

Tuesday October 10, 2017

The Deuel County Zoning Board met on Tuesday, October 10, 2017, at 6:15 P.M., in the Commissioners' room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Mike Dahl, Gary Jaeger, Paul Brandt, and Kevin DeBoer. Also present were States Attorney John Knight and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order. The minutes from the September 11, 2017, were discussed.

Motion by DeBoer, seconded by Brandt, to approve the September 11, 2017, minutes. All voted in favor and motion carried.

Motion by Dahl, seconded by DeBoer, to approve the October 10, 2017, Agenda All voted in favor and motion carried.

- 1) Ben Stout with the South Dakota Department of Ag and Economic Development came and talked to the Zoning Board about rural development. He showed studies of county comparison of Deuel County, Sioux County, Iowa, and Kandiyohi County in Minnesota. He discussed the trends of population, corn & soybean yields, livestock production, and farm sizes. He talked about the economic impact that dairy, beef, and swine, have on property values in rural counties. Stout stated that livestock turns over dollars in local communities. Stout stated that all the data he presented is public data and he is making communities aware of development opportunity so people can see what these facilities are actually about.
- 2) Todd Stroschein, representing Donna Balo, applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: Balo Addition in the NE1/4 in Section 26-114-50, Hidewood Township, to have existing buildings within 150 feet of the front yard from the new plat line in an AG Zoned District. Stroschein stated that he is purchasing the rest of the quarter from Donna Balo, except the building site. The board explained because of the new plat, the existing buildings need to meet the minimum setbacks. Motion by DeBoer, seconded by Jaeger, to grant the Variance to allow the existing house approximately 30 feet from the proposed property line, to allow existing garage no less than 5 feet from the proposed property line, and to allow the existing granary approximately 10 feet from the proposed property line. All voted in favor and motion carried. The findings for this Variance are that it is an existing building site. This plat has a private drive and the owner of the plat located to the east is related. This plat won't have an impact on the

neighbors. There is no safety issue for the existing house and buildings, and it won't create a snow problem.

- 3) Motion by Dahl, seconded by Brandt to approve the Plat of Balo Addition in the NE1/4 Section 26-114-50, Hidewood Township. All voted in favor and motion carried.
- 4) Dennis & Tammy Renkly applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lots 40 and S1/2 Lot 39 Severson Bay in Govt. Lot 5 in NE1/4 Section 5-114-47, Norden Township, Lake Cochrane. To operate a private campground in a Lake Park District. Renkly purchased the property from Raymond Pottratz who is Tammy's father; they presented their site plans for the special exception; the plan for the property to involve 3 camper units. They stated that they remove their camper and dispose of their sewage. They do not have a septic tank. They also stated that they remove the campers in the fall. Renkly stated that their campers are approximately 5 feet from the property line. Renkly stated that they would like to build a cabin there in the future. Dahl stated that he would like to see some plans for a cabin in the future. Ron Ruud with the Lake Cochrane Association stated that these lots are the most complained about, having 4 campers on these lots. Most people don't know the lots are split and owned by 2 different owners. Motion Dahl, seconded by DeBoer to grant a Special Exception for two years that expires on October 10, 2019, to operate a private campground on Lots 40 and S1/2 Lot 39 Severson Bay in Govt. Lot 5 in NE1/4 Section 5-114-47, Norden Township, Lake Cochrane, with a maximum of 2 camper units on the site at a time, to remove them in the fall, and to have no commercial camping, and to have the campers 5 feet from the property line. The Special Exception is nontransferable. All voted in favor and 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. The Board then made written findings as required by Section 504, subparagraph 5(a-h), of the ordinance.
 - a. Entrance to and exit from property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe: Applicant has preexisting access to the property and proposed structures, and there is no issue with automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.

