

Monday March 9, 2020

The Deuel County Zoning Board met on Monday, March 9, 2020, 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 and Mike Dahl. Also present were Attorney John Knight and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order.

The minutes from the February 10, 2020, meeting were discussed. Motion by Brandt, seconded by DeBoer, to approve the February 10, 2020, minutes. All voted in favor and motion carried.

Theisen asked the Board of Adjustment if she could add some discussion items at the end of the meeting.

Motion by Homan, seconded by Brandt, to approve the amended March 9, 2020, Agenda. All voted in favor and motion carried.

ITEM ONE

Monte & Lisa Brown, applied for a Variance of Section 1208 Shelterbelt Setback Requirements. The request, if granted, would permit the applicant to use the following property: Block 1 Hofman Addition in SE1/4 of Section 16, Township 115 North, Range 49 West of the 5th P.M., Deuel County, South Dakota, to plant shelterbelts that are closer to the road right-of-way than what the ordinance allows. Theisen stated that the existing trees north of 181st St are approximately 23' from the road right-of-way and there are trees up to the road right-of-way to west of 475th Ave. Brown would like to plant one row of 10 trees north of the existing trees north of 181st St and be approximately 30' from the road right-of-way. Brown also stated that he would like two rows of ten trees west of 475th Ave and they would be approximately 50' from the road right-of-way. Theisen stated she couldn't find a variance for the existing trees located north of 181st St. Motion by DeBoer, seconded by Brandt, to grant the Variance to plant a shelter belt that is no closer than 35' from the road right-of-way north of 181st St, and to plant a shelter belt that is no closer than 50' from the road right-of-way west of 475th Ave. The findings for this Variance are there are existing shelterbelts to the north and to the west and the layout of the building site has minimal impact of snow on the roads. The location of the building site is adjacent to city limits. All voted in favor of and the motion carried.

ITEM TWO

Wayne & Peggy Knutson, applied for a Variance of Section 1208 Shelterbelt Setback Requirements. The request, if granted, would permit the applicant to use the following property: NW1/4 & NE1/4 of Section 20, Township 113 North, Range 48 West of the 5th P.M., Deuel County, South Dakota, to plant shelterbelts that are closer to the road right-of-way than what the ordinance allows. Theisen stated that Knutson and the Board of Adjustment discussed eminent domain for the power lines and how the power company will remove the existing shelterbelt located south of 193rd St. The existing shelterbelt that will be removed is located up to the road right-of-way. Knutson would like to plant four rows of

bushes/trees approximately 850' long and approximately 50' from the road right-of-way on the south side of 193rd St running east and west, and seven rows of trees approximately 1100' long approximately 100' from the road right-of-way running north and south east of the building site and west of the building site. Motion by DeBoer, seconded by Homan, to grant the Variance to plant a shelter belt that is no closer than 50' from the road right-of-way south of 193rd St. The findings for this Variance are that they are removing existing shelterbelt that are closer to the road right-of-way and these trees will not cause any greater snow or safety concern. There is minimal public traffic on the township road. All voted in favor of and the motion carried.

ITEM THREE

Gerald Jelen, applied for a Variance of Section 1103.5 Area Regulations Section 403 Nonconforming Uses. The request, if granted, would permit the applicant to use the following property: Lot G in Replat of Lot D Hillcrest in Gov Lot 6 in NE1/4 Section 4, Township 114 North, Range 47 West of the 5th P.M., Lake Cochrane, Deuel County, South Dakota, to add on to a structure that is less than 50' from the high water-mark. Theisen stated that Jelen and the Board of Adjustment discussed that Jelen acquired a building permit in the past to add on to his existing garage. The building permit was altered and the Zoning Office was not informed. The board reviewed the alterations and suggested that Jelen remove the sliding door and replace it with a garage door or to connect the garage/bunkhouse to the existing house to be in compliance with the ordinance. Jelen applied for a building permit to connect the garage/bunkhouse to the existing structure. After reviewing the building permit the Zoning Officer noticed the existing structure is closer than 50' from the high water-mark (approximately 28') which makes the requested alteration nonconforming. On Jelen's behalf, Theisen, asked the Board to waive the Variance Fee of \$200 and it was denied. Motion by Brandt, seconded by Dahl, to grant the Variance to approve the submitted plan to add on a breezeway to connect the existing structure (house) to the garage. The findings for this Variance are the addition will eliminate the two living quarters on one property. All voted in favor of and the motion carried.

ITEM FOUR

Erick Wallert came and talked to the Board of Adjustment. Wallert stated he owns some property east of Clear Lake. The property is Zoned AG, it has two lots, and has a pole shed on one of the lots. Wallert would like to build a house on both of the lots in the future. On the lot with the pole shed they would like to build a hay shed and to sell square bales. The Board asked Wallert if he fixes and resells automobiles. Wallert stated no, that all the automobiles are his and licensed to him. Wallert stated that he was thinking about restoring old tractors and selling them. The board suggested that selling hay would be a permitted use in the Agricultural District however if he restored and sold tractors or automobiles then he should consider rezoning the property to Commercial District. Wallert also asked the board about signs and planting trees.

ITEM FIVE

Thomas Fretham and his wife, Barbara, came and talked to the Board of Adjustment about the land they own around Lake Coteau in Altamont Township. The land is privately owned

so it is zoned Agricultural. There are several family members that own this land and they want to subdivide the land adjoining Lake Coteau into five lots. They would transfer the proposed lots into individual family names. Fretham discussed the subdivision process and showed the Board the preliminary idea for the plats. The Board discussed the lots, the sizes, the access, and the setbacks for these lots. The Board suggested if the family would like to pursue the plat they should prepare the preliminary plat and present this to the Zoning Officer.

ITEM SIX

Theisen asked for guidance from the Board of Adjustment about Ron Gorder's request to temporarily stock pile manure on NE1/4 of Section 14-113-50, Grange Township, Deuel County. Gorder stated in a letter that he didn't get the manure removed and spread out of the cattle barn he has in Hamlin County outside of Estelline, South Dakota because of the wet fall in 2019. Gorder stated in the letter they can't spread manure on frozen ground per the NRCS Programs. So Gorder requested permission from NRCS and Deuel County Zoning Board to grant them to temporarily stockpile the manure until he can spread the manure when the snow has disappeared. Gorder is hoping they would be able to spread the manure by early April. According to the Deuel County Zoning Ordinance stockpiling is not a permitted use. The Board discussed in the DENR regulations that the applicator could temporarily stockpile manure up to 14 days without covering the manure if it will not cause pollution and meets the setbacks from drainage areas. The Board suggested to Theisen that Gorder's request to temporarily stockpile manure falls under agricultural activities and that he was just informing the Board of Adjustment and will need to follow the NRCS regulations and to have this done in a timely matter.

ITEM SEVEN

Theisen discussed with the board that Jacob Moes, from Modak Dairy, called and was requesting a building permit for the Heifer Barn that they were granted a CAFO for last fall. Moes also stated that DENR discussed with them that the 2017 general permit does allow two or more separately permitted operations to share Nutrient Manure Plan Fields if they meet certain criteria. Each operation needs to have separate plans however, they can combine these fields. Moes just wanted the Board to know this information.

Jodi Theisen
Zoning Officer

Dennis Kanengieter
Chairman, Zoning Board