot 31 Baycliffe Estates

W1/2 of the South 12.91 Acres of the S 1/2 of the SW1/4 of section 7; and in the W1/2 of the W1/2 of section 18, Lying north of Highway 52 Except platted areas known as Tramp's 7th Addition, and except lots 1 and 2 of Parcel A, and Further excepting Parcels B and C, McVay Addition, All being in T93N, R56W, of the 5th PM, Yankton County, South Dakota

Lot 11 Baycliffe Estates

W1/2 of the South 12.91 Acres of the S 1/2 of the SW1/4 of section 7; and in the W1/2 of the W1/2 of section 18, Lying north of Highway 52 Except platted areas known as Tramp's 7th Addition, and except lots 1 and 2 of Parcel A, and Further excepting Parcels B and C, McVay Addition, All being in T93N, R56W, of the 5th PM, Yankton County, South Dakota

Lot 12 Baycliffe Estates

W1/2 of the South 12.91 Acres of the S 1/2 of the SW1/4 of section 7; and in the W1/2 of the W1/2 of section 18, Lying north of Highway 52 Except platted areas known as Tramp's 7th Addition, and except lots 1 and 2 of Parcel A, and Further excepting Parcels B and C, McVay Addition, All being in T93N, R56W, of the 5th PM, Yankton County, South Dakota

Public Comment**Adjourn**

MEETING (ENTITY): PLANNING COMMISSION REGULAR OR SPECIAL MEETING: Regular
DATE: 1/12/2021 TIME: 7PM LOCATION: COMMISSION CHAMBERS

STAFF ATTENDANCE: Vetter, Conkling

ROLL ☒ BARKL ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ HEVLE ☒ WILLIAMS

CALL:

APPROVAL OF MINUTES: MOTION BY: Williams SECOND BY: Barkl

PLANNING: ☒ BARKL ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ HEVLE ☒ WILLIAMS

APPROVAL OF AGENDA: MOTION BY: Kettering SECOND BY: Michael

PLANNING: ☒ BARKL ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ HEVLE ☒ WILLIAMS

Conflict of None

Interest:

AGENDA ITEM: **Doug Marquardt** – Applicant is requesting a CUP for a truck wash in a Commercial district © per Article 10 Section 1007 at a service garage.

ADDRESS/LEGAL: JoDean's Addition, Yankton County, South Dakota, as per plat recorded in Book S17, page 6, and Lot One (1) and the North One Hundred Feet (N100') of Lots Two (2) in the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼), in Section 24, T94N, R56W of the 5th P.M., hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota as per plat recorded in Book S8, page 123. The E911 address is 30653 US Hwy 81, Yankton, SD.

PUBLIC
COMMENTS: None

MOTION: Motion to approve as presented

APPROVAL: MOTION BY: Kettering SECOND BY: Williams

PLANNING: ☒ BARKL ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ HEVLE ☒ WILLIAMS

AGENDA ITEM: **Ryken's RV Park** – Applicant is requesting a Conditional Use Permit for a Campground and a Pool in a Lakeside Commercial District (LC) per Article 11 Section 1107 Amended from his previously approved Conditional Use Permit CUP-2020-26. **(Ross Deherder spoke for applicant)**

ADDRESS/LEGAL: Proposed Lot 16, Whitetail Run, in the NE1/4 of the SE1/4, Section 16 T93N R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBD Buck Street, Yankton, SD.

PUBLIC
COMMENTS: Ryan Heine spoke against

MOTION: Move to approve proposed changes with conditions signage on Buck street to direct traffic to Doe Boulevard and required fences along east and west boundaries to be constructed shortly after road construction is complete.

APPROVAL: MOTION BY: Michael SECOND BY: Kettering

PLANNING: ☒ BARKL ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ HEVLE ☒ WILLIAMS

AGENDA ITEM: **Richard List** – Applicant is requesting a Conditional Use Permit for an accessory building in a Low Density Residential District (R1) Per Article 6 Section 607 (17) that exceeds 4,000 square Foot aggregate and the maximum aggregate floor area for parcels in low Density zoning.

ADDRESS/LEGAL: *List Addition NE4, Section 10, T93N, R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 1305 Timberland Dr., Yankton, SD.*

PUBLIC COMMENTS: None

MOTION: Move to approve as presented

APPROVAL: MOTION BY: Michael SECOND BY: Williams

PLANNING: ☒ BARKL ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ HEVLE ☒ WILLIAMS

AGENDA ITEM: **Plat** – Lots 26, 27, 49, 50, 51, and 52 Crestview Homes Subdivision, in the NE1/4 of Section 21, T93N, R56W, of the 5th P.M., Yankton County, Yankton, SD

ADDRESS/LEGAL:

COMMENTS:

PUBLIC COMMENT: none

MOTION: Move to approve as presented

APPROVAL: MOTION BY: Michael SECOND BY: Hevle

PLANNING: ☒ BARKL ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ HEVLE ☒ WILLIAMS

AGENDA ITEM: **Plat** – A replat of Lots 1 and 2, Block 2, Pioneer Hills Addition, A subdivision of Parcel F of the NE1/4 of Section 17, T93N, R56W of the 5th P.M., Yankton County, Yankton South Dakota, Hereinafter to be known as Lot 4, Block 2, Pioneer Hills Addition, a subdivision of Parcel F of the NE1/4 of Section 17, T93N, R56W, of the 5th P.M., Yankton County, South Dakota

ADDRESS/LEGAL:

COMMENTS: Gary Vetter, Zoning Director – This was required by the Board of Adjustment and brings the property more into conformity.

MOTION: Approve as presented

APPROVAL: MOTION BY: Barkl SECOND BY: Michael

PLANNING: ☒ BARKL ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ HEVLE ☒ WILLIAMS

AGENDA ITEM: **Plat** – Lots 3 and 4 of Quarry Pines Addition in the Northwest ¼ of the Northwest ¼ of Section 16, Township 93 North, Range 56 West of the 5th P.M., Yankton County, South Dakota

ADDRESS/LEGAL: _____

COMMENTS: _____

PUBLIC COMMENT: None

MOTION: Move to approve as presented

APPROVAL: MOTION BY: Williams SECOND BY: Kettering

PLANNING: ☒ BARKL ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ HEVLE ☒ WILLIAMS

AGENDA ITEM: **Plat** – Lot 6, Block 2, Law Overlook Subdivision, in the NE1/4 of Section 18, T93N, R56W of the 5th P.M. Yankton County, South Dakota

ADDRESS/LEGAL: _____

PUBLIC COMMENT: None

MOTION: Move to Approve as presented

APPROVAL: MOTION BY: Michael SECOND BY: Williams

PLANNING: ☒ BARKL ☒ KETTERING ☒ MICHAEL ☒ SCHULTZ ☒ HEVLE ☒ WILLIAMS

AGENDA ITEM: **Bruce Jensen** – Proposed changes to Article 5 of the Zoning Ordinances

ADDRESS/LEGAL: _____

PUBLIC COMMENT: None

MOTION: Move to Deny
Michael and Williams abstained

APPROVAL: MOTION BY: Hevle SECOND BY: Schultz

PLANNING: ☒ BARKL ☒ KETTERING ☐ MICHAEL ☒ SCHULTZ ☒ HEVLE ☐ WILLIAMS

AGENDA ITEM: **Discussion of possible ordinance changes**

ADDRESS/LEGAL: _____

PUBLIC _____
COMMENTS: Gary Vetter, Zoning Director - County Commission will be holding Special Meeting to discuss Article
5 on January 25 (6:00 pm) and February 5 (9:00 am)

