

**May 11, 2026 BOARD OF ADJUSTMENT/ PLANNING COMMISSION DEUEL COUNTY
STAFF REPORT**

Monday – May 11, 2026 – 6:30 p.m.

DEUEL COUNTY BOARD OF ADJUSTMENT

ITEM #1 VARIANCE

Applicant/Owners: Aaron Kozlowski

Property Address: 19339 SD Highway 15, Toronto

Property Description: Lot 1B of Rymersons Farm Second Addition in E1/2 Less H-1 Section 22-113-49, Brandt Township, Deuel County

Action Item – Variance: Section 1101.05.06 Area Regulations – Intensity of Use (Additional Dwellings)

Zoning Designation: AG – Agricultural

Request: The applicant is requesting a Variance under Section 1101.05.06 of the Deuel County Zoning Ordinance to allow placement of a second single-family dwelling on an existing farmstead within the Agricultural District.

Specifics of Request:

1. The applicant purchased the subject property as a rural residential site with surrounding agricultural land and continues to use the property for farming purposes. The parcel contains one existing dwelling. The site is approximately 12.2 acres in size.
2. The existing dwelling is currently occupied by the applicant's father-in-law, who assists with the farming operation. The applicant proposes to place a second single-family dwelling on the same parcel to accommodate his own family, allowing for continued multi-generational residence associated with the farmstead.
3. The applicant has indicated that the existing dwelling is intended to be removed within the next fifteen (15) years and will not be used for any purpose other than a single-family dwelling during that time.
4. The applicant has further indicated:
 - Only one additional dwelling is proposed, for a total of two residences on the property;
 - No additional future dwellings are planned;
 - The additional dwelling will remain tied to the farm operation and not be used as a general residential unit;
 - The parcel meets the minimum lot size requirements, and the proposed dwelling will be located on the same legal description as the existing farmstead.

Ordinance/Variance History regarding this request:

Section 1101.05 Area Regulations

The ordinance outlines that:

- Residential lots in the AG district must be a minimum of 3 acres.
- Minimum yard setbacks include 65 feet front, 25 feet side, and 25 feet rear.

Section 1101.05.06 – Intensity of Use (Additional Dwellings):

The Board of Adjustment may allow a higher residential density for the "A" Agricultural District. Where a permit for an additional single-family farm dwelling is requested on an existing farmstead, provided:

- i. The dwelling is located on the same legal description as the existing farmstead.
- ii. Minimum site of three (3) acres is required;
- iii. The maximum density shall not exceed two (2) residences;
- iv. The dwelling is occupied by employees or relatives of the farm owner.
- v. The additional single-family farm dwelling shall be removed in the event the structure becomes a non-farm dwelling.

Staff Summary and Recommendation:

The proposed request appears consistent with the intent of Section 1101.05.06, which allows limited flexibility for farm-related housing while preserving the agricultural character of the district.

Based on the information provided:

- The parcel appears to meet minimum lot size requirements;
- The proposed density does not exceed two dwellings;
- The proposed occupancy is consistent with family-based agricultural operations;
- The request supports continued agricultural use of the property.

Staff recommends approval of the variance request, subject to the following conditions:

1. The second dwelling shall be occupied by a relative or employee engaged in the agricultural operation.
2. The additional dwelling shall be removed if it is no longer used for farm-related purposes.
3. The total number of dwellings on the parcel shall not exceed two (2).
4. All applicable setbacks and zoning requirements shall be met.
5. This approval applies only to the proposed second dwelling; any future requests will require Board review.

All applicable ordinance requirements for setbacks, site area, and use remain in effect.

The Board of Adjustment may deny the variance if it finds that the request does not meet variance criteria, the circumstances are not unique, or approval would grant a special privilege not afforded to other properties within the Agricultural District.

ITEM # 2 VARIANCE

Applicant/Owners: Thad Krause

Property Description: NW1/4 Less Hwy & Less PT Lot 2 Angle Sub, Section 25-115-49, Clear Lake Township, Deuel County, South Dakota

Action Items – Variance – (Section 1208 Shelterbelt Setback Requirement)

Zoning Designation: AG – Agricultural

Request: The applicant is requesting a Variance from Section 1208 of the Zoning Ordinance, which requires shelterbelts to be set back at least 150 feet from a public road right-of-way. The applicant proposes to plant a single row of lilacs within 50 feet of the road right-of-way, which does not meet the required 150-foot setback.

