

The Deuel County Zoning Board met on Monday August 8, 2016 at 6:30 P.M., at the 4-H Service Center, Deuel County Fairgrounds in Clear Lake. Those present were members Dennis Kanengieter, Gary Jaeger, 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 July 11, 2016 meeting were discussed. Motion by Dahl, seconded by Jaeger to approve the July 11, 2016 minutes. All voted in favor and motion carried.

Motion by Jaeger, seconded by Dahl to approve the August 9, 2016 Agenda. All voted in favor and motion carried.

1. Josh & Amanda Sanow applied for Special Exception Permit. 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. During telephone conference Sanow stated that they have a septic system that is set up for a house and they have planted some trees. They stated that they are trying to improve their property and they just can't afford to build a house yet. Motion by Dahl, seconded by Brandt, to grant the Special Exception to permit a private campground on Lot 21 Lake Alice Shores in SW1/4 in 7-116-48 Altamont Township. To place one camper on the lot starting May 15 that must be removed at the end of the Labor Day Weekend. Except for the three summer holidays which are the Memorial Day, Fourth of July, and Labor Day weekend when they could have a guest campers. The Special Exception permit is nontransferable and the applicant has to reapply in one year before May 15, 2017 if they wish to continue to have campers. All voted in favor and motion carried.
2. Sandra Olson & Steven Kruiter & Debra Blase applied for a Variance. The request, if granted, would permit the applicant to use the following property NW1/4 Section 10-115-49 Clear Lake Township to plant trees closer than 150 feet from the road right-of-way in an AG zoned district. Russ Olson stated that the building site had a nice shelterbelt however when the storm came thru they had some tree damage so they removed the existing shelterbelt and the old house. They decided to plant some trees back and they talked to the Brookings NRCS and received the trees from them and they didn't know they needed a tree planting permit from Deuel County. The row of trees to the north starts at 35 feet from the road right-of-way and the trees to the south start 19 feet from the road right-of-way. They stated that the current shed is 72 feet from the road right-of-way and they didn't want to plant them behind the shed or in the middle of the shed. They wanted the trees for protection for the shed. They planted evergreens so they will not creep into the roadway. The ditch has a drop so the trees are lower than the current road. Olson stated that the neighbors that travel the road are in favor of trees. Motion by Brandt, seconded by Jaeger, to grant the variance to keep the existing shelterbelt consisting of 3

rows of evergreens to the north of the shed 35 feet from the road right-of-way. To keep the existing a shelterbelt consisting of 2 rows of evergreens to the south 35 feet from the road right-of-way. If these trees cause a snow or safety issue they will need to be removed. The findings for this variance are that the trees are evergreens and they will not creep into the roadway and they are on the east side of the road so they shouldn't cause a snow or safety issue. All voted in favor and motion carried.

3. Richard Kreger applied for a Special Exception permit. The request, if granted, would permit the applicant to use the following property S190' W300' of Lot 1 & lot 8 West Side Acres Addition in SE1/4SE1/4 Section 21-115-49 Clear Lake Township, to operate a truck and trailer repair shop in existing building in a Commercial District. Kreger stated that he rents a building now and they would like to expand. He is intending to purchase this property but he wanted to apply first and get approved before he purchased the property. The board stated that the property is already zoned commercial and it is along a state highway. It would be a good location for the business. The board asked Kreger if he was going to do a sign and Kreger stated in the future and requested the sign information from the Zoning Officer. Motion by Brandt, seconded by Dahl, to approve the special exception to operate a truck and trailer repair shop. All voted in favor and motion carried.
4. Michael Zahnow applied for a Special Exception permit. The request, if granted, would permit the applicant to use the following property Lot 19, 20, 21, & 22 Shady Beach in Gov Lot 7 in SE1/4SE1/4 Lake Cochrane of section 4-114-47 Norden Township, to repair the retaining wall & pavers within 35 feet from the high water mark. Zahnow stated that the two retaining walls that were built 16 years ago are giving way. He stated that they would like to remove the front retaining wall and replace the second wall. The second wall will be 15 feet from the high water mark and it will be 9 feet tall. They are going to use a mini excavator to remove the first wall. They are going to use crushed granite chips because that helps with the drainage and it gives with the frost. They are are going to use native rock in front of the new all toward the high water mark. They are also going to replace the pavers behind the second wall toward the house. Motion by Brandt, seconded by Jaeger, to approve the Special Exception to replace the 2 retaining walls with a new retaining wall that is 15 feet from the high water mark and to replace the paver behind the retaining wall within 35 feet from the high water mark. They need to use a silt fence during alteration and let the Zoning Officer know when they start construction. All voted in favor and motion carried.
5. David Hentges applied for Variance permit. The request, if granted, would permit the applicant to use the following property: Lot 23-24 & W16 2/3' Lot 25 Shady Beach in Gov Lot 7 in SE1/4 Lake Cochrane of section 4-114-47 Norden Township, to remove old house and leave basement and construct a new house that is closer than 50 feet from the high water mark in the Lake Park District. Hengtes stated that his house has many old additions and the insulation is very poor. He purchased the house about 18 years ago and at that time the pipes in the basement froze and broke. So Hentges lifted the house

