

**October 15, 2024 BOARD OF ADJUSTMENT/ PLANNING COMMISSION DEUEL COUNTY
STAFF REPORT**

Tuesday – October 15, 2024 – 6:30 p.m.

DEUEL COUNTY BOARD OF ADJUSTMENT

ITEM #1 CONDITIONAL USE – PER APPLICANT POSTPONE FROM SEPTEMBER 9, 2024 MEETING: PUBLIC NOTICE HAD THE INCORRECT LEGAL SHOULD HAVE READ LOT 2 & LOT 3, THE SHED IS LOCATED ON LOT 3 WHICH WAS JUST PURCHASED ON AUGUST 29, 2024

Applicant/Owner: Jeffrey & Robin Reif -

Property Description: Lot 2 & Lot 3 Block 1 Dakota Bluffs Addition of the Section 8-114-47, Norden Township, Lake Cochrane, Deuel County, South Dakota.

Action Items – CONDITIONAL USE – (Section 1103.05.8 – Accessory structures located on a lot adjacent to a lot with principle structure separated by a public or private road)

Zoning Designation: LP – Lake Park

Request: Applicant requesting a Conditional Use Permit to move in a storage shed (Accessory structure) located on a lot adjacent to a lot with principle structure separated by a public or private road.

Specifics of Request:

1. Jeffrey Reif purchased this Lot 2 in 2022 and Lot 3 on August 23, 2024
2. The applicant moved in a storage shed (Accessory structure) 12' x 20' on this lot Robin Reif (wife) also owns Lot 72A Thokola Beach in Gov Lot 2, which is the location of the house and is located crossed the road from Lot 2 Block 1 Dakota Bluffs Addition.
3. There is an existing 55' easements that are located in front of the Lot 2 and Lot 3 Block 1 Dakota Bluff Addition (road side).
4. The applicant was will not need a variance for the location of the accessory building they meet the all the Lake Park setbacks for the front and rear. The storage shed is approximately 2' from the center lot line of Lot 2 and Lot 3. However, where two parcels of land are purchased and joined together by one common boundary, the setbacks established above shall pertain to the perimeter of the combined lots.
5. Deuel County Ordinance requires that a landowner go through the Conditional Use Process to have accessory structures located on a lot adjacent to a lot with principle structure separated by a public or private road in the "LP" District.

Ordinance and Comprehensive Land Use Plan regarding this request:

- o This lot will have access off Edgewater Drive which is maintained by Deuel County
- o This site has room for off street parking; They will not park in the road right-of-way
- o They have efficient utilities; Water is provided by Brookings-Deuel Rural Water, they have been in contact with Lake Cochrane Sanitary District. They have garage service for their trash. Electricity is provided by H-D.
- o They have efficient Screening and Buffering and the shed will be more than 25' from the rear property line which there are trees located the west.
- o They are not having any Signs;
- o They have have efficient yard space and other open space, the shed will be located more than 30' from the platted road right-of-way (Edgewater Drive) and more than 50' from rear lot line and they meet the the side lot setbacks;

Staff Summary

Conditional Use Permit – Accessory structures located on a lot adjacent to a lot with principle structure separated by a public or private road: The application may be approved, postponed, or denied.

Staff recommendation:

Approval would be based on the applicant's ability to meet the requirements for a Conditional Use Permit described in ordinance - To grant the Conditional Uses Permit for – to move in a storage shed (Accessory structure) located on a lot adjacent to a lot with principle structure separated by a public or private road

The Board determined that it is empowered under the section of the ordinance described in the application to grant the Conditional Use Permit and that granting the Conditional Use Permit will not adversely affect the public interest. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM #2 CONDITIONAL USE

Applicant/Owner: Lynn Farms LLC

Property Description: S500' E800' in Gov Lot 1 of Section 8 Township 114 North, Range 47 West of the 5th P.M., Deuel County, South Dakota, in the County of Deuel, South Dakota

Action Items – CONDITIONAL USE – (1103.05.09 – Commercial Storage Facilities provided they meet the requirement of Section 1246 (Section 1246. Commercial Storage Facility)

Zoning Designation: LP – Lake Park

- the 2nd hearing for the rezoning for the remainder of the property outside the one thousand (1,000) feet of the established high-water line of Lake Cochrane in Gov Lot 1 of Section Eight (8), Township One Hundred Fourteen (114) North, Range Forty-even (47) West of the 5th P.M., Norden Township, Deuel County, South Dakota was scheduled for October 1, 2024 and it was passed).

Request: Applicant requesting a Conditional Use Permit to build a commercial storage facility

Specifics of Request:

1. The applicant (Lynn Farms LLC, Jon Gorder) would like to build a commercial storage facility which approximately would be 48' x 125'.
3. The area where they would like to build this commercial storage facility had its 2nd rezoning hearing with the Deuel County Commissioners on October 1, 2024 and it was passed.
4. The applicant stated they will not need a variance for the location of the commercial storage facility they meet the all the Lake Park setbacks for the front, rear and side. The structure will also have to meet the requirements in Section 1246. Commercial Storage Facility. The applicant also has received an approach permit from the Deuel County Highway Department.
5. They can apply for a building permit after October 29, 2024 (the rezoning ordinance becomes effective).
6. Deuel County Ordinance requires that a landowner go through the Conditional Use Process to have commercial storage facility in the "LP" District.

