

Wednesday January 18, 2023

The Deuel County Zoning Board met on Wednesday, January 18, 2023 at 6:00 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Paul Brandt, Kevin DeBoer, Mike Dahl, Alternate Scott Fieber, States Attorney Craig Evenson and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order.

The minutes from the November 12, 2022, November 28, 2022 and December 20, 2022 meetings were discussed. Motion by DeBoer, seconded by Brandt, to approve the corrected November 12, 2022, November 28, 2022 and December 20, 2022 minutes. All voted in favor and motion carried.

Motion by DeBoer, to nominate Kanengieter as 2023 Chairman, that nominations cease, and an unanimous ballot be cast for Kanengieter. Dahl seconded the motion. Roll call vote; DeBoer-yes, Fieber-yes, Brandt-yes, Dahl-yes, and Kanengieter-no and the motion carried.

Motion by Brandt, to nominate DeBoer as 2023 Vice Chairman, that nominations cease, and an unanimous ballot be cast for DeBoer. Kanengieter seconded the motion. Roll call vote; DeBoer-no, Fieber-yes, Brandt-yes, Dahl-yes, and Kanengieter-yes and the motion carried.

Motion by Dahl, seconded by Brandt, to approve the January 18, 2023, Agenda. All voted in favor and motion carried.

#### ITEM ONE

John Knight, attorney, explained that the replat of Joyce Grong and Barbara Fluttum-Black properties located in Shady Beach Addition at Lake Cochrane will come before the board.

Knight explained that part of Grong's garage is located on Fluttum-Black's property (Lot 31). The parties seek to correct this issue by transferring some of Fluttum-Black's property to the grongs and replatting Grong's property with the transferred portion of Lot 31 into one lot.

Knight stated Fluttum-Black was concerned about the existing shed's location from the property line and proximity to the right-of-way. They are concerned about being required to move the sheds. Per the surveyor, one shed is approximately 9.6' from the property line.

Motion by DeBoer, seconded by Brandt, the Deuel County Zoning Board will not require Fluttum-Black to remove their sheds or require a variance in return for selling Grong's the property and platting the property to correct building location error of the Grong's house. All voted in favor and motion carried.

#### ITEM TWO

Joel & Jennifer Morgan/Flow Control Automation Inc, applicant/owner, applied for a Conditional Use Permit Pursuant to Section 1101.04.16 – Section 1210) Extended Home Occupation. The request, if granted, would permit the applicant to use OJ Addition in SE1/4 of Section 10-115-49, Clear Lake Township, Deuel County, South Dakota, to operate an extended home Occupation (to operate a manufacturer's representative/distributor of valves, valve actuators and flow measurement instruments business) in the Agricultural District.

Morgan stated he moved here from Minnesota and they own and operate a business called Flow Control Automation Inc. The corporation is a manufacturer's representative/distributor of valves, valve actuators and flow measurement instruments business. Joel stated that he and his wife and their employees understands that he can only have 3 non-family employees that will work at this location. He will have other sales representatives in other locations.

He is requesting to operate an Extended Home Occupation (manufacturer's representative/distributor of valves, valve actuators and flow measurement instruments business) in an existing accessory building and the existing shed meets the setback requirement. The work would include receiving valve parts and assembly. They want to remodel and add on to the existing accessory building. Theisen reviewed the Staff Report and all the regulations, applicant must follow and he will sign a Letter of Assurance agreeing to the following conditions:

- a. An extended home occupation may not be changed to another home occupation except by the issuance of a separate conditional use permit.
- b. Individuals engaged in such occupation shall consist of family members residing on the premises and up to three (3) non-family employees.
- c. There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one on-premise sign, not to exceed eighty (80) square feet in area, non-illuminated.
- d. Off premise signage for extended home occupations shall be limited to South Dakota Department of Transportation (SDDOT) commercial, directional signs, also known as "TOD Signs". These signs, with SDDOT approval, may be located adjacent to State and Federal Highways.
- e. The only retail sales allowed shall consist of the sale of commodities/products prepared on the premises in connection with such occupation or activity. Exception: Seed Sales.
- f. Extended home occupations should be agriculturally related and be conducted in an accessory building.
- g. No traffic shall be generated by such extended home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need of parking generated by the conduct of such extended home occupation shall be provided off the street and other than in a required front yard.
- h. 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.

