

Monday May 9, 2016

The Deuel County Zoning Board met on Monday May 9, 2016 at 7:00 P.M., in the Commissioners' room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Gary Jaeger, Steve Rhody, 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 11, 2016 were discussed. Motion by Dahl, seconded by Brandt to approve the April 11, 2016 minutes. All voted in favor and motion carried.

Motion by Brandt, seconded by Jaeger to approve the May 9, 2016 Agenda. All voted in favor and motion carried.

1. Robert & Bonnie Merritt came and talked to the board about their Lot 8 in Agnes Place Addition in Gov Lot 8 section 5-114-47 Norden Township. The zoning officer Jodi Theisen and zoning board member Jerry Durfee noticed that some vegetation was removed from the hill side on Lot 8 Agnes Place. Merritt's stated that they trimmed the Buckthorn that was on the hill side. They stated that they didn't remove any roots and they left the stumps. Merritt's stated that the hill side was overgrown and wanted to remove the brush because it was noxious weed and they didn't want their grandchild near it. The board stated that any removal of vegetation within the 35 feet from the high water mark requires a special exception. The board stated that the brush helps stabilize the hill side from erosion and helps with the screening of the lot. The board suggested that the Merritt's go talk to the NRCS to help find out what should be planted to replace the buckthorn, stabilize and to screen the hillside. The Merritt's are going to apply for a special exception for their back lot in June. The board suggested that they have a plan for the lot facing the lake.
2. Charlie Koenig applied for a Special Exception permit. The request, if granted, would permit the applicant to use the following property: Lot 7 Block 1 Angle Addition section 3-114-49 Brandt Township, to have living quarters in a shed that has a special exception to operate a business to distribute liquid cattle mineral business and to use as storage in a CI zoned district. Koenig stated that he would like to build an office and to have a bedroom, kitchen, and a bathroom in the loft area above the office. Motion by Brandt, seconded by Jaeger to grant the Special Exception permit to have living quarters in a shed. The finding for this special exception are that it is along a highway, it has good access, and it fits in the general characteristics of the area with other residences in the vicinity. All voted in favor and motion carried.
3. Motion by Dahl, seconded by Brandt to remove from the table the Norgaard Special Exception permit. The request, if granted, would permit the applicant to use the following property: Lot 10 & 11 & E1/2 of Lot 12A replat of OutLot 34 Agnes Place in Gov Lot 8 & Lake Cochrane of section 5-114-47 Norden Township in the following manner to alter the

shoreline within 35 feet from the high water mark in the Lake Park District by removing some trees and adding some rock to stabilize the shoreline and steps. Norgaard then discussed their plans along the shoreline. They would like to pull the rocks up that are in the water and place more rocks along the shoreline to help stabilize the shoreline. They would like to remove some of the trees and shrubs within the 35 feet from the high water mark and build a flat area with retaining walls. They would like to plant annuals and perennials plants with the 35 feet from the high water mark. Motion Brandt, seconded by Rhody to table the Special Exception to alter the shoreline within 35 feet from the high water mark until Norgaard has talked to their landscaper and has prepared a more detail plan that has elevations; how much dirt will be removed and how they are going to stabilize the hill and the shoreline.

