

**April 26, 2022 BOARD OF ADJUSTMENT/ PLANNING COMMISSION  
DEUEL COUNTY  
STAFF REPORT**

Tuesday – April 26, 2022 – 5:45 p.m.

**DEUEL COUNTY BOARD OF ADJUSTMENT**

**ITEM #1 VARIANCE**

**Applicant/Owner: Gavin Crume**

**Property Description: Block 1A Crume Addition in W1/2 (to be known upon platting as Lot 1 of Block 1A Crume Addition in W1/2) of the Section 33-116-49, Altamont Township, Deuel County, South Dakota.**

**Action Items – Variance – ( Section 1101.04 Area Regulations)**

**Zoning Designation: AG – Agricultural**

**Request: Applicant/Owner Applicant seeks a variance to plat a parcel of land, to retain existing building that is closer to the new property line than what the ordinance allows.**

**Specifics of Property/Request:**

1. Crume purchased the platted land of 27.89 acres with existing buildings from his family in 2015, which was prior platted in 2011 without a variance.
2. The property has currently 2 older houses will be located on Lot 1, they are turning the the oldest house into a garage which is approximately 101 feet from the road right-of-way which is 33 feet.
3. Crume is going to transfer Lot 1 to his father and keep Lot 2.
4. Crume would like to build a a new house on Lot 2 which meets the setbacks.
5. This property is located east side of a township road that has a 33 feet road right-of-way.

**Ordinance/Variance History regarding this request:**

Section 1101.04

1. The Zoning Ordinance requires a minimum depth of the front yard shall be not less 150 feet.
2. The board received requests for plat a parcel of land, to retain existing building that is closer to the new property line than what the ordinance allows within the 150 feet from the road right-of-way and in the past the board has granted to plat a parcel and to retain the existing house that is approximately 34 feet from the road right-of-way. This Variance doesn't apply to any new structures that are built on the property.

**Staff Summary**

Section 1101.04

The Board has to decide whether the issuance of a plat a parcel of land, that retains existing building less than 150' of a public road right-of-way would not produce undue hardship or be substantial detriment to adjacent property.

Staff is unable to identify any physical hardships on the property that would deprive the applicant of rights enjoyed by other property owners in the area on (in the same zoning district.

**Staff recommendation:**

**Variance Permit – Section 1101.04 Area Regulations: The application may be approved, postponed, or denied. If approved, approval would be based on the board:**

1. Platting this property with an existing house that is approximately 33 feet from the road right-of-way will not cause any greater snow or safety concern.

**Denial** would be based upon:

1. The Board could deny the Variance on the basis that the circumstances surrounding this request are not so unique in nature to necessitate granting special privilege to this applicant which is denied to other properties in this zoning district. A “no” vote, the property can be platted, but a deed restriction stating the structure that is too close cannot be rebuilt or added onto needs to be prepared and recorded.

**Please refer to the Findings of Fact and Conclusions of Law on file with the application.**

**ITEM # 2 PLAT**

**Applicant/Owner: Gavin Crume**

**Property Description: Plat of Lots 1 and Lot 2 of Block 1A Crume Addition in W1/2 of the Section 33-116-49, Altamont Township, Deuel County, South Dakota.**

**Request: Lot 1 of Block 1A Crume Addition which is 3.16 acres and Lot 2 of Block 1A Crume Addition which is 24.73 acre. They are platting the parcel so they could keep Lot 2 and build a new house and Lot 1 will be transferred to Gavin's dad.**

**Action Item – Recommendation of approval of plat.**

**ITEM # 3 STATES ATTORNEY**

**Applicant/Owner: Thomas Johnson**

**Property Description: Lots 3, 4, 5 6 & 6A (Replat of Outlot 34) Agnes Place Addition in Gov 8 of Section 5, Township 114 North, Range 47 West of the 5th P.M., Lake Cochrane, Norden Township, Deuel County, South Dakota.**

**Action Items – Road Easement**

**Zoning Designation: LP –Lake Park**

**Request: Applicant/Owner Applicant seeks a road easement through his plat land.**

**Specifics of Property/Request:**

1. The existing road (Lake Cochrane Dr W) is located in the middle of Lot 6A Agnes Place Addition. The actual platted road right-of-way is located to the north of Lot 6A and south of OutLot 2 and Lots 3-6 Agnes Place.
2. The actual platted road has Johnsons' garage and another structure located on it which was built many years ago.

**Action Item – Recommendation of approval of easement to the Deuel County Commissioners.**

**ITEM # 4 DISCUSSION WITH 1<sup>ST</sup> DISTRICT ABOUT LAKE PARK AND OTHER SECTIONS OF THE DEUEL COUNTY ZONING ORDINANCE**