

June 9, 2008

The Deuel County Planning and Zoning Board met on Monday, June 9, 2008 at 6:00 p.m. in the Commissioners' Room of the Deuel County Courthouse. Present were Board members: Brandt, Jaeger, Kanengieter, Mack and VanLiere. Absent: Attorney John Knight. Also present: Zoning Officer Mary Nosbush and several members of the public. Chairman Kanengieter called the meeting to order.

The Board met with Joe Kolbach regarding his request to install a permanent steel livestock fence along the right-of-way line on his property in the Lake Park District. Kolbach has already installed fence around the property perimeter, as per building permit 08-1523 LP.

1. Motion Brandt, seconded by Mack to allow Kolbach to install 5 foot tall pillars up to 18 inches in diameter at 35 feet from the center of Edgewater Drive and to allow a permanent fence of steel pipe construction at the right-of-way line on his property described as Lots 2N and 2P Christianson's Addition, a replat of Lot 2A of Christianson's Addition of OL 2 in Govt. Lot 1 and SE1/4NE1/4 Section 4-114-47 and Lot 2J of Christianson's Addition of OL 2 in Govt. Lot 1 and SE1/4NE1/4 Section 4-114-47 and that part of Govt. Lot 6 lying North and East of Lot H-5 of Govt. Lot 6 in Section 4-114-47 in the Lake Park District, and to allow the fence along Gussie Lane, a 66 foot wide public roadway, to within 13 feet of the center of the road until such time as it is deemed necessary to be moved back to the right-of-way line. Kolbach agrees to take responsibility for moving this fence back to the right-of-way line at such time as deemed necessary. All present voting yes and the motion carried.

Findings for the variance include allowing the fence at the right-of-way line as is the customary practice for agricultural fencing which is acceptable in Lake Park District. Neither Norden Township nor Deuel County has ever assumed responsibility in the construction or maintenance of Gussie Lane; and because Kolbach owns property on both sides of Gussie Lane; therefore the Board deemed it appropriate to allow Kolbach to establish a fence within the road right-of-way.

Kolbach, being the new owner of property described as Lots 3, 3A, 4, 4A, 4B, 5A and E30' Lot 5 Severson's Bay in Govt. Lot 5 NE1/4 Section 5-114-47, advised the Board that within 30 days he will remove the gazebo installed by Gordon Ommen on the site about two years ago. He intends to pour a concrete patio at this location. Proposal was agreeable to Zoning Board.

Lyle Tobin met with the Board to request a Special Exception Permit for a storage building in the Lake Park District.

2. Motion Jaeger seconded by Mack to allow Lyle Tobin a Special Exception Permit to build a 50'x60' storage building in the Lake Park District on property described as Lot 5 Tobin's Thokola Beach Addition in Govt. Lots 1 and 2 and E1/2NW1/4 and S1/2NE1/2 of Section 8-114-47. All present voting yes and the motion carried.

Jim Ekholm met with the Board at the request of the Zoning Officer to discuss the Special Exception Permit he was granted in November 2007 for a garage to be built across the private drive from his home in the Lake Park District. He was advised

that the Zoning Ordinance allows only one primary residential structure on any parcel of land and therefore he must not hook up plumbing in the garage.

Phil Raml, PAR Farms, Inc., met with the Board to request a variance of setback to 100 feet from a township road to build a 70'x120' machine shed.

3. Motion Brandt, seconded by Mack to allow a variance of setback of 100 feet on a new machine shed to Phil Raml on property located at N620' E1580' of the NW1/4 Section 30-117-50 in Rome Township. On a roll call vote, all present voting yes and the motion carried.

Findings for the variance include: building to be located on south side of road; existing buildings on site are closer to the road than proposed structure; no other suitable place for building on site due to location of concrete feed bunker to the south; applicant has already removed 60-80 feet (lengthwise) of trees along 170th Street to improve visibility for entry of vehicles and equipment to road; this setback will not present snow accumulation problems nor line of sight problems.

Paulette Kilpatrick met with the Board regarding her variance request to set a 29'x52' Type "A" Manufactured home which is more than 5 years old on a Lake Cochrane lot and to allow lesser than normal setbacks from the high water mark and rear lot line. Mrs. Kilpatrick presented signed permissions from adjoining landowners regarding the home to be moved in. Surveyor Mike Lapka of Brookings presented information regarding survey of Shady Beach Addition and actual occupation locations of structures.

4. Motion VanLiere, seconded by Brandt to allow Kilpatrick to move in a 1991 Type "A" Manufactured home on property described as Lots 17 and 18 Shady Beach Addition in Govt. Lot 7 in SE1/4 Section 4-114-47 and to allow a setback of 40 feet from the high water mark, 5 feet from the rear lot line and 10 feet from the side lot lines. Chairman Kanengieter called for a roll call vote. All present voting yes and the motion carried.

Findings for the variance: the moved in home will be no closer than existing cabin; length of home does not allow it to be moved further back from the rear lot line.

At this time the Zoning Board reviewed proposed changes to the Wind Energy Systems portion of the Zoning Ordinance with Jay Gislason from Energy Maintenance Service of Gary. The changes have been suggested by Florida Power and Light. It was decided to pursue amending of the zoning ordinance with a public hearing set for Monday, June 30 before the Zoning Board.

Paul Pederson, representing applicant Amy Wagner, met with the Board to discuss her request for a Special Exception Permit to do landscaping on their Lake property.

5. Motion Mack, seconded by VanLiere to approve a Special Exception Permit for Amy Wagner for a patio, retaining wall and restacking of rocks within 37 feet of the high water mark on property described as: Lot 8 and SW10 feet Lot 9 and SE60 feet Lot 18 in Clear Water Beach in Govt. Lot 6 in the NE1/4 Section 4-114-47, and to require a silt fence be installed during the work, to contact the Zoning Office when starting work and to allow one month to complete the project with completion before November 1. All present voting yes and the motion carried.

6. Motion Mack, seconded by Jaeger to allow Siebert Dorhout a filling and grading permit to repair shoreline drain tile on his property described as: Lot 1A (replat 12A United Methodist Bay Addition) and Lot 1A Ash Point Addition. And parcel located S. Lot 1A in Govt. Lot 9, Section 4-114-47, and to require the use of a silt fence in the water during the project.

Ted Weissman of Florida Power and Light met with the Board to discuss their recommended changes to the Wind Energy Systems section of the Zoning Ordinance.

The Board reviewed building permit applications for the Lake Park District.

Zoning Officer Nosbush reported having met with Wayne Pederson at his Lake Cochrane property. He stated that he will have his landscaping project completed by July 1, 2008.

7. Motion Mack, seconded by VanLiere to approve the plat of Lot 1 Mike Gibson Subdivision in the NE1/4 Section 20-116-49. All present voting yes and the motion carried.
8. Motion Brandt, seconded by Jaeger to approve the minutes of the May 12 meeting as presented. All voting in favor and the motion carried.
9. Motion Mack, seconded by Brandt to adjourn the meeting at 10:23 p.m. All voting yes and the motion carried.

Attest:

Mary E. Nosbush
Deuel County Zoning Officer

Dennis Kanengieter, Chairman
Deuel County Zoning Board