

**Monday May 14, 2018**

The Deuel County Zoning Board met on Monday, May 14, 2018, at 6:30 P.M., in the Commissioners' room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Mike Dahl, Steve Rhody, Paul Brandt, and Kevin DeBoer. Also present were States Attorney John Knight and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order.

Motion by Dahl, seconded by Rhody, to approve the Amended Agenda for May 14, 2018. Kevin DeBoer was absent from the voting. All voted in favor and motion carried.

Motion by Rhody, seconded by Brandt, to approve the April 9, 2018, minutes. Kevin DeBoer was absent from the voting. All voted in favor and motion carried.

Joann Ries applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: N420' W372' NW1/4NW1/4, Section 4-114-50, Hidewood Township, to remove existing deck and replace with a new larger deck to the existing house and to have a storage shed within 150 feet from the road right-of-way in an AG Zoned District. Motion by Dahl, seconded by Brandt, to grant the Variance to remove existing deck and replace with a new larger deck to the existing house and to have a storage shed no closer than 117 feet from the road right-of-way in an AG Zoned District. All voted in favor and motion carried. The findings for this Variance are the existing trees to the north, and they are replacing existing deck. There is an existing building closer to the road right-of-way and it won't cause a safety or snow problem. The building site is located on a county road.

Otter Tail Power Company applied for a Special Exception permit. The request, if granted, would permit the applicant to use the following property: SE1/4NE1/4 & N200' NE1/4SE1/4 & N200' NW1/4SE1/4 & N200' E150' NE1/4SW1/4, in 22-113-48, Scandinavia Twp, to develop, own, and operate an approximate 250-megawatt energy conversion facility in a CI Zoned District. Kirk Phinney represented Otter Tail. He explained the building site and the power lines that will be built with the facility. Phinney stated that they have a memorandum with the township concerning the township road. The Board determined that it is empowered under the section of the ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest. The Board then made written findings as required by Section 504, subparagraph 5(a-h), of the ordinance. Motion by Dahl, seconded by Rhody, to grant the Special Exception to develop, own, and operate an approximate 250-megawatt energy conversion facility in a CI Zoned District. All voted in favor and motion carried.

- a) Entrance to and exit from 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: Applicant

has preexisting access to the property and proposed structures and there is no issue with automotive and pedestrian safety and convenience, traffic flow and control or access in case of fire or catastrophe.

- b) Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, odor or other effects of the special exception on adjoining properties and properties generally in the district: Applicant has sufficient off-street parking. Loading is not a concern. The special exception will have no or minimal economic, noise, glare, odor or other effects on the adjoining properties or properties generally in the district.
- c) Utilities, with reference to locations, availability, and compatibility: Applicant is making arrangements with the local utility companies.
- d) Screening and buffering with reference to type, dimensions, and character: The property is in a remote area with no residents in the immediate area.
- e) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district: There is no traffic in the immediate area that would be affected.
- f) Required yards and other open spaces: Applicant has adequate yard and other open spaces.
- g) General compatibility with adjacent properties and other property: Applicant's proposed use is generally compatible with the adjacent properties and other properties in the Commercial District.
- h) Refuse and service areas, with particular reference to the items in (a) and (b) above: There are no concerns regarding refuse or service areas. Applicant has a dumpster service.

Otter Tail Power Company applied for a Special Exception permit. The request, if granted, would permit the applicant to use the following property owned by Wayne & Kathy Kurtenbach: 200' wide easement across part of the SW1/4NE1/4, in Section 22-113-48, Scandinavia Township, for Essential Services in order to construct a 345 kV transmission tie-line that will connect to the proposed adjacent Astoria Station Energy Conversion Facility in an AG Zoned District. Kirk Pinney stated that the transmission pole will be 95 feet to 110 feet in height and it will be constructed of metal. The Board determined that it is empowered under the section of the ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest. The Board then made written findings as required by Section 504, subparagraph 5(a-h), of the ordinance. Motion by Brandt, seconded by

DeBoer, to grant the Special Exception Essential Services in order to construct a 345 kV transmission tie-line that will connect to the proposed adjacent Astoria Station Energy Conversion Facility in an AG Zoned District. All voted in favor and motion carried.

