

December 9, 2019

The Deuel County Zoning Board met on Monday, December 9, 2019, at 6:30 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Steve Rhody, Kevin DeBoer, Mike Dahl, and Paul Brandt. Also present was States Attorney John Knight.

Chairman Dennis Kanengieter called the meeting to order.

Motion by Rhody, seconded by Kanengieter, to approve the December 9, 2019 Agenda. All voted in favor and motion carried.

The minutes from the November 12, 2019, meeting were discussed. Motion by Brandt, seconded by Dahl, to approve the November 12, 2019, minutes. All voted in favor of and motion carried.

ITEM ONE

Phil Koomia and Kristi L Koomia Trust applied for a Variance of Section 1103.5 Area Regulations. The request, if granted, would permit the applicant to use the following property: Lot 6, Lot 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, 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. Jodi Theisen, Deuel County Zoning Officer, stated that Phil Koomia called and he had an unanticipated meeting come up for his business for Monday December 9, 2019 and he couldn't attend this meeting. He requested the board table his application until the next meeting.

ITEM TWO

Phil Koomia and Kristi L Koomia Trust applied for a Special Exception Permit Pursuant to Section 1103.4.8 Accessory Structure. The request, if granted, would permit the applicant to use the following property: Lot 6, Lot 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, 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. Jodi Theisen, Deuel County Zoning Officer, stated that Phil Koomia called and he had an unanticipated meeting come up for his business for Monday December 9, 2019, and he couldn't attend this meeting. He requested the board table his application until the next meeting.

Motion by Brandt, seconded by DeBoer, to table the 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, and the Special Exception 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. All voted in favor of and the motion carried.

ITEM THREE

Edward Finnegan applied for a Variance request to Section 1103.5. Area Regulations. The request, if granted, would permit the applicant to use the following property: on existing Lots 36, 37 & 38 of Shady Beach Addition in Gov Lot 7 in SE1/4 in Section 4-T114N-R47W, Lake Cochrane, Norden Township, Deuel County, South Dakota, to replat existing Lots 35-38 of Shady Beach Addition into two lots (Lot 1 and Lot 2 Finnegan and Ludvigson Addition) to retain existing structure less than 50' from the high-water-mark, less than 10' from the side lot, shoreline frontage less than 75' in width and less than 150' in depth. Theisen stated that the office received an exhibit of the proposed plat which shows the existing building located over the property lines toward the road. Theisen stated that existing garage is approximately 31' from the edge of the Highway and the road right-of-way is 50'. The existing garage is approximately 3.3' and the existing house is approximately 4.1' from the adjoining property line to the right. The existing deck is approximately 13' and 19' from the high-water mark. The depth of the lot is approximately 110.4' & 107' instead of 150'. The board discussed the situation about the existing structures located over the property line and the unknown property located between the road right-of-way and the property line. John Knight, Deuel County States Attorney, talked to Jamie Hintz, Deuel County Highway Supervisor, about the road right-of-way along the Shady Beach Addition. Hintz stated he has some concerns about existing structures being close to the highway. Knight stated that he and Hintz will inspect the area. The Board and Knight discussed the plat with the exhibit and the possible area of land that is either road right-of-way or land that is owned by the Cochrane's. Knight stated that he needs to do some more research and would like to talk to the surveyor of this plat. The Board discussed different options for instance they could grant a variance for the plat except for garage or Finnegan could deed the 25' existing lot to Ludvigson and the Board could do a resolution for the future deeds. Motion by Brandt, seconded by Kanengieter, to table the Variance to retain the existing structures that are approximately 13' from the high-water mark, 3.3' from the adjoining property line, to have the depth of the lot less than 150', and to retain the existing garage that is located over the property line. All voted in favor and motion carried.

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

ITEM FOUR

Dennis Evenson, attorney, representing Delores Begalka, stated that they platted this parcel because the building site is located on the NW1/4 and the SW1/4. Evenson stated that they are splitting the parcel through a building site and Delores will deed Lot 1 and the NW1/4 to the Gale Begalka. Evenson stated that he could have prepared a deed with footages, but he wanted a cleaner legal for the Director of Equalization and Register of Deeds Offices. John Knight, Stated Attorney, asked why they didn't plat the NW1/4 with the footages in the SW1/4. Brandt suggested deeding the building site in the SW1/4 by footages with the NW1/4. Evenson stated that they wanted to follow the fence line. Evenson also stated that he was informed by the Zoning Officer that the Begalka's would have to apply for a variance because of the existing shelterbelt that is closer to the road right-of-way than the ordinance allows. The Board stated

that the Begalka's would have to apply for a variance at the next meeting for the shelterbelt and the buildings that the property line goes thru, which would be January 13, 2020. The Treasurer's Certificate was brought up since the Treasurer signed off that the 2019 taxes were paid. The Board stated that they would accept the Treasurer's Certificate that was signed in 2019.

Motion by Brandt, seconded by DeBoer, to table the Plat of Lot 1 and Lot 2 of Begalka First Addition Located in the E1/2 of the Southwest Quarter and Gov't Lots 3 and 4 all of Section 18, Township 114 North, Range 50 West of the 5th P.M., Hidewood Township, Deuel County, South Dakota until they apply for a Variance. All voted in favor and motion carried.

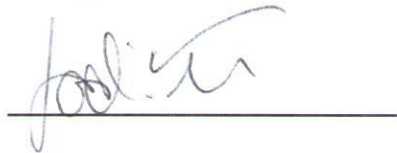
ITEM FIVE

Motion by Dahl, seconded by Rhody, to remove from the table the Plat of Kruse Addition in Section 16-T117N-R47W, Antelope Township, Deuel County, and to accept Shannon Kruse request by an email to the Deuel County Zoning office on November 19, 2019, to withdraw the plat. All voted in favor and motion carried.

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

ITEM EIGHT

Zoning Officer discussed status of updating the zoning ordinance and the zoning map.



Jodi Theisen
Zoning Officer



Dennis Kanengieter
Chairman, Zoning Board