

Tuesday October 15, 2024

The Deuel County Zoning Board met on Tuesday October 15, 2024 at 6:30 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members, Dennis Kanengieter, Jay Grabow, Mike Dahl, Mike Lammers, Kevin DeBoer, States Attorney Craig Evenson, Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order.

The minutes from September 9, 2024 and September 16, 2024 meeting were discussed. Motion by Lammers, seconded by Grabow, to approve the amended September 9, 2024 and September 16, 2024 minutes. All voted in favor and motion carried.

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

Kanengieter asked if the public would like to talk during the public comment session.

Kanengieter 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.

Motion by Grabow, seconded by Lammers, to approve the October 15, 2024, Agenda. All voted in favor and motion carried.

Motion by Grabow, seconded by DeBoer to adjourn as the Deuel County Planning Commission and convene as the Deuel County Board of Adjustment. Motion passed unanimously.

#### ITEM ONE

Motion by DeBoer, seconded by Lammers to approve the application for a Conditional Use Permit Section 1103.05.8 – Accessory structures located on a lot adjacent to a lot with principle structure separated by a public or private road request by the applicant/owner, Jeffrey & Robin Reif, to move in a storage shed (Accessory structure) located on a lot adjacent to a lot with principle structure separated by a public or private road on their property on Lot 2 & Lot 3 Block 1 Dakota Bluffs Addition of the Section 8-114-47, Norden Township, Lake Cochrane, Deuel County, South Dakota.

Theisen stated this was postponed during the September 9, 2024 meeting due to incorrect legal in public notice. Theisen also stated they moved in a storage shed (Accessory structure) 12' x 20' in July 2024 which they owned Lot 2 then they purchased Lot 3 at the end of August 2024. The shed is located on Lot 3 and about 2' from Lot 2 and their house is located on Lots 72A Thokola Beach and Edgewater Drive separates the two lots. The applicant would not need a variance to build an accessory building it would meet all the Lake Park setbacks. They stated they would like to build a bigger shed on these lots in the future.

The board opened the meeting for public comments, there was no public comment.

Motion passed unanimously. Please see Findings of Fact and Conclusions of Law on file with this application

#### ITEM TWO

Motion by Dahl, seconded by Lammers to approve a Conditional Uses Permit Pursuant to Section 1103.05.09 – Commercial Storage Facilities provided they meet the requirement of Section 1246 (Section 1246. Commercial Storage Facility) request by the applicant/owner, Lynn Farms LLC, to build Commercial Storage Facility on the property described as the S500' E800' in Gov Lot 1 of Section 8 Township 114 North, Range 47 West of the 5th P.M., Deuel County, South Dakota, in the County of Deuel, South Dakota. Theisen stated Gorder would like to build a commercial storage facility which would be approximately 48' x 125'. The area where they would like to build this commercial storage facility had its 2nd rezoning hearing with the Deuel County Commissioners on October 1, 2024 and it was passed.

Jon Gorder, the applicant, stated they will not need a variance for the location of the commercial storage facility. They meet all the Lake Park setbacks for the front, rear and side. The board talked about the approach and then Gorder talked about signage. The board stated that if Gorder does have a sign it would have to meet the ordinance requirements.

Theisen stated the structure will also have to meet the requirements in Section 1246. Commercial Storage Facility. The applicant also has received an approach permit from the Deuel County Highway Department.

Theisen stated the applicant can apply for a building permit after October 29, 2024 (the rezoning ordinance becomes effective).

The board opened the meeting for public comments, there was no public comment.

Motion passed unanimously. Please see Findings of Fact and Conclusions of Law on file with this application

### ITEM THREE

Motion by Lammers, seconded by Grabow to approve the application for a Variance Section 1101.05 Area Regulations, applicant/owners, Mark & Lorie Schmidt to put in a waterproof underground storage tank, no closer than 23' from the road right-of-way. The tank cannot exceed more than 2' above the ground and this variance does not apply to any new structures that are built on the property. The property is located on W1/2 Less W540' S315' of the Section 7-116-47, Glenwood Township, Deuel County, South Dakota.

Schmidt's stated they are requesting a Variance to put an underground storage tank less than 65' from the road right-of-way. They would like to place an approximate 16' wide by approximate 20' length concrete tank approximate 12' deep in the ground. Then they would cover the tank with concrete hog slates, plastic and then dirt. The mound will be approximate 12" above the ground and this would be within the 65' from the ROW. They want to use this tank for cattle feed additive and by placing it in the ground it would help it from freezing. They would have a transfer pump and hose out of the top to transfer the product to the feed wagon. They would like to use the existing power pole which is also within the 65' from the ROW. They have existing waterlines and powerlines north of the existing power pole that is why they can't go north of this pole.

Theisen went to the proposed site for the underground tank and it is approximately 25' from the ROW which is approximately 58' from the center of the road with a 33' ROW (174th St). Theisen also stated that the proposed site is outside of the shallow aquifer. The board had concerns about the tank and the construction and the waterproofing.

Theisen suggested that Schmidt's visit with Glenwood Township about the proposed site for safety issues.

Motion passed unanimously. Please see Findings of Fact and Conclusions of Law on file with this application

The board opened the meeting for public comments, there was no public comment.

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

### ITEM FOUR

Motion by Lammers, second by Grabow, to postpone the recommendation for approval to the Board of County Commissioners the Plat of Clear Lake Historical Post Office Addition in NW1/4 of Section 30, Township 115 North, Range 48 West of the 5th P.M., Deuel County, South Dakota until the next meeting.

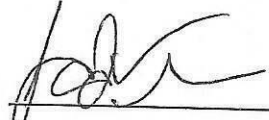
The board had concerns about access and if this plat would cause a traffic hazard. So they would like to have the Clear Lake Historical Society come and talk about these concerns at the next

meeting. Theisen stated that the plat should be contingent that they sign a letter of assurance: that the Grantors, their heirs, successors, and assigns further hereby agree that no building permits may be issued to Clear Lake Historical Post Office Addition in the NW1/4 of Section 30 Township 115 North, Range 48 West of the 5th P.M., Deuel County, South Dakota. That this plat combined with an adjoining lot which meets the requirements of the Deuel County Zoning Ordinance to be eligible for construction of a residence nor any structures. Motion passed 4-1(Dahl).

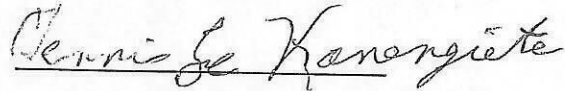
Kanengieter opened the meeting for public comment there was none

Theisen informed the board that the next regular meeting is scheduled for Tuesday November 12, 2024 since Monday November 11, 2024 is a holiday and the court house is closed.

Motion by Grabow, seconded by Lammers to adjourn the meeting at 7:55 p.m. All voted in favor and motion carried.



Jodi Theisen  
Zoning Officer



Dennis Kanengieter  
Chairman, Zoning Board