up and built a new block basement. He stated that he called the zoning office and they told him he didn't need a building permit because he was repairing the basement. Hentges stated that he would like to leave the current basement and to build a year round home on top. He would extend the bedroom and basement by 8 more feet which is 15 feet from the high water mark. He also would like to extend the back of the house facing the road about 4 more feet. This would not need a basement or a crawl space. The reason he can't go any further toward the road is that there is a big oak tree that is about 14 feet from the current house. Hentges would leave the current deck that is located between the house and the high water mark. Brandt stated that the house is currently a nonconforming structure because it is closer than 50 feet from the high water mark. Hentges brought to the board some pictures of a residence on Lake Cochrane that the board granted a variance to fix a basement wall however it looks like the property did more than the board allowed. Brandt stated that is why the board has these ordinances so the house are not right along the shoreline which is constantly washing away. Jaeger stated that he did a site visit with Jodi Theisen and looked at the property and stated that the new house and addition will not interfere with the neighbors view. Motion by Jaeger, seconded by Dahl, to grant the remove the old house, leave the basement and construct a new house with an 8' x 15' addition that is closer than 50 feet from the high water mark in the Lake Park District. Kanengieter called a roll call vote Dahl-yes, Brandt-no, Jaeger-yes, Kanengieter-yes. Motion did not carry. Motion by Jaeger, seconded by Dahl, to reconsider the Variance application at the next zoning board meeting which will be September 12, 2016. All voted in favor of and the motion carried.

6. James Jenson applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property Gov't Lot 1 & W1/2SW1/4 & Gov't Lot 2 & W1/2NW1/4 of section 22-115-47, to build a steel grain bin closer to the road right-of-way in an AG zoned district. Jenson stated that he would like to build another grain bin 36D x 25H besides his current bins. Motion by Brandt, seconded by Jaeger, to grant a Variance to build a 36D x 25H grain bin no closer than 90 feet from the road right of way to the west and no closer than 116 feet from the road right of way to the north. The zoning board findings are the road right of way is 75' and there is an existing shelterbelt next to the road right of way and that separates the bin location from the road. All voted in favor of and the motion carried.
7. H-D Electric Cooperative Inc. applied for a Special Exception permit. The request, if granted, would permit the applicant to use the following property: Block 3 Ridgeview Estates Addition in W1/2NW1/4 Section 26-115-49 Clear Lake Township, to build a new headquarters facilities including office, warehouse & pole yard facilities in a Commercial District. Matt Hotzler the General Manager / CEO stated that they would like to build a new headquarters and warehouse south of Clear Lake. They will have their own septic system. They are going to have a wash bay for their trucks at this site. They are going to share the road to the north with other property owners and if they would have to widen the

road to the south toward their property. The new structure will be 150 feet from the north road and from the State Hwy to the west. They are more than 50 feet from the back lot and more than 100 feet from the side lot line. Motion by Jaeger, seconded by Brandt, to approve the Special Exception to build the new headquarters including office, warehouse & pole yard facilities in a Commercial District. Findings are the building and warehouse are generally compatible within the area around the property. All voted in favor of and the motion carried.

8. Cindy Walsh applied for a Special Exception. 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, of section 4-114-47, Norden Township, to operate a private campground and to move in a storage shed in a Lake Park District. Walsh stated that this a third generation property and it is owned by her and siblings and they use the camper about 5 or 6 times a year. The house only has one bedroom and a loft so the camper is for overflow for family. They have had the camper there almost 17 years during the summer. The discussion from the public at the meeting were concerns about campers lowering their property value and how people do not want to live next to campers at the lake; if these special exceptions are granted that more people will apply for them; if they need more room then maybe they should add on to their current residence. Walsh also stated that they removed an old storage shed and they would like to move in a new 8' x 16' storage shed that is at least 10 feet from the side property line and more than 30 feet from the edge of the road. Motion by Brandt, seconded by Dahl, to grant the Special Exception to permit a private campground and move in an 8' x 12' shed for storage. One camper can be placed on the lot on May 15 and must be removed at the end of the Labor Day Weekend. The Special Exception permit for the private campground is nontransferable and the applicant has to reapply in two years before May 15, 2018. All voted in favor of and the motion carried.
9. Leo Crawford & Margaret Jaeger & Julie King applied for a Special Exception. The request, if granted, would permit the applicant to use the following property Lots 15-16 Bostic Beach in Gov Lot 5 in NW1/4, Lake Cochrane, of section 4-114-47, Norden Township, to operate a private campground in a Lake Park District. Crawford via phone conference stated that the property is owned by him and his 7 siblings and the camper is used for overflow. It is not hooked up to sewer and electricity and is only on during the time they use it. They use the camper 5 to 6 times during the summer. They house that is on the property has water and dampness issues in the basement. They have tried to fix it but they haven't completely fixed it. The basement still gets damp. Motion by Dahl, seconded by Brandt, to grant the Special Exception to permit a private campground. One camper can be placed on the lot on May 15 and can be stored on their driveway by their garage during the winter months. The Special Exception permit is nontransferable and the applicant has to reapply in two years before May 15, 2018. All voted in favor of and the motion carried.

