

Monday May 8, 2017

The Deuel County Zoning Board met on Monday, May 8, 2017, at 6:00 P.M., in the Commissioners' 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. The minutes from the April 10, 2017, were discussed.

Motion by Rhody, seconded by Deboer, to approve the April 10, 2017, minutes. All voted in favor and motion carried.

Motion by Deboer, seconded by Dahl, to approve the May 8, 2017, Agenda. All voted in favor and motion carried.

1. Sherman Dairy applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: SW1/4SW1/4 Less Pt Lot H-1 & Less Shannon Addition Section 21-113-50, Grange Township. To plant a 7 row shelterbelt within 100 feet of the road right-of-way in an AG zoned district. Michael Crinion stated that they are trying to close the road and would like to plant the trees as close as he could to the road right-of-way. The board asked is the road closed right now and Crinion stated no. Crinion stated that rows would consist of Lilac bushes, some Maples, some Oak, and another bush. Russell Nelson, who is a neighbor to the east, stated that he is ok with the trees being planted as it would help with the buffering of the dairy. If it was less than 7 rows he would have concerns with the snow. Motion by Brandt, seconded by Deboer, to allow Sherman Dairy to plant 7 row of trees 25 feet on the east side of the road right-of-way in SW1/4SW1/4 Less Pt Lot H-1 & Less Shannon Addition Section 21-113-50, Grange Township . Kanengieter called a roll call vote: Deboer-yes, Rhody-no, Brandt-yes, and Dahl-no, Kanengieter-no. Motion did not carry. Motion by Dahl, seconded by Rhody to allow Sherman Dairy to plant 7 row of trees 50 feet on the east side of the road right-of-way in SW1/4SW1/4 Less Pt Lot H-1 & Less Shannon Addition Section 21-113-50, Grange Township. Kanengieter called a roll call vote: Deboer-yes, Rhody-yes, Brandt-yes, and Dahl-yes, Kanengieter-yes. Motion carried. Findings for this variance is the current road is not maintained, it has minimum traffic, and it is used for hunting and field access for the farmers. The trees will not be a safety issue and there is an area of development to the east making it difficult for the trees to be planted 100 feet from the road right-of-way.
2. Global Dairy applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: S196' NW1/4 & SW1/4 less

SW1/4SW1/4 Less Pt Lot H-1 & Less Shannon Addition Section 21-113-50, Grange Township. To plant a 7 row shelter belt within 100 feet of the road right-of-way in an AG zoned district. Motion by Dahl, seconded by Rhody to allow Global Dairy to plant 7 row of trees 50 feet from east side of the road right-of-way of the S196' NW1/4 & SW1/4 less SW1/4SW1/4 Less Pt Lot H-1 & Less Shannon Addition Section 21-113-50, Grange Township. Kanengieter called a roll call vote: Deboer-yes, Rhody-yes, Brandt-yes, and Dahl-yes, Kanengieter-yes. Motion carried. Findings for this variance are the current road is not maintained, it has minimum traffic, and it is used for hunting and field access for the farmers. The trees will not be a safety issue and there is development to the east making it difficult for the trees to be planted 100 feet from the road right-of-way.

3. Verlo Adrian applied for a Special Exception. The request, if granted, would permit the applicant to use the following property Lot 25 Lake Alice Shores in SW1/4 in 7-116-48 Altamont Township, to alter the shore line within 35 feet from the high water mark in a Lake Park zoned district. Adrian stated that he just purchased this lot this spring and noticed that the shoreline is washing away. He stated that there is about a 2 foot drop from down toward the water and he would like to level an area out and slope it so he could get his dock in and out of the water, and he would like to place fabric down and cover with rip-rap field rock to help stop the erosion. Adrian stated that he contacted the Game, Fish and Parks and the Army Corp of Engineers. Adrian submitted a plan and received permission from the Game, Fish, and Parks. 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 use the following property Lot 25 Lake Alice Shores in SW1/4 in 7-116-48 Altamont Township, to alter the shore line within 35 feet from the high water mark in a Lake Park District with the plan submitted to the Game, Fish and Parks and the Army Corp of Engineers. He will have a trash screen or silt fence during construction to help with erosion. All voted in favor and 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: Does not apply.

