

Monday July 9, 2018

The Deuel County Zoning Board met on Monday, June 11, 2018, at 6:30 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Mike Dahl, Steve Rhody, Paul Brandt, and Kevin DeBoer. Also present were States Attorney John Knight and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order.

Motion by Dahl, seconded by DeBoer, to approve the Agenda for July 9, 2018. Paul Brandt was absent from the voting, all voted in favor and motion carried.

Motion by Dahl, seconded by Rhody, to approve the June 11, 2018, minutes. Paul Brandt was absent from the voting, all voted in favor and motion carried.

Josh Cleveland and Game, Fish & Parks applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: NW1/NW1/4 (Gov Lot 4) in Section 4-114-47, Norden Township, Deuel County, South Dakota, to plant a shelterbelt within 150 feet of the road right-of-way in a Lake Park District. During the meeting the Board determined that the property was located in the Natural Resource District instead of the Lake Park District. Josh Cleveland stated that they would like to plant 40 trees and shrubs. The 40 trees would contain 4 species and the trees would be 80 feet on the north side of Edgewater Drive. These trees would enhance aesthetics of the area and help hide the shop. Motion by DeBoer, seconded by Rhody, to grant the Variance to plant a shelterbelt 80 feet from the edge of the road in a Natural Resource District. All voted in favor and motion carried. The findings for this Variance are: it will not cause a safety or snow issue; the trees are generally compatible with the adjacent properties and other properties in the Lake Park District; the traffic on Edgewater Drive in the area is slower than a typical county road.

Motion by Dahl, seconded by Kanengieter to waive the \$100 variance fee for another governmental entity. All voted in favor and motion carried.

Ommen Family Limited Liability Partnership and Blackfork LLC applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: SE1/4 in Section 5-114-48, Norden Township, Deuel County, South Dakota, to build 2 grain bins and a 40' x 30' shed within 150 feet from the road right-of-way in an AG Zoned District. Gordon Ommen couldn't attend the meeting so Neal Ruhd spoke to the zoning board on his behalf. Ruhd stated that they would like to keep the 30' x 40' bin shed in line with the existing pole shed located on the property. The future plan is to have another shed in between the two sheds and have a drive-way behind. Ruhd also stated that he would like to build two bins behind the bin shed and the front bin would be within 150 feet also. The board asked why they couldn't build further back. Ruhd stated that the land is more wet further back in the northwest corner. Motion by Dahl, seconded by Brandt, to grant the Variance to build 2 grain bins and a 40' x 30' shed no

closer than 94 feet from the road right-of-way in an AG Zoned District. All voted in favor and motion carried. The findings for this Variance are the existing trees to the west are closer to the road right-of-way and it won't cause a safety or snow problem. The proposed building lines up with the existing shed and the northwest corner is too wet for building.

Landon Prins and Leonard Prins applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: SW1/4 in Section 4-114-49, Brandt Township, Deuel County, South Dakota, to move in 2 older grain bins within 150 feet from the road right-of-way in an AG Zoned District. The week prior to the zoning board meeting the zoning officer contacted Landon Prins about having the bins staked out. Prins stated that they decided not to do the project. The zoning officer relayed the information to the zoning board that they did not want to do the project at this time. Motion by DeBoer, seconded by Dahl, to reduce the variance fee from \$200 to \$50.00 because the variance was published in the paper prior to the meeting. All voted in favor and motion carried.

Gregory Bothun & Tamara Bothun applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lots 9-9A & 10-10A Marion Bay Subdivision in Section 5-114-47, Lake Cochrane, Norden Township, to build steps within 35' from the high water mark in a Lake Park Zoned District. Bothun stated that they would remove the existing rocks that have fabric under and place 2 set of 6 foot wide steps toward the lake. The Board determined that it is empowered under the section of the ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest. The Board then made written findings as required by Section 504, subparagraph 5(a-h), of the ordinance. Motion by Brandt, seconded by DeBoer, to grant the Special Exception to build 2 set of steps within the 35' from the high water mark in a Lake Park District. All voted in favor of and the motion carried.

- a) Entrance to and exit from property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe: Does not apply.
- b) Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, odor or other effects of the special exception on adjoining properties and properties generally in the district: Does not apply.
- c) Utilities, with reference to locations, availability, and compatibility: Does not apply.
- d) Screening and buffering with reference to type, dimensions, and character: Does not apply.

e) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district: Does not apply.

f) Required yards and other open spaces: Applicant has adequate yard and other open spaces.

g) General compatibility with adjacent properties and other property: Applicant's proposed steps are generally compatible with the adjacent properties and other properties in the Lake Park District.

h) Refuse and service areas, with particular reference to the items in (a) and (b) above: There are no concerns regarding refuse or service areas. Does not apply.

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

John & Pamela Lynde applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: Lynde Addition in NE1/4 in Section 32-115-47, Portland Township, Deuel County, South Dakota, to plat a parcel with an existing building and trees that are closer to the road right-of-way and the side property line than the ordinance allows in an AG Zoned District. Motion by Dahl, seconded by Brandt, to grant the Variance and the plat. All voted in favor and motion carried

Will Stone came and talked to the board about some property he is purchasing. Stone stated that the land is Lots 19 & 20 Grabow 2nd Addition by Lake Cochrane and he was wondering if those lots were zoned Lake Park or Ag District. Stone was wondering if he could build a house and have a resort or Bed and Breakfast on the main floor and reside on the 2nd floor. The board is going to do some research about which zoning district the property was located in and let Mr. Stone know. He could then apply for a special exception in that district.

Motion by Dahl, seconded by Brandt to enter executive session pursuant to SDCL 1-25-2 (3) for the purpose of consulting with legal counsel at 8:15 p.m.


Kanengieter declared out of executive session at 10:15 p.m.

Kanengieter called the meeting.



Jodi Theisen

Zoning Officer



Dennis Kanengieter

Chairman, Zoning Board