

**September 14, 2026 BOARD OF ADJUSTMENT/ PLANNING COMMISSION DEUEL COUNTY
STAFF REPORT**

Monday – September 14, 2026 – 6:30 p.m.

DEUEL COUNTY BOARD OF ADJUSTMENT

ITEM #1 CONDITIONAL USE PERMIT

Applicants: Matt Baer

Owners: Matt & Tamara Baer

Property Description:

Lot 1, Martins Addition in SE1/4 NE1/4 less H1 in Section 3-114-49, Brandt Township, Deuel County, South Dakota

Action Items: Conditional Use Permit: (1101.04(16) – Section 1210) Extended Home Occupation & Conditional Use Permit: (1101.04(23) – Section 1214) On-Premise Sign

Zoning Designation: AG – Agricultural

Request: The applicant requests approval to operate an Extended Home Occupation for a firearm sales business from an accessory building (12' × 24' shed). The applicant also requests approval for the **option of a future on-premise sign**, although no sign installation is planned at this time. The sign request is included now so that any future sign installation can proceed without requiring a separate CUP.

History / Issue(s)

Specifics of Request:

Property Overview: The 13.71-acre property includes a residence and an accessory building previously permitted as a 12' × 24' storage shed. The property is located at 18419 SD Hwy 15 and is surrounded by agricultural land to the north, east, and west, with commercial activity to the south.

2. Applicant's Request:

Business Details Provided:

- The accessory building will "house sporting goods for sale," including firearms, ammunition, and accessories.
- Appointment-only business model (0–5 appointments per week).
- No exterior changes are planned other than the potential future sign.

Employees:

Matt Baer is currently the only individual involved in the business. He indicated possible future involvement from his immediate family members, including his wife, Tamara Baer, and his sons, Mason Baer, Jackson Baer, and Aidan Baer. These individuals meet the Extended Home Occupation employee criteria, which allow family members residing on the premises and up to three non-family employees.

Signage:

The applicant does not plan to install a sign at this time. However, he included the sign request in the CUP so a sign may be installed in the future without requiring an additional CUP. A possible sign location is identified on the sketch provided. Any future sign must meet on-premise sign standards under Section 1214 and all Agricultural District setback requirements.

3. Additional Considerations:

- The property is not within Aquifer Protection Overlay Zones.
- Traffic is expected to remain low due to appointment-only operations.
- No outside storage or display is proposed.

Zoning Ordinance Review

Extended Home Occupation – Section 1210

Key standards include:

- Conducted in an accessory building.
- Employees limited to family members and up to three non-family employees.
- No exterior evidence of the business except one non-illuminated on-premise sign (max 80 sq ft).
- Traffic must remain low and consistent with residential/agricultural activity.
- No noise, vibration, glare, fumes, or odors detectable off the property.

On-Premise Sign – Section 1214 & Agricultural District Setbacks

Any future sign must meet:

- Maximum size: 80 square feet (non-illuminated).
- 65-foot front yard setback from the road right-of-way.
- A building permit prior to installation.
- Off-premise signage limited to SDDOT TOD signs (requires separate approval).
- No illumination permitted under Extended Home Occupation standards.

Comprehensive Land Use Plan Considerations

- Adequate access from SD Hwy 15.
- Off-street on-site parking available.
- Appointment-only approach fits the low-traffic rural character.
- Future sign (if installed) will be reviewed at the building permit stage for compliance.

Staff Recommendation

Conditional Use Permit – Extended Home Occupation & On-Premise Sign Option**

The application may be **approved**, **postponed**, or **denied**.

If approved, staff recommends the following conditions be included in a **Letter of Assurance**:

1. Extended Home Occupation may not be changed except by issuance of a separate CUP.
2. Individuals engaged may consist of family members and up to three (3) non-family employees.
3. Exterior appearance must not change except for one on-premise sign (max 80 sq ft, non-illuminated).
4. Any on-premise sign must meet the 65-foot front yard setback, all Section 1214 requirements, and must obtain a building permit prior to installation.
5. Off-premise signage limited to SDDOT TOD signs with State approval.
6. Retail sales limited to sporting goods stored within the accessory building.
7. Traffic generated shall not exceed typical levels for agricultural/residential areas; parking must be provided off-street.
8. No equipment or activity may create noise, vibration, glare, odors, fumes, or electrical interference detectable off the lot.
9. The accessory building shall remain compliant with all building permit and zoning requirements.

ITEM #2 – PLAT

Applicants/Owners: Leila Kruse LE and Kruse Family LLP

Property Description: Kruse Second Addition in the SW¼ of Section 20, Township 117 North, Range 47 West, Antelope Valley Township, Deuel County, South Dakota.

Zoning Designation: AG – Agriculture District

Request: The applicants propose to plat an acreage totaling 20.268 acres. The purpose of the plat is to formally establish the acreage separate from surrounding farmland for future estate-planning needs.

