

Wednesday, February 10, 2021

The Deuel County Zoning Board met on Wednesday, February 10, 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 January 11, 2021, meetings were discussed. Motion by Dahl, seconded by DeBoer, to approve the January 11, 2021, minutes. All voted in favor and motion carried.

The minutes from the January 13, 2021 & February 3, 2021, meetings were discussed. Motion by DeBoer, seconded by Kanengieter, to approve the January 13, 2021 & February 3, 2021, minutes. All voted in favor and motion carried.

Motion by Homan, seconded by Dahl, to approve the February 10, 2021, Agenda. All voted in favor and motion carried.

#### ITEM ONE

Carol & Kevin Nielsen, applicants, and Carol Anderson & Kevin Nielsen, owners, applied for a Variance of Section 1101.04 Area Regulations & Section 1208 Shelterbelt Setback Requirements. The request, if granted, would permit the applicant to use the following property: Block 1 TeGantvoort Addition in SW1/4SW1/4 (to be known upon platting to be included the Plat of Block 1 Nielsen Addition in SW1/4SW1/4) of the Section 24-114-49, Brandt Township, Deuel County, South Dakota, to replat a parcel of land, to retain existing buildings and existing shelterbelt that are closer to the section line road right-of-way and existing shelterbelt that is closer to the adjoining property line than what the ordinance allows.

Theisen stated the existing shed is approximately up to section line road right-of-way, the garage is approximately 6' from section line road right-of-way, and the existing shelterbelts are approximately up to the section line road right-of-way and approximately up to the adjoining property line. Nielsen stated that the township doesn't maintain the section line road right-of-way and it is unimproved passed their trees to the north.

Nielsen stated that they are replatting because they are wanting to rezone part of their property so they can apply for a Meat locker (butcher shop) on Block 2 Nielsen Addition.

Motion by DeBoer, seconded by Dahl, To grant the Variance to plat a parcel of land and to retain the existing shed up to the section line right-of-way, to retain the existing garage approximately 6' from the section line right-of-way, to retain the existing shelterbelts that are approximately up to the section line road right-of-way and approximately up to the adjoining property line. This Variance doesn't apply to any new structures that are built on the property. Kanengieter called for a roll call vote; DeBoer-yes, Brandt-yes, Homan-yes, Dahl-yes, and Kanengieter-yes and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

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

#### ITEM 2

Motion by Dahl, seconded by DeBoer, to approve the Plat of Blocks 1 & 2 Neilsen Addition in SW1/4SW1/4 of the Section 24, T114N, R49W, of the 5th P.m., Brandt Township, Deuel County, South Dakota. All voted in favor and motion carried.

#### ITEM 3

Motion by DeBoer, seconded by Homan, to approve the Plat of Hanson Addition in SE1/4 of the Section 1, T115N, R48W, of the 5th P.m., Herrick 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 4

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 Ramige 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 want to move in a 12' x 20' storage shed and they would like to place the shed on the back lot and they have applied for a variance to have the shed located 5' from the front property line (road).

Motion by DeBoer, seconded by Dahl, to grant the Special Exception to allow the applicant to move in a 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. 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 5

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 Ramige 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.

Fuhr's stated they want to move in a 12' x 20' storage shed and they would like to place the shed on the back lot and they would like to place the shed 5' from the front property line (road)



and 10' from the side lot line. The existing road is not in the designated place and is 40 plus ft from the west pin of this lot. By placing this shed closer to the road than 30' it will make the rest of the lot more accessible for gardening and moving the shed back to the 30' setback would be peril for tree damage. Connie Moens, neighbor, stated she is ok with the location of the shed as long as it is not located on the road right-of-way.

Motion by DeBoer, seconded by Homan, to grant the Variance to move in a 12' x 20' storage shed approximately 5' from the front of the property line (road) toward the platted road right-of-way. Kanengieter called for a roll call vote; DeBoer-yes, Brandt-yes, Homan-yes, Dahl-yes, and Kanengieter-yes and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

#### ITEM 6

Shawn's Custom Homes, applicant, and Kyle & Jean White, owners, applied for a Variance of Section 1103.5 Area Regulations. The request, if granted, would permit the applicant to use the following property: Lot 7 & Lot 7A Severson Bay in Gov Lot 5 in NE1/4 of the Section 5-114-47, Lake Cochrane, Norden Township, Deuel County, South Dakota, to build new deck within 50' from the high-water-mark on their property.

White's stated they would like to enclose their existing deck that is approximately 51' from the high-water-mark and they want to build a new 12' x 20' deck and stairs in front of the existing deck. The new deck would be approximately 39' from the high-water-mark and have the stairs approximately 32' from the high-water-mark. Whites stated this deck would allow better usage of the lot due to the steep drop to the lake and the tight width restrictions of the 40' width of the lot. Their lot space is limited toward the road if they would ever like to build a garage and this addition would allow better usage of the limited square footage of the existing house. Whites stated they can't build toward the road since the sewer line is in that area, it would not be cost effective and they want to have the living space toward the lake to enjoy it.

Motion by DeBoer, seconded by Kanengieter, to grant the Variance to build a 12' x 20' deck approximately 39' and stairs approximately 32' from the high-water-mark. Whites need to place fabric and rock under the new deck and the stairs to help stop erosion. Kanengieter called for a roll call vote; DeBoer-yes, Brandt-yes, Homan-yes, Dahl-yes, and Kanengieter-yes and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

#### ITEM 7

Constance Moen applied for a Special Exception Permit Pursuant to Section 1103.03 Private Parks and Campgrounds. The request, if granted, would permit the applicant to use the following property: Outlots Lots 100 & 101 & Lots 52, 53, & 54 of Shady Beach in Govt. Lot 7 in SE1/4 in Section 4-114-47, Lake Cochrane, Norden Township, Deuel County, South Dakota, to operate a private campground in a Lake Park District.

Moen would like to renew her special exception for a private campground so they can park their camper on the lots for the summer. Moen stated that she has parked one camper there and would like to continue. They bring the camper in April and remove it in the fall. Theisen stated

the Zoning Office has had some complaints from the neighbors about the pile of tree limbs and brushes.

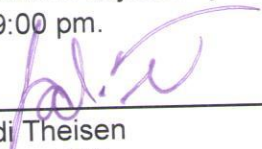
The Board determined that it is empowered under the section of the ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest. Please see Findings of Fact and Conclusions of Law on file with this application.


Motion by DeBoer, seconded by Homan, to grant the Special Exception to permit a private campground for one camper on said lots, no commercial camping is allowed, and this camper cannot be any closer than 20' from the side lot, 50' from the high water-mark and cannot be any closer than 20' from the road. This special exception is good for two years and the applicant would need to reapply before April 10, 2023. All voted in favor of and the motion carried.

Theisen discussed upcoming building permits and plats. Theisen stated she received a letter from Troy Roth, SD DENR – PE, Engineering Manager, that informed Mike Kellen that DENR terminated his DENR CAFO permit for the egg farm.

Theisen stated that there will be a Joint meeting with the Commissioners about rezoning for the Nielsen's property on Tuesday, February 16, 2021 at 9:45 a.m.

Motion to adjourn by Dahl, second by DeBoer. Motion passed unanimously. Meeting adjourned at 9:00 pm.

  
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Jodi Theisen  
Zoning Officer

  
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Dennis Kanengieter  
Chairman, Zoning Board