

Monday, September 13, 2021

The Deuel County Zoning Board met on Monday, September 13, 2021, at 6:30 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Alternate Roger Kreutner, Paul Brandt, Kevin DeBoer, Mike Dahl, Zoning Officer Jodi Theisen, and Sarah DeBoer.

Chairman Dennis Kanengieter called the meeting to order.

The minutes from the August 9, 2021 and August 31, 2021 meetings were discussed. Motion by DeBoer, seconded by Brandt, to approve the amended August 9, 2021 and August 31, 2021 minutes. All voted in favor and motion carried.

Motion by Brandt, seconded by Dahl, to approve the September 13, 2021, Agenda. All voted in favor and motion carried.

ITEM ONE

Terry Provance, applicant/owner, applied for Variance Permit Pursuant to Section 1101.04.4 & 1101.04.2 – Rear & Front Yard. The request, if granted, would permit the applicant to use the following property: Lot 8 Gantvoort Addition in NE1/4 of Section 27-115-49, Clear Lake Township, Deuel County, South Dakota, to replace existing shed with a new storage shed with less than 50' of rear yard and less than 150' from the front yard.

Provinces' requested a Variance to replace existing 10' x 16' storage shed approximately 119' from the front property line which is less than 150' of front yard and approximately 27.2' from the rear lot line which is less than 50 from the rear lot line.

Motion by Dahl, seconded by Brandt, to grant the Variance to replace 10' x 16' storage shed with a new shed no closer than 119' from the front property line and no closer than 27.2' from the rear lot line. All voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM TWO

Joe & Brenda Mamer, applicants/owners, applied for Special Exception Permit Pursuant to Section 1103.03 Private Parks and Campgrounds. The request, if granted, would permit the applicant to use the following property: Lot 16 Grabow Addition in NE1/4 in Section 5-114-47, Lake Cochrane, Norden Township, Deuel County, South Dakota, to operate a private campground in a Lake Park District.

Theisen stated shed received some phone calls about this site having a camper without a permit. Theisen went and inspected the site and noticed a camper, a concrete camper pad approximately 2' from the ROW and approximately 26' from the edge of the road, and deck by above ground pool. According to Mamer the camper pad is approximately 40' from the side property line toward the golf course. The ROW is 66' wide and is known as Castle Drive. Mamer's stated that he would like to park his son's camper there on and off on the property during the summer months.

Motion by Brandt, seconded by DeBoer, to grant the Special Exception to permit a private campground for one camper on said lot, no commercial camping is allowed, and this camper cannot be any closer than 30 feet from the edge of the road and more than 35 feet from the side lot line. This special exception is good for two years and the applicant would need to reapply before September 13, 2023. All voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM THREE

Danny & Debra DeFries, applicant/owner, applied for for Special Exception Permit Pursuant to Section 1103.4.5 Shoreline Alterations. The request, if granted, would permit the applicant to use the following property: Lot 12 Lake Alice Shores in SW1/4 of Section 7-116-48, Lake Alice, Altamont Township, Deuel County, South Dakota, to alter the shoreline within 35 feet of the high-water-mark by removing existing rocks, shrubs and shore cover on their property.

Theisen stated that DeFries' s removed some existing rocks, shrubs and shore cover to help with access to the lake. The area that was disturbed is approximately 37' wide and approximately 41' deep. DeFries stated that they talked to the contractor for the shed to remove some rocks toward the water. DeFries stated that the contractor seeded the area the next day after Theisen called.

Motion by Dahl, seconded by Kreutner, to grant the Special Exception to alter the shoreline within 35' from the high-water-mark by to remove existing rocks, shrubs and shore cover. To use straw cover or a mesh and to have silt fence before winter until vegetation is established. All voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM FOUR

Par Farms Inc, applicant/owner, applied for Variance Permit Pursuant to Section 1101.04 - Front Yard. The request, if granted, would permit the applicant to use the following property: N620' of E1580' of NW1/4 of Section 30-117-50, Rome Township, Deuel County, South Dakota, to replace existing bin with a new bin with less than 150' from the front yard.

Adam Raml, representing Par Farms Inc, stated they would like to replace the bin with a 36D X 26H new bin approximately 120' from the ROW which is approximately 152' from the center of the road with a 33' ROW instead of 183' from the center of the road which are in line with the existing 4 bins.

