

May 12, 2020  
BOARD OF ADJUSTMENT/ PLANNING COMMISSION  
DEUEL COUNTY  
STAFF REPORT

Tuesday – May 12, 2020 – 6:00 p.m.

DEUEL COUNTY BOARD OF ADJUSTMENT

**ITEM #1 SPECIAL EXCEPTION**

**Applicant/Owner: Craig & Kristian Deslauriers**

**Property Description: Lot 15 (Replat of Lots A-B Moe-Meyer Add) Lake Alice Shores in SW1/4 in Section 7-T116N-R48W, Altamont Township, Deuel County, South Dakota**

**Action Items – Special Exception – (Section 1103.4.9 Storage)**

**Zoning Designation: LP – Lake Park District**

**Request: Applicant seeks a Special Exception to build a pole shed/garage for storage on their property.**

**History/Issue(s):**

**Specifics of Request:**

1. The applicants seek a Special Exception to build a 36' x 48' storage shed on their property.
2. The shed is 14' from the side lot and on 5-4-20 the zoning office talked to Deslauriers and they moved it back to be 30' from the platted road which is more than 30' from the edge of the road.
3. The Board has approved the building permits in the past for storage sheds.
4. **Staff recommendation: The Board could approve the Special Exception on the basis that similar Special Exception has been granted in the past. The Board could deny the Special Exception if it finds the applicant cannot adequately satisfy a specific condition required by ordinance or that may be generally applied to this use in the Lake Park District.**

**If the Special Exception is passed then Staff recommends the following:**

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. The Board then made written findings as required by Section 504, subparagraph 5(a-h), of the Ordinance.

- a) Entrance to and exit from property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe: **Applicant doesn't create a safety hazard and there is no issue with automotive and pedestrian safety and convenience, traffic flow and control or access in case of fire or catastrophe.**
- b) Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, odor or other effects of the special exception on adjoining properties and properties generally in the district: **Applicant has sufficient off-street parking. Loading is not a concern. The special exception will have no or minimal economic, noise, glare, odor or other effects on the adjoining properties or properties generally in the district.**
- c) Utilities, with reference to locations, availability, and compatibility: **Applicant has adequate utilities.**
- d) Screening and buffering with reference to type, dimensions, and character: **Applicant is not going to change the screening or buffering.**
- e) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district: **No proposed signs.**
- f) Required yards and other open spaces: **Applicant has adequate yard and other open spaces.**
- g) General compatibility with adjacent properties and other property: **Applicant's proposed use is generally compatible with the adjacent properties and other properties in the Lake Park District**
- h) Refuse and service areas, with particular reference to the items in (a) and (b) above: There are no concerns regarding refuse or service areas. **Applicant takes their garbage home with them when they leave the property.**

## ITEM #2 SPECIAL EXCEPTION

**Applicant/Owner:** Lance & Leah Hulzebos

**Property Description** Lot 25 Lake Alice Shores in SW1/4 in Section 7-T116N-R48W, Altamont Township, Deuel County, South Dakota.

**Action Items – Special Exceptions (Section 1103.4.5) – Shoreline Alterations; Section 1103.4.5 Shoreline alterations.**

**Zoning Designation:** LP – Lake Park

**Request:** To apply for Special Exception to build shed/garage for storage and alter their shoreline on their property

**History/Issue(s):**

### **Specifics of Request**

1. Mr. & Mrs. Hulzebos seeks a Special Exception to alter the shoreline within 35' from the high-water-mark on their property.
2. Hulzebos's would like to lay more rock estimate 6" to 1' tall along the shoreline build up the 12' shoreline.
3. Hulzebos's seeks a Special Exception to build 22' x 32' storage shed that will be 18' to 20' from the side lot and more than 30' from the edge of the road which is 30' from the platted road.
4. Hulzebos contacted Rhett Russel and Russel contacted the Zoning Office and stated Hulzebo doesn't need a permit and thinks the project is fine.
5. Staff recommendation: The Board granted similar Special Exceptions to properties at Lake Cochrane and Lake Alice to alter the shoreline. They have to follow the landscaping plan that they provided the Zoning Board and they use a silt fence.

