

Tuesday April 26, 2022

The Deuel County Zoning Board met on Tuesday April 26, 2022 at 5:45 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Judith Homan, Paul Brandt, Kevin DeBoer, Mike Dahl, States Attorney Teree Nesvold and Zoning Officer Jodi Theisen. Also present were First District Association of Local Governments staff Todd Kays, Gavin Crume, Craig Evenson, and Susan Norgaard.

Chairman Dennis Kanengieter called the meeting to order.

Motion by DeBoer, seconded by Dahl, to approve the April 26, 2022, Agenda. Brandt was not present for the vote, Kanengieter, Homan, DeBoer and Dahl all voted in favor and motion carried.

#### ITEM ONE

Gavin Crume, applicant/owner, applied for a Variance Permit Pursuant to Section 1101.04 Area Regulations. The request, if granted, would permit the applicant to use the following property: Block 1A Crume Addition in W1/2 (to be known upon platting as Lot 1 of Block 1A Crume Addition in W1/2) of the Section 33-116-49, Altamont Township, Deuel County, South Dakota, to plat a parcel of land, to retain existing building that is closer to the road right-of-way than what the ordinance allows.

Motion by DeBoer, seconded by Homan, to grant the Variance to retain the existing building (house) that is approximately 101' from the road right-of-way. This Variance doesn't apply to any new structures that are built on the property. Brandt was not present for the vote, Kanengieter, Homan, DeBoer and Dahl all voted in favor and motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

#### ITEM TWO

Motion by DeBoer, seconded by Homan, to approve the Plat of Lots 1 and 2 of Block 1A Crume Addition in W1/2 of the Section 33-116-49, Altamont Township, Deuel County, South Dakota. Contingent upon to update this plat with an 10' equal distance from the property line ingress and egress easement. All voted in favor and motion carried.

#### ITEM THREE

There was discussion with Craig Evenson, attorney for Thomas Johnson, and States Attorney Teree Nesvold about Lots 3, 4, 5 & 6A (Replat of Outlot 34) Agnes Place Addition in Gov 8 of Section 5, Township 114 North, Range 47 West of the 5th P.M., Lake Cochrane, Norden Township, Deuel County, South Dakota. Evenson stated the existing road (Lake Cochrane Dr W) is located in the middle of Lot 6A Agnes Place Addition. The actual platted road right-of-way is located to the north of Lot 6A and south of Outlot 2 and Lots 3-6 Agnes Place. The actual platted road has Johnsons' garage and another structure located on it which was built many years ago.

Evenson stated that they are seeking a right-of-way and easement to maintain the real property and improvements to the real property over which the platted right-of-way of Lake Cochrane Drive West, which is located on Lots 3, 4, 5, 6 & 6A of Agnes Place Addition.

Evenson also stated that Thomas E. Johnson grants unto Deuel County a right-of-way for the purpose of ingress and egress on the current gravel driveway, as it is located on Lots 3, 4, 5, 6 & 6A of Agnes Place Addition in Gov't Lot 8 of Section 5, T114N, R47W of the 5<sup>th</sup> p.m., Deuel

County South Dakota, to wit: a perpetual right-of-way for ingress and egress and the right to construct and maintain utilities and /or the public roadway, as it is currently situated.

Motion by DeBoer, seconded by Dahl, to recommend the approve of the Right-of-Way Easement on Lots 3, 4, 5, 6 & 6A of Agnes Place Addition in Gov't Lot 8 of Section 5, T114N, R47W of the 5th p.m., Deuel County South Dakota to the Deuel County Commissioners. All the members were present and voted in favor and motion carried

#### ITEM FOUR

First District Association of Local Governments staff reviewed and discussed portions of an updated draft ordinance with members of the Board in attendance. No final decisions were made.

Theisen and the Board had discussion about the Lake Park Ordinance updating and that there are some Special Exceptions for private campgrounds (campers on individual parcels) that are expiring. Motion by Dahl, seconded by Brandt to allow the Special Exceptions for private campgrounds that are to expire in May 2022, to reapply to the Zoning Office for a 1 year permit as the Lake Park Ordinance Section is currently being worked on by the board and no final decisions have been as to the requested permit. All the members were present and voted in favor and motion carried

The board had discussion about the upcoming meetings with the next regular meeting scheduled for Monday, May 16, 2022 , a special meeting on Thursday, May 19, 2022 and the next ordinance meeting in May to be determined.

  
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Jodi Theisen  
Zoning Officer

  
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Dennis Kanengieter  
Chairman, Zoning Board