

Monday June 15, 2015

The Deuel County Zoning Board met on Monday June 15, 2015 at 6:00 P.M., in the Commissioners' room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Gary Jaeger, Jerry Durfee, Paul Brandt, and Mike Dahl. Also present were Attorney John Knight and Zoning Officer Jodi Theisen.

Chariman Dennis Kanengieter called the meeting to order. The minutes from the May 12, 2015 meeting were discussed. Motion by Dahl, seconded by Durfee to approve the May 12, 2015 minutes. All voted in favor and motion carried.

Motion by Durfee, seconded by Brandt to approve the amended June 15, 2015 Agenda. All voted in favor and motion carried.

1. Motion by Jaeger, seconded by Durfee to approve the Plat of Lots 1 & 2 Hawley Addition in E1/2NE1/4 Section 20-115-50 Havana Township. All voted in favor and motion carried.
2. Motion by Brandt, seconded by Jaeger to remove from the table the Plat of Lot 1 Block 2 Langerock Addition in N1/2NE1/4 Section 28-115-49 Clear Lake Township. All voted in favor and motion carried.
3. Motion by Jaeger, seconded by Dahl to approve the Plat of Lot 1 Block 2 Langerock Addition in N1/2NE1/4 Section 28-115-49 Clear Lake Township. All voted in favor and motion carried.
4. Chad Limberg came to talk to the Zoning Board about a letter he received from the Zoning Board about trees that were planted to close the road and without a permit. In section 13-116-49 the NW1/4NW1/4 W330' N1320' E1/2NW1/4 a row of trees were planted along Chad's driveway. The first trees is about 50 feet from the road right of way which is located on the south side of the road. The setback for a shelterbelt on the south side of the road is 100 feet from the road right of way. Limberg has 4 trees within the 100 feet from the road right of way. Limberg stated that his fiancé planted the trees and they do their own snow removal in the winter months on that township road. Limberg stated that he is frustrated about all the trees that are in the road right of way and they are not getting letters. The board stated that these were planted and not volunteer so they need to follow our ordinance. The board stated he could remove the four trees within the 100 feet from the road right of way or apply for a variance. Limberg stated that he will remove the 4 trees that are within the 100 feet of the road right of way.
5. Charles Greenfield applied for a Variance. The request, if granted, would permit the applicant to use the following property: Gov Lots 3-4 less Lot 1 & 2 Greenfield 2<sup>nd</sup> Addition & less Lot H-1 & less H-2 & less H-3 Section 19-115-50 Havana Township. To plant trees closer than 150 feet from the road right of way in an AG zoned district. Greenfield stated that the NRCS came to plant trees one day and a day later he received a letter from the zoning office about a tree planting permit. Jodi Theisen stated that she sent the application about a month earlier and it came back to the office so she resent to come to find out the trees were

already planted. Greenfield stated that the four rows of trees start about 43 feet from the fence line which is the road right of way. The road right of way is diagonal with the interstate on ramp which make that road right of way 75 feet. Greenfield stated that is older shelterbelt is closer than 43 feet and it doesn't cause a snow problem. Motion by Durfee, seconded by Brandt to grant a Variance to plant four rows of trees going north 50 feet from the road right of way in Gov Lots 3-4 less Lot 1 & 2 Greenfield 2<sup>nd</sup> Addition & less Lot H-1 & less H-2 & less H-3 Section 19-115-50 Havana Township. The findings for this variance are that there are trees located to the north that are closer to the road right of way. Also these trees will not create a snow problem or visual obstruction and that is a wider road right of way. All voted in favor and motion carried.

