

Monday June 10, 2024

The Deuel County Zoning Board met on Monday June 10, 2024 at 6:30 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members, Jay Grabow, alternate Scott Fieber Mike Dahl, Mike Lammers, States Attorney Craig Evenson, Zoning Officer Jodi Theisen, Luke Thompson, Mark Fischer, Charlene Fischer & Mary Nosbush.

Motion by Grabow, seconded by Fieber to appoint Mike Dahl as the chairman for this meeting. All voted in favor and motion carried.

Appointed Chairman Mike Dahl called the meeting to order. .

The minutes from May 13, 2024 meeting were discussed. Motion by Grabow, seconded by Lammers, to approve the amended May 13, 2024 minutes. All voted in favor and motion carried.

Dahl asked if the board, or any staff member, had anything to add to the agenda with none being offered.

Dahl asked for any seated board member if they think they need to recuse themselves from any discussion topics on the agenda, or from voting on an agenda item with no board member responding.

Motion by Grabow, seconded by Lammers to approve the June , 2024, Agenda. All voted in favor and motion carried.

Theisen stated that there are no Conditional Use or Variance applications for this meeting.

Motion by Grabow, seconded by Fieber, to recess the Board of Adjustment and reconvene as Planning Commission. Motion passed unanimously.

ITEM ONE

Motion by Grabow, seconded by Lammers, to recommend approval to the Board of County Commissioners the Plat of Schafer Addition in W1/2SE1/4 of Section 17, Township 117 North, Range 49 West of the 5th P.M., Deuel County, South Dakota. Motion passed unanimously

ITEM TWO

Motion by Lammers, seconded by Grabow, to recommend approval to the Board of County Commissioners the Plat of Gorder Addition in NE1/4 of Section 3, Township 113 North, Range 50 West of the 5th P.M., Deuel County, South Dakota. Motion passed unanimously

ITEM THREE

Motion by Fieber, seconded by Lammers, to recommend approval to the Board of County Commissioners the Plat of Lot 1 Mellendorf Third Addition in SW1/4SE1/4 of Section 15, Township 115 North, Range 49 West of the 5th P.M., Deuel County, South Dakota. Motion passed unanimously

ITEM FOUR

Motion by Grabow, seconded by Fieber, to recommend approval to the Board of County Commissioners the Plat of Jenson Place Addition in SW1/4 of Section 6, Township 114 North, Range 48 West of the 5th P.M., Deuel County, South Dakota. Motion passed unanimously

Motion by Grabow, seconded by Dahl, to recess the Planning Commission and reconvene as Board of Adjustment . Motion passed unanimously.

Theisen informed the board of Chad and Valynn Appelhof's request to modify the dimensions of a building, previously granted a variance on May 13, 2024. Initially, the building dimensions were 60' x 80', but they now propose adjusting it to 50' x 100'. This change would place the shed 10' further away from the road right-of-way than the variance allowed. Notably, they were unprepared with this information during the meeting but consulted a contractor after the variance approval. Additionally, they noted that the different building size would entail lower costs.

Motion by Grabow, seconded by Fieber, to approve Chad and Valynn Appelhof's request to modify the dimensions of a building, previously granted a variance on May 13, 2024, from 60' x 80' to 50' x 100'.

Additionally, to allow the construction of a building for the extended home occupation, provided it is no closer than 48' from the road right-of-way.

Dahl opened the meeting for public comment, Mary Nosbush talked to the board regarding the local control of zoning on powerlines and pipelines and the Senate Bill 201 and how she is trying to get signatures to refer the bill to a public vote this November.

Luke Thomson resident of Goodwin wanted to talk about the proposed CAFO application near Goodwin. States Attorney Craig Evenson stated that the board will not have any discussion until the public hearing at a later date in August.

Theisen brought up a point about the need for clarity in the ordinance regarding variance expiration, continuous ownership in specific districts, and regulations related to breweries, wineries, and distilleries.

The board discussed the uncertainty surrounding the expiration date of variances within the ordinance. While there is clarity on a one-year period for Conditional Uses if they are unused, there is a discrepancy regarding the expiration of variances. Despite the absence of explicit language, a section suggests that a variance does not expire for two years following the conclusion of any final appeal of the decision. After deliberation, the board decided to interpret this section as indicating a two-year validity period for variances. This decision highlights the necessity for revising and clarifying relevant sections of the ordinance to avoid future ambiguity.

Theisen also addressed the necessity for property owners in the AG or Commercial district, who possess adjacent land not platted and legally described by footages, to acknowledge and sign a form affirming their awareness of setback regulations. This form would articulate their understanding that proposed permitted structures might be situated within 25 feet from the property line, thereby not conforming to local ordinances. However, it would delineate conditions for combined lots, indicating that setbacks apply to the perimeter of combined lots in such instances. The form would provide legal descriptions of the involved properties and underscore that if either parcel is sold and no longer under common ownership, structures within required setbacks must adhere to setback regulations individually. In such cases, property owners would have two options: platting a new parcel to meet required setbacks or applying for a variance from setback requirements. Property owners would acknowledge that the granting of a variance is not guaranteed and is subject to the discretion of the current Board of Adjustment, contingent upon various factors including property circumstances and potential impact on neighboring properties. The board reached a consensus on this form, affirming that if the land is described by footages and not platted, then property owners can build closer to the property line if they sign this form, demonstrating their awareness of the situation.

Theisen brought up concerns about regulations concerning breweries, wineries, and distilleries, specifically regarding the addition of lodging to Section 1218. Gordon Ommen from Blackfork Farms expressed interest in this addition. The board engaged in a discussion about this proposal and decided to defer further discussion to a future meeting. No motion was made at this time.

Theisen discussed with the board about potential changes to setback regulations for CAFOs, potentially prompted by a request from the Deuel County Commissioners. The discussion revolves around adjusting setback distances and possibly introducing a tiered approach based on the number of animal units for upcoming CAFO applications. Importantly, these proposed changes would not impact any current applications but would rather set a framework for future ones.

Theisen informed the board that the next regular meeting is scheduled for July 8, 2024.

Motion by Grabow, seconded by Lammers to adjourn the meeting at 8:10 p.m. All voted in favor and motion carried.



Jodi Theisen
Zoning Officer



Dennis Kanengieter
Chairman, Zoning Board