MOTION: _____

APPROVAL: _____ MOTION BY: _____ SECOND BY: _____
PLANNING: ☐ BARKL ☐ KETTERING ☐ MICHAEL ☐ SCHULTZ ☐ HEVLE ☐ WILLIAMS

AGENDA ITEM: _____
ADDRESS/LEGAL: _____
COMMENTS: _____

MOTION: _____

APPROVAL: _____ MOTION BY: _____ SECOND BY: _____
PLANNING: ☐ BARKL ☐ KETTERING ☐ MICHAEL ☐ SCHULTZ ☐ HEVLE ☐ WILLIAMS

AGENDA ITEM: _____
ADDRESS/LEGAL: _____
COMMENTS: _____

MOTION: _____

APPROVAL: _____ MOTION BY: _____ SECOND BY: _____
PLANNING: ☐ BARKL ☐ KETTERING ☐ MICHAEL ☐ SCHULTZ ☐ HEVLE ☐ WILLIAMS

AGENDA ITEM: _____
ADDRESS/LEGAL: _____
COMMENTS: _____

MOTION: _____

APPROVAL: _____ MOTION BY: _____ SECOND BY: _____
PLANNING: ☐ BARKL ☐ KETTERING ☐ MICHAEL ☐ SCHULTZ ☐ HEVLE ☐ WILLIAMS

AGENDA ITEM: _____
ADDRESS/LEGAL: _____

COMMENTS: _____

MOTION: _____

APPROVAL: _____ MOTION BY: _____ SECOND BY: _____
☐ BARKL ☐ KETTERING ☐ MICHAEL ☐ SCHULTZ ☐ HEVLE ☐ WILLIAMS

AGENDA ITEM: _____
ADDRESS/LEGAL: _____
COMMENTS: _____
MOTION: _____

APPROVAL: MOTION BY: _____ SECOND BY: _____
PLANNING: ☐ BARKL ☐ KETERING ☐ MICHAEL ☐ SCHULTZ ☐ HEVLE ☐ WILLIAMS

AGENDA ITEM: _____
ADJOURN Motion: Second: _____
PLANNING: ☐ BARKL ☐ KETTERING ☐ MICHAEL ☐ SCHULTZ ☐ HEVLE ☐ WILLIAMS

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 1-21-2021

Applicant

Matthew Carns

District type: ☐ AG ☐ R1-Low ☐ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional ☒ PUD-Planned Unit Development

Variance needed:

☐ Section 513 ☐ Section 515 ☐ Section 705 ☐ Section 715 ☐ Section 805

☒ Section 1807 ☐ Section 1907

NOTE:

Applicant is requesting a variance to setbacks in a Planned unit Development. Applicant wishes to add a garage to his existing home that would be Fifteen feet (15') from the front property line per Article 18 Section 1807. Said property is legally described as Lot One (1), Deerfield Ranch Estates, Yankton County, South Dakota as platted in Book S18, page 222. E911 address is 30923 433 AVE.

PC: Article 18 Section 1807

BOA: Article 19 Section 1907

Planning Commission
date:2/9/2021
Board of Adjustment
date:3/2/2021

Time: 7:05PM

Time: 7.00PM

Permit Number: VAR-2021-35

Yankton County

X Variance Conditional Use Rezoning

Owner: Matthew Carns

Owners Address: 30923 433rd Ave, Yankton SD 57078

Owners Phone: 605-464-4478

Applicants Name,
if different from

Owner: Matthew Carns

Applicants

Address: 30923 433rd Ave, Yankton SD 57078

Job Address: 30923 433 AVE

Legal: LOT 1 DEERFIELD RANCH ESTATES

Section,
Township, Range: 2-93-57

Zoning
Classification: PD

Affected Zoning
Ordinance:


Reason for
Request: Addition to home

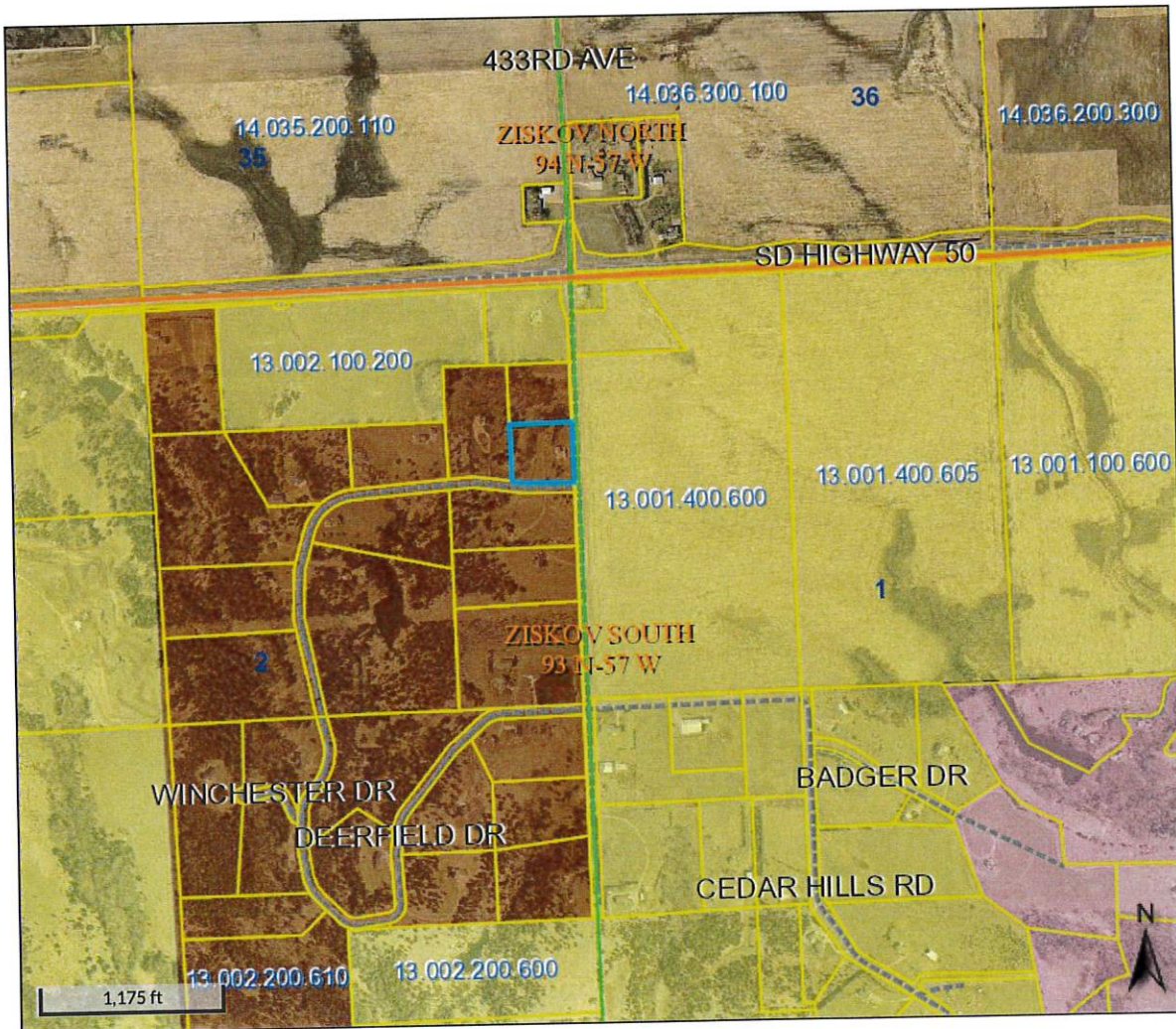
List Specific
Hardships: We are looking to put an addition on the East side of our house to extend the garage and facilitate the building of an entry-way/laundry room in the existing garage. The County zoning specifies a 30ft setback from 433rd

SCHEDULED FOR PLANNING COMMISSION ACTION (DATE): 02/09/2021 7:05 PM CST

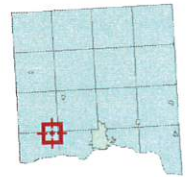
SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (DATE):

