

The Deuel County Zoning Board met on Monday May 13, 2013 at 7:00 P.M., in the Commissioners' room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Ron Boone, Jay Gislason, Paul Brandt, and Mike Dahl. Also present were Attorney John Knight and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order. The minutes from the April 8, 2013 were discussed. Motion by Dahl, seconded by Boone to approve the the April 8, 2013 minutes. All voted in favor and motion carried.

- 1) Motion by Brandt, seconded by Gislason to approve the May 13, 2013 agenda. All voted in favor and motion carried.
- 2) Mark Appelhof applied for a Variance to build a 32' x 32' office addition to his existing Vet Clinic closer than the 150 feet from the road right of way on Lot 2 Bader Addition in section 15-115-49 Clear Lake Township, Deuel County, South Dakota. Appelhof stated that he would like to add on to his clinic to have more space for an office, kennel, and conference room. This addition would be 114 feet from the road right of way and 19 feet from his neighbor, Marlen Bjerke, who has signed off on letting Appelhof to build 19 feet from his property line. Motion by Gislason, seconded by Brandt to grant a Variance to build 32' x 32' office addition 114 feet from the road right of way and 19 from his side property line on Lot 2 Bader Addition in section 15-115-49 Clear Lake Township, Deuel County, South Dakota. Findings for this variance are that the existing trees are closer to the right of way than the new addition. That the Lot 2 Bader Addition is almost in the Multicity of Clear Lake which has different setbacks than the county. The road right of way is a 75 foot which wider than the regular 33 foot road right of way and there is no other practical place to place this addition. All voted in favor and motion carried.
- 3) Margaret Deboer applied for a Variance to build a 20' x 24' house addition to her existing house closer than the 150 feet from the road right of way in on W1/2 & Gov Lots 1-2-3-4 & W1/2 SE1/4 LESS S832' N3058' W1100' in E1/2 Section 9-116-48, Glenwood Lake Township, Deuel County, South Dakota. Deboer stated that she would like to add on to her house to have more space for a bedroom. This addition would be 27 feet from the road right of way. Motion by Dahl, seconded by Boone to grant a Variance to build 20' x 24' house addition 27 feet from the road right of way on W1/2 & Gov Lots 1-2-3-4 & W1/2 SE1/4 LESS S832' N3058' W1100' in E1/2 Section 9-116-48, Glenwood Lake Township, Deuel County, South Dakota. Findings for this variance are that the existing trees are closer to the right of way than the new addition. The house addition is four foot closer than the existing house. The road goes through the farm yard and there are existing buildings closer to the road right of way than 150 feet. The Deboer;s take care of their snow removal. All voted in favor and motion carried.

- 4) Rick Reichling representative of the South Dakota Department of Transportation applied for a Variance to build a new highway shop which would be 120 feet from the road right of way on Lot H-2 of the NE1/4NE1/4 27-115-48 Clear Lake Township which is a Commercial Zoned District. Reichling stated that the current shop is roughly 100 from the road right of way right now. Reichling stated the new shop will be 100' wide and about 102' long with a 22' x 47' office area in the front. The new shop will have cement pads on west and east side for bays so they will have a new drive to the east that will be shared with ITC. Motion by Boone, seconded by Brandt to grant a Variance to build a new highway shop which would be 120 feet from the road right of way on Lot H-2 of the NE1/4NE1/4 27-115-48 Clear Lake Township. The findings for this variance are that they are further back than the original shop and it is located on the south side of the road. That the Lot H-2 is almost in the Multicity of Clear Lake which has different setbacks than the county. There is no other practical place to place the new shop on the lot. All voted in favor and motion carried.
- 5) Laura Sieh applied for a Special Exception permit to operate a horse stable at Lot 1 Reynolds Addition in the SE1/4 /Section 20-115-50, Havana Township, Deuel County, South Dakota. Sieh purchased this property from Jenny Miller and was using the horse barn and land for her own personal use for her horses. Sieh would like to use the arena for therapeutic riding program and to use the land and barn for boarding horses. Motion by Brandt, seconded by Dahl to grant a Special Exception to operate a horse stable at Lot 1 Reynolds Addition in the SE1/4 /Section 20-115-50, Havana Township, Deuel County, South Dakota. The finding are that the request fits within the Ag zoned District and it located on a county highway and located about ½ mile off of a state highway. All voted in favor and motion carried.
- 6) Motion by Dahl, seconded by Boone to approve Plat of Shannon Addition located in SW1/4 21-113-50 Grange Township. All voted in favor and motion carried.
- 7) Motion by Dahl, seconded by Boone to remove from the table the Plat of Blocks 1 & 2 Johnson Second Addition in NE1/4 10-117-48 Lowe Township. All voted in favor and motion carried.
- 8) Motion by Brandt, seconded by Gislason to approve the Plat of Blocks 1 & 2 Johnson Second Addition in NE1/4 10-117-48 Lowe Township. Knight stated that Marty Mack didn't included the 33 feet of road right out way on the old plat because 17 feet was is in-between Block 2 and the 33 feet was deed to the county for a wider road right of way. So the 33 feet should be a separate plat because they are not contiguous. Knight and Mack both did some research on this topic and they have both decided that the 33 feet would be included in the plat. All voted in favor and motion carried.
- 9) Tim Begalka applied for a Special Exception permit to operate seasonal retail fireworks stand in his existing horticultural store located on Outlot 3 in the NW1/4 of SW1/4 Section 26-115-49, Clear Lake Township, Deuel County, South Dakota. Begalka stated that he is the owner of Sodak Gardens and he has always been interested in fireworks and selling them.