Specifics of Request:

1. The applicant is proposing to plant a single-row shelterbelt consisting of lilacs.
2. The proposed planting location is within 50 feet of the road right-of-way.
3. The request does not meet the ordinance standard requiring a 150-foot setback for shelterbelts.
4. The proposed lilac row will be located approximately 22 feet from the adjacent 75-foot row alignment.
5. Comments were provided by Matt Brey, Area Engineer with the South Dakota Department of Transportation, indicating that plantings should be no closer than 15 feet from the SD Highway 22 right-of-way.

Ordinance/Variance History regarding this request:

Section 1208. Shelterbelt Setback Requirements.

1. Permits are required for all shelterbelt plantings.
2. A shelterbelt, consisting of a single row of trees shall not be established within one hundred fifty (150) feet of a public road right-of-way line.
3. A shelterbelt may be established within fifty (50) feet of the public road right-of-way line if the windward row of trees is established one hundred fifty (150) feet from the public road right-of-way line. Further, the shelter belt will consist of at least three (3) rows of trees with the windward row of trees consisting of shrubbery or tree species which aid in the containment of snow. See Figure 1208.1.

Variance Context and Precedent:

Shelterbelt setback variances are occasionally considered when:

- Unique site conditions exist that limit compliance with the ordinance.
- The request is supported by relevant agencies or officials.
- The proposal minimizes impacts to public infrastructure such as roadways and snow removal.

In this case, the request is for a single-row shelterbelt, which does not meet the intent of Section 1208 for multi-row shelterbelts designed for snow containment.

Staff recommendation: If approved, staff recommends granting the Variance to allow the shelterbelt, with the condition that plantings be located no closer than 15 feet from the SD Highway 22 right-of-way, consistent with comments from the South Dakota Department of Transportation.

The Board could deny the Variance on the basis that the circumstances surrounding this request are not so unique in nature to necessitate granting special privilege to this applicant which is denied to other properties in this zoning district.

ITEM # 3 VARIANCE

Applicant/Owners: Ryan Wells (Applicant) and Wells Trust (Thane Wells, Trustee)

Property Description: N1/2 N1/2 Less Wells Addition, Section 32-116-49, Altamont Township, Deuel County, South Dakota.

Action Items – Variance – (Section 1208 Shelterbelt Setback Requirement)

Zoning Designation: AG – Agricultural

Request: The applicant is requesting a Variance from Section 1208 of the Zoning Ordinance to allow a multi-row shelterbelt to be established closer to a public road right-of-way than otherwise permitted. Specifically, the request is to:

- Allow the first row of the shelterbelt to be located approximately **30 feet** from the county road right-of-way, which is less than the required minimum of 50 feet; and
- Allow the windward row of the shelterbelt to be located within 150 feet of the public road right-of-way, contrary to ordinance requirements.

The proposed shelterbelt will consist of four (4) rows of trees intended to provide a windbreak and reduce drifting snow impacts to the residential yard.

Specifics of Request:

1. The applicant is proposing to plant a four-row shelterbelt to replace trees lost in recent storms.
2. The shelterbelt is intended to provide a windbreak from the northwest and reduce the funneling of wind and snow into the yard.
3. The proposed location places the first row approximately 30 feet from the county road right-of-way.
4. The request does not meet the ordinance requirement that the first row be no closer than 50 feet unless the windward row is set back 150 feet.
5. County Highway Superintendent Jamie Broksieck has reviewed and signed a waiver on the application supporting the proposed placement.

Ordinance/Variance History regarding this request:**Section 1208. Shelterbelt Setback Requirements.**

1. Permits are required for all shelterbelt plantings.
2. A shelterbelt, consisting of a single row of trees shall not be established within one hundred fifty (150) feet of a public road right-of-way line.
3. A shelterbelt may be established within fifty (50) feet of the public road right-of-way line if the windward row of trees is established one hundred fifty (150) feet from the public road right-of-way line. Further, the shelter belt will consist of at least three (3) rows of trees with the windward row of trees consisting of shrubbery or tree species which aid in the containment of snow. See Figure 1208.1.