Application Fee: \$450.00 Check #: 1362 Receipt #:

Signature:  Date: 01/22/2021
Matthew Carns



Overview



Legend

- Townships
- Sections
- Parcels
- City Limits
- Streets and Roads
- County Zoning District**
- <all other values>
- COMMERCIAL
- ETJ
- HIGH DENSITY RESIDENTIAL
- LAKE SIDE COMMERCIAL
- LOW DENSITY RESIDENTIAL
- MODERATE DENSITY RESIDENTIAL
- PLANNED UNIT DEVELOPMENT
- PUBLIC
- RURAL TRANSITIONAL
- Floodplain**
- 100 YEAR FLOOD NO BFE; 100 YEAR FLOOD WITH BFE
- 500 YEAR FLOOD

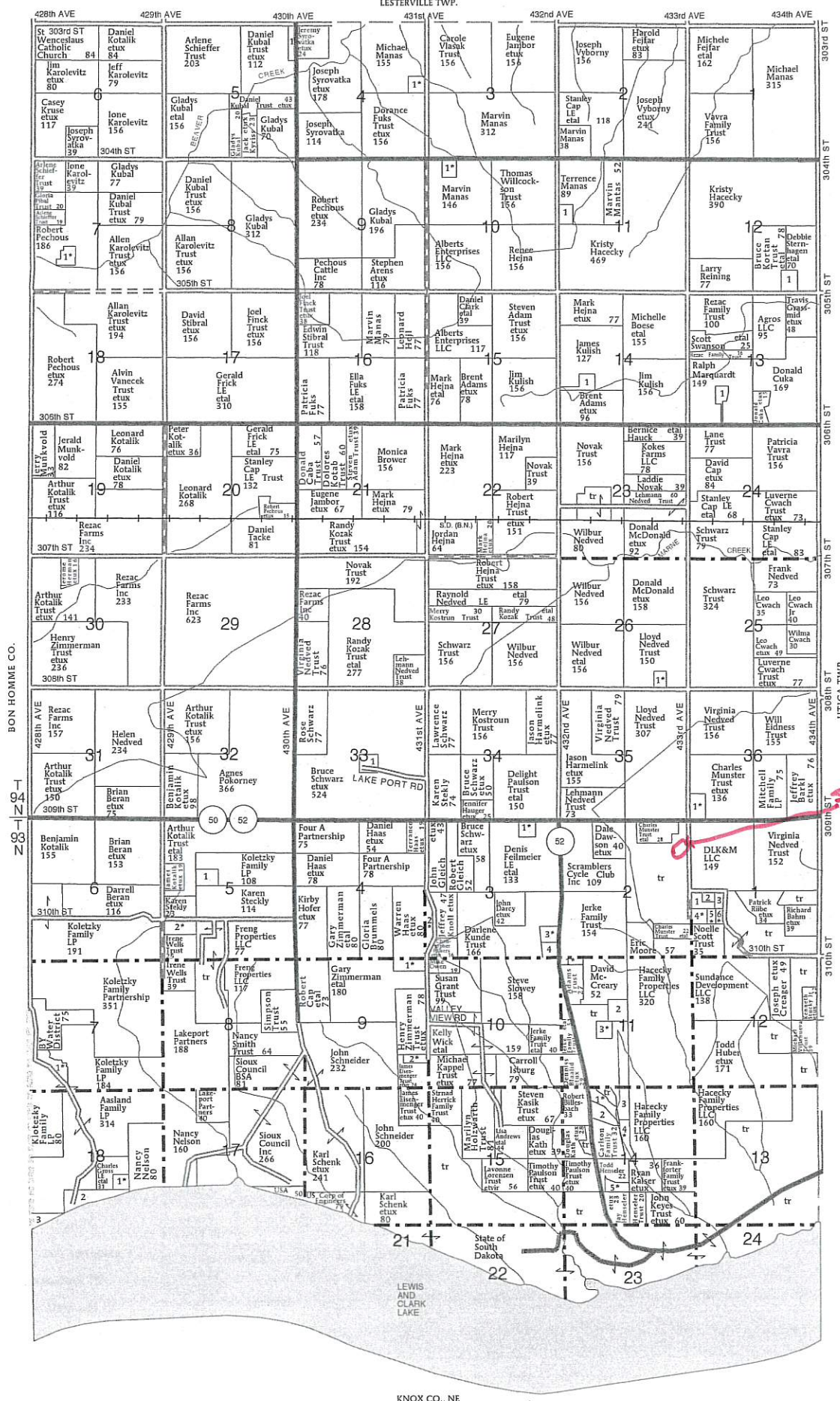
Parcel ID - 13.002.100.101
 Address - 30923 433 AVE
 Owner - CARNS, MATTHEW R (D)
 CARNS, TAMARA D (D)

Disclaimer: Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

Date created: 2/3/2021
 Last Data Uploaded: 2/3/2021 8:08:21 AM

Developed by

(Landowners)



ZISKOV TOWNSHIP

SECTION 1S

1. Barth, Chad 9
2. Fischer, Katrina 5
3. Gause, Janell 5
4. Taylor, Lynn etux 9
5. Scott, Bjaye etux 5
6. Kramer, Francis etal 5

SECTION 3S

1. Ausdemore, Robert etal 9
2. Haas, Warren etux 10
3. Mueller, James etux 8
4. Kunde, Darlene 8

SECTION 4N

1. Hoffman, RC etux 10

SECTION 5N

1. Polish Catholic Congregation 9

SECTION 5S

1. Willsie, Carol 11
2. Sedlacek, Kenneth etux 12

SECTION 7N

1. Pechous, Robert etux 10

SECTION 7S

1. Koletzky, lone etal 17

SECTION 8S

1. Jungemann, Jerry etux 15

SECTION 10N

2. Wostrel, Eldon etux 15

SECTION 10N

1. Manas, Terence etux 10

SECTION 11N

1. Cap, Daniel 11

SECTION 11S

1. Haberman, Adam etux 10
2. Konopasek Family Trust 10

SECTION 12N

1. Lyons, Sean etal 10

SECTION 12N

1. Hejna, Marilyn 9

SECTION 13N

1. Manas, Dylan 6

SECTION 14N

1. Sudbeck, Charlene 12

SECTION 14S

1. Peterson, Corey etal 9
2. Feimer Family Protection Trust 9
3. Colby, David 13
4. VanDeKop, Dale etux 10
5. Henseler, Kevin etux 9

SECTION 18S

1. Lynch, Daniel etux 9
2. State of South Dakota Game Fish & Parks 66
3. Yonke Trust, Mark 5

SECTION 26

1. Martin, Nathan etux 6

SECTION 33

1. St Wenceslaus Roman Catholic Church 10

SECTION 36

1. Koletzky, David etux 8

Site Map



Parcel Number: 13.002.100.101

Site Description:

Variance, Conditional
Use and Rezoning

Fees Paid
\$450.00

Application
VAR-2021-35

Applicant
Matthew Carns

Created
January 21, 2021

Number
VAR-2021-
35

13.002.100.101 | Matthew
Carns | 30923 433 AVE,
YANKTON, SD, 57078
Submitted by matthew.carns on
1/21/2021



Applicant

Matthew Carns

7015706199

carns.matthew@gmail.com

Parcel search Completed On 1/21/2021 9:31 PM EST by matthew.carns



Maxar, Microsoft

Powered by Esri

ParcelID	Address	City	OwnerName	Acres
13.002.100.101	30923 433 AVE	YANKTON	CARNS, MATTHEW R (D) CARNS, TAMARA D (D)	0.000

Request Information Completed On 1/21/2021 9:39 PM EST by matthew.carns

Type of Request

Variance

Fee

\$450.00

Reason for Request

Addition to home

List Specific Hardships

We are looking to put an addition on the East side of our house to extend the garage and facilitate the building of an entry-way/laundry room in the existing garage. The County zoning specifies a 30ft setback from 433rd Ave. Due to the location of the existing house and the grade on the lot we are looking to have this setback reduced to 15ft to allow us room for the updates to the house. Along with the garage addition we will be looking to install a 6ft white vinyl privacy fence along 433rd Ave from the house to the SE corner of the lot. The fence is to make the property safer for our little kids and to reduce the dust and noise from 433rd Ave,

Applicant Information

Are you the owner of the property?

