

Codington County Planning Board of Adjustment Minutes

April 20, 2026

The Codington County Board of Adjustment met for their monthly meeting on April 20, 2026, at the Codington County Extension Complex. Members of the Board of Adjustment present were Brenda Hanten, Myron Johnson, Calvin Mack, Liam Culhane, Rodney Klatt, Mel Ries, and Luke Muller (Planner at First District Association of Local Governments/Codington County Zoning Officer). Board member Mark O'Neill was absent.

Others present: Chris Zubke, Chad Appelhof, and Becky Goens.

Chair Hanten brought the meeting to order at 7:54 pm.

Motion by Johnson, second by Ries, to approve the March 2, 2026 and March 30, 2026 meeting minutes. Motion passed unanimously.

Motion by Klatt, second by Culhane, to approve the agenda as published. Motion passed unanimously.

Motion by Culhane, second by Mack, to recess the Planning Commission and convene only as the Board of Adjustment. Motion passed unanimously.

Motion by Culhane, second by Ries, to approve the Conditional Use Permit application by Chad Appelhof requesting to create a 5-acre parcel at the site of an existing farmstead. Property is located in E40 rods, NE1/4 less W10 rods E40 rods N40 rods, Section 13-R116N-R51W, Codington County, SD. Muller read Staff Report (attached). If approved, the applicant would be required to sign a Letter of Assurance agreeing that no residential building rights are allowed on the unplatted portion of the above legal description due to the lot area being deficient. The applicant would also be required to plat a lot of at least five (5) acres in accordance with the Codington County Subdivision Ordinance. No one was present to speak on this request. Public hearing closed. Muller read Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Culhane, second by Mack, to approve a variance request by Christopher and Natasha Zubke to create a 10-acre parcel within the S1/2 of NE1/4, Section 12-T119N-R52W, Codington County, SD, for purposes of constructing grain bins for an existing farm operation. Muller reviewed Staff Report (attached). The public hearing will include both variance requests. No one was present to speak on either request. Public hearing closed. If approved, the applicant would agree to sign a Letter of Assurance agreeing to the following conditions:

- The Grantor(s) agrees that any structures constructed subsequent to the issuance of this variance are to be used for the storage and maintenance of agricultural related equipment and products for the maintenance of the agricultural operation.

- The Grantor(s) further agrees that no structures constructed subsequent to the issuance of this variance shall be used exclusively for private storage of non-farm-related equipment.
- The Grantor(s) further agrees no structures shall be used for commercial/retail sale or repair unless permitted in accordance with the Codington County Zoning Ordinance.
- Further, the Grantor(s) acknowledge that, based upon the Codington County Zoning Ordinance, there are no residential building rights associated with the above-described property and no building permits for a residence may be issued by the Codington County Zoning Officer.

Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Culhane, second by Mack, to approve a variance request by Christopher and Natasha Zubke to create a lot less than 1,300' in width on a 10-acre portion of S1/2 of NE1/4, Section 12-T119N-R52W, Codington County, SD. Muller read the Findings of Fact. There were no questions or objections. Motion passed unanimously.

Motion by Culhane, second by Ries, to recess the Board of Adjustment and convene only as the Planning Commission. Motion passed unanimously.

Motion by Culhane, second by Johnson, to recommend approval to the Board of County Commissioners the Plat of CN Zubke Addition in the S1/2 of NE1/4 of Section 12-T119N-R52W, Sisseton-Wahpeton Reservation, Codington County, SD. Motion approved unanimously.

Motion by Culhane, second by Ries, to recommend approval to the Board of County Commissioners the Plat of Gardner Addition located in NE1/4, Section 23-T117N-R52W, Codington County, SD. Motion approved unanimously.

A letter was received from DANR regarding a manure spill at Sioux River Dairy. It was self-reported by the landowner/CAFO owner. Muller showed a map of the CAFO operation and where the leak had occurred.

Muller also advised the board an application is coming for a gravel pit that had previous violations.