Swenson's were selling fireworks north of Clear Lake and they decided to retire from selling fireworks. So Begalka was interested in selling them from his business. Dan from Lews Fireworks out of Watertown will be his supplier. Motion by Dahl, seconded by Brandt to grant a Special Exception to operate seasonal retail fireworks stand in his existing horticultural store located on Outlot 3 in the NW1/4 of SW1/4 Section 26-115-49, Clear Lake Township, Deuel County, South Dakota. All voted in favor and motion carried.

- 10) J D Ries applied for a Special Exception Permit to alter the shoreline and landscaping within 35 feet of the high water mark on Lots 27, 28, & 29 Severson Bay section 5-114-47, Lake Cochrane, Norden Township in an LP zoned district. Ries stated that he would like to build a block retaining wall at least 15 feet from the high watermark. Ries also would like redo his rip rap along the shoreline with the existing rock and replace his stairs with new aluminum. They would like to build a paver or grass patio behind the retaining wall and to remove the existing deck that is unsafe. Ries stated that he built a new house last year now he would like to improve his shoreline and Pete Snortum will be doing the work. Motion by Brandt, seconded by Gislason to grant a Special Exception to build a block retaining wall at least 15 feet from the high watermark. To redo the rip rap with the existing rock and to redo the stairs leading to the shoreline. To build a patio out of paver or grass behind the retaining wall and to remove the existing deck. The board stated that Ries would need to use a silt fence during construction and to call the zoning office when construction will begin. All voted in favor and motion carried.
- 11) Motion by Dahl, seconded by Gislason to remove from the table Jeff Abraham's Special Exception Permit to alter the shoreline and landscaping within 35 feet of the high water mark on Lot 13 & 14 Lake Alice Shores 7-116-48 Altamont Township in an LP zoned district. That was tabled at the April 8, 2013 meeting. All voted in favor and motion carried.
- 12) Jeff Abraham applied for a Special Exception Permit to alter the shoreline and landscaping within 35 feet of the high water mark on Lot 13 & 14 Lake Alice Shores 7-116-48 Altamont Township in an LP zoned district. Abraham presented to the board pictures and elevation points along the shoreline. The high water mark elevation is 1692' and he would like to place his house at elevation 1705'. Abraham stated that they would like to start 5 feet above the high water mark to start to remove dirt away from the lake to make a gradual slope for a walk out basement. If they start at the elevation of 1697' and do a slope of 1% they would remove about 5 feet of dirt. Abraham stated that they would like to start building and doing dirt work in the year of 2014. Motion by Boone, seconded by Dahl grant a Special Exception: No dirt or other material shall be removed below an elevation of 1697' (the area five feet above the ordinary high water mark). The area above the elevation of 1697' where dirt and other material are excavated shall have a slope of not less than one degree to provide for drainage and discharge of water. Any dirt work or landscaping must be completed during the building season and the area within 35 feet of the high water mark must be replaced with sod. A silt fence must be in place during construction and applicant is required to call the zoning office when construction is started. . All voted in favor and motion carried.

- 13) Motion by Gislason, seconded by Dahl to approve Plat of Groon Addition located in NW1/4 31-113-50 Grange Township. All voted in favor and motion carried.
- 14) Jim Dailey came and talked to the board about a plat for a private cemetery that was passed in January 29, 1998 but the special exception for a cemetery was denied. He wanted to talk to the board about their feelings about the cemetery and should he reapply for the private cemetery. The board found out that the zoning board and commissioners approved the plat but the plat didn't go any further. So Dailey will have to pay the taxes to have the Treasure sign the plat, and have it notarized, then have it filed with the Register of Deeds. The board told Dailey that he could reapply for the cemetery if he would like to.
- 15) Kanengieter called the meeting.

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Jodi Theisen  
Zoning Office

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Dennis Kanengieter  
Chairman, Zoning Board