

Monday June 11, 2018

The Deuel County Zoning Board met on Monday, June 11, 2018, at 6:30 P.M., in the Commissioner's Room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Mike Dahl, Steve Rhody, Paul Brandt, and Kevin DeBoer. Also present were States Attorney John Knight and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order.

Motion by Dahl, seconded by DeBoer, to approve the Amended Agenda for June 11, 2018 to add Greg Bothun to the end of the agenda. All voted in favor and motion carried.

Motion by DeBoer, seconded by Rhody, to approve the May 14, 2018, minutes. All voted in favor and motion carried.

Eugene Hamann Living Trust applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: NW1/4 Less N580' E700' in Section 21-115-49, Clear Lake Township, in Deuel County, South Dakota, to remove two existing bins and replace with a new larger bin within 150 feet from the road right-of-way in an AG Zoned District. Motion by Brandt, seconded by DeBoer, to grant the Variance to remove two existing bins and replace with a new larger bin no closer than 120 feet from the road right-of-way in an AG Zoned District. All voted in favor and motion carried. The findings for this Variance are the existing trees to the south. There are existing bins and a house closer to the road right-of-way and it won't cause a safety or snow problem. Hamann does the snow removal.

Steve Rhody applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: Block 1 Rhody Addition in the SE1/4 in Section 20-113-49, Blom Township, in Deuel County, South Dakota, to build a pergola closer than 150' from the road right-of-way in an AG Zoned District. Rhody stated that it is a 10' x 14' pergola. Motion by Brandt, seconded by DeBoer, to grant the Variance to build a 10' x 14' pergola no closer than 120 feet from the road right-of-way in an AG Zoned District. Steve Rhody abstained from the voting. All voted in favor and motion carried. The findings for this Variance are the existing trees to the south are closer to the road right-of-way and it won't cause a safety or snow problem. It is not closer to the the road right-of-way than the existing house. There is a 75' road right-of-way.

John & Pamela Lynde applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: NE1/4 in Section 13-117-49, Portland Township, in Deuel County, South Dakota, to remove three walls of existing building and to build a bigger shed within 150' from the road right-of-way in an AG Zoned District. John Lynde stated that he would like to remove three walls and to leave the back wall on the current shed and build it 2' closer to the road right-of-way. The current shed is 30' x 36' and he would like to build a 50' x 60' shed. Lynde stated that he would

like to make the new shed taller so he would have to put taller poles in on the side walls and he would use the existing back poles and concrete. Motion by Brandt, seconded by Rhody to grant the Variance to remove three walls of existing building and to build a 50' x 60' pole shed no closer than 75 feet from the road right-of-way in an AG Zoned District. All voted in favor and motion carried. The findings for this Variance are the existing trees to the west & north and it won't cause a safety or snow problem. It is going 2' closer than the existing shed to the road right-of-way which didn't cause a safety or snow problem. There is a 75' road right-of-way.

Bryan A Lipp & Ashley L Lipp applied for a Variance permit. The request, if granted, would permit the applicant to use the following property: S183' of Lot 5 West Side Acres Addition in SE1/4SE1/4 in Section 21-115-49, Clear Lake Township, in Deuel County, South Dakota, to build a deck to an existing house with less than 150' front yard and to build a storage shed closer to the side and back lot lines than our ordinance allows in an AG zoned district. Lipp stated that he would like to build a storage shed in the corner of his property 5' from the side lot line and 20' feet from the back lot line on his property. The shed will be 12' x 16'. The Board asked Lipp if his neighbor to the west is aware of his building. Lipp stated yes and he has a letter from the neighbor with their consent. Lipp stated that the front deck would be 8' x 24'. Motion by Dahl, seconded by DeBoer, to grant the Variance to build a 12' x 16' storage shed no closer than 7 feet from the side property and no closer than 20 feet from the back lot line. All voted in favor and motion carried. The findings for this variance are it is located on a private road and it is residential development adjacent to the City of Clear Lake. They have a letter from the adjoining land owner. The shed will be located in the corner of the lot and surrounded by trees.