The Board could approve the Special Exception for a storage shed on the basis that similar Special Exception has been granted in the past. The Board could deny the Special Exception if it finds the applicant cannot adequately satisfy a specific condition required by ordinance or that may be generally applied to this use in the Lake Park District.

If the Special Exception is passed then Staff recommends the following:

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. The Board then made written findings as required by Section 504, subparagraph 5(a-h), of the Ordinance.

- a) Entrance to and exit from property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe: **Applicant doesn't create a safety hazard and there is no issue with automotive and pedestrian safety and convenience, traffic flow and control or access in case of fire or catastrophe.**
- b) Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, odor or other effects of the special exception on adjoining properties and properties generally in the district: **Applicant has sufficient off-street parking. Loading is not a concern. The special exception will have no or minimal economic, noise, glare, odor or other effects on the adjoining properties or properties generally in the district.**
- c) Utilities, with reference to locations, availability, and compatibility: **Applicant has adequate utilities.**
- d) Screening and buffering with reference to type, dimensions, and character: **Applicant is not going to change the screening or buffering.**
- e) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district: **No proposed signs.**
- f) Required yards and other open spaces: **Applicant has adequate yard and other open spaces.**
- g) General compatibility with adjacent properties and other property: **Applicant's proposed use is generally compatible with the adjacent properties and other properties in the Lake Park District.**
- h) Refuse and service areas, with particular reference to the items in (a) and (b) above: **There are no concerns regarding refuse or service areas. Applicant takes their garbage home with them when they leave the property.**

### **ITEM #3 VARIANCE**

**Applicant/Owner: Tigh & Terry Molitor**

**Property Description: S183' of Lot 6 Less W52' of Westside Acres of Section 21-T115N-R49W, Clear Lake Township, Deuel County, South Dakota.**

**Action Items – Variance – Area Regulations (Section 1101.04.02 Front Yard)**

**Zoning Designation: AG – Agricultural**

**Request: Applicant seeks a variance to build a detached garage with less than 150' of front yard with less than 25' of side lot.**

**History/Issue(s):**

**Specifics of Request:**

- 1. Mr. & Mrs. Molitor seeks a Variance to build a 28' x 44' shed approximately 55' from the front property line which is less than 150' of front yard and approximately 7' from the side lot line with permission from the adjoining property owner.**
- 3. Staff recommendation: The Board could approve the Variance on the basis that similar variances have been granted in the past and that it is not anticipated that the placement of this shed will cause any greater snow removal or safety concern. The adjoining lots are owned by the same property owner. 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 #4 VARIANCE**

**Applicant/Owner: Otter Tail**

**Property Description: SW1/4SW1/4 (Lot 1 & 2 Substation Addition) in Section 12-T116N-R48W, Glenwood Township, Deuel County, South Dakota.**

**Action Items – Variance – Area Regulations (Section 1101.04 Area Regulations)**

**Zoning Designation: AG – Agricultural**

**Request: Applicant seeks a variance to plat a parcel of land, to retain existing shelterbelt that is closer to the road right-of-way and to adjoining property line than what the ordinance allows.**

**History/Issue(s):**

**Specifics of Request:**

- 1. Otter Tail seeks a Variance to plat a parcel of land, to retain existing shelterbelt that is closer to the road right-of-way and to adjoining property line than what the ordinance allows**
- 2. Existing shelterbelt is approximately 41' from the road right-of-way and approximately 79' from the adjoining property line.**
- 3. The Board granted similar variances to existing farm sites that have been platted to transfer ownership (Jurrens & Eining 2019).**
- 4. Staff recommendation (Variance) - in the past the board has granted the Variance to retain the existing trees that are approximately 41' from the road right-of-way and approximately 79' from the property line. This Variance doesn't apply to any new structures that are built on the property. The findings for this Variance are that they are platting this property will not cause any greater snow or safety concern.**

