

Monday February 10, 2020

The Deuel County Zoning Board met on Monday, February 10, 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, Paul Brandt, Kevin DeBoer and Gary Jaeger. Also present were Attorney John Knight and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order.

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

Motion by Homan, seconded by DeBoer, to approve the February 10, 2020, Agenda. All voted in favor and motion carried.

#### ITEM ONE

Motion by Brandt, seconded by DeBoer, to remove from the table the Brad Tille, and Owner, Robert J Flicek, application for a Variance of Section 1103.5 Area Regulations and the application Special Exception of Section 1103.4.5 Shoreline Alterations that was tabled on January 13, 2020. The request, if granted, would permit the applicant to use the following property: in Lot 1 Replat of Lots 35, 36 & 37 of Severson's Bay in Government Lot 5 in Section 5-T114N-R47W, Lake Cochrane, Norden Township, Deuel County, South Dakota, to build house and covered patio less than 50' from the high water-mark in Lake Park District. All voted in favor and the motion carried. To accept Tille's new diagram of the placement of garage, house and covered patio that doesn't require a variance permit since the structures meet the setback requirements since the structures are no closer than 30' from the edge of the road and no closer than 50' from the high water mark. Zoning Officer stated to Tille to stake out the outline of the house, garage and the covered patio prior to construction so she can check the setback before issuing the building permit.

#### ITEM TWO

The Board discussed the application for a Special Exception of Section 1103.4.5 Shoreline Alterations that was tabled on January 13, 2020. The request, if granted, would permit the applicant to use the following property: in Lot 1 Replat of Lots 35, 36 & 37 of Severson's Bay in Government Lot 5 in Section 5-T114N-R47W, Lake Cochrane, Norden Township, Deuel County, South Dakota, to build retaining walls and a stairway less than 35' from the high water-mark in Lake Park District. Tille stated that he would like to build two retaining walls, one would be approximately 15' from the high water-mark and the other retaining wall would be approximately 35' from the high water-mark. The house and garage will be no closer than 30' from the edge of the road and more than 10' from the side lot lines. Tille stated that he would like to build two retaining walls and some landings within the 35' from the high water. He stated that he would like his shoreline to look like the neighbors. Tille stated he would not remove any trees or grass

near the high water mark. Tille stated that he would remove approximately 2240 cubic feet which is 83 cubic yards for the first patio area between the two retaining walls. Tille stated that he would remove approximately 1800 cubic feet which is 67 cubic yards in front of the house and covered patio for grass yard. Tille stated that he would blend the side lot with the neighboring properties. Brandt discussed the amount of dirt that would be removed and had some concerns. The Board had discussion with Tille about raising the patio toward the lake by 2 feet or by a foot. This way the dirt that would be removed would be less and the slope toward the lake would not be so drastic. Motion by Brandt, seconded by no one, to approve the Special Exception request to build two retaining walls, the closest one being approximately 15' from the high water-mark, and to follow the proposed landscaping plan that was presented to the Deuel County Zoning Board to raise the elevation of the patio nearest to the lake by 2 feet. There was no second so that motion died. Motion by DeBoer, seconded by Jaeger, to approve the Special Exception request to build two retaining walls, the closest one being approximately 15' from the high water-mark, and to follow the proposed landscaping plan that was presented to the Deuel County Zoning Board to raise the elevation of the patio nearest to the lake by one foot which would be approximately 12 cubic yards and make the first retaining wall higher, and to use a trash screen during construction to help with erosion. All voted in favor and the motion carried.

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

#### ITEM THREE

Jim Dailey explained that they were platting this property, which they are not selling the land, and they are doing a NRCS easement for 30 years. Motion by Brandt, seconded by BeBoer, to approve the Plat of Kullman's Conservation Easement Tract 1 in the NW1/4 of Section 20, Township 116 North, Range 48 West of the 5th P.M., Altamont Township, Deuel County, South Dakota. All voted in favor and motion carried.

#### ITEM FOUR

Dan Krause, representing Hidewood Township, had questions about the Ravenhorst Feedlot Addition plat and the property to the north and south that is not included in this plat. The plat includes the driveway and the access to the feedlot and the surrounding fields. Krause was concerned about future ownership and approaches. The township needs to provide access to fields off of the township road; however, the township charges the property owner the cost to install the approach, but they don't want to be held liable for the cost for the the approaches. Knight was going to look into this concern and get back to Krause. Krause stated that they would not sign the plat until they know the answer. Motion by Brandt, seconded by Jaeger ,to approve the Plat of Ravenhorst Feedlot Addition located in N1/2, the E1/2SW1/4 and Lot D of Section 5, Township 114 North, Range 50 West of the 5th P.M., Hidewood Township, Deuel

County, South Dakota, contingent that the township signs the plat for street/highway authority . All voted in favor and motion carried.

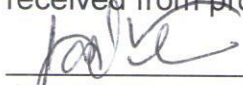
The Deuel County Planning Commission recessed and convened as the Deuel County Board of Adjustment.

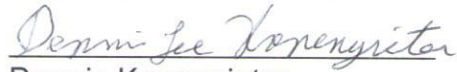
ITEM FIVE

Wayne Knutson came and talked to the board about removing some trees on his property for Otter Tail to build their power line in the NW1/4 of Section 20-113-48. They have eminent domain and the existing trees are in or close to the road right-of-way. Knutson stated that they would remove the trees running east and west that are near the road right-of-way. At this location they calve out their cows and they would like to plant bushes 50' from the road right-of-way and plant two shelterbelts that would be seven rows wide on the east and west side of the pole shed and calving yard to help with protection from the weather. These trees will be 100' from the road right-of-way which meet the set back. The Board suggested that Knutson apply for a variance to plant bushes 50' from the road right-of-way which is less than 100' from the road right-of-way.

ITEM SIX

Theisen showed the Board the new map that Invenergy provided to the zoning office in January that showed some turbines were removed from the original map that was provided in their Special Exception Application. Theisen discussed some questions she received from property owners at Lake Cochrane and what they can do and can't do.

  
\_\_\_\_\_  
Jodi Theisen  
Zoning Officer

  
\_\_\_\_\_  
Dennis Kanengieter  
Chairman, Zoning Board