

Monday – August 11, 2025 – 6:30 p.m.

site for new CUP for seed sales and storage

previous site SEP for seed sales

SECTION LINE 187TH STREET

33' STATUTORY SECTION LINE R.O.W.

N1/2NE1/4 4NE1/4 SEC. 21-114-47

187TH STREET

1/4 CORNER

1/4 CAP

100' 1' CONVEYANCE

1. Kaleb and Brenda Steele have owned the subject property for several years and now seek to relocate their seed business to this site due to the discontinued use of a previous location.
2. A related seed sales business, previously operated by Kaleb's brother and business partner, Justin Steele, was authorized under a Special Exception Permit issued on February 22, 2026, for a separate site in Section 21-114-47. That location is no longer in use.
3. On August 11, 2014, the applicants received a variance allowing the construction of a shed no closer than 40 feet from the section line road right-of-way on this property.
4. The applicants are actively working with Norden Township to vacate the section line right-of-way between Sections 15 and 16 (T114N, R47W).
5. Under the Deuel County Zoning Ordinance, agribusiness activities are permitted in AG-zoned districts only by Conditional Use Permit, subject to compliance with the performance standards in Section 1204.

Relevant Ordinance Requirements – Section 1240.02

Agribusiness uses must comply with the following:

1. Agribusiness activities must have access to either:
 - a. A concrete or bituminous asphalt street;
 - b. A county-maintained gravel street; or
 - c. A Township-maintained gravel street with a Township approved haul road agreement.
2. Operators of agribusiness activities shall enter into and comply with a haul road agreement for the applicable streets if deemed necessary by the applicable road authority for the maintenance of identified haul routes attendant to the operation of the proposed business.
3. Lighting on the site shall be limited to downward directed lights or other lighting customarily used for agricultural operations. – see Review of Ordinance Requirement
4. The number, size, and illumination standards for signs shall be determined by the Board of Adjustment. see Review of Ordinance Requirement
5. No equipment or process shall be used in such extended home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
6. All vehicles and equipment stored outside shall be operable.
7. Permits for an agribusiness activity may only be changed to another agribusiness activity if specifically authorized by the Board of Adjustment.
8. Permits for agribusiness activities may be transferred, unless otherwise stated by the Board of Adjustment.

Review of Ordinance Requirement

Access & Circulation:

- Access to the site is via 187th Street, a township-maintained gravel road.
- A Haul Road Agreement with Norden Township is required for continued operation.

Parking:

- Adequate off-street parking is available on site. No parking is anticipated in the road right-of-way.

Utilities:

- **Water:** Brookings-Deuel Rural Water
- **Sewer:** None
- **Electric:** H-D Electric Cooperative

Lighting:

- Existing lighting is minimal and consistent with agricultural use. A single light is located near the walk-in door.

Signage:

- An existing wall-mounted sign will be updated but remain in the same size and location.

Screening and Buffering:

- Buffering and screening will comply with Agricultural District standards.

Setbacks:

- A variance will be required for a proposed lean-to addition due to proximity to the section line right-of-way (pending vacation) and a side yard setback reduction to 16 feet, where 25 feet is normally required.

Findings & Analysis

- The proposed use is consistent with the surrounding agricultural land use pattern and does not introduce a new or incompatible land use to the area.
- The applicants are working cooperatively with Norden Township to address road right-of-way and access issues.
- The use of the structure for seed storage and sales is in keeping with the intent of agribusiness activities as described in the ordinance.
- No adverse effects to the public interest or surrounding properties have been identified.
- The operation meets the performance standards under Section 1240.02, or will be conditioned to do so.

The Board will need to determine if granted the Permits for an agribusiness activity may only be changed to another agribusiness activity if specifically authorized by the Board of Adjustment and if granted the Permits for agribusiness activities may be transferred, unless otherwise stated by the Board of Adjustment.

Staff Summary

Conditional Use Permit – Agribusiness Activities (Seed Storage and Sales)

Pursuant to Section 1101.04.25 and the performance standards outlined in Section 1240.02, the application may be approved, postponed, or denied by the Board of Adjustment.