## ITEM #5 SPECIAL EXCEPTION

**Applicant/Owner:** Leo Crawford, Margaret Jaeger, Julie King, Mary Jo Crawford, Terese Crawford & Kathleen Crawford

**Property Description:** Lots 15-16 Bostic Beach in Gov Lot 5 in NW1/4 of the Section 4-114-47, Lake Cochrane, Norden Township, Deuel County, South Dakota.

**Action Items – Special Exceptions (Section 1103.03) – Private Parks and Campgrounds;**

**Zoning Designation:** LP – Lake Park

**Request:** To apply for Special Exception Permit to operate a private campground in a Lake Park Zoned District.

### History/Issue(s):

#### Specifics of Request

1. Mr. Crawford and et.al seeks a Special Exception to operate a private campground in a Lake Park Zoned District.
2. Crawford stated in August 9, 2016, that the property was owned by him and his 7 siblings and the camper is used for overflow. It is not hooked up to sewer and electricity is only on during the time they use it. They use the camper 5 to 6 times during the summer.
3. The Board granted similar Special Exceptions to properties at Lake Cochrane and Lake Alice limiting them up to 2 years at which time they would have to reapply in 2018 (Oswald).
4. **If approved, staff recommendation - to permit a private campground; one camper can be placed on the lot on May 15 and can be stored on their driveway by their garage during the winter months. The Special Exception permit is nontransferable and the applicant has to reapply in two years before May 15, 2022.**

**The Board could deny the Special Exception if it finds the applicant cannot adequately satisfy a specific condition required by ordinance or that may be generally applied to this use in the Lake Park District.**

**If the Special Exception is passed then Staff recommends the following:**

**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. The Board then made written findings as required by Section 504, subparagraph 5(a-h), of the Ordinance.**

- a) Entrance to and exit from property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe: **Applicant doesn't create a safety hazard and there is no issue with automotive and pedestrian safety and convenience, traffic flow and control or access in case of fire or catastrophe.**
- b) Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, odor or other effects of the special exception on adjoining properties and properties generally in the district: **Does not apply.**
- c) Utilities, with reference to locations, availability, and compatibility: **No utilities are required.**
- d) Screening and buffering with reference to type, dimensions, and character: **Applicant has sufficient screening on both sides of his property.**
- e) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district: **Does not apply.**
- f) Required yards and other open spaces: **Applicant has adequate yard and other open spaces.**
- g) General compatibility with adjacent properties and other property: **Applicant's proposed use is generally compatible with the adjacent properties and other properties in the LP District.**
- h) Refuse and service areas, with particular reference to the items in (a) and (b) above: **There are no concerns regarding refuse or service areas. Applicant has garbage removal for site.**

## ITEM #6 VARIANCE

**Applicant/Owner: Darold D & Mary A Hunt**

**Property Description: E1/2NE1/4 Less Blocks 1 & 2 Monighan Creek Sub & W1/2NE1/4 Less N1198' E2142' & that portion lying N RR (include RR Row) ; (Block 1 Monighan Creek 2nd Sub in NE1/4) in Section 32-T116N-R47W, Glenwood Township, Deuel County, South Dakota.**

**Action Items – Variance – Area Regulations (Section 1101.04 Area Regulations)**

**Zoning Designation: AG – Agricultural**

**Request:** Applicant seeks a variance to plat a parcel of land, to retain existing shelterbelt that is closer to the adjoining property line than what the ordinance allows.

