

Yankton County Planning Commission  
May 8, 2018

The monthly meeting of the Yankton County Planning Commission was called to order by Chairperson Michael Welsh at 7:00 p.m. on May 8, 2018.

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

Members absent: none

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

Action 5818A: Moved by Kretsinger, second by Gudahl to approve the April 10, 2018 as written.

By voice vote, all members present voted aye.

Motion carried.

Plat Considerations:

Devin Bakley

Bakley Addition, Government Lots 2, 3 and 4, S33-T94N-R55W and SW1/4, NW1/4, S34-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is TBA Cedar Bluff Road, Mission Hill, SD.

Action 5818B: Moved by Bodenstedt, second by Becker to recommend approval of the plat.

Bakley Addition, Government Lots 2, 3 and 4, S33-T94N-R55W and SW1/4, NW1/4, S34-T94N-R55W, hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota. The E911 address is TBA Cedar Bluff Road, Mission Hill, SD.

By roll call vote, all members present voted aye.

Motion carried.

This was the time and place for discussion regarding application from Don Swift. Applicant is requesting a Variance of Maximum Accessory Structure Size Requirement from 1,200 sq. ft. with twelve (12) foot sidewalls to 2,688 sq. ft. with ten foot two inches (10'2") foot sidewalls in a Medium Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lot 13, Block 9, Kabeiseman's Addition, N1/2, NW1/4, S17-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 142 Katherine Way, Yankton, SD.

Mr. Swift stated his request to build an accessory structure for personal use. Mr. Swift stated his property is four acres, will use natural colors on the structure and will plant trees to screen the structure. Five neighboring landowners signed a statement to give permission to Mr. Swift to build the structure on the proposed site.

No proponents for variance request were present.

Opponents of the variance request were;

Jeanine Pyron, a neighbor in the 1,320 foot buffer area, stated disapproval of the variance. She stated the area is under covenants restricting accessory structure size. Patrick Garrity, Zoning Administrator, explained the authority of the Planning Commission and the authority of the Home Owners Association covenants.

Denny Breck, a neighbor in the 1,320 foot buffer area, stated disapproval of the variance. The Marina Dell development has not allowed any accessory structures constructed of metal and over

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100% larger (actual size is 124% larger than regulation size) than the current zoning regulation. Mr. Breck reminded the Planning Commission that the covenants are not Yankton County responsibility. Mr. Breck stated the building is too large for the Marina Dell development. Andrew Pyron, a neighbor in the 1,320 foot buffer area, is a new resident and the covenants were a serious consideration when the property was purchased. Mr. Pyron stated the Planning Commission meeting was properly conducted and he is hopeful for an appropriate conclusion. Pat Garrity, Zoning Administrator, read into record letters from Jerry/Mary Dittrich and Dan/Deb Broders expressing disapproval of the variance request. The Planning Commission discussed the application and stated the request has issues with the building materials and overall size. The Planning Commission emphasized Yankton County has no authority regarding property and development covenants. A continuance was requested to allow the applicant to evaluate the building size, building materials and building aesthetics. No other comments, positive or negative, were received by the Zoning Administrator or presented at the public hearing.

Action 5818C: Moved by Gudahl, second by Williams for a continuance (June 12) to allow the applicant to evaluate the building size, building materials and building aesthetics for a variance of Maximum Accessory Structure Size Requirement from 1,200 sq. ft. with twelve (12) foot sidewalls to 2,688 sq. ft. with ten foot two inches (10'2") foot sidewalls in a Medium Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lot 13, Block 9, Kabeiseman's Addition, N1/2, NW1/4, S17-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 142 Katherine Way, Yankton, SD.

By roll call vote, all members present voted aye.

Motion carried

This was the time and place for discussion regarding application from Lakeside Fun Rentals. Applicant is requesting a Conditional Use Permit to provide indoor party/event facility/amusement in a Lakeside Commercial District (LC) in Yankton County. Said property is legally described as Tract A, Lot 2, Parcel D, NE1/4, S17-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 108 Marine Drive, Yankton, SD.

Lakeside Fun Rentals was not in attendance for the hearing. The Planning Commission discussed the application and determined the applicant must be present at the hearing. A continuance (June 12) was proposed to allow the applicant to attend the hearing.