Yes

Applicant Name

Matthew Carns

Applicant Address

30923 433rd Ave, Yankton SD 57078

Applicant Phone

605-464-4478

Owner Information

Owner Name

Matthew Carns

Owner Address

30923 433rd Ave, Yankton SD 57078

Owner Phone Number

605-464-4478

Property Information

Parcel ID Number

13.002.100.101

Legal Description

LOT 1 DEERFIELD RANCH ESTATES

Site Address

30923 433 AVE

City

YANKTON

Zip
57078

Section-Township-Range
2-93-57

Zoning District
PD

Zoning Description
Planned Unit Development

Existing Use of Property
Owner-occupied Residential

Site Plan Completed On 1/21/2021 9:42 PM EST by matthew.carns

Map - Mark the location of structures and other necessary information.

- ☐ Sketch Layer
- ☐ Reference Layer
- ☒ Mapproxy



Describe the location and use of adjacent structures

Upload Site Plan and/or additional plans and documents

[carnsplan.pdf](#)

Draft Building Permit Completed On 1/21/2021 9:42 PM EST by matthew.carns

Upload Draft Building Permit 

Draft Building Permit Form Completed On 1/21/2021 9:46 PM EST by matthew.carns

Job Address

30923 433 AVE

Legal Description of Construction Site

LOT 1 DEERFIELD RANCH ESTATES

Owner Name

CARNS, MATTHEW R (D) || CARNS, TAMARA D (D)

Owner Address

30923 433 AVE

Owner Phone

605-464-4478

Contractor

Homeowner

Contractor Mailing Address**Contractor Phone****Architect or Designer****Architect or Designer Mailing Address****Architect or Designer Phone****Type and Use of Building**

Single family residential

Class of Work

Addition

Describe Work

Adding two-stall attached garage to the East side of the existing house. Installing privacy fence along 433rd Ave from the new garage addition to the SE corner of the lot.

Valuation of Work

\$30000

Generate Draft Building Permit Completed On 1/21/2021 9:46 PM EST by matthew.carns

[Generate Draft Building Permit](#)

Submit Completed On 1/21/2021 9:46 PM EST by matthew.carns


A notification sign shall be posted on the property upon which action is pending at least seven (7) days prior to the hearing date. Such signs shall be placed along all the property's road frontage so as to be visible from the road. If a property does not have a road frontage, then such signs shall be placed upon the closest available right-of-way and upon the property. Said signs shall not be less than one hundred and eighty seven (187) square inches in size. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearings.

Please pick the sign up from the zoning office on or before eight (8) days prior to the meeting.

Applicant Agreement

Please check the box to confirm you have read and agree to the notices above.

Signature



Date

1/22/2021

Application Submitted Successfully Completed On 1/22/2021 9:02 AM EST by bconkling

Your application has been submitted for review. Thank you.

Please click next at the bottom to continue. Thank you

Director Review Completed On 1/22/2021 10:31 AM EST by gvetter

Zoning Director Review

Approve

Payment Completed On 1/22/2021 2:09 PM EST by bconkling

Fees Paid

[VIEW RECEIPT](#)

Fee Name	Recipient	Amount
Fee	Zoning Department	\$450.00

Confirmation Data

Payment Method	Check
Confirmation Number	1362
Amount Paid	\$450.00

Planning Commission Meeting

Planning Commission Meeting Date and Time

February 2nd 2021, 7:05 pm CST

Letters to be mailed 10 days prior to the public meeting:

01/23/2021 7:05 PM

Additional instructions for PC email

Return the affidavit 8 days prior to the public meeting:

01/25/2021 7:05 PM

Place your zoning action sign 7 days prior to the public meeting:

01/26/2021 7:05 PM

Upload PC Mailing Labels

[Carns mailing labels.pdf](#)

Upload PC Affidavit of Mailing

[3 Mailing affidavit 1320.pdf](#)

Upload PC Notification Letter

[Carns NOT letter.pdf](#)

Upload PC Newspaper Publication

[Legals 02-09-21.pdf](#)

Check box when ready to send notices

Send Notice

Permit Number

VAR-2021-35

Receipt Number

Please see the attached Notification Letter, address labels, and affidavit of mailing.

First Notification Letters are to be mailed pursuant to Section 1803(4). This is required to be completed 10 days prior to public hearing, which is 01/23/2021 7:05 PM.

Return the affidavit to me (email is fine) 7 days prior to the public meeting, by 01/25/2021 7:05 PM

Place your zoning action sign 7 days prior to the public meeting, by 01/26/2021 7:05 PM

If any information is incorrect, please let me know immediately.

PC App Form Completed On 1/22/2021 2:20 PM EST by bconkling

PC App Form

Planning Review Completed On 1/22/2021 2:53 PM EST by bconkling

Continue with application

Describe what the applicant is requesting

Applicant is seeking to add a garage to his house and a fence for his children's safety within a Planned Unit Development. It would be 15' from the ROW, under the current zoning setbacks of 30'. The homeowners association unanimously approved the project. The original PUD plan cannot be located.