Motion to adjourn made by Johnson, second by Culhane. Motion passed unanimously. Meeting adjourned at 8:43 pm.

Respectfully Submitted,

Becky Goens

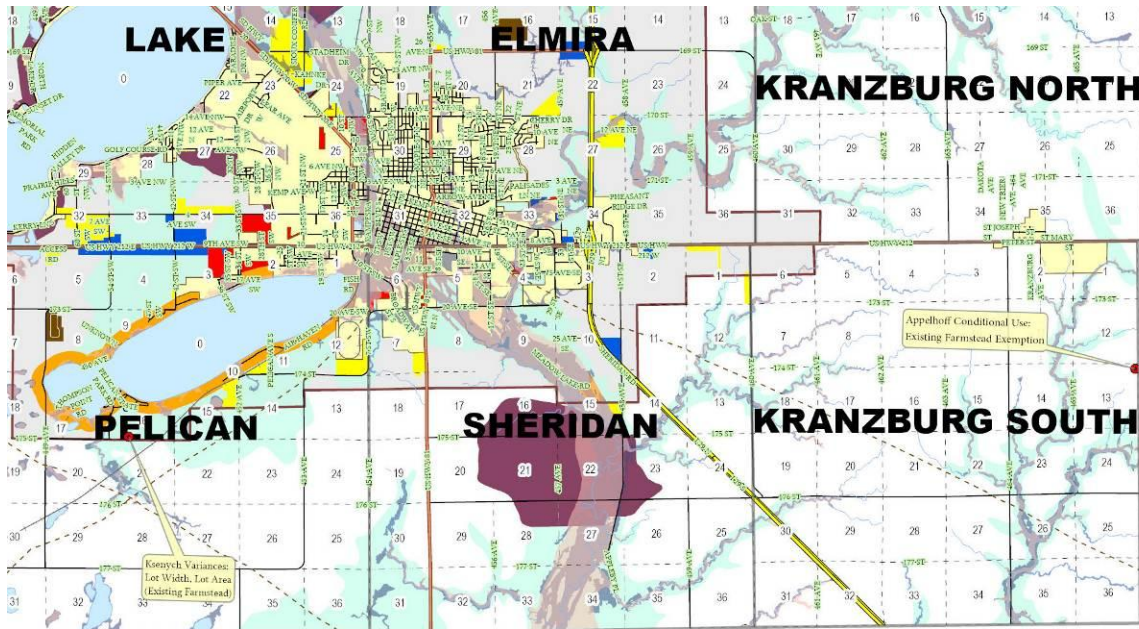
**APRIL 2026
CODINGTON COUNTY
PLANNING COMMISSION/BOARD OF ADJUSTMENT STAFF REPORT**

CODINGTON COUNTY BOARD OF ADJUSTMENT

ITEM #1 CONDITIONAL USE PERMIT

Applicant/Owner: Chad Appelhof

Property Description: A portion of the East 40 Rods of the NE 1/4, Section 13 Township 116 North, Range 51 West of the 5th P.M. (Kranzburg (S) Township), Codington County, South Dakota.



Lat/Long (Existing Approach): 44.861523°; -97.884457°

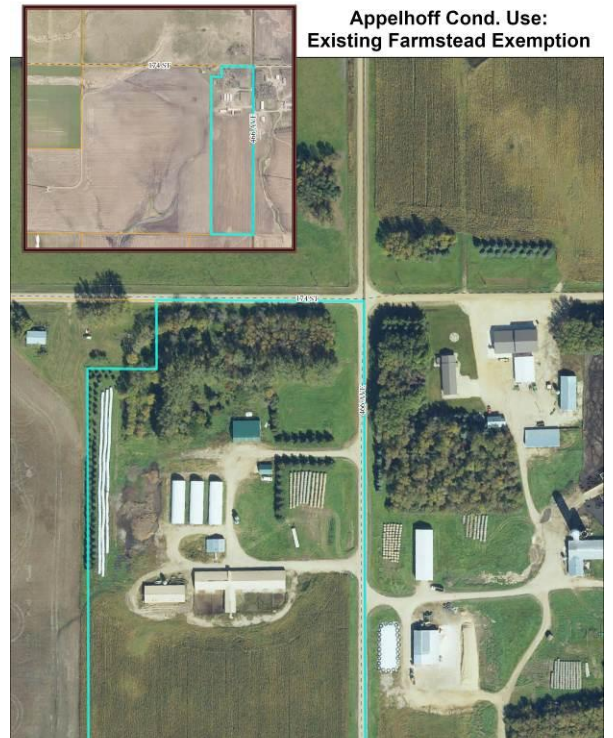
Action Items – Conditional Use Permit – Existing farmstead exemption “B” (3.04.02.44)