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

Action 5818D: Moved by Kretsinger, second by Becker for a continuance (June 12) for a Conditional Use Permit to provide indoor party/event facility/amusement in a Lakeside Commercial District (LC) in Yankton County. Said property is legally described as Tract A, Lot 2, Parcel D, NE1/4, S17-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 108 Marine Drive, Yankton, SD.

By roll call vote, all members present voted aye.

Motion carried

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This was the time and place for discussion with Greg Muller. Applicant is requesting a variance of Minimum Yard Requirement from thirty (30) foot to twenty (20) foot and from thirty (30) foot to fifteen (15) foot and from twenty (20) foot to ten (10) foot in a Medium Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lot 1 and S10', Lot 2, Block 2, Oak Hills, S13-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is TBA Russell Road, Yankton, SD.

Greg Muller stated his intent to purchase a lot to build a single family residence. The lot size is .17 acre and has approval from South Dakota Department of Environment & Natural Resources to install a septic system by a certified installer. The house is designed to fit the lot with minimum impact on the viewshed in the neighborhood. The site is a corner lot which has two (2) front yard setbacks of thirty (30) feet and one back yard setback of twenty (20) feet. The access is Russell Street. The site has a downstream culvert outlet which flows across the property to Russell Street. Mr. Muller felt the drainage issues can be resolved with grading and landscaping.

Public comment for proponents was open. No comments were presented.

Public comment for opponents was open. Darren Titze, neighbor, stated the property has a drainage issue with the culvert outlet near the proposed house site. Mr. Titze is concerned the yard setback are too close to Madison Street and Russell Street. Mr. Titze also mentioned the viewshed impact and the unknown factors until the residence is completed.

The Planning Commission discussed the application and stated the viewshed issue is not a zoning concern. The commission also stated the proposed structure is too big for the lot size. The drainage issue is not resolved at this time and could have impact on the proposal.

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: Greg Muller

Parcel Number: 13.013.500.210

Legal description: Lot 1 & S10" Lot 2, Block 2, Oak Hills, S13-T93N-R57W

Physical Address: TBA Russell Road, Yankton, SD

1. No such variance shall be recommended for approval by the Planning Commission unless it finds:

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- A. The strict application of the ordinance would produce undue hardship; The property is .17 acre and minimum lot requirement for Moderate Density Rural Residential District is one (1) acre. The lot was created prior to zoning regulations and is a corner lot with two (2) front yards and a rear yard. This is a non-conforming lot which will require a reasonable setback and drainage solutions.
  - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; The hardship is not shared by other properties in the district.
  - 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 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 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 denied 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-quarter mile radius of the proposed variance on April 28, 2018 (supported by affidavit), a legal notice was published on April 28, 2018 in

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the Yankton Daily Press and Dakotan and a notification sign was placed on the property on May 1, 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 7:30 pm on May 8, 2018. Greg Muller stated his intent to purchase a lot to build a single family residence. The lot size is .17 acre and has approval from South Dakota Department of Environment & Natural Resources to install a septic system by a certified installer. The house is designed to fit the lot with minimum impact on the viewshed in the neighborhood. The site is a corner lot which has two (2) front yard setbacks of thirty (30) feet and one back yard setback of twenty (20) feet. The access is Russell Street. The site has a downstream culvert outlet which flows across the property to Russell Street. Mr. Muller felt the drainage issues can be resolved with grading and landscaping. Public comment for proponents was open. No comments were presented. Public comment for opponents was open. Darren Titze, neighbor, stated the property has a drainage issue with the culvert outlet near the proposed house site. Mr. Titze is concerned the yard setback are too close to Madison Street and Russell Street. Mr. Titze also mentioned the viewshed impact and the unknown factors until the residence is completed. The Planning Commission discussed the application and stated the viewshed issue is not a zoning concern. The commission also stated the proposed structure is too big for the lot size. The drainage issue is not resolved at this time and could have impact on the proposal. 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 do not 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 denies 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 denied.