Ordinance and Comprehensive Land Use Plan regarding this request:

Section 1246. Commercial Storage Facility.

1. Lot Area. Lot area shall be determined by need, side yards, rear yards, parking requirements, building site and future expansion; however, in no case shall the lot have less than one (1) acre.
2. Outdoor Storage. Any outdoor storage associated with the commercial storage facility within three (300) feet of a residential dwelling, commercial business or structure, public park, public roadway, or approved campground, shall be enclosed by a solid wall fence, with the building materials to be approved by the Board of Adjustment. Said fence shall be at least two (2) feet above the highest point of storage material. The fence shall be maintained in safe and good repair. The County may require asphalt or concrete surface of the parking area.
3. Fire Hazard. No flammable substance may be stored unless handling of said materials is in conformance with the standard of the National Board of Fire Underwriters.
4. Physical Appearance. All structures should have an appearance consistent with the character of the neighborhood in which they are located. Physical appearance must be approved by the Deuel County Board of Adjustment prior to construction.

- o This lot will have access off County Hwy 516 (County Hwy 22) which is maintained by Deuel County. The applicant also has received an approach permit from the Deuel County Highway Department.
- o This site has room for off street parking; They will not park in the road right-of-way
- o They have efficient utilities; they have been in contact with Lake Cochrane Sanitary District. Electricity is provided by H-D.
- o They have efficient Screening and Buffering and the commercial storage facility will be more than 25' from the rear property line which they have not talked about planting trees.
- o The applicant will talk to the board about and signs or signage at the meeting;
- o They have efficient yard space and other open space, the commercial storage facility, the applicant will talk to the board at the meeting about the distance from the road (ROW) and the other property lines.

Staff Summary

Conditional Use Permit – Commercial Storage Facilities provided they meet the requirement of Section 1246 (Section 1246. Commercial Storage Facility: The application may be approved, postponed, or denied.

Staff recommendation:

Approval would be based on the applicant's ability to meet the requirements for a Conditional Use Permit described in ordinance - To grant the Conditional Uses Permit for – to build a commercial storage facility. The Board determined that it is empowered under the section of the ordinance described in the application to grant the Conditional Use Permit and that granting the Conditional Use Permit will not adversely affect the public interest. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM #3 VARIANCE

Applicants/Owners: Mark & Lori Schmidt

Property Description: W1/2 Less W540' S315' of the Section 7-116-47, Glenwood Township, Deuel County, South Dakota

Action Items – Variance – (Section 1101.05 Area Regulations - Front Yard)

Zoning Designation: AG – Agricultural

Request: Applicant requesting a Variance to put an underground storage tank less than 65' from the road right-of-way.

Specifics of Request:

1. Schmidt's are requesting a Variance to put an underground storage tank less than 65' from the road right-of-way.
2. They would like to place an approximate 16' diameter by approximate 20' length concrete tank approximate 12' deep in the ground. Then they would cover the tank with concrete hog slates, plastic and then dirt. The mound will be approximate 12'' above the ground and this would be within the 65' from the ROW.
4. They want to use this tank for cattle feed additive and by placing it in the ground it would help it from freezing. They would have a transfer pump and hose out of the top to transfer the product to the feed wagon. They would like to use the existing power pole which is also within the 65' from the ROW.
5. Theisen went to the site and proposed site for the underground tank is approximately 25' from the ROW which is approximately 58' from the center of the road with a 33' ROW (174th St).
6. Theisen suggested that Schmidt's visit with Glenwood Township about the proposed site for safety issues.

Staff recommendation: If approved, staff recommendation - To grant the Variance to put an underground storage tank, no closer than 23' from the road right-of-way. Please see Findings of Fact and Conclusions of Law on file with the application.

The Board could deny the Variance on the basis that the circumstances surrounding this request are not so unique in nature to necessitate granting special privilege to this applicant which is denied to other properties in this zoning district.

DEUEL COUNTY PLANNING COMMISSION

ITEM # 4 PLAT

Applicant/Owners: Lonnie & Gail Krause

Property Description: Plat of Clear Lake Historical Post Office Addition in NW1/4 of Section 30, Township 115 North, Range 48 West of the 5th P.M., Deuel County, South Dakota.

Request: To plat Clear Lake Historical Post Office which is .17 acres to be transferred to the Clear Lake Historical Society at a later date. Theisen suggests a letter of assurance: that the Grantors, their heirs, successors, and assigns further hereby agree that no building permits may be issued Clear Lake Historical Post Office Addition in the NW1/4 of Section 30 Township 115 North, Range 48 West of the 5th P.M., Deuel County, South Dakota is combined with an adjoining lot which meets the requirements of the Deuel County Zoning Ordinance to be eligible for construction of a residence nor any structures.

Action Item –Plat approval.

Public Copy - Do Not Make