Section 1105.12 Performance Standards For Aquifer Protection Overlay Zones: The following standards shall apply to land uses in Zones A and B of the Aquifer Protection Overlay Districts:

1. New or replacement septic tanks and associated drain fields for containment of human wastes must conform with regulations established by the State Department of Environment Agriculture and Natural Resources.
3. Storage of petroleum products in quantities exceeding (100) gallons at one locality in one tank or series of tanks must be in elevated tanks; such tanks larger than one thousand (1,000) gallons must have secondary containment system where it is deemed necessary by the County Zoning Office.
4. Any commercial or industrial facility, not addressed by (2) or (3) above, involving collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or waste, except for spreading of manure, in excess of one thousand (1,000) pounds and/or one hundred (100) gallons which has the potential to contaminate ground water must have a secondary containment system which is easily inspected and whose purpose is to intercept any leak or discharge from the primary containment vessel or structure. Underground tanks or buried pipes carrying such materials must have double walls and inspectable sumps

There was no public comment.

Motion by DeBoer, seconded by Brandt, to grant the Conditional Use Permit to operate an Extended Home Occupation (to operate a manufacturer's representative/distributor of valves, valve actuators and flow measurement instruments business) in the Agricultural District. All voted in favor and motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

### ITEM THREE

Erik Peterson, applicant, and James and Jane Peterson Trust, owners applied for a Variance Permit Pursuant to Section 1101.05 Area Regulations - Front Yard. The request, if granted, would permit the applicant to use the following property: S1/2 Less Lot 1 Adolph Subdivision & Less H-4 of the Section 14-117-48, Lowe Township, Deuel County, South Dakota, to erect a new bin that is closer to the road right-of-way than what the ordinance allows.

Petersons are requesting a Variance to erect a new bin less than 65' from the front yard. Theisen stated that no record exists of permits for the above reference bin, previous building permits were from 1998 on. Petersons replaced an existing bin that was damaged by the May 2022 storms which was located approximately 27' from the road right-of-way. They replaced the bin with the same size without a permit and less than 65' from the front yard. According to the applicant the new bin is approximately 27' from the ROW which is approximately 127' from the center of the road with a 100' ROW (SD State Hwy 212). The bin will be located on the currently described as the S1/2 Less Lot 1 Adolph Subdivision & Less H-4 in (to be known upon platting as Peterson Farms Bins Site Addition in SW1/4) of the Section 14-117-48, Lowe Township, Deuel County, South Dakota. After the plat is filed it will be transferred to the applicant. There was no public comment.

Motion by DeBoer, seconded by Kanengieter, to grant the Variance to erect a new bin, no closer than 20' from the road right-of-way and to waiver the variance fee because the existing bin was destroyed by the May 2022 storm. Brandt was not present for the vote, DeBoer, Fieber, Kanengieter all voted - yes and Dahl voted - no, the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

Motion by Dahl, seconded by DeBoer to adjourn as the Deuel County Board of Adjustment and convene as the Deuel County Planning Commission. Chairman Kanengieter called the meeting to order.

ITEM FOUR

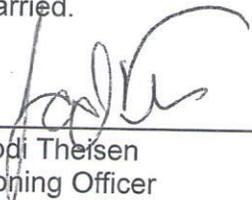
Motion by Fieber, seconded by Dahl, to approve the Peterson Farms Bin Site Addition in SW1/4 of Section 14, Township 117 North, Range 48 West of the 5th P.M., Deuel County, South Dakota. This plat had a variance granted for the existing grain bin. The existing shed that is split by the property line may not receive a building permit to be replaced or added onto in any way. Brandt was not present for the vote, DeBoer, Fieber, Dahl and Kanengieter all voted - yes, the motion passed unanimously.

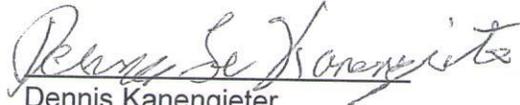
ITEM FIVE

Motion by Dahl, seconded by DeBoer, to approve the Block 1 Thorpe Addition in SE1/4 of Section 21, Township 115 North, Range 47 West of the 5th P.M., Deuel County, South Dakota. Brandt was not present for the vote, DeBoer, Fieber, Dahl and Kanengieter all voted - yes, the motion passed unanimously.

Theisen and the Deuel County Board of Adjustment discuss upcoming applications and meeting dates.

Motion by DeBoer, seconded by Fieber to adjourn the meeting. All voted in favor and motion carried.

  
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Jodi Theisen  
Zoning Officer

  
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Dennis Kanengieter  
Chairman, Zoning Board