Action 5818E: Moved by Bodenstedt, second by Becker to recommend denial of the Variance, pursuant to Article 18, Section 1807 of the Yankton County Zoning Ordinance, based on Finding of Facts dated May 8, 2018, of Minimum Yard Requirement front yard from thirty (30) foot to twenty (20) foot and front yard from thirty (30) foot to fifteen (15) foot and side yard from twenty (20) foot to ten (10) foot to build a single family residence in a Medium Density Rural Residential District (R-2) in Yankton County. Said property is legally described as Lot 1 and S10', Lot 2, Block 2, Oak Hills, S13-T93N-R57W, hereinafter referred to as Ziskov South Township, County of Yankton, State of South Dakota. The E911 address is TBA Russell Road, Yankton, SD.

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By roll call vote, seven members present voted aye, two members present voted nay.  
Motion carried

This was the time and place for discussion with Kneifl Properties, LLC. Applicant is requesting a variance of Maximum Accessory Structure Size Requirement from 2,000 sq. ft. with fourteen (14) foot sidewalls to 3,168 sq. ft. with eleven + (11'4") foot sidewalls in a Low Density Rural Residential District (R-1) in Yankton County. Said property is legally described as Tract 1, Kneifl's Addition, SW1/4, S7-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 31072 434<sup>th</sup> Avenue, Yankton, SD.

Mr. Kneifl stated his request for a variance to build an accessory structure forty-four (44) foot x seventy-two (72) foot with eleven, four inch (11'4") sidewalls, a 3,169 sq. ft. structure. This structure is 58% larger than the zoning district requirement. The materials will be earth tone colors, the structure meets the yard requirements, the site is selected to reduce view shed impact for the neighbors and the proposed size is reduced from previous applications.

Public comment for proponents was open. Amy Eichfeld sent a letter to the Planning & Zoning office. Mrs. Eichfeld stated her support for the application and it will be an asset to the community. Public comment for opponents was open. Jerry Mueller discussed the orientation of the building and the materials are more appealing for a residential area. Mr. Mueller, felt the structure was an improvement from previous applications.

Lisa Huber stated the size is still larger than the zoning district requirements, the building aesthetics are improved and the lot size is sufficient.

Teresa McDermott sent a letter to the Planning & Zoning office. She stated concern regarding the total height of the structure at 27'6" and will be above the tree canopy. The will impact the view shed on the McDermott property. Mrs. McDermott suggest a building site on lower elevation property and not be intrusive to any of the neighbors.

The Planning Commission discussed the application. The structure is 58% larger than the regulation size of 2,000 sq. ft. The location is in close proximity of existing tree belts for screening. The building materials are compatible with a residential district. The property shows sufficient lot size and all yard setbacks are compliant. The Planning Commission does not have any jurisdiction regarding view sheds in residential neighborhoods.

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: Kneifl Properties, LLC

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Parcel Number: 09.007.325.100

Legal description: Tract 1, Kneifl's Addition, SW1/4, S7-T93N-R56W

Physical Address: 31072 434<sup>th</sup> Avenue, 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 property is forty-five (45.23) acres in a Low Density Rural Residential District. The lot size is sufficient to comply with yard requirements. The applicant is requesting the variance to properly provide storage space for personal property.
  - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; The hardship is not shared by other properties in the district.
  - 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 sufficiently to provide remedy with a zoning amendment. The amendment process may begin in the next few months.
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 maximum accessory structure size 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 (maximum accessory structure size requirement) have been previously denied 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

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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-quarter mile radius of the proposed variance on April 27, 2018 (supported by affidavit), a legal notice was published on April 28, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on May 1, 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 7:45 pm on May 8, 2018. Mr. Kneifl stated his request for a variance to build an accessory structure forty-four (44) foot x seventy-two (72) foot with eleven, four inch (11'4") sidewalls, a 3,169 sq. ft. structure. This structure is 58% larger than the zoning district requirement. The materials will be earth tone colors, the structure meets the yard requirements, the site is selected to reduce view shed impact for the neighbors and the proposed size is reduced from previous applications.  
Public comment for proponents was open. Amy Eichfeld sent a letter to the Planning & Zoning office. Mrs. Eichfeld stated her support for the application and it will be an asset to the community.  
Public comment for opponents was open. Jerry Mueller discussed the orientation of the building and the materials are more appealing for a residential area. Mr. Mueller, felt the structure was an improvement from previous applications.  
Lisa Huber stated the size is still larger than the zoning district requirements, the building aesthetics are improved and the lot size is sufficient.  
Teresa McDermott sent a letter to the Planning & Zoning office. She stated concern regarding the total height of the structure at 27'6" and will be above the tree canopy. The will impact the view shed on the McDermott property. Mrs. McDermott suggest a building site on lower elevation property and not be intrusive to any of the neighbors.  
The Planning Commission discussed the application. The structure is 58% larger than the regulation size of 2,000 sq. ft. The location is in close proximity of existing tree belts for screening. The building materials are compatible with a residential district. The property shows sufficient lot size and all yard setbacks are compliant. The Planning Commission does not have any jurisdiction regarding view sheds in residential neighborhoods.  
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.