- 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. Loading is not a concern. The special exception will have no or minimal economic, noise, glare, odor or other effects on the adjoining properties or properties generally in the district.

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 sufficient yard and other open spaces.

g. General compatibility with adjacent properties and other property: Applicants proposed use is generally compatible with the adjacent properties and other properties in the Lake Park 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.

4. William Moe & Jade & Jessica Sturm applied for a Variance. The request, if granted, would permit the applicant to use the following property: S731' W412' of SW1/4SW1/4 & S512' E260' W672' of SW1/4SW1/4 Section 7-116-48 Altamont Township, for buildings that are too close to platted property line in an AG zoned district. Moe stated the existing farm site has two residence on it and that he would like to plat off one of the residences with 3 acres to sell to Jade & Jessica Sturm, who is his daughter. The lot line would go between the house and some existing buildings, and the lot line would be closer than what the ordinance allows. Motion by Deboer, seconded by Brandt to grant a variance to allow the buildings to be closer than 25 feet from the property line located in S731' W412' of SW1/4SW1/4 & S512' E260' W672' of SW1/4SW1/4 which will be platted into Moetown Addition in Section 7-116-48 Altamont. All voted in favor and motion carried. The findings for this variance are that the existing owner and buyer are related, there are preexisting buildings, and there is potential to have separate access for the future.

5. Motion by Brandt, seconded by Deboer, to approve Plat of Moetown Addition in Gov Lot 9 (SW1/4SW1/4) Section 7-116-48 Altamont Township. All voted in favor and motion carried.

6. Allan Armstrong applied for a Special Exception Permit. The request, if granted, would permit the applicant to use the following property: Lot 10 in the

Grabow Addition in Gov Lot 1 & 5 in the SW1/4NE1/4 Section 5-114-47, Lake Cochrane, Norden Township, to move in a new 12' x 16' storage structure located in Lake Park District. Armstrong stated that he would like to move in this storage shed and have it located behind the existing pole shed. This would be used for additional storage for instance for his lawn mower. The shed would be 60 feet from the side lot and more than 50 feet from the back lot. The shed would have a wood floor and would be located on skids. 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 Deboer, seconded by Rhody to grant a Special Exception to move in a new 12' x 16' storage structure located in Lake Park District. All voted in favor and 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: Does not apply.
- 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. Loading is not a concern. The special exception will have no or minimal economic, noise, glare, odor or other effects on the adjoining properties or properties generally in the district.
- c. Utilities, with reference to locations, availability, and compatibility: Does not apply.
- d. Screening and buffering with reference to type, dimensions, and character. The lot provides adequate screening and buffering for the proposed use.
- 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 sufficient yard and other open spaces.
- g. General compatibility with adjacent properties and other property: Applicants proposed use is generally compatible with the adjacent properties and other properties in the Lake Park 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.

5. David Haas applied for a Special Exception. The request, if granted, would permit the applicant to use the following property: Lot 8 Lake Alice Shores in SW1/4 in 7-116-48, Altamont Township, to operate a private campground in a Lake Park District. Greg Brewers, an attorney representing Haas, Johnson, and Sanow, stated that these 3 property owners are interested in using their lots during the summer. They cannot afford to build a permanent structure right now and would like to place their campers on these lots. Brewer stated that all three of these lots have electricity, water, and sewer. In the covenants the developer was proactive on the lots to allow 1 camper for immediate family and the camper can't be stored there over the winter. The applicants are asking to have their campers on their lots from May 17 until the end of September, and for at least 5 years.

Jon Henslin stated that he attended the other meetings about these campers. Henslin stated that our ordinance doesn't define a private park, but it does define a campground. Henslin gave the board some information in a packet about other county's ordinances with definitions for Private Parks. The packet also contained impacts on tax base, impacts on adjacent property values and values in the district. Brandt discussed the board views about campers and the special exception for a private campground. Brandt stated that maybe the board and the county should change the ordinance to permit campers in Lake Park. John Knight, states attorney, stated that they have had these special exceptions in the past and the board has not had any complaints until the last couple of years. Henslin asked if the board has granted any private campgrounds this year. Kanengieter stated that the board has granted two special exceptions for Lake Cochrane and the special exceptions are good for two years. Brandt stated the zoning board feels that the campers are acceptable in Lake District as long as they apply for the special exceptions.