4. Michael Svedeman for Invenergy Wind Development LLC applied for a Special Exception Permit that would permit the applicant to use the following property which is owned by Vida Hoeke the W1/2 section 13-117-49 Portland Township. The request would be to erect a wind anemometer tower which is used to collect wind data in an AG zoned district. Svedeman stated that the tower will be 194 feet. The tower will be more than 2000 feet from the road right of way and 240 feet from the eastern property line. Motion by Brandt, seconded by Jaeger to approve the request to erect a meteorological tower on Hoeke's W1/2 of section 13-117-49 Portland Township. All voted in favor and motion carried.
5. Michael Svedeman for Invenergy Wind Development LLC applied for a Special Exception Permit that would permit the applicant to use the following property, which is owned by Russel Schoenfeld, the SE1/4 section 28-117-48 Lowe Township. The request would be to erect a wind anemometer tower which is used to collect wind data in an AG zoned district. Svedeman stated that the tower will be 194 feet. Motion by Dahl, seconded by Rhody to approve the request to erect a meteorological tower on Schoenfeld's the SE1/4 section 28-117-48 Lowe Township. All voted in favor and motion carried.
6. Michael Svedeman for Invenergy Wind Development LLC applied for a Special Exception Permit that would permit the applicant to use the following property, which is owned by Joan Krause, the NE1/4 & S1/2 Less E62' S867' section 12-116-48 Glenwood Township. The request would be to erect a wind anemometer tower which is used to collect wind data in an AG zoned district. Svedeman stated that the tower will be 194 feet. The tower will be more than 650 feet from the road right of way. Motion by Dahl, seconded by Jaeger to approve the request to erect a meteorological tower on Krause's NE1/4 & S1/2 Less E62' S867' section 12-116-48 Glenwood Township. All voted in favor and motion carried.
7. Tomas Flicek a representative for the Estate of Robert Flicek applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: Lots 35-36-37 Severson Bay in Gov Lot 5 in NE1/4 5-11-477, Lake Cochrane, to plat 120' lake frontage into two 60' lake frontage lots that are smaller than the ordinance allows and to

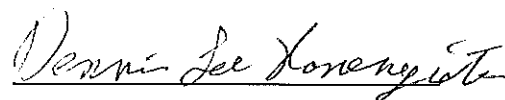
have an existing structure closer than to the lot line than the ordinance allows in the Lake Park District; and a Special Exception permit request to use the following property: Lots 35 Severson Bay in Gov Lot 5 in NE1/4 section 5-114-47 Norden Township to have a nonconforming structure garage on lot with lake frontage with a residence in the Lake Park District . Flicek would like to split his dad's property at Lake Cochrane into two smaller lots. Right now the property is three 40 foot lots so the total lake frontage is 120 feet. They would like to split the property into two 60 foot lots. Flicek stated that when the house was originally built his dad purchases a 40' lot and then purchases 1/2 the adjoining lot to make a 60' lot. One lot would have the house and other lot would have the garage. The board stated that the ordinance allows 75 foot lots not 60 foot lots. Flicek stated that he would remove the garage on the one proposed lot and would remove the solid wood porch from the house to have a conforming to the side setbacks. Flicek stated that they would have better luck selling two 60' lots than one 120' lot. Flicek stated that the board has in the past split some of the bigger lots into smaller lots. The board stated they had unique circumstances. Motion by Dahl, seconded by Jaeger to deny the Variance to replat 120' lake frontage into two 60' lake frontage lots that are smaller than our ordinance allows and to have an existing structure closer to the lot line than our ordinance allows in the Lake Park District. Kanengieter called a roll call vote Dahl-yes, Brandt-yes, Rhody-yes, Jaeger-yes, Kanengieter-no motion carried.

8. Motion by Dahl, seconded by Brandt to approve Gronseth First Addition which vacates Winters First Addition in the SW1/4 Section 4-113-48 Scandinavia Township. All voted in favor and motion carried.
9. Criag Magedanz came and talk to the board about using irrigation from his evaporation pond for manure application. He would apply to the field to the south of the CAFO which is separated by a county highway. He was concerned about the 300 feet setback from the right of way for irrigation applied ordinance. Magedanz stated that he would have the end guns turned off when it went by the highway. The board suggested that he apply to amend his special exception for his CAFO manure management plan and apply for a variance to apply by irrigation within our ordinance.
10. Motion by Brandt, seconded by Dahl to table Paul Brandt's request for the board to consider removing the requirement to have a state permit for his Hog CAFO.

11. Kanengieter called the meeting.



Jodi Theisen
Zoning Office



Dennis Kanengieter
Chairman, Zoning Board