Motion by Dahl, seconded by Rhody, to grant the Variance to build a 8' x 24' deck to the front of the existing house with less than 150' front yard. All voted in favor and motion carried. The findings for this variance are it is located on a private road and it is residential development adjacent to the City of Clear Lake. The deck is no closer than the existing house and it will not cause a snow or safety problem.

Shannon & Andrea Larson applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lot 6 Lake Alice Shores in SW1/4 in Section 7-116-48, Altamont Township, in Deuel County, South Dakota, to move in a storage shed in a Lake Park District. Larson stated that the 10' x 16' storage shed would be 30' from the side lot. 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. Motion by Dahl, seconded by DeBoer, to grant the Special Exception to move in a 10' x 16' storage shed in a Lake Park District. All voted in favor of and the motion carried.

- 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 has a preexisting access and it 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: Does not apply.
- c) Utilities, with reference to locations, availability, and compatibility: Does not apply.
- d) Screening and buffering with reference to type, dimensions, and character: Does not apply.
- 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: Does not apply.
- 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 storage shed will be matching the existing house and is generally compatible with the adjacent properties and other properties in the LP 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. Does not apply.

Cindy Walsh, a representative of the Corrinne I Severtson Revocable Trust, applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lot 5 Elms in Gov Lot 6 in NE1/4, Lake Cochrane, in Section 4-114-47, Norden Township, in Deuel County, South Dakota, to operate a private campground in a Lake Park District. Walsh sent a letter explaining that the property was used by her mother, brother, and herself and the camper is used for overflow since the cabin only has one bedroom. It is not hooked up to sewer. They bring the camper out in June and take it away on or before Labor Day. 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. Motion by Brandt, seconded by DeBoer, to grant the Special Exception to permit a private campground. One camper can be placed on the lot on May 15 and must be removed by October 15. The Special Exception permit

is nontransferable and the applicant has to reapply in two years before May 15, 2020. All voted in favor of and the motion carried.

- 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: Does not apply.
- c) Utilities, with reference to locations, availability, and compatibility: No utilities are required.
- d) Screening and buffering with reference to type, dimensions, and character: Applicant has sufficient screening on both sides of his property.
- 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: Does not apply.
- 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 LP 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 has garbage removal for site.

Richard & Kathleen Ellenbecker Trust applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lots 10-11 Elms in Gov Lot 6 in NE1/4, Lake Cochrane, in Section 4-114-47, Norden Township, in Deuel County, South Dakota, to operate a private campground in a Lake Park District. 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. Motion by Brandt, seconded by Rhody, to grant the Special Exception to permit a private campground. One camper can be placed on the lot on May 15 and must be removed by October 15. The Special Exception permit is nontransferable and the applicant has

to reapply in two years before May 15, 2020. All voted in favor of and the motion carried.

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: Does not apply.

c) Utilities, with reference to locations, availability, and compatibility: No utilities are required.

d) Screening and buffering with reference to type, dimensions, and character: Applicant has sufficient screening on both sides of his property.

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: Does not apply.

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 LP 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 has garbage removal for site.

Brent & Toni Merritt & Robert & Bonnie Merritt applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lot 8A Agnes Place in Gov Lot 8, Lake Cochrane, in Section 5-114-47, Norden Township, in Deuel County, South Dakota, to operate a private campground in a Lake Park District. Merritt stated that they use the camper for overflow. They had a concern about the neighbor's camper and if that need a special exception. Merritt stated that there are raccoons living in the camper and the window are knocked out. The board stated that you can store your camper on your property but if you use the camper for camping then the board requires a special exception for private campground. The Board advised the zoning officer to send a letter the the neighbors about the unattended camper. 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. Motion by Brandt, seconded by Dahl, to grant the Special Exception to permit a private campground. One camper can be placed on the lot on May 15 and must be removed by October 15. The Merritt's camper is subject to the requirements of the Lake Cochrane Sanitary System. The Special Exception permit is nontransferable and the applicant has to reapply in two years before May 15, 2020. All voted in favor of and the motion carried.

