

Monday March 11, 2024

The Deuel County Zoning Board met on Monday February 12, 2024 at 6:30 p.m., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members, Dennis Kanengieter, Jay Grabow, Mike Dahl, Mike Lammers, alternate Scott Fieber, Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order.

Kanengieter asked if the board, or any staff member, had anything to add to the agenda with none being offered.

Kanengieter asked for any seated board member if they think they need to recuse themselves from any discussion topics on the agenda, or from voting on an agenda item with no board member responding.

Motion by Lammers, seconded by Grabow, to approve the March 11, 2024, Agenda. All voted in favor and motion carried.

The minutes from February 12, 2024 & February 20, 2024 meetings were discussed. Motion by Grabow, seconded by Fieber, to approve the amended February 12, 2024 & February 20, 2024 minutes. All voted in favor and motion carried.

Motion by Dahl, seconded by Lammers to adjourn as the Deuel County Planning Commission and convene as the Deuel County Board of Adjustment. Motion passed unanimously. Kanengieter called the meeting to order.

ITEM ONE

Rebecca VanDyke, applicant, & Timothy VanDyke, owner, are requesting a Conditional Use Permit Pursuant to Section 1101.04.16 – (Section 1210) Extended Home Occupation. The request, if granted, would permit the applicant to use Block 1 South Rim Addition in NW1/4 (lying west of I-29) of Section 22-114-50, Hidewood Township, Deuel County, South Dakota, to operate an extended home Occupation (to operate gunsmith business) in the Agricultural District.

VanDyke stated she is requesting to operate an Extended Home Occupation (to operate gunsmith business), she would like to move in a 16' x 28' accessory building to conduct the business in. The future location of a 16' x 28' accessory building meets the setback requirement. VanDyke stated the work would include cleaning, scope mounting, bluing, restoration, barrel threading, repairs and to do cerakote coating. VanDyke stated she is working on getting a FFL (Federal Firearms License). VanDyke stated that any chemicals will be properly disposed of, though there won't be many to start, and she plans to have a small painting booth and oven added into a small section of the building so she can cerakote parts. She stated that she would like to have an approximate 4' x 6' wall sign on her building towards the interstate and maybe an approximate 4' x 6' sign by the driveway. VanDyke stated that she would be the lone employee and understands that she can only have 3 non-family employees that will work at this location. VanDyke stated that if a gun needed to be sighted in, she would do that at the range in Watertown.

Theisen reviewed the Staff Report and all the regulations, applicant must follow and Timothy and Rebecca will sign a Letter of Assurance agreeing to the following conditions:

- a. An extended home occupation may not be changed to another home occupation except by the issuance of a separate conditional use permit.
- b. Individuals engaged in such occupation shall consist of family members residing on the premises and up to three (3) non-family employees.
- c. There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one on-premise sign, not to exceed eighty (80) square feet in area, non-illuminated.
- d. Off premise signage for extended home occupations shall be limited to South Dakota Department of Transportation (SDDOT) commercial, directional signs, also known as "TOD

Signs". These signs, with SDDOT approval, may be located adjacent to State and Federal Highways.

- e. The only retail sales allowed shall consist of the sale of commodities/products prepared on the premises in connection with such occupation or activity. Exception: Seed Sales.
- f. Extended home occupations should be agriculturally related and be conducted in an accessory building.
- g. No traffic shall be generated by such extended home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need of parking generated by the conduct of such extended home occupation shall be provided off the street and other than in a required front yard.
- h. No equipment or process shall be used in such extended home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Section 1105.12 Performance Standards For Aquifer Protection Overlay Zones: The following standards shall apply to land uses in Zones A and B of the Aquifer Protection Overlay Districts:

8. Auto service, repair or painting facilities and junk or salvage yards shall meet all State and Federal standards for storage, handling and disposal of petroleum products and shall properly dispose of all other potentially hazardous waste materials.

There was no public comment.

