

**September 28, 2022 BOARD OF ADJUSTMENT/ PLANNING COMMISSION  
& COUNTY COMMISSIONERS  
DEUEL COUNTY  
STAFF REPORT**

Wednesday – September 28, 2022 – 6:30 p.m.

**DEUEL COUNTY BOARD OF ADJUSTMENT**

**ITEM # 1 VARIANCE**

**Applicants/Owners: Wildrose Dairy**

**Property Description: Gov Lot 1 & SE1/4NE1/4 of Section 2-113-49, Blom Township, Deuel County, South Dakota**

**Action Items – Variance – (Section 1101.04 Front Yard)**

**Zoning Designation: AG – Agricultural**

**Request: Applicants are requesting a Variance to build an accessory building, machine shed, with less than 150' from the front yard.**

**Specifics of Request:**

- 1. Wildrose Dairy is requesting a Variance to build an accessory building, machine shed, with less than 150' from the front yard**
- 2. They would like to build a 80' x 155' machine shed less than 150' from the front yard. The machine shed would be approximately 158' from the ROW which is approximately 125' from the center of the road with a 33' ROW.**

**Staff recommendation: If approved, staff recommendation - To grant the Variance to to build an accessory building no closer than 120' from the road right-of-way. Please see Findings of Fact and Conclusions of Law on file with the application.**

**The Board could deny the Variance on the basis that the circumstances surrounding this request are not so unique in nature to necessitate granting special privilege to this applicant which is denied to other properties in this zoning district.**

**ITEM # 2 STATES ATTORNEY**

**Applicant: Dennis Evenson**

**Owner: Shady Beach Property Owners**

**Property Description: Lots in Shady Beach Addition in Gov Lot 7 of Section 4, Township 114 North, Range 47 West of the 5th P.M., Lake Cochrane, Norden Township, Deuel County, South Dakota.**

**Action Items – County Platting**

**Zoning Designation: LP –Lake Park**

**Request: Applicants/Owners seeks the county to replat part of Shady Beach Addition.**

**Specifics of Property/Request:**

1. Dennis Evenson stated in a letter to the multiple courthouse offices that during the quiet title proceedings for the Rhea's (Shady Beach), the surveyor indicated a 25 foot error on the west boundary. The subsequent survey and plat follows the as built and maintained property lines.
2. Survey shows that the structures are built in the ROW and close or over the property line since the property lines shift northwest.
3. In September 17, 2004 there was a survey done by Banner, which shows that the Grong structure was built in the ROW. Along with other structures located to the north. This survey also shows a shift of property lines to the north of 25'.
4. The buildings are built based on lines of possession rather than the lot lines for some reason. Which will cause some problems in the zoning regulations.

**Action Item – Recommendation of replatting part of Shady Beach to the Deuel County Commissioners.**

### **ITEM #3 UPDATING THE DEUEL COUNTY ZONING ORDINANCE**

**Ordinance #B2022-01, An ordinance amending ordinance B2004-01, an ordinance establishing zoning regulations for Deuel County, South Dakota, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of chapters 11-2, 1967 SDCL, and amendments thereof, and for the repeal of all resolutions and ordinances in conflict herewith.**

**Action Item – Recommendation of Ordinance #B2022-01, an ordinance establishing zoning regulations for Deuel County, South Dakota, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of chapters 11-2, 1967 SDCL, and amendments thereof, and for the repeal of all resolutions and ordinances in conflict herewith to the Deuel County Commissioners.**