

Monday, November 8, 2021

The Deuel County Zoning Board met on Monday, November 8, 2021, at 6:30 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members Kevin DeBoer, Alternate Gary Jaeger, Paul Brandt, Judith Homan, Mike Dahl, Zoning Officer Jodi Theisen, and Sarah DeBoer.

Vice Chairman Kevin DeBoer called the meeting to order.

The minutes from the October 5, 2021 meeting were discussed. Motion by Homan, seconded by Dahl, to approve the October 5, 2021 minutes. All voted in favor and motion carried.

Motion by Brandt, seconded by Homan, to approve the November 8, 2021, Agenda. All voted in favor and motion carried.

#### ITEM ONE

Scott Stevens, applicant, SK Investment Trust owner, applied for a Variance Permit Pursuant to Section 1103.5 – Area Regulations. The request, if granted, would permit the applicant to use the following property: Lot 10 Lake Alice Shores in SW1/4 of Section 7-116-48, Lake Alice, Altamont Township, Deuel County, South Dakota, to build a retaining wall less than 50' from the high water-mark.

Stevens requested a variance to build a 5' high by 70' long retaining wall approximately 40' from the high-water-mark. The other retaining walls will be closer to the existing house and approximately 10' from the side lot lines. The board and the property owner had discussion about the slope, the size of the block and filling of dirt behind the wall.

Motion by Brandt, seconded by Jaeger, to grant the Variance to build an approximately 5' high by 70' long retaining wall approximately 40' from the high-water-mark. To follow the landscaping plan that was provided to the Zoning Office. All voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

#### ITEM TWO

Scott Stevens, applicant, SK Investment Trust owner, applied for a Special Exception Permit Pursuant to Section 1103.4.5 Shoreline Alterations. The request, if granted, would permit the applicant to use the following property: Lot 10 Lake Alice Shores in SW1/4 of Section 7-116-48, Lake Alice, Altamont Township, Deuel County, South Dakota, to alter the shoreline within 35 feet of the high-water-mark.

Stevens requested a special exception, to remove dirt and to level out the shoreline and to add rock to the embankment within 35' from the high-water-mark.

Motion by Brandt, seconded by Homan, to grant the Special Exception to allow the applicant to alter the shoreline within 35' from the high-water-mark by leveling the shoreline and to add rock to the embankment. To follow the landscaping plan that was provided to the Zoning Office by having a silt fence and to use fabric under the new rock. All voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

### ITEM THREE

Erle & Dianne Roisum, applicant/owner, applied for for Special Exception Permit Pursuant to Section 1103.4.5 Shoreline Alterations. The request, if granted, would permit the applicant to use the following property: Lot 33 Bostic Beach in Gov Lot 3 in NW1/4 in Section 4-114-47, Lake Cochrane, Norden Township, Deuel County, South Dakota, to alter the shoreline within 35 feet of the high-water-mark by removing a tree on their property.

Theisen stated that Roisum's would like to remove a tree that is in the middle of their deck that is located within the 35' from high-water-mark. That this tree is pushing on their deck foundation.

Motion by Homan, seconded by Brandt, to grant the Special Exception to alter the shoreline within 35' from the high-water-mark to remove tree in existing deck. All voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

### ITEM FOUR

Ryan & Sara Harris, applicant, Gordon & Kathleen Ferguson & Chad & Jennifer Rausch Etal owners, applied for a Variance Permit Pursuant to Section 1103.5 – Area Regulations. The request, if granted, would permit the applicant to use the following property: Lots 5, 6 & 7 Shady Beach Addition in Gov Lot 7 in SE1/4 in Section 4-114-47, Lake Cochrane, Norden Township, Deuel County, South Dakota, to build a deck less than 50' from the high water-mark and less than 10' from the side property line.

Harris email the Zoning Office to state that they are withdrawing our Variance and Special Exception request application for consideration this evening. We need to make a few changes on our end and will be resubmitting for next month's meeting.

### ITEM FIVE

Ryan & Sara Harris, applicant, Gordon & Kathleen Ferguson & Chad & Jennifer Rausch Etal owners, applied for for Special Exception Permit Pursuant to Section 1103.4.5 Shoreline Alterations. The request, if granted, would permit the applicant to use the following property Lots 5, 6 & 7 Shady Beach Addition in Gov Lot 7 in SE1/4 in Section 4-114-47, Lake Cochrane, Norden Township, Deuel County, South Dakota, to alter the shoreline within 35 feet of the high-water-mark.

Motion by Dahl, seconded by Jaeger, to accept with drawing of Harris's Variance and Special Exception request application for consideration this evening. All voted in favor and the motion carried.

### ITEM SIX

Bryan & Ashley Lipp, applicants/owners, applied for a Variance Permit Pursuant to Section 1101.04 – Area Regulations, Front Yard. The request, if granted, would permit the applicant to use the following property Lot 1 Southwest Addition in SW1/4SW1/4 of Section 27-115-49, Clear

Lake Township, Deuel County, South Dakota, to build a new house and garage with less than 150' from the front yard.

Lipp's requested a variance to build a new house and garage with less than 150' from the front yard. They would like to remove old house and build a new house and garage approximately 100' from the ROW which is approximately 133' from the center of the road with a 33' ROW instead of 183' from the center of the road.