- b. Off-street parking and loading areas where required, with particular attention to the items in (a) above, and the economic, noise, glare, odor or other effects of the special exception on adjoining properties and properties generally in the district: Applicant has sufficient off-street parking on the lot they own across the road. Loading is not a concern. The special exception will have no or minimal economic, noise, glare, odor or other effects on the adjoining properties or properties generally in the district.
- c. Utilities, with reference to locations, availability, and compatibility: Applicants have adequate utilities.
- d. Screening and buffering with reference to type, dimensions, and character. Applicants have adequate screening and buffering.
- e. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district: Does not apply.
- f. Required yards and other open spaces: Applicant has adequate yard and other open spaces.
- g. General compatibility with adjacent properties and other property: The applicant's proposed use is generally compatible with the adjacent properties and other properties in the lake park district.
- h. Refuse and service areas, with particular reference to the items in (a) and (b) above: No garbage is stored outside and applicants take their garbage home with them when they leave the property.

5) Steve & Lisa Hauswedell applied for a Variance. The request, if granted, would permit the applicant to use the following property: Lot 18 Plat Entitled Grabow Addition in Gov Lots 1 & 5 in the SW1/4NE1/4 Section 5-117-47, Lake Cochrane, of Section 4-114-47, Norden Township, in the following manner: To build a house and garage within 50 feet from the back lot in an Lake Park Zoned District. After looking into the property and the plat map, the zoning officer and Hauswedell found out that the side lot line is 258 feet instead of 195 feet, so the house and garage is more than 50 feet from the back lot line. Hauswedell was under the assumption that the post toward the back of the lot was the end of their property. However, the lot extends into the slough. The board determined that the Hauswedell can just apply for a building permit and to refund the \$200 variance fee.

6) Wesley Risseeuw applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: Block One Dahl Addition in the W1/2W1/2 of Section 24-114-50, Hidewood Township, in the following manner: To build a shed within 50 feet from the side lot and within 150' from the road right-of-way in an AG Zoned District. Risseeuw didn't know he needed to apply

for a variance from the side lot or the road right-of-way. The shed that he built is for his camper and is approximately 20 feet from his side lot which is owned by Mike Dahl. Mike Dahl signed a letter showing approval and acknowledgement of the shed and variance. The shed is 122 feet from the road right-of-way which is next to an existing shed. Dahl abstained from voting. Motion by Jaeger, seconded by Brandt, to approve the Variance to build a shed 20 feet from the side lot and 122 feet' from the road right-of-way in an AG Zoned District. Kanengieter called a roll call vote: Jaeger-yes, DeBoer-yes, Brandt-yes, Kanengieter-yes. Motion carried. The findings for this Variance are the new shed will not cause a safety or snow problem. The existing shed and trees are closer to the road right-of-way. There will not be any buildings built to the west of the property because of the creek drop off.

- 7) Lee Squires, representing the Highland Lutheran Cemetery which is located by the town of Brandt, came and talked to the Zoning Board about removing some trees that have died and replacing them. Squires stated that these trees are along the road right-of-way. The board stated that they would like the churches and cemeteries to come and talk to them about these situations. The board is ok about letting the Highland Lutheran Cemetery replace the tree if it dies with a similar tree, as long as it is placed in the same spot and it won't cause a snow, visual, or safety issue.
- 8) Zoning officer, Jodi Theisen, brought to Zoning Board a complaint she received out at Lake Cochrane. The complaint was about a private graveled boat ramp. The ramp extends from the road to the lake and the person is concerned about erosion into the lake. The board asked if Theisen knew the property owner of the ramp. Theisen stated that when she inspected the site it was very hard for her to decide where the property line was. The board suggested that she write a letter to both property owners and to find out the correct owner and have them come to the next Zoning Board meeting so the board can talk to them about this issue.

The zoning officer also presented the board with property owners who have built a deck onto their property in rural Deuel County, and another property owner removed a shed and built a new shed on their Lake Cochrane property without a building permit, special exception, or a variance. The board suggested that Theisen send the property owners letters and have them apply for the correct permits.

The board also suggested sending a letter to the property owners next to Renkly's to have them apply for a special exception for a private campground because they have 3 campers on their lots.

- 9) Motion by Dahl, seconded by Brandt, to go into executive session at 8:30 p.m., pursuant to SDCL 1-25-2(3), for the purposes of consulting with legal counsel Kanengieter declared the board out of executive session at 9:30 p.m.

Kanengieter called the meeting.



Jodi Theisen

Zoning Officer



Dennis Kanengieter

Chairman, Zoning Board