Planning Commission Code Reference

Other Planning Commission Code Reference ①

Board of Adjustment Code Reference

Other Board of Adjustment Code Reference ①

Wave Fee

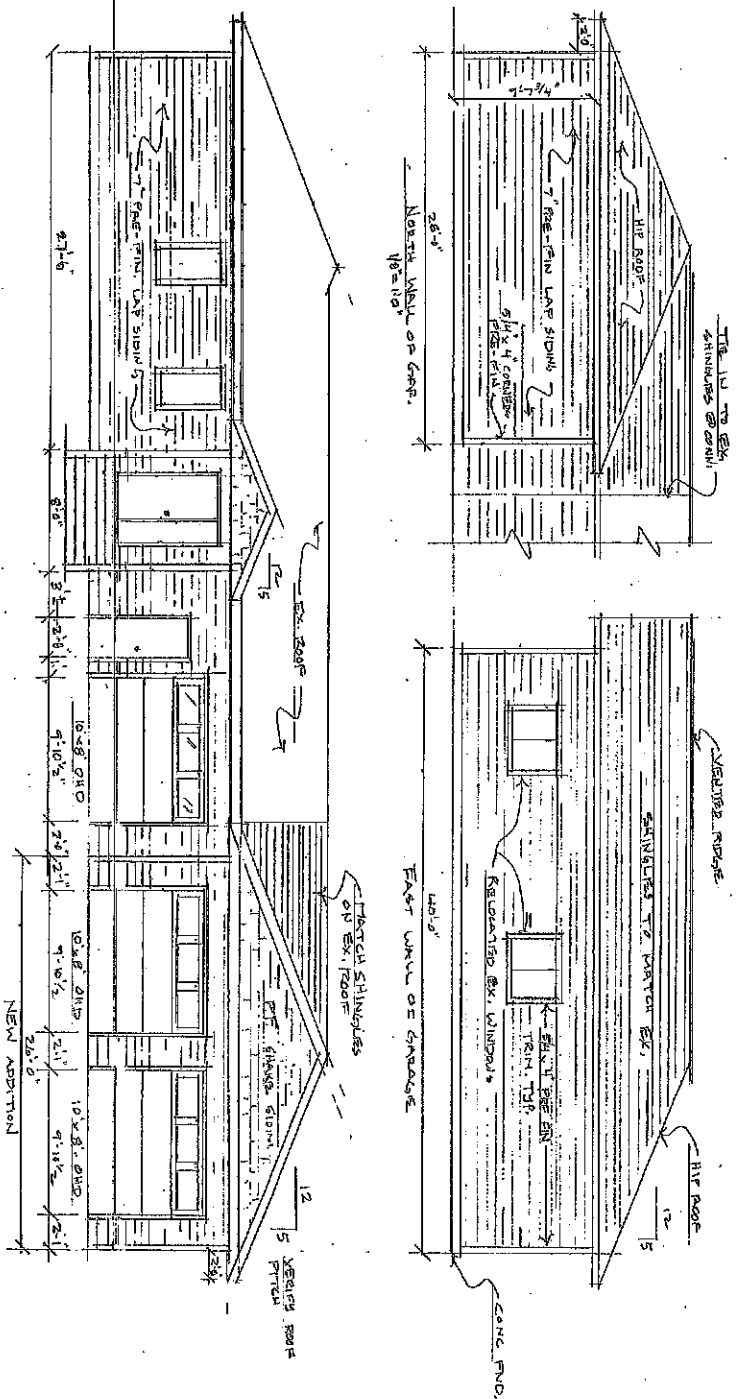
Notes ①

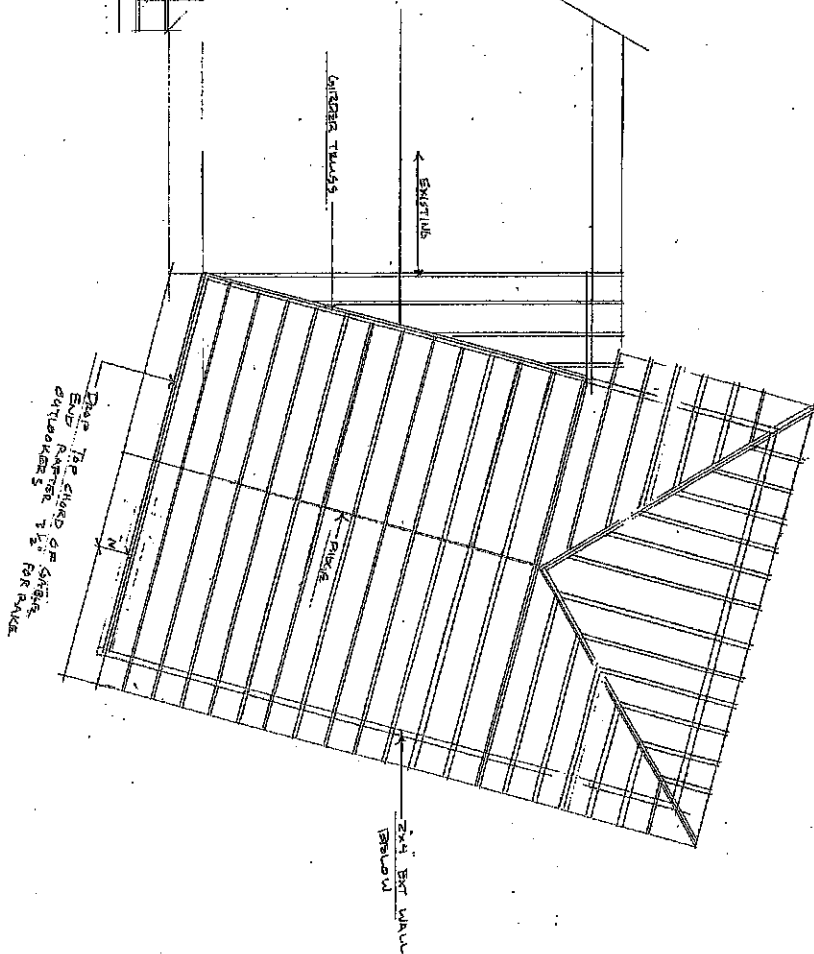
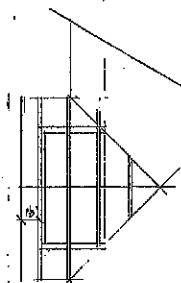
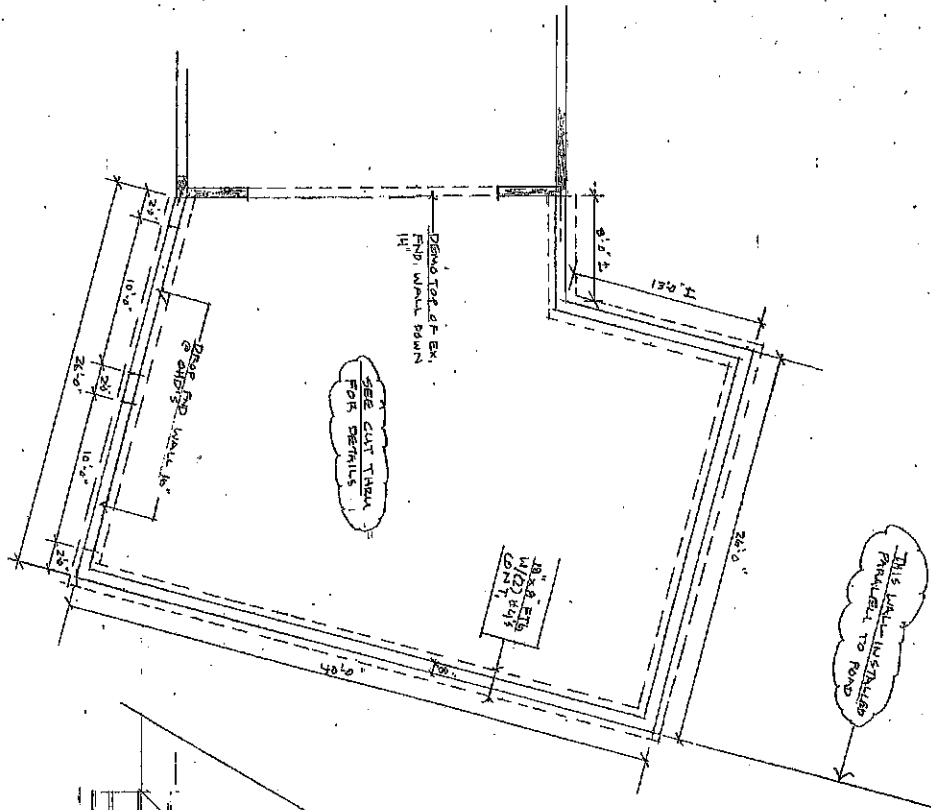
We are unable to locate the original PUD plan