Motion by Brandt, seconded by Dahl, to grant the Variance to build a new house and garage no closer than 100' from the road right-of-way. The Board stated that this is not a safety issue, that this site is within an existing grove of trees and the location of the existing water line is an issue. All voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

#### ITEM SEVEN

DeBoer Construction, applicant/owner, applied for Variance Permit Pursuant to 1102.04 - Area Regulations that was posted from the August 19, 2021 meeting. The request, if granted, would permit the applicant to use the following property: S190' W300' of Lot 1 & N210' of W300' of Lot 1 & Lot 8 West Side Acres in SE1/4SE1/4 of Section 21-115-49, Clear Lake Township, Deuel County, South Dakota, to move in fuel tank with less than 50' from the side.

Theisen stated DeBoer Construction moved in a 12D x 15H fuel tank which holds approximately 12,500 gallons is approximately 8' from the side lot line. Theisen stated DeBoer's have received a permit from the DANR for the fuel tank. Jerome DeBoer stated that he also has two 500 gallon tanks that are located beside the 12D x 15H tank, and he would like to remove these tanks and move in a new 1000 gal tank. This new tank will be located approximately 8' from the property line also. He stated he placed these tanks in this location because the trucks loop around the existing shop building and they have access to the side and back doors. He also stated that he placed the tanks further away from the shop building because of insurance. DeBoer stated that the 12,500 gallon tank is a double walled tank and he will put the concrete barricades around it for protection from vehicles.

The Board had concerned about the safety issue being closer to the Deuel County property and the public building at the meeting on September 21, 2021, Deuel Commissioners gave consent to have the tank within 50' from the side property line.

Motion by Dahl, seconded by Homan, to grant the Variance to move in a 12D x 15H fuel tank and a 1000 gallon fuel tank approximately 8' from the side lot line in a Commercial Zoned District and they have received a permit from DANR for the storage tank and to have a concrete block barricade around the tanks for safety. Keven DeBoer abstained from voting, all voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with the application

#### ITEM EIGHT

Brian Cotten, applicant, Dennis Korbelt, Ashley Korbelt and Margaret Korbelt owners, applied for a Special Exception Permit Pursuant to Section 1102.03 – Seed sales and grain storage,

fertilizer and chemical storage and sales. The request, if granted, would permit the applicant to use the following property: Cotten Addition located in Gov Lot 1 in the E1/2 NE1/4 of 5-116-50, Goodwin Township, Deuel County, South Dakota, to operate a seed & chemical sales and storage in a Commercial/Industrial Zoned District.

Brian Cotton, BC Ag LLC, is requesting a Special Exception to operate a seed & chemical sales and storage in a Commercial/Industrial Zoned District. Cotten would like to build an office and storage shed to sell seed and chemicals and to have storage. Theisen stated that Cotton would like to build the storage and office building before the Special Exception and building permit was granted and Cotton received the violation letter and paid the administration fee.

Motion by Dahl, seconded by Homan, to grant the Special Exception to operate a seed & chemical sales and storage in a Commercial/Industrial Zoned District. All voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

#### ITEM NINE

Jamie Araiza & Brenda Villa, applicants/owners, applied for a Variance Permit Pursuant to Section 1106.04 Area Regulations. The request, if granted, would permit the applicant to use the following property Lots 1-8 Block 5 & vacated St between Lot 1 Blocks 5 & Lot 12 Block 7 of Section 20-116-50, Bemis, Goodwin Township, Deuel County, South Dakota, to build a new fence with less than 25' from the front yard, less than 15' from the side yard and less than 25' from the rear lot line.

Araiza requested a variance to build a new fence with less than 25' from the front yard, less than 15' from the side yard and less than 25' from the rear lot line. He would like to build a new fence up to the front yard, and right next to the side yard and right up to the rear lot line. They discussed that they have new neighbors and they would like privacy. They would like to place the fence 1' on to their lot next to their existing shed. The existing shed is located up to the ROW and approximately 32' from the edge of the existing road. They also would like to place the fence up to the ROW and up to the rear lot line.

Motion by Jaeger, seconded by Brandt, to grant the Variance to build a fence approximately 32' from the exiting road and it would be up to the ROW, approximately 1' from the side lot line and up to the rear lot line. All voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

The Deuel County Board of Adjustment recessed and convened as the Deuel County Planning Commission.

#### ITEM TEN

Motion by Homan, seconded by Dahl, to approve the Plat of Jayda Templeton Addition in NW1/4 of Section 20-117-50, Goodwin Township, Deuel County, South Dakota. All voted in favor and motion carried.

ITEM ELEVEN

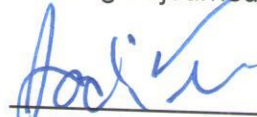
Motion by Dahl, seconded by Brandt, to approve the Plat of Lincoln Swenson Addition in SE1/4 of Section 20-117-50, Goodwin Township, Deuel County, South Dakota. All voted in favor and motion carried.

The Deuel County Planning Commission recessed and convened as the Deuel County Board of Adjustment.

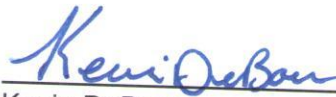
Theisen and the Deuel County Board of Adjustment had discussion on portable cattle sheds, drainage at Lake Cochrane, some future business in the AG District. The Board also discussed about amending the Zoning Ordinance to include Slaughterhouse in the Commercial District.

Theisen also informed the board the joint meeting for a rezoning with the Deuel County Commissioners will be held on November 16, 2021 at 10:30 a.m. Theisen talked to the board about some items.

Meeting Adjourned



Jodi Theisen  
Zoning Officer



Kevin DeBoer  
Vice Chairman, Zoning Board