- a) Entrance to and exit from 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: Applicant has adequate access to the property and proposed structures and there is no issue with automotive and pedestrian safety and convenience, traffic flow and control or access in case of fire or catastrophe.
- b) Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, odor or other effects of the special exception on adjoining properties and properties generally in the district: Applicant has sufficient off-street parking. Loading is not a concern. The special exception will have no or minimal economic, noise, glare, odor or other effects on the adjoining properties or properties generally in the district.
- c) Utilities, with reference to locations, availability, and compatibility: Does not apply.
- d) Screening and buffering with reference to type, dimensions, and character: Does not apply.
- e) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district: Does not apply.
- f) Required yards and other open spaces: Applicant has adequate yard and other open spaces.
- g) General compatibility with adjacent properties and other property: Applicant's proposed use is generally compatible with the adjacent properties and other properties in the AG District.
- h) Refuse and service areas, with particular reference to the items in (a) and (b) above: There are no concerns regarding refuse or service areas. Does not apply.

Alpha Media LLC applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property which is owned by Warren & Holly Lunden: SE1/4 & N1/2SW1/4 except that portion conveyed for highway right of way purposes in Section 14-113-49, Blom Township, to construct a communications tower for KDBX in an AG Zoned District. Bob Cook, representing the KDBX radio station, stated that their current radio tower is going to be removed and they will need a new tower to broadcast. The tower will be 420 feet tall and will have a 20' x 10' communications building that will meet the setbacks. The Board asked about the height

of the tower and Cook stated that the FCC determines the height. They are in the process of getting approval from the FCC. The Board determined that it is empowered under the section of the ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest. The Board then made written findings as required by Section 504, subparagraph 5(a-h), of the ordinance. Motion by DeBoer, seconded by Brandt, to grant the Special Exception to construct a 420 foot communications tower for KDBX in an AG Zoned District. All voted in favor and motion carried.

a) Entrance to and exit from 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: Applicant has a single approach for access to the property and proposed structures and there is no issue with automotive and pedestrian safety and convenience, traffic flow and control or access in case of fire or catastrophe.

b) Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, odor or other effects of the special exception on adjoining properties and properties generally in the district: Does not apply.

c) Utilities, with reference to locations, availability, and compatibility: Applicant will have adequate utilities for electricity and telephone.

d) Screening and buffering with reference to type, dimensions, and character: Does not apply.

e) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district: Does not apply.

f) Required yards and other open spaces: Applicant has adequate yard and other open spaces.

g) General compatibility with adjacent properties and other property: Applicant's proposed use is generally compatible with the adjacent properties and other properties in the AG District there are other towers in the area.

h) Refuse and service areas, with particular reference to the items in (a) and (b) above: There are no concerns regarding refuse or service areas. Does not apply.

Motion by DeBoer, seconded by Dahl, to approve the Plat of Alpha Media Addition in the SE1/4 Section 14-113-49, Blom Township. All voted in favor and motion carried.

Brenda Hunt applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: Lot 3 & W1/2 Lot 4 & SE 60' of NW 160' Lot 18 Clear Water Beach in Gov Lot 6 in NE1/4 in Section 4-114-47, Lake Cochrane, Norden Township, Lake Cochrane, to replace a deck to an existing house within 50 feet from

the high water mark in a LP Zoned District. Hunt via phone stated that she would like to replace the existing deck and to keep the same foot print. The deck is approximately 20 feet from the high water mark and more than 6 feet from the side lot line. Motion by Dahl, seconded by DeBoer, to grant the Variance to replace a deck to the existing house approximately 20 feet from the high water mark and approximately 8 feet from the side lot line in a LP Zoned District. The new deck shall be built on the same foot print as the existing deck. All voted in favor and motion carried.

Randy & Cindi Viessman applied for a Special Exception and a Variance Permit. The request, if granted, would permit the applicant to use the following property: Lot 1B in Lot 1 of Outlot 3 in NE1/4 of the SE1/4 in Section 4-114-47, Lake Cochrane, Norden Township, to repair retaining wall within the 35' from the high water mark and repair existing retaining wall and to add steps by the house which are within 10' from the side property line in an LP Zoned District. Shane Mack via phone explained to the board that the current retaining wall was not constructed correctly. Mack stated that they are going to have to remove the monster block and put proper drainage behind the block with a drain tile and  $\frac{3}{4}$  rock. They will move the block back with a mini excavator. Mack also stated that they will remove the retaining wall by the house and construct steps. Mack stated that the foot print will be the same. They are just adding steps. The existing retaining wall is within 10' from the side property line. Mack stated that they are going to add 6' of pavers in front of the existing patio. These pavers will be flat and level with the grass. The Board determined that it is empowered under the section of the ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest. The Board then made written findings as required by Section 504, subparagraph 5(a-h), of the ordinance. Motion by Brandt, seconded by DeBoer, to grant the Variance and Special Exception to repair retaining wall within the 35' from the high water mark and to use a silt fence during construction; to add 6' of pavers in front of the existing patio; to repair existing retaining wall and to add steps by the house which is within 10' from the side property line in an LP Zoned District. All voted in favor and motion carried.