- 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: Does not apply.
- c) Utilities, with reference to locations, availability, and compatibility: No utilities are required.
- d) Screening and buffering with reference to type, dimensions, and character: Applicant has sufficient screening on both sides of his property.
- 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: Does not apply.
- 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 LP 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 has garbage removal for site.

Darold & Mary Hunt applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Outlot 3 less Plats & Tract 2 of Outlot Y & less Lots 1 & 2, Lake Cochrane, in Section 4-114-47, Norden Township, in Deuel County, South Dakota, to operate a private campground in a Lake Park District. Hunt stated that they use the two campers for overflow. 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. Motion by Brandt, seconded by DeBoer, to grant the Special Exception to permit a private campground. Two campers can be placed on the lot on May 15 and must be removed by October 15. The Special Exception permit is nontransferable and the applicant has to reapply in two years before May 15, 2020. All voted in favor of and the motion carried.

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: Does not apply.

c) Utilities, with reference to locations, availability, and compatibility: No utilities are required.

d) Screening and buffering with reference to type, dimensions, and character: Applicant has sufficient screening on both sides of his property.

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: Does not apply.

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 LP 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 has garbage removal for site.

Randy & Cindi Viessman applied for a Variance permit. The request, if granted, would permit the applicant to use the following property Lot 1B in Lot 1 of Outlot 3 in NE1/4 of the SE1/4 in Section 4-114-47, Lake Cochrane, Norden Township, in Deuel County, South Dakota, to build a house addition within 10' from the side property line in an LP Zoned District. Viessman stated that they would like to build a 10' x 24' house addition to the south side of their existing house. They would like to be 5' from the lot line. Motion by Brandt, seconded by DeBoer, to grant the Variance to build a house addition 5' from the side property line in an LP Zoned District. All voted in favor and motion


carried. The findings for this Variance is there is no objection from his adjoining property owner, which is Darold Hunt. Hunt is willing to sell him a foot or more to make the variance work. The neighbor's existing house is more than 50' feet away from the side property line.

Steven Maas came and talked to the board about his property. Maas was wondering about maybe platting some of his land and selling it. The board explained the subdivision ordinance and the platting procedures.

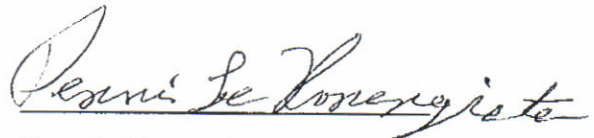
Bill Moe came and talked to the board about his property. Moe was wondering about maybe platting and rezoning some of his land and selling it. The board explained the subdivision ordinance and the platting procedures.

Greg Bothun came and talked to the board about his property at Lake Cochrane. He stated that his neighbor to the north recently got a building permit for a fence and the contractor trimmed the evergreens on the property line. The trees were trimmed all the way from the ground up to about 6 feet. The trees were used for screening and privacy. Mr. Bothun was wondering if they had a permit for the tree trimming. The Board stated the zoning officer granted a permit for a deck and a fence approximately 95' x 80' and approximately 6' tall that is more than 50' from the high water mark, and located on their side of the lot line on the side lots, and more than 30' from the edge of the road. There was no conversation about trimming trees. Bothun stated that they talked to the Redmond's about the trees and they stated that they told the contractor to trim on their side and not the neighbor's side. The contractor decided to trim the trees on both sides. The Board told the Bothun's that they don't have any control over the trees that were trimmed. The Board advised the zoning officer to call the Redmond's and to let them know that if you trim or remove any trees within the 35' from the high water mark that they would need a special exception permit.

Kanengieter called the meeting.



Jodi Theisen
Zoning Officer



Dennis Kanengieter
Chairman, Zoning Board