

Monday November 9, 2020

The Deuel County Zoning Board met on Monday, November 9, 2020, at 6:30 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Judith Homan, Kevin DeBoer, Mike Dahl and Paul Brandt. Also present were Attorney John Knight and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order.

The minutes from the October 13, 2020 meeting were discussed. Motion by Dahl, seconded DeBoer, to approve the October 13, 2020 minutes. All voted in favor and motion carried.

Theisen asked the Board of Adjustment if she could add some discussion items at the end of the meeting.

Motion by Dahl, seconded by Homan, to approve the November 9, 2020 Agenda. All voted in favor and motion carried.

ITEM ONE

Blackfork Farms, applicant, and Ommen Family Limited Liability, owner, applied for a Special Exception Section 1101.03.24 Breweries and Distilleries. The request, if granted, would permit the applicant to use the following property: SE1/4 of the Section 5-114-48, Norden Township, Deuel County, South Dakota, to operate a bourbon distillery in an AG Zoned District.

Dennis Ommen stated they would like to distill spirits, bottle, have a tasting room and sell spirits. Ommen stated that they won't have food concessions but maybe have some food for some events. They will not have an on-site sign at this time because they have the logo on one of the shed garage doors. They have a SD Artisan Distillers License under South Dakota Codified Law 35-13. Brandt asked if there was a limit through the state on the volume that they can produce. Ommen stated he didn't know but they probably will be way below the limit. Ommen also stated that they have to raise a certain percent of the commodity to produce the product. Ommen stated that they also make hand sanitizer; Theisen stated that that would be an accessory use.

Motion by Dahl, seconded by Brandt, to grant the Special Exception for a bourbon distillery and to make hand sanitizer. All voted in favor and motion carried.

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.

- 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: Applicant doesn't create a safety hazard and there is no issue with automotive and pedestrian safety and convenience, traffic flow and control or access in case of fire or catastrophe.
- 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: Applicant has sufficient off-street

parking. Loading is not a concern. The special exception will have no or minimal economic, noise, glare, odor or other effects on the adjoining properties or properties generally in the district.

- c) Utilities, with reference to locations, availability, and compatibility: Applicant has adequate utilities.
- d) Screening and buffering with reference to type, dimensions, and character: Applicant has sufficient screening or buffering and the closest neighbor is $\frac{3}{4}$ or 1 mile away.
- 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: No proposed signs.
- 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 use is generally compatible with the adjacent properties and other properties in the Agricultural 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. Applicant takes their garbage home with them when they leave the property.

ITEM TWO

Brent Krause stated that he would like to build a 30' x 40' steel building on Krause Farms LLP land located in NW1/4 & N1/2NE1/4 OF SECTION 20-115-49. The building will be owned by B & L Ag Inc./Brent Krause and he would like to operate a seed cleaning business. Krause stated that he would clean their seed and other farmers' seed. They will also sell some of their cleaned seed.

Staff recommendation: This is an agri-business which appears to fall under the definition of Horticultural which is a permitted use in Agricultural District.

Section 245. Horticultural services. Commercial services which are oriented to support the science or practical application of the cultivation of fruits, vegetables, flowers, and plants.

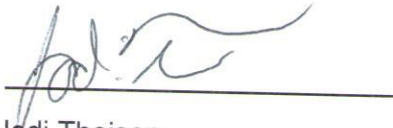
The board suggested that it could fall under Agricultural Activities or Horticultural Services. The board agreed after discussion to have Theisen grant a building permit for the 30' x 40' shed to operate as a seed cleaning business under Section 245; Horticultural Services in a Agricultural District.

ITEM THREE

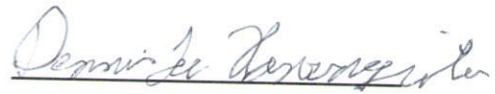
Theisen brought up some inquiries about storage units in the Agricultural District. Theisen also stated she received a complaint about a property owner building structures without a permit. Theisen has sent out a violation letter and has been in contact with party. Theisen also stated she was in the county doing some checkups and noticed some structures being built without

permits. Theisen has sent out violation letters and has been in contact with those parties involved.

Theisen stated that she has received a couple of emails about property lines out at Lake Cochrane. In one of the emails the office received Theisen noticed that the new structure is located closer than the variance allowed. Theisen has sent a violation letter to the property owner with three options to remedy the situation. This property belongs to the Oswald's. The contractor and Vicki Oswald attended the meeting via phone and stated to the board that there are discrepancies in the location of the property pins with the contractor and with the surveyor the bank hired. They have now hired Civil Design, Inc, which is a land surveying firm located in Brookings, South Dakota, to help resolve the discrepancy. The Board stated to the contractor and the property owner to inform them of the new survey, which may determine if the structure is in compliance or not.



Jodi Theisen
Zoning Officer



Dennis Kanengieter
Chairman, Zoning Board