

**September 9, 2024 BOARD OF ADJUSTMENT/ PLANNING COMMISSION DEUEL COUNTY  
STAFF REPORT**

Monday – September 9, 2024 – 6:30 p.m.

**DEUEL COUNTY BOARD OF ADJUSTMENT**

**ITEM #1 CONDITIONAL USE – PER APPLICANT POSTPONE FROM JULY 8, 2024 MEETING**

**Applicant/Owner: Shirely V Weber, Antony Weber, William T Weber and Mary Spartz**

**Property Description: E1/2SE1/4 Less E375' S560' & less Weber Addition (to be known upon platting as Roe Cemetery Subdivision in the SE1/4) of Section 22-117-49, Portland Township, Deuel County, South Dakota.**

**Action Items – CONDITIONAL USE – (Section 1101.04.02 – Churches or Cemetery)**

**Zoning Designation: A – Agricultural District**

**Request: Shirely V Weber, Antony Weber, William T Weber and Mary Spartz is requesting a CUP to have private cemetery.**

**Specifics of Request:**

1. Shirely V Weber, Antony Weber, William T Weber and Mary Spartz have owned this property for many years.
2. The applicants would like to plat out a 1.23 acres cemetery lot (Block 1) with one burial plot (Lot 1) that is 50 sq ft which contains and occupied grave.
3. Shirely's Great Great Grandmother is buried on this property.
4. They want to plat this grave site out for future ownership and for future maintenance.
5. No other burial sites will be on this property.
6. Deuel County Ordinance requires that a landowner go through the Conditional Use Process for Cemeteries.

**Ordinance and Comprehensive Land Use Plan regarding this request:**

- o This lot will have access with an easement off 170<sup>th</sup> St which is maintained by Portland Township
- o This site has room for off street parking
- o They have efficient utilities; not applicable
- o They have efficient Screening and Buffering
- o They are not having any Signs;
- o They have efficient yard space and other open space

**Staff Summary**

**Conditional Use Permit – the Board may postpone the request, deny the request, or approve the request with or without conditions: The application may be approved, postponed, or denied. The Board can define the plat of the cemetery**

**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 – Private Cemetery (upon platting as Roe Cemetery Subdivision which will contain 1.23 acres cemetery lot (Block 1) with one burial plot (Lot 1) that is 50 sq ft which contains and occupied grave.**

**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: Jeffrey & Robin Reif - POSTPONED UNTIL OCTOBER 15, 2024: 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**

**Property Description: Lot 2 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 in 2022.
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. They just recently purchased Lot 3 Block 1 Dakota Bluffs Addition
3. There is an existing 55' easement that runs toward the front of the Lot 1 Block 2 Dakota Bluff Addition (road side).
4. The applicant 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 8' from the side lot line 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 #3 CONDITIONAL USE**

**Applicant/Owner: Rodney Viessman**

**Property Description: Lot 7 Block 2 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 build 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. Rodney Viessman purchased this lot in 2022.
2. The applicant would like to build a storage pole shed (Accessory structure) 40' x 60' he also owns Lot 30 & 31 Thokola Beach in Gov Lot 2, which is the location of the house and is located crossed the road from Lot 7 Block 2 Dakota Bluffs Addition.
3. There is an existing 55' easement that runs toward the front of the Lot 7 Block 2 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 will be approximately 12' from the side lot line, approximately 55' from the platted road right-of-way (Edgewater Drive) and 85' approximately from the rear lot line.
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 they have not talked about planting trees.
- 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 approximately 12' from the side lot line, approximately 55' from the platted road right-of-way (Edgewater Drive) and 85' approximately from the rear lot line;

#### **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 build a storage pole 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.**

**DEUEL COUNTY PLANNING COMMISSION**

**ITEM # 4 PLAT PER APPLICANT POSTPONE FROM JULY 8, 2024 MEETING**

**Applicant/Owners: Shirely V Weber, Antony Weber, William T Weber and Mary Spartz**

**Property Description: Roe Cemetery Subdivision in the SE1/4 of Section 22, Township 117 North, Range 49 West of the 5th P.M., Deuel County, South Dakota.**

**Request: To plat Roe Cemetery Subdivision 1.23 acres cemetery lot (Block 1) with one burial plot (Lot 1) that is 50 sq ft which contains and occupied grave.**

**Action Item –Plat approval.**

**ITEM # 5 PLAT**

**Applicant/Owners: O Fieber LLC**

**Property Description: Fieber First Addition in NE1/4NW1/4 of Section 16, Township 116 North, Range 50 West of the 5th P.M., Deuel County, South Dakota.**

**Request: To plat Fieber First Addition 6.50 to be transferred at a later date.**

**Action Item –Plat approval.**

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