

~~July 18, 2023~~ August 1, 2023 BOARD OF ADJUSTMENT/ PLANNING COMMISSION
& COUNTY COMMISSIONERS
DEUEL COUNTY
STAFF REPORT

Tuesday – ~~July 18, 2023~~ August 1, 2023 – 10:15 a.m.

DEUEL COUNTY BOARD OF ADJUSTMENT

ITEM #1 VARIANCE

Applicant/Owners: Joe Mamer

Property Description: Lot 16 Grabow Addition in NE1/4 of the Section 5-114-47, Norden Township, Lake Cochrane, Deuel County, South Dakota

Action Items – Variance – (Section 1103.06 Minimum Lot Area and Yard)

Zoning Designation: LP – Lake Park

Request: Applicant requesting a Variance to move existing shed less than 50' from the rear lot line.

Specifics of Request:

1. Joe Mamer purchased this lot in 2019.
2. The applicant was granted a building permit to move in approximate 10' x 12' storage which met the setbacks. Which the shed was placed 50' from the back lot and more than 30' from the edge of the road and more than 10 from the side lot line.
3. The existing location of the shed causes snow drift on the road located to the south during a bad winter.
4. The applicant would like to move the existing shed to a new location approximately 20' from the rear lot line. The shed proposed new location would be more than 10' from the property line (to the north) and more than 30' from the edge of the road.

Ordinance/Variance History regarding this request:

1103.06 Minimum Lot Area and Yard

1. Each building shall be set back not less than fifty (50) feet from the right-of-way of State or Federal highways. For all other roads, the front yard setback shall at least thirty (30) feet from the edge of the road, but in no circumstance shall the structure be located within the right-of-way. Side yards shall have a ten (10) foot setback from the side yard property line. Exception: On those lots platted prior to June 8, 1976, which have a lot width of less than seventy-five (75) feet, each building shall have a side yard of not less than a distance equal to ten (10) percent of the lot width. Under no circumstances shall a building have a side yard of less than five (5) feet. Roof overhangs may infringe upon the side yard requirements no more than one and one-half (1.5) feet.
2. The Board has history of granting some variance requests in the Lake Park District of similar relaxation of rules. (Kooima, Pederson, etc.)
3. This property is located out of the floodplain.

Staff recommendation: If approved, staff recommendation - To grant the Variance to move the existing storage shed no closer than 20' from the rear lot line located to the west. All voted in favor and the motion carried. Please see Findings of Fact and Conclusions of Law on file with this application.

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.

ITEM # 2 PLAT

Applicant: Ricky Peterson

Land Owner: Estate of Shirley C Peterson

Property Description: Plat of Peterson addition in SE1/4 of Section 32, T114N, R48W

Request: To plat an irregular parcel which contains existing buildings which is 11.7 acres for transferring purposes. The existing buildings meet all the setbacks.

Action Item –Plat approval.

ITEM #3 UPDATING THE DEUEL COUNTY ZONING ORDINANCE

Ordinance # B2022-01-04: an Ordinance to amend that Article XI, “Zoning Districts,” Section 1103 “LP” Lake Park, Section 1103.04. Conditional Uses, Article XI, “Zoning Districts,” Section 1103 “LP” Lake Park District, Section 1103.07. Shoreline Stabilization, Filling, Grading, Lagooning and Dredging, Article XII, “GENERAL REGULATIONS” Section 1236.02 Modular Homes, Article XI, “Zoning Districts” Section 1101. “A” Agricultural District, Section 1101.02 Permitted Uses, Section 1103. “LP” Lake-park District, Section 1103.03 Permitted Uses, Section 1106. “TD” Town District, Section 1106.02 Permitted Uses, Section 1101 “A” Agriculture District, Section 1101.05 Area Regulations, that Article XIII, “Concentrated Animal Feeding Operations Regulations,” Section 1303. Concentrated Animal Feeding Operation Permit Requirements and Article XII, “GENERAL REGULATIONS” Section 1208 Shelterbelt Setback

Action Item – Recommendation of Ordinance #B2022-01-04, an ordinance establishing zoning regulations for Deuel County, South Dakota, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of chapters 11-2, 1967 SDCL, and amendments thereof, and for the repeal of all resolutions and ordinances in conflict herewith to the Deuel County Commissioners.