Variance Context and Precedent:

Shelterbelt setback variances are occasionally considered when:

- The proposal meets the intent of Section 1208 by incorporating a multi-row design and species aimed at snow containment.
- Trees are being replanted due to loss from natural events such as storms.
- The shelterbelt is designed to mitigate wind and snow impacts on a residence.
- The proposal has received support from the County Highway Superintendent.
- The property is located in a rural agricultural setting where windbreaks are commonly used.

Staff recommendation: If approved, staff recommends granting the Variance from Section 1208 to allow the first row of the shelterbelt to be located no closer than 30 feet from the county road right-of-way, and to allow the windward row of the shelterbelt to be located within 150 feet of the county road right-of-way, as proposed and as supported by the County Highway Superintendent.

The Board could deny the Variance on the basis that the request does not meet the minimum setback requirements outlined in Section 1208 and that the circumstances may not be sufficiently unique to justify granting a variance.

ITEM # 3 VARIANCE

Applicant/Owner: H-D Electric Cooperative (Applicant/Owner)

Property Description: Block 3, Ridgeview Estates Addition, Section 3-113-50, Deuel County, South Dakota. Property address: 18240 SD Highway 15, Clear Lake, South Dakota.

Action Items – Variance – (Section 1214(4)(a) On-Premise Signs and Section 1102.05 Table 1102 Front Yard Setback Requirement)

Zoning Designation: CI – Commercial/Industrial

Request: The applicant is requesting two variances related to the placement and size of an on-premise business identification sign. The first request is a variance from Section 1214(4)(a) of the Zoning Ordinance to allow a sign size of up to one hundred (100) square feet, exceeding the maximum allowed eighty (80) square feet. The second request is a variance from Section 1102.05 Table 1102 to reduce the required front yard setback from one hundred (100) feet to fifty (50) feet from the Highway 15 right-of-way.

Specifics of Request:

1. The applicant proposes to install a freestanding business identification sign along Highway 15 at their facility.
2. The proposed sign will include both a static display identifying H-D Electric Cooperative and a digital display component for cooperative communications and community messaging.
3. The applicant is requesting to increase the maximum allowable sign size from 80 square feet to up to 100 square feet to accommodate design flexibility.
4. The applicant is requesting to reduce the required front yard setback from 100 feet to 50 feet from the highway right-of-way.
5. Due to recent highway improvements and additional right-of-way acquisition, compliance with the 100-foot setback would place the sign too far from the roadway, limiting visibility, particularly for southbound traffic.
6. The proposed 50-foot setback is intended to improve visibility while maintaining safe placement outside of the right-of-way.

Ordinance/Variance History regarding this request:

Section 1102. CI Commercial/Industrial District.

- Requires a minimum front yard setback of 100 feet for lots of record (Table 1102).
- District is intended for commercial and industrial uses requiring highway access.

Section 1214. On-Premise and Off-Premise Signs.

- Limits on-premise signs to a maximum surface area of eighty (80) square feet unless otherwise specified.
- Requires that signage does not create traffic hazards, impair visibility, or create nuisances.

- Requires compliance with yard setbacks and clear view triangle standards.

Variance Context and Precedent:

Sign and setback variances are occasionally considered when:

- Unique site conditions, such as changes to highway right-of-way, impact compliance with standard setbacks.
- The request maintains the intent of the ordinance by ensuring traffic safety and visibility is not impaired.
- The variance allows reasonable use of the property for identification and communication purposes.
- The proposed sign is consistent with the surrounding commercial/industrial character of the area.
- The request does not create a hazard or nuisance to the traveling public.

Staff recommendation: If approved, staff recommends granting the variances to allow a maximum sign size of up to 100 square feet and a reduced front yard setback of 50 feet from the Highway 15 right-of-way, with the condition that the sign complies with all applicable safety standards, including clear view triangle requirements and South Dakota Department of Transportation regulations.

The Board could deny the Variance on the basis that the request exceeds the maximum sign size and minimum setback requirements established in Sections 1214 and 1102.05, and that the circumstances may not be sufficiently unique to justify granting the variances.

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