

Monday, May 10, 2021

The Deuel County Zoning Board met on Monday, May 10, 2021, at 6:30 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Judith Homan, Paul Brandt, Kevin DeBoer, Mike Dahl, and Zoning Officer Jodi Theisen. Other property owners were present.

Chairman Dennis Kanengieter called the meeting to order.

The minutes from the April 12, 2021 & April 15, 2021, meetings were discussed. Motion by DeBoer, seconded by Dahl, to approve the April 12, 2021 & April 15, 2021, minutes. All voted in favor and motion carried.

The minutes from the January 11, 2021 meeting were discussed and Theisen stated that in item one the wrong section was documented and the correct section is 1103.4.5 instead of 1105.5. Motion by Homan, seconded by DeBoer, to amend the January 11, 2021, minutes. All voted in favor and motion carried.

Motion by Dahl, seconded by DeBoer, to approve the May 10, 2021, Agenda. All voted in favor and motion carried.

ITEM ONE

Karen Kockelman, applicant/owner, applied for Special Exception Permit Pursuant to Section 1103.4.9 Storage. The request, if granted, would permit the applicant to use the following property: Lot 34 Bostic Beach in Gov Lot 3 in the NW1/4 of Section 4-114-47, Lake Cochrane, Norden Township, Deuel County, South Dakota, to move in a storage shed on her property.

Kockelman seeks a Special Exception to move in a 10' x 14' storage shed approximately 5' from the side lot line, and approximately 47' from the actual road which is approximately 27' from the platted road. Kockelman stated she needs more storage. Theisen stated in 2015 the Board granted a Variance & Special Exception for Karen Kockelman for a 12' x 16' storage shed that is approximately 26' from the edge of the road.

Motion by Dahl seconded by DeBoer, to grant the Special Exception to allow the applicant to move in a 10' x 14' storage shed which meets all other zoning lot requirements. All voted in favor and the motion carried.

ITEM TWO

David & Sandra Korinek, applicants/owners, applied for Variance of Section 1101.04 Front Yard. The request, if granted, would permit the applicant to use the following property: Lot 24 Grabow Second Addition in the NE1/4 in Section 5-114-47, Norden Township, Deuel County, South Dakota, seeks an Extension of Expiration Date for a Variance that was granted on July 13, 2020 to build storage sheds with less than 150 feet of front yard, which is closer than County zoning regulations allow in an Agriculture Zoned District.

Korinek's stated they got the house and garage built but with the lumber costs it deferred the process on the proposed 32' x 32' storage shed which would be 50' from the the 50' access easement.

Motion by DeBoer, seconded by Brandt, for an Extension for the Variance that was granted on July 13, 2020 until July 13, 2022 to build an approximately 32' x 32' storage shed no closer than 50' from

the 50' access easement. All voted in favor and motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM THREE

Dean & Connie Ackermann, applicants/owners, applied for Special Exception Permit Pursuant to Section 1103.03 Private Parks and Campgrounds. The request, if granted, would permit the applicant to use the following property: Lot 9 Agnes Place Addition in Gov Lot 8 in Section 5-114-47, Lake Cochrane, Norden Township, Deuel County, South Dakota, to operate a private campground in a Lake Park District.

Ackermann's stated they would like to apply again to park a camper on the property during the summer months. Theisen stated that their neighbors, the Norgaard's; emailed the Zoning Office and they are aware of the application and don't have any issues. Ackermann stated they would like to build sometime in the future but don't know when.

Motion by DeBoer seconded by Homan, to grant the Special Exception to permit a private campground for one camper on said lot, no commercial camping is allowed, and this camper cannot be any closer than 21 feet from the edge of the road and with the slides out cannot extend within 5 feet from the side lot line. This special exception is good for two years and the applicant would need to reapply before May 10, 2023. All voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM FOUR

Theisen discussed with the board about upcoming joint meeting with the commissioners about medical marijuana facilities to have a temporary ordinance. The board discussed the state statues about public meetings and public notices and how the Deuel County Zoning Office is doing this properly.

ITEM FIVE

Will Stone, applicant, and Stone' Conservation Acres LLP, owner, applied for a Special Exception of Section 1101.03.18 - Bed and Breakfast that was granted on August 16, 2018 has expired. The request, if granted, would permit the applicant to use the following property: Lot 20 Grabow 2nd Addition in Section 5-114-47, Lake Cochrane, Norden Township, Deuel County, South Dakota, to operate a Bed and Breakfast that was granted on August 16, 2018 has expired.

