

Monday September 9, 2024

The Deuel County Zoning Board met on Monday September 9, 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 August 12, 2024 meeting were discussed. Motion by Grabow, seconded by DeBoer, to approve August 12, 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 the public if they 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 Grabow stated he would abstain from voting on the CUP for Viessman since he is one of the contractors for the proposed project.

Motion by DeBoer, seconded by Grabow, to approve the September 9, 2024, Agenda. All voted in favor and motion carried.

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

#### ITEM ONE

Motion by Grabow, seconded by DeBoer to approve a Conditional Use Permit Pursuant to Section 1101.04.02 – Churches or Cemetery request by the applicant/owner, Shirely V Weber, Antony Weber, William T Weber and Mary Spartz, to plat out the land and to have private cemetery on their property in E1/2SE1/4 Less E375' S560' & less Weber Addition (to be known upon platting as Roe Cemetery Subdivision in the SE1/4) of Section 22-117-49, Portland Township, Deuel County, South Dakota conditions that the plat will be 1.23 acres cemetery lot (Block 1) with one burial plot (Lot 1) that is 50 sq ft which contains an occupied grave and no other burial sites will be on this property.

Theisen stated this was postponed during the July 8, 2024 meeting due to adding an easement on the plat for access.

Shirely V Weber stated they have owned this property for many years. They would like to plat out a 1.23 acres cemetery lot (Block 1) with one burial plot (Lot 1) that is 50 sq ft which contains and occupied grave. Theisen state Shirely's Great Great Grandmother is buried on this property. They want to plat this grave site out for future ownership and for future maintenance. No other burial sites will be on this property.

Theisen stated that this lot will have access with an easement off 170th St which is maintained by Portland Township, the site has room for off street parking, efficient utilities; not applicable, the site has efficient Screening and Buffering, they will not have any Signs and the site has efficient yard space and other open space.

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

Motion passed unanimously Mike Dahl was absent for the vote. Please see Findings of Fact and Conclusions of Law on file with this application.

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

#### ITEM TWO

Motion by Grabow, second by DeBoer, to recommend approval to the Board of County Commissioners the Plat of Roe Cemetery Subdivision in the SE1/4 of Section 22, Township 117 North, Range 49 West of the 5th P.M., Deuel County, South Dakota. Theisen stated this was postponed during the July 8, 2024 meeting due to adding an easement on the plat for access. Motion passed unanimously Mike Dahl was absent for the vote.

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 THREE

Motion by Grabow, seconded by DeBoer to postpone due to incorrect legal until October 15, 2024 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 Block 1 Dakota Bluffs Addition of the Section 8-114-47, Norden Township, Lake Cochrane, Deuel County, South Dakota.

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

Motion passed unanimously Mike Dahl was absent for the vote.

#### ITEM FOUR

Motion by DeBoer, seconded by Lammers to approve 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, Rodney Viessman, to build 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 7 Block 2 Dakota Bluffs Addition in Gov't Lot 1, Gov't Lot 2 and the N1/2 of the Section 8-114-47, Norden Township, Lake Cochrane, Deuel County, South Dakota. Theisen stated that Viessman purchased this lot in 2022. The applicant would like to build a storage pole shed (Accessory structure) 40' x 60' on this lot he also owns Lots 30 & 31 Thokola Beach and Edgewater Drive separates the two lots. The applicant would not need a variance to build an accessory building. It will meet all the Lake Park setbacks. The shed will be located more than approximately 55' from the platted road right-of-way (Edgewater Drive) and more than 10' from the side lot lines and more than 25' from the rear lot line.

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

Motion passed unanimously Jay Grabow abstained from the vote. Please see Findings of Fact and Conclusions of Law on file with this application

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

#### ITEM FIVE

Motion by DeBoer, second by Grabow, to recommend approval to the Board of County Commissioners the Plat of Fieber First Addition in NE1/4NW1/4 of Section 16, Township 116 North, Range 50 West of the 5th P.M., Deuel County, South Dakota. Motion passed unanimously.

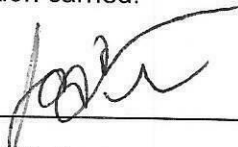
Motion by Grabow, second by Lammers, to recess the Planning Commission and reconvene as Board of Adjustment. Motion passed unanimously.

Kanengieter opened the meeting for public comment there was none.

Theisen informed the board that the next regular meeting is scheduled for October 15, 2024 since October 14, 2024 is a holiday and the courthouse will be closed that day. There will be a joint meeting with the Deuel County Commissioners to have a hearings for CAFO and Public and Private

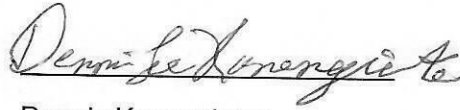
meeting with the Deuel County Commissioners to have a hearings for CAFO and Public and Private Utilities Ordinances amendments, a plat for Christianson Second Addition and rezoning hearing by Lake Cochrane for property from AG to Lake Park District on Monday September 16, 2024.

Motion by Grabow, seconded by Lammers to adjourn the meeting at 8:55 p.m. All voted in favor and motion carried.



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Jodi Theisen  
Zoning Officer



Dennis Kanengieter  
Chairman, Zoning Board