Monday January 13, 2020

The Deuel County Zoning Board met on Monday, January 13, 2020, at 6:30 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 and Mike Dahl. Also present were Attorney John Knight and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order.

The minutes from the December 9, 2019, meeting were discussed. Motion by Dahl, seconded by Deboer, to approve the December 9, 2019, minutes. All voted in favor and motion carried.

Chairman Kanengieter asked for nominations for Chairman for 2020. DeBoer made motion to elect Kanengieter as Chairman, that nominations cease, and a unanimous ballot be cast for Kanengieter. Brandt seconded the motion. All present voting yes and motion carried.

Chairman Kanengieter asked for nominations for Vice Chairman for 2020. DeBoer made motion to elect Brandt as Vice Chairman, that nominations cease, and a unanimous ballot be cast for Brandt. Dahl seconded the motion. All present voting yes and motion carried.

Motion by Brandt, seconded by Homan, to approve the January 13, 2020, Agenda. All voted in favor and motion carried.

ITEM ONE

Motion by Brandt, seconded by Dahl, to remove from the table the Phil Koomia and Kristi L Koomia Trust application for a Variance of Section 1103.5 Area Regulations and to remove from the table Phil Koomia and Kristi L Koomia Trust application for a Special Exception Permit Pursuant to Section 1103.4.8 Accessory Structure. The requests, if granted, would permit the applicant to use the following property: Lot 6, Lot 7, and Lot F of Lot 18 of Clear Water Beach in Government Lot 6 in Section 4-T114N-R47W, Lake Cochrane, Norden Township, Deuel County, South Dakota, to remove an existing house and build a new house less than 30' from the easement, less than 50' from the high water-mark, and less than 10' from the side yard, remove existing garage and to build an accessory garage with living space located on a lot adjacent to lot with principle structure which is separated by a public or private road, and to accept Kooima's request by an email to the Deuel County Zoning office on December 13, 2019, to withdraw the Variance application. All voted in favor and the motion carried.

ITEM TWO

Theisen presented the Board of Adjustment the Zoning 2019 report and a list of the building permits and various permits that were granted in 2019.

The Board of Adjustment discussed the Fee Schedule and Theisen presented the Deuel County Board of Adjustment comparison sheet of Deuel County's Fee Schedule to Brookings County, Hamlin County, Grant County, Codington County and Moody County. The Zoning Officer showed the Board of Adjustment a survey that First District did a couple years ago to compare the surrounding 11 counties. The Board discussed the fees and suggested that the county raise the residential structures from $.05 to $.07 and commercial buildings from $.04 to $.06, and to raise basements, attached garages, non ag buildings and ag buildings from $.03 to $.05. They also suggested to raise grain storage bins from $25 to $50 for < $50,0000 cost of construction and $100 for = or > $50,0000 for new or moved. They suggested to lower the permit fee for Class B CAFO's from $1,300 to $1,000 and Class C & D CAFO's from $900 to $500. They suggested changing these fees to be more uniform with other counties. Motion by Dahl, seconded by DeBoer, to approve the 2020 Zoning Board Fees Schedule with some amendments. All voted in favor and motion carried.

ITEM THREE

Gunderson & Evenson LLP and Owner, Delores Begalka & Family applied for a Variance request to Section 1101.4 Area Regulations & Section 1208 Shelterbelt Setback Requirements. The request, if granted, would permit the applicant to use the following property: E1/2SW1/4 & Gov Lots 3 & 4 (Plat of Lot 1 and Lot 2 of Begalka First Addition Located in the E1/2 of the Southwest Quarter and Gov't Lots 3 and 4) of Section 18, Township 114 North, Range 50 West of the 5th P.M., Hidewood Township, Deuel County, South Dakota, to plat a parcel of land, to retain existing buildings that are located on the side lot line and existing shelterbelt that is closer to the road right-of-way and adjoining property line than what the ordinance allows. Dennis Evenson, attorney, representing Delores Begalka, stated that they platted this parcel because the building site is located on the NW1/4 and the SW1/4. Evenson stated that they are splitting the parcel through a building site and Delores will deed Lot 1 and the NW1/4 to the Gale Begalka. Evenson stated that he could have prepared a deed with footages, but he wanted a cleaner legal for the Director of Equalization and Register of Deeds Offices. Evenson stated that they wanted to follow the fence line. Evenson also stated that he was informed by the Zoning Officer that the Begalka's would have to apply for a variance because of the existing shelterbelt that is closer to the road right-of-way than the ordinance allows. The Board stated that they would accept the Treasurer's Certificate that was signed in 2019. Motion by Dahl, seconded by Brandt, to grant the Variance to retain the existing structures that are located on the north property line, to retain existing shelterbelt that is approximately 9' from the road right-of-way and approximately 20' from the adjoining property line than what the ordinance allows. All voted in favor and motion carried.