**History/Issue(s):**

### **Specifics of Request:**

1. Darold D & Mary A Hunt seeks a Variance to plat a parcel of land, to retain existing shelterbelt that is closer to the adjoining property line than what the ordinance allows
2. Existing shelterbelt is approximately 14' and 49' from the adjoining property line.
3. The Board granted similar variances to existing farm sites that have been platted to transfer ownership (Jurrens & Eining 2019).
4. **Staff recommendation (Variance) - in the past the board has granted the Variance to retain the existing trees that are approximately 14' and 49' from the property line. This Variance doesn't apply to any new structures that are built on the property. The findings for this Variance are that they are platting this property will not cause any greater snow or safety concern.**

## ITEM #7 VARIANCE

**Applicant: Shawn's Custom Homes Inc  
Owner: Vicki Oswald**

**Property Description: Outlots 10 & 11 Ash Point in Government Lot 9 & SW1/4 in Section 4-T114N-R47W, Lake Cochrane, Norden Township, Deuel County, South Dakota.**

**Action Items – Variance – (Section 1103.5 Area Regulations)**

**Zoning Designation: LP – Lake Park**

**Request:** Applicant seeks a Variance to build a new house and deck less than 50' from the high water-mark, and less than 10' from the side yard.

**History/Issue(s):**

### **Specifics of Request:**

1. Mrs. Oswald seeks a Variance to build a new house and deck less than 50' from the high water-mark, and less than 10' from the side yard.
2. Oswald's purchased these lots many years ago and they purchased some land from the Cochranes that was not recorded toward the platted road. The unrecorded land extended the Oswald's property and pushed the road further west. However, now the Oswald's would like to build a house up to the platted road since they purchased this land from the Cochranes but didn't file any deeds. The proposed house would be approximately 30' from the current edge of the road and would be located on his property. If the Oswald's moved there proposed house house 10' from the property line then the house and deck would be approximately 48' from the high-water-mark. The house would be approximately 5' from the adjoining the side yard.
3. The Board granted similar Variance to build with less than 50' from the high water-mark, and less than 10' from the side yard (Hunt, Viessman & Lacek 2018).
4. **Staff recommendation: The Board could approve the Variance on the basis that similar variances have been granted in the past, that this is unique situation, and that it is not anticipated that the placement of this house will cause any greater snow removal or safety concern. 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 #8 VARIANCE

**Applicant:** Phil Koomia  
**Owner:** Kristi L Koomia Trust

**Property Description:** E1/2 Lot 4, All Lot 5, & SE 40' of NW 200' Lot 18 of Clear Water Beach in Government Lot 6 & Lots 6 - 7, and Lot F of Lot 18 of Clear Water Beach in Government Lot 6 in Section 4-T114N-R47W, Lake Cochrane, Norden Township, Deuel County, South Dakota.

**Action Items – Variance – (Section 1103.5 Area Regulations)**

**Zoning Designation:** LP – Lake Park

**Request:** Applicant seeks a Variance to remove an existing house and build a new house less than 30' from the easement, less than 50' from the high water-mark, and less than 10' from the side yard.

**History/Issue(s):**

### **Specifics of Request:**

1. Mr. Koomia seeks a Variance to remove an existing house and build a new house less than 30' from the easement, less than 50' from the high water-mark, and less than 10' from the side yard.
2. The existing house is currently is 1.4' from the easement, 33.2' from the high water-mark, and 8' from the side yard.
3. The Board granted similar Variance to build with less than 50' from the high water-mark, and less than 10' from the side yard (Hunt, Viessman & Lacek 2018).
4. **Staff recommendation: The Board could approve the Variance on the basis that similar variances have been granted in the past and that it is not anticipated that the placement of this shed will cause any greater snow removal or safety concern. The Board could deny the Special Exception if it finds the applicant cannot adequately satisfy a specific condition required by ordinance or that may be generally applied to this use in the Lake Park District.**

## ITEM #9 SPECIAL EXCEPTION

**Applicant:** Phil Koomia  
**Owner:** Kristi L Koomia Trust

**Property Description:** E1/2 Lot 4, All Lot 5, & SE 40' of NW 200' Lot 18 of Clear Water Beach in Government Lot 6 & Lots 6 - 7, and Lot F of Lot 18 of Clear Water Beach in Government Lot 6 in Section 4-T114N-R47W, Lake Cochrane, Norden Township, Deuel County, South Dakota.