External Notes

Documents

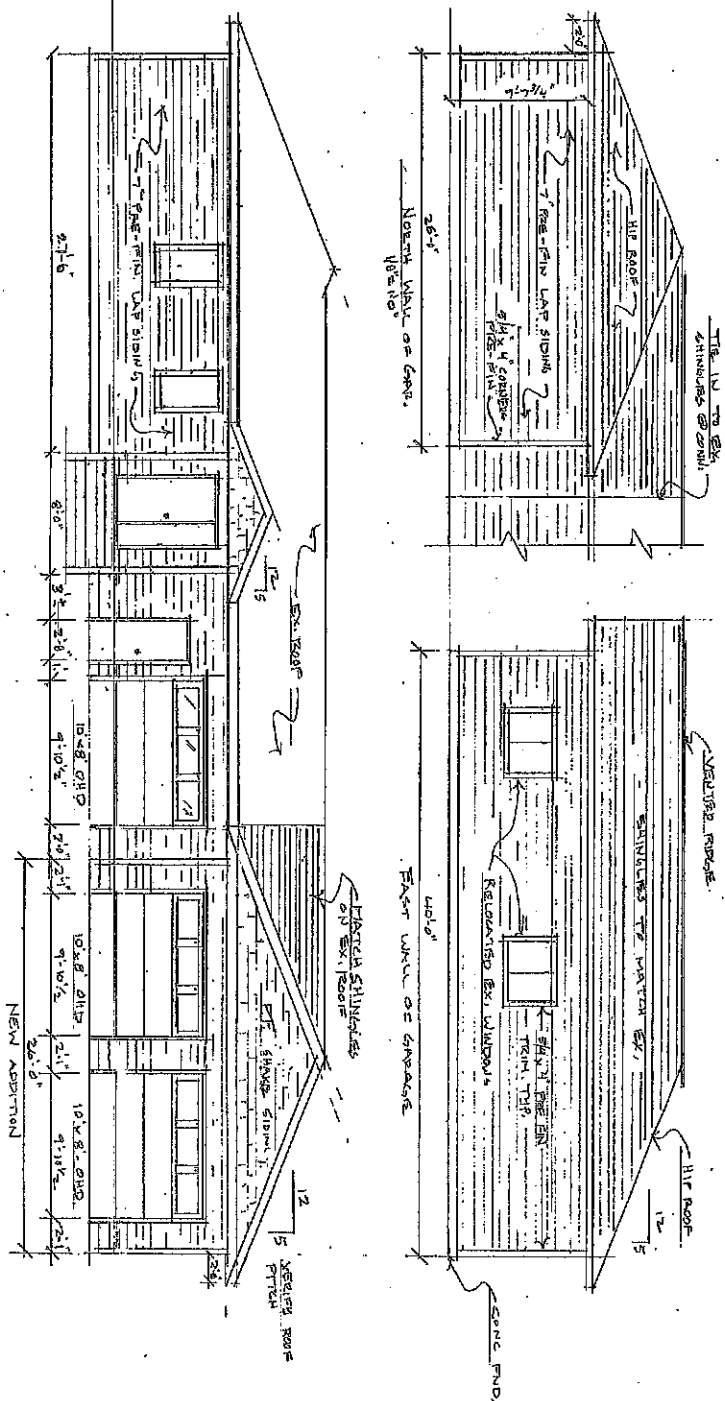
Internal Notes

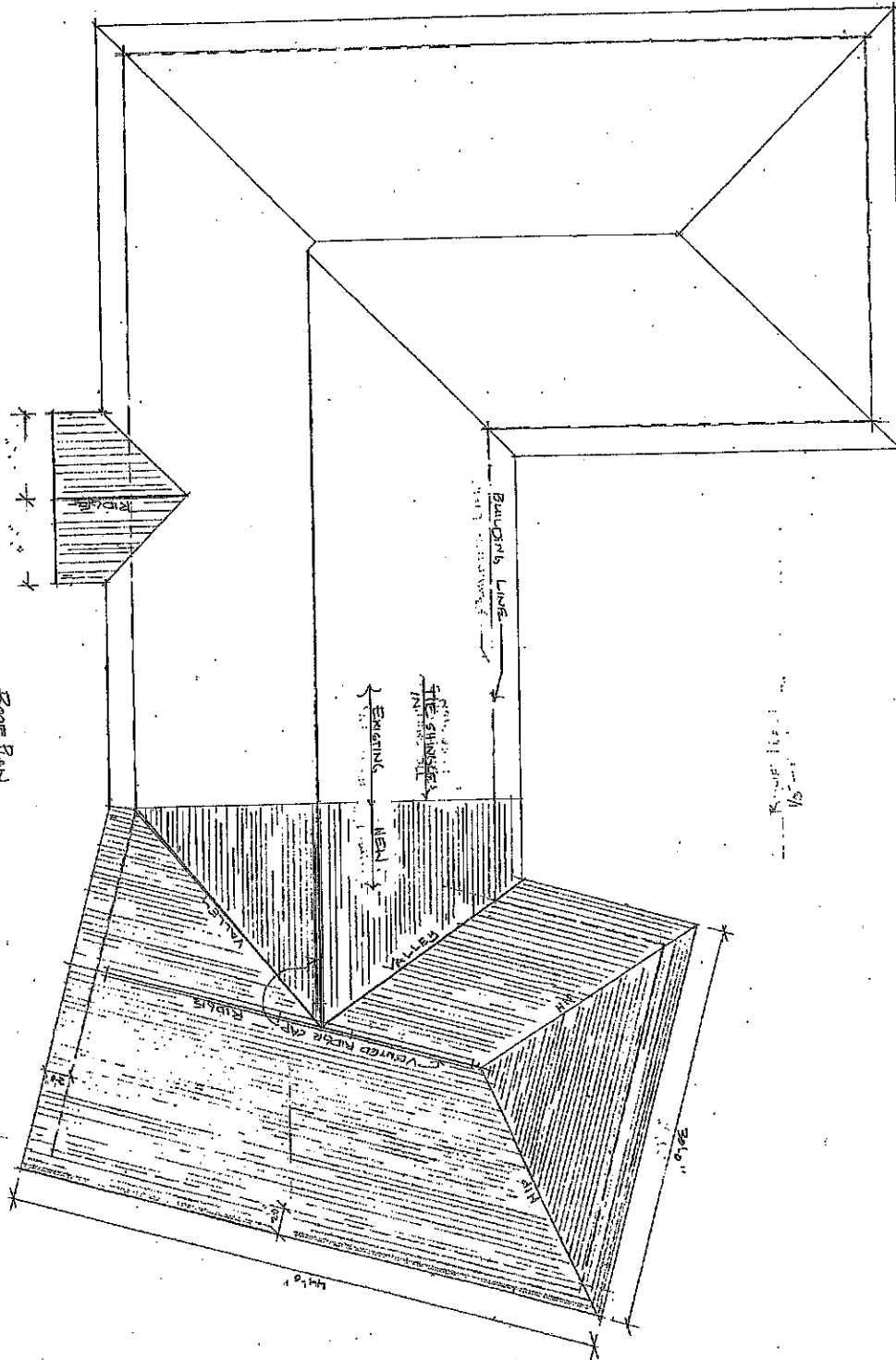


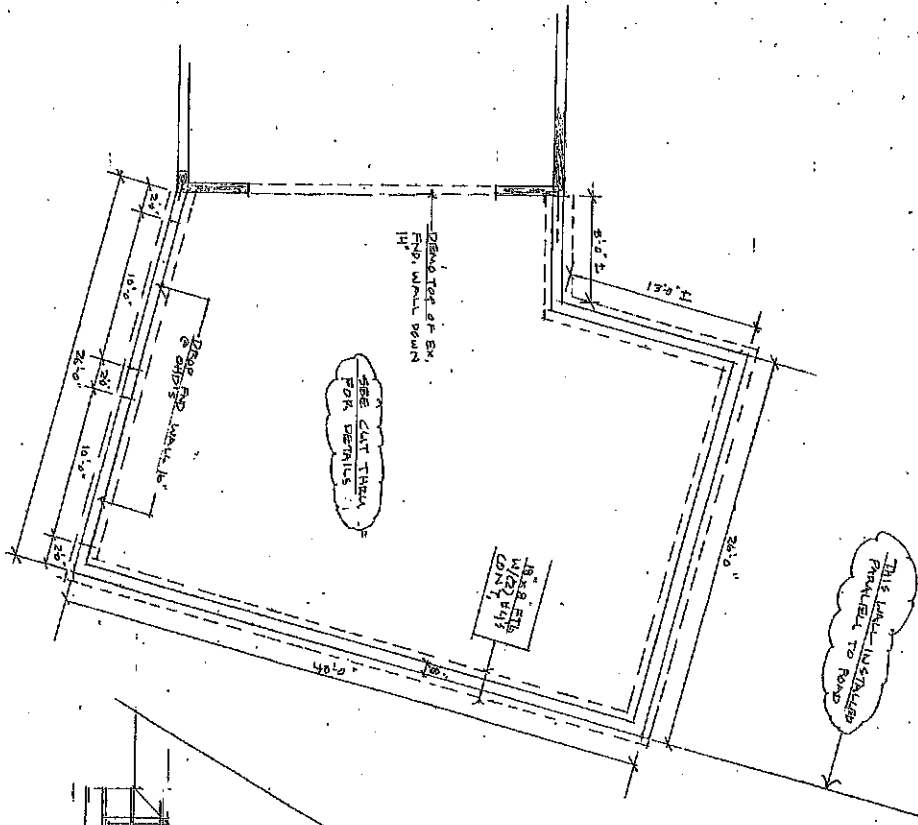


FLOOR PLAN
 10'-10"