Stone applied on 8-13-18 for a specialty lodge or resort. It was approved but he never used it in the two year deadline. Stone built the structure and finished the personal living upstairs but didn't finish the rooms in the basement and didn't apply for any state permits or licenses. Stone stated that they had a lot of complications which caused the delays of construction.

There were some Lake Cochrane property owners present and stated they had concerns about some of the construction debris. Stone stated that he is planning to have the construction completed and be in operation by fall of 2021.

Motion by DeBoer, seconded by Brandt, to grant the Special Exception to operate Bed and Breakfast in an Ag Zoned District; contingent upon receiving state permits, state licenses and

construction debris must be contained. All voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM SIX

K & K Farms Inc, applicant, Krause Farms LLP, owners, applied for Variance of Section 1101.04 Front Yard. The request, if granted, would permit the applicant to use the following property: NW1/4 & N1/2NE1/4 of Section 20-115-49, Clear Lake Township, Deuel County, South Dakota, to move in 2 hopper bins with less than 150' of front yard, which is closer than County zoning regulations allow in an Agriculture Zoned District.

Krause's received a building permit on 2-24-21 for the hoppers and to move a used bin onto two different locations. The site of the hoppers on the original permit met the 150' setback from the ROW, however before they moved in the hoppers, they realized the location would not work with the lay out of the site. They would like to place the hoppers 140' from the ROW which is 173' from the center of the road with a 33' ROW instead of 183' from the center of the road.

Motion by Homan, seconded by DeBoer, to grant the Variance to move in two 16D x 26H hoppers bins no closer than 140' from the road right-of-way. All voted in favor of and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM SEVEN

Ronald & Kathy Gorder, applicants/owners, applied for Variance of Section 1208 Shelterbelt Setback Requirements. The request, if granted, would permit the applicant to use the following property SW1/4 less H-1 of the Section 12-113-50, Grange Township, Deuel County, South Dakota, to plant a shelterbelt that is closer to the road right-of-way than what the ordinance allows.

Gorder's stated they would like to plant one row of blue spruce approximately 75' from the center of the township road (33') so the trees would be approximately 42' from the road right-of-way.

Motion by Dahl, seconded by DeBoer, To grant the Variance to plant one row of trees along the existing shelterbelt no closer than 50' from the road right-of-way. All voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM EIGHT

Caitlyn Brandt, Jacob Brandt, Tanner Brandt and Dylan Brandt d/b/a Brandt Family Feeders, applicants, and Paul & Lisa Brandt & Joel & Dianne Brandt, land owners, applied for a Special Exception of Section 1101.03 (8) Article XIII - (Section 1300) – Concentrated Animal Feeding Operation Regulations. The request, if granted, would permit the applicant to use the following property: SE1/4 and the S1/2 of the NE1/4 of the SE1/4 of the SW1/4 of Section 11-115-50, Havana Township, Deuel County, South Dakota, for Class "C" Concentrated Animal Feeding Operation (CAFO up to 999 animal units) which will be a Swine Finishing Unit in the Agricultural Zoning District.

Caitlyn Brandt, Jacob Brandt, Tanner Brandt and Dylan Brandt d/b/a Brandt Family Feeders request to withdraw their application for a Class "C" Concentrated Animal Feeding Operation (CAFO up to 999 animal units) which will be a Swine Finishing Unit in the Agricultural Zoning District in SE1/4 and the S1/2 of the NE1/4 of the SE1/4 of the SW1/4 of Section 11-115-50, Havana

Township, Deuel County, South Dakota. This spot was not suitable for the CAFO it was located on a shallow aquifer and the applicants decided to choose a different location. Which they are going to be applying for on May 24, 2021.

Motion by DeBoer, seconded by Dahl, to accept the email from Brandt Family Feeders the request to withdraw their application for a Class "C" Concentrated Animal Feeding Operation (CAFO up to 999 animal units) which will be a Swine Finishing Unit in the Agricultural Zoning District in SE1/4 and the S1/2 of the NE1/4 of the SE1/4 of the SE1/4 of the SW1/4 of Section 11-115-50, Havana Township, Deuel County, South Dakota. All voted except Brandt (he abstained) in favor and the motion carried.

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

ITEM NINE

Motion by DeBoer, seconded by Homan, to approve the Plat of Rhyne Third Addition in E1/2 of the SW1/4 of Section 18-116-49, Goodwin Township, Deuel County, South Dakota. All voted in favor and motion carried.

