

Monday May 8, 2023

The Deuel County Zoning Board met on Monday May 8, 2023 at 6:30 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members Paul Brandt, Dennis Kanengieter, Mike Dahl, Jay Grabow, Kevin DeBoer, States Attorney Craig Evenson and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order.

The minutes from the April 17, 2023 meeting and April 18, 2023 meeting were discussed. Motion by Dahl, seconded by Grabow, to approve the April 17, 2023 meeting and April 18, 2023 minutes. Motion passed unanimously.

Motion by Grabow, seconded by Kanengieter to approve the agenda. Motion passed unanimously.

Motion by Dahl, seconded by Grabow to recess the Planning Commission and convene only as the Board of Adjustment. Motion passed unanimously.

Motion by Dahl, seconded by DeBoer to approve variance to build an accessory building that would be located up to the existing easement and no closer than 20' from the edge of the platted road right-of-way (Edgewater Drive) and to meet the other Lake Park setbacks requested by Jeff Boer on their property on Lots 13-14 & SE 80' of NW 260' Lot 17 Clear Water Beach in Gov't Lot 6 in NE1/4 of the Section 4-114-47, Norden Township, Deuel County, South Dakota. Applicant, Jeff Boer, owners (time of publishing), Dorothy M Hayek Living Trust are requesting a Variance to build a garage less than 30' from the road and easement. This property was transferred between the time of application and the meeting date. It is currently owned by Jeff & TaNeal Boer. The applicant stated that the reason they are asking for this variance is that they have an existing cabin but no garage and the irregular shape of their lot and the location of the easement makes it hard to place the garage within the setbacks. David Peterson the neighbor to the east was present at the meeting and stated that he has spoken with Boer's and has no objections. Boer also stated that he has spoken with Aaron Johnston, the neighbor to the west and they have no objections. Boer stated that this garage would have a bathroom and it will be used for storage. The board had a long discussion about the setback and safety issues. Please see Findings of Fact and Conclusions of Law on file with this application. Motion passed unanimously.

Evenson and Theisen stated that the variance publication for this garage didn't include the Conditional Uses Permit Pursuant to Section 1103.05.8 Accessory structures located on a lot adjacent to a lot with principle structure which is separated by a public or private road. Theisen stated they would need to publish for the CUP and have the hearing on May 22, 2023.

Motion by Dahl, seconded by Grabow to approve a variance to build a new deck no closer than 30' from the high-water-mark, house/garage no closer than 42' from the high-water-mark and to meet the other Lake Park setbacks requested by Dorn Severtson on their property on Lot 5 The Elms in Gov't Lot 6 in NE1/4 of Section 4, T114N, R47W, Deuel County, SD. Applicant, Dorn Severtson, owners, GW Cummings Cabin LLC are requesting to build a house/deck/garage less than 50' from the high-water-mark. Severtson stated that they would like to remove the old cabin and they would like conform with the distance from the high-water-mark with the existing structures. There were no objections. Please see Findings of Fact and Conclusions of Law on file with this application. Motion passed unanimously.

Motion by DeBoer, seconded by Grabow to approve a Condition Use Permit request by the applicant, Jerae Wire - East River Electric Power Coop, and land Owner, Jeffrey & Christine Watt, to construct a substation station (Toronto Substation) and to erect 60' private internal communication tower on property in the SE1/4 (to be known upon platting as Toronto Substation Addition in the SE1/4) of Section 26-113-50, Grange Township, Deuel County, South Dakota. This property will be transferred between East River Electric Power Coop and Jeffrey & Christine Watt at a later date. There were questions from the board about stray voltage affecting neighbor's (Berwald) cattle. Wire and his associate Jesse, stated that they have livestock near other substations and they can do testing at the substation. Please see Findings of Fact and Conclusions of Law on file with this application. Kanengieter called for a roll call vote; DeBoer-yes, Brandt-yes, Grabow-yes, Dahl-no, and Kanengieter -yes and the motion carried.

Motion by DeBoer, seconded by Brandt to approve a Condition Use Permit request by the applicant, Cody Krause, and owner, Cody Krause Construction LLC, to construct and operate Contractors' Shop and Yard for construction business on property described as Lot 1 Krause Addition in the N1/2NE1/4 of Section 28-115-49, Clear Lake Township, Deuel County, South Dakota. They are applying for a variance later in the meeting for the front yard setbacks. There was a question about if Krause will store his lumber and products inside the shed and he stated yes. Please see Findings of Fact and Conclusions of Law on file with this application. Motion passed unanimously.

