

The Deuel County Planning and Zoning Board met on Monday, **May 11, 2009** at the Commissioners' Room in the Deuel County Courthouse. Present were: Paul Brandt, Gary Jaeger, Dennis Kanengieter, Darwin Mack and Ray VanLiere. Also present were Zoning Officer Mary Nosbush and Merl Hamak and permit applicants.

The meeting was called to order at 7:10 p.m. by Chairman Kanengieter. Motion Brandt seconded by Jaeger to approve the minutes of the April meeting. All present voting yes and the motion carried.

Motion Jaeger seconded by VanLiere to approve the plat of Hulscher Addition in the NW1/4 Section 34-117-50, Rome Township. All present voting yes. Motion carried.

At 7:15 p.m. a hearing was conducted on the request of George Cook for a Special Exception Permit to build a single family residence in a Commercial-Industrial Zone. Although the property has an agricultural use, it was rezoned to commercial in 1996. The lot to the west is intended for commercial development. Cook said he plans to plant pine trees as a buffer between the residential and commercial properties.

Motion VanLiere seconded by Mack to allow George Cook a Special Exception permit to build one single family residence in a Commercial-Industrial Zone on property described as: W1/2NW1/4 less Blocks 1-5 Cook's Corner Subdivision and less N792' E330' W1320' and less Ridgeview Estates Addition Section 26-115-49. All present voting yes and the motion carried. If any more homes are built on this site, a Special Exception Permit will be required before a building permit can be issued.

At 7:30 p.m. the Board conducted a hearing on a variance request by Garrett Hennings to build a home within 100 feet of the south side of a township road. The Board advised Hennings that a row of evergreens planted within 10 feet of the road right of way would have to be moved to at least 50 feet from the road right of way and staggered with a spacing of 25 feet, which Hennings agreed to do after the home has been moved into place. The hardship stated for the variance on the house is that the property drops off considerably to the south, making it unsuitable for building. He intends to use existing septic system which also presents a hardship.

Motion Jaeger, seconded by VanLiere to approve a variance of setback for a new home and attached garage to within 100 feet of the road right of way to Garrett Hennings at property described as: Hennings Addition in the NE1/4 Section 11-117-48, Lowe Township. All present voting yes and the motion carried.

At 8:00 p.m. a hearing was conducted at the request of Jerry Durfee for a variance of setback on a 24'x30' attached garage for his home at Lake Cochrane. The request is for a setback of 17 feet from the road right of way line. Discussion was held on the meaning of the zoning ordinance as to whether the setbacks in the Lake Park District refer to the road driving surface or the road right of way, which includes ditches.

Motion Brandt seconded VanLiere to allow Durfee a variance to build a 24'x30' attached garage to existing house on property described as: W1/2 of Lot 40 and all of Lot 41 Thokola Beach Addn. in Govt. Lot 2, Section 8-114-47, providing it is at least 34 feet from the edge of the road driving surface. All present voting yes and the motion carried.

A hearing was held at 8:30 p.m. at the request of Casey Magedanz for a variance of setback to plant a shelterbelt to within 68 feet of a road right of way on the south side of the road. Magedanz explained that existing trees located closer to the highway (US Highway 212) were damaged by an ice storm. They will be removed once the new trees are established. The right of way width of US Highway 212 is 200 feet. The location where trees will be planted is below the grade of the road.

Motion Brandt seconded by Mack to allow Magedanz a 68 foot setback from the road right of way to plant a shelterbelt on property described as: N627' of the W427' and N341' of the E590' of the W1017' in the NW1/4 less H-2 in Section 24-117-49 and to require the moving of 8 small evergreens to at least 50 feet from the road right of way and to stagger them 25 feet apart. All present voting yes and the motion carried.

Zoning Officer informed Board that Daisy VanWormer and Brenda Muston applied for a building permit for a porch onto an existing manufactured home. Applicants were informed that by applying for a building permit they are signing a statement saying they agree to abide by the County Zoning Ordinance which requires them to clean up debris on their property. Applicants stated that they understood and intend to have their property cleaned up of debris by June 15, 2009, and intend to dismantle and recycle a manufactured home setting on the property which is no longer in use. Property is located at Wiekamps First Addition in E1/2 Section 32-116-50 in Goodwin Township.

At 8:45 p.m. Seitse Andringa, Sunrise Dairy (Hamlin County), along with Dorus Ravenhorst, met with the Board to discuss their plans to develop a Class "C" CAFO for raising replacement heifers at the farm site in NW1/4 Section 5-114-50, west of I-29. They intend to house up to 999 dairy heifers in open lots and existing buildings. The plans also include a lagoon and a manure storage area. Andringa intends to haul manure once per year. The Board encouraged him to allow space for planting trees between the Interstate and the lagoon. The Board said they will not require the applicant to obtain a State General Permit from SD DENR.

Zoning Officer discussed with Board a gravel quarry which is intended for noncommercial use. As long as the quarry operation is for private use, a Special Exception permit would not be required. Zoning officer requested an opinion from the Board on putting a roof on a deck at Lake Cochrane which is setback 18' from the High Water Mark. Board advised that a variance for a roof would not be allowed.

Zoning Officer reported to Board that Gary Balbach has made application to expand an existing Class "B" CAFO to a Class "A" with 3,499 animal units. Also reported that she has asked Balbach to set up a meeting with Blom Township officials to resolve any problems with regard to use of township roads. Hearing for the CAFO is set for Monday, June 1 at 7:00 p.m. in the 4-H Service Center.

Motion Brandt, seconded by Mack to adjourn the meeting at 10:20 p.m. All voting yes and the motion carried.

Mary E. Nosbush
Deuel County Zoning Officer

Dennis L. Kanengieter
Chairman, Zoning Board