

**September 19, 2022 BOARD OF ADJUSTMENT/ PLANNING COMMISSION  
DEUEL COUNTY  
STAFF REPORT**

**Monday – September 19, 2022 – 6:30 p.m.**

**DEUEL COUNTY BOARD OF ADJUSTMENT**

**ITEM # 1**

**Applicants/Owners: Carol & Kevin Nielsen**

**Property Description: Block 1 Nielsen Addition in SW1/4SW1/4 of Section 24-114-49, Brandt Township, Deuel County, South Dakota**

**Action Items – Variance – (Section 1101.04 Rear Yard)**

**Zoning Designation: AG – Agricultural**

**Request: Applicant requesting a Variance are requesting to build an accessory building with less than 50' from the rear yard.**

**Specifics of Request:**

1. Nielsen are requesting to build an accessory building with less than 50' from the rear yard.
2. 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.

**Staff recommendation: If approved, staff recommendation - To grant the Variance to pole shed for storage, no closer than 25' from the back lot line. Please see Findings of Fact and Conclusions of Law on file with the application.**

**The Board could deny the Variance on the basis that the circumstances surrounding this request are not so unique in nature to necessitate granting special privilege to this applicant which is denied to other properties in this zoning district.**

**ITEM # 2 Variance**

**Applicants/Owners: Amy Potter, Trevor Potter and Brandon Potter**

**Property Description: Hanson Addition in SE1/4 of Section 1-115-48, Herrick Township, Deuel County, South Dakota**

**Action Items – Variance – (Section 1101.04 Front Yard)**

**Zoning Designation: AG – Agricultural**

**Request: Applicants are requesting a Variance to build an accessory building with less than 150' from the front yard.**

**Specifics of Request:**

1. Potter's are requesting a Variance to build an accessory building with less than 150' from the front yard
2. They moved in a 8' x 12 chicken shed less than 150' from the front yard. The house addition is approximately 126' from the ROW which is approximately 176' from the center of the road with a 50' ROW.

**Staff recommendation: If approved, staff recommendation - To grant the Variance to move in an accessory building, no closer than 120' from the road right-of-way. Please see Findings of Fact and Conclusions of Law on file with the application.**

**The Board could deny the Variance on the basis that the circumstances surrounding this request are not so unique in nature to necessitate granting special privilege to this applicant which is denied to other properties in this zoning district.**

### **ITEM #3 VARIANCE**

**Applicants/Owners: Par Farms Inc**

**Property Description: N620' of E1580' of NW1/4 of Section 30-117-50, Rome Township, Deuel County, South Dakota**

**Action Items – Variance – (Section 1101.04 Front Yard)**

**Zoning Designation: AG – Agricultural**

**Request: Applicants are requesting a Variance to replace existing bin with a new bin with less than 150' from the front yard.**

**Specifics of Request:**

- 1. Par Farms Inc are requesting a Variance to replace existing bin with a new bin with less than 150' from the front yard.**
- 2. They would like to remove an existing 27D x 18H older bin and build a new 36D x 26H bin less than 150' from the front yard. The new bin would be approximately 87' from the ROW which is approximately 120' from the center of the road with a 33' ROW.**
- 3. In 2008 this property was granted a variance from a machine shed not closer than 100' from the ROW.**
- 4. 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.**

**Staff recommendation: If approved, staff recommendation - To grant the Variance to replace existing bin with a new bin, no closer than 85' from the road right-of-way. Please see Findings of Fact and Conclusions of Law on file with the application.**

**The Board could deny the Variance on the basis that the circumstances surrounding this request are not so unique in nature to necessitate granting special privilege to this applicant which is denied to other properties in this zoning district.**

### **ITEM # 4 PLAT**

**Applicant/Owner: Lake Cochrane Sanitary District, Lynns Farms LLC & Mark & Beth Jessen**

**Property Description: 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.**

**Request: Plat of 40,101 square feet for transferring purposes, the added approximately 22.71' to the original Lot 1 Block 4 for more buildable area.**

**Action Item –Plat approval.**

#### **ITEM # 5 PLAT**

**Applicant/Owner: Curtis Peterson**

**Property Description: 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.**

**Request: Plat of 13.29 acres for transferring purposes, selling acreage to grandson.**

**Action Item –Plat approval.**

#### **ITEM # 6 STATES ATTORNEY**

**Applicant: Dennis Evenson**

**Owner: Tyler Grong, Evan Grong & Aron Grong**

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

**Action Items – County Platting**

**Zoning Designation: LP –Lake Park**

**Request: Applicants/Owners seeks a road easement along Co. Rd 516 for existing garage which is located in the existing road right-of-way.**

#### **Specifics of Property/Request:**

1. Dennis Evenson stated in 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.
2. Survey shows that the structures are built in the ROW and close or over the property line since the property lines shift northwest.
3. 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'.
4. 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

#### **ITEM # 7 DISCUSSION**

**Theisen stated that she sent out numerous violation letters for no building permits this last month, and discussed concerns at Lake Cochrane.**