David Haas stated that he is trying to sell Lot 7. After he sells Lot 7 and his camper he would invest in a more permanent structure on Lot 8. Haas stated that he has water, electricity, and sewer. The sewer is 80 feet from the high water-mark and the camper would be located 75 feet from the high water mark. Haas stated when his children come to the lot he would like to bring his ice shack for more room. When the children would leave they would take the ice shack also. 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 Deboer, seconded by Brandt, to grant the Special Exception to permit a private campground. One camper can be placed 75 feet from the high water mark on May 15, and must be removed by September 30. An ice shack is allowed when additional children are present and leave when the children leave. The Special Exception permit expires September 30, 2018, is

non-transferable and the applicant has to reapply in two years before May 8, 2019. All voted in favor and 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: Applicants has sufficient access to the property and proposed structures 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: Applicant has sufficient off-street parking. Loading is not a concern. The special exception will have no or minimal economic, noise, glare, odor or other effects on the adjoining properties or properties generally in the district.

c. Utilities, with reference to locations, availability, and compatibility: Applicants utilities are the same as the adjoining properties.

d. Screening and buffering with reference to type, dimensions, and character. The lot provides adequate screening and buffering for the proposed use.

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: There are no signs or exterior lighting.

f. Required yards and other open spaces: Applicant has sufficient yard and other open spaces.

g. General compatibility with adjacent properties and other property: This development is in its early years of development and the applicant proposed use is generally compatible with the adjacent properties and other properties in the Lake Park 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. Applicants use involves common household garbage. No garbage is stored outside and applicants take their garbage home with them when they leave the property.

6. Ryan & Dayna Johnson applied for a Special Exception. The request, if granted, would permit the applicant to use the following property: Lot 21 Lake Alice Shores in SW1/4 in 7-116-48, Altamont Township, to operate a private campground in a Lake Park District. Johnson's stated that they cannot afford to build a permanent structure right now and would like to place one camper on

their lot. Johnson's stated that they have electricity, water, and sewer. Their camper was built in 2011 and their goal hopefully is to build a permanent structure in the fall of 2019. 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 permit a private campground. One camper can be placed 100 feet from the high water mark on May 15, and must be removed by September 30. Also, the board would like to see progress to have a more permanent structure on the lot by 2019. The Special Exception permit expires September 30, 2018, is non-transferable and the applicant has to reapply in two years before May 8, 2019. All voted in favor and 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 sufficient access to the property and proposed structures 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: Applicant has sufficient off-street parking. Loading is not a concern. The special exception will have no or minimal economic, noise, glare, odor or other effects on the adjoining properties or properties generally in the district.

c. Utilities, with reference to locations, availability, and compatibility: Applicants utilities are the same as the adjoining properties.

d. Screening and buffering with reference to type, dimensions, and character. They are planning on planting trees to provide adequate screening and buffering for the proposed use.

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: There are no signs or exterior lighting.

f. Required yards and other open spaces: Applicant has sufficient yard and other open spaces.

g. General compatibility with adjacent properties and other property: This development is in its early years of development and the applicant's proposed

use is generally compatible with the adjacent properties and other properties in the lake park 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. Applicants use involves common household garbage. No garbage is stored outside and applicants take their garbage home with them when they leave the property and they are looking at getting a dumpster.

7. Josh & Amanda Sanow applied for a Special Exception. The request, if granted, would permit the applicant to use the following property: Lot 22 Lake Alice Shores in SW1/4 in 7-116-48, Altamont Township, to operate a private campground in a Lake Park District. Amanda Sanow stated that they cannot afford to build a permeant structure right now and would like to place one camper on their lot. Sanow stated that they have electricity, water, and sewer. Their camper was built in 2010. 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 Deboer, 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 September 30. The Special Exception permit expires September 30, 2018, is non-transferable and the applicant has to reapply in two years before May 8, 2019. All voted in favor and 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 sufficient access to the property and proposed structures 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: Applicant has sufficient off-street parking. Loading is not a concern. The special exception will have no or minimal economic, noise, glare, odor or other effects on the adjoining properties or properties generally in the district.

c. Utilities, with reference to locations, availability, and compatibility: Applicants utilities are the same as the adjoining properties.