Motion by Brandt, seconded by Grabow to approve a variance to build Contractors' Shop/Office no closer than 110' from the road right-of-way (SD HWY 22) and no closer than 110' from 475th Ave requested by Cody Krause Construction LLC, on property described as Lot 1 Krause Addition in the N1/2NE1/4 of Section 28-115-49, Clear Lake Township, Deuel County, South Dakota. The applicant would like to build the proposed 30' x 40' office with a 10' x 40' porch (40' x 40') approximate 111' from the north right-of-way (SD HWY #22) which is 75' ROW (so approximate 186' from the center) and to have the proposed 90' x 208' shop approximate 112' from the east road right-of-way (475th Ave) which is 33' ROW (so approximate 145' from the center). The Zoning Ordinance requires a minimum depth of the front yard shall be not less than 150 feet. Two (2) Front yards required on all corner lots & on lots adjacent to a residential area, all buildings and incidental areas shall be located so as to provide a minimum side yard of one hundred (100) feet, which shall be landscaped on the side adjacent to the residential area. Krause stated that he talked to the Clear Lake Township about putting in additional approach on of the township gravel (475th Ave) and he has written approval from them. There were no questions or objections. Please see Findings of Fact and Conclusions of Law on file with this application. Kanengieter called for a roll call vote; DeBoer-yes, Brandt-yes, Grabow-yes, Dahl-no, and Kanengieter -yes and the motion carried.

Motion by Brandt, seconded by Dahl to approve a variance to plant first row of trees no closer than 15' from the road right-of-way. They would run parallel to the road right-of-way requested by Bryan & Ashley Lipp on their property on Lot 1 Southwest Addition in SW1/4SW1/4 of Section 27-115-49, Clear Lake Township, Deuel County, South Dakota. Applicant/owners, Bryan & Ashley Lipp are requesting to plant trees within the 50' from the road right-of-way. Lipp's received written permission from the Clear Lake Township. Theisen stated that they have an existing windward row of trees located to the east which is more than 150' from the road-right-of-way. There were no questions or objections. Please see Findings of Fact and Conclusions of Law on file with this application. Motion passed unanimously.

Motion by Grabow, second by Brandt, to recess the Board of Adjustment and reconvene as Planning Commission. Motion passed unanimously.

Motion by DeBoer, second by Grabow, to recommend approval to the Board of County Commissioners the Plat of Lot 1 of Toronto Substation Addition in SE1/4 of Section 26, T113N, R50W, Deuel County, SD. Kanengieter called for a roll call vote; DeBoer-yes, Brandt-yes, Grabow-yes, Dahl-no, and Kanengieter -yes and the motion carried.

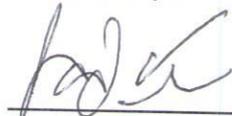
Motion by DeBoer, seconded by Kanengieter, to recommend approval to the Board of County Commissioners the Plat of Plat of Gary Hoffman Addition in the S1/2 of Section 23, T113, R48W, Deuel County, SD. Motion passed unanimously.

Motion by Dahl, second by DeBoer, to recommend approval to the Board of County Commissioners the Plat of Brandsrud FFH Addition in NW1/4 of Section 26, T117N, R49W. Motion passed unanimously.

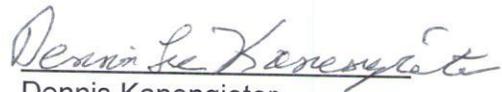
Motion by Dahl, second by DeBoer, to recess the Planning Commission and convene only as the Board of Adjustment. Motion passed unanimously.

Discussion was held on possible ordinance amendments: sizes of accessory sheds in LP, private storage in LP and scrivener's errors. Theisen also informed the board about upcoming meetings: May 16, 2023 Joint meeting with the Commissioners about a rezoning for Jeremy Wipf, special meeting requested by Global Dairy for a CUP application for: Accessory Agricultural Housing, Jeff Boer, CUP application at Lake Cochrane for: Accessory structures located on a lot adjacent to a lot with principle structure which is separated by a public or private road and a rural plat to transfer property.

Motion to adjourn made by DeBoer, second by Grabow. Motion passed unanimously. Meeting adjourned at 9:15 p.m.



Jodi Theisen
Zoning Officer



Dennis Kanengieter
Chairman, Zoning Board