

Monday September 19, 2022

The Deuel County Zoning Board met on Monday September 19, 2022 at 6:30 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members Judith Homan, Paul Brandt, Kevin DeBoer, Mike Dahl, Dennis Kanengieter, States Attorney Teree Nesvold, and Zoning Officer Jodi Theisen

Chairman Dennis Kanengieter called the meeting to order.

The minutes from the August 22, 2022 meeting were discussed. Motion by Brandt, seconded by Dahl, to approve the August 22, 2022 minutes with the corrections. All voted in favor and motion carried.

Motion by DeBoer, seconded by Dahl, to approve the September 19, 2022, Agenda. All voted in favor and motion carried.

ITEM ONE

Carol & Kevin Nielsen, applicants/owners 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 1 Nielsen Addition in SW1/4SW1/4 of Section 24-114-49, Brandt Township, Deuel County, South Dakota to build an accessory building less than 50' from the rear yard.

Nielsen's are requesting to build an accessory building with less than 50' from the rear yard. They want to build a shed used for personal storage less than 50' from the rear yard. The pole shed would be approximately 25' from the back lot line. The lot is narrow and there is an existing shed located west of this proposed pole shed and they need to build the proposed shed closer to the east property line so they can access it with a motorhome. Theisen reviewed the Staff Report and all the regulations.

Motion by Dahl, seconded by Homan, to grant the Variance to build a pole shed for storage, no closer than 25' from the back lot line. All voted in favor and motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM TWO

Amy Potter, Trevor Potter and Brandon Potter, applicants/owners 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: Hanson Addition in SE1/4 of Section 1-115-48, Herrick Township, Deuel County, South Dakota to build an accessory building less than 150' from the front yard.

Potters are requesting a Variance to build an accessory building with less than 150' from the front yard. They moved in a 8' x 12 chicken shed less than 150' from the front yard. The chicken shed is approximately 126' from the ROW which is approximately 176' from the center of the road with a 50' ROW. The Board discussed that there are existing buildings and trees closer to the ROW and this shed wouldn't cause a snow or safety issue. Theisen reviewed the Staff Report and all the regulations.

Motion by Dahl, seconded by Brandt, to grant the Variance to move in an accessory building, no closer than 120' from the road right-of-way. All voted in favor and motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM THREE

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.

Phil Raml, representing Par Farms Inc, stated they would like to replace a 27D x 18H older bin with a 36D X 26H new bin approximately 87' from the ROW which is approximately 120' 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. In 2008 this property was granted a variance from a machine shed not closer than 100' from the ROW. In 2021 this property was granted a variance to build a new bin located in-line with this bin request no closer than 115' from the ROW.

Motion by DeBoer seconded by Brandt, to grant the Variance to replace existing bin with a new bin, no closer than 85' 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.

Motion by Homan, seconded by DeBoer to adjourn as the Deuel County Board of Adjustment and convene as the Deuel County Planning Commission. Chairman Kanengieter called the meeting to order.

ITEM FOUR

Motion by DeBoer, seconded by Brandt, to approve the Plat of Lot 1A, Block 4, Dakota Bluffs Addition in Gov Lot 1, Gov Lot 2 and N1/2 of the Section 8, Township 114 North, Range 47 West of the 5th P.M., Deuel County, South Dakota. All voted in favor and motion carried.

ITEM FIVE

Motion by Brandt, seconded by DeBoer, to approve the Plat of Block 1 Peterson's Addition in E1/2SE1/4 of the Section 24, Township 113 North, Range 48 West of the 5th P.M., Deuel County, South Dakota. All voted in favor and motion carried.

ITEM SIX

Dennis Evenson stated he sent a letter to the multiple courthouse offices that during the quiet title proceedings for the Rhea's (Shady Beach), the surveyor indicated a 25 foot error on the west boundary. The subsequent survey and plat follows the as built and maintained property lines.

Survey shows that the structures are built in the ROW and close or over the property line since the property lines shift northwest.

In September 17, 2004 there was a survey done by Banner, which shows that the Grong structure was built in the ROW. Along with other structures located to the north. This survey also shows a shift of property lines to the north of 25'.

The buildings are built based on lines of possession rather than the lot lines for some reason, which will cause some problems in the zoning regulations. Evenson stated that the title companies went by property legals prior and now they are requesting surveys, which are finding these issues.

The Board had discussion about how to resolve this problem, Evenson stated that you could do Quiet Title or have the property re-platted. To re-plat the county would hire a surveyor and start

at Lot 8 of Shady Beach and work their way to the Rhea Additions, to look at the lot lines verses the as built lines. The Board discussed who would pay for the replatting, it was stated that the current property owners would be held responsible for the cost. The Board agreed to recommend to the Deuel County Commissioner on September 28, 2022 at the joint meeting to replat the area of Shady Beach that is affected.

ITEM TWELVE

Theisen stated that she presented the Planning Commission and the Deuel County Commissioners the updated zoning ordinance that was provided by Todd Kays. They will have a joint meeting with the Deuel County Commissioners on September 28, 2022. Theisen stated she sent out four violations letter to property owners that built or moved in buildings without a permit.

Motion by Brandt, seconded by Homan to adjourn the meeting. All voted in favor and motion carried.



Jodi Theisen
Zoning Officer



Dennis Kanengieter
Chairman, Zoning Board