10. Richard Ellenbecker applied for a Special Exception. 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, of section 4-114-47, Norden Township, to operate a private campground in a Lake Park District. Ellenbecker provided the board with letters from his adjoining property owners stating that they have not had a problem with the Ellenbecker's having a camper on his property. Ellenbecker stated that the camper is used for their children and their grandchildren. The house is not big enough when they all come for the weekends. They stated that the camper comes about Memorial Day and leaves around Labor Day. 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 at the end of the Labor Day Weekend. The Special Exception permit is nontransferable and the applicant has to reapply in two years before May 15, 2018. All voted in favor of and the motion carried.

11. Constance Moen applied for a Special Exception. The request, if granted, would permit the applicant to use the following property Lots 100-101 & Lots 52, 53, & 54 Shady Beach in Gov Lot 7 in SE1/4, Lake Cochrane, of section 4-114-47, Norden Township, to operate a private campground in a Lake Park District. Moen stated that she purchased these lots from her dad. They have 115 feet of shoreline and they do not have a permeant structure on this property. They live in Marshall MN and they use the camper during the day and hardly sleep in the camper. The board asked how far the camper was from the property line and Moen stated 5 feet. The board questioned why it is so close to the property line. Moen stated that it is more shaded on north property line which is next to Gorden Fuhr. Fuhr asked if the camper could be moved further away than 5 feet from the property line. He stated that it obstructs his view and all he sees is a camper when he looks out the window of his house. Fuhr also stated that the shed on Moen's property is in the road right-of-way. Larry Jenson, who is Constance Moen's father stated that it is not on the road right-of-way and he came before the board years back and did all the permitting. Motion by Dahl, seconded by Jaeger, to grant the Special Exception to permit a private campground. One camper can be placed 20 feet from the side lot line and 30 feet from the high water mark on May 15 and must be removed at the end of the Labor Day Weekend. The Special Exception permit is nontransferable and the applicant has to reapply in two years before May 15, 2018. A friendly amendment to the Motion by Dahl, seconded by Jaeger, to grant the Special Exception to permit a private campground. One camper can be placed 20 feet from the side lot line and 30 feet from the high water mark on May 15 and must be removed at the end of the Labor Day Weekend. The Special Exception permit is nontransferable and the applicant has to reapply in one year before May 15, 2017.

12. Darold Hunt applied for a Special Exception. 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, of section 4-114-47, Norden Township, to operate a private

campground in a Lake Park District. Hunt stated they purchased the old Saltee property and it has 5 camper hook ups, holding tanks and are hooked up to the Lake Cochrane Sanitary System. The hook ups have rural water and electricity. Hunt stated that he would like to have 2 campers on the property for his children and grandchildren. He stated they will not use all the camper sites at one time. He stated that the neighbor approached him and asked if they could park a camper there for the weekend. Hunt stated that he was not going to charge if the neighbors or friends parked a camper there for a weekend. Motion by Brandt, seconded by Dahl, to grant the Special Exception to permit a private campground. To place two campers on the lot on May 15 which must be removed at the end of the Labor Day Weekend. Except for the three summer holidays which are the Memorial Day, Fourth of July, and Labor Day weekend when they could have a guest campers. The Special Exception permit is nontransferable and the applicant has to reapply in two years before May 15, 2018. All voted in favor and motion carried.

13. Motion by Dahl, seconded by Jaeger to approve Plat of Uckert Addition in S1/2NE1/4 Section 19-115-49 Havana Township. All voted in favor and motion carried.

14. The board told the Zoning Officer Jodi Theisen to send a stop order to Shady Beach about the campers located on their property.

15. Kanengieter called the meeting.

Jodi Theisen
Zoning Officer

Dennis Kanengieter
Chairman, Zoning Board