Zoning Designation: Agricultural

Request: The applicant seeks Existing Farmstead Exemption to create a lot with less than 35-acres on the same legal description as an existing farmstead.

History/Issue(s):

1. The Appelhof’s above described property and use this building site for farm purposes.
2. The property was a base for farming operations since prior to 1976.
3. A residence was removed from the site, which was occupied in the last 10 years.



4. Codington County's Zoning Ordinance does allow for decrease from the 35 acre-minimum lot requirement if the lot is determined to be an existing farmstead which contains at least five acres and thereby affording building rights.
5. It appears the parcel contains an existing farmstead as defined by the Codington County Zoning Ordinance.
6. The above legal description includes only 38.5 acres. The applicant is aware that no further building permits may be allowed on the remainder of the property if the (farmstead exemption) building site is split off unless more surrounding property (on the same side of the road) is owned in common.

Staff recommendation: (Conditional Use Permit) –Existing Farmstead Exemption - Approve request because 1) The lot does contain at least five acres which meets the terms of the Ordinance. 2) The Zoning Officer after site visit and review of equalization records has determined that this parcel contained a house that was assessed similarly to occupied houses less than fifty (50) years ago; and was used as a base of farming operations prior to October 26, 1976. If approved it should be done so on the following conditions:

- a. That the applicant shall plat a lot of at least five (5) acres in accordance with the Codington County Subdivision Ordinance.
- b. The applicant record a letter of assurance with the unplatted portion of the above legal description agreeing that no residential building rights are allowed due to the lot area being deficient.

ITEM #1 (2) VARIANCES:

Applicant/Owner: CN Zubke LTD Partnership by Christopher and Natasha Zubke

Property Description: A 10-acre portion of the South Half of the Northeast Quarter of Section 12, Township 119 North, Range 52 West of the 5th P.M. (Germantown Township), Sisseton-Wahpeton Reservation, Codington County, South Dakota; to be known upon platting as CN Zubke Addition in the South Half of the Northeast Quarter of Section 12, Township 119 North, Range 52 West of the 5th P.M. (Germantown Township), Sisseton-Wahpeton Reservation, Codington County, South Dakota

Latitude/Longitude: 45.101148° / - 97.103348°



**Action Items –
Variances –**

- **minimum lot area (3.04.03.1),**
- **Minimum lot width (3.04.03.2)**

Zoning Designation: Agricultural

Request: The applicant seeks variances from the minimum lot width, minimum lot area to construct Agricultural Structures.

History/Issue(s):

1. The Zubke's currently own the quarter section in a limited partnership.
2. For financing purposes, they will need to own a parcel separately to construct grain bins. Ownership will be separate in name only.
3. The minimum lot width and area rules are written in a form that applies to agricultural land uses, despite originally being written with the intent of applying to residences in the Agricultural District.
4. The Board of Adjustment has a history of granting variances to allow agricultural structures to be constructed on lots with less than 35 acres. (Crawford – 2010.)
5. Applicant agrees that this variance would only authorize the construction of grain bins or other ag related structures.



