

Monday December 14, 2020

The Deuel County Zoning Board met on Monday, December 14, 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 November 9, 2020, meeting were discussed. Motion by Dahl, seconded Homan, to approve the November 9, 2020 minutes. All voted in favor and motion carried.

Motion by DeBoer, seconded by Kanengieter, to approve December 14, 2020 Agenda. All voted in favor and motion carried.

ITEM ONE

Motion by DeBoer, seconded by Brandt, to remove from the table the Rod & Julie Fieldsend application for Variance of Section 1105.5 Area Regulations. The request, if granted, would permit the applicant to use the following property: W20' Lot 1 & All Lot 2 & E20' Lot 3 The Elms in Gov Lot 6 in NE1/4 of the Section 4-114-47, Lake Cochrane, Norden Township, Deuel County, South Dakota, to build a house with decks within 50' from the high-water-mark and attached garage 30' from the existing easement on their property.

Fieldsend's stated they have consulted with their contractor and their landscaper and they would like to build a deck approximately 20' from the high-water-mark. The house would be approximately 32' from the high-water-mark. The attached garage will be approximately 23'8" from the easement road. Fieldsend's stated that they would like the decks and the house closer than 50' from the high-water-mark because the water shed off the neighbor's lots. They don't want to deal with water issues. DeBoer and Theisen visited the sight and they measured approximately 28' from the high-water-mark to the decks; the house would be approximately 40' from the high-water-mark and the attached garage will be approximately 18' from the easement road.

Motion by Brandt, seconded by Dahl, to deny the application for a variance. Kanengieter called for a roll call vote; DeBoer-no, Brandt-yes, Homan-yes, Dahl-yes, and Kanengieter-yes and the motion carried.

Motion by Dahl, seconded by Brandt, to postpone the decision on the application for a variance for the attached garage closer than 30' from the easement road until the Fieldsend can come back with an updated plan for the house, decks and garage.

ITEM TWO

The board considered a request to amend the Variance Application that was granted on Tuesday, May 12, 2020 – Shawn's Custom Homes Inc and owner, Vicki Oswald, applied for a Variance of Section 1103.5 Area Regulations. The request, if granted, would permit the applicant to have a new house no closer than 3' from the side yard instead of the prior variance of approximately 5' from the side yard, on the following property: Outlots 10 & 11 Ash Point in Government Lot 9 & SW1/4 in Section 4-T114N-R47W, Lake Cochrane, Norden Township, Deuel County, South Dakota.

Oswald's stated that they purchased these lots many years ago and they purchased some land from the Cochranes that was not recorded toward the platted road. According to the the Oswald's the unrecorded transfer of land extended the Oswald's property and pushed the road further west. The Oswald's have now built a house over the platted road and approximately 3.5' from the side lot line.

A survey disclosed this violation. The Oswald's and the other affected owners along the road are in the process of re-platting this portion of the road. By re-platting a portion of the road, the existing house will be approximately 24' from the new platted road. Theisen stated that the adjoining property owners have signed off on the proprietor's certificate and the plat is on the agenda for this meeting.

Theisen stated that the Zoning Office has an email from the adjoining property owner, Knutson's, who stated they are aware of the circumstances and they are ok with the request for a variance of less than 5' from the side property line.

The Board discussed the property and the replat to move the platted road. Theisen stated the public notice for the Variance Application published for the December 14, 2020 meeting did not include the new proposed legal of Outlot 10A & 11A, these lots will be created by vacating the old platted road right-of-way. The States Attorney advised the Zoning Officer that these lots also need a variance. The States Attorney recommended we proceed with this amended Variance Application and it is not necessary to submit a public notice to the Clear Lake Courier including Outlot 10, 11, 10A & 11A. The motion to approve the variance should include the newly platted lots.

Motion by DeBoer, seconded by Brandt, to grant the amendment to the Variance to have the new house 3'10" from the side yard instead of 5' from the side lot line located Outlot 10, 11, 10A & 11A contingent upon the approval of Plat of Outlets 9A through 13A, 14A-A and Road Right of Way of Ash Point in Government Lot 9, Section 4, Township 114 North, Range 47 West of the 5th P.M., Norden Township, Deuel County, South Dakota. Kanengieter called for a roll call vote; DeBoer-yes, Brandt-yes, Homan-yes, Dahl-no, and Kanengieter-yes and the motion carried. The findings for this Variance are that the adjoining neighbor is aware of the location of the house and didn't want to sell them 2', and the contractor made an honest and legitimate mistake locating the property lines.


The Deuel County Board of Adjustment recessed and convened as the Deuel County Planning Commission.

ITEM THREE

Motion by Dahl, seconded by Homan, to approve the of Plat of Outlets 9A through 13A, 14A-A and Road Right of Way of Ash Point in Government Lot 9, Section 4, Township 114 North, Range 47 West of the 5th P.M., Norden Township, Deuel County, South Dakota. All voted in favor and motion carried.

ITEM FOUR

The board began discussion the revision of thep current Zoning Regulations for Deuel County and started the process of updating it.



Jodi Theisen
Zoning Officer



Dennis Kanengieter
Chairman, Zoning Board