**Action Items –Special Exception - (Section 1103.4.8 Accessory Structure)**

**Zoning Designation:** LP – Lake Park

**Request:** Applicant seeks a Special Exception to remove existing garage and to build an accessory garage with living space located on a lot adjacent to lot with principle structure which is separated by a public or private road their property.

**History/Issue(s):**

### **Specifics of Request:**

1. Mr. Koomia seeks a Special Exception to remove existing garage and to build an accessory garage with living space located on a lot adjacent to lot with principle structure which is separated by a public or private road their property.
2. The existing garage with no living space is currently on the back lot that is located more than 30' from the easement.
3. The Board granted similar Special Exception requesting to build an accessory garage located on a lot adjacent to lot with principle structure which is separated by a public or private road their property (Armstrong 2019).
4. **Staff recommendation: The Board could approve the Special Exception on the basis that similar Special Exception has been granted in the past and that the property owner transfers the property. The Board could deny the Special Exception if it finds the applicant cannot adequately satisfy a specific condition required by ordinance or that may be generally applied to this use in the Lake Park District.**

If the Special Exception is passed then Staff recommends the following:

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. The Board then made written findings as required by Section 504, subparagraph 5(a-h), of the Ordinance.

- a) Entrance to and exit from property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe: **Applicant doesn't create a safety hazard and there is no issue with automotive and pedestrian safety and convenience, traffic flow and control or access in case of fire or catastrophe.**
- b) Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, odor or other effects of the special exception on adjoining properties and properties generally in the district: **Applicant has sufficient off-street parking. Loading is not a concern. The special exception will have no or minimal economic, noise, glare, odor or other effects on the adjoining properties or properties generally in the district.**
- c) Utilities, with reference to locations, availability, and compatibility: **Applicant has adequate utilities.**
- d) Screening and buffering with reference to type, dimensions, and character: **Applicant is not going to change the screening or buffering.**
- e) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district: **No proposed signs.**
- f) Required yards and other open spaces: **Applicant has adequate yard and other open spaces.**
- g) General compatibility with adjacent properties and other property: **Applicant's proposed use is generally compatible with the adjacent properties and other properties in the Lake Park District.**
- h) Refuse and service areas, with particular reference to the items in (a) and (b) above: **There are no concerns regarding refuse or service areas. Applicant takes their garbage home with them when they leave the property.**

#### ITEM #10 VARIANCE

**Applicant: Duininck**

**Owner: Schmahl Family Enterprise LLC,**

**Property Description: W1/2NE1/4 Less H-1 in Section 29-T115N-R48W, Clear Lake Township, Deuel County, South Dakota.**

**Action Items – Variance – (Section 1101.3.4.viii Sand, gravel or quarry operation, mineral exploration and extraction, rock crushers, concrete and asphalt mixing plants within 1000 feet from property line of nearest residence)**

**Zoning Designation: AG – Agricultural**

**Request:** Applicant seeks a Variance to operation, mineral exploration and extraction, rock crusher and an asphalt mixing plant within 1000 feet from property line of nearest residence.

**History/Issue(s):**

**Specifics of Request:**

1. Duininck seeks a Variance to operation, mineral exploration and extraction, rock crusher and an asphalt mixing plant within 1000 feet from property line of nearest residence. Duininck has a signed permission for the residence to be within 1000' from their residence.
2. The Board granted similar Variance to operation, mineral exploration and extraction, rock crusher and an asphalt mixing plant within 1000 feet from property line of nearest residence.(Knife River 2017).
3. **Staff recommendation: The Board could approve the Variance on the basis that similar variances have been granted in the past and that it is not anticipated that the placement of this shed will cause any greater snow removal or safety concern. 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 #11 SPECIAL EXCEPTION