- d. Screening and buffering with reference to type, dimensions, and character. The lot provides adequate screening and buffering for the proposed use.
- 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: There are no signs or exterior lighting.
- f. Required yards and other open spaces: Applicant has sufficient yard and other open spaces.
- g. General compatibility with adjacent properties and other property: This development is in its early years of development and the applicant's proposed use is generally compatible with the adjacent properties and other properties in the lake park 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. Applicants use involves common household garbage. No garbage is stored outside and applicants take their garbage home with them when they leave the property and they are looking at getting a dumpster.

8. Paul Pederson came and talked to the board about his lot at Lake Cochrane. He has a garage behind his house and would like to put a patio with a fireplace, cooking area, and sitting area. This patio would be between the garage and his neighbor's property line. The neighbor Phil & Kristi Kooima sent an email to the Zoning Office stating that they are ok with Paul Pederson building an outdoor grill adjoining their property line. They would like it no closer than 3 feet to his property line, no closer than 10 feet to his home, and no taller than 48 inches so as not to restrict visibility. Pederson stated that he would build the fireplace toward the back of the lot away from his neighbor's property line and he would place the cooking area there which is less than 48 inches. Motion by Deboer, seconded by Brandt, to have Paul Pederson apply for a building permit for the outdoor grill and patio area and to be 3 feet from the property line to the west which is owned by Phil & Kristi.

9. Motion by Dahl, seconded by Deboer, to approve Plat of Engelstad Farms Bin Site Second Addition in NW1/4 Section 24-113-48 Scandinavia Township. All voted in favor and motion carried.

9. Todd Hanten came and talked to the Board about their lots at Bullhead Lake. They would like to replat Lots 6A-6B in order to have Lot 6B have lake frontage. The board stated that the plat that was filed previous into into Lots 6A-6B was intended to be buildable. The Board stated that they could do an easement when the land is transferred to grant access to the lake. The board stated that the setback for both lots are 50 feet from the high water mark.

10. Kari Wagner came and talked to the board about their lot on Lake Cochrane. Wagner stated that they purchased the old Shady Beach lot that was replatted. They were planning on building this spring, they received a building permit last fall, and the 180 days came and building was not begun, so that building permit expired. They have had complications with their contractor so they will not begin building until next year. They would like to use their lot this summer, so they were wondering if they could place their camper on the lot. The board suggested to apply for a special exception for a private campground.

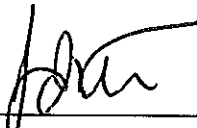
11. Brian Hansen, via telephone, talked to the board about possibly splitting four lots that have approximately 149.16 feet lake front into 2 lots. Hansen stated that he was approached by the neighbor about purchasing the 4 lots or maybe 40 feet or 30 feet of Lot 16 Agnes Place. Lot 16 which is bare is next to Hansen's lot. The board stated if he purchased all of Lot 16 he wouldn't have to replat his lot. If Hansen purchased only 30 feet he would have to replat his lot and this footage to make one lot. The board stated if he purchased all four lots and split them he would have to apply for a variance because the lots would be smaller than the ordinance would allow.

12. Bruce Haringa came and talked to the board about tearing down his old barn and building a new 54' x 112' Cattle Shed. He feeds out his own cattle in outside lots. This barn is for his load out, working facility, and for some protection for the cattle. He is on the border line the shallow aquifer on the map and the board decided that he is not a pollution hazard. The board stated he just needs a building permit.

13. The zoning office received a call about a lot on Lake Cochrane. The call stated that there was some dirt work being done within the 35 feet from the high water mark. The Zoning Officer went out and took pictures of the lot and noticed that they spread dirt from their basement that was dug last fall and spread the dirt on the entire lot and the dirt was approximately 18 feet from the high water mark. The board advised the zoning officer to send a letter to the property owner and have them apply for a special exception.

14. The zoning office received a call about the hog barns located Section 19-115-49. The complaint was about the smell. The zoning board stated that they will have the owner look into it.

14. Kanengieter called the meeting.



Jodi Theisen
Zoning Officer



Dennis Kanengieter
Chairman, Zoning Board