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

ITEM FOUR

Motion by Brandt, seconded by BeBoer ,to approve the Plat of Lot 1 and Lot 2 of Begalka First Addition Located in the E1/2 of the Southwest Quarter and Gov't Lots 3 and 4) of Section 18, Township 114 North, Range 50 West of the 5th P.M., Hidewood Township, Deuel County, South Dakota. All voted in favor and motion carried.

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

ITEM FIVE

The applicant, Brad Tille, and Owner, Robert J Flicek, applied for a Variance of Section 1103.5 Area Regulations. The request, if granted, would permit the applicant to use the following property: in Lot 1 Replat of Lots 35, 36 & 37 of Severson's Bay in Government Lot 5 in Section 5-T114N-R47W, Lake Cochrane, Norden Township, Deuel County, South Dakota, to build house and covered patio less than 50' from the high water-mark in Lake Park District. Tille stated that he would like to build a covered patio approximately 38' from the high water-mark and the house would be approximately 48' from the high water-mark. The house and garage will be more than 30' from the edge of the road and more than 10' from the side lot lines. Tille stated that he purchased this lot from the Flicek's. The Board discussed the layout design and the line of site and how the porch and the storage area of the house will be closer to the high water-mark than the neighbor's houses and decks. Tille stated that he had a surveyor go to the site to find the pins and the high water-mark and they based the layout of the house off of that information. Tille stated that the placement of the garage is 30' from the property line toward the road. The Board stated that he could move the garage and house closer to the road. The structure has to be 30' from the edge of the road on his property and not in the road right-of-way. Tille stated that he went from the property line and if he moves the house toward the road he might not need a variance to have his covered patio and house less than 50' from the high water-mark. Motion by Dahl, seconded by Kanengieter, to table the Variance request to build a house and covered patio approximately 38' from the high water-mark in Lake Park District, until the applicant can come back to the Board with a different layout of the structures to verify the setbacks. All voted in favor and the motion carried.

ITEM SIX

The applicant, Brad Tille, and Owner, Robert J Flicek, applied for a Special Exception of Section 1103.4.5 Shoreline Alterations. The request, if granted, would permit the applicant to use the following property: in Lot 1 Replat of Lots 35, 36 & 37 of Severson's Bay in Government Lot 5 in Section 5-T114N-R47W, Lake Cochrane, Norden Township, Deuel County, South Dakota, to build retaining walls and a stairway less than 35' from the high water-mark in Lake Park District. Tille stated that he would like to build two retaining walls, one would be approximately 13' from the high water-mark and the other retaining wall would be approximately 28' from the high water-mark. The

house and garage will be more 30' from the edge of the road and more than 10' from the side lot lines. Tille stated that he would like to build two retaining walls and some landings within the 35' from the high water. He stated that he would like his shoreline to look like the neighbors. The Board asked Tille if he would remove any trees or grass near the high water mark. He stated that they would not remove and trees or grass down toward the high water-mark because they don't want that much work to maintain the property. The Board asked Tille how much dirt or fill he would remove or add for the retaining walls and specifics about his plan. Tille didn't know how much dirt would be disturbed. Motion by Dahl, seconded by Homan, to table the Special Exception request to build two retaining walls, the closest one being approximately 13' from the high water-mark, and to provide a more detailed landscaping plan to the Deuel County Zoning Board. All voted in favor and the motion carried

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

ITEM SEVEN

Theisen discussed status of updating the zoning ordinance and the process. Theisen also stated she was at a meeting about shoreline alterations with some Deuel County Commissioners, some property owner's, and Rhett Russel from the South Dakota Game Fish & Parks. Theisen informed the Board that Russel stated Thiesen has been informing him about shoreline alterations. Theisen stated at past meetings that the Board, Deuel County States Attorney, or she inform the applicants that they should contact the GFP if they need a permit if they are within the high water-mark. Theisen also informed the Board about the process of the wind turbines.

ITEM EIGHT

Theisen stated Jerry Jelen's 6 month deadline is Jan 8, 2020 to come back to the Board with a plan about the garage. She sent a reminder email to him on December 31, 2019. On January 6, 2020, Jelen sent an email stating they are in the process of getting plans drawn to connect the two buildings. They have experienced delays. The good news is they have a draftsman coming to measure and draw a connection which will be acceptable to us and affordable. They are sure the plans will not be completed by the 13th but they expect sometime later this month. On January 12, 2020, Jelen sent an email of a preliminary plan to the Zoning Office. The Board reviewed the preliminary plan to connect the existing buildings together. Motion by Dahl, seconded by Homan, The Board reviewed and acknowledged the preliminary plan to connect the existing buildings together to be in compliance with the Deuel County Zoning Ordinance. They will have to apply for a building permit and submit a final plan for approval. All voted in favor and the motion carried

Jodi Theisen
Zoning Officer

Dennis Kanengieter
Chairman, Zoning Board