

The Deuel County Zoning Board met on Tuesday May 12, 2015 at 7:00 P.M., in the Commissioners' room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Gary Jaeger, Jerry Durfee, Paul Brandt, and Mike Dahl. Also present were Attorney John Knight and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order. The minutes from the April 13, 2015 meeting were discussed. Motion by Brandt, seconded by Durfee to approve the April 13, 2015 minutes. All voted in favor and motion carried.

Motion by Durfee, seconded by Dahl to approve the amended May 12, 2015 Agenda. All voted in favor and motion carried.

Steve Hansen applied for a Variance. The request, if granted, would permit the applicant to use the following property: the W1/2 Section 3-115-49 Clear Lake Township to build a bin closer than 150 feet from the road right of way in an AG zoned district. Hansen stated that he tore down two bins at father's place and would like to put them both together to make a 24' x 24' bin. The bin would be built beside an existing bin that is about 92 feet from the road right of way. Motion by Dahl, seconded by Jaeger to grant a Variance to build a bin 92 feet from the road right of way in an AG zoned district in the W1/2 Section 3-115-49 Clear Lake Township. The findings for this variance are that there are trees between the proposed bin and the road the new bin will be located no closer than the older bin. The bin is located on a township road and it will not create a snow problem. All voted in favor and motion carried.

Larry & Lisa Molitor applied for a Variance. The request, if granted, would permit the applicant to use the following property: the S27 Rods & E30 Rods in SE1/4 Section 28-115-49 Clear Lake Township to build a 10' x 14' deck on the existing house that is closer than 150 feet from the road right of way in an AG zoned district. Molitor stated that he removed the existing steps and would like to replace the steps with a deck. Motion by Durfee, seconded by Dahl to grant a Variance to build a 10' x 14' deck on the existing house 71 feet from the road right of way in an AG zoned district in the S27 Rods & E30 Rods in SE1/4 Section 28-115-49 Clear Lake Township. The findings for this variance are that there are trees located to the north and west of the site. Some of those trees are located closer than the deck. The building site is located on a township road and the driveway is located to the south. Also the deck will not create a snow problem or visual obstruction. All voted in favor and motion carried.

Seth & Cassandra Evenson applied for a Variance. The request, if granted, would permit the applicant to use the following property: the Block 1B & 1C Bergjord Addition replat of Block 1A Bergjord Addition in NE1/4SE1/4 Section 32-113-48 Scandinavia Township for buildings that are too close to the platted property line in an AG zoned district. Evenson stated that they had to replat the plat into two plats for mortgage purpose. They are not transferring the property and if they do they would sell both plats together. Motion by Jaeger, seconded by Dahl to grant a variance to allow the buildings to be closer than 25 feet from the property line located in Block 1B & 1C Bergjord Addition replat of Block 1A Bergjord Addition in NE1/4SE1/4 Section 32-113-48 Scandinavia Township. All voted in favor and motion carried.

Brian Hansen applied for a Variance and a Special Exception. The request, if granted, would permit the applicant to use the following property: Lots 14B Ashpoint in Gov Lot 9 Section 4-114-47 Norden Township to move in an older garage and place it closer than 30 feet from the edge of the road in an LP zoned district. Hansen stated that original garage he was looking at in the year of 2013 fell thru and a 10' x 20' garage came up to be moved. Hansen stated that the garage is about 80 years old and in better shape than the garage he wanted to move in 2013. Hansen would like to place the garage 28 feet from the edge of the road and 8.5 feet from the side property line. He stated that he couldn't go any further back because he has a propane tank there. Hansen also provided 3 out of 4 surrounding property permission letters to move in an older garage. Motion by Durfee, seconded by Jaeger grant a to a Variance and a Special Exception to move in an older 10' x 20' garage that is 28 feet from the edge of the road and 8.5 from the side property line located in Lots 14B Ash Point in Gov Lot 9 Section 4-114-47 Norden Township. All voted in favor and motion carried.

Motion by Brandt, seconded by Durfee to approve Plat of Lot 1 Mellendorf First Addition SW1/4SE1/4 Section 25-115-49 Clear Lake Township contingent on that the plat has all proprietors' signatures. All voted in favor and motion carried.

Chairman Dennis Kanengieter informed the zoning board and the attendees of the zoning meeting that Jodi Theisen, the Zoning Officer, was advised to send a letter to some Lake Alice property owners about having campers on their lots without permits authorized by Deuel County Zoning Board the zoning board received a formal complaint in October of 2014. John Knight the Deuel County States Attorney stated that Deuel County Zoning ordinance doesn't allow camping in the Lake Park District. The subdivision restive covenants was approved by the zoning board however they were altered after that approval. Deuel County Zoning doesn't enforce the covenant. The people that were present from Lake Alice were Josh Sanow, Tom Harm, David Haas, Shannon Larson, Elmer Athey, and Danya Johnson. These people except for Larson received a letter from the zoning office about campers be located on their lots. The concerns from the Lake Alice property owners were that the covenant stated that they could bring a camper during certain months. And now they can't bring a camper thru the summer and some like to leave the camper there during the winter so they can use it when they ice fish. Some of the the people stated that they are intending to build a house in a couple of years. Brandt stated the the purpose of our ordinance is to allow for responsible development in a Lake Park District. The permitted use in our ordinance is for a site-built, single family residence. There would be the expectation for a lot owner in Lake Park District that future improvements to the lot would be done in accordance with the ordinances.

Knight stated that some control is needed because in some instances people might take advantage of the situation so we need rules and regulations in place. The property owner might not be able to build a house so some camping might come into play so the property owner would have to apply for a Special Exception for a Private Park. The board can understand the intentions of the property owner and some regulations can be placed on that application if approved. Durfee stated that the board has approved a private park up to two years however the campers need to be removed during the off season.

Jeff Abraham stated that he has a lot on Lake Alice and is intending to build however during the construction phase we would like to place a camper on his lot. The board stated that would be ok if he applied for a special exception so he could leave the camper there during the summer. And if he had some visitors that would like to come and camp for the weekend in the summer the board doesn't enforce the weekend visit. So the board stated to these Lake Alice property owners that if they would like to have a camper on their lake lot for the summer they would have to apply for a special exception for private park in Lake Park District and come before the board and state their plan or intentions.

Motion by Dahl, seconded by Durfee to approve Plat of Lot 1 M Lanners First Addition NW1/4 Section 15-115-50 Havana Township on contingent that the plat has the recording of the property as intended. All voted in favor and motion carried.

Motion by Jaeger, seconded by Brandt to table the Plat of Lot 1 Block 2 Langerock Addition in N1/2NE1/4 Section 28-115-49 Clear Lake Township. All voted in favor and motion carried.

Kanengieter called the meeting.

Jodi Theisen
Zoning Office

Dennis Kanengieter
Chairman, Zoning Board