Staff recommendation: (Variances)–

Minimum Lot Area and Minimum Lot Width- The Board has the option to approve, deny or postpone the request. The Board could approve the Variances based upon:

- The Board has a history of granting similar variances with similar circumstances; and
- The proposal will not authorize the construction of residential uses or other uses that will conflict with agricultural land uses.
- The proposal will meet the intent of the comprehensive land use plan if a letter of assurance is recorded with the proposed lot agreeing to the following conditions:
 - The Grantor(s) agrees that any structures constructed subsequent to the issuance of this variance are to be used for the storage and maintenance of agricultural related equipment and products for the maintenance of the agricultural operation.
 - The Grantor(s) further agrees that no structures constructed subsequent to the issuance of this variance shall be used exclusively for private storage of non-farm related equipment.
 - The Grantor(s) further agrees no structures shall be used for commercial/retail sale or repair unless permitted in accordance with the Codington County Zoning Ordinance.
 - Further, the Grantor(s) acknowledge that, based upon the Codington County Zoning Ordinance, there are no residential building rights associated with the above-described property and no building permits for a residence may be issued by the Codington County Zoning Officer.

CODINGTON COUNTY PLANNING COMMISSION

ITEM #1 PLAT

Applicant/Owner: CN Zubke LTD Partnership by Christopher and Natasha Zubke

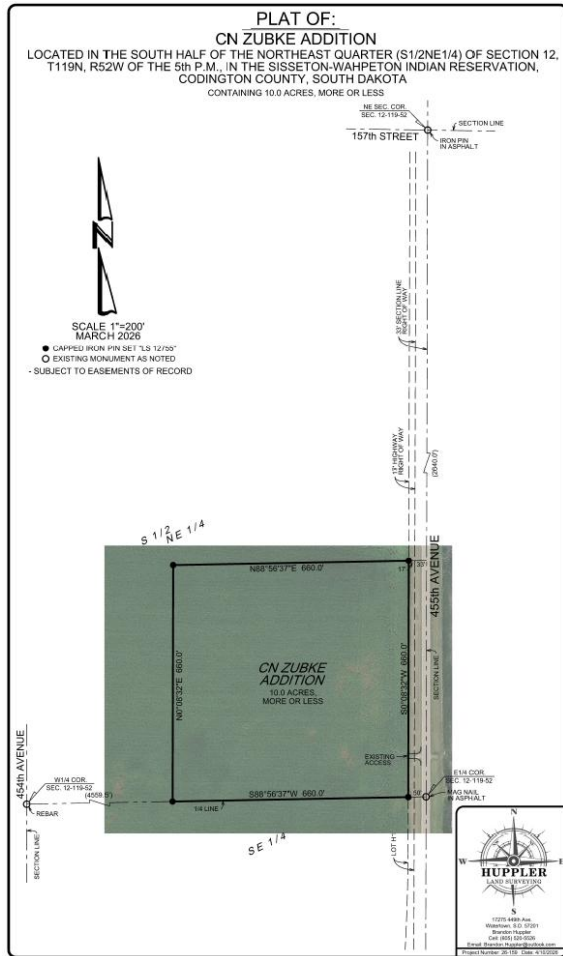
Property Description: A 10-acre portion of the South Half of the Northeast Quarter of Section 12, Township 119 North, Range 52 West of the 5th P.M. (Germantown Township), Sisseton-Wahpeton Reservation, Codington County, South Dakota; to be known upon platting as CN Zubke Addition in the South Half of the Northeast Quarter of Section 12, Township 119 North, Range 52 West of the 5th P.M. (Germantown Township), Sisseton-Wahpeton Reservation, Codington County, South Dakota

Action Items – Plat approval.

Zoning Designation: Ag District

Request: Plat a 10 acre lot for the purpose of constructing agricultural structures (grain bins).





