

April 14, 2008

The Deuel County Zoning Board met on Monday, April 14, 2008 at 6:00 p.m. in the Commissioners' Room of the Deuel County Courthouse. Present were Board members: Brandt, Jaeger, Kanengieter, Mack and VanLiere. Also present: Attorney John Knight, Zoning Officer Mary Nosbush and several members of the public. Chairman Kanengieter called the meeting to order at 6:10 p.m.

1. Motion Mack, seconded by Brandt to approve the minutes of the April 3, 2008 meeting. All present voting yes and the motion carried.

Jogchum Andringa and Kevin Luoma addressed the board regarding an appeal on the request of Wild Rose Dairy for a variance of setback to plant a shelter belt to within 75 feet of the road right of way on their property located at Govt. Lot 1 and SE1/4NE1/4 Section 2-113-49, Blom Township. Original variance granted at April 3 meeting.

2. Motion Brandt, seconded by Mack to allow a variance of setback to Jogchum Andringa at the above described real property, 75 feet on the south side of 195th St. and to remain at a setback of 95 feet on the west side of 477th Ave. and to require an angled planting at the corner, for safety concerns. On a roll call vote, Brandt, yes; Jaeger, no; Mack, yes; Kanengieter, yes; VanLiere, yes. Four yes and one no, the motion carried.

Findings for the variance: the 75 foot variance on the south side of the road is 25% less than the 100 foot required setback; the 95 foot setback on the west side of the road is already less than 25% of the required 150 foot setback; the setback on the tow of the CAFO berm does not allow adequate space for planting enough rows of trees to provide an effective shelterbelt.

Dan Sievers met with the board regarding modifying his Special Exception Permit to landscape within 35 feet of the high water mark on his property at Lots 3, 3A and 5B Isaak Walton Addition, Section 4-114-47.

3. Motion VanLiere, seconded by Mack to table the request until the board can look at the site in person and then make a decision. All present voting in favor and the motion carried.

4. Motion Brandt, seconded by Mack to remove from the table a building permit application from Charles Staudenmaier to add a dormer to an existing garage and to move a bathroom to the second level, on his property at Lake Cochrane, located at Lots 39, 40 and W10' Lot 41 of Bostic Beach in Govt Lot 3 in the NW1/4 Section 4-114-47. The original request had been tabled at the March 10, 2008 board meeting.

5. Motion Jaeger, seconded by Brandt to refund \$25 application fee to Staudenmaier and to deny building permit for addition to existing garage. Recommend petitioning the County Commissioners to amend the Zoning Ordinance. All present voting yes and the motion carried.

Christopher Schanning and Steven Schanning met with the Board to request a Special Exception Permit to operate an extended home occupation of farm machinery repair in an ag district. Property location is NE1/4 less S276' N802' W316' E592' and less N309' E316' W1870' and less H-1 and less E445.5' S363' of Section 33-115-47.

6. Motion Mack, seconded by VanLiere to approve a Special Exception Permit for an extended home occupation in an ag district to Schannings on the above described real property. On a roll call vote, all present voting yes and the motion carried.

Richard and Ruth Mulder met with the Board concerning their Special Exception Permit request to landscape within 35 feet of the high water mark at their Lake Cochrane property located at: E40' of Lot 24 and all of lot 25 Bostic Beach in Govt Lot 3 in the NW1/4 Section 4-114-47.

7. Motion VanLiere, seconded by Brandt to allow Mulders to remove existing concrete steps and replace to the west with 4' wide cut stone slab steps with crushed rock foundation, with a natural stone slab landing at the level of the high water mark; replace existing concrete patio and sidewalk with paving stones. Stipulations include: notify zoning officer when starting work, build a silt fence between the work and the water's edge and complete in 4 weeks. On a roll call vote, all present voting yes and the motion carried.

Robert Brooks, agent for ProSource Technologies met with the Board regarding their plans to install a 295 foot wireless communications tower on property located at SE1/4 Section 27-114-50 in Hidewood Township and owned by Larry Dahl.