**Applicant:** Duininck

**Owner:** Schmahl Family Enterprise LLC,

**Property Description:** W1/2NE1/4 Less H-1 in Section 29-T115N-R48W, Clear Lake Township, Deuel County, South Dakota.

**Action Items – Special Exception – (Section 1101.3.4 Sand, gravel or quarry operation, mineral exploration and extraction, rock crushers, concrete and asphalt mixing plants)**

**Zoning Designation:** AG – Agricultural

**Request:** Applicant seeks a Special Exception to operation, mineral exploration and extraction, rock crusher and an asphalt mixing plant.

**History/Issue(s):**

### **Specifics of Request:**

1. Duininck seeks a Special Exception to operation, mineral exploration and extraction, rock crusher and an asphalt mixing plant.
2. The Board granted similar Special Exception to operation, mineral exploration and extraction, rock crusher and an asphalt mixing plant. (Knife River 2017).
3. **Staff recommendation: The Board could approve the Special Exception on the basis that similar Special Exception has been granted in the past and that the property owner transfers the property. The Board could deny the Special Exception 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.**

**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. The Board then made written findings as required by Section 504 subparagraph 5(a-h) of the ordinance.**

- a. Entrance to and exit from property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe: **Applicants has sufficient access to the property and proposed structures and there is no issue with automotive and pedestrian safety and convenience, traffic flow and control or access in case of fire or catastrophe.**
- b. Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, odor or other effects of the special exception on adjoining properties and properties generally in the district: Applicant has sufficient off-street parking. **Loading is not a concern. The special exception will have no or minimal economic, noise, glare, odor or other effects on the adjoining properties or properties generally in the district.**
- c. Utilities, with reference to locations, availability, and compatibility: **Applicants utilities are the same as the adjoining properties.**
- d. Screening and buffering with reference to type, dimensions, and character. **The lot provides adequate screening and buffering for the proposed use.**
- e. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district: **There are no signs or exterior lighting.**
- f. Required yards and other open spaces: **Applicant has sufficient yard and other open spaces.**
- g. General compatibility with adjacent properties and other property: **Applicants proposed use is generally compatible with the adjacent properties and other properties in the ag district.**
- h. Refuse and service areas, with particular reference to the items in (a) and (b) above: There are no concerns regarding refuse or service areas. Applicants use involves common household garbage. **No garbage is stored outside and applicants take their garbage home with them when they leave the property.**



## ITEM #12 VARIANCE

**Applicant:** Huff Construction  
**Owner:** Tatanka Ridge Wind LLC  
**Development Site Owner:** Randy Thompson Living Trust

**Property Description:** NE1/4 of Section 7-T113N-R48W, Scandinavia Township, Deuel County, South Dakota.

**Action Items – Variance – Area Regulations (Section 1101.04.02 Front Yard)**

**Zoning Designation:** AG – Agricultural

**Request:** Applicant seeks a variance to build an OM Building privacy fence with less than 150' of front yard.

**History/Issue(s):**

### **Specifics of Request:**

1. Huff Construction seeks a Variance to build a 6' privacy fence approximately 67' from the front property line which is less than 150' of front yard and approximately 7' from the side lot line with permission from the adjoining property owner.
3. **Staff recommendation: The Board could approve the Variance on the basis that similar variances have been granted in the past and that it is not anticipated that the placement of this fence will cause any greater snow removal or safety concern. (East River 2017). 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 #13 VARIANCE

**Applicant/Owner:** John & Teresa Homan

**Property Description:** W1/2 Less that portion lying N of RR (including RR Row) in the NE1/4NW1/4 of Section 32, Township 116 North, Range 47 West of the 5th P.M., Deuel County, South Dakota.

**Action Items – Variance – (Section 1208 Shelter Setback Requirements)**

**Zoning Designation:** AG – Agricultural District

**Request:** Applicant seeks a Variance to plant shelterbelts that are closer to the right-of-way than what the ordinance allows.