ITEM #2 PLAT

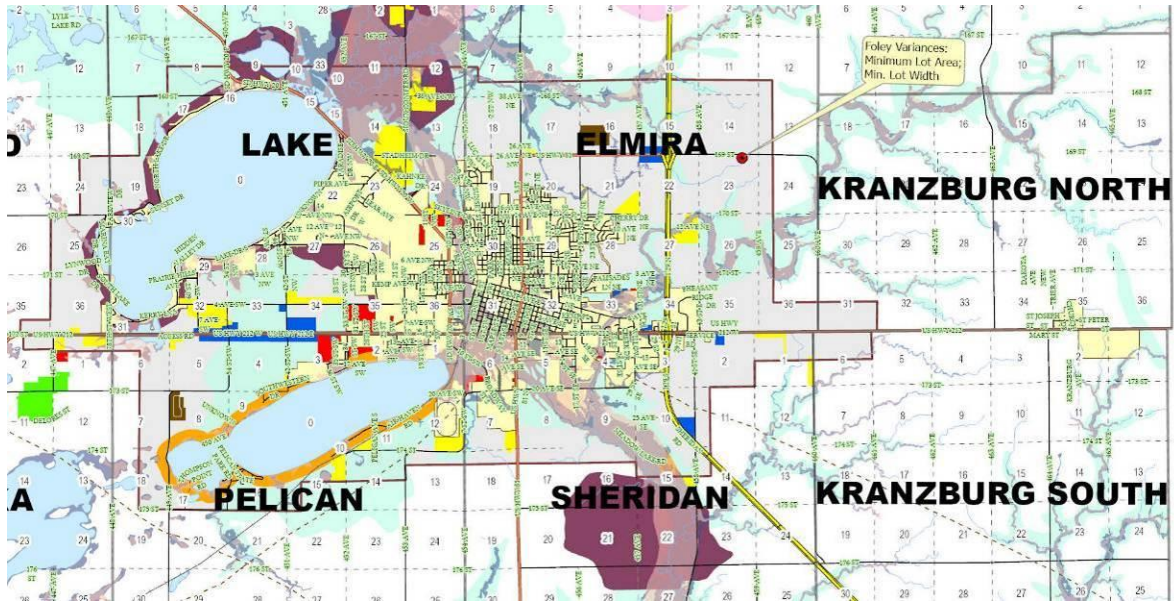
Applicant/Owner: Vincent and Patricia Foley

Property Description: Gardner Addition Located in the Northeast Quarter of Section 23, Township 117 North, Range 52 West of the 5th P.M. (Elmira Township), Codington County, South Dakota

Action Items – Plat approval.

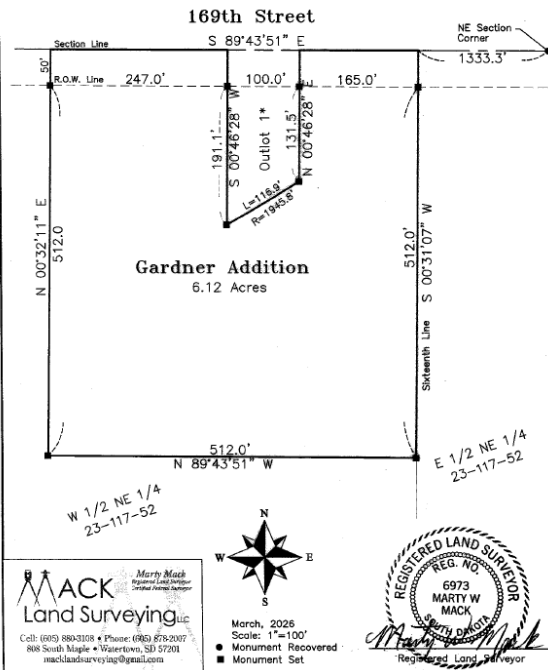
Zoning Designation: Ag District

Request: Plat a 6.12 acre parcel in accordance with variance issued on March 2, 2026. (expanded nonconforming lot of record.)



Plat of
Gardner Addition located in the Northeast Quarter
of Section 23, Township 117 North, Range 52 West
of the 5th P.M., Codington County, South Dakota.

*Outlot 1 not included in this plat.



Foley Variance:
Minimum Lot Width;
Minimum Lot Area