6. Paul Christianson applied for a Variance. The request, if granted, would permit the applicant to use the following property: Lots 49-50-51 Shady Beach Addition in Gov Lot 7 in SE1/4 & OL A Section 4-114-47 Norden Township, Lake Cochrane. To replace a deck within 50 feet from the high water mark in an LP zoned district. Christianson stated that his deck was unsafe so he removed the old deck and built a new deck in 2012 without a permit. Christianson stated that he didn't go any closer to the high water mark than what the original deck was he didn't replace the steps going toward the water. The new deck that he built is narrower. The new deck is about 10 feet from the high water mark. Motion by Brandt, seconded by Dahl grant a to a Variance to repair the existing deck that is within 50 feet from the high water mark on Lots 49-50-51 Shady Beach Addition in Gov Lot 7 in SE1/4 & OL A Section 4-114-47 Norden Township, Lake Cochrane. All voted in favor and motion carried.
7. Steve & Lori Sisk applied for a Variance & Special Exception. The request, if granted, would permit the applicant to use the following property: Lots 30-31-32 Severson Bay in Gov Lot 5 in NE1/4 Section 5-114-47 Norden Township, Lake Cochrane. To remove a deck within 50 feet from the high water mark and replace with patio and to alter the shoreline within 30 feet from the high water mark in a LP zoned district. Sisk stated that he would like to remove the old deck that is not safe and to build a retaining wall with a patio in its place. He also would like to replace the rock along the shoreline and to remove one tree that is near the deck that is within 50 feet from the high water mark. The board asked Sisk if his house is tiled and Sisk stated that there is tile all around his house. Motion by Brandt, seconded by Jaeger grant a to a Variance and a Special Exception for approval for the plan provided to the zoning board for the retaining walls, patios, and the rock shoreline stabilization within 35 feet from the high water mark. For the removal deck and the tree below it leaving the roots and to replace it with a new tree and to use a silt fence during construction on Lots 30-31-32 Severson Bay in Gov Lot 5 in NE1/4 Section 5-114-47 Norden Township, Lake Cochrane. Brandt, Jaeger, Dahhl, and Kanengieter voted in favor and motion carried. Durfee abstained from voting because of conflicting interest.
8. Jon Gorder applied for a Variance. The request, if granted, would permit the applicant to use the following property: Lot H in Replat of Lots D-E (Replat lot C) Hillcrest in Gov Lot 6 in NE1/4 Section 4-114-47 Norden Township, Lake Cochrane. To build an addition to existing garage within 30 feet from the road right of way in a LP zoned district. Gorder stated that he would like to add on another stall to his existing garage that is about forty feet from the edge of the road and approximately 17 feet from the side property line. The board determined that Gorder would not need a variance to build his addition to his existing garage just a building

permit because he is within is setbacks.

9. Karen Kockelman applied for a Variance & Special Exception. The request, if granted, would permit the applicant to use the following property: Lots 34 Bostic Beach in Gov Lot 3 in NW1/4 Section 4-114-47 Norden Township, Lake Cochrane. To move in a storage shed within 30 feet from the road right of way in a LP zoned district. Kockelman stated the moved in shed is built at Milbank and that she didn't know that they need a building permit or a special exception permit. The shed is 26 feet from the edge of the road and 7 feet from the property line. Motion by Brandt, seconded by Durfee grant a Variance and a Special Exception to move in 12' x 16' storage shed that is 26 feet from the edge of the road and 7 feet from the side property line located on Lot 34 Bostic Beach in Gov Lot 3 in NW1/4 Section 4-114-47 Norden Township, Lake Cochrane. All voted in favor and motion carried.
  
10. Todd Lacek applied for a Variance. The request, if granted, would permit the applicant to use the following property: Lots 2-2A Izaak Walton Addition in OL A in Gov Lot 10 in Section 4-114-47 Norden Township, Lake Cochrane. To build a deck within 50 feet from the high water mark in a LP zoned district. Lacek stated that he removed his deck last year and added an addition on to his home that was outside the 50 feet from the high water mark. Lacek stated that he would like to build a deck on the house addition that would be 16 feet wide. The new deck would be approximately 32 feet from the high water mark. Motion by Brandt, seconded by Dahl grant a to a Variance to build a deck within 32 feet from the high water mark on Lots 2-2A Izaak Walton Addition in OL A in Gov Lot 10 in Section 4-114-47 Norden Township, Lake Cochrane. All voted in favor and motion carried. The findings for this variance is that the elevation of these lots are very high from the lake and there are trees in between the deck and the high watermark.
  
11. Jogchum Andringa (WildRose Dairy) applied for a Variance. The request, if granted, would permit the applicant to use the following property: Gov Lot 1 & SE1/4NE1/4 Section 2-113-49 Blom Township. To move in a mobile home and to have more than one mobile home on this property in an AG zoned district. Andringa stated that he would like to move another mobile home for his workers to live in with their families. Andringa provided permission letter from four out of the five adjoining property land owners. On the property legal of Gov Lot 1 & SE1/4NE1/4 Section 2-113-49 Blom Township there is the dairy and a double wide that Jogchum and his family lives in and a 1988 single wide mobile home that his workers live in. Motion by Dahl, seconded by Durfee grant a to a Variance to allow Jochum Andringa to move in a single family residence mobile home on a lot less than 3 acres. To have a separate access to that mobile home and to keep this access or driveway 100 feet apart from the other mobile homes driveway on Gov Lot 1 & SE1/4NE1/4 Section 2-113-49 Blom Township. A roll call vote Durfee- yes, Brandt- yes, Dahl-yes, Jaeger-no, and Kanengieter-yes and motion carried.
  