**History/Issue(s):**

### **Specifics of Request:**

1. Mr. & Mrs. Homan seeks a Variance to plant shelterbelts that are closer to the right-of-way than what the ordinance allows.
2. Homan would like to plat three rows of trees approximately 200' long approximately 50' from the road right-of-way to the north and approximately 8' from the section line right-of-way (approximately 41' from the fence line) to the west.
3. The Board granted similar Variance to plant a shelterbelt approximately 50' from the road right-of-way for Van Dyke in 2019, 75' from the road right-of-way Hawley in 2019, 50' & 35' from the road right-of-way Brown in 2020
5. **Staff recommendation: Staff recommendation: The Board could approve the Variance on the basis that similar variances have been granted in the past and that it is not anticipated that the placement of these trees will cause any greater snow removal or safety concern. 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 #14 VARIANCE

**Applicant/Owner: Sean & Pamela Shultis**

**Property Description: N490' E740' W1620' in Gov Lots 3-4 Section 3, Township 115 North, Range 50 West of the 5th P.M., Deuel County, South Dakota.**

**Action Items – Variance – (Section 1208 Shelter Setback Requirements)**

**Zoning Designation: AG – Agricultural District**

**Request: Applicant seeks a Variance to plant shelterbelts that are closer to the road right-of-way and the adjoining property line than what the ordinance allows.**

**History/Issue(s):**

### **Specifics of Request:**

1. Mr. & Mrs. Shultis seeks a Variance to plant shelterbelts that are closer to the road right-of-way and the adjoining property line than what the ordinance allows.
2. Shultis would like to plat five rows of trees up to 535' long approximately 50' from the road right-of-way to the south and approximately 32' adjoining property line with written permission.
3. The Board granted similar Variance to plant a shelterbelt approximately 50' from the road right-of-way for Van Dyke in 2019, 75' from the road right-of-way Hawley in 2019, 50' & 35' from the road right-of-way Brown in 2020
5. **Staff recommendation: Staff recommendation: The Board could approve the Variance on the basis that similar variances have been granted in the past and that it is not anticipated that the placement of these trees will cause any greater snow removal or safety concern. 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.**

## ISSUE #15 OPEN/STAFF REPORT

Jack Maertens owns some property at Lake Cochrane which it is Zoned Lake Park and would like to sell his property. The house is approximately 22' from the high-water-mark and is an older home that needs some work and within that 22' there is a deck that covers an existing boat house. Maerten would like to discuss with the board about if the new property owners remove the house could they build in the same location or would they have to apply for a variance.

## ITEM # 16 PLAT

**Applicant/Owner: Otter Tail**

**Property Description: Plat of Lot 1 & 2 Substation Addition in Section 12-T116N-R48W, Glenwood Township, Deuel County, South Dakota.**

**Request: Plat of Lot 1 & 2 Substation Addition which Lot 1 is 17.76 acres and Lot 2 is 22.55 acres and sell Lot 2 too Invenergy for a location for their substation.**

**Action Item – Recommendation of approval of plat.**

## ITEM # 17 PLAT

**Applicant/Owner: Darold D & Mary A Hunt**

**Property Description: Plat of Block 1 Monighan Creek 2nd Sub in NE1/4 in Section 32-T116N-R47W, Glenwood Township, Deuel County, South Dakota.**

**Request: Plat of Block 1 Monighan Creek 2nd Sub which is 17.1 acres to transfer the land.**

**Action Item – Recommendation of approval of plat.**

**ITEM # 18 PLAT**

**Applicant/Owner: Joan Krause**

**Property Description: Plat of O&M Addition in NW1/4 in Section 13-T116N-R47W, Glenwood Township, Deuel County, South Dakota.**

**Request: : Plat of O&M Addition which is 12.3 acres to transfer the land to Invenergy to build their O & M building.**

**Action Item – Recommendation of approval of plat.**