Motion by Dahl, seconded by Grabow, to grant the Conditional Use Permit to operate an Extended Home Occupation (to operate gunsmith business) in the Agricultural District. Approval will be subject to the applicant and owner signing a Letter of Assurance. All voted in favor and motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

ITEM 2

Lillian & Francis Misar & Ronald & Kathy Gorder, applicants/owners, are requesting variance request to Section 1101.05 Area Regulations to plat a parcel of land, to retain existing building that is closer to the new property line than what the ordinance allows. Property is located in S624.36' W344' IN SE1/4 (Misar's property) & a portion of the E286.96' W630.96' S624.36' in SE1/4 where the existing shed is located (Gorder's property) (to be known upon platting as Block 1, Bahr Addition in the SW1/4SE1/4) of the Section 11-113-50, Grange Township, Deuel County, South Dakota.

Hanna Owen, the realtor for Misars, Lillian & Francis Misar who owns the S624.36' W344' IN SE1/4 and are wanting to sell their property, however Misar built a pole shed on E286.96' W630.96' S624.36' in SE1/4 which is partially on Gorder's property in 2001 which they were granted a permit from Zoning Officer Don Hanson. Owen stated the new owner would like to purchase the property with the pole shed. Owen stated in 2019 Dennis Evenson, attorney, prepared an easement between the Misar and Gorder in order to allow Misar to continue to use the pole shed. This easement granted ingress and egress for the Misar. In that easement there was an agreement if the Misar's sell the property and that they would keep the pole shed, they would have to pay for the platting to include the shed or they could sell the pole shed to the Gorder's.

Theisen stated the setback for any structure is 25' from rear and side property lines. Owen provided a letter Dennis Evenson prepared stating the Gorder's will waive the requirements for this setback from his property so they do not have to part with any additional land around the shed. The Gorder's are agreeable to allowing the pole shed to stay in place and will waive the requirement for a setback from their property.

The proposed new lot which is to be known upon platting to be known as Block 1, Bahr Addition in the SW1/4SE1/4 would include the pole shed and it would include the existing house, other buildings and the existing pole shed built in 2001 is within the sided and rear yard setback of 25', it is

approximately .5' from the new side and rear yard lot lines. Owen stated there will be document filed for access from Gorder to the new property owner.

Motion by Dahl, seconded by Fieber to approve a Variance to retain the existing building that is approximately .5' from the new adjoining side and rear property line with a document filed for access from Gorder to the new property owner. This Variance does not apply to any new structures that are built on the property. If the pole shed is removed, destroyed or more than 60% damaged cannot be rebuilt in this location, it would need to meet all current setbacks. All voted in favor and motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

Motion by Grabow, second by Kanengieter, to recess the Board of Adjustment and reconvene as Planning Commission. Motion passed unanimously.

ITEM 3

Motion by Grabow, second by Dahl, to recommend approval to the Board of County Commissioners the Block 1, Bahr Addition in the SW1/4SE1/4) of the Section 11-113-50, Grange Township, Deuel County, South Dakota. They were granted a variance for the existing pole shed previously in the meeting. Motion passed unanimously.

ITEM 4

Motion by Lammers, second by Grabow, to recommend approval to the Board of County Commissioners the Plat of Hazy Moon Ranch Addition in NW1/4 of Section 15, Township 116 North, Range 50 West of the 5th P.M., Deuel County, South Dakota. Motion passed unanimously

ITEM 5

Motion by Grabow, second by Fieber, to recommend approval to the Board of County Commissioners the Plat of Parker Wildlife Addition in NW1/4 of Section 33, Township 115 North, Range 49 West of the 5th P.M., Deuel County, South Dakota. Motion passed unanimously


Motion by Grabow, second by Dahl, to recess the Planning Commission and reconvene as Board of Adjustment . Motion passed unanimously.

Kanengieter opened the meeting for public comment there was none.

Theisen stated that she has done some research about the Senate Bill 201 concerning the CO2 pipeline and ordinances. No decision was made by the board and it will be discussed in future meetings.

Theisen discussed with the board about the upcoming joint meeting with the commissioners for rezoning on March 19, 2024.

Motion by Dahl, seconded by Grabow to adjourn the meeting at 8:50 p.m... All voted in favor and motion carried.



Jodi Theisen
Zoning Officer



Dennis Kanengieter
Chairman, Zoning Board