12. Shannon Larson for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lot 6 Lake Alice Shores in SW1/4 in 7-116-48 Altamont Township. To operate a private campground in a Lake Park District. Larson stated that he would like to place one camper on his lot at Lake Alice for three years then his lot would be paid off. Then they would look at build a house on the lot. Durfee

questioned about his septic and if it is state approved. Larson stated he has a sealed holding tank on his lot and Dave Pederson who is state certified did the installing. His camper is 139 feet from the high water mark and 19 feet from his side property line. Jon Henslin which owns a lot and house on Lake Alice stated that they are worried that allowing private parks will lower his property value. He read an article that stated that values would lower his value about 20,000 to 50,000. Also he stated that the tax base is different and a person with a house pays about 4.5 time more than a person with a RV. He recommend that the application for a special exception for a private park be denied.

Nancy Henslin provided a copy of a letter from some local contractors that stated at they would not benefit from allowing private parks because of the business that would be loss from them not building homes on these lots. Henslin all stated that there was a amendment of the convent going around and it would have allowed a lot more RV's on these lots and some of the property owners were not in agreement of the amendment. Nancy Henslin recommend that the application for a special exception for a private park be denied.

Jodi Theisen the Deuel County Zoning Officer provided the board with a letter from Rebecca Lundy and Scott Gordon who own a lot and a modular home on Lake Alice. This letter stated that they showed concerns and they are not in agreement of the special exception for the private park.

Brandt stated that the special exception application and hearing is for this reason for the public and the property owners the right to state their feelings and concerns about these topics.

Joe & Tristin Bothun stated that they own the lot and house next to David Haas and they came to the meeting to hear the concerns and the board's decision. They have been putting some money into their house so they were concerned if they need to keep investing or not at all. Tristin had some concerns about the placement of the campers from the high water mark so they wouldn't obstruct the view. The board stated that in the Lake Park District the set back from high water with any structures is 50 feet and 10 feet from the side lot.

Motion by Brandt, seconded by Dahl to grant the Special Exception to permit a private campground on Lot 6 Lake Alice Shores in SW1/4 in 7-116-48 Altamont Township. Only one camper can be placed on the lot in the spring and must be removed in the fall. Larson's must follow the requirements of State of South Dakota DENR for a sanitary system. Must have a letter from Dave Pederson stating that the sanitary system is up to state codes. The camper must follow the set back ordinance stated in the Lake Park District Ordinance. The Special Exception permit is nontransferable and the applicant has to reapply in two years which is the year 2017. Roll call vote Kanengieter - yes, Dahl-yes, Brandt-yes, Durfee-yes, and Jaeger-yes and motion carried. The findings for this special exception are that the campers are general compatibility to the lake park district and the camper do not have an adverse effect to the general public.

13. David Haas for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lots 7 & 8 Lake Alice Shores in SW1/4 in 7-116-48

Altamont Township. To operate a private campground in a Lake Park District. Haas stated that he is going through a divorce and not for sure what the future holds. He is hoping that he keeps the lots at Lake Alice. Haas stated that he was going to build however the divorce makes that decision not available at this time so he would like to have a camper and a fish house for extra guest on his lots at this time. Haas stated that he feels that the property owners are being forced into build before they would like to build. Haas stated would the board and the other property owners like them to build a nice house on these lots or a dumpy 1000 foot shack or shed on these lots. If the board would allow these private parks for a couple of years then the property owners could build a nice home on these lots. Haas's camper is 88 feet from the high water mark and 18 feet from the side property line. The fish house is 57 feet from the high water mark and 11 feet from the side property line. Haas stated that he had a sanitary system put in by Dave Pederson for the camper the fish house is not hooked up yet. Jon Henslin stated in the protective convent it states one camper per lot.

Motion by Dahl, seconded by Jaeger to grant the Special Exception to permit a private campground on Lot 7 & 8 Lake Alice Shores in SW1/4 in 7-116-48 Altamont Township. Only one camper can be placed on the lot 8 in the spring and must be removed in the fall. And the fish house to locate close to the property line of lot 7 to be removed in the fall. Haas must follow the requirements of State of South Dakota DENR for a sanitary system. To have a letter from Dave Pederson stating that the sanitary system is up to state codes. And the camper must follow the set back ordinance stated in the Lake Park District Ordinance. The Special Exception permit is nontransferable and the applicant has to reapply in one year which is the year of 2016. Roll call vote Kanengieter - yes, Dahl-yes, Brandt-yes, Durfee-yes, and Jaeger-yes and motion carried. The findings for this special exception are that the campers are general compatibility to the lake park district and the camper do not have an adverse effect to the general public.

Kanengieter called the meeting.

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Jodi Theisen  
Zoning Office

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Dennis Kanengieter  
Chairman, Zoning Board