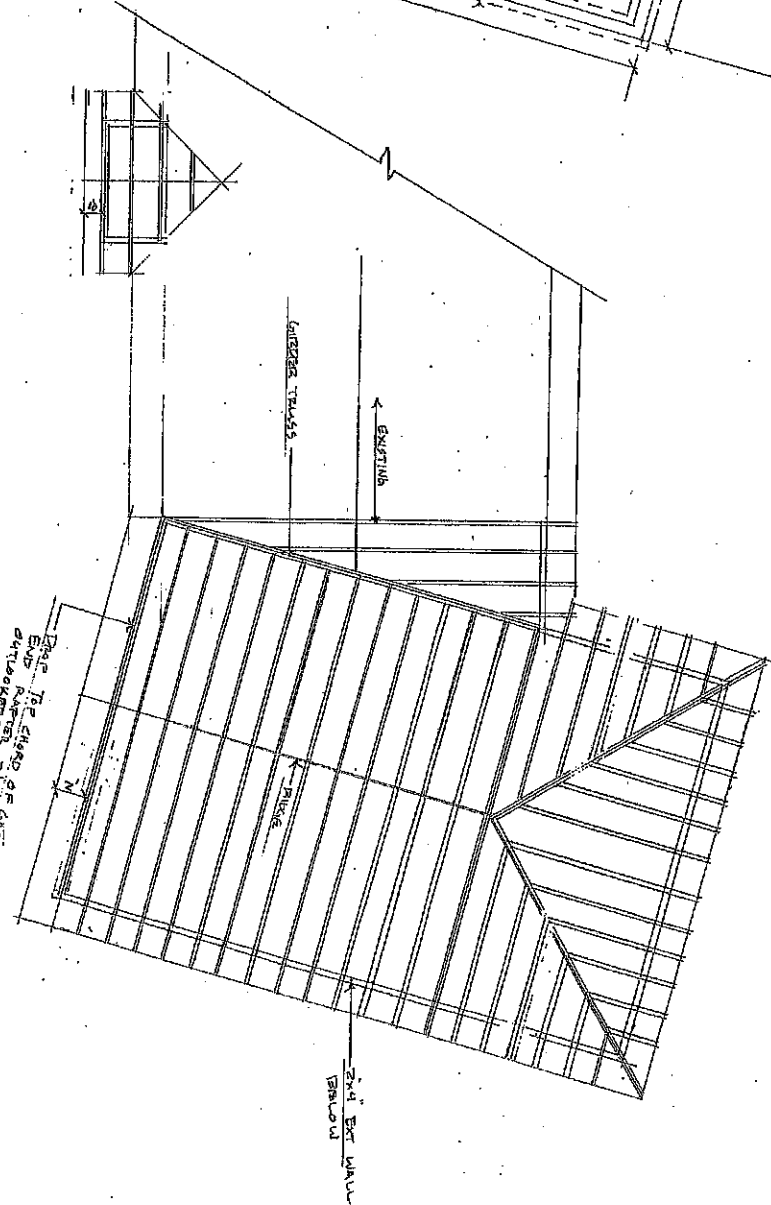
ROOF FRAMING PLAN
 10'-10"



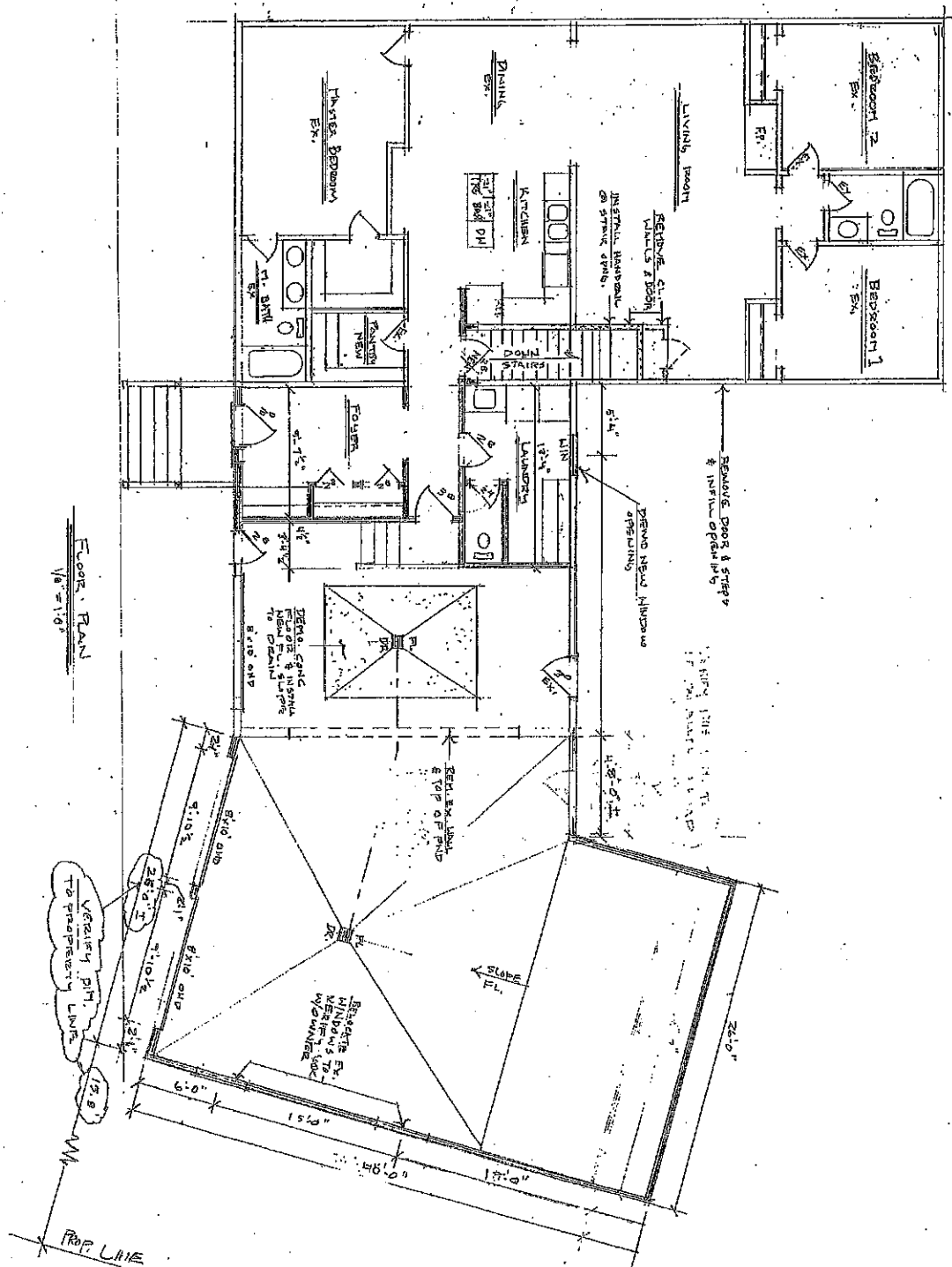




FLOOR PLAN
 10' x 15'