Motion by Brandt seconded by Dahl, to grant the Variance to erect a 36D x 26H bin no closer than 115' from the road right-of-way. All voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM FIVE

DeBoer Construction, applicant/owner, applied for Variance Permit Pursuant to 1102.04 - Area Regulations. The request, if granted, would permit the applicant to use the following property:

S190' W300' of Lot 1 & N210' of W300' of Lot 1 & Lot 8 West Side Acres in SE1/4SE1/4 of Section 21-115-49, Clear Lake Township, Deuel County, South Dakota, to move in fuel tank with less than 50' from the side yard and storage container with less than 50' from the side yard and 100' rear yard.

Theisen stated DeBoer Construction moved in a 12D x 15H fuel tank approximately 8' from the side lot line and would like to move the approximate 8' x 40' storage container approximately 20' from the side lot line which is approximately 20' from the rear lot line which the setback requirement is 50'. Theisen stated she sent a certified violation letter to DeBoer Construction. Theisen stated DeBoer's have not received a permit from the DANR for the fuel tank. DANR has spoken with DeBoer Construction via phone and email about a month ago about the above ground storage tank.

Theisen also stated the tank is located on a shallow aquifer DeBoer's would need to follow Section 1105.12 Performance Standards For Aquifer Protection Overlay Zones: which is #3 Storage of petroleum products in quantities exceeding (100) gallons at one locality in one tank or series of tanks must be in elevated tanks; such tanks larger than one thousand (1,000) gallons must have secondary containment system where it is deemed necessary by the County Zoning Office.

Jerome DeBoer stated that he also has 2 500 gallon tanks beside the 12D x 15H tank which hold approximately 12,500 gallons. The Board asked DeBoer why he didn't place the tanks closer or behind the existing shed. He stated he placed these tank in this location because the trucks loop around the existing shop building and they have access to the side and back doors. He also stated that he placed the tanks further away from the shop building because of insurance. DeBoer stated that the 12,500 gallon tank is a double walled tank and he is thinking about putting the concrete barricades around it for protection from vehicles.

The Board was concerned about the safety issue being closer to the Deuel County property and the public building, so they would like to have the Deuel Commissioners talk to DeBoer and to have consent to have the tank within 50' from the side property line and DeBoer might have a permit from DANR at that time.

Motion by Brandt, seconded by Kreutner, to table the Variance to move in a 12D x 15H fuel tank approximately 8' from the side lot line until they have a consent from the Deuel County Commissioner the adjoining property owners. Keven DeBoer abstained from voting, all voted in favor and the motion carried.

Board and the DeBoer had discussion about moving the approximate 8' x 40' storage container approximately 20' from the side lot line which and approximately 20' from the rear lot line which the setback requirement is 50'. The board stated that there is screening and cover with the trees located to north towards the residential lots.

Motion by Brandt, seconded by Kreutner, to grant the Variance to move an approximate 8' x 40' storage container no closer than 20' from the side lot line and no closer than 20' from the rear lot line which the setbacks requirements are 50'. Keven DeBoer abstained from voting, all

voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

Theisen stated that the violation fee for moving the tank and the storage container without a permit is \$205, the Board had discussion about the violation fee and the variance fee.

Motion by Kreutner, seconded by Dahl, to waive the violation building permit fee to \$105 and to charge the variance fee of \$200 so the total fee will be \$305. Keven DeBoer abstained from voting, Kanengieter called for a roll call vote; Brandt-yes, Kreutner -yes, Dahl-yes, and Kanengieter-yes and the motion carried.

The Deuel County Board of Adjustment recessed and convened as the Deuel County Planning Commission.

ITEM SIX

Theisen stated that she didn't receive all the paper work for the Plat of Cotten Addition in Gov Lot 1 in the E1/2 of the NE1/4 of Section 5-T116N-R50W, Goodwin Township, Deuel County, South Dakota.

Motion by DeBoer, seconded by Brandt, to table the Plat of Cotten Addition in Gov Lot 1 in the E1/2 of the NE1/4 of Section 5-T116N-R50W, Goodwin Township, Deuel County, South Dakota until the joint meeting on September 21, 2021. All voted in favor and motion carried.

The Deuel County Planning Commission recessed and convened as the Deuel County Board of Adjustment.

Theisen and the Deuel County Board of Adjustment had discussion on portable cattle and Theisen stated she had a question about no structure except piers and docks shall be placed at an elevation such that the lowest floor, including basement, is less than three (3) feet above the established normal high water mark. The Board also discussed about amending the Zoning Ordinance to include Slaughterhouse in the Commercial District.

Theisen also informed the board the joint meeting with the Deuel County Commissioners will be held on September 21, 2021 at 11:15 a.m. Theisen talked to the board about some items.

Motion to adjourn by Dahl, second by DeBoer. Motion passed unanimously.



Jodi Theisen
Zoning Officer



Dennis Kanengieter
Chairman, Zoning Board