

Monday, June 14, 2021

The Deuel County Zoning Board met on Monday, June 14, 2021, 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, Mike Dahl, and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order.

The minutes from the May 10, 2021, May 12, 2021, May 24, 2021 and June 1, 2021 meetings were discussed. Motion by Homan, seconded by DeBoer, to approve the May 10, 2021, May 12, 2021, May 24, 2021 and June 1, 2021 minutes. All voted in favor and motion carried.

Motion by Brandt, seconded by Dahl, to approve the June 14, 2021, Agenda. All voted in favor and motion carried.

#### ITEM ONE

Arthur & Rebecca Foster, applicants/owners, applied for Special Exception Permit Pursuant to Section 1101.03.13- Wireless Telecommunication Towers and Facilities. The request, if granted, would permit the applicant to use the following property: N933.50' W933.50' in the NE1/4 of Section 12-115-48, Herrick Township, Deuel County, South Dakota, to construct a small antenna for a HAM radio in Agricultural District.

Foster stated he would like to install/erect a HAM radio antenna on the east side of his new garage/workshop. The antenna will stand on top of a 20 foot steel pole which will be anchored into concrete and it will be attached to the eve of the workshop. The total height of the pole and the antenna will be approximately 28 feet. Foster stated that he has discussed the HAM radio with the neighbors to the east (the Hunts) and they have no objections.

Motion by Dahl seconded by DeBoer, to grant the Special Exception Permit to install/erect a small antenna for a HAM radio in Agricultural District. All voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

#### ITEM TWO

Postponed from the April 12, 2021 - Robert & Lori Jelen, applicants, Lori Jelen Revocable Trust, owners, applied for Special Exception Permit Pursuant to Section 1103.4.5 Shoreline Alterations. The request, if granted, would permit the applicant to use the following property: Lots 2, 2A and 2B United Methodist Bay Addition in Outlot A of Gov Lot 10 of Section 4-114-47, Lake Cochrane, Norden Township, Deuel County, South Dakota, by adding more rock, building 2 retaining walls, removing existing stairs, and doing landscaping within 35' from the high-water-mark.

Jelen's seeks a Special Exception to remove the existing stairway and decks and replace it with three retaining walls, new stairway and to place more rock along the high-water-mark. Jelen's stated they do have permission from Rhett Russell with DENR for the previous shoreline alteration plan and they updated Russel and he was ok with the new plan.

Jelen's stated that they want to remove the existing stairway and deck and they want to build three retaining walls and put tile behind them for drainage. They would like to build a new

stairway and place rock along the shoreline and the side hill. Jelen stated that they would remove approximately 18.6 yards of dirt and he is using a company out of Sioux falls for the engineering.

Motion by DeBoer seconded by Homan, to grant the Special Exception Permit to allow the applicant to alter the shoreline within 35' from the high-water-mark by rebuilding the stairway and by building three retaining walls. To add rock to the embankment and follow the landscaping plan provided and to move the lower retaining wall 2' further back from the high-water-mark. To use a silt fence during construction. All voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application

### ITEM THREE

Gordon & Delores Fuhr Irrevocable Trust applied for a Special Exception Permit Pursuant to Section 1103.4.8 Accessory Structure located on a lot adjacent to lot with principal structure which is separated by public or private road. The request, if granted, would permit the applicant to use the following property: Lot 1 Rhea 3<sup>rd</sup> Addition in NE1/4SE1/4 of Section 4-114-47, Lake Cochrane, Norden Township, Deuel County, South Dakota, to move in a storage shed on their property across from the principal structure.

Fuhr stated they applied and was granted a Special Exception on February 10, 2021 for Lot 1 Ramige Addition to move in a 12' x 20' storage shed and place it on the back lot and they have applied for a variance to have the shed located 5' from the front property line (road). They didn't like the location and they want to move the shed to Lot 1 Rhea 3<sup>rd</sup> Addition which is located to the south of Lot 1 Ramige Addition and put it 10' from the lot line and 5' from the front property line (road).

Motion by Dahl, seconded by DeBoer, to grant the Special Exception Permit to allow the applicant to relocate the 12' x 20' storage shed located on a lot adjacent to the lot with principal structure which is separated by a public or private road right-of-way to Lot 1 Rhea 3<sup>rd</sup> Addition. To waive the \$200 fee for the Special Exception permit and to charge the building permit application fee. All voted in favor of and the motion carried.

The Board determined that it is empowered under the section of the ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest. Please see Findings of Fact and Conclusions of Law on file with this application.

### ITEM FOUR

Gordon & Delores Fuhr Irrevocable Trust applied for Variance of Section 1103.5 Area Regulations. The request, if granted, would permit the applicant to use the following property: Lot 1 Rhea 3<sup>rd</sup> Addition in NE1/4SE1/4 of Section 4-114-47, Lake Cochrane, Norden Township, Deuel County, South Dakota, to move in a storage shed 5' from the front property line (road) on their property.



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

Theisen stated that there will be a meeting with 1st District to discuss updating the Ordinance B-2004-01 the Zoning Regulations for Deuel County on Tuesday, June 22 at 6:00 p.m. Theisen also informed the board the next regular meeting which will be held on July 12, 2021 at 6:30 p.m.

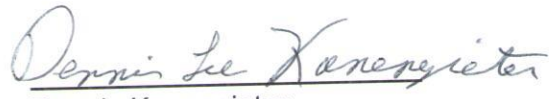
Theisen stated she received an email from Tom Farrell and he stated they planted a tree on 5-12-21 by the three trees they removed. Theisen talked to the board about some items.

Kanengieter called the meeting.



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Jodi Theisen  
Zoning Officer



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Dennis Kanengieter  
Chairman, Zoning Board