Staff Recommendation

Staff recommends approval of the Conditional Use Permit to allow seed storage and sales as an agribusiness activity on the subject property, contingent upon the following conditions:

- 1. Execution and filing of a Haul Road Agreement with Norden Township; a copy must be submitted to the Deuel County Zoning Office.**
- 2. Compliance with all applicable variance requirements for structure setbacks, including any approvals related to the proposed lean-to addition.**
- 3. Signage and lighting shall conform to the standards for the Agricultural District.**
- 4. Ongoing compliance with all performance standards outlined in Section 1240.02 of the Zoning Ordinance.**
- 5. If the section line right-of-way is not vacated, any development within that area must cease or receive further necessary approvals.**
- 6. The permit for agribusiness activities—specifically seed storage and sales—may not be transferred unless otherwise authorized by the Board of Adjustment.**

The Board determined that it is empowered under the section of the ordinance described in the application to grant the Conditional Use Permit and that granting the Conditional Use Permit will not adversely affect the public interest. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM #2 VARIANCE

Applicants/Owners: Kaleb & Brenda Steele

Property Description: Lot 5, Mamer's 1st Addition, located in the West Half (W½) of Section 15, Township 114 North, Range 47 West, Norden Township, Deuel County, South Dakota.

Action Items – Variance – (1101.05 Area Regulations)

Zoning Designation: Zoning Designation: AG – Agricultural

Request: The applicants are requesting a variance to construct a 24' x 104' lean-to addition on the west side of an existing structure. The proposed addition would encroach on required setbacks under two conditions:

- 1. Front yard variance – The addition would be located less than the required 65 feet from the existing section line right-of-way.**
- 2. Side yard variance – Upon vacation of the section line right-of-way by Norden Township, the addition would be approximately 16 feet from the resulting side property line—less than the required 25-foot side yard setback.**

The lean-to location is necessary due to the presence of overhead doors on the east side of the existing structure, which limits access for large equipment.

Specifics of Request:

- 1. Kaleb and Brenda Steele have owned the subject property for several years and are seeking to consolidate their agribusiness operations at this location.**
- 2. A related seed sales business, previously operated under a Special Exception Permit issued on February 22, 2026, was located in Section 21-114-47 and is no longer in operation.**
- 3. The applicants are concurrently requesting a Conditional Use Permit to allow seed storage and sales as an agribusiness use on this property.**
- 4. On August 11, 2014, the applicants received a variance to construct a shed no closer than 40 feet from the section line road right-of-way on this property.**
- 5. The applicants are currently working with Norden Township to vacate the section line right-of-way between Sections 15 and 16 (Township 114 North, Range 47 West). Based on the existing fence line, the proposed lean-to addition would be located approximately 16 feet from the resulting side property line upon vacation.**
- 6. The west side of the existing structure is the only feasible location for the lean-to addition, due to the presence of overhead doors on the east side that are needed for equipment access.**
- 7. The proposed 24' x 104' lean-to addition would be located approximately 16 feet from the side property line, contingent upon the vacation of the section line right-of-way by Norden Township.**
- 8. A variance is required to permit a side yard setback of less than 25 feet, as required by ordinance, following the vacation of the road right-of-way. A front yard variance is also required due to the structure's proximity to the existing section line road right-of-way, which is less than the minimum 65-foot setback.**

Applicable Ordinance Standards – Section 1101.05

- Front Yard: Minimum depth is 65 feet; accessory buildings are not permitted within the front yard.
- Side Yard: Minimum side yard setback is 25 feet.
- Rear Yard: Minimum depth is 25 feet.
- The property is located outside the aquifer protection zone

Staff recommendation: If approved, staff recommendation:

Grant the variance to allow construction of the 24' x 104' lean-to addition no closer than 16 feet from the property line, contingent upon:

- Successful vacation of the section line right-of-way by Norden Township, and
- Recording of the vacation with the Deuel County Register of Deeds Office prior to construction.

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 PLAT

Applicants/Owners: Joel & Jennifer Morgan

Property Description: Plat of O.J. Second Addition in the SE1/4 of the Section 10, Township 115 North, Range 49 West of the 5th P.M., Deuel County, South Dakota

Request:

The applicants are requesting approval of a proposed replat of the existing Plat of O.J. Addition. The replat seeks to divide the existing property into two distinct lots as follows:

Lot 1, O.J. Second Addition: Approximately 3 acres in size; this lot will contain the existing single-family residence.

Lot 2, O.J. Second Addition: Approximately 21.74 acres in size; this lot will contain existing agricultural structures (chicken sheds) and serve as the location for the applicants' extended home occupation. The home occupation includes operating a manufacturer's representative and distributor business specializing in valves, valve actuators, and flow measurement instruments.

The replat is intended to create separate parcels for residential and commercial (home occupation) use. This division supports more effective land use management, ensures compliance with local zoning and development regulations, and facilitates financial purposes such as property financing.

Action Item: Plat approval