History / Issue(s): At the August 10, 2026 meeting, the Board postponed action on the plat because the proposed lot line crossed the existing driveway, and no ingress/egress easement was recorded to provide legal access. The Board and the State's Attorney advised that an easement must be included either directly on the plat or as a separately recorded instrument. The surveyor has now submitted an updated plat and mylar with the required ingress/egress easement, resolving the access deficiency.

Updated Information: • The revised plat includes a recorded ingress/egress easement ensuring legal access.

- This correction resolves the issue that resulted in postponement.
- All other platting requirements appear to be met.

Staff Recommendation: Staff recommends approval of the Kruse Second Addition plat as revised. Upon approval, the plat will be forwarded to the Deuel County Commissioners for final action.

ITEM #3 – PLAT

Applicants/Owners: Triple M Dairy Partnership

Property Description: Plat of Moes Second Addition located in the NW1/4NE1/4 of Section 30, Township 117 North, Range 50 West, Rome Township, Deuel County, South Dakota.

Request: Plat 3.50 acres containing an old house so the property may be sold to Tim Moes' son and daughter-in-law.

History / Issue(s): The owners are platting the property solely to transfer ownership to their son and daughter-in-law. The existing house is being removed so a new residence can be constructed on the site.

Updated Information: • A building permit for the new house will be submitted, and all required setbacks will be met. • The applicants will sign the Right to Farm Notice Covenant and the CAFO waiver when applying for the building permit.

Staff Recommendation: Staff recommends approval of the Plat of Moes Second Addition. Upon approval, the plat will be forwarded to the Deuel County Commissioners for final action.

ITEM #4 – PLAT

Applicants/Owners: Paul and Lisa Brandt; Joel and Dianne Brandt

Property Description: Ash Grove Addition, NW¼ Section 8, Township 115 North, Range 49 West, Clear Lake Township, Deuel County, South Dakota.

Zoning Designation: AG – Agriculture District

Request: Plat 3.99 acres of bare farm ground so it may be sold to Inwood Pork LLC.

History / Issue(s): Inwood Pork LLC has received approval for a Class D CAFO permit for a 960-animal-unit (2400-head) swine finishing facility, a permitted use in the Agricultural District. Platting is required to establish the legal parcel needed for construction. The owners are platting the property solely to facilitate the sale and construction of the approved facility.

Updated Information: • The property is bare farm ground.
• No zoning conflicts exist; the CAFO use is permitted and already approved.

Staff Recommendation: Staff recommends approval of the Plat of Ash Grove Addition. Upon approval, the plat will be forwarded to the Deuel County Commissioners for final action.

ITEM #5 – PLAT

Applicants/Owners: Korey and Nicolle Kotek (owners of Lots 15, 16, and 17) and the Maynard & Barbara Cochrane Revocable Trust (owners of the adjacent portion of Government Lot 7)

Property Description: 16A of Shady Beach Addition in Government Lot 7 of the SE¼ of Section 4, Township 114 North, Range 47 West of the 5th P.M., Norden Township, Lake Cochrane, Deuel County, South Dakota.

Zoning Designation: LP – Lake Park

Request: The applicants request approval of a plat for 16A of Shady Beach Addition. The land being platted includes the area between Lots 15, 16, and 17 and the public right-of-way, including the portion of Government Lot 7 owned by the Cochrane Revocable Trust. Plat approval will allow the Kotek-owned lots to directly adjoin the public right-of-way and

provide additional area for future development, access improvements, and building flexibility consistent with Lake Park District standards.

History / Issue(s): The applicants are proposing the plat to correct access limitations and provide additional developable area associated with Lots 15, 16, and 17. The proposal aligns with LP – Lake Park zoning standards.

Updated Information:

- The plat formally connects the Koteck-owned lots to the public right-of-way.
- The configuration allows improved access and future development options consistent with district requirements.

Staff Recommendation: Staff recommends approval of the Plat of 16A of Shady Beach Addition. Upon approval, the plat will be forwarded to the Deuel County Commissioners for final action.

ITEM #6 – PLAT

Applicants/Owners: Lyndon & Cheryl Hoseck Revocable Trust

Property Description: Hoseck's Addition located in the NE¼ of Section 33, Township 114 North, Range 50 West, Hidewood Township, Deuel County, South Dakota.

Zoning Designation: AG – Agriculture District

Request: Plat 34.32 acres containing an existing building site and surrounding pasture so the property may be transferred to Kurt Seppnen.

History / Issue(s): The purpose of the plat is to formally separate and transfer the building site and pasture area. Theisen verified that the new property lines meet the required 25-foot setback from existing buildings. According to surveyor Brian Ernst, the existing pole shed is 27 feet from the new property line.

Updated Information:

- The tract includes a building site and pastureland intended for transfer.
- New property lines meet the 25-foot setback requirement.
- No zoning conflicts identified with the proposed plat.

Staff Recommendation:

Staff recommends approval of the Plat of Hoseck's Addition. Upon approval, the plat will be forwarded to the Deuel County Commissioners for final action.