8. Motion Mack to approve the Special Exception Permit for a wireless communications tower as per plan specs. Motion died for lack of a second.

9. Motion Brandt, seconded by Mack to grant a Special Exception Permit allowing ProSource Technologies and Rural Cellular Corporation to locate a wireless telecommunications tower on the above described property providing they meet all zoning setbacks to include a minimum of 295' from all property lines and road right-of-way lines. All voting in favor and the motion carried.

The request of John Eaton and Audrey Estebo to build a retaining wall and landscape within 35 feet of the high water mark on their Lake Cochrane Property was heard by the Board. Contractor Dale Bandel represented the applicants. Property is located at Lots 6 & 7 Thokola Beach Addition in Govt Lot 1 and NE1/4NW1/4 Section 8-114-47.

9. Motion Brandt, seconded by VanLiere to grant a Special Exception Permit to Eaton and Estebo to replace existing wood retaining wall up to 4 feet in height at same location, replace existing steps at same location made of treated lumber with fabric covering soil beneath, add riprap of natural rock at shoreline; allow retaining wall to be built up to the adjoining property lines as per signed agreements from property owners on file in Zoning Office. Stipulations of the permit include: notify zoning officer before starting work and to complete in 8 weeks; preserve as much natural shrubbery as possible, use straw rolls and build a silt screen between the lowest retaining wall and the water's edge; place discharge of drainage tile at lowest level near water's edge; cover with sod any exposed soil or seed immediately and cover with landscaping mesh, all within 35 feet of the high water mark. On a roll call vote, all voting in favor and the motion carried.

Eric Buysse met with the Board regarding a Special Exception Permit request to build a storage shed on property located at Lot 29 Thokola Beach Addition in Govt. Lots 1 and 2 in NE1/4NW1/4 Section 8-114-47.

10. Motion Mack, seconded by Jaeger to allow a Special Exception Permit to Buysse to build an 8'x12' storage shed on the above described property at Lake Cochrane and to require a minimum side yard of 6'. All voting in favor and the motion carried.

Gary Nelson and Raymond Pottratz presented their site plans for Special Exception Permits to conduct private camping on their Lake Cochrane property, being Lot 38 and N1/2 Lot 39 and S1/2 Lot 39 and Lot 40, all in Severson Bay in Govt. Lot 5 in the NE1/4 Section 5-114-47. The plans for both properties involve 1-3 camper units. The Lake Cochrane Sanitary District has not required septic systems at this time.

11. Motion Mack, seconded by VanLiere to allow a Special Exception Permit to Gary Nelson to operate a private campground at Lot 38 and N1/2 Lot 39 Severson Bay in Govt. Lot 5 in NE1/4 Section 5-114-47 with a maximum of 3 camper units on the site at a time. On a roll call vote, Brandt, yes; Jaeger, yes; Kanengieter, no; Mack, yes; VanLiere, yes. Four yes and one no and the motion carried.

12. Motion Mack, seconded by VanLiere to allow a Special Exception Permit to Raymond Pottratz to operate a private campground at Lot 38 and N1/2 Lot 39 Severson Bay in Govt Lot 5 in NE1/4 Section 5-114-47 with a maximum of 3 camper units on the site at a time. On a roll call vote, Brandt, yes; Jaeger, yes; Kanengieter, no; Mack, yes; VanLiere, yes. Four yes and one no and the motion carried.

The Board discussed possible amendments to the Zoning Ordinance for Lake Park District and also Agriculture District for new special exception permit options.

Members discussed tree planting in Lake Park District. The Zoning Ordinance does not regulate this, but it is illegal to plant in the road right-of-way. Zoning Officer to follow up on determining right-of-ways in Lake Park District.

Jaeger moved to adjourn at 10:48 p.m., Mack seconded. All voting yes and the motion carried.

Attest:

Mary E. Nosbush
Deuel County Zoning Officer

Dennis Kanengieter, Chairman
Planning & Zoning Commission