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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 Maximum Accessory Structure Size Requirement is approved.

Action 5818F: Moved by Kettering, 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 May 8, 2018, of Maximum Accessory Structure Size Requirement from 2,000 sq. ft. with fourteen (14) foot sidewalls to 3,168 sq. ft. with eleven + (11'4") foot sidewalls in a Low Density Rural Residential District (R-1) in Yankton County. Said property is legally described as Tract 1, Kneifl's Addition, SW1/4, S7-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 31072 434<sup>th</sup> Avenue, Yankton, SD

By roll call vote, all members present voted aye.

Motion carried

Applicant is requesting a Conditional Use Permit for a Swimming Pool in a Low Density Rural Residential District (R-1) in Yankton County. Said property is legally described as Tract 1, Kneifl's Addition, SW1/4, S7-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 31072 434<sup>th</sup> Avenue, Yankton, SD

Mr. Kneifl stated his request for a Conditional Use Permit to build an in-ground pool greater than 30" in depth and sixteen (16) feet x thirty-five (35) feet. The pool will be private use only. The pool will have a safety cover installed which complies with third party industry standards. The site plan shows the pool location twelve (12) feet from the existing house.

Public comment for proponents was open. No comments.

Public comment for opponents was open. No comments.

The Planning Commission discussed the application. The pool meets the safety standards and for private use only. The property shows sufficient lot size and all yard setbacks 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: Kneifl Properties, LLC

Parcel Number: 09.007.325.100

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Legal description: Tract 1, Kneifl's Addition, SW1/4, S7-T93N-R56W

Physical Address: 31072 424<sup>th</sup> Avenue, Yankton, 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 Swimming Pool in a Low Density Rural Residential District (R-1) in Yankton County. Said property is legally described as Tract 1, Kneifl's Addition, SW1/4, S7-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 31072 434<sup>th</sup> Avenue, Yankton, 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 April 27, 2018 (supported by affidavit), a legal notice was published on April 28, 2018 in the Yankton Daily Press and Dakotan and a notification sign was placed on the property on May 1, 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 7:45 pm on May 8, 2018 in the Yankton County Government Center County Commission chambers. Mr. Kneifl stated his request for a Conditional Use Permit to build an in-ground pool greater than 30" in depth and sixteen (16) feet x thirty-five (35) feet. The pool will be private use only. The pool will have a safety cover installed which complies with third party industry standards. The site plan shows the pool location twelve (12) feet from the existing house.  
Public comment for proponents was open. No comments.  
Public comment for opponents was open. No comments.  
The Planning Commission discussed the application. The pool meets the safety standards and for private use only. The property shows sufficient lot size and all yard setbacks are compliant. 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 approval of the conditional use permit with listed conditions.
  - C. Recommend denial of the conditional use.
1. 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 (434<sup>th</sup> Avenue) and site plan turn around for emergency vehicles.

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- 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 provided by existing tree belts.
- 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 Low Density Rural Residential District.
- 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 5818G: Moved by Becker, second by Kretsinger to recommend to approve a Conditional Use Permit based on Finding of Facts dated May 8, 2018, pursuant to Article 18, Section 1805 of the Yankton County Zoning Ordinance, for a Swimming Pool in a Low Density Rural Residential District (R-1) in Yankton County. Said property is legally described as Tract 1, Kneifl's Addition, SW1/4, S7-T93N-R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 31072 434<sup>th</sup> Avenue, Yankton, SD

By roll call vote, all members voted aye.

Motion carried.

Action 5818H: Moved by Kretsinger, seconded by Gudahl 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, June 12, 2018.**

Respectfully submitted:  
Patrick Garrity AICP  
Zoning Administrator