ROOF ELEVATION PLAN
 10' x 15'



FLOOR PLAN
1/8" = 1'-0"

VERIFY P.M.
TO PROPERTY LINE

PROP. LINE

FINDINGS OF FACT – VARIANCE

Carns– Var-2021-35-

Are the requirements of Section 1723 met? (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1807:	
1. A. The strict application of the ordinance would produce undue hardship;	Applicant is requesting a Variance to setbacks in a Planned unit Development, adding a garage to an existing home that would be 15' from the front property line.
B. Such 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; and	
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.	
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.	
3. 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;	
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;	
C. The special conditions and circumstances do not result from the actions of the applicant; and	
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.	
E.	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.	
F.	Notice of public hearing shall be given, as in Section 1803 (3-5).	Mailed – Published –
G.	The public hearing shall be held. Any party may appear in person for by agent or by attorney.	Public hearing –
H.	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 recommendation 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.	
I.	In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance.	
J.	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.	

AFFIDAVIT OF MAILING

I, Matthew Caras, hereby certify that on the 22nd day of January, 2021, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 22nd day of January, 2021.

Matthew Caras

(Name)

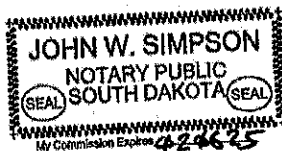
Affiant

Subscribed and sworn to before me this 22 day of JANUARY, 2021.

John W. Simpson
Notary Public - South Dakota

My commission expires: Feb 6, 2025

(SEAL)



NOTIFICATION

January 22, 2021

Matthew Carns
30923 433 AVE
Yankton, SD 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:05 P.M. on the 9th day of February, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Variance for a garage addition in a (PUD) that is 15' from the lot line in a Planned Unit Development. Said property is legally described as Lot One (1), Deerfield Ranch Estates, Yankton County, South Dakota as platted in Book S18, page 222. E911 address is 30923 433 AVE.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Matthew Carns
Petitioner

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:05 P.M. on the 9th day of February, 2021 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton, South Dakota. Applicant is requesting a Variance for a garage addition that is 15 feet from the lot line in a Planned Unit Development. Said property is legally described as Lot One (1), Deerfield Ranch Estates, Yankton County, South Dakota as platted in Book S18, page 222. E911 address is 30923 433 AVE.

BIVENS, ANTHONY ADAM (D)
262 DEERFIELD DR
YANKTON SD 57078

BOHN, TIM (D)
276 DEERFIELD DR
YANKTON SD 57078

CARLSON, DAVID (D)
280 DEERFIELD DR
YANKTON SD 57078

CARLSON, DAVID E (D)
280 DEERFIELD DR
YANKTON SD 57078

CARNS, MATTHEW R (D)
30923 433 AVE
YANKTON SD 57078

DLK&M LLC (D)
130 MAIN ST
SCOTLAND SD 57059

FRIELER, ROGER LIVING TRUST (D)
265 DEERFIELD DR
YANKTON SD 57078

GATES, GARY B (D)
30902 433 AVE
YANKTON SD 57078

HANSON, TYLER L (D)
30945 433 AVE
YANKTON SD 57078

HAPPE, CHRISTOFFER L (D)
268 DEERFIELD DR
YANKTON SD 57078

JAQUITH, PHIL (D)
261 DEERFIELD DR
YANKTON SD 57078

KOLETZKY, DAVID A (D)
30888 433 AVE
YANKTON SD 57078

MUNSTER, CHARLES G REV TRUST (D)
1011 FELTL CT #604
HOPKINS MN 55343

NEDVED, LLOYD E REV TRUST (D)
43285 308 ST
YANKTON SD 57078

NEDVED, SCOTT A (D)
287 DEERFIELD DR
YANKTON SD 57078

NORTHWESTERN ENERGY (D)
ATTN: KARI RANDALL
125 S DAKOTA AVE
SIOUX FALLS SD 57104

REHUREK, DAVID M (D)
30891 433 AVE
YANKTON SD 57078

SUPENSKI, MICHAEL L (D)
30935 433 AVE
YANKTON SD 57078

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 1/27/2021

Applicant

Rick Daugherty- **PLAT**

District type: ☐ AG ☐ R1-Low ☒ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 ☐ Section 515 ☐ Section 705 ☐ Section 715 ☐ Section 805

☐ Other 605

North Side/ Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

East Side / Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

South Side / Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

West Side / Yard lot line ____ feet or no closer than ____ feet to the ____ lot line.

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

NOTE:

Plat: Lot 17 Baycliffe Estates

W1/2 of the South 12.91 Acres of the S 1/2 of the SW1/4 of section 7; and in the W1/2 of the W1/2 of section 18, Lying north of Highway 52 Except platted areas known as Tramp's 7th Addition, and except lots 1 and 2 of Parcel A, and Further excepting Parcels B and C, McVay Addition, All being in T93N, R56W, of the 5th PM, Yankton County, South Dakota

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 1/27/2021

Applicant

Rick Daugherty- **PLAT**

District type: ☐ AG ☐ R1-Low ☒ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 ☐ Section 515 ☐ Section 705 ☐ Section 715 ☐ Section 805

☐ Other 605

North Side/ Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

East Side / Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

South Side / Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

West Side / Yard lot line ____ feet or no closer than ____ feet to the ____ lot line.

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

NOTE:

Plat: Lot 31 Baycliffe Estates

W1/2 of the South 12.91 Acres of the S 1/2 of the SW1/4 of section 7; and in the W1/2 of the W1/2 of section 18, Lying north of Highway 52 Except platted areas known as Tramp's 7th Addition, and except lots 1 and 2 of Parcel A, and Further excepting Parcels B and C, McVay Addition, All being in T93N, R56W, of the 5th PM, Yankton County, South Dakota

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 1/27/2021

Applicant Rick Daugherty- **PLAT**

District type: ☐ AG ☐ R1-Low ☒ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 ☐ Section 515 ☐ Section 705 ☐ Section 715 ☐ Section 805

☐ Other 605

North Side/ Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

East Side / Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

South Side / Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

West Side / Yard lot line ____ feet or no closer than ____ feet to the ____ lot line.

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

NOTE:

Plat: Lot 11 Baycliffe Estates

W1/2 of the South 12.91 Acres of the S 1/2 of the SW1/4 of section 7; and in the W1/2 of the W1/2 of section 18, Lying north of Highway 52 Except platted areas known as Tramp's 7th Addition, and except lots 1 and 2 of Parcel A, and Further excepting Parcels B and C, McVay Addition, All being in T93N, R56W, of the 5th PM, Yankton County, South Dakota

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 1/27/2021

Applicant Rick Daugherty- **PLAT**

District type: ☐ AG ☐ R1-Low ☒ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 ☐ Section 515 ☐ Section 705 ☐ Section 715 ☐ Section 805

☐ Other 605

North Side/ Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

East Side / Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

South Side / Yard lot line: ____ feet or no closer than ____ feet to the ____ lot line.

West Side / Yard lot line ____ feet or no closer than ____ feet to the ____ lot line.

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

NOTE:

Plat: Lot 12 Baycliffe Estates

W1/2 of the South 12.91 Acres of the S 1/2 of the SW1/4 of section 7; and in the W1/2 of the W1/2 of section 18, Lying north of Highway 52 Except platted areas known as Tramp's 7th Addition, and except lots 1 and 2 of Parcel A, and Further excepting Parcels B and C, McVay Addition, All being in T93N, R56W, of the 5th PM, Yankton County, South Dakota