Brent Garvey applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: of Lot 1 Kohl's 2nd Addition in SW1/4 in Section 6-116-50, Goodwin Township, to build a machine shed within 150' from the road right of way in an AG Zoned District. Garvey stated that he would like to build the machine shed behind the trees. Garvey state that there is a drainage area to the south of the proposed site. Motion by DeBoer, seconded by Rhody, to grant the Variance to build a machine shed no closer than 110 feet from the road right-of-way in an AG Zoned District. All voted in favor and motion carried. The findings for this Variance are the existing trees to the west and north and it won't cause a safety or snow problem. There is a drainage area on the property.

Leo Crawford & Margaret Jaeger & Julie King applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lots

15-16 Bostic Beach in Gov Lot 5 in NW1/4, Lake Cochrane, of Section 4-114-47, Norden Township, to operate a private campground in a Lake Park District. Crawford stated in August 9, 2016, that the property was owned by him and his 7 siblings and the camper is used for overflow. It is not hooked up to sewer and electricity is only on during the time they use it. They use the camper 5 to 6 times during the summer. The house that is on the property has water and dampness issues in the basement. They have tried to fix it but they haven't completely fixed it. The basement still gets damp. The Board determined that it is empowered under the section of the ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest. The Board then made written findings as required by Section 504, subparagraph 5(a-h), of the ordinance. Motion by Brandt, seconded by Dahl, to grant the Special Exception to permit a private campground. One camper can be placed on the lot on May 15 and can be stored on their driveway by their garage during the winter months. The Special Exception permit is nontransferable and the applicant has to reapply in two years before May 15, 2020. All voted in favor of and the motion carried.

- a) Entrance to and exit from 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: Applicant doesn't create a safety hazard and there is no issue with automotive and pedestrian safety and convenience, traffic flow and control or access in case of fire or catastrophe.
- b) Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, odor or other effects of the special exception on adjoining properties and properties generally in the district: Does not apply.
- c) Utilities, with reference to locations, availability, and compatibility: No utilities are required.
- d) Screening and buffering with reference to type, dimensions, and character: Applicant has sufficient screening on both sides of his property.
- e) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district: Does not apply.
- f) Required yards and other open spaces: Applicant has adequate yard and other open spaces.
- g) General compatibility with adjacent properties and other property: Applicant's proposed use is generally compatible with the adjacent properties and other properties in the LP District.

h) Refuse and service areas, with particular reference to the items in (a) and (b) above: There are no concerns regarding refuse or service areas. Applicant has garbage removal for site.

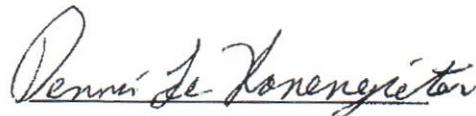
Brett & Tammy Miller & Greg & Deeanne Miller applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: NW1/4 & N1/2SW1/4 in 19-114-50, Hidewood Township, to build a machine shed within 150' from the road right of way in an AG Zoned District. Brett Miller stated that he would like to build the machine shed east of the existing house. Miller stated that their garage burned down and they would like to build this machine shed instead of a garage for storage. Motion by Brandt, seconded by Rhody, to grant the Variance to build a machine shed no closer than 125 feet from the road right-of-way in an AG Zoned District. All voted in favor and motion carried. The findings for this Variance are the existing trees to the west and north and it won't cause a safety or snow problem. There are building closer to the road right-of-way and they applicant does the snow removal on the township road.

Tom Flicek came and talked to the board about his family's lot on Lake Cochrane. Flicek stated that they have been trying to sell this lot; however, the prospective buyers are discouraged because of the campers next door. Flicek was wondering if they could plant bushes or build a fence on the property line to distract the view of the campers. The board stated that you would have to acquire a building permit to build a fence and the set backs are 50 feet from the high water mark and 30 feet from the road. The board stated that he could plant trees along the property line as they do not have any restrictions on trees just removing them within 35 feet from the high water mark. Flicek also stated that he would still like to split his 120 foot lot into two 60 foot lots to allow people to purchase the lots.

Kanengieter called the meeting.



Jodi Theisen  
Zoning Officer



Dennis Kanengieter  
Chairman, Zoning Board