ITEM TEN

Motion by Brandt, seconded by DeBoer, to approve the Plat of Block 1 Konold Addition in SW1/4 of Section 7-T114N-R49W, Brandt 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.

ITEM ELEVEN

Abraham Martin Espinoza Ruelas, applicant/owner, applied for Section 1106.04 Area Regulations. The request, if granted, would permit the applicant to use the following property: W20' of Lot 7 & Lots 8-12, Block 6 & E1/2 vacated road lying adjacent thereto Village of Bemis of Section 20-116-50, Goodwin Township, Deuel County, South Dakota, to build a carport addition to existing garage and to build two roof covered porches to existing house with less than 25' of front yard in a Town Zoned District.

Theisen noticed that Ruelas had started to build a carport and sent him a violation letter. Ruelas came into the office and Theisen explained the setback requirements so they applied for a variance. Ruelas would like to build a 20' x 16' carport to existing garage which would be approximately 1' in the ROW according to the mortgage survey, they would like to build a 4' x 6' roof covered porch approximately 1.6' from the ROW, and they would like to build a 14' x 7' covered porch approximately 19.8' from the ROW. The mortgage survey states the existing house is 5.6' from the ROW which there is a concrete pad in-front of the door and it is up to the ROW and the existing garage is approximately 19.3' from the ROW. If they build an 18' x 16' carport it would be approximately 28' from the existing road and it would be 2.3' from the ROW. If they build the approximately 7' x 14' covered porch, it would be 19.8' from the ROW and if they build a 3' x 6' roof covered porch, they would be approximately 28' from the existing road and approximately 2.6' from the ROW.

Motion by DeBoer, seconded by Dahl, to grant the Variance to build a 18' x 16' carport approximately 29' from the existing road and it would be approximately 1.3' from the ROW, approximately 7' x 14' covered porch it would be approximately 19' from the ROW and a 4' x 6' roof covered porch it would be approximately 27' from the existing road and approximately 1.6' from the ROW. 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 TWELVE

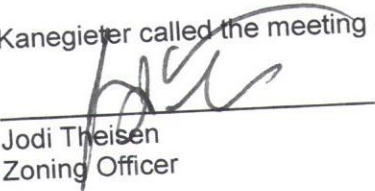
Jon Gorder and Phil Kooima, represented Lynns Farms ^{LLC ST} and Jon Heck, JSA Engineers and Land Surveyors, with the Board to present a preliminary plat of a subdivision called Dakota Bluffs Addition in Norden Township. The plat contains 33 lots, average 13,12 square feet each. All details involving streets, accesses, utilities, elevations, drainage were reviewed.

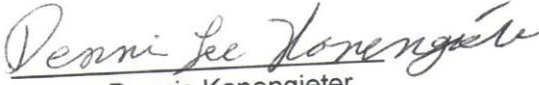
Motion DeBoer, seconded by Kanengieter to accept the preliminary plat of Dakota Bluffs Addition in E1/2NW1/4 & NE1/4 of Section 8-T114N-R47W of the 5th P.M., Norden Township, Deuel County, South Dakota. Kanengieter called for a roll call vote; DeBoer-yes, Brandt-yes, Homan-yes, Dahl-yes, and Kanengieter-yes and the motion carried. The preliminary plat will be sent to the Deuel County Commissioners for review at their May 18 meeting.

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

Theisen stated that there will be a meeting with 1st District to discuss updating the Ordinance B-2004-01 the Zoning Regulations for Deuel County on Wednesday, May 12 at 6:00 p.m. Theisen also informed the board about a special meeting on May 24, 2021 for a Special Exception Permit Applicant Pursuant to Section 1101.03 – Concentrated Animal Feeding Operations. The applicants, Caitlyn Brandt, Jacob Brandt, Tanner Brandt and Dylan Brandt d/b/a Brandt Family Feeders LLC, and land owners, Cynthia Jackson Diliberti, Vicki Miller & Brent Jackson, are requesting to seek a Class "C" Concentrated Animal Feeding Operation (CAFO up to 999 animal units – consisting of 2400 head) which will be a Swine Finishing Unit in an Ag District. The next regular meeting which will be held on June 14, 2021 at 6:30 p.m. and some of the agenda items.

Kanengieter called the meeting at 9:45 pm.


Jodi Theisen
Zoning Officer


Dennis Kanengieter
Chairman, Zoning Board